



MINUTES BOARD OF ZONING APPEALS

7651 E. Central Park Ave, Bel Aire, KS

August 13, 2026



I. Call to Order Chairman Phillip Jordan called the meeting to order at 8:25 p.m.

II. Roll Call

Chairman Phillip Jordan and Board Members Brian Mackey, Dee Roths, John Sutherland and Kent Koehler were present in person.

Vice Chairman Deryk Faber and Board Member Paul Matzek were absent.

Paula Downs, Secretary and Maria Schrock, City Attorney were present in person.

III. Consent Agenda

A. Approval of Minutes from Previous Meeting.

Secretary stated that she has an email request from Commissioner Faber about updates to the minutes and confirmed with Chairman Jordan that she had received a minor update from him.

Board Member Sutherland said that he was very disappointed in everyone at the last meeting. He thought it got out of hand and went off the rails because the Bylaws were not followed. Commissioner Sutherland stated that if the Bylaws had been followed it would have been a 20 minute meeting and the citizens would have been out the door and happy. He was very disappointed that it didn't go that way because of bad advice from staff. Commissioner Sutherland stated that the Bylaws were looked at and he asked and asked for clarification and it finally got the item tabled. He thought that the BZA needs to take the time to do it right the first time and it was approved on an exception basis by the Secretary and City Manager. He felt it turned into a real mess, and he felt terrible for the applicants who asked to put in a driveway. Commissioner Sutherland said that he wanted the BZA to get to where they did not look like clowns. He stated that a question was asked and each time it was asked there was a different

answer. Commissioner Sutherland recommended that everybody bring the Bylaws (to the meetings) and don't be afraid to be vocal. Commissioner Sutherland stated that he also had some changes (to the minutes) that he sent to the Secretary.

Secretary stated that she received a request from Board Member Faber who was present at the last meeting but was unable to attend the meeting. Board Member Faber asked that the minutes be corrected as follows:

1. Board Member Faber stated that during the discussion (during the August 13, 2026, meeting) about the notification area, Board Member John Sutherland said in substance- that if you dropped a bomb on that property the fallout would be an area of notification. This comments was used and that comparison made to argue that notice should go out to a wider group of neighbors than the code requires. Board Member Faber stated that the word "bomb" does not appear in the draft minutes neither does the comparison on page 5. The minutes states the request but drops his (Board Member Sutherland) reasoning. Board Member Faber requested staff to confirm the exact words that were used and the exact language used by Board Member Sutherland be included in the minutes.

Secretary read the exact language said by Board Member Sutherland: "So a lot of times you'll have an area of influence, and you'll have an area of impact I'm very familiar with those from my career. The area of influence is a is bigger way bigger than the area of impact it's kind of like you drop a bomb on right here in the area of impact is within 500 yards. The area of influence it might ruin the city you know the city functioning for 3 or 4 days and that and that influence goes a lot wider."

The Secretary stated that the BZA may approve the minutes as amended, approve them as written, or continue the item (approval of meeting minutes) to a future meeting if additional clarification is needed. If there are changes, additions, and clarifications that the BZA wants reflected in the minutes it should be included as part of the motion.

The Secretary stated she received an email from Chairman Philip Jordan who asked that in the 5th paragraph on page 4 needed the clarifying word "he" added to have the sentence make sense. The Secretary stated she received an email from Board Member Sutherland who made updates within the minute document as follows:

1. Page 9, paragraph that starts with "Board Member Sutherland reviewed criteria one and said that the property does have physical anomalies....." Board Member Sutherland's addition says "The Lot does have an irregular shape as it does not have parallel lot line in

either direction and irregular lot is defined as any lot which does not have generally rectangular shape as defined by Pottawatomie County Kansas among others.”

Secretary stated that this statement was not discussed at the meeting and was not in the recording. This statement is an analysis after the fact and not discussed at the meeting. It is a statement and not part of the meeting minutes to be corrected or updated.

