AGENDA
GARDEN CITY BOARD OF ZONING APPEALS
TUESDAY, MARCH 10, 2026
9:00 AM
CITY COMMISSION CHAMBER - GARDEN CITY, KS

Note: If you require any additional accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify this office at (620) 276-1170 no later than 48 hours prior to the scheduled commencement of the meeting.

The agenda for the meeting is as follows:

I. Chairman calls regular meeting to order

II. Approval of Minutes

A. Garden City Board of Zoning Appeals Minutes-February 3, 2026
Garden City Board of Zoning Appeals Minutes-February 3, 2026

III. Submittal of Exhibits for the Record

A. City of Garden City Zoning Regulations as amended.
B. City of Garden City Subdivision Regulations as amended.
C. City of Garden City Comprehensive Plan all as amended
D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats
E. All application files in their entirety including Staff Reports

IV. New Business

A. GCBZA2026-01: Setback Variance request to construct within the front yard setback on the property generally located at 3285 E US Highway 50.
GCBZA2026-01: Vicinity map
GCBZA2026-01: Application Questions
GCBZA2026-01: Site plan

B. GCBZA2026-02: An exception to the "R-2" Single Family Residential District's regulations for the property generally located at 1309 N. Main.
GCBZA2026-2 Site Plan
GCBZA2026-2 Vicinity Map

C. GCBZA2026-03: Setback variance request to construct a building within the rear yard setback on the property generally located at 509 St. John Street.

GCBZA2026-3 Site Plan
GCBZA2026-3 Hardship Letter.
GCBZA2026-3 Vicinity Map

D. GCBZA2026-04: Laurencio Perez is requesting an exception to the "R-3" Multiple Family Residential District's regulations for the property generally located at 903 N. 13th Street.
GCBZA2026-04 Vicinity Map
GCBZA2026-04 Site Plan

V. Adjourn

MINUTES
BOARD OF ZONING APPEALS
GARDEN CITY, KANSAS

February 3, 2026

The Garden City Board of Zoning Appeals scheduled a Public Hearing at 9:00 a.m. Tuesday, February 3, 2026, in the City Commission Chambers at the City of Garden City Administrative Center located at 301 North 8th Street, Garden City, Kansas.

I. CALL TO ORDER

Meeting called to order at 9:00 a.m. Present were Chairman Acosta, Member Dick, and Member Franco. Also in attendance were Staff Maxwell, Staff Thompson, and Staff Rivera.

II. APPROVAL OF MINUTES

Member Dick made a motion to approve the minutes from January 13, 2026. Member Franco seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Dick	Acosta	Franco	Karhoff	Madrid
Yea	Yea	Yea	Not Present	Not Present

Motion passed.

III. SUBMITTAL OF EXHIBITS FOR THE RECORD

- **A. City of Garden City Zoning Regulations as amended**
- **B. City of Garden City Subdivision Regulations of 1996 as amended**
- **C. City of Garden City Comprehensive Plans all as amended**
- **D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats**
- **E. All application files in their entirety including Staff Reports**

IV. NEW BUSINESS

GCBZA2025-15: James Charles has applied for a conditional use permit to allow a metal accessory structure over 100 square feet. The property is generally located at 3102 E Schulman Avenue, Garden City, Kansas.

Staff Rivera- Presented staff report.

Member Franco- What is the small impact around the surrounding properties?

Staff Thompson- When we are talking about that we are generally talking about during the construction end of it, which would be typical of any property. Other than that staff doesn't see any impact beyond that.

Member Dick- The orange box (on aerial photo) is where it is planned?

Staff Rivera- Yes.

General discussion regarding location of building.

OPEN PUBLIC COMMENT

Aleecya Charles- Representative for Applicant- I did see in the memo that the address is incorrect. It should be 3102 and not 3201, otherwise everything else is correct.

CLOSE PUBLIC COMMENT

Chairman Acosta- Any write-ins or anything?

Staff Thompson- Just one. They called to ask about the case, but they didn't give an opinion otherwise or express any concerns.

MEMBER FRANCO MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT PER STAFF RECOMMENDATION ALTERNATIVE ONE. MEMBER DICK SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Dick	Acosta	Franco	Karhoff	Madrid
Yea	Yea	Yea	Not Present	Not Present

Motion passed.

V. ADJOURN

Member Franco made a motion to adjourn. Member Dick seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Dick	Acosta	Franco	Karhoff	Madrid
Yea	Yea	Yea	Not Present	Not Present

Motion passed.

The meeting was adjourned at 9:05 A.M.

Trent Maxwell Secretary
Aleecya Charles
Daunte Thompson
Angela Rivera

Isaac Acosta Chairman
Elva Madrid Vice-Chair

GARDEN CITY
KANSAS

MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Angie Rivera, Planning Technician
DATE: March 10, 2026
RE: GCBZA2026-01: Setback Variance request to construct within the front yard setback on the property generally located at 3285 E US Highway 50.

ISSUE:

The Garden City Board of Zoning Appeals is to consider a variance request to construct a canopy within the front yard setback on the property generally located at 3285 E US Highway 50.

BACKGROUND:

Mahesha Silva, on behalf of Roserock Holdings, LLC, is requesting a variance to construct a canopy within the front yard setback at Loves Travel Shop located at 3285 E. Highway 50. The applicant would like to install three new electric vehicle (EV) charging stations with a canopy on the existing, fully developed site. The proposed canopy is located approximately 0.4 feet from the front property line, placing it within the required front-yard setback.

STAFF ANALYSIS:

The property is zoned "C-2" General Commercial District and has the following setbacks:

- Front Yard 30 feet, unless otherwise provided in Article 25.
- Side Yard: No side yard setback.
- Rear Yard: Five feet.

