AGENDA
GARDEN CITY BOARD OF ZONING APPEALS
TUESDAY, AUGUST 13, 2024
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- July 9, 2024
GCBZA Minutes - July 9, 2024

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. GCBZA2024-15: Conditional Use Permit to allow for automobile sales for at 2006 E. Schulman Avenue.
GCBZA2024-15 General Information
GCBZA2024-15 General Site Plan
GCBZA2024-15 Vicinity Map

B. GCBZA2024-16: Conditional Use Permit to building a metal construction private garage at 2602 E. Schulman Avenue.
GCBZA2024-16 GENERAL INFORMATION
GCBZA2024-16 Vicinity Map
GCBZA2024-16 SITE PLAN

V. Adjourn

MINUTES
BOARD OF ZONING APPEALS
GARDEN CITY, KANSAS

July 9, 2024

The Garden City Board of Zoning Appeals scheduled a Public Hearing at 9:00 a.m. Tuesday, July 9, 2024, 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 Vice-Chairman Acosta, Member Collins, Chairman Karhoff via Teams Meeting, Member Mesa, and Member Rishel. Also in attendance were Staff Charles, Staff Presisto & Staff Thompson.

II. APPROVAL OF MINUTES

Member Mesa made a motion to approve the minutes from June 12, 2024. Member Collins seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Mesa	Rishel	Acosta	Karhoff	Collins
Yea	Nay	Yea	Yea	Yea

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. OLD BUSINESS

GCBZA2024-10: Chris Kruleski has applied for a building setback variance for the property generally located at 3402 Lost River Drive, Garden City, Kansas.

Staff Thompson- Presented staff report.

Chris Kruleski, Applicant- My wife and I would like to get that done and I can explain the pictures as well. As Daunte had mentioned, some of those are going to be twenty to twenty-five and so really in effect we would only be about five feet possibly from that one that is only twenty instead of twenty-five. For example, we've got a fourteen and half foot vehicle and there is still ten feet to the sidewalk. I wanted to address your concern about the walkers because we have two dogs, and we walk a lot. So that is one of the things, again we are going to use it as a garage and not leave vehicles out there. So, to kind of show you that with a full-size SUV there (asked staff to show pictures that he submitted). Rey's comment in the first meeting was what is to stop anybody from doing it anyway because there are going to be houses down the street, and I never paid attention because I never thought we were going to be in this situation, but you could go there yesterday and the day before and then it happens everyday anyway. People are already blocking the sidewalks; they are parking on them, and you drive down there and it is a one way street. When there's two people out there it's one way traffic and my wife can attest to that as well. I just wanted to show that it is not just one neighbor, it's multiple neighbors on both sides.

General discussion and review of pictures of vehicles parked on sidewalks & driveways in the right-of-way.

Chris Kruleski- It's a financial burden, it's the biggest thing. If we were to do this we would have to build up the concrete, I've got two trees there that are probably about fifteen to eighteen feet tall that we would have to rip two of those out, we'd have to rerun the electric underground, we'd have to dig up the concrete footer to the fence

that is there now and we'd have to hire a crane to move the building. That is the biggest thing of the financial hardship. There's a whole lot to it. I hope that seeing that and seeing how much space there actually is, I hope that paints a better picture for you guys.

Review of the pictures that were submitted by applicant.

Chris Kruleski- With insurance cost and having a vehicle out exposed to the elements, that's another benefit, for to be able to have the vehicle protected inside. The one that we would currently have in there is a fourteen-and-a-half-foot electric vehicle.

Member Mesa- The pictures help, and it is a little more convincing. Sometimes we have things in place that are hard to enforce, and this is one of them. I still feel the same way and take no issue now that you've demonstrated the fact that is it really going to be in anybody's way. You are not going to plan on parking there and I believe that you are going to do what you intend to do. You spent thousands of dollars to put that development in that house and I don't know, maybe there was a breakdown in communication, and it doesn't matter now because we are here. I understand Mr. Rishel's concern, but I would find it very difficult to start going around this town and start issuing tickets left and right and what that might cause. It is an ordinance, you are absolutely correct, but he just demonstrated there is still room even if parked a vehicle there he still has room for pedestrians to go up and down that sidewalk. Again, I'm okay with you moving forward and maybe sometimes we have things in the books that don't make sense. Does it really make sense to have that in the books when we don't even enforce it? We got to look at that end of it too.

Member Rishel- The problem with enforcement is they don't do anything unless somebody complains.

