



**Louisburg Board of Zoning Appeals Meeting  
6:00 P.M. October 30, 2019  
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:**  
Approve of minutes dated June 26, 2019

**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)

**Item 5: ADJOURNMENT:**



**LOUISBURG BOARD OF ZONING APPEALS  
MEETING MINUTES  
WEDNESDAY JUNE 26, 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, Chad Rowe, Danny Quinn and Dusti Travis  
City Council: Lee Baer and Thorvald McKiernan  
City Administrator: Nathan Law  
Staff: Jean Carder  
Recording Secretary: Rusty Whitham  
Visitors: Bob Bazin and Nate Apple

**ITEM 1: ROLL CALL**

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

A motion was made by Dusti Travis to adopt the agenda. The motion was seconded by Chad Rowe. Motion passed 5-0.

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

A motion was made by Betty Brown to approve the minutes from the June 27, 2018 meeting. The motion was seconded by Andy Sauber. Motion passed 2-0-3. Chad Rowe, Danny Quinn and Dusti Travis abstained.

**PUBLIC HEARING BUSINESS ITEMS:**

**ITEM 4:** 19001-AAD (Appeal Administrative Decision) - A discussion with Bob Bazin (MBB, LLC.) concerning a gravel parking lot that was installed on the vacant property east of NAPA Auto Parts Store.

A lengthy discussion between the BZA Members and Bob Bazin (MBB LLC.) occurred. During this discussion, it was determined by the BZA that this nonconforming gravel area has not been abandoned and as such may stay in place. At the conclusion of this discussion, Danny Quinn made a motion to allow MBB LLC to the continued use of this gravel area and to maintain this area with additional gravel as needed. However, this gravel area shall not be allowed to increase in area covered.

This motion was seconded by Dusti Travis. The motion passed 5-0.

**ITEM 5: ADJOURNMENT:**

A motion was made by Betty Brown to adjourn the meeting. Second was made by Dusti Travis. The motion passed 5-0. Meeting adjourned at 6:24p.m.

**Submitted by Rusty Whitham**

The below pictures were taken on June 27, 2019:



## MEMO – Item #4

**To:** Board of Zoning Appeals (BZA)

**From:** Staff

**Date:** October 30, 2019

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

The Applicant wishes to construct a 40'x 130' building. The building will be primarily used as a commercial electrical shop. This building will also have two designated spaces for retail. The retail spaces will be available for lease.



### **Discussion:**

The location of this parcel of land is within the “C-3” General Business District. The BZA shall determine two (2) items:

1. In accordance with Section 509, paragraph F.3 the City Zoning Regulations the minimum rear setback is: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller.

In order to provide sufficient space for the size of building requested with adequate parking. The Applicant is requesting a variance to reduce the minimum rear setback requirement from twenty (20) feet down to ten (10) feet.

2. In accordance with Section 509, paragraph F.1.c the City Zoning Regulations 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.

In order to provide sufficient space for the size of building requested with adequate parking. The Applicant is requesting a variance to reduce the side yard setback requirement from twenty-five (25) feet down to ten (21) feet.

The Board of Zoning Appeals shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Appeals shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

