

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APEALS
Tuesday, September 20, 2011
Minutes**

1. Call to order.

2. Roll call.

Andover City Planning Commission members present were Chairman Quentin Coon, John Cromwell, Shane Davis, Lee Butler and Andrew Hart. Others in attendance were City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretary Daynna DuFriend. Members Lynn Heath, Ken Boone and Nikki Huntington were absent.

3. Approval of the minutes of the July 19, 2011 and August 16, 2011 meetings.

A motion was made by John Cromwell, seconded by Andrew Hart to approve the minutes of the July 19, 2011 meeting. Shane Davis abstained. Motion carried 4/0/1.

A motion was made by Andrew Hart, seconded by Lee Butler to approve the minutes of the August 16, 2011 meeting. John Cromwell and Shane Davis abstained. Motion carried 3/0/2.

4. Communications:

- A. City Council minutes.
- B. Committee and Staff Report.
- C. Potential Residential Development Report.

Noted as accepted.

5. VA-2011-03- Public hearing on a petition for a vacation of the south 10 feet of the 25 foot front yard building setback line along Village Court of Lot 30, Block 4, Andover Village.

The applicant desires to build a third car garage on an existing residence on the corner of Village Rd. and Village Ct. The existing structure abuts the platted 25' building setback on

both street frontages. In order to accommodate the proposed building addition the platted setback on the Village Ct. frontage must be vacated, and a variance of the required 25' minimum front yard must be granted. Staff supports both actions as applied for.

June Brown, 257 S. Village Rd., Andover, the applicant, was present to represent the application. Mrs. Brown stated that they would like permission to build a third car garage addition.

Chairman Coon asked if there were any questions or discussion.

A motion was made by John Cromwell, seconded by Andrew Hart to approve a vacation of the south 10 feet of the 25 foot front yard building setback line along Village Court of Lot 30, Block 4, Andover Village. Motion carried 5/0.

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

A motion was made by Andrew Hart, seconded by John Cromwell to approve Recess the Planning commission and Convene the Board of Zoning Appeals. Motion carried 5/0.

6. [BZA-2011-02- public hearing on an application filed by Craig & June Brown, requesting a variance of 10 feet from the 25 foot minimum front yard set back along Village Court to allow the construction of a 10'x28' garage addition to the north side of existing attached garage.](#)

Chairman Coon asked applicant if there was anything further to add. Mrs. Brown said no.

ANDOVER BOARD OF ZONING APPEALS

Agenda Item No. 6

For September 20, 2011

VARIANCE REPORT *

CASE NUMBER: BZA-V-2011-02

APPLICANT/AGENT: Craig & June Brown

REQUEST: A variance of ten feet from the required 25 foot front yard setback to allow the construction of a 10'x28' garage addition to north side of existing attached garage.

CASE HISTORY:

LOCATION: 257 S. Village Rd.

SITE SIZE: +/- 130' in depth X +/- 105' in width

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Single-Family Residential single family dwellings

South: R-2 Single-Family Residential single family dwellings

East: R-2 Single-Family Residential single family dwellings

West: R-2 Single-Family Residential single family dwellings

*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings 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.

BACKGROUND INFORMATION: None.

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 of the large lot allows for adequate separation from the both streets.**
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, because the variance creates no more opportunities for additional dwelling units,**
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, because the proposed 15' setback from Village Ct. allows adequate sight distance for the intersection at Village Rd.**
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, because the property has no adjacent neighbors, who would be affected by the proposed garage addition being located closer to the street.**

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 subject property is an unusually large corner lot;**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents, **True, because adequate sight distance is available for the Village Ct. and Village Rd. intersection.**
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 adequate sight distance can be provided.**

A motion was made by Andrew Hart, seconded by John Cromwell to approve a variance of 10 feet from the 25 foot minimum front yard set back along Village Court to allow the construction of a 10'x28' garage addition to the north side of existing attached garage. Motion carried 5/0.

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

A motion was made by John Cromwell, seconded by Lee Butler to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 5/0.

7. Annual review of the Comprehensive Development Plan.

Staff had hoped to be far enough along with the US-54 Corridor Study to begin discussion of the effects of that plan on the Comprehensive Plan. Since that plan is not ready for formal adoption yet Staff is open to any suggestions for minor additions or amendments to the plan, but would defer in depth discussion until the US-54 Corridor Plan is adopted.

8. Member items.

Lee Butler mentioned that at the last meeting Mr. and Mrs. Howell attended the presentation of the final draft of the US 54 Corridor Plan. He asked if a plan was in place to invite them and their neighbors back to discuss this. Sasha Stiles stated that she would meet with Les Mangus regarding the matter.
No additional member items.

Andrew Hart made a motion to adjourn the meeting at 7:18 p.m. Lee Butler seconded the motion. Motion carried 5/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 18th of October, 2011 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.