

PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING MINUTES

CITY OF VALLEY CENTER, KANSAS

TUESDAY, FEBRUARY 25, 2020, 7:00 P.M.
CITY HALL, 121 S. MERIDIAN AVE.

CALL TO ORDER: Chairperson Gary Janzen called the meeting to order at 7:00 P.M. with the following members present: Don Keenan, Mike Boyd, and Toby Meadows

Members Absent: Kelsey Parker, Rick Shellenbarger, and Katie Patry

Staff Present: Ryan Shrack, Tristan Hendrickson, Barry Arbuckle (City Attorney)

Audience: Daniel Shults, Ernest Blackwill, Crystal Salyer, Ron Spelts, Dallas and Tiffany Temple, Robert Holloway, Jim Robinson, Saul Escobas, Andy Quandt, Patrick Edwards, Jarrod West, Ron Colbert and Lou Cicirello

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

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 January 28, 2019 DRAFT meeting minutes. The motion was seconded by Board Member Meadows. Motion passed unanimously.

COMMUNICATIONS: Ryan had no communications for the board.

Before the Public Hearings began, Chairperson Janzen set a 5-minute public speaking limit for anyone in the audience that wanted to speak on any of the agenda items.

PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS:

- A. Review of V-2019-01, application of Jarrod West, pursuant to City Code 17.10.08., who is petitioning for an amendment on the variance ruling previously decided for a proposed accessory garage building to be constructed at 104 W. Northwind Dr., Valley Center, KS 67147.

Community Development Director Ryan Shrack presented the following staff report to the Planning and Zoning Board:



Date: February 18, 2020

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, *Community Development Director*

Memo: V-2019-01 Ruling Amendment

As you'll recall, City staff presented V-2019-01, which was an application made by Jarrod West, at the July 23, 2019 Planning and Zoning Board/Board of Zoning Appeals meeting. The variance application was regarding a proposed accessory structure that Mr. West wanted to build on his property at 104 W. Northwind Dr. Mr. West wanted to construct a 1,200 sq. ft. detached garage, but per the City's zoning code, the maximum building footprint allowed is 720 sq. ft. due to the size of his lot.

After much discussion, the Board of Zoning Appeals unanimously approved the following variance ruling:

1. The maximum size of the proposed garage will be 960 square feet.
2. The garage shall have ten (10) feet high (maximum height) side walls (as measured from the grade to the roof line).
3. The garage shall be aesthetically similar to the existing house on the property with matching exterior finishes including wood siding and a shingled roof.

After the July 23, 2020 meeting, City staff reviewed the City's zoning code section that discusses variances in detail and discovered that the Board of Zoning Appeals does **not** have jurisdiction to dictate specific design guidelines for a project of this nature. The Board of Zoning Appeals **does** have the authority to determine bulk regulations, including structure height, size, etc. This information was shared with the property owner and the original variance application is being reviewed at the February 25, 2020 Board of Zoning Appeals meeting.

It is the recommendation of City staff to amend the original variance ruling and remove item number three listed above in this memo.

Chairperson Janzen opened the public hearing at 7:08 P.M.

Chairperson Janzen asked about the height zoning ordinance.

Ryan answered that the zoning ordinance says 35 feet is the maximum height for accessory structures, but the board can say how tall a building can be. The board voted 10 feet tall for this structure to make the structure blend and look more appealing to the eye.

Jarrold West -104 W. Northwind Dr. Stood up to the podium and explained he doesn't have a problem with the 960 square feet he was given; he disagrees with the 10 foot wall height and would like an extra 2 feet to make the final wall height 12 foot tall. He then told the board how he took Brent Clark the Valley Center City Administrator on a drive around his neighborhood to show other structures that are 12 feet tall in height. Lastly, he explained to the board there are four access points on his property that he added himself.

Chairperson Janzen closed the public hearing at 7:13 P.M.

Based on City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve V-2019-01 leaving item 1, amending item 2 from 10 foot wall height to 12 foot wall height, and removing item 3 aesthetics on garage to look like the home. Board Member Meadows seconded the motion. The vote was unanimous.

- B. Review of SP-2020-01, application of B+T Group, pursuant to City Code 17.12., who is petitioning to build a 180 ft. cell tower on the property located at 400 W. Industrial St., Valley Center, KS 67147

Community Development Director Ryan Shrack presented the following staff report to the Planning and Zoning Board:



Date: February 3, 2020

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, *Community Development Director*

Memo: B+T Group (SP-2020-01) Application Status

As you'll recall, City staff presented SP-2020-01, which is a site plan application made by B+T Group on behalf of Uniti Towers. Uniti Towers proposed to build a 180 ft. cell tower on the property addressed as 400 W. Industrial Street. City staff, along with representatives from B+T Group, addressed the Planning and Zoning Board at its meeting on January 28, 2020. City staff had reviewed the proposed project and recommended approval to the board.

During the public hearing, a legal representative (Patrick Edwards) of SBA Communications, which owns a cell tower to the north of the proposed cell tower, presented information to the board that seemed to suggest that the City of Valley Center cannot authorize the construction of the proposed tower. The review of SP-2020-01 was tabled to the February 25, 2020 Planning and Zoning Board meeting to allow for City staff to research this claim.

Upon review of the City's zoning code and recently enacted state legislation, it is the opinion of the City of Valley Center that SP-2020-01 can be approved by the Planning and Zoning Board. Mr. Edwards referenced co-location language, including specified requirements, found in the City of Valley Center zoning code. This language is no longer valid due to the passage of state law that supersedes the local code. This state statute reads as follows:

KSA 66-2019.I.4.f.3.:

*(f) To ensure uniformity across the state with respect to consideration of every application, an authority shall **not**:*

(3) evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities including, but not limited to, the option to collocate, instead of construct, a new wireless support structure or for substantial modifications of a support structure;

In this case, the "authority" is the City of Valley Center. At some point in the future, the City will amend its existing zoning code to be in compliance with the state statute. City staff still recommends approval of SP-2020-01.

