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Use of Accessory Dwelling Units as a Housing Strategy: A Case Study of Lawrence, Kansas

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Use of Accessory Dwelling Units as a Housing Strategy:
A Case Study of Lawrence, Kansas

by

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Use of Accessory Dwelling Units as a Housing Strategy:
A Case Study of Lawrence, Kansas

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Accessory dwelling units have long been utilized as an alternative strategy of homeowners within single-family neighborhoods of the United States in response to changing needs in living arrangements. The American Planning Association defines an accessory dwelling unit (ADU) as either a self-contained living area located within the walls of an existing home or a freestanding structure on the same lot as the principal dwelling unit. While it is difficult to accurately identify all of the municipalities that allow the creation of ADUs in single-family neighborhoods, their presence was long established prior to the enactment of zoning regulations in cities across the United States. It is expected that current population trends and changing demographics will result in greater demand for a diversity of housing types to provide for the growing needs of society. For many U.S. communities the potential effects of the ADU strategy may help address their present and future needs in relation to overall community goals. Research suggests there is a reemerging interest for accessory dwelling units within single-family neighborhoods to accommodate the rise of non-traditional households. For many communities it is becoming increasingly important, with the facilitation of local city officials, to draw upon the experience of other communities that have incorporated ADUs in order to better understand the positive and negative consequences associated with the
ADU housing strategy. Recent research efforts have revealed a number of key factors that have limited communities in the past from realizing the full potential of a successful ADU program. This research was conducted with a specific focus aimed at the efforts of local planning as a division of municipal government. The City of Lawrence, Kansas, was selected as the sole case subject to be studied. The conclusion of this study suggests a variety of factors that, if improved at the local level, could better support an effective ADU program. The overall results of this research should be applied both specifically to the city of Lawrence, as well as to create generally applicable guidelines for other municipalities that are either exploring how to improve their current ADU program or are in the process of introducing provisions to support ADUs.
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Chapter 1: A Reemerging Housing Alternative

*Purpose of Study*

In the 1940s and ‘50s creating accessory living space was common practice (Katsuyama 1995) across the country; these spaces are also referred to as accessory dwelling units (ADUs), granny flats, backyard cottages, carriage houses, mother-in-law suites, basement apartments, etc. The creation of such spaces for many homeowners and families was a fairly innocent response to changing needs of family members, such as an elderly parent who was faced with the social implications of leaving their familiar neighborhood and entering an assisted living center or a student who was unable to keep up with the educational costs and living expenses associated with the college lifestyle. The realized solution then was simple; by converting an underutilized space of a basement, storage area or detached garage and adding basic living facilities, family members could sustain their evolving needs with limited change. At about the same time ADUs gained widespread interest, communities began to restrict their growth by enforcing local land use regulations in the name of protecting existing single-family neighborhoods (Katsuyama 1995), making the future practice of adding these separate livable areas, for all intents and purposes, illegal!

At that time in our nation’s history, a single-family home and the nuclear family comprised of a mother, father and their dependent children represented the typical living arrangement for most American families. With the introduction of ADUs, neighborhood residents became concerned about the perceived risks and impacts of ADUs such as
increased density, decreased property valuation, aesthetic disharmony, and an increase in the number of rental-occupied housing units. However, not all municipalities completely abandoned the idea of allowing ADUs, with some places supporting the potential benefits, while largely unrealized, of ADUs as a useful housing alternative to address the changing needs of society.

Recent trends, including a growing elderly population, decreasing family size, and an increasing number of multi-generational households (Jacobsen, Mather, and Dupius 2012) have continued to shift the traditional living model and have generated a greater need for considering additional housing strategies. Eli Spevak, co-editor of the popular website, www.accessorydwellings.org, suggests on a weekly basis that jurisdictions across the country are either adopting or revisiting code language regarding ADUs. If true, the renewed interest in ADUs today makes this a critical time to understand the successes and failures of the past practice of communities willing to support the accessory dwelling unit alternative.

Recent research efforts aimed towards highlighting the benefits of ADUs have revealed a number of key factors that have limited communities in past practice from realizing the full potential of a successful ADU program. While introducing local regulations is a starting point, supplemental programs to support ADUs and public involvement efforts can help municipalities effectively manage potential impacts while still being responsive to the needs of their communities. This study aims to provide an in-depth analysis of local government and its role in supporting the accessory dwelling unit housing strategy by responding to the following research questions:
• How have municipalities incorporated the provisions of an ADU program to fit the context and needs of their communities?

• What have been the results of codified ADU provisions in communities that have an adopted program?

• What improvements can be made to improve the ADU housing strategy of Lawrence, Kansas?

• What should other communities consider about the ADU program as a housing strategy?

While in no way a “new idea,” the ADU housing strategy has become a reemerging hope among policy-makers and local planning agencies that carries with it the lofty expectations of addressing some of the effects and trends of our nation’s changing demographic character and shift from the predominance of the single-family household. If not managed appropriately, regulations can and often become misaligned with community values, especially when regulations fail to keep the pace of changing needs and thereby exacerbate the misalignment (Infranca 2014).

**Demand for Additional Housing Options**

A substantial amount of research based on available census data, including mapping current trends and future estimations, has given credibility to the claim that demographic changes previously mentioned will continue to affect our nation’s traditional single-family households and neighborhoods. The key data considered as part of this research involves trends specific to the household characteristics of both size and type. This data is collected and published every decade by the United States Bureau of the Census.
The past four decades of census data shows that there has been a shift away from larger households. Since 1970 the share of one- to two- person households grew from 46% to 61.2% of the nation’s total housing stock, while households of three people or more declined from 54% to 38.8% (see Figure 1.1). The post-WWII single-family housing boom was largely a response to an increased housing demand of three-bedroom homes on large lots for growing families.

**Figure 1.1. Households by Size in the United States, 1970-2012**

This trend alone is significant, as the accessory dwelling unit strategy is founded on the principle that an increasing number of individuals (one- and two- person households), not families, are in need of additional housing options. This may be especially true for individuals who temporarily require less space until they graduate from college, get married and have children of their own or as elderly members of society live alone as retirees and/or as widows and widowers.
In addition to a decrease in household size, other dramatic changes have occurred, including the decrease of married couples living on their own, and young adults residing in “other independent living arrangements,” which includes single Parenthood, cohabitating couples, and simply living with roommates or as a boarder (Fry 2013).

In 1970 approximately 70.6% of households in the United States were maintained by married couples, with the remaining 29.4% made up of non-traditional arrangements. By 2012 the proportion of married households decreased to 48.7% and non-traditional households increased to 51.3% (see Figure 1.2). These changes are likely related to the aging of householders and delays in childbearing (Vespa, Lewis, and Kreider 2013).

Figure 1.2. Households by Type in the United States, 1970-2012

Source: Data adapted from Vespa, Lewis, and Kreider 2013
According to the U.S. Census data, some of the most drastic changes in household types occurred between the 1970s and mid-90s, with more gradual changes, still trending in the same direction, occurring in the more recent decades (Vespa, Lewis, and Kreider 2013). Residential development patterns, largely impacted by cultural, social, and economic changes, will continue to influence the way public officials, citizens, businesses, developers, and professionals seek to provide for the needs and preferences of their community. Allowing the development of accessory dwelling units may be one response to major changes in demographics and, therefore, the real estate market (Daniels 2012).

**The Role of Local Government**

As with most local planning efforts, the ADU housing strategy is not suggested to be a one-size-fits-all program, an identical version of which should be duplicated from one city to the next. The risks and benefits are specific to each individual community, based on its unique characteristics. It is up to the local governing body to understand how to protect their residents against any likely adverse impacts and shape the ADU program within the context and needs of their given community. The general purpose of allowing ADUs may be to provide additional housing options in certain situations for any of the following reasons: a lack of affordable housing, minimal land available for growth, more efficient use of available infrastructure, and/or a state mandate to create ADU provisions at the local level, as is the case of California (Brinig and Garnett 2013, 523).

Many municipalities have a comprehensive plan that seeks to address the constant changes and evolution of a community by establishing specific goals, objectives, and
policies to guide local decision-making. In the beginning, public input helps to establish a long-range vision of approximately twenty years for what the residents, business-owners, and other key stakeholders project for the future needs of their community, based on current trends and market conditions. Effective local governments shape their housing and community development strategies in explicit response to market conditions (Mayer and Keyes 2005, 6). City officials then use the comprehensive plan as a basis of support for the enactment and establishment of implementation tools such as land use regulations that help to further guide and manage the intended results of an identified program.

The Case of Lawrence, Kansas

Beginning in 2006, the City of Lawrence, Kansas, permitted accessory dwelling units within many of the city’s single-family neighborhoods. Lawrence was among the first municipalities in the state of Kansas to formally address ADUs by including provisions for them in the city’s codified regulations. The provisions were created as a result of a diagnostic review conducted in preparation for a Land Development Code rewrite in an effort to “keep pace with cultural, economic, and technological changes” (Duncan Associates 1999).

As one of the first “ADU-friendly” municipalities within the state of Kansas (see Map1.1), Lawrence serves as a useful example for other communities considering the ADU housing strategy both within the state of Kansas and nationally. Since inception of the program, there have been noticeable successes and failures with the Lawrence ADU
program. Study and analysis of the Lawrence experience can presumably improve the theoretical framework for accommodating ADUs in other cities, today and in the future.

*Map 1.1. Location of the City of Lawrence, Kansas, United States.*

More than being one of the first municipalities in Kansas to allow ADUs, Lawrence has additional characteristics worth mentioning and to be studied. First, Lawrence, like many cities, has not experienced a significant ADU market penetration. Between 2006 and 2014, the city has registered a mere thirteen total ADUs either by new construction or conversion of existing spaces. The first ADU in Lawrence was not registered until three years after the start of the program in 2006, with an average of about 2.5 ADU applications submitted for registration per subsequent year (Appendix B). Another
noticeable characteristic of Lawrence is its large student population. The city has two major universities, University of Kansas and Haskell Indian Nations University, with a combined enrollment of approximately 30,000 students, one-third of the population of Lawrence (see Map 4.1). Students are of particular interest because ADUs are potentially a viable housing alternative for their needs. At the same time, students are seen as “high risk” due to their perceived lack of community investment and temporary living arrangements.

This research focuses on the city planning efforts within Lawrence, as an “ADU-friendly” case study city, with the intent to identify the most productive and detrimental tools of local government that have been used in the context of the ADU provisions in the city’s zoning ordinance. Recommendations pertinent to ADUs in Lawrence, as well as other cities, will be developed from this research.
Chapter 2: Review of an Evolving Housing Type

A Brief History of Accessory Dwelling Units in the United States

It is important to understand what is meant and implied by “Accessory Dwelling Unit,” a term that once referred to a more luxurious lifestyle, during a time that pre-dated zoning regulations. Primitive accessory dwelling units in the 1900s, such as carriage houses or servant quarters, were constructed by wealthy families who employed full-time staff as laborers to tend to household chores and provide childcare. In the state of Massachusetts, for example, prior to 1928, thousands of these detached buildings had been constructed to house horse-drawn vehicles, as well as to provide minimal living accommodations for household staff (Lamboy 2010, 1).

As the nationwide population grew and residential patterns changed, ADUs were built in response to other additional economic and social demands, and ultimately became a rather typical housing arrangement before World War II (Cobb and Dvoark 2000, 9). At that point in time, accessory dwelling units were created in the form of mother-in-law suites and granny flats to provide for elderly and disabled individuals who were otherwise unable to support themselves or who no longer required the surplus space of an “empty nest” (Dvoark and Cobb 2000, 9).

The application of ADUs has not always been seen nationwide. Between the 1950s and 60s, the San Francisco Bay area saw a boom in ADUs due to a need for workforce housing with the rising demand of the defense industry (HUD 2008, 1). More recently,
ADUs have been appearing in college towns, due, in part, to an increased popularity of
off-campus living among students within walking distance from school (Daniels 2012, 2).

