



## PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING AGENDA

Tuesday, October 22, 2024  
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)

**1) CALL TO ORDER THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS**

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL**

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

**4) SET/AMEND AGENDA**

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

**5) APPROVAL OF DRAFT MINUTES**

September 24<sup>th</sup>, 2024 DRAFT meeting minutes

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

**6) COMMUNICATIONS**

**7) PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS**

1. Review of V-2024-04, application of Edith Santiago, pursuant to City Code 17.10.08, who is petitioning for a variance to have a front yard fence with no open space, where code requires 50% open space. The property is addressed as 1932 W 69<sup>th</sup> St N., Valley Center, KS 67204.

- 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 Planning and Zoning Board, I \_\_\_\_\_ make a motion to (**approve**, **deny**, or **table**) V-2024-04. Seconded by \_\_\_\_\_. For \_\_\_\_ Against \_\_\_\_

**8) OLD/UNFINISHED BUSINESS**

1. Comprehensive Plan Review Date

**9) NEW BUSINESS****10) STAFF REPORTS****11) ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:**

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

**12) ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BZA**

Motion made by \_\_\_\_\_. Seconded by \_\_\_\_\_. For \_\_\_\_ Against \_\_\_\_

**Note to Planning and Zoning Board Members:** If you are unable to attend this meeting, please contact Kyle Fiedler (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](mailto:communitydevelopment@valleycenterks.org) or by phone at (316)755-7320. For additional information on any item on the agenda, please visit [www.valleycenterks.org](http://www.valleycenterks.org) or call (316) 755-7320.*

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

Tuesday, September 24, 2024      7:00 P.M.

**CALL TO ORDER:** Chairperson Janzen called the meeting to order at 7:01 P.M. with the following board members present: Steve Conway, Scot Phillips and Dalton Wilson.

**Members Absent:** Paul Spranger and Rick Shellenbarger

**City Staff Present:** Kyle Fiedler, Brittney Ortega and Rodney Eggleston

**Audience:** Bill Fox

**AGENDA:** A motion was made by Janzen and seconded by Wilson to set the agenda. Motion passed unanimously.

**APPROVAL OF DRAFT MINUTES:** Janzen made a motion to approve the August 27th, 2024, meeting minutes. The motion was seconded by Phillips. Motion passed unanimously.

**COMMUNICATIONS:** None

**PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS:**

1. Review of LS-2024-03, application of KWH Investments, LLC, pursuant to City Code 16.09.01, who is petitioning for a lot split involving the splitting of property the applicants own and is currently addressed as 825 W. 77th Street N., Valley Center, KS 67147.

Chairperson Janzen opened the hearing for comments from the public: 7:03 PM

Fiedler gave a summary of his staff report. Notices were sent to the surrounding property owners as well as published in the *Ark Valley News*. There has been no correspondence in opposition to this application. Staff is recommending approval.

Bill Fox, agent for the applicant, addressed the board and was available for any questions. There were none.

Janzen closed the hearing for comments from the public: 7:05 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Wilson made a motion to approve LS-2024-03. Motion was seconded by Janzen. Motion passed unanimously.

**OLD/UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**STAFF REPORTS:** None

**ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:**

Gary Janzen - none

Paul Spranger - absent

Rick Shellenbarger - absent

Scot Phillips - none

Steve Conway - none

Dalton Wilson - none

**ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING:** At 7:08 P.M., a motion was made by Janzen to adjourn and seconded by Conway. The vote was unanimous, and the meeting was adjourned.

Respectfully submitted,

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/s/ Kyle Fiedler, Secretary

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Gary Janzen, Chairperson

**STORMWATER CITIZENS ADVISORY COMMITTEE MEETING MINUTES**  
**CITY OF VALLEY CENTER, KANSAS**

Tuesday, September 24, 2024, 7:00 P.M.

**CALL TO ORDER:** Chairperson Janzen called the meeting to order at 7:08 P.M. with the following committee members present: Steve Conway, Scot Phillips, and Dalton Wilson

**MEMBERS ABSENT:** Paul Spranger and Rick Shellenbarger

**CITY STAFF PRESENT:** Kyle Fiedler, Rodney Eggleston, and Brittney Ortega

**AGENDA:** A motion was made by Chairperson Janzen and seconded by Committee Member Conway to set the agenda. Motion passed unanimously.

**APPROVAL OF DRAFT MINUTES:** Chairperson Janzen made a motion to approve the March 26, 2024, committee meeting minutes. The motion was seconded by Committee Member Wilson. Motion passed unanimously.

**COMMUNICATIONS:** None

**OLD/UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. Update on stormwater additions from various projects currently underway.

R. Eggleston addressed the committee. This is the second of a minimum of two required meetings per year.

Prairie Lakes Regional Detention Basin/Park

Adjacent to the Prairie Lakes Development & Trails End Development (future school site). Project incorporates a naturalized channel and wetland areas to restore pre-existing natural features of the Trailsview Slough. The basin provides over 340 Acre-feet of stormwater storage. Project included a Conditional Letter of Map Revision (CLOMR) – approved by FEMA. Final Letters of Map Revision (LOMRs) are ongoing to bring the developed areas out of the floodplain.

