



BZA

Board of Zoning Appeals

MINUTES

DOUGLAS COUNTY BOARD OF ZONING APPEALS

Public Works, Zoning and Codes
Training Room, and by Teams (online)
3755 E 25th St.

Tuesday, January 20, 2026

10:00 A.M.

MEMBERS PRESENT: Rich Barr, Chair; Jerry Wohletz, Vice Chair; Fadra Mitchell

MEMBERS PRESENT ONLINE: NA

MEMBERS ABSENT: All present

STAFF PRESENT: In Person: Tonya Voigt, Zoning and Codes Director; Ben Harris, Zoning Administrator; Karl Bauer, County Planner; Amaya Dajani, Zoning Technician; Leo Ruhnke, Code Enforcement Officer.

Online: NA

PUBLIC PRESENT: In Person: Thomas Howe and Kathleen Dinneen
Online: NA

Rich Barr called the meeting to order at 10:00 a.m.

Rich Barr then called roll, and a quorum was established at 10:00 a.m.

ITEM NO. 1: **MINUTES**

Approve, revise, or approve with conditions the November 17, 2025, meeting minutes.

Jerry Wohletz moves to approve November 17, 2025, minutes, Fadra Mitchell seconds. Approved 3-0.

ITEM NO. 2: **DISCLOSURE OF EX PARTE COMMUNICATIONS**

Chair asks Board members for disclosure of any ex-parte communications on the items on the agenda.

None heard

MEETING MINUTES:

VARIANCE REQUESTS

ITEM NO. 3: 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 No 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.

PUBLIC COMMENTS:

None received

AGENCY COMMENTS:

The fire department indicated that they had no concerns.

STAFF RECOMMENDATION

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.

10:01 am Rich Barr – Asks County Zoning Technician, Amaya Dajani to present ZBZA-2026-0001 Amaya reviews application presentation and Variance standards.

Document in presentation shows other structures in subdivision are out of buildable areas.

No neighbors in Blue Moon Subdivision are opposed to the addition. Signed petition submitted 1/20/2026.

Rich Barr asks about AG-2 limits. Does AG-2 still apply?

Karl Bauer – This property is legal non-conforming. Hundreds of smaller AG-2 nonconforming parcels exist throughout the county.

Rich Barr – is this Subdivision governed by an HOA?

Thomas Howe – Created a rural residential subdivision. 11 lots were the minimum for a subdivision at the time. Townhome association owns 14 acres that are an undivided 1/5th of the property. Except for the properties that have structures.

No new dwellings can be constructed on the vacant parcels until annexed. Mr. Howe noted that they have lived there since 1991. They think of this property as a small village.

Rich Barr – Does the Board have any other questions?

Jerry Wohletz – How close is the neighbor to the east? 86 ft.

Thomas Howe – Our neighbor is a friend and is okay with the Variance. This addition is to allow an accessible space when stairs become a challenge as they age.

Rich Barr – If no further discussion, Rich asks for a motion

Fadra Mitchell makes a motion 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.

Motion Seconded by Jerry Wohletz

10:17 am Motion passes 3-0.

STAFF UPDATES:

- A February 16 BZA meeting will be scheduled.

BOARD UPDATES:

- Discussion about potential new BZA members

ADJORN:

Motion to adjourn from Jerry Wohletz

Fadra Mitchell seconded motion. Motion passes 3-0.

The BZA Meeting was adjourned at 10:21 A.M.