The property is located along East Highway 50, an arterial road with high traffic. According to Article 25 of the Garden City Zoning Regulations, properties abutting an arterial street are subject to an increased front yard setback requirement of 40 feet. Therefore, the required front yard setback for this property along Highway 50 is 40 feet rather than the standard 30 feet for the C-2 District. The proposed canopy, located approximately 0.4 feet from the front property line, does not meet the required arterial setback and would require approval of a variance from the Board of Zoning Appeals

This property consists of a large commercial lot with multiple parking areas and circulation patterns located outside the required 40-foot arterial setback. The site currently provides 33 parking spaces, of which 21 are required. This project is currently going through the site plan review process. A building permit has not been issued for the proposed EV charging station and canopy, and no permit can be issued until the requested variance has been reviewed and acted upon by the Board of Zoning Appeals.

The Board may make its determination and state its findings according to the conditions in Section 29.010 of the Garden City Zoning Regulations. Below is the section and the list of these conditions:

29.010 VARIANCE - PROCEDURE. An application for a variance may only be granted upon a finding by the Board of Zoning Appeals that the applicant has shown by clear and convincing evidence that all of the following conditions have been met:

A. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the applicant.
B. The granting of the variance will not adversely affect the rights of adjacent landowners or residents.
C. The granting of the variance will not be opposed to the general spirit and intent of these regulations.
D. The variance desired will not adversely affect the public health, safety or general welfare.
E. The variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

ALTERNATIVES:

1. The Board may approve the variance request.
2. The Board may not approve the variance request.

RECOMMENDATION:

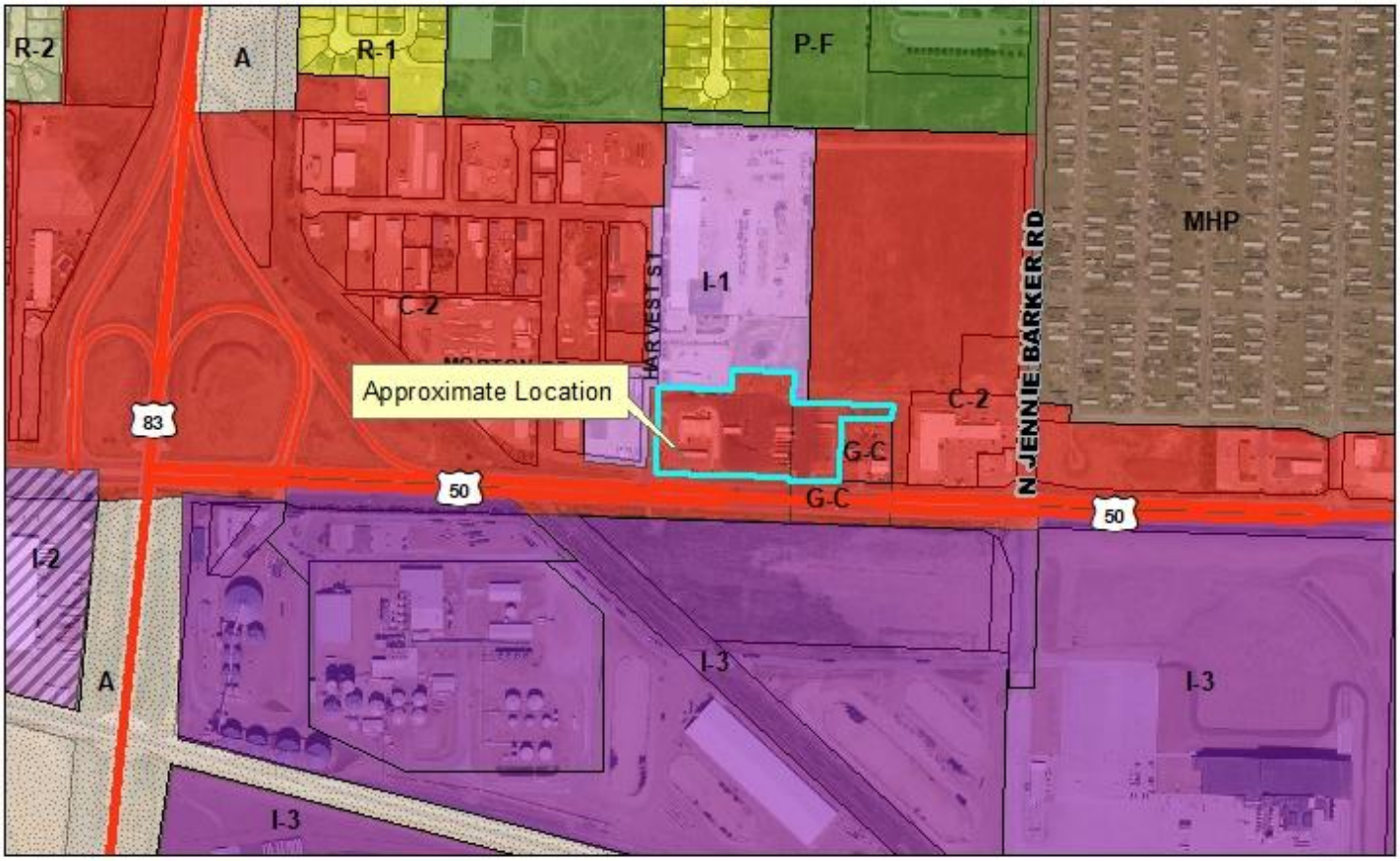
Staff in unable to recommend approval of the variance request.

FISCAL NOTE:

There is no fiscal note.

ATTACHMENTS:

GCBZA2026-01: Vicinity map
GCBZA2026-01: Application Questions
GCBZA2026-01: Site plan



Case Number: GC2026-1
Applicant: Tahesha Silva
Address: 3285 E US Highway 50
Request: Front yard setback variance request



