



LAWRENCE BOARD OF ZONING APPEALS

AGENDA FOR **JULY 11, 2019**

JAYHAWK ROOM AT FIRE STATION #5, 1911 STEWART AVE, LAWRENCE KS

6:30 PM

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

ITEM NO. 1 COMMUNICATIONS

- A. Acknowledge communications to the come before the Board.
- B. Disclosure of ex-parte communications and/or abstentions for specific agenda items.
- C. Announce any agenda items that will be deferred.

BEGIN PUBLIC HEARING:

ITEM NO. 2 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 2209 BRETT COURT

B-19-00276: A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 30 foot rear setback standard as required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District to 25 feet. The property is located at 2209 Brett Ct. Submitted by Joshua Harden of Acumen Renovations on behalf of Joel & Shannon Grillot, property owners of record.

ITEM NO. 3 VARIANCE FROM FLOODPLAIN REGULATIONS FOR IMPERVIOUS SURFACE AMOUNT AND ELEVATION OF EXISTING ACCESSORY STRUCTURE; 716 FORREST AVENUE

B-19-00312: A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The first request is for a variance from the minimum elevation standard of two feet above the base flood elevation as required by Section 20-1204(e)(2)(i)(a) of the City Code for instances of Substantial-Improvement in the regulatory floodplain and to allow the accessory structure to remain in its current location without being elevated. The second request is for a variance from the thirty percent (30%) maximum impervious surface coverage amount within the Floodplain Overlay District as required by Section 20-1204(e)(2)(i)(b) of the City Code. The property is located at 716 Forrest Ave. Submitted by Travis Dillon of AIP Solutions on behalf of Jeanette Trybom, property owner of record.

**ITEM NO. 4 VARIANCE FROM MINIMUM OFF-STREET PARKING AMOUNT; 611 W
9TH STREET**

B-19-00316: A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from Section 20-902, Off Street Parking Schedule A requiring a minimum number of off-street parking spaces for an *Office, Administrative and Professional* use in the CS (Commercial Strip) Zoning District be reduced from 7 required parking spaces to 4 parking spaces. The property is located 611 W 9th St. Submitted by 611 W. 9th LLC on behalf of Brendon Glad, property owner of record, and Greta Carter-Wilson.

ITEM NO. 5 MISCELLANEOUS

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

ITEM NO. 2 **VARIANCE FROM THE REQUIRED REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 2209 BRETT COURT [LRM]**

B-19-00276: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 25 feet to allow for the construction of an elevated deck connected to the existing residence. The property is located at 2209 Brett Court. Submitted by Joshua Harden of Acumen Renovations on behalf of Joel Grillot and Shannon Grillot, property owners of record.

B. REASON FOR REQUEST

Applicant's Request – *"Would like to remove and replace deck on back of house".*

C. ZONING AND LAND USE

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

Surrounding Zoning and Land Use: RS7 (Single-Dwelling Residential) District in all directions; *Detached Dwelling Residential* use in all directions.

D. ZONING ORDINANCE REQUIREMENTS

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

Western setback (rear setback) – 30 feet required, 25 feet proposed for deck replacement.

E. SPECIFIC ANALYSIS

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

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

Applicant response: *"The setback of the property would allow for a 1' deck off the back of the house with the current code".*

The subject property was originally platted and recorded in 1999 as Block One, Lot 4, part of the De Vel Addition No. 4 final plat. The subject parcel came into existence under the 1966 Zoning Code and was zoned RS-2 (Single-Family Residence) District. The 1966 Lawrence Zoning Code, adopted with Ordinance No. 3500, required a 30 foot rear yard building setback for structures in the RS-2 district.

The 1966 Zoning Code contained rear yard exemptions and modifications for certain zoning districts. Section 20-1504(c) states, *In the RS-1, RS-2 and RM-D Districts, a principal building may be located no closer than 20 feet to the nearest property line opposite the front lot line; provided the rear yard area is no less than 30 percent of the total lot area.*

The existing deck was built approximately 25 feet from the rear property line. The subject property has a rear yard that accounts for approximately 34% of the total lot area; therefore the subject property complied with Section 20-1504(c) of the 1966 Zoning Code.

Development Services staff were unable to locate a separate building permit for the deck; therefore, the deck was likely constructed with the existing residence, although staff were unable to find any notes about the deck on the residence's building permit. The existing residence was built in 2001, per Douglas County Register of Deed's records. The subject property's current owner were the owners at the time of construction. When the residence was built, in 2001, it utilized the Section 20-1504(c) rear yard setback exemption.

The rear yard area exemption was not included in the 2006 Land Development Code. The required rear setback for the RS7 (Single-Dwelling Residential) District is 30 feet. A 30 foot rear setback would not permit any deck structure deeper than approximately seven feet as the existing residence's rear wall is placed approximately 37 feet from the rear property line. The applicants are not looking to place the structure closer to the rear property line; rather, they are looking to continue to utilize the previously approved setback and footprint of the existing deck. The proposed addition will be located the same distance from the rear property line but within the required 30 foot rear setback. If the 1966 Zoning Code exemption existed within the current Land Development Code, a variance would not be required. If the proposed deck was lower than 30 inches, there would also be no variance required.

The proposed deck replacement will not encumber the required 5 foot interior side setbacks or an existing, platted utility easement along the rear property line.

The removal of the required rear setback exemption from the Land Development Code is not a condition brought about by the applicants. The subject property and ownership remained the same while the zoning code and density and dimensional standards changed.



**Image 1: Site plan noting proposed 25 foot rear yard setback.
Provided by the applicant via building permit 1-18-01861.**



Image 2: RS7 (Single-Dwelling Residential) District required setback area highlighted in red.

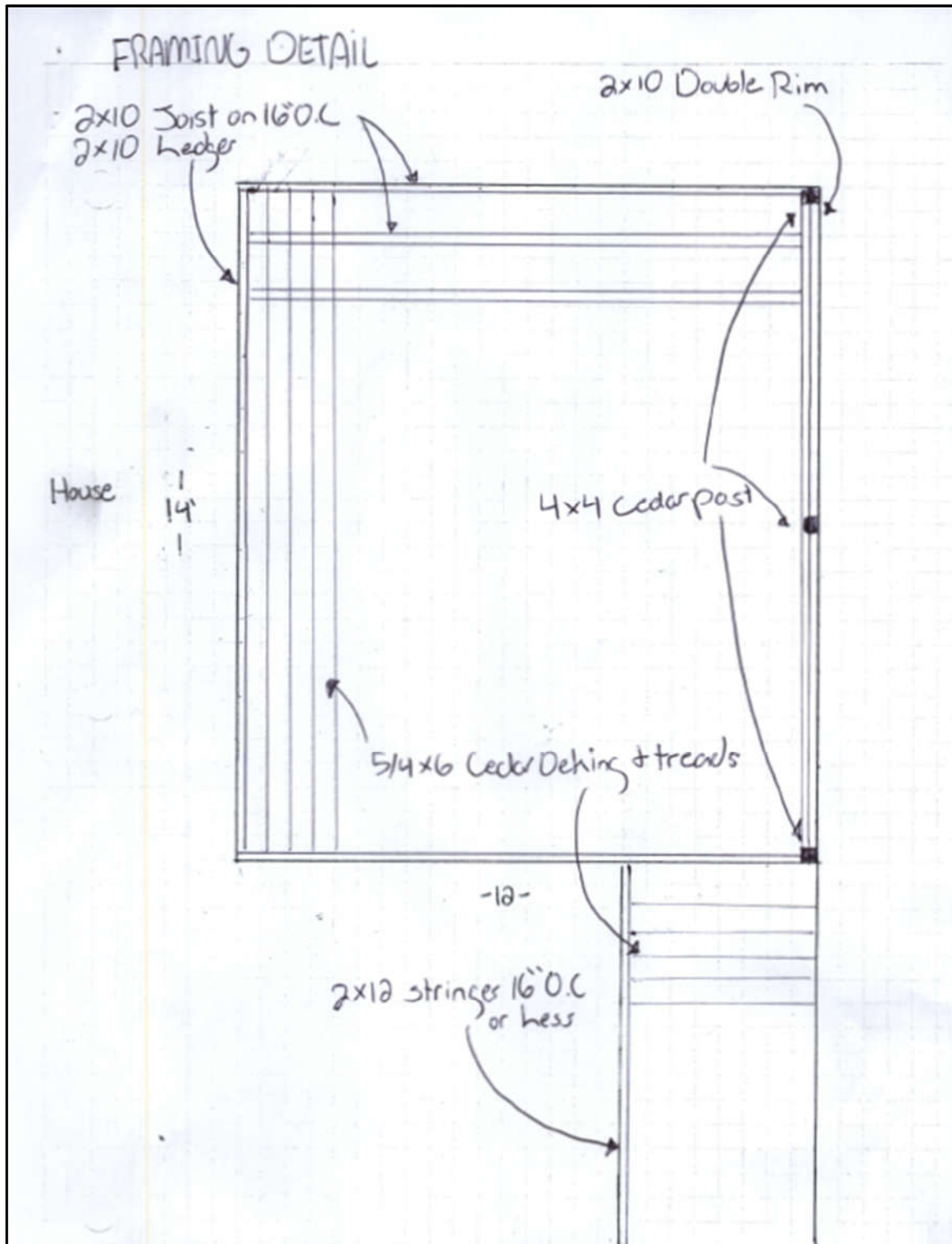


Image 3: Plan for proposed deck provided by the applicant via building permit 1-18-01861.
Proposed deck is a replacement of an existing deck.

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

Applicant response: "No! We are only requesting to rebuild the deck exactly the same".

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not received any inquiries or comments on this item.

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: "It would make the property less valuable and desirable. It would also be an egress issue with no deck".

In staff's opinion, strict adherence to the code required building setbacks may constitute an unnecessary hardship. The deck came into existence legally under the previous zoning code that permitted its placement within the required rear yard setback. The current Land Development Code's density and dimensional standards would not permit an elevated deck deeper than seven feet. Since their construction, the existing deck and residence have remained the same. The zoning code and density and dimensional requirements changed. Requiring the subject property to comply with existing standards would not allow for a deck replacement or continued use of a previously permitted setback and may constitute a hardship upon 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: "No! We are only requesting to replace what is currently there".

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant. The existing structure and proposed deck replacement 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: *"No! I believe it would do just the opposite we are only looking to enhance the value and safety of the space".*

In staff's opinion, granting the setback variance would not be opposed to the general spirit and intent of the Land Development Code. Granting the requested variance is consistent with the previous findings of the Board, and is also consistent with the spirit of Land Development Code. Granting of the requested variance would permit the continued use of a previously permitted setback. The deck came into existence legally and the applicants are looking to continue to utilize the depth and footprint it was constructed at originally. Finally, the existing, platted utility easement along the rear property line will not be encumbered and the remaining interior side, exterior side and front setbacks will be maintained.

Conclusions:

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

Recommendation:

Staff recommends approval of the rear yard setback variance based upon the findings in the staff report concluding that the request meets the five conditions outlined in Section 20-1309(g)(1). Staff recommends the Board grant the variance to reduce the required rear setbacks from 30 feet to 25 feet for proposed deck replacement at 2209 Brett Court.



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**

RECEIVED

MAY 14 2019

OWNER INFORMATION

Name(s) Joel & Shannon Grillo Planning & Development Services
City of Lawrence/Douglas County, KS
Contact _____
Address 2209 Brett Ct.
City Lawrence State KS ZIP 66044
Phone (785) 766 0404 Fax (____)
E-mail Shannonwsts@hotmail.com Mobile/Pager (____)

APPLICANT/AGENT INFORMATION

Contact Joshua Harden
Company Acumen Renovations
Address 8941 Georgia Ave
City Kansas city State KS ZIP 66109
Phone (785) 979 3636 Fax (____)
E-mail joshuaharden@acumenrenovations.com Mobile/Pager (____)
Pre-Application Meeting Date _____ Planner _____

PROPERTY INFORMATION

Present Zoning District _____ Present Land Use _____
Proposed Land Use _____
Legal Description (may be attached) 2209 Brett Ct Lawrence KS
Address of Property _____
Total Site Area _____
Number and Description of Existing Improvements or Structures _____



Description of variance requested:

Would like to remove and replace deck on back of house.



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 setback of the property would allow for only a 1' deck off
the back of the house with the current code.

