

BOARD OF ZONING APPEALS

Board of Zoning Appeals meetings will take place via Zoom until further notice. You can view the meetings at the City of Salina YouTube channel, <https://www.youtube.com/cityofSalinaKansas>

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

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.



AGENDA

BOARD OF ZONING APPEALS MEETING VIA ZOOM JANUARY 21, 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 December 17, 2020 regular meeting

3. NEW BUSINESS

Public Hearing Items

- (3.1) Application #V20-6, filed by Emmanuel Church, requesting a variance to Section 42-517(4) of the R-1 district sign regulations to allow an 150 sq. ft. wall sign on the church building which exceeds the maximum individual wall sign size allowed (32 sq. ft.) by 118 sq. ft. The subject property is legally described as Lot 2, Block 1 of the Lundberg Addition, plus a portion of vacated Claflin Avenue, City of Salina, Saline County, Kansas and is addressed as 1325 E. Cloud Street. (Rescheduled from November 19, 2020 to December 17, 2020 due to the lack of a quorum for the November meeting, Continued from the December 17, 2020 meeting to allow for additional public input)
- (3.2) 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 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 December 17, 2020 meeting to allow the applicant to complete his application)

(3.3) Application #V20-10, filed by Kat Alvarez, Esencia Architecture, on behalf of Chick-Fil-A Restaurant, requesting a front yard setback variance of 62 ft. from 80 ft. (the platted building setback line on the Amended Final Development Plan for the Central Mall Subdivision) to 18 ft. to allow the construction of a metal canopy / shade structure over the existing drive up window ordering stations in front of the restaurant building. The proposed 24 ft. x 52 ft. canopy would be located within the required front yard setback area and would extend to within 18 ft. of the front property line along South 9th Street. The property that is the subject of this variance application is legally described as Tract No. 11 on the Amended Final Development Plan for the Central Mall Subdivision and addressed as 2245 South 9th Street.

Administrative Items

(3.4) Presentation of 2020 Annual Report.

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, DECEMBER 17, 2020
4:04 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), Madison Miles, Richard Rodda, Cale Sharp, Benjamin Kraft (YOB)

Commissioners Absent:

None

City Staff Present:

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

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

Ms. Long 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 October 15, 2020 regular meeting.

A motion was made to approve the minutes of the October 15, 2020 regular meeting by Board Member Dorzweiler, seconded by Board Member Sharp and carried by vote.

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

3. NEW BUSINESS

Public Hearing Items

- (3.1) Application #V20-6, filed by Emmanuel Church, requesting a variance to Section 42-517(4) of the R-1 district sign regulations to allow an 150 sq. ft. wall sign on the church building which exceeds the maximum individual wall sign size allowed (32 sq. ft.) by 118 sq. ft. The subject property is legally described as Lot 2, Block 1 of the Lundberg Addition, plus a portion of vacated Claflin Avenue, City of Salina, Saline County, Kansas and is addressed as 1325 E. Cloud Street. (Rescheduled from November 19, 2020 due to the lack of a quorum for that meeting)

Mr. Herrs presented the staff report with visual graphics which are contained in today's meeting packet.

Chair Olson asked if there were questions of staff. There were none.

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

Jeremy Hopkins, TMI Signs, 318 S. Osage, Wichita, KS, attempted to speak at the Zoom meeting but had feedback issues. Deb Herron then spoke and provided some notes from Mr. Hopkins.

Deb Herron, 1325 E. Cloud, stated that her husband is the lead worship pastor at Emmanuel Church and that she and her husband replaced the last pastors of the Church that started Emmanuel Church 30 years ago. She stated that she has talked to many people that live in Salina that did not know Emmanuel Church was a church in Salina and that having a sign that people can see will reach more people. She stated that Emmanuel Church is unique because of the services they provide to the community. She stated that they want citizens to be able to get off of public transport and easily see the building and signage from that drop off location. She continued that Dillons to the west is so large and bright that they need this size of sign. She stated that they want to continue being a buffer between commercial and residential properties. She stated that they do not want to be a commercial property and are just asking for signage on the west side of the property. She stated Emmanuel Church does not look like a church from a distance due to the lack of stained glass window, steeple, and crosses.

Mr. Hopkins attempted to speak again and was unsuccessful. Ms. Herron continued by reviewing notes from Mr. Hopkins. She stated that they are aware that the laws are in place to keep people safe and to keep a level playing field. She continued that they are not trying to have a competitive advantage over other churches in Salina and she thinks that the other churches should have larger signs if they want one. She stated that they are not impacting others or providing any hardship to others. She stated that churches may not have requested larger signs in the past which is why no one has these larger signs. She stated that many changes have occurred since Emmanuel Church's creation in 1991, including the building of new businesses that are now around the property.

Mr. Hopkins attempted to speak once again and was unsuccessful. Ms. Herron asked the Board if this meeting item could be postponed to a future meeting when Mr. Hopkins could speak.

Chair Olson asked if there were questions of the applicant. There were none.

Chair Olson asked if there were comments or questions from members of the public in attendance. There were none.

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 he is in favor of postponing this item to allow all interested parties to be able to speak at the meeting. Board Member Sharp agreed.

Vice-Chair Dorzweiler asked Ms. Herron if Mr. Hopkins was going to say anything that was not already said, to which Ms. Herron answered yes, and she thinks it will be advantageous for the Board to hear him speak.

Vice-Chair Dorzweiler stated that the future meetings will most likely be held via Zoom as well and that these technological difficulties might continue with Mr. Hopkins.

Chair Olson stated that the technological difficulties might continue but this might allow Mr. Hopkins to be in the same location as Ms. Herron where there are no difficulties.

Vice-Chair Dorzweiler stated that although Mr. Hopkins could not speak, he thinks that he has enough information to make a decision, but would be in favor of postponing to allow Mr. Hopkins to speak.

MOTION: Board Member Dorzweiler made a motion to postpone consideration of Application #V20-6 to the January 21, 2021 meeting of the Board to allow all interested parties to speak on this item.

SECOND: Board Member Sharp

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

- (3.2) Application #V20-7, filed by Kaw Valley Engineering on behalf of JTS Investments, LLC, and their tenant Kansas Department of Health and Environment (KDHE), requesting a variance to exceed the required number of parking spaces for office buildings under Section 42-553(2)e. of the Off-Street Parking Regulations and the maximum number of parking spaces allowed for professional offices under Section 42-554(b) of the Off-Street Parking Regulations by more than 25%. The requested variance would allow KDHE to exceed the required number of parking spaces for a professional office 8,760 sq. ft. of office area by 16 space (55.17%) and the maximum number of spaces that can be approved administratively by nine (9) spaces (23.08%). The property that is the subject of this parking variance request is legally described as Lot 4, Block 1, in the Replat of Bland Subdivision, City of Salina, Saline County, Kansas and is addressed as 3040 Enterprise Drive. (Rescheduled from November 19, 2020 due to the lack of a quorum for that meeting)

Mr. Herrs presented the staff report with visual graphics which are contained in today's meeting packet.

Chair Olson asked if there were questions of staff. There were none.

Chair Olson invited the applicant to address the Board.

Justin Owens of Kaw Valley Engineering, 2928 Jack Circle, stated that staff has done a good job explaining the application. He stated that without these parking places, staff and visitors will park in spots that are not legal parking spaces. He stated that they were not sure of where they wanted to put the rain garden but the size equates to almost twice the amount of storage they would need to account for the extra paving.

Chris Schmeidler, SBA Construction, stated that he appreciates the Board's consideration and thanked staff for their work on the application.

Chair Olson asked if there were questions of the applicant.

Chair Olson asked Mr. Owens how much stormwater will drain to the northeast and to the southwest from the additional concrete.

Mr. Owens stated that most of the parking lot will be directed to the rain garden and then when it overflows it will go to the east into the storm sewer system in Enterprise Drive which then moves south to the detention pond. He stated that everything will drain to the east and the lot is graded from west to east.

Mr. Herrs stated that KDHE does have an approved site plan and referred to the differences in the approved and proposed site plans. He stated the significant difference is that there is more paving added to the parking lot and more paving in the southwest corner of the lot. He stated that the plan is an adequate design to capture the additional runoff from that additional paving.

Mr. Andrew asked what becomes of the trash enclosure if the paving and parking area is expanded on the southwest.

Mr. Owens stated that KDHE does not need a large trash enclosure like what is shown. He stated that they will need a cart service and not a large trash enclosure.

Chair Olson asked if there were comments or questions from members of the public in attendance. There were none.

Chair Olson confirmed there were no comments or questions from members of the public (there were no members of the public 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 this is a simple application in his opinion and that the additional parking spaces will be contained within the lot for their own employees and vehicles.

MOTION: Board Member Dorzweiler made a motion to approve KDHE's parking variance request as presented in Application #V20-7 with the conditions listed on page 9 of the staff report

SECOND: Board Member Sharp

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

- (3.3) Application #AP20-1, filed by Brad Blochlinger, appealing the Zoning Administrator's determination that the construction of a garage addition facing Deborah Drive on the west side of a house that has an existing two car attached garage on the north side of the house facing Eastmoor Drive would be a second attached garage which is prohibited by Section 42-58a.(3) of the Salina Zoning Ordinance which limits residential properties to an (one) attached garage or carport. The property that is the subject of this appeal is legally described as Lot 12, Block 3 of the Holiday Resort Addition to the City of Salina, Saline County, Kansas and is addressed as 142 S. Eastmoor Drive.

Mr. Andrew welcome Benjamin Kraft to his first meeting as a youth on board for the Board of Zoning Appeals.

Mr. Andrew presented the staff report with visual graphics which are contained in today's meeting packet. He stated that he has received multiple questions from neighboring property owners about whether the applicant could attach a garage to a porch, to which the answer is that an attached garage has to be attached to an adjoining wall of the house.

Chair Olson asked if there were questions of staff. There were none.

Chair Olson invited the applicant to address the Board.

Brad Blochlinger, 142 S. Eastmoor Drive, stated that this seems like an interpretation issue. He stated that when someone adds onto an existing two-car attached garage and keeps the exterior wall of the original garage intact, that should be considered two separate garages. He stated that example can be applied to a neighbor across the street that has issues with the Blochlinger's application. He stated that the pictures that he sent in and were shown during the presentation by staff are not unattractive or larger or taller than the houses. He stated that his addition would have a shorter roof than the house.

Mr. Blochlinger stated that on October 28, 2020 he sent Mr. Andrew a sketch of his garage proposal and it must have gotten lost in all of the emails back and forth. He stated that part of the deck would be made into a small room that would come out the side of the house to be level with the deck. The room could be exited onto the deck and into the garage. The Blochlinger's then referred to the picture created by staff of the proposed addition and explained how it would look in relation to the existing house and Mr. Herrs constructed an image to portray what the Blochlinger's were describing. The plan rotated 90 degrees from what staff depicted in the Board's packet.

Mr. Blochlinger stated that when he applied for the detached garage, that was denied by the City Commission, he should have just applied for a detached garage and not try to remove the covenants altogether. He stated that Mr. Andrew stated the City did not want to deal with the covenants and they would be more accepting if they could “wash their hands” of the covenants altogether. Mr. Blochlinger stated that the Holiday Resort covenants only allow up to a three car garage, but someone in the addition has a four-car garage. He stated that property and the house at 2214 Sunset Ridge were supposedly done in error but they were both approved anyway. He stated that they own the property and they should be allowed to build whatever they want when it still complies with City code size and setback requirements. He stated that there is a newer house on Shoreline that has one driveway, but it is two separate garages even though they look connected. He stated that none of these garages are unappealing to him and they match size requirements and the materials of the house. He stated that his addition would not look out of sorts.

Chair Olson asked if there were questions of the applicant.

Chair Olson asked staff what houses in the area fall under the Holiday Resort Covenants.

Mr. Herrs and Mr. Andrew referred to the plat showing the Holiday Resort Addition and indicated which houses and lots were subject to the covenants. Mr. Andrew also referred to the plat of the Holiday Resort addition that was included in today’s meeting packet.

Chair Olson asked the applicant what house they are talking about that had a fourth stall added into their garage, to which Mr. Blochlinger stated it is a house at the north end of the addition just south of Country Club Road (after review this was determined to be 125 N. Eastmoor Drive)

Mr. Andrew stated that it was approved by the Salina City Commission and it was thought to be appropriate at the time but that same practice was determined to not be appropriate now by the City Attorney. He stated that it goes against the covenants but was approved by the City Commission as a modification to a single lot, but the City Attorney now states that was the incorrect approach.

Mr. Blochlinger stated that extra bay was approved in error.

Mr. Andrew stated the City Attorney determined we did not follow the correct process in that case.

Chair Olson asked for confirmation from Mr. Andrew that the covenants currently allow one attached garage with up to three stalls, to which Mr. Andrew agreed.

Mr. Blochlinger stated that the covenants and the zoning ordinance state the same language.

Chair Olson asked the applicant why they are not proposing to build onto their current garage on the north end of the property.

Mr. Blochlinger responded that the kitchen and a laundry room are on the northwest corner and the garage does not go all the way to the back of the house.

Krissy Blochlinger, 142 S. Eastmoor Drive, stated that there was no HOA or covenants marked in their buyer's disclosure when they bought the house.

Board Member Miles asked what the hardship is from the applicant if they are not able to build the garage as proposed.

Mr. Andrew stated that this discussion should not be centering around hardship as if it was variance application. The application filed was an appeal of a decision made by the Zoning Administrator. He continued that this is a discussion about whether this is one attached garage or two separate garages.

Mr. Blochlinger asked if this meeting includes a variance or an appeal as well as the interpretation of this request.

Mr. Andrew stated that there was no purpose served by applying for a variance to have a second attached garage because the covenants limit properties to one attached garage accommodating up to the three cars. He continued that the question is whether what is being proposed is one attached garage or two separate garages. He stated that all the pictures provided by the applicant were of houses built prior to the text amendment in 2005 that limited properties to a single attached garage.

Brad and Krissy Blochlinger stated that the house on Sunset Ridge was built after the 2005 text amendment, to which Mr. Andrew stated that he was unsure if that was built within the footprint of the original garage and would have to pull more building plans to have the full information.

Chair Olson asked if there were comments or questions from members of the public in attendance.

Mr. Andrew stated that there was written correspondence in the packet from a neighboring property owner, additional written correspondence was sent to Board members prior to today's meeting, and that he received a phone call from a Holiday Resort property owner that was unable to attend the meeting but wanted the Board to know that they agreed with the Zoning Administrator's interpretation.

Ken Krier, 2730 Deborah Drive, stated that he lives on the south end of Deborah and his house faces their house. He stated that when they buy a house in this neighborhood, there are covenants included. He stated that they did not read it and their realtor did not either. He stated the garage is a separate garage and the City does not allow it since 2005 and he doesn't understand why we are even discussing this. He stated that if they have these covenants they should be enforced. He stated that the neighborhood is unsure of how big the garage will be and they could be building a five-car garage.

Ms. Blochlinger stated that they will have a one-car attached garage that will match the existing house and it will look like it is original. He stated that Mr. Krier had told them in the past to build and then ask for forgiveness.

Mr. Krier stated that he did make that comment, but he was joking. He asked what the dimensions of the garage would be and asked what they classify as the size of a one car garage.

Ms. Blochlinger stated that it would be the size that the City zoning code allows a one-car garage to be and they will have to get allowed dimensions from Mr. Andrew.

Rick Nicholson, 143 S. Presley, stated that his property adjoins the property in question. He stated that two separate garages are not allowed within the city and doesn't understand why we are here today. He stated that having two garages and two driveways should not be allowed. He stated that he and other neighbors are wanting to protect the neighborhood and property values.

Mr. Blochlinger stated neighbors are going over the same issue over and over again and it is not relevant. He stated that when he talked with Mr. Andrew he asked what size the largest single-car garage can be, but he is proposing a 16 ft. x 24 ft. He stated that if that size is allowed that is what they will be asking for. He stated this his current two-car garage is 20 ft. x 22 ft. so they know they cannot make the garage that large.

Chair Olson stated the question right now is not the size of the garage but if this is a single garage or two separate garages.

Ms. Blochlinger stated that there may be more houses in the city that have multiple garages with multiple driveways but questioned where the cut-off is and why do they allow it for one and not the other.

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

Chair Olson stated he is only looking at the main question of is it a separate garage or existing attachment garage. He stated that continuing the garage would be coming off the northwest corner of the house and not the south end. He stated that he thinks this is a separate garage. He stated that maybe they could have gone around the covenants but this is not a single garage but a second garage.

MOTION: Vice Chair Dorzweiler made a motion to uphold the Zoning Administrator's determination that the proposed garage is a separate garage and the Zoning Administrator did not make an error in his interpretation regarding Application #AP20-1

SECOND: Board Member Sharp

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

Mr. Andrew stated that the Board has taken action that upholds the Zoning Administrator's interpretation that the proposed construction is a second attached garage.

Mr. Blochlinger asked if they can apply for an appeal of the reasonableness of the Board's decision.

Mr. Andrew stated that the handout attached to this application states that Board of Zoning Appeals decisions are final local action on an appeal and any person dissatisfied with the Board of Zoning Appeals decision may bring an action within 30 days to the District Court of Saline County to determine the reasonableness of the Board's decision.

- (3.4) Application #V20-8, filed by Luminous Neon on behalf of Salina Family Health Care Center, requesting a sign setback variance of 5 ft. from 10 ft. (the minimum front yard sign setback required in the C-1 [Restricted Business] District) to 5 ft. to allow the installation of a new 2 ft. by 16 ft. (32 sq. ft.) ground sign that would be set back only 5 ft. from the Guernsey Drive property line. The property that is the subject of this variance application is the Salina Family Health Care Center which is legally described as All of Block Five (5) of the Replat of Blocks Four (4), Five (5) and Six (6) of the Replats of Lots One (1) to Fifteen (15) inclusive of Garden Home Addition to the City of Salina, Saline County, Kansas, except the following described tract: The East 205 Feet of the South 110 Feet of said Block Five (5), the West line of said excepted Tract being 448 Feet West of the East line of Roach Street in the City of Salina, Saline County, Kansas and addressed as 651 E. Prescott Avenue.

YOB Kraft recused himself from discussion on this item due to a conflict of interest.

Mr. Herrs presented the staff report with visual graphics which are contained in today's meeting packet.

Chair Olson asked if there were questions of staff. There were none.

Chair Olson invited the applicant to address the Board.

Megan Schaffer, Luminous Neon Signs (1500 W. Schilling Road), stated that they want to give the customer's what they are hoping for which includes better visibility on both streets. She stated that if they are coming from a certain direction, they will not see anything until being in front of the building, so the corner is very important. She stated that they stayed within the sign code size limit of 32 sq. ft. and they moved the sign back as far as they could while still having it centered in the landscaping to take as little of the setback requirement as they could. She stated that this should not be a problem for the neighborhood or traffic.

Chair Olson asked if there were questions of the applicant. There were none.

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 this seems pretty simple and they have done a good job making sure it isn't intrusive and will not be a safety issue. He stated they are staying within the sign size regulations and only impacting the setbacks.

MOTION: Board Member Sharp made a motion to approve the setback variance request in Application #V20-8

SECOND: Vice-Chair Dorzweiler

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

(3.5) 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 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.

Mr. Andrew stated that the applicant is not present. He stated that staff has been working with Mr. Swendson on work that was started prior to getting a permit. He stated that staff received the rest of the information required for the application after the BZA packet was already sent out to Board Members and the public. He stated that staff would recommend opening up the public hearing, allowing the applicant and/or interested neighbors to speak, and then continue this meeting item to the January 21st, 2020 meeting.

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

MOTION: Vice-Chair Dorzweiler made a motion to continue the public hearing on Application #V20-9 to the January 21, 2021 BZA meeting to allow the Board to review a complete application

SECOND: Board Member Sharp

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

Administrative Items

None

4. UNFINISHED OR OTHER BUSINESS

The next regularly scheduled meeting of the Board of Zoning Appeals will be on Thursday, January 21, 2021.

