

LAWRENCE BOARD OF ZONING APPEALS

AGENDA

**NOVEMBER 3, 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

- 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.

ELECTION OF OFFICERS FOR 2016-2017

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

ITEM NO. 2 MINUTES

Consider approval of the minutes from the October 6, 2016 meeting of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 OUTDOOR LIGHT CONTAINMENT VARIANCE FOR A NEW AUTOMOTIVE SALES DISPLAY LOT; SW CORNER OF W. 29TH STREET AND IOWA STREET [DRG]

B-16-00338: 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 Outdoor Lighting Standards relating to Spillover Light, which is listed in Section 20-1103(d)(3)(ii) of the City Code. This code provision states that spillover light from a development site shall not exceed 1 foot-candles measured at the lot line onto public street rights-of-way or other properties in a nonresidential zoning district. The property is located on the southwest corner of W. 29th Street between Iowa Street and the Iowa Street frontage road. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1st and October 6th meetings by the applicant.

ITEM NO. 4 AUTOMOTIVE SALES DISPLAY AREA VARIANCE FROM A PUBLIC STREET RIGHT-OF-WAY; 2851 IOWA STREET [JSC]

B-16-00339: 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 code required 15 feet minimum off-street parking area setback from public street rights-of-way, which is required in Section 20-908(c) of the City Code, to a minimum of 0 feet along the property's frontage on W. 28th Terrace and Iowa Street frontage road. The property is located at 2851 Iowa Street. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1st and October 6th meetings by the applicant.

ITEM NO. 5 **VARIANCE FROM THE MAXIMUM ACCESSORY DWELLING UNIT SIZE;
1535 MASSACHUSETTS STREET [JSC]**

B-16-00440: 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 code permitted maximum size accessory dwelling unit in a residential dwelling structure defined in Section 20-534(2)(ix) of the City Code. The code standard limits the size of an accessory dwelling unit to not more than 33 percent of the living area of the primary dwelling or 960 square feet, whichever is less. The proposed size of the accessory dwelling unit is 960 square feet. The living area in the principal dwelling is 2,106 square feet which limits the size of an accessory dwelling unit to 695 square feet. The property is located at 1535 Massachusetts Street. Submitted by Leticia Cole with Paul Werner Architects for Joann E. Qandil, the property owner of record.

ITEM NO. 6 **PERIMETER BUILDING SETBACK VARIANCE FOR ARTERRA EVENT
GALLERY; 2161 QUAIL CREEK DRIVE [DRG]**

B-16-00441: 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 minimum 30 feet perimeter building setback requirement from the boundary of a planned commercial development district (approved under the terms and conditions of the previous zoning code) as required by reference in Section 20-222(e) of the City Code. The applicant seeks variance approval to reduce the perimeter building setback to a minimum of 10 feet from the west property boundary so they can build an addition on the west side of the existing commercial structure. The property is located at 2161 Quail Creek Drive. Submitted by Allen Belot, Allen Belot Architects, for Arterra, LLC, the property owner of record.

ITEM NO. 7 **MISCELLANEOUS**

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

From: [David Hamby](#)
To: [David Guntert](#)
Cc: [Sandra Day](#)
Subject: Briggs Display Area BZA Application
Date: Thursday, November 03, 2016 11:30:19 AM

David,

After our meeting this morning and the Director's intention to administratively approve the revised photometric plan the Owner wishes to withdrawal the BZA application for 2901 Iowa Street. Thank you.

David Hamby, P.E., CFM

Vice President



1405 Wakarusa Drive | Lawrence, KS 66049

T: 785.749.4474 x 2106 | F: 785.749.7340

Web: www.bgcons.com | [Map](#) | [Email](#)

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From: [Leticia Cole](#)
To: [Jeff Crick](#)
Cc: [David Guntert](#)
Subject: RE: 1535 Massachusetts St. :Board of Zoning Appeals Report
Date: Monday, October 31, 2016 3:53:11 PM

Thank you Jeff. At this time we would like to defer this for 1 month.

Leticia Cole

paulwerner ARCHITECTS

123 W. 8th Street, Suite B2

Lawrence, KS 66044

office:785.832.0804 Ext: 302

www.paulwernerarchitects.com

From: Jeff Crick [mailto:jcrick@lawrenceks.org]
Sent: Friday, October 28, 2016 10:42 AM
To: Leticia Cole
Cc: David Guntert
Subject: 1535 Massachusetts St. :Board of Zoning Appeals Report

Good morning Leticia,

The Board of Zoning Appeals staff report is available on our website at <https://assets.lawrenceks.org/assets/pds/planning/bza/bzaagendaNov16Full.pdf>. Feel free to let me know if you have any questions or comments.

Thanks,
Jeff



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



LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of October 6, 2016 – 7:16 p.m.

Members present: Clark, Gardner, Gascon, Holley, Mahoney, Wilbur
Staff present: Ewert, Crick, Guntert

ITEM NO. 1 COMMUNICATIONS

Mr. David Guntert said Mr. Doug Hassig sent an email requesting Item 5 be tabled for two months so he can gather additional support.

No board members had ex parte to disclose.

Items 3 and 4 were deferred prior to the meeting.

ELECTION OF OFFICERS FOR 2016-2017

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

Mahoney suggested holding elections next month when all board members could be present.

Mr. Guntert said Mr. Eric Wisner was recently appointed by the Mayor to replace Mr. Scott Kimzey, whose term expired the end of September.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the August 4, 2016 meeting of the Board.

Motioned by Holley, seconded by Wilber, to approve the August 4, 2016 Board of Zoning Appeals minutes.

Motion carried 3-0-2, with Clark and Gardner abstaining. Gascon was not present for the vote.

BEGIN PUBLIC HEARING:

ITEM NO. 3 OUTDOOR LIGHT CONTAINMENT VARIANCE FOR A NEW AUTOMOTIVE SALES DISPLAY LOT; SW CORNER OF W. 29TH STREET AND IOWA STREET [DRG]

B-16-00338: 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 Outdoor Lighting Standards relating to Spillover Light, which is listed in Section 20-1103(d)(3)(ii) of the City Code. This code provision states that spillover light from a development site shall not exceed 1 foot-candle measured at the lot line onto public street rights-of-way or other properties in a nonresidential zoning district. The property is located on the southwest corner of W. 29th Street between Iowa Street and the Iowa Street frontage road. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1 meeting by the applicant.

ITEM NO. 4 AUTOMOTIVE SALES DISPLAY AREA VARIANCE FROM A PUBLIC STREET RIGHT-OF-WAY; 2851 IOWA STREET [JSC]

B-16-00339: 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 code required 15 feet minimum off-street parking area setback from public street rights-of-way, which is required by Section 20-908(c) of the City Code, to a minimum of 0 feet along the property's frontage on W. 28th Terrace and Iowa Street frontage road. The property is located at 2851 Iowa Street. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1 meeting by the applicant.

ITEM NO. 5 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A RESIDENTIAL DWELLING DECK ADDITION; 315 HEADWATERS DRIVE [DRG]

B-16-00380: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 feet minimum rear yard building setback standard in an RS7 (Single-Dwelling Residential) District which is required by Section 20-601(a) of the City Code. The applicant is seeking a variance from the code standard to allow the construction of a 10 feet deep deck addition that will reduce the rear yard building setback to a minimum of 20 feet. The property is located at 315 Headwaters Drive. Submitted by Doug Hassig, President of R&H Builders, Inc., who is the property owner of record.

ITEM NO. 6 MISCELLANEOUS

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

Adjourn 7:21pm

**ITEM NO. 3 OUTDOOR LIGHT CONTAINMENT VARIANCE FOR A NEW AUTOMOTIVE
SALES DISPLAY LOT; SW CORNER OF W. 29TH STREET AND IOWA
STREET [DRG]**

B-16-00338: 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 Outdoor Lighting Standards relating to Spillover Light, which is listed in Section 20-1103(d)(3)(ii) of the City Code to exceed the code standard on the west frontage road on Iowa Street. This code provision states that spillover light from a development site shall not exceed 3 foot-candles measured at the lot line onto public street rights-of-way or other properties in a nonresidential zoning district. The property is located on the southwest corner of W. 29th Street between Iowa Street and the Iowa Street frontage road. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1st and October 6th meetings by the applicant. **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 – "A variance from Article 20-1103.d.3.ii is requested. That section of the code prohibits spillover light onto Public Street rights-of-way in a non-residential district from exceeding 3 foot-candles at the lot line. We request that the requirement be waived due to the unique situation on the site and the fact that the excess light at the lot line will only spill light onto public streets."

The subject property is a narrow linear parcel located between the west frontage road and the southbound lanes of Iowa Street immediately south of the West 29th Street intersection. This parcel was recently created by a decision from KDOT officials to sell a 36.75 feet by approximately 222 feet portion of Iowa Street/ U.S 59 Highway right-of-way to the applicant.

The site plan proposes to use the parcel as a vehicle sales lot for as many as 25 vehicles. The plan shows six light poles equally spaced along the east edge of the pervious paver parking pad. Each light pole is equipped with two 240 LED light fixtures directed to the west such that the spillover light for the most part occurs along the frontage road and the property on the west side of the frontage road.

C. ZONING AND LAND USE

Current Zoning & Land Use: CS (Commercial Strip) District; vacated street right-of-way currently in turf grass

Surrounding Zoning and Land Use: CS District in all directions; commercial uses in all directions.

D. ZONING ORDINANCE REQUIREMENTS

All of Section 20-1103, "OUTDOOR LIGHTING", is shown below to provide context for the applicant's variance request. Section 20-1103(d)(3)(ii) is the specific code standard the

applicant is requesting to vary, which limits spillover light to not exceed 3 foot-candles, measured at the lot line of the property in nonresidential zoning districts.

20-1103 OUTDOOR LIGHTING

(a) Purpose

The outdoor lighting standards of this section are intended to eliminate spillover light and light glare on motor vehicle operators, pedestrians, and land uses near light sources. Safety considerations are a primary basis for the regulations, especially pedestrian, motor vehicle and traffic safety. In other cases, the regulations are intended to protect property values and the general welfare by controlling the nuisance aspects of glare or spillover light.

(b) Applicability

The regulations of this section apply to all uses except:

- (1) [Public Street](#) lights, which are exempt from the standards of this section but are subject to all applicable standards of the Kansas Department of Transportation and the City of Lawrence Public Works Department;
- (2) residential uses, which are exempt from the outdoor lighting standards of this section except that spot lights or flood lights that create a glare on neighboring property are prohibited. Off-Street Parking [Lots](#) associated with residential uses are not exempt from the outdoor lighting standards of this section;
- (3) holiday lighting;
- (4) outdoor recreation uses, which are subject only to the standards of Section 20-1103(e); and
- (5) [Telecommunication Towers](#) and [Antennas](#).

(c) Exterior Lighting (Photometric) Plan

(1) When Required

An outdoor lighting plan shall be submitted to the [Planning Director](#) whenever outdoor lighting is to be installed or whenever Site Plan Review is required. The lighting plan shall be reviewed to determine whether the proposed outdoor lighting complies with the standards of this section.

(2) Information Required

Outdoor lighting plans shall include a photometric plan and data on the types of lighting fixtures to be used. The photometric plan includes all of the following unless the [Planning Director](#) determines that a thorough review and determination is possible without such information:

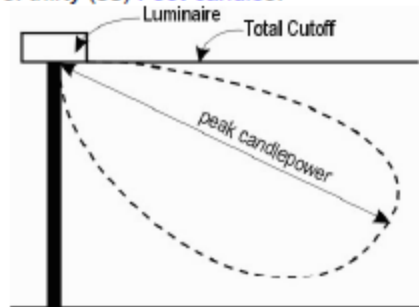
- (i) Scaled drawing of the site with all outdoor lighting fixture locations identified;
- (ii) Fixture specifications, such as catalog cut-sheets. The lighting fixture data shall be based on the photometric plan and shall indicate type of fixture, Height, shielding, luminaire type and wattage.
- (iii) Lamp type and size.

- (iv) A point-by-point illumination array for the major [Parking Area](#) or areas. The point-by-point array shall indicate site illumination along the [Lot Line](#) at 10-foot intervals and on the interior of the site at 20-foot intervals.

(d) **Lighting Standards**

(1) **Light Confinement**

- (i) All outdoor lights shall, to the maximum extent feasible, confine emitted light to the property on which the light is located and not be directed upwards toward the sky.
- (ii) All fixtures shall be cut-off fixtures that confine lighting to the subject site and shield the light source from view. Cut-off fixtures are not required when the luminaries are less than 150 watt incandescent.
- (iii) Under-Canopy or downcast, roof-mounted lights shall be recessed from the lowest point of the ceiling plane and shall not exceed a maximum of thirty (30) [Foot-candles](#).



(2) **Visible Light Sources**

Outdoor light sources that are visible within the normal range of vision from any R-zoned property are prohibited, unless the luminaries are less than 150 watt incandescent.

(3) **Spillover Light**

Spillover light is measured at [Grade](#) and is regulated as follows:

- (i) Spillover light onto R-zoned property may not exceed 0.2 [Foot-candles](#), measured at the residential [Lot Line](#).
- (ii) Spillover light onto [Public Street](#) rights-of-way or properties in a nonresidential [Zoning District](#) may not exceed 3 [Foot-candles](#), measured at the [Lot Line](#) of the illuminated site.
- (iii) When outdoor lighting is used on property that is across the Street from R-zoned property, the maximum illumination at the [Lot Line](#) (abutting the Street right-of-way) of the illuminated site may not exceed one [Foot-candle](#).

(e) Special Standards for Outdoor Recreation Uses

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreation uses are exempt from the preceding outdoor lighting standards of this section. Instead, outdoor recreation uses are subject to the following standards:

- (1) Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.
- (2) No flickering or flashing lights are permitted.
- (3) Lights may not be illuminated after 11:30 p.m.
- (4) As-built lighting and photometric plans are required.
- (5) Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra Landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.

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 property is unique in that the existing dimensions limit how the parcel can be lit with lights. The parcel was obtained by the property owner from KDOT in 2012. KDOT determined the dimensions of the property. The existing width of the property is 36.75' which is not ordinarily found in the same zoning district. The existing width of 36.75' creates a situation where the proposed lights will have spillover greater than the 3 foot-candles allowed at the lot line."*

Spillover Light:

The subject property was formerly public right-of-way for Iowa Street/U.S. 59 Highway. In 2012, the applicant initiated contact with Kansas Department of Transportation (KDOT) and the City of Lawrence with interest in acquiring some of the public right-of-way for a car display lot. The decision was made by KDOT officials to sell a portion of the public right-of-way, which is now the subject of this variance request. The variance request is directly tied to actions of the applicant by virtue of their initiating and pursuing the purchase of some of the public right-of-way. Had this parcel not been sold but retained as public right-of-way this variance request would not be necessary.

Finding – The property was created through the sale of a piece of the Iowa Street/U.S. 59 Highway right-of-way by KDOT. The applicant pursued the sale of this property from KDOT with the intention to use it as a display lot for cars. The variance request is a direct result of the actions of the applicant, which include the purchase of a challenging size parcel and not lowering the light levels to acceptable levels.

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

Applicant response: *"Granting the variance will not adversely affect the rights of adjacent property owners as the spillover light will only be located on the public rights-of-way adjacent to the lot line."*

Spillover Light:

In staff's opinion, granting the requested variance to let spillover light surpass the code standard 3 foot-candle maximum at the property line will not adversely affect the rights of adjacent property owners or residents. The applicant's lighting plan displays the proposed light distribution pattern, which primarily shows excess spillover light west of the parcel where the frontage road exists. Because the property is surrounded by other commercial development there are no residential dwellers impacted by the brighter light pattern. The most directly affected property is another automotive dealership (Honda); they have a display lot to the east of their building, which may benefit from the additional illumination coming from this project.

Finding -- Granting the variance to let spillover light surpass the code standard 3 foot-candle maximum at the property line will not have any adverse effect upon 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: *"Strict application of the code will prevent the applicant from sufficiently lighting his property. We have looked at various alternatives to meet the code and worked with the lighting manufacturer's to develop an adequate solution but it is not possible to meet the code requirements on this site."*

Spillover Light:

In staff's opinion, strict adherence to the code standard may be a hardship for the property owner because they won't be able to light the vehicle display lot to the intensity levels they desire. The proposed lighting plan shows spillover light levels ranging from 11 to 30 foot-candles along the west property line (east edge of the frontage road). The spillover light levels still exceed the 3 foot-candle standard west of the frontage road, although they become less intense. While it may be challenging for the applicant to comply with the city code to keep spillover light dispersion on this parcel at levels that do not exceed the 3 foot-candle maximum past the property line, there must be other lighting options the applicant can use that will contain more light from leaving the property. There have to be many options available in light fixtures, illumination type and amount, internal and external fixture shields for light containment, adjustable lens angles, light pole heights, etc. the applicant can use to reduce or eliminate spillover light.

Lighting levels have been collected by City staff for several nearby auto dealership sales/display lots to provide a comparison with what the applicant is seeking to use if their variance request is granted. As shown in Exhibits A & B (included in the staff report attachments) the existing light levels along Iowa Street for the surveyed display lots are

significantly lower than the light levels the applicant has proposed for the new display lot.

Finding -- Strict adherence to the 3 foot-candle code standard for spillover light beyond the property line may be a hardship for the property owner because they won't be able to light the vehicle display lot to the intensity levels they desire. However, there have to be many other options available in light fixtures, illumination type and intensity, internal and external fixture

shields for light containment, adjustable lens angles, light pole heights, etc. the applicant can use to reduce or eliminate spillover light.

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

Applicant response: *"If the variance was granted there would be no adverse effects and the additional light would actually create more visibility at night on the adjacent public streets."*

Spillover Light:

In staff's opinion, granting the variance will allow too much outdoor light beyond the property boundaries onto the adjacent frontage road and property on the west side of the frontage road, which may result in an adverse effect to the public health, safety, morals, order, convenience, prosperity or general welfare. The brighter light illumination may create a nuisance factor for nearby property owners and it could also be a distraction for motorists. If granted, other commercial property owners in this area may want to do the same thing with their outdoor site lighting, which is counterproductive to the community's goal of eliminating light glare and spillover light on motor vehicle operators, pedestrians, and nearby land uses.

Finding -- Granting the variance will have an adverse effect on the public health, safety, morals, order, convenience, prosperity or general welfare.

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

Applicant response: *"The purpose of the code as stated in Article 20-1103.a is primarily for safety considerations. The granting of the variance will actually provide a safer situation than not allowing lighting on the lot. The additional light will not have an adverse effect on safety."*

Spillover Light:

In staff's opinion, the proposed lighting plan for the vehicle display lot does not meet the general spirit and intent of the development code. The applicant's plan shows lighting levels along the west property line that are approximately 4-10 times greater than the city's code permits. Decreasing the amount and intensity of spillover light to a level close to the code compliant 3 foot-candle level is necessary for the project to comply with the general spirit and intent of the code.

Finding -- The applicant's lighting plan does not meet the general spirit and intent of the development code. The spillover lighting shown on the plan ranges from 4-10 times the code allowed maximum 3 foot-candles.

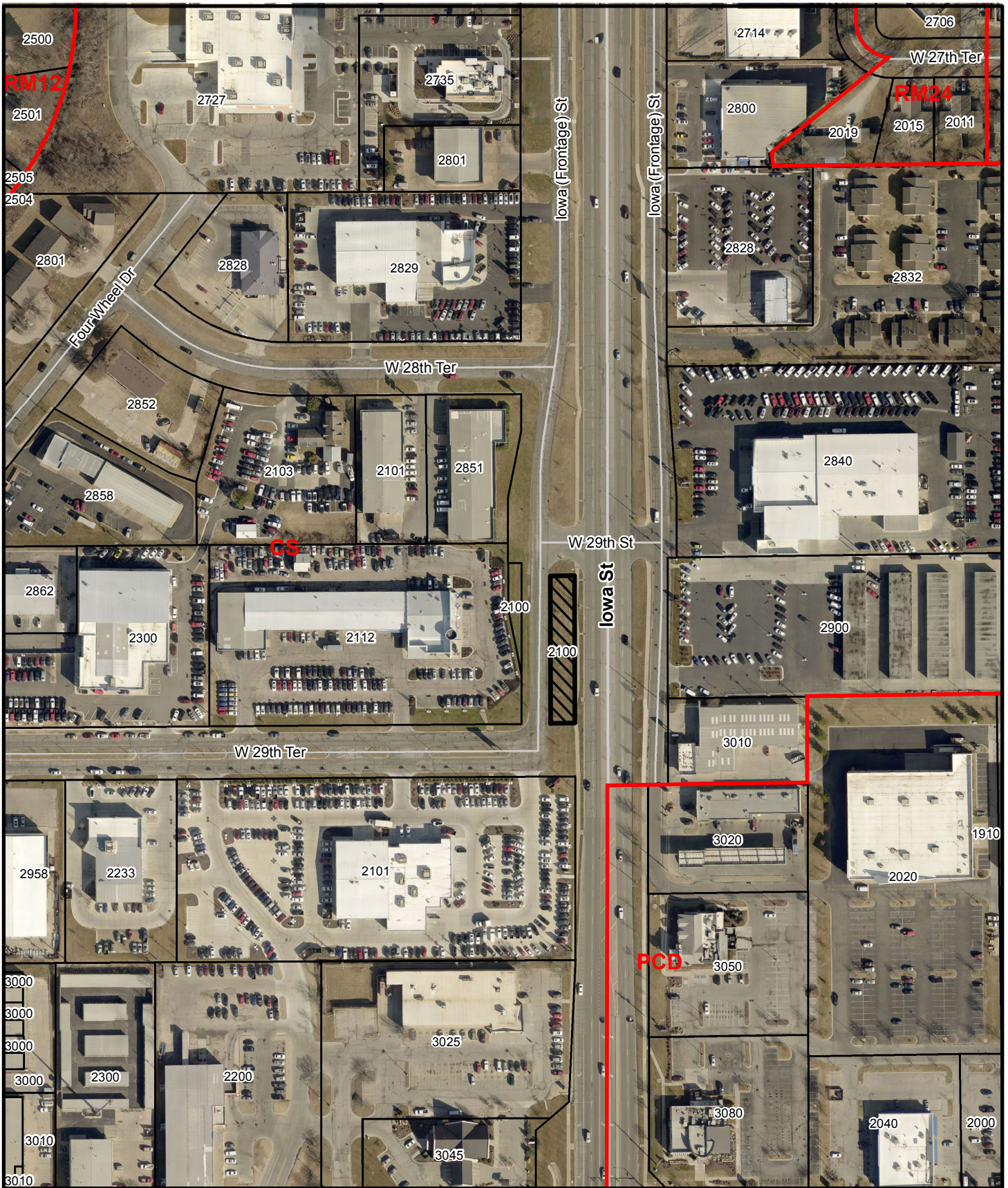
Conclusions:

Spillover Light:

Staff's analysis concludes the variance request does not meet the five conditions set forth in Section 20-1309(g)(1) of the Development Code which the Board must find present to grant a variance for the building setbacks. Specifically, the applicant's request does not meet the stated purpose of conditions 1, 3, 4 and 5.

