MINUTES OF THE
SHAWNEE COUNTY BOARD OF ZONING APPEALS

Monday, August 13, 2018 – 6:00 PM
Shawnee County Annex

Roll Call and Announcement of Hearing Procedure: Judy Moler, Chair, called the meeting to order at 6:00 p.m. and asked for roll call to be taken.

Members Present: Judy Moler, Jerry Desch, Christi McKenzie, Matt McCurry, Jake Fisher and Chad Depperschmidt. With six members present, a quorum was established.

Members Absent: Brian Aubert.

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

Approval of June 11, 2018, Public Hearing Minutes: Ms. McKenzie moved to approve the June 11, 2018, public hearing minutes, seconded by Mr. Depperschmidt, and with a unanimous voice vote, the minutes were approved.

Communications: None were indicated.

Ex Parte Communication by Members of the Board: None were indicated.

Declaration of Conflict of Interest by Members of the Board or Staff: None were indicated.

Zoning and Subdivision Items:

1. E18/02 by Chris Helm seeking an exception to the accessory building maximum building area allowance on property located at 4531 NE Meriden Road in Soldier Township.

Mr. Beagle stated the applicant proposes to construct a 2,400 square foot accessory building in lieu of the 3,200 square foot building rejected by the Board of Zoning Appeals at their public hearing on June 11th. The applicant’s two existing buildings and the 3,200 square foot building would exceed the maximum building area allowance by 854 square feet. Following their decision, the Board of Zoning Appeals offered Mr. Helm the opportunity to return with a new proposal equivalent to the largest building in the neighborhood of 2,400 square feet. The new 2,400 square foot accessory building including the two existing buildings would only exceed the maximum building area allowance by 54 square feet.

The Board of Zoning Appeals can grant an exception based on two criteria. First, the area of all accessory buildings must be compatible with the neighborhood in design, location and size. The 2,400 square foot building would be built to the rear of the applicant’s home and not be visible to the motoring public on Meriden Road. This size would accommodate storage of the applicant’s personal items. The 2,400 square foot building is a standard building size. To meet the remaining area allowance of 2,346 square feet would involve the construction of a custom designed building which would possibly increase the cost of building the structure.

Secondly, the premise of the maximum area allowance is to establish a uniform standard governing the cumulative area of all accessory buildings on the property based on proportionality. As a result, the larger the size of the parcel, the larger square footage can be enjoyed in terms of accessory building space. In this case, the applicant would exceed the accessory building maximum area allowance by only 0.04%. Without getting into a custom designed building, an exception would allow the applicant to build a standard 2,400 square foot accessory building while exceeding the maximum area allowance by only 54 square feet. The applicant is entitled as every property owner to maximize their available square footage of accessory building space based on parcel size. In this case, to build a standard size accessory building would result in a maximum area allowance being exceeded by 54 square feet. The resulting difference, however, is considered to be negligible and would still be considered to be proportional between the size of the principal building, the parcel’s street frontage and the size of all accessory buildings.
Based on the revised request, it is the recommendation of the Planning Department that the requested exception be approved.

With no questions for Mr. Beagle, Ms. Moler asked the applicant if they had a presentation.

Chris Helm, 4531 NE Meriden Road, Topeka, KS 66617.

- Hopefully, this new proposal for a smaller area is within the limits as set by the rules and regulations.
- 40 x 60 is a common building size.
- The packages that are available are more reasonable than a custom build of a different size building.
- They hope it is something that will fit.
- Some buildings in the area are a similar size and seem to fit and function quite well.

There were no questions for the applicant and no one to speak in favor or in opposition. With no comments from the Board, Ms. Moler asked for a motion.

Mr. McCurry moved for approval of the exception, seconded by Mr. Fisher. With a vote of 6-0-0, the item was Approved.

**Adjournment:**

With no further items to consider, Ms. Moler declared the public hearing be adjourned, which was at 6:13 p.m.