

STAFF REPORT

ON AN APPLICATION FOR THE FOLLOWING:

SURFACING:

ZBZA-2025-0006: An application from Nolan Packard of Worden Cornerstone Church, Inc. requesting a Variance to allow gravel surfacing, in lieu of the required asphalt or concrete pavement, for all off-street parking spaces and access drives for nonresidential uses taking access from adjoining roads paved with asphalt or concrete, located at 294 E 900 Rd.

SETBACKS:

ZBZA-2025-0007: An application from Nolan Packard of Worden Cornerstone Church, Inc. requesting a Variance to allow a reduction of the required front setback from 140 feet to 99 feet for a pavilion and proposed canopy, and a reduction of the exterior side setback from 210 feet to 112 feet for a church and proposed fellowship hall, located at 294 E 900 Rd.

APPLICANT/OWNER:	Nolan Packard representing Worden Cornerstone Church, Inc.
LOCATION:	294 E. 900 Rd. (Plate № 900370A, 900370C, 900370D, 900370I)
AREA:	11.33 acres
DATE OF PUBLIC HEARING:	November 17, 2025, 10:00 AM.
DATE PUBLIC NOTICE PUBLISHED:	October 28, 2025
PRESENT ZONING AND LAND USE:	Ag-2 – Transitional Agricultural; “Religious Institution, Large” Use

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- **SURFACING VARIANCE:**
12-311-3.02(a)(2) Surfacing: Establishes that off-street parking shall be paved with asphalt or concrete surface if access is off an adjoining paved road.
- **SETBACK VARIANCE:**
12-303-2.04 Dimensional Standards: Establishes a minimum base setback of 60 feet and a minimum front setback of 150 feet (210 feet total) from the centerline of a principal arterial road. Establishes a minimum base setback of 40 feet and a minimum front setback of 100 feet (140 feet total) from the centerline of a major collector road.

DESCRIPTION OF VARIANCE REQUESTED:

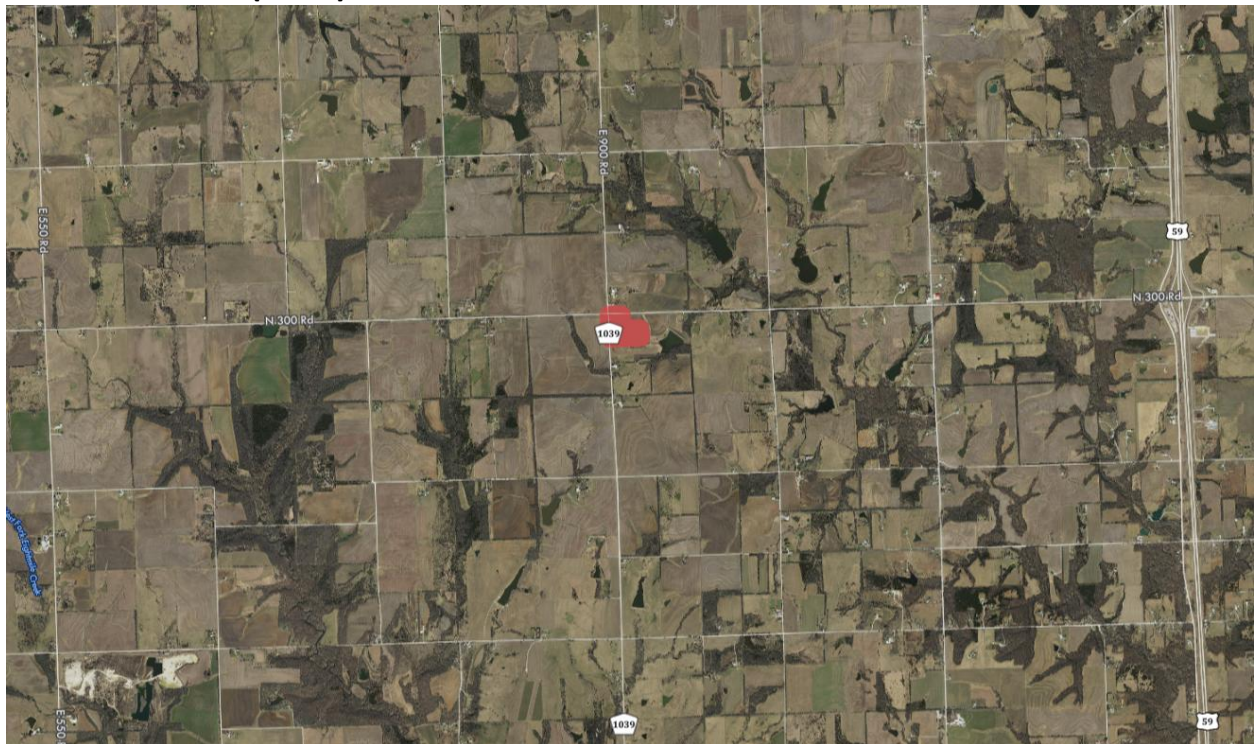
Nolan Packard, representing Worden Cornerstone Church, Inc., has submitted requests for Variances related to a proposed expansion. Specifically, the requests are to allow for gravel surfacing in lieu of paved parking and access and for expansion within the front/exterior side setback as a canopy and fellowship hall are added. The request will also bring the existing church building (a legal-nonconforming structure), a cross monument on the north side of the existing church, and a pavilion on the west side of the existing church into conformance with the Zoning Regulations. The expansion project will also require approval of

