

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, April 11, 2012
7:00 PM

MEMBERS PRESENT: Harry Hardy, Vice Chairperson; Catherine Lavis; and Bruce Kent

MEMBERS ABSENT: Joe Aistrup, Chairperson; and Connie Hamilton

STAFF PRESENT: Chad Bunger, CFM, AICP, Planner II

CONSIDER THE MINUTES OF THE MARCH 14, 2012, BOARD OF ZONING APPEALS MEETING.

Kent moved to approve the April 11, 2012 minutes which was seconded by Lavis and passed with a vote of 3-0.

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).

Kent moved to approve the Extension which was seconded by Lavis and passed with a vote of 3-0.

CONSIDER A REQUEST FOR A 180 DAY EXTENSION FOR AN APPROVED A CONDITIONAL USE TO ALLOW THE EXPANSION OF AN EXISTING CONCRETE READY-MIX PLANT AT 704 S. 4TH STREET IN THE LM-SC, LIGHT MANUFACTURING –SERVICE COMMERCIAL DISTRICT. (APPLICANT/OWNER: MIDWEST CONCRETE MATERIALS)

Kent moved to approve the Extension which was seconded by Lavis and passed with a vote of 3-0.

CONSIDER A REQUEST FOR A 180 DAY EXTENSION FOR AN APPROVED AN EXCEPTION TO ALLOW AN INCREASE OF THE MAXIMUM HEIGHT OF FIFTY (50) FEET TO NINETY (90) FEET FOR A PROPOSED EXPANSION TO AN EXISTING CONCRETE READY-MIX PLANT IN THE LM-SC, LIGHT MANUFACTURING-SERVICE COMMERCIAL DISTRICT. (APPLICANT/OWNER: MIDWEST CONCRETE MATERIALS)

Kent moved to approve Extension which was seconded by Lavis and passed with a vote of 3-0.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW FOR THE REDUCTION OF THE MINIMUM REQUIRED FRONT YARD SETBACK FROM THIRTY-FIVE (35) FEET TO TWENTY-ONE (21) FEET ALONG PLYMATE LANE FOR A PROPOSED ADDITION TO THE EXISTING BUILDING IN THE I-2, INDUSTRIAL PARK DISTRICT. (APPLICANT/OWNER: ICE CORPORATION – RANDY O’BOYLE).

Bunger presented the staff reports for the Exception with two (2) conditions of approval.

Kent asked if there were any other feedback from adjacent property owners, other than the email that was provided in the Board packet. Bunger responded that he did not receive any.

With no further questions from the Board for City staff, Hardy opened the public hearing.

Randy O’Boyle, the applicant, explained his business and the purpose of the request and was available for questions.

Hardy asked if the building could be reconfigured to accommodate the business expansion without needing the Exception. Hardy felt that the cost of the proposal was not a significant enough reason to approve the Exception.

O’Boyle explained the layout of the building and the need for the business expansion in its desired location. He said that it was a matter of functionality with the manufacturing process.

With no other comments, Hardy closed the public comment section.

The Board made the following findings of fact for the Exception at 2700 Amherst Avenue.

PRESENT USE: ICE Corporation manufacturing

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The subject site complies with all applicable regulations, other than for what the Exception requests are for.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and surrounding properties to the west, north and east and southeast are zoned I-2, Industrial Park District. The uses in this district include business offices, a construction contractor business, food distribution center, utility company and storage units. To the south of the subject site are properties zoned C-5, Highway Service Commercial District. The uses within this district are a church, government building and the new fire station.

The fourteen (14) foot by fifty-eight (58) foot building addition and screening fence should not adversely impact adjacent properties. The application documents state “The slight increase in extension to the east should have no effect other than to professionally finish the east wall of ICE which is now just a metal building wall with lots of extruding electrical and air conditioning fixtures. The finished expansion will have windows and storefront type roofing as well as some landscaping to beautify the appearance.” The applicant goes on to state “. . . we believe it will enhance rather than detract from the view of Plymate Ave (Lane). It is important to note this is an industrial area with no sidewalks and there are other variances already existing down the road.” Over twenty (20) feet of lawn area will separate the building addition from the front property line along Plymate Lane. The required front yard setback will be maintained along Amherst Avenue, the main thoroughfare in the area, and the intersection of Plymate Lane & Amherst Avenue. The screening fence will conceal mechanical equipment that is to the east of the building along Plymate Lane. The fence will provide a cleaner appearance of the property from Plymate Lane.

Other adjacent properties currently have developments in the minimum required setback. The storage units to the north have a chain link security fence that is located zero (0) feet the front property line along Plymate Lane. The utility company across Plymate Lane to the east has a sight obscuring screening fence located approximately eighteen (18) feet from the front property line. The utility company also has off-street parking within the thirty-five (35) feet front yard setback. The location of the off-street parking was granted a Variance in May, 1981.

The road leading south from the intersection of Amherst Avenue and Plymate lane is a private drive leading to the adjacent storage units and to Red Bud Estates manufactured home community. Although the east property line of the government building at 2709 Amherst Avenue is technically a side yard, visually it appears to be a front yard. The government building is approximately twenty-two (22) feet from the east property line.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:

Minimum effects on the public health, safety and welfare should occur from the proposed building addition and screening fence. The screening fence will improve the curb side appearance along Plymate Lane by concealing existing mechanical equipment on the east side of the street. The proposed building addition and fence will not be out of character with the surrounding properties along Plymate Lane. As stated in the *Probable Effect on Adjacent Properties* standard, several adjacent properties have developments within the minimum required front yard setback along Plymate Lane.

The proposed building addition and fence will not encroach into any platted utility easements or vision triangles.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:

The strict application of the regulation would not allow for the building addition or screening fence to be constructed along Plymate Lane. The existing building is set approximately thirty-five (35) feet from the front property line. The building addition could be constructed to the north or west side of the building. However, according to the site plan, this may not meet the needs of the applicant. The proposed building addition is to increase the production area of the business “to meet up with expanding demand in the most economical manner available.” “The small foot print variance requested now will allow for the hiring of 3 more people within the current budget and would place them in workspace suitable to their task. Building a separate building to host three employees would not be viable at this time.” Placing the proposed addition to the west or north of the building in its current interior configuration may disrupt the flow of the building and work production or require further interior renovations. The applicant feels that “the current plan maximized our capacity within our budget.”

Considering these factors and that the proposed addition will not adversely impact adjacent properties or the general public, the strict application appears to be unreasonable.

Kent made a motion to approve an EXCEPTION to allow for the reduction of the minimum required front yard setback from thirty-five (35) feet to twenty-one (21) feet along Plymate Lane for a proposed addition to the existing building at 2700 Amherst Avenue, in the I-2, Industrial Park District, with the following conditions of approval:

1. The Exception shall be limited to the building addition and screening fence as outlined in the application documents and shown on the application site plan.
2. All applicable permits shall be obtained prior to construction.

Lavis seconded the motion, which passed with a vote of 3-0.

With no other items of business, Hardy adjourned the meeting.

Respectfully Submitted by Chad Bunger, Planner II

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