

BOARD OF ZONING APPEALS

Meeting Minutes of **May 1, 2008 –6:30 p.m.**

Members present: Lowe, von Tersch, Blaufuss, Lane, Carpenter, Bowman

Members excused: Kimball

Staff present: Patterson, Miller, Day, Parker

ITEM NO. 1 COMMUNICATIONS

No communications came before the Board.

ITEM NO. 2: MINUTES

ACTION TAKEN

Motioned by Bowman, seconded by Lowe to approve the April 3, 2008 Board of Zoning Appeals minutes.

Motion carried, 4-0-1 Blaufuss abstained

ITEM NO. 3: NATURE PARK; SW CORNER FOLKS ROAD & PETERSON ROAD [SLD]

B-03-02-08: 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 requests are for a variance from the requirement for a parking area to be paved to City standards per Article 9, Section 20-913(e) of the City Code; and, from the requirement to provide curb and gutter around the perimeter of a parking area per Article 9, Section 20-913(i) of the City Code. The requests are related to the construction of a temporary parking lot associated with a new city owned Nature Park. The property is legally described as: Tract 'A' in Block 1, A Final Plat of Bauer Brook Estates. The subject property is located on the southwest corner of Folks Road (E 1100 Road) and Peterson Road (N 1700 Road). Submitted by Mark Hecker, Parks and Maintenance Superintendent, for the City of Lawrence, the property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

BOARD DISCUSSION

Lane asked Ms. Day if the application met the five requirements required for a variance.

Ms. Day stated the application met the five requirements required, in Staff's opinion.

APPLICANT PRESENTATION

Ms. Day stated the Parks and Maintenance Staff asked that she note their absence.

PUBLIC COMMENT

No member of the public spoke on this item.

BOARD DISCUSSION

von Tersch asked where the access would be located.

Ms. Day stated there was a high point on the property and the entrance would be at that point. She said over head wires had to be taken into consideration.

von Tersch asked if the entrance was indicated by stakes on the Site Plan.

Ms. Day stated the stakes placed on the site indicated the entrance.

Lane asked if there was a condition of approval that stated the variance would expire when the road was paved and brought up to City standards.

Ms. Day stated there was a condition that stated the variance would expire when the road was brought up to City standards.

ACTION TAKEN

Motioned by Carpenter, seconded by Bowman, to approve the variance for the Nature Park at the southwest corner of Folks Road & Peterson Road, based upon staff's recommendation and based on the findings of fact presented in the body of the staff report with one condition listed.

Motion carried unanimously, 6-0

ITEM NO. 4: 1920 MASSACHUSETTS STREET [PGP]

B-04-03-08: 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 request is to reduce the 25 feet off-street parking setback from a street right-of-way in a residentially zoned district as set forth in Section 20-908(b) in Article 9 of the City Code, to a minimum of 0 feet. The second request is to allow the drive and parking within the 25 feet setback to exceed the 12 feet maximum width allowed in Section 20-908(b)(3) of the City Code. The applicant is asking for a driveway width of 20 feet within the front setback area only. The property is legally described as Lot 6, Block 1, Haskell Place Addition in the City of Lawrence, Douglas County, Kansas. The subject property is located at 1920 Massachusetts Street. Submitted by Mike Randolph for Free State Properties, Inc. the property owner of record.

STAFF PRESENTATION

Mr. Paul Patterson presented the item.

Lane asked if the purpose of the turn around area would be to enable vehicles from backing onto Massachusetts street.

Patterson said vehicles would continue to back onto Massachusetts street but there would be no requirement to stack vehicles.

APPLICANT PRESENTATION

Mike Randolph stated the property had been a rental for the previous ten years prior to the time he purchased the property. He stated the home was a large three story, four bedroom home that would be owner occupied. Mr. Randolph stated the driveway would be twelve feet wide, extend to twenty feet and revert back to twelve feet.

PUBLIC COMMENT

No member of the public spoke on this item.

BOARD DISCUSSION

von Tersch stated it appeared there was parking in the yard.

Lane said there would be a paved spot in the yard and at least one other home in the neighborhood had the same set up.

von Tersch stated the type of parking would create a precedence for parking in the yard. She said there

was plenty of space to move the garage further back to accommodate parking in the back.

Lane asked Staff if parking in the back of the home would be allowed.

von Tersch asked if the structure in the back yard was a garage or a shed.

Mr. Randolph stated the structure in the back yard was a storage shed.

von Tersch asked if there was a foundation under the shed.

Mr. Randolph stated there was a foundation under the shed.

Patterson said if the applicant chose he could replace the shed with parking spaces.

von Tersch stated parking in the back of the home would be safer than backing onto Massachusetts street.

Bowman said a variance had been granted for a property near 1920 Massachusetts street.

Lane said the situation was unique and would not set precedence. He said the location was heavily paved along the street.

Mr. Randolph stated both homes on each side of the property were owner occupied.

Carpenter said back yard parking would be more appealing than front yard parking. He said more space in the back yard would be beneficial.

Mr. Randolph said he would be listing the home for \$250,000.00 and did not think a landlord would purchase the home. He said there were deep ruts in the area where he requested the pavement.

Bowman said he did not think the home would become rental property. He said rental blight was a City wide problem.

ACTION TAKEN

Motioned by Lane, seconded by Carpenter to approve the parking variance for 1920 Massachusetts street based upon Staffs recommendation and based on the findings of fact presented in the body of the staff report, with one condition noted.

