

CITY OF ABILENE
BOARD OF ZONING APPEALS/PLANNING COMMISSION
AGENDA

December 1, 2020 at 3:30 p.m.
Abilene Public Library
209 NW 4th Street

Agenda Item
1. Call to Order
2. Roll Call: ____ Robin Black ____ Jennifer Green ____ Rod Boyd ____ Bill Marshall ____ Vice Chair: Brenda Finn-Bowers ____ Chair: Travis Sawyer
3. Approval of Agenda 4. Approval of Minutes - August 11, 2020
Business 5. Open Public Hearing: BZA 20-12 Application for a variance from Clay Tajchman/AgVanced Enterprises at 412 W. 1 st St. Abilene, KS *Public Comment *Commission Comment Close Public Hearing Action
6. Planning Commission Comments & Staff Updates 7. Adjournment



**Abilene Board of Zoning Appeals Meeting Minutes
Abilene Public Library – 209 NW Fourth Street
August 11, 2020 @ 4:00 p.m.
Abilene, Kansas**

1. Call to Order

2. Roll Call – Board of Zoning Appeals Members Present: Vice-Chair Brenda Finn-Bowers, Members Robin Black, Jennifer Green, Rod Boyd, Bill Marshall and by phone Chair Travis Sawyer.

Staff present: City Manager Foltz and City Inspector Steerman.

3. Approval of Agenda

Motion by Member Black, seconded by Member Boyd to approve the agenda as printed. Motion carried unanimously 6-0.

4. Approval of Minutes – July 14, 2020

Motion by Member Boyd, seconded by Member Green to approve the minutes as printed. Motion carried unanimously 6-0.

5. Public Hearing – BZA 20-01, Application for Variance for Joel and Cynthia Taggart 519 N. Broadway, Abilene, KS 67410

Vice-Chair Finn-Bowers opened the Public Hearing.

Joel Taggart, 519 N. Broadway, provided information regarding his request for variance for a fence enclosing his property.

Member Marshall disclosed that he had visited with Joel Taggart prior to the meeting.

Vice-Chair Finn-Bowers closed the Public Hearing.

Motion by Member Green, seconded by Chair Sawyer to approve the Application for Variance for Joel and Cynthia Taggart, 519 N. Broadway in Abilene, KS. Motion carried 4-2, Members Marshall and Black voting no.

6. Update on Current Property within City limits.

City Manager Foltz updated the Board of Zoning Appeals members on non-essential properties that she and City Attorney Martin are working on to get back on the tax rolls by selling non-essential properties.

7. Board of Zoning Appeals Comments

8. Staff Comments

Brenda Wildman is no longer with the City. Kari Zook will start with the City on August 17th

There was a discussion with City Inspector Steerman about nuisance and blight properties.

9. Adjournment

Motion by Member Black, seconded by Member Marshall to adjourn. Motion carried unanimously 6-0.

Travis Sawyer – Chair
Brenda Finn-Bowers – Vice-Chair

ATTEST:

Jane Foltz
City Manager

CITY OF ABILENE, KANSAS
DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2355 · Fax: (785) 263-2552 · www.abilenecityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- | | |
|---|--|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL | <input type="checkbox"/> LOT SPLIT |
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE |
| <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS | <input type="checkbox"/> PRELIMINARY PLAT |
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT | <input type="checkbox"/> PLANNED DEVELOPMENT |
| <input type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> REPLAT |
| <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT | <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> SITE PLAN |
| <input type="checkbox"/> HOME OCCUPATION PERMIT | <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
| <input type="checkbox"/> LANDMARK DESIGNATION | <input checked="" type="checkbox"/> VARIANCE |
| <input type="checkbox"/> LOT SPLIT | |

FOR OFFICIAL USE ONLY

Appn Number: B2A 20-12
 Date Received: 10/26/20
 Received By: KZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Building a warehouse on existing concrete

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Clay Tajchman Tel: (785)823-2088
 Business Name: AgVanced Enterprises Fax: (N/A)
 Address: 412 W 1st Street
 City: Abilene State: KS Zip Code: 67410
 E-mail: clay@agvantagenaturals.com

PROPERTY OWNER (If Different from Applicant/Agent):

