



LAWRENCE BOARD OF ZONING APPEALS
AGENDA FOR **FEBRUARY 7, 2019**
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 be made 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 November 1, 2018 and December 6, 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 a distance equal to the perpendicular distance from the existing structure to the north property line but not less than 10 feet from the north property line for the construction of an addition to an existing residence. The property is located at 1620 University Drive. Submitted by Anthony W. & Ann K. Walton, property owners of record.

ITEM NO. 4 MISCELLANEOUS

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



LAWRENCE BOARD OF ZONING APPEALS
MINUTES FOR **NOVEMBER 1, 2018**

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

ITEM NO. 1 COMMUNICATIONS

- A. There were no communications to the come before the Board.
- B. There were no ex-parte communications or abstentions.
- C. There were no agenda items deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the October 4, 2018 meeting of the Board.

The minutes were deferred.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A
RESIDENTIAL STRUCTURE; 4800 TEMPE STREET**

B-18-00470: 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 to 21 feet. The property is located at 4800 Tempe Street. Submitted by Harden Exteriors LLC, DBA Acumen Renovations, on behalf of Angela Sanders, property owner of record.

STAFF PRESENTATION

Mortensen presented the item.

APPLICANT PRESENTATION

The applicant did not present but was available for questions.

There was no public comment.

ACTION TAKEN

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

Unanimously approved 5-0.

BOARD DISCUSSION

Wilbur felt the request was straightforward.

Gascon agreed- it's a classic case of a structure built to code that needs to be brought back into compliance. He suggested they could round down the setback request because the proposed deck seems shallow.

Clark suggested a motion to approve as requested but reduce the setback to 20 ft.

Weik noted that the legal was advertised for 21 ft. so increasing the variance is not allowed.

ACTION TAKEN

Motioned by Clark, seconded by Wilbur, to approve the variance as requested based on findings in the staff report.

Motion approved 5-0.

ITEM NO. 4 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 2331 FREE STATE LANE

B-18-00475: 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 to 18 feet, 3 inches. The property is located at 2331 Free State Lane. Submitted by NB Remodeling LLC on behalf of David L. Rickard Trustee & Sandra L. Stilwell-Rickard Trustee, property owners of record.

Harrod mentioned that his property is within 400 ft. of the subject property but he does not know the property owners.

STAFF PRESENTATION

Mortensen presented the item.

APPLICANT PRESENTATION

The applicant did not present but was available for questions.

There was no public comment.

ACTION TAKEN

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

Unanimously approved 5-0.

BOARD DISCUSSION

Wilbur asked in what scenario the City would have a problem with such a request.

Mortensen explained that the City typically likes to keep 15 ft. between a utility easement and a structure.

Weik noted that a buffer yard might also create an additional issue.

ACTION TAKEN

Motioned by Wisner, seconded by Clark, to approve the variance based on findings in the staff report.

Unanimously approved 5-0.

ITEM NO. 5 MISCELLANEOUS

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

Weik said there are currently no BZA items on the schedule but there is a Sign Variance scheduled for the December meeting.

2019 Schedule

Consider approval of the 2019 Meeting Schedule.

ACTION TAKEN

Motioned by Harrod, seconded by Wisner, to approve the schedule.

Motion carried 4-0-1, Wilbur abstained.

Weik mentioned that Annual Board Training will be held at the December meeting.

ACTION TAKEN

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

ADJOURNED 6:46PM



LAWRENCE BOARD OF ZONING APPEALS
MINUTES FOR **DECEMBER 6, 2018**

Members present: Clark, Gardner, Gascon, Harrod, Shipley, Wilbur, Wisner
Staff present: Crick, Dolar, Mortensen, Weik

ITEM NO. 1 COMMUNICATIONS

- A. Acknowledge communications to the come before the Board.

Weik said a communication was received regarding the deferral of Item 3.

- B. Disclosure of ex-parte communications and/or abstentions for specific agenda items.

Clark said he was contacted by the applicant for Item 3.

- C. Announce any agenda items that will be deferred.

Weik stated that Item 3 was deferred prior to the meeting.

ITEM NO. 2 MINUTES

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

ACTION TAKEN

Motioned by Clark, seconded by Wisner, to approve the October 4, 2018 minutes and defer the November 1, 2018 minutes.

Motion carried 5-0-2, Gardner and Harrod abstained.

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

Weik presented training materials.

Gascon asked staff to discuss the terms "arbitrary" and "capricious" in more detail.

Weik explained that those terms indicate a parcel, sticking to the letter of the law, cannot develop in the same manner any other conforming use could with similar zoning.

