

LAWRENCE BOARD OF ZONING APPEALS

AGENDA

**JUNE 1, 2017 – 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

- a) Acknowledge communications to come before the Board.
- b) Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.
- c) Announce any agenda items that will be deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the March 2, 2017 and April 6, 2017 meetings of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 VARIANCE FROM THE REAR BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 809 MOUNDRIDGE DRIVE [JSC]

B-17-00218: 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 20 foot rear setback standard required by Section 20-601(a) of the City Code for the RM12 (Multi-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 17.25 feet to allow for the construction of a roofed 10 foot by 11 foot attached sun porch. The property is located at 809 Moundridge Drive. Submitted by Todd and Colleen Pederson, property owners of record.

ITEM NO. 4 MISCELLANEOUS

- a) KOMA Training & Board Overview
- b) Consider any other business to come before the Board.

ITEM NO. 3 REAR SETBACK VARIANCE; 809 MOUNDRIDGE DRIVE [JSC]

B-17-00218: 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 20 foot rear setback standard required by Section 20-601(a) of the City Code for the RM12 (Multi-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 17.25 feet to allow for the construction of a roofed 10 foot by 11 foot attached sun porch. The property is located at 809 Moundridge Drive. Submitted by Todd and Colleen Pederson, property owners of record.

B. REASON FOR REQUEST

Applicant's Request – *"This variance request is to allow for the construction of a roofed 10' x 11' sun porch connected to the existing residence. Currently there is a 10' x 11' concrete pad in the location of the proposed sun porch. The proposed sun porch will encroach into the required 20' rear yard setback by 2.75 feet."*

The requested variance would allow the proposed new construction to extend into the rear yard by 2.75 feet."

C. ZONING AND LAND USE

Current Zoning & Land Use: RM12 (Multi-Dwelling Residential) District; residential dwelling

Surrounding Zoning and Land Use: RM12 District in all directions duplex residential homes to the north, south, and east. Mustard Seed Church to the west.

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 RM12 District, the minimum rear building setback is listed to be 20 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: *"The subject property appears (from the attached aerial photo) to have less useable back yard than adjacent properties. Rear yards to the North and East around the curve are more substantial and rear yards to the South appear to have more space than the subject property."*

The subject property structure appears to be closer to the rear property lines than adjacent properties."

This request does result from a unique condition that does not strictly originate from the [Land Development Code](#), or by actions of the owners. This property was platted in 1989 as Lot 6 in the Pioneer Ridge No. 2 addition. A subsequent lot division was performed to split the lot into two parcels granted under the Kansas Townhouse Act ([Ch. 58, Art. 37, Kansas State Statute](#)). That legal form of land division creates the ability to bypass the zoning and development regulations established by a municipality in order to divide a platted lot when a structure meets the State definition of a "Townhouse unit" ([§58-3702\(a\)](#)). In this instance, this resulted in a smaller than initially platted parcel size condition. Both the platting of the initial lot in 1989 and the subsequent Townhouse Act division were regulated by two different forms of government, and not within the control of the owners to adjust under these circumstances.

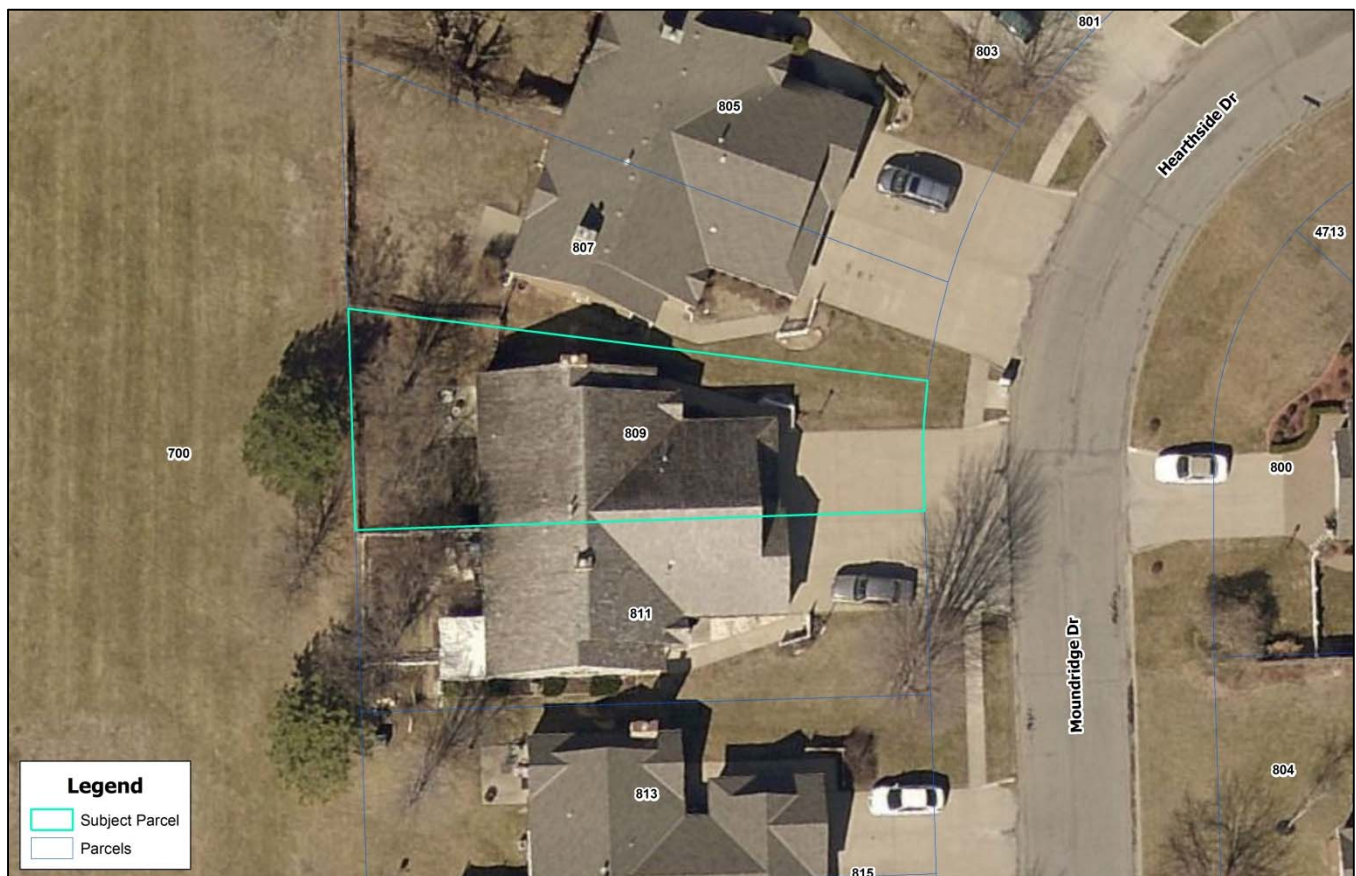


Figure 1: Subject Property

The combination of these actions created a wedge-shaped parcel, limiting the possible areas to expand into the side setback. While other parcels within this subdivision were also platted in a similar trapezoid geometry, they tended to be designed to provide more space in the rear yards to account for the narrowing of the parcel as it approaches Moundridge Drive.

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

Applicant response: "Looking West, the subject property faces to the rear of the Mustard See Church property (Church building, open field, parking lot, etc.)

The attached townhome to the subject property has an existing addition that encroaches into the 20' setback (same size footprint as proposed sunporch.) We feel the variance requested will not adversely affect the rights of the adjacent property owners or residents"

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

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

Applicant response: "The owners are trying to enhance the livability of their residence. The layout and style of this development is very repetitive and 'cookie cutter.' In a sense, the owners are trying to personalize their home. As the rear yard is very minimal, strict adherence to the code makes changes of this nature difficult."

Given the geometry of the existing subject parcel, the ability to construct an addition is primarily limited to the rear of the property. In staff's opinion, strict adherence to the code required building setbacks in this instance may constitute an unnecessary hardship. Kansas State Statute permits the division of duplex and other similar use lots via the Kansas Townhouse Act. This creates a situation where the duplex lots may be created with smaller than anticipated lot dimensions and open space levels.

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

Applicant response: "We feel the variance requested will not adversely affect any of the above."

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is

contained within the parcel owned by the applicant. This structure would not create any spill-over noxious effects to the surrounding area.

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

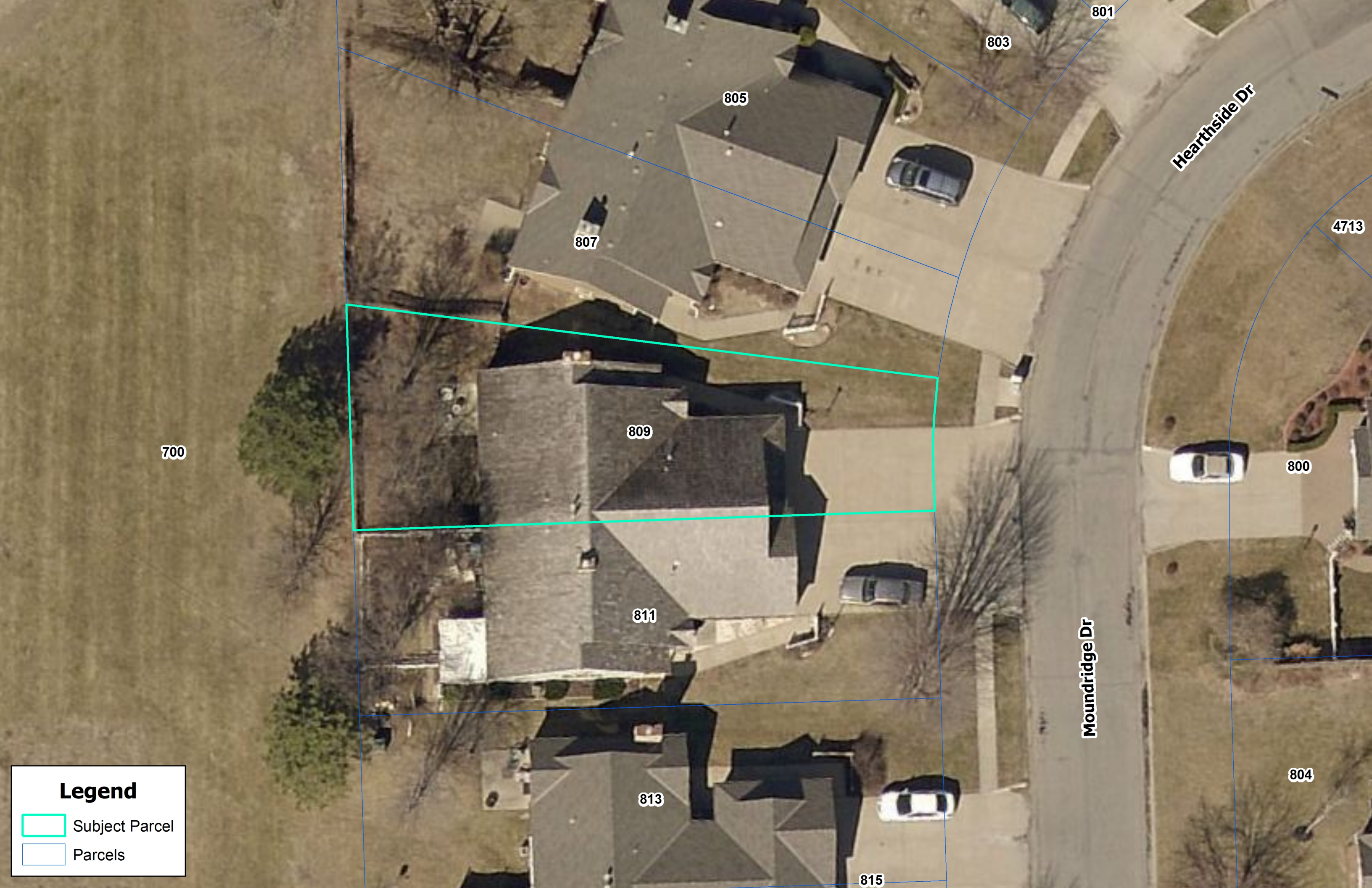
Applicant response: *"The general spirit and intent of the development code is to provide order, safety, convenience and promote public health, well-being and prosperity. We feel the variance requested will enhance the property aesthetically and functionally."*

In staff's opinion, granting the setback variance would not be opposed to the general spirit and intent of the Land Development Code. Strict adherence to the code requiring the 20 feet rear yard building setback would limit the use and expansion of the residence given the limited parcel size available due to the division of this property via the Kansas Townhouse Act, which is not subject to the requirements of the Land Development Code. Because of this form of land division, there are stringent limitations on how and where expansion of the property may take place. Expanding into the side yard is not feasible given the distance and other building code requirements that would be applicable in that situation. And given the curvature of the lot along Moundridge Drive, plus the parcel's geometry, the expansion into the rear yard is the only viable space in this instance. Because the size and scale of the expansion is minimal and in keeping with the general open space intent of the Land Development Code, staff believes this proposed addition is in keeping with the general spirit and intent of this chapter.

