

**AGENDA-REGULAR MEETING
STERLING PLANNING COMMISSION**

114 N. Broadway, Sterling, Kansas
September 18, 2025, at 5:15 P.M.

A. CALL TO ORDER

B. APPROVAL OF THE AGENDA

C. CITIZEN COMMENTS

D. APPOINTMENTS, PROCLAMATIONS, RECOGNITIONS, & NOMINATIONS

E. CONSENT AGENDA

Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Planning Commission desire to discuss any item, the item will be removed from the Consent Agenda and considered separately.

1. Approval of minutes
 - a. Planning Commission Special Meeting July 24, 2025.

BOARD OF ZONING APPEALS

1. Hold public hearing on application for variance BZA-V-2025-001 for 101 Country View Lane, and approve resolution to grant application for variance BZA-V-2025-001 for 101 Country View Lane.

F. OLD BUSINESS

G. NEW BUSINESS

H. ZONING ADMINISTRATOR'S REPORT

I. PLANNING COMMISSION COMMENTS

J. EXECUTIVE SESSION

K. ADJOURNMENT

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 4:30 and 5:15 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Planning Commission may be present in the commission chambers or lobby of City Hall. No one is excluded from these areas during those times.

STERLING PLANNING COMMISSION
SPECIAL MEETING
MINUTES
7/24/2025

The Sterling Board of Planning Commissioners met in a special session on Thursday, July 24, 2025, at 5:15 P.M in the meeting room at City Hall. Those present were Jed Miller, Chairman; David Wilson, Vice-Chairman (via teleconference); Brennan Sterling, Secretary; Joe Jacob, Jeff Laudermilk, and James Silman, Planning Commissioners; Ian Hutcheson, Zoning Administrator / Subdivision Administrator / City Manager; Josh Hood, Owner / Operator, Hood Construction; Stephen Wilson, Operations Manager, Hood Construction; Brian Inwood, Public. Kash Farney, Planning Commissioner, was absent.

Chairman Miller called the meeting to order.

APPROVAL OF AGENDA:

Commissioner Silman moved, and Commissioner Laudermilk seconded to approve the agenda. The motion carried 6-0.

CONSENT AGENDA:

1. Approval of minutes.
 - a. Planning Commission Special Meeting July 2, 2025.

Commissioner Laudermilk moved, and Secretary Stelling seconded to approve the Consent Agenda as presented. Motion carried 6-0.

BUSINESS OF THE SPECIAL MEETING:

1. Approve special use application for 906 N. Broadway Avenue, Hood Construction office expansion.

Zoning Administrator Hutcheson presented background on the special use application. Hood Construction is a construction company with primary offices located at 906 N. Broadway Avenue. On March 1, 2023, a zoning amendment to rezone the area generally described as 908 N. Broadway Avenue, which included the property located at 906 N. Broadway Avenue, from the R-1 Single Family Residential to the B-1 General Business District was approved. Hood is planning to expand their current facility located at 906 N. Broadway Avenue and construct four additional offices and a showroom.

Hutcheson explained the definition of a “special use” as defined in Section 2-102 of the Zoning Regulations. Each zoning district has a list of common special uses which may be approved within the district. To be approved, a special use application must be approved by the Planning Commission and the City Commission. The process for approving special uses is largely the same for amendments to change a zoning district classification or boundary.

Hutcheson shared that on June 25, a special use application under case number SU-2025-001 was submitted to the Zoning Administrator by Hood Construction for an office expansion for Hood’s existing office located at 906 N. Broadway Avenue. A layout and drawing of the expanded building were included in the agenda packet.

Minutes

7/24/2025

Page 2

BUSINESS OF THE SPECIAL MEETING (cont.):

Hutcheson explained that a special use application is required for Hood's office expansion because the use most closely corresponds to "contractor's buildings and offices, including equipment and storage area", which is a permitted use in the I-1 Industrial District, but is not among the permitted uses in the B-1 General Business District in which the property is located. Among the special uses listed for the B-1 General Business District are "other special uses not otherwise specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-104 and compatible with the uses permitted in Section 4-104A." The intent of the B-1 General Business District is defined "to provide for certain retail trade and for service establishments not generally in the Central Business District and to recognize existing businesses and the needs and convenience of people in adjacent residential areas." As an expansion to an existing business' property, Hood's office expansion is in alignment with the intent of the B-1 General Business District.

