



LAWRENCE BOARD OF ZONING APPEALS
AGENDA FOR **DECEMBER 6, 2018**
1ST FLOOR OF CITY HALL, 6 E. 6TH STREET, CITY COMMISSION MEETING ROOM
6:30 PM

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.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the October 4, 2018 and November 1, 2018 meetings of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 1620 UNIVERSITY DRIVE

B-18-00538: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 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 setback to 13 feet to allow for the construction of a new addition parallel to the rear lot line at the current depth the existing structure is from the rear lot line. The property is located at 1620 University Drive. Submitted by Anthony W. & Ann K. Walton, property owners of record.

ITEM NO. 4 MISCELLANEOUS

- A. Annual Board Training
- B. Consider any other business to come before the Board.



LAWRENCE BOARD OF ZONING APPEALS
MINUTES FOR **OCTOBER 4, 2018**

Members present: Clark, Gascon, Harrod, Shipley, Wilbur, Wisner
Staff present: Dolar, Miller, Mortensen, Pepper, Weik

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

ELECTION OF OFFICERS FOR 2018-2019

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

Wisner announced his plans to resign at the end of the year.

Gascon said he's happy to continue serving as Chair or Vice -Chair. He asked if anyone else was interested in a nomination.

Clark said he was interested in Vice-Chair.

ACTION TAKEN

Motioned by Gascon, seconded by Wisner, to elect Gascon as Chair and Clark as Vice-Chair for 2018-2019.

Unanimously approved 6-0

Motioned by Wilbur, seconded by Gascon, to elect Katherine Weik as the staff liaison.

Unanimously approved 6-0.

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.

Clark said that the applicant for Item 5 is a neighbor who reached out to him because he had a similar variance request in the past. He said he advised the applicant to speak with staff, discussed the process and provided notes from the meeting.

Gascon asked if he might provide a biased decision-making process or whether he's simply acknowledging the communication.

Clark said he was just acknowledging communication.

Gascon said he would abstain from Item 6 since he's the applicant.

C. There were no agenda items deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the September 6, 2018 meeting of the Board.

ACTION TAKEN

Motioned by Shipley, seconded by Wilbur, to approve the minutes from the September 6, 2018 meeting of the Board.

Unanimously approved 6-0.

BEGIN PUBLIC HEARING:

ITEM NO. 3 VARIANCES FROM THE PARKING STANDARDS AND MAXIMUM IMPERVIOUS COVER FOR A RESIDENTIAL DISTRICT; 1917 NAISMITH DRIVE

B-18-00436: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The first request is for a variance from the 25 foot parking area setback standard required by Section 20-908(b) of the City Code for a Residential District. The applicant is seeking a variance from this code standard reducing the parking setback to a minimum of 25 foot parking setback to a minimum of 11 feet from the eastern property line, a minimum of 8.5 feet from the norther property line, and a minimum of 0 feet from the southern property line adjacent to W. 19th Terrace. The second request is for a variance from the 70% maximum impervious cover standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District to 75.5%. The property is located at 1917 Naismith Drive. Submitted by Hernly Associates, Inc. on behalf of North American Islamic Trust Inc., property owner of record.

STAFF PRESENTATION

Pepper presented the item.

Wilbur asked if the uniqueness criteria not met is due to surrounding buildings with similar conditions.

Pepper said she knows that there are properties which have met the parking setbacks but does not know the specifics behind each that needed a variance.

Gascon clarified that staff felt the subject property does not meet criteria for uniqueness but acknowledged similar surrounding properties that were granted a variance.

Pepper said that's correct.

Shipley clarified that staff does not know the details of the other variances granted.

Pepper said no.

Gascon asked why uniqueness is met for impervious but not parking.

Pepper explained that they are working toward compliance with that and proposed changes to remove parking in the right-of-way isn't accurately reflected on the site plan because it is outside the property line. They also lost right-of-way due to intersection improvements and have a public sidewalk on their property which contributes to their impervious surface calculations.

Shipley said the site plan provided is from 1980.

Pepper said that's the most recent approved site plan. The pending site plan is also included in the packet.

Shipley asked why they won't rezone it.

Pepper said that has not been requested. She explained that the amount of parking needed is based on use, not zoning.

Gascon said zoning would be a Planning Commission matter.

Pepper said they are surrounded by residential zoning.

Wisner asked if the portion that doesn't meet code is the parking lot adjacent to West 19th Terrace.

Pepper said all parking areas adjacent to roadways are not in compliance, so the variance would bring existing conditions into compliance.

Gascon asked how the need for this variance came about.

Pepper said it was identified during the review of their site plan application for a building addition for a women's prayer hall.

APPLICANT PRESENTATION

Mr. Mike Myers, Hernly Associates, said Ms. Asma Zaidi would like to explain the reason for the site plan application which prompted the need for the variance request.

Ms. Asma Zaidi, Islamic Center of Lawrence, said they are seeking support of their proposed expansion of the Islamic Center. She explained the center's history, planned activities, and stressed that the surrounding areas are growing. She noted that the current women's prayer hall is way too small.

Myers said the site is ideal for the Islamic Center, and most existing parking was there before they took over, although a small strip was added when it was resurfaced, expanding the existing nonconforming use. He discussed parking patterns in the neighborhood and explained parking details of the site plan application.

Clark said aerial photos appear to show double stacked parking and that the proposed changes would eliminate nine parking spaces. He asked if that would affect occupancy.

Myers said they currently have a parking overage, and calculating occupancy in a prayer hall is difficult because it's based on prayer rugs, but they believe losing those spaces will not be an issue. He said they proposing landscaping (16 new trees and 12 shrubs) and other improvements and ultimately are creating more pervious surface than impervious surface.

Clark asked how many spaces would be lost if the property was pulled into strict compliance.

Myers said he wasn't sure.

Mr. Baha Safadi, Islamic Center of Lawrence, said it would reduce the parking spaces to 56.

Wisner asked how much area was lost due to intersection improvements.

Myers said around 740 square feet. He added that the public sidewalk is on their lot, which adds to their impervious surface.

Gascon asked if the land change affected the northeast corner which shifted the sidewalk onto the property.

Myers said he wasn't sure when the sidewalk was constructed.

Gascon asked about occupancy.

Myers said occupancy for a religious institution is normally calculated based on pews, but this is just a big space, so their occupancy is based on how many prayer rugs might fit.

Gascon asked how many prayer halls exist in Lawrence.

Safadi said just this one.

Gascon said that seems unique.

Shipley asked where people park when the lot is full.

Safadi said they might find empty spaces on the street or they'll just turn away. He noted their busiest time is around noon on Fridays.

Gascon asked if they use the neighboring church parking lot.

Safadi said they have.

Shipley said that due to peak times KU parking areas would not be available.

Safadi said that's correct.

No public comment.

ACTION TAKEN

Motioned by Wisner, seconded by Harrod, to close public comment for the item.

Unanimously approved 6-0.

BOARD DISCUSSION

Wisner said he felt it's unique.

Wilbur asked if there's ever been a residential structure on this site.

Pepper said she didn't believe so.

Gascon said that also makes the request unique, as does the use of a prayer hall which has no set parking measurement.

Wisner said the orientation of the building on the lot is a factor, and it's abutment to 19th Terrace will be greatly improved by the proposed. Most importantly he felt the intersection improvement which resulted in a reduction of their land area and a public sidewalk on their property makes it very unique.

Gascon noted that a neighboring residence is using a turnabout within the setback due to similar existing conditions. He said he's confident that this meets the other variance criteria as well.

ACTION TAKEN

Motioned by Wisner, seconded by Wilbur, to approve the variances for both parking and impervious surface based on having met all five conditions for granting a variance.

Unanimously approved 6-0.

ITEM NO. 4 VARIANCE FROM THE PARKING AREA SETBACK FOR A RESIDENTIAL DWELLING; 1300 TENNESSEE STREET

B-18-00433: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 25 foot parking area setback standard required by Section 20-908(b) of the City Code for a Residential District. The applicant is seeking a variance from this code standard reducing the parking setback to a minimum of 3 feet to allow for the construction of a parking area. The property is located at 1300 Tennessee Street. Submitted by Paul Werner Architects on behalf of Jess D. Paul Jr., Trustee, property owner of record.

STAFF PRESENTATION

Weik presented the item.

Clark asked about the sight triangle.

Weik said it's a conflict between the sight triangle requirements of 25 feet and the accessory structure requirements of 10 feet.

Gascon asked if that's on a corner lot.

Weik said that's correct.

Wilbur asked if the use of the structure is a factor.

Weik said the BZA doesn't have purview over use, but parking requirements are determined by use and intensity.

Gascon asked if it's currently being used as parking.

Weik said it appears so but the property is currently vacant.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said they were disappointed with the staff report and felt a lot of information didn't belong in the staff report. He talked about the property history as indicated in the Polk Directories. He said the property was appraised as four units but likely has six or seven. They would like to renovate the house, but only four parking spots would mean a single family home. He explained that they'd like to register the property as a non-conforming but can't produce a building permit prior to 1969, which he felt was a huge burden on the property owner. He also explained their proposed parking configuration.

A woman appearing on behalf of the property owner said her father was the original owner and detailed the family's history with the property, noting it has historically been used for student housing. She added that the property always had at least five units or more and five parking spaces or more.

