

HAYS AREA BOARD OF ZONING APPEALS MEETING AGENDA
CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS
OCTOBER 14, 2015
8:15 A.M.

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

2. **CONSENT AGENDA.**

A. Minutes of the regular meeting of September 9, 2015

Action: Consider approving the minutes of the September 9, 2015 meeting.

3. **PUBLIC HEARING ITEMS**

A. Public hearing for a request from Midwest Energy Inc for a special use permit for a self-supporting telecommunications tower and equipment shelter at 1330 Canterbury Drive. (Case #07-15)

Action: Consider approving a special use permit for a self-supporting telecommunications tower and equipment shelter at 1330 Canterbury Drive.

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

A. Variance request from Ashley Neuburger for a five foot (5') variance to reduce the west side yard building setback from the required seven feet (7') to two feet (2') to construct a detached garage at 620 E 12th Street. (Case #08-15)

Action: Consider setting a public hearing for a request for a five foot (5') variance to reduce the west side yard building setback from the required seven feet (7') to two feet for a detached garage at 620 E 12th Street.

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
SEPTEMBER 9, 2015**

1. CALL TO ORDER: The Hays Area Board of Zoning Appeals met on Wednesday, September 9, 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
Rich Seiker

City Staff Present: Greg Sund, 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 June 10, 2015 meeting. There were no corrections or additions to those minutes.

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

3. PUBLIC HEARING ITEMS: None

4. NON-PUBLIC HEARING ITEMS:

A. CASE # 07-15 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM MIDWEST ENERGY INC REQUESTING A SPECIAL USE PERMIT FOR A SELF-SUPPORTING TELECOMMUNICATIONS TOWER AND EQUIPMENT SHELTER AT 1330 CANTERBURY DRIVE.

Jesse Rohr introduced the case with a power point presentation on the overhead visual on the request by Midwest Energy for a special use permit to construct a self-supporting 3-legged 150 foot high telecommunications tower and equipment shelter at 1330 Canterbury Drive placed on the north end south of their developed property.

The applicant has chosen to have a fall zone distance greater than 150 feet in consideration of adjacent properties even though the regulations do not require a minimum fall zone distance.

It has been asked that the applicant be sure this is the most suitable location for the tower so not to pose any restrictions for future development on the property.

Lou Caplan asked if this was a cell phone tower. He asked about the federal requirements associated with this tower.

Rich Seiker asked if there would be any third party use of the tower.

Tom Lippert asked if the communication tower from the Goodman Energy Center would suffice for this communication. He also asked about the reason for the height of the tower.

Tim Flax, Vice President of Information Technology of Midwest Energy, came before the board to answer that this 150 foot tower will hold microwave dishes as a means of their communication gateway from their corporate office to all their offices and substations. There would not be any third party equipment. It may be shared by another utility Company or the Department of Motor vehicles at some time.

He explained that A T & T will be replacing copper circuits with microwave technology by the year 2020. Fiber Optic communication is too great of a cost. The height is needed so it is above the trees.

He explained that the first step is to determine if the city will approve the communication tower. If it is approved, it would have to be approved through the Federal Communication Commission and Federal Aviation Administration.

Jerry Sonntag asked if the placement of the communication tower would inhibit any potential future development. Tim Flax answered that the potential tower would be placed in the most discreet area. There are no plans at this time for future development. They have had conversations with the City if they would have a use for the property.

Lou Caplan entertained a motion.

Jerry Sonntag moved, Rich Seiker seconded the motion to set a public hearing for October 14, 2015 to hear the request from Midwest Energy Inc for a special use permit for a self-supporting telecommunications tower and equipment shelter at 1330 Canterbury Drive.

Vote: Ayes:

Lou Caplan
Jerry Sonntag
Gerald Befort
Tom Lippert
Rich Seiker

Jesse Rohr explained there would be a publication of the public hearing. The abutting property owners would receive a copy of the publication notice.

5. OFF-AGENDA ITEMS/COMMUNICATIONS:

A. INTRODUCTION OF THE NEW PLANNING COMMISSIONER: Jesse Rohr introduced the new Hays Area Board of Zoning Member, Rich Sieker. He will fill Shane Pruitt's unexpired position.