Applicant's statements on the application from January 9, 2026

Application question #3

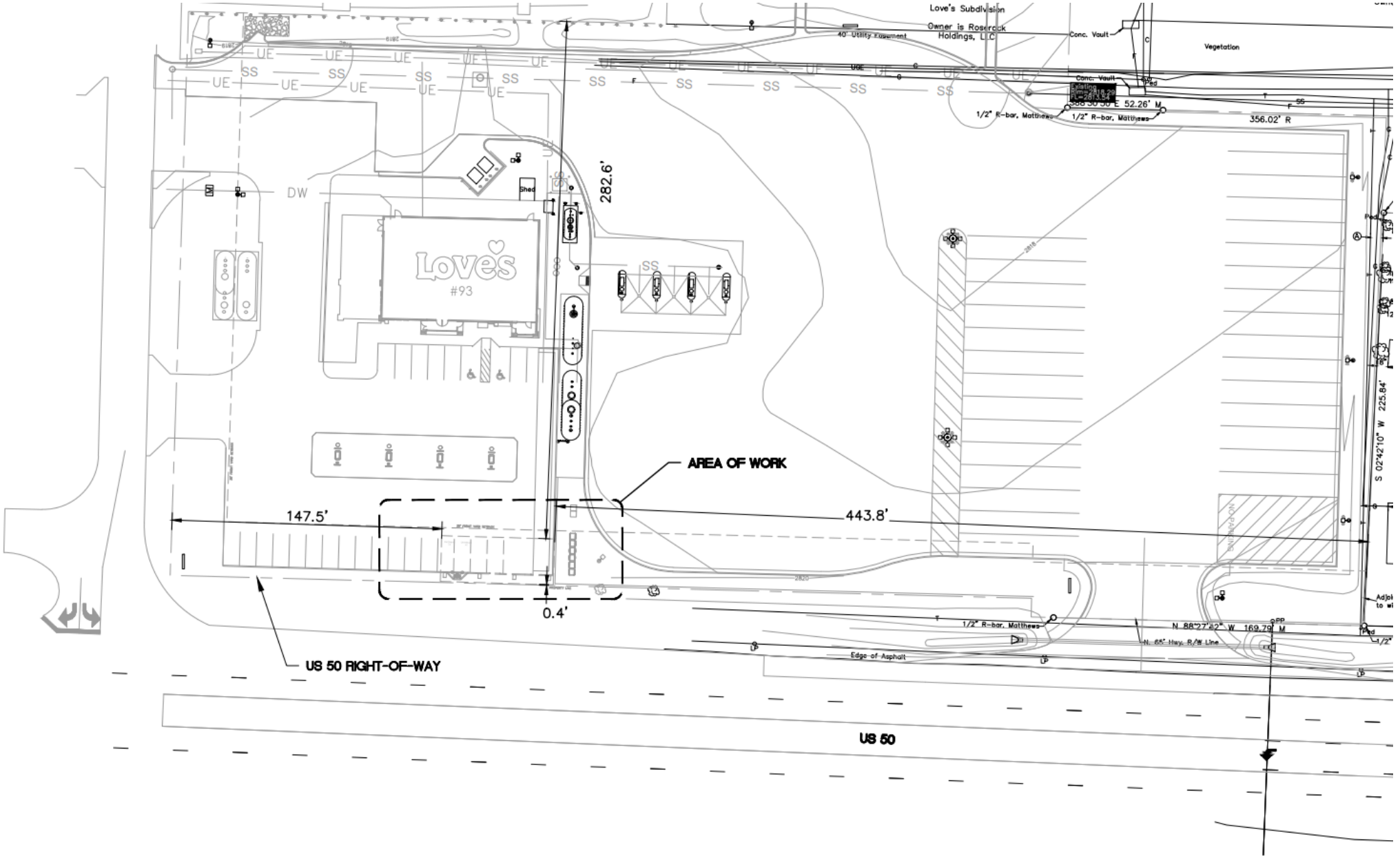
What is the reason for the request, in detail?

The variance is requested to allow placement of a canopy associated with a newly installed EV Charging station on an existing, fully developed Love's Travel Stop site. Due to the site's current layout and fixed improvements, strict compliance with the front-yard setback requirements would prevent the canopy from being located in a functional, safe position to serve the eV charging equipment. Although the canopy has been revised to remain entirely within the property boundaries, the existing conditions limit the relocation while maintaining proper circulation, accessibility, and operational efficiency.

Application question #4

If Variance, please describe nature of hardship which necessitates variance:

The hardship is a result of existing site constraints and is not self-created. The property is already developed, with established truck and vehicle circulation patterns, underground utilities, and required ADA-accessible routes. Relocating the canopy to fully comply with setback requirements would require substantial reconfiguration or removal of existing improvements, negatively impacting safety, accessibility, and site operations, creating an unreasonable financial and operational burden. The requested variance represents the minimal relief necessary to allow reasonable use of the property, accommodate the new EV charging station, and remain consistent with the zoning ordinance, without adversely impacting drainage or the adjacent right of way.


Love's Subdivision
Owner is Roserock Holdings, LLC
40' Utility Easement
Conc. Vault
Vegetation
1/2" R-bar, Matthews
356.02' R
282.6'
Shed
DW
Love's
#93
AREA OF WORK
147.5'
443.8'
0.4'
S 02°42'10" W 225.84'
1/2" R-bar, Matthews
N 88°27'22" W 169.79' M
N. 65' Hwy. R/W Line
Edge of Asphalt
US 50 RIGHT-OF-WAY
US 50

GARDEN CITY
KANSAS

MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Daunte Thompson, Planner
DATE: March 10, 2026
RE: GCBZA2026-02: An exception to the "R-2" Single Family Residential District's regulations for the property generally located at 1309 N. Main.

ISSUE:

The Garden City Board of Zoning Appeals is asked to consider an exception to the "R-2" Single Family Residential District's regulations for the property generally located at 1309 N. Main Street.

BACKGROUND:

Adan Yeritson Sanchez, on behalf of A&L Rentals, LLC, is requesting an exception to the "R-2" Single Family Residential Zoning District's regulations for the property generally located at 1309 N. Main Street in order to install an additional electric meter. The property is zoned "R-2" Single Family Residential and contains one primary building and an additional accessory structure within the backyard. The primary building has four units, while the accessory structure has been used as a single-family residence. When the accessory structure (former garage) was converted is unknown, and it is not considered to be legal non-conforming at this time. Additionally, the lot contains no off-street surfaced parking. The property owner approached Neighborhood & Development Services to discuss adding an additional electric meter for the accessory dwelling unit located within the rear yard. At that time, Staff determined that the property and current use does not conform to the Zoning Regulations and a building permit couldn't be issued for the additional electric meter.

