

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS
AGENDA
March 24, 2011

Marion County Lake Hall
#1 Office Dr, Marion County Lake
1 mile East of Marion, 2 miles south, then west on lakeshore to office drive
6:30 PM

- Item 1: Call to order
- Item 2: Roll call
- Item 3: Board reorganization with election of chairman, Vice- Chairman and Secretary.
- Item 4: Record of Proceedings of the December 2, 2010 meeting
- Item 5: Application for Timothy & Katherine Wiens. Conditional Use to allow conversion of the garage to an apartment @ 10 Rock Rd, Marion County Lake, in "LL" Lake Lot Single Family Residential District. Lot 2 Zellers Second Subdivision and lot 10 Echo Lane Subdivision.
- ~~Item 6: Application for Heather, Molly, Daniel C., and Tamra Holub. Conditional Use to permit a recreational cabin rental facility @ 10 Heated Dock Road, Marion County Lake, in "LL" Lake Lot Single Family Residential District.~~

Board of Zoning Appeals

- Item 7: Application for Jeffrey & Renessa Saxton requesting approval to permit a variance from the south side yard setback requirement to 2 feet on property @ 21 Jerome, Marion County Lake, in "LL" Lake Lot Single Family Residential District.
- Item 8: Discussion with sign builder, Eric Carroll, Wildcat Creek Ranch Sign: Variance Application- sign size and illumination
- Item 7: Off Agenda Items: 557 210th Update, 1965 CROS trailer
Revenue Report for 2010
2039 176th Letter & Zoning Request
278 110th Setback Zoning Issue

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

March 24, 2011

This meeting was held at the Marion County Park and Lake in the Lake Hall due to an expected large public attendance.

Chairman David Mueller called the meeting to order at 6:35 p.m., with a quorum and all members present.

Roll Call was answered by Mueller, Dan Mount, Marquette Eilerts, Jim Schmidt, Mary Avery, Brad Vannocker, Bob Maxwell, Nick Kraus, and Lloyd Funk. Zoning Administrator Tonya Richards and Consultant David Yearout were also present.

Item 6: An application for Heather, Molly, Daniel C., and Tamra Holub, requesting a Conditional Use Permit (CUP) for a recreational cabin rental facility at Marion County Park and Lake. Mueller asked to address this application first, and he asked County Commission Dan Holub to update the audience. Holub said none of his kids are in town, but they hope to be in town for next month's meeting. Holub said he would welcome questions from the public outside the Lake Hall at this time. Holub apologized for any inconvenience. Mount moved to continue the Item 6 application to the April 28, 2011, meeting of the Marion County Planning Commission, and Maxwell seconded. In favor: 9; Opposed: 0; Motion carried.

Item 3: Board reorganization and election of chairman, vice chairman, and secretary. Avery nominated Mueller for chairman and Mount seconded. Avery moved for nominations to cease and to cast a unanimous ballot for Mueller and Funk seconded. In favor: 8; Opposed: 0; Motion carried.

Maxwell nominated Avery for vice chairman and Mount seconded. There were no other nominations. Mount moved for nominations to cease and to cast a unanimous ballot for Avery and Vannocker seconded.

In favor: 8; Opposed: 0; Motion carried.

Mount nominated Margo Yates for secretary and Maxwell seconded. Schmidt moved for nominations to cease and to cast a unanimous ballot for Yates and Kraus seconded.

In favor: 9; Opposed: 0; Motion carried.

Item 4: Record of Proceedings of the December 2, 2010, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Mount moved to approve the Record of Proceedings as written and Vannocker seconded.

In favor: 9; Opposed: 0; Motion carried.

