

AGENDA

RILEY COUNTY BOARD OF ZONING APPEALS

**Monday, May 18, 2009
1:30 p.m.**

**Riley County Office Building
2nd Floor Meeting Room**

1. Consider the minutes of the April 27, 2009 meeting.
2. Consider the request of Russell K. Briggs and Russell Kent Briggs Trust, owner, for a variance authorization to permit the construction of an attached commercial building, two (2) feet below the required elevation of one (1) foot above base flood elevation.



PLANNING & DEVELOPMENT

STAFF REPORT

Variance

PETITION: #09-03 Variance

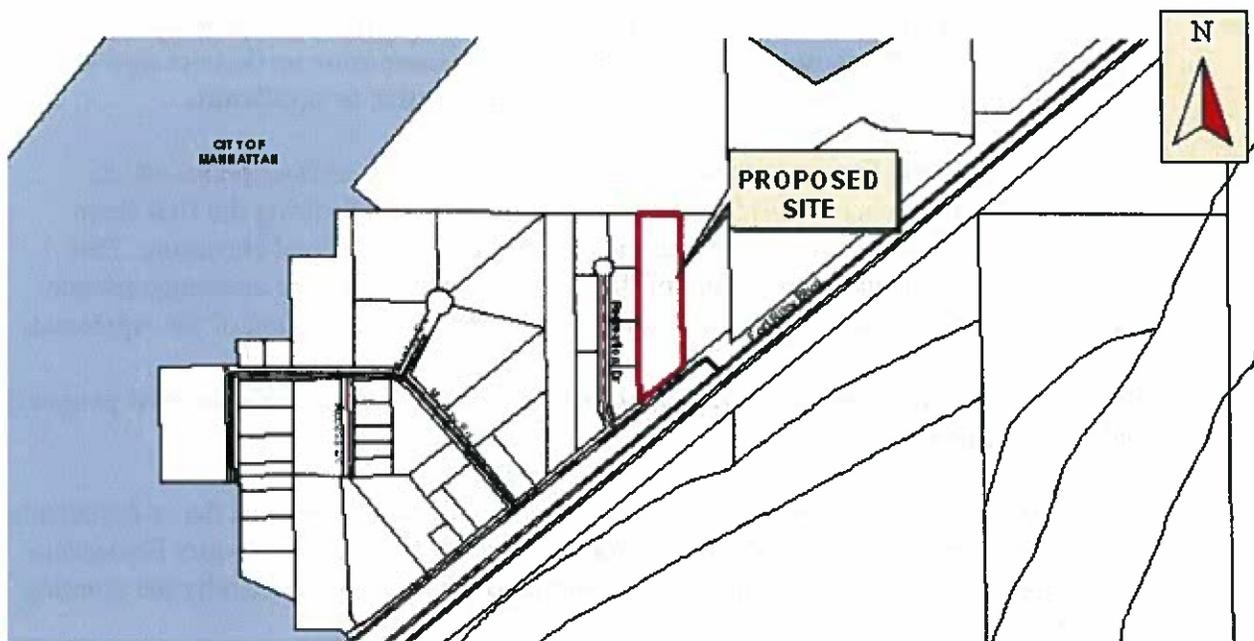
APPLICANT: Russell K. Briggs
2312 Stagg Hill Rd
Manhattan, KS 66502

PROPERTY OWNER: Russell Kent Briggs Trust
2312 Stagg Hill Rd
Manhattan, KS 66502

TYPE OF REQUEST: A variance to permit the construction of an attached commercial building, two (2) feet below the required elevation of one (1) foot above base flood elevation.

SIZE OF TRACT: The subject site is approximately 4.83 acres.

LOCATION: Generally located approximately 250 feet northeast of the intersection of Recreation Drive and Skyway Drive, on the north side of Skyway Drive, Section 33, Township 10 South, Range 7 East; Ogden Township.



BACKGROUND: The existing auto body, sales and service operation has been in business at that location for several years. The Applicant wishes to expand the business by constructing a 40'x196' addition onto the west side of the principle structure. Although the original structure pre-dates the current floodplain regulations and is therefore "grandfathered", the proposed addition must meet the current regulations and floodplain requirements.

