



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
NOVEMBER 19, 2024 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

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

2. ROLL CALL

Committee members in attendance: Acting Chairperson Marla Canfield; Secretary Gary Israel; David Foley; and Dan Colson.

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

3. APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2024 MEETING

Gary Israel made a motion to approve the minutes of the October 15, 2024 meeting as presented. Motion seconded by Dan Colson. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

5.1 COUNTY ZONING – REVIEW OF AND RECOMMENDATION ON AN APPLICATION TO BUTLER COUNTY FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE AG-40 AGRICULTURAL DISTRICT TO THE RE RESIDENTIAL ESTATE DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 11291 S.W. MEADOWLARK RD., ANDOVER, KANSAS

Mr. Westphall stated that the subject property is located within Andover's extraterritorial jurisdiction, and that Staff were contacted by the County to provide input on the case. He added that while the property is within the City's jurisdiction, it is outside of the current planning area, so Staff has no opposition to approving the rezone as-is.

Gary Israel made a motion to recommend that the County approve the change of zoning district at 11291 S.W. Meadowlark Rd. Motion seconded by David Foley. Motion carried 4/0.

5.2 Z-A24-0007 – PUBLIC HEARING ON AN APPLICATION FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT TO THE MF-2 ATTACHED SINGLE FAMILY RESIDENTIAL DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 420 W. MIKE STREET, ANDOVER, KANSAS

Acting Chairperson Canfield opened the public hearing at 7:06 P.M.

Mr. Westphall stated that the subject property is currently zoned SF-2 Single Family Residential / Medium Density District, and that the applicant intends to amend the zoning district to the MF-2 Attached Single Family Residential District. He stated that the property is well served by existing utilities, and is situated in a

neighborhood that is already transitioning from single family residential to multi family duplex and triplex units. He added that the proposed change would therefore make the neighborhood more uniform, and more consistent with the Comprehensive Plan.

The applicant, Cody Lynxwiler, was in attendance. He stated that he did not have much to add to the Staff report. He stated that his intended development on the property would mirror the nearby buildings.

Acting Chairperson Canfield closed the public hearing at 7:08 P.M.

Mr. Israel asked what the applicant intends to do with any proposed multi-family housing. Mr. Lynxwiler stated that he planned to construct housing units that are nearly identical to those in the area. He added that he intends for duplexes or triplexes to be constructed. He stated that he was contracted to install the siding on other properties near Mike St., and would match the aesthetic almost exactly.

STAFF ITEMS

1. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property if the zoning change were approved?

STAFF Public facilities are in place and adequate or could be readily extended to serve the property.

2. If the zoning change request was approved, would the subject property need to be platted or replatted, or have in-lieu-of dedications made, in order to provide needed rights-of-way, easements, building setback lines, or access control?

STAFF The subject property would need to be platted pending the zoning amendment.

3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?

STAFF No, the zoning districts of adjacent properties in relation to the proposed zoning would not require screening buffer between the two per the Andover UDM.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF None at this time.

5. If there has been an error in the application of these Zoning Regulations to the subject property, would the requested zoning change correct the error?

STAFF No error is known to exist.

STAFF & COMMISSION/COUNCIL ITEMS

6. How suitable or unsuitable is the subject property for its current zoning?

STAFF The property is suitable for its current zoning.

PLANNING	Concur.
COUNCIL	
7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?	
STAFF	No.
PLANNING	Concur.
COUNCIL	
8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.	
STAFF	The requested change would be suitable to the current zoning of nearby properties in that it would more consistently match the adjacent attached single-family homes.
PLANNING	Concur.
COUNCIL	
9. Has the zoning change been requested because conditions in the area of the subject property have changed or are changing? If so, what is the nature and significance of these conditions?	
STAFF	The surrounding area has been transitioning to more dense housing as a means of revitalization for the neighborhood. The requested zoning change would continue this trend.
PLANNING	Concur.
COUNCIL	
10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?	
STAFF	The current land uses in the area are in a state of transitioning to denser housing options. The subject property is at the edge of this zone and the proposed zoning change would make the property more consistent with the character and condition of the surrounding neighborhood.
PLANNING	Concur.
COUNCIL	
11. Would the proposed zoning change of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?	
STAFF	The proposed use will increase the traffic, lighting, activity, etc. over the current single-family home, but can be mitigated during later stages of development.
PLANNING	Concur.

