

AGENDA

CALL TO ORDER

ROLL CALL / QUORUM ANNOUNCEMENT

BUSINESS

1. Public Hearing - 211 Plaza Dr. - Variance Request - Case # VR-2022-1

This request is for a variance from the Unified Development Ordinance - Article 5, Table 5-2, requiring a ten foot (10') side setback when B-3 abuts a residential district. The request is to reduce this side setback to six feet (6') to match the existing structure on the site. Application submitted by Keegan Amos, acting as agent for the property owner, 555 Main Street Property LLC.

ADJOURNMENT

For information on how to view prior meetings, please visit our website at <https://www.lansingks.org>. If you require any special assistance, please notify the Community and Economic Development Director prior to the meeting.



Board of Zoning Appeals Staff Report
January 5, 2022

BZA Case VR-2022-1
Mainstreet Chrysler Dodge Jeep Ram – Paint Shop
211 Plaza Dr. (Directly West of Dealership)

Project Facts

Applicant

Davidson Architects & Engineers
Mr. Keegan Amos

Address

211 Plaza Dr.
(Directly West of Dealership)

Property ID

106-24-0-10-01-035.01-0

Zoning

B-3 – Regional Business District

Future Land Use

Commercial

Land

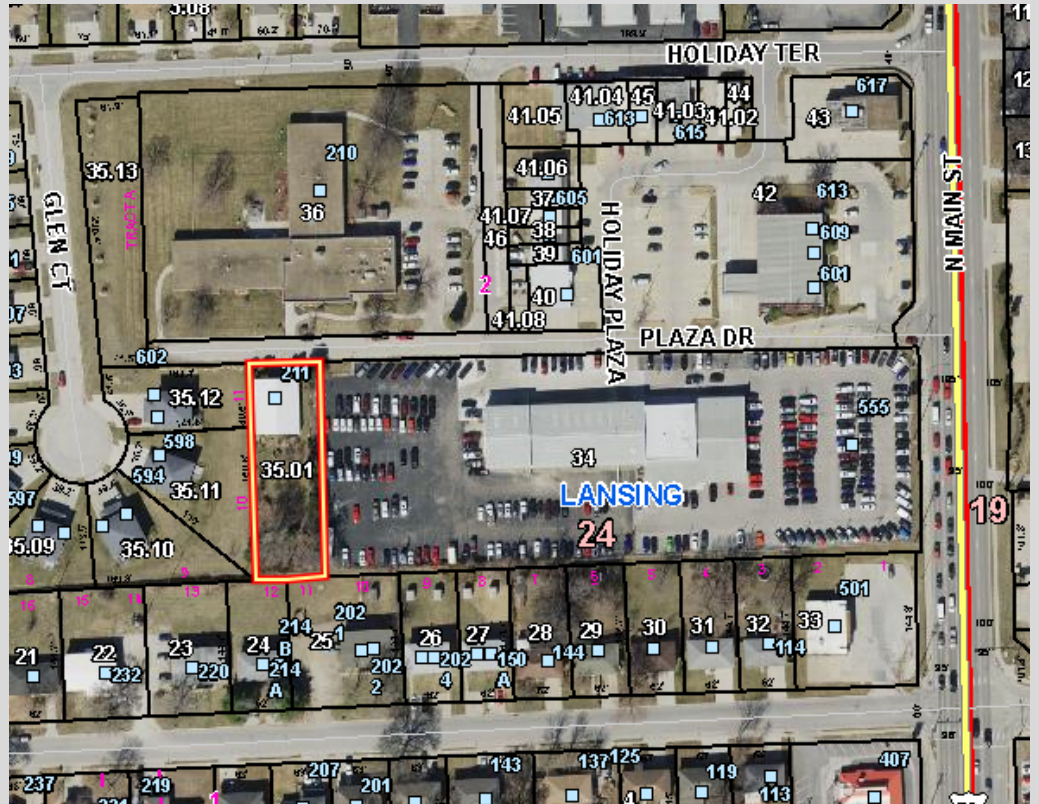
18,144.96 SF (0.42 acres)

Building

Existing: 2,880 SF
Proposed: 8,920 SF

Requested Approvals

Variance Request – side setback against residential property – reduction from 10’ requirement to 6’.



