



BOARD OF ZONING APPEALS

Board of Zoning Appeals meetings will take place via Zoom until further notice. You can view the meetings at the Salina Media Connection YouTube channel:

<https://www.youtube.com/channel/UCdD-ujKcVEmidcSVbGbMS0A>

To participate in the meetings, citizens will need to use the Zoom link – <https://us02web.zoom.us/j/89836092276>

The Zoom meeting can also be accessed by phone at 1-346-248-7799. Enter Meeting ID: 898 3609 2276 when prompted.

If citizens wish to speak, either during the public forum or when the Chair requests public comment on an item, citizens must raise their hand so that the meeting host can allow them to speak.

Citizens can also send written comments or questions to Board of Zoning Appeals board members via email at plangroup@salina.org

In order for the Board Members to have an opportunity to review comments in advance of the meeting, please email your comments or questions by 12:00 p.m. Thursday, prior to the 4:00 p.m. meeting.



SPECIAL MEETING AGENDA

BOARD OF ZONING APPEALS
CITY-COUNTY BUILDING, ROOM 107 AND VIA ZOOM
APRIL 29, 2021
4:00 P.M.

1. CALL TO ORDER / ROLL CALL / KOMA CONFIRMATION

- (1.1) Call to Order
- (1.2) Roll Call
- (1.3) Chair requests staff confirmation that Kansas Open Meeting Act required notice has been properly provided.

2. APPROVAL OF MINUTES

- (2.1) Approval of the Minutes of the February 18, 2021 regular meeting

3. NEW BUSINESS

The applicant or an appointed representative must be present in order for the Board of Zoning Appeals to take action on an item.

Public Hearing Items

- (3.1) Application #V21-2, filed by Ed and Ruth Robbins, requesting a front yard setback variance of 2 ft. from 17 ft. (the minimum front yard setback required for a covered porch) to 15 ft. to allow a covered front porch to extend out 10 ft. into the front yard setback area on a residential lot. The property that is the subject of this variance application is legally described as Lot 32 and the West 35 ft. of Lot 34 on Jewell Avenue in the Addition to the Kansas Wesleyan University Grounds, City of Salina, Saline County, Kansas and addressed as 321 E. Jewell Avenue. (Rescheduled from the April 15, 2021 meeting).
- (3.2) Application #V21-3, filed by Cord Gwennap on behalf of Cleary Buildings, requesting a front yard setback variance of 21 ft. from 25 ft. [the minimum front yard building setback required in the C-5 (Service Commercial) district] to 4 ft., to allow a commercial storage building to be located within 4 ft. of the front property line along North 8th Street. The property that is the subject of this variance application is legally described as Lot 5 and a portion of Lot 3 in Block 1 of the Episcopal Military Institute Addition to the City of Salina, Saline County, Kansas and addressed as 904 North 8th Street. (Rescheduled from the April 15, 2021 meeting).

Administrative Items

None

4. UNFINISHED OR OTHER BUSINESS

5. PUBLIC FORUM

6. ADJOURNMENT

Record of this Meeting

This public meeting will be recorded by Access TV of Salina and available to view online free of charge at <http://www.salinatv.org/index.php/city-of-salina>. To receive meeting packets by email, subscribe to *Email Notifications* at <http://www.salina-ks.gov/content/18160/23455/23473/default.aspx>. Meeting DVDs and paper copies of meeting packets are available upon request (retrieval and/or duplication fees may apply). Please contact the Community and Development Services Department at building.services@salina.org or by phone at 785.309.5715 to request these open public records.

ADDRESSING THE BOARD OF ZONING APPEALS

The public is invited to speak on any item under discussion by the Board of Zoning Appeals. Please raise your hand and after receiving recognition from the Chairperson, approach the podium, state your name, address and the purpose of speaking.

Generally speaking, the order of presentation after introduction of any item by the Chairperson will be:

1. Summary presentation by the Staff.
2. Comments by the applicant.
3. Comments by interested citizens.
4. Board of Zoning Appeals discussion and action.

Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring an action in the District Court of Saline County to determine the reasonableness of any such order or determination.



MINUTES

**BOARD OF ZONING APPEALS
MEETING VIA ZOOM
THURSDAY, FEBRUARY 18, 2021
4:00 P.M.**

1. CALL TO ORDER / ROLL CALL / KOMA CONFIRMATION

(1.1) Call to Order

Chair Olson called the meeting to order at 4:00 p.m.

(1.2) Roll Call

Commissioners Present:

John Olson (Chair), Steve Dorzweiler (Vice-Chair), Richard Rodda, Madison Miles, Cale Sharp, Benjamin Kraft (YOB)

Commissioners Absent:

None

City Staff Present:

Dean Andrew, Zoning Administrator; Dustin Herrs, Assistant Planner (Meeting Monitor); Margy Clem, Development Coordinator

(1.3) Chair requests staff confirmation that Kansas Open Meeting Act required notice has been properly provided.

Ms. Clem confirmed that the packet was posted and the required notice of today's meeting was provided.

2. APPROVAL OF MINUTES

(2.1) Approval of the Minutes of the January 21, 2021 regular meeting.

A motion was made to approve the minutes of the January 21, 2021 regular meeting by Board Member Dorzweiler and seconded by Board Member Rodda.

VOTE: Dorzweiler (Yes), Olson (Yes), Miles (Yes), Rodda (Yes), Sharp (Yes). Motion carried 5-0.

3. NEW BUSINESS

Public Hearing Items

- (3.1) Application #V20-9, filed by Bill Swendson, requesting a front yard setback variance of 21 ft. from 25 ft. (the minimum front yard building setback required in the R-1 [Single-Family Residential] zoning district) to 4 ft. to allow the construction of a 10 ft. x 12 ft. addition onto the rear of an existing nonconforming garage. The property that is the addition onto the rear of an existing nonconforming garage. The property that is the subject of this variance application is a double frontage lot that is legally described as Lot 7 in the Tenlawns Court Addition to the City of Salina, Saline County, Kansas and addressed as #7 Tenlawns Place. (Continued from the January 21, 2021 meeting to allow the applicant to be represented at the hearing).

Mr. Andrew presented the staff report with visual graphics which are contained in today's meeting packet. Mr. Andrew asked Jerry Hammerton, Residential Building Inspector, to outline the items that the owner would need to address in order to finalize obtaining a building permit for the addition.

Jerry Hammerton stated that he went out to the property yesterday (February 17, 2021) and viewed the shed with Mr. Jerry Frank and the owner, Mr. Swendson. He continued that he did not see any items other than painting the shed to be compatible with the existing structures that would need to be changed on the shed to obtain a building permit. He stated that the shed is sitting on piers and they are three feet deep, which meets code. He stated that he looked over the framing and that it meets code as well.

Mr. Andrew stated that he wanted Mr. Hammerton at the meeting to ensure that after the Board took action, that there would be a full understanding of what would need to occur for Mr. Swendson to obtain a building permit for the shed if a variance were to be approved.

Chair Olson asked if there were any questions of staff.

Board Dorzweiler asked if the shed is physically attached to the existing garage or if it a pre-built shed that is pushed up against the shed.

Mr. Hammerton stated that it is an addition to the existing garage and has an opening from the existing garage to the addition so it is one building.

Chair Olson asked if the structure was a pre-fabricated shed that was then attached to the garage or if the structure was built, to which Mr. Hammerton stated that he is in under the impression that the addition was not pre-fabricated, that it was built on site.

Chair Olson invited the applicant or applicant's representative to address the Board.

Jerry Frank, 760 Sherman Street, neighbor of the applicant, stated that he is a neighbor of the applicant and is just assisting the applicant, Mr. Swendson on getting this settled. He stated that this was something that should not have happened but it already has so

they are just looking to move forward. He stated that he saw Mr. Swendson working on the shed and then he had stopped, so he wondered what was happening with the addition. He stated that Mr. Swendson then received a letter from the City. He referred to an aerial picture of Hanson Hollow, a street to the south of the applicant's property that has a handful of nonconforming garages that are close to the street. He continued that the precedent for those nonconforming structures is already in the area close to the applicant's property.

Mr. Frank stated that he took a letter around to neighboring property owner's on Sherman Street and that all of the people that signed the letter were happy to do so and hoped that Mr. Swendson was going to be able to keep the shed addition where it is located.

Chair Olson asked if there were any questions of the applicant.

Chair Olson asked if it was a pre-fabricated shed that was purchased and then attached or if it was built on.

Mr. Frank stated that it was built by Mr. Swendson. He stated that the shed is not painted or finished at this time because Mr. Swendson stopped working on it once he got the letter from the City. The shed will be finished this spring.

Chair Olson asked if there were comments or questions from members of the public in attendance. There were no members of the public in attendance at the meeting.

Mr. Andrew pointed the Board's attention to the letter from Jerry and Greta Frank that is in the agenda packet and the signed statements from neighboring property owners/renters that was sent to Board members prior to the meeting. He stated that all of those signatures obtained were in support of Mr. Swendson's project. He continued that they sent out the normal required notice to surrounding property owners and had not received anything regarding opposition to Mr. Swendson's variance application.

Mr. Frank stated that he obtained signatures from neighbors that occupied the house, so in a few cases they would be renters that signed the document and not the property owner(s).

Chair Olson confirmed there were no comments or questions from members of the public (no members of the public were in attendance for this meeting item), closed the public hearing and brought this item back to the Board for discussion and action.

Chair Olson stated that the shed is already built and even though he should have had a building permit initially, this is a double frontage lot and when looking at the other properties that are double frontage lots, they have some of these same needs. He stated he is in favor of approving this variance without having to relocate the structure.

Board Member Sharp stated that he agrees with Chair Olson and that the addition to the garage would just improve the value of the house in the future if it was sold. He stated that as long as the applicant agrees to paint the shed a matching color, he would be in favor of allowing the variance application to be approved.

Board Member Dorzweiler stated that he does not like the aspect of this case where it was already built and they are asking for forgiveness, but since the neighbors in the area do not have any issues and all the hard work that has been put into building the shed, he is not opposed to approving the variance application.

MOTION: Board Member Sharp made a motion to approve Variance Application #V20-9 with the condition that the addition is painted to match the existing structure

SECOND: Board Member Dorzweiler

VOTE: Dorzweiler (Yes), Olson (Yes), Miles (Yes), Rodda (Yes), Sharp (Yes). Motion carried 5-0.

Mr. Andrew stated that staff will put today's action into a letter and send it to Mr. Swendson. He stated the building permit for the shed will be attached to that letter. He asked Mr. Frank if he would like to be included in the distribution of the letter.

Mr. Frank stated that he did not need a copy of the letter. He stated that he appreciated City staff working with them on getting this variance application before the Board and that he has not always had the best working relationship as a contractor with the City and was happy for their help.

- (3.2) Application #V21-1, filed by Sergio and Corina Chihuahua, requesting a front yard setback variance of 2 ft. from 17 ft. (the minimum front yard setback required for a covered porch) to 15 ft. to allow a front covered porch to extend out 10 ft. into the front yard setback area on a residential lot. The property that is the subject of this variance application is legally described as the South 69 ft. of Lot 27, Block 2 of the Cloud Addition to the City of Salina, Saline County, Kansas and addressed as 1610 Hickory Street.

Mr. Andrew presented the staff report with visual graphics which are contained in today's meeting packet. Mr. Andrew asked Jerry Hammerton, Residential Building Inspector, to outline the items that the owner would need to address to finalize obtaining a building permit for the porch.

Jerry Hammerton stated that if the setback variance is approved, the building permit would be able to be issued. He stated that the structure is built to code and they did a good job on the framing of the porch. He stated the only thing that needs verified is the footings for the posts and if they are buried in the ground or sitting on top. He continued that they would also need to paint or finish the porch.

Chair Olson asked if there were any questions of staff.

Board Member Dorzweiler asked what the penalties are for failing to apply for a building permit.

Mr. Andrew stated it depends on how far it goes. He stated that if it is in regards to noncompliance and non-responsiveness it can go as far as Municipal Court. He stated that he has been involved in two cases where if nothing can be worked out between the owner and City staff the ultimate consequence is referring the case to Municipal Court

and it is up to the judge to make a decision on the penalties. It could be removal, it could be a fine or both.

Board Member Dorzweiler asked if a licensed contractor built the porch or if not, who built the porch.

Mr. Hammerton stated that it is his understanding the applicant and possibly a friend of the applicant built the porch.

Jacob Wilson, Restore Construction, LLC, 210 E. Walnut, stated that he is on the Zoom meeting to help the applicant, Sergio Chihuahua, as he does not speak English well. He stated that he was not involved with the building of the structure. He stated that his company, Restore Construction, often hires HDN Remodeling, who Mr. Chihuahua works for. He stated that Hector Ortega also works for HDN remodeling and that Mr. Chihuahua and Mr. Ortega built this structure. He stated that they do great work and that is why he is here today to help Mr. Chihuahua out.

Mr. Wilson answered a previous question regarding the footing depths by stating that they are 32 in. in depth. He continued that the intent of the structure is for two handicapped residents of the home (Mr. Chihuahua's mother-in-law and sister-in-law) that live in the home. He stated that they do plan to install a ramp in the space that currently has temporary steps. He stated that the 10 ft. depth was based on an aesthetic decision to align with the existing sidewalk for where the ramp would go.

Chair Olson asked if Mr. Ortega's company, HDN Remodeling, is a licensed contractor company in Salina.

Mr. Wilson stated that they do subcontract work and they're not a general contractor.

Mr. Andrew stated that staff would have to find that information. He stated that the City of Salina has many levels of contractors and subcontract work including Class A, Class B, or Class C contractors. He stated that for general trades someone would only have to be registered and not licensed. He continued that it is possible that someone can be a tradesmen and not be a licensed contractor and gave the example of painters, framers, and carpet installers.

Chair Olson stated the reason he is asking this question is that if they were a licensed or registered contractor, he would assume that they should have known that the building code requires a building permit

Mr. Wilson stated that he does not think HDN Remodeling has a license at this time. He stated that on his projects they typically do drywall and framing. He continued that Mr. Chihuahua was trying to do something nice for his sister-in-law and mother-in-law and didn't understand the process. Mr. Chihuahua understands the process now and has stopped working on the structure. Mr. Wilson stated that he has full confidence that the porch will be finished and look good.

Chair Olson asked if Mr. Chihuahua lives at the property, to which Mr. Wilson answered yes he does.

Chair Olson asked Mr. Hammerton what the depth of the footings would need to be, to which Mr. Hammerton answered that they would need to be 36 inches below finished grade.

Chair Olson asked Mr. Wilson to confirm that the footings were currently 32 inches below grade and that they were not up to code, which Mr. Wilson confirmed.

Board Member Dorzweiler stated that it is important to mention that there is nothing unique on this property and the only thing that is unique is the location of the existing sidewalk.

Mr. Andrew referred to the aerial photo of the property and the location of the existing sidewalk. He stated it seems that they built the porch out to the existing sidewalk. He stated that staff has determined that HDN Remodeling is a registered craftsman and not a licensed contractor.

Chair Olson asked if they should they have known a building permit was required.

Mr. Andrew a registered craftsman does minor work under a general contractor. He said he cannot say yes or no to Chair Olson's question as it is a judgment call. He stated that a registered craftsmen might not have experience applying for a building permit. He stated that a homeowner can apply for a building permit to build a covered front porch and they can build it themselves on their own property as the general contractor.

Mr. Andrew stated that he has experience as a property owner that has applied for a building permit while the licensed contractor did the work.

Mr. Wilson stated the Board should consider that the 10 ft. depth could be considered unique so that both of the handicapped residents could be coming out of the house at the same time. He stated 8 ft. would not be sufficient space.

Chair Olson asked if there were any further questions of the applicant.

Chair Olson asked Mr. Hammerton if the porch would pass inspection right now if he was to go out to the property today, to which Mr. Hammerton responded that it would not pass inspection because of the 32 inch deep footings and that those would need to be corrected.

