

**BOARD OF ZONING APPEALS MEETING AGENDA
CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS
JUNE 11, 2014
8:15 A.M.**

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the regular meeting of May 14, 2014

Action: Consider approving the minutes of the 5/14/14 meeting.

3. PUBLIC HEARING ITEMS.

A. A public hearing to consider a request from Vicki E Marsicek for a four foot (4') variance to reduce the east side yard building setback from the required seven feet (7') to three feet (3') to permit an existing carport recently erected at 415 E 16th Street. (Lot 15, Block 15 Fairview) (Case #06-14)

Action: Consider approval of the 4 foot variance request for the property at 415 E 16th Street.

B. A public hearing to consider a request from Luecke Properties, LLC , John Luecke, Member, for a special-use permit under Section 71-504 (16) to permit the construction of storage units within the "C-2" General Commercial & Service District located at 780 E 41st Street under parcel of address of 800 E 41st (Tract in the NW/4 of S27-T13S-R18W). (Case #07-14)

Action: Consider approval of the special-use permit request for the property at 780 E 41st Street.

4. NON-PUBLIC HEARING ITEMS.

A. None

Action: None

5. OFF AGENDA ITEMS/COMMUNICATIONS.

A. Citizen Comments

B. Other

6. ADJOURNMENT.

**HAYS AREA BOARD OF ZONING APPEALS
COMMISSION CHAMBERS IN CITY HALL
MINUTES
MAY 14, 2014
8:15 A.M.**

1. CALL TO ORDER: The Hays Area Board of Zoning Appeals met on Wednesday, May 14, 2014 at 8:15 a.m. in Commission Chambers of City Hall.

Roll Call:

Present: Lou Caplan
Jerry Sonntag
Gerald Befort
Thomas Lippert (arrived after minutes)
Shane Pruitt

Chairman Lou Caplan declared a quorum was present and called the meeting to order.

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

2. CONSENT AGENDA:

A. MINUTES OF THE REGULAR MEETING OF MARCH 12, 2014. There was a motion by Jerry Sonntag with a second by Gerald Befort to approve the minutes from the March 12, 2014 meeting. There were no corrections or additions to those minutes.

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

3. PUBLIC HEARING ITEMS:

A. CASE # 04-14 – REQUEST BY ANDREA CARVER FOR A SPECIAL-USE PERMIT TO ALLOW A GROUP DAY CARE CENTER UNDER SECTION 71-130 (3) WITHIN A “R-1” SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 3002 E 14TH ST.: Jesse Rohr presented the above property on the overhead visual.

Andrea Carver presented her application to the board to request a special use permit for a Group Day Care Center provided in Section 71-130 (3) of the zoning regulations within a “R-1” Single Family Residential Zoning District at her new residence at 3002 E 14th Street. Her previous Day Care was on Main Street. The number of children in the Day Care will range from 7 to 12 children depending on the time of year.

Jerry Sonntag asked if there had been any feedback from the neighbors.

Lou Caplan asked if there were any comments from the audience.

Alexius Leiker, property owner of 3003 E 14th Street, voiced opposition to the request because he was opposed to clients using his driveway to turn-around as is being done now. He did not think it was allowed to have a business within a single family zoning district. Lou Caplan explained that a Group Day Care is permissible if granted a special use permit.

Andrea Carver acknowledged his concern. She stated that she would send letters out to all the parents whose children are in her Day Care to make them aware of this. She has a 3 car driveway and her cars are in the garage, so there should be plenty of room to turn around in her driveway. Also the property is near the end of the street so the cars should be able to exit easily. The drop-offs are staggered throughout the day.

Shane Pruitt asked if she had much turnover. Andrea Carver answered that she does not have much turnover.

Gerald Befort asked Mr. Leiker of the location of his property. Mr. Leiker answered that he lived across the street.

Tom Lippert stated that he understood Mr. Leiker's concern. With the narrow streets, it is a tight area to turn around. He thought if Andrea Carver notified the parents to make the turn-around at her driveway, it would keep the parents from using the neighbors' driveways to turn around.

