

**MINUTES**  
**MANHATTAN BOARD OF ZONING APPEALS**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Wednesday, March 14, 2007**  
**7:00 PM**

MEMBERS PRESENT: Chairperson Connie Hamilton; Calvin Emig; Kate Watson;  
And, La Barbara J. Wigfall

MEMBERS ABSENT: Harry Hardy

STAFF PRESENT: Steve Zilkie, Senior Planner

**CONSIDER THE MINUTES**

Emig moved to approve the February 14, 2006 minutes, with corrections, which was seconded by Watson and passed with a vote of 4-0.

**A PUBLIC HEARING TO CONSIDER EXCEPTIONS AT 1107 BERTRAND STREET OF THE M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT NEW RESIDENTIAL BUILDING DESIGN STANDARDS TO NOT INCORPORATE AT LEAST TWO (2) ARCHITECTURAL FEATURES INTO THE STREET-FACING FACADE; AND, TO NOT HAVE A MINIMUM OF THIRTY (30) PERCENT OF EACH BUILDING FACADE BRICK OR STONE. THE EXCEPTIONS ARE FOR AN EXISTING RESIDENTIAL BUILDING WHICH IS PROPOSED TO BE MOVED TO 1107 BERTRAND STREET IN THE R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT. (APPLICANT/OWNER: TOM AND TODD THAEMERT)**

Zilkie presented the staff report recommending approval with conditions.

Hamilton asked if the brick foundation would be removed. Zilkie said he understood the brick foundation and chimney may not be retained, but the applicant could clarify those points.

Emig asked about the term “door and window surrounds”, which Zilkie said is a defined term of the M-FRO requirements. He read the definition.

Hamilton opened the public hearing.

Todd Thaemert, applicant, said part of his thought process was to save the house at 1209 Bertrand by moving it to 1107 Bertrand, after demolishing the house at 1107 Bertrand. He would then build a new multiple-family building at 1209 Bertrand. He also indicated he has more than the 50% of the required number of signatures needed to move the house.

In response to Hamilton's question about the brick foundation, Thaemert said they have moved other houses and have not typically replaced the foundation in the same manner that existed before the move, but may be able to replace a similar foundation with the 1209 structure. He said if the Board required a brick foundation, they would do it. As far as the exterior chimney was concerned, they had not planned on keeping it, but would if required.

Emig asked what exterior renovations would be done to the house that will be moved. Thaemert said it would look pretty much the same and planned on a deck on the rear, as well as egress windows. Emig asked if windows or the roof would be replaced? Thaemert said the roof was relatively new and the windows are in working order. In terms of the site plan, 8 screened and paved off-street parking spaces will be provided, even though only 4 are required.

Emig asked about the number of bedrooms and Thaemert indicated there will be a minimum of 7 bedrooms, possibly 8.

Wigfall asked about the plant materials and if new foundation plantings will be retained. Thaemert said as much as possible would be kept and if the Board required foundation plantings, they would be provided.

George Kennedy, 1029 Bertrand, said he lives at the address. He said his questions were answered based on the Board and Thaemerts' discussion. He said the neighbors were pleased the house would be retained versus a new multiple-family building. He also said he appreciated that the brick foundation would be retained.

Thaemert said the new apartment building will be similar to one he is building at 1203 Thurston and would probably have 9, two-bedroom units. He also confirmed that the relocated house would have only two units with 7 to 8 bedrooms. He mentioned the rear parking area would be screened from adjacent properties, as well as from the Bertrand street view.

Edna Bryant, 1213 Bertrand, agreed that 1209 Bertarnd is a very nice house and was in place in the 1930's. She said she would prefer the house at 1209 remain, but understood the zoning had changed. She mentioned she has lived in the house since 1938. She said traffic and trash are problems. She said that cars move at quite a high speed because there are no stop signs for seven blocks. She said her husband was hit by a car in 2000 when crossing the street and more traffic in the area is a concern of hers.

