

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, July 9, 2018
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Dr. Tom Taul, Chair
John Wienck
Nathan Larson
Joe Gelroth

Members Absent: Diane Hoobler, Vice-Chair

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

Others Present: Dennis Egan, Cindy Egan, Charles Archer, Nancy Lee Roth, Dennis Peterson, Valerie and Andy Hoehner and Steve Butler

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the May 14, 2018 meeting were presented and approved. The Report of Fees for the month of May (\$3,779.00) and June (\$2,650.50) were presented and approved.

Nathan Larson moved to approve the consent agenda as presented. John Wienck seconded. Carried 4-0.

John Wienck moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Board of Zoning Appeals. Joe Gelroth seconded. Carried 4-0.

BOARD OF ZONING APPEALS

Egan – Variance

Chairman Taul opened the public hearing at the request of Dennis R. Egan, Petitioner, and Dennis R. and Cynthia L. Egan, owners, for a variance authorization to reduce the front yard requirement from 25 feet to zero (0) feet.

Bob Isaac presented the request stating a building permit was issued for the three bedroom home occupying Lot 6 in September 1970. He explained that the permit showed the front yard requirement (building setback) was only five feet and the lot wasn't subject to any zoning requirements at the time. He said both lots were later zoned residential during the 1974 Zoning Conversion Process, establishing a 25-foot front yard requirement, which inadvertently made the existing home a nonconformity.

Mr. Isaac said as per the variance site plan, the home extends slightly into the right-of-way of Deer Run. He said the applicants wish to align the front elevation of the proposed garage with that of the existing home. He said the request was reviewed by the County Engineer and the County Environmental Health Specialist and the request was found to be acceptable.

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

Chairman Taul asked if the Applicant wanted to speak.

The Applicant, Dennis Egan, said they wish to fully utilize the land that they own. He said they appreciate the support from the county staff and thanked Bob Isaac for his presentation.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Joe Gelroth seconded. Carried 4-0.

Joe Gelroth moved to approve the request for a variance authorization to reduce the front yard setback requirement along the west right-of-way line of Deer Run from 25 feet to zero (0) feet for Lot 5, Lake Land Addition and Lot 6, Replat of Lakeland Addition.

John Wienck seconded. Carried 4-0.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. Nathan Larson seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Peterson – Plat & Rezone

Chairman Taul opened the public hearing at the request of Dennis R. and Donise M. Peterson, petitioners and owners, to rezone an unplatted tract of land from "AG" (Agricultural District) to "SF-5" (Single Family Residential) and plat the said tract of land into a single lot in Jackson Township, Section 9, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property is an approximate 7.1-acre portion of a larger 78±-acre parent tract. He said that the applicants wish to plat and rezone the aforementioned 7.1-acre portion in order to allow their daughter to build a single family home. He said that, according to the applicant, the remaining portion of the parent tract will remain in agricultural production and will eventually be inherited by their daughter.

Mr. Isaac stated the subject site is located within the Fort Riley, Kansas noise zone. He said the request had been reviewed by the Fort Riley Environmental Division staff, which confirmed the subject property is located within the land use planning zone which encompasses areas where during periods of increased military operations at the installation levels of community annoyance can be expected as a result of noise generated by the increased operations. Mr. Isaac explained that the applicants have agreed to sign and record a Fort Riley, Kansas Area of Military Impact Real Estate Disclosure.

Mr. Isaac explained that an Agricultural Buffer is required along the west, east and south property lines of the subject site, as per Section 21C of the Riley County Zoning Regulations. He explained that the regulation calls for a minimum setback for a residence or a structure meant for animal habitation shall be 200 feet from all property lines adjoining an existing agricultural use. He said the Planning Board may allow a reduction to no less than 50 feet from the property line by considering the nature of the agricultural use and potential conflict between the agricultural use and the residential use due to noise, dust, odor, chemical drift, fire/smoke, etc.

Mr. Isaac said, in this case, there is an active agricultural operation to the south and east, with neighboring cropped lands separated by a small stream, shared tree line and a field access road. He said the applicant is requesting a reduction of the agricultural buffer from 200 feet to 60 feet along those boundaries, as the other factors serve as an existing buffer. He stated an agricultural buffer is also required on the west property line, which is separated by a fence. He said the applicant is requesting a reduction of the distance requirement from 200 feet to 100 feet. Mr. Isaac also mentioned that the applicant will retain ownership of the remaining parent tract.

Mr. Isaac stated there is an existing agricultural entrance to the property which will need to be upgraded to a residential entrance through the building permit process. He said the subject site has been used as a brome field for the owner's horses for several years.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners of Riley County, as it was determined that the request met the minimum requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code. Staff also recommended that the Planning Board approve the concurrent plat of Peterson Meadows and subsequently approve the request to reduce the agricultural buffers as shown on the plat, as it was determined that it met all requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code.

Chairman Taul asked if the Applicant wanted to speak.

Dennis Peterson thanked Bob Isaac for all the work he had done to get the presentation ready. He stated he has been involved in agriculture his whole life and it is very important to him. Mr. Peterson said the only thing that trumps that is having family build a house across the road where his grandkids will be raised.

Mr. Peterson explained the reason this portion of his property was picked over any of the others is the hay meadow is the least productive agriculturally. Mr. Peterson said even though it is only seven (7) acres, which they intend to deed over to their daughter and son-in-law, the plan is that approximately six (6) of the seven (7) acres will remain in hay production.

Mr. Peterson said he lives across the road from the subject property and his brother-in-law lives in the house next to them, where his wife was raised.

Joe Gelroth asked, due to the agricultural buffer setbacks, how much buildable space will be left.

Bob Isaac said the agricultural buffers only apply to structures used for human or animal habitation. He said if they want to build an equipment shed, pole barn, garage or a barn that will not house livestock or humans, the agricultural buffer won't apply, only the building setback requirement of the zoning district would apply.

There were no proponents or opponents.

Joe Gelroth moved to close the public hearing. Nathan Larson seconded. Carried 4-0.

John Wienck moved to forward a recommendation of approval of the request to the Board of County Commissioners to rezone the subject property from "AG" (Agricultural District) to "SF-5" (Single Family Residential) and that the Planning Board approve the concurrent plat of Peterson Meadows, and subsequently approving the reductions of the agricultural buffers, as shown on said plat, for the reasons in the staff report.

Joe Gelroth seconded. Motion carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on July 26, 2018, at 10:00 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Bob Isaac stated the process is slow, but staff is continuing to methodically go through each article. He said Monty Wedel is working on revamping the floodplain regulations, which is a huge undertaking in and of itself. Mr. Isaac said progress is being made.

Joe Gelroth moved to adjourn. John Wienck seconded. Carried 4-0.

The meeting was adjourned at 8:05 P.M.