Item 5: An application for Timothy and Katherine Wiens, requesting a CUP (Conditional Use Permit) to allow conversion of a garage to an apartment at Marion County Park and Lake. This property is located at 10 Rock Road, in "LL" Lake Lot Single Family Residential District. The property involves Lot 2 Zellers Second Subdivision and Lot 10

Echo Lane Subdivision. Mueller noted this application was published in the March 2, 2011, issue of the *Marion County Record*. Mueller asked if any member had a conflict of interest with this application, or had any outside communication concerning this application. No one did. Mueller reminded members they are acting as the planning commission for this application, to make a recommendation to the county commission for a final decision. Mueller explained the process for this application to the public. Mueller asked Timothy and Katherine Wiens to come forward. Tim Wiens introduced his wife Kathy. He said he is a family doctor practicing in Newton and they have been coming to the county lake to vacation for many years. He said they talked about purchasing a home at the lake instead of pulling their fifth wheel. He said they saw a for sale sign at a home having a garage sale during the chili cook-off at the lake. He said the owner of the home explained how he had thought of renovating the garage for him and his wife, and that he even had plans for the project, but they decided to move where his wife has family near Las Vegas. So, Wiens said they ended up purchasing this property at the lake, and they liked the idea of making the garage into a duplex. Wiens said they feel this would be efficient for utilities, and there is plenty of parking available. We hoped all along to do this, Wiens said. He said they talked with Richards before they bought the property, and she explained they could apply to make the change. He said they want to be good neighbors, and they consider everyone at the lake to be their friends, no matter what the decision. He said they do have a renter lined up for the upstairs. He is a Fire Marshall for several surrounding counties, Wiens said. Mueller introduced Richards and Yearout to the audience. Mueller asked Richards to give some background on this application. Richards presented photos on a slide show. Richards said this property currently involves three lots. Lot 2 is where the original cabin is located, she explained. Behind the original cabin there is a two-car garage with an apartment above, and there is also another two-car garage on the property, she said. This application is #PC 11-01 and this property is currently zoned LL, Richards said. She explained that the current regulations only allow single family dwellings in the LL zone. Richards showed a photo of the small cabin, the two-car garage with the small apartment, and the other two-car garage. She said there is adequate room for one car per apartment. Richards said by approving this application that would grant two apartments within an existing structure. There would be no change to street access, she said. This property is currently on city sewer, she said. There is also additional space for parking available, she said. Richards showed the factors to consider when granting a CUP on the screen, and she read them out loud. Mueller thanked Richards for her presentation. Mueller asked members for questions for Wiens. Maxwell asked if the access to the garage is from the north, and Wiens said yes. Maxwell asked if there is access from the east, too, and Wiens said no. But, there is access also from the south, Wiens said. Maxwell asked what will happen to the small cabin. It is a two room "hut" we call it, Wiens said. We think we would use it for occasional use to stay in, Wiens said. So, there is a possibility of two families in the big garage, plus you occasionally on weekends?, Maxwell asked, and Wiens said yes. Kraus asked, and Richards explained the property involves three separate lots. We hoped it could be considered since it would be two families on two lots, Wiens said. As three separately platted lots you can have separate rights if they are owned by different people, Yearout said. The cabin is a standalone structure, and the garage with the apartment could be a standalone

