



City of
VALLEY FALLS

Incorporated May 17, 1869

**Planning & Zoning Commission
Agenda**

May 30, 2023 6:30 PM
Regular Meeting

CALL TO ORDER
ROLL CALL
MINUTES - Regular Meeting of April 13, 2023

BUSINESS ITEMS:

1. 920 Walnut St
 - a. Variance Request
 - b. Notice of Public Hearing

NEXT MEETING DATE: July 13, 2023

ADJOURNMENT



City of
VALLEY FALLS

Incorporated May 17, 1869

**Planning & Zoning Commission
Minutes**

April 13, 2023 6:30 PM
Regular Meeting

CALL TO ORDER - Dean Lederer called the meeting to order at 6:32 PM.

ROLL CALL -Dean Lederer, Matt Strickler, Jerry Heinen and Jason Oliver were present. Matt Hisey and Jesse Nickelson were absent.

MINUTES - Jason moved to approve the minutes from the meeting on March 9, 2023. Matt Strickler seconded the motion. Motion carried 4-0.

PUBLIC HEARING - The public hearing for the proposed changes to the Zoning Ordinance for Shipping Containers was called to order. No public comment. Hearing was closed.

BUSINESS ITEMS:

1. Zoning Change for Shipping Containers - Jason made a motion to recommend to the Governing Body the Zoning Ordinance change for shipping containers with the correction of the typographical error. Matt Strickler seconded the motion. Motion carried 3-1.

ADJOURNMENT

Dean moved to adjourn the meeting at 6:46 PM. Jerry seconded the motion. Motion carried 4-0.

ARTICLE 26
THE BOARD OF ZONING APPEALS

Sections:

- 26-101 Organization and Procedure
- 26-102 Powers
- 26-103 Variances
- 26-104 Special Exceptions
- 26-105 Special Yard and Height Exceptions
- 26-106 Guidelines for Conditions
- 26-107 Application
- 26-108 Stay of Proceedings
- 26-109 Public Hearing
- 26-110 Findings and Records of Proceedings
- 26-111 Lapse of Special Exception
- 26-112 Decisions of the Board

26-101 Organization and Procedure: The full membership of the Valley Falls Planning Commission, as established by the Governing Body, is hereby declared to be the Valley Falls Board of Zoning Appeals and, as such, shall function with its full membership as the Board of Zoning Appeals as referred to herein. In all instances within this Article and/or this Ordinance where reference is made to the Board of Zoning Appeals, said board shall be the Valley Falls Planning Commission acting as the Board of Zoning Appeals.

The Board of Zoning Appeals shall administer the details of the application of this Ordinance in accordance with the general rules set forth herein. The Board may adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

26-102 Powers: The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.
3. In accordance with the specific provisions of this Article, to authorize upon appeal of specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

26-103 Variances: The Board of Zoning Appeals shall have the power to grant the following variances:

1. A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of such regulations or restrictions, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of the zoning regulations, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice. Such variance shall be granted only when public safety and welfare are secured, and substantial justice done.
2. A request for a variance may be granted in such case, upon a finding by the board that ALL of the following conditions have been met:
 - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner(s) or of the applicant;
 - b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
 - c. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and;
 - e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

26-104 Special Exceptions: In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of this Ordinance as an instrument for fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are hereby permitted by the terms of this Article. The following buildings and uses are permitted as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by this Ordinance:

1. A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.

2. A nonconforming commercial use on a lot between two lots which are used commercially.
3. A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a nonconforming commercial or industrial use, an additional use of the same classification in the remainder of the building.
4. The extension of an existing nonconforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of this Ordinance; or the erection of an additional building upon the lot owned at the time of the passage of this Ordinance by a nonconforming commercial or industrial establishment and which additional building is a part of such establishment.
5. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within 100 feet of said district boundary line.
6. In any residential district, a private garage(s) and/or storage building(s) as an accessory building(s) for more than four motor vehicles and/or covering more than 900 square feet.
7. Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of this Ordinance where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of this Ordinance to relieve congestion in the streets would be best served by permitting such parking off the premises.

26-105 Special Yard and Height Exceptions: The following special yard exceptions, limited as to location and especially in locations described below in this section, are permitted by this Ordinance if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by this Ordinance and provided such exceptions are approved by the Board:

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side or rear yard that does not conform with the yard regulations.
2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.
3. An exception in the depth of the rear yard on a lot in a block where there are nonconforming rear yard conditions.