Gascon said they appreciate the position the property owner is in and may completely agree with their intentions for the property but are bound by conditions of the code.

The property owner's representative said she understood, and in the event five spaces can't be approved they would appreciate some alternative options so the building renovation can move forward.

Gascon asked if the building is unoccupied.

Werner said yes.

Gascon asked if the burden of proof for the building permit is to establish previous use.

Werner said it's to establish that five units were created legally.

PUBLIC COMMENT

Ms. Candice Davis said that for the last 18 years she's been involved with many neighbors in an effort to stabilize the neighborhood. She said it once was zoned single family with single family homes on small lots that could never accommodate the RM32 zoning designation. She appreciates that the property owner is willing to improve the structure but that there are many ways to go about renovation. She noted the Oread Overlay District and felt it's a hardship for others when the existing code isn't followed- an illegal use in the past shouldn't be allowed to continue. She felt the rental registration program should also help to regulate those uses. She did not feel the request was unique, and noted that a similar variance request was denied.

Gascon asked what specific outcome she is seeking for this particular property.

Davis felt they could still renovate the structure perhaps without the number of units they are seeking.

Gascon asked what she meant by "stabilization of the neighborhood".

Davis said there is a lot of rental.

Gascon asked why that's bad.

Davis said that multi-family designations drive away single family ownership, which she felt was negative. She added that when areas become largely multi-family the properties aren't maintained as well and there are issues with crime, violence, noise, and trash.

Gascon asked if a single family home would be her preference.

Davis said a single family home or maybe 4 units.

Gascon said he was just curious why she felt that people who can't afford to buy a home somehow deteriorate a neighborhood.

Davis said she wasn't saying that they do, but they should be able to live in a reasonable structure.

Gascon said he must have misunderstood when she said that rental units destabilize a neighborhood.

Davis said that homeowners tend to move out due to issues created by multi-family properties.

ACTION TAKEN

Motioned by Harrod, seconded by Wisner, to close public comment for the item.

Unanimously approved 6-0.

BOARD DISCUSSION

Clark asked if there is an opportunity to convert to a legal nonconforming property.

Weik said it's possible but staff has not received an application or request for legal nonconforming so that has not been evaluated.

Wilbur said he was having trouble connecting the dots between the missing building permit and how that affects the parking.

Weik explained that an application for nonconforming use could be submitted and doesn't necessarily require a building permit as evidence, it could show a multitude of evidence such as Polk Directories or affidavits from property owners.

Gascon asked if the material in this application could be used.

Weik said it could but it would require separate review to determine whether that was sufficient.

Gascon asked if that's an administrative review.

Weik said yes.

Gascon asked if that can be appealed to District Court or the Planning Commission.

Weik said it would require a determination from the Planning Director and possible hearing by the BZA.

Gascon said it could come back around to the Board but for a different issue.

Weik said yes.

Gascon asked if a variance brings them into conformity.

Weik said the use may not be conforming but they would be permitted to park in those spaces and the variance runs with the land.

Clark asked about the need for a variance if it's converted to legal nonconforming.

Weik said it would depend on what was provided by the applicant. She explained that until an application is submitted any determining factors about allowed parking if legal nonconforming is unknown at this point.

Gascon said the right-of-way area seems uniquely large for an east-west street.

They measured the right-of-way distance and compared it to other right-of-way areas.

Gascon asked what it is zoned and when that zoning designation was assigned.

Weik said it's zoned multi-family, so the proposed use is permitted, and the parcel was previously zoned RD (Residential Dormitory) from 1966-2006.

Gascon asked the age of the structure.

Werner said it was constructed in 1918.

Shipley said she didn't find this unique. She felt they had plenty of options for renovation and questioned whether it is their job to bend the rules or to apply them uniformly.

Gascon asked how Shipley felt about the other four conditions.

Shipley said it's against the spirit and intent of the chapter, noting the zoning and the neighborhood plan. She said the applicant could still have four units.

Werner said they can't have four units because they can't park four cars.

Gascon said he could park two cars.

Shipley said a garage sounds like a viable option.

Gascon said they agree there's a question on uniqueness. He asked if she felt it adversely affects the rights of adjacent property owners.

Shipley said she could debate that too, and she felt it's a slippery slope when approving things every time.

Gascon asked if changing the setback of 25 feet to allow for existing parking affects the adjacent property owners.

Shipley said that's a possibility.

Wilbur said he doesn't know how they can determine if it adversely affects the rights of property owners if there isn't a clear direction moving forward.

Gascon asked if he's uncomfortable making a decision because it's unclear what the use might be.

Wilbur said in part, yes.

Gascon asked how he feels about the fact that there is five existing parking spaces and there has been for quite some time.

Wilbur asked for clarification.

Gascon said he views the property as a 5-plex that has existed for a long time. He noted that there may have been a different setback code that applied to this property at one time.

Weik said staff did not research that.

Gascon said it's possible that the parking was ok and within setbacks when constructed.

They further discussed the five conditions and whether the request does or does not meet those conditions.

Clark noted that the sight triangle is a safety component.

Gascon didn't feel that the request would have a material impact on the sight triangle. He brought up the 25 feet setback on corner lots which he felt was excessive and not applicable to original town site lots.

Shipley said she didn't feel it's their job to debate whether the setback or sight triangle is dubious.

Gascon said the intent of setbacks is for street expansion.

Shipley said there is no sidewalk and 13th Street could be expanded.

Gascon said he couldn't see any scenario for the widening of 13th Street that would require eminent domain of that land, noting that there are already multiple building within that setback zone. He reiterated that there isn't a strong argument for uniqueness.

Clark said he didn't feel it's a variance with a purpose.

Gascon said there's a low income housing issue in the community and every unit that is shut down in the urban core is displaced to the outskirts of the city with high infrastructure costs.

Harrod said that Ms. Davis' concerns were well taken, but for generations, there were not seas of apartments around town available to students and the only game in town was the Oread Neighborhood. The applicant is simply asking to use the property the way it's been used for at least 50 years, yet there is a desire imposed by the code to claw the structure back into compliance with the existing code.

Gascon noted that the existing code also post-dates the structure, and the code doesn't acknowledge a natural increase in intensity of use.

ACTION TAKEN

Motioned by Wisner, seconded by Wilbur, to deny the variance request.

Clark asked if the variance is denied if they're able to reapply for the variance if they gain legal non-conforming status.

Weik said there's a one year waiting period before they can reapply, unless they came back with a substantially different request.

Clark asked if the applicant can withdraw.

Weik said no, and it could also not be deferred at this point.

Motion carried 4-2, Gascon and Harrod dissented.

ITEM NO. 5 VARIANCE FROM THE PARKING AND DRIVEWAY STANDARDS FOR A DETACHED DWELLING; 718 ASH STREET

B-18-00438: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the surfacing requirements for parking and driveway standards required by 20-913(e)(1) of the City Code for a detached dwelling. The applicant is seeking a variance from this code standard to allow for the construction of a gravel driveway. The property is located at 718 Ash Street. Submitted by Stephen Evans, property owner of record.

STAFF PRESENTATION

Mortensen presented the item.

Gascon asked if staff had direct communication with the neighbor.

Mortensen said not until the staff report was completed.

Wisner said the adjacent property owner is ok with the gravel but staff was not aware at the time the staff report was written.

Mortensen said correct, and the application was submitted for 718 Ash Street only.

Wisner asked if the staff report would have been different had that information been provided.

Mortensen said it could have.

Wilbur asked about the previous variance mentioned by staff.

Mortensen said that variance was for an existing driveway whereas this is a brand new house and driveway.

APPLICANT PRESENTATION

Mr. Stephen Evans, property owner, explained ongoing plans for developing his property and 722 Ash Street. He discussed the prevalence of gravel in the area and sustainability concerns in support of his request.

Mr. Ken Peters, said he's the project contractor and property owner of 722 Ash Street, with a contract to sell the property to Kent Williams. He discussed the proposed construction methods of the driveway and expressed his support for the variance.

Mr. Kent Williams said his interest is in the 722 Ash property. He expressed support for the variance request and the proposed approach to move forward with the properties.

Wilbur asked what they feel is a hardship.

Evans said he struggled with that criteria because he felt it was the right thing to do as opposed to being a hardship.

Gascon clarified- he asked if flooding is an issue on the property.

Evans said it's a threat. He added that one hardship might be the sequencing of the construction.

Gascon asked if Peters agreed that the sequencing of the construction is a hardship.

Peters said generally, yes. He further explained the plan for constructing the driveways.

Clark asked if they could speak to the condition of the south side of Ash Street between 710 and 740 when it rains.

Peters said absolutely. He explained that it's not a direct problem for their properties, but if they were to add concrete to their properties it would directly affect others with runoff.

Clark said he lived at 730 Ash Street for several years, and rain in that section immediately pooled.

Peters added that there are no culverts under the driveways.

Harrod asked about the option of semi-permeable pavers.

Peters explained that they just trap the water and then it must evaporate.

Mortensen clarified that staff couldn't make a decision on the permeability issue without considering 722 Ash Street.

No public comment.

ACTION TAKEN

Motioned by Wilbur, seconded by Clark, to close public comment for the item.

