

**BOARD OF ZONING APPEALS
MINUTES
AUGUST 4, 2005 – 7:30 P.M.**

Members present: Emerson, Goans, Hannon, Herndon, Lane and Santee
Staff present: Guntert and Saker

ITEM NO. 1: COMMUNICATIONS

There were no additional communications for the Board.

ITEM NO. 2: MINUTES

Motioned by Hannon, seconded by Lane to approve the June 2, 2005 minutes as revised per discussion at the July meeting.

Motion carried unanimously, 6-0.

Several typographical errors were noted in the July minutes.

Motioned by Hannon, seconded by Herndon to approve the July 7, 2005 minutes as revised.

Motion carried unanimously, 6-0.

ITEM NO. 3: 917 DELAWARE STREET

B-07-25-05: Consider a request from Webster L. Golden, attorney with Stevens & Brand, L.L.P. on behalf of his client Robert Krause, for an appeal of the "Notice of Violation" issued by Barry Walthall, Code Enforcement Manager of the Division of Codes Enforcement/Inspection, Neighborhood Resources Department, City of Lawrence, dated June 21, 2005. The appeal alleges the City has incorrectly charged the property owner with the operation of a "restaurant" when such activities as have been conducted by the property owner do not constitute the operation of a "restaurant" from said property. The location of the subject property referenced in the appeal is 917 Delaware Street.

This request was withdrawn by the applicant per the email communication provided to the Board in packets.

ITEM NO. 4: MISCELLANEOUS

A. Request to extend variances approved for The Fountains Retirement Center

Motioned by Lane, seconded by Hannon to approve a 90-day extension of the variances granted for The Fountains Retirement Center.

Motion carried 5-0-1, with Herndon abstaining.

ADJOURN – 8:45 p.m.