

LEAVENWORTH BOARD OF ZONING APPEALS

Monday, June 27, 2022 – 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: October 18, 2021 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. **2022-10 BZA – 700 EISENHOWER RD**
Hold a public hearing for Case No. 2022-10 BZA – 700 Eisenhower Road, wherein the applicant is requesting a variance from section 8.15.A of the adopted Development Regulations to allow the use of two existing non-conforming signs after a change in business name and ownership.
2. **2022-11 BZA – 4300 NEW LAWRENCE RD**
Hold a public hearing for Case No. 2022-11 BZA – 4300 New Lawrence Road, wherein the applicant is requesting a variance to allow an accessory structure in the front yard and a fence over 48” in the front yard.
3. **ELECTION OF OFFICERS**
Elect Chairperson and Vice Chairperson.

ADJOURN



**BOARD OF ZONING APPEALS MINUTES
MONDAY, OCTOBER 18, 2021, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS**

CALL TO ORDER:

Board Members Present

Jan Horvath
Ron Bates
Kathy Kem

Board Member(s) Absent

Dick Gervasini
Mike Bogner

City Staff Present

Julie Hurley
Michelle Baragary

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

APPROVAL OF MINUTES: September 20, 2021

Board Member Kem asked for comments, changes or a motion on the minutes presented for approval: September 20, 2021. Mr. Bates moved to approve the minutes as presented, seconded by Mr. Horvath and approved by a vote of 3-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. CASE NO. 2021-27 BZA – 806 N. BROADWAY STREET

Hold a public hearing for Case No. 2021-27 BZA – 806 N. Broadway Street, wherein the applicant is requesting a variance from the adopted Development Regulations to allow an accessory dwelling unit (ADU) at a property in which neither the principal dwelling nor the accessory dwelling will be occupied by the owner.

Board Member Kem called for the staff report.

Planning Director Julie Hurley stated the applicant is requesting a variance to allow an accessory dwelling unit (ADU) at a property in which neither the principal dwelling nor the accessory dwelling will be occupied by the owner.

The property located at 806 N. Broadway is currently occupied by a single family dwelling unit with an existing detached garage. The detached garage is accessed from the alley located to the rear of the property. The owner, Phillip Robbins, intends to convert the upper level of the existing detached garage into a separate dwelling unit, or accessory dwelling unit, which will be rented. Accessory dwelling units are allowed with issuance of a Special Use Permit based on the requirements of Section 4.04 of the adopted Development Regulations:

Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:

- (1) Shall be compatible with the design of the principal dwelling unit.*
- (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.*
- (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.*
- (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.*
- (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.*
- (6) Shall meet all building code requirements for a single family dwelling unit.*
- (7) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.*

The owner has indicated that he does not intend to live in either the principal dwelling nor accessory dwelling unit after June, 2022, and that he intends to rent both the principal and accessory units separately. Should the variance request to allow an accessory dwelling unit on a property in which neither the principal nor accessory dwelling is occupied by the owner be approved, a Special Use Permit would need to be approved to allow the accessory dwelling, subject to the variance.

Board Member Kem called for questions from the Board about the staff report.

Mr. Bates asked what the City's position is for somebody who intends to live in their residence and gets a Special Use Permit (SUP) for an accessory dwelling unit but then for whatever reason has to move at a later date. Would the SUP be withdrawn.

Ms. Hurley stated the SUP would carry with the property but would be subject to all of the seven regulations/requirements for ADUs. For example, if an owner received a SUP to allow an accessory dwelling unit on their property, and then they sold their property the new owners would be required to meet all of the same requirements or the special use permit would not be valid. As with any SUP, once those requirements are not met, the SUP is no longer valid.

Mr. Bates asked if staff has a tracking procedure for SUPs.

Ms. Hurley responded in the affirmative stating SUPs require a renewal every year through the City Clerk's Office, at which time the requirements are checked to be sure they are still being met.

Mr. Bates asked if there is a possibility, the variance is granted and then the SUP is denied.

Ms. Hurley stated that would always be a possibility; but all the other requirements for an accessory dwelling unit have been met with this particular variance request beside the requirement of the

property owner living in one of the units. If the variance request is granted, staff would recommend approval of the special use permit to the Planning Commission.

Ms. Kem asked what the intent is of the ordinance.

Ms. Hurley responded the requirement of the property owner to live in one of the units is a standard requirement. The intent is to keep the property from becoming a multi-family property where both units are being rented.

Ms. Kem asked if there are multi-family properties near the subject property.

Ms. Hurley responded the North Broadway Apartments and The Landmark Apartments are across the street. Staff would not recommend rezoning because that would be spot zoning.

Mr. Bates asked if a property is sold that has an existing ADU on the property, would the new property owners be subject to the ADU.

Ms. Hurley responded in the negative stating a change in ownership does not trigger a nonconforming use to come into compliance with the Development Regulations.

With no further discussion about the staff report, Board Member Kem opened the public hearing.

Philip Robbins, applicant and property owner, stated he purchased the property a few months ago and will be moving after CGSC in June 2022. A previous owner framed in a four room apartment over the detached garage for a bedroom, bathroom, living room and kitchen. Parking inside the detached garage would be for the primary dwelling. Parking for the ADU would be a parking pad accessed through the double gate from the alley. Mr. Robbins does not believe there will be an adverse effect if the ADU is permitted.

Ms. Hurley stated staff did not receive any feedback from neighboring property when the notifications were mailed.

Ms. Kem asked if it was possible to split the lot.

Ms. Hurley stated that would not be possible as alley access is not considered street frontage. Ms. Hurley further stated this is the first time the Board has dealt with a variance request for an Accessory Dwelling Unit. This would be the time for the Board to think about the regulations for an ADU, i.e. do they want the owner to necessarily have to live in one of the dwelling units, etc.

Ms. Kem does understand the dilemma that if you are not occupying either unit, then why is that not multi-family. Additionally, the subject property is in a single-family district.

With no one else wishing to speak, Board Member Kem closed the public hearing and called for discussion among the board members.

Mr. Bates asked if the city has a position on mother-in-law apartments where people install a bedroom and kitchenette in the basement.

Ms. Hurley responded if someone added a kitchenette in their primary dwelling, that is not considered a separate dwelling unit according to building codes so that would not fall under an ADU.

Mr. Bates said it would be a multi-family unit.

Ms. Hurley stated technically it could be but based on building codes it does not meet the requirement for a multi-family dwelling unit. For multi-family dwelling units, there would be specific fire separation walls, separate entrances and kitchen/bathroom requirements for separate dwelling units. Ms. Hurley further stated if someone wanted to rent out their basement as a separate unit then that would be a different discussion; however, if someone is just adding a mother-in-law suite in their basement, they are not trying to meet the building code requirements for a separate dwelling unit.

With no further discussion, Board Member 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.

- 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 2-1

Ms. Kem voted in the negative.

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

Vote 1-2

Ms. Kem and Mr. Bates voted in the negative.

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 4.04 of the Development Regulations to allow an accessory dwelling unit on a property in which neither the principal nor accessory dwelling are occupied by the owner of the property, as described herein and subject to subsequent approval or a Special Use Permit.

Board Member Kem stated based on the findings, the board was unable to find in favor for all five conditions and therefore, the variance is denied.

Ms. Hurley stated there are no items on the agenda for next month's BZA meeting.

Board Member Kem called for a motion to adjourn. Mr. Bates moved to adjourn, seconded by Mr. Horvath and passed 3-0.

