



City of
VALLEY FALLS

Incorporated May 17, 1869

**Planning & Zoning Commission
Agenda**

July 6, 2023 6:30 PM
Regular Meeting

CALL TO ORDER

ROLL CALL

MINUTES - Regular Meeting of May 30, 2023

PUBLIC HEARING - 920 Walnut Street Variance Request

BUSINESS ITEMS:

1. 920 Walnut St - Variance Request
2. Double Frontage - Zoning Ordinance Change
 - a. Article 21-103, 3. Front Yards

NEXT MEETING DATE: August 10, 2023

ADJOURNMENT



City of
VALLEY FALLS

Incorporated May 17, 1869

**Planning & Zoning Commission
Minutes**

May 30, 2023, 6:30 PM
Regular Meeting

CALL TO ORDER - Matt Strickler called the meeting to order at 7:16 PM.

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

MINUTES - Jesse moved to approve the minutes from the meeting on April 13, 2023. Jerry seconded the motion. Motion carried 3-0.

BUSINESS ITEMS:

1. 902 Walnut St. - Variance Request - Reason for variance was discussed but commission members were unclear as to the need for the variance. Jerry is of the opinion that a variance isn't needed and the Building Permit should be approved. The other two members were of the same opinion because the city administrator was not able to attend the meeting to clarify the reasoning.

Jerry made a motion to approve the variance if it is truly needed. Matt Strickler seconded the motion. Motion carried 3-0.

ADJOURNMENT:

Jerry moved to adjourn the meeting at 7:32 PM. Jesse seconded the motion. Motion carried 3-0



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 6th 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 3, 2023.

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

Dean Lederer, Chairman
Valley Falls Planning and Zoning Commission

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
Laura Freeman	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. 500 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 12 <input checked="" type="checkbox"/> One Family 13 <input type="checkbox"/> Two or more family Enter no of Units _____ 14 <input type="checkbox"/> Transient, hotel, motel Enter no of Units _____ 15 <input checked="" type="checkbox"/> Garage 16 <input type="checkbox"/> Carport 17 <input type="checkbox"/> Other - Specify _____ </td> <td style="width: 50%; border: none;"> Non-Residential 18 <input type="checkbox"/> Amusement, Recreation 19 <input type="checkbox"/> Church, other Religious 20 <input type="checkbox"/> Industrial 21 <input type="checkbox"/> Grain Bin 22 <input type="checkbox"/> Service Station, Repair 23 <input type="checkbox"/> Silo 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 </td> </tr> </table>				Residential 12 <input checked="" type="checkbox"/> One Family 13 <input type="checkbox"/> Two or more family Enter no of Units _____ 14 <input type="checkbox"/> Transient, hotel, motel Enter no of Units _____ 15 <input checked="" type="checkbox"/> Garage 16 <input type="checkbox"/> Carport 17 <input type="checkbox"/> Other - Specify _____	Non-Residential 18 <input type="checkbox"/> Amusement, Recreation 19 <input type="checkbox"/> Church, other Religious 20 <input type="checkbox"/> Industrial 21 <input type="checkbox"/> Grain Bin 22 <input type="checkbox"/> Service Station, Repair 23 <input type="checkbox"/> Silo 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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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 Owner	X <u>Steve Yates</u> <u>920 Walnut St</u> <u>Valley Falls, KS 66088</u>				<u>501 428 4989</u>			
2 Contractor	X _____							
3 Architect	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 <u>[Signature]</u>		Permit Fee <u>\$ 63-</u>	Date Permit Issued		Permit number			

