

**GEARY COUNTY PLANNING COMMISSION
BOARD OF ZONING APPEALS**

**MINUTES
May13, 2025**

**Members
(Present)**

Maureen Gustafson, Chair
John Moyer, Vice Chair
Katie Lilly
Cindy Carlyon

**Members
(Absent)**

Lance Anttila

**Staff
(Present)**

Troy Livingston

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 5:30 p.m. declaring a quorum with commissioner Lance Anttila absent.

2. APPROVAL OF MINUTES – No consideration of past minutes

3. OLD BUSINESS – NONE

4. NEW BUSINESS ~ Case No. GCCU-05-01-25; Request for a conditional use permit allowing an enclosed storage facility and open-air boat and RV storage on property zoned “AG” Agricultural.

5. BOARD OF ZONING APPEALS ~ None

Chair Gustafson called the meeting to order at 5:30, noting that all board members were present with the exception of Lance Anttila. Chair Gustafson called for the staff report.

Mr. Livingston noted that this was the request of Lance Custer, owner of the property in the West half of Section 34, Township 11 S, Range 5 E of the 6th Principal, Meridian in Geary County, Kansas. Further noting that Mr. Custer had contacted the office earlier in the year about the possibility of constructing a storage facility on his property located just outside the city limits at the end of Nicole Lane. There are 40 acres there, and Mr. Livingston noted that there were only 8 acres that were proposed as the build site that would combine walk-in units with outdoor boat and RV storage, if approved. Mr. Livingston noted also that the units would be constructed in two phases, with the first phase covering roughly half of the 8 acres.

Mr. Livingston went on to outline the requirements for a conditional use permit request in Article 8 of the Geary County Zoning Regulations, which include a development and site plan that indicate existing contours, location and orientation of all proposed buildings; area to be used for parking, areas of screening, any existing streets, alleys and public right of way, points of ingress and egress; location of existing and proposed utilities, drainage controls, location and size of any proposed signage, and the lighting layout and illumination intensity. Mr. Livingston went on to note that Article 20 of the Geary County Zoning Regulations outlines additional factors to be considered for a conditional use permit. He went over those individually, 1 by 1, and addressed each of those issues accordingly with the Board.

At the conclusion of the staff report, **Chair Gustafson** asked if there were any further questions for Mr. Livingston and the board indicated no. She then opened the floor to public hearing and commented that there was going to be a need for a lot of tree work and that her major concern is the road width of the interior roads throughout the residential neighborhood because cars park on both sides of the street and it would just be a matter of time until

there was an accident involving the cars parked on the street or the kids playing in the street and that she isn't sure that boats/RV's can maneuver those narrow residential streets.

Commissioner Moyer asked about access off of the City Road and what was required for access to Mr. Custer's property. Mr. Livingston indicated that it may require a curb cut, but that the existing curbs were drive over and wasn't sure that that would be necessary. Mr. Moyer asked about Fire Protection and noted that water is close because of a fire hydrant at the end of the City Rd, but that they would have to shuttle water and that the fuel load was out of hand because of the cedar trees.

Chair Gustafson asked if perhaps Mr. Custer could get access through Johnson's property from the South.

Commissioner Moyer inquired about KDOT giving access to Hwy. 77, at which point **Commissioner Lilly** stated that no access would be allowed from Hwy. 77 onto Mr. Custer's property.

Stephen Capizzi, 1926 Lydia Lane, noted that he's home all day and that the traffic is fairly consistent and heavy all day, but especially when school starts in the morning and dismisses in the afternoon. He's certain that someone's boat or RV's trying to come in and out of those residential neighborhoods will hit a parked car or a kid. The big issues for him are safety and road conditions because the city has not maintained the roads as they had stated they would. He went on to note that there is only one way in and one way out of that neighborhood and that that was a poor design from the beginning. He indicated that there is also a speeding issue in the neighborhood that has not been addressed by the city. He is also afraid the presence of storage units would attract a criminal element to the neighborhood.

