

**STAFF REPORT**

**ON AN APPLICATION FOR THE FOLLOWING:**

**ZBZA-2026-0002:** An application from Paul I. Oehlert and Kris D. Oehlert Revocable Trust requesting a Variance to allow a reduction of the required front setback from a principal arterial road from 210 feet to 140.5 feet, a reduction of the required exterior side setback from a principal arterial road from 210 feet to 209.75 feet, and the interior side setback from 30 feet to 29 feet for a proposed addition to a single-family residence, to be located at 1006 E. 1500 Rd.

<b>APPLICANT/OWNER:</b>	Paul I. Oehlert and Kris D. Oehlert Revocable Trust
<b>LOCATION:</b>	1006 E. 1500 Rd (Plate № 800952A)
<b>AREA:</b>	2.65 acres
<b>DATE OF PUBLIC HEARING:</b>	Monday, February 16, 2026, 10:00 AM.
<b>DATE PUBLIC NOTICE PUBLISHED:</b>	January 27, 2026
<b>PRESENT ZONING AND LAND USE:</b>	Ag-2 – Transitional Agricultural; Detached single-family dwelling use

**SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:**

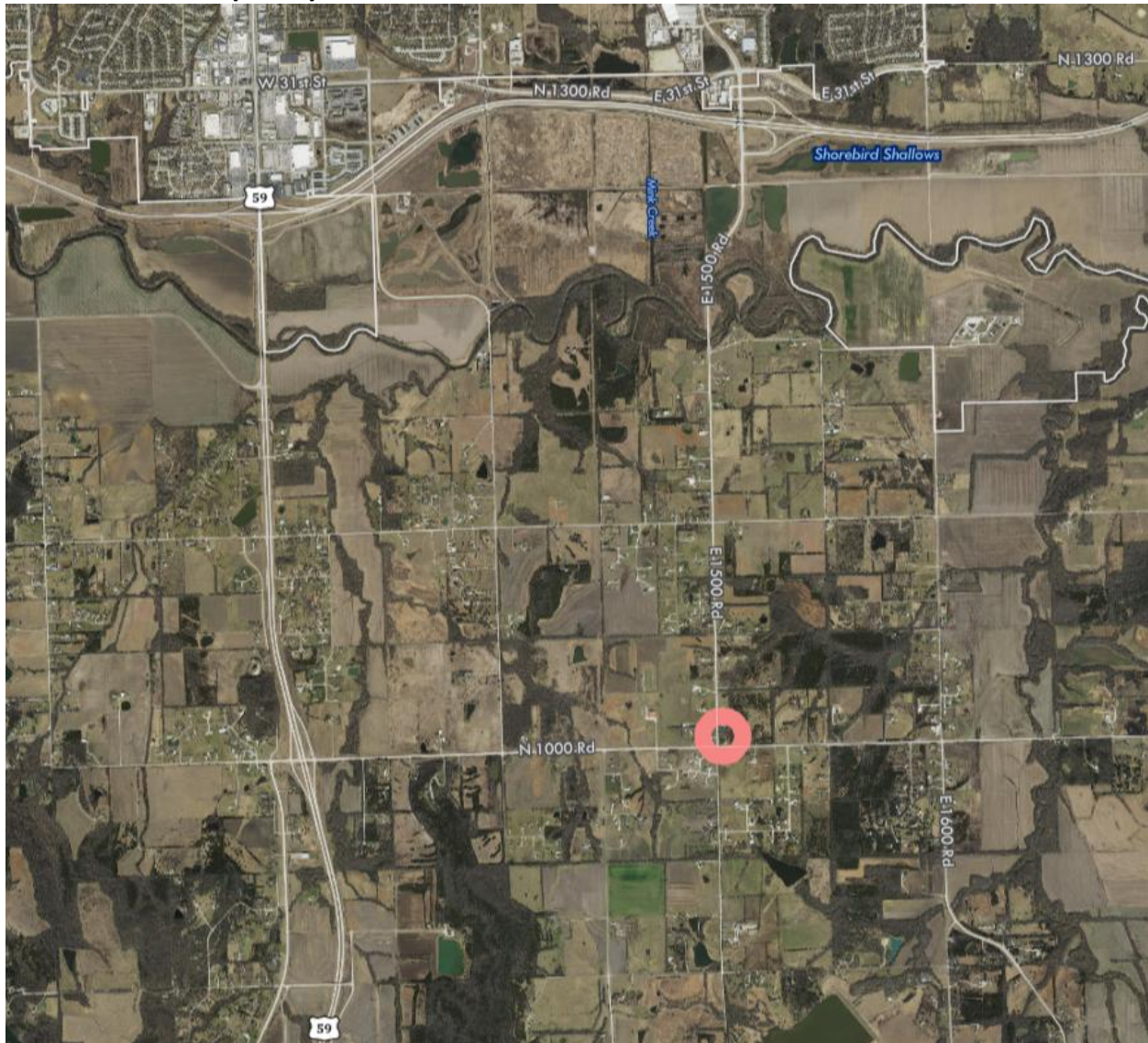
- 12-303-2.04 Dimensional Standards: Establishes a minimum front/exterior side setback from a principal arterial road of 210 feet, and a minimum interior side setback of 30 feet.

