

HAYS AREA BOARD OF ZONING APPEALS MEETING AGENDA
CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS
DECEMBER 9, 2015
8:15 A.M.

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the regular meeting of November 12, 2015

Action: Consider approving the minutes of the November 12, 2015 meeting.

3. PUBLIC HEARING ITEMS

A. Public Hearing on a variance request from Dan and Jennifer Hecker to reduce the distance between structures from 5' to 2 ½', and a four foot five inch (4' 5") variance to reduce the south side yard building setback from the required seven feet (7') to two foot seven inches (2' 7") to construct a 10' x 16' storage shed at 316 E 6th Street. (Case #09-15)

Action: Consider a variance to reduce the distance between structures from 5' to 2 ½', and a four foot five inch (4' 5") variance to reduce the south side yard building setback from the required seven feet (7') to two foot seven inches (2' 7") to construct a 10 x 16 storage shed at 316 E 6th Street.

B. Public Hearing on a request from Bernard H Werth for an eight foot (8') variance to reduce the front yard building setback from the required thirty-five feet to (35') to twenty-seven feet (27') at 2015 General Custer Rd. (Case #10-15)

Action: Consider approving a request for an eight foot (8') variance to reduce the front yard building setback from 35' to 27' for property located at 2015 General Custer Rd.

C. Public hearing for a request from Luecke Properties LLC for a special use permit as required by Section 71-504 (16) to allow the construction of storage units within the "C-2" General Commercial & Service District located at 780 E 41st Street. (Case #11-15)

Action: Consider approving a request for a special use permit per Section 71-504 (16) of the City of Hays Zoning Regulations to permit the construction of additional storage units within the "C-2" General Commercial & Service District located at 780 E 41st Street.

D. Public hearing for a variance request from David Randa to allow an off-premise advertising sign to be located within the 35' building setback on property located at 1104 E 22nd Street. (Case #12-15)

Action: Consider approving a variance request for an off-premise advertising sign to be located within the 35' building setback on property located at 1104 E 22nd Street.

4. NON-PUBLIC HEARING ITEMS.

- A. Variance request from Hays Medical Center for an eight foot variance to place a monument sign two feet from the front property line rather than the ten feet required per regulation on the property at 2509 Canterbury Drive. (Case #13-15)

Action: Consider setting a public hearing for a request for an eight foot variance to place a monument sign two feet from the front property line on the property at 2509 Canterbury Drive.

5. OFF AGENDA ITEMS/COMMUNICATIONS.

- A. None

6. ADJOURNMENT.

DRAFT
HAYS AREA BOARD OF ZONING APPEALS
COMMISSION CHAMBERS IN CITY HALL
MINUTES
November 12, 2015

1. CALL TO ORDER: The Hays Area Board of Zoning Appeals met on Thursday, November 12, 2015 at 8:15 a.m. in Commission Chambers at City Hall different from its regularly scheduled second Wednesday of the month due to observance of Veterans Day.

Roll Call:

Present: Lou Caplan
Gerald Befort
Jerry Sonntag
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: Rich Seiker moved, Jerry Sonntag seconded the motion to approve the minutes from the October 14, 2015 meeting. There were no corrections or additions to those minutes.

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

3. PUBLIC HEARING ITEMS:

A. PUBLIC HEARING FOR A 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 12' X 20' DETACHED GARAGE AT 620 E 12TH Street (CASE #08-15). Jesse Rohr presented a power point presentation with the information and location of the property for the above case on the overhead visual. The applicant plans to replace the old 10' X 20' detached garage with a 12' X 20' garage with the entrance to the front while keeping the same 2' west side yard building setback.

He pointed out that the property to the west also has an older structure located two to three feet from the east side yard property line.

After review of the case, staff recommends approval of the variance request on this property.

Tom Lippert asked if the setbacks had been verified. Jesse Rohr answered that they had verified the setbacks. There is two feet from the west side yard and there is greater than five feet setback from the rear yard property line.

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

Lou Caplan entertained a motion.

Jerry Sonntag moved, Tom Lippert seconded the motion to approve the 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 12' by 20' detached garage with the entrance to the front at 620 E 12th Street based on the consideration it does meet the five statutory requirements.

Vote: Ayes:

Lou Caplan
Gerald Befort
Jerry Sonntag
Tom Lippert
Rich Seiker

4. NON-PUBLIC HEARING ITEMS:

A. CASE # 09-15-CONSIDER SETTING A PUBLIC HEARING FOR A VARIANCE REQUEST FROM DAN AND JENNIFER HECKER TO REDUCE THE DISTANCE BETWEEN STRUCTURES FROM 5' TO 2 ½', AND A FOUR FOOT FIVE INCH (4' 5") VARIANCE TO REDUCE THE SOUTH SIDE YARD BUILDING SETBACK FROM THE REQUIRED SEVEN FEET (7') TO TWO FOOT SEVEN INCHES (2' 7") TO CONSTRUCT A 10' x 16' STORAGE SHED AT 316 E 6TH STREET. Jesse Rohr presented a power point presentation with the information, location and site plan of the property for the above case on the overhead visual. There is an existing detached garage with an entrance to the side. The proposed shed would be between the house and the property line. The brother of the applicant attended for questions.

Jesse Rohr explained that the board can consider setting a public hearing or not to set a public hearing if it does not meet the requirements for a variance request or other alternatives.

Staff recommends setting a public hearing if it can be determined it would meet the requirements for a variance request.

Jerry Sonntag asked how close the neighbor's house was to the property line.

Jesse Rohr answered that it appears to be much closer than seven feet.

Lou Caplan asked what the fire code says about being that close to another structure. He explained that he would be hard pressed to approve the requested variance for a 10' X 16' shed because it would be too close to the primary structure and the side yard property line.

Tom Lippert concurred he had the same concerns for the safety of the primary structure and the neighbor to the west.

Jesse Rohr answered that it would have to be built with fire rated materials when the structure is closer than 3 feet from the side yard and five feet from another structure. This structure would have to be built with fire rated materials on both sides of the structure.

The applicant's brother came before the board to explain the plans for the proposed shed. He believed the applicant would consider recommendations from the board.

Jerry Sonntag stated that he believes there are other options for a smaller shed for a lesser variance request. One suggestion was that the structure be narrower and longer.

Jerry Sonntag moved, Rich Seiker seconded the motion to set the public hearing for December 9, 2015 for a variance request from Dan and Jennifer Hecker to reduce the distance between structures from 5' to 2 ½' and a 4' 5" variance to reduce the south side yard building setback from the required 7' to 2'7" to construct a 10' X 16' storage shed at 316 E 6th Street. (Case # 9-15)

Vote: Ayes:

Lou Caplan
Gerald Befort
Jerry Sonntag
Tom Lippert
Rich Seiker

B. CASE # 10-15 –CONSIDER SETTING A PUBLIC HEARING FOR THE REQUEST FROM BERNARD H WERTH FOR AN EIGHT FOOT (8') VARIANCE TO REDUCE THE FRONT YARD BUILDING SETBACK FROM THE REQUIRED THIRTY-FIVE FEET (35') TO TWENTY-SEVEN FEET (27') TO CONSTRUCT A COMMERCIAL BUILDING ON 2015 GENERAL CUSTER ROAD.

Jesse Rohr presented a power point presentation with the information, location and site plan of the property at 2015 General Custer Road. There would be three points on the proposed structure that would encroach into the setback.

He explained that the board can consider setting a public hearing or not to set a public hearing if it does not meet the requirements for a variance request or suggest other alternatives.

Lou Caplan asked questions about the site plan and setback associated with it. He asked how it would set in association with the building to the north.

Bernard Werth said the building would be the same 40' width as the existing building to the north.

Jerry Sonntag asked about the alley. Jesse Rohr answered that the alley was never approved to city standards and would possibly not be an alley if there was not a Midwest Energy pole that is to maybe go away in the future. There are not City utilities in that alley.

Jerry Sonntag asked if they would be allowed to build into the inactive alley. Jesse Rohr answered that the structure cannot be built into the alley. The structure can be built to the rear property line since it is within a "C-2" General Commercial and Service District.

Jesse Rohr asked the owner to stake out the structure before the public hearing so the board could get an idea of the location of the structure on the property.

Tom Lippert moved, Rich Seiker seconded the motion to set the public hearing for December 9, 2015 to hear the request from Bernard H Werth for an eight foot (8') variance to reduce the front yard building setback from the required thirty-five feet (35') to twenty-seven feet (27') on 2015 General Custer Road (Case #10-15).

Vote: Ayes:

Lou Caplan
Gerald Befort
Jerry Sonntag
Tom Lippert
Rich Seiker

Lou Caplan asked if they would have to meet the parking requirements. Jesse Rohr answered that if it is for private use, there would not be parking requirements; however they would have to meet the parking requirements if the structure would be used for business purposes.

C. CASE # 11-15 -CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM LUECKE PROPERTIES LLC FOR A SPECIAL USE PERMIT AS REQUIRED BY SECTION 71-504 (16) TO ALLOW THE CONSTRUCTION OF RENTAL STORAGE UNITS WITHIN THE "C-2" GENERAL COMMERCIAL & SERVICE DISTRICT LOCATED AT 780 E 41ST STREET. Jesse Rohr presented a power point presentation with the information, location and site plan of the property at 780 E 41st Street. He explained the board had previously approved a special use permit for the construction of rental storage units in the years of 2013 and 2014 with the expectation they would request the same for future storage units.

The applicant plans to construct a storage unit for their personal use that does not require a special use permit; although they plan to change the use to a rental storage unit in the future for RV's and campers etc; thus the reason they want to request a special use permit for it and any future storage units on the property.

He explained that a "Special Use Permit" does not expire unless there is the condition of a time limit. The board can place conditions with the approval of the special use permit.

Lou Caplan asked if they had met the condition from one of the last special use permits that required fencing around the property for the storage units.

Jesse Rohr and Jerry Sonntag answered that the fencing is done and it appears they take pride in their property.

Lou Caplan entertained a motion.

Jerry Sonntag moved, Gerald Befort seconded the motion to set a public hearing for December 9, 2015 to hear a request from Luecke Properties LLC for a special use permit required by Section 71-504 (16) to allow the construction of rental storage units on the property located within the "C-2" General Commercial and Services District located at 780 E 41st Street (Case #11-15).

Vote: Ayes:

Lou Caplan
Gerald Befort
Jerry Sonntag
Tom Lippert
Rich Seiker

Tom Lippert asked if there is any recourse to readdress a special use permit, as in this case where they may not need the special use permit for some time and conditions could change. Jerry Sonntag also inquired about this. Jesse Rohr answered that they could add the condition of a time limit and/or that it be readdressed by the board if conditions change.

He noted that they could require that the applicant bring a site layout of the potential future buildings planned for the property. They have a site plan in the packet for the current proposed storage building.

He noted that they can build a personal building by right; although if they plan to use it for a rental unit, a special use permit would need to be granted by the board.

D. CASE # 12-15 CONSIDER SETTING A PUBLIC HEARING FOR A VARIANCE REQUEST BY FOR AN OFF-PREMISE ADVERTISING SIGN TO BE LOCATED WITHIN 35 FEET OF THE BUILDING SETBACK ON THE PROPERTY LOCATED AT 1104 E 22ND STREET.

Jesse Rohr presented a power point presentation with the information, location and site plan for the request by the applicant for a variance to allow an off premise sign to be located within the 35 feet building setback. An on-premise advertising sign can be located within the 35 feet building setback without a variance; although an off premise sign would need a variance.

The sign will be used to advertise for the business on the property and a couple other adjacent businesses that do not have a street frontage.

He explained that they are considering addressing this regulation in the rewrite of the zoning and subdivision regulations to consider allowing abutting property owners to advertise on an off-premise sign without a variance.

Lou Caplan asked if all of the subject property and abutting properties are all zoned "C-2" General Commercial and Service District. Jesse Rohr answered that was correct.

Lou Caplan asked if there were height restrictions. Jesse Rohr answered that the height restriction is 30 feet at the property line and can increase in height by one foot for every foot setback.

Tom Lippert asked if this sign could obstruct street visibility to 22nd Street. Jesse Rohr answered that the sign will be at least 10 feet from the curb so there would not be an issue.

Jerry Sonntag moved, Rich Seiker seconded the motion to set a public hearing for December 9, 2015 for the variance request to allow an off-premise advertising sign to be located within the 35' building setback on the property at 1104 E 22nd Street.

Vote: Ayes:

Lou Caplan
Gerald Befort
Jerry Sonntag
Tom Lippert
Rich Seiker

5. OFF-AGENDA ITEMS/COMMUNICATIONS: -

OTHER – COMMENDED JESSE ROHR: Jerry Sonntag commended Jesse Rohr for his work of the thorough preparation and presentation of the agenda items for the board that allows the meetings to be handled in an efficient, professional manner. Other board members concurred.

6. ADJOURNMENT: Lou Caplan adjourned the meeting at 9:00 a.m.

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

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Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #09-15
 ADDRESS: 316 E 6th
 OWNER: Dan and Jennifer Hecker
 TYPE OF REVIEW: Variance
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
 DATE PREPARED: November 30, 2015
 AGENDA DATE: December 9, 2015

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the distance between structures from 5' to 2 ½', and a four foot five inch (4' 5") variance to reduce the south side yard building setback from the required seven feet (7') to two foot seven inches (2' 7") to construct a 10' x 16' storage shed on the property located at 316 E 6th (see further details below and attached site drawing). Staff recommends setting a public hearing for the December 9, 2015 BZA meeting.

BACKGROUND:

- The applicant is requesting a two-part variance:
 - Distance between structures – 5' to 2.5'
 - Side yard Setback – 7' to 2'7"
- Applicant wishes to construct a 10' x 16' shed on the property

	Setback Required	Applicant Proposed
Front Yard	N/A	N/A
Side Yard	7'	2'7"
Rear Yard	5'	5'
Other Structures	5'	2.5'

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 does not appear to be unique in any way when compared to the other lots within the area. The lot is of average size and the size and placement of the existing structures on the lot are typical.*

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

Staff Analysis: *The existing house to the west (312 E 6th) appears to already be closer to the property line than would be allowed using today's standards. Placing a storage shed into the available space beside the house as proposed would be very tight and would seem to encroach upon the open space that is typical of a side yard.*

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

Staff Analysis: *As the applicant mentions, there is space within the rear yard for a small shed (although yard size would be reduced). There is also an existing 24' x 30' detached garage on the property that would accommodate large amounts of storage. This request would be considered a self-imposed hardship.*

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

Staff Analysis: *This variance **could** adversely affect the public health, safety, morals, order, convenience, propriety, or general welfare of the nearest neighboring property due to the close proximity of the proposed shed to the property line.*

- 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, may be opposed to the general spirit and intent of the zoning regulations. The intent of the zoning regulations is to provide for side yard between structures on opposing properties.*

OPTIONS:

- Approve the variance as requested
- Do not approve any variance
- Provide other alternatives to the applicant, including a minimal variance option

RECOMMENDED ACTION:

This is a difficult request to consider. While the proposed shed is rather small (10' x 16'), it still sets an undesirable precedence. There is yard space available for additional structures that could be placed within the allowable setbacks. Staff recommends denying the request as submitted, however, may consider possible options for a smaller shed that would require significantly less of a variance.