Name: _____ Tel: (____)
 Business Name: _____ Fax: (____)
 Address: _____
 City: _____ State: _____ Zip Code: _____
 E-mail: _____

ENGINEER/ARCHITECT/SURVEYOR:

Name: Melanie Thrower Tel: (620)242-7170
 Business Name: McPherson Engineering and Land Surveying Services (MELS) Fax: (N/A)
 Address: 845 1800 Ave.
 City: Abilene State: KS Zip Code: 67410
 E-mail: mels.mthrower@gmail.com

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

412 W 1st Street Abilene, KS 67410

PROPERTY TAX IDENTIFICATION

NUMBER: UP Railroad Lease

ZONING: Existing: I1 Proposed:

LAND USE: Existing: Proposed:

GROSS SIZE OF PLAT/LOT:

Residential: Commercial: Industrial: Other: Total:

NUMBER OF LOTS:

Residential: Commercial: Industrial: Other: Total:

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 1 Total Building Area: 4,320 sq ft
Maximum Height of Buildings or Structures: 12 ft Total Impervious Area:

EXISTING PUBLIC FACILITIES:

Public Private Other (Describe)
Water Service: [X] [] []
Wastewater Service: [X] [] []
Roadway Access: [X] [] []

FLOODPLAIN INFORMATION:

Floodway: [] Yes [X] No FIRM Map-Panel Number:
Floodway Fringe: [] Yes [X] No Zone:

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

[] Yes [] No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION*

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

[Signature]
Applicant Signature

10-26-20
Date

[Signature]
Property Owner Signature

10-26-20
Date

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

- | | | |
|--|---|---|
| <input type="checkbox"/> Copy of Deed | <input type="checkbox"/> Easements and Covenants | <input type="checkbox"/> Location Map |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Infrastructure Plans | <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Grading and Stormwater Plans |
| <input type="checkbox"/> Elevation Survey | <input type="checkbox"/> Traffic Impact Study | <input type="checkbox"/> Construction Plans |
| <input type="checkbox"/> Performance Agreement | <input type="checkbox"/> Proof of Notification | <input type="checkbox"/> Utility Plans |
| <input type="checkbox"/> Text Amendment Language | <input type="checkbox"/> Property Owner List | <input type="checkbox"/> Comprehensive Plan Amendment Justification |
| <input type="checkbox"/> Annexation Boundary Map | <input type="checkbox"/> Operating Characteristics Report | <input type="checkbox"/> Administrative Appeal Justification |
| <input checked="" type="checkbox"/> Variance Justification | <input type="checkbox"/> Other _____ | |

Additional document requirements provided to applicant on _____. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

_____	_____
Name	Title
_____	_____
Signature	Date

*** Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.*

APPLICATION REVIEW

DECISION-MAKING BODY: Staff Planning Commission Board of Zoning Appeals City Commission
 Heritage Commission Other (specify):

DATE OF INITIAL HEARING(S): 12/1/20

FEE AMOUNT: \$ 200 - **DATE FEE PAID:** 10/29/20

DETERMINATION OF COMPLETE APPLICATION:
I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This certification does not preclude the review, recommendation and/or decision-making bodies from requesting additional information as deemed necessary to serve the public interest.

_____	_____
Name	Title
_____	_____
Signature	Date

November 4, 2020

AgVanced Enterprises

109 First Street

New Cambria, KS 67470

City of Abilene

419 N. Broadway

Abilene, KS 67410

Dear Planning Commission and Board of Zoning Appeals,

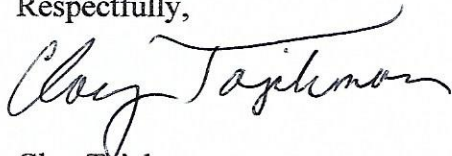
AgVanced Enterprises is seeking a variance request regarding the concern of building a warehouse on an existing slab of cement located on our property at 412 W 1st Street Abilene, KS 67410. We have provided the City of Abilene with a lease document from Union Pacific Railroad outlining our property, along with documents from a recent survey done by Melanie Thrower with McPherson Engineering and Land Surveying Services.

