

BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE

CASE NO. _____
DATE FILED _____

Name of Applicant North Agri Mart LLC
Mailing Address 301 W Walnut St Phone 785-258-3202
Name of Authorized Agent Maggie Eades
Mailing Address SAME Phone SAME

Relationship of applicant to property:
Owner Tenant Lessee Other Store Manager - Agri Trails COOP
(Circle One)

The variance requested is for
Reduction to no set back to add on addition of property

For property located 301 W. Walnut St
And legally described as North Agri Mart LLC
In Herington, Kansas: and which is presently zoned B4

(I), (We) appeal the decision of the building inspector/zoning administrator concerning the following: (Additional page can be included)
See attached pages,

The reason (I), (We), feel this decision is incorrect:
We would like to expand our business to better serve our customers, increase sales & increase tax revenue for city

The applicant herein, or authorized agent, acknowledges:

- A. That applicant has received an instruction sheet concerning the filing and hearing of this matter.
- B. That applicant has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.
- C. That applicant has been advised of his right to appeal the decision of the Board to the District Court within 30 days of decision.

Margaret Eades
Applicant Signature

Authorized Agent Signature

Office Use Only

Received in office of the City Clerk _____, (a.m.)(p.m.)

_____, 20_____, together with a nonrefundable fee of \$100.00.

- A. The ground has begun settling on the north side of the North AgriMart property where the freezer is currently located, and this is beginning to interfere with the ability to open and close the door. The ground below the freezer needs to be filled in and the floor replaced. This will be an extensive repair. While completing this repair, we would like to address the issue of outgrowing the cooler and freezer space we currently have.
- B. To address the space issue, we'd like to increase the cooler and freezer area by adding onto the building to the south. This will not adversely affect the rights of the adjacent property owners or residence. This space is currently used by vendors making deliveries to North AgriMart and for garbage collection for the store.
- C. While expanding our food and beverage offerings to better serve the community over last 11 years, we have run out of room in the walk-in cooler and freezer. This has made it difficult to properly store all the food supplies we need and maintain a proper inventory of other cooler items our customers want. We often have excess beverage inventory stored on the store floor, requiring it to be moved to the cooler as space becomes available. This also creates tripping hazards associated with walking through the overfull cooler to get to the food service items in the freezer and beer and other beverage vendors must often move racks containing food service items when making their deliveries.
- D. This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Our plan to expand the cooler and freezer space will improve the safety and efficiency of the food service operation. A separate cooler and freezer for food service items will ensure food and non-food supplies are stored with adequate space. The existing freezer space would be converted to a beer cave to provide more variety in offerings. In addition to the improved offerings, local businesses and contractors will be used to complete the project. Herington Heating and Air will handle electrical and HVAC work. Toby Biehler will serve as contractor and Clarks Lumber will provide the materials. Finally, Lawrenz Group will complete the concrete work.
- E. This street is not used by the public at large and is only used by vendors and for trash collection at the store.

ARTICLE 13

GENERAL COMMERCIAL DISTRICT (B-4)

Sections:

- 13-1 Intent**
- 13-2 Permitted Uses**
- 13-3 Conditional Uses**
- 13-4 Intensity of Use Standards**
- 13-5 Height Standards**
- 13-6 Yard Standards**
- 13-7 Use Limitations**

Section 13-1. Intent

- 13-101** The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the General Commercial District (B-4). The intent of this district is to provide a zone which is suitable to accommodate basic retail, service, and office uses which are located adjacent to the central business district, on arterials leading to the downtown area. Commercial uses which require large floor areas or large land areas and which are not compatible with the central business district are included in this district. This district has few limitations as to the types of commercial development permitted and therefore should not be utilized for shopping centers.

Section 13-2. Permitted Uses

- 13-201** The listing of permitted uses in a General Commercial District (B-4) shall be as set out in Appendix A of these regulations.

Section 13-3. Conditional Uses

- 13-301** The listing of conditional uses in a General Commercial District (B-4) shall be as set out in Appendix A of these regulations.