Member Collins- My issue with it was never blocking sidewalks. I went to the property and took a look and in vision even with a vehicle there the line of sight is not impeded; the sidewalk isn't impeded and that wasn't my concern. We just have these five rules that we have to go through. The one that was really being put forth was that it would be an unnecessary hardship and the fact that you would have to move the building. My thoughts there were that, I'm assuming, all of this was built at the same time and the builder understood that you were going to use it as a garage.

Chris Kruleski- No because we had to get the permit for the concrete first and this is an afterthought. We have my daughter, and our bikes are in there, storage, things like that. At the time it was built as a shed but the older she got, and in four years she will be driving we thought it would sure be nice to do it and while we are trying take care of everything. We've got everything rocked (landscape) up to the middle of that corner. We stopped a couple of months ago to wait to hear what would happen because we would like to continue and finish that little bit of landscaping too, so I thought lets just do it now while we are doing it. That is why I mention all those extra's because it is quite an up taking if we would do that. That is a huge financial hardship, so that is why I thought you would take that into account.

Member Collins- There is something else I would take into account, because I want to get to the point that you have changed my mind but not because of original reasons. I think I am in favor now simply looking at the parking at exists and the situation you have going on there. Sadly, that is what I am seeing in a lot of our new developments and the Planning Commission has more to do with that and I think that we are looking at denser living quarters and this is all in the plan, but parking is one of the situations that we are looking at. I think you have a creative solution and I think it looks nice. I don't want the indications to your neighbors that this is something everybody can start doing. It works well here, and I understand the reasoning and because of that I think your hardships lie in what the rules currently allow and what society deems like a good idea for a car size.

Member Rishel- My other issue is along Prairie View Drive. I've been down there, and all those houses have a twenty-foot. If we take and approve this with a fifteen-foot variance you are automatically putting him in a non-conforming situation. The city will be def on conforming. Everything we do here, we do variances and stuff will be non-conforming situation.

Staff Charles- The zoning regulations allow the board to do what staff is not allowed to do in granting this variance. If you were to grant a variance, yes it would be considered non-conforming as they don't meet the current zoning regulations, but they would have a granted variance which would then not matter but it would supersede the zoning regulations which is what a variance is allowed to do. He just wouldn't be allowed to do anything non-conforming to the property himself without asking, people ask for waivers and variances and those

things that are not permitted by the zoning regulations. The Board of Zoning Appeals, the City Commission, have the ability to grant those waivers, exceptions and variances.

Member Mesa- I don't know if it is worth looking at the regulation. Do we ever stop and look at the regulation and how it affects our current development? I think it is very easy to keep them in place and keep moving forward, but then we grant these from time to time and maybe ought to take a look at the ordinance itself, maybe not.

Staff Charles- We did present a new zoning district to the City Commission in a pre-meeting and staff will be reaching out to some of the other boards and things to do our presentation on a new zoning district that is a higher density where the setbacks will be different, parking will be different, but the current zoning regulations as they are for the "R-1", "R-2", "R-3", will stay as is. Just because we do need more housing, however as staff in the city we didn't feel like changing all of the zoning regulations for the City of Garden City was appropriate just because we want to give a variety of the housing options if a developer still wants to continue to build how they have been building with the current zoning regulations they have that ability. If they want to go to a higher density they would be allowed to with this new zoning district. We do have the PUD, which is a Planned Unit Development, which this is sort of a part of that, but its hard for people to understand that their neighbor might have something different and might have different zoning regulations, different setbacks, but we have looked at some of those setbacks in general.

Member Rishel- You stated here that staff is unable to recommend the approval. I would like to know why.

Staff Charles- Staff is unable to recommend approval based on the current zoning regulations as Mr. Collins described what the criteria is for a variance and staff feels that the hardship on how this was built was created by the builder and the owner themselves and isn't quite what we would describe as a unique property. More so in the older parts of town where people buy some of these lots that you just don't have all the ability to build to the current zoning regulations is when we have to take a different approach, but as stands with the current zoning regulations, staff was unable to recommend approval. However, that is just our recommendation and as a board you have the ability to go with our recommendation or not go with our recommendation. It is totally up to you.

Member Collins- That was my original thought as well.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

MEMBER MESA MADE A MOTION TO APPROVE THE VARIANCE PER STAFF RECOMMANDITON ALTERNATIVE ONE. CHAIRMAN KARHOFF SECONDED THE MOTION.

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

Mesa	**Rishel**	**Acosta**	**Karhoff**	**Collins**
Yea	Nay	Yea	Yea	Yea

Motion passed.

