



Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying

## Landplan Engineering, P.A.

1310 Wakarusa Drive  
Lawrence, Kansas 66049

tele 785.843.7530  
fax 785.843.2410  
email info@landplan-pa.com

June 4, 2013

Sandra L. Day  
City/County Planner II  
Planning Division  
6 E. Sixth Street  
Lawrence, Kansas 66044

### Re: 3320 Peterson Road Request for Variance

Dear Sandy,

On behalf of Cheer Pole, Ltd., I am requesting a variance from Sec. 20-810(e)(5)(i) of the Subdivision Regulations which specifies a 150-foot right-of-way for all principal arterial streets, and from Sec. 20-811(c)(1)(i) which specifies that public sidewalks be installed on both sides of all streets. The below comments address the criteria for variances as outlined in Sec. 20-813(g)(2):

- i. *Strict application of these regulations will create an unnecessary hardship upon the Subdivider.*
  - a. **The existing rights-of-way for both Peterson Road and Kasold Drive at this location are 100-foot wide. Generally, the rights-of-way for both Peterson Road and Kasold Drive in this vicinity are 100 feet wide. Strict application of this section of the Subdivision Regulations would place the existing parking lot adjacent to Peterson Road outside the minimum parking setback. Such strict application would also render future building and parking improvements as shown on approved site plans non-compliant for similar setback reasons, thus making it difficult for the property owner to further develop the site.**
  - b. **The subdivision provides a 7-foot wide sidewalk on the north side of Peterson Road and a 6-foot wide sidewalk on the east side of Kasold Drive. No sidewalks are located on the south side of Sherwood Drive or west side of Sterling Drive. The subdivision was originally platted in 2000 under previous subdivision regulation which required sidewalk on only one side of the road. It is the property owner's intention to subdivide the property at this time for property tax purposes, not redevelopment. The cost to provide a quarter-mile of 6-foot wide sidewalk at this time could easily total \$20,000-25,000 and is a financial hardship to the property owner.**
- ii. *The proposed variance is in harmony with the intended purpose of these regulations.*
  - a. **The subject property is located adjacent to portions of Peterson Road and Kasold Drive that saw significant improvements less than ten years ago. The current rights-of-way adequately accommodate all improvements. It is unlikely that either street would be significantly widened in the future.**
  - b. **The intended purpose of this regulation is to provide reasonable pedestrian access and safety. The subject property, which is zoned commercial, already provides sidewalks adjacent to its frontage on arterials streets, thus providing for pedestrian access from either Peterson Road or Kasold Drive. The frontages for which this variance is requested are those adjacent to local residential streets. Sherwood and Sterling Drives already provide sidewalks on the sides of the street developed with single-family homes. Thus reasonable and safe pedestrian access for the residents of these streets is already provided.**

iii. *The public health, safety and welfare will be protected.*

- a. **Maintaining the Peterson Road and Kasold Drive rights-of-way as they exist will not jeopardize the public health, safety or welfare, nor would increasing their width serve to improve them. Both Peterson Road and Kasold Drive function adequately and there are no plans for future improvements which would require additional rights-of-way.**
- b. **The portions of Sherwood and Sterling Drives that front the subject property are fully developed with a sidewalk on one side. The public health, safety and welfare of residents and pedestrians on those streets will not be jeopardized by approval of this variance. This subdivision, combined with those neighboring it, provides for a safe and accessible pedestrian environment.**

Please let me know if you have any questions or comments regarding the above information. Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Sturm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Sturm, RLA, ASLA, LEED AP

cc: V. Chang  
file