

# LEAVENWORTH BOARD OF ZONING APPEALS

Monday, August 19, 2024 – 6:00 P.M.  
COMMISSION ROOM, CITY HALL  
LEAVENWORTH, KANSAS

## AGENDA

### CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: June 17, 2024 **Action:** Motion

### OLD BUSINESS:

**None**

### NEW BUSINESS:

**1. 2024-18 BZA – 1903 S. 4<sup>TH</sup> STREET**

Hold a public hearing for Case No. 2024-18 BZA – 1903 S. 4<sup>th</sup> St., wherein the petitioner is seeking a variance from Section 8.11 of the adopted Development Regulations to allow a freestanding sign in excess of the maximum allowable height in the GBD zoning district.

**2. 2024-20 BZA – 2115 VILAS STREET**

Hold a public hearing for Case No. 2024-20 BZA – 2115 Vilas St., wherein the petitioners are seeking a variance from Section 4.03 of the adopted Development Regulations to allow an accessory structure to be erected forward of the main building line.

ADJOURN



**BOARD OF ZONING APPEALS MINUTES  
MONDAY, June 17, 2024, 6:00 P.M.  
COMMISSION ROOM, CITY HALL  
LEAVENWORTH, KANSAS**

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**CALL TO ORDER:**

**Board Members Present**

Kathy Kem  
Jan Horvath  
Daniel Bolling

**Board Member(s) Absent**

David Ramirez

**City Staff Present**

Michelle Baragary  
Julie Hurley

Chairperson Kem called the meeting to order at 6:00 p.m. and noted a quorum was present.

**APPROVAL OF MINUTES:** March 18, 2024

Chairperson Kem asked for comments, changes or a motion on the March 18, 2024 minutes presented for approval. Commissioner Horvath moved to approve the minutes as presented, seconded by Commissioner Bolling and approved by a vote of 3-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**1. 2024-11 BZA – 108 WOODMOOR CT**

Hold a public hearing for Case No. 2024-11 BZA – 108 Woodmoor Ct., wherein the petitioner is seeking a variance to section 8.09 of the adopted Development Regulations to allow two neighborhood identification signs in the Mobile/Manufactured Home Park (MP).

Chairperson Kem called for the staff report.

Planning Director Julie Hurley stated the applicant, Kansas City Sign Company, is requesting a variance from section 8.09 of the adopted Development Regulations to allow two freestanding neighborhood identification signs at 108 Woodmoor Court, a manufactured home community zoned MP.

The subject property is an existing manufactured home community, previously named Woodmoor Court, which recently sold, and renamed to Forest Hills. The new owners of the property wish to install two freestanding neighborhood identification signs at the entrances into the community.

Section 8.09 of the Development Regulations does not allow for freestanding neighborhood identifications signs in the MP district. Each of the proposed signs will be 32 sqft in area, with an overall height of 6.7'. The signs as proposed comply with the regulations pertaining to freestanding neighborhood identification signs in all other residential districts.

After the required notice was published to properties within 200', staff has received no comments from any notified property owners.

Chairperson Kem called for questions from the commissioners on the staff report.

Chairperson Kem asked why there is a different set of standards for the mobile home park as opposed to the rest of the residential districts.

Ms. Hurley responded that she is not sure. It was set up like this when the Development Regulations were first put in place. Since this is the only mobile home community, staff has not had to address this, but we do intend to address this with our next update to the regulations.

With no further questions about the staff report, Chairperson Kem opened the public hearing.

Lee Mendenhall, Kansas City Sign Company, stated this is a standard sign that would look nice and be attractive.

Chairperson Kem asked if the sign is externally lit.

Mr. Mendenhall responded in the negative.

Commissioner Horvath asked if there are streetlights in the area that would allow visibility of the sign at night.

Mr. Mendenhall stated he is not sure.

Ms. Hurley responded that there are streetlights on the street.

With no one else wishing to speak, Chairperson Kem closed the public hearing and called for discussion among the commissioners. With no further discussion, Chairperson Kem read the following criteria regarding the Board's authority and reviewed each item.

**BOARD OF ZONING APPEALS AUTHORITY:**

The Board's authority in this matter is contained in Article 11 (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

**Variances:** To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing the special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather,

variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.

a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

**Vote 3-0**

**All board members voted in the affirmative.**

**Chairperson Kem stated that there are no other MP districts so it is obviously not found in MP other districts.**

b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

**Vote 3-0**

**All board members voted in the affirmative.**

c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

**Vote 3-0**

**All board members voted in the affirmative.**

d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

**Vote 3-0**

**All board members voted in the affirmative.**

e) *That the granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

**Vote 3-0**

**All board members voted in the affirmative.**

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

**ACTION:**

Approve or deny the request for a variance from section 8.09 of the Development Regulations to allow two freestanding neighborhood identification signs in the MP District.

Chairperson Kem stated based on the findings, the variances for Case No. 2024-11 BZA is granted to allow two neighborhood identification signs in the MP district located at 108 Woodmoor Ct.

**2. 2024-15 BZA – 3900 NEW LAWRENCE RD**

Hold a public hearing for Case No. 2024-15 BZA – 3900 New Lawrence Rd., wherein the petitioner is seeking a variance to section 4.03 of the adopted Development Regulations to allow an accessory structure to be erected forward of the main building line.

Chairperson Kem called for the staff report.

Planning Director Julie Hurley stated the applicant, Scott Peare, is requesting a variance from section 4.03 of the adopted Development Regulations to allow an accessory structure to be erected forward of the main building line at 3900 New Lawrence Road, a single family home zoned R1-25, Low Density Single Family Residential district.

The subject property is 11.46 acres in size and is occupied by an existing single-family home. The applicant intends to construct a 1,600 square foot detached garage adjacent to the existing paved driveway. There are no other accessory structures on the property. The existing home is situated approximately 200' from New Lawrence Road and there is a line of dense vegetation and tree cover between the home and right-of-way, obscuring view of the home from New Lawrence Road. The property is irregularly shaped, with the home situated at an angle to New Lawrence Road. The proposed detached garage would be situated forward of the main building line of the house, and between the house and New Lawrence Road.

Section 4.03 of the Development Regulations states:

*No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.*

After the required notice was published to properties within 200', staff has received no comments from any notified property owners.

Chairperson Kem called for questions from the commissioners on the staff report.

Commissioner Horvath asked for concurrence that the topography drops off quite a bit, and that there are a lot of trees around so that it could not be seen from the road, nor could the neighbor to the southwest see the proposed structure.

Looking at the contours on GIS, Ms. Hurley responded it does drop off quite a bit. The house is the high point, and then everything drops off in every direction.

Chairperson Kem asked if the area the applicant wants to the accessory structure is a side yard, front yard or backyard.

Ms. Hurley responded that technically it would be the front yard. The way the definition is written for a front yard is basically the area between the house and the road right-of-way. Even though this is an

irregularly-shaped lot, and the house is not facing towards New Lawrence, it would still be considered the front yard.

Chairperson Kem asked if the structure were moved back behind the front of the house, then what side of the house is it on.

Ms. Hurley responded that it is tricky to pick the yards in this instance, but technically the structure would need to be behind the house in order for it to be out of the front yard. Anywhere they would build it adjacent to that existing driveway would be in the front yard. The applicant would need to expand the driveway to get behind the house and out of the defined front yard.

Chairperson Kem asked about the limit to the square footage in relation to the house.

Ms. Hurley replied that once the structure is over 15% of the square foot of the house, then it would need to blend in with the design and style of the house. From what the applicant has submitted, the structure has some detailing and enhancements on it, and it is not just a standard Butler Building.

With no further questions about the staff report, Chairperson Kem opened the public hearing.

Scott Peare, applicant/owner, stated he wants to thank Michelle Baragary publicly for helping him put this packet together, and appreciates all her effort. Mr. Peare further stated the reason they want to put the building there is because of the topography. Live in a split level, so essentially the north side of the house is where it starts to slope down. In order to build in the back yard, it would require significant fill. There is also an Everage easement to the east of the house, so they cannot build anything between the house and New Lawrence Road very far. The proposed building site goes up to the easement. Everage has come out to inspect the location, and has approved the proposed location for the structure. Has spoken with all the neighbors, and no one has an issue with the proposed building.

With no one else wishing to speak, Chairperson Kem closed the public hearing and called for discussion among the commissioners. With no further discussion, Chairperson Kem read the following criteria regarding the Board's authority and reviewed each item.

**BOARD OF ZONING APPEALS AUTHORITY:**

The Board's authority in this matter is contained in Article 11 (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

**Variances:** To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing the special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the

use of his property in the manner similar to that of other property in the zoning district where it is located.

2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
  - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

**Vote 3-0**

**All board members voted in the affirmative.**

**Chairperson Kem stated that she would normally disagree with this one, but since there are exceptional topographic issues, she agreed.**

- b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

**Vote 3-0**

**All board members voted in the affirmative.**

- c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

**Vote 3-0**

**All board members voted in the affirmative.**

- d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

**Vote 3-0**

**All board members voted in the affirmative.**

- e) *That the granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

**Vote 3-0**

**All board members voted in the affirmative.**

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

**ACTION:**

Approve or deny the request for a variance from section 4.03 of the Development Regulations to allow an accessory structure forward of the main building line.

Chairperson Kem asked staff if the rendering that was submitted with the application get approved or does it have to go back through a site plan review.

