

LAWRENCE BOARD OF ZONING APPEALS

Meeting Minutes of August 3, 2017

Members present: Clark, Gardner, Holley, Wilbur, Wisner
Staff present: Cargill, Crick

ITEM NO. 1 COMMUNICATIONS

- a) There were no communications to come before the Board.
- b) There were no abstentions.
- c) There were no agenda items deferred.

Wilbur mentioned that the McClain's Bakery item was deferred by the City Commission at their meeting last night, August 2, 2017.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the July 6, 2017 meeting of the Board.

ACTION TAKEN

Motioned by Gardner, seconded by Wilbur, to approve the minutes from the July 6, 2017 meeting of the Board.

Unanimously approved 5-0.

BEGIN PUBLIC HEARING:

ITEM NO. 3 VARIANCE FROM THE SIDE BUILDING SETBACKS FOR A RESIDENTIAL DWELLING; 524 OHIO STREET [JSC]

B-17-00307: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2017 edition. The request is for a variance from the 5 foot interior side setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the interior side setback to a minimum of 2.5 feet from the southern property line, and to a minimum of 3.16 feet from the northern property line. The property is located at 524 Ohio Street. Submitted by David Sane, Rockhill & Associates, for Kami Day and Michele Eodice, property owners of record.

STAFF PRESENTATION

Crick presented the item.

APPLICANT PRESENTATION

Mr. David Sain, Rockhill & Associates, said this is a brick 1871 house. They removed the siding, found evidence of a wraparound porch, and at the recommendation of the Historic Resources Commission (HRC) they decided to rebuild the wraparound porch.

There was no public comment.

ACTION TAKEN

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

Unanimously approved 5-0.

BOARD DISCUSSION

Gardner said he thinks it's great that the applicant is working to restore a historic home in Kansas.

Holley asked Gardner if he agrees with staff's findings.

Gardner said he does.

ACTION TAKEN

Motioned by Gardner, seconded by Wilbur, to approve the variance as outlined in the staff report.

Unanimously approved 5-0.

ITEM NO. 4 VARIANCE FROM THE FRONT BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 1415 E 18TH STREET [JSC]

B-17-00337: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2017 edition. The request is for a variance from the 25 foot front 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 reducing the front setback to a minimum of 1 foot to allow for the construction of a roofed 22 foot long attached car port. The property is located at 1415 E. 18th Street. Submitted by Todd LaPrad, property owners of record.

STAFF PRESENTATION

Crick presented the item.

Wilbur asked about a similar variance request on Maple Lane.

Crick said they consider requests on a case-by-case basis, but explained some similarities with this project.

Wisner asked if the request on Maple Lane was requested prior to construction

Crick said it appears that request was approved prior to construction.

Gardner asked how the setback could be only one foot from the property line.

Crick said the roadway is wider than normal and the right-of-way extends up to about a foot

before the carport.

Clark asked if this request arose from a code enforcement issue.

Crick said it was investigated by code enforcement, likely due to a complaint. Code Enforcement verified the carport was there and referred the property to work with Development Services department.

Holley asked what the next step will be if a variance is not granted.

Crick said the applicant can contest the action in court or code enforcement can begin the procedure to remove the structure.

Holley asked if staff has had any additional communication with the property owner.

Crick said he spoke with the owner on one occasion while obtaining all necessary application materials. A pre-application meeting was not conducted because Planning staff was not aware of the variance application until it was formally submitted.

Wilbur said he doesn't understand the determination on Criteria 4. He asked if staff's concern is that other people might start building carports.

Crick said that's a possibility, but the real concern is that the structure might be in the way of future street expansion or possible sidewalk or utility work in the right-of-way.

Gardner asked if there are similar structures in the neighborhood.

Crick said there is, although he's not sure if they were constructed with a permit.

Clark asked when the subject structure was constructed.

Crick said staff does not know, but it appears to be newly constructed.

The applicant was not present.

There was no public comment.

BOARD DISCUSSION

Wilbur said he doesn't see the unnecessary hardship. The applicant chose to build the carport.

Wisner doesn't have a problem with Criteria 4, but has an issue with meeting Criteria 5 because the structure is so close (to the right-of-way). He didn't see many other similar structures in the area.

Gardner said he saw one that was almost identical. He said the street will never be a major thoroughfare. He asked for the width of the right-of-way.

Crick said an average street right-of-way for this type of street is 50-60 foot wide.

Gardner asked for clarification as to how the setback is measured.

Crick explained where the setback measurement begins, noting that the normal setback is 25 feet. This variance would reduce it to 1 foot.

Holley further explained challenges with right-of-way.

Gardner commented on the location of a possible future sidewalk.

Crick mentioned that the Utilities department commented that the age of the pipe in that area would require maintenance at some point in the near future. He further reiterated what could occur within the right-of-way and the issue with the proposed setback.

Clark said it seems the carport will be a problem either now or later. He noted that the applicant indicated he hopes to move soon which means he'll pass the burden on to someone else.

Wilbur said he has a problem particularly with Criteria 3, but also Criteria 4 and 5.

ACTION TAKEN

Motioned by Clark, seconded by Wisner, to deny the variance request because it does not meet the criteria required for a variance.

Unanimously approved 5-0.

ITEM NO. 5 MISCELLANEOUS

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

Crick said staff anticipates a meeting next month. He mentioned that the City Commission will have a meeting regarding advisory boards on Aug 8th at 5:45 pm.

ADJOURN 7:02 PM