V. NEW BUSINESS

GCBZA2024-12: Iglesia Bauista Del Sur – Church has applied for a conditional use permit and building setback variance to allow one portable storage unit on a permanent basis for the property generally located at 1107 West Olive Street, Garden City, Kansas.

Staff Thompson- Presented staff report.

Benjamin Flores, Applicant- I am in charge of finishing that project and the container will be used for storage. I talked to the architect, and I took the plans to him, and he said that can be done so that is why we are here.

Member Collins- Was there any thought into building on the building instead of getting a storage container? Have they priced that out?

Benjamin Flores- Yes, but we don't want to do that, we want to have a little room between so the way the architect put that is so on the two parking lots on the east side of the building we can put the container there and there is

plenty of room and there is plenty of parking space for our church. We still have to finish pouring concrete all the way to the alley. We are going to finish that with concrete so all the water from our building is going to wash to Olive Street and we will have a container in those two parking spaces.

Chairman Karhoff- Will there be a fence around it at all?

Benjamin Flores- Yes, we can put up a fence. We have to have a fence in front of the building on the west side too because our neighbors have dances there and people walk through there and do all kinds of stuff, so we are going to have to close that from walk-ins.

Member Rishel- How close to the building is the shed going to be?

Staff Thompson- He described it right up next to the building and not connected.

Member Rishel- I don't know about commercial property, but I know that in residential property there is a ten-foot (setback) from putting a shed next to a building.

Staff Charles- He's asking for a variance to not have it ten feet away.

Member Mesa- What is on the side of the building? Just a wall, correct? There is no door or anything?

Benjamin Flores- There is nothing. The only exists we have on that building are on the north side and the front entrance.

Member Rishel- What is the building going to be made out of?

Benjamin Flores- It is going to be metal, metal storage container. We can paint it the same then color as the building.

Member Collins- Just to clarify, the only thing we need the conditional permit for is the proximity to the building?

Staff Charles- The conditional use permit is for the storage container itself, because it is allowed on a temporary basis and the zoning regulations allow a conditional use permit for a permanent so they would be required to meet the requirements that were in the staff report by anchoring it and painting it to match the color of the building. And they are asking for the variance, so they don't have to meet the ten-foot setback.

Member Rishel- I'm in the middle of trying to get a shed put in and my issue is they told me that if it is close to a building or even a fence line that the thing has to be certified by the fire department and its fireproof and meets the fire code.

Staff Charles- This one is a shipping container, and it is made different than what a typical shed is made out of.

Member Mesa- And that is the reason why I asked that question, if the fire doesn't impede if there is a fire and impede the firemen.

OPEN PUBLIC COMMENT

Chad Turner, Neighboring Property Owner- I am the property owner next to it and right now that container is twelve inches from our property line. Is it just going to be temporary where it is at?

Benjamin Flores- Right now it is temporary until we get this permit to put in the foundation and then it's going to be there forever. And we are going to put up a fence.

Chad Turner- I continue to watch the drainage off of where you guys put the concrete at and it's washing out underneath one of those anchors. I'm just afraid that the container can give way and fall right into my building. That's one of them.

Benjamin Flores- Right now it's no problem with us because we will build that four inch by six-inch wall on top of our concrete on our side so any rain that runs on our side, we will keep it on our side, and we'll build it all the way from east to west all the way down to the alley. So, all the water that rains from up above is going to be on our side, but we cannot control whatever rains on his side. So, I think that the storage is not going to be an issue because we are going to put concrete on the rest of it and it is going to have a valley to the alley, that way we don't have the problem we had before. We did have a problem because all the water came into that empty place, and it was going to your building. But now the only water that gets to your building is anything from up above.

Chad Turner- Actually after you put the guttering in it now runs from the front. Right now, in the summertime I don't care. It's in the wintertime that we are going to have an ice-skating rink right in front of our handy cap area. That will be for another issue, but right now we are talking about a storage container. I don't care that you have a storage container, I just don't want it twelve inches away from the property line. I just don't care to have it that close and without it being secured. It just needs to have some sort of anchor on that corner to keep it from sinking.

Benjamin Flores- It's going to be anchored. It is going to be set up right. That is why we hired an architect.

Vice-Chair Acosta- It's going to be in line with the building so it should be currently further back?

Benjamin Flores- I can not tell you exactly how the architect figured that out, but he said we have what you guys require.

