

**CITY OF ABILENE
BOARD OF ZONING APPEALS
AGENDA**

October 3, 2023 at 3:30 p.m.
Abilene Public Library
209 NW 4th St. Abilene, KS 67410

Agenda Item
1. Call to Order
2. Roll Call: ___ Travis Sawyer, Chair ___ Bill Marshall, Vice Chair ___ Rod Boyd ___ Matt Mead ___ Eric Anderson ___ William Rose ___ Penni Zelinkoff
3. Approval of Agenda
4. Approval of Meeting Minutes – November 1, 2022
Business 5. Public hearing for BZA 23-10 , a request by Anita Miller d/b/a Ironstone Wealth Advisors, to allow a variance from the surfacing requirements as outlined under Article 22, Section 22-305 of the zoning regulations of the City of Abilene, KS. *Staff report and recommendation *Open public hearing *Applicant/Public comments *Close public hearing *Commission discussion and action
6. Adjournment

Abilene Board of Zoning Appeals Minutes
Abilene Public Library
209 NW 4th St., Abilene, KS
November 1, 2022



1. Call to Order

2. Roll Call

Board of Zoning Appeals members present: Chair Bill Marshall, Vice Chair Brenda Finn Bowers, Rod Boyd, Travis Sawyer

Absent: Helen Rose, Matt Mead, Diana Miller

Staff present: Administrative Assistant Kelsey Briand

3. Approval of Agenda

Motion by Finn Bowers to approve the agenda, seconded by Sawyer. Motion carried unanimously 4-0.

4. Approval of Minutes

Motion by Boyd to approve the October 4, 2022 minutes as written, seconded by Finn Bowers. Motion carried unanimously 4-0.

5. Public Hearing for BZA 22-11, a request by David Strong d/b/a Windy Trails RV, LLC, to allow a variance from the surfacing requirements as outlined under Article 22, Section 22-305 of the zoning regulations of the City of Abilene, KS.

The staff report and recommendation were discussed. Chair Bill Marshall opened the public hearing at 4:03 p.m. and there were no public comments. The applicant clarified that the gravel will be placed in parking areas adjacent to the horse barn and the drives to and from will meet the surfacing requirements. The public hearing was then closed at 4:05 p.m.

Motion by Finn Bowers to approve the requested variance from the surfacing requirements, seconded by Boyd. Motion carried unanimously 4-0.

6. Adjournment

Motion by Boyd to adjourn, seconded by Sawyer. Motion carried unanimously 4-0.

ATTEST:

Board of Zoning Appeals

Community Development

PROPERTY INFORMATION

PROPERTY ADDRESS: 101 S. Buckeye Ave.

PARCEL ID: 021-115-21-0-20-01-001.00-0

ZONING: Existing: Commercial-C Proposed: same

LAND USE: Existing: vacant Proposed: Parking lot

GROSS SIZE OF PLAT/LOT:

Residential: Commercial: 10459 Industrial: Other: Total: 10459

NUMBER OF LOTS:

Residential: Commercial: 1 Industrial: Other: Total:

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: Total Building Area:
Maximum Height of Buildings or Structures: Total Impervious Area:

EXISTING PUBLIC FACILITIES:

Public Private Other (Describe)
Water Service: Wastewater Service: Roadway Access:
The existing office is on city water and sewer
This would not be altered

FLOODPLAIN INFORMATION:

Floodway: Floodway Fringe: FIRM Map-Panel Number: 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.

Applicant Signature

8-18-23 Date

Property Owner Signature

8-18-23 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 checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> Easements and Covenants | <input type="checkbox"/> Location Map |
| <input checked="" 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 8/18/23. 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
 City Commission Board of Zoning Appeals

DATE OF INITIAL HEARING(S): 10/3/23 3:30p


FEE AMOUNT: \$250 **DATE FEE PAID:** 8/30/23

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.