Ms. Hurley responded that when the applicant applies for his building permit it will come to our department for review.

Chairperson Kem stated based on the findings, the variances for Case No. 2024-15 BZA is granted to allow a 1,600 sqft. detached garage to be erected forward of the main building line, and adjacent to the existing paved driveway.

**3. 2024-16 BZA – 347 N. 20<sup>TH</sup> TERRACE**

Hold a public hearing for Case No. 2024-16 BZA – 347 N. 20<sup>th</sup> Ter., wherein the petitioner is seeking a variance to section 6.08 of the adopted Development Regulations to allow a solid fence in excess of 6' in height in the rear yard of a residential property.

Chairperson Kem called for the staff report.

Planning Director Julie Hurley stated the applicants, Christopher and Melanie Redding, are requesting a variance from section 6.08 of the adopted Development Regulations to allow a solid fence in the rear yard in excess of 6' in height. The applicants are proposing to construct a solid fence of up to 10' in height to increase privacy and noise reduction in their rear yard.

The subject property is .6 acres in size and is occupied by an existing single-family home. The applicants intend to add height to a portion of existing 6' solid fence in the rear yard to increase privacy from the property to the west. There is a significant difference in grade between the subject property and the property to the west, with an approximately 4'-6' difference in elevation. The area of fence which is proposed to be constructed in excess of 6' is approximately 42' in length, extending from the existing driveway to the side property line as shown on the attached exhibit.

Section 6.08 of the Development Regulations states:

*Open fences and hedges may be installed in all side and rear yards on the property line but may not exceed 72 inches above the natural contour of the ground.*

After the required notice was published to properties within 200', staff has received no comments from any notified property owners.

Chairperson Kem called for questions from the commissioners on the staff report.

Chairperson Kem asked if there have been other requests of this nature.

Ms. Hurley responded that there has not been any like this in the 10-years she has been with the city.

Commissioner Bolling requested to see the topography lines on GIS.

Ms. Hurley stated it slopes from the west to the east. Each line on GIS represents a 2' slope, and the more the lines are bunched up, the sharper the slope.

Commissioner Horvath asked if any property owners in the past have asked to increase the height of their fence.

Ms. Hurley responded that we do not have anything documented, but is sure that someone has asked if a fence greater than 6' in height could be installed, but no one has gone as far as requesting a variance.

Commissioner Horvath asked if an increase in height is allowed are there any additions that would have to be made to ensure the integrity of the fence so it does not fall over.



Ms. Hurley responded that they would still need to get a fence permit but staff does not inspect them for structural issues. It would be on the property owner to ensure structural integrity of the fence.

With no further questions about the staff report, Chairperson Kem opened the public hearing.

Christopher Redding, owner/applicant, stated the fence is for privacy and noise reduction. The neighbor to the west have dogs that are quite loud. Some of the existing fence has helped but there is that portion to the right that the neighbors can essentially see over the fence. This really is just about the basic right to privacy. Mr. Redding further stated he can see the pessimism in the commissioner's eyes as they try to sort through the adherence to rules, the spirit of the law. He poses the question to the board that if they are going to vote no that they tell him why he does not have the right to privacy.

Chairperson Kem stated she appreciates the comments but nowhere does the ordinance say you have the right to privacy, and a fence does not necessarily ensure privacy.

Mr. Redding stated he does have a third stringer to reinforce the sides of the fence, and would probably do some additional cabling.

Commissioner Horvath asked if noise abatement is also a legitimate issue.

Mr. Redding responded that from their perspective, yes. To answer an additional question the board had before the public hearing, Mr. Redding stated they did talk with neighbors. The two neighbors to the west do not have an issue. The neighbor at the corner was confused because they thought the fence was in relation to property that is not on the applicant's lot but Mr. Redding explained the situation to them.

With no one else wishing to speak, Chairperson Kem closed the public hearing and called for discussion among the commissioners.

Chairperson Kem stated this is kind of a slippery slope because there has not been an application like this for as long as she has been on the board. Must be careful about what we approve or not approve because it can certainly open a can of worms.

Commissioner Bolling stated he agrees but refers back to the topography of the lot.

Chairperson Kem stated there are significant topographical issues there.

Commissioner Bolling is curious about how much of the city is on a slope like this that could potentially open up the floodgates for a bunch of variances for this type of issue.

Chairperson Kem asked staff if they have any leeway in terms of staff administratively approving an increase up to a certain percent.

Ms. Hurley responded that staff can approve up to 10% administratively. With a 6' privacy fence, that would only be about an additional 7", which would not get the applicants close to the height they want.

Commissioner Horvath asked for clarification that the applicants are requesting an additional four feet.

Ms. Hurley responded they are requesting to build up to a 10' high privacy fence. Ms. Hurley further stated that when staff reviews a fence application, it has to be measured from the average grade of their property line, not into a neighbor's property.

With no further discussion, Chairperson Kem read the following criteria regarding the Board's authority and reviewed each item.

**BOARD OF ZONING APPEALS AUTHORITY:**

The Board's authority in this matter is contained in Article 11 (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

**Variances:** To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing the special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
  - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

**Vote 3-0**

**All board members voted in the affirmative.**

**Chairperson Kem stated she is struggling with this one. Since it is in the backyard, she wants to say yes but at the same time struggles with that. There are exceptional topographical circumstances. It may be unique to the property depending on how you interpret that. It certainly is not unique to the subject property in that particular neighborhood, but it could perhaps be unique to other property in Leavenworth. Commissioner Horvath stated that if this variance is granted, the board can add conditions regarding the height of the fence.**

- b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

**Vote 3-0**

**All board members voted in the affirmative.**

- c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

**Vote 3-0**

**All board members voted in the affirmative.**

**Commissioner Horvath stated there are noisy dogs next door.**

- d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

**Vote 3-0**

**All board members voted in the affirmative.**

- e) *That the granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

**Vote 3-0**

**All board members voted in the affirmative.**

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

**ACTION:**

Approve or deny the request for a variance from section 6.08 of the Development Regulations to allow a solid fence in excess of 6' in height in the rear yard.

Chairperson Kem called for discussion about imposing any conditions, safeguards, or restrictions.

Commissioner Horvath believes that four feet is excessive. He further stated that his house is also on a ridgeline, and that his neighbors have noisy dogs but could not imagine adding an additional four feet to his fence. We need to keep in mind that the fence has to be structurally sound no matter what height it is.

Chairperson Kem also agrees that four feet is excessive.

Ms. Hurley stated that the Development Regulations the tallest fence height allowed in the city is 8 ft., and that is in industrial districts.

Commissioner Bolling stated he would be in agreeance to a height of 8 feet.

Chairperson Kem called for a motion to put a condition to limit the height to 8'. Commissioner Horvath moved that a limitation on the height addition of 2' for a maximum height of 8', Commissioner Bolling second. The motion passes 3-0.

Chairperson Kem stated based on the findings, the variance for Case No. 2024-16 BZA is granted to allow a solid fence in excess of 6' in height in the rear yard, with the condition that the maximum height is limited to 8'.

With no further discussion, Ms. Hurley stated there are no items on the agenda for July, but we will potentially have a meeting in August.

With no further business, Chairperson Kem adjourned the meeting.

The meeting adjourned at 6:12 p.m.

Minutes taken by Planning Assistant Michelle Baragary.

**Board of Zoning Appeals Agenda Item**  
**Variance Request**  
**2024-18 BZA**  
**1903 S. 4<sup>th</sup> Street**

**AUGUST 19, 2024**



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**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development

**SUMMARY:**

The applicant is requesting a variance from section 8.11 of the adopted Development Regulations to allow a freestanding sign in excess of the maximum allowable height.

**DISCUSSION:**

The applicant, Schurle Signs, Inc., is requesting a variance from the above noted section of the adopted Development Regulations to allow the installation of a 25' high freestanding sign for the Dollar Tree store to be constructed at 1903 S. 4<sup>th</sup> Street.

Section 8.11 of the Development Regulations states that freestanding signs located in the GBD zoning district be limited to 15' in height. Section 8.11 further states:

*Freestanding signs shall not exceed 15 feet in height. Where a sign is located across the street from a property zoned for commercial or industrial uses, the height of the sign may be increased to a height of 25 feet, provided that the nearest edge of the sign is setback from the property line 2 feet for each additional 1 foot in height.*

The proposed freestanding sign is 5.07' from the property line, which would allow for a height increase of 2', for a maximum allowed height of 17'. The applicant is requesting an overall height of 25'.

Along 4<sup>th</sup> Street between Spruce and Limit Streets, there are a number of existing freestanding signs in excess of 15' in height that were installed prior to current regulations. The existing signs in excess of 15' in height are considered "existing nonconforming".

After the required notice was published and sent to properties within 200', staff has received no comments from any notified property owners.

**BOARD OF ZONING APPEALS AUTHORITY:**

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

**Variances:** To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship,

provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
  - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*
  - b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*
  - c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*
  - d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*
  - e) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*
3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

**ACTION:**

Approve or deny the request for a variance from section 8.11 of the Development Regulations to allow a freestanding sign in excess of 17' in height for the property located at 1903 S. 4<sup>th</sup> Street.