**DESCRIPTION OF VARIANCE REQUESTED:**

The subject property, located at 1006 E. 1500 Rd., is approximately 2.65 acres in size and is developed with a detached single-family dwelling and a detached garage. According to the Kansas Historic Resources Inventory, the house and garage were built in 1920 and 2008, respectively. As such, they were built prior to current setback requirements and have legal-nonconforming status. The applicant is proposing an addition to the rear of the existing house that would still extend within the required front yard area.

Per Section 12-308-3.02 (Structural Alterations to Nonconforming Structures) of the County’s Zoning Code, no expansion is permitted into the required front yard. Enlargements to the structure are permitted in the side and rear yards to the extent of the nonconformity. While the proposed addition is to the rear of the existing legal-nonconforming house, it is still within the required front “yard,” and as such, would not be permitted without a Variance from the Board of Zoning Appeals (see Appendix IV). A Variance is not strictly required for the additional expansion within the side yard, which consists of attaching the garage to the house, but is included in the description of the Variance to document that it is conforming.

The subject property has a Variance history. On June 16, 2010, the Board of Zoning Appeals approved a request to reduce the front setback to allow the garage. On December 17, 2008, the Board of Zoning Appeals approved a request to allow a remodeling of the front porch on the residence.

**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

The subject property is approximately 2.65 acres in size and is developed with a legal-nonconforming residence, built in 1920, prior to current setback requirements. The parcel in its current configuration has existed since at least 1976. Subdivision of parcels of this size are no longer permitted, and as such, the lot is also considered legal-nonconforming. The property slopes down to the northeast corner of the property, where a creek is located. The creek, slope, and mature trees further limit the developable area of the property.

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

The existing single-family residence is used as a rental property leased to a long-term tenant. The applicant is proposing an addition to the existing residence with the intent of turning it into his retirement home. Use of the property as a single-family residence is permitted in the Ag-2 District. Granting of the Variance is not anticipated to adversely affect the rights of adjacent property owners or residents.

**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 location of a stream and the downward slope toward it further limit the developable area.

The applicant intends to build an addition onto the existing residence that, as proposed, will be built within the required front yard. The standard design for an addition, as proposed is adjacent to a residence. Strict compliance with the regulations would limit where the addition could be built. The proposed addition is similar in character to other residences in the area. 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 be residential in nature, and a single-family residence is 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 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 serve to partially screen the existing house from the road. Additionally, the proposed addition will be to the rear of the existing residence, not increasing the extent of the nonconformity. A distance of 140.5 feet from the center of the road will be maintained at the closest point of the new addition. The front plane of the existing house is approximately 100 feet from the center of the road. Buildings on nearby properties also appear to be within the required setback.

While a Variance for the interior side setback is not strictly required, there is a one-foot expansion of the proposed new structure within the required side yard. 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. Staff have not identified any specific issues arising from the proposed one-foot encroachment into the required side yard.

**PUBLIC COMMENTS:**

None received as of February 4, 2026.

**AGENCY COMMENTS:**

None received as of February 4, 2026. Additional comments may be pending.