The meeting adjourned at 6:24 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

**Board of Zoning Appeals Agenda Item
Variance Request
2022-10 BZA
700 Eisenhower Road**

JUNE 27, 2022

Prepared By:

Julie Hurley,
Director of Planning and
Community Development

Reviewed By:

Paul Kramer,
City Manager

SUMMARY:

The applicant is requesting a variance from section 8.15.A of the adopted Development Regulations to allow the use of two existing non-conforming signs after a change in business name and ownership.

DISCUSSION:

The applicant and owner, Moize Morani, is requesting a variance from the above noted section of the adopted Development Regulations to allow the use of two existing non-conforming signs after a change in business name and ownership for the gas station located at 700 Eisenhower Road. Section 8.15.A of the current Development Regulations require that a nonconforming sign be modified to conform, replaced with a conforming sign, or removed if there is a change in business name or ownership.

- *8.15.A Nonconforming: A nonconforming sign existing lawfully at the time of the passage of this sign code may be continued under the terms as hereinafter provided that such nonconforming signs shall be modified to conform, replaced with a conforming sign or removed according to the following:*
 1. *If there is a change in business ownership, tenant, name or type of business.*
 2. *Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 25% of the current value of the sign as of the date of alteration or repair.*

The subject property is zoned GBD, General Business District and is occupied by a gas station, which is an allowed use in the GBD zoning district. Business ownership recently changed hands, and at that time the name of the business changed from Woody's Gas Express to Sunoco. There are two existing freestanding signs associated with the business, one at the southeast corner of the property and one at the northeast corner of the property. The sign at the southeast corner is 20' in height with a total sign face of 110.25 sqft. The sign at the northeast corner is 20' in height with a total sign face of 82.82 sqft.

Current regulations for signage in the GBD district allow freestanding signs to be a maximum of 15' in height, with a minimum setback of 5' from the property line. 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', provided that the nearest edge of the sign is setback from the property line an additional 2' for each additional 1 foot in height. The property across the street to the south is located in the City of Lansing, and is zoned for Agricultural purposes. The property across the street to the east is zoned OBD, Office Business District. The provision for additional height does not apply to the sign on the southeast corner, since it is across the street from property

zoned for Agricultural purposes. The sign on the northeast corner is setback approximately 10' from the nearest property line, for an allowable maximum height of 17.5'.

Current regulations for signage in the GBD district allow a maximum sign face area of 100 sqft. The sign on the northeast corner meets this requirement, the sign on the southeast corner does not.

In summary: the existing sign on the northeast corner meets the requirements for sign face area, and exceeds the maximum allowable height by 2.5' The sign on the southeast corner exceeds the maximum allowable height by 5' and exceeds the maximum allowable sign face area by 10.25 sqft.

After the required notice was published, 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.

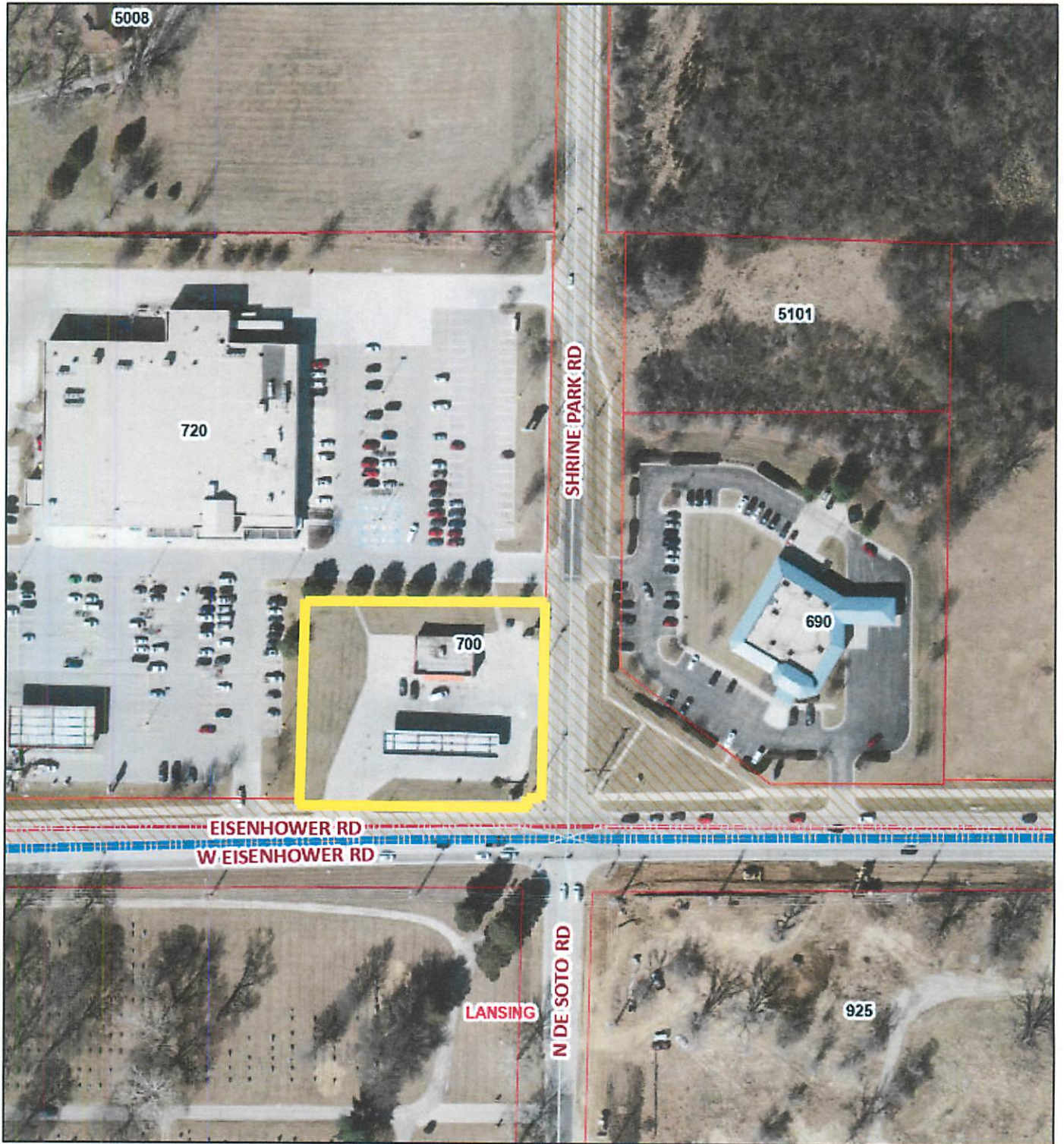
1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other 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:

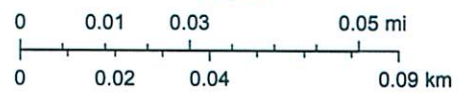
Approve or deny the request for a variance from section 8.15.A of the Development Regulations to allow the use of two existing non-conforming signs after a change in business name and ownership at 700 Eisenhower Road.

700 Eisenhower



6/17/2022, 10:23:57 AM

1:2,257



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2022-10 BZA
Application No. 11275
Fee (non-refundable) \$350.00
Filing Date 5-5-22
Hearing Date 6-27-22
Publication Date 6-2-22

PETITION

Property Zoning: GBD
Location of Subject Property: 700 (Brentwood) Rd, Leavenworth KS 66048
Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)
Petitioner: Moize Morani
Petitioner Address: 17217 NITMAN RD OVERLAND PARK KS 66211
Email: Sammosani@yahoo.com Telephone: 913 244 7267
Petitioner's Interest in Property: Owner
Purpose of Petition: Sign Variance

- Appeal of Administration Decision _____ Date of Decision _____
Section 11.03.A
- Variance: Section 8.11.D - see attached email
Section 11.03.B
- Exception: for specifics.
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): Moize Morani

Signature: [Signature] Date: 5/5/2022

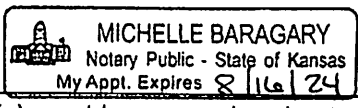
State of Kansas)

County of Leavenworth)

Signed or attested before me on May 5, 2022 by Moize Morani

Notary Public: Michelle Baragary

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 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)

700 Eisenhower Rd.



Application # 11173

PERMANENT SIGN PERMIT APPLICATION
City of Leavenworth, Kansas Planning & Zoning Department
100 N 5th Street • Leavenworth Kansas 66048 • 913-680-2626

This application cannot be processed unless fully completed and all required documents are provided. All incomplete applications are void after 90 days. If you have any questions about completing the form, please call the Department of Planning and Zoning.