Chair Olson asked if there were comments or questions from members of the public in attendance. There were no members of the public in attendance.

Chair Olson confirmed there were no comments or questions from members of the public (no members of the public were in attendance for this meeting item), closed the public hearing and brought this item back to the Board for discussion and action.

Board Member Sharp stated it always looks bad when someone is applying for a variance after the fact but he understands why that Mr. Chihuahua didn't know that a building permit was not required. He stated that if the applicant could get it to meet the requirements and match the house, he would be agreeable with approving the application as it would be more of a hardship to take it down.

Board Member Dorzweiler stated that there is nothing unique of the property that would require a variance and he wonders whether they should be looking at why a permit was not pulled instead of focusing on the uniqueness of the property.

Chair Olson stated that he can understand building the porch out to 10 ft. to match the existing sidewalk but does not agree that they would need 10 ft. for the handicapped accessibility. He stated that 8 ft. would work just fine as only one person can come out of a doorway at a time. He stated that it does not make the property unique but is back to a question if an extra 2 ft. makes a difference or not. He stated that there are a number of neighbors that do not disagree with the porch so he would be in favor of approving the requested variance provided that everything is up to code and meets the inspection process.

MOTION: Board Member Sharp made a motion to approve Variance Application #V21-1 with the condition that the porch is painted/finished to match the house and is brought up to building code requirements

SECOND: Board Member Miles

VOTE: Dorzweiler (Yes), Olson (Yes), Miles (Yes), Rodda (Yes), Sharp (Yes). Motion carried 5-0.

Mr. Andrew stated that staff will send a letter to the applicant describing what the action taken today was. He stated that the action taken today will allow staff to issue the submitted building permit and puts those conditions onto the permit.

Mr. Andrew asked if Mr. Wilson would like to be included on that follow up information, to which Mr. Wilson stated that he would like to be included.

Administrative Items

None

4. UNFINISHED OR OTHER BUSINESS

Mr. Andrew stated that staff has forwarded the 2020 Annual Report to the City Commission. He stated that there will be a March 18, 2021 meeting of the Board as there is an application filed for that meeting. He continued that staff is working on another application for the April meeting.

Mr. Andrew stated that staff has been informed that the Saline County health officer is issuing a new health order that will increase the possible size of gatherings from 15 to 50. If that is the case, it is possible there will be a transition to live, in-person meetings because it is very seldom that there would be over 50 people in attendance at a BZA meeting.

Chair Olson stated he thinks the Zoom meetings have been going well.

Mr. Andrew stated that the BZA has set the bar for the other Planning Board Zoom meetings and have been great on working with staff to be connected to the meetings. He stated that staff is not

positive that there will be a switch back to in-person meetings right away but wanted to let the Board know of the possibility.

5. PUBLIC FORUM

Mr. Herrs confirmed there were no members of the public in attendance to speak during the public forum.

6. ADJOURNMENT

A motion was made to adjourn the meeting by Board Member Dorzweiler and seconded by Board Member Sharp.

VOTE: Dorzweiler (Yes), Olson (Yes), Miles (Yes), Rodda (Yes), Sharp (Yes). Motion carried 5-0.

The meeting adjourned at 5:13 p.m.

John Olson, Chair

ATTEST:

Dean Andrew, Zoning Administrator

Record of this Meeting

This public meeting was recorded by Salina Media Connection and available to view online free of charge at <http://www.salinatv.org/index.php/city-of-salina>. To receive future meeting packets by email, subscribe to *Email Notifications* at: <http://www.salina-ks.gov/content/18160/23455/23473/default.aspx>. Meeting DVDs and paper copies of meeting packets are available upon request (retrieval and/or duplication fees may apply). Please contact the Community and Development Services Department at building.services@salina.org or by phone at 785.309.5715 to request these open public records.



Planning & Community Development

Publication Date	2-24-21	Application No.	# V21-2
Hearing Date	3-18-21	Date Filed	2-1-21
Vicinity Map	KG	Filing Fee	\$ 175.00
Ownership List	KG	Receipt No.	

APPLICATION FOR VARIANCE OR APPEAL

- Applicant's Name Ruth & Ed Robbins
- Applicant's Address 321 E. Jewell
- Telephone (daytime) 785-452-5134 E-mail edruthrobbins@gmail.com
- Owner's Name Ruth & Ed Robbins
- Owner's Address 321 E. Jewell, Salina, KS 67401
- Legal Description of affected property (attach additional sheet if necessary) Lot 32 + W35' Lot 34 KWU Add
- Approximate Street Address 321 E. Jewell
- Present Zoning Residential Use Cover porch
- Proposed Use Cover porch
- Are there any covenants of record which prohibit the proposed development? YES (attach copy) NO
- Nature of variance requested (for variance only) 10' x 30' open porch overhang
- Nature of appeal requested (for appeal only) _____
- Justification for requested variance or appeal: Distance between property line to property line is 70'
- List exhibits or plans submitted, including site plan _____
- Present information in support of each of the (5) five conditions listed in Item No. 15, Page 2 of this application.**
(See guide for completing Variance Applications for helpful definitions of terms)

I hereby certify that if this variance application is approved, I will complete construction in accordance with plans submitted and approved by the Board of Zoning Appeals and I agree to abide by all restrictions, conditions, and requirements lawfully binding upon me in this regard.

Applicant(s) Signature Edward Robbins
Ruth C Robbins

Owner(s) Signature _____

Date: 2-1-2021

Date: _____

If the applicant is to be represented by legal counsel or an authorized agent, please complete the following in order that correspondence and communications pertaining to this application may be forwarded to the authorized individual.

Name of representative: _____ E-mail address: _____

Mailing Address, including zip code _____ Telephone: _____

15. (Cont.)

A request for a variance may be granted only upon a finding by the Board of Zoning Appeals that all of the following 5 (five) conditions have been met. Present information on this form in support of each of the following criteria (Attach separate sheets if necessary):

- a. **The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone and is not created by actions(s) of the property owner or applicant because:**

The right of way is 70' which is greater than the 60' required. This makes the distance from the curb to property line 19'

- b. **Granting the variance will not adversely affect the rights of adjacent property owners or residents because:**

Neighbors should not be effected because it will be an open porch. The house to the east of us faces Quincy and the side yard on the south is Jewell. If allowed to do the 10' porch covering it would not be any closer than the site line of the neighbor to the east. There is also a drainage ditch between our home and our neighbor to the east.

- c. **Strict application of provisions of the zoning ordinance of which the variance is requested, will constitute unnecessary hardship upon the property owner because:**

We have an existing deck that is 10' and we would have to reconstruct it.

- d. **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare because:**

10' covering would not reduce site line for vehicles or pedestrians because it will be open. As stated above, our neighbor to the east facing Quincy has a side yard to the south that is by Jewell St. The site line is at least 10' or more from the front of our house.

- e. **Granting the variance will not be opposed to the general spirit and intent of the zoning ordinance because:**

Right of way footage is 70' from the property across the street to ours.

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V21-2

Hearing Date: April 29, 2021
Rescheduled From: April 15, 2021

Item

Application #V21-2, filed by Ed and Ruth Robbins, requesting a front yard setback variance of 2 ft. from 17 ft. (the minimum front yard setback required for a covered porch) to 15 ft. to allow a covered front porch to extend out 10 ft. into the front yard setback area on a residential lot. The property that is the subject of this variance application is legally described as Lot 32 and the West 35 ft. of Lot 34 on Jewell Avenue in the Addition to the Kansas Wesleyan University Grounds, City of Salina, Saline County, Kansas and addressed as 321 E. Jewell Avenue.

Background

The applicant's property is located on the north side of Jewell Avenue west of Quincy Street and Heusner School. The property abuts the Second Street Slough on the east. This lot is part of the plat of the Addition to the Grounds of Kansas Wesleyan University which was laid out and platted in 1886. The applicants' lot consists of Lot 32 and the West 35 ft. of Lot 34 and is 85 ft. wide x 120 ft. deep (10,200 sq. ft.). Existing construction consists of the house built in 1949 and a large detached garage connected to the house by a covered breezeway. The garage is 30 ft. x 30 ft. (900 sq. ft.) and is larger than what could be built under current ordinance limitations. (A summary of development on this lot and the existing lot coverage is attached to this report).

Nature of Applicant's Request

The Robbins submitted a building permit application to construct a covered front porch on January 13, 2021. In its review of the plans, City staff determined that the proposed porch would extend 10 ft. into the required 25 ft. front yard setback area along Jewell Avenue. Staff informed the Robbins that a building permit could not be issued for the porch cover as proposed because an open covered porch may only extend 8 ft. into a front yard setback area. The property owners were given the option of modifying their plans to reduce the width of the porch or applying for a setback variance. The Robbins elected to file an application for a front yard setback variance to allow the 10 ft. x 30 ft. covered porch to be constructed as proposed. The variance application was received on February 1, 2021 and scheduled for a **March 18, 2021** public hearing before the Board of Zoning Appeals. Consideration of this application was rescheduled to the **April 15, 2021** meeting agenda due to the lack of a quorum of the Board to meet and conduct business at the March 18, 2021 meeting. Consideration of this application was rescheduled again to an **April 29, 2021** special meeting due to the lack of a quorum at the April 15th meeting. A building permit for the proposed 10 ft. x 30 ft. covered porch

cannot be issued without approval of the requested setback variance by the Salina Board of Zoning Appeals.

Zoning Ordinance Requirements

Section 42-160(2)a.1. is the section of the Zoning Ordinance that establishes the minimum front yard building setback in the R-1 (Single-Family Residential) district. That section reads as follows:

Sec. 42-160. Bulk regulations.

(2) Yard requirements:

a. Front yard:

1. Property located adjacent to the following various types of streets shall maintain the following yard requirements regardless of whether it is a front, side, or rear yard, or any combination thereof:
 - i. Residential street: twenty-five (25) feet from the property line or fifty-five (55) feet from the center line, whichever is greater.

Jewell Avenue is a residential street so the required front yard setback is 25 ft.

Section 42-79 of the Zoning Ordinance establishes an exception to the front yard setback requirement for front porches.

Sec. 42-79(3)

The following shall not be considered to be obstructions when located in a required yard:

- (3) In front yards, **Open, unenclosed porches projecting eight (8) feet or less** and fences on corner or double frontage lots in accordance with the requirements of section 8-1407(1).

The conflict in this case is that the covered front porch proposed by the applicants projects ten (10) feet into the front yard setback area and staff does not have the authority to approve a covered porch that extends beyond eight (8) feet.

The building permit application and review process is the means by which staff is able to inform property owners about the building codes and limitations applicable to their property.

	<u>Zoning</u>	<u>Land Use</u>
Site	R-1	Single-family dwelling
North	R-1	Single-family dwellings
South	R-1	Single-family dwellings
East	R-1	Second Street slough / Single-family dwelling
West	R-1	Single-family dwellings

Information / Analysis

1. Uniqueness – A Condition Unique to the Property

The need for a variance must be caused by a condition, which is unique to the property in question and not shared by other properties in the area. Some examples would be:

- Undersized lots;
- Uniquely shaped lots – pie shaped lots, two (2) or more front yards;
- Unusual slopes or topography;
- Need to protect existing improvements or trees;
- Easements or unusually large street right-of-ways.

The applicant states that the right-of-way for Jewell Avenue is 70 ft. wide which is greater than the current right-of-way width standard for residential streets which is 60 ft. This makes the distance from the curb line to the property line 18.5 ft. instead of 13.5 ft. so the porch will be further back from the street than covered front porches on streets that are 60 ft. wide.

Staff would note that all of the streets in the surrounding Addition to the Grounds of Kansas Wesleyan Addition have 70 ft. right-of-way widths so Jewell Avenue is not really unique in that regard. What staff does see as unique about the applicant's property is that it is bordered by the Second Street Slough on the east instead of being adjacent to another dwelling.

2. No Adverse Effect on Neighbors

The variance must not cause any adverse effect on neighboring properties. Some examples of adverse effects would be:

- Restricting the flow of air or blocking sunlight;
- Causing increased drainage or runoff problems for neighbors;
- Detracting from the appearance of the neighborhood; i.e. creating an eyesore;
- Reducing the property values of neighbors;
- Increasing the risk of fire spread.

The applicant states that neighboring properties should not be affected by the additional porch width because it will be an open porch. The house to the east across the slough faces Quincy not Jewell and has a side yard facing Jewell. The applicant notes that if a 10 ft. covered porch is approved it would not be any closer to Jewell than the neighboring home to the east, so it will not change sight lines along Jewell. The applicant points out that there is a drainage ditch between their house and the house to the east.

Staff does not agree that the proposed porch will be an “open” porch. What the applicants have now is an open porch. What the applicants are proposing to construct is a covered porch which will move the front facade of the house closer to Jewell. While the house to the east does not have a 25 ft. setback from Jewell Avenue, all the homes to the west of the applicants’ lot are set back 25 ft. or more from Jewell Avenue.

3. Unnecessary Hardship

The applicant must show that not granting the variance will cause an unnecessary hardship by denying reasonable or beneficial use of the property.

- This requires more than a showing of personal inconvenience or increased cost.

Applicants state that they have an existing 10 ft. deck/porch and they would have to reconstruct it to comply with the setback requirement.

Staff would request that the applicants provide additional information about the construction of the existing front porch / deck and the 3 ft. overhang to explain why being limited to an 8 ft. covered porch would result in an unnecessary hardship.

4. Effect on Public Health, Safety and Welfare

The requested variance must not adversely affect the health, safety and welfare of the public. Some examples would be:

- Creation of unsafe traffic conditions, i.e. blocking sight;
- Encroachment on future right-of-way;
- Increasing the risk of fire spread or flooding.

The applicants state that a 10 ft. porch cover would not reduce sight lines for vehicles and pedestrians because it will be open on three sides. As previously noted, the house at 1316 Quincy on the corner is set back 15 ft. from Jewell Avenue so this porch would maintain the existing sight line.

Front yard building setback requirements ensure that dwellings, porches and outbuildings are not placed too close to the street and also ensure that there is

adequate visibility for vehicles backing out of residential driveways and into public streets. It does not appear that the covered front porch would reduce the visibility of drivers backing into Jewell Avenue, especially since there is a large open space directly east of the applicants' lot. The covered porch addition as proposed would not block sunlight or air or increase the risk of fire spread to neighboring properties. It is question of visibility and sight lines.

5. Conformity with General Spirit and Intent of the Ordinance

The variance must conform to the general spirit and intent of the Zoning Ordinance.

A variance should not be granted which would undermine or defeat the purpose for which a regulation was adopted. Front yard building setbacks ensure that dwelling units and other structures are not placed too close to the public right-of-way. This preserves the open space adjacent to the roadbed and sidewalks and maintains sight lines for visibility.

The applicant points out that the right-of-way width in front of their house is 70 ft. wide which results in a greater distance between the curb and their house and their house and their house and the house across the street.

Staff would note that an open, covered porch may extend up to 8 ft. into the required front yard setback area; however, the covered porch in this case extends 10 ft. into the front yard. The purpose of having a 25 ft. front yard setback line is to preserve adequate open space adjacent to public roadways. Open space adjacent to the roadway is important for maintaining adequate sight lines for both vehicular traffic and pedestrians using the roadway and adjacent public sidewalks. Having a uniform build to line also maintains the visual appeal and the appearance of the streetscape in residential neighborhoods. A variance to allow an additional building encroachment into a front yard should only be considered when the physical characteristics of the lot make that the only feasible option for expansion or new construction.

Staff Comments / Analysis

The intent of residential setback requirements is to promote public health, safety and general welfare. By establishing setback restrictions the risk of fire spread and drainage or runoff problems for neighbors is reduced and the obstruction or restriction of the flow of air or blocking sunlight is minimized. Building setbacks also promote visibility up and down the street. Conformity with the general spirit and intent of the ordinance helps ensure that the characteristics and use of a residential neighborhood remain consistent.