structure, Yearout said. Yearout asked Wiens if all are on the same sewer, and Wiens said yes. This is where it starts to get fuzzy, Yearout said. The core issue is, you are requesting a CUP to allow conversion of a structure to a two-family unit, Yearout said. If it was just a single family home, and had the option to rent to others, it would still be considered a single family home, he said. That is something that can be done, he said. The difference comes in as to how this might be converted, he added. You must address this on the face value as a request to make a two-family unit, Yearout told members. They may not own it forever, as over time ownership changes, Yearout said. He added that he appreciates the owner's honesty, but is it appropriate to allow a multi-family structure at the county lake?, Yearout asked. He reminded everyone that the county commission has the final decision for this application. If this is approved, what is to prevent others from doing the same?, Yearout asked. You would be introducing a use that has not been in use before, he added. Mount asked if water and sewer are already in the apartment, and Wiens said no. They are not asking to convert that garage, they are talking about the other structure, Yearout explained. Vannocker asked if there is available parking for six cars, and Wiens said yes. Wiens showed on the slide show photos where parking is available, and where they would like to make more parking in different areas on the property. Kraus asked if the garage in the photos was built in 1992, and Richards said it was built in 1997. Richards added she is not sure when the two-car garage with the apartment was built. Kraus asked if the property was ever one unit. It is one property, three lots, Yearout said. Maxwell asked if the property could be combined for tax purposes, and Eilerts said yes. The way the lots are laid out now it could be revamped, Vannocker said. They could sell a lot to me, and I could convert it to living quarters, Yearout said. All the lots should be considered with the decision, Richards said. You can't ignore that, Yearout agreed. We are hoping you will take into consideration the circumstances with this situation, Wiens said. Maxwell asked about access to the road. Wiens said he owns the property Maxwell is questioning, and Wiens showed on the slide photo all the property he owns. Kraus asked, and Yearout said members could possibly tie approval to common ownership, but enforcing it is the challenge. The problem we get into in the future is, when nobody that is here now, is here in the future, Yearout said. Mueller asked Richards about written comments received concerning this application. Richards said she received a letter dated December 4, 2010, from Richard Palone, the previous owner, saying he originally intended to complete this plan and he supports Wiens' efforts. Richards said she also received a letter dated March 24, 2011, from Michael Smalley, who is concerned about a onetime conversion establishing a precedent. Wiens said there are special circumstances and plenty of parking. Wiens said there are several lots contiguous to each other so there would not be much precedent if you consider the special circumstances. Kathy Wiens said they were not sure what they are coming up against, as this has not come up in the past. Yearout said that the county's zoning regs are not recent, but the single family district was recently added in the regulations. He explained this is an effort to try to fit the regs with the lots at the county lake. If there were three separate lots, you could have three separate families, and we realize that, Yearout said. Things change over time, he said. The lake originally was only intended for seasonal use, not permanent residences, Yearout said. Mueller opened the floor for public comment. County lake resident Paul Attwater questioned if there would be sewer

problems with the proposed plan. County lake resident Nadine Iseli said she agrees there could be sewer problems, and if they had a blockage they would have to be patient. Rock Road is not maintained by the county, Iseli said. The road will be as is, with no maintenance, and we had two snows this year, she said. I had to have my short driveway cleared twice, Iseli said. People clear to the back can only use Hill Road and Rock Road, she said. Some of Rock Road has a gully that has been concreted, she said. If we get heavy rain it washes out on the sides of the concrete, she said. The middle of Rock Road was dug up two or three years ago to find water lines, so there is a big dip there and it washes out when it rains, she said. I just want them to know some of the existing conditions, Iseli said. I am also concerned about the traffic as there are children and pets in the area, she said. Yearout asked if Iseli is involved with the improvement district's water and sewer, and she said yes. I am the newest member on the water board, she said. Paul White, county lake resident, said he is also on the water board. White said he does not know if the water board has any policies concerning adding single or multifamily units. He said there are some families of four out here, but he said he does not think Wiens is on the lake's system. Wiens said they plan to put a toilet in the small cabin. White told Wiens to talk to Josh (the Improvement District maintenance man) before they begin, as there are pressurized sewer lines, and they might get a bath if they don't know what they are doing. White told Wiens they can talk more about this later. Yearout asked about policies. White said the bed and breakfast at the county lake is the only property he can think of that is even similar to this. Mueller asked for a copy of the county lake's water policies for Richards' office. White asked about the property being landlocked unless an easement is granted. It is not landlocked as long as it is commonly owned, Yearout said. There is nothing in Kansas that prevents people from buying and selling landlocked property, Yearout said. Amber Hancock, county lake resident, said she works in the county appraiser's office and they can combine parcels as long as they are in the same tax district and the same ownership. They could split it out if they wanted, Hancock said. Ralph Jansen, county lake resident, said he is a neighbor of Wiens' and he is concerned about traffic because people want to park just any place. Jansen said he is also concerned about his taxes being raised because his neighbors are making improvements. Maxwell asked, and Jansen said yes, his property lines are staked. Bill Townsley, county lake resident, said he opposes this application because it does not comply with the neighborhood. He said he is concerned about the use of this property if it is sold to others. Townsley said he is also concerned about the use of Rock Road as it is poorly maintained. He said he supports finishing this property, but opposes creating a multifamily structure in a single family dwelling. Kraus asked if the rental issue is our main concern, or is it the two family issue. It is the two family issue, Yearout said. There is nothing in the law to control rentals, Yearout said. The building could be finished out with living quarters on two floors, and could have 15 people living there, and it is all legal, Yearout said. There is no limit on how big a family can be, and it has no bearing on that at all, he said. To convert to a multifamily unit, that is the issue here, Yearout said. Iseli told Wiens' she does welcome them to the lake, and she is sympathetic with them wanting to rent their property, but setting a precedent is not going in a good direction. Jeff Saxton, county lake resident, said if they have three lots, and turn the others into houses, they will probably have more traffic than if they have a duplex. Or if they sell off two lots, there

