



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

**PLANNING COMMISSION & BOARD OF  
ZONING APPEALS MINUTES**  
**MARCH 18, 2025 | 7:00 P.M.**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

Acting Chairperson Marla 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; Dan Colson; and Peter Fox.

Staff members in attendance: Jolene Graham, Assistant City Administrator; Les Mangus, Director of Community Development; and Julie Boyd, Interim Planning & Zoning Administrator.

**3. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2025 MEETING**

*Gary Israel made a motion to approve the minutes of the February 18, 2025 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**

**5. LOT SPLIT — PUBLIC HEARING AND APPROVAL OF AN APPLICATION FOR A LOT**

**1 SPLIT, ON A PROPERTY GENERALLY LOCATED AT 424 E. FOUNDERS PKWY., ANDOVER, KANSAS**

Acting Chairperson Canfield opened the public hearing at 7:03 P.M.

Mr. Mangus stated that the split would allow the property owner to construct their senior living apartments in two phases, and avoid the mortgage for the first being over the entire property. He stated that it is a very simple case, mostly administrative, and that the two resultant lots would fit the bulk regulations without issue.

Acting Chairperson Canfield mentioned that this case was heard at the prior Subdivision Committee meeting.

Acting Chairperson Canfield closed the public hearing at 7:05 P.M.

*Peter Fox made a motion to approve the lot split at 424 E. Founders Pkwy. Motion seconded by Dan Colson. Motion carried 4/0.*

**5. COUNTY LOT SPLIT —RECOMMENDATION ON AN APPLICATION FOR A LOT SPLIT IN  
THE COUNTY, ON A PROPERTY GENERALLY LOCATED AT 1904 E. CENTRAL AVE.,  
2 ANDOVER, KANSAS**

Mr. Mangus stated that this item is for a parcel that is outside of City limits, but within Andover's extraterritorial jurisdiction. He continued that it is the parent parcel of the Green Meadow Properties



Addition plat, which had been approved several months prior. Mr. Mangus stated that the owner subdivided approximately 1 acre off to create said Addition, out of his total 80-acre parcel. Mr. Mangus stated that the owner has applied to the wrong jurisdiction for this case, as the City of Andover is supposed to handle this type of case for parcels within its extraterritorial jurisdiction.

Mr. Mangus stated that the request for a lot split is not supported because the parcel itself does not constitute a "lot"; it had not been platted as such. He stated that if the lot were to be split, the resultant northern parcel would not have street access, and it would be surrounded on three sides by floodplain areas, making such access difficult at best.

Mr. Israel asked if the owner decided to plat the parcel, it could then obtain a lot split. Mr. Mangus confirmed as much, but added that this would not make sense, as it could simply be platted into multiple lots without the need to split.

Mr. Colson asked if, had the application been submitted to the City of Andover, Staff would still disapprove of the lot split due to the lack of platting. Mr. Mangus stated that in that case Staff would have recommended that the parcel be platted.

Mr. Fox asked if a lot split had to result in two equally-sized lots. Mr. Mangus stated that they did not have to be equal in size, but that the current County zone (AG-40) would likely require the two lots be approximately 40 acres. He added that the total size of the parcel, after the Green Meadow Properties Addition was taken out, is approximately 78.6 acres, making such 40-acre lots difficult.

Mr. Colson asked what the Planning Commission's role was in this process. Mr. Mangus stated that the Planning Commission will be providing a recommendation to the County's planning and zoning department. Ms. Boyd stated that the meeting minutes would be forwarded to that department for a record of the Commission's recommendations.

*Mr. Israel made a motion for the Planning Commission to recommend disapproval of the Lot Split at 1904 E. Central Ave., and to recommend that the applicant work with the City of Andover to plat their parcel. Motion seconded by Dan Colson. Motion carried 4/0.*

**COUNTY ZONING —RECOMMENDATION ON AN APPLICATION FOR A ZONING CHANGE IN THE COUNTY FROM THE AG-40 DISTRICT TO THE RE DISTRICT, ON A PROPERTY GENERALLY LOCATED AT 1904 E. CENTRAL AVE., ANDOVER, KANSAS**

5. Mr. Mangus stated that this application was for the same property as the previous, and that the applicant had applied to the County for a rezone from the AG-40 district to the RE Rural Estate district.
- 3 Mr. Mangus stated that the County's requirements for lot size in the RE district would be followed by the proposed two lots, but that the RE district requires that the property be platted 'for low density development, to retain the character of a rural area' regardless. Mr. Mangus stated that the subject parcel is not a rural area, being adjacent to City limits, and being served by public utilities.
- Mr. Israel asked about the listed recommendation to annex the property. Mr. Mangus stated that Staff most supported this path, referencing the County's comprehensive plan, which states that areas should be annexed by the city whose planning area they reside in before development.



