



LAWRENCE BOARD OF ZONING APPEALS  
AGENDA FOR **DECEMBER 7, 2017**  
1<sup>ST</sup> FLOOR OF CITY HALL, 6 E. 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
**6:30 PM**

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**TAKE A ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT**

**ITEM NO. 1      COMMUNICATIONS**

- A. Acknowledge communications to the come before the Board.
- B. Disclosure of ex-parte communications and/or abstentions for specific agenda items.
- C. Announce any agenda items that will be deferred.

**ELECTION OF OFFICERS FOR 2017-2018**

Accept nominations for and elect Chair and Vice-Chair for the coming year.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the September 7, 2017 and October 20, 2017 meetings of the Board.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 2801 WINTERBROOK DRIVE**

**B-17-00638:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 21.5 feet to allow for the construction of an addition. The property is located at 2801 Winterbrook Drive. Submitted by Jyl and David Haynes, property owners of record.

**ITEM NO. 4      VARIANCE FROM THE FRONT BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 541 PERRY STREET**

**B-17-00642:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 25 foot front setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the front setback to a minimum of 14.85 feet to allow for the construction of a balcony. The property is located at 541 Perry Street. Submitted by Berniece Garber, for Robert M. Gibler, property owner of record.

**ITEM NO. 5      MISCELLANEOUS**

- A.      Approval of the 2018 Meeting Calendar
- B.      Consider any other business to come before the Board.



LAWRENCE BOARD OF ZONING APPEALS  
MEETING MINUTES FOR **SEPTEMBER 7, 2017**

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Members present: Clark, Gascon, Holley, Mahoney, Wisner  
Staff present: Crick, Dolar

**ITEM NO. 1      COMMUNICATIONS**

- a) There were no communications to come before the Board.
- b) There were no ex parte contacts and/or abstentions to disclose.
- c) No agenda items were deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the August 3, 2017 meeting of the Board.

**ACTION TAKEN**

Motioned by Holley, seconded by Clark, to approve the minutes from the August 3, 2017 meeting of the Board.

Motion carried 3-0-2, Mahoney & Gascon abstained.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      VARIANCE FROM THE REAR BUILDING SETBACKS FOR A  
RESIDENTIAL DWELLING; 5120 CODY CT [JSC]**

**B-17-00375:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 17.5 feet to allow for the construction of a covered attached deck. The property is located at 5120 Cody Court. Submitted by Jim and Allison Nye, property owners of record.

**STAFF PRESENTATION**

Mr. Jeff Crick presented the item.

Clark asked if the 1966 code allowed for a 20 ft setback.

Crick explained that it would have automatically had a 30 ft setback, but if the building was situated in a lot in a certain condition- effectively, 30% of the open space occurred behind the rear building line- the setback could be alleviated to 20 ft under the old RS2 zoning district.

The applicant was present but did not speak.

**There was no public comment.**

**ACTION TAKEN**

Motioned by Gascon, seconded by Holley, to close public comment on the item.

Unanimously approved 5-0.

**BOARD DISCUSSION**

Mahoney thinks this is a slam dunk and it easily meets all five conditions.

Clark asked what happened with the request at the July meeting.

Crick said staff received a similar variance request, but based on the information provided at the time, staff could not make a recommendation to approve the variance. He said additional details were provided with this request and the 1966 zoning code exception was also identified.

**ACTION TAKEN**

Motioned by Wisner, seconded by Gascon, to approve the variance as provided in the staff report.

Unanimously approved 5-0.

**ITEM NO. 4 MISCELLANEOUS**

a) Consider any other business to come before the Board.

Crick said there will be no October meeting, so Chair elections will be pushed to November.

Mahoney thanked Holley for his many years of service on the Board.

**ADJOURN 6:45 PM**



LAWRENCE BOARD OF ZONING APPEALS  
MEETING MINUTES FOR **OCTOBER 20, 2017 – 4:00 PM**

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Members present: Clark, Gardner, Mahoney, Wilbur  
Staff present: Crick, Dolar, Larkin

**ITEM NO. 1      COMMUNICATIONS**

- a) Acknowledge communications to come before the Board.

Staff requests the Board of Zoning Appeals to authorize the Chair to execute a Notice and Waiver of Conflict of Interest, permitting the City Attorney's Office to represent the Board of Zoning Appeals in La Prad v. Lawrence Board of Zoning Appeals, Case No. 2017-CV-000262, in which case Mr. La Prad appeals the decision of the Board.

This is in relation to B-17-00337 for 1415 E. 18th Street, and was submitted by Todd La Prad, property owner of record. The request was for a variance from the 25 foot front setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District, seeking a variance from this code standard reducing the front setback to a minimum of 1 foot to allow for the construction of a roofed 22 foot long attached car port. The Board heard this item at their August 3, 2017 meeting and denied the variance request.

Crick explained the reason for the special meeting.

Larkin explained the situation with the civil suit and staff's recommended action.

Mahoney asked if the action in question is whether to allow Mr. Larkin to represent the Board of Zoning Appeals (BZA) in the civil suit.

Larkin said yes, and to authorize the Chair to sign a Notice and Waiver of Conflict of Interest.

Gardner asked for clarification.

Larkin said that, if approved, he would be representing the BZA in the aforementioned court action.

No other Board members had questions or concerns.

**ACTION TAKEN**

Motioned by Wilbur, seconded by Clark, to authorize the Chair to execute a Notice and Waiver of Conflict of Interest permitting the City Attorney's Office to represent the Board of Zoning Appeals in La Prad v. Lawrence Board of Zoning Appeals, Case No. 2017-CV-000262.

Unanimously approved 4-0.

There were no other items to come before the Board.

**ADJOURN 4:06 PM**

**ITEM NO. 3**      **VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 2801 WINTERBROOK DRIVE [JSC]**

**B-17-00638:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 21.5 feet to allow for the construction of an addition. The property is located at 2801 Winterbrook Drive. Submitted by Jyl and David Haynes, property owners of record.

**B. REASON FOR REQUEST**

Applicant's Request: *"We are applying for a variance to the required thirty foot distance between the rear boundary of the lot and the perimeter of a permanent structure. The current distance from rear property line to house foundation is thirty-eight feet. We desire an addition to the rear of our house to accommodate a bedroom, bathroom, and family room. Green Meadows Park space borders this property to the rear, thus negating any concern for encroachment an adjacent properties to the rear."*

**C. ZONING AND LAND USE**

Current Zoning & Land Use:	RS7 (Single-Dwelling Residential) District; residential dwelling
Surrounding Zoning and Land Use:	RS7 (Single-Dwelling Residential) District; residential dwellings.  OS (Open Space) District to the southwest; Green Meadows Park

**D. ZONING ORDINANCE REQUIREMENTS**

Section 20-601(a), "Density and Dimensional Standards; Occupancy Limits – Residential Districts," has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RS7 District, the minimum rear building setback is listed to be 30 feet.

**E. SPECIFIC ANALYSIS**

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.