Hutcheson briefly outlined the process for approving amendments to the regulations, including special use applications, as detailed in Article 11 of the Zoning Regulations. A public hearing must be held at which the proposed special use may be discussed by interested parties. After the Planning Commission approves a special use application, the application is recommended for approval to the City Commission, which grants final approval.

The Planning Commissioners briefly discussed the application with Hutcheson and Josh Hood, Owner / Operator, Hood Construction, and Stephen Wilson, Operations Manager, Hood Construction.

Hutcheson recommended the Planning Commission open the public hearing, and after hearing from any members of the public, close the public meeting, and approve the special use application for 906 N. Broadway Avenue, Hood Construction office expansion.

Secretary Stelling moved, and Commissioner Silman seconded to open the public hearing. The motion carried 6-0.

There was no input on the item from any members of the public present.

Commissioner Jacob moved, and Secretary Stelling seconded to close the public hearing. The motion carried 6-0.

There was no further discussion on the item.

Commissioner Silman moved, and Secretary Stelling seconded to approve the special use application for 906 N. Broadway Avenue, Hood Construction office expansion. The motion carried 6-0.

Minutes

7/24/2025

Page 3

BUSINESS OF THE SPECIAL MEETING (cont.):

2. Approve site plan for 906 N. Broadway Avenue, Hood Construction office expansion.

Hutcheson presented background on the proposed site plan. The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, off-street parking and loading, lighting, signage, landscaping, ingress and egress and drainage on and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. All principal land uses except single-family dwellings and duplexes, with some exceptions, require a site plan approved by the Planning Commission before a building permit may be issued.

Hutcheson shared that on July 21, a site plan review application under case number SP-2025-001 was submitted to the Zoning Administrator by Hood Construction for an office expansion for Hood's existing office located at 906 N. Broadway Avenue. A layout, drawing, and site plan of the expanded building were included in the agenda packet.

Hutcheson reviewed that Section 3-105 of the Zoning Regulations outlines the purpose of requiring site plan approval, the requirements for a site plan, and the conditions that must be met for approval. Once a site plan has been approved by the Planning Commission, only minor revisions may be made, at the discretion of the Zoning Administrator.

The Planning Commissioners briefly discussed the proposed site plan with Hood and Wilson.

Hutcheson recommended the Planning Commission approve the site plan for 906 N. Broadway Avenue, Hood Construction office expansion.

Commissioner Silman moved, and Secretary Stelling seconded to approve the site plan for 906 N. Broadway Avenue, Hood Construction office expansion. The motion carried 6-0.

ADJOURNMENT: There being no further business to come before the Planning Commission, it was moved by Secretary Stelling, and seconded by Commissioner Laundermilk to adjourn. The motion carried 6-0.

Jed Miller, Chairman

Agenda Item BZA.1

**City of Sterling
Planning Commission Meeting
September 18, 2025**

TO: Board of Zoning Appeals
SUBJECT: Hold public hearing on application for variance for 101 Country View Lane, and approve resolution to grant variance application for 101 Country View Lane.
INITIATED BY: Zoning Administrator
PREPARED BY: Zoning Administrator
AGENDA: Board of Zoning Appeals

Background: A zoning variance is an approval granted by a local zoning authority that permits a property owner to proceed with a proposed use that deviates from the existing zoning regulations. An approved variance does not amend the zoning regulations but rather constitutes an exception to the regulations that is applicable only to the specific variance case.