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

No! We are only requesting to rebuild the deck exactly the same.



- 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:**

It would make the property less valuable and desirable. It would also be an egress issue with no deck.

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

No! We are only requesting to replace what is currently there.



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:

No! I beleive it would do just the opposite. We are
only looking to enhance the value and safety of the space.

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

5/12/2019

Date

Date

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



OWNER AUTHORIZATION

I/WE Joel and Shannon Grillo, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 11 day of May, 20 19, 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 Joel and Shannon Grillo (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 2209 Brett Ct. (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.

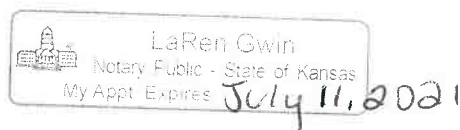
Shannon Grillo
Owner Shannon Grillo

Joel Grillo
Owner Joel Grillo

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 13th day of May, 20 19,
by Laren Gwin Laren Gwin.

My Commission Expires: July 11, 2021 Laren Gwin
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 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

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

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

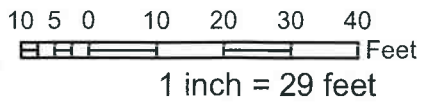
Signature

Date

5/14/2019

Printed Name

Joshua Harden



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.

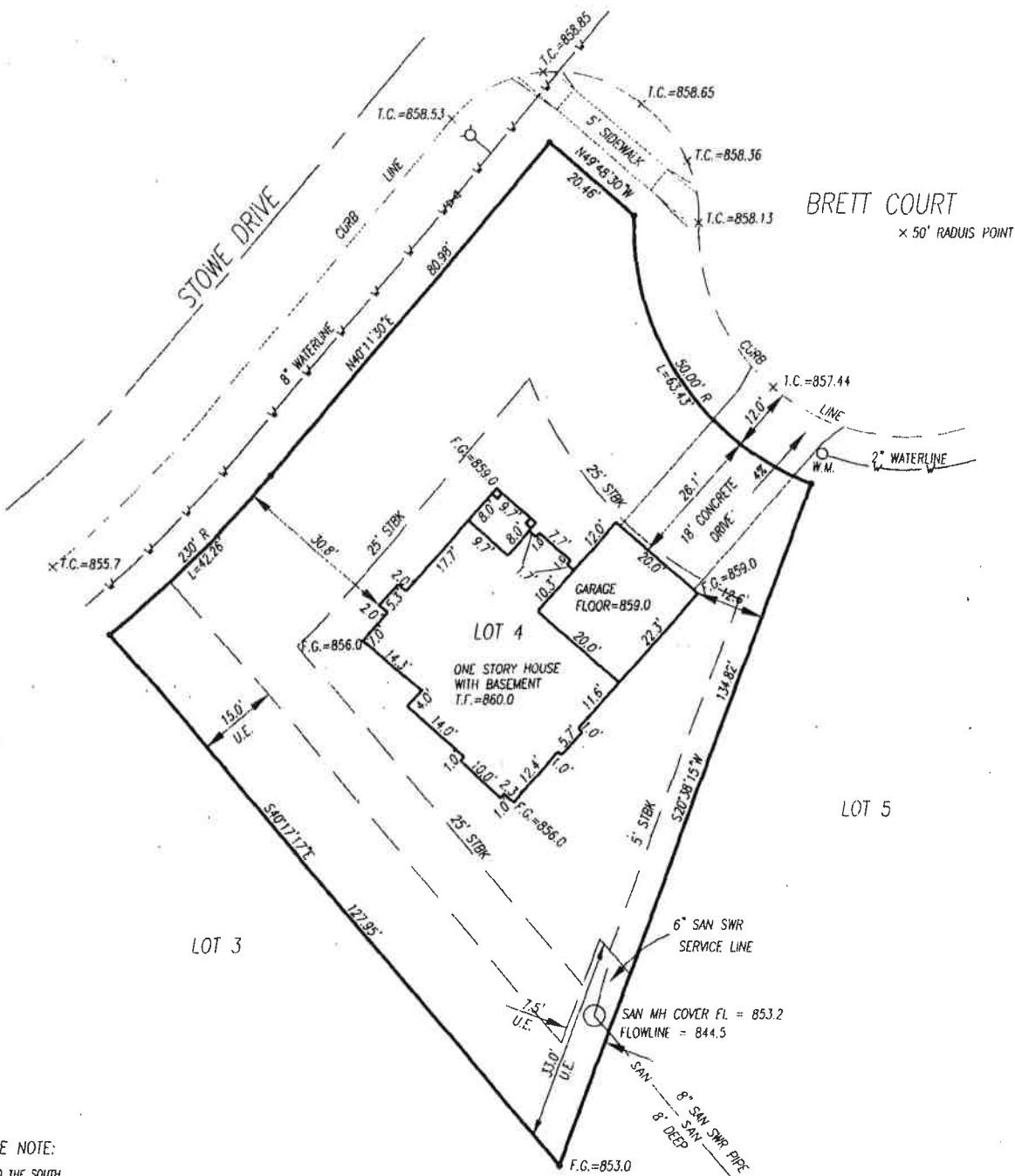
Date: 5/10/2019



SITE PLAN

LEGAL DESCRIPTION:

LOT 4, BLOCK 1, DEVEL ADDITION #4
IN LAWRENCE, IN DOUGLAS COUNTY, KANSAS.



DRAINAGE NOTE:
RUN-OFF TO THE SOUTH.

CERTIFICATION:

I HEREBY CERTIFY THIS SITE PLAN TO BE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft

LEGEND:

F.G. = FINISH GRADE
U.E. = UTILITY EASEMENT
T.F. = TOP OF FOUNDATION
T.C. = TOP OF CURB
STBK = BUILDING SETBACK LINE
W.M. = WATER METER
● = PIN FOUND OR SET
○ = FIRE HYDRANT
⊗ = WATERVALVE



2209
Brett



ARTICLE 6. DENSITY AND DIMENSIONAL STANDARDS

- 20-601 Density and Dimensional Standards Tables and Occupancy Limits Tables
 20-602 Measurement of and Exceptions to Density and Dimensional Standards

20-601 DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the Density and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12/ RM12D [6]	RM15	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq.ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75[4]	75 [4]	75[4]	75[4]	80[4]	80[4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	NA
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

[1] Minimum garage entrance Setback = 20 feet

[2] First number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting interior Side Lot Line. Second number represents minimum Exterior Side Setback when subject Lot is adjacent to an abutting Rear Lot Line.

[3] First number represents minimum Rear Setback for Single Frontage Lot. Second number represents minimum Rear Setback for double Frontage (or through) Lot.

[4] Applies only to Lots platted after the Effective Date or any improvements on a property after the Effective Date which increase the Building coverage or impervious coverage.

[5] Additional Setback restrictions apply to properties developed adjacent to RS zoned properties where expressly required elsewhere in the Development Code.

[6] Density and Dimensional Standards for the RM12D District are the same as those for the RM12 District.



Douglas County Kansas

Access

LAND RECORDS APPLICATION

This application accesses the web-based Real Estate and CAMA systems. To view the different CAMA and Real Estate views, please select an option from the 'Select View' menu on the top-right of your screen. This information is assumed valid as of: **5/9/2019**.

REAL ESTATE VIEW

[New Search](#) | [Modify Search](#) | [Search Results](#) | [Printer-friendly Version](#)

MAP IT

- Select Year - ▼

- Select View - ▼

PROPERTY INFORMATION			
Year: 2018		PIN Number: 023-066-23-0-40-12-004.00-0	
Plate Number: U14345-004			
Owner 1: GRILLOT JOEL			
Owner 2: GRILLOT SHANNON			
In-Care-Of: <no record>			
Property Address: 2209 BRETT CT, LAWRENCE, KANSAS			
Mailing Address: 2209 BRETT CT, LAWRENCE, KS 66049			
Delinquent Tax: No		Tax Unit: 041	School: USD 497
Loan Number:			
Sec-Twp-Rng:		Book: 1146	Page: 3900
Deed: 04/14/2017 *			

(* click on the above deed date to link to the Deed system)

VALUE INFORMATION						
Class	Appraised			Assessed		
	Land	Improvements	Total*	Land	Improvements	Total
R	\$40,000	\$199,900	\$239,900	\$4,600	\$22,989	\$27,589

TAX INFORMATION				
Tax: \$3,684.58	Special Tax: \$0.00	Total Tax: \$3,684.58	Taxes Paid: \$3,684.58	Mill Levy: 135.2200

TAX PAYMENT INFORMATION			
Year	Payment Date	Payment Type	Payment Amount
2018	04/24/2019	PAYMENT	\$1,842.29
2018	12/13/2018	PAYMENT	\$1,842.29

DESCRIPTION
NP 7-12-99 FROM U14345 11917SF DE VEL ADD NO 4 BLK 1 LT 4 83. 8 X 134.8(I)

LEGAL INFORMATION (NOTE: NOT TO BE USED ON LEGAL DOCUMENTS)
DE VEL ADD NO 4 BLK 1 LT 4

ITEM NO. 3 **VARIANCES FROM THE FLOODPLAIN REGULATIONS FOR ELEVATION
AND IMPERVIOUS SURFACE FOR A PROPERTY LOCATED AT 716
FORREST AVENUE [LRM]**

B-19-00312: A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The first request is for a variance from the minimum elevation standard of two feet above the base flood elevation as required by Section 20-1204(e)(2)(i)(a) of the City Code for instances of Substantial-Improvement in the regulatory floodplain and to allow the accessory structure to remain in its current location without being elevated. The second request is for a variance from the thirty percent (30%) maximum impervious surface coverage amount within the Floodplain Overlay District as required by Section 20-1204(e)(2)(i)(b) of the City Code. The property is located at 716 Forrest Ave. Submitted by Travis Dillon of AIP Solutions on behalf of Jeanette Trybom, property owner of record

A. REASON FOR REQUEST & PROJECT SUMMARY

The subject property, located at 716 Forrest Avenue, contains an existing accessory structure, constructed in 1979. The applicant is seeking to improve the existing accessory structure. Improvements include a new roof and truss system, siding, windows, and doors. An itemized list of improvements is included in the packet.

The applicant submitted an application for building permit 1-19-00739 on 05/03/2019. The accessory structure is completely encumbered by the regulatory floodplain (Zone AE – 1% annual chance of flooding).

Per Section 20-1204(e)(2)(i) of the [Land Development Code](#), proposed new construction, substantial-improvement or cumulative substantial improvement in the floodplain overlay district shall be brought into full compliance with the Floodplain Management Regulations. During the floodplain review, planning staff determined the proposed accessory structure improvements constituted a substantial-improvement. Section 20-1205 of the Land Development Code defines substantial-improvement as:

Any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds fifty percent (50%) of the Market Value of the Structure before "start of Construction" of the improvement. This term includes Structures, which have incurred "Substantial-Damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a Structure to correct existing violations of State or local health, sanitary, or code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "Historic Structure," provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure."

This definition is provided by the Federal Emergency Management Agency (FEMA) and is a requirement for communities participating in the National Flood Insurance Program (NFIP). Lawrence is an NFIP community.

Staff determined the proposed improvements constituted substantial-improvement by obtaining the value of the accessory structure prior to improvement. Per the Douglas County Appraiser's office, the 2019 appraised value of the structure is \$13,810. The proposed \$15,000 worth of improvements is approximately 108.6% of the structure's market value; therefore, the substantial-improvement threshold was met and according to the regulations, the structure shall come into full compliance with the Floodplain Management Regulations.

Substantial improvement is a required minimum code standard as required by the community's participation in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS) program. The regulation is designed to reduce the potential for flood damage in our community. The concept is if the property owner is investing substantially in the property, the development should comply with current floodplain regulations; thereby, mitigating the impacts of flooding on the property, adjacent properties, and to the community as a whole.

Beyond substantial-improvement, planning staff track cumulative substantial improvements on sites encumbered by the regulatory floodplain. Cumulative substantial improvement is taking all improvements on a 5-year rolling basis and adding them together to measure against the 50% improvement threshold. If within the 5-year rolling period the total value of improvements reached 50% of the structure's pre-construction value, full floodplain compliance is required.

