Date: September 17, 2020
Time: 7.00 PM
Location: Sunflower Room
612 E Campbell St
Westmoreland, KS 66549

Link: zoom.us/j/99233429169
Meeting ID: 992 3342 9169
Phone: (346) 248.7799

1. **Call to Order**
   1.1 Roll Call

2. **General Agenda**
   2.1 **Public Hearing** – Variance to reduce the side-yard setback from 25 feet to 10 feet at 4466 Grantham Dr St George, KS 66535

3. **Adjournment**
Request

A variance under the terms of the Pottawatomie County Unified Development Regulations to reduce the side-yard setback from 25 feet to 10 feet for the construction of an accessory building.

Application Information

 Applicant: Brian and Sarah Rempe  
 Location: 4466 Grantham Dr St George, KS 66535  
 Legal Description: Lot 3 Oakmont Farms  
 Tract Size: 2.46 acres  
 Public Hearing Date: September 17, 2020  
 Publication Date: August 27, 2020  
 Zoning District: AR – Ag-Residential

Description of the Variance Requested

The subject site is located on 2.46 acres in the Oakmont Farms subdivision generally located near the intersection of John Scott Rd and Flush Rd in St George Township. The tract was platted in 1994 and is currently zoned AR – Ag-Residential.

At the time the tract was platted, County regulations required a side-yard setback of 14 feet from the property line. Since then, County regulations in the AR district have changed to require a setback of 25 feet from all property lines. The plat itself has no setback requirements for side and rear yards.

The applicant would like to construct an accessory building at the end of an existing driveway. The accessory building is planned to be 24 feet wide. Due to the presence of an existing well-head located approximately 34 feet from the south property line, the applicant is requesting that the side-yard setback reduced from 25 feet to 10 feet to accommodate the building. There is an existing utility easement along the south property line, and granting this request would not allow the building to encroach in the easement.

Findings Required to Approve a Variance

The variance arises from a condition unique to the property in question and is not a general condition found in the neighborhood.

The tract is located in a subdivision that was platted under regulations that are different than today’s AR Zoning requirements. At the time the subdivision was platted, the side-yard setback in AR was 14 feet instead of 25.

In addition, the presence of an existing well-head means that the accessory building cannot be moved farther to the north to accommodate the 25 foot side-yard setback.

Finally, the application notes that there is a tree to the west that was grown from a tree
that survived the Oklahoma City Bombing, and therefore has significant sentimental value. In order to move the building farther to the west to accommodate the 25 foot building setback, this tree would have to be removed.

The granting of the variance will not adversely affect the rights of the adjacent property owners or residents.

If this variance is granted and the accessory building is built, the building would not encroach on the existing utility easement. Additionally, the residential structure to the south is more than 100 feet to the south of the proposed 10 foot side-yard setback. The setbacks along the remaining property lines are unaffected by this request and therefore no change is expected to the rights of the property owners adjacent to those property lines.

Strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance.

Strict adherence to the regulations would require either the removal of the well-head, which would require a significant monetary cost, or the removal of the tree which would require a significant sentimental cost to the property owners.

These consequences could constitute an “unnecessary hardship” upon the property owner.

The variance desired will not adversely affect the public health, safety, morals, welfare, convenience, prosperity or general order.

Granting the variance is not like to adversely impact the public health, safety, morals, or welfare of the neighborhood. A 10 foot side-yard setback is not uncommon in other residential zoning districts.

**Staff Recommendation**

Based on the information presented in the Staff Report, Staff recommends approval of the variance to the side-yard setbacks from 25 feet to 10 feet.
Locator Map

Proposed Variance Location
Located in St George Zip Code
Sec. 05 Twp. 10 Range 09
St George Township Pottawatomie County

8/27/2020

Legend
- Notified Properties
- Applicant Property
4466 Grantham Dr

Proposed Setback Variance
Located in St George Zip Code
Sec. 05 Twp. 10 Range 09
St George Township Pottawatomie County

Legend
- 100 Year Flood Plain
- Property Boundary
Pottawatomie County Planning Commission

