



HAYS AREA BOARD OF ZONING APPEALS MEETING

City Hall, 1507 Main Street, Hays, KS

Monday, March 17, 2025 – 4:00PM

AGENDA

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the meeting of February 17, 2025

Action: Consider approval of the minutes of the February 17, 2025 meeting

B. Citizen Comments

3. PUBLIC HEARING ITEMS.

A. Public Hearing for a setback variance for a free-standing ITM canopy at 2500 Vine St.

Action: Consider approving the setback variance request for a free-standing ITM canopy at 2500 Vine St.

4. NON-PUBLIC HEARING ITEMS. None.

5. ADJOURNMENT.

DRAFT
HAYS AREA BOARD OF ZONING APPEALS MEETING
CITY HALL COMMISSION CHAMBERS
February 17, 2025
4:00 P.M.

1. CALL TO ORDER BY CHAIRMAN:

The Hays Area Board of Zoning Appeals met for their regularly scheduled meeting on Monday, February 17, 2025, at 4:00 p.m. in the Commission Chambers at City Hall. Chairman Matthew Wheeler called the meeting to order.

Roll Call:

Present: Matthew Wheeler, Bernie Gribben, Jim Schreiber, Brian Garrett, Joseph Boeckner, and Dustin Schlaefli

Absent: Mike Vitztum

City staff in attendance: Toby Dougherty, City Manager, Collin Bielser, Deputy City Manager, Jarrod Kuckelman, Assistant City Manager, Jesse Rohr, Public Works Director, Curtis Deines, Superintendent of Planning and Development, Kate Armstrong, Planning Technician, and Ashley Kinderknecht, Administrative Assistant.

2. CONSENT AGENDA:

A. Citizen Comments: There were no 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.

Curtis Deines provided a PowerPoint presentation of an applicant's request for an 11ft. variance of the front building setback adjacent to Vine St, a reduction from the required 25ft. setback to 14ft. and a 10ft. variance of the south street side building setback, a reduction from the required 25ft. setback to 15ft. at 2500 Vine St. This variance request is to be able to construct a free-standing canopy for an ITM island for a new credit union location. Mr. Deines provided pictures of what the property looks like today where last year the Loves Convenience Store closed, and the property was put up for sale.

The 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 8ft. from the west property line. The new canopy will be 14ft. from the west property line. Placing the new ITM canopy in its proposed location will also eliminate two of the four driveway entrances near the intersection into the property.

Mr. Deines provided the variance criteria stating that the property is not irregularly shaped, the 25ft. front and street-side setbacks create significant challenges for development. 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 St. than the existing canopy, reducing its visual and spatial impact. The property features an existing structure designed for vehicular access and is unlikely to negatively impact the rights of adjacent property owners. 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.

Joseph Boeckner asked if there was any negative feedback from others who have heard about this project. Mr. Deines stated that notification to the property owners has not been sent out yet but will be for the public hearing. At that time, we may get feedback from others. Matthew Wheeler asked if there were any issues with leaky tanks and if the applicant would remove any underground tanks. Mr. Deines stated that they will be removing the tanks, and the State of Kansas has programs where they make sure that these types of things are taken care of adequately. Dustin Schlaefli asked if what is there on the property today is outside of the zoning perimeters. Mr. Deines stated that the existing canopy does not comply. Brian Garrett asked about the sign and Mr. Deines stated that a new sign will be put on the corner, but we have not seen what they are proposing.

No action at this meeting. There will be a public hearing on March 17, 2025.

There were no further questions.

5. **ADJOURNMENT:** Matthew Wheeler adjourned the meeting at 4:08 p.m.
Submitted by Ashley Kinderknecht, Administrative Assistant



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: March 3, 2025

Agenda Date: March 17, 2025

Summary

The applicant is requesting an 11 ft. variance of the front building setback, 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, 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 the applicant's new credit union location.