Motion carried, 5-1

ITEM NO. 5: SIGMA KAPPA SORORITY; 1325 WEST CAMPUS ROAD [PGP]

B-04-04-08: 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 for a variance from the number of required off-street parking spaces for a sorority as set forth in Section 20-902 of the City Code. The second request is to acknowledge with variances the existing setback and landscape buffer setbacks for the current parking lot and the proposed expanded parking area as shown on the site plan accompanying the application for variance. These variances are related to the City standards in Article 9 and Article 10 of the City Code. The property is legally described as: Lots 5 and 16, also the North 10 feet of Lot 6, and the South 37.5 feet of Lots 4 and 17, all lots in University Heights Addition to the City of Lawrence, Kansas. The subject property is known as the Sigma Kappa Sorority located at 1325 West Campus Road. Submitted by Cheryl Beaver, President of Xi Chapter of Sigma Kappa Corporation, the property owner of record.

STAFF PRESENTATION

Mr. Paul Patterson presented the item.

Blaufuss asked how the parking spaces in the past were allowed to increase.

Carpenter asked what the benefit of extending the sidewalk was.

Patterson stated there was a benefit of extending the existing sidewalk for pedestrian use. He said future development on the property to the south would also require a sidewalk.

Bowman asked how the sidewalk would fit in the area if vehicles parked next to the street.

Cheryl Beaver stated vehicles were not supposed to park close to the street.

Patterson said there would be curb and gutter to keep people from parking on the sidewalk.

Lane asked what was directly across the street from the property.

Patterson stated there was a single family home directly across the street.

APPLICANT PRESENTATION

Cheryl Beaver stated she was the current president of Xi Chapter of Sigma Kappa Corporation which was directly across from Kansas University. She said the property was purchased in the 1950's and had been remodeled and enlarged. She said the number of members who owned vehicles had increased and there was a point system for parking. Ms. Beaver stated there was an issue with safety for women walking to and from parked vehicles. She said with the number of rooms and their designation, the amount of parking spots allowed would be 70. She stated the designation for the rooms had changed over time.

Lowe asked if the parking lot would be closer to the structure.

Ms. Beaver stated the parking lot would be closer to the structure but the green space would remain.

von Tersch asked where vehicles park in the area when there is no room for them.

Ms. Beaver stated vehicles parked at the stadium or by the Union.

von Tersch said the issue had come up in the past and it was a concern. She said the solution would be to not allow freshman to bring in vehicles.

Ms. Beaver stated the sorority did not allow freshman.

von Tersch stated the solution would be to not allow vehicles. She said there was a zoning issue because the sorority was asking to be grandfathered under the old code.

Ms. Beaver stated to not allow students to bring their cars would be an unpopular solution.

BOARD DISCUSSION

Blaufuss stated the project would improve a bad situation.

Bowman said he was comfortable with the project.

ACTION TAKEN

Motioned by Lowe, seconded by Blaufuss, to approve the variances for off-street parking spaces for 1325 West Campus Road based upon Staffs recommendation and based on the findings of fact presented in the

body of the staff report, subject to four conditions.

- 1) Approval of a site plan [SP-04-21-08] for the parking lot addition.
- 2) Screening of the parking lot from Naismith Road with an appropriate 3' high screen and landscaping per the approval of the Planning Director.
- 3) Provision of a continuation of the sidewalk within the right-of-way for Naismith Road along the west side of this property.
- 4) Administrative approval from the Historic Resources Administrator.

Motion carried unanimously, 6-0

ITEM NO. 6: 1008 & 1116 WEST 23RD STREET [PGP]

B-04-05-08: 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 from the provisions in Article 12, Section 20-1204 of the City Code as it pertains to development within the regulatory floodplain. The request is related to the closure of two existing driveway entrances and the construction of a new drive entrance to serve two different commercial businesses along the north side of the 1000 and 1100 block on West 23rd Street. The properties are legally described as: Lot 1, Block 1, Oreilly – South Addition in the City of Lawrence, Kansas; and, the East 11.99 feet of Lot 15, and all of Lots 16-18, and the West 28.01 feet of Lot 19; Block D; Southwest Addition No. 4 in the City of Lawrence, Kansas. The subject properties are O'Reilly Automotive at 1008 W. 23rd Street and University Book Shop at 1116 W. 23rd Street. Submitted by David Cronin, Project Engineer in the City of Lawrence Public Works Department, for the property owners of record.

STAFF PRESENTATION

Mr. Paul Patterson presented the item.

Lane asked Mr. Patterson if he represented the applicant.

Patterson said he represented the applicant. He said the applicant also applied for a flood plain development permit.

PUBLIC COMMENT

No member of the public spoke on this item.

BOARD DISCUSSION

Carpenter stated the property would be the only one in the area that would require the variance because it was the only property in the flood plain.

Patterson stated the Dillon's Grocery Store across the street from the project would be applying for a variance in the future.

ACTION TAKEN

Motioned by von Tersch seconded by Carpenter, to approve the variance for 1008 and 1116 West 23rd street, based upon Staffs recommendation and based on the findings of fact presented in the body of the staff report with conditions noted.

Motion carried, 5-1

ITEM NO. 7: MISCELLANEOUS

- a) Patterson said there would be one or two variances next month which would include the University Park project.

ACTION TAKEN

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

Motion carried, 5-1

ADJOURN – 7:35p.m.

Official minutes are on file in the Planning Department office.