

Louisburg Board of Zoning Appeals Meeting
6:00 P.M. OCTOBER 29, 2025
City Council Meeting Room
215 S. Broadway
AGENDA

Livestream link:

<https://boxcast.tv/view/board-of-zoning-appeals-m4co3qzyrx5ajitythlz>

Item 1: CALL TO ORDER

Item 2: PLEDGE OF ALLEGIANCE

Item 3: ADOPTION OF THE AGENDA

Item 4: APPROVAL OF THE MINUTES

-Minutes from September 24, 2025, Board of Zoning Appeals meeting.

PUBLIC HEARING BUSINESS ITEMS:

Item 5: 25004-VAR (Variance) – Request to deviate from the required fence setback distance for a corner lot, generally located south of West Amity Street and west of South Rogers Road. (Parcel ID: 1093102001001000)

Item 6: ADJOURNMENT

**LOUISBURG BOARD OF ZONING APPEALS
MEETING MINUTES
WEDNESDAY, SEPTEMBER 24, 2025**

The Board of Zoning Appeals of the City of Louisburg, Kansas met at 6:00 p.m. in the City Hall Council Chambers with Chairperson Thorvald McKiernan presiding.

ATTENDANCE:

Commission Members:	Chris Hoffman, Kirk Shaffer, Jason Burk
Mayor:	Donna Cook
City Council:	Steve Town
City Administrator:	Nathan Law
Planning & Dev. Director:	Katherine Louderbaugh
Communications Coord.:	Jean Carder

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jason Burk.

ADOPTION OF THE AGENDA

Burk moved, seconded by Kirk Shaffer and carried 4-0, to approve the agenda.

APPROVAL OF THE MINUTES

Burk moved, seconded by Shaffer and carried 4-0, to approve the minutes from the May 28, 2025, and June 11, 2025, Board of Zoning Appeals meetings.

PUBLIC HEARING

McKiernan opened the public hearing for a variance from the maximum allowed depth to width ratio for single-family residential parcels to allow for plating of a new large-lot estate development, generally located south of S. 9th St. and east of US-69 Hwy.

Ryan Hutsell, 1210 Sutherland Dr., asked for clarification on what the proposed action was. McKiernan stated that the applicant desires to divide the parcel into 9 lots. Hutsell asked for the size of the lots, and it was noted that the lot sizes as proposed vary. Louderbaugh stated that the lots range in size from 1 – 10 acres. Hutsell asked if the properties would be using septic systems, and Louderbaugh said that all homes would tie into existing city sewer, but that the line would be private. McKiernan said that the sewer easement is shown as a public easement. Hutsell asked about driveways, and it was noted that all driveways (with the exception of Lot 9) would be coming off the sub streets. Those driveways would be required to be paved. Hutsell asked if there would be an HOA as well as the minimum size of the homes and Louderbaugh said the homes would be required to be a

minimum of 3,000 sq.ft. on the ground floor of the house. McKiernan closed the public hearing as there were no other public speakers.

McKiernan said that the typical length ratio is 2.5 : 1. He said this was incorporated to avoid lots that are narrow and very deep. Two lots as presented meet the requirement of 2.5 : 1. McKiernan noted that many of the lots far exceeded the 2.5 : 1 ratio. He noted that he was not a fan of the length of the lots, though he understood the desire to use as much of the property as possible. Shaffer said that the difference between what is required and what is proposed is substantial. Burk said he didn't believe this was feasible.

The applicant, Jason Meier, addressed the board. He called attention to the existing lots within the subdivision, which are 70' – 75' wide, whereas his lots will be at least 150' wide with a lot of room on either side. He said the length was by design so that the houses could be set back further, and unfortunately there weren't many other ways to lay out the plan. Hoffman asked what else this acreage could be developed as. McKiernan stated he believed this property was originally planned to be a later phase of Hidden Creek. Louderbaugh said this was originally intended to be Phases 6 & 7 of Hidden Creek. Meier noted that previously there were 90 platted lots in this area, and he is proposing 9. He said he discussed the proposal with real estate agents, who said that buyers are looking for larger lots to provide more room. His other concern was removing all of the trees, as he was hoping to preserve a lot of the coverage.

McKiernan led BZA members through the eight Golden factors and noted that the public has been notified.

