

BOARD OF ZONING APPEALS
Meeting Minutes of December 3, 2009 –6:30 p.m.

Members present: Kimball, Lowe, Blaufuss, Lane, von Tersch
Members excused: Bowman, Carpenter
Staff present: Brown, Miller, Parker

ITEM NO. 1 COMMUNICATIONS

No communications came before the Board.

No Board member disclosure of ex parte contacts or abstentions from the discussion and vote.

ITEM NO. 2 MINUTES

Motioned by Lowe, seconded by Lane, to approve the November 5, 2009 Board of Zoning Appeals minutes.

Motion carried 4-0-1 Kimball abstained

**ITEM NO. 3 CONSIDER FINDINGS RESCINDING THE PREVIOUS BZA ACTION FOR
1926 LEARNARD AVENUE [AMB]**

B-08-11-09: 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, 2009 edition. The request is from the provisions in Article 12, Section 20-1204(b) of the City Code as it pertains to development within the regulatory floodway. The variance request is related to the proposed development of two lots with duplex residential structures. The property is legally described as Lots 1 and 3 in the Final Plat of Elsie Hemphill Addition, an addition in the City of Lawrence, Douglas County, Kansas. The property is generally located on the southeast corner of E. 19th Street and Learnard Avenue. Submitted by Jill Gretchen Windholz, Carolyn L. Hemphill, Wendy A. Stauffer, and Jennifer D. Hemphill, the property owners of record.

On November 5th, the Board of Zoning Appeals preliminarily voted to rescind the variance approved at the September 3, 2009 meeting pending approval of findings prepared by city staff.

STAFF PRESENTATION

John Miller presented the item.

Blaufuss said she had been present at the September Board of Zoning Appeals meeting and asked Mr. Miller to modify the findings to state her presence.

Mr. Miller stated he would modify the front page of the findings to indicate Blaufuss' presence.

Lane asked if there were features in the findings that the Board should be aware of.

Mr. Miller stated the form is self evident as it appears.

ACTION TAKEN

Motioned by von Tersch, seconded by Lane, to adopt the findings of fact rescinding the variance granted for B-8-11-09, by the Board of Zoning Appeals on September 3rd, 2009, and final approval of the findings of fact and review on December 3rd, 2009 Board of Zoning Appeals meeting.

Motion carried unanimously, 5-0

ITEM NO. 4 1025 & 1035 North 3rd STREET [AMB]

B-11-19-09: 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, 2009 edition. The request is from the provisions in Article 12, Section 20-1204(e)(3)(ii) of the City Code as it pertains to development within the regulatory floodplain. The variance request is related to the minor modifications of the interior of the structure of an existing commercial property which exceeds the 60 percent impervious surface area threshold allowed by City Code. The property is legally described as Block 1, Final Plat of Wickes Subdivision, an addition in North Lawrence in the City of Lawrence, Douglas County, Kansas. The property is located south of I-70 on the west side of N. 3rd Street and is addressed as 1025 & 1035 N. 3rd Street. Submitted by Joy Rhea with Paul Werner Architects for I-70 Business Center LLC, the property owners of record.

STAFF PRESENTATION

Ms. Amy Brown presented the item.

von Tersch asked Ms. Brown what the new text amendment would include.

Ms. Brown stated the text amendment would address the issues surrounding the requested variance. This will include requiring compliance with the impervious coverage standards only if the proposed project met the definition of substantial improvement or new construction.

APPLICANT

Joy Rhea said the applicant would only be doing an interior remodel and would like to expand the space to prevent relocating the business.

PUBLIC COMMENT

No one from the public spoke to this item.

PUBLIC HEARING CLOSED

BOARD DISCUSSION

There was no Board discussion.

ACTION TAKEN

Motioned by Lane, seconded by Lowe, to approve the variance request for 1025 & 1035 North 3rd Street, based on the findings of fact in the staff report and the following staff recommendations with the following conditions:

1. Approval of a local Floodplain Development Permit, and

2. Future improvements to this property will require compliance with Development Code, including the floodplain regulations, or the granting of a new variance.

Motion carried unanimously, 5-0

ITEM NO. 5 MISCELLANEOUS

- a) Adopt the 2010 Board of Zoning Appeals meeting calendar.

ACTION TAKEN

Motioned by Kimball, seconded by Lowe, to adopt the 2010 Board of Zoning Appeals meeting calendar.

Motion carried unanimously, 5-0

- b) Consider any other business to come before the Board.

ACTION TAKEN

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

Motion carried unanimously, 5-0

ADJOURN – 6:45p.m.

Official minutes are on file in the Planning Department office.