



It is our policy to provide individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of our services, programs, and activities. This meeting is being held in the City Commission Room at City Hall, 1101 Poyntz Avenue. In accordance with provisions of the ADA, every attempt will be made to accommodate the needs of the disabled. Please contact the Human Resources Department (587-2440) for assistance.

AGENDA
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, August 11, 2004
7:00 PM

BOARD MEMBERS PLEASE NOTIFY THE PLANNING OFFICE IF YOU CANNOT ATTEND THIS MEETING.

1. Consider the **MINUTES** of the July 14, 2004, Board of Zoning Appeals meeting.
2. A **PUBLIC HEARING** to consider a request for **EXCEPTIONS** under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow a reduction of the minimum twenty-five (25) foot front yard setback for existing roof overhang in order that the property owner obtain clear title; and, a reduction of the minimum eight (8) foot side yard setback to six (6) feet for a portion of the roof overhang for a proposed expansion for a garage addition, which will be on the west side of the house. The **EXCEPTIONS** are for property located at 1837 Alabama Lane. (*Applicant and Owner: Robert L. Bowden and Ann Fitzpatrick*)
3. A **PUBLIC HEARING** to consider a request for **EXCEPTIONS** under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow reductions of the required ten (10) foot rear yard setback and the required three (3) foot side yard setback for a proposed trash receptacle and screening fence. The **EXCEPTIONS** are for property located at 1019 Bluemont Avenue. (*Applicant and Owner: Jerry Haug*)
4. A **PUBLIC HEARING** to consider a request for **EXCEPTIONS** under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow a reduction of the minimum sixty (60) foot front yard setback to twenty-five (25) feet for a proposed detached garage to be located along Fairview Avenue; to allow an increase of the width of the detached garage's proposed driveway from ten (10) feet to twenty-two (22) feet; and, not to replace street trees removed from the Fairview Avenue public right-of-way as a result of the proposed driveway. The **EXCEPTIONS** are for property located at 1612 Osage Street. (*Applicant and Owner: David Craft*)
5. A **PUBLIC HEARING** to consider a request for a **CONDITIONAL USE** under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for a

proposed two-family residential dwelling unit in the R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District. The **CONDITIONAL USE** is for property located at 725 Bluemont Avenue. (*Applicant: Reynolds Knight Anderson as Agent for the Owner; Owner: Anderson Brothers LLC*)

6. A **PUBLIC HEARING** to consider a an **EXCEPTION** under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow a reduction of the minimum fourteen (14) foot front yard setback for new stairs to the two-family dwelling unit. The **EXCEPTION** is for property located at 725 Bluemont Avenue. (*Applicant: Reynolds Knight Anderson as Agent for the Owner; Owner: Anderson Brothers LLC*)

7. **ADJOURN.**

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14-605. STANDARDS FOR EXCEPTIONS:

The Board of Zoning Appeals shall not grant an exception as authorized in Section 14-604 hereof unless it shall, in each case, make specific written findings of fact, based upon the particular evidence presented to it, that all of the following standards have been met:

- (A) The property complies with all applicable requirements of these regulations, other than the one for which an exception is being requested;
- (B) The proposed exception will not cause a substantial adverse affect on nearby properties;
- (C) The exception desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (D) The strict application of these regulations is unreasonable, or unnecessary when all facts and circumstances are considered. In determining this standard, the Board shall weigh all facts and circumstances and place whatever emphasis and relevance it deems to be appropriate on each. Examples of such facts and circumstances to be considered are as follows:
 - (1) Whether or not conditions of the property requiring the exception were created by the applicant with prior knowledge and disregard of applicable regulations;
 - (2) Whether or not the applicant acquired the property with knowledge of the conditions which require the exception and whether or not the consideration for the acquisition took into account such conditions;
 - (3) Whether or not there are reasonable alternatives which would allow the property to meet the strict application of these regulations; and
 - (4) Whether or not a granting of the exception will result in a relative gain to the health, safety, and general welfare of the Community.

14-704. STANDARDS FOR CONDITIONAL USE PERMITS.

The Board of Zoning Appeals shall not grant a conditional use permit unless it shall, in each specific case, make specific written findings of fact directly, based upon the particular evidence presented to it, that all of the following standards have been met:

- (A) The proposed conditional use complies with all applicable regulations of these regulations, including lot size requirements, bulk regulations, use limitations, and performance standards.
- (B) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

- (C) The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls and fences on the site; and
 - (2) The nature and extent of landscaping and screening on the site.
- (D) Off-street parking and loading areas will be provided in accordance with the standards set forth in Article VII of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- (E) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (F) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.