COUNCIL	
12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?	
STAFF	The Comprehensive Plan suggests a Mixed Residential Neighborhood Place Type for this neighborhood. More housing options in this area other than single-family and other lower-density housing would conform well with Andover's Comprehensive Plan.
PLANNING	Concur.
COUNCIL	
13. Do any professional persons knowledgeable on conditions that affect this zoning change request have information or recommendations to provide, which would be helpful in its evaluation?	
STAFF	Staff supports the proposed zoning change.
PLANNING	Concur.
COUNCIL	
14. How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current zone to the requested zone?	
STAFF	No detriment to the public health, safety and welfare is perceived. Any changes in light, traffic, or noise can be sufficiently mitigated with adequate screening and buffering.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case Z-A24-0007 be approved based on findings 6, 8, 10, and 12. Motion seconded by Dan Colson. Motion carried 4/0.

5.3 **Z-A24-0008 – PUBLIC HEARING ON AN APPLICATION FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT TO THE MXN NEIGHBORHOOD TRANSITION / MIXED USE DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 126 E. LAFAYETTE ST., ANDOVER, KANSAS**

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

Mr. Westphall stated that the subject property is located near the Andover Middle School and the Redbud Trail, and that the applicant intends to rezone the property to allow for commercial development. He added that due to the property's proximity to the school, the sale and consumption of alcohol would not be permitted, and that the property previously featured a small plumbing supply store. Mr. Westphall stated that the property is served by existing utilities, and its change to a mixed use district would be consistent with the Comprehensive Plan for the area.

The applicant, Ben Thomas, was in attendance. He stated that he did not have much to add to the Staff report, and stated that he did not have a "grand plan" for the property yet, but that it was intended to extend the area featuring the Point 9 restaurant on the other side of Andover Rd., serving the Redbud Trail and the surrounding residential properties. He stated that some possibilities for the use include bike rentals or light retail.

Mr. Israel asked if the existing structures would be remaining on the property. Mr. Thomas replied that they intend to renovate the existing street fronting building, and may continue to use the metal building in the back for storage.

Mr. Israel asked if the main entrance to the property would be from the Trail, or from Lafayette St. Mr. Thomas stated that it would be from Lafayette St.

Mr. Foley asked if a rented bicycle could be taken north to the Redbud Trail. Mr. Thomas replied in the affirmative. Mr. Israel asked if improvements were planned to facilitate this access. Mr. Thomas stated that such improvements would be undertaken, but that again no plan is yet in place. Mr. Israel asked Staff if such a plan would go before the Site Plan Review Committee; Mr. Westphall confirmed as much.

Dan Clark, at 6730 Somerside Pl, Bel Aire, KS, who owns a house in the neighborhood of the subject property, stated that he is concerned about a business being installed across the street from his house. He asked if the property was previously zoned for commercial uses when the plumbing supply store was in place. Mr. Mangus answered that the plumbing supply store was a legal nonconforming use, as it existed on the property prior to the adoption of zoning districts in the city, and that the property was zoned for residential uses. Mr. Clark stated that a business going in the neighborhood would bring down property values. He added that when the streets in the area were paved, he was charged with special assessments, and the combination of these costs and a nearby business would make it very difficult to sell his property.

Acting Chairperson Canfield asked which business uses would be permitted by the zoning code under the proposed district. She also asked what type of development the Trail Corridor place type was intended to support. Mr. Mangus stated that the Trail Corridor is intended to support the development of residences and businesses that are associated with the Redbud Trail, with businesses serving the interests of trailgoers. Mr. Westphall gave a full list of the permitted uses in the MXN district, which can be found in the [Unified Development Manual](#).