Lou Caplan asked Jesse Rohr if there had been complaints in other single family residential districts where there are Group Day Care Centers. Jesse Rohr answered that they have not heard any complaints.

Lou Caplan entertained a motion.

There was a motion by Gerald Befort with a second by Shane Pruitt to grant the exception for a special use permit to allow a Group Day Care Center provided in Section 71-130 (3) of the zoning regulations within a "R-1" Single Family Residential Zoning District with a special use permit at 3002 E 14th Street based on the conditions to be considered have been met for an exception for a special use permit.

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

B. CASE # 05-14 – REQUEST BY ADAM STENZEL FOR A SPECIAL-USE PERMIT TO PERMIT A MULTI-FAMILY DWELLING UNDER SECTION 71-742 (9) IN THE “I-2” HEAVY INDUSTRIAL DISTRICT LOCATED AT 1314 E 8TH ST. Jesse Rohr presented the above property on the overhead visual. He pointed out the zoning districts within the area.

Adam W Stenzel presented his application to the board to request a special use permit for a multi-family dwelling under Section 71-642 (9) allowed within the “I-2” Heavy Industrial zoning district with a special use permit located at 1314 E 8th Street to construct a multi-family unit contingent on the purchase of an adjacent strip of land that will provide the extra land needed to meet the required setbacks. The proposed multi-family unit would set next to an existing duplex.

Jerry Sonntag asked about the entrance to the property and about the driveway next to the property. Mr. Stenzel pointed out the entrance to the property. The driveway belongs to the abutting property owner. He plans to acquire a parcel of adjoining land that would include the driveway.

Lou Caplan asked if there were any comments from the audience.

Jason Clark voiced his opposition for residential land use within an industrial zoned district. He questioned why the City would consider a residential area within an area zoned for heavy industrial uses. He is concerned about safety for residents and children and could imagine complaints that would come from the residents of noise, safety etc. He pointed out that he has to protect his business and employees. He said he understood that the reason for the existing duplex is that it was grandfathered in. He pointed out that the whole block is for heavy industrial uses with the anomaly of residential in the middle. The nearest residential properties are across Old 40 and east on 8th Street.

Jerry Sonntag emphasized the importance not to allow residential uses within a Heavy Industrial zoning district. There are serious safety issues particularly for children. He appreciates what Mr. Stenzel is trying to do, although this is not the right location.

Shane Pruitt pointed out he could see a lot of complaints.

Jesse Rohr pointed out, that as the city office that would have to field complaints; it would be difficult, if not impossible to address a resident’s complaint with the surrounding properties being heavy industrial land uses.

Lou Caplan explained that the existing duplex had been grandfathered in. The board would not want to encourage increasing residential within the land uses of a Heavy Industrial Zoning District.

There was a motion by Jerry Sonntag with a second by Tom Lippert to deny the request for a special-use permit for a multi-family dwelling unit provided under Section 71-642 (9) in the “I-2” Heavy Industrial District due to that it does not meet the conditions to be considered for a special use permit particularly the concern for safety issues, noise and dust that can occur in a heavy industrial zoned district.

Vote: AYES to deny Lou Caplan
Jerry Sonntag
Gerald Befort
Thomas Lippert
Shane Pruitt

Lou Caplan informed Mr. Stenzel he would have 30 days to appeal the decision of this case to the District Court.

4. NON-PUBLIC HEARING ITEMS:

A. None

5. OFF-AGENDA ITEMS/COMMUNICATIONS:

A. **Citizen Comments:** None.

B. **Other:** **Group sessions to begin the process for Rewrite of the Zoning & Subdivision Regulations.** Jesse Rohr invited the board members to the group sessions with the focus groups and the Planning Commission meeting scheduled for June 3, 2014 as part of the beginning process for the rewrite of the Zoning and Subdivision regulations facilitated by the consultant, Kendig Keast Collaborative.

A software program will be set up for the opportunity of public comments. He encouraged the board members to attend.