Section 13-4. Intensity of Use Standards

- 13-401** The intensity of use standards for General Commercial District (B-4) shall be set out in Appendix B of these regulations.

Section 13-5. Height Standards

- 13-501** The height standards for General Commercial District (B-4) shall be set out in Appendix B of these regulations.

Section 13-6. Yard Standards

- 13-601** The yard standards for General Commercial District (B-4) shall be set out in Appendix B of these regulations and below.

- a. 15 feet in depth measured from the front lot line except on lots which are adjacent to collector or arterial streets in which case the minimum front yard shall be 25 ft.
- b. Where lots have double frontage, the required front yard shall be provided on both streets.
- c. On corner lots there shall be a front yard of 15 feet and a side yard of 15 feet.
- d. Where the front yard is used for parking, the front yard setback shall be fifty (50) feet from the lot line to the building and shall have a minimum green space between the building and the parking area of no less than five (5) feet.

Section 13-7. Use Limitations

13-701 The following use limitations shall apply in the General Commercial District (B-4):

- a. Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located within the front yard but not less than 24 feet from the front lot line nor closer than 25 feet to the building to allow vehicles to maneuver away from the pumps.
- b. All outdoor storage, except the storage of motor vehicles and farm machinery and equipment in operating condition and off-street parking and loading spaces, shall be enclosed by a solid or semi-solid fence not less than six feet in height and having a density of not less than 70% per square foot.
- c. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- d. All business, service, storage and display of goods shall be conducted within a completely enclosed building, except that an area equivalent to not more than 10% of the total floor area may be used for outside display and sales.
- e. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- f. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high, and having a density or not less than 70% per square foot, shall be provided adjacent to an

adjoining residential district. However, in the event the adjacent residential district and the commercial development are separated by a street right-of-way, the Zoning Administrator may waive this requirement.

ARTICLE 14

CENTRAL BUSINESS DISTRICT (B-5)

Sections:

- 14-1 Intent**
- 14-2 Permitted Uses**
- 14-3 Conditional Uses**
- 14-4 Intensity of Use Standards**
- 14-5 Height Standards**
- 14-6 Yard Standards**
- 14-7 Use Limitations**

Section 14-1. Intent

- 14-101** The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations of the Central Business District (B-5). This commercial district is intended to provide a zone which will accommodate the broad range of retail shopping activities and office uses that are normally found in the core area of a city.

Section 14-2. Permitted Uses

- 14-201** The listing of permitted uses in a Central Business District (B-5) shall be as set out in Appendix A of these regulations.

Section 14-3. Conditional Uses

- 14-301** The listing of conditional uses in a Central Business District (B-5) shall be as set out in Appendix A of these regulations.

Section 14-4. Intensity of Use Standards

- 14-401** The intensity of use standards for Central Business District (B-5) shall be set out in Appendix B of these regulations.

Section 14-5. Height Standards

- 14-501** The height for Central Business District (B-5) shall be set out in Appendix B of these regulations.

Section 14-6. Yard Standards

- 14-601** The yard standards for Central Business District (B-5) shall be set out in Appendix B of these regulations.

Section 14-7. Use Limitations

- 14-701** The following use limitations shall apply in the Central Business District (B-5):

APPENDIX B: INTENSITY OF USE

Zoning District	Minimum Lot Dimensions (feet)			Minimum Yard Size (feet)			Maximum lot Coverage	Maximum (feet) Structure Height
	Size	Width	Depth	Front	Side	Rear		
A	2 acres	300	500	75	10	20	20	45
RS	2.5 acres	250	300	75	25	25	20	45
R1	7,500 sq. ft.	75	100	25/35 ¹	10	25	40	35
R2	7,500	75	100	25/35 ¹	10	25	40	35
R3	9,000 ²	50	100	25/35 ¹	53	25	50	85
B1	7,500	75	100	25/35 ¹	10	25	40	35
B2	7,500	75	100	25/35 ¹	10	25	40	35
B3	10,000	100	100	0	s*	15	60	65
B4	7,500	75	100	25/35 ¹	10	25	80	75
BS	2,500	25	100	0	0	0	100	85
11	10,000	100	100	25/35 ¹	15	15 ⁵	60	65
12	10,000	100	100	25/35 ¹	15	15 ⁵	60	65
13	12,500	0	0	50	50	50	60	one story ⁶
MHP	(see Section 9)							