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

Recommendation:

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



Legend

- Subject Parcel
- Parcels



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

RECEIVED

APR 25 2017

City County Planning Office
Lawrence, Kansas

Name(s) Todd and Colleen Pederson City County Planning
Contact Todd Pederson Lawrence, Kansas
Address 809 Moundridge Drive
City Lawrence State KS ZIP 66049
Phone (785) 393-3115 Fax ()
E-mail indwood@hotmail.com Mobile/Pager (785) 393-3115

Contact _____

Company _____

Address _____

City _____ State _____ ZIP _____

Phone (____) _____ Fax (____) _____

E-mail _____ Mobile/Pager (____) _____

Pre-Application Meeting Date _____ Planner _____

Present Zoning District _____ Present Land Use residential

Proposed Land Use same

Legal Description (*may be attached*) _____

Address of Property 809 Moundridge Drive

Total Site Area _____

Number and Description of Existing Improvements or Structures _____

B-17-00218



Description of variance requested:

This variance request is to allow for the construction of a roofed 10' x 11' sun porch connected to the existing residence. Currently there is a 10' by 11' concrete pad in the location of the proposed sun porch. The proposed sun porch will encroach into the required 20' rear yard setback by 2.75 feet.

The requested variance would allow the proposed new construction to extend into the rear yard setback by 2.75 feet.



UNNECESSARY HARDSHIP CRITERIA

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

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

The subject property appears (from the attached aerial photo) to have less usable back yard than adjacent properties. Rear yards to the North and East around the curve are more substantial and rear yards to the South appear to have more space than the subject property.

The subject property structure appears to be closer to the rear property lines than adjacent properties.

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

Looking west, the subject property faces to the rear of the Mustard Seed Church property (Church building, open field, parking lot, etc.)

The attached townhome to the subject property has an existing addition that encroaches into the 20' setback (same size footprint as proposed sunporch.) We feel the variance requested will not adversely affect the rights of adjacent property owners or residents.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
Metropolitan Planning Office**

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

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

The owners are trying to enhance the livability of their residence. The layout and style of this development is very repetitive and "cookie cutter." In a sense the owners are trying to personalize their home. As the rear yard is very minimal, strict adherence to the code makes changes of this nature difficult.

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

We feel the variance requested will not adversely affect any of the above.



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

The general spirit and intent of the development code is to provide order, safety, convenience and promote public health, well-being and prosperity. We feel the variance requested will enhance the property aesthetically and functionally.

SIGNATURE

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

Signature(s): *Todd J. Pederson* Date 4-20-17

Colleen S. Pederson Date 4-20-17

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

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OWNER AUTHORIZATION

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

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

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

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

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

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

Owner

Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20 __,

by _____.

My Commission Expires:

Notary Public



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

Printed Name



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Douglas County
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Note to Applicant:

Replace this page with "Exhibit A, Legal Description".

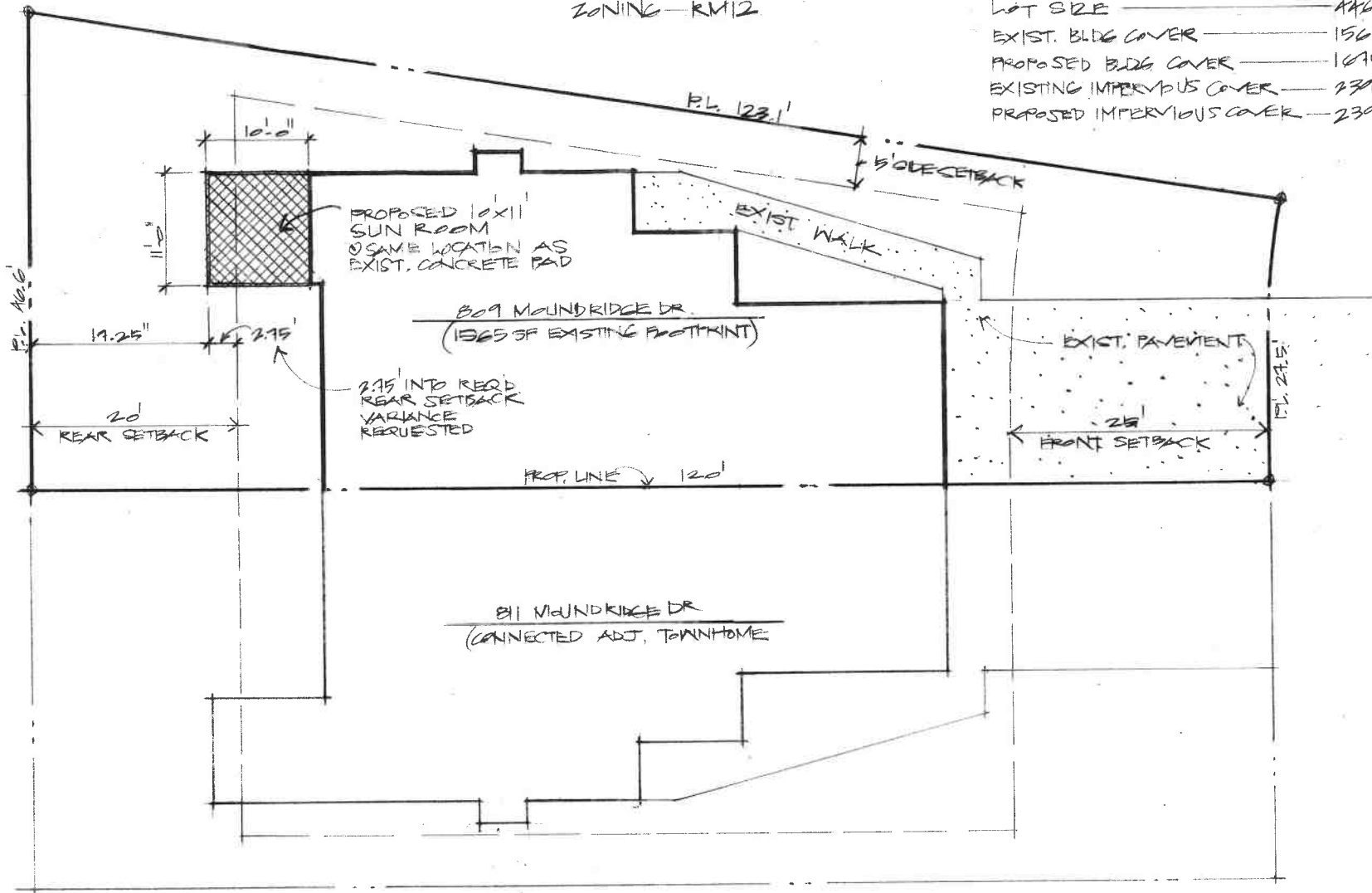
809 Moundridge Dr.
Lawrence, KS

“Exhibit A, Legal Description”

**PIONEER RIDGE WEST NO 2 PORTION LT 6 DESC AS: BEG AT NE
COR LT 6 TH SLY ALONG E LINE SD LT 6 ON CURVE TO LEFT
RAIUS 130 FT ARC L 20.3 FT TH S 0 DEG 09' 17"E 7.28 FT TH S
89 DEG 50' 50" W 120 FT TH N 0 DEG 09' 16" W 46.62 FT TH S
81 DEG 12' 32" E 123.08 FT TO PT BEG (DIV 1992 U15776F)**

ZONING - RM12

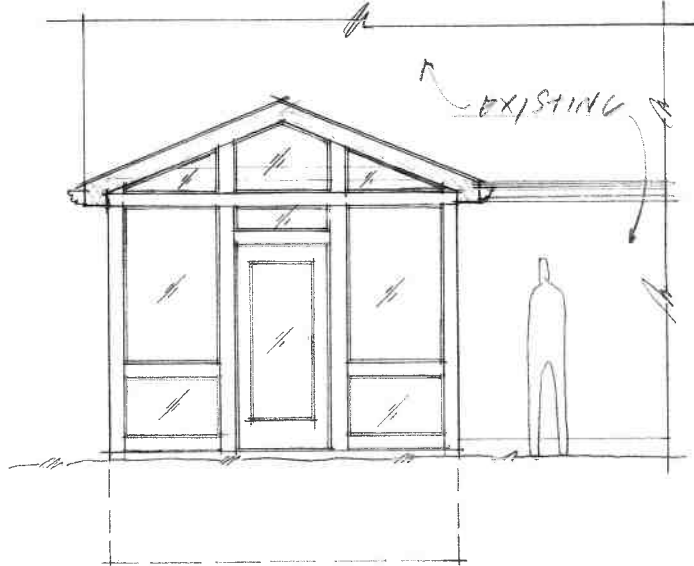
LOT SIZE	4466 SF
EXIST. BLDG COVER	1565 SF (35%)
PROPOSED BLDG COVER	1615 SF (36%)
EXISTING IMPERVIOUS COVER	2391 SF (54%)
PROPOSED IMPERVIOUS COVER	2391 SF (54%)



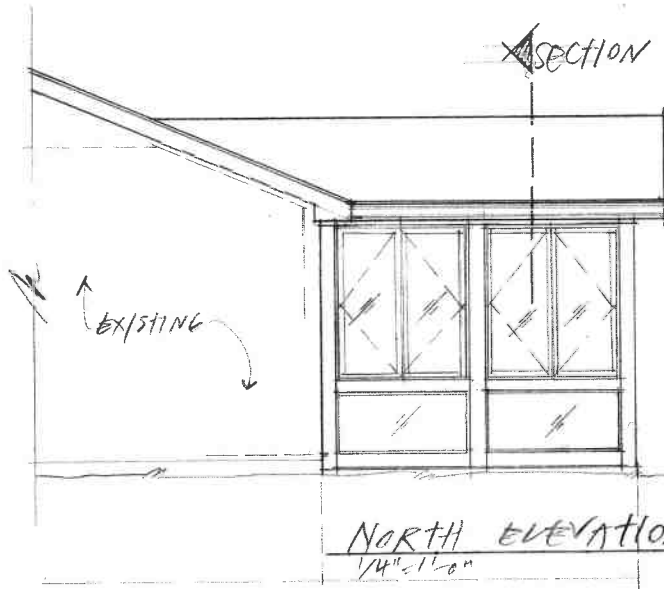
SITE PLAN



VARIANCE REQUEST 809 MOUNDRIAGE DR.