Sunflower Valley - Mixed use development. Project is adjacent to the existing detention pond and pump station. Project runoff is directed to an internal retention pond & the detention pond to the east. Internal retention pond is similar to the pre-existing pond. Currently the retention pond has not filled up (yet). Pre-existing pond was nearly dry prior to this project.

Harvest Place Retention Ponds - Mixed use Development. Project includes 3 large retention ponds (7' deep). The ponds provide 88 acre-feet of stormwater storage above the wet pond volume. A water rights permit was obtained through KDA-DWR for 200 acre-feet of stored runoff water. This project creates better conveyance of stormwater to this area from offsite locations, significantly enhanced storage, and

water quality to downstream channels. Project ultimately flows south through the golf course and future Emporia Avenue corridor.

Meridian – Main to 5th . Approximately 21 new inlets. Approximately 2000 feet of stormwater pipe

**2. Next Meeting Date**

R. Eggleston suggested the next meeting to be in March of 2025. Confirmation will be sent at a later date.

**ADJOURNMENT OF THE STORMWATER CITIZENS ADVISORY COMMITTEE**

**MEETING:** At 7:25 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Committee Member Wilson. The vote was unanimous, and the meeting was adjourned.

Respectfully submitted,

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/s/ Rodney Eggleston, Secretary

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Gary Janzen, Chairperson



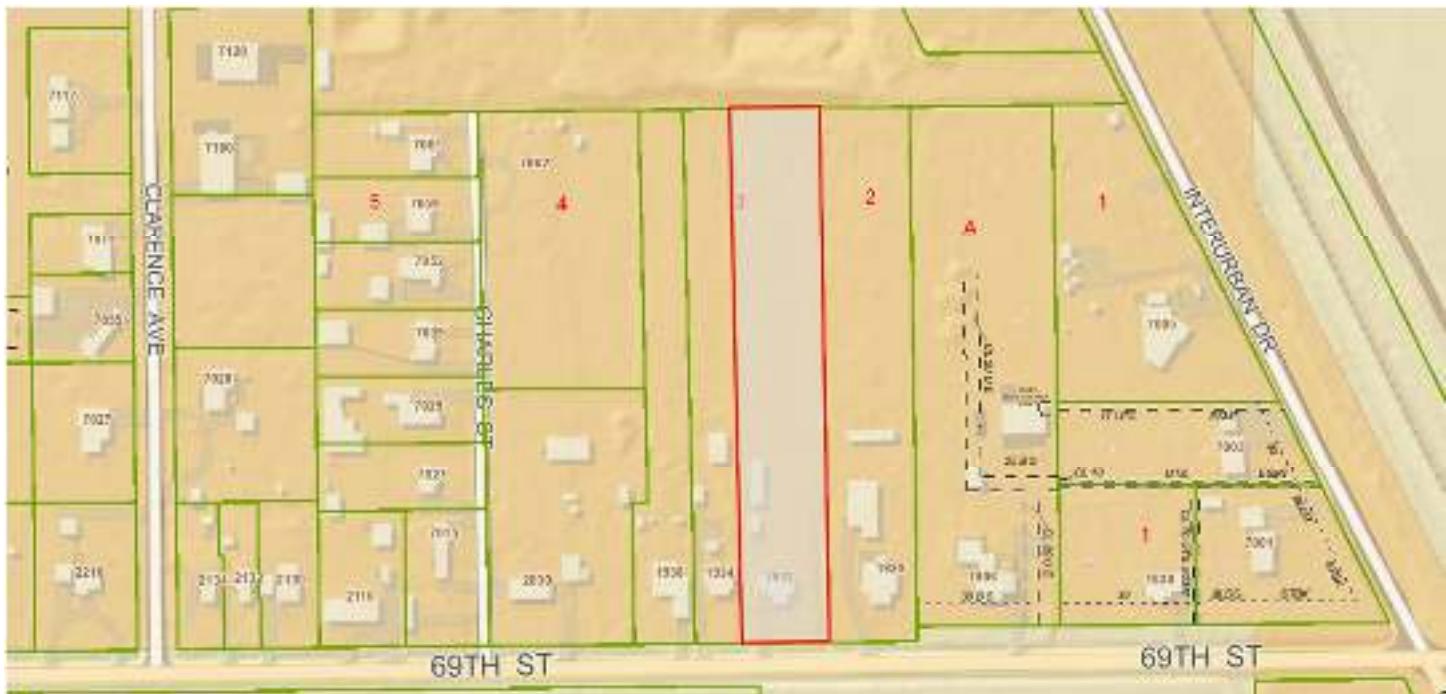
**Date:** October 22<sup>nd</sup>, 2024

**Present Zoning:** RR-1 (Suburban Residential)

**Variance Requests:** The applicant, Edith Santiago, pursuant to City Code 17.10.08, is petitioning for a front yard fence with no open space, where code requires 50% open space.

