



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, December 14, 2016

7:00 PM

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

1. Consider the **MINUTES** of the November 9, 2016, Board of Zoning Appeals meeting.
2. **Consider a Request** for a 180 Day Extension of an approved EXCEPTION to allow for the reduction of the minimum side yard setback for accessory uses from three (3) feet to zero (0) feet and for the reduction of the minimum rear yard setback for accessory uses from ten (10) feet to zero (0) feet for the relocation of an existing storage shed from the northwest corner to the northeast corner of an interior lot located in an R-1, Single Family Residential District with a Traditional Neighborhood Overlay (TNO). (*Applicant/ Owner: Grant Cuprak*)
3. Remove from the table and conduct a **PUBLIC HEARING** to consider a CONDITIONAL USE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for a proposed Bed and Breakfast Home at an existing house in an R-1, Single Family Residential District with a Traditional Neighborhood Overlay (TNO), located at 331 North 14th Street. (*Applicant/Owner: Barb Holste*). **The applicant proposes to establish a Bed and Breakfast Home.**
4. Remove from the table and conduct 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 parking spaces from five (5) spaces to four (4) spaces for a propose Bed and Breakfast Home located within an R-1, Single Family Residential District, with a Traditional Neighborhood Overlay (TNO), located at 331 North 14th Street. (*Applicant/Owner: Barb Holste*). **The applicant is requesting a parking reduction for the Bed and Breakfast Home.**
5. A **PUBLIC HEARING** to consider an a VARIANCE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for the reduction of the minimum required

lot width for Conditional Uses from seventy-five (75) feet to seventy (70) feet for a proposed Bed and Breakfast Home located within an R-1, Single Family Residential District, with a Traditional Neighborhood Overlay (TNO), located at 331 North 14th Street. (*Applicant/Owner: Barb Holste*). **The applicant is requesting a reduction in minimum lot width for the Bed and Breakfast Home.**

6. A **PUBLIC HEARING** to consider a CONDITIONAL USE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow the construction of an electrical substation generally located in the southeastern corner of the Manhattan Area Technical College campus, located in a U, University District, located at 3136 Dickens Avenue. (*Applicant: Katie Walbridge – Westar Energy/Owner: Manhattan Area Technical College Board of Directors*). **The applicants propose to construct an electrical substation.**
7. A **PUBLIC HEARING** to consider a EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for the reduction of the setback from fifty (50) feet to thirty-nine (39) feet for a proposed Westar electrical substation generally located in the southeastern corner of the Manhattan Area Technical College campus, located in a U, University District, located at 3136 Dickens Avenue. (*Applicant: Katie Walbridge – Westar Energy/Owner: Manhattan Area Technical College Board of Directors*). **The applicants are requesting a setback reduction for the electrical substation.**
8. A **PUBLIC HEARING** to consider an EXCEPTION, to allow for the reduction of the rear yard setback from 25 feet to 19 feet for a proposed second-story deck on a home located within an R-1, Single-Family Residential District, located at 2200 Londondery Circle. (*Applicant: Ricky Greeve – Greeve Construction/Owner: Gerald & Gayla Snyder*). **The applicant is requesting a rear yard setback reduction for a proposed deck.**
9. A **PUBLIC HEARING** to consider an EXCEPTION, to allow for the reduction of the minimum required parking spaces from fifty (50) to sixteen (16) for an existing off-street parking lot associated with the existing Mount Zion Church of God in Christ, located in an R-2, Two Family Residential District with a Traditional Neighborhood Overlay (TNO), located at 916 Yuma Street. (*Applicant: Ondre Miles/Owner: Mount Zion Church of God*). **The applicant is requesting a parking reduction for an existing parking lot.**
10. A **PUBLIC HEARING** to consider a CONDITIONAL USE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas to allow for the conversion of an existing single family house into a small-scale nursing home located within an R-1/AO, Single Family Residential District, with Airport Overlay, located at 120 North Scenic Drive. (*Applicant/Owner:*

Aaron & Heather Tremblay – Autumn Hills, LLC). **The applicants propose to establish a small-scale nursing home.**

11. A **PUBLIC HEARING** to consider an EXCEPTION to allow for a reduction of the minimum front yard setback from fourteen (14) feet to zero (0) feet for the replacement of an existing fence, and a reduction of the minimum front yard setback from fourteen (14) feet to eight (8) feet for an existing garage, and a reduction of the minimum front yard setback from fourteen (14) feet to twelve (12) feet for an existing house located in the R-1/TNO, Single-Family Residential District with a Traditional Neighborhood Overlay, located at 830 Osage Street. (*Applicant/Owner: Joseph Nechita*). **The applicant is requesting a front yard setback reduction for an existing fence.**

12. A **PUBLIC HEARING** to consider an EXCEPTION, to allow for the increase of the maximum lot coverage from thirty (30) percent to thirty-five (35) percent to allow for the construction of a proposed two (2) car garage in the R/TNO, Single-Family Residential District and Neighborhood Overlay District, located at 1416 Humboldt Street. (*Applicant/Owner: Jeffery & Michelle Ward*). **The applicants are requesting an increase of the maximum lot coverage for a proposed detached garage.**

13. **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.