



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
OCTOBER 18, 2022 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Erik Pedersen called the meeting to order at 7:00 pm.

2. ROLL CALL

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Kirsten Barnes, Marla Canfield, and Vance Garwood. Staff in attendance: 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 SEPTEMBER 20, 2022 MEETING

Vance Garwood made a motion to approve the minutes of the September 20, 2022 meeting as presented. Motion seconded by Gary Israel. Motion carried 4/0/1. Kirsten Barnes abstained.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that the residential housing starts appear to be on par with last year and staff is tracking the tornado rebuild houses separately so that we're able to discern new starts from rebuilds.

5. AGENDA

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Kirsten Barnes. Motion carried 5/0.

5.1 BZA-V22-0008 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 340 SQUARE FEET FROM THE 500 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE FOR THE PURPOSE OF CONSTRUCTING AN 840 SQUARE FOOT DETACHED GARAGE ON THE PROPERTY GENERALLY LOCATED AT 220 E. HAMLIN ROAD, ANDOVER, KANSAS

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

Mr. Mangus stated that the applicant is seeking a variance for a detached garage in a single-family residential neighborhood. Mr. Mangus stated that the detached garage exceeds the 500 square foot maximum allowance but is very typical for the surrounding neighborhood. Mr. Mangus stated that staff has no issues with the size of the structure and that there is plenty of room for the required setbacks.

Dale Padding of 1331 S. Aldrich Drive stated that he was the Vice President for the HOA in the area and that he supports the applicant's request for the variance. Mr. Padding said that the neighborhood was hit hard by the tornado and he appreciates anything that can be done to improve the neighborhood.

Susan Parsons of 206 E. Hamlin Road stated that she was the neighbor of the applicant and that she supports the applicant's request for a variance.

Chairperson Pedersen closed the public hearing at 7:09 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 property is a 0.7-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	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 property is a 0.7-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences. No adverse effects is anticipated.
	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 a detached garage as an accessory residential use.
	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 property is a 0.7-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	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 intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.7-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35%.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.7-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35% and providing adequate separation from adjacent neighbors.
BZA	Concur.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The subject property is a 0.7-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
BZA	Concur.
5. 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 property is 0.7-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35% and providing adequate separation from adjacent neighbors.
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, Kirsten Barnes made a motion that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V22-0008 as requested. Motion seconded by Gary Israel. Motion carried 5/0.

Gary Israel made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Erik Pedersen. Motion carried 5/0.

5.2 2023-2027 CAPITAL IMPROVEMENT PLAN

Mr. Onstott stated that the City's Capital Improvement Plan (CIP) is a blueprint for planning the community's capital expenditures, and that it coordinates community planning, financial capacity and physical development. Mr. Onstott stated that the City is required by the state to provide a CIP update, and that the development and maintenance of the CIP is aimed at ensuring sound fiscal planning and

requires the cooperation of all City departments. Mr. Onstott stated that the City uses a five-year capital improvement planning horizon and stated that a CIP expenditure is anything over \$5,000 with a useful life of three years. Mr. Onstott presented the five-year plan, discussed the operational categories, funding category, project categories, and project types.

Mr. Israel asked if the wastewater component considers future growth. Mr. Onstott said yes and that prior to the design of the treatment facility a comprehensive wastewater master plan was established that included a 30-year planning horizon.

Mr. Pedersen stated that he appreciated the presentation, particularly the breakdown of the funding category.

Mr. Garwood asked about the frontage road along The Heritage and asked how the negotiation process works to acquire land. Mr. Onstott stated that right-of-way acquisition and negotiation for Kellogg Avenue specifically comes from the Kansas Department of Transportation (KDOT).

Gary Israel made a motion to approve the 2023-2027 Capital Improvement Plan. Motion seconded by Kirsten Barnes. Motion carried 5/0.

6. MEMBER ITEMS

Ms. Canfield stated that she went on vacation recently and utilized the Police Department's vacation service and stated that she was very pleased and thankful for the service.

Mr. Pedersen thanked the Fire Department for their servicing a house fire in his neighborhood.

Mr. Israel stated that the groundbreaking for the new fire station was very nice. Mr. Israel also stated that the comprehensive plan process was going well and that the Planning Commission should be aware of future growth and how it impacts their role as commissioners. Mr. Constantino stated that the City conducted a successful citywide charrette over the last three days and encouraged residents to visit activateandover.com to provide comments in the virtual open house through October 31st.

Mr. Constantino stated that the Planning Commission would be getting a new member for the November meeting pending approval from the City Council.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Kirsten Barnes seconded the motion. Motion carried 4/0. The meeting was adjourned at 7:48 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 20th day of December 2022 by the City of Andover Planning Commission.