



**AGENDA**  
**BOARD OF ZONING APPEALS**  
 Tuesday, June 26, 2018 – 5:30 PM  
**City Council Chambers**  
 125 East Avenue B, Hutchinson, Kansas

**1. ROLL CALL**

- |  |   |                                       |
|--|---|---------------------------------------|
| <input type="checkbox"/> Richardson        | <input type="checkbox"/> Woleslagel       | <input type="checkbox"/> Bisbee       |
| <input type="checkbox"/> Hamilton          | <input type="checkbox"/> Wells            | <input type="checkbox"/> Roberts-Ropp |
| <input type="checkbox"/> Carr (Vice Chair) | <input type="checkbox"/> Hornbeck (Chair) | <input type="checkbox"/> Peterson     |

**2. APPROVAL OF MINUTES** – Meeting of June 12, 2018.

**3. CORRESPONDENCE & STAFF REPORTS** – Motion to accept documents into the official record.

**4. PUBLIC HEARINGS**

- a. **ZV18-000003 – Request for a variance from Sec. 27-917 distance requirements for salvage yards, for the property located at 316 Spencer Street.**

Request for a 75-foot variance from the minimum distance requirements established in §27-917 of the Hutchinson Zoning Regulations, which require that salvage yards be located a minimum of 300’ away from residential districts. *(Staff Representative: Jade Shain, Planning Technician)*

*Action: Motion to (table) variance request ZV18-000003 from the requirements of the Hutchinson Zoning Regulations, §27-917 for the property located at 316 Spencer St., until the applicant has submitted a Conditional Use Permit application.*

**5. UPCOMING CASES** – None

**6. OPEN COMMENTS FROM THE AUDIENCE** (Please limit comments to five minutes.)

**7. ANNOUNCEMENTS** – None

**8. ADJOURNMENT**

Staff Contacts:	Jana McCarron	620-694-2681	Aaron Barlow	620-259-4198
	Amy Allison	620-694-2638	Jade D. Shain	620-259-4134
	Charlene Mosier	620-259-4133		



**BOARD OF ZONING APPEALS MINUTES**  
MEETING OF: TUESDAY, JUNE 12, 2018  
MEETING LOCATION: CITY COUNCIL CHAMBERS  
125 EAST AVENUE B

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1. **ROLL CALL**

The Board of Zoning Appeals meeting was called to order at 5:30 p.m. with the following members present: Jon Richardson (3/3), Mark Woleslagel (2/3), Tommy Hornbeck (3/3), Terry Bisbee (3/3), Janet Hamilton (2/3), Todd Carr (2/3) and Valerie Roberts-Ropp (3/3). Members Darryl Peterson (2/3) and Brock Wells (1/3) were absent.

Planning Staff present were Jana McCarron, Director of Planning and Development; Aaron Barlow, Associate Planner; Amy Allison, Housing Program Coordinator, and Jade Shain, Planning Technician.

2. **APPROVAL OF MINUTES**

The minutes of the May 1, 2018 meeting were approved on a motion by Bisbee, seconded by Woleslagel, passed unanimously.

3. **CORRESPONDENCE & STAFF REPORTS**

The documents and staff reports were accepted into the official record on a motion by Carr, seconded by Hamilton, passed unanimously.

4. **PUBLIC HEARING**

**a. ZV18-000002, Egbert Liquor Alley Access, 423 West 5th Avenue**

Hornbeck asked for the staff presentation. Barlow provided the staff presentation.

The property at 423 West 5<sup>th</sup> Avenue, owned by Egbert Liquors LLC, provides liquor sales. The property is zoned C-4 *Special Commercial District*, and the Comprehensive Plan Designation is *Commercial*. The applicant, Curtis Mitchell of Mark Borecky Construction, has requested a variance from the alley access requirements established in §27-910 of the Hutchinson *Zoning Regulations*, which require that a primary access to a commercial property must be provided from a dedicated City street and not from an alley.

Barlow presented the findings of fact required for variance requests:

**Analysis of Findings of Fact Required for Variance Requests:**

Finding	Analysis	Met   Not Met
<p><b>1. The request for a variance must arise from a condition which is unique to the property in question, is not commonly found on other parcels in the same zone or district and is not created by an action or actions of the property owner or applicant.</b></p>	<p>The property located at 423 W 5<sup>th</sup> Ave is relatively narrow and sits at the SE corner of a busy intersection between two arterial streets (Monroe Street and 5<sup>th</sup> Avenue). The location of the existing building makes ingress difficult and potentially dangerous.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>2. Granting of the variance must not adversely affect the rights of adjacent property owners or residents.</b></p>	<p>Any portion of an alley that is used to access commercial property must be paved. While traffic at the site will increase, the neighbor will benefit from the newly-paved alley.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>3. Strict application of the zoning regulations must cause an unnecessary hardship for the property owner. The variance must not merely serve as a convenience to the applicant but must alleviate some demonstrable or unusual hardship or difficulty.</b></p>	<p>Adding a new parking entrance to a narrow lot near a busy, signalized intersection can create congestion and additional traffic hazards. Moving the entrance further away from the intersection will reduce traffic on the site and reduce hazards near the intersection. The alley is the furthest possible entrance to the proposed project from the intersection.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>4. Granting of the variance must not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</b></p>	<p>The proposed use of the alley as a primary access for the property is a safer alternative to adding new parking lot entrances close to the intersection. The requested variance will not have a significant impact on the public health, morals, order, convenience, prosperity or general welfare of the community.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p><b>5. Granting of the variance must not be contrary to the general spirit and intent of the Zoning Regulations.</b></p>	<p>The intent of section 27-910 is to prevent alleys from becoming congested with customer traffic from adjacent businesses. Alleys are primarily used for city and public utility vehicles and low-intensity uses, like a residential garage. This project proposes that vehicles will enter through the alley but exit onto 5<sup>th</sup> Avenue. There will be a slight increase in traffic, but congestion should be limited. Most importantly, the requested variance will reduce the proposed project's impact on the adjacent intersection.</p>	<p><input checked="" type="checkbox"/> Met</p>

Hornbeck asked the applicant to address the board.

