



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, September 8, 2004  
7:00 PM

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

1. Consider the **MINUTES** of the August 11, 2004, Board of Zoning Appeals meeting.
2. A **PUBLIC HEARING** to consider a request for **EXCEPTIONS** to allow a reduction of the minimum sixty (60) foot front yard setback to nine (9) feet for a proposed detached accessory garage, which will front on Fairview Avenue; to allow an increase of the width of the detached garage's proposed driveway from ten (10) feet to eighteen (18) feet six (6) inches; and, not to replace street trees removed from the Fairview Avenue public right-of-way as a result of the proposed driveway. The property is located in the R-1, Single-Family Residential District, with TNO, Traditional Neighborhood Overlay District. The **EXCEPTIONS** are for property located at 1612 Osage. *(Note: the applicant's initial application scheduled for the August 11, 2004, meeting was tabled by the Board of Zoning Appeals on the August 11, 2004, at the request of the applicant in order to re-advertise the request. The applicant subsequently withdrew the initial application. The initial request does not need to be removed from the table. The **EXCEPTIONS** described above are a new application.)*
3. A **PUBLIC HEARING** to consider a request for an **EXCEPTION** to allow reduction of the required eight (8) foot side yard setback for a proposed deck to allow use of an existing door. The property is zoned R, Single-Family Residential. The **EXCEPTION** is for property located at 1010 Karla Lane. *(Applicant and Owner: Oliver Weaver and Gabrielle Thompson)*
4. A **PUBLIC HEARING** to consider a request for an **EXCEPTION** to allow reduction of the required twenty-five (25) foot side yard setback to 13.25 feet for a proposed outdoor eating patio associated with a drive-in/walk-up restaurant. Including an eating area located on the west side of the South 5th Street. The **EXCEPTION** is for property located at 508 Ft. Riley Boulevard, Lots 521-525, Ward 1. *(Applicant: Frank D. Settle, Property Owner: Warren Bayer)*

5. A **PUBLIC HEARING** to consider a request for **EXCEPTIONS** to allow reduction of the required eight (8) foot side yard setback to seven (7) feet to allow for a one foot overhang on each side of the building; and a reduction of the required ten (10) foot rear yard accessory use setback on an alley to three (3) feet. The **EXCEPTIONS** are for property located at 810-812 Moro Street. (*Applicant and Owner: Calvin and Genie Emig*)

6. **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.