



1. CALL TO ORDER

The meeting was called to order at 7:00pm by Chairperson Vance Garwood.

2. ROLL CALL

Committee Members present: Chairperson Vance Garwood, Gary Israel, Peter Fox & David Foley

Staff Members present: Jolene Graham, Assistant City Administrator; Les Mangus, Director of Community Development; Julie Boyd, Interim Planning & Zoning Administrator; Dylan Carroll, Interim Planning Technician

3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 16, 2025 MEETING

Gary Israel made a motion to approve the minutes of the September 16, 2025, meeting as presented. Seconded by David Foley. Motion passed 4-0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

5.1 **UNILATERAL ANNEXATION — REVIEW OF AND RECOMMENDATION ON THE PROPOSED ANNEXATION OF CERTAIN LANDS GENERALLY LOCATED NEAR S. MCCANDLESS DR., ANDOVER, KANSAS**

Chairperson Garwood called the next agenda item pertaining to the review on the proposed annexation of certain lands generally located near S. McCandless Dr.

Julie Boyd stated that this first agenda item is just for comment and discussion, the committee is not required to take any action on this agenda item. The city is intending to unilaterally annex a portion of properties along S. McCandless Dr. near the eastern edge of city limits along US-54. The City Council has already passed a resolution of intent to annex these properties and set a date for a public hearing in December of 2025.

David Foley asked how many homes there are present. Chairperson Garwood and Julie Boyd both stated there are 35 properties, with 1 of said properties being of commercial use.

Chairperson Garwood asked if Staff has received any public comments regarding the annexation from the property owners. Julie stated that so far staff has not received any comments, however, formal notification has not been sent out yet. These notification letters will be sent out closer to the public



hearing in December per state statute. Staff expects to receive comments once the notification letters have been sent out.

Chairperson Garwood stated that it appears that there property taxes will increase by about \$250 a year on average. Julie stated that Staff does note in the annexation investigation that on average, their overall yearly costs will decrease once annexed.

5.2 ANNEXATION PETITION — REVIEW OF AND RECOMMENDATION ON A PETITION FOR ANNEXATION OF CERTAIN LANDS GENERALLY LOCATED AT 1904 E. CENTRAL AVE., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the review and recommendation on a petition for annexation of certain lands generally located at 1904 E. Central Ave. He further stated that the Planning Commission has seen this property at least a couple of times before.

Julie Boyd stated that this is the first of a couple of cases this evening that all deal with this property located at 1904 E. Central Ave. In this case, the property owner has petitioned the city for annexation and in this case, the Planning Commission is involved in the request. The property owner intends to plat and rezone the property after it is annexed, which is what the commission will be looking at in later cases tonight. In terms of the annexation itself, it is well supported by the Comprehensive Plan, as it is a traditional neighborhood place type area. The property contains a single family residential dwelling and will continue to contain just one residential dwelling. There is an existing Rural Water #5 line to the south and an existing city sewer line to the west.

Gary Israel made a motion to recommend the Governing Body approve the annexation at 1904 E. Central Ave. Seconded by Peter Fox. Motion passed 4-0.

5.3 Z-A25-0001 — PUBLIC HEARING AND RECOMMENDATION ON AN APPLICATION FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE AG-40 COUNTY AGRICULTURAL DISTRICT TO THE SF-1 SINGLE FAMILY RESIDENTIAL / LOW DENSITY DISTRICT; ON CERTAIN LANDS GENERALLY LOCATED AT 1904 E. CENTRAL AVE., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the public hearing and recommendation on an application for a change of zoning district classification from the AG-40 County Agricultural District to the SF-1 Single Family Residential / Low Density District on certain lands generally located at 1904 E. Central Ave.

The public hearing was opened at 7:08pm.

Julie Boyd stated that this application for a zoning change is the same property that was just discussed. Whenever a property is annexed into city limits, it retains the zoning district that the county had applied to it, in this case the AG-40 Agricultural District. It is city practice to rezone incoming properties to a city



zoning district. In this case, the property owner has elected to go with the SF-1 Single Family Residential district.

