

MINUTES

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

**Monday, August 9, 2010
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

Members Present: Jon Larson, Chair
Lorn Clement
Dr. Tom Taul
Diane Hoobler

Members Absent: Julie Henton

Staff Present: Monty Wedel – Director, Bob Isaac – Planner and Lisa Daily –
Administrative Assistant

Others Present: Jarrod Willich, Mark Oberhelman and Fred Willich.

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the July 12, 2010 meeting were presented and approved. The Report of Fees for the month of July (\$637.50) were presented and approved.

Jon Larson moved to adjourn as the Riley County Planning Board and convene as the Riley County Board of Zoning Appeals.

RILEY COUNTY BOARD OF ZONING APPEALS

WILLICH – VARIANCE #10-15

Jon Larson opened the public hearing at the request of Fred Willich, petitioner, and Frederick W. Willich Living Trust, owner, for a variance authorization to reduce the front yard setback requirement from 25 feet to 0 feet and to reduce the building setback requirement from a major trafficway from a minimum of 50 feet beyond the right-of-way line of the trafficway to 0 feet.

Bob Isaac presented the request. Mr. Isaac prefaced the presentation by explaining that the next two petitions on the agenda shared similar reasons as to why variances were being requested: the expansion of Highway K-18 and the subsequent acquisition of additional right-of-way by KDOT, causing several structures along the K-18 corridor to become legal nonconformities. Mr. Isaac explained that although the two contiguous lots were under the same ownership and shared

similar attributes, the differences between the two petitions required the Board to review each request independently.

Mr. Isaac explained that the Applicant wished to expand upon an existing building that has occupied the subject property for over 30 years. Mr. Isaac stated that in order for a building permit to be issued for such improvements, the structure must be in compliance. Mr. Isaac explained the site was zoned “C-4” (Highway Business), which has a 25-foot front yard (setback) requirement. Mr. Isaac also explained that K-18 is designated as a major trafficway, which, according to Section 16 of the Riley County Zoning Regulations, has two individual setback requirements for structures. Mr. Isaac explained that due to the recent right-of-way acquisition by KDOT, the aforementioned structure no longer met the setback requirements of Section 16 or the minimum front yard requirements of Section 6 (Commercial Districts) of the Zoning Regulations, hence the need for a variance.

Mr. Isaac reviewed staff’s assessment of the variance criteria in relation to the request. Staff recommended approval.

Jon Larson moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Lorn Clement moved to approve the request of Fred Willich, petitioner, and Frederick W. Willich Living Trust, owner, for a variance authorization to reduce the front yard setback requirement from 25 feet to 0 feet and to reduce the building setback requirement from a major trafficway from a minimum of 50 feet beyond the right-of-way line of the trafficway to 0 feet.

Diane Hoobler seconded. Roll call voting was completed with all Board members affirming. Carried 4-0.

WILLICH – VARIANCE #10-16

Jon Larson opened the public hearing at the request of Fred Willich, petitioner, and Frederick W. Willich Living Trust, owner, for a variance authorization to reduce the building setback requirement from a major trafficway from a minimum of 50 feet beyond the right-of-way line of the trafficway to 15 feet.

Bob Isaac presented the request. Mr. Isaac explained this property is located adjacent to the property in the previous petition. Mr. Isaac explained that a structure has occupied the site since 1985. He further explained that although no structural improvements were planned by the Applicant at this time, a variance was being sought to bring the building back into compliance.

Mr. Isaac stated the south half of the lot that fronts Skyway Drive is zoned “C-3” (General Business District), which does not have minimum yard (setback) requirements. Mr. Isaac explained that the structure is in non-compliance with the minimum requirements of Section 16 of the Riley County Zoning Regulations. More specifically, Mr. Isaac explained, buildings must be a minimum of 50 feet beyond the right-of-way line of a major trafficway. Mr. Isaac reviewed staff’s assessment of the variance criteria in relation to the request. Staff recommended approval.

Lorn Clement moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Lorn Clement moved to approve the request of Fred Willich, petitioner, and Frederick W. Willich Living Trust, owner, for a variance authorization to reduce the building setback requirement from a major trafficway from a minimum of 50 feet beyond the right-of-way line of the trafficway to 15 feet.

Tom Taul seconded. Roll call voting was completed with all Board members affirming. Carried 4-0.

Diane Hoobler moved to adjourn as the Riley County Board of Zoning Appeals and convene as the Riley County Planning Board. Tom Taul seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

UPDATE ON VISION 2025 IMPLEMENTATION

Monty Wedel explained that he has visited with Elizabeth Garvin of Clarion Associates and the time table to have the draft to the Planning staff is September 1st. Mr. Wedel stated staff will then need time to review the draft and hope to have a completed report to the Planning Board by the October meeting. Mr. Wedel said staff and the Board need to start thinking about a contingency plan depending on how much additional public process that the Commissioners will require. Mr. Wedel stated he would like to complete the process with the current Commission with possible public hearings in November or December at the latest. Mr. Wedel stated that, depending on the complications of the regulations, we do not want to appear to be rushing or unduly rush the process. Mr. Wedel said there is a possibility that the process will have to be completed with the new Commission, as Commissioner Mike Kearns will be gone.

REPORT ON GATEWAY PLAN UPDATE

Monty Wedel said the steering committee will meet Wednesday evening, August 11, 2010 to approve the public meeting draft. Mr. Wedel stated the public meetings will be held in September.

The meeting was adjourned at 8:10 P.M.