Unanimously approved 6-0.

BOARD DISCUSSION

Harrod asked if there were similar variances granted in the area.

Mortensen explained that there have been similar variance requests both granted and denied.

Clark reiterated his comments about flooding on Ash Street.

Gascon asked if the ditches or street floods.

Clark said both, but mostly the culverts because there is no drainage. He said the subject properties are at the crest, and the flooding might be a bigger issue for their neighbors.

Gascon said another compelling hardship is the use of the property as a whole and the potential loss of trees.

Harrod said they should view the criteria as a whole.

Wilbur said the flood hazard should be a consideration.

Gascon felt adjacency to the river levee makes it unique.

Shipley said she was leaning toward uniqueness due to the flood hazard on Ash Street.

Gascon said they're in a unique position of being at the crest where the water comes from. He felt a compelling hardship argument was the requirement for creating a curb cut to gain occupancy and then having to possibly rip it back out.

Wisner concurred that the conditions are intertwined- he could make an argument for all five conditions being met. He agreed that gravel was the best option.

Gascon noted that the hardship of flooding has nothing to do with FEMA floodplain guidelines.

Wisner agreed but said that staff can't deviate from those standards. He felt the staff recommendation was appropriate but the Board can make an alternative judgment.

Wisner said he would be comfortable approving the variance.

Board members agreed the conditions were satisfied.

Mortensen clarified that the variance is only for 718 Ash Street.

ACTION TAKEN

Motioned by Wisner, seconded by Clark, to approve the variance request and that all five conditions have been met.

Unanimously approved 6-0.

They took a five minute break and Gascon recused himself from the Board.

ITEM NO. 6 VARIANCES FROM THE SETBACK STANDARDS AND FENCE HEIGHT FOR A RESIDENTIAL DWELLING; 941 PENNSYLVANIA STREET

B-18-00429: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The first request is for a variance from the 5 foot interior side setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District to 1 foot. The second request is for a variance from the 20 foot front setback required by Section 20-601(a) to 7 feet. The third request is for a variance from the 20 foot front setback required by Section 20-601(a) to 5 feet. The fourth request is for a variance from the 5 foot interior side setback standard required by Section 20-601(a) to 0 foot to construct a retaining wall/fence totaling 8 feet in height. The property is located at 941 Pennsylvania Street. Submitted by John A. Gascon, property owner of record.

STAFF PRESENTATION

Mortensen presented the item.

Clark asked if there is an elevation drawing.

Mortensen said the applicant might be able to provide one.

Clark asked if the height change is over 945 Pennsylvania Street.

Mortensen explained that 945 Pennsylvania Street was regraded so it now sits higher than 941 Pennsylvania Street.

Clark asked if the height of the fence will be 8 feet at 945 Pennsylvania Street and 6 feet at 941 Pennsylvania Street because it's at a lower grade.

Mortensen said the height of the retaining wall and fence has yet to be determined but the applicant can address that question.

Wilbur asked about the 10 feet max height guideline.

Weik said she would find that code language.

APPLICANT PRESENTATION

Mr. John Gascon, applicant, explained that the max height of 10 feet is allowed when there is a difference in zoning- such as residential to commercial- otherwise residential code is capped at 6 feet. He explained that there are grade changes that will ultimately affect the height of the wall and fence. He noted that the house was built before existence of code, and explained the variance requests. He added that the request will also go to the Historic Resources Commission (HRC) because the house is in environs. He explained that a tree fell on his home and the various repercussions of that incident.

Shipley asked if the HRC had to review the foundation work.

Gascon said he did, it was approved administratively.

Harrod asked the applicant to explain the drainage issue.

Gascon explained the natural slope of the properties and the consequences of the recent changes in grade.

Harrod said the retaining wall will stop the migration of soil and water toward his property but also helps soil erosion on the neighbor's property.

Gascon said the soil would be retained and the water would be re-directed toward the alley.

Harrod asked if he's aware when that permit was pulled if anyone was aware of the collateral consequences.

Gascon explained that he's done some research on water intrusion and case law is mostly related to agricultural uses.

Shipley asked if they plan to list the house on any historic register.

Gascon said the house doesn't have much historic character- it's had six additions- so he didn't feel it would be eligible.

Shipley asked about the front yard setback variance request.

Gascon said it's unique because the structure was built before the existence of any code, and its presentation to the street is much closer than what would be built today. He noted that he provided some documentation on front porches in support of the porch he has proposed, and due to the setback requirements he would not be able to build a front porch that is functional or ADA compliant.

Weik clarified that the 6 feet fence height is covered in the fence requirements for dwelling purposes.

No public comment.

ACTION TAKEN

Motioned by Wilbur, seconded by Wisner, to close public comment for the item.

Unanimously approved 5-0.

BOARD DISCUSSION

Clark asked for thoughts regarding uniqueness. He felt that the first three variance requests were no-brainers as far as maintaining what is existing. He asked for thoughts on uniqueness.

Harrod said factors such as the age of house and the home's total nonconformity create a need for variances for its existing conditions.

Clark added that there's also a convincing argument that the proposed porch was similar to one that existed historically. He felt that was unique.

Wilbur said this would not adversely affect property owners, there's hardship because the porch is not functional, and it appears his requests are beneficial to neighbors.

Shipley added that the applicant doesn't have to construct a new porch.

Clark did not feel the requests were adverse to the public health, safety, and welfare, and the uniqueness is a factor when meeting the spirit and intent of the code.

Shipley asked if there's a sidewalk in front.

Gascon said yes, and he encouraged the Board to read the written responses in his application.

Clark asked for thoughts regarding the variance request for fence height.

Shipley said the retaining wall seems necessary but the privacy fence does not.

Clark explained that the severe grade change and yard configuration is unique, where privacy is desirable and height has been artificially adjusted.

Harrod said that granting the variances will only help adjacent the property owner.

Clark said the privacy factor goes both ways as well.

Wilbur said it's likely that if the neighbor had issues with the requests they would have expressed them.

Clark asked about the hardship.

Wilbur said the grade issue wasn't caused by the property owner and there is some expectation of privacy.

Wisner felt the 6 feet height requirement was a hardship.

Clark said he didn't believe the height of the fence would affect health, safety, or morals and that it's not opposed to the general spirit or intent of the chapter.

The Board agreed.

ACTION TAKEN

Motioned by Wilbur, seconded by Harrod, to approve the variances as recommended in the staff report.

Unanimously approved 5-0.

Gascon rejoined the Board.

ITEM NO. 7 MISCELLANEOUS

A. There was no other business to come before the Board.

Motioned by Clark, seconded by Wisner, to adjourn the meeting.

MEETING ADJOURNED 9:44 PM

ITEM NO. 3 **VARIANCE FROM THE REQUIRED REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 1620 UNIVERSITY DRIVE [LRM]**

B-18-00538: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 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 setback to 13 feet to allow for the construction of a new addition parallel to the rear lot line at the current depth the existing structure is from the rear lot line. The property is located at 1620 University Drive. Submitted by Anthony W. & Ann K. Walton, property owners of record.

B. REASON FOR REQUEST

Applicant's Request – *"Variance requested is to place an addition parallel to the rear lot line at the current depth from the rear lot line."*

The proposed one-story addition to the one-story slab on grade house is for a handicapped accessible bathroom for the owners, age 75 and 71, with storage and a possible tornado shelter above ground or in a basement beneath the bathroom".

C. ZONING AND LAND USE

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

Surrounding Zoning and Land Use: RS7 (Single-Dwelling Residential) District to the east, west, north and south; *Detached Dwelling Residential use.*

D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS, Residential Districts," provides the minimum building setbacks for each residential district. The code required minimum building setbacks in the RS7 (Single-Dwelling Residential) District and what is being requested by the applicant follow:

North setback (rear setback) – 30 feet required; 13 feet proposed for new addition.



Figure 1: Subject Property outlined in red. Subject Property is located within and surrounded by the RS7 (Single-Dwelling Residential) District.

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Land 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: *"The owners/applicants did not create the conditions that are unique to the property. The house at 1620 University Drive was built in 1950 for the Russells two years after the City annexed this block in 1948".*

The subject parcel is comprised of unplatted Lots 10 and 11 as well as portions of unplatted Lots 9 and 12 of West Hills, Block 3. West Hills, Block 3 was not formerly recorded with the Douglas County Register of Deeds; therefore, the subject property is unplatted. Blocks 1, 2, and 4 of West Hills were properly platted and recorded with the Register of Deeds in 1931 and annexed by the City of Lawrence in 1947 via Ordinance No. 2150. The subject property was annexed by the City of Lawrence on May 24th, 1948 via Ordinance No. 2173.

The existing residence was built in 1949, per Douglas County Appraiser's records, under the then applicable 1949 Zoning Code. The 1949 Zoning Code, adopted with Ordinance No. 2227, required rear

yards of at least twenty-five percent of the depth of the lot. Rear yards were not required to be greater than 30 feet. 1620 University Drive was subject to the rear yard requirements of District A: First Dwelling House District. The subject parcel has a depth of 136 feet. Twenty-five percent of the depth of the lot is 34 feet. Therefore, the 1620 University Drive would have been subject to a 30 foot rear yard setback.