Mr. Israel asked if a Site Plan would require parking for a commercial business. Mr. Westphall confirmed as much, and stated that if Site Plan requirements for parking, screening, etc. could not be met, the business would not be able to obtain a Certificate of Occupancy, and therefore could not open.

Mr. Israel asked if the existing "home" is already vacant. Mr. Thomas stated that it is not really even a home, just a cinder block structure with a collapsing roof. He added that he feels that any improvement will increase the value of the property and improve the neighborhood overall.

Mr. Israel asked if Mr. Thomas had spoken with the property owner directly to the south, whose property is largely surrounded by the subject property. Mr. Thomas stated that he tried to speak with them, but could not get anyone to come to the door, nor to call him back.

Mr. Foley asked how many total structures were on the property. Mr. Thomas stated that there are two, a metal building for storage and the aforementioned cinder block building.

Acting Chairperson Canfield closed the public hearing at 7:33 P.M.

STAFF ITEMS

1. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property if the zoning change were approved?

STAFF Public facilities are in place and adequate or could be readily extended to serve the property.

2. If the zoning change request was approved, would the subject property need to be platted or replatted, or have in-lieu-of dedications made, in order to provide needed rights-of-way, easements, building setback lines, or access control?

STAFF No

3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?

STAFF Yes, a screening fence or wall would be required as specified in the UDM.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF None at this time.

5. If there has been an error in the application of these Zoning Regulations to the subject property, would the requested zoning change correct the error?

STAFF The storefront commercial building is a legal nonconforming use in the SF-2 District. The building/use predated zoning.

STAFF & COMMISSION/COUNCIL ITEMS

6. How suitable or unsuitable is the subject property for its current zoning?

STAFF The storefront commercial building is a legal nonconforming use in the SF-2 District. The building/use predated zoning.

PLANNING Concur.

COUNCIL

7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?

STAFF No.

PLANNING Concur.

COUNCIL

8.	How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.	
STAFF	The requested change would be suitable to the current zoning of nearby properties, the requested change could provide a number of services while accomplishing the Comprehensive Plan's goal of a walkable, vibrant place for the city.	
PLANNING	Concur.	
COUNCIL		
9.	Has the zoning change been requested because conditions in the area of the subject property have changed or are changing? If so, what is the nature and significance of these conditions?	
STAFF	The surrounding area has been transitioning to accommodate services for the Trail Oriented Corridor Place Type.	
PLANNING	Concur.	
COUNCIL		
10.	What are the current land uses, character and condition of the subject property and the surrounding neighborhood?	
STAFF	The current land uses in the area are a mixture of low-density single family housing and some multi-family attached homes.	
PLANNING	Concur.	
COUNCIL		
11.	Would the proposed zoning change of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?	
STAFF	The proposed use could increase the traffic, lighting, activity, etc. over the current single-family home if it were used for commercial purposes, but can be mitigated during later stages of development.	
PLANNING	Concur.	
COUNCIL		
12.	How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?	
STAFF	The Comprehensive Plan suggests a Trail Oriented Corridor Place Type for this neighborhood. The proposed use would directly support the City's Comprehensive Plan.	
PLANNING	Concur.	

COUNCIL	
13. Do any professional persons knowledgeable on conditions that affect this zoning change request have information or recommendations to provide, which would be helpful in its evaluation?	
STAFF	Staff supports the proposed zoning change.
PLANNING	Concur.
COUNCIL	
14. How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current zone to the requested zone?	
STAFF	No detriment to public health, safety and welfare is perceived. Any changes in light, traffic, or noise can be sufficiently mitigated with adequate screening and buffering.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case Z-A24-0008 be approved based on findings 6, 8, 9, and 12. Motion seconded by David Foley. Motion carried 3/1. Dan Colson dissenting.

5.4 **Z-VA24-0003 – PUBLIC HEARING ON AN APPLICATION TO VACATE A PORTION OF AN EASEMENT DEDICATED IN THE CORNERSTONE 5TH ADDITION, ON CERTAIN LANDS GENERALLY LOCATED AT 2317 N. SAVONA ST., ANDOVER, KANSAS**

Acting Chairperson Canfield opened the public hearing at 7:40 P.M.

