

LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of January 5, 2017 – 6:30 p.m.

Members present: Gardner, Holley, Mahoney, Wisner
Staff present: Cargill, Crick, Guntert

ITEM NO. 1 COMMUNICATIONS

- a) Acknowledge communications to come before the Board.

Mr. David Guntert said staff received a communication from the applicant for Item 3, which was withdrawn.

- b) There were no abstentions.
c) There were no items deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the November 3, 2016 meeting of the Board.

ACTION TAKEN

Motioned by Holley, seconded by Mahoney, to approve the minutes from the November 3, 2016 meeting of the Board.

Motion carried 2-0-2.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A
RESIDENTIAL DWELLING DECK ADDITION; 315 HEADWATERS DRIVE
[DRG]**

B-16-00380: 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 the 30 feet minimum rear yard building setback standard in an RS7 (Single-Dwelling Residential) District which is required by Section 20-601(a) of the City Code. The applicant is seeking a variance from this code standard to allow the construction of a 10 feet deep deck addition that will reduce the rear yard building setback to a minimum of 20 feet. The property is located at 315 Headwaters Drive. Submitted by Doug Hassig, President of R&H Builders, Inc., who is the property owner of record. Deferred from the October 6th and November 3rd meetings by the applicant.

**ITEM NO. 4 VARIANCE FROM THE FRONT YARD BUILDING SETBACK FOR A
RESIDENTIAL DWELLING DECK ADDITION; 2534 MAVERICK LANE
[DRG]**

B-16-00481: 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 the 25 feet front yard building setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard to allow for construction of a 10 feet deep deck addition that will reduce the front yard building setback to a minimum of 12 feet. The property is located at 2534 Maverick Lane. Submitted by William Morris, who is the property owner of record.

STAFF PRESENTATION

Guntert presented the item.

Gardner asked if there were any pictures of the property at eye level.

Guntert offered to pull up a street view.

They discussed surrounding properties.

No public comment

ACTION TAKEN

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

Unanimously approved 4-0.

BOARD DISCUSSION

Mahoney said he has no problems with the request.

ACTION TAKEN

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

Unanimously approved 4-0.

**ITEM NO. 5 **VARIANCE FROM THE ACCESSORY BUILDING SETBACK STANDARDS;
401 LOUISIANA STREET [JSC]****

B-16-00515: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to allow an accessory pergola structure to be located in front of the 20 feet front yard building setback as required by Section 20-533(3) and Section 20-601(a) of the City Code in the RS5 (Single-Dwelling Residential) District. The second request is to allow the proposed pergola to extend into the required 20 feet exterior side yard setback established in Section 20-601(a) of the City Code. The property is located at 401 Louisiana Street. Submitted by Sean Bergin and Ann Lavaty, who are the property owners of record.

STAFF PRESENTATION

Crick presented the item.

Wisner asked why the right-of-way for 4th Street is so significant.

Crick said staff isn't sure, but at the time it was built they felt the width was necessary.

Gardner asked as if the right-of-way could be reduced.

Crick said it's possible.

Holley asked if this project would remove any trees.

Crick said it would not.

Holley asked if the notification radius was calculated from the center or perimeter of the property.

Crick said its calculated 400 feet from the perimeter of the property.

Holley asked if 400 Louisiana Street has been notified.

Crick said that is correct.

No public comment

ACTION TAKEN

Motioned by Mahoney, seconded by Holley to close public comment for the item.

Unanimously approved 4-0.

BOARD DISCUSSION

They agreed there was no issue with the request and that the setback from 4th Street is excessive.

ACTION TAKEN

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

Unanimously approved 4-0.

ITEM NO. 6 MISCELLANEOUS

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

ACTION TAKEN

Motioned by Gardner, seconded by Wisner, to approve the 2017 BZA Schedule.

Unanimously approved 4-0.

ADJOURN 6:52 PM