

**City of Lawrence
Board of Zoning Appeals
January 5, 2012**

MEMBERS PRESENT: Holley, Mahoney, Lowe, Edie, Perez, Christie
MEMBERS ABSENT:
STAFF PRESENT: Guntert, Parker, Miller
PUBLIC PRESENT:

**BOARD OF ZONING APPEALS
Meeting Minutes of January 5th, 2012 –6:30 p.m.**

Members present: Holley, Mahoney, Lowe, Edie, Perez, Christie
Staff present: Guntert, Miller, Parker

ITEM NO. 1 COMMUNICATIONS

No communication came before the Board.

No Board member disclosure of ex parte contact or abstention from the discussion or vote on agenda item under consideration.

No agenda items deferred.

ITEM NO. 2 MINUTES

Motioned by Holley, seconded by Edie, to approve the December 1, 2011 Board of Zoning Appeals minutes.

Motion carried, 4-0-2 Mahoney & Christie abstained

BEGIN PUBLIC HEARING:

ITEM NO. 3 1110 HASKELL AVENUE [AAM]

B-12-11-11: 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 from the provisions in Article 12, Section 20-1204(b) of the City Code as it pertains to development within the regulatory floodway. A variance is necessary for the City to be able to replace an existing canopy structure that protects the fuel station at 1110 Haskell Avenue. The application is submitted by the City of Lawrence, 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

Ms. Miller presented the item. She said the application was necessary because of a need to replace the existing canopy covering the fueling station. The plan was to use the same footings where the existing canopy supports are located and replace everything above the ground with new materials.

Lowe asked Ms. Miller if the fuel storage tank was buried below ground.

Ms. Miller stated the storage tank was buried below ground prior to the City having any flood hazard maps to identify areas of potential flooding during a 100-year storm event. The first FEMA floodplain maps for Lawrence were issued in 1981.

She indicated there were some materials being stored in the floodway on the site that needed to be moved. The staff recommendation included a condition to hold the issuance of the floodplain development permit for the new canopy structure until these materials have been removed from the floodway.

APPLICANT PRESENTATION

Ms. Miller acted as the applicant for the City of Lawrence.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING CLOSED

Motioned by Mahoney, seconded by Holley, to close the public hearing.

Motion carried unanimously, 6-0

BOARD DISCUSSION

Mahoney stated the variance was more of a formality since there already is a canopy in the floodplain. This project was just replacing what is there now.

ACTION TAKEN

Motioned by Mahoney, seconded by Edie, to approve the variance request at 1110 Haskell Avenue, based on the recommendations and findings of fact in the staff report.

Motion carried unanimously, 6-0

ITEM NO. 4 MISCELLANEOUS

a) Mr. Guntert asked the Board to adopt the 2012 Board of Zoning Appeals meeting schedule.

ACTION TAKEN

Motioned by Holley, seconded by Perez, to adopt the 2012 Board of Zoning Appeals meeting schedule.

Motion carried unanimously, 6-0

Lowe asked Staff if a training session was scheduled.

Mr. Guntert stated training would be conducted at 5:00p.m. on February 2nd, 2012.

Christie asked to receive notification following the monthly submittal deadline to let the members know if there were any new items submitted for the next month's meeting.

Low stated Staff typically informed the Board of the next month's agenda items at the current meeting.

Mr. Guntert stated he knew of two Sign Code Board requests for February, and there were no Board of Zoning appeal applications turned in yet. The application deadline for the February meeting was Friday by 3:00 so there was still time for someone to file an application.

Low said it sounded like they would need to meet in February so the Board should plan on meeting in the City Commission meeting room at 5:00 pm for some additional training by Staff.

ACTION TAKEN

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

Motion carried unanimously, 6-0

ADJOURN- 6:48 p.m.

Official minutes are on file in the Planning Department office.