**STAFF RECOMMENDATIONS**

Staff recommend approval of a Variance to allow a reduction of the required front setback from a principal arterial road from 210 feet to 140.5 feet, a reduction of the required exterior side setback from a principal arterial road from 210 feet to 209.75 feet, and the interior side setback from 30 feet to 29 feet for a proposed addition to a single-family residence, to be located at 1006 E. 1500 Rd., with the following stipulation:

1. This variance shall apply only for an addition to a single-family residence, 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: Karl Bauer, AICP, Planner II

Date: February 4, 2026

# 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.

*We are requesting to add on to the south and east side of existing house and garage, repurposing what is there and taking this from a rental property to our retirement home.*

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

*Our plan for the addition is on the south and east side of existing house and will be shielded from the adjacent neighbors by existing tree lines.*

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.

*Our hope and desire is to utilize the existing home and garage that were built or remodeled with previous variances and not waste the time and expense that was incurred during that process.*

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).*

*We are wanting to move closer to Lawrence and have selected this property to add on to. The current home and garage are not large*

enough to accommodate our needs. We are not asking to build any closer to E. 1500 than the current home already is.

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

To the contrary. Right now we feel this property has become somewhat of an eyesore by the current tenants and that's one of the reasons we chose this property to repurpose. We recently remodeled the property we own across the street to the west and would like to (once again) remodel this one and make it nice again. Right now there are several run down vehicles and assorted stuff making it look unkept. It is a very busy, visible intersection. We feel what we want to do will only enhance the appeal of the neighborhood and surrounding area, turning it from a rental to a retirement home.

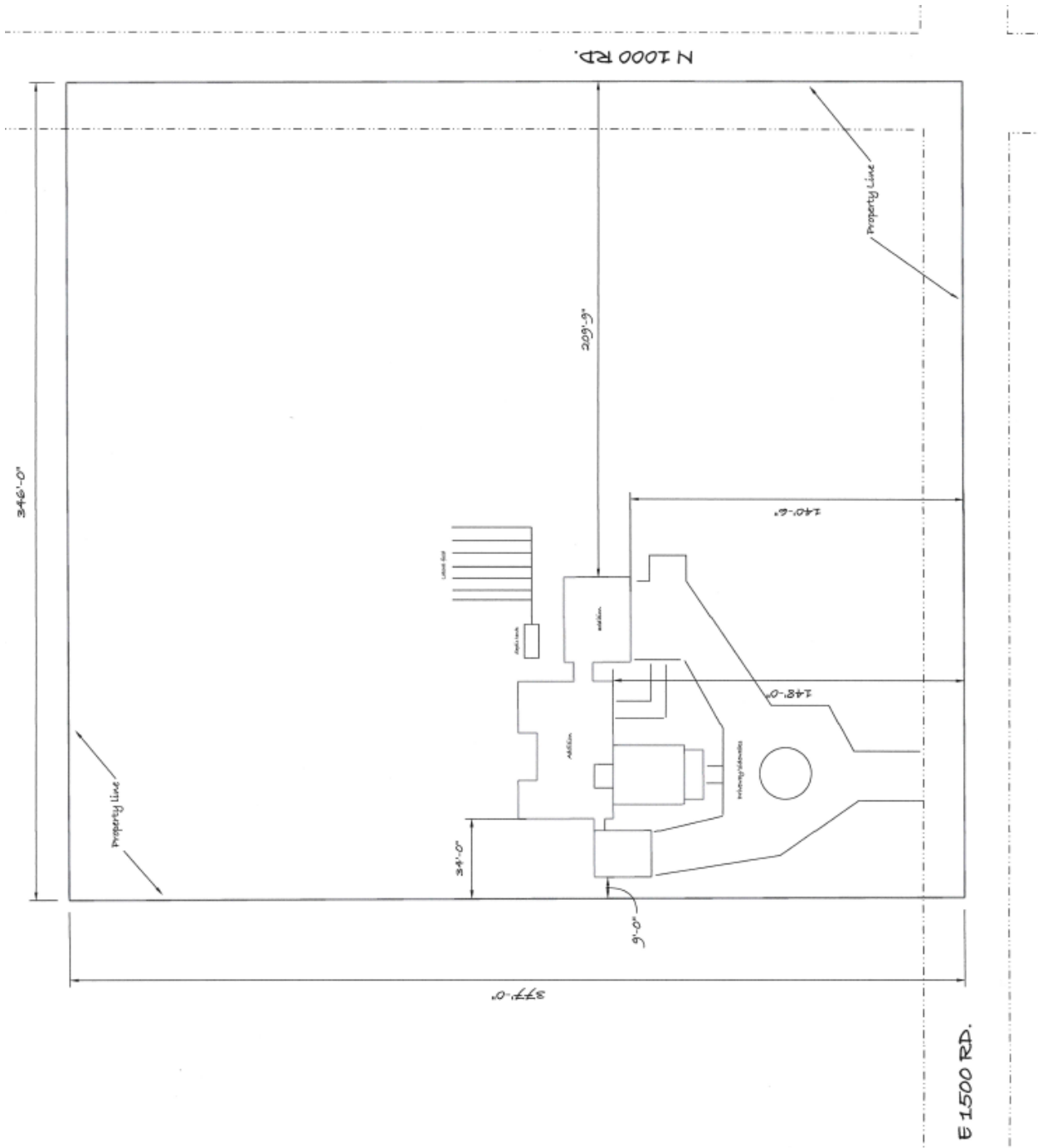
6. Explain why granting the Variance will not be contrary to the general spirit and intent of the Zoning Regulations.

