



BZA

Board of Zoning Appeals

MINUTES

DOUGLAS COUNTY BOARD OF ZONING APPEALS

Public Works, Zoning and Codes
Training Room, and by Teams (online)
3755 E 25th St.
Monday February 16, 2026
10:00 A.M.

MEMBERS PRESENT: Rich Barr, Chair; Jerry Wohletz, Vice Chair; Fadra Mitchell

MEMBERS PRESENT ONLINE: NA

MEMBERS ABSENT: All present

STAFF PRESENT: In Person: Tonya Voigt, Zoning and Codes Director; Ben Harris, Zoning Administrator; Karl Bauer, County Planner; Amaya Dajani, Zoning Technician; Leo Ruhnke, Code Enforcement Officer.

Online: NA

PUBLIC PRESENT: In Person: Paul Oehlert
Online: NA

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 January 20, 2026, meeting minutes.

Jerry Wohletz moves to approve January 20, 2026, minutes, Fadra Mitchell seconds. Approved 3-0.

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

MEETING MINUTES:

VARIANCE REQUESTS

ITEM NO. 3: ZBZA-2026-0002: An application from Paul I. Oehlert and Kris D. Oehlert Revocable Trust requesting a Variance to allow a reduction of the required front setback from a principal arterial road from 210 feet to 140.5 feet, a reduction of the required exterior side setback from a principal arterial road from 210 feet to 209.75 feet, and the interior side setback from 30 feet to 29 feet for a proposed addition to a single-family residence, to be located at 1006 E. 1500 Rd.

APPLICANT/OWNER:	Paul I. Oehlert and Kris D. Oehlert Revocable Trust
LOCATION:	1006 E. 1500 Rd (Plate № 800952A)
AREA:	2.65 acres
DATE OF PUBLIC HEARING:	Monday, February 16, 2026, 10:00 AM.
DATE PUBLIC NOTICE PUBLISHED:	January 27, 2026
PRESENT ZONING AND LAND USE:	Ag-2 – Transitional Agricultural; Detached single-family dwelling use

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- 12-303-2.04 Dimensional Standards: Establishes a minimum front/exterior side setback from a principal arterial road of 210 feet, and a minimum interior side setback of 30 feet.

DESCRIPTION OF VARIANCE REQUESTED:

The subject property, located at 1006 E. 1500 Rd., is approximately 2.65 acres in size and is developed with a detached single-family dwelling and a detached garage. According to the Kansas Historic Resources Inventory, the house and garage were built in 1920 and 2008, respectively. As such, they were built prior to current setback requirements and have legal-nonconforming status. The applicant is proposing an addition to the rear of the existing house that would still extend within the required front yard area.

Per Section 12-308-3.02 (Structural Alterations to Nonconforming Structures) of the County's Zoning Code, no expansion is permitted into the required front yard. Enlargements to the structure are permitted in the side and rear yards to the extent of the nonconformity. While the proposed addition is to the rear of the existing legal-nonconforming house, it is still within the required front "yard," and as such, would not be permitted without a Variance from the Board of Zoning Appeals (see Appendix IV). A Variance is not strictly required for the additional expansion within the side yard, which consists of attaching the garage to the house, but is included in the description of the Variance to document that it is conforming.

The subject property has a Variance history. On June 16, 2010, the Board of Zoning Appeals approved a request to reduce the front setback to allow the garage. On December 17, 2008, the Board of Zoning Appeals approved a request to allow a remodeling of the front porch on the residence.

PUBLIC COMMENTS:

None received

AGENCY COMMENTS:

The fire department indicated that they had no concerns.

STAFF RECOMMENDATION

Staff recommend approval of a Variance to allow a reduction of the required front setback from a principal arterial road from 210 feet to 140.5 feet, a reduction of the required exterior side setback from a principal arterial road from 210 feet to 209.75 feet, and the interior side setback from 30 feet to 29 feet for a proposed addition to a single-family residence, to be located at 1006 E. 1500 Rd., with the following stipulation:

1. This variance shall apply only for an addition to a single-family residence, per the submitted plans. Any further development of the property shall satisfy the setback requirements, or another Variance shall be obtained from the Board of Zoning Appeals.

10:01 am Rich Barr – Ask Karl Bauer to present ZBZA-2026-0002

Karl Bauer reviews staff report and variance standards.

Rich Barr – Question about bank of cedars on south side of driveway. Is the screening remaining.

Paul Oehlert – Trees will remain

Fadra Mitchell – Question about where building is occurring.

Karl Bauer – all construction is behind the front plane of the house.

Rich and Jerry – Discuss the screening and the fact that construction will be behind the front plane.

Paul Oehlert – 150 ft setback is from property line. Asks about the 60 ft setback.

Karl Bauer – Recaps the setback calculation.

Tonya Voigt – The point of the base setback is to provide leverage for road and ditch work in right of way.

Fadra Mitchell – No comment from neighbors to the north?

Karl Bauer – No.

Paul Oehlert – They do not live there.

Rich Barr - Asks for online comment.

Karl Bauer – No online comment

Rich Barr – If no further discussion, Rich asks for a motion

Fadra Mitchell makes a motion to allow a reduction of the required front setback from a principal arterial road from 210 feet to 140.5 feet, a reduction of the required exterior side setback from a principal arterial road from 210 feet to 209.75 feet, and the interior side setback from 30 feet to 29 feet for a proposed addition to a single-family residence, to be located at 1006 E. 1500 Rd., with the following stipulation:

1. This variance shall apply only for an addition to a single-family residence, per the submitted plans. Any further development of the property shall satisfy the setback requirements, or another Variance shall be obtained from the Board of Zoning Appeals.

Motion Seconded by Jerry Wohletz

10:15 am Motion passes 3-0.

STAFF UPDATES:

- Karl states: County is working on Zoning Diagnostic. If you have feedback, you can email Karl.
 - Fadra asks for additional details.
 - Jerry comments on 20-acre rule. Karl noted that it is something we will be looking at.
- Karl States: Term limits have been imposed on ourselves. BZA can vote to remove term limits.
 - Jerry's term is up in October
 - Discussion regarding potential candidates
 - Jerry comments that new individuals and ideas are important for a board.
 - Board asks for this to be reviewed at the next meeting.

BOARD UPDATES:

- Not expecting a March meeting.

ADJORN:

Motion to adjourn from Jerry Wohletz

Rich Barr seconded motion. Motion passes 3-0.

The BZA Meeting was adjourned at 10:23 A.M.