

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
July 20, 2010
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, July 20, 2010 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:00 p.m. Commission members present were Lynn Heath, John Cromwell, Byron Stout, Troy Tabor and Ken Boone. Others in attendance were City Council Liaison member Julie Reams, City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, Director of Public Works and Community Development Les Mangus and Administrative Secretary Kandace Hunt. Member Jan Cox was absent.

Call to order

Review the minutes of the June 15, 2010 Planning Commission meeting.

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Byron Stout made a motion to approve the minutes as presented. Ken Boone seconded the motion. Motion carried 4/0/2 with John Cromwell and Troy Tabor abstaining.

Communications:

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Review the minutes of the June 8, 2010 and June 29, 2010 City Council meetings. The minutes were received and filed.

Review the minutes of the June 1, 2010 Site Plan Review Committee meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

A public hearing on the proposed adoption of the US 54/400 Design Concept from 159th Street East to Onewood Drive as an element of the Amended Comprehensive Development Plan for the Andover Area, Kansas: 2004-2013.

US 54/400 Design Concept

From Les Mangus' Memo: After further discussion with Bickley Foster about the US-54 Design Concept Plan that was recommended for adoption, Bickley has decided that an addition to the Comprehensive Plan is required to make the design an element of the Comp. Plan. The design concept will then go to the City Council for acceptance and become a part of the plan.

Chairman Coon opened the public hearing at 7:05 p.m.

Les Mangus explained Planning Consultant Bickley Foster has recommended the US 54/400 Design Concept be adopted as an element of the Comprehensive Plan. He continued by saying this plan will be used as a basis for plating of the tracts along the highway.

Lynn Heath asked if Ruth Street will be open to the frontage road. Les Mangus said Ruth Street will not be connected to the frontage road system.

Chairman Coon closed the public hearing at 7:10 p.m.

Byron Stout made a motion to recommend the City Council accept the adoption of the US 54/400 Design Concept from 159th Street East to Onewood

Drive as an element of the Amended Comprehensive Development Plan for the Andover Area, Kansas: 2004-2013. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.

John Cromwell made a motion at 7:10 p.m. to recess the Planning Commission and convene the Board of Zoning Appeals. Lynn Heath seconded the motion. Motion carried 6/0.

Recess the Planning Commission and convene the Board of Zoning Appeals

BZA-V-2010-02- A public hearing on a request of a variance of 1,300 square feet from the required 500 square foot maximum floor area of an accessory structure AND a variance to exceed by 792 square feet the required maximum aggregate total floor area of all accessory structures of 1,000 square feet permitted by Section 6-100C4 for the purpose of constructing a 1,800 square foot storage structure on property zoned as the R-1 Single-Family Residential District located at 404 West 10th Street.

BZA-V-2010-02

From Les Mangus' Memo: This application arises from the applicant's desire to construct a storage building on his property. The property already has a detached garage, but still has plenty of space for the proposed structure. There are other larger buildings in the area so this request is not out of character for the neighborhood. Staff recommends approval.

Chairman Coon opened the public hearing at 7:12 p.m.

Applicant Steve Walker was present to represent the application.

Mr. Walker stated that when he purchased the property the lot was in disarray and he has spent a couple of years cleaning the site to make it conducive with the area. During this time Mr. Walker noticed there are other structures of similar size located on the back of the lots in the area. A residential structure is currently being built as a rental property and he has purchased a metal building that he would like to include on the back of the lot. This lot is 100 feet wide and approximately 260 feet deep. This metal structure will be used for personal storage.

Chairman Coon asked if there will be a drive to this building. Mr. Walker said he will install a gravel drive to the building.

Lynn Heath asked what the height of the building will be. Mr. Walker said the overall height of the building is less than 14 feet, however, the lot slopes off from side to side about 28 inches, so the foundation will have to be raised.

Mr. Walker noted the storage building colors will coordinate with the house.

Lynn Heath asked if there are any restrictions on metal buildings in this area. Les Mangus said he is not aware of any restrictive covenants in the area.

Troy Tabor asked if the other storage buildings in the area are metal. Mr. Walker said yes.

Byron Stout asked Mr. Walker for his project timeline. Mr. Walker said his goal is to have it complete by the end of the year.

ANDOVER BOARD OF ZONING APPEALS

July 20, 2010

VARIANCE REPORT *

CASE NUMBER: BZA-V-2010-02

APPLICANT/AGENT: Steve Walker & Melinda Walker

REQUEST: A variance of 1,300 square feet from the required 500 square foot maximum floor area of an accessory structure AND a variance to exceed by 792 square feet the required maximum aggregate total floor area of all accessory structures of 1,000 square feet permitted by Section 6-100CA for the purpose of constructing a 1,800 Square foot storage structure on property zoned as the R-1 Single-Family Residential District.

CASE HISTORY: This site was occupied by an abandoned house for many years, which was recently torn down. The applicant is in the process of constructing a new single family dwelling and utilizing the existing detached garage. The request is to facilitate a storage building at the rear of the property.

LOCATION: 404 W. 10th.

SITE SIZE: 100' X 259' = 25,900 sq. ft.

ADJACENT ZONING AND EXISTING LAND USE:

- North: R-2 Single family residence
- South: R-1 Single family residence
- East: R-1 Single family residence
- West: R-1 Single family residence

*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings of fact from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-107 D 1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Board of Zoning Appeals considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

DOES THE EVIDENCE DEMONSTRATE 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, because the lot is large enough to accommodate the proposed storage building without overwhelming the neighborhood,**
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, the applicant intends to use the storage building for his own personal belongings,**
 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; **True, there are several larger buildings in the area and the subject property is larger than required minimum lot size,**
 4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood; **True, adequate setbacks can be provided on the large lot.**

SPECIFIED CONDITIONS TO BE MET:

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That 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 owner or the applicant; **True, because the neighborhood is comprised of large residential lots with older homes without attached garages;**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents; **True, because adequate setbacks can be provided on the large lot.;**
3. That 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, because the lot is**

large enough to accommodate the proposed storage building without overwhelming the neighborhood.

- 4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; **True, because adequate setbacks can be provided on the large lot.**
- 5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations; True, because **adequate setbacks can be provided on the large lot.**

Lynn Heath asked if the buildings location and setbacks would be checked in the permit process. Les Mangus said yes.

Chairman Coon asked if the building could be placed next to the residential dwelling as the application is proposed. Les Mangus said the building will have to be at least 10 feet from the house, at least 10 feet from the garage and at least 10 feet from the side property line.

Byron Stout made a motion to approve BZA-V-2010-02 as presented. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none.

John Cromwell made a motion at 7:29 p.m. to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Lynn Heath seconded the motion. Motion carried 6/0.

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

Member Items: Lynn Heath asked if the South Andover Road construction is behind schedule. Les Mangus said no.

Member Items:

John Cromwell said he had noticed the City Council approved engineering to proceed from Aspen Creek to Prairie Creek Road along Harry and asked when this project will begin. Les Mangus said Butler County intends to start the construction of box culverts next week and road work should begin after the culverts are complete. John Cromwell asked if the construction will be an overlay. Les Mangus said the end of the existing concrete near Andover Road will be mill and overlay over to the half mile point and from that point there will be complete reconstruction. John Cromwell asked if the construction will be complete by the time school starts. Les Mangus said yes, with no weather delays it could be done sooner.

Byron Stout welcomed new Commission member Troy Tabor.

John Cromwell made a motion to adjourn the meeting at 7:32 p.m. Lynn Heath seconded the motion. Motion carried 6/0.

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 21st day of September 2010 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.