

HAYS AREA BOARD OF ZONING APPEALS MEETING AGENDA  
CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS  
JUNE 10, 2015  
8:15 A.M.

1. **CALL TO ORDER BY CHAIRMAN.**

2. **CONSENT AGENDA.**

A. Minutes of the regular meeting of May 13, 2015

*Action: Consider approving the minutes of the May 13, 2015 meeting.*

3. **PUBLIC HEARING ITEMS.**

A. Public hearing for a request from Steven R. Mongeau of Rooks County Holdings LLC and Vigneshvarai, LLC for a special use permit to allow the conversion of the motel to studio apartments allowed per Section 71-504 (18) within the "C-2" General Commercial and Service Zoning District for the property at 810 E 8<sup>th</sup> Street. (Case #03-15)

*Action: Consider approving the special use permit as submitted to allow the conversion of the motel to studio apartments at 810 E 8<sup>th</sup> Street.*

B. Public hearing for a request from Robert J Wickham for a four and three tenths foot (4.3') variance to reduce the west side yard building setback from the required seven and three tenths feet (7.3') to three feet (3') to construct an 18' x 18' shed at 1308 W 44<sup>th</sup> Street. (Case #04-15)

*Action: Consider the variance request to construct a detached shed at 1308 W 44<sup>th</sup> Street.*

C. Public hearing for a request from Jerome Rome for a seven foot (7') variance to reduce the south side yard building setback from the required ten feet (10') to three feet (3') to construct a 30' X 30' detached garage at 2916 Barclay Dr. (Case # 05-15)

*Action: Consider the variance request to construct a detached garage at 2916 Barclay Dr.*

4. **NON-PUBLIC HEARING ITEMS.**

A. None

5. **OFF AGENDA ITEMS/COMMUNICATIONS.**

A. None

6. **ADJOURNMENT.**

Any person with a disability and needing special accommodations to attend this meeting should contact the Planning, Inspection and Enforcement office (785-628-7310) 48 hours prior to the scheduled meeting.

**DRAFT  
HAYS AREA BOARD OF ZONING APPEALS  
COMMISSION CHAMBERS IN CITY HALL  
MINUTES  
MAY 13, 2015  
8:15 A.M.**

**1. CALL TO ORDER:** The Hays Area Board of Zoning Appeals met on Wednesday, May 13, 2015 at 8:15 a.m. in Commission Chambers at City Hall. Chairman Lou Caplan declared a quorum was present and called the meeting to order.

**Roll Call:**

Present: Lou Caplan  
Jerry Sonntag  
Gerald Befort  
Tom Lippert  
Shane Pruitt

City Staff Present: I. D. Creech, Director of Public Works, Jesse Rohr, Superintendent and Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

**2. CONSENT AGENDA:**

**A. MINUTES:** Jerry Sonntag moved, Gerald Befort seconded the motion to approve the minutes from the April 8, 2015 meeting. There were no corrections or additions to those minutes.

Vote: Ayes: Lou Caplan  
Jerry Sonntag  
Gerald Befort  
Tom Lippert  
Shane Pruitt

**3. PUBLIC HEARING ITEMS: - None.**

**4. NON-PUBLIC HEARING ITEMS:**

Jesse Rohr explained that the following cases are for discussion to consider setting a public hearing for June 10, 2015. There will be no action for these cases. If the cases are considered to go before a public hearing, all abutting property owners will receive a notification of the public hearing.

**A. CASE # 03-15 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM STEVEN R MONGEAU OF ROOKS COUNTY HOLDINGS LLC AND VIGNESHVARAI, LLC FOR AN EXCEPTION FOR A SPECIAL USE PERMIT TO PERMIT THE CONVERSION OF THE MOTEL TO STUDIO APARTMENTS ALLOWED PER SECTION 71-504 (18) WITHIN THE “C-2” GENERAL**

**COMMERCIAL AND SERVICE ZONING DISTRICT WITH THE ISSUANCE OF A SPECIAL USE PERMIT FOR THE PROPERTY AT 810 E 8<sup>TH</sup> STREET:**

Jesse Rohr introduced the case and presented the information for the applicant's request for a special use permit to convert an existing motel to multi-family dwelling units at 810 E 8<sup>th</sup> Street within a General Commercial and Service District. He presented the drawing of how the proposed studio apartments will look after the renovation. He pointed out the site on the overhead visual. It consists of several buildings.

He presented some pictures that were provided by the applicant of the proposed renovation of the buildings. There will be landscaping over the inoperable pool area. The owner has considered an option to keep the front area as office use allowed in this zoning district

He pointed out the recommendation letters from the City of Stockton for similar projects done by the applicant in Stockton. They included a list of current projects.

Tom Lippert asked about the type of units and occupancy per unit. Shane Pruitt asked if they are focusing on a certain tenant clientele.

Steve R Mongeau, member of Rooks County Holdings, LLC, came before the board to explain that the proposed apartments would be leased at street market rate. It would be a blend of students, seniors and working residents. The apartments would consist of high efficiency to accommodate one occupant and one bedroom apartments to accommodate a maximum occupancy of two. The existing motel units could accommodate as many as six occupants per unit.

Lou Caplan asked if there were any comments from the audience. There were none.

Shane Pruitt moved, Gerald Befort seconded the motion to set the public hearing for a request for an exception for a special use permit to consider the conversion of the motel units to studio apartments allowed per Section 71-504 (18) within the "C-2" General Commercial and Service Zoning District with the issuance of a special use permit at 810 E 8<sup>th</sup> Street.

Vote: Ayes:

- Lou Caplan
- Jerry Sonntag
- Gerald Befort
- Tom Lippert
- Shane Pruitt

**B. CASE # 04-15 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM ROBERT J WICKHAM FOR A FOUR AND THREE TENTHS FOOT (4.3') VARIANCE TO REDUCE THE WEST SIDE YARD BUILDING SETBACK FROM THE REQUIRED SEVEN AND THREE TENTHS FOOT (7.3') TO THREE FEET (3') TO CONSTRUCT AN 18' x 18' SHED AT 1308 W 44<sup>TH</sup> STREET:**

Jesse Rohr introduced the case for the applicant's request for a 4.3 foot variance to reduce the west side yard building setback from the required 7.3 feet to 3 feet to allow the construction of an 18' X 18' shed on an existing 20' X 20' concrete slab on the property located at 1308 W

44<sup>th</sup> Street on a 73' by 125' lot. He presented the information and the aerial view on the overhead visual. The home faces north.

The drawing of the proposed shed would be custom built with a 6/12 pitch roof, 4 windows, 72" door and 9' sidewalk next to it.

Chairman Lou Caplan asked the applicant to come before the board to explain his request.

Robert Wickham, owner, came before the board to request the 4.3 foot variance to reduce the west side yard building setback from the required 7.3 foot to 3 foot so the proposed storage shed could be set on the existing concrete slab. This would retain more space in the backyard and make use of the six inch 20 X 20 slab. The slab had originally been used as a basketball court for his children.

He explained that he had talked to the neighbors and they had no issues of the location of the proposed shed.

Gerald Befort asked if he would consider a smaller shed.

Mr. Wickham answered that the existing 10' X 10' shed was not large enough for all he needs to shed. He explained that the proposed shed would be a very appealing garden shed along with their manicured lawn. In defense of his request, he pointed to a shed on a neighboring property that was located on the property line.

Tom Lippert explained that as property changes hands, they have to take into account the long term.

Lou Caplan asked if there were any comments from the audience. There were none.

Shane Pruitt pointed out that the variance request is significant. This is something the board would have to consider. Tom Lippert suggested that he modify the size of the garage.

Tom Lippert moved, Shane Pruitt seconded the motion to proceed to set the public hearing for the request of a 4.3' variance to reduce the side yard building setback from the required 7.3' to 3' to construct a detached 18' X 18' detached shed at 1308 W 44<sup>th</sup> Street.

Vote: Ayes:

Lou Caplan  
Jerry Sonntag  
Gerald Befort  
Tom Lippert  
Shane Pruitt

**C. CASE # 05-15 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM JEROME ROME FOR A SEVEN FOOT (7') VARIANCE TO REDUCE THE SOUTH SIDE YARD BUILDING**

**SETBACK FROM THE REQUIRED TEN FEET (10') TO THREE FEET (3') TO CONSTRUCT A 30' x 30' DETACHED GARAGE AT 2916 BARCLAY DRIVE:** Jesse Rohr introduced the case for the applicant's request for a 7' variance to reduce the south side yard building setback from the required 10' to 3' on the 100 foot wide lot to allow the construction of a 30' X 30' sized detached garage in southeast corner of the property at 2916 Barclay Drive. He provided the information, aerial view, front yard picture and sketch on the overhead visual. The house faces southwest.

Since there is no alley or rear yard access, the detached garage would be accessed from the front. Some trees would need to be removed. They provided two options; one with a 3 foot variance request and the other with a 5 foot variance request with the same size of detached garage.

Shane Pruitt asked if there was enough room for a vehicle to navigate into a detached garage when entering from the front. If so would they have to enter from the end of building. Jesse Rohr answered that there was 12 feet from the side of the house. It would not be possible to access the detached garage from the front without either of the variances.

Jerome Rome, owner, came before the board with his request. A gas and electrical line prevents them from moving the garage over to the north. The structure would be a steel building and the color scheme would match the home.

They moved from the country to the city and need more space for storage. The proposed entry to the structure would be from the south. He explained that his neighbor had no problem with having the structure close to his property.

Shane Pruitt asked about the trees in front where the proposed driveway would be located. It was noted that the trees would be removed for the proposed driveway.

Tom Lippert explained that they have to take into account the long term potential affects because of change of ownership over time.

Gerald Befort asked how far away they would be from the electrical and gas line. He asked if they could move the garage over a few feet to the north so they would not need as great a variance. Jerry Sonntag added that the other option requested was a 5 foot variance if that would work.

Mr. Rome answered that they would be five feet from the gas line and could move it over a few more feet; although he would prefer the 3 foot variance for easier access to the garage.

Shane Pruitt asked if he considered a smaller garage. Mr. Rome answered that he wanted to go 30 feet north and south and considered 26 feet or 28 feet east and west. Lou Caplan pointed out it would be easier access with the smaller detached garage.

Mrs. Rome came before the board to explain the importance of the needed space to attain access to the detached garage from the front driveway entrance.

Jerry Sonntag moved, Gerald Befort seconded the motion to set the public hearing for the request for a seven foot (7') variance to reduce the south side yard building setback from the required ten feet (10') to three feet (3') to construct a 30' X 30' detached garage at 2916 Barclay Drive.

Vote: Ayes: Lou Caplan  
Jerry Sonntag  
Gerald Befort  
Tom Lippert

Nay: Shane Pruitt

**D. CASE # 06-15 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM ALAINA HUGHES FOR A TWENTY-ONE FOOT (21') VARIANCE TO REDUCE THE FRONT YARD BUILDING SETBACK FROM THE REQUIRED TWENTY-FIVE FEET (25') TO FOUR FEET (4') TO CONSTRUCT A CARPORT AT 508 E 17<sup>TH</sup> STREET:**

Jesse Rohr introduced the case for the applicant's request for a 21' variance request to reduce the front yard building setback from twenty-five feet (25') to four feet (4') to construct a carport in the front yard at 508 E 17<sup>th</sup> Street. There is no rear access to this property and there is a shed in the back yard that prevents them from constructing it in the backyard. He provided the information, aerial view, and the picture of the front yard on the overhead visual. The house faces southwest.

Lou Caplan stated that he was not aware of any carports in the front of a home in town. Jesse Rohr answered that there are not any of this nature. Any that have been constructed in the front had to be removed and no variances have been approved for this type of request.

Matt LarBarge came before the board, on behalf of his girl friend, who owns the property, to request the respective variance to construct a carport to keep their vehicle out of inclement weather because there is no rear access. There is 8 feet on one side of the home and 5 feet on the other side that would prevent the entry of the vehicle to the back yard. He explained they want to be in compliance. They did not want to construct it without permission and have to take it down. He suggested he could lessen the size and abut it closer to the house.

Shane Pruitt addressed the applicant in appreciation that they came before the board to check if this will be allowed. Lou Caplan stated that he appreciated this problem, but they never approved anything like this.