ATTACHMENTS:

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

APPLICATION FOR VARIANCE

I. Name of Applicant DAN HECKER, Jennifer Hecker Phone 785-259-5960
Mailing Address 316 E. 6th HAYS Kansas 67601
Name of Owner Dan Hecker Jennifer Hecker Phone _____
(if different than applicant)

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 A 2 1/2 Foot VARIANCE between Structures

instead of 5. Sideyard setback reduced from 7' to 2' 7"
for a variance of 4' 5".

on property located at 316 E. 6th St and legally described as: E 15' Lot 16

↓ Lot 18, Block 13, H P Wilson Add

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.

Dan Hecker
APPLICANT

AUTHORIZED AGENT (IF ANY)

Dan Hecker
OWNER

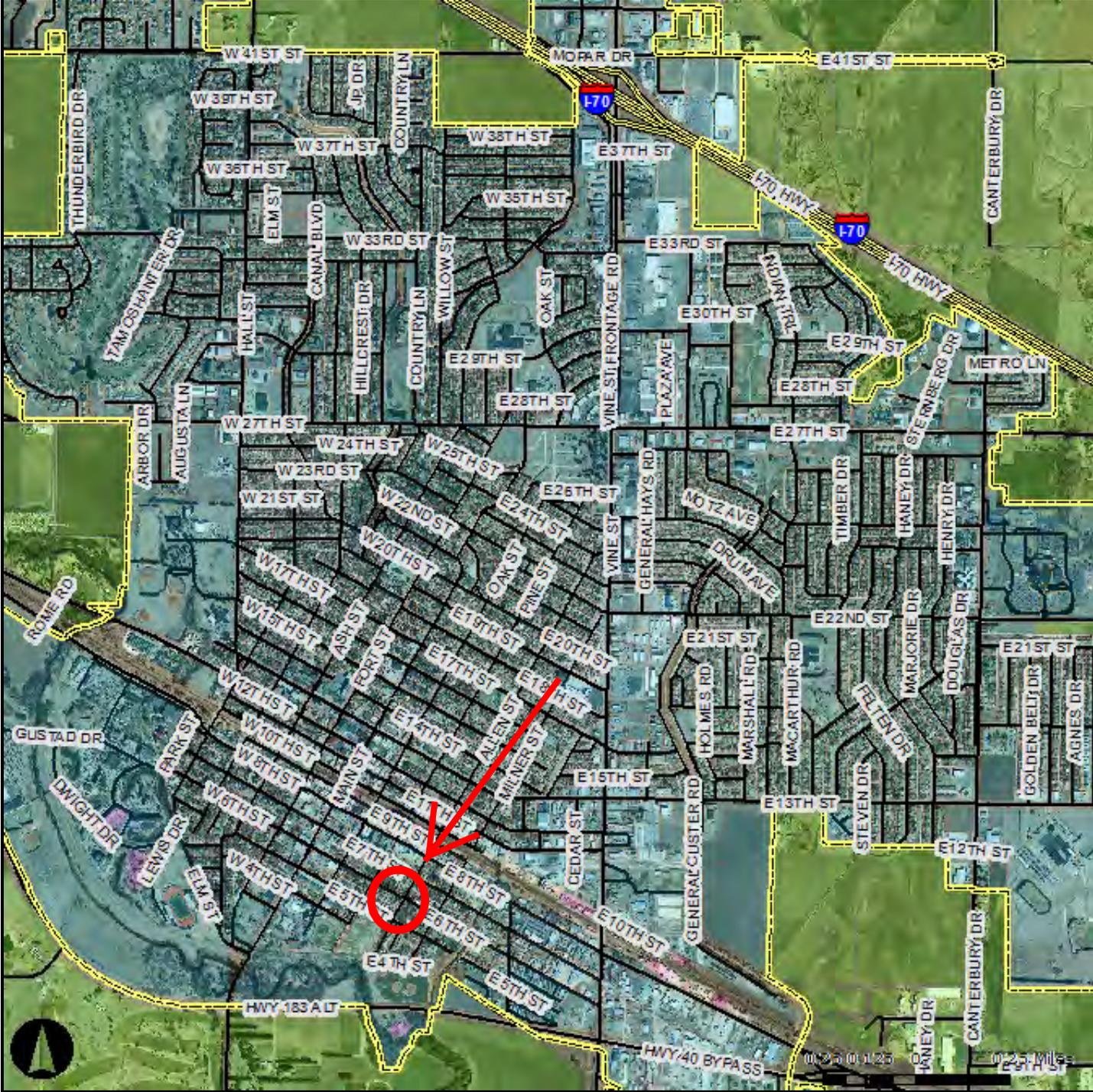
OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON October 14, 2015,

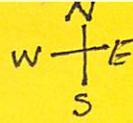
TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00.

Linda Bjorkmann, Administrative Assistant. |

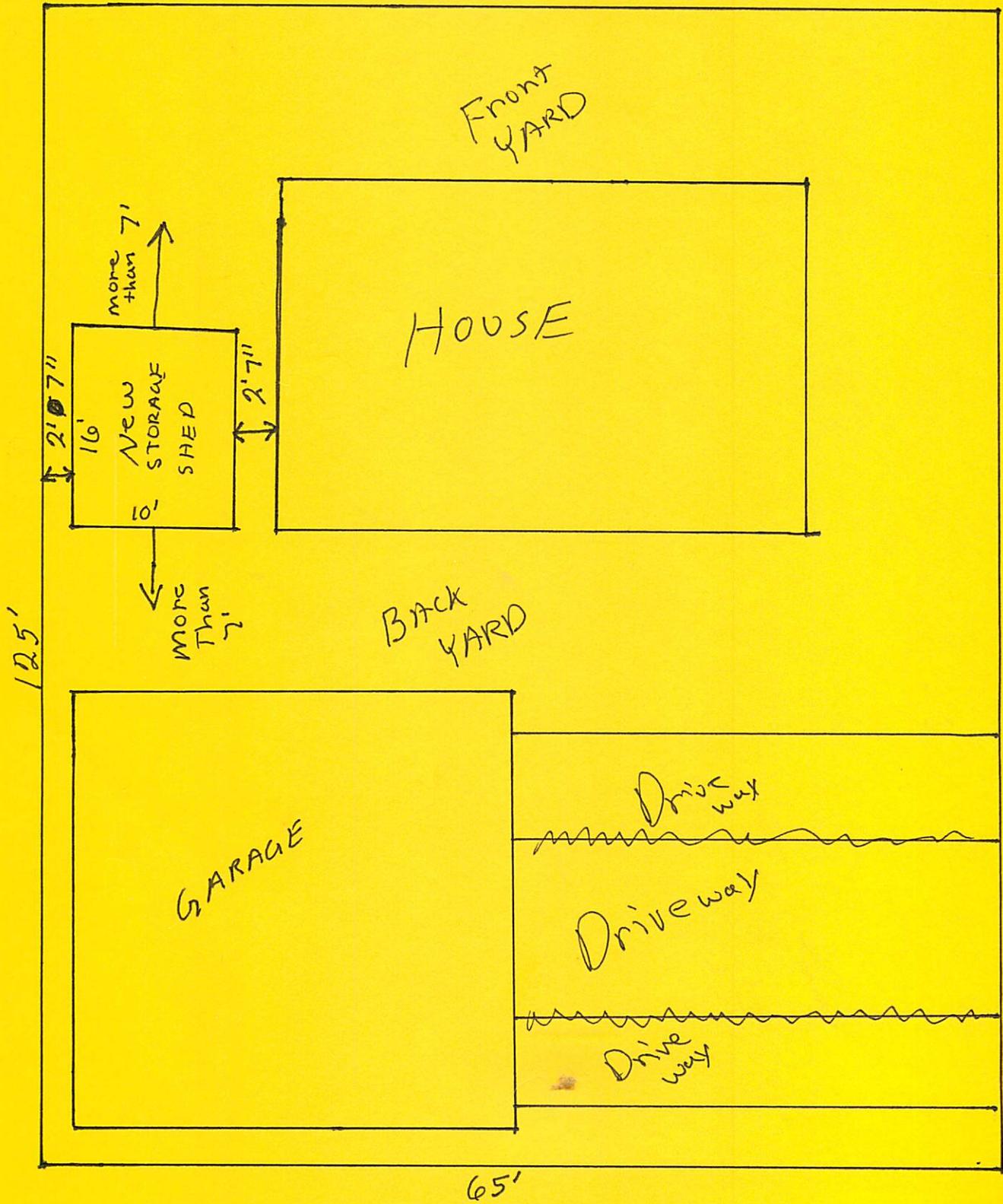
NAME AND TITLE



316 E. 6th



6th St



ALLEN

Approximate
Proposed Location

Alley

Subject Property

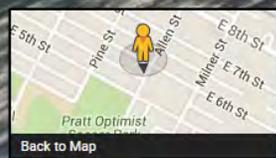
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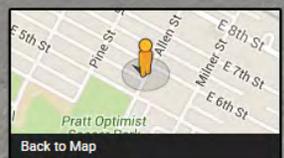
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351 E 6th St
Hays, Kansas
Street View - Apr 2013



Allen St
Hays, Kansas
Street View - Apr 2013



Google

Navigation controls including a compass, a zoom in (+) button, a zoom out (-) button, and a Street View pegman icon.

Date: 10-14-2015

To : Hays Area Board of Zoning

From: Dan and Jennifer Hecker

We hereby request a 2 ½ foot variance between structures instead of 5 foot, and a side yard setback variance of 2 ½ foot reduced from 7 feet, to build an 10' x 16' storage shed.

A. Uniqueness: The existing non compliant garage garage which measures 24" wide by 30 ft long has caused no issues with the alley or neighbors fence, and along with the driveway consumes ½ the back yard

B. Adjacent property: The variance should leave ample distance between the house and neighbors fence to gain access for upkeep, and water run off from the roof of the new storage shed.

C. If, new shed is placed to meet required zoning regulations, it would have to be placed next to the existing garage, reducing the lawn part of the back yard by half of what is now, therefore I am wanting to use the side yard behind the house as it is pretty much wasted space.

D. Public interest: My goal is to add additional storage to the existing property, allowing the garage that is there to park my vehicles in, while maintaining a visual appeal and functionality of the limited backyard space. I should also improve the fair market value of the real estate with adding additional storage for lawn equipment and so forth.

E. Spirit and Intent of the Zoning Regulations: Granting of these variances will not be opposed to the general spirit and intent of the zoning regulations, nor will the placement of the shed be in the way of any utilities, or interfere with traffic, or maintenance of the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Hecker". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

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

#09-15							
Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
316 E 6th St	026-182-04-0-20-16-001.00-0	Daniel L & Jennifer L	Hecker	316 E 6th St	Hays	KS	67601
312 E 6th St	026-182-04-0-20-16-002.00-0	Alan Jay	Weigel	312 E 6th St	Hays	KS	67601
317 E 6th St	026-182-04-0-20-07-012.00-0	George M & Frances A	Ridler	2929 Sternberg Dr Apt 141	Hays	KS	67601
401 E 6th St	026-182-04-0-10-21-008.00-0	Brenda & Wade	Porter	3102 Tam O'Shanter Dr	Hays	KS	67601
401 E 5th St	028-182-04-0-20-17-005.00-0	Ronnie & Lisa	Hendershott	401 E 5th St	Hays	KS	67601
317 E 5th St	026-182-04-0-20-16-071.00-0	FORB LLC		P O Box 1088	Hays	KS	67601
315 E 5th St	026-182-04-0-20-16-016.00-0	Mark Ottley Rev Inter Vivos Trust		700 W 48th St	Hays	KS	67601
400 E 6th St	026-182-04-0-20-17-004.00-0	Lori A	Staab	400 E 6th St	Hays	KS	67601

(Published in the Hays Daily News, November 18, 2015.)

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

TO: Dan and Jennifer Hecker
 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 Dan and Jennifer Hecker.

The subject of the hearing shall be a request by Dan and Jennifer Hecker for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements for a 2 ½ foot variance of separation between structures instead of the required 5 feet and a 4' 5" variance to reduce the south side yard building setback from the required seven feet (7') to two foot seven inches (2' 7") to construct a 10 X 16 Storage shed at 316 E 6th Street, Hays, KS in Ellis County, Kansas.

You are hereby notified that a hearing will be had upon said appeal on the 9th day of December 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, Chairman
 Hays Area Board of Zoning Appeals

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Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #10-15
 ADDRESS: 2015 General Custer Rd.
 OWNER: Bernie Werth
 TYPE OF REVIEW: Variance
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
 DATE PREPARED: November 30, 2015
 AGENDA DATE: December 9, 2015

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the front yard building setback from the required thirty-five feet (35') to twenty-seven feet (27') to construct a commercial building on the property located at 2015 General Custer Rd. (see further details below and attached site drawing). Based on the considerations below, staff recommends approval of the variance as submitted.

BACKGROUND:

- The applicant is requesting a front yard variance of 8':
 - Front yard setback – 35' to 27'
- Applicant wishes to construct a commercial building on the property
- This is a uniquely shaped property (see site maps)

	Setback Required	Applicant Proposed
Front Yard	35'	27'
Side Yard	N/A	N/A
Rear Yard	N/A	N/A
Other Structures	N/A	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 property is very uniquely shaped when compared to a typical lot or other lots in the area. The triangular shape of the lot makes any sort of development very difficult without any sort of variance.*

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

Staff Analysis: *The proposed variance of 8' will have little to no impact on surrounding property owners, or city right-of-way (street or alley).*

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

Staff Analysis: *As is mentioned by the applicant, staff would agree that the shape of the lot does present a hardship that is not considered self imposed. The lot was in its current state (triangular shape) well before the current owner took possession of the property.*

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

Staff Analysis: *It is unlikely that if granted as proposed, this variance would 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 the variance for the proposed building would not appear to be opposed to the general spirit and intent of the zoning regulations.*

OPTIONS:

- Approve the variance as submitted
- Do not approve the variance

RECOMMENDED ACTION:

Based on the factors mentioned above, staff recommends approval of the variance as submitted.

ATTACHMENTS:

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

APPLICATION FOR VARIANCE

I. Name of Applicant BERNARD H. WERTH Phone 785-628-1817

- Mailing Address 1314 Steven DR. Hays, Ks 67401

Name of Owner (if different from applicant) _____ 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 8' into the setback - A variance of 8',
reducing the setback from 35' to 27'.

on property located at General Custor and legally described as: _____
026-138-34-0-30-04-001.02-0

Just South of Stanion Wholesale Electric

in the City of Hays and which is presently zoned C-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.

