

LEAVENWORTH BOARD OF ZONING APPEALS

MONDAY, October 19, 2020 – 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

City Hall is now open to the public. Citizens wishing to comment may either attend in person or may dial in to the GoToMeeting using your phone at 6:00 p.m.:

Phone Number: +1 (786) 535-3211

Access Code: 913-133-349

Your call will be placed into queue for comment.

Face coverings are required for anyone attending the meeting. Must cover the nose and mouth.

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: August 17, 2020 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. 2020-34 BZA – 3550 S. 4TH Street

Hold a public hearing for Case No. 2020-34 BZA – 3550 S. 4th Street, wherein the applicant, St. John Hospital, is requesting a variance from Section 8.10 of the adopted Development Regulations to allow more than one sign per side of the building.

2. 2020-35 BZA – 924 S. 4TH Street

Hold a public hearing for Case NO. 2020-35 BZA – 924 S. 4th Street, wherein the applicants, Kevin and Angela McHugh, are requesting variances from sections 4.03, 4.04 and 1.05 of the Development Regulations to allow a reduction in the required side yard setback for an accessory structure, an increase in the maximum allowable size of an accessory structure, and the expansion of an existing nonconforming structure.

ADJOURN



**BOARD OF ZONING APPEALS MINUTES
MONDAY, August 17, 2020, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS**

The Leavenworth Board of Zoning Appeals (BZA) met Monday, August 17, 2020. It was determined a quorum was met with the following board members present: Mike Bogner, Dick Gervasini, Jan Horvath and Kathy Kem. Ron Bates was absent. Staff members City Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary were present.

Chairman Bogner called the meeting to order at 6:00 p.m. and called for the first item on the agenda – approval of minutes from July 20, 2020. Mr. Gervasini moved to accept the minutes as presented, seconded by Mr. Horvath and approved by a vote of 4-0.

1. CASE NO. 2020-27 BZA – 4820 S. 4TH STREET – VARIANCE REQUEST

Chairman Bogner called for the staff report.

City Planner Jackie Porter stated the applicant is requesting a variance from Section 8.11(C) to allow more than one sign per storefront for a property located at 4820 S. 4th Street and zoned GBD, General Business District. The Development Regulations limit the number of wall signs allowed for each side of a structure or part of a structure clearly identified as a storefront to one sign. U-Haul has one existing wall sign. It is 305 sqft “Boxes, Hitches, Moving Supplies” with the U-Haul logo.

The variance request is for three additional signs on the east side of the building. One of the proposed signs is located at the southeast portion of the building reading “Your Storage Place”, and is roughly 62 sqft. The second is a “Customer Entrance” sign at 52 sqft. The third reads “Drive-In Storage: Load/Unload” at 23 sqft.

The requested variance is to allow installation of a “Your Storage Place”, “Customer Entrance”, and “Drive-In Storage: Load/Unload” signs on the east side of the building. All proposed signs meet the size requirement of the GBD zoning district.

Chairman Bogner opened the meeting up for questions about the staff report.

Mr. Bogner asked if there would be additional signs in the future.

Planning Director Julie Hurley responded staff is not aware of additional signs.

Mr. Horvath asked where the Customer Entrance sign will be placed.

Ms. Porter stated directly under the existing Boxes • Hitches • Moving Supplies sign.

Ms. Hurley stated usually signs such as Customer Entrance and Drive-In Load/Unload would be directional signs. The Development Regulations limit the size of directional signs to four square feet. On a building as large as the subject building, in order to be visible, these directional signs would need to be larger than what is permitted.

Mr. Gervasini asked if the signs furthest to the north and south are just signs and will not have an entrance.

Ms. Porter stated there is no entrance for the sign to the south. The north sign will have doors for load and unloading.

Ms. Kem asked what the doors to the left of the Drive-In Load & Unload are for.

Ms. Hurley stated staff is unsure what those doors are for; but no signage has been proposed for those doors.

Mr. Russell, applicant, stated he is not sure what those doors will be used for.

Ms. Hurley stated since there are multiple existing doors, U-Haul probably needs the Customer Entrance sign to direct customers to the appropriate entrance.

With no further questions about the staff report, Chairman Bogner opened the public hearing. With no one wishing to speak, Chairman Bogner closed the public hearing and asked for discussion among the commissioners.

Ms. Kem stated she remembers Walmart requesting a variance for additional signage as well.

Ms. Hurley stated the big box stores do not quite fit what the regulations are intended for; therefore, these situations would require a variance.

Mr. Horvath asked staff if this is one variance or three separate variances.

Ms. Hurley responded this would be one variance request. However, number 3 of the Board's Authority, is where the commissioners may impose any conditions, safeguards, and restrictions. Therefore, the board may choose to approve one specific sign but deny the other two or approve two signs but deny one, etc.

Ms. Kem asked if any of the proposed signs are illuminated.

Mr. Russell responded they are not.

With no further discussion among the commissioners, Chairman Bogner 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)

Variations: 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 4-0
All board members voted in the affirmative.

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

Vote 4-0
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 4-0
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 4-0
All board members voted in the affirmative.