2. Page 10, paragraph that starts with “City Attorney confirmed that there are seven members on the Board of Zoning Appeals”. Board Member Sutherland’s addition says “ This statement is incorrect, in the BZA Bylaws, Resolution No. 2025-43, page 5 Article IV- Conduct of Meetings, Section 4- Voting- The VZA shall act by a majority of the members present and voting. If this had been the legal advice this matter would have been brought to a vote and approved. This had to be approved via an Administrative Exception provisions on 7/23/26. This matter would have been closed, and the citizens would have left knowing they could install the concrete pad no matter that is called and the meeting would have been adjourned. This would have averted the entire rest of the meeting which was a disaster for the citizens as well as the BZA members.”

Secretary stated that this information was not language used during the meeting or discussed during the meeting. This statement is an analysis after the fact related to what the bylaws say. The minutes reflect what was said during the meeting.

3. Page 10/11- paragraph that starts with “Board Member Roths asked for clarification that if the vote is 3-1 to approve.....” Board Member Sutherland’s addition says, “Again, wrong information, see above BZA Bylaws, Article IV Conduct of Meetings, Section 4- Voting.”

Secretary stated that this information was not language used during the meeting or discussed during the meeting. The statement was an analysis after the fact.

4. Page 17, Motion section for Item VI. Board Member Sutherland’s addition says “This BZA case was tabled by a 3 to 1 vote when we were told by both the city attorney and the BZA secretary that any action had to be voted 4 to 0 or it would fail. Again, refer to BZA bylaws, Article IV, Section 4-Voting.

Secretary stated that this was not discussed as part of the meeting recording.

Secretary stated that these were the three emails received related to the BZA meeting minutes request for updates.

Chairman Jordan stated that since he's been a part of this (Planning Commission) that staff has cleaned up (the minutes) so that they are legible, clear and get the gist of what was said. Chairman Jordan (asked) I don't believe we have used the literal meeting minutes. Secretary stated that he was correct and we (Commission/BZA) don't do verbatim minutes. Board Member Roths said at one time verbatim minutes were done but it has been awhile.

Chairman Jordan said that he wasn't sure he agreed with the stuff about bombs and he didn't think it was valuable, clear or concise. Chairman Jordan said that he supports the meeting minutes that captures the gist (of what is said) and cleans up the colloquialisms.

Board Member Sutherland said he didn't mind the comment (about bombs), and he'd say it to anybody. Board Member Sutherland said that there are a lot of items that are left out. He referenced the "sunflower" that nobody could really remember about the landscape. If there were transcribed meeting minutes you could have went back and (known) what was talked about and what the applicant had said. Board Member Sutherland said he is a proponent of transcribed meeting minutes because it's easy to do and it's cheaper than actually going back and listening and writing them. He said that if the BZA was gone in the next several years or the bomb hits tonight, somebody could read exactly what was talked about in our (BZA) own words.

Chairman Jordan stated that the meetings are recorded and those are available if anybody wants those. Secretary stated that with transcribed minutes it is exactly what is said and will include "Oh's" and "umm's", etc. The speakers would have to be identified. Currently, the minutes are detailed accurate summaries of the discussion. The City Council records their meetings, and the recordings are available on YouTube. The Council's meeting minutes are not detailed because the meetings are recorded and can be heard by the public. The BZA is not being recorded on camera, and the audio recording is not posted. The Bylaws state that once the meeting minutes are approved the recording is deleted.

Chairman Jordan asked if other cities post recordings for public access. Secretary was unsure but did say some cities do video record their meetings like the City Council- she was unsure of which cities.

Board Member Sutherland stated he thinks the minutes should be verbatim because when you go back and summarize and somebody shapes the notes, there's important things left out. Board Member Sutherland said that he received a copy of the meeting transcript and it was 37 pages and the minutes were condensed down to 17 pages, so half of it was left out.