**Issues and Options of ADUs**

As ADUs have evolved over time in response to changing living arrangements,
municipalities have attempted to balance the needs of their local community while
addressing the perceived positive and negative aspects related to this particular housing
option. Many of the same issues have consistently remained over time as developers,
homeowners, and cities have explored a variety of options. The approach that is right for
a city or town to control or regulate the construction of ADUs will be unique, based on
local conditions (Paster and Fieldman 2009, 2). For the purposes of this research, issues
related to ADUs have been separated into three main categories: economic, social, and
physical.

**Economic Issues - Affordable Housing, Property Values, Living Expenses**

The desire for affordable housing is often at the forefront of many ADU programs. ADUs
are seen as a natural addition to the existing affordable housing stock, not requiring
government subsidies that are often needed for other affordable housing projects (DSHA
2010). Due to their subordinate size and location on an existing lot, most ADUs also rent
for less than other alternative housing forms, such as, duplexes, condominiums, or
apartments.

However, rental housing of any form is almost always associated with two perceived
threats: the people they attract and the impact of rental housing on property values. The
later is a common voice of concern among neighborhood residents where ADUs are allowed. However, there is not a consensus among researchers as to whether the effects are positive or negative. Some of the resultant valuation of property depends on the appraisal formulas employed by various agencies. A statistical examination of Philadelphia shows a 5% decline in property values of neighborhoods with ADUs, while other research suggests people are willing to pay an extra 15% in addition to the ordinary price to live in neighborhoods where ADUs are allowed (Brown and Watkins 2012, 300).

On a positive note, ADUs are especially attractive for homeowners and tenants, both of whom may likely benefit from the financial prospects of reduced living expenses. Depending on the agreement between the homeowner and tenant, financial advantages may include shared cost of utilities, including cable and internet service, reduced rent in exchange for menial labor, and/or supplemental income to pay a portion of the mortgage (Lidell and Piper 1994).

**Social Issues - Community Investment, Living Assistance, Occupancy Standards**

In addition to the stated economic issues, there are also social concerns that are worth considering. Accessory dwelling units have established a precedent as an alternative for communities trying to help people as they adapt to lifestyle changes. Allowing ADUs supports the concept of “aging in place,” encompassing various means for allowing families and individuals to remain in their neighborhood with the added benefits of companionship and support, often needed with living assistance (Chapman and Howe 2001, 638).
While ADUs may seem to focus on the personal needs of individuals in this sense, another objective of an ADU program is to provide a mix of housing types. Diversity in housing within single-family neighborhoods not only speaks to the needs of an aging population, but may also help to reduce the community turnover rate, commonly experienced within predominantly renter-occupied housing developments (Bachman and Cooper 2014, 13). However, this romanticized view of ADUs may not always happen as intended.

In certain circumstances, the existence of an ADU on a property may also be seen as an opportunity for business organizations or investors to rent out both the principal living unit and the ADU as a source of steady income. In response to these concerns, many ADU regulations establish an ownership occupancy requirement for the principal or accessory unit or both. This restriction is aimed at controlling the amount of absentee landlords, and individuals assumed to likely take away from the community values (Hare 1989). Having the property owner and renter living on the same site presumably creates a more effective system of shared responsibility, resulting in greater care for the individual property and thus positively affecting the overall neighborhood or community (A. Miller, 2014).

**Physical Issues - Neighborhood Character, Traffic and Parking, Utilization of Existing Resources**

Due to many of the economic and social issues previously cited, neighborhood residents have voiced concerns that properties with ADUs will potentially overtake their single-family neighborhoods. The term “accessory” implies an ADU structure will be
subordinately sized in relation to the principal dwelling already occupying the site. The visual impacts of an ADU in addition to the principal dwelling, greatly depend on the style or method for creating an ADU. For detached ADUs, communities often are concerned about protecting the visual coherence of a neighborhood in relation to the existing structures already in place (Leininger 2015). On the other hand, ADUs created within the interior of an existing structure have less potential for impact of the neighborhood character.

As a separate living space, an ADU requires the same services as the principal structure on a residential lot: water, electric, sewer, and communication utilities. Population growth naturally requires additional capacity of infrastructure facilities and community services. The impact of this increased demand may require a significant commitment of resources by the governing bodies and local utility purveyors. However, according to an article published by the Municipal Research & Services Center of Washington, ADUs “tend to have a minimal impact on the existing services and commonly promote more efficient use of the community’s existing housing stock and supporting infrastructure” (Katsuyama 1995, 12).

In addition to an increase of physical structures, due to the current auto-dependent nature of society, more people results in more vehicles. Communities fear that on-street parking issues may arise from these additional vehicles, resulting in traffic congestion and unacceptable parking practices (Katsuyama 1995). Both of which may impact the total ratio of impervious surfaces to unpaved open space and directly affect local storm water management practices and the aesthetic appeal of a given neighborhood.
The Early Response to ADUs

Early on in the history of the ADU program, primitive accessory structures such as carriage houses, servant quarters, guesthouses and mother-in-law suites all came about somewhat unnoticed. Many of these units brought about health and safety concerns generally protected under today’s building code requirements. As ADUs became more common, communities had to decide how they were going to get involved to manage the presented issues of ADUs. This was a two-part question, seeking to address both what to do moving forward and how to handle existing accessory dwelling units (Kyle 2000, 34). Due to many of the issues previously stated, local governments enacted strict regulatory provisions aimed at creating a balance between the perceived risks and potential benefits of ADUs.

In the late 1970s to the 1990s, some municipalities adopted full-fledged ADU programs to permit the use and construction of accessory units (HUD 2008, 1). Overall, these programs were largely unsuccessful due to strict regulations, which made the construction of ADUs infeasible. Various unintended consequences occurred, as well. For example, early provisions adopted by some municipalities in the 1980s restricted the age of occupants as well as the relationship of the occupant to the property owner (Katsuyama 1995, 35). In a 2007 report to the Florida Legislature, a number of communities were identified with limiting ADUs to function only as either a guest house or servant quarters (Pelham 2007, 18-22). In Charlotte, North Carolina, ADUs were to be used by individuals who were either at least 55 years old or disabled and related to the owner (Charlotte-Mecklenburg Planning Department 2012, 1).
The social, economic, and physical concerns previously raised overshadowed the potential benefits of ADUs, seen as major threats to single-family neighborhoods. According to an unpublished survey of over 250 cities, accessory dwelling units are more politically sensitive than other housing strategies such as transit-oriented development, mixed use, adaptive reuse, and small lot zoning (Stege 2009, 25). As a result many communities have enacted strict regulations in reaction to many of the perceived negative characteristics of ADUs without having the knowledge and experience of what would be the result of their efforts.

Recently, municipalities have begun to recognize the existence and perhaps the inevitability of ADUs throughout their neighborhoods. In most cases, the ADUs went unnoticed due to a lack of realized concerns that had been perceived by the public as significant risks. New ADU programs implemented by municipalities have taken a more progressive approach to ADU construction by providing more flexible zoning regulations, such as off-street parking, minimum lot size, design standards, occupancy restrictions, etc. Recent literature suggests the main issue facing municipalities is this matter of easing regulatory barriers as a way to encourage ADUs as a positive housing alternative. This is especially true as living preferences change and scenarios arise in today’s communities that would benefit from the provisions of an ADU program.
Chapter 3: Analysis of ADU Program Components

Supporting Research

As the ADU housing strategy has become increasingly popular, municipalities and researchers alike have set out to identify the “best practice” principles found within the ADU programs that have been adopted by various communities around the nation. In their efforts, researchers have focused on a variety of specific topics relevant to community planning issues: regulatory challenges, local parochialism, permitting efficiency, infill development, compact growth, affordable housing, etc.

While academic research confirms the importance of the previously listed issues pertaining to an ADU program, each community provides a unique set of challenges, making it difficult for a uniform set of provisions to apply in every case. Most research methods have employed a case-study approach to analyze and identify single issues relative to a community’s use of an ADU provision in its zoning ordinance. While past research does provide detailed information about each individual issue relating to ADUs, it also brings up unanswered questions about the relationship between multiple issues, and the effect they may have on one another.

This research is not intended to provide a comparative analysis of existing ADU programs, but will use each individual community’s experience to establish an analytical framework to effectively study and inform future planning efforts. Although each community may have characteristic differences and the resulting experience of one
municipality in comparison to another municipality may differ, there are a number of key components, suggested by previous research, that should be considered with the incorporation of each ADU program, including:

1. Community Goals and Needs
2. Land Use Regulations
3. Classification and Permitting Process
4. Supplementary Programs
5. Enforcement and Management

The following sections of this chapter are aimed at providing a comprehensive review of all identified aspects of the ADU program. Based on the case study approach employed in past research efforts, explanations of each individual component will be provided to highlight their individual role of importance and a basic understanding of their relationship to one another. Furthermore, this section is intended to provide an analytical framework for the ensuing case study of the Lawrence, Kansas, ADU program.

**Key Components of an ADU Program**

**Community Goals and Needs**

While the ADU housing strategy can contribute in a multitude of ways to fulfill the needs of a community, important policy guiding documents, such as the city’s comprehensive plan, can help local decision-makers determine whether a community’s needs match what can be provided by an accessory dwelling unit program. Current ADU programs are primarily focused on serving non-traditional family households and may not be
appropriate for all forms of residential development, such as areas comprised mostly of young families with elementary school-aged children, or rural farm towns developed with low-density acreages (Stege 2009, 84).

The ADU strategy has often been implemented for the purpose of creating more affordable housing options, but an accessory dwelling unit program may not guarantee fulfillment of that purpose alone. According to the U.S. Department of Housing and Urban Development (HUD), families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording other necessities of life (HUD 2015). One study of the San Francisco Bay area shows secondary units almost completely absent from what HUD would qualify as “affordable housing,” with half of the identified ADUs being classified as financially manageable to people who are in the low-income category, having a household income of 50% to 80% of the average median income (Chapple and Wegmann 2011, 12).

All communities have a land use element written in their comprehensive plan, based on the characteristics of their town; considering things in addition to the average median income: population growth projections, current housing stock, and demographic trends. Housing is one component of the residential land use element identified in a city’s comprehensive plan aimed at responding to the characteristics of a community. One purpose of identifying residential development strategies within the comprehensive plan is to help guide the improvement and development of residential areas with specified purposes and to provide recommendations (Horizon 2020 Steering Committee 1998, 5-1). Some of the listed policies in a comprehensive plan that would support the adoption of an
ADU program include: increasing the affordable housing stock, utilizing existing space and utilities (infill), responding to demographic trends, providing a diversity of housing types, etc.

**Land Use Regulations**

Local land use regulations are one useful tool commonly used by local governments to implement the identified strategies of the comprehensive plan. In particular, adopted provisions with a city’s zoning ordinance serve as a support tool to achieve the positive goals of an ADU program and to control or regulate negative land use impacts. A typical zoning ordinance may include design standards, occupancy restrictions, height and size limitations, parking requirements, and other miscellaneous items specific to the intents and purposes of an ADU program.

Communities with adopted ADU provisions have also recognized that many of the regulations create unintended barriers and/or consequences, thus resulting in limited use of the program and illegal construction of accessory structures. As a part of managing an ADU program, city officials may periodically review the results of their ADU provisions to identify what barriers exist in order to provide a more efficient and useful program (Tyre 2008). Once identified, notable barriers are typically addressed by amending the zoning regulations, as necessary, to ensure their alignment with current community needs. For example, according to Kansas State legislative requirement KSA 12-747, the comprehensive plan of a Kansas community is required to be reviewed annually by the local planning commission; however additional revisions and minor text amendments can be made whenever deemed necessary.
Classification and Permitting Process

The land use classification of accessory dwelling units is another tool used by local governments to administer ADU programs in the context of their community. Common planning practice classifies any given land use as a permitted use, or use “by right”, special/conditional use, or accessory use. Each use requires certain procedural steps to be followed, including but not limited to, inspection standards, application review, and payment of fees. Citizens often perceive these steps as the “red tape” of government, or obstacles to potentially limit what should be rightfully allowed.

Permitted and accessory uses typically require administrative review by city staff to ensure their compliance with the applicable development standards, but no formal notification or public hearing process is required. If an applicant must apply for a special or conditional use permit, the process is much more involved. A conditional use permit is for those potential uses that likely impact the entire community (Daniels 2012, 3). Not only would additional use-specific restrictions apply, but the application would also be placed on the agenda for the planning commission and/or the local governing body, further requiring a public hearing process and notification of adjacent property owners to allow for comment.

