

**MINUTES**  
**MANHATTAN BOARD OF ZONING APPEALS**  
Virtual Zoom Meeting  
**Wednesday, September 9, 2020**  
7:00 p.m.

MEMBERS PRESENT: Harry Hardy, Chairperson; Sara Fisher; Connie Hamilton; and La Barbara Wigfall, Vice-Chair, Ansley Chua

MEMBERS ABSENT: None

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development  
Barry Beagle, Senior Planner | Current Planning  
Samantha Estabrook, Resiliency Planner

Hardy called the meeting to order at 7:00 p.m.  
Staff called roll and a quorum was established.

1.1 **CONSIDER THE MINUTES OF THE August 12, 2020, BOARD OF ZONING APPEALS MEETING.**

**Wigfall moved to approve the August 12, 2020 minutes with minor administrative corrections. The motion was seconded by Hamilton and approved; 5-0.**

1. 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 nineteen (19) feet for an existing institutional building located at **1213 Bakers Way**, in the R, Single-Family Residential with UO, University Overlay. (*Applicant/Owner: The American Institute of Baking — Andre Biane: file no.:20-040*)

Estabrook presented the staff report for item 2.1. City Administration recommends to APPROVE the Exception to reduce the minimum required twenty-five (25) foot front yard setback to nineteen (19) feet on Bakers Way to accommodate an existing institutional building on property in the R, Single-Family Residential with UO, University Overlay at 1213 Bakers Way, subject to the following conditions:

1. The Exception shall only apply to the existing structure as described in the application and staff report.
2. The Exception shall be subject to compliance with the site plan as submitted by the applicant.

Hardy opened the floor to the Board to ask questions of staff.

Chua clarified the exception was being sought due to the overhang over the roof and its width.

Connie commented on the width of the overhang.

Beagle clarified the original exception request was measured from the base of the foundation and extent of the roof overhang as would be appropriate.

Hardy opened the floor for comment from the applicant. The applicant did not provide any testimony.

Hardy closed the public hearing and called for board discussion.

Wigfall commented the exception being sought is to rectify a technical error and ensure the property records are correct.

Hamilton commented approving the exception request would fulfill the intent of the Board from the original 2014 exception request.

Chua stated he has no objections to the request due to the existing nature of the structure.

Hardy commented it was a request to ensure a clean title.

**Hardy called the question. Roll call vote was taken. Motion carried 5-0 with two conditions of approval as recommended by staff.**

**THE BOARD MADE THE FOLLOWING FINDINGS OF FACT FOR THE EXCEPTION AT 1213 BAKERS WAY:**

**Present land use:** Institution, American Institute of Baking (AIB)

1. **COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** Other than the Exception request, the subject site complies with all applicable regulations.
  
2. **PROBABLE EFFECT ON ADJACENT PROPERTIES:** The subject site is zoned R, Single-Family Residential with UO, University Overlay. The surrounding properties to the north, east, and southeast are zoned R, Single-Family Residential while properties directly to the south are zoned R-3, Multi-Family Residential with UO, University Overlay. To the west is Kansas State University, zoned U, University. This zoning mix creates a wide variety of uses, both residential and educational. The Exception for the existing education building should have no adverse impacts on adjacent properties. While surrounded by housing, the subject site is relatively isolated by foliage and mature trees that screen the site from adjacent properties. The property is only accessible by Bakers Way, which exclusively serves the property and terminates on the subject site.
  
3. **EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** Minimal adverse effects on the general health, safety or welfare of the public are anticipated. As previously mentioned, the subject site is relatively isolated from adjacent property and the general public. The encroachment into the front yard setback is minor, as the portion of the roof overhang was designed to align with the existing AIB facility.
  
4. **THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:** The education building was constructed to meet the applicable standards in 1983, so strict application of these regulations would be punitive. Considering these factors and that the existing education building does not impact adjacent properties or the general public, the strict application of the regulations appear to be unreasonable.

The board discussed the options of continuing virtual meetings or returning the in-person meeting in City Hall. The decision was made to continue with virtual meetings.

Hardy adjourned the meeting at 7:28 p.m.

NEXT MEETING: Wednesday, October 14, 2020

Respectfully submitted by, Samantha K. Estabrook, Resiliency Planner