Staff Charles- I think what he is saying is they may have it temporarily in a different spot so that they can pour the concrete. They will have to go through the site plan review which will layout the entire property to make sure their drainage is accounted for and its anchored properly. They will go through that review before we issue the building permit to have it permanently anchored.

Member Collins- Chad, is your main worry about it the actual foundation and the structure not sinking, not moving, but the placement of it, the material? The actual storage unit in and of itself doesn't bother you?

Chad Turner- That doesn't matter, but I don't like that it is twelve inches away from the property line and everything else has got to be at least five-feet away. I'm just looking at something new that is coming in and here's the rules and here's what everybody is asking for.

Vice-Chair Acosta- Your property is the one to the north, correct?

Chad Turner- It is.

Staff Charles- So if they put it back in line with the current building and what is shown on the drawing, it will be about sixteen feet away from the property line.

Member Collins- Away from the north property line?

Staff Charles- Correct.

Member Collins- So where it is right now is on the property line but where they are moving it is away?

Chad Turner- I just drew a quick sketch this morning and this might help (showed board members drawing of location indicating the current location of the container).

General discussion regarding current and future location of container

Chad Turner- If they want to be a foot away from their main structure I don't care, I just don't want to be a foot away from the line.

Benjamin Flores- We set it there temporarily until we get these plans and we'll make sure that we can get it done right.

Member Mesa- So its going to be sixteen feet away from his property line, but currently its twelve inches.

Member Collins- So this sounds like it would be better for everybody if we approve.

CLOSE THE PULIC COMMENT

MEMBER RISHEL MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AND VARIANCE PER STAFF RECOMMENDATION ALTERNATIVE ONE. MEMBER MESA SECONDED THE MOTION.

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

Mesa	**Rishel**	**Acosta**	**Karhoff**	**Collins**
Yea	Yea	Yea	Yea	Yea

Motion passed.

GCBZA2024-13: Yvonne Sperry has applied for a conditional use permit to allow a child day care center for the property generally located at 1115 E. Kansas Plz., Garden City, Kansas.

Staff Presisto- Presented staff report.

Yvonne Sperry, Applicant- I am the owner of the Calzonetti Group, and I am here today to ask for a conditional use permit. We are attempting to have an in-house day care center for our employees at the Calzonetti Group. We are not offering childcare to anyone that is not employed by us. We are a small group, and we are talking four kids during the day and then after school there will be three. There will be no additional parking or any other congestion that would cause any issues for our neighbors because all of us are there anyway and our kids don't drive yet. We have already started the process to get licensed so we will be properly licensed through the state. We do have to be considered a daycare center even though we are not open to the public. So, we've started that but then the zoning came into the final application. So, if we get this approved then we can move on to the final application. We do have the approval of the state fire marshal already from Topeka. We sent in our plans on that and then we've done all the basically remodeling such to the area that we are going to use that has been approved for the number of kids that we are going to have and then Dan Fankhauser who owns the building approved it as well.

Member Collins- That is awesome. That would be cool if you watched other people's kids too. I think that is a great model.

Member Mesa- I would agree. That is great to be able to see you provide that for your employees. I wish more employers would think about that, but I know that would be costly.

Yvonne Sperry- It is a lot of work. There is a lot of paperwork and a lot of unknowns. You are either in-home or a daycare facility, there is nothing in between. We are not either of those. So, it has been interesting. We are learning a lot.

General discussion regarding operation of daycare.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

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

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

Mesa	Rishel	Acosta	Karhoff	Collins
Yea	Yea	Yea	Yea	Yea

Motion passed.

GCBZA2024-14: Diego Lopez has applied for a building setback variance for the property generally located at 2102 North 9th Street, Garden City, Kansas.

Staff Thompson- Presented staff report.

Diego Lopez, per interpreter Rachel Asebedo- He would like to extend carport.

Member Collins- It is a carport?

Diego Lopez- Yes.

Member Collins- Not a solid structure?

Diego Lopez- It would be a carport-patio cover not enclosed coming off of the existing garage.

Member Collins- Does that change anything?

Staff Charles- No, same setbacks.

Member Collins- What if it is detached?

Staff Charles- If it is detached it changes a lot. It still has to meet the same set max depending on which way he would come in he would have to meet that ten-foot separation.

Member Rishel- Where is the driveway going to be?

Staff Thompson- They extended the current driveway so that they could pull in, not the approach off of the street, just the existing driveway got extended and they already laid concrete where they are proposing the carport next to the garage.