Business/Entity Displaying Sign Shop Smart

Site Address 700 Eisenhower Leavenworth KS Zoning GBD

Phone () Cell 913 244-7267 Fax ()

Owner of Property Leavenworth Holdings LLC Phone (816) 522-2272

Address 8604 S. Stuart Rd G.V mo Property Owner's Signature [Signature]
Street # and Name City State

Contact for Application James Koop Telephone (816) 522-2272 Email jkoop@esmol.com

Sign Contractor: Company Name Full Bright Maintenance Inc. Email Katie@FullBrightSign.com

Address 2005 E 19th St. Lawrence KS Business License # _____
Street # and Name City State

Phone (785) 856-1550 Cell () Fax ()

Sign Contractor's Signature [Signature] Date 4/15/22
(Required)

Sign Information: Wall Free Standing Other Pylon

Sign Height 20 ft Sign Length 6 ft Total Sign Area _____ sq ft 110.75 Sign materials pan form faces

Logo Height 17 ft Logo Area 110.75 sq ft reface

Attached Sign, also needs: Building Height _____ ft Building Width _____ ft Total Area _____ ft Sign % of Area _____ %
* The wall the sign will be located on (circle one) North South East West SE corner

Monument Sign, also need: Height of Monument _____ ft
 Attached to this Sign Permit Application is a plan, sketch, drawing, blueprint or similar presentation drawn to scale, showing pertinent structural details per the Sign Code in the City's Developments Regulations

SIGN FEES: 50 SQ FT OR LESS - \$50 GREATER THAN 50 BUT LESS THAN 100 SQ FT - \$75 100 SQ FT OR GREATER - \$100
REFACE - HALF THE PRICE OF ORIGINAL SIGN FEE (\$25, \$37.50 OR \$50)

As business owner or agent, I hereby certify this sign application and attached plans to be correct and agree to abide by the sign code in the City's adopted Development Regulations and stipulations, if any, as described in this permit. I understand that an incomplete application can result in a delay of processing this application.

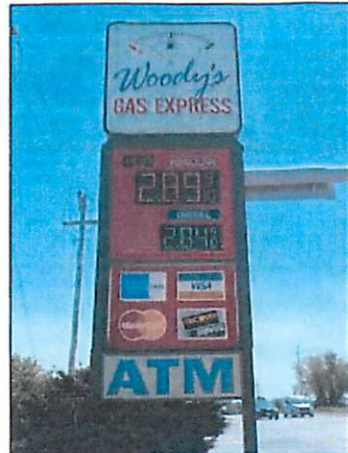
Signature of Business Owner/Agent: [Signature] Date: 4/5/22

Payment By Check - make check payable to City of Leavenworth By Cash - Payable at City Hall
 By Credit Card - on-line or in person at City Hall

FOR OFFICE USE ONLY Fee: 50.00 Check # _____ Date Remitted: 4-18-22
Cash: _____ Credit Card

Minor Certificate of Appropriateness for Historic District Approved Denied

Staff Reviewer/Approver [Signature] Date 4/19/22

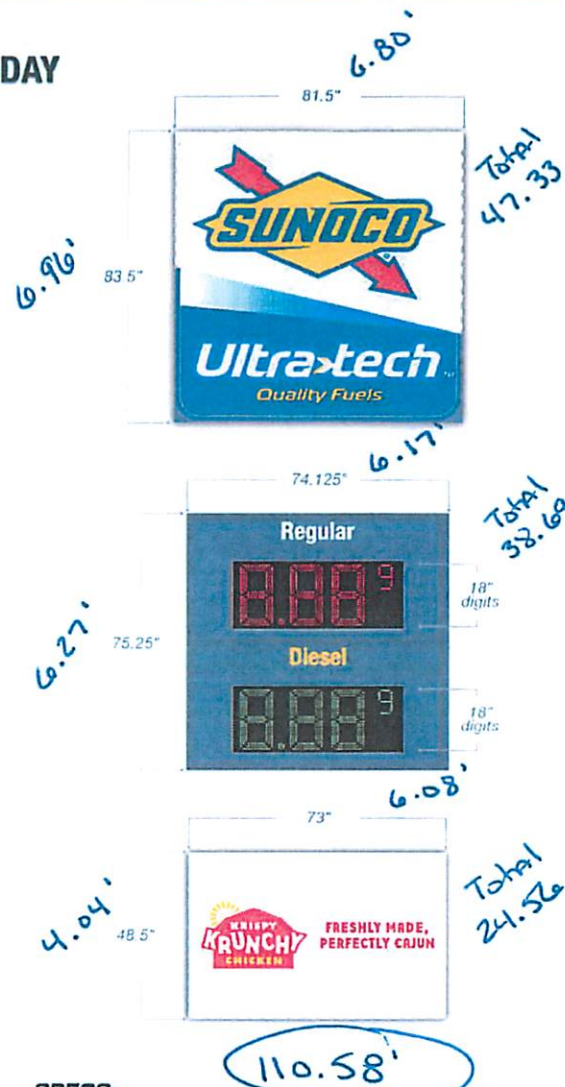


BEFORE



AFTER

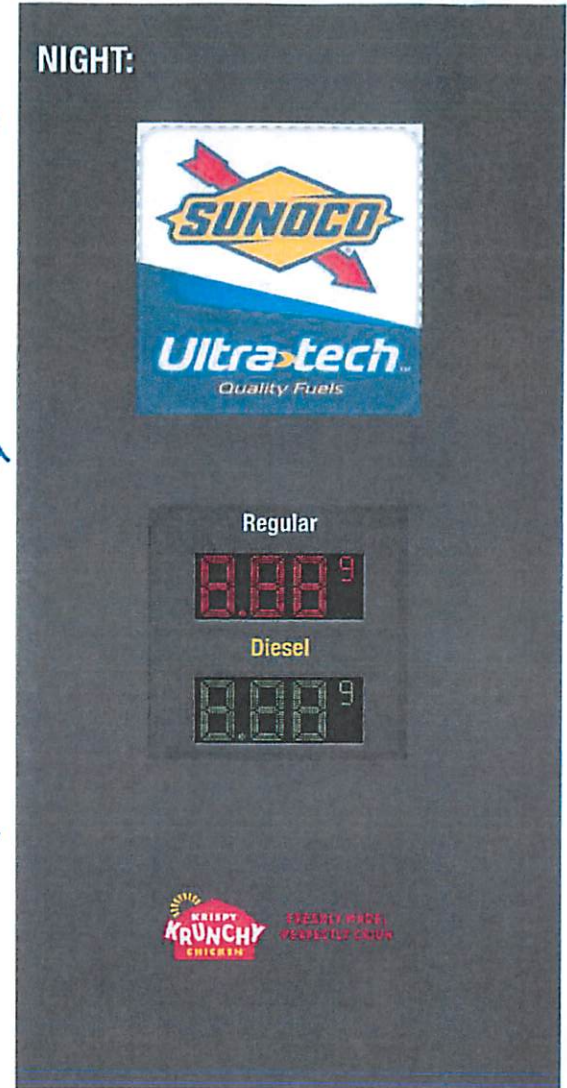
DAY



SPECS:

Replacing faces for existing structure

NIGHT:

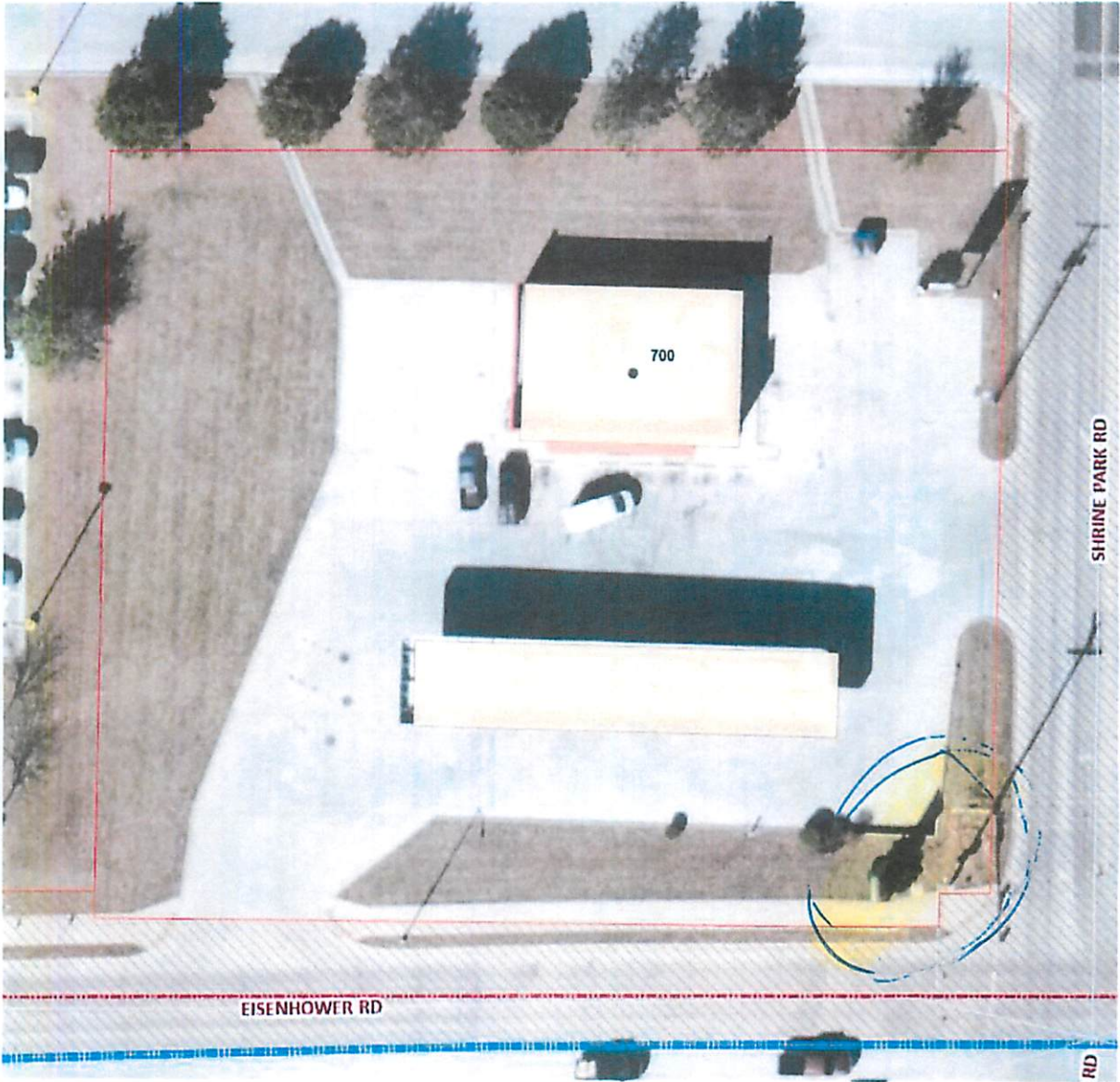


SCALE: _____
SIGN SQ FT: _____
BUILDING SQ FT: _____

PROJECT TITLE: Sunoco
ADDRESS: 700 Eisenhower RD,
Leavenworth, KS
ACCOUNT REP: Brian
DATE: 4-12-2022
DRAWING BY: BT

CLIENT APPROVAL: _____
LANDLORD APPROVAL: _____
DRAWING FILE: _____
REVISION: _____

THIS DESIGN IS THE EXCLUSIVE PROPERTY OF FULL BRIGHT SIGN AND LIGHTING. DISTRIBUTIONS AND EXHIBITION OF THESE PLANS TO ANYONE OTHER THAN EMPLOYEES OF YOUR COMPANY, OR USE OF THIS DESIGN TO CONSTRUCT A SIMILAR DISPLAY IS STRICTLY PROHIBITED.



EISENHOWER RD

SHRINE PARK RD

RD



Tuesday, April 19, 2022

Logged in as: Michelle Baragary Home | Logout

Transactions

Transaction Details

[< Back to Search Results](#)

[Authorization Form](#)

Add is not available



Search



Export

Bill To Last/First Name:Fuller/Brian Company Name:Full Bright Maintena Address:2005 E 19TH ST City/State/Postal Code:Lawrence KS 66046 Phone:785-856-1550 Email Address:info@fullbrightsign.com Consumer ID:N/A	Ship To Last/First Name:N/A Company Name:N/A Address:N/A N/A City/State/Postal Code:N/A
Order Applicant Name :Katie Fuller Applicant Phone Number :785-856-1550 Applicant Email :katie@fullbrightsign.com Sign Location :700 Eisenhower Rd Describe Sign :Pylon Face replacement Permit Fee :87.50	Payment Credit Card #:*****3703 Card Type:VISA Amount:\$ 87.50 Service Fee:\$ 2.19 Sales Tax:\$ 0.00 Proc Card:no Total Amount:\$ 89.69 Date:4/18/2022 2:45 PM PDT Entered By:MfzgvGomvf

Transaction Details

Detail Transaction ID:3ed5456b-0049-4287-97f3-ca60fd8e9d47 Status:ready Transaction Type:CC Sale(10) Response Description:APPROVED Ip Address:66.45.153.29 Source:SWPv2.0 Settlement Date:N/A	Response Type:A Response Code:A01 Verify Result:N/A Auth Code:05561A Settlement Result:N/A
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AVS Results

✓ AVS Postal Code:	Match
✓ AVS Street:	Match



NewVT

Shire Park Rd.

Application # 11174



PERMANENT SIGN PERMIT APPLICATION
City of Leavenworth, Kansas Planning & Zoning Department
100 N 5th Street • Leavenworth Kansas 66048 • 913-680-2626

This application cannot be processed unless fully completed and all required documents are provided. All incomplete applications are void after 90 days. If you have any questions about completing the form, please call the Department of Planning and Zoning.