The process and considerations involved in reviewing and approving zoning variances are provided in Section 10-107 of the Zoning Regulations, included in Exhibit C. Applications for zoning variances are submitted to the City's Zoning Administrator and are reviewed by the Board of Zoning Appeals (BZA), which has the authority to approve variance applications. The BZA must hold a public hearing on all variance applications, at which any interested parties may provide feedback on the proposed variance. Notice of the public hearing must be published in the official city newspaper and mailed to impacted property owners at least 20 days prior to the date of the public hearing. Section 10-107(C) lists the specific instances of variances from the Zoning Regulations which the BZA has the authority to grant. Section 10-107(D) describes the standards by which a variance may be granted. Section 10-107(E) states that the BZA may impose conditions upon which a variance is granted which the property owner must conform to in the proposed use. Section 10-107(F) states that the BZA shall render its decision on a variance application through a resolution and that the Zoning Administrator is responsible for maintaining records on variance applications. Section 10-107(G) establishes that approved variance applications are valid for a period of 180 days, and that the BZA may grant extensions of the period of validity upon written request of the applicant.

Analysis: On August 22, 2025, a zoning variance application under case number BZA-V-2025-001, included in Exhibit A, was submitted to the Zoning Administrator by James Werbin for the construction of a single-family dwelling located at 101 Country View Lane in the Cottonwood Lake addition. Supporting documentation for BZA-V-2025-001, including a letter from Mr. Werbin describing the requested variance, a drawing of the proposed use, a list of the impacted property owners to whom notice of the public hearing on the case was given, and meeting minutes verifying the Cottonwood Lake Homeowner's Association (HOA) Board of Directors approval of the proposed use, are included in Exhibit B.

Mr. Werbin's application requests a variance of Section 4-101(E) of the Zoning Regulations (included in Exhibit D) from the required bulk regulation limitation in the R-1 Single-Family Residential district. Specifically, the application proposes:

1. A four-foot side yard setback on the east property line which is less than the required minimum of seven feet,
2. A 22-foot rear yard setback which is less than the required minimum of 25 feet, and
3. Lot coverage of 39% which is greater than the maximum of 35%.

Notice of the public hearing for BZA-V-2025-001 was published in the Sterling Bulletin on August 28 and mailed to the impacted property owners on August 29.

The requested variance from the bulk regulations for the R-1 Single-Family Residential district is among the authorized instances of variance from the Zoning Regulations listed in Section 10-107(C) which the BZA has the authority to grant.

Having reviewed the standards detailed in Section 10-107(D) upon which a variance application may be approved, the Zoning Administrator recommends that the BZA approve BZA-V-2025-001. A resolution of the BZA to grant the variance application has been prepared and is included in Exhibit C.

Financial: A small publication fee of the notice of the public hearing in the newspaper, and postal charges in the mailing of notice to impacted property owners were incurred.

Legal Considerations: A resolution to grant the variance application has been prepared by the Zoning Administrator and reviewed by the City Attorney.

Recommendations/Actions: It is recommended the Board of Zoning Appeals:

1. Open the public hearing (**VOICE**).
2. Close the public hearing (**VOICE**).
3. Approve the resolution to grant variance application BZA-V-2025-001 for 101 Country View Lane (**VOICE**).

Attachments:

Exhibit A – Application for variance from the Zoning Regulations, BZA-V-2025-001 (2 pages)

Exhibit B - BZA-V-2025-001 supporting documentation (4 pages)

Exhibit C – Resolution to approve BZA-V-2025-001 (2 pages)

Exhibit C - Zoning Regulations, Section 10-107 - Variances (4 pages)

Exhibit D – Zoning Regulations, Section 4-101 - R-1 Single-Family Residential District
(3 pages)

APPLICATION FOR A VARIANCE FROM THE ZONING REGULATIONS

This is an application for a variance before the City Board of Zoning Appeals. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at:

Sterling City Hall
114 N. Broadway
Sterling, KS 67579

or FAX: (620) 278-2866

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

1. Name of Applicant: JAMES WERBIN
Address: 1135 E OAKWOOD CT Derby, KS 67037
Phone: 316 841 3397 Email: werbin59@gmail.com

Name of Agent, if any: NA

Address: NA

Phone: NA

Email: NA

Relationship of Applicant to property is that of: OWNER.
(Owner, Tenant, Lessee, etc.)

2. Application is made for a variance as provided for in Section 10-107 of the
City Zoning Regulations to permit (describe request):

1. 4' BUILDING SETBACK ON EAST PROPERTY LINE ADJACENT
TO THE COTTONWOOD LAKE HOA GREENBELT. THIS HAS
ALREADY BEEN AGREED W/ HOA BOARD.