Thaemert said parking will be behind the new building next to the Bryant's and trash is an issue and that he tries to have someone pick up trash. Kennedy said he appreciated the effort regarding trash, but anyone not living next to a 12-plex does not understand the impact of living next door, especially about trash. He said most Saturday's and Sunday's he has to pick up trash. He said Bertrand was an entrance and the City needed to emphasize keeping trash picked up.

There being no other comments, the public hearing was closed.

Emig said the M-FRO process took several years to accomplish and the proposal was a unique relocation, but his thought process is focused on the M-FRO guidelines and not even two of the architectural features will be provided, as well as the minimum 30% of the building façade be brick. He thought it was feasible to add a brick veneer to the foundation to keep the appearance. He also thought the neighborhood was transitioning from an older look to a more modern appearance. As such, it would be easy to add a dormer to the roof to add another architectural feature to meet the design guidelines.

Watson asked Emig about the brick fireplace. Emig said he couldn't imagine that it would be easy to add the fireplace back based on new building requirements. He thought it could be framed in with a brick veneer, but the fireplace would not likely be functional. Thaumert was asked if the fireplace was functional. In response he thought it might be impossible to move the chimney and couldn't imagine it could withstand the move.

Wigfall said she would like to see the chimney retained to maintain the home's authentic character, even if it is a false brick façade. She also said her concerns were about adding some foundation plantings and keeping existing trees, because they add to the aesthetics and character of the site. She said she wanted to be assured that when the house is moved, the trees at 1209 Bertrand will not be disturbed.

Hamilton said she appreciated Emig's concerns about meeting the adopted design guidelines, but he also recognizes that this is an existing home and the standards were intended to make new construction consistent with the existing area, and the house to be moved is part of the area. Hamilton said it was hard for her to consider, with any enthusiasm, requiring an artificial dormer with no function other than to meet the design guidelines. She said she would rather maintain the historic character of the house without adding anything to it, such as a dormer; however, the brick foundation should be required. She remarked that she had some reservation about the brick chimney because the standards only address facades facing the street. She said that because there was a reduced percentage of the façade that would meet a minimum requirement, that she was willing to trade off that standard for brick or limestone around the entire foundation in order to keep the essence of the solid wood sided house. She said that she appreciated the applicant's willingness to add foundation plantings. She said that her perspective is that the existing porch is an old fashioned design in terms of style and square footage versus new porch design. She said that she supported the requirement for brick to be added around the entire foundation and that foundation plantings are added to create an established look, but did not think the brick chimney should be re-built, if it is not functional. Hamilton also asked that the applicant keep as many trees at 1209 Bertrand, when the house is moved.

The Board made the following findings of fact:

- A. According to the site plan, with the relocated house from 1209 Bertrand to 1107 Bertrand, the property will comply with all applicable requirements of the regulations, other than the

ones for which the Exceptions are being requested.

- B. 1107 Bertrand is located along the south side of Bertrand Street and within one block of Kansas State University. The neighborhood is generally dominated by residential rental properties with varying density from single-family to multiple-family dwellings. Immediately to the west and northwest are two multiple-family residential structures which are surrounded by off-street parking while to the east, north, and south are single-family residences used as rental property. To the northeast and southwest are single-family residences which have been converted to two-family dwellings.

The applicant has proposed an off-street parking area in the south portion of the lot, which is proposed to contain eight (8) off-street parking spaces and a wood fenced trash enclosure. Two-family dwellings in the R-3 and M-FRO Districts are only required to have a minimum of two (2) off-street parking spaces per dwelling. The off-street parking spaces are proposed to utilize a ninety degree configuration parallel with the alley and adequate backing space is provided. Having greater than six off-street parking spaces, the parking area is required to be screened. The applicant's have proposed to continue an existing wood privacy fence along both sides of the property to the alley to provide the required screening.