From staff's perspective the issue in this case is not whether the dwelling at 321 E. Jewell should be allowed to have a covered front porch. The issue is whether there is justification under the circumstances to allow a 10 ft. x 30 ft. front porch instead of an 8 ft. x 30 ft. porch. The Zoning Ordinance provides a front yard exception that allows a

covered front porch to extend 8 ft. in front of the building setback line as long as it is open and unenclosed. The porch that is being proposed extends 10 ft. in front of the building setback line and the primary justification is that there is already an uncovered porch that extends that far into the front yard.

On the one hand, the additional front yard encroachment on Jewell would be relatively minor (2 ft.) and not readily noticeable by neighbors and staff has not received any objections from neighboring property owners. If the existing porch had to be modified or removed it could cause a substantial financial hardship on the property owner to perform that work with very little gain or benefit to surrounding neighbors. It would likely be more costly to modify the width of the porch than remove it.

On the other hand, staff believes the applicant has failed to demonstrate any real uniqueness to their lot compared to other lots on Jewell other than they already have a 10 ft. uncovered porch. In staff's view it is difficult to find any uniqueness to the applicant's property. As stated in the staff report this variance request is the result of a condition that was self-created. In other words, the applicant is requesting a variance from the Zoning Ordinance not because of some natural or unusual condition imposed on the lot but rather because of existing improvements that have already been made to the property.

Board Alternatives

Staff has identified the following alternatives for the Board's consideration:

1. The Board could approve the requested 2 ft. front yard setback variance being requested by the Robbins, with or without any conditions, if the required findings-of-fact can be made.
2. The Board could postpone consideration of this application and direct the applicant to provide additional information to demonstrate that there are no practical alternatives to the dimensions of the covered front porch addition.
3. The Board could deny the applicant's request, if the required findings-of-fact cannot be made.

Staff Recommendation

Staff would request that the applicant provide additional information about the relationship between the existing deck and the proposed covered porch. If that information is provided to the satisfaction of the Board, then staff recommends that the Board balance the relative benefit gained from achieving compliance when no neighbor objects to the porch against the cost and financial hardship associated with modifying the existing deck/porch so it only extends 8 ft. into the front yard.

Application #V21-2

321 E. Jewell Avenue

Property History

- 1886 – The plat of the Addition to the Grounds of Kansas Wesleyan University was approved and recorded.
- 1949 – A building permit was issued for a 30 ft. wide by 22 ft. deep single-family dwelling.
- 1952 – A building permit was issued for a 20 ft. wide by 20 ft. deep detached garage north of the dwelling.
- 1977 – A building permit was issued for a 30 ft. wide by 15 ft. deep addition to the existing single-family dwelling – the permit included relocating the existing detached garage six (6) ft. further north.
- 1985 – A building permit was issued to replace the existing detached garage (20 ft. by 20 ft.) with a new 30 ft. wide by 30 ft. deep (900 sq. ft.) detached garage. This is larger than the current maximum size which is 24 ft. x 32 ft. (768 sq. ft.).
- 1996 – A building permit was issued for a new basement foundation for the existing dwelling.
- 1996 – An Administrative Variance was for a three (3) ft. setback variance from three (3) ft. to zero (0) ft. to allow a covered walkway to be constructed between a house and a detached garage. The covered walkway was 16 ft. wide by 14 ft. long.
- 1997 – A building permit was issued for a roof overhang addition (12 ft. wide by 3 ft. deep) on the front of the dwelling.
- Between 2014 and 2017 – The existing covered walkway was widened by 12 ft. (to the east) without any building permits being issued.

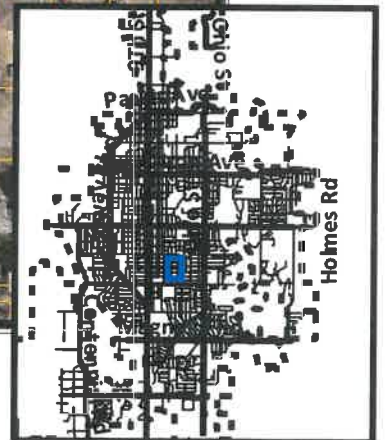
Bulk Analysis

The existing lot is 85 ft. wide by 120 ft. deep (10,200 sq. ft. / .23 acres)

Structure Type	Dimensions	Area	Lot Coverage
House:	30 ft. x 39 ft. =	1,170 sq. ft.	11.47%
Garage:	30 ft. x 30 ft. =	900 sq. ft.	8.82%
Breezeway:	28 ft. x 14 ft. =	392 sq. ft.	3.84%
Shed:	10 ft. x 20 ft. =	120 sq. ft.	1.18%
Existing Building Total:		2,582 sq. ft.	25.31%
<hr/>			
Existing Building Total:		2,582 sq. ft.	25.31%
Proposed Covered Porch:	30 ft. x 10 ft. =	300 sq. ft.	2.94%
Proposed Building Total:		2,882 sq. ft.	28.25%

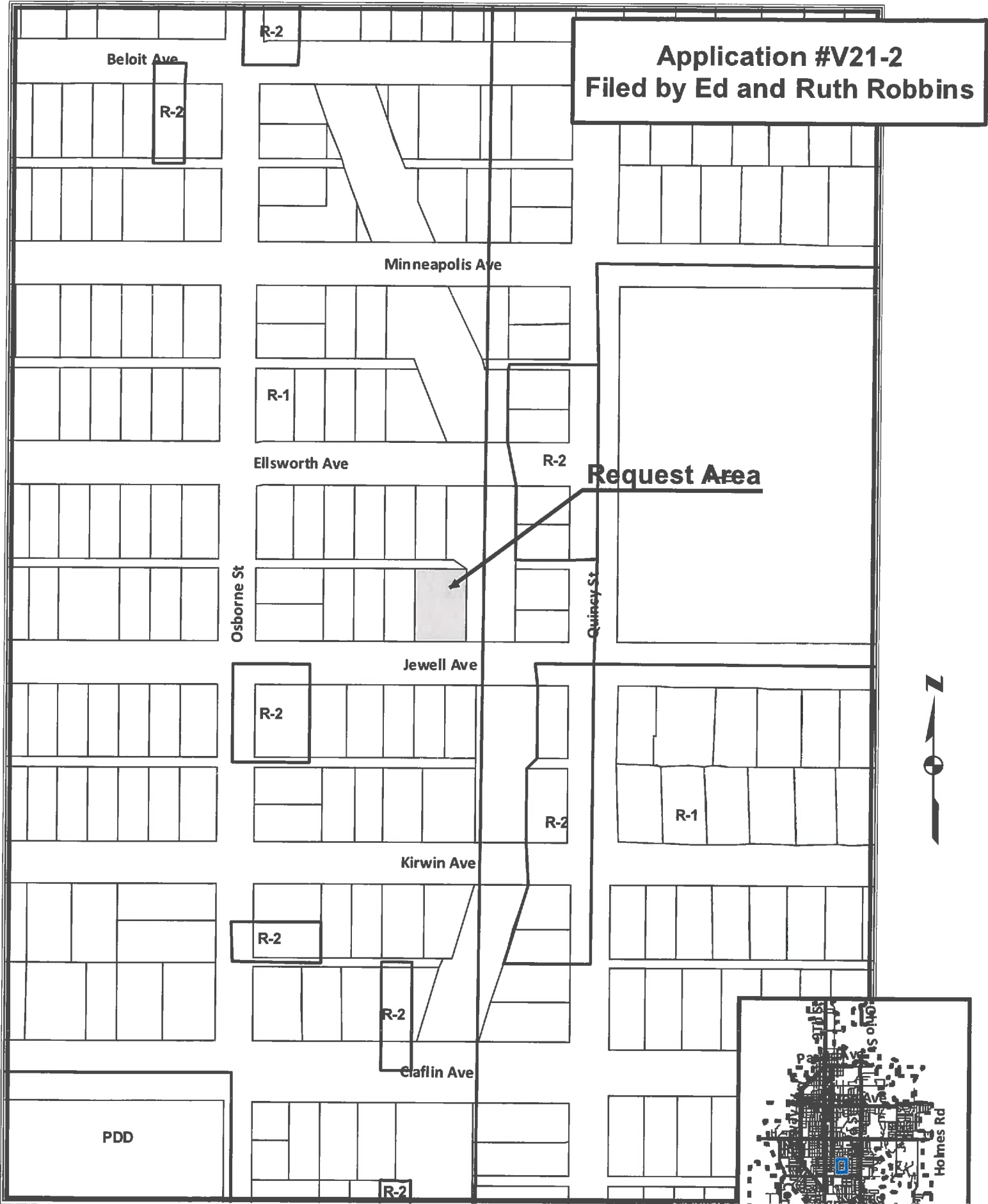
*Maximum lot coverage in the R-1 district is 35%

**Application #V21-2
Filed by Ed and Ruth Robbins**



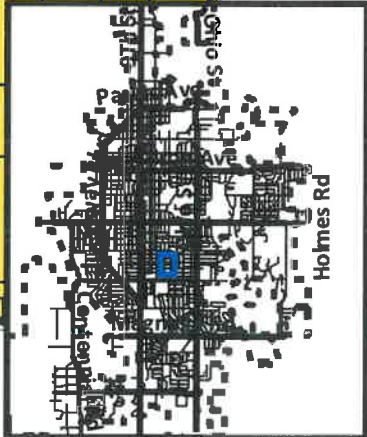
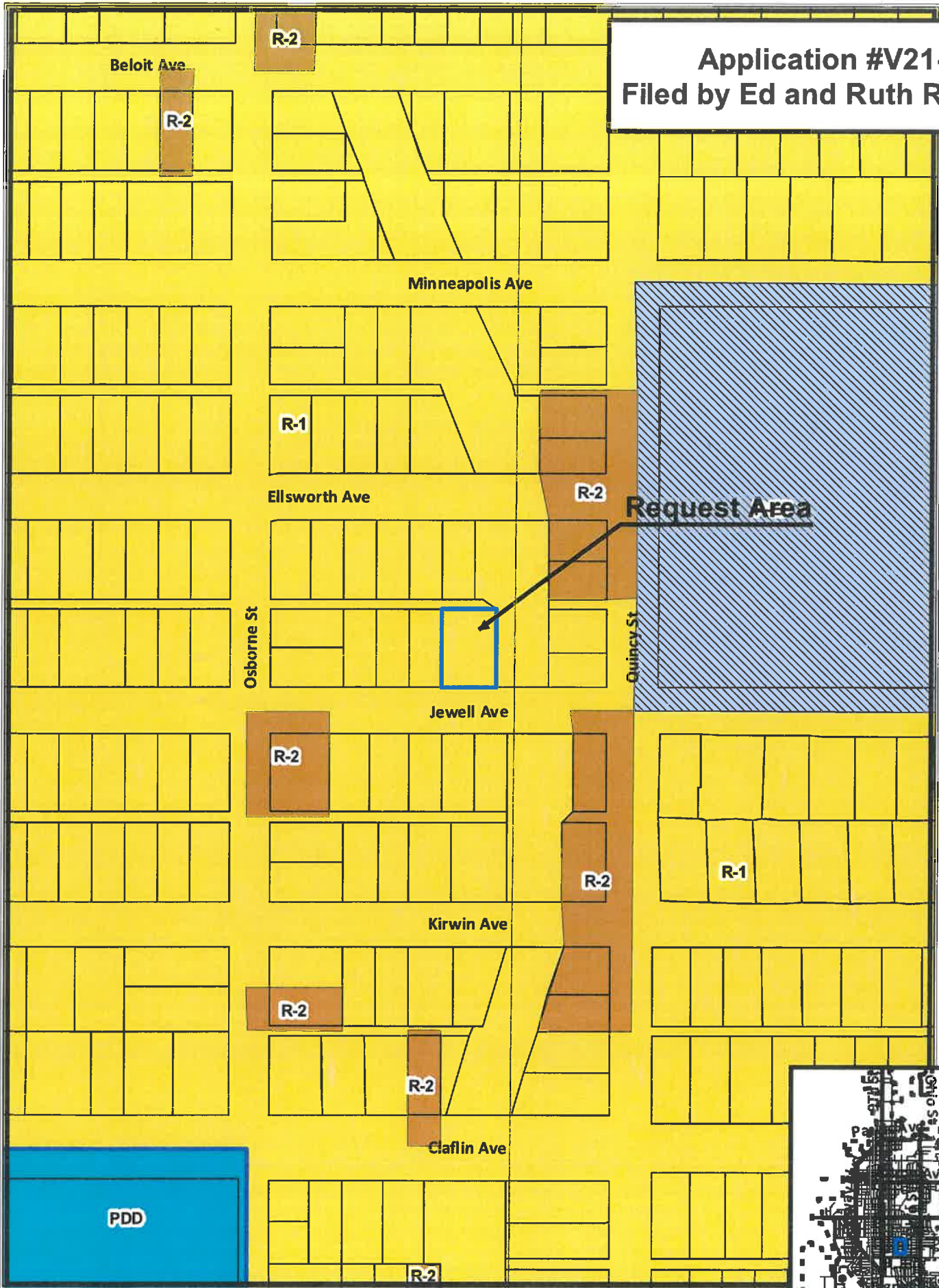
1 inch = 200 feet

**Application #V21-2
Filed by Ed and Ruth Robbins**



1 inch = 200 feet

**Application #V21-2
Filed by Ed and Ruth Robbins**



1 inch = 200 feet

2020
Application #V21-2 - 321 E. Jewell Avenue



Existing Front Porch to be Covered

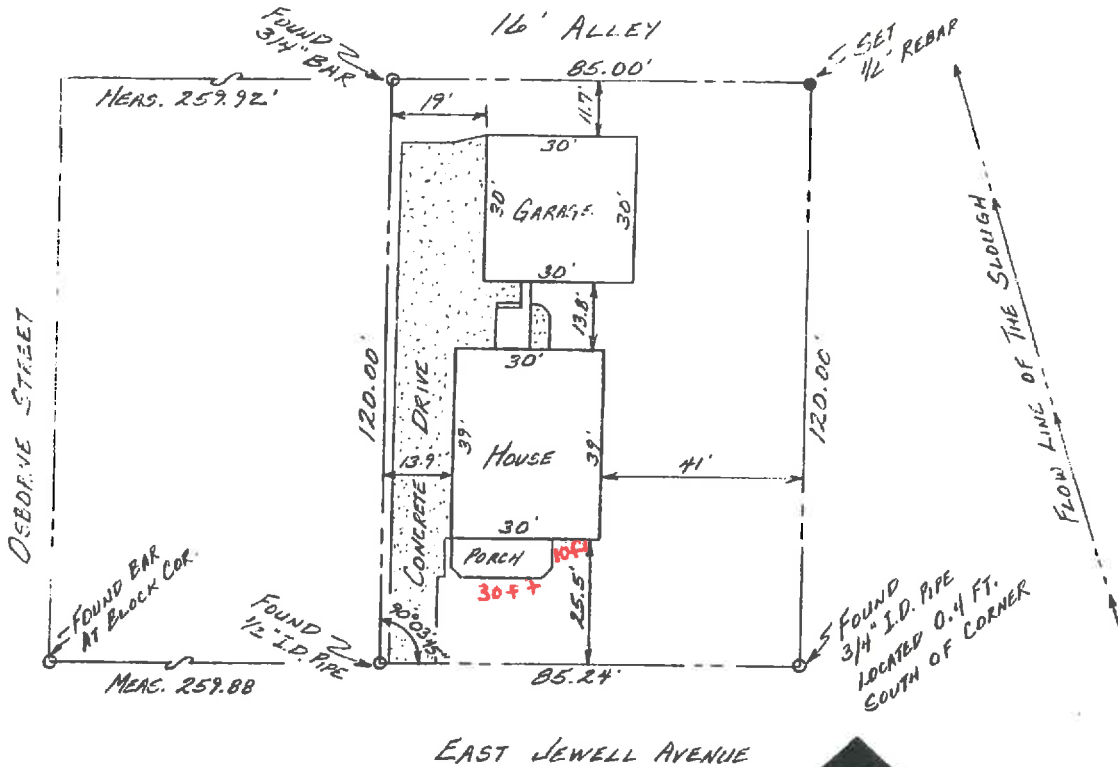
Jewell Ave



Attachment

Site Survey

CERTIFICATE OF SURVEY



LEGEND

- BARS SET ●
- BARS FOUND ○
- PROPERTY LINE - - - - -

NORTH

SCALE: 1" = 30'



STATE OF KANSAS)
SS
COUNTY OF SALINE)

DESCRIPTION:

LOT THIRTY-TWO (32) AND THE WEST THIRTY-FIVE (35) FEET OF LOT THIRTY-FOUR (34) ON JEWELL AVENUE IN THE ADDITION TO THE GROUNDS OF KANSAS WESLEYAN UNIVERSITY, AN ADDITION TO THE CITY OF SALINA, SALINE COUNTY, KANSAS.