6. ADJOURNMENT: Lou Caplan adjourned the meeting at 8:45 a.m.

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

Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #06-14
ADDRESS: 415 E. 16th
OWNER: Vicki Marsicek
TYPE OF REVIEW: Variance
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
AGENDA DATE: June 11, 2014

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the required side yard setback from 7 feet to 3 feet, a variance of 4 feet to allow the placement of a 12 x 22 carport on the property located at 415 E 16th. (see attached site drawing) Staff recommends **denial** of the variance due to the request not meeting the requirements of State Statute and City Ordinance as they pertain to variances and the statutory requirements, particularly uniqueness, hardship, and the spirit and intent of the adopted regulations. (as further detailed below)

BACKGROUND:

- The applicant is requesting a variance to reduce the required side yard setback from 7 feet to 3 feet, a variance of 4 feet to allow construction of a 12 x 20 metal ENCLOSED carport/garage on the property located at 415 E 16th.
- The owner has already erected the carport without any building permits being issued prior to the placement of the carport.
- This is an “after-the-fact” variance request
- The lot is zoned R-3, Two-Family Dwelling District

	R-3 Required	Applicant Proposed
Front Yard	Min. 25 ft	N/A
Side Yard	10% of width, Min. of 7'	3 ft
Rear Yard	Min. 25 ft	N/A

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: *This lot is similar in size and shape to others within the area. The carport that was placed on the lot is considered enclosed and is completely out of character for the neighborhood.*

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

Staff Analysis: *This proposed addition would not appear to have any adverse affects on the rights of nearby property owners, EXCEPT for a possible decrease in property values due to this type of structure being placed on the property which is uncharacteristic of the neighborhood.*

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

Staff Analysis: *The reason for the carport is for vehicle protection. The owner claims rear entry to the lot is not an option due to “continually snowed in” alleys in the winter. Staff does not believe this to be a valid hardship due to the number of days each year on average the alley would be snowed shut. This is a choice of the owner and is completely a self-imposed hardship. The provisions of the regulations do not hinder the owner from parking on the property or erecting a carport in a manner consistent with regulations.*

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

Staff Analysis: *This proposed addition would not appear to adversely affect the public health, safety, morals, order, convenience, propriety, or general welfare, but would set precedence for the entire neighborhood or other similar neighborhoods in Hays.*

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

Staff Analysis: *The general spirit and intent of the adopted regulations is to allow for separation of dwellings from others and provide somewhat of a consistent character within the neighborhood. The proposed addition would seem to go against the spirit and intent of the regulations.*

RECOMMENDED ACTION:

Motion to **deny** the variance due to the request not meeting the requirements of State Statute and City Ordinance as they pertain to variances and the statutory requirements, particularly uniqueness, hardship, and the spirit and intent of the adopted regulations.

ATTACHMENTS:

- Variance application
- Variance justification and site map from owner
- Picture
- Aerial map

mailings 05-21-2014
Published 05-19-2014

APPLICATION FOR VARIANCE

I. Name of Applicant Vicki Marsicek Phone 620-388-3518

Mailing Address 415 E 16th St, Hays, KS 67601

Name of Owner (if different from applicant) same Phone same

Mailing Address same

Name of Authorized Agent same Phone same

Mailing Address same

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

II. The variance is requested for the purpose of retaining an already

erected carport Request a 4 foot variance to reduce the east side yard setback from the required 7 foot to 3 feet to permit a recently erected carport

on property located at 415 E 16th Street and legally described as:
Lot 15, Block 15 Fairview

in the City of Hays and which is presently zoned R-3

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.

Vicki Marsicek
APPLICANT

AUTHORIZED AGENT (IF ANY)

Vicki Marsicek
OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON May 12, 2014

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt #610609

Sinda Buxenman, Administrative Assistant
NAME AND TITLE

Date: May 3, 2013

To: Hays Area Board of Zoning

From: Vicki Marsicek

Re: Carport located at 415 E. 16th Street, Hays, KS

I hereby request a setback on an existing carport located at the above address. The carport measures 11'6"x19'x9'.

A. Uniqueness:

Due to the fact that this carport has been erected on an existed slab of concrete that was in place before the house was ever purchased by myself. This carport was erected in October, 2013, and affects only the neighbors to the east of me, Jesse and Jennifer Denning and family. I have spoken with Mr. Denning and he has stated that he has no problem with the carport. The property line has been located by my son and myself, via metal detector, and there is approximately three feet between the east side of my carport and the property line.