The two major components for residential construction floodplain compliance are structural elevation and amount of impervious surface. The lowest floor, including all HVAC and mechanical equipment, shall be elevated a minimum of two (2) feet above the base flood elevation (BFE). The BFE at the subject property is between 837 and 838 mean sea level (MSL). Staff estimates, using recent contour data, that the lowest floor or the garage between 836 and 838, which would not comply with this code standard. A licensed surveyor can produce a certificate of elevation which more accurately notes the subject property's BFE and the structures lowest floor elevation. Elevation may be achieved via fill or construction or a combination of both.

The other major component to achieve floodplain compliance is the amount of impervious surface on the subject property. For the portion of the property within the Floodplain Overlay District, the maximum impervious surface cover shall not exceed 30%. Impervious surface includes structures, driveways, patios, and walkways. The applicant provided an impervious surface amount of 4,030 square feet. Staff subtracted the portions of the driveways within the Forest Avenue and Maryland Street rights-of-way and determined the amount of impervious surface to be 3,398 square feet or approximately 30.8%.

The elevation component is a FEMA requirement that Lawrence has codified in order to remain an NFIP community. The impervious surface standard is not an NFIP requirement, but is a higher regulatory standard that this community values and is critical to our participation in the CRS program. Homes in high-risk flood areas with loans, including mortgages, from federally funded lenders are required to have flood insurance. The impervious surface component originated locally as a planning tool to achieve a higher regulatory standard and increase our score within the Community Rating System (CRS). The CRS recognizes and encourages communities to codify and implement floodplain management tools and activities that exceed NFIP requirements. CRS communities are eligible for reduced rate flood insurance. Currently, Lawrence is a Level 7 community, which enables property owners to obtain a 15% discount on their flood insurance.

The elevation and imperious surface amount requirements of substantial and cumulative substantial improvement are protective measures against costly flooding events. Structures will remain in special flood hazard areas (SFHA) and these requirements reduce future costs for property owners, insurance providers, communities, and the federal government.

The Federal Emergency Management Association (FEMA) issues floodplain maps (Flood Insurance Rate Maps or FIRMs) for our jurisdiction. Those maps delineate the regulatory or 1% Annual Chance (100-year) floodplain on the property. Current maps in effect, dated September 2, 2015, show that the entire structure is located in the regulatory floodplain. Legal non-conformity or grandfathering is not a concept afforded to structures in the floodplain through the floodplain regulations. Previous flood insurance rate maps (FIRM) did not include the subject accessory structure within the regulatory floodplain; however, the most current maps do. The latest maps, issued in 2015, were the first time that Brook and Burroughs Creek were re-studied in their entirety since our communities first maps were issued in 1981. Effects of development and hydrologic changes over time have impacted the floodplain and necessitated the changes to the regulatory floodplain maps. It is important to note that if structures are not adequately protected from flooding, that it may also impact neighboring properties negatively in a time of flood and over time may lead to increases in the boundaries of the floodplain maps.

The requested variances allow the existing structure to remain in its current location and at its current size and elevation with the proposed remodel.

B. ZONING AND LAND USE

Current Zoning and Land Use	RS7 (Single-Dwelling Residential) District with Floodplain Management Regulations Overlay District; developed as a detached-dwelling.
Surrounding Zoning and Land Use	<p>To the west, north, and south: RS7 (Single-Dwelling Residential) District and CS (Commercial Strip) District with Floodplain Management Regulations Overlay District; <i>Detached-Dwelling</i> use.</p> <p>To the east: OS (Open Space) District with Floodplain Management Regulations Overlay District; Parnell Park and Burroughs Creek Trail & Linear Park.</p>

C. ZONING ORDINANCE REQUIREMENTS

Section 20-1309(a) Authority and Applicability:

The zoning variance procedures of this section authorize the Board of Zoning Appeals to approve, in specific cases, variances from specific zoning standards of this development code that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in unnecessary hardship.

(Code sections applicable to the variances being requested are highlighted in yellow)

Section 20-1204 (b):

20-1204 PROVISIONS FOR FLOOD HAZARD REDUCTION

(a) Development of Property in the Floodplain Overlay District

- (1) Development of land or subdivision of property (including Lot splits) into a Buildable Lot(s) within the Floodplain Overlay District shall be permitted only where an approved Hydrologic and Hydraulic Study demonstrates that there will be no rise in the Base Flood Elevation and no increase in Flood velocities at any point resulting from the proposed Development.
- (2) Property platted prior to December 31, 2003, may Develop and/or replat or subdivide (including Lot splits) for non-residential uses without conducting a Hydrologic and Hydraulic Study. Such Development is still subject to the remaining sections of this Article [Article 12].
- (3) Development of undeveloped residential property that was platted prior to December 31, 2003, may occur without conducting a Hydrologic and Hydraulic Study until December 31, 2008. Such Development is still subject to the remaining sections of this Article [Article 12]. After December 31, 2008, Development of the property is subject to all sections contained within this Article [Article 12].

Section 20-1204 (e)(3)(i)(a)(1):

(e) General Development Standards

The following standards apply to any and all Development that is proposed within the Floodplain Overlay District.

- (1) All Development shall comply with the following standards:
 - (i) Fill shall not be placed in the Setback areas except at approved Access points unless a grading plan has been approved by the Stormwater Engineer;
 - (ii) Structures must be designed and constructed with adequate anchorage to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (iii) Structures must be designed and constructed with materials resistant to Flood damage using methods and practices that minimize Flood damages;
 - (iv) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and/or located to prevent water from entering or accumulating within the mechanical components during conditions of Flooding;

- (v) New or replacement water supply systems and/or sanitary sewage systems must be designed to eliminate infiltration of Flood waters into the systems and discharges from the systems into Flood waters, and on-site waste disposal systems must be located so as to avoid impairment or contamination;
- (vi) All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to eliminate Flood damage;
- (vii) Fully enclosed areas below the Lowest Floor that are used solely for Parking of vehicles, Building Access, or storage in an area other than a Basement and that are subject to Flooding must be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided; and,
 - b. The bottom of all openings shall be no higher than one foot above Grade. Openings may be equipped with Screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (viii) Storage of Material and Equipment;
 - a. The storage or processing of materials within the Floodplain Overlay District area that are in time of Flooding buoyant, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited; and
 - b. Storage of other material or equipment may be allowed if not subject to major damage by Floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a Flood warning.

(2) Additional Standards for Residential Construction

- (i) Proposed New Construction, Substantial-Improvement or Cumulative Improvement of any residential Structures, including Mobile Homes or Manufactured Homes, shall comply with the following:
 - a. The Lowest Floor, including all HVAC and mechanical equipment, shall be elevated a minimum of two (2) feet above the Base Flood Elevation. A licensed land surveyor or licensed professional engineer shall provide written certification of the Lowest Floor elevation to the Floodplain Administrator as set out in Section 20-1203(c)(7).

b. For the portion of a property within the Floodplain Overlay District, the maximum impervious surface coverage shall not exceed 30%.

- (ii) Fill on individual Lots shall meet the following requirements, unless a grading plan has been approved by the Stormwater Engineer:
 - a. No fill dirt shall be placed closer than five (5) feet to perimeter Lot Line(s) of the property;
 - b. No fill dirt shall be placed greater than 20 feet from the Structure;
 - c. Fill dirt shall be placed on a Lot so that it does not exceed a 3:1 slope; and
 - d. Where additional elevation over the Height that can be achieved from a 3:1 slope is needed to meet the requirements of this Article, the additional elevation shall be met through the use of vertical walls and the construction of non-residential areas, such as garages, crawl spaces with gravel floors, or similar structurally sound designs, as part of the residential Structure.

D. SPECIFIC ANALYSIS

Section 20-1309(g)(2) lists the criteria required to be met for the granting of a variance from the Flood Protection Regulations:

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.

The subject property was platted and recorded as Block E, Lot 10 in 1954. The existing on-site detached-dwelling was constructed in 1955 per Douglas County Appraiser's office information. Development Services staff determined via building permitting history that the existing accessory structure (detached garage) was constructed in 1979.

The variance requests arise from the subject property's location within the FEMA mapped regulatory floodplain. The property is subject to the floodplain management regulations as expressed in Article 12 of the Land Development Code. The floodplain management regulations are applicable to all properties located within the Floodplain Overlay District. The floodplain management regulations are applicable to properties across all zoning districts and land uses.

The conditions of the subject property are not unique to its zoning district or platting history. Adjacent *Detached Dwellings*, also zoned RS7 (Single-Dwelling Residential) District, are encumbered by the FEMA mapped regulatory floodplain.

The variance request is a result of the owner's action and intention to improve the existing accessory structure. An itemized list of proposed improvements is attached to this staff report.

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

Granting the proposed variance requests will adversely affect the rights of adjacent property owners or residents. Granting the proposed variances would set a community wide precedent for development within the floodplain overlay district that could negatively impact property owners or residents.

Generally, the Board of Zoning Appeals may not consider past cases when determining a variance requests; however, floodplain variances create precedents that may impact the City's participation within the National Flood Insurance Program.

The proposed variances, if granted, may also adversely affect the rights of adjacent property owners or residents by increasing the flood risk for neighboring properties, and in the future may lead to the regulatory floodplain boundaries being increased.

In addition, the owner's representative has indicated that the current property owner does not currently have a flood insurance policy on the property. Given that the granting of these variances would allow the property to remain in a non-compliant state with the floodplain management regulations with a higher than average flood risk, this will also adversely affect the rights of adjacent property owners in the event of a flood.

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.

The Land Development Code defines unnecessary hardship as:

The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financing advantage does not constitute Unnecessary Hardship.

In staff's opinion, strict adherence to the floodplain management regulations does not constitute an unnecessary hardship. The subject property's defined use, *Detached Dwelling Residential*, remains the same. Adherence to the floodplain management regulations does not strip the property owner of her ability to maintain an accessory structure (garage) on the site.

Requiring the subject property and accessory structure to comply with the floodplain management regulations would not result in an unnecessary hardship to the applicant. Requiring compliance with the Land Development Code would not interfere with the existing owner's basic property rights or ability to use the site to its existing, conforming use. The subject property will remain a *Detached Dwelling Residential* use. Requiring floodplain compliance also does not interfere with the owner's ability to place an accessory structure (garage) on the lot. A building permit to construct a new accessory structure or improve the existing structure would be approved and released if the proposed improvements complied with the floodplain management regulations. The owner is not losing the right or ability to have an accessory structure (garage).

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

In staff's opinion, granting the requested variances will create an adverse effect upon the public health, safety, morals, order, convenience, prosperity, or general welfare. The requests in questions may lead to consequences that will not be contained within the subject parcel.

Vehicles, tools, and other loose materials stored in an un-elevated accessory structure may be lifted and swept away by the traditionally rapid rise and rapid fall flooding events associated with Burroughs Creek. Some of these materials may be hazardous to human or animal health. Items within the accessory structure and the structure itself may be swept onto adjacent properties or within the floodway itself. If items were lodged within the floodway as it flows beneath E. 15th Street, a choke point could be created which would further exacerbate flooding upstream and downstream along Burroughs Creek.

For areas encumbered by the regulatory floodplain, the maximum amount of impervious surface is 30%. For the portion of the subject property that is within the regulatory floodplain, the amount of impervious surface is approximately 30.8%. 2018 satellite images indicate three accessory structures on site in addition to the residence, a rear patio and two driveways. Impervious surface amounts above 30% reduce the ability of floodwaters to infiltrate the ground. Impervious surfaces direct floodwaters and stormwater into the right-of-way and ultimately towards adjacent properties and the Burroughs Creek Floodway which may exacerbate flooding conditions.

The proposed variance, if granted, may also adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare by increasing the flood risk for neighboring properties and in the future may lead to the regulatory floodplain boundaries being increased.

In addition, the owner's representative has indicated that the current property owner does not currently have a flood insurance policy on the property. Given that the granting of this variance would allow the property to remain in a non-compliant state with a higher than average flood risk, this would also adversely affect the rights of adjacent property owners in the event of a flood. In the event of a flood, a non-compliant (non-floodproofed) structure would impede water flow and increase water surface elevations; thereby, increasing likelihood of flooding on neighboring properties that may not have been affected had the structure been constructed in conformance with floodplain regulations.

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

In Staff's opinion, granting the requested variances would be opposed to the general spirit and intent of the Land Development Code. The Board has never granted a variance from the elevation requirement and it may impact the City's standing as a National Flood Insurance Program (NFIP) community. The intent of the floodplain management regulations is to ensure that development is reasonably safe from flooding and to promote the public health, safety and general welfare. Granting these variance requests would not ensure that proposed development (accessory garage improvements) are reasonably safe from flooding and would not promote the health, safety, and

welfare of the current property owner, future property owners, adjacent property owners and the community.