1. Our request is for a warehouse measuring 36' x 120' to be built on an existing cement slab located within the premises of 412 W 1st Street Abilene, KS 67410. Previously an older wood warehouse had sat on this slab but was torn down some years ago.
2. The purpose of this warehouse is to move our company location from New Cambria to Abilene. This warehouse will allot the company product storage and packaging storage for the facility.
3. AgVanced Enterprises does not want to cause any problems within the City of Abilene or its residence. Our building does not meet the 20 ft. set back rule that the City of Abilene has in place. The steel frame of this building has measured at 4.95' from the existing right of way line on the southwest corner which is the main concern for requesting the variance for this building.
4. As stated above, this warehouse will allow the company to properly store materials in an enclosed secured environment. The warehouse will bring an estimated opening of 4-5 new jobs available in Abilene within the 2021 year.
5. Shall the Planning Commission and Board of Zoning Appeals grant us a variance for this project, AgVanced Enterprises will resume the building process of the metal warehouse and have it completed in the early months of 2021. We are a rapidly growing, family owned business that specializes in Gluten Free milling. We support local farmers by

using surrounding sorghum grown within Kansas for our products. By granting us this variance, you are allotting us room for continued growth within the company.

We want to thank everyone for their help on this project and look forward to hearing back from you. We do not believe this building will have a negative impact on the city. AgVanced Enterprises expects continued growth, which will allow for multiple jobs to be available for all ages.

Respectfully,

A handwritten signature in black ink, reading "Clay Tajchman". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Clay Tajchman
AgVanced Enterprises
Owner

A tract of land located in the Vacated Thompson and McCoy's Addition to Abilene located south of the Union Pacific Railroad Vacated Page 43, in the Southwest Quarter of Section Sixteen (16), Township Thirteen (13) South, Range Two (2) East of the 6th P.M. beginning at the Southwest corner of Section 16, thence along the south quarter section line N 89° 26' 00" E, 600.76 feet; thence N 00° 34' 00" W, 24.00 feet to the point of beginning; thence N 78° 32' 47" E along a line 50 feet south and parallel to the center of the Union Pacific Railway tracks, 824.70 feet; thence S 00° 39' 45" E, 101.43 feet; thence S 78° 32' 47" W, 28.24 feet; thence S 00° 19' 55" E, 33.00 feet; thence S 89° 26' 00" W, 481.32 feet, along a line 40 feet north and parallel to the south quarter section line; S 00° 21' 19" E, 16.00 feet; thence S 89° 26' 00" W, 300.78 feet, along a line 24 feet north and parallel to the south quarter section line, to the point of beginning containing 1.24 acres or 53952.33 sq ft more or less.

NW 2ND ST.



SURVEYORS RESEARCH DOCUMENTS:
 DICKINSON COUNTY DEEDS OFFICE:
 PLAT THOMPSON AND MCCOY'S ADDITION
 VACATION Page 43
 All other vacation ordinances on the face of the plat are lost.

