

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, April 12, 2006
7:00 PM

MEMBERS PRESENT: Chuck Jackson, Chair Person; Calvin Emig, Harry Hardy, Daniel Morin

MEMBERS ABSENT: Connie Hamilton

STAFF PRESENT: Steve Zilkie, Senior Planner, AICP; Jeremy Frazzell, Planner

CONSIDER THE MINUTES

Hardy moved to approve the March 8, 2006 minutes which was seconded by Emig and passed with a vote of 4-0.

PUBLIC HEARING TO CONSIDER AN EXCEPTION AT 520 MCCALL ROAD IN THE I-2, INDUSTRIAL PARK DISTRICT, TO ALLOW A REDUCTION OF THE REQUIRED MINIMUM FIFTY (50) FOOT FRONT YARD SETBACK ALONG CARLSON STREET TO SIX (6) FEET FOR A PROPOSED WAREHOUSE ADDITION AND LOADING BAY TO THE SOUTH AND WEST SIDE OF AN EXISTING INDUSTRIAL BUILDING. (APPLICANT AND OWNER: DAVE DREILING)

Frazzell presented the Staff Report, recommending approval with two conditions.

Jackson opened the Public Hearing.

Dave Dreiling, 4100 Berkshire Circle, announced he was available to answer any questions.

With no questions, Jackson closed the Public Hearing for Board discussion.

Hardy stated for the record there were two letters provided in the staff report from the neighbor to the west, identifying a concern with the existing loading bay conditions as well as a follow up support letter for the proposed expansion.

The Board made the following findings of fact for the Exception at 520 McCall Road:

A. In April 2003, the applicant requested an Exception to allow a reduction of the minimum fifty (50) foot front yard setback to forty-two (42) feet to construct a 7,050 square foot wholesale manufacturing and accessory retail sale area on the south end of the existing building. In March 2001, the applicant requested an Exception to allow a reduction of the minimum fifty (50) foot front yard setback to forty-two (42) feet to construct a 4,800 square foot office space addition to what is now the northwest corner of the existing structure. The applicant also received Variances in March 2001 to allow a reduction of the minimum 100-foot lot depth for a proposed industrial subdivision lot and to allow a reduction of the

minimum twenty (20) foot side yard setback to one foot for the existing off-street parking lot located at 530 McCall Road that serves It's Greek To Me. In February of 2004 the Board approved a 7,000 square foot addition on the south end of the building, which required an Exception for the front yard setback. In February 8, 2005, the applicant proposed an additional 10,500 square foot addition to the south of the existing structure which again required an 8-foot reduction in the minimum required 50-foot front yard setback along Carlson Street for the construction of the addition.

B. There should be minimal effects on adjacent property if the proposed addition is allowed. Commercial properties in the C-5 District are located to the east and south of the property. The adjacent property to the northeast is developed as Orscheln Farm and Home Supply. Adjacent to the property, to the north and west, is the I-2, Industrial Park District, which allows a broad range of manufacturing and research activities in a large lot industrial setting. The current use of the existing loading dock has at times negatively impacted the property to the west. The proposed warehouse addition may increase the amount of truck traffic along Carlson Street, which could adversely impact the neighbors to the west. The proposed loading bay will have its doors at an angle to allow backing movements without negatively impacting Carlson Street or adjacent properties.

C. A ten (10) foot utility easement along Carlson Street and along the south property line of Lot A, GTM Sportswear Addition are in the process of being vacated through the recent replat. No adverse effects on the health, safety and welfare of the public are expected, as the addition does not encroach on a public easement or a vision clearance triangle.

D. The subject property is a corner lot with frontages along McCall Road and Carlson Street, therefore it is considered to have two front yards. The existing structure is setback 117-feet from the front property line along McCall Road and 42-feet, 4 ½ inches from the front property line along Carlson Street. The reduction in the front yard setback will allow the proposed warehouse addition to be aligned with the existing building, and the loading bay to be accessible from Carlson Street. With the proposed addition, and approval of the proposed Final Plat, the existing structure will not exceed the maximum allowable lot coverage of 50 percent for the I-2, Industrial Park District. The proposed location for the addition does not encroach into any utility easements or vision triangle. To require strict application, the proposed addition would have to be offset from the existing structure by approximately eight feet to meet the front yard setback of fifty feet and would have to be reduced in size to prevent encroachment into the east side yard setback and utility easement. In addition, the loading bays would have to be realigned to prevent encroachment into the front yard setback and to allow access onto Carlson Circle without negatively impacting adjacent neighbors. The current loading dock is along the west façade of the building and at times has negatively impacted the property to the west. The proposed location and angle of the proposed loading bay is anticipated to reduce negative affects associated with the existing loading dock. The Zoning Regulations state that "...No loading space or berth shall be located in a required front yard..." The proposed reduction of the front yard setback would reduce the required front yard, which will allow the loading bay to be located as proposed. When all facts and circumstances are considered, strict application is unreasonable and unnecessary.

Emig moved to approve an Exception at 520 McCall Rd. in the I-2, Industrial Park District to allow a reduction of the required minimum fifty (50) foot front yard setback along Carlson Street to six (6) feet for a proposed warehouse addition and loading bay to the south and west side of an existing industrial building, with the following conditions:

1. The addition shall be constructed according to the application and site plan documents.
2. Prior to issuance of a building permit, the Final Plat shall be filed.

Hardy seconded which passed 4-0.

With no further business, the meeting was adjourned.

Respectfully Submitted,

Jeremy Frazzell, Planner

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