Bernard H. Werth
APPLICANT

AUTHORIZED AGENT (IF ANY)

Bernard H. Werth
OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON October 22, 2015

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00

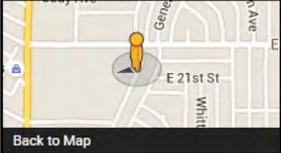
Sinda Bixemman, Administrative Assistant

NAME AND TITLE



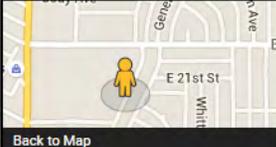


2149 General Custer Rd
Hays, Kansas
Street View - Apr 2013



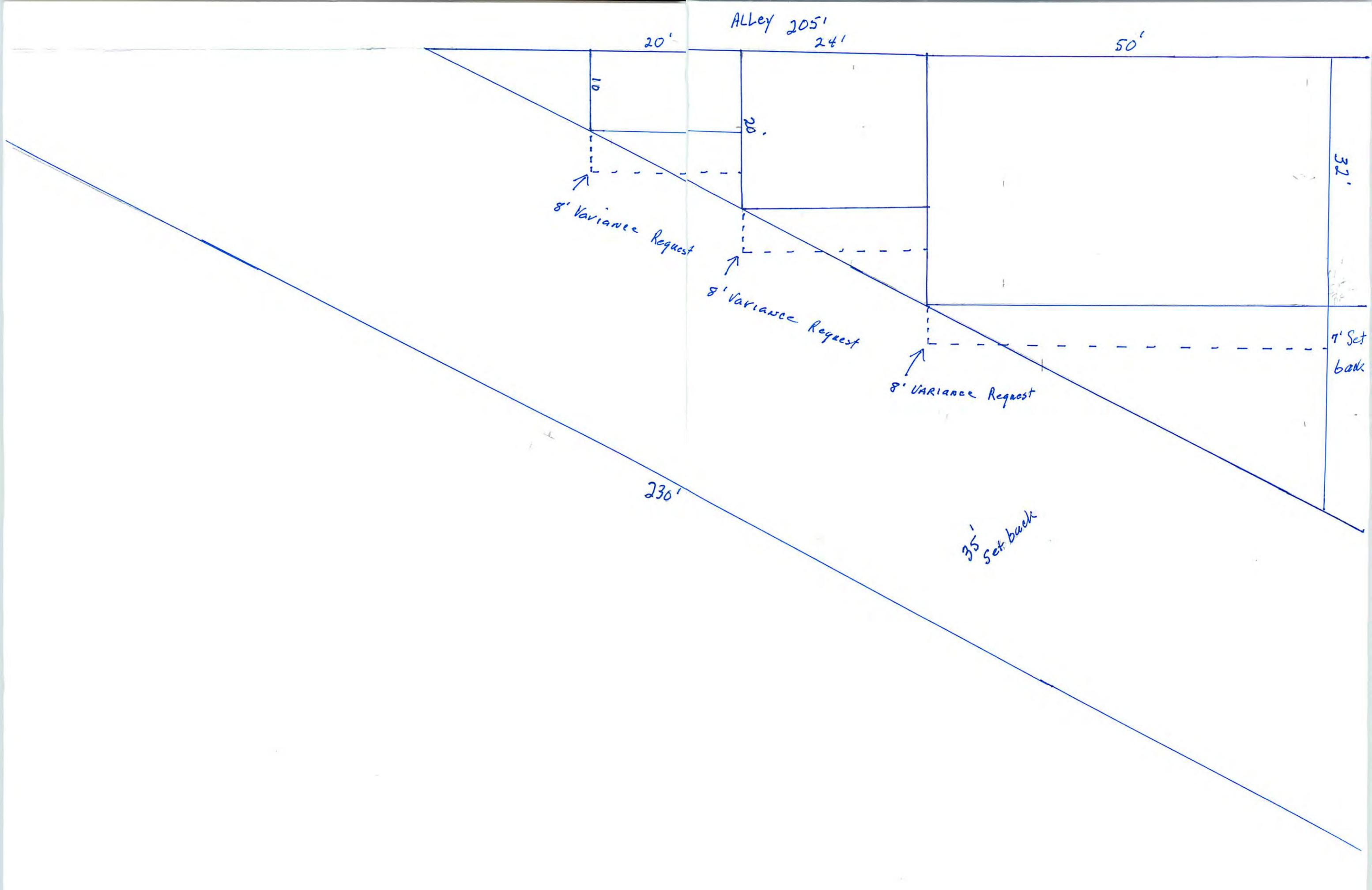
Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a 'Back to Map' button.

2099 General Custer Rd
Hays, Kansas
Street View - Apr 2013



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a 'Back to Map' button.



ALLEY 205'
24''

20'

50'

32'

10'

20'

8' Variance Request

8' Variance Request

8' VARIANCE Request

7' Set
back

236'

35'
Set back

StreetDATE: 10/21/15

TO: Hays Area Board Of Zoning

FROM: Bernie Werth

RE: I hereby request a setback from the current 35' setback {See lot Shape}

A. Uniqueness:

Due to the property size & shape { See lot shape } I am requesting that you allow me at certain points to go into the setback by 8' in three different places. I am wanting to construct a 50x40 & 24x28 & 20x18 all one shed stair cased thru the lot.

B. Adjacent Property:

The setback will not affect anything, beings that the building will be facing General Custer Street & Chetola Creek.

C. Hardship:

Trying to utilize this lot to the best of my knowledge, there really isn't anything to much that a person can do with this lot because of the shape. Would like to make the best of the situation at hand.

D. Public Interest:

Our goal is to make this area pleasing to all concerned by just utilizing the area and keeping it cleaned up.

E. Spirit and Intent of the Zoning Regulations:

Granting access to that 8' setback won't interfere with any utilities or traffic or any maintenance in the in-active alley behind the building.

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

#10-15

Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
2011 General Custer Rd	026-138-34-0-30-04-001.01-0	Stanion Wholesale Electric Company Inc		P O Box F	Pratt	KS	67124
2015 General Custer	026-138-34-0-30-04-001.01-0	Bernard H & Lona	Werth	1314 Steven Dr	Hays	KS	67601
1110 E 22nd St	026-138-34-0-30-04-003.00-0	I P Management LLC		2717 Canal Blvd	Hays	KS	67601

(Published in the Hays Daily News, November 18, 2015.)

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

TO: Bernard H Werth
 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 Bernard H Werth.

The subject of the hearing shall be a request by Bernard H Werth for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements for an eight foot (8') foot variance from the required thirty-five feet (35') to twenty-seven feet (27') to construct a commercial building at 2015 General Custer Road, Hays, KS in Ellis County, Kansas.

You are hereby notified that a hearing will be had upon said appeal on the 9th day of December 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, Chairman
 Hays Area Board of Zoning Appeals

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Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #11-15
ADDRESS: 780 E 41st St.
OWNER: Luecke Properties, John Luecke (Authorized Agent)
TYPE OF REVIEW: Exception – Special Use for Storage Units
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
DATE PREPARED: November 30, 2015
AGENDA DATE: December 9, 2015

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 780 E 41st St. (see attached site drawing)
After taking into consideration all known factors, staff recommends approval of 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 to allow for the construction of storage units on the property located at 780 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
- Two separate Special Use Permits have previously been granted for storage units on this property, one in 2013 and one in 2014

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:

While storage units have previously been approved on this property (2013 and 2014), with the expectation that the owner would make further requests for additional units, certain conditions were imposed as a condition of approval. Those conditions, including the perimeter fence erected around the existing units, have been met. This proposal is a continuation of an existing project that has slowly developed over the past 2-3 years. The site continues to develop in an orderly manner and therefore, staff feels the current request for additional storage units may be approved with no new conditions imposed.

OPTIONS:

The following are options to consider:

- Approve the special use permit as requested
- Do not approve the special use permit
- Approve the special use permit with conditions

RECOMMENDED ACTION:

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

ATTACHMENTS:

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



APPLICATION FOR EXCEPTION

I. Name of Applicant John Lueck for Luecke Properties LLC 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 _____ Phone _____
 Mailing Address _____
 Relationship of applicant to property is that of owner
 (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 building on property zoned C2, located at 780 E 45th and legally described as: Lot(s) _____, Block(s) _____ of the _____ Addition to Ellis County.
See attached legal

Give metes and bounds description below or on attached sheet: (Required only if property is not part of a legally recorded plat)
See attached legal - parcel 800 E 41st

- II. 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 Lueck for Luecke Properties LLC
 APPLICANT
John Lueck
 OWNER

 AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON October 26, 2015.
 TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00. Receipt # 612015
Sinda B. Bixenmann Administrative Assnt
 NAME AND TITLE

To:

City of Hays Board of Zoning appeals

Please consider my request for zoning exception for the construction of a 45' X 100' all steel structure for commercial storage of RV's, trailers and related large items. Color and trim would be the same at existing storage buildings. Building will be erected by Liberty Builder, llc.. Building will be a Sentinel all steel structure. An additional building of similar size and construction is considered for future expansion and would be constructed just east of the building mentioned above. Longer term plans call for a row of small storage units placed between the new RV storage and the existing storage units on the south side of the property.

I am requesting a zoning exception for the building mentioned above plus any additional structures to be located in the same vicinity. Timing of future construction will be determined by market demand and financial feasibility.

John Luecke
Luecke Properties LLC

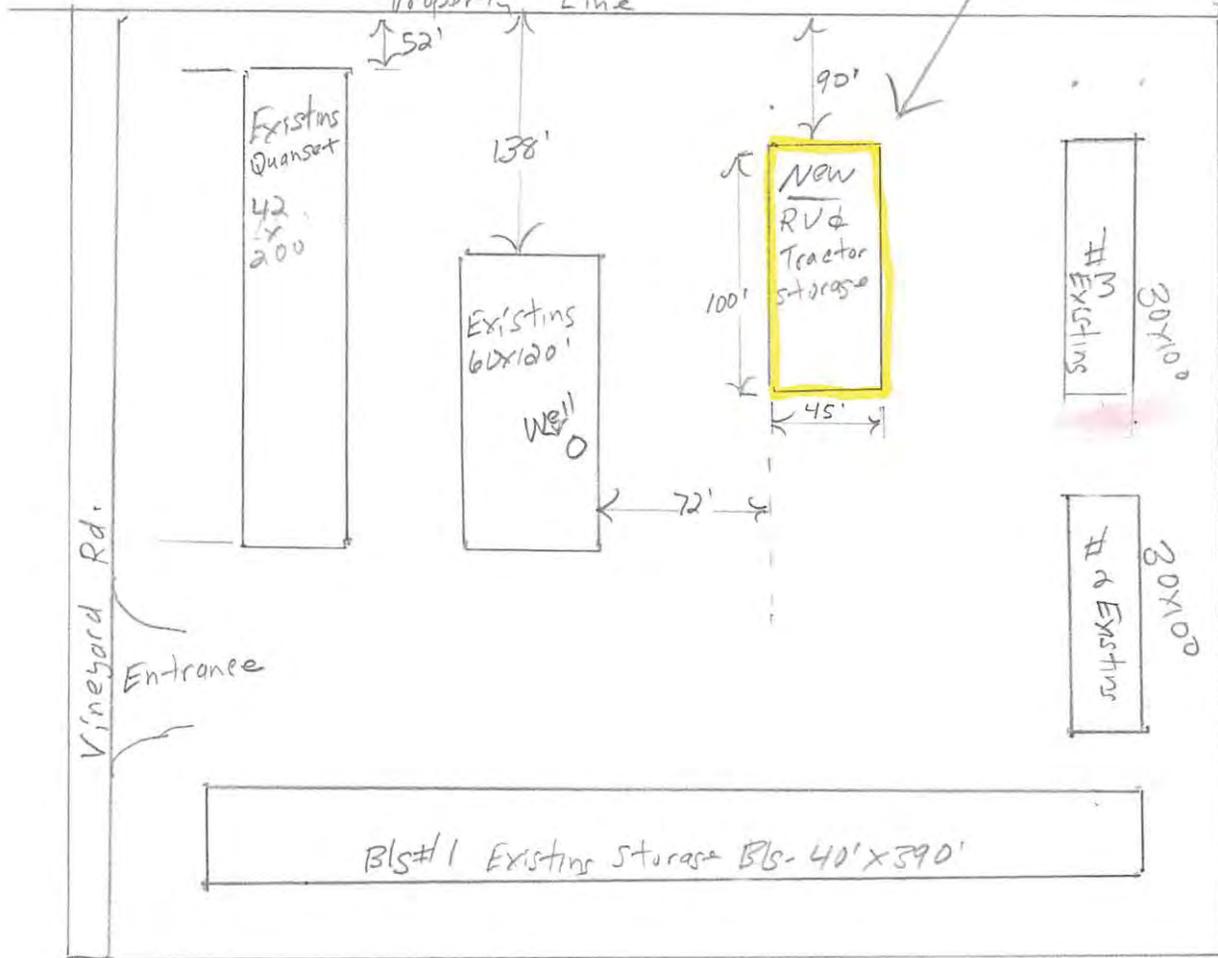
A handwritten signature in black ink, appearing to read "John Luecke", written over the typed name and company name.

Vineyard Park

Proposed new building
No Sewer, Water
Outside lights only

Property Line

N







Wir Rent CARGO RANG
LUECKE
CARGO RANG





STORAGE

CALL
JACK
HAUL

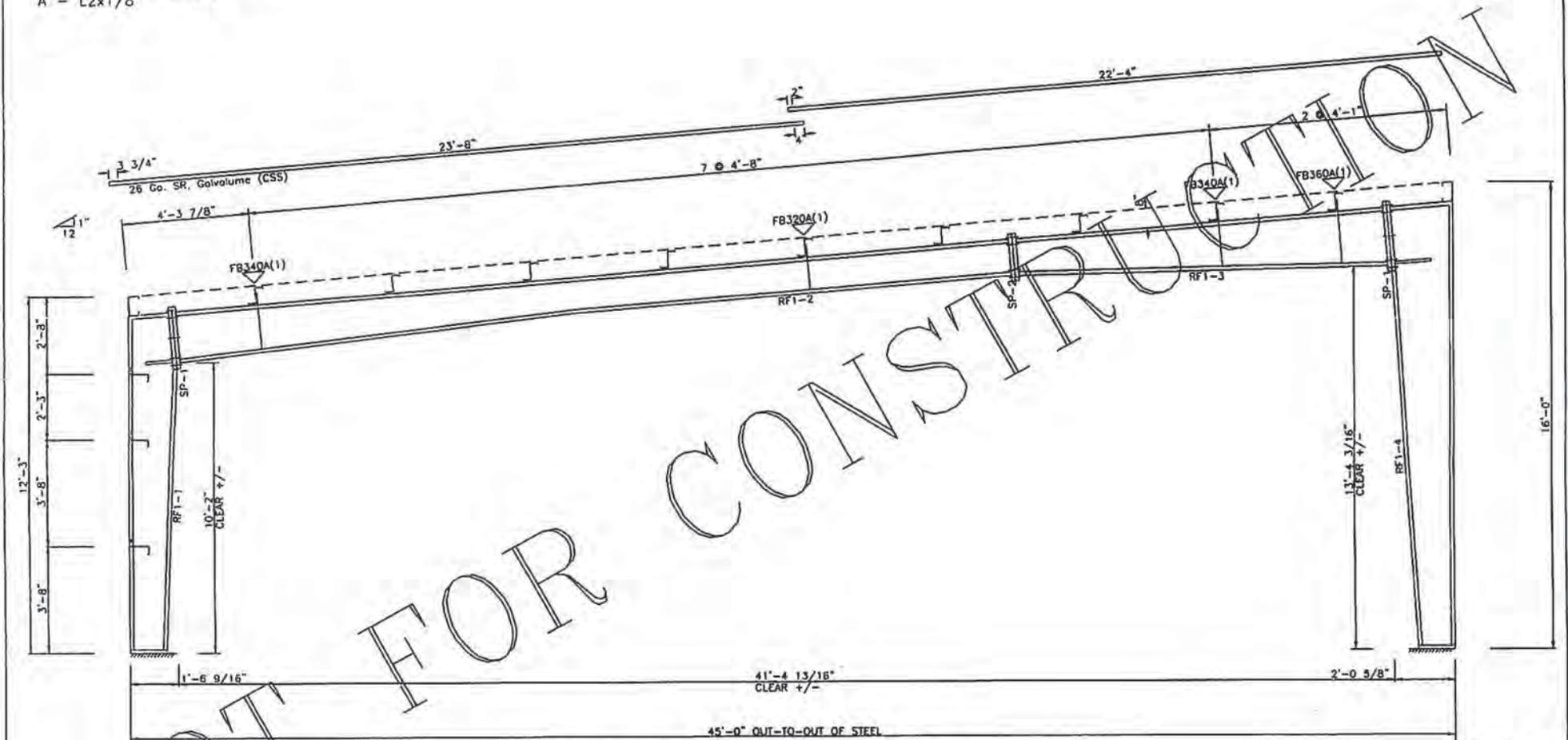
CALL
LARRY
RENT
ME!