Project Summary

This variance request is for the west side of the property, to reduce the required setback from ten feet (10’) that the Unified Development Ordinance requires in Section 5, Table 5-2 when B-3 abuts a residential district, to six feet (6’) to match the existing building that is on the site. This would allow the new construction to be uniform in appearance with the existing building.

The Applicant proposes to construct an addition of 6,040 S.F. on an existing 2,880 S.F. single-story building to make an automotive shop (paint shop) facility. This is an existing building site that was formally used to store vehicles and the excess ground to the south was undeveloped green space.

An overall site plan, and preliminary building plans, are attached to this report.

The timeline of the project, should this application be approved, is to proceed to construction as quickly as possible.

Summary of Five Conditions required for approval

The review criteria for variance requests is outlined in the Unified Development Ordinance (UDO) on Page 2-15, section 2.08 Item B, Review Criteria: A variance shall be reviewed and approved only on the finding that the following conditions are met (Staff's opinions for each of these items are below each):

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 or district; and is not created by an action or actions of the property owner or applicant.

- Because the existing building was not built by the current property owner or applicant, the condition does not arise from the action of the property owner, however it could be argued that the new section of the building is being created by the property owner and should therefore comply with the setback requirements. Staff feels it is reasonable to grant a variance for a reduction to six feet (6') in setback as there will still be separation from the residentially zoned property, and sufficient space to add landscaping to provide screening if requested or required by the Planning Commission during the site review process.

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents

- All adjacent property owners within 200' have been notified as required, and to date Staff has not received contact from any surrounding property owners. It is Staff's opinion that this reduction of side setback will not adversely affect the rights of adjacent property owners or residents.

The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application

- The strict application of the provision would require that the new addition be shifted to the west, adding two bend points in the west wall of the building, and thereby possibly increasing costs. It would also add two corners to the roof line, which could also increase costs. Keeping the western edge of the building uniform not only improves the aesthetics of the building, but it may also improve the property owner's ability to maintain the property in the future and potentially help reduce overall construction costs.

The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare

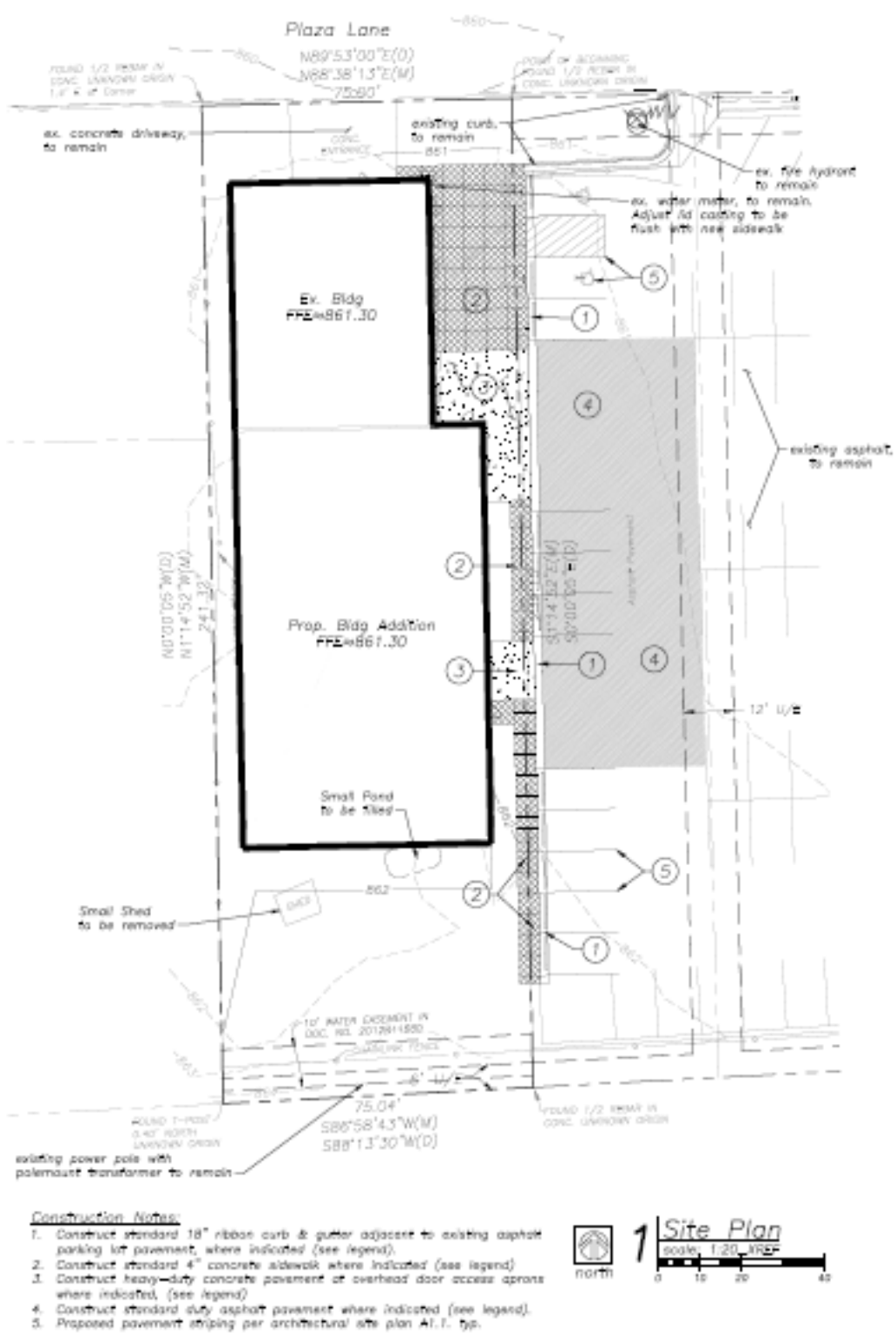
- It is Staff's opinion that this variance request will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations

- The intent of this requirement in the zoning regulations (UDO) is to provide for separation between a business district building and a residential yard or open space. It is Staff's opinion that this request will not oppose the spirit or intent of the zoning regulation because it is not a complete removal of the requirement, only a reduction from the ten feet (10') required to six feet (6') as exists today between the existing building and the property line.

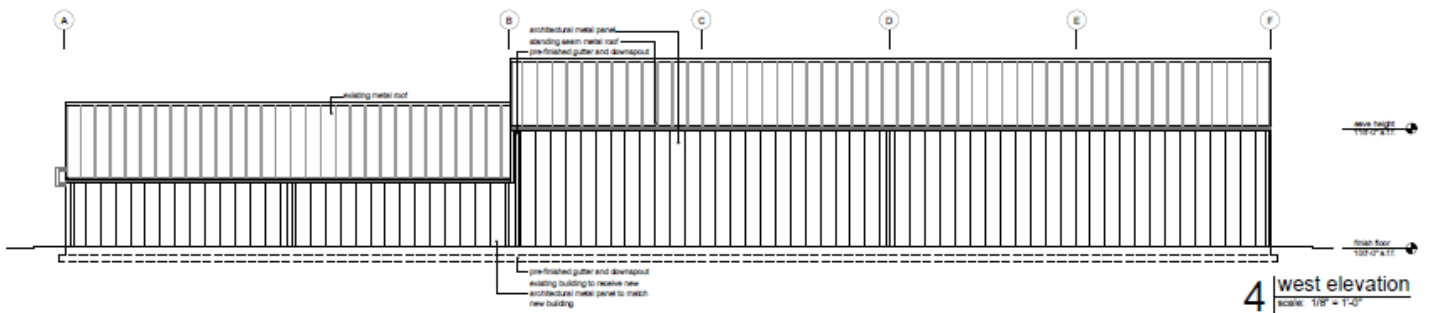
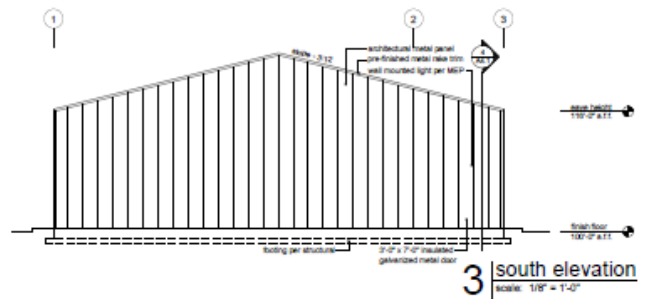
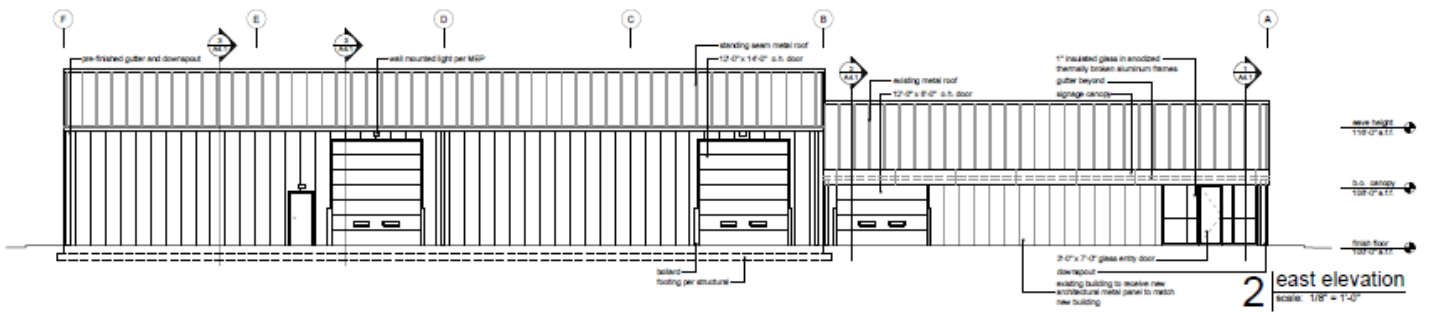
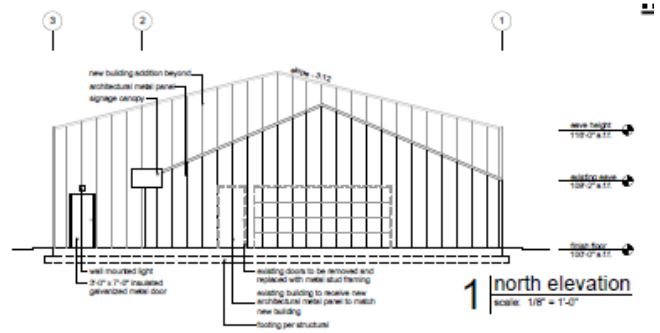
Building Plan Layout

Below is the building Site Plan that shows the location of the building on the lot:



Building Elevations

Below are the building elevations:



Acknowledgments

The following City of Lansing staff members and consultants reviewed this project and provided information for this report:

- Matthew R. Schmitz, MPA – Director, Community & Economic Development

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends approval of Case #VR-2022-01, a variance request for Mainstreet Chrysler Dodge Jeep Ram – Paint Shop at 211 Plaza Dr. which reduces the existing western side setback from the required ten feet (10') to six feet (6') to match the existing conditions on the site.

APPLICATION FOR VARIANCE

Variance Case No. _____
Date Filed _____

I. Name of Applicant Keegan Amos
Mailing Address 4301 Indian Creek Parkway, Overland Park, Kansas 66207 Phone 913.451.9390
Name of Authorized Agent same as applicant
Mailing Address _____ Phone _____
Relationship of applicant to property is that of _____
(Owner, tenant, lessee, other)

II. The variance is from Section 5, Table 5-2 which requires that:
R-3 Building Types must have a 10' setback.

This request would change this requirement to:
6' setback

For the property located at: 211 Plaza Drive
And legally described as: See attached site plan for legal description.

And currently zoned as: B-3
(Attach additional sheets if necessary)

III. Provide a statement explaining the variance request:
The lot has an existing building that is currently set back 6' from the abutting property line. We are providing a building addition to the existing building and would like to maintain the 6' setback.

IV. Provide a brief statement setting out how this application will meet each of the five conditions as described in the Zoning Ordinance and Procedural Manual.

