

STAFF REPORT

ON AN APPLICATION FOR: A VARIANCE request under the terms of the *Zoning and Land Use Regulations for the Unincorporated Territory of Douglas County, Kansas*, from the James L. Flory and Phyllis J. Flory Revocable Trust requesting a variance to allow a reduction of the required front setback from 140 feet to approximately 100 feet for a proposed accessory building, to be located at 554 E 800 Rd.

APPLICANT/OWNER:	James L. Flory and Phyllis J. Flory Revocable Trust
LOCATION:	554 E 800 Rd (Plate № 900197A)
AREA:	5.01 acres
DATE OF PUBLIC HEARING:	September 15, 2025, 10:00 AM.
DATE PUBLIC NOTICE PUBLISHED:	August 26, 2025
PRESENT ZONING AND LAND USE:	Ag-2 – Transitional Agricultural; agricultural and residential use

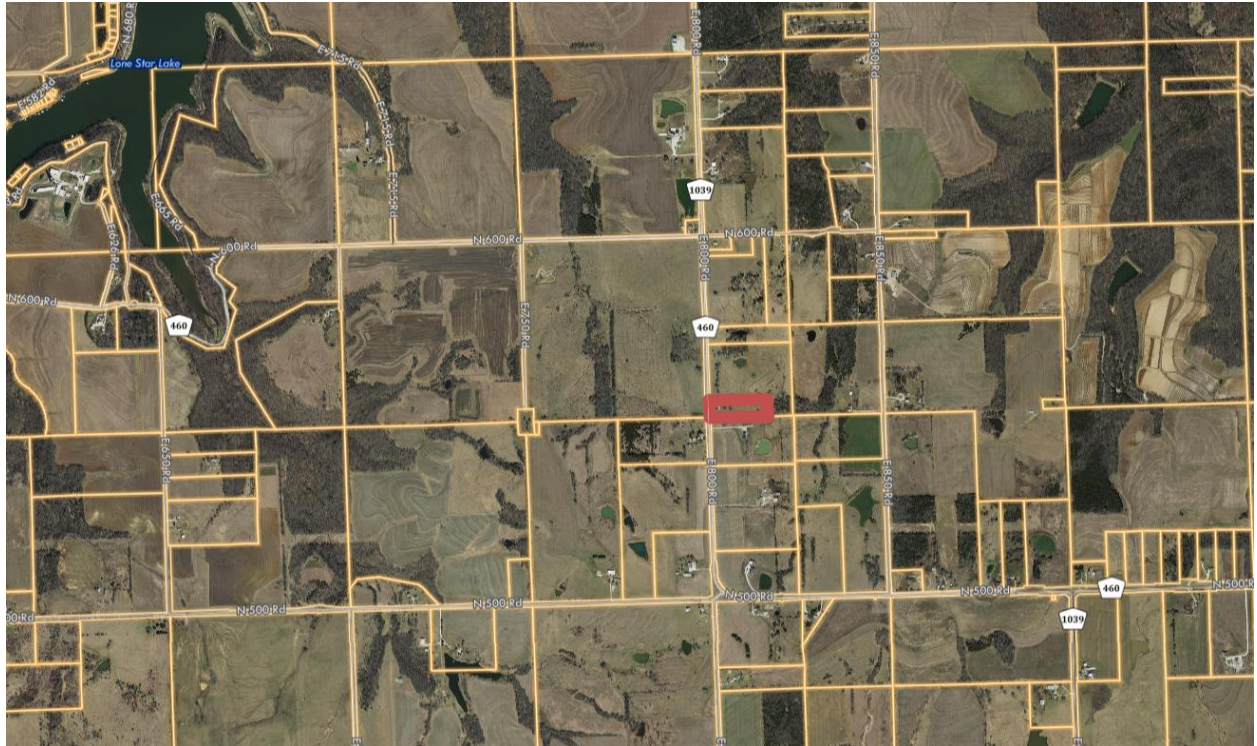
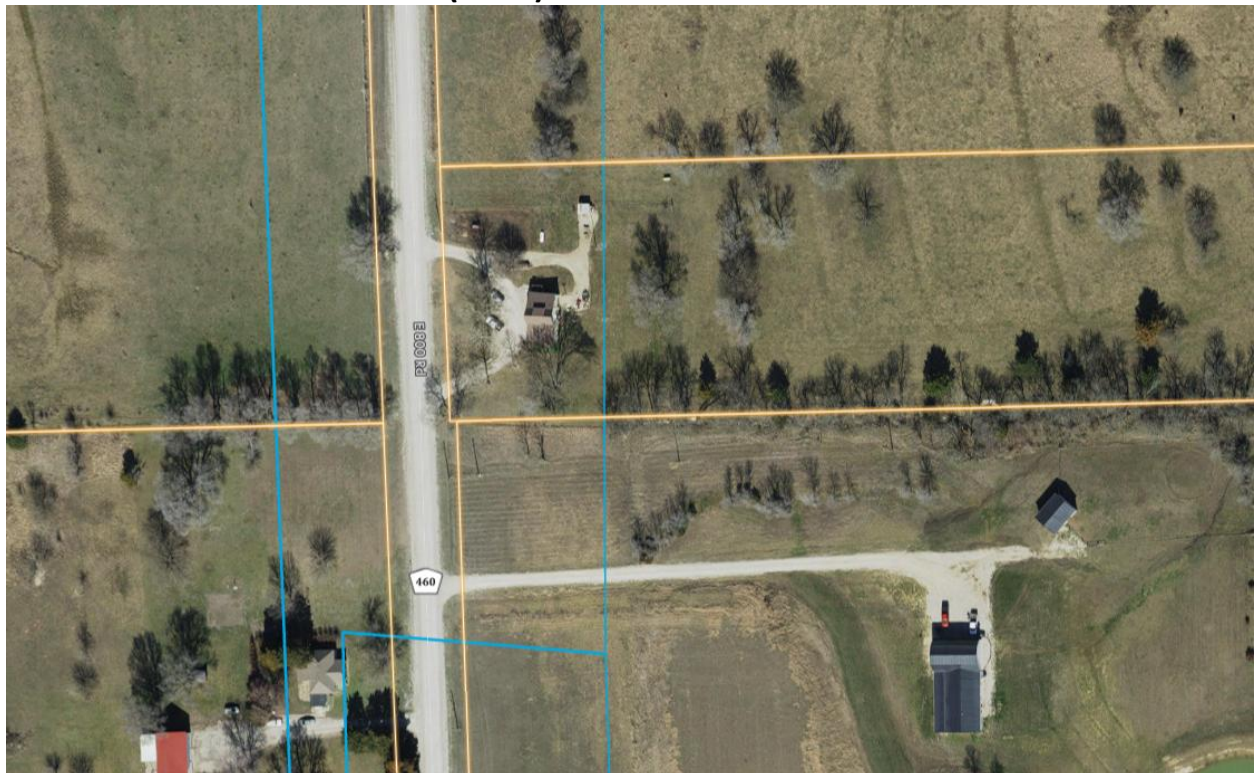
SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-2.04 Dimensional Standards: Establishes a minimum base setback of 40 feet and a minimum front setback of 100 feet (140 feet total) from the center of a major collector road.

