

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, September 10, 2014
7:00 PM

MEMBERS PRESENT: Harry Hardy, Chairperson; Connie Hamilton, Vice Chairperson; Angie Danner;

MEMBERS ABSENT: Ray Thompson, Catherine Lavis

STAFF PRESENT: Chase Johnson, Planner; Everett Haynes, Planning Intern

CONSIDER THE MINUTES OF THE AUGUST 13, 2014 BOARD OF ZONING APPEALS MEETING.

Hamilton moved to approve the August 13, 2014 minutes which was seconded by Danner and passed with a vote of (3-0).

TABLE THE PUBLIC HEARING FOR 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 TWENTY-FIVE (25) FOOT FRONT YARD SETBACK TO ZERO (0) FEET FOR A PROPOSED FENCE ALONG STRATTON CIRCLE LOCATED AT 1912 STRATTON CIRCLE, IN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

Danner moved that the Board table the public hearing which was seconded by Hamilton and passed with a vote of (3-0).

CONSIDER A REQUEST FOR A 180 DAY EXTENSION OF AN APPROVED EXCEPTION TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED NUMBER OF OFF-STREET PARKING SPACES FROM 63 PARKING SPACES TO 3 PARKING SPACES FOR A PROPOSED SELF-STORAGE UNIT BUSINESS ON PROPERTY LOCATED AT 4850 EUREKA DRIVE IN THE I-3/AO, LIGHT INDUSTRIAL DISTRICT AND AIRPORT OVERLAY DISTRICT. (APPLICANT / OWNER: JON MANSEL)

Hamilton noted that she has reservations with approving the Extension based on the applicants reasoning of market conditions but can approve the extension since new building permits have been issued.

Hamilton made a motion to approve the 180 Day Extension for Approved Exceptions

Seconded by Danner 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 ALONG DELAWARE AVENUE FROM TWENTY-FIVE (25) FEET TO APPROXIMATELY FOURTEEN (14) FEET FOR A PROPOSED BUILDING ADDITION TO THE SOUTH OF THE HOUSE LOCATED AT 204 S. DELAWARE AVENUE, IN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (APPLICANT / OWNER: MICHAEL & SARAH WESCH)

Johnson presented the staff report with the recommendation of approval with two (2) conditions.

Hardy opened the public hearing.

Michael Wesch, applicant, stated that he was appreciative of the efforts by city staff and was there to answer any questions.

Hardy closed the public hearing.

The Board made the following findings of fact for the Exceptions at 204 S. Delaware Street.

PRESENT USE: Single-family home.

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: According the Riley County Appraiser's Office, the principal structure was constructed in 1938 as a single-family home. At that time the property was located in the "A" First Dwelling House District, which required a front yard setback of twenty-five (25) feet, with a provision that no building should project beyond an existing established setback line—which City Administration believes to be the reason why the building was allowed to be constructed where it was, roughly fifteen (15) feet from the front property line. The property's zoning designation changed from "A" to "A-A" Single-Family Dwelling District in 1964, which required a minimum front yard setback of twenty-five (25) feet, thus creating a nonconforming condition. In 1969, the subject site's zoning classification changed to R-1, Single-Family Residential District, in which it currently remains today.

In 2011, the subject site received Exceptions for the reduction of the required front yard setback for the existing building and for the additions to the canopy above the front entryway. Other than the current Exception request, the subject site complies with all applicable regulations.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and surrounding properties to the north, east and south are zoned R-1, Single-Family Residential District. To the west are properties zoned R, Single-Family Residential District; further to the southeast are

properties zoned R-2, Two-Family Residential District, along with the Orchard PUD. The area is a mix of single-family and two-family dwellings, with the majority being owner-occupied units. The only major non-residential use within the general neighborhood of the subject site is the Manhattan High School West Campus, located to the northwest along Poyntz Avenue.

The proposed addition to the south side of the existing property is unlikely to have any adverse impacts on adjacent properties. The proposed addition will be setback approximately the same distance as the existing structure, with the exception of the completed canopy addition above the front door, and align with the current front façade. The addition is designed with similar architectural features as the existing residence and will maintain the traditional character of the surrounding neighborhood.