The process by which ADUs are permitted for construction can be customized to meet the desired amount of community input and government evaluation. The intent of such a process should not be to create additional bureaucracy, but to verify compliance with locally adopted regulations and to provide a greater sense of assurance within the community. Furthermore, the land use classification and resultant procedural
requirements ensure an individual’s appropriate use of the program that will likely affect more than just his or her privately owned property.

**Supplementary Programs**

Hidden barriers and onerous procedural requirements may deter the legal construction of accessory dwelling units. However, regulations alone do not encourage the use of an ADU program. As of 2012, in Portland, Oregon, the ADU market penetration is only about .3%, with 431 known permitted ADUs approved from among a total of 148,000 properly zoned properties (Brown and Watkins 2012, 297). In Denver, Colorado, the demand for accessory units disappeared when the city’s water department began collecting additional development fees for ADUs (Infranca 2014, 74). These types of problems have encouraged cities to look beyond regulatory measures and consider incorporating financial incentives, pre-approved construction templates, and public outreach and education efforts to promote ADU construction.

Municipalities should identify when and where supplemental programs are necessary. Not all financial incentives result in a more effective use of a program (Kyle 2000, 45). If the stated purpose of an ADU program is to add to affordable housing stock, supplemental considerations may include waiving building permit fees or system development charges. For health and safety concerns, a number of municipalities have waived applicable fines to encourage owners of illegal units to legalize them and bring them up to minimum building code requirements (Katsuyama 1995, 43).
One suggested method to most effectively remove regulatory barriers in communities that do not currently allow ADUs is the adoption of a state legislative act (Cobb and Dvorak 2000, 7). An article posted on the National Law Review website on May 20, 2014, identifies nine states that have passed enabling legislation in the name of accessory dwelling unit reform, including: California, Washington, Vermont, Florida, Maryland, Rhode Island, Hawaii, and Massachusetts (Thelen 2014).

**Enforcement and Management**

Once an ADU program has been adopted in a community, there are additional ongoing management and monitoring efforts that are needed to minimize future or residual negative impacts (Kyle 2000, 61). These efforts may include addressing unintended consequences of the established regulatory provisions; enforcement of non-compliance issues, including code violations; and monitoring the overall market penetration. Efforts on how a community may address any unintended consequences are expressly outlined in the “Land Use Regulations” section above.

The code enforcement department of local government is normally responsible for monitoring all types of ADUs: legally formed units, non-conforming legal units (units predating current local regulations), and non-compliant or illegal units. Code compliance investigations are typically initiated on a complaint basis or as observed by code enforcement officials. A complaint can be made by local residents, business-owners, or any person willing to contact the city with a specific concern and address. If city personnel confirm the property is in violation, the property owner is notified with a
requirement to abate the issue and is potentially fined, or in some cases, required to bring the structure into compliance (Simmons 2014).

The process of code enforcement is required to follow an established timeline and does not always guarantee a satisfactory resolution of the problem. Some cities have yearly reporting requirements to protect neighborhoods from being over-populated by ADUs, exceeding the maximum desired density.

**Model ADU Programs**

While there are many ADU programs in communities throughout the United States, not all are successful in helping the communities reach their residential goals. Some widely recognized successful ADU programs have identified and resolved specific issues over time to enhance their programs. A few examples of municipal ADU programs consistently praised for their efforts are operating in Santa Cruz, California; Barnstable, Massachusetts; and Portland, Oregon.

Santa Cruz saw its total ADU production triple after implementing a comprehensive package of zoning reforms, pre-approved designs, a how-to manual for homeowners, and a low-interest loan program (Wegmann and Nemirow 2011, 9). The program also relied heavily upon community outreach and advertisement in order to gain acceptance throughout the community (Tyre 2008, 62).

Barnstable, Massachusetts, has successfully brought many of its illegal accessory dwelling units into compliance, with the adoption of an Amnesty Program, which offers fee waivers for the inspection and monitoring of units and designates town staff to assist
homeowners through the program’s administrative process. The community can also utilize financial incentives, including Community Development Block Grant funds, to reimburse eligible costs associated with the rehabilitation of a qualified ADU that meets the minimum qualifications as outlined in the program (HUD 2008, 5).

Portland, Oregon, had an ADU program in place for several years with limited success. Following amendments to their ADU provisions, which eliminated the minimum square footage and owner-occupancy requirements, there have been no significant negative issues with the program, and the city residents now positively view ADUs (HUD 2008, 4).

Case study research of “ADU-friendly” communities suggests that the ADU program concept should not be understood as a uniform approach, but instead requires some form of contextual adaptation of the five key components discussed in this chapter. Furthermore, ADU programs may likely result in unintended consequences, including misuse by community residents, and should therefore be monitored at the local level to protect the community from potential negative impacts. All of the previously mentioned components will provide a framework for analyzing the ADU program of Lawrence, Kansas.
Chapter 4: The Lawrence, Kansas, ADU Case Study

Research Methodology

In order to answer the questions posed by this research, officials at the City of Lawrence, Kansas, who had been involved with the ADU program since its inception in 2006, were interviewed. The ADU program is currently administered by the Planning and Development Services (PDS) Department of Lawrence, subject to the registration procedures and development standards provided in Appendix A. The PDS staff members are an integral part of the ADU program, with their responsibilities including zoning administration, code enforcement, and application review/processing. Their expertise also assists local decision-makers in forming policies based on the local context and needs of the city. The following individuals were interviewed about their experience with administering the ADU program in Lawrence:

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Title/Position (Area of Emphasis)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandra Day, AICP</td>
<td>Planner II (Current Planning)</td>
</tr>
<tr>
<td>Mary Miller, AICP</td>
<td>Planner II (Current Planning)</td>
</tr>
<tr>
<td>Amy Miller, AICP, CFM</td>
<td>Assistant Director (Planning)</td>
</tr>
<tr>
<td>Lynne Braddock Zollner, AICP</td>
<td>Planner II (Historic Preservation)</td>
</tr>
<tr>
<td>David Guntert</td>
<td>Planner II (BZA Review)</td>
</tr>
<tr>
<td>Sheila Stogsdill, AICP</td>
<td>Planning Administrator</td>
</tr>
<tr>
<td>Katherine Simmons</td>
<td>Plans Reviewer (Building Code Review)</td>
</tr>
<tr>
<td>Michelle Leininger, AICP*</td>
<td>Planner II (Long Range Planning)</td>
</tr>
</tbody>
</table>

*The listed staff member is a former employee of the Planning & Development Services.

Prior to their interviews, each staff member was provided with a questionnaire specifically designed to focus the conversation on the research questions identified for this study (see Table 4.1). The quantitative data collected from the interviews was not
tabulated, but the integrity of each individual’s responses are accurately reflected in the case study findings. The questions are based on prior research done of ADU programs throughout the nation that followed a similar case study approach.

Table 4.1. Questionnaire for Interviews with staff persons in the Lawrence, Kansas, Planning and Development Services Department.

| 1. How has the ADU housing strategy been identified and supported in adopted policy documents? |
|---|---|
| a) What state statutes or legal requirements support ADUs? |
| b) What local policies are in place to support ADU provisions? |
| c) How are ADUs specifically detailed or indirectly supported by the goals and policies of the adopted Comprehensive Plan? |

| 2. What key local motivations were identified in the consideration to develop ADU ordinances or bylaws? |
|---|---|
| a) What preliminary study or research was done to determine the needs/purposes of ADUs? |
| b) What major considerations were discussed during the public hearing processes? |
| c) Who were the various interest groups and individuals, and what were there positions/arguments? |
| d) What expressed interests of key stakeholders, including the public, motivated ADUs? |

| 3. What incentives and/or programs have been implemented to encourage ADU construction? |
|---|---|
| a) What concerns about illegal ADUs or other related issues have motivated programs, or the conversation to support legal ADU registration? |
| b) How does code enforcement attempt to address ADU construction? |
| c) What other housing strategies, if any, have been granted priority by incentivizing development? |

| 4. How do ADU regulations support the local housing and population characteristics of the city? |
|---|---|
| a) What political support or opposition should local government agencies consider when introducing the ADU housing strategy into their community? |
| b) How has the creation of ADUs impacted the harmony or identity of an existing neighborhood? |
| c) What has made the ADU housing strategy successful or not in your community? |

| 5. What amendments have been initiated to promote the development of ADUs thereby removing any experienced or potential barriers? |
|---|---|
| a) Who or what interests have initiated text amendments concerning regulations effecting ADUs? |
| b) What has been the general conversation about proposed amendments? |
| c) What additional code requirements inhibit the development of ADUs i.e. building code, access management code, etc.? |
| d) What amendments, if any, have been initiated to discourage the development of ADUs? |

| 6. What specific local zoning regulations or standards have slowed development of ADUs? |
|---|---|
| a) What groups or organizations within the community have become involved in public meeting proceedings, and what were their stated interests or concerns? |
| b) What alternatives are available to those who do not meet the minimum code requirements of registering a legal ADU? |
| c) What regulations reviewed during the permitting process consistently create barriers for applicants of ADUs? |
In addition to the interviews that were conducted, other sources of information employed to perform a comprehensive analysis of Lawrence’s ADU program include the legal proceedings from public meetings, the city’s Comprehensive Plan “Horizon 2020;” the adopted regulatory provisions (development standards), and demographic information from the United States Bureau of the Census. The results of this case study of the Lawrence ADU program are used to suggest recommendations specific to the ADU program in Lawrence, as well as recommendations generally applicable to other communities that either have an existing ADU program or are considering the enactment of provisions in zoning regulations for ADUs as a potential housing strategy.

**Housing Profile of Lawrence**

The housing trends and population growth rates of Lawrence have historically been influenced by the social and economic conditions of the nation (Wolfenbarger and Nimz 1997). For example, between 1940 and 1950, the city’s population grew 62 percent from 14,390 people to 23,351 people. Growth levels at that time were attributed to the crowds of veterans returning home from WWII to finish their education at the University of Kansas (Hernly Associates 2010, 12). Over the next four decades from 1950 to 1990 the city’s population consistently added an average of 10,564 people per year (Planning and Development Services 2007). Recent household projections for Lawrence anticipate an additional increase of 49 percent between 1990 and 2020 (Horizon 2020 Steering Committee 1998, 2-9).

For some of Lawrence’s historical neighborhoods, such as Old West Lawrence (OWL), the high growth levels led to undesirable residential development practices aimed at
housing the city’s growth. Due to an increase in housing demand, people were tearing down large historic homes and/or carriage houses to redevelop their properties with duplexes, to house a greater number of people (Zollner 2014). Many neighborhood residents felt that such practice was depreciating the historic character and value of the neighborhood. By the late 1990s and early 2000s, OWL residents had initiated a rezoning petition to the city to downzone from their designated multi-family residential zoning district to a single-family residential district, which does not allow duplexes. In 2001, the Lawrence City Commission approved the rezoning request, making Old West Lawrence a single-family residential district.

In the 2010 U.S. Census data, the population of Lawrence has shown a growth rate of just less than 10 percent from 2000 to 2010. Coupled with a decreasing household size, these two factors will produce a need for more housing units to accommodate the expected growth (Horizon 2020 Steering Committee 1998, 2-10). Furthermore, the current population and housing characteristics of Lawrence, including an aging population, high renter-occupancy rates, student population, and additional changes in the traditional household structure, suggest that the single-family dwelling unit may no longer be the most appropriate or desired type of method housing to accommodate the city’s expected growth (see Table 4.2).

**A Prime Market for ADUs**

In 1999 the City of Lawrence employed Duncan Associates, a planning and growth management consulting firm, to provide a diagnostic review of the city’s development regulations in preparation for an extensive rewrite of the zoning and subdivision
regulations (Stogsdill 2014). The main purpose of the diagnostic review was to focus on what was wrong with the city’s development regulations (Duncan 1999, 1).

