

STAFF REPORT

ON AN APPLICATION FOR THE FOLLOWING:

ZBZA-2026-0006: An application from Tony Whitter of Compost Collective KC 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 1701 E. 1500 Rd.

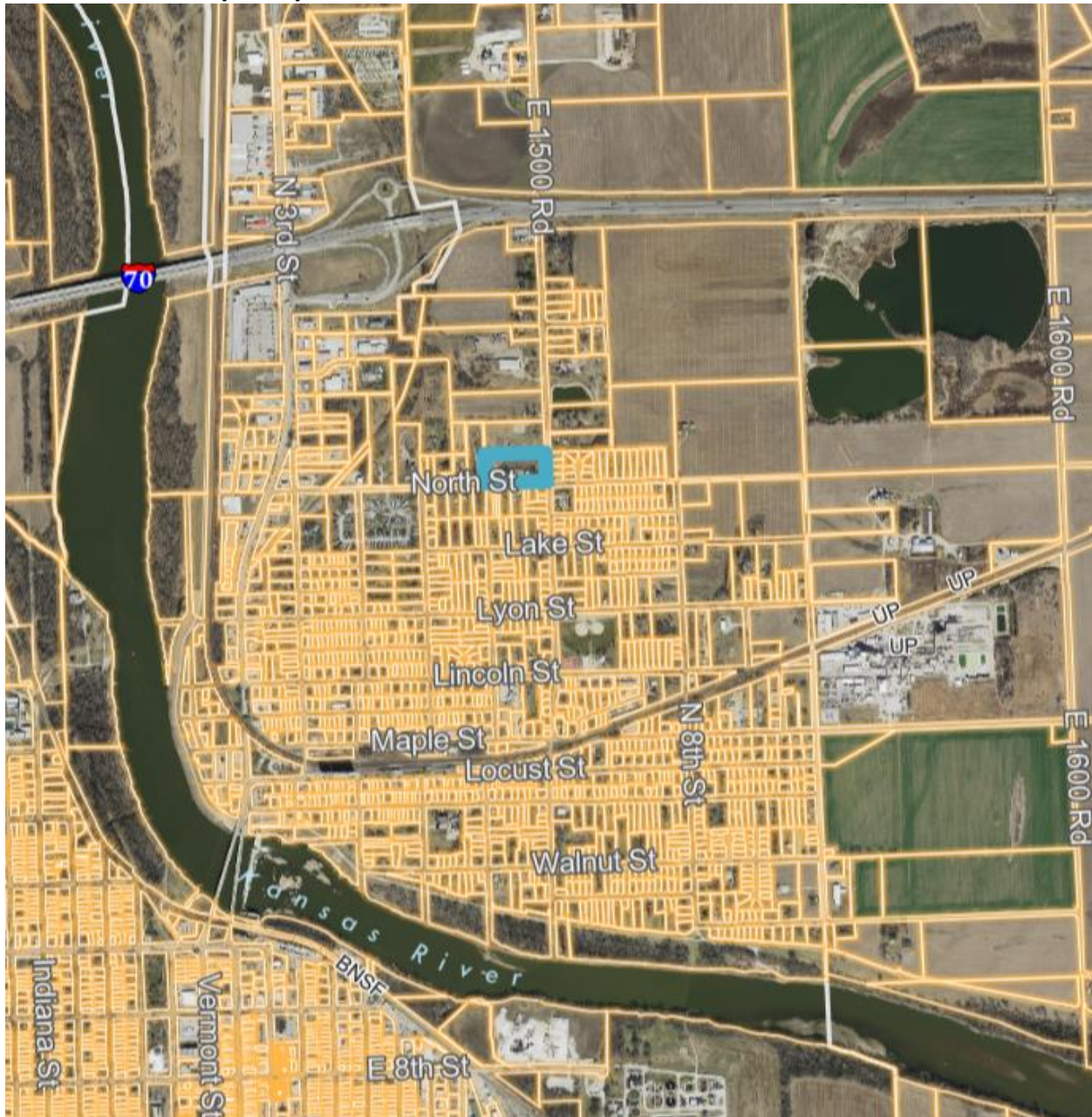
APPLICANT/OWNER:	Tony Whitter representing Compost Collective KC, applicant/Shepard Family Trust, owner
LOCATION:	1701 E. 1500 Rd. (Plate № 300192)
AREA:	5 acres
DATE OF PUBLIC HEARING:	August 17, 2026, 10:00 AM.
DATE PUBLIC NOTICE PUBLISHED:	July 28, 2026
PRESENT ZONING AND LAND USE:	Ag-2 – Transitional Agricultural; developed with two residences (built 1969 and 1900) and several accessory buildings. The unbuilt portion of the property is agricultural in nature.

