

**ANDOVER CITY PLANNING COMMISSION/  
BOARD OF ZONING APPEALS  
Tuesday, July 16, 2013  
Minutes**

1. Call to order.

Chairman Quentin Coon called the meeting to order at 7:00 p.m.

2. Roll call.

Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Brian Lindebak, Ken Boone, William Schnauber and Lee Butler. Others in attendance were Director of Public Works and Community Development Les Mangus, Assistant Director of Public Works Steve Anderson, Assistant City Administrator Jennifer McCausland and Administrative Secretary Dayna DuFriend. Not in attendance was member Aaron Masterson.

A/V Staff: Cindy Barrett

3. Approval of the minutes of the June 19, 2013 meeting.

*A motion was made by Ken Boone, seconded by Brian Lindebak to approve minutes of the June 19, 2013 meeting. William Schnauber and Lee Butler abstained from the vote. Motion carried 4/0/2.*

4. Communications:

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

5. VA-2013-02- Public hearing on a petition for a vacation of a 25 foot front yard utility easement located at 1103 W. Basswood Dr., Lot 16, Block 3, Caywood Addition (Phase 2).

Gary Israel, 1103 W. Basswood Drive, applicant was present to represent the application.

Les Mangus explained that at this time the homeowner wished to only vacate the 25 ft. front yard utility easement for the purpose of having a well installed.

Mr. Israel explained that the several well drilling companies are telling him that it is impossible to place the well in the rear yard and other neighborhood properties have a well located in the front yard.

*A motion was made by Lynn Heath, seconded by William Schnauber to approve the petition for vacation for VA-2013-02 as presented. Motion carried 6/0.*

**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 6/0.*

6. [BZA-V-2013-02- Public hearing on an application filed by Robert Boles, requesting a variance of 840 sq.ft. from the required 500 sq.ft. maximum floor area of an accessory structure AND a variance to exceed by 480 sq.ft. the required maximum aggregate total floor area of all accessory structure of 1,000 sq.ft. for the purpose of constructing a 1,340 sq.ft. storage structure on property zoned as the R-1 Single-Family Residential District.](#)

Jeff Karst, Karst Garages Inc., 1515 W. Highlander Ct., Andover, was present to represent the application on behalf of the homeowner.

Mr. Karst explained that the structure will be built residential style with siding and shingles to match the existing house. They have collected letters of approval from the 5 adjoining homeowners. The homeowner plans to use the building for the purpose of storage only.

Lynn Heath inquired as to where the garage door would be.

Mr. Karst said that it will be on the south side.

Jeremy Lewallen, 1313Aldrich, asked for confirmation of the total square footage, if the front would be sided or bricked and what the height of the building would be. Ms. Lewallen did not oppose but did express some concern.

Chairman Coon closed the hearing.

**ANDOVER BOARD OF ZONING APPEALS**

**Agenda Item No. 5**

**For July 16, 2013**

**VARIANCE REPORT \***

**CASE NUMBER: BZA-V-2013-2**

**APPLICANT/AGENT:** Robert Boles/Karst Garages, Inc.

**REQUEST:** Robert Boles, 122 E. Kerry Lynn, Andover, Kansas, pursuant to Section 10-107 of the City Zoning Regulations, requests a variance to exceed the 1,000 sq. ft. accessory building restriction on property zoned as the R-1 Single-Family Residential District.

**CASE HISTORY:**

**LOCATION:** Legal description: Lot 10, Block D, Lakeview Heights Addition, City of Andover, Kansas.

General location: 122 E. Kerry Lynn, Andover, Kansas.

**SITE SIZE:** . 30,800 sq. ft.

**ADJACENT ZONING AND EXISTING LAND USE:**

North:	R-1 Single-Family Residential District
South:	R-1 Single-Family Residential District
East:	R-1 Single-Family Residential District
West:	R-1 Single-Family Residential District

\*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:**

The applicant requests approval to construct a 1200 sq.ft. (30'x40') residential style construction detached garage to closely match his home, in addition to an existing 140sq.ft. (10'x14') shed. The proposed total accessory buildings would be 1,340sq.ft.

**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, **because adequate space exists to accommodate a larger accessory building.**
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, **because the applicant simply desires to have more hobby/storage space.**
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, **because adequate space exists to accommodate a larger accessory building, while maintaining required building setbacks.**
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, **because adequate space exists to accommodate a larger accessory building, while maintaining required building setbacks**

**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, **because the subject property is over 50% larger than the minimum lot size for the district.**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents, **because adequate space exists to accommodate a larger accessory building, while maintaining required building setbacks**
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, **because the applicant simply desires to have more hobby/storage space.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience,

prosperity or general welfare, because adequate space exists to accommodate a larger accessory building, while maintaining required building setbacks

- 5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations, because adequate space exists to accommodate a larger accessory building, while maintaining required building setbacks

Date Granted: July 16, 2013

Valid Until (date): January 12, 2014  
(180 days Sec. 10-107G)

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Quentin Coon, Chairman

\_\_\_\_\_  
William Schnauber, Secretary

Certified to the Zoning Administrator on this date of: June 16, 2013

*Having considered the evidence at the hearing and determined that the findings 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 Brian Lindebak, move that the Chairperson be authorized to sign a Resolution granting the Variance for Case No. BZA-V-2013-02 as requested. Motion was seconded by Ken Boone. Motion carried 6/0.*

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

*A motion was made by Ken Boone, seconded by William Schnauber to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 6/0.*

7. Review the Final PUD Plan for The Cornerstone Fourth Addition.

Brian Lindebak stated that he would be abstaining from voting on this item.

Jason Gish, MKEC Engineering, representing Ritchie Development was in attendance.

Jack Ritchie, Ritchie Development, was in attendance.

Les Mangus said that he is waiting for the receipt for the property tax payment.

*A motion was made by Lynn Heath, seconded by Ken Boone to approve the Final PUD Plan for The Cornerstone Fourth Addition. Brian Lindebak abstained from the vote. Motion carried 5/0/1.*

8. Member items.

There were no member items.

9. Adjourn.

*A motion was made by Lynn Heath, seconded by Ken Boone to adjourn at 7:28p.m. Motion carried 6/0.*

Respectfully Submitted by

Dayna DuFriend  
Administrative Secretary

Approved this 20<sup>th</sup> of August, 2013 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.