6. ADJOURNMENT: Lou Caplan adjourned the meeting at 8:36 a.m.

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

DRAFT

Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #07-15
ADDRESS: 1330 Canterbury Dr.
OWNER: Midwest Energy, Inc
Timothy Flax, Authorized Agent
TYPE OF REVIEW: Exception – Special Use for 150' Communication Tower
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
DATE PREPARED: October 5, 2015
AGENDA DATE: October 14, 2015

SUMMARY AND RECOMMENDED ACTION:

The applicant, MWE, is requesting a special use permit to allow a 150' tall communication tower to be constructed on the property located at 1330 Canterbury Dr. After taking into consideration all known factors, staff recommends approving the special use permit 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 71-727(5) of the Zoning Regulations to allow a 150' tall communication tower to be constructed on the property located at 1330 Canterbury Dr. (Midwest Energy)
- The property is zoned C-2, General Commercial and Service District.
- All tower requests located within any zoning district within the City of Hays and 3-mile extraterritorial jurisdiction area require a special use permit from the BZA.

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:

After considering all factors and evaluating the surrounding area, staff feels that the request is reasonable and will not have a detrimental effect on the surrounding properties. The proposed tower is self-supporting (without guy wires) which is considered to be much less intrusive than a tower supported by guy wire anchors. The footprint of the tower and associated equipment shelter is relatively small when compared to the entire parcel.

The applicant has taken the “fall zone” from adjacent properties into consideration even though there are no requirements for such a setback or fall protection. Fall protection is a general concern when towers of any type are erected; however provisions have been considered for this proposal based on the setback form adjacent parcels.

All other possible locations on site shall be considered to ensure a final location that is the least intrusive and still allows for possible future development of adjacent, vacant property if the owner so desires.

The applicant will be required to meet all FAA requirements and will be required to submit an application for airspace clearance through the FAA. A building permit will not be issued for the tower until this clearance is verified by City staff.

OPTIONS:

The following are options to consider:

- Approve a special use permit as requested for construction of the proposed 150' communication tower
- Do not approve the special use permit

RECOMMENDED ACTION:

Motion to **approve** the application for a special use permit due to several factors including adequate protection of adjacent properties, no known invasion of inappropriate uses, and the ability to provide for adequate public utilities.

ATTACHMENTS:

- Exception application
- Statement of justification from owner
- Maps of area

APPLICATION FOR EXCEPTION

I. Name of Applicant Midwest Energy, Inc. Phone 785-650-2525
Mailing Address 1330 Canterbury Drive, Hays Kansas 67601-0898
Name of Owner (if different from applicant) - Same - Phone _____

Mailing Address - Same -
Name of Authorized Agent Timothy J. Flax Phone 785-650-2525
Mailing Address 1330 Canterbury Drive, Hays Kansas 67601-0898
Relationship of applicant to property is that of Authorized Agent - Vice President
(Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-727(5) of the Zoning Regulations to permit the installation or construction of a self-supporting telecommunications tower and equipment shelter on property zoned C2, located at intersection of 13th Street and Canterbury and legally described as: Lot(s) 1, Block(s) 7 of the Golden Belt Sixth 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.

Midwest Energy, Inc.
APPLICANT
Timothy J. Flax
OWNER

Timothy J. Flax
AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON August 21, 2015,
TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00.
Sinda Bixenmann, Administrative Assistant
NAME AND TITLE



Midwest Energy, Inc.

Date: 8/21/2015

To: Hays Area Board of Zoning Appeals
Planning, Inspection & Enforcement
1002 Vine St.
Hays, KS 67601

From: Midwest Energy, Inc.
Timothy J. Flax – Vice President Information Technology
1330 Canterbury Dr.
Hays, KS 67601

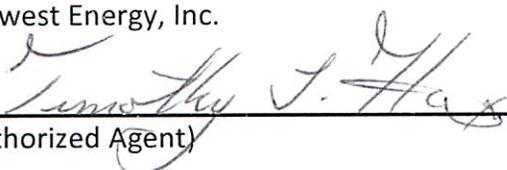
Midwest Energy would like the Hays Area Board of Zoning Appeals to consider our request for a special use permit for a self-supporting telecommunications tower and adjacent equipment shelter at the intersection of 13th Street and Canterbury Drive in Hays (see attached documentation for reference) per section 71-727 (5) within zoning district C2.

