



**HAYS AREA BOARD OF ZONING APPEALS MEETING
AGENDA OF PUBLIC HEARINGS
DECEMBER 11, 2013
8:15 A.M.**

- 1. Call to Order by Chairman:**

- 2. MINUTES: Consider approval of the minutes from the November 13, 2013 meeting:**
ACTION: _____

- 3. CASE # 20-13 – Chase Technology LC, Larry Schaffer, Owner – 1112 E 27th St
Variance Request Zoned “C-2” - Request 25’ variance to reduce the front yard
building setback from the required 35’ to 10’ to place a self serve car wash
on the property.**
ACTION: _____

- 4. CASE # 21-13 – Chase Technology LC, Larry Schaffer, Owner – 1112 E 27th St
Exception for Special use permit Zoned “C-2” - Request special use permit for a
car wash.**
ACTION: _____

- 5. OTHER:
ACTION** _____

Enclosed: Draft Minutes
Copy of Application & Supporting Documentation

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 time. Every attempt will be made to accommodate any requests for assistance.

**DRAFT MINUTES
HAYS AREA BOARD OF ZONING APPEALS
COMMISSION CHAMBERS IN CITY HALL
MINUTES
NOVEMBER 13, 2013
8:15 A.M.**

1. CALL TO ORDER: The Hays Area Board of Zoning Appeals met on Wednesday, November 13, 2013 at 8:15 a.m. in Commission Chambers of City Hall.

Roll Call:

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

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

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

2. MINUTES: There was a motion by Jerry Sonntag with a second by Gerald Befort to approve the minutes from the September 18, 2013 meeting.

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

3. CASE #18-13 Joshua A & Alisha J Brownell 2318 Timber Dr Variance Request ZONED "R-2":
Jesse Rohr presented the above property on the overhead visual.

Joshua A Brownell, owner, presented his request for a 4 foot variance to reduce the south side yard building setback from the required 7 feet to 3 feet to construct a 28 foot by 36 foot detached garage. During the planning process, he had used the fence as the south side yard property line to adhere to the required setbacks. When the city inspectors checked the site layout, it was found that the fence was 3 feet on the neighbor's property; thus the reason for the variance request.

He cannot move the garage to the north because he would have to cut down a tree.

Thomas Lippert and Jerry Sonntag pointed out that when he or his neighbor sells, it will be an issue having the fence on the neighbor's property.

Jerry Sonntag and Gerald Befort asked if all the fences on the neighboring properties to the south were shifted over. Gerald Befort asked if he intended to move his fence to his property line. Mr. Brownell stated that it appeared the fences on the properties to the south were shifted over. He stated that he considered purchasing the piece of property where his fence is located.

Jerry Sonntag explained that if he purchased that piece of property, he would not need a variance for the proposed garage.

Lou Caplan pointed out it was a very large garage for two vehicles. Mr. Brownell stated that he planned to use it also as a workshop.

Jerry Sonntag explained that the proposed garage would be too close to the property line. He explained other options. He would consider granting a lesser variance of 2 feet so the structure would be five feet from the property line.

Lou Caplan asked if there were any comments from the audience. There were no comments from the audience.

Jerry Sonntag moved, Gerald Befort seconded the motion to grant a 2 foot south sideyard building variance, a lesser variance than requested, to reduce the south side yard building setback from the required 7 feet to 5 feet to construct a detached garage based on the consideration it does meet the five statutory requirements.

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

4. CASE #19-13 David & Brooklyn Pitcock & Hamilton Investments Inc - 2202 Vine St - exception request ZONED "C-2": Jesse Rohr presented the above property on the overhead visual.

David & Brooklyn Pitcock, potential lessee, of above property, presented their request for a special use permit for the use of the building on the above property as an indoors upscale pet resort day care establishment and pet kennel for owners to leave their animals overnight. They would also have a small retail store for pet treats. The building was formerly a tanning salon with 10 separate rooms and a pet store before that. The rooms would be set up for different themes. A separate room would be provided for each animal. The backyard would serve as a place to exercise the pet one at a time. They would not stay outside. There would be a self-serve dog wash in the back.

