

BOARD OF ZONING APPEALS

Meeting Minutes of **August 7, 2008 –6:30 p.m.**

Members present: Kimball, Bowman, Carpenter, Lane, Lowe

Members absent: Blaufuss, von Tersch

Staff present: Miller, Parker, Miller

ITEM NO. 1 COMMUNICATIONS

No communications came before the Board.

No ex parte contacts or abstentions of items under consideration.

ITEM NO. 2 MINUTES

ACTION TAKEN

Motioned by Bowman seconded by Carpenter to approve the July 10, 2008 Board of Zoning Appeals minutes.

Motion carried unanimously, 5-0.

ITEM NO. 3 1400 WEST 6TH STREET [MKM]

B-07-10-08: A request for a variance as provided in Section 20-1309 of the Land Development Code in the Code of the City of Lawrence, Kansas, 2008 edition. The request is to reduce the 15 feet off-street parking setback from a street right-of-way in a commercially zoned district as set forth in Section 20-908(c) in Article 9 of the City Code, to a minimum of 5 feet. The applicant is asking for the variance to be able to continue using the existing parking setback along the east side of the property. The property is legally described as Lots 139, 141 & 143, in Raymond Place, a subdivision of Block 45 and the NE ¼ of Block 46, in that part of the City of Lawrence known as West Lawrence, in Douglas County, Kansas, together with the east 8 feet of the vacated alley adjacent to said lots. The subject property is located at 1400 West 6th Street. Submitted by Joy Rhea with Landplan Engineering for Dipak Patel and Sonny Patel, the property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Lane asked if a site plan had been submitted for 1400 west 6th street.

Ms. Miller stated there had not been a site plan submitted.

APPLICANT PRESENTATION

Ms. Joy Rhea stated Duncan Donuts wanted to expand their business. She said the needed circulation pattern would work better with a five foot setback. Ms. Rhea said there was a current existing entrance at the south side of the property that would be closed and the applicant would use the northern entrance on Michigan street. She said the required parking area existed and the variance had been previously approved for a Church's Chicken.

Lowe asked Ms. Rhea if the current building would be removed.

Ms. Rhea stated the current building would be replaced.

Bowman asked if the sidewalk would be affected.

Ms. Rhea stated the current sidewalk would not be affected.

Carpenter asked the applicant if he objected to the additional landscaping requirements or with the cut-through area in the peninsula by the drive-through.

Sonny Patel stated he did not have a problem with the cut-through area or the additional landscaping requirements.

Lowe asked the applicant if the neighbor to the north of the property had been contacted.

Mr. Patel stated the property owner to the north had been contacted and there was no issue.

BOARD DISCUSSION

Kimball asked Staff if the variance for Church's Chicken was null and void.

Mr. John Miller stated the variance for Church's Chicken was null and void due to no work had been done on the site after the variance had been approved.

ACTION TAKEN

Motioned by Lowe, seconded by Kimball, to grant the variance at 1400 west 6th street based upon Staffs recommendation and based on the findings of fact presented in the body of the staff report, subject to the following condition:

1) Property owner will install year round landscaping in the setback which is being provided along Michigan Street, as required by the Commercial Design Standards. Either a continuous hedge, at least three feet high, should be planted in triangular fashion to create full screening at maturity, or landscape plantings with 80% of the plantings and ground cover evergreens; or a combination of the two methods. Additional landscaping may be required as a result of the site plan review.

Motion carried unanimously, 5-0

ITEM NO. 4 MISCELLANEOUS

a) Lane stated officer elections would take place at the September or October Board of Zoning Appeals meeting.

ACTION TAKEN

Motioned by Bowman, seconded by Carpenter, to adjourn the Board of Zoning Appeals meeting.

Motion carried unanimously, 5-0

ADJOURN – 6:50p.m.

Official minutes are on file in the Planning Department office.