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

Vote 4-0
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 the Development Regulations.

ACTION:

Approve or deny the request for a variance from Section 8.11(C) of the Development Regulations to allow installation of three additional signs to the east side of the U-Haul building located at 4820 S. 4th Street.

Chairman Bogner stated the board approves the variance request for the three additional signs.

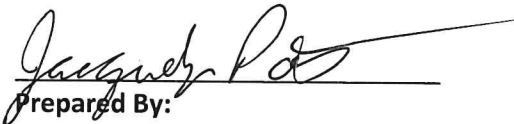
Chairman Bogner called for a motion to adjourn. Mr. Horvath moved to adjourn, seconded by Mr. Gervasini and approved by a vote of 4-0.

The meeting adjourned at 6:15 p.m.

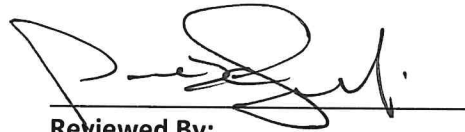
JH:mb

**BOARD OF ZONING APPEALS AGENDA ITEM
VARIANCE REQUEST
2020-34-BZA
3550 South 4th Street**

OCTOBER 19, 2020



Prepared By:
Jacquelyn Porter
City Planner



Reviewed By:
Paul Kramer
City Manager

SUMMARY:

The applicant is requesting a variance to allow more than one sign on a wall for a property zoned R1-9, Medium Density Single Family Residential District.

DISCUSSION:

Saint John Hospital is located at 3550 South 4th Street zoned R1-9, Medium Density Single Family Residential District. Public or semi-public facilities, like a hospital, are allowed signage as regulated and permitted in the Neighborhood Business District (NBD). The Development Regulations limit the number of wall signs allowed for each side of a structure or part of a structure clearly identified as a storefront to one sign. Saint John Hospital has one existing wall sign on the East wall, "Saint John Pavilion".

The variance request is for an additional sign on the east side of the building. The proposed sign is located on the Northeast portion of the building reading "Urgent Care", and is roughly 52 square feet.

The proposed sign meets the size requirement of the NBD zoning district, as allowed for hospitals.

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)

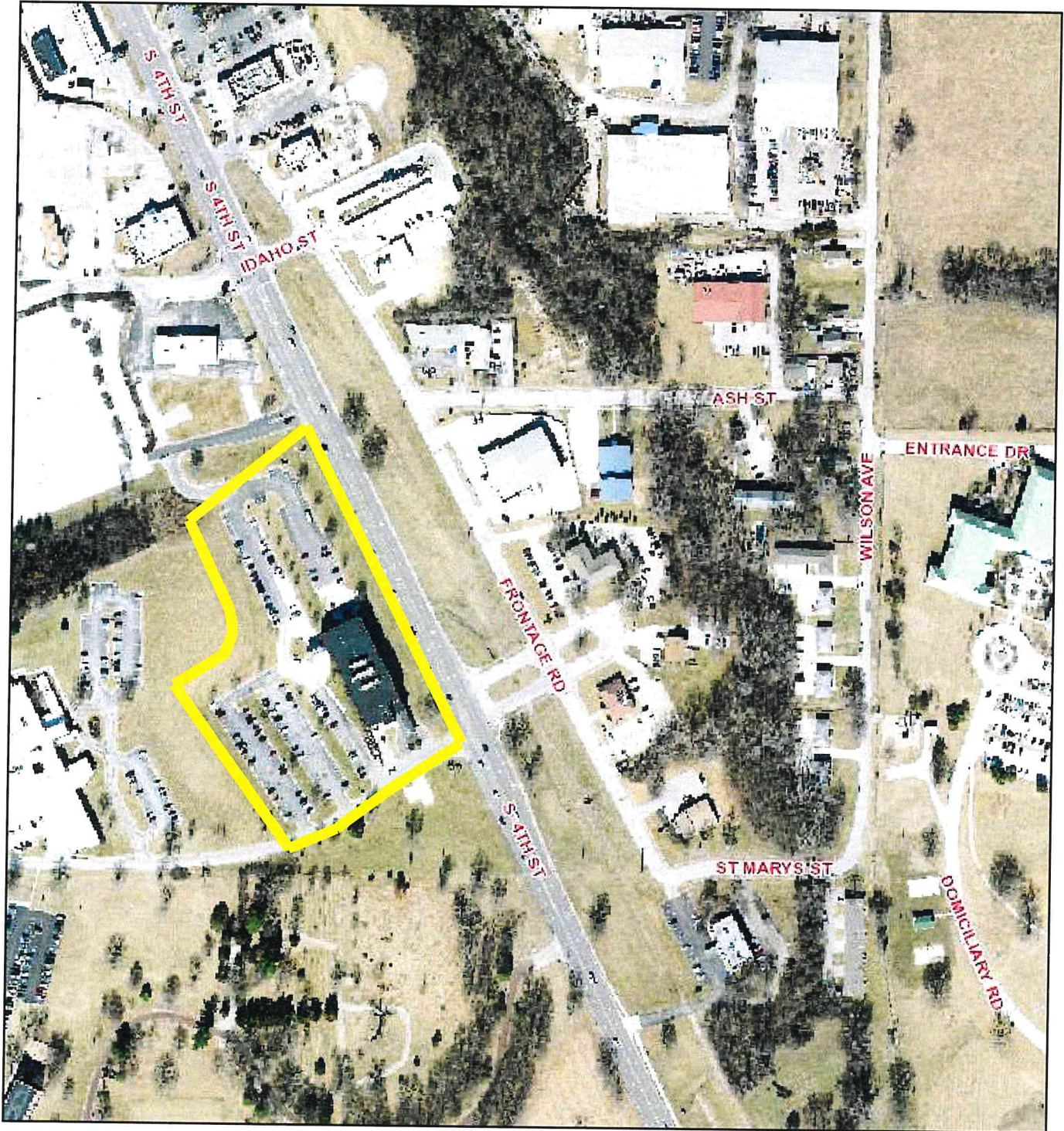
Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, 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 appeal to allow installation of three additional signs to the east side of the Saint John Hospital building located at 3550 South 4th Street.