Jerry Sonntag and Tom Lippert pointed out that this is too extreme of variance request. They explained they did not want to set precedence. Others would come forward requesting the same request. It would snowball. This would not be appreciated by residents of Hays.

Shane Pruitt moved, Tom Lippert seconded the motion to **not** set the public hearing for the request for a twenty-one foot (21') variance to reduce the front yard building setback from the required twenty-five feet (25') to four feet (4') to construct a carport at 508 E 17<sup>th</sup> Street.

Vote: Ayes: Lou Caplan  
Jerry Sonntag  
Gerald Befort  
Tom Lippert  
Shane Pruitt

Lou Caplan explained to the representative of the applicant that they would have 10 days from this date to appeal this denial of a hearing with the District Court.

**5. OFF-AGENDA ITEMS/COMMUNICATIONS:**

**A. Update on the Zoning Regulations Rewrite:** Jesse Rohr gave an update and schedule on the rewrite of the zoning and subdivision regulations. There will not be the presentation of Module 3 as originally scheduled for May 20, 2105 due to further staff review. The board will be notified of the meeting date of the presentation.

Jesse Rohr explained the part of the regulations included in the module 3.

**B. "Strong Towns" Discussion on Tuesday May 19, 2015 at 7:00 p.m. Robbins Center at FHSU:** Jesse Rohr reminded the board of the above. The presentation will be given by the same person that gave a presentation at the Congress for New Urbanism conference in Dallas, Texas that he and Chairman Paul Phillips attended.

**C. "Strong Towns" Presentation by the City Manager Forthcoming:** Jesse Rohr explained that the City Manager will be having a presentation on "Strong Towns" this summer. The attendees would be the members of the City Commission, Hays Area Planning Commission, Hays Area Board of Zoning, and City Staff. Those requested to attend will be notified of the meeting date.

**D. Board of Zoning member Shane Pruitt:** Jesse Rohr explained that Shane Pruitt will be moving out of town and this will be his last meeting. He and the board thanked Shane Pruitt for his service on the board.

Shane Pruitt stated that it has been an honor and privilege to work with everyone on this board. He and his family will be moving closer to home.

**E. Discussion of the Zoning and Subdivision Rewrite.**

**(1) Non-existing Sidewalks** – Jerry Sonntag asked about properties with non-existing sidewalks like the field across from the Hays High School. Some residents have been

notified to repair their sidewalks and the requirements had to be met with the handi-cap ramps, although what about the non-existing sidewalks where there are no sidewalks all the way through a pedestrian area. He asked if this would be addressed in the rewrite of the regulations.

I.D. Creech, Director of Public Works explained the interpretation of the current regulations that states unless the property is developed, they cannot force sidewalks. He explained the proposed concept for changes associated with the requirements of sidewalks for new developments.

They have identified the gaps of the non-existing sidewalks that should have sidewalks. It has been proposed that the city would address these areas by installation of the sidewalks to meet the city's bicycle and pedestrian community. It would be a six figure cost to the city that would have to be accomplished over time.

- (2) Lou Caplan asked if there would be a limit on how many cul-de-sacs in an area. Jesse Rohr answered, that with the new regulations, cul-de-sacs are discouraged; although not restricted. Jerry Sonntag pointed out the limitations of traveling on those streets particularly with a larger vehicle.

I. D. Creech noted that a special garbage truck was purchased for collection of garbage on the cul-de-sacs.

Jesse Rohr pointed out there are different street types. Jerry Sonntag did not want to create areas that would require irrigation because of the landscaping. He voiced concern of the development of 41<sup>st</sup> Street with the landscaping within the city right of way area for the homeowner to maintain. It was pointed out it was a KDOT project and started in 2008.

I.D. Creech explained that there may be a policy forthcoming that would not allow landscaping in the right-of-way.

- (3) There was discussion of the drainage options to prevent flooding as there is new development.

**6. ADJOURNMENT:** Lou Caplan adjourned the meeting at 9:31a.m.

Submitted by: Linda K. Bixenman, Administrative Assistant,  
Planning, Inspection and Enforcement

## Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #3-15  
ADDRESS: 810 E. 8<sup>th</sup> St  
OWNER: Rooks County Holdings, LLC  
TYPE OF REVIEW: Exception – Special Use  
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
DATE PREPARED: June 1, 2015  
AGENDA DATE: June 10, 2015

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### **SUMMARY AND RECOMMENDED ACTION:**

The applicant is requesting a special use permit to allow an existing motel (commercially zoned property) to be converted and utilized for multi-family dwelling units. After taking into consideration all known factors, staff recommends **approving** the special use permit as submitted, as long as any and all applicable conditions are met (as further detailed below).

### **BACKGROUND:**

- The applicant is requesting a special use permit as allowed in Section 71-504(18) of the Zoning Regulations to allow for a commercially zoned property to be utilized for multi-family dwelling units.
- The property is zoned C-2, General Commercial and Service District
- All multi-family dwellings located within a C-2 zoning district require a special use permit from the BZA.
- This particular property has been showing a lack of maintenance over the past several years and does contain some long term tenants.

### **STANDARDS OF EVALUATION:**

*Per State Statute 12-759 (e) and City Ordinance Sec. 71-1250 (3)*

In taking into consideration applications for a special use permit, the BZA shall give consideration to the comprehensive zoning plan, the health, safety, morals, comfort

and general welfare of the inhabitants of the community, including, but not limited to, the following factors (particularly the bolded factors):

- **The stability and integrity of the various zoning districts**
- **Conservation of property values**
- **Protection against fire and casualties**
- Observation of general police regulations
- Prevention of traffic congestion
- Promotion of traffic safety and the orderly parking of motor vehicles
- **Promotion of the safety of individuals and property**
- Provision for adequate light and air
- **Prevention of overcrowding and excessive intensity of land uses**
- Provision for public utilities
- **Invasion by inappropriate uses**
- **Value, type and character of existing or authorized improvements and land use**
- **Encouragement of improvements and land uses in keeping with overall planning**
- **Provision for orderly and proper urban renewal, development and growth**

*By ordinance, the BZA does have the authority to impose certain restrictions, conditions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.*

#### **STAFF ANALYSIS:**

In evaluating this request, staff considered not only the existing neighborhood, but also the comprehensive plan, the considerations of the new zoning regulations currently being drafted, and the highest and best uses for the property.

The Comprehensive plan considers this area as “Commercial” uses. This particular area contains a mix of various uses including retail sales, convenience store, restaurants, and clubs.

This request is a good example of **infill** development – utilizing an existing commercial facility that no longer can function as a motel to provide, in this case, a housing need for the community. Staff feels that the request is reasonable and will not have a detrimental effect on the neighborhood or surrounding uses. The area is well laid out for apartment housing.

The applicant desires to remodel the motel rooms into studio-type apartments and has provided examples of several other facilities in other near-by towns where similar

work was done. Parking will be provided per regulation as shown on the site drawing provided. All City utilities are already in place to serve this particular project. Any other regulations, such as landscaping, stormwater management, building and fire code, etc. will need to be met prior to the applicant getting a building permit for this project.

**OPTIONS:**

- Approve the request for a special use permit as submitted, with conditions
- Approve the request with additional/different conditions
- Do not approve the request for a special use permit

**RECOMMENDED ACTION:**

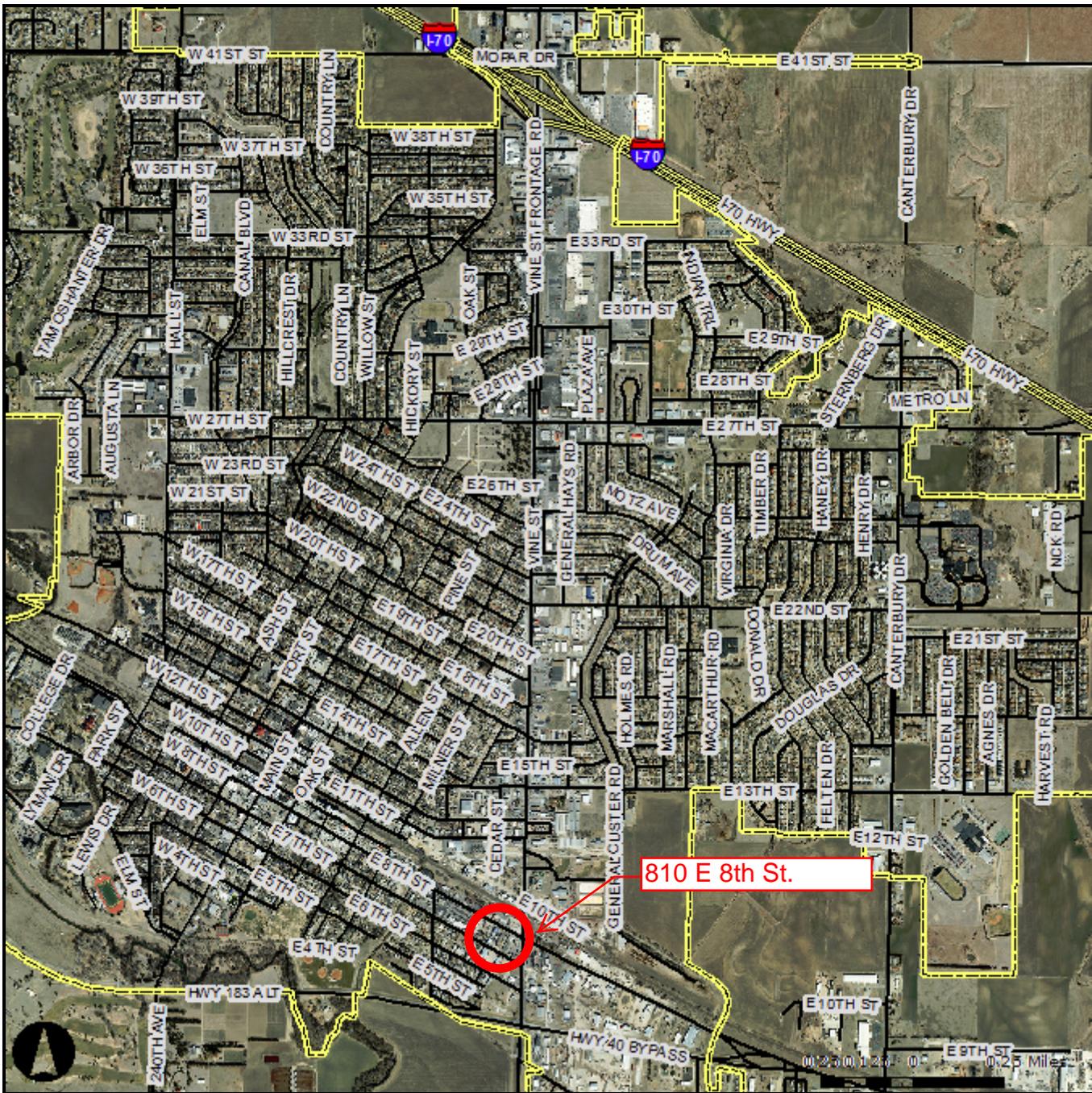
Staff recommends a motion to **approve** the application for a special use permit due to several factors including conservation of adjacent property values, no known invasion of inappropriate uses, provision for orderly and proper urban renewal, development and growth and encouragement of uses of existing facilities.