Recommendation:

Staff recommends denial of the variance for spillover outdoor site lights exceeding the code maximum 3 foot-candles measured at the lot line based upon the findings in the staff report that conclude this request does not meet the 5 conditions outlined in Section 20-1309(g)(1) required for variance approval.



B-16-00338: Variance from the Outdoor Lighting Standard Limiting Spillover Light at the Property Boundary to Not Exceed 3 foot candles in a Nonresidential Zoned Area; SW Corner of W. 29th Street and Street

Lawrence Planning & Development Services Dept
August 11, 2016



Subject Property
Scale: 1 Inch = 200 Feet



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

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

APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP

OWNER INFORMATION

Name(s) AFAD Inc.
Contact Russ Briggs
Address 2312 Stagg Hill Road
City Manhattan State KS ZIP 66502
Phone (____) _____ Fax (____) _____
E-mail _____ Mobile/Pager (____) _____

APPLICANT/AGENT INFORMATION

Contact David Hamby, P.E., CFM
Company BG Consultants, Inc.
Address 1405 Wakarusa Drive
City Lawrence State KS ZIP 66049
Phone (785) 749-4474 Fax (____) _____
E-mail _____ Mobile/Pager (____) _____
Pre-Application Meeting Date August 3, 2016 Planner Sandra Day

PROPERTY INFORMATION

Present Zoning District CS Present Land Use Vacant
Proposed Land Use Vehicle Sales/Display
Legal Description (*may be attached*) See Attached
Address of Property 2901 Iowa Street, Lawrence
Total Site Area 8,162 SF
Number and Description of Existing Improvements or Structures Vacant



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

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

Description of variance requested:

A variance from Article 20-1103.d.3.ii is requested. That section of the code prohibits spillover light onto Public Street rights-of-way in a non-residential district from exceeding 3 foot-candles at the lot line. We request that the requirement be waived due to the unique situation of the site and the fact that the excess light at the lot line will only spill light onto public streets.



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 property is unique in that the existing dimensions limit how the parcel can be lit with lights. The parcel was
obtained by the property owner from KDOT in 2012. KDOT determined the dimensions of the property. The
existing width of the property is 36.75' which is not ordinarily found in the same zoning district. The existing
width of 36.75' creates a situation where the proposed lights will have spillover greater than the 3 foot-candles
allowed at the lot line.

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

Granting the variance will not adversely affect the rights of adjacent property owners as the spillover light will
only be located on the public rights-of-way adjacent to the lot line.



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

Strict application of the code will prevent the applicant from sufficiently lighting his property. We have looked at
various alternatives to meet the code and worked with the lighting manufacturer's to develop an adequate
solution but it is not possible to meet the code requirements on this site.

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

If the variance was granted there would be no adverse affects and the additional light would actually create
more visibility at night on the adjacent public streets.



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

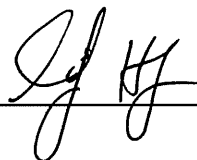
**Lawrence Douglas County
Metropolitan Planning Office**
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<http://www.lawrenceks.org/pds/>

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

The purpose of the code as stated in Article 20-1103.a is primarily for safety considerations. The granting of the variance will actually provide a safer situation than not allowing lighting on this lot. The additional light will not have an adverse affect on safety.

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):  Date 8/5/16

_____ Date _____

_____ Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



PROPERTY OWNERSHIP LIST CERTIFICATION

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

Ownership Information

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

Radius of Notification

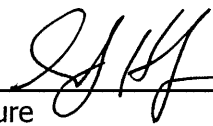
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

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.



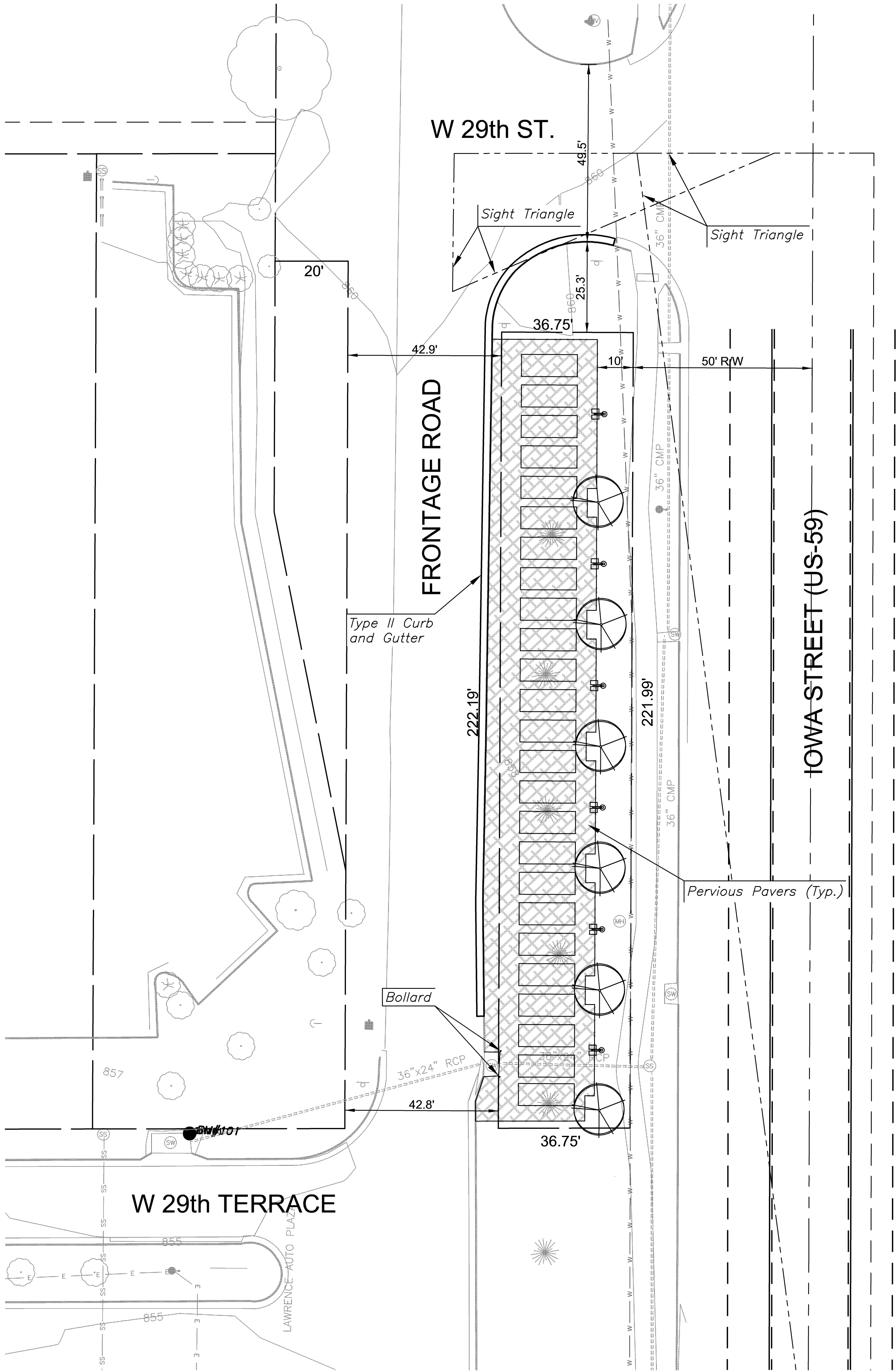
Signature

August 5, 2016

Date

David J. Hamby

Printed Name



SITE PLAN

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT.
JAPANESE ZELKOVA	ZELKOVA SERRATA 'GREEN VASE'		2.5" CALIPER	6	60'

OWNER/APPLICANT

AFAD INC.
2312 STAGG HILL ROAD
MANHATTAN, KS 66502

ENGINEER

DAVID J. HAMBY, P.E. (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.749.4474

LEGAL DESCRIPTION

A TRACT OF LAND IN LOT 1, REPLAT OF LOT 6, AUTO PLAZA SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; FIRST COURSE, THENCE ON AN ASSUMED BEARING OF NORTH 88 DEGREES 00 MINUTES 08 SECONDS WEST, 36.75 FEET ALONG THE SOUTH LINE OF SAID LOT; SECOND COURSE, THENCE NORTH 02 DEGREES 18 MINUTES 24 SECONDS EAST, 222.19 FEET; THIRD COURSE, THENCE SOUTH 87 DEGREES 41 MINUTES 36 SECONDS EAST, 36.75 FEET TO THE EAST LINE OF SAID LOT; FOURTH COURSE, THENCE SOUTH 02 DEGREES 18 MINUTES 24 SECONDS WEST A DISTANCE OF 221.99 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 8162 SQUARE FEET, MORE OR LESS.

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBERS 20045C0167D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

1. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM ACTUAL FIELD SURVEY.
2. THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
3. CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO THE WEIGHT OF REFUSE COLLECTION VEHICLES.
4. APPROVAL OF PROPOSED LIGHTING SHALL REQUIRE THE SUBMISSION AND APPROVAL OF A PHOTOMETRIC PLAN SUBJECT TO SECTION 20-1103 OF THE LAND DEVELOPMENT CODE.

BUILDING INFORMATION

NO BUILDING PROPOSED

PARKING DATA

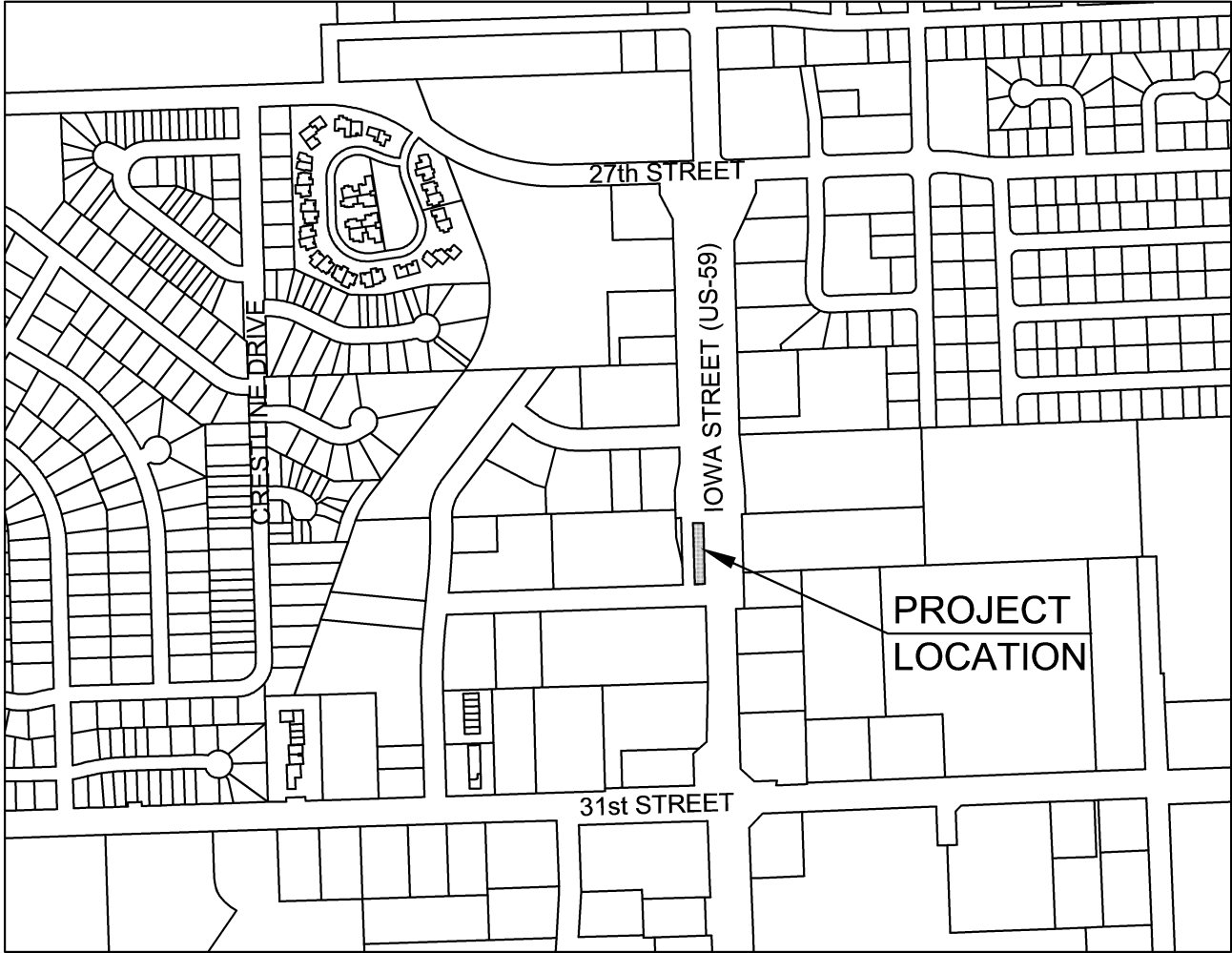
- 0 REQUIRED STALLS
- DISPLAY AREA IS ACCESSORY USE TO ADJACENT CAR DEALERSHIPS
- 0 REQUIRED BICYCLE PARKING SPACES

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	0	S.F.	PROPOSED BUILDINGS	0	S.F.
EXISTING PAVEMENT	0	S.F.	PROPOSED PAVEMENT	0	S.F.
EXISTING IMPERVIOUS	0	S.F.	PROPOSED IMPERVIOUS	0	S.F.
EXISTING PERVIOUS	8,162	S.F.	PROPOSED PERVIOUS	8,162	S.F.
PROPERTY AREA	8,162	S.F.			

ZONING AND DENSITY

THE CURRENT ZONING FOR THE PROPERTY IS CS.



LOCATION MAP

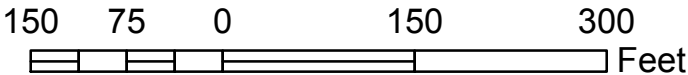
Approved and Released



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
_____ of _____ Sheets
Asst./Director: _____

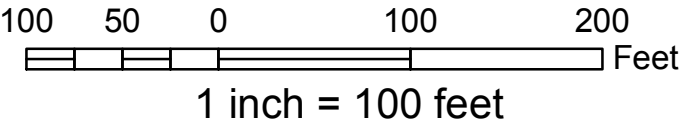
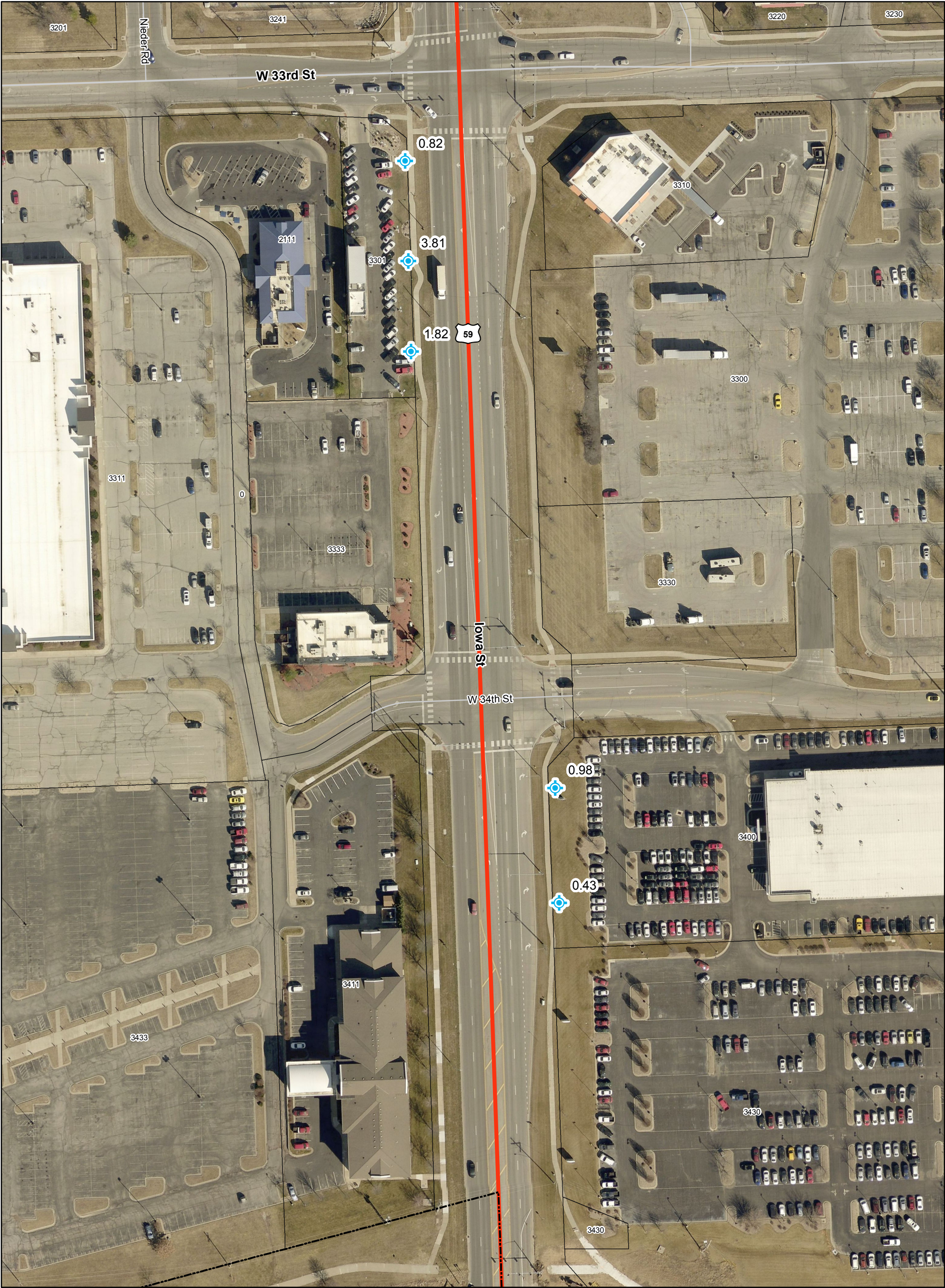
Exhibit A: Photometric Light Readings Collected by City Staff at Nearby Auto Dealership Lots



DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

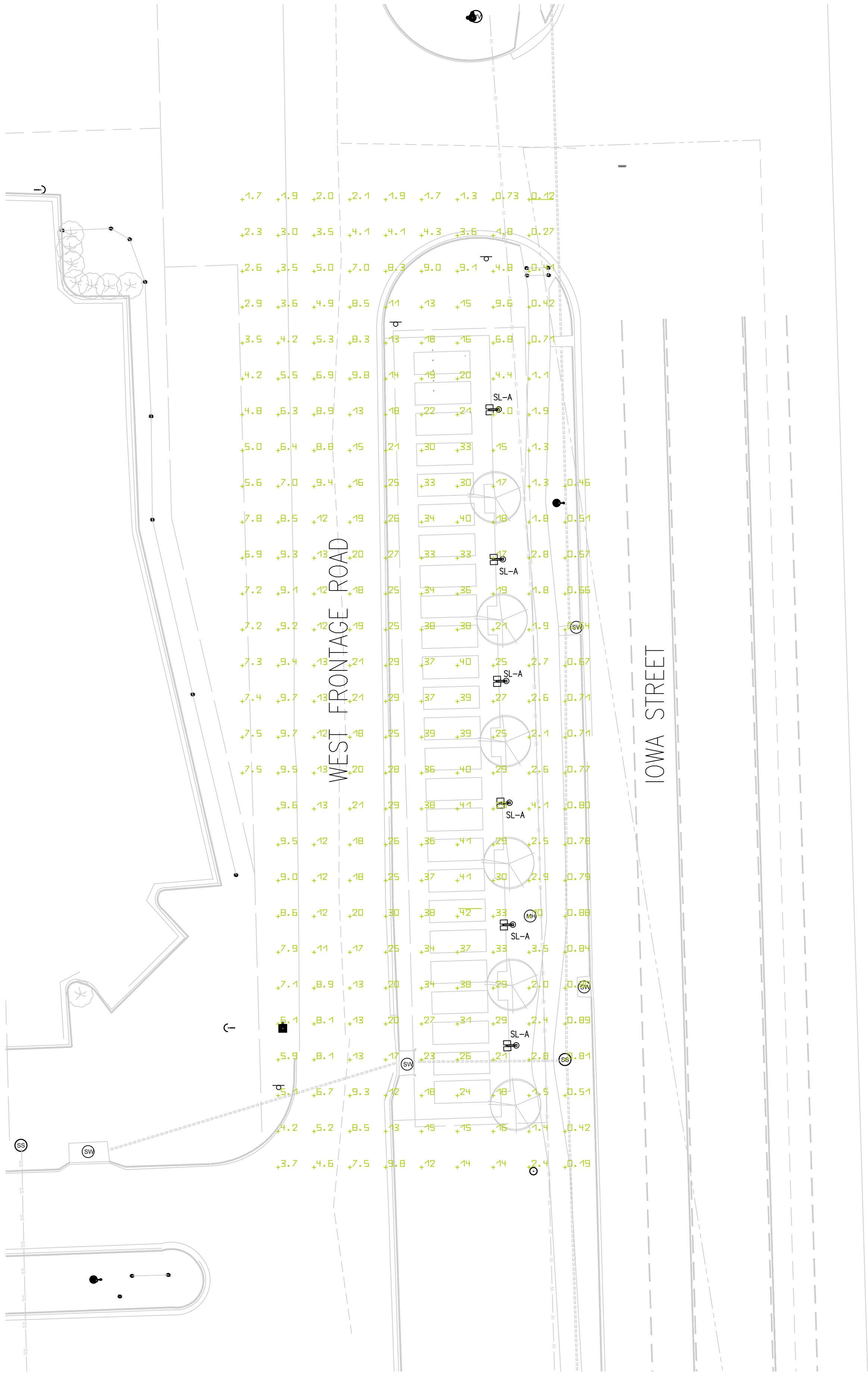
Date: 10/26/2016

Exhibit B: Photometric Light Readings Collected by City Staff for South Iowa Street Auto Dealership Lots



DISCLAIMER NOTICE
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Date: 10/26/2016



1
2

Photometric Site Plan
SCALE: 1" = 20'-0"



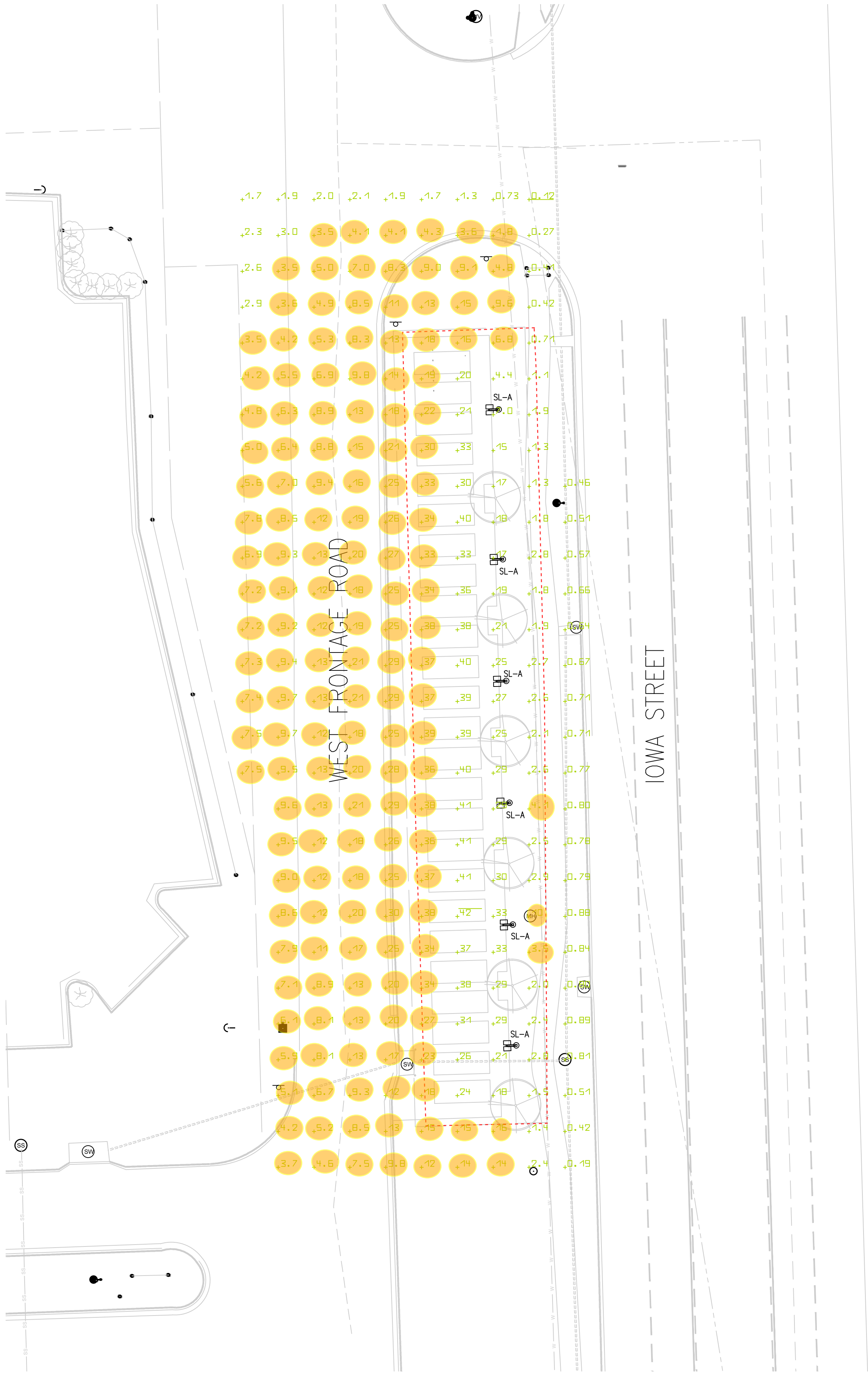
SITE LIGHTING FIXTURE SCHEDULE					
MARK	MANUF	MODEL	LAMP QUANTITY TYPE	DESCRIPTION	REMARKS
SL-A	CREE-BETA	ARE-EHO-4MB-HV-24-E-UL-BZ-1000-40K	240 LED	(2) LED HEADS PER POLE	1 - 9

- REMARKS:
1. PROVIDE WITH 20' - 0" SQUARE STRAIGHT STEEL POLE, BRONZE FINISH.
 2. (2) HEADS MOUNTED TO ONE POLE, MOUNTED ON AT 180° APART, BOTH ORIENTATED IN THE 90° DIRECTION. PROVIDE TENON MOUNT MODEL PB-2A.
 3. PROVIDE WITH INTERNAL HOUSE SIDE SHIELD AT REAR OF FIXTURE.
 4. PROVIDE WITH 10 DEGREE TILT TO MAINTAIN 3FC LIGHT LEVEL AT ADJACENT RIGHT OF WAY.
 5. TYPE IV DISTRIBUTION, FULL CUTOFF.
 6. MOUNT POLE ON 3'-0" CONCRETE PIER. FINAL MOUNTING HEIGHT SHALL BE APPROXIMATELY 22' AFG TO CENTERLINE OF FIXTURE HEAD.
 7. 208 VOLT.
 8. PROVIDE POLE WITH WALL THICKNESS AND DIMENSION AS REQUIRED TO MEET FIXTURE ASSEMBLY EPA. MINIMUM EPA IS 5.62.
 9. PROVIDE FOR WET LOCATION U.L. LISTED.

EXTERIOR BUILDING LIGHTING POWER (C405.6.2)					
IECC-2012 TABLE 405.6.2(2) INDIVIDUAL LIGHTING POWER ALLOWANCES FOR BUILDING EXTERIORS			AREA OR LENGTH	TOTAL ALLOWABLE WATTS	ACTUAL WATTS
LIGHTING ZONE					
ZONE 4					
BASE SITE ALLOWANCE (BASE ALLOWANCE MAY BE USED IN TRADABLE OR NON-TRADABLE SURFACES)					
BASE SITE ALLOWANCE	1300	WATTS	.	1300	.
TRADABLE SURFACES (LIGHTING POWER DENSITIES FOR UNCOVERED PARKING AREAS, BUILDING GROUNDS, BUILDING ENTRANCES AND EXISTS, CANOPIES AND OVERHANGS, AND OUTDOOR SALES AREAS MAY BE TRADED.)					
UNCOVERED PARKING AREAS					
PARKING AREAS AND DRIVES	0.13	W/S.F.	.	.	.
BUILDING GROUNDS					
WALKWAYS LESS THAN 10 FT WIDE	1.0	WATTS/LINEAR FOOT	.	.	.
WALKWAYS 10 FEET WIDE OR GREATER PLAZA AREAS AND SPECIAL FEATURES AREAS	0.2	W/S.F.	.	.	.
STARWAYS	1.0	W/S.F.	.	.	.
PEDESTRIAN TUNNELS	0.3	W/S.F.	.	.	.
BUILDING ENTRANCES AND EXITS					
MAIN ENTRIES	30	WATTS/LINEAR FOOT OF DOOR WIDTH	.	.	.
OTHER DOORS	20	WATTS/LINEAR FOOT OF DOOR WIDTH	.	.	.
ENTRY CANOPIES	0.4	W/S.F.	.	.	.
SALES CANOPIES					
FREE STANDING & ATTACHED	1.0	W/S.F.	.	.	.
OUTDOOR SALES					
OPEN AREAS (INCLUDING VEHICLE SALES LOTS)	0.7	W/S.F.	6565	13200	.
STREET FRONTAGE FOR VEHICLE SALES LOTS IN ADDITION TO "OPEN AREA" ALLOWANCES	30	WATTS/LINEAR FOOT	440	4596	10084
NON-TRADABLE SURFACES (LIGHTING POWER DENSITY CALCULATIONS FOR THE FOLLOWING APPLICATIONS CAN BE USED ONLY FOR THE FOLLOWING APPLICATIONS AND CANNOT BE TRADED BETWEEN SURFACES OR WITH OTHER EXTERIOR LIGHTING. THE FOLLOWING ALLOWANCES ARE IN ADDITION TO ANY ALLOWANCE OTHERWISE PERMITTED IN THE "TRADABLE SURFACES" SECTION OF THIS TABLE.)					
BUILDING FACADES	0.2 OR 5.0	___ W/S.F. FOR EACH ILLUMINATED WALL OR SURFACE OR ___ WATTS/LINEAR FOOT FOR EACH ILLUMINATED WALL OR SURFACE LENGTH	.	.	.
AUTOMATED TELLER MACHINES AND NIGHT DEPOSITORIES	270	WATTS PER LOCATION PLUS 90 WATTS PER ADDITIONAL ATM	.	.	.
ENTRANCES AND GATEHOUSE INSPECTION STATIONS AT GUARDED FACILITIES	0.75	W/S.F. OF COVERED AND UNCOVERED AREA	.	.	.
LOADING AREAS FOR LAW ENFORCEMENT, FIRE, AMBULANCE AND OTHER EMERGENCY VEHICLES	0.5	W/S.F. OF COVERED AND UNCOVERED AREA	.	.	.
DRIVE-UP WINDOWS/DOOR	400	WATTS PER DRIVE-THROUGH	.	.	.
PARKING NEAR 24 HOUR RETAIL ENTRANCES	800	WATTS PER MAIN ENTRY	.	.	.
TOTAL				19096	10084

PROPOSED LIGHTING POWER SCHEDULE			
MARK	QUANTITY	INUT POWER/POLE	TOTAL POWER
SL-A	6	1,681 W	10,084 W
		TOTAL: 10,084 W	

- GENERAL NOTES:
1. EXACT LOCATIONS OF FIXTURES SHALL BE COORDINATE WITH CIVIL ENGINEER.
 2. MAINTAIN MAXIMUM 3 FC AT RIGHT OF WAY ALONG IOWA STREET.
 3. PROVIDE APPROXIMATELY 10-15 ANGLE ON FINAL INSTALLATION AS REQUIRED TO MAINTAIN LIGHT LEVEL INDICATED AT RIGHT OF WAY.
 4. PHOTOMETRIC GRID BASED ON 10'x10' SPACING.



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2 SCALE: 1" = 20'-0"

SITE LIGHTING FIXTURE SCHEDULE					
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 3. PROVIDE WITH INTERNAL HOUSE SIDE SHIELD AT REAR OF FIXTURE.
 4. PROVIDE WITH 10 DEGREE TILT TO MAINTAIN 3FC LIGHT LEVEL AT ADJACENT RIGHT OF WAY. not allowed
 5. TYPE IV DISTRIBUTION, FULL CUTOFF.
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 4. PHOTOMETRIC GRID BASED ON 10'x10' SPACING.

standard applies to east, west and north property lines.

lighting must be angled down.

Cree Edge™ Series

LED High Output Area/Flood Luminaire featuring Cree TrueWhite® Technology

Product Description

The Cree Edge™ High Output Area/Flood luminaire is designed to deliver high lumen packages with precise optical control. The unit features a slim, low profile design that minimizes wind load and a rugged die cast aluminum adjustable arm that mounts to a horizontal or vertical 2" (51mm) IP, 2.375-2.50" (60-64mm) O.D. steel tenon. Tenon length must be a minimum of 3.75" (95mm). The direct mount bracket accessory allows for further mounting flexibility. Available with Cree TrueWhite® Technology, the Cree Edge™ High Output helps to beautifully render true colors and deliver value beyond energy savings.

Applications: Auto dealerships, parking lots, campuses, facade lighting, high-mast and general site lighting applications

Performance Summary

Utilizes Cree TrueWhite® Technology on 5000K Luminaires

Patented NanoOptic® Product Technology

Made in the U.S.A. of U.S. and imported parts

CRI: Minimum 70 CRI (4000K & 5700K); 90 CRI (5000K)

CCT: 4000K (+/- 300K), 5000K (+/- 300K), 5700K (+/- 500K) standard

Limited Warranty*: 10 years on luminaire/10 years on Colorfast DeltaGuard® finish

* See <http://lighting.cree.com/warranty> for warranty terms

Accessories

Field-Installed	
Bird Spikes XA-BRDSPKXAK12 - 120 LED XA-BRDSPKXAK24 - 240 LED	Backlight Control Shields XA-30BLS-4 - Four-pack for 120 LED - Unpainted stainless steel XA-30BLS-8 - Eight-pack for 240 LED - Unpainted stainless steel

Ordering Information

Example: ARE-EH0-2M-HV-12-E-UL-SV-700

Product				HV		E		Voltage		Color Options		Drive Current		Options	
Optic				Mounting	LED Count (x10)	Series									
ARE-EH0	2M Type II Medium	3MB Type III Medium w/BLS	5M Type V Medium	HV Horizontal/ Vertical Tenon - For EH0-UNV direct mount bracket, refer to Tenons & Brackets on page 12	12 24	E	UL Universal 120-277V UH Universal 347-480V	BK Black BZ Bronze SV Silver WH White	700 700mA 1000 1000mA					DIM 0-10V Dimming - Control by others - Refer to Dimming spec sheet for details - Can't exceed specified drive current F Fuse - When code dictates fusing, use time delay fuse - Refer to ML spec sheet for availability with ML options - Not available with UH voltage ML Multi-Level - Refer to ML spec sheet for details - Intended for downlight applications at 0° tilt - Not available with UH voltage or 240 LEDs with 1000mA drive current	R NEMA® Photocell Receptacle - 3-pin receptacle per ANSI C136.10 - Intended for downlight applications with maximum 45° tilt - Consult factory for vertical tenon application - Photocell and shorting cap by others - Refer to ML spec sheet for availability with ML options 40K 4000K Color Temperature - Minimum 70 CRI - Color temperature per luminaire 50K 5000K Color Temperature - Minimum 90 CRI - Utilizes Cree TrueWhite® Technology - Color temperature per luminaire
	2MB Type II Medium w/BLS 3M Type III Medium	4M Type IV Medium 4MB Type IV Medium w/BLS	5S Type V Short AF Automotive Frontline-Optic™												
FLD-EH0	15° 15° Flood	40° 40° Flood	SN Sign												
	25° 25° Flood	70° 70° Flood	N6 NEMA® 6												

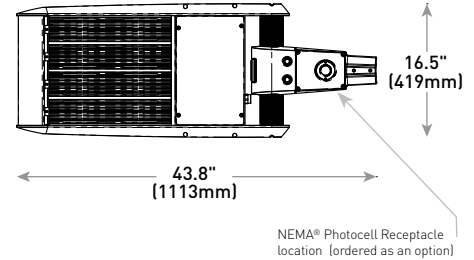
NOTE: Price adder may apply depending on configuration



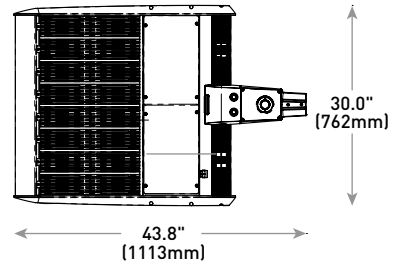
HV Mount (shown in horizontal position)



120 LED



240 LED



LED Count (x10)	Weight
12	45.3 lbs. [20.5kg]
24	80.5 lbs. [36.5kg]

HV Mount (shown in Vertical position) Direct Mount Bracket- see page 13 for weight & dimensions



Rev. Date: V7 05/20/2016



US: lighting.cree.com/lighting

T (800) 236-6800 F (262) 504-5415

Canada: www.cree.com/canada

T (800) 473-1234 F (800) 890-7507

Product Specifications

CREE TRUEWHITE® TECHNOLOGY

A revolutionary way to generate high-quality white light, Cree TrueWhite® Technology is a patented approach that delivers an exclusive combination of 90+ CRI, beautiful light characteristics and lifelong color consistency, all while maintaining high luminous efficacy – a true no compromise solution.

