



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

**PLANNING COMMISSION & BOARD OF  
ZONING APPEALS MINUTES**  
**MAY 20, 2025 | 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; Secretary Gary Israel; David Foley; Peter Fox; and Dan Colson

Staff members in attendance: Jolene Graham, Assistant City Administrator; Les Mangus, Director of Community Development; and Dylan Carroll, Interim Planning Technician.

## **3 APPROVAL OF THE MINUTES OF THE APRIL 15, 2025 MEETING**

Gary Israel made a motion to approve the minutes of April 15, 2025 as presented. Motion seconded by David Foley. Motion carried 5-0.

## **4 COMMUNICATIONS**

### **A. COMMITTEE & STAFF REPORT**

None.

### **B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Les Mangus noted that permits are down as much as 30% from last year, with an uptick in the last month or so. He further stated that this is a reflection of the real estate market, with construction costs being much higher than in recent years and affordability is the big thing right now.

## **5 AGENDA**

### **5.1 FINAL PUD — REVIEW AND APPROVAL OF THE VISTA RIDGE FIRST REVISED FINAL PUD, ON CERTAIN LANDS GENERALLY LOCATED AT 1616 W. CENTRAL AVE., ANDOVER, KANSAS**

Chairperson Garwood introduced the first agenda item, the Final PUD for the Vista Ridge First addition.

Les Mangus, on behalf of City Staff stated that the Commission may remember this PUD from a couple of months ago, where the developer presented a Plat of the entire parcel. The developer has since decided to do the development in 2 phases, about half the lots of the subdivision in each phase.

Brian Lidenback from MKEC was present on behalf of the applicant and came to the podium to present and answers questions from the Commission. He stated it should be easy to approve this Final PUD as it is much like the one that was approved already a couple of months ago. Everything is already in progress or in place, such as roadwork.

Gary Israel asked City Staff is the Fire Department and Police Department has reviewed and approved. Les Mangus responded that they had reviewed the plan and had no issues with it.



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David Foley made a motion to approve the revised final PUD. Seconded by Peter Fox. Motion carries 5-0.

**5.2 Z-PUD25-0007 — PUBLIC HEARING ON THE HERITAGE MIXED-USE PRELIMINARY PUD AMENDMENT, ON CERTAIN LANDS GENERALLY LOCATED AT 401 S. ARCHER DR., ANDOVER, KANSAS**

Chairperson Garwood called the next agenda item, Case No. Z-PUD25-0007 pertaining to the Heritage Mixed-Use Preliminary PUD Amendment.

City staff member Les Mangus provided an overview, explaining that the request involves subdividing a single parcel within the PUD into three separate parcels. The proposed change is intended to accommodate the construction of a three-story storage facility. Les noted that the proposed use requires minimal parking and is expected to have low on-site activity.

Brian Lindebak of MKEC Engineering further explained that the proposed land use is already permitted within the PUD; however, due to the size of the building, amendments to the overall PUD are necessary.

Commissioner Gary Israel inquired about the building's height, to which the applicant responded it would be approximately 30 to 40 feet tall, and certainly under the 45-foot mark. Access to the site is planned from the south, utilizing a common drive and a north-south drive connecting to the backage road. Further discussion confirmed that the underlying zoning (B-5) allows for structures up to 65 feet tall, while the Heritage PUD specifically limits structures to three stories.

Israel also asked about building materials, and it was confirmed that materials would be consistent with surrounding architecture and subject to site plan review to ensure visual compatibility.

The public hearing was closed at 7:11pm.

**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 change in zoning 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 is already platted.



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

STAFF | All screening and landscaping would be per the Heritage development requirements.

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 zoning change is well-suited to the current zoning of nearby properties, which are largely other properties zoned B-5 business, and several residential properties, for which this use would be a good neighbor.

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	Over time, several boundary shifts have taken place on the larger Parcel 7 of the PUD. This amendment would reflect these changes. However, the mixed use and multi-family zoning in the area already support the proposed use amendment.
PLANNING	Concur.
COUNCIL	
10.	What are the current land uses, character and condition of the subject property and the surrounding neighborhood?
STAFF	The subject property is surrounded by single-family residential uses and other highway business uses.
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	While any development will likely have an impact on noise, light, and traffic levels in the area, the intended indoor storage facility would not create a large amount of noise or traffic due to the nature of how such a facility is used. Additionally, since this use would not require a large amount of parking, it is unlikely that lighting for such a lot would be present to create a nuisance to nearby properties.
PLANNING	Concur.
COUNCIL	
12.	How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?



