AGENDA
GARDEN CITY BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 11, 2025
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. Swearing in of new member- Shannon L. Dick

III. Approval of Minutes

III.A. Garden City Board of Zoning Appeals Minutes-January 14, 2025
GCBZA Minutes - January 14, 2025

IV. 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

V. New Business

V.A. GCBZA2024-26: Variance and conditional use permit to construct a metal construction garage within the front building setback at 1501 E. Mary Street.
Site Plan - Proposed Location
Building Model
Vicinity Map

VI. Adjourn

MINUTES
BOARD OF ZONING APPEALS
GARDEN CITY, KANSAS

January 14, 2025

The Garden City Board of Zoning Appeals scheduled a Public Hearing at 9:00 a.m. Tuesday, January 14, 2025, 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 Karhoff, Vice-Chairman Acosta, Member Madrid, and Member Mesa. Also in attendance were Staff Charles, Staff Presisto and Staff Thompson.

II. SWEARING IN OF NEW MEMER- Elva Madrid

III. ELECTION OF OFFICERS

Member Mesa made a motion to nominate Isaac Acosta as Garden City Board of Zoning Appeals Chairman. Chairman Karhoff seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Mesa	Vacant	Acosta	Karhoff	Madrid
Yea		Yea	Yea	Yea

Motion passed.

Chairman Acosta made a motion to nominate Elva Madrid as Garden City Board of Zoning Appeals Vice-Chair. Member Karhoff seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Mesa	Vacant	Acosta	Karhoff	Madrid
Yea		Yea	Yea	Yea

Motion passed.

Member Karhoff made a motion to nominate Planning Staff as Garden City Board of Zoning Appeals Secretary. Member Mesa seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Mesa	Vacant	Acosta	Karhoff	Madrid
Yea		Yea	Yea	Yea

Motion passed.

IV. APPROVAL OF MINUTES

Member Mesa made a motion to approve the minutes from October 8, 2024. Member Karhoff seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Mesa	Vacant	Acosta	Karhoff	Collins
Yea		Yea	Yea	Yea

Motion passed.

V. 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

VI. NEW BUSINESS

GCBZA2024-26: Dunlap Construction has applied for a variance to construct an accessory structure in the front yard setback in the "R-1" Single Family Residential District at the property generally located at 1501 E. Mary Street, Garden City, Kansas. **WITHDRAWN**

Staff Charles- Notified board members that the application has been withdrawn for this meeting and may come back for review at a later date.

GCBZA2024-25: Global Animal Products has applied for a conditional use permit to allow for a metal storage container on a permanent basis in the "I-1" Light Industrial District at the property generally located at 105 5th Street, Garden City, Kansas.

Staff Thompson- Presented staff report.

Vice-Chair Madrid- My only concern would be safety for the neighborhood, kids getting in and out if the fence isn't completely sealed and closed off.

Staff Thompson- There is solid six foot fence that does completely enclose the property. Is there a gate?

Alex Wolking, Representative for Global Animal Products- The property there is locked unless we have somebody present from our company. We have the adjoining property across the alley at 101 N 4th Street. This is a satellite shop for us. I run service, deliveries and maintenance out of this shop here in Garden covering the Kansas, Colorado and Nebraska areas. The property there is just used for storage. Right now, there are just pickup beds stored in there because we trade our pickups off at a certain mileage. The container will be for additional product storage, which is trace minerals that we supplement cattle with, so it will be a feed. The fence is locked unless I am present or somebody else is present. The container will be locked as well.

Member Mesa- Is that going to be on a concrete pad? I noticed it was one of the requirements.

Staff Charles- It'll have to meet the condition of it being on a permanent foundation and they'll have to provide plans for how it is going to be secured to that foundation.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

Member Mesa- I have no issue. It is secure and they are going to follow what they need to do for the storage.

MEMBER MESA MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT PER STAFF ALTERNATIVE ONE. VICE-CHAIR MADRID SECONDED THE MOTION.

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

Mesa	Vacant	Acosta	Karhoff	Madrid
Yea		Yea	Yea	Yea

Motion passed.

VII. ADJOURN

Member Karhoff made a motion to adjourn. Vice-Chair Madrid seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Mesa	Vacant	Acosta	Karhoff	Mesa
Yea		Yea	Yea	Yea

Motion passed.

The meeting was adjourned at 9:11 A.M.

Trent Maxwell	Secretary	Isaac Acosta	Chairman
Aleecya Charles	Secretary	Elva Madrid	Vice-Chair

GARDEN CITY
— KANSAS —

MEMORANDUM

TO: Garden City Board of Zoning Appeals
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Daunte Thompson, Planner
DATE: February 11, 2025
RE: GCBZA2024-26: Variance and conditional use permit to construct a metal construction garage within the front building setback at 1501 E. Mary Street.

ISSUE:
The Garden City Board of Zoning Appeals is asked to consider the variance and conditional use permit request to construct a metal construction garage within the front building setback at 1501 E. Mary Street.

BACKGROUND:
The property is currently zoned "R-1" Single Family Residential District and contains +/- 7.40 acres. It abuts five separate streets, including Coachman Lane (west), Rowland Road (northwest), Labrador Boulevard (north), Fleming Street (east), and Mary Street (south). As a result, the lot has front yards along all property lines. The applicant is requesting a variance and conditional use permit to construct a 30'x60' metal construction garage approximately 20-feet north of the existing building, which is within the front building setback of the "R-1" zoning district. Based on the dimensions and site plan provided by the applicant, the garage will be approximately 40-feet from the property line abutting Rowland Road and over 200-feet from the property line abutting Labrador Boulevard. The property owners intend to use the garage for additional storage of furniture and lawn care equipment.

