

**ANDOVER CITY PLANNING COMMISSION/
BOARD OF ZONING APPEALS
Tuesday, January 17, 2012
Minutes**

1. Call to order.

2. Roll call.

Andover City Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Ken Boone, William Schnauber and Aaron Masterson. Others in attendance were Director of Public Works and Community Development Les Mangus, Assistant Director of Public Works Steve Anderson, City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland and Administrative Secretary Dayna DuFriend. Members not in attendance were John Cromwell, Lee Butler and Shane Davis.

3. Approval of the minutes of the December 20, 2011 meeting.

A motion was made by Lynn Heath, seconded by Chairman Quentin Coon to approve minutes of the December 20, 2011 meeting. Ken Boone, William Schnauber and Aaron Masterson abstained from the vote. Motion carried 2/0/3.

4. Communications:

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

5. Z-2011-02- Proposed change of zoning district classification from the B-1 Office Business District to the B-3 Central Shopping District at 615 N. Andover Rd.

Les Mangus announced that the applicant has asked that this application be continued to next month's meeting because he is not prepared to address it at this point.

A motion was made by Lynn Heath, seconded by Ken Boone to accept continuing case Z-2011-02 to the February 21, 2012 Planning Commission meeting. Motion carried 5/0.

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

A motion was made by Lynn Heath, seconded by Ken Boone to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion carried 5/0.

- 6. [BZA-V-2011-03- Public hearing on an application filed by Nicholas J. Wride, requesting a variance of a one foot of the maximum four foot height for an open fence in the front yard in the R-2 Single-Family Residential District to construct a five foot fence in the front yard.](#)

Nick and Kimberly Wride, applicants, were present. Kimberly Wride explained that the fence would be extending from the side of the house and set back 20ft from the road behind 2 large trees into the sideyard to the neighbors fence.

Judy Scheffler, 938 W. Threewood Ct., asked whether the fence would be a wood or wrought iron fence.

Chairman Coon closed the public hearing.

[Variance Report](#)

ANDOVER BOARD OF ZONING APPEALS

Agenda Item No.

For January 17, 2012

VARIANCE REPORT *

CASE NUMBER: BZA-V-2011-03

APPLICANT/AGENT: Nicholas J. Wride

REQUEST: A variance of a one foot of the maximum four foot height for an open fence in the front yard in the R-2 Single-Family Residential District to construct a five foot fence in the front yard

CASE HISTORY: Existing single family residence in the Terradyne Estates Planned Unit Development.

LOCATION: 530 Glendevon 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 the subject property is a triangular shaped lot that has a side/front yard that has a very long frontage on Glendevon Rd.
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 a four foot high open fence is outright permitted..
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 location has no adjacent neighbors..

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 shaped 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 along Glendevon Rd.
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.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, **True**, because no adjacent properties are affected by the variance.
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations, **True**, because the BZA is specifically authorized to grant variances of bulk regulations and dimensional provisions for yards where unique conditions are found to be a hardship for the owner.

A motion was made by Lynn Heath, seconded by Ken Boone to approve an application filed by Nicholas J. Wride, requesting a variance of a one foot of the maximum four foot height for an open fence in the front yard in the R-2 Single-Family Residential District to construct a five foot fence in the front yard. Motion carried 5/0.

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

A motion was made by Ken Boone, seconded by Lynn Heath to approve Adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 5/0.

7. Review and approve the final plat of Andover Farm at Cedar Park - Fifth Phase.

Phil Meyer, Baughman Company was present.

Lynn Heath stated that this was reviewed by Subdivision Committee and all utilities and amenities were adequate.

Ken Boone asked if a final drainage plan had been received. Les Mangus said that it had.

A motion was made by Lynn Heath, seconded by Ken Boone to approve the final plat of Andover Farm at Cedar Park - Fifth Phase. Motion carried 5/0.

8. Consideration of an amendment to the Comprehensive Development Plan for the Andover Area, Kansas 2003-2013 to include the US 54/400 Corridor Study.

Michelle Winkleman, Parsons Brinkerhoff; Ron Neussen, Parson Brinkerhoff; Jeff Lackey, Transystems; Bill Christian, WAMPO; Mike Thompson, Poe & Associates were in attendance. Tom Hester, Parson Brinkerhoff arrived at 8:10p.m.

Michelle Winkleman presented an overview of the US 54/400 Corridor Study and Appendix.

Lynn Heath asked about distances between backage roads and highway.

Sasha Stiles asked Tom Hester to explain land acquisition and project time frame for the audience.

Judy Scheffler, 938 W. Threewood Ct. asked about the status of Cedar Pines Golf Course, the location of the backage road and for an explanation of simplified relocations. Michelle Winkleman explained that the golf course will stay as an existing land use. Simplified relocations are for utilities.

Carol and David Prucha, 338 S. Chippers Ct. expressed concern more traffic on the backage road and neighborhood noise.

Ray Dower, 335 S. Nine Iron Dr., expressed concern for the future of Nine Iron being a through street.

Brian Lindebak, 225 S. Onewood Dr. expressed concern for a lack of corridor protection for single family residences. Les Mangus said the Design Guidelines in the appendix.

A motion was made by Lynn Heath, seconded by Ken Boone to approve an amendment to the Comprehensive Development Plan for the Andover Area, Kansas 2003-2013 to include the US 54/400 Corridor Study. Motion carried 5/0.

9. Appointment of Secretary to Planning Commission.

William Schnauber accepted this appointment.

10. Member items.

No member items.

A motion was made by Lynn Heath, seconded by William Schnauber to adjourn. Motion carried 5/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 21st of February, 2012 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.