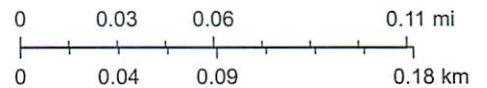
# 1903 S. 4th



8/15/2024, 2:39:41 PM

1:4,514

-  Override 1
-  Leavenworth City Limits
-  Parcels (City Owned)
-  City Right-of-Way
-  Parcels\_Current
-  RoadCenterline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community





BOARD OF ZONING APPEALS  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2024-18 BZA  
Application No. 15679  
Fee (non-refundable) \$350.00  
Filing Date 7-3-24  
Hearing Date 8-19-24  
Publication Date 7-25-24

PETITION

Property Zoning: GBO  
Location of Subject Property: 1903 S 4th St  
Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)  
Petitioner: Schurle Signs, Inc  
Petitioner Address: 1545 N 3rd St PO Box 514 Lawrence, KS 66044  
Email: rachel@schurlesigns.com Telephone: 785-485-2885  
Petitioner's Interest in Property: Sign Hangar  
Purpose of Petition: To extend height of pole sign from 15' to 25'

- Appeal of Administration Decision \_\_\_\_\_ Date of Decision \_\_\_\_\_  
Section 11.03.A
- Variance: Section 8.11.D  
Section 11.03.B
- Exception:  
Section 11.03.C

Site Plan or drawing attached (hard & digital copy): Yes  No

I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name (print): Kevin T. Kelly

Signature: [Signature] Date: 6/5/24

State of Missouri

County of Jackson

Signed or attested before me on June 5 2024 by Kevin T. Kelly

Notary Public: Kristi Stuedle

My appointment expires: 11/4/25 (Seal)

KRISTI STUEDLE  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI  
MY COMMISSION EXPIRES NOVEMBER 4, 2025  
CLAY COUNTY  
COMMISSION #13473833

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.  
Check list below...

Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
Full legal description of subject property obtained from the Register of Deeds Office (913-684-0424)
Certified list of property owners within two hundred (200) feet of the subject property – County GIS Department 913-684-0443
A filing fee of Three Hundred- fifty dollars (\$350)



T. E. Latham, P.E., President  
T. B. Clark, P.E., Exec. V. Pres.  
E. J. Adams, P.E., V. Pres.  
L. G. Snapp, AIA, LEED AP, V. Pres.,  
K. S. Bowman, Dir

J. M. Clark, P.E., (1931 - 2016)  
V. R. Geer, Jr., P.E. (1916 - 1994)

D. S. Carrier, P.L.S.  
D. A. Benton, P.E.  
C. D. Tisher Jr., P.E.  
M. E. Reid, AIA  
L. S. Rice, RA

June 19, 2024

Mr. Steven McMahon  
Dollar Tree Stores  
500 Volvo Parkway  
Chesapeake, VA 23320

Re: Dollar Tree  
2017 South 4<sup>th</sup> Street  
Leavenworth, KS

Subject: Signage Variance  
CGL Project No. 2410-30

Dear Mr. McMahon

Clark, Geer, Latham & Associates, Inc. (CGL) is pleased to have the opportunity to assist Dollar Tree Stores (DTS) in evaluating the proper size signage for their new store in Leavenworth, Kansas. As always, CGL appreciates DTS' continuing to select us to be an integral part of their phenomenal growth across the country over the past twenty-plus years.

While some may consider Building Signage to be only a minor facet to a Retail development, nothing could be farther from the truth. Building Signage is an extremely important aspect of a new development in several different ways. The most notable of these are: 1) Visibility, for attracting potential Customers and 2) the Safety of Motorists looking for the store. While the first can be critical to the success of a business, we will only be dealing with the second henceforth.

When Motorists are driving along busy roadways, there are numerous distractions to draw their attention away from the roadway. Other buildings, landscaping, billboards, beautiful scenery, etc. can all draw the Motorist's eye from the primary task in front of them, which is driving safely to their intended destination. However, when the intended destination has Building Signage that is obscured or improperly sized, the result can be an extended time of distraction, as the Motorist has to "search" with their eyes for their destination or a landmark. Additionally, signage that is too small or improperly placed can create a unique problem in that one might see the signage, but due to the size, they are not able to perceive or read the signage, thus creating more of a distraction than if the signage were properly sized or placed.

For guidance on this topic, we have consulted the American Association of State Highway Transportation Officials (AASHTO), which is the leading authority on most things related to roadways. AASHTO's publication entitled Geometric Design of Highways and Streets is the most widely accepted document with respect to street and highway design. In Chapter 3 – **Elements of Design, Decision Sight Distance** is discussed. Decision Sight Distance is defined as "the distance needed for a driver to detect an unexpected or otherwise difficult-to-perceive information source or condition in a roadway environment that may be visually cluttered, recognize the condition or its potential threat, select an appropriate speed and path, and initiate and complete the maneuver safely and efficiently."





It is our understanding that the current Sign Ordinance will only allow for a Pylon Sign of 15 feet tall. While we understand the desire to minimize excessive signage, for aesthetic reasons, the Safety of Motorists should also be a primary consideration in any decision regarding signage.

For this location, the posted Speed Limit is 35 mph, and we would classify this as a "Suburban Road" for the purposes of this discussion, which falls into Avoidance Maneuver D. Using these parameters, the Decision Sight Distance should be a minimum of 625 feet. What this tells us is that for a Motorist travelling at 35 mph (that's over 51 feet-per-second), a typical person requires a minimum of 625 feet to see the signage, comprehend it, decide how to react to it, confirm their surroundings, and make the necessary adjustments (lane change, slowing down, etc) to exit the roadway safely. Please note that it takes a little over 12 seconds to cover this distance travelling at 35 miles-per-hour; even less if a Motorist happens to be exceeding the Posted Speed limit, which is not uncommon. If the motorist has insufficient time available, this could cause them to react too quickly, increasing the likelihood of making an error in judgment and potentially causing a traffic accident.

In this case, the proposed building is facing generally west and is located approximately 100 feet to the east of the primary roadway, South 4<sup>th</sup> Street, which runs generally north to south. For a Motorist travelling north or south, the proposed Pylon signage would first become visible approximately 500 feet away from the entrance to the store, as it would be partially obscured by adjacent buildings. Additionally, this property lies several feet below the elevation of the roadway, making it more difficult to see a sign that is not tall enough.

A Motorist's eyes are typically focused on the task at hand, which is generally directly ahead of them. Smaller objects in one's peripheral vision have a tendency to become lost in the clutter. To improve this situation, it is our opinion that the installation of adequately sized signage at a higher elevation would be beneficial. This properly sized signage will help attract the attention of the north and south-bound Motorists, which would in turn help to ensure the Motorists would be able to comprehend the signage almost immediately upon seeing it and react appropriately.

It is therefore our recommendation that, in the interest of public safety, a Variance should be granted to allow Dollar Tree Stores to install the requested 25 foot tall Pylon Sign along the roadway frontage. It is our professional opinion that the taller signage at this particular location would significantly increase the safety of Motorists, allowing a much greater opportunity for Motorists to quickly comprehend the store's location and to safely plan their maneuver to initiate a stop at this store.

Clark, Geer, Latham & Associates, Inc. appreciates this opportunity to assist Dollar Tree Stores with this project. If you have any questions or require any further information, please advise.

Sincerely,

Clark, Geer, Latham & Associates, Inc.

Thomas E. Latham, P.E.  
President



demand where there is apt to be “visual noise” from competing sources of information, such as roadway elements, traffic, traffic control devices, and advertising signs.

The decision sight distances in Exhibit 3-3 (1) provide values for sight distances that may be appropriate at critical locations, and (2) serve as criteria in evaluating the suitability of the available sight distances at these locations. Because of the additional safety and maneuvering space provided, it is recommended that decision sight distances be provided at critical locations or that critical decision points be moved to locations where sufficient decision sight distance is available. If it is not practical to provide decision sight distance because of horizontal or vertical curvature or if relocation of decision points is not practical, special attention should be given to the use of suitable traffic control devices for providing advance warning of the conditions that are likely to be encountered.

Metric						US Customary					
Design speed (km/h)	Decision sight distance (m)					Design speed (mph)	Decision sight distance (ft)				
	Avoidance maneuver						Avoidance maneuver				
	A	B	C	D	E		A	B	C	D	E
50	70	155	145	170	195	30	220	490	450	535	620
60	95	195	170	205	235	35	275	590	525	625	720
70	115	235	200	235	275	40	330	690	600	715	825
80	140	280	230	270	315	45	395	800	675	800	930
90	170	325	270	315	360	50	465	910	750	890	1030
100	200	370	315	355	400	55	535	1030	865	980	1135
110	235	420	330	380	430	60	610	1150	990	1125	1280
120	265	470	360	415	470	65	695	1275	1050	1220	1365
130	305	525	390	450	510	70	780	1410	1105	1275	1445
						75	875	1545	1180	1365	1545
						80	970	1685	1260	1455	1650

Avoidance Maneuver A: Stop on rural road— $t = 3.0$  s

Avoidance Maneuver B: Stop on urban road— $t = 9.1$  s

Avoidance Maneuver C: Speed/path/direction change on rural road— $t$  varies between 10.2 and 11.2 s

Avoidance Maneuver D: Speed/path/direction change on suburban road— $t$  varies between 12.1 and 12.9 s

Avoidance Maneuver E: Speed/path/direction change on urban road— $t$  varies between 14.0 and 14.5 s

Exhibit 3-3. Decision Sight Distance

Decision sight distance criteria that are applicable to most situations have been developed from empirical data. The decision sight distances vary depending on whether the location is on a rural or urban road and on the type of avoidance maneuver required to negotiate the location properly. Exhibit 3-3 shows decision sight distance values for various situations rounded for design. As can be seen in the exhibit, shorter distances are generally needed for rural roads and for locations where a stop is the appropriate maneuver.

