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MINUTES OF THE  
SHAWNEE COUNTY BOARD OF ZONING APPEALS

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Monday, December 11, 2017 – 6:00 PM  
Shawnee County Annex

**Roll Call and Announcement of Hearing Procedure:** Pat Tryon, Chair, called the meeting to order at 6:07 p.m. and asked for roll call to be taken.

**Members Present:** Pat Tryon, Jerry Desch, Brian Jacques, Judy Moler, Christi McKenzie, Matthew McCurry and Brian Aubert. With seven members present, a quorum was established and the meeting was called to order.

**Staff Present:** Barry T. Beagle, Planning Director; Joelee Charles, Administrative Assistant; Joni Thadani, Assistant County Counselor.

**Approval of March 13, 2017, Public Hearing Minutes:** Mr. Jacques moved to approve the March 13, 2017, Public Hearing minutes, seconded by Mr. Aubert, and with a unanimous voice vote, the minutes were approved.

**Communications:** There were no communications from staff.

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

**Declaration of Conflict of Interest by Members of the Board or Staff:** There were no declarations of conflict of interest by board members or staff.

**Zoning and Subdivision Items:**

1. **E17/01 by David Zyzak** seeking an exception to increase the maximum building height for an accessory building on property located at 4640 SW Urish Road in Mission Township.

Mr. Beagle stated approval of the request would allow the applicant to build a two-story, 36' x 70' building on their 31 acre parcel. Horse stalls would be located on the first floor and the second floor would be used for personal storage.

Per the Zoning Regulations, the proposed building's height could not exceed 25'. To accommodate the two-story design, the maximum sidewall height would be increased from 16' to 20' resulting in a total structure height of 26'.

The Board of Zoning Appeals could authorize a larger maximum building area or height if it can be demonstrated that: the area of all accessory buildings would be compatible with the neighborhood in design, location and size; and there was proportionality between the size of the principal building, parcel, street frontage and the size of the accessory structures.

The applicant's 2,279 square foot single story home was constructed in 1974 and sets back approximately 720' east of Urish Road and approximately 125' north of the south property line. A pavilion was recently built comprising approximately 2,000 square feet. The property was entirely tree covered except for the applicant's home and pavilion. The proposed accessory building would be setback approximately 500' from the SW Urish Road and 380' from the south property line.

Per the Zoning Regulations, parcels greater than ten acres in size have no limitation on the total square footage of all accessory buildings provided that no individual accessory building exceeds 6,000 square feet. The combination of the proposed structure and the existing pavilion total 4,520 square feet which was only 3 percent of the 31 acre parcel. Given the parcel's size, terrain, extensive setbacks and heavy tree cover; the proposed accessory building was not anticipated to be seen from adjacent property and would not have a negative impact on the neighboring residences.

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Staff was recommending the proposed exception be approved subject to the accessory structure remaining incidental and subordinate to the principal structure, the applicant's home, and not be used or improved to support a business use or a separate residential dwelling in the future.

The Board had no questions for Mr. Beagle and it was determined the applicant was not present. No one came forward to speak in favor or in opposition of the item.

Mr. Tryon closed the public hearing and asked for discussion from the Board.

Mr. Desch moved for approval of the exception based on the two criteria, seconded by Ms. McKenzie. With a vote of **7-0-0**, the item was recommended for **Approval**.

**Adjournment:**

Mr. Jacques moved to adjourn, seconded by Ms. Moler, a unanimous voice vote declared the public hearing be adjourned, which was at 6:18 p.m.