**Staff recommends the following condition(s) if approved:**

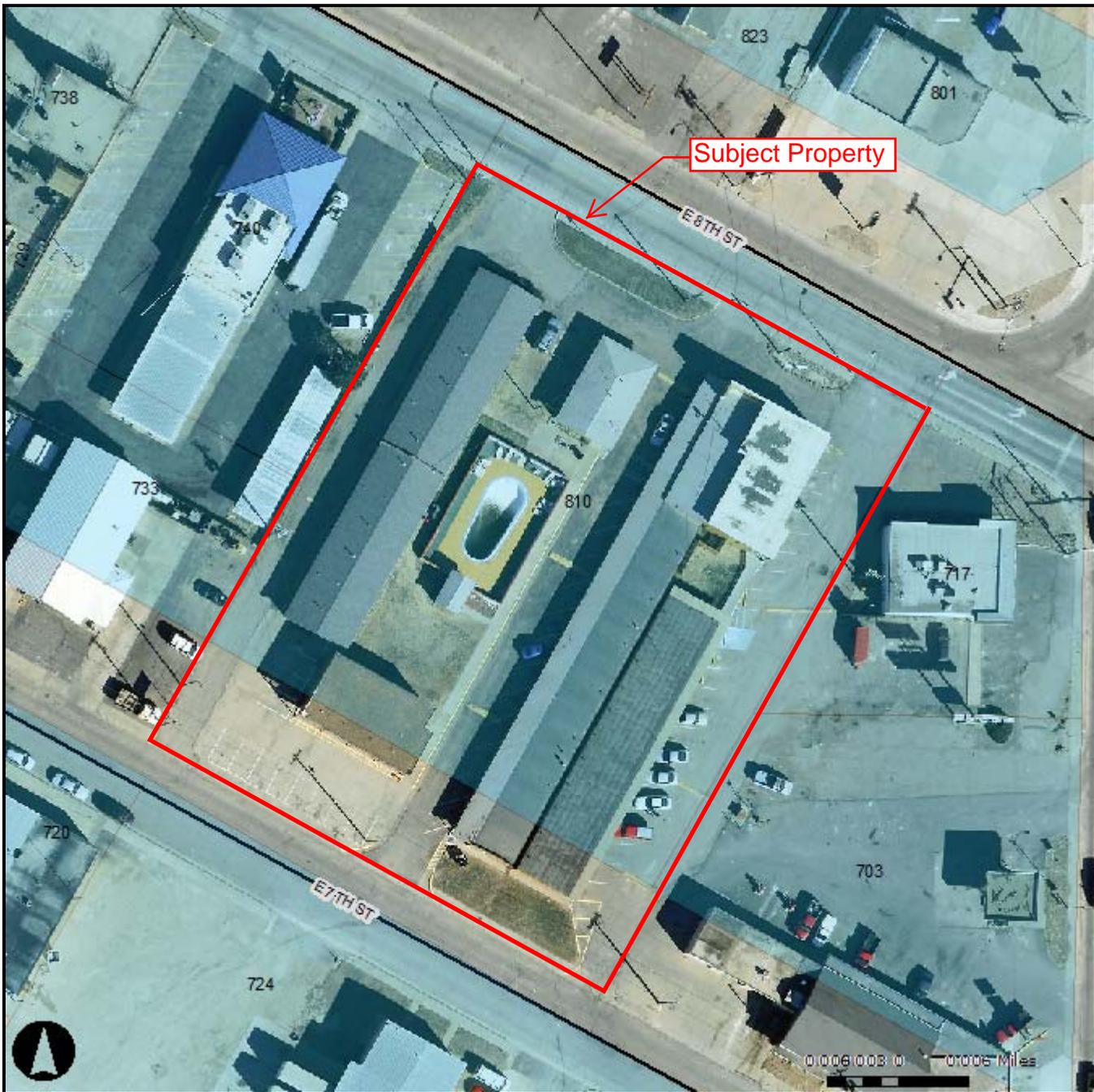
- **During the remodel phase of the project, all plumbing fixtures shall be changed out to low-flow water efficient devices. (City rebates would apply)**

**ATTACHMENTS:**

- Exception application
- Pictures and site maps
- Statement of justification and site drawings from owner



810 E 8th St.



Subject Property

E8TH ST

E7TH ST



0 0.006 Miles

**APPLICATION FOR EXCEPTION**

I. Name of Applicant STEVEN R. MONGEAU OF FROOKS COUNTY HOLDINGS, LLC Phone 818.519.8818

Mailing Address P.O. BOX 513; STOCKTON, KS 67669

Name of Owner (if different from applicant) VIGNESHVARAI, LLC Phone 785.625.2563

Mailing Address 810 E. 8th St; HAYS, KS 67601

Name of Authorized Agent NIA Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Relationship of applicant to property is that of BUYER  
(Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-504 (18) of the Zoning Regulations to permit the <sup>CONVERSION</sup> installation or construction of MOTEL TO STUDIO APARTMENTS

(OFF-PREMISE SIGNS, DRIVE-THRU, & PARKING REDUCTION) on property

zoned C-2, located at 810 E 8th St and legally described as:

Lot(s) —, Block(s) — of the \_\_\_\_\_

See Attached Legal Tract Section 4-T14S R18W Addition to Ellis County.

Give metes and bounds description below or on attached sheet: NIA  
(Required only if property is not part of a legally recorded plat)

III. The applicant and owner herein, or authorized agent and owner:

- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this exception request.
- B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
- C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
- D. Acknowledges right to appeal the decision of the board to the District Court.

SRM  
APPLICANT  
STEVEN R. MONGEAU

\_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

OWNER  
VIJAY A PATEL

**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON March 16 2015,

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00.

Sunda Bilemsman, Administrative Assistant  
NAME AND TITLE

## STATEMENT LETTER

04.062015

TO: Hays Area Board of Zoning Appeals

FROM: Steven R. Mongeau,  
Owner of Rooks County Holdings, LLC

RE: 810 E. 8<sup>th</sup> Street;  
Hays, KS 67601

On behalf of Rooks County Holdings, LLC & Market Experts Management Corporation, we are pleased to make the Application for Exception for the above-referenced property for the conversion from a motel transient occupancy use to a multi-family mixed use. There are no changes being made to the circulation of the site, nor will there be any increase in square footage. The project consists of a remodel to each of the existing motel rooms (finishes & kitchenettes), removal of the pool for a future recreation area, updated landscaping with drought tolerant plants, exterior façade improvements, & changes to the existing legal nonconforming signage (under separate permit). We would also like to request that the existing office space with drive-thru, as well as Rooms 128-138 (facing Vine Street) be available for office/retail uses.

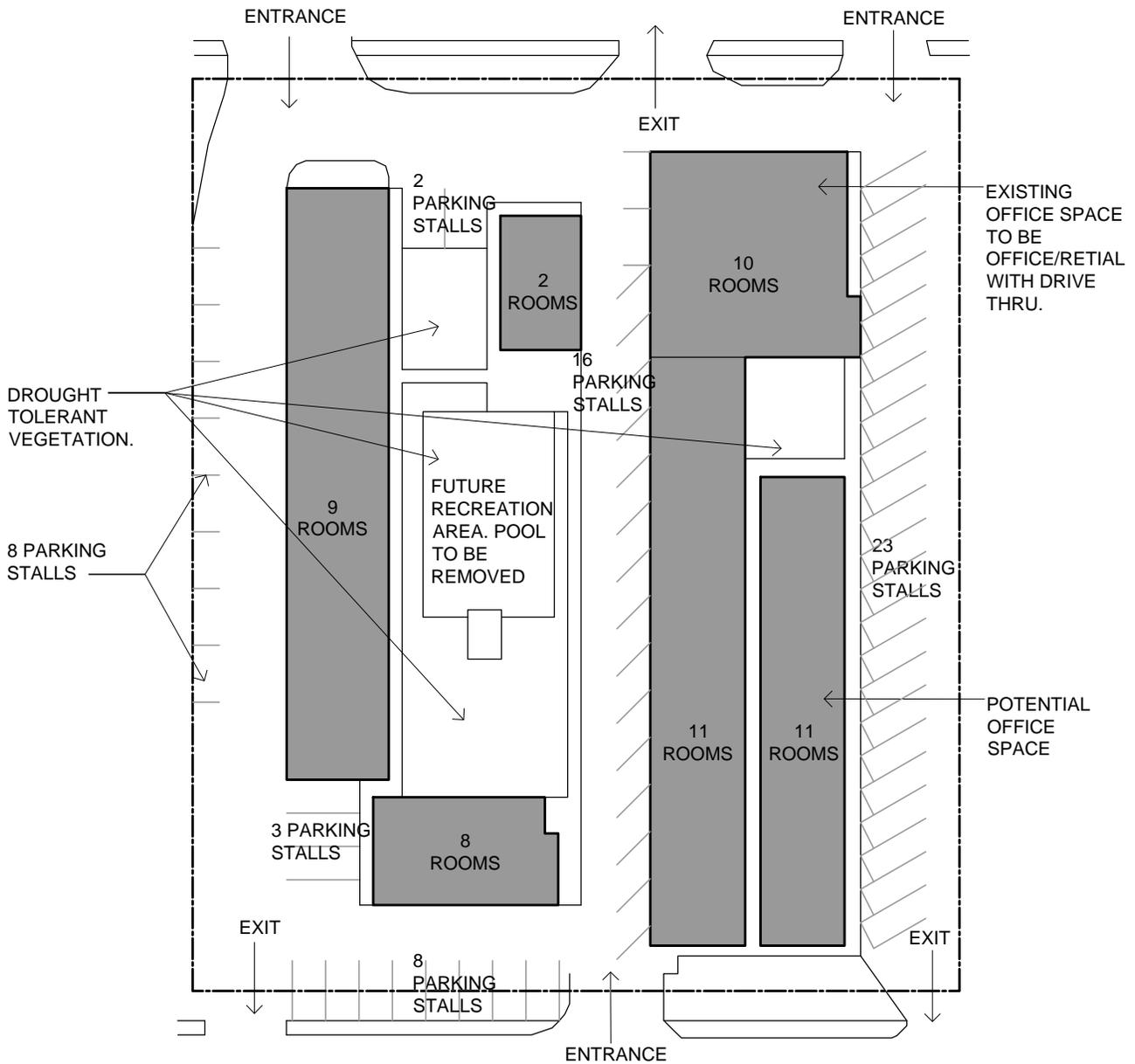
In consideration for the application, we would ask the board to consider the following factors:

1. The stability & integrity of the various zoning districts: The multi-family mixed use is allowed in the commercial zoning of the property. The multi-family use is a better use of the property as motels so far from the junction of I-70 are no longer viable.
2. Conservation of Property Values: The new multi-family use will revitalize the southwest corner of 8<sup>th</sup> & Vine, acting as a catalyst for nearby properties.
3. Protection against fire & casualties: The property is divided into six separate buildings, all with adequate ingress, egress, & circulation. All units will have fire alarm as required by the City & for insurance coverage.

4. Observation of general police regulations: Rooks County Holdings will be responsible for the ongoing management of the project. They have extensive experience in property management; over the course of the last year, they have purchased, renovated, & stabilized 6 apartment/motel properties in Stockton. We look forward to a healthy relationship with the City of Hays & its Police Department.
5. Prevention of traffic congestion: The proposed multi-family use will generate less vehicle trips than a motel use. In addition, it is expected that a number of occupants will not have vehicles.
6. Promotion of traffic safety & the orderly parking of motor vehicles: There are no proposed changes to building footprints or circulation. The proposed multi-family use will generate less vehicle trips than a motel use. In addition, it is expected that a number of occupants will not have vehicles.
7. Promotion of the safety of individuals & property: Rooks County Holdings will be responsible for the ongoing management of the project. They have extensive experience in property management. Applications for tenancy are adequately scrutinized to ensure there are responsible tenants. Inspections are made to all units on a regular basis. Any potential illegal activity is immediately reported to the appropriate authorities.
8. Provision of adequate light & air: There are no changes being made to the building footprints, & all windows/lighting are being maintained. The preexisting layout of 6 buildings provides for an adequate amount of pedestrian circulation, air, & light. The recreation area will provide a welcomed amenity for open space.
9. Prevention of overcrowding & excessive intensity of land uses: The multi-family use is significantly less intensive than a motel use. As many as 6 occupants are allowed in a single motel room. Most of the studio apartments will have 1 occupant (a maximum of 2).
10. Provision of public utilities: There are no proposed changes to public utilities. Because of removal of the pool, installation of drought tolerant plants, & more efficient electrical appliances/lighting, the proposed use will result in less utility consumption.
11. Invasion by inappropriate uses: the proposed use will enhance the neighboring properties.
12. Value, type, & character of existing or authorized improvements & land use: The current use as a motel is no longer viable; without a change, it will result in blight to the greater community. The proposed uses as multi-family will revitalize the property/neighborhood & provided much needed quality affordable housing for the greater community.