Ryan explained to the board that co-location is not problematic due the stated above KSA 66-2019.I.4.f.3 state statute that places more authority than city zoning ordinances. Also, that staff approves the variance on height so that the purposed tower can be built 30 feet higher than city zoning ordinance states at 150 feet

After the report presentation, Interim Chairperson Shellenbarger opened the public hearing at 7:22 P.M.

Robert Holloway on behalf of Uniti Towers accompanied by Jim Robinson a lawyer hired by Uniti Towers to represent the company through the remainder of the project, stood at the podium with a brief 2 minute presentation. The presentation covered how this tower will be a promising and accommodating source of coverage, and a additional efficient E11 Emergency contact for emergencies for the residents of Valley Center. The extra 30 feet of height will give more coverage than 150 feet will. Also Mr. Holloway added that ATT&T does plan to end the contract with the cellular tower that is now located on Cedar even if it means profit loss, just to have a contract with the tower that Uniti Towers is proposing at 400 W. Industrial St., Valley Center, KS. Lastly, Jim Robinson covered that legally due to KSA 66-2019 Uniti Towers is not breaking any laws along with City of Valley Center is not breaking any ordinances. Their 5 minutes ended.

Next, to the podium was Patrick Edwards the lawyer representing SBA Communications the owner of the Cedar wireless tower. He disagreed with the state statute KSA 66-2019 that it applies to this circumstance. He passed out a document "Support Kansas HB 2131" where he highlighted in the document is says "HB 2131 is simple, straightforward solution. Local governments keep their power to exercise zoning and land use authority and to approve or deny permit applications," further down he also highlighted "HB 2131 allows use of right of way to encourage the deployment of small cell and other wireless facilities that add crucial capacity for wireless video and data"

Chairperson Janzen ask Edwards when this article was released.

Edwards replied that it came out before KSA 66-2019 was passed. Then went into how the board does need to consider co-location because the proposed tower being built at 400 W. Industrial is going to give off the same amount of coverage and reach the same distance that the SBA Communications tower on Cedar gives out, so there is no need for another tower.

Chairperson Janzen asked Ryan if the zoning ordinance code on co-location was enforced and required.

Ryan replied that the code is suggested.

Patrick Edwards responded that the code is required not suggested. Then his 5 minutes ended.

Last to the podium to speak was Barry Arbuckle attorney for the City of Valley center. Barry explained that KSA 66-2019 F3 does enforce that no matter private or public property the state statute stands and overrules the City of Valley Center's Zoning Ordinance on co-location; and he recommends approval of the tower height and being built.

The board had no further questions.

Chairperson Janzen closed the public hearing at 7:38 P.M.

Based on City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SP-2020-01. Board Member Boyd seconded the motion. The vote was unanimous.

- C. Review of V-2019-05, application of Daniel Shults, pursuant to City Code 17.10.08., who is petitioning for an amendment on the variance ruling previously decided for a proposed accessory garage building to be constructed at 429 N. Colby St., Valley Center, KS 67147.

Community Development Director Ryan Shrack presented the following staff report to the Planning and Zoning Board:



Date: February 18, 2020

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, *Community Development Director*

Memo: V-2019-05 Ruling Amendment

As you'll recall, City staff presented V-2019-05, which was a variance application made by Daniel Shults, at the December 19, 2019 Planning and Zoning Board/Board of Zoning Appeals meeting. The variance application was regarding a proposed accessory structure that Mr. Shults wanted to build on his property at 429 N. Colby St. Mr. Shults wanted to construct a 1,200 sq. ft. detached garage, but per the City's zoning code, the maximum building footprint allowed is 720 sq. ft. due to the size of his lot. This variance request was coupled with another variance request (V-2019-04) to allow the applicant to build the proposed garage ten (10) feet from the rear property line, instead of twenty (20) feet. This variance request was approved unanimously by the Board of Zoning Appeals.

After much discussion, the Board of Zoning Appeals unanimously approved the following variance ruling for V-2019-05:

1. The maximum size of the proposed detached garage will be 960 square feet.

After the December 19, 2019 meeting, the applicant requested a meeting with City staff to review alternatives to the original ruling. These alternatives were reviewed by City staff and it was recommended that Mr. Shults address the Board of Zoning Appeals again to discuss said alternatives. Mr. Shults did address the Board of Zoning Appeals during its January 28, 2020 meeting. He shared additional information on alternative building sizes and asked if he could formally ask for an amendment at a future meeting. The Board of Zoning Appeals stated that he could formally come before the board at their February meeting and present his alternatives for possible approval.

The Board of Zoning Appeals has two options upon hearing this case. The first option is to vote to amend the original ruling to allow for a different maximum square footage allowance for the proposed accessory building. The second option is to not approve any amendment, thus allowing the original ruling to stand.

Chairperson Janzen opened the public hearing at 7:41 P.M.

The applicant Daniel Shults came to the podium to speak. He thanked the board for letting him back on the agenda with his variance. He explained that he could do with the 960 Square foot variance that the board previously granted him however; if they would grant him an extra 48 square feet onto his proposed detached garage making the final building square footage 1,008 he could better fit his airstream, van and other vehicles. Shults believes if he is granted an extra 48 square feet it would improve safety by having less cars on the street while also lowering chances his vehicles or airstream could get broken into.

