

**HAYS AREA BOARD OF ZONING APPEALS MEETING AGENDA**  
**CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS**  
**DECEMBER 10, 2014**  
**8:15 A.M.**

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

**2. CONSENT AGENDA.**

A. Minutes of the regular meeting of November 12, 2014

*Action: Consider approving the minutes of the November 12, 2014 meeting.*

**3. PUBLIC HEARING ITEMS.**

A. Public hearing to consider a request from F & F Iron & Metal Co for a special use permit for the installation of a full service recycling facility allowed per Section 71-642(1) within the "I-2" Heavy Industrial Zoning District with the issuance of a special use permit for 1201 General Custer Road (Case # 11-14)

*Action: Consider approval of the special use permit for the property described above*

B. Public hearing to consider a request from V-J Rentals LLC (Vaughn McMurtrie and John Ziegler) for a special use permit to construct multi-family housing allowed per Section 71-504 (18) within the "C-2" General Commercial and Service District with the issuance of a special use permit for the property located at 2704 Augusta Ln (Case #15-14)

*Action: Consider approval of the special use permit for the property described above*

C. Public hearing to consider a request from Lanny Jones and Brian Deibert for a special use permit to construct a duplex allowed per Section 71-532(1) within the "C-3" Central Business District with the issuance of a special use permit for the property located at 212 W 11<sup>th</sup> St (Case # 16-14)

*Action: Consider approval of the special use permit for the property described above*

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

A. None.

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

A. Update on the Zoning Regulations Rewrite

**6. ADJOURNMENT.**

If you will be unable to attend please contact the Planning, Inspection and Enforcement office at 785- 628-7310. Thank you. 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**  
**November 12, 2014**  
**8:15 A.M.**

**1. CALL TO ORDER:** The Hays Area Board of Zoning Appeals met on Wednesday, November 12, 2014 at 8:15 a.m. in Commission Chambers at City Hall.

**Roll Call:**

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

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

City Staff Present: I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, 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 September 10, 2014. There were no corrections or additions to those minutes.

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

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

**A. CASE # 11-14 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM F & F IRON & METAL CO FOR A SPECIAL USE PERMIT FOR THE INSTALLATION OF A FULL SERVICE RECYCLING & COLLECTION FACILITY AND SCRAP METAL PROCESSING YARD ALLOWED PER SECTION 71-642 (1) WITHIN THE “I-2” HEAVY INDUSTRIAL ZONING DISTRICT WITH THE ISSUANCE OF A SPECIAL USE PERMIT AT 1201 GENERAL CUSTER RD:** Jesse Rohr presented the visuals and the map of the location of the property.

He explained that this action would be to consider setting a public hearing for the above. He asked that public comments be reserved for the public hearing.

He explained that the board could ask questions of the applicants.

He gave a summary of their request for a recycling and collection center and scrap processing yard. A recycling and collection center is allowed within the "I-2" zoning district; although a scrap processing yard is in question; thus the request for a special use permit. He showed pictures of the ferrous scrap processing operation from the Garden City and Norton facility. There was also a picture of the customer service area.

He and the City Solid Waste Superintendent took a complete tour of the operation. Staff felt the operation was well organized, clean and secure. However, it is still a scrap yard, no matter how you dress it up.

Staff has found that the applicant has met the conditions required by ordinance for setting a public hearing for consideration of the special use permit.

Within the area is the UPS Delivery Warehouse, City of Hays Public Works Facility, compost site, mini-storage units and Fastenal. Access would be from General Custer Road. This would be an infill development that has the existing infrastructure.

Tom Lippert asked if the property owners to the east were aware of the proposal. Jesse Rohr answered that they will receive notification of the public hearing.

He asked how much noise was associated with this facility.

Shane Pruitt noted that there is a proposed 20 foot fence on the front (north) and a lower fence facing east. He asked if the fence facing east should also be 20 foot fence to keep the junk from view when traveling from east to west on 13<sup>th</sup> Street.

Jerry Sonntag stated that he would like to see pictures of their outside operation from the Garden City or Norton plant. He asked how high would be the piles. Jesse Rohr stated that he would send those pictures of the ferrous yard from the Garden City plant.

Mr. Sonntag asked the applicants to come forward.

Von and Kiel Fahrenbruch came before the board to answer any questions.

Von Fahrenbruch explained that the ferrous yard for the proposed recycling and scrap yard would collect sheet metal, appliances (hot water heaters, washer & dryers etc), aluminum, copper, cardboard, and electronics that lend themselves to be bailed. These appliances show up regardless so this is a good way to recycle them. The bales go out on semis to shredders that process it. They do not resell the parts; it is brought in as a scrap item. They turn it to make money on the margin.

The materials are condensed and continuously baled into 3,000 lb bales and semis get them out. He has seen some recycling operations that are unsightly if they do not have turnover.

Both the Garden City and Norton operation have rail service for transportation. The Norton facility was started in 1982 and expanded to the Garden City area that has been in operation for 10 years.

He explained that the Garden City recycling plant consists of 11 ½ acres. There are several cranes used in their operation particularly for the sheer iron that will not be handled at the Hays plant.

He emphasized that they are proactive to deter metal theft. If anyone tries to sell stolen materials, they are caught as can be verified through the Finney County Sherriff's office.

He explained the process of submission of the materials. There is a picture taken of the customer as the materials are being weighed. The customer receives a weigh ticket to submit to the clerk. At the clerks window an electronic signature is captured as well as a picture before the customer receives a pay ticket. When the customer takes it to the on-site Kiosk (ATM) for payment, a picture is taken with an electronic signature before release of funds.

He and Jesse Rohr encouraged the board to visit the site to answer any questions or address any concerns they may have. He welcomed the board to get in touch with him if they have more questions.

Lou Caplan asked if the Hays plant would be more like the Garden City or Norton operation. Mr. Fahrenbruch answered that it would be more like the Garden City operation.

Tom Lippert asked for the Garden City address and where it was located in relation to the business area. Mr. Fahrenbruch answered that the address is 3710 West Jones. It is west of town outside the city limits; although within the jurisdiction of the City. It is surrounded by a water well company, oil drilling company, Truck Sales and Service Company, and mobile home park and agriculture land use.

Lou Caplan asked if there were any further comments.

Jesse Rohr pointed out that if there is action taken, that the board could add conditions to their motion at the public hearing.

Lou Caplan entertained a motion.

Case #11-15

Jerry Sonntag moved, Tom Lippert seconded the motion to set the public hearing scheduled for December 10, 2014 at 8:15 a.m. in Commission Chambers for the request by F & F Iron & Metal Co for a special use permit for the installation of a full service recycling and collection center and scrap metal processing yard allowed per Section 71-642 (1) within the "I-2" Heavy Industrial Zoning District with the issuance of a special use permit at 1201 General Custer Road.

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

Jesse Rohr reiterated that abutting property owners would be sent the notification of the public hearing.

**B. CASE # 15-14 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM V-J RENTALS LLC (VAUGHN MCMURTRIE AND JOHN ZIEGLER) FOR A SPECIAL USE PERMIT TO CONSTRUCT MULTI-FAMILY HOUSING ALLOWED PER SECTION 71-504 (18) WITHIN THE “C-2” GENERAL COMMERCIAL & SERVICE DISTRICT WITH THE ISSUANCE OF A SPECIAL USE PERMIT AT 2704 AUGUSTA LANE:** Jesse Rohr presented the location maps and visuals on the overhead.

He explained that the applicant is requesting a special use permit to construct multi-family dwelling units at 2704 Augusta Ln allowed within the “C-2” zoning district if granted a special use permit.

It is vacant property located on the north half of Lot 7 and north half of Lot 8 located at the intersection of 27<sup>th</sup> and Augusta Lane. The south half of the respective vacant lots are conducive to commercial uses because of their location along 27<sup>th</sup> Street; thus the reason for proposed uses of the north half of the lots from east to west.

Eagle Plaza (Office Building) is to the east, mini storage units to the north, multi-family dwellings (duplexes and 8 to 10-plexes) to the west, and the following zoned property to the south, commercial, “R-4” multi-family housing and “R-3A” Garden Apartments (Condominiums).

He explained that this action would be to consider setting a public hearing for the above. He asked that public comments be reserved for the public hearing.

He explained that the board could ask questions of the applicants.

Lou Caplan noted the access road and parking area and asked which lots it belonged to. Jesse Rohr answered that the private access road and parking area is down the middle from east to west. The number of parking spaces will be predetermined by the zoning regulations as they plan to do the project in stages.

Tom Lippert asked if the property owner of the south half of the lots were aware of this proposal. Jesse Rohr answered that the owner of the south portion of the lots would receive notification of the public hearing. The owner previously owned the subject lots and is likely aware of the proposal.

Tom Lippert asked how this proposal fits within the Comprehensive plan. Jesse Rohr answered that the Comprehensive Plan considers this area as “mixed uses” of commercial

and residential. This would make a good infill development to utilize the existing infrastructure.

Lou Caplan asked if there were any further comments. There were none.

Lou Caplan entertained a motion

**Case # 15-14**

Jerry Sonntag moved, Gerald Befort seconded the motion to set the public hearing scheduled for December 10, 2014 at 8:15 a.m. in Commission Chambers for the request by V-J Rentals LLC (Vaughn McMurtrie and John Ziegler) for a special use permit to construct Multi-Family Housing allowed per Section 71-504 (18) within the "C-2" General Commercial & Service District with the Issuance of a special use permit at 2704 Augusta Lane.

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

**C. CASE # 16-14 – CONSIDER SETTING A PUBLIC HEARING FOR A REQUEST FROM LANNY JONES AND BRIAN DEIBERT FOR A SPECIAL USE PERMIT TO CONSTRUCT A MULTI-FAMILY HOUSING ALLOWED PER SECTION 71-532 (1) WITHIN THE "C-3" CENTRAL BUSINESS DISTRICT WITH THE ISSUANCE OF A SPECIAL USE PERMIT AT 212 W 11<sup>TH</sup> ST:**

Jesse Rohr presented the location maps and visuals on the overhead of the above property.

He explained that the applicant is requesting a special use permit to construct a multi-family dwelling unit at the above address allowed within the "C-3" zoning district if granted a special use permit. The proposed plan is for the construction of a four-plex with each unit consisting of two bedrooms.

The single lot is located on 11<sup>th</sup> Street between Fort and Ash surrounded by a variety of uses. The Sip-N-Spin Night Club is across the alley, multi-family units are along the north side of 11<sup>th</sup> Street, office space on the south side of 11<sup>th</sup> Street, and a communication tower and juvenile center.

The comprehensive plan identifies this area as "Downtown Mixed Use" which is neighborhood shopping area, service businesses and dwellings.

Even though no parking is required for this zoning district, he has recommended that it be one of the conditions to have off-street parking particularly for a unit this size. The owners propose to put a wooden fence on the back side of the property.

With the City in the middle of rewriting new zoning regulations that new construction tie into the neighborhood, city staff recommends a residential front façade.

City Staff has recommended setting a public hearing as titled above.

He explained to the board they could consider conditions when they make their motion at the public hearing.

He explained that this action would be to consider setting a public hearing for the above. He asked that public comments be reserved for the public hearing.

He explained that the board could ask questions of the applicants.

Tom Lippert stated that his concern, if there would be off-street parking, was answered in the presentation. It is to be added as a condition if the special use is granted.

He voiced concern of the proposed fencing material (Cedar Fence) to the back of the property that lends itself for deterioration over time and can be easily damaged. Jesse Rohr stated that they would like to avoid chain-link fencing.

ID Creech stated that a fence would deter residents from using the alley as a driveway.

Jerry Sonntag stated that he was glad to see that the owners plan to construct a fence to the back of the property to keep out trash etc. Because of the surrounding uses, he was not sure how far to take the façade requirement. He asked what means of garbage collection. Jesse Rohr answered that a four-plex is categorized as commercial and would not have city garbage services. They would have a dumpster handled by a private hauler.

Jesse Rohr explained that this is good use of infill development to utilize the existing infrastructure.

