



BOARD OF ZONING APPEALS MEETING AGENDA

**Tuesday, May 23, 2023
7:00 PM**

THE PLANNING AND ZONING BOARD SHALL HOLD ITS REGULAR MEETING IN THE COUNCIL CHAMBER IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN AVE., BEGINNING AT 7:00 P.M. (MEETING WILL ALSO BE BROADCASTED ON CITY'S YOUTUBE CHANNEL AND/OR COX PUBLIC ACCESS CHANNEL 7)

A. CALL TO ORDER THE BOARD OF ZONING APPEALS

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

<input type="checkbox"/> Gary Janzen	<input type="checkbox"/> Rick Shellenbarger	<input type="checkbox"/> Dalton Wilson
<input type="checkbox"/> Paul Spranger	<input type="checkbox"/> Scot Phillips	
<input type="checkbox"/> Brian Shelton	<input type="checkbox"/> Steve Conway	

D. SET/AMEND AGENDA

Motion made by (). Seconded by (). For Against

E. APPROVAL OF DRAFT MINUTES

March 28, 2023 DRAFT board meeting minutes

Motion made by (). Seconded by (). For Against

F. COMMUNICATIONS

1. Welcome New Board Member Dalton Wilson
2. 2023 Officer Elections (Chairperson, Vice Chairperson, and Secretary)

G. PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS

1. Review of V-2023-01, application of Joan Urcavich, pursuant to City Code 17.10.08., who is petitioning for a building size variance of 240 square feet on a proposed accessory garage building to be constructed at 1402 W. 63rd St., Valley Center, KS 67147.

- Chairperson opens hearing for comments from the public: TIME
- Chairperson closes public hearing: TIME

RECOMMENDED MOTION: Based on the City Staff recommendations, public comments, and discussion by the Board of Zoning Appeals, I make a motion to (**approve**, **deny**, or **table**) V-2023-01. Seconded by . For Against

H. OLD/UNFINISHED BUSINESS

I. NEW BUSINESS**J. STAFF REPORTS****K. ITEMS BY PLANNING AND ZONING BOARD MEMBERS:**

<input type="checkbox"/> Gary Janzen	<input type="checkbox"/> Rick Shellenbarger	<input type="checkbox"/> Dalton Wilson
<input type="checkbox"/> Paul Spranger	<input type="checkbox"/> Scot Phillips	
<input type="checkbox"/> Brian Shelton	<input type="checkbox"/> Steve Conway	

L. ADJOURNMENT OF THE BOARD OF ZONING APPEALS

Motion made by _____ . Seconded by _____ . For _____ Against _____

Note to Planning and Zoning Board Members: If you are unable to attend this meeting, please contact Ryan Shrack (316-755-7320) prior to the meeting.

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice. At anytime during the regular Planning and Zoning Board meeting, the Planning and Zoning Board may meet in executive session for consultation concerning cases to be deliberated. This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the Community Development Department in a timely manner, at communitydevelopment@valleycenterks.org or by phone at (316)755-7320. For additional information on any item on the agenda, please visit www.valleycenterks.org or call (316) 755-7320.



Date: May 16, 2023

Present Zoning: RR-1 (Suburban Residential District)

Variance Request: The applicant, Joan Urcavich, 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 1,200 square foot accessory garage on her lot, which is 22,107 square feet, or .51 acres, in size. Per City Code 17.06.01.B.2., lots larger than 20,000 square feet, but not more than one (1) acre in size are only allowed to have accessory garages up to 960 square feet in size.

Applicant: Joan Urcavich

Property Address: 1402 W. 63rd St., 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 larger than 20,000 square feet, but smaller than one (1) acre, is 960 square feet. The applicant,

whose lot is 22,107 sq. ft. in size, would like to construct a 1,200 square foot accessory building (please see attached letter and survey documents at the end of this report). In the applicant's letter, she makes reference to wanting to construct this detached garage to be used for storage of her vehicles and lawn equipment, along with a new space for a work bench, tools, etc.

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. The surrounding neighborhood is comprised of predominately single-family homes and multiple accessory buildings. In the surrounding neighborhood, there are at least two other accessory buildings that each have a footprint larger than 960 sq. ft.