DESCRIPTION OF VARIANCE REQUESTED:

James L. Flory, property owner, has submitted an application for a Variance to allow a proposed 40-foot by 60-foot accessory building within the required 140-foot setback. The subject property, located at 554 E 800 Rd., is approximately 5.01 acres in size and consists of a legal -nonconforming single-family house (built 1940) and an accessory building. The proposed accessory building will be located north of the existing residence and will be used as a garage and for household storage.

The applicant is seeking a Variance because of the location of a water main for Douglas County Rural Water District № 2. The water main crosses the property from north to south to the rear of the house. Staff confirmed the location of the water main and associated utility easement with the water district. As such, the applicant has limited buildable locations within the vicinity of the house.

VICINITY MAPS (2024)**LOCATION OF WATER MAIN (2024)**

STANDARDS FOR VARIANCES:***Criteria supporting approval:***

- A. **That the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by this Resolution and not by an action or actions of the property owner or the applicant**

The subject property is 5.01 acres in size and has a water main crossing the property from north to south to the rear of the house. Water mains are typically placed adjacent to roads and rights-of-way. The easement associated with the water main pushes development toward the road-facing side of the property.

- B. **Granting the variance would not adversely affect the rights of adjacent property owners or residents**

A 40-foot by 60-foot accessory building to be used as a garage is a permitted use in the Ag-2 District and is common in the neighborhood. The placement of the proposed structure is not anticipated to adversely affect the rights of adjacent property owners or residents. Additionally, the applicant submitted a petition indicating several surrounding landowners have no objection to the granting of this Variance request.