Well, to be honest, what we are asking is contrary to the general spirit and intent of the zoning regulation. We had no say in the location of the current home and no say when the set backs were established. We are merely asking for some grace.

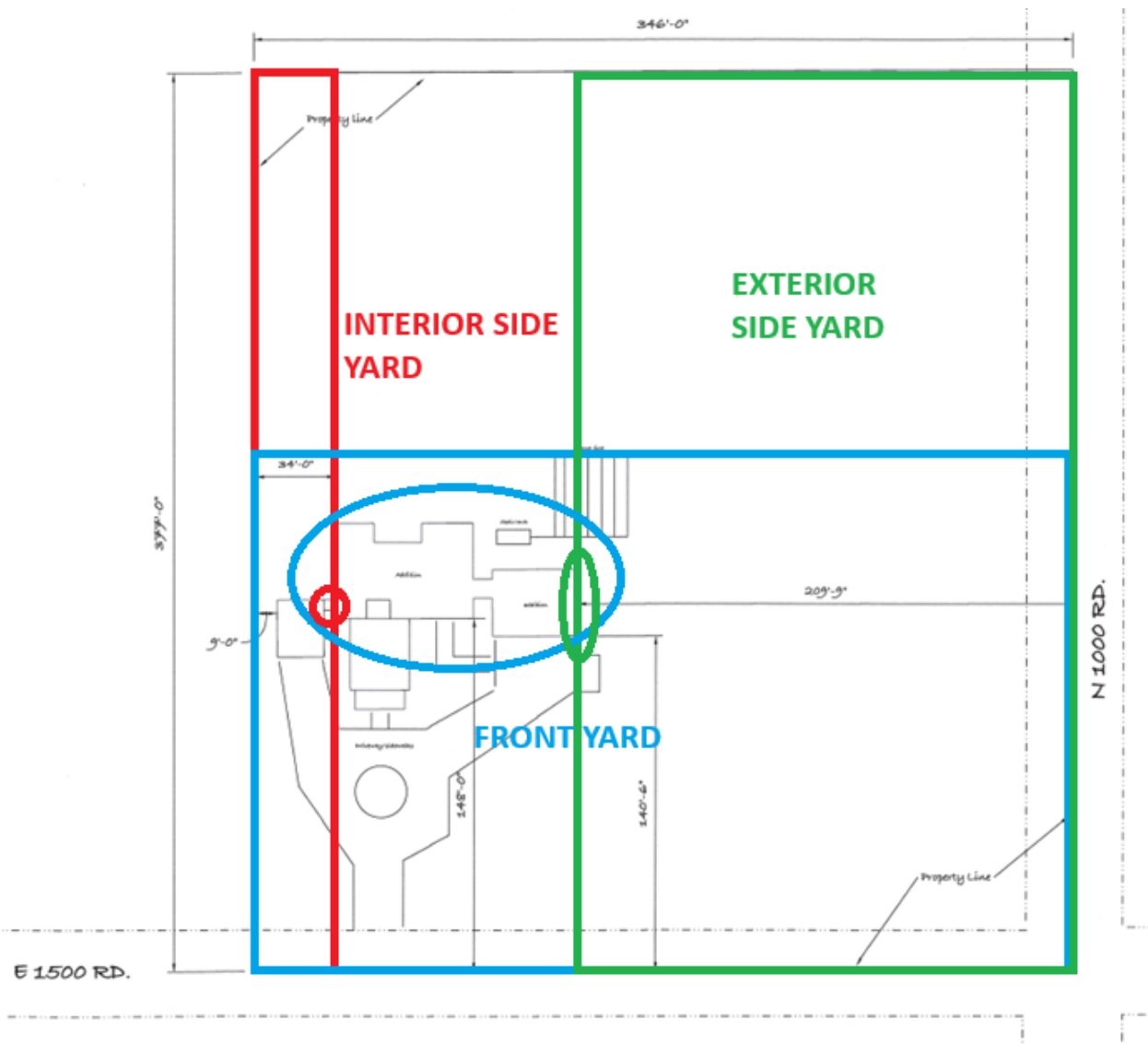
# APPENDIX II: SITE VISIT PHOTO – Jan. 30, 2026