Business/Entity Displaying Sign Shop Smart Zoning GBD

Site Address 700 Eisenhower Leavenworth KS
Phone () Cell (913) 244-7267 Fax ()

Owner of Property Leavenworth Holdings LLC Phone (816) 522-2272

Address 8604 S. Shire Rd G.V mo Property Owner's Signature [Signature]
Street # and Name City State

Contact for Application James Koop Telephone (816) 522-2272 Email j.koop4@gmail.com

Sign Contractor: Company Name Full Bright Maintenance, Inc. Email Kate@fullbrightsign.com

Address 2005 E 19th St Lawrence KS Business License #
Street # and Name City State

Phone (785) 856-1580 Cell () Fax ()
Date 4/19/22

Sign Contractor's Signature [Signature] (Required)

Sign Information: Wall Free Standing Other Pylon
Sign Height 20 ft Sign Length 6 ft Total Sign Area 82.82 sq ft Sign materials Pan Form faces

Logo Height 13 ft Logo Area 82.82 sq ft

Attached Sign, also needs: Building Height _____ ft Building Width _____ ft Total Area _____ ft Sign % of Area _____ %
* The wall the sign will be located on (circle one) North South East West NE CORNER

Monument Sign, also need: Height of Monument _____ ft
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Date: 4/5/22

Signature of Business Owner/Agent: [Signature]

Payment By Check - make check payable to City of Leavenworth By Cash - Payable at City Hall
 By Credit Card - on-line or in person at City Hall

FOR OFFICE USE ONLY Fee: 37.50 Check # _____ Date Remitted: 4-18-22
Cash: _____ Credit Card X

Minor Certificate of Appropriateness for Historic District Approved Denied

Staff Reviewer/Approver [Signature] Date 4/19/22

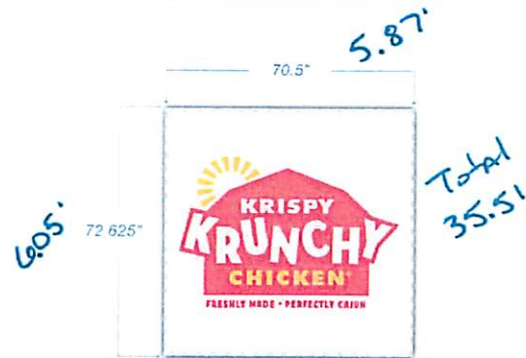


BEFORE



AFTER

DAY



82.84'

SPECS:

Replacing faces for existing structure

NIGHT:

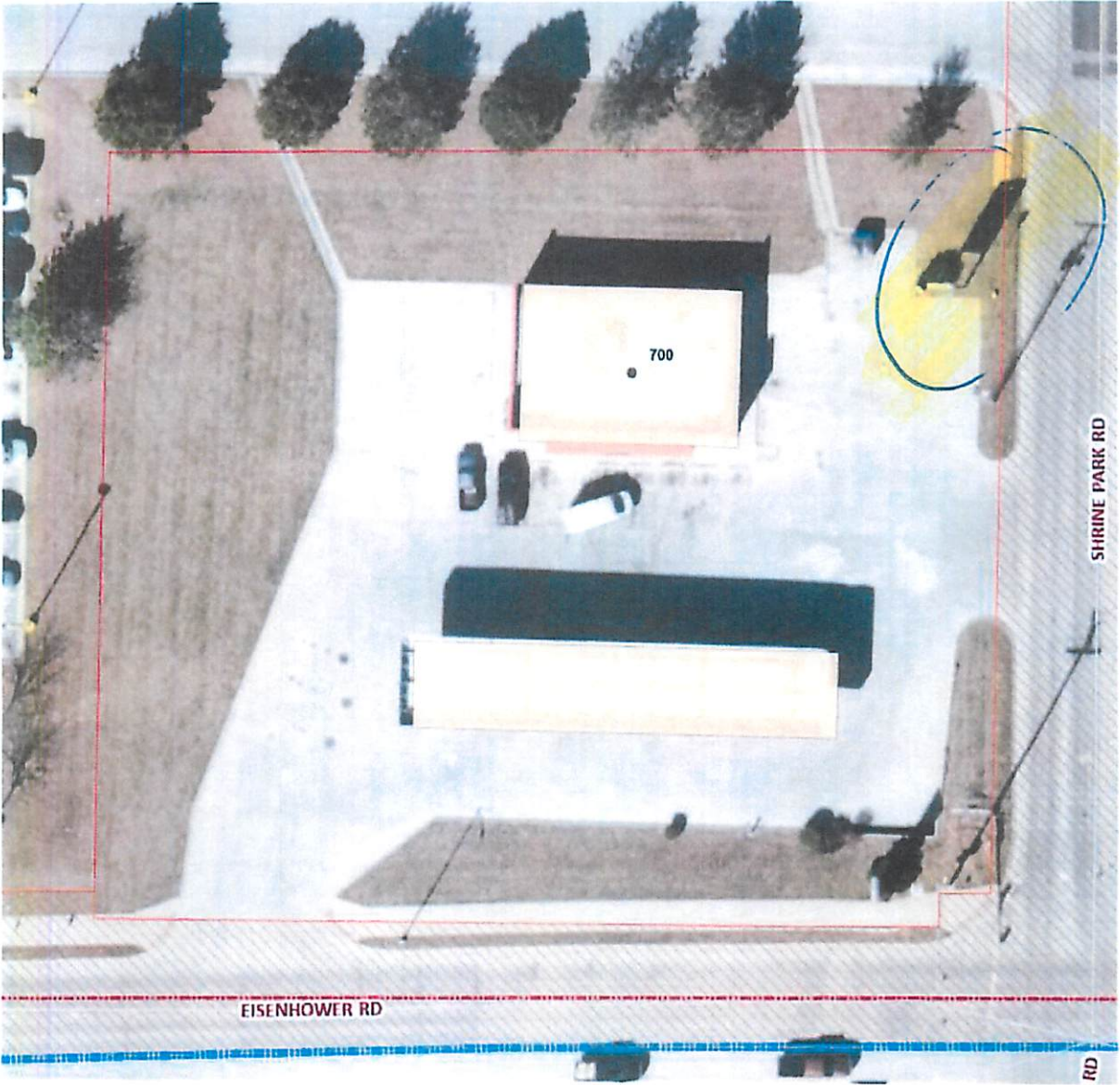


SCALE: _____
SIGN SQ FT: _____
BUILDING SQ FT: _____

PROJECT TITLE: Sunoco
ADDRESS: 700 Eisenhower RD,
Leavenworth, KS
ACCOUNT REP: Brian
DATE: 4-12-2022
DRAWING BY: BT

CLIENT APPROVAL:
LANDLORD APPROVAL: _____
DRAWING FILE: _____
REVISION: _____

THIS DESIGN IS THE EXCLUSIVE PROPERTY OF FULL BRIGHT SIGN AND LIGHTING. DISTRIBUTIONS AND EXHIBITION OF THESE PLANS TO ANYONE OTHER THAN EMPLOYEES OF YOUR COMPANY, OR USE OF THIS DESIGN TO CONSTRUCT A SIMILAR DISPLAY IS STRICTLY PROHIBITED.



