### LAWRENCE BOARD OF ZONING APPEALS AGENDA

JANUARY 7, 2016 – 6:30 P.M., CITY COMMISSION MEETING ROOM, FIRST FLOOR OF CITY HALL AT SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS

#### CALL THE MEETING TO ORDER

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

#### ITEM NO. 1 COMMUNICATIONS

Acknowledge communications to come before the Board.

Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

Announce any agenda items that will be deferred.

#### ITEM NO. 2 MINUTES

Consider approval of the minutes from the December 3, 2015 meeting of the Board.

#### **BEGIN PUBLIC HEARING:**

## ITEM NO. 3 OFF-STREET PARKING, PARKING AREA DESIGN STANDARDS, AND DIMENSIONAL & DENSITY STANDARDS VARIANCES FOR AN EXISTING NONRESIDENTIAL USE PROPERTY; 239 ELM STREET [DRG]

**B-15-00581:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request involves variances from the code standards contained in Article 9, "Parking, Loading and Access," requiring a minimum number of off-street parking spaces to be provided in an improved parking lot on the same property as the land use or on nearby property under the same ownership as the land use. The second request seeks variances from the density and dimensional standards in Section 20-601(b), "Nonresidential Districts," of the Development Code which are being requested to address the existing site conditions found on this property. The property is located on the northwest corner of Elm Street and N. 3<sup>rd</sup> Street, having an address of 239 Elm Street. Submitted by Joy Rhea, architect with Paul Werner Architects, representing Lawrence Kansas Rentals, LLC, the property owner of record. *Deferred from the December 3<sup>rd</sup> meeting.* 

# OFF-STREET PARKING AREA PAVING STANDARDS, AND PARKING AREA SETBACKS FROM STREET RIGHTS-OF-WAY FOR A NEW PARKING AREA SERVING AN EXISTING NONRESIDENTIAL USE PROPERTY; SW CORNER OF N. 3<sup>RD</sup> & LOCUST STREET [DRG]

**B-15-00623:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request involves variances from the code standards contained in Article 9 Section 20-913(e), "Parking and Loading Area Design Standards, Surfacing," requiring a paved surface parking area with concrete curb and gutter around the perimeter of the lot. The second request is for parking

area setback variances from the required 15 feet setback from a street right-of-way per Section 20-908(c), "LOCATION, Nonresidential Districts," to a minimum of 10 feet from Locust Street and 0 feet from N. 3<sup>rd</sup> Street. The applicant seeks approval to build a gravel surface parking area with railroad ties or similar treatment around the edge of the parking area proposed to be built on the southwest corner of N. 3<sup>rd</sup> Street and Locust Street. Submitted by Joy Rhea, architect with Paul Werner Architects, representing KelJon of Lawrence LLC, the property owner of record.

## ITEM NO. 5 FRONT YARD BUILDING SETBACK VARIANCE FOR TWO NEW CONGREGATE LIVING RESIDENTIAL STRUCTURES; 1731 & 1735 KENTUCKY STREET [JSC]

**B-15-00624:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance to reduce the 25 feet front yard building setback required in Section 20-601(a) of the City Code to a minimum of 17.5 feet, which will allow for the construction of an 8 feet wide covered porch on the front of the new congregate living structures. The property is located at 1731 and 1735 Kentucky Street. Submitted by Paul Werner, Paul Werner Architects, representing the property owners of record, Fadila Boumaza and Chaudhry I. Wahla.

## FRONT YARD AND SIDE YARD BUILDING SETBACK VARIANCES FOR AN EXISTING RESIDENTIAL STRUCTURE BEING RENOVATED AS A DUPLEX USE; 1338 OHIO STREET [JSC]

**B-15-00625:** A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The requests are for a variance to reduce the 25 feet front yard building setback required in Section 20-601(a) of the City Code to a minimum of 7.5 feet; and, a variance from the 5 feet interior side yard building setback required in said section of the City Code to a minimum of 2.5 feet. These variances are requested to allow for the construction of a covered porch on the front of the existing residential structure, which is being remodeled as a duplex. The property is located at 1338 Ohio Street. Submitted by Paul Werner, Paul Werner Architects, representing the property owner of record, Cole Rentals LLC.

#### ITEM NO. 7 MISCELLANEOUS

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

### LAWRENCE BOARD OF ZONING APPEALS Meeting Minutes of December 3, 2015 – 6:30 p.m.

Members present: Fertig, Gascon, Holley, Mahoney, Wilbur

Staff present: Cargill, Guntert, Crick

#### ITEM NO. 1 COMMUNICATIONS

Acknowledge communications to come before the Board.

Guntert mentioned two communications that were posted in the packet today- one from Mike Myers, Hernly Architects, requesting to withdraw the parking portion of the request for Item 3, and an email from Joy Rhea with Paul Werner Architects requesting deferral of Item 7 until the January 7, 2016 meeting.

Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

Wilbur said he will recuse himself from participating in the consideration of Item 3. Gascon chose later in the meeting to abstain from Item 4.

There were no additional agenda items deferred.

#### ITEM NO. 2 MINUTES

Consider approval of the minutes from the November 5, 2015 meeting of the Board.

#### **ACTION TAKEN**

Motioned by Wilbur, seconded by Gascon, to approve the minutes from the November 5, 2015 meeting of the Board.

Motion carried 3-0-2 with Mahoney and Holley abstaining.

#### **BEGIN PUBLIC HEARING:**

## SIDE YARD BUILDING SETBACK VARIANCE & PARKING AREA DESIGN STANDARDS VARIANCE FOR A PROPOSED TRI-PLEX RESIDENTIAL USE; 1030 OHIO STREET [DRG]

**B-15-00573:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 5 feet interior side yard building setback required in Section 20-601(a) of the City Code to a minimum of 1 foot - 9 inches from the north property line for the existing residential dwelling structure. The second request is a variance from the "Parking and Loading Area Design Standards" found in Section 20-913 of the Development Code, which requires multi-dwelling structures to provide off-street parking in a parking area meeting the design standards contained in this code section. The applicant wants to be able to use a stacked parking configuration, accessed from the alley, for a proposed tri-plex use which is being planned for the property renovation. The property is located at 1030 Ohio Street. Submitted by Abel Leon, President, Kolibri Ventures LLC, the property owner of record.

#### STAFF PRESENTATION

Guntert presented the item.

Draft BZA Minutes; December 3, 2015 Page 2 of 8

Mahoney asked if the request is for the existing building footprint.

Guntert said yes.

#### **APPLICANT PRESENTATION**

<u>Mr. Mike Myers</u>, Hernly Architects, said the project is a home renovation and explained the variance request. He addressed the neighborhood concern that led them to pull the variance request for parking.

Fertig asked if he is ok with staff's recommendation that the variance is limited to the existing building footprint.

Myers said absolutely.

#### **PUBLIC COMMENT**

Ms. Marci Francisco, 1101 Ohio Street, said she owns the property at 1046 Ohio and is a partner at 1042 Ohio Street. She thanked staff for a thorough review of the original request, and said they also had a chance to talk to the applicant since the November Historic Resources Commission (HRC) meeting. She has no objections to the setback reduction for the original footprint of the property- her only concern is the historic importance of the area. She would like to see an opportunity for renovation and development in the neighborhood while respecting the historic character, pattern and maintaining single families. She suggested they could add the 3 ft 3 in that is being covered by the addition to the additional setback so as not to allow a property owner to develop more densely than neighbors.

Ms. Marcia Epstein, owner of 1041 Tennessee Street and partner at 1042 Ohio Street, thanked the applicant for meeting with them to discuss the project. She is pleased to see that the staff recommendation for the variance only applies to the existing footprint. She emphasized that this area in the neighborhood is a National Historic District and deserves special scrutiny. She said she's a huge proponent of saving historic homes, pointing out that there's no infill on the block. She is in favor of the variance for the existing house and pleased that someone has an interest in doing something positive with the space.

Ms. Candice Davis, said they have a neighborhood plan in Oread that took two years to accomplish and right now they're working on an overlay district and on duplex parking issues. She said the neighborhood plan emphasizes land use and the importance of protecting the historic integrity of the neighborhood.

#### **ACTION TAKEN**

Motioned by Holley, seconded by Mahoney, to close public comment for the item.

Unanimously approved 4-0.

#### **BOARD DISCUSSION**

Holley had no objections to the request.

Mahoney agreed- he feels the request is pretty cut and dry.

Fertig agreed, and said the applicant is also comfortable with the conditions recommended by staff.

Mahoney said it applies to the north property line if the variance is for the existing footprint, but asked if it restricts the footprint in the other three directions.

Draft BZA Minutes; December 3, 2015 Page 3 of 8

Guntert said no.

Gascon said this is not an issue of density. He mentioned that there are area requirements in the existing code that cover density, but it is not addressed by setbacks.

Guntert said that is correct.

#### **ACTION TAKEN**

Motioned by Mahoney, seconded by Fertig, to approve the variance based on findings of fact and the recommendations and conditions in the staff report.

Motion carried 4-0.

Guntert asked them to acknowledge the applicant's withdrawl of the parking variance.

Fertig said the Board acknowledges the parking variance was withdrawn from the variance request.

#### REAR YARD BUILDING SETBACK VARIANCE FOR A NEW SINGLE-DWELLING RESIDENTIAL HOME; SOUTHEAST CORNER OF OXFORD ROAD & TERRACE LANE [JSC]

**B-15-00578:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance to reduce the 30 feet rear yard building setback required in Section 20-601(a) of the City Code to a minimum of 21 feet, applying only to the area in the rear yard where the proposed covered patio is to be located. The property is located on the southeast corner of Oxford Road and Terrace Lane (an unimproved street). Submitted by Marsi Green Bertrand, applicant/agent for Mary L. Green Trustee, the property owner of record.

#### STAFF PRESENTATION

Crick presented the item.

Fertig said that under the five conditions, staff found that the property is not unique.

Crick said correct- 80% of the parcels are the same size and subject to the same setbacks so it's not a unique parcel.

Fertig clarified that requiring the applicant to meet current code does not create an unnecessary hardship.

Crick said that is correct. He explained that the construction of the house would produce the hardship.

Fertig further clarified that granting the variance would be opposed to the general spirit of the code.

Crick said that is correct.

#### APPLICANT PRESENTATION

Mr. Randy Cox, property owner, said the house to the east is in the same setback area. He explained that they want an open covered patio on the back of the house.

Draft BZA Minutes; December 3, 2015 Page 4 of 8

Gascon abstained from the item because he knows the applicant.

#### **ACTION TAKEN**

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

Unanimously approved 4-0-1.

#### **BOARD DISCUSSION**

Mahoney said it is hard to find the conditions for granting a variance are met with this application, as staff stated in their report. The Board has come up with some pretty creative findings on other projects to grant variances but he cannot do that on this one.

Fertig could not recall seeing a variance request where there was not already a structure existing on the property. The lot was not unusually shaped and seemed to be large enough to accommodate a residential dwelling being built in accordance with the zoning district setbacks.

Holley agreed.

Mahoney referred to the aerial photo provided and asked whether the homes at 2303 and 2307 Oxford Road are within the setback area.

Crick said those two were previously constructed under the 1966 zoning code with similar setbacks so he's unsure how they were constructed as is. He said there have been changes, based on the easements behind the property, and he suspects those might have rearranged the rear property line but is not certain.

Guntert said he's aware of a variance for the property at the end of the cul-de-sac (2300 Oxford Rd) that backs up to the RSO (Single-Dwelling Residential – Office) District, perhaps for the structure or an addition.

Mahoney assumed that was an existing structure when the variance was requested for the aforementioned property.

Guntert said he did not recall the specifics of the project.

Holley asked if that means it's better to ask for forgiveness than ask for permission, like the current applicant.

Mahoney agreed that it's important to do the right thing, but based on the five conditions he personally couldn't support the variance.

Holley asked if the applicant would need a variance if the patio was a distinct structure like a trellis, with the same footprint, but detached from the structure.

Guntert said that would be an accessory structure and not subject to the 30 feet rear yard setback.

Mahoney asked if the variance would be necessary if the patio was not covered and attached.

Guntert said no, they would not need a variance if the patio is uncovered.

Mahoney said they could look at the definition of "covered" to explore options for the applicant.

Draft BZA Minutes; December 3, 2015 Page 5 of 8

Crick said covering the structure is not the issue, but rather the attachment of the covering to the primary structure. He explained that detaching the patio from the primary structure would require compliance as an accessory structure.

Mahoney asked if there would be a reason for a variance if the patio was moved 4 feet to the south.

Crick said no it would not need a variance in that case.

Gascon asked how the applicant's ability to reapply for a variance is affected if he withdraws the request before a vote.

Crick said withdrawing the application would not harm the applicant because it's not subject to a delay in the building permit process.

Gascon restated the question.

Guntert said the BZA bylaws have no language that addresses withdrawals or denials once a request is before the Board. He said there is also nothing to prevent the applicant from requesting another variance in the future.

Gascon asked if the variance can be considered if it is only one foot different that the current request.

Guntert said if they submit an application for a variance it will be considered, but he could not predict if the staff recommendation would change.

Fertig said it will be considered de novo, just like any other request.

Guntert said correct.

Gascon said a withdrawal by the applicant would provide flexibility.

Fertig said she has difficulty finding that the five conditions are met, particularly a hardship.

Mahoney said there is no odd shape or weird property lines that create a hardship.

Fertig said it would also be difficult to find the property unique in any way.

Wilbur agreed, he doesn't find a hardship for the applicant in this case.

Holley agreed that the request did not meet the five conditions, but was not sure what the appropriate motion might be.

Mr. Randy Cox said the hardship is that they are living in a townhome and have spent money on the blueprints to move forward on the project.

Fertig said by law, unless they find that a variance request meets the five conditions, they cannot grant it.

Cox said he would like to withdraw the request.

Fertig said they could still vote or he can withdraw if he so chooses.

Draft BZA Minutes; December 3, 2015 Page 6 of 8

Mr. Cox decided to let the Board vote on his item.

#### **ACTION TAKEN**

Motioned by Mahoney, seconded by Holley, to deny the project based on recommendations in the staff report and finding the request did not meet all five conditions needed for approval.

Motion carried 4-0-1.

#### MISCELLANEOUS DISCUSSION

Cox asked how the other two properties were built in the setback.

Mahoney said they assume they were existing structures. He explained that if someone came to the Board because they were 10 feet over the setback and would have to tear their house down, that would be viewed as a hardship. He said that this property isn't unique, primarily because it is still a vacant lot.

### LOT WIDTH VARIANCE FOR A SECOND RESIDENTIAL DRIVEWAY ACCESS; 6 COLONIAL COURT [JSC]

**B-15-00579:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 200 feet minimum continuous street frontage requirement found in Section 20-915(f)(1) of the City Code which is required for a lot to qualify for a second driveway access. The applicant seeks approval of a second driveway access for their property which only has approximately 121 feet of street frontage. The property is located at 6 Colonial Court. Submitted by Luis D. and Christina M. Salazar, property owners of record.

#### STAFF PRESENTATION

Crick presented the item.

Fertig asked if some of the existing driveway will remain.

Crick said the existing driveway will remain as is.

The applicant was not present. There was no public comment.

#### **ACTION TAKEN**

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

Unanimously approved 5-0.

#### **BOARD DISCUSSION**

Fertig said she has seen this property firsthand and can understand why putting a garage on the south side makes sense.

Wilbur agreed it made sense to build a garage on the south end of the property. It also made sense to maintain the north driveway because it acts as a turnaround at the end of the dead end street.

Holley said he is in favor of the variance for public safety reasons.

Draft BZA Minutes; December 3, 2015 Page 7 of 8

#### **ACTION TAKEN**

Motioned by Holley, seconded by Fertig, to approve the variance based on recommendations in the staff report and findings of fact.

Unanimously approved 5-0.

### ITEM NO. 6 REAR YARD BUILDING SETBACK VARIANCE FOR A RESIDENTIAL GARAGE ADDITION; 2637 RAWHIDE LANE [JSC]

**B-15-00580:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The applicant is seeking variance approval for a rear yard setback reduction from the code required 30 feet per Section 20-601(a), to a minimum of 10 feet measured from the closest corner of a proposed garage addition the owner wants to build on the north side of the dwelling. A variance was approved by the Board of Zoning Appeals on November 5, 2015, to reduce the rear yard setback to 15 feet, which is the existing setback at the northwest corner of the dwelling structure. The additional setback reduction will allow the applicant to follow the building line along the back of the house for the new garage addition. The property is located at 2637 Rawhide Lane. Submitted by Lance Adams, architect for Charles P. Garzillo, the property owner of record.

#### STAFF PRESENTATION

Crick presented the item.

#### **APPLICANT PRESENTATION**

Mr. Lance Adams, architect, said they resubmitted the application and kept the square footage as the previous request. He explained the details of the new request.

There was no public comment.

#### **ACTION TAKEN**

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

Unanimously approved 5-0.

#### **BOARD DISCUSSION**

Fertig mentioned that the applicant presented a similar variance last month and Gascon suggested some changes that would allow for more efficient use of space and lower construction costs.

Gascon explained the changes the applicant made to the original proposal.

#### **ACTION TAKEN**

Motioned by Gascon, seconded by Holley, to approve the variance based on the recommendations in the staff report and findings of fact.

Unanimously approved 5-0.

Draft BZA Minutes; December 3, 2015 Page 8 of 8

## <u>ITEM NO. 7</u> OFF-STREET PARKING, PARKING AREA DESIGN STANDARDS, AND DIMENSIONAL & DENSITY STANDARDS VARIANCES FOR EXISTING NONRESIDENTIAL USE PROPERTIES; 239 ELM STREET [DRG]

**B-15-00581:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request involves variant from the code standards contained in Article 9, "Parking, Loading and Access," required parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking spaces to be provided in an improved parking for number of off-street parking spaces to be provided in an improved parking spaces

#### ITEM NO. 8 MISCELLANEOUS

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

Guntert presented the 2016 BZA Meeting Schedule

#### **ACTION TAKEN**

Motioned by Fertig, seconded by Wilbur, to adopt the 2016 BZA Meeting Schedule.

Unanimously approved 5-0.

Fertig said she will not be at the January 2016 meeting.

**ADJOURN 7:32 PM** 

## OFF-STREET PARKING, PARKING AREA DESIGN STANDARDS, AND DIMENSIONAL & DENSITY STANDARDS VARIANCES FOR EXISTING NONRESIDENTIAL USE PROPERTIES; 239 ELM STREET [DRG]

A request for variances as provided in Section 20-1309 of the Land B-15-00581: Development Code of the City of Lawrence, Kansas, 2015 edition. The first request involves variances from the code standards contained in Article 9, "Parking, Loading and Access," requiring a minimum number of off-street parking spaces to be provided in an improved parking lot on the same property as the land use or on nearby property under the same ownership as the land use. The second request seeks variances from the density and dimensional standards in Section 20-601(b), "Nonresidential Districts," of the Development Code which are being requested to address the existing site conditions found on this property. The property is located on the northwest corner of Elm Street and N. 3<sup>rd</sup> Street, having an address of 239 Elm Street. Submitted by Joy Rhea, architect with Paul Werner Architects, representing Lawrence Kansas Rentals, LLC, the property owner of record. Deferred from the December 3<sup>rd</sup> meeting. The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.

#### B. REASON FOR REQUEST

Applicant's Request — "The first variance requested is from the off-street parking requirement found in Article Section 20-902. Due to site area being non-existent for off-street parking, the owner is proposing all necessary parking for the site be provided through utilizing the existing community parking lot south of the train depot. The parking lot has 56 spaces and is within 600' as required by the City Code for off-site/shared parking. Aerial images from several sources indicate a total of nine cars in the lot at one time which occurred during construction of the Bowersock Dam on the North side of the river. All other aerial images show a maximum of six cars in the lot at one time. To date, on-site investigation shows no more than 16 cars, on a Sunday, in the lot at one time.

The second variance requested is from the density and dimensional standards in nonresidential districts found in Article 20-601(b). A reduction in the required setbacks is requested for the existing non-conforming building."

#### C. ZONING AND LAND USE

Current Zoning & Land Use: IG (General Industrial) District with a rezoning

request submitted to change the zoning to CS (Commercial Strip) District; vacant commercial

structures.

Surrounding Zoning and Land Use: IG District to the north and west; vacant undeveloped

lot to the north of the alley. Automotive service related commercial uses to the west along the north

side of Elm Street.

RSO (Single-Dwelling Residential – Office) District to

the northwest; residential dwellings

OS (Open Space) District to the south; Riverfront Park and Kansas River Levee

CS (Commercial Strip) District to the east; commercial use and residential dwelling on east side of N. 3<sup>rd</sup> Street south of the alley

#### D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(b), "Density and Dimensional Standards Tables and Occupancy Limits Tables, Nonresidential Districts", provides minimum building setback and dimensional standards for each nonresidential zoning district. The building setbacks in the IG District require a 15 feet setback from the interior lot lines and a 25 feet setback from the lot lines adjacent to the public streets (Elm Street and N. 3<sup>rd</sup> Street).

