BOARD OF ZONING APPEALS AGENDA

CITY HALL COUNCIL CHAMBERS

TUESDAY, AUGUST 21, 2018

MEETING BEGINS @ 6:00 P.M.

BOARD OF ZONING APPEALS MEMBERS:

PLEASE CONTACT DON @ 667-1708

NO LATER THAN 12:00 NOON, TUESDAY, AUGUST 21, 2018,

IF YOU WILL BE UNABLE TO ATTEND

PREPARED BY:

DON E. SLONE, AICP, CFM
CITY PLANNER – FLOODPLAIN MANAGER
CRS COORDINATOR

PEOPLE

PLANNING

PROGRESS
Call to Order: Time: ______

Roll Call:

_____ Jason Krone _____ Sherri Neff _____ Lloyd Mesmer (Chairman)

_____ Merle Parks _____ Craig Stephan (Vice-Chairman)

New Business:

ITEM NO. 1: Variance: BZA-114: “134th St. Communication Towers”, a request by Raymond Everett for The Everett Family Trust, property owners of record for the following variance:

Article VI, “A-1”, Agricultural District, Section 3, Intensity of Use Regulations, Paragraph 1, Minimum Lot Area.

This request is for a variance to the required (3) three-acre minimum lot area in order to convey the two (2) existing communication towers as additional public services are not required. The property is located at S. 134th Street.

Open Public Hearing Time: __________

1. Staff Presentation
2. Applicant Presentation
3. Public Comment

Close Public Hearing Time: __________

Motion: __________________ Second: __________________

1. Board Discussion / Vote

_____ Jason Krone _____ Sherri Neff _____ Lloyd Mesmer

_____ Merle Parks _____ Craig Stephan

Approved: _____ Denied: _____

Adjournment: ______
ITEM NO. 1

BOARD OF ZONING APPEALS AGENDA
Tuesday, August 21, 2018 – 6:00 p.m.

Variance: BZA-114: “134th St. Communication Towers”, a request by Raymond Everett for The Everett Family Trust, property owners of record for the following variance:

Article VI, “A-1”, Agricultural District, Section 3, Intensity of Use Regulations, Paragraph 1, Minimum Lot Area.

This request is for a variance to the required (3) three-acre minimum lot area in order to convey the two (2) existing communication towers as additional public services are not required. The property is located at 80 S. 134th Street.

PRESENT
Jason Krone
Sherri Neff
Lloyd Mesmer

& VOTE:
Merle Parks
Craig Stephan

MOTION: ________________________
SECOND: _______________________

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: The City Planner supports the requested variance based upon the Board findings and subject to the condition listed in the Staff Report.

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions.
VARIANCE: 134th STREET COMMUNICATION TOWERS
Case No.: BZA-114
Applicant: Raymond Everett, The Everett Family Trust
Owners: The Everett Family Trust
Location: 80 S. 134th Street (Parcel No. 962103)
Zoning: “A-1”, Agricultural District
Lot Size: 19.46 acres

Staff Recommendation:
The City Planner supports the request to grant a variance to the (3) three-acre minimum lot area required under Article VI, “A-1”, Agricultural District, Section 3, Intensity of Use Regulations, Paragraph 1, Minimum Lot Area as no additional public services will be required.

This variance is subject to the following one (1) condition:
1. The applicants file the “Variance Approval Letter” provided, and provide a “filed copy” to the City Planner to close the file.

Exhibits:
Applicant’s Fact Sheet addressing the “Conditions for Consideration”; WYCO Parcel Data Sheet; Article VI, “A-1”, Agricultural District zoning; Lot Split Drawing; WYCO GIS Map; and Proof of Publication.

Discussion:
This requested variance to Article VI, “A-1”, Agricultural District, Section 3, Intensity of Use Regulations, Paragraph 1, Minimum Lot Area is in order to convey the (2) existing communication towers as no additional public services will be required.

In staff’s opinion, the proposed requirement for this land use to meet the three-acre minimum lot area requirement would be a permanent loss of valuable agricultural property that will someday be re-developed into a much higher land use density. The 0.73 acres as shown on the attached Lot Split drawing does include the chain link fenced, communication equipment compound as well as an additional 10 feet to provide for maintenance of the fence around the communication tower compound.

Provisions for Granting a Variance:
A variance may be granted, upon a unanimous finding by the Board that all five of the following conditions have been met.

The Board shall make a determination on each condition and finding, and shall be entered into the record.

1. Condition Unique to the Property – The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;

2. No Adverse Affects – The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

3. Unnecessary Hardship – The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. **Public Health, Safety and Welfare** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

5. **Ordinance Intent** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
1. Condition Unique to the Property -
The property currently has an existing two cell phone towers, house and shop on approximate 19 acres. We would like to split the land that the two cell phone towers are on from the land that the house and shop are on, creating two separate legal descriptions and addresses.