Crick added that the term "arbitrary" also refers to the way variances are applied specific to each property- that similar conditions on different properties may not have the same outcome. The term "capricious" is a function of the Board's quasi-judicial nature- the Board does not set the Land Development Code, it interprets the code.

Weik continued her presentation.

Gascon asked about the language that states a hardship is "loss of property without compensation".

Weik explained that it means the property owner cannot utilize their property in the same way someone else can in the same zoning district. She continued her presentation.

Gascon asked about unnecessary financial hardship, and noted that it appears to be a common criteria in other cities.

Weik said he did not know why Lawrence is unique in that regard, but it is stated in the code that loss of financial potential is not considered an unnecessary hardship. She stressed the code's intent to equalize rights across zoning districts.

Gascon asked whether that criteria could be considered if the language specific to financial hardship was removed from the code.

Weik said yes, potentially.

Gascon asked if that is determined by City Commission.

Weik said yes.

Gascon mentioned that the Board has heard many cases where eliminating that language could have helped many people.

Weik said in some cases there are several elements that could tip the scale in either direction. She continued her presentation.

Gardner asked if the rules regarding political points applies only to Board members.

Weik said city commissioners are elected, so they're allowed to bring some political opinions, but advisory board members are not.

Gardner asked if the public can be political.

Weik said they can't regulate members of the public; however, Board members can encourage members of the public to remain civil and courteous during meetings.

- B. There was no other business to come before the Board.

ACTION TAKEN

Motioned by Gardner, seconded by Wilbur, to adjourn the meeting.

ADJOURNED 7:17PM

ITEM NO. 3 VARIANCE FROM THE 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 a distance equal to the perpendicular distance from the existing structure to the north property line but not less than 10 feet from the north property line for the construction of an addition to an existing residence. 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; 10 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. No setbacks would be encumbered if the subject property had frontage along University Drive and Stratford Road; however, 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 to Development Services staff.

The applicants did not own the subject property at the time of its construction.

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, and to expand the structure via an addition that will be located along the same plane as the existing residence without further encroachment of the existing 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 a distance equal to the perpendicular distance from the existing structure to the north property line but not less than 10 feet from the north property line. 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.



Figure 1: Subject parcel outlined in red. Required 30' rear yard setback shaded in red. The residence has existed within the required rear yard setback since its construction.