North lot line – 15' required; 8' existing South lot line – 25' required; 4' existing East lot line – 25' required; 21' existing West lot line – 15' required; 3' existing

Section 20-902, "Off-Street Parking Schedule A", identifies the minimum ratios for land use types to be applied for the purpose of determining the minimum amount of off-street parking spaces a land use type is required to provide. The proposed land use type is a Quality Restaurant, which requires one parking stall per 100 square feet of customer service area + one stall per employee based on the largest shift. The site plan provided with the application indicates 13 parking spaces are required – 11 spaces for customer parking + 2 spaces for employees. No off-street parking is being proposed to be provided on the property.

#### E. SPECIFIC ANALYSIS

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

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

Applicant response: "The above variance requests have not been created by actions of the current property owner. This is an older non-conforming property, just as many properties are in North Lawrence, and when the building was built many years ago there likely was not a code for it to adhere to."

Staff agrees with the applicant that the property has been commercially developed and used for a variety of uses for many years. According to the Douglas County Appraiser's Office, the commercial building at 239 Elm Street was built in 1960. The site improvements predate the current Development Code (adopted in 2006) and the previous Zoning Ordinance (adopted in 1966).

#### **Existing Building Setbacks and Parking:**

The lot size is noncompliant with the current IG zoning. Also, the structure on the 239 Elm Street parcel is not code compliant with the IG zoning setback standards. Because of the

small parcel size and location of the building, there is very little space available for an offstreet parking area.

The applicant has filed an application with the City seeking to rezone 239 Elm Street and 311 N. 3<sup>rd</sup> Street properties to CS (Commercial Strip) District, which is scheduled to be considered by the Planning Commission at the December 14, 2015, meeting. The zoning change is being requested to open up more options for land use types than currently are permitted in the IG zoning district, including a Quality Restaurant, which has one of the most intense parking requirements in the code. The existing site development conditions will still be noncompliant with code standards even if the CS zoning request is approved.

The site development conditions existed when the property owner purchased this property in June 2014. The applicant was not involved with the original site development and is simply trying to work with the existing site conditions that predate the Development Code. However, changing the use to a Quality Restaurant is an action of the owner which creates more parking demand for this property.

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

Applicant response: "Granting the variance for off-street parking will not adversely affect the rights of adjacent property owners. The owner of the subject property is proposing users would park in the community lot south of the train depot. In addition, the owner/tenants are willing to invest in way-finding signage in order to direct customers to the community parking lot via existing sidewalks and proposed on-site improvements."

#### **Existing Building Setbacks:**

In staff's opinion, granting the requested building setback variances should not have any adverse effect upon the rights of adjacent property owners or residents. As previously stated, the building was constructed in 1960 and has been used for a variety of commercial uses over the years. It appears to have coexisted with the other neighboring properties without any identified adverse effects.

#### Parking:

As illustrated in the following image copied from Bing Maps, there appears to have been ad hoc off-street parking on the property and in the street rights-of-way adjacent to the parcel.



In staff's opinion, not providing permanent off-street parking for the Quality Restaurant use, unless provided for by a formal "shared parking agreement" with another nearby property owner, will have an adverse effect upon the adjacent property owners and residents. A parking variance, carte blanche, will increase pressure on existing street parking as well as possibly cause customers to seek out other business parking lots nearby to use without owner permission.

Notice was provided to property owners within a distance of 200 feet of the subject property to inform them of the application filed by the applicant. A letter was submitted by Ted Boyle, President of North Lawrence Improvement Association, expressing concerns about residents in the area not wanting overflow parking in the neighborhood. It was pointed out that the applicant owns a vacant lot north of the subject property on the southwest corner of Locust Street and N. 3<sup>rd</sup> Street that could be developed with a parking area for this infill development project.

## 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: "Regardless of the use, redevelopment of this site will require a variance regarding parking due to the small size of the property. A conforming parking lot is not possible with the limited amount of space available. In addition, the setback constraints placed on the property by the application of Article 20-601(b) would make it impossible to build a useful building on the site, should the existing building be destroyed. The infill development challenges this site faces would be a continued hardship to the owner should a variance not be approved. We should encourage updates to vacant buildings and sites in the City, and the requested variances would allow the owner to improve their property and the surrounding neighborhood."

#### **Existing Building Setbacks:**

In staff's opinion, strict adherence to the zoning setback requirements of the IG District as applied to the existing site conditions is an unnecessary hardship for the property owner. Strict adherence to the code required off-street parking standards for the proposed quality restaurant use at 239 Elm Street is also an unnecessary hardship. The property size and location of the existing building improvements make it impractical to meet the code standards. In staff's opinion, the applicant cannot meet all development code standards even if they started from scratch with a new development project because of the size of the property they are working with.

#### Parking:

In staff's opinion, it is not appropriate for the applicant to rely upon a public city parking lot to meet the code required off-street parking stalls for this development project. The provision of requiring on-site parking to meet required parking is only waived for the CD (Downtown Commercial) District where the city-at-large has provided public on and off-street parking lots for this commercial district. It may be possible for the applicant to provide a limited number of off-street parking spaces using a small area east of the building. However, the applicant proposes other site improvements in this area to create an outdoor seating area for customers. The code may allow the applicant to use a formalized "shared off-site parking" agreement to meet the off-street parking requirements for the land use type. Merely stating there is a city owned parking lot nearby to the subject property is not sufficient to meet this

code standard. Another option is to work with property owners to the north to provide offstreet parking.

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

Applicant response: "The variances requested would not have negative impacts on the above mentioned items. The proposed project seeks to invest in and encourage the neighborhood and community by revitalizing a vacant site and by providing off-street parking in a lot already serving the neighborhood."

#### **Existing Building Setbacks:**

In staff's opinion, granting the requested variance for the existing building setbacks will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. These site conditions have existed for many years. Approval of the building setback variances will help the owner move forward with plans for renovating the building space and returning the property to a neighborhood oriented commercial use.

#### Parking:

A variance from the code required off-street parking requirements may adversely affect the public health, safety, order, convenience and general welfare. Providing no on-site parking creates an additional demand upon any on-street parking spaces in the surrounding neighborhood. If the applicant is able to enter into a long-term formal shared use parking agreement with another property owner having surplus parking within a 600 feet walking distance of the main building entrance on the subject property, there will be no need for this parking variance. To staff's knowledge, the applicant has not pursued sharing parking with other uses in the area.

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

Applicant response: "The intent of the Development Code is to encourage infill development and to provide tools to allow that to occur. Those tools include providing parameters for offsite/shared parking and by allowing the BZA to consider granting building setback waivers in order to allow the building to legally exist and be rebuilt if necessary."

#### **Existing Building Setbacks:**

In staff's opinion, the building setback variances are not opposed to the general spirit and intent of the code. They codify the existing building setbacks and make it possible for the owner to rebuild on the same footprint if the building was destroyed at some time in the future. The building setback variances are an important step for this infill commercial development project to be able to move forward with the ultimate goal being to restore this property to a viable neighborhood commercial corner in the neighborhood.

#### Parking:

If the applicant is able to enter into a long-term formal "shared parking agreement" with a nearby property owner and it can be documented that they have sufficient extra parking spaces to satisfy the code required amount of parking needed for this project, a variance from the off-street parking standards is not necessary. To staff's knowledge, the applicant has not attempted to formalize a shared parking agreement tied to this property.

Strict adherence to the development code parking standards is not possible to achieve on this property because of its size constraints. However, it is possible for the applicant to provide a limited number of off-street parking spaces on site if a "shared parking agreement" with a nearby property owner cannot be attained.

#### Conclusions:

#### **Existing Building Setbacks:**

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

#### Parking:

Staff's analysis of this variance application finds that the request does not meet all five conditions set forth in Section 20-1309(g)(1) of the Development Code the Board must find existing to grant a variance from the off-street parking standards.

#### Recommendation:

Staff recommends approval of the building setback variances based upon the findings in the staff report that conclude the applicant's request meets the 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval.

Staff recommends denial of the off-street parking variances based upon the findings in the staff report that conclude the applicant's request does not meet the 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval.



#### Lawrence Douglas County Metropolitan Planning Office

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

### APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP

RECEIVED

NOV 06 2015

OWNER INFORMATION	City County Planning Office Lawrence, Kansas
Name(s) Lawrence Kansas Rentals, LLC ar	nd Jon Davis
Contact Jon Davis	
Address PO Box 706	
City_Lawrence	State Kansas ZIP 66044
Phone ()	Fax ()
E-mail jdavis@sunflower.com	Mobile/Pager ( <u>785</u> ) <u>550-8499</u>
APPLICANT/AGENT INFORMATION  Contact Joy Rhea	
Company Paul Werner Architects	<u></u>
Address 123 W 8th Street, Suite B2	
City Lawrence	State Kansas ZIP 66044
Phone ( <u>785</u> ) <u>832-0804</u>	Fax ( <u>785</u> ) <u>832-0890</u>
E-mail joyr@paulwernerarchitects.com	Mobile/Pager ()
Pre-Application Meeting Date 10-6-15	Planner Sandra Day
PROPERTY INFORMATION  Present Zoning District IG	
Present Land Use <u>Industrial</u> Propo	sed Land Use Industrial
Legal Description (may be attached) See Attached	1
Address of Property 239 Elm Street and 311 :	N 3rd Street
Total Site Area <u>5,500 square feet</u>	
Number and Description of Existing Improvements or S	tructures One existing building is found
on site and will be remodeled on the interior	

Rev 5/5/2009

2 of 15

**Hardship Variance Packet** 

B-15-00581



#### Lawrence Douglas County Metropolitan Planning Office

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

See a Hained Memo	
1 18	
	<del>-</del>



#### Lawrence Douglas County Metropolitan Planning Office

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

#### **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.)

500	e attached	memo	
owner	granting the variances or residents:	e would not adversely affect	the rights of adjacent pr
owner	s or residents:		the rights of adjacent pr
owner	s or residents:		the rights of adjacent pr
owner	s or residents:		the rights of adjacent pr



### Lawrence Douglas County

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

e a	Hached	remo	
<u> </u>			
			*
		uld not adversely affect or general welfare:	the public health, safety
der, conv	enience, prosperity	or general welfare:	
der, conv		or general welfare:	the public health, safety
der, conv	enience, prosperity	or general welfare:	
der, conv	enience, prosperity	or general welfare:	
der, conv	enience, prosperity	or general welfare:	
der, conv	enience, prosperity	or general welfare:	
der, conv	enience, prosperity	or general welfare:	
der, conv	enience, prosperity	or general welfare:	
der, conv	enience, prosperity	or general welfare:	



### Lawrence Douglas County

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

of the Developme	101100				
080 11111	101105	j)			
				-	
		APPLICATION OF THE PROPERTY OF			
	140 m				
IGNATURE					
I/We, the undersig aforementioned pro variances as indicate	perty. By ex	ne <b>(owner</b> ( kecution of	( <b>s</b> ) <b>), (duly au</b> my/our signat	thorized agent ure, I/we do he	r), (Circle One) of the reby officially apply to
Signature(s):	Gr)	<b>D</b> .	Tahea	Date	11-6-15
				Date	
					40 4 9 9
				Date	
TAFF USE ONLY					
Application No					
Date Received				_	
BZA Date					
Fee \$				_	
Date Fee Paid					



FROM:

Joy Rhea

RE

239 Elm

DATE:

November 6, 2015

#### Description of variance requested:

The first variance requested is from the off-street parking requirement found in Article 20-902. Due to site area being non-existent for off-street parking, the owner is proposing all necessary parking for the site be provided through utilizing the existing community parking lot south of the train depot. The parking lot has 56 spaces and is within 600' as required by the City Code for off-site/shared parking. Aerial images from several sources indicate a total of nine cars in the lot at one time which occurred during construction of the Bowersock Dam on the North side of the river. All other aerial images show a maximum of six cars in the lot at one time. To date, on-site investigation shows no more than 16 cars, on a Sunday, in the lot at one time.

The second variance requested is from the density and dimensional standards in non-residential districts found in Article 20-601(b). A reduction in the required setbacks is requested for the existing non-conforming building.

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 above variance requests have not been created by actions of the current property owner. This is an older non-conforming property, just as many properties are in North Lawrence, and when the building was built many years ago there likely was not a code for it to adhere to.

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

Granting the variance for off-street parking will not adversely affect the rights of adjacent property owners. The owner of the subject property is proposing users would park in the community lot south of the train depot. In addition, the owner/tenants are willing to invest in way-finding signage in order to direct customers to the community parking lot via existing sidewalks and proposed on-site improvements.

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:

Regardless of the use, redevelopment of this site will require a variance regarding parking due to the small size of the property. A conforming parking lot is not possible with the limited amount of space available. In addition, the setback constraints placed on the property by the application of Article 20-601(b) would make it impossible to build a useful building on the site, should the existing building be destroyed. The infill development challenges this site faces would be a continued hardship to the owner should a variance not be approved. We should



encourage updates to vacant buildings and sites in the city, and the requested variances would allow the owner to improve their property and the surrounding neighborhood.

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

The variances requested would not have negative impacts on the above mentioned items. The proposed project seeks to invest in and encourage the neighborhood and community by revitalizing a vacant site and by providing off-street parking in a lot already serving the neighborhood.

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

The intent of the development code is to encourage infill development and to provide tools to allow that to occur. Those tools include providing parameters for off-site/shared parking and by allowing the BZA to consider granting building setback waivers in order to allow the building to legally exist and be rebuilt if necessary.



### Lawrence Douglas County Metropolitan Planning Office

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

#### **OWNER AUTHORIZATION**

- I, Lawrence Kansas Rentals, LLC hereby referred to as the "Undersigned", being of lawful age, do hereby on this \_\_\_\_day of \_\_\_\_2015, make the following statements to wit:
- 1. I the Undersigned, on the date first above written, am the lawful owner in fee simple absolute of the following described real property:

#### NORTH LAWRENCE, ELM STREET, BLOCK 2, SOUTH 1/2 OF LOTS 116 & 118

- 2. I the undersigned, have previously authorized and hereby authorize Paul Werner Architects (Herein referred to as "Applicant"), to act on my behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 239 Elm Street, Lawrence, Kansas (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

Owner /	Owner
STATE OF KANSAS COUNTY OF DOUGLAS	
The foregoing instrument was ackn	owledged before me on this day of, 2015,
by JON DAVIS	
My Commission Expires:	Notary Public



#### 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/

#### 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**

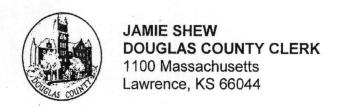
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

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.



Marni Penrod-Chief Deputy Clerk Benjamin Lampe-Deputy Clerk Elections

October 29, 2015

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 239 ELM ST (N06488). 10/29/2015. REQUESTED BY JOY RHEA OF PAUL WERNER ARCHITECT.

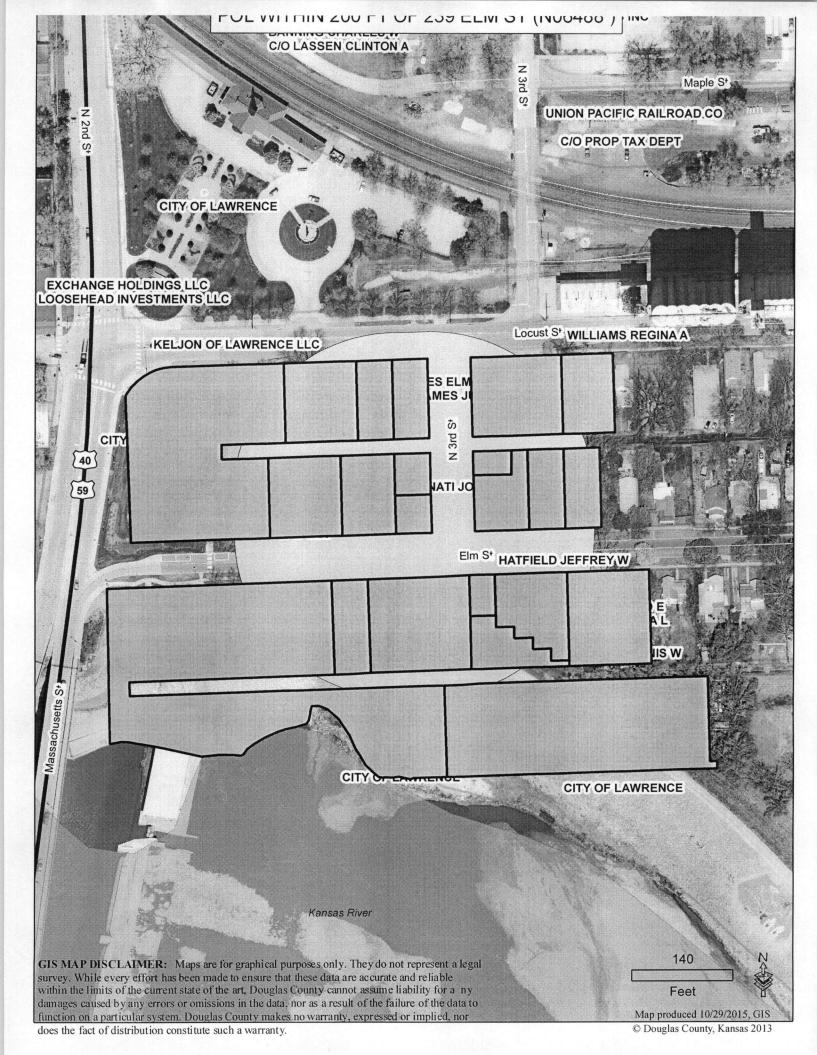
JOHN R. NICHOLS DOUGLAS COUNTY CLERK'S OFFICE 1100 MASSACHUSETTS ST LAWRENCE, KS 66044

