

LEAVENWORTH BOARD OF ZONING APPEALS

MONDAY, July 17, 2017 - 7:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

CALL TO ORDER:

- A. Roll Call/Establish Quorum
- B. Approval of Minutes: June 19, 2017 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

- A. 2017-14 BZA – 4700 Lakeview Drive

Hold a public hearing for Case No. 2017-14 BZA, wherein the petitioner seeks a variance from section 4.04 of the adopted Development Regulations to allow an agricultural accessory building larger than 1,500 sqft on a parcel over two acres in size.

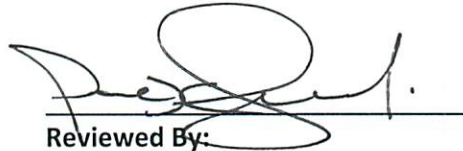
ADJOURN

**Board of Zoning Appeals Agenda Item
Variance Request
2017-14-BZA
4700 Lakeview Drive**

JULY 17, 2017



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

SUMMARY:

The applicant is requesting a variance from section 4.04 of the adopted Development Regulations to allow an agricultural accessory building larger than 1,500 sqft on a parcel over two acres in size.

DISCUSSION:

The subject property is a single family home located at 4700 Lakeview Drive. The property is 13.66 acres in size and is currently zoned R1-9, Medium Density Single Family Residential district. The applicant is proposing to construct a 2,208 square foot pole barn (46' x 48') on the property to be used for a "hobby shop" and to store small yard and farm implements needed to care for the property.

Section 4.04 of the Development Regulations allows for agricultural accessory buildings not exceeding 1,500 sqft on parcels two acres or larger. The size of the proposed structure exceeds the allowed 1,500 square feet, thereby requiring a variance to be granted by the Board of Zoning Appeals. The proposed structure would meet all other applicable requirements.

STAFF ANALYSIS:

The proposed structure would be located on a large parcel, much larger than most residential parcels found in the R1-9 zoning district. The property is surrounded by other large lots, many of which have existing accessory structures of a similar size and nature. The proposed structure will be situated in such a way as to be unobtrusive to adjoining property owners and will not be visible from the road. The structure is designed in a manner to reflect a residential appearance, and will match the existing home on the lot in color. Given these factors, staff concludes that the proposed structure is appropriate for the subject site.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 15.05.B (Powers and Jurisdictions – Variances)

B. 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:
 - a) *The Board shall make a determination on each condition, and the finding shall be entered in the record.*
 - b) *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.*
 - c) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*
 - 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.*
 - e) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*
 - f) *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 4.04 of the Development Regulations to allow construction of an agricultural accessory building as proposed.

APP# 2329



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

2017-14 - BZA

Paid 5/31/2017

Fee (non-refundable) \$350.00
Filing Date 5/31/17
Fee Paid \$350.00

Property Zoning R1-9

PETITION

Petitioner Stephen A. FLANAGAN Telephone 913 240 6634
(name typed or printed)

Address 405 N BROADWAY Leavenworth KANSAS 66048

Location of Property Involved: 4700 LAKEVIEW DR. LEAVENWORTH KANSAS 66048

Email Address: FLANAGAN66048@GMAIL.COM

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

Petitioner's Interest in Property Owner

Purpose of Petition: Build Pole Building Hobby Shop over ¹⁵⁰⁰ ~~1200~~ sq. ft. in front yard (approx 2200 sq. ft.)

Appeal of Administration Decision _____ Date of Decision _____
Section 11.03.A

Variance:
Section 11.03.B

Exception:
Section 11.03.C

Description of Action to be decided upon: 4.03(E)(1) and 4.04(B)(3)(g)

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

Signature: *Stephen A. Flanagan*

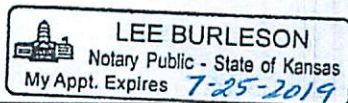
Date: 25 May 2017

State of _____)

County of _____)