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.

DESCRIPTION OF VARIANCE REQUESTED:

Tony Whitter, representing Compost Collective KC, has submitted a request for a Variances related to a proposed compost business. Specifically, the request is to allow for gravel surfacing in lieu of paved parking and access. The County's parking surfacing standards require pavement for non-residential (e.g. commercial and industrial) uses taking access from a paved road. The proposed compost business will take access from N. 1700 Rd/North St., a paved road maintained by the City of Lawrence. The applicant is requesting the surfacing variance to allow a gravel parking lot and access. Staff is recommending a stipulation to ensure the ADA parking and apron from the road are paved. A Conditional Use Permit application is currently being processed for the composting business (UP-26-0015).

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 has an area of 5 acres and is located on the northwest side of the intersection of N. 1700 Rd. and E. 1500 Rd. (North St. and N. 7th St. in the City of Lawrence, respectively). The property is developed with two houses, built in 1969 and 1900. The property appears to have existed in its current configuration since before the adoption of zoning regulations for the Unincorporated Area. The area of the property has documented drainage issues.

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

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 compost facility is surrounded by residential, agricultural, and industrial uses. Other nonresidential uses in the neighborhood have gravel driveways and parking areas, and Variances to allow gravel surfacing have been approved for properties in the same area (ZBZA-2024-0001 at 1723 E 1500 Rd and ZBZA-2023-0004 at 1749 E 1500 Rd). The recommended stipulation to require paved aprons serve to further maintain the rights of adjacent property owners and 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

Staff is aware of stormwater retention concerns in the area, and increasing the amount of structures and impervious surfaces could exacerbate the problem. Additionally, the proximity of the property to the floodplain and floodway further generates concern over permeability and runoff. A gravel parking area would allow water to drain more freely. Requiring additional paved surfaces may constitute an unnecessary hardship.

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

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. 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

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 compost facility is surrounded by residential, agricultural, and industrial uses. Other nonresidential uses in the neighborhood have gravel driveways and parking areas, and Variances to allow gravel surfacing have been approved for properties in the same area (ZBZA-2024-0001 at 1723 E 1500 Rd and ZBZA-2023-0004 at 1749 E 1500 Rd). The recommended stipulation to require paved aprons serves to align the development with the general spirit and intent of the regulations.

PUBLIC COMMENTS:

Staff received one comment by email on August 1, 2026:

I do not believe that the zoning variance should be granted to Compost Collective KC as the current state of their gravel road is poor with several large potholes that accumulate significant water during rainfall and cause difficulty when attempting to pass cars on E

1500 Rd. since it is narrower than a two lane road. If variance is not granted I believe that the overall quality of E 1500 would be improved and as a result am against granting the variance.

Sincerely,
Austin Cosner
austincosner@proton.me

No further comment has been received as of August 3, 2026.

AGENCY COMMENTS:

None received as of August 3, 2026. Additional comments may be pending.

STAFF RECOMMENDATIONS:

ZBZA-2026-0006: 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 1701 E. 1500 Rd., with the following stipulations:

1. This Variance is contingent upon approval of UP-26-0015 and is subject to any conditions of approval, and;
2. All aprons from adjacent paved roads and all Americans with Disabilities Act-required parking spaces shall be paved with asphalt or concrete.

Date: August 3, 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.