Mr. Andrew stated that Planning Boards & Commissions will continue the reduced meeting schedule for the first half of next year. He stated that meetings will continue via Zoom for the foreseeable future. He stated that the January 21, 2021 meeting will include the annual report for 2020, the two items carried over from this meeting, and an application from Chick-Fil-A regarding setback variances associated with shade canopies they wish to install.

Mr. Herrs stated that there may be one more application on the January meeting but it is too soon to know when it will be put on an agenda.

Mr. Andrew asked the Board if the Zoom call worked well for them, to which multiple Board members expressed support for the Zoom meeting format.

Chair Olson asked about the start times for the Zoom meetings and if the future meetings would start right at four. He asked if the meetings can be opened ten minutes early to allow for audio and video to be checked, to which Mr. Herrs answered yes.

5. PUBLIC FORUM

None

6. ADJOURNMENT

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

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

The meeting adjourned at 6:58 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.



Publication Date	October 28	Application No.	V20-6
Hearing Date	November 19	Date Filed	October 14
Vicinity Map	KG	Filing Fee	\$ 175.00
Ownership List	KG	Receipt No.	20-01321

APPLICATION FOR VARIANCE OR APPEAL

- Applicant's Name Emmanuel Church
- Applicant's Address 1325 E. Cloud Street - Salina, Kansas
- Telephone (daytime) 580-401-0092 E-mail deb@efcsalina.com
- Owner's Name International Church of the Foursquare Gospel - Rev. William Blaine Herron
- Owner's Address 1325 E. Cloud Street - Salina, Kansas
- Legal Description of affected property (attach additional sheet if necessary) Lot 2, Block 1 of the Lundberg Addition and the south half of vacated Claflin Avenue, Salina, Saline County, Kansas
- Approximate Street Address 1325 E. Cloud Street - Salina, Kansas
- Present Zoning R-1 Use Emmanuel Foursquare Church
- Proposed Use Emmanuel Foursquare Church
- Are there any covenants of record which prohibit the proposed development? YES (attach copy) NO
- Nature of variance requested (for variance only) A maximum sign size variance of 118 sq. ft. from 32 sq. ft. to 150 sq. ft. to allow a 150 sq. ft. wall sign to be erected on the west wall of Emmanuel Church.
- Nature of appeal requested (for appeal only) _____
- Justification for requested variance or appeal: The 32 sq. ft. maximum wall sign size allowed by code is too limiting and small to be seen from the church on Ohio Street.
- List exhibits or plans submitted, including site plan Proposed sign elevation drawings
- 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 [Signature]

Owner(s) Signature [Signature]

Date: 10/14/20

Date: 10/14/20

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: Jeremy Hepkins E-mail address: jh@tmi.sign.com

Mailing Address, including zip code 318 S. Osage Wichita KS 67213 Telephone: 316-644-8125

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:

We have a large property that was built on the edge of residential, area, it is not embedded in the neighborhood. Unique to the church are the community meals we serve that benefit the community. By putting signage on the west side of our building, those using Salina transportation or driving will find us. By serving 200 meals a week this meets a need in our community. We also host every Tuesday a farmers market for the Salina community. We host a large veterans celebration, a free donut day for teachers, free oil change for our community every year. We host multiple community organizations throughout the year which makes us unique to Salina based on the volume of our hosting.

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

This will not impact neighbors on the west or south side. There is no housing on the west side where we would like to put our signage, only a very large and brightly lit commercial property, that will easily outshine our LED channel letters logo and name. Our way finding sign is simple and tasteful. It will not scroll, or flash.

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

This sign is a way finding sign, so keeping us from having this size of sign, is keeping the community from easily seeing our property from one of the busiest streets in Salina, Ohio Street. Traffic can be quite busy at that intersection and looking and seeing our way finding signage would help in a busy driving situation. A smaller sign will not be able to be seen from Ohio or also not able to be seen through the trees placed in front of Dillon's on Cloud Street. Based upon the United States Sign Council visibility chart, our sign size is appropriate for the distance and traffic conditions. We are approximately 900 ft. from Ohio Street.

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

It will not affect traffic, property values, or use of neighboring property.

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

This has already been answered in the above question. The question is the size of the way finding sign as it faces a large commercial property, what was built after we built our building. Our sign stays within the general spirit of the neighborhood.

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V20-6

Hearing Date: January 21, 2021
Continued From: December 17, 2020

Item 3.1

Application #V20-6, filed by Emmanuel Church, requesting a variance to Section 42-517(4) of the R-1 district sign regulations to allow a 150 sq. ft. wall sign on the church building which exceeds the maximum individual wall sign size allowed (32 sq. ft.) by 118 sq. ft. The subject property is legally described as Lot 2, Block 1 of the Lundberg Addition, plus a portion of vacated Claflin Avenue, City of Salina, Saline County, Kansas and is addressed as 1325 E. Cloud Street. (Rescheduled to December 17, 2020 meeting due to the lack of a quorum at the November 19, 2020 meeting and continued from the December 17, 2020 meeting to allow for additional public input).

Background

On June 5, 2010 Luminous Neon of Salina applied for a sign permit on behalf of the Emmanuel Christian Center to install a 189 sq. ft. wall sign over the front entry of the church. After reviewing the sign permit application, Planning staff determined that the permit could not be issued because the proposed sign exceeded the 32 sq. ft. maximum size limitation for individual wall signs for churches and schools located in residential zoning districts.

The current limitations on signage for churches, schools, nursing homes and assisted living facilities located in residentially zoned areas area as follows:

Types of signs permitted: Ground and wall signs

Maximum number of signs: 3

Up to 2 wall signs and 1 ground sign per zoning lot

Maximum size: 32 sq. ft.

Required Setback

Ground signs on arterial and collector streets: 10 ft.

Ground signs on residential streets: 25 ft.

Illumination: Internally and externally (spot lit) illuminated signs are permitted.

These provisions were amended in 2009 to allow electronic message board signs but the size limitations were not changed.

Following denial of their sign permit, the Emmanuel Christian Center had three (3) options:

1. Reduce the size of the wall sign to 32 sq. ft.
2. Apply to the Board of Zoning Appeals for a maximum sign size variance.
3. Apply to change the zoning of the property to a commercial zoning classification with less restrictive sign limitations.

Staff discouraged the filing of a sign variance application due to the magnitude of the variance (over 5 times the maximum permitted size) and the fact that the Cloud Street property is not unique compared to other church properties. The Church chose to apply for C-3 zoning because their property abuts the C-3 zoned Meadow Pointe development on the west, churches are permitted in C-3 and under C-3 zoning a 189 sq. ft. wall sign would be permitted based on the size and street frontage of the church building.

An application to rezone Lot 2 (including the detention pond area) was filed on August 12, 2010 and a public hearing set for September 7, 2010.

On **Tuesday, September 7, 2010**, the Salina City Planning Commission conducted a public hearing on the church's application (#Z10-7) requesting a change in zoning district classification from R-1 (Single-Family Residential) to C-3 (Shopping Center) to allow commercial (C-3) sign regulations to apply to the church property instead of residential sign regulations which limit wall signs to 32 sq. ft. in size. After presentation of the staff report, comments from church representatives, comments from neighboring property owners and discussion and questions by the Commissioners, the Planning Commission voted 7-0 to recommend denial of the church's request. The Commission expressed the opinion that changing the zoning of the church property to R-1 to C-3 was not the best mechanism for allowing the church's proposed wall sign to exceed 32 sq. ft.

The Planning Commission asked Planning staff to meet with church representatives again to discuss options for modifying the proposed wall sign to make it fit within the R-1 district sign limitations. Staff met with representatives of Emmanuel Foursquare Church to explore ideas for having a sign over the church entryway that conveys the message and imagery the church wanted to display while still meeting the sign size limitations applicable to residential zoning districts. On **January 20, 2011** staff issued a sign permit for a 32 sq. ft. wall sign above the church entryway facing Cloud Street. Staff did not count the tree symbol as part of the 32 sq. ft. wall sign area.

Nature of Applicant's Variance Request

The Emmanuel Church property at 1325 E. Cloud Street is zoned R-1 (Single-Family Residential). Emmanuel Church would like to add a new 150 sq. ft. illuminated wall sign to the west face of their building. The Emmanuel Church is allowed to have a second wall sign but not a sign of that size. The reason for the proposed sign size is to allow the sign to be visible from Ohio Street. The maximum sign size allowed in an R-1 zoning district is 32 sq. ft. A sign permit cannot be issued to the church in this case without approval of a sign size variance by the Board of Zoning Appeals because the proposed 150 sq. ft. wall sign exceeds the maximum wall sign size permitted in the R-1 zoning district by 118 sq. ft. (150 sq. ft. is 468% larger than the 32 sq. ft. maximum).

As a result, the applicant has filed an application for a sign size variance for consideration by the Board of Zoning Appeals seeking approval of a 150 sq. ft. wall sign on the west side of the Emmanuel Church building as proposed.

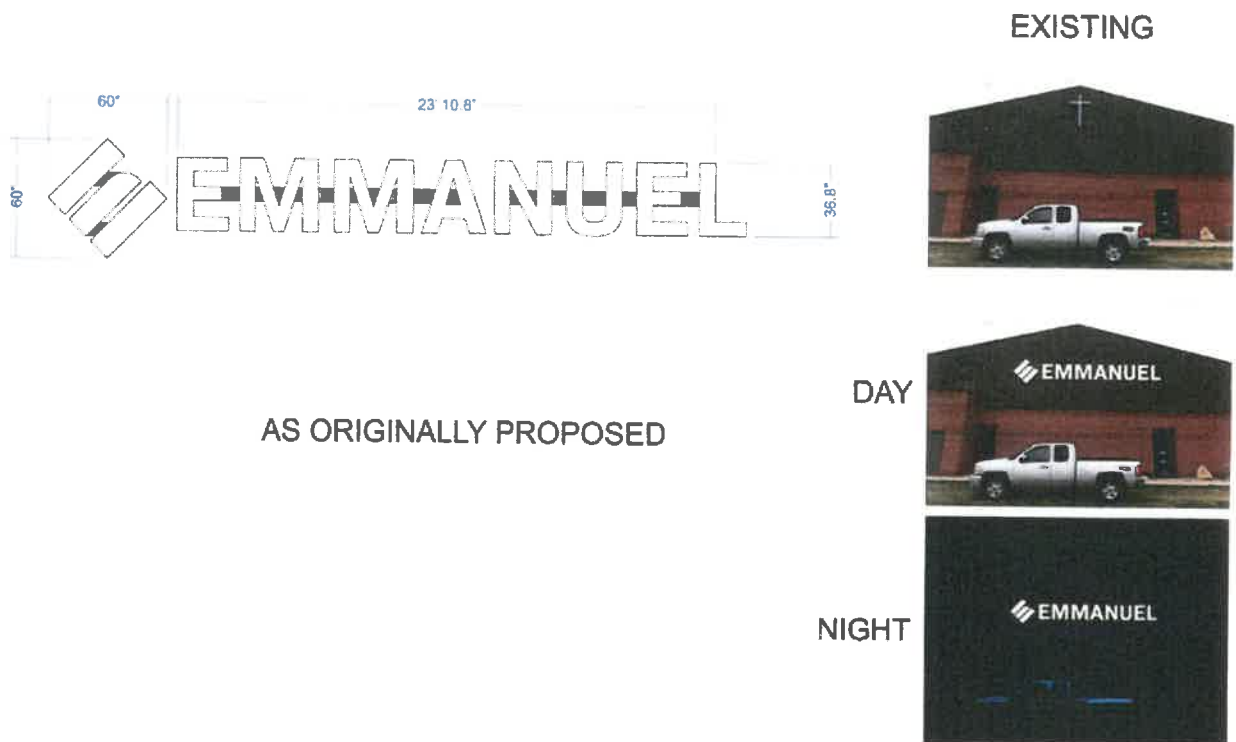


Figure 1: Proposed 150 sq. ft. wall sign on west side of church building

This application was originally scheduled to be heard by the Board of Zoning Appeals at their November 19, 2020 meeting, but was postponed to December 17, 2020 due to a lack of meeting quorum. At the December 17, 2020 Board of Zoning Appeals meeting the Board of Zoning Appeals voted 5-0 to postpone consideration on Application #V20-6 to the January 21, 2021 meeting of the Board to allow all interested parties to speak and

be heard on this item as meeting attendees had a difficult time hearing Mr. Jeremy Hopkins at the December 17, 2020 meeting.

Surrounding Zoning / Land Use

Size of Site: 5.2 acres
Church = 2.84 acres
Pond Area = 2.36 acres

	<u>Zoning</u>	<u>Land Use</u>
Site	R-1	Emmanuel Church
North	R-2.5	Willow Grove Apts., Tri-Rivers Apts.
South	R-1	Single-family homes in Austin Subdivision
East	R-1	Single-family homes backing up to Cloud Street
West	C-3	Dillon's and Meadow Pointe

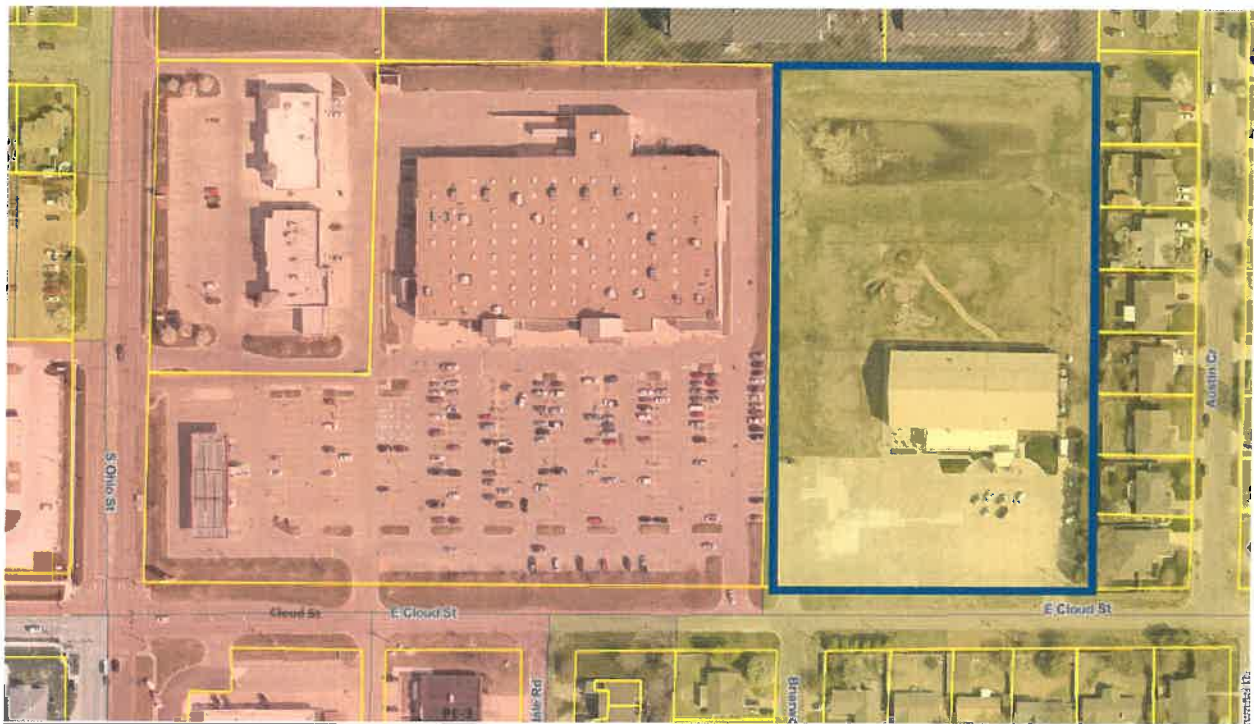


Figure 2: Shows the Emmanuel Church property outlined in blue in relation to Dillon's on the west and the Austin Circle residential neighborhood to the east. The yellow shading indicates the R-1 (Single-Family Residential) zoned property and the pink indicates C-3 (Shopping Center) commercial zoned property. The church building is located 900 ft. east of Ohio Street.

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;
- Natural obstructions – trees, berms, elevation shags.

The applicant states they have a large property that was built on the edge of residential area; it is not embedded in the neighborhood. Unique to the church are the community meals they serve that benefit the community. The applicant states that by putting signage on the west side of their building, people using Salina transportation or driving by on Ohio will be able to find the church. By serving 200 meals a week this meets a need in our community. The church also hosts a farmers market for the Salina community every Tuesday evening. The church also hosts a large veteran's celebration, a free donut day for teachers and a free oil change for our community every year. The applicant states that the church hosts multiple community organizations throughout the year which makes them unique to Salina based on the volume of their hosting.

Staff would note that the need for a variance is supposed to relate to unique characteristics of the physical property itself, not the unique qualities of how the property is used or how a particular use operates. In this case there are several churches within the Salina community that provide similar outreach services as Emmanuel Church, with some of these churches located in similar residential neighborhoods along the Ohio Street corridor. To staff's knowledge, there are no other residentially zoned churches along the Ohio Street corridor or anywhere in the city that has a wall sign that exceeds the 32 sq. ft. maximum. Because community outreach and service is a common mission of many churches and this mission has nothing to do with the unique characteristics of the property, staff does not believe the applicant has provided sufficient justification as to how the Emmanuel Church location and property is unique or disadvantaged compared to other churches located in similar residential neighborhoods along the Ohio Street corridor.

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 the proposed wall sign will not impact neighbors on the west or south side of their church building. There is no housing on the west side where the church is proposing to erect the wall sign, only a very large and brightly lit commercial property. The applicant states the Dillon's Grocery Store will easily outshine their proposed LED channel letters logo and name. The applicant believes that their proposed wall sign is simple and tasteful. It will not scroll, or flash.

Staff would agree that a 150 sq. ft. illuminated sign located on the west side of the church building would not be visible to residents living east of the church. However, there are residential properties south and southwest of the church. Adjacent properties to the north and south would be over 250 ft. away from the proposed sign, so the distance of these neighboring properties will help mitigate any negative effects they would experience from a 150 sq. ft. sign. However, the church was originally approved in this location in 1991 to act as a transition buffer between the anticipated commercial uses that are now at the corner of Cloud and Ohio and the residential neighborhoods to the east. One of the reasons the previous 2010 rezoning request was not approved was because the Planning Commission wanted to preserve the church property as a transitional buffer between the commercial uses and the residential properties to the east.

Staff believes that approving the requested sign variance would essentially be treating the church as if it is a commercial property which could undermine the purpose of the R-1 zoning and negatively affect the neighbors by eroding the buffering effect the church has between the commercial properties to the west and the residential properties to the east.

It is not uncommon for property owners to want signs that are taller or larger than the sign code allows in an effort to increase community visibility and attract more patrons. One of the main reasons for having sign regulations is to create a level playing field for property owners and establish reasonable sign standards that are uniformly applied to similarly situated property. Staff's biggest concern with approving a wall sign that is over four (4) times larger (468%) than what is permitted by the sign regulations is the precedent it might set for other sign variance applications which could undermine even handed application and enforcement of the sign regulations and undermine the intent behind allowing churches in residential zoning districts.

Staff would note that the Trinity United Methodist Church is located 450 ft. west of Ohio Street on Neal Avenue but does not have an expectation that their sign should be visible from Ohio Street. Staff does not believe that Emmanuel Church's expectation that their sign should be visible from 900 ft. away is a reasonable expectation.

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 proposed wall sign is a wayfinding sign, so preventing them from having a sign of this size, is keeping the community from easily seeing their property from one of the busiest streets in Salina, Ohio Street. Traffic can be quite busy at the Cloud and Ohio intersection and having a sign that can be easily seen from Ohio Street would help people find the church in high traffic situations. The applicant states that a smaller sign will not be able to be seen from Ohio and would also not be visible through the trees placed in front of Dillon's on Cloud Street. Based upon the United States Sign Council visibility chart, the churches proposed wall sign size is appropriate for the distance and traffic conditions. The church is approximately 900 ft. from Ohio Street.

ORIGINAL SIZE



32 SQ. FT



Figure 3: Shows the wall sign size differences between the proposed 150 sq. ft. sign (left) and the 32 sq. ft. maximum (right) as viewed from the Cloud and Ohio interesection.