Mr. Westphall stated that the applicant intends to vacate a portion of an existing drainage easement in order to accommodate larger dwellings on the affected properties. He continued that Staff has concerns about the drainage of water from the affected properties in the absence of the easement, and that no updated drainage plan or study had been provided. He stated that Staff recommends against approval of the Vacation, at least until a drainage study is performed to accommodate for the lack of the easement.

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

Mr. Israel asked if the applicant could return with this case in the future, were it not approved. Mr. Westphall answered in the affirmative.

STAFF ITEMS

1. Are public improvements or utilities located within the area considered for vacation?	
STAFF	The existing easement has been graded to drain the rear of the lots.

2.	If the vacation request was approved, would in-lieu-of dedications need to be made, in order to provide need rights-of-way, easements, building setback lines, or access control?	
	STAFF	No dedications are necessary
3.	If the variance request was approved, would provisions for relocation of public improvements or utilities need to be made?	
	STAFF	The proposed vacation would eliminate the aforementioned grading improvements, limiting the site drainage without a plan for relocation/mitigation.
4.	If there has been an error would the requested vacation correct the error?	
	STAFF	No error is known to exist.
5.	Has due and legal notice been given?	
	STAFF	Yes.

STAFF & COMMISSION/COUNCIL ITEMS

6.	Will private rights be injured or endangered?	
	STAFF	Without a drainage study to indicate how the vacation of the drainage easements would affect the overall drainage plan, Staff believes that private rights or property could be endangered.
	PLANNING	Concur.
	COUNCIL	
7.	Will the public suffer loss or inconvenience?	
	STAFF	The lack of a clear picture of how the property will drain with this vacation could lead to loss or inconvenience.
	PLANNING	Concur.
	COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case Z-VA24-0003 be disapproved based on findings 6 and 7, and adding that a future submittal would require the presence of a drainage plan. Motion seconded by Dan Colson. Motion carried 4/0.

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

5.5 BZA-V24-0004 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 516 SF. FROM THE 500 SF. MAXIMUM AREA OF AN ACCESSORY STRUCTURE; AND OF 944 SF. FROM THE 1000 SF. MAXIMUM GROSS AREA OF ACCESSORY STRUCTURES, ON CERTAIN LANDS ZONED SF-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND GENERALLY LOCATED AT 1117 E. BLUESTEM CT., ANDOVER, KANSAS

Acting Chairperson Canfield opened the public hearing at 7:47 P.M.

Mr. Westphall explained that the Variance requested would allow for a pool house to be constructed, very similar to others in the neighborhood. He added that the property is a lot of more than sufficient size to allow for such a structure.

The applicant, Jamie Iverson, was in attendance. He stated that the Flint Hills HOA had already approved the construction, and that he had spoken to the three neighbors who would have the best view of the pool house, and none of them had any objections.

Mr. Israel asked what the HOA approval entailed. Mr. Iverson stated that the design committee wanted the accessory structure to match the main house, and that the pool house would do so.

Acting Chairperson Canfield closed the public hearing at 7:51 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 property is over three times the minimum lot area required for the underlying zoning district. As well, it is an unusual shape and would result in an underutilized amount of the property to be utilized.
	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	No adverse effects are anticipated.
	BZA	Concur; Mr. Israel state that this structure would in fact make the subject property more like the other homes in the neighborhood.
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 does not have a motivation to make money out of the property through the request of this variance. It is to allow a structure to be used as a pool house.