For the avoidance maneuvers identified in Exhibit 3-3, the pre-maneuver time is increased above the brake reaction time for stopping sight distance to allow the driver additional time to detect and recognize the roadway or traffic situation, identify alternative maneuvers, and initiate a



# DOLLAR TREE

SITEPLAN		SCOPE OF WORK	
		<b>EXTERIOR SIGNS</b>	<b>QTY</b>
		PS.1 PYLON SIGN	1
<b>SIGN CODE REVIEW</b>		NTE 500 SF	

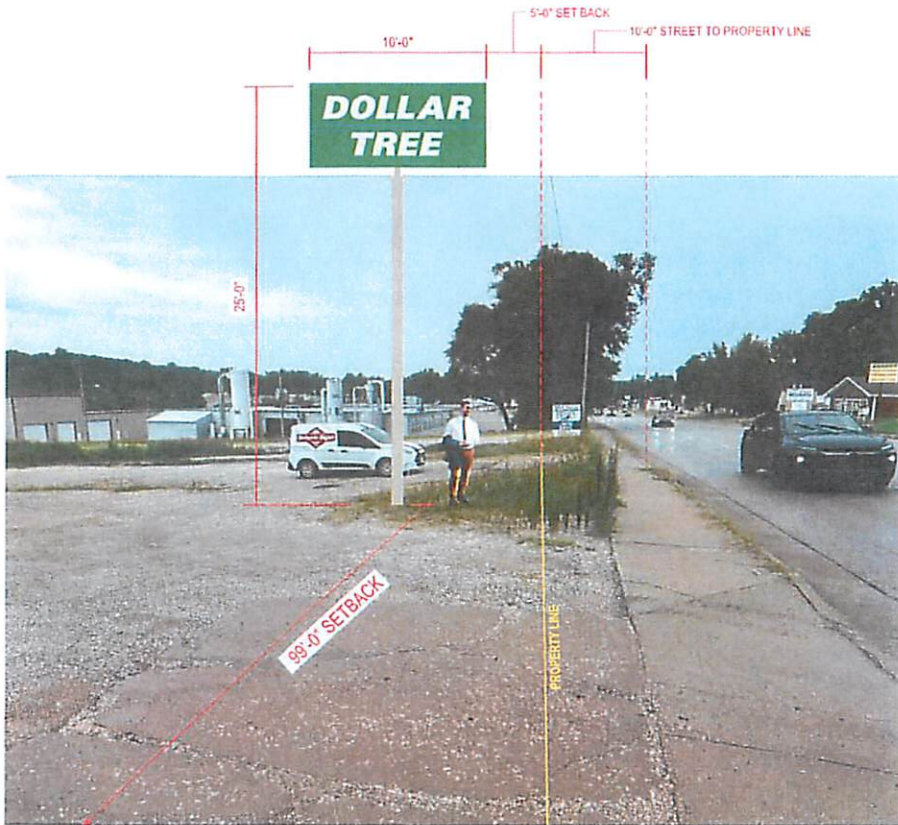
SCALE: 1/8" = 1'-0"

<b>JONES SIGN</b> Your Vision. Accomplished. <small>A Sign Systems Company</small>	JOB #: 288131_R7 DATE: 04.19.2024 DESIGNER: L. Holton SALES REP: M. Bjorklund PRODUCER: J. Lavinsky	<b>REQUIRED:</b> <input type="checkbox"/> FIELD SURVEY <input type="checkbox"/> PAINT COLOR <input type="checkbox"/> FONTS <input type="checkbox"/> VECTOR ARTWORK <input type="checkbox"/> CLIENT PMS COLOR <input type="checkbox"/> ENGINEERING OTHER:	LANDLORD APPROVAL _____ DATE _____ CLIENT APPROVAL _____ DATE _____	<b>DOLLAR TREE</b> 2017 South 4th Street Leavenworth, KS 66048	SHEET NUMBER <b>3.0</b>

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying colorability of surface materials and paints used. All sizes and dimensions are illustrated for client's conception of project and are not to be understood as being exact size or exact scale.



# D/F PYLON SIGN



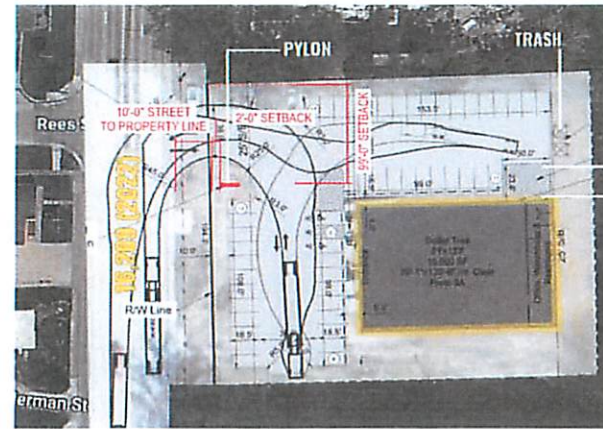
PROPOSED SIGNAGE  
SCALE: NTS

APPROXIMATE SIZE & LOCATION SHOWN



PROPOSED SIGNAGE  
SCALE: NTS

APPROXIMATE SIZE & LOCATION SHOWN



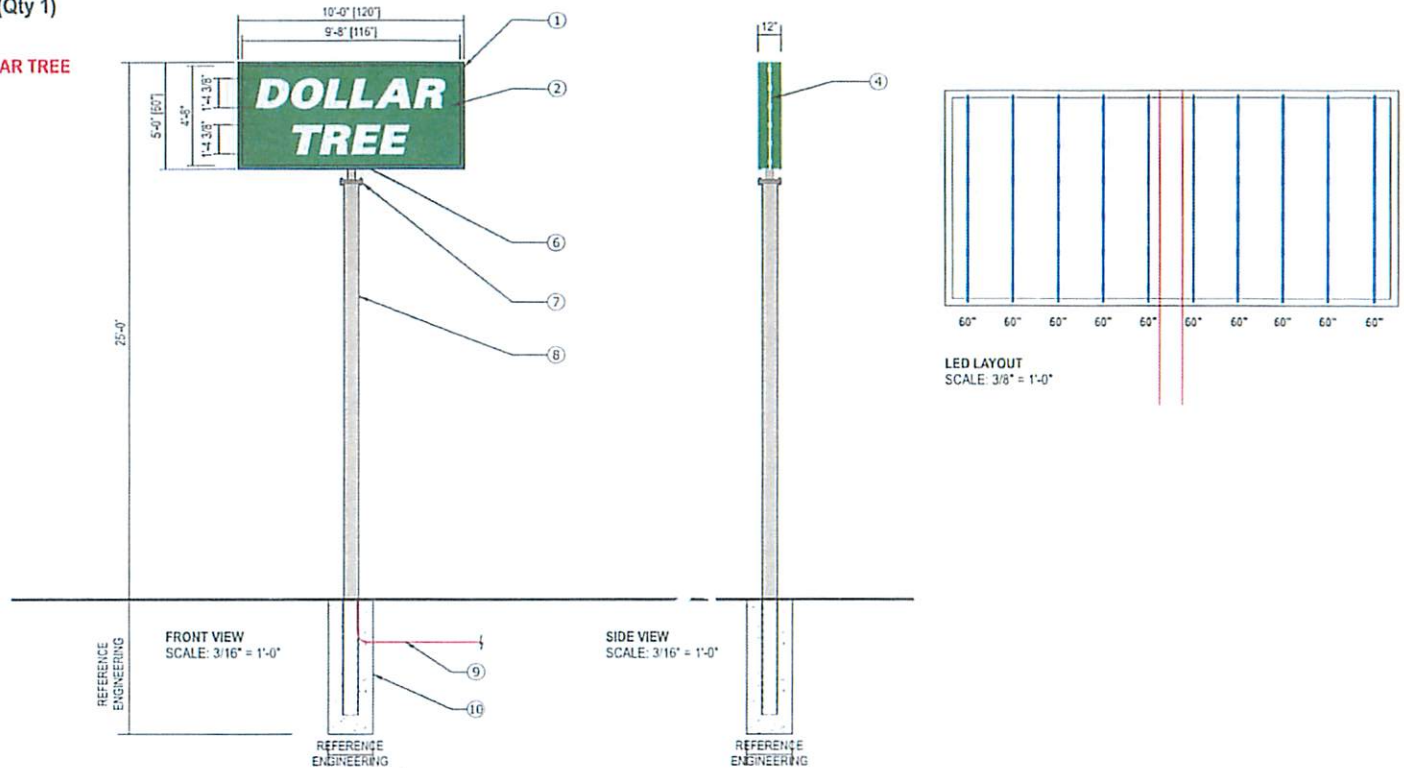
<b>JONES SIGN</b> Your Vision. Accomplished. <small>A SIGNARTISTS COMPANY</small>	JOB #: 288131_R7 DATE: 04.19.2024 DESIGNED BY: L. Holton SALES REP: M. Bjorklund PROJ. MGR: J. Lavinsky	<b>REQUIRED:</b> <input type="checkbox"/> FIELD SURVEY <input type="checkbox"/> PAINT COLOR <input type="checkbox"/> FONTS <input type="checkbox"/> VECTOR ARTWORK <input type="checkbox"/> CLIENT PMS COLOR <input type="checkbox"/> ENGINEERING <b>OTHER:</b>	LANDLORD APPROVAL _____ DATE _____ CLIENT APPROVAL _____ DATE _____	<b>DOLLAR TREE</b> 2017 South 4th Street Leavenworth, KS 66048	SHEET NUMBER <b>6.0</b>
				<b>DOLLAR TREE</b>	