an updated Site Plan. The area of the existing structure is 15,457 square feet and the proposed expansions have a combined area of 21,992 square feet for a total area of 37,449 square feet.

The County's parking surfacing standards require pavement for non-residential (e.g. commercial and industrial) uses taking access from a paved road. The property currently takes access from Highway 56 and E 900 Rd, paved roads maintained by the Kansas Department of Transportation and Douglas County Public Works, respectively. The access from Highway 56 will be removed as a part of this project. The applicant is requesting the surfacing variance to expand the gravel parking lot. Staff is recommending a stipulation to ensure the ADA parking and apron from the road are paved.

The Religious Institution, Large use is a legal-nonconforming use with an automatic conditional use status. A map dated 1873 indicates a religious use was on the site, which predates the adoption of the County's Zoning Code. The expansion will be required to undergo the amendment procedures outlined in the Zoning Code.

VICINITY MAPS (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

SURFACING and SETBACK:

The subject properties have a combined area of 11.33 acres and are located at 294 E. 900 Rd. The property is developed with a "Religious Institution Use, Large," or more specifically, with a 15,457 square foot church. The property has historically been developed with a church located northwest

of the existing structure, further within the required setbacks. The parking requirements will increase from 75 spaces to 203 spaces.

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

SURFACING:

Part of the intent of the requirement for paving in this situation is to limit the amount of gravel carried onto paved roads, especially from high-traffic commercial and industrial uses. The proposed parking lot is surrounded by agricultural uses, the church itself, and E. 900 Rd. Other nonresidential uses in the neighborhood have gravel driveways and parking areas. The recommended stipulation to require paved aprons serve to further maintain the rights of adjacent property owners and residents.

SETBACK:

The subject property is located in Worden, an unincorporated community and historic townsite where buildings have been historically placed closer to the road. Adjacent structures have similar setbacks. A religious institution use has been on the site since at least 1873 and has automatic conditional use status.

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

SURFACING:

Pavement of 203 parking spaces (at least 9x18 feet each) and the associated access drives may generate drainage concerns. Gravel surfacing will allow water to flow with fewer obstructions.

SETBACK:

Strict application of the regulations would require the proposed expansion to locate further back from the existing church. The standard design for a canopy and fellowship hall is adjacent to a church structure. Additionally, the location of the existing septic system limits developable sites.

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

SURFACING:

Part of the intent of the requirement for paving in this situation is to limit the amount of gravel carried onto paved roads, especially from high-traffic commercial and industrial uses. Gravel on paved roads can be slippery at times and may impact public health, safety, and welfare. The recommended stipulation to require paved aprons serve to further maintain the rights of adjacent property owners and residents. Additionally, the access drives from Highway 56 will be removed, moving traffic onto E. 900 Rd., which has a lower traffic classification.

SETBACK:

The subject property is located in Worden, an unincorporated community and historic townsite where buildings have been historically placed closer to the road. Adjacent structures have similar setbacks. A religious institution use has been on the site since at least 1873 and has automatic conditional use status. The proposed development will be required to follow all other applicable regulations, which are intended to uphold public health, safety, morals, order, convenience, prosperity, and the general welfare.

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

SURFACING:

Part of the intent of the requirement for paving in this situation is to limit the amount of gravel carried onto paved roads, especially from high-traffic commercial and industrial uses. The proposed parking lot is surrounded by agricultural uses, the church itself, and E. 900 Rd. Other nonresidential uses in the neighborhood have gravel driveways and parking areas. The recommended stipulation to require paved aprons serve to further maintain the rights of adjacent property owners and residents.

SETBACK:

The front setback is intended to limit roadside distractions and provide space for future road improvements. A distance of 99 and 112 feet from the centerlines of the roads will be maintained. Buildings on nearby properties also appear to be within the required setback.

PUBLIC COMMENTS:

None received as of November 3, 2025.

AGENCY COMMENTS:

None received as of November 3, 2025. Additional comments may be pending.