- C. **The strict application of the regulations for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application**

The location of the water main limits the buildable sites on the property. The common location for a detached garage is adjacent to a house. The existing house was built in 1940 and has legal-nonconforming status regarding the front setback. Adhering to the front setback requirements would require the applicant to build further back, away from the house, and could risk damaging the water main.

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

A 40-foot by 60-foot accessory building to be used as a garage is a permitted use in the Ag-2 zoning district and is a common use in the neighborhood. Allowing the construction of the proposed accessory building per the submitted site plan is not anticipated to adversely affect the affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

- E. **Granting the variance desired would not be opposed to the general spirit and intent of these Regulations**

The front setback is intended to limit roadside distractions and provide space for future road improvements. Currently, there are trees along the road that are intended to remain in place, which would serve to partially screen the proposed accessory building from the road. Additionally, there are no structures on the opposite side of the road, potentially allowing space for future improvements. A distance of 100 feet from the center of the road would be maintained, similar to the front plane of the existing legal-nonconforming house. Buildings on nearby properties also appear to be within the required setback.

PUBLIC COMMENTS:

None received as of August 29, 2025.

AGENCY COMMENTS:

Douglas County Rural Water District No 2: “The map is accurate, the water line and location are correct at James Flory address.”

Willow Springs Township: “We discussed this at our meeting tonight. We have no issues with this variance and are comfortable with this project and would like to allow the landowner to build this building.”

Additional comments may be pending.

STAFF RECOMMENDATION

County Staff recommend approval of the variance request to allow a reduction of the required front setback from 140 feet to approximately 100 feet for a proposed accessory building, to be located at 554 E 800 Rd., with the following stipulation:

1. This variance shall apply only for a 40-foot by 60-foot accessory building. Any other structures shall comply with the County’s adopted zoning regulations, or another variance shall be obtained.

Prepared by: Karl Bauer, AICP – Planner II

Date: August 29, 2025

APPENDIX I:

Applicant Responses (Verbatim)

1. Describe the proposed project and explain why a Variance is requested. The explanation should be in sufficient detail for the BZA to completely and clearly understand the project.

I PROPOSE TO BUILD A 40'X60' ACCESSORY BUILDING NORTH OF MY RESIDENCE TO BE USED AS A GARAGE.

A VARIANCE IS REQUESTED DUE TO A RURAL WATER DIST. #2 DOUGLAS COUNTY EASEMENT THROUGH THE PROPERTY. THE EASEMENT ~~DOES~~ DOES NOT ALLOW ME THE PROPER SETBACK FROM THE CENTER OF THE ROAD.

2. Explain why the granting of the Variance will not adversely affect the rights of adjacent property owners or residents.

BUILDING TO BE USED FOR GARAGE + STORAGE OF ~~LAWN~~ LAWN MOWER - CARS - STORAGE

3. Explain why the Variance requested arises from a condition, or conditions which are unique to the property in question and which are not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant.

RURAL WATER DISTRICT #2 DOUGLAS COUNTY HAS A 30' EASEMENT APPROX. 162' FROM THE CENTER OF THE ROAD, MOST EASEMENTS ARE NEAR THE ROAD RIGHT OF WAY.

4. Explain why the strict application of the provisions from which a Variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