Lou Caplan noted that the property has been vacant for 40 plus years.

He entertained a motion.

**Case # 16-14**

Shane Pruitt moved, Jerry Sonntag seconded the motion to set the public hearing scheduled for December 10, 2014 at 8:15 a.m. in Commission Chambers at 1507 Main for the request by Lanny Jones and Brian Deibert for a special user permit to construct a multi-family housing unit allowed per Section 71-532 (1) within the "C-3" Central Business District with the issuance of a special use permit at 212 W 11<sup>th</sup> Street.

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

**4. PUBLIC HEARING ITEMS:** None.



## Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #11-14  
ADDRESS: 1201 General Custer Rd.  
OWNER: F & F Iron and Metal Co.  
(Von and Kristine Fahrenbruch)  
TYPE OF REVIEW: Exception – Special Use  
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
AGENDA DATE: December 10, 2014

---

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

The applicant is requesting a special use permit to allow construction of a full service metal recycling facility on the property located at 1201 General Custer Rd. After taking into consideration all known factors, submittals, and adopted ordinances, staff has determined that the applicant appears to have met all of the conditions required of ordinance at this time and the BZA should make a decision based on the known information provided below, the information provided by the applicant, and information that comes to light during the public hearing.

### **BACKGROUND:**

- The applicant is requesting a special use permit as allowed in Section 71-642(1) of the Zoning Regulations to allow construction of a recycling and scrap processing facility on the property located at 1201 General Custer Rd.
- The property is zoned I-2, Heavy Industrial District. The property has been vacant for several years.
- Although a recycling facility is allowed in the I-2 zoning district with no special use permit, however the addition of a scrap processing yard requires 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 (in this case, 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:**

Staff, along with the owners of this proposed facility has spent months on this case making certain that all conditions of the adopted zoning regulations are met. Knowing this will be an intensive use as compared to some others, making sure the development is done correctly is at the forefront of this case.

The first consideration was the conditions set forth within the adopted zoning regulations to determine if they are being met. These are as follows (Sec. 71-642):

**a. They shall be located on a tract of land at least 300 feet from a residential district zone.**

**b. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk**

**from normal view of the public, and preserve the general welfare of the neighborhood.**

**c. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall or within the public right-of-way.**

**d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the fire department. Such burning, when permitted, shall be done only during daylight hours.**

**e. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.**

**f. The use shall not be located on or visible from an arterial or major street or highway.**

It appears from the submittals and the conversations with the applicant that all conditions set forth above have been met or will be met upon the start of operations of the facility. However, it is within the scope of the BZA to set additional considerations if warranted.

Staff strongly considered location and screening of this facility as a priority. Considerations of surrounding uses were considered as well. Within the area of this proposed facility are the UPS delivery warehouse, City of Hays Public Works facility, compost site, mini-storage units, an electrical sub-station, and a part/tool retail store (Fastenal). Visibility from 13<sup>th</sup> St. is a key factor. Since this type of facility in general can appear to be “junky”, screening from 13<sup>th</sup> St. was discussed in length. The applicant has proposed using the proposed building for screening as well as a 20’ tall screen and landscaping (see architectural rendering) in order to screen the use from 13<sup>th</sup> St. The remainder of the facility will be screened with fencing of an appropriate height (minimum 8’) to adequately screen the use from the “normal” view of the public.

All access for this facility would be off of General Custer Rd. Staff considered the traffic for this facility, particularly truck traffic, and has determined that traffic impact in this regard would be minimal and possibly even less of an impact than existing uses (UPS and Public Works).

After considering all factors and evaluating the surrounding properties, staff feels that the request is reasonable, meets the conditions of the adopted zoning regulations, and will not have a detrimental effect on the surrounding property. This is a good example of infill development and utilization of existing infrastructure, land, and utilities. The property has remained vacant for many years with no development. While the BZA can consider additional conditions after review and public comment,

staff stresses that the outcome of the request, whether approval or denial, must be based on accurate, factual, and defensible information and not be arbitrary and capricious.

The applicant will be required to meet all building codes as well as stormwater management, parking requirements, landscaping requirements, etc. which will be reviewed at the time of plan submittal, assuming the special use permit is approved.

Staff, including the PIE Superintendent and the Solid Waste Superintendent, did visit the Garden City facility owned and operated by the applicant. A complete tour was taken, including the interior “non-ferrous” operation as well as the exterior operation. Staff felt that as far as scrap processing facilities go, the operation was very well organized, clean, and very secure. However, it is still a scrap yard, no matter how you dress it up. Staff witnessed regular customer traffic, several employees on site, and an overall operation that flowed very well. Along with any negative that may come with this type of facility, there are also positives for this type of use.

The owner has stated that any BZA member or additional staff member who would like to visit the operation in Garden City is welcome to do so for a tour of the facility, especially before making a determination in this case, if necessary.

**RECOMMENDED ACTION:**

After taking into consideration all known factors, submittals, and adopted ordinances, staff has determined that the applicant appears to have met all of the conditions required of ordinance at this time and the BZA should make a decision based on the known information provided above, the information provided by the applicant, and any additional information that comes to light during the public hearing.

**ATTACHMENTS:**

- Exception application
- Statements of justification from owner
- Maps/Photos

APPLICATION FOR EXCEPTION

I. Name of Applicant F&F Iron & Metal Co. Phone 785-877-3830  
 Mailing Address PO Box 53 Norton, KS 67654  
 Name of Owner (if different from applicant) Ken Fahrenbruch Phone 785-877-3830  
+ KPI2  
 Mailing Address PO Box 53 Norton, KS 67654  
 Name of Authorized Agent Kiel Fahrenbruch Phone 785-877-3830  
 Mailing Address PO Box 53 Norton, KS 67654  
 Relationship of applicant to property is that of Owner  
 (Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-642 (1) of the Zoning Regulations to permit the installation or construction of full service recycling facility 1201 General Custer Rd s/w corner of 13th & General Custer (E13th) on property zoned I-2, located at \_\_\_\_\_ and legally described as: Lot(s) See Legal, Block(s) See Legal of the \_\_\_\_\_ Legal Description Attached 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.

Kiel Fahrenbruch 10-13-14  
 APPLICANT

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

\_\_\_\_\_  
 OWNER

OFFICE USE ONLY: original Submission Date  
 RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON July 24, 2014  
 TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00  
Sinda B. Bismann, Administrative Secretary  
 NAME AND TITLE

*John Conner*

# Overhead Image

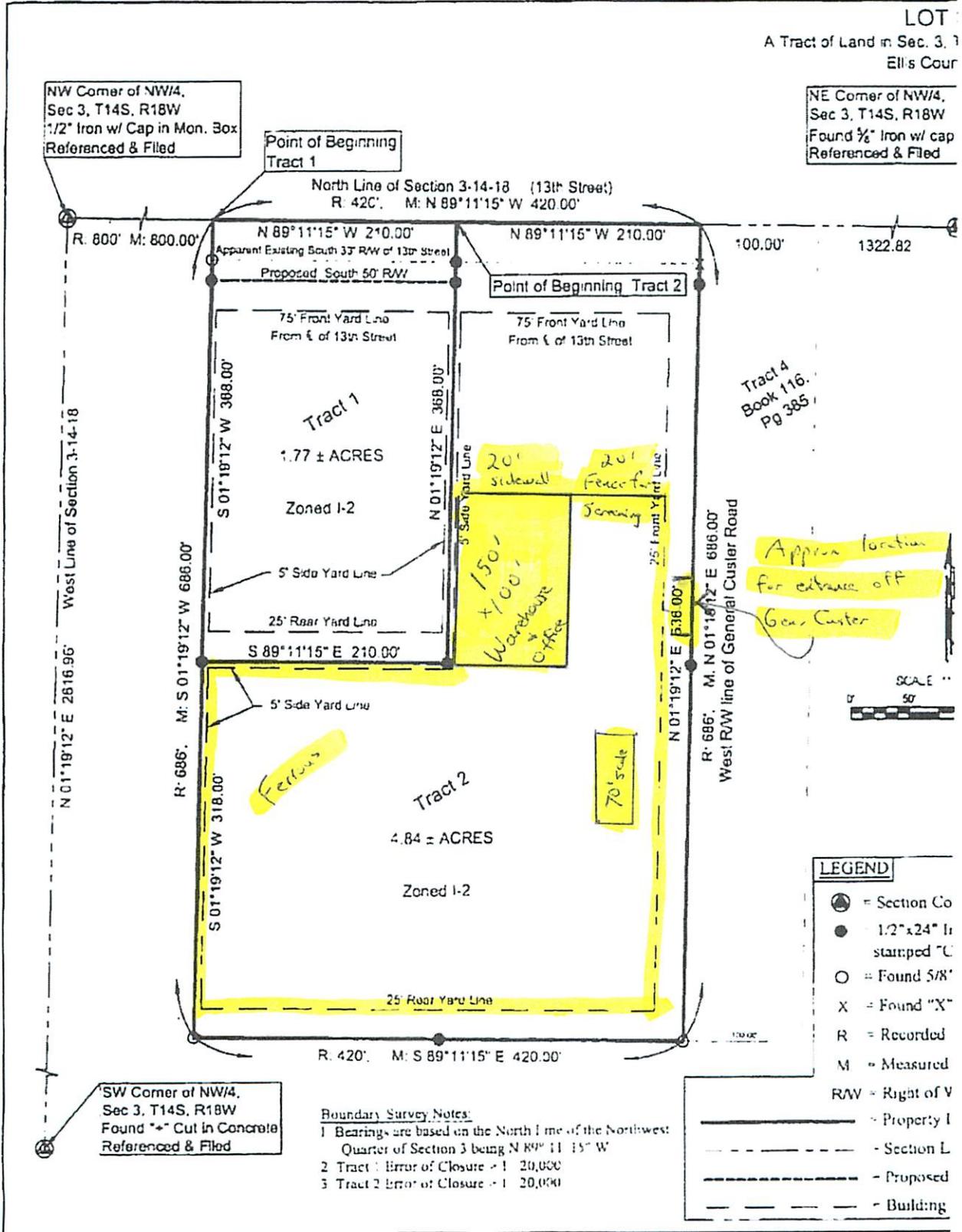


# Survey

LOT  
A Tract of Land in Sec. 3, T  
Ell's Cour

NW Corner of NW/4,  
Sec 3, T14S, R18W  
1/2" Iron w/ Cap in Mon. Box  
Referenced & Filed

NE Corner of NW/4,  
Sec 3, T14S, R18W  
Found 3/8" Iron w/ cap  
Referenced & Filed



# F & F Iron & Metal Co.

514 W. Washington P.O. Box 53 Norton, KS 67654  
Phone: 785-877-3830 Fax: 785-877-2489

October 13, 2014

Jesse Rohr, CPM  
Superintendent  
City of Hays  
Planning, Inspection, Enforcement Division  
1002 Vine St., Hays KS, 67601

Dear Mr. Rohr,

F&F Iron & Metal Co. desires to establish a full service recycling business within the city limits of Hays Kansas. The location will be on a vacant lot situated east of General Custer Road. The full legal description and survey map is attached. The property is zoned I-2 and is owned by Von and Kristine Fahrenbruch.

Our intent is to construct a 150' x 100' building with a 20' sidewall with the north end approximately 165' south of the 75' Front Yard Line south of 13<sup>th</sup> Street. The east building side is approximately 90' east of the 25' Front Yard Line from General Custer Road. Our traffic entrance will be coming off General Custer Road utilizing an existing entrance cut approximately 200' south of 13<sup>th</sup> Street. (2) Overhead doors will be located on the east side of the building and (2) overhead doors located on the south side of the building to receive and ship recycled materials. Floor scales are located inside these doors to weigh incoming recyclables and prepare invoices for payments. Recyclables that will be handled in this building include, but are not limited to, non-ferrous scrap such as aluminum cans, sheet and cast aluminum, copper and insulated copper wire, aluminum and copper aluminum radiators, brass, stainless steel, corrugated cardboard, mixed paper, lead acid batteries, whole electric motors and starters, and electronic scrap. After purchasing has been completed, the recyclables are then baled, palletized, or otherwise prepared to allow shipping to our other plants for final processing and shipping. This plant would be a buying / shipping feeder operation to complement our other operations that have more sophisticated processing equipment. Equipment used at Hays would include forklifts, balers, aluminum can densifiers, dump hoppers, storage boxes and hydraulic alligator shears. No burning, melting, battery breaking, smelting, or shredding activity will be performed at this operation.