2. ALLOWANCE OF 39.1% LOT COVERAGE OF PRIMARY
STRUCTURE

3. 22' BUILDING SETBACK ON REAR PROPERTY LINE.
for property located at 101 COUNTRYVIEW STERLING, KS

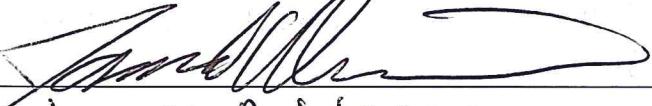
and legally described as LOT ONE (1), BLOCK "B", COTTONWOOD
LAKE II, A SUBDIVISION IN RICE COUNTY, KANSAS

in the City which is zoned as the R) SINGLE Family

District.

3. The Applicant or his/her authorized agent, acknowledges:

- That he/she has received instruction material concerning the filing and hearing of this matter.
- That he/she has been advised of the established fee requirements, and that the fee has been paid.
- That he/she has been advised of his/her rights to bring action in the District Court of the County to appeal the decision of the Board of Zoning Appeals.
- That all required documents are attached to this Application for a Variance as noted in the instructions.
- That the Board of Zoning Appeals has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.

Signature: , Applicant

Print name: JAMES A. WERBIN

Date: 2025, 2025

Signature: NA, Agent (if any)

Print name: NA

Date: NA, 20

OFFICE USE ONLY

This application was received at 3:15 (am, pm)
on August 22, 2025
by the Zoning Administrator acting for the Board of Zoning Appeals.

It has been checked and found to be complete and accompanied by the required documents and the fee of \$.

Signature: _____, Zoning Administrator

Print name: _____

Date: _____, 20

Provide copy to:

- Applicant and/or Agent

20 August 2025

City Of Sterling Board of Zoning Appeals,

I would like to submit a request for three variances to the Zoning Codes for the property that I own at 101 Countryview Lane in the city of Sterling, Kansas. My wife and I are planning to build a 2 bedroom lake home in the very near future with a hopeful start late this fall or this winter.

This lot is a narrow lot with a width of only 64 feet and a total area of approximately 6500 square feet. Because of this lot dimension, the space is at a premium for fitting a structure to our needs upon it. I have provided a sketch of the property and the existing structures which will be demolished as well as the footprint of the planned structure.

The three variances required are as follows:

1. Request for a 4 foot setback on the east property line in lieu of the code required 7 foot setback. The adjacent property is a Greenbelt of the Cottonwood Lake HOA and this 4 foot setback has been requested and agreed to by the CWL HOA at a meeting held on December 19, 2023 by a vote of 5-1 in favor. (See attached note from Board Member Dan LaTourell.)
2. Request for a 22 foot rear property line setback in lieu of the code required 25 foot setback. This rear property line is adjacent to the lake so there are no rear property neighbors.
3. Request a lot coverage of 39.1% in lieu of the code required 35% maximum due to the small size of the lot.