700

EISENHOWER RD

SHRINE PARK RD

RD



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/08/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ron Reed c/o FBL Financial Group Inc. 2201 W 25th Suite S Lawrence, KS 66047-2957	CONTACT NAME: Ron Reed PHONE (A/C, No, Ext): (785) 841-7444 E-MAIL: ADDRESS:	FAX (A/C, No):
INSURED FULL BRIGHT MAINTENANCE INC FULL BRIGHT SIGN & LIGHTING 2005 E 10TH ST LAWRENCE, KS 66046-5407	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Farm Bureau Property & Casualty Insurance Company	NAIC # 13773
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input type="checkbox"/>	<input type="checkbox"/>	CPP6077996	03/09/2022	03/09/2023	EACH OCCURRENCE \$ 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100000 MED EXP (Any one person) \$ 5000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG \$ 2000000 \$
A	AUTOMOBILE LIABILITY ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	<input type="checkbox"/>	<input type="checkbox"/>	CPP6077996	03/09/2022	03/09/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10000	<input type="checkbox"/>	<input type="checkbox"/>	CU 0005139	03/09/2022	03/09/2023	EACH OCCURRENCE \$ 1000000 AGGREGATE \$ 1000000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A <input type="checkbox"/>	WC 6023541	03/09/2022	03/09/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500000 E.L. DISEASE - EA EMPLOYEE \$ 500000 E.L. DISEASE - POLICY LIMIT \$ 500000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Sign installation/Erectors license

CERTIFICATE HOLDER City of Leavenworth 100 N 5th St Leavenworth, KS 66048	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Jon Swartz, Underwriting Vice President
---	---



Tuesday, April 19, 2022

Logged in as: Michelle Baragary Home | Logout

Transactions

Transaction Details

[< Back to Search Results](#)

[Authorization Form](#)

Add is not available



Search



Export

Bill To Last/First Name: Fuller/Brian Company Name: Full Bright Maintena Address: 2005 E 19TH ST City/State/Postal Code: Lawrence KS 66046 Phone: 785-856-1550 Email Address: info@fullbrightsign.com Consumer ID: N/A	Ship To Last/First Name: N/A Company Name: N/A Address: N/A N/A City/State/Postal Code: N/A
Order Applicant Name : Katie Fuller Applicant Phone Number : 785-856-1550 Applicant Email : katie@fullbrightsign.com Sign Location : 700 Eisenhower Rd Describe Sign : Pylon Face replacement Permit Fee : 87.50	Payment Credit Card #: *****3703 Card Type: VISA Amount: \$ 87.50 Service Fee: \$ 2.19 Sales Tax: \$ 0.00 Proc Card: no Total Amount: \$ 89.69 Date: 4/18/2022 2:45 PM PDT Entered By: MfzqvGomvf

Transaction Details

Detail Transaction ID: 3ed5456b-0049-4287-97f3-ca60fd8e9d47 Status: settled Transaction Type: CC Sale(10) Response Description: APPROVED Ip Address: 66.45.153.29 Source: SWPv2.0 Settlement Date: 4/19/2022 9:33:36 AM		Response Type: A Response Code: A01 Verify Result: N/A Auth Code: 05561A Settlement Result: N/A
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AVS Results


<input checked="" type="checkbox"/> AVS Postal Code:	Match
<input checked="" type="checkbox"/> AVS Street:	Match



NewVT

Board of Zoning Appeals Agenda Item
Variance Request
2022-11-BZA
4300 New Lawrence Road

JUNE 27, 2022


Prepared By:

Julie Hurley
Director of Planning and
Community Development


Reviewed By:

Paul Kramer
City Manager

SUMMARY:

The applicant is requesting a variance to allow an accessory structure in the front yard and a fence over 48" in the front yard.

DISCUSSION:

The property located at 4300 New Lawrence Road is zoned R1-25, Low Density Single Family Residential District, and is occupied by a newly constructed single family home. The lot is 3.69 acres in size, and the house is situated in the western half of the lot, approximately 500' from New Lawrence Road.

The owner is requesting to install a chicken coop in front of the house, surrounded by a 6' wrought iron fence for protection. The terrain of the property is such that the lot slopes significantly down towards an existing pond from the back of the house, which does not allow for placement of the coop and fencing in the rear yard area. The lot is significantly wooded with varying terrain between the house and New Lawrence Road, obscuring visibility of the house and the proposed location of the coop and fence from the road.

Section 4.03.D of the Development Regulations states that:

1. *No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.*
2. *No accessory use except for permitted signs, fences, and permitted off-street parking shall be permitted in any required front or side yard.*

Article 12 of the Development Regulations defines "Accessory Building, Accessory Structure, or Accessory Use" as follows:

A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent or purpose to the principal building or principal use served; (3) contributes to the comfort convenience, or necessity of occupants of the principal building or principal use; (4) is located on the same zoning lot as the principal building or principal use. The same as "appurtenant structure."

Section 6.08.C of the Development Regulations states that:

Open fences and hedges may be installed in all front yards on the property lines but may not exceed 48 inches above the natural contour of the ground.

After required notifications were sent, staff received no comments from 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.

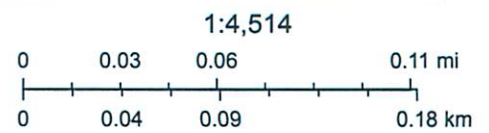
ACTION:

Approve or deny the variance request to allow an accessory structure and a fence in excess of 48" in the front yard.

4300 New Lawrence



6/17/2022, 11:17:20 AM



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA



MUNIS 11323

OFFICE USE ONLY

BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

Case No.: 2022-11 BZA

Application No. 11323

Fee (non-refundable) \$350.00

Filing Date 5-13-22

Hearing Date 6-27-22

Publication Date 6-2-22

PETITION

Property Zoning: Residential R1-25 4300 New Lawrence Rd.

Location of Subject Property: Lot 7 Moonlight Lake Subdivision

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

Petitioner: Kevin Wiley

Petitioner Address: 103 Harry Bell Road Fort Leavenworth KS 66027

Email: Kevin.wiley@gmail.com Telephone: 580 713 2683

Petitioner's Interest in Property: Property owner

Purpose of Petition: Install 6 foot fence to the front of the house a a chicken coop

- 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): Kevin Wiley

Signature: [Signature] Date: May 11 2022

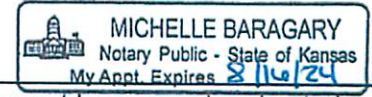
State of Kansas)

County of Leavenworth)

Signed or attested before me on May 11, 2022 by Kevin Wiley

Notary Public: Michelle Baragary

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 913-684-0448
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

Attention Board of Zoning Appeals:

Thank you for your time and consideration for our variance request for a 6 foot fence and chicken coop. We have purchased and are building our custom home in Moonlight Lake Subdivision lot 7 at 4300 New Lawrence Road. The lot is just under 4 acres and is approximately 850 long and 175 feet wide. Our house and shop is built and located approximately 500 feet from New Lawrence Road. The back yard is very steep and we have approximately 200 feet downward slope to the pond. The property has a very unique design with the long and narrow property lines and the 3 acre pond located in the center of the subdivision. Most homes outside of Moon Light Lake Subdivision are located near the New Lawrence Road so they have the ability to build 6 foot fences and chicken coops behind the home. Our property does not allow for that option. The garden fence or chicken will not be visible from New Lawrence Road.

We are requesting a variance to build a 6 foot fence around our 30 by 40 foot garden plot to prevent wildlife from damaging or destroying the garden area while building it on a generally flat surface. Additionally, we are also requesting to place a 6 foot by 12 foot portable chicken coop in the garden area. I have attached pictures of the fence style and chicken coop below along with pictures from the house and New Lawrence Road.

I have spoken with Clifton Downing the lot 8 owner and Tom Duncan the owner of lot 9 to the north and my parents, own lot 6 to the south, neither have any concerns or issues with the garden fencing and chicken coop. From New Lawrence Road the fence and chicken coop will not be seen from our front property line.

Approving this variance request will allow us to enclose our garden area on the most suitable place on the property while preventing significant damage from the wildlife that live in the area. We are very excited to have a large garden that will provide food and eggs for the year and want to take every measure to protect our investment while having a low impact on any neighbors. Below are the actual distances from the proposed garden plot along with detailed pictures with the plot plan.