There is approximately sixty (60) feet from the curb on Delaware Avenue to the proposed addition due to the street's wide right-of-way. This distance gives the appearance that the house is significantly setback, thus diminishing any visual impacts of the proposed addition. In addition, due the large lot the side and rear yard setbacks will maintain a large separation between the structure as proposed and the adjacent properties. As a result, the effect to the surrounding neighborhood from granting the Exception for the proposed addition should be minimal.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: There should be minimal effects on the public health, safety or welfare by approving the Exception. The Exception desired will not encroach upon any utility easements or vision clearance triangles. The proposed addition will not substantially encroach on the street or change the visual effect of the setback along South Delaware Avenue, which has been well-established for over seventy (70) years. Also, the proposed addition will not affect the line-of-sight down Delaware Avenue as it is not proposed to extend beyond the existing setbacks of the building.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: The strict application of the front yard setback regulations would require the proposed addition to be redesigned and moved approximately eleven (11) feet to the west, which is setback from the existing structure. The applicant has designed the addition to align with the existing structure of the residence in order to maintain a cohesive design both internally and externally. According the application documents "the addition has been designed...to maintain the historical integrity of the house. Making the front facing [façade] flush with the house and other houses on the street is essential to this effort". Likewise, the elevations and renderings included in the application documents show that the proposed addition will match the traditional character of the existing residence and the surrounding neighborhood.

Considering that the proposed addition will not adversely impact adjacent property owners or the general public, the strict application seems unreasonable when all of the facts and circumstances are considered.

Hamilton made a motion to approve the Exception to allow for the reduction of the minimum

required front yard setback along Delaware Avenue from twenty-five (25) feet to approximately fourteen (14) feet for a proposed building addition to the south of the house in the R-1, Single-Family Residential District, with the following conditions of approval:

1. The Exception shall apply to the proposed development as outlined in the application documents and site plan.
2. All applicable permits shall be obtained.

Danner seconded the motion which 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 FOURTEEN (14) FOOT FRONT YARD SETBACK TO FOUR (4) FEET FOR A PROPOSED FENCE ALONG NORTH 17TH STREET LOCATED AT 1631 HUMBOLDT STREET, IN THE R-1/TNO, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH A TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. (APPLICANT / OWNER: ROBERTA RIPORELLA)

Johnson presented the staff report with the recommendation of approval with three (3) conditions.

Hardy opened the public hearing.

Roberta Riportella, applicant, thanked city staff for their efforts and stated that she was present to answer any questions.

Hamilton asked if the trees on the subject site are going to be kept. Riportella said that the trees will be kept and the fence will be located to the east of the trees.

Hardy closed the public hearing.

Hamilton commented on what the board generally looks at when there are two (2) front yards and a fence is proposed to be located in the required front yard setback.

The Board made the following findings of fact for the Exception at 1631 Humboldt Street

PRESENT USE: Legally non-conforming two-family (2) residential property

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: According to the Riley County Appraiser's Office, the principal structure was built in 1902, prior to the adoption of Zoning Regulations in the City of Manhattan. The zoning history for the subject site is as follows:

1925 – 1968 “A” First Dwelling House District
1969 – 2003 “R-2” Two-Family Residential District

2003 – present “R-1/TNO” R-1/TNO, Single-Family Residential District with a Traditional Neighborhood Overlay District

The front yard setback requirement of twenty-five (25) feet for structures in the “A” First Dwelling House District—the Zoning District in which the subject site was then located—was established with the initial Zoning Regulation Ordinance in 1926, thus creating the nonconforming setback conditions.

The City of Manhattan issued an Opinion of Nonconformance, dated May 25, 2005, that stated the existing two-family dwelling is a legally nonconforming use. According to the letter of opinion, the property was zoned to permit two-unit dwellings from 1925 to 2003. Based on the letter of opinion, the structure was in compliance with the regulations at the time, and the use has remained the same since the property was down zoned in 2003. Other than for what the Exception request is for, the subject site complies with all applicable regulations.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and properties located directly to the north, west and east are located in the R-1/TNO, Single-Family Residential with Traditional Neighborhood Overlay District. Properties to the south of the alley are zoned C-1, Restricted Business District. The area is a mix of single-family, two-family and multi-family dwellings, with a combination of owner-occupied and rental units; as well as low intensity commercial space.

Although the area where the fence is proposed to be located is technically the front yard along North 17th Street, it functions as a side yard. Currently, there are several other properties along 17th Street that have fences in similar locations in the secondary front yard. This could partially be due to the high traffic counts along 17th Street. 17th Street is a highly traveled thoroughfare that connects Fort Riley Boulevard with Anderson Avenue. For this reason, North 17th Street is classified as a major collector, according to the City’s functional street classification system, which provides for the movement of vehicles between arterial and local streets.