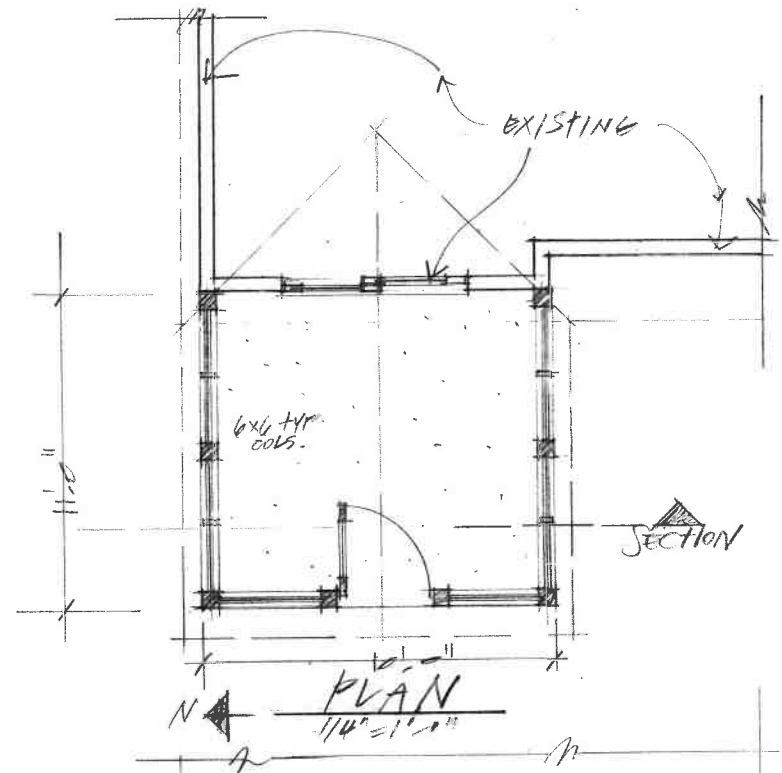
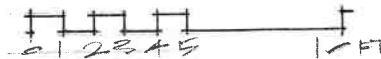


WEST ELEVATION
1/4" = 1'-0"



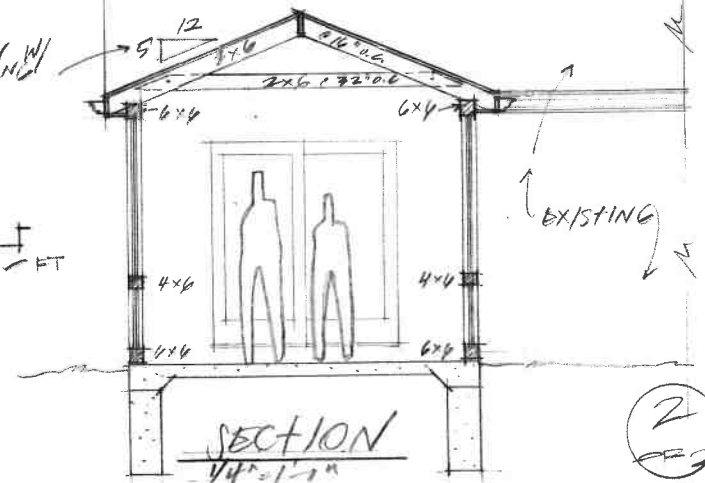
NORTH ELEVATION
1/4" = 1'-0"

NOTE
VERIFY WINDOWS
OR SCREENS
W/ OWNER



PLAN
1/4" = 1'-0"

VERIFY W/
EXISTING



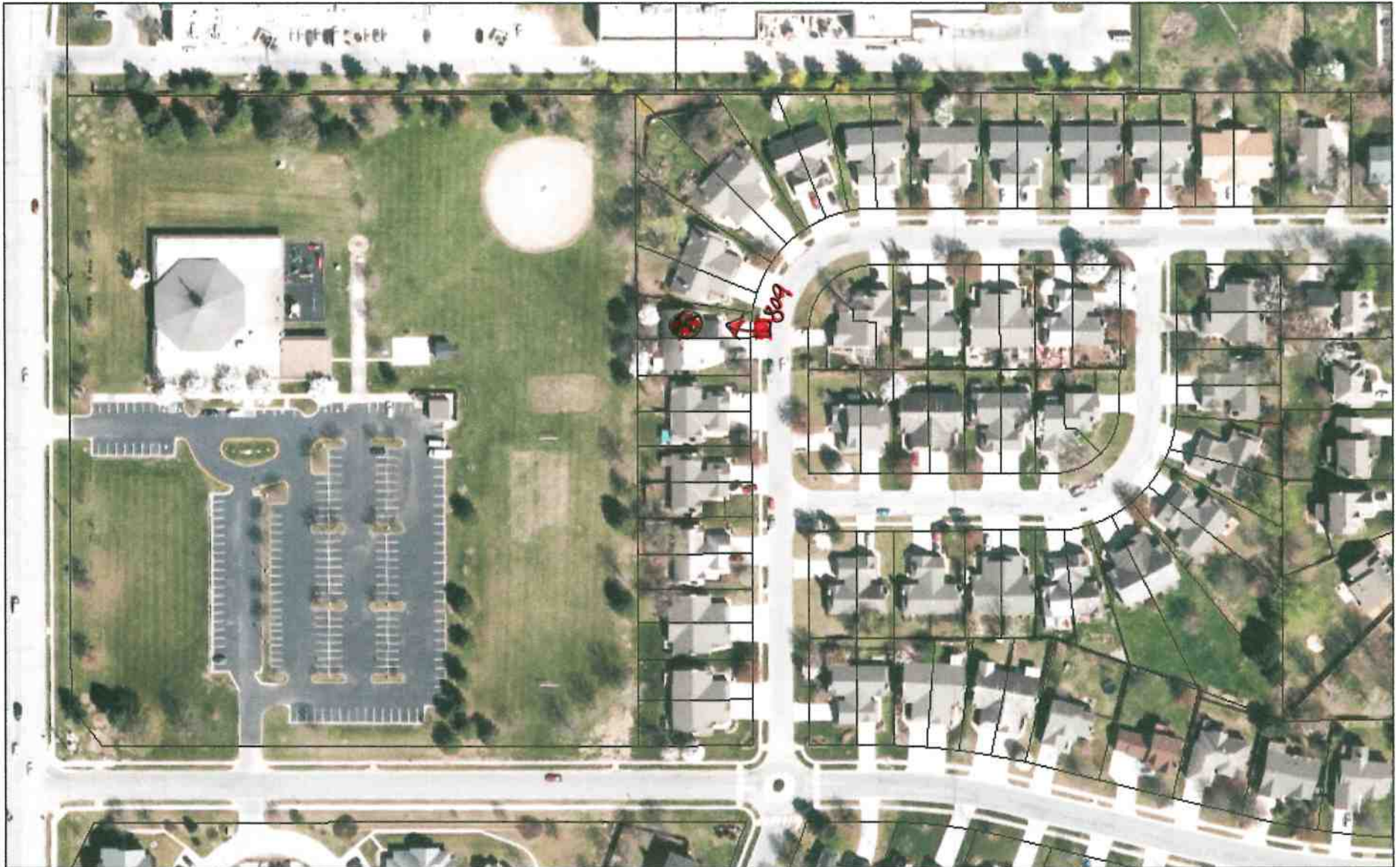
SECTION
1/4" = 1'-0"

VARIANCE REQUEST

809 MOUNDRIDGE DR

2

ArcGIS Web Map



April 18, 2017

☐ Parcels

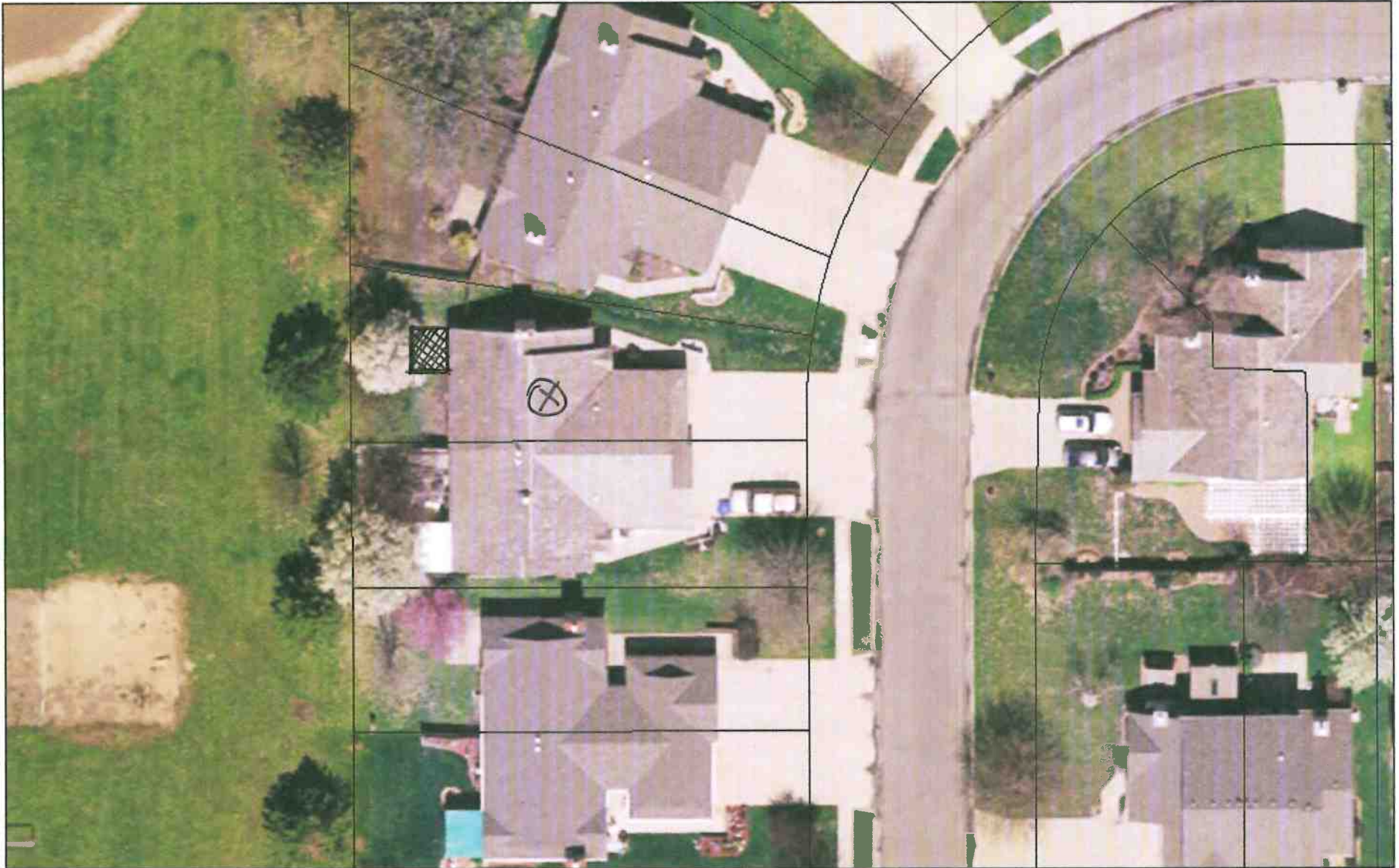
(#1) 809 MOUNT RIDGE

1:2,257
0 0.0175 0.035 0.07 mi
0 0.02 0.04 0.08 km

Douglas County, KS GIS Division
Kucera International Inc., City of Lawrence,
Douglas County