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:** This variance request is unique because there are 4 existing stub streets that provides access to the proposed new lots. The depth of the lots can not be adjusted because the stub streets have already been constructed and driveways are planned off of them. The resulting estate lots are extra deep because of this condition and will result in a more appropriate use of the property.*

Shaffer noted that the stub streets are present to be able to continue the street network through a continuation of the subdivision and doesn't believe this to be a unique situation. Hoffman's concern is if this isn't approved, what will go there, or will the property sit vacant longer. Burk said that the adjacent lots in Hidden Creek are built to a certain standard, and now they are trying to change the standards for this property.

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:** *This request will actually improve the value of adjacent properties. Previously, this land was preliminary platted for 90 lots. Now there will be 9 lots. The new homes will be larger and a much a higher value than the existing surrounding homes, and there will be a significant decrease in the vehicular traffic to these new lots.*

Shaffer said he wasn't sure if this would cause a significant increase in property values. He noted that there could be less vehicular traffic, but he wasn't sure what was approved previously. McKiernan said he felt that traffic would be an improvement over the original plat. He also said that regarding the values, even though the homes may be bigger than what is in the rest of Hidden Creek, he has seen how the county appraises properties and there may not be a lot of added value due to the property size.

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 hardship created is the fact that the property lines cannot be adjusted to accommodate the Lot to Depth Ratio. There is a certain distance from the end of the stub streets to the Western property line, that cannot be adjusted.*

Hoffman said he believed there were likely other ways to lay this out to make it a bit closer to the requirement. Burk agreed. He also noted that he liked that the applicant was wanting to keep the trees, but without it being a different layout that it is too close. Shaffer asked for clarification on why the property lines couldn't be adjusted. Meier said that due to the highway's location, the depth couldn't be adjusted. McKiernan said that the majority of the property lines were set by the applicant, and the only set ones were the exterior lines. He said that the interior lines could be adjusted.

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:** *As stated above, this request will actually improve the value of adjacent properties. Previously, this land was preliminary platted for 90 lots. Now there will be 9 lots. The new homes will be significantly higher value than the surrounding homes, and there will be significantly less vehicular traffic to these new lots. This will also be more environmentally sensitive than the previous plan, by preserving significant trees that also provides a sound buffer to the new and existing residence.*

Burk expressed a concern regarding being able to get a fire apparatus down the narrow driveways. Hoffman and McKiernan agreed that this could be a concern.

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:** *This new plat will provided new estate lot housing to Louisburg and does meet the general spirit and intent of the regulations.*

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 property boundaries and existing stub streets create the 'limits' of this development, and thus create the minimum variance possible to make the lots developable.*

Hoffman noted that part of the discussion could be the cost of added streets, if those were desired. He noted that there might be opportunities to adjust this further to better meet the spirit and intent of the regulations.

Shaffer moved, seconded by Hoffman and carried 4-0, to deny the variance request.

NON-PUBLIC HEARING BUSINESS ITEMS

Kansas Open Meetings Act (KOMA) Discussion – City Administrator Law said that House Bill 2134 (of this year), adds 3 new subsections regarding subcommittees or other subordinate groups and how and when the Kansas Open Meetings Act (KOMA) comes into play. He said that if the BZA were to create a subcommittee per that statute, if a quorum of the subcommittee meets, that constitutes an open meeting. He also noted that meetings need to be appropriately broadcast / recorded. Law noted that his biggest concern regarding this for the BZA would be creation of subcommittees.

ADJOURNMENT

At 6:27 p.m., Hoffman moved, seconded by Burk and carried 4-0, to adjourn the meeting.

City of Louisburg Board of Zoning Appeals Staff Report

MEETING DATE: October 29, 2025
REPORT WRITTEN: October 22, 2025

901A WEST AMITY ST. – REQUEST FOR APPROVAL OF A VARIANCE TO REDUCE A CORNER LOT FENCE SETBACK – Located south of West Amity Street and west of South Rogers Road – Case 25004-VAR
PUBLIC HEARING

APPLICANT:

- The applicant and property owner is Susan Waggerman with **Agape's Grace**.

REQUEST:

- The applicant is requesting approval of a variance to allow for a reduction in the required corner lot fence setback requirement, located south of West Amity Street and west of South Rogers Road.

LOCATION:



CURRENT ZONING:

- The property is currently zoned C-3 (General Business District).

SURROUNDING ZONING:

- North – C-3 – General Business District (Louisburg Cemetery)
- South – R-1 – Single-Family Dwelling District
- East – C-3 – General Business District (Destination Fun Travel)
- West – R-1 Single-Family Dwelling District

VARIANCE REQUESTED:

- The subject site is located south of West Amity Street and west of South Rogers Road (*Parcel ID: 1093102001001000*). The project site currently houses a commercial building with two tenant suites (Safari Hair Salon and Agape's Grace offices), as well as residential homes.

