

**City of Lawrence
Board of Zoning Appeals
May 3rd, 2012**

MEMBERS PRESENT: Perez, Christie, Kimzey, Mahoney, Lowe, Edie
MEMBERS EXCUSED: Holley
STAFF PRESENT: Guntert, Larkin, Parker
PUBLIC PRESENT: Maurer

**BOARD OF ZONING APPEALS
Meeting Minutes of May 3, 2012 –6:30 p.m.**

Members present: Perez, Mahoney, Lowe, Edie, Kimzey, Christie
Members excused: Holley
Staff present: Guntert, Larkin, Parker

ITEM NO. 1 COMMUNICATIONS

No communication before the Board.

Lowe said he was contacted regarding Item 3.

Perez and Christie abstain from the April 5, 2012 minutes and Item 4.

No items deferred.

ITEM NO. 2 MINUTES

ACTION TAKEN

Motioned by Edie, seconded by Mahoney, to approve the April 5, 2012 Board of Zoning Appeals minutes.

Motion carried, 4-0-2

BEGIN PUBLIC HEARING:

ITEM NO. 3 BISHOP SEABURY ACADEMY; 4120 CLINTON PARKWAY [DRG]

B-4-8-12: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The request seeks relief from the requirement that off-street parking areas be set back a minimum of 25 feet from a street right-of-way in any residential zoning district per Section 20-908(b) of the Development Code. The requested variance is to provide a 0 feet setback from the street right-of-way along Clinton Parkway. The variance is prompted by proposed parking lot improvements for the Bishop Seabury Academy located at 4120 Clinton Parkway. Submitted by C. L. Maurer with Landplan Engineering, PA and Matthew Gough with Barber Emerson, L.C. for Bishop Seabury Academy, the property owner of record. The legal description for the property in the appeal and the case file for the public hearing item are available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.

STAFF PRESENTATION

Mr. Guntert presented the item.

Christie asked if parking was allowed on both sides of the frontage road.

Mr. Guntert stated parking was allowed on the north side of the frontage road.

APPLICANT PRESENTATION

Mr. Maurer, Landplan Engineering, stated Bishop Seabury had approached the City about vacating the frontage road but the City was not interested due to a major water transmission line that was located in the right-of-way. He said the school needed more parking. There was also a safety concern for fire and medical department apparatus to be able to negotiate the existing parking layout they would be fixing with the expanded parking area.

Lowe asked the applicant to present a Site Plan and explain it.

Mr. Maurer presented a Site Plan and reviewed it with the Board.

Lowe asked the applicant if there was only one-way in and out of the parking area.

Mr. Maurer said the parking layout was designed for one-way circulation with a one-way entrance and a one-way exit from the parking lot. They also planned for children to be dropped off and picked up before and after school near the main entry to the building.

Lowe asked if there was green space between the access road and the new parking lot.

Mr. Maurer stated there was and some landscape screening would be added to the area.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING CLOSED

Motioned by Mahoney, seconded by Kimzey, to close the public hearing.

Motion carried unanimously, 6-0

BOARD DISCUSSION

Mahoney said if the frontage road had continued there would be structures in the setback. He didn't see a problem with the parking lot being closer to the property line than the code normally allowed.

Lowe said the project would address some safety concerns in the neighborhood with parents, students and visitors now having to park on the nearby side streets when an event was going on at the school.

ACTION TAKEN

Motioned by Kimzey, seconded by Mahoney, to approve the variance request for 4120 Clinton Parkway, based on the recommendation and findings of fact in the staff report.

Motion carried unanimously, 6-0

**NON-PUBLIC HEARING ITEM: NO PUBLIC COMMENTS WILL BE TAKEN ON THIS ITEM;
DISCUSSION LIMITED TO CITY ATTORNEY AND BOARD MEMBERS ONLY**

ITEM NO. 4 12TH & HASKELL RECYCLING CENTER; 1146 HASKELL AVENUE [SM]

Consider and adopt findings of fact regarding the Board's decision made during the April 5th meeting to uphold the determination made by the Planning Director regarding the following item:

B-1-2-12: Consider an appeal filed by Bradley R. Finkeldei with Stevens & Brand, L.L.P., on behalf of his client Robert B. Killough, owner of 12th & Haskell Recycling Center, 1146 Haskell Avenue. The appeal challenges an administrative determination made by the City of Lawrence Director of Planning and Development Services outlined in a letter dated January 13, 2012, that the lawful nonconforming use of the land has expanded and that the use of the property is an Open Use of Land not permitted pursuant to Section 20-1502(b) and Section 20-1502(d) of the City Code. The reasons cited by the appellants for filing this appeal are contained in a letter from Mr. Finkeldei, dated January 30, 2012. **The legal description for the property in the appeal and the case file for the public hearing item are available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

STAFF PRESENTATION

Randy Larkin, City Staff Attorney, stated he submitted draft findings of fact to the Board for review.

BOARD DISCUSSION

There was no Board discussion.

ACTION TAKEN

Motioned by Mahoney, seconded by Edie, to approve the Findings of Fact, as written for 12th & Haskell Recycling Center; 1146 Haskell Avenue , and authorize the chair to sign the document.

Motion carried, 4-0-2

ITEM NO. 5 MISCELLANEOUS

a) Mr. Guntert stated there was no other business.

ACTION TAKEN

Motioned by Perez, seconded by Edie, to adjourn the Board of Zoning Appeals meeting.

Motion carried unanimously, 6-0

ADJOURN- 6:55 p.m.

Official minutes are on file in the Planning Department office.