The subject property is unique in that the existing structure appears to have been located within a required rear yard setback since its construction. The subject property's depth has been 136 feet since its creation. Unplatted Lots 1-4 of West Hills, Block 3 prevented the subject property from taking frontage along Stratford Road and existing as a through lot. The existing residence was built on a single frontage lot within the required rear yard setback. The subject property would have been considered nonconforming under the 1949 Zoning Code and each subsequent zoning code. Staff is unable to determine why the existing residence was built within the required rear yard setback in 1949. An original building permit was not available.

The applicants are not looking to enlarge the structure towards the rear property line; rather, they are looking to memorialize the current setback and footprint for the existing structure. The proposed addition will be located along the same plane as the existing residence without further encroachment of the existing 13 foot rear yard setback. Due to the interior layout of the existing residence and its initial construction within the required 30 foot rear yard setback, the applicant has requested the proposed addition be placed within the existing setback and the setback distance reduced to 13 feet. The proposed placement will integrate the addition into the floorplan of the existing residence without interfering with required side and front setbacks or existing utility lines.

The placement of the existing structure within the required rear setback in 1949 is unique and not a result of an action or actions taken by the current property owner. The reason for this placement remains unclear to staff.



Figure 2: Subject parcel outlined in red. Required 30 foot rear yard setback shaded in red.

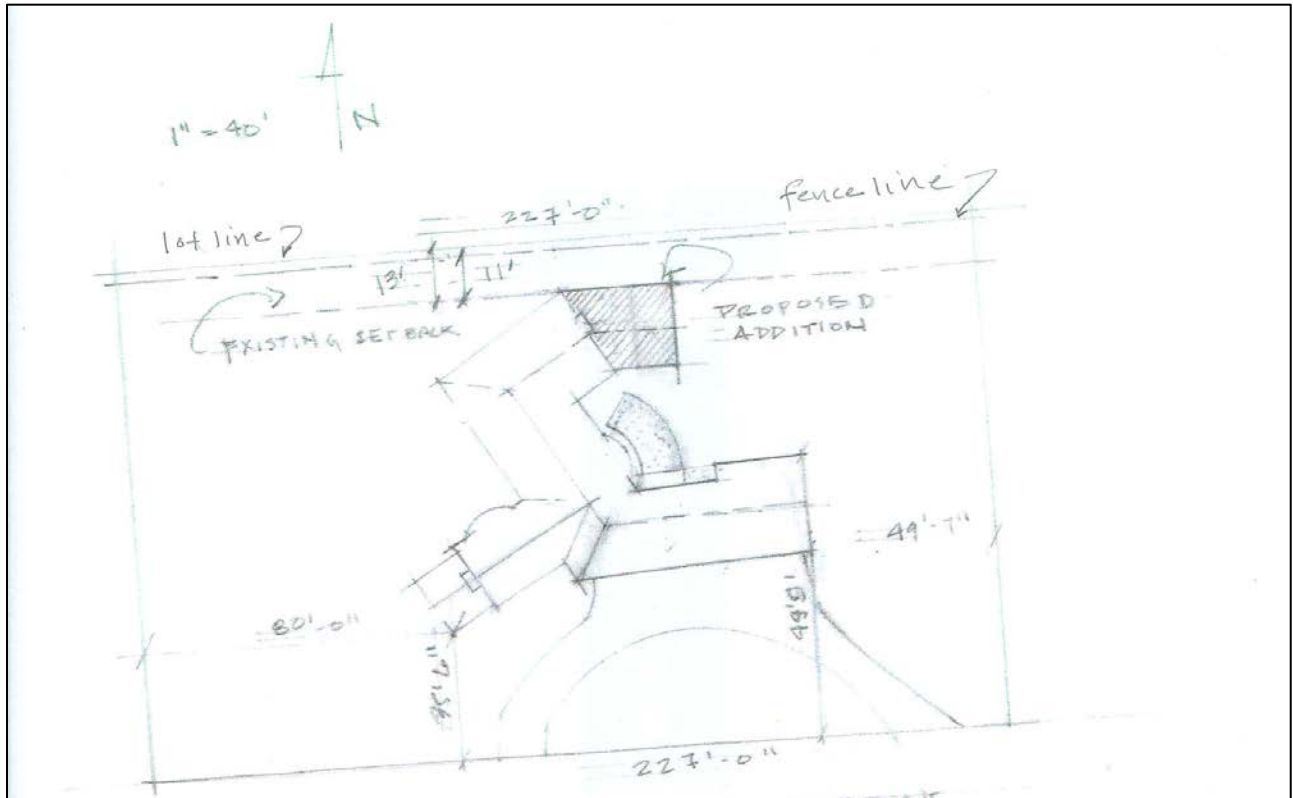


Figure 3: Applicant's Drawing of Proposed Addition.

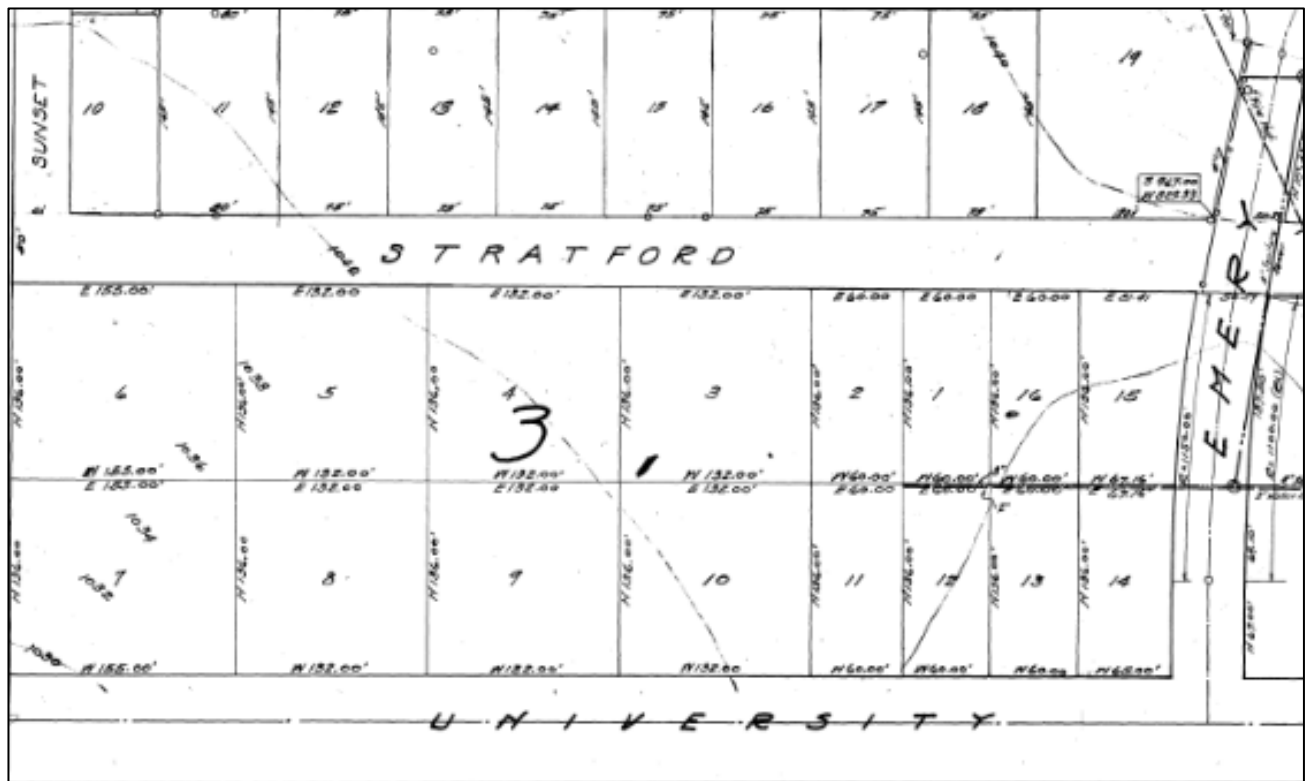


Figure 4: Subject parcel contains all of unplatted Lots 10 & 11 and portions of unplatted Lots 9 & 12. Subject property remains unplatted as final platting document was never formally recorded at the Douglas County Register of Deeds.

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

Applicant response: "The proposed variance maintains the as-built setback distance from the rear lot line that has existed for 71 years without adversely affecting the rights of adjacent property owners or residents.

Since the proposed addition will be no closer than to the rear lot line than the house already is, the variance will not alter the rights of the adjacent property owners".

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 have received one phone call regarding the proposed variance. The owner of 1640 Stratford Road inquired about the proposed variance but did not voice any questions or concerns.

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: The purpose of the variance is to accommodate the owners (now age 75 and 71) in old age so that the foreseeable mobility impairments of old age will not force them to move elsewhere".

In staff's opinion, strict adherence to the code required building setbacks may constitute a hardship. The applicant is not proposing the addition be placed nearer to the rear property line than the existing rear plane of the structure. The variance request regarding the existing structure and proposed addition is contained within the parcel owned by the applicant, and would memorialize the existing footprint of the building, which has existed since 1949; as well as allow for improvement and continued use of the subject property. Both the interior of the existing structure and proposed addition would need to be revised if the proposed addition was not permitted within the required 30 rear yard setback. The planned addition will contain a handicapped accessible master bathroom and is proposed to be placed adjacent to the existing master bedroom, which was constructed partially within the rear setback in 1949.