13. Encouragement of improvements & land uses in keeping with overall planning: The adaptive re-use of the property from motel to a multi-family use will result in higher property values & as a catalyst to revitalizing nearby properties.
14. Provision for orderly & proper urban renewal, development, & growth: The adaptive re-use of the property from motel to a multi-family use will result in higher property values & as a catalyst to revitalizing nearby properties. It also provides much needed quality affordable housing to the greater community.

8TH STREET



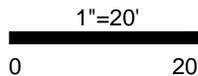
7TH STREET

**NOTES:**

1. ALL LEGAL NONCONFORMING SIGNAGE SHALL REMAIN. SIGNAGE TO BE UPDATED IN SEPARATE PERMIT.
2. ALL EXTERIOR FINISHES WILL BE UPDATED IN PHASES.
3. ALL ROOMS ARE NOT CHANGING IN FOOT PRINT.
4. UPDATING FINISHES AND ADDING KITCHENETTES TO ALL ROOMS.



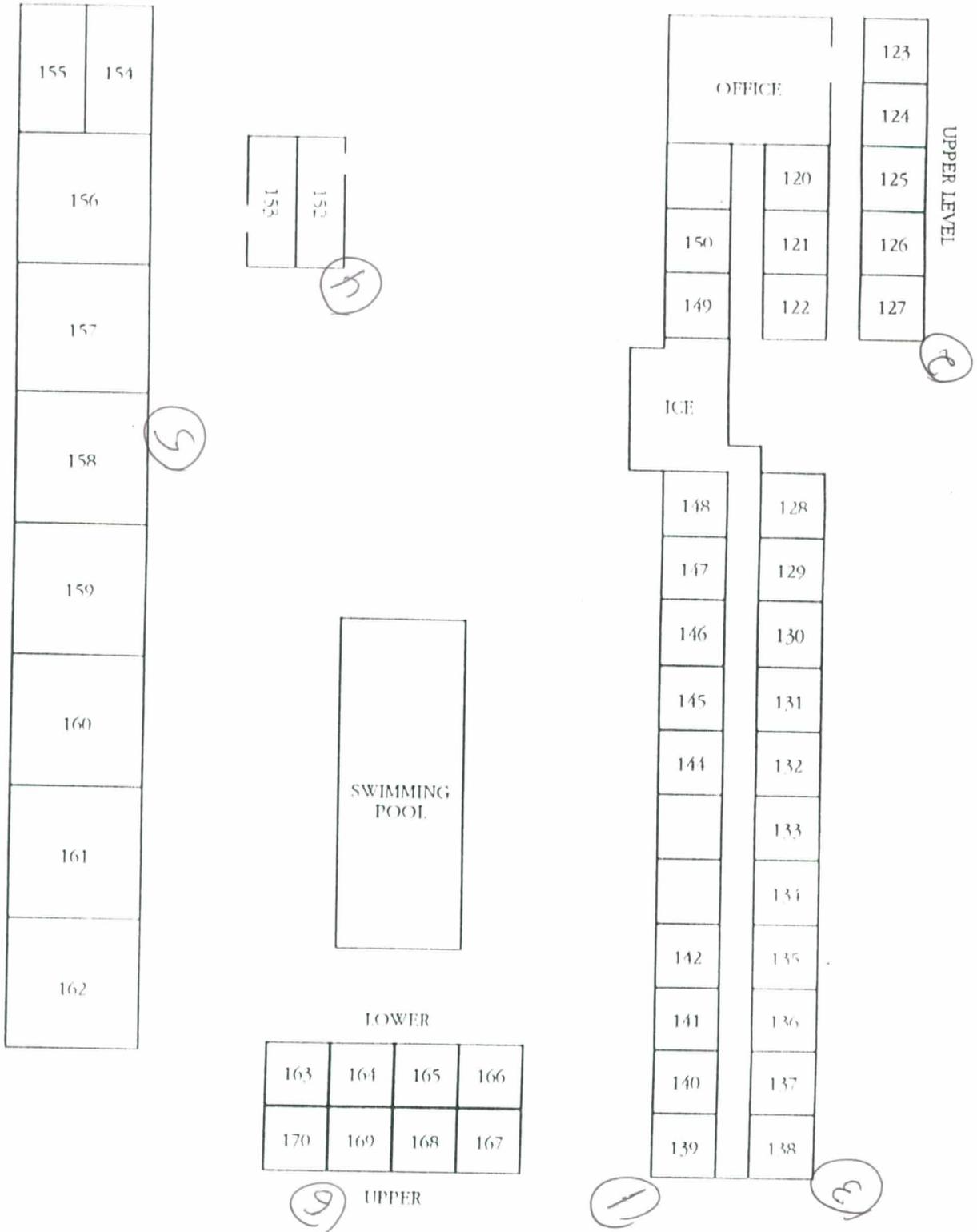
# SITE PLAN





# Room Locator

## Villa Motel







LEFT LANE  
MUST  
TURN LEFT







ACCENT PAINT



FIELD PAINT



DOOR PAINT

## 8<sup>TH</sup> & VINE STREET STUDIOS - EXTERIOR



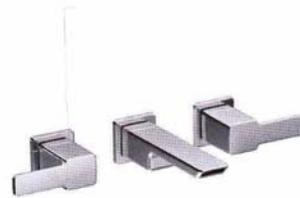
Single-Handle Faucet / S7170



KITCHEN FAUCET



Single-Handle Vessel Lav Faucet / S6711



Wallmount Lav Faucet / TS6730\*



BATH FAUCETS



FIELD PAINT



CABINETS



COUNTERTOPS

**FLOORING:**

1<sup>ST</sup> FLOOR - WOOD LAMINATE

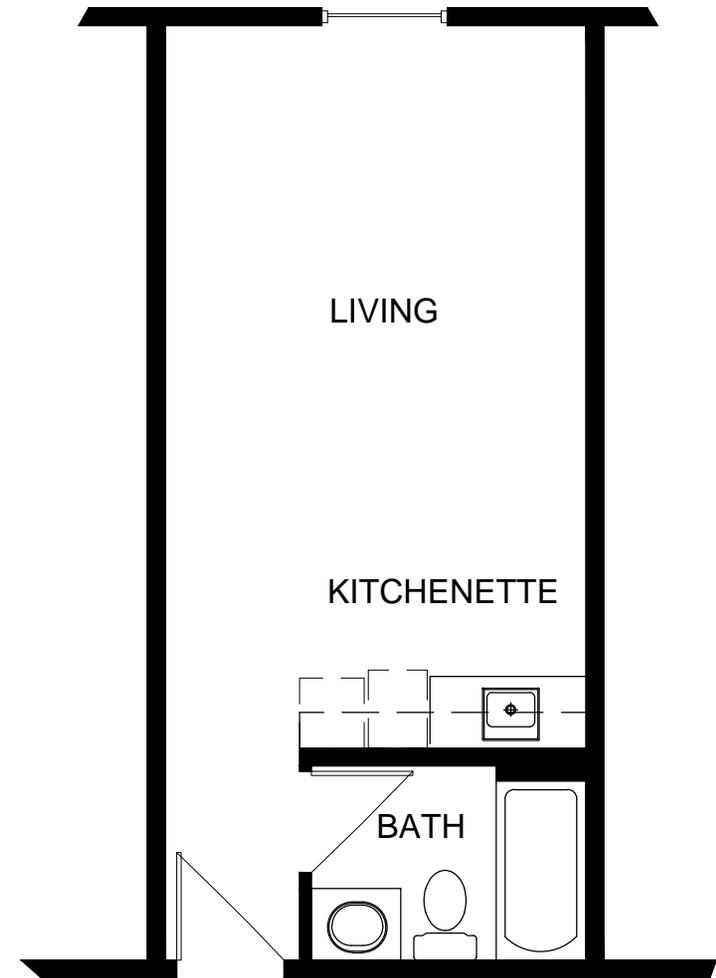
2<sup>ND</sup> FLOOR – CARPET

MATERIALS ARE BEING PURCHASED THRU HEARTLAND BUILDING CENTER.

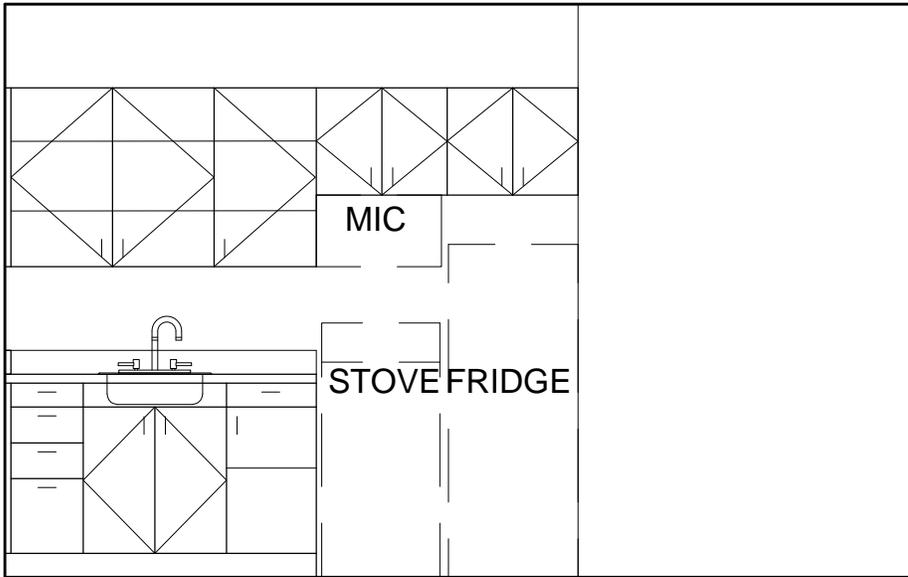
8<sup>TH</sup> & VINE STREET STUDIOS - INTERIOR



**1** **1 BEDROOM APT.**  
 3/16"=1'-0"  
 0 4'

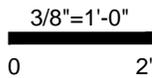


**2** **EFFICENCY APT.**  
 3/16"=1'-0"  
 0 4'



1

# KITCHENETT



PAINT EXISTING  
FENCE

NEW WATER  
FOUNTAIN

PLANTING  
BUFFALO GRASS  
PER CITY  
SPECIFICATIONS

NEW SHADE  
STRUCTURES

ELM TREES  
PER CITY  
SPECIFICATIONS

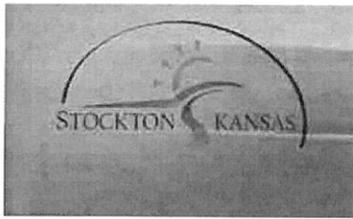


1

# LANDSCAPE

1"=20'





**Stockton Area  
Chamber of Commerce**  
P.O. Box 1  
Stockton, KS 67669  
T: 785.425.6272  
stocktonchamber@ruraltel.net  
www.stocktonkansas.com

**Chamber Board:**  
Denae Denio-Odle, President  
Linda McLaughlin, VP  
Staci Ketelsen, Treasurer  
Barb Poore, Secretary  
Zach Muhrer, Member  
Keith Schlaegel, City  
Linda Conyac, USD 271

**Mission Statement:**  
The mission of the Stockton Area Chamber of Commerce is to provide voluntary support to our community by promoting new and existing businesses through networking and community activities.

Stockton Area Chamber of Commerce  
PO Box 1,  
Stockton, KS 67669

April 7, 2015

To whom it may concern,

Hello! I am the Stockton Area Chamber of Commerce President and I feel that this individual is a viable candidate for your support in his endeavors.

Steven Mongeau with MOJOCO, LLC has become very involved with the Stockton Area Chamber of Commerce. He has been working with the locals to help rejuvenate the city of Stockton.

He has purchased dilapidated motels in the city of Stockton and has been focused on transforming them into livable units. One of the dilapidated properties has been transformed into efficiency apartments. Another property has renovated motel rooms; this will keep visitors visiting Stockton. While the third property, has been transformed into mixed use facility. Currently an office space is used for an attorney.

Steven Mongeau is an individual that we would recommend as a recipient for your support. If you need further information please feel free to contact the Stockton Area Chamber of Commerce at 785.425.6272.

Sincerely,

Denae Denio-Odle  
Stockton Area Chamber of Commerce  
President



*A Great Place to Grow*

March 30, 2015

To whom it may concern:

During the past couple of years, Steven Mongeau and his group, Rooks County Holdings have been purchasing and developing properties in the City of Stockton. The City's relationship with Mr. Mongeau has been a good one from the beginning.