**1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.**

Applicant response: *"This property lot is more shallow from the rear of the existing dwelling to the rear property line than neighboring lots. This is likely due to the curve of Winterbrook Drive at the junction of 28<sup>th</sup> Street, creating a more shallow lot overall. The rear boundaries of neighboring properties are aligned, bordered in the rear by the Green Meadows Park area. This is illustrated in Google Earth printing."*

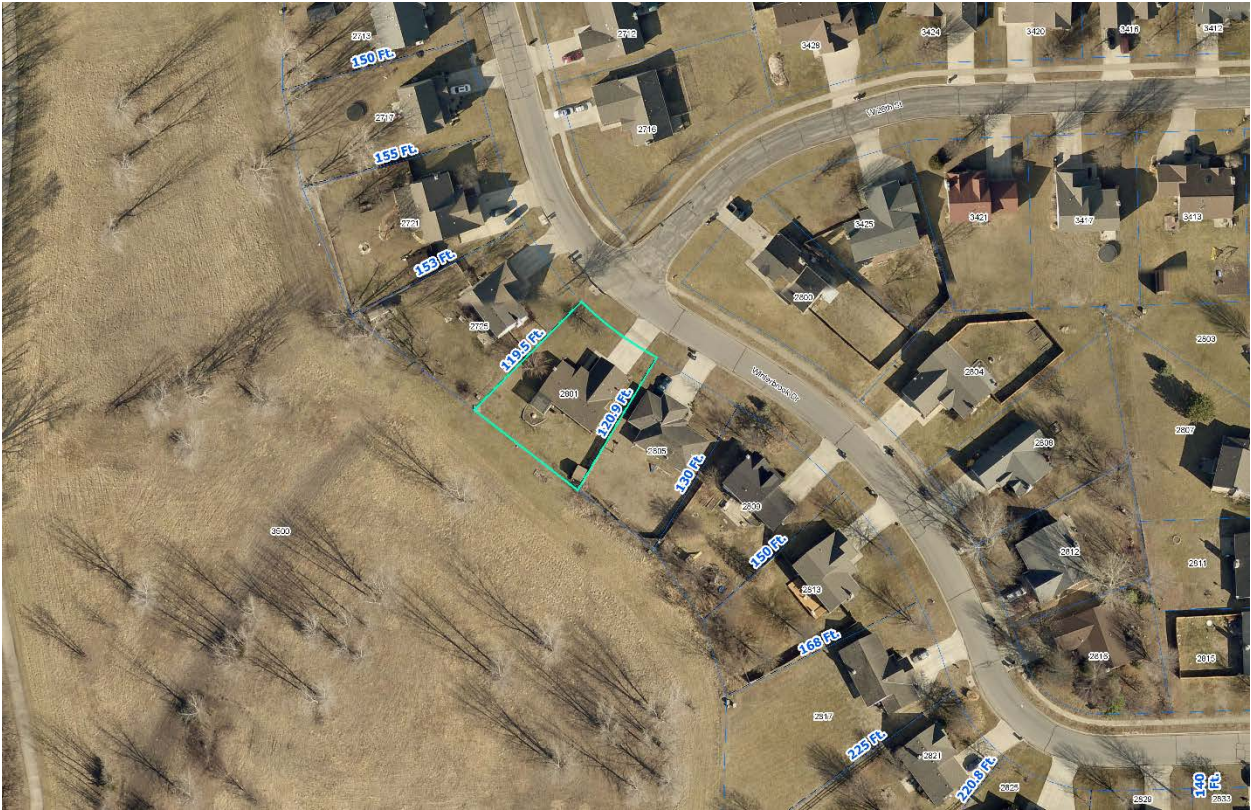


**Figure 1: Subject Property**

The lot was created with the approval and recording of a Final Plat of Green Meadows Subdivision in November 1991. In studying the parcels along the western side of Winterbrook Drive, 2801 Winterbrook Drive (Lot 12, Block 3) is one of the shallower lots created within this subdivision. Throughout this portion of the subdivision, none of the side lot lines are of equal length. And specific to this lot, it contains the second and third shortest side lot lines of the western lots along Winterbrook Drive at 119.5 and 120.9 feet respectively. This is approximately 27 feet less than average side lot line length of 148 feet.

The residence is offset to the south, which creates a wider side yard to the north to accommodate the platted drainage easement that runs between 2801 Winterbrook Drive and 2725 Winterbrook Drive. While this space does offer some limited expansion potential for the owners, the amount of space would be limited by the requirements and restrictions associated with that drainage easement.





**Figure 2: Subject Parcel with Corresponding Side Lot Line Measurements**



**Figure 3: Platted Drainage & Utility Easements**

**2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

*Applicant response: "The requested variance would create additional indoor living space, continuing and enhancing the current use of the property. This would in no way adversely affect the rights of adjacent property owners or residents."*

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

**3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

*Applicant response: "Strict application of the provisions of this chapter would prevent an addition desired to increase living space. The specified 30 foot distance to rear property line from a permanent structure does not allow this addition. The slab, single level construction of current dwelling is a great advantage to use as current owners, due to mobility issues. Few homes in Lawrence offer a 4<sup>th</sup> bedroom and family room all on one level. We like our current setting and do not want to move homes."*

Given the geometry of the existing subject parcel and the location of a drainage easement along the northern property line, the ability to construct an addition is primarily limited to the rear of the property. In staff's opinion, strict adherence to the code required building setbacks in this instance may constitute an unnecessary hardship.

**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

*Applicant response: "The variance requested would in no way adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of this community. It would be an enhancement to family residential life."*

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant. This structure would not create any spill-over noxious effects to the surrounding area.

**5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.**

Applicant response: *"The requested variance would allow addition of sound, safe, effective housing. It would increase the value and usability of our home and so enhance the value of surrounding properties. This would seem to support the general spirit and intent of the Development Code."*

In staff's opinion, granting the setback variance would be consistent to the general spirit and intent of the Land Development Code. Granting the requested variance is consistent with the previous findings of the Board, and also consistent with the spirit of Land Development Code. Granting this requested variance would permit the continued use and renovation of the existing residence, while also ensuring the needs and protections of the public interest are maintained.

**Conclusions:**

Staff's analysis of this variance application finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

**Recommendation:**

Staff recommends approval of the rear yard building setback variance based upon the findings in the staff report concluding that the request meets the five conditions outlined in Section 20-1309(g)(1).





City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County  
Metropolitan Planning Office  
6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**APPLICATION FOR  
VARIANCE FROM UNNECESSARY HARDSHIP**



**OWNER INFORMATION**

Name(s) David M. and Jyl J. Haynes

Contact \_\_\_\_\_

Address 2801 Winterbrook Drive

City Lawrence

State Kansas ZIP 66047

Phone (785) 766-4288 785-766-4631

Fax (\_\_\_\_) \_\_\_\_\_

E-mail dj.dave.828@gmail.com

Mobile/Pager (\_\_\_\_) \_\_\_\_\_

jyl.haynes@gmail.com

**APPLICANT/AGENT INFORMATION**

Contact \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_

Fax (\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

Mobile/Pager (\_\_\_\_) \_\_\_\_\_

Pre-Application Meeting Date \_\_\_\_\_

Planner \_\_\_\_\_

**PROPERTY INFORMATION**

Present Zoning District \_\_\_\_\_

Present Land Use residential, primary residence

Proposed Land Use residential, primary residence

Legal Description (may be attached) GREEN MEADOWS SUB BLK3 LT12 WHE

Address of Property 2801 Winterbrook Drive, Lawrence, Kansas, 66047

Total Site Area \_\_\_\_\_

Number and Description of Existing Improvements or Structures \_\_\_\_\_



**Description of variance requested:**

We are applying for a variance to the required thirty foot distance between the rear boundary of the lot and the perimeter of a permanent structure. The current distance from rear property line to house foundation is thirty-eight feet. We desire an addition to the rear of our house to accommodate a bedroom, bathroom, and family room. Green Meadows park space borders this property to the rear, thus negating any concern for encroachment on adjacent properties to the rear.



### UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

- 1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:**

This property lot is more shallow from the rear of the existing dwelling to the rear property line than neighboring lots. This is likely due to the curve of Winterbrook Drive at the junction of 28th Street, creating a more shallow lot overall. The rear boundaries of neighboring properties are aligned, bordered in the rear by the Green Meadows park area. This is illustrated in Google Earth printing.

- 2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:**

The requested variance would create additional indoor living space, continuing and enhancing the current use of the property. This would in no way adversely affect the rights of adjacent property owners or residents.



2801 Winterbrook Dr

© 2017 Google

Google Earth

1991

38°55'58.23" N 95°16'55.16" W elev. 836 ft eye alt. 1727 ft





City of Lawrence  
Douglas County

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- 3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:**

Strict application of the provisions of this chapter would prevent an addition desired to increase living space. The specified 30 foot distance to rear property line from a permanent structure does not allow this addition. The slab, single level construction of current dwelling is a great advantage to us as current owners, due to mobility issues. Few homes in Lawrence offer a 4th bedroom and family room all on one level. We like our current setting and do not want to move homes.

- 4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:**

The variance requested would in no way adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of this community. It would be an enhancement to family residential life.