Web AppBuilder for ArcGIS
City of Lawrence Kansas

ArcGIS Web Map

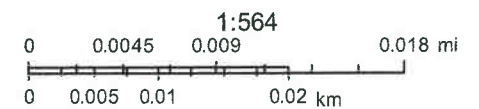


April 18, 2017

☐ Parcels

#2

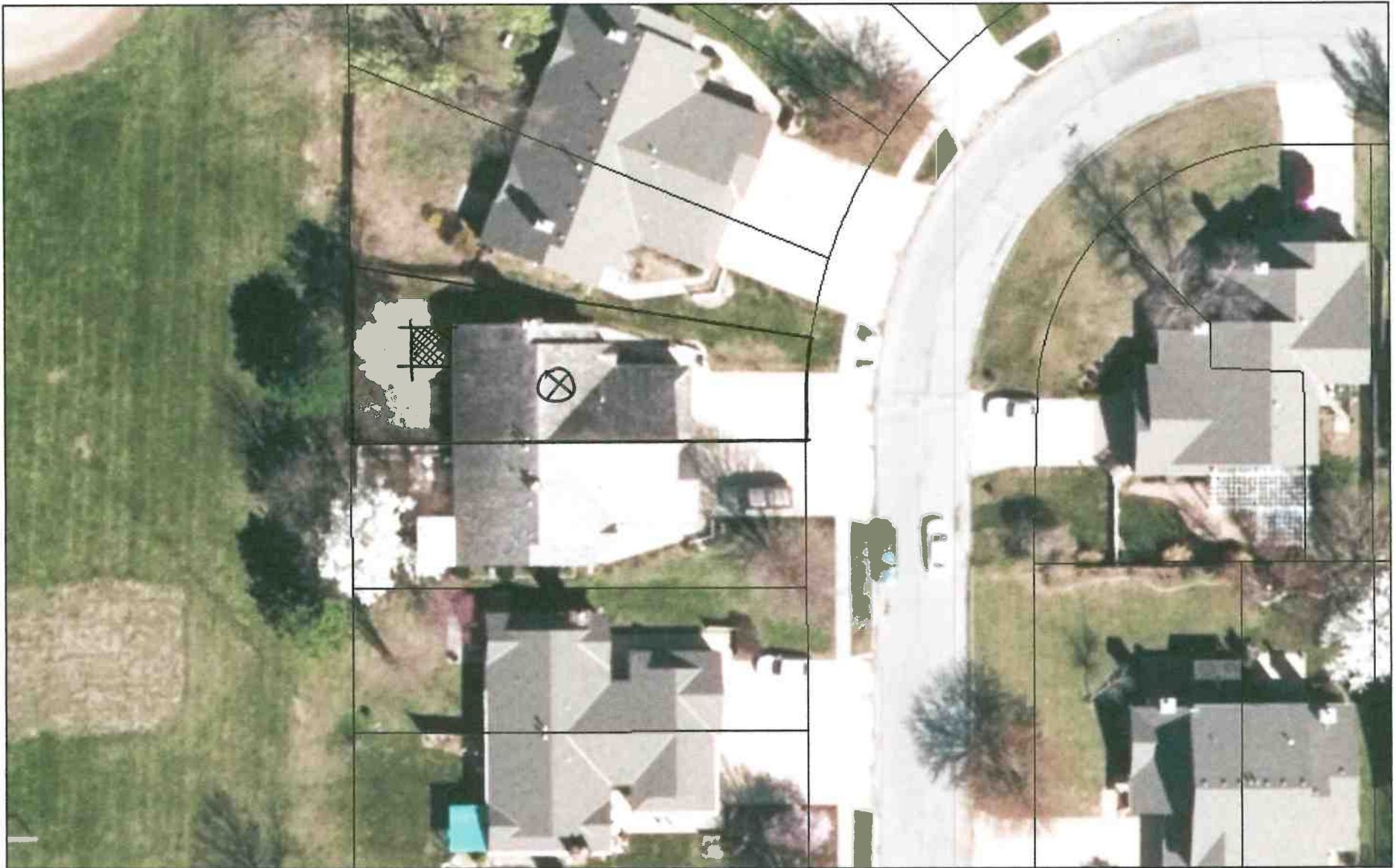
809 MOUNDRIGE DR.



Sanborn/City of Lawrence/Douglas County
Douglas County, KS GIS Division

Web AppBuilder for ArcGIS
City of Lawrence Kansas

ArcGIS Web Map

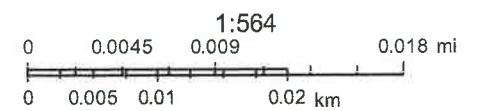


April 18, 2017

 Parcels

#3

809 MOUNDRIDGE DR.

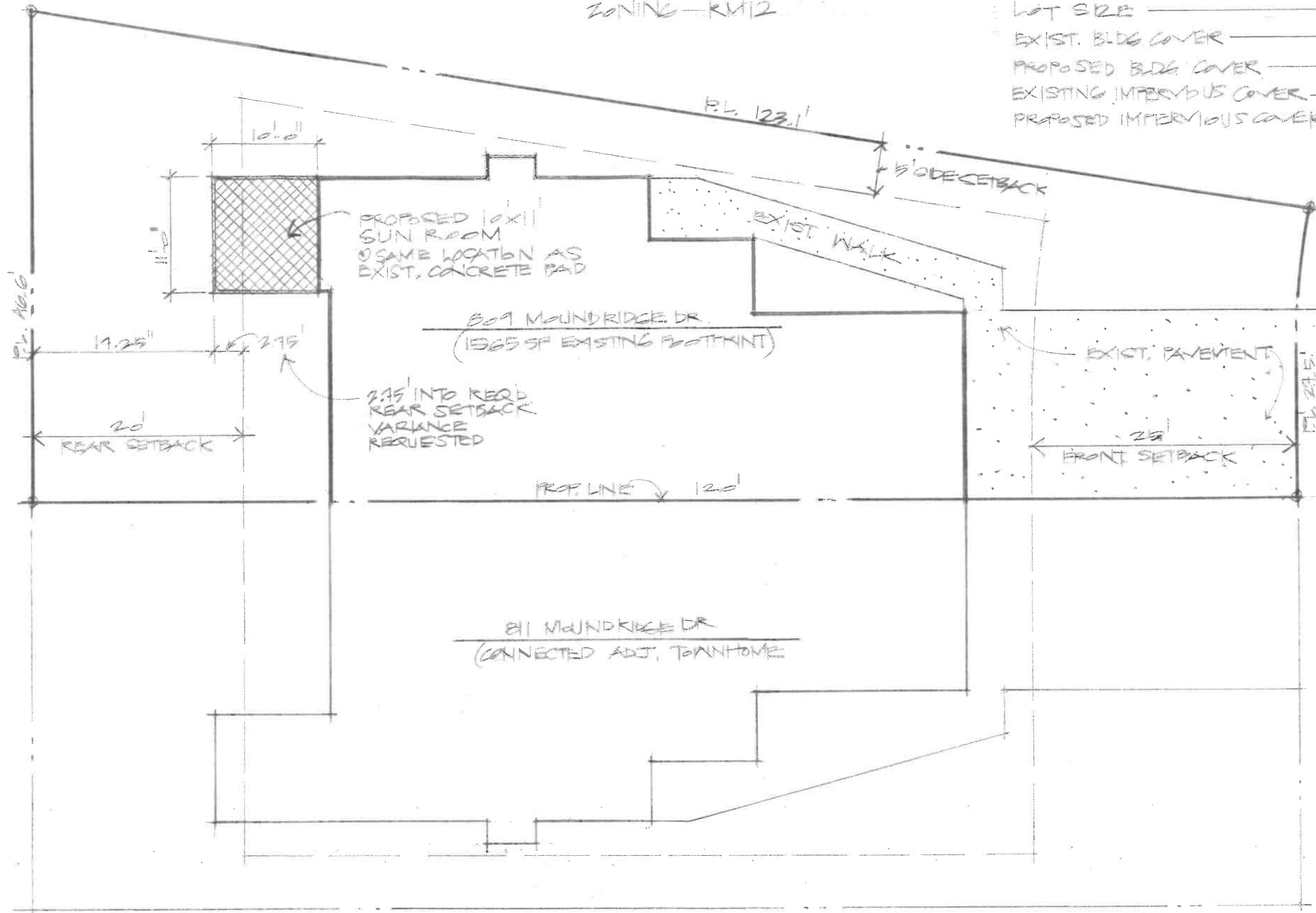


Douglas County, KS GIS Division
Kucera International Inc., City of Lawrence,
Douglas County

Web AppBuilder for ArcGIS
City of Lawrence Kansas

ZONING - RM12

LOT SIZE ————— 1446 SF
EXIST. BLDG COVER ————— 1565 SF (35%)
PROPOSED BLDG COVER ————— 1015 SF (38%)
EXISTING IMPERVIOUS COVER — 2391 SF (54%)
PROPOSED IMPERVIOUS COVER — 2391 SF (54%)



