

PLANNING COMMISSION/ZONING BOARD OF APPEALS
CITY OF VALLEY CENTER

Tuesday, October 25, 2016, 7:00 P.M.
CITY HALL, 121 S. MERIDIAN

CALL TO ORDER: Commissioner Park called the meeting to order at 7:00 P.M. with the following members present: Gary Janzen, Matt Stamm, Del James, Scot Phillips, Don Bosken, and Terry Nantkes.

Members absent: Ronald Colbert and Ben Neaderhiser

Staff Present: Ryan Shrack and Katrina Rubenich

Audience: Ronald Birmingham

Meeting started with the Pledge of Allegiance to the American Flag.

AGENDA: A motion was made by Commissioner Nantkes and seconded by Commissioner Stamm to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES:

A motion was made by Commissioner Stamm to approve the September 27, 2016 minutes. The motion was seconded by Commissioner Bosken. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARING BEFORE PLANNING COMMISSION

Review of V-2016-02, application of Ronald Birmingham, pursuant to Section 17.10.08.C.2., who was petitioning for a variance of the required minimum lot area to have both a private water supply and septic tank system for the lot located immediately to the north of 1240 S. Park Street, Valley Center, KS 67147.

Ryan presented the following:

Date: October 14, 2016

Present Zoning: RR-1 Suburban Residential District

Variance Request: Petitioner is requesting a variance of the required minimum lot area to have both a private water supply and septic tank system for the lot located immediately to the north of 1240 S. Park Street, Valley Center, KS 67147.

Applicant: Ronald Birmingham

Property Address: Lot located immediately to the north of 1240 S. Park St., Valley Center, KS

Applicant's reasons for Special Use Request:

Per the City of Valley Center zoning code (17.04.03), the minimum lot size for a property located in an RR-1 district to have both a private water well and septic system is 40,000 square feet. This lot is roughly 20,071 square feet in size and, therefore, needs a variance to allow construction of such systems. Public utilities, namely water and wastewater, are not available to this area. The applicant is seeking a variance in order to make the lot legally developable for a new residential building. Sedgwick County has already reviewed the lot and found it is possible to have both a water well and septic system on site and allow for the construction of a new residential building (see attached letter). The applicant is trying to sell this property with the understanding that this variance is valid for 180 days upon approval and can be renewed every 180 days upon written request per City of Valley Center zoning code 17.10.08.G. until construction of the new utility infrastructure/residential building commences. Any new construction on the lot will be required to meet all building standards and codes and obtain the necessary permits.

Review Standards for a Variance per 17.10.08.D. (*standards in italics*)

- a. *That granting of the variance will not adversely affect the rights of adjacent property owners or residents.*

The granting of this variance request will not adversely affect the rights of the adjacent property owners or residents. All of the surrounding lots that have residential buildings are served by private water wells and septic systems.

- b. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant.*

The variance requested is unique to the property in question and is not ordinarily found in the same zoning district. It is not created by an action or actions by the applicant.

- c. *That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

The request for the variance will alleviate a hardship that the property owner is currently under. Without the approval of this variance, this lot is not developable.

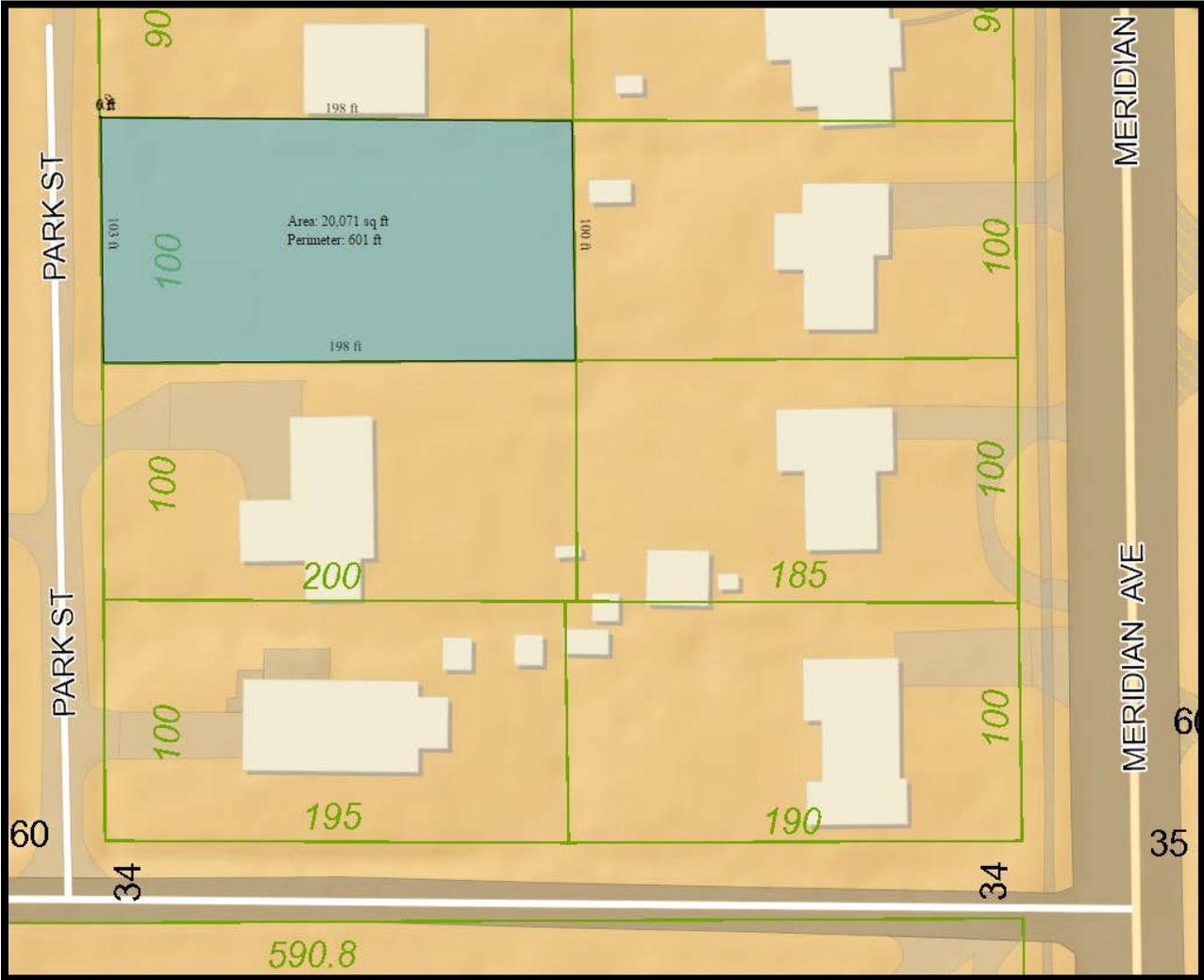
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The variance will only impact the lot in question, with no adjacent lots being affected.