Charlie Brown from PEC was present as an agent for the applicant and spoke at the podium. He stated he was very pleased with Staffs cooperation and was here to answer any questions the committee may have.

Chairperson Garwood stated that the Committee has seen this property multiple times on the agenda over the past 6 months.

The public hearing was closed at 7:10pm.

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 The property currently has access to municipal water and sewer lines which are adjacent to the parcel. The street system will continue to be accessed via a single access point on E. Central Ave. Under current conditions, the property is insufficiently served for fire protection- however, this is amenable under the International Fire Code, as long as the property does not come to feature any additional structures after annexation.

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 applicant is platting the property and including such dedications concurrently.

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 is adjacent to other residential-use land, and to county agricultural land. No additional screening would be required at this time.

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 AG-40 zoning is suitable while the property remains in the county and without subdivision. However, given that it is being annexed and subdivided, the zoning change to one of the City of Andover zoning districts is necessary.

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. The subject property is adjacent to similar low-density uses, including residential properties to the west and south.

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 Development and expansion of City limits continues to move eastward, and the subject property is expected to be surrounded by development within a few years.

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 used as a residential lot for the existing dwelling unit, with almost half of its total area being mostly underused as a result. The property abuts other large AG-40 tracts, as well as the incoming Vista Ridge subdivision.
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	No detrimental effects are anticipated.
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 the Traditional Neighborhood Place Type for the area, which is consistent with the applicant's proposal of a single, large, residential lot.
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 change in zoning district classification.
PLANNING	Concur
COUNCIL	

Gary Israel made a motion to recommend to the Governing Body the case be approved based on findings #8, #10 & #12. Seconded by David Foley. Motion approved 4-0.



5.4 PRELIMINARY PLAT — REVIEW AND APPROVAL OF THE PROPOSED PRELIMINARY PLAT FOR THE GREEN MEADOW ADDITION; ON CERTAIN LANDS GENERALLY LOCATED AT 1904 E. CENTRAL AVE., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the review and approval of the proposed preliminary plat for the Green Meadow Addition, on certain lands generally located at 1904 E. Central Ave.

Julie Boyd stated that once more this is the same property that the Committee just recommended approval of a rezone and annexation. This is a preliminary plat portion, with a final plat following momentarily. This plat is for a single lot and single block that is approximately 38 acres, the rest of the property is not apart of this preliminary plat. As stated previously, there is access to this property from Central Ave. and existing utilities are in place. This preliminary plat features a single reserve, Reserve A, which is a water reserve that runs along the southern portion of the property. The owner is attempting to separate out the back 40 acres of the property, the city does not generally encourage development like this, with a strip of land that connects to Central Ave that leads to the back 40 acres. However, with the water way located where it is, there is not another way to get access to the back portion of the property.

Chairperson Garwood made a motion to approve the preliminary plat for the Green Meadows 1st Addition. Seconded by David Foley. Motion passed 4-0.

5.5 FINAL PLAT — REVIEW AND APPROVAL OF AND RECOMMENDATION ON THE PROPOSED FINAL PLAT FOR THE GREEN MEADOW ADDITION; ON CERTAIN LANDS GENERALLY LOCATED AT 1904 E. CENTRAL AVE., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the review, approval of and recommendation on the proposed final plat for the Green Meadow 1st Addition, on certain lands generally located at 1904 E. Central Ave.

Julie Boyd stated that this is the other step of this process, everything that was said for the preliminary plat applies here as well. The reason that this was not a one-step process is that it exceeds the acreage limit.

Chairperson Vance Garwood made a motion to approve the final plat and recommend the Governing Body accept the dedication. Seconded by Peter Fox. Motion passed 4-0.

