

**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.