B; Hardship:

The City has given me the option of (a) moving the carport to my backyard or (b) removing the carport entirely. Option A is not possible because entrance to the carport would be from the alley. The carport would be inaccessible in the winter because the alley is not plowed during the winter months and would be continually snowed in. Option B would be possible, but I wanted a carport for the sole purpose of protecting my vehicle from the elements. If I didn't care about keeping my vehicle in decent shape, I would not have had the carport erected.

C. Public Interest:

My goal in requesting this setback variance is to allow this carport to remain on the already poured cement slab in a location that my neighbors also agree on, and still maintain visual appearance and functionality of my property. I believe it also improves the neighborhood and will improve the value of the real estate with said carport.

D. Spirit and Intent of the Zoning Regulations:

Granting of this variance will not be opposed to the general spirit and intent of the Zoning Regulations. This carport will not be in the way of utilities or interfere with traffic or maintenance of the street that runs in front of my house.

Sincerely,

Vicki Marsicek

67601

0 SA E ▼

Sign in

Is this your home

Claim it to improve your home value estimate.

Claim it!

Not your home? Find your home on Trulia.

See similar homes

16th St

Public Record

Refinance your home

Hays, KS 67601

3 bed full bath 1,078 sqft

★ Save

✎ Edit Home Facts

▼ More

Get My Credit Score

Get Prequalified

Get a local agent

Get information about this property from a local real estate expert.

Contact an Agent

Are you the owner? Add facts to improve our estimate. Or request an estimate from a local expert.

AdChoices



Before real estate shopping check your report & score for \$1. What will you find?



for 415 E 16th St

Description provided by Trulia

16th St This Single-Family Home located at 415 East 16th Street, Hays KS. 415 E 16th St has 3 beds, 1 bath, and approximately 1,078 square feet. The property has a lot size of 6,250 sqft. The average listing price for similar homes for sale is \$145,928. 415 E 16th St is in the 67601 ZIP code in Hays, KS.

Public Records for 415 E 16th St

Official property, sales, and tax information from county (public) records as of 10/2010:

As a local agent about this property.

0 likes **adam ray** (785) 914-4985

2 likes **kyrietta each, S** (785) 425-4388

2 likes **joert . eadle** (785) 543-0280

THIS IS THE LIST OF PROPERTY OWNERS ABUTTING THE SUBJECT PROPERTY THAT WERE MAILED THE NOTIFICATION OF THE PUBLIC HEARING.

Property	First Name	Last Name	Address	City	State	Zip
415 E 16th St	Vicki E	Marsicek	415 E 16th St	Hays	KS	67601
414 E 17th St	John P & Mary A	Quinley	414 E 17th St	Hays	KS	67601
416 E 17th St	Marilyn R	Klaus	3003 E 14th St	Hays	KS	67601
417 E 16th St	Jesse W Denning & Jennifer R Harrell		417 E 16th St	Hays	KS	67601
1511 Milner St	Francis & Rosetta	Werth	3605C Fairway Dr	Hays	KS	67601
414 E 16th St	James V	Bollig	1111 Centennial Blvd	Hays	KS	67601
412 E 16th St	Brian A & Kellie	Lee	412 E 16th St	Hays	KS	67601
413 E 16th St	Laura	Klaus	413 E 16th St	Hays	KS	67601
412 E 17th St	Joseph F & Brenda L	Dreiling	P O Box 226	Victoria	KS	67671

(Published in the Hays Daily News, May 19, 2014)

BEFORE THE HAYS AREA BOARD OF ZONING APPEALS THE CITY OF HAYS, KANSAS NOTICE

TO: Vicki E Marsicek
 The Hays Area Planning Commission
 The City of Hays, Kansas,
 and all other persons concerned

You are hereby notified that pursuant to the provisions of K.S.A. 12-716 through K.S.A. 12-724 et seq. as amended, and Ordinance 3721 of the Code of Ordinances of the City of Hays, and Resolution

2007-8 of the Board of County Commissioners of Ellis County, Kansas, that a hearing will be had before said Board upon the appeal filed by Vicki E Marsicek. The subject of the hearing shall be a request by Vicki E Marsicek for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements for a four foot (4') variance to reduce the east side yard building setback from the required seven feet (7') to three feet (3') to allow an existing carport recently erected on the following real property situated in the City of Hays, Ellis County, Kansas to wit: Lot 15, Block 15, Fairview, generally located at 415 E 16th Street.