DESCRIPTION:

Physical site characteristics: The site is developed with a commercial auto and sales and service operation. The entire subject site is located within the designated 100-year floodplain (1% annual chance flood), with a base elevation established at 1038 ft. The site was slightly elevated to accommodate the car center, thus the site drains primarily to the north. The site has direct access to Skyway Drive. An elevation certificate, floodplain development permit and building permit are required if the request for the variance is approved.

General character of the area: The area is a mix of commercial and light industrial uses.

ZONING:

Zoning History: The subject site was rezoned from "D-2" (Light Industrial) to "C-4" (Highway Business) (Pet. #98-20) in November 1998, in order to allow Briggs to add a commercial sales operation to the existing body shop.

Current zoning: The subject site is currently zoned "C-4" (Highway Business). There are no other conditional uses or variances associated with the property.

STAFF EVALUATION OF VARIANCE CRITERIA:

- a. **The variance request arises from conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and that such conditions are not created by an action of the owner or applicant.**

The subject property lies entirely within the designated 100-year floodplain, which overlays a "G-1" (General Agricultural) zoning district, thus requiring the first floor elevation of all structures to be at least one (1) foot above base flood elevation. This standard is not a normal requirement of the zoning district, therefore creating a unique condition to the property. Such condition was not created by an action of the Applicant.

- b. **The granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

The Applicant has stated that the proposed building will meet or exceed the requirements for wet-flood-proofing, as per the requirements set forth in the Riley County Floodplain Regulations. Adjacent property owners should not be adversely affected by the granting of a variance.

- c. **The strict application of the provisions of the zoning regulations from which the variance is requested will constitute unnecessary hardship upon the property owner or applicant.**

Given that the entire property is located within in the 100-year floodplain, literal enforcement of the regulations would not allow the property owner to construct said accessory structure anywhere on the subject property, making it impossible to expand an existing business, unreasonably forcing the Applicant to build elsewhere. This could be considered an unnecessary hardship upon the property owner.

- d. **The variance requested will not adversely affect the public health, safety and welfare.**

The proposed structure is subject to the Riley County Floodplain regulations. Non habitable structures used for storage are permitted to utilize the wet-floodproofing methods. Granting a variance should not adversely affect the public health, safety and welfare.

- e. **The granting of the variance will not be opposed to the general spirit and intent of the regulations.**

According to the Riley County Floodplain Regulations, Section 9.84, the granting of the requested variance would be consistent with the adopted criteria for variance approval.