A. Uniqueness The existing building we are attaching to sits 6' from the property line.

B. Adjacent Property: Maintaining 6' from the adjacent property line would not adversely affect the rights of adjacent property owners as we plan on draining the additional roof runoff to the south of the site.

C. Hardship: Maintaining a 6' setback will not constitute unnecessary hardship as that edge of the property is not used for anything that affects the day to day use of the building.

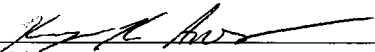
D. Public Interest: Maintaining a 6' setback will not affect the public interest as the building addition only extends a pre-existing site condition.

E. Spirit and Intent of the Zoning Regulations: Allowing the variance maintains the setback that is currently existing.

V. The applicant/agent hereby declares that all information submitted is true to the best of his knowledge and that all information required for this request has been included.

Applicant: Keegan Amos

Authorized Agent:


Signature

Signature

VI. Office Use Only:

Date Received: _____ Fee Paid: _____

Received By: _____

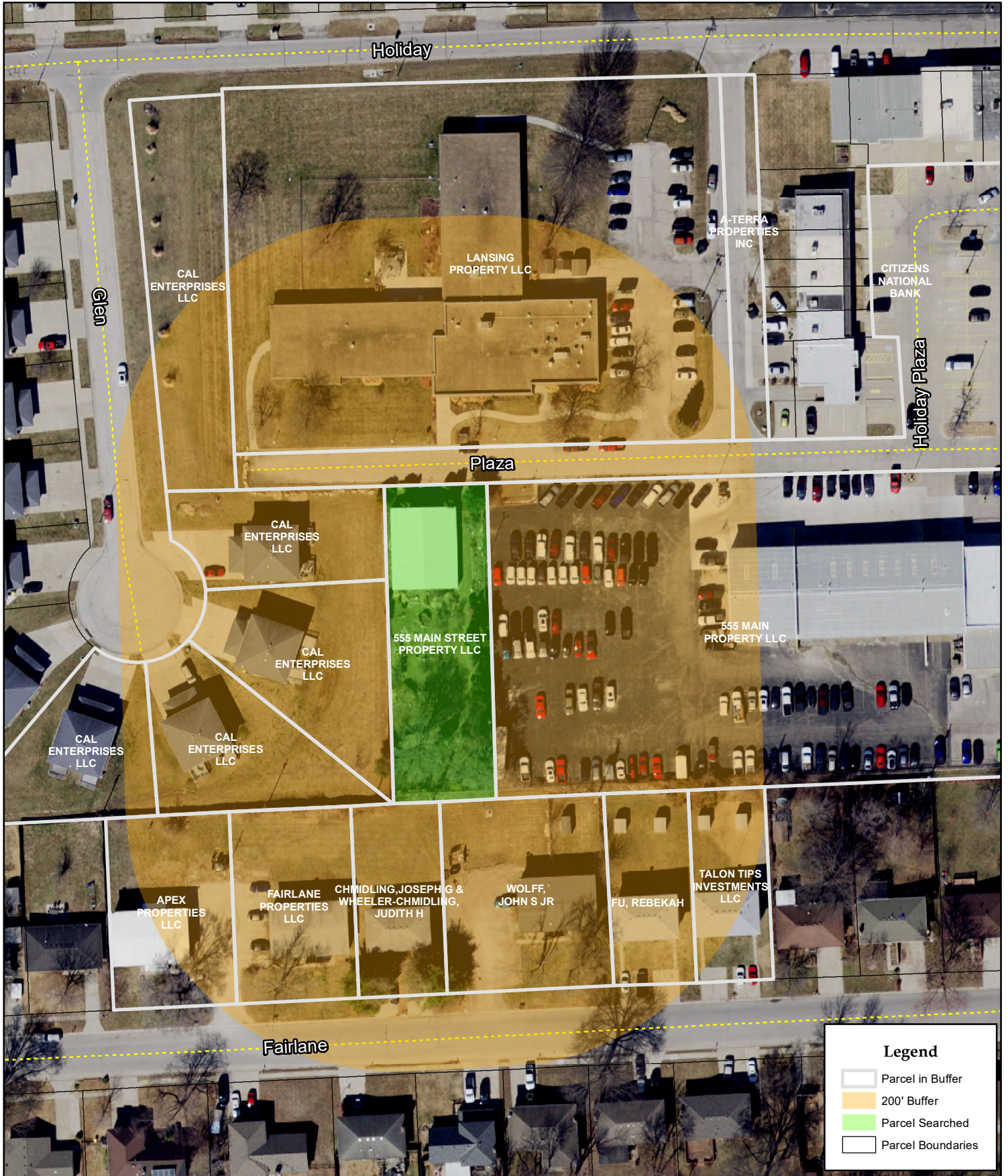
Action of the Board: _____ Date: _____

Appealed to District Court? _____ Date: _____

District Court Decision: _____

Please see Article 2 of the Unified Development Code available on the city of Lansing website at www.lansingsks.org for more information on application requirements.

City of Lansing, KS Property Radius Search



Public Hearing Notice

Notice is hereby given to any and all persons that the Board of Zoning Appeals of Lansing, Kansas, will hold a Public Hearing to consider a request for a variance from the Zoning Ordinance of the city of Lansing. The request is for a variance from Lansing Zoning Ordinance, Article 4, Table 4-1: General Development Standards, which states that B-3 Minimum Side Setback is ten feet (10') when abutting a residential district. Article 4 of the Lansing Zoning Ordinance is available for inspection at the Community and Economic Development Department, 730 First Terrace, Suite 2, Lansing, Kansas.

Keegan Amos, applicant, has submitted a variance application for a parcel addressed as 211 Plaza Drive, Lansing, KS 66043. The parcel is located in the Lansing B-3 Regional Business District. The CAMA parcel ID # of the property involved is 052-106-24-0-10-01-035.01-0. The variance requested is to reduce the required side setback from ten feet (10') to six feet (6').

The Public Hearing will be held January 5th, 2022, at 7:00 p.m. at Lansing City Hall, 800 First Terrace, Lansing, Kansas.

