

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, April 11, 2016
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Lorn Clement, Jr., Chair
Diane Hoobler
John Wienck
John Osarczuk

Members Absent: Dr. Tom Taul, Vice-Chair

Staff Present: Bob Isaac – Planner and Lisa Daily - Administrative Assistant

Others Present: Tamara Fulton

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the March 14, 2016 meeting were presented and approved. The Report of Fees the month of March (\$4,260.00) were presented and approved.

John Wienck moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and convene as the Board of Zoning Appeals.

Diane Hoobler seconded. Carried 4-0.

BOARD OF ZONING APPEALS

Creed – Variance

Chairman Clement asked the Board Members to declare any ex parte contact they may have had regarding this item and to declare any conflict of interest or communications they've had that could influence their ability to be impartial.

All Board Members confirmed no ex parte contact.

Chairman Clement opened the public hearing at the request Jerald and Cary Creed, petitioners and owners, for a variance authorization to permit construction of a detached accessory structure 6.3 feet below the required elevation of one (1) foot above base flood elevation (1016.7 ft.).

Bob Isaac presented the request explaining the applicant's wish to replace an existing accessory structure (garage/shop) to store equipment and supplies. Mr. Isaac said that at the time the building permit (#03-0053) was issued for the existing structure, the property was not within the 1% annual chance floodplain, as per the November 2003 FIRM, thus, did not require a floodplain development permit. Mr. Isaac explained that the Applicant was issued a building permit to build onto the existing structure and add a cement floor. Mr. Isaac stated that the applicant was allowed to do this without bringing the entire structure in compliance with the current floodplain regulations because it was "grandfathered". Mr. Isaac stated that, consequently, during construction, the Applicant discovered too many structural problems with the existing building and commenced replacing the whole structure with a new building. Mr. Isaac explained that this action triggered the requirement for the structure to be in compliance with the current floodplain regulations. Mr. Isaac said the building permit was voided due to the need for a floodplain development permit and variance approval. Staff advised the applicant to seek variance approval for the new building. Staff recommended approval of the request.

Diane Hoobler stated that she drove by the site and observed that the house appeared to be elevated as well as the neighbor's house and garage. She said the structure needing the variance appears to be at a much lower elevation. She said she also noticed that the Applicant has poured a concrete floor. She stated she doesn't understand why the Applicant didn't elevate this structure.

Bob Isaac explained the floodplain regulations allow for accessory structures to be built below the base flood elevation with "wet" and "dry" floodproofing techniques. He said the entire site is in the 1% annual chance floodplain so there was no other place to locate the structure on his property.

Diane Hoobler replied all they had to do was fill.

Steve Higgins, Riley County Floodplain Administrator, stated the elevation of the building pad would have to be raised up six (6) feet from the ground and the utilities would have to be one foot above base flood elevation. If the Applicant chose to utilize the fill requirement, the structure would still be required to do the wet flood proofing techniques. Mr. Higgins explained that the Applicant chose the variance option so the structure would be more functional for their needs. He said the Applicant told him they will be using the structure for residential storage and a personal wrestling gym for their three (3) sons.

Bob Isaac said there was another such variance that came before this Board in which the applicants chose to raise the structure only a portion of the required elevation, and receive a variance for the difference. He said elevating the structure above base flood elevation would have rendered the accessory structure unusable, as it would have been too difficult to get in and out of it.

Diane Hoobler stated, having been through a flood, the reason for the regulations is to protect people.

Bob Isaac replied that in this particular situation, the new structure will have flood proofing techniques, whereas the previous structure didn't; thus, the regulations successfully improved an existing situation.

Steve Higgins replied the Applicant will have to install the flood vents and utilize floodproofing materials. He stated he will be doing the inspections.

Bob Isaac stated this variance will provide an improvement on the site for the very reasons you are discussing.

Chairman Clement asked if the Applicant wanted to speak.

Tamara Fulton, representing the Creeds, explained they were unable to attend the meeting this evening due to the passing of Mr. Creed's father.

Chairman Clement offered condolences to the Creed family on behalf of the Board.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Diane Hoobler moved to approve the request for a variance authorization to permit the construction of a detached accessory structure 6.3 feet below the required elevation of one (1) foot above base flood elevation (1016.7 ft.).

John Wienck seconded. Carried 4-0.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and convene as the Riley County Planning Board. Diane Hoobler seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Annual Comprehensive Plan Update

Mr. Isaac asked the Board if they had a chance to review the Plan and if there was any suggestions for modification. By consensus, the Board recommended no changes at this time. Bob Isaac stated he will draft a memo to the Board of County Commissioners and will have Chairman Clement sign on behalf of the Board at the May meeting.

Update on Zoning and Subdivision Regulations re-write

Bob Isaac announced that the selection committee chose LSL Planning/SAFEbuilt (Project Manager: Elizabeth Garvin, Esq., ACIP). He said the next step is to develop a scope of services.

Big Blue Floodplain Management Plan update

Bob Isaac stated staff has received a copy of the draft plan and have begun their review.

Chairman Clement inquired about another transportation connection over the Big Blue River.

Bob Isaac said there have been preliminary discussions regarding the Junietta-Marlatt Avenue connection project. Mr. Isaac stated that a feasibility study would be needed, which could cost over \$100,000. He also said that the Kansas Department of Transportation (KDOT) doesn't want to add any additional road miles for maintenance. Mr. Isaac stated that he had no information as to where the project was in the process.

The meeting was adjourned at 7:58 P.M.