Staff agrees that a 32 sq. ft. wall sign would be difficult to read from Ohio Street, but that is because Emmanuel Church is located nearly 900 ft. from Ohio Street. Staff believes that approving a sign size variance for a property just because it is located too far away from a major corridor for a typical 32 sq. ft. sign to be seen, could set an unfavorable precedent that encourages future sign size variance requests for properties located near but not on arterial streets, especially when the church building itself is visible. For example, Trinity United Methodist Church is located about 450 ft. west of Ohio Street on Neal Avenue. If a sign size or sign height variance were approved for Emmanuel Church, what would prevent Trinity United Methodist Church from requesting a similar sized sign that could be visible from Ohio Street?

The subject site contains over five (5) acres, when the detention pond area is included, and is located on a collector street – East Cloud Street. It has been zoned R-1 since the Lundberg Addition was platted in 1982. It has been occupied by a church since 1991. Churches and schools are conditional uses in R-1 and the majority of the churches and schools are located in residential zoning districts and subject to residential district sign limitations. It is common for churches and schools to act as transitional uses between residential neighborhoods and more intense commercial neighborhoods.

The applicant believes the current R-1 zoning inhibits the full use and development of this property compared to similarly situated property by limiting the maximum size of a wall sign to 32 sq. ft. Staff would reiterate that the vast majority of churches and schools in Salina are subject to the 32 sq. ft. size limitation and staff is unaware of any sign size variances requested or approved for any R-1 church locations. Staff believes it is difficult to claim that 1325 East Cloud is unique or has been unfairly singled out or treated differently by being limited to the 32 sq. ft. wall sign size. Emmanuel Church has been in operation at this location for almost 30 years, so it is difficult to claim that not allowing the proposed 150 sq. ft. sign would create an unnecessary hardship on those wanting to find the location of the church.

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 the proposed wall sign will not affect traffic, property values, or use of neighboring property.

Staff would agree that the proposed 150 ft. wall sign would have a minimal direct effect on the public health, safety and welfare of the surrounding area. The proposed sign will not obstruct visibility at any intersection or affect traffic. The greatest potential impact to the general public the proposed sign would have would be indirect. Approval of the requested sign size variance could undermine enforcement of the sign regulations as to maximum sign sizes which would be contrary to the public welfare. The general public could be adversely affected if this variance were to create a precedent for other properties located similar distances from major arterial corridors which desire greater visibility.

5. Conformity with General Spirit and Intent of the Ordinance

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

The purpose for limiting the size and height of signs in the R-1 district is to minimize the visual impact on the neighboring properties and maintain a smaller scale of development. The maximum sign size in the R-1 district is limited to 32 sq. ft. in order to allow sufficient sign area to identify the church to pedestrians and vehicles of the adjacent street, while minimizing the visual impact on the adjacent properties

In the case of the regulation of signs there are also First Amendment and Equal Protection issues that come into play that don't apply to other zoning regulations. In the case of sign regulation it is even more important to treat similar situated properties equally and even handedly, especially religious institutions.

The applicant reiterates that the proposed wall sign will not affect traffic, property values, or use of neighboring property. The applicant believes that the size of their proposed wall sign stays within the general spirit of the code and conforms to the residential neighborhood because the wall sign faces west, toward a large and busy commercial property that was constructed after the church was built.

All variances are contrary to the letter of the governing zoning ordinances. The issue is whether the variance is contrary to the general spirit and intent of the ordinance. The intent of limiting sign sizes is to create a level playing field for property owners and to establish uniform size maximums for all property owners to conform with. While the proposed wall sign might be similar in size to wall signs at Dillon's (whose main wall signs range from 125 sq. ft. to 250 sq. ft.), the proposed wall sign is not in keeping with the general spirit and intent of preserving the residential character of residential districts by limiting wall signs in residential zoning districts to 32 sq. ft. Emmanuel Church is essentially asking to be treated as a commercial property instead of as a residentially zoned church.

The proposed wall sign is larger than many commercial wall signs along Ohio Street.

Staff is generally not supportive of granting sign size variances because of concern about setting a precedent for future requests and concern about the outbreak of "sign wars" where each business or organization requests to have their sign taller or larger than their neighbor's. Staff and previous Boards and Commissions have always strived to maintain a level playing field for sign sizes and sign heights.

Singling one (1) residential property out for special consideration could result in a precedent for other residential locations unless the Board makes adequate findings relating to the uniqueness of Emmanuel Church compared to other locations and the hardship that would result if the R-1 sign limitations were applied to Emmanuel Church.

Summary of Staff's Suggested Findings

1. The applicant has not provided sufficient justification demonstrating how Emmanuel Church is unique compared to other properties located in similar residential neighborhoods along the Ohio Street corridor. Community outreach and service is a common mission of many churches and is not a physical condition of the property that creates a need for variance relief.
2. The church was originally approved in this location to act as a transition buffer between the commercial uses that are now at the corner of Cloud and Ohio and the residential neighborhoods to the east. Approving the requested sign variance would essentially be treating the church as if it is a commercial property which could undermine the purpose of the existing R-1 zoning and negatively affect the neighbors by eroding the buffering effect the church has between the commercial properties to the west and the residential properties to the east.
3. Emmanuel Church has been in operation at this location for almost 30 years, so it is difficult to make a finding that not allowing the proposed 150 sq. ft. sign would create an unnecessary hardship for individuals trying to locate the church.
4. Approval of the requested sign size variance could undermine the R-1 sign regulations concerning maximum sign sizes which would be contrary to the public welfare. The general public could be adversely affected if this variance were to create a precedent for other properties located similar distances from major arterial corridors which desire greater visibility.
5. The intent of limiting sign sizes is to create a level playing field for all properties and uses and to establish uniform size maximums for similarly situated properties. While the proposed wall sign might be similar in size to wall signs at Dillon's (whose main wall signs range from 125 sq. ft. to 250 sq. ft.), the

proposed wall sign is not in keeping with the general spirit of preserving the residential character of residential districts by limiting wall signs in residential zoning districts to 32 sq. ft. Commercial sign standards should not be applied to residentially zoned properties.

6. Singling one (1) residential property out for special consideration could result in a precedent for other residential locations unless the Board makes adequate findings relating to the uniqueness of Emmanuel Church compared to other residential locations and the hardship that would result if the R-1 sign limitations were applied to Emmanuel Church.

Conclusion

1. A variance should only be granted when there is uniqueness and unnecessary hardship. Unnecessary hardship means that a reasonable use of the property cannot be made without the variance. It is hard for staff to see that reasonable use of the Emmanuel Church property could not be achieved with a 32 sq. ft. wall sign, especially since they have been in this same location for almost 30 years. Also being near, but not on, a major corridor is not a hardship. Numerous other properties fit that description.
2. It is also not the function of the Board of Zoning Appeals to use the granting of a variance as a tool for economic development or to enhance the competitive advantage for a particular business or organization. These are the functions of economic development organizations and the property owners themselves. The function of the Board of Zoning Appeals is to apply the ordinance fairly for the betterment of the overall community.
3. As to uniqueness and undue hardship, these factors have nothing to do with the nature of an organization. What uniqueness and undue hardship relate to is the physical condition of the property. How is the particular site disadvantaged by its size, shape, topography, etc. The burden is on the applicant to demonstrate uniqueness and hardship.

Alternatives

1. The Board could approve this 118 sq. ft. wall sign size variance as requested, with or without any conditions, if the required findings-of-fact can be made.
2. The Board could approve a lesser sign size variance than requested.
3. The Board could postpone action on this application with the consent of the applicant, if additional information is required.

4. The Board could deny the applicant's request, if the required findings-of-fact cannot be made in support of a sign size variance of the magnitude requested.

Staff Recommendation

Staff is concerned that approval of this sign size variance could set a precedent for other properties near, but not directly on, arterial corridors unless clear findings as to **uniqueness and hardship** can be made in this case. Staff is unable to support approval of this variance application and would recommend Alternative No. 4.

If the Board wishes to approve this application under either Alternative No. 1 or Alternative No. 2, staff would need to work with the Board to develop alternative findings in support of granting relief from the strict application of the R-1 sign regulations to this church property.

Attachment

Summary of R-1 Sign Regulations

Summary of R-1 Sign Regulations

Sec. 42-517. - RS, R, R-1, R-2, R-2.5, R-3 and MH residential districts.

The following sign regulations shall apply in the RS, R, R-1, R-2, R-2.5, R-3 and MH residential districts:

(1) Functional types permitted:

- a. Bulletin board signs;
- b. Business signs;
- c. Construction signs;
- d. **Identification signs;**
- e. Nameplate signs;
- f. Real estate signs.

(2) Structural types permitted:

- a. Ground signs;
- b. **Wall signs;**
- c. Awning, canopy and marquee signs (when used in conjunction with a conditional use along a collector or arterial street only).

(3) Number of signs permitted:

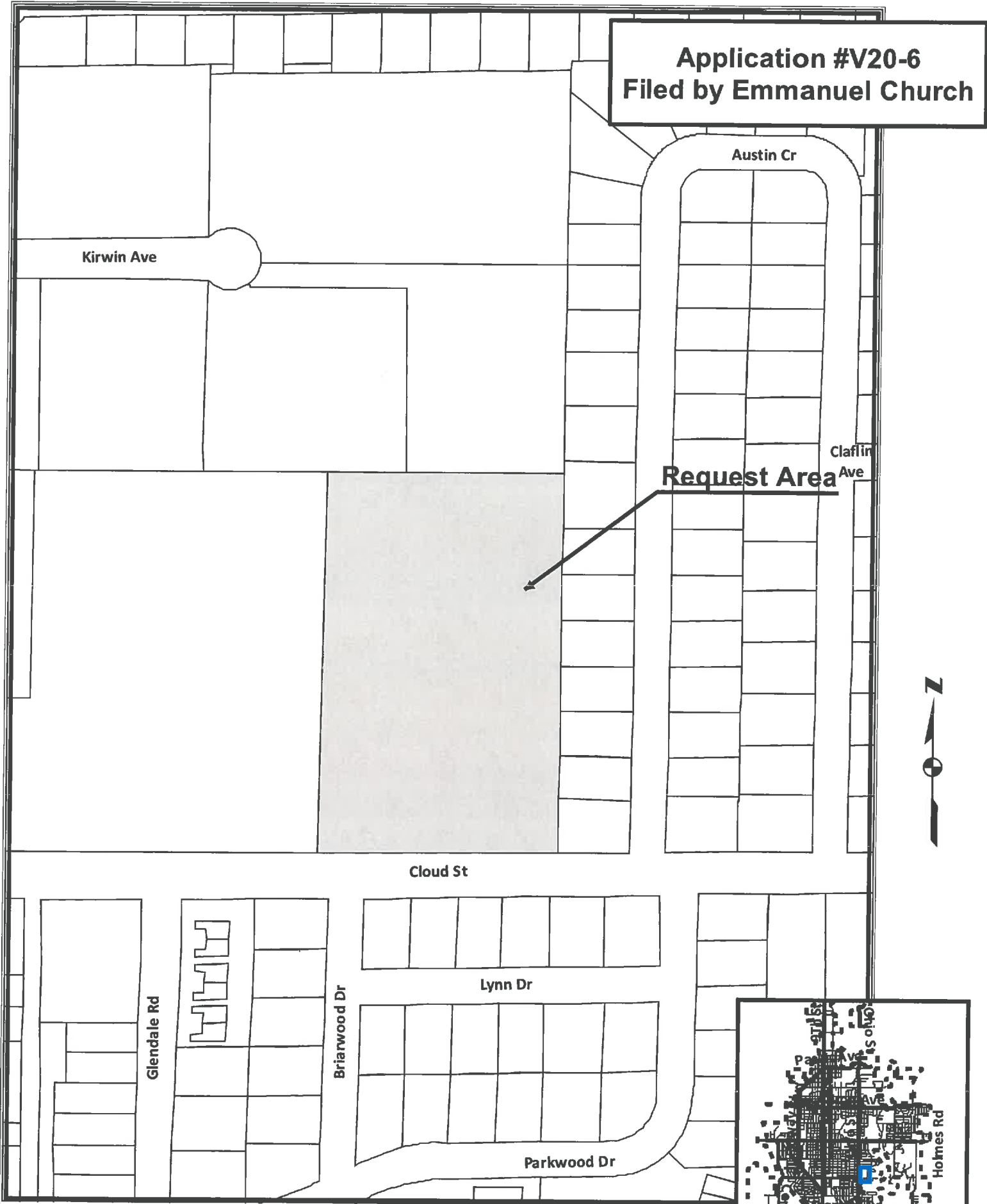
- a. Ground sign: one (1) per zoning lot.
- b. **Wall signs: two (2) per zoning lot.**
- c. Awning, canopy and marquee signs: one (1) per zoning lot.
- d. A maximum of three (3) signs is permitted per zoning lot.

(4) **Maximum gross surface area:**

- a. **Bulletin board signs: thirty-two (32) square feet.**
- b. Business signs: eight (8) square feet.
- c. Construction signs: thirty-two (32) square feet.
- d. Identification signs: thirty-two (32) square feet.
- e. Nameplate signs: two (2) square feet.
- f. Real estate signs: eight (8) square feet per lot, provided that one sign of not more than one hundred (100) square feet in area announcing the sale of lots and/or homes in a subdivision may be located on such development. Such signs shall be removed at the end of three (3) years from the date of issuance of permit, or when seventy-five (75) percent of the lots in the subdivision or development have been sold, whichever occurs sooner.

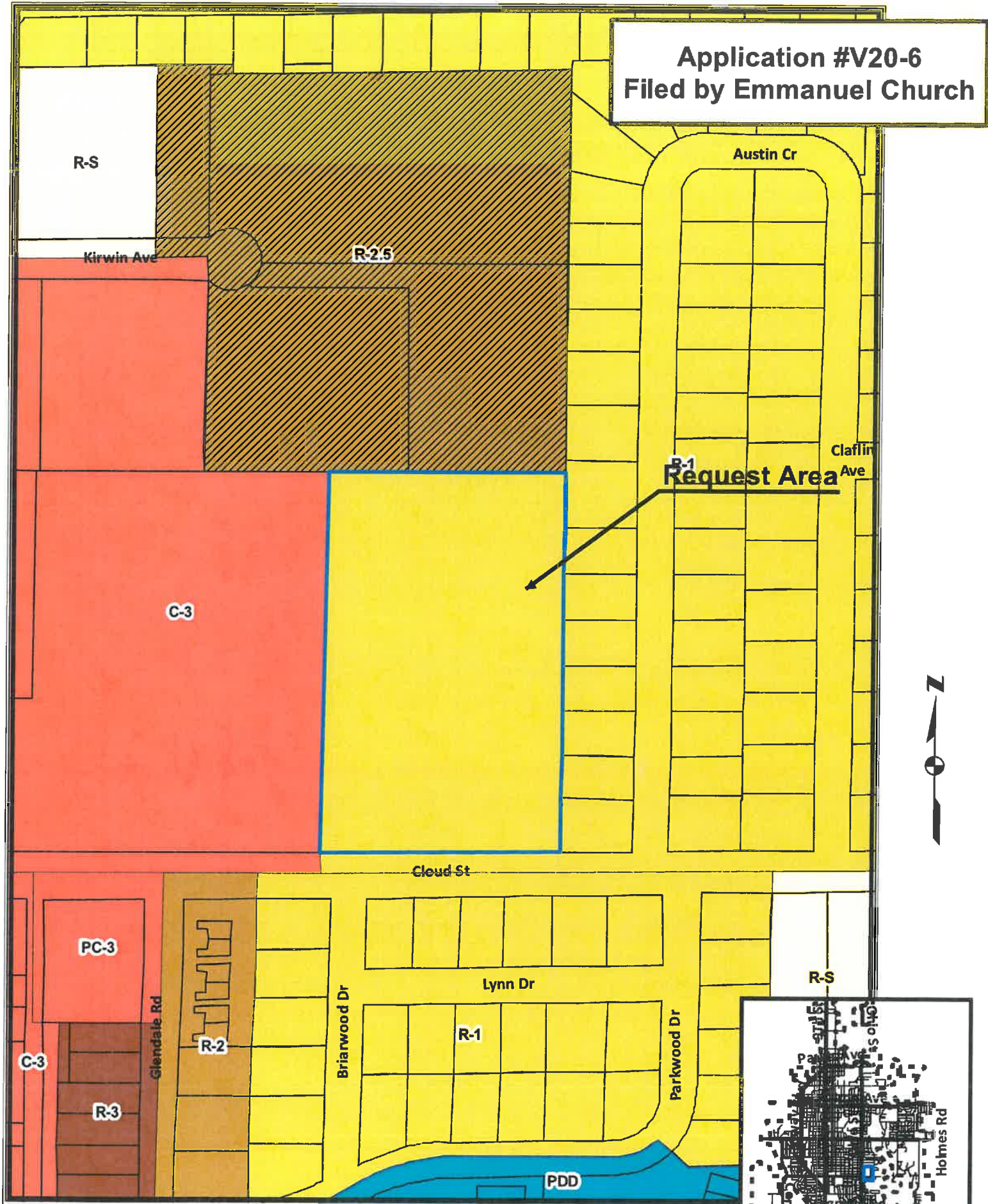
- g. Business signs: when used in conjunction with a conditional use and only along a collector or arterial street; one (1) square foot of sign area for each lineal foot of building frontage, not to exceed thirty-two (32) square feet.
- (5) Maximum height:
- a. All signs shall be placed flat against a building or designed as part of an architectural feature thereof except that signs may be detached if they do not exceed a height of eight (8) feet or project into any required building setback area.
 - b. No height limit is specified for signs placed flat against or painted on the wall of a building, or other attached signs provided all other provisions of this section are complied with.
- (6) Required setback:
- a. All signs, except real estate and construction signs, shall maintain the same setback required for principal structures.
 - b. Detached grounds signs used in conjunction with a conditional use shall be set back at least ten (10) feet from the front property line.
- (7) Illumination: No sign shall be illuminated, except that identification signs and bulletin board signs may be internally or externally illuminated, provided that no direct light shall be cast upon any residential property. In addition, churches, schools, nursing homes, rehabilitation centers, assisted living facilities, governmental facilities, YMCAs and parks and recreational facilities and athletic fields, may have one (1) freestanding electronic changeable copy identification or bulletin board sign subject to the following limitations:
- a. The electronic message center portion of the sign may not exceed fifty (50) percent of the total sign area.
 - b. The sign must set back at least ten (10) feet from the front property line and must be set perpendicular to the adjoining public street, provided that signs on corner lots may be set at a forty-five (45) degree angle at street intersections.
 - c. The sign may not exceed a height of eight (8) feet.
 - d. All electronic message center signs must be equipped with a photo cell dimmer or some other automatic dimmer control and may not operate between 10:00 p.m. and 6:00 a.m.
 - e. No minimum hold time or interval of change shall be required.
 - f. Text and moving pictorial images shall be permitted, however, no sign shall have blinking, flashing or fluttering lights or any other illuminating device that changes the intensity, brightness or color of the sign background.