Larger ferrous recyclables would be weighed on a truck scale and handled outdoors south of the building and non-ferrous receiving areas. This activity would utilize a hydraulic baler capable of compressing appliances and other sheet metal into bales to allow transport on flatbed trucks to end markets. Other equipment used would include a small wheel loader and a hydraulic material handler with a grapple. We only operate a recycling operation; we do not resell any items for reuse. This allows us to keep the material constantly being shipped and keep needed inventory space at a minimum.

Screening the operation from public view along 13<sup>th</sup> street would be accomplished by extending a 20' sheet metal fence along the north side in conjunction with the warehouse 20' sidewall with the same color for attractiveness. Other screening fence on the property lines will be of adequate height and construction to adhere to local ordinance requirements and keep our property secure.

We have over 30 years' experience in the recycling business. Our current operation includes F&F Iron & Metal Co. located in Norton KS, F&F Recycling of Garden City located in Garden City KS, and Roger's Disposal Service in Norton. We are members of the Institute of Recycling Industries ([www.isri.org](http://www.isri.org)). This trade organization membership has afforded us the ability to stay informed and current with environmental laws and best operating practices, safety training and protection for our employees and general public, and state laws regarding metal purchasing. We utilize the latest technology to aggressively combat metals theft with all transactions electronically recorded from beginning to end with scanned customer information, jpegs of every scale weight with time and date, and secure ATM cash or business check payments supported with customer jpegs.

Thank you for considering our proposal. We look forward to becoming a responsible and valued business partner with the Hays Kansas community as F&F Recycling of Hays.

Von Fahrenbruch, President



Kiel Fahrenbruch, General Manager



# F & F Iron & Metal Co.

514 W. Washington P.O. Box 53 Norton, KS 67654  
Phone: 785-877-3830 Fax: 785-877-2489

October 27, 2014

Jesse Rohr, CPM  
Superintendent  
City of Hays  
Planning, Inspection, Enforcement Division  
1002 Vine St., Hays KS, 67601

Dear Mr. Rohr,

Below are our answers for the questions that arose at your staff meeting on October 14<sup>th</sup>. We examined our present operation statistics to afford us the most realistic estimates we can provide.

1. Number and timing of outbound trucks?

We expect 5 out bound semi loads per week. There is really no rhyme or reason for any particular day of the week, we handle mostly single trucks, occasionally 2 trucks that may be traveling together. All loading and shipping is performed during normal daylight operating hours.

2. Elevation screening drawings.

We are working with Wertenberger Construction as to the height and construction materials that will be visually complimentary, have adequate wind load, and be economically feasible. We certainly are open to landscaping to help breakup the view, and have attached a visual rendering of our vision.

3. Water / sewer demands.

We anticipate 2 bathrooms and incidental outside water use. Our Norton operation has the same number of bathrooms and uses, using city metered water we have been billed for 3000 gallon per month, which I believe is the minimum. Garden City is on our private well so no information is available from there. Our operations use minimal amounts of water and sewer demands.

4. The maximum height of equipment.

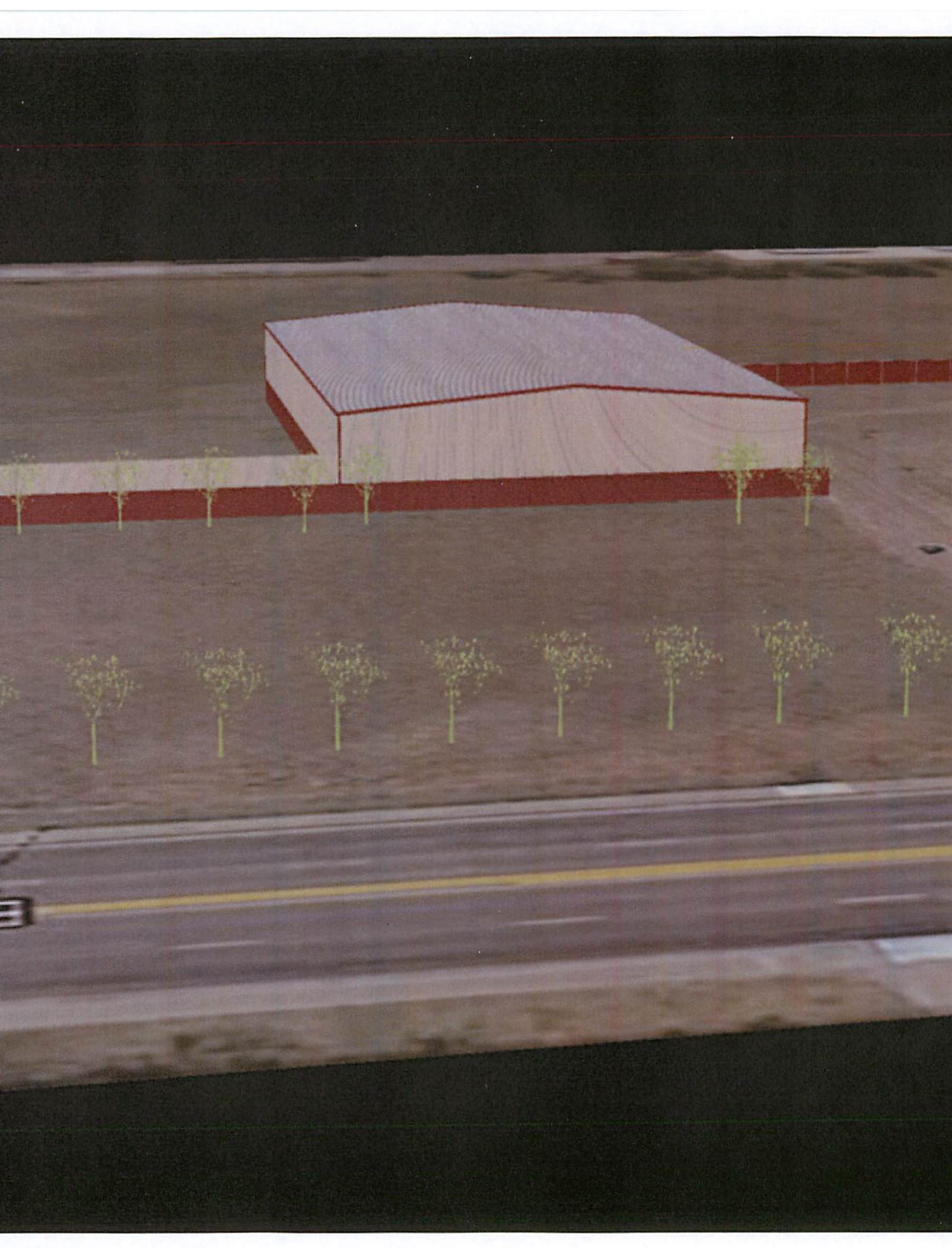
Our material handler has a boom height of 20 feet, with a normal operating height of the boom and stick from 8' to 20' in the air. Our wheel loader is a 3 yard machine that has a cab height of 12'6", and maximum fork height of 12'7". Our metal baler crane has a boom height of approximately 18'.

Please contact us if you need any further information. We welcome any interested parties that would like to visit our operations to better understand what we do and how we conduct business.

Regards,

Kiel Fahrenbruch, General Manager, F&F Iron & Metal Co.





# F & F Iron & Metal Co.

514 W. Washington P.O. Box 53 Norton, KS 67654  
Phone: 785-877-3830 Fax: 785-877-2489

December 1, 2014

Board of Zoning Appeals  
Jesse Rohr, CPM  
Superintendent  
City of Hays  
Planning, Inspection, Enforcement Division  
1002 Vine St., Hays KS, 67601

Dear Gentlemen,

I wish to respond to and provide information in response to questions and concerns that I heard and been made aware of during and after the meeting we had November 12th, 2014.

The main topic of concern I see is one of how potential contaminates are handled, stored, and ultimately disposed of. Scrap recycling, like any manufacturing endeavor, is subject to a number of regulations under the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; also known as "Superfund"). We take these regulations seriously, attend workshops and seminars to stay abreast of the latest regulations and their changing requirements, and implement the latest operation practices and equipment to be not only in compliance today but with an eye towards future requirements.

First I want to share what operating procedures we follow every day in our current operations. Our first and most important goal is the safety and wellbeing of our employees and customers. Second is following sound industry SOP (Sound Operating Procedures) practices to be compliant with the above mentioned EPA laws. Last but not least, to assure the scrap product we produce adheres to the buyer's / consumer's specifications regarding safety, quality, and transportation regulations. There is a lot of crossover between these goals when handling potential hazards as you can imagine. Daily in our lives we use and are surrounded by potentially hazardous safety or environmental products such as petroleum based products, compressed gasses in cylinders ( propane, CO2, welding gasses), cleaners and solvents, fertilizers, paint, batteries made of lithium, nickel cadmium, lead acid batteries, and of course our electronic devices. We don't give these or other items much thought as they are normally safe in the amounts they are used and accumulated. When these items are consolidated, then the potential for concern increases for safety and the environment unless properly handled.

The first way to avoid the consolidation of unwanted items along with the safely recycled material is to not allow it into the operation to begin with. We have had a list of unacceptable items since 1992 that we do not accept under any circumstance or have specific requirements that have to be performed prior to our acceptance. The list is

reviewed as items are needed to be added (most recently perforating guns or pipe) or occasionally removed with the addition of processing equipment (rolls of steel wire) that can process this type of material. Again, most listed items are due to employee safety and environmental concerns but also can be a change in the consumer buying practices. A current list is attached to this letter for your review.

Let's review how vehicles are processed. First, we have a policy at Norton that we do not accept vehicles that do not have their fuel tanks entirely emptied or removed. We do have drain station equipment available to use as a backup plan in case we would haul vehicles in ourselves from a remote worksite or if a customer was physically incapable of performing this task. Garden City has a sophisticated drain station operation; the equipment it replaced is the rack and equipment we use at Norton. Before placing the car on the rack we remove, if present, the battery, mercury switches, reclaim the Freon, and check the interior and trunk for any banned items.



This picture shows the overall drain station area, all concrete, with a car on the rack.



On the rack, the vehicle is drained of fluids and the catalytic convertor is removed. Many of the attachments used are pneumatically activated. An antifreeze spike attachment pierces the bottom radiator hose for engine coolant, the engine oil drains into a funnel that swings into place, same with the transmission and differential. A fuel tank drain rolls under the vehicle, is raised to seal the rubber gasket fitting against the plastic or steel tank, and a special spike made of beryllium pierces the tank and retracts. Air from our compressor sucks any fuel from the tank and transfers that along with the oil and transmission fluid into a collection used oil tank. We sell the comingled fuel and oil to a used oil collection company that comes onsite, sucks the fuel oil mixture into their truck and recycle at their location. They also take the antifreeze for no cost, if it is kept separate from the oil and fuel. Reclaimed Freon is given to automotive repair shops to be reused. Different attachment fittings indicate different types of coolant, and we segregate the varieties.