The plans are to have a 150 foot tall telecommunications tower constructed at the Northeast corner of the lot. The tower would be placed in excess of 150 feet from the adjacent alley and any property not currently owned by Midwest Energy.

The purpose of the tower and equipment room are to facilitate data and voice telecommunications between Midwest Energy's corporate office and the numerous remote offices, service centers, and substations within our 41 county service territory. As the corporate office hosts our data center, this tower is crucial to our technology infrastructure enhancements and will facilitate a reduction to our operation costs which enables Midwest Energy to maintain a low rate structure. The addition of the telecommunication tower will also allow Midwest Energy to improve our reliability and efficiency, thus enabling us to better serve our customer-owners.

Thank you for your consideration.

Midwest Energy, Inc.


(Authorized Agent)

1330 Canterbury Drive
P.O. Box 898
Hays, Kansas 67601-0898
(785) 625-3437
1-800-222-3121
Fax (785) 625-1494
www.mwenergy.com





Fencing

Tower base and adjacent equipment shelter

165 feet from tower base to alley

© 2015 Google

Google earth





This is the list of abutting property owners that were notified of the public hearing.

#07-15

Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
2300 E 13th St	026-181-02-0-20-01-003.00-0	Unified School District 489		323 W 12th St	Hays	KS	67601
1301 Canterbury Dr	026-138-34-0-40-17-008.01-0	Caseys Retail Company		P O Box 3001	Ankeny	IA	50021
1309 Golden Belt Dr	026-137-35-0-30-12-007.00-0	Bryan R Phillips & Linda G,Polifka		1309 Golden Belt Dr	Hays	KS	67601
1313 Golden Belt Dr	026-137-35-0-30-12-009.00-0	Ronan J & Heather J	Sramek	1313 Golden Belt Dr	Hays	KS	67601
1315 Golden Belt Dr	026-137-35-0-30-12-010.00-0	Randolph A & Jacqueline M	Lang	1315 Golden Belt Dr	Hays	KS	67601
1317 Golden Belt Dr	026-137-35-0-30-12-011.00-0	Robert E Meyers & Roseanne Wise		1317 Golden Belt Dr	Hays	KS	67601
1319 Golden Belt Dr	026-137-35-0-30-12-012.00-0	Raymond J Jr & Aubrey L Fisher		1319 Golden Belt Dr	Hays	KS	67601
2305 E 15th St	026-138-34-0-40-16-015.00-0	Jordane E	Lang	2305 E 15th St	Hays	KS	67601
1321 Golden Belt Dr	026-137-35-0-30-12-013.00-0	Darin A & Kelly A	Stiles	1321 Golden Belt Dr	Hays	KS	67601
1501 Canterbury Dr	026-138-34-0-40-16-016.00-0	Theodore L & Shalise L	Cochran	1501 Canterbury Dr	Hays	KS	67601
1330 Canterbury Dr	026-137-35-0-30-12-003.00-0	Midwest Energy Inc		P O Box 898	Hays	KS	67601
1701 Golden Belt Dr	026-137-35-0-30-10-014.00-0	Robert L & Amanda L	Long	1701 Golden Belt Dr	Hays	KS	67601
1701 Volga Dr	026-137-35-0-30-11-013.00-0	Karen F	Bieker	1701 Volga Dr	Hays	KS	67601
1700 Volga Dr	026-137-35-0-30-10-013.00-0	Gregory E & Ann M.	Saindon	P O Box 108	Ellis	KS	67637
1305 Golden Belt Dr	026-137-35-0-30-12-005.00-0	Dennis L & Luch E	Schmidt	1305 Golden Belt Dr	Hays	KS	67601
1307 Golden Belt Dr	026-137-35-0-30-12-006.00-0	Daniel L Jr & Anita L	Koster	1307 Golden Belt Dr	Hays	KS	67601
2101 E 13th St	026-137-35-0-30-12-004.00-0	Joshua J & Alyssa A	Dechant	101 W 38th St	Hays	KS	67601
1323 Golden Belt Dr	026-137-35-0-30-12-014.00-0	Jodi & Bussman Sproul etal		1208 E 33rd St	Hays	KS	67601
1507 Canterbury Dr	026-138-34-0-40-16-019.00-0	Travis J	Reynolds	1507 Canterbury Dr	Hays	KS	67601
