

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS

September 18, 2007

Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, September 18, 2007 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:01 p.m. Commission members present were Lynn Heath, Jan Cox, John Cromwell, Byron Stout, and Jeff Syrios. Others in attendance were City Council Liaison Member J.R. Jessen, City Administrator Jeff Bridges, Director of Public Works and Community Development Les Mangus, and Administrative Secretary Joan Yunker. Member absent David Martine.

Call to order

Review the minutes of the regular August 21, 2007 Planning Commission meeting.

Review the minutes of the regular August 21, 2007.

Byron Stout made a motion to approve the minutes as presented. Lynn Heath seconded the motion. Motion carried 6/0.

Communications:

Communications

Review the City Council minutes from the August 14, 2007 and August 28, 2007 meetings. The minutes were received and filed.

Review the minutes of the Subdivision Committee minutes from September 11, 2007. The minutes were received and filed.

Review the minutes of the August 7, 2007 Site Plan Review Committee Meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

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

Lynn Heath made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. John Cromwell seconded the motion. Motion carried 6/0.

BZA-V-2007-05: Public Hearing on a variance of 12 feet from the required 25 foot minimum rear yard limitation for the purpose of constructing a 12 foot attached covered rear deck on property zoned as the R-2 Single-Family Residential District at 842 N. Crescent Lakes Place.

BZA-V-2007-05: Public Hearing on a variance, 842 N. Crescent Lakes Place.

Chairman Coon asked is the applicant available for presentation, no one responded.

From Les Mangus memo: This application arises from the homeowner's desire to place a roof over a deck on the rear of the home under construction. The subject lot is a peculiar shaped cul-de-sac lot with an unusually shallow lot depth, which abuts a homeowner's open space reserve in the rear. Given the unusual lot conditions as compared to the surrounding lots in the subdivision, Staff supports the variance as applied for.

Les stated, that he could answer any question.

Lynn wanted reassurance that the homeowner’s open space in the rear is a reserve. Les respond, yes, there is a permanent reserve behind this property. Jan asked with this structure being farther out on the house, than the other homes in this area will this create a problem. Les stated that all neighboring homeowners have received a notice of this hearing. We have not had any response. Jeff asked if all the homes are built in this area. Les stated that about ½ the homes are built.

Chairman Coon asked if there is anyone from the public that would want to make comment. No response.

BOARD OF ZONING APPEALS ACTION

Publication Date
August 23, 2007

VARIANCE

Hearing Date

September 18,
2007

Case No. BZA-V-2007-05

Zoning District
R-2 Single Family
Residential

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

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

- 1. The bulk regulations for this district are: 25 Ft. minimum rear yard
- 2. Variance would change bulk regulations as follows: 13 ft. minimum rear yard

		True/ Yes	False/ No
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;	True	_____
2.	The granting of the variance will not adversely affect the rights of adjacent property owners or residents;	True	_____
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.	True	_____
4.	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general	True	_____

welfare; and

- 5. Granting the variance desired will not be opposed to the general spirit and intent of these regulations. True _____

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. True _____
- 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. True _____
- 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 True _____
- 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. True _____

Lynn Heath made a motion to approve this variance as requested. Byron Stout seconded the motion. Motion Carried 6/0.

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

Jan Cox made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Byron Stout seconded the motion. Motion carried 6/0.

VA-2007-07: Recommendation on a petition for vacation of the north 3' of this rear yard 20' sewer easement at 421 Crescent Lakes Drive.

VA-2007-07:
Vacation on 421
Crescent Lake
Drive.

From Les Mangus Memo: The proposed vacation of the north 3 feet of the 20' rear yard sewer easement is the result of the builder's desire to construct a covered rear deck on the home under construction. The sanitary sewer line is the only utility in the easement, and will more than likely need no maintenance from the surface. Since only the deck roof encroaches the easement, Staff supports the vacation as presented.

Chairman Coon asked if the applicant was present. No one responded.

Les stated, he would answer any questions. Chairman Coon asked if the sewer line is down the center line. Les responded, yes. Lynn stated that the only encroachment is the roof lines. Les responded, yes the roof over the deck and the only utility in the easement is the City of Andover sanitary sewer line.

Lynn Heath made a motion to recommend approval. Byron Stout seconded the

motion. Motion carried 6/0.