I HEREBY CERTIFY THAT THE DESCRIBED LOT WAS SURVEYED BY ME AND UNDER MY DIRECTIONS AND IN MY PROFESSIONAL OPINION, IS CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

David L. Nowak
DAVID L. NOWAK, LS-959

DATE 4-29-96

521 EAST BELOIT AVENUE
SALINA, KANSAS 67401
913-827-1224



PLAT NUMBER 21-0036-DPP
 received 1-13-21

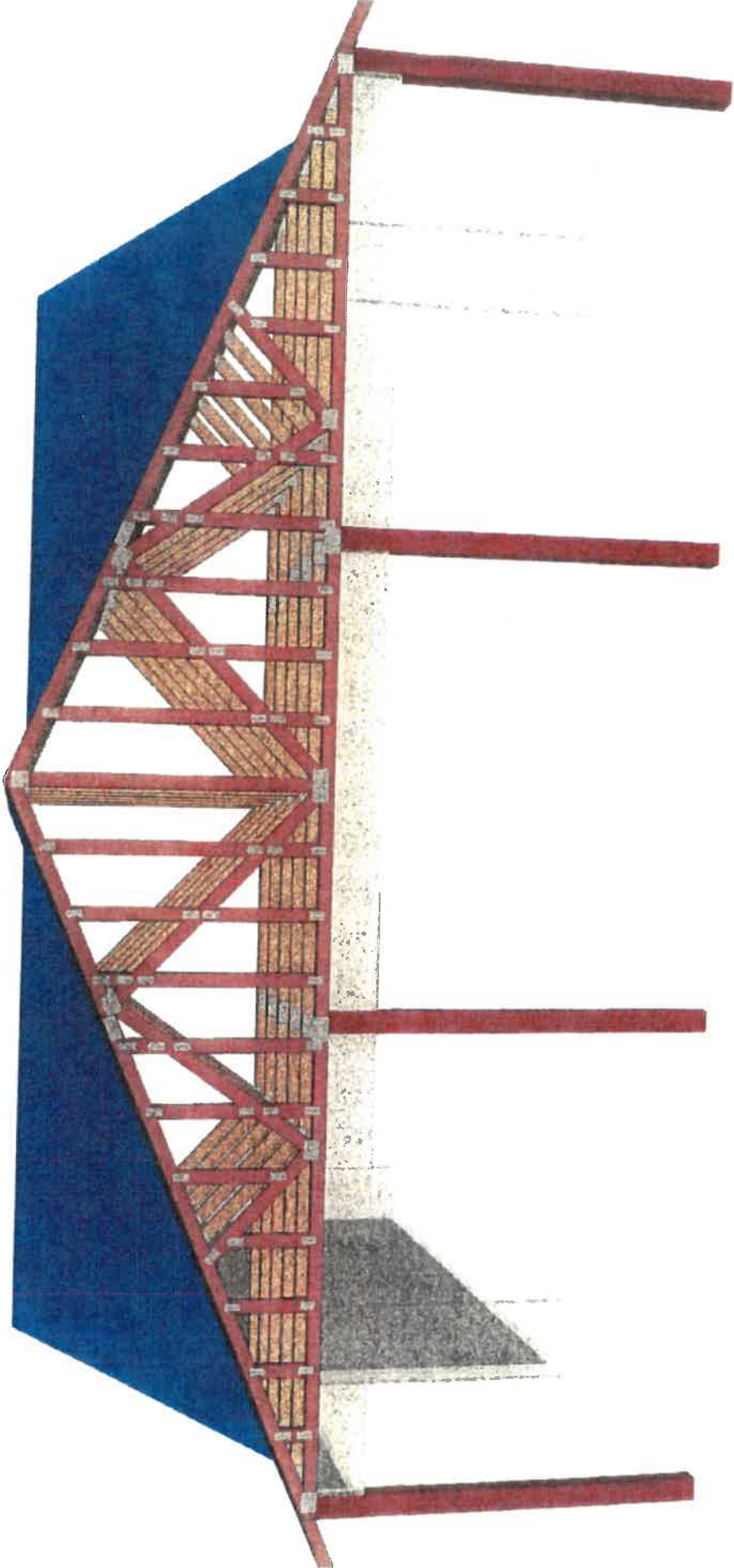
Job No. 961029

DATE: APRIL 27, 1986	LOCATION: 321 EAST JEWELL AVENUE SALINA, KANSAS
FOR: EDWARD R. AND RUTH C. ROBBINS	

Attachment

Porch Elevation Drawing

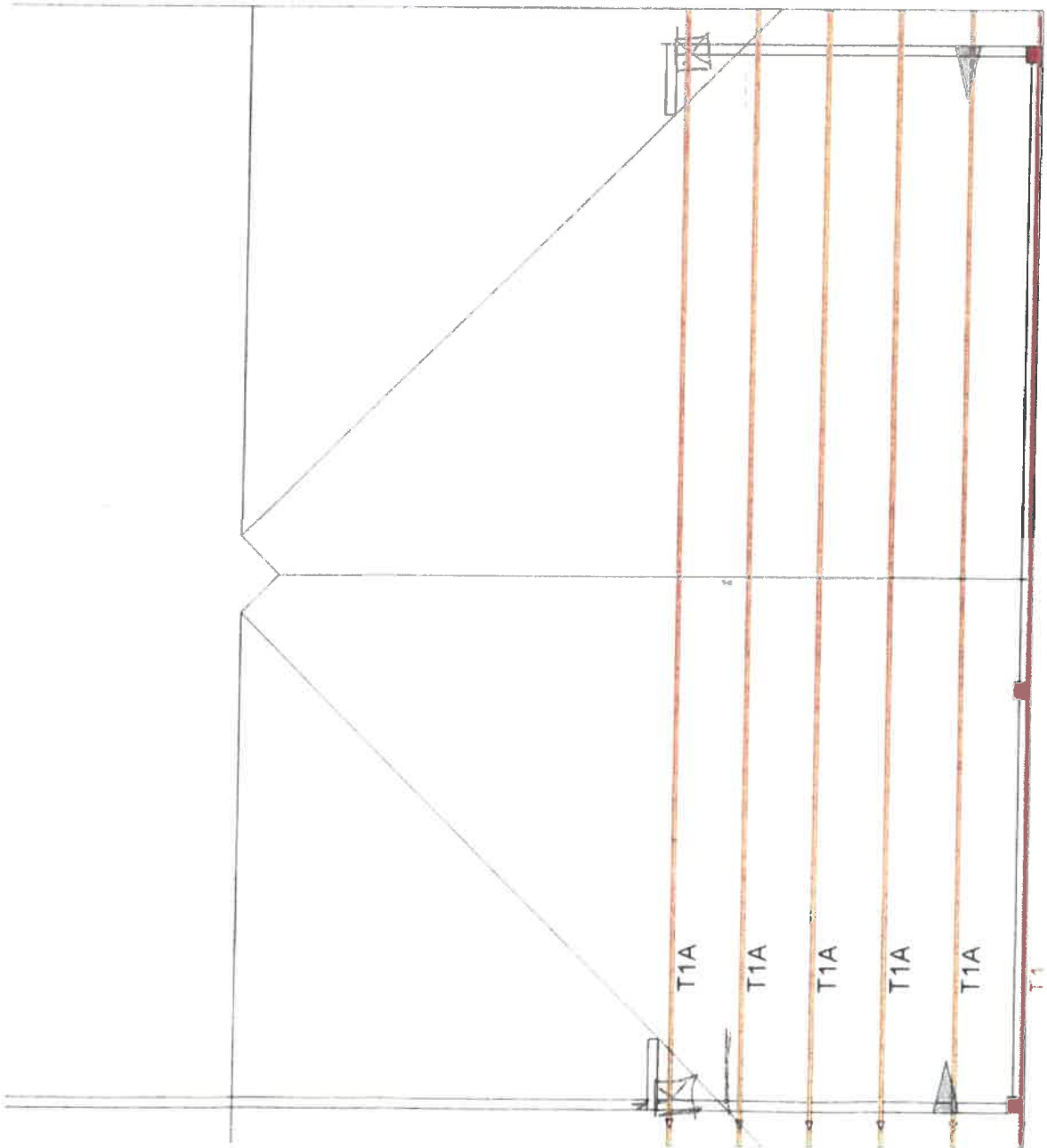
View of Front Porch Addition from the South (Jewell Avenue)



View of Front Porch Addition from the East




View of Front Porch Addition Truss Design (From Above)



JOB#: 21433T/01877
Star Lumber
Robbins Res.

Roof Pitch: 5/12
Heel Height: 4-1/16"
Overhangs: 12"
Spacing: 24" O/C

 Planning & Community Development	Publication Date	March 24, 2021	Application No.	V 21-3
	Hearing Date	April 15, 2021	Date Filed	March 8, 2021
	Vicinity Map	KG	Filing Fee	Waived by CM
	Ownership List	KG	Receipt No.	

APPLICATION FOR VARIANCE OR APPEAL

1. Applicant's Name Cord Gwennap
2. Applicant's Address 237 A Gold St. Salina Ks 67401
3. Telephone (daytime) 785-577-2301 E-mail cgwennap@clearybuilding.com
4. Owner's Name Lonnie Wilson
5. Owner's Address P.O. Box 1305 Salina, Ks 67402
6. Legal Description of affected property (attach additional sheet if necessary) EMI ADD, S1, T14, R3, Block 1, Lot 5 and ADJ ABANDONED RR RW
7. Approximate Street Address 904 N. 8th St. Salina, Ks 67401
8. Present Zoning commercial Use storage/shop
9. Proposed Use storage/shop
10. Are there any covenants of record which prohibit the proposed development? YES (attach copy) NO
11. Nature of variance requested (for variance only): Request 8th St. setback to be allowed 4' closer to 8th St. with an amended site plan.
12. Nature of appeal requested (for appeal only) _____
13. Justification for requested variance or appeal: During footing and setback inspection we were told by the inspector (Mark Smith) that the footings and set back were good and we could proceed with construction.
14. List exhibits or plans submitted, including site plan all components of permit #19-1652 provided by City of Salina
15. **Present information in support or each of the (5) five conditions listed in Item No. 15, Page 2 of this application.**
(See guide for completing Variance Applications for helpful definitions of terms)

I hereby certify that if this variance application is approved, I will complete construction in accordance with plans submitted and approved by the Board of Zoning Appeals and I agree to abide by all restrictions, conditions, and requirements lawfully binding upon me in this regard.

Applicant(s) Signature 

Owner(s) Signature 

Date: 3-8-2021

Date: 3/8/21

If the applicant is to be represented by legal counsel or an authorized agent, please complete the following in order that correspondence and communications pertaining to this application may be forwarded to the authorized individual.

Name of representative: _____

Complete Mailing Address, including zip code _____

Telephone (Business): _____ E-mail address: _____

15. (Cont.)

A request for a variance may be granted only upon a finding by the Board of Zoning Appeals that all of the following 5 (five) conditions have been met. Present information on this form in support of each of the following criteria (Attach separate sheets if necessary):

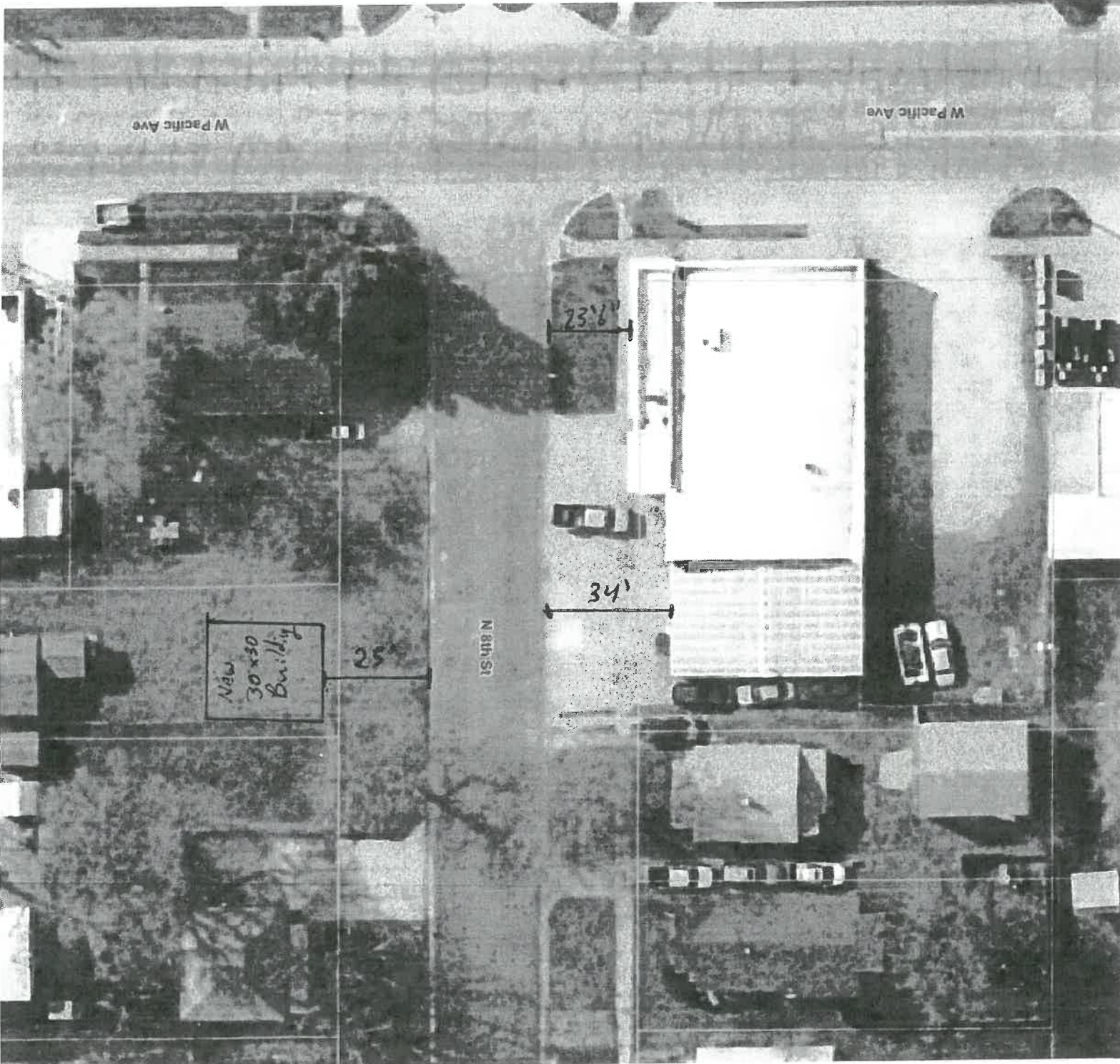
- a. **The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone and is not created by actions(s) of the property owner or applicant because:** This was not created by the actions of the property owner or the applicant because
the proper inspections (footing, setback) were called at the correct time before the erection of the
building took place. The inspection passed and we were told we could proceed with construction.
The inspector was Mark Smith with the City of Salina.