RECEIVED
APR 25 2017
City County Planning Office
Lawrence, Kansas

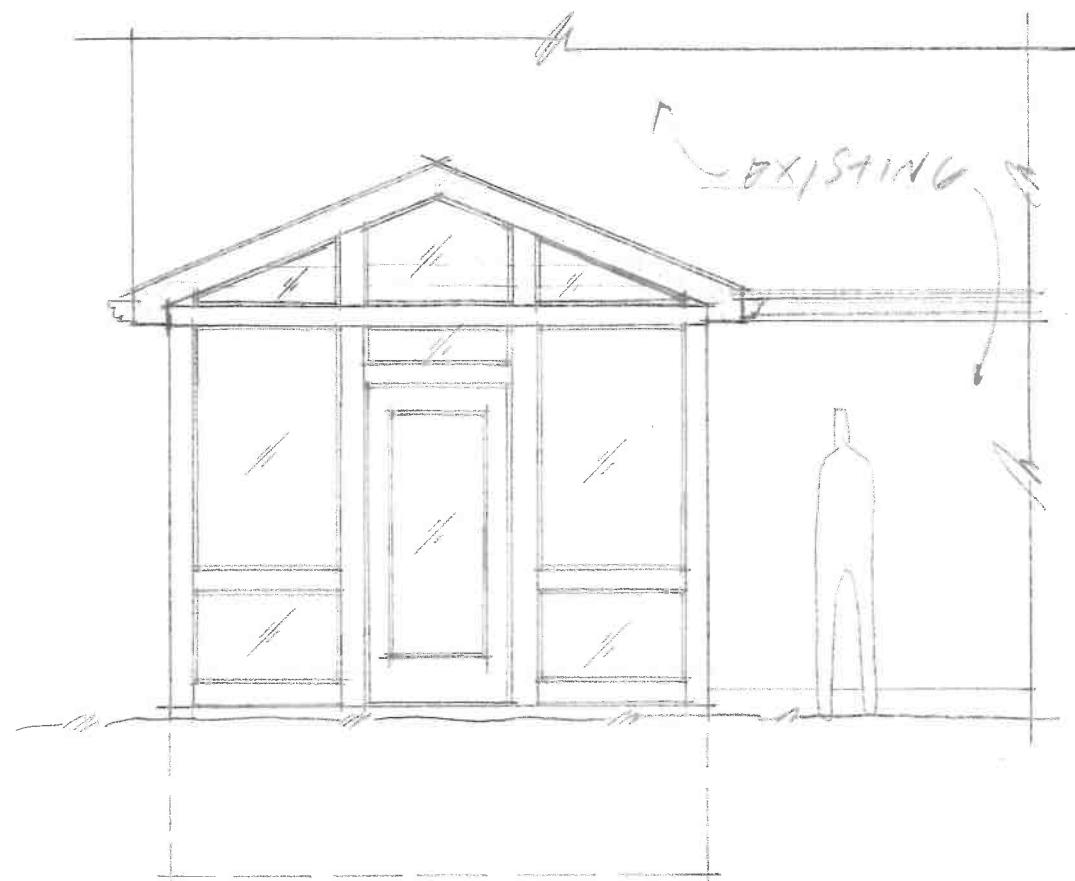


SITE PLAN

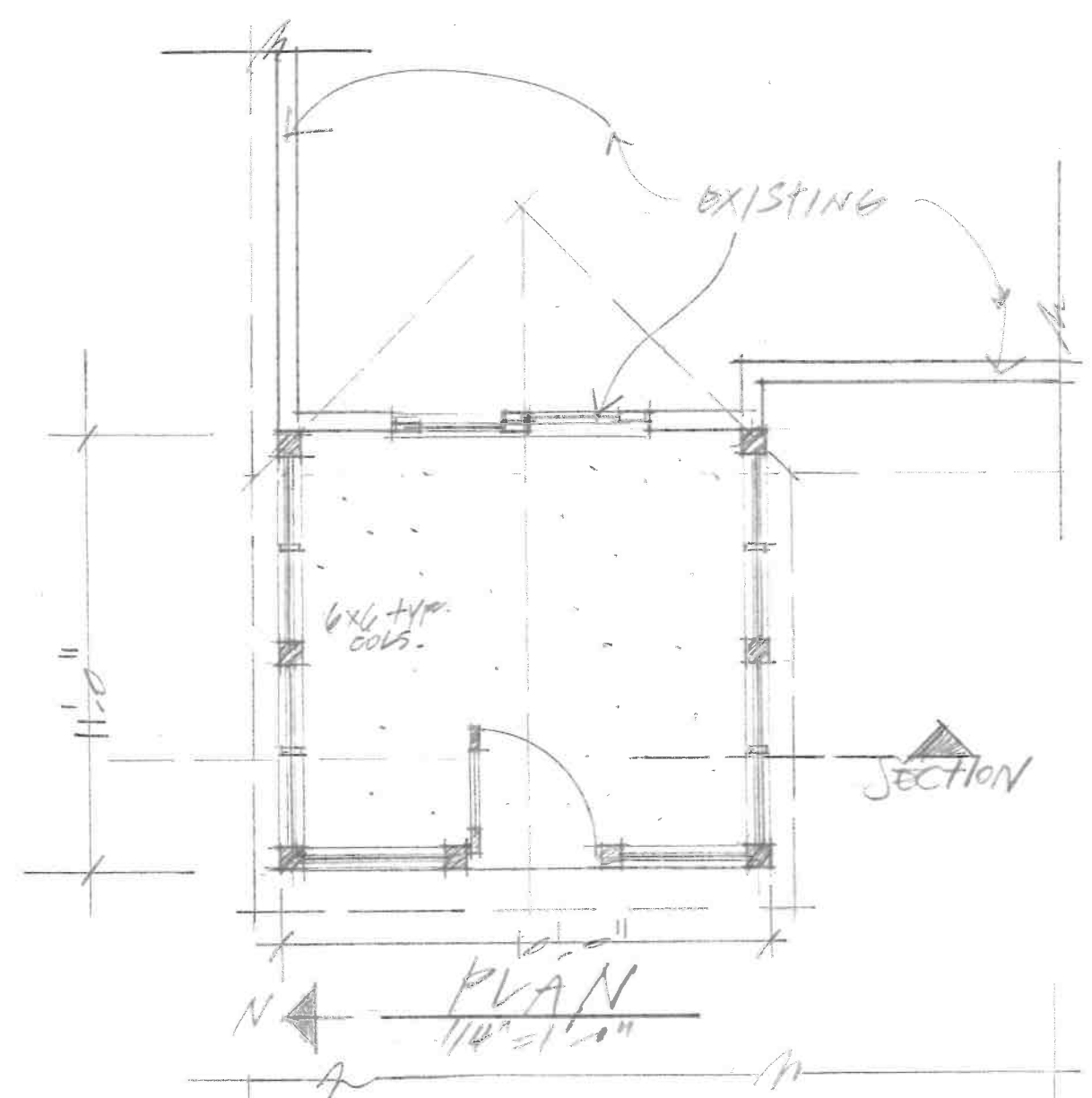
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VARIANCE REQUEST 809 MOUNDRIDGE DR.

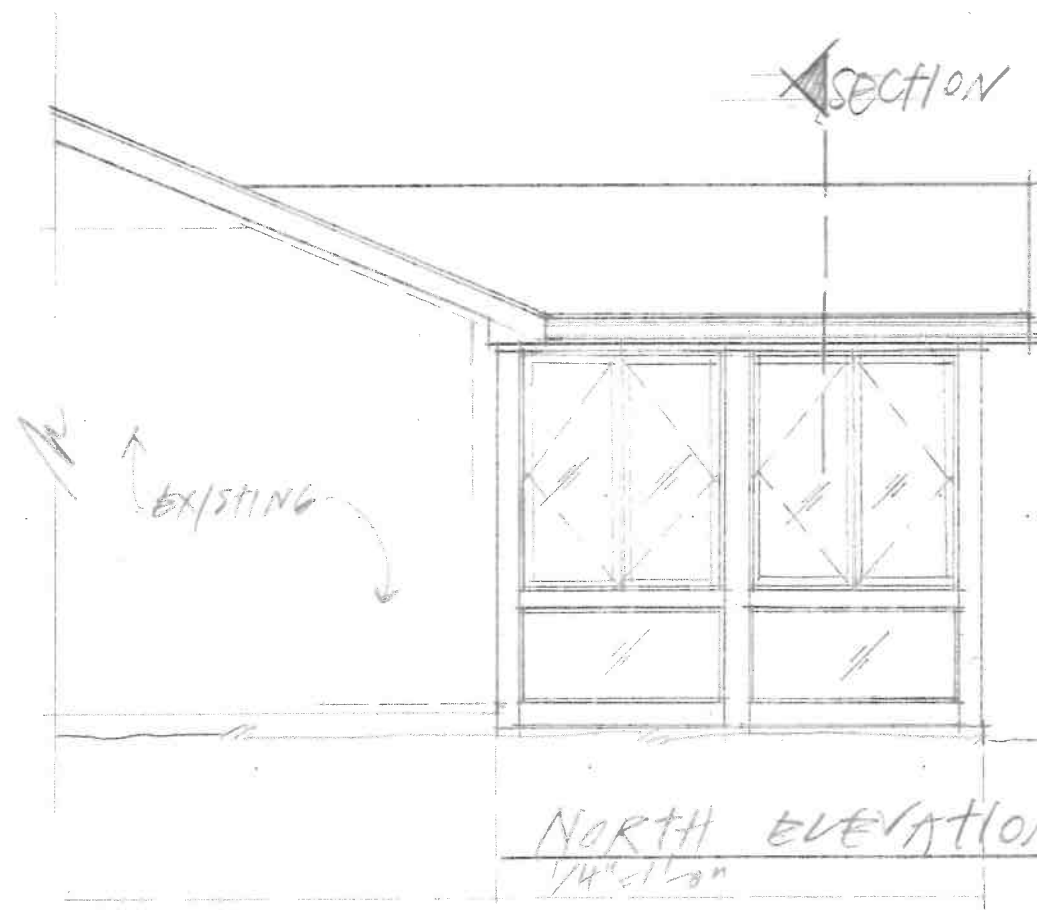
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DR2



WEST ELEVATION
1/4" = 1'-0"

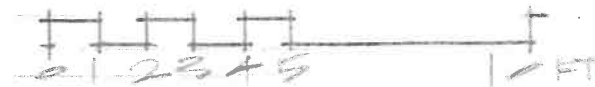


PLAN
1/4" = 1'-0"

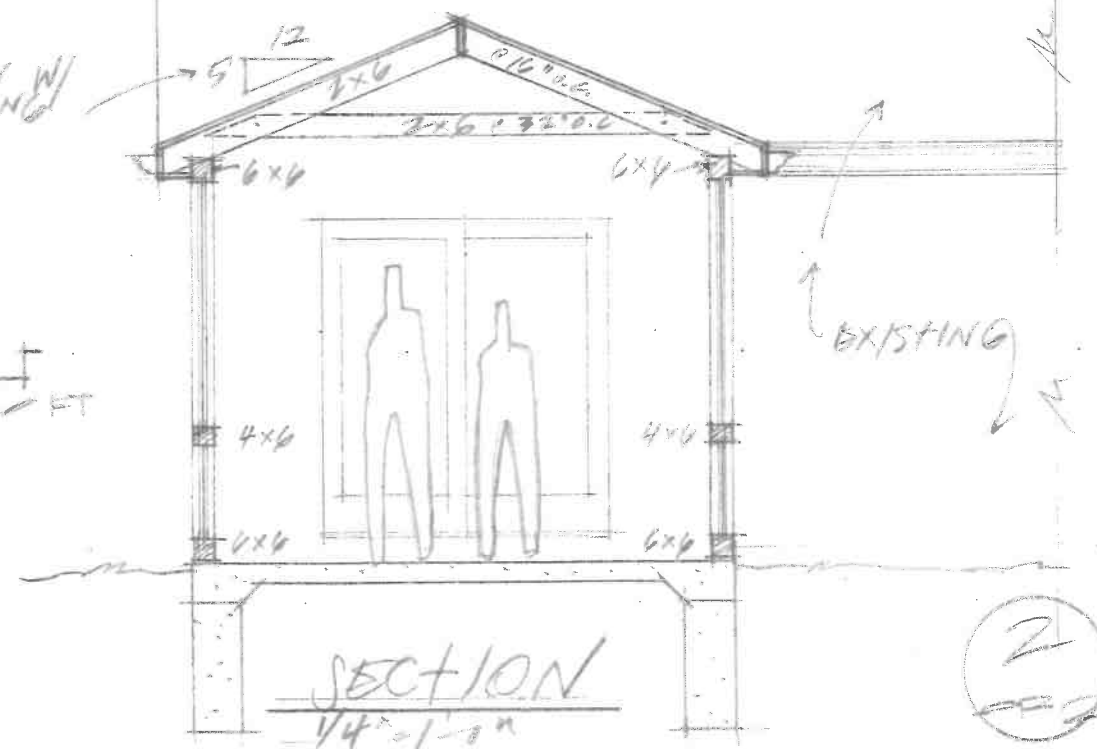


NORTH ELEVATION
1/4" = 1'-0"

NOTE
VERIFY WINDOWS
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W/ OWNER



VERIFY W/
EXISTING



SECTION
1/4" = 1'-0"

