



MINUTES

DOUGLAS COUNTY BOARD OF ZONING APPEALS

Training Room, Public Works/Zoning and Codes

3755 E 25th Street

Monday, May 17, 2021

10:00 a.m.

MEMBERS PRESENT: Charlie Thomas, Chair; Phil Metsker, Scott Eudaly (Zoom), Jerry Wohletz (In person)

MEMBERS ABSENT: Rich Barr

STAFF PRESENT: Tonya Voigt, Zoning Director; Dre’Vel Taylor, Zoning Specialist; Ben Harris, Code Enforcement Officer

PUBLIC PRESENT: Susie Brown, Anthony Brown, Ben Kramer, Dean Grob

Charlie called the meeting to order at 10:04 a.m.

Charlie called roll and a quorum was established.

ITEM NO. 1: MINUTES

Approve, revise, or approve with conditions the April 19, 2021 meeting minutes.

Jerry moved to approve the April 19, 2021 minutes, Phil seconded. Motion carried 5-0.

ITEM NO. 2: DISCLOSURE OF EX PARTE COMMUNICATIONS

Chair asks Board members for disclosure of any ex parte communications on the items on the agenda.

10:04 Charlie asks, all members attest to no communication.

VARIANCE REQUESTS

ITEM NO. 3: ON AN APPLICATION FOR: A VARIANCE request under the terms of the Douglas County Zoning and Land Use Regulations of Douglas County, Kansas, an application for a 45 ft. reduction of the required 85 front setback, and a 15 ft. reduction of the required 30 ft. side setback, located at 799 E 2200 Rd for a proposed accessory barn.

- APPLICANT/OWNER:** Anthony Brown
- LOCATION:** 799 E 2200
- AREA:** 2 Acre
- DATE OF PUBLIC HEARING:** May 17, 2021, 10:00 am.

DATE PUBLIC NOTICE PUBLISHED: April 27, 2021
PRESENT LAND USE: AG-2, Transitional Agricultural

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-1.04 Dimensional Standards: Requires 85' combined base and front setback and 30' side setbacks.

10:04 Charlie Thomas introduced the item

10:05 Dre'Vel Taylor reads staff report

10:11 Anthony Brown complemented staff work on this item.

Scott Eudaly asks about the options to move it further back from the road.

Applicant states the location allows him to get equipment in and out of barn with more ease.

Board did not have further questions.

No public comment was made.

10:14 Phil Metzger – Moves to approve the variance request from Anthony Brown for a 45 ft. reduction of the required 85 front setback, and a 15 ft. reduction of the required 30 ft. side setback, located at 799 E 2200 Rd for a proposed accessory barn.

Jerry Wohletz – seconded motion

ITEM NO. 4: **ON AN APPLICATION FOR:** A VARIANCE request under the terms of the Douglas County Zoning and Land Use Regulations of Douglas County, Kansas, an application for a 20' reduction of the required 30' side yard setback and a 74 ft. reduction of the required 140 ft. front setback for a new chlorination facility, located at 249 E 150 Rd.

APPLICANT/OWNER: City of Overbrook (Jim Koger, City Clerk; Ben Kramer, City Engineer)
LOCATION: 249 E 150 Rd. Plate 600094A
AREA: 120 Acre
DATE OF PUBLIC HEARING: May 17, 2021, 10:00 am.
DATE PUBLIC NOTICE PUBLISHED: April 27, 2021
PRESENT LAND USE: AG-1, Agricultural

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-1.03 Dimensional Standards: Requires 140' combined base and front setback and 30' side setbacks.

10:16 Charlie introduces item.

10:17 Dre'VeL reads staff report.

10:22 Charlie asks for questions.

Ben Kramer complements staff work on this item.

After reviewing staff report board does not have questions for the project.

Jerry makes a motion to approve the variance request for the City of Overbrook for a 20' reduction of the required 30' side yard setback and a 74 ft. reduction of the required 140 ft. front setback for a new chlorination facility, located at 249 E 150 Rd.

Seconded by Scott Eudaly. Motion carried 4-0.

ITEM NO. 5: **ON AN APPLICATION FOR:** A VARIANCE request under the terms of the Douglas County Zoning and Land Use Regulations of Douglas County, Kansas, from Gary Rauckman for a 50 ft. reduction of the required 150 ft. front setback on four tracts of land under the Plate Numbers 800985-09, 800985-10, 800985-11, and 800985-12 for the placement of future residences.

APPLICANT/OWNER:	Gary Rauckman/ Dean Grob
LOCATION:	800985-09, 800985-10, 800985-11, and 800985-12
AREA:	5 Acre (each)
DATE OF PUBLIC HEARING:	May 17, 2021, 10:00 am.
DATE PUBLIC NOTICE PUBLISHED:	April 27, 2021
PRESENT LAND USE:	AG-2, Transitional Agriculture

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-2.04 Dimensional Standards: Requires 150' front setback on a Principle Arterial.

10:27 Charlie introduces items 800985-09, 800985-10, 800985-11, and 800985-12

10:28 Dre'VeL reads staff report

10:33 Dean Grob complements staff on work.

10:34 Scott Eudaly – believes the set-backs make since. He does not have a problem with the variance.

10:36 Darrell and Debbie Brazell email against the variance request is read.

10:40 Dre'VeL shows aerial image of properties and shows Brazell's existing base setback is 132'.

Tonya Voigt Discusses Zoning perspective is that further from the floodplain is favored by staff. The maps are being revised and this land could be impacted further in the future.

Jerry Wohletz discusses his perspective that the Brazell's will not be impacted to the degree they may think they will. He regrets that the Brazell's are not on the call to discuss the variance request.

Jerry Wohletz motions to approve the variance request from Gary Rauckman a 50 ft. reduction of the required 150 ft. front setback on four tracts of land under the Plate Numbers 800985-09, 800985-10, 800985-11, and 800985-12 for the placement of future residences with the following conditions:

1. The variance shall only apply to the primary residence and not accessory buildings.

Phil Metsker seconds. Motion carried 4-0.

ITEM NO. 6: Brad Ochs variance request for tower project.

Charlie says that if he has not asked for a continuance do we need to keep putting it on the agenda.

Dre'Vel states that he reached out twice to Brad and did not receive a response

Jerry Wohletz motions to deny variance request.

Phil Metsker seconds. Motion carried 4-0.

Dre'Vel asks to consider how future meetings will occur.

Board plans to meet in person for the June BZA meeting if a meeting occurs.

Dre'Vel asks about planning a BZA and staff meeting after the June BZA meeting. Staff and BZA agree.

Jerry Wohletz– Motion to adjourn.

10:55 - Scott Eudaly – Seconds motion. Motion carried 4-0.