

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
Tuesday, November 17, 2015
Minutes**

1. Call to order. 00:10:11

Chairman Lynn Heath called the meeting to order at 7:00 p.m.

2. Roll call. 00:10:21

Planning Commission members present were Chairman Heath, Mike Warrington, Brian Lindebak, William Schnauber, Lee Butler and Tyson Bean. Member Stephanie Gillespie was absent.

Staff in attendance: Director of Public Works Les Mangus, Assistant Director of Public Works Steve Anderson, City Administrator Mark Detter, Administrative Assistant Daynna DuFriend and City Council Liaison Sheri Geisler.

A/V: Cindy Barrett and Craig Brown

3. Approval of the minutes of the October 20, 2015 meeting. 00:10:34

A motion was made by Brian Lindebak, seconded by William Schnauber to approve minutes of the October 20, 2015 meeting. Motion carried 6/0.

4. Communications 00:11:20
A. Committee and Staff Report.
B. Potential Residential Development Report.

Recess the Planning Commission and Convene the Board of Zoning Appeals

A motion was made by Brian Lindebak, seconded by Lee Butler to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion carried 6/0.

5. BZA-V-2015-04- A public hearing on an application filed requesting a variance of 200 square feet from the required 1,000 square foot maximum aggregate total floor area of all accessory structures for the purpose of constructing a 1,200 square foot detached garage. 00:11:48

Les Mangus explained that this variance request for an oversized garage is on a large half-acre plus lot in an area that several other similar variance requests have been granted.

Micheal Lowderman, 1245 S. Aldrich, Andover, KS, owners, was present to represent the application.

Chairman Heath asked if this would be a frame structure to match the existing home.

Mr. Lowderman explained he would like to have the building to store trailers for his business and that the building would match the home. With a pool in the backyard there is not enough room for the structure to be placed anywhere other than on the side as shown.

Mike Warrington stated that he lives in this neighborhood and has no issues or affiliation with this request.

ANDOVER BOARD OF ZONING APPEALS

Agenda Item No. 5

November 17, 2015

VARIANCE REPORT *

CASE NUMBER: BZA-V-2015-04

APPLICANT/AGENT: Mick Lowderman

REQUEST: Mick Lowderman, 1245 S. Aldrich, Kansas, pursuant to Section 10-107 of the City Zoning Regulations, requests a variance of 200 square feet from the required 1,000 square foot maximum aggregate total floor area of all accessory structures permitted by Section 6-100C4 for the purpose of constructing a 1,200 square foot detached garage on property zoned as the R-1 Single-Family Residential District.

CASE HISTORY:

LOCATION: Legal description: Lot 6, Block D, Lakeview Heights Addition to the City of Andover, Kansas.

General location: 1245 S. Aldrich, Andover, Kansas.

SITE SIZE: . ±22,021 sq. ft.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Single-Family Residential single family dwellings

South: R-2 Single-Family Residential single family dwellings

East: R-2 Single-Family Residential single family dwellings

West: R-2 Single-Family Residential single family dwellings

*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-107 D 1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Board of Zoning Appeals considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

BACKGROUND INFORMATION:

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced, **because the subject property is a large irregularly shaped lot. True.**
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property, **the applicant simply desires more garage space. True.**
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, **because the subject property is a large irregularly shaped lot. True.**
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood, **because the subject property is a large irregularly shaped lot. True.**

SPECIFIED CONDITIONS TO BE MET:

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant, **because the subject property is a large irregularly shaped lot. True.**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents, **because the subject property is a large irregularly shaped lot. True.**
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application, **because the subject property is a large irregularly shaped lot with adequate space for the proposed detached garage. True.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, **because adequate separation and space are available. True.**
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations, **because the subject property is a large irregularly shaped lot with adequate space for the proposed detached garage and adequate separation and space are available. True.**

Date Granted: November 17, 2015

Valid Until (date): May 15, 2016
(180 days Sec. 10-107G)

Lynn Heath, Chairman

William Schnauber, Secretary

Certified to the Zoning Administrator on this date of: November 17, 2015

Having considered the evidence at the hearing and determined that the findings of fact in the Variance Report have been found to exist that support all of the five conditions set out in section 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the state statutes which are necessary for granting of a variance, I Lee Butler, move that the Chairperson be authorized to sign a Resolution granting the Variance for Case No. BZA-V-2015-04 as requested. Motion was seconded by William Schnauber. Motion carried 6/0.

Adjourn the Board of Zoning Appeals and Reconvene the Planning Commission

A motion was made by William Schnauber, seconded by Brian Lindebak to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 5/0.

6. Review and approve The Course at Green Valley Greens 12th Addition Final Plat.
00:22:21

Les Mangus explained that this is the next to the last parcel to be platted in the Green Valley Subdivision started in 1980. Staff is currently working with the developer on drainage and utility details for this addition.

Phil Meyer, Baughman Company, agent for the applicant, was present to represent the application.

Mr. Meyer explained that a revised plat to include the parking easement was submitted last week after the Subdivision meeting. A street name is being looked at that will be agreeable with the City GIS mapping department. Drainage and utility drawings will be submitted when details are finalized.

Mike Warrington asked about a note on the plat regarding the 6foot fence that was discussed during the subdivision meeting that is not shown on the submitted revision.

Les Mangus suggested having a 5 foot fence easement or reserve along the highway right of way. A reserve would allow a common ownership and could be maintained uniformly as such.

Vice-Chairman Lindebak also suggested that irrigation usage be added to Reserves A, B and C on the Final Plat.

Chairman Heath noted that screening should be looked at on the west between the golf course and the parking easement.

William Schnauber asked if the existing trees on the west side would be taken out.

Les Mangus stated that this was discussed with the developer and they would be working with the City to provide adequate screening in this area. Several of the existing trees may need to be moved as they could be in conflict with the sewer project.

A motion was made by Brian Lindebak, seconded by Mike Warrington to approve The Course at Green Valley Greens 12th Addition Final Plat as presented with the following conditions; 1. Street name agreed upon with Staff and Agent, 2. Reserve area usage be noted, 3. City and developer create screening plan for west side of property, 4. Reserve along southern property abutting lots 1-6 to include a 6 foot privacy fence. Motion carried 6/0.

7. Review and approve the Cornerstone Office Second Addition Final Plat.

00:35:20

Vice-Chairman Lindebak recused himself from any discussion due to business relations.

Les Mangus explained that this is the final phase of the Cornerstone Office Park. The prior phase set the street alignment and other improvements. Other than minor adjustments to lot sizes and reserve areas this is as planned from the first phase. A utility plan is being worked on with the engineer. No complications are anticipated.

Jason Gish, MKEC Engineering, agent to the applicant, was present to represent the application.

Mr. Gish explained that a few details concerning the drainage are being worked on for the developer's agreement. The developer is working with a potential buyer of the south lot that will create a minor shift of the far south lot line.

A motion was made by Mike Warrington, seconded by Tyson Bean to approve the Cornerstone Office Second Addition Final Plat as presented. Motion carried 5/0.

Vice-Chairman Lindebak returned to the bench.

8. Member Items.

00:40:44

There were no member items.

A motion was made by Brian Lindebak, seconded by William Schnauber to adjourn at 7:30p.m. Motion carried 6/0.

Respectfully Submitted by

Daynna DuFriend
Administrative Assistant

Approved this 19th day of January, 2016 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.