



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

**PLANNING COMMISSION  
& BOARD OF ZONING APPEALS MINUTES**  
**OCTOBER 17, 2023 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

*Chairperson Erik Pedersen called the meeting to order at 7:03 P.M.*

**2. ROLL CALL**

Committee members in attendance: Chairperson Erik Pedersen; David Foley; Vance Garwood; Gary Israel; Marla Canfield; Clint Teinert; and Peter Fox.

Staff members in attendance: Les Mangus, Director of Community Development; and Justin Constantino, Assistant Director of Community Development.

**3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 19, 2023 MEETING**

*Vance Garwood made a motion to approve the minutes of the September 19, 2023 meeting as presented. Motion seconded by David Foley. Motion carried 7/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

None.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Mr. Mangus stated that development in Andover is still up when compared to this time last year.

**5. AGENDA**

**5.1 FINAL PUD – REVIEW AND APPROVAL OF THE PRAIRIE POINTE AT CORNERSTONE 3<sup>RD</sup> ADDITION FINAL PUD, GENERALLY LOCATED AT 1616 W. 21<sup>ST</sup> STREET, ANDOVER, KANSAS**

Mr. Constantino introduced the subject property, located within parcel #7 of the Cornerstone PUD, south of the Prairie Pointe 2<sup>nd</sup> Addition. He continued that the applicant is proposing 17 lots zoned R-4, as stated on the original preliminary PUD, and expanded on access to the subdivision.

Mr. Garwood remarked that several committee members had already seen and reviewed the plans as they have passed through the Subdivision Committee, and Mr. Constantino confirmed that all outstanding comments from that Committee had been addressed.

The applicant, Will Clevenger, was in attendance, along with the developer, Greg Gehr. The Committee did not have any further concerns to raise with the applicant.

*Vance Garwood made a motion to recommend approval the Prairie Pointe at Cornerstone 3<sup>rd</sup> Additional Final PUD. Motion seconded by Gary Israel. Motion carried 7/0.*

**5.2 SMALL TRACT FINAL PLAT – REVIEW AND APPROVAL OF THE WESLEY MEDICAL ER SMALL TRACT FINAL PLAT, GENERALLY LOCATED AT 126 W. CLOUD AVENUE, ANDOVER, KANSAS**

Mr. Constantino began by explaining the new address for the plat, 221 W. Highway 54. He reminded the committee that this case has been seen in several meetings thus far for various parts of the approval process. Mr. Constantino continued by explaining the Small Tract Plat designation, and that the main goal of the replat is to relocate an existing easement to allow for development. He then went over the current zoning for the lot, for which a medical facility is a permitted use.

Mr. Israel asked if the new location for the sewer easement would locate it beneath the pavement. Mr. Mangus pointed to sheet C1.0 of the provided Site Layout Plan, which shows the new route for the sewer line.

The applicant, Tracy Young of Garber Surveying, was in attendance. The Committee did not have any further concerns to raise with the applicant.

*Vance Garwood made a motion to recommend approval of the Wesley Medical ER Small Tract Final Plat as presented. Motion seconded by Marla Canfield. Motion carried 7/0.*

**5.3 SMALL TRACT FINAL PLAT – REVIEW AND APPROVAL OF THE BLACKWELL ADDITION SMALL TRACT FINAL PLAT, GENERALLY LOCATED AT 1501 S. ANDOVER ROAD, ANDOVER, KANSAS**

Mr. Constantino introduced the subject property, a proposed single-lot plat that receives access from Andover Road. He explained that between the previous Subdivision Committee meeting and this meeting, the applicant had corrected the few issues staff and engineering identified. He also explained that the applicant for this plat is the same as for the previous agenda item, and that the two plats have been reviewed concurrently.

Mr. Garwood clarified to the committee that the 40-foot opening shown on the plat is already existing. The committee had no further questions for the applicant.

*Gary Israel made a motion to recommend approval of the Blackwell Addition Small Tract Final Plat as presented. Motion seconded by Vance Garwood. Motion carried 7/0.*

*Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Erik Pedersen. Motion carried 7/0.*

**5.4 BZA-V23-0011 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 100 SQUARE FEET FROM THE 300 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 736 N. DEERFIELD CIRCLE, ANDOVER, KANSAS**

Chairperson Pedersen opened the public hearing at 7:17 P.M.

