



**PLANNING & ZONING**  
1609 E. CENTRAL AVE.  
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**PLANNING COMMISSION  
& BOARD OF ZONING APPEAL MINUTES**  
**JUNE 16, 2020 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

Chairperson William Schnauber called the meeting to order at 7:00 pm.

**2. ROLL CALL**

Commissioners in attendance: Chairperson William Schnauber, Vice Chairperson Erik Pedersen, Secretary Gary Israel, Marla Canfield, and Alex Zarchan. Members Brian Davidson and Matthew Rossi were absent. Staff in attendance: Lance Onstott, Assistant City Administrator; Les Mangus, Director of Community Development; and Justin Constantino, Assistant Director of Community Development. A/V services provided by WAV Services.

**3. APPROVAL OF THE MINUTES OF THE MAY 19, 2020 MEETING**

*Gary Israel made a motion to approve the minutes of the May 19<sup>th</sup>, 2020 meeting as presented. Motion seconded by Erik Pedersen. Motion carried 5/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

None.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Les Mangus stated that the real estate market has not slowed down and that housing inventory has been substantially lower than it was a year ago and that homes in the area are typically being sold at or above asking price.

*I, Gary Israel, move to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Erik Pedersen. Motion carried 5/0.*

**5. BZA-CU-2020-02 – PUBLIC HEARING ON AN APPLICATION FOR A CONDITIONAL USE TO CONSTRUCT AN ACCESSORY DWELLING UNIT ABOVE A DETACHED GARAGE STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 519 N. GLENDEVON ROAD, ANDOVER, KANSAS**

Chairperson Schnauber opened the public hearing at 7:05 pm.

Mr. Mangus stated that there are several conditions that have been addressed in the Conditional Use Report that should result in approval as long as all of those conditions are met.

Phil Meyer, Baughman Co., representing the applicant, stated that the accessory dwelling unit will be constructed within the existing garage. Mr. Meyer stated that there are two lots and there will only be one residence on the two lots. Mr. Meyer stated that the applicant's intent is to use the accessory dwelling unit for his mother, father, or extended family when they come to visit.

Mr. Israel asked the applicant if the accessory dwelling unit would ever be used as a short-term rental property. Mr. Meyer stated that a second application would be required to use the property as a rental

property and would have to be approved by the City. Mr. Mangus stated that there is a special use required to operate a short-term rental property.

Mr. Zarchan asked if there was any change to the structure of the garage with the addition of the accessory dwelling unit. Mr. Meyer stated that there is no expansion to the existing garage and that the accessory dwelling unit would be contained within the structure.

Chairperson Schnauber closed the public hearing at 7:12 pm.

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|----|---|
| 1. | <p>The proposed conditional use complies with all applicable zoning regulations, including lot size requirements, bulk regulations, use limitations and performance standards, or a concurrent application for variance is in process.</p> <p>STAFF     The proposed accessory dwelling unit is to be located within the existing detached garage structure that complies with the bulk regulations for the zoning district.</p> <p>BZA        Concur.</p>  |
| 2. | <p>The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.</p> <p>STAFF     The proposed accessory dwelling unit is to be located within the existing detached garage structure that complies with the bulk regulations for the zoning district. The subject property is two platted lots that could have permitted two single family dwellings.</p> <p>BZA        Concur.</p>   |
| 3. | <p>The proposed conditional use will not dominate the immediate neighborhood, preventing development and use of neighboring property in accordance with applicable zoning district regulations.</p> <p>STAFF     The proposed accessory dwelling unit is to be located within the existing detached garage structure that complies with the bulk regulations for the zoning district. The subject property is two platted lots that could have permitted two single family dwellings. A brick and wrought iron fence surrounds the subject property on the south and east, and Terradyne Country Club golf course surrounds the subject property on the north and west.</p> <p>BZA        Concur.</p> |
| 4. | <p>Off-street parking and loading areas for the proposed conditional use will be provided in accordance with the standards set forth in Article 6 of the Zoning Regulations.</p> <p>STAFF     The existing single family residence under construction has adequate parking to accommodate the accessory dwelling unit.</p> <p>BZA        Concur.</p>  |
| 5. | <p>Adequate utility, drainage and other such necessary facilities have been installed, or will be provided by platting, dedications or guarantees.</p>  |

STAFF The subject property is platted and all of the necessary public facilities and drainage have been provided.

BZA Concur.

6. Adequate access roads, entrance and exit drives, or access control, designed to prevent traffic hazards and to minimize traffic congestions in public streets and roads, is available, or will be provided by platting, dedications or guarantees.

STAFF Access controls are platted and the proposed accessory dwelling unit will use the same driveway as the principal residence.

BZA Concur.

*Having considered the evidence at the hearing and determined that the findings of fact have been found to exist that support all five conditions set out in Subsection 11-107.C of the Zoning Regulations I, Gary Israel, move that the Chairperson be authorized to sign a Resolution granting the conditional use for Case No. BZA-CU-2020-02 as requested. Motion seconded by Alex Zarchan. Motion carried 5/0.*

*I, Gary Israel, move to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Erik Pedersen. Motion carried 5/0.*

6. **VA-2020-01 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR VACATION OF A PORTION OF COMPLETE ACCESS CONTROL GENERALLY LOCATED AT YORKTOWN PARKWAY SOUTH OF 13<sup>TH</sup> STREET, ANDOVER, KANSAS**

Mr. Mangus stated that Butler County Community College had platted the access controls per the Unified Development Manual. Mr. Mangus stated that once the site plan was developed, they found that the driveway closest to 13<sup>th</sup> Street didn't fit within the platted access controls, and that there has been discussion about moving the access point closer to 13<sup>th</sup> Street.

Mr. Mangus stated that the adjacent property to the East is likely to not be developed due to a floodplain that runs along the common property line on the East side of Yorktown Parkway. Mr. Mangus stated that staff and the applicant are in agreement on the proposed location of the access point.

Mr. Mangus stated that the City has a set of design plans that are 60-70% complete for Yorktown Parkway and that striping is laid out for the left turn lanes.

*I, Erik Pedersen, move to approve VA-2020-01, the vacation petition regarding complete access control generally located at Yorktown Parkway south of 13<sup>th</sup> Street. Motion seconded by Gary Israel. Motion carried 5/0.*

7. **MEMBER ITEMS**

Chairperson Schnauber stated that the new Yorktown Parkway between Douglas Avenue and Central Avenue works out very well. Mr. Mangus stated that the road is complete and that the City has seen a lot of bicycle and pedestrian traffic.

Mr. Israel stated that he appreciates the efforts of the City's first responders, including the police, EMS, and fire department and thanked them for their efforts in the community.

**8. ADJOURN**

*Gary Israel made a motion to adjourn. Seconded by Alex Zarchan. Motion carried 5/0. Meeting adjourned at 7:23 pm.*

Respectfully submitted by:

Justin Constantino  
Assistant Director of Community Development

Approved on the 21<sup>st</sup> day of July 2020 by the City of Andover Planning Commission