

BZA

Board of Zoning Appeals



MINUTES

DOUGLAS COUNTY BOARD OF ZONING APPEALS

County Courthouse – Commission Chambers, and by Zoom
1100 Massachusetts St
Monday, Sept 15, 2025
10:00 A.M.

MEMBERS PRESENT: Scott Eudaly; Fadra Mitchell; Jerry Wohletz, Vice Chair; Rich Barr, Chair; Charlie Thomas

MEMBERS ABSENT: All present

STAFF PRESENT: In Person: Ben Harris, Zoning Administrator; Karl Bauer, County Planner; Amaya Dajani, Zoning Technician; Sean Pederson, Deputy County Administrator

Online: Tonya Voigt, Zoning and Codes Director; Leo Ruhnke, Code Enforcement Officer; Robin Crabtree, Executive Assistant

PUBLIC PRESENT: In Person: James L. Flory and Phyllis J. Flory
Online: None online

Rich Barr called the meeting to order at 10:00 a.m.

Rich Barr then called roll, and a quorum was established at 10:00 a.m.

ITEM NO. 1: MINUTES

Approve, revise, or approve with conditions the July 17, 2025, meeting minutes.

Jerry Wohletz moves to approve July 17, 2025, minutes, Fadra Mitchell seconds. Approved 4-0, 1 abstention. Charlie Thomas abstained since he was not at the July 17, 2025 meeting.

ITEM NO. 2: DISCLOSURE OF EX PARTE COMMUNICATIONS

Chair asks Board members for disclosure of any ex-parte communications on the items on the agenda.

None heard

VARIANCE REQUESTS

ITEM NO. 3: ZBZA-2025-0004 - A VARIANCE request under the terms of the *Zoning and Land Use Regulations for the Unincorporated Territory of Douglas County, Kansas*, from the James L. Flory and Phyllis J. Flory Revocable Trust requesting a variance to allow a reduction of the required front setback from 140 feet to approximately 100 feet for a proposed accessory building, to be located at 554 E 800 Rd.

APPLICANT/OWNER: James L. Flory and Phyllis J. Flory Revocable Trust

LOCATION: 554 E 800 Rd (Plate № 900197A)

AREA: 5.01 acres

DATE OF PUBLIC HEARING: September 15, 2025, 10:00 AM.

DATE PUBLIC NOTICE PUBLISHED: August 26, 2025

PRESENT ZONING AND LAND USE: Ag-2 – Transitional Agricultural; agricultural and residential use

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-2.04 Dimensional Standards: Establishes a minimum base setback of 40 feet and a minimum front setback of 100 feet (140 feet total) from the center of a major collector road.

DESCRIPTION OF VARIANCE REQUESTED:

James L. Flory, property owner, has submitted an application for a Variance to allow a proposed 40-foot by 60-foot accessory building within the required 140-foot setback. The subject property, located at 554 E 800 Rd., is approximately 5.01 acres in size and consists of a legal - nonconforming single-family house (built 1940) and an accessory building. The proposed accessory building will be located north of the existing residence and will be used as a garage and for household storage.

The applicant is seeking a Variance because of the location of a water main for Douglas County Rural Water District № 2. The water main crosses the property from north to south to the rear of the house. Staff confirmed the location of the water main and associated utility easement with the water district. As such, the applicant has limited buildable locations within the vicinity of the house.

PUBLIC COMMENTS:

None received as of August 29, 2025.

AGENCY COMMENTS:

Additional comments may be pending.

STAFF RECOMMENDATION

County Staff recommend approval of the variance request to allow a reduction of the required front setback from 140 feet to approximately 100 feet for a proposed accessory building, to be located at 554 E 800 Rd., with the following stipulation:

1. This variance shall apply only for a 40-foot by 60-foot accessory building. Any other structures shall comply with the County's adopted zoning regulations, or another variance shall be obtained.

MEETING MINUTES:

10:02 am Rich Barr – Asks County Planner Karl Bauer to present item.

Karl Bauer presents and reviews staff report for ZBZA-2025-0004

10:07 Karl Bauer is available for questions

Rich Barr - What is the setback for the existing residence?

Karl Bauer – Believes it is located at approx. 100 feet from the center or the road.