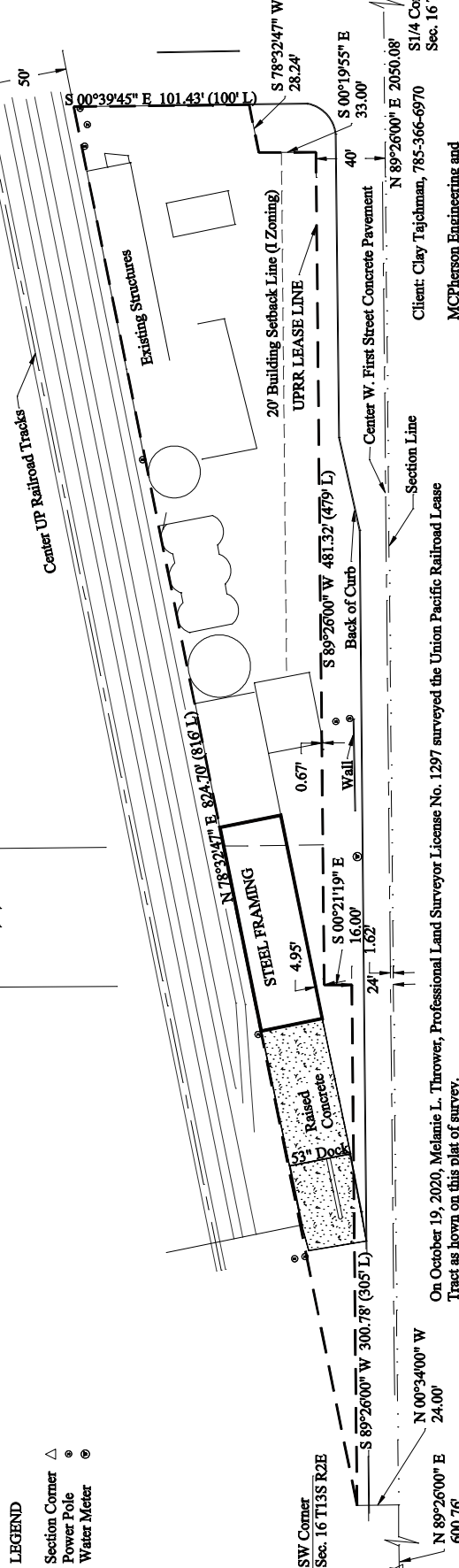
UNION PACIFIC RAILROAD COMPANY DSK FILE:11-14 LEASE AREA MAP

WALNUT ST
 VACATED

MULBERRY ST
 VACATED



LEGEND
 Section Corner Δ
 Power Pole \odot
 Water Meter \bullet



Client: Clay Tajchman, 785-366-6970
 S1/4 Corner
 Sec. 16 T13S R2E
 MCFerson Engineering and
 Land Surveying Services
 845 1800 Avenue
 Abilene, KS 67410
 620-242-7170

On October 19, 2020, Melanie L. Thrower, Professional Land Surveyor License No. 1297 surveyed the Union Pacific Railroad Lease Tract as shown on this plat of survey.



STAFF REPORT

BZA 20-12 Variance at 412 W. 1st St.

GENERAL INFORMATION

Application Date:	October 26, 2020	Date to be submitted to BZA/PC for consideration: December 1, 2020
Owner:	Union Pacific Railroad, leased to Clay Tajchman	
Applicant:	Clay Tajchman, AgVanced Enterprises	
Requested Action:	Development Approval Application - Variance	
Purpose:	Requesting a variance of the front yard setback requirements under Section 15-401 B. 1 where there shall be a front yard having a depth of not less than twenty (20) feet. The application requests a variance to build a warehouse structure to the property line.	
Location address:	412 W. 1 st St.	
Comprehensive Plan:	Comprehensive Plan Shows this property as I-1	
Sites Existing Zoning and use:	I-1, Light Industrial District	
Surrounding Zoning and Land Use:	North <i>I-1, Light Industrial District</i> South <i>I-1, Light Industrial District/C-4, Central Business District</i> East <i>C-4, Central Business District</i> West <i>I-1, Light Industrial District/R-3, High Density Residential District</i>	
Land Area:	Lot is 41,752 sq ft.	
Notice Date:	Notice to property owners within 200 feet sent by mail as required by code on 11/6/20. Board of Zoning Appeals public hearing notice in Abilene Reflector Chronicle published on 11/10/20.	
Parcel ID:	021-115-16-0-30-43-001.00-0	
Boundary Description:	THOMPSON AND MCCOY ADDN, S16, T13, R02, ODD LOTS 51 - 69, 1ST ST, LESS R/W.	

COMMENTS & FINDINGS

1. Applicant was informed verbally by a former staff member that a building permit was not needed.
2. Illegal building was cited by the City Inspector and a Stop Work Order was issued on 8/26/20, Code Violation 2020-227
3. Building permit was applied for on 10/6/20 by Clay Tajchman for installing a new warehouse for storage 36x120, total value of work estimated at \$50,000. Permit approval on hold pending decision from BZA for variance of the front yard setback requirements. Permit 2020-440.

RECOMMENDATION

Staff is recommending approval of the variance to allow warehouse building to be built on existing concrete slab to property line, foregoing the 20-foot front yard setback requirement.

Planning Commission Options:

1. Approve the variance of the front yard setback requirement.
2. Deny the variance if it is deemed inappropriate.

