



# BZA MEETING

## Minutes

Tuesday, July 13, 2021 at 7:00 pm

**MEETING LOCATION: 520 N. Commercial Ave**

(Council Chambers)

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### 1. CALL TO ORDER / ROLL CALL

**Minutes:**

Chair opened the BZA Meeting at 7:11pm

Board Members present Beth Sharbutt, Justin Stucky, Clint Brown, Connie Stout, Steve McGinn

Board Member absent Tyler Mosiman, Chad Mueller Others present \_Amanda Mabry, Board Secretary; Bryan Chapman, Mayor; Randi Tolin, Bill Bush, Jane & Mike Fitch, Russ & Shannon Banta, Dean Held, Dru Held, Troy Scarlett, Beth & Scott McGinn, Aaron Stucky

### 2. ADDITIONS / DELETIONS TO AGENDA

**Minutes:**

Motion to approve the agenda as presented.

Motion by Beth Sharbutt Second by Clint Brown

**Vote results:**

Ayes: 5 / Nays: 0

### 3. APPROVAL OF MINUTES

**Minutes:**

Motion to approve the minutes as presented.

Motion by Beth Sharbutt Second by Clint Brown

**Vote results:**

Ayes: 5 / Nays: 0

### 4. HEARINGS/PRESENTATIONS/PUBLIC FORUM

### 5. NEW BUSINESS

#### a. RedBarn Farms Variance

**Minutes:**

Chair opened the public hearing for Redbarn Farms, lot 3 variance @ 7:13pm.

Applicant, Dru Held explained that he was asking for a 3 foot variance on the NE rear corner and a 6 foot variance on the SE rear corner lot line of property. He is wanting to

build a spec house on lot 3 since it has the most constraints to help the sale of other 4 lots. The plans already changed in size removing the 3 car garage and decreasing the size of bedroom, porch & living room each by a foot. The lot is difficult to build on because of the easements on all sides and the ditch at the rear.

Board asked the following questions to Mr. Held: -What would the measurement from rear lot line to furthest point of property be. Would be 20.5 but could change the egress window to a different style to help with footage.

-Did you think to put a smaller house? This house is intended to be a show home and a 1200 square foot house could be built but wouldn't show as well. -Would there be water flow issues? The drainage study showed that the larger ditch would help slow the flow and no mention of the house size reflected in the summary.

Chair asked for public comments. **Scott McGinn** at 1010 Douglas Dr presented a letter to the board signed by all but one notified owner of record. The letter is on file for record, and the 3 point concerns are. 1. It is probable that once precedent is set on the first variance that these requests will continue to come for the remaining four lots at Red barn Farms. It is the request of the neighbors that the new houses aren't built any larger than the lot can accommodate while still following initially established set back guidelines. 2. Building larger homes that what the lot allows for while following current guidelines could destroy property uniformity within the development as well altar proper drainage for the surrounding neighboring properties. 3. When the addition was initially platted the zoning regulations were a 30' rear setback and the current zoning regulations require a 25' rear setback. **Mike Fitch** at 1020 Douglas Dr. has concerns that the extra water flow would meet at the corner of his rear yard and backup into his property. **Shannon Banta** at 1106 Douglas Dr. asked if the drainage plan took into affect that the houses would be set at a smaller size and if that could mess up the run off study? **Dru Held** read a summary from the drainage study done when they platted the Redbarn Farms addition.

Chair closed the public portion of the hearing at 7:54pm. Board discussed the Standards that are to be met in order to pass a variance to vote. **McGinn** recused from the questions due to conflict of interest. A. The condition **IS** unique to the property and **IS NOT** found in the same district and **WAS** created by the owner. Agreed by all Board members B. Granting of the variance **WOULD**( Sharbutt, Stout & Brown) &**WOULD NOT** (Stucky) affect the rights of adjacent property owners. C. The strict application of the zoning regulations **WILL NOT** constitute an unnecessary hardship upon the owner. Agreed by all Board members D. The variance **WILL** (Sharbutt, Stout & Brown) **WILL NOT** (Stucky) adversely affect the health, safety, morals, order, convenience, prosperity or general welfare. E. The variance **WILL** be opposed to the general spirit and intent of the zoning regulations. Agreed by all Board members The Board did not Vote on the variance, application died because the variance did not meet the standards per K.S.A. 12-759(e).

## 6. UNFINISHED BUSINESS

**Minutes:**

NONE

## 7. ADJOURN

**Minutes:**

Motion to adjourn the Board of Zoning meeting at 8:15pm.

Motion by Clint Brown Second by Beth Sharbutt

**Vote results:**

Ayes: 5 / Nays: 0

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