<u>Kari Zook</u>	<u>Com Dev Director</u>
Name	Title
<u>Kari Zook</u>	<u>8/30/23</u>
Signature	Date



Entered in Transfer Record in my
office this 30 day of August,
2016 A.D.
Barbara M. Jones
Brandy Harris
Co. Clerk
Deputy Co. Clerk



STATE OF KANSAS, DICKINSON COUNTY
Karen J. Freeman, Register of Deeds
Book: D256 Page: 749-750
Receipt #: 264214 Recording Fee: \$26.00
Pages Recorded: 2 Authorized By: Karen J. Freeman
Cashier Initials: JF
Date Recorded: 8/30/2016 9:30:37 AM

KJF
KS

GENERAL WARRANTY DEED

Joseph Miller and Anita K. Miller, husband and wife

CONVEYS AND WARRANTS TO

Buckeye Properties, LLC, a Kansas limited liability company,

all the following described REAL ESTATE in the County of Dickinson and the State of
Kansas, to-wit:

The North 60.0 feet of Lots One (1) and Two (2), Block One (1), in the Original Town
of Abilene, Dickinson County, Kansas, except that part condemned for highway
purposes in Dickinson County District Court Case No. 15291

AND Lot Three (3), Block One (1), Original Abilene Town Addition to Abilene,
Dickinson County, Kansas

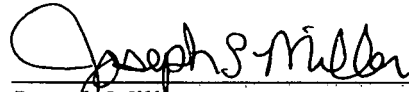
AND A tract beginning Sixty (60) feet South of the Northeast corner of Lot One (1),
Block One (1), Original Town of Abilene, Kansas, thence South Forty (40) feet,
thence West One Hundred (100) feet to the West line of Lot Two (2), of said Block
One (1), thence North Forty (40) feet, thence East One Hundred (100) feet to
beginning, being the North Forty (40) feet of the South Eighty (80) feet of Lots One
(1) and Two (2), Block One (1), Original Town of Abilene, Dickinson County,
Kansas, excepting that part used for street purposes

PURSUANT TO K.S.A. 79-1437e, A REAL ESTATE
VALIDATION QUESTIONNAIRE IS NOT REQUIRED
DUE TO EXCEPTION NO. 4


except easements and restrictions of record,

to the Limited Liability Company for the sum of One Dollar and Other Good and Valuable Consideration.

Dated: July 20, 2016



Joseph Miller




Anita K. Miller

STATE OF KANSAS,
SS:
DICKINSON COUNTY,

BE IT REMEMBERED, That on this 20 day of July, 2016, before me, the undersigned, a notary public in and for the County and State aforesaid came Joseph Miller and Anita K. Miller, husband and wife, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my seal, the day and year last above written.

(Seal) 

Term expires: March 9, 2020



Notary Public



OFFICE OF COUNTY APPRAISER
DICKINSON COUNTY
109 East First Street, Suite 103,
Abilene, KS 67410
Phone (785) 263-4418 Fax (785) 263-0061
Lisa Berg, RMA: lberg@dkcoks.gov