CONSTRUCTION & MATERIALS

- Slim, low profile, minimizing wind load
- Luminaire sides are rugged die cast aluminum with integral, weathertight LED driver compartments and high performance heat sinks
- Adjustable arm that mounts to a horizontal or vertical 2" (51mm) IP, 2.375-2.50" (60-64mm) O.D. steel tenon. Tenon length must be a minimum of 3.75" (95mm)
- Surface-mount directly to a vertical or horizontal surface with direct mount bracket (refer to Tenons and Brackets table on page 12)
- Luminaire may be field adjusted for use in uplight position. Please refer to installation instructions for details
- Extruded aluminum adjustable mounting shaft
- Luminaire is adjustable from horizontal 90° towards pole and 120° away from pole
- Exclusive Colorfast DeltaGuard® finish features an E-Coat epoxy primer with an ultra-durable powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. Silver, bronze, black, and white are available
- **Weight:** See weight charts on pages 1 and 13

ELECTRICAL SYSTEM

- **Input Voltage:** 120-277V or 347-480V, 50/60Hz, Class 1 drivers
- **Power Factor:** > 0.9 at full load
- **Total Harmonic Distortion:** < 20% at full load
- Integral 10kV surge suppression protection standard
- To address inrush current, slow blow fuse or type C/D breaker should be used
- **Maximum 10V Source Current:** 120 LED: 0.40mA; 240 LED: 0.80mA

REGULATORY & VOLUNTARY QUALIFICATIONS

- cULus Listed
- Suitable for wet locations
- Consult factory for CE Certified products
- 10kV surge suppression protection tested in accordance with IEEE/ANSI C62.41.2
- Meets FCC Part 15, Subpart B, Class A standards for conducted and radiated emissions
- Certified to ANSI C136.31-2001, 3G bridge and overpass vibration standards
- DLC qualified. Exceptions apply when ordered with backlight control, 5000K CCT with 1000mA drive current, or 5000K CCT with 700mA drive current and 2M, 3M or 70 optics. Please refer to www.designlights.org/QPL for most current information
- Luminaire and finish endurance tested to withstand 5,000 hours of elevated ambient salt fog conditions as defined in ASTM Standard B 117
- Meets Buy American requirements within ARRA
- Dark Sky Friendly, IDA Approved. Please refer to www.darksky.org/ for most current information
- RoHS compliant. Consult factory for additional details

Electrical Data*

LED Count (x10)	System Watts 120-480V	Total Current					
		120V	208V	240V	277V	347V	480V
700mA							
12	267	2.24	1.29	1.12	0.99	0.80	0.58
24	533	4.49	2.57	2.24	1.97	1.62	1.16
1000mA							
12	421	3.61	2.06	1.80	1.61	1.25	0.90
24	831	7.16	4.04	3.54	3.14	2.50	1.81

* Electrical data at 25°C (77°F). Actual wattage may differ by +/- 10% when operating between 120-480V +/- 10%

Recommended Cree® Edge High Output Series Lumen Maintenance Factors (LMF)¹

Ambient	Initial LMF	25K hr Projected ² LMF	50K hr Projected ² LMF	75K hr Calculated ³ LMF	100K hr Calculated ³ LMF
5°C (41°F)	1.04	0.99	0.97	0.95	0.93
10°C (50°F)	1.03	0.98	0.96	0.94	0.92
15°C (59°F)	1.02	0.97	0.95	0.93	0.91
20°C (68°F)	1.01	0.96	0.94	0.92	0.90
25°C (77°F)	1.00	0.95	0.93	0.91	0.89

¹ Lumen maintenance values at 25°C are calculated per TM-21 based on LM-80 data and in-situ luminaire testing

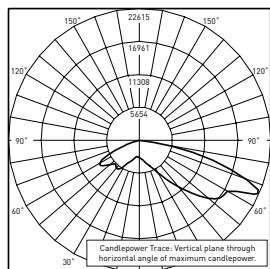
² In accordance with IESNA TM-21-11, Projected Values represent interpolated value based on time durations that are within six times (6X) the IESNA LM-80-08 total test duration (in hours) for the device under testing (IDUT) i.e. the packaged LED chip

³ In accordance with IESNA TM-21-11, Calculated Values represent time durations that exceed six times (6X) the IESNA LM-80-08 total test duration (in hours) for the device under testing (IDUT) i.e. the packaged LED chip

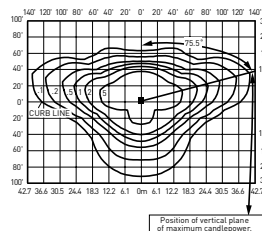
Photometry

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2M



ITL Test Report #: 78643
ARE-EHO-2M-**-12-E-UL-1000-40K
Initial Delivered Lumens: 32,284



ARE-EHO-2M-**-24-E-UL-1000-40K
Mounting Height: 25' [7.6m] A.F.G.
Initial Delivered Lumens: 61,352
Initial FC at grade

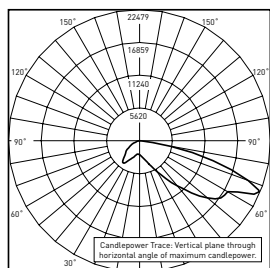
Type II Medium Distribution

LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	22,829	B3 U1 G3	18,088	B3 U1 G3	23,707	B3 U1 G3
24	45,687	B5 U1 G4	36,199	B4 U1 G4	47,445	B5 U1 G4
1000mA						
12	30,656	B4 U1 G4	24,289	B3 U1 G3	31,835	B4 U1 G4
24	61,352	B5 U1 G5	48,609	B5 U1 G4	63,711	B5 U1 G5

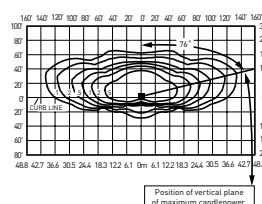
* Initial delivered lumens at 25°C [77°F]. Actual production yield may vary between -10 and +10% of initial delivered lumens

** For more information on the IES BUG (Backlight-Uplight-Glare) Rating visit: www.ies.org/PDF/Erratas/TM-15-11BugRatingsAddendum.pdf. Valid with no tilt

2MB



ITL Test Report #: 78683
ARE-EHO-2MB-**-12-E-UL-1000-40K
Initial Delivered Lumens: 24,579



ARE-EHO-2MB-**-24-E-UL-1000-40K
Mounting Height: 25' [7.6m] A.F.G.
Initial Delivered Lumens: 46,213
Initial FC at grade

Type II Medium w/BLS Distribution

LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	17,196	B2 U1 G2	13,625	B2 U1 G2	17,857	B2 U1 G2
24	34,414	B3 U1 G4	27,266	B3 U1 G3	35,738	B3 U1 G4
1000mA						
12	23,092	B2 U1 G3	18,296	B2 U1 G2	23,980	B2 U1 G3
24	46,213	B3 U1 G4	36,615	B3 U1 G4	47,990	B3 U1 G5

* Initial delivered lumens at 25°C [77°F]. Actual production yield may vary between -10 and +10% of initial delivered lumens

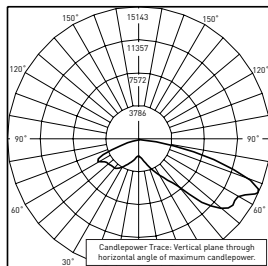
** For more information on the IES BUG (Backlight-Uplight-Glare) Rating visit: www.ies.org/PDF/Erratas/TM-15-11BugRatingsAddendum.pdf. Valid with no tilt



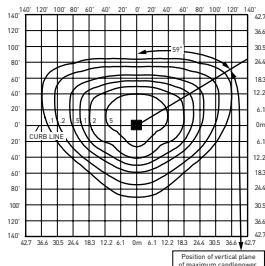
Photometry

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3M



ITL Test Report #: 78638
ARE-EHO-3M-**-12-E-UL-1000-40K
Initial Delivered Lumens: 30,916



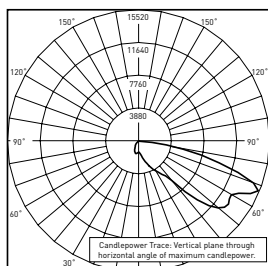
ARE-EHO-3M-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 58,165
Initial FC at grade

Type III Medium Distribution						
LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	21,643	B3 U1 G3	17,148	B3 U1 G3	22,476	B4 U1 G4
24	43,314	B4 U1 G4	34,318	B4 U1 G4	44,980	B5 U1 G5
1000mA						
12	29,064	B4 U1 G4	23,028	B3 U1 G3	30,182	B4 U1 G4
24	58,165	B5 U1 G5	46,084	B5 U1 G5	60,402	B5 U1 G5

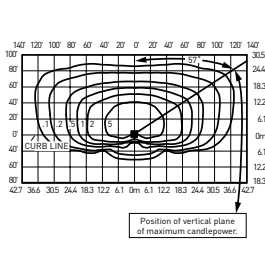
* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

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3MB



ITL Test Report #: 78733
ARE-EHO-3MB-**-12-E-UL-1000
Initial Delivered Lumens: 23,622



ARE-EHO-3MB-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 43,026
Initial FC at grade

Type III Medium w/BLS Distribution						
LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	16,010	B2 U1 G3	12,685	B1 U1 G3	16,626	B2 U1 G3
24	32,041	B3 U1 G4	25,386	B2 U1 G4	33,273	B3 U1 G4
1000mA						
12	21,499	B2 U1 G4	17,034	B2 U1 G3	22,326	B2 U1 G4
24	43,026	B3 U1 G5	34,090	B3 U1 G4	44,681	B3 U1 G5

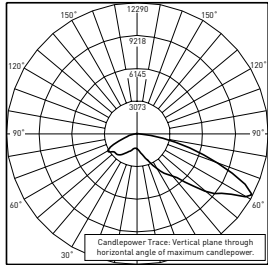
* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

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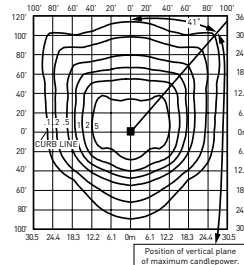
Photometry

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4M



ITL Test Report #: 77685
ARE-EHO-4M-**-12--E-UL-700-50K
Initial Delivered Lumens: 19,507



ARE-EHO-4M-**-24--E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 61,352
Initial FC at grade

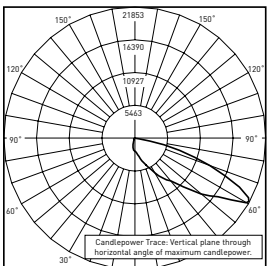
Type IV Medium Distribution

LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	22,829	B3 U1 G3	18,088	B3 U1 G3	23,707	B3 U1 G3
24	45,687	B5 U1 G4	36,199	B4 U1 G4	47,445	B5 U1 G4
1000mA						
12	30,656	B4 U1 G4	24,289	B3 U1 G3	31,835	B4 U1 G4
24	61,352	B5 U1 G5	48,609	B5 U1 G5	63,711	B5 U1 G5

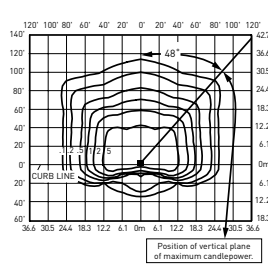
* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

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4MB



ITL Test Report #: 78734
ARE-EHO-4MB-**-12-E-UL-1000-40K
Initial Delivered Lumens: 25,113



ARE-EHO-4MB-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 46,213
Initial FC at grade

Type IV Medium w/BLS Distribution

LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	17,196	B2 U1 G3	13,625	B1 U1 G2	17,857	B2 U1 G3
24	34,414	B2 U1 G4	27,266	B2 U1 G4	35,738	B3 U1 G4
1000mA						
12	23,092	B2 U1 G3	18,296	B2 U1 G3	23,980	B2 U1 G4
24	46,213	B3 U1 G5	36,615	B3 U1 G4	47,990	B3 U1 G5

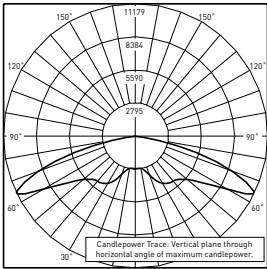
* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

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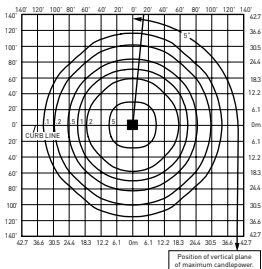
Photometry

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5M



ITL Test Report #: 78580
ARE-EHO-5M-**-12-E-UL-1000-40K
Initial Delivered Lumens: 32,328

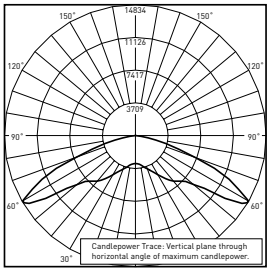


ARE-EHO-5M-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 64,539
Initial FC at grade

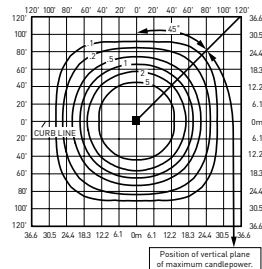
Type V Medium Distribution						
LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	24,015	B5 U1 G3	19,027	B4 U1 G2	24,939	B5 U1 G3
24	48,061	B5 U1 G4	38,079	B5 U1 G4	49,909	B5 U1 G4
1000mA						
12	32,249	B5 U1 G4	25,551	B5 U1 G3	33,489	B5 U1 G4
24	64,539	B5 U1 G5	51,135	B5 U1 G5	67,021	B5 U1 G5

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens
** For more information on the IES BUG (Backlight-Uplight-Glare) Rating visit: www.ies.org/PDF/Erratas/TM-15-11BugRatingsAddendum.pdf. Valid with no tilt

5S



ITL Test Report #: 78687
ARE-EHO-5S-**-12-E-UL-1000-40K
Initial Delivered Lumens: 37,329



ARE-EHO-5S-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 71,710
Initial FC at grade

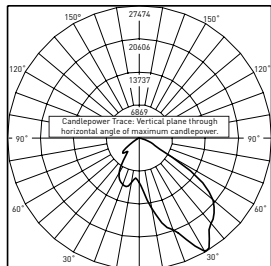
Type V Short Distribution						
LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	26,684	B4 U0 G2	21,142	B4 U1 G2	27,710	B5 U0 G3
24	53,401	B5 U0 G4	42,310	B5 U1 G4	55,455	B5 U0 G4
1000mA						
12	35,832	B5 U0 G3	28,390	B5 U1 G3	37,210	B5 U0 G3
24	71,710	B5 U0 G5	56,816	B5 U1 G4	74,468	B5 U0 G5

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens
** For more information on the IES BUG (Backlight-Uplight-Glare) Rating visit: www.ies.org/PDF/Erratas/TM-15-11BugRatingsAddendum.pdf. Valid with no tilt

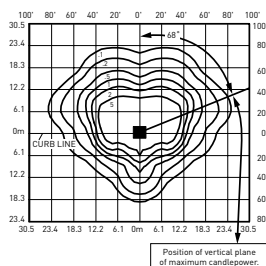
Photometry

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AF



ITL Test Report #: 78579
ARE-EHO-AF-**-12-E-UL-1000-40K
Initial Delivered Lumens: 36,341



ARE-EHO-AF-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G.
Initial Delivered Lumens: 69,319
Initial FC at grade

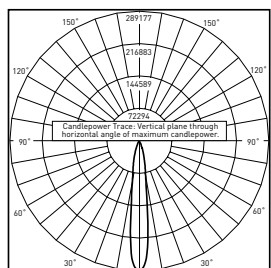
Automotive FrontlineOptic™ Distribution

LED Count (x10)	4000K		5000K		5700K	
	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11	Initial Delivered Lumens*	BUG Ratings** Per TM-15-11
700mA						
12	25,794	B3 U0 G2	20,437	B3 U0 G1	26,786	B3 U0 G2
24	51,621	B4 U0 G2	40,900	B4 U0 G2	53,606	B4 U0 G2
1000mA						
12	34,638	B4 U0 G2	27,444	B3 U0 G2	35,970	B4 U0 G2
24	69,319	B5 U0 G3	54,922	B4 U0 G2	71,986	B5 U0 G3

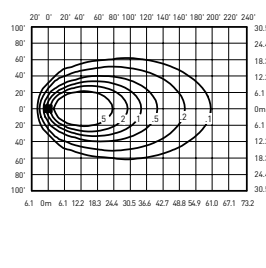
* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

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15°



ITL Test Report #: 78519
FLD-EHO-15-**-12-E-UL-1000-40K
Initial Delivered Lumens: 38,859



FLD-EHO-15-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G. - 60° tilt
Initial Delivered Lumens: 73,303
Initial FC at grade

15° Flood Optic Distribution

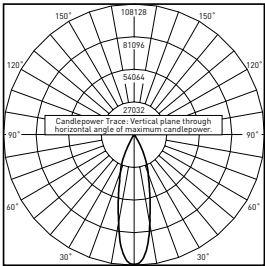
LED Count (x10)	4000K	5000K	5700K
	Initial Delivered Lumens*	Initial Delivered Lumens*	Initial Delivered Lumens*
700mA			
12	27,276	21,611	28,326
24	54,588	43,250	56,687
1000mA			
12	36,628	29,021	38,037
24	73,303	58,079	76,123

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

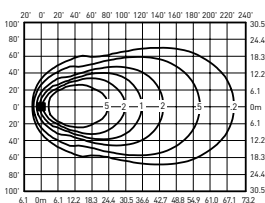
Photometry

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25°



ITL Test Report #: 78520
FLD-EHO-25-**-12-E-UL-1000-40K
Initial Delivered Lumens: 38,828

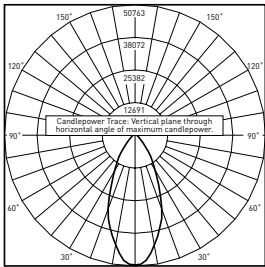


FLD-EHO-25-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G. - 60° tilt
Initial Delivered Lumens: 73,303
Initial FC at grade

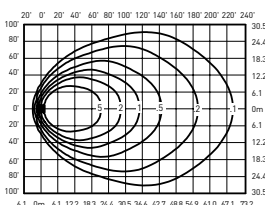
25° Flood Optic Distribution			
LED Count (x10)	4000K	5000K	5700K
	Initial Delivered Lumens*	Initial Delivered Lumens*	Initial Delivered Lumens*
700mA			
12	27,276	21,611	28,326
24	54,588	43,250	56,687
1000mA			
12	36,628	29,021	38,037
24	73,303	58,079	76,123

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

40°



ITL Test Report #: 78521
FLD-EHO-40-**-12-E-UL-1000-40K
Initial Delivered Lumens: 36,476



FLD-EHO-40-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G. - 60° tilt
Initial Delivered Lumens: 71,710
Initial FC at grade

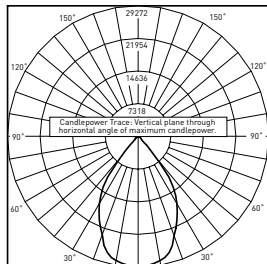
40° Flood Optic Distribution			
LED Count (x10)	4000K	5000K	5700K
	Initial Delivered Lumens*	Initial Delivered Lumens*	Initial Delivered Lumens*
700mA			
12	26,684	21,142	27,710
24	53,401	42,310	55,455
1000mA			
12	35,832	28,390	37,210
24	71,710	56,816	74,468

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

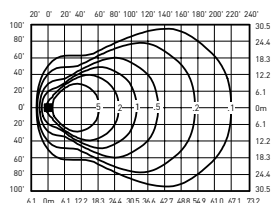
Photometry

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70°



ITL Test Report #: 78522
FLD-EH0-70-**-12-E-UL-1000-40K
Initial Delivered Lumens: 33,030

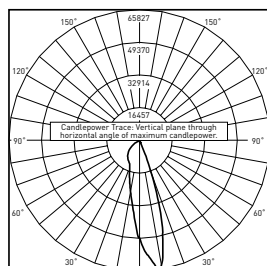


FLD-EH0-70-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G. - 60° tilt
Initial Delivered Lumens: 65,336
Initial FC at grade

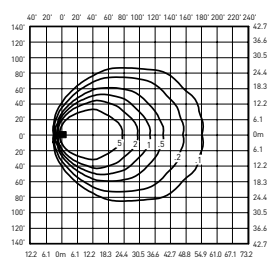
70° Flood Optic Distribution			
LED Count (x10)	4000K	5000K	5700K
	Initial Delivered Lumens*	Initial Delivered Lumens*	Initial Delivered Lumens*
700mA			
12	24,312	19,262	25,247
24	48,654	38,549	50,525
1000mA			
12	32,647	25,867	33,903
24	65,336	51,766	67,849

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

SN



ITL Test Report #: 78563
FLD-EH0-SN-**-12-E-UL-1000-40K
Initial Delivered Lumens: 34,961



FLD-EH0-SN-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G. - 60° tilt
Initial Delivered Lumens: 66,132
Initial FC at grade

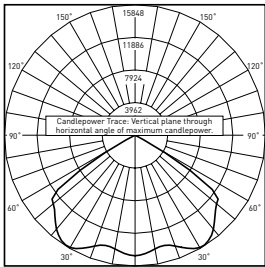
Sign Optic Distribution			
LED Count (x10)	4000K	5000K	5700K
	Initial Delivered Lumens*	Initial Delivered Lumens*	Initial Delivered Lumens*
700mA			
12	24,608	19,497	25,555
24	49,248	39,019	51,142
1000mA			
12	33,045	26,182	34,316
24	66,132	52,397	68,676

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

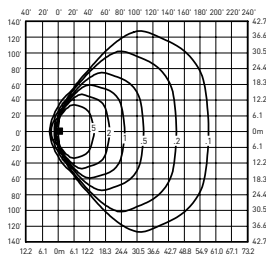
Photometry

All published luminaire photometric testing performed to IESNA LM-79-08 standards by a NVLAP accredited laboratory. To obtain an IES file specific to your project consult: www.cree.com/Lighting/Tools-and-Support/Exterior-IES-Configuration-Tool

N6



ITL Test Report #: 78562
FLD-EH0-N6-**-12-E-UL-1000-40K
Initial Delivered Lumens: 38,110













FLD-EH0-N6-**-24-E-UL-1000-40K
Mounting Height: 25' (7.6m) A.F.G. - 60° tilt
Initial Delivered Lumens: 73,303
Initial FC at grade

NEMA 6 Distribution			
LED Count (x10)	4000K	5000K	5700K
	Initial Delivered Lumens*	Initial Delivered Lumens*	Initial Delivered Lumens*
700mA			
12	27,276	21,611	28,326
24	54,588	43,250	56,687
1000mA			
12	36,628	29,021	38,037
24	73,303	58,079	76,123

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

Luminaire EPA

Horizontal/Vertical Tenon Mount and EHO-UNV Direct Mount Bracket											
LED Count (x10)	Luminaire Weight	Single	2 @ 90°	2 @ 180°	2 @ 180°	3 @ 90°	3 @ 120°	3 @ 180°	4 @ 90°	4 @ 180°	
Tenon Configuration If used with Cree tenons, please add tenon EPA with Luminaire EPA											
		Vertical	Horizontal	Vertical	Vertical	Vertical	Vertical	Vertical	Vertical	Vertical	Vertical
											