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**PS.1 D/F INTERNALLY LIT PYLON SIGN - EXTERIOR (Qty 1)**

TOTAL SQUARE FOOTAGE: 50

**NOTE: POWER BY LANDLORD - SIGN AND FOUNDATION BY DOLLAR TREE**



**SPECIFICATIONS:**

1. EXTRUDED ALUMINUM FRAME CABINET w/ 2" RETAINERS / PAINTED P-1
2. 3/16" WHITE LEXAN FACES w/ FIRST SURFACE APPLIED VINYL GRAPHICS V-3
3. 1/2" x 1/2" ALUMINUM TUBE FOR HANGING BAR / RIVET TO TOP OF LEXAN PANEL
4. D/F WHITE LEDS
5. LED POWER SUPPLY
6. 4" x 4" x 3/8" STEEL TUBE PAINTED P-4
7. 12" x 12" x 1" MATCH PLATES
8. 8" x 8" x 3/8" SUPPORT POLE PAINTED P-4
9. PRIMARY ELECTRICAL
10. 3000 PSI CONCRETE AUGURED (CAISSON) FOOTING

**COLORS / FINISHES:**

- P-1 SW 6525 ENVY
- P-4 SW 7037 BALANCED BEIGE
- V-3 3M 3630-158 VIVID GREEN TRANSLUCENT VINYL



**NOTES:**

- THIS SIGN IS TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE
- GROUNDED AND BONDED PER NEC 600.7/NEC 250
- EXISTING BRANCH CIRCUIT IN COMPLIANCE WITH NEC 600.5, NOT TO EXCEED 20 AMPS
- SIGN IS TO BE UL LISTED PER NEC 600.3
- UL DISCONNECT SWITCH PER NEC 600.6 - REQUIRED PER SIGN COMPONENT BEFORE LEAVING MANUFACTURER\*
- \*FOR MULTIPLE SIGNS, A DISCONNECT IS PERMITTED BUT NOT REQUIRED FOR EACH SECTION

**ELECTRICAL NOTES:**

- (1) GEPS 24-300 / TOTAL AMPS: 2.5
- (2) 20 AMP 120V CIRCUIT REQ.

	JOB # 288131_R7 DATE 04.19.2024 DESIGNER L. Holton SALES REP M. Bjorklund PROJECTOR J. Lavinsky	<b>REQUIRED:</b> <input type="checkbox"/> FIELD SURVEY <input type="checkbox"/> PAINT COLOR <input type="checkbox"/> FONTS <input type="checkbox"/> VECTOR ARTWORK <input type="checkbox"/> CLIENT PMS COLOR <input type="checkbox"/> ENGINEERING OTHER:	LANDLORD APPROVAL _____ DATE _____ CLIENT APPROVAL _____ DATE _____		DOLLAR TREE 2017 South 4th Street Leavenworth, KS 66048	SHEET NUMBER <h1 style="margin: 0;">7.0</h1>
	This is an original, unmodified drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design as any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are intended for client's conception of project and are not to be understood as being exact size or exact scale.					

**Board of Zoning Appeals Agenda Item  
Variance Request  
2024-20 BZA  
2115 VILAS STREET**

**JUNE 17, 2024**



**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development

**SUMMARY:**

Consider a variance from section 4.03 of the adopted Development Regulations to allow an accessory structure to be erected forward of the main building line.

**DISCUSSION:**

The applicants, Kristopher and Julie Howell, are requesting a variance from the above noted section of the adopted Development Regulations to allow an accessory structure to be erected forward of the main building line at 2115 Vilas Street, a single family home zoned R1-25, Low Density Single-Family Residential district.

The subject property is 4.3 acres in size and is occupied by an existing single-family home and detached garage. The home and detached garage are situated roughly in the middle of the lot from north to south, and closer to the east property line. The applicant intends to construct a ~3,300 square foot agricultural building to the west and north of the existing home, as well as add a covered extension to the existing detached garage.

Section 4.03 of the Development Regulations states:

*No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.*

The Development Regulations define "front yard" as follows:

*A yard extending the full width of the lot and situated between the street right-of-way and the required building setback line. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage.*

The existing home is oriented to the east, facing an internal property line, and not Vilas Street. However, since the property is addressed from Vilas Street and the shorter street frontage is that along Vilas, the front yard is considered to be north of the existing home, meaning that any structure erected north of the home would be considered "forward of the main building line".

The proposed agricultural building and extension of the existing detached garage would otherwise meet all applicable regulations.

After the required notice was published to properties within 200', staff has received no comments from any notified property owners.

**BOARD OF ZONING APPEALS AUTHORITY:**

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

**Variances:** To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

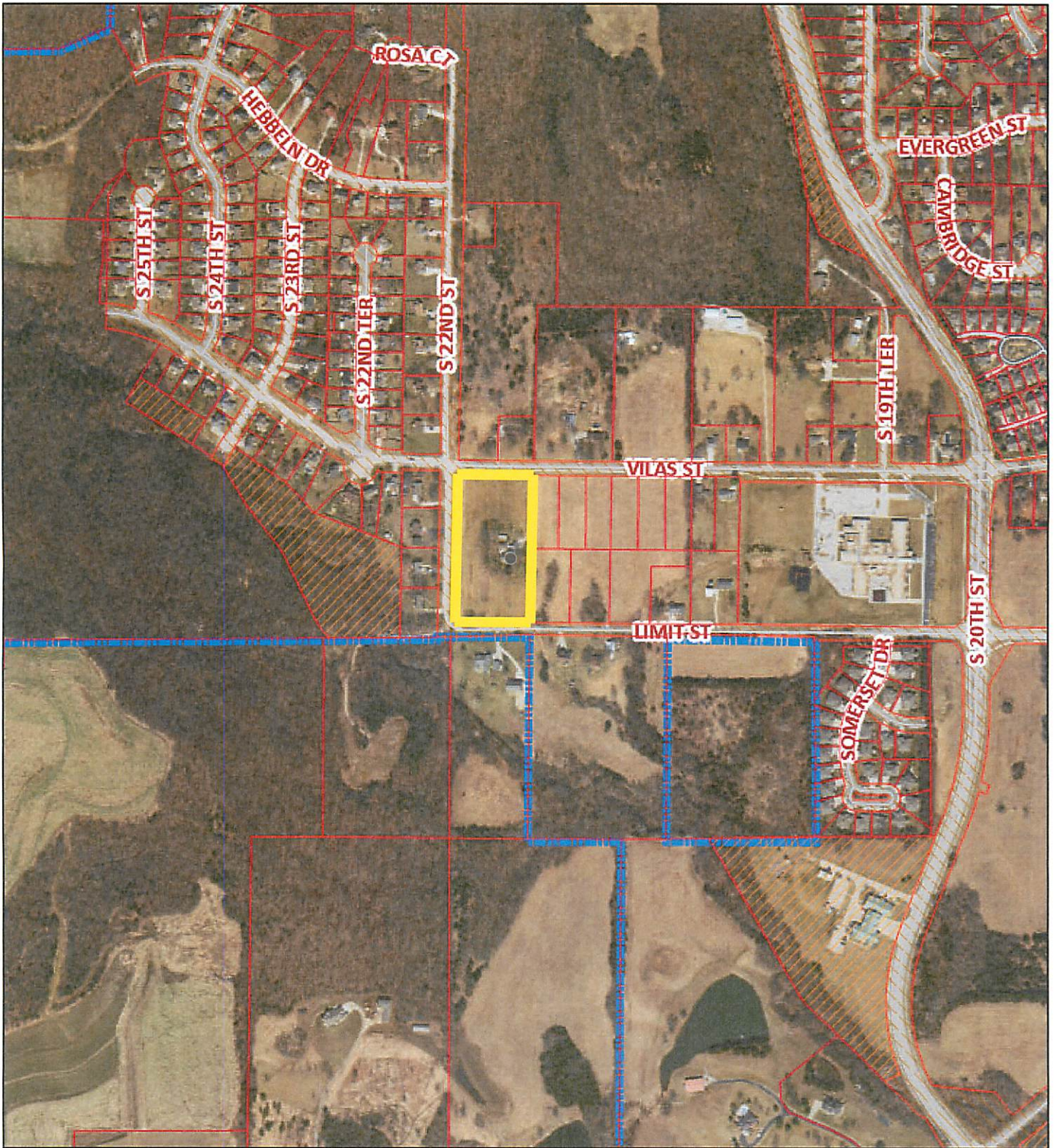
1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
  - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*
  - b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*
  - c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*
  - d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*
  - e) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*
3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

**ACTION:**

Approve or deny the request for a variance from section 4.03 of the Development Regulations to allow an accessory structure forward of the main building line at 2115 Vilas.