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 based in Wichita. They have demolished 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 sat 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. Recently demolished structures on this lot and adjacent lots were 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 originally featured a 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: *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.*

Options

- Approve the variance as submitted
- Approve the variance with conditions
- Do not approve the variance as submitted

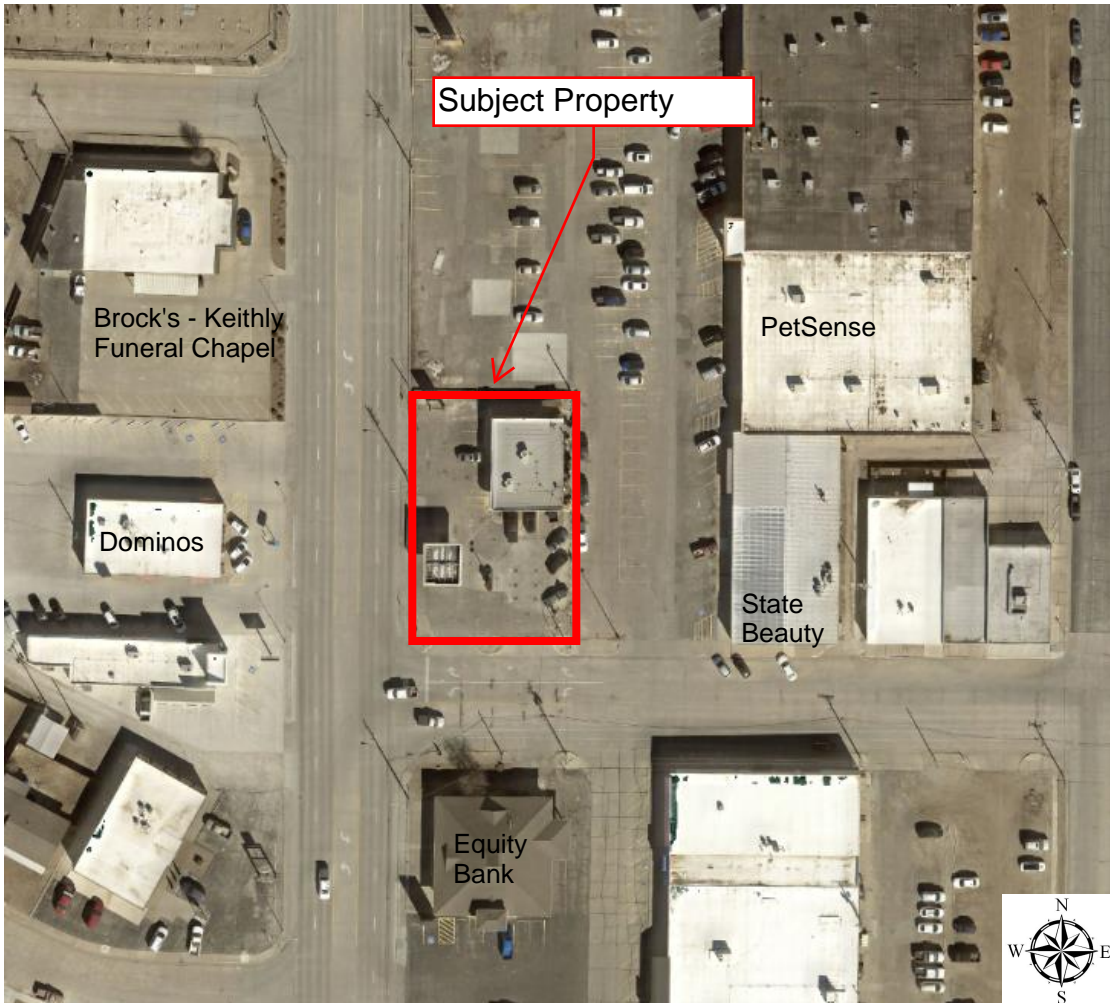
Action Requested

The proposed variance is consistent with the spirit of the regulations and does not adversely affect public safety, welfare, or the rights of adjacent property owners. Therefore, staff recommends approving the variance request as it acknowledges the practical hardship caused by the property's current configuration.