Rooks County Holdings has followed through with all their purchases and plans. Numerous properties, including apartments, motels and single family houses have been renovated. Apartment buildings which had code violations and high vacancy rates have been fixed up and are now being filled with renters. In addition, frequent disturbance calls to the police at these properties have been abated.

At this time, Rooks County Holdings is renovating two motels in town. These motels had become badly outdated and were turning into a problem for growth. The current renovations will be another improvement for the City.

If you have any questions, please contact me.

Sincerely,

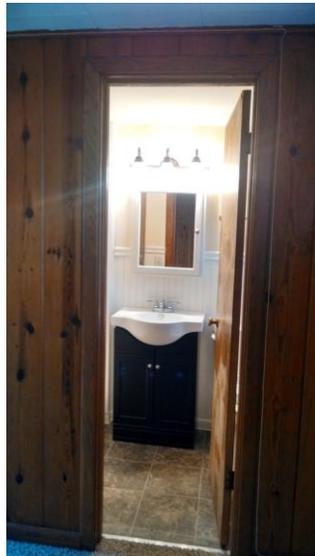
Keith Schlaegel  
Stockton City Manager

## CURRENT PROJECTS

The former Star Motel, located at **1400 Main Street** in Stockton, was purchased in the fall of 2014. This property was no longer viable as a functioning motel. It was being rented for short-term tenancies, was an eyesore to the community, & disturbances were reported to the local police department on a regular basis. The property consisted of a building with 10 motel units, & a SF dwelling.

The SF dwelling was updated with fire alarms & an interior remodel & was tenanted with a new family moving to town. The exterior of the building is in transition; to date, all of the windows & windows have been replaced, new siding was installed, & the house will be painted in June.

The motel building is being converted to a 5 unit apartment building. To date, 4 of the 5 units have been converted to 1 BR, 1B apartments & all have been tenanted. The final unit will consist of a 2BR, 2B unit & is scheduled to be completed during the summer. The exterior façade is being updated with new doors, HVAC units, & will be repainted. The landscaping for the entire property will be updated by the end of May with a large order for trees & shrubs being placed at Hays Greenhouse. ***All improvements to the property are scheduled to be completed by the end of summer in 2015.***



Photos from interior of apartment unit above.



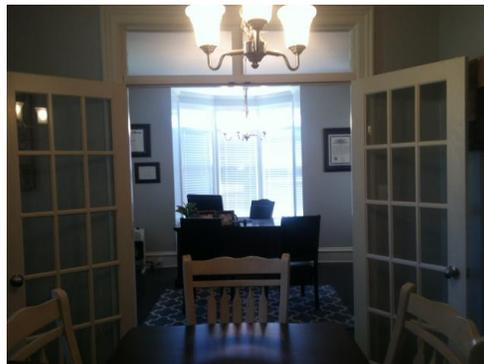
Photo of siding, windows, & door renovations to house. Paint & landscape improvements to follow.



Photo of motel units being converted to apartments. Roofing has been replaced. Doors, HVACs, paint, landscaping ongoing.

The former Americana Motel, located at **521 N. 1<sup>st</sup> Street** in Stockton, was purchased in the fall of 2014, as well. This property was a functioning motel, but was very dilapidated with numerous code violations. The property consisted of a house/office, & 2 separate buildings demised into 14 motel rooms.

The office at the motel was closed upon close of escrow with all check-ins directed to the M Motel to significantly cut fixed costs. The office is mainly comprised of a 2 story limestone house that is one of the oldest structures in Stockton dating to c. 1865. The interior of the limestone house has been converted to a law office. The exterior of the building will undergo some repair to structural cracks & will be repainted this summer, along with cleanup of the grounds & a period-appropriate brick sidewalk running from the public street to the house.



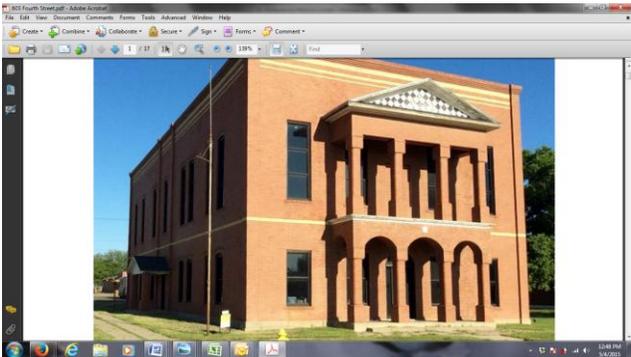
Immediately upon closing escrow, any/all code violations were corrected on the motel buildings. Having recently completed the renovation of the M Motel's other location, refreshing of the 14 rooms at this location will follow. Because of the notoriety of the motel's prior name, "The Owl Motel", there are plans to preserve the original monument sign as the M Motel's "Owl Location" with some owl theming on the interior of the motel rooms. The building is scheduled to be repainted, along with upgrades to the wild game cleaning station in preparation for the fall hunting seasons.



Our most recent acquisition occurred on April 24<sup>th</sup>. It was an abandoned house slated for demolition located at **704 S. 1<sup>st</sup> Street** in Stockton. It will become the new residence for our company's owner & the office for Rooks County Holdings. The structure was gutted during the week of May 4<sup>th</sup> & is currently under major renovation. A little peek at the "before" condition follows below. Renovations are scheduled to be completed by June 15<sup>th</sup>.



We are also working with Phillips County for the preservation of the Masonic Lodge located at **603 4<sup>th</sup> Street** in Phillipsburg. The lodge was originally constructed in 1900 as a 2 story brick structure with 10,000sf of space. The building sustained significant damage to the roof in 2014, & owner did not have insurance. We will close escrow on the building this week & stabilize the building with repairs to the roof, the brick, & columns over the next 2 months. An adaptive reuse of the building as apartments is in the works.



## COMPLETED PROJECTS

The ***Tudor Apartments***, located at 2<sup>nd</sup> & Gracie Streets in Stockton, were purchased in December of 2013 with 50% vacancy. Located across the street from Stockton's elementary school, & there were disturbances and police calls. The property was re-tenanted, many units were remodeled. The property is fully leased with a wait list.



The brickstone apartment building, located at **503 S. 1<sup>st</sup>** in Stockton, was purchased in the spring of 2014. Because of a prior flood in the basement, those units were uninhabitable. Within a month of purchasing the property, the basement units were fully remodeled & filled with long-term tenants.



The SF dwelling located at **704 N. 2<sup>nd</sup>** in Stockton was purchased in the spring of 2014. The house was fully remodeled & now is the home for a young family.



The former Midwest Motel, located at 1401 Main Street in Stockton, was purchased in the fall of 2014. The property was dilapidated & had not been updated since 1983. The motel has been re-branded as **The M Motel** with all 14 rooms having been fully renovated (with the monument sign being re-painted in June).



M custom embroidered linens



The SF farmhouse located at **1418 Main Street** in Stockton was recently purchased & stabilized with a tenant. There are plans for adding an additional house to the property, either by moving in a local historic house, or constructing another one.



## Parcel Details for 026-182-04-0-10-17-002.00-0

Quick Reference #: R12078

**(Primary):** VIGNESHVARAI LLC

**Mailing Address:** 810 E 8th St  
Hays, KS 67601

**Address:** 810 E 8th St  
Hays, KS 67601

**Neighborhood:** 502 - Hays

**Tract:** Section: 04 Township: 14 Range: 18

**Legal Description:** HAYS TRACTS UNPLATTED , ACRES 1.4 , BEG 124(S) NW OF INTER E/L SEC 4 & SLY R/W 8TH ST TH NWLY 229.73 TH SLY 272 TH SELY 229.73 TH NLY 273.53 TO POB SECTION 04 TOWNSHIP 14 RANGE 18

**Acres:** 1.40

**Market Acres:** 1.44

**:** Hotel / motel

**Activity:** Transient living

**Ownership:** Private-fee simple

**Site:** Developed site - with buildings

### Property Factors

**Utilities:** All Public - 1

**Parking Quantity:** Adequate - 2

**Access:** Paved Road - 1

**Parking Proximity:** On Site - 3

**Fronting:** Major Strip or CBD - 1

**Parking Covered:**

**Location:** Perimeter Central  
Business District - 2

**Parking Uncovered:**



## Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #04-15  
 ADDRESS: 1308 W 44<sup>th</sup>  
 OWNER: Robert J. Wickham  
 TYPE OF REVIEW: Variance  
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
 DATE PREPARED: June 1, 2015  
 AGENDA DATE: June 10, 2015

---

### SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the side yard setback from 7.3' to 3', a variance of 4.3' to allow the construction of a detached 18' x 18' shed on the property located at 1308 W 44<sup>th</sup> (see further details below and attached site drawing). Staff recommends not approving the variance based on the lack of identifiable hardship or unique characters of this property, as further detailed below.

### BACKGROUND:

- The applicant is requesting a variance on 1 side:
  - West Side – 7.3' to 3'
- Applicant wishes to construct a detached shed on the property
- Applicant wishes to utilize an existing slab on the property

	<b>Setback Required</b>	<b>Applicant Proposed</b>
Front Yard	N/A	N/A
Side Yard	7.3'	3'
Rear Yard	5'	5'
Other Structures	5'	>5'

## STANDARDS OF EVALUATION:

*Per State Statute 12-759 and City Ordinance Sec. 71-1250*

- The BZA has the authority to grant a variance if a literal enforcement of the provisions of the adopted regulations, will, in an individual case, result in unnecessary hardship, provided:
  - The spirit of the regulations shall be observed
  - Public safety and welfare secured
  - Substantial justice shall be done
- The applicant must show that the property was acquired in good faith and that the variance is needed due to extraordinary or exceptional circumstances of the property such as exceptional narrowness, shallowness, or shape of the lot
- Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be finding by the Board that all of the following conditions exist:
  - a. Uniqueness of the property not ordinarily found in the same zone or district and not created by willful action of the owner

**Staff Analysis:** *It is not immediately clear what is unique about this property that would warrant such a variance. This lot is very typical of others in the area regarding lot size and shape. The applicant states that the lot is small and narrow but that does not seem to be the case. The existence of an existing concrete pad is not a factor in considering this property to be unique. There appears to be no reason the proposed shed cannot be shifted to the east a few feet.*

- b. The granting of the variance will not adversely affect the rights of adjacent property owners

**Staff Analysis:** *Erecting a structure as close as is proposed could definitely affect the rights of adjacent owners. Setbacks are in place to provide room for light, air movement, and safety, and all of these might be compromised if the variance is approved as submitted. This is a rather large shed (18' x 18') to be setting this close to the property line in this neighborhood.*

- c. The strict application of the code will constitute unnecessary hardship upon the property owner

**Staff Analysis:** *Again, this is a lot that is very consistent with others in the neighborhood. A smaller shed could be considered that would be able to meet the setbacks and not require a variance while still maintaining the yard space the applicant desires. The placement of a shed of this size is more a factor in the yard size than having to meet the required setbacks. With no*

*variance, the applicant can still erect a shed of the desired size therefore there is no known hardship.*

- d. The variance will not adversely affect the public health, safety, morals, order, convenience, propriety, or general welfare

**Staff Analysis:** *It is possible that if granted as proposed, this variance **could** adversely affect the public health, safety, morals, order, convenience, propriety, or general welfare.*

- e. The granting of the variance desired will not be opposed to the general spirit and intent of the regulations

**Staff Analysis:** *The granting of a variance for the proposed shed, with approval of a variance as submitted, would be opposed to the general spirit and intent of the zoning regulations.*

#### **OPTIONS:**

- Do not approve the variance
- Approve the variance

#### **RECOMMENDED ACTION:**

Staff recommends **not approving** the variance due to no hardship being identified and failure to show the uniqueness of the property as it relates to others in the neighborhood. A variance issued for this request would set precedence for similar requests for all other lots in the area.

