



AGENDA
BOARD OF ZONING APPEALS
October 10, 2023
Regular Meeting at 5:30pm
Basehor City Hall
And on Zoom

<https://cityofbasehor.zoom.us/j/81850820827?pwd=717RIYpejRLJziUymzR7Ugk8vVGBbm.1>

-
- 1. Call to Order**
 - 2. Pledge of Allegiance**
 - 3. Roll Call**
 - 4. PV-005-23-Variance request to Article 7.3.c(3), Minimum Lot Width of 40', on the following described property: 15625, 15627 Olive Ct.**
 - 5. Adjournment**

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 4

Topic: PV-005-23-Variance request Article 7.3.c(3), Minimum Lot Width of 40',
on the following described property: 15625, 15627 Olive Ct.

Presented by: Krystal Voth

Staff Recommendation: Approval

Attachments: Staff report
Survey
Application
Public Hearing Notices



Case No. PV-005-23

STAFF REPORT

Board of Zoning Appeals Meeting: October 10, 2023

Application:	Variance Request – Minimum Lot Width - Article 7.3.c(3)(a) District Regulations		
Owner/Applicant:	Greg Erzen		
Legal Description:	Lot 5, Mayfield Phase II		
Location:	15627/15625 Olive Court		
Planner:	Krystal A. Voth		
Parcel Size:	<u>±0.20 acres</u>	Zoning:	<u>R-2, Two-Family Residential District</u>
Parcel ID Number:	<u>158-34-0-10-03-020.00</u>	Current Use:	<u>Single Family Residence</u>

REPORT:

Request

The applicant is requesting a variance to the Basehor Zoning Regulations Article 7 which requires a minimum of 40' per unit lot width for lots located within the R-2 (Two-Family Residential District). The applicant submitted a lot split in August of 2023. That request would divide an existing 12,122 square foot lot containing 70.99' of frontage into two separate lots. The western proposed lot contains 29' of frontage. The western lot does not meet the minimum requirement of 40' of frontage. The requested variance, if approved, would allow the existing lot to be divided resulting in the western lot "Tract 5A" having an 11' lot width deficiency.

Variance Request and Analysis

Article 17 of the Basehor Zoning Regulations state:

The board shall have power to hear and decide variances from the specific terms of this ordinance in an individual case provided that the spirit and intent of this ordinance be observed, public safety and welfare are secured, adjoining property owners are not adversely affected and the strict application of the Zoning Ordinance will result in an unnecessary hardship on the property owner/applicant. Such variance shall not permit any use not permitted in the zoning ordinance in such district.

The Zoning Regulations provide that a variance may be granted in each case, upon finding by the board that **all** of the following conditions have been met:

1. That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.

1.1. The subject property does **not** have any extraordinary conditions; However, there is one existing minor constraints that leads to this property having less than the required road frontage. Directly to the west of the lot is an identified drainage area that is used as a detention basin. This area is under separate ownership. The road frontage of the drainage area is less than 8' meaning that even with the addition of that area, Tract 5A would remain deficient by approximately 3'.

2. The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.

2.1. This variance request would **likely not** adversely affect the rights of the adjacent property owners or residents. The surrounding parcels are zoned R-2, and several of the existing lots have been split similarly to this request.

3. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

3.1. There is **no** indication of unnecessary hardship.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare, or the harmonious development of the city.

4.1. The proposed variance would **likely not** have adverse effects.

5. That granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

5.1. **Yes** In May of this year, the City adopted new standards for road frontage requirements in this district. The previous requirement was 80'. The intent of the regulations is the require a minimum of 40' of frontage in the R-2 zoning district.

6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions, which are in question.

6.1. This variance would be the minimum variance necessary and only applies to the road frontage for this lot.

Staff Comments

The applicant is requesting a variance to the lot width requirements as defined in Article 7 of the Zoning Regulations. The request is for an 11' deviation. The lot in the current configuration meets the minimum zoning requirements. The Board of Zoning Appeals has the authority to grant the request as presented. Staff recommends denial of the request because the request is not in conformance with the Basehor Zoning Code.

Variance Conditions			
No.	Variance	Condition Met	Condition Not Met
1	That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.		X
2	The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.	X	
3	That the strict application of the provisions of the Sign Code Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.		X
4	That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare, or the harmonious development of the city.	X	
5	That granting of the variance desired will not be opposed to the general spirit and intent of the Sign Code.		X
6	That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Code, which are in question.	X	