In addition to the existing fences located within the required setback, there are several residential buildings and accessory structures that encroach into the setback lines along 17th Street. It is assumed that these properties are legally nonconforming due to the age and nature of the neighborhood. The subject site is included in these properties, as the wrap-around front porch is located less than seven (7) feet from the west property line. When viewed from the north, the porch acts as a visual buffer for the proposed fence due to the location of the proposed fence sited towards the rear yard. Additionally, the mature trees located on the south side of the subject site decreases the impact the proposed fence has on adjacent properties.

The adjacent property that would be most impacted by the proposed fence would be the commercial property to the direct south of the subject site. The commercial property to the south is currently a small established gas station with the majority of the lot dedicated to parking and other paved surface areas. The fence is proposed to be setback approximately eighteen (18) feet from the south lot line in order to retain the existing off-street parking space for the subject site. For these reasons, the approval of the Exception should not cause a

substantial adverse affect on adjacent properties or the setback lines along North 17th Street.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The Exception desired will not encroach upon any utility easements or vision clearance triangles located within the subject site. The proposed fence will not substantially encroach on the street or change the visual effect of the setback along North 17th Street. The granting of the Exception should not have an adverse effect on the public health, safety, morals, order, convenience, prosperity or general welfare.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: The strict application of the front yard setback would require that the proposed fence be located a minimum of fourteen (14) feet from the property line along 17th Street. Due to the placement of the existing residence on the subject site the most logical place for the fence would be located within the required setback along 17th Street, allowing the applicant to utilize their back yard and provide screening from the off-street parking and loading area to the south. The application documents state “Given that the house borders a commercial property I had always intended to erect a fence...Given the close location of the house to the sidewalk there really isn’t an alternative”.

Considering these factors and that the proposed fence should not adversely impact the adjacent properties or the general public, it appears that the strict application of the front yard setback regulation is unreasonable.

Danner made a motion to approve 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 fourteen (14) foot front yard setback to four (4) feet for a proposed fence along North 17th Street in the R-1/TNO, Single-Family Residential District with a Traditional Neighborhood Overlay District, with the following conditions:

1. The Exception shall be limited to the proposed fence
2. The proposed fence shall be maintained in good condition.
3. The proposed fence shall be constructed as outlined in the application materials and site plan.

Hamilton seconded the motion which passed with a vote of (3-0).

A PUBLIC HEARING TO CONSIDER VARIANCES FROM THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW FOR AN INTERNALLY ILLUMINATED WALL SIGN; AND TO ALLOW FOR MORE THAN ONE (1) SIGN PER ZONING LOT LOCATED AT 1516 MCCAIN LANE, IN THE R-3/U-O, MULTI-FAMILY RESIDENTIAL DISTRICT WITH A UNIVERSITY OVERLAY DISTRICT. (APPLICANT: SCHURLE SIGNS, OWNER: CHI OMEGA)

Johnson presented the staff report for the two (2) Variances and recommended approval for the Variance to allow for more than one (1) sign per zoning lot but denial for the Variance for an internally illuminated wall sign.

Hamilton asked if external illumination is an option for the applicant. Johnson said that external illumination is an option and that there is existing external lighting on the site.

Hardy opened the public hearing.

Robbie Golder, applicant, stated that the proposed halo lit sign is no brighter than the current lighting on the property and that the Chi Omega alumni is wanting the sign for the fraternity.

Hardy closed the public hearing.

Hamilton stated that she agrees that the halo sign has a softer appearance but she is inclined to agree with the staff's recommendation.

Danner and Hardy agreed with Hamilton's comments.

Johnson stated that city staff has been working on updating the sign regulations for over a year in order to be more current for the needs of various uses.

The Board made the following findings of fact for the Exception at 1516 McCain Lane

PRESENT USE: Chi Omega Fraternity House

CONDITIONS UNIQUE TO THE PROPERTY: The subject site is a large interior lot, with a fraternity house located on it. The site is approximately 1.45 acres in area with the fraternity fronting McCain Lane between Pioneer Lane and Centennial Drive. The large interior lot and fraternity house is not unique to the immediate area, as several fraternities, sororities and multi-family buildings are present in the neighborhood. However, the subject property is unique to the neighborhood and to the R-3/UO, Multiple-Family Residential District with a University Overlay District due to being located within two (2) different zoning districts. The zoning regulations outlines the procedure for defining the zoning district's boundaries in uncertain situations such as this. Section 3-203(D) of the zoning regulations states: "*When a lot held in one ownership on the effective date of these regulations is divided by a district boundary line, the entire lot shall be construed to be within the district in which the majority of the lot is located*". In this case, the majority of the subject site is located within the R-3/UO, Multiple-Family Residential District and University Overlay District.