Garden to New Lawrence Road 425 feet
Garden to Lot 6 House Pad 275 Feet
Garden to Lot 8 House Pad 200 Feet

Again, thank you for your time and consideration for the variance

Sincerely,



Kevin & Dee Dee Wiley
4300 New Lawrence Road
Moonlight Lake Subdivision (Lot 7)
(580) 713-2683
Kevin.a.wiley@gmail.com

Fence Style:



Chicken Coop Style



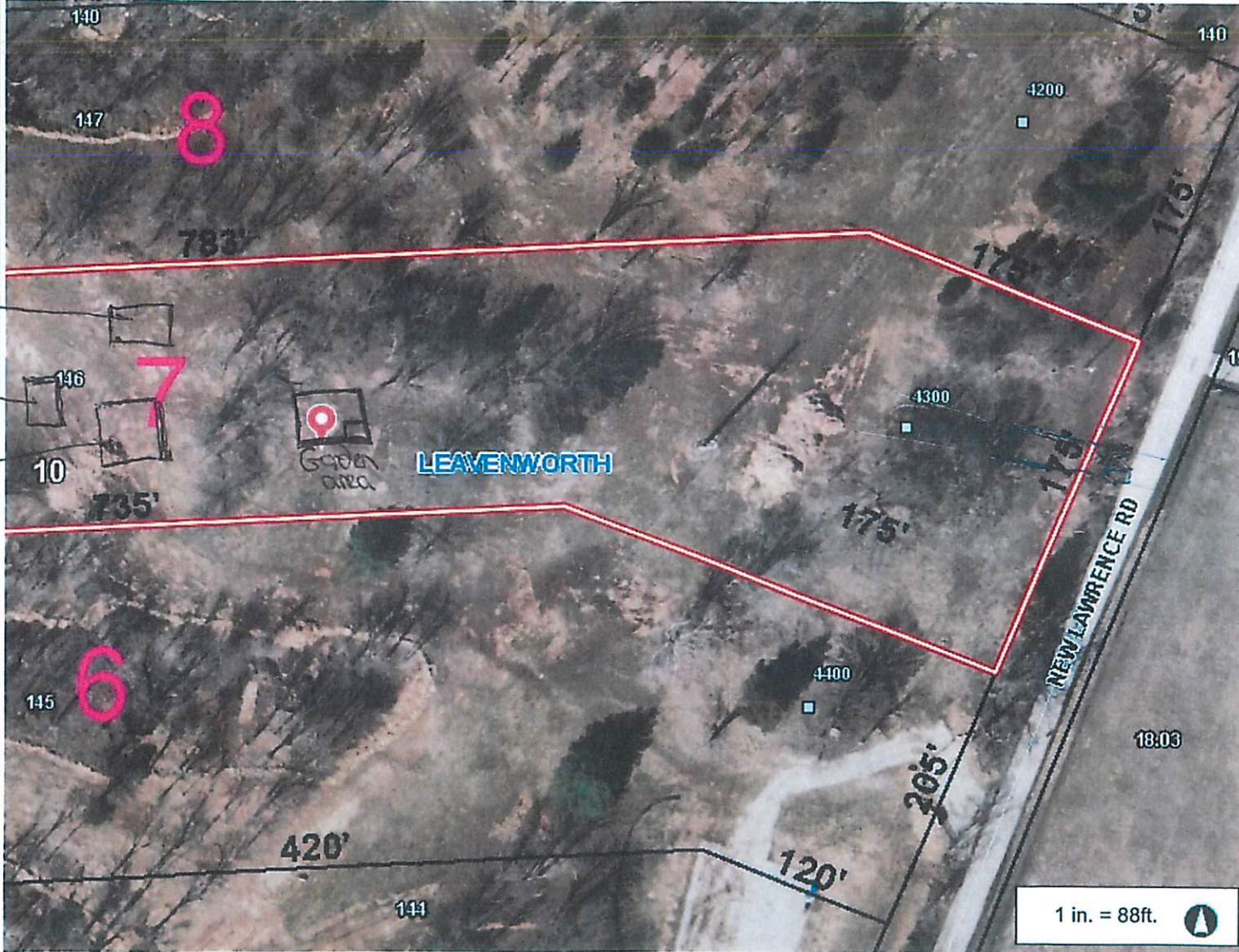
View From top of hill above New Lawrence Road



View from Home Porch



Leavenworth County, KS

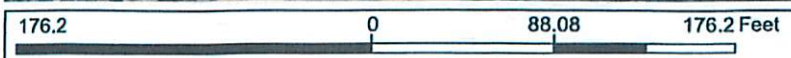


Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- + Railroad
- Section
- Section Boundaries
- County Boundary

Horse
Pantry
Shop

1 in. = 88ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

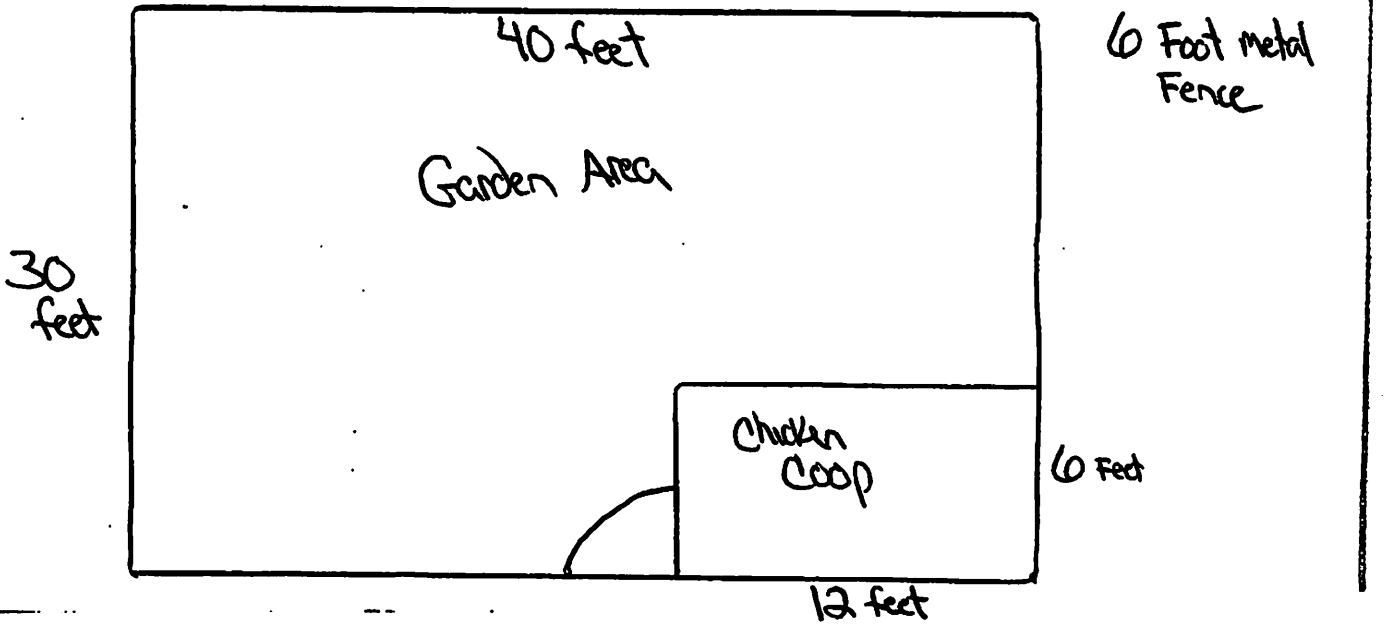
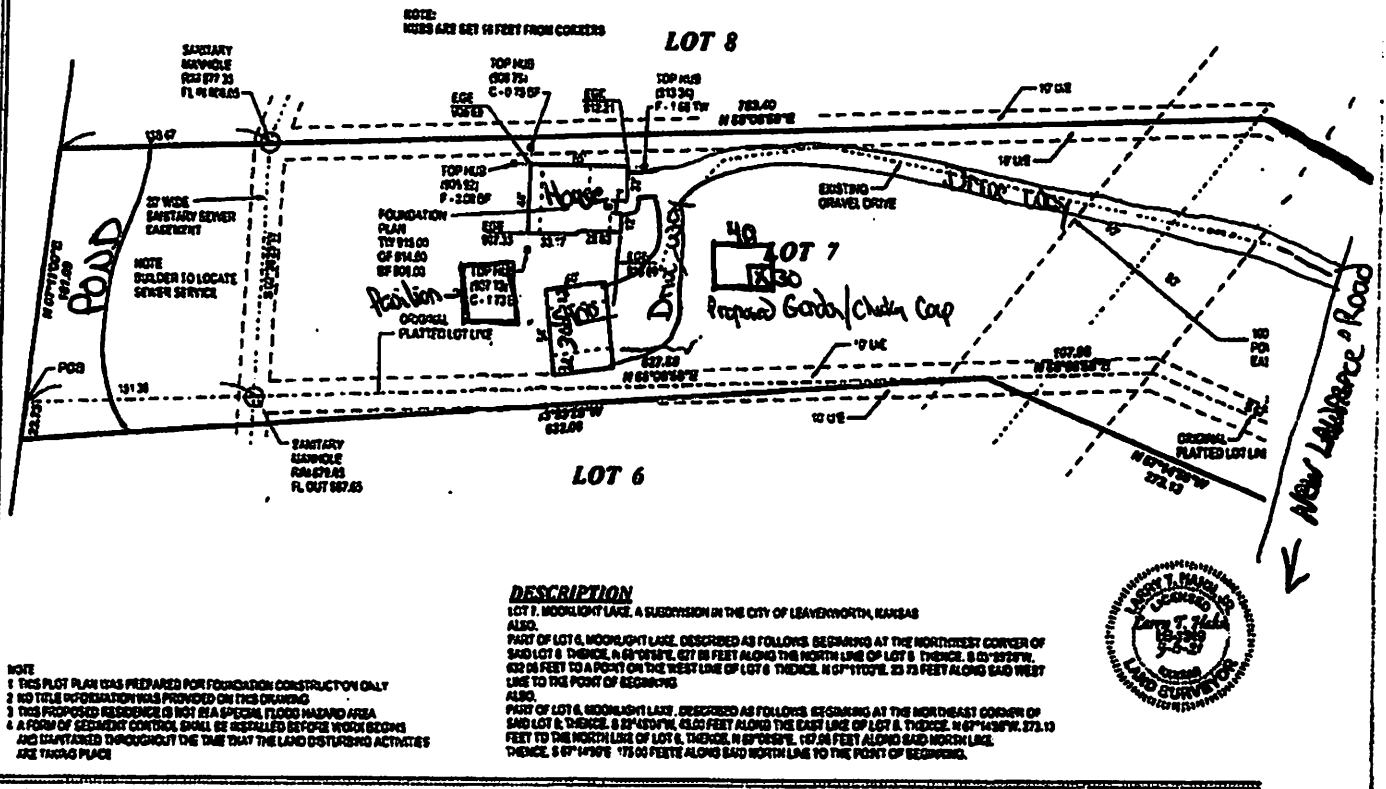
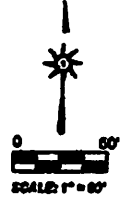
Notes