5.6 PRELIMINARY PLAT — REVIEW AND APPROVAL OF THE PROPOSED PRELIMINARY PLAT FOR THE MEADOWS 4TH ADDITION; ON CERTAIN LANDS GENERALLY LOCATED AT 620 N. ANDOVER RD., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the review and approval of the proposed preliminary plat for the Meadows 4th addition, on certain lands generally located at 620 N. Andover Rd.



Julie Boyd that the Meadows 4th addition will be located in the Andover Plaza Shopping Center. This is a replat of some parts of the Meadows 2nd Addition. Over in the shopping plaza, there are a couple of pad sites near Andover Rd. that never got developed after their initial platting. There are being replatted into 3 lots to hopefully encourage them to be developed. There are existing utilities that will be able to be connected to. Staff did raise some concerns about sewer connections for the lots as the regulations at the time the plaza was constructed placed the sewer lines in not easily accessible areas. However, this can be worked out through the final plat process. At this time, there is just a preliminary plat, with the final plat coming later. Julie added that some parking spaces in the plaza will be removed and redefined. The applicant provided city staff with a detailed parking study to show how they plan to lay out some new spaces in order to maintain the correct amount of parking. Parking lot design will be approved by the Site Plan Committee down the line, when it is eventually presented.

David Foley made a motion to approve the preliminary plat for the Meadows 4th Addition. Seconded by Gary Israel. Motion passed 4-0.

5.7 Z-VA25-0002 — PUBLIC HEARING ON AN APPLICATION FOR VACATION OF A PORTION OF THE FRONT YARD BUILDING SETBACK; ON CERTAIN LANDS GENERALLY LOCATED AT 123 W. CLOUD AVE., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the public hearing on an application for vacation of a portion of the front yard building setback, on certain lands generally located at 123 W. Cloud Ave.

The public hearing was opened at 7:22pm.

Julie Boyd stated that in August, the Board of Zoning Appeals approved a variance for this property to allow a building addition to encroach into a portion of the front yard building setback. What Staff did not realize at the time was that the applicant needed to vacate the platted portion of the front yard building setback. Basically, the plat for this property included the setback explicitly so it must be removed from the property in order to use the variance that the applicant was granted.

Chairperson Garwood asked when the property was originally platted. Julie Boyd stated that the building on site has been there for many years and the addition to the building on the western side is what the variance was for. A corner of the building is what encroaches on the setback.

Chairperson Garwood stated that he wanted to remind everyone in attendance that the Planning Commission receives these documents ahead of the meeting and it is not the first time they are seeing this information. In addition, it is the same information that you can find online at the City of Andover's website.

The public hearing was closed at 7:28pm.



STAFF ITEMS

1.	Are public improvements or utilities located within the area considered for vacation?
STAFF	The area considered for vacation is the front yard building setback. This land is private, and Staff is not aware of any utilities in the area slated for vacation.
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. The remaining portion of the setback would remain in effect.
3.	If the vacation request was approved, would provisions for relocation of public improvements or utilities need to be made?
STAFF	No.
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	Staff anticipates no injury to private rights.
PLANNING	Concur
COUNCIL	
7.	Will the public suffer loss or inconvenience?
STAFF	No. The proposed building is not expected to cause any problems with sight lines or public rights-of-way by being located in this small portion of the front yard setback.
PLANNING	Concur
COUNCIL	



Gary Israel made a motion to recommend the Governing Body approve the vacation based on findings #6 & #7. Seconded by David Foley. Motion passed 4-0.

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 7:31pm. Seconded by Peter Fox. Motion passed 4-0.

5.8 BZA-V25-0013 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 2 FEET FROM THE 6 FOOT MAXIMUM HEIGHT OF A FENCE; ON PROPERTIES ZONED SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT, AND GENERALLY LOCATED ALONG W. ROCKHILL PL., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the public hearing on an application for a variance of 2 feet from the 6 foot maximum height of a fence on properties zoned SF-2 and generally located along W. Rockhill Pl.

