

STAFF REPORT

ON AN APPLICATION FOR THE FOLLOWING:

ZBZA-2026-0001: An application from Mike Myers of Hernly Associates, Inc. on behalf of Thomas Howe and Kathleen Dinneen, property owners, requesting a Variance to allow a reduction of the required interior side setback from 30 feet to 16 feet for a proposed addition to a single-family residence and a porch, to be located at 1582 N 1500 Rd.

APPLICANT/OWNER:	Mike Meyers of Hernly Associates, Inc. representing Thomas Howe and Kathleen Dinneen, property owners
LOCATION:	1582 N 1500 Rd (Plate № 800590-01BJ)
AREA:	0.493 acres
DATE OF PUBLIC HEARING:	Tuesday, January 20 th , 2026, 10:00 AM.
DATE PUBLIC NOTICE PUBLISHED:	December 31 st , 2025
PRESENT ZONING AND LAND USE:	Ag-2 – Transitional Agricultural; Detached single-family dwelling use

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-2.04 Dimensional Standards: Establishes a minimum interior side setback of 30 feet.

DESCRIPTION OF VARIANCE REQUESTED:

The subject property, located at 1582 N 1500 Rd., is 0.493 acres and is located in the Blue Moon Ranch Townhomes. It is developed with a legal-nonconforming detached single-family residence built in 1912. Mike Myers of Hernly Associates, Inc., representing property owners Thomas Howe and Kathleen Dinneen, has submitted an application for a Variance proposing a single-story addition to the residence and porch within the interior side setback.

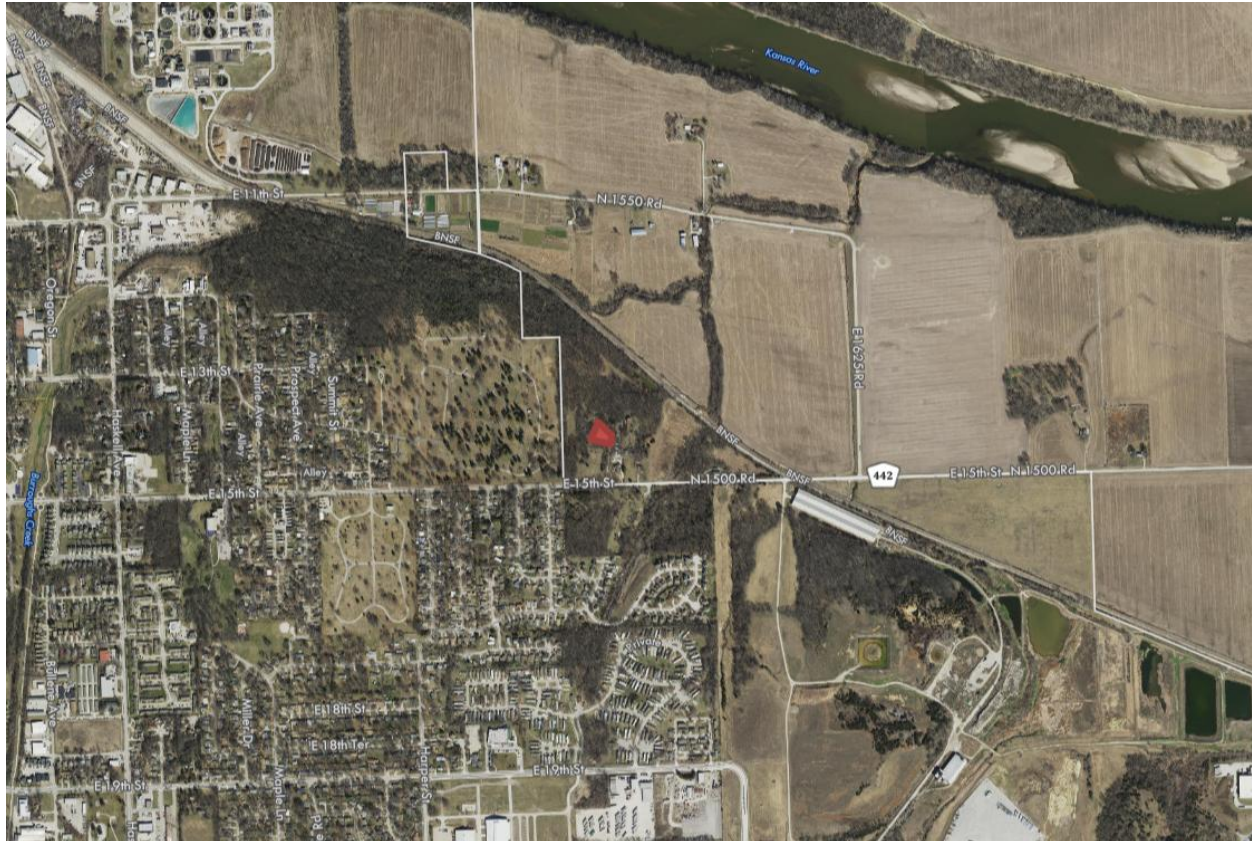
The Zoning Regulations require an interior side setback of 30 feet, and the applicant is requesting a reduction to 16 feet. The proposed addition will be 547 ft² and will contain a pantry, master bedroom, master bathroom, additional full-sized bathroom, laundry room, mudroom, and screened-in porch. The applicant has stated that the developed lots in the Blue Moon Ranch Townhomes do not generally conform to the setbacks imposed by the AG-2 zoning district. The small size of the tracts, combined with the location of underground utilities, limit the buildable area with the required setbacks.

