

**MINUTES OF THE
SHAWNEE COUNTY BOARD OF ZONING APPEALS**

**Monday, December 12, 2016
Shawnee County Annex
6:00 PM**

Roll Call and Announcement of Hearing Procedure: Ms. McKenzie, Chairman, called the meeting to order at 6:06 p.m. and asked for roll call to be taken.

Members Present: Christi McKenzie, Dave Macfee, Pat Tryon and Jerry Desch. With four members present a quorum was established and the meeting was called to order.

Members Absent: Brian Jacques and Matt Appelhanz. There is one vacancy on the Planning Commission.

Staff Present: Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; and Josh Smith, Assistant County Counselor.

Approval of the May 11, 2015 Public Meeting Minutes: Mr. Tryon moved for Approval of the May 11, 2015, Board of Zoning Appeals minutes, second by Mr. Macfee and with a unanimous voice vote the minutes were Approved.

Communications: There were no communications from staff.

Ex Parte Communication by Members of the Commission: There were no Ex Parte communications expressed by members of the Commission.

Declaration of Conflict of Interest by Members of the Commission or Staff: There were no declarations of conflict of interest by commission members or staff.

Public Hearing:

1. **E16/01 by DCT, LLC (Derek J. & Christin R. Thompson)** seeking an exception to increase the maximum building height for an accessory building on property located at 8710 NW 46th Street in Grove Township.

Mr. Beagle stated the applicant was requesting to increase the maximum building height for a detached two story garage by an additional 5.875 feet (from 24.625 feet to 30.5 feet) to match the architectural design of the home currently being built on their 79.78 acre parcel. Given the size of the parcel, the applicant does not believe there would be a conflict with the predominantly rural/agricultural character of this area and with neighboring properties. The applicant has no intention to subdivide the property in the future and no additional accessory structures are proposed. The average size of the tracts surrounding the subject property was 109.34 acres. Based on the scale, size and height of the home; setback from the adjoining property; and size of those properties, the proposed request was considered compatible with the neighborhood in design, location and size. Additionally, even with the requested height increase of the garage, it would be proportional in size with the house, parcel and street frontage. Staff recommended approval to increase the height of the garage by 5.875 feet based on slope and subject to the garage remain incidental and subordinate to the house and not be used or improved to support a business use or be improved or occupied as a separate dwelling unit.

Mr. Desch asked if the roof was out of compliance because of the slope on the east side of the property. Mr. Beagle said the accessory building height was calculated based on a 6/12 roof pitch with a 16 foot sidewall height which allowed 24.625 feet. Mr. Childress stated he thought he was

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talking about the slope toward the east of the property on how it sloped down and did it make the roof higher in the back. He didn't think it was because it was on the front gable. Mr. Beagle said they took the average between the west and east walls to determine the maximum building height.

With no questions for Mr. Beagle, Ms. McKenzie asked if the applicant wanted to make a statement.

Mr. Brett Childress, Evan-Talan Homes, P.O. Box 180485, Kansas City, MO 64148.

- He had no additional comments.

With no questions for the applicant and no public in attendance, Ms. McKenzie closed the public hearing and asked for discussion from the commissioners.

Mr. Tryon moved for approval of the exception based on the two criteria, seconded by Mr. Macfee and with a vote of **4-0-0**, the exception was Approved.

There was no public comment on non-agenda items.

Mr. Beagle provided an update regarding the building code proposal and comprehensive plan project. He said the Building Code Committee concluded their work and provided a recommendation to the County Commission on December 5th. The County Commission directed that a resolution be brought back to them to adopt the building code. They also directed the committee to look at the possibility of negotiating with the City of Topeka on an interlocal agreement to extend their codes into the unincorporated area as opposed to Shawnee County doing so or proceed with the proposal as the committee had recommended. The committee's biggest hurdle was the committee faced was the County Commission requirement that the program had to be self supporting with no tax payer support. Mr. Beagle said they had taken that in earnest and thought they had created a program which met that requirement. They were currently waiting for a resolution to go back to the County Commission as requested to implement phase 1. The committee would then look at the idea of working with the City or coming back with the original proposal.

Mr. Beagle stated the Comprehensive Plan work was still continuing. A baseline analysis report was completed that provided background information and analysis on population, demographics, employment, economic development, etc. It provided a comprehensive scope of review of where Shawnee County was today. It would be used as a basis for making decisions about how and where the County wanted to grow into the future. The steering committee would be looking at development constraints, both environmental and development, at their next meeting. It would provide some sense of focus as to the areas which were suitable to accommodate growth and development. They would also look at land use projections to see how much land use needed to be accommodated in residential, commercial, industrial, etc. into the future. Results would soon be shared with the Planning Commission. They were still working towards a completion date and submittal to the County Commission by June 2017.

Mr. Beagle also commended and thanked Mr. Macfee for his nine years of service to the Planning Commission since he was not renewing his term. Mr. Macfee thanked Mr. Beagle and his staff and said it was a great learning experience and expressed good luck to the rest of the Commission. Ms. McKenzie also thanked him for his service and guidance.

Mr. Beagle said Mr. Macfee's successor had been appointed and would start in January. Mr. Appelhanz had also expressed a desire to leave the Planning Commission but was not sure about the status. A successor was also to be named for Ms. Johnson from Commissioner Buhler.

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Adjournment:

Mr. Tryon moved to adjourn the Board of Zoning Appeals hearing, seconded by Mr. Macfee and with a unanimous voice vote the meeting was adjourned at 6:24 p.m.