2. No Adverse Effects -
Splitting the property will not affect any of the rights of adjacent owners or residents.

3. Unnecessary Hardship -
As the property currently exists, we are unable to sell the property, due to the leases that are currently in effect that exists for the cell phone towers. If we split the property into two separate properties, we are then able to sell the residence to private individuals, who do not want the cell phone towers. We can then sell the towers to the cell tower companies. The cell phone companies do not want the land that the house is on, they just want the land that the cell phone towers are on.

4. Public health, Safety and Welfare –
The variance desired will not affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the adjacent owners or residents.

5. Ordinance Intant –
The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulation.

Thank you

Raymond Everett, Co-Trustee
Everett Family Trust
PARCEL INFORMATION
Parcel: 962103 [See Parcel Map]
KUPN: 044180100100080001
Status:
Tax Unit: 110
Volume: 21
TD: 5
Book: 8A
Reference: 2249-0002
Map: 621
Map Section: D18

PROPERTY DESCRIPTION
Property Address: 40 S 134TH ST BONNER SPRINGS KS 66012 89 S 134TH ST BONNER SPRINGS KS 66012
Subdivision:
Assessed With Parcel:
Assessed Here Parcel:
Sec-Twp-Range: 16-11-23
Description: BEG 167.51FT W OF NE COR 53/4 SE1/4 NE1/4; S42W-38.81FT, S 75FT MIL, S82W-53FT MIL, S 139.46FT, E 64.03FT, S 186FT MIL,
Book Page: 2013R-01471
Fracted Acres: 7.47
Left: 1130.00 Right: 1212.02 Rear: 860.03

MAP INFORMATION
Parcel map: View Plat map: Not Available Engineering map: View

NAME & ADDRESS
Owner Name: EVERETT, FRED R JR EVERETT, OLIVE TRUS
Mailing Address: 16807 258TH ST TONGANOXIE KS 66086

LAND RECORDS
Lender:

APPRaisal SUMMARY
DISCLAIMER - VALUES AND/OR INFORMATION IS SUBJECT TO CHANGE

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<th>YEAR</th>
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ARTICLE VI

“A-1” AGRICULTURAL DISTRICT

SECTION 1. PURPOSE: It is the purpose of this district to provide for agricultural and related uses; and to preserve and protect agricultural resources; and to provide a zoning district in which land not yet ready for development may be located.

SECTION 2. PERMITTED USES: Farms, single-family residences, including residential-design manufactured homes and group homes and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised Ordinance No. 1636).

SECTION 3. INTENSITY OF USE REGULATIONS:

1. Minimum lot area: Three (3) acres for all uses.
2. Minimum lot width: Two hundred ten (210) feet

SECTION 4. HEIGHT REGULATIONS: Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: In agricultural districts the front yard shall be the minimum right-of-way required by the major street plan plus twenty-five (25) feet.
2. Side Yard: Fifteen (15) feet
3. Rear Yard: Forty (40) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6. MANUFACTURED HOME: All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)
NOTICE

NOTICE OF A PUBLIC HEARING
BOARD OF ZONING APPEALS
CITY OF BONNER SPRINGS, KANSAS

The Board of Zoning Appeals will hold a public hearing on Tuesday, August 21, 2018 at 6:00 pm at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:


This request is for a variance to the required (3) three-acre minimum lot areas in order to convey the two (2) existing communication towers as additional public services are not required. The property is located at 40 S. 134th Street.

The complete legal description and application for the above item is available for public inspection at the City Planner's Office, 205 E. 2nd Street, to Don E. Slone, AICP, CFPM, City Planner at (913) 667-1708 or by email to dslone@bonnersprings.org.

Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Slone, AICP, CFPM
Planning Commission Secretary
(First published: 7-26-18)
1st-The Wyandotte Echo-7-26-18

PROOF OF PUBLICATION

State of Kansas, Wyandotte County, ss:
Roberta M. Peterson, of lawful age, being duly sworn, says that she is the PUBLISHER of The Wyandotte Echo, a weekly newspaper, owned and operated by M.R.P.P. Inc., printed and published in the city of Kansas City, Wyandotte County, State of Kansas, which said newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has been published therein during a period of more than five years prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge, knows that the printed notice was published each and every issue of The Wyandotte Echo for ___ consecutive week(s) as follows:

1st Publication was made on: July 26, 2018

2nd Publication was made on: __________________

3rd Publication was made on: __________________

4th Publication was made on: __________________

Printer Fees: $25.20

________________________
Roberta M. Peterson, Publisher
The Wyandotte Echo
Official Newspaper for Wyandotte County, KS
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