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STAFF	The Comprehensive Plan shows this Parcel as having the City Corridor Place Type, which promotes denser business uses consistent with the applicant's proposal.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
STAFF	Staff supports the proposed amendment.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
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 to recommend approval to the governing body for the amendments based on items 6, 7, and 12 in the staff summary. Motion seconded by Peter Fox. Motion carries 5-0.

**5.3 Z-PUD25-0006 — PUBLIC HEARING ON THE TUSCANY ADDITION PRELIMINARY PUD  
AMENDMENT, ON CERTAIN LANDS GENERALLY LOCATED AT THE CORNER OF S. ANDOVER  
RD. AND S.W. 120<sup>TH</sup> ST., ANDOVER, KANSAS**

Chairperson Garwood opened the public meeting at 7:21 p.m. to review the preliminary Planned Unit Development (PUD) proposal for the Tuscany subdivision.

Les Mangus explained that the proposal involves subdividing the parcel into two sections, identified as 2A and 2B. Section 2B includes modifications to lot widths and sizes that deviate from standard bulk regulations to allow for smaller residential lots. Les emphasized that the subdivision layout remains largely



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unchanged from previous plans, with existing street alignments retained. Will Clevinger was present to represent the applicant.

Chairperson Garwood inquired about access to the subdivision, it was confirmed that all roads would be accessed from the south, including future development phases.

No comments from the public. The public hearing was closed at 7:24pm.

**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 change in zoning were approved?  

STAFF	Public facilities are in place and adequate or could be readily extended to serve the property.
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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 PUD is being amended in order to establish a final PUD (final plat) on the subject property.
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3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?  

STAFF	Because the surrounding properties are either used for agriculture, not annexed into Andover, or zoned R-2 in the same PUD, a screening plan would not be required.
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4. What fact-based information in support of or in opposition to the requested zoning change has staff received?  

STAFF	None at this time.
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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.
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**STAFF & COMMISSION/COUNCIL ITEMS**

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



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	STAFF	The property is suitable for its current zoning.
	PLANNING	Concur.
	COUNCIL	
<b>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?</b>		
	STAFF	Yes. The applicant wishes to move forward with construction of the Fifth Phase, which is pending this amendment.
	PLANNING	Concur.
	COUNCIL	
<b>8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</b>		
	STAFF	The requested zoning change is well-suited to the current zoning of nearby properties. The modified General Provisions are reasonable for the R-2 District.
	PLANNING	Concur.
	COUNCIL	
<b>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?</b>		
	STAFF	Yes; demand for housing in Andover has only increased, and the developer wishes to better serve this demand by building more dwelling units on the land.
	PLANNING	Concur.
	COUNCIL	
<b>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</b>		
	STAFF	The subject property is located fully within the Tuscany Planned Unit Development, which is made up of similar single-family homes.



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PLANNING	Concur.
COUNCIL	
<b>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?</b>	
STAFF	Construction on the subject property will increase noise, traffic, etc., but this amendment will not substantially affect the amount of each compared to the previous plan.
PLANNING	Concur.
COUNCIL	
<b>12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?</b>	
STAFF	The Comprehensive Plan suggests a Traditional Neighborhood Place Type which is consistent with the applicant's proposal.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
STAFF	Staff supports the proposed amendment.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	



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	<a href="#">Concur.</a>
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Dan Colson made a motion to recommend approval to the governing body based on findings 6, 8, & 12. Seconded by Gary Israel. Motion passed 5-0.

**5.4 FINAL PUD — REVIEW AND APPROVAL OF THE TUSCANY 5<sup>TH</sup> PHASE FINAL PUD, ON CERTAIN LANDS GENERALLY LOCATED N. OF S. VINTAGE DR. AND W. TUSCANY DR., ANDOVER, KANSAS**

Chairperson Garwood called the next agenda item, for the final Planned Unit Development (PUD) of the Tuscany 5th Addition.

Les Mangus provided a brief overview, explaining that this phase is a replat of the previously approved 4th Addition. The revisions reflect the changes just recommended for approval under the preliminary PUD. Les confirmed that necessary infrastructure, including water, sewer, and streets—is already in place to support the development.

Will Clevinger, representing the applicant, had no additional comments and noted he was available to answer questions; none were posed by the Commission.

David Foley motioned to approve the Tuscany 5th Addition and recommend approval to the Governing Body. Gary Israel seconded the motion, which passed unanimously, 5-0.