- The subject property is currently zoned “C-3”, General Business District.
- The northern portion of this building was destroyed due to an automobile accident in March of 2025. This portion of the building was demolished due to safety considerations, and the concrete pad that was under the building was left. The owner of the property is requesting to use this space as an outdoor patio for staff and residents of **the Agape’s Grace program.**
- The intention with this application is to request a front yard fence, as well as safety bollards on the east and west sides of the concrete slab.
- Per staff conversations with KDOT (Kansas Department of Transportation), their primary concern is keeping any **structures / fences out of their “clear zone”, which they said ranged from around 15 – 18’ (their recommendation was 16’) from the face of curb back** towards the property. This would put the requested fence right around where the concrete pad sits currently. This consideration is for safety of drivers, pedestrians, and people on-site. Regardless of the front setback that could be approved, staff strongly suggests that the fence be kept out of the **16’ clear zone as directed by KDOT.**
- **The setbacks that are required to be a minimum of 10’ off of the property line would be the side and front yard, in this case.** The side yard setback is easily met due to the distance off the property line, but the north property line is very close to where **the building previously stood. A 10’ setback off the front property line would put the fence** near the middle of the concrete pad, making less of the pad space able to be used.
- Zoning Regulations, Section 611(F): Fences constructed in the side and rear yard shall not extend any further into the front yard than the further-most projection of the primary structure on either side yard.
 - 1. Side and rear yard fences constructed on *interior lots* may be constructed adjacent to the property line.
 - 2. Side and rear yard fences constructed on *corner lots* shall maintain a 10-foot setback from the property line on the side yard adjacent to the street.

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 October 8, 2025, issue 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 west of South Rogers Road. The area is characterized by primarily commercial and residential uses.

BZA Consideration:

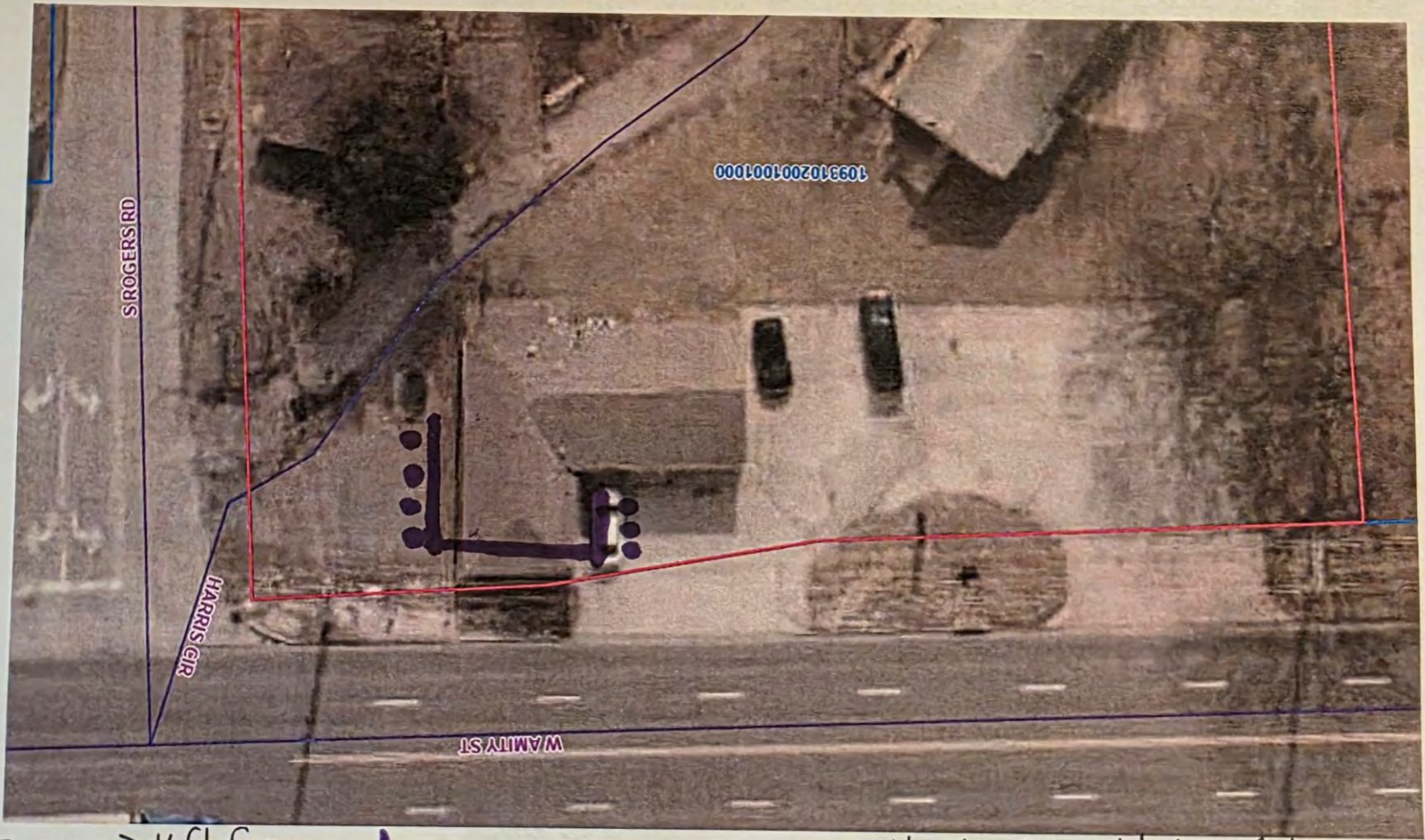
The Board of Zoning Appeals shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Appeals shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following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