Curtis Mitchell spoke to the Board. He thanked Barlow for his help during the case.

Hornbeck asked for Staff to provide the recommendation. Barlow said staff recommends approval of the variance request.

Hornbeck closed the public hearing and asked for a motion.

***Motion by Richardson, seconded by Carr and passed unanimously, to approve variance request ZV18-000002 from the requirements of the Hutchinson Zoning Regulations, Sec. 27-910 for the property located at 423 W 5<sup>th</sup> Avenue based upon a finding that the factors required for approval are met.***

5. **UPCOMING CASES**

a. ZA18-000003, Request for a variance from Sec. 27-917 distance requirements for salvage yards, for the property located at 316 Spencer Street.

This case will be tabled at the next meeting until the applicant submits a Conditional Use Permit application.

6. **OPEN COMMENTS FROM THE AUDIENCE**

a. There were no comments from the audience.

7. **ANNOUNCEMENTS**

a. None.

8. **ADJOURNMENT** – The meeting adjourned 5:40 p.m.

Respectfully Submitted,  
Jade Shain, Planning Technician

Approved this 26<sup>th</sup> day of June, 2018

Attest: \_\_\_\_\_



Planning & Development Department  
 125 E Avenue B | Hutchinson KS 67501  
 620.694.2639

# STAFF REPORT

- Planning Commission
- Board of Zoning Appeals

DATE: June 15, 2018

Agenda Item #: 4A

CASE #: ZV18-000003

PUBLIC HEARING:  YES  NO

MEETING DATE: June 26, 2018

<b>REQUEST</b>	<input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Final Plat <input type="checkbox"/> Language Amendment <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Study Session <input type="checkbox"/> Subdivision Variance <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Other <input type="checkbox"/> Appeal <input type="checkbox"/> Special Use Permit <input checked="" type="checkbox"/> Variance	<b>STAFF</b>	<b>STAFF REPRESENTATIVE:</b> Jade Shain Planning Technician
<b>PROPERTY PHOTO</b>		<b>APPLICANT INFORMATION</b>	<b>APPLICANT:</b> Edwin Manche 4017 Prairie Hill Drive Hutchinson KS 67502  <b>PROPERTY OWNER:</b> Edwin Manche 4017 Prairie Hill Drive Hutchinson KS 67502  <b>DESIGN PROFESSIONAL:</b> See Applicant
<b>STAFF</b>	<b>RECOMMENDATION:</b> <input checked="" type="checkbox"/> TABLE UNTIL AFTER CUP SUBMITTAL	<b>APPLICANT INFORMATION</b>	<b>CONCURRENT APPLICATIONS:</b> N/A, CUP needed  <b>APPLICATION MATERIALS:</b> See City website: www.hutchgov.com
<b>PROJECT SUMMARY</b>	Request for a 75-foot variance from the minimum distance requirements established in §27-917 of the Hutchinson <i>Zoning Regulations</i> , which require that salvage yards be located a minimum of 300' away from residential districts.		
<b>COMP PLAN COMPATIBILITY</b>	The property is designated as Industrial on the 2017-2037 <i>Comprehensive Plan Land Use Map</i> . Salvage yards are compatible with this land use designation.		
<b>LOCATION MAP</b>	<p><b>316 Spencer</b></p> <p>ZV18-000003: Subject Property with 200' and 300' buffers</p>  <p> <input type="checkbox"/> Subject Property - 316 Spencer           <input type="checkbox"/> 200' buffer property owner notice           <input type="checkbox"/> Properties in 200' buffer           <input type="checkbox"/> 300' buffer for 27-917, §.1           <input type="checkbox"/> Residential District with a 300' buffer       </p> <p>0 90 180 360 Feet</p> <p>Prepared by Planning and Development          May 13, 2018          www.hutchgov.com/planning</p>		
<b>PROPERTY INFORMATION</b>	<b>ZONING:</b> I-2, Industrial District  <b>COMP PLAN DESIGNATION:</b> Industrial  <b>SUBDIVISION:</b> ECCLES 1ST  <b>EXISTING LAND USE:</b> Salvage Yard  <b>SITE IMPROVEMENTS:</b> Wood Fence (6')  <b>SIZE OF PROPERTY:</b> 47,044 square feet. Four buildings on the property with the following heights: 24', 24', 23', and 11'.		
<b>NOTIFICATIONS &amp; REVIEW</b>	<b>DEVELOPMENT REVIEW:</b> 5/22/2018  <b>PUBLIC NOTICE PUBLISHED</b> 5/24/2018, <i>Hutchinson News</i>  <b>PROPERTY OWNER NOTICE MAILED:</b> 5/22/2018 to 17 owners of 19 surrounding properties  <b>NEXT STEPS:</b> Conditional Use Permit, if approved		
<b>FOR OFFICE USE ONLY</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approved</li> <li><input type="checkbox"/> Approved with Conditions</li> <li><input type="checkbox"/> Denied</li> <li><input type="checkbox"/> Tabled</li> </ul>			