will be more traffic, Saxton said. Charlene Janzen, county lake resident, asked if there is electricity in the little cabin, and Wiens said yes. Janzen said the little cabin used to belong to her grandparents. Janzen asked Wiens where they plan to put a bathroom in the little cabin. Are you going to add on?, Janzen asked, and Wiens said no. Mueller asked if there were other questions. Mueller asked Richards to give her staff report for this application. Richards explained she has to recommend denying this application because it does not fit with the current regulations, and her job is to enforce the regulations. Yearout said the concern about the roads is valid. If there were three separate homes you could have four homes on three lots, Yearout said. Yearout said he is concerned about setting a precedent because once you open the door it is hard to say no to others. You may need to revisit the regs, Yearout told members. There are valid reasons on both sides, but it is important how it may play out overtime, he said. Wiens talked about the possibility of adding on to the cabin in front, and adding a second floor to the garage. The reason we want to do this in an existing structure is, it is more cost effective, and the utilities are more efficient, and we hope to do this the most cost effective way, Wiens said. Kathy Wiens thanked everyone for their comments, and for coming to the meeting. Either way we are okay, she said. We just love the lake, and want to be good neighbors, she said. Mueller asked if members had other questions. So, who owns Rock Road?, Kraus asked, and the audience laughed. (This is a joke because this question has been asked about the county lake roads for many years.) It is not platted as a public road, Eilerts said. White said 90 percent of the roads at the county lake are not county roads. It says, for public use or utility, on the plats, White said. All but two plats do not have it, he added. It is a legal issue that predates the board, Yearout said. It is a practice done before World War II, and they were not recognized as public roads, Yearout said. Even though it is not considered to belong to anyone, the water and sewer lines go down the road, Iseli said. Mueller asked Wiens if there were any other comments, and they said no. Mueller closed the public hearing for this application and opened the floor for discussion.

Maxwell said he is inclined to deny this application because of the comments against it. He said the area involved was more of a recreational area, and now it is mainly a residential area, although recreation goes on there. Mueller reminded members of the factors to consider for CUP applications. Avery said Maxwell had a good point about how the use has changed overtime. Avery said the county lake was formed as a summer residential area. All of us have struggled with applications from the county lake, she said. The issue is the multi family use, Avery said. I have to agree with Bob, she said. I do not think you can stretch it, she added. Vannocker moved to recommend the county commission deny application #PC 11-01 for a Conditional Use Permit (CUP), as this use would not be compatible with the single family residential uses in the area, and this would set a precedent that could result in more requests for multiple family structures, and it is not in the interest of the county. Eilerts seconded. Kraus said you have to take into consideration the worst case scenario, if everyone did it, the area would be too heavily populated. The current regulations do not allow it, Mueller said. The property does not meet the requirements, Avery said. It would set an inappropriate precedent, Yearout said. It is just that simple, Schmidt said. There was no other discussion.