		PB-1A*; PW-1A3; EHO-UNV	Horizontal Tenon	PB-2A*; PB-2R2.375; PW-2A3; [2] EHO-UNV	PB-2A*; PB-2R2.375; PW-2A3 (picture does not apply)	PB-2A*; PB-2R2.375; PW-2A3 (picture doesn't apply)	PB-3A*; PB-3R2.375; [3] EHO-UNV	PB-3A*; PB-3R2.375	PB-3A*; PB-3R2.375	PB-4A*(90); PB-4R2.375; [4] EHO-UNV	PB-4A*(180); PB-4R2.375
0° Tilt											
12	45.3 lbs. [20.6kg]	1.41	1.41	2.35	2.83	2.83	3.76	3.76	4.24	4.70	5.66
24	80.5 lbs. [36.6kg]	1.41	1.41	2.80	2.83	N/A	4.22	4.22	N/A	5.61	N/A
10° Tilt											
12	45.3 lbs. [20.6kg]	1.49	1.41	2.90	2.98	2.98	4.39	4.39	5.96	5.81	7.95
24	80.5 lbs. [36.6kg]	2.38	1.97	2.38	4.76	N/A	6.18	6.18	N/A	7.59	N/A
20° Tilt											
12	45.3 lbs. [20.6kg]	2.11	1.71	3.53	4.22	4.22	5.64	5.64	8.45	7.05	11.26
24	80.5 lbs. [36.6kg]	3.46	3.11	4.87	6.92	N/A	7.12	7.12	N/A	9.74	N/A
30° Tilt											
12	45.3 lbs. [20.6kg]	2.69	2.30	4.11	5.39	5.39	6.80	6.80	10.78	8.22	14.37
24	80.5 lbs. [36.6kg]	4.59	4.23	6.97	9.19	N/A	10.60	10.60	N/A	12.01	N/A
45° Tilt											
12	45.3 lbs. [20.6kg]	3.50	3.11	4.91	6.99	6.99	8.40	8.40	13.98	9.82	18.64
24	80.5 lbs. [36.6kg]	6.03	5.73	7.44	10.31	N/A	13.48	13.48	N/A	14.89	N/A
60° Tilt											
12	45.3 lbs. [20.6kg]	4.12	3.74	5.54	8.25	8.25	9.66	9.66	16.49	11.08	21.99
24	80.5 lbs. [36.6kg]	7.24	6.91	8.65	12.37	N/A	15.89	15.89	N/A	17.30	N/A
70° Tilt											
12	45.3 lbs. [20.6kg]	4.41	4.03	5.83	8.83	8.83	10.24	10.24	17.65	11.65	23.54
24	80.5 lbs. [36.6kg]	7.76	7.45	9.17	15.51	N/A	16.93	16.93	N/A	18.34	N/A
80° Tilt											
12	45.3 lbs. [20.6kg]	4.59	4.21	6.00	9.18	9.18	10.59	10.59	18.36	12.01	24.47
24	80.5 lbs. [36.6kg]	8.06	7.79	9.48	16.12	N/A	17.54	17.54	N/A	18.95	N/A
90° Tilt											
12	45.3 lbs. [20.6kg]	4.64	4.26	6.06	9.29	9.29	10.70	10.70	18.58	12.12	24.77
24	80.5 lbs. [36.6kg]	8.14	7.89	9.56	16.29	N/A	17.70	17.70	N/A	19.12	N/A

Note: Not for use with aluminum tenons



Tenon EPA

Part Number	EPA
PB-1A*	None
PB-2A*	0.82
PB-3A*	1.52
PB-4A*[90]	1.11
PB-4A*[180]	2.22
PB-2R2.375	0.92
PB-3R2.375	1.62
PB-4R2.375	2.32
PW-1A3**	0.47
PW-2A3**	0.94
WM-2	0.08
WM-2L	0.13
WM-4L	0.32
EHO-UNV	0.22

* Specify pole size: 3 {3"}, 4 {4"}, 5 {5"}, or 6 {6"} for single, double or triple luminaire orientation or 4 {4"}, 5 {5"}, or 6 {6"} for quad luminaire orientation

** These EPA values must be multiplied by the following ratio: Fixture Mounting Height/Total Pole Height. Specify pole size: 3 {3"}, 4 {4"}, 5 {5"}, or 6 {6"}.

Tenons and Brackets† (must specify color)

Square Internal Mount Vertical Tenons (Steel)

- Mounts to 3-6" (76-152mm) square aluminum or steel poles

PB-1A* – Single

PB-2A* – 180° Twin

PB-3A* – 180° Triple

PB-4A*[90] – 90° Quad

PB-4A*[180] – 180° Quad

Wall Mount Brackets

- Mounts to wall or roof

WM-2 – Horizontal

WM-2L – Extended Horizontal

WM-4L – Extended L-Shape

Round External Mount Vertical Tenons (Steel)

- Mounts to 2.375" (60mm) O.D. round aluminum or steel poles or tenons

PB-2R2.375 – Twin

PB-3R2.375 – Triple

PB-4R2.375 – Quad

Mid-Pole Bracket

- Mounts to square pole

PW-1A3** – Single

PW-2A3** – Double

Direct Mount Bracket

- Mounts to minimum 4" (102mm) round or square; aluminum or steel pole or can be surface-mounted directly to a vertical or horizontal surface

- See Direct Mount Configurations table below

- Poles must be field drilled for direct mount

EHO-UNV

† Refer to the [Bracket and Tenons spec sheet](#) for more details

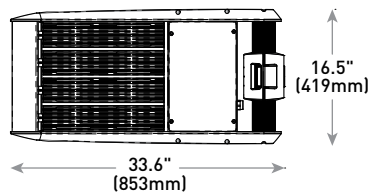
Direct Mount Configurations

Compatibility with EHO-UNV Direct Mount Bracket					
LED Count [x10]	2 @ 90°	2 @ 180°	3 @ 90°	3 @ 120°	4 @ 90°
4" Square					
12	✓	✓	N/A	N/A	N/A
24	✓	✓	N/A	N/A	N/A
4" Round					
12	N/A	✓	N/A	N/A	N/A
24	N/A	✓	N/A	N/A	N/A
5" Square					
12	✓	✓	✓	N/A	✓
24	✓	✓	✓	N/A	✓
5" Round					
12	N/A	✓	N/A	✓	N/A
24	N/A	✓	N/A	✓	N/A
6" Square					
12	✓	✓	✓	N/A	✓
24	✓	✓	✓	N/A	✓
6" Round					
12	✓	✓	✓	✓	✓
24	✓	✓	✓	✓	✓

Cree Edge™ LED High Output Area/Flood Luminaire

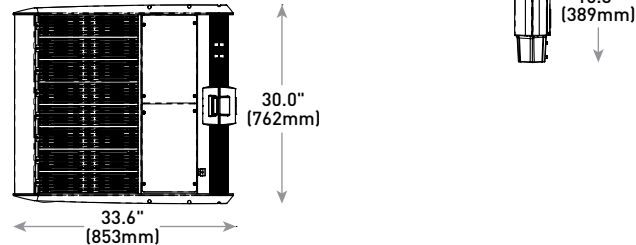
HV Mount (shown in vertical position)

120 LED



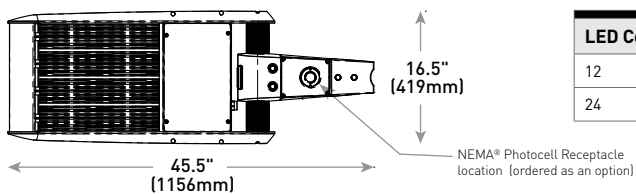
LED Count (x10)	Weight
12	45.3 lbs. (20.5kg)
24	80.5 lbs. (36.5kg)

240 LED



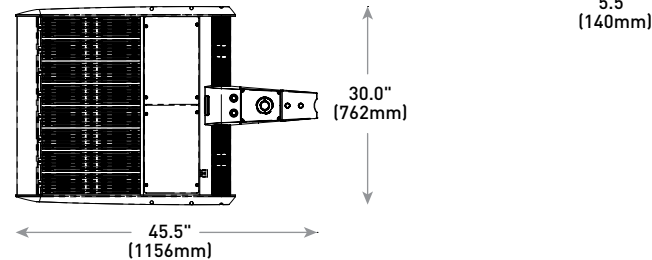
Direct Mount Bracket (accessory sold separately)

120 LED



LED Count (x10)	Weight
12	45.3 lbs. (20.5kg)
24	80.5 lbs. (36.5kg)

240 LED



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ITEM NO. 4 PARKING AREA SETBACK VARIANCES; 2851 IOWA STREET [JSC]

B-16-00339: 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 code required 15 feet minimum off-street parking area setback from public street rights-of-way, which is required in Section 20-908(c) of the City Code, to a minimum of 0 feet along the property's frontage on W. 28th Terrace and Iowa Street frontage road. The property is located at 2851 Iowa Street. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record.

B. REASON FOR REQUEST

Applicant's Request – "A variance from Article 20-908.c is requested. That section of the code requires a minimum setback of 15' from right-of-way in a CS zoning district. We request that the setback be reduced to 0' to match similar areas in the adjacent area and zoning district. The proposed site plan shows an area on the east side of the existing building where vehicles would be displayed if the variance is approved. The variance is requested for vehicle display and not for general public parking."

C. ZONING AND LAND USE

Current Zoning & Land Use: CS (Commercial Strip) District; Vehicle Sales and Service; Light Equipment Sales/Rental. Briggs Auto Group: Used Sales.

Surrounding Zoning and Land Use: CS (Commercial Strip) District; to the north, east, west, and south; various retail and commercial uses.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-908(c), "Location: Nonresidential Districts," has standards defining the minimum parking area setbacks for each zoning district. In the CS District, the location of off-street parking areas in commercial zoning districts is listed as a minimum of 15 feet from the right-of-way.

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 property is unique in that it has an extraordinarily large right-of-way on its east side. The distance from the west edge of the frontage road to the property line is a minimum of 22' and a maximum of 35'. The 15' setback would be in addition to the width mentioned previously. The typical width between the edge of the road and the edge of the parking area for vehicle dealerships along 29th Terrace is about 18' (Subaru, Chrysler, Nissan) up to a maximum of 25' (Honda). Along the frontage road on the east side of Iowa Street the distance from the edge of the frontage road to the vehicle display ranges from 15' to 19'. The property to the north (Hyundai) has a vehicle display setback of 0' from the property line."*

The applicant's request to reduce the required 15 foot setbacks to a 0 foot setback along the property's Iowa Street and W 28th Terrace frontages stems from the reuse of the existing building as a vehicle sales showroom. This request is not required to comply with the required parking amount for the proposed use of the existing structure. Instead, the requested variance is to permit an outdoor vehicle display space for the applicant between the existing building and rights-of way. Projects with similar outdoor vehicle sales area have complied with the setback request.

The property has existed in this configuration since construction in 1976 as a retail sales and storage building. Similarly, the property has maintained fixed property lines since platting in 1972. The site plan submitted with this application indicates this space will be used as an outdoor sales area, and is not required parking for the use of this site. This proposed use is currently under site plan review to convert it from a retail commercial use to a vehicle sales and service use. (SP-16-00234)

Most of this area was developed prior to the adoption of the 2006 Land Development Code. Staff reviewed the surrounding properties with similar uses and parking within the CS Zoning District to understand the approval and development timing for parking closer to the public rights-of-way. Many of the locations in the vicinity were approved utilizing the discontinued 1966 Zoning Code, which allowed parking to be located closer to rights-of-way for a period of time prior to 1984. The 1966 Zoning Code in certain commercial circumstances stated that parking, "may occupy all or any part of any required yard or court space." ([1966 Zoning & Planning Code](#), §20-1203) A later amendment to the code modified this requirement to include a setback from rights-of-way for parking development; "Commercial and office developments designed, built or redeveloped after August 28, 1984, shall be designed with off-street parking facilities (including aiseways and parking stalls) 15 feet back from the street right-of-way line." ([1966 Zoning & Planning Code](#), §20-1216(a)) One property that was reviewed under the 2006 Land Development Code was granted an administrative waiver from the 15 foot parking setback allowing it to be consistent with the existing development pattern and because the wide green space and medians designed into W. 29th Terrace that are a unique design feature constructed into this local street. These conditions and level of service are not present along either Iowa Street or W. 28th Terrace.

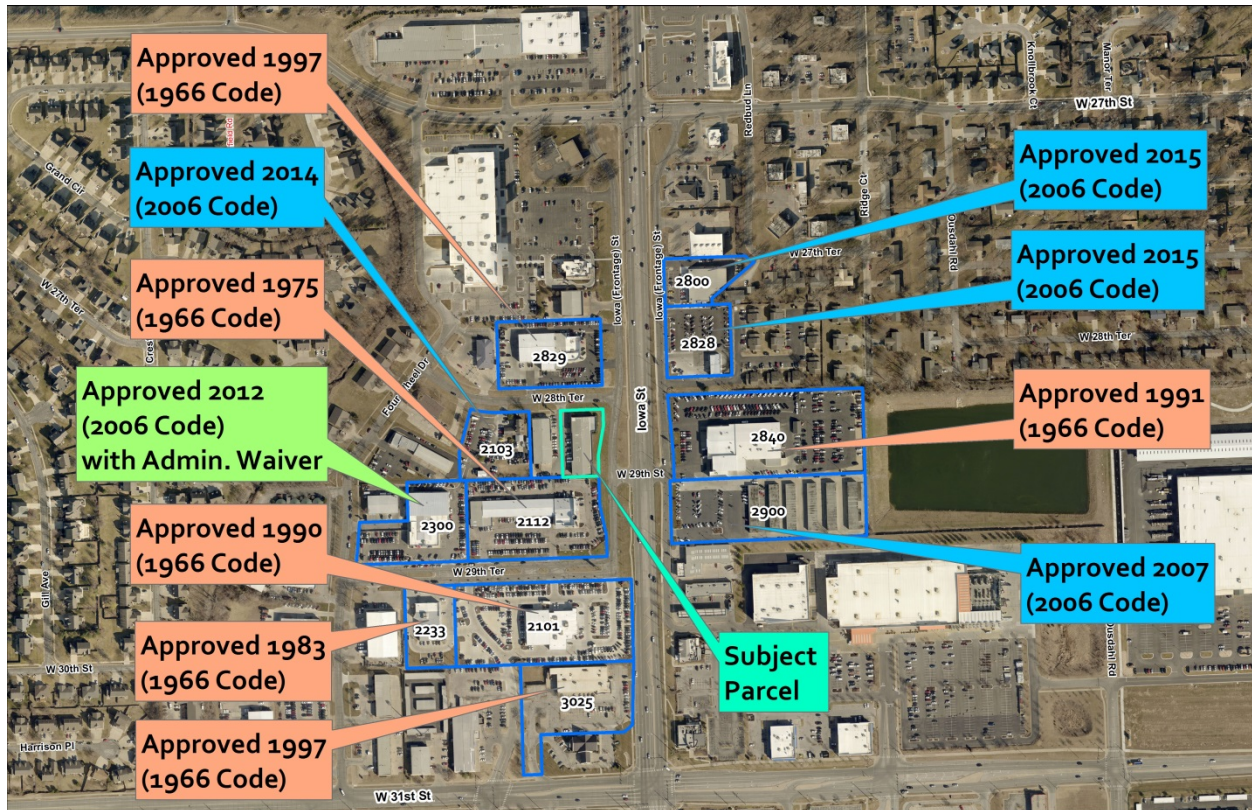


Figure 1: Subject Site & Similar Uses with Approval Dates

The Iowa Street frontage road does present a unique right-of-way condition with a larger deviation to the west at this location than what is present along other blocks of the Iowa Street. However, this larger right-of-way is consistent along the western side of the 2800 block of Iowa Street presenting a consistent and uniform development pattern from the frontage road. The existing condition along W. 28th Terrace is equally as varied, but also not designed in the same typology as W. 29th Terrace.

While the previous Zoning Code allowed parking closer than 15 feet to the right-of-way, since the adoption of the Land Development Code other development projects in the vicinity and within the same zoning district have complied with this setback requirement.

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

Applicant response: *"Granting the variance will not adversely affect the rights of adjacent property owners as the adjacent vehicle dealerships already have a similar setback to the one we are requesting."*

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. Staff has received inquiries regarding the process and requirements for similar items.

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

Applicant response: *"Strict application of the code will prevent the applicant from being able to use this property to its fullest extent. There will not be enough room on the east side of the building to provide an area for vehicle display. Adequate vehicle display area is required for a vehicle dealership to function properly."*

The minimum 15 foot parking setbacks as prescribed in Section 20-908(c) is a standard that is consistent for all non-residential zoning districts throughout Lawrence. While the change from a previous code to the current code was not an action initiated by the applicant, it is difficult to interpret it as a unique hardship. While the minimum parking setback might not be ideal for the proposed use, it is consistently applied to similar new and redeveloping vehicle dealerships within the community.

In staff's opinion, strict adherence to the Land Development Code would not be an unnecessary hardship at this property. The property has been zoned CS since the adoption of the Land Development Code in 2006, and the 15 foot parking setback has also been a part of the Code since its adoption. Complying with the setback requirement would not prohibit the use of the site as a used car dealership. While the setback requirement might not create an ideal design for this proposed use, it is consistently applied and required for other commercial development, including those with similar uses.

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

Applicant response: *"If the variance was granted there would be no adverse effects. The display area on the east side of the building will create opportunity for the vehicle dealership to function properly which in turn will generate sales tax which supports the community as a whole."*

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

There is a long-standing community value in maintaining setbacks to ensure desired items such as green space, landscaping, and an aesthetically appealing streetscape are created and maintained. Some areas, such as Downtown Lawrence, are designed without setbacks for specific reasons; however, for this building typology and suburban setting the Land Development Code was constructed with the concept of a parking setback to ensure the presence of plantings, and to help create and maintain a uniform streetscape that is not

singularly dominated by vehicle parking directly adjacent to property lines. Establishing and maintaining a consistent setback line and visually unified setbacks provide a reference point for shaping the physical character of this portion of Lawrence and S. Iowa Street. Setbacks of this nature are typically landscaped with trees, shrubs, and ground cover to soften views of the structure and provide visual interest, while conveying a defined urban feeling by creating a sense of containment along the street edge. This, in turn, adds to a feeling of security and comfort for both pedestrians and motorists.

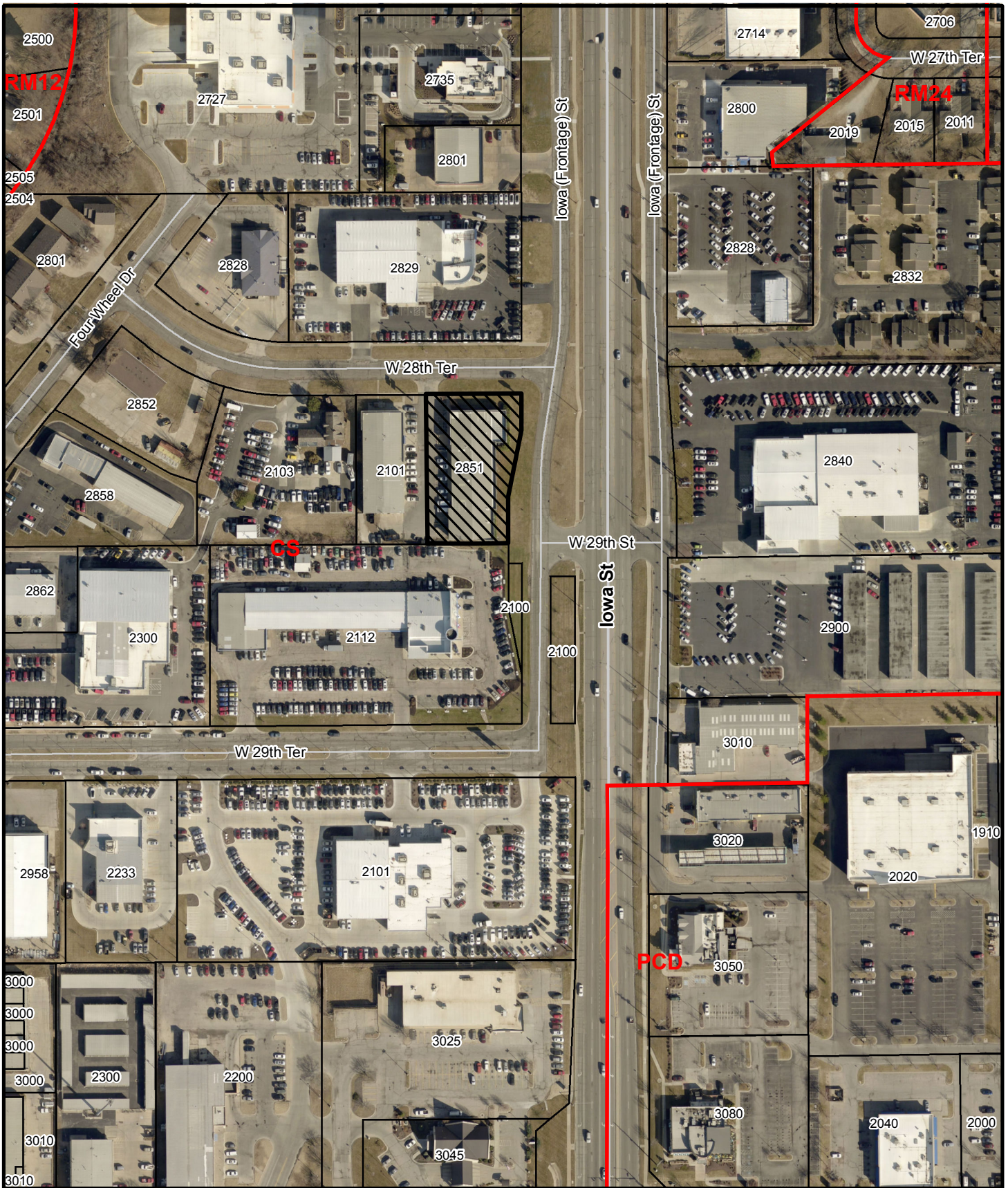
5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

Applicant response: *"The purpose of the code as stated in Article 20-901.a is to ensure that the off-street parking, loading and access demands of various land uses will be met without adversely affecting surrounding areas. The granting of the variance will not adversely affect surrounding areas in part due to the extra-large right-of-way that exists in front of the proposed vehicle display area. This area is an Auto Plaza where vehicle sales and service areas are located. The location of vehicle display areas in front of the buildings is commonplace and expected and is what we are requesting."*

In staff's opinion, approval of this variance would not be consistent with the general spirit and intent of the Land Development Code. While having parking closer to Iowa Street is common within the area, many of those locations were developed under a discontinued requirement. A similar setback requirement was previously incorporated into the 1966 Zoning Code at the same 15 foot setback distance from rights-of-way. The applicable section of Article 9: "Parking, Loading and Access" creates a consistent setback of parking from the public rights-of-way throughout the City of Lawrence. While this particular portion of Iowa Street utilizes a frontage road for access management purposes, the standard specifically lists a minimum setback from rights-of-way.

