



**Louisburg Board of Zoning Appeals Meeting  
6:00 P.M. August 19, 2020  
City Council Meeting Room  
215 South Broadway  
AGENDA**

**AGENDA**

**Item 1: ROLL CALL:**

**Item 2: ADOPTION OF THE AGENDA:**

**Item 3: APPROVAL OF THE MINUTES:**  
Approval of minutes dated October 30, 2019

**PUBLIC HEARING BUSINESS ITEMS:**

**Item 4:** 20001-VAR (Variance) – Request to deviate from the minimum rear yard setback requirement at 206 North Broadway. This property is owned by the city and is currently used as the north wastewater lagoon (Parcel ID: 1093003001008000)

**Item 5: ADJOURNMENT:**



**LOUISBURG BOARD OF ZONING APPEALS  
MEETING MINUTES  
WEDNESDAY OCTOBER 30, 2019**

The Board of Zoning Appeals of the City of Louisburg, Kansas met at 6:00 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

**ATTENDANCE:**

Commission Members: Betty Brown and Danny Quinn  
City Council: Lee Baer  
City Administrator: Nathan Law  
Staff: Jean Carder  
Recording Secretary: Rusty Whitham  
Visitors: Mike Johnson, Edgar & Lizbeth Phillips

**ITEM 1: ROLL CALL**

**ITEM 2: ADOPTION OF THE AGENDA:**

A motion was made by Betty Brown to adopt the agenda. The motion was seconded by Danny Quinn. Motion passed 3-0.

**ITEM 3: APPROVAL OF THE MINUTES:**

A motion was made by Danny Quinn to approve the minutes from the June 26, 2019 meeting. The motion was seconded by Betty Brown. Motion passed 3-0.

**PUBLIC HEARING BUSINESS ITEMS:**

**ITEM 4:** 19001-VAR (Variance) – Request to deviate from the minimum rear and side yard setback requirement at 4 South 1<sup>st</sup> Street (Parcel ID: 1093101001011000).

Chairperson Andy Sauber mentioned that the Applicant is requesting a variance to reduce the minimum rear setback requirement from twenty (20) feet down to ten (10) feet. It was explained that the minimum rear setback as outlined in the Zoning Regulations is: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller. Reference Section 509, paragraph F.3 the City Zoning Regulations

In addition, the Applicant is requesting a variance to reduce the side yard setback requirement from twenty-five (25) feet down to ten (10) feet. Sauber also explained where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback of twenty-five (25) on both streets measured from the property line. Reference Section 509, paragraph F.1.c the City Zoning Regulations.

Sauber opened the discussion for public comment. Lizbeth Phillips asked will there be an entrance to the building on South Metcalf or will the entrance be on South 1<sup>st</sup> Street. Mike Johnson (property owner) explained that there will only be one entrance and that will be on South 1<sup>st</sup> Street.

No other comments from the community occurred. Sauber then closed the community comment portion of the public hearing.

Sauber then read aloud the seven (7) factors that should be discussed when considering a variance request. Reference Article 15 of Procedures Manual.

1. **UNIQUENESS:** The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
2. **ADJACENT PROPERTY.** The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.
3. **HARDSHIP:** The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
4. **PUBLIC INTEREST:** The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
5. **SPIRIT AND INTENT:** Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.
6. **MINIMUM VARIANCE:** The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Sauber asked his fellow Board of Zoning Appeals (BZA) Members if they have any issues concerning this variance request. He also asked if anyone feels that this request does not meet any of the seven factors discussed previously. See above factors. No negative comments were made indicating that this request does not meet the minimum standards for an approved variance.

Staff asked the property owner, Mike Johnson, if the overhang located on the east side of the building would be within the requested side setback. Johnson replied that the overhang will be approximately four (4) feet wide and will not be within the variance setback. Johnson then agreed to move the build to the west four (4) feet so that the side setback is complied with.

Betty Brown made a motion to approve the variance rear and side yard request. The motion was seconded by Danny Quinn. The motion passed 3-0.

**ITEM 5: ADJOURNMENT:**

A motion was made by Betty Brown to adjourn the meeting. Second was made by Danny Quinn. The motion passed 3-0. Meeting adjourned at 6:15p.m.

**Submitted by Rusty Whitham**