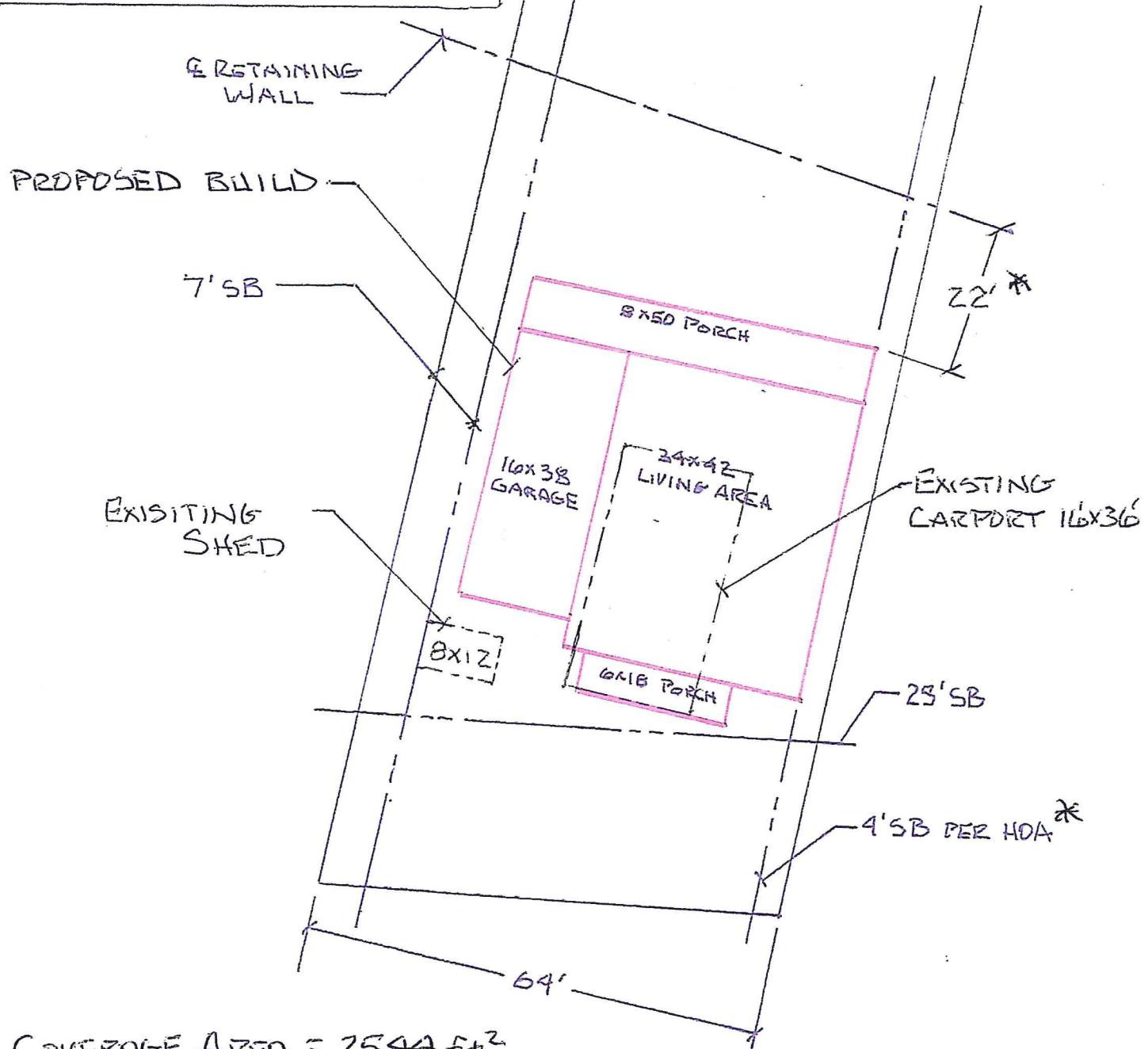
Thank you for your consideration in this matter, and please do not hesitate to contact me with any questions that you or others may have.

Best Regards,

Jamie & Karon Werbin
316-841-3397
jwerbin59@gmail.com

101 COUNTRYVIEW LN
STERLING, KS

JAMES & KAREN WERBIN



COVERAGE AREA = 2544 ft²

LOT SIZE ~ 6500 ft²

COVERAGE % = 39.1% *

* - REQUIRES ZONING VARIANCE

LIST OF PROPERTY OWNERS WITHIN 200 FEET

Property Owner	Gary Neill
Property Address	102 Countryview Lane
Mailing Address	7701 N. Monroe Hutchinson, KS 67502
Property Owner	Janice Latourell Revocable Trust
Property Address	Cottonwood Lake II, Block B, Lot 3
Mailing Address	900 W. Lincoln Lyons, KS 67579
Property Owner	David Sanford
Property Address	105 Countryview Lane
Mailing Address	11725 W Alderny Court, Unit 2 Wichita, KS 67212
Property Owner	Cottonwood Lake Homeowners Association
Property Address	HOA GreenBelt Property
Mailing Address	6 Basswood Lane Sterling, Kansas 67579
Property Owner	Kerrey Moore Sr.
Property Address	Cottonwood Lake , Block C, Lot Block info 22
Mailing Address	819 S. Walnut McPherson, KS 67460

12.19.23 Cottonwood Lake

Tuesday December 19, 2023

Cottonwood Lake Office 7:00 pm

Present: Vice President Rod Smith, Curt Wiebe, Michelle Hall, Dan LaTourell, Terry Wolcott, Sally Haggerty.