1325 Golden Belt Dr	026-137-35-0-30-12-001.01-0	Christopher G & Kimberly K	Dinkel	1325 Golden Belt Dr	Hays	KS	67601
1509 Canterbury Dr	026-138-34-0-40-16-020.00-0	Armando R Orozco & Marisa M. Johnson		1509 Canterbury Dr	Hays	KS	67601
1311 Golden Belt Dr	026-137-35-0-30-12-008.00-0	Joseph G and Jannette L	Walter	1311 Golden Belt Dr	Hays	KS	67601
1305 Canterbury Dr	026-138-34-0-40-17-008.00-0	American Legion Post #173 - Casper J Middlekauff		P O Box 384	Hays	KS	67601
E 13th St	026-181-02-0-20-02-002.01-0	Mark	Ottley	700 W 48th St	Hays	KS	67601
2000 E 13th St	026-181-02-0-20-02-002.00-0	GAP Realty LLC		2325 Maryland Rd, Ste 150	Willow Grove	PA	19090
00000 Canterbury Dr DR, Hays	026-182-03-0-10-01-001.00-0	John B Gilmore Liv Tr	Attn Louis C Gilmore	1604 E 28th St Terrace	Hays	KS	67601
1303 Golden Belt Dr	026-137-35-0-30-12-004.01-0	Darrell A & Laurie A	Dechant	3717 Hilcrest Dr	Hays	KS	67601
2212 E 15th St	026-138-34-0-40-17-001.00-0	Jenna Lynn	Henrickson	2212 E 15th St	Hays	KS	67601
1505 Canterbury Dr	026-138-34-0-40-16-018.00-0	Elaine K & John	Ziegler	1505 Canterbury Dr	Hays	KS	67601
1327 Golden Belt Dr	026-137-35-0-30-12-001.00-0	Virginia	Dreiling	1327 Golden Belt Dr	Hays	KS	67601
Canterbury Dr	026-137-35-0-30-11-012.00-0	Rose Ann	Pfannenstiel	1708 Canterbury Dr	Hays	KS	67601
1503 Canterbury Dr	026-138-34-0-40-16-017.00-0	Filiberto & Cubillo Quan & Kenny & Lien Quan		1503 Canterbury Dr	Hays	KS	67601
E 13th St	026-181-02-0-20-02-002.01-0	Timothy J	Jacobs	P O Box 922	Hays	KS	67601
0 Canterbury Dr	026-182-03-0-10-01-001.00-0	William	Aubel	P O Box 795	Hays	KS	67601
0 Canterbury Dr	028-182-03-0-10-01-001.00-0	H Schwaller & Sons Inc		P O Box 855	Hays	KS	67601

(Published in The Hays Daily
News, September 14, 2015)

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

TO: Midwest Energy Inc
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 Midwest Energy Inc.

The subject of the hearing shall
be a request by Midwest Energy
Inc. for an exception for a special
use permit as may be deemed by
the Hays Area Board of Zoning
Appeals of said City, from existing
legal requirements to allow a 150
foot tall communication tower to
be constructed as per Section 71-
727 (5) within the "C-2" General
Commercial and Service Zoning
District with the issuance of a
special use permit, on the following
real property situated in the City
of Hays, Ellis County, Kansas to
wit: Lot 1, Block 7, Golden Belt 6th
Addition, more generally located
at 1330 Canterbury Drive.

You are hereby notified that a
hearing will be had upon said
appeal on the 14th day of October,
2015, 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

Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #08-15
 ADDRESS: 620 E 12th
 OWNER: Ashley Neuburger
 TYPE OF REVIEW: Variance
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
 DATE PREPARED: October 5, 2015
 AGENDA DATE: October 14, 2015

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the side yard setback from 7' to 2', a variance of 5' to allow the reconstruction of a detached 12' x 20' garage on the property located at 620 E 12th (see further details below and attached site drawing). Staff recommends setting a public hearing for the November 11, 2015 Board of Zoning meeting for the request as submitted if it is found to be warranted based on discussion.

