



1. **ROLL CALL**

The Board of Zoning Appeals meeting was called to order at 5:31 p.m. with the following members present: Jon Richardson (2/2), Mark Woleslagel (1/2), Tommy Hornbeck (2/2), Terry Bisbee (2/2), Valerie Roberts-Ropp (2/2), and Darryl Peterson (2/2). Members Janet Hamilton (1/2), and Todd Carr (1/2), Brock Wells (1/2) 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 April 17, 2018 meeting were approved on a motion by Bisbee, seconded by Richardson, passed unanimously.

3. **CORRESPONDENCE & STAFF REPORTS**

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

4. **PUBLIC HEARING**

a. ZV18-000001, Prairieland Partners Variance Request, 1800 S Lorraine St

Member Richardson abstained from comment or vote regarding this case.

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

The property at 1800 S Lorraine, owned by Prairie Land Partners, Inc., provides agricultural equipment sales and service. The property is zoned C-3 *Outdoor Commercial District*, and the Comprehensive Plan Designation is *Commercial*. The applicant, Vance Voth of Engineering Consultants, has requested a one-foot variance from the maximum building height requirements established in §27-419 of the Hutchinson *Zoning Regulations*, which require that structures be no taller than 35 feet. The proposed addition on the 7-acre lot will be 36 feet in height; however, the applicant requested to increase the variance authorization to 37 feet.

McCarron presented the findings of fact required for variance requests:

ANALYSIS OF FINDINGS OF FACT REQUIRED FOR VARIANCE REQUESTS:

Finding	Analysis	Met Not Met
<p>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.</p>	<p>The property is zoned C-3, Outdoor Commercial District, which allows for the proposed use, but has the same height limits as most other commercial districts (35 feet). However, over time, agricultural equipment has become larger and the additional height on the building is needed to accommodate repair of this equipment. In addition, this is a large property and a unique use. Staff believes this condition is met.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>2. Granting of the variance must not adversely affect the rights of adjacent property owners or residents.</p>	<p>The subject property includes 9 acres (and a total of 35 acres) that abuts K-61, as well as US 50 Highway. There is a storage unit development in the vicinity of the site, but that use is located a substantial distance away and the variance request of an additional one foot in height will not adversely impact that property.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>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.</p>	<p>If the variance request is not approved, PrairieLand Partners will not be able to adequately service their customer base. This would represent a hardship to the property owner.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>4. Granting of the variance must not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p>	<p>The request would not adversely affect the public health, safety, morals or general welfare of the City.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>5. Granting of the variance must not be contrary to the general spirit and intent of the Zoning Regulations.</p>	<p>Agriculture is a vital part of the Hutchinson area economy and PrairieLand Partners provides vital services to a wide variety of agricultural based businesses and individuals, thereby promoting the health and general welfare of the citizens. The location of this facility is in an area zoned for this type of use. Of the provisions listed in Section 27-102 "Purpose and Intent" of the Hutchinson Zoning Regulations, this addition is supported by nearly all of the intentions of the regulations. Item J regulates and restricts the height of buildings. In this case, the addition exceeds the height restriction by only two feet.</p> <p>This property is one of a few portions of the City that is zoned C-3, Outdoor Commercial District. The use is also allowed in the industrial zoning districts, which have no height limitations. Height limitations are typically put in place to allow for adequate light and air flow on surrounding properties. Due to the size of the property, the remoteness of the location and the unique nature of the use, staff believes that the variance request is not contrary to the general spirit and intent of the Zoning Regulations.</p>	<p><input checked="" type="checkbox"/> Met</p>

Hornbeck asked the applicant to address the board.

Roberts-Ropp arrived at 5:40 PM.

Representatives for the applicant, Loren Balzer and Make Ramsey, spoke to the Board. They said that as agricultural equipment becomes larger, buildings must be able to accommodate those heights. Additionally, the request for a variance makes it safer for equipment technicians because larger cranes can be installed.

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

Hornbeck closed the hearing and asked for a motion.

Motion by Peterson, seconded by Woleslagel and passed unanimously, to approve zoning variance request #ZV18-000001 for the building of an addition to exceed the maximum permitted building height of 35' by up to 2' for the property located 1800 S Lorraine St, based upon a finding that the factors required for approval are met.

5. **UPCOMING CASES**

a. None.

6. **OPEN COMMENTS FROM THE AUDIENCE**

a. There were no comments from the audience.

7. **ANNOUNCEMENTS**

a. None.

8. **ADJOURNMENT** – The meeting adjourned 5:45 p.m.

Respectfully Submitted,
Jade Shain, Planning Technician

Approved this 26th day of June, 2018

Attest: *Amy Allison*