As stated previously, this property is within the Blue Moon Ranch Townhomes. A note on the plat (filed at Plat Book 15, page 747), as well as the covenants of this subdivision, require annexation into the City of Lawrence upon requiring a building permit. Staff have previously sought legal counsel regarding this requirement. The determination was that this requirement applies to new residences, not minor additions. Additionally, annexation decisions are discretionary and can only be made by the City of Lawrence. The covenants of the property have separate development requirements that may conflict with the Zoning Code. Per section 12-301-5(c) of the Zoning Code, the regulations are not intended to abrogate or annul any legally established covenants. Additionally, the Zoning and Codes office does not enforce

covenants and restrictions. Prior to construction, the applicant may be required to obtain approval from a Homeowners Association (HOA) or an Architectural Review Committee. This variance does not waive any covenants, restrictions, or HOA bylaw requirements.

Given the subject property is located on an HOA-maintained access drive, the front setback is instead calculated from the property line. A front setback of 50 feet from the front property line is required per the Zoning Code, and this requirement appears to be satisfied.

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

This property is located in the Blue Moon Ranch Townhomes, which was created prior to current area and setback requirements. As such, there is a limited building envelope that satisfies the setback requirements. This property has an area of approximately 0.48 acres, which is uncommon in the unincorporated areas of Douglas County.

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

The proposed addition will contain a pantry, master bedroom, master bathroom, additional full-sized bathroom, laundry room, mudroom, and screened-in porch, which are permitted in the AG-2 Zoning District. Additionally, other properties within the Blue Moon Subdivision have similar development within the required side setback. The property is subject to all other zoning requirements and the HOA bylaws, which further intend to uphold the rights of adjacent property owners.

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 AG-2 Zoning District is intended for lots with areas between 10 and 19.9 acres. Given the legal non-conforming nature of this property and current setback requirements, there is a limited building envelope that satisfies the setback requirements. The standard design for a porch is adjacent to a residence. Strict compliance with the regulations would limit where a porch could be built, or could alter the design of the historic house. As such, the owners of the subject property are limited in their ability to use their property in a manner consistent with their neighbors.

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

As previously stated, the proposed addition will contain a pantry, master bedroom, master bathroom, additional full-sized bathroom, laundry room, mudroom, and screened-in porch, which are permitted in the AG-2 Zoning District. The property is subject to all other zoning requirements, which are intended to uphold health, safety, and welfare.

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

The interior side setback is intended to allow for the free flow of drainage between properties, limit the spread of fire between structures, and reduce conflicts between neighbors. The neighboring properties similarly have residential buildings within the setback. There are existing trees that serve to screen the site.

PUBLIC COMMENTS:

None received as of December 24th, 2025.

AGENCY COMMENTS:

The fire department indicated that they had no concerns. Additional comments may be pending.

STAFF RECOMMENDATIONS

Staff recommend approval of a Variance to allow a reduction of the required interior side setback from 30 feet to 16 feet for a proposed addition to a single-family residence and a porch, to be located at 1582 N 1500 Rd., with the following stipulation:

1. This variance shall apply only for a residential addition and porch, per the submitted plans. Any further development of the property shall satisfy the setback requirements or another Variance shall be obtained from the Board of Zoning Appeals.

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

Date: December 22nd, 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.

