

# **Marion County Planning Commission & Board of Zoning Appeals**

## **Record of Proceedings**

**May 29<sup>th</sup>, 2019**

### **Members**

#### **(Present)**

Derek Belton  
Dwight Flaming  
Jim Schmidt  
Mel Flaming  
Kathy Inlow  
William Kroupa  
Glen Thiessen  
Duane Bair

### **Members**

#### **(Absent)**

Brad Vannocker

### **Staff**

#### **(Present)**

Sharon Omstead, Secretary  
Brandon Meierhoff, Recording Secretary

1. **Call to Order~** Belton called the meeting to order at 7:00 p.m. with 8 members present, 2 staff present, and Vannocker Absent.
2. **Approval of Minutes~** D. Flaming made a motion to approve the March 28, 2019 Record of Proceedings as presented. Kroupa seconded, motion carried (8-0)
3. **Case No. BZA19-01: An application filed by Matthew Meyerhoff, requesting a Special Yard Exception in the Marion Lake Lot Residential District, located at 60 Lakeshore Drive, Marion, Kansas~** Proper legal notice was given on May 8<sup>th</sup>. Property notices were mailed by May 8<sup>th</sup>. The Planning and Zoning office did not receive any comments for or against the project. A few people contacted the office to find information about the application. No Board Members were contacted about the application. Belton opened the public hearing and invited Matt Meyerhoff to present his case. Meyerhoff stated that he wished to build a pergola with a ground level patio in his back yard. Meyerhoff asked the board if they had any questions. D. Flaming asked if there was a fence on his yard. Meyerhoff replied yes it runs along Prairie Lane right on the boundary. He stated that the pergola's overhang will run over top of the fence. When I moved in, the top left shed on the overview map was actually two sheds (looking at an

aerial photo of the property). Meyerhoff stated the sheds were 6'0 tall and since he is 6'2" he wanted to fix them. He came in and received a permit on the condition that the shed was moved back within the boundary. Tonya Richards had told him that the other shed on the other side of the property did not need a permit at the time. Schmidt asked if there was a door on the shed. Meyerhoff stated there is a 6'0 overhang door so that I can walk through. Bair stated that a fence should be required along the whole property. He is worried about kids running out and getting hit by vehicles. Meyerhoff agreed and said he has talked to his neighbors about speed limits. D. Flaming stated that if they require Meyerhoff to fence his yard, they would have to require every house to be fenced then. Belton stated that there is nothing currently in the regulations to regulate that. Inlow asked how tall the pergola would be. Meyerhoff stated that it will be 8 feet tall and will not block anyone's view to the lake. He corrected himself stating that 9 feet is a more accurate number. The posts will be 8 feet tall and then the 2x4's across the top. It will only be a little bit taller than the fence. D. Flaming asked if he had talked to the neighbors. Matt stated that he had talked with them. Most of their responses were "They are making you get a permit for that?" One of the neighbors wants to see it built because they are looking at building one. They want to see what it will look like once it is complete before they start any work on theirs. Meyerhoff stated that his neighbor's view to the west is not impeded with the location of the pergola. (there were no comments from the public) Belton closed the public hearing and opened the discussion to the Board at 7:13 pm. Omstead Presented the Staff Report, recommending approval of the special exception. D. Flaming moved that Case No. BZA-19-01, a special exception request by Matthew Meyerhoff to construct an accessory structure within the rear yard setback at a property located in the "LL" Marion County Lake Lot Residential District, 60 Lakeshore Drive, Marion Kansas, be approved. M. Flaming seconded and the vote passed 7 in favor and 1 opposed.

4. **Off Agenda~** Bair stated that applicants should have to fill out quad ruled pages (graph paper). Make the applicants draw their plans. This would put less work on the people in the office. It would show a good representation of the lot. Members agreed they thought it was a good idea. Omstead stated that she would still need to go look at the properties

and take pictures because the aerals don't show everything that may be present. There are contours in the land that do not show in an aerial. D. Flaming was worried that most people would just draw and not use a ruler. M. Flaming asked if there could be a grid printed through the plat maps on the software that is currently used. Omstead stated the GIS software used in the office does not have that capability and the version of Pictometry used by the office is a 'read' version only. Bair stated it should be strongly suggested that applicants complete the quadrangle pages, and give them a couple of pages. Omstead stated we deal with a lot of different situations for people coming in for applications. I would hate to approve or deny a case just because someone didn't do this. Bair stated that if the applicant is applying for an exception, make them do the work. Bair asked who provided the aerals for the case tonight. Omstead stated that Meyerhoff provided the 2017 photo and I provided the 2013 version. Omstead stated that the Planning and Zoning office will always provide an aerial.

Omstead stated she had received some questioning on why a special meeting was allowed (June 3<sup>rd</sup>). The Planning Commission /Board of Zoning Appeals bylaws give an option to set a special meeting if a quorum of the board can meet. The regulations are vague. Inlow asked what the regulations state. Omstead read the regulations pertaining to special meetings from the bylaws. Belton stated there is typically not a meeting in June because of harvest. It was decided to hold the special meeting in June so everything wasn't drug out. Belton wanted to keep this meeting separate from the Conditional Use Permit Application meeting on the 3<sup>rd</sup> of June. The Board has not been stacking meetings. Our scheduled May 23<sup>rd</sup> meeting was cancelled due to lack of agenda items. The June 3<sup>rd</sup> meeting is still scheduled. Inlow asked if anyone had received any comments about the case. Every member said yes. Omstead told members if they had received any comments to send them to her and she would distribute them to the rest of the board. Omstead stated the procedural issues will be stated at the beginning of the June 3<sup>rd</sup> meeting. M. Flaming asked if there would be a way to shut down repeat comments. Omstead stated yes. There will be someone there to keep time. A police officer will be present. Speakers will have a sign-up list. Omstead stated that our legal counsel and planning consultant would both be at the meeting Monday and are available Tuesday if we need them. Legal counsel would



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not be available for Thursday if the case needed a third day. Speakers will be kept to five minutes a piece. They will only be able to speak once, even in a split session. Omstead stated she knew of a group creating a slideshow. If the slide show they create is 30 minutes long, they would need to have six people to speak. It will be urged to keep the lawsuit and the CUP application separate. The Board will only be taking comments on the application.

5. **Adjournment**~ Motion to adjourn made by Bair, seconded by D Flaming. Motion carried (8-0). Belton adjourned the meeting at 7:42 p.m.

Passed and Approved (Date) July 25, 2019

Derek Belton

Derek Belton, Chair

Attest:

Sharon Omstead

Sharon Omstead, Secretary