785-832-5147

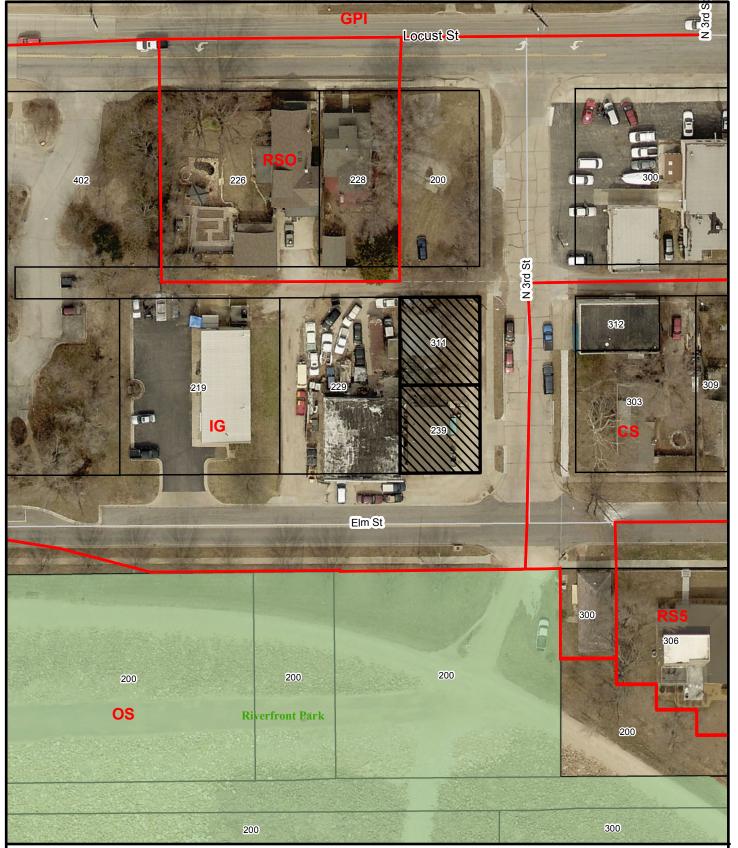
jnichols@douglas-county.com

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

Phone: 785-832-5267 www.douglascountyelections.com Fax: 785-832-5192



JOINPIN	SYSCALACRE	owner1	owner2 ow	owner3 address	city	sta zip plate	PID	Quickrefid	situs
079-30-0-40-03-009.00-0	0.181	0.18136173 HAMMER AMY N		312 LOCUST ST	LAWRENCE	KS 66044 N06605A	023-079-30-0-40-03-009.00-0	R15162	312 LOCUST ST
079-30-0-30-05-001.01-0	0.315	0.31589052 JAMES ELMER JESSE JR	JAMES JUDY M	716 N 7TH ST	LAWRENCE	KS 66044 N06600A	023-079-30-0-30-05-001.01-0	R14978	300 LOCUST ST
079-30-0-30-04-001.00-0	0.126	0.12629442 KELION OF LAWRENCE LLC		PO BOX 706	LAWRENCE	KS 66044 N06598A	023-079-30-0-30-04-001.00-0	R14967	200 LOCUST ST BLK 1
079-30-0-30-04-002.00-0	0.126	0.12629439 KELJON OF LAWRENCE LLC		PO BOX 706	LAWRENCE	KS 66044 N06596A	023-079-30-0-30-04-002.00-0	R14968	228 LOCUST ST
079-30-0-30-04-003.00-0	0.252	.25258682 HAZEL ROBIN	<b>MERSMANN TOM</b>	226 LOCUST ST	LAWRENCE	KS 66044 N06592A	023-079-30-0-30-04-003.00-0	R14969	226 LOCUST ST
079-30-0-30-04-004.00-0	1.090	.09044803 CITY OF LAWRENCE		PO BOX 708	LAWRENCE	KS 66044 N06476-02A	023-079-30-0-30-04-004.00-0	R14970	402 N 2ND ST
079-30-0-40-03-010.00-0	0.126	.12635691 KNIGHT CATHERINE J	KNIGHT EMILY C	510 UNIVERSITY AVE UNIT 1	ITHACA	NY 14850 N06503A	023-079-30-0-40-03-010.00-0	R15163	313 ELM ST
079-30-0-30-05-003.00-0	0.126	12635558 ANDERSON GREGORY A	ANDERSON MARGARET R	309 ELM ST	LAWRENCE	KS 66044 N06499A	023-079-30-0-30-05-003.00-0	R14981	309 ELM ST
079-30-0-30-05-002.01-0	0.145	.14966758 LENATI JOHN		1202 CARDINAL DR	EUDORA	KS 66025 N06493A01	023-079-30-0-30-05-002.01-0	R14980	303 ELM ST
079-30-0-30-05-002.00-0	0.035	0.03985729 DISHINGER RICHARD W		700 MAINE ST	LAWRENCE	KS 66044 N06493B	023-079-30-0-30-05-002.00-0	R14979	312 N 3RD ST
079-30-0-30-04-006.00-0	90.0	0.06587287 DAVIS JON		PO BOX 706	LAWRENCE	KS 66044 N06490	023-079-30-0-30-04-006.00-0	R14975	311 N 3RD ST
079-30-0-30-04-005.03-0	0.185	0.18944019 JOAD LLC		PO BOX 706	LAWRENCE	KS 66044 N06482A	023-079-30-0-30-04-005.03-0	R14974	229 ELM ST
079-30-0-30-04-005.02-0	0.25	.25258763 RIVERA LUIS A	RIVERA LAURA S	2128 SE PENNSYLVANIA AVE	TOPEKA	KS 66605 N06477B	023-079-30-0-30-04-005.02-0	R14973	219 ELM ST
079-30-0-30-04-007.00-0	0.060	.06041453 LAWRENCE KANSAS RENTALS LLC		PO BOX 505	LAWRENCE	KS 66044 N06488	023-079-30-0-30-04-007.00-0	R14976	239 ELM ST
079-30-0-40-12-006.00-0	0.336	.33690290 BOYLE EDWARD E	BOYLE PATRICIA L	310 ELM ST	LAWRENCE	KS 66044 N06502A	023-079-30-0-40-12-006.00-0	R15321	310 ELM ST
079-30-0-30-06-001.00-0	0.22	.22383315 HATFIELD JEFFREY W		PO BOX 505	LAWRENCE	KS 66044 N06494B	023-079-30-0-30-06-001.00-0	R14982	306 ELM ST
079-30-0-30-06-003.00-0	0.418	.41881895 CITY OF LAWRENCE		PO BOX 708	LAWRENCE	KS 66044 N06483A	023-079-30-0-30-06-003.00-0	R14985	200 ELM ST BLK 4
079-30-0-30-06-004.00-0	0.145	.14982845 CITY OF LAWRENCE		PO BOX 708	LAWRENCE	KS 66044 N06481	023-079-30-0-30-06-004.00-0	R14986	200 ELM ST BLK 3
079-30-0-30-06-002.01-0	0.13	0.13434106 CITY OF LAWRENCE		PO BOX 708	LAWRENCE	KS 66044 N06491B	023-079-30-0-30-06-002.01-0	R14984	200 N 3RD ST
079-30-0-30-06-002.00-0	0.04	0.04568256 GARCIA IRENE Y		2500 W 6TH ST APT 523	LAWRENCE	KS 66049 N06491	023-079-30-0-30-06-002.00-0	R14983	300 ELM ST
079-30-0-30-06-005.00-0	1.82	82386836 CITY OF LAWRENCE		PO BOX 708	LAWRENCE	KS 66044 N06818A01	023-079-30-0-30-06-005.00-0	R14987	200 MILL ST BLK 1
079-30-0-40-12-007.00-0	1.08	08829152 CITY OF LAWRENCE		PO BOX 708	LAWRENCE	KS 66044 N06432A	023-079-30-0-40-12-007.00-0	R15322	300 MILL ST BLK 1



B-15-00581: Variances from Code Required Off-Street Parking Standards, Parking Lot Design Standards, and Density & Dimensional Standards for an Existing Nonresidential Development; 239 Elm Street & 311 N. 3rd Street

Lawrence Planning & Development Services Dept November 12, 2015



Subject Property

Scale: 1 Inch = 60 Feet

SCALE: I" = 40'-0"

### LEGAL DESCRIPTION:

NORTH LAWRENCE PLAT, ELM STREET BLOCK 2, SOUTH 1/2 OF LOTS 116 & 118, CITY OF LAWRENCE, DOUGLAS

### PROJECT SUMMARY:

I.I CURRENT ZONING: IG (PENDING CS)

1.2 CURRENT USE: VACANT

I.3 PROPOSED USE: QUALITY-RESTAURANT

### GENERAL NOTES:

- 2.1 ALL GROUND MOUNTED MECHANICAL UNITS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 20-14A04.
- 2.2 ALL ACCESSIBLE SIDEWALK RAMPS BY A.D.A. STANDARDS.
- 2.3 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- 2.4 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR DAMAGE CAUSED BY TRASH TRUCKS.
- 2.5 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 2.6 INFORMATION TAKEN FROM AERIAL PHOTOS AND AVAILABLE DOCUMENTS.
- 2.7 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROFLECTIVITY, AND POSITION.
- 2.9 SIGN APPROVAL AND PERMITTING IS NOT PART OF THE SITE PLAN APPROVAL. SEPARATE APPROVAL IS REQUIRED THROUGH NEIGHBORHOOD RESOURCES.

### PARKING INFORMATION:

3.1 QUALITY RESTAURANT (I PER 100 S.F. OF CUSTOMER SERVICE AREA + I PER EMPLOYEE ON LARGEST SHIFT) REQUIRED PARKING: 1,053 S.F. (INCLUDES PATIO) OF CUSTOMER SERVICE AREA/100 = 11 SPACES + 2 EMPLOYEES = 13 SPACES PROVIDED PARKING: 13 SPACES PER PROPOSED OFF-SITE SHARED AGREEMENT

3.2 TYPICAL DIMENSIONS: 'R' SPACES - 9' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS)

SIDEWALKS SHALL BE 4" CONCRETE - 5' OR 6.5' WIDE DEPENDING UPON THE LOCATION.

'H' SPACES - 9' X 16.5' OR 18' (5' OR 9' AISLE)

3.3 PAVEMENT: APPROACHES: 7" - 4000 PSI CONCRETE W #5 BARS 12" O.C.B.W. DRIVES: MIN. 6" ASPHALT ON 4" GRAVEL OR 5" CONCRETE PARKING AREAS: MIN. 5" ASPHALT ON 4" GRAVEL OR 4" CONCRETE

CURB & GUTTER: THROUGHOUT SITE

### IMPERVIOUS SURFACE SUMMARY:

PROJECT SITE: 0.06 ACRES (2,631 SQ. FT. +/-)

EXISTING CONDITIONS:			PROPOSED CONDITIONS:		
	SQ. FT.	%		SQ. FT.	9
LAND AREA	2,631	100%	LAND AREA	2,631	1009
BUILDING FOOTPRINT:	1,054	40%	BUILDING FOOTPRINT:	1,054	409
PAVEMENT AREAS:	60	2%	PAVEMENT AREAS:	443	179
TOTAL IMPERVIOUS:	1,114	42%	TOTAL IMPERVIOUS:	1,497	579
TOTAL PERVIOUS:	1517	58%	TOTAL PERVIOUS:	1134	439

### LANDSCAPING NOTES:

<u>5YM.</u>	<u>DESCRIPTION</u>	<u>QTY.</u>	APPROVED TYPES	BOTANICAL NAMES	<u>SIZE</u>	COND.
	EXISTING TREES	0	REFER TO SITE PLAN		REFER TO SIT	E PLAN
S. Sarana	STREET TREES	I	SAW TOOTH OAK NORWAY MAPLE	QUERCUS ACUTISSIMA ACER PLATANOIDES 'NORWEGIAN SUNSET'	2"-2 I/2" CAL	В∉В

ORNAMENTAL TREES

GLEDITSIA TRIACANTHOS VAR. INERMIS THORNLESS HONEY LOCUST CLEVELAND SELECT PEAR KOUSA DOGWOOD

PYRUS CALLERYANA 'CHANTIELEER'

MALUS 'CORALBURST'

CERCIS CANADENSIS

1 1/2"-2" CAL B & B

- 4.1 THERE MUST BE A MIN. OF (2) SPECIES USED IN EACH CATEGORY.
- 4.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE
- 4.3 STREET TREES (I PER 40 L.F. OF STREET FRONTAGE) WAIVER REQUESTED DUE TO INFILL SITE HAVING LIMITED ROOM WITH SITE TRIANGLES AND UTILITIES. ELM STREET - 50'/40 = 2 TREES REQUIRED, I TREES PROVIDED DUE TO LIMITED SPACE NORTH 3RD STREET - 52.65'/40 = 2 TREES REQUIRED, 2 TREES PROVIDED

CORAL BURST CRABAPPLE

EASTERN REDBUD

- 4.4 <u>INTERIOR PARKING LOT LANDSCAPING</u> (NO PARKING PROVIDED ON SITE):
- 4.5 PARKING LOT PERIMETER LANDSCAPING (NO PARKING PROVIDED ON SITE):
- WEST PROPERTY LINE TYPE I REQUIRED WAIVER REQUESTED DUE TO BUILDINGS BEING CLOSE TO PROPERTY LINE

123 W. 8TH STREET SUITE B2 LAWRENCE, KS 66044

OFFICE: 785.832.0804 FAX: 785.832.0890 INFO@PAULWERNERARCHITECTS.COM

© PAUL WERNER ARCHITECTS, L.L.C. THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAUL WERNER ARCHITECTS L.L.C.

PROJECT # 215-670

RELEASE: 11.06.15



October 28, 2015

Scott McCullough
City of Lawrence Planning Department
P.O. Box 708
Lawrence, KS 66044

RE: Levee Cafe - 239 Elm

Dear Scott:

On behalf of our client we are requesting your consideration regarding a waiver to reduce onsite parking at 239 Elm. The waiver for a reduction in on-site parking is requested because this is a small piece of property consisting of a little over half an acre. A building currently exists on site which covers 40% of the site and the remaining area is not enough to provide parking for the new use.

The new use of this site will be a cafe (Quality Restaurant) which is primarily intended to serve the levee users and the surrounding neighborhood. The cafe will be a destination reached through biking, riding, walking and running. Parking could be needed by some users however, it won't be the numbers typically required by the City Code for a use categorized as a Quality Restaurant. We'd like to request any parking needed for the cafe be provided through utilizing the existing community parking lot south of the train depot. The parking lot has 56 spaces and is within 600' as required by the City Code for off-site/shared parking. Aerial images from several sources indicate a total of nine cars in the lot at one time which occurred during construction of the Bowersock Dam on the North side of the river. All other aerial images show a maximum of six cars in the lot at one time. To date, on-site investigation show no more than 16 cars, on a Sunday, in the lot at one time. We'll continue to monitor the parking lot to see if we can find a typical peak time of use and will provide the data in writing.

The previous use of this site was a cleaning service which according to City Code Section 20-904, required 2 parking spaces on site. Those parking spaces were provided on-site however, they were non-conforming. With the redevelopment of this site, outdoor patio and bike parking will be provided which will further reduce any area for on-site vehicle parking making it necessary to request a waiver.

We are excited about the redevelopment of this site and the destination it provides for the neighborhood and the active part of the community using the levee. The restaurant will



provide food ranging from pre-packaged sports snacks or drinks to breakfast sandwiches and lunch wraps and will be a great asset in the area to encourage active recreation in order to reach it. It is a rare find in the Midwest when a business owner is willing to take a chance and not provide parking directly outside of their building in order to encourage an active lifestyle. We hope you see the benefit it granting a waiver from on-site parking in order to allow this business model to succeed.

Sincerely,

Joy Rhea, RLA

From: Joy Rhea
To: David Guntert
Subject: BZA Application

**Date:** Friday, November 20, 2015 10:32:47 AM

David,

I'd like to the BZA application to pertain to 239 Elm only. I'm so sorry for the confusion on the application.

Joy Rhea, RLA
paulwerner ARCHITECTS

123 West 8th, Suite B2, Lawrence, KS 66044
P: 785.832.0804 | F: 785.832.0890 | joyr@paulwernerarchitects.com
www.paulwernerarchitects.com

LAWRENCE, KANSAS

RECEIVED

OCT 29 2015

City County Planning Office Lawrence, Kansas

October 26, 2015

**Lawrence/Douglas County Metropolitan Planning Commission** 

Re: Proposed Levy Café, 239 Elm Street

The North Lawrence Improvement Association is concerned that there is not enough parking for the café that is being proposed at 239 Elm Street. There is not very much off-street parking and very little on street parking. How many parking spots are on this property and how many should there be to win approval of the plan?

The vacant lot directly north of this property on North 3<sup>rd</sup> & Locust street is owned by the same property owner. Perhaps that lot can help by providing more parking for the café. The residents in that area do not want overflow parking in their neighborhood

Sincerely,

Ted Boyle, President

**North Lawrence Improvement Association** 

Cc: Scott McCullough

### NORTH LAWRENCE IMPROVEMENT ASSOCIATION

#### LAWRENCE, KANSAS

RECEIVED

DEC 08 2015

December 2, 2015

City County Planning Office Lawrence, Kansas

Lawrence/Douglas County Metropolitan Planning Commission & Lawrence Board of Zoning Appeals

Re: Proposed Levy Café, 239 Elm Street Update

To whom it may Concern,

The residents of North Lawrence and the North Lawrence Improvement Association do not want these two variances to be approved until the parking lot that is to be on 3<sup>rd</sup> and Locust Street is approved. Also, we do not want the density and dimensional standard to have a variance, as this is a residential neighborhood with homes located east across 3<sup>rd</sup> Street and south of Elm Street.

If these two problems can be resolved, then both the residents and the North Lawrence Improvement Association will welcome this café.

Original correspondence to the planning commissions from October 26th, 2015 is shown below.

The North Lawrence Improvement Association is concerned that there is not enough parking for the café that is being proposed at 239 Elm Street. There is not very much off-street parking and very little on street parking. How many parking spots are on this property, and how many should there be to win approval of the plan?

The vacant lot directly north of this property on North 3<sup>rd</sup> & Locust Street is owned by the same property owner. Perhaps that lot can help by providing more parking for the café. The residents in that area do not want overflow parking in their neighborhood.

Sincerely,

Ted Boyle, President

North Lawrence Improvement Association

# OFF-STREET PARKING AREA PAVING STANDARDS, AND PARKING AREA SETBACKS FROM STREET RIGHTS-OF-WAY FOR A NEW PARKING AREA SERVING AN EXISTING NONRESIDENTIAL USE PROPERTY; SW CORNER OF N. 3<sup>RD</sup> & LOCUST STREET [DRG]

**B-15-00623:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request involves variances from the code standards contained in Article 9 Section 20-913(e), "Parking and Loading Area Design Standards, Surfacing," requiring a paved surface parking area with concrete curb and gutter around the perimeter of the lot. The second request is for parking area setback variances from the required 15 feet setback from a street right-of-way per Section 20-908(c), "LOCATION, Nonresidential Districts," to a minimum of 10 feet from Locust Street and 0 feet from N. 3<sup>rd</sup> Street. The applicant seeks approval to build a gravel surface parking area with railroad ties or similar treatment around the edge of the parking area proposed to be built on the southwest corner of N. 3<sup>rd</sup> Street and Locust Street. Submitted by Joy Rhea, architect with Paul Werner Architects, representing KelJon of Lawrence LLC, the property owner of record. The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.

#### B. REASON FOR REQUEST

Applicant's Request – "The variance requested is from the parking and loading design standards of Article 20-913(e). The variance requested is to provide gravel surfacing with railroad ties or similar treatment around the edges of the parking lot.

The request for gravel surfacing is being made due to the infrequency of use expected on this lot. The parking lots main function will be to provide 10 overflow parking stalls, if required, for the café located south at 239 Elm. The café requires 13 parking stalls that cannot be provided on the small site and the café owner anticipates most customers will come from those people exercising on the levee or from people already living or working in the neighborhood. With that in mind we do not anticipate frequent use of this overflow parking lot. Gravel is also being requested in order to eliminate such an infrequently used parking lot from contributing to storm water run-off in North Lawrence which often struggles with large amounts of water during rain events."

#### C. ZONING AND LAND USE

Current Zoning & Land Use: IG (General Industrial) District; vacant lot.

Surrounding Zoning and Land Use:

GPI (General Public and Institutional Use) District to the north; Union Pacific Depot with ancillary off-street parking lot.

IG (General Industrial) District to the south with a rezoning request to change the zoning to CS (Commercial Strip) District pending City Commission action; vacant commercial structures.

IG District to the east; Automotive service related commercial use on the southeast corner of N. 3<sup>rd</sup> & Locust Street.

CS (Commercial Strip) District to the southeast on east side of N. 3<sup>rd</sup> Street south of the alley; a commercial use and a residential dwelling.

RSO (Single-Dwelling Residential-Office) District to the west; residential dwellings.

#### D. ZONING ORDINANCE REQUIREMENTS

Section 20-908(c), "LOCATION, Nonresidential Districts," provides minimum parking area setback standards for each nonresidential zoning district. The parking area setbacks in the IG District require a 15 feet setback from a street right-of-way (Locust Street and N. 3<sup>rd</sup> Street) and a 10 feet setback from residential lot lines.

North lot line – 15' required; 10' proposed South lot line – 0' required; 0' proposed East lot line – 15' required; 10' proposed West lot line – 10' required; 10' proposed

Section 20-913(e), "Parking and Loading Area Design Standards, Surfacing," specifies a number of pavement options that can be used to meet the Development Code standards for all off-street parking areas and driveways. The code provisions are as follows:

#### (e) Surfacing

- (1) All off-street Parking Areas and Driveways, including those serving Attached Dwellings, Detached Dwellings and Duplexes, shall be surfaced with a minimum of one of the following:
  - 4 inches of reinforced Portland cement concrete;
  - (ii) 5 inches of granular rock base with 2 inches of asphalt;
  - (iii) 7 inches of granular rock with a double asphaltic prime and seal;
  - (iv) 5 inches of full depth asphalt; or
  - (v) 4 inches of compacted gravel for residential Driveways constructed in Floodplains areas with a paved Driveway Apron constructed to city residential Driveway standards.

- (2) As an alternative to the surfacing required in the preceding paragraph, all off-street parking for uses allowed by right within residential Districts or areas of low off-street parking use as determined by the City Engineer (such as fire safety lanes or overflow Parking Areas), may be surfaced with the following alternative methods of paving. The surfacing shall be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Kansas. The pavement cross-section shall demonstrate the structural ability to support the anticipated vehicle loads for the use. The pavement design shall be reviewed and approved by the City Engineer.
  - (i) Grid unit pavers with grass; or
  - (ii) Concrete, brick, or clay interlocking paver units.
- (3) Private Streets shall be built to City Street standards and maintained by the Landowner.
- (4) Driveway approaches (aprons) shall be built to City standards, including, where applicable, the Residential Driveway Requirements adopted by the City Commission on July 10, 1996 as amended, and maintained by the Landowner.

Section 20-1005(c), "BUFFERYARDS, Table of Required Bufferyards," is a matrix table that identifies what type of bufferyard is required based upon the zoning of the developing site and the adjacent site zoning. For this request, it is a Type 3 bufferyard, which requires a minimum 15 feet width along the west side of the parking lot. The bufferyard may be eligible to be reduced following the code provisions in Section 20-1007, "ALTERNATIVE COMPLIANCE," which will be evaluated during the time of site plan approval.

#### E. SPECIFIC ANALYSIS

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

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

Applicant response: "This lot has been vacant for some time due to the small size and zoning designation of the property. It is not likely the lot will develop in the near future, and the city and neighbors have requested an overflow lot be provided to alleviate possible on street parking which could occur from the cafe at 239 Elm."

This variance request is associated with the redevelopment project being proposed on the property at 239 Elm Street, which is on the same agenda (Item No. 3: B-15-00581). The applicant proposes to create an "overflow" parking lot on the property for café customers to use so neighbors do not experience additional on-street parking in the area. The applicant is

pursuing a shared use parking agreement with other nearby property owners to meet their code required parking spaces for the café. However, staff considers this lot to be the primary parking lot due to its close proximity to the proposed café and not an overflow lot. The code requires this lot and the project to the south to be site planned together. There is no reason to believe that café customers would elect to not use this lot if spaces are open.

#### Parking Area Setbacks:

The lot size is compliant with the IG zoning, which requires a minimum lot area of 5,000 square feet and a minimum lot width of 50 feet. The subject property has 5,500 square feet (50 ft. x 110 ft.). Since the lot has two street frontages and is adjacent to a residential district, the applicant only has 25 feet of lot width to work with for the parking area if they comply with the code required parking area setbacks.