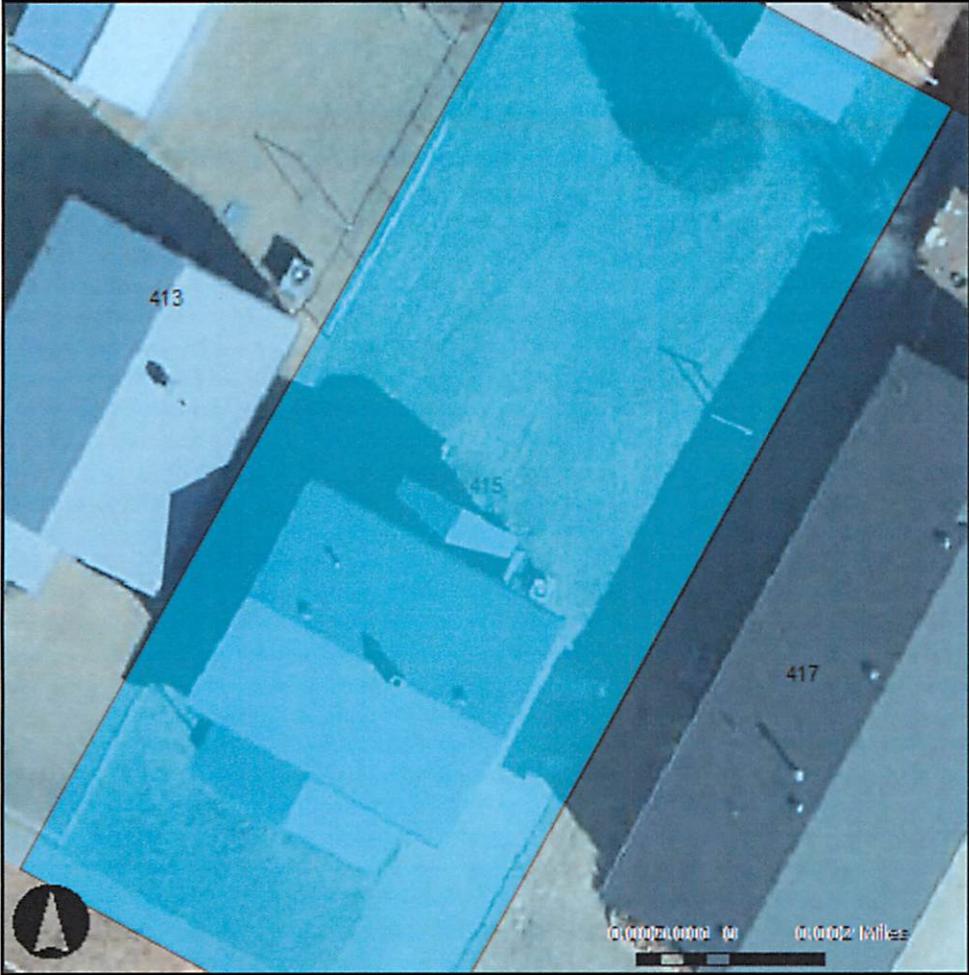
You are hereby notified that a hearing will be had upon said appeal on the 11th day of June, 2014 at 8:15 a.m., in the City Commission Chambers of City Hall, in the City of Hays, Kansas, at which time said appeal will be determined.

