



LAWRENCE BOARD OF ZONING APPEALS  
MINUTES FOR **SEPTEMBER 6, 2018**

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Members present: Clark, Gardner, Gascon, Mahoney, Shipley, Wilbur, Wisner  
Staff present: Crick, Dolar, Mortensen

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**TAKE A ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT**

Mahoney mentioned that this meeting marks the end of his final term.

Staff and other board members thanked Mahoney for his many years of public service.

**ITEM NO. 1      COMMUNICATIONS**

- A. All communications were included in the agenda packet.
- B. There were no ex-parte communications or abstentions for specific agenda items.
- C. There were no items deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the June 7<sup>th</sup>, July 5<sup>th</sup>, and August 2<sup>nd</sup>, 2018 meetings of the Board.

**ACTION TAKEN**

Gascon said he would like to amend his comment on Page 8 of the June 7<sup>th</sup> minutes to read, "...he *may* have to ask her to leave the meeting".

Motioned by Wisner, seconded by Clark, to approve the minutes from the June 7, 2018 meeting as amended.

Motion carried 4-0-3. Gardner, Mahoney, and Shipley abstained.

Motioned by Wisner, seconded by Wilbur, to approve the minutes from the July 5, 2018 meeting of the Board.

Motion carried 6-0-1. Clark abstained.

Motioned by Clark, seconded by Wilbur, to approve the minutes from the August 2, 2018 meeting of the Board.

Motion carried 4-0-3. Gascon, Mahoney, and Wisner abstained.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A  
RESIDENTIAL STRUCTURE; 5914 LONGLEAF DRIVE**

**B-18-00344:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 20 foot rear setback standard required by Section 20-601(a) of the City Code for the RM12 (Multi-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 11.5 feet to allow for the construction of an addition to the existing residence. The property is located at 5914 Longleaf Drive. Submitted by Tanya Treadway, property owner of record.

**STAFF PRESENTATION**

Mortensen presented the item.

Crick asked that the applicant be allowed to speak from her seat.

**APPLICANT PRESENTATION**

Ms. Tanya Treadway, property owner, said she'd be happy to answer any questions about her request. She talked about her appreciation for ADA accessibility and added that the proposed covered structure will be helpful. She mentioned that her neighbors are supportive of her proposal, and that she doesn't believe her request will have an impact on anyone.

Wilbur asked when the home was purchased.

Treadway said in August 2013.

Clark asked if the applicant put together the application herself.

Treadway said yes, noting that she's a former federal prosecutor.

Clark said he appreciated her thorough application.

Treadway said staff was very helpful.

Shipleigh asked if anyone from the Homeowner's Association (HOA) is present.

Treadway said no.

Shipleigh asked if the HOA typically allows changes to their covenants.

Treadway said she doesn't know that this is an HOA issue, but the group is comprised of very reasonable people that work well together.

Crick said the City isn't a party to the HOA, but applicants are typically advised to comply with neighborhood covenants as well as the Land Development Code.

**No public comment.**

**ACTION TAKEN**

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

Unanimously approved 7-0.

Shipleigh asked if staff knew the developer who might have constructed the deck.

Treadway said Clemente was the developer.

Mortensen said David Clemente was the builder, and also an applicant for a similar variance in 2000.

Shipleigh said staff indicated there was no record of the deck being built.

Mortensen said staff could not locate a record for the deck.

Crick noted that it's not uncommon to see building permits for a new residential structure without details such as decks, patios, and landscaping.

**ACTION TAKEN**

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

Unanimously approved 7-0.

**ITEM NO. 4      VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A NON-RESIDENTIAL STRUCTURE; 600 MAPLE STREET**

**B-18-00381:** A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 15 foot rear setback standard required by Section 20-601(b) of the City Code for the IG (General Industrial) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 0 feet to allow for the construction of warehouse buildings. The property is located at 600 Maple Street. Submitted by Schneider & Associates on behalf of Nieder Properties, property owner of record.

**STAFF PRESENTATION**

Mortensen presented the item.

Wilbur asked about the neighbor on Lincoln who voiced concerned about flooding.

Mortensen said that neighbor resides at 624 Lincoln Street, and noted that Matt Bond, City Stormwater Engineer, explained that the water from the site will move toward the pump station and those details would be addressed with the site plan.

Gascon asked if the project will need approval from the Planning Commission.

Crick said not at this stage, the site plan can be approved administratively.

Wisner asked how many total square feet are in the highlighted areas shown in Figure 2 on Page 78 of the agenda packet.

Clark said maybe 2000 square feet.

Shipleigh asked when the current owner purchased the property.

Crick said he's not sure.

### **APPLICANT PRESENTATION**

Mr. Fred Schneider, Schneider & Associates, said Mr. Nieder has several warehouses in the area and plans to use the same concept for this property. He noted that there is a 133 ft setback from the railroad, and that they increased the setback on the west side to 20 ft. He further explained details of the project.

Shipleigh asked if the applicant had communication with residential neighbors.

Schneider explained that Mr. Nieder owns the properties across the street and behind the subject property, and they have contacted Lawrence Landscape.

Mortensen added that neighbors were notified by mail when the application was submitted.

Shipleigh asked when the property was purchased.

Schneider said no, but it was likely 15-20 years ago.

Gascon said the development will create a buffer from the railroad.

**No public comment.**

### **ACTION TAKEN**

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

Unanimously approved 7-0.

### **BOARD DISCUSSION**

Crick clarified that the highlighted areas Wisner previously inquired of total 1,760 square feet, and according to county records, the property was purchased in 1998.

Shipleigh said the property was purchased in 1998 and the current code was adopted in 2006.

Mortensen said that's correct.

Shipleigh asked about the railroad setback.

Schneider said it measures 133 feet, which is larger than usual.

Crick said that setback is measured from the center of the railway.

Gascon said the conditions of the property are unique.

**ACTION TAKEN**

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

Unanimously approved 7-0.

**ITEM NO. 5 MISCELLANEOUS**

- A. Consider any other business to come before the Board.

Mahoney said his first term on the BZA commenced on March 4, 2010.

Crick said board training is planned for November, and chair/vice chair elections and Sign Code will happen in October. He also introduced new member Travis Herrod and mentioned some staffing changes.

**ACTION TAKEN**

Motioned by Gardner, seconded by Mahoney, to adjourn the meeting.

**ADJOURNED 7:06 PM**