While the subject site's zoning arrangement is unique, the Variances requested do not arise from this condition. However, since there have been two (2) pre-existing signs located on the subject site in the past and the second sign is considered to be legally nonconforming, it appears to be unique to the subject property and not ordinarily found in the R-3/UO, Multiple-Family Residential District with a University Overlay District.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and the immediate areas to the north, south and west are zoned R-3/VO, Multiple-Family Residential District with a University Overlay District. Properties to the east are zoned R, Single-Family Residential District. Farther to the south are properties zoned R-3, Multiple-Family Residential District without the University Overlay and to the southwest properties are zoned R-2/VO Two-Family Residential District with a University Overlay District. Kansas State University campus is located to the west across N. Manhattan Avenue, and is zoned University District.

The immediate area surrounding the subject site, as might be assumed by its proximity to the Kansas State University campus, is a university-oriented residential district, with a mix of multiple-family dwellings, fraternity and sorority houses, and other university-related uses in the vicinity. However, to the east, in the area zoned R, Single-Family Residential, there are many single-family homes, both renter- and owner-occupied.

Properties to the south, east and north would be screened from the halo lit sign by the existing fraternity building. The only specific property that will face the location of the sign will be the Kappa Alpha Theta house to the direct west across McCain Lane. The Kappa Alpha Theta house is located approximately 109 feet from the proposed location of the halo lit wall sign. In addition, the subject site sits at an elevation approximately ten (10) feet higher than the adjacent property to the west. This distance, both vertical and linear, combined with the softened illumination characteristics related to halo lit signs should limit substantial adverse impacts the halo lit sign has on this property.

In regards to the Variance to allow for more than one (1) sign, considering that the pre-existing wall sign had been in place on the subject site without any known complaints and the applicant is merely replacing the sign, minimal adverse effect on adjacent properties is anticipated by approving the Variance to allow for more than one (1) sign per zoning lot.

UNNECESSARY HARDSHIP FROM STRICT APPLICATION OF REGULATIONS:

The strict application of the regulations would not allow for an internally illuminated wall sign nor would it allow for more than one (1) sign per zoning lot. The application documents states “The Chi Omega Fraternity cannot be easily found, read and identified as the Chi Omega Fraternity after dark without the illumination of the proposed sign, making it much more difficult to find the location”. While, the strict application of the regulations does not allow for an internally illuminated wall sign, external illumination is allowed as an alternative to enhance identification at night.

Combined with the addition of the second sign to the zoning lot, it is assumed that reasonable identification for the fraternity is available to the applicant. In addition, there appears to be no other internally illuminated signs within the neighborhood. Therefore, the strict application of the regulations does not appear to be a hardship to the applicant in regards to the Variance to allow for an internally illuminated wall sign. However, considering the fact that there have been two (2) pre-existing signs on the subject site in the past without any known complaints; it appears that the strict application would cause an unnecessary hardship to the applicant.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: Internally illuminated signs are more commercial in character, which is why they are generally restricted in residential districts. Although the wall sign is proposed to be illuminated by a softer halo effect than other internally illuminated signs, there appears to be no other internally illuminated signs within the neighborhood. City Administration feels that the approval of the Variance to allow for an internally illuminated wall sign may set a precedent for future requests, thus adversely affecting the order of the residential character of the neighborhood. Since there has been two (2) pre-existing signs on the subject site in the past and considering that updates to the sign regulations allowing both a wall sign and a monument sign within high density residential districts are close to adoption; approving the Variance to allow for more than one (1) sign per zoning lot would have minimal effects on the public health, safety, morals, order, convenience, prosperity or general welfare.

RELATIONSHIP TO INTENT OF REGULATIONS: The intent of the Sign Regulations within residential districts is to limit the size, placement, number, and illumination characteristics so that residential properties are not negatively impacted.

The intent to limit signs to be only externally lit is of an aesthetic nature to maintain a residential character. Internally illuminated wall signs are more commercial in character and there appears to be no other internally illuminated signs within the general neighborhood. Therefore, the proposed Variance to allow for an internally illuminated wall sign does not appear to meet the intent of the regulations.

Due to the minimal size of the pre-existing monument sign and the proposed wall sign, the residential characteristics of both signs devoid of internal illumination and the policies of the soon to be adopted sign regulation updates, the proposed Variance to allow for more than one (1) sign per zoning lot does appear to meet the intent of the regulations.