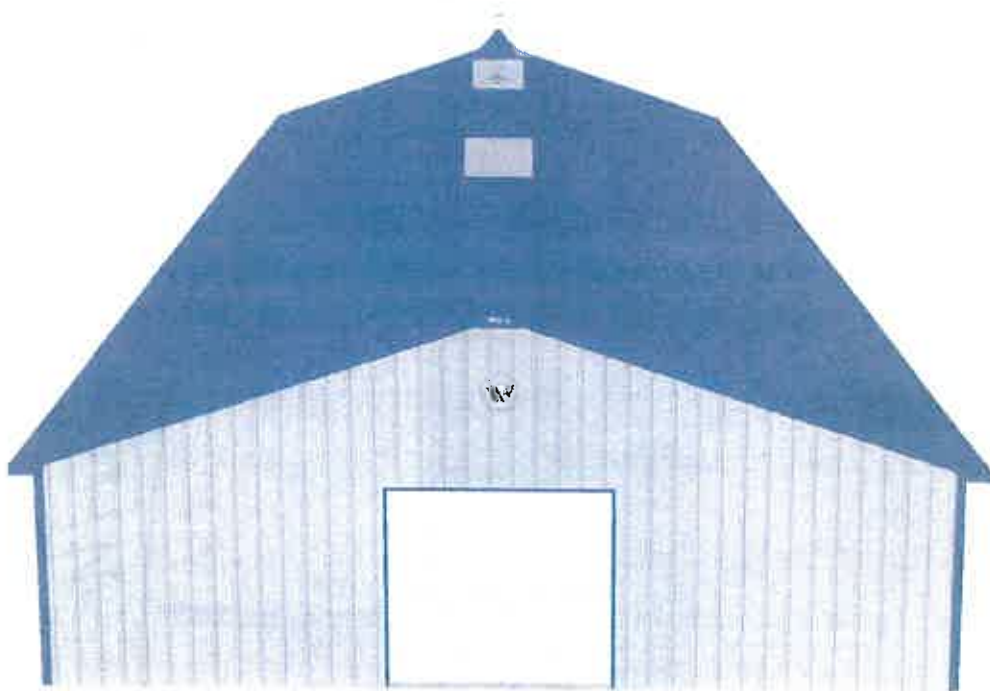
- A. **UNIQUENESS:** The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, 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.
- B. **ADJACENT PROPERTY.** The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.
- C. **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.
- D. **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.
- E. **SPIRIT AND INTENT:** Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.
- F. **MINIMUM VARIANCE:** The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Public Notice concerning this variance was placed in the newspaper. It was confirmed that this notice appeared in the Miami County Republic on October 9, 2019. All neighboring property owners within a 200' radius of the subject property were also notified via certified mail. Staff has not received any negative comment concerning this request.