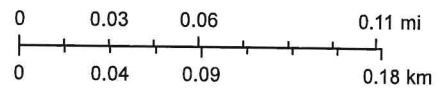
3550 S. 4th Street



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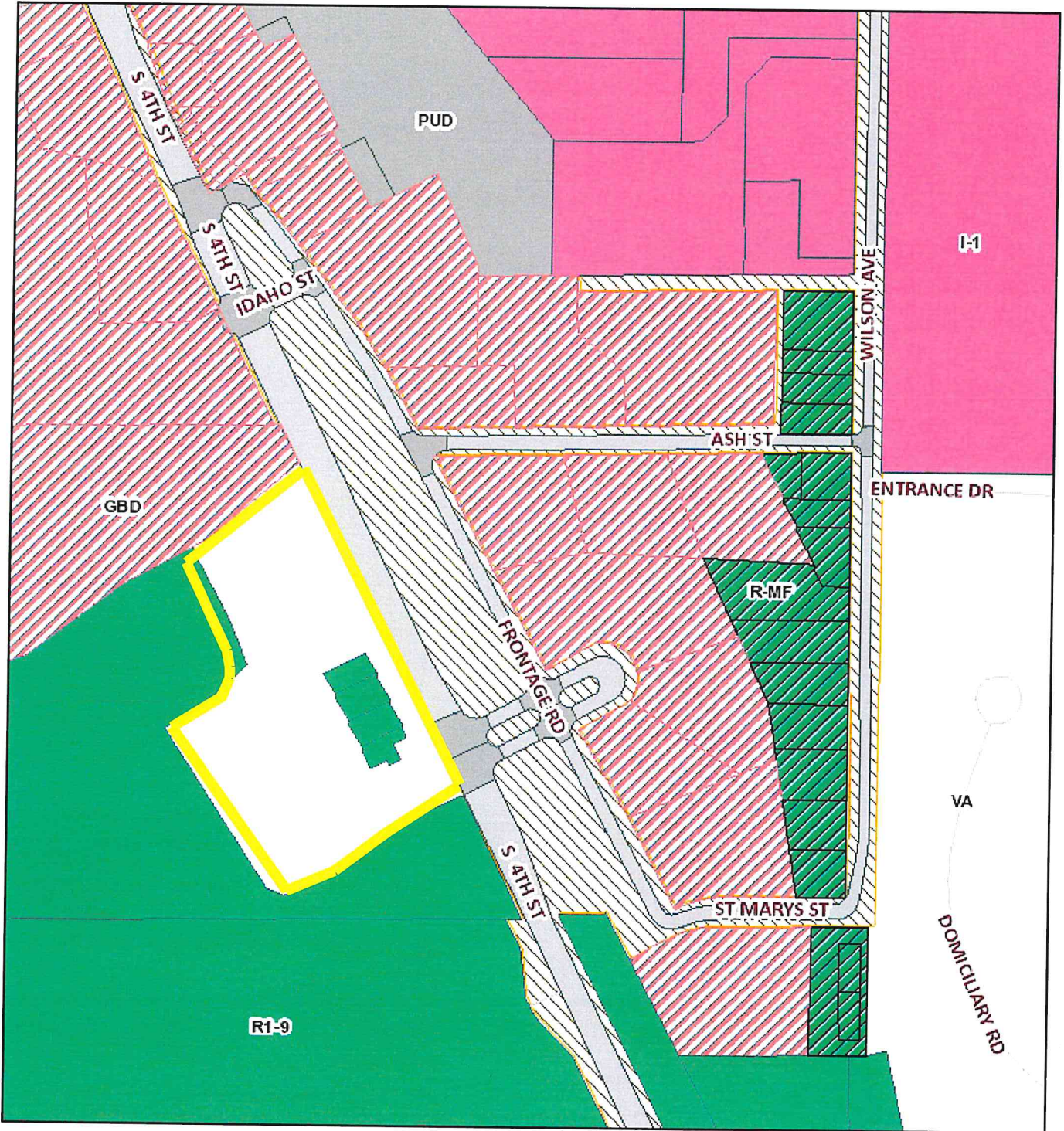
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- █ Override 1
- █ Ortho 2018
- █ Green: Band_2
- █ Blue: Band_3
- East_of_River_Blank
- Streets
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- Missouri River