- b. **Granting the variance will not adversely affect the rights of adjacent property owners or residents because:** The building does not sit any closer to the street than the building directly north of this property at
900 N 8th St. That building actually sits approx. 1 foot closer to the street than this one does. Also
The building across the street at 901 N 8th st sits at approximately the same set back as the building
in question and this is also a commercial building.

- c. **Strict application of provisions of the zoning ordinance of which the variance is requested, will constitute unnecessary hardship upon the property owner because:** The undue and absurd cost of moving the building that has already been built at the current location.
This should not be necessary because the inspection services of the City of Salina had told us we
were "ok" to proceed with construction. The cost to move this building could easily result in over
\$10,000 of undue and unnecessary costs to the owner because of a City of Salina inspector mistake.

- d. **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare because:** It does not sit any closer to the street than other buildings on the same street. It does not inhibit
vision or create any safety concerns. There should be no adverse affects to any of the other mentioned
items above either.

- e. **Granting the variance will not be opposed to the general spirit and intent of the zoning ordinance because:** There is no reason granting this variance will degrade the general spirit and intent of this zoning
ordinance because this building is not unsightly nor does it look out of place. On the other hand
not granting this variance could sour the views of the City of Salina and their inspection department.



W Pacific Ave

W Pacific Ave

23.8'

34'

New
30x50
Building

25'

N 8th St

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V 21-3

Hearing Date: April 29, 2021
Rescheduled From: April 15, 2021

Item

Application #V21-3, filed by Cord Gwennap on behalf of Cleary Buildings, requesting a front yard setback variance of 21 ft. from 25 ft. [the minimum front yard building setback required in the C-5 (Service Commercial) district] to 4 ft., to allow a commercial storage building to be located within 4 ft. of the front property line along North 8th Street. The property that is the subject of this variance application is legally described as Lot 5 and a portion of Lot 3 in Block 1 of the Episcopal Military Institute Addition to the City of Salina, Saline County, Kansas and addressed as 904 North 8th Street.

Background

The Episcopal Military Institute (EMI) Addition, which includes the grounds of the former St. John's Military School, was platted as an addition to the city in 1887. It covers a large area between Pacific Avenue and the City's flood control levee. In the 1960's, the City Commission zoned a 120 ft. deep area on the north side of East Pacific, even some lots on side streets (such as North 8th Street) that were occupied by residential dwellings. In 1977, when the city was comprehensively remapped and rezoned, a 120 ft. wide band on the north side of Pacific transitioned from General Business to C-5 (Service Commercial).

The C-5 district is designed for those business and commercial uses which draw their customers from motorists on the highway, or for whom a location on a highway or arterial street is especially useful or necessary. Although some of the typical retail uses are permitted in other commercial districts, most of these permitted in this district would not blend well into prime retail area. The north side of East Pacific is zoned C-5 because it has these characteristics.

Lonnie Wilson purchased two lots at the northeast corner of North 8th Street and Pacific Avenue, one in 2011 and one in 2019. They were acquired under the name of the Lonnie D. Wilson Revocable Trust. Although both lots were occupied by houses, the property was part of the C-5 zoned area along East Pacific. Recognizing this, Mr. Wilson came forward with a plan to remove the dwelling at 904 N. 8th Street and replace it with a non-climatized storage building. Commercial storage buildings are not allowed on residentially zoned lots but are allowed in the C-5 zoning district.

A demolition permit to demolish the dwelling at 904 N. 8th Street was issued on March 6, 2019. Mr. Wilson expressed a desire to leave the existing garage on the lot in place which was allowed because this was a commercially zoned lot.

A building permit to construct a new 30 ft. x 30 ft. metal storage building was issued on August 31, 2020 with Brian Davidson listed as the general contractor. The mislocation of this building by the contractors was missed at the footing and foundation inspection stage but noticed once vertical construction began. Planning staff was called out to inspect the site and determined that the building was located a little over 20 ft. closer to the street than was shown on the approved site plan. A Violation Notice was sent to Mr. Wilson on December 9, 2020 which is attached to this report. City staff is unable to issue a Certificate of Occupancy for the building because it was built in violation of the Zoning Ordinance and the approved plans.

The building owner and contractors have been at an impasse since that time. As a result, this front yard setback variance request has been filed. A variance application was filed by Mr. Cord Gwennap on March 8, 2021 and scheduled for an **April 15, 2021** public hearing before the Board of Zoning Appeals. Consideration of this application was rescheduled for a special **April 29, 2021** meeting due to the lack of a quorum at the April 15, 2021 Board of Zoning Appeals meeting.

Nature of Applicant's Request

The applicant in this case is a subcontractor for Cleary Buildings who was involved in erecting the building – Cord Gwennap. The nature of the variance is a post-construction after the fact front yard setback variance. The applicant is requesting that the Board of Zoning Appeals allow this nonclimatized metal storage building to remain in its current location 4 ft. from the front property line. As justification for the requested setback variance, the applicant states that during the footing and setback inspection they were told by the City inspector that the footings and setback were good and they could proceed with vertical construction. They state that they relied to their detriment on the inspectors comments. Although the property owner has signed this application, they are not the applicant.

On the application, the applicant/subcontractor requests the approval of an amended site plan and that the building be allowed to be 4 ft. closer than what was shown on the approved site plan. This is an indication to staff that the applicant still does not know that the curb line of 8th Street is not the front property line. Even though the applicant is requesting a "4 ft. variance" on their application, staff has determined that the building was mislocated by over 20 ft. Rather than relying on the applicant's representations, staff correctly advertised this as a 21 ft. front yard setback variance from the 25 ft. shown on the building permit to the 4 ft. building setback in the field.

Staff believes the origin of the building mislocation was that the contractors measured the front setback from the curb line instead of the right-of-way line/property line. This is indicated on the drawing the applicant attached to his variance application.

Zoning Ordinance Requirements

Front Yard Setback –

Section 42-320(2) sets out the front yard requirements in the C-5 zoning district as follows:

(2) Yard requirements:

a. Minimum front yard:

1. Property located adjacent to the following various types of streets shall maintain the following yard requirements regardless of whether it is a front, side or rear yard or any combination thereof:
 - i. Residential street: twenty-five (25) feet from the property line or fifty-five (55) feet from the center line, whichever is greater.
 - ii. Collector street: twenty-five (25) feet from the property line or fifty-five (55) feet from the center line, whichever is greater.
 - iii. Arterial street: twenty-five (25) feet from the property line or seventy-five (75) feet from the center line, whichever is greater.

Surrounding Zoning / Land Use

	<u>Zoning</u>	<u>Land Use</u>
Site	C-5	Metal storage building
North	R-2	Single-family dwellings
East	C-5	Contractor's storage yard
West	C-5,R-2	Del's Alternator and single-family dwellings
South	C-5	Single-family dwelling

Information / Analysis

1. Uniqueness – A Condition Unique to the Property

The need for a variance must be caused by a condition, which is unique to the property in question and not shared by other properties in the area. Some examples would be:

- undersized lots;
- uniquely shaped lots – pie shaped lots, 2 or more front yards;
- unusual slopes or topography;
- need to protect existing improvements or trees;

- easements or unusually large street rights-of-way.

The applicant states this was not created by the actions of the property owner or the applicant because the proper inspections (footing, setback) were called at the correct time before the erection of the building took place. The inspection passed and we were told we could proceed with construction.

Staff disagrees. The need for a front yard setback variance in this case was created by the actions of the contractor who measured the front building setback from the curb line instead of the front lot line. General contractors who erect commercial and residential buildings are responsible for locating the property lines of the lot they are building on. That is one of the primary reasons the City of Salina requires surveys as part of commercial and residential building permit submittals. Section 8-171 of the Salina Building Code sets out the responsibilities of licensed general contractors as follows:

General contractor work. Includes the (a) oversight and completion of the entire scope of work included in a building permit, including without limitation, purchasing materials, hiring and paying subcontractors, and coordinating all the work; and (b) the satisfactory completion of all permit requirements necessary to obtain a certificate of occupancy or a certificate of completion for which the contractor is responsible.

The general contractor in this case was Brian Davidson because Cleary Buildings is not a licensed contractor. The need for a setback variance in this case was created by human error. The only condition that is remotely unique in this case is the 80 ft. right-of-way width on North 8th Street. However, there is no physical condition on this lot that would prevent this 30 ft. x 30 ft. storage building from being relocated so as to be set back 25 ft. from the front property line instead of 4 ft. The primary obstacle is the cost of doing so.

2. No Adverse Effect on Neighbors

The variance must not cause any adverse effect on neighboring properties. Some examples of adverse effects would be:

- Restricting the flow of air or blocking light;
- Causing increased drainage or runoff problems for neighbors;
- Detracting from the appearance of the neighborhood (i.e. creating an eyesore)
- Reducing the property values of neighbors;
- Increasing the risk of fire spread.

The applicant states that the building does not sit any closer to the street than the building directly north (south) of this property at 900 N 8th St. That building actually sits approximately 1 foot closer to the street than this one does. Also the building

across the street at 901 N 8th Street sits at approximately the same set back as the building in question and this is also a commercial building.

Staff would agree that the placement of this new metal storage building is no closer to the 8th Street property line than the dwelling on the corner addressed as 900 North 8th Street. The house itself is set back 10 ft. from North 8th Street but it has a front covered porch that was added. The setbacks on the remainder of the block are as follows:

908 N. 8 th	14.5 ft. (enclosed front porch – 7.5 ft.)
910 N. 8 th	12 ft.
914 N. 8 th	20 ft.
930 N. 8 th	20 ft. (covered front porch – 11 ft.)

The metal storage building that is the subject of this application is not particularly attractive. Because of its metal exterior and appearance it would not be permitted on a residential lot as a residential garage. It is not compatible with the existing houses on this block. If it were a residential garage on a residential lot it could not be located this close to the street.

The fact that this is a metal commercial building increases its visual impact on this block. From staff's perspective it is noticeably close to the street. Staff would note that neither the property owner nor contractor have proposed any steps to enhance the appearance of the building to reduce its visual impact on the neighborhood. As a commercial project, the property owner was responsible to provide landscaping in the front yard setback area between the building and street but now because there is no front yard there is no space in which to plant the required trees. Because of the reduce setback and lack of landscaping, this building has a more adverse impact on neighboring properties than it would if it had been located correctly.

3. Unnecessary Hardship

The applicant must show that not granting the variance will cause an unnecessary hardship by denying reasonable or beneficial use of the property.

This requires more than a showing of personal inconvenience or increased cost.

The applicant states that the undue and absurd cost of moving the building that has already been built at the current location should not be necessary because the inspection services of the City of Salina had told us we were "ok" to proceed with construction. The cost to move this building could easily results in over \$10,000 of undue and unnecessary costs to the owner because of a City of Salina inspector's mistake.

Staff would disagree. If the building does have to be relocated it will be because the contractor did not follow the approved site plan and was mistaken as to the location of the front property line. Under Kansas law, a property owner and their contractor are just as responsible to be knowledgeable of local zoning laws as local zoning and building officials. The contractor had an obligation to build the building in accordance with the approved site plan regardless of the actions of any City inspector. Even if the contractor didn't know where the front property line was, on the site plan the new building was to be located 15 ft. west of the existing detached garage on the property and the contractor located it over 35 ft. west of the existing garage. This should have been an indicator that the location was off by 20 ft. Any hardship in this matter was self-created. It was unnecessary to build the building only 4 ft. from the front property when there was no physical reason it could not have been built 25 ft. from the front property line.

4. Effect on Public Health, Safety and Welfare

The requested variance must not adversely affect the health, safety and welfare of the public. Some examples would be:

- Creation of unsafe traffic conditions; (i.e. blocking sight);
- Encroachment on future right-of-way;
- Increasing the risk of fire spread or flooding.

The applicant states that this building does not sit any closer to the street than other buildings on the same street. It does not inhibit vision or create any safety concerns. There should be no adverse effects to any of the other mentioned items above either.

Staff would disagree with both statements. Not including front porches, the prevailing setback of the dwellings located on this block of North 8th Street is 20 ft. There are two homes north of this lot on the east side of North 8th Street that have 12 ft. and 14 ft. front setbacks. They are pre-existing nonconforming homes from the 1920s and 1930s. The building that is the subject of this variance application is new construction subject to current zoning setback requirements and is set back only 4 ft. from the front property line. One reason for the 25 ft. front setback requirement and the reason that garages are required to be set back 20-25 ft. from the front property line is to allow a vehicle to pull in and park in front of the overhead garage door without overhanging into the street right-of-way. In this case, there is no room for a vehicle to pull in and park in front of the overhead door without hanging into 8th Street, creating a potentially unsafe traffic condition.

If the Board does allow the building to remain as is, staff believes the driveway approach needs to be removed.

5. Conformity with General Spirit and Intent of the Zoning Ordinance

The variance must conform to the general spirit and intent of the Zoning Ordinance.

A variance should not be granted which would undermine or defeat the purpose for which a regulation was adopted. The purpose of having a 25 ft. front yard setback line is to preserve adequate open space adjacent to public roadways. Open space adjacent to the roadway is important for maintaining adequate sight lines for both vehicular traffic and pedestrians using the roadway and adjacent public sidewalks. Having a uniform build to line also maintains the visual appeal and the appearance of the streetscape in neighborhoods. A variance to allow a building encroachment into a front yard setback area should only be considered when the physical characteristics of the lot make that the only feasible option for expansion or new construction. In this case staff would note that there were no physical characteristics present on this lot that prevented the 25 ft. setback requirement from being met.

The applicant states that there is no reason granting this variance will degrade the general spirit and intent of this zoning ordinance because this building is not unsightly nor does it look out of place. On the other hand not granting this variance could sour the views of the City of Salina and their inspection department.

While the applicant may have a sour view of the City of Salina and the Building Inspection Division, staff would note that it is not staff's primary role to promote and protect the interests of individual building contractors. Staff's primary role is to promote the health, safety and welfare of the public, and that includes neighboring property owners and residents. Replacing a dwelling that was set back 20 ft. from the front property line with an unattractive metal building set back only 4 ft. from the front property line is not an improvement to a block that is still predominantly residential, especially when there is no compelling reason that the building could not have been set back 25 ft. as called for on the approved plans.

Section 42-596(b) states:

(b) Zoning certificates and certificates of occupancy granted only in conformance with regulations.

(2) Zoning certificates. Unless a zoning certificate shall first have been obtained from the office of the zoning administrator:

- 1. The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;**
2. Permits pertaining to the use of land or structures shall not be issued by any other official, officer, employee, department, board or bureau of the city;

3. Any zoning certificate issued in conflict with these regulations shall be null and void.

If the survey/site plan that was submitted with this building permit application had not complied with the setback requirements of the C-5 zoning district, including a 25 ft. building setback from the front (8th Street) property line, a building permit would not have been issued for this project. This request for relief from the 25 ft. setback is based on the contractor's failure to follow the approved site plan and his mistaken belief that the curb line of 8th Street was the property line.

Staff believes that approving a post-construction, after-the-face setback variance for a building that was mislocated by more than 20 ft. would undermine the very purpose of requiring surveys and to scale site plans for building permits. It would send a message to the building community that there is no reason to locate property corners or follow site plans that have been reviewed and approved by City staff when constructing buildings..

Board Alternatives

1. The Board could approve a post-construction building setback variance to allow the storage building to remain as is due to financial hardship on the applicant if the building had to be relocated.
2. The Board could approve a post-construction building setback variance to allow the storage building to remain as constructed subject to certain physical modifications being made to the appearance of the storage building to make it more compatible with the surrounding residential neighborhood.
3. The Board could postpone consideration of this variance request to a future meeting date if it believes additional information is needed to reach a decision.
4. The Board could deny the applicant's request for a post construction, as built setback variance and direct staff to pursue other options.

Staff Recommendation

Staff is unable to recommend approval of this variance request because staff does not believe it is an unreasonable expectation to expect commercial building contractors to locate property corners or follow approved site plans. There is no physical condition that prevented or prevents this building from being set back 25 ft. from the front property line.

