

**PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING  
MINUTES**

CITY OF VALLEY CENTER, KANSAS

TUESDAY, JANUARY 25, 2022, 7:00 P.M.

**CALL TO ORDER:** Chairperson Gary Janzen called the meeting to order at 7:02 P.M. with the following members present: Brian Shelton, Rick Shellenbarger, Mike Boyd, and Steve Conway.

**Members Absent:** Paul Spranger, Toby Meadows

**City Staff Present:** Brent Clark, Ryan Shrack, and Brittney Ortega

**Audience:** Mayor Lou Cicirello, Sue Allen, Howard Botts, Barry Gaskill, Charisse Bansemer, Paul Good

**AGENDA:** A motion was made by Chairperson Janzen and seconded by Board Member Boyd to set the agenda. Motion passed unanimously.

**APPROVAL OF DRAFT MINUTES:** Chairperson Janzen made a motion to approve the December 16, 2021, meeting minutes. The motion was seconded by Board member Conway. Motion passed unanimously.

**COMMUNICATIONS:** Introduction of new Community Development Assistant, Brittney Ortega.

**PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD/BZA:**

1. Review of SP-2022-01, application of Barry Gaskill, pursuant to Section 17.12, who is petitioning to build a 3,840 sq. ft. building addition onto the existing commercial building currently addressed as 350 W. Industrial St., Valley Center, KS 67147.

R. Shrack gave a summary of his staff report with the board. Mr. Gaskill is seeking approval for a building addition. This will allow for extra space for various aspects of his business as well as extra storage. City staff is recommending approval.

Chairperson Janzen opened hearing for comments from the public: 7:07 PM

Chairperson Janzen enquired about the area to the west. Mr. Gaskill commented that area is now cleared up and empty. Constructing this addition should also allow the company to hire additional employees.

Chairperson Janzen closed the public hearing: 7:09 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SP-2022-01. Motion was seconded by Board Member Shellenbarger. The vote was unanimous.

2. Review of V-2021-05, application of Charisse Bansemer, pursuant to City Code 17.10.08., who is petitioning for a variance to allow for a portion of a commercial building located at 121 S. Park Ave., Valley Center, KS 67147 to be used as a temporary residential living space.

R. Shrack gave a summary of his staff report with the board. This area is zoned as C-2, general business district, meaning it may not be used for residential purposes other than new buildings where a person is operating their business and they own the building. The request has been made by the applicant to allow her to remain for a temporary time frame of six months. R. Shrack notes the building as been inspected by both City of Valley Center Inspector and MABCD inspector. The city has received a number of emails and phone calls in support of the applicant. City staff is recommending approval.

Members of the board asked questions regarding codes, zoning and possible rezoning. All questions were addressed by R. Shrack

Chairperson Janzen opened hearing for comments from the public: 7:18 PM

Charisse Bansemer, applicant, spoke on her situation and why she is applying for this variance. Her intentions are not to use this property as a permanent residence. The goal is to bring in more businesses and possible event space to generate revenue within this community. She is also working toward owning the building. C. Bansemer expressed that six months may not be enough time to meet her goals for the building.

Paul Good, legal counsel for the applicant, spoke in support of C. Bansemer. He voiced concern over the variance and whether it was needed as it was his understanding there was no violation of code.

Members of the board asked for additional information pertaining to zoning. R. Shrack provided clarification.

Howard Botts spoke in support of C. Bansemer. He addressed the positive progression of Valley Center, business owners and citizens when we work together.

Mayor Cicirello, speaking on behalf of the governing body, is in support of the applicant. He notes that the city attorney has also looked at the code and reads it the same as city staff and the board.

Chairperson Janzen closed the public hearing: 7:42 PM

The board questioned what would need to be done to give the applicant a one-year variance. R. Shrack answered and referred to the inspection report submitted by Inspector Bill Andrews and

Inspector Jerod Truman. The board recommended a one-year variance. The staff recommendation was read by Board Member Boyd with the changed dates reflecting January 24, 2023, as the one year mark. In order for the applicant to continue to reside in the building beyond January 24, 2023, an egress window or door must be installed, along with appropriate electrical outlets. A building permit is required prior to any work being done.

Based on the City Staff recommendations and discussion by the Board of Zoning Appeals, Board Member Boyd made a motion to approve V-2021-05 granting a one-year variance to the applicant. Motion was seconded by Board Member Shellenbarger. The vote was unanimous.

**NEW BUSINESS:** none

**OLD OR UNFINISHED BUSINESS:** none

**STAFF REPORTS:** R. Shrack informed the board that the next meeting will be held on 2/22/2022 and there will be one application to review at that time.

He also gave an update on preparation for the WABA Home Show and the decision made by City Council to pursue public power. Further detailed information was provided by City Administrator Brent Clark.

**ITEMS BY PLANNING AND ZONING BOARD MEMBERS:**

Gary Janzen-none  
Paul Spranger-absent  
Brian Shelton-none  
Rick Shellenbarger-none  
Mike Boyd-none  
Steve Conway-none  
Toby Meadows-absent

**ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BZA MEETING:** A motion was made by Chairperson Janzen to adjourn and seconded by Board Member Shelton. Vote was unanimous and the meeting was adjourned at 8:04 PM.

Respectfully submitted,

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Ryan Shrack, Community Development Director

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Gary Janzen, Chairperson