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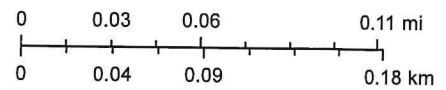
3550 S. 4th Street Zoning



10/12/2020, 9:55:54 AM

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- | | |
|-----------------------|------|
| Override 1 | MP |
| Zoning_CURRENT | NBD |
| CBD | OBD |
| GBD | PUD |
| I-1 | R-MF |
| I-2 | |



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Case No. 2020-34 BZA

**BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS**

Property Zoning R1-9

Application No. 8173
Fee (non-refundable) \$350.00
Filing Date 8/28/20
Fee Paid 8/28/20 CMJ
HEARING: 10-19-20
NOV/NOV: 9-23-20

PETITION

Petitioner: Sam Allred, Saint John Hospital
(name typed or printed)

Petitioner Address: 3500 South 4th Street

Email: sallred@primehealthcare.com

Telephone: 316-201-8618

Location of Property Involved: 3500 South 4th Street, Medical Pavilion 3550 S. 4th St.

Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

Petitioner's Interest in Property: Employee of Saint John Hospital

Purpose of Petition: Variance to Section 8.11(C)
Requesting permission to add a sign indicating "Urgent Care" on East facing elevation of the Saint John Pavilion.
This would be a second sign on the building which measures 175' in length and 33' in height.

- 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: 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: Prime Healthcare Saint John Hospital, Paula Ellis, CEO

Signature: Paula Ellis (print name) Date: August 27, 2020

State of KANSAS)

County of LEAVENWORTH)

Signed or attested before me on AUGUST 27, 2020 Paula Ellis

Carol Delmer Pollo
(Signature of Notary Public)

My commission expires: 7-16-21

(Seal)



FOR OFFICE USE ONLY:

Date of Publication 9-23-20 Date of Hearing: 10-19-20

<input checked="" type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input checked="" type="checkbox"/>	Current list of names and addresses of the owners and the tax identification number of all properties within 200'
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

c. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

We believe granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The property owners who are located within 200' of the exterior boundary of the property considered in the application, will not be able to visually see the sign from their property and therefore, we do not believe that the property owners rights will be negatively affected by the variance.

d. 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;

We believe that the strict application of the Development Regulations specifically, Article 8 Signs; Section 8.10; Signs Permitted Only in the Neighborhood Business District Districts (NBD); Table 8-02: NBD Signage Standards; Attached Signs - Maximum Number and Maximum Size, which stipulates one sign per side of a building with a maximum square footing of 96sq' or 10% of the wall surface places an unnecessary hardship to convey to the public the important nature and location of medical services of the Pavilion due to the large size of the building.

The approximate length and height of the medical pavilions East facing side is 175' X 33' which constitutes 5,775 sq.' of wall surface. The maximum size of a sign as stipulated may be up to 10% of the wall surface which in this case would equal 577.5 sq.'.

The current sign on the East facing side of the medical pavilion "Saint John Pavilion" is approximately 33' X 2.5' which constitutes 82.5 sq.' of wall surface which is far below the 10% threshold of 577.5 sq.' as allowed in Section 8.10

The proposed "Urgent Care" sign would be approximately 16.5' X 2.5' which constitutes 41.25sq.' of wall surface. Combining the square footage of the two signs would constitute 123.75 sq.' of wall surface, which again is far below the 10% threshold of 577.5 sq.'.

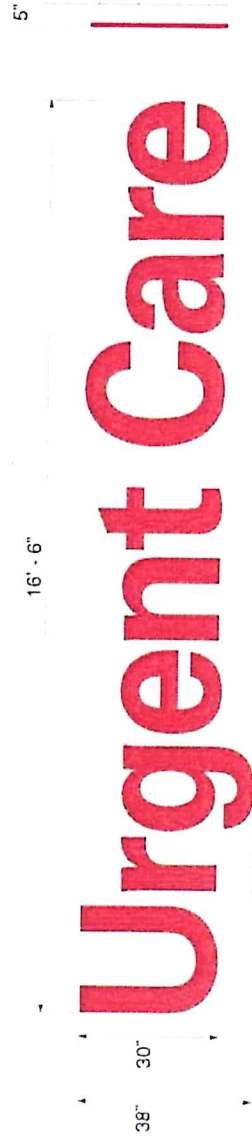
e. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

We believe that the addition and location of the Urgent Care sign and services will improve public health, safety, convenience, prosperity and general welfare by creating greater access and navigation to medical services. We believe any effect on morals or order will be neutral.