**5.5 Z-PUD25-0008 — PUBLIC HEARING ON THE LAFAYETTE ADDITION PRELIMINARY PUD AMENDMENT, ON CERTAIN LANDS GENERALLY LOCATED IN THE 300 BLOCK OF W. LAFAYETTE ST., ANDOVER, KANSAS**

Chairperson Garwood called the next agenda item, pertaining to the public hearing on the Lafayette Addition Preliminary PUD Amendment.

The public hearing was opened at 7:30pm.

Les Mangus explained that the amendment reflects a new direction by the current property owner, who intends to construct duplexes instead of the previously planned single-family homes. After reviewing the lot dimensions, staff determined that the lots are adequate to accommodate duplex structures. The fire department has reviewed and confirmed that the site meets fire access requirements.



Chairperson Garwood asked if there are single-family homes existing in the area. Mr. Mangus responded yes and it's an old subdivision that was annexed a while back. There is a kind of a mix of uses in the area with several large lots that have room for development.

Quincy Pore, address 12796 SW 80<sup>th</sup> street, had a question regarding water lines and if he would be able to trench the water lines across to the property from a single source. Les Mangus clarified that while public utility easements exist, private water lines (from the meter to the house) cannot be placed in public easements and must follow approved plans developed by a qualified contractor and approved by the City of Wichita.

Peter Fox noted that the amendment had been reviewed in subcommittee and was seen as a logical use of the lots.

The public hearing was closed at 7:38pm.

#### 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 change in zoning 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 is already platted.

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

STAFF | The subject property would remain residential in nature, and is surrounded by residential properties. No additional screening plan would be required.

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?



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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

Yes. A local developer wishes to move forward with building in the area, by installing duplexes on the existing lots. The property has been undeveloped since it was platted in 2023.

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 zoning change is well-suited to the current zoning of nearby properties, which are largely other properties zoned for residential uses. Despite the existing lot sizes being generally smaller than those that normally hold duplexes, such structures could be built to fit without issue.

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

[No.](#)



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PLANNING	Concur.
COUNCIL	
<b>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</b>	
STAFF	The subject property is surrounded by single-family residential properties, with similar duplex installations nearby as well.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
STAFF	The subject property would feature a private access drive for all of the intended duplex units. A minor increase in traffic would occur when compared to the current vacant lots, but this is consistent with other residential development.
PLANNING	Concur.
COUNCIL	
<b>12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?</b>	
STAFF	The Comprehensive Plan shows this area as having the Traditional Neighborhood Place Type, which promotes single and two family residential uses. Additionally, the development would desirably increase density around the Redbud Trail.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
STAFF	Staff supports the proposed amendment.



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	

Gary Israel made a motion to approve the amendment and recommend it to the Governing Body, based on findings 6, 7, 8, and 10 as recorded in the staff report. Commissioner Dan Colson seconded the motion, and it was approved unanimously, 5-0.

**5.6 LS25-0002 — PUBLIC HEARING ON AN APPLICATION FOR A LOT SPLIT, ON CERTAIN LANDS GENERALLY LOCATED AT 800 S. RUTH AVE., ANDOVER, KANSAS**

Chairperson Garwood opened the public meeting at 7:42 p.m. to consider a proposed lot split at 800 S. Ruth Avenue. Case No. LS25-0002.

City Staff representative Les Mangus explained that while the application generally aligns with the intent of the City's subdivision regulations, it presents a notable issue: the proposed division would place the existing house and garage on separate parcels, creating a nonconforming condition under current zoning standards. Les indicated that he had spoken with the applicant and recommended tabling the item to allow time to resolve the issue.

Matt Graf, the applicant, provided public comment, explaining that he originally intended to hold the property longer, but changing personal circumstances now require him to sell. He expressed interest in keeping the garage or storage area separate from the home sale if possible.

Commissioner Gary Israel asked if Graf would be amenable to postponing the decision until the next meeting to work out the necessary details, to which Graf agreed.

The public meeting was closed at 7:46pm.

Gary Israel made a motion to table the agenda item to next month in order to work out the necessary details. Seconded by David Foley. Motion passed 5-0.



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**5.7 Z-VA25-0001 — PUBLIC HEARING ON AN APPLICATION FOR VACATION OF CERTAIN LANDS GENERALLY LOCATED AT 406 S. ANDOVER RD., ANDOVER, KANSAS**

Chairperson Garwood introduced the next agenda item, case number Z-VA25-0001. This agenda item pertains to the vacation of a piece of parcel located to the north of Atwoods and south of Founder's Parkway to Emprise Bank for the installation of an ATM/ATM machine on the parcel.