James Flory – Makes a statement regarding the request and the restriction due to the water line location.

Rich Barr – Is the new building going to be in line with the front of the house?

James – Yes. Close.

Rich Barr – Notes previous instances where the Board has approved similar requests when the new structure is in line with the front plane of the house. Rich would like to keep the setback consistent with the front plane of the house.

Charlie Thomas - Notes that it does have to be 15' from the water main.

Rich Barr – We have held other property owners to a similar condition.

Charlie Thomas - Asks if James knew the water line was behind the house?

James Flory – Yes. His son came out and assisted with locating the line with GPS.

Scott Eudaly – States that his goal has always been to not make a non-conformity worse.

Jerry Wohletz – Notes that other BZA variance requests have placed the structure closer to the road.

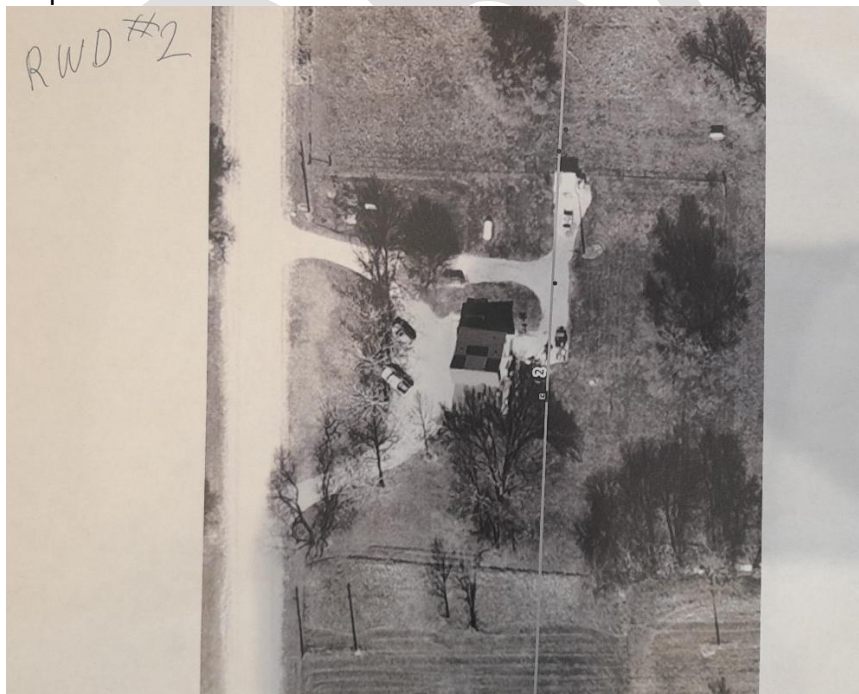
Rich Barr – Is there enough room to shift the structure and still be 15 ft from the water line?

Fadra Mitchell – It sounds like the owner has done their homework, the neighbors are on board and Willow Springs Township is on board.

Rich Barr – Notes that the water line appears to be relatively close to the gravel drive.

James Flory – Presents a copy of the map showing the water line position.

Map is shown to each BZA member.



Karl Bauer – Notes that on map the water line is practically on top of the small building.

Rich Barr – Asks for any other discussion?

Rich Barr – Opens public comment.

None received, public comment closed.

Rich Barr - Asks the Board for a motion

Scott – Moves to allow a reduction of the required front setback from 140 feet to approximately 100 feet for a proposed accessory building, to be located at 554 E 800 Rd., with the following stipulation:

1. This variance shall apply only for a 40-foot by 60-foot accessory building. Any other structures shall comply with the County's adopted zoning regulations, or another variance shall be obtained.

Charlie Thomas seconds

10:18 The motion passes 5-0.

STAFF UPDATES: No October meeting is planned

BOARD UPDATES: Thank you, Scott Eudaly and Charlie Thomas.

Karl presents certificates to Charlie and Scott

Charlie thanked the group for the opportunity to serve and for the thoughtful way they approached all requests.

Scott thanked the Board and noted that while not always possible his goal was always to find a way to say yes.

ADJORN:

Motion to adjourn from Rich Barr

Jerry Wohletz seconds motion. Motion passes 5-0.

The BZA Meeting was adjourned at 10:21 A.M.