Attachment

Violation Notice
To Property Owner

DEVELOPMENT SERVICES
PLANNING AND COMMUNITY DEVELOPMENT
Dustin Herrs Planner II
300 West Ash · P.O. Box 736
Salina, Kansas 67402-0736



TELEPHONE · (785) 309-5720
FAX · (785) 309-5713
TDD · (785) 309-5747
E-MAIL · dustin.herrs@salina.org
WEBSITE · www.salina-ks.gov

December 9, 2020

Lonnie Wilson
PO Box 1305
Salina, KS 67402

RE: New Storage Building Front Yard Building Setback Violation

Dear Mr. Wilson

This letter is to inform you that City staff has inspected the nonclimatized storage building constructed by Davidson Construction at 904 N. 8th Street. After an on site inspection, it was determined that the building was constructed in a location 20 ft. further west than where the building was shown on the Approved Site Plan. On the Approved Site Plan, the east wall of the proposed building was shown to be 15 ft. west of the west wall of the existing building that was retained. However, when the new building was constructed the east wall of the new building was located 35 ft. west of the west wall of the existing building that was retained.

North 8th Street is classified as a residential street, meaning that all buildings constructed along North 8th Street are required to be setback at least 25 ft. from the 8th Street right-of-way. As constructed, the nonclimatized storage building appears to encroach 20 ft. into the required front yard setback area along North 8th Street, resulting in a five (5) ft. front yard setback instead of the required 25 ft. front yard setback. This is a violation of section 42-320(2)a.1.A. of the Zoning Ordinance which states:

Sec. 42-320. - Bulk regulations.

Bulk regulations in the C-5 district are as follows:

(1) Maximum structure height: fifty (50) feet.

(2) Yard requirements:

a. Minimum front yard:

1. Property located adjacent to the following various types of streets shall maintain the following yard requirements regardless of whether it is a front, side or rear yard or any combination thereof:

A. **Residential street: twenty-five (25) feet from the property line or fifty-five (55) feet from the center line, whichever is greater.**

In order to bring the new nonclimatized storage building structure into compliance, you have three (3) options:

1. You may relocate the building to a location outside the front yard setback area (at least twenty-five (25) feet east of the west property line along North 8th Street). By relocating the building to a location located outside the front yard setback area and meeting all other setback requirements, you would eliminate the current setback violation on the property.
2. You may apply for a front yard setback variance from the Board of Zoning Appeals (BZA) to allow the location of the building structure to remain within the required front yard setback area along North 8th Street. If the BZA were to approve a setback variance to allow the building to remain in its current location, the structure would become a legally conforming building at its current location, with only a five (5) ft. front yard setback. This option would require you to complete a variance application explaining the uniqueness of the site and the hardship that would result if you were unable to leave the structure in its present location. Your application would also need to include the following items:
 - a. The name, address, telephone number and signature of the property owner and /or applicant.
 - b. The name and address of the architect, professional engineer or contractor, if any.
 - c. A site plan of the property showing the following:
 1. Property lines of the subject property.
 2. Size and location of existing structures and the distance between all existing and proposed structures on the property.
 3. Setbacks for all existing and proposed structures on the property.
 4. Any other dimension and/or information that may be relevant to the request.
 - d. A survey or verification that property and structure dimensions on the site plan are correct.
 - e. The names and addresses of the record owners of all property adjoining the property in question.
 - f. A narrative statement of how the statutory requirements in K.S.A. 12-715 are met.
3. You may dismantle and remove the newly constructed building structure from the property. By removing the nonconforming building you would eliminate the zoning violation.

If you take no action to address this zoning violation, City staff would be obligated to take stepped up enforcement action, including possible referral of this matter to Municipal Court.

904 N. 8th Street Nonclimatized Storage Building
Page 3

If you have any questions about the City's Zoning Ordinance or variance application process or would like to further discuss your options, please feel free to contact me or Dean Andrew, Zoning Administrator, at 309-5720.

Sincerely,



Dustin Herrs
Planner II

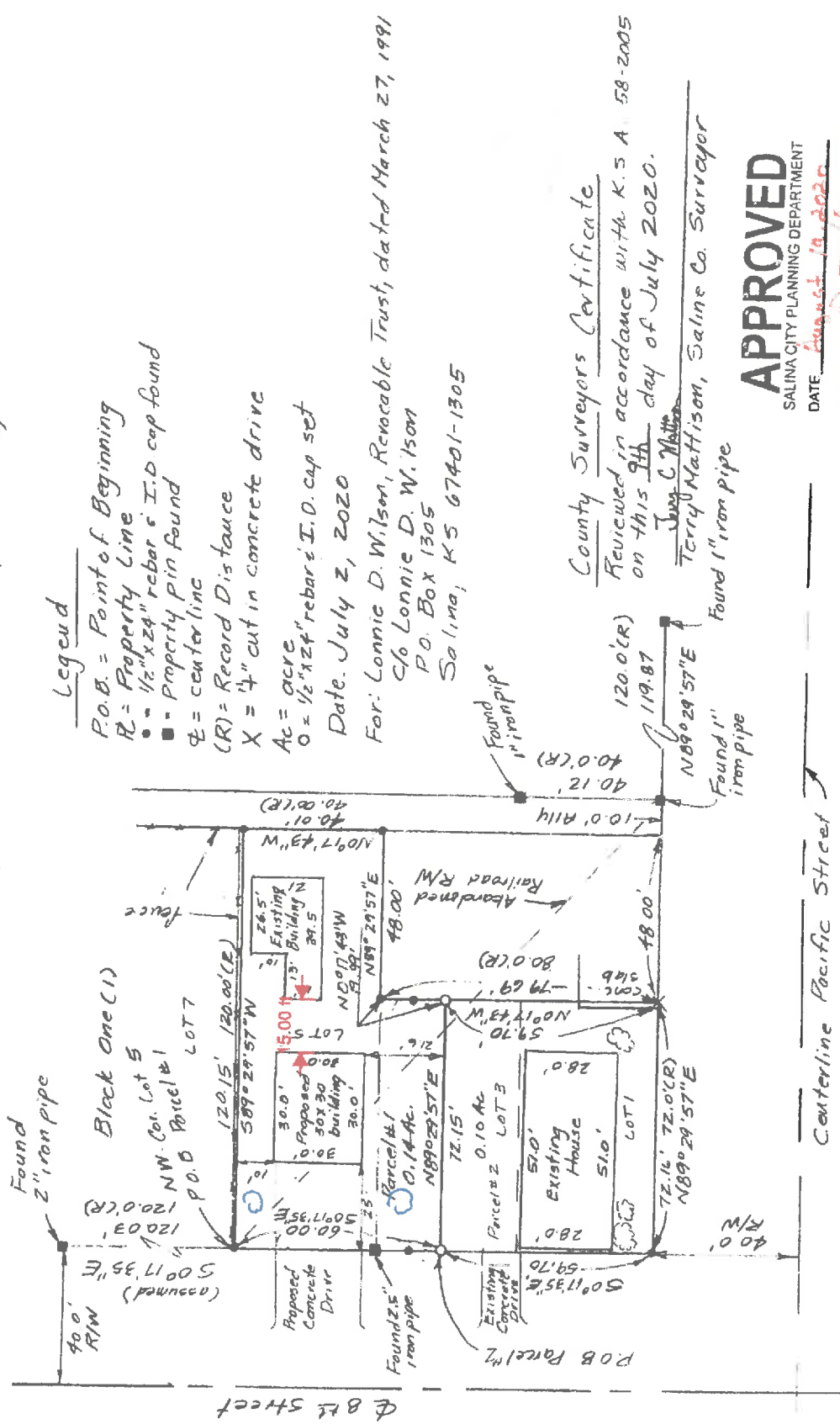
CC: Davidson Construction
Cleary Building
Jerry Hellmer
Mark Smith
Dean Andrew
Address File

Field Boundary Surveys, William B. Heuter, P.S. 1202, Ph. 620-245-8023, 863 S 91st Street, Salina, KS 67401

Parcels are located in part of The S.W. 1/4 of Section 1, T45-R3W of The 6th P.M., Block One, Episcopal Military Institute Addition, City of Salina, Kansas



Scale 1" = 30'



Legend

- P.O.B. = Point of Beginning
- R = Property Line
- = 1/2" x 24" rebar & I.D. cap found
- = Property Pin found
- ⊕ = centerline
- (R) = Record Distance
- X = 4" cut in concrete drive
- Ac = acre
- O = 1/2" x 24" rebar & I.D. cap set

Date: July 2, 2020
 For: Lonnie D. Wilson, Revocable Trust, dated March 27, 1991
 c/o Lonnie D. W. Wilson
 P.O. Box 1305
 Salina, KS 67401-1305

County Surveyors Certificate
 Reviewed in accordance with K.S.A. 58-2005
 on this 9th day of July 2020.

July C. Mattison
 Terry Mattison, Saline Co. Surveyor

APPROVED
 SALINA CITY PLANNING DEPARTMENT
 DATE August 19, 2020
 SIGNATURE [Signature]

Note: All distances are calculated/measured distances. Field work performed July 2020.

Attachment

Demolition Permit



City of Salina, Kansas
 Building Services Division
 300 W Ash St, Rm 205, Salina KS 67401
 (785) 309-5715
www.salina-ks.gov

Permit #: 19-0190-DEMO
 Permit Type: Demolition
 Approved By: Jerry Hammerton
 Date Applied: 1/31/2019
 Date Issued: 3/6/2019

Demolition Permit

Address	Parcel Number	Legal Description
904 N 8th St	0850810103031006000	EMI ADD, S1, T14, R3, BLOCK 1, Lot 5 & ADJ ABANDONED RR RW

Description of Work

Demolish House

Details

Construction Value:	N/A	Construction Type
Total Finished Area (sq. ft.):		Occupancy:
Total Un-Finished Area (sq. ft.):		Building Use Group:
Total Building Area (sq. ft.):		Sprinkler:

Applicant:	Address:	Telephone:
Diehl Enterprises, Inc.	521 Bishop Street, Salina, KS 674022632	(785) 823-0027
Current Owner:	Address:	Telephone:
Wilson Lonnie D Rev TR	PO Box 1305, Salina, KS 67402	
General Contractor Name:	Address:	Telephone:
Diehl Enterprises, Inc.	521 Bishop Street,	(785) 823-0027
Contractor Type:	Contractor Name:	Telephone:
General	Diehl Enterprises, Inc.	(785) 823-0027

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing, mechanical, sidewalk and fire ordinances of the City of Salina and the State of Kansas. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODES. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODES. By paying the permit fee and receiving this permit, Licensed Contractor/Owner further certifies that Licensed Contractor/Owner has read and understands the requirements of this permit and that all statements made by Licensed Contractor/Owner in securing this permit are true and complete to the best of the Licensed Contractor/Owner knowledge.

Void unless work is started within 180 days from date of issuance

Inspections must be scheduled by contractors a minimum of 24 hours in advance. Wiring, plumbing, gas piping, framing, sheathing, ice guard (residential code only), sprinkler piping, insulation and HVAC systems must not be covered until approved by the inspector.





Attachment

Building Permit



Application for COMMERCIAL Building Permit, Building Services Division
 PRINT CLEARLY OR TYPE - Complete Items #1 - #21

1. 904 N 8th St 2. East Ridge Realty
 Address (where work is to be done) Name of Business (where work is to be done)

3. BIKI LOTS EMI Addition
 Legal Description (Lot-Block-Subdivision) OR Parcel ID# (attach separate sheet if necessary)

4. Owner Information

OWNER	Name, as Shown on Deed	<u>Lonic Wilson</u>	Complete Mailing Address	
	Name of Individual Owner for Contact Purposes	<u>Lonic Wilson</u>	<u>904 N 8th</u>	
	Email	<u>Lonic@sold.com</u>	Phone #	<u>785-826-7800</u>

5. General Contractor Information

GENERAL CONTR.	Company Name, as shown on license	<u>Davidson Const. LLC</u>	Complete Mailing Address	
	Name for Contact Purposes	<u>Brian Davidson</u>	<u>423 N Parker St Remington, KS 67401</u>	
	Email	<u>b55raiding@yahoo.com</u>	Phone #	<u>785-488-8889</u> 785-826-7800
			City License #	

6. Architect Information

ARCHITECT	Company Name	<u>Adams A+K</u>	Complete Mailing Address	
	Architect's Name	<u>John Adams</u>	<u>203 Greenway Rd Salina, KS 67401</u>	
	Email	<u>adam@aplusace.net</u>	Phone #	<u>785-822-4868</u>
			KS License #	

7. Engineer Information

ENGINEER	Company Name		Complete Mailing Address	
	Engineer's Name			
	Email		Phone #	
			KS License #	

8. DESCRIBE WORK - BE SPECIFIC

New 30x30 non-climatized storage bldg

9. Does the building have (or will have): Fire Sprinkler System Y N Fire Alarm System Y N Other Fire Suppression System Y N

10. Square Footage 700 sq ft 11. Use of Building storage 12. Total value (labor & materials) 30,000

13. Type of Construction New 14. Occupancy Classification _____ 15. Occupant Load _____

16. SUB-CONTRACTORS(indicate contractor company name, N/A or TBD) Contractors must be appropriately licensed with the City of Salina

MECHANICAL NA ELECTRICAL Jeff Will PLUMBING NA

SITE UTIL.(water,sewer,fire line) _____ SITE UTIL.(elec.service) _____ ROW Concrete _____

17. Applicant's Name-PRINT Brian Davidson 18. Applicant's Phone Number 785-488-8889

19. Applicant Represents: Davidson Const. LLC 20. Applicant's Email: b55raiding@yahoo.com

Name of Company/Employer

I hereby certify that I have read and examined this application and know the same to be true and correct. I hereby certify that I have been authorized by the owner to act as his agent in applying for and obtaining this permit. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

21. SIGNATURE OF APPLICANT _____ Date submitted to the City Oct. 10 - 2019

STAFF USE - Accepted By: Jerry Miller Date: 10/11/19 Project # 19-1652-NEW Bin # file
 (Staff Signature)

DP
10/10



City of Salina, Kansas
 Building Services Division
 300 W Ash St, Rm 205, Salina KS 67401
 (785) 309-5715
www.salina-ks.gov

Permit #: 19-1652-NEW
 Permit Type: New Building
 Approved By: Rick Fay
 Date Applied: 11/12/2019
 Date Issued: 8/31/2020

New Building Permit

Address	Parcel Number	Legal Description
904 N 8th St	0850810103031006000	EMI ADD, S1, T14, R3, BLOCK 1, Lot 5 & ADJ ABANDONED RR RW

Description of Work

New 30' x 30' non-climatized storage building

Details

Construction Value:	\$30,000.00	Construction Type	VB
Total Finished Area (sq. ft.):		Occupancy:	
Total Un-Finished Area (sq. ft.):		Building Use Group:	U Utility Miscellaneous
Total Building Area (sq. ft.):		Sprinkler:	

Applicant:	Address:	Telephone:
Davidson Construction LLC	423 N. Parker, Bennington, KS 67422	(785) 488-8969
Current Owner:	Address:	Telephone:
Wilson Lonnie D Rev TR	PO Box 1305, Salina, KS 67402	
General Contractor Name:	Address:	Telephone:
Davidson Construction LLC	423 N. Parker,	(785) 488-8969
Contractor Type:	Contractor Name:	Telephone:
General	Davidson Construction LLC	(785) 488-8969
Electrical	Will Electric, INC	7858238286

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing, mechanical, sidewalk and fire ordinances of the City of Salina and the State of Kansas. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODES. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODES. By paying the permit fee and receiving this permit, Licensed Contractor/Owner further certifies that Licensed Contractor/Owner has read and understands the requirements of this permit and that all statements made by Licensed Contractor/Owner in securing this permit are true and complete to the best of the Licensed Contractor/Owner knowledge.

