



## **HAYS AREA BOARD OF ZONING APPEALS MEETING**

**City Hall, 1507 Main Street, Hays, KS**

**Monday, February 17, 2025 – 4:00PM**

### **AGENDA**

**1. CALL TO ORDER BY CHAIRMAN.**

**2. CONSENT AGENDA.**

A. Citizen Comments

**3. PUBLIC HEARING ITEMS. None.**

**4. NON-PUBLIC HEARING ITEMS.**

A. Setback Variance for a free-standing ITM canopy at 2500 Vine St.

*Action: None at this time, a public hearing is set for March 17, 2025.*

**5. ADJOURNMENT.**



## **Hays Area Board of Zoning & Appeals**

### **Agenda Memo**

**Agenda Item:** Setback Variance for a free-standing Interactive Teller Machine (ITM) canopy at 2500 Vine St.

**Owner:** Credit Union of America

**Type of Review:** Consider a Setback Variance for a free-standing ITM canopy at 2500 Vine St.

**Presented By:** Curtis W. Deines, Planning & Development Superintendent

**Date Prepared:** February 3, 2025

**Agenda Date:** February 17, 2025

### **Summary**

The applicant is requesting an 11 ft. variance of the, front building setback to the west adjacent to Vine Street, a reduction from the required 25 ft. setback to 14 ft., and a 10 ft. variance of the south street side building setback, Centennial Boulevard, a reduction from the required 25 ft. setback to 15 ft. The variance request is to allow the construction of a free-standing canopy for an ITM island for their new credit union location. A public hearing to consider the variance will be set for March 17, 2025.

### **Background**

The applicant is requesting an 11 ft. variance of the west side, front building setback, a reduction from the required 25 ft. setback to 14 ft., and a 10 ft. variance of the south street side building setback, a reduction from the required 25 ft. setback to 15 ft. to construct a free-standing canopy for an ITM island for a new credit union location.

Credit Union of America is opening a new location in Hays. They have 16 other branches across Kansas, the majority are based in Wichita. They have plans to demolish the former Loves Convenience Store and gas pump canopy to allow them to build a new credit union location along with a new detached ITM canopy. The current gas pump canopy sits 8 ft. from the west property line. The new canopy will be 14 ft. from the west property line. Placing the new ITM canopy in its proposed location will also eliminate 2 of the 4 driveway entrances near the intersection into the property.

## **Standards of Evaluation**

***(Per State Statute 12-759 and City Unified Development Code)***

- The BZA has the authority to grant a variance if a literal enforcement of the provisions of the adopted regulations will, in an individual case, result in unnecessary hardship, provided:
  - The spirit of the regulations shall be observed.
  - Public safety and welfare secured.
  - Substantial justice shall be done.
- The applicant must show that the property was acquired in good faith and that the variance is needed due to extraordinary or exceptional circumstances of the property such as exceptional narrowness, shallowness, or shape of the lot.
- Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be finding by the Board that all of the following conditions exist:
  - a. The uniqueness of the property not ordinarily found in the same zone or district and not created by willful action of the owner.

***Staff Analysis:*** While the property is not irregularly shaped, the 25-foot front and street-side setbacks create significant challenges for development. Its smaller size compared to adjacent properties further limits buildable area, making it more difficult to effectively utilize the site. Existing structures on this lot and adjacent lots are closer to the property line than the current regulatory setback allows.

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

***Staff Analysis:*** The proposed request is unlikely to negatively impact the rights of adjacent property owners, as the new canopy will be set farther back from Vine Street than the existing canopy, reducing its visual and spatial impact.

- c. The strict application of the code will constitute unnecessary hardship upon the property owner.

***Staff Analysis:*** The property features an existing structure designed for vehicular access. Not granting the variance would limit the services and accessibility for customers.

- d. The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.

