

**LAWRENCE BOARD OF ZONING APPEALS**  
**Meeting Minutes of July 9, 2015 – 6:30 p.m.**

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Members present: Gardner, Gascon, Mahoney, Wilbur  
Staff present: Cargill, Guntert

**ITEM NO. 1      COMMUNICATIONS**

Acknowledge communications to come before the Board.

Guntert said staff received a number of letters regarding Item 5 which were added to the online packet of materials.

There was no disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

There were no agenda items deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the May 7, 2015 meeting of the Board.

**ACTION TAKEN**

Motioned by Gardner, seconded by Wilbur, to approve the minutes from the May 7, 2015 meeting of the Board.

Unanimously approved 3-0-1.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      LOT WIDTH VARIANCE FOR SECOND DRIVEWAY ACCESS; SOUTH SIDE OF EAST 25<sup>TH</sup> STREET ACROSS FROM 1200 EAST 25<sup>TH</sup> STREET [DRG]**

**B-15-00286:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from Section 20-915(f)(1) of the City Code requiring a minimum 200 feet of continuous street frontage for a lot to qualify for a second driveway access. The applicant seeks approval of a second access driveway for their property which has 185.5 feet of street frontage. The property is located west of the intersection of East 25<sup>th</sup> Street and Ponderosa Drive on the south side of the street directly south of 1200 East 25<sup>th</sup> Street. Submitted by J. Dean Grob, Grob Engineering Services, LLC, representing Hedge Tree, LLC, 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**

Guntert presented the item.

Wilbur asked how common it is to have two platted lots.

Guntert said it's not uncommon for someone to buy a couple of adjoining lots for development purposes. He said this particular subdivision was built in the 1970s but the lots remained vacant for more than 40 years, so that is probably a little more uncommon.

### **APPLICANT PRESENTATION**

Mr. Dean Grob, applicant on behalf of the property owner, said this is a unique situation because the property is located at the end of a cul-de-sac, and that relieves any concerns about possible traffic conflicts from multiple driveway access points on the same property. He said the owner originally considered purchasing an additional lot to the east but was unsuccessful in reaching the owner.

### **No public comment**

### **ACTION TAKEN**

Motioned by Gascon, seconded by Gardner, to close public comment on the item.

Unanimously approved 4-0.

### **BOARD DISCUSSION**

Mahoney said it seems like a technicality and he sees no problem with this request. He commended the applicant for a very thorough application and recognized that it might have been time consuming.

The Board also acknowledged that staff was preparing text amendments to various provisions related to the parking standards. One of those amendments would fix the current conflicting code standards regarding the minimum lot frontage requirements for consideration of a second driveway entrance.

### **ACTION TAKEN**

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

Unanimously approved 4-0.

### **ITEM NO. 4 FRONT AND EXTERIOR SIDE YARD SETBACK VARIANCES FOR NEW CITY STORMWATER PUMPING STATION AT 547 MAPLE STREET [DRG]**

**B-15-00291:** A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The variance requests are from the 25 feet front yard and 35 feet exterior side yard setbacks required in an OS (Open Space) District per Section 20-601(b) of the City Code, to a minimum of 13.9 feet and 20.8 feet respectively. The applicant is seeking approval of these variances for a new city stormwater pumping station to be located on the northwest corner of Maple Street and N 6<sup>th</sup> Street, which will have an address of 547 Maple Street. Submitted by Matt Bond, Stormwater Engineer for the City of Lawrence, 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.**

### **STAFF PRESENTATION**

Guntert presented the item.

Gardner said the City is performing a very important step by planning for an emergency power generator to be constructed with this project. They should be commended for their efforts.

Gascon asked if there was any thought to buy more property.

Guntert said the City does own the lot on the north side of the alley. He thought the adjacent property to the west is developed and was not certain if the City had approached them about selling some of their land for the stormwater pump station project.

Gardner asked if construction will leave the existing trees.

Guntert said yes, the site plan related to this project includes a landscape plan. The intent is to retain existing trees to the extent possible, add new street trees along N. 6<sup>th</sup> Street and Maple Street, and landscape the vacant lot on the north side of the alley to enhance the property.