Chairperson Janzen commented on how the applicant was already given a generous variance of 960 square feet since the zoning ordinance is 720 square feet for the size of lot Mr. Shults has, but if the other board members are okay with going an extra 48 square feet he is also, but that is all they will give not anything larger.

Chairperson Janzen closed the public hearing at 7:44 P.M.

Based on City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Board Member Meadows approve to amend V-2019-05 for the proposed accessory garage to be constructed with a maximum size allotment of 1,008 square feet. Board Member Boyd seconded the motion. The vote was 3 for the approval and 1 against (Board Member Keenan).

- D. Review of LS-2020-01, application of Dallas and Tiffany Temple, pursuant to Section 16.09.01., who are petitioning for a lot split involving the splitting of the owner's property located at 233 S. Sheridan Ave., Valley Center, KS 67147.

Community Development Director Ryan Shrack presented the following staff report to the Planning and Zoning Board:



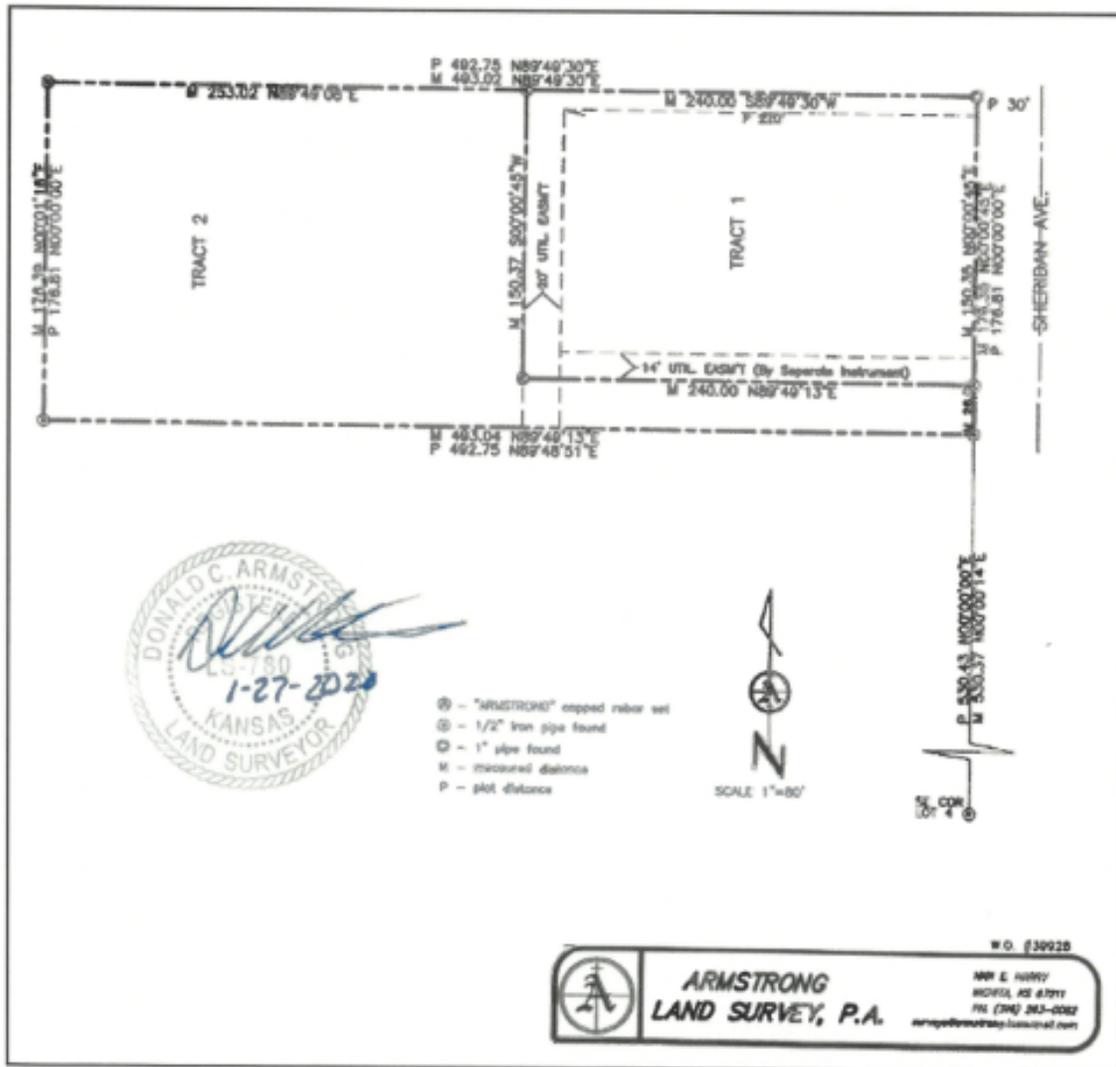
Date: February 18, 2020

To: City of Valley Center Planning and Zoning Board

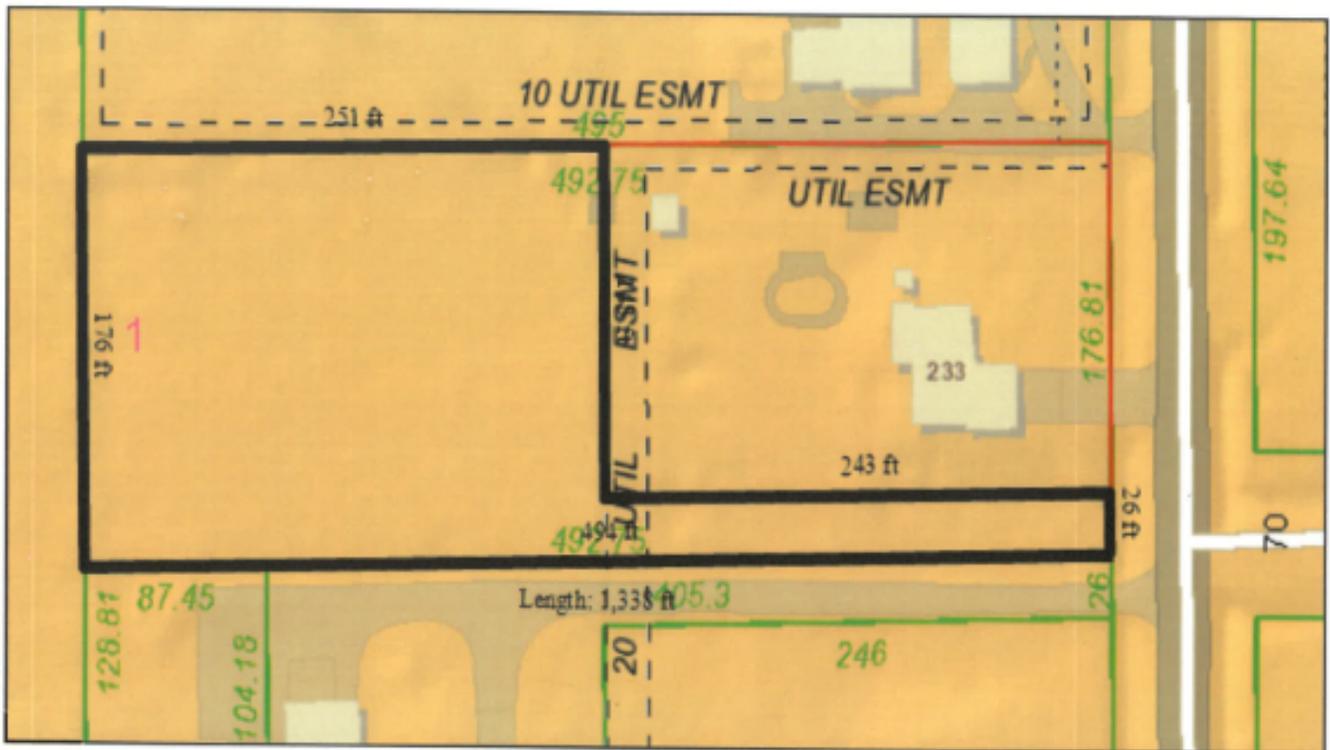
From: Ryan W. Shrack, Community Development Director

RE: Lot Split Application (LS-2020-01)

Petition: Dallas and Tiffany Temple are petitioning for a lot split to separate the land located at 233 S. Sheridan Ave., Valley Center, Kansas, into two lots as shown in the image below:



Existing Lot (in red) with Proposed New Lot (approximate boundaries in black):



Staff Comments:

Currently, the lot contains a single-family residence. The land is zoned R-1B (Single-Family Residential District). The applicant plans to build a new single-family residence on the newly created lot and sell the existing house and lot to someone else. The completed survey documents can be found at the end of this report, along with a letter from the applicants. A plot plan has been submitted as part of the survey and documents that the proposed single-family residence to be built on the newly created lot will conform to the City's standards for construction, utilities, etc.

A public notice was sent out to all adjacent property owners and a public notice published in *The Ark Valley News*. To date, no responses have been received.

City staff recommends approval of this lot split application.

Dear Valley Center Planning and Zoning Commission,

We are requesting a lot split at the location of 233 S. Sheridan as per the attached survey. The reason for this lot split will be to build a one level home that will be approximately 1,800-2,000 sf and include a basement on Tract 2. Tract 1 will be sold and is currently under contract, set to close February 28th pending the approval of this lot split.

Sincerely,

Dallas & Tiffany Temple

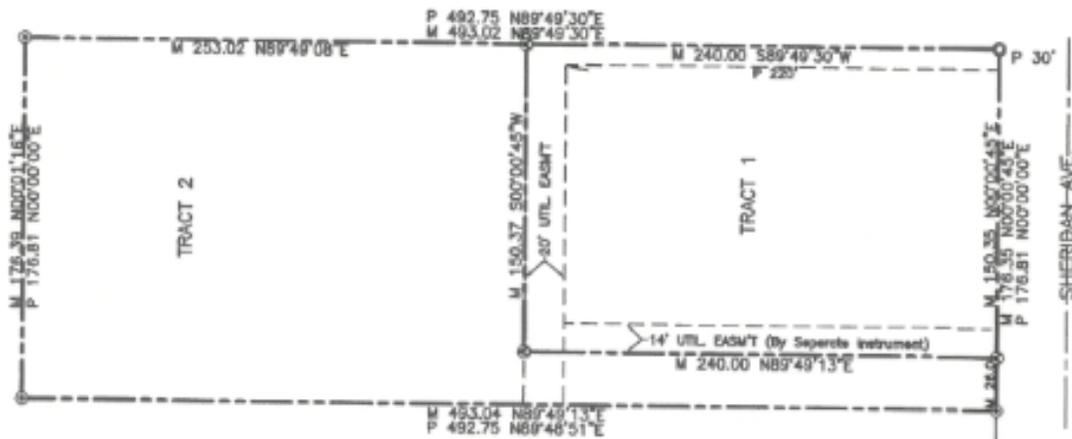
LOT SPLIT

For Dallas and Tiffany Temple

LEGAL DESCRIPTIONS:

TRACT 1: That part of Lot 1, Royals Addition, Valley Center, Sedgwick County, Kansas, described as follows: BEGINNING at the Northeast corner thereof; THENCE S88°49'08"W along the North line of said Lot 1, a distance of 240.00 feet; THENCE S00°00'45"W parallel with the East line of said Lot 1, a distance of 150.37 feet; THENCE N88°49'13"E parallel with the North line of said Lot 1, a distance of 240.00 feet to the East line of said Lot 1; THENCE N00°00'45"E along the East line of said Lot 1, a distance of 150.37 feet to the point of BEGINNING.

