

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, September 9, 2019
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Dr. Tom Taul, Chair
Diane Hoobler, Vice-Chair
John Wienck
Joe Gelroth
Nathan Larson

Members Absent: None

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

Others Present: Rob Taylor, Joan Taylor, James and Connie Samuelson, Eric Neilson, Don and Nancy Holmes

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the August 12, 2019 meeting were presented and approved. The Report of Fees for the month of August (\$2,562.00) was presented and approved.

John Wienck moved to approve the consent agenda as presented. Joe Gelroth seconded. Carried 5-0.

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

BOARD OF ZONING APPEALS

Variance - Didas

Chairman Taul opened the public hearing at the request of James Roman and Julie Ann Didas, petitioners and owners, for a variance authorization to reduce the front yard (building setback) requirement from 25 feet to 15 feet for Lots 1 and 2, Bridge View Heights Unit Four in Jackson Township, Section 23, Township 7 South, Range 6 East.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. He said the applicant wishes to reduce the required front yard (building setback) from 25 feet to 15 feet, for both Lots 1 and 2. He said that due to the extreme slope of the east half of the lots, the buildable portion of the property is actually the west half of the lot next to the road. He said if approved, the variance will allow more efficient use of the buildable portion of the lots.

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

Chairman Taul asked if the variance will apply to Lot 1.

Bob Isaac confirmed the variance request is for both Lot 1 and Lot 2. He said although the existing cabin located on Lot 2 meets the 25-ft. front yard setback requirement for the zoning district, there may be a time in the future where an accessory structure is desired and will need as much buildable space as possible; thus, it makes sense to be proactive now to include Lot 2 in the variance request.

Diane Hoobler asked how much traffic is on the road.

Bob Isaac replied the volume of traffic along Lakeside Drive is extremely low due to no other development in the area.

Chairman Taul opened the public hearing.

Chairman Taul asked if there any proponents.

Eric Neilson stated he is the broker/owner of Milestone Realty and Development. He helped the Didas' purchase the property. He explained the Didas' own all the lots around the cul-de-sac of Lakeside Drive, minus one lot. He said they purchased the lots for seclusion.

Mr. Neilson stated there are areas in the county that have an inability to be developed and Bridge View Heights is a good example. He asked the Board to consider that this applicant has pretty sufficient cash and is actually willing to develop this portion of ground where others wouldn't have due to expenses. He also said the applicants are also remodeling the run down cabin.

Chairman Taul asked if there any opponents.

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

Diane Hoobler moved to approve the request for a variance authorization to reduce the front yard (building setback) requirement from 25 feet to 15 feet for Lots 1 and 2, Bridge View Heights Unit Four. John Wienck seconded. Carried 5-0.

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

RILEY COUNTY PLANNING BOARD

Taylor – Rezoning

Chairman Taul opened the public hearing at the request of Robert M. Taylor, petitioner and owner, to rezone an unplatted tract of land from "AG" (Agricultural District) to "C-4" (Highway Business) in Wildcat Township, Section 9, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. He said the subject site is a vacant tract zoned agricultural

and clarified there was not a request to plat the subject site at this time. He said the owner of the subject tract owns the two commercially zoned tracts west and east of the property. He said the purpose of the request is to extend the existing individual storage unit facility (located west of the subject site) eastward. He said there are no new entrances being proposed with the request. He explained that the tract would share the entrance serving the tract west of the subject site. He said the request was reviewed by the County Engineer and he recommended that the existing entrance not be widened, but rather have a separate driveway located within the KDOT right-of-way, connecting the subject site to the entrance.

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 the request met the minimum requirements of the Riley County Zoning Regulations and Sanitary Code.

Chairman Taul asked if the shared entrance could be listed on the plat.

Bob Isaac explained the property is not being platted and that the recommendation made by the County Engineer should not be made a condition of zoning approval.

Diane Hoobler wanted to know why a new entrance couldn't be done for N. 48th Street.

Bob Isaac replied that portion of N. 48th Street is not improved and would not be suitable for the anticipated traffic.

Chairman Taul opened the public hearing.

Chairman Taul asked if the applicant wanted to speak.

Rob Taylor stated it would be astronomically expensive to create a new entrance off Tuttle Creek Boulevard because there is an 8 to 10-foot drop-off (ditch). He said once past the shared entrance, they will create runways to the north on the subject site.

There were no proponents or opponents.

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

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 "C-4" (Highway Business). Diane Hoobler seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on September 26, 2019, at 9:50 am, in the County Commission Chambers.

Samuelson – Residential Use Designator – Extraneous Farmstead & Plat

Chairman Taul opened the public hearing at the request of James A. and Connie Samuelson, petitioners and Eleanor J. Samuelson Revocable Trust, owner, to receive a Residential Use Designator – Extraneous Farmstead and plat a 6.81-acre tract of land in Swede Creek Township, Section 23, Township 6 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site is a 6.81-acre portion of an approximately 160-acre parent tract. He said the site is developed with a single family dwelling (built approximately 1905) and various outbuildings. He said the owners stated they wish to divide out

the homestead from the parent tract, in order to sell the surrounding farm ground, while keeping and staying in the home. He said rather than requesting to rezone the subject property to a single-family residential zoning designation, they are seeking approval by the Board to receive a Residential Use Designator - Extraneous Farmstead and plat the farmstead into a single lot.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, as it had been determined that it met the minimum requirements of the Riley County Zoning Regulations.

Staff also recommended that the Planning Board approve the Concurrent Plat of Samuelson Subdivision, as it had been determined that all requirements of the Riley County Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code had been met.

Chairman Taul opened the public hearing.

The applicants did not wish to speak.

There were no proponents or opponents.

Joe Gelroth moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

Diane Hoobler moved to approve the request to receive a Residential Use Designator– Extraneous Farmstead as it was determined it met the minimum requirements of the Riley County Zoning Regulations. John Wienck seconded. Carried 5-0.

John Wienck moved to approve the concurrent plat of Samuelson Subdivision, as it was determined it met the minimum requirements of the Riley County Subdivision Regulations and Sanitary Code. Nathan Larson seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the plat portion of the request on September 19, 2019, at 9:50 am, in the County Commission Chambers.

Bath-Holmes – Replat

Chairman Taul opened the public hearing at the request of Nathan W. Bath and Donald E. and Nancy H. Holmes, petitioners and owners, to replat Lots 1 and 2, Bath Subdivision in Wildcat Township, Section 17, Township 6 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. He explained the subject property was originally platted in April 1999 as Lots 1 & 2, Bath Subdivision. He said a building permit was issued July 1999 to construct the single family residence located on Lot 1 (Bath), while a building permit was issued March 2003 to construct the single family residence located on Lot 2 (Holmes). He said the property owners wish to enlarge Lot 2 by re-establishing the common boundary line between Lot 1 and Lot 2.

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

Chairman Taul opened the public hearing.

The applicants did not wish to speak.

Chairman Taul asked if there any other proponents or opponents. There were none.

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

Joe Gelroth moved to approve the request to replat Lots 1 and 2, Bath Subdivision into two lots known as Bath Subdivision Unit Two as it was determined that it met the minimum requirements of the Riley County Subdivision Regulations and Sanitary Code. Diane Hoobler seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on September 23, 2019, at 9:00 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Bob Isaac stated the consultant had been in contact with staff. He said staff needs to complete a side-by-side comparison of Article 4 with what the consultant suggested and the changes that staff has made. He said Article 5 has a section on communication facilities and there have been recent statute changes we must review.

John Wienck moved to adjourn. Diane Hoobler seconded. Carried 5-0.

The meeting was adjourned at 8:48 P.M.