The applicant proposes to meet the code required 10 feet setback from the west property line, which adjoins a residential district. In order to use 90 degree parking stalls and a 24 feet wide aisle way for ingress/egress, the applicant is seeking a full reduction of the code required 15 feet setback along the east property frontage (N. 3<sup>rd</sup> Street). Along Locust Street, the applicant proposes a 15 feet setback for the parking stall and a 10 feet setback for the turn out area in the aisle.

It is possible to comply with the parking area setback along Locust Street if the parking stall width is reduced from 9 feet to the code standard 8.5 feet width for a 90 degree parking stall design.

Finding – The lot is small compared to most IG zoned lots in the city.

#### Pavement Surfacing and Parking Area Perimeter Curbs:

A paved drive approach on N. 3<sup>rd</sup> Street exists, which will be used for the new parking area. The applicant proposes to use gravel as the parking area surface type and railroad ties or a similar treatment around the perimeter of the parking area. The Development Code does not recognize gravel as a surface type for a parking area other than if it is for a residential driveway located in a floodplain area. Neither of these criteria are met in this instance and granting this variance would grant special priveledge to a parking lot in the IG District that others do not enjoy. If the concern over paving the parking area is about the additional amount of impervious surface and storm water runoff, there are code standards that permit the applicant to use pervious pavers.

Other commercial lots nearby have paved parking with curb and gutters around the perimeter. No unique conditions are present on this property that prevent the applicant from following the code required pavement surface and perimeter curbing standards in the Development Code.

<u>Finding</u> -- No unique conditions are present on this property that prevent the applicant from following the code required pavement surface and perimeter curbing standards in the Development Code.

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

Applicant response: "Granting the variance would alleviate overflow parking from 239 Elm from occurring on residential streets and will also allow for storm water infiltration to occur on site instead of creating additional run-off for the North Lawrence neighborhood."

#### Parking Area Setbacks:

In staff's opinion, granting the requested parking area setbacks should not have any adverse effect upon the rights of adjacent property owners or residents. The commercial property across the street to the east has paved parking and drive access all the way to the street pavement edge. The sidewalk on the west side of N. 3<sup>rd</sup> Street will not be impacted from the reduced setback. Along Locust Street, the applicant is asking for a 5 feet reduction of the setback, which relates only to the aisleway turn out at the north end of the parking row. As stated earlier, it is possible for the applicant to meet the parking area setback along Locust Street if the width of the parking stalls is reduced to 8.5 feet.

<u>Finding</u> -- Granting the requested parking area setbacks should not have any adverse effect upon the rights of adjacent property owners or residents

#### Pavement Surfacing and Parking Area Perimeter Curbs:

Most of the nearby properties that are developed with commercial uses or public facilities have paved parking. Allowing the applicant to construct a new parking area without curb and gutter and with gravel surface is not in character with the area though it does not adversely affect the rights of adjacent property owners or residents. If the applicant is concerned about the additional storm water runoff from a paved parking area, the Development Code offers a list of alternate paving materials in Section 20-913(e)(2) they could use that provide a stable base for vehicle parking yet allow water to permeate into the ground, thus reducing storm water runoff.

<u>Finding</u> -- Allowing the applicant to construct a new parking area without curb and gutter and with gravel surface is not in character with the area though it does not adversely affect the rights of adjacent property owners or residents.

# 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: "Should the strict application of the chapter be required the owner would need to develop a parking lot which may be used very infrequently due to most customers at 239 Elm already being in the neighborhood as a resident or a levee user. Since the use at 239 Elm is a new concept for the neighborhood it is not known how much parking will be required. With that in mind the property owner is agreeing to provide the lot for use however, it seems premature to pave it when it may not be required in the future."

#### Parking Area Setbacks:

In staff's opinion, strict adherence to the 15 feet parking area setback along the N. 3<sup>rd</sup> Street property frontage is an unnecessary hardship for the property owner. The parcel is only 50 feet wide (east to west), which is too narrow for a single row of parking stalls, a two-way drive aisle, the 10 feet parking setback from the residential district on the west, and the 15 feet

parking setback from the N. 3<sup>rd</sup> Street right-of-way.

Strict adherence to the code required 15 feet parking setback from Locust Street right-of-way may be an unnecessary hardship. The planned layout shows the parking row with a 15 feet setback from the right-of-way, but the turnout at the end of the drive aisle only has a 10 feet setback. It is possible to gain the additional 5 feet setback by reducing the width of the parking stalls from 9 feet to 8.5 feet.

<u>Finding</u> -- Strict adherence to the 15 feet parking area setback along the N. 3<sup>rd</sup> Street property frontage and Locust Street frontage is an unnecessary hardship for the property owner.

#### Pavement Surfacing and Parking Area Perimeter Curbs:

In staff's opinion, it is not appropriate for the applicant to construct a gravel surface parking area without curb and gutter based on it being "used very infrequently" by café customers at 239 Elm Street. The lot is not developed; this is new site improvements related to the proposed redevelopment at 239 Elm Street. The 10 new parking spaces created on this property may be the only permanent off-street parking stalls café customers have rights to use. Off-street parking areas, built in conformance with adopted standards in the City's Development Code, is anticipated to be provided with every new development project.

<u>Finding</u> – This requirement is not a hardship since surfacing does not affect the number of spaces and financial hardship is not a criterion for approving variances.

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

Applicant response: "The variances requested would not have negative impacts on the above mentioned items. Instead the variance seeks to improve the neighborhood by providing off-street parking should it be required."

#### Parking Area Setbacks:

In staff's opinion, granting the requested variance for the parking area setbacks will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed 0 feet parking area setback along N. 3<sup>rd</sup> Street is consistent with other commercial properties along this street. The parking layout is code compliant with the required 10 feet setback from the west property line, which adjoins a residential zoning district. The 15 feet setback along Locust Street is compliant for the parking stalls but not for the turnout at the north end of the drive aisle, which is 10 feet from the street right-of-way.

The parking and buffer yard setbacks from the north and west property boundaries allow room to provide appropriate screening and landscaping, which will be addressed at the time of site plan approval.

<u>Finding</u> -- Granting the variance for the parking area setbacks will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

#### Pavement Surfacing and Parking Area Perimeter Curbs:

A variance from the code required pavement surfacing and perimeter curb requirements for the new parking area serving the quality restaurant use will adversely affect the public health, safety, prosperity, order, convenience and general welfare. The applicant is making an investment in the neighborhood by remodeling and upgrading the existing commercial property at 239 Elm Street. The proposed parking area on the southwest corner of Locust Street and N. 3<sup>rd</sup> Street is located within easy walking distance of the café and should be developed to the same standards as the rest of this project. Requiring the parking area to be built with curb and gutter and paved with one of the pavement standards in the Development Code will serve to define the boundary of the parking area; keep vehicles confined to the paved area; provide better means to identify every parking stall with pavement markings; and, directly control where vehicles may enter and exit the lot onto the street.

<u>Finding</u> -- A variance from the code required pavement surfacing and perimeter curb requirements for the new parking area serving the quality restaurant use will adversely affect the public health, safety, prosperity, order, convenience and general welfare.

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

Applicant response: "The intent of the Development Code is to encourage infill development and provide tools to allow it to occur. 239 Elm's small size and unique business endeavor encourages pedestrian and bicycle use as its main customer base. Encouraging this alternative parking surface in case the stalls should be needed seems wise and it would alleviate parking concerns from the neighborhood and allow the business at 239 Elm to open."

#### Parking Area Setbacks:

In staff's opinion, the parking area setback variances are not opposed to the general spirit and intent of the code. It is not possible to create the parking area without a variance from the parking setback along N. 3<sup>rd</sup> Street because of the narrow 50 feet property width. The applicant has elected to provide the code required 10 feet parking setback from the west property line, which is the zoning boundary between an industrial district and residential district. Also, they are providing a parking setback along Locust Street that will be planted with landscape materials to screen the lot.

<u>Finding</u> -- The parking area setback variances are not opposed to the general spirit and intent of the code.

#### Pavement Surfacing and Parking Area Perimeter Curbs:

Granting a variance from the code required concrete curb and gutter around the perimeter of the parking area is opposed to the general spirit and intent of the Development Code. Likewise, the use of gravel material to surface the new parking area is opposed to the general spirit and intent of the code. The Development Code offers several options for alternate paving that the applicant can use, which would accomplish the same result they are seeking to achieve with gravel.

<u>Finding</u> – Granting a variance for these two standards is opposed to the general spirit and intent of the Development Code.

#### Conclusions:

#### Parking Area Setbacks:

Staff's analysis finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Development Code the Board must find existing to grant a variance for the parking area setback from N. 3<sup>rd</sup> Street and Locust Street.

#### Pavement Surfacing and Parking Area Perimeter Curbs:

Staff's analysis of this variance finds the request does not meet all five conditions set forth in Section 20-1309(g)(1) in the Development Code the Board must find existing to grant a variance from the parking area pavement surface and perimeter curb standards.

#### Recommendation:

Staff recommends approval of the parking area setback variances based upon the findings in the staff report that conclude the applicant's request meets the 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval.

Staff recommends denial of the variances from the parking area pavement surface and concrete curb and gutter requirement around the perimeter of the parking area based upon the findings in the staff report that conclude the applicant's request does not meet the 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval.



#### Lawrence Douglas County Metropolitan Planning Office

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

# APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP

OWNER INF	ORMATION		
Name(s) _	Keljon of Lawrence, LLC		
Contact _	Jon Davis	,	
Address _	P.O. Box 706		
City	Lawrence	State KS	_ ZIP66044
Phone (	_)	Fax ()	
E-mail	jdavis@sunflower.com	Mobile/Pager (	)
Contact	/AGENT INFORMATION  Joy Rhea		
			· · · · · · · · · · · · · · · · · · ·
	123 W. 8th Street , Suite B2		
City	Lawrence	State KS	_ ZIP <u>66044</u>
Phone ( <u>78</u>	85) 840-0804	Fax ( <u>785</u> ) <u>832-</u>	0890
E-mail <u>j</u>	pyr@paulwernerarchitects.com	Mobile/Pager (	)
Pre-Applic	ation Meeting Date 11.25.15	Planner SM, S	D
	INFORMATION  Doning District  G	Present Land Use\	Vacant
Proposed	Land Use Parking Lot		ت.
Legal Des	cription ( <i>may be attached</i> ) <u>200 Loc</u> u	ust Street, Block 1, Lawrence, KS	
Address o	f Property 200 Locust Street		
Total Site	Area 5501.37 S.F. (0.126 Acres)		
	nd Description of Existing Improvem		
	Lot is vacant		



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

# **Description of variance requested:** See Attached



#### Lawrence Douglas County Metropolitan Planning Office

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

#### **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 va	ariance reque	est arises fro	m such cond	litions which zoning or dis	are unique	to the pr	operty ii
	action(s) o	of the propert	y owner or a	applicant:	zoning or dis	strict and a	ire not ci	eateu b
	See Alla	acrieu						
_								
						<del></del>		
								<del></del>
2.	That grant owners or		ance would	not adverse	ely affect the	rights of	adjacent	property
	See Attac	hed						
								. <b>.</b> .
	· · · · · · · · · · · · · · · · · · ·							
								<del></del>
			· · · · · · · · · · · · · · · · · · ·		<u>.</u>			



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

W	at strict applica ould constitute plication:	unnecessar	y naras	шр ироп	tne pr	operty o	wner i	epresen	ted in
-	See Attached								
				,					
		<u>, , , , , , , , , , , , , , , , , , , </u>							
		***							
Th	at the variance	desired wo	uld not	adversel	y affect	the pub	lic heal	lth, safe	ty, mor
Th	at the variance der, convenience See Attached	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not or gene	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not or gene	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not or gene	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not or gene	adversel eral welfa	y affect re:	the pub	lic hea	th, safe	ty, mor
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	ty, mor
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	th, safe	
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	th, safe	
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic heal	lth, safe	
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	lth, safe	
Th	der, convenienc	desired wo	uld not	adversel eral welfa	y affect re:	the pub	lic hea	th, safe	



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

5.	That granting the vof the Developmen		sired would not be oppos	sed to the general spirit ar	nd intent
	•				
	-		,		
			,		
					<del></del>
21	GNATURE				
	I/We, the undersigned aforementioned proportion variances as indicated	erty. By ex	ne <b>(owner</b> (s) <b>), (duly auti</b> recution of my/our signatur	norized agent), (Circle Once, I/we do hereby officially	<b>e)</b> of the apply for
			8		
	Signature(s):(	Jon)	D. Zhua	Date 12-4-/	5
				Date	
				Date	
					<del></del>
				· ·	
					-3°
ST	TAFF USE ONLY				
	Application No				
	Date Received				
	BZA Date				
	Date Fee Paid				



FROM:

Joy Rhea

RE

200 Locust

DATE:

December 4, 2015

#### **Description of variance requested:**

The variance requested is from the parking and loading design standards of Article 20-913(e). The variance requested is to provide gravel surfacing with railroad ties or similar treatment around the edges of the parking lot.

The request for gravel surfacing is being made due to the infrequency of use expected on this lot. The parking lots main function will be to provide 10 overflow parking stalls, if required, for the cafe located south at 239 Elm. The cafe requires 13 parking stalls that cannot be provided on the small site and the cafe owner anticipates most customers will come from those people exercising on the levee or from people already living or working in the neighborhood. With that in mind we do not anticipate frequent use of this overflow parking lot. Gravel is also being requested in order to eliminate such an infrequently used parking lot from contributing to storm water run-off in North Lawrence which often struggles with large amounts of water during rain events.

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

This lot has been vacant for some time due to the small size and zoning designation of the property. It is not likely the lot will develop in the near future, and the city and neighbors have requested an overflow lot be provided to alleviate possible on street parking which could occur from the cafe at 239 Elm.

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

Granting the variance would alleviate overflow parking from 239 Elm from occurring on residential streets and will also allow for storm water infiltration to occur on site instead of creating additional run-off for the North Lawrence neighborhood.

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:

Should the strict application of the chapter be required the owner would need to develop a parking lot which may be used very infrequently due to most customers at 239 Elm already being in the neighborhood as a resident or a levee user. Since the use at 239 Elm is a new concept for the neighborhood it is not known how much parking will be required. With that in



mind the property owner is agreeing to provide the lot for use however, it seems premature to pave it when it may not be required in the future.

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

The variances requested would not have negative impacts on the above mentioned items. Instead the variance seeks to improve the neighborhood by providing off-street parking should it be required.

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

The intent of the development code is to encourage infill development and provide tools to allow it to occur. 239 Elm's small size and unique business endeavor encourages pedestrian and bicycle use as its main customer base. Encouraging this alternative parking surface in case the stalls should be needed seems wise and it would alleviate parking concerns from the neighborhood and allow the business at 239 Elm to open.



#### Lawrence Douglas County Metropolitan Planning Office

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

#### 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 200 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.

Signature

Signature

Printed Name



# Lawrence Douglas County Metropolitan Planning Office

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

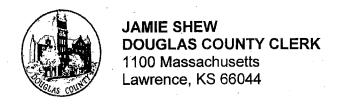
#### OWNER AUTHORIZATION

- I, **Jon Davis** on behalf of **Keljon Of Lawrence LLC**, hereby referred to as the Undersigned", being of lawful age, do hereby on this <u>3</u> day of December 2015, make the following statements to wit:
- 1. I the Undersigned, on the date first above written, am the lawful owner in fee simple absolute of the following described real property:

#### **NORTH LAWRENCE, LOCUST STREET, BLOCK 2 LOTS 115 & 117**

- 2. I the undersigned, have previously authorized and hereby authorize Paul Werner Architects (Herein referred to as "Applicant"), to act on my behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 200 Locust Street, Lawrence, Kansas, the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

Owner	Owner
STATE OF KANSAS COUNTY OF DOUGLAS	
The foregoing instrument was acknowledged	before me on this $\frac{2}{2}$ day of $\frac{1}{2}$ , 201
by JON DAMS	
My Commission Expires: 04 10.17	Notary Public



Marni Penrod-Chief Deputy Clerk Benjamin Lampe-Deputy Clerk Elections

December 3, 2015

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 200 LOCUST ST (N06598A). 12/03/2015. REQUESTED BY JOY RHEA OF PAUL WERNER ARCHITECTS.

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

785-832-5147

inichols@douglas-county.com

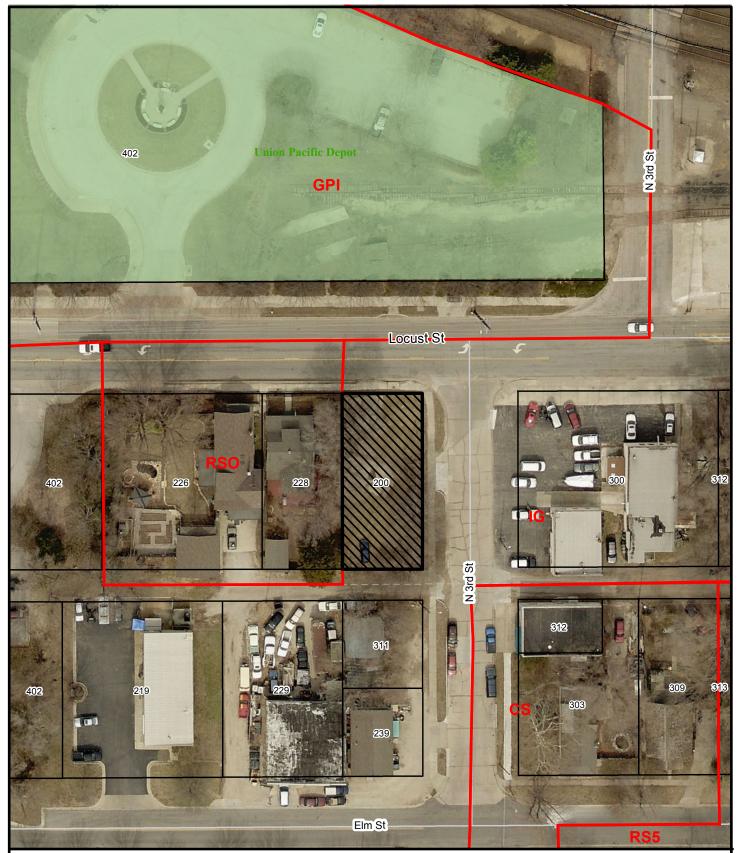
Douglas County Real Estate Division County Clerk's Office. I do hereby certify the Property Ownership listed hereto, to be true and accurate.

Phone: 785-832-5267 www.douglascountyelections.com Fax: 785-832-5192



Quickrefid situs	001.00-0 R14943 402 N 2ND ST	-009.00-0 R15162 312 LOCUST ST	-001,01-0 R14978 300 LOCUST ST	-001.00-0 R14967 200 LOCUST ST BLK 1	-002.00-0 R14968 228 LOCUST ST	-003.00-0 R14969 226 LOCUST ST	-004.00-0 R14970 402 N 2ND ST	1-010.00-0 R15163 313 ELM ST	:-003.00-0 R14981 309 ELM ST	-002.01-0 R14980 303 ELM ST	:-002.00-0 R14979 312 N 3RD ST	1-006.00-0 R14975 311 N 3RD ST	I-005.03-0 R14974 229 ELM ST	I-005.02-0 R14973 219 ELM ST	1-007.00-0 R14976 239 ELM ST	5-001.00-0 R14982 306 ELM ST	5-003.00-0 R14985 200 ELM ST BLK 4	5-004.00-0 R14986 200 ELM ST BLK 3	5-005.00-0 R14987 200 MILL ST BLK 1	5-002.00-0 R14983 300 ELM ST
PID	023-079-30-0-30-01-001.00-0	023-079-30-0-40-03-009.00-0	023-079-30-0-30-05-001,01-0	023-079-30-0-30-04-001.00-0	023-079-30-0-30-04-002.00-0	023-079-30-0-30-04-003.00-0	023-079-30-0-30-04-004:00-0	023-079-30-0-40-03-010.00-0	023-079-30-0-30-05-003.00-0	023-079-30-0-30-05-002.01-0	023-079-30-0-30-05-002.00-0	023-079-30-0-30-04-006.00-0	023-079-30-0-30-04-005.03-0	023-079-30-0-30-04-005.02-0	023-079-30-0-30-04-007.00-0	023-079-30-0-30-06-001.00-0	023-079-30-0-30-06-003,00-0	023-079-30-0-30-06-004.00-0	023-079-30-0-30-06-005.00-0	023-079-30-0-30-06-002.00-0
sta zip plate	KS 66044 N06476-04	KS 66044 N06605A	KS 66044 N06600A	KS 66044 N06598A	KS 66044 N06596A	KS 66044 N06592A	KS 66044 N06476-02A	NY 14850 N06503A	KS 66044 N06499A	KS 66025 N06493A01	KS 66044 N06493B	KS 66044 N06490	KS 66044 N06482A	KS 66605 N06477B	KS 66044 N06488	KS 66044 N06494B	KS 66044 N06483A	KS 66044 N06481	KS 66044 N06818A01	KS 66049 N06491
city	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE	ITHACA	LAWRENCE	EUDORA	LAWRENCE	LAWRENCE	LAWRENCE	TOPEKA	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE	LAWRENCE
owner3 address	PO BOX 708	312 LOCUST ST	716 N 7TH ST	PO BOX 706	PO BOX 706	226 LOCUST ST	PO BOX 708	510 UNIVERSITY AVE UNIT 1	309 ELM ST	1202 CARDINAL DR	700 MAINE ST	PO BOX 706	PO BOX 706	2128 SE PENNSYLVANIA AVE	PO BOX 505	PO BOX 505	PO BOX 708	PO BOX 708	PO BOX 708	2500 W 6TH ST APT 523
owner2			JAMES JUDY M			MERSMANN TOM		KNIGHT EMILY C	ANDERSON MARGARET R					RIVERA LAURA S						
SYSCALACRE owner1.	3.00377585 CITY OF LAWRENCE	0.18195903 HAMMER AMY N	0.31589159 JAMES ELMER JESSE JR	0.12626461 KELION OF LAWRENCE LLC	0.12620703 KELION OF LAWRENCE LLC	0.25224047 HAZEL ROBIN	1.08752912 CITY OF LAWRENCE	0.12635696 KNIGHT CATHERINE J	0.12635632 ANDERSON GREGORY A	0.14911008 LENATI JOHN	0.04038627 DISHINGER RICHARD W	0.06313032 DAVIS JON	0.18943328 JOAD LLC	0.25273477 RIVERA LUIS A	0.06315126 LAWRENCE KANSAS RENTALS LLC	0.22383266 HATFIELD JEFFREY W	0.41881894 CITY OF LAWRENCE	0.14982841 CITY OF LAWRENCE	1.82386836 CITY OF LAWRENCE	0.04567783 GARCIA IRENE Y
₹																				

. .