TRACT 2: Lot 1, Royals Addition, Valley Center, Sedgwick County, Kansas, EXCEPT that part described as follows: BEGINNING at the Northeast corner thereof; THENCE S88°49'08"W along the North line of said Lot 1, a distance of 240.00 feet; THENCE S00°00'45"W parallel with the East line of said Lot 1, a distance of 150.37 feet; THENCE N88°49'13"E parallel with the North line of said Lot 1, a distance of 240.00 feet to the East line of said Lot 1; THENCE N00°00'45"E along the East line of said Lot 1, a distance of 150.37 feet to the point of BEGINNING.



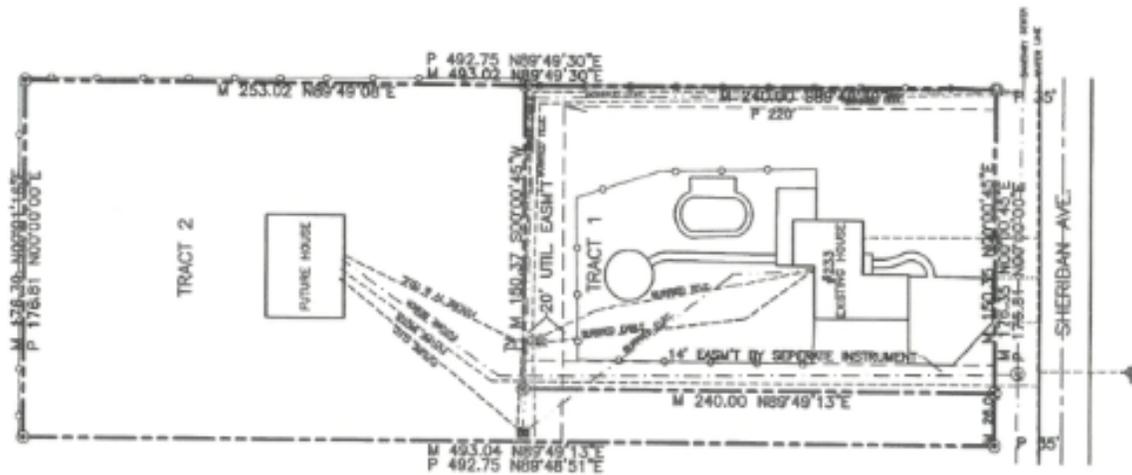
- ⊕ - "ARMSTRONG" capped rebar set
- ⊙ - 1/2" iron pipe found
- ⊖ - 1" pipe found
- M - measured distance
- P - plat distance



ARMSTRONG
LAND SURVEY, P.A.

W.O. 35920
ROY E. HARRY
MOBILE, KS 65211
PH (316) 263-0082
surveys@armstrong-land.com

PLOT PLAN



LEGEND

- ⊕ - 6" iron
- ⊕ - water meter
- ⊕ - manhole
- ⊕ - telephone riser
- ⊕ - cable TV riser
- ⊕ - "ARMSTRONG" capped riser set
- ⊕ - 1/2" iron pipe found
- ⊕ - 1" pipe found
- M - measured distance
- P - plot distance



LEGAL DESCRIPTION: Lot 1, Royals Addition, Valley Center, Sedgwick County, Kansas.
 ADDRESS: 233 S Sheridan Ave.

W.O. #39607

ARMSTRONG LAND SURVEY, P.A.
 1601 E. Harry
 WICHITA, KS. 67211

ph. (316) 263-0082
 fax (316) 263-0082



After the presentation Ryan explained that there were no protests against the lot split and the applicants will send in a plot and site plan.

Chairperson Janzen inquired on if they have to plat the land to receive a building permit, and if the existing utilities will be able to support both properties.

Ryan responded that no, they do not need to plat in order to receive a building permit and yes, the utilities can service both lands if each property had a home on it. There are utilities on track 1 that go to track 2, also a 14 foot track of utilities in the utility easement to service a new house that could go up.

Chairperson Janzen opened the public hearing at 7:51 P.M.

Dallas and Tiffany Temple applicants at 233 W Sheridan came to the podium. They explained how they wish to do a lot split and sell the lot to their daughter and son-in-law with 3 children, so they can be closer to them.

Chairperson Janzen closed the public hearing at 7:52 P.M.

Based on City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve LS-2020-01 lot split of 233 S. Sheridan Ave., Valley Center, KS. Board Member Meadows seconded the motion. The vote was three in favor and one abstention (Board Member Boyd).

- E. Review of V-2020-02, application of Ronald Spelts, pursuant to Section 17.10.08., who is petitioning for a building size variance of 1,440 square feet on a proposed accessory garage building to be constructed on the lot located at 1320 W. 63rd St. N., Valley Center, KS 67147.

Community Development Director Ryan Shrack presented the following staff report to the Planning and Zoning Board:



Date: February 18, 2020

Present Zoning: RR-1 (Single-Family Residential District)

Variance Request: The applicant, Ronald Spelts, is requesting a variance on the allotted accessory garage building size as established by the City's zoning regulations. The applicant would like to construct a 2,400 square foot accessory garage on his lot, which is 24,534 square feet, or .56 acres, in size. Per City Code 17.06.01.B.2., lots larger than 20,000 square feet and smaller than one acre, are only allowed to have accessory garages up to 960 square feet in size.