Mr. Colson asked if a recommendation for the parcel to be annexed would be made to the County, who cannot petition for annexation in this case. Mr. Mangus stated that the recommendation may be included, and could therefore be a part of the County's determination on the case.

*Dan Colson made a motion for the Planning Commission to recommend disapproval of the zoning change request at 1904 E. Central Ave, and to recommend that the property owner petition the City of Andover for annexation, zoning, and platting. Motion seconded by Peter Fox. Motion carried 4/0.*

**COUNTY CONDITIONAL USE — RECOMMENDATION ON AN APPLICATION FOR A CONDITIONAL USE PERMIT IN THE COUNTY TO PERMIT A STORAGE FACILITY, ON A PROPERTY GENERALLY LOCATED AT 2612 E. HWY 54, ANDOVER, KANSAS**

Mr. Mangus stated that this case is another County case, this time about a half mile east of City limits along US 54, but still within the Comprehensive Plan area. He stated that the property is currently zoned AG-40, but is a legal nonconforming parcel, since it is not at least 40 acres in area. He stated that the applicant intends to use the property for light retail or office commercial uses, with light self- or managed storage facilities.

5. Mr. Mangus stated that these uses are not permitted within the AG-40 district even as a Conditional Use, per the County's zoning regulations. He continued by discussing the 'intent and purpose' of the district, which is strictly agricultural, but that the County Commercial and Industrial zones would allow these uses. Mr. Mangus stated that despite this, the property should be annexed before development, just like in the previous case.
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Mr. Israel asked if the property would be rezoned if it were annexed. Mr. Mangus confirmed as much.

Mr. Mangus stated that he also had some concerns with the provided site plan with regards to access to the property, and speculated that KDOT would take issue with the presented plan.

*Peter Fox made a motion for the Planning Commission to recommend disapproval of the Condition Use application at 2612 E. HWY 54, and to recommend that the property owner petition the City of Andover for annexation, zoning, and platting. 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.*

**VARIANCE — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 2 FEET FROM THE 4 FOOT MAXIMUM HEIGHT OF A FENCE IN THE FRONT YARD, ON CERTAIN LANDS ZONED MXR MULTIPLE FAMILY / MIXED RESIDENTIAL DISTRICT, AND GENERALLY LOCATED AT 415 S. SUNSET DR., ANDOVER, KANSAS**

Acting Chairperson Canfield opened the public hearing at 7:21 P.M.

Mr. Mangus stated that the applicant for this case was the Andover Crossing Apartments, located on the subject property, and that they wished to construct a privacy fence along Sunset Dr. He continued that the apartment complex has been in place since the 90s, but the roads around it were more



recently developed, so the applicant was simply seeking some additional screening and privacy due to the changing circumstances on the property.

Ms. Boyd stated that the applicant could not attend the meeting, but did provide a diagram showing the fence location. This diagram was shown during the hearing.

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Acting Chairperson Canfield 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 is surrounded by two public streets on the east, west, and north as well as a private commercial driveway on the south.
	BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
	STAFF	The proposed 6-foot fence would not result in material detriment or injury to other property in the neighborhood.
	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 provide security and screening for the adjacent apartment buildings.
	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 surrounded by two public streets on the east, west, and north as well as a private commercial driveway on the south. Sunset Dr. and Founders Pkwy were developed many years after the apartments were constructed.

BZA Mr. Israel asked if an 8-foot fence could have been requested. Mr. Mangus stated that he would confirm, but believed that 6 feet is the absolute maximum allowable height in the residential zones.

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 Strict application of the provisions in this case would result in some unnecessary hardship for the owner given the proximity of the adjacent streets.

BZA Concur.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF No adverse effects are anticipated.

BZA Concur.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF No adverse effects are anticipated.

BZA Concur.

5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF The general spirit and intent of the Zoning Regulations is "To promote the public health, safety, morals, comfort and general welfare." The proposed six-foot fence does not endanger any of these general premises of the regulations.

BZA Concur.



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Mr. Israel asked if there were any restrictions on the type of fence that was to be installed. Mr. Mangus stated that the applicant had simply indicated that it would be a 'solid fence'.

*Gary Israel made a motion for the Chairperson to be authorized to sign a resolution granting the Variance at 415 S. Sunset Dr. Motion seconded by Peter Fox. Motion carried 4/0.*

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

**6. MEMBER ITEMS**

None.

**7. ADJOURN**

*Acting Chairperson Marla Canfield made a motion to adjourn the meeting. Motion seconded by Gary Israel. Motion carried 4/0.*

Meeting adjourned at 7:30 P.M.