Andrew Klein – Chair  Armon Bosse Jr.– Vice-Chair  Marcie Wood - Secretary
Tim Diederich - Member  Michael Heigert – Member  Jared Cox – Member
Robert Boyd – Member  Doug Kern - Member  Norm Stutzman – Member

Agenda

Date: September 17, 2020  Pottawatomie County
Time: 7:00 P.M.  Office of Planning & Development
Location: Sunflower Room  785-457-3551
Public Works Building  zoning@pottcoounty.org
612 E. Campbell St.
Westmoreland, KS

**Meeting participation will also be available via Zoom Meeting – call in and / or on-line**

Join Zoom Meeting: https://zoom.us/j/99233429169

Meeting ID: 992 3342 9169

Use one of these numbers for phone connection: 1-346-248-7799 or 1-312-626-6799

Planning Commission Website page: https://www.pottcounty.org/237/Planning-Commission

1. Call to Order - Roll Call
2. Public Comments – Non Agenda Items Only
3. Approval of August 20, 2020 Meeting Minutes
4. Consent Agenda – No Items
5. Adoption of the Regular Agenda
6. Regular Agenda
   A. Final Plat Approval – Larson Subdivision Unit 2
      This is a re-plat of Lots 1 & 2 of Larson Subdivision
      Located in the SE1/4 of the NW1/4 of Section 35, Township 9, Range 8
      Blue Township
7. Adjournment
Meeting Minutes for August 20, 2020

Participation in the meeting by Planning Commission members and the public, was available via Zoom meeting as well.

In “Attendance”:  
Marcie Wood (in person)  
Andrew Klein (via Zoom)  
Doug Kern (in person)  
Tim Diederich (in person)  
Robert Busby (via Zoom)  
Robert Boyd (via Zoom)  
Michael Heigert (by Zoom)  
Jared Cox (in person)

Location: Sunflower Room  
Public Works Building  
612 E. Campbell St.  
Westmoreland, KS 66549

Absent:  
Armon Bosse Jr.  
Norm Stutzman

County Staff  
Gregg Webster – Zoning Administrator (in person)  
Stephan Metzger – Assistant Planner (in person)  
Peter Clark – Public Works Director (by Zoom)

Call to order  
In the absence of the Chair and Vice-Chair, Marcie Wood called the meeting to order at 7:00 p.m.

She called the roll, with members being present as shown.

Public Comment  
There was no public comment on non-agenda items. No public was present either in person or by Zoom.

Approval of July 23, 2020 Meeting Minutes  
Tim Diederich made a motion to approve the minutes as written.

Doug Kern seconded the motion and it was approved unanimously.

Consent Agenda  
No items

Regular Agenda  
Diederich made the motion to approve the agenda as presented.

Jared Cox seconded the motion and it was approved unanimously.
**Public Hearing – Review of County Comprehensive Plan**

Metzger gave a brief history of the Plan and went over the proposed changes to it.

He explained the proposed changes are a result of the review by staff, the Planning Commission and Economic Development Corp.

For the land use designation of “Estates”, the presence of prime farm land should be a factor to consider when a tract is proposed to be changed to the Estates designation. It is not the only factor, but it should be a factor in the review.

Along with that, he suggested removing the wording of prime farm land from the “AR” zoning district in the Unified Development Regulations (UDR). He felt it should be a factor in the land use designation, not in the zoning district regulations.

He explained how the Comprehensive Plan is used by staff and how it is a factor in a zoning change.

There was general discussion on changes to the Comprehensive Plan versus changes to the UDR.

Andrew Klein joined the meeting by Zoom.

Metzger explained the reason for the proposed changes to the Future Land Use Plan map is to make it the same as the Future Land Use Map in the Green Valley Neighborhood Plan.

There being no further discussion, Kern made a motion to approve the proposed changes to the County comprehensive plan – “Plan Pottawatomie County 2040”.

Jared Cox seconded the motion and was approved by a vote of 7 – 0, with Andrew Klein abstaining, stating he had not been involved in the entire discussion.

Meeting was adjourned.
The green lines are the current property lines. The black lines are the proposed lot lines (property lines).

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DESCRIPTION:
Lots 1 and 2, Larson Subdivision, Pottawatomie County, Kansas. Subject to easements and restrictions of record.

SMH CONSULTANTS
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