(i). The Board of Zoning Appeals may approve a variance from the flood protection regulations of Article 12 only after finding that the requested variance meets all of the following criteria:

(i)a. A determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;

To make the determination that the granting of this variance is the minimum necessary, considering the flood hazard, to afford relief, the board would need to assert that this is a hardship first. (<https://www.fema.gov/floodplain-management-requirements>) Staff does not believe that this amounts to a hardship as reasoned above and below and therefore complying with these code standards is the minimum necessary in order to afford relief.

According to page 7-49 of the *NFIP's Floodplain Management Requirements: A Study Guide and Desk Reference for Local Officials*, "Though standards vary from state to state, in general a variance is granted for a parcel with physical characteristics so unusual that complying with the ordinance would create an exceptional hardship to the applicant or surrounding property owners. Those characteristics must: Be unique to that property and not shared by adjacent parcels and Pertain to the land, not to any structure, its inhabitants or the property owners."

(i)b. A showing of good and sufficient cause;

A variance is a request to vary from the rules, not to ignore them and in this case not deviate from the purpose of the rules.

The purpose of the floodplain management regulations are outlined in the Land Development Code, Section 20-1201 (a) (1), Findings of Fact: The Areas of Special Flood Hazard of Lawrence, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of Flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare.

Granting of this variance would not align with the purpose of the floodplain management regulations and fails to show good and sufficient cause.

(i)c. A determination by the Board of Zoning Appeals that failure to grant the variance would result in an Unnecessary Hardship to the applicant, as that term is defined in Section 20-1309(g)(1); and

The Land Development Code defines unnecessary hardship as:

The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the Owner of their property without compensation. Mere financial loss or the loss of a potential financing advantage does not constitute Unnecessary Hardship.

In staff's opinion, strict adherence to the floodplain management regulations does not constitute an unnecessary hardship. The subject property's defined use, *Detached Dwelling Residential*,

remains the same. Adherence to the floodplain management regulations does not strip the property owner of her ability to maintain an accessory structure (garage) on the site.

Requiring the subject property and accessory structure to comply with the floodplain management regulations would not result in an unnecessary hardship to the applicant. Requiring compliance with the Land Development Code would not interfere with the existing owner's basic property rights or ability to use the site to its existing, conforming use. The subject property will remain a *Detached Dwelling Residential* use. Requiring floodplain compliance also does not interfere with the owner's ability to place an accessory structure (garage) on the lot. A building permit to construct a new accessory structure or improve the existing structure would be approved and released if the proposed improvements complied with the floodplain management regulations. The owner is not losing the right or ability to have an accessory structure (garage).

(i)d. A determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.

The subject accessory structure is a detached garage. Rapidly rising and flowing floodwaters may lift parked vehicles, tools, and other stored objects during times of flooding. Lifted objects may be swept north and deposited along the Burroughs Creek Channel onto private property, road right-of-way, and park/open space. Objects or materials may block the channel as it flows beneath E. 15th Street. This would create a blockage that would further exacerbate rising floodwaters south of E. 15th Street.

Flood insurance rate maps (FIRM) and elevation contours indicate the regulatory floodway and floodplain will impact structures west of the Burroughs Creek Channel to a greater extent than properties east of the channel. Properties within the regulatory floodplain shall adhere to the floodplain management regulations to prevent property damage. In the event of a flood, a non-compliant (non-floodproofed) structure would impede water flow and increase water surface elevations; thereby, increasing likelihood of flooding on neighboring properties that may not have been affected had the structure been constructed in conformance with floodplain regulations.

(ii). The Board of Zoning Appeals may approve a zoning variance from the flood protection regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12 and meeting the terms of K.S.A. 12-734. In addition, the following factors shall be considered:

(ii)a. The danger of injury from materials swept onto other lands;

The subject accessory structure is a detached garage and workshop. Tools, loose materials, and vehicles are susceptible to being swept up and away during the rapid rise flooding events associated with Burroughs Creek. Materials stored in accessory structures may be hazardous. Elevating the accessory structure two feet above base flood elevation would be a measure of protection against the threat of rapidly moving floodwaters.

(ii)b. The danger of life and property due to flooding or erosion damage;

Granting these variances may cause danger to life and property. A non-elevated structure is more likely to sustain damage during times of flooding. . In the event of a flood, a non-compliant (non-floodproofed) structure would impede water flow and increase water surface elevations; thereby,

increasing likelihood of flooding on neighboring properties that may not have been affected had the structure been constructed in conformance with floodplain regulations. This will also cause the regulatory floodplain boundaries to increase over time.

(ii)c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner or occupant;

The existing accessory structure is susceptible to flooding events as it is a non-elevated structure completely encumbered by the FEMA mapped regulatory floodplain. The applicant has indicated the subject property owner does not have a flood insurance policy. Damages caused by a flood event to the subject property and subject accessory structure will not be covered by the owner's property insurance policy. Even if the proposed variances are granted, the applicant may not be eligible to obtain a reduced rate flood insurance policy. This could be a financial burden to the current owner or a future owner during and after a flooding event.

(ii)d. The importance of the services provided by the proposed facility to the community;

The subject accessory structure is privately owned. It does not provide services to the community.

(ii)e. The necessity to the facility of a waterfront location, where applicable;

The subject accessory structure is not required to be located near the waterfront (Burroughs Creek channel), it was built in this location approximately 40 years ago. This question is not applicable to this property.

(ii)f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

The structure in question is already constructed, therefore alternative locations are not applicable. The subject property is almost completely encumbered by the FEMA mapped regulatory floodplain (Zone AE – 1% annual chance flooding) therefore; the floodplain management regulations would apply to any structure at almost any location on the subject property.

(ii)g. The compatibility of the proposed use with existing and anticipated development;

The proposed development is existing and is in compliance with zoning regulations. It is a compatible use.

(ii)h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

[Horizon 2020](#) identifies the subject property as Very Low Density Residential/Low Density Residential in the Future Land Use Map (Page 3-4). The proposed accessory structure improvements comply with the Future Land Use Map.

The comprehensive plan advocates for properly managing all water resources, including drainage areas, surface watercourses, wetlands, sub-surface waterways, floodplain areas, and stormwater runoff, in order to protect natural habitats, mitigate hazards and ensure water quality.

Policy 1.6 (Page 16-6) encourages the City to maintain floodplain regulations that meet or exceed the National and State regulations to reduce the threat to human life and property loss. There should be no adverse impact in flood hazard areas.

It states the City shall continue to participate in the NFIP and CRS programs and encourages property owners living in flood prone areas to purchase flood insurance.

The proposed use and improvements are permitted in the regulatory floodplain; however, they must comply with the floodplain management regulations as expressed in the Land Development Code and supported by the Comprehensive Plan.

(ii)i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

The granting of these variances does not impact access to the property in time of flooding. Multiple access points exist currently; however, both driveway curb cuts are encumbered by the FEMA mapped regulatory floodplain.

(ii)j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

The floodplain adjacent to Burroughs Creek does experience velocity in times of flood. The Burroughs Creek channel collects stormwater runoff and directs it north to the Kansas River during flooding events. The channel is susceptible to flash flooding events including rapid rise and fall in water levels and speed. Granting of the variances would further exacerbate flooding upstream and downstream along Burroughs Creek.

(ii)k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Existing public infrastructure is located within the Maryland Street and Forrest Avenue rights-of-way as well as along the subject property's western and northern property lines. There could be additional cost of providing governmental services during or after flood conditions.

(iii) Generally, variances from flood protection standards may be issued for a Significant Development Project to be erected on a Lot of one-half acre or less in size contiguous to and surrounded by Lots with existing Structures constructed below the Regulatory Flood level, providing items Section 20-1309(g)(2)(ii)a through Section 20-1309(g)(2)(ii)j have fully been considered. As the lot size increased beyond one-half acre, the technical justification required for issuing the variance increases.

The subject property and proposed improvements do not constitute a significant development project.

(iv) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

If a floodplain variance is granted, the applicant will receive written notice as part of the action letter that there may be additional cost for flood insurance at this location. The granting of these variances will affect the structure for insurance rating purposes. The cost of flood insurance increase by more than 400% for a non-elevated structure as compared to an elevated one.

(v) The Planning Director shall maintain the records of all variances and report any variances to the Federal Insurance Administration upon request.

Permanent records of the BZA request, hearings, and action are kept in the Planning Office and are available upon request.

As part of our community's participation in the National Flood Insurance Program (NFIP), staff is required to report any variances granted through bi-annual reporting and cyclical on-site audits. The NFIP allows land owners in the community to purchase flood insurance and the City's participation in the CRS (Community Rating System) program allows people to obtain a discount on that flood insurance. We will be required to report this variance, if granted, to both the NFIP and CRS programs.

Staff has consulted with our state NFIP partners in the Kansas Department of Agriculture, Division of Water Resources regarding these variance requests. As this is the first variance request to come before the board that involves an NFIP standard, as well as a State standard, they have advised that it could set a precedent that could negatively affect our participation in the NFIP program. Participation in the NFIP program allows property owners and residents to obtain flood insurance, be eligible for disaster funds, and has other community benefits. Participation in the program is a community-wide benefit provides value to all residents.

E. CONCLUSION:

Staff's analysis finds the applicant's request for the associated variances, does not satisfy the conditions set forth in Section 20-1309(g)(1) and 20-1309(g)(2) of the Land Development Code the Board must find existing to approve a variance.

F. RECOMMENDATION:

Based upon the findings as identified, Staff's recommendation is for denial of the variance from the minimum elevation standard of two feet above the base flood elevation as required by Section 20-1204(e)(2)(i)(a) of the City Code for instances of Substantial-Improvement in the regulatory floodplain and to allow the accessory structure to remain in its current location without being elevated. Staff also recommends denial of the variance from the thirty percent (30%) maximum impervious surface coverage amount within the Floodplain Overlay District as required by Section 20-1204(e)(2)(i)(b) of the City Code.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

RECEIVED

JUN 07 2019

Planning & Development Services
City of Lawrence/Douglas County, KS

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 FLOOD PROTECTION REGULATIONS**

OWNER INFORMATION

Name(s) Jan Trybom
Contact _____
Address 716 Forrest Ave.
City Lawrence State KS ZIP 66044
Phone (785) 842-2918 Fax (____) _____
E-mail tryjan@sboglobal.net Mobile/Pager (____) _____

APPLICANT/AGENT INFORMATION

Contact TRAVIS DILLON
Company AIP SOLUTIONS
Address 320 OKLAHOMA
City LAWRENCE State KS ZIP 66046
Phone (785) 423-3204 Fax (____) _____
E-mail TDILLON@AIPSOLUTIONS.KS.COM Mobile/Pager (____) _____
Pre-Application Meeting Date _____ Planner SCOTT

PROPERTY INFORMATION

Present Zoning District R57 Present Land Use DETACHED DWELLING RES. USE
Proposed Land Use DETACHED GARAGE (EXISTING)
Legal Description (may be attached) BROOKDALE ADDITION BLOCK E LOT 10
Address of Property 716 FORREST AVE
Total Site Area 11,080 SQUARE FEET (0.254377 ACRES)
Number and Description of Existing Improvements or Structures DETACHED GARAGE
IMPROVEMENTS

B-19-00312



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
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**VARIANCE FROM FLOOD PROTECTION REGULATIONS
BY THE BOARD OF ZONING APPEALS**

Application Requirements

Please note, the application and application materials must be submitted in both print and electronic format, on disc. If you are unable to provide the application materials in electronic format, please contact the Planning Office at 785-832-3150.

This checklist has been provided to assist you as you prepare your application. Submission of less information than necessary to adequately review and process your application may delay the review process. Planning Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) business days of submission. Incomplete applications will be returned to the applicant.

Pre-Application Meeting

- ☒ Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application.

General Submittal Requirements

- ☐ 1. A complete application form, in both print and electronic format, on disc.
- ☐ 2. Payment of review fee. (Make check payable to the City of Lawrence.)
- ☐ 3. Owner Authorization form if Applicant is not the legal owner of the property.