Mr. Constantino introduced the subject property, which is currently zoned SF-2 Single Family Residential / Medium Density District, for which accessory structures are permitted but capped at 300 sqft. of floor area. He explained that this a routine-type variance request that staff sees often, and that staff had no concerns because of this.

Chairperson Pedersen noted the high level of detail the applicant provided as to their plans for the project should the variance be approved. Mr. Israel had some concern about the hedges to the rear of

the property; Mr. Mangus explained that the property backs up to agricultural land and that the hedge row is right on the property line, so development was unlikely to affect either.

Chairperson Pedersen closed the public hearing at 7:24 P.M.

**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 exceeds the minimum lot area for the zoning district and 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 exceeds the minimum lot area for the zoning district and provides adequate space while allowing adequate separation from nearby residences. No adverse effects are 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 an accessory outdoor living structure.
	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 exceeds the minimum lot area for the zoning district and 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 accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.

Mr. Israel expressed his gratitude to the applicant for supplying plans showing what the intended project will look like, and the effort to make the accessory structure visually appealing and integrated with the look of the neighborhood.

Ms. Canfield asked about the placement of the structure on the property, with respect to lot lines and drainage. Mr. Mangus responded that the lot is larger than necessary and the accessory structure will be to the direct rear of the house, well within setbacks; he continued that drainage is not a concern

due to the hedgerow that is shared between each of the lots near the subject property. Mr. Pedersen also noted that the plot plans include language describing a slight re-grade near the structure to improve drainage.

*Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V23-0011. Motion seconded by Vance Garwood. Motion carried 7/0.*

## **5.5 BZA-V23-0012 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 140 SQUARE FEET FROM THE 300 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 1721 E. ASTER STREET, ANDOVER, KANSAS**

Chairperson Pedersen opened the public hearing at 7:32 P.M.

Mr. Mangus began by stating that this case is very similar to the previous agenda item, given that the subject property is zoned R-2 Single Family Residential, which is the equivalent of the modern SF-2 zoning. He continued that the intended use of this accessory structure is for storage, and that the unusual shape of the subject property should be taken into consideration.

After locating the plot plans, Mr. Garwood asked about the space left for access to the accessory structure. Chairperson Pedersen answered that he had recently seen the site in person, and there seemed to be enough space to be satisfactory.

Mr. Israel asked about the intended structure height. Mr. Mangus responded that staff was not aware of the exact height the applicant intends to build. Mr. Israel then asked if the 5-foot distance from the fence is sufficient, and Mr. Mangus responded that it is. Mr. Constantino then expanded on the application requirements, stating that while a plot plan is expected for applications of this type, aesthetic review and structural specifics are generally not requested until the building permit stage.

Chairperson Pedersen closed the public hearing at 7:42 P.M.

### **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 exceeds the minimum lot area for the zoning district and 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 exceeds the minimum lot area for the zoning district and provides adequate space while allowing adequate separation from nearby residences. No adverse effects are 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 an accessory storage structure.
BZA	Concur.

Mr. Israel raised a concern that the accessory structure may not match the aesthetic intentions of the neighborhood, if it were to be a metal building. Mr. Constantino did note that no comments or concerns have been received from notified owners of record.

#### **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 exceeds the minimum lot area for the zoning district and 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 accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property exceeds the minimum lot area for the zoning district, provides adequate space and separation from nearby residences, while below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.

Chairperson Pedersen, Mr. Israel, and Mr. Constantino briefly discussed Mr. Israel's concern with the aesthetic of the structure. Mr. Constantino stated that going forward, staff will impress upon applicants the importance of detailed aesthetic plans in aiding the committee's decision-making.

*Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V23-0011. Motion seconded by Vance Garwood. Motion carried 7/0.*

*Gary Israel made a motion to adjourn the Board of Zoning Appeals and convene the Planning Commission. Motion seconded by Chairperson Pedersen. Motion carried 7/0.*

## 6. MEMBER ITEMS

New committee members Peter Fox and Cliff Teinert introduced themselves to the rest of the committee and to staff.

Mr. Mangus expressed his gratitude to Mr. Constantino, and wished him luck in his future career.

## 7. ADJOURN

*Gary Israel made a motion to adjourn the meeting. Motion seconded by Chairperson Pedersen. Motion carried 7/0. Meeting adjourned at 7:57 P.M.*

Respectfully submitted by:

Connor Boyd  
Planning Technician

Approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the City of Andover Planning Commission.