**Application #V20-6
Filed by Emmanuel Church**

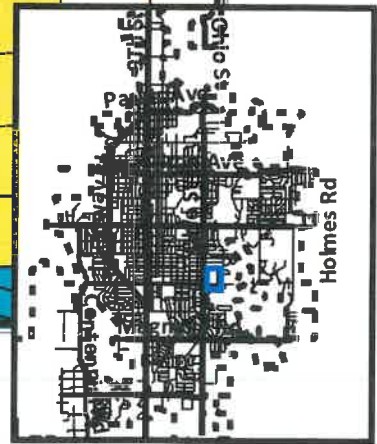


1 inch = 200 feet

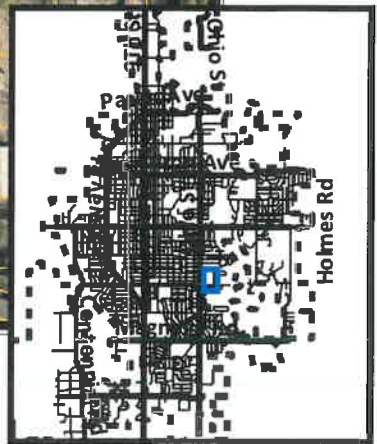
Application #V20-6
Filed by Emmanuel Church



1 inch = 200 feet

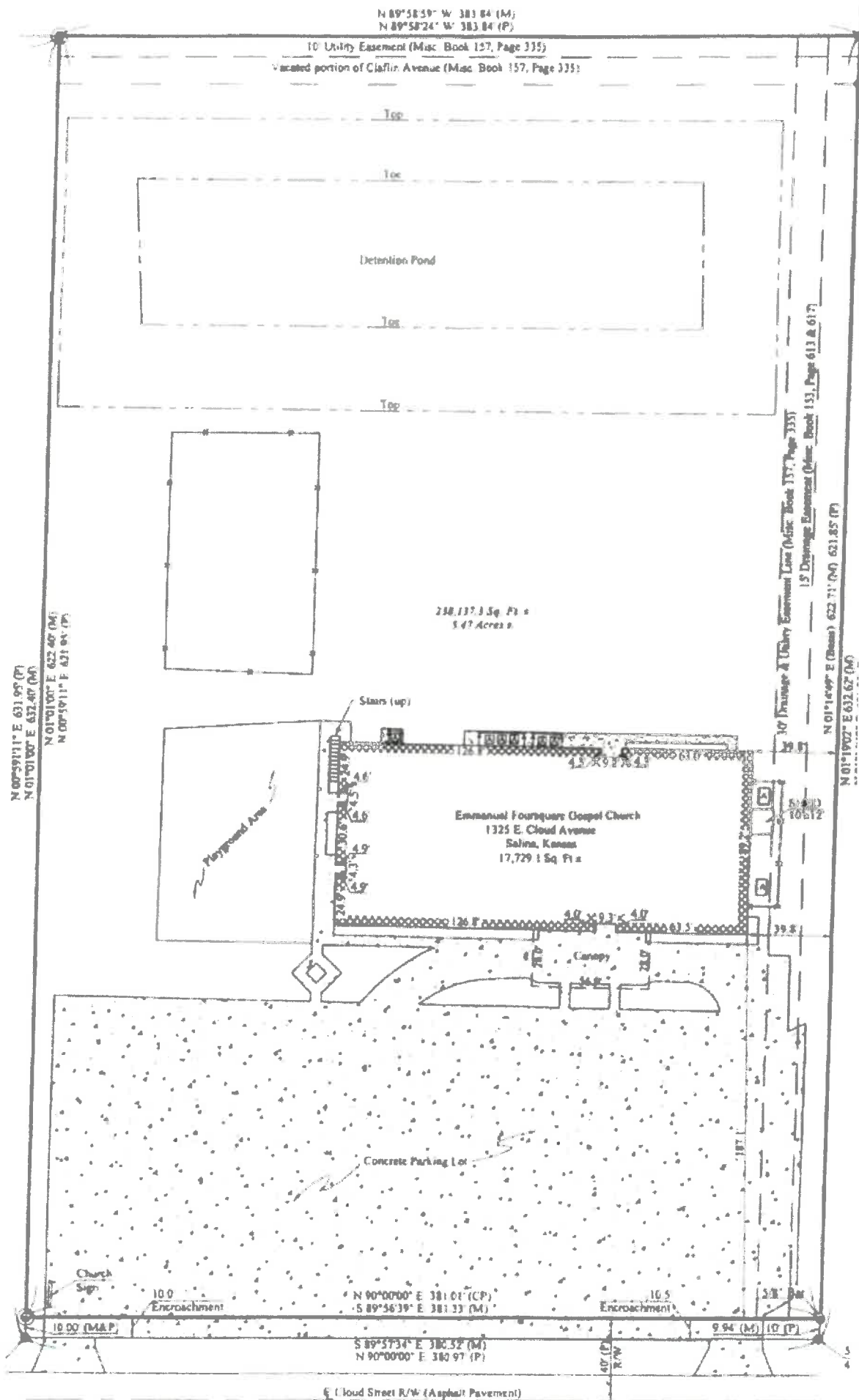


**Application #V20-6
Filed by Emmanuel Church**



1 inch = 200 feet

Emmanuel Church Property Survey



**Existing Emmanuel Church Wall Sign
(West Side of Building)**

EXISTING

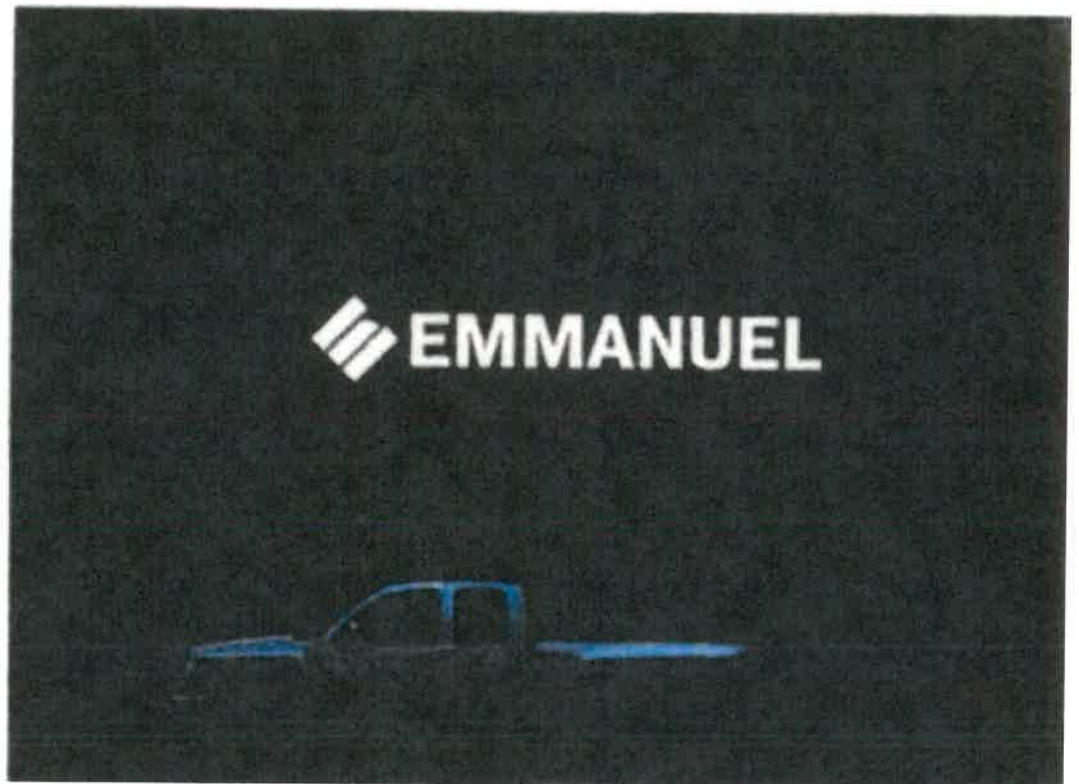


Proposed 150 sq. ft. Emmanuel Church Wall Sign
(West Side of Building)

DAY



NIGHT



**Proposed Emmanuel Church Wall Sign from Cloud and Ohio
32 sf. ft. Option**



**Proposed Emmanuel Church Wall Sign from Cloud and Ohio
150 sf. ft. Option**



Attachment

Photos of
Churches on
South Ohio Street

Application #V20-6 Church Sign Pictures



Emmanuel Church From Ohio and Cloud Sidewalk

Application #V20-6 Church Sign Pictures



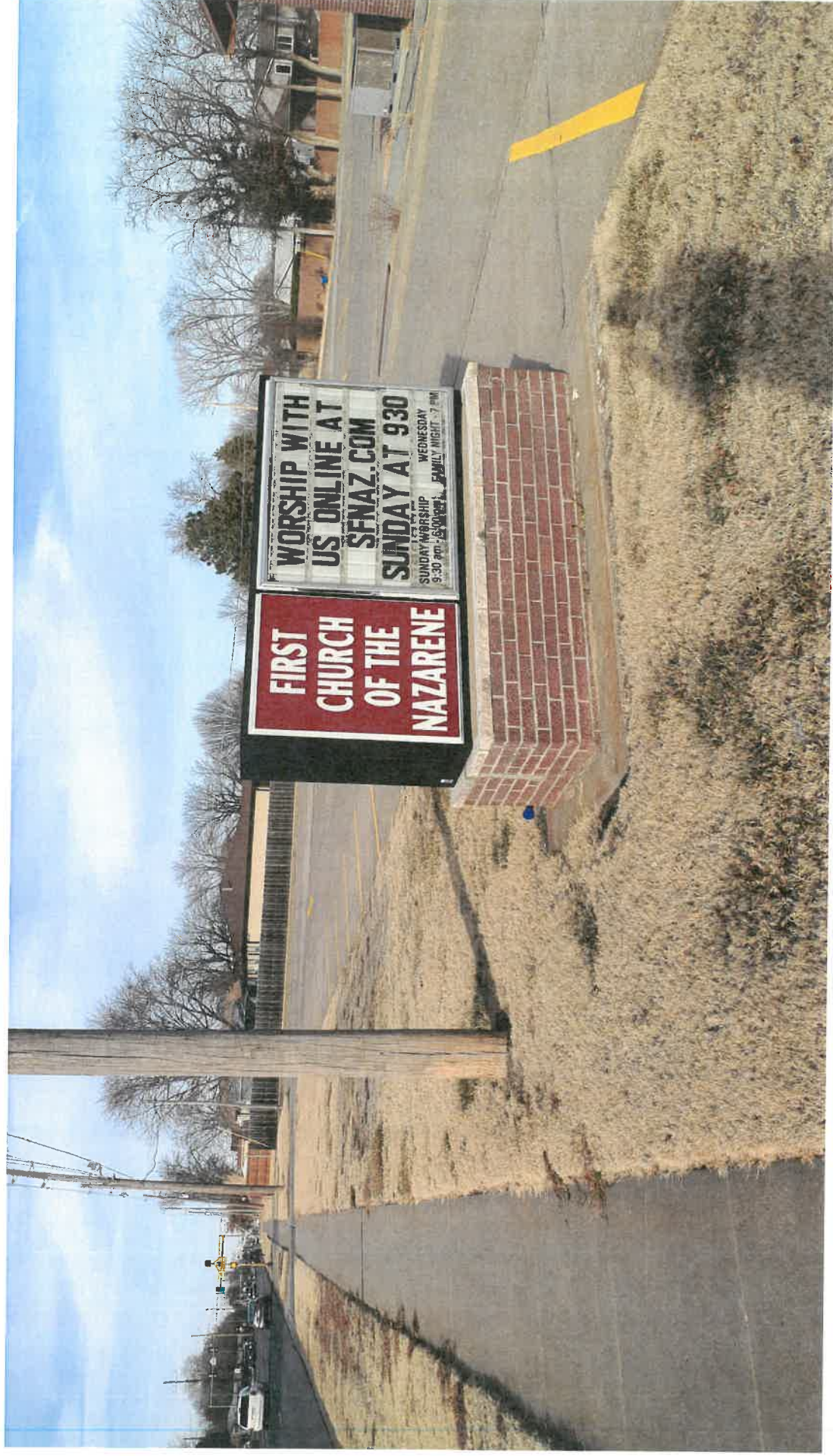
Emmanuel Church From Where the Cloud Street Sidewalk Would Be

Application #V20-6 Church Sign Pictures



The Church of Jesus Christ of Latter-day Saints From the Sidewalk

Application #V20-6 Church Sign Pictures



First Church of the Nazarene From the Sidewalk

Application #V20-6 Church Sign Pictures



St Mark Lutheran Church From the Sidewalk

Application #V20-6 Church Sign Pictures



First Southern Baptist Church From the Sidewalk

Application #V20-6 Church Sign Pictures



St Elizabeth's Catholic Church From Burr Oak Lane

Application #V20-6 Church Sign Pictures



Trinity United Methodist Church From Ohio and Neal

Application #V20-6 Church Sign Pictures



Trinity United Methodist Church From Neal Avenue



Publication Date	Nov. 25, 2020	Application No.	V 20-9
Hearing Date	Dec. 17, 2020	Date Filed	Nov. 8, 2020
Vicinity Map	KG	Filing Fee	\$175.00
Ownership List	KG	Receipt No.	

APPLICATION FOR VARIANCE OR APPEAL

- Applicant's Name Bill Swendson
- Applicant's Address #7 Tenlawns Place Salina, KS 67401
- Telephone (daytime) 785-840-5715 E-mail billyswendson@yahoo.com
- Owner's Name Bill Swendson
- Owner's Address # 7 Tenlawns Place
- Legal Description of affected property (attach additional sheet if necessary) Lot 7 in the Tenlawns Court Addition to the City of Salina, Saline County, Kansas
- Approximate Street Address #7 Tenlawns Place
- Present Zoning R-1 Use Single family home with detached garage
- Proposed Use Addition to the detached garage
- Are there any covenants of record which prohibit the proposed development? YES (attach copy) NO
- Nature of variance requested (for variance only) A front yard setback variance of 21 ft. from 25 ft. to 4 ft. from the Sherman Street property line
- Nature of appeal requested (for appeal only) _____
- Justification for requested variance or appeal: To allow a 10 ft. x 12 ft. addition to the rear of an existing detached garage to extend to within 4 ft. of the Sherman Street property line.
- List exhibits or plans submitted, including site plan Site Plan, Aerial Photo of the lot
- 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 Bill Swendson

Owner(s) Signature Bill Swendson

Date: November 8, 2020

Date: 12-11-2020

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: _____

TENLAWS COURT

A REPLAT OF LOTS 7-8-9-10-11-12
 13-14-15-16 BLOCK 2 BROWN'S ADD.
 TO THE CITY OF SALINA, SALINE
 COUNTY KANSAS.

SCALE 1 INCH = 50 FEET
 DRAWN BY J.T.H.

SURVEY

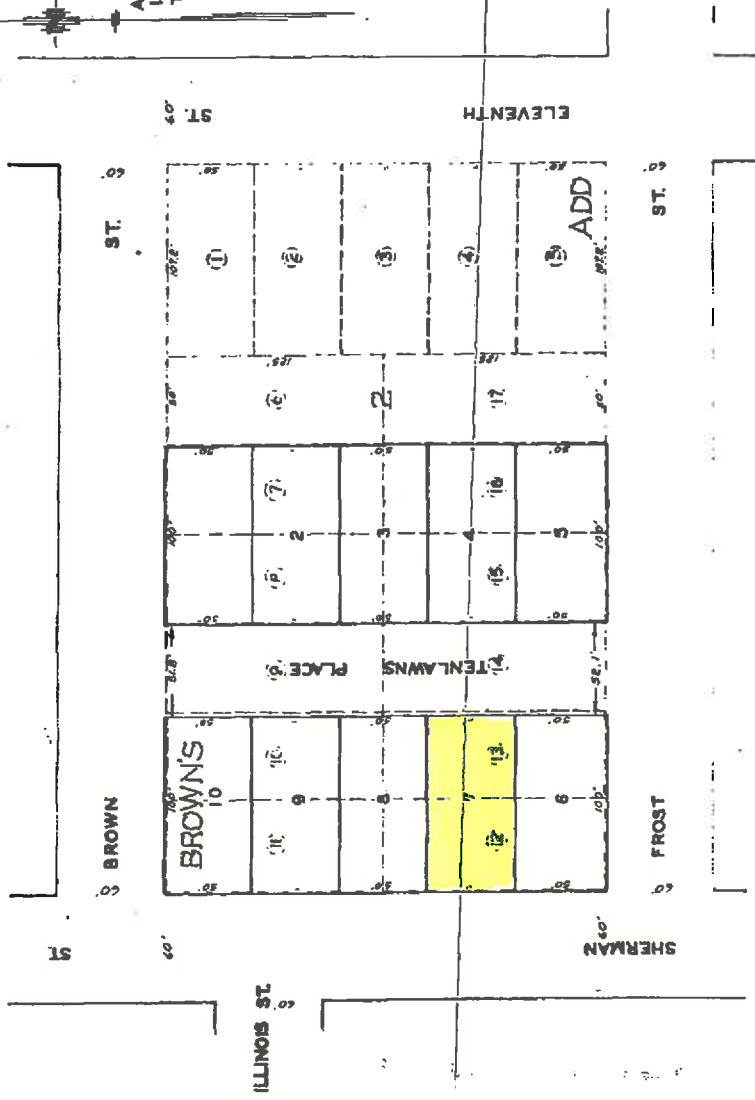
I CERTIFY THAT I HAVE SURVEYED
 THIS TRACT OF LAND AND THAT THE
 MEASUREMENTS SHOWN ON THIS RE-
 PLAT ARE CORRECT.

SIGNED *H.T. Korman*
 SURVEYOR

FILED FOR RECORD _____

STATE OF KANSAS | IN _____
 COUNTY OF SALINE |
 FILED FOR RECORD IN MY OFFICE
 ON OCT 5 1938 AT
 7:22 O'CLOCK A.M. AND BY RECORDS
 VOL. 3, PAGE 121 AT THE U.S.
Chas. E. Stephenson
 CLERK OF DISTRICT COURT

APPROVED BY ORD. NO. 4944
 BOARD OF COMMISSIONERS
 CITY OF SALINA, KANSAS.
Chas. E. Stephenson
 CITY CLERK



THIS PLAT IS SUBJECT TO THE RECORDS OF THE DISTRICT COURT OF SALINE COUNTY, KANSAS, AND TO THE RECORDS OF THE BOARD OF COMMISSIONERS OF THE CITY OF SALINA, KANSAS. THE CITY CLERK HAS FILED THIS PLAT IN HIS OFFICE AND THE BOARD OF COMMISSIONERS HAS APPROVED IT BY ORD. NO. 4944. THE CITY CLERK HAS ALSO FILED THIS PLAT IN THE OFFICE OF THE CLERK OF DISTRICT COURT.

Publisher's Affidavit
P. C. P.

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:**

I built this shed believing I did not need a building permit because it was 120 sq. ft. in size.
I have a double frontage lot which reduces my usable backyard.

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

the storage shed is located behind the garage on my own property.

- 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 10 ft. x 12 ft. shed is already built and it would cost a great deal of money to move or remove it.

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

in my neighborhood there are many houses and structures located closer to the road than mine.

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

I am only asking for 3 ft. and it will look like the rest of my neighborhood if it is allowed to remain.

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V20-9

Hearing Date: January 21, 2021
Continued From: December 17, 2020

Item 3.2

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 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 December 17, 2020 meeting to allow the applicant to complete their application submittal)

Background

The Tenlawns Court Addition, a plat creating 10 lots facing Tenlawns Place, was platted in 1939. The lots in the plat are relatively small (50 ft. x 100 ft.) and the lots on the west side of Tenlawns Place are double frontage lots with frontage on both Tenlawns Place and Sherman Street. City building records indicate that the homes on Tenlawns Place were built in the early 1940s. On July 25, 1940, the City Commission approved a petition filed by the lot owners on Tenlawns Place requesting that the lots on Tenlawns Place be addressed as #1 through #10.

Nature of Current Request

Mr. Bill Swendson, the applicant, owns property on the west side of Tenlawns Place north of Frost Street. Mr. Swendson's lot (Lot 7) is a double frontage lot that measures 50 ft. x 100 ft. and has frontage on Tenlawns Place (front) and Sherman Street (rear). Existing improvements on the lot consist of an approximately 32 ft. x 32 ft. (1,024 sq. ft.) dwelling and a 12 ft. x 18 ft. detached garage. The existing dwelling has a nonconforming front yard setback of 20 ft. from Tenlawns Place and the existing garage has a nonconforming front yard setback of 16 ft. from Sherman Street. Both of these structures are grandfathered in their current location.