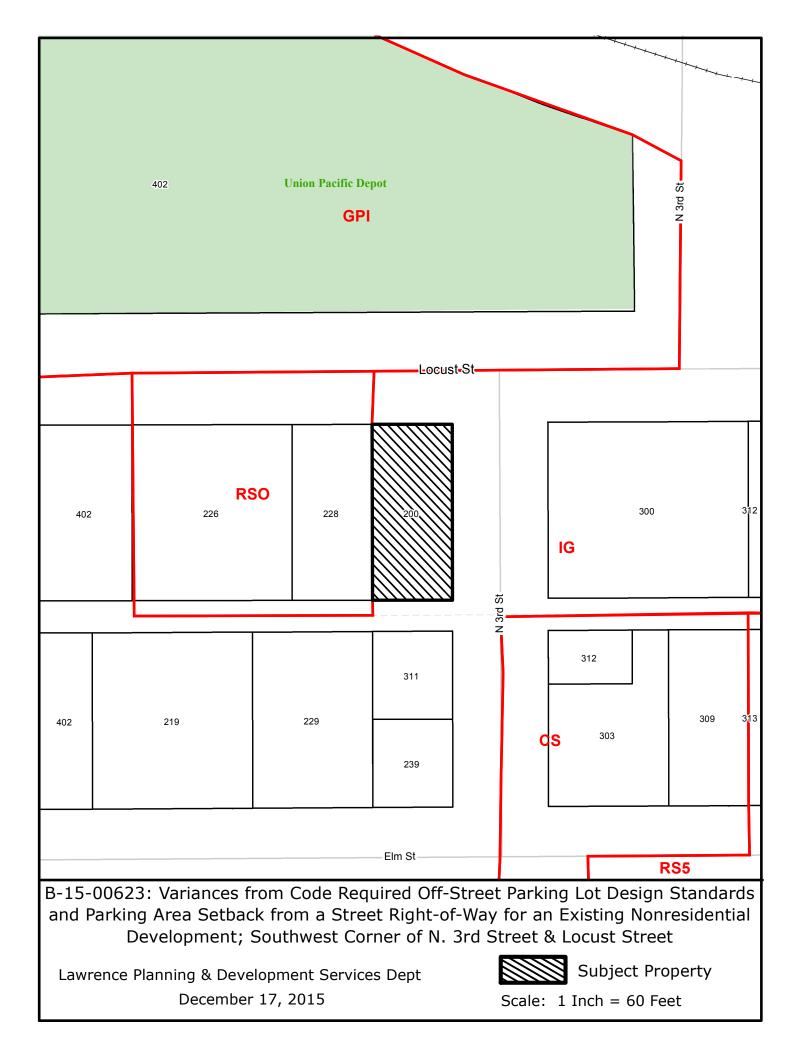
B-15-00623: Variances from Code Required Off-Street Parking Lot Design Standards and Parking Area Setback from a Street Right-of-Way for an Existing Nonresidential Development; Southwest Corner of N. 3rd Street & Locust Street

Lawrence Planning & Development Services Dept
December 17, 2015



Subject Property

Scale: 1 Inch = 60 Feet



# LOCUST STREET NORTH 3RD STREET 24' 10' 16.51 10 SAI SAN. SAN-SCALE: I" = 20'-0" 0 20 10 40

# Daulwernel

123 W. 8TH STREET SUITE B2 LAWRENCE, KS 6604

OFFICE: 785.832.0804 FAX: 785.832.0890

> DEVELOPER: FIRST MANAGEMENT 601 N. IOULA STREET LAURENCE, KS 66044 OFFICE: 185,841,1333 FAX: 185,841,8492

BUILDER: FIRST MANAGEMENT 601 N. IOWA STREET LAWRENCE, KS 66044 OFFICE: 1858417333 FAX: 1858418492

O PAIL MERNER ARCHITECTS, L.L.C.
THIS DRAMING IS COPYRIGHTED MORK BY
PAIL MERNER ARCHITECTS L.L.C. THIS
DRAMING MAY NOT BE PHOTOGRAPHED,
TRACED OR COPIED IN ANY MANNER
MITHOUT THE MRITTEN PERMISSION OF PAUL
MERNER ARCHITECTS L.L.C.

# 200 LOCUST PARKING LOT

LAWRENCE, KANSAS

PROJECT # 215-670

DECEMBER 10, 2015

RELEASE: DATE:

# ITEM NO. 5 FRONT YARD BUILDING SETBACK VARIANCE; 1731-1735 KENTUCKY STREET [JSC]

**B-15-00624**: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance to reduce the 25 feet front yard building setback required in Section 20-601(a) of the City Code to a minimum of 17.5 feet, which will allow for the construction of an 8 foot wide covered porch on the front of the new congregate living structures. The property is located at 1731 and 1735 Kentucky Street. Submitted by Paul Werner, Paul Werner Architects, representing the property owners of record, Fadila Boumaza and Chaudhry I. Wahla.

#### B. REASON FOR REQUEST

Applicant's Request – "The request is to provide a front porch, facing the street, to be more consistent with the surrounding Oread properties. The variance needed is a reduction in the front yard setback, in order for this front porch to be provided."

#### C. ZONING AND LAND USE

Current Zoning & Land Use: RM32 (Multi-Dwelling Residential District – 32 Dwelling

Units per acre) District; multi-dwelling residential structures.

Surrounding Zoning and Land Use: RM32 (Multi-Dwelling Residential District – 32 Dwelling

Units per acre) District to the north, south, east, and west;

single-dwelling residential structures.

#### D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "Density and Dimensional Standards; Occupancy Limits – Residential Districts," has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RM32 District, the minimum front yard building setback is listed to be 25 feet.

#### E. SPECIFIC ANALYSIS

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

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

Applicant response: "Most of the properties in the area already have front porches, which encroach in the setback. We are being penalized because our project is new construction."

The proposed work for this site includes demolishing the two existing residential structures, and

constructing two new 3-story structures in a congregate living arrangement (SP-15-00401). This request for a variance stems from an action by the property owner seeking to demolish the existing structure and proposing the new structures within the established front yard setback.

Section 20-602,(e)(1)(i) does allow, "In any District where 35% or more of the Frontage on one side of a Street between two intersecting Streets is improved with Buildings whose Front Setbacks do not vary more than 15 feet from the required Front Setbacks of the Base District, any new Building erected may comply with the average Front Setback of the existing Buildings." Using the GIS system, Staff measured the structures to determine the average setback of the western side of the 1700 Block of Kentucky Street and determined this exception would permit a setback of 23.6 feet. This is a reduction of 1.4 feet from the standard setback.

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

Applicant response: "Since this is a typical condition of the Oread neighborhood, we do not feel this would adversely affect the adjacent property owners/residents."

In staff's opinion, the requested variance will not adversely affect the rights of adjacent property owners or residents. It should be noted that these properties are located within the Babcock Neighborhood Association, not the Oread Neighborhood Association. Notice was provided to property owners within a 200 foot distance of the subject property to inform them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

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

Applicant response: "According to the proposed Oread Neighborhood Design Guidelines, our request would be allowed. But since the Design Guidelines have yet to be approved, we have to request a variance to provide the front porch, which fits the overall design of the Oread Neighborhood."

In staff's opinion, strict adherence to the Land Development Code would not be an unnecessary hardship to this proposed project as it is yet to be constructed and could be designed to comply with the applicable Land Development Code requirements.

At present, these properties are within the Babcock Neighborhood Association. They are not located within the Oread Neighborhood, and would not be subject to the Oread Design Guidelines.

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

Applicant response: "Since this is a consistent design element within the neighborhood, it would not adversely affect the public health, safety, morals, order, convenience, properity or general welfare."

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

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

Applicant response: "Based on the draft of the Oread Neighborhood Design Guidelines, we feel that this request fits in with the general spirit and intent of the Development Code."

As previously noted, the properties are within the Babcock Neighborhood Association, not a part of the Oread Neighborhood plan; nor potentially subject to the Oread Design Guidelines.

In staff's opinion, approval of this variance is not consistent to the general spirit and intent of the Land Development Code. In previous applications that have been reviewed by staff and the Board of Zoning Appeals, both have determined that variances for new construction may be granted when there are special circumstances associated with a particular piece of property in applying the Land Development Code, or it is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. In those instances, granting a variance would remedy the disparity.

In this case, other properties within this block of Kentucky Street are similar to the subject properties in both area and lot size. They also have similar front setbacks along their Kentucky Street property lines. The consistency of the subject parcels to the surrounding parcels in both zoning and land division does not present a unique characteristic or condition to take into account for this criterion.

<u>Conclusions:</u> Staff's analysis of this variance application finds the request does not meet 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. In Staff's opinion, Review and Decision-Making Criteria 1, 3, and 5 of Section 20-1309(g)(1) in the Land Development Code are not met in this instance.

**Recommendation:** Staff cannot recommend approval of the requested variance to reduce the 25 feet front yard building setback required in Section 20-601(a) of the City Code to a minimum of 17.5 feet, which will allow for the construction of an 8 feet wide covered porch on the front of the new congregate living structures.



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

#### **APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP**

OWNER INFORMATION	
Name(s) Fadila Boumaza or Chaudhry Wa	hla
Contact <u>Imran Wahla</u>	
Address 1518 E 800 Road	
City Lawrence	State Kansas ZIP 66049
Phone (785) 423-5665	Fax ()
E-mail imranwahla@gmail.com	Mobile/Pager ()
APPLICANT/AGENT INFORMATION	
Contact Paul Werner	
Company Paul Werner Architects	
Address 123 W 8th Street, Suite B2	
City Lawrence	State Kansas ZIP 66044
Phone (785) 832-0804	Fax ( <u>785</u> ) <u>832-0890</u>
E-mail <u>paulw@paulwernerarchitects.com</u>	Mobile/Pager ( <u>785</u> ) <u>979-2243</u>
Pre-Application Meeting Date	Planner
PROPERTY INFORMATION	
Present Zoning District RM32 Present Zoning District	sent Land Use <u>Single Family Reside</u> nces
Proposed Land Use Congregate Residences	<u>.</u>
Legal Description (may be attached) See Attach	ed Plan
Address of Property 1731/1735 Kentucky	
Total Site Area 12,500 sq.ft. / 6,250 sq	.ft. per lot
Number and Description of Existing Improvements o	r Structures One single family
residence on each lot.	



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

#### **Description of variance requested:**

The	r	<u>eque</u>	st	is	to	pro	<u>vide</u>	a	fror	ıt por	ch,	fac	ing t	he st	treet,	to	be	more
con	si	sten	ıt v	vi tl	ı tl	ne s	urrou	m	ding	Oread	pro	oper	ties.	The	varia	nce	ne	eded
-															this			
to 1										,								
<u> </u>		<u> </u>	<u> </u>			•							natur institution					
									· · · · ·			.,				•		
-11.							20,200								· · · · · · · · · · · · · · · · · · ·			
				• • • • • • • • • • • • • • • • • • • •														
												· · ·						
									············				,					
			-															
									<del></del>	<u> </u>								
																		50-5778 Sec. 111-1117
						a												
						,												
		· · · · · · · · ·			. I ma er - une albanija arte.	**************************************		-,		· · · · · · · · · · · · · · · · · ·				<u></u>				.,
			•									<del>.</del>						
									U									
									.,,-									<u> </u>
					· · · · · · · · · · · · · · · · · · ·	·.•·								<u></u>				<del></del>
		) (**	*** ****															
	·																	



#### Lawrence Douglas County Metropolitan Planning Office

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

#### **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.)

									s, which
croach	in th	e setb	ack.	We are	e being	penalize	d because	our	project
new co	onstru	ction.					***************************************		
		Care tales							
			<del>, ,</del>						
									•
owners	or resid	ents:				•	•	_	acent prope
owners	or resid	ents:				•	•	_	acent prope
owners o	or resid	ents: a typi	.cal c	ondit:	lon of	the Oread	neighbor	hood,	
owners of the	or resid	ents: a typi	.cal c	ondit:	lon of	the Oread	neighbor	hood,	we do
owners of	or resid	ents: a typi	.cal c	ondit:	lon of	the Oread	neighbor	hood,	we do
owners of	or resid	ents: a typi	.cal c	ondit:	lon of	the Oread	neighbor	hood,	we do
owners of	or resid	ents: a typi	.cal c	ondit:	lon of	the Oread	neighbor	hood,	we do
owners of	or resid	ents: a typi	.cal c	ondit:	lon of	the Oread	neighbor	hood,	we do



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

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 application:	
According to the proposed Oread Neighborhood Design Guidelines, our	
request would be allowed. But since the Design Guidelines have yet	to
be approved, we have to request a variance to provide the front porce	ch,
which fits with the overall design of the Oread neighborhood.	_
	_
	<del></del>
4. That the variance desired would not adversely affect the public health, safety, morder, convenience, prosperity or general welfare:	orals,
4. That the variance desired would not adversely affect the public health, safety, moreorer, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,	
order, convenience, prosperity or general welfare:	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>
order, convenience, prosperity or general welfare:  Since this is a consistent design element within the neighborhood,  would not adversely affect the public health, safety, morals, order	<u>it</u>



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

5. That granting the variance desired wou of the Development Code:	ıld not be opposed to the general spirit and intent
-	Neighborhood Design Guidelines, we feel
that this request fits in with the	ne general spirit and intent of the
Development Code.	,
SIGNATURE	
	r(s)), (duly authorized agent), (Circle One) of the my/our signature, I/we do hereby officially apply for
<b>\</b>	
Signature(s):	Date 12 03.15
Tithan	Date 12.63.15  and Werner Arantects
	Date
	D. I.
***************************************	Date
CTAPE LICE ONLY	٠.
STAFF USE ONLY	
Application No.	
Date Received	
BZA Date	<del></del>
Fee \$	
Date Fee Paid	



NOTARY PUBLIC - State of Marisan TIFFANY RUSE My Appt. Expires 0.1.10.11

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

	OWNER AUTHORIZATION
as	the "Undersigned", being of lawful age, do hereby on this 29 day of 2015, make the following statements to wit:
1.	I the Undersigned, on the date first above written, am the lawful owner in fee simple absolute of the following described real property:
	1731 Kentucky - South Lawrence descriptions - Beginning on the West line of Kentucky street at a point 390 feet south of the southeast corner of block 7 in Babcock's addition then south 50 feet, west 125 feet, north 50 feet, east 125 feet to the beginning.
	1735 Kentucky - South Lawrence descriptions - beginning on the west line of Kentucky street at a point 440 feet south of the southeast corner of block 7 of Babcock's addition, south 50 feet, west 125 feet, north 50 feet, east 125 feet to the beginning.
2.	I the undersigned, have previously authorized and hereby authorize <b>Paul Werner Architects</b> (Herein referred to as "Applicant"), to act on my behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding <b>1731 and 1735 Kentucky, Lawrence, Kansas</b> (common address),the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
3.	It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.
IN	WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.
QN	oner Owner
CO	ATE OF KANSAS UNTY OF DOUGLAS
Th	e foregoing instrument was acknowledged before me on this $20$ day of $30$ , 2015,
by	Imran Wahla
Му	Commission Expires: 04 10 17  Notary Public

J:\PWA-Admin\Planning Dept\PWA Forms\Owner Auth City Form.doc



#### Lawrence Douglas County Metropolitan Planning Office

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

#### 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 200 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.

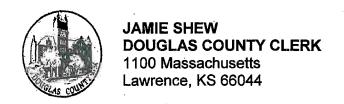
#### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

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.

Signature 12.3.15
Date

Printed Name



Marni Penrod-Chief Deputy Clerk Benjamin Lampe-Deputy Clerk Elections

November 30, 2015

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 1731-1735 KENTUCKY ST (U03600, U03601). 11/30/2015. REQUESTED BY TIFFANY KING OF PAUL WERNER ARCHITECTS.

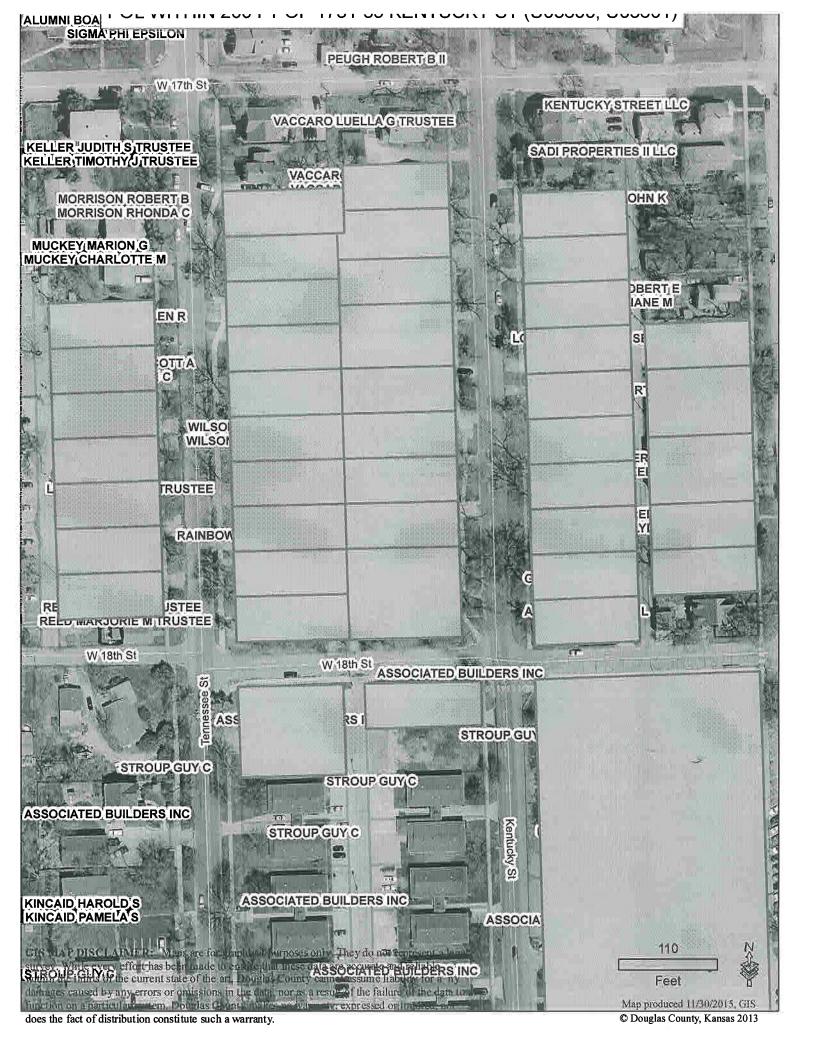
JOHN R. NICHOLS DOUGLAS COUNTY CLERK'S OFFICE 1100 MASSACHUSETTS ST LAWRENCE, KS 66044

785-832-5147

jnichols@douglas-county.com

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

Phone: 785-832-5267 www.douglascountyelections.com Fax: 785-832-5192



4517 NICKLAUS DR
1022 ANALON RD 303 EMANUEL CEVER BLVD 1901 INDINANA CT
4517 MICKLAUS DR
2274 US 59 HWY
5603 W 148TH PL
12202 121H ST 12502 121H ST 824 F OPHS ST
119 N PARKER UNIT 152
2803 PAMA LOU AVE
HEMPHILL CAROLYN L CO-TRUSTEE
1347 NEW HAMPSHIRE ST
26201 W 108TH ST
451/ NICKLAUS UR
1041 NEW HAMPSHIKES SCALES HIANITA LTRIKSTEF
•
1885 N 600 RD
912 HOLIDAY DR
SCALES JUANITA J TRUSTEE 227 CONCORD RD
1729 VERMONT ST
1518 E 800 RD
PO BOX 881
2209 RHODE ISLAND
9187 W 92ND ST
2209 RHODE ISLAND ST
1733 VERMONT ST
WEEKS JULIA R TRUSTEE 2209 RHODE ISLAND ST
9187 W 92ND ST
825 WESTGATE PL
C/O BIG BLUE PROPERTY MGMT INC 937 KENTUCKY ST
1941 MASSACHUSETTS ST
1740 KENTUCKY ST
TRUSTEE 227 CONCORD RD
TRUSTEE 18073 35TH ST
1702 LEARNARD AVE
110 MCDONALD DR
PO BOX 484
PO BOX 484

. 0

PROJECT # 24170

Conf. Liments
Co

- **6**2

SATE REPORT OF PLANE

1 VIT CAL CORD.

2 GALLON

LANDSCAPING NOTES.

