

NORTHWEST CONSOLIDATED ZONING BOARD
Conducted as an On-Line Zoom Webinar Meeting

MINUTES
January 25, 2021
6:30 p.m.

I. CALL TO ORDER

A meeting of the Northwest Consolidated Zoning Board (conducted as an on-line Zoom meeting), Johnson County, Kansas, was convened at 6:30 p.m. on Monday, January 25, 2021, and was called to order by Kathleen Willnauer, Chair, with the following members present and participating, to-wit: Mark Crumbaker, Mike Fowks, Carol Krska, James Neese (who joined after roll was called) and Brian Leuenberg. Melissa Morris and was absent. Also in attendance were Jay Leipzig, Karen Miller, Leslie Davis, and Sean Pendley with the Planning Department.

Chair Willnauer: I am now going to read the COVID virtual meeting statement:

To reduce the spread of COVID-19, the Northwest Consolidated Zoning Board meeting will be conducted online using Zoom Webinar. The board members will not be physically present in the board meeting room.

*If you are using Zoom, you may participate in the meeting using your computer, phone or other electronic device. If you e-mailed the Planning department in advance of this evening's meeting and signed up to speak at the public hearing cases, your name will be called by the moderator in the order received. If you are unable to sign up in advance and you would like to speak, then prior to the start of the case that you want to speak on, click the "raise hand" function in the Zoom app. By phone, you may raise your hand by dialing *9.*

All speakers will be limited to three minutes, unless the Chair designates a different time period in order to accommodate all the speakers desiring to speak. When your name is called by the moderator, your microphone will be unmuted. Please state your name and address for the record, followed by your

comments. For all board members and presenters, please state your name every time you begin talking, so the notes can be transcribed for the record. This is a public hearing. We are presenting live and recording the meeting. Thank you.

II. AGENDA ITEMS

Chair Willnauer: Are there any additions, deletions or revisions to this agenda? [none]

Motion by Mr. Fowks, seconded by Mr. Crumbaker, for approval of the agenda.

Motion carries, 6-0

Chair Willnauer: Are there any disclosures of conflicts of interest? [none]

Chair Willnauer: Are there any disclosures of external contacts or discussions? [none]

III. APPROVAL OF MINUTES

Chair Willnauer: We will move to approve the minutes from October 19, 2020. Are there any corrections to those minutes? [none]

Motion by Mr. Fowks, seconded by Mr. Crumbaker, to approve the minutes of the October 19, 2020, meeting be approved.

Motion carries 6-0

IV. BOARD REPORTS

Chair Willnauer: Is there a report from the Board of County Commissioners actions?

Ms. Miller: Karen Miller, yes I have that report. The Board of County Commissioners have approved Heartland Farms plat, the Morris Conditional Use Permit for a kennel and serval cat, the Chris Jansen Accessory Dwelling Unit Permit, which by the way is located 1.5 miles East of the property we are considering tonight, and Brody's Ridge Plat.

Chair Willnauer: Thank you. Are there any Planning Commission actions?

Jay Leipzig reported the Planning Commission met for a Special Meeting on January 12th to appoint two Planning Commission members to the 2021 Johnson County Charter Commission. Chris Illiff and Randy Hutchins were appointed.

Mr. Pendley noted that Darren Coffey and Denise Nelson would be giving a presentation to the Planning Commission members and staff during tomorrow night's Planning Commission meeting about Utility-Scale Solar Facilities.

Chair Willnauer: Okay. Thank you very much for those updates.

V. BUSINESS BEFORE THE BOARD

A. Application No. NW 20-92-ADUP (LE) – Accessory Dwelling Unit Permit – 13801 Walnut View Drive

Donald Morris Trust, applicant/landowner, requesting an Accessory Dwelling Unit Permit to allow construction of an Accessory Dwelling Unit, on approximately 40 acres, zoned RUR, Rural District, in Section 33, Township 13, Range 22.

Chair Willnauer: I would go ahead now and entertain our Planning Department.

Ms. Miller: Hello, Karen Miller, Planning Department

The property that we're considering tonight is located on 40 acres with Rural Zoning. Planning staff has recommended approval of the application subject to stipulations and for reasons that I will go over later in this report.

First, I'll describe the proposal. The landowners currently reside in an approximately 11,000 sq. ft. home on the property and propose to convert a 3,400 sq. ft. guest house into an accessory dwelling unit. A guest house can have sleeping and bathroom facilities but not a kitchen. Addition of the kitchen creates a dwelling. A second dwelling on the site requires an Accessory Dwelling Permit and a public hearing is necessary because the proposed ADU does not meet all of the performance standards that allow administrative approval by staff. In particular, the ADU is proposed to have a livable area of 3,400 sq. ft., which exceeds the 900 sq. ft. maximum allowed for administrative approval. As a note, owner-occupancy of either the ADU or the Principal Dwelling is a condition of approval of the ADU Permit. In reference to this application, the owner of the parcel will occupy the Principal Dwelling. The purpose of the proposed accessory dwelling unit (ADU) is to entertain friends, family and neighbors and to provide overflow lodging to their large extended family.