Table 4.2. Changes in Household Structure, Lawrence, Kansas, 2000-2010

<table>
<thead>
<tr>
<th>Household Characteristics</th>
<th>2000</th>
<th>% of Total</th>
<th>2010</th>
<th>% of Total</th>
<th>Change</th>
<th>% Change, 2000-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type (Total households)</td>
<td>31,388</td>
<td>100.0</td>
<td>34,970</td>
<td>100.0</td>
<td>3,582</td>
<td>11.4</td>
</tr>
<tr>
<td>Family</td>
<td>15,737</td>
<td>50.1</td>
<td>16,939</td>
<td>48.4</td>
<td>1,202</td>
<td>7.6</td>
</tr>
<tr>
<td>Non-Family</td>
<td>15,651</td>
<td>49.9</td>
<td>18,031</td>
<td>51.6</td>
<td>2,380</td>
<td>15.2</td>
</tr>
<tr>
<td>1-person</td>
<td>9,613</td>
<td>30.6</td>
<td>11,182</td>
<td>32.0</td>
<td>1,569</td>
<td>16.3</td>
</tr>
<tr>
<td>2-person</td>
<td>11,100</td>
<td>35.4</td>
<td>12,218</td>
<td>35.0</td>
<td>1,118</td>
<td>10.1</td>
</tr>
<tr>
<td>3-person</td>
<td>5,086</td>
<td>16.2</td>
<td>5,588</td>
<td>16.0</td>
<td>502</td>
<td>9.9</td>
</tr>
<tr>
<td>4-person</td>
<td>3,772</td>
<td>12.0</td>
<td>3,871</td>
<td>11.0</td>
<td>99</td>
<td>2.6</td>
</tr>
<tr>
<td>5-or-more-person</td>
<td>1,817</td>
<td>5.8</td>
<td>2,111</td>
<td>6.0</td>
<td>294</td>
<td>16.2</td>
</tr>
<tr>
<td>Average household size</td>
<td>2.30</td>
<td></td>
<td>2.28</td>
<td></td>
<td>-0.02</td>
<td>N/A</td>
</tr>
<tr>
<td>Average family size</td>
<td>2.93</td>
<td></td>
<td>2.91</td>
<td></td>
<td>-0.02</td>
<td>N/A</td>
</tr>
<tr>
<td>Renter Occupied Housing</td>
<td>16,995</td>
<td>54.1</td>
<td>18,623</td>
<td>53.3</td>
<td>1,628</td>
<td>9.6</td>
</tr>
<tr>
<td>Owner Occupied Housing</td>
<td>14,393</td>
<td>45.9</td>
<td>16,347</td>
<td>46.7</td>
<td>1,954</td>
<td>13.6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Population Characteristics</th>
<th>2000</th>
<th>% of Total</th>
<th>2010</th>
<th>% of Total</th>
<th>Change</th>
<th>% Change, 2000-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>80,098</td>
<td>100.0</td>
<td>87,643</td>
<td>100.0</td>
<td>7,545</td>
<td>9.4</td>
</tr>
<tr>
<td>5 years and under</td>
<td>4,345</td>
<td>5.4</td>
<td>4,827</td>
<td>5.5</td>
<td>482</td>
<td>11.1</td>
</tr>
<tr>
<td>5 to 14 years</td>
<td>8,140</td>
<td>10.2</td>
<td>8,311</td>
<td>9.5</td>
<td>171</td>
<td>2.1</td>
</tr>
<tr>
<td>15 to 24 years</td>
<td>26,995</td>
<td>33.7</td>
<td>27,346</td>
<td>31.2</td>
<td>351</td>
<td>1.3</td>
</tr>
<tr>
<td>25 to 34 years</td>
<td>13,009</td>
<td>16.2</td>
<td>14,950</td>
<td>17.1</td>
<td>1,941</td>
<td>2.7</td>
</tr>
<tr>
<td>35 to 44 years</td>
<td>9,791</td>
<td>12.2</td>
<td>9,113</td>
<td>10.4</td>
<td>-678</td>
<td>-0.7</td>
</tr>
<tr>
<td>45 to 54 years</td>
<td>8,162</td>
<td>10.2</td>
<td>8,694</td>
<td>9.9</td>
<td>532</td>
<td>6.5</td>
</tr>
<tr>
<td>55 to 64 years</td>
<td>3,941</td>
<td>4.9</td>
<td>7,416</td>
<td>8.5</td>
<td>3,475</td>
<td>88.2</td>
</tr>
<tr>
<td>65 to 74 years</td>
<td>2,891</td>
<td>3.6</td>
<td>3,507</td>
<td>4.0</td>
<td>616</td>
<td>21.3</td>
</tr>
<tr>
<td>75 to 84 years</td>
<td>2,135</td>
<td>2.7</td>
<td>2,245</td>
<td>2.5</td>
<td>110</td>
<td>5.2</td>
</tr>
<tr>
<td>85 years and over</td>
<td>729</td>
<td>0.9</td>
<td>1,234</td>
<td>1.4</td>
<td>505</td>
<td>69.3</td>
</tr>
</tbody>
</table>

Source: U.S. Census 2000, 2010

In the review and analysis, accessory dwelling units (ADUs) were specifically identified as a potential policy issue that the city should consider as a housing alternative that has been used by other communities nationwide. What the analysis did not provide, however,
was specific direction for local city officials and policy-makers for how Lawrence should attempt to incorporate an ADU program specific to the context of their community.

At that point in time, Lawrence’s city ordinance had previously allowed only guesthouses and employee quarters within the city’s residential areas, but not accessory dwelling units, per se (Duncan 1999, 29). The presence of ADUs, however, was not uncommon in the residential neighborhoods of Lawrence. In the historic areas of Lawrence, in particular the Old West Lawrence, Centennial, East Lawrence, and University Place neighborhoods, many accessory buildings, constructed originally as carriage houses and detached garages, could be easily converted into ADUs (see Map 4.1). Some of these structures already had been converted to ADUs (Leininger 2014). Additionally, an unknown number of other ADUs were also illegally constructed in the 1960s and 70s, presumably in response to population growth and a resulting demand for more housing units in close proximity to the University of Kansas (KU) and Haskell Indian Nations University campuses (Stogsdill 2014).

At the same time the development code rewrite process was underway, the city had also just adopted a comprehensive plan, Horizon 2020, on May 18, 1998. Outlined in Horizon 2020 were principal strategies for how the city intended to approach the residential land use needs of Lawrence. Although ADUs are not explicitly called out anywhere in the document, the residential land use goals and policies (see Table 4.3) stated in the comprehensive plan support the overall theoretical framework for implementing an ADU program in Lawrence.
Map 4.1. Historic Neighborhoods and Universities in Lawrence, Kansas
Table 4.3 – ADU Supporting Goals and Policies in Horizon 2020, the Lawrence, Kansas Comprehensive Plan

<table>
<thead>
<tr>
<th>Goal 2: Create a Functional and Aesthetic Living Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 2.7: Provide for a Variety of Housing Types</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal 3: Neighborhood Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 3.2: Protect Existing Housing Stock</td>
</tr>
<tr>
<td>Policy 3.3: Encourage Compatible Infill Development</td>
</tr>
<tr>
<td>Policy 3.6: Promote Neighborhood Identity</td>
</tr>
<tr>
<td>Policy 3.7: Involve Neighborhood Residents</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal 4: Criteria for Location of Low-Density Residential Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 4.5: Ensure Adequate Infrastructure Facilities</td>
</tr>
</tbody>
</table>

Source: Horizon 2020 Steering Committee 1998

Initial Perception of ADUs

Beginning in 1999, over a seven-year time period, stakeholders in Lawrence gathered together with city officials to search carefully through the details of the newly drafted regulations being considered for the land development code rewrite in progress. The policy issues of an ADU program were among the new provisions being discussed. Although ADUs seemed to make sense as an alternative housing strategy, it was not clear what expected and unexpected impacts would be realized if they were to be allowed within areas of Lawrence zoned for single-family residential land use.

Betty Lichtwardt, a member of the zoning advisory committee (ZAC) recalled that the idea for ADUs was largely based on the potential needs of elderly individuals, to reclaim
aging neighborhoods, and to provide additional income and flexibility for a family’s needs (Lawrence Planning Commission 2006a, 67). These expressed purposes gave residents a general understanding of the intents and purposes of the ADU housing strategy in Lawrence and, although still largely unfamiliar, received overall support from the community.

Some individual residents and neighborhood organizations in attendance during public meetings expressed their overall support for the program, as well as their concerns over some of the finer regulatory details. The main concern, as introduced by the League of Women Voters dealt directly with how the code defined “owner” (Lawrence City Commission 2013). The term “owner” in the development code refers to “An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser’s assessment roll” (Planning and Development Services 2006, 109).

Based on this definition of “owner”, there was a perceived threat that a business entity would likely abuse the ADU program by investing in properties around the city, claiming to be the “owner,” only to turn both structures into investment rental units (Stogsdill 2014). This was especially a concern for the historic neighborhoods of Old West Lawrence, Centennial, University Place and a few others (Zollner 2014). The dissenting voices wanted assurances that, if allowed, newly formed ADUs would not turn into a rental alternative within single-family neighborhoods, likely threatening their historic value and character. The perceived effects of renter-occupied housing included increased
parking, blight, crime, and neighborhood flight (Lawrence Planning Commission 2006a, 63). Legal staff reviewed the definition of the term “owner” and determined that any change at that time was unnecessary and would potentially effect the administration of the entire code and lead to future code enforcement issues.

**ADU Program Use**

Since Lawrence’s inception of the ADU program in 2006, thru 2014, there has been total of fifteen applications submitted to PDS to register an ADU; only thirteen units have been registered (see Map 4.2), and eight of those were created for the intents and purposes of the program previously stated (Appendix B). Of the other seven ADU applications submitted for registration, two were denied, two were proposed for guesthouses, and three were converted living areas that essentially qualified as a dwelling unit, which for the City of Lawrence is determined during review. Fourteen of the applications are attached in Appendix B. The one other application is unavailable according to PDS staff member Sheila Stogsdill.

While not all land areas within the RS districts allow for ADUs, as of 2012, Lawrence had approximately 15,213 land parcels zoned RS (Douglas County Appraiser’s Office 2012). If all fifteen submitted applications had been approved, the market penetration within single-family residential areas, would be equal to .000985%. Even so, regarding the prime demographic context and general community support of ADUs as a housing alternative, the lack of registered ADUs is somewhat surprising (M. Miller 2014).
Map 4.2. Registered ADUs in Lawrence, Kansas, as of January 2015
According to Scott McCullough, Development Director of Lawrence, the review process focuses heavily on the details and specifics shown on the building permit applications. For example, if an office area is indicated above a garage with a kitchenette or counter top sink and a microwave, that would not qualify as a dwelling unit. However, once the kitchen is shown to be equipped with a stove, or a bedroom area with closet space is indicated, the application would be considered a dwelling unit and would be required to meet the ADU development standards (Lawrence City Commission 2013, 17).

Mr. McCullough further added during the August 13, 2013 Lawrence City Commission meeting, that because code enforcement is almost entirely driven by complaints it was important for staff to pay very close attention to how they were permitting ADUs by making sure the plans were accurately labeled and consistent with the information provided on the applicant’s registration form. If there was a code enforcement issue, the reviewed plans could be used to verify what was originally approved, and then staff could take appropriate action, which may include fines and/or abatement of the illegal use (Simmons 2014).

According to literature reviewed for this thesis, many “ADU-friendly” communities throughout the United States have experienced similar under-utilization of their respective ADU programs. In an effort to facilitate a greater development of ADUs, cities such as Santa Clara, California; Barnstable, Massachusetts; and Portland, Oregon, have identified hidden regulatory barriers within their ADU programs and have amended their regulations to provide greater flexibility (HUD 2008, 4). The regulatory provisions of a
community are just one tool used to implement the policies of community development. However, if not managed appropriately, regulations can become misaligned with community values, especially when regulations fail to keep pace with changing needs and thereby exacerbate the misalignment (Infranca 2014).