Lou Caplan, Chairman
 Hays Area Board of Zoning Appeals





Map Title



The Parcel Number for this Property is 026-138-33-0-40-20-015.00-0
Quick Ref ID: 6748

50 x 125

Owner(s) Name and Mailing Address

Owner Name	MARSICEK, VICKI E
Address	415 E 16TH ST HAYS, KS 67601

Property Situs Address

Address	415 E 16TH ST, Hays, KS 67601
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FAIRVIEW , BLOCK 15 , Lot 15 , SECTION 33 TOWNSHIP 13 RANGE 18

Board of Zoning Appeals Action Report

AGENDA ITEM:	Exception Application #07-14
ADDRESS:	800 E 41 st St.
OWNER:	Luecke Properties John Luecke (Authorized Agent)
TYPE OF REVIEW:	Exception – Special Use
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent
AGENDA DATE:	June 11, 2014

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a special use permit to allow for the construction of storage units on the property located at 800 E 41st St. (see attached site drawing) Staff recommends **approval** of the special use permit due to the fact that the conditions set forth on a previous special use permit granted in 2013 have been fulfilled.

BACKGROUND:

- The applicant is requesting a special use permit to allow for the construction of storage units on the property located at 800 E 41st St.
- The property is zoned C-2, General Commercial and Service District
- All commercial zoning districts require a special use permit from the BZA before storage units are allowed to be developed
- A special use permit was granted August 14, 2013 for a single storage unit structure on the same property. Certain conditions were set forth as a condition of approval including:
 - *Allow only one storage building per the request*
 - *Require 60" wrought Iron fence with 6" spacing to extend along the west to the driveway on the north*
 - *Fence is be erected within 120 days after construction of the structure*
 - *Must meet all City regulations for landscaping and signage*
 - *Screening must meet the City Requirements*

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:

- 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:

While storage units have previously been approved on this property, with the anticipation that the owner would make further requests for additional units, certain conditions were imposed as a condition of approval. Those conditions, mentioned earlier in this memo, seem to have been fulfilled. Therefore, staff feels the current request for additional storage units may be approved.

RECOMMENDED ACTION:

Motion to **approve** the application for a special use permit for additional storage units as presented on the submitted site plan due to the fact that the conditions set forth on a previous special use permit granted in 2013 seem to have been fulfilled. Staff

recommends the same conditions placed on the 2013 case be placed on this request as well if approved.

ATTACHMENTS:

- Exception application
- Statement of justification and site map from owner
- Pictures

APPLICATION FOR EXCEPTION

mailings 05-21-2014
Publication 05-19-2014

I. Name of Applicant Luecke Properties Phone 785 639 7368
 Mailing Address 765 E. 41st
 Name of Owner (if different from applicant) Same Phone Same
 Mailing Address _____
 Name of Authorized Agent John Luecke Phone 785 639 7368
 Mailing Address 780 E. 41st, Hays
 Relationship of applicant to property is that of owner/member
 (Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-504(16) of the Zoning Regulations to permit the installation or construction of Self Storage on property zoned Commercial C-2, located at 780 E 41st and legally described as: Lot(s) _____, Block(s) _____ of the _____ See back for legal Addition to Ellis County.

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 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.

John Luecke
 APPLICANT
John Luecke
 OWNER

John Luecke
 AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:
 RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON May 13, 2014,
 TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 610608
Sinda Bigenman, Admin Assistant
 NAME AND TITLE

To:

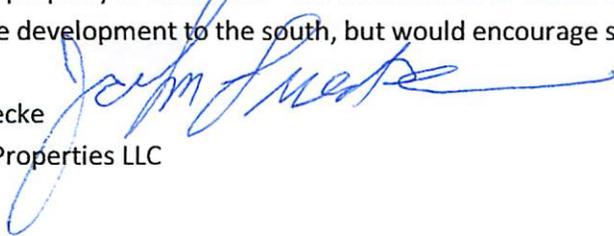
City of Hays Board of Zoning Appeals

Please consider my request for zoning exception for the construction of additional self-storage buildings. The buildings outlined in yellow are to be the next additions, with the north building completed first, then the south, then the east. Exact dimensions of these buildings may vary slightly, and completion dates are not exact due to weather, construction and budget variables.

