



PLANNING & ZONING
1609 E. CENTRAL AVE.
ANDOVER, KS 67002
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PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

APRIL 16, 2024 | 7:00 P.M.

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Garwood called the meeting to order at 7:00 P.M.

2. ROLL CALL

Committee members in attendance: Chairperson Vance Garwood; Gary Israel; David Foley; and Peter Fox.

Staff members in attendance: Les Mangus, Director of Community Development; David Westphall, Zoning Administrator; Jolene Graham, Assistant City Administrator; and Connor Boyd, Planning Technician.

3. APPROVAL OF THE MINUTES OF THE MARCH 19, 2024 MEETING

Gary Israel made a motion to approve the minutes of the March 19, 2024 meeting as presented. Motion seconded by Peter Fox. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by David Foley. Motion carried 4/0.

5.1 BZA-V23-0014 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 11 FEET FROM THE 35 FOOT MINIMUM FRONT YARD SETBACK; AND A VARIANCE OF 1148 SF. FROM THE 2152 SF. MAXIMUM LOT COVERAGE ON THE PROPERTY GENERALLY LOCATED AT 115 W. ALLISON STREET, ANDOVER, KANSAS

Chairperson Garwood opened the public hearing at 7:09 P.M.

Mr. Mangus introduced this recurring item, explaining that the Committee first heard about the intended project back in December. He continued that since the last meeting, the applicant had met with Staff and a much more concrete plan had been established for the project. Mr. Mangus stated that the property owner does not intend to have public or semi-public events on the property, and will primarily use it for storage. He stated that the applicant would be returning in a month with an application for a Special Use permit for the property, to allow for this storage.

The applicant, Chris Hagan with Hagan Construction, was in attendance. He explained that by now Staff was well aware of the details of the project, and added that new plans had been supplied based on Staff suggestions.

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 an unusually small lot with an irregular shape.
	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 located in a neighborhood with a variety of business and educational uses with similarly sized buildings with widely varied building setbacks. Staff does not anticipate adverse effects in the neighborhood.
	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 owner has declared that the building is for personal storage and events.
	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 an unusually small lot with an irregular shape.
	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 property is a small unusually shaped lot that severely limits the feasibility of supporting a building. Previous owners have been unable to devise a workable plan in full compliance with the bulk regulations.
	BZA	Concur.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The subject property is located in a neighborhood with a variety of business and educational uses with similarly sized buildings with widely varied building setbacks. Staff does not anticipate adverse effects in the neighborhood.
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 surrounded by public and business uses. Staff does not anticipate adverse effects in the neighborhood.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of required building setbacks and maximum lot coverage limits are to provide open space separation from adjacent properties. The subject property is surrounded by public and business uses. Staff does not anticipate adverse effects in the neighborhood from the reduced open space.
BZA	Concur.

Mr. Israel asked if the proposed setback Variance would bring the building setback in alignment with nearby structures. Mr. Mangus replied that it would, bringing the overall distance from the curb to approximately 30 feet. He added that the lot is an unusual size and shape, having been platted in the 1880s.

Mr. Israel asked about the existing fence between 115 W. Allison and 121 W. Allison. Mr. Hagan replied that he assumes it will be taken down by the owner, since he owns both adjacent lots.

Chairperson Garwood made a motion to approve the Variance at 115 W. Allison Street. Motion seconded by Gary Israel. Motion carried 4/0.

Gary Israel made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Peter Fox. Motion carried 4/0.

5.2 **LS24-0003 – REVIEW AND RECOMMENDATION ON THE PROPOSED LOT SPLIT ON THE PROPERTY GENERALLY LOCATED AT 505 W. ALLISON STREET, ANDOVER, KANSAS**

Mr. Mangus explained that the subject property is a classic candidate for a lot split, and had been reviewed by the Subdivision Committee the previous week. He stated that the lot was originally platted as a reserve, but never used as such, and the local area developed around it. He continued that the current home owner intends to sell, and the resultant eastern lot will be replatted into multiple residential lots in the near future.

Mr. Fox asked if the lots could feature multi-family housing. Mr. Mangus replied that they certainly could, but that this would of course trigger a zoning hearing and review.

Gary Israel made a motion to approve the lot split for 505 W. Allison Street. Motion seconded by David Foley. Motion carried 4/0.

MEMBER ITEMS

Chairperson Garwood asked when the YMCA is planning to open. Mr. Mangus replied that it should be mid-May. Mr. Israel noted that the parking lot has been filled with laborers as of late.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Motion seconded by David Foley. Motion carried 4/0.

Meeting adjourned at 7:35 P.M.