

Agenda

Wednesday, February 14, 2024

6:00 p.m.

City Commission Room, City Hall, 1101 Poyntz Avenue
Manhattan, Kansas

**** Meeting cancelled due to lack of Agenda items. ****

Exception, EXC-23-151, that was tabled to this meeting has been withdrawn.



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.