FINANCIALS

Michele presented the following finance report

Beginning Balance	\$ 16,426.05
Deposit	300.00
Interest	14.73
Utilities	-340.21
Pond Guy	-143.49
Mowing	-1,200.00
Insurance	- 2,556.00
Blank Checks	-10.00
Ending Balance	\$ 12,441.08

Discussion was held on the term that should be used for accepting financial reports. There was a consensus of opinion and "stand as read" was agreed to be used in minutes for approval of treasurer's report.

Terry moved to identify treasurer's report as "stand as read". Curt seconded. Motion carried.

MINUTES

Sally read minutes of the last meeting . Rod moved to accept minutes, Terry second. Motion carried.

BUILDINGS and GROUNDS

Discussion was held on the wording for additional livable lots held by members.

Livable space is understood to mean a dwelling containing access to water, sewer and electricity. Each livable lot requires a \$200 members fee.

Jamie Werbin submitted a request to build a home on Lot 101 Country View Lane which sits next to a green belt lot. His request is to place his building next to that lot line. Discussion was held. The required distance from adjoining property is 7 foot. The board voted to approve a 4 foot distance on the green belt side which is on the east side of Lot 101. Sterling City has final approval of permits. Motion carried 5 to 1

ANNUAL MEETING REVIEW, BOARD POSITIONS

Dan noted that the Annual Meeting went well this year. Motion by Sally to appoint new Board members elected at Annual Meeting to remain in their current positions. Second by Curt. Motion carried

Board Members for 2024

President Ray Williford
Vice President, Rod Smith
Treasurer, Michelle Hall

Secretary, Sally Haggerty
Dan LaTourell, bldg./grounds

Curt Wiebe, bldg./grounds
Terry Wolcott, lake/fish

CORRESPONDENCE

Michelle rec'd request from Sterling Community Chest for donation. She proposed we contribute \$100 to Sterling Community Chest. Curt made a motion to contribute, Rod second. Motion carried

Rod moved to adjourn. Terry second. Motion carried. Adjournment a 7:30 pm.

Sally Haggerty, Secretary

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF THE CITY OF STERLING,
KANSAS TO APPROVE BZA-V-2025-001, APPLICATION FOR A VARIANCE FROM THE
ZONING REGULATIONS OF THE CITY OF STERLING, KANSAS;**

WHEREAS, property owners may submit an application for a variance from the Zoning Regulations of the City of Sterling, Kansas (“Zoning Regulations”) to proceed with a proposed use that deviates from the Zoning Regulations; and

WHEREAS, Section 10-107 of the Zoning Regulations establishes that the Board of Zoning Appeals (“BZA”) has the authority to approve variance applications; and

WHEREAS, on August 22, 2025, a variance application under the case number BZA-V-2025-001 (“the Application”) was submitted to the Zoning Administrator by James Werbin for the property legally described as “Lot 1, Block B, Cottonwood Lake II” and located at 101 Country View Lane, Sterling, Kansas; and

WHEREAS, the Application requests a variance of Section 4-101(E) of the Zoning Regulations from the required bulk regulation limitation, for the purpose of constructing a single-family dwelling that has:

1. A four-foot side yard setback on the east property line which is less than the required minimum of seven feet, and
2. A 22-foot rear yard setback which is less than the required minimum of 25 feet, and
3. Lot coverage of 39% which is greater than the maximum of 35%; and

WHEREAS, notice of the public hearing to be held by the BZA on September 18, 2025 concerning the Application was published in the official city newspaper, the Sterling Bulletin, on August 28, 2025, and mailed to the impacted property owners on August, 29, 2025, in conformance with the notice of hearing regulations established in Section 10-103 of the Zoning Regulations; and

WHEREAS, the BZA, having held the public hearing on September 18, 2025 concerning the Application, and having received no protests either at the public hearing or in writing that would prevent approval of the Application, conducted its own review of the Application on the same date as the public hearing and found no circumstances that would prevent approval of the Application.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF
THE CITY OF STERLING, KANSAS:**

The Application is hereby approved and the variance from the Zoning Regulations specified in the Application is hereby granted.