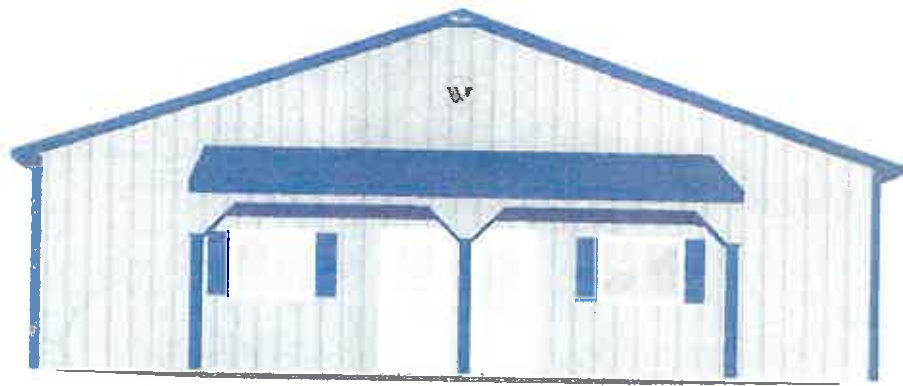


north

west



East

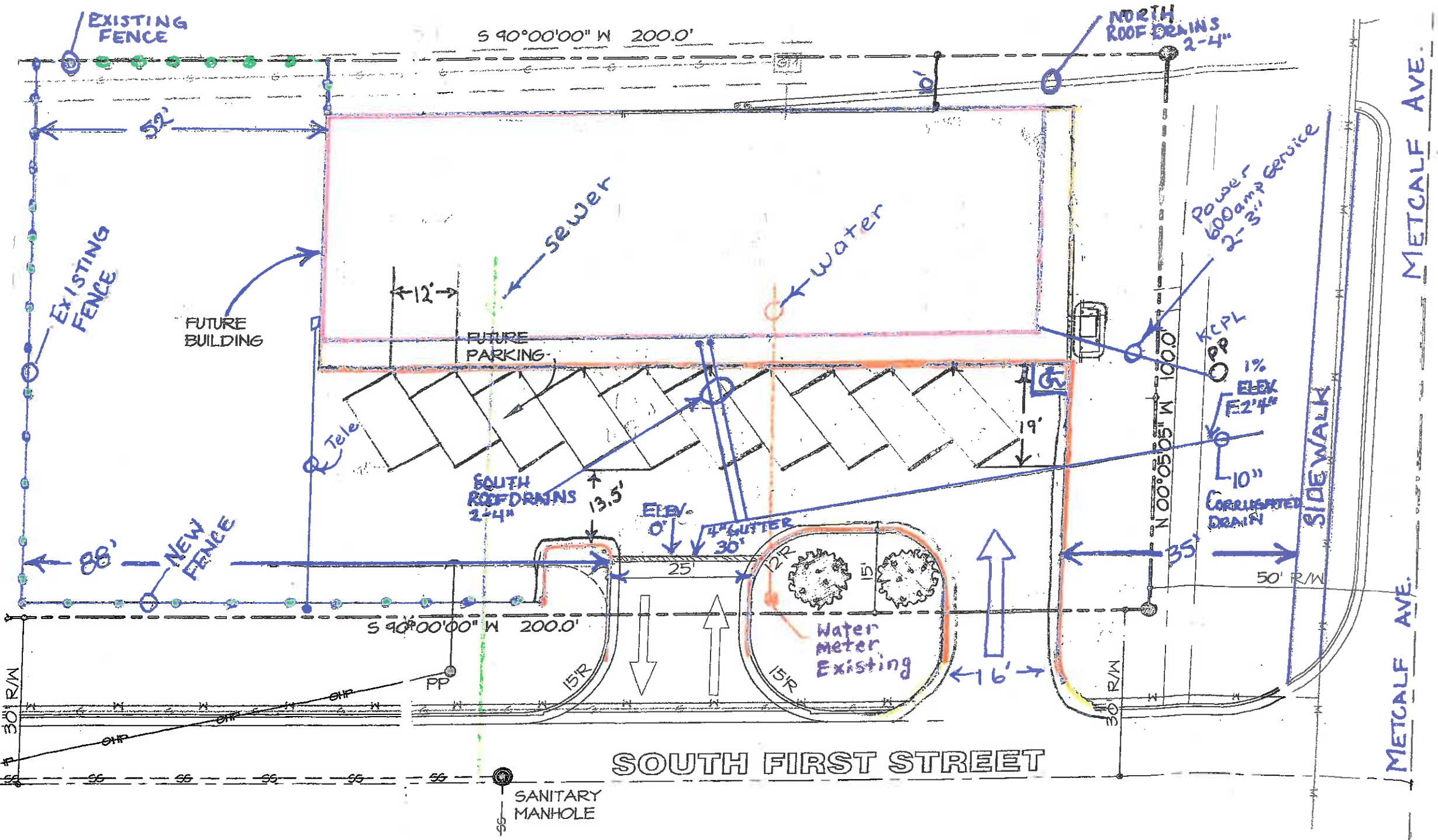




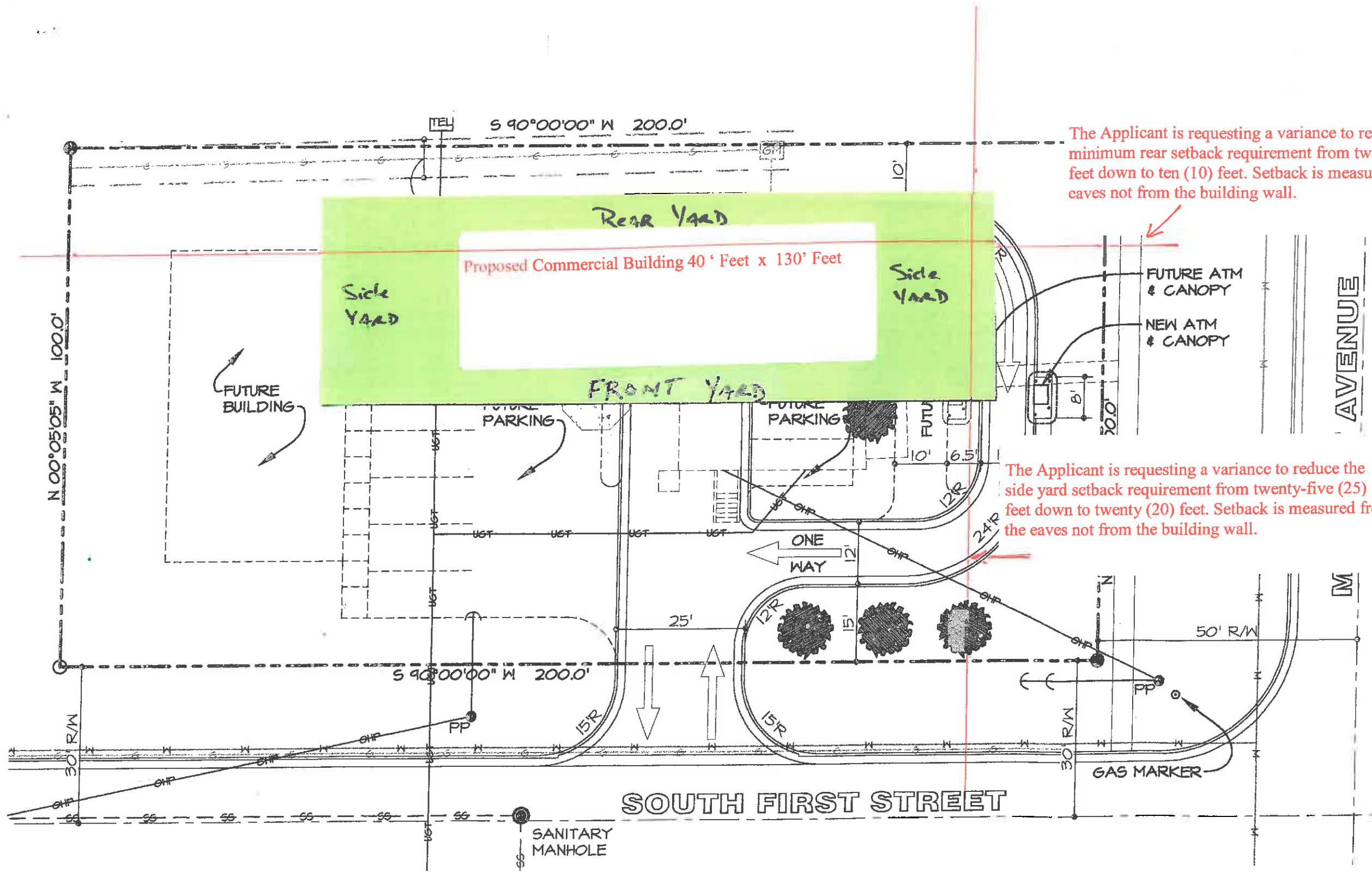
This is what you want  
all concrete board Front  
1/2 way on all other sides

South





1 SITE PLAN



The Applicant is requesting a variance to reduce the minimum rear setback requirement from twenty (20) feet down to ten (10) feet. Setback is measured from the eaves not from the building wall.

The Applicant is requesting a variance to reduce the side yard setback requirement from twenty-five (25) feet down to twenty (20) feet. Setback is measured from the eaves not from the building wall.

Staff used the old ATM Site-plan to illustrate setback requirements.

# 1 SITE PLAN

1" = 20'

NORTH

© 2000 LNL ASSOCIATES/ARCHITECTS, P.A.

SITE PLAN  
 SITE DEVELOPMENT  
**METCAL**  
 SOUTH FIRST STREET

LNL ASSOCIATES/ARCHITECTS P.A.  
 110 N. CHERRY SUITE 100  
 OLATHE, KANSAS 68061  
 913-764-5695  
 913-764-1340 FAX

Job No: 9924  
 Date Issued: 02-04-00  
 Drawn By: LGT  
 Revisions:

Sheet No:  
 1  
 of 1