



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 (587-2443) for assistance.

AGENDA  
MANHATTAN BOARD OF ZONING APPEALS  
City Commission Room, City Hall  
1101 Poyntz Avenue  
Wednesday, March 14, 2012  
7:00 PM

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

1. Consider the **MINUTES** of the February 8, 2012, Board of Zoning Appeals meeting.
2. A **PUBLIC HEARING** to consider a **VARIANCE** to allow off-street parking 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; and to reduce the minimum landscaped open area required in the front yard area, as described above, from seventy-five percent (75%) to forty-three percent (43%) along Bellerive Drive, all for a proposed paved off-street parking lot for a new multiple-family dwelling on Lot 14, Bellerive Addition, generally located to the west of the intersection of Grand Mere Parkway and Players Terrace, south of Players Terrace, in the R-3, Multiple-Family Residential District. (*Applicant: SMH Consultant – Brett Louk, Owner: Banzi, LLC – Zac Burton*).
3. A **PUBLIC HEARING** to consider a **VARIANCE** to allow off-street parking 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; and to reduce the minimum landscaped open area required in the front yard area, as described above, from seventy-five percent (75%) to fifty-eight percent (58%) all for a proposed paved off-street parking lot for a new multiple-family dwelling on Lot 19, Bellerive Addition, generally located three hundred (300) feet south of the intersection of Players Terrace and Bellerive Drive on the west side of Bellerive Drive, in the R-3, Multiple-Family Residential District. (*Applicant: SMH Consultant – Brett Louk, Owner: Banzi, LLC – Zac Burton*).

4. A **PUBLIC HEARING** to consider a **VARIANCE** to allow for the increase of the maximum area of a sign in the R, Single-Family Residential District from forty (40) square feet to one-hundred and twenty (120) square feet for a ground sign to be located approximately one-hundred and twenty (120) feet to the north of Gillespie Drive and from forty (40) square feet to one-hundred and sixty (160) square feet for a new wall sign facing Ft. Riley Boulevard at the Westview Community Church, 615 Gillespie Drive. (*Applicant/Owner: Melissa Cooper - Westview Community Church*)
  
5. A **PUBLIC HEARING** to consider an **EXCEPTION** to allow for the reduction of the minimum required front yard setback from twenty-five (25) feet to eleven (11) feet for a proposed addition to the existing house at 2904 Roma Terrace in the R, Single-Family Residential District. The Exception request is also for the existing house, which is located approximately fifteen (15) feet from the front property line, to give the property owner clear and marketable title of the property. (*Applicant/Owner: Robert R. and Diana G. Williams*)
  
6. A **PUBLIC HEARING** to consider a **VARIANCE** to allow for an internally illuminated wall sign, as well as an increase in the maximum allowable gross surface area from forty (40) square feet to sixty-one (61) square feet for a wall sign, both for a sign to be located along Oak Street at the Sunset Zoo, 2333 Oak Street, in the R, Single-Family Residential District (*Applicant: Thomas Sign Service - Paul Petty, Owner: City of Manhattan*)
  
7. A **PUBLIC HEARING** to consider a **VARIANCE** to allow an internally illuminated wall sign on the Douglas Community Center, 900 Yuma Street, to be located along Yuma Street in the R-2/TNO, Two-Family Residential District and Traditional Neighborhood Overlay District. (*Applicant: Thomas Sign Service - Paul Petty, Owner: City of Manhattan – David Baker, Douglas Community Center Director*)
  
8. A **PUBLIC HEARING** to consider an **EXCEPTION** to allow for the reduction of the minimum required front yard setback along S. 15<sup>th</sup> Street from twenty-five (25) feet to nine (9) feet for an existing carport at 1501 Yuma Street in the C-5, Highway Service Commercial District. (*Applicant: Rob Karsmizki, Owner: City of Manhattan – Raymond and Dora Karsmizki*)
  
9. **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.