

**City of Lawrence  
Board of Zoning Appeals  
April 7, 2011**

**MEMBERS PRESENT:** Kimball, Mahoney, Lowe, Edie, Christie, von Tersch  
**MEMBERS ABSENT:** Carpenter  
**STAFF PRESENT:** Guntert, Parker  
**PUBLIC PRESENT:** Buford

**BOARD OF ZONING APPEALS  
Meeting Minutes of April 7, 2011 –6:30 p.m.**

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Members present: Kimball, Mahoney, Lowe, Edie, Christie, von Tersch, Carpenter  
Members absent: None  
Staff present: Guntert, Parker

**ITEM NO. 1                    COMMUNICATIONS**

No communications came before the Board.

No agenda items deferred.

**ITEM NO. 2                    MINUTES**

von Tersch requested one change to the March 3, 2011 Board of Zoning Appeals minutes.

Motioned by Christie, seconded by von Tersch, to approve the March 3, 2011 Board of Zoning Appeals minutes, with one change as stated.

Motion carried, 6-0-1 Carpenter abstained

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3                    2218 – 2226 YALE ROAD [DRG]**

**B-3-3-11:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2009 edition. The request is for a variance to reduce the 20 feet rear yard building setback for residential dwellings from the rear property line required in Section 20-601(b) of the City Code to a minimum of 19.7 feet. The variance is requested for an existing residential structure that is built approximately 4 inches too close to the north property line at 2218, 2222 and 2226 Yale Road. Submitted by Rebecca Buford, Executive Director, Tenants to Homeowners, for LCHT Accessible Housing, LLC, the property owner of record. **The legal description for the property in the appeal and the case file for the public hearing item are available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

**STAFF PRESENTATION**

Mr. Guntert presented the item.

Kimball said the encroachment at 2218 Yale Road was technically slightly over six inches.

Mr. Guntert stated one corner of the structure was slightly closer to the rear property line than the other building corner. At one corner the structure encroached approximately 4 inches into the setback and at the other corner the encroachment was approximately 7 inches.

### **APPLICANT PRESENTATION**

Ms. Buford stated Tenants to Homeowners was a nonprofit organization. She said the property was used as rentals and currently handicap accessible. Ms. Buford said the current tenants pay one third of the monthly rent and the US Department of Housing and Urban Development pays the difference.

Carpenter asked Ms. Buford if the property was used for Section 8 tenants.

Ms. Buford stated the property was used for Section 8 tenants.

### **PUBLIC COMMENT**

There was no public comment.

### **PUBLIC HEARING CLOSED**

Motioned by Kimball, seconded by Carpenter, to close the public hearing.

Motion carried unanimously, 7-0

### **BOARD DISCUSSION**

The Board did not believe this minor encroachment had affected any of the neighboring properties over the more than 25 year period of time it has been developed. The felt the request met the conditions necessary for variance approval.

### **ACTION TAKEN**

Motioned by Carpenter, seconded by von Tersch, to approve the variance request at 2218-2226 Yale Road, with a modified rear yard setback to 19'-5", based on the findings of fact in the staff report.

Motion approved unanimously, 7-0

### **ITEM NO. 4 MISCELLANEOUS**

- a) Mr. Guntert asked the Board to consider a training session for the June 2011 Board of Zoning Appeals meeting. The Board agreed to have a training session before the next scheduled meeting.

### **ACTION TAKEN**

Motioned by Mahoney, seconded by Kimball, to adjourn the Board of Zoning Appeals meeting.

Motion carried unanimously, 7-0

### **ADJOURN – 6:48p.m.**

Official minutes are on file in the Planning Department office.