

**BOARD OF ZONING APPEALS
MINUTES
MAY 5, 2005 – 6:30 P.M.**

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

ITEM NO. 1: COMMUNICATIONS

- Letter from the applicant requesting deferral of Item 3 for one month.
- No ex parte communications were disclosed
- Herndon indicated he would abstain from Item 4

ITEM NO. 2: MINUTES

Motioned by Hannon, seconded by Lane to approve the minutes of the April 7, 2005 meeting as presented.

Motion carried 5-0-1, with Santee abstaining due to his absence from the April meeting.

Swearing in of witnesses

ITEM NO. 3: JEHOVAH’S WITNESSES; 1802 E. 19TH STREET

B-03-08-05: A request for a variance as provided in Section 20-1709.1 of the Zoning Ordinance of the Code of the City of Lawrence, Kansas, 2003. Said request is specifically to vary from the provisions of Section 20-1409 of said City Code, which requires a 50’ minimum side yard building setback for a church or other place of worship in an RS-2 or PRD zoning district. The applicant is asking for a variance to allow a 17’ side yard building setback to allow for the construction of two additions planned for the east side of the existing building. The request is for the following legally described property: Lots 1-6, Final Plat of Wiggins Addition No. 2 in the City of Lawrence; and, a portion of the vacated right-of-way for Powers Street lying adjacent to Lots 5 & 6 and a portion of Lot 4 described in the order of vacation dated 10/06/1998 recorded at the Register of Deeds Office in Book 624, Page 687. Said described property is known as Lawrence KS Congregation of Jehovah’s Witnesses located at 1802 East 19th Street. Submitted by Alan C. Finney, member of the Building Committee for Lawrence KS Congregation of Jehovah’s Witnesses, property owner of record.

The Commission agreed to defer this item for one month.

ITEM NO. 4: 800-804 NEW HAMPSHIRE STREET

B-04-09-05: A request for variances as provided in Section 20-1709.1 of the Zoning Ordinance of the Code of the City of Lawrence, Kansas, 2003. The first request is specifically to vary from the provisions of Section 20-707(b) of said City Code, which requires a 25' minimum front and exterior side yard building setback and 12' minimum rear yard building setback in the C-4 (General Commercial) zoning district. The applicant is asking for a variance to validate the existing 0' front, 0' exterior side yard, and 0' rear yard building setbacks for the existing commercial building. The second variance is from the provisions of Sections 20-709 and 20-1212 of said City Code, which determine the amount of off-street parking required for proposed uses within the building. The applicant is seeking a variance to reduce the required number of off-street parking spaces from 110 spaces to a minimum of 7 spaces on the subject property. The third variance is from the provisions of Section 20-1216(a) of said City Code, which requires a 15' greenspace setback for parking areas from a street right-of-way. The applicant is requesting a variance to allow the limited parking area on the south side of the building to have a 7' greenspace setback from the New Hampshire Street right-of-way line. The requests are for the following legally described property: Lots 46, 48 & 50 on New Hampshire Street in the Original Townsite of the City of Lawrence. Said described property is located at 800-804 New Hampshire Street. Submitted by Alan D. Mackey with Landplan Engineering, for Kenneth C. Baker II, property owner of record.

Herndon abstaining

STAFF PRESENTATION

Mr. Patterson introduced the item, a request related to an area within a C-4 zoning and a C-4A overlay district that allows for mixed uses. The applicant requested three variances to bring the existing building and associated parking into conformance.

1. Allow the reduction of the front, rear and side yard setbacks to 0'.
2. Reduce the minimum on-site parking requirement from 110 spaces to 7.
3. Reduce the minimum parking lot setback to 7'

Mr. Patterson outlined Staff's review of the requests in relation to the five criteria. He explained that, in Staff's opinion, all five criteria were met and Staff recommended approval of all three variances as requested.

It was noted that this project had received approval from the Historic Resources Commission and it would go to the City Commission for site plan review after the Board's determination.

It was verified that all three variances related to existing conditions. It was also established that, if the new code had been adopted, none of the requested variances would be necessary.

APPLICANT PRESENTATION

Alan Mackey, Landplan Engineering, spoke on behalf of the applicant. Mr. Mackey said the applicant had no objections to the Staff recommendation and he was present to answer questions.

PUBLIC HEARING

No member of the public spoke on this item.

BOARD DISCUSSION

The Board agreed the requests appeared straightforward and reasonable.

ACTION TAKEN

Motioned by Emerson, seconded by Hannon to approve the three variances as presented, based on the findings presented in the body of the Staff Report.

Motion carried 6-0-1, with Herndon abstaining.

ITEM NO. 5: MISCELLANEOUS

There were no other matters to come before the Board.

ADJOURN – 6:45 p.m.

Official minutes are on file in the Planning Department office.