



LAWRENCE BOARD OF ZONING APPEALS  
MINUTES FOR **NOVEMBER 1, 2018**

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Members present: Clark, Gascon, Harrod, Wilbur, Wisner  
Staff present: Dolar, Mortensen, Weik

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**ITEM NO. 1      COMMUNICATIONS**

- A. There were no communications to the come before the Board.
- B. There were no ex-parte communications or abstentions.
- C. There were no agenda items deferred.

**ITEM NO. 2      MINUTES**

Consider approval of the minutes from the October 4, 2018 meeting of the Board.

The minutes were deferred.

**BEGIN PUBLIC HEARING:**

**ITEM NO. 3      VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A  
RESIDENTIAL STRUCTURE; 4800 TEMPE STREET**

**B-18-00470:** 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 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District to 21 feet. The property is located at 4800 Tempe Street. Submitted by Harden Exteriors LLC, DBA Acumen Renovations, on behalf of Angela Sanders, property owner of record.

**STAFF PRESENTATION**

Mortensen presented the item.

**APPLICANT PRESENTATION**

The applicant did not present but was available for questions.

**There was no public comment.**

### **ACTION TAKEN**

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

Unanimously approved 5-0.

### **BOARD DISCUSSION**

Wilbur felt the request was straightforward.

Gascon agreed- it's a classic case of a structure built to code that needs to be brought back into compliance. He suggested they could round down the setback request because the proposed deck seems shallow.

Clark suggested a motion to approve as requested but reduce the setback to 20 ft.

Weik noted that the legal was advertised for 21 ft. so increasing the variance is not allowed.

### **ACTION TAKEN**

Motioned by Clark, seconded by Wilbur, to approve the variance as requested based on findings in the staff report.

Motion approved 5-0.

### **ITEM NO. 4      VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 2331 FREE STATE LANE**

**B-18-00475:** 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 30 foot rear setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District to 18 feet, 3 inches. The property is located at 2331 Free State Lane. Submitted by NB Remodeling LLC on behalf of David L. Rickard Trustee & Sandra L. Stilwell-Rickard Trustee, property owners of record.

Harrod mentioned that his property is within 400 ft. of the subject property but he does not know the property owners.

### **STAFF PRESENTATION**

Mortensen presented the item.

### **APPLICANT PRESENTATION**

The applicant did not present but was available for questions.

**There was no public comment.**

### **ACTION TAKEN**

Motioned by Harrod, seconded by Wisner, to close public comment for the item.

Unanimously approved 5-0.

### **BOARD DISCUSSION**

Wilbur asked in what scenario the City would have a problem with such a request.

Mortensen explained that the City typically likes to keep 15 ft. between a utility easement and a structure.

Weik noted that a buffer yard might also create an additional issue.

**ACTION TAKEN**

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

Unanimously approved 5-0.

**ITEM NO. 5 MISCELLANEOUS**

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

Weik said there are currently no BZA items on the schedule but there is a Sign Variance scheduled for the December meeting.

**2019 Schedule**

Consider approval of the 2019 Meeting Schedule.

**ACTION TAKEN**

Motioned by Harrod, seconded by Wisner, to approve the schedule.

Motion carried 4-0-1, Wilbur abstained.

Weik mentioned that Annual Board Training will be held at the December meeting.

**ACTION TAKEN**

Motioned by Wilbur, seconded by Clark, to adjourn the meeting.

**ADJOURNED 6:46PM**