**The Registration Process**

Prior to being constructed in Lawrence, Kansas, ADUs are required to be registered to ensure that the applicant is aware of all regulatory provisions. A complete application must be provided to the PDS staff to determine whether the proposed ADU meets the development requirements. A complete application includes the application form with general property and owner information, a site or plot plan depicting the location and design of the ADU, and an affidavit pledging agreement to the applicable development standards (see Appendix A).

In contrast to other development processes in Lawrence, establishing an ADU does not require either public notice to surrounding property owners nor hearing before an appointed board such as the planning commission or city commission (Stogsdill 2014). For any residential land areas zoned RS40, RS20, RS10, or RS7, ADUs are permitted by right as an accessory use and are therefore subject to the regulations addressed in “Article 5. Use Regulations” in Section 20-534 of the Lawrence, Kansas, Land Development Code 2006 (Planning and Development Services 2006). A summary of these standards is provided in Table 4.4.
Table 4.4. Summary of ADU Development Standards in Section 20-534 of the Lawrence, Kansas Land Development Code

(iv) Owner Occupancy Required in RS Districts
Either the principal Dwelling Unit or the Accessory Dwelling Unit must be occupied by one or more of the persons who is/are the record Owner of the Premises.

(v) Number of Residents
The total number of individuals that reside in both units (principal + accessory) may not exceed Occupancy Limit established for the Principal Building in Section 20-601(d), plus one additional person. RS zones allow no more than 3 unrelated persons per building.

(vii) Location of Entrances
Only one entrance to the Principal Building may be located on the front Facade that faces the Street, unless the Principal Building contained an additional Street-facing entrance before the Accessory Dwelling Unit was created.

(viii) Parking
Lots containing Accessory Dwelling Units shall contain a minimum of two off-Street Parking Spaces. One additional Parking Space is required for the Accessory Dwelling Unit if the Lot containing the Accessory Dwelling Unit abuts only a Collector or Arterial Street.

(ix) Size
The maximum size of an Accessory Dwelling Unit may be no more than 33% of the living area, of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.

(x) Floor Area Additions
Accessory Dwelling Units created through the addition of habitable Floor Area to an existing Structure shall comply with additional design standards to ensure their compatibility with the existing structure.

(xi) Registration; Affidavit
Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements.

Source: Planning and Development Services 2006, 5-33

Hidden Regulatory Barriers

Overall, Lawrence’s ADU program does not appear to be overly restrictive with fairly lenient procedural requirements that allow ADUs by right in specific zoning districts,
with no public notice or hearing required. However, during interviews with city planning staff, there were some problematic aspects of the development standards that were consistently mentioned as potential limitations to ADU construction and use of the overall ADU program. The suggested regulatory limitations include number of allowed residents, size restrictions, and ownership requirements.

**Number of Allowed Residents**

Currently, Lawrence’s development code allows for a maximum of 3 unrelated occupants per principal dwelling unit in the RS districts. With a registered ADU, one additional person is allowed, for a maximum combined total of 4 unrelated occupants in the principal and accessory structures. In determining whether an application is approvable, the household is considered to be either all related or all unrelated, not a mixture of the two (Leininger 2014). Dependent children are not included in the calculation of residents. The following are hypothetical households and an indication of whether they would comply with the city’s ADU restrictions, provided by Michelle Leininger, a former PDS staff member:

- A married couple and 6 children – all related (complies)
- 3 brothers and their wives – all related (complies)
- 3 brothers, 2 wives and 1 girlfriend – 6 unrelated (does not comply)
- 2 people (unmarried) and their children – 2 unrelated (complies)
- A married couple and a pair of one of their parents – all related (complies)
- A married couple, 2 adult children and a friend – 5 unrelated (does not comply)

A common preconceived notion of ADUs is that they will create undesirable density levels in single-family neighborhoods. In Lawrence’s historic Oread neighborhood, the
city has dealt with overcrowding issues and feels that allowing ADUs in other residential areas may result in very similar problems (Day 2014). The current provisions to control the size of a household, while aimed at unrelated individuals, do not necessarily limit the potential of overcrowding as long as they are related by blood, marriage, or adoption. A family of ten people would be allowed, but if one person living on the property was not “family,” the eleven people would be considered unrelated. Furthermore, violation of this provision is rather difficult to enforce without additional staff and work time dedicated to policing who is living at a residence and their familial relationship to one another (Stogsdill 2014). With a rise in the non-family household and high rental occupancy rates, Lawrence’s restriction focused on unrelated individuals does not appear to accommodate the city’s demographic context.

Size Restrictions
Based on the 15 submitted ADU applications, converting the existing space within an attached structure into a separate living area is the most prominent method for creating an ADU in Lawrence. Furthermore, according to the city’s monthly building permit reports, this method of creating an ADU also appears to be most affordable. For example, the detached garage built as an ADU at 2032 Hogan Court, had building permit fees of $1,273.75 based on estimated construction costs of $150,000, while the ADU created in an existing basement at 1808 Castle Pine Court, had building permit fees of $562.95 based on estimated construction costs of $41,850 (City of Lawrence, 2015b). Although the affordability of constructing an ADU is not solely reflected in building permit fees, other cost factors, such as appliances, fixtures, and materials are not known by the city.
Due to the size restrictions contained within the development standards, the maximum size of an ADU is not allowed to exceed 33% of the total living area of the principal unit or 960 square feet, whichever is less. For many single-family homes, the basement floor area is usually 50% of the main floor area thus exceeding the minimum size restrictions. This means that the most affordable method of converting existing living space is physically the most difficult. For many would-be ADU participants, this size restriction would require an undesirable design of otherwise usable areas to create artificial space, such as storage areas to comply (M. Miller 2014).

The cost for establishing an ADU is further impacted by the potential cost of associated System Development Charges (SDCs), which are assessed with new water service connections. An attached structure such as a basement apartment is not likely to incur SDCs; whereas, a detached ADU would be required to have a separate water meter, thus requiring a new service connection and applicable SDCs, currently calculated at $4,065 dollars (Andy Ensz, January 14, 2015, email message to the author). With the building permit fees and applicable SDCs, the difference in building permit costs for a new detached structure versus the conversion of an existing space such as a basement is about $4,775.

The registered ADU located at 2032 Hogan Court is one example where the property owner, Mr. Mike Y. Zheng, had originally proposed a detached structure that met the 33% requirement but was larger than 960 square feet. The only available alternative for him and others who do not strictly comply with the development standards is to seek a variance from the board of zoning appeals (BZA) (Guntert 2014). Although the proposed
ADU of 1,150 square feet was subordinate in size to the principal dwelling, 3,984 square feet, the BZA denied the application. The board determined that strict application of the provisions for which the variance was requested would not constitute an unnecessary hardship, but was a result of the action or actions of the property owner (Board of Zoning Appeals 2009).

**Ownership Requirements**

The current development standards of Lawrence also require that either the principal or accessory dwelling unit to be occupied by the record owner of the premises. While the issues with occupancy standards have already been stated, this restriction has been a constant roadblock, prohibiting the ADU program from expanding to other areas zoned for single-family residential land use in Lawrence. As recently as 2013, a proposed text amendment to the development code that would allow ADUs in the RS5 (see Map 4.2) zoning district was denied (Leininger 2014).

City planning staff feel that the regulation prohibiting ADUs from the RS5 zoning district has been somewhat arbitrary and based on unfounded threats commonly perceived by the public (A. Miller 2014). For the residents of the affected neighborhoods, these threats were focused on the potential abuse of the term “owner” that may potentially allow corporations, LLCs and other business entities to occupy both units. The perceived results of this would be loud parties, crime, litter, undesirable density, a decrease in home values, etc. (Lawrence City Commission 2013, 13).
To date, not a single ADU has been registered to an owner other than the person living on the property. Furthermore, according to Brian Jiménez, code enforcement manager, zero complaints have been documented concerning the properties with registered ADUs (Brian Jimenez, January 28, 2015, email message to the author). PDS staff believes this is due to compliance with the owner-occupancy restrictions as they are currently written. The general public is unaware that ADUs likely serve those families in need with minimal possibilities that the ADU provision of the city’s zoning ordinance will be abused by corporations, LLCs, or a local fraternity/sorority of the nearby universities (A. Miller 2014). Furthermore, having the property owner live on-site assumes a greater investment in the property, as well as adherence to the ADU regulations, exist on the part of both the owner and the tenant.

**Improving the ADU Program**

Since inception of Lawrence’s ADU program in 2006, local policy makers have attempted to respond to some of the unintended consequences and regulatory barriers, previously identified, by amending provisions of the development standards to better reflect the needs and concerns of the community. Many of the amendments have dealt with the terms and definitions affecting ADUs. These amendments are listed and summarized in Table 4.5.
Table 4.5. Text Amendments to the City of Lawrence Development Standards, 2006-2013

<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>Ordinance</th>
<th>Public Hearing Date</th>
<th>Effective Date</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>TA-05-03B-06</td>
<td>8040</td>
<td>July 24th, 2006</td>
<td>October 21st, 2006</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Removed language from base zoning districts that did not permit ADUs as a residential use.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA-03-02D-06</td>
<td>8098</td>
<td>February 22nd, 2006</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Deleted the requirement of ADUs to only be achievable by way of an Urban Conservation Overlay District.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA-06-04-06</td>
<td>8098</td>
<td>August 30th, 2006</td>
<td>June 29th, 2007</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Definition of term “owner” delayed other amendment items due to public comment. Legal staff determined changes were unnecessary. Other items were approved.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA-07-06-06</td>
<td>8098</td>
<td>September 25th, 2006</td>
<td>June 29th, 2007</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Removed duplex as a possible method for creating an ADU since they are not permitted in RS Districts.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA-09-09A-06</td>
<td>8098</td>
<td>October 23rd, 2006</td>
<td>June 29th, 2007</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Added converting an existing detached garage as a method of creating an ADU.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>TA-12-25-07</td>
<td>8249</td>
<td>February 27th, 2008</td>
<td>April 13th, 2008</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Amended sections related to the definition of family in RS Districts.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Clarified terminology of Family and Dwelling Unit due to enforcement issues.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA-13-00001</td>
<td>8853</td>
<td>February 27th, 2013</td>
<td>April 5th, 2013</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Remove term “Family” to better clarify occupancy limits; currently applicable to RS districts only.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA-13-00106</td>
<td>N/A</td>
<td>July 22nd, 2013</td>
<td>August 13th, 2013</td>
<td>Denied</td>
</tr>
<tr>
<td><strong>Reason for Request</strong></td>
<td>Expand scope of ADU program to allow ADUs in residential areas zoned RS5.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Planning and Development Services 2006, Appendix.

**Programs and Incentives**

Although the City of Lawrence has not implemented any additional programming directly aimed at ADUs, their development is further impacted by the city’s residential
rental licensing and inspection program, which is intended to ensure that rental properties, including certain ADUs, within the city are both habitable and safe places to live. Furthermore, the rental licensing and rental program is intended to protect the general deterioration and loss of property values, by requiring strict compliance with the established occupancy limits (City of Lawrence 2014, 1).

In 2010 the City of Lawrence had 34,790 total occupied housing units, with over half (18,623) of the units renter occupied (U.S. Census 2010). Between 2002 and 2012, tenants of some of these rental units in RS zoning districts filed 247 complaints. The licensing and inspection program has documented some success, with over 8,200 violations that would have presumably gone unreported and would have contributed to a less healthy housing stock in the city (Jimenez 2013).

As of January 1, 2015, the program was expanded to include all residential rental property within Lawrence. The current provisions do provide certain exemptions for ADUs, including dwelling units occupied by the owner or solely by family (related by blood, marriage, or adoption) as well as and ADU that is owner-occupied by a principal of the business or LLC (City of Lawrence 2014, 15). As an addition in 2015, incentives are being provided to exempt properties from inspection over the next six years if no more than five violations have been documented (City of Lawrence 2014, 8).

While none of the registered properties with ADUs have been documented with complaints or violations, by the codes enforcement division, there are many other illegal units yet to be identified. The rental licensing and inspection program is seen as a
possible way to help limit the negative effects of rental units by identifying both non-compliant and non-conforming ADUs, and bringing them into compliance with the current development standards.
Chapter 5: Conclusion and Recommendations

How have municipalities incorporated the provisions of an ADU program to fit the context and needs of their communities? Cities across the nation are continuing to consider the accessory dwelling unit program as a potential housing strategy to respond to the local trends of their communities and resultant shift from the predominance of the single-family household. The findings of this study suggest that the results and success of an ADU program are specifically related to the local characteristics and needs of a particular community: population growth, demographics, housing inventory, and household type and size.

