

BOARD OF ZONING APPEALS

Meeting Minutes of **September 4, 2008 –6:30 p.m.**

Members present: Bowman, Blaufuss, Lane, Lowe

Members absent: von Tersch

Excused: Kimball, Carpenter

Staff present: Patterson, Parker

ITEM NO. 1 COMMUNICATIONS

No communications came before the Board.

No ex parte contacts or abstentions of items under consideration.

Blaufuss abstained from the August 7, 2008 Board of Zoning Appeals minutes.

ITEM NO. 2 MINUTES

ACTION TAKEN

Motioned by Lowe seconded by Bowman to approve the August 7, 2008 Board of Zoning Appeals minutes.

Motion carried, 3-0-1.

ITEM NO. 3 2808 LOCKRIDGE PLACE [PGP]

B-08-11-08: 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 30 feet rear yard setback for a principal structure in an RS7 District set forth in Section 20-601(a) of the City Code, to a minimum of 18 feet at the nearest point of a planned addition to the existing residence. The property is legally described as Lot 7, Block 18, Prairie Meadows No. 8 Addition in the City of Lawrence, Douglas County, Kansas. The subject property is located at 2808 Lockridge Place. Submitted by David R. and Teresa F. Guntert, the property owners of record.

STAFF PRESENTATION

Mr. Patterson presented the item.

Blaufuss asked if the neighboring homes screened porch was legal.

Patterson stated the neighboring homes owner had pulled a building permit in 1995.

Blaufuss asked if the set back was different in 1995. She asked if the porch was within the 30 foot setback.

Patterson said the neighbor's porch was within the 30 foot setback.

Blaufuss asked what the unnecessary hardship was.

Patterson said the unnecessary hardship was that the standard construction made it difficult to add additions to the property.

Blaufuss asked if the position was the property owner had the right to build an addition.

Patterson stated it would be hard for the property owner to add an addition on the property.

APPLICANT PRESENTATION

Ms. Teresa Guntert showed photos of the property. She said her home did not face the neighbor's that would be directly impacted. She said there was plenty of screen and plants in the area and the neighbors enjoy her yard.

Lane asked if the addition would be a screened in porch or a closed in addition.

Ms. Guntert stated the addition would be closed in and eventually a water pond would be installed.

PUBLIC COMMENT

No member of the public spoke.

BOARD DISCUSSION

Blaufuss said she supported the addition because of the arbitrary clause.

ACTION TAKEN

Motioned by Lane, seconded by Lowe, to approve the variance, based on the findings of fact in the staff report.

Motion carried unanimously, 4-0

ITEM NO. 4 1638 INDIANA STREET [PGP]

B-08-12-08: 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 allow the drive and parking to exceed the 12 feet maximum width allowed in Section 20-908(b)(3) of the City Code for a property in the RS5 District. The applicant is asking permission to pave an existing graveled area used now as part of the driveway. Paving this area will result in a uniform 18'-6" paved driveway width. The property is legally described as the North ½ of the West ½ of Lot B, plus the West ½ of Lot C, and the South 6' of the West ½ of Lot D; all in Block 1, University Place Addition in the City of Lawrence, Douglas County, Kansas. The subject property is located at 1638 Indiana Street. Submitted by Ben Wiedner, and Kristin and Lance Wiedner, the property owners of record.

STAFF PRESENTATION

Mr. Patterson presented the item.

Lane asked if the property line on the east side of the sidewalk was accurate.

Patterson said the property line was accurate.

Lowe asked why the sidewalk had been constructed the way it was.

Patterson stated the sidewalk construction may have been constructed because of water run off in the area.

Lane asked what the current interpretation of a driveway was for RS5 zoning.

Patterson stated Staff had discussed the issue of a current interpretation of a driveway in RS5 zoning but there was not a good definition. He said the planning director would make an interpretation and eventually would add it to the planning code.

Lane said it looked like the project would not need a variance if the proposed definition of driveway would be adopted by the city.

Blaufuss asked if gravel driveways were legal.

Patterson said the existing gravel was legal. He said if a new concrete driveway was added to the property the property would have to meet current code regulations.

APPLICANT PRESENTATION

Ben Wiedner stated he wanted to improve the appearance of the property. He said he had worked on the front of the house and the neighbors were uniformly in agreement with the improvements. He said the driveway would not be larger. Mr. Wiedner stated his children and nephew lived at the property and they were Kansas University students. He said the area was straight down from the University of Kansas and there was a wash out area at the end of the driveway.

Patterson said the applicant would need to speak with the City Engineer regarding the wash out area. He said the asphalt was maintained by the City and the landscaping was maintained by the property owner.

Blaufuss asked if the applicant wanted to increase the size of the driveway.

Patterson said the applicant did not want to increase the size of the driveway.

PUBLIC COMMENT

No member of the public spoke.

BOARD DISCUSSION

Lane asked Staff if the sidewalk area had been replaced with concrete.

Bowman said if the pie shaped portion at the end of the driveway was concreted then cars could not back over it.

Lane stated it was not legal to park on the sidewalk.

ACTION TAKEN

Motioned by Blaufuss, seconded by Lane, to approve the variance based on the findings of fact in the staff report, subject to the following conditions:

1. Per Section 17-410.28 of the Code of the City of Lawrence, Kansas, vehicle(s) shall not be parked over the sidewalk area.
2. The applicant shall first obtain a required driveway permit from Public Works prior to any construction of the proposed driveway improvements.

Motion carried unanimously, 4-0

ITEM NO. 5

MISCELLANEOUS

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

Patterson stated Carpenter and von Tersch appointments would be up at the end of the month. He said Carpenter wanted to continue his appointment. Mr. Patterson stated he did not know if von Tersch wanted to continue her appointment. He said elections would be conducted in October, 2008.

ACTION TAKEN

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

Motion carried unanimously, 4-0

ADJOURN – 7:05p.m.

Official minutes are on file in the Planning Department office.