Requirements for Public Notification of the Public Hearing

- ☐ 1. Legal description of the property in print and electronic (Microsoft Word) formats.
- ☐ 2. A list certified by the County Clerk of all property owners within the notification area of the subject property.
- ☐ 3. Ownership List Certification form.

Other Requirements

- ☐ 1. Plot plan illustrating the requested variances and proposed development.
 - a. Submit 2 paper copies and one copy in electronic format (PDF or TIF preferred).
 - b. If larger than 8.5" x 11", fold all plans with the image side out.
 - c. Additional plans and an 11" x 17" reduction (if larger than 8.5" x 11") may be requested prior to completion.



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

[illegible]



FLOOD PROTECTION REGULATIONS VARIANCE CRITERIA

The Board of Zoning Appeals is required consider the following criteria in reviewing and making decisions on proposed variances. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please submit responses as an attachment to this application. (If possible, this section should be completed with the assistance of an engineer.)

Criteria Applying to Variances from the Flood Protection Regulations of Article 12, Floodplain Management Regulations

1. The Board of Zoning Appeals may approve a variance from the flood protection regulations of Article 12 only after finding that the requested variance meets all of the following criteria:
 - (a) a determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;
 - (b) a showing of good and sufficient cause;
 - (c) a determination by the Board of Zoning Appeals that failure to grant the variance would result in an unnecessary hardship to the applicant; and
 - (d) a determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.
2. The Board of Zoning Appeals may approve a zoning variance from the flood protection regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12 and meeting the terms of K.S.A. 12-734. In addition, the following factors shall be considered:
 - (a) the danger of injury from materials swept onto other lands;
 - (b) the danger of life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner or occupant;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the Comprehensive Plan and Floodplain Management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
3. Generally, variances from flood protection standards may be issued for a *Significant Development Project* to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with



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

existing structures constructed below the regulatory flood level, providing items 2(a) through 2(j) have been fully considered. as the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

SIGNATURE

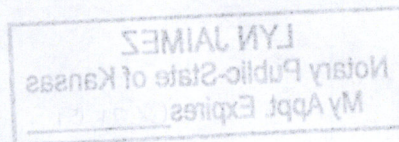
I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): Jan Fryham Date 6/6/19
Travis J. Della Date 6/6/2019

Date _____

STAFF USE ONLY

Application No. _____
Date Received _____
BZA Date _____
Fee \$ _____
Date Fee Paid _____





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OWNER AUTHORIZATION

I/WE Jan Trybom hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of June, 20019 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 TRAVIS DILLON (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 716 FORREST AVE LAWRENCE (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.

Jan Trybom
Owner

Owner

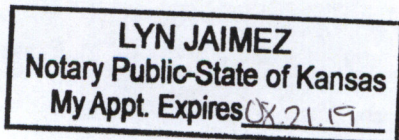
STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 6th day of June, 2019,

by Jeannette K. Trybom.

My Commission Expires: 08.21.19

Lyn Jaimez
Notary Public





PROPERTY OWNERSHIP LIST CERTIFICATION

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

Ownership Information

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

Radius of Notification

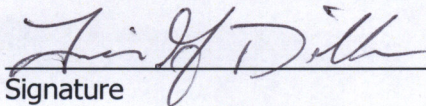
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

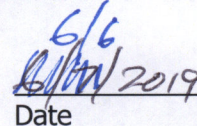
A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

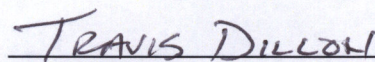
THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.


Signature


Date


Printed Name



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Note to Applicant:

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

FLOOD PROTECTION REGULATIONS VARIANCE CRITERIA

RESPONSES

1.a The variance requested is the minimum necessary in order to improve the existing detached garage.

1.b The variance requested will allow the homeowner to improve her property. The detached garage, without significant attention, will eventually deteriorate beyond repair. The detached garage should be considered an accessory structure, used for parking and storage. It is not a dwelling and should not be subject to stringent remodeling restrictions.

1.c Failure to grant the variance will result in an unnecessary hardship to the property owner. Without the variance, the building will not be repaired, which poses a safety risk to the homeowner because of the possibility of structural failure of the roof. The building will continue to blight the property and neighborhood. Other alternatives to letting the building fall into disrepair would be demolition and rebuild. The property owner wants to keep the building and make relatively economical repairs. It would be extremely expensive to rebuild the structure in order to bring it up to floodplain codes, and it is unnecessary. The building has stood where it stands since it was built by the property owner's husband in 1980, and has never been threatened by floodwater.

1.d The structure is existing. The proposed improvements to the structure will not change the buildings footprint, square footage or roof area. A granting of a variance will in no way result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud of or in victimization of the public, or conflict with existing local laws or ordinances.

2.a There is no danger of injury from materials swept onto other lands.

2.b There is no danger of life because the structure is not a dwelling. The structure and all property within are existing, and any danger to property should be considered minimal, considering the building has stood for nearly 40 years with no occurrences of floodwater damage.

2.c While the building is in a floodplain, the susceptibility to flood damage is not likely.

2.d There are no services provided by the structure to the community, however a well maintained building is far more appealing to neighbors than a building that is an eyesore. A variance will allow the property owner to maintain her property and add to the aesthetic appeal of the neighborhood.

2.e The building is not a waterfront location.

- 2.f There is no availability of alternative locations for this existing structure.
- 2.g There is compatibility of the structure with existing and anticipated development. The structure has been standing for nearly 40 years.
- 2.h The relationship of the proposed use to the Comprehensive Plan and Floodplain Management program does not change if a variance is granted.
- 2.i Safety of access to the property in times of flood for ordinary and emergency vehicles does not apply to this structure as it is not a dwelling. It is used for parking and storage.
- 2.j Any expected results of flooding are already present with this existing structure. The granting of a variance will in no way change the circumstances.
- 2.k The granting of a variance will result in zero additional costs of providing governmental services during and after flood conditions. Any possible costs already exist, as this is an existing building.
- 3. A variance from flood protection standards should be issued for this project because of all the reasons listed above, and all reasons listed in the attached description. This is not a significant development. It is a case of a property owner trying to do what's right for her property and her neighborhood.

Description of variance requested:

Travis Dillon and Michael Nuffer (Contractor) request a variance from flood protection regulations on behalf of Jan Trybom (Property owner). Mrs. Trybom would like to remodel her detached two car garage on her property at 716 Forrest Ave, Lawrence. The detached garage has critical structural failings and significant aesthetic deterioration. The roof structure is sagging, and without attention the structure will eventually fail. The contractor has been employed by Mrs. Trybom to correct the structural issues as well as enhance the building aesthetically. The garage walls and foundation have been determined to be in good condition. The existing roof structure will be replaced with engineered trusses, a new asphalt roof will be installed, new siding will be added to the building, and new garage doors will be installed.

While we understand the necessity of floodplain regulations in many circumstances, we also believe that Mrs. Trybom should have a right to improve her property. Listed below are some of the reasons we believe that a variance should be granted for this project:

1. The building is a detached garage, which is exempt under FEMA floodplain regulations.
2. The structure will continue to deteriorate if significant improvements are not made, causing undue and unnecessary hardship on Mrs. Trybom and unnecessary blight for the neighborhood.
3. The alternative to remodeling the detached garage would be to raze the existing structure and construct in its place a new structure to comply with floodplain codes. This is extremely cost prohibitive and would cause undue and unnecessary hardship on Mrs. Trybom.
4. The building is an existing structure and the improvements will in no way result in increased flood heights or additional threats to public safety.
5. Mrs. Trybom has lived at the property for over 45 years, and floodwater has never gotten close to her house or her detached garage. We understand that flooding on the property is a very slight possibility, but common sense tells us that improving the property outweighs any risk.
6. The building has sentimental value for Mrs. Trybom and her children. Mrs. Trybom's husband built the structure in 1980. It has served the family well, and Mrs. Trybom wants to maintain the integrity of the structure so that it will continue to be used by the family for many years. Watching the building deteriorate or be torn down are not options that Mrs. Trybom wants to consider.
7. Improvements to the building will enhance the property and the neighborhood.

We respectfully ask the Board of Zoning Appeals to carefully consider what it means to a property owner if they are not allowed to improve, or even maintain their property. We understand the need to have regulations in place, but in this instance, we do not believe that hindering Mrs. Trybom's efforts to improve her property will benefit anyone. We want to thank the board for hearing our concerns, and we look forward to meeting with the board to answer any questions and further explain our position.



Entered In Transfer Record
in my office on 3/13/2018,
County Clerk

[Signature]

Douglas County Register of Deeds
BK: 1155 PG: 4672 - 4672
Receipt #: 505757 Rec Fees: \$21.00
Pages Recorded: 1 Record Date: 3/13/2018 3:41 PM
Cashier Initials: wt Authorized By Kay Pesnell

TRANSFER ON DEATH DEED

ON THIS 8th day of March 2018

Jeanette K. Trybom, a single person, as Grantor

TRANSFERS ON DEATH TO:

Emil A. Trybom, a single person,
Mona K. Trybom, a single person,
Rhonda Helm, a married person,
Kenneth J. Kuester, a single person,
as Grantee Beneficiaries,

ALL OF THE FOLLOWING-DESCRIBED REAL ESTATE LOCATED IN

Douglas County, Kansas:

Lot Ten (10) in Block E, in Brookdale Addition, an addition to the City of Lawrence, as shown by the
recorded plate thereof, in Douglas County, Kansas
(716 Forrest Ave, Lawrence, Kansas).

THIS TRANSFER ON DEATH DEED IS REVOCABLE BY THE OWNERS.
IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE OWNERS.
IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS
FOR THIS INTEREST IN REAL ESTATE.

Jeanette K. Trybom
Jeanette K. Trybom

STATE OF KANSAS; COUNTY OF DOUGLAS) ss:

This instrument was acknowledged before me this 8th day of March 2018 by
Jeanette K. Trybom.

Molly M. Wood

Notary Public

My Appointment Expires:





40ft

2100770.98 238379.83 Feet

LOCATION ID..... 000010177
ADDRESS..... 716 FORREST AVE

=====

PERMIT NUMBER	TYPE	CONTRACTOR/COMMENT	ISSUED CLOSED	BOX ID
15877	PLBG	JOHNSON PLBG. REPLACE SEWER	12/05/1995 12/06/1995	
7915096	RESA	EMIL TRYBOM 2 CAR GARAGE	06/22/1979 00/00/0000	

CMD 1 END CMD 2 PREVIOUS SCREEN

Items to be included

— All structural elements, including:	
— Spread or continuous foundation footings and pilings	N/A
— Monolithic or other types of concrete slabs	N/A
— Bearing walls, tie beams and trusses	\$2010
— Floors and ceilings	N/A
— Attached decks and porches	N/A
— Interior partition walls	N/A
— Exterior wall finishes (brick, stucco, siding) including painting and moldings	\$1600
— Windows and doors	\$1135
— Reshingling or retiling a roof	\$800
— Hardware	\$16
— All interior finishing elements, including:	
— Tiling, linoleum, stone, or carpet over subflooring	N/A
— Bathroom tiling and fixtures	N/A
— Wall finishes (drywall, painting, stucco, plaster, paneling, marble, etc.)	N/A
— Kitchen, utility and bathroom cabinets	N/A
— Built-in bookcases, cabinets, and furniture	N/A
— Hardware	N/A
— All utility and service equipment, including:	N/A
— HVAC equipment	N/A
— Plumbing and electrical services	N/A
— Light fixtures and ceiling fans	N/A
— Security systems	N/A
— Built-in kitchen appliances	N/A
— Central vacuum systems	N/A
— Water filtration, conditioning, or recirculation systems	N/A

— Cost to demolish storm-damaged building components	N/A
— --- Labor and other costs associated with moving or altering undamaged building components to accommodate improvements or additions	\$6000
— --- Overhead and profits	\$3439
	Tot: \$15000

Items to be excluded

- Plans and specifications
- Survey costs
- Permit fees
- Post-storm debris removal and clean up — Outside improvements, including:
- Landscaping
- Sidewalks
- Fences
- Yard lights
- Swimming pools
- Screened pool enclosures
- Detached structures (including garages, sheds and gazebos) — Landscape irrigation systems

Figure 8-1. Items included in calculating cost of the project Substantial Improvement/Damage

Lucas Mortensen

From: Lucas Mortensen
Sent: Thursday, June 27, 2019 3:56 PM
To: Steve Cadue
Subject: RE: Jeanette Trybom Variance Request 716 Forrest Avenue

Steve,

Thanks for you note. I've saved it and it will be included in the Board members' materials packet. Just a reminder – meeting will be 07/11/2019 at 6:30 PM in the Jayhawk Room at Fire Station #5, 1911 Stewart Avenue.