Conclusions: 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.

Recommendation: Staff cannot recommend approval of the requested variance to reduce the 15 foot minimum parking setback requirement to a minimum of zero feet along W. 28th Terrace and the Iowa Street frontage road.



B-16-00339: Variance from the Code Required 15 Feet Off-Street Parking Setback from a Public Street Right-of-Way for a New Automobile Display Area; 2851 Iowa Street

Lawrence Planning & Development Services Dept
October 14, 2016



Subject Property
Scale: 1 Inch = 200 Feet



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

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

APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP

OWNER INFORMATION

Name(s) AFAD Inc.
Contact Russ Briggs
Address 2312 Stagg Hill Road
City Manhattan State KS ZIP 66502
Phone (____) _____ Fax (____) _____
E-mail _____ Mobile/Pager (____) _____

APPLICANT/AGENT INFORMATION

Contact David Hamby, P.E., CFM
Company BG Consultants, Inc.
Address 1405 Wakarusa Drive
City Lawrence State KS ZIP 66049
Phone (785) 749-4474 Fax (____) _____
E-mail _____ Mobile/Pager (____) _____
Pre-Application Meeting Date August 3, 2016 Planner Sandra Day

PROPERTY INFORMATION

Present Zoning District CS Present Land Use Medical Equipment Sales
Proposed Land Use Vehicle Sales/Display
Legal Description (*may be attached*) See Attached
Address of Property 2851 Iowa Street, Lawrence
Total Site Area 53,797 SF
Number and Description of Existing Improvements or Structures Two existing buildings



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

A variance from Article 20-908.c is requested. That section of the code requires a minimum setback of 15' from right-of-way in a CS zoning district. We request that the setback be reduced to 0' to match similar areas in the adjacent area and zoning district. The proposed site plan shows an area on the east side of the existing building where vehicles would be displayed if the variance is approved. The variance is requested for vehicle display and not for general public parking.



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 property is unique in that it has an extraordinarily large right-of-way on its east side. The distance from the
west edge of the frontage road to the property line is a minimum of 22' and a maximum of 35'. The 15' setback
would be in addition to the width mentioned previously. The typical width between the edge of the road and the
edge of the parking area for vehicle dealerships along 29th Terrace is about 18' (Subaru, Chrysler, Nissan) up to
a maximum of 25' (Honda). Along the frontage road on the east side of Iowa Street the distance from the edge of
the frontage road to the vehicle display ranges from 15' to 19'. The property to the north (Hyundai) has a vehicle
display setback of 0' from the property line.

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

Granting the variance will not adversely affect the rights of adjacent property owners as the adjacent vehicle
dealerships already have a similar setback to the one we are requesting.



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

Strict application of the code will prevent the applicant from being able to use this property to its fullest extent.

There will not be enough room on the east side of the building to provide an area for vehicle display. Adequate vehicle display area is required for a vehicle dealership to function properly.

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

If the variance was granted there would be no adverse affects. The display area on the east side of the building will create opportunity for the vehicle dealership to function properly which in turn will generate sales tax which supports the community as a whole.



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

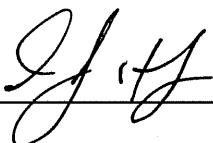
**Lawrence Douglas County
Metropolitan Planning Office**
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<http://www.lawrenceks.org/pds/>

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

The purpose of the code as stated in Article 20-901.a is to ensure that the off-street parking, loading and access demands of various land uses will be met without adversely affecting surrounding areas. The granting of the variance will not adversely affect surrounding areas in part due to the extra large right-of-way that exists in front of the proposed vehicle display area. This area is an Auto Plaza where vehicle sales and service areas are located. The location of vehicle display areas in front of the buildings is commonplace and expected and is what we are requesting.

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):  Date 8/5/16

_____ Date _____

_____ Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



PROPERTY OWNERSHIP LIST CERTIFICATION

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

Ownership Information

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

Radius of Notification

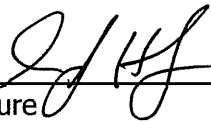
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

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.



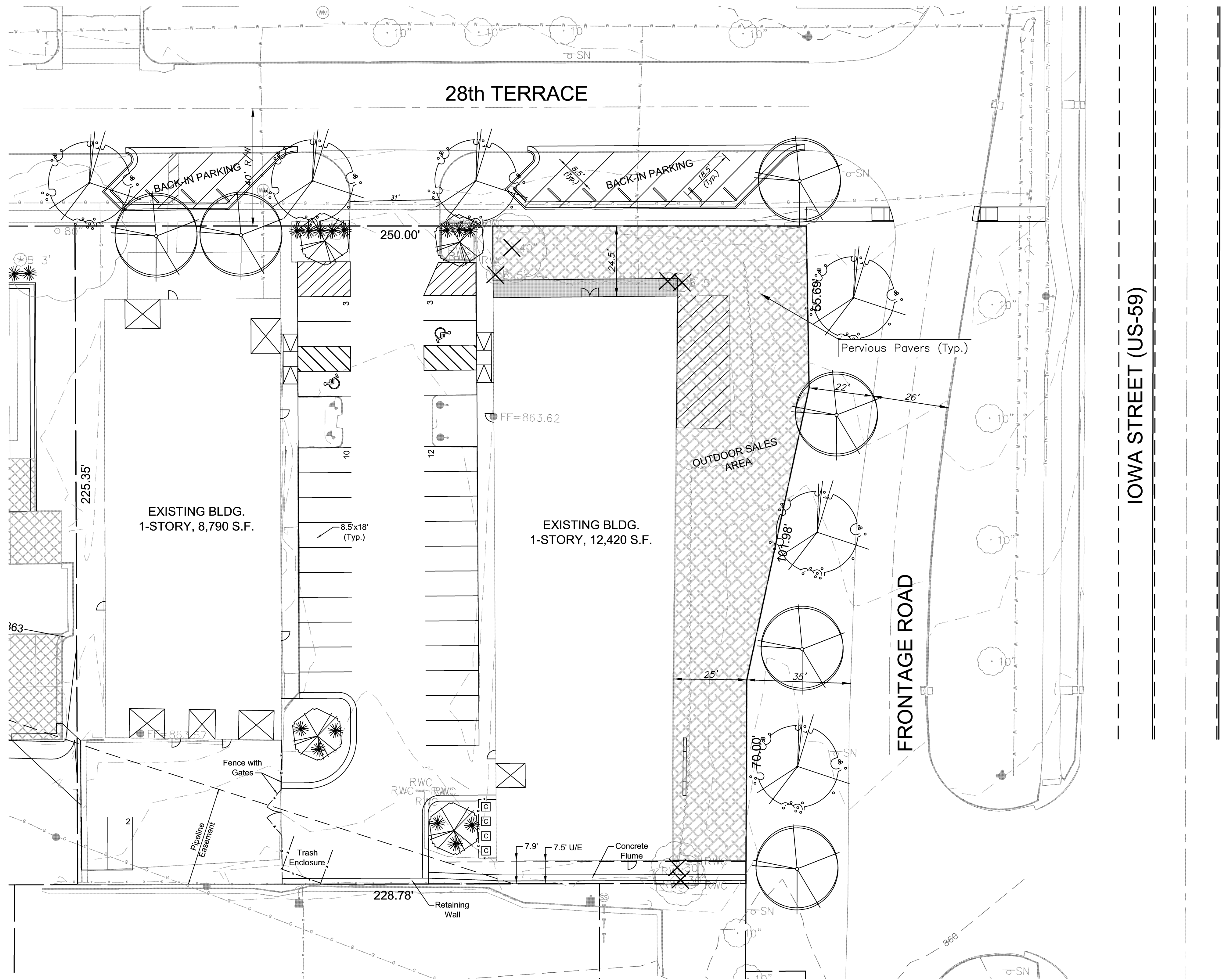
Signature

August 5, 2016

Date

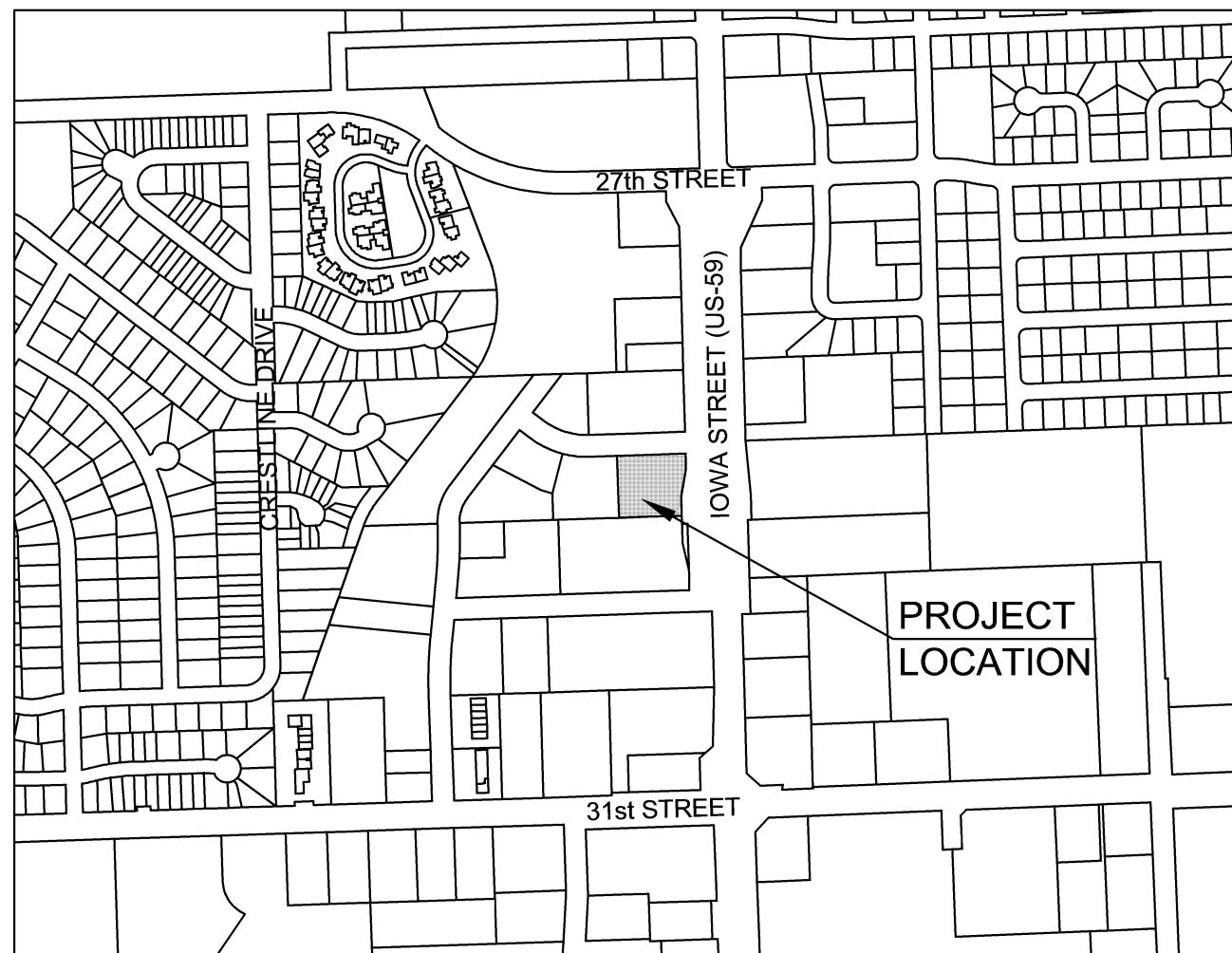
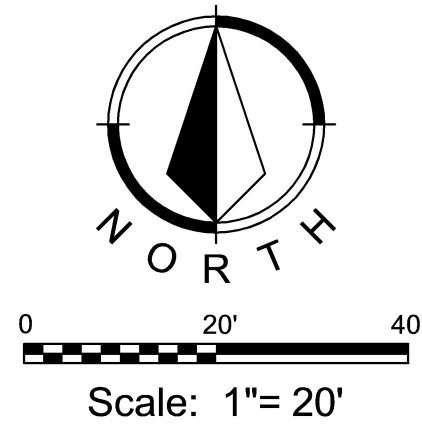
David J. Hamby

Printed Name



SITE PLAN

COMMON NAME	SCIENTIFIC NAME	SYMBOL	SIZE	QTY	MATURE HT.
HOLBERT JUNIPER	JUNIPERUS CHINENSIS 'HOLBERT'		2 GALLON 6" HIGH(min.)	14	2'
NORWEGIAN SUNSET MAPLE	ACER TRUNCATUM 'KIETHSFORM'		2.5" CALIPER	6	35'
FRONTIER ELM	ULMUS 'FRONTIER'		2.5" CALIPER	6	40'
PYRAMIDAL HORNBEAM	CARPINUS BETULUS 'FASTIGIATA'		10 GALLON	4	30'



LOCATION MAP

OWNER/APPLICANT

AFAD INC.
2312 STAGG HILL ROAD
MANHATTAN, KS 66502

ENGINEER

DAVID J. HAMBY, P.E., CFM (KS #15594)
BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KS 66049
785.749.4474

LEGAL DESCRIPTION

PARCEL 10A AND PARCEL 10B AS DESCRIBED ON A CONDOMINIUM SURVEY FOR WEBER PROPERTIES CONDOMINIUMS IN LOT 10, IN A REPLAT OF LOTS 4 & 5, AUTO PLAZA SUBDIVISION, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

BENCHMARK

BM #100 - SQUARE CUT ON THE TOP OF CURB ON THE SOUTH CURB LINE OF THE WESTBOUND LANE OF 29TH STREET TERRACE JUST NORTH OF 2233 W 29TH STREET TERRACE. ELEV. = 859.55

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0167D, EFFECTIVE DATE AUGUST 5, 2010.

GENERAL NOTES

- TOPOGRAPHIC INFORMATION SHOWN HEREON WAS DERIVED FROM ACTUAL FIELD TOPOGRAPHIC SURVEY.
- THIS DOCUMENT IS FOR PLAN APPROVAL NOT FOR CONSTRUCTION.
- CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR PAVEMENT DAMAGE DUE TO THE WEIGHT OF REFUSE COLLECTION VEHICLES.
- THIS SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
- THE PARKING AREAS WILL BE SURFACED WITH 5" THICK BITUMINOUS SURFACING. SIDEWALKS WILL BE 4" THICK CONCRETE.
- PARKING STALLS MEASURE 8.5' WIDE BY 18' DEEP. THE DRIVEWAY AISLES MEASURE 24' WIDE. HANDICAP ACCESSIBLE STALLS HAVE AN ACCESS AISLE THAT MEASURES 5' WIDE AND VAN ACCESSIBLE HANDICAP STALLS HAVE AN ACCESS AISLE THAT MEASURES 8.5' WIDE.
- A STORMWATER POLLUTION PREVENTION PLAN WILL BE PROVIDED TO THE CITY PRIOR TO THE RELEASE OF BUILDING PERMITS.
- EXISTING POLE SIGNS SHALL BE REMOVED WITHIN 90 DAYS OF APPROVAL OF THE SITE PLAN PER SECTION 5-1841.5 OF THE CITY CODE.
- ANY SITE LIGHTING SHALL BE SUBJECT TO REVIEW AND COMPLIANCE WITH SECTION 20-1103 OF THE LAND DEVELOPMENT CODE TO INCLUDE SUBMISSION OF A PHOTOMETRIC PLAN AND LIGHTING DETAILS TO DEMONSTRATE COMPLIANCE WITH LIGHTING STANDARDS.
- OCCUPANCY PERMITS FOR PROPOSED BUILDINGS WILL NOT BE ISSUED UNTIL THE REQUIRED PUBLIC DRAINAGE IMPROVEMENTS ARE COMPLETE, FINAL INSPECTED AND ACCEPTED BY THE PUBLIC WORKS DEPARTMENT.

BUILDING INFORMATION

USED CAR SHOWROOM (2851 IOWA STREET)
EXISTING BUILDING, 1-STORY, 12,420 G.S.F.
PROPOSED BUILDING, 1-STORY, 11,520 G.S.F.

RECONDITIONING FACILITY (2101 W. 28TH TERRACE)
EXISTING BUILDING, 1-STORY, 8,790 G.S.F.

PARKING DATA

USED CAR SHOWROOM (2851 IOWA STREET)
24 REQUIRED STALLS
10,830 S.F. - 1 PER 500 S.F. = 22 REQUIRED (ENCLOSED SALES AREA)
8,800 S.F. - 1 PER 5,000 S.F. = 2 REQUIRED (OPEN SALES AREA)
24 PROVIDED STALLS
0 REQUIRED BICYCLE PARKING SPACE

RECONDITIONING FACILITY (2101 W. 28TH TERRACE)
18 REQUIRED STALLS
9 SERVICE BAYS - 2 PER SERVICE BAY = 18 REQUIRED (LIGHT EQUIPMENT REPAIR)
6 PROVIDED STALLS (12 AT 2103 W. 28TH TERRACE)
0 REQUIRED BICYCLE PARKING SPACE

INTERIOR PARKING LOT LANDSCAPING

30 STALLS * 40 S.F./STALL = 1,200 S.F. REQUIRED
1,209 S.F. PROVIDED
1 SHADE TREE AND 3 SHRUBS REQUIRED PER 10 PARKING SPACES
3 TREES AND 9 SHRUBS REQUIRED
4 SHADE TREES AND 12 SHRUBS PROVIDED FOR INTERIOR PARKING LOT LANDSCAPING

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	21,210 S.F.	PROPOSED BUILDINGS	20,310 S.F.
EXISTING PAVEMENT	20,909 S.F.	PROPOSED PAVEMENT	21,287 S.F.
EXISTING IMPERVIOUS	42,119 S.F.	PROPOSED IMPERVIOUS	41,597 S.F.
EXISTING PERVIOUS	11,678 S.F.	PROPOSED PERVIOUS	12,200 S.F.
PROPERTY AREA	53,797 S.F.		

ZONING AND DENSITY

THE CURRENT ZONING FOR THE PROPERTY IS CS.

BRIGGS USED CAR SHOWROOM & RECONDITIONING FACILITY

2851 IOWA ST. & 2101 W 28TH TERRACE, LAWRENCE, KS 66047

SITE PLAN



Approved and Released

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
_____ of _____ Sheets
City of Lawrence
Douglas County
Asst./Director: _____
PLANNING & DEVELOPMENT SERVICES

Project No. 16-1139M
Date: July 19, 2016
Revised: N/A

SHEET NO.

ITEM NO. 5 **ACCESSORY DWELLING UNIT SIZE VARIANCES; 1535
MASSACHUSETTES STREET [JSC]**

B-16-00440: 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 code permitted maximum size accessory dwelling unit in a residential dwelling structure defined in Section 20-534(2)(ix) of the City Code. The code standard limits the size of an accessory dwelling unit to no more than 33 percent of the living area of the primary dwelling or 960 square feet, whichever is less. The proposed size of the accessory dwelling unit is 960 square feet. The living area in the principal dwelling is 2,106 square feet which limits the size of an accessory dwelling unit to 695 square feet. The property is located at 1535 Massachusetts Street. Submitted by Leticia Cole with Paul Werner Architects for Joann E. Qandil, the property owner of record.

B. REASON FOR REQUEST

Applicant's Request – *"We request a variance to the maximum size of an accessory dwelling unit. The code states the maximum size be no more than 33% of the living area of the detached dwelling or 960 square feet, whichever is less. We request to use the greater of these two calculations."*

C. ZONING AND LAND USE

Current Zoning & Land Use: RS7 (Single-Dwelling Residential – 7,000 square feet) District; Detached Dwelling use.

Surrounding Zoning and Land Use: RS5 (Single-Dwelling Residential – 5,000 square feet) District; to the east and west; Single and Multi-Family Residential uses.

RS7 (Single-Dwelling Residential – 7,000 square feet) District; to the north and south; Single and Multi-Family Residential uses.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-534(2)(ix), "Accessory Dwelling Units: Size," has standards defining the maximum size for an accessory dwelling unit. This standard sets the maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.



