

**NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
June 3, 2019**

Members present-

Newton: Dan Harder (11-0), Jay Sommerfeld (8-7), Jordan Miller (15-2),

North Newton: Tyson Weidenbener (12-5), Joe Slechta (13-4),

Members absent-

Newton: Carl Harris (13-4)

North Newton: Gary Roth (14-3)

[Note: attendance-recording period runs from 6-4-18 to 5-31-19]

Staff present:

Newton: Ryan Sellers, City Planner
Justin Erickson, Building & Zoning Administrator
Christopher Towle, City Attorney

The Newton-North Newton Area Planning Commission met on June 3, 2019 in a regular meeting at the Newton City Hall commission chambers, 201 East 6th Street, Newton, Kansas. At 6:00 p.m., a quorum was present and Commissioner Jordan Miller serving as Chair called the meeting to order.

AGENDA ITEM NO. 1

Consider approval of the May 6, 2019 meeting minutes.

Commissioner Harder moved and Commissioner Sommerfeld seconded to approve the minutes as presented. Motion carried, 4-0.

AGENDA ITEM NO. 2

Consider, and hold a public hearing on, a variance request from John and Becki Reynard, 710 N Glendale, for variance from Table 3.2-1, B-1 General Bulk Regulations of the Newton Zoning Ordinance, which requires a minimum side yard setback of 7ft for an accessory structure. If variance is approved, applicant will be allowed to have a small shed with a 0ft side yard setback. This property is legally defined as S18, T23, R01E, Beg. 91 N SW Cor, Blk 2, N74.5, E115, S74.5, W115 to POB, Mclains Add to Newton.

Justin Erickson, Building & Zoning Administrator, presented the staff report. A variance request application was submitted by John and Becki Reynard. The applicant was requesting for a variance from Table 3.2-1, B-1 General Bulk Regulations which requires a minimum side yard setback of 7ft for an accessory structure. If granted, the property owner would be allowed to have a small shed with a 0ft side yard setback at 710 Glendale Ave.

The legal description of the property is:

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S18, T23, R01E, Beg. 91 N SW Cor, Blk 2, N74.5, E115, S74.5, W115 to POB, Mclains Add to Newton.

There were no questions for staff. The applicant, John Reynard, 710 Glendale Ave, addressed the commission. Acting Chair Miller opened the public hearing. No one was present to speak and the public hearing was closed.

Commissioner Harder moved and Commissioner Sletcha seconded to recommend approval of the variance request based on staff recommendations. Motion carried, 5-0.

AGENDA ITEM NO. 3

Consider, and hold a public hearing on, a variance request from Zuleima Magana, 308 W 10th St, for variance from Table 3.2-1, B-1 General Bulk Regulations of the Newton Zoning Ordinance, which requires a minimum side yard setback of 5ft for an accessory structure. If variance is approved, applicant will be allowed to have a small shed with an approx. 3ft side yard setback. This property is legally defined as Lt 8 & E1/2 Lt 10, Blk 6, Newton Original Town.

Ryan Sellers, City Planner, presented the staff report. A variance request application was submitted by Zuleima Magana. The applicant was requesting for a variance from Table 3.2-1, B-1 General Bulk Regulations which requires a minimum side yard setback of 5ft for an accessory structure. If granted, the property owner would be allowed to have a small shed with an approx. 3ft side yard setback at 308 W 10th St.

The legal description of the property is:

Lt 8 & E1/2 Lt 10, Blk 6, Newton Original Town.

There were no questions for staff. The applicant, Jesus Magana, 308 W 10th St, addressed the commission. Acting Chair Miller opened the public hearing. No one was present to speak and the public hearing was closed.

Commissioner Weidenbener moved and Commissioner Sommerfeld seconded to recommend approval of the variance request based on staff recommendations. Motion carried, 5-0.

AGENDA ITEM NO. 4

Consider, and hold a public hearing on, a variance request from Eliborio Hernandez, 1410 N Oak, for variance from Table 3.2-1, B-5 General Bulk Regulations of the Newton Zoning Ordinance, which requires a maximum side wall height of 12ft for an accessory structure. If variance is approved, applicant will be allowed to have a garage with a 20ft side wall. This property is legally defined as Lots 12, 14, 16, 18 and 20, Block 4, Branine and Bretch's Addition to Newton, Harvey County, Kansas.

Justin Erickson, Building & Zoning Administrator, presented the staff report. A variance request application was submitted by Eliborio Hernandez. The applicant was requesting for a variance from Table 3.2-1, B-5 General Bulk Regulations which requires a maximum side wall height of 12ft for an accessory structure. If granted, the property owner would be allowed to have a garage with a 20ft side wall at 1321 Oak St.

The legal description of the property is:

Lots 12, 14, 16, 18 and 20, Block 4, Branine and Bretch's Addition to Newton, Harvey County, Kansas.

There were no questions for staff. The applicant's representative, Steve Johnson, 2821 SE 28th St, addressed the commission. Johnson noted that the applicant thought he was following the regulations when building this garage. He stated that it was not until an inspection that it was pointed out that the side wall should not have exceeded 12ft. Johnson continues on to say that the specifications were available to the City, in particular Mark Jenkins. Acting Chair Miller opened the public hearing. Michael Morton, 132 E 13th St., and Narciso Larez, 1415 N Oak, were present to speak in favor of allowing this variance. The public hearing was closed.

Commissioner Sommerfeld moved and Commissioner Weidenbener seconded to recommend approval of the variance request based on staff recommendations. Motion carried, 5-0.

At the March 4, 2019 meeting staff briefly discussed the 2020 Schedule of Meetings and that staff review the Commission Bylaws and offer any suggested updates and changes. Upon review, staff suggested an update to Article III, Section 7, Regular Meetings. Since a proposed time change from 7:00 p.m. to 6:00 p.m. was voted upon, staff suggested updating the wording found here.

In accordance with the Bylaws, Article III-Meetings, Section 1, and Regular Meetings the Commission shall determine such regular schedule of meetings for the following year at the first meeting following the thirtieth day of April. Chair Harris had question about the Fourth of July observation.

Commissioner Harder moved and Commissioner Sommerfeld seconded to recommend approval of the Bylaws Update and 2020 Schedule of Meetings upon a few minor changes to the schedule.. Motion carried, 4-0.

AGENDA ITEM NO. 5

Old business.

No old business was reported.

AGENDA ITEM NO. 6

New business.

- Upcoming Comprehensive Plan Review
- Sign-Murals Guideline Discussion and Changes

There being no other business, the meeting adjourned at 6:29 p.m.



Kelly McElroy

Secretary