

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, September 13, 2021
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Dr. Tom Taul, Chair

Staff Present: Amanda Smeller – Director (Zoom) and Bob Isaac – Planner

Others Present: Karen and Chris Hunter

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the August 9, 2021 meeting were presented and approved. The Report of Fees for the month of June (\$2,895.00) were presented and approved.

Joe Gelroth moved to approve the consent agenda. 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. Nathan Larson seconded. Carried 4-0.

BOARD OF ZONING APPEALS

Hunter – Variance

Vice-Chair Hoobler opened the public hearing at the request Chris W. and Karen A. Hunter, petitioners and owners, for a variance authorization to increase the maximum cumulative square footage for accessory structures from 1311 sq. ft. to 1418 sq. ft. (8.2%) for a 1-acre tract in the "SF-2" (Single Family Residential) zoning district in Wildcat Township, Section 36, Township 9 South, Range 6 East.

Bob Isaac stated the subject property is a 1-acre, unplatted tract that was rezoned from "G-1" (General Agricultural) to "A-2" (Single Family Residential) in January 1976. He said a building permit was issued the same month for the existing single family dwelling occupying the site. He said in May of 2012, the zoning of the subject site was renamed to "SF-2" (Single Family Residential). He said in July 2021, a building permit was issued for the existing 43'x30' accessory structure (shop) located east of the existing home. Mr. Isaac said the request is to construct an additional 8'x16' (metal) accessory structure to store firewood exclusively, in order to keep the firewood separate from other enclosures.

Mr. Isaac explained that according to Table 1- Maximum Floor Area for Accessory Buildings of the Zoning Regulations, the size of the tract yielded a maximum of 1200 sq. ft. of allowable floor area, while the size of the home yielded 1311 sq. ft. He reported that the proposed total square footage of accessory buildings (2) for the subject property was 1418 sq. ft., which exceeds the maximum allowable floor area for accessory buildings by 107 sq. ft. or 8.2%.

Mr. Isaac explained that Section 20 – Board of Zoning Appeals of the Zoning Regulations allow for a variance to be granted *“to increase the maximum floor area of accessory structure or combination of accessory structures (square feet) by not more than 20%.”*

Staff recommended that the Board of Zoning Appeals approve the request for a variance to increase in the maximum allowable floor area for accessory structures by 107 sq. ft. or 8.2%.

Vice-Chair Hoobler opened the public hearing.

There were no proponents or opponents.

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

John Wienck moved to approve the request for a variance to increase the maximum cumulative square footage for accessory structures from 1311 sq. ft. to 1418 sq. ft. (8.2%) for a 1-acre tract in the "SF-2" (Single Family Residential) zoning district. Joe Gelroth 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

Land Development Regulations workshop

Amanda Smeller presented the draft Land Development Regulations stating staff has been cleaning up the existing document. She said the original purpose of the re-write was to eliminate inconsistencies, and to clarify and organize the document. Ms. Smeller stated new options were added to make development and redevelopment a little more flexible.

Ms. Smeller said both Corridor Overlay Districts were added for the Gateway and Eureka Valley. She said there was an overall reduction of zoning districts going from five (5) single family residential districts down to three (3); four (4) commercial and industrial districts down to two (2), respectively. She said a consolidated use table was created and development standards were added, such as landscaping, screening, parking and site layout.

Ms. Smeller stated that in regard to the Subdivision Regulations, lot splits and boundary line adjustments were added; thus making the document more streamlined and user friendly. The floodplain regulations were completely overhauled and have been recently reviewed by the State. Ms. Smeller stated the last thing was creating driveway standards, which will be referenced in a separate document and resolution.

Ms. Smeller said instead of going through page by page or article by article, she asked the Board if there was anything in particular they would like to discuss. She stated that future workshops will be held next Monday evening with the Manhattan Urban Area Planning Board and with the Board of County Commissioners in October. Once the workshops are completed, the Land

Development Regulations will go before a public hearing and staff hopes to have the new regulations adopted no later than the end of this year.