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**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:**

The requested variance would allow addition of sound, safe, effective housing. It would increase the value and useability of our home and so enhance the value of surrounding properties. This would seem to support the general spirit and intent of the Development Code.

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): David M Haynes Date 8/3/17 11/1/17

John J Haynes Date 8/3/17 11/1/17

\_\_\_\_\_ Date \_\_\_\_\_

**STAFF USE ONLY**

Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

BZA Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_



### OWNER AUTHORIZATION

I/WE \_\_\_\_\_, hereby referred to as the "Undersigned", being of lawful age, do hereby on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize \_\_\_\_\_ (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding \_\_\_\_\_ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

STATE OF KANSAS  
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_,  
by \_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public

*N/A*



### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

#### Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense**. **Allow 10 business days** to receive the map.

#### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

*Jyl J. Haynes*      *David M. Haynes*  
Signature

8/3/2017  
Date  
11/1/17

Jyl J. Haynes      David M. Haynes  
Printed Name

**2801 WINTERBROOK DRIVE**

Legal Description:

GREEN MEADOWS SUB BLK 3 LT 12 73.5 X 100.9(l)

Dave and Jyl Haynes have discussed with us, their neighbors, their desire to put an addition on the rear of their existing house at 2801 Winterbrook Drive. Their proposed addition would reduce the distance from the rear of the addition to the perimeter of the property to less than the distance of thirty feet as code requires.

I have no objections to this proposed addition.

Signed

*Amy Haynes*

Date

*8/17/07*

Signed

Date

I have objections to this proposed addition for the following reasons:

Signed

Date

Signed

Date

Dave and Jyl Haynes have discussed with us, their neighbors, their desire to put an addition on the rear of their existing house at 2801 Winterbrook Drive. Their proposed addition would reduce the distance from the rear of the addition to the perimeter of the property to less than the distance of thirty feet as code requires.

I have no objections to this proposed addition.

Signed Σ E E Ben Date \_\_\_\_\_  
8/6/17

Signed Melissa Gray Date \_\_\_\_\_  
8-6-17

I have objections to this proposed addition for the following reasons:

Signed \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Dave and Jyl Haynes have discussed with us, their neighbors, their desire to put an addition on the rear of their existing house at 2801 Winterbrook Drive. Their proposed addition would reduce the distance from the rear of the addition to the perimeter of the property to less than the distance of thirty feet as code requires.

I have no objections to this proposed addition.

Signed Tony Kestrap Date \_\_\_\_\_  
8-6-17

Signed Lindsay Jly Date \_\_\_\_\_  
8-6-17

I have objections to this proposed addition for the following reasons:

Signed \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Dave and Jyl Haynes have discussed with us, their neighbors, their desire to put an addition on the rear of their existing house at 2801 Winterbrook Drive. Their proposed addition would reduce the distance from the rear of the addition to the perimeter of the property to less than the distance of thirty feet as code requires.

I have no objections to this proposed addition.

Signed Travis Hallam Date \_\_\_\_\_  
8/6/17

Signed Michelle Orel Date \_\_\_\_\_  
8/6/17

I have objections to this proposed addition for the following reasons:

Signed \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_





**JAMIE SHEW**  
**DOUGLAS COUNTY CLERK**  
1100 Massachusetts  
Lawrence, KS 66044

**Marni Penrod**-Chief Deputy Clerk  
**Heather Dill**-Deputy Clerk Elections

November 1, 2017

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 400 FT OF 2801 WINTERBROOK  
DR (U17005-36). 11/01/2017. REQUESTED BY JYL HAYNES.

JOHN R. NICHOLS  
DOUGLAS COUNTY CLERK'S OFFICE  
1100 MASSACHUSETTS ST  
LAWRENCE, KS 66044

[785-832-5147](tel:785-832-5147)

[jnichols@douglas-county.com](mailto:jnichols@douglas-county.com)

Douglas County Real Estate Division  
County Clerk's Office. I do hereby certify  
the Property Ownership listed hereto, to be  
true and accurate.

From: [jnichols@douglascountyks.org](mailto:jnichols@douglascountyks.org)  
Subject: POL  
Date: Today at 12:23 PM  
To: [jyl.haynes@gmail.com](mailto:jyl.haynes@gmail.com)

Dear Jyl,

Here you are. Hope it helps.

John Nichols  
Douglas County Clerk's Office  
1100 Massachusetts St  
Lawrence, KS 66044

785-832-5147



POL WITHIN 400 FT OF 2801 WINTERBROOK DR (U17005-36)



JOINPIN	SYSALACRES	owner1	owner2	owner3	address	city	state	zip	plate	
112-10-0-40-05-006.00-0	0.12116202	MILLER WILLARD W JR T	E	MILLER PEGGY J TRUSTEE	2 LEE CIR	COLBY	KS	67701	U17005-05	023-1
112-10-0-40-09-010.00-0	0.5213213	LASHLEY TAWNIA			3420 GREEN MEADOWS CT	LAWRENCE	KS	66047	U17005-19J	023-1
112-10-0-40-05-006.01-0	0.12466327	CLANTON SANDRA K			408 E VINE ST	MINNEAPOLIS	KS	67467	U17005-05A	023-1
112-10-0-40-05-007.01-0	0.08730562	GERTH ALAN V	GERTH SUSAN L		2213 ALTA DR	MANHATTAN	KS	66502	U17005-06A	023-1
112-10-0-40-05-007.00-0	0.13268035	FINTON TERRY D			2622 JORDAN LN	LAWRENCE	KS	66047	U17005-06	023-1
112-10-0-40-09-011.00-0	0.36193741	WALTS NATHAN			3424 GREEN MEADOWS CT	LAWRENCE	KS	66047	U17005-19K	023-1
112-10-0-40-05-008.00-0	0.26959336	HENDERSON RONALD J	HENDERSON TIFFANY L		2704 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-07	023-1
112-10-0-40-07-007.00-0	0.21071559	MCDANIEL CAROLYN S	MCDANIEL JAMES H		2705 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-30	023-1
112-10-0-40-05-009.00-0	0.26481618	GOULDEN ANDREW L			2708 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-08	023-1
112-10-0-40-07-008.00-0	0.20951124	DELTA CORP OF KANSAS			1201 STONE MEADOWS DR	LAWRENCE	KS	66049	U17005-31	023-1
112-10-0-40-05-015.00-0	0.23402102	REESE JANENE	RIST RICHARD		3416 W 28TH ST	LAWRENCE	KS	66047	U17005-14	023-1
112-10-0-40-05-014.00-0	0.23463973	JOHNSON DAWN M			2198 N 465 RD	EUDORA	KS	66025	U17005-13	023-1
112-10-0-40-05-013.00-0	0.29828915	GUNNOE ALLISON M			3424 W 28TH ST	LAWRENCE	KS	66047	U17005-12	023-1
112-10-0-40-05-012.00-0	0.32950322	COLEMAN JULIE M			3428 W 28TH ST	LAWRENCE	KS	66047	U17005-11	023-1
112-10-0-40-05-010.00-0	0.26006465	CHIEU HENDERSON	CHAU YEN NGOC		2712 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-09	023-1
112-10-0-40-07-009.00-0	0.22498644	BUCHHELE CURTIS R			2713 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-32	023-1
112-10-0-40-05-011.00-0	0.3209986	KELLY DANIEL P JR	KELLY JOANNE E		2716 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-10	023-1
112-10-0-40-07-010.00-0	0.27049095	BUGH ROBERT S	BUGH YANLING		2717 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-33	023-1
112-10-0-40-08-004.00-0	0.26342572	HARROD JOSEPH E	MOSES BRANDY D		3413 W 28TH ST	LAWRENCE	KS	66047	U17005-51	023-1
112-10-0-40-08-005.00-0	0.26342678	SAFADI AMER N	SAFADI HALA M		5113 HARVARD RD	LAWRENCE	KS	66049	U17005-52	023-1
112-10-0-40-07-011.00-0	0.31640798	BRADSHAW ERIC E	GRADY MELLISSA L		2721 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-34	023-1
112-10-0-40-08-006.00-0	0.24201239	PEREIRA ANTONIETA			13825 SW 160 TER	MIAMI	FL	33177	U17005-53	023-1
112-10-0-40-08-007.00-0	0.25316676	BARNHART LAURA			3425 W 28TH ST	LAWRENCE	KS	66047	U17005-54	023-1
112-10-0-40-08-008.00-0	0.30333917	PENICK JOSHUA P	PENICK PAIGE R		2800 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-55	023-1
112-10-0-40-07-012.00-0	0.29052087	GAINES JOHN W Jr	GAINES AMY J		2725 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-35	023-1
112-10-0-40-08-016.00-0	0.30508249	OTT ELIZABETH G		C/O OTT BETH G	113 SHARON DR	LAWRENCE	KS	66049	U17005-63	023-1
112-10-0-40-07-013.00-0	0.23856182	HAYNES DAVID M	HAYNES JYL J		2801 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-36	023-1
112-10-0-40-08-009.00-0	0.29575637	KUGLER ROGER T	KUGLER KATHRYN E		5611 SILVERSTONE DR	LAWRENCE	KS	66049	U17005-56	023-1
112-10-0-40-08-015.00-0	0.3546336	KROM LYNN W TRUSTEE			2807 WINTERBROOK CIR	LAWRENCE	KS	66047	U17005-62	023-1
112-10-0-40-08-010.00-0	0.29796955	VANLEIDEN RICK			2808 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-57	023-1
112-10-0-40-07-014.00-0	0.21606757	ARELLANO TRAVIS E	ARELLANO MICHELE L		2805 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-37	023-1
112-10-0-40-07-015.00-0	0.27934683	FRENTROP TONY J	FRENTROP LINDSAY M		2809 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-38	023-1
112-10-0-40-08-011.00-0	0.22787873	WILSON CATHERINE			2812 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-58	023-1
112-10-0-40-07-016.00-0	0.30224799	OBADARE EBENEZER			2813 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-39	023-1
112-10-0-40-08-014.00-0	0.22579979	AL-KOFAHI MOHAMOUD M	AL-KOFAHI KHITAM K M		2811 WINTERBROOK CIR	LAWRENCE	KS	66047	U17005-61	023-1
112-10-0-40-08-012.00-0	0.20750508	OWEN DIANE J			2816 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-59	023-1
112-10-0-40-07-017.00-0	0.40782076	SLABAUGH KENTON J			2817 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-40	023-1
112-10-0-40-07-018.00-0	0.60137039	LOCATION PROPERTIES LC			1037 VERMONT ST	LAWRENCE	KS	66044	U17005-41	023-1
112-10-0-40-07-019.00-0	0.48422083	LORENTZ JOEL			2825 WINTERBROOK DR	LAWRENCE	KS	66047	U17005-42	023-1
112-10-0-40-07-032.00-0	0.2278926	GRAND LLC			5603 CHIMNEY ROCKS CIR	LAWRENCE	KS	66049	U17004-008	023-1
112-10-0-40-07-033.00-0	0.26397227	GRAND LLC			5603 CHIMNEY ROCKS CIR	LAWRENCE	KS	66049	U17004-009	023-1
112-10-0-40-07-002.00-0	10.132	CITY OF LAWRENCE			PO BOX 708	LAWRENCE	KS	66044	U17005-68	023-1
112-10-0-40-04-002.00-0	8.189	CITY OF LAWRENCE			PO BOX 708	LAWRENCE	KS	66044	U17126A	023-1
112-10-0-40-01-002.03-0	8.148	GRAND LLC			5603 CHIMNEY ROCKS CIR	LAWRENCE	KS	66049	U17004C	023-1
112-10-0-40-01-002.00-0	50.757	CITY OF LAWRENCE			PO BOX 708	LAWRENCE	KS	66044	U17126C	023-1