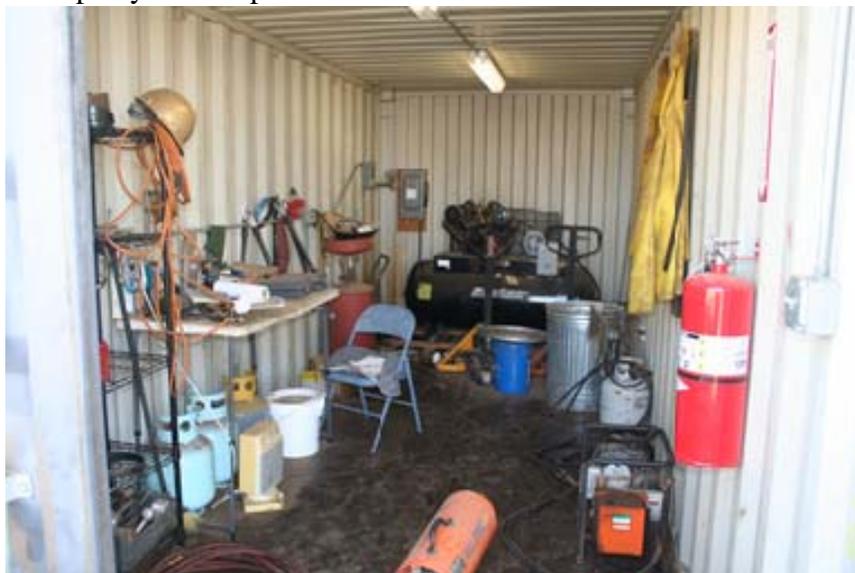
s



View of control unit. Notice the oil funnel on the swing arm. The fuel tank tool is to the right covered by plastic. In the background is the used oil tank. We use an old anhydrous tank without wheels to hold the antifreeze.



We bought an ocean shipping container to house our air compressor, CFC recovery equipment, and miscellaneous tools. We also have a spill kit available along with floor dry to clean up any minor spills.



Note the various CFC tanks under the work table.

The vehicle is placed from the rack to the ground. We remove the aluminum or copper brass radiator, any aluminum wheels, and cut out the insulated copper wiring harnesses. The non-ferrous metals offer a greater return than baled steel. The vehicle is now environmentally ready for baling.

The ferrous metal we are proposing to purchase and process is light gauge sheet steel, appliances, and vehicles that are baled and sold as a grade known as shredder bales or baling scrap. The scrap is shipped on flatbed semi to "shredder" facilities that are large powerful machines using 2500hp to 8000hp electric motors to power a rotor with bell shaped hammers that beat the metal into fist sized pieces through a grate bar. Magnetics

separate the steel from the nonmetallic material, and then a series of conveyers and other sorting processes separate aluminum, copper, and other valuable metals from the shredder residue, and the remainder material consisting of rubber, plastic, glass, upholstery, etc. known as “fluff” is then landfilled. These machines can process several hundred ton per hour. They have strict quality guidelines for their incoming scrap that we have to meet. We do not have to remove tires, glass, engines, upholstery, or other items. It is all baled after the fluids have been removed and any other potential safety hazards. Appliances also present recycling challenges in regards to possible CFC’s. We have a recovery machine for appliances in addition to our machine for vehicles. The customer has to verify that the proper procedures had been performed and the unit is safe or have the appliance ‘tagged’ that have been rendered empty by a certified technician.

With all the focus on vehicles and appliances since they are a potential source of undesired fluids, I might add that in our operation so far this year vehicles made up 32% of our total baling scrap purchases by weight. Also, many vehicles are empty “open” bodies that are void of engines or other major components altogether. The question arose on the turnover frequency of scrap. We do not resell any parts at any time so there is not a need to maintain an inventory to source parts. We process and ship the scrap as soon as we can to keep cash flow. On December 1<sup>st</sup> by camera I saw 9 vehicles that were complete and not baled that were in our Garden City yard. Purchase records indicate that using a 3000# average we had purchased 855 vehicles so far this calendar year. This is not unusual, we keep a handful of cars on hand to process through the drain station for a day or so and then they are promptly baled. We have a KS Vehicle Dealers License and are required to collect titles and report to the State of Kansas and also the National Vehicle database known as NMVITIS. The only time that the number of vehicles grows at all is when the baler is down for maintenance, and then only for a couple days.

The majority of metal is sheet tin from building projects, grain bins, auto body repair shops, demolition jobs, along with household appliances and vehicles.



Employee and customer unloading tin by the baler. Concrete receiving and baler pad.



Our metal baler is mounted on a semi-trailer to make it completely mobile. It has its own crane that load material into the baling chamber and then to remove the finished bale. It weighs 98,000#, approximately 45 ft long, and the top of the cab is approximately 12 ft off the ground. It has a Cummins diesel engine to power the hydraulics.







A complete car.



Bales ready to ship. The baling process and the baler itself are surprisingly quiet for the work done. Baling scrap is rather “soft” and makes a “scrunching” sound in the baling chamber, not a clang or bang that heavy steel would make. The baler engine is heavily muffled and the hydraulics on the crane and door lids is quiet.



2 loaded flatbed trucks. 1 had 48,000# and the other 44,600# net weight.



Note the netting wrapped around the loaded bales to contain any loose material coming off. The bales are approximately 40"x 24"x 72"

We were asked if we have had any KDHE or EPA issues in the past. We have had 1 incident of our own doing that required an impacted soil disposal. We were operating an old metal baler (that we no longer have), a hydraulic hose ruptured under the machine and the machine operator did not notice or shut the machine down until approximately 50 gallon of hydraulic oil was pumped out on the ground. The oils and dirt was dug and place into a half cut tank. KDHE from the Dodge City office came to the site, arrangements were made for the disposal of the impacted soil at the Waste Connections landfill at Garden City. This occurred in 2007. After a year or so, KDHE contacted us and wanted to drill on the property as they were concerned of any groundwater contamination which makes sense with the sandiness of the ground. They drilled numerous test wells all over the property. No groundwater contamination was discovered, but there were some areas that came back with surface and near surface petroleum hydrocarbons diesel range organics that exceeded KDHE cleanup levels. This property was a scrap metal operation since 1978 and operating practices, but since I was the property owner I had a responsibility of cleanup just like many gas station owners had experienced with cleanup after underground tank removal some years back. Anyway, after more soil testing and drilling we entered into a voluntary cleanup (VCRP plan) approved by KDHE. We hired Terracon as our consulting engineering firm and working with them and KDHE we have removed all impacted soil from 4 sites none deeper than 4 feet with disposal at Waste Connections under permit, filled back with approved soils, final paperwork has been prepared and we expect a no further action letter soon.

The lessons we have learned from this that we incorporate into our current operation is that we perform the baling and preparation operations on concrete, we have spill containment procedures and materials available at all times, and train our employees to practice good housekeeping at all times. We took responsibility for our action and actions of others and have done the right thing.

Licenses we have include a Salvage Storage License, and Vehicle Dealers License from the State of Kansas, NMVITIS vehicle title reporting with jurisdiction under the Department of Treasury. Recent adopted Kansas scrap metal buying statutes now have requirements of a city or county to pass an ordinance to license any such operation located in that particular jurisdiction. The main purpose is to provide a background check on the company principles to verify they are not guilty of metals theft. We hold such licenses from Finney County and the city of Norton.

In response to the concerns of lessening property values, creating an eyesore, or otherwise creating blight in the area I say this; The investment that will be needed to implement all the improvements and required outside screening is extremely large. It will be new construction, there are not existing structures that would be cobbled up and made to work. Why would I not do what is right and jeopardize the investment made with my own money?

When we first considered a recycling facility in the Hays area, we first looked for property with rail access for a traditional scrap yard. We contacted the Economic Development office in Hays for help. There was no suitable sites ne to be found either in Hays or Ellis. We then thought of just handling non-ferrous and non-metallic scrap items, a recycling center operation to supply additional material to our larger Garden City operation. Again, we had difficulty finding property that was a reasonable location for customers to access and was zoned correctly. We ran across this property that was a great

location for customers to find, along a street that the public used to dispose of their yard waste so there would be some business exposure, and was zoned correctly for a recycle center. The purchase price was quite high, but the purchase was made after early discussions with the city regarding the intended business as a recycle center. After some thought, we decided to further pursue the special use permit to include the handling of baling scrap. The addition of baling scrap adds another possible revenue stream.

Traditional steel and cast iron recycling will not work here, there is no rail service and it is an entirely different endeavor. Say aluminum is a low price but tin is a good price, we would still have potential for volumes of material that produce revenue. We are actually excited for the development of cardboard recycling in the area, but that alone won't pay the bills. Many recycle centers have not survived because of too narrow of focus of items recycled. And a lot of those items including ferrous were not considered because of the cost of equipment and regulations that must be followed. It simply affords us the greater chance of making the operation stronger as a whole.

We are seeking a decision as to what type of operation we are allowed to do, study the economics of what that action requires us to investment, and make a business decision whether to proceed or not for the operation as a whole or in part. Thank you for your consideration and reviewing my letter.

Regards, Von Fahrenbruch

A handwritten signature in black ink, appearing to read "Von Fahrenbruch". The signature is fluid and cursive, with a large initial "V" and "F".

President, F&F Iron & Metal Co.

**F&F IRON & METAL CO.**

514 W WASHINGTON

NORTON KS

DECEMBER 3, 1992 AMENDED 4/15/2014

THE FOLLOWING ITEMS **ARE NOT ACCEPTABLE** AT THIS LOCATION AT THIS TIME.

THIS LIST WILL BE AMENDED AND UPDATED AS NEEDED. LOADS OF INBOUND SCRAP CONTAINING ANY OF THE MATERIALS LISTED OR BE SUSPECT OF CAUSING A NEGATIVE ENVIRONMENTAL IMPACT IN THE COURSE OF TRADITIONAL RECEIVING AND PROCESSING PRACTICES WILL BE **SUBJECT TO A PARTIAL OR COMPLETE REJECTION.**

Radioactive scrap

Perforating gun or perforated tubing, spent or new, used for oil fracking

Fuel or oil buckets, cans, or oil filters

Sealed units of any kind (shock absorbers, hydraulic jacks, hydraulic cylinders, etc.) Are acceptable with a large hole opening them up

Compressed gas cylinders – acceptable if completely opened

Acetylene cylinders not accepted in any form

Drums or barrels, cut or whole– acceptable if completely opened and clean

Tractor components containing oil or grease

Asbestos

Any material containing CFC's (coolant or insulation)

Spent freon charging tanks– acceptable if cut in half

Fluorescent or neon light fixtures

Capacitors, transformers, light ballast containing PCB's

Torque converters containing oil Must have a hole in them

Automatic transmissions containing oil and with oil pans intact

Tires not mounted on vehicles

Loose battery plates or separators

Smoke detectors

Industrial gauges or sensors

Cathode TV or computer monitors containing leaded glass

Nickel-cadmium batteries

No scrap containing unidentifiable fluids, oils, sludges, garbage, trash, or other hazardous materials and items that are unable to be recycled

These items are in addition to the industry standards concerning size and grading.

All appliances MUST have CFC's and capacitors properly removed before we will accept them.





