The backyard would be enclosed by the building to the north and the existing fence to the south (Commerce Bank fence) and they would construct a fence (gate) to the east.

They have researched this type of business from cities that offer this type of service. The findings from the research with the local veterinarians are that their pet kennels are booked full.

He stated that the nearby business owners from "Redeem Designs" and "Furs Flying" (groomer) were in favor of this business.

Jerry Sonntag stated that his first thought would be "noise separation". He was concerned about the noise and overnight kenneling indoors.

Thomas Lippert asked if he would have cushioning on the walls to absorb the sound. He had spoken to the owner of "Redeem Designs", a nearby business. Their concerns were noise from the barking dogs and the dogs would "pee" on their building.

Mr. Lippert voiced concern that nothing dictates the number of pets that can be kenneled. He asked about parameters and restrictions for this type of establishment. He asked about the pets being let outside. He asked if someone would be there overnight and on weekends. He hears the intent; although what recourse is there if things need to be changed down the road.

Mr. Pitcock answered that there are no city or state regulations on daycare and boarding of pets. The maximum number of dogs they would kennel at one time would be ten based on the number of rooms. The pets would be let outside one at a time for about a 15 minute exercise. His daughter would be managing the business 24/7. It would be a full time business during the day and by appointment other times. There would be remote cameras in the rooms.

He stated that this business would be two buildings to the south of "Redeem Designs". Because the dogs would have their own room and not see other dogs, there would not be much barking. They would more likely hear dogs barking from the grooming shop next door. In their research with this type of establishment in Kansas City, the dogs were content in their surroundings; there was little barking because they could not see other dogs.

Jesse Rohr stated that the board can set a threshold and conditions when granting a special use permit.

Shane Pruitt asked if this building had been used for a pet store in the past where pets would have been housed overnight. In the city where he used to live, there was a limit on the number of pets within a boarding facility. Jesse Rohr answered that it had been a pet store at one time.

Lou Caplan asked if there was anyone in the audience to comment on this case.

Tom Thomas, President of Commerce Bank at 22nd and Vine, stated that this was not a good location for an animal boarding facility. He understands their intent letting the

animals run outside, and that they plan to pick up after them, but at the end of the day there will be more activity out back. He pointed out the surrounding businesses of several restaurants, carpet store and dentist office.

Mr. Pitcock answered that it would be an upscale spa resort for pets. It would be no different than having a pet store next door. The building where dogs are groomed is full of dogs daily. He stated that they could construct a fence next to the Commerce Bank fence if there was a concern the dogs would scratch the fence. Mr. Thomas answered that he was not so concerned about the fence. He restated that this was not a good location for a boarding facility.

Jesse Rohr pointed out that in this "C-2" General Commercial and Service District, a pet store is allowed without a special use permit; although a boarding facility requires a special use permit.

Lou Caplan entertained a motion.

Jerry Sonntag moved, Shane Pruitt seconded to grant a special use permit for a pet day care and pet boarding kennel on the property at 2202 Vine Street on the condition they construct a secure privacy fence in the backyard so dogs cannot get out or be able to jump over the fence.

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

NAY: Thomas Lippert

5. INTRODUCTION OF NEW BOARD MEMBERS: Two new board members attended the meeting. They were Thomas Lippert and Shane Pruitt. The board members introduced themselves to one another.

The board adjourned at 9:08 a.m.

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

APPLICATION FOR VARIANCE

mailings 11-25-13

I. Name of Applicant Larry Schaffer OWNER Chase Technology LC LC Phone 650-7250
 Mailing Address 3717 Fairway Dr. Hays KS
 Name of Owner (if different from applicant) _____ Phone _____

Mailing Address 3717 Fairway Dr. Hays KS
 Name of Authorized Agent Larry Schaffer / Don Hoffman Phone 650-7250
 Mailing Address 3717 Fairway Dr. Hays KS
 Relationship of applicant to property is that of owner
(Owner, tenant, lessee, other)

II. The variance is requested _____
 request a twenty-five foot (25') variance to reduce the front yard building setback from
 the required thirty-five feet (35') to ten feet (10') to place a self serve car wash on the
 property _____
 on property located at 1112 East 27th and legally described as: E 98' of
Lot(3) Three, Block Seven(7), Centennial East Sixth Addition to the City of Hays.
 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 a decision of the board to the District Court.