575

STORWA



▽ FLANGE BRACES: Both Sides(U.N.)
 FBxxA(1): xx=length(in)
 A - L2x1/8



RIGID FRAME ELEVATION: FRAME LINE 2 3 4

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

ENGINEER'S SEAL

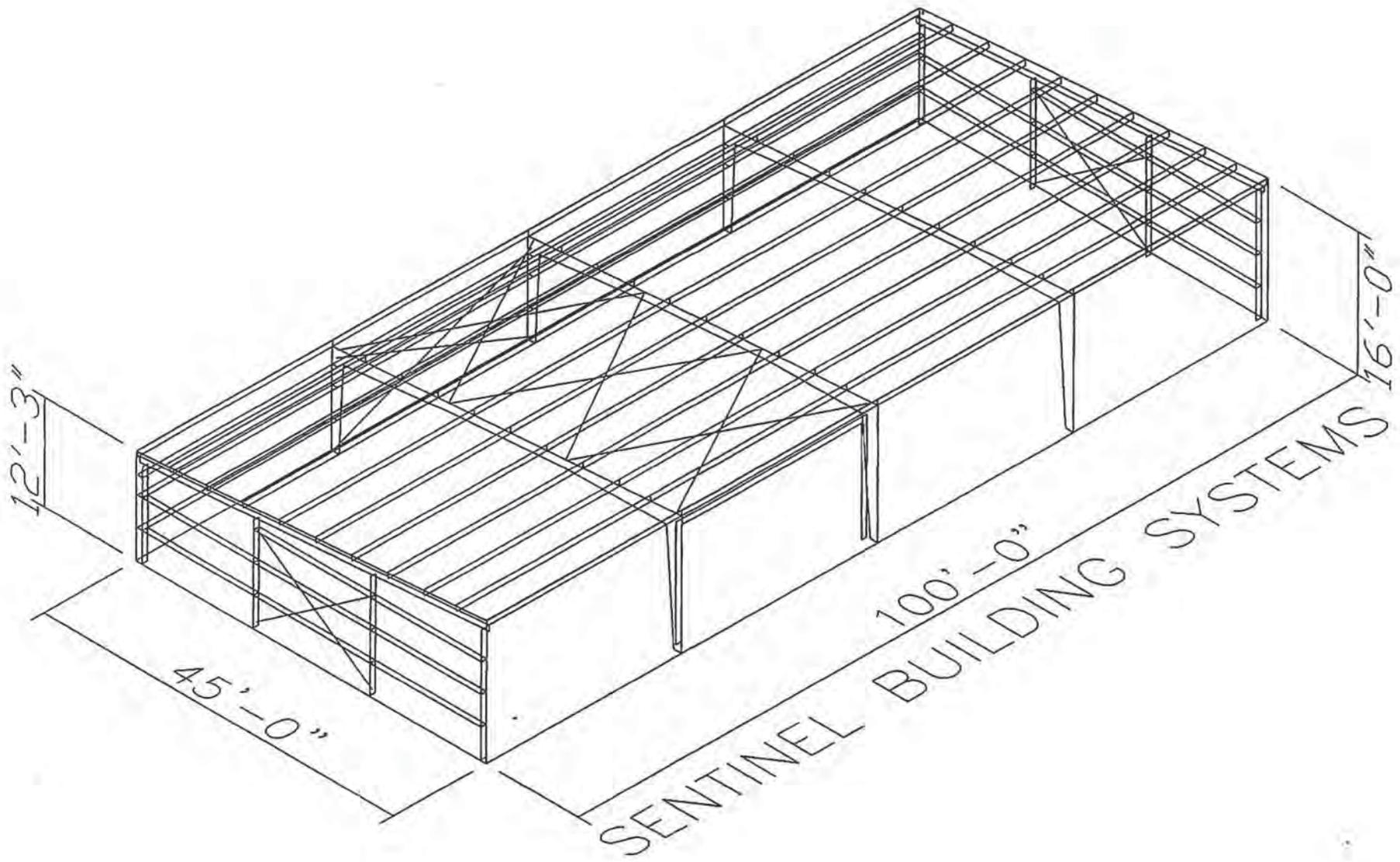
REVISIONS			
REV	DESCRIPTION	DATE	APPROVED
	Taking Pride In Building Excellence		PAGE No.
		JOB NUMBER:	44150464
		DESIGN:	
		ENGR:	
		DATE:	9/ 3/15 08P.

SENTINEL BUILDING SYSTEMS
 A Division of CH2M HILL
 237 SOUTH 472 ST
 ALBION, NE 68620
 (800) 327-0790

BILL LUECKE
 HAYS, KS 67801

By signing this document, the Engineer certifies that he/she is a duly Licensed Professional Engineer in the State of Kansas and that he/she is the author of the design shown on this drawing.

1



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

#11-15

Field1	Property	First Name	Last Name	Mailing Address	City	State	Zip
026-138-27-0-20-01-001.00-0	800 E 41st St	Luecke Properties		765 E 41st St	Hays	KS	67601
026-138-27-0-20-01-002.00-0	1300 E 41st St	Hays Investors LLC		9400 Reeds Rd, Ste 100	Overland Park	KS	66207
026-138-27-0-20-01-002.06-0	1310 E 41st St	HD Development of Maryland Inc		2455 Paces Ferry Rd	Atlanta	GA	30339
026-135-22-0-00-01-016.00-0	655 E 41st St	Vernie's Trux-N-Equip Inc		P O Box 655	Hays	KS	67601
026-135-22-0-00-01-018.00-0	765 E 41st St	Luecke Properties LC		765 E 41st St	Hays	KS	67601
026-135-22-0-00-01-020.01-0	E 41st	Cathy A Braun Rev Tr		750 E 55th St	Hays	KS	67601
026-138-27-0-10-01-002.00-0	1650 E 41st St	City of Hays		P O Box 490	Hays	KS	67601
026-138-27-0-20-01-001.01-0	41st St	Bruce & Leatte Bandy Trust		3 Austin Ct	Colby	KS	67701

(Published in the Hays Daily News, November 18, 2015.)

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.

You are hereby notified that a hearing will be had upon said appeal on the 9th day of December, 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

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Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #12-15
 ADDRESS: 1104 E 22nd
 OWNER: David Randa
 TYPE OF REVIEW: Variance
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
 DATE PREPARED: November 30, 2015
 AGENDA DATE: December 9, 2015

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to allow an off-premise advertising sign to be located within the 35' building setback on property located at 1104 E 22nd Street. (see further details below and attached site drawing). Based on the factors detailed in this memo, staff recommends approval of the request as submitted.

BACKGROUND:

- The applicant is requesting a variance to allow an off-premise advertising sign to be located within the 35' building setback
- An on-premise sign could be located in this location with no variance, however the off-premise advertising proposed does require the variance

	Setback Required	Applicant Proposed
Front Yard	Min. 35 ft (for off-premise signage) Min. 0 ft (for on-premise signage)	10-15' 0
Side Yard	0	N/A
Rear Yard	0	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: *It is important to note that an on-premise sign could be located at the proposed location, but regulation requires additional setbacks for off-premise signage. This property is unique due to the platting of the private street that is used to access several commercial properties in the area. The private street is not a through street and gives limited access to the business in the rear of the property. The proposed signage will be important for their businesses.*

- 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. The proposed sign is an attractive sign that will serve a valuable purpose (see sign diagram).*

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

Staff Analysis: *Due to the location of the businesses at the end of the private street being “off the beaten path”, and the need for directional signage to their location, a hardship could be constituted if the sign could not be erected in the proposed location which gives a clear indication of the location of those businesses.*

- 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.*

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

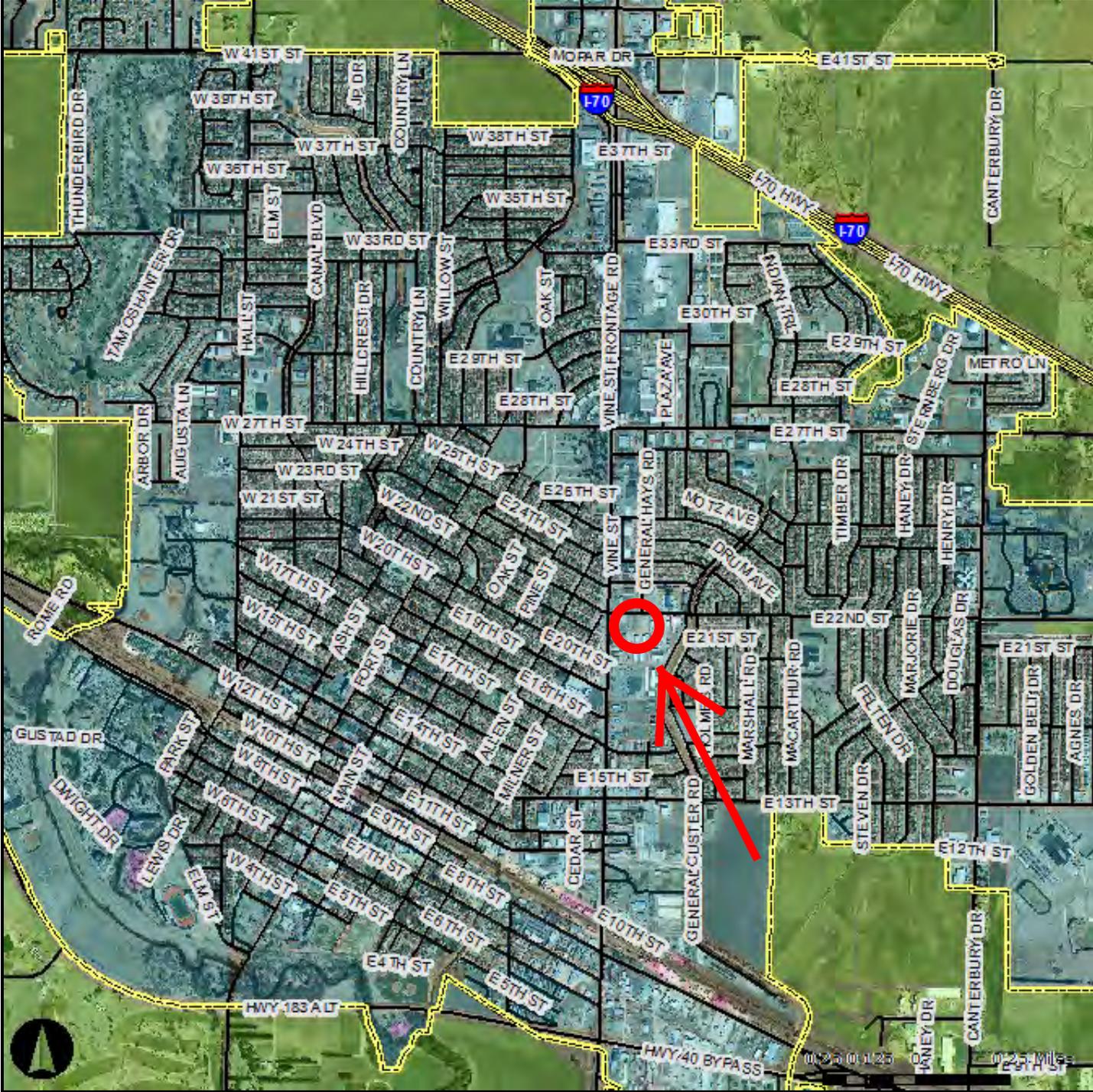
Staff Analysis: *The proposed sign location and variance request would not seem to go against the spirit and intent of the regulations. Multiple signs for each business (which would be allowed) would be more of a nuisance and site issue than the one single shared sign that is proposed.*

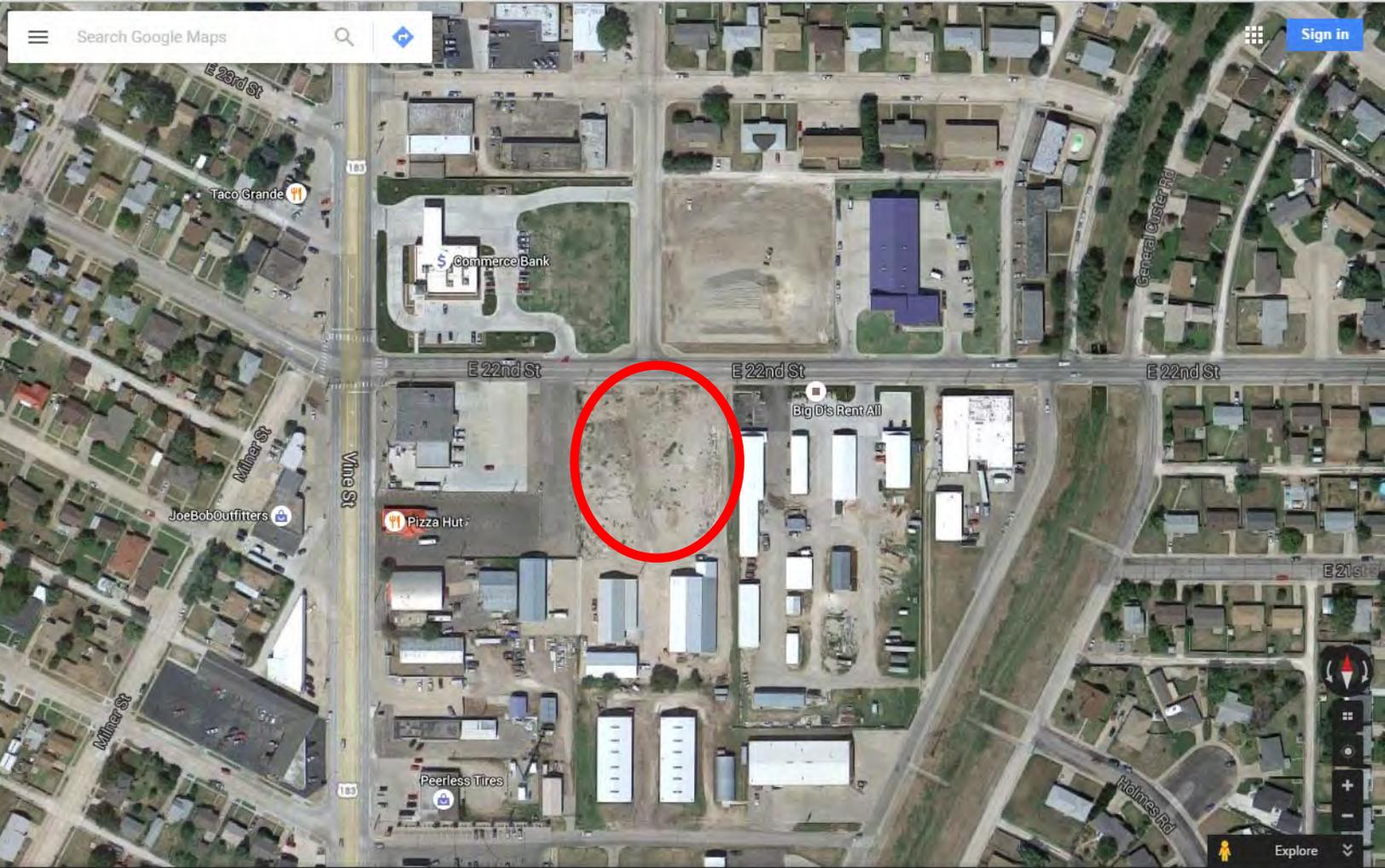
RECOMMENDED ACTION:

Staff recommends approval of the proposed variance due to the factors noted above.

