



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

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March 27, 2014

Fred Schneider
Schneider & Associates
2859 Four Wheel Drive, Suite 16B
Lawrence, KS 66047

Sent via e-mail: schneiderarchs@hotmail.com

RE: NCR-14-00125: Nonconforming Use Registration for Residential Structure
& Parking at 1321 Tennessee Street, legally described as Lot 205,
Tennessee Street, Original Townsite, Lawrence, Douglas County, Kansas

Dear Fred:

You have requested, on behalf of the owner Richard Kupper, that the Planning Director make a determination that the on-site parking provided for the existing four-plex (which was damaged in a fire in July 1013) is a nonconforming condition and can be maintained.

The property is zoned RM32 and contains 5,850 square feet of land area. The Land Development Code permits multi-dwelling structures in this district at 32 dwelling units per acre. The four existing dwellings conform to this density standard. PDS records indicate that a building permit was issued by the City in 1977 for a remodel of the existing four 2-bedroom units.

According to the County Appraiser's data, the original structure on this property was built circa 1910 prior to the adoption of the City's first zoning ordinance. A structure on this lot is shown on the 1918 Sanborn Maps. Based upon aerial photos and visual inspection, the existing structure appears to encroach into both the north and south 5 foot side yards. This condition meets the definition in Section 20-1503(a) of a Nonconforming Structure.

You have provided a rehabilitation/repair estimate from Berger Construction, Inc. indicating the repairs are estimated to cost \$88,811. This estimate is 58% of the County Appraiser's 2013 valuation of the pre-fire structure of \$152,710. Based on this estimate, the damage is less than 60% of the fair market value. According to Section 20-1503(e)(2) of the Land Development Code, the structure may be restored in its former location if a building permit is obtained within 12 months of the date of fire.



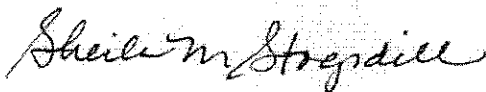
The property contains five parking spaces along the alley. The Development Code today requires one parking space per bedroom in multi-dwelling developments + one space per 10 units. Therefore, the current parking requirement would be nine spaces. Staff researched the development standards in 1977 and found the zoning regulations required 1.5 spaces per 2-bedroom unit which would have resulted in the need for six spaces to support the property. Site plans for 4-plex units were not required by code until 1983 and Planning Office records for BZA actions in 1977 are limited. It appears that five parking spaces have been located on this site since at least 1977 when the remodel permit was issued. Therefore, the Planning Director has determined that this is an existing site condition related to the nonconforming structure and may remain if the existing four 2-bedroom apartments are repaired.

Registration of a Nonconforming Structure & Parking Condition at 1321 Tennessee Street (Lot 205, Tennessee Street).

This letter serves as the City's recognition and related registration of the improvements at 1321 Tennessee Street as a *Nonconforming Structure & Parking Condition*. The existing five parking spaces are sufficient to support the repair of the existing multi-dwelling structure that contains four 2-bedroom apartments. If a new structure is proposed to replace the existing improvements, current parking requirements will apply unless a variance is obtained from the Board of Zoning Appeals. Please retain this letter for your records.

Please feel free to contact me at 785-832-3157 or sstogsdill@lawrenceks.org if you have any questions or I can be of any additional assistance.

Sincerely,



Sheila M. Stogsdill
Planning Administrator

C: Brian Jimenez, Code Enforcement Manager
Richard Kupper, 437 W 104th Street, Apt D, Kansas City, MO 64114