4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

26-106 Guidelines for Conditions: Where, in this Ordinance, special exceptions are permitted, provided they are approved by the Board of Zoning Appeals, where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs.
2. Limitations of signs as to size, type, color, location or illumination.
3. Amount, direction, and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.
5. Maintenance requirements including cleaning and painting of buildings, structures or facilities.
6. Type of roof (i.e., gable, flat, etc.).
7. Construction design and type of construction materials to be used.
8. Whether the buildings, if multiple buildings are proposed, can be connected or not.
9. Exit, entrance, door and window locations.
10. The type and amount of paving, landscaping, fencing, screening and other such features.
11. Hours of operation, including limitations on nighttime hours.
12. Limitations on structural alterations to existing buildings.
13. Plans for the control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
14. Such other conditions and/or limitations that are deemed necessary.

26-107 Written Application Required: Written application for an appeal, a special exception, or a variance referred to in this Article shall be filed with the Board or its agent, upon forms and in a manner prescribed by the Board. Said application shall be submitted within 30 days of the action requiring said appeal, variance or special exception.

26-108 Stay of Proceedings: Upon the application for an appeal of an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance, said appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the application for appeal has been filed with him, that by reason of facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed except by a restraining order which may be granted by the Board, or by a court of competent jurisdiction on application, on notice to the Zoning Administrator and on due cause shown.

26-109 Public Hearing Required: The Board shall hold a public hearing on each application for an appeal, decision, variance or special exception. Applications for a variance or special exception must be accompanied with a certified list of property owners, and their addresses, within 200 feet of the property for which the variance or special exception is being sought. Notice of the time and place of the public hearing shall be published once in the official City paper not less than 20 days prior to the date of such public hearing. In addition, all property owners within 200 feet shall be notified by registered mail of such public hearing and be given an opportunity to attend and be heard regarding such application for a variance or special exception.

26-110 Findings and Records of Proceedings: The Board of Zoning Appeals shall hold the public hearing at such prescribed time and place and shall make its findings and determinations in writing within a reasonable time from the date of filing of the application, and shall forthwith transmit a copy thereof to the applicant. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, which shall be a public record.

26-111 Lapse of Special Exceptions or Variances: After the Board of Zoning Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of this Ordinance shall thereafter govern.

26-112 Decisions of the Board: In exercising the foregoing powers, the Board of Zoning Appeals, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring an action in the District Court of Jefferson County, Kansas, to determine the reasonableness of any such order or determination.

CITY OF VALLEY FALLS, KANSAS
ZONING ADMINISTRATION DEPARTMENT

APPEAL TO THE BOARD OF ZONING APPEALS

ZONING APPEAL No. 2023-01
DATE 5/23/2023

I (We), Steven and Vickie Yates of Valley Falls
Kansas 501 428 4989
respectfully request that a determination be made by the Board of Zoning Appeals.

A variance is requested to section 22-104 no. 27 of the City of Valley Falls Zoning Ordinance for the reason that it does not meet the required set back provisions of the regulations.

Remarks: Required 30 ft front yard setback. Only
meets 15 ft front yard setback off 10th St.

The premises affected are located at 920 Walnut St.

Legal description of property involved in this appeal: _____

Has any previous application or appeal been filed in connection with these premises? no

What is the applicants interest in the premises affected? Own

What is the approximate cost of the work involved? 20,300.00

Explanation of purpose to which property will be put: Residential attached garage

Plot plan attached: yes no.

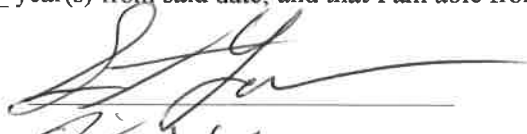
Ground Plan and elevations attached: ()yes no. If no, explain: _____

Following is an abstractor's plat and list of property owners within 200 feet of the exterior limits of the property involved in this appeal, together with addresses of the same:

NAME	ADDRESS
David Branham	918 Walnut St Valley Falls KS 64088
Lewon Freedom	1000 Walnut Valley Falls KS
DeKearney	508 10 th St Valley Falls KS

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the plans herewith submitted within six (6) months from date of filing this appeal; will complete the work within 1 year(s) from said date; and that I am able from a financial, legal, and physical basis to do so.