Figure 1: 2016 Aerial Photograph of Site

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 situation of applying for an Accessory Dwelling permit for a 20 year old building is a unique situation. The existing accessory dwelling unit is 999 square feet with a garage on the first floor. Except for the existing size, the building meets all of the other requirements for an accessory dwelling - 1) it is owner occupied, 2) the entrance faces the front lot line, 3) the lot has the correct number of parking spaces for the primary and accessory dwelling. The option of walling off a portion of the interior from use as an option to meet the size restriction for an accessory dwelling unit is a function of this being an existing building versus new construction. This lot is a much larger lot than any of the other lots in the neighborhood and zoning district by almost 5,000 square feet and would allow a much larger primary dwelling than is currently built. The existing primary dwelling could have 775 square feet added to it and 33% of its size would equal 960 square feet, making the two size restrictions equal. Therefore, we believe the 960 square foot size limit should be the size enforced."*

The applicant's request for the variance from the Accessory Dwelling Unit size limitation derives from the unit's existence prior to the unit's registration with the Planning Department. Staff has determined that the accessory structure was permitted in September of 1996, for the construction of a 2-story, 3-car garage. There is a permit restriction noting the detached garage was, "not to be an apartment or commercial business." As part of the research to determine the construction timeline for the accessory dwelling unit no other permit history was found in Development Services records to show when the unit was finished. Therefore, staff is unable to determine when the accessory dwelling unit was established. The owner was advised on the original building permit at the time of construction that the creation of an apartment/accessory dwelling unit was not permitted. At this time, the owner has filed an application for an Accessory Dwelling Unit that is under review by the Planning Office. Given the information available, staff believes that the request is created by an owner action since the unit has been completed at some time prior to the approval of an Accessory Dwelling Unit registration application. The requested variance would provide a post hoc approval for the existing unit as constructed.

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

Applicant response: *"Adjacent property owners will not know how much of the interior is blocked off from use either way."*

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. Staff has received inquiries regarding the process and requirements for similar items.

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

Applicant response: *"Strict application of walling off 304 square feet of the 999 square foot space instead of 39 square feet would dramatically restrict the function of the space in its current configuration and application."*

The Land Development Code specifically limits the size that an Accessory Dwelling Unit can be for registration. Section 20-534(2)(ix) states that, "The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less." Utilizing the living area measurement of 2,106 square feet provided by the Douglas Co. Appraiser's Office, 33% of that area is a possible maximum of 695 square feet. Both of those size requirements have been in place since the adoption of the Land Development Code.

In instances where a property contains a structure and/or the use is no longer permitted under

the present zoning, the applicant would be advised to file a nonconforming use registration application. However, nonconforming use registration requires the applicant to demonstrate that the structure/use was legally established at a time when it was permitted. This avenue is not available at this time since records cannot confirm when the dwelling unit was created, and if it was at a time when it would have been permissible. Therefore, the best possible remedy is by seeking a variance for the Accessory Dwelling Unit size limitation to permit the continuance of the Accessory Dwelling Unit registration application.

In a typical application the size standard would not constitute a hardship since the unit would not be constructed prior to the registration application. However, this unit has been completed prior to the approval of an Accessory Dwelling Unit application, and possibly before the approval of the Land Development Code. Since a time for the unit's completion is not available through the building permit history, staff cannot determine if the 1966 Zoning Code or the 2006 Land Development Code is the truly applicable one to use for determination. In instances where this cannot be determined, deference is given to the Land Development Code. Given the particulars of this specific application, the hardship would not derive from the strict application of the Land Development Code.

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

Applicant response: *"There is nothing about the walling off 39 square feet versus 304 square feet of the interior of this accessory dwelling unit that would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. This is private space."*

In staff's opinion, granting the requested variances will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request would be contained within the parcel owned by the applicant. 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: *"The general intent of the Development Code is to limit the size of accessory dwelling units on a given lot so as not to be disproportionate to the primary dwelling unit and its lot. Given the large size of this lot and that the primary dwelling unit could be much larger; using the 960 square foot size limit for the accessory dwelling follows the intent of the Code."*

In staff's opinion, approval of this variance would not be consistent with the general spirit and intent of the Land Development Code. This section of the code was written to include a mechanism allowing for a scale of sizes linked to the existing residence size, while also providing a cap ensuring that the additional dwelling unit would remain accessory to the principal residence. This was to ensure that these structures would, "respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards." The subject property's lot size and the existing residence illustrates a

measured approach to ensuring this ratio, even though the garage structure was constructed prior to the adoption of the 2006 Land Development Code.

Conclusions: 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.

Recommendation: Staff cannot recommend approval of the requested variance to increase the maximum size for the Accessory Dwelling Unit from 695 square feet to 960 square feet.



B-16-00440: Variance to Waive the Code Required Maximum Size of an Accessory Dwelling Unit Located at 1535 Massachusetts Street

Lawrence Planning & Development Services Dept
October 14, 2016



Subject Property

Scale: 1 Inch = 100 Feet



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
Metropolitan Planning Office**

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

**APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP**

OWNER INFORMATION

Name(s) Joann Qandil
Contact _____
Address 1535 Massachusetts
City Lawrence State KS ZIP 66044
Phone (785) 841-6254 Fax () _____
E-mail kejike456@hotmail.com Mobile/Pager () _____

APPLICANT/AGENT INFORMATION

Contact Leticia Cole
Company Paul Werner Architects
Address 123 W 8th Street, Suite B2
City Lawrence State KS ZIP 66044
Phone () _____ Fax () _____
E-mail leticia@paulwernerarchitects.com Mobile/Pager () _____
Pre-Application Meeting Date Sept. 26, 2016 Planner Jeff Crick / David Guntert

PROPERTY INFORMATION

Present Zoning District RS7 Present Land Use Detached Dwelling
Proposed Land Use Detached dwelling with accessory dwelling unit
Legal Description (*may be attached*) Attached
Address of Property 1535 Massachusetts
Total Site Area 18,000 SF
Number and Description of Existing Improvements or Structures 2,106 SF 2-story primary residence,
and a 999 SF 2-story garage building



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We request a variance to the maximum size of an accessory dwelling unit. The code states the maximum size be no more than 33% of the living area of the detached dwelling or 960 square feet, whichever is less. We request to use the greater of these two calculations.



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UNNECESSARY HARDSHIP CRITERIA

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

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

This situation of applying for an Accessory Dwelling permit for a 20 year old building is a unique situation. The existing

accessory dwelling unit is 999 square feet with a garage on the first floor. Except for the existing size, the building meets

all of the other requirements for an accessory dwelling - 1) it is owner occupied, 2) the entrance faces the front lot line,

3) the lot has the correct number of parking spaces for the primary and accessory dwelling. The option of walling off a

portion of the interior from use as an option to meet the size restriction for an accessory dwelling unit is a function of this

being an existing building versus new construction. This lot is a much larger lot than any of the other lots in the neighborhood

and zoning district by almost 5,000 square feet and would allow a much larger primary dwelling than is currently built. The

existing primary dwelling could have 775 square feet added to it and 33% of its size would equal 960 square feet, making the

two size restrictions equal. Therefore, we believe the 960 square foot size limit should be the size enforced.

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

Adjacent property owners will not know how much of the interior is blocked off from use either way.



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

Strict application of walling off 304 square feet of the 999 square foot space instead of 39 square feet would dramatically

restrict the function of the space in its current configuration and application.

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

There is nothing about the walling off 39 square feet versus 304 square feet of the interior of this accessory dwelling unit that

would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. This is private space.



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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 intent of the Development Code is to limit the size of accessory dwelling units on a given lot so as not to be disproportionate to the primary dwelling unit and its lot. Given the large size of this lot and that the primary dwelling unit could be much larger, using the 960 square foot size limit for the accessory dwelling follows the intent of the Code.

SIGNATURE

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

Signature(s): Letitia Bryant Cole Date 10-7-16

Date _____

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____

Legal Description for 1535 Massachusetts:

The North 25 feet of Lot 10; all of Lot 11; the East 55 feet of Lot 6; the East 55 feet of North 25 feet of Lot 7, all in Block 10, in Babcock's Enlarged Addition to the City of Lawrence, Douglas County, Kansas.



City of Lawrence
Douglas County

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OWNER AUTHORIZATION

I/WE John Qandil, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7th day of October, 20 16, 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 Paul Werner Architects (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 1535 Massachusetts (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.

John Qandil
Owner

Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 7th day of October, 20 16

by JoAnn Qandil.

My Commission Expires:

Leticia Cole
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.

Leticia Bryant Cole
Signature

10.7.16
Date

Leticia Bryant Cole
Printed Name



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044

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

September 20, 2016

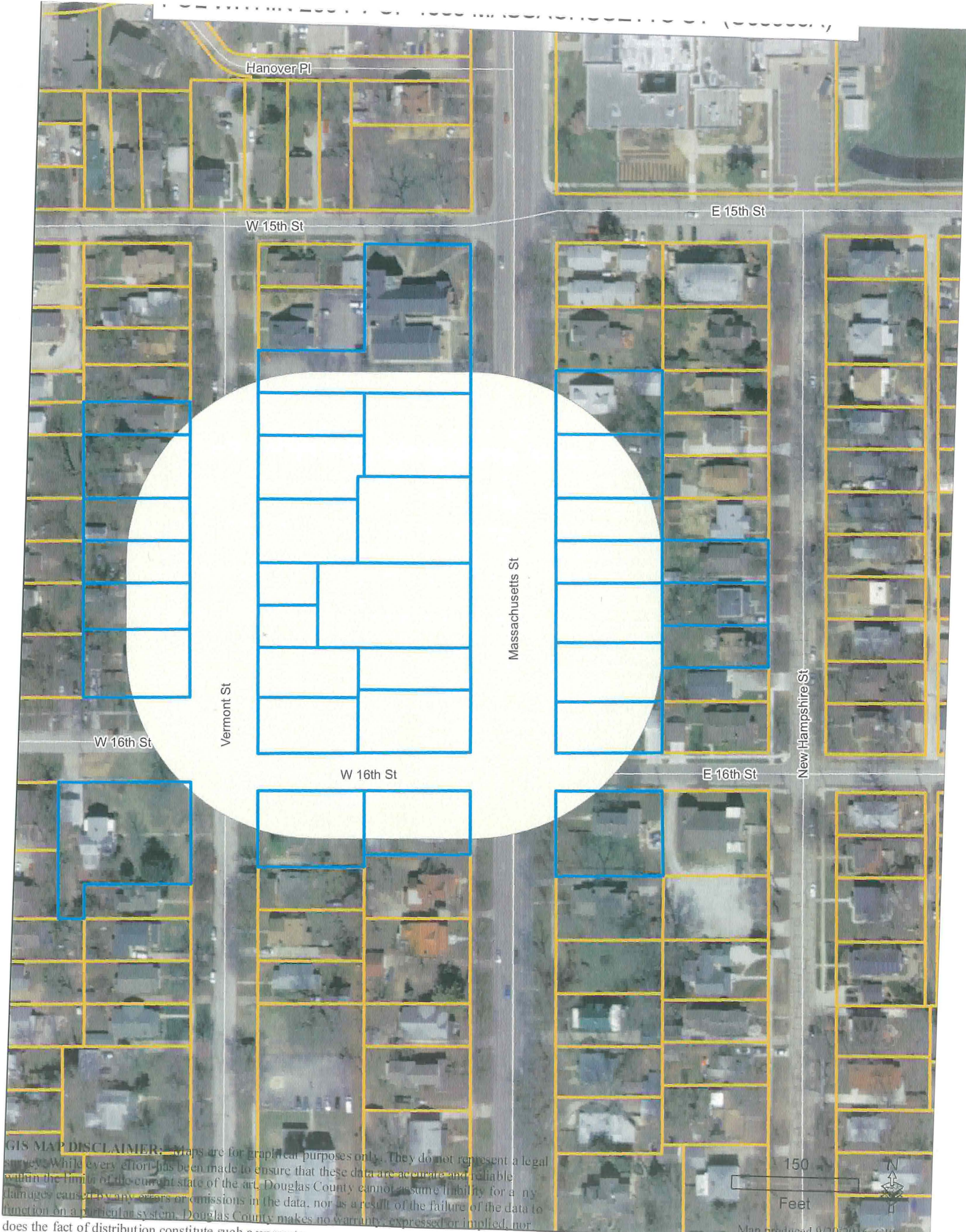
A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 200 FT OF 1535
MASSACHUSETTS ST (U03966A). 09/20/2016. REQUESTED BY LETICIA COLE OF
PAUL WERNER ARCHITECTS.

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.



GIS MAP DISCLAIMER: Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, Douglas County cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. Douglas County makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.

JOINPIN	owner1	owner2	owner3	address	city	state	zip	plate	PID	Quickrefid	situs
103-06-0-20-05-016.00-0	BEMIS CHARLES A			8572 WALNUT DR	LOS ANGELES	CA	90046	U03941A	023-103-06-0-20-05-016.00-0	R21927	1515 VERMONT ST
103-06-0-20-05-015.00-0	JAGER WILLIAM D			872 WENDT TER	LAGUNA BEACH	CA	92651	U03938A	023-103-06-0-20-05-015.00-0	R21926	1521 VERMONT ST
103-06-0-20-05-014.00-0	SADI PROPERTIES II LLC			3551 LAKEMONT DR	BONITA SPRINGS	FL	34134	U03925	023-103-06-0-20-05-014.00-0	R21925	1525 VERMONT ST
103-06-0-20-05-013.00-0	NICE JULIE			1531 VERMONT ST	LAWRENCE	KS	66044	U03921B	023-103-06-0-20-05-013.00-0	R21924	1531 VERMONT ST
103-06-0-20-05-012.00-0	ROBERTS JESSICA C TRUSTEE			PO BOX 562	SALINE	MI	48176	U03923A	023-103-06-0-20-05-012.00-0	R21923	1535 VERMONT ST
103-06-0-20-05-011.00-0	BANNWARTH TIMOTHY D	BANNWARTH MANDIE A		1539 VERMONT ST	LAWRENCE	KS	66044	U03924	023-103-06-0-20-05-011.00-0	R21922	1539 VERMONT ST
103-06-0-20-10-001.00-0	ENNIS CHARLES F	ENNIS BETH A		1605 VERMONT ST	LAWRENCE	KS	66044	U03890A	023-103-06-0-20-10-001.00-0	R21987	1605 VERMONT ST
103-06-0-20-04-002.00-0	CENTRAL UNITED METHODIST CHURCH			1501 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03955A01	023-103-06-0-20-04-002.00-0	R21896	1501 MASSACHUSETTS ST
103-06-0-20-03-004.00-0	OLIN JEANETTE P PERKINS			1512 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03975	023-103-06-0-20-03-004.00-0	R21878	1512 MASSACHUSETTS ST
103-06-0-20-04-013.00-0	WALLACE VICTOR L TRUSTEE			1509 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03969A	023-103-06-0-20-04-013.00-0	R21909	1509 MASSACHUSETTS ST
103-06-0-20-04-003.00-0	ALLEN RICHARD M	ALLEN DAWN D		2000 SW WALDEN DR	LEES SUMMIT	MO	64081	U03957	023-103-06-0-20-04-003.00-0	R21898	1520 VERMONT ST
103-06-0-20-03-005.00-0	BELLEMEER MATTHEW M	VANWALLEGHEM JULIA E		1516 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03976	023-103-06-0-20-03-005.00-0	R21879	1516 MASSACHUSETTS ST
103-06-0-20-04-004.00-0	HIGLEY MICHAEL	BYLEEN ELIZABETH		1524 VERMONT ST	LAWRENCE	KS	66044	U03958A	023-103-06-0-20-04-004.00-0	R21899	1524 VERMONT ST
103-06-0-20-04-012.00-0	CUSHMAN GREGORY T			1527 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03959-02	023-103-06-0-20-04-012.00-0	R21908	1527 MASSACHUSETTS ST
103-06-0-20-03-006.00-0	EDWARDS BRIAN K	EDWARDS CHRISTINA L		1520 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03977	023-103-06-0-20-03-006.00-0	R21880	1520 MASSACHUSETTS ST
103-06-0-20-04-005.00-0	WEILAND KYLE	WEILAND KATHERINE		1327 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03960	023-103-06-0-20-04-005.00-0	R21900	1526 VERMONT ST
103-06-0-20-03-015.00-0	SUNDSTROM CHRISTINE J			1529 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03988A	023-103-06-0-20-03-015.00-0	R21889	1529 NEW HAMPSHIRE ST
103-06-0-20-03-007.00-0	SLAGLE ERIN			1530 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03978A	023-103-06-0-20-03-007.00-0	R21881	1530 MASSACHUSETTS ST
103-06-0-20-04-011.00-0	QANDIL JOANN E TRUSTEE			1535 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03966A	023-103-06-0-20-04-011.00-0	R21907	1535 MASSACHUSETTS ST
103-06-0-20-04-006.00-0	WOODALL DEBORAH D			1530 VERMONT ST	LAWRENCE	KS	66044	U03961	023-103-06-0-20-04-006.00-0	R21901	1530 VERMONT ST
103-06-0-20-03-014.00-0	BESSON ERIN	BESSON DAVID		1535 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03989	023-103-06-0-20-03-014.00-0	R21888	1535 NEW HAMPSHIRE ST
103-06-0-20-03-008.00-0	ROSS DAVID J			1855 E 950 RD	LAWRENCE	KS	66049	U03980A	023-103-06-0-20-03-008.00-0	R21882	1532 MASSACHUSETTS ST
103-06-0-20-04-007.00-0	SMITH AMBER B			1534 VERMONT ST	LAWRENCE	KS	66044	U03962	023-103-06-0-20-04-007.00-0	R21902	1534 VERMONT ST
103-06-0-20-03-013.00-0	SCHNEIDER LOIS R			3708 STETSON DR	LAWRENCE	KS	66049	U03986	023-103-06-0-20-03-013.00-0	R21887	1537 NEW HAMPSHIRE ST
103-06-0-20-03-009.00-0	MANN GREGORY J	MCKINNEY SUZANNE H		1540 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03981B	023-103-06-0-20-03-009.00-0	R21883	1540 MASSACHUSETTS ST
103-06-0-20-04-010.00-0	SMITH CAROL A			2744 CHIPPERFIELD RD	LAWRENCE	KS	66047	U03967	023-103-06-0-20-04-010.00-0	R21906	1539 MASSACHUSETTS ST
103-06-0-20-04-008.00-0	PARK DONNA			1538 VERMONT ST	LAWRENCE	KS	66044	U03963A	023-103-06-0-20-04-008.00-0	R21903	1538 VERMONT ST
103-06-0-20-04-009.01-0	SLOUGH JAMES A	SLOUGH DONI M		PO BOX 763	LAWRENCE	KS	66044	U03965	023-103-06-0-20-04-009.01-0	R21905	1545 MASSACHUSETTS ST
103-06-0-20-03-010.00-0	TOSAKA SHU	GROVE HEIDIE		1546 MASSACHUSETTS ST	LAWRENCE	KS	66044	U03983	023-103-06-0-20-03-010.00-0	R21884	1546 MASSACHUSETTS ST
103-06-0-20-04-009.00-0	SLOUGH JAMES A	SLOUGH DONI M		PO BOX 763	LAWRENCE	KS	66044	U03964-01	023-103-06-0-20-04-009.00-0	R21904	1544 VERMONT ST
103-06-0-20-12-002.00-0	ROSBOROUGH SCOTT W	ROSBOROUGH JANA S		1602 MASSACHUSETTS ST	LAWRENCE	KS	66044	U04012A	023-103-06-0-20-12-002.00-0	R22017	1602 MASSACHUSETTS ST
103-06-0-20-11-001.00-0	BURG J GREGORY	BURG MARY G		1603 MASSACHUSETTS ST	LAWRENCE	KS	66044	U04011	023-103-06-0-20-11-001.00-0	R22004	1603 MASSACHUSETTS ST
103-06-0-20-11-002.00-0	KAMPSCHROEDER HALLEY E	KAMPSCHROEDER JOAN T		1600 VERMONT ST	LAWRENCE	KS	66044	U03998A	023-103-06-0-20-11-002.00-0	R22005	1600 VERMONT ST



Determination of Completeness, Accuracy, and Sufficiency

I have reviewed the variance application submitted by:

Name: _____ Date: _____

Application No. _____

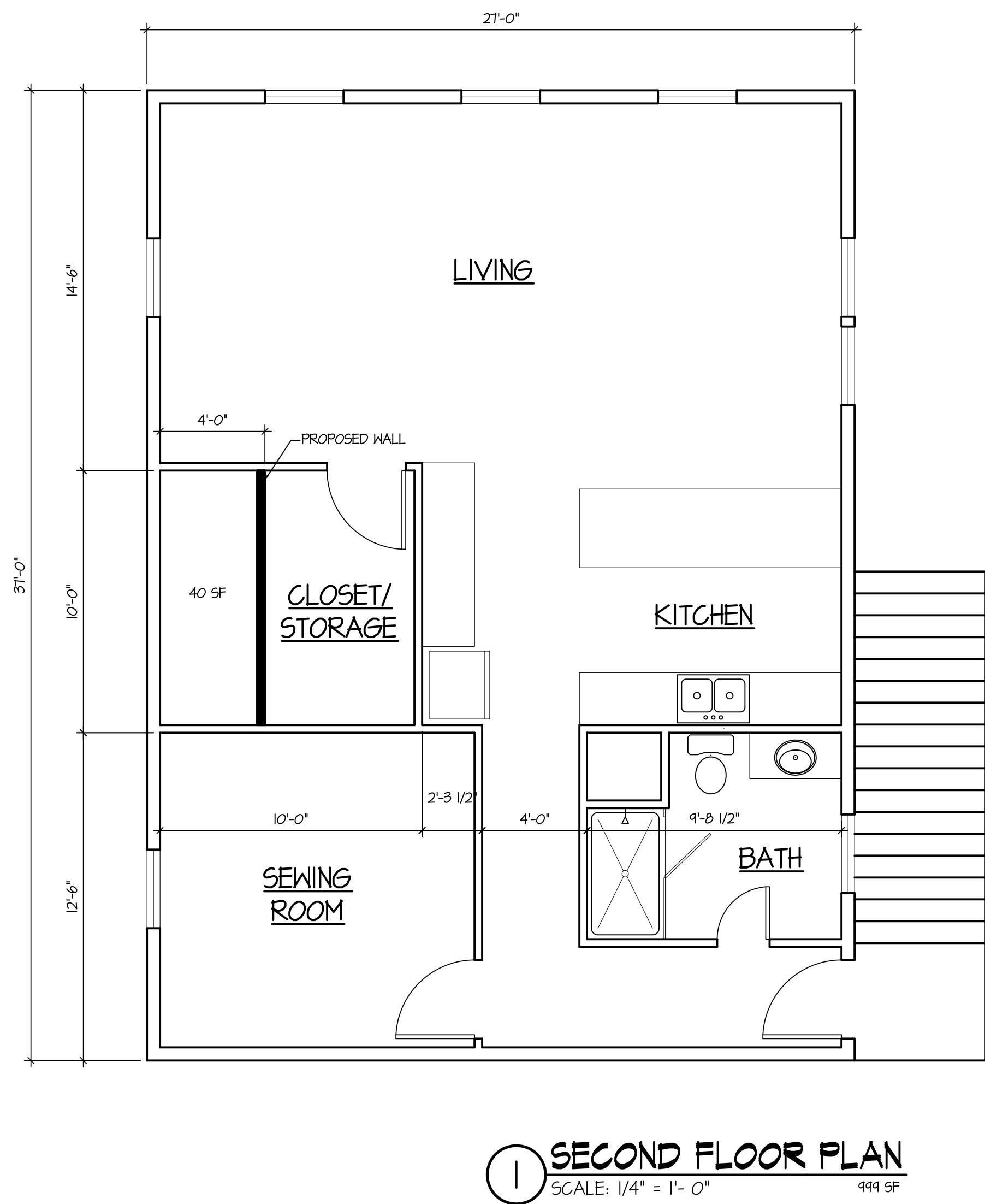
Based upon the submitted information, I find the application to be:

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

Planner _____

Date _____

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



PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION

paulwerner
ARCHITECTS

123 W. 8th STREET
SUITE B2
LAWRENCE, KS 66044
OFFICE: 785.832.0804
FAX: 785.832.0890

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KERNER ARCHITECTS, L.L.C.