**Applicant:** Edith Santiago

**Property Address:** 1932 W 69<sup>th</sup> St N., Valley Center, KS 67204 (outlined in red below)



**Applicant's Reasons for Variance Request:**

Per the City of Valley Center's Zoning Code (17.03.30.D.), Fences in a front yard: on lots with single or two-family dwellings and all types of manufactured and mobile homes, a front yard fence shall not exceed four feet in height and have at least 75% open space. Only chain-link, decorative wrought iron, picket and split rail fencing shall be permitted. For picket fencing, the maximum width of the pickets shall be three and one-half inches and the minimum separation of the pickets shall be three and one-half inches. (See Section 17.06.01.B for required zoning permit).

**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 not unique to this property and is the result of actions already taken by the property owner, as the fence has already been erected. The surrounding neighborhood is comprised of predominately single-family homes and multiple accessory buildings and agricultural land across the street.

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 in the City and within 1000 feet in the County. To date, one call has been received by City staff, to clarify where the property was as the representative of the owner does not reside in the area. Any further responses received after the creation of this staff report will be shared with the Board of Zoning Appeals during the October 22<sup>nd</sup>, 2024, 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 erected the fence without a permit. The main structure of the fence will be allowed to remain assuming it meets correct setbacks and is under the 4-foot height requirement. The variance requested would allow all pickets to remain. If the owner is required to follow zoning regulations, every-other picket will be required to be removed to meet the 50% open requirement.

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. If the variance request is approved.

5. *That granting the variance desired will not be opposed to the general spirit and intent of these regulations.*

The spirit and intent of the Zoning Regulations regarding fences in the front yard is to guard against the lack of visibility for next door neighbors to be able to see oncoming traffic. Because of the large lot sizes in this area, there is generally more open space for visibility, which would not be opposed to the general spirit and intent of these regulations.

**Staff Recommendation:** Staff recommends that the Board of Zoning Appeals approves the variance allowing a fence with no open space in the front yard at 1932 W 69<sup>th</sup> St N., Valley Center, KS 67204.

**RECEIVED**  
*9.23.24-180***VARIANCE APPLICATION**

This application is for a Variance before the City Board of Appeals. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at Public Works, 545 W. Clay Street, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7324. An incomplete application will not be accepted. For questions, call (316) 755-7310.

Property owner(s) Name & Address Edith Santiago, 1932 W 69th St N  
Phone 316-559-3875 fax#

Petitioners Name & Address Edith Santiago, 1932 W 69th St N  
Phone 316-559-3875 fax#

Contact email address Santiago, Edith83@gmail.com Contact Cell Phone 316-559-3875

Relationship of applicant to property is that of Owner Tenant Lessee Other

Variance Requested: Fence in front of property is not 50% see through. fence is only 4" feet tall and is not blocking easements, is simply just not 50% see through.

Address/Location of Request 1932 W 69th St N

Parcel number(s)

Property Zoning is now

The applicant or his/her authorized agent acknowledges all of the following:

1. That he/she has received instruction material concerning the filing and hearing of this matter.
2. That he/she has been advised of the fee requirements established and that the fee accompanies this application.
3. That he/she has been advised of his/her rights to bring action in the District Court of the County to appeal a decision of the Board of Zoning Appeals.
4. That all documents are attached to this petition as noted in the instructions.

ES09/23/2024ApplicantDateAgent (If any)Date**Office use only**

A pre-application meeting occurred with the applicant on . This application was received at  (am) (pm) on 09/23/2024 by the Zoning Administrator acting on behalf of the Board of Zoning Appeals. It has been checked and found to be complete and accompanied by the required documents and a nonrefundable fee of **\$200**.

## **Brittney Ortega**

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**From:** Taylen Moore <taylenmoore1104@gmail.com>  
**Sent:** Monday, September 23, 2024 2:29 PM  
**To:** Brittney Ortega  
**Subject:** Edith Santiago ( fence statement )

Hello, I am asking for approval for the new fence on my property. The fence was built using proper and strong material. As some may know this home sat vacant for 10 years and my family has taken on the task to fix it into a home for us as well as brighten up the valley center community. To my knowledge at the time of the construction I knew valley center had a 4 foot height rule and to not block any easements, I followed those as the fence does not reach a height taller than four feet and it is built 8 feet away from the fire hydrant in the front easement, as well as it is also 7 feet away from the water meter in the easement. Upon talking to the inspector he informed me fences must also be 50% see through. I was not aware of that at the time, this fence was built with wood and composite material that is not 50% see through, I chose to build it this way due to my 1 year old daughter who is starting to become more active outside and I wanted this fence to keep her safe as drivers daily continue to speed down the road I live on and as well the general safety of being able to enclose the front lawn area. We also have a 8 month old puppy that I am still training and this fence was built for his safety as well. I am at fault for not knowing I needed to get permission for this fence, but I am asking for grace and permission to allow it to stay built for the sake and safety of my daughter, puppy and any other family children we have over. Thank you for your time.