Larry Schaffer
APPLICANT

LJSCHAFF@yahoo.com
AUTHORIZED AGENT (IF ANY)

Larry Schaffer
OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION ON November 14, 2013

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00

Sunda Bijlman Administrative Secretary

NAME AND TITLE

APPLICATION FOR EXCEPTION

Chase Technology LC

I. Name of Applicant Larry Schaffer Phone 650-7250
Mailing Address 3717 Fairway Dr Hays Ks 67601
Name of Owner (if different from applicant) _____ Phone _____

Mailing Address _____
Name of Authorized Agent Larry Schaffer / Don Hoffman Phone 650-7250
Mailing Address 3717 Fairway Dr. Hays Ks 67601
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(4) of the Zoning Regulations to permit the installation or construction of New Self Serve and Automatic Car Wash request to permit a car wash in the "C-2" General Commercial & Service District allowed per the zoning and subdivision regulations under Section 71-504 (4) with the issuance of zoned C-2 a special use permit at 1112 E 27th and legally described as: Lot(s) Three (3), Block(s) Seven (7) of the Centennial Estate 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.

Chase Technology LC

Larry Schaffer
APPLICANT
Larry Schaffer
OWNER

AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON November 14, 2013,
TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00.

Simone Bissman, Administrative Secretary
NAME AND TITLE

[View Sketch](#) --- [Back to Search Page](#) --- [Home](#)

The Parcel Number for this Property is 026-138-34-0-20-04-001.00-0
Quick Ref ID: 7458

Owner(s) Name and Mailing Address

| | |
|-------------------|--------------------------------|
| Owner Name | CHASE TECHNOLOGY LC |
| Address | 3717 FAIRWAY DR HAYS, KS 67601 |

Property Situs Address

| | |
|----------------|--------------------------------|
| Address | 1112 E 27TH ST, Hays, KS 67601 |
|----------------|--------------------------------|

CENTENNIAL ESTATES 6TH & REP B , BLOCK 07 , E 98' LOT 3 SECTION 34 TOWNSHIP 13 RANGE 18

Building Permit

See Supporting Documentation for Both Applications

Date December 2, 2013
To: Hays Area Board of Zoning
From: Larry and Annette Schaffer
Re: Request for Variance and Exception 1112 East 27th Hays, Ks

We hereby request that the Basic Setback Line (BSL) on the east side of the property, adjacent to general Lawton Road, be reduced by 22' to allow for a new Four Bay Car Wash to be constructed.

A. Uniqueness

Due to the property having great ingress and egress potential a car wash is very suitable for this location. However, by having large setbacks on three sides severely restricts any construction flexibility. Because of this uniqueness, we are requesting that just the east side setback, adjacent to General Lawton Road, be reduced by 22' to allow the construction as described on the Site plan.

B. Adjacent Property:

The proposed setback should have no effect on any neighbors due to city streets separating the properties on three sides. On the west side we are requesting no change to the setback, and after visiting with Mr. Gutierrez he welcomed the addition of a new car wash as it would greatly enhance the business appearance for all.

C. Hardship

If the requested setback is not granted, the proposed car wash will have to be modified by eliminating at least one wash bay. This will severely affect the attractiveness and assess ability to the public as well as the overall functionality of the car wash. By deleting one bay it will not be economically feasible to invest in all the necessary equipment for just one self serve bay. The entire project would be hard to justify with just a three bay Configuration.