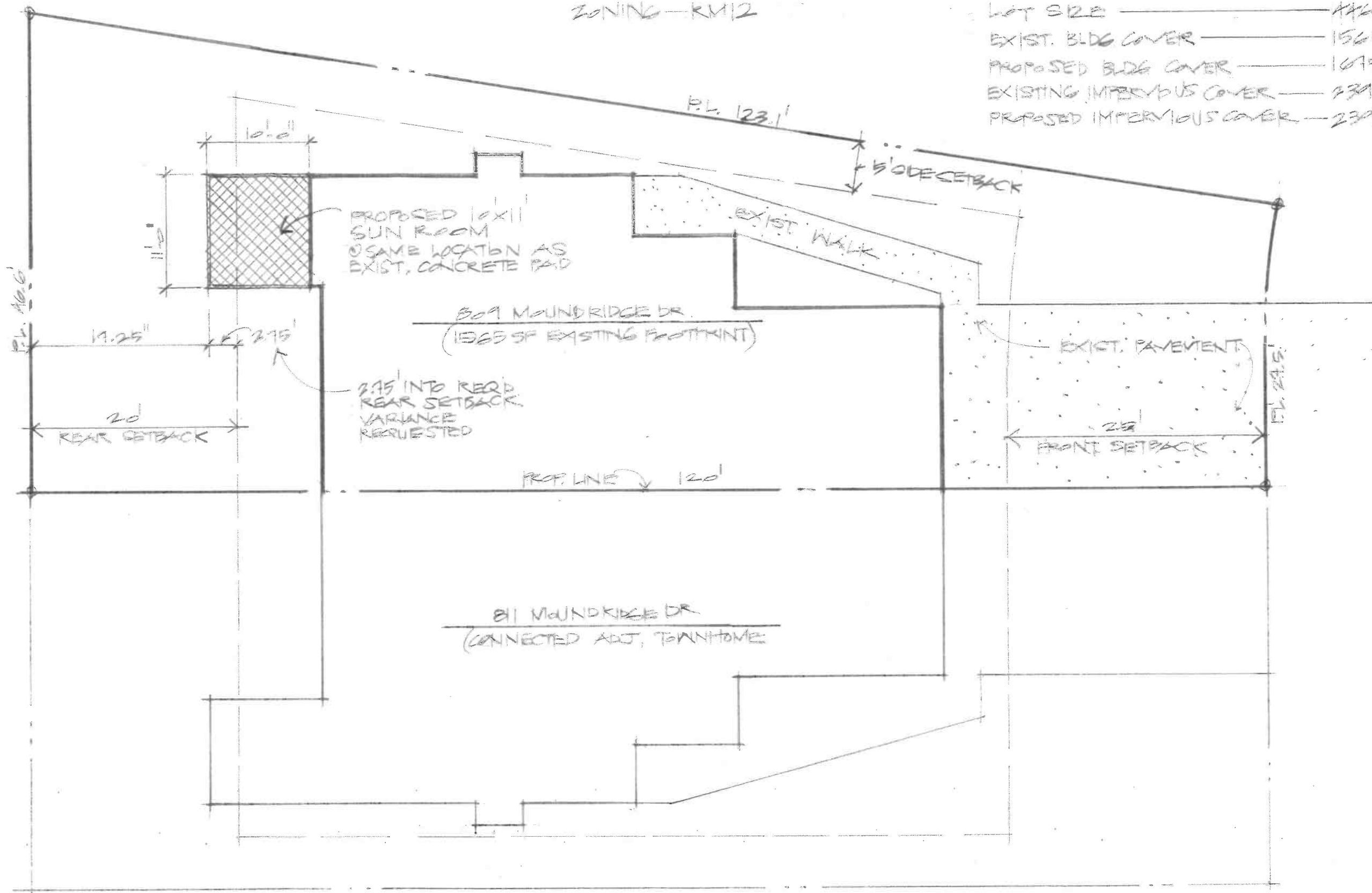
VARIANCE REQUEST

809 MOUNDRIDGE DR.

2

ZONING - RM12

LOT SIZE ————— 4466 SF
EXIST. BLDG COVER ————— 1565 SF (35%)
PROPOSED BLDG COVER ————— 1615 SF (36%)
EXISTING IMPERVIOUS COVER — 2391 SF (54%)
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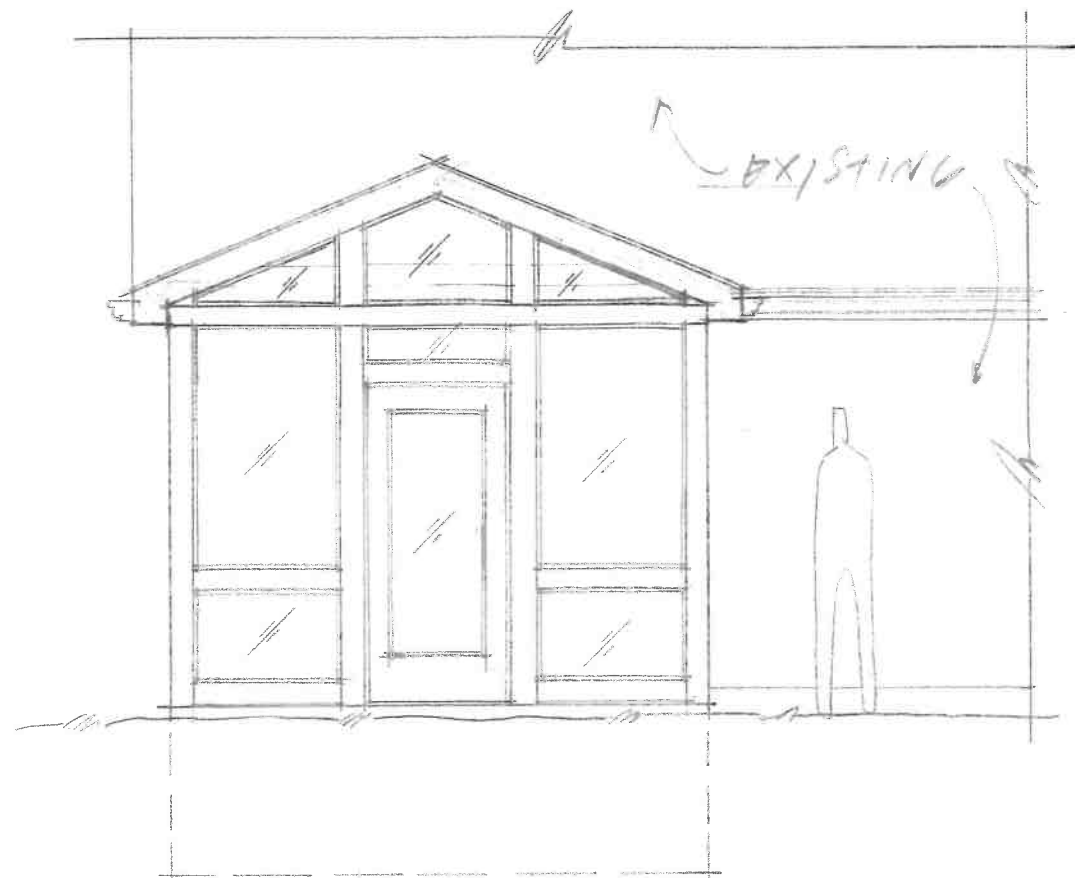


SITE PLAN

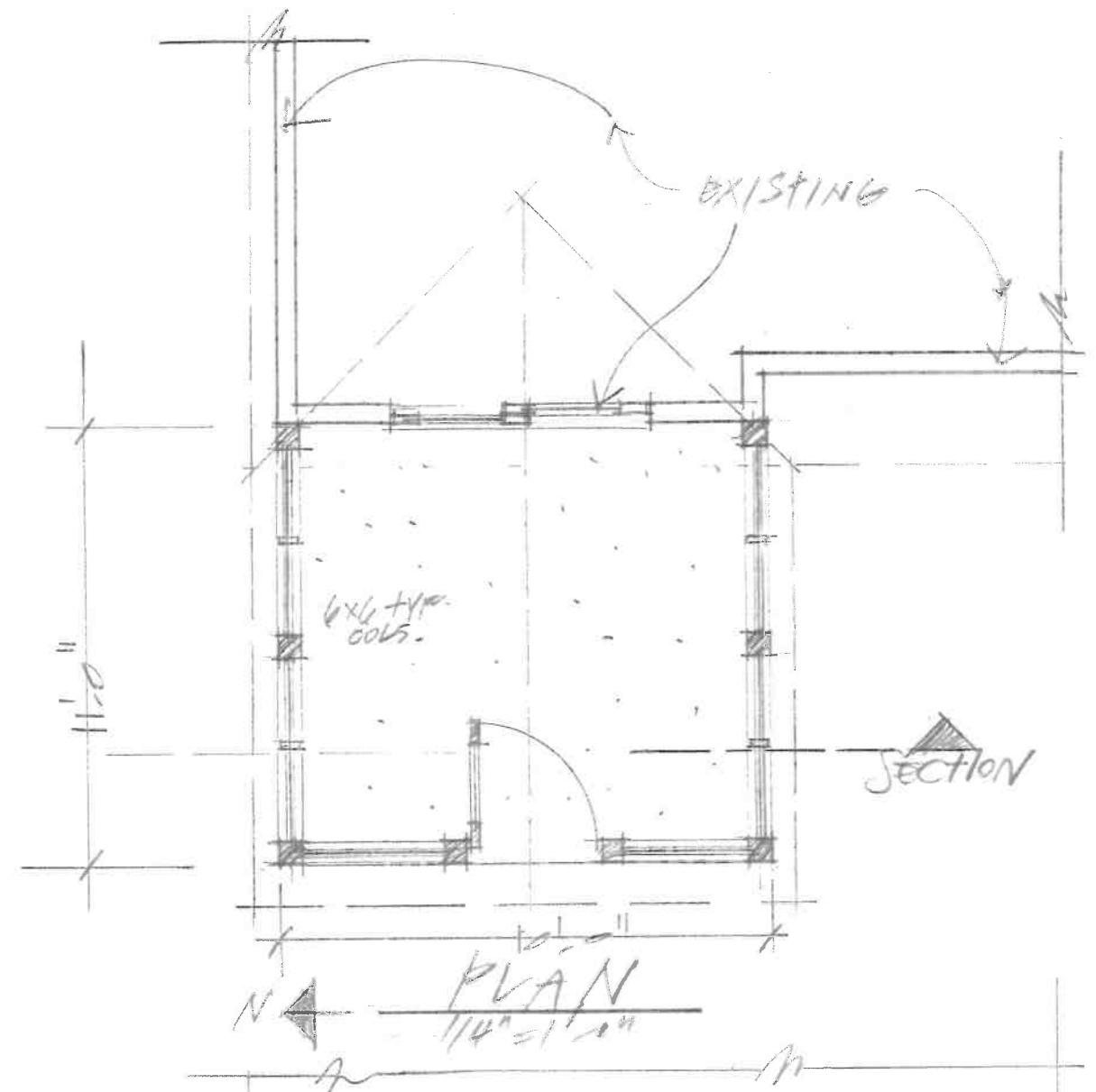
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VARIANCE REQUEST 809 MOUNDRIAGE DR.