201 Excerne. Et amounts

30 Serve rete. 2 very or struct

30 Person or structure. 3 very or structure. 4 very or structure. 5 very or st

SITE PLAN

PARKING INFORMATION:

TYBLENCE KANENE
1731 & 1735 KENTUCKY

IMPERVIOUS SURFACE SUMMARY:

RELEASES

LEGAL DESCRIPTION:

Is canon-som under the control results of control steps in a new yor her som or

and control some control research of the control results and the control results of the control results o PROJECT SUMMARY: GENERAL NOTES LOCATION MAP SIDEMUK TO BE CONST AT OWERS EXPEKE PERSONE CARE CAT TO BE REPONDO AT CAMERS EXPECE S. HE CAT THOK

SANCE CENTRAL STATE OF THE SANCE STATE OF THE SANCE SA

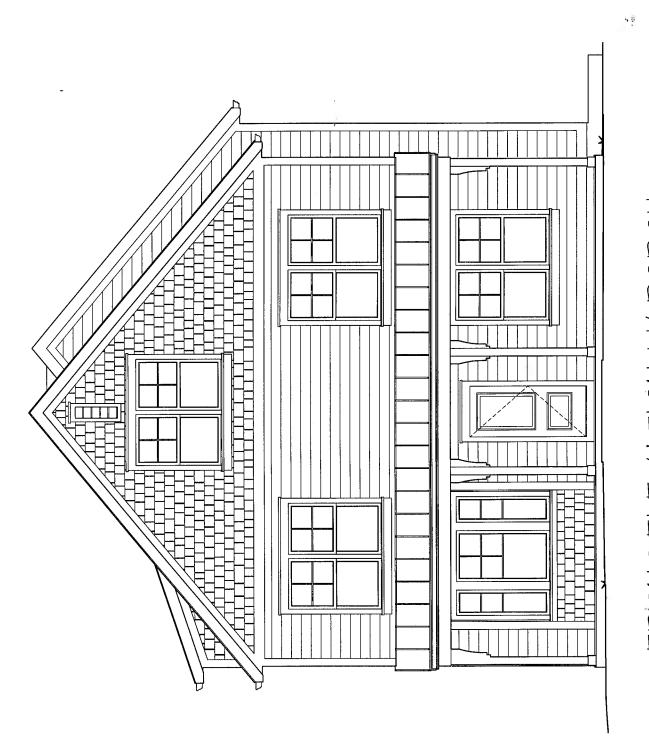
DEFERENCE TO SERVICE STREET

STALL O

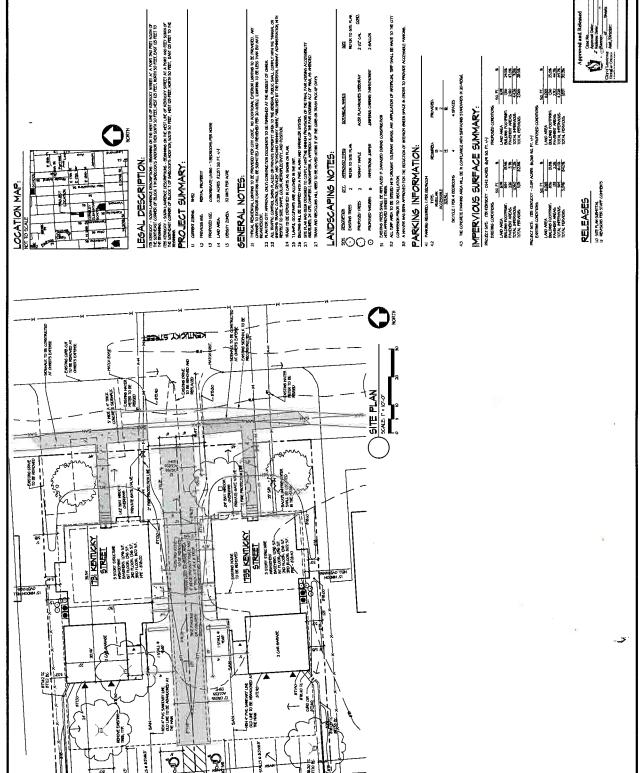
BTAS TC

paulwerner erchitects





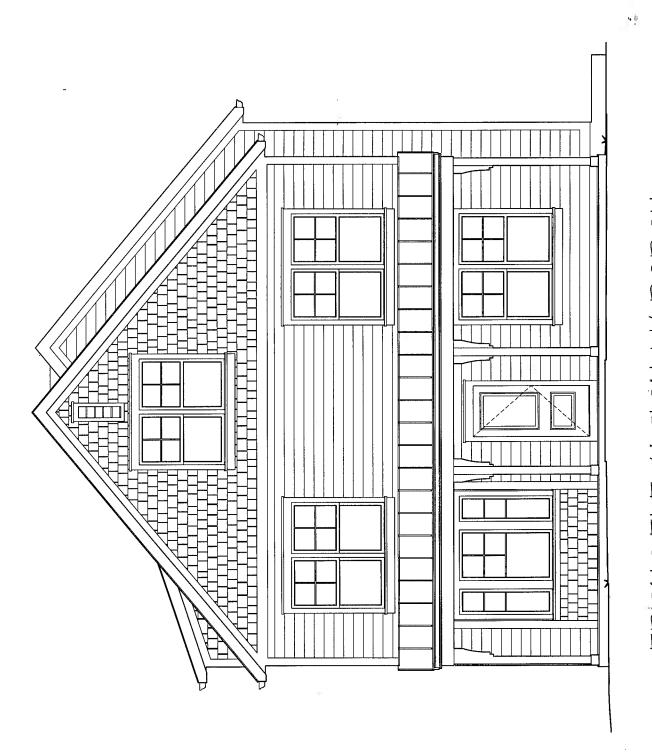
FRONT ELEVATION M/ PORCH



MEA LETNER TO THE FOLE AND CARD TO THE GRANELED TO THE CHANGE TO THE FOLE TO T

MOROSED CURB --AND BUTTER, THP.



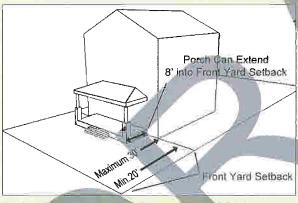


FRONT ELEVATION W PORCH

### 4.B. SITE DEVELOPMENT GUIDELINES



Principal structures shall face the street.



Front yerd setback should between 20' and 30'

### B. DEVELOPMENT OF THE LOT AND SITE **GUIDELINES**

Goal: Maintain the established pattern of lot development. Combining lots into larger parcels is not appropriate, except as allowed in Chapter 5.B. Respect and maintain the traditional relationship of a structure to the street and to neighboring properties, the common orientation of structures, the established configuration of open space, and the placement of parking in the rear.

### B1. Lot Consolidation

- i. Lots in all districts except District 5 shall not be combined as part of redevelopment to construct duplex and other higher-intensity forms of housing...
- Combinations shall be permitted if they reestablish the historic 50 foot wide lot pattern that is traditionally seen within the neighborhood and do not remove historic structures.

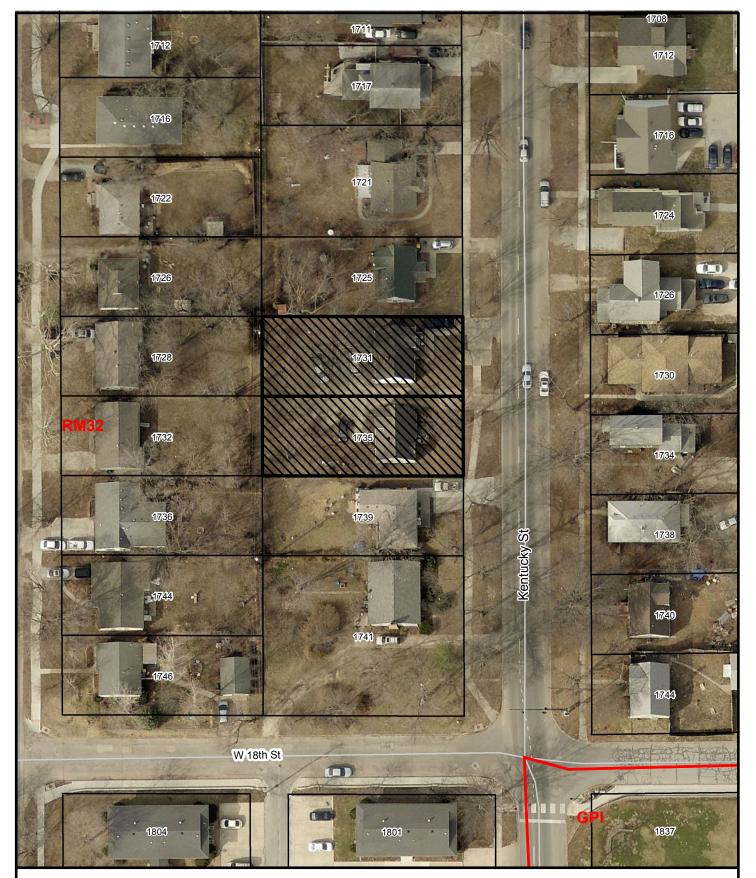
### **B2.** Front Yard Setbacks

#### a. Primcipal Structure

- i. The entry of the Principal structures shall face a street.
- ii. Structures shall be constructed no closer than 20 feet to the front property line and should be no farther than 30 feet from the front property line.
- iii. Portions of porches that extend beyond the principal structure shall not be included in setback calculations.

#### b. Porch Encroachment

- i. A porch may encroach up to 8 feet into the required front yard setback.
- ii. The total area of any encroachment of the porch into a front yard or a side yard adjacent to a street shall not exceed 150 square feet.



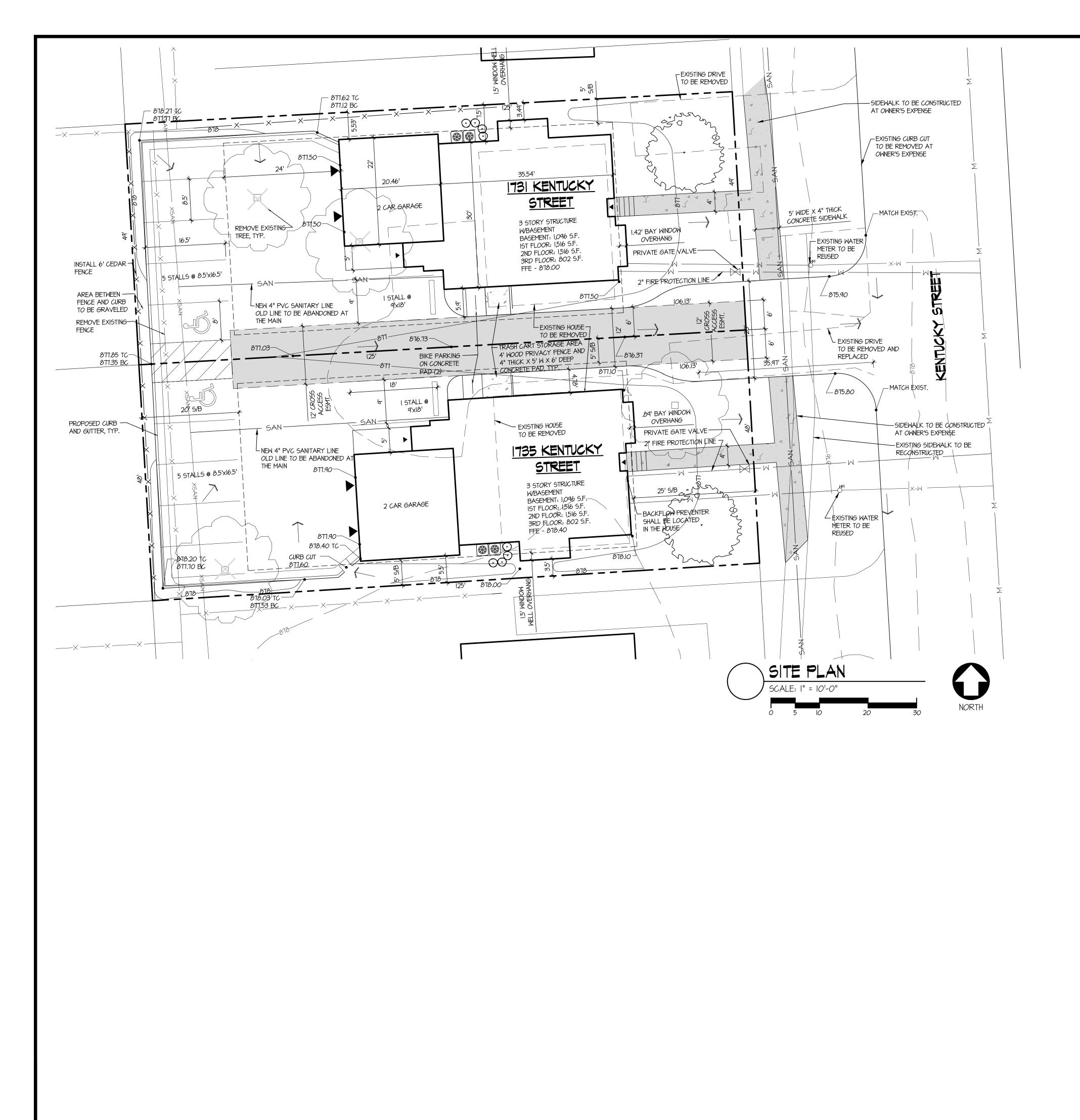
B-15-00624: Variance from the Code Required Front Yard Building Setback for New Congregate Living Structures at 1731 and 1735 Kentucky Street

Lawrence Planning & Development Services Dept December 17, 2015

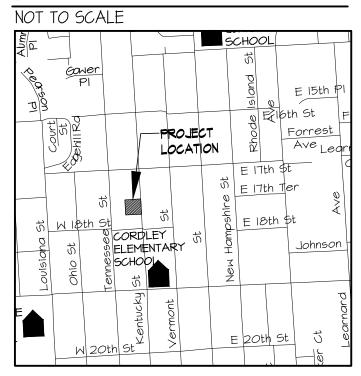


Subject Property

Scale: 1 Inch = 60 Feet



# LOCATION MAP:



# LEGAL DESCRIPTION:

1731 KENTUCKY - SOUTH LAWRENCE DESCRIPTIONS - BEGINNING ON THE WEST LINE OF KENTUCKY STREET AT A POINT 390 FEET SOUTH OF THE SOUTHEAST CORNER OF BLOCK 7 IN BABCOCK'S ADDITION THEN SOUTH 50 FEET, WEST 125 FEET, NORTH 50 FEET, EAST 125 FEET TO

1735 KENTUCKY - SOUTH LAWRENCE DESCRIPTIONS - BEGINNING ON THE WEST LINE OF KENTUCKY STREET AT A POINT 440 FEET SOUTH OF THE SOUTHEAST CORNER OF BLOCK 7 OF BABCOCK'S ADDITION, SOUTH 50 FEET, WEST 125 FEET, NORTH 50 FEET, EAST 125 FEET TO THE

# PROJECT SUMMARY:

I.I CURRENT ZONING: RM32

1.2 PREVIOUS USE: RENTAL PROPERTY

1.3 PROPOSED USE: CONGREGATE LIVING - 7 BEDROOMS PER HOUSE

0.281 ACRES (12,257 SQ. FT. +/-) I.4 LAND AREA:

I.5 DENSITY ZONED: 32 UNITS PER ACRE

# GENERAL NOTES:

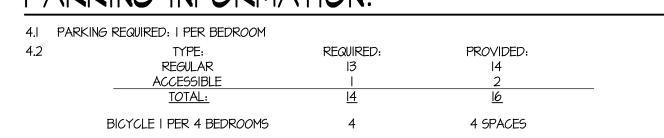
- 2.1 TYPICAL RESIDENTIAL LIGHTING TO BE PROVIDED PER CITY CODE. NO ADDITIONAL EXTERIOR LIGHTING TO BE PROVIDED. ANY CHANGES TO EXTERIOR LIGHTING WILL BE SUBMITTED AND REVIEWED PER 20-1103(c). LIGHTING TO BE LESS THAN 150 WATT INCANDESCENT.
- 2.2 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 2.3 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORMS TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROFLECTIVITY, AND POSITION.
- 2.4 TRASH TO BE DEPOSITED IN CARTS AS SHOWN ON PLAN.
- 2.5 7 LAWFUL OCCUPANTS ARE ALLOWED IN THE UNIT.
- 2.6 BUILDING WILL BE EQUIPPED WITH A FIRE ALARM AND SPRINKLER SYSTEM.
- 2.7 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE FINAL FAIR HOUSING ACCESSIBILITY
- GUIDELINES, 24 CFR, CHAPTER I, SUBCHAPTER A, APPENDIX II, OF THE FAIR HOUSING ACT OF 1968, AS AMENDED. 2.7 TRASH AND RECYCLING WILL NEED TO BE MOVED WITHIN 3' OF THE CURB ON TRASH PICK-UP DAYS
- LANDSCAPING NOTES:

SYM.	<u>DESCRIPTION</u>	<u>QTY.</u>	APPROVED TYPES	BOTANICAL NAMES	<u>SIZE</u>
£.}	EXISTING TREES	2	REFER TO SITE PLAN		REFER TO SITE PLA
Contract of the second	PROPOSED TREES	2	NORWAY MAPLE	ACER PLATANOIDES 'DEBORAH'	2 1/2" CAL <u>CON</u>
$\odot$	PROPOSED SHRUBBS	8	ARMSTRONG JUNIPER	JUNIPERUS CHINENIS 'ARMSTRONGII'	2 GALLON

- 3.1 EXISTING TREES SHALL BE REPLACED IF DAMAGED DURING CONSTRUCTION
- WITH APPROVED STREET TREES.
- 3.2 ALL TURF AREA TO BE SEEDED WITH DROUGHT TOLERANT GRASS. ANY APPLICATION OF ARTIFICIAL TURF SHALL BE MADE TO THE CITY COMMISSION PRIOR TO INSTALLATION.