¹ 25 feet measured from the front lot line on collector streets, and 35 feet on arterial streets, exception: see variance appeal within residential code sections

² 5,000 sq.ft. first dwelling unit

³ 7,000 sq. ft. second dwelling unit (duplex) if additional dwelling units are constructed as the second or third story, 9,000 sq. ft. third dwelling unit (triplex) the minimum lot size will be 5,000 square feet. The 50% lot coverage remains.

⁴ 5 feet per story

⁵ 10 feet when abutting residential district

⁶ 25 feet when abutting residential district

⁶ See Section 16 for additional FAA regulations

Building Permit Application

City of Herington, Kansas

To be completed by Applicant...

Job Address:
(Office Use)
Owner:

Job Address: <u>301 W Walnut St</u>			
Owner: <u>Darel Anderson Agntrails Coop</u>		Phone: <u>785-2583202</u>	
Mailing Address: <u>same</u>	City: <u>Herington</u>	State: <u>KS</u>	Zip: <u>67449</u>
Contractor:	License No.:	Phone:	
Mailing Address: <u>same</u>	City: <u>Herington</u>	State: <u>KS</u>	Zip: <u>67449</u>
Use of Building: <u>Convenience Store</u>	Area (ft ²):		
Class of Work (circle): New <u>Addition</u> Alteration Repair Move Remove			
Describe Work and/or provide a drawing: <u>Addition on South Side of Building 15x30 for Freezer & Storage</u>			
Valuation of work: \$ <u>15,000 estimate</u>		Permit Fee includes a \$20.00 Inspection Fee	

NOTICE

Separate permits are required for electrical, plumbing, mechanical and building. This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Permit not validated until Permit Fee is paid.

OFFICE USE ONLY

Inspection:	Date:	Pass/Fail	Pass/Fail
Pre-site:			
Foundation:			
Frame:			
Final:			
SPECIAL APPROVALS:	REQUIRED: (YES/NO)	RECEIVED: (date)	
Planning Board:			
Health Department:			
Fire Department:			
KS Historical Society:			
KDOT:			
US Army Corps of Engineers:			
City Commission:			
Other: (specify)			

Signature of Contractor <i>or Authorized Agent</i> <u>Store Manager</u> <u>Margaret Eades</u>	Date <u>9/22/20</u>
Signature of Owner <i>(if owner builder)</i>	Date

OFFICE USE ONLY

Special Conditions:

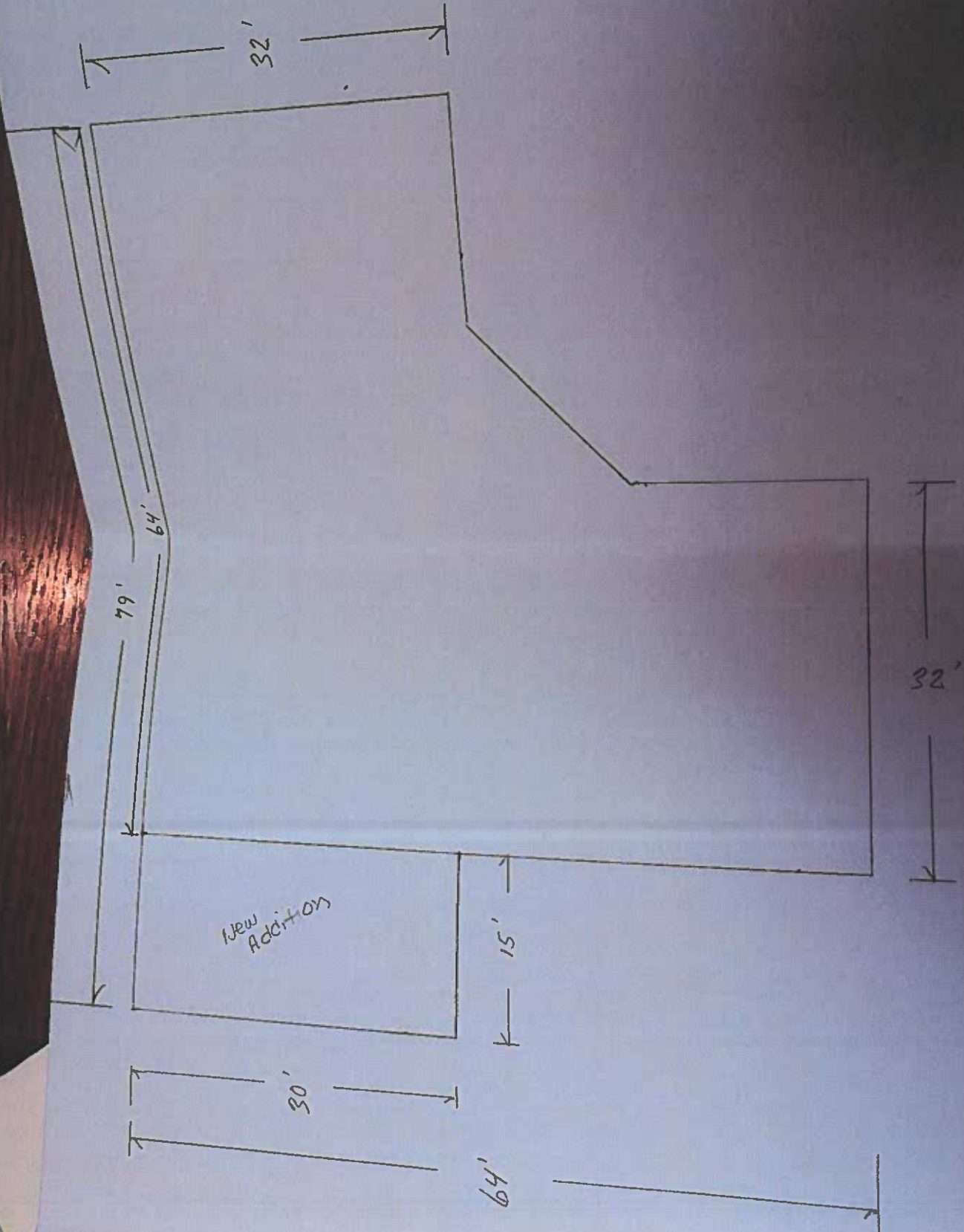
Permit No.:

Approved By:

Permit
denied
James
Mas...