Date: 5-21-23



 Signature(s) of Applicant(s)

FOR USE OF BOARD OF ZONING APPEALS ONLY

Date hearing advertised _____; Hearing Date _____

Fee paid - Receipt No. 50 paid 5/22/2023

Decision of Board of Zoning Appeals _____

Remarks: _____

Board of Zoning Appeals

Secretary

VALLEY FALLS PLANNING AND ZONING COMMISSION

Valley Falls, Kansas 66088

BUILDING PERMIT APPLICATION

IMPORTANT - Complete ALL items. Mark boxes where Applicable

I. Legal Description of Land		Subdivision	Lot	Block																										
920 Walnut St. Valley Falls, KS																														
II. TYPE AND COST OF BUILDING - All applicants complete Parts A - D																														
A. TYPE OF IMPROVEMENT 1 <input type="checkbox"/> New Building 2 <input checked="" type="checkbox"/> Addition 3 <input type="checkbox"/> Alteration (See 2 above) 4 <input type="checkbox"/> Repair, replacement 5 <input type="checkbox"/> Mobile Home 6 <input type="checkbox"/> Moving (Relocation) 7 <input type="checkbox"/> Foundation only		D. PROPOSED USE <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Residential</td> <td style="width: 50%; border: none;">Non-Residential</td> </tr> <tr> <td style="border: none;">12 <input checked="" type="checkbox"/> One Family</td> <td style="border: none;">18 <input type="checkbox"/> Amusement, Recreation</td> </tr> <tr> <td style="border: none;">13 <input type="checkbox"/> Two or more family</td> <td style="border: none;">19 <input type="checkbox"/> Church, other Religious</td> </tr> <tr> <td style="border: none;">14 <input type="checkbox"/> Enter no of Units _____</td> <td style="border: none;">20 <input type="checkbox"/> Industrial</td> </tr> <tr> <td style="border: none;">14 <input type="checkbox"/> Transient, hotel, motel</td> <td style="border: none;">21 <input type="checkbox"/> Grain Bin</td> </tr> <tr> <td style="border: none;">15 <input checked="" type="checkbox"/> Garage</td> <td style="border: none;">22 <input type="checkbox"/> Service Station, Repair</td> </tr> <tr> <td style="border: none;">16 <input type="checkbox"/> Carport</td> <td style="border: none;">23 <input type="checkbox"/> Silo</td> </tr> <tr> <td style="border: none;">17 <input type="checkbox"/> Other - Specify _____</td> <td style="border: none;">24 <input type="checkbox"/> Office, Bank</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none;">25 <input type="checkbox"/> Barn</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none;">26 <input type="checkbox"/> Storage Building</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none;">27 <input type="checkbox"/> Store - Retail</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none;">28 <input type="checkbox"/> Tanks, Towers</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none;">29 <input type="checkbox"/> Septic Only</td> </tr> </table>			Residential	Non-Residential	12 <input checked="" type="checkbox"/> One Family	18 <input type="checkbox"/> Amusement, Recreation	13 <input type="checkbox"/> Two or more family	19 <input type="checkbox"/> Church, other Religious	14 <input type="checkbox"/> Enter no of Units _____	20 <input type="checkbox"/> Industrial	14 <input type="checkbox"/> Transient, hotel, motel	21 <input type="checkbox"/> Grain Bin	15 <input checked="" type="checkbox"/> Garage	22 <input type="checkbox"/> Service Station, Repair	16 <input type="checkbox"/> Carport	23 <input type="checkbox"/> Silo	17 <input type="checkbox"/> Other - Specify _____	24 <input type="checkbox"/> Office, Bank	_____	25 <input type="checkbox"/> Barn	_____	26 <input type="checkbox"/> Storage Building	_____	27 <input type="checkbox"/> Store - Retail	_____	28 <input type="checkbox"/> Tanks, Towers	_____	29 <input type="checkbox"/> Septic Only
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_____	29 <input type="checkbox"/> Septic Only																													
B. Ownership 8 <input checked="" type="checkbox"/> Private (Individual, Corp, nonprofit institution, etc.) 9 <input type="checkbox"/> Public (Fed, St, or Local Gov.)																														