The public hearing was opened at 7:31pm.

Julie Boyd stated that in this case, the applicant has already begun construction of a brick wall around the Summerlin Addition, which was planned through their PUD. In that PUD as well was the requirement that the wall be approved by the Site Plan Review Committee. The Site Plan Review Committee issued a conditional approval, conditional on them receiving a variance for the fence height. In some places, the height of the fence exceeds the 6 foot maximum for the SF-2 Zoning district. This is due to a concrete footing as well as some grading work throughout the subdivision that leads to some parts of the concrete wall sticking out and some that are buried. This means that in some places the total height from the ground is greater than 6 feet. The applicant is asking for 8 feet total, which is the highest point of the fence not 8 feet in all places.

Peter Fox asked if the concrete wall that the fence sits on is an insurmountable object that cannot be worked around. Julie responded that it is her understanding that it acts as a foundation for the fence as well as potentially helping with some of the drainage characteristics.

Peter Fox stated that he wonders if it is possible to remove the concrete foundation wall and then build the fence as planned so it would not exceed the 6 foot maximum.

Nick Lombardi from Spectacular Creations was present and spoke at the podium. He stated that the concrete wall is a footing for the fence. Masonry walls require a dug concrete footing in order to be constructed as it makes the wall stable. He further stated that the Summerlin Addition handles stormwater runoff from the northern subdivision and it pools within the Summerlin Addition. Water runs through the fence via drainage easements and then into the stormwater system. This means there is essentially a trench within the backyards of the houses within the subdivision. The grade of the properties is lower in the backyards and that is where the fence is being constructed. He stated that this



dip in grade makes a 6 foot fence essentially act as a 4 foot fence. There is the desire to create privacy for the residents of the Summerlin Addition as well as a barrier to the subdivision directly to the north.

Peter Fox asked if that means the 8 foot wall is not necessarily 8 feet from "sea-level". Nick Lombardi stated that it is a good way of putting it.

Chairperson Garwood asked if it is just certain areas of the fence that are above 6 feet. Mr. Lombardi stated that is correct.

Nick Lombardi stated that part of the problem is that as the property moves from west to east, the grade of the property continues to decline. In order to have a smooth line on top of the fence, it requires them to keep it higher as the ground goes lower and then step it down from there on each column.

Chairperson Garwood asked if any pieces of written communication had been received. Julie Boyd stated that 2 pieces of written communication had been received and they are available in the meeting packet.

Chairperson Garwood stated that he noticed that one property owner that wrote in has a property that directly backs up to the subdivision and the other property owner who wrote in is located across the street.

Peter Fox stated regarding the written communication that one of the main concerns about the upkeep of the property has largely been resolved.

Chairperson Garwood commented that it seems the main problem laid out in one of the written communications is that the wall was not constructed to regulations initially. He further stated that the Planning Commission/Board of Zoning Appeals does not receive written communication very often as most people choose to attend the meeting in person.

Chairperson Garwood asked city staff if they had any comments regarding the written communication. Les Mangus stated that it was important to clarify that the comment from Andrew and Casey Lazar appears to suggest they believe an additional two feet will be added to the existing wall. However, the wall is already built as it currently stands. The applicant is seeking an exception only for the areas where the natural topography causes the concrete foundation to be exposed. According to the definition of a fence, the foundation is considered part of the fence.

Peter Fox stated that he went out to walk the property earlier and that the houses being built appear to be of high quality and he doubts that they would build a fence that is not of equal quality and appearance. He stated he does not see a problem with the fence.

David Foley remarked that normally people want a taller fence anyway. Chairperson Garwood stated that he does not mind tall fences at all.

The public hearing was closed at 7:41pm.



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 relatively uneven topography of the area would force a fence that follows said topography to be uneven in appearance, or, more likely, feature large gaps near the base of the fence to maintain a consistent wall near the top.

BZA | Concur

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

STAFF | No such adverse effects are 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 such 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 | Since the establishment of the Summerlin Planned Unit Development, the developer has intended to install a perimeter fence around the subdivision.