**VARIANCE**  
**Unnecessary Hardship or Flood Protection Regulations**

**DETERMINATION OF COMPLETENESS, ACCURACY, AND SUFFICIENCY**  
**(Completed by Staff)**

The following items apply to variance applications. Submission of less information than necessary to adequately review and process your application may delay the review process. The following submittal requirements will be deemed: (P)provided or (NP)not provided. (Circled items have not been reviewed due to time constraints.)

**Pre-Application Meeting**

**P    NP**

- ☒ ☐ 1. Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application.

**General Submittal Requirements**

- ☒ ☐ 2. A complete application form.  
☐ ☐ 3. Payment of review fee.  
☒ ☒ 4. Owner Authorization form if applicant is not the legal owner of the property.

**Requirements for Public Notification of the Public Hearing**

- ☒ ☐ 5. Legal description of the property in print and electronic (Microsoft Word) formats.  
☒ ☐ 6. A list certified by the County Clerk of all property owners within the notification area of the subject property.  
☒ ☐ 7. Ownership List Certification form.

**Other Requirements**

- ☐ ☐ 8. Plot plan illustrating the requested variances and proposed development.  
a. Submit 2 copies (in print form) and an electronic copy of the entire application.  
b. If larger than 8.5 " x 11", fold all plans with the image side out.  
c. Additional plans and an 11" x 17" reduction (if larger than 8.5 " x 11") may be requested prior to completion.

11/8/17

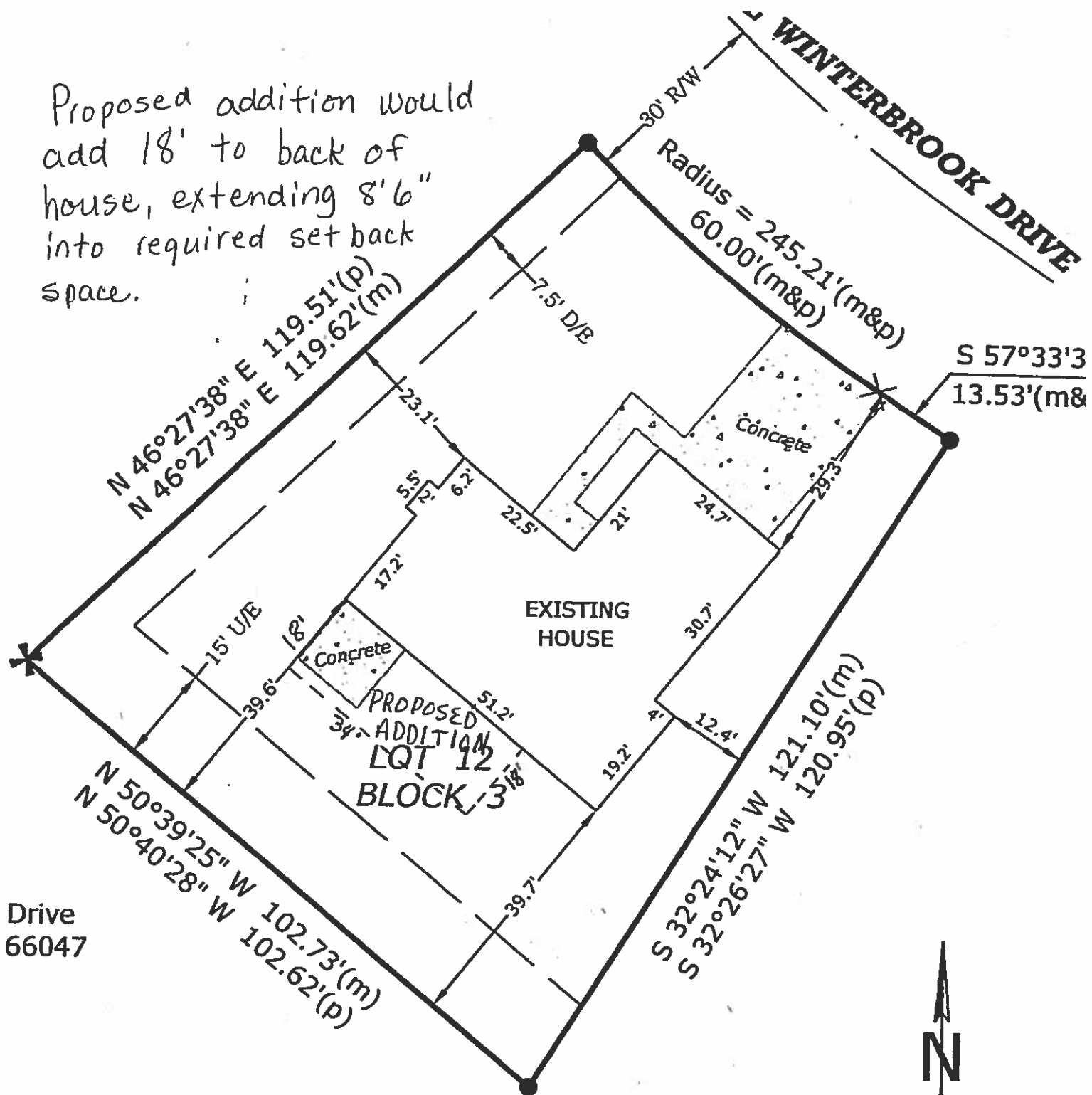
To: jcrick@lawrenceks.org

From: {dj.dave.828@gmail.com  
jyl.haynes@gmail.com  
PH: 785-766-4631

Jeff, thanks for your help on this. I've expanded the specific part of the survey to focus on the proposed addition with planned measurements of the space.

