



**PLANNING & ZONING**  
1609 E. CENTRAL AVE.  
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**PLANNING COMMISSION  
& BOARD OF ZONING APPEALS MINUTES**  
**JULY 21, 2020 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners in attendance: Chairperson William Schnauber, Vice Chairperson Erik Pedersen, Secretary Gary Israel, Marla Canfield, and Brian Davidson. Members Alex Zarchan and Matthew Rossi were absent. Staff in attendance: Lance Onstott, Assistant City Administrator; Les Mangus, Director of Community Development; and Justin Constantino, Assistant Director of Community Development. A/V services provided by WAV Services.

**3. APPROVAL OF THE MINUTES OF THE JUNE 16, 2020 MEETING**

*Erik Pedersen made a motion to approve the minutes of the June 16<sup>th</sup>, 2020 meeting as presented. Motion seconded by Gary Israel. Motion carried 5/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

None.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

None.

*I, Gary Israel, move to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Brian Davidson. Motion carried 5/0.*

**BZA-V-2020-02 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE TO CONSTRUCT A STORAGE STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 1401 JUNIPER CREST COURT, ANDOVER, KANSAS**

Chairperson Schnauber opened the public hearing at 7:03 pm.

Secretary Gary Israel stated that he personally knows Mike Harris, the applicant, but that he has had no communication with the applicant regarding the agenda item. Chairperson Schnauber stated that he did not see any issues.

Les Mangus stated that the request was for a garage larger than what the standards allow and that the subject lot is large and roughly half an acre. Mr. Mangus stated that there is plenty of space on the lot for the proposed garage/storage building and plenty of room for the required setbacks.

Chairperson Schnauber closed the public hearing at 7:07 pm.

**DOES THE EVIDENCE DEMONSTRATE THAT:**

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 22,400 s.f., which provides a substantial area 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	The subject lot is 22,400 s.f., which provides a substantial area 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.

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 22,400 s.f., which provides a substantial area 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.

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 subject lot is 22,400 s.f., which provides a substantial area 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.

**SPECIFIC CONDITIONS TO BE MET:**

1. 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 22,400 s.f., which provides a substantial area 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. 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 22,400 s.f., which provides a substantial area 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.

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

STAFF	The subject lot is 22,400 s.f., which provides a substantial area 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.

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

STAFF	The subject lot is 22,400 s.f., which provides a substantial area 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.

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

STAFF	The subject lot is 22,400 s.f., which provides a substantial area 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.

*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 KSA 12-759(e), I, Brian Davidson, move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2020-02 as requested. Motion seconded by Gary Israel. 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-2020-02 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR VACATION OF 10 FEET OF THE REAR 20 FOOT UTILITY EASEMENT ON THE PROPERTY GENERALLY LOCATED AT 713 N. WATerview PLACE, ANDOVER, KANSAS**

Mr. Mangus stated that the City has reached out to the utility providers and received a response from AT&T indicating that they have cables located in the rear yard. Mr. Mangus stated that staff has attempted to facilitate a discussion between an AT&T representative and the property owner to determine the exact placement of the cables and how much of a conflict exists. Mr. Mangus recommended tabling the vacation request to allow the two parties more time to work together toward a solution.

Mr. Israel asked for the reason behind the applicant's request to vacate the easement. Mr. Mangus stated that the applicant is seeking to construct a swimming pool.

*I, Gary Israel, motion to table VA-2020-02. Motion seconded by Brian Davidson. Motion carried 5/0.*

**7. VA-2020-03 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR VACATION OF THE REAR 20 FOOT UTILITY EASEMENT ON THE PROPERTY GENERALLY LOCATED AT 1408 E. TIMBER FALLS COURT, ANDOVER, KANSAS**

Mr. Mangus stated that the City has reached out to the utility providers and received a response from AT&T indicating that they have cables located in the rear yard. Mr. Mangus stated that staff has visited the subject property and received a letter from AT&T stating that they had no objection to the encroachment of the proposed fence into the rear yard utility easement and that vacating the easement could ultimately prove costly to the property owner. Mr. Mangus stated that staff recommends not granting the vacation and exercise the letter from AT&T stating that they are not opposed to the property owner constructing the fence.

Mr. Israel asked if AT&T needed to access the area for maintenance on the cable if the property owner would be responsible for the repairs to the fence.

*I, Erik Pedersen, motion to deny the petition for vacation and refer to the letter received on July 20<sup>th</sup> from Stephen LeBrun of AT&T to the petitioner regarding the easement. Motion seconded by Gary Israel. Motion carried 5/0.*

**8. FINAL PLANNED UNIT DEVELOPMENT – REVIEW OF THE CORNERSTONE 10<sup>TH</sup> ADDITION FINAL PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED NORTH OF 21<sup>ST</sup> STREET AND EAST OF 159<sup>TH</sup> STREET, ANDOVER, KANSAS**

Mr. Mangus stated that this is another phase of the Cornerstone single-family residential development and that staff and the utility companies have all reviewed the plat and recommend approval.

Brian Lindebak, MKEC Engineering, representing the applicant, stated that the development will produce 30-plus more lots and he is looking forward to completing the remaining phases.

*I, Gary Israel, motion to approve the Cornerstone 10<sup>th</sup> Addition Final Planned Unit Development generally located north of 21<sup>st</sup> Street and east of 159<sup>th</sup> Street, Andover, Kansas. Seconded by Brian Davidson. Motion carried 5/0.*

**9. MEMBER ITEMS**

Mr. Mangus stated that staff is in the process of transitioning from paper to digital agendas and packets and that committee and commission members would be provided with iPads.

Chairperson Schnauber asked when the new digital agendas and packets would be implemented. Mr. Mangus stated that staff is aiming for a September 2020 implementation date.

**10. ADJOURN**

*Brian Davidson made a motion to adjourn. Seconded by Gary Israel. Motion carried 5/0. Meeting adjourned at 7:28 pm.*

Respectfully submitted by:

Justin Constantino  
Assistant Director of Community Development