ATTACHMENTS:

- Variance application
- Variance justification and site map from owner
- Picture(s) and Map(s)





APPLICATION FOR VARIANCE

I. Name of Applicant David Randa Phone 259-4329

Mailing Address 409 West 19th

Name of Owner (if different from applicant) David Randa Phone 259-4329

Mailing Address 409 West 19th

Name of Authorized Agent NA Phone NA

Mailing Address NA

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

II. The variance is requested for a sign with multiple business names that are not on the same lot but all down the private road located beside the sign

on property located at 1104 East 22nd and legally described as: Reg addition Lot # 2

in the City of Hays and which is presently zoned C2

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.

David Randa
APPLICANT

NA
AUTHORIZED AGENT (IF ANY)

David Randa
OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON October 26, 2015

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00

Linda Bixenman, Administrative Assistant
NAME AND TITLE

Date: Thursday, October 29, 2015
To: Hays Area Board of Zoning
From: David Randa, owner of Reliable HVAC

We hereby request to reduce the front yard setback from the required 35 feet from the front property line to 15 feet to allow for installation of an off-premise sign.

A. Uniqueness

Due to the fact that the following businesses are not on a major road, we would like to place a sign advertising all of the businesses listed on 1104 East 22nd Street (Professional Cleaning Services, Reliable HVAC, Stanley Homes, Straightline Remodeling, Lisa's Custom Interiors, Munsch Fitness). These businesses are all looking for a sign to direct traffic to their locations, not just advertise their business. Many of the properties listed will be receiving shipments of materials, where a sign would be very helpful in directing the distributors to their locations.

B. Adjacent Property

This sign will not affect the adjacent properties because their signs are offset from our proposed sign.

C. Hardship

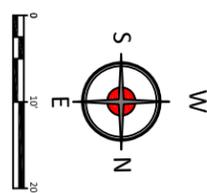
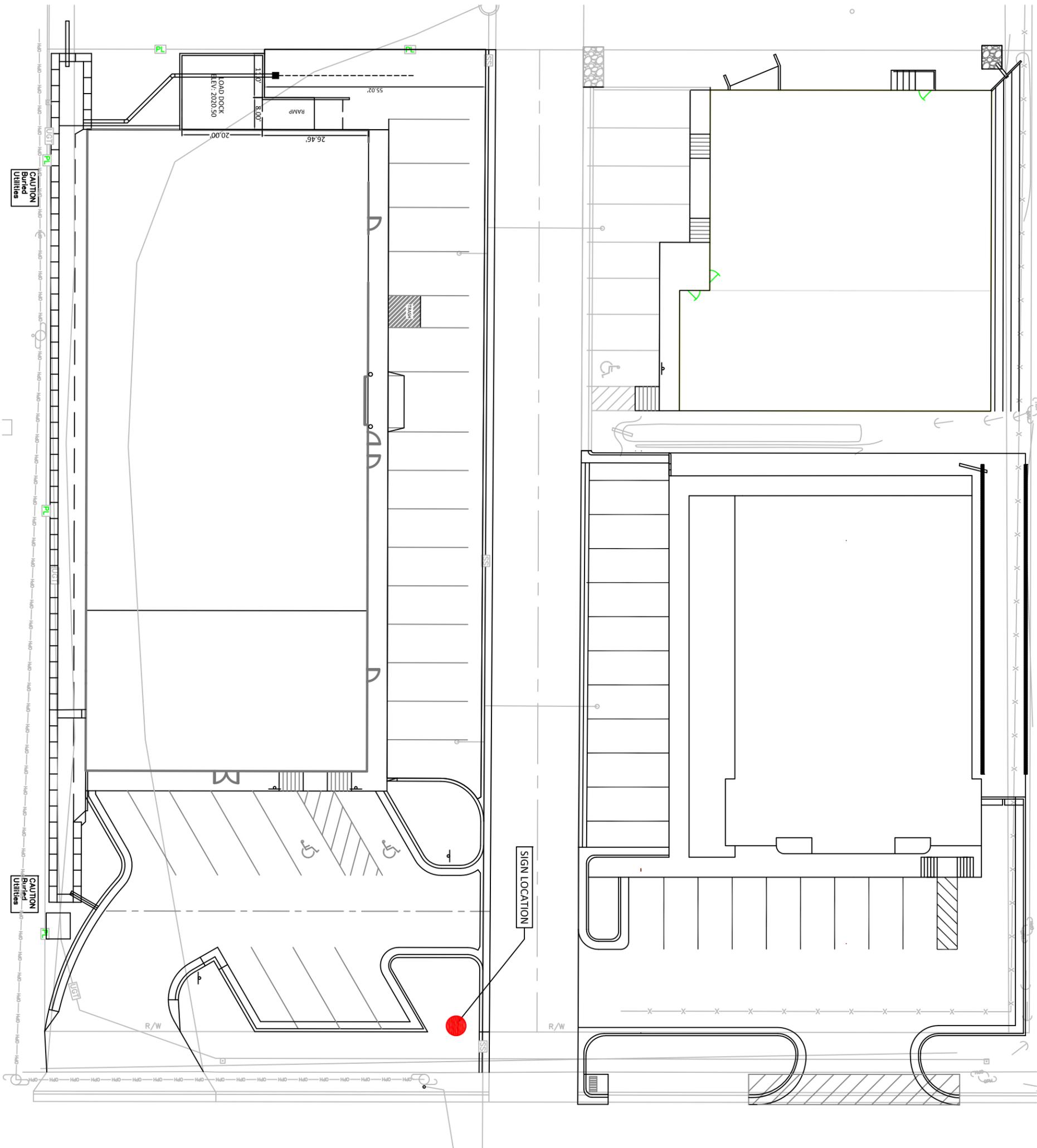
Placing the sign on the lot as currently required by zoning regulations would not help advertise/direct future costumers to other businesses down the private road.

D. Public Interest

It is our goal in requesting this variance to help each business (Professional Cleaning Services, Reliable HVAC, Stanley Homes, Straightline Remodeling, Lisa's Custom Interiors, Munsch Fitness, and possibly more) direct traffic to their prospective businesses. The sign will be new and modern looking, fitting in with the other recent developments in the area. Currently none of the listed businesses have access to signage on 22nd Street.

E. Spirit and Intent of the Zoning Regulations

Granting of the desired variance will not be opposed to the general spirit and intent of the zoning regulations. The sign will not be in the way of utilities or view from any adjacent properties.



Project No.:
NA
Date:
11/1/2015
Sheet No.:
1 OF 1

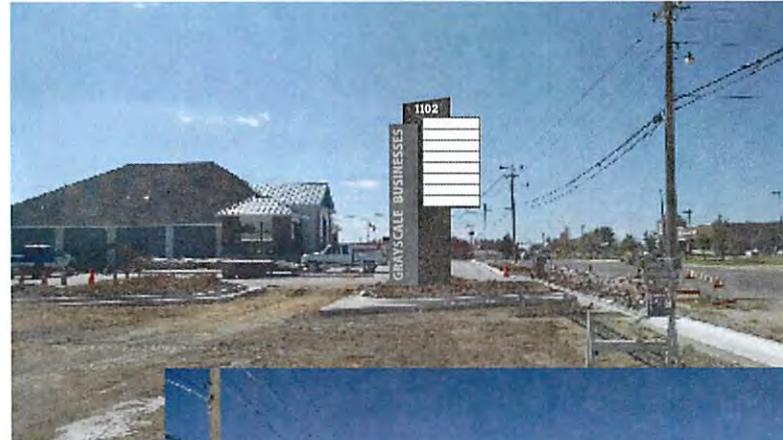
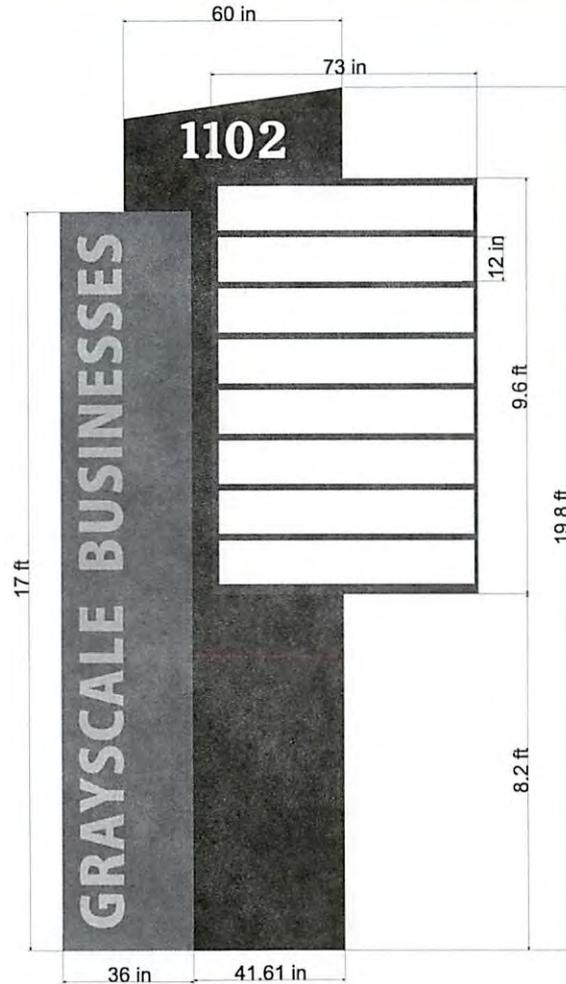


DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN & HAYS

CITY OF HAYS, KANSAS
RANDA DEVELOPMENT
RANDA SIGN LOCATION

No.	Revision	Date





Customer: _____
 Company: _____
 Address: _____
 City: _____ State/ZIP: _____
 Phone: _____
 Fax: _____

Accepted _____ Date _____

This drawing and all designs, ideas and concepts provided by Commercial Sign are the sole property of Commercial Sign and all rights to its use are reserved. If you have provided us with artwork to be used in the production of your signs, we assume that you hold the rights to your work. All rights to this work will transfer to the customer upon completion of this proposed contract.

Job No.:	Date:
Order Date:	Salesperson:
Sign Dimensions: 428.825in x 275.406in	Estimate: \$0.00
Comments:	

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

#12-15

Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
1105 E 22nd St	026-138-34-0-20-23-016.01-0	Ellis County Board of Commissioners		P O Box 720	Hays	KS	67601
1110 E 22nd St	026-138-34-0-30-04-003.00-0	I P Management LLC		2717 Canal Blvd	Hays	KS	67601
1108 E 22nd St	026-138-34-0-30-04-005.00-0	Ralph J Jr and Lois	Augustine	1326 280th Ave	Hays	KS	67601
1108 E 22nd St	026-138-34-0-30-04-005.00-0	Gary & Sandra	Haselhorst	1326 280th Ave	Hays	KS	67601
1102 E 22nd St	026-138-34-0-30-04-005.02-0	RRDS Investments LLC		1625 Mount Pleasant Rd	Hays	KS	67601
1100 E 22nd St	026-138-34-0-30-04-005.01-0	Tonya & Grady	Knoll	3013 T-Bird Ct	Hays	KS	67601
2200 Vine	026-138-34-0-20-23-016.03-0	Commerce Bank - President		2200 Vine St	Hays	KS	67601
1104 E 22nd	026-138-34-0-30-04-004.00-0	David & Krystal	Randa	409 W 19th St	Hays	KS	67601

(Published in the Hays Daily News, November 18, 2015.)

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

TO: David Randa
 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 David Randa.

The subject of the hearing shall be a request by David Randa for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements for a variance to allow an off-premise advertising sign to be located within the thirty-five feet (35') building setback within the "C-2" General Commercial and Service District located at 1104 E 22nd Street.

You are hereby notified that a hearing will be had upon said appeal on the 9th day of December, 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

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Board of Zoning Appeals Action Report

AGENDA ITEM: Setback Variance Application #13-15
 ADDRESS: 2509 Canterbury Dr.
 OWNER: Hays Medical Center
 TYPE OF REVIEW: Variance
 PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
 DATE PREPARED: November 30, 2015
 AGENDA DATE: December 9, 2015

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a variance to reduce the front yard setback from 10 feet to 2 feet, a variance of 8 feet to allow the placement of a business sign on the property located at 2509 Canterbury Dr. (see further details below and attached site drawing). Staff recommends setting a public hearing for the January 13, 2016 Board of Zoning meeting for the request as submitted.

BACKGROUND:

- The applicant is requesting a variance to reduce the required front yard setback from 10 feet to 2 feet, a variance of 8 feet to allow the placement of a sign on the property located at 2509 Canterbury Dr.
- This site is being revamped as part of a large reconstruction project.