The City's Residential Building Inspector observed the applicant constructing an addition on to the rear of his garage and determined that he had not obtained a building permit for the work. The Building Inspector sent a Violation Notice to the applicant for doing work without a permit. One of the remedies for doing work without a building permit is to obtain a building permit, even after the construction is complete. In this case, Mr. Swendson submitted plans and a building permit application for what he

describes as a 10 ft. x 12 ft. shed and what staff describes as a 10 ft. x 12 ft. addition to the existing detached garage.

In his review of the permit application, the Zoning Administrator determined that the western edge of the addition was only 4 ft. from the west property line. The minimum front yard setback in an R-1 district is 25 ft. Mr. Swenson believed that the curb line of Sherman Street was his property line. (See attached site plan)

The Zoning Administrator informed Mr. Swenson that his options were to remove the addition and relocate it elsewhere in his yard or apply to the Board of Zoning Appeals for a building setback variance. He has submitted this variance application requesting that the Board of Zoning Appeals allow the storage shed / garage addition to remain in its present location.

Zoning Ordinance Requirements

Tenlawns Court is zoned R-1 (Single-Family Residential). Section 42-160 Bulk regulations is the section of the Salina Zoning Ordinance that regulates the minimum setback requirements for structures in the R-1 Single-family residential zoning district. It reads:

(2)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.**

Mr. Swenson's detached garage and 10 ft. x 12 ft. storage shed are considered to be residential accessory structures. Section 42-58 of the Salina Zoning Ordinance that regulates the size and location of residential accessory structures.

Sec. 42-58. – Accessory uses.

(a) *Permitted uses.* Permitted accessory uses include but are not limited to the following:

- (1) A storage building or structure incidental to a permitted use, provided that no such structure that is accessory to a residential dwelling (e.g. storage building, workshop, gazebo, greenhouse, etc.) shall exceed three hundred sixty (360) square feet and shall be no taller than the dwelling or more than sixteen (16) feet in height whichever is less;

(2) A detached garage or carport provided that no such structure that is accessory to a one- or two- family dwelling shall exceed seven hundred seventy (770) square feet, except in the A-1 or RS district it shall not exceed one thousand two hundred (1,200) square feet, shall be no taller than the dwelling or more than twenty (20) feet in height whichever is less, and shall be compatible with the residential dwelling in terms of design, appearance and materials;

(b) *Bulk Regulations.* Accessory structures and uses shall comply with the bulk regulations applicable in the zoning district in which they are located, and:

(1) Shall be set back at least five (5) feet from the rear lot line when no alley exists and ten (10) feet when an alley exists;

(2) Shall maintain a three-foot side yard, except that no part of any accessory building shall be located closer than three (3) feet in residential districts and ten (10) feet in all other districts to any principal structure, either on the same lot or an adjacent lot, unless it is attached to, or forms a part of, such principal structure;

(3) Shall, on corner lots, be set back from the side street a distance not less than that required for the principal structure; and

On his building permit application Mr. Swendson labeled his 10 ft. x 12 ft. building as a storage shed. In order to be considered a separate, freestanding storage shed it would have to be located at least three (3) feet away from the existing garage. Because Mr. Swendson attached the shed to the back wall of his garage, staff is treating it as a garage addition. Mr. Swendson is correct that a building permit is not required for a storage shed 120 sq. ft. or less in size. But this only applies to freestanding sheds and he has attached the shed to the existing garage which makes it an addition to an existing accessory building. The existing 16 ft. garage setback is grandfathered in because the garage was constructed prior to the current zoning ordinance taking affect. The "addition" extends another 12 ft. into the Sherman Street front yard.

Surrounding Zoning / Land Use

	<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	Single-family dwellings
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 need for a setback variance must be caused by a condition or hardship that relates specifically to the applicant's property and is not shared by other property in the neighborhood or area.

The applicant states that he built the shed believing he did not need a building permit because it was less than 120 sq. ft. in size. He notes that he has a double frontage lot which reduces his usable backyard.

Staff would agree that storage sheds less than 120 sq. ft. can be put up without a building permit. However, although exempt from permit requirements, storage shed locations must still conform with zoning ordinance setback requirements and may not be located in required yard areas. This makes enforcement challenging for staff because the building permit review process allows staff to inform homeowners where their sheds can and cannot be located. In this case, staff's position is that because Mr. Swendson attached the shed to the existing garage it is a building addition which requires a building permit.

As to uniqueness, staff would agree that the applicant's lot is unique in that it has two front yards and two front yard setback requirements. This is compounded by the size and depth of the applicant's lot which is only 100 ft. All of the lots on Tenlawns Place are 100 ft. deep and this is shallower than most lots in the surrounding area and in the community. This limits the applicant's usable lot area and restricts his options for locating a storage shed on his lot.

Staff would note that the prevailing setback on this block of Sherman Street is 15 ft. and not 25 ft. which gives lot owners on the west side of Tenlawns Place ten additional feet of usable area for locating accessory buildings.

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 storage shed is located behind his garage on his own property.

From staff's observation, the neighboring properties potentially most affected by the west facing storage shed are the properties across the street on the west side of Sherman. The storage shed is very prominent and visible from Sherman Street and the lots on the west side of the street. All of the lots on the west side of Tenlawns Place are double frontage lots and several of these have privacy fences along their west property line. (The fence on the property to the north actually encroaches into the Sherman Street right-of-way). The applicant does not have a "rear" privacy fence which makes the shed more visible and noticeable.

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 10 ft. x 12 ft. shed is already built and it would cost a great deal of money to move or remove.

Staff would agree that strict application of the 25 ft. front yard setback requirement in this case would eliminate most of the potential locations for placing a 10 ft. x 12 ft. shed on the applicant's lot. However, staff has determined the prevailing setback on the east side of Sherman between Brown and Frost to be 15 ft. Staff cannot speak directly to the cost involved, but staff believes a code compliant solution exists in this case. The applicant could move the shed from its present location to the northwest corner of his yard and line the back wall of the shed up with the back wall of his garage this would eliminate the need for a setback variance and the need for a building permit.

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 in this neighborhood that there are many houses and structures located closer to the road than his shed.

Staff is not sure which houses and structures the applicant is referring to. There are a number of pre-existing nonconforming structures in the neighborhood but Mr. Swendson has increased the nonconformity of his nonconforming garage by adding onto the rear of it.

The shed does not obstruct the visibility from any driveway or street intersection. Staff believes that the visual impact of the shed location is localized and does not have any impact on the general public.

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 intent of Section 42-255(2)a.1. of the Zoning Ordinance is to promote public health, safety and general welfare by establishing minimum setback restrictions. These setback restrictions reduce the potential for the obstruction of visibility along the street, reduce the risk of fire spread and reduce drainage or runoff problems for neighbors by maintain open space. Front yard setback requirements insure that there is adequate separation between garages and abutting streets so that a vehicle can be parked in front of the garage without overhanging the street. That concern does not apply in this case where there is no driveway on Sherman either existing or being proposed.

The applicant states that he is only asking for three (3) feet and that it will look like the rest of the neighborhood if the shed is allowed to remain where it is.

Staff would note that the applicant is mistaken as to where his property line is. He believes that the setback is measured from the edge of the street instead of his actual property line. Sherman Street is a standard residential street with 60 ft. of right-of-way and 33 ft. of paving width. That means that there is about 13.5 ft. of public street right-of-way behind the curb line. Based on staff's measurements, the existing detached garage is 16 ft. from the Sherman Street property line and the shed addition is only 4 ft. from the Sherman Street property line. One means to confirm these dimensions would be for the applicant to have his property surveyed and to submit that with the permit application.

Accessory buildings (garages and sheds) are a permitted use in residential districts. Mr. Swendson is permitted to have a detached garage and a storage shed. The question is where the shed can be located. The minimum building setback for a backyard accessory building is five (5) feet on a conventional lot with front and rear yards. Mr. Swendson perceives Sherman Street to be his backyard and he doesn't believe placing a shed behind the garage is opposed to the spirit and intent of the Zoning Ordinance. Staff would note that the City's fence regulations allow the owner of a double frontage lot to designate one of his yards as a "rear yard" and to erect a solid fence up to 6 ft. in height along the property line of that yard. That same language is not in the Accessory Use section of the Zoning Ordinance. The Accessory Use regulations specifically address corner lots but not double frontage lots.

Staff Comments

The applicant's lot is unique in that it is relatively shallow (100 ft.) and has two (2) front yards. This application is complicated by the fact that the applicant attached the shed to the rear of the existing garage (which triggered the need for a building permit), by the applicant's mistaken belief that his property line was the east curb line of Sherman Street and the fact that this is an after-the-fact, post-construction variance request.

On the one hand, the City has been fairly inconsistent in enforcing the building setback requirement on double frontage lots, particularly for storage sheds less than 120 sq. ft. that didn't require a building permit. There are a number of small storage sheds located within 5 ft. of the property line on the double frontage lots along Schilling Road west of Ohio Street. Most of these sheds are located behind privacy fences however, and the applicant's shed is highly visible.

On the other hand, there is a fairly simple, code compliant solution in this case that would not require approval of a setback variance or the issuance of a building permit. The applicant could relocate the shed to the northwest corner of his lot and line up the rear of the shed with the rear wall of the garage. The shed does not appear to be on a permanent foundation and if it is on skids it could be relocated fairly easily, although not without cost. The question before the Board is whether leaving the shed in its present location would have a negative effect on neighboring properties or create an unfavorable precedent for future cases involving double frontage lots.

Staff Recommendation

Staff would request that the applicant provide additional information as to why it's not feasible to separate the 10 ft. x 12 ft. shed from the garage and place it in his yard 15 ft. from the west (Sherman Street) property line. After hearing from the applicant, the Board would have the following options:

1. The Board could approve the requested front yard setback variance to allow the 10 ft. x 12 ft. shed to remain in its present location, with or without conditions, if the findings-of-fact in support of a variance can be made.
2. The Board could postpone consideration of this request until the applicant obtains a survey of his property.
3. The Board could postpone consideration of this request if the Board finds that additional information from the applicant or staff is needed to make a decision on this request.
4. The Board could deny the applicant's variance request, if findings in support of a variance cannot be made, and direct the applicant to relocate the shed to a location that lines up with the existing detached garage.

Attachment

Building Permit
Application



Application for **RESIDENTIAL** Building Permit, Building Services Division
 PRINT CLEARLY OR TYPE - Complete Items #1 - #12

1. 7 TEN LAWNs Address (where work is to be done) 2. Lot 7 Tenlawns Court Add Legal Description

3. Applicant Information

APPLICANT	Applicant's Name		Applicant Represents		
	Complete Mailing Address				
	Email	Phone #			

Bill SWENDSON
7 TEN LAWNs Salina KANSAS
Billyswendson@yahoo.com *785-840-5715*

4. Property Owner Information

OWNER	Name, as shown on deed		Complete Mailing Address of Deed Owner:		
	Name of Individual for Contact Purposes				
	Email	Phone #			

Bill SWENDSON
Bill SWENDSON *7 TEN LAWNs Salina KANSAS*
Billyswendson@yahoo.com *785-840-5715*

5. General Contractor Information

GENERAL CONTR.	Company Name, as shown on City of Salina license		Complete Mailing Address of Contracting Company:			
	Name of Individual for Contact Purposes					
	Email	Phone #	License #			

6. _____
 Tenant's Name and Phone Number, if different from property owner

7. DESCRIBE WORK TO BE DONE - BE SPECIFIC

Build storage building

8. If described work will be done on the primary residential structure ("house & any additions/attachments thereto"), was that house built prior to 1978? Yes No (If yes, Kansas "PRE" applies; CRN & LPA Forms Required)

9. Will the owner-occupant be performing any of the work? Yes No Describe: *BUILD STRUCTURE*

10. If scope of work is renovation and repairs, indicate total value of labor and materials \$ *1,000*

11. Will plumbing, mechanical or electrical work be performed? If yes, check box & indicate contractor company name.

- MECHANICAL _____ ELECTRICAL _____
 PLUMBING _____ Right of Way Concrete _____

- Permits for new residential dwellings are subject to a fee for the water meter pit and meter set. Other fees might also include, but may not be limited to, a park service area fee. All additional fees are due and payable with the building permit fee at time of issuance of the permit. Please consult with City staff to confirm the fees that apply to your project.
- 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.

12. SIGNATURE OF APPLICANT *Bill Swendson* Date: *8/24/2020*

Accepted by: *AH* Date: *8-25-20* Project Number *20-1281-DACC* CRN&LPA Forms Rec'd *N/A*

Bill SWENDSON 7 TEN LAWNS

HOUSE

100'

12'

3'-8"

EXISTING GARAGE

18'

(NEW) STORAGE SHED

12'

10'

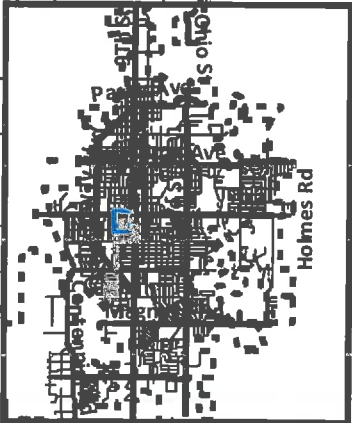
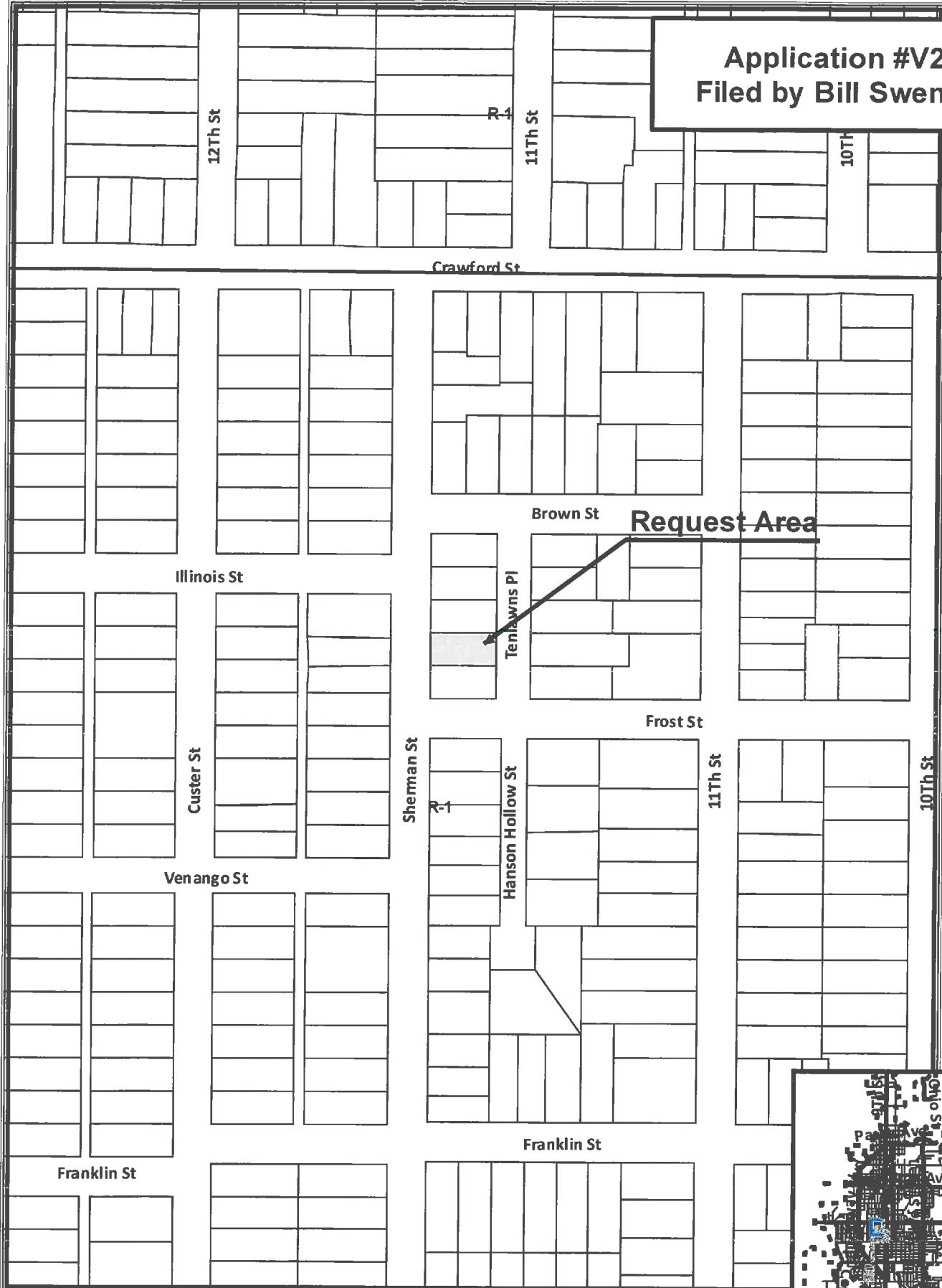
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50'

PERMIT NUMBER 20-1281-DACC

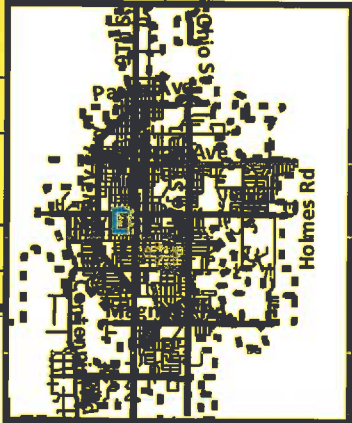
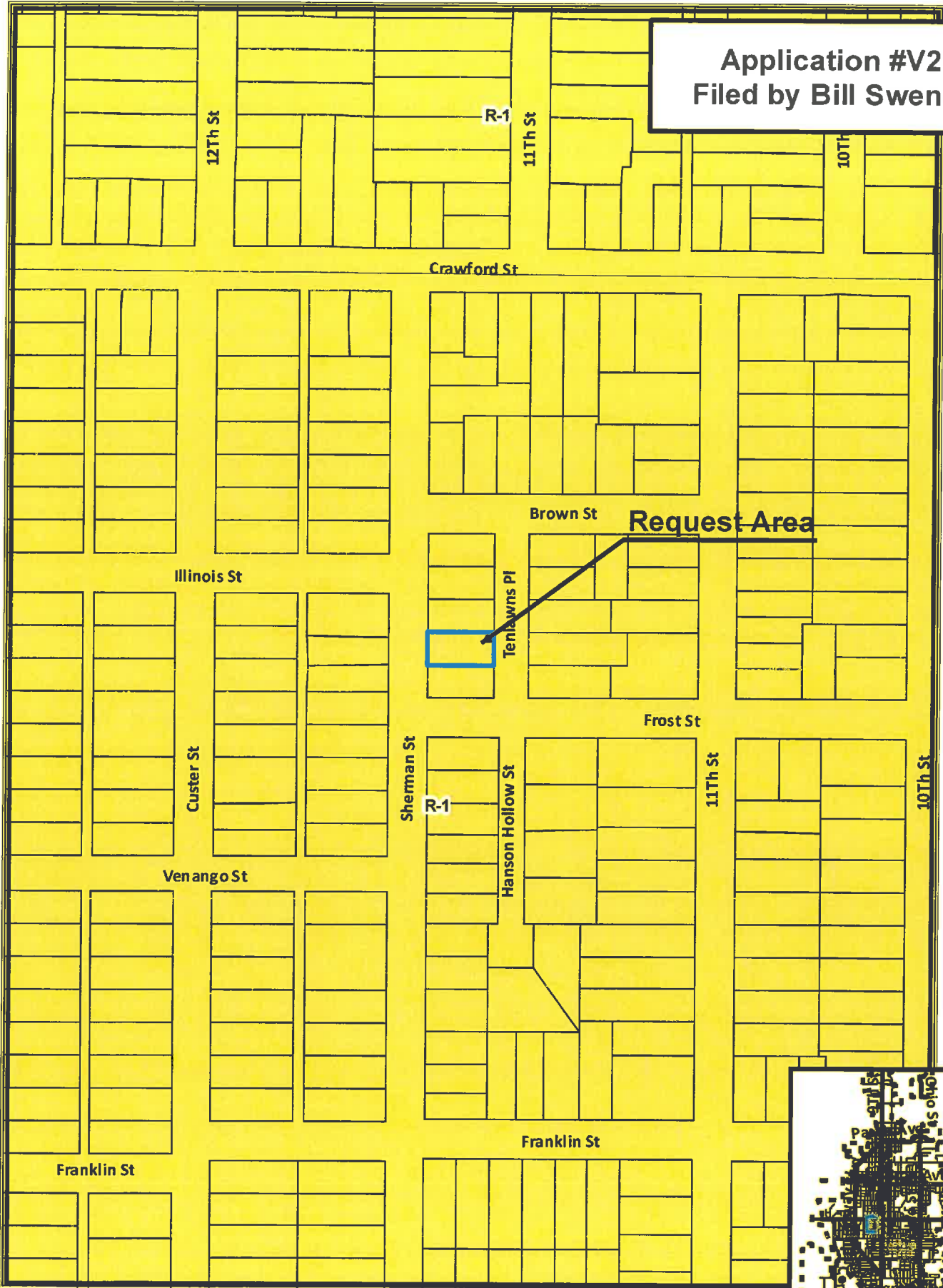
Date Received 9-10-20