**Staff Analysis:** *The overall project includes demolition of the existing convenience store and canopy. Redevelopment of the property will not only improve and positively affect public health, safety, morals, order, convenience, prosperity, or general welfare, but remove any blight of this property.*

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

**Staff Analysis:** *Granting the variance aligns with the general spirit and intent of the regulations by maintaining the property's established use for drive-up services without significantly altering its function or appearance. The variance supports economic viability and efficient site utilization without compromising safety, traffic flow, or surrounding properties.*

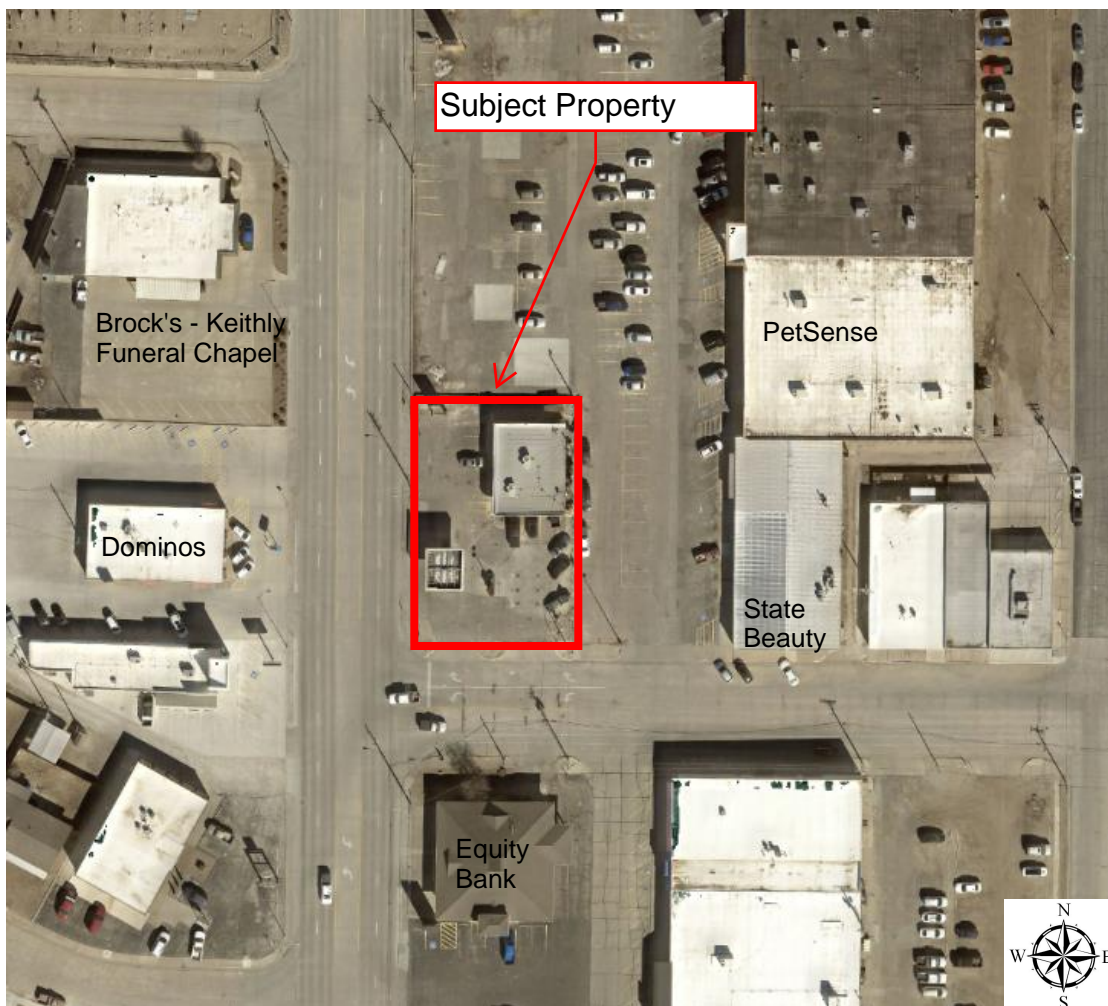
### **Action Requested**

None at this time, a public hearing is set for March 17, 2025.