With the local characteristics in mind, the adoption of ADU provisions typically relate to the overall residential goals and objectives of a city as outlined in their local comprehensive plan. Cities then utilize supporting tools including land use regulations, classification and permitting process, supplementary programs, and enforcement and management to further focus and detail how the comprehensive plan will be implemented. All of these components of an ADU housing strategy are facilitated by local city officials and thus it becomes their responsibility to manage the consequences of the adopted program.

What have been the results of codified ADU provisions in communities that have an adopted program? Many of the current model ADU programs have fallen into disuse, much like the case study findings of Lawrence suggest. It wasn’t until local reform efforts were introduced to better align the programs with the needs of their respective
communities that the ADU housing alternative began to thrive. In order for an ADU program to be successful, however, a city’s ADU regulations must find balance with the key components: community goals and needs, land use regulations, classification and permitting process, supplementary programs, and enforcement and management.

Furthermore, all five components must be dealt with collectively, and if even one of the components is misaligned with the others it may exacerbate the consequences and resultant impacts on the community. The overall success of an ADU program hinges on the amount of cohesion among the identified components.

**ADU Reform in Lawrence**

**What improvements can be made to improve the ADU housing strategy of Lawrence, Kansas?** The findings of the case study of Lawrence, Kansas, suggest the pressures of community perceptions regarding the threats of renter-occupied housing and need for strict ownership requirements, have greatly influenced the city’s ADU program experience. For the City of Lawrence, based on the demographic context and expected population growth rates of the community, the ADU strategy seems to be a good housing alternative to help accomplish the development goals outlined in the city’s comprehensive plan, Horizon 2020. Both residents and stakeholders generally agree that ADUs, if allowed, provide appropriate housing accommodations for the changing lifestyles of society.

However, due to the misalignment of land use regulations with community context, many of Lawrence’s historic neighborhoods and demographic needs have been consequently excluded from participation. Research findings suggest the city officials of Lawrence
have previously failed in their efforts to broaden the ADU program to other residential zones, namely RS5. Unless the political pressures from local social action groups and neighborhood associations decrease, expanding the scope of the ADU program to other neighborhoods that currently restrict ADUs will not likely happen. If city officials hope to expand the ADU program of Lawrence in the future, they should begin by focusing on the following land use reform efforts: public outreach and education, neighborhood assurance, and supplementary programs.

**Public Outreach and Education**

At the beginning of the land development code rewrite in 2006, Lawrence city officials gathered together with local stakeholders at a variety of public meetings to discuss the potential issues and perceived threats of ADUs. Research findings suggest that since the inception of Lawrence’s ADU program, many of the perceived threats and anticipated problems have been unrealized. Prior to further amending the ADU provisions in the zoning ordinance, the city should consider holding engagement meetings to discuss the specific results of the program and where to go from here. The reform efforts to the ADU program of Santa Cruz, California, relied heavily upon community outreach and advertisement in order to gain acceptance throughout the community (Tyre 2008).

In addition to stakeholder engagement, the PDS staff should initiate community dialogue with residents to help identify any concerns and/or barriers that have kept residents from utilizing the program. Many of the residents of Lawrence are likely unaware of the program, and they may not understand the potential benefits of having an ADU both for themselves and the entire community (A. Miller 2014). Although this research did not
include an extensive review of neighborhood fears, it should be assumed that due to a lack of ADU activity in Lawrence, such fears do exist. The fear of negative impacts could be greatly diminished if local officials and neighbors have the opportunity to see firsthand the benefits of ADUs for citizens (Cobb and Dvorak 2010, 13).

**Neighborhood Assurance**

In conjunction with outreach efforts, city officials should also seek to provide additional assurances for the community, especially for those individuals and organizations that have voiced their concerns. By providing additional involvement opportunities, any lingering fears or opposition for nearby property owners can be further limited. While the optimal procedural provision is to review ADUs by administrative process, as Lawrence currently does, another option would be to provide notice to property owners in close proximity to the subject property and grant them the ability, if they so choose, to meet with a city appointed employee and/or the applicant to discuss any concerns (Cobb and Dvorak 2000, 33). This would not only allow for additional input from those neighbors potentially impacted by a nearby ADU, but would also establish a fairly simple process for the applicant.

Additional components adopted by other municipalities that have proven to be successful and may provide assurance to the Lawrence community include: pre-approved ADU plan designs, an ADU market monitoring system, and a more aggressive enforcement approach against illegal units. Research findings suggest that in order to provide a balanced program, provisions for ADUs in zoning ordinances need to be sensitive to the communities’ concerns while also making the program user-friendly.
Supplementary Programs

It is difficult to know what impact, if any, Lawrence’s recent expansion in 2015 of the rental licensing and inspection program will have on illegal ADUs within the city. The overall intent of the city’s program is to ensure that rental properties, including illegal ADUs, within the city are both a habitable and safe addition to the community and its residents. However, current exemptions would preclude most ADUs from being subject to the rental licensing and inspection program, including renter-occupied units, if lived-in by family members and/or a principal person of the business or LLC who is listed as the owner. In the City of Barnstable, Massachusetts, many of its illegal accessory dwelling units have been brought into compliance by offering fee waivers for inspection and monitoring, with the adoption of an Amnesty Program (HUD 2008, 5).

Supplemental programs, such as financial incentives, similar to those introduced by the City of Barnstable, can help not only limit health and safety issues, but may also be used as a tool to dictate the local development patterns of ADUs. For Lawrence, this would include historic areas throughout the city, which have been fighting the common practice of people tearing down older homes to redevelop the site with new two-unit structures. If financial incentives were made available to encourage the conversion of the available housing stock and infrastructure into ADUs, then it may help to preserve the character and identity of such Lawrence neighborhoods as Old West Lawrence, East Lawrence, University Place, or Centennial.
ADU Reform in General

What should other communities consider about the ADU program as a housing strategy? The case study findings of Lawrence, Kansas, provide useful information for other communities considering ADUs nationwide, especially for college towns that may face some of the same key challenges as expressed by this research. As with most planning efforts, the ADU strategy is not a one-size-fits-all program, an identical version of which should be duplicated from one city to the next. The risks and benefits are specific to each individual community based on its characteristics. It is up to the local governing body to understand how to protect against any likely adverse impacts and shape the ADU strategy within the context and needs of their given community.

The research findings from this case study suggest that all communities need to first identify the need for accessory dwelling units within the context of their city, with a willingness to adapt to the unknown or unintended use of the ADU program in consequence to the changing needs of a community. For example, ADUs in Lawrence have been largely underutilized, as the research suggests, due to the community’s bias toward favoring the traditional household. Lawrence would do well to focus on the groups and individuals it currently serves, such as students, unrelated couples, young professionals with a family, or retirees returning to the area, rather than trying to force the program in a different direction. In addition, cities should also actively monitor the effects of ADUs and address any noticeable concerns or undesirable effects of the program become unmanageable.
Additional Research Needed

The ADU program of Lawrence, Kansas, is just one case study sample, which provides an analysis of accessory dwelling units as a housing strategy. This case study suggests that additional research opportunities are needed. Other previous case studies have been used to provide research efforts by analyzing the ADU programs of various cities focused on the following planning topics: housing affordability, local parochialism, permitting efficiency, infill development, compact growth, etc.

This study focused on gathering input from city officials, both past and present, of the City of Lawrence. Future ADU research should survey other relevant groups, such as residents, landowners, neighborhood associations, and others who are impacted by ADUs in Lawrence, for the purpose of obtaining additional perspective.

By 2050, the United States population over the age of 65 is expected to be 88.5 million, double its approximate population of 40.2 million in 2010. In anticipation of this change in the U.S. population profile, the accessory dwelling unit housing strategy may be more pertinent than ever before among planning professionals (Vincent and Velkoff 2010, 1). Future research should continually monitor the results of ADU programs across the nation in order to identify best practice and key issues experienced by other cities.

Additional research opportunities include analysis of whether financial incentives increase the likelihood of an ADU program being used; how public outreach and education efforts effect the public’s perceptions of ADUs; and how to deal with the local political pressures of community organizations and social activist groups.
Reference List


APPENDIX A – Lawrence, Kansas, ADU Registration Form and Checklist
Accessory Dwelling Unit Registration Procedures

The applicant is required to provide all registration materials and documents provided herein as well as any other materials necessary to review the request. All information must be submitted to the Planning Office of Lawrence/Douglas County, Kansas. The following materials must be submitted complete upon application:

Registration Materials Provided:
- Section 20-534; Accessory Dwelling Units from the Lawrence Development Code (for reference)
- Application Form
- Owner Authorization Form
- Affidavit Form for Registration of Accessory Dwelling Unit

Registration Materials Required to be Submitted to the Planning Office:
1. Completed Application Form;
2. Site or Plot Plan depicting the following:
   - Accurate locations of both the principal and accessory dwelling structures;
   - Location of all building entrances;
   - Provision of parking, if required; and
   - Any other information necessary to review for compliance with the standards of Section 20-534 of the Lawrence Development Code;
3. Owner Authorization Form (necessary only when the applicant is not the owner);
4. Affidavit pledging agreement with the Accessory Dwelling Unit standards of Section 20-534.
5. Recording fee for the affidavit ($8 for first page PLUS $4 per additional page, if additional pages are necessary), made payable to the Douglas County Register of Deeds.
Section 20-534  **Accessory Dwelling Units**  
(permited only in RS40, RS20, RS10, RS7, CN1, GPI, and H)

(1) **Purpose**
Accessory Dwelling Units are allowed in certain situations to:

(i) create new housing units while preserving the look and scale of single-Family detached Dwelling neighborhoods; allowed in RS zones, subject to the procedures established in Section (xi) Registration; Affidavit;

(ii) allow more efficient use of the City's existing housing stock and Infrastructure;

(iii) provide a mix of housing types that responds to changing Family needs and smaller households;

(iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and

(v) provide a broader range of accessible and more affordable housing.

(2) **Design Standards**

(i) **Purpose**
These design standards are intended to ensure that Accessory Dwelling Units:

a. are compatible with the desired character and livability of RS Zoning Districts;

b. respect the general Building scale and placement of Structures to allow sharing of common space on the Lot, such as Driveways and Yards; and

c. are 960 square feet or smaller in size.

(ii) **Generally**
The design standards for Accessory Dwelling Units are stated in this section. If not addressed in this section, the Base District standards apply.

(iii) **Methods of Creation**
An Accessory Dwelling Unit may only be created through one of the following methods:

a. converting existing living area within a Detached Dwelling, Attached Dwelling or duplex (e.g., attic, Basement or attached garage);

b. adding Floor Area to an existing Detached Dwelling, Attached Dwelling or duplex, detached garage; or

c. constructing a new Detached Dwelling, Attached Dwelling, duplex or detached garage with an internal Accessory Dwelling Unit.

(iv) **Owner Occupancy Required in RS Districts**
Either the Principal Dwelling Unit or the Accessory Dwelling Unit must be occupied by one or more of the persons who is/are the record Owner of the Premises. If at any time, neither of the
Dwelling Units in a Building that contains an Accessory Dwelling Unit is the principal residence of one of the Owner of the property, then the property shall be considered a Duplex. If a

Duplex is not permitted in the Zoning District in which the property is located, the Owner shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the Premises to lawful status, conforming with the uses permitted in the Zoning District.

(v) Number of Residents
The total number of individuals that reside in both units (principal + accessory) may not exceed the number that is allowed for a household, plus one additional person.

(vi) Other Uses
An Accessory Dwelling Unit is prohibited in a house with a Type B Home Occupation.

(vii) Location of Entrances
   a. Only one entrance to the Principal Building may be located on the front Facade that faces the Street, unless the Principal Building contained an additional Street-facing entrance before the Accessory Dwelling Unit was created.
   b. When the Accessory Dwelling Unit is located behind the rear wall of the Principal Building, the accessory Dwelling entrance shall face the Front Lot Line.
   c. An exception to subsection (b), above, is Dwelling Units that do not have Access from the ground such as Dwelling Units with entrances from balconies or elevated decks.