The public meeting was opened at 7:49 pm.

City Staff, represented by Les Mangus (Director of Community Development), explained that the City is the applicant in this case. As part of a prior acquisition, the City had obtained more right-of-way from the Atwood's store property than was necessary for the intended project. Concurrently, discussions were held with Emprise Bank to address challenges related to the unusable rear teller windows. An agreement was reached with Emprise to exchange a portion of this excess land, allowing the bank to install an ATM canopy, thus facilitating their continued operation at the current location. The request presented to the Commission is to vacate a segment of the right-of-way previously granted to the City.

No comments from the public were heard. The public meeting was closed at 7:52 pm.

During Commission discussion, Gary Israel inquired whether an ATM had existed on the site in the past. Staff confirmed that one had, though it was not widely remembered. Gary Israel noted he had used the ATM personally. Commissioner Garwood asked when it had last been in use, to which staff responded approximately 1999, noting the old system included underground vacuum tubes.

**STAFF ITEMS**

1. Are public improvements or utilities located within the area considered for vacation?

STAFF | The northern end of the parcel will be retained as right-of-way for the Founders Pkwy. project.

2. If the vacation request was approved, would in-lieu-of dedications need to be made, in order to provide needed rights-of-way, easements, building setback lines, or access control?

STAFF | No additional dedications are necessary.

3. If the vacation request was approved, would provisions for relocation of public improvements or utilities need to be made?

STAFF | The proposed vacation would already include provisions for the public right-of-way.

4. If there has been an error would the requested vacation correct the error?



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STAFF | No error is known to exist.

5. Has due and legal notice been given?

STAFF | Yes.

**STAFF/COMMISION/COUNCIL ITEMS**

6. Will private rights be injured or endangered?

STAFF | Staff anticipates no injury to private rights.

PLANNING | Concur

COUNCIL

7. Will the public suffer loss or inconvenience?

STAFF | No; it is likely that the public would only see an increase in convenience with access to the ITM/ATM unit.

PLANNING | Concur

COUNCIL

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion to recommend approval of the vacation case Z-VA25-0001 to the governing body, citing Findings 6 and 7. The motion was seconded by Dan Colson and passed unanimously with a vote of 5-0.

*RECESS THE PLANNING COMMISSION AND CONVENE THE BOARD OF ZONING APPEALS*

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals at 7:55pm. Seconded by David Foley. Motion passes 5-0.

**5.8 BZA-V25-0006 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 10 FEET  
FROM THE 10 FOOT MINIMUM SIDE YARD SETBACK, ON A PROPERTY ZONED B-3 RETAIL  
AND SERVICE BUSINESS DISTRICT AND GENERALLY LOCATED AT 406 S. ANDOVER RD.,  
ANDOVER, KS**

Chairperson Garwood introduced the next agenda item, Case No. BZA-V25-0006, pertaining to a variance application of 10 from the 10 foot minimum side yard setback on the property generally located at 406 S. Andover Rd.

The public meeting was opened at 7:55pm.



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City Staff, represented by Les Mangus, explained that once again the City is the applicant in this case. The variance request relates to Emprise Bank's proposal to relocate its ATM facility, which includes the installation of a canopy that would encroach into the southern portion of the parking lot. This adjustment is intended to accommodate a bypass lane for drivers who decide not to use the ATM. Les noted that Atwood's, an adjacent property owner, is aware of the proposal and has no objections.

There were no questions from the Commission and no members of the public present to comment. The public hearing was closed at 7:57pm.

**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 odd shape of the subject property, as well as the existing paved lot, necessitate this placement of the ITM/ATM.
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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 material detriment is expected.
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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	No adverse effects are anticipated.
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BZA

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 more money out of the property through the request of this variance. The same services are largely available within the bank; this installation would merely aid convenience.
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BZA

**SPECIFIC CONDITIONS TO BE MET:**



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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 odd shape of the subject property, as well as the existing paved lot, necessitate this placement of the ITM/ATM.

BZA

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 layout of the parcel and paved lot.

BZA

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

STAFF | No adverse effects are anticipated.

BZA

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

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 installation of a small ITM/ATM unit will not harm welfare in any way.

BZA

Having considered the evidence at the hearing and the factors to evaluate the application, Dan Colson made a motion to approve the recommendation and authorize the Chairperson to sign the resolution granting the variance. Gary Israel seconded the motion. Motion passed 5-0.