Here's Figure 1, Surrounding Neighborhood. Here's a vicinity map of the property. The property is accessed by Walnut View Drive which is a local road. Walnut View drive connects to 135th Street. Here's Spoon Creek Road and Homestead Lane. Notice the large strip of flood plain along the property's east border and the dense woods on and long the property. Here's a wholesale nursery. Here's the Walnut Hill neighborhood. It has homes on generally 4 to 5 acres with RN1 zoning. The applicant's property is located at the end of the cul-de-sac on the edge of this subdivision.

This is Figure 2, Aerial View of Property. Here's the applicant's 40 acres. Here's the driveway and front yard. Here is the location of the applicant's home, also referred to as the principal dwelling. Its front faces south. Here is the location of the proposed ADU which is currently a guest house under construction. The ADU is north of the principal dwelling. Here's the pool which is under construction. The applicant's house and proposed ADU is approximately 1,800 ft from 135th street, 350 ft from the west property line, and 500 ft from the nearest house. The site is secluded and well-screened with dense woods.

This is Figure 4, a Photograph of Principal and Accessory Dwellings surrounding the Pool. The pool, which is under construction, is in the foreground. The photograph is looking southwest. The two structures are oriented at approximately 90-degree angles to each other and form a courtyard around the pool. To the left of the photograph is the rear of the principal dwelling. It's 11,000 sq. ft. and the landowner lives in it. Notice the gables, roofline and construction materials. To the right of the photograph is proposed accessory dwelling unit. This Guest house is under construction with bedrooms and wet bar but no kitchen. Approval of the Accessory Dwelling Unit Permit will allow a kitchen rather than a wet bar to be installed in the structure. It will be used for entertaining and guests and in support of the pool. It will be 50 ft. from the existing home. It will be located in the back yard on a slope below the Principal Dwelling; will have a 1,150 sq. ft. main floor finished area that is approximately at the same elevation as the Principal Dwelling's walk-out basement, a 900 sq. ft. second floor that is lower than roofline of the Principal Dwelling, and a 1,350 finished basement; and will have materials and a design that complement and blend with the Principal Dwelling. Notice the gables, roofline, and building materials.

This is Figure 5 of the Principal Dwelling. Here's the front of the principal dwelling.

This is Figure 6 of the Accessory Dwelling. Here's the pool side view of the ADU. Notice that materials and design of the new building have been chosen to compliment and blend with the existing house. And, as a note, Staff reviewed the infrastructure serving the site and found it to be sufficient to serve the proposed building.

Some of Reasons for Recommendation of Approval are that:

1. The ADU or the Principal Dwelling will be owner occupied.
2. The proposed ADU is consistent with the RUR and RN-1 district zoning of the subject parcel and the surrounding parcels due to the ADU's function as an accessory based on its subordinate size, appearance and location to the Principal Dwelling and its use to support the Principal Dwelling.
3. Approval of the proposal would cause minimal detrimental effects to nearby parcels due to the ADU's large setbacks from other homes and the road and screening from dense woods located on and around the property.
4. The proposal is in keeping with the character of the neighborhood. The ADU and Principal Dwelling will have an overall visual effect that will blend with the surroundings due to the isolation of the property as a result of its large size and dense woods and due to the structures' large setbacks and screening.

Planning staff also recommends several stipulations for approval, including a Stipulation that require the landowner to live on the property. Lastly, for your information, a suggested motion is located on page 18 of the staff report. Thank you.

Chair Willnauer: We will hear from the applicant now.

Don Morris: Karen covered a lot of the items that I was going to mention. I do want to add we get along great with our neighbors and have actually invited them to be apart of the construction process. We have invited them to come use the pool.

Chair Willnauer: Do we have any questions or comments from the Board?

Mr. Crumbarker: Will there be more of these ADU permits?

Ms. Miller: Yes, it is possible. We just approved one down the road and if an application meets a golden criteria review, then we would approve it.

Mr. Neese: Question for the applicant, do you agree with the stipulations from Staff.

Don Morris: Yes.

Chair Willnauer: Is there any other discussion? Hearing none, I will entertain a motion.

Motion by Mr. Crumbaker, seconded by Mr. Fowks, to approve an Accessory Dwelling Unit Permit for an Accessory Dwelling Unit that is larger than allowed by the Regulations on the subject property, for the reasons and subject to the stipulations recommended by staff.

Motion carries, 6-0

Chair Willnauer: When will this application go before the Board?

Ms. Miller: This application will appear before Board of County Commissioner on February 25th, 2021 at 9:30 in the morning. This will be a Zoom meeting and not in person, but check the BOCC calendar prior to the meeting to confirm or call Planning staff.

VI. OTHER BUSINESS [None]

VII. BUSINESS FROM THE FLOOR [None.]

IX. NEW BUSINESS [None.]

Chair Willnauer: Are there any other comments?

ADJOURNMENT

Motion for adjournment.

Motion carries, 6-0

Ms. Davis: Sorry to interrupt, we do have a guest, the new Board of County Commissioner, Mrs. Shirley Allenbrand. You are welcome to speak now Mrs. Allenbrand.

Commissioner Allenbrand introduced herself and thanked the Board for their service.

Thereupon, with no further business to come before the Northeast Consolidated Zoning Board, Chair Willnauer, at 6:58 p.m., declared the meeting to be *Adjourned*.

Kathleen Willnauer, Chair

ATTEST:

Secretary to the Board