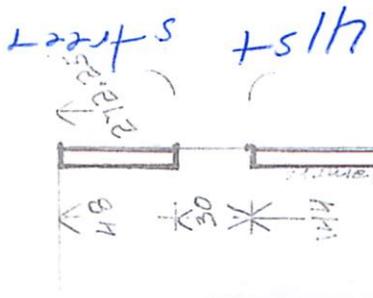
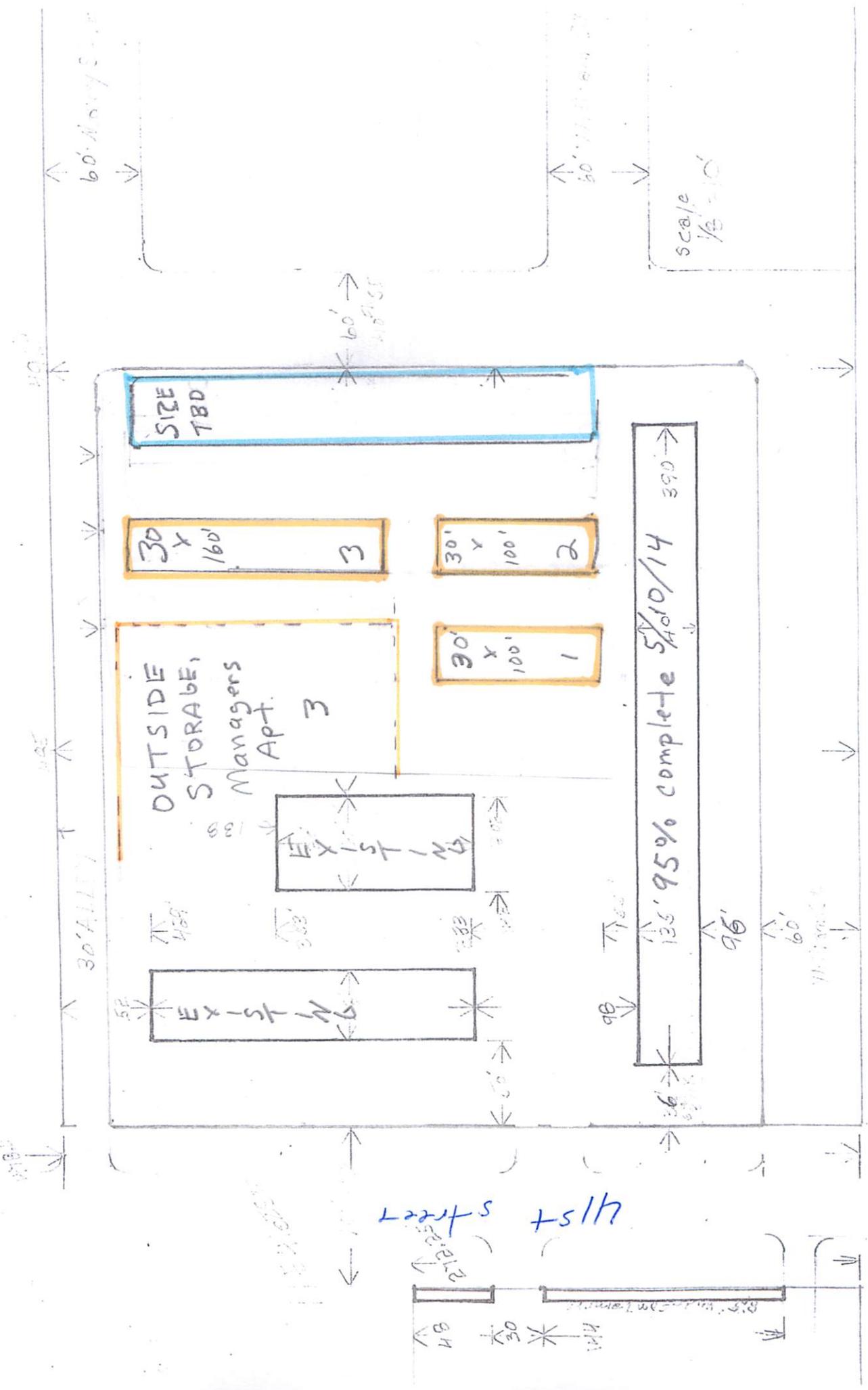
The next addition (outlined in orange) which would be added in 2015 would be an enclosed outdoor storage compound, with either an eight foot fence that would hide the contents of the compound, or some type of portable storage container that would serve to enclose the entire area and provide additional short term storage. At some time in 2015 a permit may be applied for to construct or add an onsite manager's apartment.

