

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

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Members present: Carpenter, Mahoney, Edie, Lowe, Kimball, Christie, von Tersch  
Staff present: Guntert, Larkin, Parker

**ITEM NO. 1**                    **COMMUNICATIONS**

Lowe stated he had a business interest in Item number 5, 4504 Woodland Drive and would abstain from voting.

No items deferred.

**ITEM NO. 2**                    **MINUTES**

Motioned by Carpenter, seconded by Christie, to approve the June 2, 2011 Board of Zoning Appeals minutes.

Motion carried, 4-0-3 Kimball, Mahoney, von Tersch abstained

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3**                    **303 WEST 13<sup>TH</sup> STREET [DRG]**

**B-6-5-11:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The requests involve variances to reduce the front, rear and side yard building setbacks for an existing residential dwelling in an RM32 (Multiple Dwelling Residential) District from the required 25 feet, 20 feet, and 5 feet requirements found in Section 20-601(a) of the City Code; and, a variance from the requirement for 2 off-street parking spaces for a single dwelling residence as required in Section 20-902 of the City Code. These variances are needed for the owner to be able to rebuild the existing fire damaged structure located at 303 West 13<sup>th</sup> Street. Submitted by Tim Coldsnow, with Big Blue Student Rentals, Inc., 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.

**APPLICANT PRESENTATION**

Mr. Coldsnow stated the exterior of the structure was damaged from fire and smoke and he proposed to add new siding and windows. He stated the interior of the structure would be completely replaced. Mr. Coldsnow stated the Historic Resources Administrator had approved the project.

Carpenter asked Mr. Coldsnow if the current foundation would remain in place.

Mr. Coldsnow stated the foundation would remain the same. He said the original structure had been a 1930's grocery store and was changed to a single family home in the 1960's.

**PUBLIC COMMENT**

There was no public comment.

## **PUBLIC HEARING CLOSED**

Motioned by Christie, seconded by Edie, to close the public hearing.

Motion carried unanimously, 7-0

## **BOARD DISCUSSION**

There was no Board discussion.

## **ACTION TAKEN**

Motioned by von Tersch, seconded by Mahoney, to approve the variance requests at 303 West 13<sup>th</sup> street, based on the findings of fact in the staff report.

Motion carried unanimously, 7-0

## **ITEM NO. 4            1000 KENTUCKY STREET**

**B-6-6-11:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The request is for a variance from the provisions of Section 20-902 of the City Code pertaining to the required number of off-street parking spaces for First Christian Church. The applicant is required to provide 110 parking spaces and they propose to provide 104 parking stalls. The variance will allow them to expand the existing playground into a portion of the parking lot south of the building at 1000 Kentucky Street. Submitted by Calvin Reed on behalf of First Christian Church, 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. He indicated that staff had been able to determine that the variance from the off-street parking requirements was not needed due to the remodeling of the sanctuary seating areas which reduced the number of people the sanctuary could hold. More parking stalls would still be available after the playground expansion than the minimum number required by City Code.

## **APPLICANT PRESENTATION**

There was no applicant presentation.

## **PUBLIC COMMENT**

There was no public comment.

## **BOARD DISCUSSION**

The Board discussed what to do with the request since it had not been withdrawn.

## **ACTION TAKEN**

Motioned by Mahoney, seconded by Kimball, to deny the parking space variance at 1000 Kentucky Street, based on the new information shared by staff which revealed sufficient off-street parking stalls were available to meet the minimum code requirement without a variance.

Motion carried unanimously, 7-0

**ITEM NO. 5                      4504 WOODLAND DRIVE**

**B-6-7-11:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The requests involve variances to reduce the rear yard and exterior side yard building setbacks for a residential dwelling in an RS7 (Single Dwelling Residential) District from the required 30 feet and 25 feet requirements found in Section 20-601(a) of the City Code. The variances are needed for the owner to be able to rebuild a deck on the back side of the dwelling; and add a third garage bay on the existing residence located at 4504 Woodland Drive. Submitted by Jeffrey S. Dahnert and Laura Sotir, contract buyers from Neil and Margaret Schomaker, the property owners 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.