Unloading customer at Garden City. Building is 100' wide, 20' sidewall



West Bid., Inc. 07/14

Weighing on small platform scale. Garden City



Platform scale + computer kiosk      Garden City



Rotator boxes holding different grades of metal



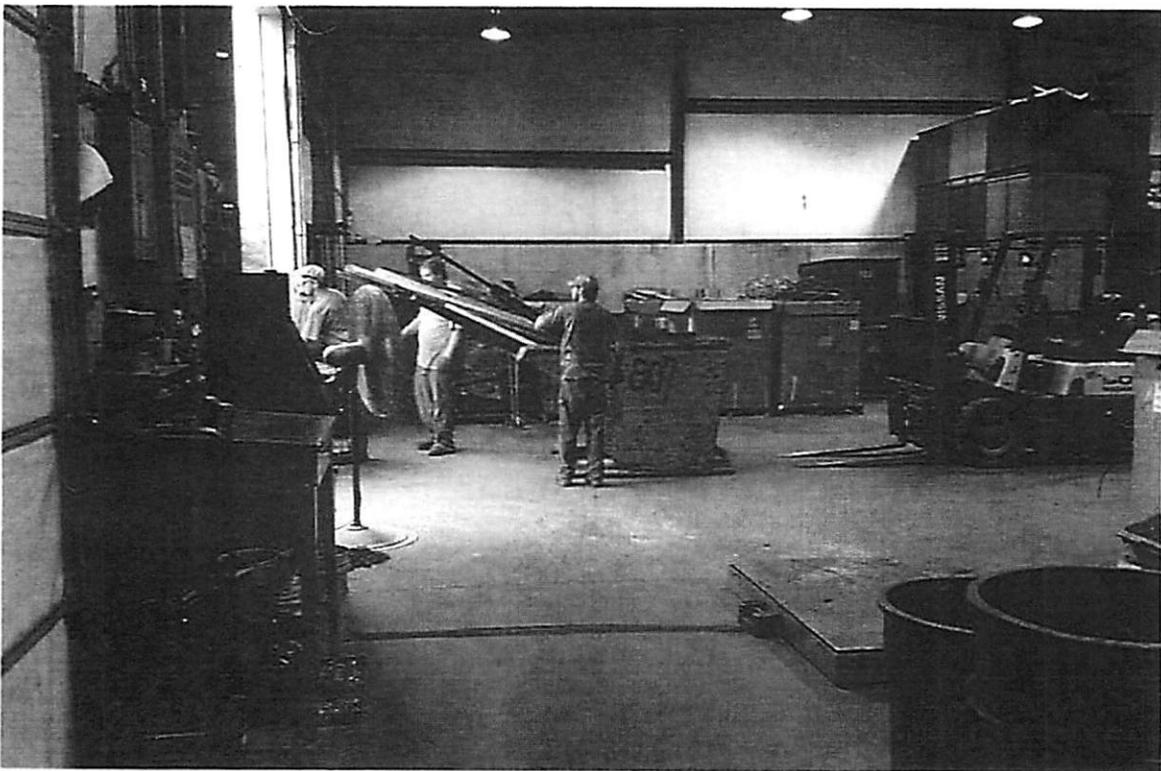
Metal recyclables awaiting shipment



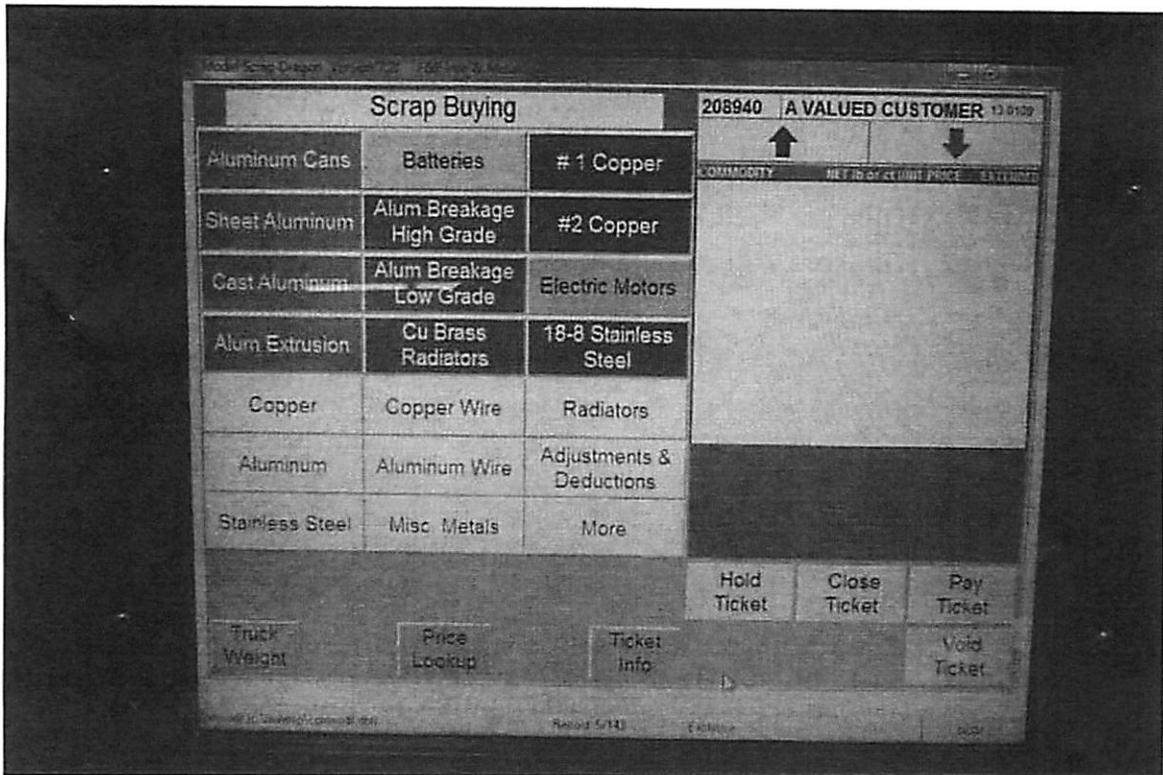
Buying kiosk home page view



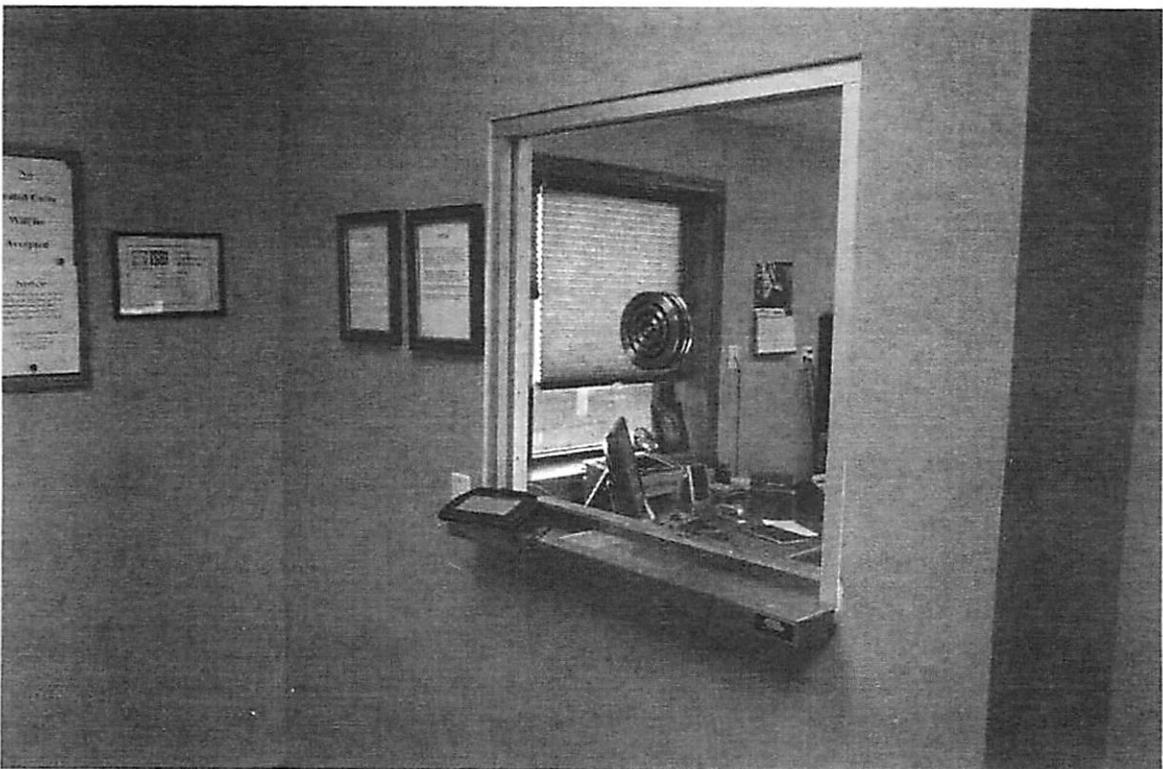
*Unloading customer at Norton*



*Inside view at Norton*



Buying kiosk touch screen menu



Customer pay window Notice signature pad



Thru the wall ATM



Customer window w ATM to right



live + recording camera views - Gardai City









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

**#11-14**

Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
E 13th St	026-182-03-0-20-02-001.00-0	Von & Kristine	Fahrenbruch	402 N First St	Norton	KS	67654
		F & F Iron & Metal Co		P O Box 53	Norton	KS	67654
1104 E 13th St	026-182-03-0-20-02-001.01-0	Western Investments Inc		P O Box 370	Hays	KS	67601
1110 E 13th St	026-182-03-0-20-02-001.02-0	Fastenal Company		P O Box 1206	Winona	MN	55987
1113 E 13th St	026-138-34-0-30-08-012.00-0	Lois A Augustine Rev Liv Tr		217 W 36th St	Hays	KS	67601
1303 General Custer Rd	026-138-34-0-30-08-014.00-0	Stephen G & Jana L R	Donnelly	1303 General Custer Rd	Hays	KS	67601
1111 E 13th St	026-138-34-0-30-08-011.00-0	Constance A	Mermis	1111 E 13th St	Hays	KS	67601
1133 General Custer Rd	026-182-03-0-20-02-009.01-0	Western Investments Inc		P O Box 370	Hays	KS	67601
1301 Homes Rd	026-138-34-0-30-09-012.00-0	Austin & Jenna Lynn	Goodrow	1301 Holmes Rd	Hays	KS	67601
1300 E 13th St	026-182-03-0-20-01-003.00-0	Bradley S	Tebo	303 2nd St Ter	Ellis	KS	67637
1300 E 13th St	026-182-03-0-20-01-003.00-0	Stephen D	Tebo	303 2nd St Ter	Ellis	KS	67637

(Published in The Hays Daily News November 17, 2014)

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

TO: F & F Iron & Metal Co and Von & Kris Fahrenbruch  
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 F & F Iron & Metal Co and Von & Kris Fahrenbruch.

The subject of the hearing shall be a request by F & F Iron & Metal Co and Von & Kris Fahrenbruch 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 a full service recycling facility allowed within the "I-2" Heavy Industrial District under Section 71-642 (1) of the Zoning regulations with the issuance of a special use permit, on the following real property situated in the City of Hays, Ellis County, Kansas to wit: tract of land situated on a portion of the NW/4 of Section 3-T14S-R18W of the 6th P.M. more generally located at 1201 General Custer Road. (Parcel 026-182-03-0-20-02-001.00-0)

You are hereby notified that a hearing will be had upon said appeal on the 10th day of December, 2014, at 8:15 a.m., in the City Commission Chambers of City Hall, in the City of Hays, Kansas, at which time said appeal will be determined.

Lou Caplan,  
Chairperson  
Hays Area Board of  
Zoning Appeals

**Legal**Exhibit A

A tract of land situated on a portion of the Northwest Quarter (NW 4) of Section Three (3), Township Fourteen (14) South, Range Eighteen (18) West of the 6<sup>th</sup> P.M., City of Hays, Ellis County, Kansas, more particularly described as follows, to-wit:

Beginning at a point on the North line of said Northwest Quarter of Section 3, a distance of 1010.00 feet East of the Northwest Corner of said Northwest Quarter of Section 3; Thence South on a bearing of South 01 degrees 19 minutes 12 seconds West, parallel with the West line of said Northwest Quarter of Section 3, a distance of 368.00 feet; Thence West on a bearing of North 89 degrees 11 minutes 15 seconds West, parallel with the North line of said Northwest Quarter of Section 3, a distance of 210.00 feet; Thence South on a bearing of South 01 degrees 19 minutes 12 seconds West, parallel with the West line of said Northwest Quarter of Section 3, a distance of 318.00 feet; Thence East on a bearing of South 89 degrees 11 minutes 15 seconds East, parallel with the North line of said Northwest Quarter of Section 3, a distance of 420.00 feet to a point on the West Right of Way line of General Custer Road; Thence North along the West Right of Way line of General Custer Road on a bearing of North 01 degrees 19 minutes 12 seconds East, a distance of 686.00 feet to a point on the North line of said Northwest Quarter of Section 3; Thence West along the North line of said Northwest Quarter on a bearing of North 89 degrees 11 minutes 15 seconds West, a distance of 210.00 feet to the point of beginning.

