

STAFF REPORT

ON AN APPLICATION FOR THE FOLLOWING:

ZBZA-2026-0005: An application from John Heleniak requesting a Variance to allow a reduction of the required front setback from a local road from 85 feet to 60 feet for a proposed accessory building, to be located southeast of the intersection of N. 1632 Rd. and E. 318 Rd.

APPLICANT/OWNER:	John G. Heleniak, applicant/ John G. Heleniak and Nicole J. Hite-Heleniak, Trustees of the Heleniak and Hite Family Trust, owners
LOCATION:	southeast of the intersection of N. 1632 Rd. and E. 318 Rd (Plate № 400561)
AREA:	3.16 acres
DATE OF PUBLIC HEARING:	Monday, August 17, 2026, 10:00 AM.
DATE PUBLIC NOTICE PUBLISHED:	Tuesday, July 28, 2026
PRESENT ZONING AND LAND USE:	CP – Clustered Preservation, currently developed with a natural gas pipeline and related utility infrastructure. The property is otherwise void of structural development.

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-3.04 Dimensional Standards: Establishes a minimum front/exterior side setback of 85 feet from the centerline of a local road.

DESCRIPTION OF VARIANCE REQUESTED:

The subject property, located southeast of the intersection of N. 1632 Rd. and E. 318 Rd., is in an undeveloped lot in a residential subdivision northeast of Stull. The applicant, John Heleniak, is proposing to develop the lot with a residence and accessory building. The property is bisected by a Southern Star natural gas pipeline, with utility infrastructure along the eastern property line. The pipeline is within a 66-foot-wide utility easement. Due to the location of the easement and the wooded nature of the property, the applicant is proposing to build the barn within the required front setback, approximately 60 feet from the centerline of the road.

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 3.16 acres in size and is bisected by a high-volume Southern Star natural gas pipeline. Additional utility infrastructure is located along the eastern property line, accessed by a gravel driveway from N. 1632 Rd. The pipeline is within a 66-foot-wide utility easement. One other property in this subdivision is bisected by the pipeline. The property is void of any other structural development. The subject property gently slopes down to the east and south. The property is mostly wooded.

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

Per the applicant, the accessory building will be used for household equipment and storage, which is permitted in the CP Zoning District. The applicant has stated the structure will appear residential in character and will be screened from the road and neighboring properties by trees.

- 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 pipeline and utility easement limit developable sites on the subject property. Strict adherence to the zoning regulations would require removing a greater number of mature trees or potentially disturbing the pipeline.

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

As previously stated, the proposed accessory building will be residential in character and is permitted in the CP 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 screen the accessory building from the road. A distance of 60 feet from the center of N. 1632 Rd. will be maintained. N. 1632 Rd. is a low-traffic residential dead-end road used by one other residence and to access utility infrastructure. Buildings on nearby properties also appear to be within the required setback.

PUBLIC COMMENTS:

None received as of July 30, 2026.

AGENCY COMMENTS:

Additional comments may be pending.

STAFF RECOMMENDATIONS

Staff recommend approval of a Variance to allow a reduction of the required front setback from a local road from 85 feet to 60 feet for a proposed accessory building, to be located southeast of the intersection of N. 1632 Rd. and E. 318 Rd., with the following stipulation:

1. This variance shall apply only for a 50x70-foot accessory building, 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: July 30, 2026

APPENDIX I:

Applicant Responses (Verbatim)

Residential Design Language)

Douglas County, Kansas

Executive Summary

This application requests approval of a front-setback variance to allow construction of a 50' x 70' barn on a parcel encumbered by a large-volume gas transmission line and its designated right-of-way. The fixed location of this utility corridor significantly restricts the buildable area of the property and prevents any structure from being placed in full compliance with the required 85-foot front setback.

The proposed barn location, approximately 60 feet from the centerline of the road, is the only safe and practical area of the property where the structure can be placed entirely outside the gas line easement while maintaining all required safety clearances. This location also minimizes environmental disturbance by requiring the removal of the fewest mature trees on the property.

To further reduce visual impact, the barn is being designed with a residential appearance, and landscaping will be added to help screen the structure from neighboring properties.

The hardship prompting this request is not self-created. The gas transmission line and pump station existed long before the current ownership and imposes unique physical constraints not commonly found on other properties within the zoning district.

