



PLANNING & ZONING
1609 E. CENTRAL AVE.
POB 295
ANDOVER, KS 67002
316.733.1303

**PLANNING COMMISSION
& BOARD OF ZONING APPEAL MINUTES**
DECEMBER 17, 2019 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

[**VIDEO LINK**](#)

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, Lynn Heath and Alex Zarchan. Members Marla Canfield and Brian Davidson were absent. Staff in attendance: Lance Onstott, Assistant City Administrator and Les Mangus, Director of Community Development. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 19, 2019 MEETING

I, Gary Israel, move to approve the minutes of the November 19, 2019 meeting as presented. Motion seconded by Lynn Heath. Motion carried 5/0.

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 Lynn Heath. Motion carried 5/0.

5. BZA-V-2019-04 – PUBLIC HEARING ON AN APPLICATION FOR VARIANCE OF [ARTICLE 7-100.E5\(A2\)](#) OF THE ZONING REGULATIONS ON PROPERTY GENERALLY LOCATED AT 1215 NORTH MAIN STREET, ANDOVER, KANSAS

Les Mangus stated the neighborhood has many large accessory structures and large lots. The applicant has supplied a plot plan showing the proposed layout and dimensions.

Jimmy Willis, 1215 N. Main St., stated the total height will be approximately 15.5'.

Vice Chairperson Pedersen asked about the exterior materials.

Mr. Willis replied that it will be an off-white metal exterior matching the exterior color of the principal structure.

Alex Zarchan asked if the proposed structure is a separate standalone structure.

Mr. Willis confirmed it is a standalone structure. He is planning on extending the concrete driveway for access.

Chairperson Schnauber asked if exterior lighting was planned.

Mr. Willis replied no exterior lighting.

Chairperson Schnauber opened the public hearing at 7:12pm.

Chairperson Schnauber closed the public hearing at 7:12pm.

Gary Israel asked the applicant if he has spoken to his neighbors about the structure.

Mr. Willis indicated he has had a conversation with his neighbors, and they did not express any concerns.

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 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory 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. |
| BZA | Concur. |

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.**

| | |
|-------|---|
| STAFF | The subject lot is 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory 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. |

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.**

| | |
|-------|---|
| STAFF | The applicant has declared the intended use to be for personal hobbies as an accessory residential use. |
| BZA | Concur. |

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.

STAFF The subject lot is 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory 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.**

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.

STAFF The subject lot is 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%.

BZA **Concur.**

7. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF The subject lot is 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Adequate space remains for separation from nearby residences.

BZA **Concur.**

8. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject lot is 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%.

BZA **Concur.**

9. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF The intent of bulk regulations is to promote the health, safety and general welfare of residents. The subject lot is 0.37 acres nearly twice the minimum lot area required, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%.

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-2019-04 as requested. Motion seconded by Lynn Heath. Motion carried 5/0.

I, Gary Israel, move to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Erik Pedersen. Motion carried 5/0.

6. VA-2019-03 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR VACATION OF A PUBLIC STREET RIGHT-OF-WAY GENERALLY LOCATED AT 308 NORTH ANDOVER ROAD, ANDOVER, KANSAS

Les Mangus stated that the error was found during the right of way and easement acquisitions as part of the Andover Road bicycle and pedestrian path. The right of way, as described in this document, is a 5' section through the middle of the property, which is incorrect.

I, Erik Pedersen, move to approve VA-2019-03 as presented. Motion seconded by Gary Israel. Motion carried 5/0.

7. MEETING CALENDAR – REVIEW AND APPROVE THE 2020 MEETING CALENDAR OF THE CITY OF ANDOVER PLANNING COMMISSION & BOARD OF ZONING APPEALS

Alex Zarchan indicated the December dates are incorrect.

Les Mangus replied that staff will correct the December dates.

I, Gary Israel, move to approve the 2020 meeting calendar with the following conditions: 1) the December meeting of the Subdivision Committee will be the 8th and the Planning Commission and Board of Zoning Appeals will be the 15th. Motion seconded by Alex Zarchan. Motion carried 5/0.

8. MEMBER ITEMS

-

9. ADJOURN

I, Gary Israel, make a motion to adjourn. Motion seconded by Erik Pedersen. Motion carried 5/0. Meeting adjourned at 7:31pm.

Respectfully submitted by:



Lance Onstott
Stormwater/GIS/Planning Technician

Approved on the 21st day of January 2020 by the City of Andover Planning Commission.