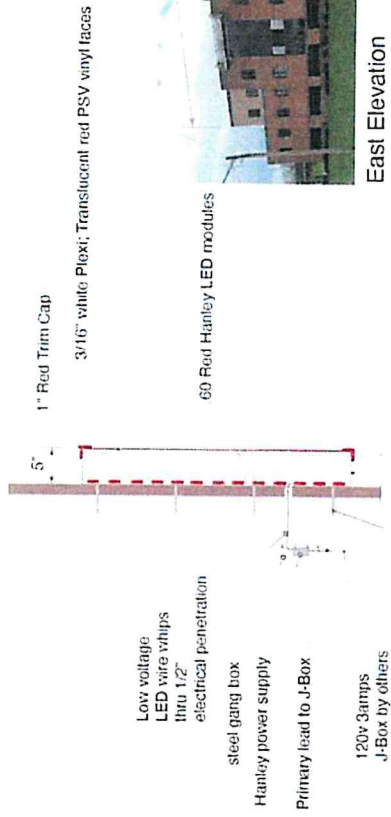
f. That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.

We believe the addition of an Urgent Care sign and medical services does not oppose the general spirit and intent of the Development Regulations. Specifically, Article 8 Signs; Section 8.01 Purpose and Intent; which stipulates the need to facilitate easy and pleasant communication between people while protecting the First Amendment rights of resident individuals and business owners of the city and preserving and improving the quality of the city's environment by avoiding visual clutter harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. We believe the design, dimensions and location of the sign will benefit each of the above stipulations and will not be perceived as clutter within our community as all measures are being taken to produce a sign that is as high quality and professional as the current sign on the building. A professional licensed sign installer is being utilized for the creation and installation of the proposed sign.

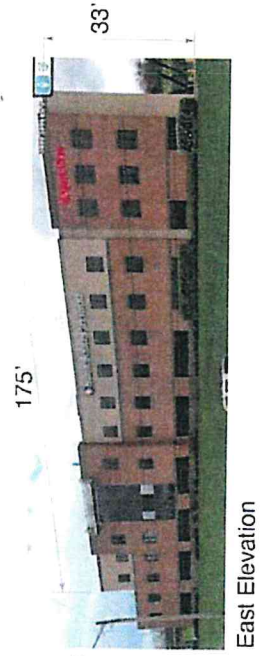
DOCUMENT A:



Front Illuminated Channel Letters



5" white 063 returns
25/20 s.s. all thread studs



East Elevation

LTD SIGN & GRAPHICS
1120 East 13th Street
Kansas City, MO 64106
816.944.8855
816.942.5276

Providence
17138
St. Johns
Urgent Care

8.5.2020

DOCUMENT A:



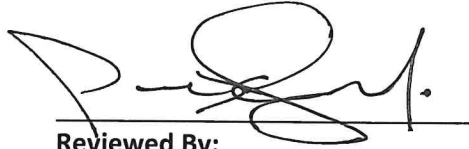
East Elevation

**Board of Zoning Appeals Agenda Item
Variance Request
2020-35 BZA
924 South 4th Street**

OCTOBER 19, 2020



Prepared By:
Jacquelyn Porter
City Planner



Reviewed By:
Paul Kramer
City Manager

SUMMARY:

The applicant is requesting a variance from sections 4.03.E.3, 4.04.B.3 and 1.05.C.2 of the adopted Development Regulations to allow an expansion of a nonconforming structure, accessory structure larger than 900 square feet, and reduction of the required rear yard setback.

DISCUSSION:

The applicant, Kevin, and Angela McHugh are requesting a variance from sections 1.05.C.2, 4.03.E.3 and 4.04.B.3 of the adopted Development Regulations.

- 1.05.C.2- Any nonconforming structure may be enlarged, maintained, repaired or remodeled, provided however, that no such enlargement, maintenance, repair, or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure.
- 4.03.B.3- All accessory buildings in residential districts shall maintain a three-foot side setback and a three-foot rear setback (to the nearest part of the structure, that is no overhang may encroach on the setback).
- 4.04.B.3-For single-family residences: a garage not to exceed 900 square feet on parcels less than one acre, and 1,200 square feet on parcels one acre or larger. Detached garages require construction of driveways to provide access in conformance with the parking provisions of the code.

The existing garage currently is considered a legal nonconforming structure. The lot is located at 924 South 4th Street which is currently zoned as Multiple Family Residential District, R-MF, operating as a single-family dwelling. The subject property is surrounded by properties to the North and Northeast zoned as General Business District and the properties adjacent to the South is zoned Office Business District, OBD and West are zoned R1-6, High-Density Single-Family Residential District, and the property to the East and Southeast are zoned Multiple Family Residential District, R-MF.

The current accessory structure is built on the rear property line making it a legal nonconforming structure as it does not meet the required 6 foot rear yard setback. The new addition would expand the nonconformance of the rear yard setback requirement 12 feet and 2 inches along the property line. A requirement for a single-family resident garage is that it cannot exceed 900 square feet on a parcel less than one acre. The current garage is 668 square feet and the expansion will increase it by 488 square feet making the total area 1,156 square feet. The total area exceeds the requirement by 256 square feet. The expansion will encroach the side yard setback, which requires a 3-foot setback, leaving only a few inches between the side of the new structure and the fence.

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 1.05.C.2, 4.03.E.3 and 4.04.B.3 of the Development Regulations to allow a 1,156 square feet accessory structure with a less than 3 foot side setback and an increased degree of nonconformity for the existing rear setback.

