

**City of Lawrence
Board of Zoning Appeals
August 2nd, 2012**

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

**BOARD OF ZONING APPEALS
Meeting Minutes of August 2nd, 2012 –6:30 p.m.**

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

ITEM NO. 1 COMMUNICATIONS

There were no communications before the Board.

There were no Board member disclosure of ex parte contacts or abstentions from the discussion and vote on agenda items under consideration.

No agenda items deferred.

ITEM NO. 2 MINUTES

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

Motion carried unanimously, 5-0

BEGIN PUBLIC HEARING:

ITEM NO. 3 515 LINCOLN STREET; FENCE SETBACK [DRG]

B-12-00075: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2011 edition. The first request is for a variance to allow a wood screen fence to be constructed in a code restricted area on a corner lot having its rear yard abutting the side yard of the adjoining property. Section 20-602(e)(6)(ix)(b) in the Development Code is the governing provision in this case. It prohibits a fence, wall or hedge to be placed within the exterior side yard area of the property a distance equal to ½ the front setback for the adjoining property within a measured distance of 25 feet from the common property line shared with the abutting property. The second request is for a variance from the accessory structure setback requirements in Section 20-533(3) of the Development Code. The request is to allow an 8 feet by 10 feet shed to be located 13 feet from the exterior side lot line instead of the code required 25 feet. The subject property is located at 515 Lincoln Street. Submitted by Dale E. Daney, 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.

Lowe asked Mr. Guntert if the proposed shed would be built inside the fence.

Mr. Guntert stated the shed would be built inside the fence.

Christie asked if there was a fence on the west side of the property.

Mr. Guntert stated the applicant had intent to fence the back yard and enclose it.

Holley asked Mr. Guntert is the maximum fence height was six feet.

Mr. Guntert said the Development Code allowed a front yard fence to be built four feet tall. He said the applicant proposed an interior side fence which could be up to six feet in height.

APPLICANT PRESENTATION

Mr. Daney said Staff gave a good presentation regarding the project. He said currently there was not a fence on the west side of the property.

Holley asked Mr. Daney if the proposed height of the fence would be six feet tall.

Mr. Daney stated the fence would be built six feet tall.

Kimzey asked Mr. Daney how tall the proposed accessory building would be built.

Mr. Daney stated the accessory building would be an 8x10 Tuff Shed.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING CLOSED

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

Motion carried unanimously, 5-0

BOARD DISCUSSION

Holley said the property across Lincoln street also had a fence. He stated he was concerned with the fence to the north of the property.

Mr. Guntert stated the sidewalk was within the roadway easement area.

Lowe asked if the fence would be built the length of the house.

Mr. Daney said the fence would be built three to four feet from the back of the house. He said the fence would not be built the entire length of the house.

Lowe said the property was within a cul-de-sac and there was no opposition from neighbors. He said most of the homes in the area had privacy fences.

ACTION TAKEN

Motioned by Kimzey, seconded by Edie, to approve the variance request for an accessory structure and fence, at 515 Lincoln street, based on the recommendation and findings of fact in the staff report.

Motion carried unanimously, 5-0

ITEM NO. 4 MISCELLANEOUS

a) No other business to come before the Board.

ACTION TAKEN

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

Motion carried unanimously, 5-0

ADJOURN- 6:50 p.m.

Official minutes are on file in the Planning Department office.