This instrument was acknowledged before me on 5/31/17
by Lee Burleson

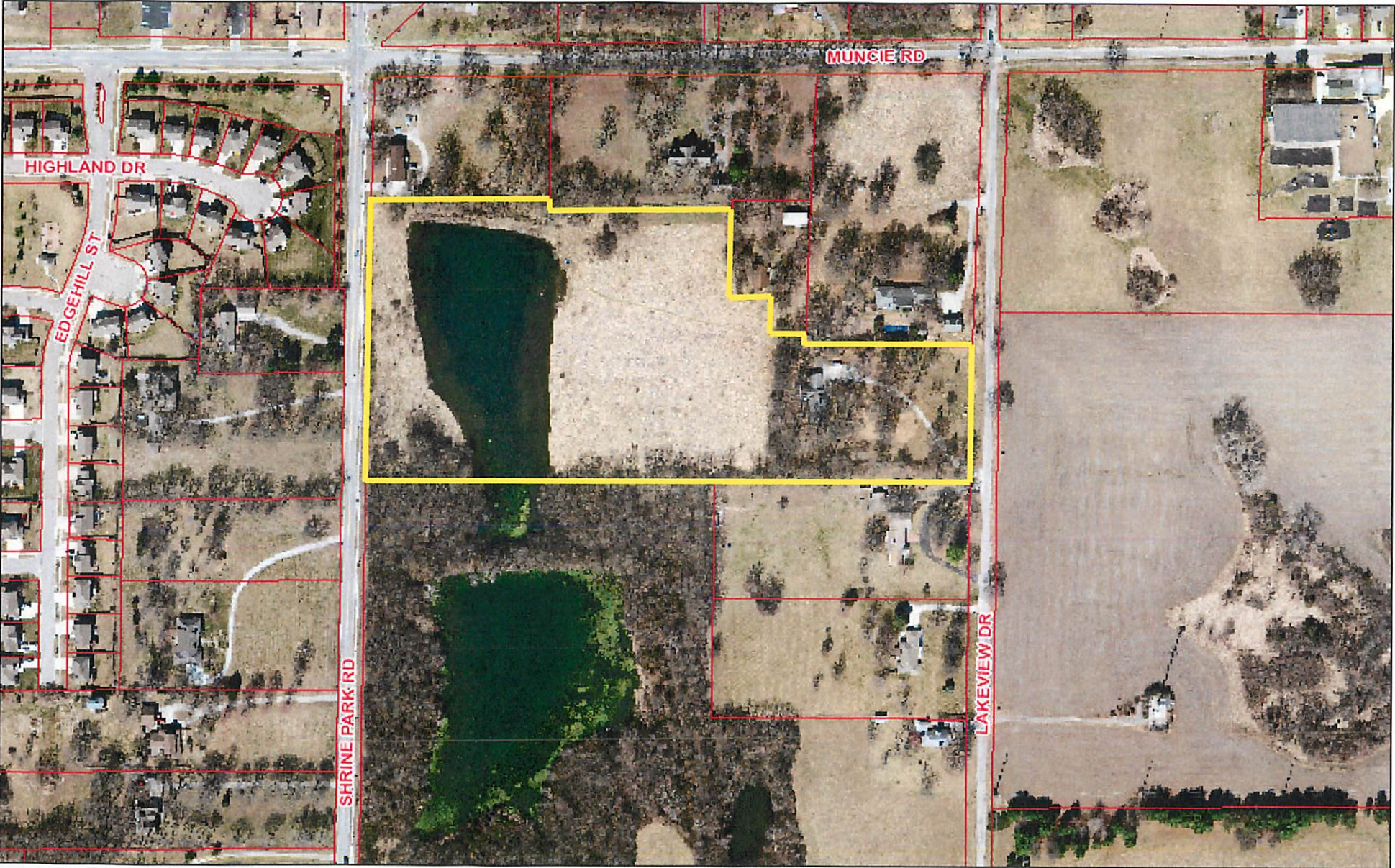
My commission expires:



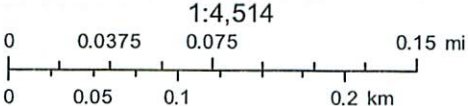
Notary Public

FOR OFFICE USE ONLY:	
Date of Publication	<u>6/22/2017</u> Date of Hearing: <u>7/17/17</u>
<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)

4700 Lakeview Drive



July 12, 2017



City of LV GIS, 2017
LV GIS Dept 09/23/2016

NEW PROPOSED SITE



4600

4700

4603

Proposed Site

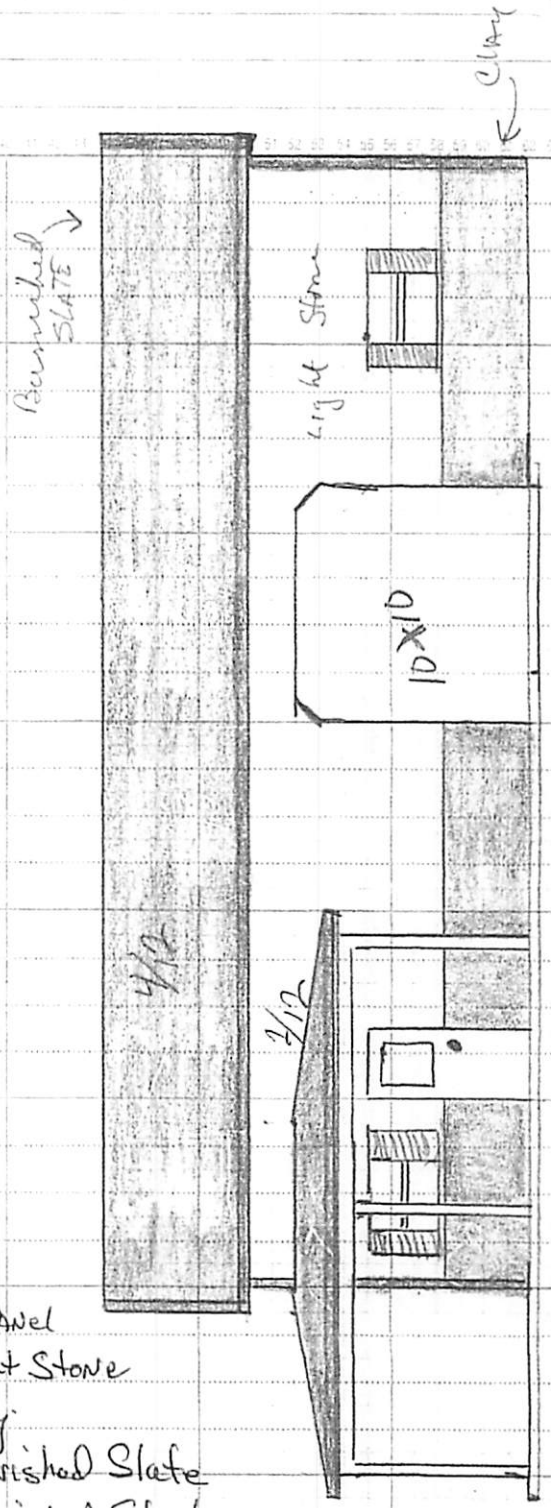
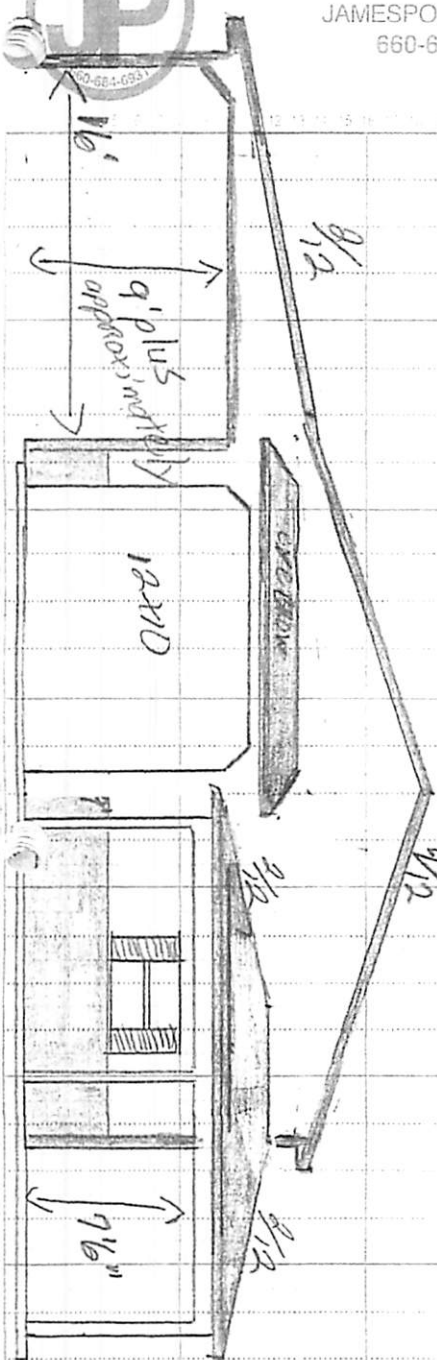
JAMESPORT BUILDERS