ATTACHMENTS:






- Letter of Intent submitted by Kevin McHugh
- Aerial and Zoning Maps
- Application

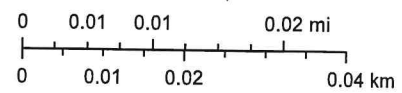
924 S. 4th Street Aerial



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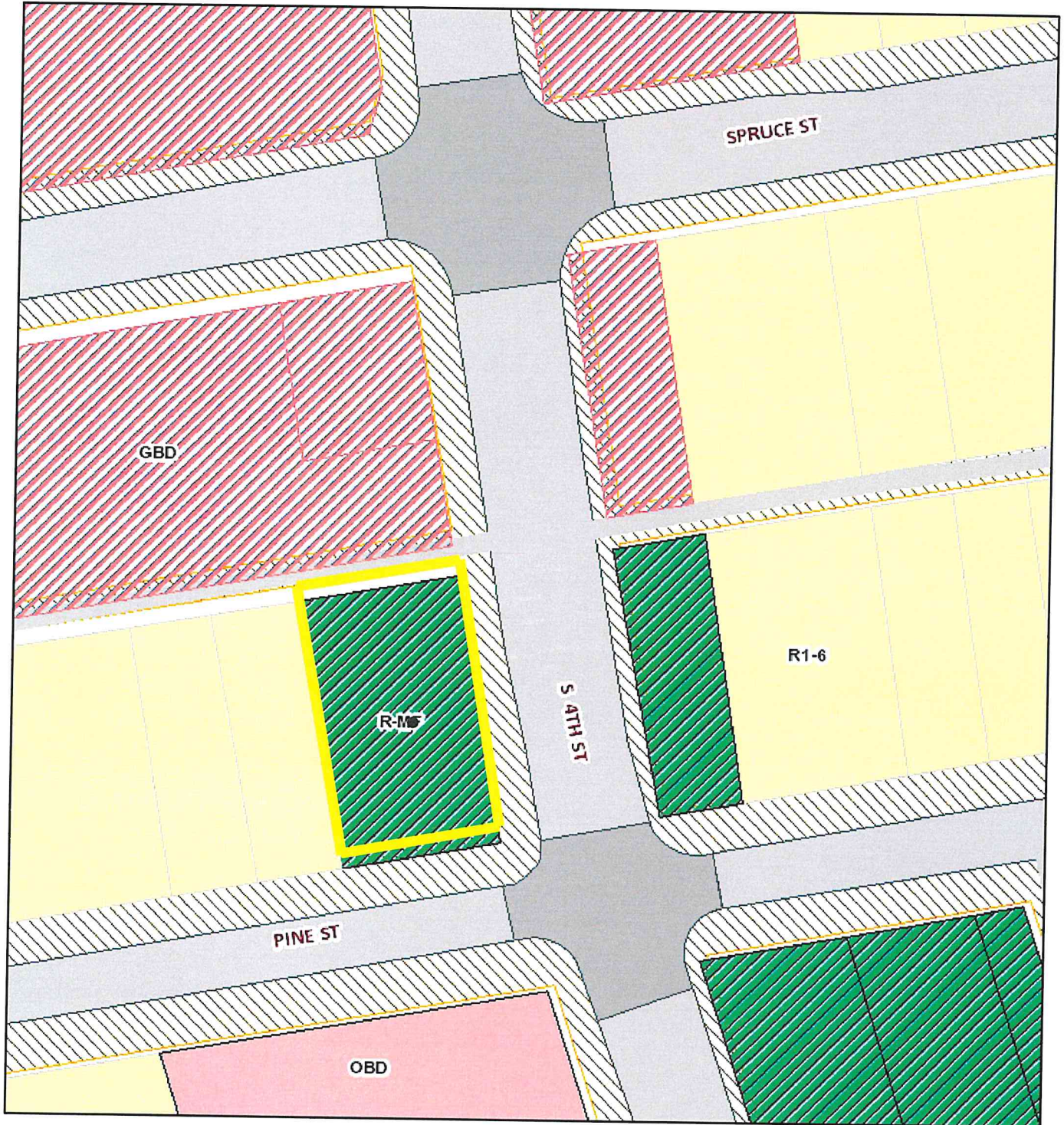
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|-------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|--------------------------------------|
|  | Override 1 |  | Streets |
|  | Ortho 2018 |  | Lansing City Limits |
|  | Red: Band_1 |  | Ft Leavenworth Military Installation |
|  | Green: Band_2 |  | Leavenworth City Limits |
|  | Blue: Band_3 |  | Missouri River |
| | East_of_River_Blank | | |



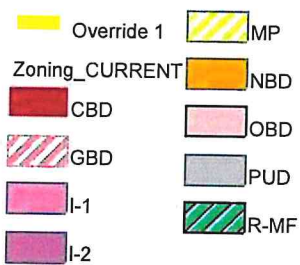
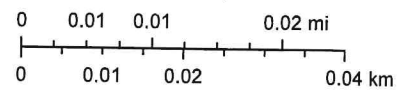
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924 S. 4th Street Zoning