Staff reminds board members that each case must be considered independently but notes that a variance from the required rear yard setback was approved for 1644 University Drive in 1985. Variance B-8-21-85 permitted a reduction in the rear yard setback for a garage addition. Variance B-19-77 permitted a reduction in the rear yard setback for a screened porch addition at 1655 Stratford Road.

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

Applicant response: "Handicapped accessible bathrooms and storage space improve the public health, safety, order, convenience, prosperity and general welfare of the City's and the neighborhood's existing housing stock. Handicapped accessible bathrooms and storage have no effect on morals that the applicants know of.

October Preliminary meeting follow-up email from Planner Lucas Mortensen:

"Ideally, the Utilities Department likes structures to be 15' away from utility lines. I spoke to Andy Ens, a Utilities Engineer, who determined that, if the variance is approved, placing an addition at the current depth of 11' from the rear property line would be satisfactory."

In staff's opinion, granting the requested variances will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The requests in question are contained within the parcel owned by the applicant. The existing structure and proposed addition would not create any spill-over noxious effects to the surrounding area. The applicant has indicated that an existing dense planting of euonymus, yew, and elderberry shrubs as well as lilac bushes create a visual barrier that screens the subject property from its rear yard and east side yard neighbors.

Staff would note that landscaping and fencing are not permanent screening measures.

There are existing sanitary sewer lines running along portions of the subject property's rear parcel line. They are not located within platted utility easements. The proposed addition would not be adjacent to the sanitary sewer line. Andy Ens, MSO Engineer, noted that, ideally, sanitary sewer lines would be located within 15 foot utility easements, 7.5 feet on each side of the utility line. The applicant's requested rear yard setback of 13 feet would not interfere with the existing sanitary sewer line or a future utility easement.

The subject property is not encumbered by the regulatory floodplain or historic environs.



Figure 4: Proposed location for addition is screened from rear and side yard neighbors by mature, evergreen shrubs.

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

Applicant response:

Article 2 of the Lawrence Development Code States,

"The primary purpose of the RS Districts is to accommodate predominately single Detached Dwelling Units on individual lots. The Districts are intended to create, maintain and promote housing the opportunities for individual households, although they do permit nonresidential uses that are compatible with residential neighborhoods".

The proposed variance meets the density and dimensional standards for the RS7 residential zones.

The percentage of the lot covered by house and other impervious materials is not applicable because the lot existed prior to 2006, the effective date of the current development rules.

The roof height of the existing house is less than 35'. The height of the addition will not exceed the height of the house.

Article 13, Section 20-1308 addresses flood plain hazards. 1620 University Drive is not within the FEMA flood plain hazard area of Lawrence, KS, so Article 13, section 20-1308 is not applicable to this variance application.

In staff's opinion, granting the setback variance would not be opposed to the general spirit and intent of the Land Development Code. Granting the requested variance is consistent with the previous findings of the Board. Granting of the requested variance would permit the construction of the proposed addition and would ensure that the needs and protections of the public interest are maintained.

Staff would note that the subject property is subject to the density and dimensional standards expressed in Section 20-601(a) of the Land Development Code.

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 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). Staff recommends the Board grant the variance to reduce the required rear yard setbacks from 30 feet to 13 feet at 1620 University Drive.



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Metropolitan Planning Office**
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<http://www.lawrenceks.org/pds/>

**APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP**

OWNER INFORMATION

Name(s) Anthony & Ann K. Walton
Contact 503-688-3199 (Ann)
Address 1620 University Drive
City Lawrence State KS ZIP 66044
Phone (503) 688 3199 Fax (998) 571 2924
E-mail akershton@gmail.com Mobile/Pager (785) 841 5910
akershton@gmail.com land

APPLICANT/AGENT INFORMATION

Contact same as owners above
Company _____
Address _____
City _____ State _____ ZIP _____
Phone (____) _____ Fax (____) _____
E-mail _____ Mobile/Pager (____) _____
Pre-Application Meeting Date _____ Planner _____

PROPERTY INFORMATION

Present Zoning District _____ Present Land Use single family residence
Proposed Land Use single family residence
Legal Description (may be attached) attached
Address of Property 1620 University Drive, Lawrence, KS 66044
Total Site Area _____
Number and Description of Existing Improvements or Structures one single family dwelling

Exhibit A Legal Description

Main File No. MV150532 Page #9

Owners

General Text Addendum

File No. MV150532

Property Address	Anthony W. and Ann K. Walton		
City	1620 University Dr	County Douglas	State KS Zip Code 66044
City	Lawrence		

• URAR : Subject - Overall Condition of the Property

The subject is a 66 year old home on a 30,000+ square foot lot - per the owner, it is the largest lot in the West Hills neighborhood - see aerial site map. The exterior is all brick, there are wood floors throughout the majority of the house, two fireplaces - one each in the living room and the master bedroom, the kitchen has new stainless appliances, including two refrigerators, there are many built-ins and original trim and the fenced yard has a sprinkler system. The roof is an older, wood shake roof that is considered to be in only average condition. The subject is considered to be in average-plus condition with normal wear and tear/no deferred maintenance.

Legal Information

WEST HILLS BLK 3 E 17 FT LT 9 DESC AS: BEG ON S LINE AT PT 1234 FT W OF SE COR N 1/2 SW 1/4 36-12-19 TH W 17 FT N 169 FT E 17 FT S 169 FT TO PT BEG, LESS S 33 FT; & LT 10 BEG 1102 FT W OF SE COR N 1/2 SW 1/4 36-12-19 TH W 132 FT N 330 FT E 132 FT S 330 FT TO PT BEG, LESS N 1/2; & LT 11 BEG 1102 FT W OF SE COR N 1/2 SW 1/4 36-12-19 TH E 60 FT N 305 FT W 60 FT S 305 FT, LESS N 136 FT; & W 18 FT LT 12 BEG AT PT 1024 FT W & 33 FT N OF SE COR N 1/2 SW 1/4 36-12-19 TH W ALONG N BNDRY UNIVERSITY DR 18 FT TH N 136 FT E 18 FT S 136 FT TO PT BEG (U08775, 8776, 8777 & 8778-01 COMBINED 1987)

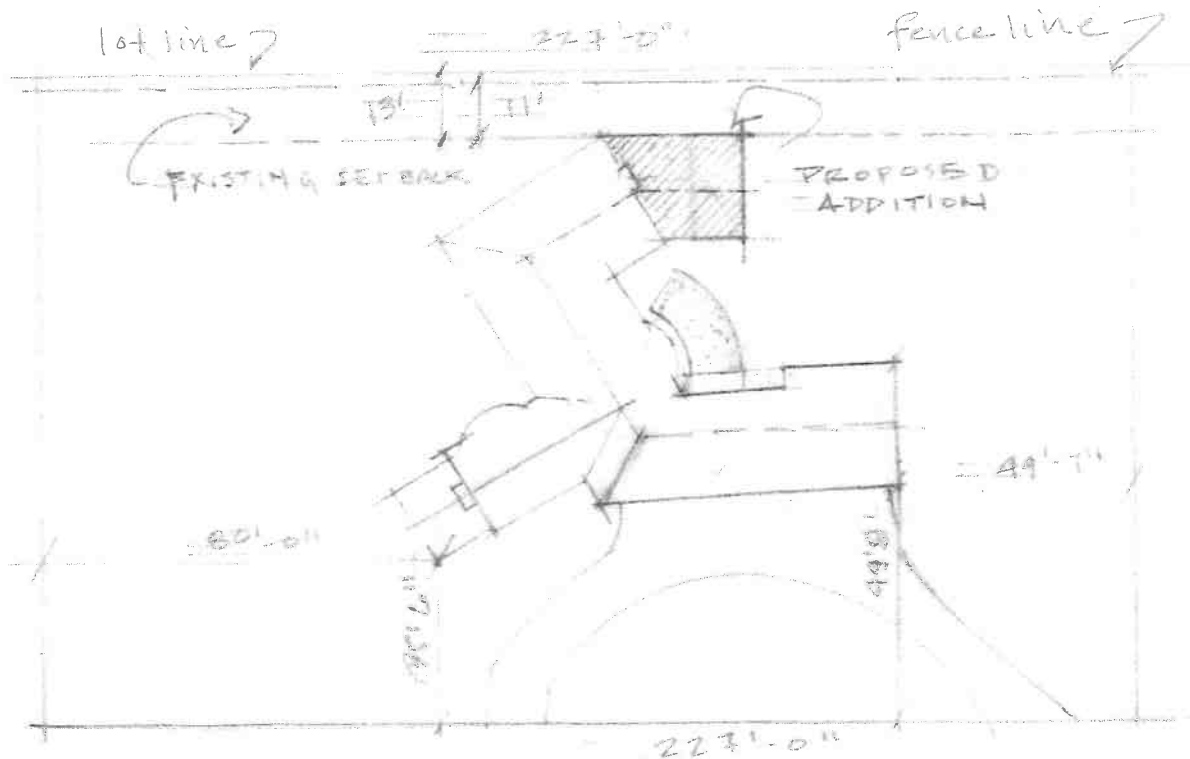
*Taken from the Douglas County on-line records.