D. Public Interest:

There is definite demand for additional car wash availability in our city. I own and operate The Buff Car Wash in Hays and can attest to the need for additional capacity, even at the expense of my existing car wash. In addition, this new wash will offer features and quality currently not available in our area. The public will be very happy to have a choice of services and reduced waiting times. The City of Hays can also boast how they are helping conserve water not only at the car wash, but by also eliminating the need for the public to wash in the streets. because the car washes are too busy. It is estimated that a water savings of at least 60% per wash will be generated using the new technology. Recycled soft water will also be used during all washes to further conserve water. Also, 70% of all water used at a car wash is captured by the sewer system, which is then available for recycling, as compared to street washing where almost 100% does

Page Two

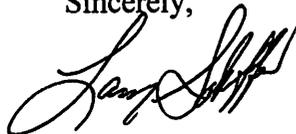
not reach a sewer inlet. The general guide used by the car wash industry, calculates a definite need for additional capacity for a city the size of Hays.

E. Spirit and Intent of the Zoning Regulations

Granting of this Variance will work with the spirit of the city in its quest for water conservation. The public will be very happy to have a choice of car wash technologies to choose from, and appreciate the improved throughput and quality. It will greatly enhance the attractiveness of the neighborhood and display the growth of our city.

I respectfully request that you grant this change so we can offer our city additional services, which the public will greatly appreciate and make our city more attractive to potential new citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Schaffer", written in a cursive style.

Larry Schaffer

To: Hays Area Board of Zoning
From: Larry & Annette Schaffer
Dec. 2, 2013

Request for Variance and Exception

Re: The property is located on a tract of land described as: E 98' of Lot 3, Blk 7, Centennial Estates Sixth Edition to the City of Hays, more generally known as 1112 East 27th Hays, Kansas.

The purpose of this request for variance and exception is to allow the construction of a "state of the art", green technology car wash. The new car wash will be constructed on a site, which formally housed the Hays Hydro Spray car wash for over 15 years. This location served the car wash and public in a very convenient and efficient manner during this timeframe.

The additional 22' of space is requested in order for the car wash to be constructed in a manner which will offer two full automatic and two self serve bays, in addition to the necessary equipment room. This configuration will still provide at least 22' to the sidewalk from the edge of the building. The structure will be set back far enough from 27th Street to provide excellent vision and accessibility for intersection traffic.

The construction of the building will incorporate all available "green technology" from LED lighting, zeroscaping and a minimum of 60% water savings per wash. It will also add tremendous street appeal to a location which is currently an empty lot. I have recently installed this unit at my car wash in Great Bend and the customers are choosing this proposed unit **two to one**, over a like unit currently installed at the car wash in Hays.

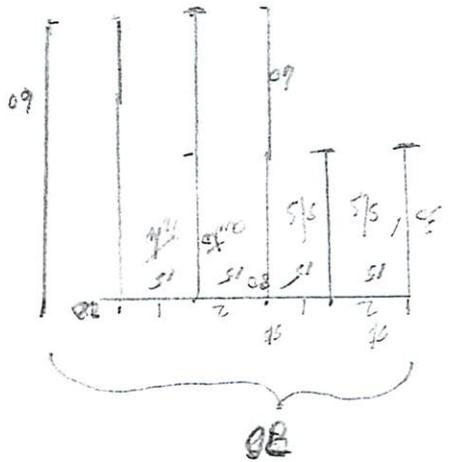
We respectfully appeal to you to approve this request in order to provide our City with services they will greatly benefit from, and most importantly, emphasize the City's concern and continuing promotion of water conservation.

Thank You for your consideration of this request.