BACKGROUND:

- The applicant is requesting a variance on 1 side:
 - West Side – 7' to 2'
- Applicant wishes to construct a 12' x 20' detached garage on the property
- Intent is to replace the existing and very old 10' by 20' garage with a slightly larger 12' by 20' garage while maintaining the same setback along the west property line

	Setback Required	Applicant Proposed
Front Yard	N/A	N/A
Side Yard	7'	2'
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: *This property is small compared to current lot average size, therefore making it difficult to fit a detached structure on the property. There is a garage on the property currently that is within 2' of the side property line and the proposed garage will encroach no further.*

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

Staff Analysis: *The proposed setback will be the same as the setback for the existing garage. The new structure will not have any more adverse impact than the existing garage does which is likely very minimal.*

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

Staff Analysis: *The existing garage was not built to today's standards. Older garages built decades ago were commonly 10' in width which is not large enough for today's vehicles. 12' is much more common for a "small" single car garage.*

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

Staff Analysis: *This variance **should not** 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, should not be opposed to the general spirit and intent of the zoning regulations.*

OPTIONS:

- Set a public hearing for the November 11, 2015 BZA meeting
- Do not move this forward for a public hearing

RECOMMENDED ACTION:

The owner of this property is attempting to utilize an older lot and is requesting a small change to accommodate a vehicle and be able to better utilize the property for the future. Based on the analysis above, staff recommends setting a public hearing for the November 11, 2015 Board of Zoning Appeals meeting and would further recommend approval of the variance request.

ATTACHMENTS:

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



620 E 12th

Existing 10 x 20 garage

0.001 0 0.002 Miles





APPLICATION FOR VARIANCE

I. Name of Applicant Ashley Neuburger Phone 785-365-0761
 Mailing Address 1020 E. 12th
 Name of Owner (if different from applicant) - Phone 785-365-0761

 Mailing Address _____
 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 5' variance to reduce the west side yard building setback from the required 7' to 2' to construct a new garage to set in the same location as the old garage. _____

on property located at 1020 E. 12th and legally described as: Cochran Addition, block 03, Lot 22+24, section 04 township 41 range 18
 in the City of Hays and which is presently zoned R3.

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.

Ashley Neuburger
 APPLICANT

Ashley Neuburger
 AUTHORIZED AGENT (IF ANY)

Ashley Neuburger
 OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON September 9, 2015
 TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00
Sunda Byrnesman, Administrative Assistant Lot Size 52' x 86'
 NAME AND TITLE

I hereby request a setback from an existing garage to allow for a new garage which will be 12'x20'.

A. Uniqueness:

Due to the fact my property is small and narrow. The back lot is only 40 feet wide. If we have to move it in the 3-1/2 feet I will lose most of the grass and yard. Also, by moving it the 3-1/2 feet it would be hard to pull a vehicle in as the house and air conditioning unit would be in the way of the garage door. The existing 20'x10' garage is over 85 years old, only 35% of it is good, and a large size SUV will not fit in it.

B. Adjacent Property:

The construction of a new garage will affect only one neighbor to the west of me and it is an empty lot that no one lives in. There is still lawn between us to separate our property line and would not impact any of the vehicles or sheds that are on that property.

C. Hardship:

Placing the building on the lot as required by zoning regulations would place the building in the middle of the backyard. The building in this location will block the view and airflow from the French doors on the south side of the house and cut down on the functional greenspace of my limited backyard. In addition, the back door of the house will not be viewable from the alley and would become more difficult to access. If we moved it to in front of the house again it will cut down on the functional greenspace of my limited front yard, it would cut down on the amount of shade that the tree provides and would block the view and airflow from the bedroom window on the north side of the house.