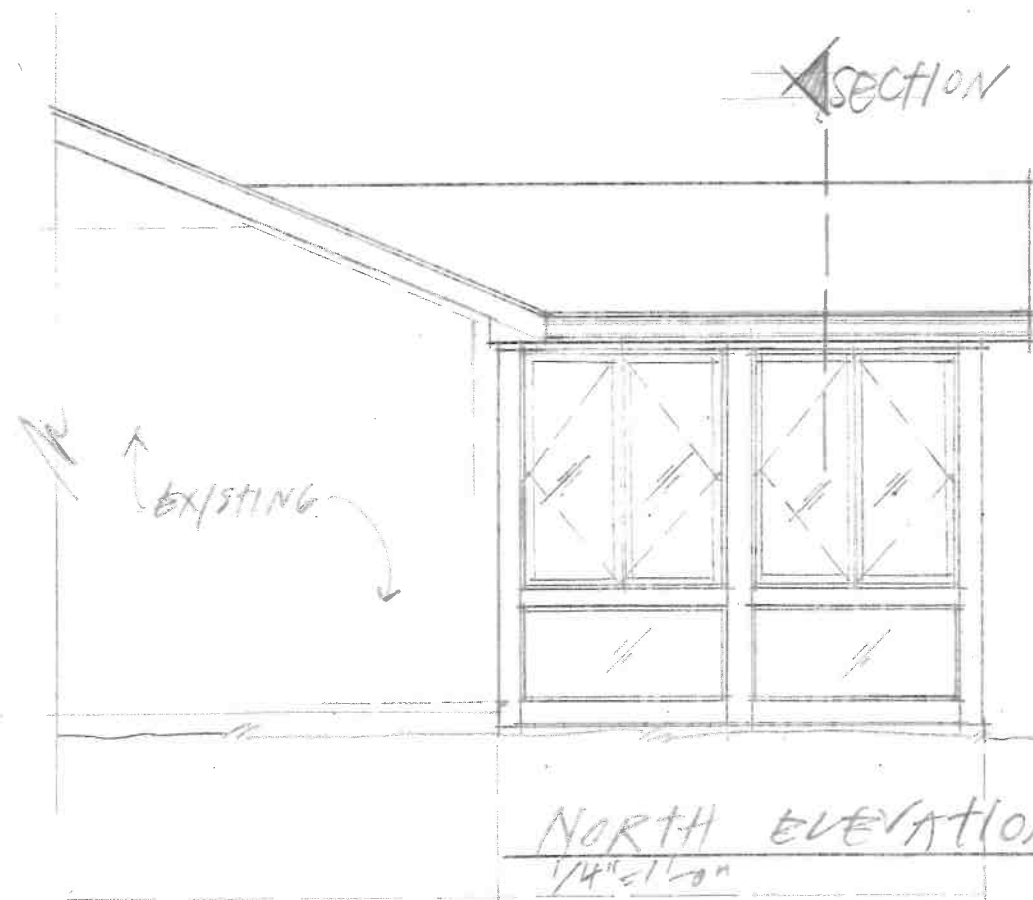
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DR2



WEST ELEVATION
1/4" = 1'-0"

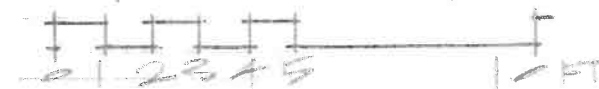


PLAN
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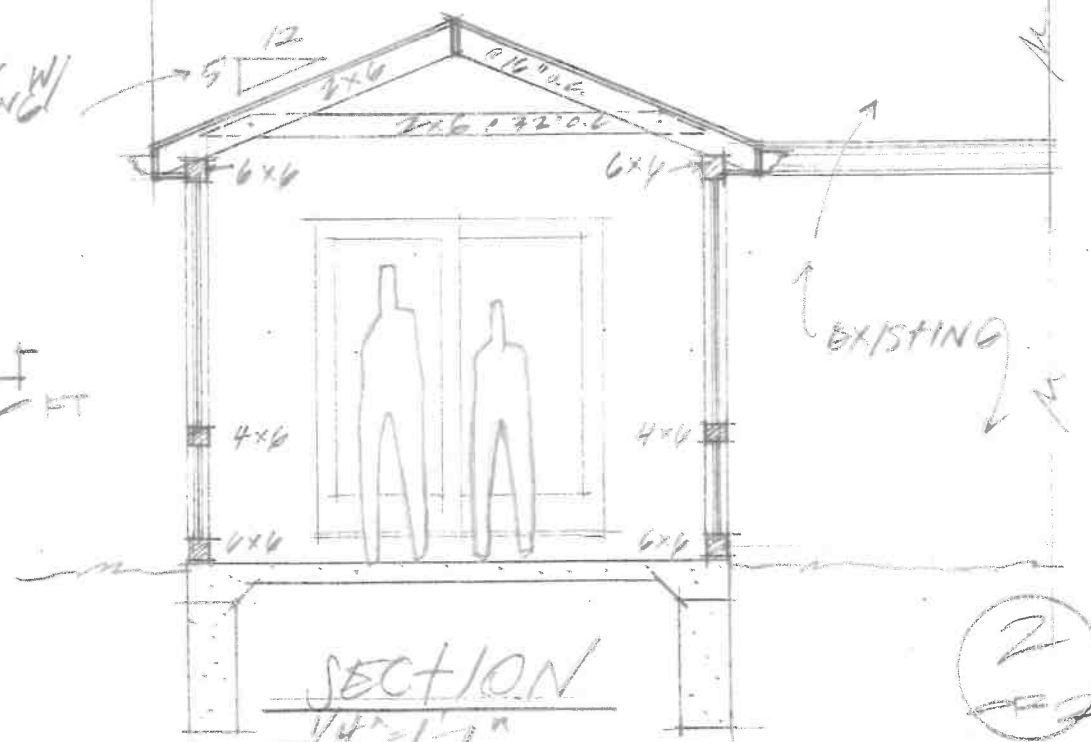


NORTH ELEVATION
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VERIFY W/
EXISTING



SECTION
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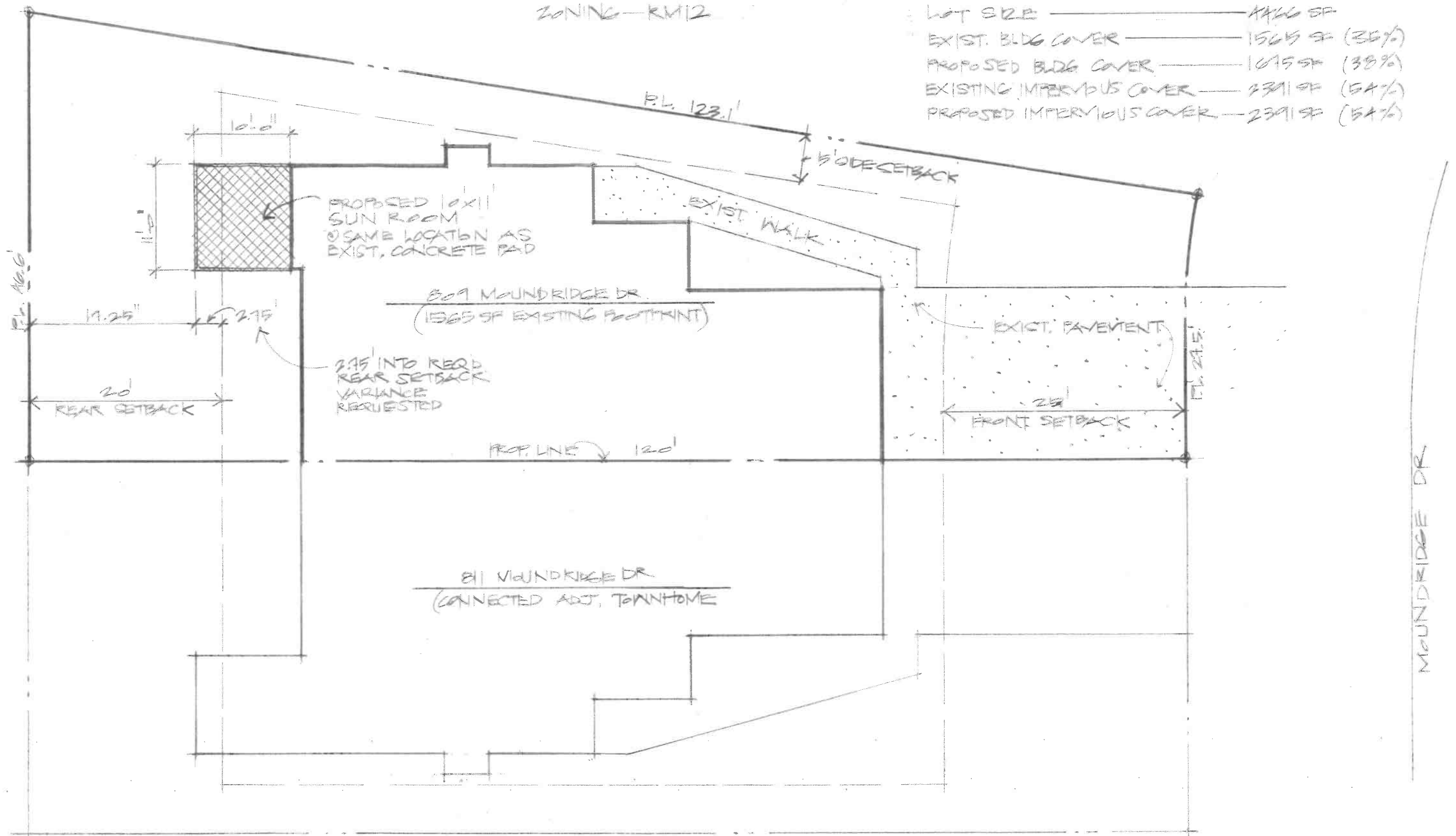
2
FEET

