



**LOUISBURG BOARD OF ZONING APPEALS  
MEETING MINUTES  
WEDNESDAY AUGUST 19, 2020**

The Board of Zoning Appeals of the City of Louisburg, Kansas met at 6:14 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

**ATTENDANCE:**

Commission Members:	Dusti Travis and McKenzie Phillips (participated via telecommunications)
City Council:	Thorvald McKiernan
City Administrator:	Nathan Law
Staff:	Jean Carder
Recording Secretary:	Rusty Whitham
Visitors:	None

**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 McKenzie Phillips. Motion passed 3-0.

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

A motion was made by Andy Sauber to approve the minutes from the June 26, 2019 meeting. The motion was seconded by McKenzie Phillips. Motion passed 3-0.

**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)

Chairperson Andy Sauber began the discussion by explaining the Applicant’s Variance Request. Sauber stated that the applicant (City of Louisburg) is requesting a variance to construct a wastewater pump station at 206 North Broadway. This pump station is needed to force feed raw sewage to the new wastewater treatment facility currently under construction at 29140 South Rogers Road. The city is requesting the following setback variances:

- Side yard = Five (5) feet
- Rear yard = Twenty-Six (26) feet

Sauber opened the topic up to public comment. No public comment occurred. The public comment portion of this discussion was then closed.

City Administrator Nathan Law explained the original site selected for the proposed pump station had unsuitable soil conditions, so an alternative site was selected. Consultants from Larkin Lamp Rynearson assisted in selecting the alternative site. A review of the area revealed that there was only one viable alternative location available. The city had a choice to either purchase additional property to construct the needed pump station, or utilize property already owned by the city and pursue a variance request.

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. *Administrator Law mentioned that this property is unique because of the soil and elevation conditions. No other comment was made.*
  
2. **ADJACENT PROPERTY.** The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents. *Law mentioned the proposed site some distance from North Broadway and the existing grain towers located to the east. In addition, the residential property located to the north (607 North 5<sup>th</sup> Street) consists of 4.53 acres and he doubts this pump station would adversely affect this tract of land.*  
  
*Andy Sauber agreed with Law's assessment. No other comment was made.*
  
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. *Law stated that this pump station is not intended to make any money for the city. He went on by saying the alternative was to abate the soil conditions at the primary site. Abatement would cost the city at least \$150,000. No other comment was made.*

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. *Law said there is always potential of fire due to the construction and operation of this new pump station. He said the city has already secured proper construction easements and intends to clear the surrounding brush. The city will continue to maintain the easement to include the removal of brush as needed throughout the lifespan of the pump station.*

*No other comment was made.*

5. **SPIRIT AND INTENT:** Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations. *Andy Sauber stated that it is his opinion this request meets the requirement of spirit and intent requirement.*

*No other comment was made.*

6. **MINIMUM VARIANCE:** The variance requested is the minimum variance that will make possible the reasonable use of the land or structure. *Law stated that this request is the minimum variance needed to construct the pump station.*

*No other comment was made.*

Sauber asked his fellow Board of Zoning Appeals (BZA) members if they have any issues concerning this variance request. No negative comments were made.

Dusti Travis asked if the easements created to prevent fires will be located on adjacent properties. Nathan Law replied on.

No further discussion occurred.

McKenzie Phillips made a motion to approve the following setback variance:

Side yard = Five (5) feet

Rear yard = Twenty-Six (26) feet

The motion was seconded by Dusti Travis. The motion passed 3-0.

#### **ITEM 5: ADJOURNMENT:**

A motion was made by Dusti Travis to adjourn the meeting. Second was made by McKenzie Phillips. The motion passed 3-0. Meeting adjourned at 6:26p.m.

**Submitted by Rusty Whitham**