STAFF ANALYSIS:

Under the "R-2" Single Family Residential Zoning District, fourplexes are not permitted uses, and lots are permitted only one dwelling unit. As a result, both the primary and accessory buildings are considered non-conforming. According to Section 21.100, non-conforming uses and buildings are permitted limited remodeling, maintenance, and repair when established as a legal non-conforming use or building. A building or use is considered legal non-conforming when it was established before the current Zoning Regulations, but does not meet them. Since the accessory structure was converted to a single-family residence, it is not considered a legal nonconforming use. As a result, an additional electric meter would exceed the limited permitted work, increase the non-conforming use, and cannot be permitted.

The Zoning Regulations grant the Board of Zoning Appeals the power and jurisdiction to hear and authorize variances and exceptions to the District regulations. The "R-2" Single Family Residential Zoning District doesn't permit fourplexes and lots with more than one dwelling unit. For the property owner to be permitted an electric meter for the rear residence, the Board of Zoning Appeals must hear the appeal and only grant an exception if the property owner has demonstrated that a hardship will be imposed and that the variation will conform with the zoning district as

defined in Section 28.030(E), which is included below:

28.030 POWERS AND JURISDICTION. The Board of Zoning Appeals shall have the following powers and jurisdictions:
(D) To authorize variances to the District regulations upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, will impose upon him practical difficulties or particular hardship, and that such variations of the strict applications of the terms of this ordinance as are in harmony with its general purpose and intent, (but only when the Board of Zoning Appeals is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty too great as to warrant variation from the Comprehensive Plan as established by the regulation) and at the same time the surrounding property will be properly protected.

If the request is approved, the property owner would be required to comply with all applicable Building Codes and other Zoning Regulations, including providing surfaced parking. The minimum parking requirement for a single-family dwelling unit is 2 parking stalls.

ALTERNATIVES:

1. The Board may approve the exception request.
2. The Board may not approve the exception request.

RECOMMENDATION:

Staff is unable to recommend approval of the request.

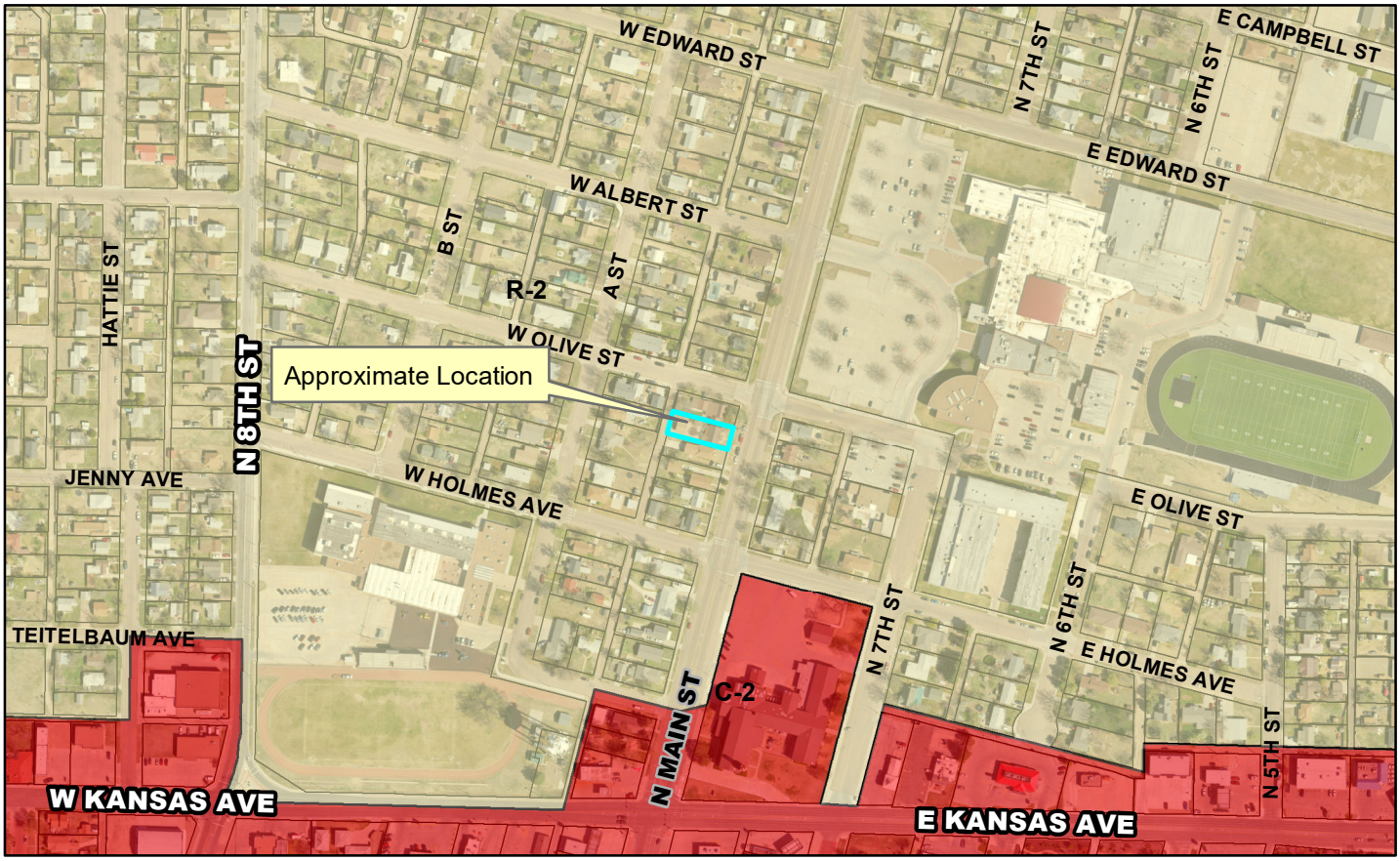
FISCAL NOTE:

There is no fiscal note.

ATTACHMENTS:

GCBZA2026-2 Site Plan
GCBZA2026-2 Vicinity Map


140'
1311 N MAIN ST
50'
2
07
T24S-R32W
1309 N MAIN ST 2
1309 N MAIN ST
1309 N MAIN ST 1
50'
3
1307 N MAIN ST
50'
19



Case Number: GCBZA2026-02
Applicant: Adan Yeritson Sanchez
Address: 1309 N. Main Street
Request: An expection to the "R-2" Single Family Residential District's regulations.



MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Angela Rivera, Planning Technician
DATE: March 10, 2026
RE: GCBZA2026-03: Setback variance request to construct a building within the front yard setback on the property generally located at 509 St. John Street.

ISSUE:

The Garden City Board of Zoning Appeals is to consider a variance request to construct a building within the rear yard setback on the property generally located at 509 St. John Street.

BACKGROUND:

St. Mary's Catholic Church has submitted a request for a variance to the rear-yard setback requirement for the property generally located at 509 St. John Street. The property currently contains three buildings: a church, a parish hall, and a school. These existing structures do not meet the required setback requirements. A city alley runs through the middle of the property, effectively dividing the lot and creating a condition in which the side-yard setback is applied between portions of the same property.

STAFF ANALYSIS:

The property is zoned "R-3" Multiple Family Residential District and has the following setbacks:

- Front yard: 20 Feet unless otherwise provided in Article 25
- Side Yard: Five feet unless otherwise provided in Article 22
- Rear Yard: 25 feet or 20 percent of the depth of the lot, whichever amount is smaller.

St. Mary's would like to construct a new parish hall on the northeast side of the property. The proposed structure would be located approximately six inches from the property line, which does not meet the required zoning setback. The attached site plan is intended to provide a view of the requested rear-yard setback variance. If approved, this project would go through the official site plan process for approval before a building permit can be issued.

The Board may make its determination and state its findings according to the conditions in Section 29.010 of the Garden City Zoning Regulations. Below is the section and the list of these conditions:

29.010 VARIANCE - PROCEDURE. An application for a variance may only be granted upon a finding by the Board of Zoning Appeals that the applicant has shown by clear and convincing evidence that all of the following conditions have been met:

A. The strict application of the provisions of these regulations, from which a variance is

requested, will constitute unnecessary hardship upon the applicant.

B. The granting of the variance will not adversely affect the rights of adjacent landowners or residents.
C. The granting of the variance will not be opposed to the general spirit and intent of these regulations.
D. The variance desired will not adversely affect the public health, safety or general welfare.
E. The variance requested arises from a condition that is unique to the property in question, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

ALTERNATIVES:

1. The Board may approve the variance request.
2. The Board may not approve the variance request.

RECOMMENDATION:

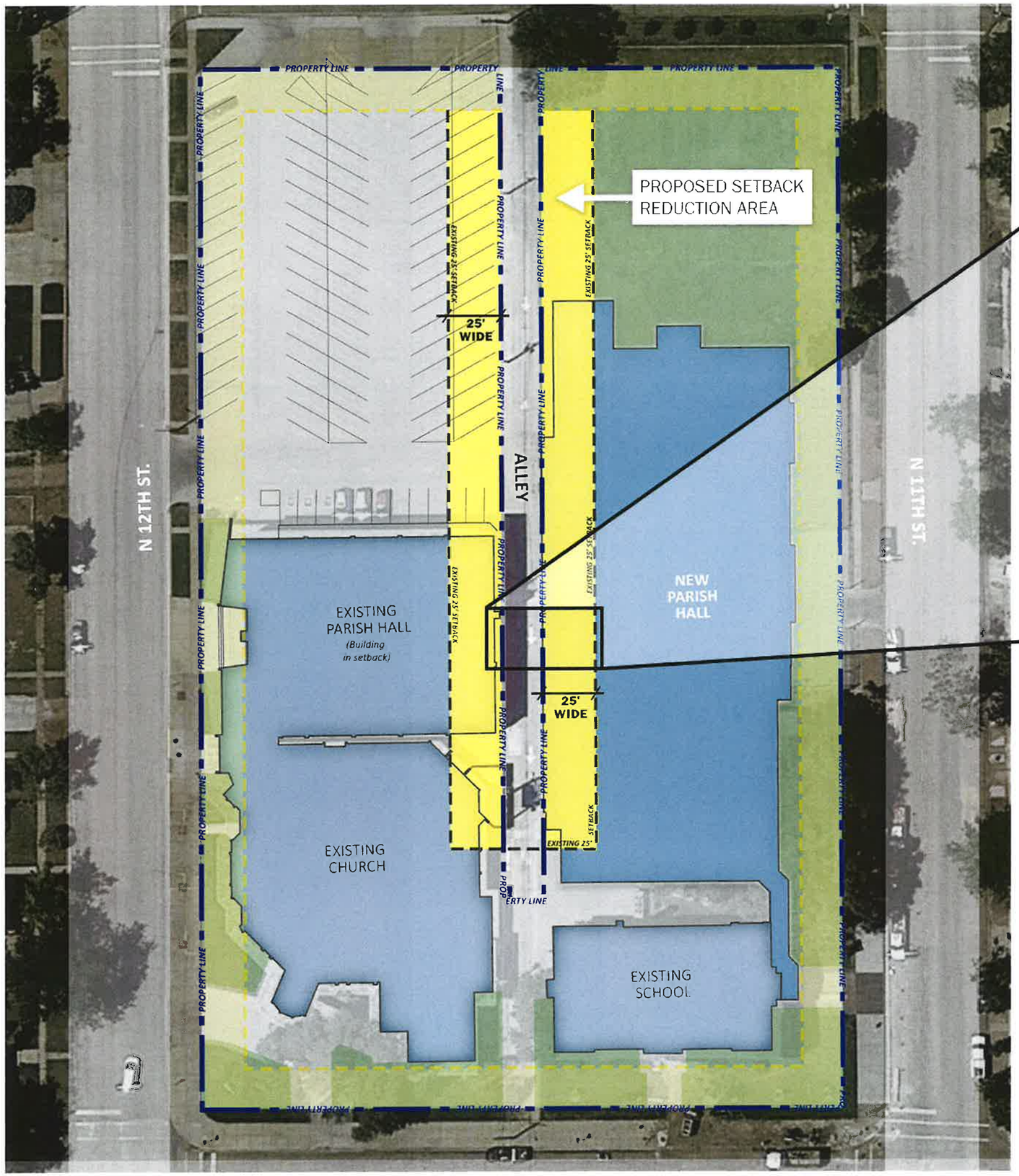
Staff recommends that the Board approve the variance request.