## Parcel Details for 026-182-03-0-20-02-001.00-0

Quick Reference #: R11754



Owner Information	Property Address
<b>Owner's Name (Primary):</b> FAHRENBRUCH, VON & KRISTINE <b>Mailing Address:</b> 402 N First St Norton, KS 67654	<b>Address:</b> Hays, KS 67601

General Property Information	Deed Information
<b>Property Class:</b> Vacant Lots - V <b>Living Units:</b> <b>Zoning:</b> <b>Neighborhood:</b> 513 - Hays <b>Taxing Unit:</b> 010-HAYS CITY	<b>Document #</b>   <b>Document Link</b> 823-   <a href="#">View Deed Information</a> 539

Neighborhood / Tract Information	
<b>Neighborhood:</b> 513 - Hays <b>Tract:</b> Section: 03 Township: 14 Range: 18 <b>Legal Description:</b> ANNEXED TERRITORY EAST END , ACRES 4.7 , BEG 1010 E & 33 S NW COR NW4 TH E 210 TH S 653 TH W 420 TH N 318 TH E 210 TH N 335 TO POB SECTION 03 TOWNSHIP 14 RANGE 18 <b>Acres:</b> 4.7	



## Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #15-14  
ADDRESS: 2704 Augusta Ln.  
OWNER: V-J Rentals LLC  
TYPE OF REVIEW: Exception – Special Use  
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
AGENDA DATE: December 10, 2014

---

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

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

### **BACKGROUND:**

- The applicant is requesting a special use permit as allowed in Section 71-504(18) of the Zoning Regulations to allow for a commercially zoned property to be utilized for multi-family dwelling units.
- The property is zoned C-2, General Commercial and Service District
- All multi-family dwellings located within a C-2 zoning district require a special use permit from the BZA
- This particular property has been known to be vacant since the inception of zoning regulations in the City of Hays

### **STANDARDS OF EVALUATION:**

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

In taking into consideration applications for a special use permit, the BZA shall give consideration to the comprehensive zoning plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community, including, but not limited to, the following factors (particularly the bolded factors):

- **The stability and integrity of the various zoning districts**

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

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

#### **STAFF ANALYSIS:**

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

The Comprehensive plan considers this area as “Mixed Use” which is to be a mix of commercial uses as well as residential uses. This particular area contains a mix of residential (west side of Augusta Ln.) office space (east of subject property), and storage units on the property to the north. The residential area to the west consists of various types of multi-family units from duplexes to much denser units (8 to 10-plexes).

This request is yet another good use of **infill** development – utilizing an existing lot and existing infrastructure to provide, in this case, a housing need for the community. Staff feels that the request is reasonable and will not have a detrimental effect on the neighborhood or surrounding uses. The area is not well laid out for commercial development since there is no frontage on a major commercial street such as 27<sup>th</sup> St.

The applicant desires to construct these units in phases, starting on the west side and progressing east. Parking will be provided per regulation as needed during each phase. All City utilities are already in place to serve this particular project. All other

regulations, such as landscaping, stormwater management, building and fire codes, etc. will need to be met prior to the applicant getting a building permit for this project.

This project should compliment the area well, fitting in with both the existing residential uses as well as the existing commercial uses that are nearby.

**RECOMMENDED ACTION:**

Staff suggests a recommendation to **approve** the application for a special use permit due to several factors including conservation of adjacent property values, no known invasion of inappropriate uses, and encouragement of uses of existing facilities.

**ATTACHMENTS:**

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

*Set Public Hearing 11-12-2014*

APPLICATION FOR EXCEPTION

*mailings 11-20-2014*

I. Name of Applicant V-J Rentals, LLC Phone 785-625-97  
 Mailing Address P.O. Box 476 Hays, KS 67601  
 Name of Owner (if different from applicant) John Ziegler Phone 785-650-7595  
Vaughn McMurtrie  
 Mailing Address P.O. Box 476 Hays, KS 67601  
 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(18) of the Zoning Regulations to permit the installation or construction of Multi-family Housing on property 2704 Augusta LN zoned C2, located at Please see attached and legally described as: Lot(s) see attached, Block(s) see attached of the see attached 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)

- 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.

V-J RENTALS  
 APPLICANT  
Vaughn McMurtrie  
 OWNER

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

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON October 6, 2014,

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 610639

Suzela Burekman, Administrative Assistant  
NAME AND TITLE

October 10, 2014

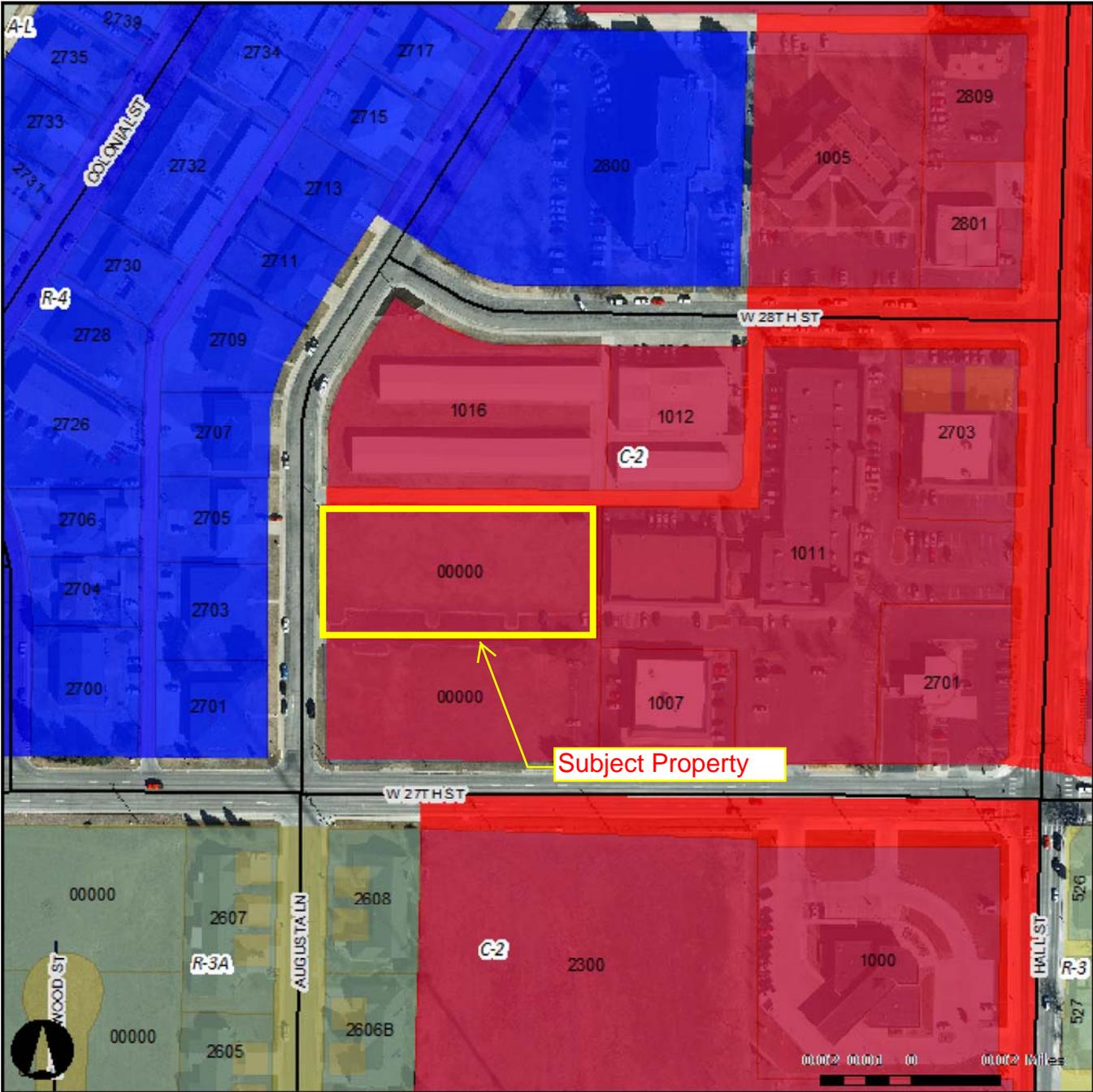
Planning, Inspection and Enforcement Division  
1002 Vine St.  
Hays, KS 67601

This property is currently zoned for Commercial Use. We are applying for a Special Use Permit to allow Multi-Family Housing at the attached location. We feel this could be beneficial to the Hays area.

# Overhead Image



# Overhead Image of Zoning





K

320 ft

→

↑ N

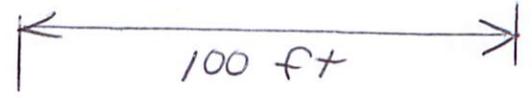
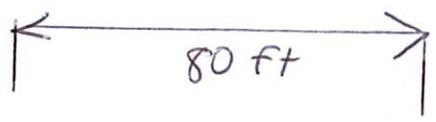
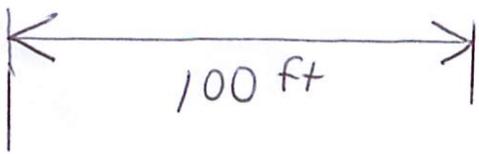
↑

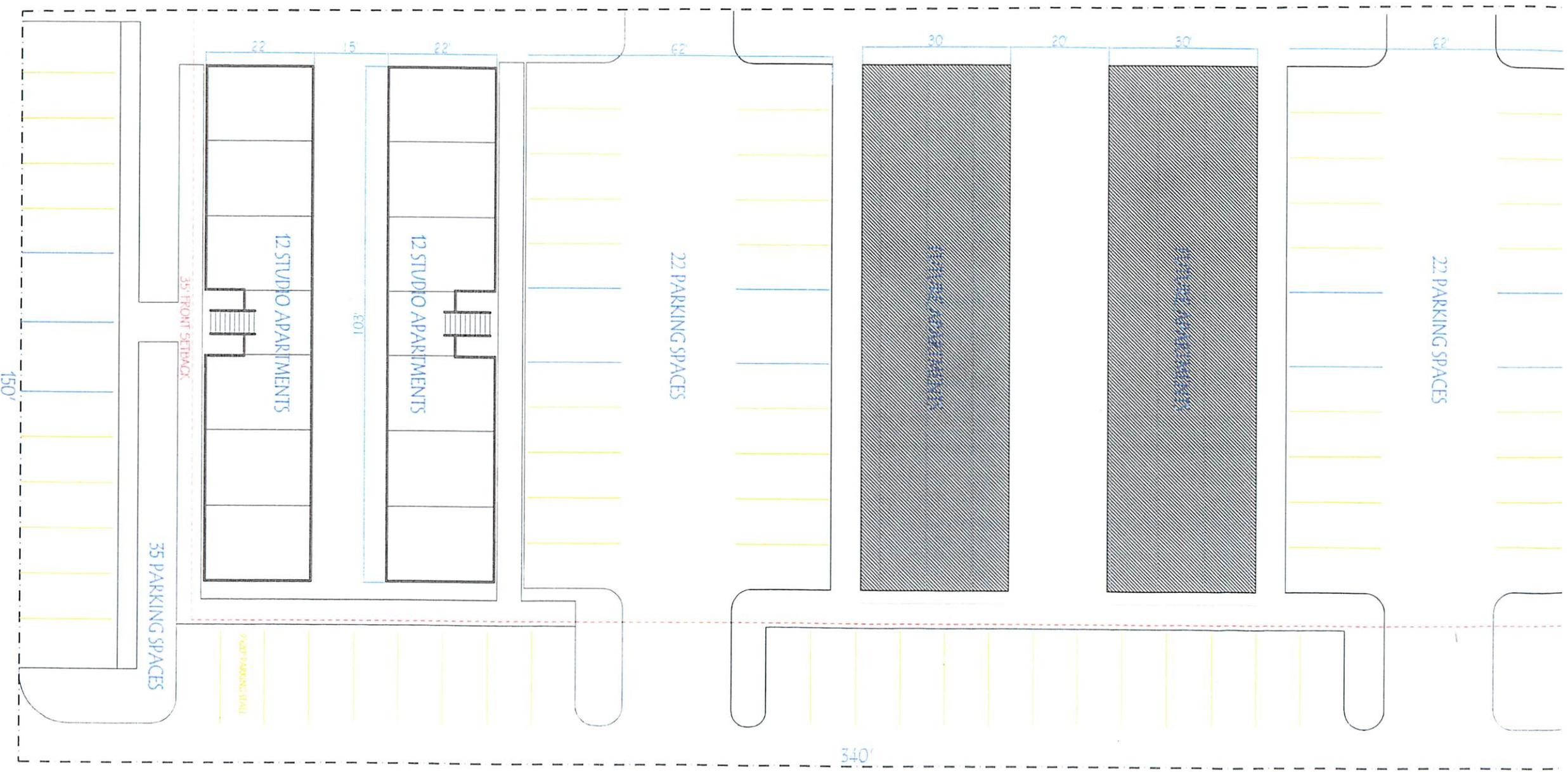
126'