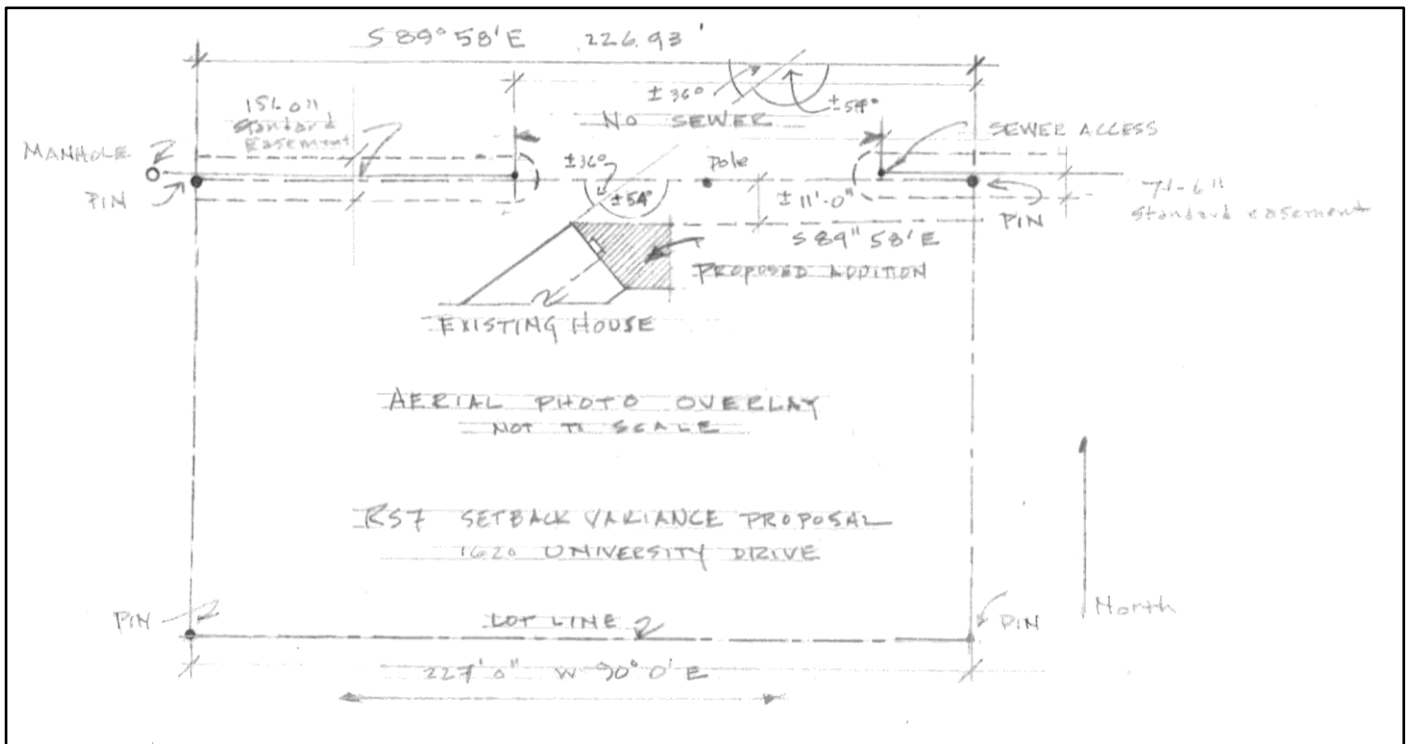


Figure 2: Applicant's Drawing of Proposed Addition. Image notes 11' but variance request is for a distance no less than 10'.

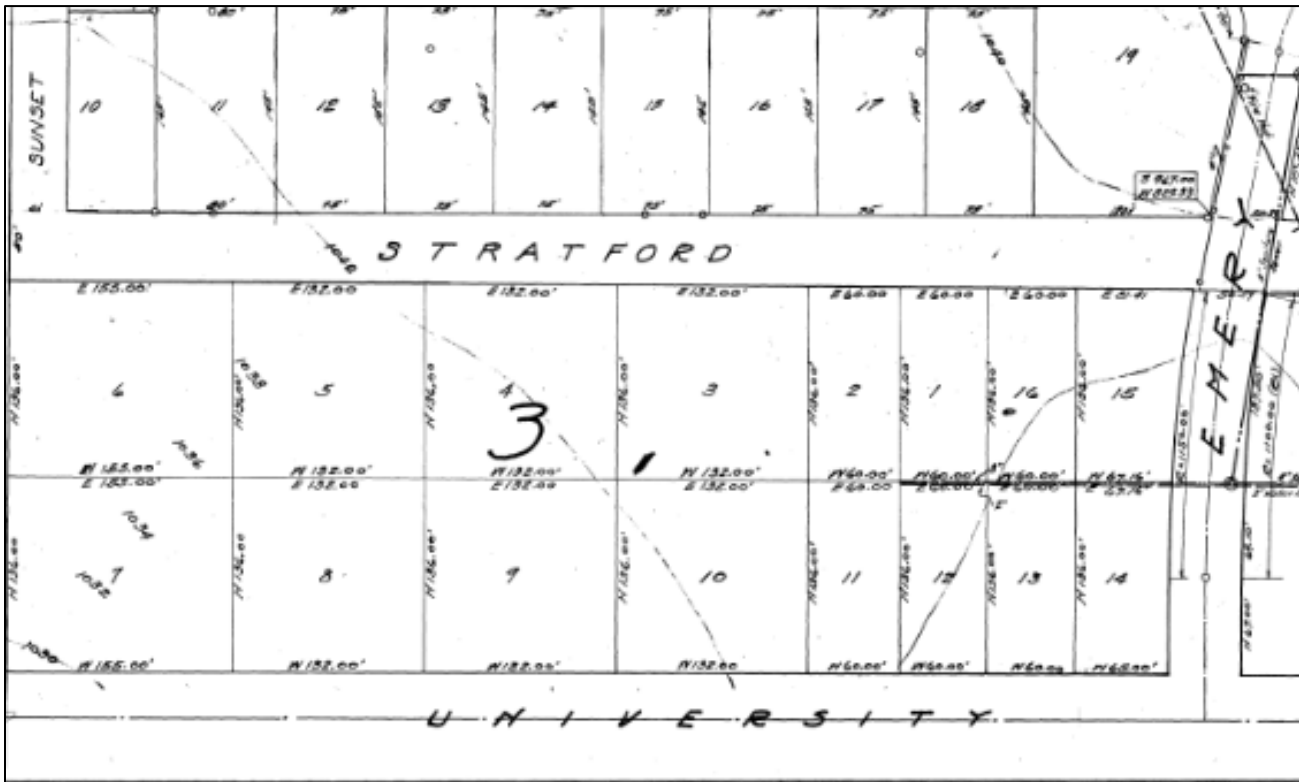


Figure 3: Subject parcel contains all of unplatted Lots 10 & 11 and portions of unplatted Lots 9 & 12. Subject property remains unplatted as final platting document was never formally recorded at the Douglas County Register of Deeds.