10/12/2020, 12:40:21 PM

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BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2020-35 BZA
Application No. 8211
Fee (non-refundable) \$350.00
Filing Date 9-3-20
Hearing Date 10-19-20
Publication Date 9-23-20

PETITION

Property Zoning: _____
Location of Subject Property: 924 S. 4TH STREET LEAVENWORTH, KS 66048
Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)
Petitioner: KEVIN AND ANGELA MCHUGH
Petitioner Address: SAME AS ABOVE
Email: Kevinmchugh92@yahoo; Anglamchugh73@yahoo Telephone: 337-378-8363
337-208-4953
Petitioner's Interest in Property: OWNER / OCCUPANTS
Purpose of Petition: REQUESTING APPROVAL FOR VARIANCE: 4.03.E.3 reduce 3' rear setback; 4.04.B.3 garage greater than 400 sq ft;

- Appeal of Administration Decision _____ Date of Decision _____
Section 11.03.A
- Variance: 1.05.C-2. expand nonconforming structure
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 MCHUGH / ANGELA MCHUGH

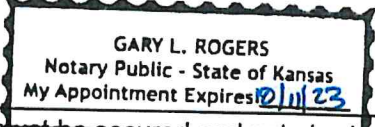
Signature: [Handwritten Signature] Date: 2 SEP 20

State of KANSAS) Angela R McHugh
County of LEAVENWORTH)

Signed or attested before me on Sept 3, 2020 by Kevin E McHugh
Angela R McHugh

Notary Public: [Handwritten Signature]

My appointment expires: 10/11/2023 (Seal)



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

<input type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input type="checkbox"/>	Full legal description of subject property obtained from the Register of Deeds Office (913-684-0424)
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property – County GIS Department 913-684-0448
<input type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

2 September 2020

From: Kevin and Angela McHugh

Homeowners, 924 S. 4th Street, Leavenworth, KS 66048

To: Board of Zoning Appeals, City of Leavenworth

100 N. 5th Street, Leavenworth, KS 66048

Dear Board Members,

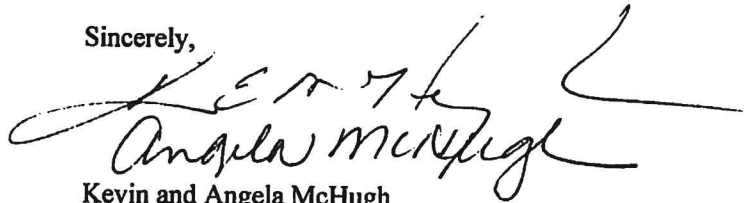
This letter serves as a formal variance approval request in accordance with Section 11.03.B.2 of Leavenworth city code. The property located at 924 S. 4th Street, Leavenworth, KS 66048 (Facklers Addition, S36, T08, R22E, Block C, Lot 15-16) was acquired in good faith with contract initiated on 26 May 2020 by the above current owners. This letter outlines two variances requested (see attached diagram/scope of work/sketch), the first relates to Section 4.03 (Property Development Standards), subsection E-3 (Accessory Structures/Setback requirements) specifically the requirement for a 3' Setback from adjacent property. This variance request is made due to the existing layout and established structures of the property as it relates to the proposed work to be performed and desired goals. The templated position for the planned carport presents the most logical location as it provides the most security, retains the maximum outdoor yard space for family activities, and is cost effective. The position was selected because it's natural slope from the main house along the West side of the carriage naturally descends to meet the alley at the edge of the property, it also has an existing entrance (wood gate) at this location. The East side of the carriage was assessed as an alternative location; However, this option requires additional incurred costs due to the necessary removal and re-establishment of a large retaining wall that begins at the Eastern edge of the carriage house and extends East along the alley to 4th street, then turns South and continues along Pine Street until stopping at the property's edge. The desired position also provides the most secure location for personal property from both adverse weather (hail, rain, wind) and potential criminal activity. Finally, a concrete retaining wall emplaced as part of the scope of work will prevent potential future ground erosion enhancing both adjoining properties.

The second variance, Section 4.04 (Use Standards), subsection 3-1(1) (Private Garages or Carports square footage), requests an exceedance of the specified 900 square foot limitation/<1 acre parcel. The purpose for this variance is to ensure adequate storage for two full size automobiles when conditions require using a "lean-to" carport design. The planned structure measures 12'2" x 40' which equates to a total of 488 square feet. Combining this with the carriage house (668 sq ft) provides a total of 1,156 square feet, an overage of 256 square feet. If this variance is not acceptable, the carport can be built as a stand-alone structure with no carriage house contact. This option will negate the requirement for the second variance request, although

not the preferred option for aesthetic reasons. Both options provide for a tandem (2 car, bumper to bumper) covered carport that is contained within the existing .29 acre lot.