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**5.9 BZA-V25-0003 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 696 SQUARE FEET FROM THE 500 SQUARE FOOT MAXIMUM AREA OF AN ACCESSORY STRUCTURE; AND OF 247.5 SQUARE FEET FROM THE 948.5 SQUARE FOOT MAXIMUM GROSS AREA OF ALL ACCESSORY STRUCTURES, ON A PROPERTY ZONED SF-1 SINGLE FAMILY RESIDENTIAL / LOW DENSITY DISTRICT AND GENERALLY LOCATED AT 220 E. HAMLIN RD., ANDOVER, KANSAS**

Chairperson Garwood called the next agenda item, Case No. BZA-V25-0003, which pertains to a variance application of 696 square foot from the maximum 500 square foot for accessory structures, for the property generally located at 220 E. Hamlin Rd.

The public meeting was opened at 8:01pm by Chairperson Garwood

Les Mangus explained that the applicant desires to build an additional structure attached to his existing garage that would exceed the 500 square foot maximum for SF-1. In addition, multiple other properties in neighborhood that surround the subject property have larger than normal structures, so it would not stand out.

David Foley asked City Staff how many square feet the variance would be.

Les Mangus responded \_\_\_\_

The applicant Steve \_\_\_\_ attended the meeting and approached the podium to speak. He stated that he had built this garage a couple of years ago, after the tornado hit. Unfortunately, he didn't build it to the right specs and now needs more storage space. He said that his house was built in the late 60s, so there is not a lot of storage space in the house, meaning the garage is the main storage area for him.

Gary Israel asked how close the structure would be to the house. The Applicant responded, approximately 15 feet between the two.

Gary Israel also asked if the Commission approves the addition of 16 feet, could the applicant make it smaller if it is too close to the house. Les Mangus responded that it would not be a problem, they can always do less than the variance allows, just not more than.

No members of the public made comments.

**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 | It would be difficult for the applicant to fit another accessory structure on the parcel, not to mention inconvenient.

BZA



2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.
STAFF	The proposed addition would be located on the southeastern side of the existing garage, which places it near the primary dwelling and far from any property lines.
BZA	
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	
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 expand the existing detached garage for personal use.
BZA	

**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 larger than average for an SF-1 lot, but its unique shape in the rear means that adding (and being able to access) additional accessory structures may be difficult.
BZA	
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 layout of the parcel.
BZA	



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

STAFF | No adverse effects are anticipated.

BZA

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.

BZA

9. 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 garage addition does not endanger any of these general premises of the regulations.

BZA

The public hearing was closed at 8:05pm.

Having considered the evidence at the hearing and the factors to evaluate the application, Dan Colson made a motion to approve the recommendation and authorize the Chairperson to sign the resolution granting the variance. Gary Israel seconded the motion. Motion passed 5-0.

**5. 10 BZA-V25-0004 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 1900 SQUARE FEET FROM THE 500 SQUARE FOOT MAXIMUM SIZE OF AN ACCESSORY STRUCTURE; AND OF 1625.5 SQUARE FEET FROM THE 775.5 SQUARE FOOT MAXIMUM GROSS AREA OF ALL ACCESSORY STRUCTURES, ON A PROPERTY ZONED SF-1 SINGLE FAMILY RESIDENTIAL / LOW DENSITY DISTRICT AND GENERALLY LOCATED AT 739 S. Verna Ave., Andover, Kansas**

Chairperson Garwood called the next agenda item, Case No. BZA-V25-0004, pertaining to a variance application of 1900 square feet from the 500 square foot maximum size of an accessory structure, located at 739 S. Verna Ave.

The public meeting was opened at 8:10pm by Chairperson Garwood.

Les Mangus stated that the applicant owns a parcel that is about 2 acres and desires to build an approx. 2,400 square foot accessory structure to use as storage. Mr. Mangus, further stated that there are other large accessory structures in the neighborhood surrounding the property and while the variance ask seems



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large, the structure would fit in with the surrounding properties. In addition, the properties in the neighborhood have very large lots and could accommodate the structure without issue.

Gary Israel asked whether any restrictions should/could be put on the structure on the property. Mr. Mangus responded that no restrictions are required, as the accessory structure meets the bulk regulations that are already required.

Lonnie Simmons, the applicant, was present and came to the podium to speak. He stated that he just wants more storage area for his property.

Chairperson Garwood asked if the other additional structures on the property would stay or be removed. Mr. Simmons said that they will stay for now.

Mr. Israel asked if the structure would be similar in look to other structures on the property and on surrounding lots. Mr. Simmons stated that the structure would be similar and fit in with the area.

