

## MINUTES

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

Monday, December 12, 2011  
7:30 pm

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

Members Present: Jon Larson, Chairman  
Dr. Tom Taul  
Julie Henton  
Diane Hoobler

Members Absent: Lorn Clement, Vice-Chair

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

Others Present: Rick Reinerio, Forrest Chumley, Thomas Hoover, John Wienck and Stan  
Hoerman

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the November 14, 2011 meeting were presented and approved. The Report of Fees for the month of November 2011 (\$870.00) were presented and approved.

#### **RILEY COUNTY BOARD OF ZONING APPEALS**

##### **Reinerio – Variance**

Jon Larson opened the public hearing at the request of Rick Reinerio, petitioner, and Rick and Judith Reinerio owners, for a variance authorization to permit a reduction of the setback for a building from a major trafficway, from a minimum of 50 feet beyond the right-of-way line to a minimum of 5 feet beyond the right-of-way line, and from a minimum of 150 feet from the centerline of the roadbed to a minimum of 105 feet from the center of the roadbed, and for the reduction of the minimum front yard requirement from 25 feet to 5 feet.

Bob Isaac presented the request. Mr. Isaac said the subject site is specifically located just south of the entrance on the Riley County side of the River Pond area. Mr. Isaac said the property is occupied with the Applicant's home and business, Derek's Bait Shop.

Mr. Isaac stated the subject property was rezoned from "A-3" (Single Family Residential) to "C-4" (Highway Business) in June 1978 for the purpose of establishing a bait shop and grocery store (Pet #78-28). The property was later platted and recorded as Lot 1 of the Pfeil Addition in June

1983. In 2005, the applicant received a variance reducing the minimum setback requirements for a structure from a major trafficway in order to build the Applicants home.

Mr. Isaac said the variance is being requested because the Applicant wishes to construct a single structure divided into individual storage units. Mr. Isaac said to clarify the complexity of the request is a three in one variance request. He stated Section 16 of the Riley County Zoning Regulations, contains a two-fold requirement along roads designated as a major trafficway, which Tuttle Creek Boulevard is classified. Mr. Isaac said the requirement is a minimum of 50 feet beyond the right-of-way line of the trafficway or a minimum of 150 feet from the centerline of the roadbed of such trafficway, which ever results in the greater distance. He said that due to the location of the proposed structure being within both measured distances, a separate variance is necessary to alter each requirement. Mr. Isaac said the C-4 (Highway Business) zoning district has a 25-foot front yard setback and the proposed location of the structure, a separate variance is necessary for a reduction of this requirement as well. Staff recommended approval.

Chairman Larson asked the Board if they had any questions.

Chairman Larson asked the Applicant if he would like to speak or make any comments.

The Applicant had no comments.

Chairman Larson asked if there were any proponents or opponents. There were none.

Diane Hoobler moved to close the public hearing. Julie Henton seconded. Carried 4-0.

Tom Taul moved to approve the request of Rick Reinerio, petitioner and Rick and Judith Reinerio owners, for a variance authorization to permit a reduction of the setback for a building from a major trafficway from a minimum of 50 feet beyond the right-of-way line to a minimum of 5 feet beyond the right-of-way line, and from a minimum of 150 feet from the centerline of the roadbed to a minimum of 105 feet from the center of the roadbed, and for the reduction of the minimum front yard requirement of the “C-4” (Highway Business) zoning district from 25 feet to 5 feet.

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

### **Hoover – Variance**

Jon Larson opened the public hearing at the request of Thomas J. Hoover, Trustee, petitioner and Hoover Family Revocable Trust, owner, for a variance authorization to reduce the front yard requirement in the “A-3” (Single Family Residential) zoning district from 25 feet to 6 feet for Lots 1, 2 and 3 of Block 3 in Lakeside Heights.

Bob Isaac presented the request. He described the location and history of the property. Mr. Isaac explained that Lots 1 and 2 are currently developed with a single family dwelling (built in 1964) and that the Applicant wishes to build a detached garage on Lot 3. Mr. Isaac explained that a Certificate of Survey was completed by SMH Consultants that confirmed the location of

the property line to determine which lots needed a variance and how much setback requirement needed to be varied. He said as a result of the survey it was determined that not only Lot 3 required a variance, but due to the attached deck extending into the 25-foot building front yard requirement, Lot 1 and 2 would also need a variance. Mr. Isaac stated that since the deck is attached to the home, it brought the entire home into non-compliance. Staff recommended approval.