#### **ATTACHMENTS:**

- Variance application
- Variance justification and site drawing(s) from owner
- Images/Maps



# 1308 W 44th



**APPLICATION FOR VARIANCE**

I. Name of Applicant ROBERT J WICKHAM Phone 785 623 0812

Mailing Address 1308 W 44TH

Name of Owner (if different from applicant) 1308 W 44TH Phone \_\_\_\_\_

HAYS KS 67601

Mailing Address 1308 W 44TH

Name of Authorized Agent \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Relationship of applicant to property is that of \_\_\_\_\_

(Owner, tenant, lessee, other)

II. The variance is requested REQUEST A 4'3" VARIANCE TO REDUCE

THE WEST SIDE YARD BUILDING SETBACK FROM REQUIRED 7'3" TO 3 TO

CONSTRUCT AN 18' X 18' SHED

on property located at 1308 W 44TH and legally described as: LOT FOUR (4)

BLOCK (2) 41 ST STREET PLAZA FOURTH ADDITION

in the City of Hays and which is presently zoned RESIDUAL R-2

Give metes and bounds description below or on attached sheet: (required only if property is not part of a legally recorded plat)

III. The applicant and owner herein, or authorized agent and owner:

- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this variance request.
- B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
- C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
- D. Acknowledges right to appeal the decision of the board to the District Court.

ROBERT J WICKHAM  
APPLICANT

\_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

Robert J Wickham  
OWNER

**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON April 10, 2014

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00

Sandra Bixenman, Administrative Assistant

NAME AND TITLE

To: Hays Area Board of Zoning  
From: Robert J. Wickham  
1308 w 44th Hays Kansas

I would hereby request a four foot three inch (4' 3") variance to reduce the west side yard building setback from the required seven feet three inches (7' 3") to three feet (3') to build a storage shed (18' X 18') on an existing poured concrete pad that measures 20'x 20'. The existing concrete is 6" thick with a 24" wide footing and 18" deep for the 20'x20' slab. The new storage shed will be built measuring 18' x 18'.

**A. Uniqueness**

Due to the fact that our property is small and narrow. The lot size is 73' wide by 125 deep. I would lose some of my backyard and have to add onto the existing concrete pad 7' 3" to the east. Total concrete pad would be 27' 3". My back yard is already very small. There are no utilities in the backyard. I would have wasted concrete on the west side of the storage shed.

**B. Adjacent property:**

The 4' 3" setback will only affect the west neighbor, Brent Goertzen, and he has granted me permission with the new storage shed of 18' by 18' being built in the corner of the 20'by 20' concrete pad. Brent Goertzen also has a shed in the corner in his backyard. The South property line will be in accordance with zoning regulations. It will be 5' from the South property line.

The existing concrete pad of 20' by 20' is already 3' from the South property line.

**C. Hardship:**

By placing the storage shed on the concrete pad as required by the zone regulations would place the building farther east in my backyard and decrease the area. Also I would have to add on to the existing concrete by 7' 3". If I build the storage shed and following zoning regulations it would almost be in the middle of my back yard and block the view and ventilation to the south side of the house. I would also have 7' 3" on the backside of the shed which has no use to me for storage.

**D. Public interest:**

My goal in requesting this setback variance is to allow a storage building (18' X 18') to be built on the existing concrete pad 20' by 20'. On this location our neighbors also agree on and that it will still maintain visual appeal and functionality of the limited backyard space it will also improve the neighborhood and improve the market value of my real estate with the new storage shed.

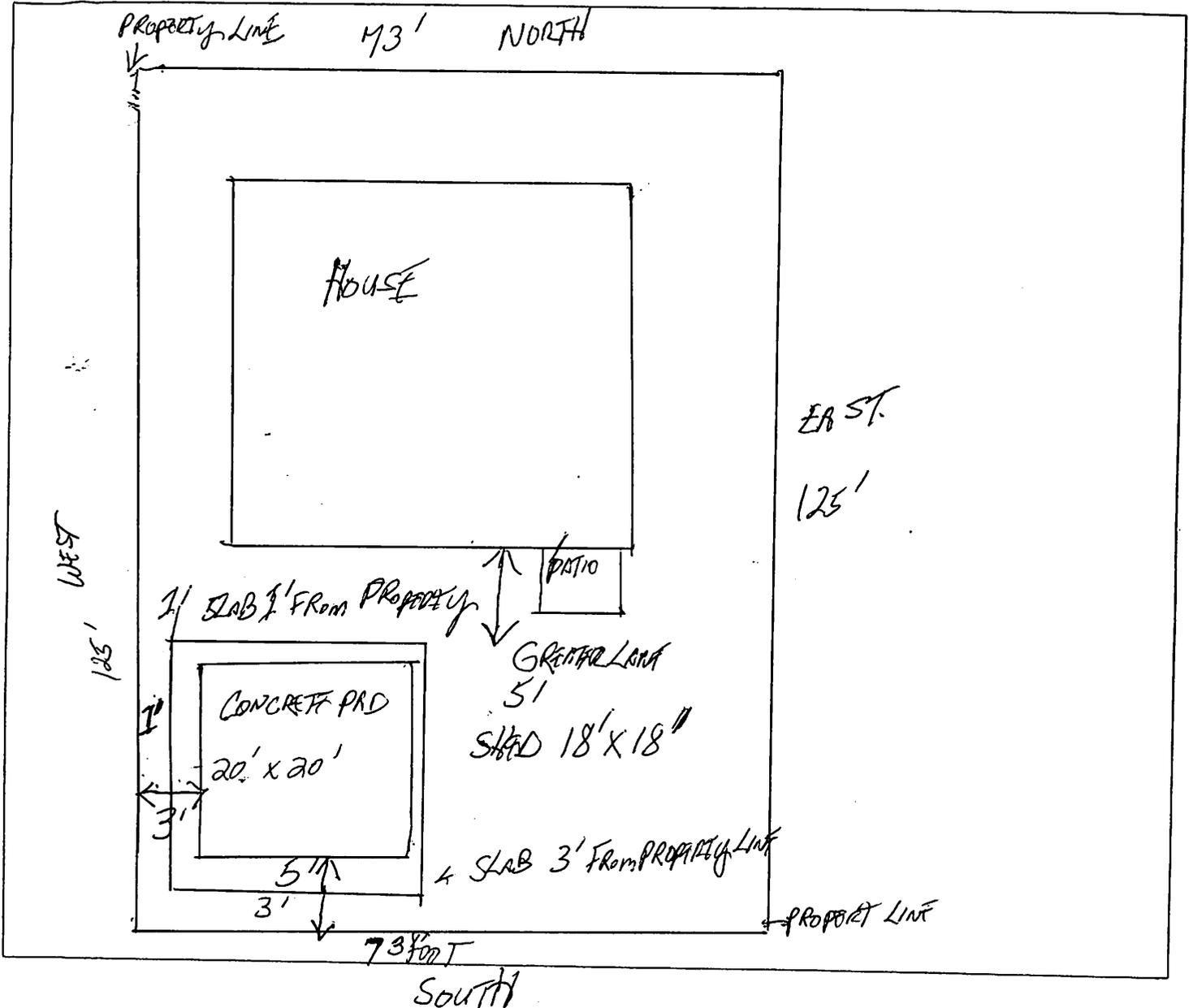
**E. Spirit and intent of zoning regulations**

Granting of the variance desired will not be opposed to the general spirit of the extent of the zoning regulations the storage shed will not be in the way of any utilities or interfere with traffic or affect the neighbors.

Sincerely, Robert Wickham

ROBERT J WICKHAM  
 1308 W 44th  
 Hays, KS 67601

Site Plan showing: location and size of all structures; setbacks; all entrances and exits to and from said real estate; all adjacent and adjoining roads and highways, adequate sewage disposal systems, water wells, and all utility locations.

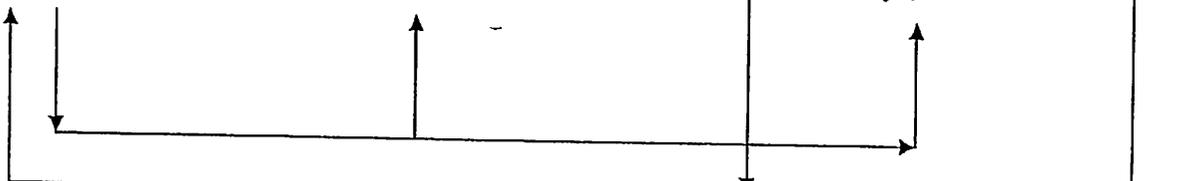


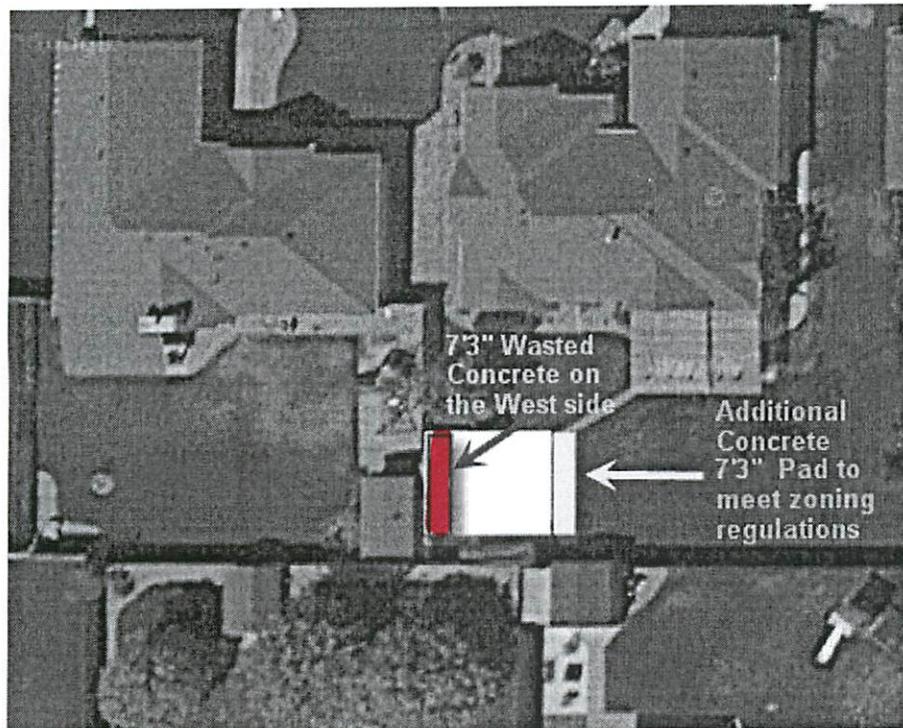
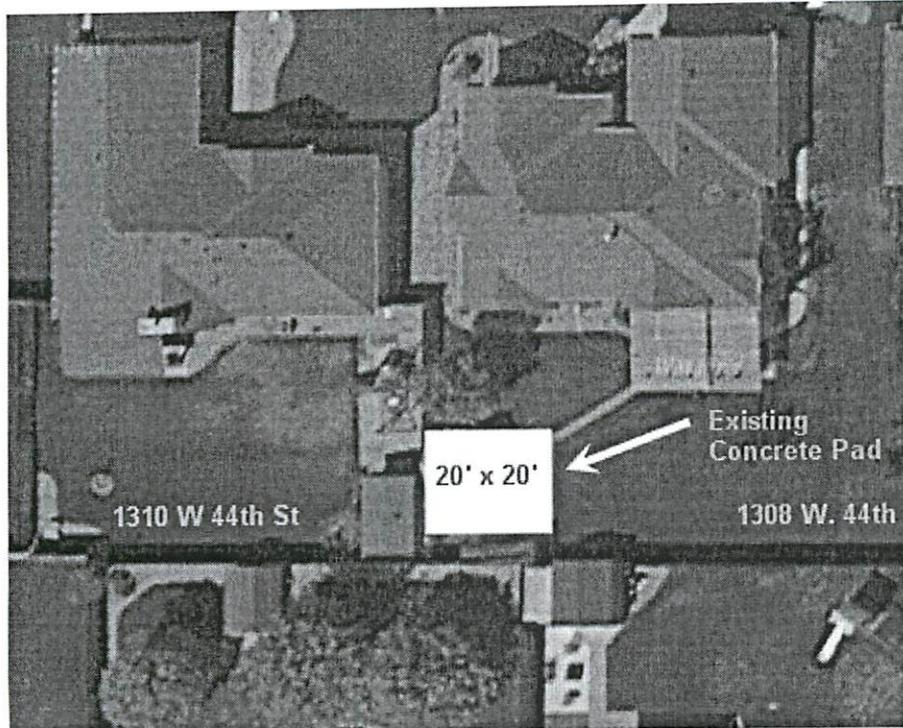
\$20 FEE PAID TO THE CITY OF HAYS UPON APPROVAL OF EVALUATION