John Wienck stated he had a few concerns with p. 5-34 Wind Energy Conversion Systems - Commercial. He said the setback requirement is one and half times the height of the tower. He stated the maximum height of turbines shall be 355 feet, but not in excess of 400 feet may be considered. He said he would like see the setback requirement be increased two to three times the height. He stated he would not want a tower of that size close to his property line that he would have to look at. He also wanted to know what the townsite distance requirement will be. Mr. Wienck said there have been many issues with these conversion systems in Marshall and Nemaha Counties, both of which do not have zoning regulations.

Mr. Wienck stated a neighbor of his was building a garage without a building permit. The neighbor was notified of the violation and signed a form stating it is was agricultural when he has nothing to do with agricultural. He said it is only 75 acres and, by signing this form, exempted him from paying the building permit fee. Mr. Wienck stated he feels only tracts of land that are administratively approved for an agricultural exemption should be exempt from paying the fees and this should be noted in the regulations.

Mr. Isaac agreed that this might be something to look into because usually the agricultural exemption is for a house. Most of the situations Mr. Wienck is referring to is for accessory structures and it is not so easy to determine.

Vice-Chair Hoobler stated her issues are with setbacks for residences in the agricultural area. She referred to Section 1.2 Purpose and Intent, 10. Protect landowners from adverse impacts associated with development occurring on neighboring property. She said the setback for a single family residence in a farm area is 10 feet from the property line which is too close. She said the setback in Highway Business or General Business is 15 feet. She stated you have a business that someone is basically at during the day versus a house where somebody is 24 hours a day and half the distance.

Vice-Chair Hoobler stated there is a situation on Zeandale Road this big “shouse” was built 10 feet from the property line and the house next to it is fairly close to the property line as well. Those neighbors feel like it devalued their property and there are lighting issues.

Bob Isaac explained SF-4 and SF-5 are large single family residential lots. He said with the new regulations, the larger lots will be SF-1 and will get smaller with SF-2 and SF3. Mr. Isaac said there usually aren't issues with building close to the property line, but Riley County also does not have building codes which address height and style. He said impacts from exterior lighting will be addressed in the new development standards. Mr. Isaac said there are other factors that are impacted by setbacks such as sanitary code. He said he could see increasing the setback on larger lots but wouldn't suggest increasing setbacks on smaller lots.

Nathan Larson said he agreed 10 feet is too close if you are farming.

Mr. Isaac said since 2012 there is a 200-foot agricultural buffer which could be reduced down to 50 feet. He explained the situation on Zeandale Road, both 10-acre lots are zoned single family residential.

Mr. Isaac stated the recommendation or suggestion needs to be clear as to which districts you want the increase setbacks applied. He said he wouldn't recommend increasing the setbacks for the residential districts with smaller minimum lot sizes.

Diane Hoobler suggested increasing the side yard setback for the large lot single family residential zoning district from 10 feet to 15. The Planning Board all agreed with the suggestion.

Nathan Larson referred to Section 6.12 Signs which list signs that are exempt and stated flags are one of them. He said he has received complaints about a flag in Leonardville that is hung on a fence that is not appropriate for kids to see. He referred to the prohibited content section which states, "*text or graphics which are obscene, harmful to children*". He asked if this could be regulated.

Amanda Smeller said content cannot be regulated.

Mr. Larson asked why then have a section on prohibited content.

Mr. Isaac said flags are exempt no matter what, but if the content is in question, that would have to involve legal to make that determination which could involve a court case.

John Wienck referred to the subdivision regulations and a previous situation where there was a tract of land with two houses on it. He said the property sold and the new owner only wanted the farm ground and each house was subdivided off. He said the owner of the manufactured home didn't own the land after the subdivision and there is a shared entrance/driveway.

Mr. Wienck then referred to the driveway standards and shared driveways. He said from the Fire Board's standpoint, these shared driveways create a lot of confusion.

Mr. Isaac explained the illustration that Mr. Wienck was referring to is a prohibited practice. He said it was listed in the Definitions because it is referred to in text in the document as what not to do.

Mr. Isaac reminded the Board members that this document will come back to them via public hearing for recommendation to the governing body.

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

The meeting was adjourned at 8:40 P.M.