C. COST 10 Cost of improvement..... \$ <u>20,300.00</u> To be installed but not included in the above cost. a. Electrical \$ <u>300.00</u> b. Plumbing \$ _____ c. Heating, air conditioning \$ _____ d. Other (elevator, etc.) \$ _____ 11 TOTAL COST OF IMPROVEMENT \$ <u>20,600.00</u>		Nonresidential - Describe in detail proposed use of building. If use of building is being changed, enter proposed date. _____ _____ _____ _____																												
III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete part E-L; for wrecking, complete only Part J; for all others skip to IV.																														
E. PRINCIPAL TYPE OF FRAME 30 <input type="checkbox"/> Masonry (Wall bearing) 31 <input checked="" type="checkbox"/> Wood Frame 32 <input type="checkbox"/> Structural 33 <input type="checkbox"/> Reinforced Concrete 34 <input type="checkbox"/> Pole Other - Specify _____		G. TYPE OF SEWAGE DISPOSAL 40 <input checked="" type="checkbox"/> Public or Private Comp 41 <input type="checkbox"/> Individual (Septic, lagoon)		J. DIMENSIONS 48 # of stories <u>1</u> 49 Total Sq Ft of floor area, all floors, based on exterior dimensions. <u>30x20</u> 50 Total Acreage or lots _____																										
F. PRINCIPAL TYPE OF HEATING FUEL 35 <input type="checkbox"/> Gas 36 <input type="checkbox"/> Oil 37 <input type="checkbox"/> Electricity 38 <input type="checkbox"/> Coal 39 <input type="checkbox"/> Wood Other - Specify <u>None</u>		H. TYPE OF WATER SUPPLY 42 Public, RWD No. _____ 43 Individual (well, cistern) _____		K. # OF OFF-STREET PARKING STALLS 51 <input type="checkbox"/> Enclosed 52 <input type="checkbox"/> Outdoors																										
I. TYPE OF MECHANICAL Will there be central air cond.? 44 <input type="checkbox"/> Yes 45 <input checked="" type="checkbox"/> No Will there be an elevator? 46 <input type="checkbox"/> Yes 47 <input checked="" type="checkbox"/> No		L. RESIDENTIAL BUILDINGS ONLY 53 Number of Bedrooms.... _____ 54 Number of bathrooms Full _____ Partial _____																												
IV. IDENTIFICATION - To be completed by all applicants.																														
Name	Mailing Address - Number, Street, City, and State	ZIP code	Telephone No.																											
1 X	Steve Yates 920 Walnut St Valley Falls, KS 66088		501 428 4989																											
2 X																														
3 X																														
Signature of the Applicant - The owner of this building and the undersigned agree to conform to all applicable law.																														
X	<u>[Signature]</u>	Address <u>920 Walnut St</u>	Application Date <u>5-11-23</u>																											
DO NOT WRITE IN THIS SPACE - FOR OFFICE USE																														
Approved by	Permit Fee	Date Permit Issued	Permit number																											
<u>[Signature]</u>	\$ <u>63</u>																													

Ad 5/11/23
Cash



10th Street – 60 Ft ROW



Required Setbacks – 30 Ft Front Yard



Actual Garage Location

*Non-conforming 15 Ft Front Yard Setback from 10th Street





City of
VALLEY FALLS

Incorporated May 17, 1854

Public Hearing Notice

TO ALL PERSONS CONCERNED:

You are hereby notified the City of Valley Falls Planning and Zoning Commission will be considering a variance request at 920 Walnut St. The proposed variance request is to allow for a 15-foot front yard setback as opposed to a 30-foot front yard setback for a new garage.

You are hereby notified that a Public Hearing before the City Planning and Zoning Commission will be held in the City Hall, 417 Broadway St, Valley Falls, KS 66088, on the **13th day of July, 2023** at 6:30 p.m. and the Hearing will be reviewed for the purpose of considering the advisability of such variance.

All persons having an interest in said proceeding should be present and be heard.

Reasonable accommodations will be made available to persons with disabilities.
Requests should be submitted to Christine Weishaar, City Clerk by **4 PM on July 10, 2023.**

DATED at Valley Falls, Kansas this **30th day of May, 2023.**

Dean Lederer, Chairman
Valley Falls Planning and Zoning Commission