The agenda for the meeting is as follows:

I. Chairman calls regular meeting to order
II. Approval of Minutes – June 3, 2020
III. Submittal of Exhibits for the Record
   A. Finney County Zoning Regulations as amended.
   B. Finney County Subdivision Regulations as amended.
   C. Finney County Comprehensive Plan all as amended
   D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats
   E. All application files in their entirety including Staff Reports

IV. New Business

   A. **CONDITIONAL USE PERMIT (CUP)** (Public Hearings)

      1. **FCBZA2020CUP-09**: Jason Milligan has applied for a conditional use permit for the size of an accessory structure in the “R-R” Rural Residential District at property generally located at 7995 W. River Rd., Finney County, KS. (Staff – Aleecya Charles)

   B. **VARIANCE (V)** (Public Hearings)

      1. **FCBZA2020V-08**: Cesar Munoz has applied for a front yard variance in the “MHP” Manufactured Home Park District with “AlO” Airport Influence Overlay District at property generally located at 6165 E. Old Post Rd., Finney County, Kansas. (Staff – Aleecya Charles)

VI. Adjourn
MINUTES

BOARD OF ZONING APPEALS
FINNEY COUNTY, KANSAS
June 3, 2020

The Finney County Board of Zoning Appeals scheduled a special meeting at 9:00 a.m. Wednesday, June 3, 2020 in the City Commission Chambers of the City of Garden City Administrative Center located at 301 North 8th Street, Garden City, Kansas.

Note: The Board of Zoning Appeals meeting was held via Zoom, an internet-based meeting platform.

I. CALL TO ORDER:
Meeting called to order at 9:00 a.m. Present were Chairman Leiker, Vice-Chairman Hitz and Member Germann. Also in attendance were Secretary Davidson and Staff Charles.

II. APPROVAL OF MINUTES: May 20, 2020
Vice-Chairman Hitz made a motion to approve the minutes. Member Germann seconded the motion. Votes were taken by yes and nays and recorded as follows.

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<tr>
<th></th>
<th>Hitz</th>
<th>Leiker</th>
<th>Germann</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion</td>
<td>Yea</td>
<td>Yea</td>
<td>Yea</td>
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</table>

Motion passed.

III. SUBMITTAL OF EXHIBITS FOR THE RECORD

A. Finney County Zoning Regulations of 1995 as amended
B. Subdivision Regulations of 1996 as amended
C. Finney County Comprehensive Plan as amended
D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats
E. All application files in their entirety including Staff Reports

IV. OLD BUSINESS

FCBZA2020CUP-05: Victor Treto has applied for a conditional use permit for a personal horse training facility and animals in excess to limits set in 5.020 (10) in the “R-R” Rural Residential District at property generally located at 902 W. Maple St, Finney County, KS.

Staff Charles reviewed the staff report.

Chairman Leiker – After the last meeting I met with Victor Treto and his attorney Richard Marquez at the property and I was able to get the visual I was looking for and any questions I had were answered at that time.

Vice-Chairman Hitz – I also went down there at a later time and met with Victor and Richard. When we originally looked at this I had a question about the number of animals versus property size. After touring the location I could not find a problem with having eight head of horses and one cow. There is plenty of property there where they are not bunched up or crowded. He can still do his training and still have plenty of room for whatever else he has going on. As he explained to me, there are not going to be eight horses all of the time they will be in and out while training proceeds. As I walked through there I was satisfied that there was sufficient room for eight horses and one cow. I know Member Germann at the last meeting made a motion to approve five horses and one cow. I have satisfied myself that if we allow a Conditional Use Permit that eight horses and one cow would not be a problem. The other problem that I see is that if we deny this permit and have to go looking around the area, there are going to be a lot of other folks out there who are not in compliance. I just do not think this is something we want to deny. I am satisfied that what he is wanting to do is okay. The place shows a lot of pride in ownership, everything is well maintained and looks really nice. I do not think what he is going to be doing would be a nuisance to any of the neighbors. The only problem would be the salvage yard right behind him which I think would be more of a detriment to him than a complainant. I would be inclined to approve eight horses and one cow.
**Member Germann** – I will defer to the opinions of Leonard and Butch. I am not well versed in horse training facilities at all and do not feel I would know how many is too many. I am comfortable approving this as well if you two say that there is plenty of room because that was the only concern that I had, that they may be in crowded or unfit conditions. 

