



**PLANNING & ZONING**  
1609 E. CENTRAL AVE.  
POB 295  
ANDOVER, KS 67002  
316.733.1303

**PLANNING COMMISSION  
& BOARD OF ZONING APPEALS MINUTES**  
**SEPTEMBER 15, 2020 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

## 1. CALL TO ORDER

Chairperson William Schnauber called the meeting to order at 7:01 pm.

## 2. ROLL CALL

Commissioners in attendance: Chairperson William Schnauber, Secretary Gary Israel, Marla Canfield, Brian Davidson, and Alex Zarchan. Vice Chairperson Erik Pedersen and member 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 AUGUST 18, 2020 MEETING

*Gary Israel made a motion to approve the minutes of the August 18, 2020 meeting as presented. Motion seconded by Alex Zarchan. Motion carried 5/0.*

## 4. COMMUNICATIONS

### A. COMMITTEE & STAFF REPORT

Mr. Mangus stated that the Planning Commission/Board of Zoning Appeals and the Subdivision Committee were now fully operating with digital packets through iCompass.

### B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that the minutes of previous community development meetings are available in the digital packet. Mr. Mangus stated that this packet contains minutes from the previous Subdivision Committee meeting.

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

## 5. **BZA-V-2020-03 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE TO CONSTRUCT A STORAGE STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 318 E. MANOR ROAD, ANDOVER, KANSAS**

Chairperson Schnauber opened the public hearing at 7:04 pm.

Mr. Mangus stated that this is a common case to allow a larger accessory structure than the regulations permit but that a variance will permit the construction.

Kurt Sorensen, the contractor representing the applicant, stated that the property owner wanted a storage unit on the back of his property so that he can park his vehicles in front of the home. Mr. Sorensen stated that from the street the updated accessory structure will look the same as the existing structure.

Mr. Israel asked if the add-on to the accessory structure will be made of the same materials, style, and construction. Mr. Sorensen stated yes and that he was adding three walls to the existing structure and the structure will be sided and roofed exactly as the existing structure, including the same amount of garage doors and the same roof pitch.

Chairperson Schnauber asked if staff had received any communications regarding the variance request. Mr. Mangus stated that he received one general inquiry phone call from the property owner across the street from the subject property.

Chairperson Schnauber closed the public hearing at 7:07 pm.

**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 lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.
STAFF	The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
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	The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
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 subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
BZA	Concur.

**SPECIFIC CONDITIONS TO BE MET:**

<p>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.</p>	<p>STAFF The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.</p> <p>BZA Concur.</p>
<p>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.</p>	<p>STAFF The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.</p> <p>BZA Concur.</p>
<p>3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.</p>	<p>STAFF The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.</p> <p>BZA Concur.</p>
<p>4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.</p>	<p>STAFF The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.</p> <p>BZA Concur.</p>
<p>5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.</p>	<p>STAFF The subject lot is 24,605 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.</p> <p>BZA Concur.</p>

*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 11-106.B2 of the Zoning Regulations and KSA 12-759(e), I, Gary Israel, move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2020-03 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 Brian Davidson. Motion carried 5/0.*

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## **6. MEMBER ITEMS**

Mr. Israel asked why the chairperson's checklist was not included in the digital meeting packet when it was previously included in the physical meeting packets. Mr. Mangus stated that staff was experimenting with the presentation of the checklist and that the first page of the agenda summary will contain a recommended action.

Mr. Israel asked about the flashing pedestrian crosswalk light on Central Avenue from Crescent Lakes to Andover Central High School and asked if the light was new. Mr. Mangus stated that the pedestrian light has been in place for roughly two years and the lights have been on the market for roughly 5 years. Mr. Israel stated that another pedestrian light exists at Andover Road near the Redbud Trail and that it would be nice to have a flasher at that location as there is a lot of traffic at Lakeside Drive and the Redbud Trail.

Mr. Schanuber asked about the construction progress at Andover High School. Mr. Mangus stated that he believes that the students are in their new classrooms at the new Andover High School while crews begin tearing down the old high school and that construction will soon begin on the new natatorium and parking lot.

Mr. Zarchan asked about the abbreviated Greater Andover Days and whether or not there would be crowd limitation for the fireworks display. Mr. Onstott stated that the City will encourage attendees to remain in or stay close to their vehicles and that multiple parking areas will be available.

## **7. ADJOURN**

*Brian Davidson made a motion to adjourn. Seconded by Alex Zarchan. Motion carried 5/0. Meeting adjourned at 7:26 pm.*

Respectfully submitted by:

Justin Constantino  
Assistant Director of Community Development