#### **PUBLIC COMMENT**

Mr. Ted Boyle, North Lawrence Improvement Association (NLIA), gave some history on the building and the pump station and how the water is pumped out. He explained how often portions of North Lawrence flood and how crucial the work on this pump station is for the welfare and safety of the neighborhood. He and the NLIA support the variances in an effort to begin this much needed and long overdue project.

#### **ACTION TAKEN**

Motioned by Gardner, seconded by Wilbur, to close public comment on the item.

Unanimously approved 4-0.

#### **BOARD DISCUSSION**

Gascon asked about a discrepancy in the staff report and packet regarding the exact variance request.

Guntert said the project engineers had revised the site plan since the application was filed with the City. The latest version of the site plan, which was included in the online packet materials, identifies the setback for the generator along the east property line at 30.1 feet. He said the Board can grant that variance because what was advertised was more of a setback reduction than the revised site plan now shows.

Mahoney feels this project is a much needed improvement for the neighborhood and he supports the variance. He thought the value of the stormwater improvement project for the overall general welfare and benefit of the neighborhood outweighed the impacts of the reduced setbacks.

Wilbur agreed and said he values the approval from North Lawrence residents.

#### **ACTION TAKEN**

Motioned by Wilbur, seconded by Gardner, to approve the variance based on the findings outlined in the staff report and the recommendation of staff.

Unanimously approved 4-0.

**ITEM NO. 5 FRONT YARD SETBACK VARIANCE FOR A CARPORT AT 1914 MAPLE LANE [DRG]**

**B-15-00304:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from Section 20-601(a) of the City Code requiring a 25 feet front yard building setback for structures from the front property line. The applicant is seeking approval of a 0 feet setback for a new free standing carport structure located at 1914 Maple Lane. Submitted by Ron Schneider, Attorney for Jarromy Brune, 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.**

**STAFF PRESENTATION**

Guntert presented the item.

Gascon asked if the street width is normal but the right-of-way is 20 feet wider.

Guntert said yes.

Gascon asked if there is a historical reason behind the right-of-way width.

Guntert did not know why the street was platted with an 80 feet wide right-of-way other than the city must have thought it would become a collector or minor arterial street as development in the area progressed.

Gascon asked if the contingent is that the front face of the carport wouldn't be any closer to the curb if compliant for a setback on a normal right-of-way of 60 feet.

Guntert said it's approximately 25 feet from the curb to the vertical elements of the carport.

Gardner asked the distance of a normal setback.

Guntert explained that the carport is located 25 feet from the street pavement edge -- building setbacks are measured from property lines. A typical residential street has a pavement width of 27 feet. A residential street right-of-way is normally 60 feet wide which leaves a 16½ feet green belt between the street pavement edge and the front property line. In this case, because of the extra right-of-way width there is approximately 25 feet of green space.

**APPLICANT PRESENTATION**

Mr. Ronald Schneider, attorney on behalf of the property owner, emphasized that the property owner dutifully walked the neighborhood and obtained signatures from immediate property owners that have no objections to this project. He noted there were several other properties in the block that built similar structures as the one his client is building that received setback variances in years past. They were aware of the condition recommended by staff and were in agreement with it. He thanked the Board for their time.

**No public comment**

**ACTION TAKEN**

Motioned Gardner, seconded by Gascon, to close public comment for the item.

Unanimously approved 4-0.

**BOARD DISCUSSION**

Mahoney said they don't normally base things on precedent, but it's hard not to in this case. He also noted the overwhelming support from neighbors as evidenced by the number of letters in support they had received. He was in favor of granting the variance.

Other Board members agreed.

**ACTION TAKEN**

Motioned by Wilbur, seconded by Gardner, to conditionally approve the variance based upon the findings outlined in the staff report and the recommendation of staff.

Unanimously approved 4-0.

**ITEM NO. 6 MISCELLANEOUS**

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

Guntert informed Board members that there are currently two items scheduled for the August meeting and the legal notice will be published this Sunday.

**ADJOURN 7:16 PM**