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 three phone calls regarding the proposed variance. The owners of 1640 Stratford Road, 1201 Emery Road, and 1324 Strong Avenue inquired about the proposed variance but did not object.

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 modest improvements 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 master bathroom with accessibility features 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 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.”

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 request in question is 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, creates a visual barrier that screens the subject property from its rear yard and east side yard neighbors.

Staff notes 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 Ensz, 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 10 feet would not interfere with the existing sanitary sewer line or a potential 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 notes 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 setback from 30 feet to a distance equal to the perpendicular distance from the existing structure to the north property line but not less than 10 feet from the north property line for the construction of an addition to an existing residence.



**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

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
	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

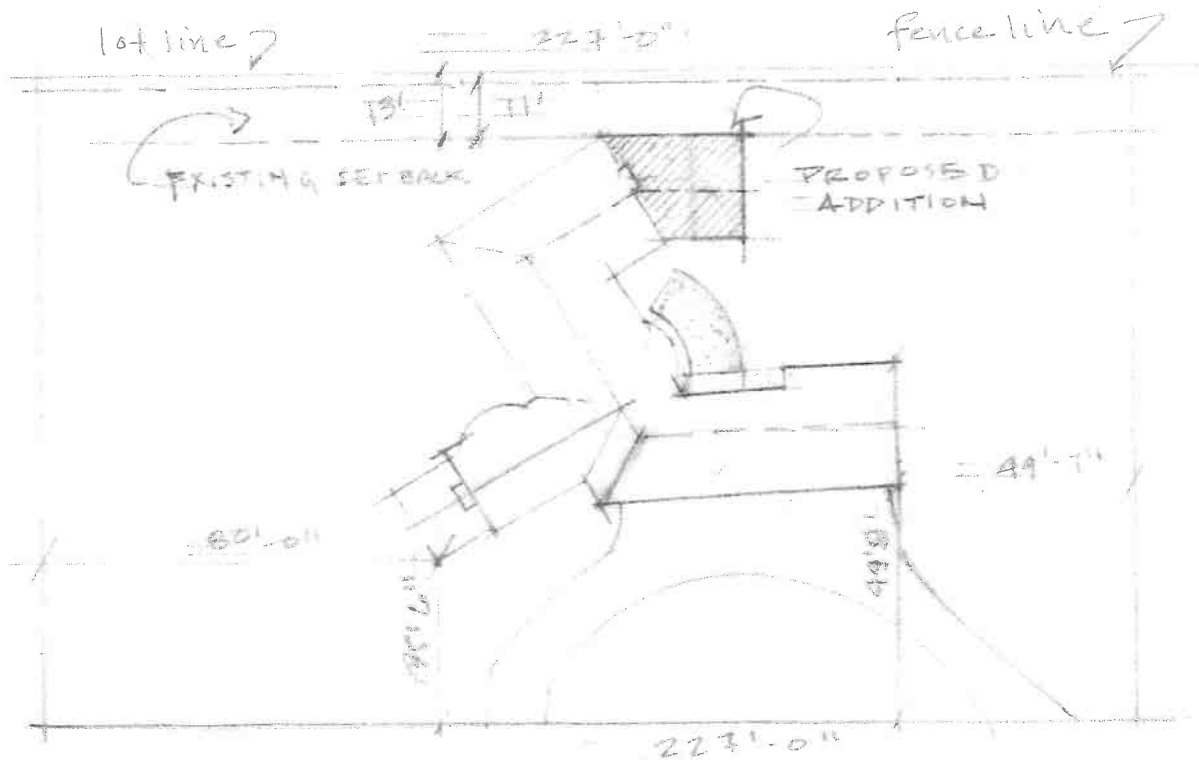
WEST HILLS BLK 3 E 17 FT LT 9 DESC AS: BEG ON S LINE AT PT 1234 FT W OF SE COR N 1/2 SW 1/4 36-12-19 TH W 17 FT N 169 FT E 17 FT S 169 FT TO PT BEG, LESS S 33 FT, & LT 10 BEG 1102 FT W OF SE COR N 1/2 SW 1/4 36-12-19 TH W 132 FT N 330 FT E 132 FT S 330 FT TO PT BEG, LESS N 1/2, & LT 11 BEG 1102 FT W 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



City of Lawrence Douglas County

PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County Metropolitan Planning Office

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

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.