Application #V20-9
Filed by Bill Swendson



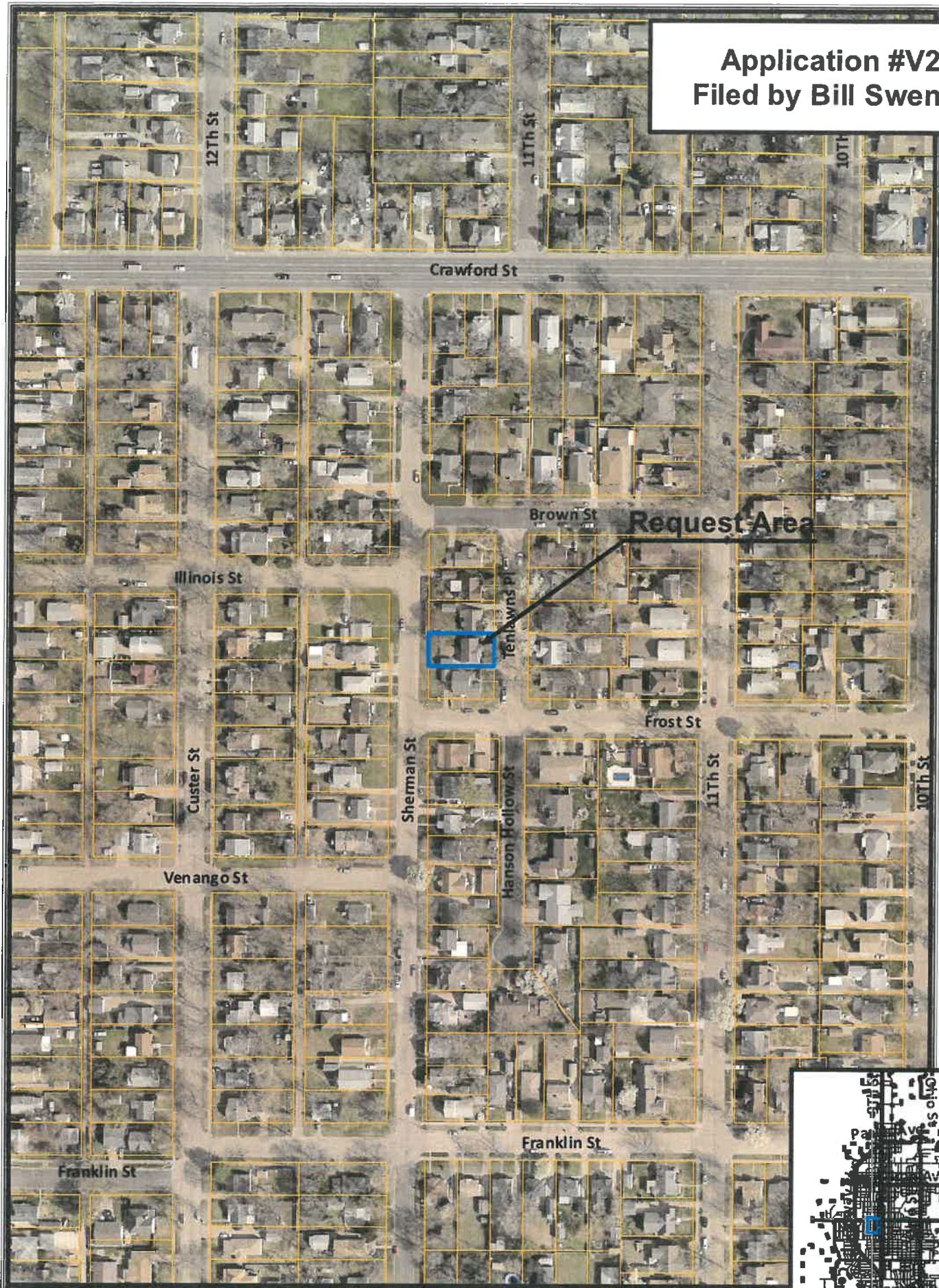
1 inch = 200 feet

Application #V20-9
Filed by Bill Swendson



1 inch = 200 feet

Application #V20-9
Filed by Bill Swendson



1 inch = 200 feet

#7 Tenlawns Proposed Garage Addition



#7 Tenlawns
Proposed Garage Addition



#7 Tenlawns
Proposed Garage Addition





Publication Date	<u>Dec 23, 2020</u>	Application No.	<u>V 20-10</u>
Hearing Date	<u>Jan 21, 2021</u>	Date Filed	<u>Dec 17, 2020</u>
Vicinity Map	<u>KG</u>	Filing Fee	<u>\$ 175.00</u>
Ownership List	<u>KG</u>	Receipt No.	

APPLICATION FOR VARIANCE OR APPEAL

- Applicant's Name Kat Alvarez
- Applicant's Address 1743 E McNair Dr Ste 200 Tempe AZ 85143
- Telephone (daytime) 602-526-4254 E-mail alvarez@esencia.org
- Owner's Name United/Savage LLC
- Owner's Address 30W720 US Highway 20 Elgin IL 60120
- Legal Description of affected property (attach additional sheet if necessary) CENTRAL MALL SUBD RPLT OF RPLT, S25, T14, R3, BLOCK 1, 67277 SQUARE FEET
- Approximate Street Address 2245 S 9th St
- Present Zoning PDD Use Restaurant
- Proposed Use Canopies will be an accessory use to the existing restaurant
- Are there any covenants of record which prohibit the proposed development? YES (attach copy) NO
- Nature of variance requested (for variance only) The Face to Face canopy encroaches into the 80' building setback
- Nature of appeal requested (for appeal only) _____
- Justification for requested variance or appeal: _____
- 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 Kat Alvarez Owner(s) Signature Brad Savage

Date: 12/11/20 Date: 7/20/2020

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: Heather Gawdon (Authorized Agent) E-mail address: hgawdon@esencia.org

Mailing Address, including zip code 1743 E. McNair Dr. Suite 200 Tempe AZ 85283 Telephone: (480) 755-0959

3721

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 existing 80' building setback.

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

Granting this variance will not adversely effect the rights of adjacent property owners. This will allow for the drive-thru lane to process orders quicker, provide a safe environment for coworkers while protecting them from weather related elements and help mitigate traffic over flowing on to the neighboring properties.

- 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 current traffic conditions are a safety concern for Chick-Fil-A, during peak hours of operation due to the volume of traffic. Other patrons have used adjacent parking stalls on their properties to park and then walk to this site causing a hardship for the rest of the shopping center. There is also a concern for emergency response vehicles being able to access the site. Traffic mitigation and safety is the main concern here for Chick-Fil-A. Adding the canopies at the other sites has proved to be an effective tool for the relief of traffic during peak hours and enabling emergency vehicles to safely access the site

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

The installation of these canopies has proven to reduce traffic backup and provide safety for customers, pedestrian traffic, and aide in providing a healthy environment for employees, which benefits the surrounding shopping center.

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

The canopies are designed to blend in with the surrounding shopping center, finish materials will match the existing Chick-Fil-A building and will provide a fresh new look for this property and help traffic congestion.

STAFF REPORT
SALINA BOARD OF ZONING APPEALS

Case #V20-10

Hearing Date: January 21, 2021

Item 3.3

Application #V20-10, filed by Kat Alvarez, Esencia Architecture, on behalf of Chick-Fil-A Restaurant, requesting a front yard setback variance of 62 ft. from 80 ft. (the platted building setback line on the Amended Final Development Plan for the Central Mall Subdivision) to 18 ft. to allow the construction of a metal canopy / shade structure over the existing drive up window ordering stations in front of the restaurant building. The proposed 24 ft. x 52 ft. canopy would be located within the required front yard setback area and would extend to within 18 ft. of the front property line along South 9th Street. The property that is the subject of this variance application is legally described as Tract No. 11 on the Amended Final Development Plan for the Central Mall Subdivision and addressed as 2245 South 9th Street.

Background

An ordinance creating a mixed use Planned Development District and a preliminary development plan for the 113 acre Central Mall site were originally approved in May of 1982. In 1986, an amended final development plan for the Central Mall PDD was approved and construction of the mall began soon thereafter. In 1990, the development plan was amended to allow expansion of the mall for the new Sears Store. The approved development plan for the property included along with the 9th Street mall itself, seven (7) retail outlots (six of which are developed), four (4) office outlots along Magnolia (none of which are developed), a multi-family area (with 96 potential dwelling units) and a single-family area (with 17 lots) located north of the mall and a single-family area (with 39 lots) located east of the mall. None of the residential area has been developed under this plan. The rationale for residential buffer around the mall was to provide a residential buffer area between the mall and the established neighborhoods to the north and east.

In 1995 an amendment to this PDD was approved that replatted and rezoned the 39 single-family lots and east of the mall to four (4) lots containing up to 382 multi-family residential apartments. The Chapel Ridge Apartments with 296 apartments have been constructed on two of those lots. The two lots along Magnolia Road are still vacant.

In March of 2016 GBC Design, Inc. submitted an application requesting approval of a final development plan for Tract 11 of the Central Mall Amended Final Development District Plan to allow construction of a new Chick-Fil-A restaurant with a drive up window and ordering stations. Tract 11 is an outlot located directly north of Chili's.

The final site development plan submitted was for a 4,971 sq. ft. Chick-Fil-A restaurant building. The Chick-Fil-A restaurant has indoor seating for 136 people and outdoor seating for an additional 36 people. In total the restaurant has a seating capacity of 172 seats. The building is oriented in a west to east fashion with the main building entrance facing north (toward the parking lot) and a secondary building entrance facing west (toward S. 9th Street). The secondary entrance provides restaurant customers with access to the outdoor dining area located on the west side of the building. The restaurant also has a drive-thru window on the south side of the building with vehicular stacking on the west and south side of the building.

For zoning purposes, the South 9th Street side of the property (west side) is considered the primary “front yard” for the property. This property also has two secondary “front yards” with the Central Mall Private Access Drive to the north and the Central Mall ring road to the east.

The Chick-Fil-A restaurant building is 42 ft. wide and 127 ft. deep and is set back 80 ft. from South 9th Street, 151 ft. from the Private Access Drive to the north and 74 ft. from the Central Mall ring road to the east. The building is set back 18 ft. from the south (Chili’s) property line.

A trash enclosure is located in the northeast corner of this property.

The Chick-Fil-A façade features an exterior of “Red Velour” and “Silverstone” colored brick with the “Red Velour” being the predominant color. Along with the red and tan exterior bricks, the Chick-Fil-A façade features multiple elevations as well as metal awnings to add architectural interest to the building.

The Planning Commission approved the proposed site development plan for Chick-Fil-A on April 5, 2016. A building permit for this Chick-Fil-A restaurant was issued on July 27, 2016 and final Certificate of Occupancy was issued in February 2017. The Chick-Fil-A restaurant has been operating in this location since that time. In October 2017, the Salina Planning Commission presented Chick-Fil-A with a Landscaping Award for their attractive on site landscaping.

Nature of Current Request

The Central Mall is part of a Planned Development District. This Planned Development District has an 80 ft. building line along South 9th Street. The existing buildings, including the Chick-Fil-A restaurant, are all located behind this building setback line. The drive through lanes and ordering stations for the Chick-Fil-A restaurant are located in this front yard setback area west of the building. Chick-Fil-A is now proposing to install a 24 ft. x 52 ft. metal canopy to provide shade for the ordering stations and a 9 ft. x 60 ft. shade structure over the pickup windows on the south side of the building. The proposed canopy over the ordering stations would be set back only 18 ft. from the west property line along South 9th Street. A front yard setback variance must be approved by

the Board of Zoning Appeals to allow a building permit to be issued for a shade structure in the proposed location.

Kat Alvarez of Esencia Architecture filed a variance application (#V20-10) on behalf of Chick-Fil-A Restaurants in December, requesting a front yard setback variance of 62 ft. from 80 ft. (the platted building setback line on the Amended Final Development Plan for the Central Mall Subdivision) to 18 ft. to allow the construction of a metal canopy / shade structure over the existing drive up window ordering stations in front of the restaurant building as proposed on the attached site plan. A January 21, 2020 public hearing was scheduled to consider Chick-Fil-A's request.

Zoning Ordinance Requirements

The standard front yard building setback in the C-3 (Shopping Center) district is 25 ft. from the front property line. The Central Mall PDD established an 80 ft. building setback line along South 9th Street to accommodate a frontage road that runs parallel to South 9th Street. Even if the required front yard setback along South 9th Street was 25 ft. a front yard setback would have to be approved for the shade structures as proposed.

Surrounding Zoning / Land Use

	<u>Zoning</u>	<u>Land Use</u>
Site	PDD (C-3)	Chick-Fil-A
North	PDD (C-3)	Vacant land
South	PDD (C-3)	Chili's
East	PDD (C-3)	Central Mall
West	C-5	9 th Street, retail and restaurants

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 need for a setback variance is supposed to be related to unique characteristics that relate specifically to the applicant's property, are not shared

by other properties in the area and were not created by the actions of the property owner themselves.

The applicant points out that the 80 ft. building line at Central Mall is unique and more restrictive than setback requirements on other commercial properties.

Staff would agree that the 80 ft. building setback line is unique to the Central Mall outlots and is more restrictive than the 25 ft. building setback line generally applicable to other commercial properties along the South 9th Street commercial corridor. The Chick-Fil-A site is also unique compared to other lots along South 9th Street and to the other Central Mall outlots (Urgent Care, IHOP, Taco Bell, Starbucks) because there is no frontage road between the building and South 9th Street.

Staff would also note that the right-of-way width for this portion of South 9th Street is much wider than on other arterial streets due to the original highway design and the roadside ditches. There is 45 ft. of right-of-way green space between the South 9th Street curb line and the Chick-Fil-A property line. On a typical arterial street like Ohio Street the right-of-way green space 23 ft. wide. Therefore, the proposed canopies/shade structures would be 63 ft. from the South 9th Street curb line in this case.

Staff would note that Chick-Fil-A is unique in that it has employees outside at the ordering stations assisting with transmitting orders inside to the restaurant. The proposed canopy would provide weather protection for those employees.

2. No Adverse Effects 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's representative states that granting this variance will not adversely affect the rights of adjacent property owners. This will allow for the drive-thru lane to process orders quicker, provide a safe environment for co-workers while protecting them from weather related elements and help mitigate traffic overflowing on to the neighboring properties.

Staff would agree that the proposed shade structure would have a minimal impact on neighboring properties. The Chick-Fil-A site contains 1.5 acres one-

third of which is open space. The proposed front yard canopy is proportionally small (24 ft. wide by 52 ft. long) and would be open on all four sides. It should not be much more visually intrusive or noticeable to neighboring properties than the ordering stations themselves. The proposed canopy design blends in with existing improvements on the restaurant site and would not have a negative impact on the 9th Street streetscape.

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's representative states that the current traffic conditions are a safety concern for Chick-Fil-A, during peak hours of operation due to the volume of traffic. Other patrons have used adjacent parking stalls on their properties to park and then walk to this site causing a hardship for the rest of the shopping center. There is also a concern for emergency response vehicles being able to access the site. Traffic mitigation and safety is the main concern here for Chick-Fil-A. Adding the canopies at the other sites has proved to be an effective tool for the relief of traffic during peak hours and enabling emergency vehicles to safely access the site.

Staff would request that the applicant provide additional information about how canopies have helped reduce traffic backups at other Chick-Fil-A locations and the hardship to Chick-Fil-A if the 80 ft. building setback were strictly applied at this location.

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's representative states that the installation of these canopies has proven to reduce traffic backup and provide enhanced safety for customers, pedestrian traffic, and aide in providing a healthy environment for employees, which benefits the surrounding shopping center.

Staff does not believe approval of the setback variance being requested will adversely affect the health, safety and welfare of the public because the proposed 18 ft. front yard building setback will not affect the sight lines at any

driveway or street intersection due to the oversized (170 ft.) right-of-way width on South 9th Street.

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.

The applicant's representative states that the canopies are designed to blend in with the surrounding shopping center, finish materials will match the existing Chick-Fil-A building and will provide a fresh new look for this property and help traffic congestion.

A variance should not be granted that would undermine or defeat the purpose for which a regulation was adopted. The intent of the front yard setback requirements is to prevent buildings from being built too close to the street so that they don't limit sight distances or obscure visibility for motorists and pedestrians. Front yard setbacks also serve an aesthetic purpose by providing a buffer area for front yard green space and landscaping.

The Chick-Fil-A property is located in a PDD (C-3) [Planned Development Shopping Center District] which is designed to provide a district of no less than one (1) acre for a broad range of retail shopping facilities. Restaurants, including restaurants with drive up window service, are permitted uses in the C-3 district. In the case of the C-3 district, the purpose of the front yard setback requirement is to maintain visibility and sight distances on circulation drives and at intersections and to provide a buffer area for green space and landscaping between buildings and adjacent streets.

Because the proposed front yard canopy is open on all four sides it will not obstruct the visibility of motorists or pedestrians. Because the canopy would be placed over existing drive aisles it will not displace or have any effect on front yard green space.

Based on staff's research, the purpose of the 80 ft. building setback line on the Central Mall PDD was to insure there was sufficient space for a frontage road along South 9th Street and to maintain a uniform building setback along 9th Street so that one building would not block the visibility of other businesses in front of the mall. There is no frontage road in front of Chili's or Chick-Fil-A and the proposed ordering station canopy will not block the visibility of any building or business to the south.

Staff has determined that no setback variance is required for the proposed canopy over the pickup window.

Board Alternatives

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

1. The Board could approve a front yard setback variance for the ordering station canopy as requested, with or without any conditions, if the required findings-of-fact can be made.
2. The Board could postpone consideration on this application, if additional information from the applicant or staff is needed in order to make a decision on the application.
3. The Board could deny the Chick-Fil-A's variance request, if the required findings-of-fact cannot be made.