STAFF ANALYSIS:
The Garden City Zoning Regulations prohibit accessory structures from being constructed within the front yard, which is defines the yard as the length of the whole lot and the depth between the building and right-of-way (street). As a result, the property has a front yard along all the streets that the property abuts. This results in no side or rear yard where an accessory structure is permitted by the Zoning Regulations, creating a unique condition for the property. Based on the site plan provided by the applicant, the proposed garage will only be within the front yard created by the Rowland Road and Labrador Boulevard frontages, requiring a variance to construct any accessory structure.

The building model provided by the applicant demonstrates the garage will match the roof of the current building, which is metal. However, the metal construction garage does not match the siding of the existing building and the surrounding properties. The proposed use is permitted within the "R-1" district as a customary accessory use that is related to the principle use, therefore, the use will not have an adverse effect on the surrounding properties.

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 questions, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

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

ALTERNATIVES:

1. The Board may approve the variance and conditional use permit request and allow the construction of the metal construction garage within the front building setback.
2. The Board may not approve the variance and conditional use permit request.

RECOMMENDATION:

Staff recommends the Board approve the front yard building setback request but is unable to recommend approval of the conditional use permit.

FISCAL NOTE:

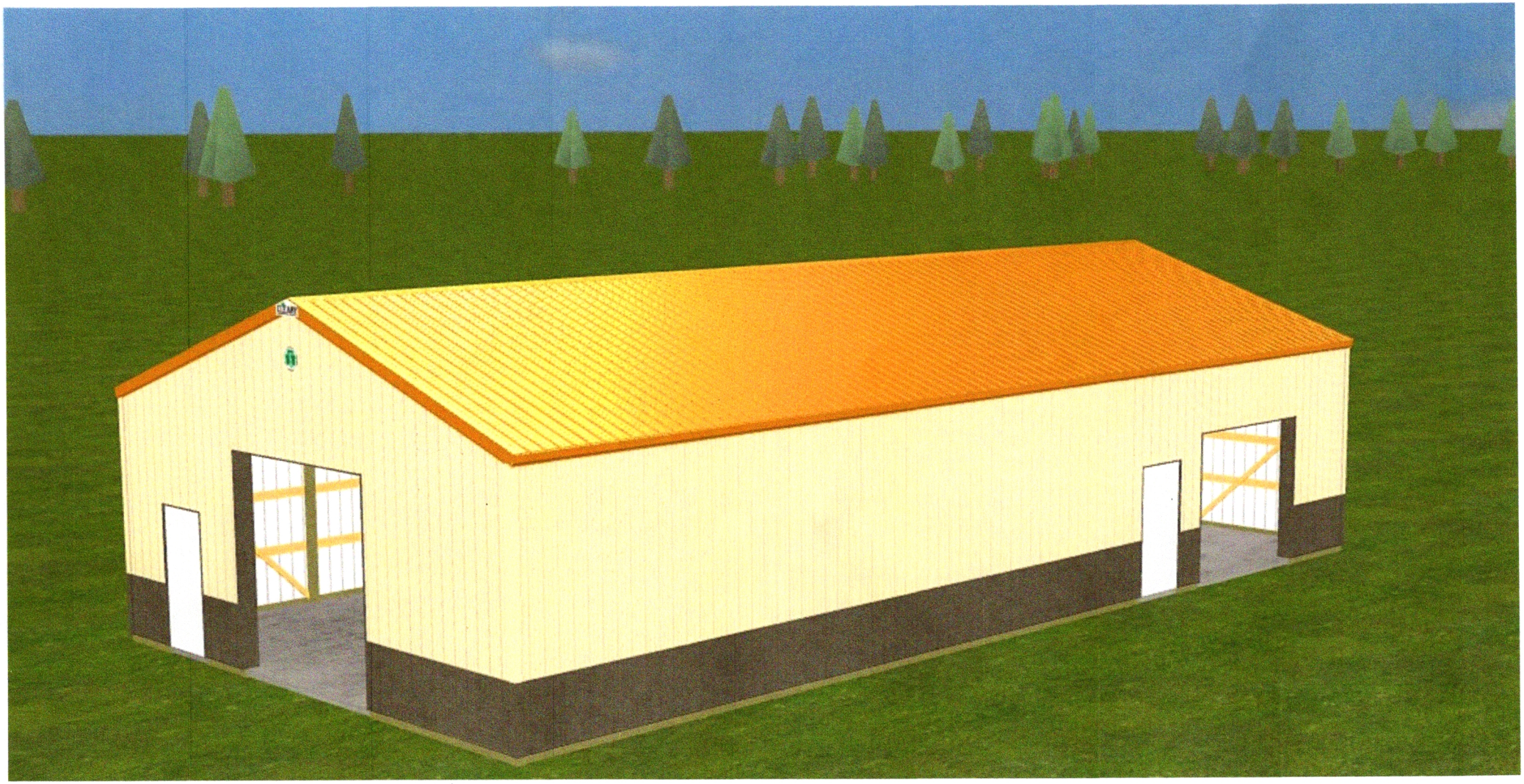
There is no fiscal impact.

ATTACHMENTS:

Site Plan - Proposed Location
Building Model
Vicinity Map


LABRADOR BLVD
1306
1402
1404
2621
ROWLAND RD
+200 FT
2614
2612
2613
2615
Proposed Garage
40 FT
20 FT
FLEMING ST
150
BCC Family Life Center
COACHMAN LN
MARY ST

NORTH





Case Number: GCBZA2024-26
Applicant: Dunlap Construction
Address: 1501 E. Mary Street
Request: Approval of a front yard building setback variance.