Board Member Roths said that she has worked with the Planning Commission for a long time and with the Bel Aire staff and she has nothing but praises. She has seen you (staff) work very hard to use every bit of knowledge that you can. Board Member Roths said that mistakes can happen anytime. She stated that she supports this staff totally and felt that you (the staff) are doing an excellent job. Board Member Mackey concurred. Board Member Mackey stated that staff keep on eye on AI options to lighten the load (on staff) and he assumed that this (creating minutes) is hours of work- the Secretary said yes.

Board Member Koehler asked if the City had an AI product that could be used for transcribing and the Secretary confirmed that Microsoft 365 has a transcribe feature that staff uses.

Board Member Koehler said that the Board needs to get back to what do they want to do about the minutes from the previous meeting and then make a second. What the Board wants to do in the future is a separate thing that we would have to modify the bylaws if we want to change something about what types of minutes are kept. Board Member Koehler stated that the minutes are on the consent agenda and this is about if the Board approves the consent agenda yes or no because for a consent item so you don't call out the individual items on the consent agenda that may just be a format we need to change later.

Motion: Board Member Roths moved to approve the minutes of the July 9, 2026, as written. Chairman Jordan seconded the motion. ***Motion carried 2-1.***

Board Member Sutherland was the dissenting vote.

Board Member Koehler was not appointed to the BZA and did not attend the meeting. He abstained from the vote.

Board Member Mackey did not attend the meeting. He abstained from the vote.

V. Announcements:

A. Review and provide changes/updates to the BZA Bylaws to the Secretary

Secretary reminded the Board to continue to look at the bylaws and be prepared to provide guidance and suggestions for updates. Secretary asked if the Board wanted the Bylaw discussion added to the next meeting agenda.

Chairman Jordan stated that he didn't want to add this to the agenda and asked why it would be discussed at all the meetings. Secretary stated that it was requested that the Bylaws discussion be added to the Planning Commission agenda in September. These Bylaws

were used to develop the BZA Bylaws and there were a lot of similarities, but the Board doesn't have to discuss Bylaws at the next meeting.

Board Member Sutherland asked if the Secretary could send a Word document of the BZA Bylaws to the Board so they can provide comments back to staff. He stated that staff can put the comments together for future discussion. Secretary confirmed she would send them out.

Chairman Jordan didn't want to add the Bylaws to the agenda since the Bylaws were just approved 4 or 5 months ago. He wanted to focus on the Planning Commission Bylaws for right now. Secretary stated that if changes are made to the Planning Commission Bylaws the same language might need to be updated in the BZA Bylaws. The Bylaws are to be reviewed no less than every 3 years but can be updated at any time.

VI. Board of Zoning Appeals Business

A. No Board of Zoning Appeals Business

Board Member Koehler asked what happened to VAR-26-02 case that was tabled at the last meeting. Chairman Jordan stated that it became a non-issue. Board Member Koehler asked if there had been an announcement. Board Member Sutherland did state that the case was resolved through an administrative exception.

VII. Approval of the Next Board of Zoning Appeals Meeting Date.

Motion: Board Member Koehler moved to approve the date of the next meeting. Board Member Mackey seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. Upcoming Agenda Items:

1. No known agenda items

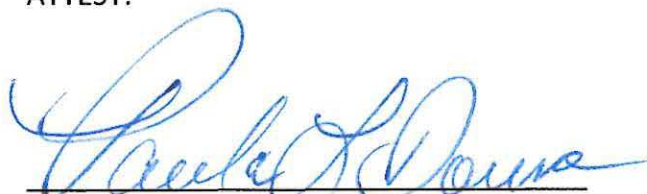
IX. Adjournment

There being no further business to come before the Board, Chairman Jordan declared the meeting adjourned by general consent at 9:00 p.m.

Approved by the Bel Aire Board of Zoning Appeals the 10th day of September 2026.


Phillip Jordan, Chairman

ATTEST:


Paula L. Downs, Secretary