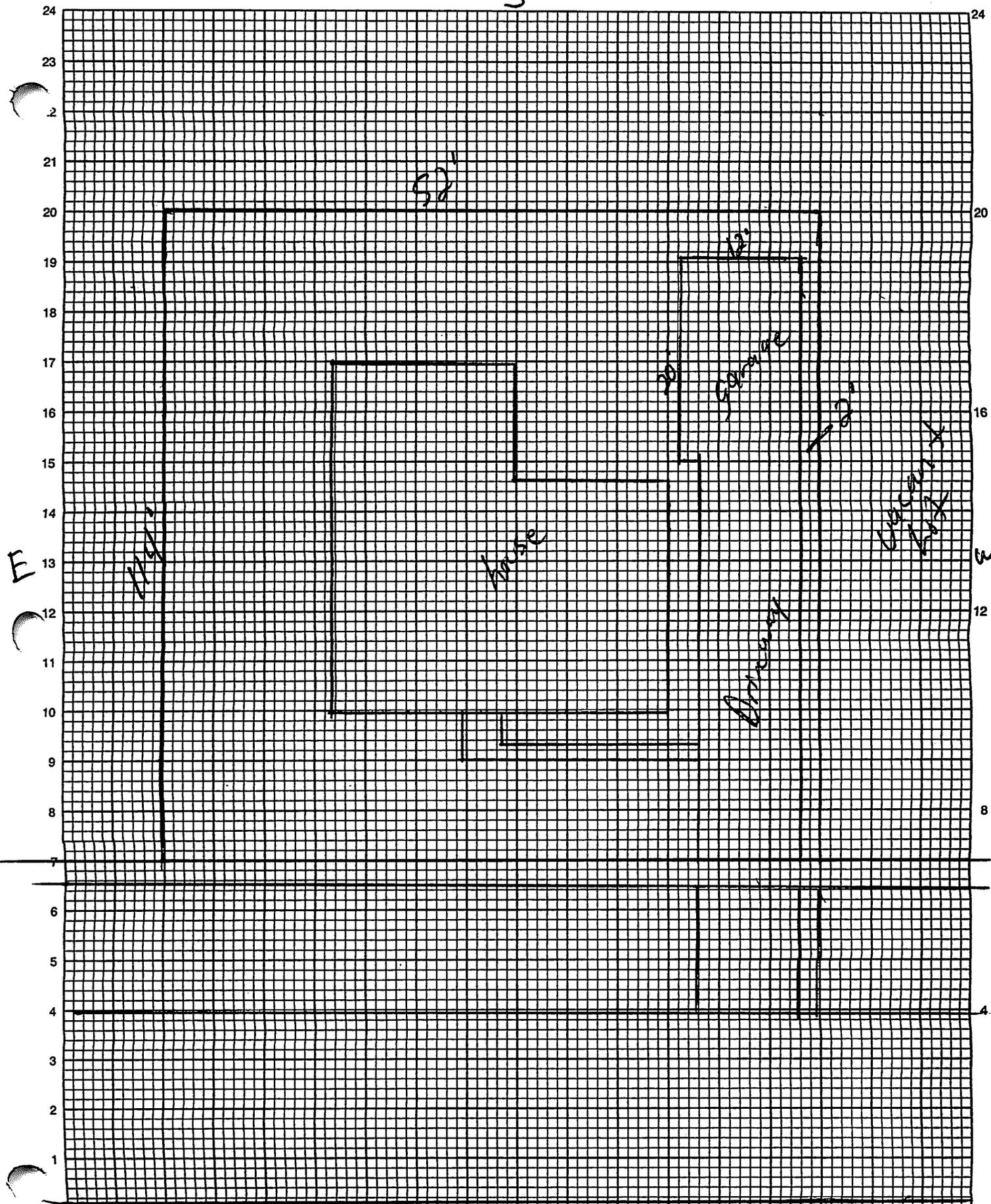
D. Public Interest:

My goal in requesting this setback variance is to allow building a new garage on the same location as the old garage, in a location that my neighbors also agree on, and still maintain visual appeal and functionality of the limited backyard space. It will also improve the neighborhood and improve the fair market value of the real estate with the new garage.

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 garage will not be in the way of utilities or interfere with traffic or maintenance of the alley.

S



N

We are wanting to build a new
12' x 20' garage in place of the
10' x 20' garage but keep it the
same distance from the west
property line.