In general, the probable effect of relocating an existing house to Lot 684, Ward 3 for a two-family residential use is not anticipated to have an adverse effect on the surrounding property. Similarly, the architecture of the existing structure at 1209 Bertrand will be complementary to the surrounding neighborhood and is within the intent of the M-FRO architecture requirement.

- C. The proposed relocated structure will be within the minimum setbacks of the Districts and will not encroach into any utility or drainage easements. The off-street parking area to the south will be accessed from the alley along the south and will provide for adequate ingress and egress to the site from the alley. No adverse effects are anticipated to the public's health, safety, or general welfare through the proposed Exceptions.
- D. The intent of the M-FRO District Building Design Standards is to provide new residential buildings with architectural variation in order to break up wall surfaces, establish visual interest and accentuate individual dwelling units. In this case, 1209 Bertrand is an existing house which has been part of the established neighborhood and helps to define the intent of the M-FRO District architectural requirements.

Demolishing one house and replacing it with another requires compliance with the current zoning regulations and is the reason for the Exceptions. The existing two-family residential use is a permitted use in the R-3 District and will comply with the minimum lot size and bulk requirements of the underlying zoning district. The applicant has not proposed any additional modifications to the existing house structure or to the use itself. Allowing for the Exceptions will enable a large, established house within the original neighborhood to be saved and not demolished. Given that the house in its present form has

been a part of the established Ward District, requiring additional architectural features or a minimum of brick or stone in this case is unreasonable and unnecessary in this case.

Emig moved that the Board approve EXCEPTIONS of the M-FRO, Multi-Family Redevelopment Overlay Districts New Residential Building Design Standards to not incorporate at least two (2) architectural features into the street-facing façade; and to not have a minimum of thirty (30) percent of each building façade brick or stone for an existing residential building in the R-3, Multiple-Family Residential District and M-FRO, Multi-Family Redevelopment Overlay District for a house, which will be moved from 1209 Bertrand Street to 1107 Bertrand Street, in the R-3, Multiple-family Residential District with the following four (4) conditions:

1. The Exceptions shall be limited to the proposed relocated house as indicated on the site plan and application documents.
2. A brick veneer foundation shall be retained on at least three sides, the front and two sides, in order to duplicate the foundation on the house at 1209 Bertrand Street.
3. Brick or brick veneer shall be used on the brick chimney if it is replaced.
4. Foundation plantings shall be provided on the front and two sides of the house to enhance the new structure.

Watson seconded the motion, which passed on a vote of 4-0.

**A PUBLIC HEARING TO CONSIDER A VARIANCE AT 931 MORO STREET FOR A PROPOSED REDUCTION IN THE MINIMUM SIXTY (60) FOOT LOT WIDTH TO FIFTY (50) FEET FOR A PROPOSED MULTIPLE-FAMILY RESIDENTIAL DWELLING IN THE R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT. (APPLICANT/OWNER: LUTHER PENNELL)**

**A PUBLIC HEARING TO CONSIDER EXCEPTIONS AT 931 MORO STREET TO ALLOW A REDUCTION IN THE MINIMUM FOURTEEN (14) FOOT FRONT YARD SETBACK ALONG S. 10<sup>TH</sup> STREET TO SEVEN (7) FEET FOR AN EXISTING RESIDENTIAL BUILDING AND PROPOSED ADDITION; AND, A REDUCTION IN THE MINIMUM SIX (6) FOOT SIDE YARD SETBACK ALONG THE EAST SIDE FOR AN EXISTING BUILDING IN THE R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT. (APPLICANT/OWNER: LUTHER PENNELL)**

The applicant was not present for the public hearing. After discussion, the Board Indicated there would be questions of the applicant. Emig moved that the Board table the items to the April 11, 2007, meeting. The motion was seconded by Watson, which passed on a vote of 4-0. (Note: the applicant withdrew the applications on March 23, 2007.)

Respectfully Submitted,  
Steve Zilkie, Senior Planner

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