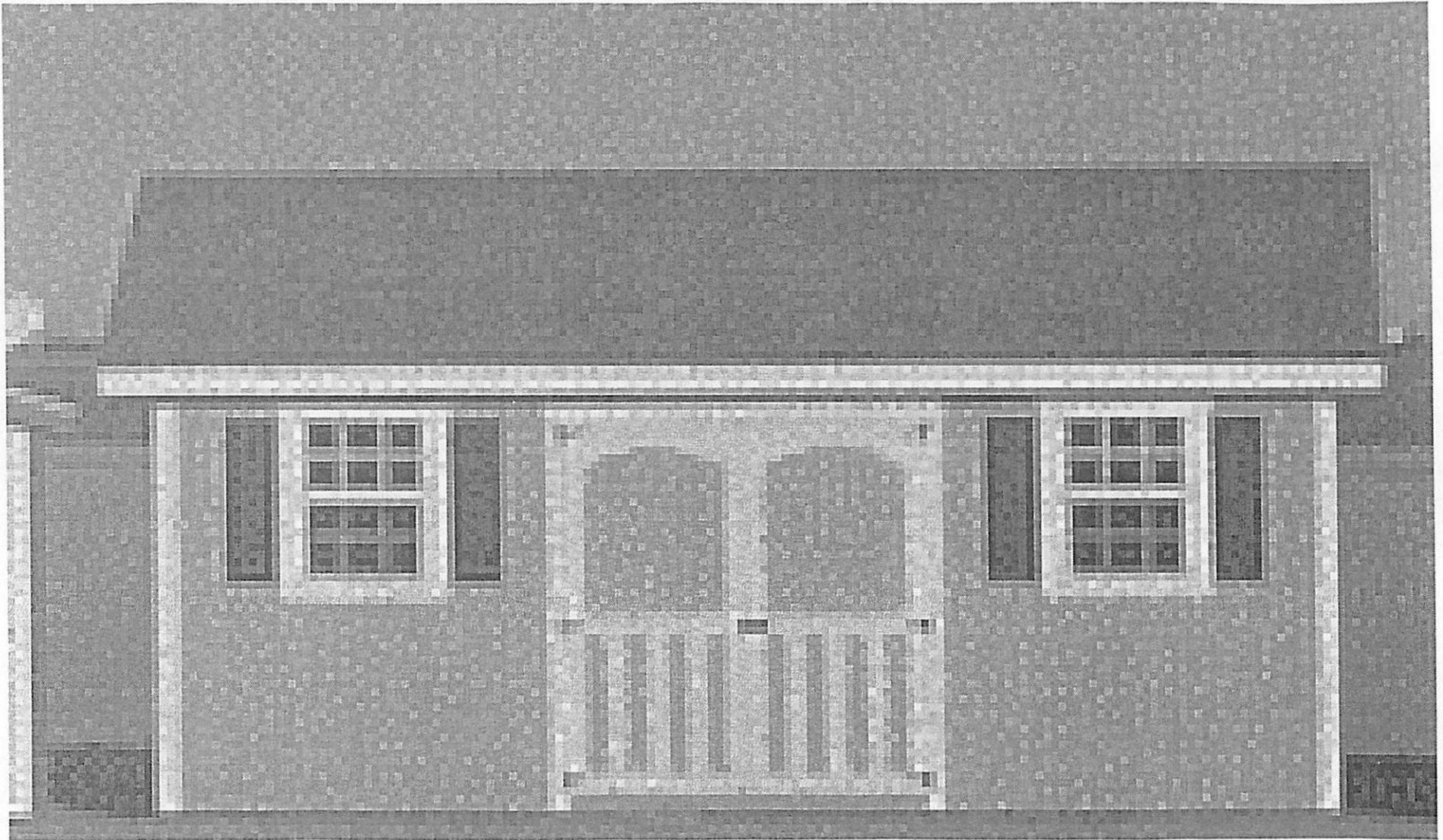
City of Hays  
 785-628-7310  
 1002 Vine St  
 Hays, Ks

Ellis County Environmental Office  
 785-628-9449  
 601 Main St  
 Hays, Ks

Ellis County Appraiser  
 785-628-9400  
 1204 Fort  
 Hays, Ks







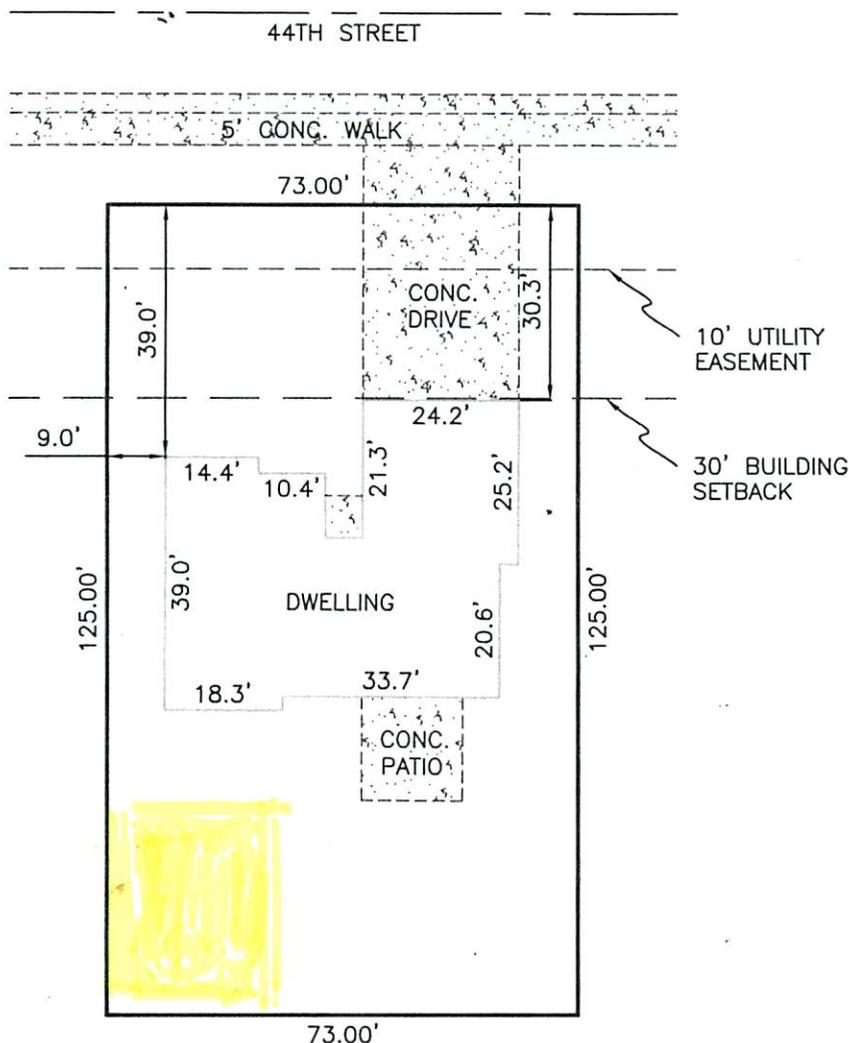
SIZE 18'x18'  
SIDEWALL 9'  
1/2 PITCH ROOF

4 WINDOWS  
72" DOOR  
CUSTOM BUILT

LOFT

# MORTGAGEE TITLE INSPECTION

(this does not constitute a boundary survey)



**LEGAL DESCRIPTION:** (as written on Title Commitment referenced below)  
 Lot Four (4), Block Two (2), 41ST STREET PLAZA FOURTH ADDITION,  
 to the City of Hays, Ellis County, Kansas.

**POSTAL ADDRESS:** 1308 W. 44th Street, Hays, KS 67601

This Mortgagee Title Inspection is only for Title Commitment Number 006946-2005,  
 dated February 23, 2005 at 8:00 A.M.

To the best of my knowledge the improvements on the above described parcel are  
 within the boundaries of the parcel and there are no encroachments upon the described  
 premises by improvements on any adjoining premises and there is no apparent evidence  
 or sign of any easement crossing or burdening any part of said parcel, EXCEPT AS  
 SHOWN.

Front Offsets: ±0.5'  
 Side Offsets: ±0.5'  
 Building Dimensions: ±0.1'

This Mortgagee Title Inspection was made by me or under my direct supervision  
 and is true and accurate to the best of my knowledge and belief at the time of  
 survey. The sole purpose of this Mortgagee Title Inspection is for Mortgagee Title  
 Insurance. This is NOT a Boundary Survey and SHOULD NOT be relied upon for  
 the establishment of a fence, structures, or any other future improvements. NO  
 property corners were set and all linear and angular dimensions shown are based  
 on deeded or recorded information only. A Boundary Survey WAS NOT conducted  
 and could alter the location and/or dimensions of the property lines. NO  
 warranty written or otherwise is offered to the present or future owners and/or  
 occupants.



Darrell E. Christen  
 Kansas Reg. No. 1367

Mortgage Sources  
 2809 Hall Street  
 Hays, KS 67601

**ADVANCED LAND SURVEYING  
 & DRAFTING**

PO Box 27 Hays, KS 67601 Office: (785) 650-0139 Fax: (785) 650-0189

SHEET:	1 of 1	PROJECT #:	05-032
DRAWN BY:	JMM	SCALE:	1" = 30'
APPROVED BY:	DEC	DATE:	03/05/05

1309 W 44th St  
Hays, Kansas  
[View on Google Maps](#)



Google





## Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #05-15  
 ADDRESS: 2916 Barclay  
 OWNER: Jerome Rome  
 TYPE OF REVIEW: Variance  
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
 DATE PREPARED: June 1, 2015  
 AGENDA DATE: June 10, 2015

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### SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the side yard setback from 10' to 3', a variance of 7' to allow the construction of a detached 30'x 30' garage on the property located at 2916 Barclay (see further details below and attached site drawing). Staff recommends **not approving** this variance as submitted due to the inability of the applicant to show a valid hardship and uniqueness of the property as required by State Statute.

### BACKGROUND:

- The applicant is requesting variances on 1 side:
  - South Side – 10' to 3'
- Applicant wishes to construct a 30' x 30' detached garage on the property
- Intent is to access the garage from the street side since there is no alley access.

	Setback Required	Applicant Proposed
Front Yard	N/A	N/A
Side Yard	10'	3'
Rear Yard	5'	5'
Other Structures	5'	>5'

## STANDARDS OF EVALUATION:

*Per State Statute 12-759 and City Ordinance Sec. 71-1250*

- The BZA has the authority to grant a variance if a literal enforcement of the provisions of the adopted regulations, will, in an individual case, result in unnecessary hardship, provided:
  - The spirit of the regulations shall be observed
  - Public safety and welfare secured
  - Substantial justice shall be done
- The applicant must show that the property was acquired in good faith and that the variance is needed due to extraordinary or exceptional circumstances of the property such as exceptional narrowness, shallowness, or shape of the lot
- Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be finding by the Board that all of the following conditions exist:
  - a. Uniqueness of the property not ordinarily found in the same zone or district and not created by willful action of the owner

**Staff Analysis:** *It is not immediately clear what is unique about this property that would warrant such a variance. This lot is very typical of others in the area regarding lot size with nothing of extraordinary or exceptional nature being presented. The only possible unique item is that this lot and the lots adjacent to it have no rear access to the property as do lots in other near-by areas. This is a very large accessory structure (30' x 30'), and by reducing the size to approximately 24' x 30', little or no variance would be required, however, vehicle access to the garage could be limited. That being said, the applicant stated that the garage would not be used for cars being driven on a daily basis, but rather vehicles that may be driven 3-4 times per year.*

- b. The granting of the variance will not adversely affect the rights of adjacent property owners

**Staff Analysis:** *Erecting a structure as close as is proposed could definitely affect the rights of adjacent owners. Setbacks are in place to provide room for light, air movement, and safety and all of these might be compromised if the variance is approved as submitted. This is a very large garage (30' x 30') to be setting this close to the property line in this neighborhood.*

- c. The strict application of the code will constitute unnecessary hardship upon the property owner

**Staff Analysis:** *Again, this is a lot that is very consistent with others in the neighborhood. A smaller garage could be considered that would be able to*

*meet the setbacks and may not require any variance. The fact that the owner purchased a vehicle that does not fit into the existing 2-car attached garage is a self-imposed hardship and not a valid factor in determining whether or not the variance should be considered. If the length of the existing garage is a factor, possibly the applicant could consider adding on to the front or rear of the garage.*

- d. The variance will not adversely affect the public health, safety, morals, order, convenience, propriety, or general welfare

**Staff Analysis:** *It is possible that if granted as proposed, this variance **could** adversely affect the public health, safety, morals, order, convenience, propriety, or general welfare.*

- e. The granting of the variance desired will not be opposed to the general spirit and intent of the regulations

**Staff Analysis:** *The granting of a variance for the proposed garage, with approval of a variance as submitted, would be opposed to the general spirit and intent of the zoning regulations.*

#### **OPTIONS:**

- Do not approve the variance
- Approve the variance

#### **RECOMMENDED ACTION:**

Staff recommends not approving the variance as submitted due to no “extraordinary or exceptional” uniqueness being presented or valid hardship being shown by the applicant.

