

BOARD OF ZONING APPEALS
Meeting Minutes of June 2, 2011 –6:30 p.m.

Members present: Carpenter, Christie, Lowe, Edie
Members absent: Kimball, von Tersch, Mahoney
Staff present: Guntert, Parker

ITEM NO. 1 COMMUNICATIONS

No communications came before the Board.

No agenda items deferred.

ITEM NO. 2 MINUTES

Motioned by Christie, seconded by Carpenter, to approve the April 7, 2011 Board of Zoning Appeals minutes.

Motion carried unanimously, 4-0

BEGIN PUBLIC HEARING:

ITEM NO. 3 710 EAST 22ND STREET [DRG]

B-5-4-11: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The requests involve a variance to reduce the exterior storage yard setback in the IG (General Industrial) District from 25 feet required in Sections 20-538(3) and 20-601(b) of the City Code to a minimum of approximately 8 feet along the west and north property boundaries; and, a variance allowing the access driveway to the storage area to be gravel rather than paved to City standards as required in Section 20-538(6)(ii) of the City Code. These variances are for Mesler Roofing, Siding and Windows located at 710 East 22nd Street. Submitted by Greg Davidson, owner of Davidson Roofing, DBA Mesler Roofing, Siding and Windows, with owner authorization from Denzel Gibbens, for Gibbens Brothers Leasing LLC, 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.

Carpenter asked Staff what the unnecessary hardship was for the applicant in this case.

Mr. Guntert stated there were two different setback standards for exterior storage yards that created a situation of uncertainty as to what was expected to meet the Development Code. One standard only would require a 10 feet setback, while the other standard required a 25 feet setback for the storage yard. The more stringent standard created a hardship.

Lowe asked Staff how much of an apron from the approach would be required to be paved. He asked

if the access would be from the south side of the property.

Mr. Guntert stated access to the storage yard was from the south side of the property off of East 22nd Street. The drive apron needed to be paved to City standards between the street pavement and the front property line. He said the applicant will need to submit a revised site plan for the exterior storage yard. It would be possible to include additional landscape screening on the north side of the storage yard fence.

APPLICANT PRESENTATION

Greg Davidson displayed photos of the property at 710 East 22nd Street. He said there were differences in what the zoning suggested. He said he was not opposed to adding landscape to the property. He said he would like to have the eight feet setback but a ten feet setback would work. Mr. Davidson stated everything on the west side of the structure was concealed by landscape. He stated all of the surrounding businesses were commercial and there were no residential homes in the area.

Christie asked if the area was 150 square feet.

Mr. Davidson said the difference between an 8 feet setback and a 10 feet setback for the storage yard was his ability to fit three pallets of materials across the width of the storage area instead of two pallets.

Carpenter asked if the property owner was aware of the requests and was in agreement with the applicant.

Mr. Davidson stated the property owner had authorized him to proceed with their request.

Carpenter asked when the building was built.

Mr. Guntert thought it was built sometime during the 1950's or early 1960's.

Lowe stated there had been improvements to the building recently. It looked like it had a newer roof.

Carpenter asked if the private drive changed the setback requirement.

Mr. Guntert stated the setback was not influenced by the existence of the private drive on the north and west of this property. The subject property had been a separately owned property for a long time.

In the photos Mr. Davidson took of the property, Edie asked the applicant how he had measured the 8 feet and 10 feet setback locations where the screen fence would be built.

Mr. Davidson said he did not know exactly where the property line was located so he measured from the west wall of the building to illustrate the differences between the 8 feet and 10 feet fence setback around the proposed storage yard.

PUBLIC COMMENT

There was no public comment to this item.

PUBLIC HEARING CLOSED

Motioned by Carpenter, seconded by Edie, to close the public hearing.

Motion carried unanimously, 4-0

BOARD DISCUSSION

Carpenter stated the area was unique. It was probably developed outside the city limits and later annexed as the city grew around it. He said buildings found along East 22nd Street would not be put together like this in a light industrial area today. He said the property was unique.

Lowé noted there were other examples of properties that have exterior storage yards and fences that appear to have no setback from the property line within this area.

ACTION TAKEN

Motioned by Carpenter, seconded by Christie, to approve the variance requests for an eight feet setback at 710 East 22nd Street, based on the findings of fact in the staff report, with the following conditions:

- 1) A revised site plan be submitted to the Planning Office showing the proposed exterior storage yard and driveway access for review and approval; and,
- 2) The driveway access apron for the exterior storage yard is built to City standard.

Motion approved unanimously, 4-0

ITEM NO. 4 MISCELLANEOUS

- a) Mr. Guntert stated a study session will be held on July 7th, 2011 at 5:30pm in the City Commission room.

ACTION TAKEN

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

Motion carried unanimously, 4-0

ADJOURN – 7:15p.m.

Official minutes are on file in the Planning Department office.