

Agenda

Wednesday, March 8, 2023

City Commission Room, City Hall, 1101 Poyntz Avenue
6:00 p.m.

1. CALL TO ORDER

- 1.1. Roll Call
- 1.2. Approve the **MINUTES** of the January 11, 2023, Manhattan Board of Zoning Appeals meeting.

2. GENERAL AGENDA

- 2.1. A **PUBLIC HEARING** to consider an **EXCEPTION** under the terms of the Manhattan Development Code of the City of Manhattan, Kansas, to reduce the rear yard setback requirement from 25 feet to 19 feet for an attached covered patio at **2122 Ivy Street** (*Applicant: Bradley and Karen Polson; file no: EXC-23-012*)

[items 2.2 and 2.3 will be presented together in one staff report]

- 2.2. A **PUBLIC HEARING** to consider an **EXCEPTION** under the terms of the Manhattan Development Code of the City of Manhattan, Kansas, to increase the maximum building width from 140 feet to 194 feet at **1220 Ratone Street** (*Applicant: Aaron Dyck/BBN Architects; Owner: Dwight Law; file no: EXC-23-018*)
- 2.3. A **PUBLIC HEARING** to consider an **EXCEPTION** under the terms of the Manhattan Development Code of the City of Manhattan, Kansas, to allow a parking lot behind the building with a double frontage lot that has no alley access at **1220 Ratone Street** (*Applicant: Aaron Dyck, BBN Architects; Owner: Dwight Law; file no: EXC-23-018*)

3. ADJOURNMENT

- 3.1. Next meeting: Wednesday, April 12, 2023



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.