BZA	Concur.
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SPECIFIC CONDITIONS TO BE MET:

5. 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 generally larger than other comparable SF-1 housing sites. Comparing it to a smaller lot that might comply with the 500 square foot maximum for accessory structures, it would have a comparable impact on the maximum lot coverage as what is being requested.
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BZA	Concur.
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6. 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	Strict application of the provisions in this case would result in some unnecessary hardship for the owner given the size of the lot and what is being requested.
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BZA	Concur.
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7. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF	No adverse effects are anticipated.
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BZA	Concur.
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8. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF	No adverse effects are anticipated.
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BZA	Concur.
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9. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF	Because the requested variance would still allow the subject property to comply with the maximum lot coverage specified for this zoning district in the bulk regulations, it is not in opposition to the general spirit and intent of the Zoning Regulations.
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BZA	Concur.
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Having considered the evidence at the hearing and the factors to evaluate the application, Dan Colson made a motion that the chairperson be authorized to sign a resolution granting the Variance in case BZA-V24-0004. Motion seconded by David Foley. Motion carried 4/0.

5.6 BZA-V24-0005 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 325 SF. FROM THE 500 SF. MAXIMUM AREA OF AN ACCESSORY STRUCTURE; AND OF 545 SF. FROM THE 1000 SF. MAXIMUM GROSS AREA OF ACCESSORY STRUCTURES, ON CERTAIN LANDS ZONED SF-1 SINGLE FAMILY RESIDENTIAL / LOW DENSITY DISTRICT AND GENERALLY LOCATED AT 201 E. CEDAR RIDGE CT., ANDOVER, KANSAS

Acting Chairperson Canfield opened the public hearing at 7:57 P.M.

Mr. Westphall stated that this case is extremely similar to the previous case, with the subject property indeed being located in the same neighborhood. He added that in this case, the applicant intends to construct a backyard shed.

Acting Chairperson Canfield closed the public hearing at 7:59 P.M.

Mr. Israel asked what the depicted overhead door would be used for. Mr. Boyd stated that from discussion with the applicant, the intent was to be able to enter with lawn equipment, possibly a mower, but that it was not intended to be an extra garage.

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 property is over three times the minimum lot area required for the underlying zoning district. As well, it is an unusual shape and would result in an underutilized amount of the property to be utilized.
	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	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 does not have a motivation to make money out of the property through the request of this variance. It is to allow a structure to be used as a shed.

BZA	Concur.
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SPECIFIC CONDITIONS TO BE MET:

5. 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 generally larger than other comparable SF-1 housing sites. Comparing it to a smaller lot that might comply with the 500 square foot maximum for accessory structures, it would have a comparable impact on the maximum lot coverage as what is being requested.
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BZA	Concur.
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6. 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	Strict application of the provisions in this case would result in some unnecessary hardship for the owner given the size of the lot and what is being requested.
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BZA	Concur.
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7. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF	No adverse effects are anticipated.
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BZA	Concur.
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8. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF	No adverse effects are anticipated.
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BZA	Concur.
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9. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF	Because the requested variance would still allow the subject property to comply with the maximum lot coverage specified for this zoning district in the bulk regulations, it is not in opposition to the general spirit and intent of the Zoning Regulations.
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BZA	Concur.
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Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the chairperson be authorized to sign a resolution granting the Variance in case BZA-V24-0005. Motion seconded by Dan Colson. Motion carried 4/0.

5.7 BZA-CU24-0001 – PUBLIC HEARING ON AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN ACCESSORY DWELLING UNIT, ON CERTAIN LANDS ZONED SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT AND GENERALLY LOCATED AT 804 W. HARRY ST., ANDOVER, KANSAS

Acting Chairperson Canfield opened the public hearing at 8:04 P.M.

Mr. Westphall stated that the subject property is a 2 acre lot, and that the applicant is seeking a permit to allow for an ADU.

The applicant, Mike Gehrer, was in attendance. Mr. Gehrer stated that they intend to renovate an existing barn structure to contain an apartment for their son and his family.

Mr. Israel asked if they intend to repaint. Mr. Gehrer confirmed as much, stating that all other improvements would be contained within the building.

Acting Chairperson Canfield closed the public hearing at 8:13 P.M.