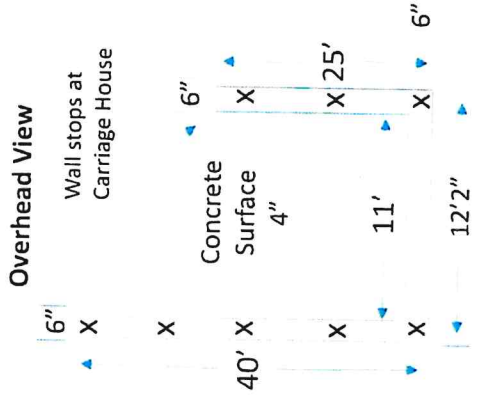
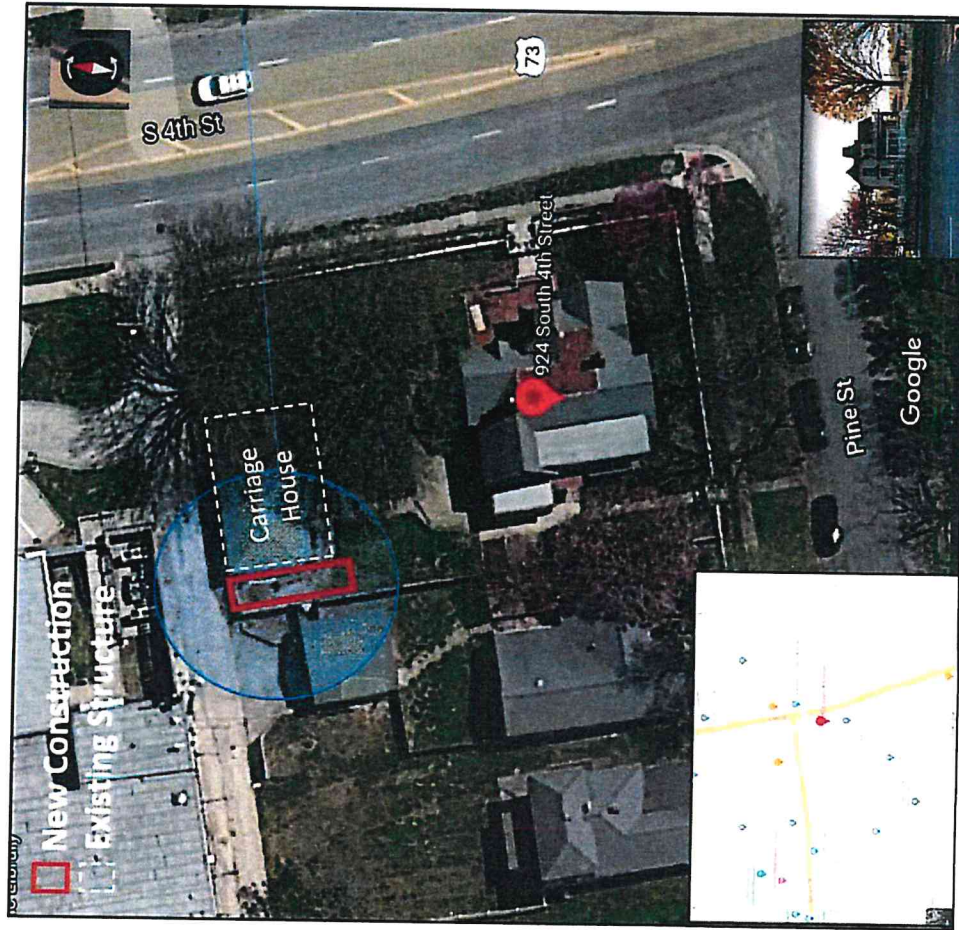
Our overall goal in purchasing this property, although in need of some work, is to restore and protect it's existing structures to maintain or even improve property value and appeal. Any and all work done will meet code specifications/requirements and will not adversely affect the rights of adjacent property owners or residents, nor affect the public health, safety, morals, order, convenience, prosperity or general welfare for other Leavenworth City residents. Angela and I's overall intent is to comply with all City rules, codes, and laws in the continuation of this improvement project. We appreciate your time and consideration for the variance(s) requested and hope to make this home in Leavenworth our long-term residence after completing a 26-year military career incurring routine home transitions every 3-5 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin and Angela McHugh". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kevin and Angela McHugh
Homeowners and Leavenworth City Residents
924 S. 4th Street
Leavenworth, KS 66048
337.378.8363
337.208.4953

924 S. 4th Street, Leavenworth, Kansas 66048 Scope of Work/Plan (Carport, Covered)



Independent Wall Side View

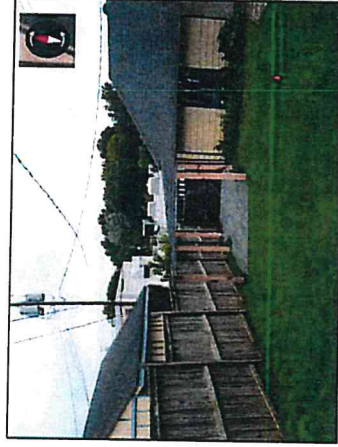


West Wall: 4' for 16', step down to 3.5' for 8', step down to 2.5' for 8', step down to 1.5' for 8 feet. 6" Thick.

East Wall: 4'x25'x6"

South Wall: 4'x12'2"x6"

"Lean-To" Concept Rendering



"Stand-Alone" Concept Rendering

