

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of June 5<sup>th</sup>, 2014 – 6:30 p.m.**

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Members present: Fertig, Gardner, Holley, Mahoney  
Staff present: A. Miller, Cargill, Guntert

**ITEM NO. 1      COMMUNICATIONS**

There were no communications to come before the Board.

No board members disclosed any ex parte contacts and/or abstentions from the discussion on any agenda item under consideration.

No agenda items will be deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the May 1, 2014 meeting of the Board.

**ACTION TAKEN**

Motioned by Gardner, seconded by Holley, to approve the minutes from the May 1, 2014 meeting of the Board.

Motion carried 3-0-1.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      FLOODPLAIN DEVELOPMENT VARIANCE FOR 1900 & 1200 WEST 31<sup>ST</sup> STREET [AAM]**

**B-14-00200:** 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 request is from the provisions in Article 12, Section 20-1204(e)(1)(i), "Provisions for Flood Hazard Reduction, General Development Standards," of the City Code as it pertains to development in the Regulatory Floodplain Overlay District. The variance request is related to a proposed new commercial development project on the former mobile home park site and neighboring residential home just east of the mobile home park property on the north side of West 31<sup>st</sup> Street east of Ousdahl Road. The subject property is currently addressed as 1900 W. 31<sup>st</sup> Street and 1200 W. 31<sup>st</sup> Street. Submitted by Tyler Edwards, Real Estate Representative for Menard, Inc., property owner of record. **The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

**STAFF PRESENTATION**

Miller presented the item.

**NO PUBLIC COMMENT**

**BOARD DISCUSSION**

Fertig asked if this variance would be necessary under the expected future amendment of the code.

Miller said no. She said there will be one code standard for in-fill development with other structures on neighboring lots and one for new development on multiple lots.

Fertig asked if the triangular-shaped lot will be affected and if the house will go away.

Miller said yes, it has already been rezoned and preliminary platted. She said the site plan only shows a pad site, so the only structure we know of is the Menards store on Lot 1.

Gardner asked if the house is on Lot 3.

Miller said that is correct. She indicated on the map where the pond is located in that area.

Mahoney said he feels it's pretty cut and dry and there is nothing negative about the request.

Holley agreed and feels it's a win all around. He said he looks forward to these variances being handled administratively because it's better for the site and the neighborhood.

#### **ACTION TAKEN**

Motioned by Holley, seconded by Fertig, to approve the variances with conditions as per staff recommendation.

Unanimously approved 4-0.

#### **ITEM NO. 4      **LOT FRONTAGE VARIANCE FOR SECOND DRIVEWAY; 3829 HILL SONG CIRCLE [DRG]****

**B-14-00193:** 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 request is for a variance from a minimum 200 feet of continuous street frontage required by Section 20-915(f)(1) of the City Code needed for a lot to qualify for a second driveway access. The applicant seeks approval of a second driveway access for their property which only has 140 feet of street frontage. The property is located at 3829 Hill Song Circle. Submitted by Stephen A. and Mary A. Roesner, property owners of record. **The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

#### **STAFF PRESENTATION**

Guntert presented the item.

#### **APPLICANT PRESENTATION**

Stephen Roesner, property owner, said they only have the space to the south to build. If they were to merge or go up from the north and come around the front, it is a steep grade and it would eliminate the existing green space.

Gardner said he drove by and noticed that all of the neighbors' driveways go straight in and wondered how close the driveway will be to the next person's house.

Roesner said it would be five feet from their lot line, and the neighbor's driveway is about 10 feet from the lot line, so approximately 15 feet in between.

Gardner guessed it is probably the same distance between the current driveway and the next door neighbor. He asked if the angle will make the driveway less steep.

Roesner said yes, some of the driveways down the street are also angled as a result of the steep grade. He added that winter has been a challenge.

Gardner asked if any neighbors had a problem with his proposal.

Roesner said he's friendly with all the neighbors and no one has voiced concern.

#### **NO PUBLIC COMMENT**

#### **BOARD DISCUSSION**

Mahoney said he had the same thought as Gardner- he never had a problem with the angle as he

assumed it was due to the grade. He said he supports the variance.

Fertig said she has no issues. She feels that they are making the best use of an odd-shaped lot and, due to the steep grade, the project will make the driveway as safe as possible.

Gardner agreed.

Holley asked if the apron in front of the street is allowed to encroach on the five foot setback.

Guntert said yes.

**ACTION TAKEN**

Motioned by Fertig, seconded by Holley, to approve the variance based on staff recommendation.

Unanimously approved 4-0.

**ITEM NO. 5 MISCELLANEOUS**

a) Consider any other business to come before the Board.

Guntert said there will be a meeting on July 10<sup>th</sup>, 2014 as there has been at least one item submitted for that meeting.

**ADJOURN 6:56**