

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of February 5<sup>th</sup>, 2015 – 6:30 p.m.**

---

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

**ITEM NO. 1            ELECTION OF A CHAIR AND VICE-CHAIR FOR 2015-2016**

Conduct elections for a Chair and Vice-Chair to serve during the 2015-2016 term.

Mahoney thanked everyone for a wonderful two years and said he enjoys attending the meetings.

Holley asked when Mahoney's term ends.

Mahoney said his term as Chair is over but he will remain a member of the Board.

Holley asked if he would accept a re-nomination.

Mahoney said he would prefer not to be re-elected because he feels someone else should have the experience. He said he would like to nominate Ms. Fertig as Chair, based on working with her over the years and because she provides a lot of insight and asks a lot of applicable questions. He feels she would be more than able to handle the position.

Gardner said he would second a motion to elect Fertig as Chair.

Fertig said she appreciates the nomination and would be happy to do it.

**ACTION TAKEN**

Motioned by Mahoney, seconded by Gardner, to elect Fertig as Chair for 2015-2016.

Motion carried 6-0-1.

Gascon nominated Mahoney as Vice-Chair.

Mahoney said he doesn't have a problem with that but also doesn't want to take the opportunity away from anyone else.

**ACTION TAKEN**

Motioned by Gascon, seconded by Fertig, to nominate Mahoney as Vice-Chair.

Motion carried 6-0-1.

**ITEM NO. 2            COMMUNICATIONS**

Acknowledge communications to come before the Board.

Guntert said there were no communications received that were not provided already in the agenda packet.

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

Fertig asked if the deferred Item 4 will be on the next meeting agenda.

Guntert said he believes so, along with at least one other item.

### **ITEM NO. 3 MINUTES**

Consider approval of the minutes from the November 6, 2014 meeting of the Board.

#### **ACTION TAKEN**

Motioned by Gardner, seconded by Mahoney, to approve the minutes from the November 6, 2014 meeting.

Unanimously approved 7-0.

#### **BEGIN PUBLIC HEARING:**

### **ITEM NO. 4 BUILDING SETBACKS, PARKING SPACES, AND PARKING AREA DESIGN VARIANCES FOR A DUPLEX RENOVATION, 707 & 709 WEST 12<sup>TH</sup> STREET [DRG]**

**B-15-00002:** 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 25 feet front yard and 5 feet side yard building setbacks required in Section 20-601(a) of the City Code. The variance request seeks approval for the 4 feet front yard and 4 feet side yard building setbacks that currently exist. The second variance is for a reduction in the number of off-street parking spaces from the code required 8 spaces per Section 20-902 of the City Code to a minimum of 5 parking stalls. The last request is for a variance to reduce the 24 feet side yard width for 90 degree parking stalls found in Section 20-913(f)(1) of the City Code, to a minimum of 19 feet. These variance requests are submitted to allow the contract purchaser to renovate the existing structure into a duplex residential dwelling with each dwelling unit having 4-bedroom. The property is located at 707 & 709 W. 12<sup>th</sup> Street. Submitted by Michael R. Myers, Hernly Associates, Inc., and Ernest H. Eck, et al., contract purchaser from Lilian Six Trust, the 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.**

### **ITEM NO. 5 FLOODPLAIN DEVELOPMENT VARIANCE FOR THE CITY OF LAWRENCE WAKARUSA CONVEYANCE SYSTEM PUMP STATION NO. 10, 3055 LOUISIANA STREET [AAM]**

**B-15-00011:** 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 the proposed new City of Lawrence Wakarusa Conveyance System Pump Station No. 10 which is to be developed on the property addressed as 3055 Louisiana Street. Submitted by Alex Darby, P. E. with Professional Engineering Consultants, P. A. for the City of Lawrence, 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.

## **BOARD DISCUSSION**

Gardner said he applauds the City for going above the minimum FEMA requirements for development in the 100-year floodplain. He said the 100-year floodplain is often exceeded so it's really smart planning to do it that way, drawing from his experience as Director of Emergency Management for Kansas. He added that he wished he had been able to comment on the project earlier to make sure the elevation of the station was correct.