Jeff Haynes

Proposed addition would add 18' to back of house, extending 8'6" into required setback space.

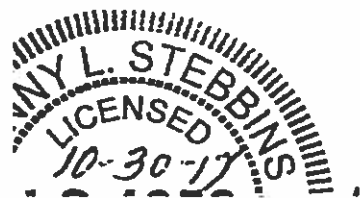


Drive  
66047

from Book 1142, Page 5460:  
in Green Meadows Subdivision, an  
y of Lawrence, as shown by the  
eof, in Douglas County, Kansas.



SCALE: 1" = 30'



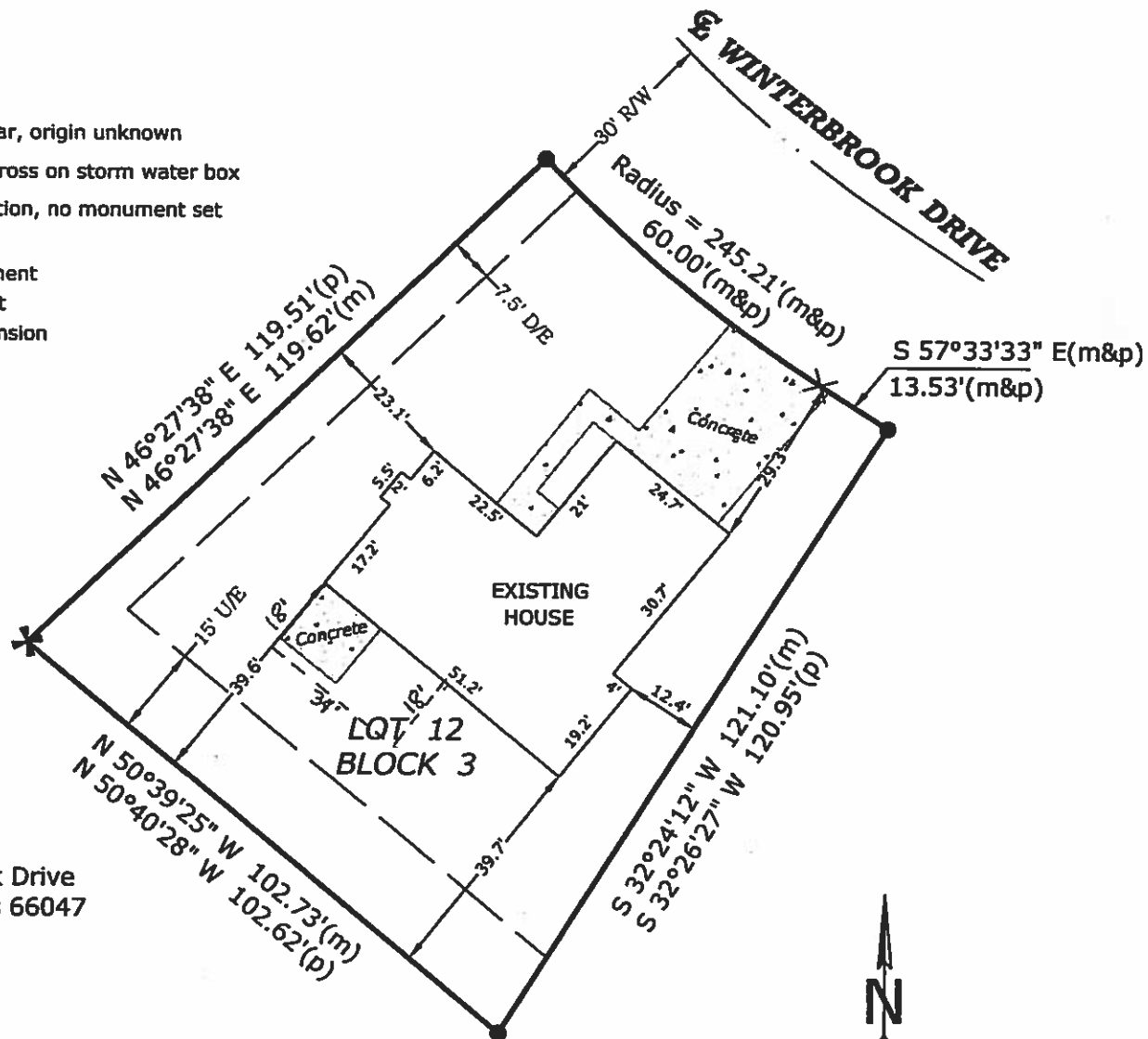
NOTES:

# PLAT OF SURVEY

THIS SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS

## LEGEND:

- Found 1/2" rebar, origin unknown
- ✕ Found chisled cross on storm water box
- ✕ Calculated position, no monument set
- R/W Right-of-way
- D/E Drainage easement
- U/E Utility easement
- (m) Measured dimension
- (p) Plat dimension

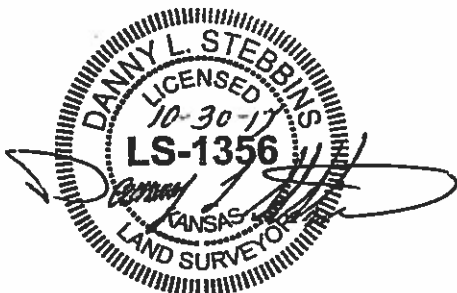


## ADDRESS:

2801 Winterbrook Drive  
Lawrence, Kansas 66047

## DESCRIPTION from Book 1142, Page 5460:

Lot 12, in Block 3, in Green Meadows Subdivision, an Addition to the City of Lawrence, as shown by the recorded plat thereof, in Douglas County, Kansas.



## NOTES:

- 1) Except as shown, no easements, restrictions or other encumbrances are a part of this survey.
- 2) All bearings are assumed.

**Danny L. Stebbins PS No. 1356**

I certify this to be a true and correct copy of a survey made by me or under my direct supervision on October 30, 2017.

If the signature on the face of this drawing is not in BLUE INK it is not an original and may be subject to ALTERATION.

Survey ordered by: Dave Haynes

STEBBINS SURVEYING LLC  
4778 Decatur Road  
Meriden, Kansas 66512  
785-246-3513

**ITEM NO. 4      FRONT SETBACK VARIANCE; 541 PERRY STREET [JSC]**

**B-17-00642:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 25 foot front setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the front setback to a minimum of 14.85 feet to allow for the construction of a balcony. The property is located at 541 Perry Street. Submitted by Bernice Garber, for Robert M. Gibler and Jeffrey W. Gibler, property owners of record.

**B.      REASON FOR REQUEST**

Applicant's Request – *“Wanting to use the patio that is existing show on survey 6’ x 9.5, using that to improve the rest of the property.”*

Staff Commentary: In a follow-up email, staff asked the applicant to expand on the reason for the request. The applicant informed staff it is to construct a balcony, which is different than the patio use listed initially on the application as the reason for this request. Therefore, staff has reviewed the request in relation to a 2<sup>nd</sup> floor balcony to be constructed. Neither a plot plan nor building elevations were submitted as part of this application.