### **Supporting Documentation**

Visuals

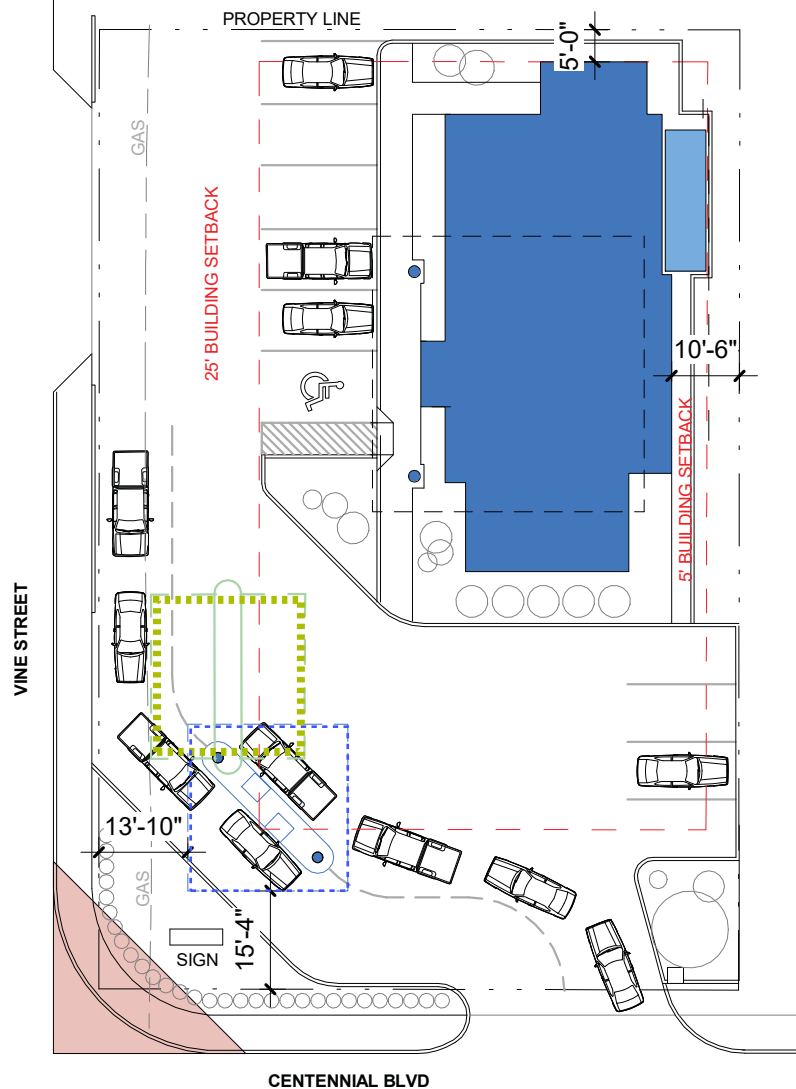
Application & Owner Justification







Proposed new bank  
location & ITM  
Canopy location



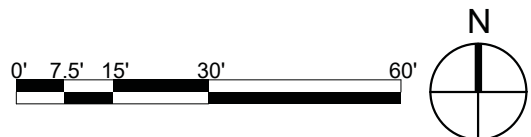
NEW  
CONSTRUCTION

FENCED MECH +  
TRASH

CORNER SIGHT  
DISTANCE

EXISTING ISLAND  
+ CANOPY (TO BE  
REMOVED)

SITE PLAN



**Credit Union of America**

New Hays Branch

01.27.2025

**schaefer.**  
architecture



(ITM Canopy  
will be smaller  
at Hays, but  
similar design)