This resolution shall take effect and be in force immediately upon its adoption and shall remain valid for a period of 180 days. The BZA may grant additional extensions not exceeding 180 days each, upon written application, without further notice or hearing, as established in Section 10-107(G) of the Zoning Regulations.

ADOPTED this 18th day of September 2025 and SIGNED by the Vice-Chairperson.

Vice-Chairperson

Attested:

Secretary

E. Decision. The Board may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator, and may issue or direct the issuance of a zoning permit and/or occupancy certificate. No conditions may be attached to such a decision that could not otherwise have been available to the Zoning Administrator in making his initial decision. The Board shall render a written decision in the form of a resolution on the appeal without unreasonable delay after the close of a hearing and, in all cases, within 45 days after the close of the hearing.

107 Variances. The Board may authorize such variances from the terms of these regulations as will not be contrary to the public interest and provided that the spirit of the regulations shall be observed, public safety and welfare secured and substantial justice done. Variances may be authorized only in those specific instances enumerated in Section 10-107C and then only when the Board has made findings of fact based upon the standards set out in Section 10-107D that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee or occupant of land or structures. According to K.S.A. 12-759(e), any such variance shall not permit any use not permitted by these regulations in the zoning district in which the variance is requested.

A. Application. An application for a variance shall (1) be filed with the Zoning Administrator, (2) provide the legal description of the property involved with the variance, (3) be accompanied by an ownership list as required by Section 10-103 and the filing fee, and (4) contain the following information as well as such additional information as may be prescribed by rule of the Board:

1. The particular requirements of these regulations which prevent the proposed use or construction;
2. The characteristics of the subject property which prevent compliance with the requirements of these regulations;
3. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction; and
4. The particular hardship which would result if the particular requirements of these regulations were applied to the subject property.
5. Submit a sketch drawn to scale showing the lot(s) included in the application, the structures existing thereon and the structures proposed that necessitate the request.

B. Hearing and Notice. A hearing on the application for such a variance shall be held and notice thereof given as specified under Sections 10-103 and 104 and which are consistent with the general procedures and records required by Section 10-101.

C. Authorized. Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in Section 10-107D, and may be granted only in the following instances and in no others:

1. To vary the applicable minimum lot area, lot width and lot depth requirements.
2. To vary the applicable bulk regulations, including maximum height and lot coverage and minimum yard requirements.
3. To vary the dimensional provisions for permitted obstructions in required yards including fences in Sections 3-103F.
4. To vary the applicable number of required off-street parking spaces and the amount of off-street loading requirements of Article 5.
5. To vary the applicable dimensional sign provisions of Section 7-102 regarding general standards and Section 7-104 regarding district regulations.
6. To vary the applicable requirements in Sections 10-107C1 through 5 above in conjunction with conditional use applications for nonconforming, nonresidential structures and uses under provisions of Section 8-105.
7. To vary the applicable provisions permitted by the floodplain regulations. (See Appendix for Floodplain Management Regulations.)

D. Standards:

1. The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented to it at the hearing that all the conditions required by K.S.A. 12-759(e) have been met which are listed below:
 - a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant;
 - b. That granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - c. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

- e. That granting the variance desired will not be opposed to the general spirit and intent of these regulations.
2. In determining whether the evidence supports the conclusions required by Section 10-107D1, the Board shall consider the extent to which the evidence demonstrates that:
 - a. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;
 - b. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property;
 - c. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and
 - d. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

E. Conditions. In granting a variance, the Board may impose such conditions upon the premises benefitted by the variance as may be necessary to comply with the standards set out in Section 10-107D which would reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these regulations, including methods for guaranteeing performance such as are provided for in Section 10-108D. Failure to comply with any of the conditions for a variance which are later attached to a zoning permit shall constitute a violation of these regulations. If an applicant desires to make a change in a condition at a later date, it is necessary to apply for a rehearing and a decision be made in the same manner as the original variance; however, only the requested condition is to be reconsidered at the hearing.