FISCAL NOTE:

There is no fiscal note.

ATTACHMENTS:

GCBZA2026-3 Site Plan
GCBZA2026-3 Hardship Letter.
GCBZA2026-3 Vicinity Map


PROPERTY LINE
PROPOSED SETBACK REDUCTION AREA
EXISTING 25' SETBACK
25' WIDE
ALLEY
N 12TH ST.
N 11TH ST.
EXISTING PARISH HALL
(Building in setback)
NEW PARISH HALL
EXISTING CHURCH
EXISTING SCHOOL
EXISTING BUILDING IN SETBACK
25'-0"
0'-6"
NEW BUILDING IN SETBACK
NOT TO SCALE
NEW PROPOSED SETBACK
EXISTING SETBACK
BUILDING WITHIN 25' SETBACK

ST. MARY QUEEN OF ALL SAINTS
509 Saint John Street | Garden City, KS 67846

January 13, 2026

Board of Zoning Appeals
City of Garden City
301 North 8th Steet
Garden City, KS 67846

Dear Members of the Zoning Board,

We respectfully submit this letter to reduce the required alleyway setback for the rear yard of St. Mary's Catholic Church, located at 509 St. John Street, from 25 feet to 6 inches.

An alleyway extends along the majority of the property from Elm Street to St. John Street, effectively dividing the site. The 25-foot setback requirement on the alley encompasses approximately 17,400 square feet, adversely limiting the buildable area. This significantly impacts the property's ability to accommodate the proposed parish center, future expansion plans, and ongoing operational needs.

Under the proposed site plan, approximately 6,000 square feet of the new parish center falls within the existing setback area. Compliance would substantially restrict the building and require downsizing of essential program spaces. Reducing the setback to 6 inches would allow the project to proceed as designed, avoiding the need for substantial redesign or major alterations.

The reduced setback would also be consistent with the placement of existing structures on site, including the church and parish center, which are located within the current setback area. The proposed site plan aligns the new parish center with the existing structures, preserving visual and functional continuity across the property.

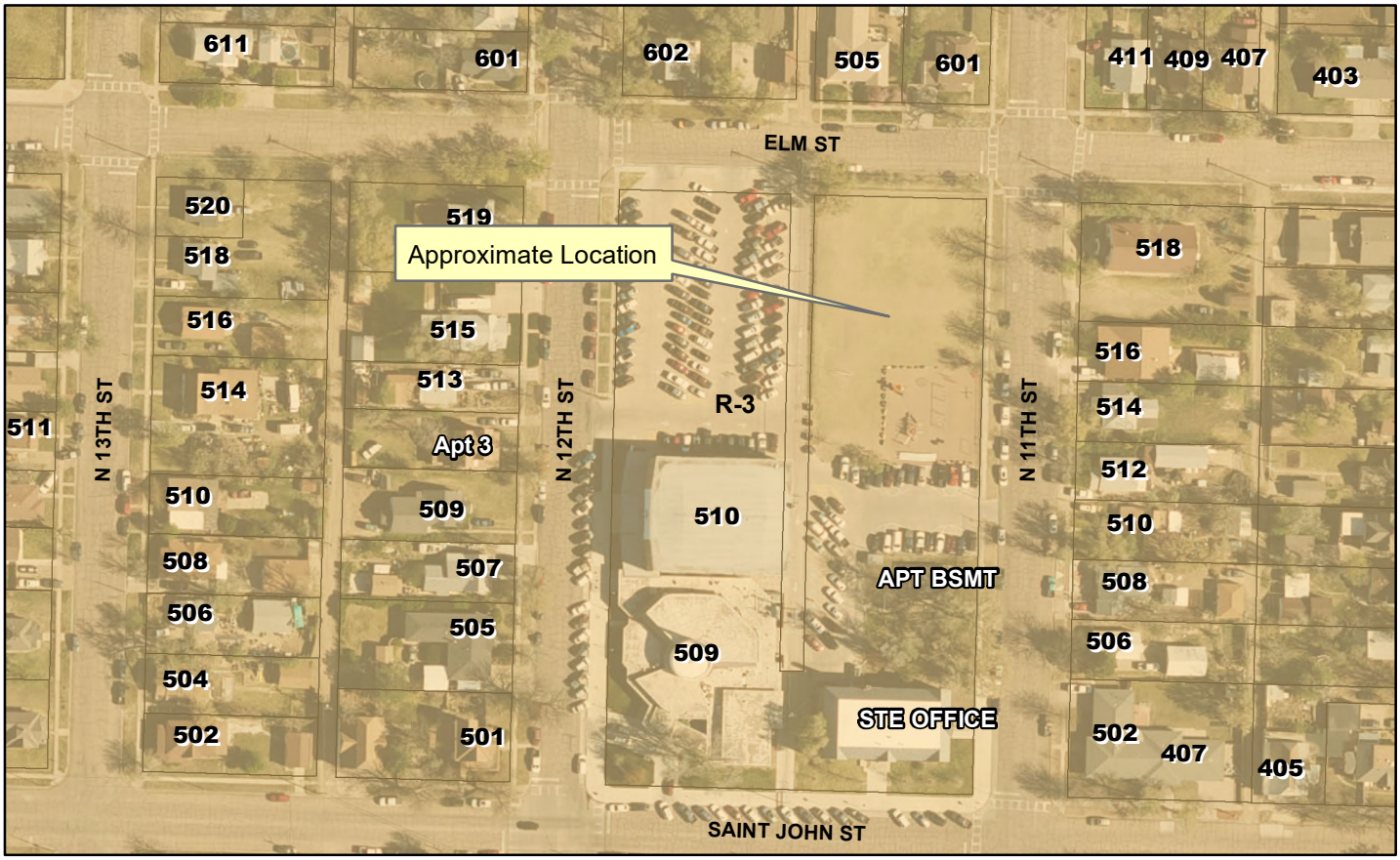
Without approval of this variance, the parish will face significant hardship. In addition to the increased cost of redesigning the project, the parish may ultimately be forced to seek and purchase property elsewhere in the community to meet its long-term facility needs—an outcome that would be far more costly and impractical. Even with redesign, the parish would continue to struggle to construct a parish center that adequately serves its mission and growing community.