**C.      ZONING AND LAND USE**

Current Zoning & Land Use:                      RS7 (Single-Dwelling Residential) District; residential dwelling

Surrounding Zoning and Land Use:              RS7 (Single-Dwelling Residential) District; residential dwelling to the north, south, and west.

IG (General Industrial) to the east; Lawrence Landscape

**D.      ZONING ORDINANCE REQUIREMENTS**

Section 20-601(a), “Density and Dimensional Standards; Occupancy Limits – Residential Districts,” has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RS7 District, the minimum front building setback is listed to be 25 feet.

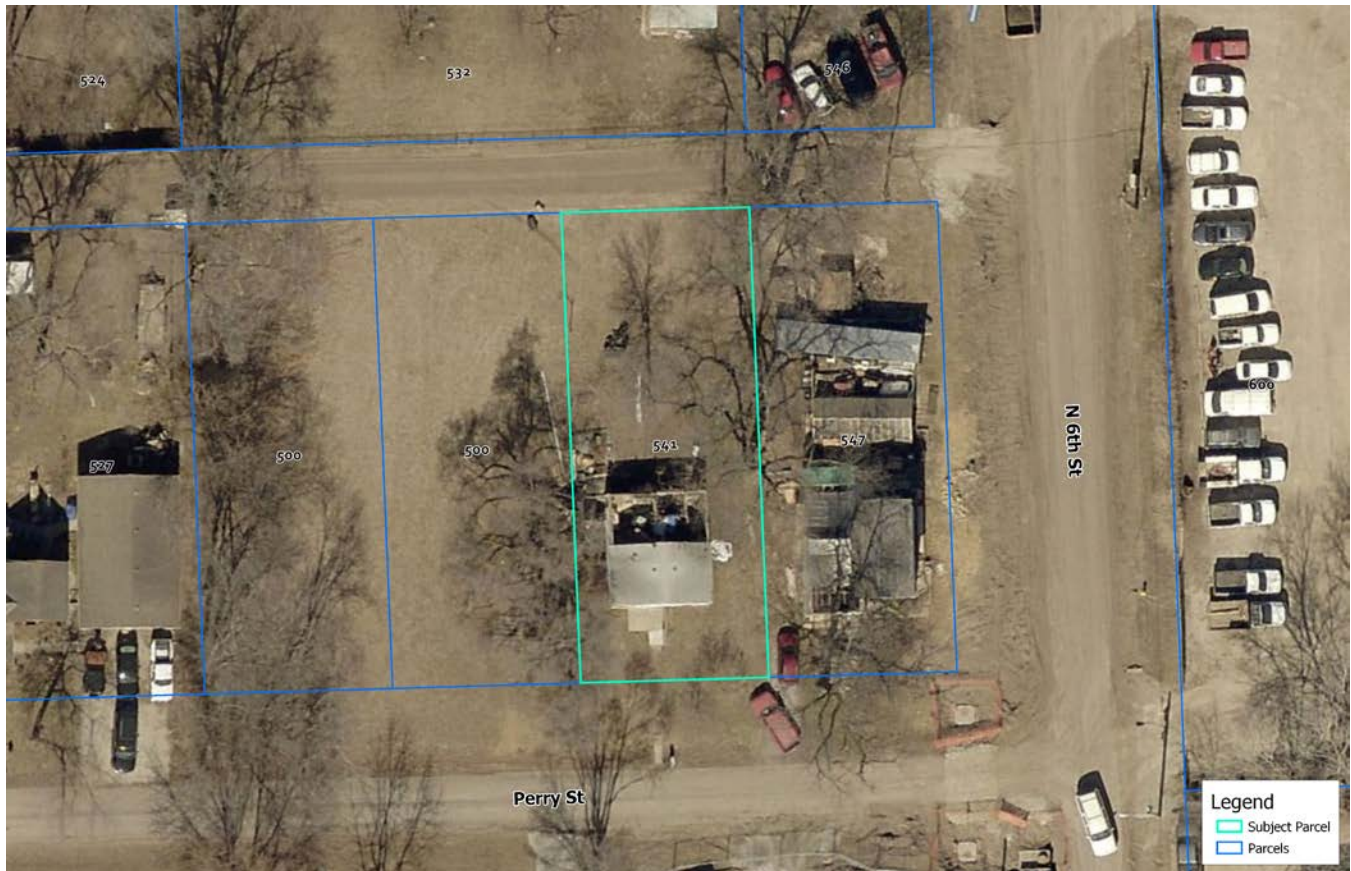
**E.      SPECIFIC ANALYSIS**

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.



**1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.**

Applicant response: *"Saves money to use what is already there. Several feet of existing property is also in setback. Home has been there a long time."*



**Figure 1: Subject Property**

The subject lot was platted in 1866 as Lot 48, Block 6 of North Lawrence & Additions. The current residence on the parcel was constructed in 1951 according to the Douglas County Appraiser's Office. At the time of the residence's construction, the City of Lawrence had adopted zoning via the 1949 Zoning Code. At that time, the property was zoned B (Second Dwelling) District. The setback requirement was, "Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be at least twenty-five (25) per cent of the depth of the lot but the depth of such front yard need not be more than twenty-five (25) feet." The depth of the platted lot is 125 feet, and 25% of the depth equates to 31.25 feet; therefore the front setback would have been 25 feet per the section's requirement. The 1949 Zoning Code contained a front setback averaging provision similar to the one currently in the Land Development Code, which at the time permitted, "where lots comprising forty percent (40%) or more of the frontage, on the same side of a street between two street that intersect such street, (excluding reverse corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall be establish the minimum front yard depth for the entire frontage."

With the adoption of the 1966 Zoning Ordinance (Planning and Zoning) in April 1966, the property was rezoned to M-2 (General Industrial) District until it was rezoned in 1968 to RS-2 (Ordinance 3855). With the adoption of the Land Development Code in 2006, the property's zoning was converted to RS7, maintain the 25 foot required front setback. The survey provided by the applicant shows an approximate setback of 21 feet, which was potentially the average setback at the time of construction. (1949 Zoning Code)

Based on the information available for the site and structure, staff believes that the residence was constructed in accordance with the applicable development standards at the time. Therefore, the existing residence would be nonconforming with the currently adopted Land Development Code, but would have been compliant with the applicable density and dimensional standards when constructed in 1951.

The request to construct a balcony the same dimensions as the existing patio would permit for the renovation and expanded use of the existing residence. The proposed balcony being dimensionally consistent with the existing concrete pad would not expand the size of the encroachment footprint into the front setback. Given these findings, staff would recommend granting a variance to allow for the construction of the requested balcony, while also granting a reduction to memorialize the existing building footprint is compliant with the Land Development Code.