Thanks again,

Luke Mortensen



Luke Mortensen, Planner I – lmortensen@lawrenceks.org
Planning and Development Services | [City of Lawrence, KS](http://CityofLawrenceKS.org)
1 Riverfront Plaza, Suite 320 – NEW LOCATION
Office (785)832-3158 | Fax (785)832-3160

From: Steve Cadue <steve.cadue@hotmail.com>
Sent: Wednesday, June 26, 2019 12:29 PM
To: Lucas Mortensen <lmortensen@lawrenceks.org>
Subject: Jeanette Trybom Variance Request 716 Forrest Avenue

My name is Steve Cadue, 628 Forrest Avenue and I am an identified home-owner in the area of request. The Request for Variance as submitted from Jeanette Trybom has no harm or negative impact on my property. Thank you for your due diligence and interest in our neighborhood.

ITEM NO. 4 **VARIANCE FROM THE REQUIRED AMOUNT OF OFF-STREET PARKING SPACES FOR A PROPOSED *OFFICE, ADMINISTRATIVE AND PROFESSIONAL* USE; 611 W. 9TH STREET [LRM]**

B-19-00316: A request for variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from Section 20-902, Off Street Parking Schedule A requiring a minimum number of off-street parking spaces for an *Office, Administrative and Professional* use in the CS (Commercial Strip) Zoning District be reduced from 7 required parking spaces to 4 parking spaces. The property is located 611 W 9th St. Submitted by 611 W. 9th LLC on behalf of Brendon Glad, property owner of record, and Greta Carter-Wilson.

B. REASON FOR REQUEST

Applicant's Request – *"611 W 9th St is a beautiful property/house that is zoned CS-UC. Property can be used as a residence if an acceptable business (Non-Residential District Use Table) is operated out of it. Requesting a decrease in the parking requirement from city of Lawrence to 4 total spots which includes 1 ADA spot. Requesting this to run with the property".*

C. ZONING AND LAND USE

Current Zoning & Land Use:	CS-UC (Commercial Strip – Urban Conservation Overlay) District; <i>Vacant</i> .
Surrounding Zoning and Land Use:	To the north: CS (Commercial Strip) District; <i>Quality Restaurant and Retail Sales, General</i> uses.
	To the east: CS-UC (Commercial Strip – Urban Conservation Overlay) District; <i>Office, Administrative and Professional</i> use.
	To the west: CS-UC (Commercial Strip – Urban Conservation Overlay) District; <i>Detached Dwelling Residential</i> use and <i>Multi-Dwelling Residential</i> use.
	To the south: CS-UC (Commercial Strip – Urban Conservation Overlay) District; <i>Multi-Dwelling Residential</i> use.



Image 2: Aerial image of subject property.



Image 3: The subject property is zoned CS-UC (Commercial Strip Conservation Overlay).

D. ZONING ORDINANCE REQUIREMENTS

Section 20-902, "Off-Street Parking Schedule A," provides the minimum number of required off-street parking spaces based on the uses occupying the building. The *Office, Administrative and Professional* use has a parking requirement of one space per 300 square feet. Based on the proposed use for the project, 7 off-street parking spaces are required to be provided. The applicant proposes to provide 4 spaces.

$$1,999 \text{ square feet} / 300 \text{ square feet} = 7 \text{ required parking spaces.}$$

E. SPECIFIC ANALYSIS

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

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

Applicant response: *"Unique to this property is that it is zoned CS-UC which allows for the property to be used as a residence only if an acceptable or permitted business is operated out of said property. Using the non-residential district use table to find which businesses can be operated out of the property but then cross checking that with the number of required parking spaces per requirement by the City of Lawrence, there is virtually no business that can be run out of the property. The required parking is usually based off of square footage. This property has 1999 square feet. That would require 6.666333...spots so 7 total with 1 being ADA. The City of Lawrence requires certain parameters for parking spots, space between and ect. The lot for this property cannot hold the necessary parking spots for any business. This then makes the property unusable for a residence or a business".*

This variance originates from the applicant seeking to establish a new commercial use, *Office, Administrative and Professional* use, within the existing structure at 611 W. 9th Street. This property is currently vacant however, the most recent approved site plan on file was for the Hummingbird Songs House of Healing (SP-2-8-99). The proposed use would occupy the entire existing structure. The structure is approximately 1,999 square feet, per the applicant's and Douglas County records.

The subject property was originally platted and recorded in 1865 as Lot 3 and the west 10 feet of Lot 4, Block 12 of Lane's Second Addition. The subject property was built in 1910, per Douglas County records, as a one-family dwelling, per Sanborn map record, prior to the establishment of the City's first zoning code in 1927. The subject property has retained a commercial zoning designation in subsequent zoning codes including the 1966 Zoning Code and the 2006 Land Development Code.

The *Office, Administrative and Professional* use is permitted within the CS-UC District, but any new establishment must comply with the parking and loading standards of Article 9 (Section 20-901(b)(1)). The Land Development Code requires that when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building.

The most recent site planned use was from the 1966 Zoning Code, *Use Group 12; Retail Stores – Personal Service* which required 1 parking space per 300 square feet of floor area. The most recent approved site plan notes 1,006 of useable square feet. The previous use occupied only one floor of the structure. The unoccupied structure was utilized as storage space.

1,006/300 square feet = 4 required parking spaces.

The proposed use, *Office, Administrative and Professional*, also has a parking requirement of one off-street parking space per 300 square feet; however, the applicant is proposing to occupy the entire structure rather than just one floor like the previously approved site plan.

1,999 square feet/300 square feet = 7 required parking spaces.

The amount of required parking rises from 4 spaces to 7 spaces. This is an increase in parking intensity and demand.

The creation of a new *Office, Administrative and Professional* use also requires the approval of a site plan prior to the issuance of building permits. The level of site plan required and subsequent review will be determined administratively by the Planning Director.

The variance request is to reduce the parking from the 7 required parking spaces to 4 parking spaces, which would be provided on-site by an existing parking area accessed from a driveway off of W. 9th Street. The rear parking area can also be accessed via a rear alley and gate that can be opened and closed for vehicular traffic.

This variance request is not due to a condition that is unique to the property in question and not ordinarily found in the same zone or district, as other properties in the CS district in this vicinity have limited on-site parking capacity; however, adjacent properties with limited off-street parking have site planned parking spaces and license agreements within the road right-of-way (SP-4-29-86 for 900 Indiana Street and SP-06-60-07 for 620 W. 9th Street). The portion of W. 9th Street right-of-way adjacent to the subject property no longer permits on-street parking since the addition of a bike lane in 2009.

Section 20-909 allows users to share off-street parking facilities in situations where a mix of uses creates staggered peak periods of parking demand and to locate off-street parking facilities on a different site than the uses served by the parking. Code requires that all shared or off-site off-street parking spaces shall be located no further than 600 feet from the main entrance of the buildings or uses they are intended to serve, measured along the shortest legal, practical walking route. Code also requires the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared or off-site parking area.

If the subject property were to establish a shared parking agreement with an adjacent property, it would be limited to the CS-UC District properties between 900 Mississippi Street to the west and 901 Ohio Street to the east. Generally, shared parking agreements are intended for directly adjacent properties with larger surface parking lots with clear, direct pedestrian access from parcel to parcel. The smaller parcels and built form of the W. 9th Street commercial corridor are less conducive to shared parking agreements as it may be less clear where agreements are located and how a pedestrian travels from point to point.

Another distinctive factor of this property is the inability for the parking to expand within the current site or within the general area. The proposed change in use would not modify or expand the existing building footprint and also does not expand the land controlled by this development.

The existing structure's size, 1,999 square feet, and placement on its 8,040 square foot lot restrict the amount of off-street parking that can be provided. Uses permitted within the CS-UC District cannot locate on the subject property as it cannot accommodate most permitted uses' parking requirements. The existing parking area can only accommodate uses with a parking requirement of one off-street space per 500 square feet. Uses with parking requirements of one space per 500 square feet include: *Cultural*

Center/Library, Lodge/Fraternal/Civic Assembly, Kennel, Livestock Sales, Agriculture Sales, Building Maintenance Service, and Construction Sales and Service. Only Lodge/Fraternal/Civic Assembly, Kennel, Agriculture Sales, Construction Sales and Service, and Building Maintenance Service uses are permitted by right in the CS District.

The subject property's commercial zoning designation and residential appearance limit the number and type of uses that could occupy the existing structure. The CS-UC (Commercial Strip) District permits residential uses only when accompanied by an internally or externally accessed commercial use. This further limits the number of permitted commercial uses as both the residential and commercial uses' parking requirements would need to be satisfied.

Staff believes that the combination of the site's lack of adjacent street parking, inability to expand or reasonably modify to accommodate an additional three parking spaces, and the reuse of an existing structure for a use in accordance with those permitted within the Land Development Code may constitute a unique condition.

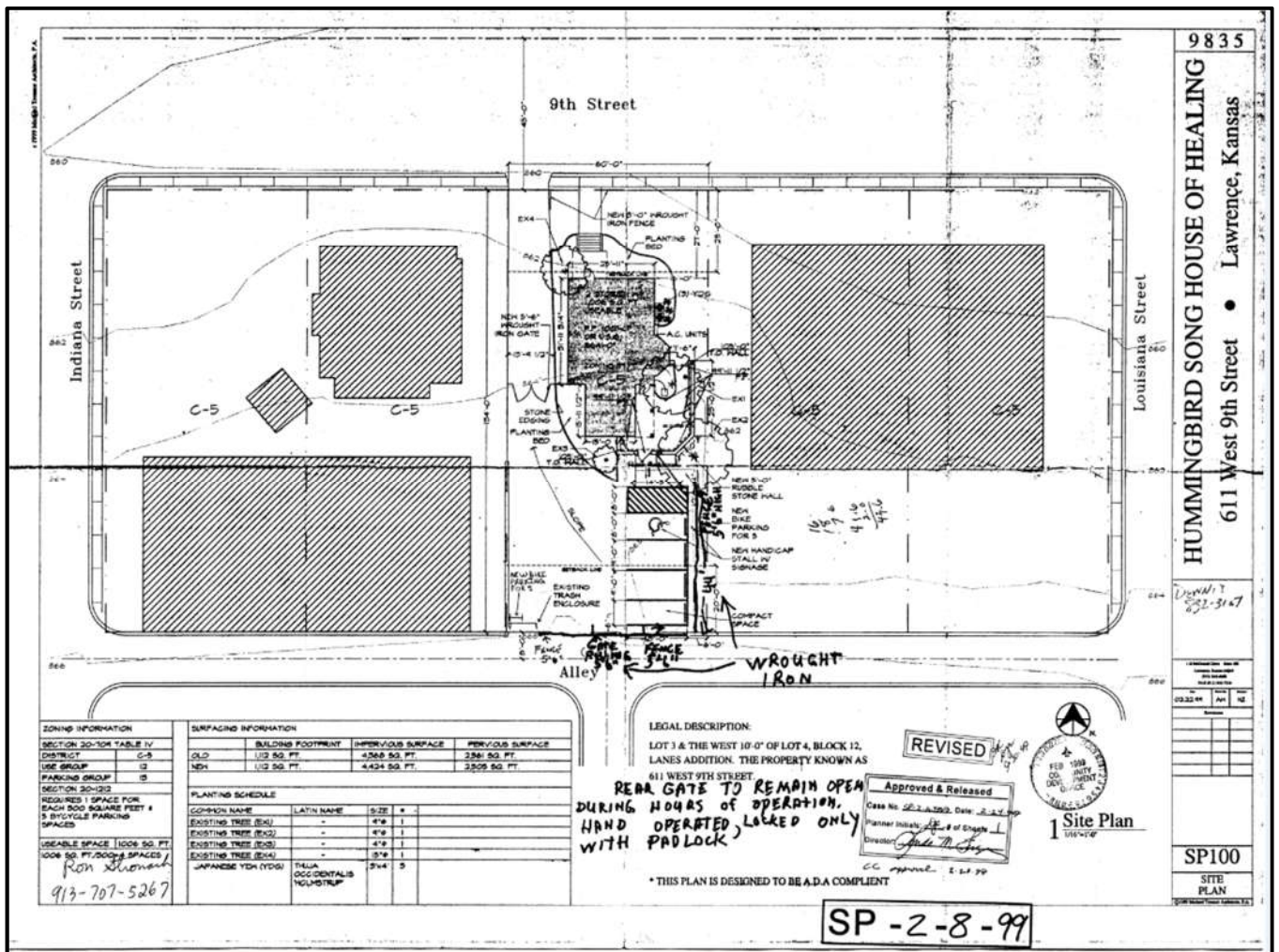


Image 1: Existing, approved site plan for subject property.