Chairman Larson asked the Board if they had any questions.

Chairman Larson asked the Applicant if he would like to speak or make any comments.

The Applicant had no comments.

Chairman Larson asked if there were any proponents or opponents. There were none.

Julie Henton moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Tom Taul moved to approve the request of Thomas J. Hoover, Trustee, petitioner and Hoover Family Revocable Trust, owner, for a variance authorization to reduce the front yard requirement from 25 feet to 6 feet for Lots 1, 2 and 3 of Block 3 in Lakeside Heights.

Julie Henton 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 Board and convene as the Riley County Planning Board. Tom Taul seconded. Carried 4-0.

## **RILEY COUNTY PLANNING BOARD**

### **Chumley – (Replat)**

Jon Larson opened the public hearing at the request of Forrest Glen Chumley, petitioner, and Forest G. Chumley and Barbara S. Valent, owners to replat Lots 24, 25, and 26 of Lakewood Subdivision into a single tract in Grant Township, Section 23, Township 9 South, Range 7 East, in Riley County Kansas.

Bob Isaac presented the request. Mr. Isaac described the platting/zoning history and general location of the subject property. He explained that the subject property is accessed through a travel easement and explained how and why the lots were inaccessible to Lakewood Drive. Mr. Isaac said the property lines between Lots 24 and 26 will be vacated through the replatting process; however, the utility and travel easements, which accompany the lots, will not be vacated and will remain as shown on the plat. Mr. Isaac stated replatting the subject lots is consistent with the goals, objectives and policies of the Comprehensive Plan. Staff recommended approval of the request.

Chairman Larson asked the Board if they had any questions.

Chairman Larson asked the Applicant if he would like to speak or make any comments.

The Applicant had no comments.

Chairman Larson asked if there were any proponents or opponents. There were none.

Julie Henton moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Diane Hoobler moved to approve the Final Plat of Lakewood Subdivision Unit Five.

Tom Taul seconded. Roll call voting was completed with all Board members affirming.

Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Monday, December 19, 2011 at 9:15 AM.

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

Bob Isaac stated he will provide the Board with an Executive Summary Questionnaire at the next meeting to complete if any changes need to be made to the Plan. He said if there are any suggested changes, he will compile those suggestions into a memo to the Board of County Commissioners.

### **2012 RCPB/BZA Meeting Schedule**

At the November meeting, the Board decided to reschedule the February meeting to Monday, February 20, 2012, due to conflicts in schedules. However, it was later discovered that the county offices will be closed that day in observance of President's day. The meeting was rescheduled for Thursday, February 16, 2012.

### **Review Draft Regulation Amendments to Implement Vision 2025**

Monty Wedel explained that the definition of "Agricultural Use" was expanded to clarify what constituted packaging and processing of products. He said a definition from USDA for "value-added agricultural product", was also added.

Mr. Wedel reviewed the Riparian and Agricultural Buffer sections with the Board and no changes or modifications were made.

Mr. Wedel reviewed the Country Estate section explaining that the intent of this designation is for those wanting or needing larger tracts for horses or a hobby farm. He reviewed the conditions for approval with the Board. He said under "Development Standards", a livestock limitation was added.

Mr. Wedel said the Country Estate designator was reviewed with the Board of County Commissioners. The Commissioners asked that it be confirmed with the Planning Board that the criteria is adequate to not require rezoning. The Planning Board affirmed that the criteria for the Country Estate designation are acceptable.

Mr. Wedel said staff intends to start public meetings in January 2012.

### **Wildcat Creek Working Group**

Monty Wedel said that a meeting will be held in Topeka on Watershed Districts. He said that he, Tom Taul and Clancy Holeman will be attending this meeting.

Tom Taul said the group is looking into the formation of a watershed district.

Monty Wedel said the district would have taxing authority and eminent domain. He said the City and County Commission can form the district, however, once it is formed, the City and County Commission would no longer have authority and the district becomes its own entity.

Chairman Larson asked Monty Wedel if there was anything else to share with the Board.

Monty Wedel thanked Chairman Larson for his tenure on the Board and said there will be a formal presentation acknowledging his service with the Board of County Commissioners at a later date.

Diane Hoobler formally thanked Chairman Larson for his years of service and has done a very good job representing Riley County.

A standing ovation was given to Chairman Jon Larson.

Diane Hoobler moved to adjourn.

The meeting was adjourned at 9:03 P.M.