↓

Google earth

Google earth











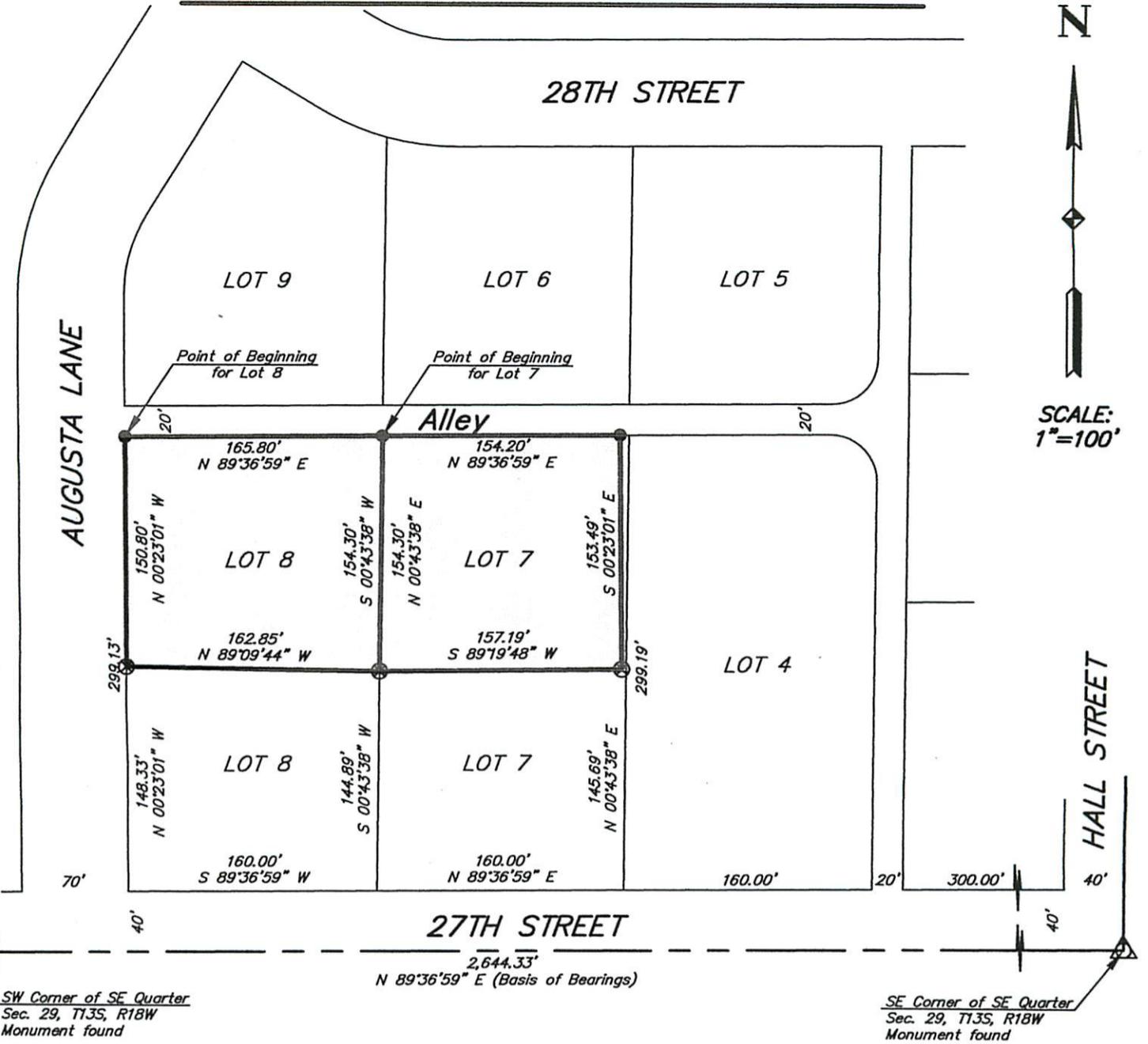


# CERTIFICATE OF SURVEY

N



SCALE:  
1"=100'



### LEGEND

- △ Section Corner
- Set 1/2" bar and cap stamped "RUDER RLS-918"
- ⊗ Set PK Nail in Asphalt Pavement

### CERTIFICATION:

I, Harvey Ruder, do hereby certify that I am a Registered Land Surveyor, that the property described hereon was surveyed by me, and that all of the monuments, as shown, actually exist, and their positions are correct to the best of my knowledge and belief.

Harvey Ruder  
July 31, 2013



### DESCRIPTION

That part of Lot 7 in the Second Replat of a Portion of Planned Business District, Country Club Estates First Addition to the City of Hays, Kansas, described as follows:

Beginning at the northwest corner of said Lot 7; thence on an assumed bearing of North 89 degrees 36 minutes 59 Seconds East, along the north line of said Lot 7, a distance of 154.20 feet; thence South 00 degrees 23 minutes 01 seconds East a distance of 153.49 feet; thence South 89 degrees 19 minutes 48 seconds West a distance of 157.19 feet to a point on the west line of said Lot 7; thence North 00 degrees 43 minutes 38 seconds East, along the west line of said Lot 7, a distance of 154.30 feet to the point of beginning.

and,

That part of Lot 8 in the Second Replat of a Portion of Planned Business District, Country Club Estates First Addition to the City of Hays, Kansas, described as follows:

Beginning at the northwest corner of said Lot 8; thence on an assumed bearing of North 89 degrees 36 minutes 59 Seconds East, along the north line of said Lot 8, a distance of 165.80 feet to the northeast corner of said Lot 8; thence South 00 degrees 43 minutes 38 seconds West, along the east line of said Lot 8, a distance of 154.30 feet; thence North 89 degrees 09 minutes 44 seconds West a distance of 162.85 feet to a point on the west line of said Lot 8; thence North 00 degrees 23 minutes 01 seconds West, along the west line of said Lot 8, a distance of 150.80 feet to the point of beginning.

**RUDER ENGINEERING & SURVEYING, LLC**  
1376 Butterfield Trail Rd.  
Hays, Kansas 67601  
785-259-1382

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

**#15-14**

Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
2704 Augusta Ln	026-139-29-0-40-13-001.06-0	V-J Rentals LLC	John Ziegler & Vaughn McMurtrie	P O Box 476	Hays	KS	67601
1016 W 28th St	026-139-29-0-40-13-003.00-0	HAVCO Inc		500 W 40th St	Hays	KS	67601
1012 W 28th St	026-139-29-0-40-13-002.00-0	HAVCO Inc		500 W 40th St	Hays	KS	67601
1011 W 27th St	026-139-29-0-40-13-001.01-0	Eagle Business Plaza LLC		P O Box 724	Hays	KS	67601
1007 W 27th St	026-139-29-0-40-13-001.00-0	Rozean Enterprises LLC		P O Box 116	Hays	KS	67601
W 27th St	026-139-29-0-40-13-001.03-0	TEX-KAN Inc		3008 Cherry Hill Dr	Hays	KS	67601
2703 Augusta Ln	026-139-29-0-40-11-018.00-0	J & N Operations LLC		P O Box 807	Hays	KS	67601
104 E 22nd St	026-139-29-0-40-11-019.00-0	Glenda M	Rowe	3203 T-Bird Dr	Hays	KS	67601

(Published in The Hays Daily News November 17, 2014)

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

TO: John Ziegler and Vaughn McMurtrie of V-J Rentals 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 John Ziegler and Vaughn McMurtrie of V-J Rentals LLC.

The subject of the hearing shall be a request by John Ziegler and Vaughn McMurtrie of V-J Rentals LLC 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 permit construction of multi-family housing per Section 71-504 (18) 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: N/2 of Lots 7 & 8 of the Country Club Estates 1st Addition 2nd Replat of PRTN or PLND BD, more generally located at 2704 Augusta Lane.

You are hereby notified that a hearing will be had upon said appeal on the 10th day of December, 2014, at 8:15 a.m., in the City Commission Chambers of City Hall, in the City of Hays, Kansas, at which time said appeal will be determined.

Lou Caplan,  
 Chairperson  
 Hays Area Board of  
 Zoning Appeals

# Real Estate Information



This database was last updated on 10/6/2014 at 4:07 AM

[Return to County Website](#) | [Log Out](#)

[New Search](#) | [Back to Results](#)

## Parcel Details for 026-139-29-0-40-13-001.06-0

[View GIS Map](#) | [View Tax Detail](#)

Page 1 of 1



Owner Information	Property Address
<b>Owner's Name (Primary):</b> V-J Rentals LLC	<b>Address:</b> Hays, KS 67601

General Property Information	Deed Information
<b>Property Class:</b> Commercial & Industrial - C <b>Living Units:</b> <b>Zoning:</b> <b>Neighborhood:</b> 504 - Hays	<b>Document Link #</b>

Neighborhood / Tract Information	
<b>Neighborhood:</b>	504 - Hays Block: 01
<b>Tract:</b>	Section: 29 Township: 13 Range: 18
<b>Legal Description:</b>	COUNTRY CLUB ESTATES 1ST ADDN 2ND REPLAT OF PRTN OF PLND BD, S29, T13, R18, BLOCK 01, ACRES 1.1, PT OF LOTS 7 & 8 BEG AT NW COR OF LOT 8 TH E 320 TH S 153.49 TH W 320.04 TH N 150.8 TO POB

Land Based Classification System	
<b>Function:</b>	Parking Lot (uncovered)
<b>Activity:</b>	Vehicular parking, storage, etc.
<b>Ownership:</b>	Private-fee simple
<b>Site:</b>	Developed site - nonbuilding structures

Property Factors			
<b>Topography:</b>	Level - 1	<b>Parking Type:</b>	Off Street - 1
<b>Utilities:</b>	All Public - 1	<b>Parking Quantity:</b>	Adequate - 2
<b>Access:</b>	Paved Road - 1	<b>Parking Proximity:</b>	On Site - 3
<b>Fronting:</b>	Secondary Artery - 2	<b>Parking Covered:</b>	
<b>Location:</b>	Secondary Strip - 5	<b>Parking Uncovered:</b>	

Appraised Values				
Tax Year	Property Class	Land	Building	Total
2014		\$69,330	\$11,390	\$80,720



## Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #16-14  
ADDRESS: 212 W 11<sup>th</sup>  
OWNER: Western Investments Inc.  
TYPE OF REVIEW: Exception – Special Use  
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
AGENDA DATE: December 10, 2014

---

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

The applicant is requesting a special use permit to allow an existing commercially zoned property to be utilized for a multi-family dwelling. After taking into consideration all known factors, staff recommends **approving** the special use permit, but only under certain conditions (as further detailed below).

### **BACKGROUND:**

- The applicant is requesting a special use permit as allowed in Section 71-532(1) of the Zoning Regulations to allow for an existing commercially zoned space to be utilized for a multi-family dwelling unit.
- The property is zoned C-3, Central Business District
- All multi-family dwellings located within a C-3 zoning district 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:**

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

The Comprehensive plan considers this area as “Downtown Mixed Use” which is a mix of neighborhood shopping areas, neighborhood service businesses, and dwellings. This unique area contains a mix of residential (entire north side of 11<sup>th</sup> St) office space (south side of 11<sup>th</sup>), and certain service-type occupancies.