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

Applicant response: "No – actually quite the opposite. By granting this parking variance the property would be used as a business which means the property and the grounds would be kept up to a very high standard. The property is currently vacant and has been for some time. During this time the property and the grounds have seen some deterioration".

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not received any inquiries or comments on this item.

Additional parking, when necessary, may be found on the east side of Louisiana Street and the west side of Indiana Street. Staff believes the impact of the proposed *Office, Administrative and Professional* use and any associated parking on the adjacent road rights-of-way will be negligible.

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: "Hardship for this or any property owner is that the parking lot for this property cannot accommodate 5 or more spots which is what the city requires to run any business out of this property. The property is zoned CS so it cannot be strict used as residence. This creates a situation whereas the property cannot be used and/or sold".

An unnecessary hardship must be due to an exceptional condition or application of the Land Development Code that is specific to the property, not due to the general zoning district requirements, or the broader context of the area/neighborhood. Such irregular characteristics might arise, for example, from the size of the lot, topography, or water features on a site.

Staff believes requiring 7 off-street parking spaces in the existing rear parking area may constitute an unnecessary hardship. The applicants are limited in the number of ways parking spaces can be laid out. Traffic to the site, generally, comes from W. 9th Street so the rear parking area must allow space for vehicles to maneuver in and out of the rear parking area.

The existing structure and subject property came into existence prior to land development codes and regulations that would have required a greater number of off-street parking spaces. Per the 1912 Sanborn maps, the subject property was originally constructed as a one-family dwelling. A single lane driveway to a rear parking area has existed since at least 1976 (indicated by historical aerial imagery).

Commercial uses, even if established prior to zoning, generally are designed accordingly. The structure may be placed on or near the front property line or stretch from side lot line to side lot line. This allows for a larger rear parking area accessed off an alley rather than single-lane driveway. Expecting the subject property, which came into existence as a residential use and had its zoning designated as commercial after its construction, to comply with modern day parking requirements of a commercial use may constitute an unnecessary hardship.

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

Applicant response: *"The public would not be adversely affected in any way including health, safety, morals, order, convenience, prosperity or general welfare. Having a business occupy the property would give the surrounding businesses potential for increased business. Businesses and residences nearby would also be affected in a positive way since a business and possibly a residence would be able to be in the property so loitering would not happen. Also, the property would be kept in better condition than it is now in its vacant state. The City of Lawrence would be positively affected. The city would be able to collect property taxes under the commercial classification which is roughly 13K versus the residential classification which is about \$5,500".*

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. Approval of the proposed variance request will allow a vacant, underutilized structure back into a productive commercial use permitted in the CS-UC District.

The existing parking area is comprised of a code compliant surfacing material and was built in a manner to direct stormwater runoff north towards the stormwater sewer infrastructure within the W. 9th Street right-of-way. An existing, screened trash enclosure and bicycle parking area are also located in the southwest corner of the property.

The proposed variance is for three off-street parking spaces only. If the off-street parking requirement rises to 8 spaces, even if the use remains the same, the applicant will be required to apply for a new variance to reduce the required number of off-street parking spaces from 8 spaces to 4 spaces or provide the required number of off-street spaces.

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

Applicant response: *"Granting this parking variance would not be opposed to the general spirit and intent of the Development Code. This property is in the Oread Overlay District. It meets their stringent requirements. This variance would not change the exterior or interior of the building. It would help the city's downtown development/improvement plan to have this property in use".*

In staff's opinion, granting the parking variance would not be opposed to the general spirit and intent of the Land Development Code. Granting the requested variance is consistent with the previous findings of the Board (B-12-35-84 for 846 Mississippi Street), and is also consistent with the spirit of Land Development Code. Granting of the requested variance would allow for the utilization of an existing structure with a permitted use.

The subject property came into existence as a detached-dwelling but was zoned commercially as early as 1927. The difficulty to fully utilize the existing structure for commercial uses is due to its commercial zoning designation, detached-dwelling building form, and placement on the lot. The subject property was built prior to any zoning codes or parking requirements. It has had to comply with requirements adopted after its creation with regards to permitted uses and required off-street parking. The W. 9th Street and rear alley rights-of-way, commercial development to the east, and residential development to the west and south have constrained the subject property's ability to comply with zoning codes and requirements.

Staff believes the applicant's variance request is not opposed to the general spirit and intent of the code as the applicant is moving towards conformity with an allowed use in the CS District and providing some of the required off-street parking. The proposed variance would allow a structure and property, which came into existence prior to any zoning code, to move towards conformance with the current Land Development Code.

Conclusions:

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

Recommendation:

Staff recommends approval of the parking variance based upon the findings in the staff report concluding that the request meets the five conditions outlined in Section 20-1309(g)(1). Staff recommends the Board grant the variance to reduce the required amount of off-street parking from 7 spaces to 4 spaces at 611 W. 9th Street



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Planning Office

1 Riverfront Plaza, Ste 320 | P.O. Box 708
Lawrence, KS 66044
(785) 832-7700 Fax (785) 832-3110
<http://www.lawrenceks.org/pds/>

APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP **RECEIVED**

JUN 07 2019

OWNER INFORMATION

Planning & Development Services
City of Lawrence/Douglas County, KS

Name(s) 611 W. 9th St. L.L.C.
Contact Brendon Colad
Address 611 W. 9th St.
City Lawrence State KS ZIP 66044
Phone (785) 979-9172 Fax ()
E-mail Brendonof@hotmal.com Mobile/Pager ()

APPLICANT/AGENT INFORMATION

Contact Same as above & Greta Carter-Wilson
Company KW Integrity
Address 545 Columbia Dr.
City Lawrence State KS ZIP 66049
Phone () 785-550-4844 Fax ()
E-mail gretacw@kw.com Mobile/Pager ()
Pre-Application Meeting Date 6/5/2019 Planner Katherine Weik
Lucas Martinson

PROPERTY INFORMATION

Present Zoning District CS-UC Present Land Use vacant
Proposed Land Use CS-UC Professional Office
Legal Description (may be attached) attached
Address of Property 611 W 9th St.
Total Site Area Property site 8,160 sq ft. / Building 1999 sq ft.
Number and Description of Existing Improvements or Structures NA

B-19-00316



**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:

Description of Variance Req:

611 W 9th St is a beautiful property/house that is zoned CS- UC. Property can be used as a residence if an acceptable business (Non-residential District Use Table) is operated out of it. Requesting a decrease in the parking requirement from City of Lawrence to 4 total spots which includes 1 ADA compliant spot. Requesting this to run with the property.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



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:

1. Unique to this property is that it is zoned CS-UC which allows for the property to be used as a residence only if an acceptable or permitted business is operated out of said property. Using the non-residential district use table to find which businesses can be operated out of the property but then cross checking that with the number of required parking spaces per requirement by the City of Lawrence, there is virtually no business that can be run out of the property. The required parking is usually based off of square footage. This property has 1999 square feet. That would require 6.666333... spots so 7 total with 1 being ADA. The City of Lawrence requires certain parameters for parking spots, space between and etc. The lot for this property cannot hold the necessary parking spots for any business. This then makes the property unusable for a residence or a business.
-
-

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

2. No - actually quite the opposite. By granting this parking variance the property would be used as a business which would mean the property and the grounds would be kept up and kept up to a very high standard. The property is currently vacant and has been for some time. During this time the property and the grounds have seen some deterioration.
-
-
-



- 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:**
-

3. Hardship for this or any property owner is that the parking lot for this property cannot accommodate 5 or more spots which is what the city requires to run any business out of this property. The property is zoned CS so it cannot be strictly used as a residence. This creates a situation whereas the property cannot be used and/or sold.

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

4. The public would not be adversely affected in any way including health, safety, morals, order, convenience, prosperity or general welfare. Having a business occupy the property would give the surrounding businesses potential for increased business. Businesses and residences nearby would also be affected in a positive way since a business and possibly a residence would be able to be in the property so loitering would not happen. Also, the property would be kept in better condition than it is now in its vacant state. The City of Lawrence would be positively affected. The city would be able to collect property taxes under the commercial classification which is roughly 13K versus the residential classification which is about \$5,500



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

5. Granting this parking variance would not be opposed to the general spirit and intent of the Development Code. This property is in the Oread Overlay District. It meets their stringent requirements. This variance would not change the exterior or interior of the building. It would help the city's downtown development/improvement plan to have this property in use.

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): Brenda Dodd for G/H W. 9th L.L.C. Date 6-17-19

Date _____

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



**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
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OWNER AUTHORIZATION

I/WE Coll W. 9th St. - L.L.C. by Brendon Glad, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7th day of June, 2019, 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 Creta Carter-Wilson (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 Coll W. 9th St. (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.

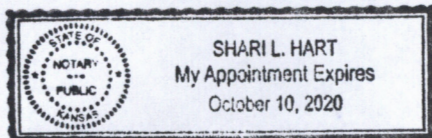
Brendon Glad for Coll W. 9th St. L.L.C.
Owner Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 7th day of June, 2019
by Brendon Glad

My Commission Expires: 10-10-20

Shari L. Hart
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 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

