

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, October 8, 2014
7:00 PM

MEMBERS PRESENT: Harry Hardy, Chairperson; Connie Hamilton, Vice Chairperson; Angie Danner, Ray Thompson and Catherine Lavis

MEMBERS ABSENT: none

STAFF PRESENT: Chase Johnson, Planner

CONSIDER THE MINUTES OF THE SEPTEMBER 10, 2014 BOARD OF ZONING APPEALS MEETING.

Danner moved to approve the September 10, 2014 minutes which was seconded by Hamilton and passed with a vote of (5-0).

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 SIDE YARD SETBACK FROM TWENTY (20) FEET TO ZERO (0) FEET; AND FOR THE REDUCTION OF THE MINIMUM REQUIRED REAR YARD SETBACK FROM TWENTY (20) FEET TO ZERO (0) FEET ALL FOR A PROPOSED SIGHT OBSCURING FENCE, LOCATED AT 1131 HAYES DRIVE IN THE I-2, INDUSTRIAL PARK DISTRICT. (APPLICANT: BOWMAN, BOWMAN, NOVICK, INC. / OWNER: TREVER BERRY)

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

Hamilton asked if the intent of the setback requirements is a fire and safety concern. Johnson said that the intent of the regulations does not relate to concerns about fire and safety but to maintain adequate open space within lots.

Hardy opened the public hearing.

Daniel Crouch, applicant, stated that he was present to answer any questions the Board may have.

Steve McKenzie, 3204 Pinewood Lane, said that he was there to speak in support of the application.

Hamilton said that she could support the request but she is concerned about developing the interior of the lot in the future.

Hardy closed the public hearing.

Danner and Hardy agreed with Hamilton's comments.

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 side yard setback from twenty (20) feet to zero (0) feet; and for the reduction of the minimum required rear yard setback from twenty (20) feet to zero (0) feet all for a proposed sight obscuring fence in the I-2, Industrial Park District with the following conditions:

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

Thompson seconded the motion which passed with a vote of (5-0).

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 TWENTY-FIVE (25) FEET TO APPROXIMATELY FOUR (4) FEET; AND TO ALLOW FOR A REDUCTION OF THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FROM FIFTY (50) PARKING SPACES TO THIRTY-THREE (33) PARKING SPACES ALL FOR A PROPOSED OFF-STREET PARKING LOT AND SIGHT-OBSCURING SCREENING, LOCATED AT 916 YUMA STREET IN THE R-2/TNO, TWO-FAMILY RESIDENTIAL DISTRICT WITH A TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. (APPLICANT / OWNER: MOUNT ZION FAMILY WORSHIP CENTER – CARL TAYLOR, SENIOR PASTOR)

Johnson presented the staff report with the recommendation of approval with four (4) conditions.

Hamilton asked for clarification on the parking layout and site plan. Johnson explained the site plan and parking layout.

Hardy opened the public hearing.

Carl Taylor, 916 Yuma Street, explained the Exception request and the need for adding parking for the church congregation.

Hardy closed the public hearing.

Lavis said that she could support the request.

Hamilton said that it is a good proposal with all things considered and that she commends the applicant for working with the Douglass Center and City staff.

Hardy expressed his support for the application.

Hamilton made a motion to approve an EXCEPTIONS 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 approximately four (4) feet; and to allow for a reduction of the required number of off-street parking spaces from fifty (50) parking spaces to thirty-three (33) parking spaces all for a proposed off-street parking lot and sight-obscuring screening in the R-2/TNO, Two-Family Residential District with a Traditional Neighborhood Overlay District, with the following conditions of approval:

1. The Exceptions shall apply to the proposed off-street parking lot and sight-obscuring screening as outlined in the application documents, site plan, and staff report.
2. The required sight-obscuring screening located within the required twenty-five (25) front yard setback shall consist of hedges, berms, evergreen trees or any combination thereof.
3. The proposed off-street parking lot shall be paved.
4. The required sight-obscuring screening shall be maintained in good condition.

Lavis seconded the motion which passed with a vote of (5-0).

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 APPROXIMATELY SIXTEEN (16) FEET FOR A PROPOSED ADDITION TO AN EXISTING FRONT PORCH IN THE R, SINGLE-FAMILY RESIDENTIAL DISTRICT. (APPLICANT: *TIMBER & STONE ARCHITECTURE AND DESIGN LLC / OWNER: ELIZABETH ZACHARY*)

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

Hardy opened the public hearing.

Michael Mecseri, applicant, said that he was present to answer any questions. Hamilton asked if there was going to be ADA access to the proposed porch.

Hardy closed the public hearing.

Hamilton expressed her support for the request and said that it's a quality proposal.

Thompson 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 twenty-five (25) foot front yard setback to approximately sixteen (16) feet for a proposed addition to an existing front porch in the R, Single-Family Residential District, with the following conditions:

1. The Exception shall be limited to the proposed porch addition as outlined in the application documents and shown on the applicant's site plan.
2. All applicable permits shall be obtained.

Danner seconded the motion which passed with a vote of (5-0).

Respectfully Submitted by,

Chase Johnson, Planner