	Setback Required	Applicant Proposed
Front Yard	Min. 10' (For signage)	2'
Side Yard	0	N/A
Rear Yard	0	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 property is somewhat unique due to its zoning district. This property falls within the C-O zoning district (Office and Institution). The C-O district is one of the only districts, and is the only commercial district, that requires a front setback for a sign of this small stature. The other signs along Canterbury, for various reasons, are nearly all placed on or very near the front setback.*

- 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. The existing sign, which will be removed and replaced by this sign, already has a setback similar to the one proposed by the new sign.*

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

Staff Analysis: *Since other signs within this office corridor along Canterbury are placed at or near the front setback, placing the sign back to 10 feet per regulation could constitute a hardship by making visibility of this medical office more difficult.*

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

Staff Analysis: *This proposed sign would not appear to 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

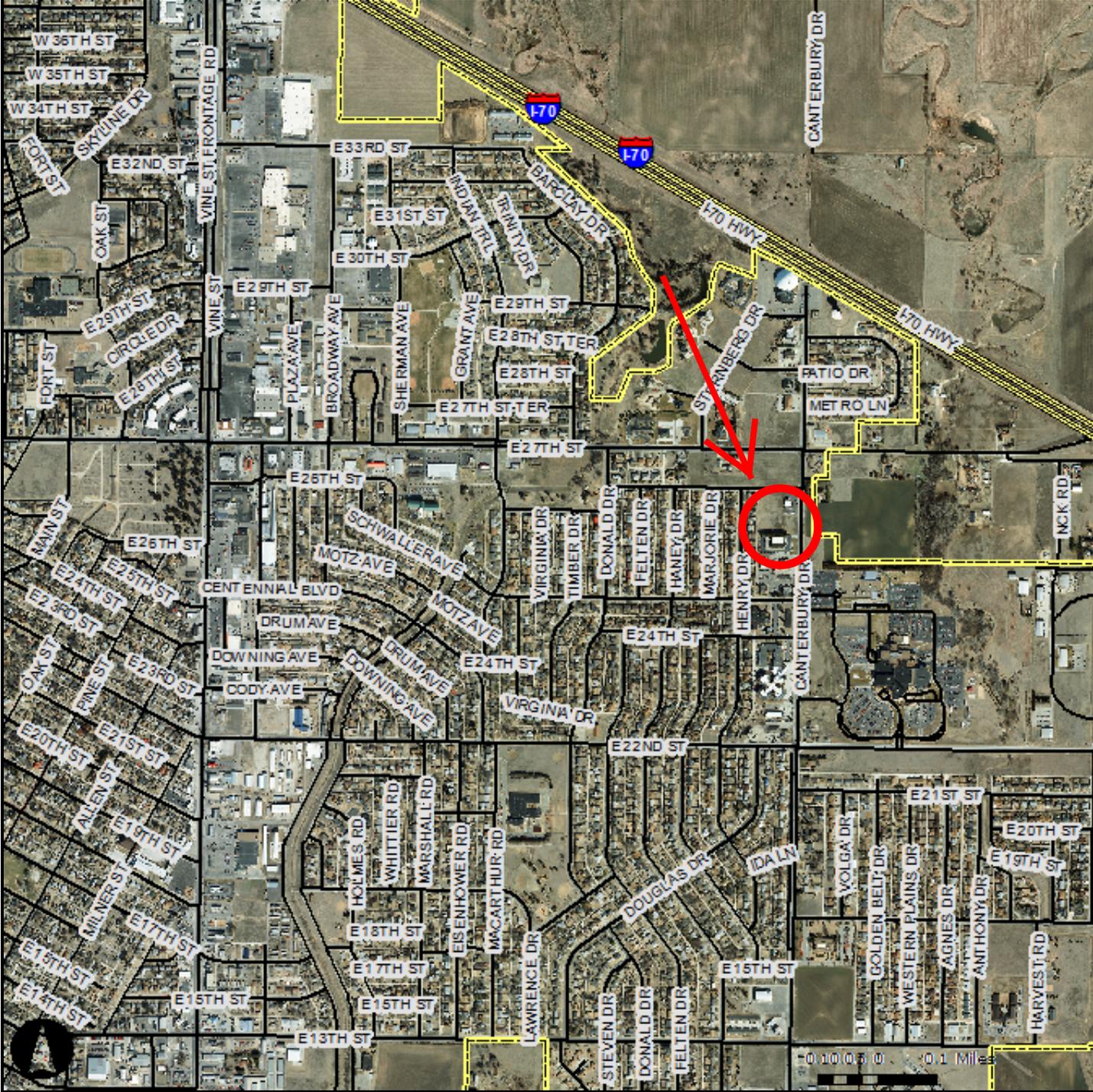
Staff Analysis: *The proposed sign location and variance request would not seem to go against the spirit and intent of the regulations.*

RECOMMENDED ACTION:

Staff recommends setting a public hearing for the January 13, 2016 Board of Zoning meeting for the request as submitted.

ATTACHMENTS:

- Variance application
- Variance justification from owner
- Picture(s) and Map(s)



APPLICATION FOR VARIANCE

- I. Name of Applicant NABHOLZ CONSTRUCTION Phone 913-747-8243 ³⁹³⁻⁶⁵⁰⁰
- Mailing Address 1707 E. 123rd Terrace, Olathe, Kansas 66061-5875
- Name of Owner HAYS MED - Family Medical PC Phone 785-623-2501 ⁵⁸⁷⁵
- Mailing Address 2509 Canterbury St. Hays, Kansas 67601
- Name of Authorized Agent Steve Bennett Phone 913-747-8243
- Mailing Address 1707 E. 123rd Terrace, Olathe, Kansas 66061-5875
- Relationship of applicant to property is that of owner's construction manager
(Owner, tenant, lessee, other)
- II. The variance is requested Monument sign to be installed within two (2) feet of property line.

on property located at 2509 Canterbury St and legally described as: Lots Fifteen (15) and sixteen (16), Block Four (4), Golden Belt Fourth Addition to the City of Hays, Ellis County, Kansas in the City of Hays and which is presently zoned C-O OFFICE & INSTITUTION DISTRICT

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.

Steve Bennett of Nabholz
APPLICANT

Steve Bennett
AUTHORIZED AGENT (IF ANY)

[Signature]
OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON November 25 2015

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 612023

Linda Bixemman, Administrative Assistant.

NAME AND TITLE



Approx. Location of Proposed Sign



Existing Sign



0.00500250 0.005 Miles





November 25, 2015

City of Hay Area Board of Zoning
1002 Vine St.
Hays, Kansas 67601

Re.: HaysMed- Family Medicine- Sign Variance Request
2509 Canterbury St.
Hays, Kansas 67601

To Whom It May Concern:

Nabholz Construction, acting on behalf of the Owner of the above property- HaysMed, in its capacity as the Owner's Construction Manager, is respectfully requesting a sign variance on the above reference property.

Back in February/March of 2015, Health Facilities Group (the Owner's Architect), submitted plans, including showing the location of the sign and description of its construction. It is my understanding that discussion took place about the sign's construction and placement. HaysMed relied on the submittal of the approved plans in its construction.

Since this time, construction has now progressed to such that the sign foundation is in, and power run to the location that was submitted. The first phase of this project is due to be turned over next month.

The sign and its location, is actually further back away from the property line of the HaysMed Family Practice's present sign (this sign is on the property line), as well as in a similar locations to signage of other businesses around and along Canterbury St.

To change the location now, HaysMed would incur delay in the project and it's opening of the Phase 1 of the project, and incur additional expense.

Respectfully, on behalf of HaysMed, we are requesting a variance be provided for the location to which the sign is presently placed.

We have included some site plans (Sheets C1.1, C3.1, C4.1) to help illustrate the situation.

I also have included a form letter, trying to address the bullet points that I believe the Board of Zoning is used to seeing.

Should you have any questions, I can be reached at: 913-393-6500 or cell 913-747-8243.

We appreciate the Board of Zoning time and consideration in this manner.

Sincerely,



Steve Bennett

NABHOLZ CONSTRUCTION

Enclosures: Zoning Appeal Application- 2 pages
Formal Request address specific Zoning Concerns- 1 page
Letter on Appeal
Site Plans- C1.1, C3.1, C4.1

Cc. HaysMed- Sharon Staab, Shae Veach
HFG- David Londagin
Commercial Sign Co. of Hays- Joe Leiker



Date: November 25, 2015
To: Hays Area Board of Zoning
From: Steve Bennett Nabholz on behalf of the Owner- HaysMed
Re.: HaysMed- Family Medicine- Sign Variance Request
2509 Canterbury St.
Hays, Kansas 67601

We hereby request a setback variance on the new sign on the above referenced project. (New sign to be two (2) Feet from the property line.

A. Uniqueness:

Due to the fact that the existing sign of this property is already set with 0 feet clearance to the property line, and this new sign replaces that previous sign and is 2' further away from the property, we are requesting this approval.

B. Adjacent Property:

The setback of 2' is similar to the other properties in the area.

C. Hardship:

The plans with this signs location and configuration were submitted back in February/March and discussed with staff as part of the permit. No exception was noted or brought to the Architects attention at this time. Since then, the signs foundation and power have been run, and the opening of the Phase1 portion of the project scheduled for next month. Only now has any questions arisen. Respectfully, this creates a undue hardship for the Owner, with this tight schedule, and additional costs and redesign if it has to move.

D. Public Interest:

We are requesting the variance to be within two (2) feet of the property line similarly to what is there now at the Family Clinic location and similarly or better that the surrounding areas and causes no additional hardship to the Public Interest.

E. Spirit and Intent of the Zoning Regulations:

Granting the variance requested does not impede to the general spirit and intent of the Zoning regulations as this request maintains the original signage location of this building

and does not interfere with conditions not already existing on this site or the surrounding area.

We appreciate the Board of Zoning time and consideration in this manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Bennett". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Steve Bennett

NABHOLZ CONSTRUCTION

Enclosures: See attached formal letter, and supporting documents.

Cc. HaysMed- Sharon Staab, Shae Veach
HFG- David Londagin
Commercial Sign Co. of Hays- Joe Leiker



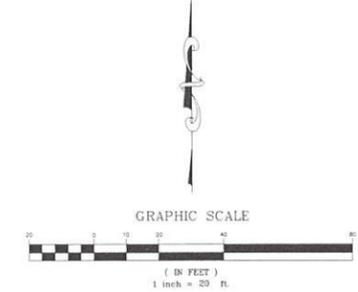
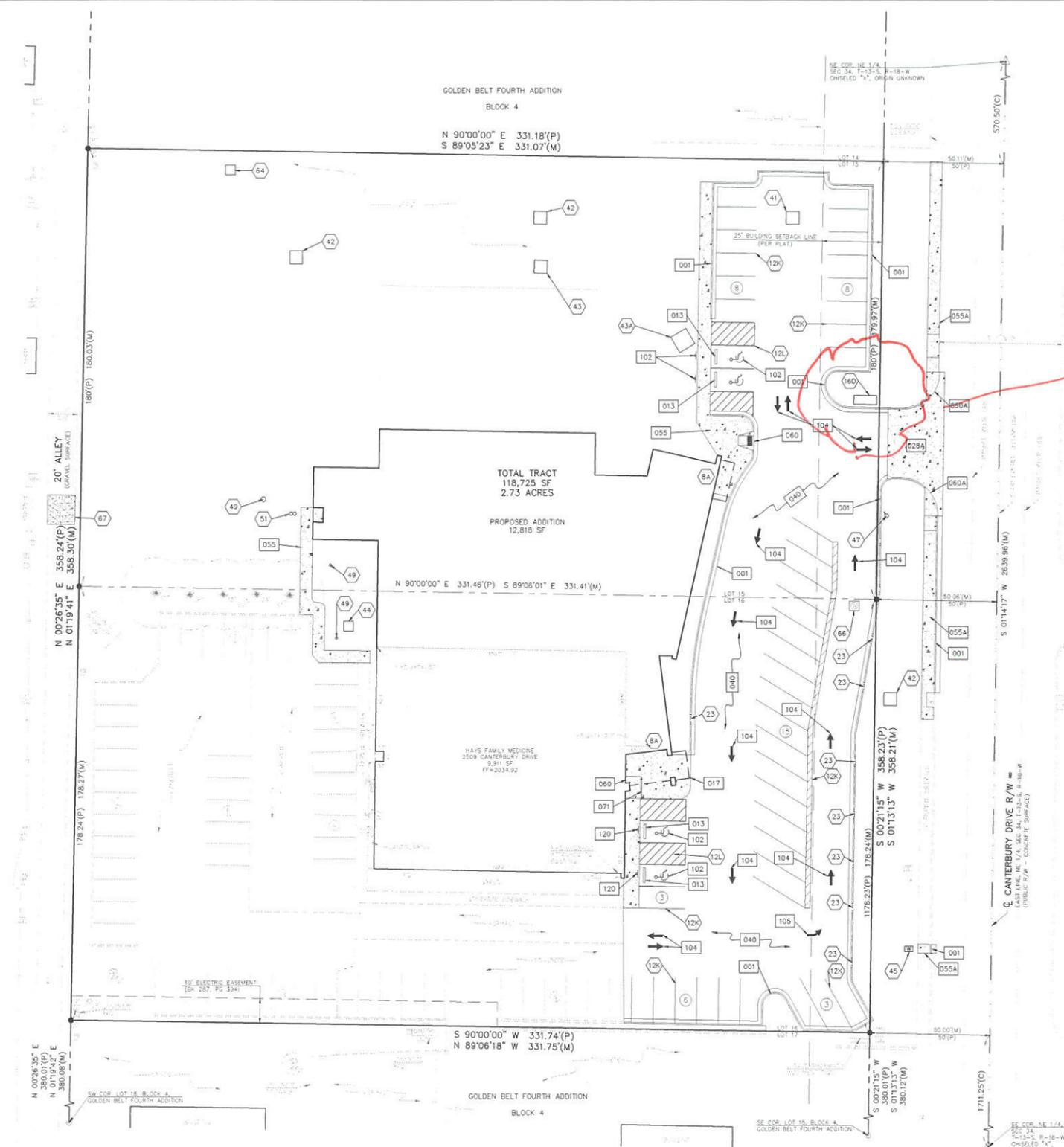
EQUIPMENT





Save A Heart
Pharmacy

HOME MEDICAL EQUIPMENT



New SIGN
PL
2'

- CONSTRUCTION NOTES:
1. COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER.
 2. CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED THE STANDARD SPECIFICATIONS.
 3. ALL CONSTRUCTION WORK AND UTILITY WORK OUTSIDE OF PROPERTY BOUNDARIES SHALL BE PERFORMED IN COOPERATION WITH AND IN ACCORDANCE WITH REGULATIONS OF THE AUTHORITIES CONCERNED.
 4. PUBLIC CONVENIENCE AND SAFETY: THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC, AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA.
 5. ALL DIMENSIONS SHOWN ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
 6. ACCESSIBLE STALLS SHOWN WITH A "V" SHALL BE 16'-0" MIN. AND SHALL HAVE A SIGN DESIGNATING "VAN-ACCESSIBLE". SEE DETAIL 102 AND 120.
 7. ALL TRAFFIC CONTROL DEVICES, INSTALLATION AND OPERATIONS SHALL CONFORM WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
 8. PAINT FOR STRIPING ON PUBLIC STREETS, HIGHWAYS AND ENTRANCES SHALL BE REFLECTORIZED PAINT CONFORMING TO THE SPECIFICATIONS OR REQUIREMENTS OF THE AUTHORITY GOVERNING THE STREET OR HIGHWAY.
 9. WHEN ASPHALT PAVING IS USED CURB AND GUTTER DETAIL 001 SHALL BE USED. WHEN CONCRETE PAVING IS USED CURB AND GUTTER DETAIL 003 SHALL BE USED.