Applicant: Ronald Spelts

Property Address: 1320 W. 63rd St. N., Valley Center, KS 67147 (outlined in red below)



Applicant's Reasons for Variance Request:

Per the City of Valley Center's Zoning Code (17.06.01.B.), the maximum square footage allowed for an accessory building built on a lot between 20,000 square feet and one acre in size is 960 square feet. The applicant, whose lot is just over one-half acre in size, would like to construct a 2,400 square foot accessory building (please see attached letter and preliminary site plan from the applicant at the end of this report). In the applicant's letter, he makes reference to wanting to construct this detached garage to be used for storage and workshop space.

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

1. *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.*

This variance request is unique to this property and is not the result of any actions already taken by the property owner. In regard to surrounding zoning, the immediate neighborhood is comprised of single-family homes. Some of these properties do have accessory buildings, but none of them are as large as the proposed accessory building in this application.

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

The granting of this variance will not adversely affect the rights of adjacent property owners/residents, but could have an adverse effect on the surrounding physical neighborhood. The proposed building is much larger than any other current accessory building in existence in the surrounding neighborhood. The property to the west has an accessory garage that is 1,800 sq. ft. in size and was constructed in 2011. This was prior to the adoption of the current City zoning code, which was passed in 2014. In the City's zoning regulations, lots that are over 20,000 square feet and one (1) acre, have a maximum accessory garage building size of 960 square feet. This is well under the 2,400 square feet being requested by the applicant. A public notice was published in *The Ark Valley News* and notice letters were mailed to all property owners within 200 feet of the applicant's property boundaries. To date, one response has been received by City staff and is attached to the end of this report.

3. *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 property owner will not have unnecessary hardship in the fact that he would still be able to construct an accessory building on his property up to 960 square feet in size. The difference between the allowed maximum square footage and the proposed accessory building is 1,440 square feet.

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

The variance *could* adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the surrounding neighbors or the community in general.

The size of the proposed building could drastically change the physical look of the surrounding neighborhood and could possibly have a negative effect on the surrounding properties if a catastrophic event were to take place, such as a fire.

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

The granting of this variance will be opposed to the general spirit and intent of the referenced regulations. As noted previously in this report, the allowed maximum size of an accessory building is based off of the size of the lot. These regulations are designed to maintain open space for public safety reasons and to honor the general low-density building nature of a single-family residential district.

Staff Recommendation: Staff recommends that the Board of Zoning Appeals grant a variance allowing for a larger than 960 sq. ft. accessory garage building to be constructed due to the large size of the applicant's lot, but will remain neutral on an actual maximum allotted size.

January 27, 2020

Ryan Shark

City of Valley Center

Application Letter-Site Plan

1320 W. 63rd St. N., Wichita, KS 67204

To whom it may concern:

I am writing a letter for the variance to build a shop on the property for 1320 W. 63rd St. N., Wichita, KS 67204. I am wanting to build a shop/garage/storage building measuring 40X60 with vaulted ceilings of 16 ft. Roughly 2400 sq. ft. as opposed to 980 sq. ft. This will be a metal building with a concrete slab and a rock drive. The purpose of this building is for storage of my Toy Hauler/Camper, boat, RZR 900, four wheelers and flatbed trailer and also storage for personal items as I do not have a basement on this property. This would be so that these are contained and not scattered in the back yard. It will keep the yard nice and not be such an eye sore to the property or the community.