Staff Recommendation

If the Board finds that the applicant has provided sufficient information explaining how construction of the shade structure in the proposed location will improve customer traffic flow and reduce traffic backups in the restaurant drive through lines, and the Board wishes to approve this variance request, then staff would recommend the following condition of approval:

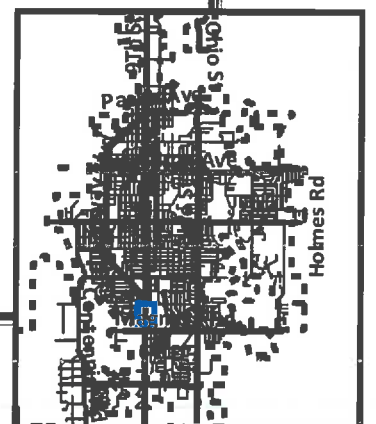
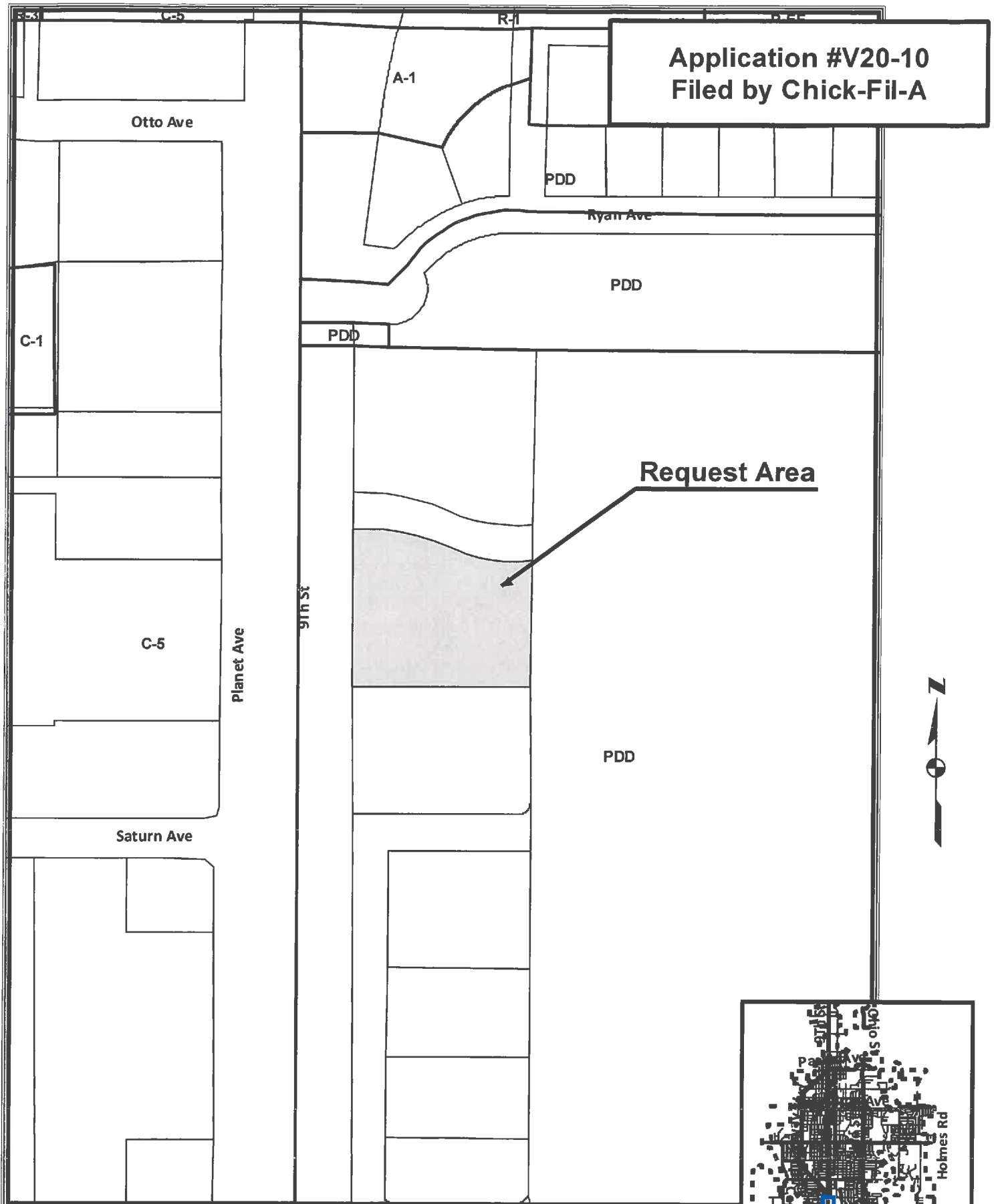
1. Construction of the canopies shall conform to the site plan and elevation drawings as submitted to and approved by the Board.

Staff has attached possible findings in support of Chick-Fil-A's variance request. If the Board wishes to deny the request, staff will work with the Board to develop alternative findings.

Existing Central Mall and Central Mall Outlot Development

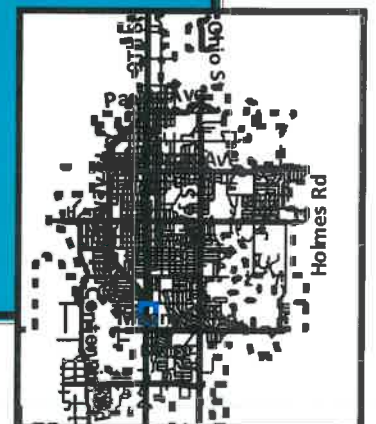
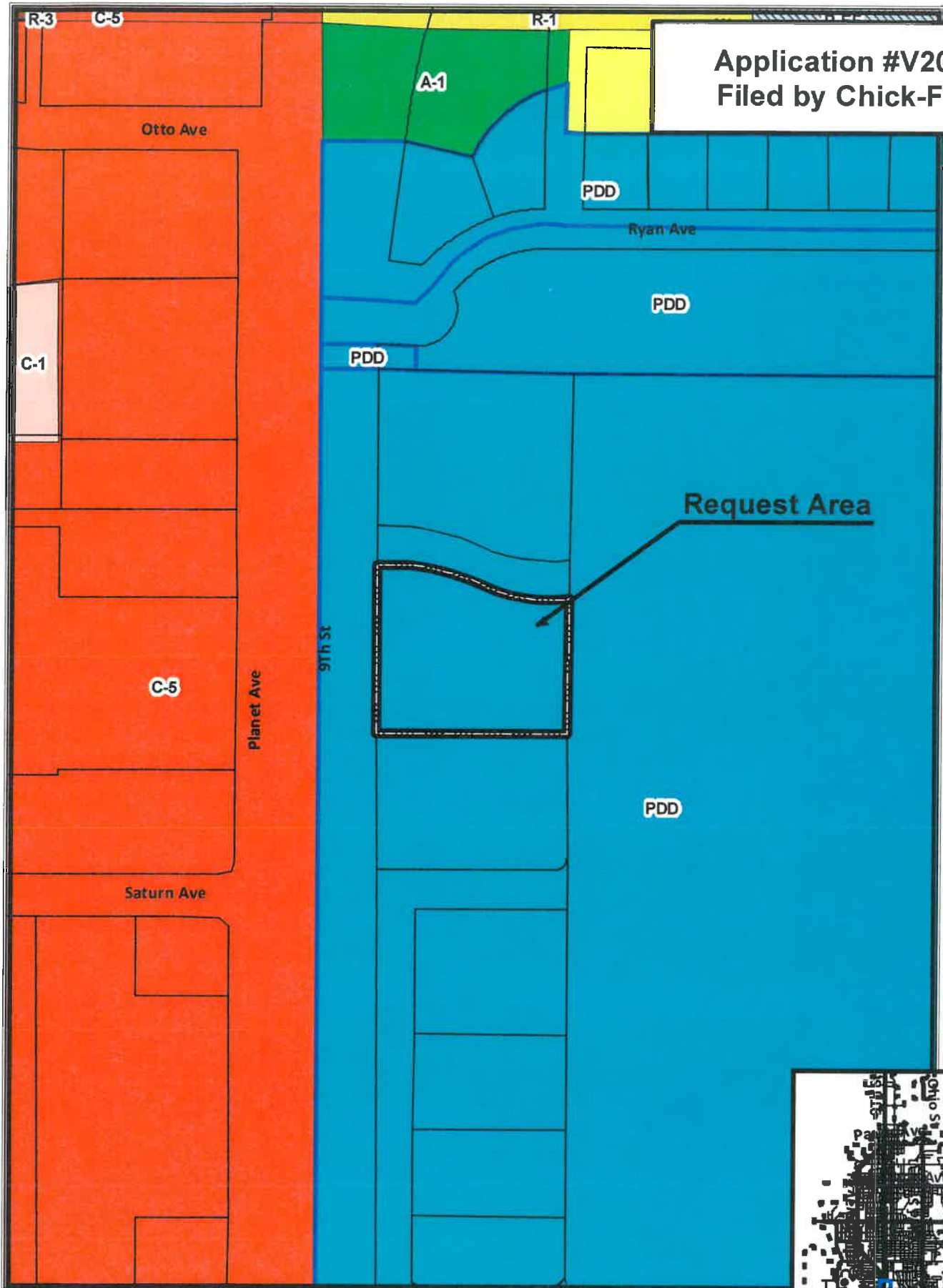
Building	Address	Year Built
Central Mall	2259 S. 9 th Street	1986
Urgent Care (David's Bridal) (Western Auto)	2265 S. 9 th Street	1987
Coyote Canyon	2351 S. 9 th Street	1988
Papa Murphy's (Jiffy Lube)	2365 S. 9 th Street	1995
Chili's	2255 S. 9 th Street	1998
IHOP	2273 S. 9 th Street	2001
Taco Bell	2305 S. 9 th Street	2013
Starbuck's	2313 S. 9 th Street	2013
Chick-fil-A	2245 S. 9 th Street	2016

**Application #V20-10
Filed by Chick-Fil-A**



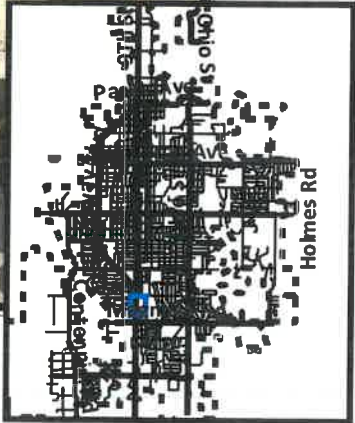
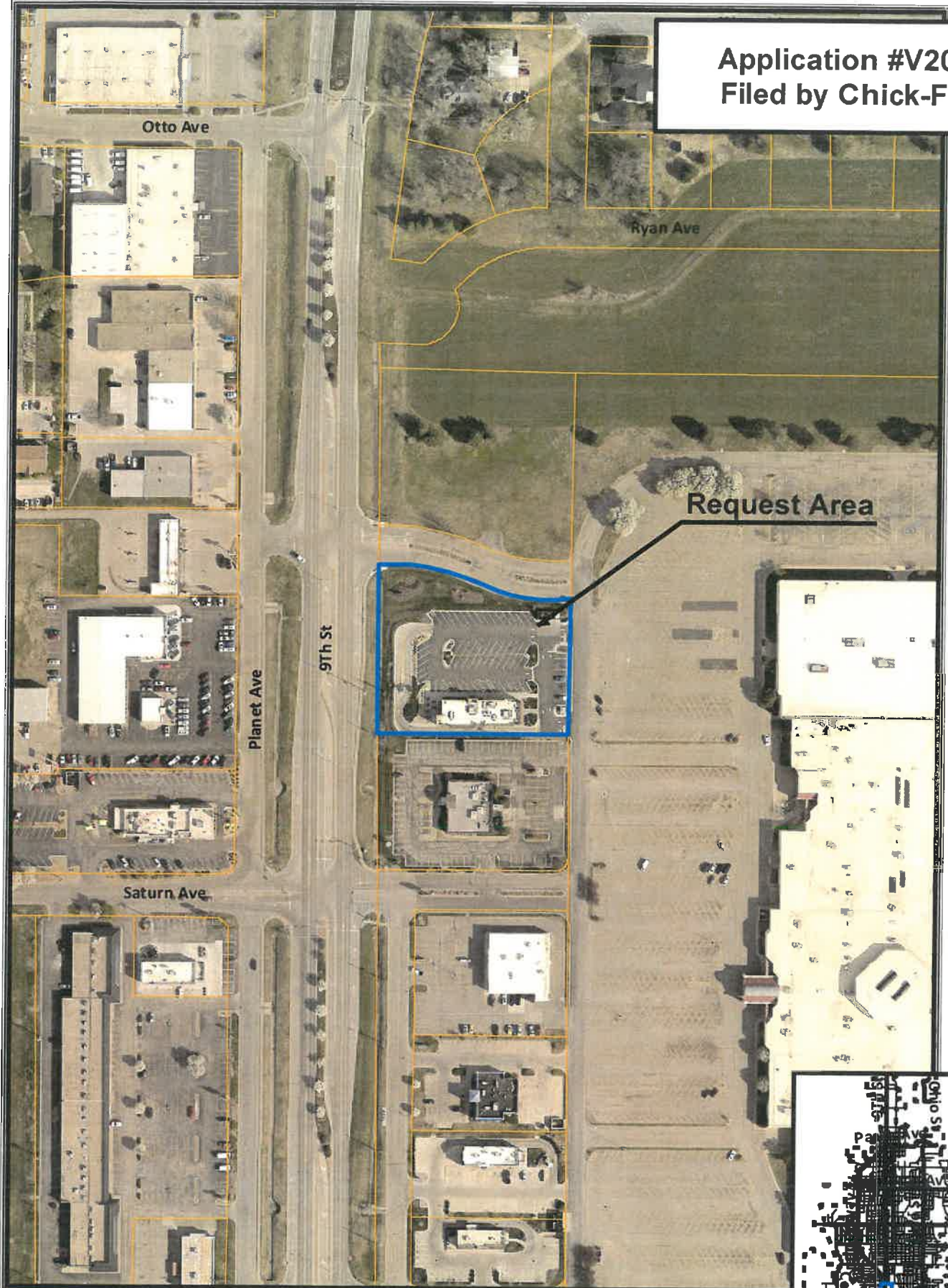
1 inch = 200 feet

Application #V20-10
Filed by Chick-Fil-A



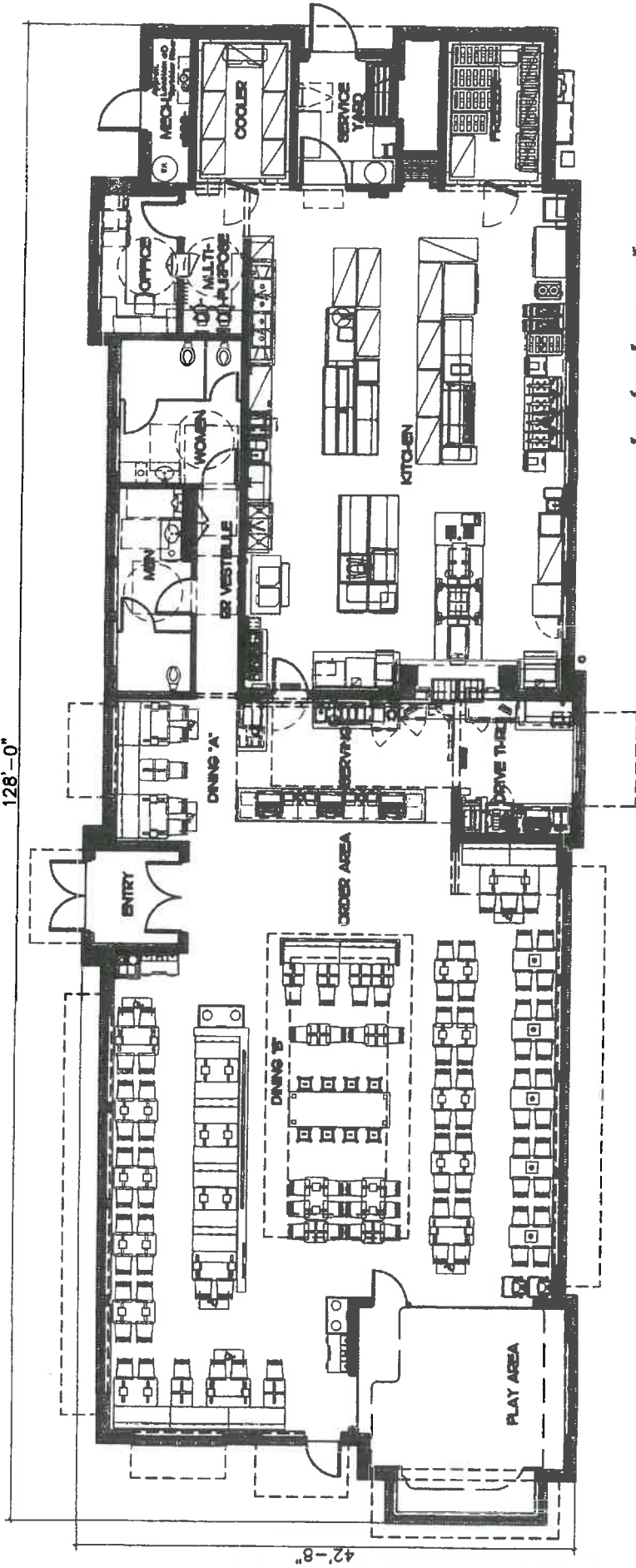
1 inch = 200 feet

Application #V20-10
Filed by Chick-Fil-A



1 inch = 200 feet

128'-0"



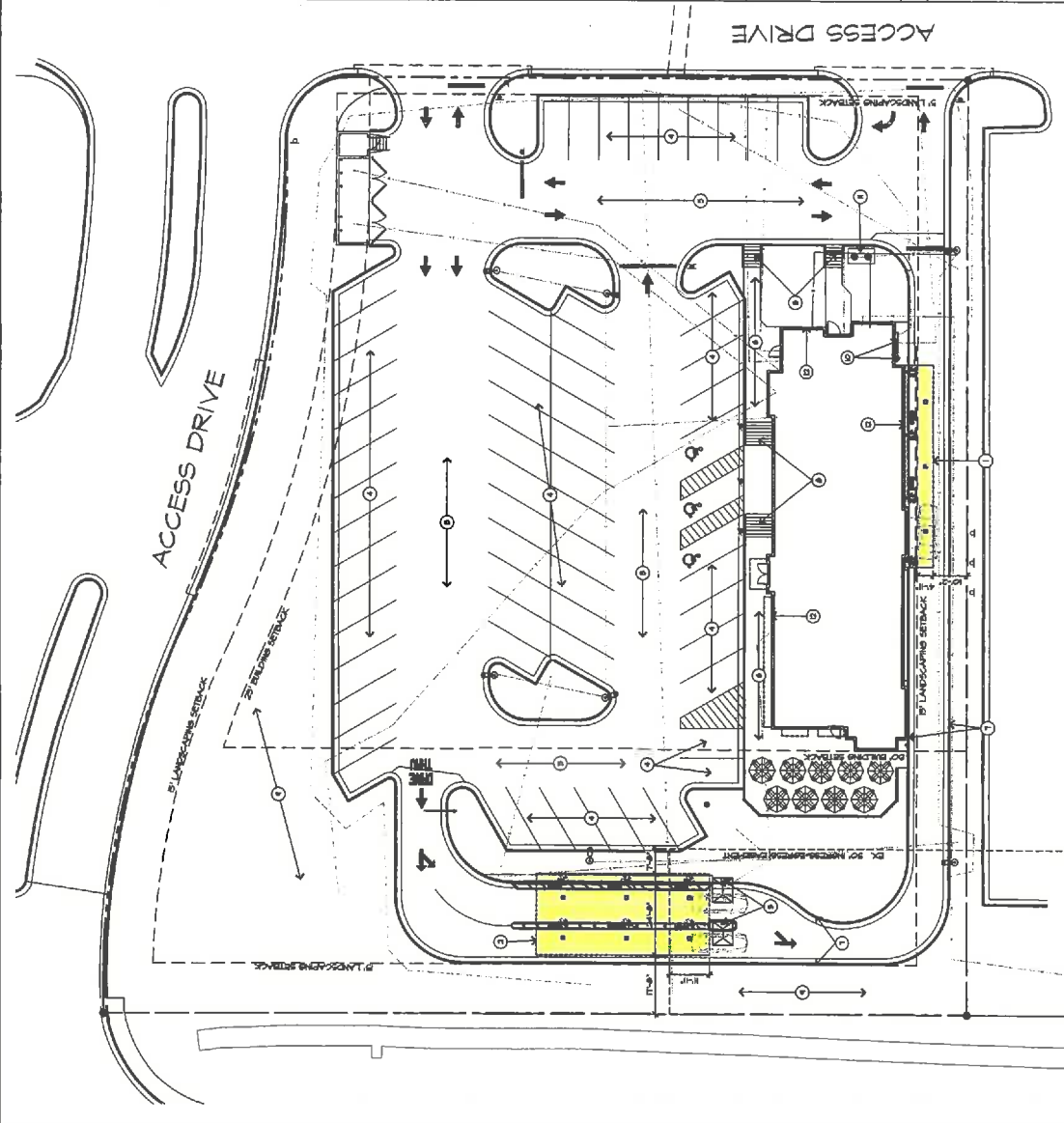
42'-8"