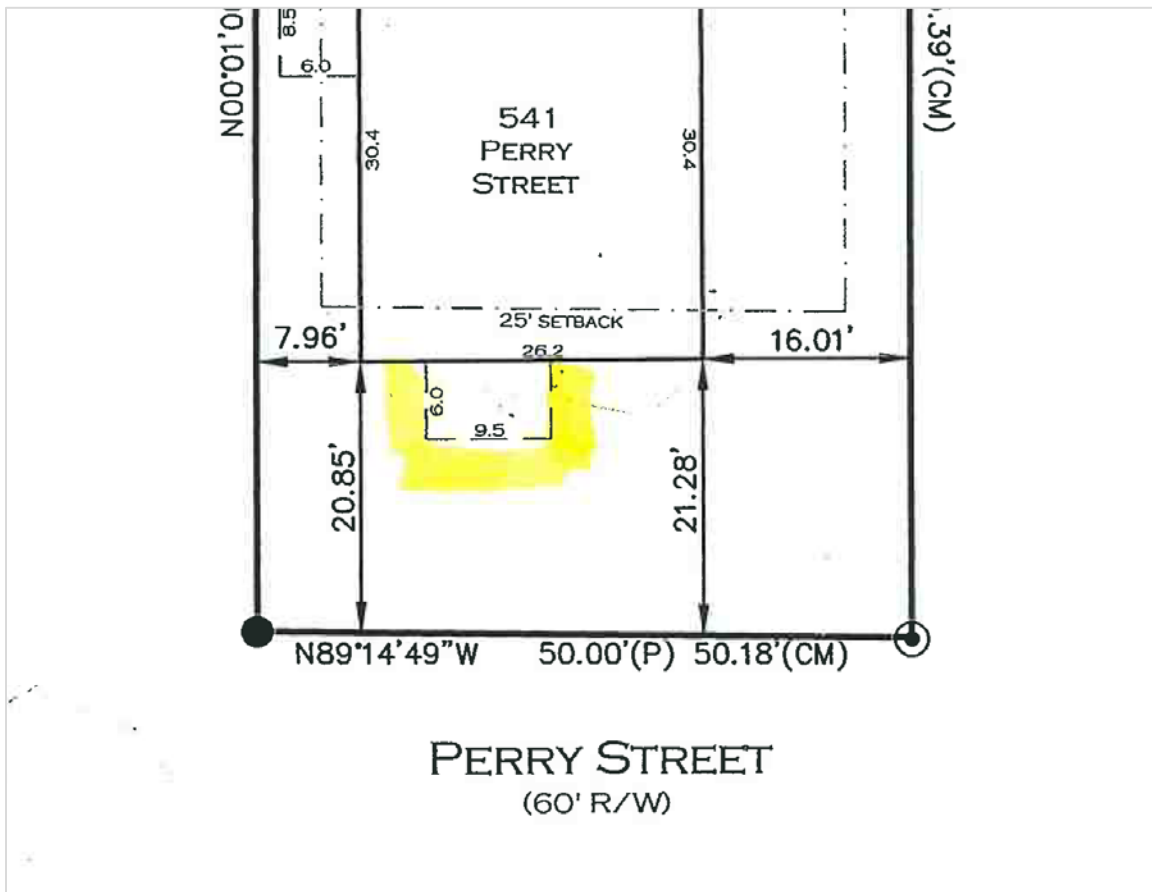


Figure 2: Survey Submitted by Applicant (Highlights provided by Applicant)

**2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

*Applicant response: "No at all since it has always been there for years."*

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request. Granting this variance would allow the residence to maintain its historic front setback line along Perry Street, and permit the ability to renovate the existing structure allowing for its continued updating and use. The requested front addition does not extraordinarily encroach into a sight triangle or into the required front setback, and is consistent with the existing front porch on the residence today.

Given that this project was not submitted with full drawings regarding the proposed balcony, staff would recommend that if the variance is approved, it should include a condition for Board of Zoning Appeals staff to confirm the design and size of the balcony is consistent with the approved variance when the project is submitted for building permits.



Figure 3: Residence in April 1996 (Source: Lawrence - North Lawrence Survey Kansas Historic Resources Inventory)

**3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

*Applicant response: "It would help with less expense by not having to pay for that 6' x 9 1/2 feet of concrete and footing again."*

In staff's opinion, strict adherence to the code required building setbacks in this instance may constitute an unnecessary hardship. Due to the continued adoption of new zoning and development codes since the residence's construction in 1951, the structure was likely conforming to the 1949 Zoning Code when it was initially constructed. The various rezonings and newly adopted codes were undertaken not at the request of the property owner, but as an action by the City of Lawrence.

It should also be noted that as defined for the intent and purpose of the Land Development Code, unnecessary hardship is defined noting that, "mere financial loss or the loss of a potential financial advantage does not constitute unnecessary hardship." (§ 20-1701) Under this definition, financial considerations are not singularly adequate grounds to constitute an unnecessary hardship.

**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.**

Applicant response: *"Only trying to improve property."*

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant. This structure would not create any spill-over noxious effects to the surrounding area.

**5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.**

Applicant response: *"I believe it would be only an improvement."*

In staff's opinion, approval of this variance is consistent with the general spirit and intent of the Land Development Code. Granting the requested variance is consistent with the previous findings of the Board, and also consistent with the spirit of Land Development Code. Granting of this requested variance would permit the continued use and renovation of the existing residence, while also ensuring that the needs and protections of the public interest are maintained.

**Conclusions**

Staff's analysis of this variance application finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

**Recommendation**

Staff recommends approval of the front yard building setback variance of 20.85 feet for the primary structure and 14.85 feet for the proposed balcony, based upon the findings in the staff report concluding that the request does meet the five conditions outlined in Section 20-1309(g)(1), subject to the following condition:

1. Board of Zoning Appeals staff reviews the associated building permits for compliance with this variance as approved prior to the issuance of the permits.



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County  
Metropolitan Planning Office  
6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**APPLICATION FOR  
VARIANCE FROM UNNECESSARY HARDSHIP**

**RECEIVED**

NOV 03 2017

City County Planning Office  
Lawrence, Kansas

*applicant*

**OWNER INFORMATION**

Name(s) A. Berniece Garber  
Contact same  
Address 4101 W 4th Suite B  
City Lawrence State KS ZIP 66044  
Phone (785) 974-4713 Fax ( )  
E-mail berniece.garber@gmail.com Mobile/Pager ( )

*owner*

**APPLICANT/AGENT INFORMATION**

Contact Robert G. Glickler  
Company   
Address 19 Maple Lane  
City Lawrence State KS ZIP 66044  
Phone (785) 764-9030 Fax ( )  
E-mail  Mobile/Pager ( )  
Pre-Application Meeting Date 9/6/17 Planner

**PROPERTY INFORMATION**

Present Zoning District RS7 Present Land Use residential  
Proposed Land Use residential  
Legal Description (may be attached) Lot 48, North Lawrence #6  
Address of Property 571 Percy  
Total Site Area 125 x 50  
Number and Description of Existing Improvements or Structures 2

B-17-00642



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**

6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**Description of variance requested:**

wanting to use the patio that is existing  
shown on survey 6' x 9.5. Using that to  
improve the rest of property





### UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:

Saves money to use what is already there.  
Several feet of existing property is also  
in set back. Home has been there a long time

2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:

No at all since it has always been there  
for years.



3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:

It would help with less expense by not having to pay for that 6' x 9' 1/2 feet of concret and footing again.

4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:

Only trying to improve property.





City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**

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(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:**

I believe it would be only an improvement.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): A. Berum Gierber Date 10-3-17

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**STAFF USE ONLY**

Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

BZA Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County  
Metropolitan Planning Office**

6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceks.org/pds/>

**OWNER AUTHORIZATION**

I/WE Robert M. Gibler, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 4 day of October, 2017, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 541 PELAY ST LAWRENCE, KS 66044 (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Robert M. Gibler  
Owner

Robert M. Gibler  
Owner

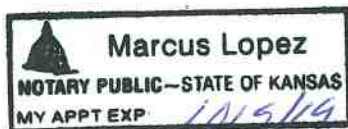
STATE OF KANSAS  
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 4th day of October, 2017

by Robert M. Gibler

My Commission Expires:

Marcus Lopez  
Notary Public





### PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

#### Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

#### Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

*Robert Garber*

Signature

10-3-15

Date

\_\_\_\_\_  
Printed Name

# BOUNDARY / IMPROVEMENT LOCATION

## 541 PERRY STREET

### LEGAL DESCRIPTION:

LOT 48 IN NORTH LAWRENCE No. 6  
IN THE CITY OF LAWRENCE, DOUGLAS  
COUNTY, KANSAS.