Hamilton made a motion to deny a VARIANCE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for an internally illuminated wall sign; and approve a VARIANCE to allow for more than one (1) sign per zoning lot in the R-3/U-O, Multi-Family Residential District with a University Overlay District, with the following conditions:

1. The Variance shall apply to the proposed sign as shown on the site plan and stated in the application documents.
2. The proposed wall sign shall not be internally illuminated.
3. All applicable permits shall be obtained.

Danner seconded the motion which 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 TWENTY-FIVE (25) FOOT FRONT YARD SETBACK TO TWELVE (12) FEET FOR A PROPOSED FENCE ALONG LEONE CIRCLE IN THE R/AO, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH AIRPORT OVERLAY. (APPLICANT / OWNER: MIKE & TAMI NEWCOMER)

Hamilton moved to remove the item from the table and conduct the Public Hearing. Danner seconded the motion which passed with a vote of 3-0.

Haynes presented the staff report and recommended approval of the Exception with four (4) conditions.

Hardy opened the public hearing.

Mike Newcomer, applicant, stated that he was present to answer any questions.

Hardy closed the public hearing.

Hamilton said that she is inclined to recommend approval due to the material of the fence and the efforts by the applicant to talk with neighbors and the HOA. She also recommended that the staff report be modified to strike the sentence under strict application stating that space would be limited to the applicant under strict application.

The Board made the following findings of fact for the Exception at 1121 Leone Ridge Dr.

PRESENT USE: Single-family home

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: Three (3) easements lie within the property lines. A ten (10) foot utility easement runs on the southwestern property line, along Leone Circle. The proposed fence would not interfere with this easement as it will stop two (2) feet short of this easement since it will be twelve (12) feet from the southwestern property line. An eight foot (8') utility easement lies on the northeastern property line. The proposed fence will be constructed directly in this easement but is allowed because this is just a utility easement. A twelve (12) foot drainage and utility easement ran along the southeastern/rear property line. The proposed fence would originally not be allowed to be built in this easement because it's a both a utility and drainage easement. On September 2, 2014, the City Commission approved vacating this easement in the first reading and will most likely approve it during the second reading on September 8, 2014. With the drainage easement being vacated, the property and proposed fence will comply with all applicable regulations.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject site and surrounding properties are zoned R (Single Family Residential) with an airport overlay (AO). The proposed fence will be constructed from iron and will comply with local HOA standards. Many of properties within the neighborhood utilize similar fencing styles to enclose yards.

Homes and properties that would be impacted the most by the proposed fence are those to the southeast and to the south, where the fence will be most visible. However, the fence will not affect the aesthetics and views from these properties in a detrimental manner.

While the properties immediately adjacent do not have fences, the local HOA has approved the fence design and materials. In addition, neighbors have voiced support for the project and fence.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The proposed fence will not alter the order of the neighborhood. Many wrought iron fences are utilized in the neighborhood and the fence will comply with local HOA standards. The proposed fence will be outside the twenty-five (25) foot front yard setback along Leone Ridge Dr. and will also be outside the ten (10) foot utility easement along Leone Cir. The fence will also not encroach in the vision clearance triangle for the Leone Ridge Dr./ Leone Cir. intersection.

In regards to the three (3) easements on the property, the fence will comply with all regulations. The northeast and southwest utility easements permit fence structures, although the fence will only cross the northeastern easement, not the southwestern easement. The southeast easement was originally both a drainage and utility easement. On September 2, 2014, the City Commission approved vacating this easement in its first reading, leaving the easement just as a utility easement. With the drainage easement being vacated, the proposed fence can be constructed according to plan without violating any regulations. The granting of the Exception should not have an adverse effect on the public health, safety, morals, order, convenience, prosperity, or general welfare.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: The strict application of the front yard setback would require that the proposed fence be located a minimum of twenty-five (25) feet from the property along Leone Cir. The fence will allow the property owners to safely enclose the pool which is required by Manhattan law without obstructing vision and severely altering the aesthetic quality of the neighborhood.

Considering the proposed fence addition will not adversely impact adjacent property owners or the general public, the strict application seems unreasonable when all of the facts and circumstances are considered.

Hamilton made a motion to approve 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 twenty-five (25) feet to twelve (12) feet for a proposed fence along Leone Ridge Drive in the R/AO, Single-Family Residential District with Airport Overlay with the following conditions:

1. The Exception shall be limited to the proposed fence
2. The proposed fence shall be maintained in good condition
3. The proposed fence shall be constructed as outlined in the application materials and site

- plan.
4. The City Commission approves the second reading of an ordinance vacating the drainage easement.

Danner seconded the motion which passed with a vote of (3-0).

Respectfully Submitted by,

Chase Johnson, Planner