PERMIT FEE: \$

North

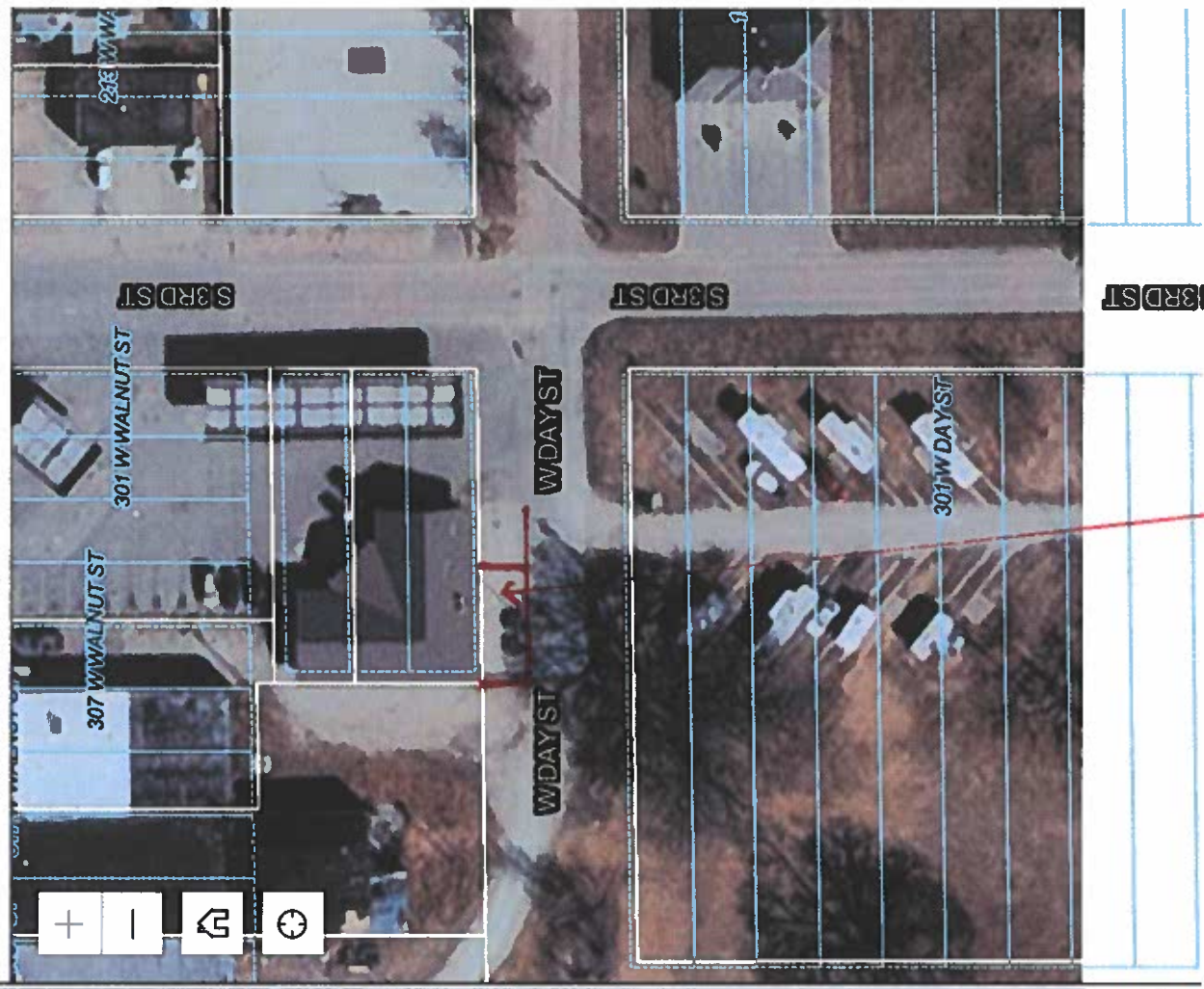


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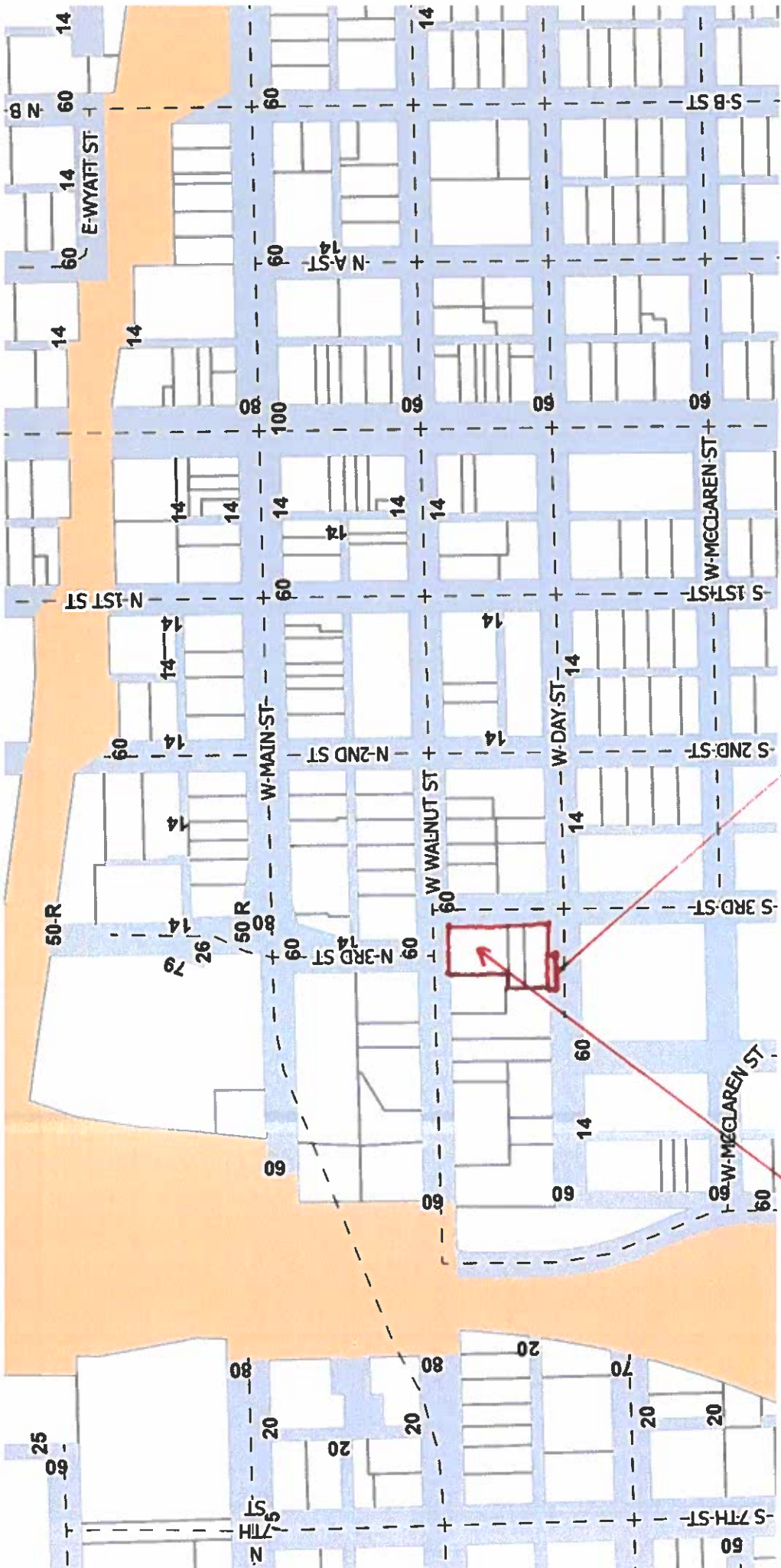
Find | Layers | Search Results | Print

Layers*

- Boundaries
- Annotations
- Parcels
- NRCS Soils
- School Districts
- NG911 Aerials 2021
- NG911 Aerials 2018
- NAIP Aerials 2021
- NAIP Aerials 2019
- NAIP Aerials 2017
- NAIP Aerials 2014
- Base Map
- KSOOutline



*Building Project
Variance Request*



301 W Walnut

Building project
Variance Request



17 NORTH BROADWAY • HERINGTON, KANSAS 67449

NAME <i>Ampride</i>			Cash - <input checked="" type="checkbox"/> Check
MAIL ADDRESS			Credit Card - M.O.
CITY			Auto Dep. - ACH
STATE ZIP			REC'D BY <i>JL</i>
FUND NAME	fund no.	DATE	01747
<i>General</i>	<i>10</i>	<i>9/26/23</i>	
REV. CODE	G/L	DESCRIPTION	AMOUNT
		<i>Variance</i>	
		<i>Application</i>	
		<i>for 301 W Walnut</i>	
		<i>CK #22012</i>	
		<i>10 11 400 315</i>	
			<i>100.⁰⁰</i>
TOTAL AMOUNT			↑