

LYNDON PLANNING AND ZONING COMMISSION
MINUTES OF MONDAY, MARCH 30, 2022, 5:30 P.M.
SPECIAL MEETING @ Lyndon Community Center
VARIANCE HEARING

ATTENDANCE:

Members present: Commission Chairperson; Charna Williams; Members; Peggy Clark, and Debra Rasmusson.

Also Present: Planning & Zoning Secretary; Amanda Croucher. Zoning Administrator; Dan Roush absent with notice.

Others Present: Levi Garber, Letitia Garber, Rick Schmidt, Sharon Hanna, Lily (Hanna), and Zach Hanna.

VARIANCE HEARING / CALL TO ORDER:

At 5:30pm, Commission Chairperson Williams called the Special Meeting – Hearing to order.

Variance Permit Application #22-12 was submitted for 519 W. 10th St. in Lyndon, KS by Levi Garber.

BZA Authority & Limitations:

- Read aloud by Chairperson, Charna Williams.
- Meeting opened at 5:35pm.
- Williams asked each commission member if they had any outside contact regarding this hearing;
 - Charna – No; Peggy – No; Deb – No

Staff Presentation:

- Zoning Administrator, Roush submitted letter requesting variance.

Appellant Request/Argument:

- Letitia Garber explained that she is requesting a variance to build a residential home on a lot that is smaller than the recommended lot size for R1. Letitia summarized the 6 criteria;
 - Uniqueness – request single family home on small lot/R1 regulations not met
 - Public Interest – bring a new family to the neighborhood/ improve the health & welfare of neighborhood/the existing house is a hazard
 - Spirit/Intent – already has a residential home on the lot/same spirit & intent with new single family residential home
 - Minimum Variance – requesting minimum variance for new home
 - Adjacent Property – not adversely affected by building single family home/improve property
 - Hardship – paying taxes on unlivable structure/nuisance

Public Comment:

- Rick Schmidt, an adjacent property owner, received his letter in the mail regarding the variance and requested to review the proposed site plan for the new home. Williams gave him a copy to review. Williams clarified Schmidt's question regarding the setbacks.
- Schmidt agreed that the lot needs improvement.
- Schmidt questioned the lot and why the lot was originally split. Williams stated that the lot split was done prior to Lyndon's Zoning Regulations.

Appellant Rebuttal:

- Depth of the lot and square footage (8,500 sq. ft. required) are subjects of the variance.

BZA Discussion:

- Hearing closed to public comments.
- Criteria Discussed by members;
 - 1. Uniqueness – Standards **not** met by majority of members
 - 2. Adjacent property – Standards met by majority of members
 - 3. Hardship – Standards **not** met by majority of members
 - 4. Public Interest – Standards met by majority of members
 - 5. Spirit & Intent - Standards **not** met by majority of members
 - 6. Minimum Variance – not a statutory requirement
- After a lengthy, detailed discussion regarding the 5 criteria, a motion was made by Clark to take under advisement and recess for legal opinion from the City attorney, Pat Walsh, on the following criteria; uniqueness, hardship, and spirit/intent before a decision can be made; seconded by Rasmusson. Motion carried.

Meeting adjourned at 6:13pm.

- Hearing is recessed until the next regular Planning & Zoning Meeting on Monday, April 4th, 2022 at 5:30pm, at Lyndon Community Center; 204 Topeka Ave. Lyndon, KS.

Respectfully submitted,



Amanda Croucher
City Treasurer/Secretary

Passed by the Planning and Zoning Commission on Apr. 4th, 2022.