Member Collins- I guess the only issue I see from this, other than being non-conforming, is that within the character of the neighborhood the line of sight if you look down the rest of that block is straight as an arrow. All of those houses stop at a certain point until you get to 8th Street before you get another house that comes out like that. Otherwise, all of those are straight.

Staff Charles- I believe they had a different setback. I've noticed that in some of the older parts of town their setbacks back then were about thirty feet instead of what ours are now, fifteen and twenty-five for the garage.

Member Collins- I find it difficult to deny this one when we approved pretty much the same thing except without another impedance into the sidewalk.

Member Rishel- Judging from this and where he wants to put it, I don't see where it is going to interfere with anything.

Member Mesa- I feel the same way. It's not impeding anything. It's not blocking anything.

Member Rishel- It's not part of his back yard and I'm sure he meets the green requirements.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

MEMBER RISHEL MADE A MOTION TO APPROVE THE VARIANCE PER STAFF RECOMMENDATION ALTERNATIVE ONE. MEMBER COLLINS SECONDED THE MOTION.

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

Mesa	**Rishel**	**Acosta**	**Karhoff**	**Collins**
Yea	Yea	Yea	Yea	Yea

Motion passed.

VI. ADJOURN

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

Mesa	**Rishel**	**Acosta**	**Karhoff**	**Collins**
Yea	Yea	Yea	Yea	Yea

Motion passed.

The meeting was adjourned at 10:00 A.M.

Trent Maxwell	Secretary	Geoff Karhoff	Chairman
Aleecya Charles	Staff	Isaac Acosta	Vice-Chairman

GARDEN CITY
KANSAS

MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: John Presisto, Planner
DATE: August 13, 2024
RE: GCBZA2024-15: Conditional Use Permit to allow for automobile sales for at 2006 E. Schulman Avenue.

ISSUE:

The Garden City Board of Zoning Appeals is asked to consider the conditional use permit request to allow for automobile sales at 2006 E. Schulman Avenue.

BACKGROUND:

The applicant, David Fernandez is requesting a conditional use permit to allow for automobile sales according to Article 15.030(C) of the Garden City Zoning Regulations for the property generally located at 2006 E. Schulman Avenue. The property is currently used as a print shop and the applicant intends to use the other portion of the building as an office for the car dealership. The property owner does own another car dealership located at 1103 E. Fulton Street.

STAFF ANALYSIS

The property is currently zoned "C-2" General Commercial District and contains +/-0.68 acres. The property is currently being used as a printshop. Automobile sales are a conditional use within the "C-2" General Commercial District according to Article 15.030(C). There is only one location that allows for automobile sales near this location at Schulman Crossing. A majority of the locations that are allowed to have automobile sales would be the existing car dealerships that are along Fulton Street. The property shares an entrance off of Schulman Avenue with the neighboring property to the west. Adding a car dealership to this property could cause limited access for the neighboring property and may not allow for the proper flow of traffic. If approved, the property will need to go through the site plan review process since there will be a change of use and potential change of the parking layout.

29.050 CONSIDERATION OF A CONDITIONAL USE. In considering an application for a conditional use permit hereunder, the Board of Appeals shall give consideration to the Comprehensive Zoning Plan of the City, the health, safety, morals, comfort, and general welfare of the inhabitants of the City, including but not limited to the following factors:

(A) The stability and integrity of the various zoning districts to include:

1. Conservation of property values.
2. Protection against fire and casualties.
3. Observation of general police regulations.
4. Prevention of traffic congestion.
5. Promotion of traffic safety and the orderly parking of motor vehicles.

6. Promotion of the safety of individuals and property.
7. Provision for adequate light and air.
8. Prevention of over-crowding and excessive intensity of land uses.
9. Provision for public utilities and schools.
10. Invasion by inappropriate uses.
11. Value, type, and character of existing or authorized improvements and land uses.
12. Encouragement of improvements and land uses in with overall planning.
13. Provisions for orderly and proper urban renewal, development, and growth.

ALTERNATIVES:

1. The Board may approve the conditional use permit to allow for automobile sales according to Article 15.030(C).
2. The Board may not approve the conditional use permit to allow for automobile sales according to Article 15.030(C).

RECOMMENDATION:

Staff is unable to recommend approval of the conditional use permit.

FISCAL NOTE:

None.