BUILDING PERMITS - Void unless work is started within 180 days from date of issuance, per IBC/IRC Section 105.5.
SIGN PERMITS - Void unless work is started within 120 days of issuance, per Salina Municipal Code Sec. 42-502(c)

CONDITIONS LIST

08.25.20 | 19-1652-NEW | 904 N 8th St
 New 30x30 non-climatized storage bldg

FINAL INSPECTION(S) CHECKLIST - DEFERRED SUBMITTALS

FINAL INSPECTIONS (TCO / CO) WILL NOT BE SCHEDULED UNTIL THE RELATED DEFERRED SUBMITTALS HAVE BEEN RECEIVED, REVIEWED AND APPROVED BY CITY STAFF.

PLEASE ALLOW A MINIMUM OF TEN (10) BUSINESS DAYS FOR REVIEW OF THESE SUBMITTALS.

A permit applicant or General Contractor may request that a deferred submittal be associated with an alternate inspection, subject to review and approval by the Building Official and / or applicable City plan reviewer.

DIVISION	COMMENT
Planning	<ul style="list-style-type: none"> LANDSCAPE PLANTING PLAN SMC SECTION 42-65(2): All new construction in a C-5 zoning district is subject to the City's Landscape Regulations. Please submit a Landscape Planting Plan showing proposed landscaping areas and the locations, types and varieties of existing and proposed plantings on private property at least 30 days prior to a final inspection.

FINAL INSPECTION(S) CHECKLIST - SPECIAL CONDITIONS

THESE PROJECT-SPECIFIC NOTES & REMINDERS ARE PROVIDED TO ASSIST YOU IN PREPARING FOR FINAL INSPECTIONS (TCO / CO).

IF THESE CONDITIONS ARE NOT MET, THE INSPECTION(S) WILL NOT PASS AND A RE-INSPECTION FEE WILL APPLY.

DIVISION	COMMENT																		
Building Services	<ul style="list-style-type: none"> CERTIFICATE OF OCCUPANCY 2012 IBC 111: A Certificate of Occupancy or a Temporary Certificate of Occupancy signed by the Building Official must be issued prior to placement of furniture, fixtures or equipment in the building or occupancy by employees and a Certificate of Occupancy signed by the Building Official must be issued prior to tenants or the owner occupying this space. ADDRESS IDENTIFICATION 2012 IBC SEC 501.2 AS AMENDED BY SALINA MUNICIPAL CODE SEC 8-1-1-501.2: New and existing buildings shall have approved Arabic address numbers in accordance with the following information: <table border="1" data-bbox="349 1192 1088 1512"> <thead> <tr> <th>Distance from the Edge of Property Line & Road Minimum</th> <th>Number Height</th> <th>Minimum Stroke Width</th> </tr> </thead> <tbody> <tr> <td>0-25 feet</td> <td>4 inches</td> <td>0.5 inch</td> </tr> <tr> <td>25-50 feet</td> <td>6 inches</td> <td>1 inch</td> </tr> <tr> <td>50-100 feet</td> <td>8 inches</td> <td>1.25 inches</td> </tr> <tr> <td>100-150 feet</td> <td>10 inches</td> <td>1.75 inches</td> </tr> <tr> <td>Over 150 feet</td> <td>12 inches</td> <td>2 inches</td> </tr> </tbody> </table> <p>The address numbers shall be installed on a contrasting background and be plainly visible from the street or road fronting the property.</p> <p>When required by the fire code official, address numbers shall be provided in additional approved locations and sizes to facilitate emergency response.</p> <p>When the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure as directed by the fire code official.</p> <p>Address numbers shall be maintained.</p> 	Distance from the Edge of Property Line & Road Minimum	Number Height	Minimum Stroke Width	0-25 feet	4 inches	0.5 inch	25-50 feet	6 inches	1 inch	50-100 feet	8 inches	1.25 inches	100-150 feet	10 inches	1.75 inches	Over 150 feet	12 inches	2 inches
Distance from the Edge of Property Line & Road Minimum	Number Height	Minimum Stroke Width																	
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25-50 feet	6 inches	1 inch																	
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100-150 feet	10 inches	1.75 inches																	
Over 150 feet	12 inches	2 inches																	

CONDITIONS LIST

08.25.20 | 19-1652-NEW | 904 N 8th St
 New 30x30 non-climatized storage bldg

FINAL INSPECTION(S) CHECKLIST - SPECIAL CONDITIONS CONTINUED

DIVISION	COMMENT
Utilities	<ul style="list-style-type: none"> • ABANDONMENT - PRIVATE SEWER: Cap private sewer service line per City of Salina Standard Details. Utilities Construction Documents can be found on the City of Salina website at: http://www.salina-ks.gov/content/18394/18542/20406/default.aspx
Utilities	<ul style="list-style-type: none"> • ABANDONMENT - PRIVATE WATER SERVICE: Notify Utilities Department (785.826.7305) to remove existing water meter prior to demolition. Work in the right of way requires a City of Salina Excavation Permit. Excavate private water service line at the main to allow City staff to abandon the service line. Backfill or patch the street per City of Salina Standards. Utilities Department Construction Documents can be found on the City of Salina website at: http://www.salina-ks.gov/content/18394/18542/20406/default.aspx
Planning	<ul style="list-style-type: none"> • OFF-STREET PARKING SMC SECTION 42-552: If restrooms, offices or other habitable space is added to the new building or converted garage then off-street parking shall be provided in accordance with the occupancy classification of the building.

GENERAL PERMIT NOTES

DIVISION	COMMENT
Building Services	<ul style="list-style-type: none"> • CHANGE IN USE Building permit approval for the proposed non-climatized storage building does NOT permit occupancy or use of the space in any way other than as a storage building. While the current zoning may not prohibit the use of the building for an assembly use (such as for special events), any change in use requires a City of Salina Change of Occupancy permit and may trigger Building, Fire and Accessibility Code requirements.
Planning	<ul style="list-style-type: none"> • The existing commercial lots are already substandard in terms of not meeting the minimum lot size requirements for the C-5 district. As a result, staff has determined that the proposed lot line adjustment that shrinks the width of the parcel located at the northeast corner of 3rd Street and Pacific is not creating a substandard zoning lot because the lot was already nonconforming as to size.

CONDITIONS LIST

08.25.20 | 19-1652-NEW | 904 N 8th St
New 30x30 non-climatized storage bldg

CONTACT INFORMATION

CITY OF SALINA:

Building Services	Sean Pilcher	Building Official	785.309.5715	sean.pilcher@salina.org
Engineering	Kent Johnson	Civil Engineer	785.309.5725	kent.johnson@salina.org
Fire	Troy Long	Fire Marshal	785.826.7340	troy.long@salina.org
Forestry	Brett Lamer	City Forester	785.826.7275	brett.lamer@salina.org
Planning	Dustin Herrs	Planner	785.309.5720	dustin.herrs@salina.org
Utilities	Martha Tasker	Director	785.309.5725	martha.tasker@salina.org

SALINE COUNTY:

County Planning	Tim Hamilton	Director	785.309.5813	tim.hamilton@saline.org
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IMPORTANT REMINDERS

The City of Salina strives for a **TEN (10) BUSINESS DAY** turnaround for initial review of commercial plan submittals (including post issuance / deferred submittals, addendums, etc.) and a **FIVE (5) BUSINESS DAY** turnaround for review of corrections submitted in response to initial plan review comments. However, complex reviews may require additional time. If that is the case you will be notified and provided an alternate review completion date.

Please allow adequate time in your project schedule to accommodate the initial plan review and Deferred Submittals reviews (10 business days each) as well as subsequent reviews for Correction items (5 business days).

Building permit issuance provides authorization for construction. Final approvals are subject to field inspection and verification. Building permit issuance does not release the designer, contractor or property owner from responsibility of full compliance with all applicable local, state and federal codes and ordinances related to the construction project. All installations must concur with approved plans. **Any deviation from the approved plans requires a re-submittal to the Development Services Department.** Failure to submit revised plans prior to the inspection may result in a delay for inspection or approval to move forward and/or Certificate of Occupancy.

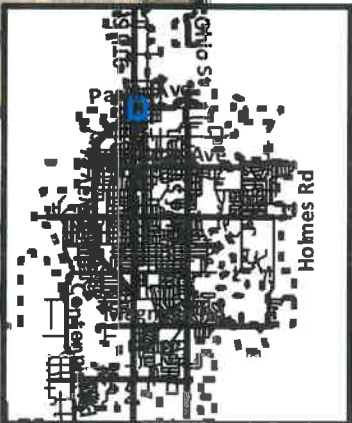
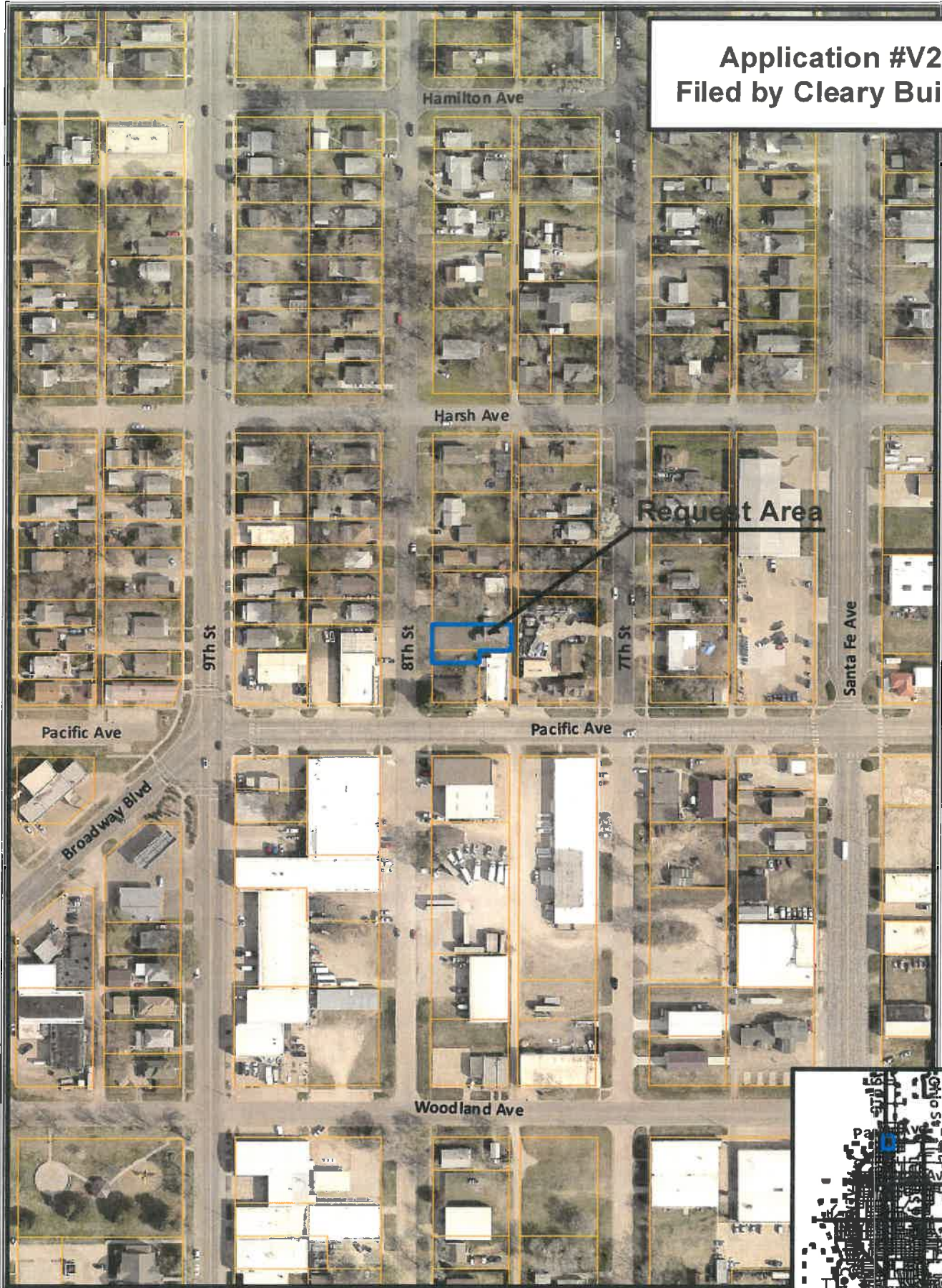
PRE-CONSTRUCTION MEETING:

At the time of permit approval/issuance a Pre-Construction Meeting may be scheduled. This meeting is optional, but is highly encouraged, especially for projects in which members of the project team are not familiar with construction requirements in the City of Salina. A Pre-Construction Meeting should include the architect/design professional, developer/property owner, general contractor, subcontractors and City staff. **Please contact Krystal Norris, Development Coordinator, to schedule a Pre-Construction Meeting, (785) 309.5720.**

QUICK PROBLEM RESOLUTION:

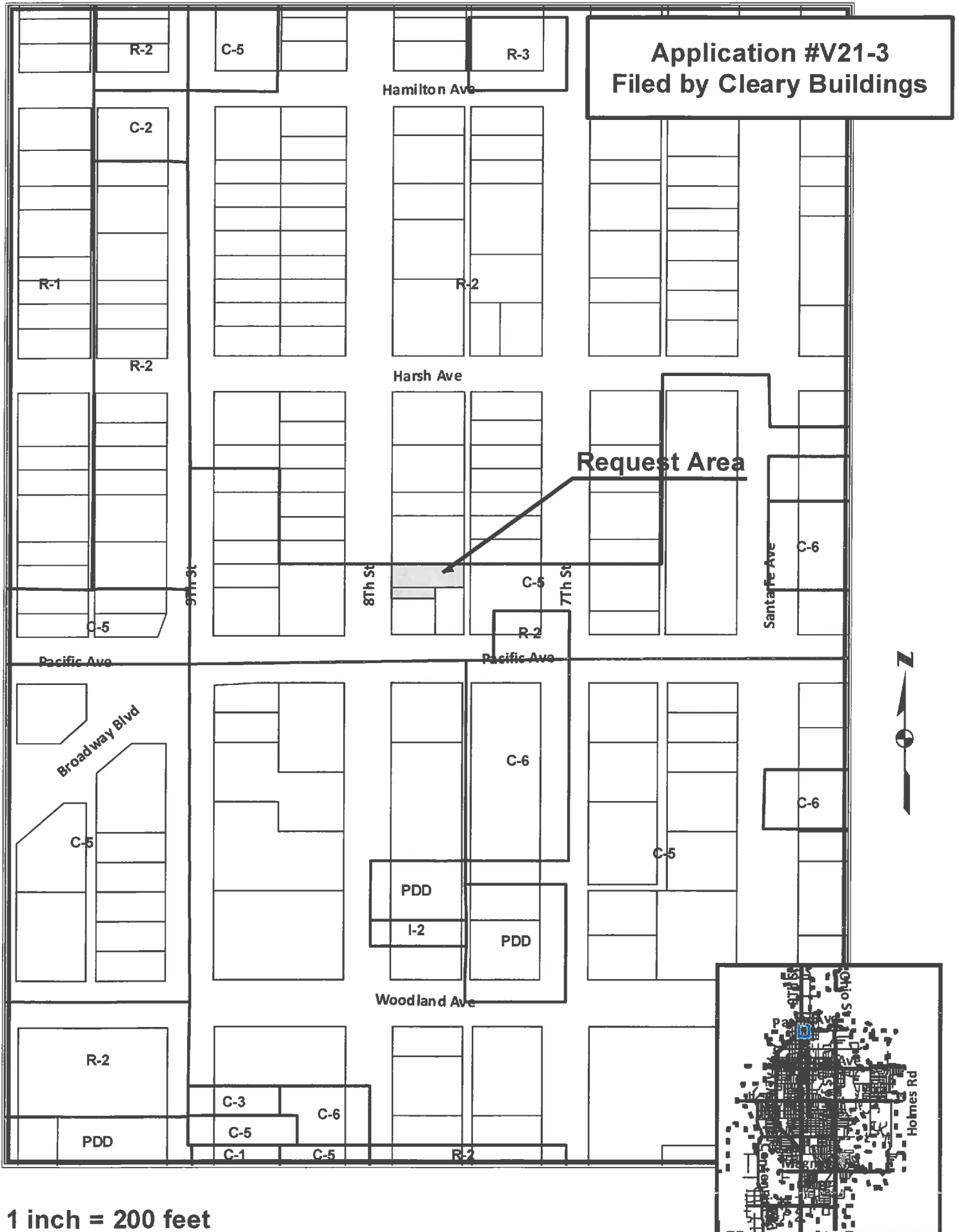
The City of Salina offers a Quick Problem Resolution (QPR) process that provides an opportunity to promptly have any concern regarding a specific development project addressed at the highest administrative level. This process is available to architects/design professionals, developers/property owners, contractors, engineers and other project-related parties. QPR meetings are typically scheduled within 48 hours of the request and are moderated by the City Manager or Deputy City Manager. A written response is provided following the meeting. Appeals can be made to the appropriate governing appeal board or to the City Commission. **Please contact Krystal Norris, Development Coordinator, to request a QPR meeting, (785) 309.5720.**