This variance request is for a reduction in interior side yard setback from 30 feet, to 16 feet on the north. the variance would allow for the construction of a single-story room addition. The addition includes a primary bedroom, bathroom, laundry, and screened and open porches. the purpose is to accommodate ground floor living / aging in place in an early 1900's farmhouse.

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

The developed lots in the subdivision do not generally comply with the setbacks imposed by the zoning district. The lots are all much smaller than the minimum lot standard and as such the AG-2 setbacks are not appropriate. Due to the way the subdivision was developed, none of the developed lots comply with all of the imposed AG-2 setbacks. Granting the variance will allow a 16-foot reduction on a side which is heavily wooded. The adjacent home is approximately 85 feet away from the proposed construction. 85 feet is 25 feet more than the combined 60 feet of the imposed setback, regardless. The adjacent property owner is in favor of the variance being granted.

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 AG-2 zoning category was designed for larger rural lots of 10 acres or more. 10-acre lots would generally support larger setbacks allowing for more space between homes. None of the lots in the Blue Moon Ranch Townhomes Subdivision are more than an acre in size. The largest is approximately 0.6 acres, and the smallest is approximately 0.1 acre. Lots this small do not support the large setbacks imposed by the AG-2 zoning category. The lot owners, likely did not contribute to the imposition of setbacks which would render some of their lots unbuildable.

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).

Strict application of the zoning provisions (setbacks) for the lot in question and all of the Blue Moon Ranch Subdivision would effectively make some of the lots unbuildable. Five of the existing homes exist completely or almost completely outside of the 'build-able' areas imposed by the setbacks. One existing home is on a lot with no build-able area. Strict Imposition of the AG-2 setbacks would generally make some vacant lots difficult to develop, some of the existing homes completely out of compliance, and many of the homes would have little to no capacity for expansion.

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

Approval of the Variance will allow for a minimal expansion of the home on the lot in question. It will create conditions similarly or lesser than found in the subdivision on other lots. Neighbors are not opposed to the Variance and thus will not be adversely affected.

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

The general spirit of the Zoning Regulations is, or should be, to support appropriate development in a logical and orderly way, that does not impose inappropriate regulation or allow adverse conditions on adjacent parcels to negatively affect rights of property owners to create places where they can thrive. Granting the variance would recognize that the 30-foot north side setback imposed by the AG-2 zoning category is not appropriate for the lot or consistent with the development of the neighborhood and would create a hardship to the homeowner.

APPENDIX II: SITE VISIT PHOTO – Dec. 24, 2025



APPENDIX III: Site Plan



1 SITE LAYOUT PLAN
1/16" = 1'-0"

PROPERTY OWNER:
Thomas Howe and Kathleen Dinneen
1582 N 1500 RD
Lawrence, KS 66046

ARCHITECT:
Hernly Associates, Inc.
1100 Rhode Island St.
Lawrence, KS 66044

PROJECT DESCRIPTION:
Single-Story Room Addition

LEGAL DESC:
A PLAN OF SURVEY FOR BLUE MOON RANCH TOWNHOMES, LOT ONE BLUE MOON BRANCH TRACT 9

NOTES

DINNEEN & HOWE RESIDENCE
1582 N 1500 RD
Lawrence, KS

Hernly
ASSOCIATES

150 Maple Street
Lawrence, Kansas
66044
TEL: 781-966-1000
FAX: 781-744-1518

TITLE PLAN

Date: 05/20/2026
Project: 202602
Checked By:
Remarks:

C1.0

APPENDIX IV: Neighborhood Plan

PROJECT: DINNEEN & HOWE ROOM ADDITION
 LOCATION: 1582 N 1500 RD
 SUBDIVISION NAME: BLUE MOON RANCH TOWNHOMES (1996)
 CURRENT ZONING: AG-2
 BASE SETBACK: N/A - PRIVATE ROAD
 FRONT SETBACK: 50'
 INTERIOR SIDE SETBACK: 30'
 REAR SETBACK: 30'
 MINIMUM LOT AREA: 10 ACRES (<10 ac VESTED PER EXISTING)

NARRATIVE:

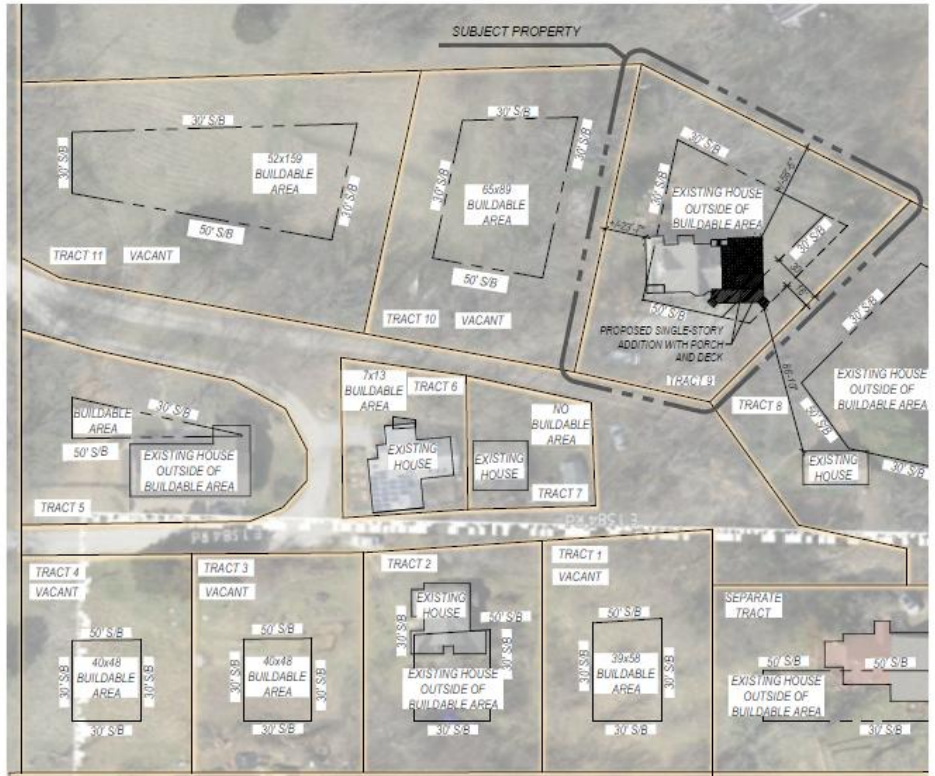
THE VARIANCE REQUEST IS FOR A REDUCTION IN INTERIOR SIDE YARD SETBACK FROM 30 FEET, TO 16 FEET ON THE NORTH. THE VARIANCE WOULD ALLOW FOR THE CONSTRUCTION OF A SINGLE-STORY ROOM ADDITION. THE ADDITION INCLUDES A PRIMARY BEDROOM, BATHROOM, LAUNDRY, SCREENED AND OPEN PORCHES. THE PURPOSE IS TO ACCOMMODATE GROUND FLOOR LIVING / AGING IN PLACE IN AN EARLY 1900'S FARMHOUSE.

THE SUBDIVISION PLAT WAS RECORDED 3/14/1996. OF THE ELEVEN (11) LOTS IN TRACT "A", DIVIDED FOR RESIDENTIAL DEVELOPMENT, FIVE (5) ARE VACANT. OF THE FIVE (5) VACANT LOTS, ONLY TWO (2) WOULD BE LIKELY DEVELOPABLE AS TYPICAL RANCH STYLE HOUSES WITH ATTACHED GARAGES IF THE AG-2 SETBACKS WERE IMPOSED.

OF THE (6) DEVELOPED LOTS IN THE SUBDIVISION, NONE COMPLY WITH ALL CURRENT SETBACK STANDARDS. THE SUBJECT LOT, TRACT 9 IS THE CLOSEST TO COMPLYING WITH THE IMPOSED SETBACKS, WITH AN EXISTING INTERIOR SIDE SETBACK ENCROACHMENT ON THE SOUTH, BY LESS THAN 5 FEET. FRONT AND REAR SETBACKS ARE MET.

THE REMAINING FIVE (5) HOUSES IN THE SUBDIVISION ARE ALMOST COMPLETELY OUTSIDE OF THE BUILD-ABLE AREAS OF THEIR RESPECTIVE LOTS. THREE (3) DEVELOPED LOTS HAVE BUILD-ABLE AREAS SO SMALL, OR NON-EXISTENT, THAT IT RENDERS THEM UNFIT FOR DEVELOPMENT.

IT IS OUR ASSERTION THAT THE SUBDIVISION SHOULD HAVE SETBACKS MORE SIMILAR TO CITY ZONING DISTRICTS OR THE "VILLAGE" COUNTY DISTRICT WHICH WOULD IMPOSE A 10-FOOT INTERIOR SIDE SETBACK.



1 NEIGHBORHOOD PLAN

1" = 50'-0"



**Hernly
ASSOCIATES**

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