



LAWRENCE BOARD OF ZONING APPEALS
MINUTES FOR **MAY 3, 2018**

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

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

ITEM NO. 1 COMMUNICATIONS

- A. There were no communications.
- 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 April 5, 2018 meeting of the Board.

ACTION TAKEN

Motioned by Gardner, seconded by Clark, to approve the minutes from the April 5, 2018 meeting of the Board.

Motion carried 5-0-1.

BEGIN PUBLIC HEARING:

ITEM NO. 3 FRONT AND SIDE BUILDING SETBACKS VARIANCES FOR GENERAL PUBLIC AND INSTITUTIONAL STRUCTURES; 1941 HASKELL AVENUE & 1920 MOODIE ROAD

B-18-00163: 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 first request is for a variance to reduce the 40 foot minimum side setback requirement listed in Section 20-601(b) of the City Code to a minimum of 23 feet from the south property line. The second request is for a variance to reduce the 40 foot minimum front side setback requirement listed in Section 20-601(b) of the City Code to a minimum of 18 feet from the west property line. The property is located at 1941 Haskell Avenue and 1920 Moodie Road. Submitted by Darron Ammann with Bartlett & West, Inc., for the City of Lawrence, Kansas, property owner of record.

STAFF PRESENTATION

Mortensen presented the item.

Gardner said the use of the word "must" in the staff report was something he hadn't seen previously for a variance request.

Crick said it was likely a carryover typo.

Shipleigh asked how this situation could happen with the GPI zoning designation.

Crick explained that it's pretty common, when the 2006 code was adopted all City owned properties were converted to GPI.

APPLICANT PRESENTATION

Mr. Darron Ammann, Bartlett & West, explained the scope of the project and the various other City permits and approvals necessary to move forward.

Gascon asked if there will be any new construction that will violate the 40 foot setback.

Ammann said no.

There was no public comment.

ACTION TAKEN

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

Unanimously approved 6-0.

BOARD DISCUSSION

Gascon suggested the City caused the hardship.

Crick explained that when the code is changed, situations such as this are treated in a similar manner.

Board members agreed the request meets the five conditions.

ACTION TAKEN

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

Unanimously approved 6-0.

ITEM NO. 4 ADOPT FINDINGS OF FACT FOR BOARD OF ZONING APPEALS DECISION DENYING FRONT BUILDING SETBACK FOR A RESIDENTIAL DWELLING AT 1415 E. 18TH STREET

Consider adopting findings of fact as reasons for the Board's decision in the matter of the following appeal:

B-18-00100: 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 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 an attached

car port. The property is located at 1415 E. 18th Street. Submitted by Napoleon S. Crews, Crews Law Firm, on behalf of Todd La Prad, property owner of record.

Gardner asked when Findings of Fact are necessary.

Larkin said Findings of Fact are typically prepared when a case is denied, but this case in particular has a pending lawsuit.

Gascon asked if the vote count matters.

Larkin suggested they vote however they feel, but it should represent their original findings.

ACTION TAKEN

Motioned by Wilbur, seconded by Shipley, to adopt the Findings of Fact for B-18-00100.

Motion carried 3-2-1, Gascon and Gardner dissented, Wisner abstained.

ITEM NO. 5 MISCELLANEOUS

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

Crick said there are several items on the agenda for June.

ACTION TAKEN

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

MEETING ADJOURNED 6:47 PM