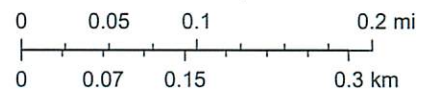
# 2115 Vilas



8/15/2024, 2:36:55 PM

1:9,028

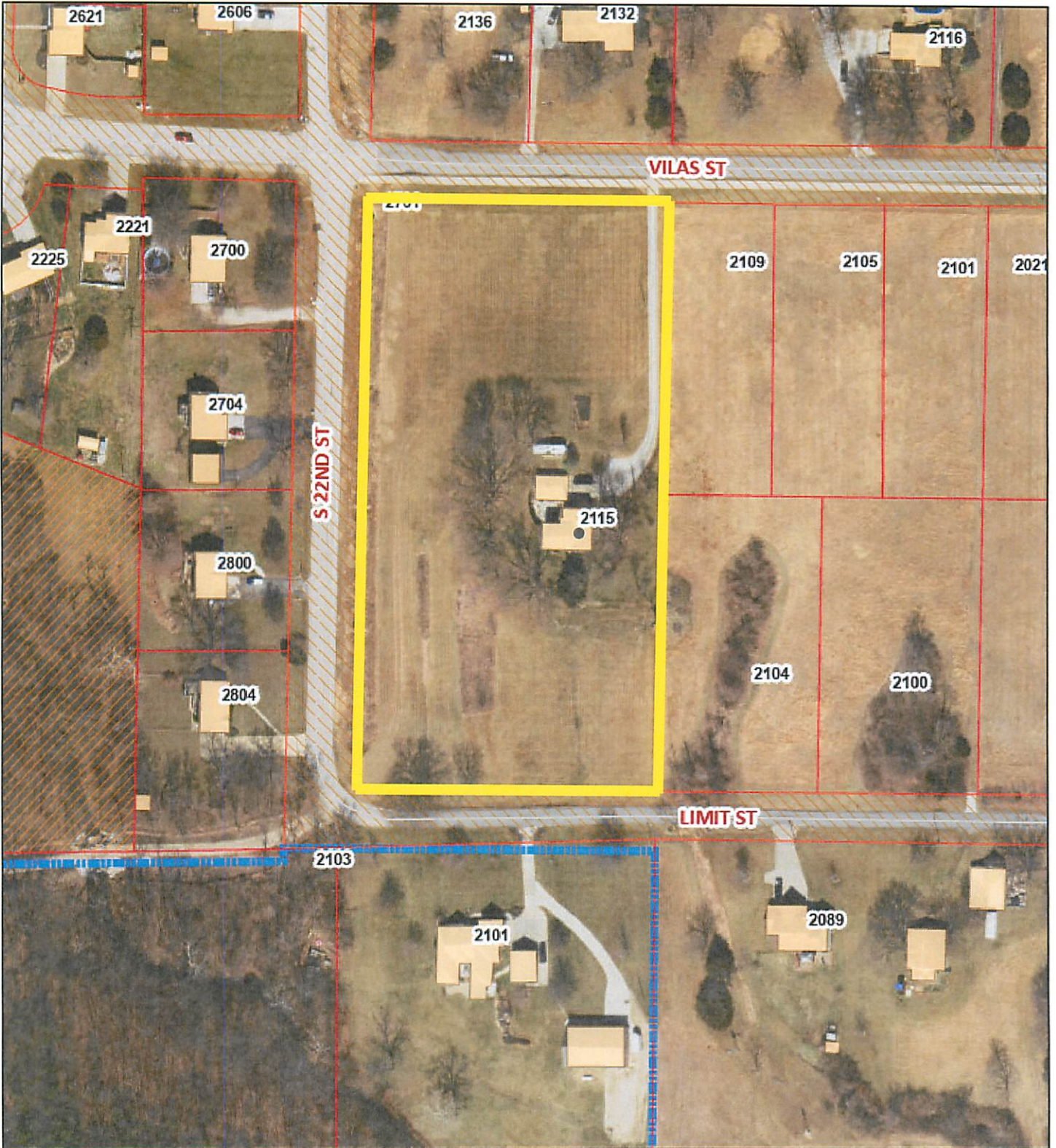
-  Override 1
-  Leavenworth City Limits
-  Parcels (City Owned)
-  City Right-of-Way
-  Parcels\_Current
-  RoadCenterline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



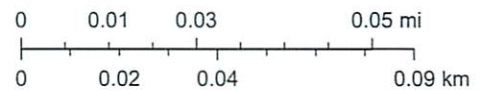
# 2115 Vilas



8/15/2024, 2:37:41 PM

1:2,257

- Override 1
- Parcels (City Owned)
- Parcels\_Current
- Buildings
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline
- Address (Points)



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community





BOARD OF ZONING APPEALS  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2024-20 BZA  
Application No. 15837  
Fee (non-refundable) \$350.00  
Filing Date 7/3/24  
Hearing Date 8/19/24  
Publication Date 7/25/24

PETITION

Property Zoning: R1-25  
Location of Subject Property: 2115 Vilas Street; Leavenworth, KS 66048  
Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)  
Petitioner: Kristopher and Julie Howell  
Petitioner Address: 2115 Vilas Street; Leavenworth, KS 66048  
Email: kris.howell3@gmail.com Telephone: 254-220-3253 / 254-220-3262  
Petitioner's Interest in Property: Owner  
Purpose of Petition: Variance to allow an ag building and a carport on north (street address side) of property

- Appeal of Administration Decision \_\_\_\_\_ Date of Decision \_\_\_\_\_  
Section 11.03.A
- Variance:  
Section 11.03.B
- Exception:  
Section 11.03.C

Site Plan or drawing attached (hard & digital copy): Yes  No

I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name (print): Kristopher Howell and Julie Howell, Howell Family Living Trust

Signature: [Signature] Julie Howell Date: 3 July 24

State of Kansas )

County of Leavenworth )

Signed or attested before me on July 3, 2024 by Kristopher H. Howell &

Notary Public: Michelle Baragary Julie Lynn Howell

My appointment expires: 8/16/24 (Seal)



NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.  
Check list below...

<input checked="" type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input checked="" type="checkbox"/>	Full legal description of subject property obtained from the Register of Deeds Office (913-684-0424)
<input checked="" type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property – County GIS Department 913-684-0443
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

Wednesday, July 3, 2024

Kristopher and Julie Howell  
2115 Vilas Street  
Leavenworth, KS 66048

Leavenworth City Board of Zoning Appeals  
Request for Variance

To Whom it Concerns,

The Howell family at 2115 Vilas Street is requesting a variance for placement of two structures on our nonstandard lot. Ultimately, we want to build an agricultural building on the north side of our property and install a carport off the front of our garage for hail and weather protection of our vehicles.

Our lot is a 153-year-old property with a stone home of equal age (at least). Our home structure is located on the middle portion of our property (north to south) and closer to the eastern property line. The home structure's front door faces east with our true front yard on the east side of the house. The driveway extends over 300 feet south from Vilas Street to the center of the property where the garage is located just north of the main structure. There is no other feasible street access to the property to allow access to an agricultural building.

The nature of our property being bounded on three sides by streets (north, west, and south) presents a problem with defining the streetside front yard of the property. This variance requests that we be allowed to build on the north side of the home on the driveway side to add the agricultural building to what is considered the address side front yard.

The size of the property of 4.7 acres ensures the structures do not encroach a property line and the structures will fit the nature of the property itself and multiple neighboring properties.

The details of the requested structure size and location are in the accompanying diagrams.

Respectfully,  
Kristopher and Julie Howell

A handwritten signature in black ink, appearing to read "Julie Howell", with a horizontal line extending to the right.



Agricultural Building

60' x 40'





Agricultural Building

60' x 40'