Ad 5/11/23
Cash



10th Street – 60 Ft ROW

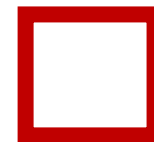


Required Setbacks – 30 Ft Front Yard



Actual Garage Location

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



ARTICLE 20
DISTRICT HEIGHT, AREA AND BULK REGULATIONS

DISTRICT	Maximum Height of Building		Minimum Yard Requirement in Feet			Minimum Lot Dimensions in Feet		Minimum Lot Area in Square Feet
	Feet	Stories	Front Yard	Side Yard (A)	Rear Yard	Width	Depth	
"R-1A" Single-Family Residential	35	2 1/2	30	10	20	75	100	10,000
"R-1B" Single-Family Residential	35	2 1/2	30	5	20	65	100	7,000
"R-1C" Single-Family Residential	35	2 1/2	30	5	20	50	100	5,600
"R-2" Two-Family Residential	35	2 1/2	30	5	20	50	100	7,000/3,500(B)
"RP-3" Planned Medium Density Residential	45	3	30	10	20	65	100	3,500/2,000(C)
"RP-4" Planned Apartment House	45	3	30	10	20	65	100	3,500/1,000(D)
"CP-0" Planned Commercial Office	30	2	30	10	20	65	100	7,000
"CP-1" Planned Neighborhood Commercial	30	2	30	10	20	65	100	7,000
"CP-2" Planned General Business	35	3	30	10	20	65	100	7,000
"CP-3" Planned Highway Service Commercial	35	3	30	20	20	150	150	25,000
"CP-4" Planned Central Business	-	-	-	-	-	-	-	-0-
"IP-1" Planned Light Industrial	30	2	40	15	20	-	-	-0-
"IP-2" Planned Medium Industrial	30	2	40	15	25	-	-	-0-

- (A) A SIDE YARD SHALL BE PROVIDED ON EACH SIDE OF THE LOT. THE DIMENSION GIVEN IS FOR ONE SIDE ONLY.
- (B) 7,000 1ST UNIT, 3,500 PER UNIT FOR TWO UNITS.
- (C) 3,500 PER UNIT FOR FIRST TWO UNITS, 2,000 FOR EACH UNIT OVER 2.
- (D) 3,500 PER UNIT FOR FIRST TWO UNITS, 1,000 FOR EACH UNIT OVER 2.

Acre = 43,560 sq ft

ARTICLE 21
SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

Sections:

- 21-101 Application
- 21-102 Modification of Height Regulations
- 21-103 Modification of Area Regulations

21-101 Application: The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in this Ordinance.

21-102 Modification of Height Regulations:

1. The height regulations as prescribed in this Ordinance shall not apply to the following:

- Belfries
- Chimneys
- Church Spires
- Conveyors
- Cooling Towers
- Elevator Penthouses
- Fire Towers
- Flag Poles
- Grain Elevators
- Monuments
- Ornamental Towers and Spires
- Smoke Stacks
- Stage Towers or Scenery Lofts
- Tanks
- Water Towers
- Lighting Poles or Standards

2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding 75 feet, when the required side and rear yards are increased by at least 1 foot for each 1 foot of additional building height above the height regulations for the district in which the building is located.

21-103 Modification of Area Regulations:

1. Yards, generally:

- a. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- b. Every part of a required yard shall be open to the sky, except as authorized by this Article. Ordinary projections of sills, awnings, canopies, belt courses, air conditioning units, chimneys, cornices, and ornamental features may project to a distance not to exceed 24 inches into a required yard setback.

- c. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided, however:
 - (1) That said court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and, in no case may such buildings be closer to each other than 15 feet;
 - (2) Where a court having direct street access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.
- d. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

2. Accessory Buildings and Structures:

- a. Except as herein provided, no accessory building shall project into a required yard setback along any street.
- b. In Districts ^{"R-1A" - Dual Yards Type} "R-1B", "R-1C" and "R-2", accessory buildings may be located in a required side or rear yard; however, no accessory building may be located closer than 5 feet from a rear lot line, nor less than 3 feet from a side lot line. No alley may be used in meeting this requirement.
- c. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.
- d. Accessory, open and uncovered swimming pools and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
- e. Accessory storm caves which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
- f. Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed under the requirements of Section 21-103(2)(b).

- g. Parabolic or satellite dish-type antennas may be placed in any district.

3. Front Yards:

- a. When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b. On double frontage lots, the required front yard shall be provided on each street frontage.
- c. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which extend or project into the front and side yard shall not extend or project into the required front yard more than 10 feet or into the required side yard more than 6 feet.
- d. Where 25 percent or more of the street frontage within 200 feet of the property in question is improved with buildings that have a front yard (with a variation of 6 feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than 50 percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where 40 percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

4. Side Yards:

- a. The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case the depth of the yard shall be as required in the district in which the building is located.

5. Rear Yards:

- a. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.

6. Corner Visibility:

- a. No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of 3 feet above the established street grade measured from the crown of the street, shall be erected, planted, or maintained within the visibility triangle area of a corner lot.

7. Easements:

- a. No building, either a main or an accessory building, shall be constructed, moved, or altered so as to encroach onto or within a platted or recorded easement.