Compost Collective KC provides residential curbside, commercial and "bin-swap" collection of food waste and compostable materials in the area. Residential service is provided with a 4 gallon bucket used to collect materials. Commercial service is provided with a 64-gallon tote. Bin-swap is a service where a resident can keep a 4-gallon bucket at home and exchange it for an empty container at a public establishment (e.g. market or local business).

The farm site in Lawrence will house 2 pickup trucks and a trailer for the foreseeable future. CCKC uses standard ½ ton pickups (e.g. Toyota Tundra) for residential pickup. We add a trailer to the pickup truck for commercial pickup. One ton pickups may be used in the future for additional load capacity. Employees will come to the farm in the morning, pick up a vehicle, complete their route, and return to the farm for drop off. Finished compost takes approximately 5 months to cure and will be used on the local farm and distributed in support of local growing. We will also have periodic drop offs of bulk carbon material to mix with the nitrogen-dense food waste. One pickup truck can complete approximately 100 residential stops per day, with a capacity of 500 stops per week.

The proposed project is a 1/4 acre compost site to collect food scraps/organics and process into finished compost. Compost Collective KC will collect food waste in Lawrence and surrounding areas. The organics are cured into finished compost and used on-farm or distributed. We are requesting two variances: 1) Waiver of asphalt parking and use of gravel instead of asphalt to meet parking requirements; and 2) Waiver of lighting requirements. a waiver of this requirement to maintain consistency with the area's character and and agricultural nature of the property. Gravel paving is consistent with agricultural, low-density development of a site.

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

_____ Adjacent properties have similar existing conditions. The applicant does not believe that gravel surfacing negatively impacts surrounding properties, and is consistent with the conditions of the surrounding neighborhood.

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 requested variance arises from unique characteristics of the property, including its existing agricultural and rural use, location, and site conditions. The property functions as a working farm and a composting operation with gravel parking is consistent with the rural character of the site and minimizes unnecessary land disturbance and impervious surface coverage. This property is operated in a manner that supports agricultural and environmental stewardship objectives.

These conditions were not created by the applicant but are inherent to the property's existing use, layout, and rural setting. Requiring asphalt paving would impose a burden that is not necessary to achieve the intended use of the property and would be inconsistent with the property's longstanding agricultural character. Gravel paving is consistent with agricultural, low-density development of a site.

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).

Gravel surfacing is more permeable than hard pavement (concrete and asphalt), and will have

the least impact to the surrounding land. Hard pavement poses a burden on the property and surrounding land owners by creating additional runoff that will impact surrounding crop fields. The site drains to the north and east toward the agricultural property of Rolf Peterman. Excess runoff could adversely impact crop and pasture areas of this property and neighboring properties. Therefore, requirements of hard surfacing pose a significant hardship. Gravel surfacing minimizes runoff to this site and adjacent properties.

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

Granting the requested variance will not adversely affect public health, safety, welfare, or the surrounding community. The proposed gravel parking area will provide safe and functional access for employees, and visitors while maintaining proper site drainage and minimizing stormwater runoff. Dust impact is minimal due to a line of trees on the 3 sides of the property on the north, east and west. Gravel parking is commonly used for agricultural and rural properties and is compatible with the existing character of the area. The variance will allow the property to continue serving the community through composting, environmental education, and agricultural activities without creating impacts to neighboring properties or public infrastructure.

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

Gravel surfacing will provide a hard substrate for the movement of vehicles through this site without creating adverse impacts to neighboring properties. The design of the drive areas will prevent gravel from migrating to nearby areas. This alternative achieves the goals of the zoning code with regard to vehicle movement, but also considers environmental impact (stormwater runoff), surrounding property conditions, and consistency with the character of the community.

80'0"

107'0"

CARSON

DAMP

CARSON

ACTIVE

ACTIVE

ACTIVE

ACTIVE

FINISHED

2'0"

2'0"

NOTE: SITE COMPOUND OF GRAVEL FILL, AND 2' X 4' CONCRETE BLOCK PARTITIONS