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. 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, zero responses have been received by City staff. Any further responses received after the creation of this staff report will be shared with the Board of Zoning Appeals during the May 23, 2023 board meeting.

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 experience hardship in the fact that not allowing this building to be constructed will result in her vehicles and lawn equipment being exposed to the elements.

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

The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the surrounding neighbors or the community in general. There are no City-owned utilities that would be negatively affected by the approval of this variance and the proposed building to be constructed on the property. If the variance request is approved, there will still be adequate open space on this property to meet the maximum lot coverage requirement. Building setback requirements will also still be met.

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 not be opposed to the general spirit and intent of the referenced regulations.

Staff Recommendation: Staff recommends that the Board of Zoning Appeals grants the variance allowing for a 1,200 sq. ft. detached garage to be built at 1402 W. 63rd St., Valley Center, KS 67147.

April 15, 2023

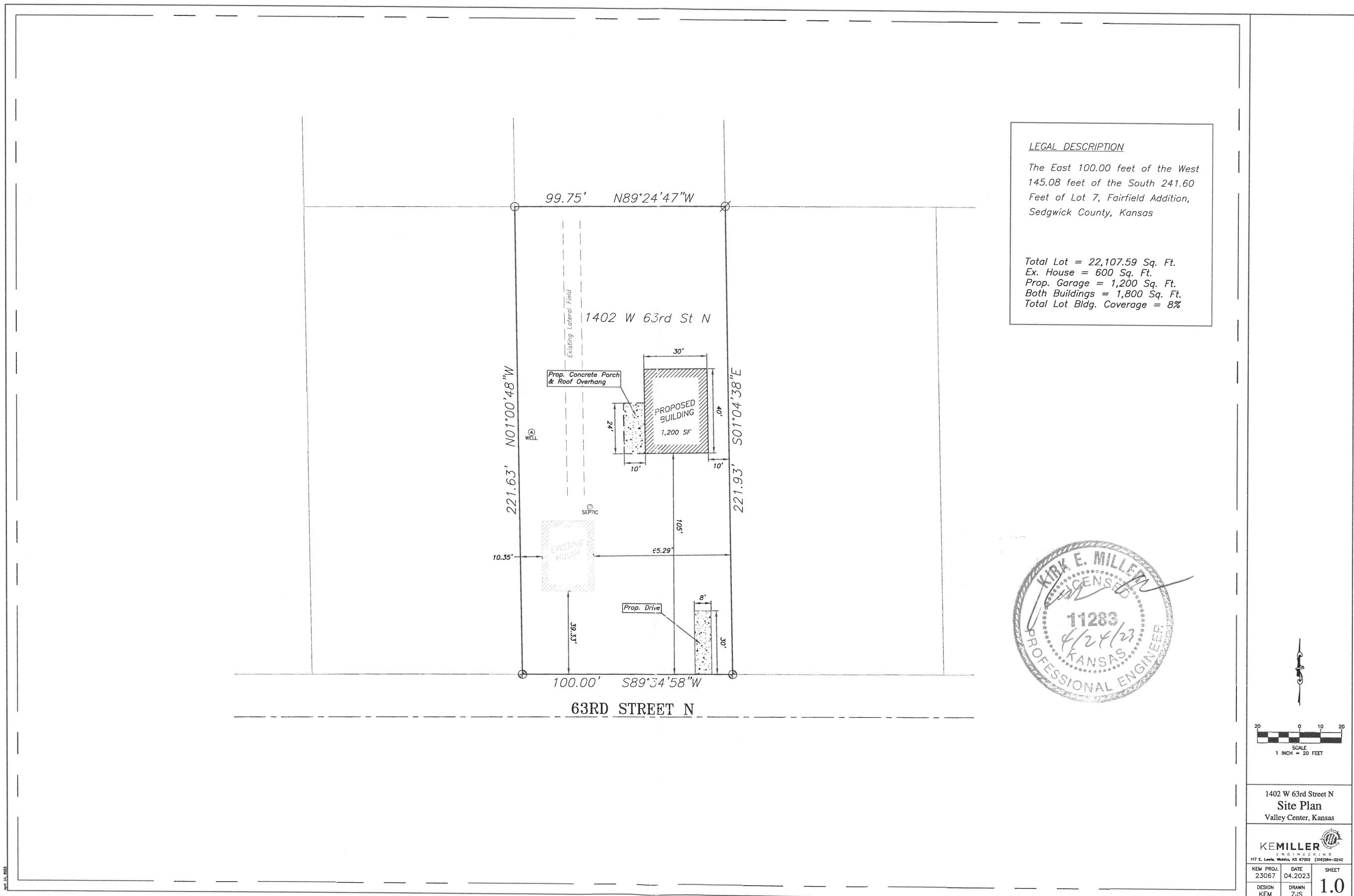
To whom it may concern,

This letter is to explain the use of the 30 x 40 garage that I would like to add. The garage will be used to house the 2 vehicles that I own and will allow for space for my lawn mowers. It will also provide me a small space for a work bench, my tool boxes, shovels, rakes, wheel barrow and other misc items.

I hope this provides you the information you need. Thank you!

Respectfully,


Joan Urcavich



PLANNING AND ZONING BOARD MEETING MINUTES
CITY OF VALLEY CENTER, KANSAS

Tuesday, March 28, 2023 7:00 P.M.

CALL TO ORDER: Chairperson Janzen called the meeting to order at 7:14 P.M. with the following members present: Paul Spranger, Scot Phillips, and Steve Conway.

Members Absent: Brian Shelton, Rick Shellenbarger, and Toby Meadows

City Staff Present: Brent Clark, Brittney Ortega, and Heather VonFeldt

Audience: Vincent Garcia, Helen LeBlanc, Justin Schwanke, and Lois Thomas

AGENDA: A motion was made by Chairperson Janzen and seconded by Vice Chairperson Spranger to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES: Chairperson Janzen made a motion to approve the February 28, 2023, meeting minutes. The motion was seconded by Vice Chairperson Spranger. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD:

1. Review of RZ-2023-03, application of Vincent Garcia, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned R-1B, which is the City's designations for a single-family residential district, to C-1, which is the City's designations for a central business district. The property is currently addressed as 145 N. Meridian Avenue, Valley Center, KS 67147.