• URAR : Neighborhood - Description

The subject is located in an older, established neighborhood in central Lawrence, adjacent to the University of Kansas, considered to be one of Lawrence's most desirable neighborhoods for older homes. The homes are generally one, 1 1/2 and two stories in design. There are several public schools and highways within two miles. There are commercial uses, shopping and dining on 6th Street, 23rd Street, Iowa Street and in Historic Downtown Lawrence.

1" = 40'

N



1620 UNIVERSITY DRIVE
SETBACK VARIANCE APPLICATION

NOVEMBER 5, 2012



Description of variance requested:

Variance requested is to place an addition parallel to the rear lot line at the current depth from the rear lot line.

The proposed one-story addition to the one-story slab on grade house is for a handicapped accessible bathroom for the owners, age 75 and 71, with storage and a possible tornado shelter above ground or in a basement beneath the bathroom.



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:

The owners/applicants did not create the conditions that are unique to the property. The house at 1620 University Drive was built in 1950 for the Russells two years after the City annexed this block in 1948.

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

The proposed variance maintains the as-built setback distance from the rear lot line that has existed for 71 years without adversely affecting the rights of adjacent property owners or residents.

Since the proposed addition will be no closer than to the rear lot line than the house already is, the variance will not alter the rights of the adjacent property owners.



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<http://www.lawrenceks.org/pds/>

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:

The purpose of the variance is to accommodate the owners (now age 75 and 71) in old age so that the foreseeable mobility impairments of old age will not force them to move elsewhere.

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

Handicapped accessible bathrooms and storage space improve the public health, safety, order, convenience, prosperity and general welfare of the City's and the neighborhood's existing housing stock. Handicapped accessible bathrooms and storage have no effect on morals that the applicants know of.

October Preliminary meeting followup email from Planner Lucas Mortensen:

"Ideally, the Utilities Department likes structures to be 15' away from utility lines. I spoke to Andy Ensz, a Utilities Engineer, who determined that, if the variance is approved, placing an addition at the current depth of 11' from the rear property line would be satisfactory." -



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

Article 2 of the Lawrence Development Code states,

"The primary purpose of the RS Districts is to **accommodate** predominantly single Detached Dwelling Units on individual Lots. The Districts **are** intended to create, maintain and promote housing the opportunities for individual households, although they do permit nonresidential **uses** that **are** compatible with residential **neighborhoods**."

The proposed variance meets the density and dimensional standards for RS7 lots.

- S RS7 zoning permits one single family residence per lot. Both the existing use and the proposed use are single family residential, so there will be no change of in density as a result of granting the variance.

the
for

The existing lot size exceeds the minimum lot size for RS7 residential zones.

The percentage of the lot covered by house and other impervious materials is not applicable because the lot existed prior to 2006, the effective date of the current development rules.

The roof height of the existing house is less than 35'. The height of the addition will not exceed the height of the house.

Article 13, Section 20-1308 addresses flood plain hazards. 1620 University Drive is not within the FEMA flood plain hazard area of Lawrence, KS, so Article 13, section 20-1308 is not applicable to this variance application.

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



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

See previous page

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): Anna K. Walton Date November 4, 2018

Guyton Z. Z. G. G. Date November 4, 2018

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



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.