Approx 163 feet from  
Northern property line

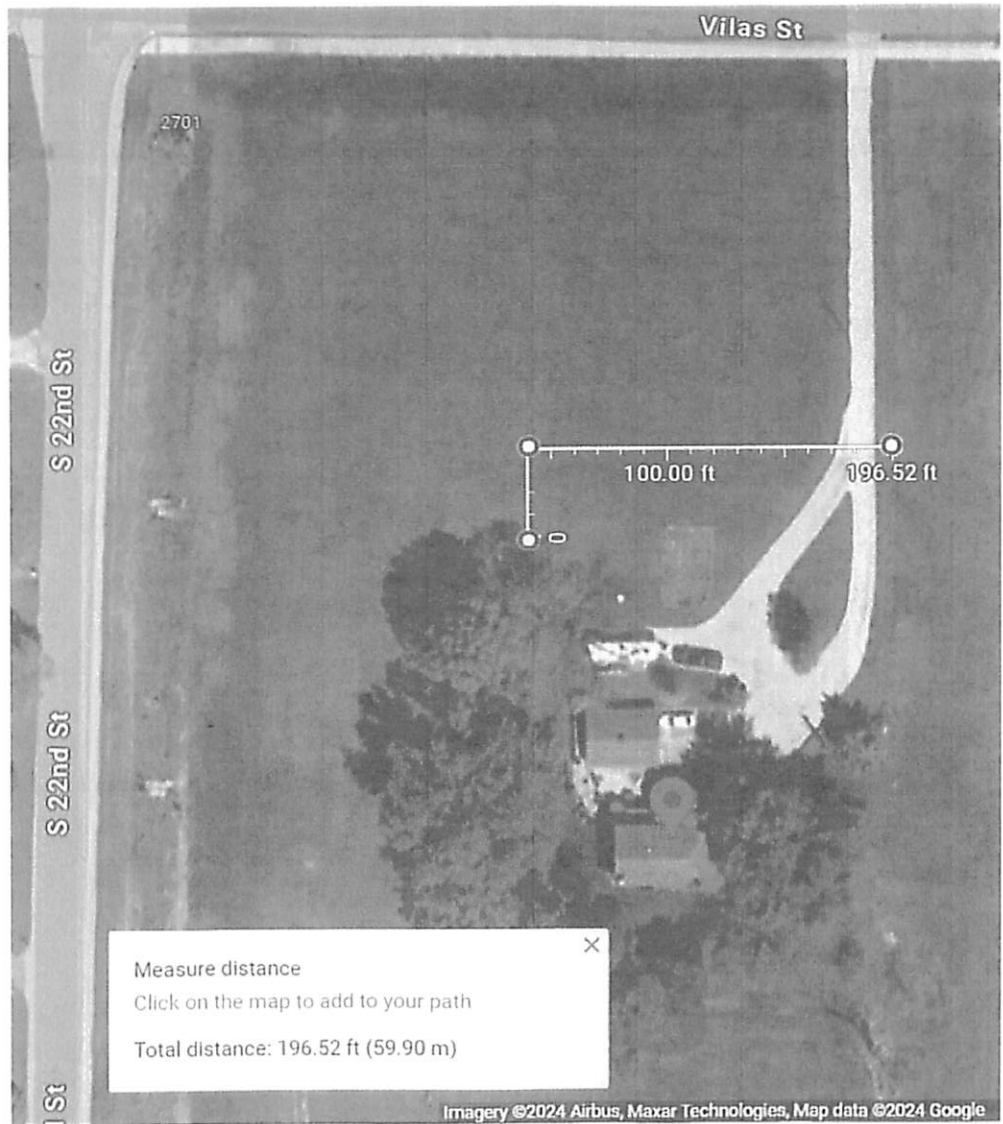


Agricultural Building

60' x 40'

Approx 163 feet from  
Northern property line

Approx 96 feet from  
West property line



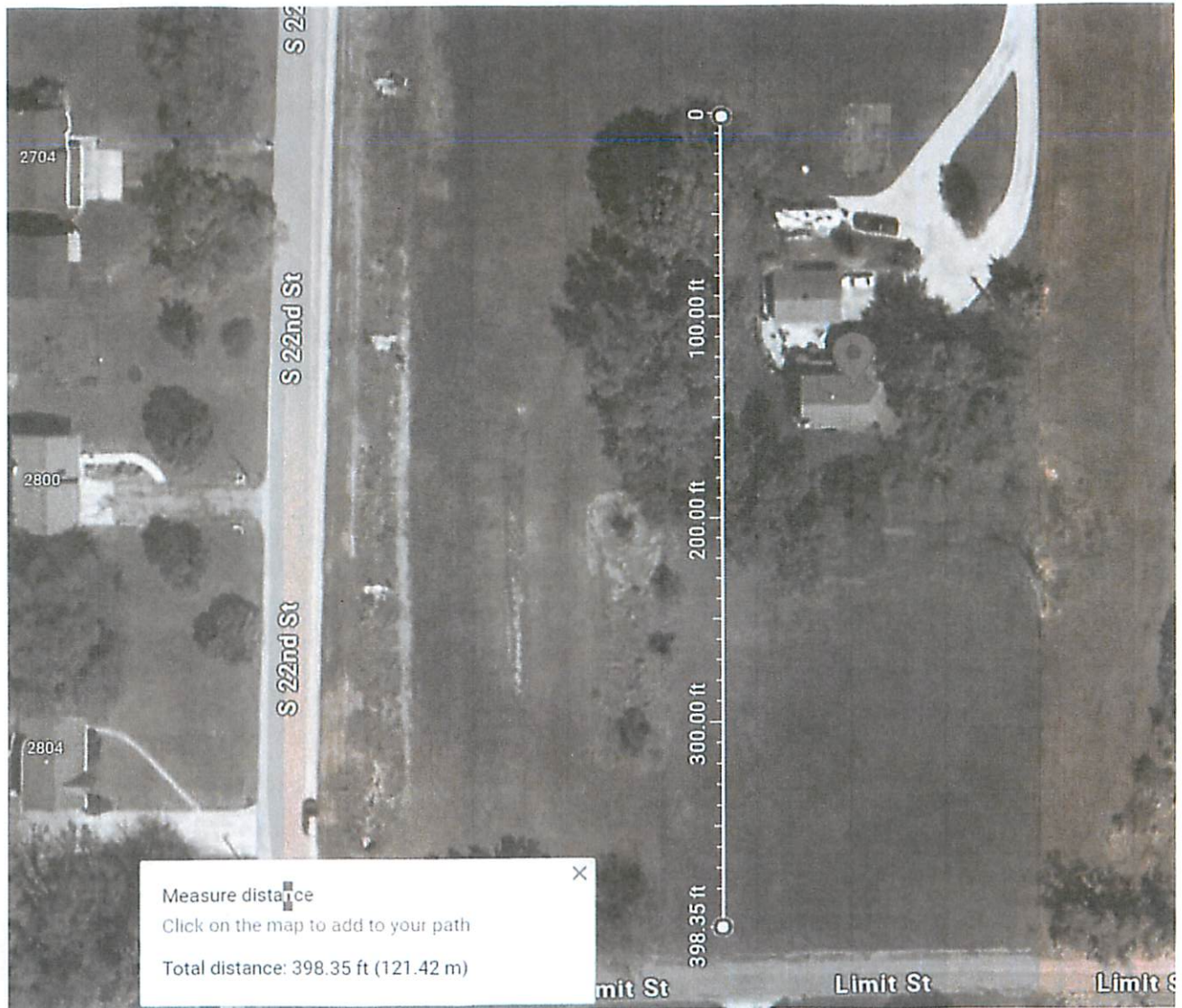
Agricultural Building

60' x 40'

Approx 163 feet from  
Northern property line

Approx 96 feet from  
West property line

Approx 156 feet from  
East property line



Agricultural Building

60' x 40'

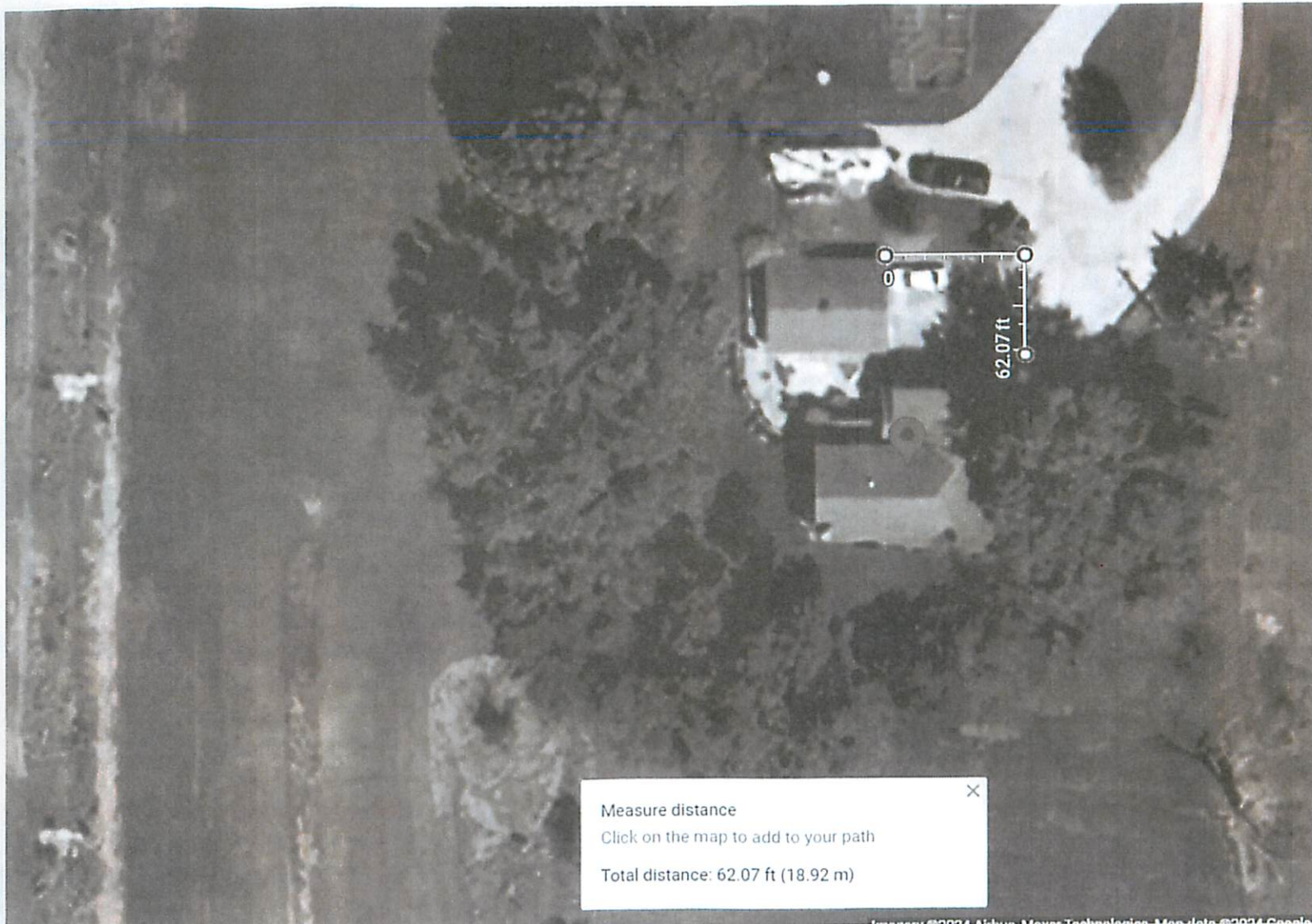
Approx 163 feet from  
Northern property line