**Vice-Chairman Hitz** – That is a legitimate concern and I agreed with you and that is why I wanted to go down there and look. Butch, what is your opinion, did you think there is enough room and it is maintained in such a way that is not a problem of being overcrowded?

**Chairman Leiker** – No, I did not see a problem with the conditions. The problem I did see was what you already mentioned. If we disapprove we are opening up a whole different set of problems because if you look at the salvage yard, that is beginning to be more than a nuisance than allowing another couple head of horses, and I do not feel that anybody down there is in compliance. Victor maintains his property well and I do see a lot of pride in ownership.

VICE-CHAIRMAN HITZ MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT TO ALLOW EIGHT HORSES AND ONE COW. MEMBER GERMANN SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows.

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<th>Hitz</th>
<th>Leiker</th>
<th>Germann</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yea</td>
<td>Yea</td>
<td>Yea</td>
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Motion passed.

**V. ADJOURN**

MEMBER GERMANN MADE A MOTION TO ADJOURN. VICE-CHAIRMAN HITZ SECONDED THE MOTION.

Meeting adjourned at 9:12 am.

Carol Davidson  
Secretary

Aleecya Charles  
Staff

Butch Leiker  
Chairman

Leonard Hitz  
Vice-Chairman
STAFF REPORT
FCBZA2020CUP-09: Conditional use permit to build an accessory structure at 7995 W. River Rd, Finney County, Kansas

Date:  August 19, 2020
Jurisdiction:  Finney County

Owner:  Jason Milligan
Applicant:  Jason Milligan
Requested Action:  Conditional use permit
Purpose:  To build an accessory structure larger than 15% of the primary structure
Location address:  7995 W. River Rd
Comprehensive Plan:  The zoning and use of this property appears consistent with the Comprehensive Plan.
Sites Existing Zoning:  “R-R” Rural Residential
Surrounding Zoning:  North - “A” Agricultural District
South - “A” Agricultural District
East - “A” Agricultural District
West - “I-1, I-2” Light-Medium Industrial District
Land Area:  5.96 acres +/-
Notice Date:  This project was published and noticed by mail as required by code.

COMMENTS & REQUIRED IMPROVEMENTS
The applicant Jason Milligan is requesting a conditional use permit to build an accessory structure that is more than 15% larger than the house. The property is located at 7995 W. River Rd and is zoned “R-R” Rural Residential. The applicant would like to build a shop that is 60x120 and their house is approximately 5,000 sq. ft.

Finney County Zoning Regulations states in Section 22.030(6)(B) that in residential districts, the accessory building area shall not be larger than fifteen percent (15%) of the principal structure and Section 22.030(7)(B) states that accessory structures which are larger in size and height than specified above may be allowed only after they have been approved with a Conditional Use Permit.

The applicant would like to use the shop for his personal hobbies of wood working and working on cars. The entrance to the shop will be from an existing entrance along the east side of the property and will have a drive all the way from the road up to the shop.

CONDITIONAL USE PERMIT REQUIREMENTS
1. The requirements for approval of a Conditional Use Permit found in the Garden City Zoning Regulations are stated below.

29.050 CONSIDERATION OF A CONDITIONAL USE. In considering any application for a Conditional Use Permit, the Board of Appeals shall give consideration to the Comprehensive Plan of the County, including but not limited to the following:

a. The stability and integrity of the various zoning districts.
b. Conservation of property values.
c. Protection against fire and casualties.
d. Observation of general police regulations.
e. Prevention of traffic congestion.
f. Promotion of traffic safety and the orderly parking of motor vehicles.
g. Promotion of the safety of individuals and property.
h. Provision for adequate light and air.
i. Prevention of over-crowding and excessive intensity of land uses.
j. Provision for public utilities and schools.
k. Invasion by inappropriate uses.
l. Value, type, and character of existing or authorized improvements and land uses.
m. Encouragement of improvements and land uses in keeping with overall planning.
n. Provisions for orderly and proper urban renewal, development, and growth.