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 | In order to properly maintain the overland drainage characteristics of the area, grading in the Summerlin neighborhood created an uneven topography, especially near the eastern edge of the subdivision.

BZA | Concur

2. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.

STAFF | Strict application of these provisions would result in a fence that would have a widely varied top elevation that might be considered unsightly.



BZA	Concur
3	Granting the variance will not adversely affect the rights of adjacent property owners or residents.
STAFF	No such 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 such 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	Were it to be approved , the requested Variance is unlikely to affect public health, safety, morals, comfort, or general welfare in the City.
BZA	Concur

Gary Israel made a motion that the Chairperson be authorized to sign a resolution granting the variance as requested. Seconded by Peter Fox. Motion passed 4-0.

5.9 BZA-V25-0014 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 790 SQUARE FEET FROM THE 500-SQUARE FOOT MAXIMUM SIZE OF AN ACCESSORY STRUCTURE; AND OF 1554 SQUARE FEET FROM THE 1380-SQUARE FOOT MAXIMUM AGGREGATE TOTAL FLOOR AREA OF ALL ACCESSORY STRUCTURES; AND OF 10 FEET FROM THE 25-FOOT MINIMUM REAR YARD SETBACK; ON A PROPERTY ZONED SF-1 SINGLE FAMILY RESIDENTIAL / LOW DENSITY DISTRICT, AND GENERALLY LOCATED AT 321 N. PORTH AVE., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the public hearing on an application for a variance of 790 square feet from the 500-square foot maximum size of an accessory structure; and of 1554 square foot from the 1380-square foot maximum aggregate total floor area of all accessory structures; and of 10 feet from the 25-foot minimum rear yard setback on a property zoned SF-1 and generally located at 321 N. Porth Ave.

The public hearing was opened at 7:46pm.

Julie Boyd stated that in this case, the property owner has just shy of an acre of land that is zoned SF-1 and they would like to install a 1,260 square foot accessory garage in the southwest corner of the property. The inclusion of the new accessory structure and the existing accessory structure & house



would bring this lot up to 7% total coverage, which is well below the 35% maximum. In addition to the size of the accessory structure, the applicant is also seeking a variance from the rear yard setback in order to tuck the building in the rear corner of the property. This is due to an existing stand of trees on the property that the applicant does not want to cut down. These trees will help screen the garage so that it is not as visible.

Chairperson Vance Garwood that this case seems pretty straight forward and it seems the commission sees 1-2 of these types of cases every month.

The applicant Matthew Gonitzke was in attendance and spoke at the podium. He stated he has no additional information other than what has already been stated, but he is happy to answer any questions the commission may have.

Peter Fox asked if the rear of the property is actually on the west side. Mr. Gonitzke stated that is correct.

Peter Fox asked about any potential issues with development along Andover Rd. Julie stated Staff does not anticipate any effect on the businesses located on the other side of the property.

Chairperson Garwood stated the property directly to the west is Andover Rental and that they always have a lot going on and that is probably why the applicant wants to keep the trees there. Mr. Gonitzke stated that it is part of it, as well as blocking the light from their security lights.

Chairperson Garwood asked if any written communication had been received. Julie stated that Staff received one piece of written communication at the end of the day today (10/21) and that it is included in the packet.

The public hearing was closed at 7:51pm.

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 almost twice the minimum area for its zoning district. Limiting the applicant to a smaller accessory structure would prevent them from fully utilizing their land, and would likely result in additional accessory structures on the property in the future. Additionally, the applicant has strategically placed the structure so as to screen it from nearby properties, but this placement must respect existing trees on the property.