**APPLICANT PRESENTATION**

Mr. Dahnert stated five feet was needed for the third stall garage on the property. He said the previous homeowner had built the current deck and it would need to be replaced in the future.

Mahoney asked Mr. Dahnert if he was seeking a variance for a future deck construction.

Mr. Dahnert stated he was seeking a variance for a future deck construction. The immediate need was the addition of a third bay for the garage. In order to be able to build a reasonable size addition, they needed some relief from the exterior side yard setback.

von Tersch asked Mr. Dahnert if there were additional homes in the neighborhood with third stall garages.

Mr. Dahnert stated half of the neighbors in the area currently had three car garages.

**PUBLIC COMMENT**

Mr. Huang, next door neighbor to the north, stated he was afraid the garage would block his view. He asked if there was a specific plan for the garage.

Mr. Dahnert stated there was no architectural plans yet for the garage addition. They were comfortable with what size it needed to be but they wanted to find out if the variance would be approved before spending money to have the plans drawn up by an architect. He indicated the addition would incorporate building materials matching the existing residence so it didn't look like an addition when finished.

Mr. Paschke stated he was concerned with the site line at the intersection where there was traffic during school hours. He said the homes in the area were close together.

Susan Eagle stated she lived at 4612 Woodridge Drive, and currently had a three car garage. She said two neighbors to the south and the west had concrete slabs due to no room for a garage. She stated the Dahnert's proposed garage would improve the value of the neighborhood.

**PUBLIC HEARING CLOSED**

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

Motion carried unanimously, 6-0-1 Lowe abstained

### **BOARD DISCUSSION**

Mahoney said he reviewed the property and did not feel the garage would interrupt the line of site on the corner. He thought the landscaping near the corner may have more to do with any sight visibility issues near the intersection.

von Tersch asked if the new deck could be turned 90 degree and be built within the setback.

Ms. Dahnert stated the new deck would not be built at the current size but would be built low to the ground. She said she was respectful to the neighbors and Mr. Huang had been the only neighbor she had not been able to reach regarding the project. She stated the property owners in the area were in favor of the garage.

Edie asked Ms. Dahnert if the property was under contract.

Ms. Dahnert stated they closed on the property earlier in the day. The previous owner needed to be sure the house sold because the rest of his family was living elsewhere and he was anxious to join them as soon as possible. They now were the owners of the property as of this morning.

Carpenter asked Mr. Guntert if the current deck was built to the Development Code standards.

Mr. Guntert stated it appeared the current deck was part of the original house which was built under the old Zoning Ordinance standards.

Carpenter asked if other homes in the area had decks.

Christie asked if the photos in the online packet were of the existing deck.

Ms. Dahnert stated the photos were of the old deck.

Carpenter asked Mr. Guntert how the Development Code dealt with sloping yards.

Mr. Guntert stated the deck could be built in the setback as long as it was not higher than 30 inches above the ground.

Kimball asked if the deck variance was denied by the Board if there was a time frame the applicant would have to wait before they could reapply for the variance.

Mr. Guntert stated the Development Code did not specify a time frame an applicant needed to wait before they could reapply for a variance.

Carpenter asked the applicant if they would like to withdraw the deck variance since they were not prepared to move forward with that project and it was not certain that a variance would even be required.

Mr. Dahnert stated he would withdraw their request for a deck variance.

### **ACTION TAKEN**

Motioned by Mahoney, seconded by von Tersch, to approve the exterior side yard setback variance request at 4504 Woodland Drive for the 11' x 20' garage addition shown on the drawing filed with the

application, based on the findings of fact in the staff report and the testimony and evidence presented during the hearing.

Motion approved unanimously, 6-0-1 Lowe abstained

**ITEM NO. 6**            **MISCELLANEOUS**

- a) Kimball stated the July 2011 Board of Zoning Appeals meeting would be his last meeting due to relocation.

**ACTION TAKEN**

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

Motion carried unanimously, 7-0

**ADJOURN- 7:25 p.m.**

Official minutes are on file in the Planning Department office.