The area outlined in blue is to be used for future expansion and would likely be RV storage which would be accessible only from the north, with the south wall providing a barrier in which the fence would be attached to. What this building will look like largely depends on 1. Market demand and 2. What happens with the property to the south – we do not want to create a situation which would hamper future desirable development to the south, but would encourage such development.

John Luecke
Luecke Properties LLC



- █ = 2014
- █ = 2015
- █ = 2016+



THIS IS THE LIST OF PROPERTY OWNERS ABUTTING THE SUBJECT PROPERTY THAT WERE MAILED THE NOTIFICATION OF THE PUBLIC HEARING.

Property	First Name	Last Name	Address	City	State	Zip
800 E 41st St	Luecke Properties		765 E 41st St	Hays	KS	67601
1300 E 41st St	Hays Investors LLC		9400 Reeds Rd, Ste 100	Overland Park	KS	66207
1310 E 41st St	HD Development of Maryland Inc		2455 Paces Ferry Rd	Atlanta	GA	30339
655 E 41st St	Vernie's Trux-N-Equip Inc		P O Box 655	Hays	KS	67601
765 E 41st St	Luecke Properties LC		765 E 41st St	Hays	KS	67601
E 14th	Cathy A	Braun	750 E 55th St	Hays	KS	67601
1650 E 41st St	City of Hays		P O Box 490	Hays	KS	67601
41st St	Bruce & Leatte Bandy Trust		3 Austin Ct	Colby	KS	67701
780 E 41st	John	Luecke	780 E 41st	Hays	KS	67601

(Published in The Hays Daily News May 19, 2014)

BEFORE THE HAYS AREA BOARD OF ZONING APPEALS THE CITY OF HAYS, KANSAS NOTICE

TO: Luecke Properties LLC
The Hays Area Planning Commission
The City of Hays, Kansas,
and all other persons concerned

You are hereby notified that pursuant to the provisions of K.S.A. 12-716 through K.S.A. 12-724 et seq. as amended, and Ordinance 3721 of the Code of Ordinances of the City of Hays, and Resolution 2007-8 of the Board of County Commissioners of Ellis County, Kansas, that a hearing will be had before said Board upon the appeal filed by Luecke Properties LLC.

The subject of the hearing shall be a request by Luecke Properties LLC for an exception as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements to permit the construction of storage units within the "C-2" General Commercial and Service District per the Zoning and Subdivision regulations Section 71-504 (16) with the issuance of a special use permit, on the following real property situated in the City of Hays, Ellis County, Kansas to wit on at tract in the NW/4 of Section 27-T13S-R18W of the 6th p.m., Ellis County, Kansas more generally located at 780 E 41st Street under parcel address of 800 E 41st Street.

You are hereby notified that a hearing will be had upon said appeal on the 11th day of June, 2014, at 8:15 a.m., in the City Commission Chambers of City Hall, in the City of Hays, Kansas, at which time said appeal will be determined.

Lou Caplan,
Chairperson
Hays Area Board of
Zoning Appeals







Map Title



Legals

S 27 T13 R18 16.7 acres TR NW4 Beg 50 S
& 1727.5 E of NW Cor NW4 TH S 1249.43
TH SE 599.72 TH N 1547.44 TH W 478.4
TO P.O.B.

The Parcel Number for this Property is 026-138-27-0-20-01-001.00-0
Quick Ref ID: 3347

Owner(s) Name and Mailing Address

Owner Name	LUECKE PROPERTIES LLC
Address	765 E 41ST ST HAYS, KS 67601

Property Situs Address

Address	800 E 41ST ST, Hays, KS 67601
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S27, T13, R18, ACRES 16.7, TR NW4 BEG 50 S & 1727.5 E OF NW COR NW4 TH S 1249.43 TH SE 599.72 TH N 1547.44 TH W 478.4 TO POB