PLOT PLAN

PREPARED FOR: LOZENDO CUSTOM HOMES
 LOT 7 ALSO PART OF LOT 8
 MOONLIGHT LAKE
 CITY OF LEAVENWORTH
 STATE OF KANSAS
 DATE: MAY 6, 2001

LEGEND

POB	POINT OF BEGINNING
TW	TOP OF FOUNDATION WALL
GF	GARAGE FLOOR
BF	BASEMENT FLOOR
EGE	EXISTING GRADE ELEVATION

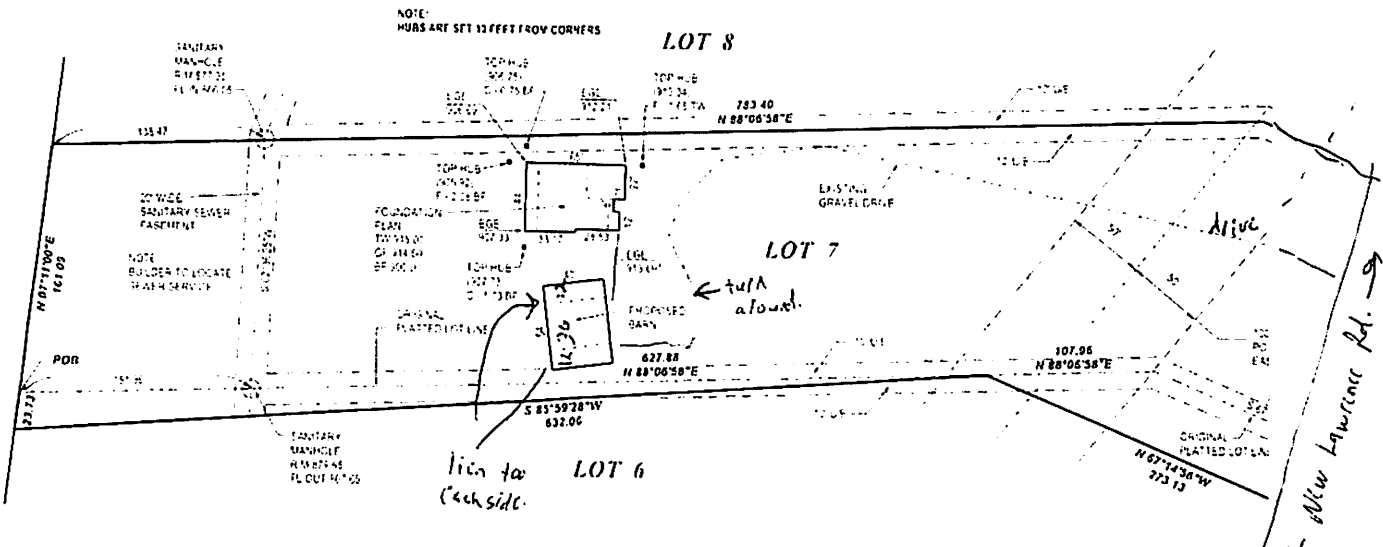
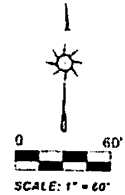


PLOT PLAN

PREPARED FOR: LOZENSKI CUSTOM HOMES
 LOT 7 AND PART OF LOT 6
 MOONLIGHT LAKE
 CITY OF LEAVENWORTH
 STATE OF KANSAS
 DATE: MAY 6, 2021

LEGEND

POB	POINT OF BEGINNING
TW	TOP OF FOUNDATION WALL
GF	GARAGE FLOOR
BF	BASEMENT FLOOR
EGF	EXISTING GRADE ELEVATION



DESCRIPTION

LOT 7 MOONLIGHT LAKE, A SUBDIVISION IN THE CITY OF LEAVENWORTH, KANSAS
 ALSO
 PART OF LOT 6 MOONLIGHT LAKE, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6; THENCE N 88°06'38\"/>

ALSO
 PART OF LOT 6 MOONLIGHT LAKE, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE S 22°45'14\"/>

- NOTE
1. THIS PLOT PLAN WAS PREPARED FOR FOUNDATION CONSTRUCTION ONLY.
 2. NO TITLE INFORMATION WAS PROVIDED ON THIS DRAWING.
 3. THIS PROPOSED RESIDENCE IS NOT IN A SPECIAL FLOOD HAZARD AREA.
 4. A FORM OF SUBMITTAL CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND IS SURFACED. UTILITIES ARE "AS SHOWN PLACE".



New Lawrence Rd. →