Ann K. Walton

Signature

November 4, 2018

Date

Ann K. Walton

Printed Name

JOINPIN	SYSCALACRES	owner1	owner2	owner3	address	city	state	zip	plate	PID	Quickrefid	status
067-36-0-30-08-001.00-0	0.32013945	KRAUS CHAD R	KRAUS REGINA M		1601 HIGH DR	LAWRENCE	KS	66044	U08785	023-067-36-0-30-08-001.00-0	R8145	1601 HIGH DR
067-36-0-30-08-002.00-0	0.24973333	HOOPER CHERIE L			1617 OXFORD RD	LAWRENCE	KS	66044	U08786	023-067-36-0-30-08-002.00-0	R8146	1617 OXFORD RD
067-36-0-30-08-003.00-0	0.21611909	HULL ROBERT M TRUSTEE	HULL MARILYN E TRUSTEE		1621 OXFORD RD	LAWRENCE	KS	66044	U08787	023-067-36-0-30-08-003.00-0	R8147	1621 OXFORD RD
067-36-0-30-08-004.00-0	0.21645225	AXTON NEAL R	DEER SARAH E		1625 OXFORD RD	LAWRENCE	KS	66044	U08788	023-067-36-0-30-08-004.00-0	R8148	1625 OXFORD RD
067-36-0-30-08-005.00-0	0.21645228	SHAW PHILLIP S	SHAW ASHLEY B		1631 OXFORD RD	LAWRENCE	KS	66044	U08789	023-067-36-0-30-08-005.00-0	R8149	1631 OXFORD RD
067-36-0-30-08-006.00-0	0.21645237	JONES STEPHEN E	JONES MARY H		4708 MOUNDRIIDGE CT	LAWRENCE	KS	66049	U08790	023-067-36-0-30-08-006.00-0	R8150	1635 OXFORD RD
067-36-0-30-08-007.00-0	0.21645247	HUEKTER SARA N			1641 OXFORD RD	LAWRENCE	KS	66044	U08791	023-067-36-0-30-08-007.00-0	R8151	1641 OXFORD RD
067-36-0-30-08-008.00-0	0.24973347	DONLY DENISE L			1645 OXFORD RD	LAWRENCE	KS	66044	U08792	023-067-36-0-30-08-008.00-0	R8152	1645 OXFORD RD
067-36-0-30-08-009.00-0	0.37020082	SEGEBRECHT LYNN E TRUSTEE			1715 PRESTWICK DR	LAWRENCE	KS	66047	U08793A	023-067-36-0-30-08-009.00-0	R8153	1647 OXFORD RD
067-36-0-30-08-010.00-0	0.36293948	JENKINS SCOTT D			1133 EMERY RD	LAWRENCE	KS	66044	U08785B	023-067-36-0-30-08-010.00-0	R8162	1133 EMERY RD
067-36-0-30-08-011.00-0	0.18326221	JANUSZ NICHOLAS R	JANUSZ RONALD D JR		1130 EMERY RD	LAWRENCE	KS	66044	U08788	023-067-36-0-30-10-004.00-0	R8172	1130 EMERY RD
067-36-0-30-08-016.00-0	0.29159373	UNDERWOOD ROBERT D	UNDERWOOD PAMELA G		1604 STRATFORD RD	LAWRENCE	KS	66044	U08803	023-067-36-0-30-10-004.00-0	R8160	1604 STRATFORD RD
067-36-0-30-08-015.00-0	0.24990467	FRYDMAN JANE			1616 STRATFORD RD	LAWRENCE	KS	66044	U08802	023-067-36-0-30-08-015.00-0	R8159	1616 STRATFORD RD
067-36-0-30-08-014.00-0	0.49974662	GARRISON GRACE E			1624 STRATFORD RD	LAWRENCE	KS	66044	U08800A	023-067-36-0-30-08-014.00-0	R8158	1624 STRATFORD RD
067-36-0-30-08-013.00-0	0.2914806	ROSEN KARL M D	ROSEN DEANNE L		1640 STRATFORD RD	LAWRENCE	KS	66044	U08799	023-067-36-0-30-08-013.00-0	R8157	1640 STRATFORD RD
067-36-0-30-08-012.00-0	0.29145211	PAN XIAO	PAN YIHUI		1641 W 24TH ST APT E16	LAWRENCE	KS	66046	U08798	023-067-36-0-30-08-012.00-0	R8156	1644 STRATFORD RD
067-36-0-30-08-011.00-0	0.30824529	THOMPSON WARD H	BERRIE CINDY L		1608 STRATFORD RD	LAWRENCE	KS	66044	U08797	023-067-36-0-30-08-011.00-0	R8155	1648 STRATFORD RD
067-36-0-30-08-010.00-0	0.25723363	JONES CHARLES F	JONES CAROL R		1220 SUNSET DR	LAWRENCE	KS	66044	U08795A	023-067-36-0-30-08-010.00-0	R8154	1220 SUNSET DR
067-36-0-30-10-005.00-0	0.34149169	HENDRIX WALKER A	HENDRIX JEANNIE D		1520 STRATFORD RD	LAWRENCE	KS	66044	U08756A	023-067-36-0-30-10-005.00-0	R8173	1520 STRATFORD RD
067-36-0-30-08-017.00-0	0.25184743	WEINER RONALD E	WEINER PENNY A		1145 EMERY RD	LAWRENCE	KS	66044	U08805	023-067-36-0-30-08-017.00-0	R8161	1145 EMERY RD
067-36-0-30-12-006.00-0	0.30309918	NOSSAMAN JERRY M	NOSSAMAN SANDRA C		1515 STRATFORD RD	LAWRENCE	KS	66044	U08730	023-067-36-0-30-12-006.00-0	R8196	1515 STRATFORD RD
067-36-0-30-12-007.00-0	0.38804941	HIEBERT JOHN B TRUSTEE	HIEBERT NANCY B TRUSTEE		1521 STRATFORD RD	LAWRENCE	KS	66044	U08732	023-067-36-0-30-12-007.00-0	R8197	1521 STRATFORD RD
067-36-0-30-07-001.00-0	0.22929612	MITCHELL WILLIAM L	MITCHELL VIRGINIA J		1201 EMERY RD	LAWRENCE	KS	66044	U08782	023-067-36-0-30-07-001.00-0	R8111	1201 EMERY RD
067-36-0-30-07-002.00-0	0.67362977	CAMPBELL SCOTT W	CAMPBELL LESLIE E		1607 STRATFORD RD	LAWRENCE	KS	66044	U08767A	023-067-36-0-30-07-002.00-0	R8112	1607 STRATFORD RD
067-36-0-30-07-003.00-0	0.18642902	NOSSAMAN ANDERSON CARA			1609 STRATFORD RD	LAWRENCE	KS	66044	U08768	023-067-36-0-30-07-003.00-0	R8113	1609 STRATFORD RD
067-36-0-30-07-004.00-0	0.27372352	GRAHAM COLE M			1625 STRATFORD RD	LAWRENCE	KS	66044	U08769	023-067-36-0-30-07-004.00-0	R8114	1625 STRATFORD RD
067-36-0-30-07-005.00-0	0.27372289	JOHNSON WALLACE S JR	JOHNSON DIANTHA H		1633 STRATFORD RD	LAWRENCE	KS	66044	U08769-01	023-067-36-0-30-07-005.00-0	R8115	1633 STRATFORD RD
067-36-0-30-07-006.00-0	0.27263928	HOLTZ TRUDY A			1639 STRATFORD RD	LAWRENCE	KS	66044	U08770	023-067-36-0-30-07-006.00-0	R8116	1639 STRATFORD RD
067-36-0-30-07-007.00-0	0.28413693	PIZZA SPECIALTIES INC			5929 OUTLOOK ST	MISSION	KS	66202	U08771	023-067-36-0-30-07-007.00-0	R8117	1643 STRATFORD RD
067-36-0-30-07-008.00-0	0.28494065	JOHNSON RUSSELL W	JOHNSON ISABEL		1655 STRATFORD RD	LAWRENCE	KS	66044	U08771-01A	023-067-36-0-30-07-008.00-0	R8118	1655 STRATFORD RD
067-36-0-30-07-009.00-0	0.32993656	LARKIN E GRANT III	LARKIN KATHLEEN M		1661 STRATFORD RD	LAWRENCE	KS	66044	U08772-01	023-067-36-0-30-07-009.00-0	R8119	1661 STRATFORD RD
067-36-0-30-07-010.00-0	0.29508134	GAVITO SHERRY H TRUSTEE			1701 STRATFORD RD	LAWRENCE	KS	66044	U087580	023-067-36-0-30-07-010.00-0	R8120	1701 STRATFORD RD
067-36-0-30-12-010.00-0	0.21232093	HAUGH DAN A TRUSTEE	HAUGH JAY M TRUSTEE		1512 UNIVERSITY DR	LAWRENCE	KS	66044	U08726A	023-067-36-0-30-12-010.00-0	R8200	1512 UNIVERSITY DR
067-36-0-30-12-009.00-0	0.26538173	BAILEY LINDA I TRUSTEE			1516 UNIVERSITY DR	LAWRENCE	KS	66044	U08734A	023-067-36-0-30-12-009.00-0	R8199	1516 UNIVERSITY DR
067-36-0-30-12-008.00-0	0.31107123	ZIMMERMAN WARREN A			1520 UNIVERSITY DR	LAWRENCE	KS	66044	U08733	023-067-36-0-30-12-008.00-0	R8198	1520 UNIVERSITY DR
067-36-0-30-07-028.00-0	0.51461183	WEDEL RYAN B	WEDEL CAITLIN M D		4415 EISENHOWER DR #G-7	LAWRENCE	KS	66049	U08778	023-067-36-0-30-07-028.00-0	R8144	1604 UNIVERSITY DR
067-36-0-30-07-027.00-0	0.69801817	WALTON ANTHONY W	WALTON ANN K		1620 UNIVERSITY DR	LAWRENCE	KS	66044	U08775A	023-067-36-0-30-07-027.00-0	R8143	1620 UNIVERSITY DR
067-36-0-30-07-026.00-0	0.35698799	SULLIVAN CHESTER L			1634 UNIVERSITY DR	LAWRENCE	KS	66044	U08775-01	023-067-36-0-30-07-026.00-0	R8142	1634 UNIVERSITY DR
067-36-0-30-07-025.00-0	0.40197149	LEVINE SUSAN F			1644 UNIVERSITY DR	LAWRENCE	KS	66044	U08774	023-067-36-0-30-07-025.00-0	R8141	1644 UNIVERSITY DR
067-36-0-30-07-024.00-0	0.51495546	OSNESS WAYNE H	OSNESS DONNAL L		1654 UNIVERSITY DR	LAWRENCE	KS	66044	U08773	023-067-36-0-30-07-024.00-0	R8140	1654 UNIVERSITY DR
067-36-0-30-07-010.06-0	0.4213409	RUDDY THOMAS R II	SOULE SHARON E		1700 UNIVERSITY DR	LAWRENCE	KS	66044	U08780F	023-067-36-0-30-07-010.06-0	R8126	1700 UNIVERSITY DR
067-36-0-30-14-003.00-0	0.25088599	EMERT MARK T	EMERT ANNE C		1335 UNIVERSITY DR	LAWRENCE	KS	66044	U08688A	023-067-36-0-30-14-003.00-0	R8213	1335 UNIVERSITY DR
067-36-0-30-14-004.00-0	0.23367119	CALLAHAN PATRICIA			12 LUNCARTY LN	BELLA VISTA	AR	72715	U08690A	023-067-36-0-30-14-004.00-0	R8214	1337 UNIVERSITY DR
067-36-0-30-14-005.00-0	0.23190077	HOSSLER TIMOTHY J	HOSSLER ANN E		1541 UNIVERSITY DR	LAWRENCE	KS	66044	U08692A	023-067-36-0-30-14-005.00-0	R8215	1541 UNIVERSITY DR
067-36-0-30-14-006.00-0	0.23074522	SCHULTZ ELIZABETH A			1545 UNIVERSITY DR	LAWRENCE	KS	66044	U08694A	023-067-36-0-30-14-006.00-0	R8216	1545 UNIVERSITY DR
067-36-0-30-15-001.00-0	0.53677064	BOULEY JANET M	ROBERTSON JOHN M		295 BRENTWOOD CIR	NORTH ANDOVER	MA	01845	U08870	023-067-36-0-30-15-001.00-0	R8225	1601 UNIVERSITY DR
067-36-0-30-15-002.00-0	0.31162524	MACNALLY ELIZABETH W TRUST			1633 UNIVERSITY DR	LAWRENCE	KS	66044	U08882	023-067-36-0-30-15-002.00-0	R8226	1625 UNIVERSITY DR
067-36-0-30-16-001.00-0	0.28192299	HIEBERT DAVID L TRUSTEE	BISHOP BARBARA M TRUSTEE		1641 UNIVERSITY DR	LAWRENCE	KS	66044	U08879A	023-067-36-0-30-16-001.00-0	R8241	1633 UNIVERSITY DR
067-36-0-30-16-002.00-0	0.42367105	BISHOP KENNETH A TRUSTEE	STECKELBERG SOPHIA		4100 W 90TH ST	PRAIRIE VILLAGE	KS	66207	U08881-01	023-067-36-0-30-16-002.00-0	R8242	1641 UNIVERSITY DR
067-36-0-30-16-003.00-0	0.32539366	EISENTRAGER GRETCHEN D	HYMER MICHAEL		1655 UNIVERSITY DR	LAWRENCE	KS	66044	U08882	023-067-36-0-30-16-003.00-0	R8243	1647 UNIVERSITY DR
067-36-0-30-16-004.00-0	0.31980116	WARD DOUGLAS B	WARDEN-WARD JULI M		1311 SPENCER DR	LAWRENCE	KS	66044	U08878	023-067-36-0-30-16-004.00-0	R8244	1655 UNIVERSITY DR
067-36-0-30-15-003.00-0	0.3118116	KITTEL RICK A	KITTEL PEGGY C		1331 SPENCER DR	LAWRENCE	KS	66044	U08878	023-067-36-0-30-16-012.00-0	R8252	1311 SPENCER DR
067-36-0-30-14-009.00-0	0.27995592	SMITH GREGG D	WOOD MOLLY		1344 STRONG AVE	LAWRENCE	KS	66044	U0875A	023-067-36-0-30-15-003.00-0	R8227	1310 SPENCER DR
067-36-0-30-14-008.00-0	0.26860827	FORBES CHRISTOPHER T	FORBES BARBARA J		1332 STRONG AVE	LAWRENCE	KS	66044	U08703A	023-067-36-0-30-14-009.00-0	R8219	1344 STRONG AVE
067-36-0-30-14-007.00-0	0.33255005	MEYER JANET A TRUSTEE	GOOD LAWRENCE R		1324 HILLCREST RD	LAWRENCE	KS	66044	U08883	023-067-36-0-30-14-007.00-0	R8217	1324 STRONG AVE
067-36-0-30-16-005.00-0	0.33570454	GOOD MARRILLIE C			1646 HILLCREST RD	LAWRENCE	KS	66044	U08884	023-067-36-0-30-16-005.00-0	R8245	1655 HILLCREST RD
067-36-0-30-16-006.00-0	0.33038709	BLACK EDITH A	POERTNER JOHN		1640 HILLCREST RD	LAWRENCE	KS	66044	U08885	023-067-36-0-30-16-006.00-0	R8246	1646 HILLCREST RD
067-36-0-30-16-007.00-0	0.33172293	HOFFMAN FRANK F	SANDERS SANDRA J		1317 STRONG AVE	LAWRENCE	KS	66044	U08699A	023-067-36-0-30-16-007.00-0	R8247	1640 HILLCREST RD
067-36-0-30-15-016.00-0	0.29351756	GOERTZ-GIFFEN SPENCER	YOUNG BRADEN		1319 SPENCER DR	LAWRENCE	KS	66044	U08877	023-067-36-0-30-15-016.00-0	R8251	1317 STRONG AVE
067-36-0-30-15-004.00-0	0.30799948	UNDERWOOD THOMAS H	UNDERWOOD GRETCHEN D		1320 SPENCER DR	LAWRENCE	KS	66044	U08872	023-067-36-0-30-16-011.00-0	R8251	1319 SPENCER DR
067-36-0-30-15-015.00-0	0.16367843	MAZZA STEPHEN W			1321 STRONG AVE	LAWRENCE	KS	66044	U08673	023-067-36-0-30-15-015.00-0	R8228	1320 SPENCER DR
											R8239	1321 STRONG AVE