Floor Plan

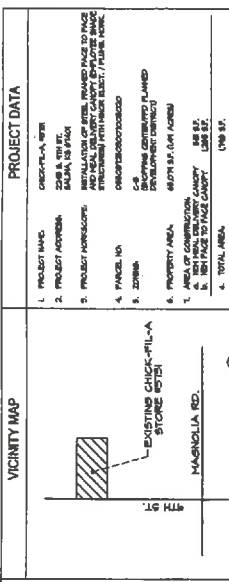
02/11/2016
 03731, Salina FSU, Salina, KS, S08H-N-SQ-L-R, v6

#PDD81-4N, 2245 S. 9th Street, Floor Plan



SCALE: 1/8" = 1'-0"
 1" = 12'-0"

1 ENLARGED SITE PLAN - PROPOSED
 SCALE: 1/8" = 1'-0"



PROJECT DATA

- PROJECT NAME: CHICK-FILA, NEW
- PROJECT ADDRESS: 2245 S 9TH STREET, SALINA, KS 67401
- PROJECT HIGHLIGHTS: AND REAL DELIVERY CANOPY EMPLOYEE BRIDGE (RELOCATED FROM EXISTING ELECTRIC UTILITY) (PHASE 1) (PHASE 2)
- PHASE 1A: CONSTRUCTION
- PHASE 1B: CONSTRUCTION
- PROPERTY AREA: 46,078 S.F. (0.41 ACRES)
- AREA OF CONSTRUCTION: 46,078 S.F. (0.41 ACRES)
- NET TAKE TO FACE CANOPY: 46,078 S.F. (0.41 ACRES)
- TOTAL AREA: 46,078 S.F. (0.41 ACRES)

VICINITY MAP

SHEET INDEX

ARCHITECTURAL

A-1 PROJECT DATA & OVERALL SITE PLAN

GOVERNING CODES:

PROJECT DIRECTORY

GENERAL NOTES

SITE PLAN REVISION NOTES

PROJECT DIRECTORY

GENERAL NOTES

PROJECT DATA

VICINITY MAP

SHEET INDEX

ARCHITECTURAL

A-1 PROJECT DATA & OVERALL SITE PLAN



Chick-Fila
 3000 BIRCHMOUNT ROAD
 ATLANTA, GEORGIA 30340
 (404) 796-8000

THIS PLAN FOR RECONSTRUCTION, AS WELL AS ALL OTHER PLANS, SHALL BE SUBJECT TO THE CITY OF SALINA'S ZONING ORDINANCES AND ALL APPLICABLE ORDINANCES. THE CITY ENGINEER'S REVIEW AND APPROVAL OF THIS PLAN DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



esencia
 1700 E. MARKET DRIVE, SUITE 200
 SALINA, KS 67401
 TEL: (785) 777-7300
 FAX: (785) 777-7300
 WWW.ESENCIA.COM

Rev.	Date	Description

PROJECT NAME: CANOPY PROGRAM
STORE #: #3731
ADDRESS: 2245 S 9TH STREET, SALINA, KS 67401

DATE: 03-28-2023
BY: [Signature]
CHECKED BY: [Signature]

PROJECT DATA
Overall Site Plan

SHEET INDEX

ARCHITECTURAL

A-1

COVER

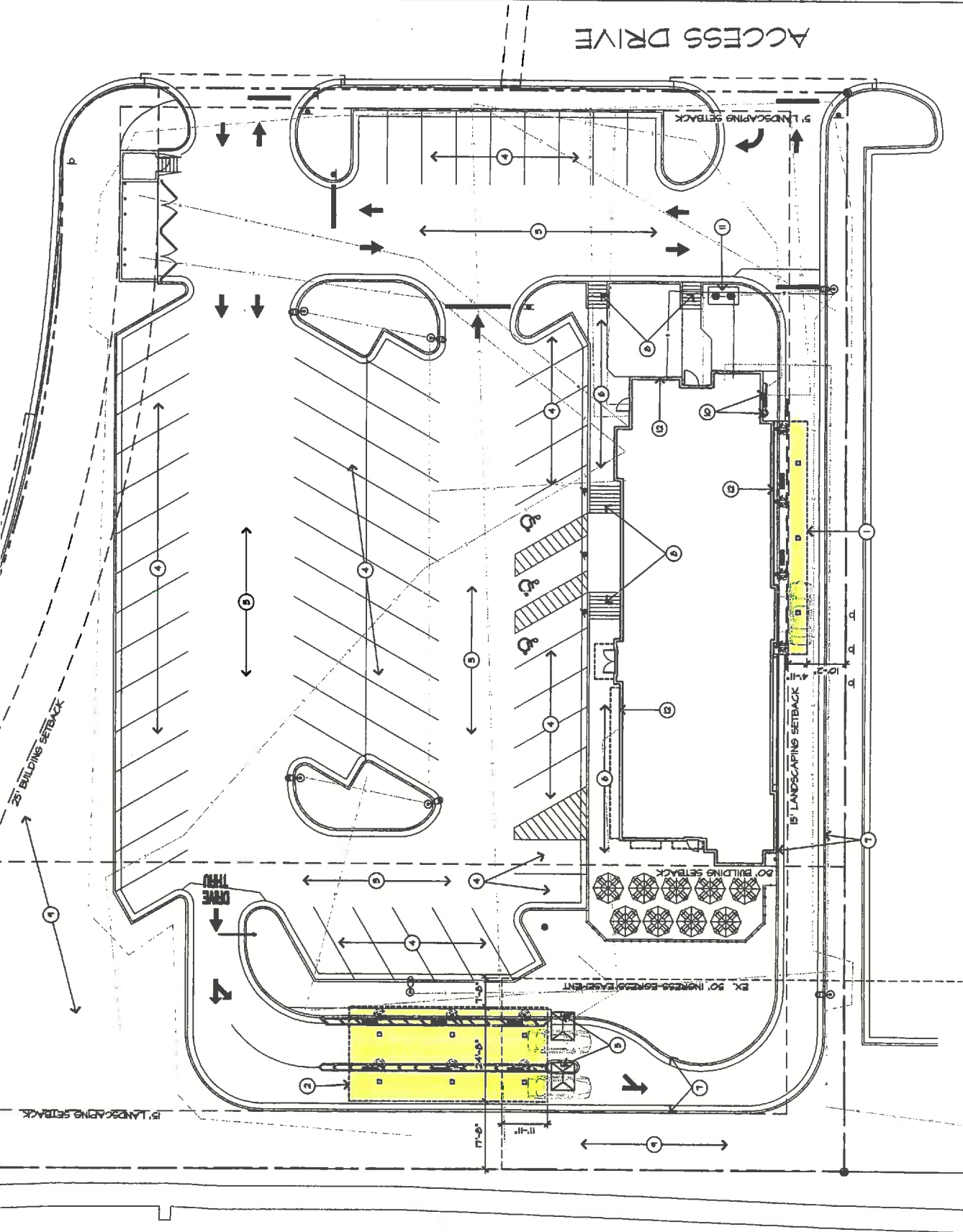
2003 EDITION I:
BUILDING,
MECHANICAL,
PLUMBING,
ELECTRICAL,
ELECTRICAL,
FIRE, & GAS,
2003 EDITION II:
ACCESSIBLE;
CURRENT EDITS

OWNER:
CRACK-FLA, INC.
5200 BIRFINGTON ROAD
TALLAHASSEE, FL 32310
ATTN: PROJECT MANAGER OF GOLF
IMPROVEMENTS
(904) 852-4445

PROJECT MANAGER:
BUREAU VERITAS LLC
17000 N. PERIMETER DRIVE
SUITE 275
SCOTTSDALE, ARIZONA 85259
MICHAEL ANDERSON, CM
(480) 717-8000

① SITE PLAN KI

1. OUTLINE OF PROPOSED OVERH
2. OUTLINE OF PROPOSED OVERH
3. EXISTING VEHICLE DRIVE ASBL
4. EXISTING PARKING FIELD TO R
5. EXISTING DRIVE POINT TO RD
6. EXISTING CONCRETE HALFWAY
7. EXISTING CONCRETE CURB TO I
OF CURB, REPLACE ANY DAMA
CONDITION
8. EXISTING CONCRETE ACCESS
REMAIN
9. EXISTING LANDSCAPING AREA
10. LOCATION OF ELECTRICAL AND
UNDERGROUND UTILITIES PRIOR
11. EXISTING CATCH BASIN, GRADE
PRIOR TO START OF CONSTRUCT
12. EDGE OF EXISTING BUILDING, N



① ENLARGED SITE PLAN - PROPOSED
SCALE: 1/16" = 1'-0"

CANOPY DECK - UNDERSIDE FACE



COMPANY: LANE SUPPLY, INC.
COLOR: LANE HIGH GLOSS WHITE

CANOPY ROOF



COMPANY: LANE SUPPLY, INC.
COLOR: DARK BRONZE



CANOPY APPLIANCES

CANOPY LIGHT



LED CANOPY LIGHT - LEGACY (CRUS)
MODEL: LIGHT OUTPUT - CRUS
COLOR: COOL WHITE

OVERHEAD PATIO HEATER



SUPREME SCHWANK
MODEL: 2352 N OUTDOOR

INDUSTRIAL MOUNTED
WORKSTATION FAN



TPI CORPORATION
MODEL: U-18-TE
FAN SIZE: 18"



© SHIRT TITLE:

FACE TO FACE DOUBLE LANE CANOPY
REFERENCE ONLY, NON SITE SPECIFIC

• DATE: OCT 11, 2019

• PROJECT: CANOPY PROGRAM

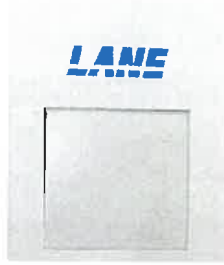
• PROJECT #: 19011



• SCHEMATIC - NOT FOR CONSTRUCTION USE

MATERIAL SAMPLES

CANOPY DECK - UNDERSIDE FACE



COMPANY: LANE SUPPLY, INC.
COLOR: LANE HIGH GLOSS WHITE

CANOPY ROOF

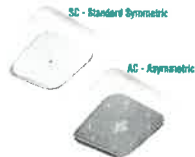


COMPANY: LANE SUPPLY, INC.
COLOR: DARK BRONZE



CANOPY APPLIANCES

CANOPY LIGHT



LED CANOPY LIGHT - LEGACY (CRUS)
MODEL: LIGHT OUTPUT - CRUS
COLOR: COOL WHITE

OVERHEAD PATIO HEATER



SUPREME SCHWANK
MODEL: 2352 N OUTDOOR

INDUSTRIAL MOUNTED
WORKSTATION FAN



TPI CORPORATION
MODEL: U-18-TE
FAN SIZE: 18"

Chick-fil-A
5200 BUFFINGTON ROAD
ATLANTA, GEORGIA 30349
(404) 765-8000

• SHEET TITLE:

MEAL DELIVERY CANOPY
REFERENCE ONLY, NON SITE SPECIFIC

• DATE: OCT 11, 2018

• PROJECT: CANOPY PROGRAM

• PROJECT#: 18011

emg

17200 N. PERIMETER DR. #275
SCOTTSDALE, ARIZONA 85265
TEL: 480.777.1800

esencia
Architecture and Urban Design

1723 W. McNAIR DRIVE
TEMPE, ARIZONA
480 786 0988

• SCHEMATIC - NOT FOR CONSTRUCTION USE

Attachment

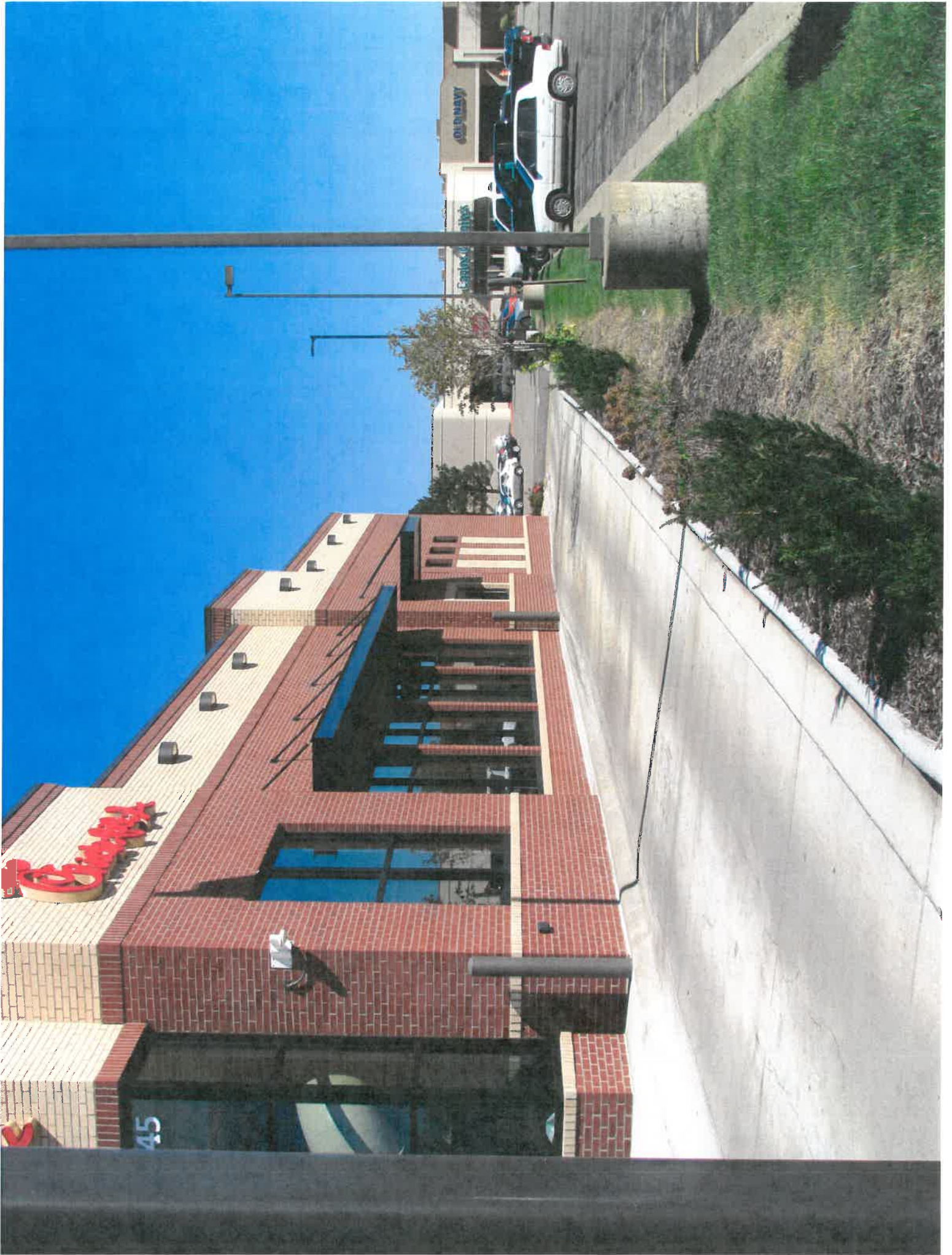
Photos of
Chick-Fil-A Site











COMMUNITY AND DEVELOPMENT SERVICES
PLANNING DIVISION
Dean Andrew, Planning and Zoning Administrator
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 · dean.andrew@salina.org
WEBSITE · www.salina-ks.gov

To: Mayor and City Commissioners
From: Salina Board of Zoning Appeals
Dean Andrew, Secretary
Date: January 21, 2021
Subject: 2020 Annual Report

The Salina Board of Zoning Appeals respectfully submits its 2020 Annual Report for your review. Member attendance is presented in Exhibit A. Board membership, date of appointment and term expiration date are detailed in Exhibit B. Summaries of Variance and Appeal applications heard by Board in 2020 are listed in Exhibit C.

During the 2020 calendar year, a total of 10 variance applications and one Appeal of the Zoning Administrator's interpretation were filed with the City's Planning Division compared to 9 cases filed in 2019. Eight of the 10 variance applications filed in 2020 were heard by the Board in 2020. Three applications carried over and were reviewed and considered in January 2020. No Administrative Variance applications were received in 2020. Administrative Variances are minor variations that can be approved by the Zoning Administrator.

The Board of Zoning Appeals held 5 of its 12 regularly scheduled meetings in 2020 and one Board training session. Four of the meetings were live and one was a Zoom meeting. One of the scheduled meetings was cancelled due to the COVID-19 outbreak in March, the November meeting had to be canceled due to the lack of a quorum and 5 meetings were not held due to the lack of agenda items. The Board of Zoning Appeals held public hearings on 9 applications in 2020. One (1) variance application was denied, 5 variance applications were approved, the hearing on one application was continued to January 2021 and one variance application was withdrawn by the property owner. An Appeal of the Zoning Administrator's interpretation that an attached garage on the opposite side of the house from an existing attached garage was a second garage was denied at the December meeting. The current regulations limit residential properties to one attached garage and the Board agreed that the proposal was a second garage.

Of the 10 variance applications filed, 6 were on residential properties, 3 were on commercial properties and one was applied for by a church.

In terms of goals, recommendations and needs, the Board of Zoning Appeals concurs with the Planning Commission that the setback requirements for storage sheds located in the front yard setback area on corner lots and double frontage lots need to be clarified through a zoning text amendment and some sort of location permit system needs to be created. One of staff's goals is to work with the Board to amend its by-laws to address ex-parte contacts in addition to conflicts of interest.

Board Member David Holmgren's term expired on August 31, 2020 and he was not eligible for reappointment. Board Member Fred Fanning's term expired on August 31, 2020 and he did not seek reappointment. Madison Miles was reappointed to a 3 year term in August and Richard Rodda was appointed as a new member in August. John Olson was appointed by the Mayor to serve as the Planning Commission's representative on the Board of Zoning Appeals and currently serves as Chair. Benjamin Kraft was appointed to the Board as Youth Member. Full Board membership is seven (7) and the Board currently has only five (5) appointed members. There are two openings on the Board.

EXHIBIT A
SALINA BOARD OF ZONING APPEALS
2020 Attendance

<u>Board Member</u>	<u>Meetings attended</u>	<u>Percentage</u>
Brian Bennett	0 of 4	0% (Dismissed 11-06-20)
Cale Sharp	5 of 5	100%
David Holmgren	2 of 2	100% (Term Expired on 8-31-20)
Fred Fanning	2 of 2	100% (Term Expired on 8-31-20)
John Olson*	5 of 5	100%
Madison Miles	5 of 5	100% (Reappointed 09-01-20)
Richard Rodda	3 of 3	100% (Appointed 09-01-20)
Steven Dorzweiler	5 of 5	100%
Benjamin Kraft**	1 of 1	100% (Appointed 10-26-20)
Luke Stanford**	1 of 2	50% (Term Expired on 8-31-20)

* PC Representative 9-17-19 to 08-31-20 and 10-05-20 to present

** Youth Member

5 meetings held in 2020

7 meetings cancelled due to COVID 19 or lack of agenda items or a quorum

EXHIBIT B
SALINA BOARD OF ZONING APPEALS
2020 Membership Roster

<u>Name</u>	<u>Residence / Mailing Address</u>
Steve Dorzweiler (Vice-Chair) (Term expires 08.31.22)	518 Claremont Dr.
Madison Miles (Term expires 08.31.23)	2204 Brookefield Dr.
John Olson (Chair) <i>PC Representative</i>	214 Laura
Richard Rodda (Term expires 08.31.23)	217 Seitz Dr.
Cale Sharp (Term expires 08.31.21)	737 S. 5 th St.
Benjamin Kraft (Youth Member) (Term expires 08.31.21)	305 S. Estates Dr.

(01-14-21)

EXHIBIT C
SALINA BOARD OF ZONING APPEALS
2020 Cases