



**1. CALL TO ORDER**

*Chairperson Erik Pedersen called the meeting to order at 7:00 P.M.*

**2. ROLL CALL**

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

Staff members in attendance: Les Mangus, Director of Community Development; Jenni McCausland, City Administrator; and Connor Boyd, Planning Technician.

**3. APPROVAL OF THE MINUTES OF THE OCTOBER 17, 2023 MEETING**

*Gary Israel made a motion to approve the minutes of the October 17, 2023 meeting as presented. Motion seconded by Clint Teinert. Motion carried 5/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

None.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Mr. Mangus stated that thus far, 2023 has seen roughly double the residential building permits as compared to last year. The Heritage is the largest project currently in development, and will be joined by the Senior Living Center project next month. He added that the Green Valley Apartments project is slated to begin in early 2024.

**5. AGENDA**

**5.4 BZA-V23-0013 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 4300 SQUARE FEET FROM THE 500 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE; A VARIANCE OF 4378 SQUARE FEET FROM THE 1000 SQUARE FOOT MAXIMUM AGGREGATE FLOOR AREA OF ALL ACCESSORY STRUCTURES; AND A VARIANCE OF 3010 SQUARE FEET FROM THE 1790 SQUARE FOOT MAXIMUM GROSS FLOOR AREA OF AN ACCESSORY STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 737 S. RUTH AVENUE, ANDOVER, KANSAS**

Chairperson Pedersen opened the public hearing at 7:05 P.M.

Mr. Mangus introduced the subject property, a 1.1-acre lot zoned SF-1 Single Family Residential / Low Density District. He explained that Staff visited the site, and observed both existing accessory structures on the subject property, that the neighborhood already features several large accessory structures on similarly-sized lots. He continued that the surrounding accessory structures range from 1400-2600 square feet, so the 4800 square foot structure intended by the Variance is unusual, but not strictly out of the question for the area.

Mr. Israel asked if any specifics from the building plan had been shared with Staff. Mr. Mangus responded that the application had provided the building plans from their contractor, showing that the accessory structure will have a maximum height of 27 feet, and will be constructed with a metal frame and siding.

Chairperson Pedersen asked if the existing accessory structures would be removed should the new be constructed. Mr. Mangus agreed that the Variance only allows for the one structure, so the rest would either have to be removed, or approved under another Variance. Mr. Israel asked if this could be a condition for approval; Mr. Boyd concurred, and said that he would communicate this to the applicant.

Mr. Israel asked if the applicant intended to install living quarters in the accessory structure. Mr. Boyd responded that this had been discussed with the applicant, and that Staff was told that no living quarters are planned for the structure.

Chairperson Pedersen closed the public hearing at 7:17 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 by almost 2 1/2 times and provides adequate space while allowing adequate separation from nearby residences.
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BZA	Concur.
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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. The overall lot coverage with the proposed accessory structure is still less than half of the permissible lot coverage allowed in the zoning district. The overall height of the proposed accessory structure is 8' less than the 35' maximum height for the zoning district.
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BZA	Concur.
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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.
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BZA	Concur.
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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.
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**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 by almost 2 1/2 times 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 remaining 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

No detriment and/or injury to other property or improvements is anticipated. The overall lot coverage with the proposed accessory structure is still less than half of the permissible lot coverage allowed in the zoning district. The overall height of the proposed accessory structure is 8' less than the 35' maximum height for the zoning district.

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 given there are many large accessory structures within 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. Fox voiced concerns over whether approving the Variance would set a poor precedent, given the large intended floor area (much larger than any other structure in the neighborhood).

*Gary Israel made a motion to table discussion of case BZA-V23-0013 until such time that the applicant can be present. Motion seconded by David Foley. Motion carried 5/0.*

## **6. MEMBER ITEMS**

Mr. Israel wanted to wish everyone in attendance a happy Thanksgiving. Mr. Boyd wanted to wish everyone reading the minutes happy holidays as well!

## **7. ADJOURN**

*Chairperson Pedersen made a motion to adjourn the meeting. Motion seconded by Gary Israel. Motion carried 5/0. Meeting adjourned at 7:26 P.M.*

Respectfully submitted by:

Connor Boyd  
Planning Technician

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