Miller said he is correct. She added that the majority of the pump station is out of the 100-year FEMA map floodplain and the finished floor elevation is two feet above the base flood elevation. In addition, the building will be completely flood-proofed which is above and beyond regulation.

Mahoney said he appreciates Millers informative presentation. He said he is looking forward to the change in process for these particular variance requests.

No public comment.

## **ACTION TAKEN**

Motioned by Gascon, seconded by Holley, to close the public hearing portion of the item.

Unanimously approved 7-0.

Mahoney said he appreciates due diligence the City provides on these variance requests, although they are somewhat of a formality, and is in favor of the variance.

## **ACTION TAKEN**

Motioned by Mahoney, seconded by Holley, to approve the variance with conditions as outlined in the staff report.

Unanimously approved 7-0.

## **ITEM NO. 6 REAR YARD SETBACK VARIANCE FOR A REPLACEMENT SUNROOM ADDITION, 2503 PRINCETON BLVD [DRG]**

**B-15-00012:** 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 the minimum 30 feet rear yard building setback required in Section 20-601(a) of the City Code. The variance request seeks approval for a 5.66 feet rear yard setback, which is the current setback at the closest point of an existing sunroom from the rear property line. The request was submitted to allow the property owner the ability to replace the existing sunroom structure with another one that is the same size. The property is located at 2503 Princeton Boulevard. Submitted by Pat Fugitt with Alenco for Janice M. and Manny Moreno, Jr., the 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.

Gardner asked if the neighbor to the east is the one who can see the addition.

Guntert said they would be the most immediate neighbor that might have some view of the sunroom addition. He said the lot depth gets shallower on the east boundary of the property and is a pretty unique-shaped lot in this particular subdivision. He said it appears from some of the aerials that the property owner may have been maintaining property owned by the golf course as part of their rear yard.

Gardner said he can attest to how hard it can be to distinguish boundaries living on the golf course.

Gascon asked if it is RS-10 zoning.

Guntert said yes.

Gascon asked if it's currently a 30 feet setback.

Guntert said the RS-10 district requires a 30 feet rear yard setback, same setback as RS-7.

Gascon asked if there is any distinction between RS-7 and RS-10 residences on the golf course, or if it is unilaterally applied.

Guntert said RS-7 would also be 30 feet.

#### **APPLICANT PRESENTATION**

Mr. Pat Fugitt, applicant, said the project is pretty simple. The property owner recently purchased the property and is making some improvements. They thought there was more room in the back of the property because of all the landscape improvements the previous owner had done.

Fertig said the application mentioned the current sunroom is falling off the house and asked if the intent is to repair and rebuild with the same footprint.

He said yes, they'll have to take down what is there and put a good footing underneath it.

No public comment.

#### **ACTION TAKEN**

Motioned by Holley, seconded by Gardner, to close the public hearing portion of the item.

Unanimously approved 7-0.

#### **BOARD DISCUSSION**

Gascon thought it was ridiculous to make the property owner go through the variance process before being able to replace the sunroom. He wished there was some form of administrative approval on these type of projects.

Fertig agreed. She said the need is pretty obvious, and they're not changing the footprint.

Mahoney said they're seeing a lot of structures like decks, porches, and sunrooms that will need to be replaced. He said he supports those who are improving the property and doing the "right" thing by getting a variance.

Gascon mentioned his frustration with setbacks that are wholesale applied across zones without any thought for the purpose of the setback.

Mahoney said he understands his frustration but feels the uniqueness of the property plays into the variance a bit because it doesn't fit the majority of the lots.

Fertig said she supports the variance.

The Board agreed.

**ACTION TAKEN**

Motioned by Wilbur, seconded by Mahoney, to approve the variance based on findings contained in the staff report.

Unanimously approved 7-0.

The Board thanked the applicant for his request.

**ITEM NO. 7 MISCELLANEOUS**

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

Fertig asked staff about the deferred item.

Guntert said staff sent out letters to property owners within the notification area and did not have many inquiries.

Fertig asked if the item will bring a lot of public comment.

Guntert said there might be a few neighborhood representatives present.

**ADJOURN 6:58 PM**