

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
Tuesday, December 18, 2012
Minutes**

1. Call to order.

Vice-Chairman Lynn Heath called the meeting to order at 7:00 p.m.

2. Roll call.

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

3. Approval of the minutes of the November 20, 2012 meeting.

A motion was made by Ken Boone, seconded by John Cromwell to approve minutes of the November 20, 2012 meeting. Lee Butler abstained from the vote. Motion carried 4/0/1.

4. Communications:

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

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

A motion was made by John Cromwell, seconded by William Schnauber to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion Carried 5/0.

5. BZA-V-2012-12- Public Hearing on an application filed by Austin Rogers (Andover KDP VII, LLC) requesting a variance in the parking requirement from 37 to 30 due to the lot's width being limited by the large swale on the south side on property zoned as the B-2 Neighborhood Business District.

Vice-Chairman Heath opened the public hearing at 7:03p.m.

Bob Gage, GBT Realty Corporation, Nashville, TN, was present to represent the application.

Mr. Gage explained that with all the research Dollar General has done in trying to improve their store, they found that they do not need more than 24 parking spaces. And due to some grade issues and retention requirements physically limits them to the number of spaces they are proposing.

Vice-Chairman Heath closed the public hearing at 7:06p.m.

BACKGROUND INFORMATION:

The applicant and Dollar General Stores own and operate over 10,000 retail locations. This prototype store has been built at many locations around the country with 27 parking stalls without parking problems. The applicant has designed the parking lot with 30 because they simply fit the layout easily. Staff has no problem accepting the experience of time versus a generic parking ratio.

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,
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,
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,
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,

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,

2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents,
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
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare,
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations,

Having considered the evidence at the hearing and determining that the finding of fact in the Variance Report have been found to exist that support all the five conditions set out in Section 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the state statues which are necessary for granting of a variance, I John Cromwell, move that the Vice-Chairperson be authorized to sign a Resolution granting the Variance for Case No. BZA-V-2012-12 as requested. Motion seconded by Ken Boone. Motion carried 5/0.

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

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

6. Review recommended changes to the Home Occupations regulations and set a public hearing on the proposed amendment to the Zoning Regulations.

A motion was made by Ken Boone, seconded by John Cromwell to call a public hearing for January 15, 2013 for proposed amendment to the Zoning Regulations for Home Occupations. Motion carried 5/0.

7. Review and approve the City of Andover 2013 Planning Commission & Board of Zoning Appeals meeting and closing dates schedule.

A motion was made by Ken Boone, seconded by William Schnauber to approve the City of Andover 2013 Planning Commission & Board of Zoning Appeals meeting and closing date schedule. Motion carried 5/0.

8. Member items.

There were no member items.

A motion was made by John Cromwell, seconded by Ken Boone to adjourn at 7:17p.m. Motion carried 5/0.

Respectfully Submitted by

Dayna DuFriend

Administrative Secretary

Approved this 15th of January, 2013 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.