Sincerely Yours,



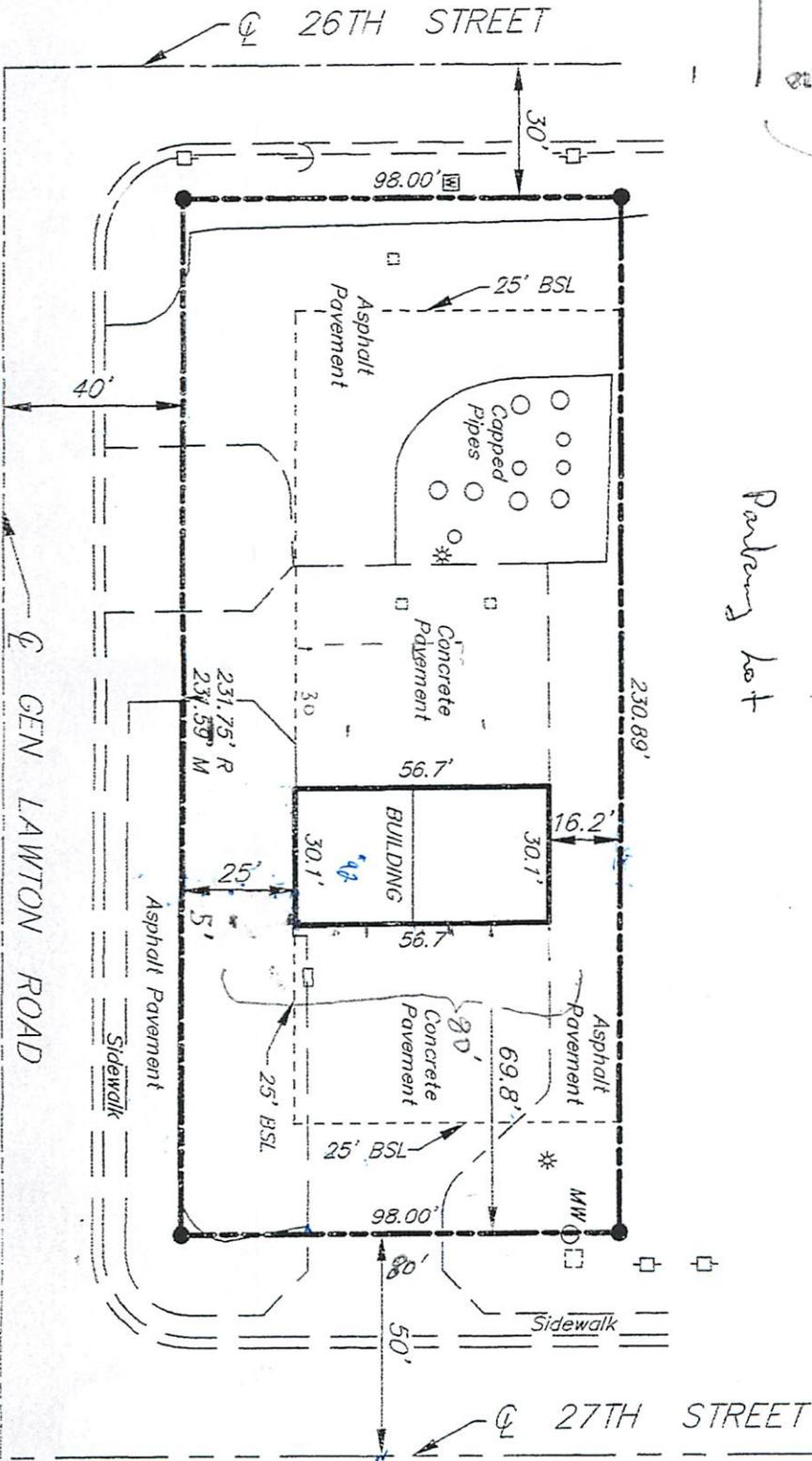
Larry Schaffer, owner



PLAT OF SURVEY

Single lot

Parking lot



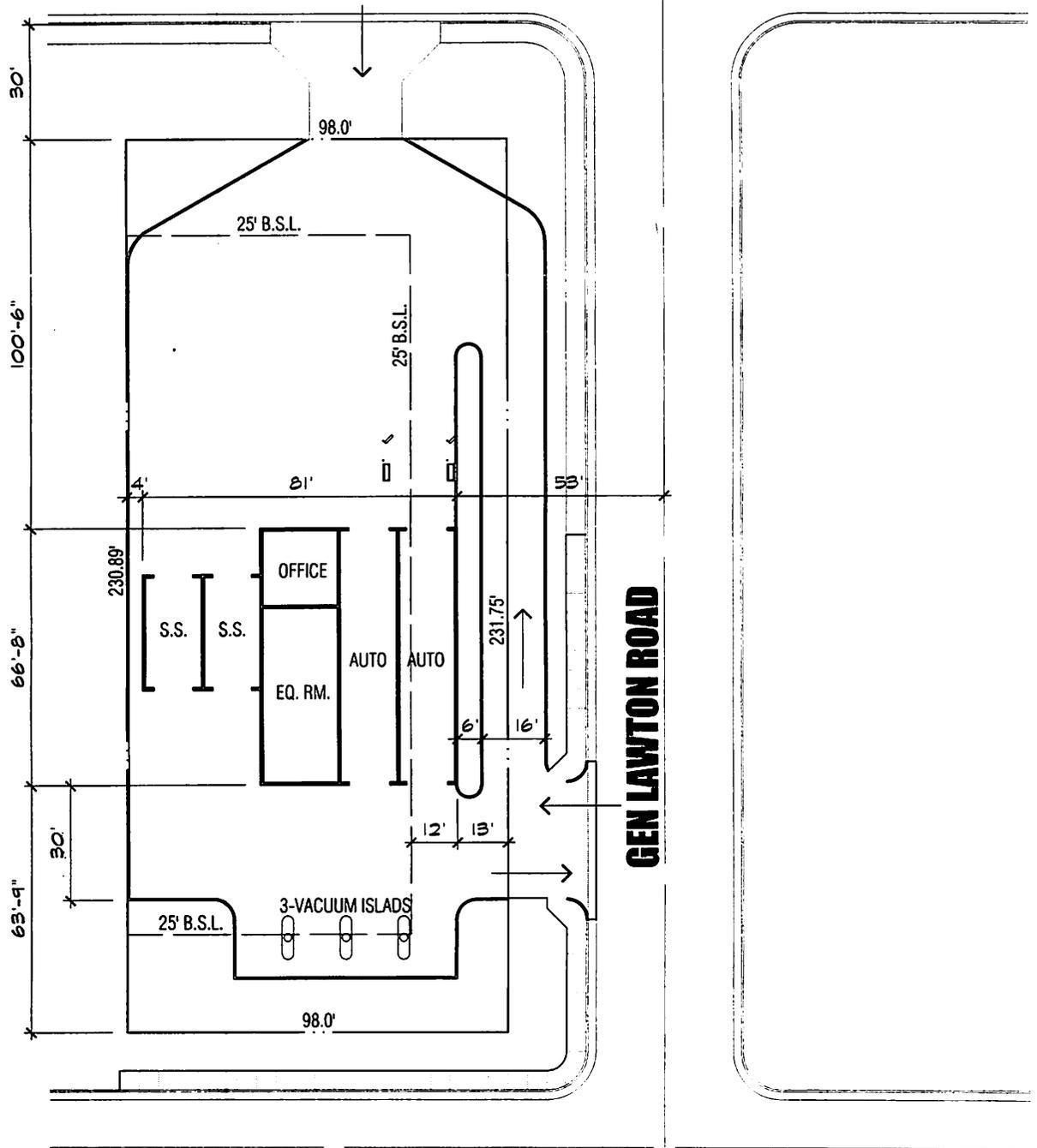
LEGEND

Property Line
 Set 1/2 inch bar and cap
 admission 1/4 inch 1/4 inch 1/4 inch

21' buildings

18 15 15 15

27th Street



26th Street



SITE PLAN

North

1" = 40'

SITE PLAN

SP1.1

A NEW 2+2 BUFF CAR WASH
27th Street & Gen Lawton Rd
HAYS, KS

AEC designs | project management

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 2309 S 27th St., Quesh Creek, AZ 85142