POLE BUILDINGS • GARAGES

32137 STATE HWY 6
 JAMESPORT, MO 64648
 660-684-6931



Name _____
 Address _____
 Phone 1- _____



WALL Section	Light Stone
Wainscot	Clay
Roof	Burnished Slate
Trim	Burnished Slate

NUMAq PANEL

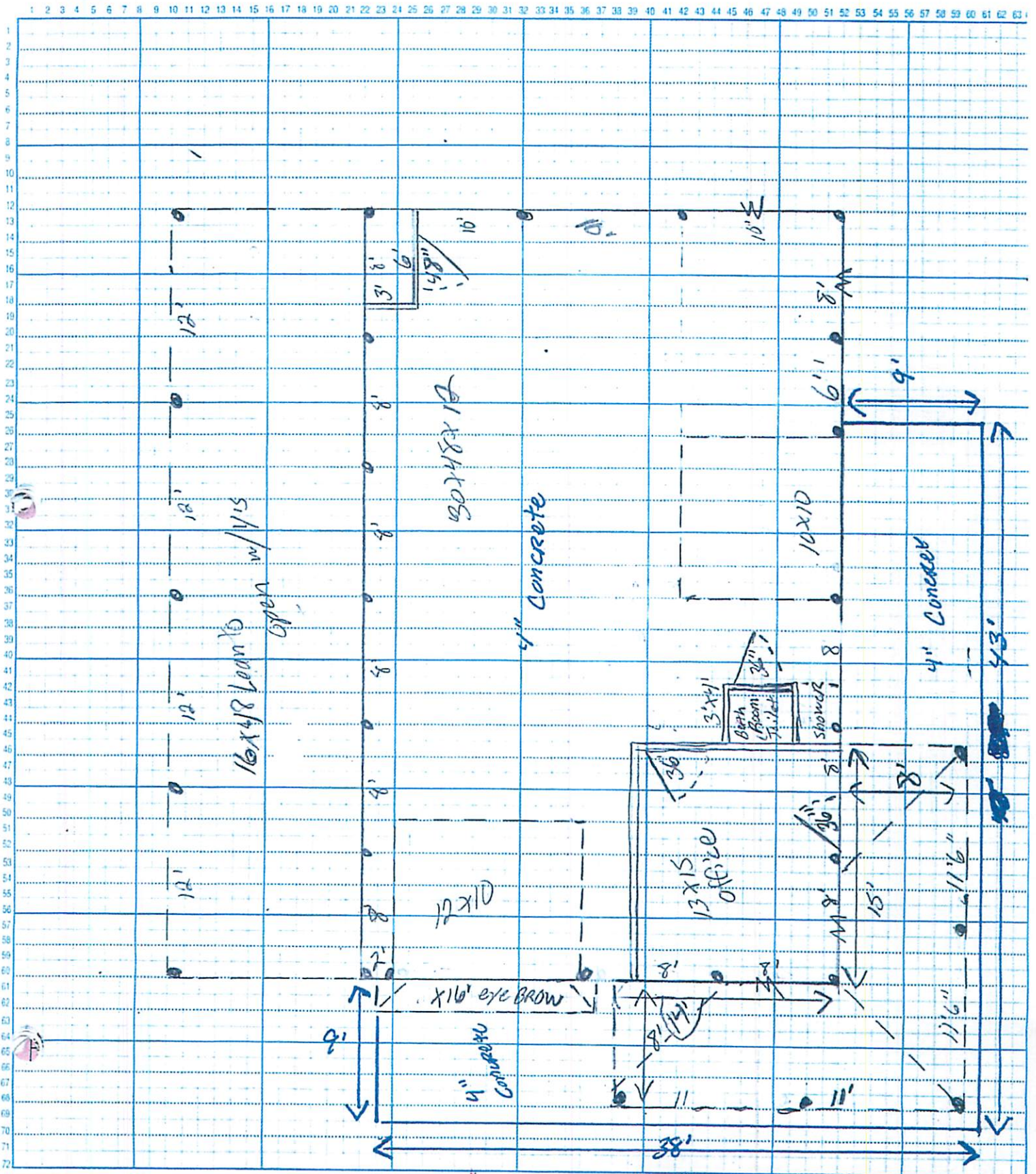


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POLE BUILDINGS • GARAGES

32137 STATE HWY 6
 JAMESPORT, MO 64648
 660-684-6931

Name _____
 Address _____
 Phone 1- _____



Jamesport Builders

32137 Highway 6
Jamesport, MO 64648

660-684-6931



Burgundy



Burnished Slate



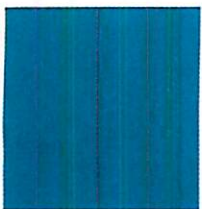
Blue



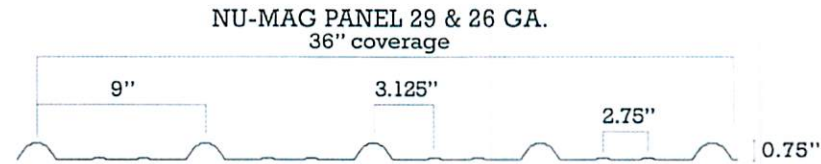
Black



Brite Red



Regal Blue



COLOR AVAILABILITY

29 GA. 45 YR. NU-MAG, NU-AG

BURGUNDY, BURNISHED SLATE, BLUE, BLACK, BRITE RED, REGAL BLUE, CHARCOAL, GRAY, GREEN, LIGHT STONE, TAN, RED, WHITE, BROWN, CLAY, IVORY and COPPER PENNY

26 GA. 45 YR. R-PANEL, NU-MAG, NU-AG

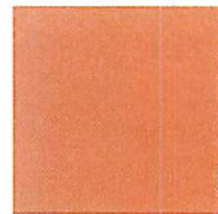
WHITE, GREEN, GRAY, TAN, LIGHT STONE, RED, BURNISHED SLATE, CHARCOAL, BRITE RED, BURGUNDY, REGAL BLUE, BLUE, CLAY, BROWN, IVORY and COPPER PENNY.



Ivory



Class 4 impact rating
Class A fire rating



Copper Penny



Red



Charcoal



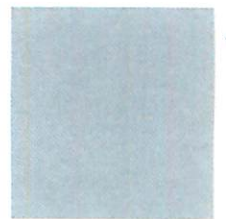
Clay



Brown



White



Gray



Green



Light Stone



Tan

* Color samples shown are printer's close representations & are intended as a general guide for initial color selection only. Actual finish may vary slightly from the samples seen above.

CAUTION: Store metal out of the weather. Trapped moisture will cause sheets to spot rust. Failure to comply with these procedures will void your warranty.

+ indicates color available in 10 year warranty 29 gauge

+++ does not meet energy star compliance

++ indicates color available in 12 year warranty 26 gauge

call for pricing - metallic finish is not represented; call for sample