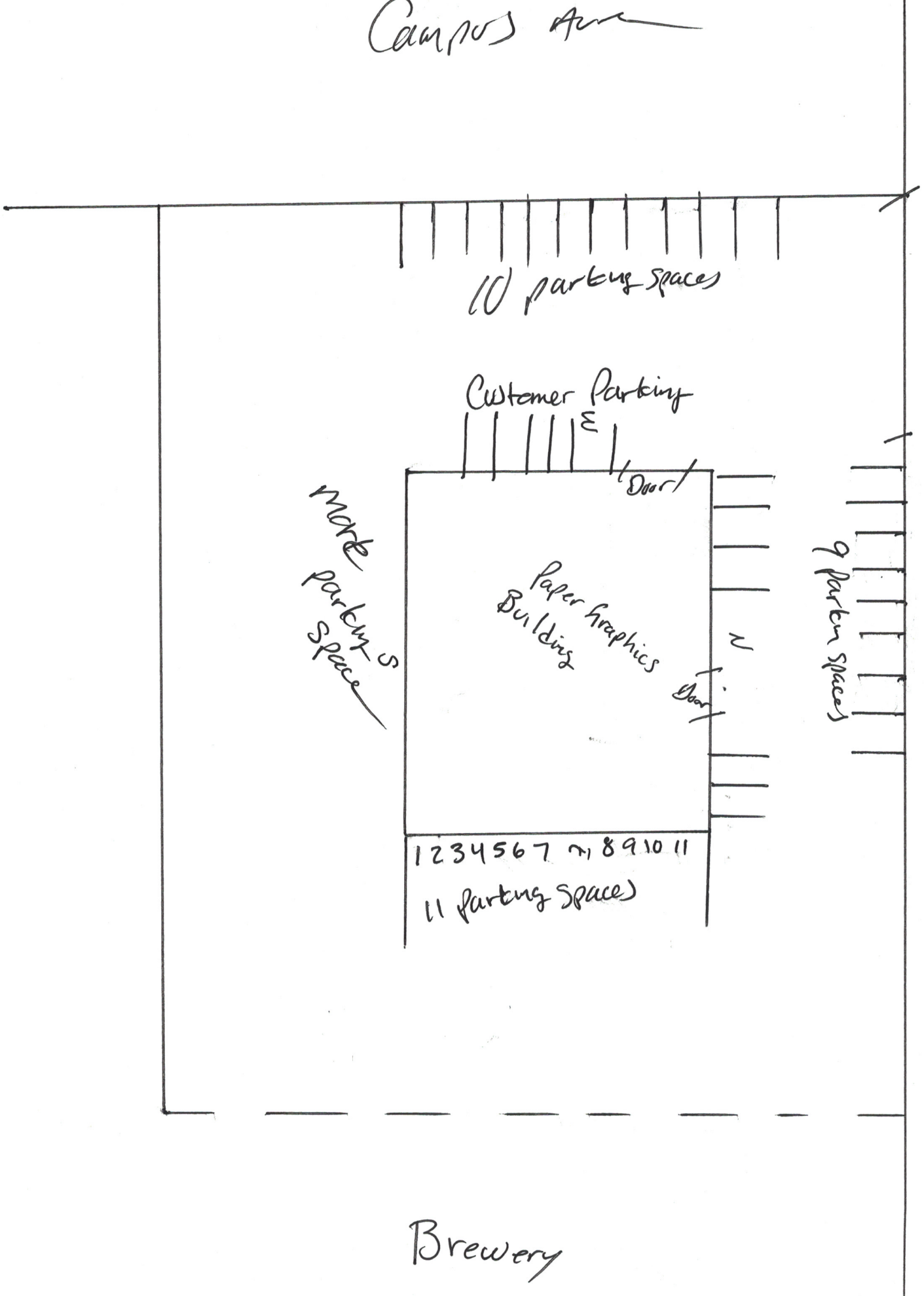
ATTACHMENTS:

GCBZA2024-15 General Information
GCBZA2024-15 General Site Plan
GCBZA2024-15 Vicinity Map

STAFF REPORT

GCBZA2024-15: Conditional use permit to allow for automobile sales at 2006 E. Schulman Avenue, Garden City, KS

Date:	August 13, 2024	**Jurisdiction:**	Garden City
Owner:	Martin & Claudia Boyles		
Applicant:	David Fernandez		
Requested Action:	To allow for automobile sales according to Article 15.030(C).		
Purpose:	Allow for automobile sales at this location.		
Location address:	2006 E. Schulman Avenue, Garden City, Kansas		
Sites Existing Zoning:	“C-2” General Commercial District		
Surrounding Zoning:	North - “C-2” General Commercial District South - “C-2” General Commercial District East - “C-2” General Commercial District West - “C-2” General Commercial District		
Land Area:	+/- 0.68 acres		
Notice Date:	This project was published and noticed by mail as required by code.		


