

**JUNCTION CITY/MILFORD/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

**MINUTES
September 10, 2020**

**Members
(Present)**

Maureen Gustafson, Chair
Ken Mortensen, Vice-Chair
Sheila Burdett
Dan Roether
John Moyer

**Members
(Absent)**

Cindy Carlyon
Brandon Dibben

**Staff
(Present)**

Troy Livingston
Marissa Jones-Flaget

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 5:15 p.m. declaring a quorum with five members present.

2. APPROVAL OF MINUTES – Consideration of the August 13, 2020 minutes.

Vice-Chair Mortensen moved to approve the minutes as written. Commissioner Roether seconded the motion and it carried unanimously.

3. OLD BUSINESS – None

4. NEW BUSINESS - None

5. BOARD OF ZONING APPEALS

Item No. 1 – Case No. BZACU-09-01-20 Public Hearing requesting a Variance

Chair Gustafson called for the staff report for Case No. BZACU-09-01-20 and Ms. Jones-Flaget stated that this is the application filed by Mark Edwards, owner, requesting a variance from the Milford Zoning Regulations requiring a twenty-five (25)-foot front yard setback. Ms. Jones-Flaget stated that Mr. Edwards is seeking relief from the imposed setback and seeks to adjust the front yard setback to ten (10) feet to compensate for the sewer main that bisects the rear 1/3 of his lot.

Ms. Jones-Flaget indicated that there are five (5) conditions that must be met for the Board to consider a variance and she addressed each of those conditions and presented evidence of justification for the Zoning office to consider them met.

Chair Gustafson asked about requirements for a driveway and sidewalk and how that would fit within the shortened setback. Director Livingston indicated that both the driveway and sidewalk would still be required, but that the lot would simply have a smaller front yard.

Ms. Jones-Flaget presented maps of the property in questions with sketches of several different sized houses and how they would fit with the setback left as-is with the result being that the maximum sized house to fit on the lot, left as-is, would be 1,400 sq. ft. Ms. Jones-Flaget also presented maps of the lot in question with sketches of various sized homes but with the front setback adjusted to the requested 10 feet.

Vice-Chair Mortensen asked about the location of the sewer on the adjoining lot and Ms. Jones-Flaget indicated that it basically stops at the property line so the house on the adjoining lot ties into the main with a service line.

Commissioner Roether indicated that he did not see how the lot could accommodate a house with a walk-out basement because of the sewer and Director Livingston stated that was the reason for the request for the variance. Commissioner Roether further stated that he is all for new homes being built in the city of Milford.

Chair Gustafson asked if there were any more questions for staff, and there being none, opened the public hearing.

Mark Edwards, 439 W 1st Street, Junction City, Kansas, addressed the Board. Mr. Edward expressed how impressed he was with the effort Ms. Jones-Flaget had put forth in presenting the case, but that he wanted to make clear to the Board that the pending sale of the lot no longer existed. Mr. Edwards indicated that he had another party interested in purchasing the lot for building a home for extended family to get together and meet a couple of time a year and that he still thinks the variance is required.

Chair Gustafson inquired about the request for diminishing the setback from 25 feet to 10 feet and Mr. Edwards laughingly stated that he requested to do away with the entire setback, but that Ms. Jones-Flaget negotiated and they arrived at the current request.

Commissioner Roether expressed concern about the water and gas lines as they are typically located in the front of the properties in Milford and wanted to know if anyone had done a locate request to physically mark those utilities. He was concerned that with the decrease in the setback that the location of the utilities may interfere with the construction of a new home.

Ms. Jones-Flaget indicated that there was no degree of consistency regarding other homes in the neighborhood with regard to front yard setbacks and couldn't see how the location of the utilities should have an impact. General discussion ensued about city rights-of-way and how utilities are typically located within those rights-of-way and that the setback would begin from the edge of said right-of-way, so the utilities are not in the setback. Once that point was clarified, Commissioner Roether was satisfied.

There being no further discussion, Chair Gustafson closed the public hearing and asked if there were any other questions for staff.

Vice-Chair Mortensen asked if staff had received any comments or concerns from neighbors and Ms. Jones-Flaget indicated there had been none.

There being no further questions, Commissioner Roether moved to grant the request for the variance allowing a change from the required 25-foot setback to a 10-foot setback, Commissioner Burdett seconded the motion and it carried unanimously.

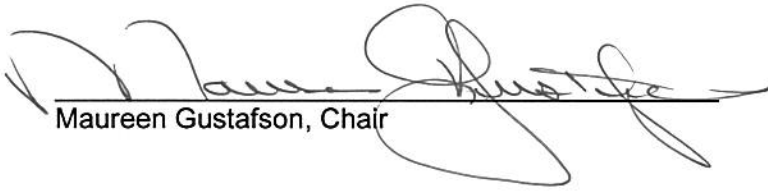
6. GENERAL DISCUSSION

Ms. Jones-Flaget stated that we have two (2) cases on the agenda for the October meeting and general discussion ensued regarding said cases.

7. ADJOURNMENT

Commissioner Roether motioned to adjourn; Commissioner Moyer seconded the motion. Chair Gustafson declared the meeting adjourned at 5:45 p.m.

PASSED and APPROVED this 8th day of October 2020.



Maureen Gustafson, Chair

ATTEST:



Troy Livingston, Secretary