Published in the Leavenworth Times on 12-14-2021.

December 10, 2021

555 Main Property LLC
29203 NE Colbern Rd.
Grain Valley, MO 64029

Dear Property Owner:

Notice is hereby given to any and all persons that the Board of Zoning Appeals of Lansing, Kansas, will hold a Public Hearing to consider a request for a variance from the Zoning Ordinance of the city of Lansing. The request is for a variance from Lansing Zoning Ordinance, Article 4, Table 4-1: General Development Standards, which states that B-3 Minimum Side Setback is ten feet (10') when abutting a residential district. Article 4 of the Lansing Zoning Ordinance is available for inspection at the Community and Economic Development Department, 730 First Terrace, Suite 2, Lansing, Kansas.

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The Public Hearing will be held January 5th, 2022, at 7:00 p.m. at Lansing City Hall, 800 First Terrace, Lansing, Kansas.

If you have any questions, please contact me at 913-727-2400 or mschmitz@lansingks.org.

Sincerely,



Matthew R. Schmitz, MPA
Director, Community and Economic Development

Radius Search Report

Properties Found: 16

11/30/2021



Item 1.

Parcel #	Quick Ref.	Property Owner	Site Address	Mailing Address	Property Type
052-106-24-0-10-01-022.00-0	R15429	APEX PROPERTIES LLC	232 FAIRLANE, APT ## 1, Lansing, KS 66043	218 CHOCTAW ST LEAVENWORTH, KS 66048	Fourplex
052-106-24-0-10-01-023.00-0	R15430	FAIRLANE PROPERTIES LLC	220 FAIRLANE, APT ## 1, Lansing, KS 66043	109 S 2ND ST LANSING, KS 66043	Fourplex
052-106-24-0-10-01-024.00-0	R15431	CHMIDLING, JOSEPH G & WHEELER-CHMIDLING, JUDITH H	214 FAIRLANE, APT #A, Lansing, KS 66043	1016 S 4TH ST LEAVENWORTH, KS 66048	Duplex
052-106-24-0-10-01-025.00-0	R15432	WOLFF, JOHN S JR	202 FAIRLANE, APT ## 1, Lansing, KS 66043	7800 ASH ST PRAIRIE VILLAGE, KS 66208-4742	Fourplex
052-106-24-0-10-01-026.00-0	R15433	FU, REBEKAH	202 FAIRLANE, APT #A, Lansing, KS 66043	4348 WAIALAE AVE 926 HONOLULU, HI 96816	Duplex
052-106-24-0-10-01-027.00-0	R15434	TALON TIPS INVESTMENTS LLC	150 FAIRLANE, APT #A, Lansing, KS 66043	4348 WAIALAE AVE 926 HONOLULU, HI 96816	Duplex
052-106-24-0-10-01-034.00-0	R15441	555 MAIN PROPERTY LLC	555 N MAIN ST, Lansing, KS 66043	29203 NE COLBERN RD GRAIN VALLEY, MO 64029	Automobile service center
052-106-24-0-10-01-035.01-0	R15442	555 MAIN STREET PROPERTY LLC	211 PLAZA DR, Lansing, KS 66043	9613 LAKESHORE DR LAKE LOTAWANA, MO 64086	Warehouse distribution / storage facility
052-106-24-0-10-01-035.09-0	R15450	CAL ENTERPRISES LLC	593 GLEN CT, Lansing, KS 66043	26001 151ST ST LEAVENWORTH,	Duplex