VARIANCE REQUEST

809 MOUNDRIDGE DR.

ZONING - RM12

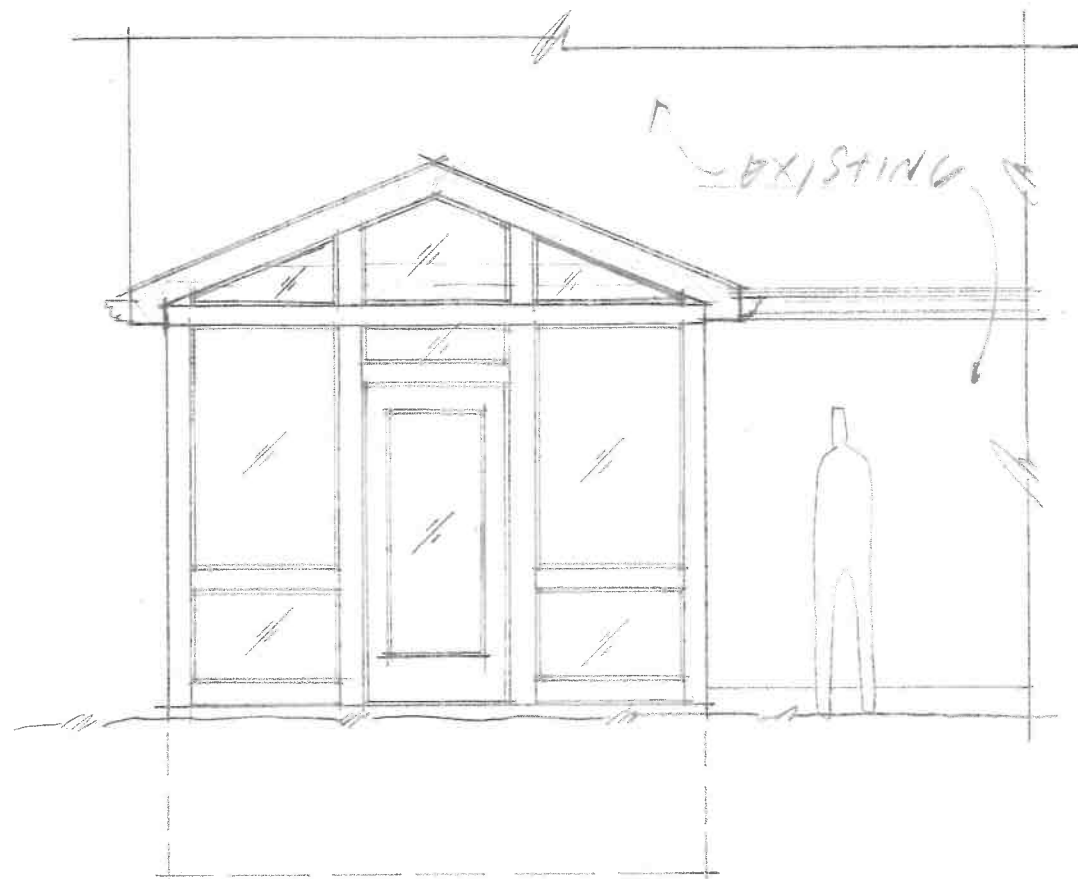
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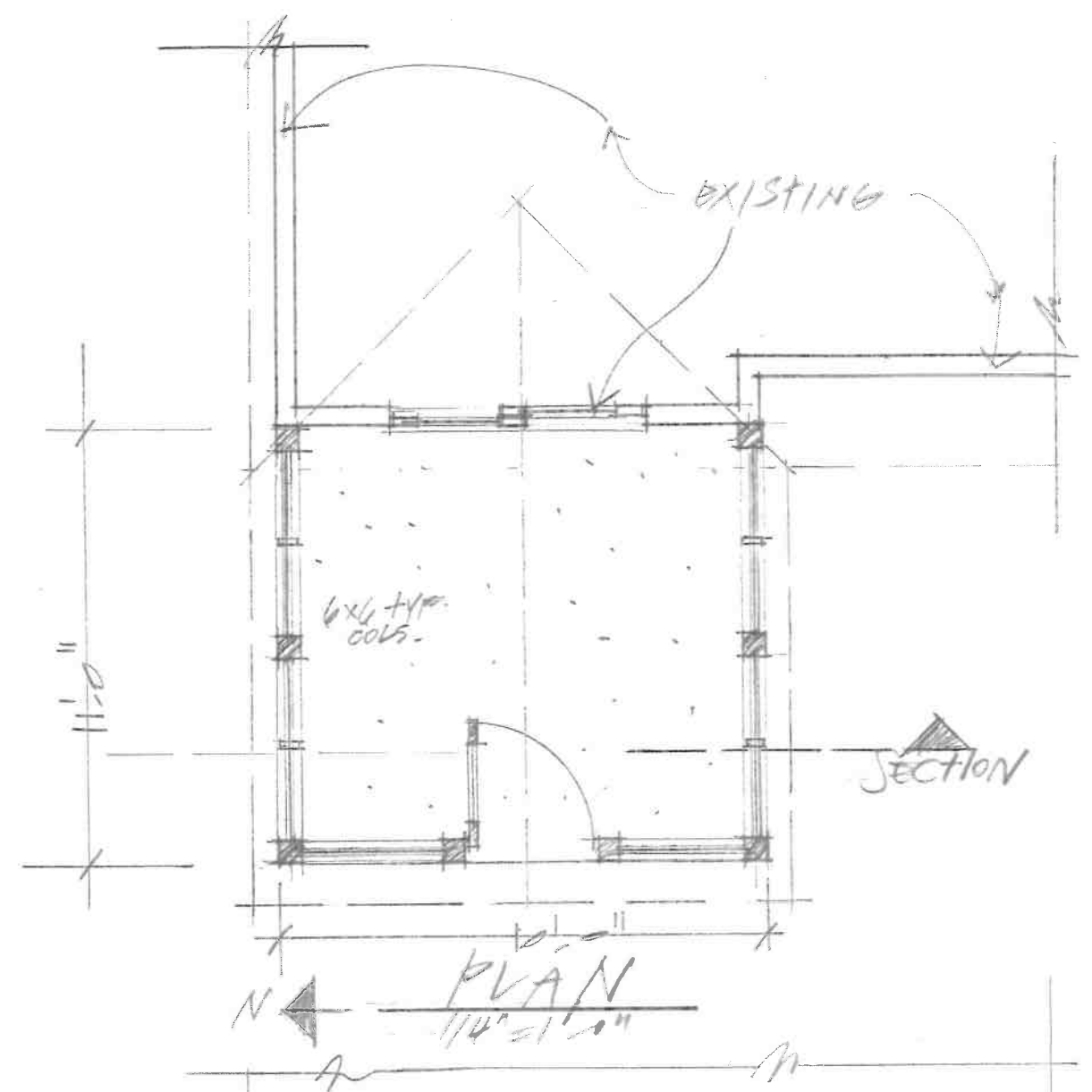
SITE PLAN



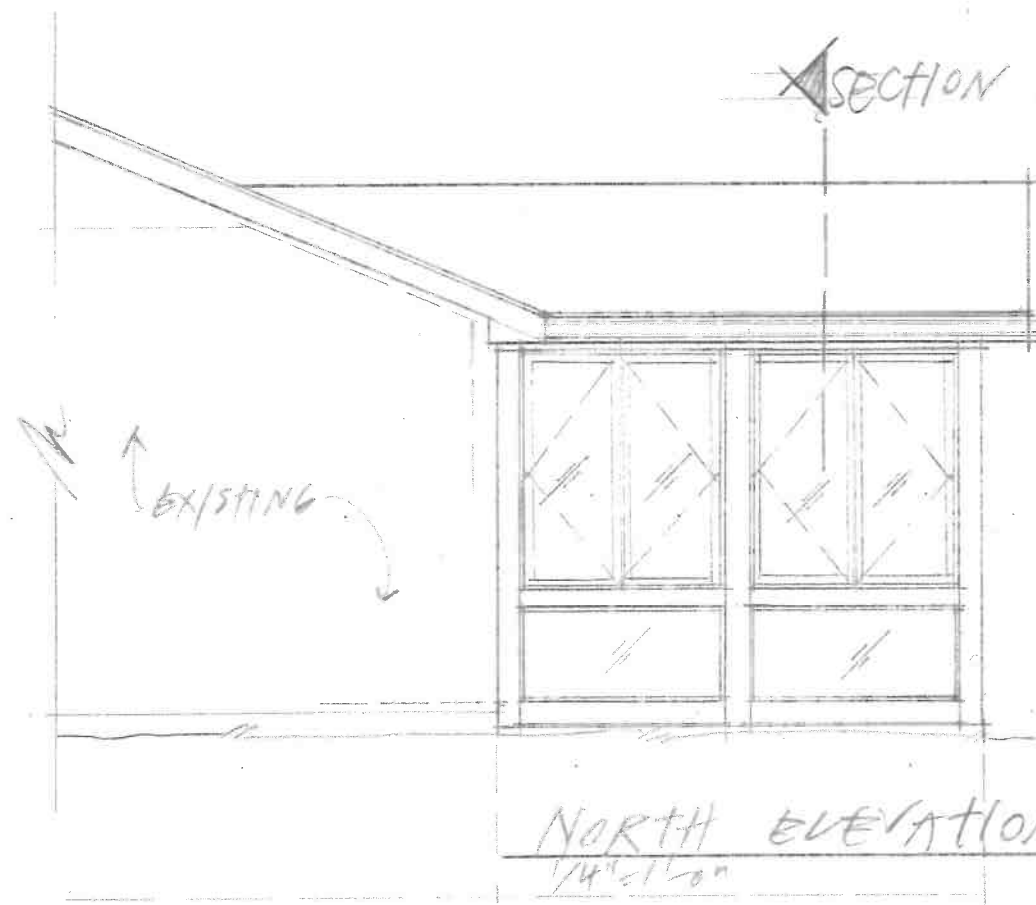
VARIANCE REQUEST 809 MOUNDRIAGE DR.



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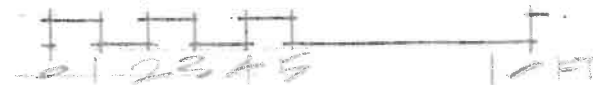


PLAN
1/4" = 1'-0"

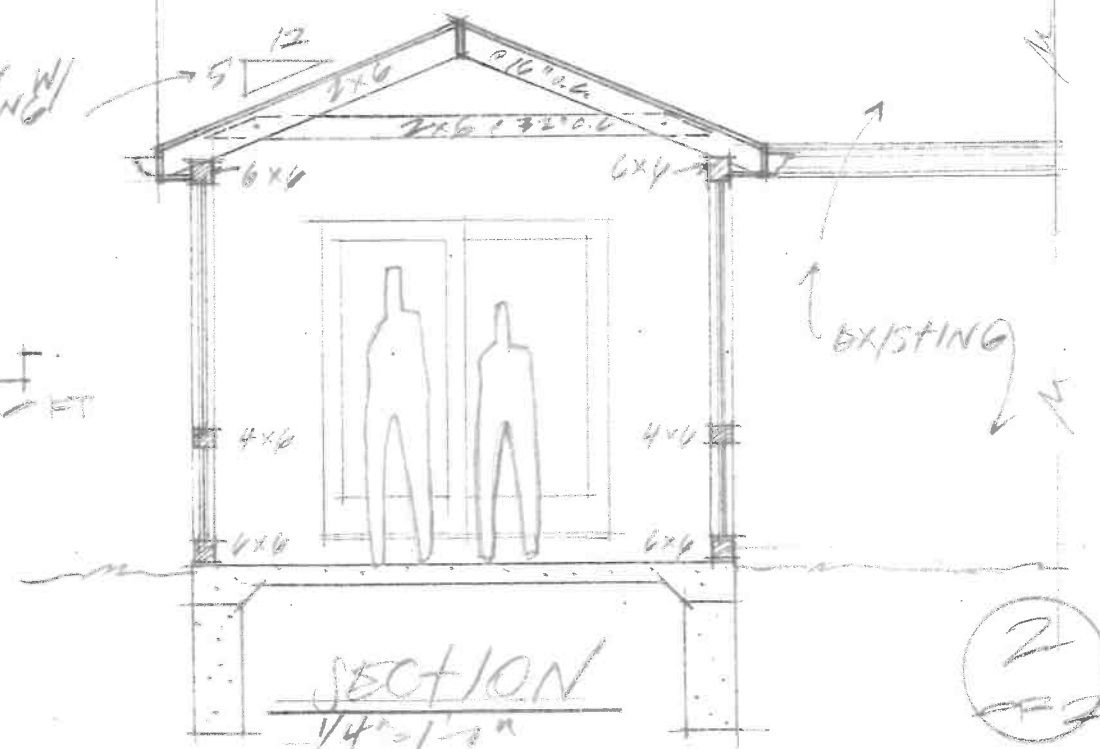


NORTH ELEVATION
1/4" = 1'-0"

NOTE
VERIFY WINDOWS
OR SCREENS
W/ OWNER



VERIFY W/
EXISTING



SECTION
1/4" = 1'-0"

VARIANCE REQUEST

809 MOUNDRIDGE DR

2
FF2