(viii) Parking
The following Parking requirements apply to Accessory Dwelling Units.
   a. Lots containing Accessory Dwelling Units shall contain a minimum of two off-Street Parking Spaces.
   b. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is at least 27 feet wide, no additional Parking Space is required for the Accessory Dwelling Unit.
   c. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is less than 27 feet wide, or if the Accessory Dwelling Unit is created at the same time as the Principal Dwelling Unit, one additional Parking Space is required for the Accessory Dwelling Unit.
   d. One additional Parking Space is required for the Accessory Dwelling Unit if the Lot containing the Accessory Dwelling Unit abuts only a Collector or Arterial Street.

(ix) Size
The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.

(x) Floor Area Additions
Accessory Dwelling Units created through the addition of habitable Floor Area to an existing Structure shall comply with the following standards:
a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing Structure;
b. the roof pitch shall be the same as the predominant roof pitch of the house or existing Structure;
c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing Structure;
d. windows shall match those in the house in proportion (relationship of width to height) and orientation (horizontal or vertical); and
e. eaves shall project from the Building walls the same distance as the eaves on the rest of the house or existing Structure.

(xi) **Registration; Affidavit**
a. Accessory Dwelling Units shall be registered with the Planning Director prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing Accessory Dwelling Units; that the City has all information necessary to evaluate whether the Accessory Dwelling Unit initially meets and continues to meet Development Code requirements; and that the distribution and location of Accessory Dwelling Units is known.
b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the Accessory Dwelling Unit standards of this section. The affidavit shall specify which of the Dwelling Units will be occupied by an Owner of the property; if at any time such Owner moves to the other Dwelling Unit, the Owner shall be responsible for filing an updated affidavit, recording such change.
c. Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements.
APPLICATION Registration of Accessory Dwelling Unit

OWNER INFORMATION

Name(s) __________________________________________________________
Contact _________________________________________________________
Address ___________________________________________________________________
City __________________________ State __________ ZIP __________
Phone ( ) __________________________ Fax ( ) _______________________
E-mail __________________________ Mobile/Pager ( ) _______________

APPLICANT/AGENT INFORMATION (if different from above)

Contact _________________________________________________________
Company __________________________________________________________
Address ___________________________________________________________________
City __________________________ State __________ ZIP __________
Phone ( ) __________________________ Fax ( ) _______________________
E-mail __________________________ Mobile/Pager ( ) _______________

PROPERTY INFORMATION

Address of Property _______________________________________________
Legal Description (may be attached) ___________________________________
Number and Description of Existing Improvements or Structures _______________

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Lot Area</th>
<th>Area (sq ft) of Principal Dwelling Unit:</th>
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<tr>
<td>Owner(s) reside(s) in which unit:</td>
<td>Principal</td>
<td>Accessory</td>
<td>Both</td>
</tr>
<tr>
<td># of Residents in Principal Dwelling Unit:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Is the Accessory Dwelling Unit attached or detached of the Principal Dwelling Unit?

Will the Accessory Dwelling Unit be created by the conversion of an existing structure or the construction of a new structure?

If a structure is converted, what is its current use?
SIGNATURE

I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially register an Accessory Dwelling Unit as indicated above.

Signature(s): _______________________________ Date ___________

_______________________________ Date ___________

_______________________________ Date ___________

Note: If signing by agent provide complete Owner Authorization Form (see following page)

STAFF USE ONLY

Registration No. ________________

Date Received ________________

☐ Property owner list  ☐ Copy of sent notice  ☐ Certificate of mailing

☐ Statement verifying notice requirements have been met
OWNER AUTHORIZATION

I/WE ______________________, hereby referred to as the "Undersigned", being of lawful age, do hereby on this ______ day of ________, 20__, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

   [Insert or Attach Legal Description here]

2. I/We the undersigned, have previously authorized and hereby authorize ______________________ (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding ______________________ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

_________________________________   ___________________________________
Owner                                                       Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this ______ day of ________, 20__,

by __________________________________________.

My Commission Expires:                                   ______________________________

Notary Public
Affidavit of Registration of Accessory Dwelling Unit

THE FOLLOWING AFFIDAVIT SHALL BE FULLY COMPLETED. This affidavit shall be submitted to the Planning Office, with filing fee ($8 for first page, PLUS $4 per additional page), to be recorded at the Douglas County Register of Deeds upon approval.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

I, ______________________ (printed name), owner of the following described real property, legally described as (insert legal description below)

located at ______________________ (common address) in the City of Lawrence, Kansas hereby affirm that I have received a copy of the standards for Accessory Dwelling Units, Section 20-534 of the Lawrence Development Code and that my property meets all the requirements thereof. I understand that the total number of individuals permitted to live on my property shall not exceed the number that is allowed in a household, plus one additional person. I also understand that registration of an Accessory Dwelling Unit requires owner occupancy of one or both of the dwelling units on the premises. I pledge that I currently live in the _______ (state Principal or Accessory) dwelling unit and I understand that if at some point in the future I move to the other dwelling unit on the property, that I am required to file an updated affidavit, recording such change. I pledge agreement to the standards mentioned above and to all the standards of Section 20-534 of the Lawrence Development Code.

__________________________________              ________________
Signature                                               Date

STATE OF __________
COUNTY OF __________
This instrument was acknowledged before me on this ____________________ (date)
By _____________________________________________(name of person).

(Seal, if any)

   (signature of notarial officer)

   Title (and rank)

   [My appointment expires: ________________ ]

Reserved for County Use

Owner Authorization Form      Page 8 of 8          Registration of Accessory Dwelling Unit
5/5/2009
APPENDIX B – Lawrence, Kansas, ADU Applications, 2006-2014
May 11, 2009

Donna Krische (Resident owner)
2457 Missouri Street
Lawrence, KS 66046

Jeanne and Daniel Krische (Non-Resident Owners)
605 Waver Park Road
Longmont, CO 80501

RE: ADU-02-01-09; Accessory Dwelling Unit; 2457 Missouri Street.

Dear Ms. Krische and Mr. and Mrs. Krische,

The above-referenced Accessory Dwelling Unit has been administratively approved and your property is now registered on the City of Lawrence’s database of Registered Accessory Dwelling Units.

The accessory dwelling unit is located within the same structure as the primary building and is approximately 660 square feet in area (existing basement). The principal dwelling unit is approximately 2,134 square feet in area.

For your information, I have attached a copy of Section 20-534, Accessory Dwelling Units, of the Land Development Code containing applicable rules and regulations. Should you have any questions please feel free to contact me at (785) 832-3161 or at sday@ci.lawrence.ks.us.

Sincerely,

Sandra L. Day, AICP
City County Planner

Cc:  Brian Jimenez, city of Lawrence, Development Services
     Adrian Jones, City of Lawrence Development Services
     Katherine Simmons, City of Lawrence Development Service
August 6, 2009

Debora and Hagith Sivan
844 Highland Drive
Lawrence, KS 66044
e-mail: dinah01@ku.edu

RE: ADU-05-02-09; Accessory Dwelling Unit; 844 Highland Drive.

Dear Debora and Hagith Sivan,

The above-referenced Accessory Dwelling Unit has been administratively approved and your property is now registered on the City of Lawrence’s database of Registered Accessory Dwelling Units.

The accessory dwelling unit is located within the same structure as the primary building and is approximately 675 square feet in area (located in the existing basement). The principal dwelling unit is approximately 3696 square feet in area.

For your information, I have attached a copy of Section 20-534, Accessory Dwelling Units, of the Land Development Code containing applicable rules and regulations. Should you have any questions please feel free to contact me at (785) 832-3147 or at mmiller@ci.lawrence.ks.us

Sincerely,

Mary K Miller, AICP
City County Planner

Cc: Brian Jimenez, city of Lawrence, Development Services.
    Adrian Jones, City of Lawrence Development Services
    Katherine Simmons, City of Lawrence Development Service

We are committed to providing excellent city services that enhance the quality of life for the Lawrence Community.
May 22, 2009

Carol J. Grieb
4825 W. 25th Street
Lawrence, KS 66047

RE: ADU-05-03-09; Accessory Dwelling Unit; 4825 W. 25th Street.

Dear Ms. Grieb,

The above-referenced Accessory Dwelling Unit has been administratively approved and your property is now registered on the City of Lawrence’s database of Registered Accessory Dwelling Units.

The accessory dwelling unit is located within the same structure as the primary building and is approximately 580 square feet in area (existing basement). The principal dwelling unit is approximately 1,990 square feet in area.

For your information, I have attached a copy of Section 20-534, Accessory Dwelling Units, of the Land Development Code containing applicable rules and regulations. Should you have any questions please feel free to contact me at (785) 832-3161 or at sday@ci.lawrence.ks.us.

Sincerely,

Sandra L. Day, AICP
City County Planner

Cc: Brian Jimenez, City of Lawrence, Development Services.
    Adrian Jones, City of Lawrence Development Services
    Katherine Simmons, City of Lawrence Development Service
June 30, 2010

Mike Y. Zheng
2032 Hogan Ct.
Lawrence, KS 66047

RE: ADU-12-04-09: A new accessory dwelling unit above a detached garage located on the property legally described as Lot 19, A Final Plat of The Masters at Alvamar, an Addition in the City of Lawrence, Douglas County, Kansas. The subject property is located at 2032 Hogan Court.

Dear Mr. Zheng:

The above referenced Accessory Dwelling Unit applicant is now complete and it has been administratively approved. The completed “Affidavit of Registration of Accessory Dwelling Unit” form is now recorded in the official records at the Douglas County Register of Deeds Office. A copy of the recorded instrument is provided with my letter. This was the final item we were waiting upon to complete our review and approval of this application. Your property is now registered on the City of Lawrence’s database of Registered Accessory Dwelling Units.

If you have questions please feel free to contact me at (785) 832-3158 or at my email address, dguntert@cl.lawrence.ks.us.

Sincerely,

[Signature]
David R. Gunter
City/County Planner

Copy: Brian Jimenez, City of Lawrence, Development Services
Adrian Jones, City of Lawrence, Development Services
Katherine Simmons, City of Lawrence, Development Services

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December 29, 2009

Chris Huston
Huston Homes, Inc
511 Jones Street
Lecompton, KS 66050

RE: ADU-12-5-09; Accessory Dwelling Unit; 1705 Lake Alvamar Drive

Dear Mr. Huston:

The above-referenced Accessory Dwelling Unit has been administratively approved and is registered on the City of Lawrence's database of Accessory Dwelling Units.

The accessory dwelling unit will be located to the rear of the principal dwelling unit and will have access from a garage as well as an exterior access. The principal dwelling unit is approximately 4847 square feet in area and the accessory dwelling unit is 952 square feet.

For your information, I have enclosed a copy of Section 20-534, Accessory Dwelling Units, of the Land Development Code containing applicable rules and regulations as well as a copy of the recorded affidavit. Should you have any questions please feel free to contact me at (785) 832-3147 or at mmiller@ci.lawrence.ks.us

Please feel free to contact me at 785-832-3147 or mmiller@ci.lawrence.ks.us if you have any questions.

Sincerely,

Mary K Milet, AICP
City/County Planner II
(enclosures)

Cc: Justin and Jean Anderson; 1301 Vantuyli Drive; Lawrence KS 66049
    Brian Jimenez, City of Lawrence Development Service
    Adrian Jones, City of Lawrence Development Service
    Katherine Simmons, City of Lawrence Development Service

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December 22, 2009

Bob Augelli
1050 Wellington Road
Lawrence, KS 66049-3029

RE: ADU-12-6-09; Accessory Dwelling Unit; 1050 Wellington Road

Dear Mr Augelli:

The above-referenced Accessory Dwelling Unit has been administratively approved and your property is now registered on the City of Lawrence’s database of Registered Accessory Dwelling Units.

The accessory dwelling unit will be located on the second floor of the proposed attached garage and is approximately 576 square feet in area. The principal dwelling unit is approximately 1980 square feet in area.