LS-2007-01: Review the proposed lot split of Lot 6, Block 1, Autumn Ridge Subdivision.

LS-2007-01: Lot split Autumn Ridge Subdivision.

From Les Mangus Memo: The proposed lot split is one of many in the Autumn Ridge Subdivision. The lot split divides an existing two-family home into separate ownership. The only difference from those that have been approved in the past is that this lot has transferred a portion to an adjacent lot with a remainder that matches the required 5, 000 sq. ft. per dwelling. Staff supports the lot split as submitted.

Brian Lindeback of MKEC Engineering Consultant Inc. representing the applicant. We have had several of these lot splits approved in the past, and would like to answer any questions.

Chairman Coon asked Les if all your concerns have been met. Les responded, yes, as Brian stated this is similar to all the lots in Autumn Ridge have been split to give individual ownership of duplexes.

Lynn Heath made a motion to approve. John Cromwell seconded the motion. Motion carried 6/0.

Review the Final PUD Plan of the Cottonwood Point Addition – Phase 2.

Final PUD Plan Cottonwood Point Addition – Phase 2.

Les Mangus stated without the agent or applicant to answer any questions regarding the Final PUD Plan of the Cottonwood Point Addition – Phase 2. This item should be table to the October meetings.

Lynn Heath made a motion that a continuation on the Final PUD Plan of the Cottonwood Point Addition – Phase 2 be carried onto the October meeting. John Cromwell seconded the motion. Motion carried 6/0.

Review the Final PUD Plan of the Ami Lane Addition.

Final PUD Plan Ami Lane Addition.

From Les Mangus Memo: The proposed PUD is the first phase of development of the Ami Lane Addition. The plan follows all of the conditions of the preliminary PUD, and has very few additions/corrections, which are addressed in the latest revision. Staff supports the plan as submitted pending the completion of the satisfaction of the Staff and Bickley Foster’s comments.

Kris Rose of Baughman Company, P.A. representing the applicant. At the Subdivision Meeting we had went over all the comments.

Chairman Coon asked if any one had any comments or concerns.

Les stated that all the issues have been resolved on the two check lists with the exception of:

- The 37 ½’ electric easement along the south end of the property.
- We have the satisfaction on the correct name on the Final PUD Plan.

Kris Rose stated the main concern was the word plat in the platters text. If the City of Andover is fine with leaving the word plat within the platter text. The 37 ½’ electric easement we have not received anything back from Westar at this point, if they do have conflicts, we will move all the utilities outside of their easement.

Chairman Coon wanted to know which electric company are you dealing with.

Kris responded, Westar has a transmission line across the property. Butler County Rural Electric is the provider for the area.

Jan wanted clarification will the 130th street be paved the entire length of this development eventually. Kris responded yes, it will be completed in phase stages an asphalt road all the way to the west property line which will be a 1/2 mile.

Jan my other question is would your developer consider a berm between this development and the neighbors on Andover Road. Kris stated that the hedgerow is going to be the screening, we are going to place a 20' landscape easement to maintain the hedgerow, a berm will cause some drainage issues.

Jan stated, Thank you for your consideration and if you could pass on to the developer about possibly having a berm. The trespassing that could possibly happen onto those neighbors that are wanting to stay in the rural area.

Chairman Coon asked is there water flow between Reserve H & D. Kris stated that yes there is water flow, we will make sure that the 5 acres of park ground is not encumbered by drainage.

Jan asked about the Reserves A, B, and C references made to private sidewalks. What is meant by private sidewalk? Kris responded, that this would be Reserves that are owned by the Homeowners Association if they want sidewalks or not.

Chairman Coon asked if there are any other comments.

Chairman Coon asked Les if he had any other concerns, Les responded, the only concern is the 37 1/2 foot electric easement.

Byron Stout made a motion to approve the Final PUD Plan of Ami Lane Addition with the condition of the 37 1/2 foot utility easement issue to be resolved. Jeff Syrios seconded the motion. Motion carried 6/0. Jan Cox wanted noted that her aye vote is with reluctance.

Member Items:

None.

Jeff Syrios made a motion to adjourn the meeting at 7:46 p.m. Byron Stout seconded the motion. Motion carried 6/0.

Member Items:

Respectfully Submitted by

Joan Yunker
Administrative Secretary

Approved this 16th day of October 2007 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.