#### **ATTACHMENTS:**

- Variance application
- Variance justification and diagram from owner
- Images/Maps

**APPLICATION FOR VARIANCE**

I. Name of Applicant JEROME ROME Phone 785-650-0540

Mailing Address 961 CATHARINE ROAD HAYS, KS. Cell 785-627-6271

Name of Owner (if different from applicant) SAME Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Name of Authorized Agent \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Relationship of applicant to property is that of OWNER  
(Owner, tenant, lessee, other)

II. The variance is requested to construct a detached garage within 3 feet of the side yard, a variance of 7 feet

on property located at 2916 BARCLAY and legally described as: Block 2, Lot 10, Eastboroug Addition

in the City of Hays and which is presently zoned R-1

Request a seven foot (7') variance to reduce the south side yard building setback from the required ten feet (10') to three feet (3') to construct a 30' X 30 detached garage at 2916 Barclay Dr

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died plat  
recorred plat

III. The applicant and owner herein, or authorized agent and owner:

- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this variance request.
- B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
- C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
- D. Acknowledges right to appeal the decision of the board to the District Court.

Jerome Rome  
APPLICANT

\_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

Jerome Rome  
OWNER

**OFFICE USE ONLY:**

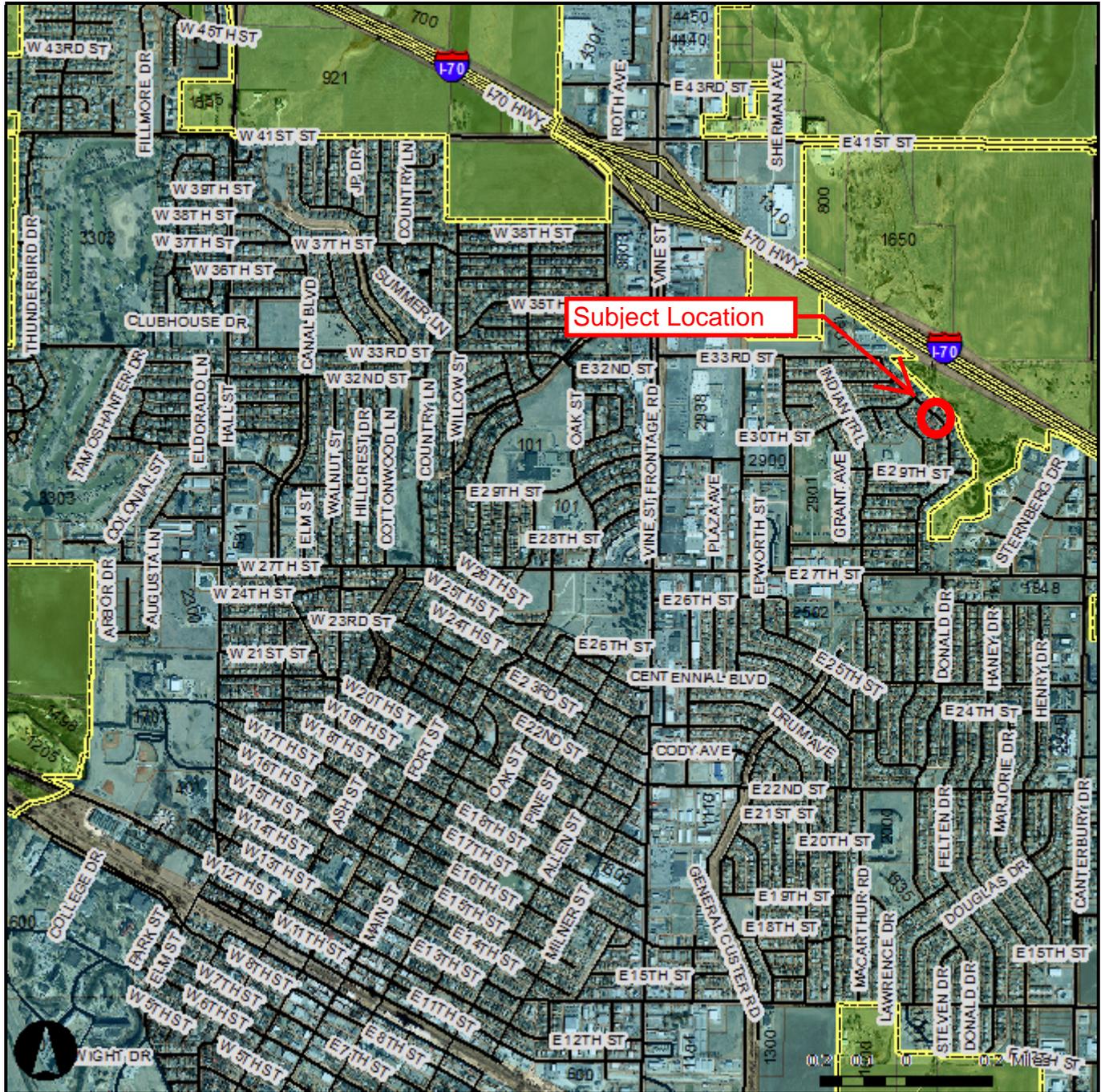
RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON April 20, 2015

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt# 2018

Sumda K. Bihannan, Administrative Assistant

**NAME AND TITLE**

# 2916 Barclay



# 2916 Barclay



**Date:**

To: Hays Area Board of Zoning

From: Jerome and Judith Rome

RE: Variance

We request the variance of 3 foot from property lines to construct a building 30' X 30' which will be used as a garage and storage area, because there is no other storage building on the property.

**A. Uniqueness:**

Due to the fact we have limited space from south side of house to property line to make an entrance (drive) to enter the building it will be important that we put the building as close to property line as possible.

**B. Adjacent Property:**

The variance will affect only one neighbor to the south of us and he has no objection to the building being built 3 feet from the property line which is an existing fence that is between us.

**C. Hardship:**

Placing the building as required by zoning regulations would: 1. Make it more difficult to access with a vehicle. 2. Possibly be very near or over gas and electric lines. 3. Make it very close to back of existing house.

**D. Public interest:**

The goal in requesting this variance is to allow locating this building in a location that the neighbor would also agree on, and still maintain accessibility and functionality of the back yard space. It would also prevent a problem with existing utility lines.

**E. Spirit and Intent of the Zoning Regulations:**

Granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations. The building would not be in the way of utilities, or due to the fact there is no alley it would not interfere with traffic or maintenance of an alley.

Sincerely: Jerome and Judith Rome

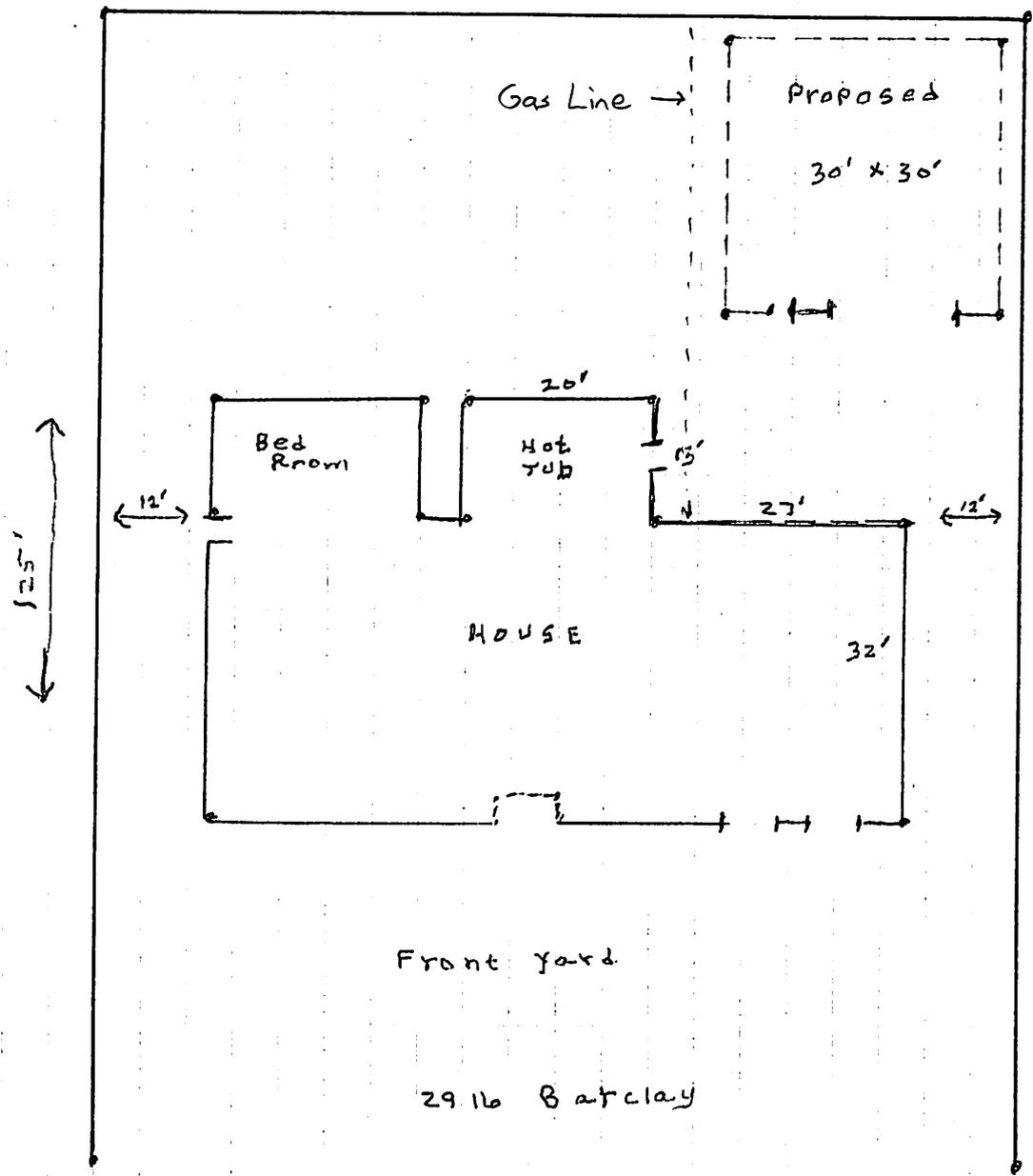
## **REQUEST FOR VARIANCE**

- 1. We want to build the building to park and use for storage of vehicles inside. The main reason being the fact that we purchased a new Ford pickup and it is too long to put in attached garage that was built in 1980.**
- 2. Need space for storage of items other than vehicles.**
- 3. We are confident a gas line is thru the back yard and we don't want to set a building over it.**
- 4. We spoke with Bruce Wilert who owns the property next to this and he did approve of a variance of three foot.**

**Thank You for your consideration of this project**

**Jerome and Judith Rome  
2916 Barclay  
Hays, Kansas 67601**

E  
100'



3' Variance

5'

N  
125'

Front yard

2916 Barclay

Street

W

Option #1

