

**ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
Tuesday, September 15, 2015  
Minutes**

1. [Call to order.](#) 00:00:01

Chairman Lynn Heath called the meeting to order at 7:00 p.m.

2. [Roll call.](#) 00:00:02

Planning Commission members present were Chairman Heath, Mike Warrington, Brian Lindebak, William Schnauber, Lee Butler and Tyson Bean. Member Stephanie Gillespie was absent.

Staff in attendance: Director of Public Works Les Mangus, City Administrator Mark Detter, Administrative Assistant Dayna DuFriend and City Council Liaison Sheri Geisler.

A/V: Cindy Barrett and Craig Brown

Chairman Heath welcomed new member Tyson Bean.

3. [Approval of the minutes of the August 18, 2015 meetings.](#) 00:00:09

*A motion was made by Brian Lindebak, seconded by William Schnauber to approve minutes of the August 18, 2015 meeting. Motion carried 5/0/1. Tyson Bean abstained from vote.*

4. [Communications](#) 00:00:40

- A. [Committee and Staff Report.](#)
- B. [Potential Residential Development Report.](#)

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

*A motion was made by Brian Lindebak, seconded by William Schnauber to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion carried 6/0.*

5. [BZA-V-2015-03- A public hearing on an application filed requesting a variance \(a\) to permit an 8 foot, 6 inch increase in the required 10 maximum height limitation to allow construction of a new 18'-6" high monument sign, and a variance \(b\) to permit a 4.09% increase in the required 5% maximum wall signage to allow construction of new wall signage on property zoned as the B-3 Central Shopping District.](#) 00:03:05

Les Mangus explained that this is a request to exceed the maximums allowed for the height of the monument sign on the street and to exceed the maximum allowable wall signage. This is a

very large lot in the industrial area with the building set back approximately 300 feet from the street. The applicant feels that having a larger sign would be a better advertisement for their business. Smaller scale signage for this site was approved by the Site Plan Review Committee due to the applicant wanting to open his business as soon as possible. This request is being made in order to have the desired larger signage.

Brian Lindebak asked if the square footage of the sign would be acceptable.

Mike Warrington asked if any requests for signage this size had been approved.

Les Mangus replied that the square footage of this sign is acceptable, the height change is the request and stated that similar signage requests have received approval.

Chairman Heath noted that the main part of the sign would be approximately 16 feet tall with the “S” being 18 feet 6 inches in height.

John Saindon, Ron’s Sign Company, was present to represent the application.

Mr. Saindon explained that this design will be effective, impressive and fits proportionally with the lot while not appearing to be overdone. The base will be a decorative brick with aluminum lettering and the LED board will dim down at night.

**BOARD OF ZONING APPEALS ACTION**

August 22, 2015

Publication Date

**VARIANCE**

September 15, 2015

Hearing Date

B-3 Central Shopping

Case No. BZA-V-2015-03 (a) and (b)

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 460' X 425'

- B. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements:
  1. The bulk regulations for this district are:
  2. Variance would change bulk regulations as follows:
- 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 **A variance (a) to permit an 8 foot, 6 inch increase in the required 10 maximum height limitation to allow construction of a new 18'-6" high monument sign, and a variance (b) to permit a 4.09% increase in the required 5% maximum wall signage to allow construction of new wall signage on property zoned as the B-3 Central Shopping District.**

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:	True/ Yes	False/ No
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; <b>because the subject property is an exceptionally large lot in an industrial area.</b>	<u>  X  </u>	_____
2.	The granting of the variance will not adversely affect the rights of adjacent property owners or residents; <b>because the subject property is an exceptionally large lot in an industrial area.</b>	<u>  X  </u>	_____
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; <b>because the subject property is an exceptionally large lot in an industrial area.</b>	<u>  X  </u>	_____
4.	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; <b>because the subject property is an exceptionally large lot in an industrial area.</b>	<u>  X  </u>	_____

and

- 5. Granting the variance desired will not be opposed to the general spirit and intent of these regulations; **because the 18'-6" ft. sign is in character with the size of the surrounding buildings.**   X   \_\_\_\_\_
  
- 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 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; **because the subject property is an exceptionally large lot in an industrial area.**   X   \_\_\_\_\_
  
  - 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; **because the sign is accessory to a very large building complex.**   X   \_\_\_\_\_
  
  - 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; **because the subject property is an exceptionally large lot in an industrial area.** and   X   \_\_\_\_\_
  
  - 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; **because the subject property is an exceptionally large lot in an industrial area.**   X   \_\_\_\_\_
  
- H. Restrictions imposed by the Board of Zoning Appeals as per Zoning Regulations Section 10-5G:
  - 1. None required.

Date Granted:   09/15/2015  

Valid Until (date)   03/13/2015  

(180 days Sec. 10-107G)

*Having considered the evidence at the hearing and determined that the findings of fact in the Variance Report have been found to exist that support all of the five conditions set out in section 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the state statutes which are necessary for granting of a variance, I William Schnauber, move that the Chairperson be authorized to sign a Resolution granting the Variance for Case No. BZA-V-2015-03 as requested. Motion was seconded by Mike Warrington. Motion carried 6/0.*

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

*A motion was made by Brian Lindebak, seconded by William Schnauber to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 6/0.*

7. [VA-2015-05- A public hearing on a petition for the vacation at the southeast corner, of the south twenty \(20\) feet of the thirty \(30\) foot rear yard drainage and utility easement.](#) 00:20:15

Les Mangus explained that this is a large easement allowing for drainage away from the drip zone of the tree row at the rear of the property. The utilities are located furthest away from the tree row along the easement line leaving approximately 20 feet of easement open and unused to protect the trees.

Chairman Heath asked if the structure would be placed behind the 30 foot easement line.

Les Mangus said that the shed would be behind the first 10 foot of easement, keeping it open for utilities.

Jim Ohmart, 1709 N. Pear Tree Ct., applicant was present.

Mr. Ohmart explained this request is to allow for a 10 x14 foot utility building in the southern end of the easement.

Brian Lindebak asked if there were any existing structures in this area.

Mr. Ohmart stated that there is an 8x8 foot building there now. Neither of the structures are permanent and could be easily moved or taken apart. Two separate access panels were built in the fence for utility access.

*A motion was made by Brian Lindebak, seconded by Mike Warrington to approve the petition for vacation for VA-2015-05 as presented. Motion carried 6/0.*

8. Member Items.

00:31:00

There were no member items.

*A motion was made by William Schnauber, seconded by Brian Lindebak to adjourn at 7:33p.m.  
Motion carried 6/0.*

Respectfully Submitted by

Dayna DuFriend  
Administrative Assistant

Approved this 20<sup>th</sup> of October, 2015 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.