In favor: 9; Opposed: 0; Motion carried to recommend denying the application. Mueller announced the decision to the audience. Mueller thanked the Wiens, and said he appreciated their forthrightness, and the good civil discussion concerning the application. Mueller added that he hopes everyone will still be good neighbors and friends. Mueller asked Richards to explain the timeline as this goes on to the county commission for a final decision.

Item 7: An application for Jeffrey and Renessa Saxton, requesting approval to permit a variance from the south side yard setback requirement to two feet on property located at 21 Jerome, Marion County Park and Lake, in the "LL" Lake Lot Single Family Residential District. Mueller reminded members they are acting as the Board of Zoning Appeals for this application. Mueller noted this application was published in the March 2, 2011, issue of the *Marion County Record*. Mueller asked if any member had a conflict of interest with this application, or had any outside communication concerning this application. No one did. Jeff and Renessa Saxton were present to speak about their application. Jeff Saxton explained they are building a deck on the south side of their house, and that the deck will be on three sides of the house, when it is completed. The deck will not have a roof, he said. He showed members an example of the plans in a photo. He explained they want the roof line to hang over on the side, and he thinks there is plenty of room. He said they did not want posts supporting the deck. Richards asked if the whole thing will have to be removed if this is not approved, and Renessa Saxton said yes, it is all one truss. It could be cut off, if necessary, Jeff Saxton said. Richards explained the misunderstanding in measuring. It is from the property line to the footing, is my understanding, Jeff Saxton said. That is not correct, Yearout said. The open yard has to be open to the sky, Yearout said. The rules do not talk about extensions into the yard area, and the allowed area for the permit, Yearout said. Whether there is a roof over it, or not, is immaterial, Yearout said. The extra two feet is the issue, Yearout said. If the trusses were brought back two feet, there would be no issue, Yearout said. If the wall is right on the property line, with two feet out, that is okay, he said. It is the extra two feet, Yearout said. Kraus asked about a fire issue. Yearout said people at the county lake often look at wanting to build a larger structure, but the lots are not designed to accommodate the modern home. We created the LL district to give even more room, Yearout said. We also did consult with a Fire Marshall as to how much room is needed, Avery said. You created a higher fire spreading issue because you built closer, Yearout said. We made changes so we would not have this issue, Avery said. Eilerts asked about the view. That is not an issue at this location, Jeff Saxton said. Maxwell asked if a building permit was issued, and then changes were made to the plans without Richards knowing, and Richards said yes, that is correct. Maxwell asked Richards to explain what happened. I did not know of the changes until I received a complaint, and I came out to check it out, Richards said. Maxwell asked if the overhang on the photo they used as an example of their plans was there when Richards issued the permit. Yes, it was that photo, but the overhang was crossed out, Richards said. Mount asked if it was a foot from the truss to the other house. It is roughly three feet, Jeff Saxton said. Probably four feet, Yearout said. Kraus asked why there is no overhang on the other side of the house. The sewer lift station determined where the footprint of the house was, Jeff Saxton said. We could have moved the sewer, but it did