BZA | Concur

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

STAFF | No such adverse effects are 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 such 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 wishes to construct an accessory garage for personal use.
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 almost twice the minimum area for its zoning district. And existing stand of trees would act as a landscaping screen, but the placement of these trees pushes the structure itself into the rear yard setback.
BZA	Concur
2.	Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.
STAFF	Strict application of these Zoning Regulations would result in an accessory structure that does not fulfill the needs of the property owner.
BZA	Concur
3.	Granting the variance will not adversely affect the rights of adjacent property owners or residents.
STAFF	No such 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 such 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	Were it to be approved , the requested Variance is unlikely to affect public health, safety, morals, comfort, or general welfare in the City.
BZA	Concur

Gary Israel made a motion that the Chairperson be authorized to sign a resolution granting the variance as requested. Seconded by Peter Fox. Motion passed 4-0.

5.10 BZA-V25-0015 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 1 FOOT FROM THE 8-FOOT MINIMUM SIDE YARD SETBACK; AND OF 10 FEET FROM THE 10-FOOT MINIMUM SEPARATION BETWEEN PRINCIPAL AND ACCESSORY STRUCTURES; ON A PROPERTY ZONED R-2 SINGLE FAMILY RESIDENTIAL DISTRICT, AND GENERALLY LOCATED AT 619 S. WREN FIELD DR., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the public hearing on an application for a variance of 1 foot from the 8-foot minimum side yard setback; and of 10 feet from the 10-foot minimum separation between principal and accessory structures; on a property zoned R-2 and generally located at 619 S. Wren Field Dr.

The public hearing was opened at 7:55pm.

Julie Boyd stated that this is a pretty classic variance. In this case, the property owner has about a quarter acre lot zoned SF-2 in the Cottonwood Point subdivision which is located in the inside of the curved street which creates an unfortunately shaped property. The property itself is shaped like a trapezoid and the backyard is quite small, which already makes it difficult to place an accessory structure back there. What the applicant would like to do is place a small accessory structure nestled up against the existing house. This would encroach on the side yard setback very slightly, as well as violate the regulation that requires that accessory structures, like sheds, be placed at least 10 feet away from the primary structure. If we made them place it 10 feet away from the primary structure, it would not fit in the side yard and it would have to sit virtually in the middle of the backyard, which Staff feels is a poor use of space.

Peter Fox asked about the potential fire risk, especially if they might store gasoline or other equipment in the shed. Julie stated that the risk is no more than if they were storing the items in the garage.



Gary Israel asked if it was not attached to the residence. Julie stated that the structure will not be attached to the residence.

The applicant Rajeev Nair was in attendance and spoke at the podium. He stated that it would be a wooden shed that would house his lawn mower and other things. He stated he talked to his neighbor next to him and he does not have an issue with it. He further stated that the shed would be a standard wooden DIY shed that can be purchased from Lowe's, it will be 10 x 10 and 7 feet tall.

David Foley asked if the shed would be sitting on concrete. Mr. Nair stated that it will be sitting on concrete and the pad has already been poured.

Gary Israel asked if it would be painted the same color as the house. Mr. Nair stated that it will be painted the same color, as his HOA requested it be painted something similar to the house.

The public hearing was closed at 7:59pm.

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 oddly-shaped, and the existing dwelling leaves little room outside of required building setbacks for accessory structures to be installed under normal regulations.

BZA Concur

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

STAFF No such adverse effects are 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 such 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 wishes to construct an accessory storage shed for personal use.

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 oddly-shaped, and features little outdoor space where such a shed would normally be installed.

BZA Concur

2. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.

STAFF Strict application of these Zoning Regulations would prevent the property owner from fully utilizing the available outdoor space on their property.

BZA Concur

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

STAFF No such 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 such 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 Were it to be approved , the requested Variance is unlikely to affect public health, safety, morals, comfort, or general welfare in the City.

BZA Concur



Gary Israel made a motion that the Chairperson be authorized to sign a resolution granting the variance as requested. Seconded by Peter Fox. Motion passed 4-0.

