



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEAL MINUTES**
JULY 16, 2019 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

MEETING VIDEO AVAILABLE: [CLICK HERE](#)

1. CALL TO ORDER

Chairperson William Schnauber called the meeting to order at 7:00pm.

2. ROLL CALL

Commissioners in attendance: Chairperson William Schnauber, Vice Chairperson Erik Pedersen, Secretary Gary Israel, Alex Zarchan, Lynn Heath, Marla Canfield and Brian Davidson. Staff in attendance: Mark Detter, City Administrator; Steve Anderson, City Engineer & Building Official; DJ Goering, Management Intern; and Lance Onstott, Stormwater/GIS/Planning Technician. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE JUNE 18, 2019 MEETING

I, Erik Pedersen, move to approve the minutes of the June 18, 2019 meeting as presented. Motion seconded by Gary Israel. Motion carried 5/0/2. Lynn Heath and Marla Canfield abstained.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

I, Gary Israel, move to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Brian Davidson. Motion carried 7/0.

5. BZA-V-2019-02 – PUBLIC HEARING ON AN APPLICATION FOR VARIANCE OF 4,300 SF. FROM THE 500 SF. MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE PERMITTED BY SUBSECTION 7-100.E5(A2) FOR THE PURPOSE OF CONSTRUCTING A 4,800 SF. STORAGE STRUCTURE, AND A VARIANCE OF 2 FT. FROM THE 6 FT. MAXIMUM FENCE HEIGHT PERMITTED BY SUBSECTION 4-103.C(2B) FOR THE PURPOSE OF CONSTRUCTING AN 8 FT. PRIVACY FENCE WITHIN THE REAR AND SIDE YARDS ON PROPERTY GENERALLY LOCATED AT 849 SOUTH ANDOVER ROAD, ANDOVER, KANSAS

Lance Onstott stated multiple accessory structures exist within a 1/4 mile of the subject property, although only one is as large as this request. Multiple property owners within the area of notification have submitted signatures/correspondence indicating support of the application. The applicant has prepared a presentation.

Chase White, 849 S. Andover Rd., stated that although the proposed building is large, it will almost entirely be screened from Andover Rd. by the existing trees and proposed fence. Neighbors are supportive of the plans. Mr. White presented the plot plan detailing the location of the proposed building in addition to the planned height of the fence in various locations.

Gary Israel asked what direction the overhead doors will face.

Mr. White indicated the doors will face south.

Lynn Heath asked about the height of the building.

Mr. White responded that it will be approximately 23 feet.

Alex Zarchan asked about the surfacing of the access to the proposed structure.

Mr. White replied that it will be concrete.

Lynn Heath stated that he preferred to include a condition limiting the building to a maximum height of 25 ft.

Alex Zarchan asked what the distance is between the proposed fence south of the house and Andover Rd.

Mr. White indicated it is approximately 75 ft.

Lance Onstott stated that the variance as applied for would allow for this section of the fence to be built to 8 ft. The applicant intends to include a taper at the south end of this section to match the height of the adjacent property's fence.

Gary Israel asked if staff had any concerns with drainage.

Steve Anderson indicated that drainage will be reviewed during the building permit review process.

Alex Zarchan stated he would be in favor of limiting the height of the front-facing sections of fence to the height of adjacent fences. He asked if the owner is the occupant of 835 S. Andover Rd.

Mr. White indicated the owner's daughter is the occupant of 835 S. Andover Rd. They have specifically requested the 8 ft. fence as a condition of them selling him the additional property.

Chairperson Schnauber opened the public hearing at 7:39pm and acknowledged that multiple written correspondence had been received by the Board of Zoning Appeals.

Chairperson Schnauber closed the public hearing at 7:40pm.

1.	The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.
STAFF	The subject lot is 1.34 acres, which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.
STAFF	No detriment and/or injury to other property or improvements is anticipated. Multiple property owners in the area of notification have submitted support for the application as presented.
BZA	Concur.

<p>3. Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.</p>	
STAFF	The subject lot is 1.34 acres, which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets. No additional traffic is expected as the intended use is personal storage.
BZA	Concur.
<p>4. The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.</p>	
STAFF	The applicant has declared the intended use to be personal storage as an accessory residential use. The proposed fence has been requested by adjoining properties.
BZA	Concur.
<p>5. The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.</p>	
STAFF	The minimum lot size for the SF-1 Single-Family Residential/Low Density District is 20,000 sf. This lot is substantially larger at 58,231 sf. The shape of the lot also presents natural screening of the proposed structure from Andover Road. The proposed fence provides additional screening of the proposed structure, but also provides screening of Andover Road benefitting the subject property.
BZA	Concur.
<p>6. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.</p>	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject lot is 1.34 acres which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
<p>7. Granting the variance will not adversely affect the rights of adjacent property owners or residents.</p>	
STAFF	Multiple property owners in the area of notification have submitted support for the application as presented.
BZA	Concur.

8. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The subject lot is 1.34 acres which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
BZA	Concur.
9. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject lot is 1.34 acres which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage of 30%. The large lot will allow for all required setbacks to be adhered to.
BZA	Concur.