not make sense to do that, he said. Avery asked why they did not put it on the other side. Jeff Saxton said because if trees on a neighboring property could be removed, they could have a lake view. Richards said we do not require building plans with permits. Mueller said members may need to keep that in mind for possible future changes in requirements. Richards explained she received a photo of the project in the mail from a concerned citizen. They were concerned with the front, but there is no issue with the front, Richards said. Mueller asked if there were any other written comments, and Richards said no. Marilyn Jones was present, and said she is the neighbor to this property, and she has no problem with the walkway up there. Mueller asked if there were any other comments from the public. Maxwell asked, and Jeff Saxton explained his plans. Maxwell asked about drainage, and Jeff Saxton showed where all the drainage in the area goes. Glenna Newkirk said she is glad to have them as neighbors. Funk asked, and Jeff Saxton explained his plans using the sample design photo. Mueller asked Richards to give her staff report. Richards explained this is the same as the previous application, as it is her job to enforce the regulations, so she cannot recommend approving this application. It is a self imposed hardship?, Yearout asked. You should deny this, Yearout said. You are obligated to deny this, Yearout told members. The lift station on the property could grant the need, Yearout said. The lift station is two feet from the house, Jeff Saxton said. Mueller reviewed, and read aloud, the five conditions that must be present in order to grant a variance. We must find all conditions present in order to grant a variance, Mueller said. Mueller asked if there were any other questions. Avery asked what the application number is, and she was told #BZ 11-01. Mueller asked if there were other questions from members or from the public. Mueller asked Saxton for a final comment. Jeff Saxton said he pays taxes, and it is what it is. Richards said a lot of times people think we are the big bear, or something. We want them here, and they were good to work with, Richards said about Saxton's. Yearout asked about the lot size, and the sewer lift station location. So, it is quite a ways off the north property line, Yearout said. Is it in an easement?, Yearout asked, and Jeff Saxton said no. We can see if the lift is further in the lot than where it normally should be, and that could be a factor in determining there is a unique situation, Yearout said. The issue is the walkway, and it could have been on the other side of the house, Avery said. The lift station prevents that location, Yearout said. Maxwell and the other members looked at a photo to get all the locations correct. Mueller asked if everyone understands that the location of the lift station reduces the buildable width of the lot. Sometimes folks turn a porch, or deck, into a sunroom, Avery said. Their intent is to leave it open, but who knows what the future will bring, Yearout said. Neighbors in the future will know it is there, Kraus said. If the neighbor's house burns down, they will not be able to build it back, as the back of the house is too close, Yearout said. Do we need to have an accurate amount of the footage?, Mount asked. You are not obligated to make a decision tonight, Yearout said. Maxwell said they have pins in place. Yearout asked, and Jeff Saxton said the pins were always there. A survey today would have to be redone, to be sure it is correct, Yearout said. Eilerts asked, and Jeff Saxton said yes, the lot was vacant when they built their home. Kraus asked about the shape of the home. If the lift was not there, they could have moved further to the north, and not have any issues, Yearout said. Kraus asked, and was told the lake improvement district owns the lift, and Saxton owns the line. Mueller asked, and Jeff Saxton said gas was originally

there. Mueller asked the wishes of the board. Richards asked if everyone from the public has spoken. Glenna Newkirk asked why members cannot go to the property and look at it, and why they are making it so complicated. Paul White said he is pretty sure there is an easement from the pump to the main line. White explained that slope is important for proper flow in the lines. So, the lift station is in that location for a reason, Mueller said. Mueller asked if there were any other questions, or comments. There were none. Mueller closed the public hearing for this application and opened the floor for deliberation.