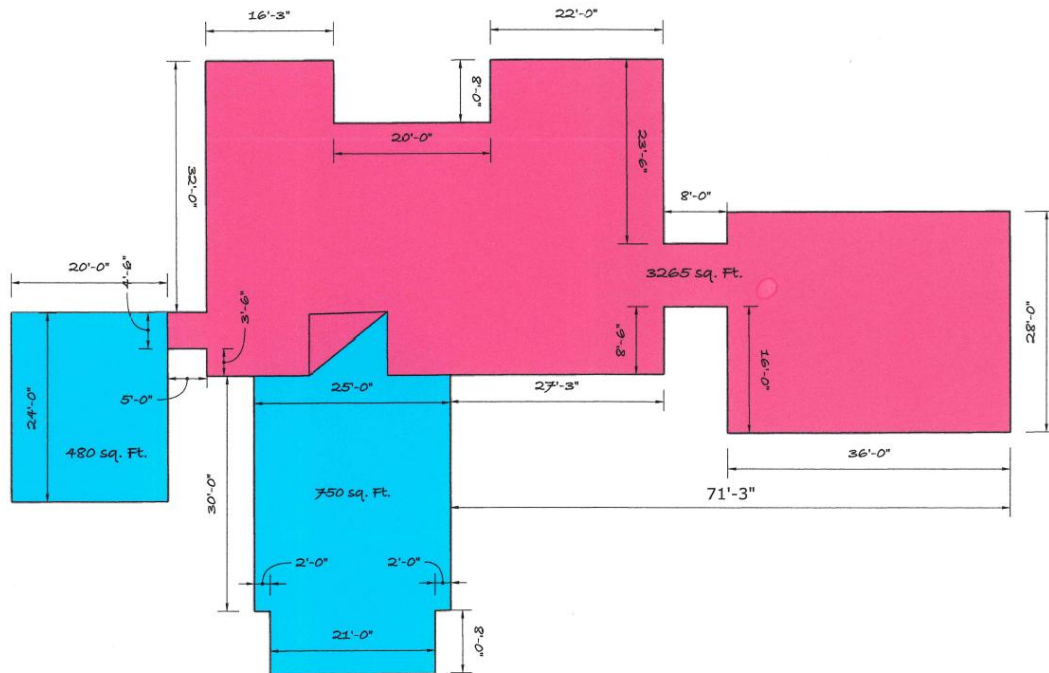
# APPENDIX III: SITE PLAN



# APPENDIX IV: REQUIRED YARD MARKED ON SITE PLAN



# APPENDIX V: EXISTING (BLUE) AND NEW (PINK) STRUCTURE



# APPENDIX VI: ELEVATIONS