**City of Lawrence
Douglas County**

PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
Metropolitan Planning Office**

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<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." -



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 _____



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

Anthony J. Zappala 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

067-36-0-30-15-007.00-0	0.42650248	WOWACK JAMES R	WOWACK MARY K	1602 CRESCENT RD	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	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	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	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 TRUSTEE	BRICKE MARGARET S	1632 HILLCREST RD	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	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	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	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	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:

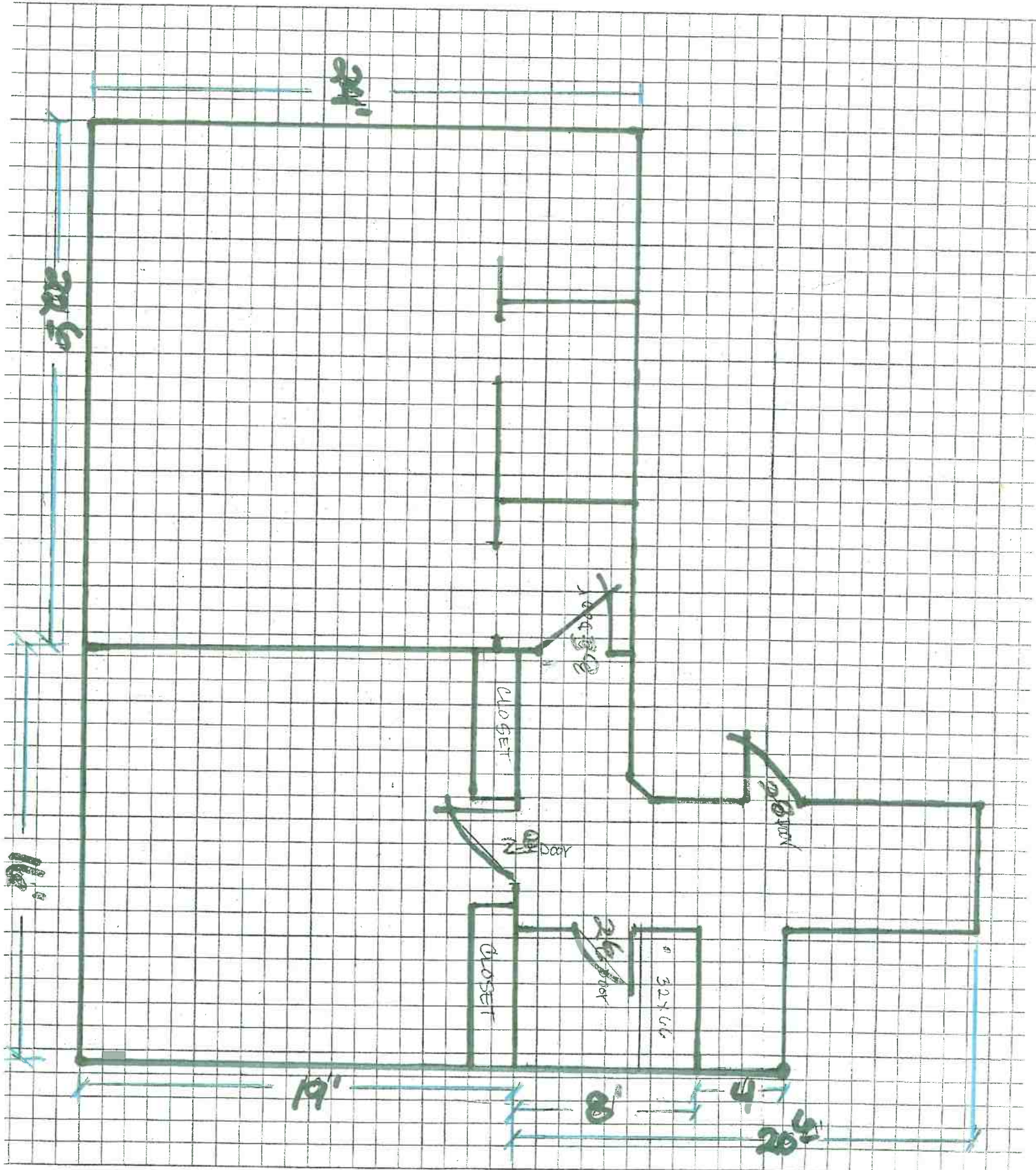
Name: Anthony Walton ; Ann K. Walton Date: 11/05/2018
Application No. B-18-00538

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 11/05/2018
Planner Luke Mortensen 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