F. Decisions and Records. The Board shall render a written decision containing specific findings of fact in the form of a resolution on an application for a variance without unreasonable delay after the close of a hearing, but in all cases within 45 days after the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for variances in order to properly issue permits.

G. Period of Validity. No variance granted by the Board shall be valid for a period longer than 180 days from the date on which the Board grants the variance, unless within such 180-day period a zoning permit is obtained and the variance requested is started. The Board may grant additional extensions not exceeding 180 days each, upon written application, without further notice or hearing.

108 **Conditional Uses.** The Board may grant as an exception to the provisions of these regulations, the establishment of only those conditional uses that are expressly authorized to be permitted in a particular zoning district or in one or more zoning districts. No such conditional use shall be granted unless it complies with all of the applicable provisions of these regulations.

A. Application. An application for a conditional use shall (1) be filed with the Zoning Administrator, (2) provide the legal description of the property involved with the conditional use, (3) be accompanied by an ownership list as required by Section 10-103 and the filing fee, and (4) contain the following information as well as such additional information as may be prescribed by rule of the Board:

1. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations or Section 10-108D if applicable;
2. A statement as to why the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood;
3. A statement as to how the proposed conditional use is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations; and
4. Present data in support of the standards specified in Section 10-108C.
5. Submit a sketch drawn to scale showing the lot(s) included in the application, the structures existing thereon and the structures proposed which necessitate the request.

B. Hearing and Notice. A hearing on the application for such a conditional use as an exception shall be held and notice thereof given as specified under Sections 10-103 and 104 and which are consistent with the general procedures and records required by Section 10-101.

C. Standards. The Board may grant a conditional use when it makes specific written findings of fact based upon the particular evidence presented to it at the hearing which support conclusions that:

ARTICLE 4. ZONING DISTRICTS

100 Permitted Uses in All Districts.

- A. Off-street parking and loading as required by Article 5.
- B. Accessory and temporary uses and home occupations as permitted by Article 6.
- C. Signs as permitted by Article 7.

101 **R-1 Single-Family Residential District.** This district is established for the purpose of medium density single-family dwelling units with both public sewerage and water supply and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes. (See Section 5-101A1 for required off-street parking spaces.)

A. Permitted Uses.

- 1. Single-family detached dwellings and residential-design manufactured homes and group homes as defined in Section 2-102. (See Section 3-103N for conditions under which manufactured or mobile homes or RV campers are permitted in this district.)
- 2. Churches, chapels, temples and synagogues.
- 3. Golf courses, including accessory club houses, but not driving ranges and miniature golf courses operated for commercial purposes.

B. Special Uses.

- 1. Public buildings erected or land used by any agency of a city, township, county or state government.
- 2. Cemeteries, private or public.
- 3. Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like. All such uses must be located on land which is platted according to the City Subdivision Regulations.
- 4. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103G for lot size and bulk regulations.)

C. Conditional Uses.

1. Accessory dwellings.
2. Adult and child care centers and preschools.
3. Bed and breakfast homes.
4. Boarding and rooming houses.
5. Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such features as drainage, parking and accessory structures.
6. Large recycling collection centers. (See Section 2-102 for definition.)
7. Metal buildings specifically designed for use as single-family detached dwellings; provided, that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures.
8. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Residential buildings: 6,500 square feet.
 - b. All other uses: 10,000 square feet.
2. Minimum lot width:
 - a. Residential buildings: 60 feet.
 - b. All other uses: 80 feet.
3. Minimum lot depth: 100 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 25 feet on all sides abutting a street.

- b. Minimum side yard:
 - (1) Residential buildings: 7 feet on both sides.
 - (2) All other permitted uses: 7 feet on both sides.
- c. Minimum rear yard: 25 feet.

- 3. Maximum lot coverage: 35%

F. Use limitations.

- 1. No outdoor storage shall be permitted as defined by Section 2-102.