Mueller explained this is a final action. After hearing the lift station needs to be in that location, is that enough to make it unique?, Mount asked. I've had boards grant a variance because of a tree they did not want to cut down, and that is a valid reason, Yearout said. Eilerts asked about the fact that Saxton built the house in this location. Yes, that is a counter factor, Yearout said. When we did the setbacks extension we discussed what they should be, and we came up with eight feet, Avery said. Reduced from 10 feet to eight feet, and they still have an additional two feet, that is allowed, Yearout said. The setbacks were so narrow, Avery said. I am sympathetic to you wanting to build the house of your dreams, Avery said. I wanted to build the house of my dreams, but the water line prevented it, Avery said. Those are the rules, she added. This should have been discussed before construction began, Maxwell said. Changes were made without discussion, he added. I do not think the pump station is even a factor, Maxwell said. Like Marquette said, the pump station was there prior to them building the house, Maxwell said. I think it would be setting a precedent, Maxwell said. This is not what was originally approved, so I am not in favor of it at all, Maxwell said. Funk said he is sitting on the fence. The neighbor does not object, and you have the uniqueness of the pump station, and whoever buys the property in the future will be aware of it, Mount said. Same as he knew the neighbor's house was close when he bought the property, Kraus said. The #1 factor is the hang-up, Mueller said. There are several ways to look at it, Mueller said. It would be nice to have building plans, Kraus said. That would be a good requirement in the future, Mueller said. Eilerts moved to deny application #BZ 11-01 requesting a variance, based on reasons given, including the owner built on a vacant lot and created the problem on both sides of the house, so by law this request should be denied. Maxwell seconded. Kraus asked if lots at the county lake are smaller than this lot. Avery said basically they are 50 foot lots. Most are 50x100, Richards said. So, it could be a unique situation, Kraus said. In favor: 5; Opposed: 3; Motion carried and the request is denied. Yearout explained the situation to the Saxton's. Richards only has the authority to approve up to two feet, and beyond that she cannot approve, Yearout said. Mueller thanked everyone.

Item 8: Discussion with sign builder, Eric Carroll, and property owner Klee Watchous, concerning constructing a sign at Wildcat Creek Ranch. They plan to apply in the future, with a variance request for the size of the sign, and illumination. The proposed sign location is on Watchous' property, located three miles east of Peabody on highway 50. They explained they wanted to discuss this project prior to applying, in order to prevent any possible problems. Carroll showed members an aerial photo of the property, and an

example of what the sign will look like. The sign will be comparable to the Peabody sign that is located nearby. The purpose of installing a sign is for livestock sales that will be held at the property. There will be visitors from out of state coming for cattle sales. Avery asked, and Carroll showed where the sign would be located. Carroll showed a photo of the Peabody sign, which is 12 feet x 20 feet. Watchous explained the sign needs to be large enough so motorists may easily see it as they drive by. Richards explained they have not yet submitted a formal application. This is just a discussion, Richards said. Watchous said he is planning to have an open house for Kansas Red Angus in July, so he needs the okay soon, as he wants the sign up by then. He added, there is considerable expense involved in designing and construction the sign, so he wants to know that it will be okay. Richards explained they have talked with KDOT (Kansas Department of Transportation) and were told their plans are okay with KDOT. If it is okay with KDOT, it should be okay by the county rules, Richards said. They could put it right up to their fence line, Yearout said. Maxwell and Mount asked about lighting for the sign. Yearout said he thinks an increase in the size of signs is proposed in the new sign regulations. Richards said it is 32 square feet now, and no lights, and 100 feet is proposed. This would be an on-site business sign that would be larger than allowed, Yearout said. Eilerts asked Watchous if he does business in Oklahoma. No, that is a different company down there, he said. Avery asked why he needs a sign that large. She said she appreciates the historical thought behind the design of the sign. Is it because it is on a highway, and the speed of people going by, so they can read it?, Avery asked. Yes and yes, Watchous said. The speed and distance on the open road, he said. I would like the design to tie into the existing structures, he said. I love the place, he said. I want to make something better, not worse, he added. A lot of large ranches around the country have some beautiful signs, Mueller said. I do not want to detract from the barn, Watchous said. Visitors are not familiar with the area, he said, as to why the sign needs to be large. It is on an angle, he said, concerning how his property sits along the highway. It would be nice to have a recognizable sign, he said. What do we need to consider as far as the regs?, Schmidt asked. It will require a straight CUP, asking for a larger sign than allowed in the regs, Yearout said. Schmidt asked, and was told the other issue would be lighting. Often it is the manner in which it is lighted, Yearout said. We imagine lighting it from the ground up, Carroll said. We do not want to cause accidents, Watchous said. We can add some shielding, Carroll said. Maxwell asked about a lighted sign he saw that looks like they have added some kind of a milk-type glass lens to mute the light. Mueller asked what else is needed at this point, and Yearout said a consensus from the members. Mueller asked for a show of hands, and all members showed they were okay with what was discussed. Eilerts said when they had an auction out there the signs were not big enough, and that caused a traffic problem. Carroll showed members a photo of an entry gate in Colorado that will be used to help design the sign. Carroll talked about how large the lettering needs to be on a highway sign, so motorists can easily read the message. Part of the issue is maintaining aesthetics, Yearout said. You may have a concern with the colors used, Yearout said. That large of a structure will be noticeable, he said. The only things I can think of is justification of the size, the issue of illumination, and the intent to match the integrity of the other structures of the farm, Yearout said. We want to do something that is aesthetically pleasing, Carroll said. Watchous said he understands the concerns. I don't