Thank you for your time and consideration. We appreciate the opportunity to present our case and are available to provide any additional information.

In Christ,

Rev. Jacob Schneider

Phone: (620) 275-4204 | Fax: (620) 272-9971 | Website: stmarygc.com | E-Mail: parish@stmarygc.com



Case Number: GCBZA2026-3
Applicant: St. Mary's Catholic Church
Address: 509 St. John
Request: Rear yard setback request



MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Daunte Thompson, Planner
DATE: March 10, 2026
RE: GCBZA2026-04: Laurencio Perez is requesting an exception to the "R-3" Multiple Family Residential District's regulations for the property generally located at 903 N. 13th Street.

ISSUE:
The Garden City Board of Zoning Appeals is asked to consider an exception to the "R-3" Multiple Family Residential District's regulations for the property generally located at 903 N. 13th Street.

BACKGROUND:
Laurencio Perez is requesting an exception to the regulations of the "R-3" Multiple Family Residential District for the property generally located at 903 N. 13th Street in order to install an electric meter. The property is zoned "R-3" Multiple Family Residential District and contains two single-family homes on the same lot. The east home's front door faces, and the driveway is accessed off 13th Street. The west home has a garage accessed from Mulberry Street to the south and is larger than the home to the east. Staff is unaware of the history of this home and does not believe that an access easement exists across the neighbor's property to the south, granting them access to the existing home. It is unknown when this building was constructed or converted to a home, and it is not considered a legal non-conforming structure at this time. The property owner approached Neighborhood & Development Services to discuss adding an additional electric meter for the accessory dwelling unit located within the rear yard. At that time, staff determined that the property and current use don't conform to the Zoning Regulations, and a building permit couldn't be issued for the additional electric meter.

STAFF ANALYSIS:
Under the "R-3" Multiple Family Residential District, lots are permitted only one dwelling unit. As a result, the west home is considered non-conforming. According to Section 21.100, non-conforming uses and buildings are permitted limited remodeling, maintenance, and repair when established as a legal non-conforming use or building. A building or use is considered legal non-conforming when it was established before the current Zoning Regulations, but does not meet them now. Since the accessory structure was converted to a single-family residence, it is not considered a legal nonconforming use. As a result, an additional electric meter would exceed the permitted work limits, increase the non-conforming use, and therefore cannot be permitted.

The Zoning Regulations grant the Board of Zoning Appeals the power and jurisdiction to hear and authorize variances and exceptions to the District regulations. The "R-3" Multiple Family Residential Zoning District permits only one dwelling unit per lot. For the property owner to be permitted an electric meter for the rear residence, the Board of Zoning Appeals must hear the appeal and only grant an exception if the property owner has demonstrated that a hardship will be imposed and that

the variation will conform with the zoning district, as defined in Section 28.030(E), which is included below:

28.030 POWERS AND JURISDICTION. The Board of Zoning Appeals shall have the following powers and jurisdictions:
(D) To authorize variances to the District regulations upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, will impose upon him practical difficulties or particular hardship, and that such variations of the strict applications of the terms of this ordinance as are in harmony with its general purpose and intent, (but only when the Board of Zoning Appeals is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty too great as to warrant variation from the Comprehensive Plan as established by the regulation) and at the same time the surrounding property will be properly protected.

If the request is approved, the property owner would be required to comply with all applicable Building Codes and other Zoning Regulations, including providing surfaced parking.

ALTERNATIVES:

1. The Board may approve the exception request.
2. The Board may not approve the exception request.

RECOMMENDATION:

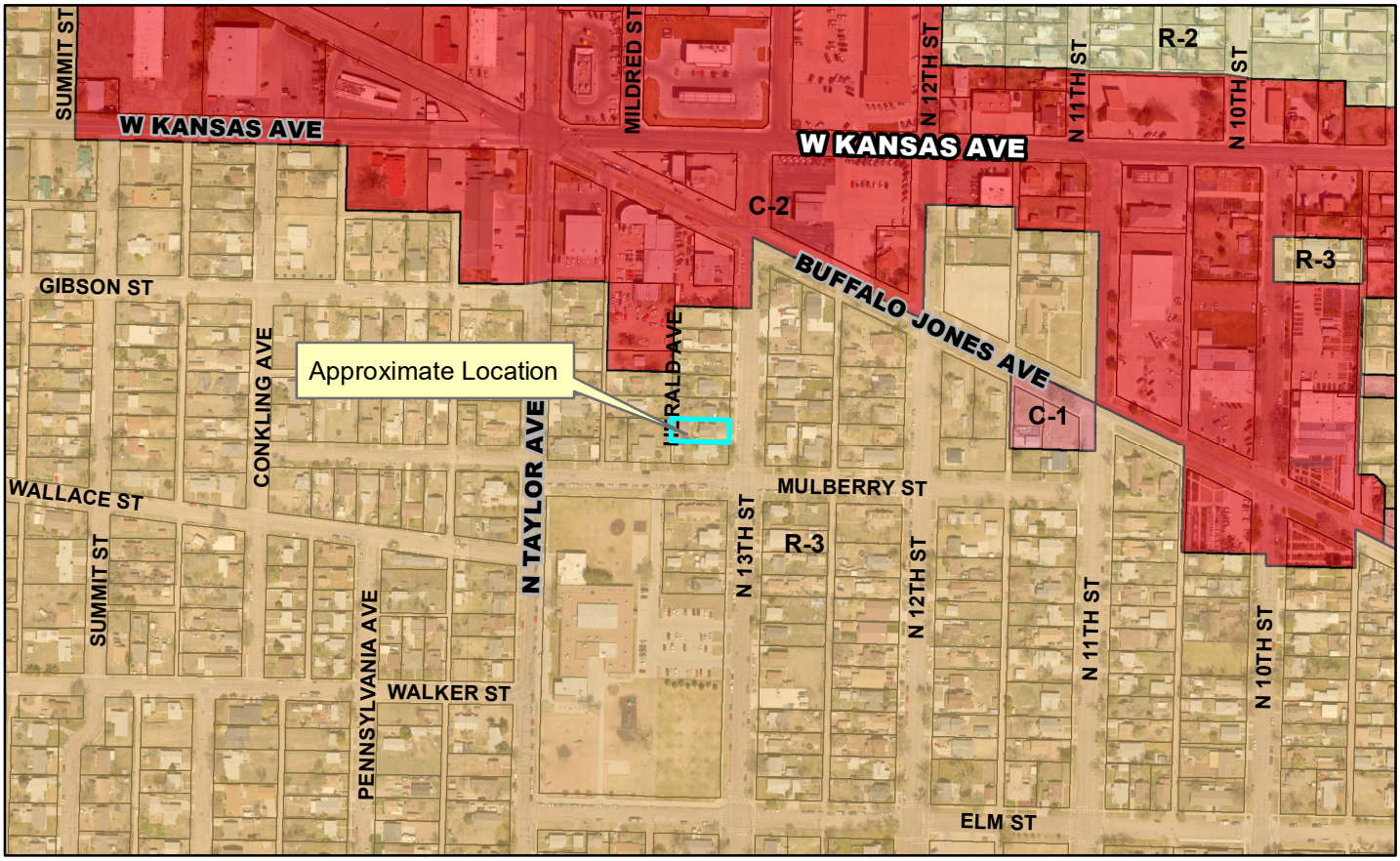
Staff is unable to recommend approval of the request because staff is unaware of any cross-access easement across the neighboring property to the south.