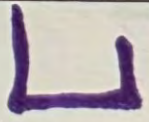
- a. Applicant Response: **Agape's Grace faced great hardship this past year when a vehicle drove thru our office building injuring one person and killing another.** *These are family members both by blood and by work family, as we are very close. This clearly is a unique circumstance that rocked our entire community. I purchased this property with the building as it was before the accident. That portion of the building was there before the highway went from a 2 lane to a 4 lane highway, there by putting the road even closer to our building with no safety structures put in place. The site and our property line, even without this portion of the building, is still incredibly close to the highway. We are requesting a way to make the building safe for use by building a fence and installing bollards. To insure the most safety, they would need to be away from our building and the only way to do this is by granting the variance to build within the 10 feet of the property line for which we are asking an exception. The property line is a very interesting line as it is. Without the safety from the fence and bollards our organization is fearful to be in the building and we desperately need the space for the individuals with special needs that we care for.*
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: *There are not other buildings close to us to hinder in any way. The fence would be a see thru fence and the bollards are no wider than the pole recently placed for a cross walk. The property across the street is the cemetery that has a fence within 16 feet of the curb. I am sure this was also done to ensure safety on the highway with fast moving vehicles.*
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: *This is a safety request to make the property that is there safe to be inside, **To not allow this variance would be a hardship for Agape's Grace to not have the space we need to care for our individuals.***
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: *I am confident that our community would stand behind us for this request. We all lost someone important to our community. The fence will be a see thru fence and there for the purpose of safety. There will be no increase making the area unsafe, only to make it safer. It will be a very pretty fence as well.*
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: *Again, this is only for the purpose to make this property safe and all that enter into it.*

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: *We would like to be able to go around that pad that is left but that is within the 16 feet that KDOT requires us to stay back from. The fence across the street at the cemetery is within this 16 feet. If we are not able to do that then constructing the fence just past the 16 feet would give the maximum amount of safety for those in the building.*

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



Fence → 16ft from curb per KDOT
avoiding all utilities



Bollards for added safety
outside fence. 16ft from
curb per KDOT.
Avoiding all utilities

Click to add text
Click to add text





**NOTICE OF PUBLIC HEARING
CITY OF LOUISBURG**

The Louisburg Board of Zoning Appeals will hold a public hearing at 6:00 P.M. on October 29, 2025, in the Council Chambers, 215 South Broadway, Louisburg, Kansas to consider a Variance application to allow for a reduction of the required setback for a corner-lot fence as provided for by the City of Louisburg Zoning Regulations, pursuant to Article 6, Section 611, for property generally located at the southwest corner of West Amity Street and South Rogers Road (Parcel ID: 1093102001001000).

Case No. 25004-VAR

Reduction of required setback for a corner-lot fence

Legal Description

Beginning at a point 243 feet West of the Northeast corner of the Northwest Quarter of Section 31, Township 16, Range 25, Miami County, Kansas; thence South 260 feet; thence East 243 feet; thence North 260 feet; thence West 243 feet to the place of beginning, in the City of Louisburg, Miami County, Kansas, except that part in road.

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.