The Board may approve the Conditional Use Permit based on the following findings:

1. Value, type, and character of existing or authorized improvements and land uses. Art 29.050 (1)(L)
2. Encouragement of improvements and land uses in keeping with overall planning. Art 29.050(M)

The Board may deny the Conditional Use Permit based on the following findings:

1. The stability and integrity of various zoning districts. Art 29.050(A)
2. Provisions for orderly and proper urban renewal, development and growth. Art 29.050(N)

RECOMMENDATION:
Staff recommends approval of the conditional use permit.

BZA ACTION:
Members Present -
Yea vote –
Nay vote –
Case Number: FCBZA2020CUP-09
Applicant: Jason Milligan
Address: 7995 W. River Rd., Finney County, KS.
Request: Conditional use permit for the size of an accessory structure in the "R-R" Rural Residential District.
Figure 1: Site plan showing location
Figure 2: Proposed building
### STAFF REPORT
*FCBZA2020V-08: Front yard variance for a Residential Design Manufactured Home at 6165 Old Post Rd, Finney County, Kansas*

<table>
<thead>
<tr>
<th>Date:</th>
<th>August 19, 2020</th>
<th>Jurisdiction:</th>
<th>Finney County</th>
</tr>
</thead>
</table>

**Owner:** Cesar Munoz  
**Applicant:** Cesar Munoz  
**Requested Action:** Front yard variance  
**Purpose:** For the location of a RDMH  
**Location address:** 6165 Old Post Rd  
**Comprehensive Plan:** The zoning and use of this property appears consistent with the Comprehensive Plan.  
**Sites Existing Zoning:** “MHP” Manufactured Home Park with “AIO” Airport Overlay District  
**Surrounding Zoning:**  
- North - “MHP” Manufactured Home Park with “AIO” Airport Overlay District  
- South - “MHP” Manufactured Home Park with “AIO” Airport Overlay District  
- East - “MHP” Manufactured Home Park with “AIO” Airport Overlay District  
- West - “MHP” Manufactured Home Park with “AIO” Airport Overlay District  
**Land Area:** 0.26 acres +/-  
**Notice Date:** This project was published and noticed by mail as required by code.

### COMMENTS & REQUIRED IMPROVEMENTS

The applicant Cesar Munoz is requesting a front yard variance for a Residential Design Manufactured Home at 6165 Old Post Rd. The RDMH was placed on the lot without a permit and does not meet the current front yard setbacks as outlined on the plat and the current zoning regulations. The property is zoned “MHP” Manufactured Home Park; however since this is in a subdivision and the property owner owns the lot, it is treated as "MHS" Manufactured Home Subdivision.

The plat Towns Riverview South Subdivision “Clarification” has a front yard setback of 30-feet and “MHP” Manufactured Home Subdivision has a setback of 60-feet from the center of the road; making the front yard setback 30-feet, which is no different than what is currently on the plat. Since the plat has the setback on it, the property owner will need to replat the property without the setback if the variance is granted. The property owner is asking for a 3-foot front yard setback since the home is already set and anchored at 27-feet from the property line. The 3-foot front yard variance will be a variance from the current zoning regulations and make the placement of the home in compliance with the zoning regulations.

The property owner had a licensed contractor go out and see if the home was able to be moved back in order to meet the setback; however, the home was anchored and concreted already, making it difficult and costly to move the home back. The owner is asking for the variance before the property is replatted to ensure he will be able to leave the house where it is before they spend the money to have a land surveyor replat the property and remove the 30-foot setback from the plat.

### VARIANCE REQUIREMENTS

1. The requirements for approval of a Variance found in the Finney County Zoning Regulations are stated below.

29.010 VARIANCE-PROCEDURE. An application for a variance may only be granted upon a finding by the Board of Zoning Appeals that the applicant has shown by clear and convincing evidence that ALL of the following:

(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 Zoning district, and is not created by an action or actions of the property or the Applicant.
The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

**RECOMMENDATION:**
Staff is unable to recommend approval.

**BZA ACTION:**
Members Present -
Yea vote –
Nay vote –
Case Number: FCBZA2020V-08
Applicant: Cesar Munoz
Address: 6165 E. Old Post Rd., Finney County, KS.
Request: Front yard variance in the "MHP" Manufactured Home Park District with "AIO" Airport Influence Overlay District
Figure 1: RDMH on lot