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

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

Brendon Glad for Cal W. GHS LLC.
Signature

6-7-19
Date

Brendon Glad
Printed Name

JOHNIN	SYS/LACIES	owner1	owner2	owner3	address	city	state	zip	plate	PID	Quarterfield	shun
067-36-0-10-17-018.00-0	013399191	SCHMITT JERRY W	SCHMITT MARJORIE R		821 LOUISIANA ST	LAWRENCE	KS	66044	U04719	023-067-36-0-10-17-018.00-0	R7405	821 LOUISIANA ST
067-36-0-10-17-007.00-0	013443663	BLV KRYSTAL M			820 INDIANA ST	LAWRENCE	KS	66044	U04730	023-067-36-0-10-17-007.00-0	R7393	820 INDIANA ST
067-36-0-10-18-009.00-0	013443608	TOMAN LOURDANA A	MAYFIELD-TOMAN RAE A		820 INDIANA ST	LAWRENCE	KS	66044	U04743	023-067-36-0-10-18-009.00-0	R7425	821 INDIANA ST
067-36-0-10-17-017.00-0	013371882	CHANCE JOHN H	CHANCE RITISHA S		825 LOUISIANA ST	LAWRENCE	KS	66044	U04720	023-067-36-0-10-17-017.00-0	R7404	825 LOUISIANA ST
067-36-0-10-18-016.00-0	013443622	WILLIAMS JACQUELINE COMPANY			825 LOUISIANA ST	LAWRENCE	KS	66044	U04724	023-067-36-0-10-18-016.00-0	R7424	825 INDIANA ST
067-36-0-10-17-016.00-0	013443623	WILLIAMS JACQUELINE COMPANY			825 LOUISIANA ST	LAWRENCE	KS	66044	U04724	023-067-36-0-10-17-016.00-0	R7424	825 INDIANA ST
067-36-0-10-17-016.00-0	013384657	HENDON LORABE			831 LOUISIANA ST	LAWRENCE	KS	66044	U04721	023-067-36-0-10-17-016.00-0	R7403	831 LOUISIANA ST
067-36-0-10-17-009.00-0	013443683	FAYMAN SARAH C			PO BOX 484	LAWRENCE	KS	66044	U04728	023-067-36-0-10-17-009.00-0	R7395	838 INDIANA ST
067-36-0-10-18-015.00-0	013446216	BRUNGARDT TRAVIS J	BRUNGARDT TARA K		1177 E CEDAR ST	PRAIRIE VILLAGE	KS	66208	U04778	023-067-36-0-10-18-015.00-0	R7423	829 INDIANA ST
067-36-0-10-18-009.00-0	013440185	HOWELL CARLTON A			7017 E 1479 RD	LAWRENCE	KS	66044	U04754	023-067-36-0-10-18-009.00-0	R7417	828 MISSISSIPPI ST
067-36-0-10-17-015.00-0	013371664	EAKINS DARWIN J	EAKINS SUSAN		835 LOUISIANA ST	LAWRENCE	KS	66044	U04722	023-067-36-0-10-17-015.00-0	R7402	835 LOUISIANA ST
067-36-0-10-17-010.00-0	013443576	OWENS T PROPERTIES LLC	OWENS GEMINI PROPERTIES LLC		1532 PRESTWICK CT	LAWRENCE	KS	66047	U04727	023-067-36-0-10-17-010.00-0	R7396	832 INDIANA ST
067-36-0-10-18-014.00-0	013444469	INMAN JAMES A			833 INDIANA ST	LAWRENCE	KS	66044	U04746	023-067-36-0-10-18-014.00-0	R7422	833 INDIANA ST
067-36-0-10-18-011.00-0	053706311	HOWELL CARLTON			1077 E 1479 RD	LAWRENCE	KS	66046	U04750A	023-067-36-0-10-18-011.00-0	R7419	708 W 9TH ST
067-36-0-10-17-014.00-0	013398087	LAUGHLIN VERNON C			1512 PRESTWICK CT	LAWRENCE	KS	66044	U04723	023-067-36-0-10-17-014.00-0	R7401	841 LOUISIANA ST
067-36-0-10-18-013.00-0	013443648	OWENS T PROPERTIES LLC	OWENS GEMINI PROPERTIES LLC		1500 MISSISSIPPI ST	LAWRENCE	KS	66044	U04726	023-067-36-0-10-18-013.00-0	R7397	836 INDIANA ST
067-36-0-10-18-013.00-0	013443651	NELUMBO L C			1500 MISSISSIPPI ST	LAWRENCE	KS	66044	U04726	023-067-36-0-10-18-013.00-0	R7421	837 INDIANA ST
067-36-0-10-18-013.00-0	013443651	NELUMBO L C			1500 MISSISSIPPI ST	LAWRENCE	KS	66044	U04726	023-067-36-0-10-18-013.00-0	R7421	837 INDIANA ST
067-36-0-10-17-012.00-0	008676146	ZIEGLER RENTALS LLC			5008 KEYSTONE CT	LAWRENCE	KS	66047	U04724A	023-067-36-0-10-17-012.00-0	R7399	616 W 9TH ST
067-36-0-10-17-011.00-0	017211073	OWENS T PROPERTIES LLC			1512 PRESTWICK CT	LAWRENCE	KS	66047	U04728	023-067-36-0-10-17-011.00-0	R7398	620 W 9TH ST
067-36-0-10-18-012.00-0	036876568	NELUMBO L C			1200 MISSISSIPPI ST	LAWRENCE	KS	66044	U04748	023-067-36-0-10-18-012.00-0	R7420	847 INDIANA ST
067-36-0-10-33-001.00-0	027686014	CENTRAL NATIONAL BANK			PO BOX 1029	JUNCTION CY	KS	66441	U04834A	023-067-36-0-10-33-001.00-0	R7695	603 W 9TH ST
067-36-0-10-33-002.00-0	018457454	611 W 9TH LLC			611 W 9TH ST	LAWRENCE	KS	66044	U04832A	023-067-36-0-10-33-002.00-0	R7696	611 W 9TH ST
067-36-0-10-33-003.00-0	009641559	NICOLAY MARY A	NICOLAY FAMILY LIVING TRUST		1214 E 1300 RD	EUDORIA	KS	66025	U04831	023-067-36-0-10-33-003.00-0	R7697	615 W 9TH ST
067-36-0-10-33-004.00-0	009641735	JANSEN INVESTMENTS LLC			1705 CARMEL DR	LAWRENCE	KS	66047	U04828	023-067-36-0-10-33-004.00-0	R7699	900 INDIANA ST
067-36-0-10-32-001.00-0	063871004	S & A PROPERTIES LLC			701 W 9TH ST STE A	LAWRENCE	KS	66044	U04805A	023-067-36-0-10-32-001.00-0	R7675	701 W 9TH ST
067-36-0-10-32-002.00-0	030762305	ZIEGLER RENTALS LLC	NICOLAY FAMILY LIVING TRUST		5008 KEYSTONE CT	LAWRENCE	KS	66047	U04803A	023-067-36-0-10-32-002.00-0	R7677	900 MISSISSIPPI ST
067-36-0-10-33-003.01-0	011478971	NICOLAY MARY A	NICOLAY PATRICIA S		1214 E 1300 RD	LAWRENCE	KS	66025	U04829A	023-067-36-0-10-33-003.01-0	R7713	908 INDIANA ST
067-36-0-10-33-017.00-0	013452918	ECO EARTH P A	NICOLAY FAMILY LIVING TRUST		915 LOUISIANA ST	LAWRENCE	KS	66044	U04836	023-067-36-0-10-33-017.00-0	R7713	915 LOUISIANA ST
067-36-0-10-33-021.00-0	013443693	ZIEGLER RENTALS LLC			5008 KEYSTONE CT	LAWRENCE	KS	66047	U04826A	023-067-36-0-10-33-021.00-0	R7679	916 MISSISSIPPI ST
067-36-0-10-33-016.00-0	013449994	HAMIL DAVID E			7135 LEARNARD AVE	LAWRENCE	KS	66044	U04837	023-067-36-0-10-33-016.00-0	R7712	917 LOUISIANA ST
067-36-0-10-32-006.00-0	013429805	BACK NINE PROPERTIES LLC			2309 PRINCETON BLVD	LAWRENCE	KS	66049	U04841	023-067-36-0-10-32-006.00-0	R7701	916 INDIANA ST
067-36-0-10-32-019.00-0	013429809	BKE PROPERTY MANAGEMENT LLC	HINTON STEPHEN P A		4149 BLACKACK OAK DR	LAWRENCE	KS	66047	U04811	023-067-36-0-10-32-019.00-0	R7693	919 INDIANA ST
067-36-0-10-33-015.00-0	013429747	HINTON JULIE E M			923 LOUISIANA ST	LAWRENCE	KS	66044	U04838	023-067-36-0-10-33-015.00-0	R7711	923 LOUISIANA ST
067-36-0-10-33-007.00-0	013429955	SPARROWHAWK PROPERTIES LLC			2201 W 25TH ST STE R	LAWRENCE	KS	66047	U04840	023-067-36-0-10-33-007.00-0	R7702	920 INDIANA ST
067-36-0-10-32-018.00-0	013429764	CHRISTIANSON JAMES D			3904 S OLIVER RD	NEWTON	KS	67114	U04812	023-067-36-0-10-32-018.00-0	R7692	924 INDIANA ST
067-36-0-10-32-005.00-0	013429876	PENG WEN CHIN	PENG UH W		3200 TRAIL RD	LAWRENCE	KS	66049	U04825	023-067-36-0-10-32-005.00-0	R7679	924 MISSISSIPPI ST
067-36-0-10-33-014.00-0	02148771	KUPPER RICHARD B			10424 NIEMAN RD	OVERLAND PARK	KS	66214	U04839A	023-067-36-0-10-33-014.00-0	R7710	927 LOUISIANA ST
067-36-0-10-32-008.00-0	06865994	DUZ RENE F			926 INDIANA ST	LAWRENCE	KS	66044	U04851	023-067-36-0-10-32-008.00-0	R7703	926 INDIANA ST
067-36-0-10-32-007.00-0	013429914	HU TIEH KON TRUSTEE	HU SHU LING TRUSTEE		2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	925 INDIANA ST 1
067-36-0-10-32-006.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-006.00-0	R7690	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10-32-007.00-0	R7691	926 MISSISSIPPI ST
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067-36-0-10-32-007.00-0	013429914	KEN MANAGEMENT COMPANY LLC			2971 FORT MATANZAS TER	HENDERSON	NV	89052	U04813	023-067-36-0-10		



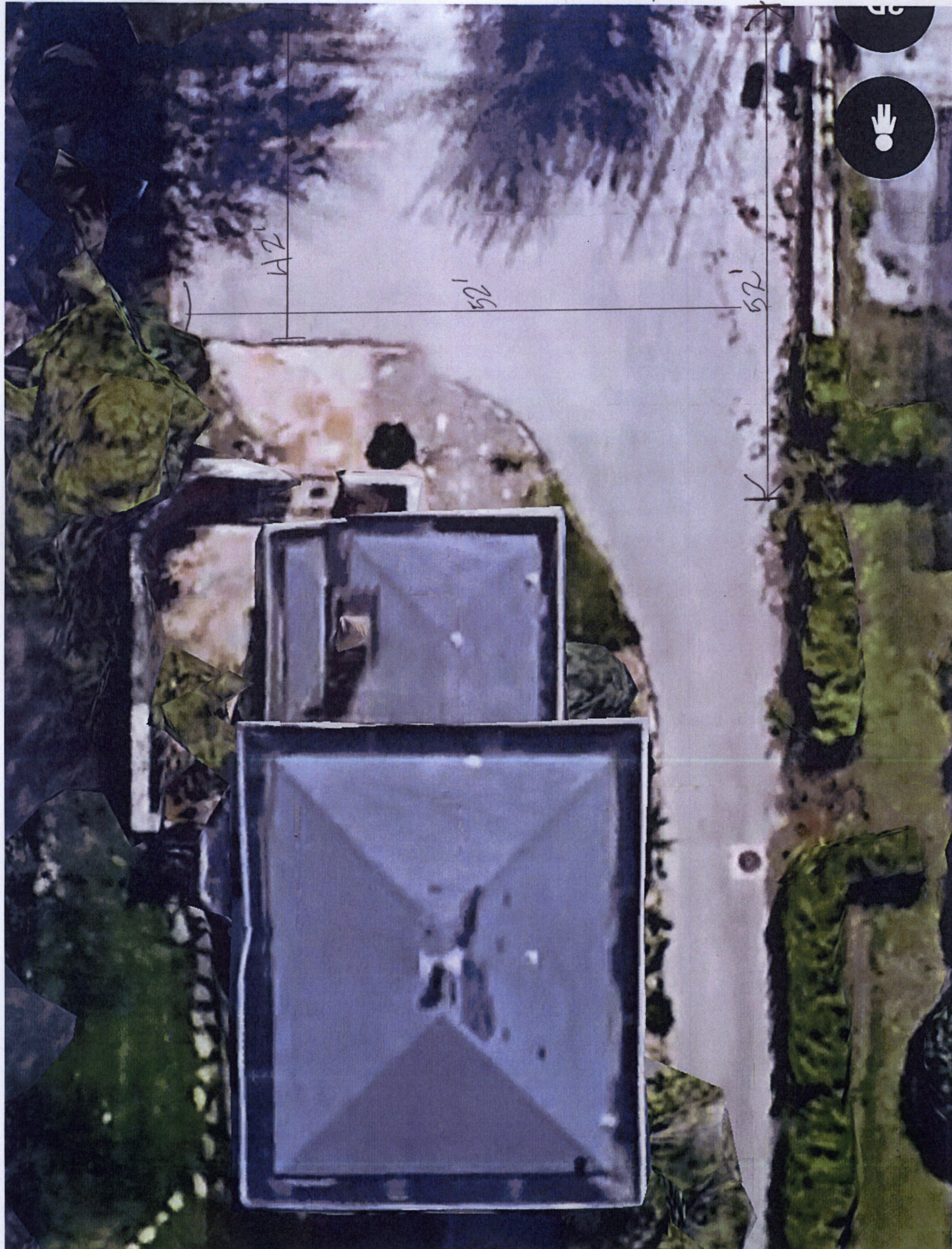
**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

**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/>

Note to Applicant:

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

LEGAL INFORMATION
LANE'S SECOND ADD BLK 12 LT 3 & W 10 FT LT 4 (U04832 & 33 COMBINED 1987)





Lucas Mortensen

From: Greta Carter-Wilson <gretacw@kw.com>
Sent: Friday, June 14, 2019 4:00 PM
To: Lucas Mortensen
Subject: Re: Parking Variance for 611 W 9th St

Hello,

To whom it concerns: the purposed use of the building for my client that is trying to purchase 611 W 9th St is professional office classification.

Thank you,

Greta Carter-Wilson, Realtor
Keller Williams Integrity
545 Columbia Dr
Lawrence, KS 66049
785-550-4844

gretacw@kw.com
gretasellshomes.com