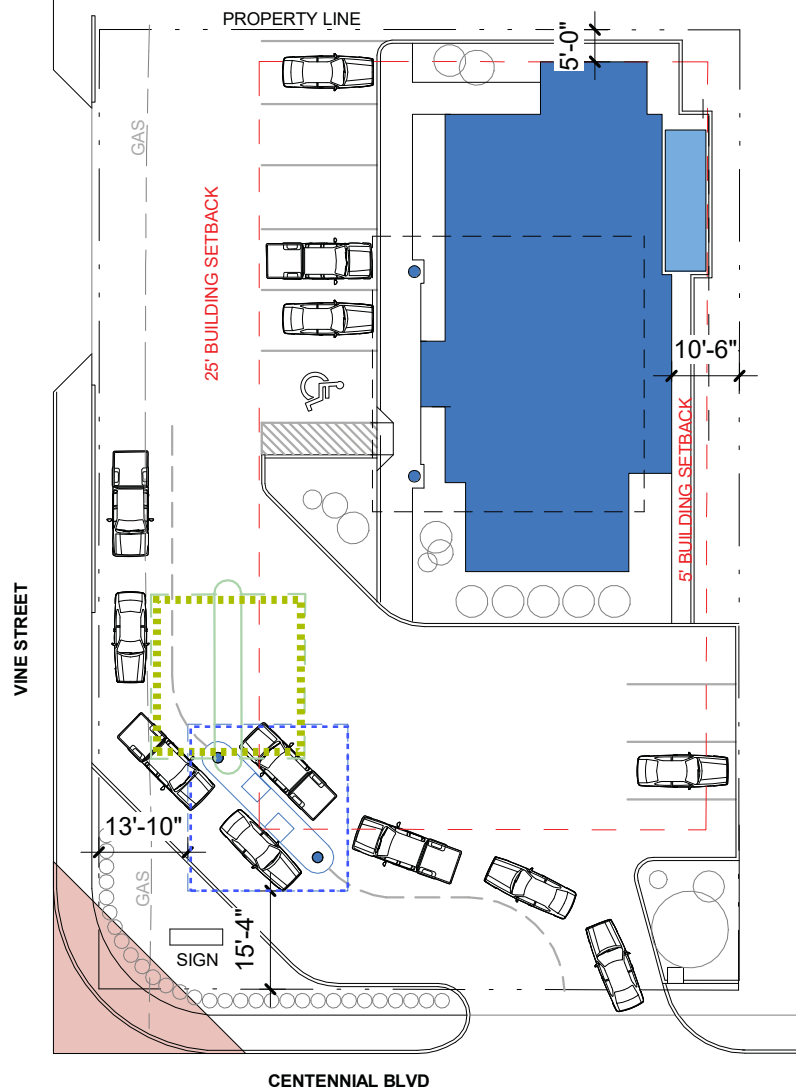
Supporting Documentation

Visuals

Application & Owner Justification



Proposed new bank
location & ITM
Canopy location



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 & 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

**BEFORE THE HAYS AREA BOARD OF ZONING APPEALS
THE CITY OF HAYS, KANSAS**

NOTICE

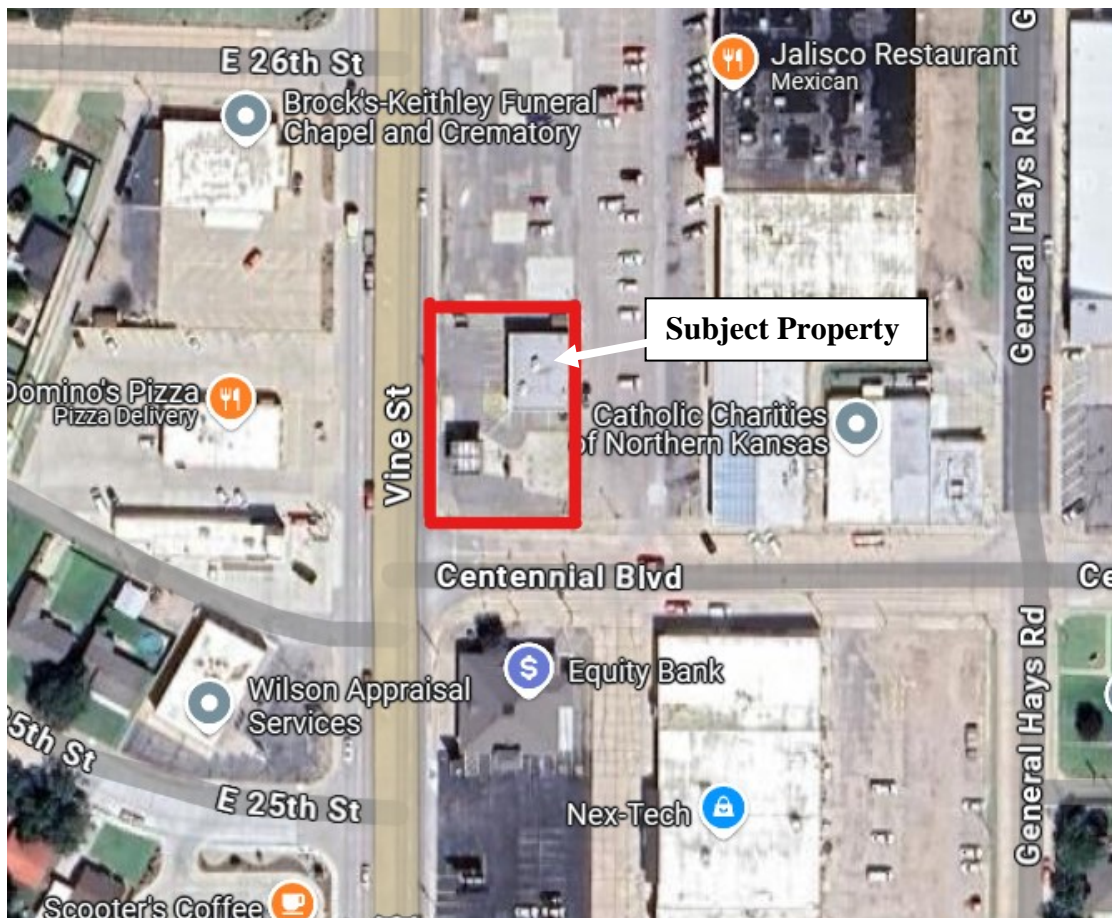
TO: Credit Union of America
The Hays Area Board of Zoning Appeals
The City of Hays, Kansas, and all other persons concerned,