This request is a good use of **infill** development. Staff feels that the request is reasonable and will not have a detrimental effect on the neighborhood or surrounding uses. However, in taking into account the aesthetics of the proposed structure, staff feels that, per recommendations of our zoning consultant (Kendig Keast Collaborative), certain design elements should be implemented in order for the structure to blend into the existing neighborhood. A more “commercial” look and feel to the structure should be implemented, particularly on the street side of the structure. This may be as simple as using a brick façade similar to near-by buildings. It is recommended that the owner should present something that would meet this condition.

The applicant has provided for off-street parking, which is technically not required in the C-3 Zoning District. However, staff suggested to the owner that approval of any residential unit was much more inclined to be approved if off-street parking would be

provided. It is also more considerate to the existing neighborhood if off-street parking is provided.

**RECOMMENDED ACTION:**

Staff recommends a motion **approve** the application for a special use permit due to many factors including conservation of adjacent property values, no known invasion of inappropriate uses, and encouragement of uses of existing facilities, **as long as** all conditions set by the BZA, if any, can be met.

**ATTACHMENTS:**

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

mailings 11-20-2014

Set Public Hearing 11-12-2014

**APPLICATION FOR EXCEPTION**

I. Name of Applicant LANNY JONES, BRIAN DEIBERT Phone (785) 259 2052  
 Mailing Address 2015 METRO LN. HAYS, KS 67601  
 Name of Owner (if different from applicant) WESTERN INVESTMENTS Phone (785) 625 3446

Mailing Address \_\_\_\_\_  
 Name of Authorized Agent WESTERN INVESTMENTS INC Phone \_\_\_\_\_  
 Mailing Address \_\_\_\_\_

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

II. Application is made for an exception as provided in Section 71-532(1) of the Zoning Regulations to permit the installation or construction of ~~DUPLEX~~ APARTMENT BUILDINGS on property zoned C-3, located at 11<sup>th</sup> ST. 212 W 11<sup>th</sup> and legally described as: Lot(s) 22, 24, 26, Block(s) 7 of the HAYS ORIGINAL 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.

[Signature]  
 APPLICANT  
[Signature]  
 OWNER APPLICANT

[Signature]  
 AUTHORIZED AGENT (IF ANY) and Owner  
Western Investments Inc.

OFFICE USE ONLY:  
 RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON October 27, 2014,  
 TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 610642  
Sinda Bixenman, Administrative Secretary  
 NAME AND TITLE

Date: 10/22/2014

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

From: Lanny Jones

I am writing to request a special use permit to allow the construction of two duplex apartments on 11<sup>th</sup> St., Block 7., Lots 22, 24, 26. Of the Hays original addition to Ellis County. The property is currently zoned C3. This special use permit would allow the *residential* construction of a 4-plex apartment building in the downtown area to promote fill in. This particular property as set vacant for many years and I believe the construction of apartments would be valuable to the city. This new 4-plex will offer affordable living for residents and tax dollars for the city of Hays

I plan on installing a cedar fence along the backside of the lot to separate the buildings from traffic through the alley. The plan is to pour a 60' x 20' concrete driveway along the front of the building off of 11<sup>th</sup> St. to allow for tenant parking. This would alleviate any parking issues along the street. The apartments will be energy efficient from the windows, furnaces, insulation, and fixtures. I realize there will be concerns with noise due to the Sip & Spin bar across the alley. All tenant contracts will inform of the possible noise from the bar and a waiver will be signed with each lease. To help with any unwanted noise, all walls of the building will be constructed with 2"x6" studs to allow for R-19 insulation, thus keeping the noise to a minimum and increase the efficiency of the structure. The structure will be built on stem walls with 18" crawl space. A 2 hr. fire rated wall will separate the apartments in the middle.

As of now the vacant lot is full of weeds and collects trash blown in from its surroundings. With the approval to build residential apartments with a fence along the back, a downtown eye sore will be turned into an improvement for our community.

Thank You,

Lanny Jones (Applicant)

  
APPLICANT SIGNATURE

---

# Overhead Image



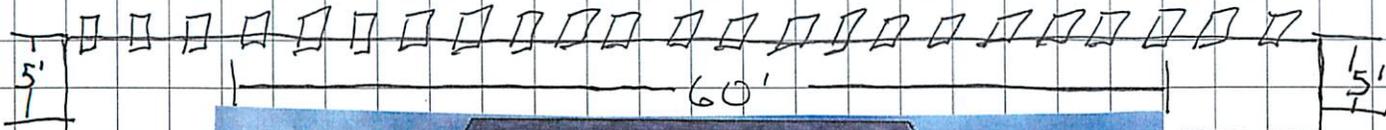


LOT SIZE 75' x 75'

LANNY JONES  
(785)-259-2052

75'

FENCE



39'

10'

7'6"

7'6"

75

PARKING

20'

60'

*Click logo for home page.*

Search plan#: \_\_\_\_\_

Start Search Reset

*All standard shipping is free!*

[See shipping information](#)  
*Rush order is available at an additional cost.*  
*International customers please read.*



\*Shop with confidence.  
[See details](#)

Have a question about our plans?  
[Send them to us!](#)

View Cart

[How to order](#)

<a href="#">House plans</a>	<a href="#">Duplex plans</a>	<a href="#">Apartment plans</a>	<a href="#">Garage plans</a>	<a href="#">What's Included</a>	<a href="#">Order options</a>	<a href="#">Modifications</a>	<a href="#">FAQ's</a>	
<a href="#">Material lists</a>	<a href="#">Returns/Refunds</a>	<a href="#">Contact us</a>	<a href="#">Feedback</a>	<a href="#">What our customers say</a>	<a href="#">Specials</a>	<a href="#">About Us</a>	<a href="#">PDF files</a>	<a href="#">Cost-to-Build</a>

## Apartment plan J0124-13-4

2-Bedroom 4-plex



**Front view**

Scroll down for floor plan and enlarged front view.

**2 bedrooms / 1**

**bath**

Living area = 3700 sq. ft.  
Porch = 360 sq. ft.  
Total footage = 4060 sq. ft.

*Each unit living area = 925 sq. ft.*

**Width: 60'-0"**

**Depth: 39'-0"**

*(not including stairs)*

### Order this plan

- Plan:  5 Sets - \$650.00  
 option  5 Sets with material list - \$725.00  
 PDF file - \$750.00  
 Study set - \$150.00

**Add To Cart**

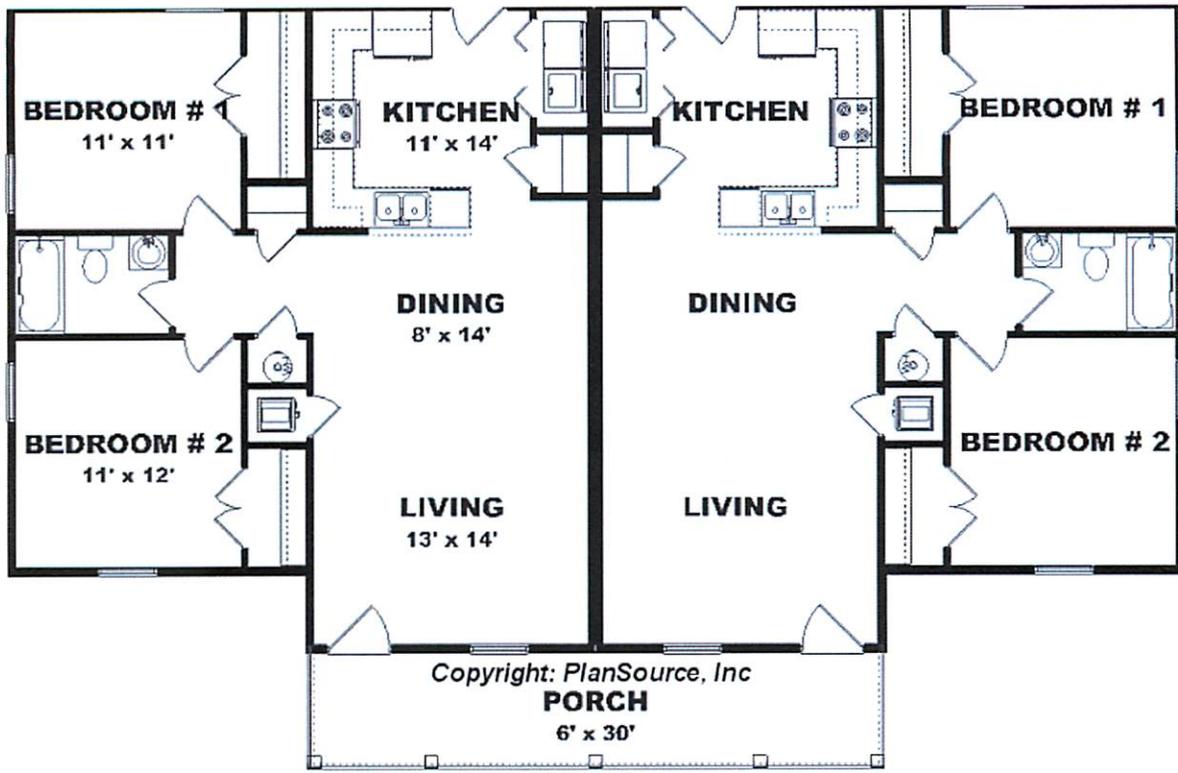
### Cost-to-build

State:

Estimated cost: \$ 0

[Click here](#) for more information.

**Floor plan (Both floors)**



Front view







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

#16-14							
Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
W 11th St	026-138-33-0-30-37-002.00-0	Western Investments Inc		P O Box 370	Hays	KS	67601
		Lanny Jones & Brian Deibert		2015 Metro Lane	Hays	KS	67601
		Western Investments		1100 E 13th St	Hays	KS	67601
207 W 10th	026-138-33-0-30-37-013.00-0	Eric	Schuette	408 W 7th St	Hays	KS	67601
215 W 10th	026-138-33-0-30-37-012.00-0	Gerard J & Lynette A	Wasinger	1939 240th Ave	Hays	KS	67601
215 W 10th	026-138-33-0-30-37-012.00-0	Gerald J	Wasinger	1939 240th Ave	Hays	KS	67601
215 W 10th	026-138-33-0-30-37-012.00-0	Lynette A	Wasinger	1939 2405h Ave	Hays	KS	67601
217 W 10th	026-138-33-0-30-37-011.00-0	Garrett	Geist	P O Box 177	Hays	KS	67601
220 W 11th St	026-138-33-0-30-37-003.00-0	JRM Real Estate LLC		P O Box 1067	Hays	KS	67601
219 W 11th St	026-138-33-0-30-32-008.00-0	Harmony Rentals LC		3003 Barclay Dr	Hays	KS	67601
213 W 11th St	026-138-33-0-30-32-009.00-0	Clavia LLC		4829 Horton St Msn	Mission	KS	66202
201 W 11th St	026-138-33-0-30-32-010.00-0	High Plains FLCA		605 Main St	Larned	KS	67550
1011 Fort St	026-138-33-0-30-37-001.00-0	Western Investments Inc		P O Box 370	Hays	KS	67601

(Published in The Hays Daily News November 17, 2014)

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

TO: Lanny Jones & Brian Deibert & Western Investments 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 Lanny Jones & Brian Deibert & Western Investments Inc.

The subject of the hearing shall be a request by Lanny Jones & Brian Deibert & Western Investments 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 permit construction of a multi-family housing per Section 71-532 (1) within the "C-3" Central Business 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: Lots 22, 24, 26, Block 7 of the Hays Original Addition more generally located at 212 W 11th Street.

You are hereby notified that a hearing will be had upon said appeal on the 10th day of December, 2014, at 8:15 a.m., in the City Commission Chambers of City Hall, in the City of Hays, Kansas, at which time said appeal will be determined.

Lou Caplan,  
Chairperson  
Hays Area Board of  
Zoning Appeals

Parcel Details for 026-138-33-0-30-37-002.00-0

**Owner Information**



**Owner's Name** WESTERN INVESTMENTS INC  
(Primary):

**Mailing Address:** PO Box 370  
Hays, KS 67601-0370

**Property Address**



**Address:** 0 W 11th St  
Hays, KS 67601