3.3 A WAIVER HAS BEEN APPROVED FOR THE REDUCTION OF INTERIOR GREEN SPACE IN ORDER TO PROVIDE ACCESSIBLE PARKING.

# PARKING INFORMATION:



4.3 THE CONCRETE PARKING AREA WILL BE IN COMPLIANCE WITH SURFACING STANDARDS IN 20-913(e).

# IMPERVIOUS SURFACE SUMMARY:

5,096

PROJECT SITE: 1731 KENTUC	KY - 0.142 A	ACRES (6,191 S	Q. FT. +/-)		
EXISTING CONDITIONS:			PROPOSED CONDITIONS:		
	SQ. FT.	%		SQ. FT.	%
LAND AREA	6,191		LAND AREA	6,191	
BUILDING FOOTPRINT:	834	13.5%	BUILDING FOOTPRINT:	1,516	24.5%
PAVEMENT AREAS:	226	3.7%	PAVEMENT AREAS:	2,910	47.0%
TOTAL IMPERVIOUS:	1,060	17.2%	TOTAL IMPERVIOUS:	4,426	71.5%
TOTAL PERVIOUS:	5,131	82.8%	TOTAL PERVIOUS:	2,065	28.5%
PROJECT SITE: 1735 KENTUC EXISTING CONDITIONS:	KY - 0.139 A	CRES (6,065	SQ. FT. +/-) PROPOSED CONDITIONS:		
	SQ. FT.	%		SQ. FT.	%
LAND AREA	6,065		LAND AREA	6,065	
BUILDING FOOTPRINT:	836	13.8%	BUILDING FOOTPRINT:	1,516	25.0%

PAVEMENT AREAS:

TOTAL IMPERVIOUS:

TOTAL PERVIOUS:

# RELEASES

PAVEMENT AREAS:

TOTAL IMPERVIOUS:

TOTAL PERVIOUS:

I.O SITE PLAN SUBMITTAL I.I REVISIONS PER STAFF COMMENTS



123 W. 8TH STREET SUITE B2 LAWRENCE, KS 66044

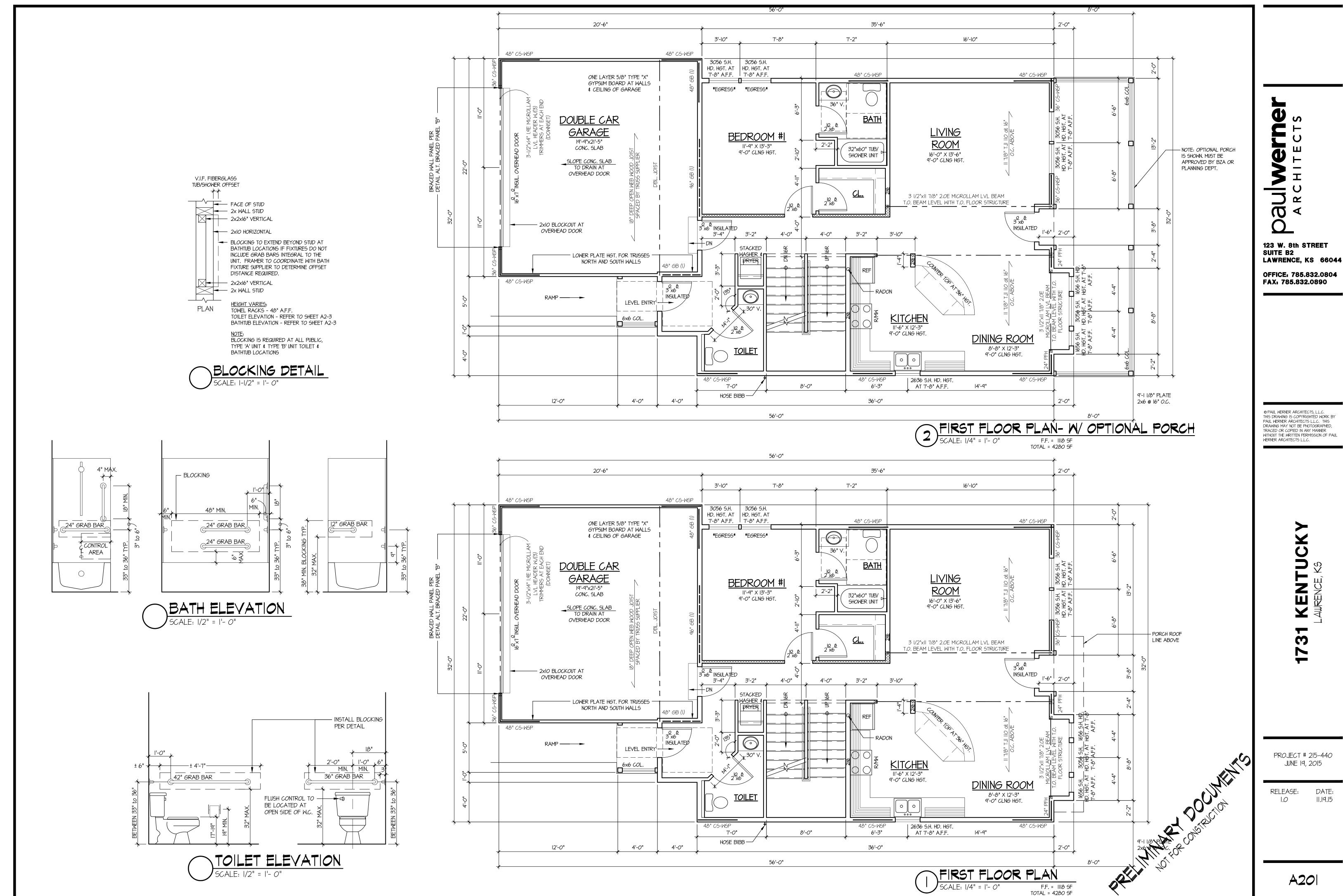
OFFICE: 785.832.0804 FAX: 785.832.0890 INFO@PAULWERNERARCHITECTS.COM

© PAUL WERNER ARCHITECTS, L.L.O THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, TRACED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PAUL WERNER ARCHITECTS L.L.C.

S C

PROJECT # 29170

RELEASE: 7.29.15 9.24.15 11.24.15



THIS DRAWING IS COPYRIGHTED WORK BY PAUL WERNER ARCHITECTS L.L.C. THIS DRAWING MAY NOT BE PHOTOGRAPHED, WITHOUT THE WRITTEN PERMISSION OF PAUL

PROJECT # 215-440

11.19.15

From: David Guntert
To: Jeff Crick

**Subject:** FW: 1731 - front porch option

**Date:** Tuesday, 22 December, 2015 11:29:35 AM

I think this should go into the project folder for the BZA variance request.

**David R. Guntert**, *Planner II* - dguntert@lawrenceks.org Planning and Development Services | www.lawrenceks.org City Hall, 6 E. 6<sup>th</sup> Street P.O. Box 708, Lawrence, KS 66044-0708 office (785) 832-3158 | fax (785) 832-3160

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey:

<a href="http://lawrenceks.org/pds/survey/satisfaction">http://lawrenceks.org/pds/survey/satisfaction</a>."

From: Paul Werner [mailto:paulw@paulwernerarchitects.com]

Sent: Friday, December 11, 2015 8:35 AM

To: David Guntert

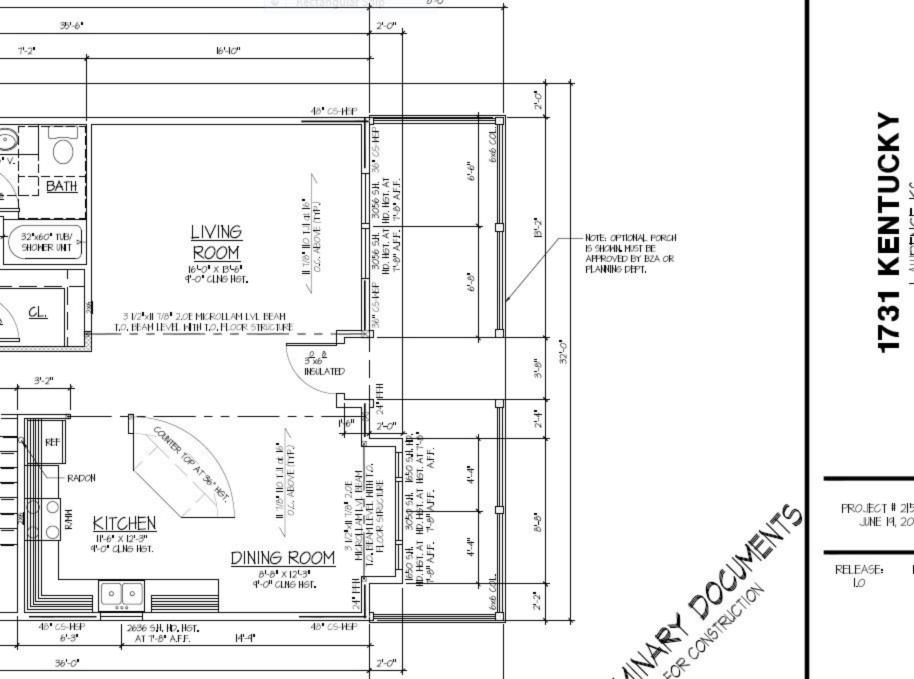
Subject: 1731 - front porch option

1731 floor plan – with front porch option.

This would reduce the front yard to 17.5 +/-, but I believe is consistent with the draft guidelines.

Does this help?

Thanks



# ITEM NO. 6 FRONT YARD BUILDING SETBACK VARIANCE AND INTERIOR SIDE YARD SETBACK VARIANCE; 1338 OHIO STREET [JSC]

**B-15-00625**: A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The requests are for a variance to reduce the 25 feet front yard building setback required in Section 20-601(a) of the City Code to a minimum of 7.5 feet; and, a variance from the 5 feet interior side yard building setback required in said section of the City Code to a minimum of 2.5 feet. These variances are requested to allow for the construction of a covered porch on the front of the existing residential structure, which is being remodeled as a duplex. The property is located at 1338 Ohio Street. Submitted by Paul Werner, Paul Werner Architects, representing the property owner of record, Cole Rentals LLC.

#### B. REASON FOR REQUEST

Applicant's Request - "Variance to reduce the front yard setback to provide a porch facing the street."

### C. ZONING AND LAND USE

Current Zoning & Land Use: RM32 (Multi-Dwelling Residential District – 32 Dwelling

Units per acre) District; multi-dwelling residential structure.

Surrounding Zoning and Land Use: RM32 (Multi-Dwelling Residential District – 32 Dwelling

Units per acre) District to the north, east, and west; multi-

dwelling residential structures.

MU (Multi-Dwelling Residential – Greek Housing) District to

the south; Jayhawk Café and The Hawk.

### D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "Density and Dimensional Standards; Occupancy Limits – Residential Districts," has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RM32 District, the minimum interior side yard building setback is listed to be 5 feet.

Section 20-601(a), "Density and Dimensional Standards; Occupancy Limits – Residential Districts," has standards defining the minimum building setbacks for residential dwellings based upon each residential zoning district. In the RM32 District, the minimum front side yard building setback is listed to be 25 feet.

#### E. SPECIFIC ANALYSIS

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

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

Applicant response: "This appears to be one of the only properties on Ohio Street, between 13<sup>th</sup> and 14<sup>th</sup> that does not have a front porch."

According to the Douglas County Appraisers Office, this property was constructed in 1988, which would be considerably more recent than the average date of construction for this block, which is 1920. At the time of the building's construction, the property would have been zoned RD Residence-Dormitory District - (800 sq. ft. minimum lot area per dwelling unit) under the 1966 Zoning Code, which would have required 25 foot front setback from the property line, and an interior side yard setback of 5 feet. Based on the survey provided by the applicant, the existing structure does not comply with these setback requirements.

The present architectural style of the structure is not consistent with the existing vernacular aesthetic of the block, which is oriented to front towards Ohio Street. The existing multi-dwelling structure is oriented towards the side yard of the parcel, presenting a side façade towards the street. Staff's measurement of the existing structures and their front setbacks finds that the average of the block face, excluding the commercial properties adjacent to the south and the University of Kansas Krehbiel and Rieger Scholarship Halls, is approximately 11.6 feet from the property lines to the existing structures. The existing front setbacks range from a minimum of 3.1 feet to a maximum of 20.4 feet, with a median distance of 10.1 feet. The request for a variance of a front yard setback to reduce the 25 feet front yard building setback required to a minimum of 7.5 feet is consistent with the existing structures presently found on the 1300 Block of Ohio Street.

The reduction of the required side yard setback along the southern property line would bring the existing structure into compliance with the Land Development Code. As the applicant is not proposing to extend the existing principal structure further south into this side yard, and this would eliminate non-conforming instance.

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

Applicant response: "Since the neighboring property owners already encroach upon the setback, this variance would not adversely affect the rights of the adjacent property owners or residents."

In staff's opinion, the requested variance will not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within a 200 foot distance of the subject property to inform them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

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

Applicant response: "Unless the variance is approved, the property owners are not allowed to build a front porch, which having a front porch fits in with the overall design of the neighborhood. And this project would not require a variance if the proposed Oread Neighborhood Design Guidelines were already approved."

In staff's opinion, strict adherence to the Land Development Code could be an unnecessary hardship to this property owner given the existing neighborhood typology and consistent setback findings that many of the older structures within the block exhibit. Granting this variance would allow this structure to help maintain a more consistent front setback line along the block face, and allow it to appear more in keeping with the older existing houses still present along this block.

While the Oread Design Guidelines could be applicable to this situation in the future, they currently have not been adopted; therefore, they are not germane to this criterion.

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

Applicant response: "This variance would not adversely affect the public health, safety, morals, order convenience, prosperity or general welfare."

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

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

Applicant response: "We feel that this project fits in with the general spirit and intent of the Oread Neighborhood, and is allowed for in the proposed Design Guidelines."

As previously noted, the Oread Design Guidelines have not yet been adopted, and therefore, are not germane to this criterion.

In staff's opinion, approval of this variance is consistent with the general spirit and intent of the Land Development Code. Article 6 of the Land Development Code seeks to prescribe a consistent building line. Section 20-602, (e)(1)(i) allows, "In any District where 35% or more of the Frontage on one side of a Street between two intersecting Streets is improved with Buildings whose Front Setbacks do not vary more than 15 feet from the required Front Setbacks of the Base District, any new Building erected may comply with the average Front Setback of the existing Buildings." While the variation of this block face does not fit with this exception, this portion of the Oread Neighborhood was constructed prior to the adoption of any setback requirements. This variance would allow the proposed addition to maintain the consistent building line for the block.

<u>Conclusions</u>: 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.

BZA Staff Report January 7, 2016 Item No. 6, Page 4 of 4

**Recommendation:** Staff recommends approval of the requested variances to reduce the 25 feet front yard building setback required in Section 20-601(a) of the City Code to a minimum of 7.5 feet; and, a variance from the 5 feet interior side yard building setback required in said section of the City Code to a minimum of 2.5 feet, with the condition this variance only applies to the existing principal structure and not to any future accessory structures.



# Lawrence Douglas County

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

# **APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP**

OWNER INFORMATION	
Name(s) Cole Rentals LLC	
Contact <u>Jon Davis</u>	
Address 1617 Burning Tree Drive	
City Lawrence	State <u>Kansas</u> ZIP <u>66047</u>
Phone ()	Fax ()
E-mail jdavis@sunflower.com	Mobile/Pager ( <u>785</u> ) <u>550-8499</u>
APPLICANT/AGENT INFORMATION	
Contact Paul Werner	
Company Paul Werner Architects	
Address 123 W 8th Street, Suite B2	·
City_Lawrence	State Kansas ZIP 66044
Phone (785) 832-0804	Fax ( <u>785</u> ) <u>832-0890</u>
E-mail paulw@paulwernerarchitects.com	Mobile/Pager ( <u>785</u> ) <u>979-2243</u>
Pre-Application Meeting Date	Planner
PROPERTY INFORMATION	
Present Zoning District RM32 Present	tLand Use Multi-Family
Proposed Land Use <u>Duplex</u>	
Legal Description (may be attached) Ohio Street Lo	t 228, Lawrence, Douglas County, Kansas
Address of Property 1338 Ohio	· · · · · · · · · · · · · · · · · · ·
Total Site Area <u>5,850 sq.ft</u> .	<del> </del>
Number and Description of Existing Improvements or Str	ructures One structure containing
two; four bedroom units.	



# Lawrence Douglas County

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

### **Description of variance requested:**

Var	<u>iance</u>	to	reduce	the	front	yard	<u>setback</u>	to	<u>provide</u>	a	porch	<u>facin</u>	g
	stre								<u>-</u>		_		
-						,							
						,							
·													
											•		
												<u>.                                    </u>	
										7			
											,		
n and an or other to our		6 d w											
												ě	_ <b>3</b>
			nt ways weeken										
,			****										



# Lawrence Douglas County Metropolitan Planning Office

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

### **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.)

<ol> <li>That the variance request arises from such conditions which are unique to the propert question and not ordinarily found in the same zoning or district and are not created action(s) of the property owner or applicant:</li> </ol>
This appears to be one of the only properties on Ohio Street, between
13th and 14th that does not have a front porch.
2. That granting the variance would not adversely affect the rights of adjacent propositions or residents:
Since the neighboring property owners already encroach upon the setba
this variance would not adversely affect the rights of the adjacent
property owners or residents.



### Lawrence Douglas County Metropolitan Planning Office

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

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: Unless the variance is approved, the property owners are not allowed to build a front porch, which having a front porch fits in with the overall design of the neighborhood. And this project would not require a variance if the proposed Oread Neighborhood Design Guidelines were already approved. 4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare: This variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.



# Lawrence Douglas County

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

5. That granting to of the Developm		not be opposed to	the general spirit and intent
We feel that t	his project fits in	with the general	spirit and intent
of the Oread N	eighborhood, and is	allowed for in t	the proposed Design
Guidelines.	· · · · · · · · · · · · · · · · · · ·		
SIGNATURE			
	property. By execution of n		agent), (Circle One) of the do hereby officially apply for
Signature(s):	TIFFANY FINO	y for an I Wemer A	Date 12.03.15 UNHEUS Date
_			Date
STAFF USE ONLY			، ن <b>ی</b> :
Application No			
• •			



# Lawrence Douglas County Metropolitan Planning Office

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

### **OWNER AUTHORIZATION**

I, Jon Davis on behalf of Cole being of lawful age, do hereby on statements to wit:	Rentals, LLC, hereby referred to as this 20 day of NOV 2015	s the "Undersigned", , make the following
oracciticato to thic.		

 I the Undersigned, on the date first above written, am the lawful owner in fee simple absolute of the following described real property:

# OHIO STREET LOT 228, LAWRENCE, DOUGLAS COUNTY, KANSAS

- 2. I the undersigned, have previously authorized and hereby authorize Paul Werner Architects (Herein referred to as "Applicant"), to act on my behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 1338 Ohio, Lawrence, Kansas (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

foulth 1	HEREOF, I, the Undersigned, have set my hand and seal below.
Owner	Owner
STATE OF <b>V</b> O	
The foregoing	instrument was acknowledged before me on this 30 day of 100., 2015,
1	day of 1001 and 2015,
by	1 DANS
My Commission	Expires:
* ****	Notary Public
**************************************	Manager Parket P
	PUBLIC - State of Kerisas TIFFANY RUSE Expires

J:\PWA-Admin\Planning Dept\PWA Forms\Owner Auth City Form.doc



# Lawrence Douglas County Metropolitan Planning Office

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

### 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 200 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.

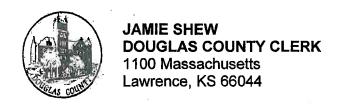
### THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

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.

Signature Date

TIFFANY KINI



Marni Penrod-Chief Deputy Clerk Benjamin Lampe-Deputy Clerk Elections

November 30, 2015

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 1338 OHIO ST (U02062). 11/30/2015. REQUESTED BY TIFFANY KING OF PAUL WERNER ARCHITECTS.

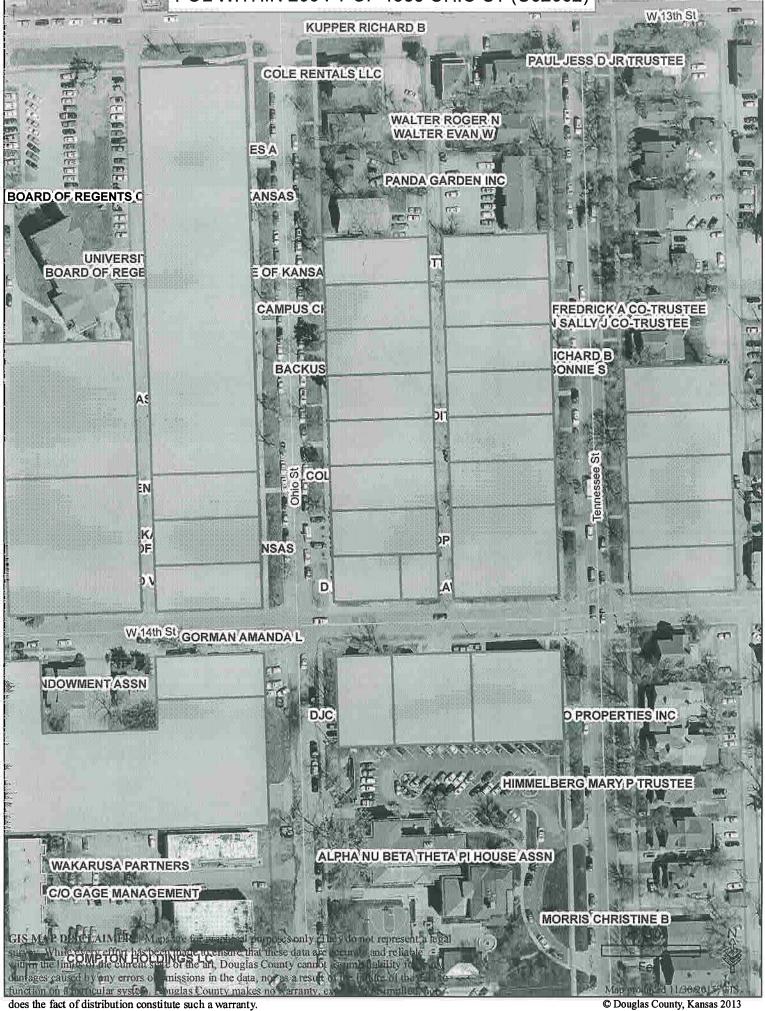
JOHN R. NICHOLS DOUGLAS COUNTY CLERK'S OFFICE 1100 MASSACHUSETTS ST LAWRENCE, KS 66044

785-832-5147

inichols@douglas-county.com

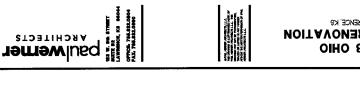
Douglas County Real Estate Division County Clerk's Office. I do hereby certify the Property Ownership listed hereto, to be true and accurate.