SET: 1/2" x 24" BAR  
W/CAP "APS1391"  
(TYPICAL)

FOUND: 1/2" REBAR  
W/CAP "SMH CLS66"  
(TYPICAL)



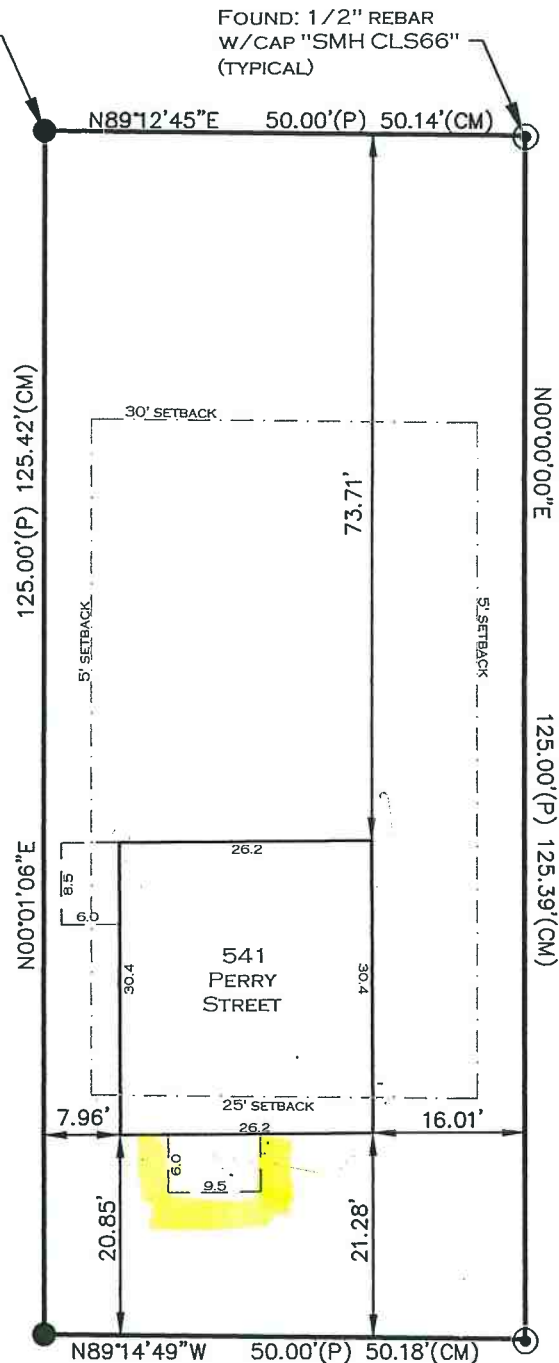
ORDERED BY:  
BERNICE GARBER

### CERTIFICATION:

I HEREBY CERTIFY THAT THE FINDINGS REPRESENT THE TRUE  
AND ACCURATE RESULTS OF A SURVEY PERFORMED UNDER  
MY DIRECT SUPERVISION ON SEPTEMBER 14TH, 2017. THIS  
SURVEY DOES NOT CERTIFY EASEMENTS, SETBACKS OR  
OWNERSHIP.



STEVEN D. WILLIAMS PS 1391  
P.O. Box 4444  
LAWRENCE, KANSAS 66046  
(785) 832-2121



PERRY STREET  
(60' R/W)

DATE:  
9-15-17

JOB #:  
17-080

ALL POINTS SURVEYING, LLP  
PROFESSIONAL LAND SURVEYING SERVICES

P.O. Box 4444 - LAWRENCE, KANSAS - 66046 - TEL. (785) 832-2121 - FAX (785) 832-2122

DRAWN BY:  
SEL  
CHECKED BY:  
SDW

# BOUNDARY / IMPROVEMENT LOCATION

## 541 PERRY STREET

### LEGAL DESCRIPTION:

LOT 48 IN NORTH LAWRENCE No. 6  
IN THE CITY OF LAWRENCE, DOUGLAS  
COUNTY, KANSAS.

SET: 1/2" x 24" BAR  
W/CAP "APS1391"  
(TYPICAL)

FOUND: 1/2" REBAR  
W/CAP "SMH CLS66"  
(TYPICAL)



SCALE:  
1" = 20'

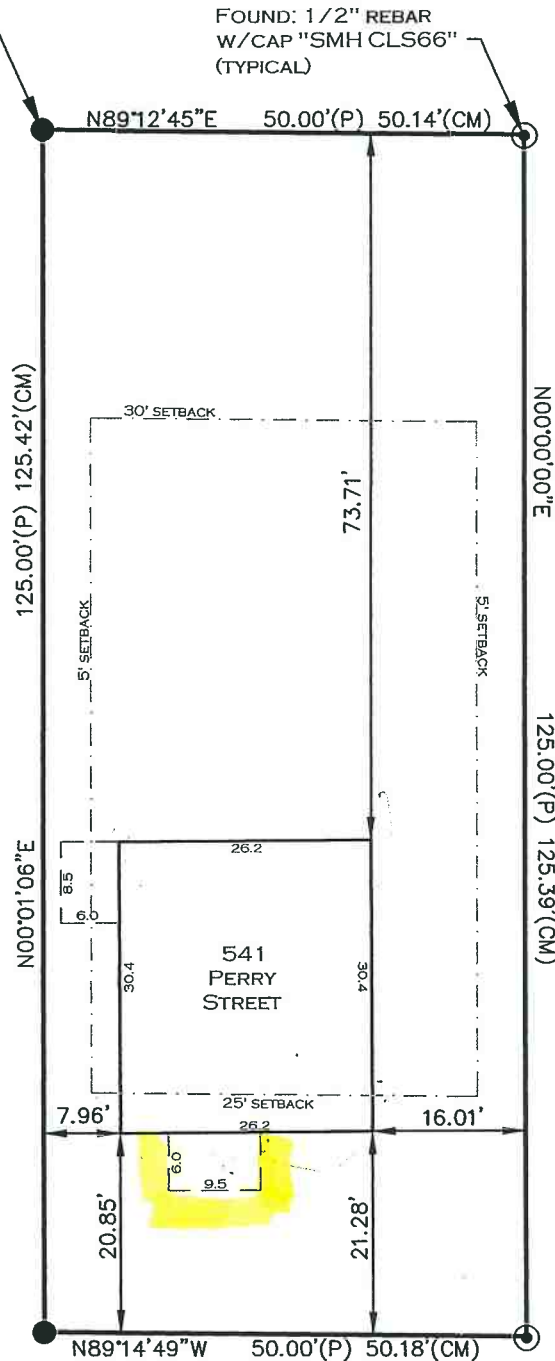
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DRAWN BY:  
SEL  
CHECKED BY:  
SDW

**From:** Berniece Garber  
**To:** [Jeff Crick](#)  
**Subject:** Re: Board of Zoning Appeals Application for 541 Perry Street  
**Date:** Tuesday, November 07, 2017 10:42:29 AM

---

A balcony going over the existing patio.

Sent from my iPhone

On Nov 6, 2017, at 4:54 PM, Jeff Crick <[jcrick@lawrenceks.org](mailto:jcrick@lawrenceks.org)> wrote:

Good afternoon Berniece,

I received your application to the Board of Zoning Appeals for 541 Perry Street, and I wanted to confirm your variance request. Are you seeking a variance to construct a covered porch on the front of the house?

Thanks,  
Jeff

<image002.jpg>

**Jeff Crick, AICP, Planner II** – [jcrick@lawrenceks.org](mailto:jcrick@lawrenceks.org)  
Planning and Development Services | [City of Lawrence, KS](#)  
P.O. Box 708, Lawrence, KS 66044  
Office (785).832.3163 | Fax (785).832.3160

## 2018 SCHEDULE

### LAWRENCE BOARD OF ZONING APPEALS

#### AGENDA ITEMS DEADLINE

#### BOARD MEETING

December 8, 2017	January 4, 2018
January 5	February 1
February 2	March 1
March 2	April 5
April 6	May 3
May 4	June 7
June 8	July 5
July 6	August 2
August 3	September 6
September 7	October 4
October 5	November 1
November 2	December 6
December 7	January 3, 2019

**NOTE:**

Time for submittal of applications on a deadline day is 3:00 p.m. Please adhere to the deadline dates and time. Any item not received in full by the Planning Office on or before a particular deadline will not be placed on that particular meeting agenda, rather, it will be scheduled for the next regular meeting of the Board.

If an application is located in a historic district or within the environs of a historic property or district, the BZA will delay hearing the application until after the application is considered by the Historic Resources Commission or approved by the Historic Resources Administrator.

Board of Zoning Appeals (BZA) meetings will usually be held at 6:30 p.m. the first Thursday of the Month in the Commission Meeting Room at City Hall, 6<sup>th</sup> and Massachusetts Streets, Lawrence.

Special meetings of the Board will be called in accordance with the By-Laws of the Lawrence Board of Zoning Appeals.