Parcel #	Quick Ref.	Property Owner	Site Address	Mailing Address	Property Type
				KS 66048	
052-106-24-0-10-01-035.10-0	R15451	CAL ENTERPRISES LLC	592 GLEN CT, Lansing, KS 66043	26001 151ST ST LEAVENWORTH, KS 66048	Duplex
052-106-24-0-10-01-035.11-0	R15452	CAL ENTERPRISES LLC	596 GLEN CT, Lansing, KS 66043	26001 151ST ST LEAVENWORTH, KS 66048	Duplex
052-106-24-0-10-01-035.12-0	R15453	CAL ENTERPRISES LLC	600 GLEN CT, Lansing, KS 66043	26001 151ST ST LEAVENWORTH, KS 66048	Duplex
052-106-24-0-10-01-035.13-0	R15454	CAL ENTERPRISES LLC	00000 HOLIDAY TER, Lansing, KS 66043	26001 151ST ST LEAVENWORTH, KS 66048	Residential highest and best use
052-106-24-0-10-01-036.00-0	R15455	LANSING PROPERTY LLC	210 PLAZA DR, Lansing, KS 66043	2909 W BAY TO BAY BLVD #STE 300 TAMPA, FL 33629	Skilled-nursing services
052-106-24-0-10-01-042.00-0	R15468	CITIZENS NATIONAL BANK	601 N MAIN ST, Lansing, KS 66043	PO BOX 228 ATTN: PETERSON,CHUCK LANSING, KS 66043	Bank, credit union, or savings institution
052-106-24-0-10-01-046.00-0	R15472	A-TERRA PROPERTIES INC	00000 HOLIDAY PLAZA, Lansing, KS 66043	PO BOX 538 CHANUTE, KS 66720	Parking Lot (uncovered)

VARIANCE CHECKLIST

- I. Filing Fee Paid: \$75.00
- II. Date Filed: November 23, 2021
- III. Date Advertised for Hearing: December 14, 2021
- IV. Public Hearing Date: January 5, 2022
- V. Applicant's Name: Keegan Amos
 Applicant's Authorized Agent: Keegan Amos
 Applicant's Interest in Property (owner, tenant, other): other (Engineer / Architect)

VI. Information in Application Correct: Yes No

If No, explain: Waiting on Affidavit and Agent Authorization forms, however we expect to have these in place before the meeting Wed. evening.

VII. Adjacent Zoning and Land Use:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential Care - Assisted Living	B-3
South	Multi-Family (Duplex)	R-4
East	Outdoor Sales - Heavy (Car Dealer)	B-3
West	Multi-Family (Duplex)	R-3

VIII. Present Use of Property: Existing building and vacant ground

Proposed Use of Property: Business

IX. Utility lines or easements that would restrict proposed development:

None known

X. Board of Zoning Appeals' findings on each of the five statutory conditions:

	<u>Approved</u>	<u>Denied</u>
a. Uniqueness	_____	_____
b. Adjacent Property	_____	_____
c. Hardship	_____	_____
d. Public Interest	_____	_____
e. Spirit and Intent	_____	_____