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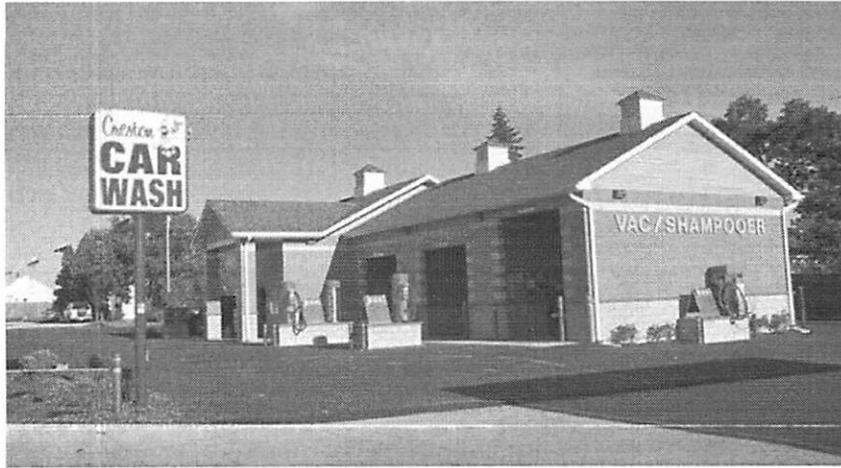
Gallery

GALLERY

Gallery



4 Bays
only



✓
4 - Bays ONLY





4 Bays
ONLY!



This is the list of property owners that own property abutting the subject property that were mailed notification of the public hearing.

#20-13 & 21-13

12/5/2013

| Property | First Name | Last Name | Address | City | State | Zip |
|-------------------------|----------------------------------|----------------|------------------------|-----------|-------|-------|
| 1112 E 27th St | Chase Technology LC | | 3717 Fairway Dr | Hays | KS | 67601 |
| E 27th St & 1106 E 27th | Gutierrez Family Trust | | 1106 E 27th St | Hays | KS | 67601 |
| 2700 Plaza Ave | Golden Belt Bank | | P O Box 931 | Hays | KS | 67601 |
| 1105 E 27th St | Henry Schwaller & Assoc Inc | | P O Box 855 | Hays | KS | 67601 |
| 1105 E 27th St | Randolph D Kaiser & Danna Dalton | | 3910 Fairway Dr | Hays | KS | 67601 |
| 2700 Epworth Village | Epworth Village Inc | | 2800 Augusta Lane | Hays | KS | 67601 |
| 1200 E 27th St | Nationsbank | | 101 N Tyron St | Charlotte | NC | 28255 |
| 2522 General Lawton Rd | GAN Properties LLC | Glen Neuburger | 2930 Barclay Dr | Hays | KS | 67601 |
| 2525 General Lawton Rd | Darin | Werth | 2525 General Lawton Rd | Hays | KS | 67601 |

(Published in the Hays Daily News, November 20, 2013)

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

TO: Chase Technology LC, Larry Schaffer, Owner
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 Chase Technology LC, Larry Schaffer, Owner.

The subject of the hearing shall be a request by Chase Technology LC, Larry Schaffer, Owner for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements for a twenty-five foot (25') variance to reduce the front yard building setback from the required thirty-five feet (35') to ten feet (10') to place a self serve car wash on the property situated in the City of Hays, Ellis County, Kansas on the following real property to wit: East 98 feet of Lot 3, Block 07, Centennial Estates 6th & REP B more generally located at 1112 E 27th Street.

You are hereby notified that a hearing will be had upon said appeal on the 11th day of December, 2013, 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

(Published in the Hays Daily News, November 20, 2013)

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TO: Chase Technology LC, Larry Schaffer, Owner
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The subject of the hearing shall be a request by Chase Technology LC, Larry Schaffer, owner, for an exception as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements to permit a car wash in the "C-2" General Commercial & Service District allowed per the zoning and subdivision regulations under Section 71-504 (4) with the issuance of a special use permit, on the following real property situated in the in the City of Hays, Ellis County, Kansas on the following real property to wit: East 98 feet of Lot 3, Block 07, Centennial Estates 6th & REP B more generally located at 1112 E 27th Street.

You are hereby notified that a hearing will be had upon said appeal on the 11th of December, 2013, 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