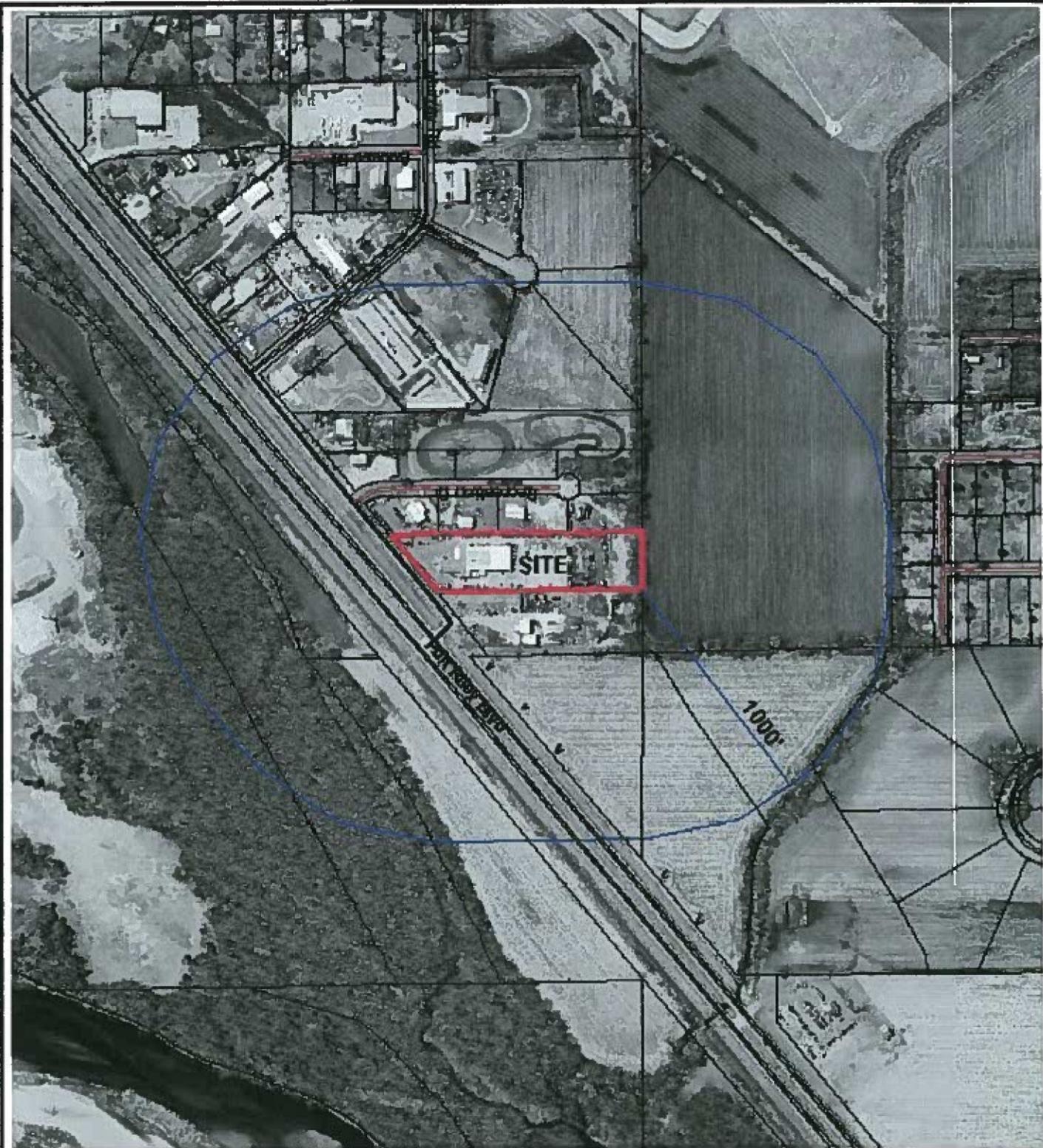
STAFF RECOMMENDATION:

Staff recommends approval of the request, with the understanding that the minimum requirements of the Riley County Floodplain Regulations must be met. Any construction will require a floodplain development permit as well as a building permit.

ATTACHMENTS:

- Vicinity/site map
- Surrounding zoning map
- Floodplain Map

Prepared by: Bob Isaac, Planner
April 28, 2009



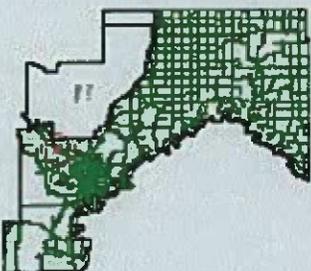
VICINITY & SITE

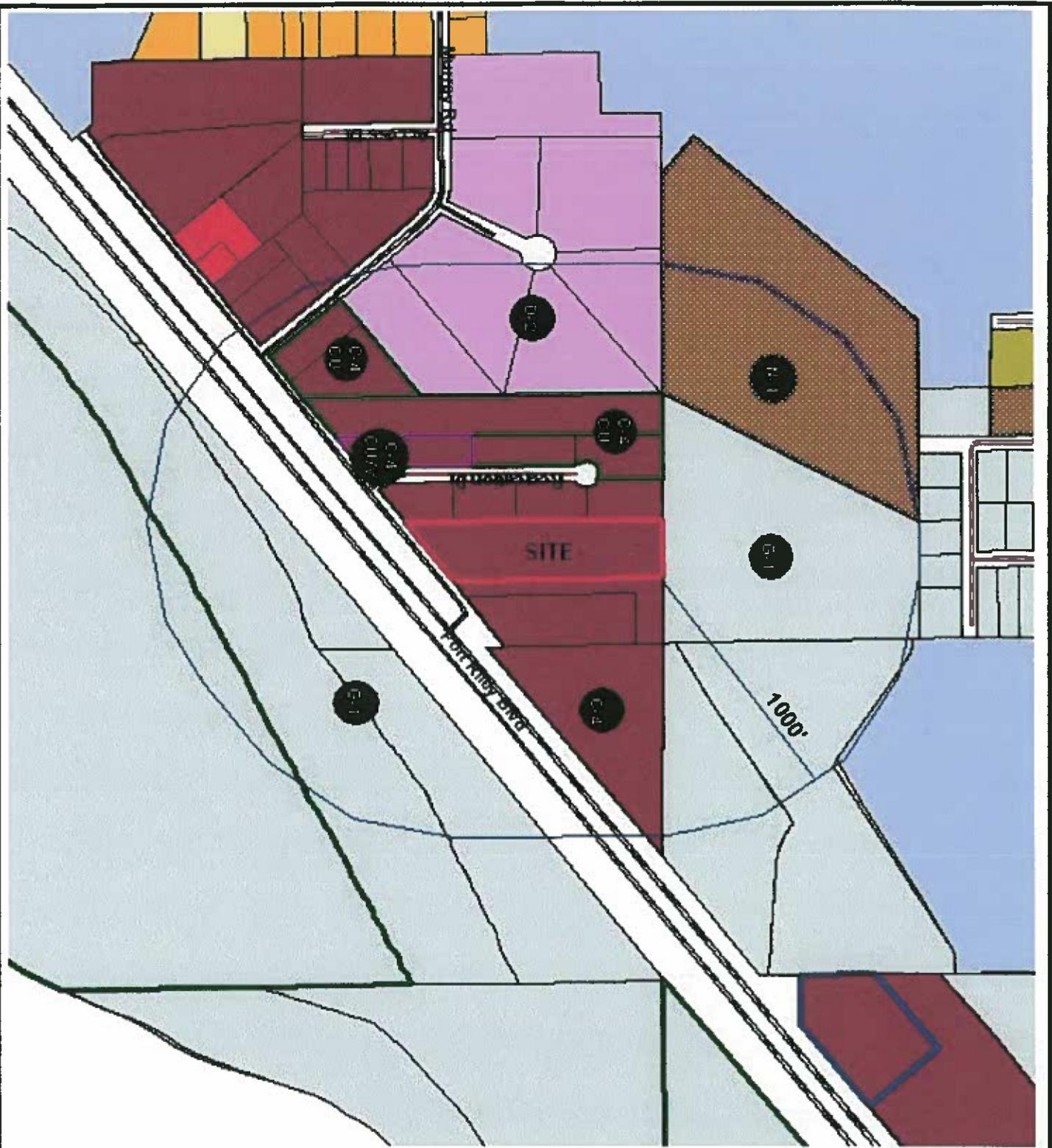
Briggs

Petition #09-03

Variance - Construct
commercial building
below base flood
elevation

39-10-7





SURROUNDING ZONING

Briggs

Petition #09-03

Variance - Construct commercial building below base flood elevation

33-10-7

- County Zoning
- A-1 Single Family
 - A-2 Single Family
 - A-3 Single Family
 - A-4 Single Family
 - A-5 Single Family
 - A-6 Single Family
 - A-7 Single Family
 - A-8 Single Family
 - A-9 Single Family
 - A-10 Single Family
 - A-11 Single Family
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 - A-100 Single Family



Location: 33° 54' N 101° 00' W



SHINER HABITAT & FLOODPLAIN Briggs

Petition #09-03

Variance - Construct
commercial building
below base flood
elevation

33-10-7

-  Other Risks
-  Floodplain
-  RV
-  Floodplain
-  100 Year Floodplain (Unnumbered)
-  100 Year Floodplain (Numbered)
-  100 Year Floodplain (1" - 3' depth)
-  500 Year Floodplain