DOES THE EVIDENCE SUPPORT THE CONCLUSION THAT:

1.	The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards; unless a concurrent application is in process for a variance.
STAFF	Yes
BZA	Concur.
2.	The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.
STAFF	Staff anticipates no such negative effects.
BZA	Concur.
3.	<p>The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:</p> <p>a. The location, nature, size and height of building, structures, walls and fences on the site; and</p> <p>b. The nature and extent of landscaping and screening on the site.</p>
STAFF	No, this action would simply be allowing for the use of an existing structure as an Accessory Dwelling Unit.
BZA	Concur.

4.	Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 5 of these regulations. Such areas will be screened from adjoining residential uses and located so as to protect such residential uses from injurious effects.
STAFF	Yes.
BZA	Concur.
5.	Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.
STAFF	Yes. All are currently in place.
BZA	Concur.
6.	Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads.
STAFF	Yes.
BZA	Concur.

Having considered the evidence at the hearing and the factors to evaluate the application, Dan Colson made a motion that the chairperson be authorized to sign a resolution granting the Conditional Use in case BZA-CU24-0001. Motion seconded by Gary Israel. Motion carried 4/0.

5.8 BZA-CU24-0002 – PUBLIC HEARING ON AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A SINGLE FAMILY DWELLING, ON CERTAIN LANDS ZONED MXI MIXED INDUSTRIAL / COMMERCIAL DISTRICT AND GENERALLY LOCATED AT 9947 S.W. MEADOWLARK RD., ANDOVER, KANSAS

Acting Chairperson Canfield opened the public hearing at 8:11 P.M.

Mr. Westphall stated that this case pertains to the Train Enterprise Addition, and would allow for the owner to retain the existing single family dwelling on the property.

The applicant, Joe Hutchison with BHC Engineering, was in attendance. He agreed with Mr. Westphall.

Mr. Israel asked if any structures would be added to the property. Mr. Hutchison stated that this application is just to keep the existing house.

Acting Chairperson Canfield closed the public hearing at 8:13 P.M.

DOES THE EVIDENCE SUPPORT THE CONCLUSION THAT:

1.	The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards; unless a concurrent application is in process for a variance.
STAFF	Yes.
BZA	Concur.
2.	The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.
STAFF	Staff anticipates no such negative effects.
BZA	Concur.
3.	<p>The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:</p> <p>c. The location, nature, size and height of building, structures, walls and fences on the site; and</p> <p>d. The nature and extent of landscaping and screening on the site.</p>
STAFF	No, this action would simply be allowing for the use of an existing dwelling as an accessory use to the applicant's business.
BZA	Concur.
4.	Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 5 of these regulations. Such areas will be screened from adjoining residential uses and located so as to protect such residential uses from injurious effects.
STAFF	Yes.
BZA	Concur.
5.	Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.
STAFF	Yes. All are currently in place.
BZA	Concur.
6.	Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads.

STAFF	Yes.
BZA	Concur.

Mr. Israel asked if there is a time frame for the Conditional Use permit to be acted upon. Mr. Mangus stated that the permit is valid for 180 days, and as long as it is acted upon in this time frame, it is valid in perpetuity.

Having considered the evidence at the hearing and the factors to evaluate the application, David Foley made a motion that the chairperson be authorized to sign a resolution granting the Conditional Use in case BZA-CU24-0002. Motion seconded by Dan Colson. Motion carried 4/0.

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

5.9 SMALL TRACT FINAL PLAT – REVIEW OF AND RECOMMENDATION ON THE TRAIN ENTERPRISE ADDITION SMALL TRACT FINAL PLAT, GENERALLY LOCATED AT 9947 S.W. MEADOWLARK RD., ANDOVER, KANSAS

Mr. Westphall stated that this is the same property as the previous case, and that this is a single lot that is approximately 3.8 acres, with two access points. He added that the old US-54 access point will be removed.

Mr. Israel asked why a temporary entrance was depicted. Mr. Hutchison stated that it is placed where a future frontage road would be located.

Acting Chairperson Marla Canfield made a motion to recommend approval of the Train Enterprise Addition Small Tract Final Plat. Motion seconded by David Foley. Motion carried 4/0.

6 MEMBER ITEMS

None.

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7 ADJOURN

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

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Meeting adjourned at 8:21 P.M.