

**Louisburg Board of Zoning Appeals Meeting
6:00 P.M. JUNE 11, 2025
City Council Meeting Room
215 S. Broadway
AGENDA**

Livestream link:

<https://boxcast.tv/view/building--zoning-appeal-ycw3fzekgdyziwe5ntlc>

Item 1: CALL TO ORDER

Item 2: PLEDGE OF ALLEGIANCE

Item 3: ADOPTION OF THE AGENDA

PUBLIC HEARING BUSINESS ITEMS:

Item 4: 25002-VAR (Variance) – Request to deviate from the minimum required street frontage an “HC-O” Highway K-68 Corridor Overlay District to allow for a drive-through restaurant for property generally located south of West Amity Street and east of South Crestview Drive. (Parcel ID: 1093102001006000)

Item 5: ADJOURNMENT

City of Louisburg Board of Zoning Appeals Staff Report

MEETING DATE: June 11, 2025

REPORT WRITTEN: June 5, 2025

TACO BELL RESTAURANT – REQUEST FOR APPROVAL OF A VARIANCE TO MINIMUM STREET FRONTAGE – Located south of West Amity Street and east of South Crestview Drive – Case 25002-VAR – **PUBLIC HEARING**

APPLICANT:

- The applicant and developer is First Street Development represented by Andy Seemiller & Max DiCarlo.
- The property is owned by Sutherland Lumber & Home Center c/o David Bates.
- The architect Klover Architects represented by Samantha Smith.
- The engineer is **Aubry Enterprises represented by Jay O'Dell, P.E.**
- The Surveyor of Record is Cornerstone Surveying, LLC, represented by Rodney Zinn, PS.

REQUEST:

- The applicant is requesting approval of a variance to allow for a reduction in the minimum street frontage required for a lot within the “HC-O” Highway K-68 Overlay District.

LOCATION:



CURRENT ZONING / FUTURE ZONING:

- The property is currently zoned A-L (Agricultural).
- The property is proposed to be zoned C-S (Highway Service District). The proposed use for this property is Commercial, and the area is designated as DC – Destination Commercial per the Bright Future Comprehensive Plan approved in 2017.

SURROUNDING ZONING:

- North – C-3 – General Business District
- South – A-L – Agricultural & vacant property located within Miami County
- East – A-L – Agricultural & C-S – Highway Service District
- West – C-3 – General Business District

VARIANCE REQUESTED:

- Zoning Regulations, Section 516(F): Bulk Regulations. Minimum street frontage: one hundred fifty (150) feet (except for pre-existing lots of record).
 - The subject property is currently located in an A-L, Agricultural District.
 - The subject site is currently vacant and is part of a larger agricultural parcel. The applicant has provided additional applications for a lot split to divide off the subject parcel, rezoning the property from A-L Agricultural to C-S Highway Service District, and a site plan to provide details on the proposed use.
 - As this property is located along Highway K-68, it is part of the “HC-O” Highway K-68 Corridor Overlay District. This overlay district imposes additional restrictions / requirements on the parcels along the corridor.
 - The applicant is proposing a drive-through Taco Bell restaurant on this property.
 - The minimum street frontage within the HC-O overlay district is 150'-0". The applicant is proposing a street frontage of 141.84'. This is 8.16' less than the required minimum frontage per the overlay district regulations in the Louisburg Zoning Regulations. As the applicant is not also the property owner, the applicant is unable to request additional land to meet this requirement and is only able to provide the frontage shown.



Green shape shows lot outline proposed by applicant, red outline shows lot with street frontage required per Louisburg Zoning Regulations.

PUBLIC NOTIFICATION:

- The City provided written notice of this public hearing to all property owners within the required 200-foot radius of the subject property.

- A public notice was placed in the newspaper to advertise for this public hearing, and the ad appeared in the May 21, 2025 version of the Miami County Republic.
- To date, Staff has not received any negative comments from neighbors concerning this proposal.

BZA FACTORS:

The character of the neighborhood:

The subject property is located south of West Amity Street and east of South Crestview Drive. The area is characterized by primarily commercial uses, and arterial and collector streets.