Having considered the evidence at the hearing and determined that the findings of fact have been found to exist that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), I, Gary Israel, move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2019-02 as requested, and that the following conditions be attached to this approval: 1) building height be no taller than 25 feet, and 2) the front facing sections of the fence in the side yards match the height of adjacent fences. Motion seconded by Alex Zarchan. Motion carried 7/0.

Chairperson Schnauber's closing remarks:

A Resolution will be prepared and made available to the applicant as soon as reasonably possible but no later than August 30, 2019. If anyone is aggrieved by this decision, a further appeal can be made to the District Court to determine its reasonableness within 30 days after the Resolution is signed and filed with the Zoning Administrator.

We want to thank you for participating in this hearing, and you are welcome to stay for the remainder of our meeting.

I, Lynn Heath, move to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Gary Israel. Motion carried 7/0.

6. FINAL PLANNED UNIT DEVELOPMENT PLAN – REVIEW OF THE HERITAGE FIRST FINAL PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE SOUTHWEST CORNER OF SOUTH YORKTOWN PARKWAY AND EAST DOUGLAS AVENUE, ANDOVER, KANSAS

Lance Onstott indicated the substantive change on this version of the plan deals with the proposed alleys in Parcel 2. The alleys were originally approved as private reserves, but have been revised to be dedicated as public right-of-way. The private maintenance requirement will remain. Staff is working with the applicant on a revised drainage plan and lot grading plan, which are required submittals with the application for approval of a final planned unit development plan. Both will be reviewed by staff before the Governing Body will consider accepting the dedications on the plan. As submitted, this final PUD plan complies with the Subdivision regulations and conforms with both the approved PUD Overlay District and preliminary PUD plan.

Alex Zarchan asked if the alleys will be named.

Lance Onstott indicated they will not be named.

I, Gary Israel, move to approve the Heritage First Final Planned Unit Development Plan as presented. Motion seconded by Erik Pedersen. Motion carried 6/0/1. Brian Davidson abstained.

7. PRELIMINARY PLAT – REVIEW OF THE USD 385 – ANDOVER CENTRAL HIGH & MIDDLE SCHOOL ADDITION PRELIMINARY PLAT LOCATED AT THE SOUTHEAST CORNER OF SHAY ROAD AND EAST CENTRAL AVENUE, ANDOVER, KANSAS

Lance Onstott stated the property is being replatted in response to significant site development that includes both district projects and the realignment of the Yorktown Parkway right-of-way. The applicant has also submitted a traffic impact study. Staff and the applicant will continue to refine and ultimately finalize the traffic impact study before review of the final plat. Revisions required after review by the Subdivision Committee have been reviewed and approved by staff. As submitted, the preliminary plat is in compliance with the Subdivision Regulations.

I, Gary Israel, move to approve the USD 385 – Andover Central High & Middle School Addition Preliminary Plat as presented. Motion seconded by Brian Davidson. Motion carried 7/0.

8. PRELIMINARY PLAT – REVIEW OF THE USD 385 – ANDOVER HIGH & MIDDLE SCHOOL ADDITION PRELIMINARY PLAT LOCATED AT THE NORTHEAST CORNER OF NORTH ANDOVER ROAD AND WEST ALLISON STREET, ANDOVER, KANSAS

Lance Onstott stated the property is being platted in response to significant site development. The applicant has also submitted a traffic impact study. Staff and the applicant will continue to refine and ultimately finalize the traffic impact study before review of the final plat. Revisions required after review by the Subdivision Committee have been reviewed and approved by staff. As submitted, the preliminary plat is in compliance with the Subdivision Regulations.

I, Alex Zarchan, move to approve the USD 385 – Andover High & Middle School Addition Preliminary Plat as presented. Motion seconded by Lynn Heath. Motion carried 7/0.

9. REVIEW OF THE DRAFT 2020 CAPITAL IMPROVEMENT PLAN

Mark Detter stated that per K.S.A. 12-748, the Planning Commission shall review and approve the City's Capital Improvement Plan for conformity with the adopted comprehensive plan. Mr. Detter presented the projects currently in the plan.

Chairperson Schnauber asked about the timeline for the Yorktown Parkway construction.

Mark Detter stated that the first phase is scheduled to be completed sometime in August. Phase II is estimated to be completed in early 2020.

Alex Zarchan asked about the planned pedestrian crossing and whether it is impacted by the future US 54/400 expansion.

Mark Detter replied that the location of the crossing has been revised per the highway project, and it continues to be looked at.

I, Gary Israel, move to adopt the draft 2020 Capital Improvement Plan as presented. Motion seconded by Erik Pedersen. Motion carried 7/0.

10. MEMBER ITEMS

11. ADJOURN

I, Lynn Heath, move to adjourn. Motion seconded by Gary Israel. Motion carried 7/0. Meeting adjourned at 8:31pm.

Respectfully submitted by:



Lance Onstott
Stormwater/GIS/Planning Technician

Approved on the 20th day of August, 2019 by the City of Andover Planning Commission.