



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, May 12, 2010
7:00 PM

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

1. Consider the **MINUTES** of the April 14, 2010, Board of Zoning Appeals meeting.
2. Consider a Request for a **180 DAY EXTENSION** for an approved **EXCEPTION** to allow for an increase of the maximum thirty (30) percent lot coverage to thirty-five (35) percent for a proposed single-story office building at 1509 and 1515 Poyntz Avenue in the C-1, Restricted Business District. (*Applicant/Owner: Calvin Emig*).
3. Consider a Request for a **180 DAY EXTENSION** for an approved **CONDITIONAL USE** for a clubhouse and pool, on its own lot, which is a “Health, fitness and service club” in the R-3, Multiple-Family Residential District; an approved **EXCEPTION** to allow a reduction of the minimum number of off-street parking spaces from 720 parking spaces to 537 parking spaces for the proposed Stone Pointe Apartment Complex and a reduction of the minimum sixty (60) foot front yard setback for accessory structures to twenty-eight (28) feet for proposed carports; and an approved **VARIANCE** to allow off-street parking for the proposed Stone Pointe Apartment Complex to be located between the front lot line and a line parallel to the front lot line drawn through a point which is on the side of the principal structure furthest from the front lot line, yet still facing the front lot line. The apartment complex will be located on Lots 1 – 11, Stone Pointe Addition in the R-3, Multiple-Family Residential District. (*Applicant/Owner: Michael Hill, dba Michael Hill Development.*).

4. A **PUBLIC HEARING** to consider an **EXCEPTION** for an **EXCEPTION** to allow for a reduction of the minimum fourteen (14) foot front yard setback to three (3) feet along N. 9th Street to construct a proposed privacy fence; to allow for an increase of the maximum thirty (30) percent lot coverage to thirty-four (34) percent for a proposed detached garage; to allow one (1) off-street parking space to be located in the front yard area that is located between the front lot line and a parallel line drawn through the farthest point back on the façade of the residential building that faces towards the street on a corner lot; and, a reduction of the minimum fourteen (14) foot front yard setback to thirteen (13) feet along N. 9th Street and the eight (8) foot side yard setbacks to one (1) foot for the existing house for the owners to have clear title to the property; all the Exceptions are for the property located at 901 Leavenworth Street in the R-M/TNO, Four-Family Residential District and the Traditional Neighborhood Overlay District. (*Applicant/Owner: Melvin Watson*).

5. A **PUBLIC HEARING** to consider a **VARIANCE** to allow off-street parking for a proposed multiple-family apartment complex in the R-3, Multiple-Family Residential District, to be located between the front lot line and a line parallel to the front lot line drawn through a point which is on the side of the principal structure furthest from the front lot line, yet still facing the front lot line at 3000-3030 Grand Mere Parkway (*Owner: Zach Burton – Banzi LLC Applicant: SMH Consultants – Jeff Hancock P.E.*).

6. A **PUBLIC HEARING** to consider an **EXCEPTION** to allow a reduction of the minimum twenty-five (25) foot front yard setback to seven (7) feet to construct a proposed six (6) foot tall screening fence along Kimball Avenue for the property located at 2001 Hillview Drive in the R, Single-Family Residential District (*Applicants/Owners: Jeroen Roelofs and Stella Lee*).

7. A **PUBLIC HEARING** to consider a **VARIANCE** to reduce the minimum distance between a property line and the feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture of a one-hundred (100) feet to twenty-five (25) feet from the south property line, thirty (30) feet from the west property line and seventy-five (75) feet from the east property line for a proposed chicken coup at 2001 Hillview Drive in the R-1, Single-Family Residential District. (*Applicants/Owners: Jeroen Roelofs and Stella Lee*).

8. A **PUBLIC HEARING** to consider a **VARIANCE** to allow for a business to have more than one (1) wall sign in the C-1, Restricted Business District. Two (2) wall signs have been proposed on Building G in the Manhattan Medical Center for each of the businesses to be located in that building. The property is at 1133 College Avenue. (*Applicants/Owners: Manhattan Medical Center – Bob Dieball*).

9. A **PUBLIC HEARING** to consider a **VARIANCE** for the reduction of the minimum 750-foot radial distance from other advertising sign (off-site sign) to one-hundred and fifty (150) feet for a proposed advertising sign (off-site sign) located along Ft. Riley Boulevard at 130 E. Poyntz Avenue in the C-5, Highway Service Commercial District (*Applicants/Owners: Dick Edwards Ford Dealership*).

10. A **PUBLIC HEARING** to consider an **EXCEPTION** to allow for a reduction of the minimum twenty-five (25) foot rear yard setback to nineteen (19) feet for proposed additions to the existing house. The property is located at 2504 Purcell's Mills in the Butterfield, Unit 7 PUD, Residential Planned Unit Development. (*Applicants/Owners: Karen Franklin*)

11. **ADJOURN**

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;
- (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; and,
- (E) Any other standards for exceptions that are specifically identified in these regulations.

Standards for Variances. The Board of Zoning Appeals shall not grant a variance as authorized in Section 14-501 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 variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant;
- (B) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (C) The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- (D) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (E) Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

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.