A neighboring property already has a barn located approximately 60 feet from the road centerline, demonstrating that a similar setback is consistent with existing development patterns.

The variance will not negatively affect public health, safety, or welfare. The barn's placement avoids the gas line corridor, preserves utility access, minimizes mature tree removal, and does not create any roadway hazards or community impacts.

The requested variance aligns with the general spirit and intent of the Zoning Regulations by promoting orderly development, protecting roadway safety, and maintaining neighborhood character while allowing reasonable use of the property despite unique physical constraints.

Variance Form – Question 1 Response**Describe the conditions causing the hardship.**

A large-volume gas transmission line and its designated right-of-way cross the parcel, significantly restricting where any structure can be safely located. This limits the buildable area and prevents the barn from meeting the 85-foot front setback.

The only workable location is between the gas line right-of-way and the road. This area keeps the barn outside the easement, maintains all required safety clearances, and requires removing the fewest mature trees.

The barn will also be designed with a residential look and will include landscaping to soften its appearance and help screen it from view, further reducing any visual impact.

Because this building area lies approximately 60 feet from the road centerline, a variance is required.

Variance Form – Question 2 Response**Will granting the variance harm adjacent property owners?**

Granting this variance will not adversely affect the rights of adjacent property owners or residents. The barn remains fully within my property boundaries and outside the gas line right-of-way.

The neighborhood consists of large lots of three acres or more, so the reduced setback does not affect privacy or crowding. A nearby property already has a barn at a similar setback.

To further protect neighboring views, the barn will be screened with landscaping, and its residential-style design will help it blend into the surroundings rather than appear industrial or intrusive.

Variance Form – Question 3 Response**Is the hardship unique to this property?**

Yes. A large-volume gas transmission line and its right-of-way run through the parcel, creating a substantial no-build zone. This condition is not typical of other properties in the district.

The hardship is entirely the result of the gas line and gas pump station's location, an external factor that existed long before my ownership.

Variance Form – Question 4 Response

Would strict application of the regulation create unnecessary hardship?

Strict application of the 85-foot setback requirement would prevent the barn from being built in the only safe and functional area of the property. The area between the gas line and the road is the only location that avoids conflicts with the pipeline, its easement, and required safety clearances.

This area also contains the fewest mature trees, minimizing environmental disturbance.

Because this is the only workable location, enforcing the full setback would eliminate the ability to reasonably use the property for a barn.

Variance Form – Question 5 Response

Will granting the variance harm public health, safety, or welfare?

No. The barn remains fully outside the gas line right-of-way and maintains all required safety clearances.

The barn will be used for normal agricultural, workshop, and storage purposes and will not create noise, congestion, or drainage issues.

To reduce visual impact and maintain neighborhood character, the barn will be designed with a residential appearance, and landscaping will be installed to help screen it from neighboring properties.

Because the variance simply allows the barn to be in the only safe and functional portion of the property, it does not pose any risk to public health or safety.

Variance Form – Question 6 Response

Is the variance consistent with the spirit and intent of the zoning regulations?

Yes. The purpose of the setback requirement is to ensure orderly development, maintain spacing between structures, protect roadway safety, and preserve neighborhood character.

The barn's location continues to uphold these goals. It remains outside the gas line right-of-way, maintains the open, low-density character of the area, and minimizes tree removal.

The barn's residential-style design and landscaping for visual screening further support the intent of the zoning regulations by reducing visual impact and helping the structure blend into the surrounding environment.

Site-Plan Narrative

The site plan shows the house, septic system, gas transmission line, and the proposed barn location.

The barn sits on a stable, level area between the gas line right-of-way and the road. This area contains the fewest mature trees and avoids the restricted pipeline corridors.

To reduce visibility from the road and neighboring properties, the barn will include **landscaping for screening**, and the structure will be designed with a residential appearance so it blends naturally with the property and surrounding homes.

The barn is positioned approximately 60 feet from the road centerline.

Douglas County KS Property Viewer



APPENDIX II: Site Visit Photos – July 29, 2026



APPENDIX III: Site Plan



GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC).
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HITE-HELENIAS RES.
LECOPTON, KANSAS
N. 1632ND ROAD

PROJECT NO.	24000000
DATE	06.02.2024
BY	07/01/2024
DATE	07/01/2024

S1
ARCHITECTURAL
SITE PLAN