Chairperson Janzen opened the hearing for comments from the public: 7:17 PM

City Administrator Clark, presenting on behalf of Ryan Shrack, gave a summary of the staff report. Clark explained that the applicant would like to build a 2-story structure with the main level being a law office and the upper level being a potentially residential rental unit. A C-1 zoning would accommodate this use type. Clark presented preliminary drawings of what the future structure could look like and stated that commercial buildings currently exist on this same block. Chairperson Janzen gave a reminder that what is being voted on is the zoning only and not the structure. Vincent Garcia, applicant, addressed the board explaining what his original plans for the property were and now what the current plans are. Garcia explained that he was aware this is in the Downtown Overlay District and he doesn't plan to start this project until after the city finishes the Meridian St. Project that will affect this property. Chairperson Janzen asked what the projected parking will look like for this type of mixed use building. Garcia explained that the law office is not a final decision on what he will use this space for it is only a possibility at this point. Vice Chairperson Spranger gave his advice and opinion on streetscape, parking and the future for this property. Justin Schwanke, resident, and property owner addressed the board. He stated his concerns which included property value, rental clientele, traffic, parking and residential areas staying residential areas. Helen LeBlanc, resident, addressed the board with her concerns which included lot size, property lines, parking, home valuations, taxes, and use of the property. Chairperson Janzen, again, reminded that this meeting was only for the zoning change not the site plan review. Lois Thomas, resident, addressed the board expressing her concerns which included taxes and the extension of more commercial use in this area.

Chairperson Janzen closed the hearing for comments from the public: 8:05 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve RZ-2023-03. Motion was seconded by Board Member Phillips. The vote was unanimous.

OLD OR UNFINISHED BUSINESS: None

NEW BUSINESS: None

STAFF REPORTS: None

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-none

Paul Spranger-none

Brian Shelton- absent

Rick Shellenbarger-absent

Scot Phillips-none

Steve Conway-none

Toby Meadows-absent

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 8:12 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Board Member Conway. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

/s/ Ryan Shrack, Community Development Director

Gary Janzen, Chairperson