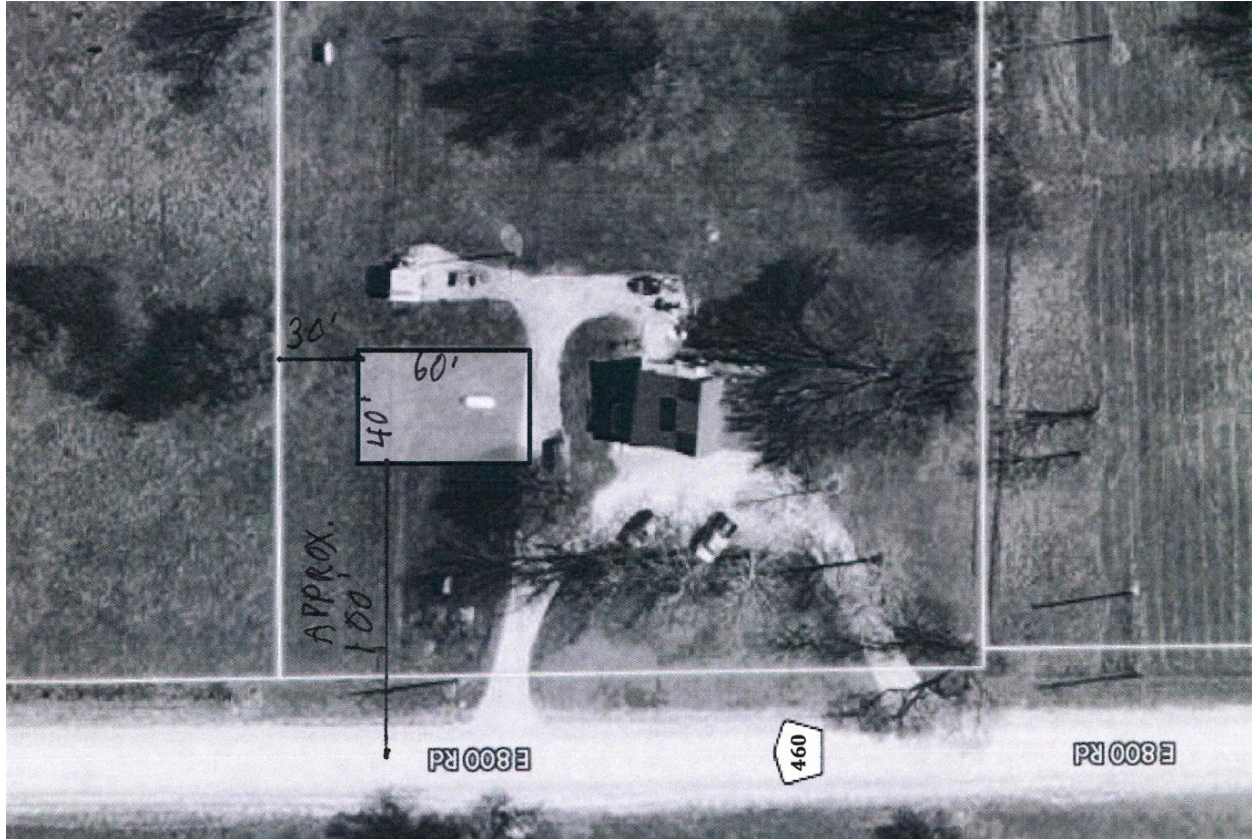
(The BZA cannot consider economic hardship).

RWD #2 DOVELAS COUNTY WATER LINE
DICTATES WHERE I CAN PLACE BUILDING

5. Explain how the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

6. Explain why granting the Variance will not be contrary to the general spirit and intent of the Zoning Regulations.

APPENDIX II: Site Plan from the Applicant



APPENDIX III:

Petition

RECEIVED

JUL 31 2025

Initial: _____

Adjacent Property Owner or Resident Statement

(Completion of this form by the applicant is optional.)

To Whom It May Concern:

We, the undersigned, own property or are residents adjoining JAMES L. FLORY in Douglas County, Kansas.

It is our understanding that JAMES L. FLORY has filed a variance with the Zoning Board of Appeals to allow A 40' X 60' ACCESSORY BUILDING (GARAGE) APPROX. 100' FROM THE CENTER LINE OF THE ROAD. NORTH OF THE HOUSE. THIS IS DUE TO WATER LINE EASEMENT.

As adjoining property owners or residents, we have no objections to the approval of this variance.

Signature	Name	Address	Date
	Randy T. Janison	543 E 800 rd - Lawrence, KS	7/25/25
	ROB HARRIS	513 E 800 - 66047	7/25/25
	Brandon Kennedy	546 E 800 rd	7/25/25
	Jan Breitnaupt	526 E 800 Rd	7/25/25
	Julie Hatch	814 N 500 Rd	7/25/25
	Jeff Flory	827 N. 600 Rd	7/25/25
	Abbie Flory	827 N 600 Rd	7/25/25
	Stephanie McNish	554 E. 850 Rd	7/25/25
	Christopher S. Self	595 E. 850 Rd	7/26/25
	Greg Wurdeman	846 N 600 Rd	7/26/25
	Jan Pratt	797 N 600 Rd	7/24/25
	Mike Flory	615 E 800	7/31/25

Douglas County Zoning and Codes
3755 E. 25th Street
Lawrence, KS 66046
Phone 785-331-1344 - Fax 785-842-1201
zoning@douglascountyks.org

Revised 10/2022

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APPENDIX IV: Plans Submitted by the Applicant