You are hereby notified that pursuant to the provisions of K.S.A. 12-759 through K.S.A. 12-760 et seq. as amended, and Ordinance 4004 of the Code of Ordinances of the City of Hays, and Resolution 2021-20 of the Board of County Commissioners of Ellis County, Kansas, that a hearing will be had before said Board upon the appeal filed by Credit Union of America.

The subject of the hearing shall be a request by Credit Union of America for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements to allow a freestanding ITM canopy within the 25' building setback on the real property located at 2500 Vine St, Hays, Ellis County, Kansas.

You are hereby notified that a hearing will be had upon said appeal on the 17th day of March 2025 at 4:00 p.m., in the City Commission Chambers of City Hall at 1507 Main, in the City of Hays, Kansas, at which time said appeal will be determined.

Matthew Wheeler, Chairperson
Hays Area Board of Zoning Appeals



This is a list of property owners abutting the subject property that were sent a copy of the publication notice.

#01-2025							
Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
2422 Vine St	026-138-34-0-20-15-002.00-0	Elaine Pfannenstiel Rev Tr		3511B Fairway Dr	Hays	KS	67601
2428 Vine St	026-138-34-0-20-15-004.00-0	Equity Bank NA		PO Box 255	Ellis	KS	67637-0255
2500 Vine St	026-138-34-0-20-06-004.00-0	Credit Union of America		8200 E 32nd St	Wichita	KS	67226
2503 Vine St	026-138-33-0-10-12-011.00-0	I P Management LLC		2717 Canal Blvd	Hays	KS	67601-1770
2505 Vine St	026-138-33-0-10-12-012.00-0	Lynette R Pfannenstiel Liv T		1203 Donald Dr	Hays	KS	67601
2509 Vine St	026-138-33-0-10-12-001.00-0	Keithley Real Estate LLC		PO Box 35	Hays	KS	67601
2520 Vine St	026-138-34-0-20-06-003.00-0	Topeka Dragonfly LLC		1801 E 63rd St	Kansas City	MO	64130
311 E 25th St	026-138-33-0-10-12-010.00-0	Dean Ellner Inc Realtors		PO Box 536	Hays	KS	67601-0536

This is a list of property owners abutting the subject property that were sent a copy of the publication notice.

#01-2025							
Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
2422 Vine St	026-138-34-0-20-15-002.00-0	Elaine Pfannenstiel Rev Tr		3511B Fairway Dr	Hays	KS	67601
2428 Vine St	026-138-34-0-20-15-004.00-0	Equity Bank NA		PO Box 255	Ellis	KS	67637-0255
2500 Vine St	026-138-34-0-20-06-004.00-0	Credit Union of America		8200 E 32nd St	Wichita	KS	67226
2503 Vine St	026-138-33-0-10-12-011.00-0	I P Management LLC		2717 Canal Blvd	Hays	KS	67601-1770
2505 Vine St	026-138-33-0-10-12-012.00-0	Lynette R Pfannenstiel Liv T		1203 Donald Dr	Hays	KS	67601
2509 Vine St	026-138-33-0-10-12-001.00-0	Keithley Real Estate LLC		PO Box 35	Hays	KS	67601
2520 Vine St	026-138-34-0-20-06-003.00-0	Topeka Dragonfly LLC		1801 E 63rd St	Kansas City	MO	64130
311 E 25th St	026-138-33-0-10-12-010.00-0	Dean Ellner Inc Realtors		PO Box 536	Hays	KS	67601-0536