

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

August 25, 2011

Chairman David Mueller called the meeting to order at 7:30 p.m., with a quorum present.

Roll Call was answered by Mueller, Dan Mount, Bob Maxwell, Lloyd Funk, Mary Avery, Brad Vannocker, and Jim Schmidt. Marquette Eilerts was absent. Nick Kraus was to arrive shortly. Zoning Administrator Tonya Richards was present. County Commissioner Dan Holub arrived during the meeting.

Mueller asked members to review the agenda. Mueller asked if anyone had any problem with the following agenda changes: adding to off agenda items an update on the trailer situation at the county lake; adding a review of the Record of Proceedings from the last meeting; and deleting all the listed amendment items. Members agreed.

Mueller asked for corrections, or additions, to the Record of Proceedings for the July 21, 2011, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Richards asked for a sentence at the end of the minutes to be removed for clarity, and part of a sentence at the end of the minutes was changed to "at Eastshore," instead of "by Maxwell's house." Avery moved to approve the Record of Proceedings with two changes, and Mount seconded. In favor: 7; Opposed: 0; Motion carried.

Item 1: An application for Sharon A. Self and Sandra K. Jackson, requesting a rezone from Agriculture to Suburban Residential at 1836 Pawnee, Marion, Kansas. Self was present to speak about the application, and Mueller asked her to come forward to discuss her plans with members. Mueller reminded members they are acting as the planning commission for this application to make a recommendation to the county commission for final approval. Mueller noted this application was published in the August 3, 2011 issue of the *Marion County Record*. Mueller asked members if anyone had a conflict of interest with this application, or if anyone had any outside communication concerning this application. No one did. Mueller asked Self to explain the application to members. Self showed members an aerial photograph of the property. Self explained she is the oldest daughter of Stanley and Evelyn Anderson and this is family property. Self showed members a photo of the farm ground and explained they have always farmed pretty close to the buildings. She said she and her sister are trying to parcel out the land but the setback is not 50 feet on the south. Richards explained that usually a lot split would work but the barn is outside the parcel and they did not want to take away that much farm ground to meet the 50 foot setback, so consultant David Yearout said to rezone the property and plat it. Self said there are two main priorities for the family, to keep as much farm ground as possible, and also not to disrupt the farm tenant any more than necessary. Self explained her family owns a lot of

land around this property, totaling about 235 acres. Richards said this change would involve 5.76 acres. Mueller asked if everyone understands the process here. Richards explained it will be zoned Suburban Residential. So no requirement for setbacks, Mueller said. That is how Yearout explained it, because you are approving it as platted, Richards said. Kraus arrived at this point. It was 7:42 p.m. Richards said it would involve 5.36 acres, and the road easement. Richards said a plat automatically goes to the county commission for final approval. Maxwell said 5.76 acres plays into this. Maxwell said the square footage and acreage will not work out, and he thinks members should try to get it as close to accurate as possible. It is over five acres, Mueller said. Mueller reviewed the discussion to this point for Kraus, explaining that by rezoning to Suburban Residential the property may be platted. Basically, the setback is the holdup, Kraus said. What is the minimum acreage you can have?, Kraus asked. If you have a lot split, the minimum acreage is three acres, Richards said. Basically, it keeps things as they are, Mueller said. That is the real goal, Self said. Mueller said he commends Richards for coming up with a solution. Richards said there have been similar applications in the past with a church building, and with a trailer. Mueller asked if there were other questions. Maxwell asked about a 4.4 acre parcel. Is that a homestead?, Maxwell asked. Self said that property is located up north of the reservoir. It talks about it being in section two, and where you are platting is in section two, Maxwell said. Oh, there is 160 acres that adjoin the 80 to the east, and my dad previously sold that where an old homestead was, and dad sold the buildings out, Self said. Mueller asked if there were other questions. Mueller closed the public hearing for this application and asked members to begin deliberations with the staff report.

Mueller reminded members this is for a rezone, and the next action is the plat. Members agreed this is a good solution. Mount moved to recommend a rezone for application #PC 11-06 from Agriculture to Suburban Residential (SR) for property located at 1836 Pawnee, Marion, Kansas. Funk seconded the motion.
In favor: 8; Opposed: 0; Motion carried.

Item 2: A continuation from Item 1, requesting final plat approval of the Anderson Farm Subdivision, located at 1836 Pawnee, Marion, Kansas. Mueller asked Richards for her staff recommendation. Richards explained the plat approval goes along with the rezone, and will go to the county commission on September 12, 2011, at 10 a.m. Maxwell asked about changing the acreage on the application, and Richards agreed. Funk asked, with a plat like that, do they stake the boundaries, and Mueller said yes. Kraus moved to recommend approving the plat for Lot 1, Block A, on 5.76 acres at 1836 Pawnee, Marion, Kansas, with said plat rectifying all easements and right of ways. Maxwell seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Members visited with County Commissioner Dan Holub about the trailers at the county lake. Holub said he is not sure what the manufactured home situation is right now as far as HUD (Housing and Urban Development) requirements. Richards said you lose HUD certification if you alter a structure in any way. Holub said there is a 1974 trailer at the lake and they are trying to bring it up to zoning codes, but there would have to be exceptions made there. Members talked about if other county's lease trailers. Holub

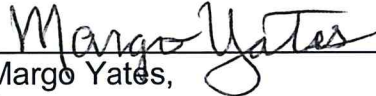
said there is not enough room for doublewides. This came up because someone wanted to move one in, Maxwell said. Yes, they moved it in and they are abiding by the lake rules, Holub said. Richards said the county commission will need to take the initiative to give the planning commission some guidance. Holub said some of the trailers are 1960 models out there. Richards said Dave Yearout said Kansas requires trailers to be 1978, or newer. Holub said we need to make the lake and zoning coincide. Mueller said he has seen a lot of trailer cabins. If you don't have a plan, this is the mess you end up with, Holub said. Maxwell asked if Richards is responsible for fire requirements. Richards said she is not a building inspector. Richards said she has tried to use the state for other avenues, but they are so depleted. Holub said he thinks the biggest issue is aluminum wiring. Richards said it can take a long process to remove a grandfather. Holub said it has gotten totally out of hand. I am worried about fire danger, he said. I just wanted to give you a heads up, he added. Mount asked how many need to be removed. Avery suggested going back to the original use with fifth wheels. Mueller asked how many spots are there for travel trailers. I think 14 in there and some across to the east, Holub said. Mueller asked how many other lakes allow it, and Holub said no one. It just sort of evolved from the original intent for use, Holub said. If a building inspector condemns it out in the county, you are done, Richards said. You can't just pick one, or two, you would need to require it for every one there, she said. Maxwell said you would think the county could work with the state and come up with some kind of plan. Holub said the zoning laws apply to the county and things need to be up to date at the lake, too.

Members discussed continuing work on amendments to the regulations. Kraus suggested starting the next couple of meetings early. Mount said members could start early and work on the amendments first, and then have regular agenda items at the usual meeting time. Members decided to start at 6 p.m. Mueller noted the next meeting is scheduled for September 22, 2011, and members will start at 6 p.m. with a work session, and will address applications and other agenda items starting at 7:30 p.m. Mueller said members may try to do the same for the October meeting, but will wait to decide that at the next meeting. Mount moved to adjourn, and Funk seconded. In favor: 8; Opposed; 0; Motion carried and the meeting adjourned at 8:43 p.m.

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David Mueller,
Chairman



Margo Yates,
Secretary