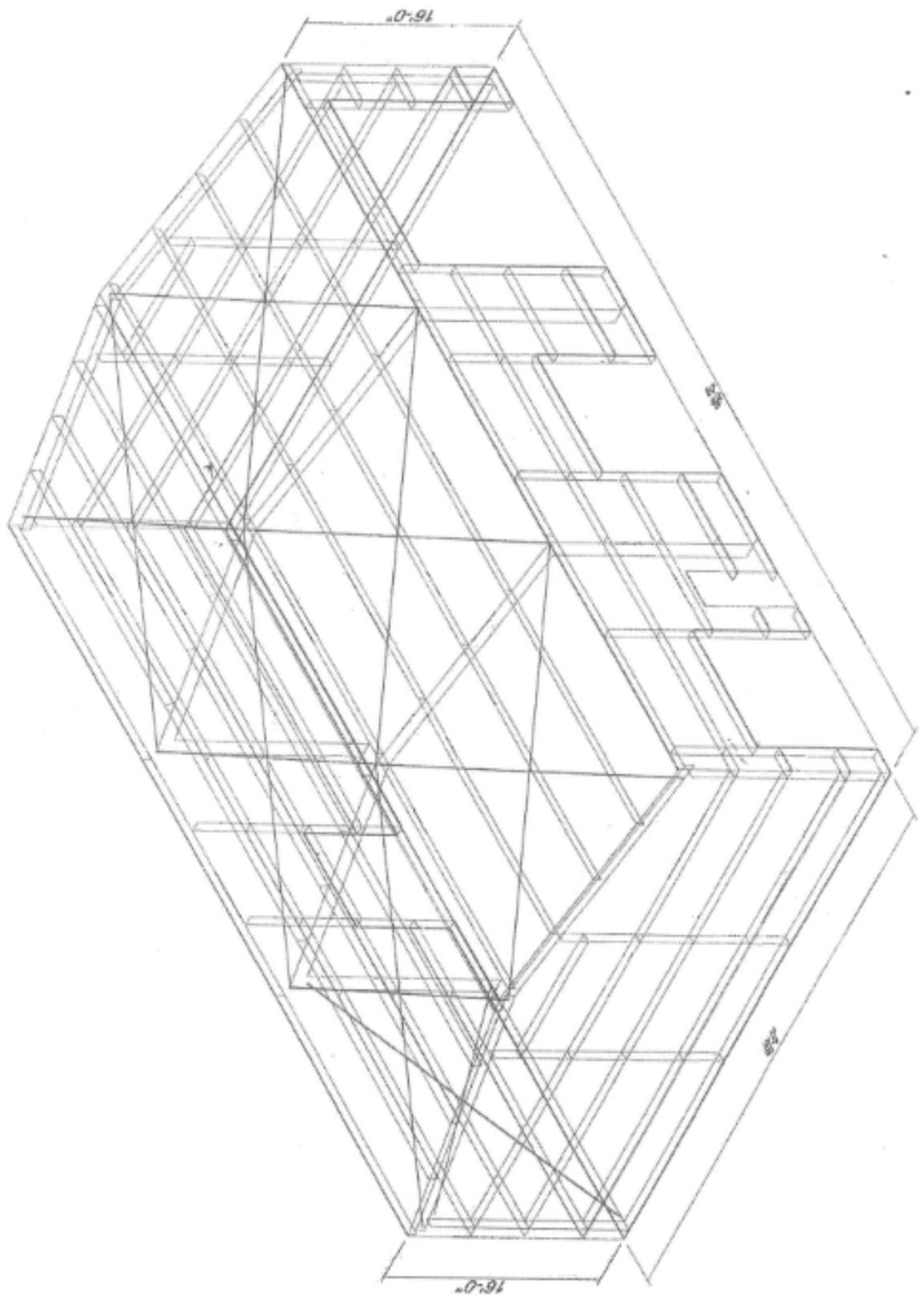
I plan to start building as soon as this is approved by the city. It will be built 25 ft. from the fence line in the back and 10 ft. from the fence line on both sides. I will be attaching a layout of the building with this letter and also showing where the lateral lines are. I understand that you will have to notify my neighbors for this approval process.

Please do not hesitate to contact me if you should have any questions or concerns. My number is (316) 304-6838. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink that reads "Ronnie Spelts". The signature is written in a cursive, flowing style.

Ronald E. Spelts, Jr.



Google Maps 1320 W 63rd St N



Imagery ©2020 U.S. Geological Survey, Map data ©2020 20 ft

Google Maps 1320 W 63rd St N



Imagery ©2020 U.S. Geological Survey, Map data ©2020 20 ft



1320 W 63rd St N

Wichita, KS 67204



Directions



Save



Nearby



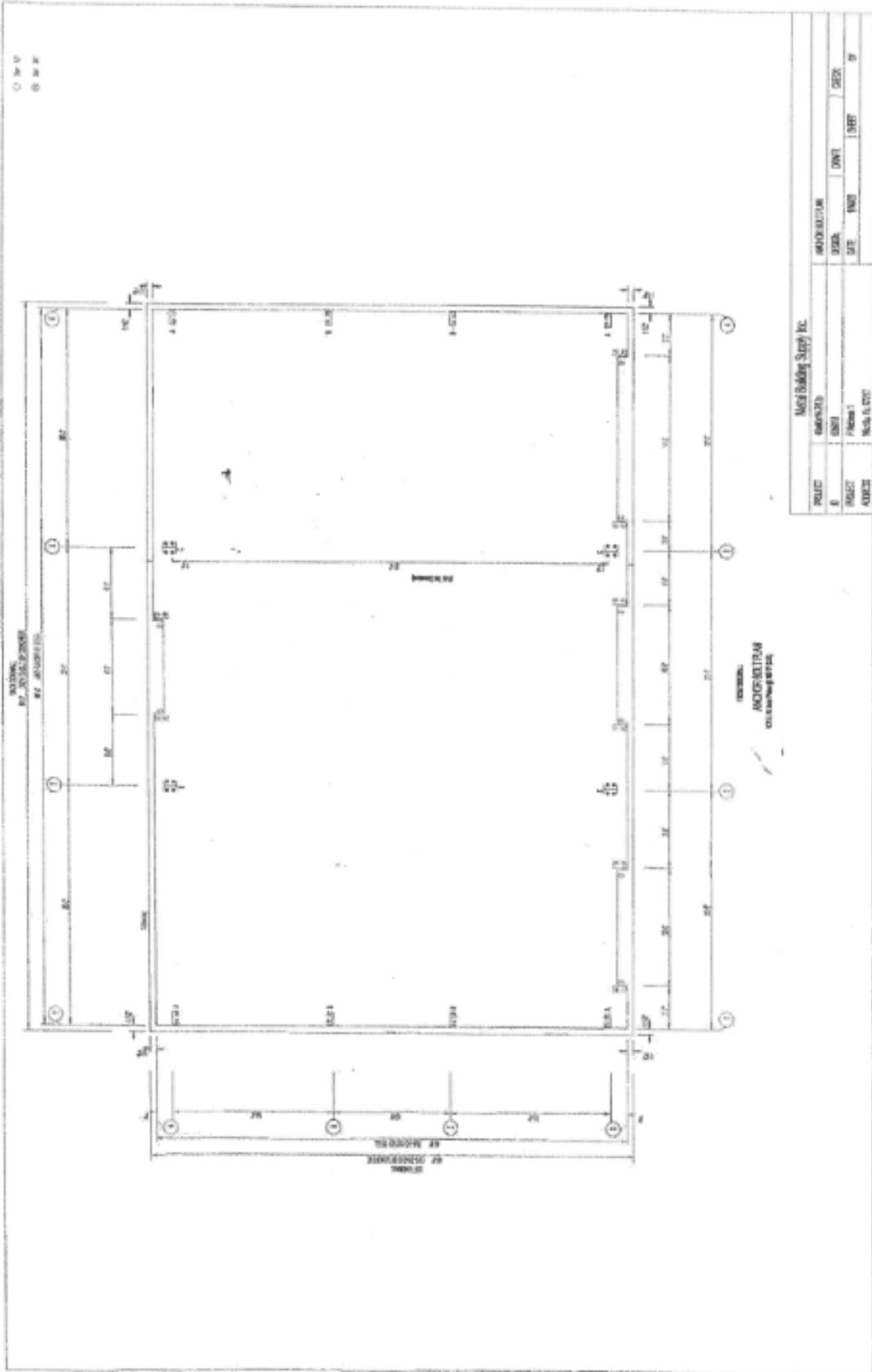
Send to your
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Photos