The occupant of **1820 Nicole Ln.** noted that her parents own a self-storage unit and that she is not opposed to business, but she knows that walk-up units generate a lot of traffic. She indicated that she has a 5-year-old autistic child who likes to run when he gets outdoors and that he can dash into the street very quickly. She noted that there are only 6 houses on Nicole Ln. and that the kids there play in the street often because it is dead-end. She is afraid that the extra traffic using Nicole Ln. to access Mr. Custer's property would create safety issues for the children. In addition, she fears for the overall safety of the neighborhood because of the possible increase in crime related to the proposed storage facility.

Mr. Capizzi noted that he was aware of people already trespassing on Mr. Custer's property and he also fears a new criminal element.

Lance Custer, 1523 Tamerisk Dr., stated it was not his intent to harm any children or degrade the safety of the neighborhood. He also noted that it is against the subdivision covenants for boats and RV's to be parked on the streets, but that it is occurring throughout Doc Hargreaves. He went on to explain that he is only proposing 8 enclosed spaces that would be 8x15 feet, 10 covered boat/RV spaces, and 20 uncovered boat/RV spaces. He is proposing fencing all around the facility with security cameras as well. He addressed Mr. Capizzi's knowledge of trespassers and noted that his current security cameras caught the violators, and they were prosecuted. Mr. Custer feels that the added activity of the storage facility would help reduce illegal activity because there would be more people around with more eyes watching things.

Commissioner Moyer asked if there would be gates and fences as a security measure and Mr. Custer acknowledged that there would be a security fence with cameras. Commissioner Moyer noted that is not a typical location for sheriff's patrol and that it might create a problem.

Chair Gustafson asked Mr. Custer what his full intentions were for the property and Mr. Custer indicated that he simply wanted to clear enough trees to construct a storage facility on a portion of his property that only measured 130 feet x 170 feet at the most.

Chair Gustafson closed the public hearing portion of the meeting and asked if there were any more questions from the board. Commissioner Moyer said that he is not anti-business but doesn't like commercial businesses in a residential setting. Commissioner Carlyon said that it would be better if there was different access, and that that was her only concern.

Mr. Custer noted that there was an old ag entrance from Hwy 77 from when Kramer's used to farm the property, but that KDOT would not allow him to use it. Commissioner Lilly reaffirmed Mr. Custer's statement the KDOT would not allow any use of that existing entrance.

Additional discussion ensued about the development of the Doc Hargreaves neighborhood and why the road network wasn't designed better and Chair Gustafson noted that the fire department likely wouldn't approve of it today.

Chair Gustafson noted no further discussion and asked if there was a motion. Commissioner Carlyon asked if the driveway would be paved, or gravel and Mr. Custer noted that it would be gravel as there are no paving requirements for driveways in the County.

Commissioner Moyer stated that he doesn't want to come across as the bad guy but he feels the board needs to be consistent and that we had denied a similar request for the same reasons in 2020. Therefore, he moved to recommend that the Board of County Commissioners deny the request for the Conditional Use Permit.

Chair Gustafson acknowledged that a motion had been made, and Commissioner Lilly seconded that motion.

The motion carried by a vote of 3 to 1 with Commissioner Carlyon voting to recommend approval.

Mr. Livingston noted that while there was nothing listed on the agenda for general discussion, he wanted the board to be aware of **House Bill 2342** that will take effect in July 2025. It creates the no-impact home-based business fairness act providing that such businesses shall be a permitted use and thus prohibiting additional permit or licensing requirements by a municipality.

6. GENERAL DISCUSSION - None

7. ADJOURNMENT

Chair Gustafson adjourned the meeting at 6:15 p.m.

PASSED and APPROVED this 9th day of September 2025.


Maureen Gustafson, Chair

ATTEST:


Troy Livingston, Secretary