

**City of Lawrence  
Board of Zoning Appeals  
July 5th, 2012**

**MEMBERS PRESENT:** Kimzey, Lowe, Edie, Holley, Christie  
**MEMBERS EXCUSED:** Mahoney, Perez  
**STAFF PRESENT:** Guntert, Parker  
**PUBLIC PRESENT:** Lee

**BOARD OF ZONING APPEALS  
Meeting Minutes of July 5th, 2012 –7:03 p.m.**

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

**ITEM NO. 1                    COMMUNICATIONS**

No communications to come before the Board.

No Board member disclosure of ex parte contacts or abstentions from the discussion and vote on agenda items under consideration.

No items deferred.

**ITEM NO. 2                    MINUTES**

Motioned by Lowe, seconded by Edie, to approve the May 3, 2012 Board of Zoning Appeals minutes.

Motion carried, 4-0-1    Holley abstained

**ITEM NO. 3                    CITY SANITARY SEWER PUMP STATION NO. 15; NORTHEAST OF  
MICHIGAN STREET AND PIN OAK DRIVE [DRG]**

**B-5-9-12:** 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 applicant seeks relief from the minimum 15 feet side yard setback requirement for structures in an open space zoning district per Section 20-601(b) of the Development Code. The requested variance is to provide a 10 feet setback for a 7 feet tall control panel at a new sanitary sewer pump station to be built on a tract of land located on the east side of Michigan Street just north of the Pin Oak Drive intersection. Submitted by John Shutak, Utilities Department Project Engineer with 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**

Mr. Guntert presented the item.

Lowe stated the project was similar to the Bowersock project.

Mr. Guntert stated the project was similar. He said the Bowersock project was an elevated structure in the floodway issue and not a setback variance issue. He said the site would be elevated where the improvements are made.

Holley asked Mr. Guntert if the control panel could be shifted to the south five feet.

Mr. Guntert said the Utility Project Engineer stated additional retaining wall and fill dirt material would be needed if the panel was moved to the south and it would also cause a problem for utility trucks with trailers backing into the site.

#### **APPLICANT PRESENTATION**

David Lee, Professional Engineering Consultants, stated the staff report was clear regarding the situation. He was available to answer any questions the Board might have about the request.

#### **PUBLIC COMMENT**

No public comment

#### **PUBLIC HEARING CLOSED**

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

Motion carried unanimously, 5-0

#### **BOARD DISCUSSION**

There was no board discussion.

#### **ACTION TAKEN**

Motioned by Edie, seconded by Holley, to approve the variance request at the proposed site northeast of Michigan Street and Pin Oak Drive, based on the recommendation and findings of fact in the staff report, and with the following condition as listed in the staff report:

- 1) The variance becomes valid upon the City's approval of the annexation and rezoning ordinances for the subject property.

Motion carried unanimously, 5-0

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

- a) No other business to come before the Board.

#### **ACTION TAKEN**

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

Motion carried unanimously, 5-0

**ADJOURN- 7:18 p.m.**

Official minutes are on file in the Planning Department office.