1535 MASSACHUSETTS
LAWRENCE, KS

PROJECT # 216-490
JUNE 10, 2016

RELEASE: BZA DATE: 10.07.16

**ITEM NO. 6 PERIMETER BUILDING SETBACK VARIANCE FOR ARTERRA; 2161
QUAIL CREEK DRIVE [DRG]**

B-16-00441: 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 minimum 30 feet perimeter building setback requirement from the boundary of a planned commercial development district (approved under the terms and conditions of the previous zoning code) as required by reference in Section 20-222(e) of the City Code. The applicant seeks variance approval to reduce the perimeter building setback to a minimum of 10 feet from the west property boundary so they can build an addition on the west side of the existing commercial structure. The property is located at 2161 Quail Creek Drive. Submitted by Allen Belot, Allen Belot Architects, for Arterra, 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 owner would like to construct a 788 s.f. addition to the West side of the existing building facing the Alvamar Golf Course, architecturally compatible with the existing structure. The additional space will be used partly for storage & the remaining space for event accessory uses such as set-up space, gift tables for weddings, and display area for corporate events."*

C. ZONING AND LAND USE

Current Zoning & Land Use:	PCD - [Parkway Plaza] (Planned Commercial Development) District; commercial structure used for event venues with ancillary off-street parking north of the building.
Surrounding Zoning and Land Use:	PUD - [Alvamar] (Planned Unit Development) District to the north, west and southwest; duplex dwellings and attached single-dwelling residential homes to the north. Alvamar Golf Course to the west. Single-dwelling residential homes to the southwest.
	PCD – [Parkway Plaza] District to the south and east; commercial uses to the south and east. Commercial uses to the south and east. Multi-dwelling residential uses are found to the northeast.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-222(e), "PUD, PRD, PCD, PID, POD (PLANNED DEVELOPMENT) DISTRICTS, Density and Dimensional Standards", in the Development Code indicates that the development or expansion of any structure in the planned development district needs to comply with the terms and conditions of the original approval of the planned development.

Section 20-1006(i)(1), "GENERAL DEVELOPMENT STANDARDS – PLANNED UNIT DEVELOPMENTS, Peripheral Boundary," in the previous Zoning Ordinance called for a peripheral boundary of not less than 30 feet for all buildings, structures and parking lots.

Section 20-1008(D)(2), "Periphery Boundary," in the old Zoning Ordinance also refers to a 30 feet periphery boundary requirement for all buildings, structures and parking lots in a planned commercial development.

E. SPECIFIC ANALYSIS

This variance request was previously considered by the Board of Zoning Appeals in 2014. It is identical to the previous request, which received unanimous approval (5-0) from the Board at the August 7, 2014 meeting. Section 20-1309(k) in the Development Code places a 24-month approval time limit on variances granted by the Board of Zoning Appeals. If a city building permit is issued during the 24-month time period and substantial construction based upon the building permit has taken place, the variance is vested with the property. In this case, no building permit was issued during this 24-month time period; and, no request was made by the property owner to extend approval of the variance. Therefore, the variance expired on August 7, 2016.

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: "In order to make the proposed 788 s.f. addition, compatible with the existing interior floor plan, half of the space would encroach into the required side yard setback. The unique condition that exists in this encroachment is the heavy existing forestation, mostly coniferous & thus year round, that occurs along the entire length of this addition which does and will completely enshroud the structure from view along the public side of the Alvamar Golf Course. The Course is characterized by large bentgrass greens and flowing fairways, the park-land style allows players & outside observers to enjoy the scenic beauty of the natural Eastern Kansas landscaping. The proposed addition most likely will not destroy any of the trees that comprise this heavy visual screen into the property.

In general, the purpose of setbacks is to ensure that the use of the property does not infringe on the rights of the neighbors and to allow for lawns, trees, for light & sunshine into the buildings on each side and to provide space for outdoor living by the occupants. Setbacks also allow for reasonable drainage to occur away from structures & into drainage channels. The proposed 788 s.f. addition & 375 s.f. encroachment would be negligible in the context of the several hundred acres of golf course, described above, that are adjacent to this setback.

With the Alvamar Golf Course entirely to the West of this property there would be ample open space remaining were an addition to be completed & would continue to fulfill the spirit of the setback requirement."

The subject property is a corner lot on the northwest corner of W. 22nd Street and Quail Creek Drive. It is a non-typical shaped lot with the length of the lot oriented in a north-south direction. Quail Creek Drive is a curvilinear roadway along the lot's east boundary. Because of the roadway configuration, the lot depth (east-west) continually changes depending upon where the point of measurement is made along the street frontage. This unusual lot shape creates a development challenge for building on the property in accordance with the development standards for building setbacks and periphery boundary setbacks.

The subdivision, which includes the subject property, was platted in 1993. The existing commercial structure, patio and parking lot were built in 1996. The current property owner was not involved with the creation of the subdivision plat or the original site development.

Finding -- The unusual lot shape creates a development challenge to build on this property in accordance with the development standards for building setbacks and periphery boundary setbacks.

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

Applicant response: *"This minor encroachment into what appears to the casual observer to be vast acres of open space & mature forest would go unnoticed by adjacent property owners & residents. In fact due to the vastness of open space & no buildings on the adjacent golf course to compare to, no encroachment will be noticed because no setback can be identified by sight."*

In staff's opinion, the requested variance to reduce the periphery boundary building setback from 30 feet to a minimum of 10 feet for the proposed 788 square feet building addition on the back side of the commercial structure will not adversely affect the rights of adjacent property owners or residents. The most directly impacted property is to the west of the subject property. It is owned by Alvamar, Inc., and is developed as a golf course. The subject property is near the tee box of one hole on the course. A wooded landscape buffer is present on the back side of the property which extends onto the golf course property.

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 received written comments from one property owner (email is attached with the report). Staff believes the concerns mentioned in the email can be more appropriately addressed with the revised final development plan for the building addition, which is currently being reviewed by staff for the December Planning Commission Meeting.

Finding – Limiting the variance to apply only to the proposed building addition will 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: *"Strict interpretation of this ordinance would cause the owner an undue hardship in being able to continue to rehabilitate this previously abandoned building and satisfy a community need for a Class A event space for groups to meet, especially in the context of the vast amount of open space adjacent to it."*

A review of the history of this property revealed that in February 1995, the Planning Commission approved a variance allowing parking areas to be built no closer than 10 feet from an exterior lot line while considering a Final Development Plan for Phases IIA, IIB & III of the PCD. The subject property was identified as Phase III on this development plan. Based upon this action, the parking lot was built 10 feet from the west property boundary.

In May 1996, the Planning Commission granted a variance from the perimeter boundary setback for the patio area on the west and northwest side of the former Pachamama's Restaurant building. The Planning Commission's action approved a variance allowing the patio to be 5 feet from the perimeter boundary along the west side of the PCD with a condition that the applicant obtains written approval from the property owner to the west. The owner of the golf course provided a letter to the city indicating their approval of the patio's location, which allowed the owner to proceed with the project.

Finding -- Previous actions by the Planning Commission for the patio and parking lot setbacks when the original development plans were approved, makes compliance with a 30 foot perimeter boundary setback for the proposed 788 square feet building addition an unnecessary hardship for the property owner.

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

Applicant response: *"I would request that the answer to 2 above be used to address this question."*

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. As stated before the location of the addition is on the back side of the building which backs up to a tee box for one hole on Alvamar Golf Course. There are no nearby structures, businesses or residences on the back side of the property; only open space which is used as a golf course.

Finding -- Granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare.

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

Applicant response: *"I would request that the answer to 2 above be used to address this question."*

In staff's opinion, approval of this variance is not opposed to the general spirit and intent of the Development Code. The unusual lot shape creates development challenges for being able to comply with all of the code standards. Several variances were previously approved by the Planning Commission under the old Zoning Ordinance during the consideration of final development plans for the phased development of this PCD District. These variances explain the current setbacks for the parking lot and patio.

The applicant's request for a 10 foot perimeter boundary setback, which is needed for only approximately one-half of the proposed 788 s.f. building addition, is consistent with the setback variance for the parking lot to the north of the building. In staff's analysis, the

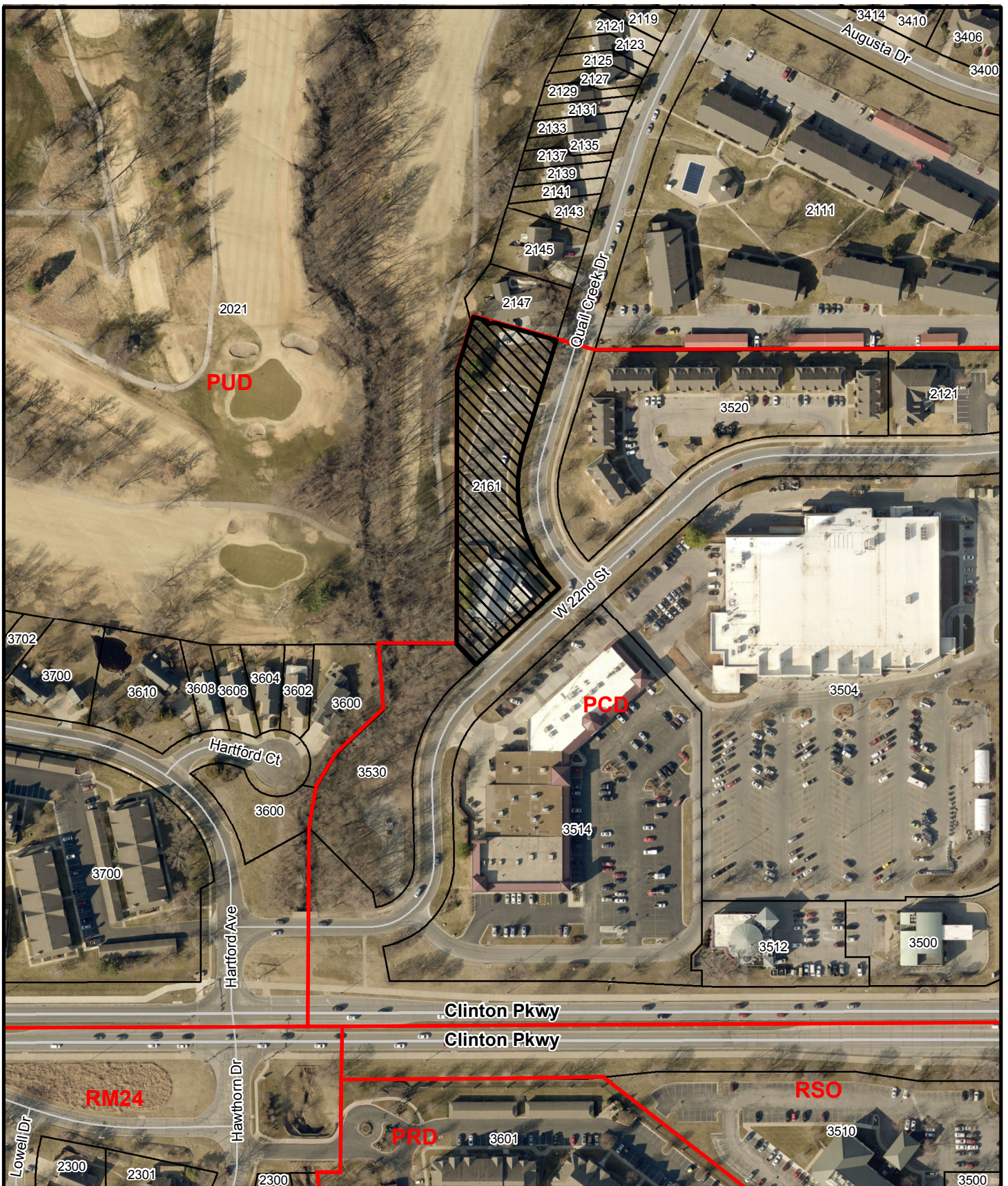
development pattern along the west boundary of the property was previously defined by the actions taken by the Planning Commission when the original development plans were considered. The applicant's request is merely asking for variance approval to use the established periphery setback for the small addition along the west side of the building.

Finding -- The variance is not opposed to the general spirit and intent of the Development Code. The applicant's request for a 10 feet perimeter boundary setback, needed only for approximately one-half of the proposed 788 s.f. building addition, is consistent with a previous setback variance for the parking lot to the north of the building.

Conclusions: Staff's analysis of this variance application finds the request can 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.

Recommendation:

Staff recommends approval of the requested variance, applied only to the proposed building addition, 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.



B-16-00441: Variance to Reduce the 30 Feet Perimeter Boundary Setback in a PCD District for a Small Building Addition to Arterra Event Gallery Located at 2161 Quail Creek Drive

Lawrence Planning & Development Services Dept
October 14, 2016



Subject Property
Scale: 1 Inch = 200 Feet



APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP

OWNER INFORMATION

Name(s) Arterra, LLC
Contact Wayne McDaniel, member Arterra, LLC
Address 2161 Quail Creek Drive
City Lawrence State KS ZIP 66047
Phone (785) 766-8088 Fax ()
E-mail waymacd@gmail.com Mobile/Pager ()

APPLICANT/AGENT INFORMATION

Contact Allen Belot
Company Allen Belot Architect
Address 708 West Ninth Suite 205
City Lawrence State KS ZIP 66044
Phone (785) 843-4670 Fax ()
E-mail allen@allenbelotarchitect.com Mobile/Pager ()
Pre-Application Meeting Date 24 June 14 Planner David Guntert

PROPERTY INFORMATION

Present Zoning District PUD Present Land Use Event Gallery
Proposed Land Use Same
Legal Description (*may be attached*) attached
Address of Property 2161 Quail Creek Drive
Total Site Area 55,565 gsf
Number and Description of Existing Improvements or Structures Single story 5,000 restaurant building used as a special event gallery with 49 parking spaces on site.

Description of variance requested:

The owner would like to construct a 788 sf addition to the West side of the existing building facing the Alvamar Gold Course, architecturally compatible with the existing structure. The additional space will be used partly for storage & the remaining space for event accessory uses such as set-up space, gift tables for weddings, display area for corporate events.

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:

In order to make the proposed 788 sf addition, compatible with the existing interior floor plan,

half of the space would encroach into the required side yard setback. The unique condition that exists in this encroachment is the heavy existing forestation, mostly coniferous & thus year round, that occurs along the entire length of this addition which does & will completely enshroud the structure from view along the public side of the Alvamar Golf Course. The Course is characterized by large bentgrass greens and flowing fairways, the park-land style allows players & outside observers to enjoy the scenic beauty of the natural Eastern Kansas landscaping. The proposed addition most likely will not destroy any of the trees that comprise this heavy visual screen into the property.

In general, the purpose of setbacks is to ensure that the use of the property does not infringe on the rights of the neighbors and to allow for lawns, trees, for light & sunshine into the buildings on each side and to provide space for outdoor living by the occupants. Setbacks also allow for reasonable drainage to occur away from structures & into drainage channels. The proposed 788 sf addition & 375 sf encroachment would be negligible in the context of the several hundred acres of golf course, described above, that are adjacent to this setback.

With the Alvamar Golf Course entirely to the West of this property there would be ample open space remaining were an addition to be completed & would continue to fulfill the spirit of the setback requirement.



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

This minor encroachment into what appears to the casual observer to be vast acres of open space & mature forest would go unnoticed by adjacent property owners & residents. In fact due to the vastness of open space & no buildings on the adjacent golf course to compare to, no encroachment will be noticed because no setback can be identified by sight.

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

Strict interpretation of this ordinance would cause the owner an undue hardship in being able to continue to rehabilitate this previously abandoned building and satisfy a community need for a Class A event space for groups to meet, especially in the context of the vast amount of open space adjacent to it.

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

I would request that the answer to 2. above be used to address this question.

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

I would request that the answer to 2. above be used to address this question.

SIGNATURE

I, the undersigned am the **duly authorized agent** of the aforementioned property. By execution of my signature, I do hereby officially apply for variances as indicated above.

Signature(s): _____ Date October 7, 2016

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



**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.lawrenceplanning.org>

OWNER AUTHORIZATION

I Wayne McDaniel, member of Arterra, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 5th day of October, 2016, make the following statements to wit:

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

Arterra Event Gallery located at 2161 Quail Creek Drive

2. I the undersigned, have previously authorized and hereby authorize Allen Belot of Allen Belot Architect

(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 2161 Quail Creek Drive Lawrence, KS

(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.



Member Arterra, LLC

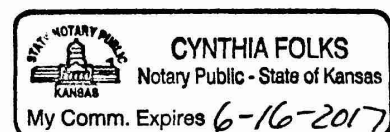
STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 5th day of October, 2016,

by Wayne McDaniel.

My Commission Expires: 6-16-2017


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

October 7, 2016

Date

Allen C. Belot

Printed Name



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

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

“Exhibit A, Legal Description”

**LOT 5
PARKWAY PLAZA NO. 4**



No Scale



(A010) $1'' = 30.0'$



PROJECT # 1216
DATE: 13AUG16
DRAWN BY:
CHECKED BY:
REVISIONS: 07OCT16

**BZA
SITE PLAN
for
ADDITION**

Sheet

A010

of Sheets

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ALLEN BELOT ARCHITECT

To: [David Guntert](#)
Subject: Arterra's Event Gallery
Date: Wednesday, October 19, 2016 4:49:22 PM

Just to follow up on our telephone conversation yesterday. I live about 50 feet West of the 200 notification area. If Arterra's does get approval for a setback variance and approval to expand with in 10 feet from their West property line I do have some questions-concerns for the future.

1. Is the expansion fully enclosed or just more open space? Either way, there has been later afternoons-evenings that the noise level can be heard at my residence. Is it possible to ask for time like 9:00 pm to stop events that cause excessive noise?
2. Is the parties that attend events at Arterra's going to remain on their property or allowed to go around or through the two rail coral fence and roam around the Alvamar Golf Course number 2 green that is about 30 feet from my residence? Numerous times this summer, usually on Saturday or Sunday late afternoons-evenings there has been up to a dozen to a dozen and a half event goers (mostly weddings) that use this area for wedding photos. The younger children wind up on the golf course green that that could cause damage to the green. When I am working in my back yard or on my house I feel like I should give them the privacy to take their photos. However, I feel I should have the right to my property especially when people are trespassing on private property. I am requesting that a reasonable time for entertainment condition along with event guests staying on their property condition be put on their site plan before a building permit is issued.

Thanks for your time.
Gene Shaughnessy
3604 Hartford Court