e. That granting the variance desired will not be opposed to the general spirit and intent of these regulations.

The approval of this variance will not be opposed to the general spirit and intent of the legal regulations.

Map showing location of the applicant's lot (with total square footage of property):



Staff Recommendation: Staff recommends approval of this variance.

At 7:06 P.M., Chairperson Parks opened hearing for comments from the public. Mr. Birmingham stated he would be willing to answer any questions the committee had. At 7:07 P.M., Chairperson Parks closed public hearing. Chairperson Parks asked the commissioners if they had any comments.

Commissioner James asked what east-west road is on the edge of the map provided. Ryan stated it is Ness St.

Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Janzen made a motion to approve V-2016-02. Commissioner Nantkes seconded the motion. Vote was unanimous to approve the plan.

Ryan told Mr. Birmingham that his variance has been approved. Ryan explained to Mr. Birmingham that the variance is good for 180 days and that any future buyers will need to extend the variance if the original 180 days elapses. Mr. Birmingham inquired as to when he might have something in writing showing the committee's decision. Ryan told him he would be contacted the next day with a copy of the meeting minutes.

NEW BUSINESS

1. Commissioners Ben Neaderhiser and _____ have been nominated by Mayor Dove for a 3 year term. No action required.

Ryan stated that there has been no one nominated to replace Commissioner Phillips and asked if any of the commissioners have suggestions to please forward the names to himself or the Mayor's office. Ben Neaderhiser has been approved for another term. Ryan thanked Commissioner Phillips for his service to the community.

2. Bylaws state "At the regular Committee meeting in October of each year, the officers shall be nominated and those persons receiving the highest number of votes shall be deemed elected. Officers may serve for more than one term."
 - A. Nomination for Chairperson
 - B. Nomination for Vice-Chairperson
 - C. Nomination for Secretary

Commissioner Parks suggested that this election be postponed until all members and yet to be nominated members can be present. Commissioner Bosken made a motion to approve to postpone election. Commissioner Stamm seconded the motion. Motion passed unanimously.

OLD OR UNFINISHED BUSINESS-None

COMMITTEE AND STAFF REPORTS Ryan asked committee to review next year's meeting schedule. Commissioner Janzen made a motion to approve next year's meeting schedule. Commissioner Stamm seconded the motion. Motion passed unanimously.

ITEMS BY PLANNING COMMISSION/ZONING BOARD OF APPEALS MEMBERS:

Ron Colbert- Absent
Gary Janzen – Nothing
Matt Stamm- Nothing
Danny Park- Commissioner Park thanked Commissioner Phillips for his and his family’s involvement over the years and thanked everyone for attending.
Del James- Nothing
Don Bosken- Nothing
Terry Nantkes- Nothing
Scot Phillips- Commissioner Phillips thanked everyone for the last few years and stated it has been a great learning experience.
Ben Neaderhiser- Absent

ADJOURNMENT OF THE PLANNING COMMISSION/ZONING BOARD OF APPEALS

At 7:12 P.M., a motion was made by Commissioner Stamm to adjourn and seconded by Commissioner Jansen. Vote was unanimous. Ryan reminded everyone that there will not be a meeting next month and Commissioner Park stated that the election can be held in the next meeting.

Time of adjournment was 7:12 P.M.

Respectfully submitted,

Ryan Shrack/KSR
Community Development Director

Minutes to be reviewed and approved by the Valley Center Planning Commission at the next meeting.

Danny Park, Chairperson