

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 13, 2017  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: Lorn Clement, Jr., Chair  
Dr. Tom Taul, Vice-Chair  
Diane Hoobler  
John Wienck  
John Osarczuk

Members Absent: None

Staff Present: Monty Wedel – Director and Bob Isaac – Planner

Others Present: Rob Karsmizki, Connie Karsmizki, Larry Hoobler, Lon & Janet Paquette,  
Dana Batt, David Batt, Kenneth Seematter, George Sutterlin, Mary  
Sutterlin, Marlene Budden and Shari Morrand.

---

### OPEN PUBLIC COMMENTS

None

### CONSENT AGENDA

The minutes of the October 9, 2017 meeting were presented and approved. The Report of Fees for the month of October (\$2,440.25) were presented and approved.

Diane Hoobler moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Board of Zoning Appeals. John Wienck seconded. Carried 5-0.

### BOARD OF ZONING APPEALS

#### Paquette – Variance

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

John Osarczuk stated he lives in the same neighborhood but does not know the applicants.

Chairman Clement asked if there were ex parte communications to be concerned with.

Mr. Osarczuk replied no.

Chairman Clement opened the public hearing at the request Lonnie and Jean Paquette, petitioners and owners, for a variance authorization to reduce the required front yard (setback) requirement from 25 feet to 18 feet.

Bob Isaac presented the request stating the subject property was platted as Lot 4 Driftwood Estates in February 1967 and that the plat did not have building setback lines included. He said the existing home was constructed in 1968 prior to county zoning and was not subject to a front yard (setback) requirement. Mr. Isaac explained that the home is currently a “legal” non-conformity due to the front porch extending into the front yard setback. He stated the applicant wishes to construct/reconstruct a larger front porch. He said that if the variance is approved, the entire home would be brought into compliance and allow the applicant to construct the aforementioned addition to the home.

Staff recommended approval of the requested variance based on the evaluation of variance criteria listed in the staff report.

Chairman Clement asked if the Applicant wanted to speak.

Lonnie Paquette stated that they live across the street from the subject property. He said the bedrooms in their current home are all upstairs and they are wanting to downsize. He said they have lived on Driftwood Drive for 27 years. Mr. Paquette stated the subject property came up for sale; everything will be on the same floor, so they purchased it.

There were no proponents or opponents.

John Osarczuk moved to close the public hearing. John Wienck seconded. Carried 5-0.

Diane Hoobler moved to approve the request for a variance authorization to reduce the required front yard (setback) requirement from 25 feet to 18 feet.

Tom Taul seconded. Carried 5-0.

Chairman Clement stated that if anyone is dissatisfied with the decision made by the Board, they have 30 days in which to file an appeal in the District Court.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. John Osarczuk seconded. Carried 5-0.

## **RILEY COUNTY PLANNING BOARD**

### **Karsmizki – Replat**

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

John Osarczuk clarified that this is the neighborhood he lives in.

Chairman Clement opened the public hearing at the request of Robert C. Karsmizki, petitioner and Robert C. and Connie F. Karsmizki, owners, to replat Lots 11, 13, 14, 15, 16, 17, 18 and 19, Sedam Subdivision into two (2) lots, in Manhattan Township, Section 34, Township 10 South, Range 8 East, in Riley County Kansas.

Mr. Isaac presented the request stating several of the lots that make up Sedam Subdivision have never been developed, presumably due to the inability to meet the minimum requirements of the Sanitary Code. The applicant wishes to combine several original lots (8) into two larger lots that can meet the area requirements of the Sanitary Code.

Mr. Isaac explained the existing utility easements will not be vacated with the replat. Proposed Lot 1 is a combination of five (5) original lots which will constitute a little over five and a half (5 ½) acres and Lot 2 will constitute three (3) acres. He stated tests have already been conducted on the property regarding the sanitary code and lagoons will be required, thus the minimum lot size requirement of three (3) acres. Mr. Isaac said ingress/egress will be limited to Dawn Avenue and Sedam Avenue by recommendation of the County Engineer.

Staff recommended that the Board approve the Final Plat of KARS Subdivision, as it had been determined to meet the minimum requirements of the Riley County Zoning Regulations, Subdivision Regulations and Sanitary Code.

John Osarczuk asked for clarification on road access from Dawn Avenue and Sedam Avenue only.

Mr. Isaac confirmed that access will be either from Dawn Avenue or Sedam Avenue. He said Deep Creek Road has evolved into somewhat of a paved speedway and there is also sight distance issues east of the intersection of Deep Creek Road and Sedam Avenue.

Chairman Clement asked if the Applicant wanted to speak.

Rob Karsmizki stated they purchased the property for single family development use only and have been looking for land outside of Manhattan for quite some time.

Chairman Clement asked if there were any proponents.

Marlene Budden stated she owns the house in the middle of the proposed lots and doesn't have any problems with the request. She said their main concern is with the lagoon placement and wanted to know if there will there be a lagoon on each lot.

Chairman Clement said there will be two (2) lots and a lagoon for each lot/residence.

Ms. Budden replied, so there would be two separate lagoons.

Chairman Clement stated that is what would be legally required for two different houses.

Ms. Budden wanted to know how lagoons are taken care of such as with chemicals.

Mr. Isaac stated once it is constructed, it needs to be kept free of debris, weeds and trees and otherwise properly maintained. He said chemicals are not needed and if sized properly, will not smell.

Chairman Clement stated a fence is required.

Chairman Clement asked if anyone in favor of the request would like to speak or have any questions.

Chairman Clement asked if there were any opponents. No one spoke.

Chairman Clement asked the Applicant if he would like to rebut. He declined.

Dana Batt stated she and her husband live near the intersection of Sod Lane and Dawn Avenue. She asked who maintains the lagoons since they will be on County property, the resident or the County.

Chairman Clement replied it is private property and the property owner will be required to maintain their own lagoon.

Mrs. Batt asked if the fence would be able to keep family pets such as dogs from getting into the lagoon.

Chairman Clement replied it should.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

Diane Hoobler moved to approve the request to replat Lots 11, 13, 14, 15, 16, 17, 18 and 19, Sedam Subdivision into two (2) lots, for the reasons listed in the staff report.

John Osarczuk seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on November 27, 2017, at 10:45 am, in the County Commission Chambers.

#### **Update on Zoning and Subdivision Regulations re-write**

Monty Wedel stated there were no new updates at this time.

#### **Update on Fort Riley Joint Land Use Study**

Monty Wedel said the study has been completed and the County will begin implementation such as the noise disclosure.

The meeting was adjourned at 8:00 P.M.