see any red flags, Avery said. Neither do I, Mueller said. Watchous asked about the timeframe for approval. Richards said she can get the application on next month's agenda. Avery asked if this application can be put first on next month's agenda. Kraus asked about decommissioning the sign. This is not going to fall into the right to have a billboard there, Yearout said. Others will think this opens it up, but it will not, he added. Kraus asked about upkeep of the sign. Carroll showed on an aerial map where a KDOT official said it would be okay with KDOT to locate the sign. Maxwell asked, and was told the sign would be 50 to 75 feet off the highway. Maxwell said it would get everything set back okay, and it would have a nice design. Kraus said a large sign will keep people from looking at the wind towers. Watchous said you would be able to see the sign from both directions, as they tried to locate it where the best view would be so motorists can see where to make the turn onto the property. Watchous asked again about the timeline, and Yearout and Richards explained the process.

Off agenda items. Richards gave members a copy of a letter concerning a trailer that is illegal, and said she has turned the matter over to the county attorney. Richards said the revenue report has been corrected, after Maxwell pointed out an error, and members were given a corrected copy at tonight's meeting. Richards said Mr. Enos has no intention of applying for a variance, and members received a copy of that letter. Finally, Richards reported that James Ratzlaff will be in, as his ag building is too close to the road. Yearout said if members make someone tear something down one time, it will help others do the right thing. Schmidt said Ratzlaff's building is a pole building, so it should only involve moving poles. Schmidt asked what members should do if they see something they question. Do we ask about it?, Schmidt said. What about a shooting range?, Schmidt asked. Maxwell said there was an article in the Wichita Eagle about cabins they are building around the state. Richards said she will make copies of the article for all members. Maxwell said there was also an article in a fish and game magazine. Yearout talked about cabins at Milford Lake, which are privately owned and developed. Maxwell talked about the wireless industry, and how they may use cubes instead of towers, and he showed members the article. Yearout said you may see the cubes in urban areas, but there would be limited use for them in rural areas. Yearout said that Saxton needs to understand, here is the setback line, and you can have an extension so far, but that is it. Yearout said even if it was approved, with no neighbors opposing it, that it still cannot stand up in court. Maxwell said Richards is doing a great job, and she is a quick study. Don't give up on us, Maxwell told Richards. Call members if you need help, he added. Kraus said there are a lot of properties with problems that are out of compliance in the county. Mueller reminded members there are work sessions scheduled for March 31, and April 20. Both work sessions will be held at the courthouse, and members decided to begin both work sessions at 6:30 p.m. Mueller reminded members the next regular meeting is scheduled for April 28, 2011. This meeting will be held at the Marion County Lake, in the Lake Hall. The agenda will include the cabins at the county lake, the proposed sign, and the ag building that is located outside Goessel. Mount moved to start the April 28 meeting at 6:30 p.m., and Avery seconded. In favor: 9; Opposed: 0; Motion carried. Mueller thanked Vannocker for his patience at his first meeting. Mount moved to adjourn, and Schmidt seconded. In favor: 9; Opposed: 0; Motion carried and the meeting adjourned at 9:51 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

David Mueller

David Mueller,
Chairman

Margo Yates

Margo Yates,
Secretary