The public meeting ended at 8:13pm.

**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 larger than an average single-family lot, comprising two lots of the original platted area.
BZA	

2. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.

STAFF	No material detriment is expected. Similar accessory structures are present in the neighborhood without issue.
BZA	

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	

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.



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STAFF | The applicant does not have a motivation to make money out of the property through the request of this variance. The structure would be for personal, noncommercial use.

BZA

**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 a large single-family lot, which gives space for large accessory uses.

BZA

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 zoning regulations would limit the applicant to a comparatively small accessory structure when placed on the large lot.

BZA

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

STAFF | No adverse effects are anticipated.

BZA

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

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." An accessory structure similar to other in the area will have no such detrimental effects.



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BZA

Having considered the evidence at the hearing and the factors to evaluate the application, Peter Fox made a motion to approve and authorize the Chairperson to sign the resolution granting the variance. Seconded by Dan Colson. Motion carried 5-0.

**5.1 BZA-V25-0005 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 2 FEET  
1 FROM THE 6 FOOT MINIMUM SIDE YARD SETBACK, ON A PROPERTY ZONED R-4 (MXR)  
MULTIPLE FAMILY / MIXED RESIDENTIAL DISTRICT AND GENERALLY LOCATED AT 232 S.  
FAIRWAY CIR., ANDOVER, KANSAS**

Chairperson Garwood called the last agenda item, pertaining to a public hearing on an application for a variance of 2 feet from the 6 foot minimum side yard setback on the property generally located at 232 S. Fairway Cir.

The public hearing was opened at 8:18pm.

Les Mangus explained that the case arose during the construction of a pool and related accessory structures, when the applicant encountered an existing electrical line that affected the planned layout. The variance request involves a minor reduction to the required six-foot side yard setback, slightly beyond what can be approved through administrative adjustment. Staff reviewed the request and had no concerns.

Gary Israel asked for clarification about the property's location, and Les confirmed it backs up to a golf course.

Public comment was received from Darren Spitsenberger, a neighboring property owner at 216 Sweetgum. He expressed concern that the structure would obstruct his view of the golf course and was concerned that it appeared the property owner was already carrying out work in the backyard involving the construction of sidewalks up against his fence. Les clarified that while sidewalks may extend up to the property line, the variance specifically concerns the south side of the property. In addition, the accessory structure fits within all bulk regulations required for SF-1 zoning. This variance only applies to the location of the structure, not the structure itself.

No other public comments were made. The public hearing was closed at 8:31pm

**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 presence of underground electrical lines caused the poolhouse to be moved slightly southward, and in order to keep the dimensions of the structures intended for the area, the side yard setback to the south must be encroached upon.



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BZA	
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.
STAFF	No material detriment is expected. This is a backyard accessory structure that otherwise complies with the zoning regulations.
BZA	
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	
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 install a pool and cabana for personal use.
BZA	

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 a small single family lot with a rear yard utility easement, and underground electrical lines located to the north of the pool.
BZA	
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 layout of the parcel.
BZA	



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

STAFF No adverse effects are anticipated.

BZA

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

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 cabana being very slightly closer to the southern property line does not endanger any of these general premises of the regulations.

BZA

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion to approve and authorize the Chairperson to sign a resolution granting the variance. Seconded by Peter Fox. Motion carried 5-0.

**ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE PLANNING COMMISSION**

Gary Israel Made a motion to adjourn the BOZA and reconvene the Planning Commission at 8:35pm, Seconded by Dan Colson. Motion carries 5-0.

**6 MEMBER ITEMS**

Gary Israel commented that last weekend was the first annual Heritage Fest, it was a beautiful day and a great turn out. Mr. Israel said that he had talked with Megan (PIO), and she said that they had a lot more people than they anticipated. In addition, he thought it was quite interesting that there were a lot of people participating in the costume dress up.

Chairperson Garwood asked City Staff when the Social Tap located in the Heritage would open. Les Mangus responded that they were on track for a July opening.

Chairperson Garwood asked City Staff when the Point 9 restaurant located along the Redbud Trail would be opening. Les Mangus responded that they were on track for a grand opening in mid-June.



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Les Mangus commented that City Staff pushed the slated review of the City's Comprehensive Plan to next month due to the length of the current meeting.

**7 ADJOURN**

Gary Israel made a motion to adjourn the meeting. Seconded by Dan Colson. Motion approved 5-0. Meeting adjourned at 8:38 p.m.