Campus Ave
10 parking spaces
Customer Parking
E
Door
Paper Graphics Building
N
Door
more parking Space
9 parking spaces
Schuman Ave
1 2 3 4 5 6 7 8 9 10 11
11 parking spaces
Brewery



Case Number: GCBZA2024-15
Applicant: David Fernandez
Address: 2006 E. Schulman Avenue, Garden City, KS
Request: Conditional use permit to allow for automobile sales.



GARDEN CITY
— KANSAS —

MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Daunte Thompson, Planner
DATE: August 13, 2024
RE: GCBZA2024-16: Conditional Use Permit to building a metal construction private garage at 2602 E. Schulman Avenue.

ISSUE:
The Garden City Board of Zoning Appeals is asked to consider the conditional use permit request to allow for a metal construction private garage over 100 square feet at 2602 E. Schulman Avenue.

BACKGROUND:
The applicant is requesting to obtain a conditional use permit to construct a metal construction private garage (accessory structure) over 100 square feet. The proposed structure is approximately 30 feet by 40 feet (1200 square feet) and would be located in the southwest corner of the property. The house (primary structure) located on the property is approximately 2300 square feet. The applicant plans to extend the current driveway with concrete to provide access to the proposed structure, which will be used for personal storage.

The property is currently unplatted and will need to be platted prior to a building permit being issued.

STAFF ANALYSIS
The property is currently zoned “R-1” Single Family Residential district, in which, metal construction private garages over 100 square feet are a conditional use within this district. The "R-1" section of the Garden City Zoning Regulations all the maximum lot coverage of impermeable surfaces (concrete, buildings, and general hard surfaces) of a lot to be 70%. With the proposed metal private garage, the existing primary structure and all the hard surfaces of the lot, the 70% maximum lot coverage will not be exceeded. Section 21.010 of the Garden City Zoning regulations state that the accessory building shall be subordinate in area, height and purpose to the principal structure. The proposed location will meet all setbacks for accessory structures as required by the Garden City Zoning Regulations. The proposed accessory structure will not affect any of the surrounding properties.

29.050 CONSIDERATION OF A CONDITIONAL USE. In considering any application for a conditional use permit, the Board of Appeals shall give consideration to the Comprehensive Plan of the City, including but not limited to the following:

A. The stability and integrity of the various zoning districts.
    1. Conservation of property values.
    2. Protection against fire and casualties.
    3. Observation of general police regulations.

4. Prevention of traffic congestion.
5. Promotion of traffic safety and the orderly parking of motor vehicles.
6. Promotion of the safety of individuals and property.
7. Provision for adequate light and air.
8. Prevention of over-crowding and excessive intensity of land uses.
9. Provision for public utilities and schools.
10. Invasion by inappropriate uses.
11. Value, type, and character of existing or authorized improvements and land uses.
12. Encouragement of improvements and land uses in keeping with overall planning.
13. Provisions for orderly and proper urban renewal, development, and growth.

B. The Board of Appeals shall impose such restrictions, terms, time limitations, landscaping and other appropriate safeguards to project adjoining properties.

ALTERNATIVES:

1. The Board may approve the conditional use permit to allow for a metal construction private garage over 100 square feet.
2. The Board may not approve the conditional use permit to allow for a metal construction private garage over 100 square feet.

RECOMMENDATION:

Staff recommends approval of the conditional use permit to allow for a metal construction private garage over 100 square feet.

FISCAL NOTE:

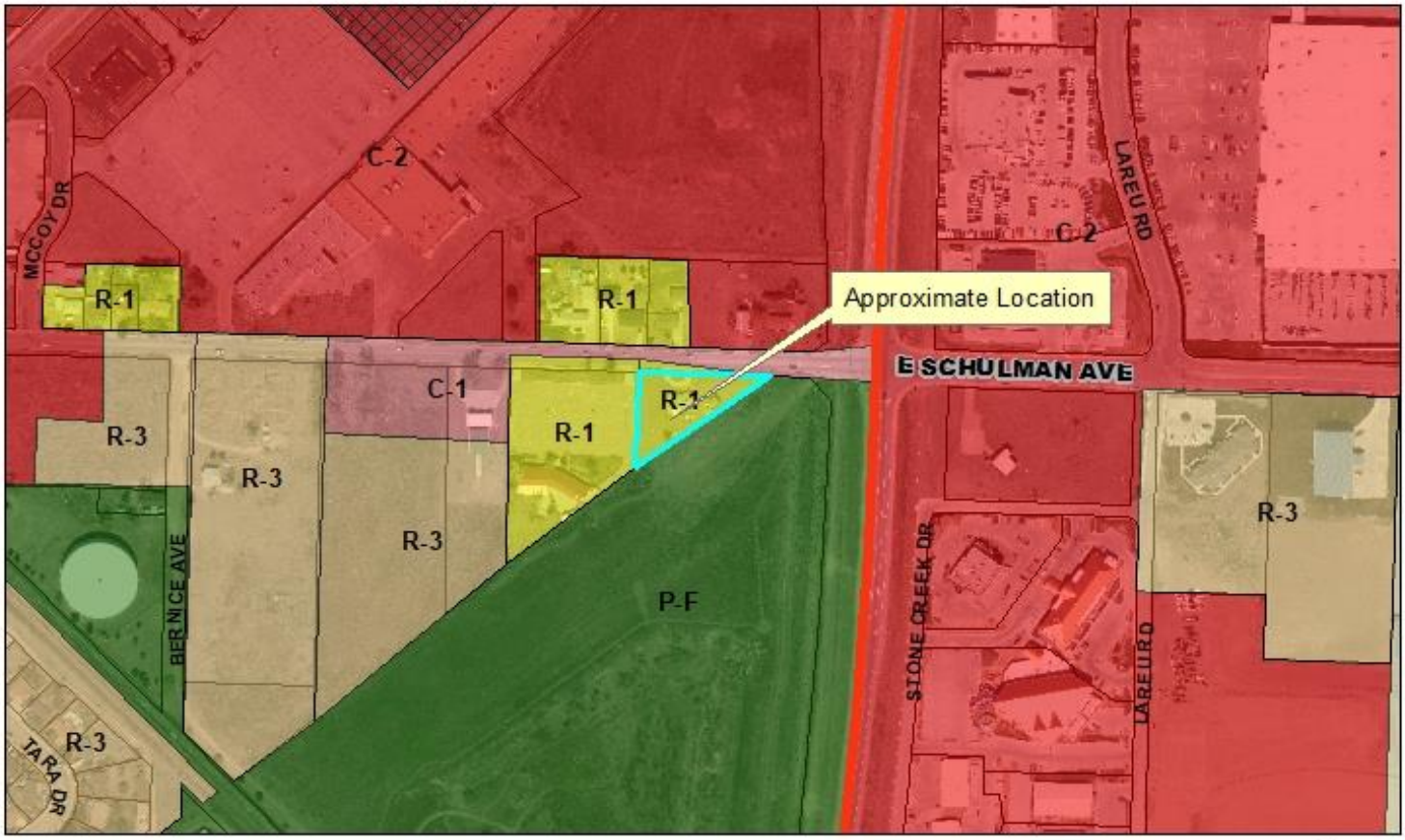
ATTACHMENTS:

GCBZA2024-16 GENERAL INFORMATION
GCBZA2024-16 Vicinity Map
GCBZA2024-16 SITE PLAN

STAFF REPORT

GCBZA2024-16: Conditional use permit to allow for a metal construction private garage over 100 square feet at 2602 E. Schulman Avenue, Garden City, KS

Date:	August 13, 2024	**Jurisdiction:**	Garden City
Owner:	Alfredo and Berta Pena		
Applicant:	Alfredo Pena		
Requested Action:	To allow for a metal construction private garage over 100 square feet.		
Purpose:	A metal construction private garage for personal storage.		
Location address:	2602 E. Schulman Avenue, Garden City, Kansas		
Sites Existing Zoning:	“R-1” Single Family Residential District		
Surrounding Zoning:	North - “R-1” Single Family Residential District and “C-2” General Commercial District South - “P-F” Public Facilities District East - “P-F” Public Facilities District West - “R-1” Single Family Residential District		
Land Area:	+/- 0.92 acres		
Notice Date:	This project was published and noticed by mail as required by code.		



Case Number: GCBZA2024-16
Applicant: Alfredo Pena
Address: 2602 E. Schulman Avenue
Request: Approval of a conditional use permit to allow for a metal construction garage over 100 sqaure feet.



Zoning



August 7, 2024

NOT TO SCALE

North Arrow

Finney Counyt, Garden City | Finney County, Garden City, FEMA | Finney County | Finney County, Garden City