

BOARD OF ZONING APPEALS

Meeting Minutes of **February 7, 2008 –7:00 p.m.**

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

ITEM NO. 1 COMMUNICATIONS

No communications came before the Board.

No ex parte contacts or abstentions were indicated.

ITEM NO. 2: MINUTES

Blaufuss requested one change to page two of the December 6, 2007 Board of Zoning Appeals minutes.

ACTION TAKEN

Motioned by Bowman, seconded by Blaufuss to approve the December 6, 2007 Board of Zoning Appeals minutes with appropriate changes.

Motion carried unanimously, 7-0.

ITEM NO. 3: 708-724 CONNECTICUT [PGP]

B-12-17-07: A request for variances as provided in Section 20-1309 of the Land Development Code in the Code of the City of Lawrence, Kansas, 2008 edition. The first request is to reduce the off-street parking requirements for an existing commercially developed property from the standards set forth in Article 9 of the Development Code, to a minimum of 2 off-street parking spaces. The second request is to acknowledge the existing conditions on the property such as lot size and building setbacks that do not conform with the current standards in the Development Code. The property is legally described as Lots 26 and 28 on Connecticut Street; also, the North 44.33 feet of Lot 30 on Connecticut Street, all lying in the Original Townsite of the City of Lawrence, Douglas County, Kansas. The subject property is located at 708-718 Connecticut Street. Submitted by Paul Werner with Paul Werner Architects for Grant Lechtenberg with LFF, LLC, the property owner of record.

STAFF PRESENTATION

Mr. Paul Patterson presented the item.

BOARD DISCUSSION

Lane asked if the agreement with the City of Lawrence was the same as the one drafted by Staff and asked why the address fluctuated between 704 and 708 Connecticut.

Patterson stated the lots were currently listed in the GIS system as two parcels. He said the two addresses assigned were 708 and 724.

Lane asked if the variance would include 704 Connecticut.

Patterson stated 704 Connecticut would be included in the variance which would include lots 26, 28, 30, 32 and 34.

APPLICANT PRESENTATION

Paul Werner, Paul Werner Architects, said Mr. Patterson's explanation was efficient and he appreciated his work on the staff report.

Kimball asked if the parking lot was gravel.

Mr. Werner said the parking lot was located behind 708 Connecticut.

Lane asked if there was an issue with the gravel lot south of 724 Connecticut.

Mr. Werner said there was no issue with the gravel lot. He said his client had tenants that would be moving into 704 and 706 Connecticut. He said years ago someone had enclosed the store front. Mr. Werner said in the future his client could possibly do something different with the south lot.

Lane asked if it was possible for there to be additional parking spaces.

Mr. Werner said it was not an efficient size but with the stop sign in the area it allowed the parking to work.

Carpenter asked what the nature of the proposed tenants was and how parking would be affected.

Mr. Werner said the proposed tenant would be a light industrial contractor.

PUBLIC COMMENT

No member of the public spoke on this item.

BOARD DISCUSSION

Lane said the staff report confirmed in all respects the application complied with a variance.

ACTION TAKEN

Motioned by Lowe, seconded by Lane, to approve the variance for 708-724 Connecticut street based upon Staffs recommendation and based on the findings of fact presented in the body of the staff report, subject to the license agreement with the city.

Motion carried unanimously, 7-0.

ITEM NO. 4: MISCELLANEOUS

John Miller, Staff Attorney stated there was a pending litigation that the Sign Code Board of Appeals had not seen and he provided the Board with a copy of the plaintiff's petition. He said there was a scheduling conference in January 2008 which had been continued to March 31st, 2008 at 9:00 am in Division 6. He said between that time there could be a re-submittal of the sign permit and request for variance.

Lane asked if a re-submittal had been discussed.

Miller said if that situation arose he would discuss the process with the Board.

Blaufuss asked if the Board would receive revisions to the Sign Code.

Miller said one of his tasks upon being hired with the City of Lawrence was to review the Sign Code which had now been reviewed and updated. He said chapter 5 was reorganized and at that time there had been changes made.

Lane asked if the Sign Code was online with Development Services or the Planning Department.

Miller said the Sign Code was listed under General Codes on the City's web site.

Lane said he would prefer a hard copy.

Miller said once the purpose and intended use had been adopted by the governing body the law would then be changed.

Lane asked if this was a Staff process or Review Board.

Blaufuss asked if the petition was re-submitted would it be reviewed under the old Sign Code or new Sign Code.

Miller said the criteria for signs had not been changed.

Patterson stated there were no Variance applications for the month of March 2008.

Patterson explained electronic submittals to the Board.

ACTION TAKEN

Motioned by Blaufuss, seconded by Bowman, to adjourn the meeting.

Motion carried unanimously, 7-0

ADJOURN – 7:00p.m.

Official minutes are on file in the Planning Department office.