BZA Consideration:

The Board of Zoning Appeals shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Appeals shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

1. UNIQUENESS: The variance requested arises from conditions which are unique to the property in question, and which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
 - a. Applicant Response: *The size of the available property that the City desires to have developed is limited and the proposed site plan is an effective use of that limited space.*
2. ADJACENT PROPERTY: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.
 - a. Applicant Response: *The proposed lot width is like the neighboring properties, **including the McDonald's to the west, the Burger King to the north, and the Casey's to the northeast.***
3. HARDSHIP: The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
 - a. Applicant Response: *The size of the available property that the City desires to have developed is limited and the proposed site plan is an effective use of that limited space.*
4. PUBLIC INTEREST: The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public

streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

- a. Applicant Response: *The proposed lot width will allow for future development to the east.*
5. SPIRIT AND INTENT: Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.
 - a. Applicant Response: *The proposed lot width on the site plan is within the spirit and intent for public and future development.*
 6. MINIMUM VARIANCE: The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.
 - a. Applicant Response: *The size of the available property that the City desires to have developed is limited and the proposed site plan is an effective use of that limited space.*

NOTE: Variance requests do not need additional consideration by the City Council for approval.

**NOTICE OF PUBLIC HEARING
CITY OF LOUISBURG**

The Louisburg Board of Zoning Appeals will hold a public hearing at 6:00 P.M. on June 11, 2025, in the Council Chambers, 215 South Broadway, Louisburg, Kansas to consider a Variance application to allow for a deviation to the minimum street frontage located within an "HC-O" Highway K-68 Corridor Overlay District as provided for by the City of Louisburg Zoning Regulations, pursuant to Article 5, Section 516, for property generally located south of West Amity Street and east of South Crestview Drive.

Case No. 25002-VAR

Deviation of the minimum street frontage in an HC-O Overlay District

Proposed Variance: To allow a deviation to the minimum street frontage required.

Legal Description

BOUNDARY DESCRIPTION

A tract of land located in the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 31, Township 16 South, Range 25 East of the 6th Principal Meridian as described by Rodney R. Zinn, PS 1559 on April 15, 2025 as follows:

Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of said Section 31; thence N 88°04'08" E, along the North line of said Quarter Section, 856.65 feet; thence S 02°10'30" E, 131.63 feet to a point on the Southern Right-of-Way of Kansas 68 Highway and being the Point of Beginning; thence Continuing S 02°10'30" E, along the Eastern Right-of-Way line of Crestview Drive, 245.96 feet; thence N 87°49'56" E, 141.54 Feet; thence N 02°10'30" W, being parallel to said Eastern Right-of-Way, 303.73 feet to a point on the Southern Right-of-Way of Kansas 68 Highway; thence S 86°47'13" W, along said Southern Right-of-Way, 45.67 feet; thence S 83°43'40" W, continuing along said Southern Right-of-Way, 96.17 feet to the Point of Beginning. Contains 0.815 acres, more or less.

ADDITIONAL ROAD RIGHT OF WAY

A tract of land located in the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 31, Township 16 South, Range 25 East of the 6th Principal Meridian as described by Rodney R. Zinn, PS 1559 on April 15, 2025 as follows:

Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of said Section 31; thence N 88°04'08" E, along the North line of said Quarter Section, 856.65 feet; thence S 02°10'30" E, 131.63 feet to a point on the Southern Right-of-Way of Kansas 68 Highway; thence Continuing S 02°10'30" E, along the Eastern Right-of-Way line of Crestview Drive, 245.96 feet to the Point of Beginning; thence continuing S 02°10'30" E, 50.00 Feet; thence N 87°49'56" E, 141.58 feet; thence N 02°10'30" W, 50.00 feet; thence S 87°49'56" W, 141.54 feet to the Pont of Beginning. Contains 0.163 Acres, more or less.

Anyone wishing to address this application may attend the public hearing or submit written comments to the Board of Zoning Appeals. Information regarding this application may be obtained before the hearing by contacting the Louisburg Planning & Development Department, 215 South Broadway, Louisburg, Kansas 66053.

If you require accommodations (qualified interpreter, hearing assistance, etc.) in order to attend this meeting, please contact Katherine Louderbaugh at (913) 837-5811 at least 48 hours in advance.