

**ANDOVER CITY PLANNING COMMISSION/
BOARD OF ZONING APPEALS**
Tuesday, May 15, 2012
Minutes

1. Call to order.

2. Roll call.

Planning Commission Members present were Chairman Quentin Coon, John Cromwell, Lynn Heath, Ken Boone, Aaron Masterson and William Schnauber. Others in attendance were Director of Public Works and Community Development Les Mangus, City Administrator Sasha Stiles, and Administrative Secretary Daynna DuFriend. Members not in attendance were Lee Butler and Shane Davis and City Council Liaison Kris Estes.

3. Approval of the minutes of the April 17, 2012 meeting.

A motion was made by Ken Boone, seconded by Lynn Heath to approve the minutes of the April 15, 2012 meeting. Motion carried 5/0.

4. Communications:

- B. Committee and Staff Report.
- C. Potential Residential Development Report.
- A. City Council minutes.

Recess the Planning Commission and Convene the Board of Zoning Appeals.

A motion was made by John Cromwell, seconded by Ken Boone to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion carried 6/0.

5. BZA-V-2012-01- Public hearing on an application filed by Tom Bowles, requesting a variance to increase the required 5% maximum surface area of wall signage limitation to 7.35% for the purpose of installing additional wall signage on property zoned as the B-2 Neighborhood Business District. STAFF: The proposed variance is the owner's desire to allow the multiple tenants of the building to cumulatively have wall signs larger than the 5% allowed by the sign regulations. Staff supports the application because the building is placed unusually far from the street and no monument or pole sign has been constructed to advertise the tenants.

Brian Kirkland with Miracle Signs was present to represent the application.

William Schnauber questioned the lack of signage allowance for the remaining vacant tenant space in this building and when this space is leased this will be brought back to the Planning Commission again.

Lynn Heath commented that they were not planning ahead and the sign that looks out of place is the T-Mobile signage.

Mr. Kirkland explained that the owner was unaware of the 5% restrictions.

BOARD OF ZONING APPEALS ACTION	April 21, 2012
	Publication Date
VARIANCE	May 15, 2012
	Hearing Date
	B-2 Neighborhood
	Business
Case No. BZA-V-2012-01	Zoning District

A. Variances from the provisions of the zoning regulations shall be granted by the Board only in accordance with the standards in Section 10-1077(d), and only in the following instances and NO others: (A through G).

1. To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations
 - a. The minimum lot width and lot depth requirements shall not be reduced more than 25%.
 - b. The minimum lot area for a single or two-family dwelling shall not be reduced more than 20%.
 - c. The minimum lot area per dwelling unit requirements for multiple-family dwellings shall not be reduced more than 10%.

Dimension of lot _____ Variance requested _____

N.A.

B. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements:

1. The bulk regulations for this district are: 5% of the wall area maximum

allowed for wall signage

2. Variance would change bulk regulations as follows: 7.35% of the wall surface area for wall signage

C. To vary the applicable off-street parking and off-street loading requirements. (Must establish time schedule for compliance) N.A.

D. To vary the sign provisions of Section 7-102 regarding general standards and Section 7-104 regarding nonresidential district regulations: NA

E. To vary certain provisions of the FP Flood Plain District as provided for in Section 4-114(L): N.A.

F. The Board shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which support all the conclusions as required by K.S.A. 12-715 as listed below:

1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owners or the applicant; N
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents; Y
3. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application. Y
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and Y
5. Granting the variance desired will not be opposed to the general spirit and intent of these regulations. Y

G. In determining whether the evidence supports the conclusions required by Section 1-107(D)(1), the Board shall consider the extent to which the evidence demonstrates that:

1. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or Y

unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced.

- 2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property. Y
- 3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, and Y
- 4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood. Y

H. Restrictions imposed by the Board of Zoning Appeals as per Zoning Regulations Section 10-5G:

- 1. None required.
- 2.
- 3.
- 4.

Date Granted: May 15, 2012

Valid Until (date) November 11, 2012
(180 days Sec. 10-107G)

Quentin Coon, Chairman

William Schnauber, Secretary

Certified to the Zoning Administrator on this date
of:

A motion was made by John Cromwell, seconded by Ken Boone to approve a variance to increase the required 5% maximum surface area of wall signage limitation to 7.35% for the purpose of installing additional wall signage on property zoned as the B-2 Neighborhood Business District. Motion carried 4/2.

Adjourn the Board of Zoning Appeals and Reconvene the Planning Commission.

A motion was made by Lynn Heath, seconded by Ken Boone to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 6/0.

6. Organization meeting.

A motion was made by John Cromwell, seconded by Ken Boone to accept the Chairman, Vice-Chairman and Secretary for the Planning Commission as they were last year. Motion carried 6/0.

A motion was made by John Cromwell, seconded by William Schnauber to accept the Chairman, Vice-Chairman and Secretary for the Subdivision Committee as they were last year. Motion carried 6/0.

7. Member items.

Lynn Heath asked if there had been any decisions regarding the church. Les Mangus said he received some submittals from the architect today but has not heard anything else.

Chairman Coon asked about the latest planning for the comprehensive plan. Les Mangus explained that meetings would probably begin this fall and would take approximately one year to complete the process.

A motion was made by John Cromwell, seconded by Lynn Heath to adjourn. Motion carried 6/0.

Respectfully Submitted by

Daynna DuFriend
Administrative Secretary

Approved this 19th of June, 2012 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.