

MINUTES
BOARD OF ZONING APPEALS
TUESDAY, MAY 17, 2016
CITY COUNCIL CHAMBERS
125 E. AVENUE B

1. The meeting was called to order at 5:00 p.m. with the following members present: Terry Bisbee, Tom Hornbeck, Todd Carr, Darryl Peterson, Ken Peirce, Mark Woleslagel, Janet Hamilton and Robert Obermite. Harley Macklin was absent. Jana McCarron, Director of Planning and Development; Casey Jones, Senior Planner; and Stephanie Stewart, Planning Technician, were also present.
2. The minutes from the April 19, 2016, meeting was approved on a motion by Bisbee, seconded by Obermite, passed unanimously.
3. A motion to accept correspondence and staff reports into the official record was made by Hamilton, seconded by Peterson, passed unanimously.
4. PUBLIC HEARINGS

There were no outside contacts or conflicts from any board member.

Peirce asked if the applicant was present and whether the address of one of the applicant's properties is 1321 or 1323 East 4th Avenue. Barry Mayfield, applicant, was present and said there are three addresses used for this property and that the Reno County Parcel Search has it listed as 1321 East 4th Avenue.

- 4a. 16-BZA-02: 1221 E 4th Ave
Request for a variance from the City of Hutchinson Zoning Regulations (Sec. 27-702) requirements for number of off-street parking spaces and number of loading spaces on the property.

McCarron went over the application and the five factors. She stated that the building has been there/developed since 1951. Staff received no comments from surrounding property owners. Staff recommends approval.

Barry Mayfield, 5005 N. Tobacco Rd., Hutchinson, said he purchased property at an auction with plans to rent it. He is prepared to meet the zoning regulations and improve the building for use. Peirce asked about the request for a year extension to install the required pavement. Mayfield is waiting on estimates and explained the cost of concrete is holding him back. He has a party interested in renting. Hamilton asked about vacating the alley. McCarron said the City would ask for a utility easement if he plans to vacate the alley.

Peirce asked for a motion.

Motion by Hornbeck to approve 16-BZA-02 per staff's recommendations, seconded by Woleslagel.

The motion passed with the following vote: Yes– Hamilton, Carr, Woleslagel, Peirce, Hornbeck, Bisbee, Obermite, Peterson.

4b. 16-BZA-03: 1321 E 4th Ave

Request for a variance from the City of Hutchinson Zoning Regulations (Sec. 27-702) requirement for number of off-street parking spaces and parking lot landscaping on the property.

There were no outside contacts or conflicts from any board member.

McCarron stated the same owner is requesting a variance from minimum required parking spaces and parking lot landscaping. She added that landscaping the parking lot would reduce the number of parking spaces. The applicant will add landscaping to other areas of the property. Staff received no comments from surrounding property owners. Staff recommends approval.

Mayfield said it is the same situation; he wants to improve the building and create revenue.

Peirce asked for a motion.

Motion by Carr to approve 16-BZA-03 per staff's recommendations, seconded by Bisbee.

The motion passed with the following vote: Yes – Hamilton, Carr, Woleslagel, Peirce, Hornbeck, Bisbee, Obermite, Peterson.

5. UNFINISHED BUSINESS (TABLED 4/19/2016)

There were no outside contacts or conflicts from any board member.

Hamilton motioned to remove the tabled items from the table, seconded by Woleslagel, approved unanimously.

5a. 16-SUP-03: 1221 E 4th Ave

Request for a special use permit for a change of use to a tavern/bar in the C-4 Special Commercial District.

McCarron went over the eight factors. Staff recommended conditions are that the special use permit shall only be for a bar/tavern, an additional seven off-site parking stalls shall be installed and paved within one year of the final occupancy permit (BZA suggested change), the alley shall be paved in accordance with the plans approved by the City Engineer,

loading and stocking shall be in the alley, and landscaping shall be installed. The commission added that if applicant does not comply within one year, then the BZA may revoke the special use permit.

Mayfield agreed to the conditions and had questions concerning whether he would be restricted to only having a bar/tavern on the property. Discussion ensued and his questions were clarified.

Peirce asked for a motion.

Motion by Hornbeck to approve 16-SUP-03 per staff's recommendations and the changes requested by the BZA, seconded by Carr.

The motion passed with the following vote: Yes – Hamilton, Carr, Woleslagel, Peirce, Hornbeck, Bisbee, Obermite, Peterson.

- 5b. 16-SUP-04: 1321 E 4th Ave
Request for a special use permit for a change of use to a tavern/bar in the C-4 Special Commercial District.

There were no outside contacts or conflicts from any board member.

McCarron went over the eight factors. Staff recommended conditions are that the Special Use Permit shall only be for a bar/tavern, an additional seven off-site parking stalls shall be installed and paved within one year of issuance of the final occupancy permit (BZA suggested change), a certified survey of the property shall be done, and landscaping shall be installed. The commission added that if the applicant does not comply within one year, then the BZA may revoke the special use permit.

Mayfield agreed to the conditions and had questions concerning a certified survey being done. Discussion ensued and he agreed that the expense of a survey outweighs the potential expense of having to redo the parking.

Peirce asked for a motion.

Motion by Carr to approve 16-SUP-04 per staff's recommendations and the changes requested by the BZA, seconded by Woleslagel.

The motion passed with the following vote: Yes – Hamilton, Carr, Woleslagel, Peirce, Hornbeck, Bisbee, Obermite, Peterson.

6. UPCOMING CASES - None.

Peirce motioned for Bisbee to be acting chair for the June 7, 2016, Planning Commission and Board of Zoning Appeals meeting due to Hamilton and himself being absent. Approved by all. McCarron opened discussion on how to improve the zoning ordinance to

help businesses open. The Board asked staff to research other City's ordinances and look into opportunities to improve our ordinances.

7. OPEN COMMENTS FROM THE AUDIENCE
8. ADJOURNMENT – The meeting adjourned at 6:30 p.m.

Respectfully Submitted,
Stephanie Stewart, Planning Technician

Approved this 18th day of October, 2016.

Attest: 

Casey A. Jones, AICP, CFM, Senior Planner