- DETAILS - SEE DETAIL SHEETS C9.1 THRU C9.5 FOR THE FOLLOWING DETAILS
- 001 CONCRETE CURB AND GUTTER
 - 013 CONCRETE WHEEL STOP
 - 017 CURB WALK/CURB
 - 028A COMMERCIAL DRIVE ENTRANCE
 - 040 CONCRETE PAVEMENT
 - 055 CONCRETE SIDEWALK
 - 055A CONCRETE SIDEWALK - PER CITY OF HAYS STANDARD DETAILS
 - 060 ACCESSIBLE RAMPS
 - 060A ACCESSIBLE RAMPS - PER CITY OF HAYS STANDARD DETAILS
 - 071 METAL HANDRAIL
 - 102 90° ACCESSIBLE & VAN ACCESSIBLE SPACE STRIPING
 - 104 TRAFFIC FLOW ARROW (STRAIGHT)
 - 105 TRAFFIC FLOW ARROW (LEFT/RIGHT)
 - 120 ACCESSIBLE PARKING SIGNAGE

- NOTES:
- 8A ENTRY (SEE ARCH PLANS)
 - 12K WHITE PARKING LOT STRIPING (SHERWIN-WILLIAMS TM 2160 LEAD FREE OR APPROVED EQUAL)
 - 12L YELLOW PARKING LOT STRIPING (SHERWIN-WILLIAMS TM 2160 LEAD FREE OR APPROVED EQUAL)
 - 160 MONUMENT SIGN (SEE ARCH PLANS, SHEET A12.1)
 - 23 2'-0" CURB OPENING (SEE GRADING PLAN)
 - 41 AREA INLET (SEE STORM SEWER PLAN & PROFILE)
 - 42 DETENTION POND OUTLET STRUCTURE
 - 43 JUNCTION BOX (SEE STORM SEWER PLAN & PROFILE)
 - 43A BIOTENTION OUTLET STRUCTURE
 - 44 TRANSFORMER PAD (SEE UTILITY PLAN)
 - 45 WATER METER (SEE UTILITY PLAN)
 - 47 FIRE HYDRANT
 - 49 NYLOPLAST STRUCTURE (SEE STORM SEWER PLAN & PROFILE)
 - 51 2-WAY CLEAN OUT (SEE UTILITY PLAN)
 - 64 ELECTRIC JUNCTION BOX (SEE UTILITY PLAN)
 - 65 POWER POLE (SEE UTILITY PLAN)
 - 66 WATER WELL JUNCTION BOX (SEE UTILITY PLAN)
 - 67 ALLEY REPLACEMENT (SEE UTILITY PLAN)

NOTE:

1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF ENTRANCE, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
2. THESE PLANS HAVE NOT BEEN VERIFIED WITH FINAL ARCHITECTURAL CONTRACT DRAWINGS. CONTRACTOR SHALL VERIFY AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES. CONTRACTOR IS FULLY RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND CONTRACTOR DOCUMENTS.
3. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINE.
5. ACTUAL SIGN LOCATIONS TO BE COORDINATED WITH CONSTRUCTION MANAGER.

CAUTION - NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES AT LOCATIONS OF POSSIBLE CONFLICTS PRIOR TO ANY CONSTRUCTION.

SAFETY NOTICE TO CONTRACTOR

IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

WARRANTY / DISCLAIMER

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER RAW VALLEY ENGINEERING, INC NOR ITS PERSONNEL CAN OR DO WARRANTY THESE DESIGNS OR PLANS AS CONSTRUCTED, EXCEPT IN THE SPECIFIC CASES WHERE RAW VALLEY ENGINEERING PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A CONTINUING BASIS AT THE SITE.

EXTENSIVE REVISIONS

SITE PLAN

PROJ. NO. F140068 DSN: KDB KEITH D. BEATTY
 CFN: 006587 DSN: JP ENGINEER K.S. # 16978

2319 N. JACKSON | P.O. BOX 1304
 JUNCTION CITY, KANSAS 66401
 PH: (785) 762-5240 | FAX: (785) 762-1744
 jdv@kve.com | www.kve.com

KV KAW VALLEY ENGINEERING

KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION # E-113. EXPIRES 12/31/16

CHECKED BY: KDB
 DOWN BY: J.P.

Health Facilities Group
 Medical Planning & Architecture

16978
 PROFESSIONAL ENGINEER
 KANSAS

**HAYSMED
 FAMILY MEDICINE**
 2509 CANTERBURY DR. HAYS, KS

DATE: 11/20/14 11:46:55 AM

SHEET TITLE: SITE PLAN

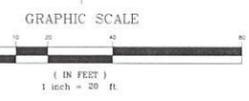
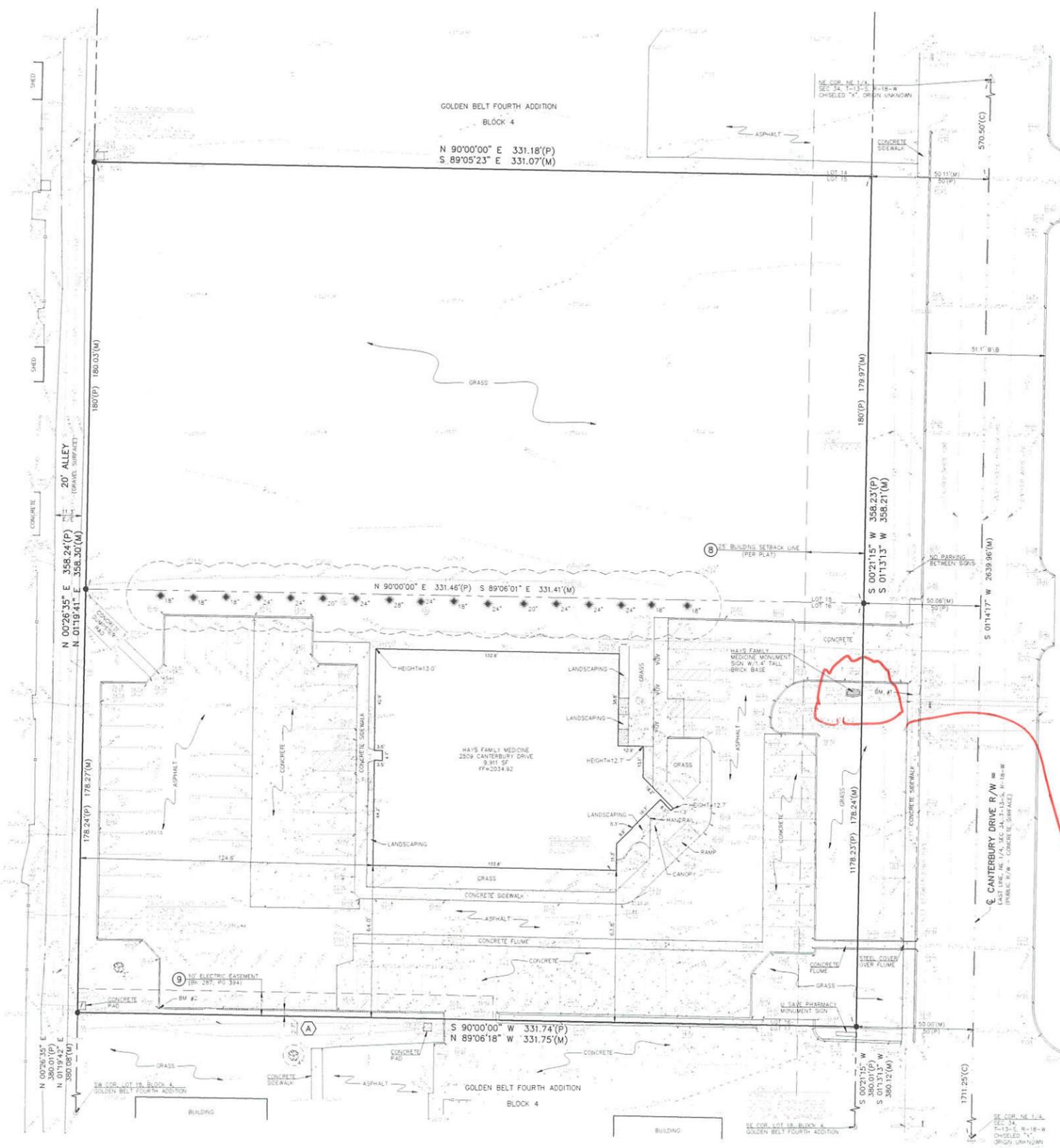
Revisions	No.	Description	Date
1	1	DTY COMMENTS	2/17/15
2	2	DTY COMMENTS	3/4/15
3	3	450 40	5/1/15
4	4	STORMWATER	6/22/15

C3.1

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ALTA/ACSM LAND TITLE SURVEY

NE 1/4, SECTION 34, T-18-S, R-15-W
CITY OF HAYS, ELLIS COUNTY, KANSAS



NOTES:
1. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS A GRID BEARING OF S 100°41'17\"/>

POTENTIAL ENCROACHMENTS:
A. TELEPHONE LINE IS OVER THE SOUTH LINE ONTO THE SUBJECT PROPERTY AS SHOWN HEREON.

FLOOD STATEMENT:
SUBJECT PROPERTY IS SHOWN TO BE LOCATED IN "ZONE C" ON THE FLOOD INSURANCE RATE MAP FOR HAYS, KANSAS, COMMUNITY-PANEL NO. 20009R 0002 B, EFFECTIVE DATE JULY 3, 1986. "ZONE C" IS DEFINED AS "AREAS OF MINIMAL FLOODING". LOCATION DETERMINED BY A SCALED GRAPHICAL PLOT OF THE FLOOD INSURANCE RATE MAP.

ZONING:
EXISTING ZONE: C-2 OFFICE AND INSTITUTION DISTRICT
PER CITY OF HAYS OS WEBSITE ACCESSED OCTOBER 23, 2014

REQUIRED SETBACKS:
SUBJECT REGULATIONS: NO BUILDINGS SHALL EXCEED 45 FEET IN HEIGHT, EXCEPT THAT FOR EACH ONE FOOT OF ADDITIONAL FRONT YARD PROVIDED, TWO ADDITIONAL FEET OF HEIGHT WILL BE PERMITTED.

FRONT YARDS: THE FRONT YARD SHALL BE A MINIMUM OF 25 FEET IN DEPTH MEASURED FROM THE FRONT LOT LINE, EXCEPT ON COLLECTOR STREETS, THE MINIMUM FRONT YARD SHALL BE 35 FEET FROM THE FRONT PROPERTY LINE OR 45 FEET MEASURED FROM THE CENTERLINE OF THE STREET, WHICHEVER IS GREATER, AND EXCEPT ON ARTERIAL STREETS, THE MINIMUM FRONT YARD SHALL BE 25 FEET FROM THE FRONT PROPERTY LINE OR 75 FEET MEASURED FROM THE CENTERLINE OF THE STREET, WHICHEVER IS GREATER.

SIDE YARDS: THERE SHALL BE A SIDE YARD ON EACH SIDE OF A BUILDING HAVING A WIDTH OF NOT LESS THAN FIVE FEET.

REAR YARDS: THERE SHALL BE A REAR YARD HAVING A DEPTH OF NOT LESS THAN 25 FEET OR 20 PERCENT OF THE DEPTH OF THE LOT, WHICHEVER IS GREATER.

TABLE "A" NOTES:
1. GROSS LAND AREA: 118,728 SQUARE FEET/2.73 ACRES.
2. "VERTICAL CURVE" WAS ESTABLISHED BY GROUND SURVEY; CONTOUR INTERVAL IS 1.0 FOOT.
3. THERE ARE SIX DESIGNATED PARKING STALLS LOCATED ON SUBJECT PROPERTY, 56 REGULAR, 3 HANDICAP ACCESSIBLE.
4. (11b) UNDERGROUND UTILITIES SHOWN PER (PICK ONE OR REUSE ACCORDINGLY) KANSAS ONE-CALL TICKET # 1444395
5. THERE WERE NO OFFSITE EASEMENTS OR SERVITUDES LOCATED AT TIME OF SURVEY.

SURVEY REFERENCE:
THE ITEMS SHOWN ON THE SURVEY AS (PER PLAT) REFER TO THE PLAT OF GOLDEN BELT FOURTH ADDITION, RECORDED IN BOOK 281 PAGE 734.

TITLE COMMITMENT:
FIELD REPRESENTATIVE: JASON R. LOADE, AN AGENT FOR AMERICAN LAND TITLE ASSOCIATION
COMMITMENT NO. 0014-33949
EFFECTIVE DATE: OCTOBER 2, 2014 AT 8:00 AM

DESCRIPTION PER TITLE COMMITMENT:
FIELD REPRESENTATIVE: JASON R. LOADE, AN AGENT FOR AMERICAN LAND TITLE ASSOCIATION
COMMITMENT NO. 0014-33949
EFFECTIVE DATE: OCTOBER 2, 2014 AT 8:00 AM

SCHEDULE B - SECTION II ITEMS:
1. REVISIONS, RESTRICTIONS AND COVENANTS AS CONTAINED IN THE PLAT AND DECLARATION OF GOLDEN BELT FOURTH ADDITION, RECORDED APRIL 13, 1977, IN BOOK "281" OF LEASES AT PAGE 734, SPECIFICALLY DESCRIBED AS FOLLOWS: REVISIONS, RESTRICTIONS AND COVENANTS OF RECORD, AREA OF APPLICATION INCLUDING FULLY PROTECTED RESIDENTIAL AREA, BUSINESS AREA AND MULTIPLE FAMILY DWELLING, LAND USE AND BUILDING TYPE, DWELLING SIZE, BUILDING LOCATION, LOT AREA AND WIDTH, EASEMENTS, NUISANCES, TEMPORARY STRUCTURES, BUILDING MATERIALS, SIGNS, OIL AND MINING OPERATIONS, LIVESTOCK AND POULTRY, ZONING AND PLANNING, GENERAL PROVISION INCLUDING TERM, ENFORCEMENT AND SEVERABILITY. (AFFECTS SUBJECT PROPERTY BUT IS NOT A PLOTTABLE ITEM)
2. BUILDING SETBACK OVER THE EAST 25 FEET OF SUBJECT PROPERTY AS SHOWN ON THE PLAT OF GOLDEN BELT FOURTH ADDITION, RECORDED APRIL 13, 1977, IN BOOK "281" OF PLATS AT PAGE 48. (AFFECTS SUBJECT PROPERTY AND IS SHOWN HEREON)
3. RIGHT OF WAY GRANTED TO CENTRAL KANSAS POWER COMPANY, INC. TO CONSTRUCT, RECONSTRUCT, MAINTAIN, REPAIR AND OPERATE UNDERGROUND ELECTRIC DISTRIBUTION AND SERVICE LINES, PAD-MOUNTED TRANSFORMERS AND SERVICE PEDESTALS, UPON LOT 16, WITH INGRESS AND EGRESS TO AND FROM THE SAME BY INSTRUMENT RECORDED APRIL 26, 1978, IN BOOK "281" OF LEASES AT PAGE 334. (AFFECTS SUBJECT PROPERTY AND IS SHOWN HEREON)

