AGENDA
BOARD OF
ZONING APPEALS

7651 E. Central Park Ave, Bel Aire, KS

June 11, 2026

6:30 PM or immediately following
Planning Commission meeting

I. Call to Order

II. Roll Call

Phillip Jordan ____ Dee Roths ____ Deryk Faber ____

Brian Mackey ____ Paul Matzek ____ John Sutherland ____

III. Consent Agenda

A. **Approval of Minutes from Previous Meeting**

Action: Motion to approve the minutes of May 14, 2026

Motion ______ Second ______ Vote ______

IV. Announcements: No announcements

V. Board of Zoning Appeals Business: No new business.

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

Action: Motion to approve the date of the next meeting: July 9, 2026, following the Planning Commission Meeting.

Motion _______ Second _______ Vote ________

VII. Current Events: No upcoming agenda items.

VIII. Adjournment

Action: Motion to Adjourn.

Motion ______ Second ______ Vote ______

MINUTES
BOARD OF ZONING APPEALS

7651 E. Central Park Ave, Bel Aire, KS

May 14, 2026

I. Call to Order Chairman Phillip Jordan called the meeting to order at 7:45 p.m.

II. Roll Call

Chairman Phillip Jordan, Vice Chairman Deryk Faber and Board Members Dee Roths, Brian Mackey and John Sutherland were present in person.

Board Member Paul Matzek was absent.

Paula Downs, Secretary was present in person.

Maria Schrock, City Attorney was absent.

III. IV. Consent Agenda

A. **Approval of Minutes from Previous Meeting.**

Motion: Board Member Roths moved to approve the minutes of April 9, 2026. Vice Chairman Faber seconded the motion.

Board Member Sutherland asked that the ICC code documents he discussed during his citizen presentation on the case be submitted into the record. Secretary stated that this would need to be reviewed with the City Attorney because they were not presented to the Board of Zoning Appeals during the meeting. Commissioner Sutherland said they were presented. Secretary stated that the Board did not have the document in their packet for review. Secretary stated she would make a copy of the document after the meeting and review with the City Attorney.

Motion carried 5-0.

V. Announcements: No announcements

VI. Board of Zoning Appeals Business

A. No cases before the Board of Zoning Appeals

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

Motion: Board Member Roths moved to approve the date of the next meeting: June 11, 2026, following the Planning Commission Meeting. Vice Chairman Faber seconded the motion.

Secretary stated that each meeting the Commission and Board will approve a Planning Commission Meeting and a Board of Zoning Appeals meeting date because cases could be submitted. The Secretary stated that a case has been submitted that will be on the next agenda.

Motion carried 5-0.

VIII. Current Events

A. Upcoming Agenda Items

Secretary did state that a case had been submitted and will likely be heard at the next Board of Zoning Appeals meeting, which is why a meeting date was approved.

Chairman Jordan asked if a Variance case goes before the Planning Commission and then the appeal is heard by the Board of Zoning Appeals. Secretary confirmed that Variance cases are only heard by the Board of Zoning Appeals.

Board Member Sutherland asked when staff goes through the request for a variance and there are review criteria included if the Board could get a more of a reason why the city staff came to their information. Board Member Sutherland states that one of the comments would always be around this would or wouldn't create a financial issue for the developer. If there is any review criteria it should have what the staff determined and all the items that were looked at and why. Board Member Sutherland stated he was taking a lot of information for granted and is not comfortable voting for something without a little bit more information about. One sentence is not good.

Secretary stated that during the previous variance case that the staff report was detailed around the review criteria. Staff tries to provide as much information as possible in the report. Secretary stated that she could review the criteria to determine if there are opportunities to provide some more information.

Board Member Sutherland referenced the criteria related to the request not being self-created. Board Member Sutherland read from the report related to the encroachment "the side yard setback did not occur as a result of any intentional action by application to circumvent the requirements of the approved final plat". Board Member Sutherland asked how we came to that statement. The question is that is a very attorney statement, and the board doesn't know how it was determined that it was not an intentional action. How does the Board know it wasn't done intentionally to circumvent the requirements. Those are the types of questions that need to be answered before Board Member Sutherland would be comfortable before making a decision- he needs more information. Board Member Sutherland read another statement " the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare" . The report stated that it will not affect any of those- Board Member Sutherland asked "why".

Board Member Mackey stated that he was very comfortable with the information provided by the staff and the detailed rationale has increased the amount of information provided including the details of the Golden Factors and how they were or were not addressed. Board Member Mackey stated that he didn't share Board Member Sutherland's concern and he has been very comfortable with the information being received.

Board Member Roths stated that explanations, with the Golden Factors, the staff report is always very detailed and answers the Boards particular questions. Board Member Roths stated she trusts the staff fully.

Secretary stated that staff learns with each case and the staff report and information will continue to improve. Each case is often unique and we learn from that. Staff puts in as much detail and information as possible in the report. Secretary wants to ensure the Board has all the information needed to make a decision. Staff will continue to review and make improvements as needed.

Chairman Jordan stated that the review elements (Golden Factors) are based on their knowledge and best opinion and are not really "proof in a court of law" – the information from the variance case doesn't appear to be a hardship or health, safety welfare issue. The information is a guideline to think through things and provide the public with a rationale of why it's approved or denied. Chairman stated that when Board Member Sutherland asked "how do you know" not sure staff can actually prove it, but that it's an opinion based on the information that they do know.

Board Member Sutherland stated that maybe the report needs to say, "the opinion of staff" and then if he has questions he can ask them.

IX. Adjournment

Motion: Vice Chairman Faber moved to adjourn. Chairman Jordan seconded the motion. ***Motion carried 5-0.***

Approved by the Bel Aire Board of Zoning Appeals the 11th day of June 2026.

____

Phillip Jordan, Chairman

ATTEST:

____

Paula L. Downs, Secretary