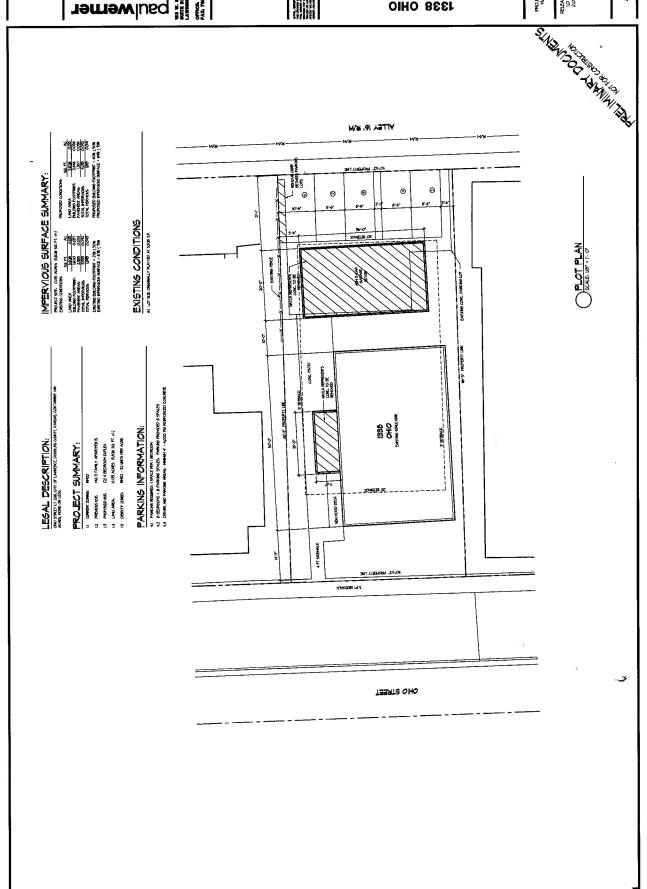
Phone: 785-832-5267 www.douglascountyelections.com Fax: 785-832-5192



NIdNIOF	SYSCALACRE owner1	owner2	owner3	address	city	sta zip plate	PID	Quickrefid	situs
079-31-0-30-25-001.00-0	1.21611679 UNIVERSITY OF KANSAS	BOARD OF REGENTS OF THE STATE OF KANSAS		1450 JAYHAWK BLVD RM 245	LAWRENCE	KS 66045 U02041-01A	023-079-31-0-30-25-001.00-0	R16391	1301 OHIO ST
079-31-0-30-25-002.03-0	0.50857095 UNIVERSITY OF KANSAS			1450 JAYHAWK BLVD RM 245	LAWRENCE	KS 66045 U02173A	023-079-31-0-30-25-002.03-0	R16393	1318 LOUISIANA ST
079-31-0-30-25-008.00-0	0.13512461 HDD OF LAWRENCE LLC			PO BOX 706	LAWRENCE	KS 66044 U02061	023-079-31-0-30-25-008.00-0	R16397	1339 OHIO ST
079-31-0-30-25-005.00-0	0.50854999 UNIVERSITY OF KANSAS	BOARD OF REGENTS OF THE STATE OF KANSAS		1450 JAYHAWK BLVD RM 245	LAWRENCE	KS 66045 U02176A	023-079-31-0-30-25-005.00-0	R16394	1346 LOUISIANA ST
079-31-0-30-25-007.00-0	0.13512494 HDD OF LAWRENCE LLC			PO BOX 706	LAWRENCE	KS 66044 U02063	023-079-31-0-30-25-007.00-0	R16396	1341 OHIO ST
079-31-0-30-25-006.00-0	0.13512236 OREAD VILLAS LLC			PO BOX 442109	LAWRENCE	KS 66044 U02065	023-079-31-0-30-25-006.00-0	R16395	502 W 14TH ST
079-31-0-30-37-001.00-0	0.13098480 GORMAN AMANDA L			PO BOX 442109	LAWRENCE	KS 66044 U03720	023-079-31-0-30-37-001.00-0	R16605	507 W 14TH ST
079-31-0-30-37-002.01-0	0.99013376 UNIVERSITY OF KANSAS			1450 JAYHAWK BLVD RM 245	LAWRENCE	KS 66045 U03717B	023-079-31-0-30-37-002.01-0	R334656	500 BLK W 14TH ST
079-31-0-30-26-020.00-0	0.13429743 FELTON ERIC A	SCHMICT THERESA A		1315 TENNESSEE ST	LAWRENCE	KS 66044 U01849	023-079-31-0-30-26-020.00-0	R16425	1315 TENNESSEE ST
079-31-0-30-26-006.01-0	0.13428564 MUNSCH ROBERT D			PO BOX 1851	LAWRENCE	KS 66044 U02049	023-079-31-0-30-26-006,01-0	R16410	1316 OHIO ST
079-31-0-30-26-019.00-0	0.13429727 ELLIOTT MARY C			1319 TENNESSEE ST APT 1	LAWRENCE	KS 66044 U01851	023-079-31-0-30-26-019,00-0	R16424	1319 TENNESSEE ST
079-31-0-30-26-007.00-0	0.13428524 CAMPUS CHRISTIAN INC			1320 OHIO ST	LAWRENCE	KS 66044 U02052	023-079-31-0-30-26-007,00-0	R16411	1320 OHIO ST
079-31-0-30-26-018.00-0	0.13429774 KUPPER RICHARD B	KUPPER BONNIE S		437 W 104TH ST APT D	KANSAS CITY	MK 64114 U01853	023-079-31-0-30-26-018.00-0	R16423	1321 TENNESSEE ST
079-31-0-30-26-008.00-0	0.13428533 BACKUS ANTHONY S	MCCORKLE BARBARA B		1736 LOUISIANA ST UNIT A	LAWRENCE	KS 66044 U02055	023-079-31-0-30-26-008.00-0	R16412	1324 OHIO ST
079-31-0-30-27-008.00-0	0.13438863 WOODOC INVESTMENTS LLC	KELION OF LAWRENCE LLC		PO BOX 442109	LAWRENCE	KS 66044 U01856	023-079-31-0-30-27-008.00-0	R16436	1328 TENNESSEE ST
079-31-0-30-26-017,00-0	0.13429753 FUNDERBURK ASHLEY J			548 MARKET ST UNIT 30307	SAN FRANCISCO	CA 94104 U01855	023-079-31-0-30-26-017.00-0	R16422	1325 TENNESSEE ST
079-31-0-30-26-009,00-0	0.13428539 BACKUS ROBERT			1941 MASSACHUSETTS ST	LAWRENCE	KS 66046 U02058	023-079-31-0-30-26-009,00-0	R16413	1328 OHIO ST
079-31-0-30-27-009.00-0	0.13438870 HEARN SERINA A			1941 MASSACHUSETTS ST	LAWRENCE	KS 66046 U01858	023-079-31-0-30-27-009.00-0	R16437	1332 TENNESSEE ST
079-31-0-30-26-016.00-0	0.13429691 MEREDITH LYNN O			721 MISSOURI ST	LAWRENCE	KS 66044 U01857	023-079-31-0-30-26-016.00-0	R16421	1333 TENNESSEE ST
079-31-0-30-26-010.00-0	0.13428524 CRIMSON PROPERTIES LLC			PO BOX 442109	LAWRENCE	KS 66044 U02060	023-079-31-0-30-26-010.00-0	R16414	1334 OHIO ST
079-31-0-30-27-010.00-0	0.13439037 REH LLC			605 UPPER MILL HEIGHTS DR	SALINA	KS 67401 U01860	023-079-31-0-30-27-010.00-0	R16438	1336 TENNESSEE ST
079-31-0-30-26-015.00-0	0.13429741 CARTER MANAGEMENT LC		C/O GAGE MANAGEMENT LLC	2201 W 25TH ST STE R	LAWRENCE	KS 66047 U01859	023-079-31-0-30-26-015.00-0	R16420	1339 TENNESSEE ST
079-31-0-30-26-011.00-0	0.13428527 COLE RENTALS LLC			1617 BURNING TREE DR	LAWRENCE	KS 66047 U02062	023-079-31-0-30-26-011.00-0	R16415	1338 OHIO ST
079-31-0-30-27-011.00-0	0.13439044 SORRENTINO INVESTMENTS LLC			13324 RIGGS RD	OVERLAND PARK	KS 66209 U01862	023-079-31-0-30-27-011.00-0	R16439	1340 TENNESSEE ST
079-31-0-30-26-014.00-0	0.26860405 TK PROPERTY'S LLC			8002 SWARNER DR	LENEXA	KS 66219 U01861A	023-079-31-0-30-26-014,00-0	R16419	1343 TENNESSEE ST
079-31-0-30-26-012.00-0	0.13428965 HDD OF LAWRENCE LLC			PO BOX 706	LAWRENCE	KS 66044 U02064	023-079-31-0-30-26-012.00-0	R16416	1340 OHIO ST
079-31-0-30-27-012.00-0	0.13439940 SORRENTINO INVESTMENTS LLC			13324 RIGGS RD	OVERLAND PARK	KS 66209 U01864	023-079-31-0-30-27-012.00-0	R16440	1344 TENNESSEE ST
079-31-0-30-26-013.02-0	0.04820790 D & D RENTALS OF LAWRENCE LLC			PO BOX 706	LAWRENCE	KS 66044 U02067	023-079-31-0-30-26-013.02-0	R16418	414 W 14TH ST
079-31-0-30-26-013.01-0	0.08607738 D & D RENTALS OF LAWRENCE LLC			PO BOX 706	LAWRENCE	KS 66044 U02066	023-079-31-0-30-26-013.01-0	R16417	1346 OHIO ST
079-31-0-30-36-001.00-0	0.22956914 DJC HOLDINGS LLC			PO BOX 1797	LAWRENCE	KS 66044 U03702	023-079-31-0-30-36-001.00-0	R16601	1403 TENNESSEE ST
079-31-0-30-36-002.00-0	0.20087324 DJC HOLDINGS LLC			PO BOX 1797	LAWRENCE	KS 66044 U03703	023-079-31-0-30-36-002.00-0	R16602	413 W 14TH ST
079-31-0-30-36-003.00-0	0.14347573 WAKARUSA PARTNERS		C/O GAGE MANAGEMENT	2201 W 25TH ST STE R	LAWRENCE	KS 66047 U03704	023-079-31-0-30-36-003.00-0	R16603	1400 OHIO ST

DAIE: 04.22.15 10.21.15

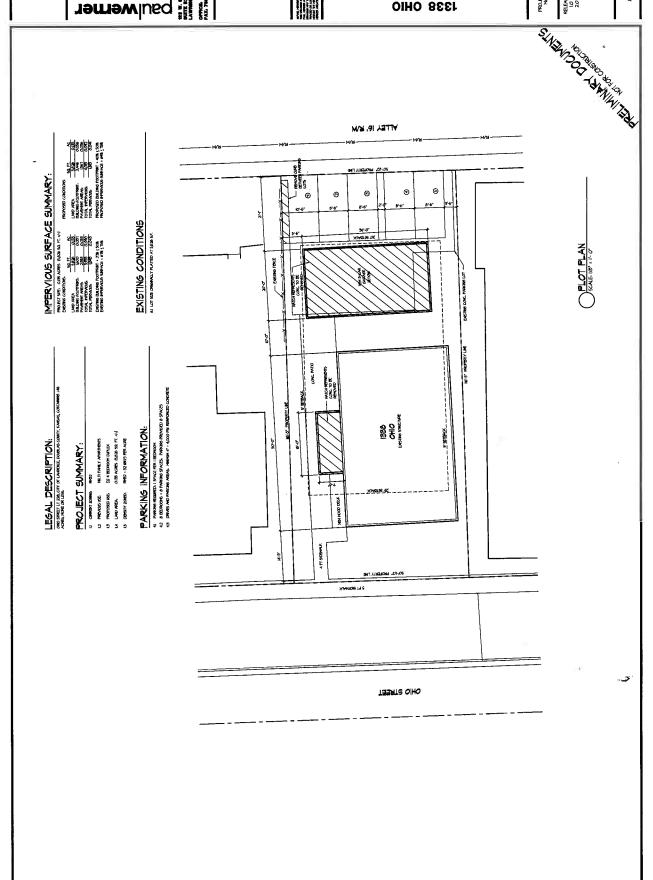




<u>8</u>00

DATE: 042215 102115

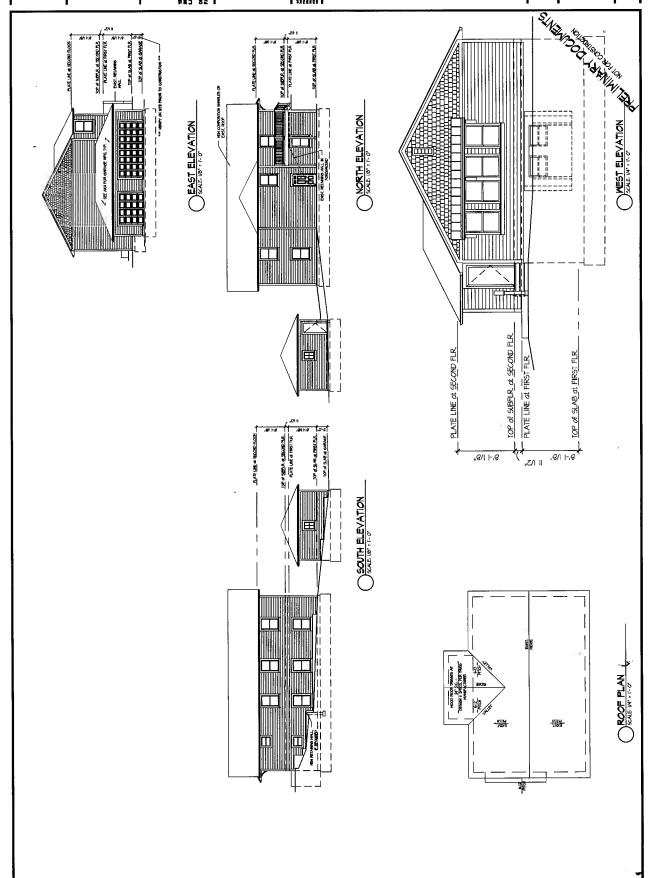




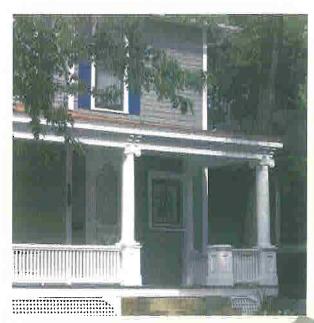
# 1338 OHIO 1338 OHIO

PROJECT # 25-420
NAT ID, 2015
NAT ID, 2015
RELEASE. DATE: 10 04225

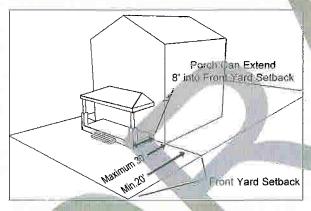
Aioo



### 4.B. SITE DEVELOPMENT GUIDELINES



Principal structures shall face the street.



Front your setbuck should between 20' and 30'.

### B. DEVELOPMENT OF THE LOT AND SITE **GUIDELINES**

Goal: Maintain the established pattern of lot development. Combining lots into larger parcels is not appropriate, except as allowed in Chapter 5.B. Respect and maintain the traditional relationship of a structure to the street and to peighboring properties, the common orientation of structures, the established configuration of open space, and the placement of parking in the rear.

### **B1.** Let Consolidation

- i. Lots in all districts except District 5 shall not be combined as part of redevelopment to construct duplex and other higher-intensity forms of housing...
- ii. Combinations shall be permitted if they reestablish the historic 50 foot wide lot pattern that is traditionally seen within the neighborhood and do not remove historic structures.

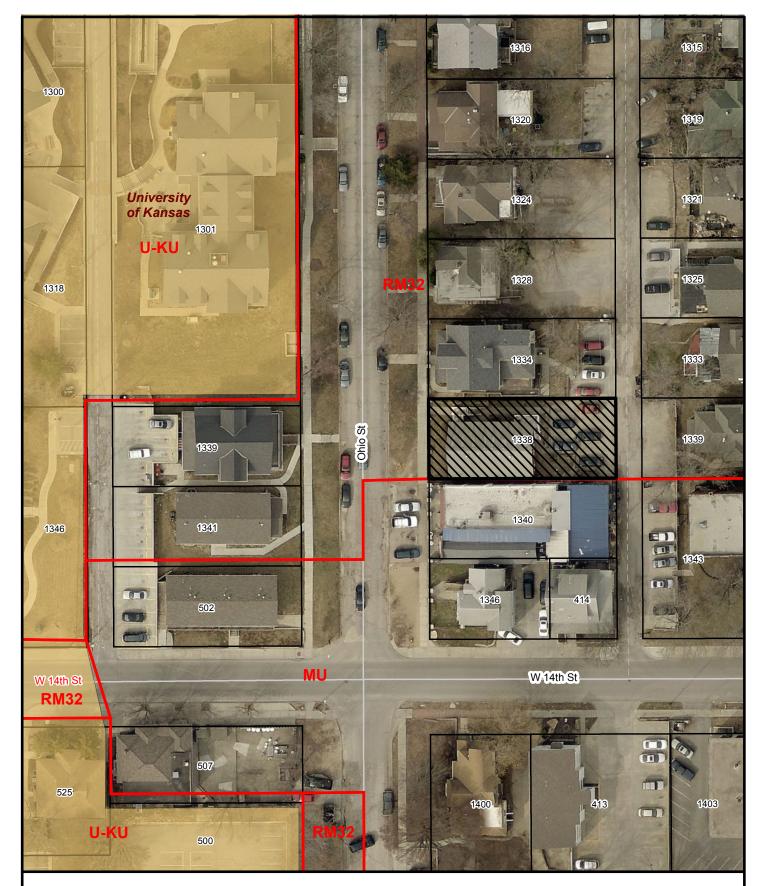
### **B2.** Front Yard Setbacks

#### a. Principal Structure

- The entry of the Principal structures shall face a street.
- ii. Structures shall be constructed no closer than 20 feet to the front property line and should be no farther than 30 feet from the front property line.
- iii. Portions of porches that extend beyond the principal structure shall not be included in setback calculations.

#### b. Porch Encroachment

- i. A porch may encroach up to 8 feet into the required front yard setback.
- ii. The total area of any encroachment of the porch into a front yard or a side yard adjacent to a street shall not exceed 150 square feet.



 $B\text{-}15\text{-}00625\colon$  Variance from the Code Required Front Yard and Side Yard Building Setbacks for Renovation of an Existing Residential Structure at 1338 Ohio Street

Lawrence Planning & Development Services Dept
December 17, 2015



Subject Property

Scale: 1 Inch = 60 Feet



# LEGAL DESCRIPTION:

OHIO STREET LT 228, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINING .146 ACRES, MORE OR LESS.

# PROJECT SUMMARY:

I.I CURRENT ZONING: RM32

I.2 PREVIOUS USE: MULTI FAMILY APARTMENTSI.3 PROPOSED USE: (2) 4 BEDROOM DUPLEX

I.4 LAND AREA: O.I33 ACRES (5,826 SQ. FT. +/-)
 I.5 DENSITY ZONED: RM32 - 32 UNITS PER ACRE

# PARKING INFORMATION:

4.I PARKING REQUIRED: I SPACE PER I BEDROOM

4.2 8 BEDROOMS = 8 PARKING SPACES: PARKING PROVIDED 8 SPACES

4.3 DRIVES AND PARKING AREAS: MINIMUM 4" - 4,000 PSI REINFORCED CONCRETE

# IMPERVIOUS SURFACE SUMMARY:

PROJECT SITE: 0.135 ACRES (5,826 SQ. FT. +/-)
EXISTING CONDITIONS:

EXISTING CONDITIONS:

SQ. FT. AC
LAND AREA

BUILDING FOOTPRINT:

PAVEMENT AREAS:

TOTAL IMPERVIOUS:

TOTAL PERVIOUS:

PAROPOSED CONDITIONS:

SQ. FT. AC
LAND AREA

BUILDING FOOTPRINT:

1,600 0.031
BUILDING FOOTPRINT:

PAVEMENT AREAS:

TOTAL IMPERVIOUS:

1,843 0.040
TOTAL PERVIOUS:

TOTAL PERVIOUS:

EXISTING BUILDING FOOTPRINT = 27% < 50%

EXISTING IMPERVIOUS SURFACE = 67% < 75%

PROPOSED BUILDING FOOTPRINT = 40% < 50%

PROPOSED IMPERVIOUS SURFACE = 69% < 75%

# EXISTING CONDITIONS

6.I LOT SIZE ORIGINALLY PLATTED AT 5,826 S.F.

21'-1" 20'-0" 9'-11 11/16" 50'-0" — EXISTING FENCE HATCH REPRESENTS — - REMOVE CURB BETWEEN PARKING LOTS 1 CONC. PATIO 4 FT SIDEWALK HATCH REPRESENTS CONC. TO BE REMOVED NEW WOOD DECK NEW 3-CAR GARAGE 20'X36 STREET EXISTING STRUCTURE PORCH 0 ₩ 0 EXISTING CONC. PARKING LOT — 116'-5" PROPERTY LINE



Daul Werne

123 W. 8th STREET SUITE B2 LAWRENCE, KS 66044 OFFICE: 785.832.0804

FAX: 785.832.0890

© PAUL WERNER ARCHITECTS, L.L.C.
THIS DRAWING IS COPYRIGHTED WORK BY
PAUL WERNER ARCHITECTS L.L.C. THIS
DRAWING MAY NOT BE PHOTOGRAPHED,
TRACED OR COPIED IN ANY MANNER
WITHOUT THE WRITTEN PERMISSION OF PAUL

WERNER ARCHITECTS L.L.C.

1338 OHIO
JPLEX RENOVATION
LAWRENCE, KS

PROJECT # 215-420 MAY 18, 2015

RELEASE: DATE: 1.0 09.22.15 2.0 10.27.15

A001