Approx 96 feet from  
West property line

Approx 156 feet from  
East property line

Approx 398 feet from  
South property line





Carport in front of the Existing garage

36' x 26'

Approx 282 feet from Northern property line

Approx 214 feet from West property line

Approx 60 feet from East property line

Approx 296 feet from South property line

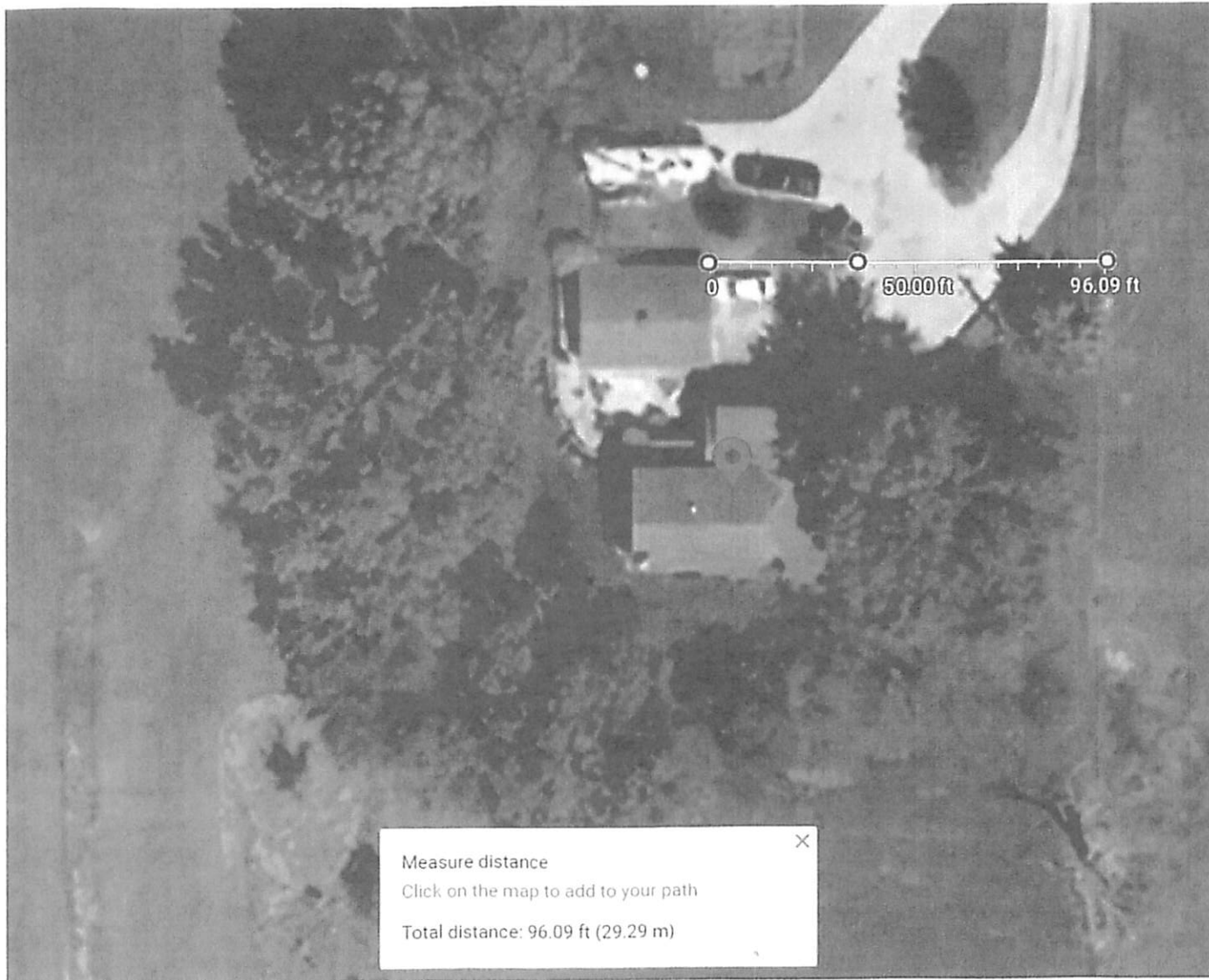
Measure distance ×  
Click on the map to add to your path  
Total distance: 62.07 ft (18.92 m)



Measure distance

Click on the map to add to your path

Total distance: 35.89 ft (10.94 m)



Measure distance

Click on the map to add to your path

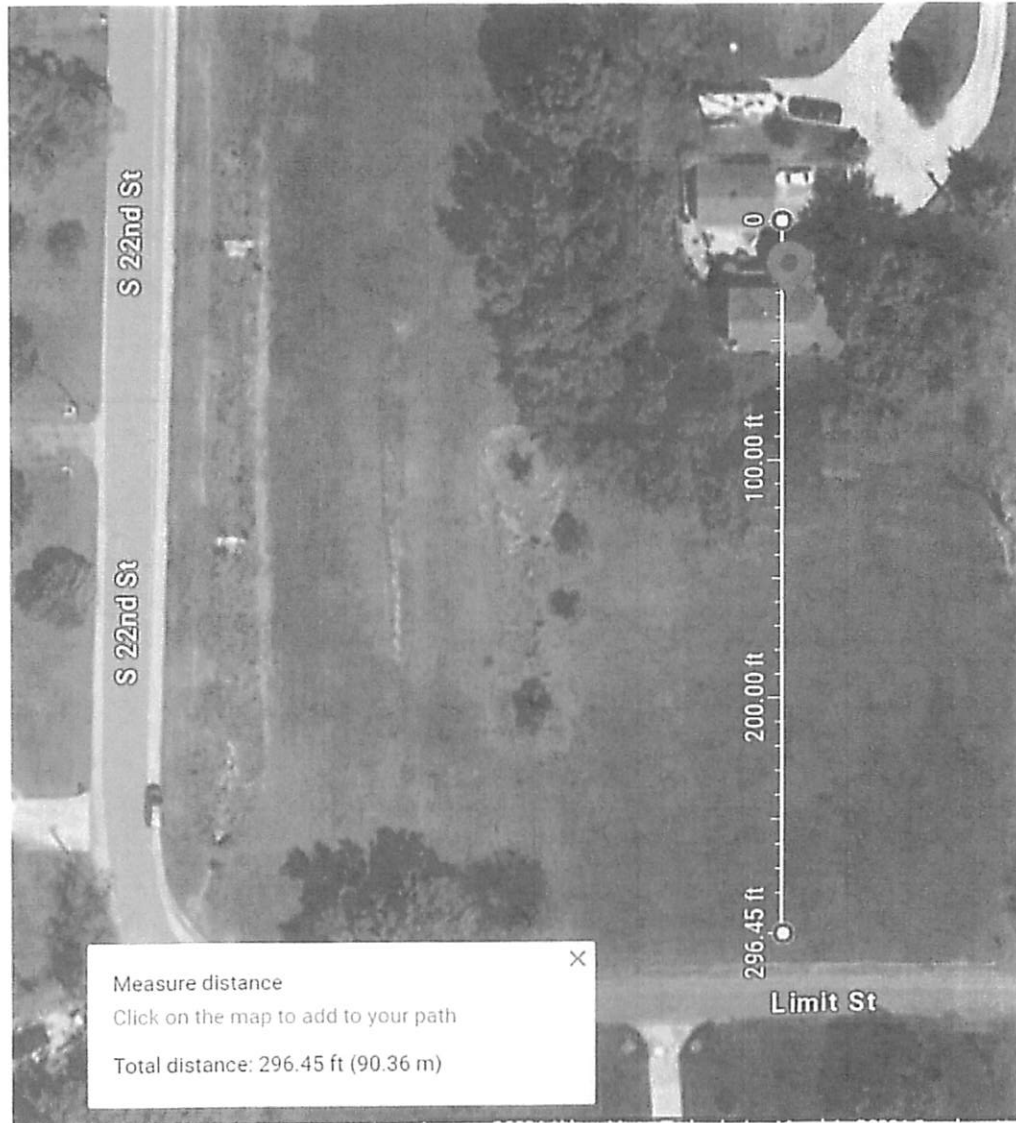
Total distance: 96.09 ft (29.29 m)







Measure distance  
Click on the map to add to your path  
Total distance: 214.00 ft (65.23 m)





42X64X14 with 10X64 Porch

3328 sq  
feet

This building is closest in **size** and **design** to what I envision building on the property.

The porch will face north and present a better aesthetic than a plain barn side.

This side will eventually face a planned fruit tree grove.

~~The garage doors will face east to allow direct access by extending the existing drive straight west.~~ This building is closest in **finishing** and **aesthetic** with the use of the **stone facade** and **wood supports** on the porch.



36X54X12 with 10' Porch

The exterior color will likely be a barn red color much like the main residence sided portion.

This matches the stone and the cedar/wood accents present on the main residence.





These two pictures represent the generic vision for the extension carport off the existing garage over the current concrete parking pad.

We want something that complements the style of the home and the existing design elements.