LEGEND	
△ SECTION CORNER FOUND	SPRINKLER VALVE
○ 1/2" BARS FOUND	SANITARY SEWER MANHOLE
○ ORIGIN UNKNOWN	SANITARY SEWER CLEAN-OUT
● 1/2" x 24" REBAR W/ KVE CLS 20 CAP SET	SANITARY SEWER LINE
(P) PLATTED	STORM SEWER MANHOLE
(M) MEASURED	ROOF DRAIN
(C) CALCULATED	TELEPHONE PEDESTAL
— STREET SIGN	SPUCE BOX
— UTILITY POLE W/LIGHT	UNDERGROUND TELEPHONE LINE
— BREAKER BOX	UNDERGROUND FIBER OPTIC CABLE
— AIR CONDITIONER UNIT	— HANDICAP SIGN
— ELECTRIC METER	— HANDICAP PAINTED SYMBOL
— ELECTRIC TRANSFORMER	— WOOD FENCE
— UNDERGROUND ELECTRIC LINE	— DECIDUOUS TREE W/SIZE & DRP LINE
— GAS METER	— CONIFEROUS TREE W/SIZE & DRP LINE
— UNDERGROUND GAS LINE	— PARKING STALL COUNT
— WATER LINE	— 1' CONTOUR INTERVAL
— WATER LINE GATE VALVE	— SPOT ELEVATION AT TOP AND FLOWLINE OF CURB (ADD 2000)
— WATER MANHOLE	— SPOT ELEVATION AT GROUND/PAVEMENT
— WATER METER	— B/B BACK OF CURB TO BACK OF CURB
— WATER HELL	— E/E EDGE OF PAVEMENT TO EDGE OF PAVEMENT
— FIRE HYDRANT	— POTENTIAL ENCROACHMENT IDENTIFIER
— SPRINKLER CONTROL BOX	— SCHEDULE B IDENTIFIER

CERTIFICATION:
TO HAYS MEDICAL CENTER, INC., FIELD ABSTRACT & TITLE CO., & AMERICAN LAND TITLE ASSOCIATION:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, 11(a), 20(a), AND 20(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 17, 2014.

DATE OF PLAT OR MAP: OCTOBER 29, 2014

EXISTING SIGN →

PL

EXISTING SIGN Property Line "0" setback



JASON R. LOADER
KANSAS L.S. NO. 1462
1000r@kveeng.com

BENCHMARKS:
BM #1: CHISELED "SQUARE" ON THE NORTHWEST CORNER OF THE CURB INLET ON THE WEST SIDE OF CANTERBURY DRIVE, SOUTH OF HAYS FAMILY MEDICINE ENTRANCE. ELEV=2001.08
BM #2: CHISELED "SQUARE" ON THE TOP OF CURB AT THE POINT OF INTERSECTION OF THE SOUTHWEST CORNER OF ASPHALT PARKING LOT. ELEV=2034.25

PROJ. NO. F140008 QDN: KQB
CFN: 0083ALTA

KV KAW VALLEY ENGINEERING

2319 N. JACKSON | P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
PH (785) 762-5040 | FAX (785) 762-7744
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HEALTH FACILITIES GROUP
Medical Planning & Architecture

CHECKED BY: KQB
DRAWN BY: JP

HAYS MED FAMILY MEDICINE
2509 CANTERBURY DR. HAYS, KS

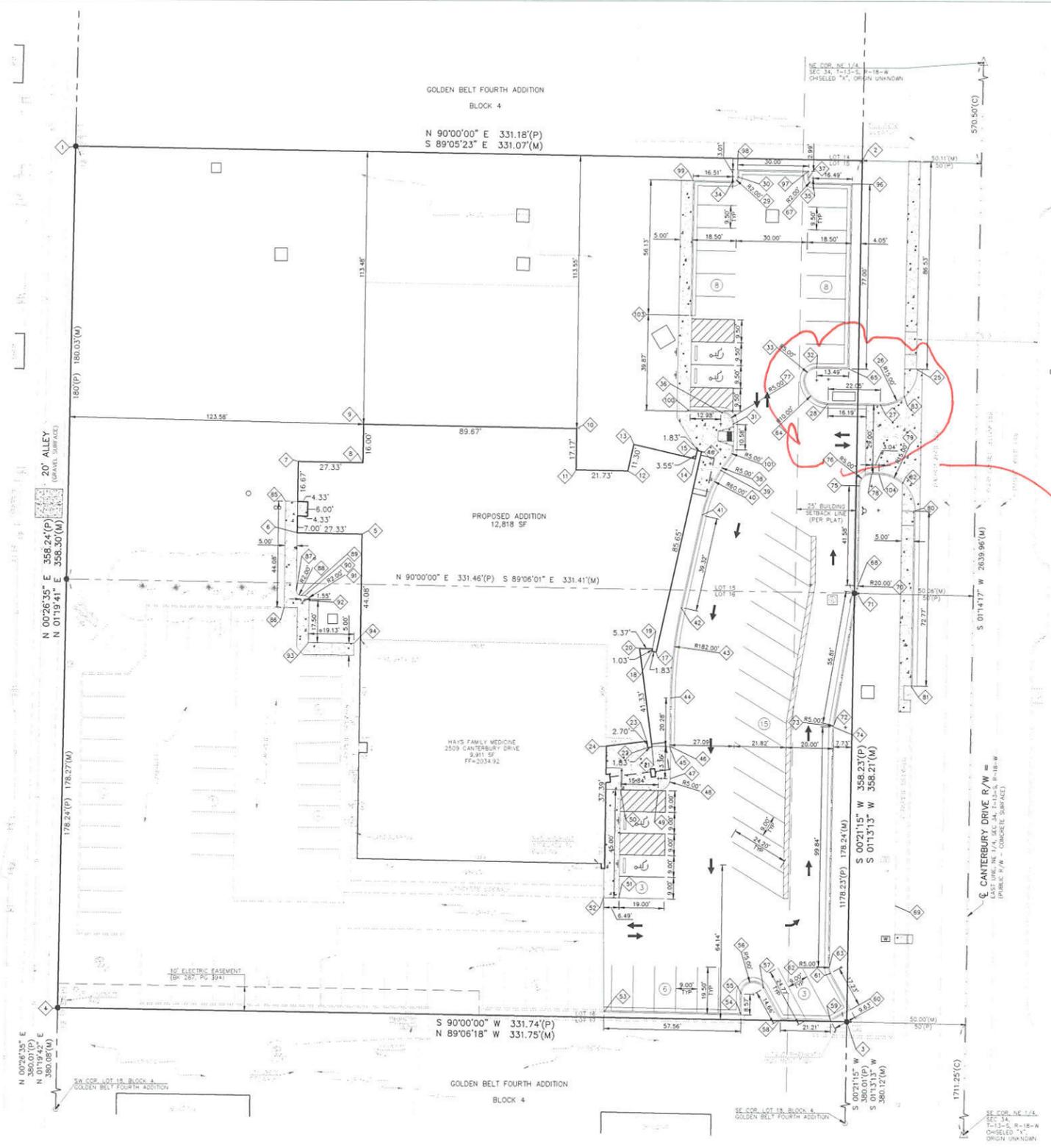
PROJECT: HSHWS 1404
SHEET: ALTA/ACSM LAND TITLE SURVEY

DATE: 11/20/14 11:46:56 AM

revisions:
No. Description Date

C1.1

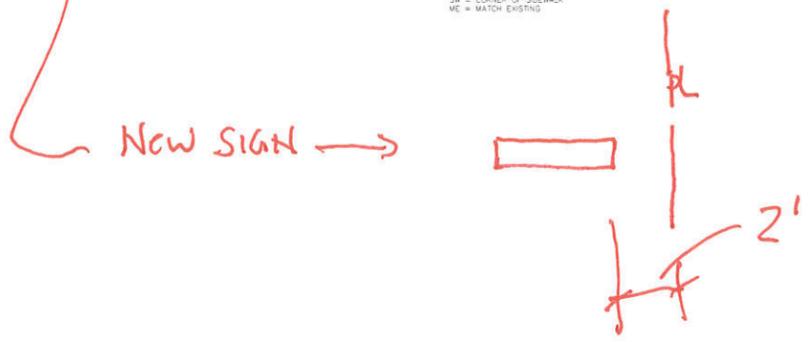
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COORDINATE TABLE			
POINT #	NORTHING	EASTING	DESCRIPTION
1	203180.36	942124.90	BLDG
2	203179.10	942455.93	BLDG
3	202816.98	942448.30	BLDG
4	202822.16	942116.59	BLDG
5	203019.29	942245.03	BLDG
6	203019.77	942217.70	BLDG
7	203049.43	942218.23	BLDG
8	203048.95	942245.50	BLDG
9	203064.94	942245.84	BLDG
10	203063.37	942335.49	BLDG
11	203046.20	942335.19	BLDG
12	203045.82	942356.90	BLDG
13	203056.83	942359.46	BLDG
14	203050.87	942385.28	BLDG
15	203054.33	942386.08	BLDG
16	203053.92	942387.87	BLDG
17	202970.47	942368.59	BLDG
18	202970.88	942366.80	BLDG
19	202971.88	942367.03	BLDG
20	202971.97	942361.66	BLDG
21	202930.95	942366.69	BLDG
22	202930.72	942364.87	BLDG
23	202933.40	942364.54	BLDG
24	202931.32	942347.54	BLDG
25	203088.39	942478.57	ER
26	203089.45	942462.97	RP
27	203073.71	942443.31	ER
28	203074.09	942441.26	ER
29	203168.31	942401.22	RP
30	203168.27	942403.22	ER
31	203065.28	942401.03	PI
32	203088.68	942436.54	ER
33	203083.68	942436.46	RP
34	203166.31	942401.19	ER
35	203165.72	942435.18	ER
36	203070.39	942396.12	PI
37	203167.78	942433.22	ER
38	203049.40	942391.17	RP
39	203046.27	942395.81	ER
40	203014.45	942445.45	RP
41	203027.50	942387.93	ER
42	202989.19	942379.08	ER
43	202949.21	942348.81	RP
44	202951.43	942374.44	ER
45	202931.15	942374.08	EC
46	202931.14	942374.58	SW
47	202917.79	942374.35	SW
48	202917.87	942369.35	RP
49	202912.87	942369.26	SW
50	202913.15	942353.42	SW
51	202868.27	942352.63	SW

COORDINATE TABLE			
POINT #	NORTHING	EASTING	DESCRIPTION
52	202868.27	942346.14	SW
53	202830.80	942346.14	ME
54	202819.79	942403.69	PI
55	202828.37	942403.85	ER
56	202828.27	942406.85	RP
57	202830.68	942413.23	ER
58	202817.83	942420.29	PI
59	202817.37	942411.50	PI
60	202822.01	942419.94	PI
61	202837.12	942441.64	ER
62	202839.52	942446.03	ER
63	202839.63	942441.03	ER
64	203084.09	942441.44	RP
65	203088.44	942450.03	PI
67	203167.72	942435.22	RP
68	202998.31	942453.60	ER
69	202865.15	942468.92	PI
70	202988.74	942433.60	RP
71	202985.15	942453.28	ER
72	202940.24	942443.26	ER
73	202939.35	942448.18	ER
74	202939.45	942443.18	ER
75	203039.88	942454.49	ER
76	203036.78	942407.82	RP
77	203065.39	942396.03	RP
78	203044.77	942459.58	ER
79	203030.21	942461.86	RP
80	203029.40	942477.35	ER
81	202956.66	942475.84	ME
82	203040.76	942472.51	SW
83	203077.32	942473.34	SW
84	203174.97	942475.54	ME
85	203032.85	942212.93	SW
86	202988.78	942212.16	SW
87	202995.70	942217.28	SW
88	202995.67	942219.28	RP
89	202993.67	942219.25	SW
90	202993.64	942220.80	SW
91	202991.64	942220.77	RP
92	202991.60	942222.77	SW
93	202974.10	942222.41	SW
94	202973.90	942221.54	SW
95	203165.43	942451.67	PI
97	203170.75	942433.28	PI
98	203171.28	942403.29	EC
99	203166.80	942384.68	PI
100	203070.62	942383.14	EC
101	203054.81	942395.81	RP
103	203110.49	942383.49	EC
104	203044.71	942462.62	ER

BLDG = BUILDING CORNER
 RP = RADIUS POINT
 PI = POINT OF INTERSECTION
 ER = END RADIUS
 EC = END OF CURB
 SW = CORNER OF SEEWALK
 ME = MATCH EXISTING



THE COORDINATES PROVIDED IN THESE PLANS ARE FOR INFORMATION AND CHECKING PURPOSES ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALCULATE CONSTRUCTION STAKING COORDINATES ACCORDING TO THE DIMENSIONS SHOWN ON THESE PLANS. CONTRACTOR SHALL VERIFY THE ACCURACY OF THE COORDINATES SHOWN IN THE TABLE HEREON BEFORE CONSTRUCTION.

- NOTE:
1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF ENTRANCE, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 2. THESE PLANS HAVE NOT BEEN VERIFIED WITH FINAL ARCHITECTURAL CONTRACT DRAWINGS. CONTRACTOR SHALL VERIFY AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES. CONTRACTOR IS FULLY RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND CONTRACTOR DOCUMENTS.
 3. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINE.

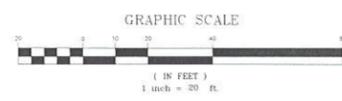
SAFETY NOTICE TO CONTRACTOR
 IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

WARRANTY / DISCLAIMER
 THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER KAW VALLEY ENGINEERING, INC NOR ITS PERSONNEL CAN OR DO WARRANTY THESE DESIGNS OR PLANS AS CONSTRUCTED, EXCEPT IN THE SPECIFIC CASES WHERE KAW VALLEY ENGINEERING PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A CONTEMPORARY BASIS AT THE SITE.

CAUTION - NOTICE TO CONTRACTOR
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES AT LOCATIONS OF POSSIBLE CONFLICTS PRIOR TO ANY CONSTRUCTION.

EXTENSIVE REVISIONS

DIMENSION PLAN



PROJ. NO. F1400068 DSN. KEB KEITH D. BEATTY ENGINEER
 CFN. 00680M DWN. JP. KS # 16978
 2319 N. JACKSON | P.O. BOX 1304 JUNCTION CITY, KANSAS 66411
 PH. (785) 762-5040 | FAX. (785) 762-7744
 KVE@KVE.COM | WWW.KVE.COM

KAW VALLEY ENGINEERING

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Health Facilities Group.
 Medical Planning & Architecture

HAYS MED FAMILY MEDICINE
 2509 CANTERBURY DR., HAYS, KS

revisions:

No.	Description	Date
11	STOPWALK REV. 8/22/14	

DATE: 11/20/2014 11:46:56 AM SHEET DIMENSION PLAN HKS/KS/14/04

C4.1