

## MINUTES

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

Monday, January 9, 2023  
7:30 pm

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

Members Present: John Wienck, Chair  
Joe Gelroth, Vice-Chair  
Diane Hoobler  
Rita Cassida

Members Absent: Nathan Larson

Staff Present: Amanda Webb – Director (Zoom), Bob Isaac – Planner, Lisa Daily –  
Administrative Assistant

Others Present: Justin Sutterlin, Cherie Katz, David Katz, Claudia Murphy, and Vic Davis

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the October 17, 2022 meeting and the Report of Fees for the months of October (\$4,102.00), November (4,953.07), and December (\$3,648.00) were presented.

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

#### **Election of Officers and appointment of Secretary**

Joe Gelroth nominated John Wienck as Chair. Rita Cassida seconded. Nomination passed 4-0.

John Wienck nominated Joe Gelroth as Vice-Chair. Rita Cassida seconded. Nomination passed 4-0.

John Wienck nominated Bob Isaac as Secretary. Joe Gelroth seconded. Nomination passed 4-0.

#### **Proposed Rules of Conduct for Public Meetings**

Bob Isaac explained to the board members the rules of conduct will help to keep meetings calm, civil and organized. Diane Hoobler expressed she would prefer to change the time limit to three minutes, which would be the same as the Board of County Commissioners. John Wienck asked what the city (Manhattan) has for time limits. Amanda Webb stated she believe it is five minutes. Mr. Isaac stated that citizens that attended the last contentious meeting complained they weren't given enough time. Rita Cassida stated she was fine with five minutes. Joe Gelroth stated that with Nathan Larson being absent, he was fine with not making any changes so the proposed rules could be approved.

Joe Gelroth moved to approve the Riley County Planning Board/Board of Zoning Appeals Rules of Conduct for the Public Meetings. 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.

Rita Cassida seconded. Carried 4-0.

### **Murphy – Conditional Use**

Chairman Wienck opened the public hearing at the request of Claudia Murphy, petitioner, and owner, for a conditional use authorization to allow a secondary dwelling in the “AG” (Agricultural District) zoning district for a tract of land in Bala Township, Section 30, Township 8 South, Range 8 South, Range 5 East.

Bob Isaac presented the request stating the applicant and her husband purchased a new manufactured home of residential design (built 2006) to replace the older double wide manufactured home (built 1990) located on the property. He said instead of removing the older model, the applicant’s husband made arrangements with planning staff to convert the old residence into a shop/accessory structure. He explained before the conversion could take place; the applicant’s husband passed away. He stated the applicant is requesting that, instead of converting the older residence into a shop/accessory structure, that it be reclassified and used as a secondary dwelling for her adult daughter to reside. He explained the applicant currently resides in the old residence awaiting certain improvements to the newer residence to be completed. He said once those improvements have been made, she intends to relocate to the new residence, while her daughter/caregiver will move into the old residence. Each home is existing and served by individual lagoons and a shared water well.

Staff recommended the requested Conditional Use be approved with the following conditions:

1. There shall be no more than one secondary dwelling on the subject property in addition to the principal single-family dwelling.
2. An accessory apartment shall not be permitted within the principal building or secondary dwelling.
3. The secondary dwelling shall not exceed 2,000 total square feet.
4. The owner of the lot or parcel shall occupy either the principal single-family dwelling or the secondary dwelling.
5. The secondary dwelling shall not be conveyed or sold separately from the lot or parcel and shall remain under the same ownership as the principal single-family residence.
6. The secondary dwelling shall have roof pitch, windows, eaves, and other architectural features that are visually similar with those of the principal building. Exterior finish materials and trim must be the same or closely match the appearance of the finish materials and trim of the principal building.
7. The secondary dwelling shall be located as close to the principal residence as possible given Sanitary Code requirements.

Chairman Wienck opened the public hearing and asked if the applicant wanted to speak.

Vic Davis, attorney with Weary Davis law firm, stated he is presenting for Mrs. Murphy who was present with him at the podium. He explained Mr. Murphy started constructing the newer manufactured home for them to move into and then convert the older residence into a shop. He stated unfortunately he passed away.

Mr. Davis explained the home is located halfway between Riley and Leonardville. He said Mrs. Murphy works as a nurse at Fort Riley. He said the tract of land is fairly large and the family decided it would be best for the daughter to move into the older residence to help maintain the land and have help if needed. Mr. Davis stated if the request is approved, Mrs. Murphy will move into the newer residence.

There were no proponents or opponents.

Diane Hoobler moved to close the public hearing. Joe Gelroth seconded. Carried 4-0.

Diane Hoobler moved to approval the conditional use authorization to allow a secondary dwelling in the "AG" (Agricultural District) zoning district with the conditions stated in the staff report.

Joe Gelroth seconded. Carried 4-0.

Rita Cassida moved to adjourn the Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. Diane Hoobler seconded. Carried 4-0.

### **Agricultural Exemption for an Agricultural Structure**

Mr. Isaac explained this is different than an agricultural exemption to build a house. He explained when a building permit application is submitted with a claim that it will be used exclusively for agricultural purposes, staff needs to be able to make a determination whether such structure will be used for agricultural purposes, based on the additional information being requested. He said it doesn't mean the applicant has to necessarily be a farmer or a rancher.

Mr. Isaac explained staff has taken the agricultural exemption application for a house and modified it to focus on the use of the structure. He said that the intent is to have the applicant submit as much information as possible to help staff make the determination.

He stated this doesn't need to be approved by the board; the purpose was to make the board aware that staff is addressing concerns of waiving building permit fees for structures that will not be used for agricultural purposes.

### **Annual Comprehensive Plan review reminder**

Mr. Isaac stated the 2022 review was done approximately six months ago. Staff will be focusing this year on putting a plan together for the plan update. Amanda Webb said the annual review this year might look a little different.

Moved to adjourn. Seconded. Carried 4-0.

The meeting was adjourned at 8:24 P.M.