

BOARD OF ZONING APPEALS
Meeting Minutes of January 2nd, 2014 – 6:30 p.m.

Members present: Fertig, Gascon, Holley, Kimzey, Mahoney
Staff present: Cargill, Guntert

ITEM NO. 1 COMMUNICATIONS

No communications received.

No board member disclosure of ex parte contacts or abstentions from the discussion or vote on any agenda item under consideration.

No agenda items were deferred

ITEM NO. 2 MINUTES

Item deferred.

BEGIN PUBLIC HEARING:

ITEM NO. 3 BUILDING SETBACKS & PARKING SPACE VARIANCES FOR 920 & 924 DELAWARE STREET [DRG]

B-13-00511: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2013 edition. The first request is for a variance from the minimum 50 feet front building setback and minimum 15 feet interior side yard setbacks required by Section 20-601(b) of the City Code. The applicant is seeking approval for the existing 0 feet front building setback from the west property line along Delaware Street, and the existing 0 feet interior side building setbacks from the north and south property lines, which abut other properties in a non-residential district. The second request is a variance from the minimum number of off-street parking spaces for the proposed commercial uses. Per the requirements found in Article 9 of the Development Code, the proposed uses require 16 off-street parking spaces; the site plan provides 9 parking spaces (one space on the property and 8 spaces adjacent to the property through a shared parking easement). These requests are submitted for the proposed redevelopment of a limited industrial property at 920-924 Delaware Street. Submitted by Mike Myers, Hernly Associates, Inc., on behalf of Struct/Restruct LLC, 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. Mike Myers, on behalf of Hernly Architects, said that he is excited about this mixed use development and thinks the project will be a nice fit for the surrounding businesses.

Kimzey asked if the parking agreement with Allen Press is only good through November 2014. He mentioned that the agreement renews on an annual basis and asked how the city would know if it is no longer in place.

Gunttert explained that the variance requested in this case is based on the 16 spaces shown on

the site plan. He said in the future if they are unable to continue their shared use parking arrangement the property owner would need to come back and seek a variance for parking because they would be out of compliance.

Kimzey asked if staff could remember what was approved for the Community Theater.

Guntert said there was a contingency on site plan approval and possibly a second condition regarding the parking agreement with the school district. In this case, they already have the parking agreement in place.

Gascon invited the applicant to explain the parking situation, particularly the severe slope on the east side that could make parking challenging.

Mr. Myers said there is an old loading dock, and about six to seven feet of grade change on the east. The building on the south side is about 30 inches above grade and there is a walkout basement in the rear. He said there would be parking on the lower level per the parking agreement. He added that the space between the two buildings is too narrow for general parking but could support a loading area.

Mahoney thanked the applicant.

Mahoney commended efforts to create a shared parking agreement and said he is always excited to see vacant buildings put to good use.

Holley agreed, and commented that even though it is a tough site, it seems like a fantastic solution and appropriate location for the project.

Kimzey said he doesn't think the project will have a negative impact on the neighborhood or significantly increase traffic and supports it.

ACTION TAKEN

Motioned by Kimzey, seconded by Holley, to approve the variances based on staff report, findings of fact, and staff recommendation.

Unanimously approved 5-0.

ITEM NO. 4 **FRONT YARD & SIDE YARD BUILDING SETBACKS FOR 2147 QUAIL CREEK DRIVE [DRG]**

B-13-00512: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2013 edition. The first request is for a variance from the minimum 5 feet interior side yard building setback required by Section 20-601(a) of the City Code. The request is to validate the existing 1.75 feet side yard setback of an attached porch on the south side of the existing duplex structure. The applicant is interested in enclosing the porch so it offers year-round sitting area for residents living in the dwelling structure. A survey also revealed a slight encroachment of a corner of the dwelling

into the required 25 feet front setback. The applicant is seeking a variance to reduce the front setback to a minimum of 23.7 feet where the existing structure extends into the code required 25 feet setback. The subject property is located at 2147 Quail Creek Drive. Submitted by

Allen Belot, Allen Belot Architect, on behalf of Robert Wilson, member Beckmeisters, LLC, 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.

Mahoney asked if it would actually need a variance since it just an entryway and not being enclosed.

Guntert said there are certain types of structures, like stairs and covered landings, which can extend into required setbacks. He explained that because they do plan on making this a more permanent living space for residents, it doesn't meet that standard so they do need to have a variance.

Gascon said it was his understanding that the code refers to the height of a structure, and typically those encroachments are limited in height.

Holley added that there can be solar shading for a true overhang

Applicant not present

PUBLIC COMMENT

Mr. Wayne McDaniel, owner of Arterra, asked for clarification that the variance is just for the existing building and not for additional construction.

Guntert said yes, it would be an enclosed sitting porch.

Mahoney noted that they are not changing the existing footprint, and said he is glad they went through the proper procedure and he supports the project.

Fertig agreed and said they are just enhancing the current structure.

ACTION TAKEN

Motioned by Fertig, seconded by Gascon, to approve the variance based on staff report, findings of fact, and staff recommendation.

Unanimously approved 5-0.

ITEM NO. 5 MISCELLANEOUS

a) No miscellaneous items and no submittals for the February meeting at this time.

ADJOURN 6:57 PM