**Application #V21-3
Filed by Cleary Buildings**



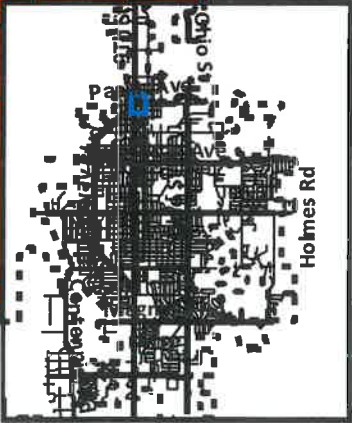
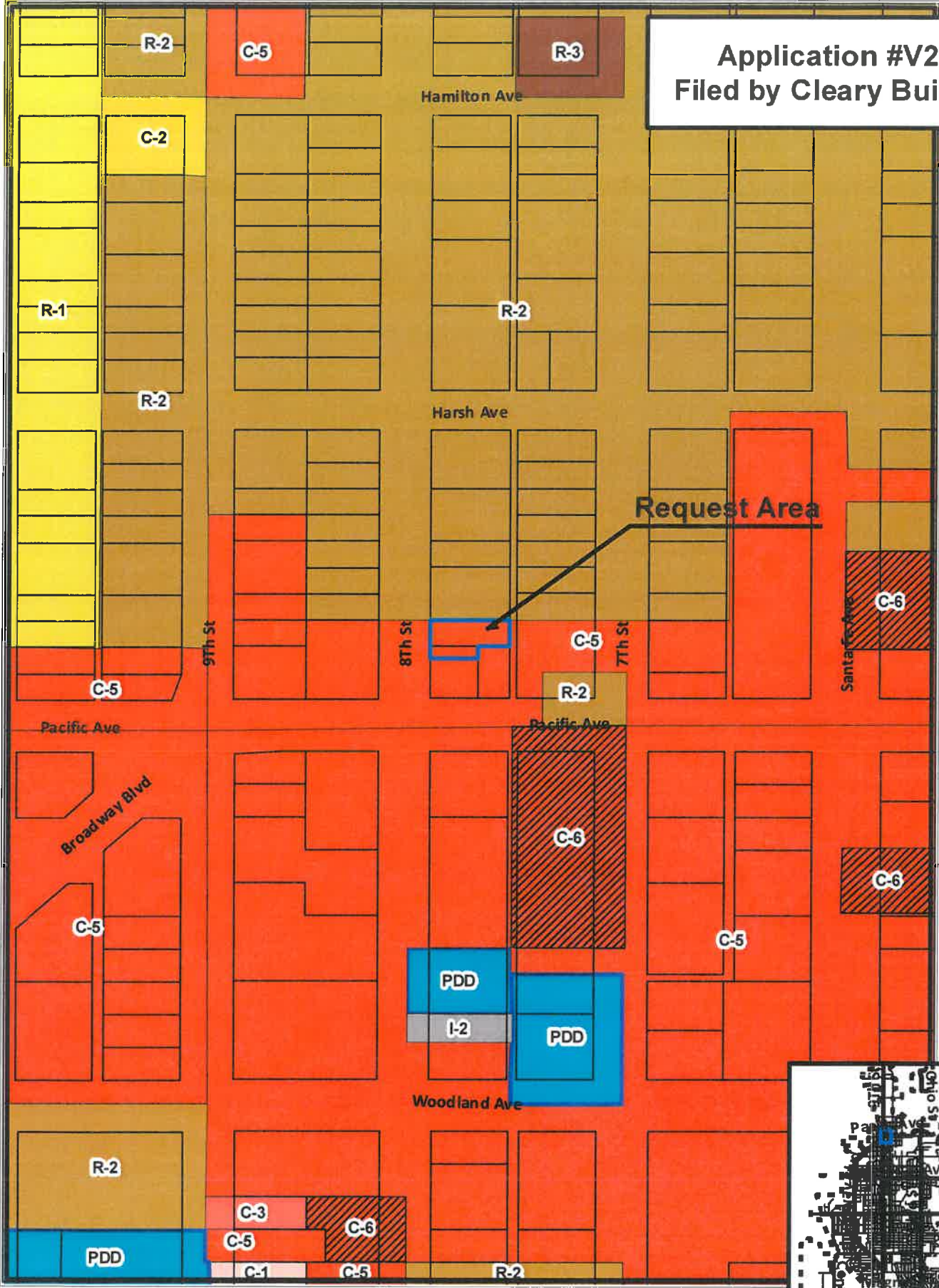
1 inch = 200 feet

**Application #V21-3
Filed by Cleary Buildings**



1 inch = 200 feet

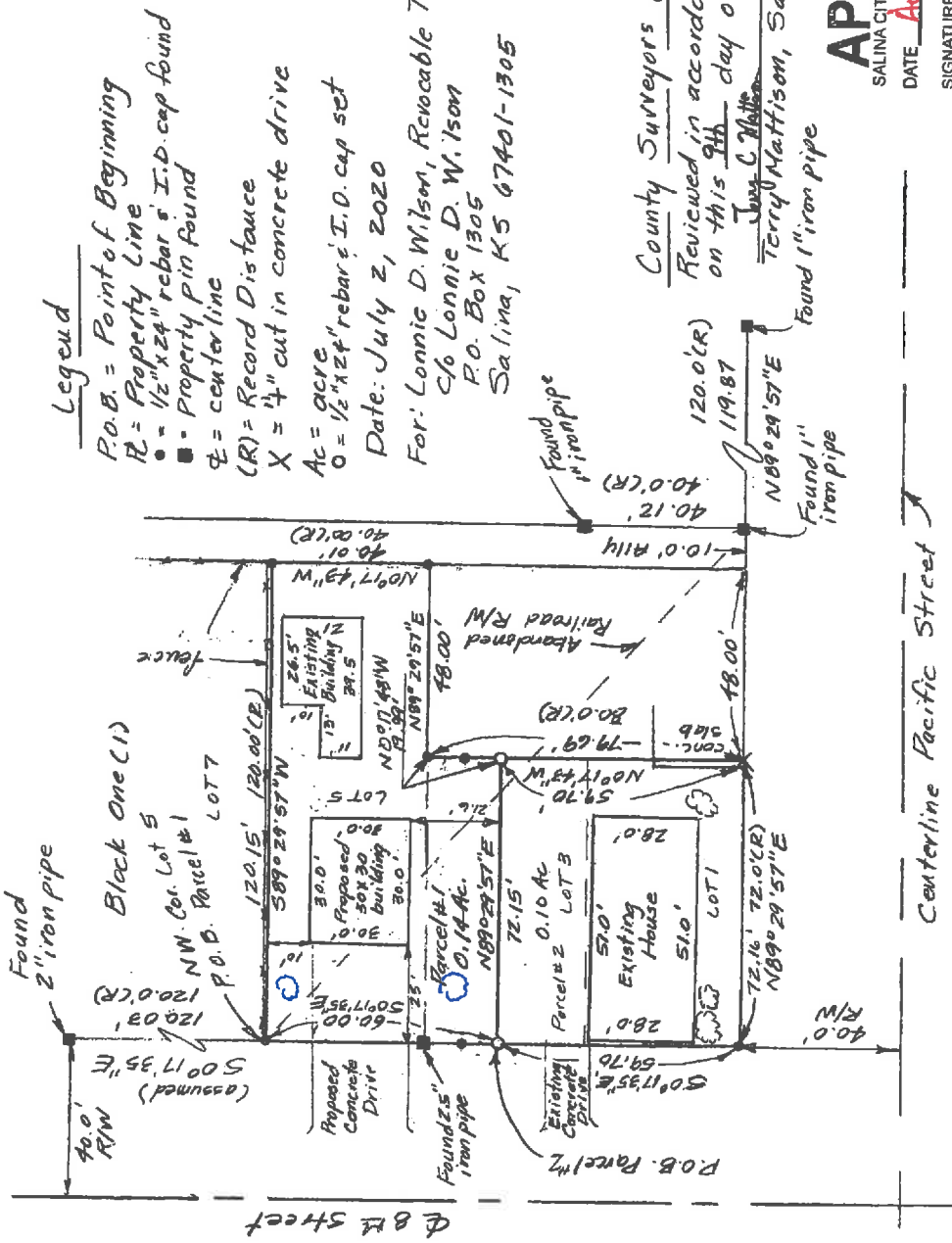
Application #V21-3
Filed by Cleary Buildings



1 inch = 200 feet

10-1 N 824

Heder Boundary Surveys, William B. Heder, P.S. 1202, P.M. 1620-245-8023, 863 S. 9th Street, Salina, KS 67401
Parcels are located in part of The S.W. 1/4 of Section 1, T14S-R3W of The 6th P.M.,
Block One, Episcopal Military Institute Addition, City of Salina, Kansas



Legend

- P.O.B. = Point of Beginning
- R = Property Line
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- ⊕ = centerline
- (R) = Record Distance
- X = 4" cut in concrete drive
- Ac = acre
- O = 1/2" x 24" rebar; I.D. cap set
- Date: July 2, 2020

For: Lonnie D. Wilson, Revocable Trust, dated March 27, 1991
c/o Lonnie D. Wilson
P.O. Box 1305
Salina, KS 67401-1305

Approved
City of Salina
Building Services Division
AUG 26 2020

County Surveyors Certificate

Reviewed in accordance with K.S.A. 58-2005
on this 9th day of July 2020.

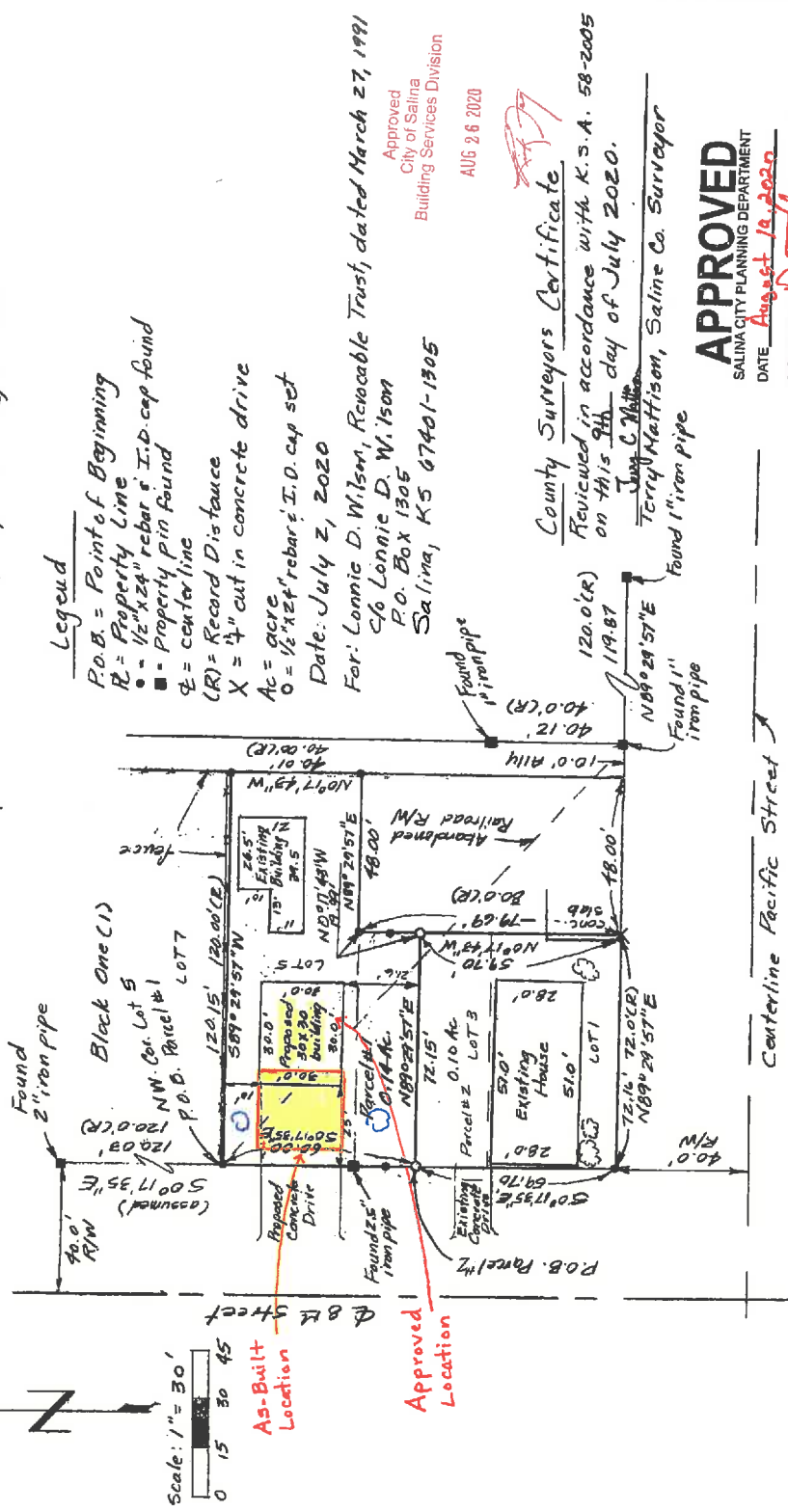
July C. White
Terry Mattison, Saline Co. Surveyor
Found 1" iron pipe

APPROVED
SALINA CITY PLANNING DEPARTMENT
DATE August 19, 2020
SIGNATURE *[Signature]*

Note: All distances are calculated / measured distances. Field work performed July 2020.

101 N 8th

Heuter Boundary Surveys, William B. Heuter, As. 1202, P.M. 1620-245-8023, 863 S. 9th Street, Salina, KS 67401
Parcels are located in part of The S.W. 1/4 of Section 1, T45-R3W of The 6th P.M.,
Block One, Episcopal Military Institute Addition, City of Salina, Kansas



Legend

- P.O.B. = Point of Beginning
- R = Property Line
- = 1/2" x 24" rebar & I.D. cap found
- = Property pin found
- ⊕ = centerline
- (R) = Record Distance
- X = 4" cut in concrete drive
- Ac = acre
- O = 1/2" x 24" rebar & I.D. cap set

Date: July 2, 2020
For: Lonnie D. Wilson, Revocable Trust, dated March 27, 1991
c/o Lonnie D. Wilson
P.O. Box 1305
Salina, KS 67401-1305

Approved
City of Salina
Building Services Division
AUG 26 2020

County Surveyors Certificate
Reviewed in accordance with K.S.A. 58-2005
on this 9th day of July 2020.
Terry Mattison, Saline Co. Surveyor

APPROVED
SALINA CITY PLANNING DEPARTMENT
DATE August 12, 2020
SIGNATURE [Signature]

Note: All distances are calculated / measured distances. Field work performed July 2020.