



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, May 11, 2016

7:00 PM

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

1. Consider the **MINUTES** of the April 13, 2016, Board of Zoning Appeals meeting.
2. Remove from the table and consider the **MINUTES** of the March 10, 2016, Board of Zoning Appeals meeting.
3. 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 side front yard setbacks for a corner lot from twenty-five (25) feet to approximately twenty-three (23) feet on the eastern side of the property and from twenty-five (25) feet to approximately twenty (20) feet on the northern side of the property for two proposed bay window additions. These Exceptions are for an existing residential home located in an R, Single-Family Residential District. (*Applicant/Property Owner: Paul Scheele*) **The applicant proposes to construct two bay windows.**
4. A **PUBLIC HEARING** to consider a CONDITIONAL USE to allow for the addition of a limestone monument sign to a legally non-conforming office building, on the corner of Sunset Lane and Sunset Avenue, at 320 Sunset Avenue, within the R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District. (*Applicant: Pottroff Law Office, Property Owner: Rainmaker Litigation Services, Ltd.*) **The applicant proposes continue the use of a law office in a residential zoned area as well as construct a limestone monument sign for said law office.**
5. A **PUBLIC HEARING** to consider a CONDITIONAL USE to allow for to allow for the renovation and addition to the Theta Xi fraternity house on the corner of Laramie Street and Dension Avenue, within an R-1/TNO/UO, Single-Family Residential District with Traditional Neighborhood Overlay and University Overlay (*Applicant: Brent Bowman, Property Owner: Alpha Iota Alumni Association*) **The applicant proposes to renovate and add onto the existing**

Theta Xi fraternity house.

6. A **PUBLIC HEARING** to consider an EXCEPTION from the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for a decrease in the minimum side yard setback from fifteen (15) feet to six (6) feet for conditional uses in a R-1 Single Family Residential District with a Traditional Neighborhood Overlay and a University Overlay for the Theta Xi Fraternity House. (*Applicant: Brent Bowman, Property Owner: Alpha Iota Alumni Association*) **The applicant proposes to renovate and add onto the existing Theta Xi fraternity house.**

7. A **PUBLIC HEARING** to consider an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for maintaining the reduced minimum side yard setback for an accessory structure of three (3) feet to approximately one (1) foot for a proposed detached garage. These Exceptions are for an existing residential home located in an R-1/TNO/UO, Single-Family Residential District with a Traditional Neighborhood Overlay and a University Overlay. (*Applicant Michael Mecseri, Property Owner: Brian Hardeman & Jayme Morris-Hardeman*) **The applicant proposes to construct a new detached two-car garage in place of an existing one-car garage,**

8. A **PUBLIC HEARING** to consider an EXCEPTION to allow for the reduction of the minimum front yard setbacks for five (5) lots from (60) feet to twenty-five (25) feet to retain the setback of an existing fence, as well as for a proposed fence with the same setback. Applicants are also requesting an exception for a reduction of the minimum front yard setback from sixty (60) feet to twenty-five (25) feet for a proposed trash enclosure. These Exceptions are requested as part of a proposed addition to an existing warehouse and office located in the I-3, Light Industrial District. (*Applicant: Larson Construction, Property Owner: BATA LLC*) **The applicant proposes to maintain the existing setback for a fence and construct a new fence with the same setback as well as construct a trash enclosure within the front yard setback.**

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.