July 31, 2023

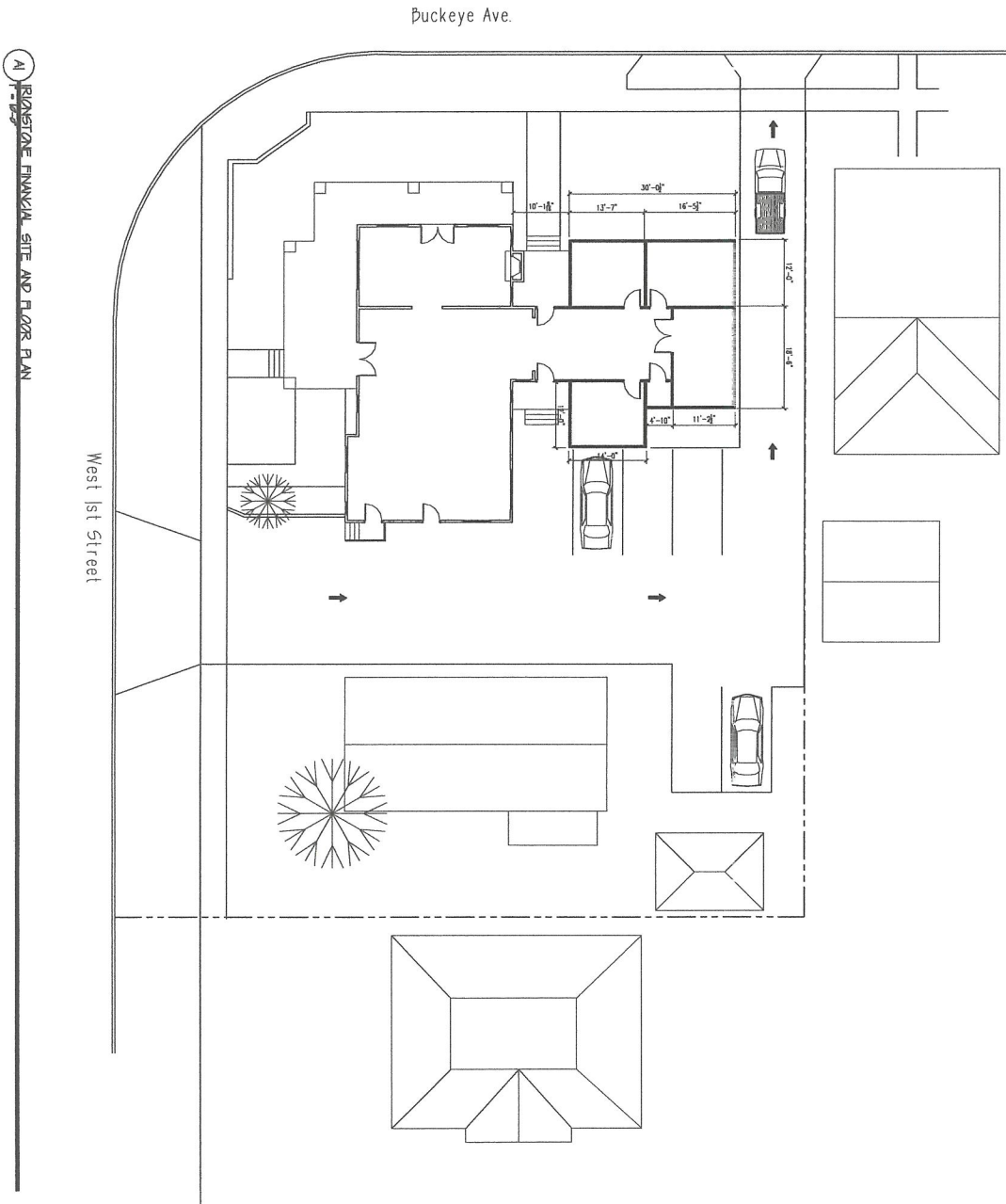
To Whom It May Concern,

Combination request from Buckeye Properties, LLC owning 101 S Buckeye (R6989) and 103 S. Buckeye (R6998) respectively have been combined into the parent parcel R6989 or 101 S. Buckeye Abilene, KS 67410 as of July 31, 2023. This fulfils the combination request.

Sincerely,

Lisa R. Berg, RMA
Dickinson County Appraiser

Possible Future Addition



A1 IRONSTONE FINANCIAL SITE AND FLOOR PLAN

West 1st Street

Buckeye Ave.

Date: 01-11-2023
 Project Name: Ironstone
 No: 22-005
 Drawing No: A101
 Scale: 1/8" = 1'-0"

Ironstone Wealth Advisors
 101 S Buckeye Ave.
 Abilene, Kansas 67410



M²
 Architects
 822 S. Broadway St. / Suite 101
 Abilene, TX 79605
 Phone: 817-351-3885
 Fax: 817-351-3886
 © 2023 M² Architects, P.A.

Variance Information

Background:

I purchased the property located at 101 S. Buckeye Ave. in 2001 for my Financial Advisor business. To make sure we had as much parking as possible, we tore down an old garage, which then allowed for more parking to the west of the office. In addition, parking was allowed on both sides of First street.

Over the years, the city has changed the parking rules on First street, with it now being that you cannot park on either side of First Street. While I understand the reason and logic behind this, it has resulted in parking becoming a more of a challenge for my clients and employees.

My 101 S. Buckeye office was put on the National Historic Registry in 2013. Over the years, I have made many improvements to the property, including complete interior remodel, renovation of the outside porch and new landscaping.

