

Agenda

Wednesday, September 14, 2022

City Commission Room, City Hall, 1101 Poyntz Avenue
7:00 p.m.

1. CALL TO ORDER

- 1.1. Roll Call
- 1.2. Approve the **MINUTES** of the August 10, 2022, Manhattan Board of Zoning Appeals meeting.

2. GENERAL AGENDA

- 2.1. A **PUBLIC HEARING** to consider a **VARIANCE** under the terms of the Manhattan Development Code of the City of Manhattan, Kansas, to eliminate the curbed landscape island requirement within the parking lot for Bluemont Elementary School at **714 Bluemont Avenue** in the RM/O-EN, Medium-Density Residential District with Established Neighborhood Overlay. (*Applicant: BG Consultants, Clint Hibbs; Owner: USD 383; file no.: VAR-22-056*)

3. ADJOURNMENT

- 3.1. Next meeting: Wednesday, October 12, 2022



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 persons with disabilities. Please contact the Human Resources Department (587-2443) for assistance.

26-9E-3D. Review Criteria for Exceptions. The Board of Zoning Appeals may not grant an exception as authorized in Subsection 26-9E-3A hereof unless it makes specific, written findings of fact, based upon the particular evidence presented, that all of the following standards have been met:

1. The property complies with all applicable requirements of these regulations, other than the exception being requested.
2. The proposed exception will not cause a substantial adverse effect on nearby properties.
3. The exception will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
4. The strict application of these regulations is unreasonable or unnecessary when all facts and circumstances are considered. In determining this standard, the Board must 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 include whether or not:
 - A. Conditions of the property requiring the exception were created by the applicant with prior knowledge and disregard of applicable regulations.
 - B. The applicant acquired the property with knowledge of the conditions that prompt the exception, and whether or not the consideration for the acquisition took into account such conditions.
 - C. There are reasonable alternatives that would allow the property to meet the strict application of these regulations.
 - D. Granting of the exception will result in a relative gain to the health, safety and general welfare of the Community.
 - E. The exception will aid in preserving and/or increasing the viability of a designated historic structure, site, or district and/or its historic use.
5. Any other standards for exceptions that are specifically identified in these regulations.

26-9E-4D. Review Criteria for Variances. The Board of Zoning Appeals may not grant a variance as authorized in Subsection 26-9E-4A hereof unless it finds, in each case, based upon the particular evidence presented to it, that all of the following standards have been satisfied:

1. The variance arises from one or more conditions unique to the property that are not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.
2. The strict application of this Chapter will constitute unnecessary hardship upon the property owner.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.
4. The variance desired will not adversely affect the public health, safety, or general welfare.
5. Granting the variance will not violate the general spirit and intent of these regulations.

26-9E-1D. Review Criteria For Conditional Use Permits. The Board of Zoning Appeals will base its decision on the following:

1. The proposed conditional use's compliance with all applicable regulations of these regulations.
2. The proposed conditional use's impact on the value of other property in the neighborhood.
3. The location and size of the proposed conditional use, the nature and intensity of the operation involved in or conducted in connection with such use, and the location of the site with respect to the street network 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, the BZA will give consideration to:
 - A. The location, nature, and height of buildings, structures, walls and fences on the site.
 - B. On-site and off-site vehicular, bicycle, and pedestrian circulation.
 - C. The nature and extent of landscaping and screening on the site.
4. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
5. Provision of bicycle parking and of safe and equitable pedestrian and bicycle access.
6. Provision of adequate access roads or entrance and exit drives that are designed to prevent traffic hazards and minimize traffic congestion in public streets and alleys.
7. The conditional use's aid in preserving and/or increasing the viability of a designated historic structure, site, or district and/or its historic use.
8. Any other standards for conditional uses specified in these regulations.