

**City of Lawrence
Board of Zoning Appeals
November 1st, 2012**

MEMBERS PRESENT: Kimzey, Mahoney, Lowe, Edie, Holley
MEMBERS EXCUSED: Perez
STAFF PRESENT: Guntert, Parker
PUBLIC PRESENT: Schmidt

**BOARD OF ZONING APPEALS
Meeting Minutes of November 1, 2012 – 6:30 p.m.**

Members present: Kimzey, Mahoney, Lowe, Edie, Holley
Members excused: Perez
Staff present: Guntert, Parker

ITEM NO. 1 COMMUNICATIONS

No communications before the Board.

No disclosure of ex parte contact or abstention from the discussion or vote on an agenda item under consideration.

No agenda items were deferred.

ITEM NO. 2 ELECTION OF A CHAIR AND VICE-CHAIR FOR 2012-2013

Conduct elections for a Chair and Vice-Chair to serve during the 2012-2013 term.

ACTION TAKEN

Motioned by Lowe, seconded by Holley, to nominate Mahoney for Chair of the Board of Zoning Appeals for 2012-2013. It was then moved by Holley, seconded by Kimzey, to cease nominations for Chair.

Motion to elect Mahoney as Chair of the Board of Zoning Appeals for 2012-2013 carried unanimously, 5-0

ACTION TAKEN

Motioned by Edie, seconded by Kimzey, to nominate Holley for Vice-Chair of the Board of Zoning Appeals for 2012-2013. It was then moved by Kimzey, seconded by Edie, to cease the nomination for Vice-Chair.

Motion to elect Holley as Vice-Chair of the Board of Zoning Appeals for 2012-2013 carried unanimously, 5-0

ITEM NO. 3 MINUTES

ACTION TAKEN

Motioned by Lowe, seconded by Edie, to approve the October 4, 2012 Board of Zoning Appeals minutes.

Motion carried unanimously, 5-0

ITEM NO. 4 DRIVEWAY PAVING MATERIAL; 754 ELM STREET [DRG]

B-12-00226: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The request is for a variance to allow the use of pervious recycled material for a residential driveway surface instead of one of the surface standards for parking areas and driveways found in Section 20-913(e)(1&2) of the City Code. The subject property is located at 754 Elm Street. Submitted by John Schmidt, property owner of record. **The legal description for the property in the appeal and the case file for the public hearing item are available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

STAFF PRESENTATION

Mr. Guntert presented the item. He mentioned that the North Lawrence Improvement Association was in support of the use of permeable material for the residential driveway because it would help to reduce the amount of water runoff into the stormwater grade ditches along the street.

APPLICANT PRESENTATION

John Schmidt, the applicant, said North Lawrence had a lack of curbs and water tended to stand in the ditches along the streets because the ground is so flat. He said the project would help reduce the amount of stormwater runoff by reducing the amount of impervious surface area on the property. He also noted that the City Stormwater Engineer was supportive of allowing the driveway to be built using permeable materials.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING CLOSED

Motioned by Kimzey, seconded by Edie, to close the public hearing.

Motion carried unanimously, 5-0

BOARD DISCUSSION

Holley thought the project met all the requirements for a variance.

ACTION TAKEN

Motioned by Holley, seconded by Kimzey, to approve the variance request at 754 Elm Street, based on the recommendation and findings of fact in the staff report.

Motion carried unanimously, 5-0

ITEM NO. 5 MISCELLANEOUS

a) There was no other business to come before the Board.

ACTION TAKEN

Motioned by Lowe, seconded by Holley, to adjourn the Board of Zoning Appeals meeting.

Motion carried unanimously, 5-0

ADJOURN- 6:57 p.m.

Official minutes are on file in the Planning Department office.