Following the death of Arliss Kready, I purchased both the 105 W. First Street property and the 103 S. Buckeye Properties from the Estate. Being a landlord was never my interest, but the houses were located very close to my office and long term, owning the properties would allow me to have additional space for my office location. For the past several years, both houses have been rental income properties.

In October, 2022, the 103 S. Buckeye Ave. house burned beyond repair due to a dryer vent fire and that house was torn down. This has presented an unexpected opportunity to expand our building and improve parking.

Variance requirements:

- a. Property uniqueness – The property situation is unique due to unusual circumstances and uncertainty of long term expansion plans.
- b. Variance impact on adjacent property owners/residents. - The variance requested at 101 S. Buckeye Ave. has been verbally discussed with the Warren and John Kready. Warren would be the only property owner directly impacted by the change. We have discussed possible concerns regarding vehicle parking, fencing, parking lot materials, landscaping, etc... Kready's have been provided a copy of the proposed parking lot design.

We have discussed the following: 1. Parking lot surface; 2. Front Landscaping 3. Possible Fencing concerns 4. Need for concrete stops for vehicles. 5. Desire to keep the tree and have some grass around the back yard.

- c. Strict application. Current zoning statutes would require the parking area be paved. The would present unnecessary hardship for the following reasons:

1. Current parking area may be a short term solution. A building expansion has been considered, but that may be two plus years away. To do that project properly, we would need to also move/tear down the 105 W. First Street house.
 2. Costs – gravel would be far more cost effective and easily change should there be a future expansion.
 3. The site was previously a building site and I would like to make sure that all the dirt has settled properly before considering a more permanent surface.
 4. The new parking area would primarily be employee parking. Clients would continue to use the paved parking area west of the 101 S. Buckeye office.
- d. Variance desired will not have adverse impact. – The gravel parking should not have an adverse impact. In fact, having a gravel parking lot with nice front landscaping would have a positive impact on the area as compared with a dirt lot.
- e. Variance desired will not be opposed to the general spirit and intent- The only change requested is to have a gravel parking lot instead of a paved parking area.

Staff Report

TO: Board of Zoning Appeals
FROM: Kari Zook, Community Development Director
SUBJECT: BZA 23-10 variance request
DATE: October 3, 2023



APPLICANT:

Anita Miller d/b/a Ironstone Wealth Advisors
101 S Buckeye Ave
Abilene, KS 67410
Application date received 8/30/23

BACKGROUND:

- The applicant is requesting a variance from the surfacing requirements set forth in Article 22, Section 22-305 of the zoning regulations as stated:
 - Surfacing. All off-street parking facilities, loading areas, vehicular storage areas and drives and access to and from such areas shall be surfaced and maintained with four (4) inches of asphalt, or concrete to create a permanent all-weather, dust-free surface.
 - Section 22-602: Alternate surface. The Board of Zoning Appeals, after due public notice and hearing, may grant a variance to the surfacing materials required in this article.
- The lot combination of 101 & 103 S Buckeye was approved by the DK County Appraisers office.
 - House fire at 103 S Buckeye in October 2022, structure was demolished in December 2022.
- Parking lot design site plan attached to agenda packet for reference. Also included is a site plan for a possible future addition to the 101 S Buckeye structure.
 - 101 S Buckeye was listed on the state and national historic registers in 2013. All permits will be presented to the Heritage Commission for approval.



Direction	Zoning Classification	Land Use(s)
North	C-4	Reynolds
East	C-3	Corner Stop
South	C-3	Residential
West	C-3	Residential

The notice of public hearing was published in the Abilene Reflector Chronicle on September 8, 2023, and written notices were sent by mail on September 8, 2023, to property owners within 200 feet of the site address as required by Article 25, Section 25-701 of the Zoning Regulations.

COMMENTS:

Departmental/Citizen comments: None

ACTION:

The Board of Zoning Appeals may:

1. Approve the variance as requested.
2. Approve the variance with amendments.
3. Disapprove the variance with findings.

NOTES:

Upon conclusion of the hearing, the board will render a decision on the request. If a person is aggrieved by the decision, they may appeal the decision to the Dickinson County District Court within 30 days.

*No work shall commence on the property until the appeal period expires on November 2, 2023.