5.11 BZA-V25-0016 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 404 SQUARE FEET FROM THE 300 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE; AND OF 104 SQUARE FEET FROM THE MAXIMUM AGGREGATE TOTAL FLOOR AREA OF ALL ACCESSORY STRUCTURES; ON A PROPERTY ZONED SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT, AND GENERALLY LOCATED AT 1340 N. LAVERN ST., ANDOVER, KANSAS

Chairperson Garwood called the next agenda item pertaining to the public hearing on an application for a variance of 404 square feet from the 300 square foot maximum floor area of an accessory structure; and of 104 square feet from the maximum aggregate total floor area of all accessory structures; on a property zoned SF-2 and generally located at 1340 N. Lavern St.

The public hearing was opened at 8:03pm.

Julie Boyd stated that this property is located at the end of a residential cul-de-sac that terminates up near the I-35 right of way. There is currently a detached garage to the north of the existing house that was constructed back in 1984. The applicant intends to remove the current structure and potentially expand the concrete pad to then place a new detached garage on top of it. She further stated that this property is another lot that is oddly shaped, which leads to the placement of the garage not being right up next to the house. In this case, with the new garage in place, the property would be about 11% total lot coverage, which is very shy of the 35% maximum.

The applicant Darren Morris was present and spoke at the podium. He stated that there used to be a 20 x 20 garage present, but he tore it down as it was nearly 30 years old and in bad shape. The new garage will be a pole barn structure going on the existing concrete slab. The garage will just be used for storage.

Gary Israel asked if he will be keeping all the trees. Mr. Morris stated just the ones that won't fall on it. Mr. Israel further asked about the location near the turnpike and if the garage would potentially have any lights that could distract drivers. Mr. Morris stated that the garage would just have a motion detector on the front.

Peter Fox asked about the design and look of the structure and if it is similar to other accessory structures in the area. Mr. Morris stated that it will be metal sided and that he has some drawings that could be presented. Julie stated that this property is next a commercial/industrial development which houses some very large buildings.

Gary Israel asked what the building(s) directly to the west are. Mr. Morris stated that there are several businesses housed within that building. Chairperson Garwood stated that he believes one of the businesses located there is a personal trainer business. Les Mangus stated that he felt it was worthwhile noting that Sherwin Williams owns the large parcel that is adjacent to the east.



Mr. Morris stated that he plans to keep his boat there as it is currently stored at his parents' house. He also asked how long it would take to get his permit if the variance was granted. Julie stated that if he has already applied for his building permit and it has been approved pending the variance, that he could receive the permit tomorrow (10/22).

The public hearing was closed at 8:09pm.

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 oddly-shaped, with lots of space to the north of the lot, and little near the existing dwelling. Additionally, the property is adjacent to an interstate right of way, the impact of which is likely not fully abated by existing screening.

BZA | Concur

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

STAFF | No such adverse effects are 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 such 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 wishes to construct an accessory storage building for personal use.

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 has a unique shape, and is located adjacent to a busy highway right-of-way.

BZA | Concur



2.	Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.
STAFF	Strict application of these Zoning Regulations would result in the property owner's inability to reasonably enjoy the use of the property.
BZA	Concur
3.	Granting the variance will not adversely affect the rights of adjacent property owners or residents.
STAFF	No such 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 such 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	Were it to be approved, the requested Variance is unlikely to affect public health, safety, morals, comfort, or general welfare in the City.
BZA	Concur

Peter Fox made a motion to authorize the Chairperson to sign a resolution granting the variance as presented. Seconded by Gary Israel. Motion passed 4-0.

ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE PLANNING COMMISSION

Gary Israel made a motion to adjourn the Board of Zoning Appels and reconvene the Planning Commission at 8:14pm. Seconded by David Foley. Motion passed 4-0.



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

**PLANNING COMMISSION & BOARD OF
ZONING APPEALS MINUTES**
OCTOBER 21, 2025 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

6. MEMBER ITEMS

None.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Seconded by David Foley. Motion passed 4-0.

Meeting adjourned at 8:15pm.