067-36-0-30-15-007.00-0	0.42650248	WOWACK JAMES R	WOWACK MARY K	1602 CRESCENT RD	LAWRENCE	KS	66044	U08675	023-067-36-0-30-15-007.00-0	R8231	1602 CRESCENT RD
067-36-0-30-15-013.00-0	0.18330344	ALLEN BRYAN J	PHAN-ALLEN HUONG	10115 W 126TH ST	OVERLAND PARK	KS	66213	U08669	023-067-36-0-30-15-013.00-0	R8237	1331 STRONG AVE
067-36-0-30-15-014.00-0	0.19649868	CASTLE JOYCE		1325 STRONG AVE	LAWRENCE	KS	66044	U08671	023-067-36-0-30-15-014.00-0	R8238	1325 STRONG AVE
067-36-0-30-16-010.00-0	0.24881224	STINE JOHN A TRUSTEE	STINE JEANETTE K TRUSTEE	1323 SPENCER DR	LAWRENCE	KS	66044	U08876	023-067-36-0-30-16-010.00-0	R8250	1323 SPENCER DR
067-36-0-30-16-008.00-0	0.29235037	BRICKE JOHN J	BRICKE MARGARET S	1632 HILLCREST RD	LAWRENCE	KS	66044	U08886	023-067-36-0-30-16-008.00-0	R8248	1632 HILLCREST RD
067-36-0-30-15-005.00-0	0.29420409	MILLER ALLAN R TRUSTEE	MILLER SANDRA K TRUSTEE	1330 SPENCER DR	LAWRENCE	KS	66044	U08873	023-067-36-0-30-15-005.00-0	R8229	1330 SPENCER DR
067-36-0-30-15-009.00-0	0.20750364	WATSON G FAYE TRUSTEE		1516 CRESCENT RD	LAWRENCE	KS	66044	U08672-01	023-067-36-0-30-15-009.00-0	R8233	1516 CRESCENT RD
067-36-0-30-15-008.00-0	0.25648933	OTT GENNA M TRUSTEE		1520 CRESCENT RD	LAWRENCE	KS	66044	U08672A	023-067-36-0-30-15-008.00-0	R8232	1520 CRESCENT RD
067-36-0-30-16-009.00-0	0.34315842	MCADOO LYNNE	BROWN LANCE	1614 HILLCREST RD	LAWRENCE	KS	66044	U08875	023-067-36-0-30-16-009.00-0	R8249	1614 HILLCREST RD



Determination of Completeness, Accuracy, and Sufficiency

I have reviewed the variance application submitted by:

Name: _____ Date: _____

Application No. _____

Based upon the submitted information, I find the application to be:

- ☐ Complete (based upon the items reviewed)
- ☐ Incomplete, inaccurate, or insufficient (circle) for the following reasons:
- ☐ The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.
 - ☐ The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.
 - ☐ Other

Planner _____

Date _____

- (1) Resubmit by _____ to be placed on the agenda for the Board of Zoning Appeals meeting on _____. (All resubmitted materials must be deemed to be complete, accurate, and sufficient.)



**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.



Determination of Completeness, Accuracy, and Sufficiency

I have reviewed the variance application submitted by:

Name: Anthony Walton & Ann K. Walton Date: 11/05/2018
Application No. B-18-00538

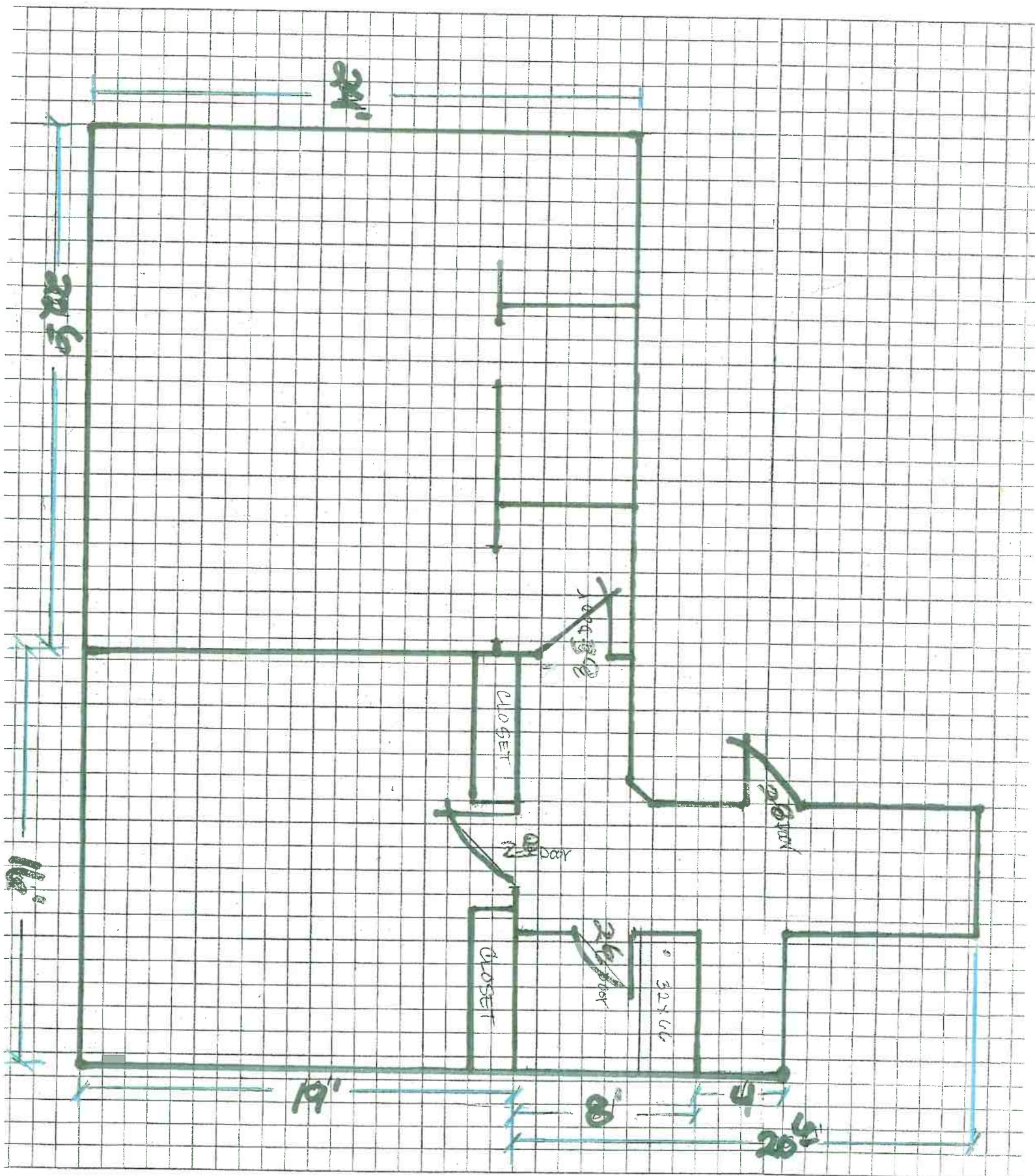
Based upon the submitted information, I find the application to be:

- ☒ Complete (based upon the items reviewed)
- ☐ Incomplete, inaccurate, or insufficient (circle) for the following reasons:
- ☐ The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.
 - ☐ The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.
 - ☐ Other

Luke Mortensen
Planner Luke Mortensen

11/05/2018
Date

- (1) Resubmit by X to be placed on the agenda for the Board of Zoning Appeals meeting on X. (All resubmitted materials must be deemed to be complete, accurate, and sufficient.)



W Property Line

~ 30'

11'-0"

~ 75'

Lot 11