STAFF RECOMMENDATIONS

SURFACING:

ZBZA-2025-0006: Approve a Variance to allow gravel surfacing, in lieu of the required asphalt or concrete pavement, for all off-street parking spaces and access drives for nonresidential uses taking access from adjoining roads paved with asphalt or concrete, located at 294 E 900 Rd., with the following stipulations:

1. All aprons from adjacent paved roads and all Americans with Disabilities Act-required parking spaces shall be paved with asphalt or concrete.

SETBACKS:

ZBZA-2025-0007: An application from Nolan Packard of Worden Cornerstone Church, Inc. requesting a Variance to allow a reduction of the required front setback from 140 feet to 99 feet for a pavilion and proposed canopy, and a reduction of the exterior side setback from 210 feet to 112 feet for a church and proposed fellowship hall, located at 294 E 900 Rd.

1. This Variance shall apply only for an existing church, pavilion, and for proposed expansions as shown on the submitted plans. Any further expansions shall comply with the adopted regulations or another Variance shall be obtained from the Douglas County Board of Zoning Appeals.

Prepared by: Karl Bauer, AICP, Planner II and Amaya Dajani, Zoning Technician

Date: November 4, 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.

Worden Cornerstone Church is requesting 2 variances as explained below:

Worden is currently looking to construct a new fellowship hall (gym) and complete grading around the existing church building to shift the main entrance from the east side to the west side of the building. The newly constructed fellowship hall is located on the east side of the existing church and will create a matching view on the north side with the current church façade. This will also place the fellowship hall within KDOT's setback (210') of US-56. This is the first variance request.

The second variance is that Worden will be required to close the entrance off of US-56. Worden has submitted an entrance application to construct an entrance off of Douglas County Route 1039 (E 0990 RD). By adding this entrance, Worden will need to expand the current aggregate parking lot to the south. The new entrance along with the existing entrance off of E900 RD will be paved within the R/W. Worden utilizes the parking lot mainly on Sunday's. The location of the church is also within the unincorporated town of Worden, KS. The surrounding area is farmland. There are numerous people that utilize our aggregate parking lot (Douglas County included) that park farm, construction, semis, and grading equipment that the church would deem unusable if the parking lot is required to be paved with asphalt.

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

The setback variance will not affect any adjacent property owners due to an existing drainage ditch to the east of the newly planned fellowship hall building. US-56 highway sits on to the north. The current building was set within the "old" setback distance in 2006.

The aggregate variance will not affect any adjacent property owners since Worden's parcel is surrounded by ag land or E900 RD. Leaving the parking lot assists people needing to park equipment (as described above) overnight that would otherwise need to drive several miles for another location to park.

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.

The current site plan was approved in 2004 by the County with the existing building at its current location and within the setback at that time. The new setback distance of 210' was established by the County after the building was constructed. The new setback distance also places over 50% of the existing building within the setback. This is unique to this property and it's not a condition created by the Owner, rather than the County. The 210' setback also reduces any new construction of this parcel by over 45% from the north side of the property. The newly designed fellowship hall is situated to align closely with the existing building on the north side to allow for aesthetics and functionality to the current building. This allows our elderly parishioners to easily maneuver between the existing building and the planned fellowship hall. The current setback distance would create a hardship for the mobility of our elderly as the building would have to be situated at such a long distance from the existing building.

The aggregate parking lot has been in its current state for years and fits the current AG-2 zoning. According to the online zoning map, my research shows that there are no other AG-2 parcels that have paved parking lot(s) close to this area. The Willow Springs Fire Dept recently constructed a new building on E1100 RD/US-56. This parking lot is all aggregate.

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).

Strick application would require demolition of nearly half the existing building if any new construction were approved on the property and a variance wasn't granted; even an addition to the existing building that is outside of the 210' setback line would require a variance for the existing portion of the building within the 210' setback. This creates undue hardship by forcing the church to use the building in its current configuration or remove a substantial portion of the building if it wants to make any changes that require a building permit. The existing building is only 20 years old and easily retains another 40 to 60 years of useful life, however, if a variance is not granted from the 210' setback, the value of the church's property will be substantially diminished due its inability to improve the property, or sell the property to another entity that wants to improve it, causing undue hardship on the church's rights for private use of their property.

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

Both the setback and aggregate parking lot variances have no health, safety, moral, order, convenience, prosperity, or general welfare effects due to location of the fellowship hall or material type changes (asphalt vs aggregate).

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

The general spirit of zoning regulations is to keep all county construction or expansion projects to the general conformance guidelines as to not adversely affect surrounding property or property owners. Granting both of the requested variances has no known adverse effects on either surrounding properties or property owners.

APPENDIX II: SITE VISIT PHOTOS – Nov. 4, 2025



