

## MINUTES

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

Monday, September 14, 2020  
7:30 pm

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

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

Members Absent: None

Staff Present: Bob Isaac – Planner

Others Present: Shirley J. Evans, Nancy Drumm, Imad Bedros, Juan Omar Ochoa, and  
Carl Hood

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the August 10, 2020 meeting and the Report of Fees for the month of August 2020 (\$2,816.00) were presented and reviewed.

Diane Hoobler asked about a building permit issued for Ronald and Christina Wilson for a structure associated with agritourism as there was no fee charged. She asked if there was a difference between an agricultural structure and an agritourism structure.

Bob Isaac stated that when someone is registered as an agritourism operator it's usually in association with a legitimate agricultural operation. He said it is known that Mr. Wilson is a bona fide agricultural producer; thus, building permit fees for structures associated with agritourism are also waived.

Chairperson Taul asked Mrs. Hoobler if her question was answered satisfactorily. Mrs. Hoobler affirmed.

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

Chairman Taul asked the Board to entertain a motion to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Riley County Board of Zoning Appeals. Joe Gelroth seconded. Carried 5-0.

## **RILEY COUNTY BOARD OF ZONING APPEALS**

### **Ochoa – Variance**

Chairman Taul opened the public hearing at the request of Juan Omar Ochoa, petitioner, and Juan O. Ochoa & Hilda Ochoa-Lopez, owners, for a **variance** authorization to reduce the side yard (setback requirement) from 7.5 feet to 2.5 feet for Lot 15 in Autumn Ash, a subdivision in Section 31, Township 9 South, Range 8 East; Manhattan Township.

Bob Isaac presented the request. Mr. Isaac reviewed the history of the subject site and stated that the reason for the request stems from the intention of improving the quality of the home and utilizing the land for its intended purpose (residential). He said in addition, the request is to allow for an accessory structure (carport) to cover the family vehicle and keep it out of the elements. Mr. Isaac stated the applicant will be able to construct and maintain the aforementioned carport without needing to cross onto neighboring property. Mr. Isaac stated that granting the variance should not adversely affect the rights of adjacent property owners.

Staff recommended the Board of Zoning Appeals approve the request for a variance to reduce the required side yard setback along the south property line from 7.5 feet to 2.5 feet.

Chairman Taul opened the public hearing and asked if there were any proponents for the request.

There were none.

Chairman Taul asked if there were any opponents for the request.

Shirley Evans stated she had no objections as long as he was building on his property.

Chairman Taul asked if she was a neighbor of the petitioner.

She said she lived next door (south of subject site).

Chairman Taul asked if there were any others that would like to comment on the petition.

There were none.

Joe Gelroth moved to close the public hearing.

John Wienck seconded. Carried 5-0.

John Wienck asked Mr. Isaac to bring up the photo of the area proposed for the carport and asked for clarification of the structure to the right of the photo; fence or building?

Mr. Isaac clarified that it was a wall of a garage on the neighboring property; not a fence.

Mr. Wienck asked if the grass line was the property line.

Mr. Isaac affirmed.

Mr. Wienck asked if the applicant intends to leave the carport open so he can drive through it.

Mr. Isaac affirmed and stated the carport will not be enclosed.

Mrs. Hoobler stated that the property looks very nice and it appears that the carport will be a nice complement to the property.

Diane Hoobler moved to approve the request for a variance to reduce the required side yard setback along the south property line from 7.5 feet to 2.5 feet for reasons stated in the staff report.

Nathan Larson seconded.

Chairman Taul stated that after reviewing the petition prior to arriving to the meeting, he was reluctant to approve the request and explained there are setbacks for a reason. He explained that if he were a neighboring property owner needing to sell his property, he'd be concerned about what impact a neighboring property with only a 2.5-foot setback would have on his ability to market his property. He said he then realized that at any point, a privacy fence could be erected on the property line by his neighbor, essentially making the carport a moot point.

Chairman Taul stated that he would like to support the request as the petitioner has improved the property.

Carried 5-0.

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

## **RILEY COUNTY PLANNING BOARD**

### **Hood – Replat**

Chairman Taul opened the public hearing at the request of Carl Hood, petitioner and owner, to Replat Lots 1, 2, and 3 of Golden Shores Addition into one (1) lot, generally located approximately 1000 feet north of University Park Road, on the east side of Martin Avenue; Section 18, Township 8 South, Range 7 East; Sherman Township.

Bob Isaac presented the request stating the subject site was rezoned from agricultural to single family residential in February 1976 and platted in March 1976 as Lots 1, 2, and 3 of Golden Shores Addition. He said the lots were never developed and remain vacant. He said the applicant wishes to combine the lots to increase the overall size of the property serving the home in order to be compliant with the requirements of the Sanitary Code for a private wastewater lagoon and to build a house.

Mr. Isaac explained that the utility easements running along the existing common lot lines will be vacated with the replat.

Staff recommended that the Planning Board approve the Final Plat of Golden Shores Addition Unit 2, as it has been determined to meet the minimum requirements of the Riley County Zoning and Subdivision Regulations and Sanitary Code.

Chairman Taul opened the public hearing asked for comments from the applicant, proponents or opponents.

The applicant had no comments. There were no proponents or opponents.

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

John Wienck said it appears to be good housekeeping to bring the lots together to build a house.

Diane Hoobler moved to approve petition #20-0042 to replat Lots 1, 2 and 3 of Golden Shores Addition into one (1) lot for reasons stated in the staff report. John Wienck seconded.

Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the plat portion of the request on September 24, 2020, at 9:50 am, in the County Commission Chambers.

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

Bob Isaac stated that staff had a conference call last week with the consultant to discuss options for illustrations to be added to the LDR document. He said the consultant was going to evaluate those areas of the document and determine what can be accomplished with the remaining funds for the project.

The Board expressed their gratitude toward retiring Planning and Development Director Monty Wedel and stated that it was a pleasure working with him all of these years.

Joe Gelroth moved to adjourn. Nathan Larson seconded. Carried 5-0.

The meeting was adjourned at 8:08 P.M.