For your information, I have attached a copy of Section 20-534, Accessory Dwelling Units, of the Land Development Code containing applicable rules and regulations. Should you have any questions please feel free to contact me at (785) 832-3147 or at mmiller@ci.lawrence.ks.us

I will record your affidavit with the Register of Deeds and will provide you with a recorded copy. Please feel free to contact me at 785-832-3147 or mmiller@ci.lawrence.ks.us if you have any questions.

Sincerely,

Mary K Miller, AICP
City County Planner

Cc: Brian Jimenez, city of Lawrence, Development Services
    Adrian Jones, City of Lawrence Development Services
    Katherine Simmons, City of Lawrence Development Service
March 5, 2010

Apple Tree Homes
Attn: Greg Rau
2405 Oxford Rd
Lawrence, KS 66049

RE: ADU-2-1-10; Accessory Dwelling Unit; 1808 Castle Pine Ct

Dear Mr. Rau:

The above-referenced Accessory Dwelling Unit has been administratively approved and your property is now registered on the City of Lawrence’s database of Registered Accessory Dwelling Units.

The accessory dwelling unit will be located in the basement of the existing principle structure and is approximately 930 square feet in area. The principal dwelling unit is approximately 5900 square feet in area.

For your information, I have attached a copy of Section 20-534, Accessory Dwelling Units, of the Land Development Code containing applicable rules and regulations.

I will record your affidavit with the Register of Deeds and will provide you with a recorded copy. Should you have any questions please feel free to contact me at (785) 832-3166 or at amybrown@ci.lawrence.ks.us.

Sincerely,

Amy M. Brown, AICP, CFM
Long Range Planner

Cc: Brian Jimenez, city of Lawrence, Development Services.
    Adrian Jones, City of Lawrence Development Services
    Katherine Simmons, City of Lawrence Development Service
    Mr. and Mrs. Pierron, property owners of record

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April 22, 2010

Ryan Hessman
2045 Learnard Avenue
Lawrence, KS 66046

RE:  ADU-4-2-10; Accessory dwelling unit above accessory
detached garage building at 2045 Learnard Avenue

Dear Mr. Hessman:

The above referenced Accessory Dwelling Unit has been administratively approved and is
registered on the City of Lawrence database of Accessory Dwelling Units.

Per the plans you filed, the accessory dwelling unit will be located on the second level of the
accessory garage building. The floor plans indicate the accessory dwelling unit will be accessible
from an outside entry located on the west end of the building. The accessory garage/accessory
dwelling unit is shown located behind the principal dwelling approximately 210 feet east of the
Barker Avenue right-of-way on the narrow portion of land that is part of your property parcel.

According to Douglas County Appraiser’s Office records, the principal dwelling structure has
approximately 2,564 square feet of living area. Section 20-534, Accessory Dwelling Units, of the
Land Development Code for the City of Lawrence limits the size of an accessory dwelling unit to
33 percent of the living area of the principal dwelling or 960 square feet, whichever is less. In
your case, the accessory dwelling unit cannot be larger than 854 square feet. Plans you
submitted for a building permit show the accessory dwelling unit is 713 square feet.

For your information, I have enclosed a copy of Section 20-534, Accessory Dwelling Units, from
the Land Development Code containing applicable rules and regulations. A copy of the recorded
affidavit is also enclosed.

Should you have any questions please feel free to contact me at (785) 832-3158 or at
dguntert@ci.lawrence.ks.us.

Sincerely,

[Signature]

David R. Guntert
City/County Planner

Copy: Katherine Simmons, Plan Reviewer
      Adrian Jones, Senior Plan Reviewer
July 2, 2010

Jay E and Rebecca S. Muckenthaler  
Tanner J. Muckenthaler  
1937 Main Street  
Lawrence, KS 66046  

RE: Lot 2, Block 2, university Terrace, Registration of an accessory  
Dwelling unit.

Dear Mr. and Mrs. Muckenthaler and Mr. Muckenthaler,

The above referenced Accessory Dwelling Unit has been administratively approved and 
is registered on the City of Lawrence database of Accessory Dwelling Units.

Per the plans you filed, the accessory dwelling unit will be located on the second level  
of the accessory garage building. The floor plans indicate the accessory dwelling unit 
will be accessible from an outside entry located rear side of the building through the  
garage. The accessory dwelling unit is shown located in the basement of the building  
located at 1937 Maine Street.

Section 20-534, Accessory Dwelling Units, of the Land Development Code for the City 
of Lawrence limits the size of an accessory dwelling unit to 33 percent of the living 
area of the principal dwelling or 960 square feet, whichever is less. The application  
complies with the above referenced section.

Should you have any questions please feel free to contact me at (785) 832-3161 or at  
sday@cl.lawrence.ks.us.

Sincerely,

Sandra L. Day, AICP  
City County Planner

Cc: Treni Wescott, Development Services

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April 14, 2011

Kimball Curtis Shontz and Linda Pettengill
837 Westgate Place
Lawrence, KS 66049

RE: ADU-4-1-11; Accessory dwelling unit above
attached garage at 837 Westgate Place

Dear Kimball and Linda:

The above referenced Accessory Dwelling Unit has been administratively approved and is registered on the City of Lawrence database of Accessory Dwelling Units.

Per the plans you filed, the accessory dwelling unit is located on the second level of the attached garage. The plans indicate the accessory dwelling unit is accessible from an outside entry located on the east end of the building. The accessory garage/accessory dwelling unit is shown located attached to the east side of the principal dwelling on the Justin Street side of the property.

The principal dwelling structure has approximately 2,000 square feet of living area. Section 20-534, Accessory Dwelling Units, of the Land Development Code for the City of Lawrence limits the size of an accessory dwelling unit to 33 percent of the living area of the principal dwelling or 960 square feet, whichever is less. Plans you submitted show the accessory dwelling unit is 500 square feet.

For your information, I have enclosed a copy of Section 20-534, Accessory Dwelling Units, from the Land Development Code containing applicable rules and regulations. A copy of the recorded affidavit is also enclosed.

Should you have any questions please feel free to contact me at (785) 832-3162 or at dwarner@lawrenceks.org.

Sincerely,

Dan Warner, AICP
City/County Planner

Copy: Katherine Simmons, Plan Reviewer
Adrian Jones, Senior Plan Reviewer
January 17, 2013

D. Maximilian and Catherine L. Cordova
1412 Stone Meadows Drive
Lawrence, KS 66049

RE: ADU-12-00327; Accessory dwelling unit to be located above the attached garage in a new residential dwelling to be constructed at 5807 Harvard Road

Dear Mr. and Mrs. Cordova:

The above referenced Accessory Dwelling Unit has been administratively approved and is registered on the City of Lawrence database of Accessory Dwelling Units.

Per the plans you filed, the accessory dwelling unit is going to be built at the same time you build the new single-dwelling home. The accessory dwelling unit will be located on the second level of the attached garage. The subject property is zoned RS7 (Single-Dwelling Residential) District. Accessory dwelling units are allowed in this district provided they meet the design standards set forth in Section 20-534(2) of the Lawrence Development Code.

The application indicates you will be the occupants in the principal dwelling. The accessory dwelling unit will be occupied by only one person in accordance with the City Code. The building plans indicate the accessory dwelling unit will have a separate outside entry located on the east side elevation of the house.

The principal dwelling structure has approximately 2,560 square feet of living area. Section 20-534, Accessory Dwelling Units, of the Land Development Code for the City of Lawrence limits the size of an accessory dwelling unit to 33 percent of the living area of the principal dwelling or 960 square feet, whichever is less. Plans you submitted show the accessory dwelling unit is 770 square feet. The proposed size of the accessory dwelling unit is in compliance with this code provision.

For your information, I have enclosed a copy of Section 20-534, Accessory Dwelling Units, from the Land Development Code containing applicable rules and regulations. A copy of the recorded affidavit is also enclosed.

Should you have any questions please feel free to contact me at (785) 832-3158 or at dguntert@lawrenceks.org.

Sincerely,

David R. Guntert
City/County Planner

Copy: Katherine Simmons, Plan Reviewer
Adrian Jones, Senior Plan Reviewer

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September 2, 2013

Farhan Sirajul Karim
Farhana Ferdous
1901 University Drive
Lawrence, KS 66044

RE: ADU-13-00321; Accessory dwelling unit at 1901 University Drive

Dear Property Owners:

The above referenced Accessory Dwelling Unit has been administratively approved and is registered on the City of Lawrence database of Accessory Dwelling Units.

The subject property is zoned RS7 (Single-Dwelling Residential) District. Accessory dwelling units are allowed in this district provided they meet the design standards set forth in Section 20-534(2) of the Lawrence Development Code.

Per the plans you filed, the accessory dwelling unit is going to be created through the conversion of a portion of the walk-out basement. The application indicates you will be the occupants in the principal dwelling. The accessory dwelling unit will be occupied by only one person in accordance with the City Code. The building plans indicate the accessory dwelling unit will have a separate outside entry located on the south side elevation of the house as well as access through the principal structure.

The principal dwelling structure has approximately 2,316 square feet of living area, per the Douglas County Appraiser’s records. Section 20-534, Accessory Dwelling Units, of the Land Development Code for the City of Lawrence limits the size of an accessory dwelling unit to 33 percent of the living area of the principal dwelling or 960 square feet, whichever is less. Plans you submitted show the accessory dwelling unit is 956 square feet. The proposed size of the accessory dwelling unit is in compliance with this code provision.

For your information, I have enclosed a copy of Section 20-534, Accessory Dwelling Units, from the Land Development Code containing applicable rules and regulations. A copy of the recorded affidavit is also enclosed.

Should you have any questions please feel free to contact me at (785) 832-3147 or at mmiller@lawrenceks.org

Sincerely,

Mary Miller, AICP
City/County Planner

Copy: Adrian Jones, Senior Plan Reviewer
July 22, 2013

Rick Otten
318 Joseph St
South Charleston, WV 25303

RE: ADU-13-00122; The Accessory Dwelling Unit application for 1301 W 19TH TERR

Dear Mr. Otten:

Enclosed with this letter, I am returning your application and check for recording fees for the above referenced project. The application as submitted does not comply with the Development Code and cannot be approved as submitted. Please refer to my letter dated April 8, 2013 regarding the reasons for the denial of this application.

I have had no communication from you since your response on June 19th that you were still trying to track down the copy of the deed with your son’s name on it from your attorney.

I will be happy to re-review a new application that complies with the Development Code as noted in previous communications.

Please feel free to contact me at 785-832-3161 or sday@lawrenceks.org with any questions or concerns.

Sincerely,

Sandra Day, AICP
Planner II
April 15, 2014

Katie Nichols  
Sabatini Architects  
730 New Hampshire St, Suite 233  
Lawrence, KS 66044  
Sent via email: knichols@sabatiniarchitects.com

RE: ADU-14-00134; The Accessory Dwelling Unit application for 602 WALNUT ST

Dear Ms. Nichols:

The above referenced Accessory Dwelling Unit has been administratively approved and is registered on the City of Lawrence database of Accessory Dwelling Units.

Per the plans you filed, the garage structure is currently under construction and the accessory dwelling unit will be located above a detached garage. The subject property is zoned RS7 (Single-Dwelling Residential) District. Accessory dwelling units are allowed in this district provided they meet the design standards set forth in Section 20-534 of the Land Development Code.

This application indicates that the property owner will occupy the principal dwelling and the total number of residents will be three persons. The stated occupancy complies with Section 20-534(2)(v). The building plans indicate the accessory dwelling unit will have a separate outside entry located on the west side elevation of the house.

The principal dwelling structure contains 2300 square feet of living area. Section 20-534, Accessory Dwelling Units, of the Land Development Code limits the size of an accessory dwelling to 33% of the living area of the principal dwelling or 960 square feet, whichever is less. Plans you submitted show the detached dwelling will consist of 718 square feet. The proposed size of the accessory dwelling unit is in compliance with this code provision.

For your information, I have enclosed a copy of Section 20-534, Accessory Dwelling Units, from the Land Development Code containing applicable rules and regulations. A copy of the recorded affidavit is also enclosed.