7104 FOR CONSTRUCTION



Ryan Shrack

From: ALAN DAVIS <thunderheadracing@cox.net>
Sent: Monday, February 10, 2020 1:58 PM
To: Ryan Shrack
Subject: variance request at 1320 w63rd n

the building size on the notice I received is wrong . it says 1440 square feet actual size owner wants to build is 2400 square feet 40x60. also this owner does not live at this property it is a rental . it sounds like he just wants to build a warehouse.

After the presentation, Ryan explained that the applicant's lot is about ½ an acre, the zoning ordinance for the zoning district is 960 square foot. The applicant would like a variance to add 1,440 square foot to make the final building square footage 2,400 square foot.

Chairperson Janzen opened the public hearing at 7:57 P.M.

Chairperson Janzen asked what the notification area was. Ryan replied it is 200 foot radius of applicant property.

Board Member Boyd wondered how many people live around the applicant's area. Ryan responded 14 properties including the applicant's lot.

The applicant Ron Spelts stood at the podium to state his case as to why he wants the variance and to answer any questions the board might have. He asked if he could have a 30 foot driveway.

Chairperson Janzen informed Mr. Spelts that the driveway is not part of the variance and the applicant will have to follow city code. Chairperson Janzen commented on how the proposed variance is almost triple the square footage that the zoning ordinance allows and is surprised there were not more people opposing the size of the accessory garage building.

Ron Spelts explained that he needs this accessory building to be so large so he can fit his boat, four-wheelers, camper and other things. He is planning to make 80% of the building storage and the remaining 20% a garage shop to work on projects that might come up.

Board Member Keenan asked where the applicant's boat and other structures are stored now on the property.

Mr. Spelts replied they are in the backyard in the open.

Ernest Blackwell resident at 6445 Interurban came to the podium next. He explained that he sold Mr. Spelts the property because he trusts him and wanted someone to live there that would take care of the property. He agrees that the building needs to be that large first because there are very large accessory structures all around in that neighborhood and second a thief could come and steal Mr. Spelts belongings in the backyard.

Chairperson Janzen closed the public hearing at 8:01 P.M.

Board Member Keenan asked what the maximum size for buildings besides the lot regulations is. Ryan answered there is a 30% coverage regulation.

Chairperson Janzen asked Ryan what the applicants next step could be if the board denied the variance. Ryan replied Mr. Spelts could go to district court, he would not go to city council.

Board member Keenan asked Mr. Spelts if he thought about building more than just one building, multiple buildings.

Mr. Spelts replied he did not think about multiple buildings just one so he could fit everything he needs to into one building together.

Chairperson Janzen also asked Mr. Spelts if he would be okay with a smaller size than 2,400 square foot building.

Mr. Spelts asked the board what size they were thinking or comfortable with and he will try to work with what they give him.

Board Member Keenan commented that 2,400 square foot is just too large to justify.

Chairperson Janzen recommended that the board starts with 1,800 square foot match the neighboring property that has a 1,800 square foot accessory garage.

Board Member Boyd asked the applicant Mr. Spelts how tall the neighboring accessory garage was.

Mr. Spelts responded that it is 10 feet tall but he personally needs 16 feet tall to fit his 14 foot tall toy hauler.

Ron Spelts commented to the board he needs the larger size to safely store his things but he will do best with what he is given.

Based on City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve V-2020-02 for a 1,800 square foot accessory garage building to be built on the lot located at 1320 W. 63rd St. N., Valley Center, KS 67147. Board Member Keenan seconded the motion. The vote was unanimous.

NEW BUSINESS- Ryan had no new business.

OLD OR UNFINISHED BUSINESS-

A. Board Attendance Policy Discussion

Ryan informed the board what the Attendance Policy states: The Planning and Zoning Board's bylaws state that any board member who misses four consecutive meetings or misses 33% of meetings in a calendar year for reasons not considered justifiable by the Board shall be notified that the Board will recommend removal of said board member by the City of Valley Center Mayor.

COMMITTEE AND STAFF REPORTS- Ryan reminded the Board the next Planning and Zoning Meeting will be Tuesday, March 24, 2020 at 7 P.M. at City Hall.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-Nothing
Don Keenan-Nothing
Kelsey Parker-Not present
Rick Shellenbarger-Not present
Katie Patry-Not present
Mike Boyd- Nothing
Toby Meadows – Nothing

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 8:30 P.M., a motion was made by Chairperson Janzen to adjourn and was seconded by Board Member Meadows. Vote was unanimous.

Respectfully submitted,

Ryan Shrack, Community Development Director

Gary Janzen, Chairperson