**APPLICATION FOR APPEAL**

- I. Name of Applicant Credit Union of America
- Mailing Address 8200 E 32nd St N, Wichita, KS 67226 Phone 316.247.5519
- Name of Authorized Agent Justin Graham
- Mailing Address 257 N. Broadway, Wichita, KS 67202 Phone 316.684.0171
- Relationship of applicant to property is that of Owner  
(Owner, tenant, lessee, other)
- II. The applicant requests an appeal of Section 3.2.300 of the City of  
Hays Zoning Regulations, Table 3.1.301 B Zoning District Setbacks and  
requests (description of appeal) Variance to place freestanding ITM canopy within the 25' Building Setback.  
on property located at 2500 Vine St, Hays, KS 67601 and legally described as:  
A tract of land situated in the Northwest Quarter (NW/4) of Section Thirty-four (34), Township Thirteen (13) South, Range Eighteen (18) West of the 6th P.M., Ellis county, Kansas, described as follows, to-wit: (see attached)  
in the City of Hays and which is presently zoned C-2 Commercial General District.  
Give metes and bounds description below or on attached sheet:
- III. The applicant herein, or his authorized agent acknowledges:
- A. That he/she has received an instruction sheet concerning the filing and hearing of this matter.
- B. That he/she has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.
- C. That he/she has been advised of his/her right to appeal the decision of the Board of District Court.
- Justin Graham  
Digitally signed by Justin Graham  
DN: C=US, E=jgraham@schaefer-arch.comOU,  
O="Schaefer Architecture, Inc.", CN=Justin  
Graham  
Date: 2025.01.27 12:17:42-06'00'
- \_\_\_\_\_  
APPLICANT
- \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING &amp; DEVELOPMENT DIVISION

January 30, 2025, TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00.Ashley Kinderknecht, Administrative Assistant

NAME AND TITLE



23 January 2025

Curtis Deines  
Planning & Development Superintendent  
City of Hays  
1002 Vine Street  
Hays, KS, 67601

RE: Credit Union of America - Hays  
Schaefer#: 5349.78

Dear Mr. Deines:

I am writing on behalf of Credit Union of America to request a variance to locate a free-standing canopy for an ITM island within the 25' building setbacks along Vine Street and Centennial Blvd. at 2500 Vine Street, Hays KS 67601. We believe granting this variance is critical to the positive development of this lot.

The intent of this project is to demolish the existing former Love's convenience store building and fuel island canopy and build a new credit union and new detached ITM canopy. We believe the justifications for granting this request for a variance are as follows.

1. The existing fuel island canopy sits within the building setback, only eight (8) feet from the west property line.
2. The proposed ITM canopy is to be located approximately fourteen (14) feet from the west property line, further than the current canopy, and fifteen (15) feet from the south property line.
3. This is a small lot, with limited options for development. The site development as proposed best for CUA's prototype building design, with the front of building facing the main arterial (Vine Street) with parking in front of the building. Given the limited depth of the lot, the best placement for the canopy, while allowing comfortable circulation through and around the ITM island, is within the building setback.
4. There are currently four (4) approaches to this lot, two (2) each from Vine St and Centennial Blvd. Placing the canopy in the proposed location will cause closure of the approaches from Vine and Centennial which are nearest to the intersection. We believe closing these approaches will be beneficial for safety around the intersection.
5. The existing financial institution at the southeast corner of Vine St. and Centennial Blvd. sits approx. 10'-12' from its west and north property lines. Other existing businesses to the north of 2500 Vine St. also sit within 25' of the west property line and buildings to the



east are built up to the south property line. Therefore, placement of the new CUA canopy will not create a unique condition with respect to sightlines along Vine and Centennial.

Attached is the existing survey, proposed site layout with dimensions, and images of the proposed new credit union and canopy. We welcome any questions you may have and please advise if any additional information is necessary to be placed on the next BZA agenda.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin Graham". The signature is fluid and cursive, with the first name "Justin" and last name "Graham" clearly distinguishable.

Justin Graham, AIA, NCARB  
Sr. Vice President

att: Application for Appeal  
ALTA Survey  
Proposed Site Plan  
Example Photos



Legal Description: From Commitment Title No. 24-122TT

A tract of land situated in the Northwest Quarter (NW/4) of Section Thirty-four (34), Township Thirteen (13) South, Range Eighteen (18) West of the 6th P.M., Ellis county, Kansas, described as follows, to-wit:

Beginning at a point 40 feet East and 1390 feet North of the Southwest corner of the Northwest Quarter (NW/4) of Section Thirty-four (34), Township Thirteen (13) South, Range Eighteen (18) West, thence East at 90 degrees, a distance of 100 feet., thence North parallel to the West line of said Section 34 a distance of 150 feet, thence West at 90 degrees a distance of 100 feet, thence South parallel to the West line of Section Thirty-four (34), a distance of 150 feet to the place of beginning