FISCAL NOTE:

There is no fiscal note.

ATTACHMENTS:

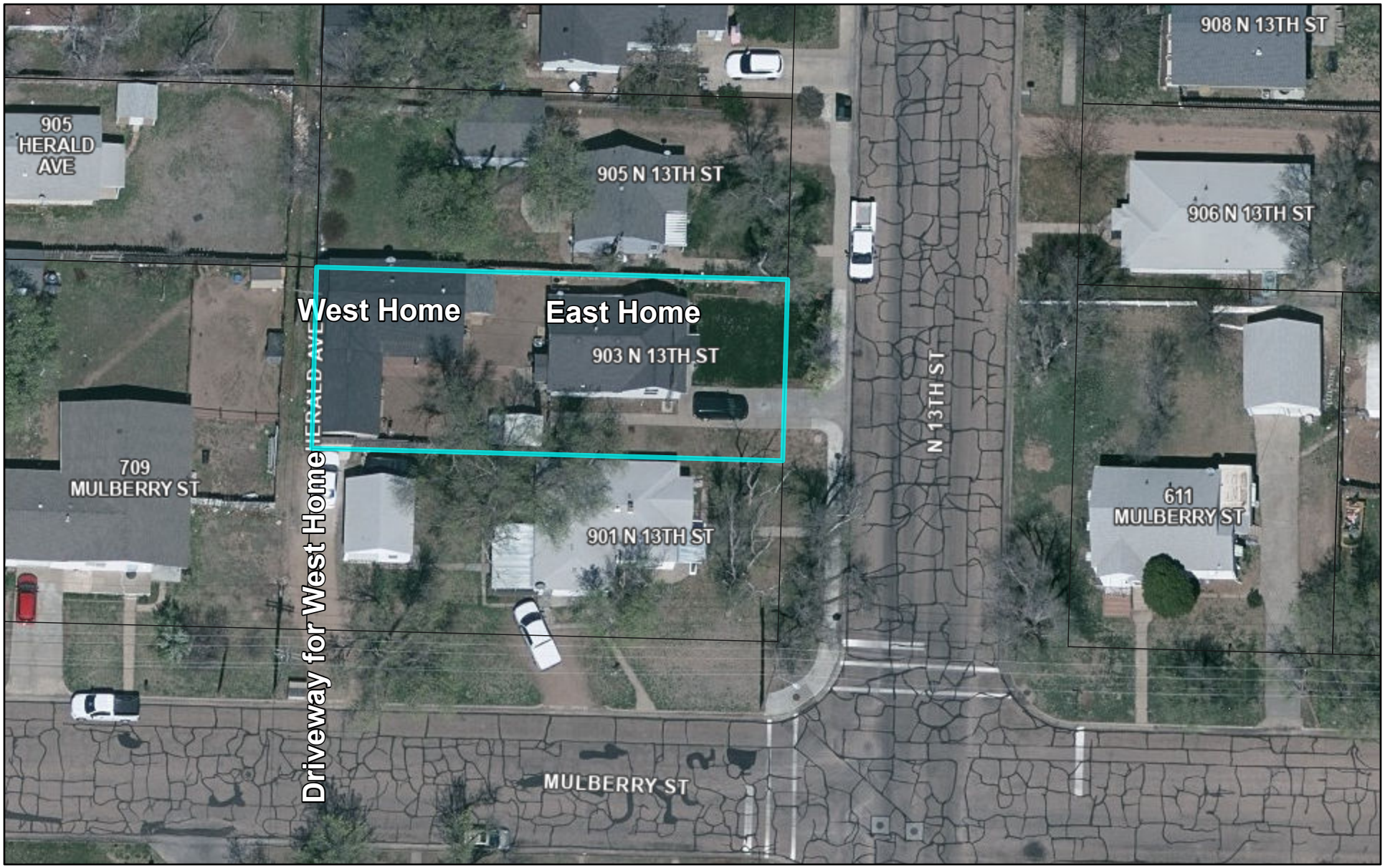
GCBZA2026-04 Vicinity Map
GCBZA2026-04 Site Plan



Case Number: GCBZA2026-04
Applicant: Laurencio Perez
Address: 903 N. 13th
Request: An exception to the "R-3" Multiple Family Residential District's regulations.



Zoning



3/5/2026

1:456

0 0 0.01 0.01 mi

0 0.01 0.01 0.02 km

Finney County, Garden City