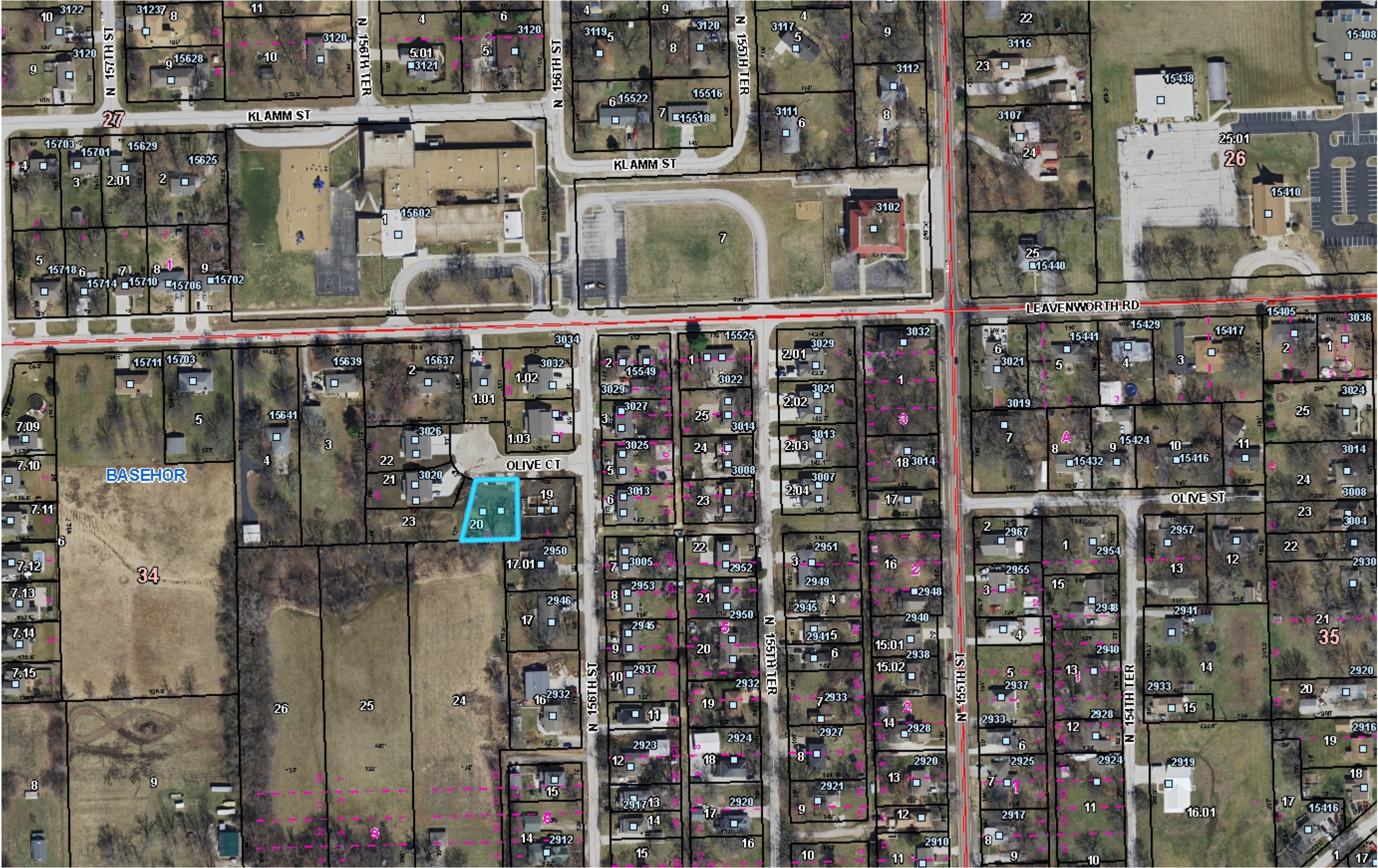
STAFF RECOMMENDATION:

Due to the nature of the request, which is not in conformance of the Basehor Zoning Code, Staff is not able to recommend approval of Case No. PV-005-23.

ACTION OPTIONS:

1. Recommend approval of Case No. PV-005-23, Lot Frontage Variance Request, with Findings of Fact, or
 2. Recommend denial of Case No. PV-005-23, Lot Frontage Variance Request, with Findings of Fact, or
 3. Continue the request to another date, time, and place.
-

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

1 in. = 175ft.



Notes

350.0 0 174.99 350.0 Feet

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

CERTIFICATE OF SURVEY LOT SPLIT

Lot 5, MAYFIELD SUBDIVISION PHASE 2, City of Basehor, Leavenworth County, Kansas.

PROPERTY ADDRESS:
Ernzen Homes, LLC
5239 Park St.
Shawnee, KS 66216
PID # 158-34-0-10-03-019

LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found Cap 1296
POB - Point of Beginning
POC - Point of Commencing
CL - Centerline

DEED DESCRIPTION:
Lot 5, MAYFIELD SUBDIVISION PHASE 2, City of Basehor, Leavenworth County, Kansas.

SURVEYOR'S DESCRIPTION:

TRACT 5A:
A part of Lot 5, MAYFIELD SUBDIVISION PHASE 2, City of Basehor, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 25, 2023, more fully described as follows: Commencing at the Northeast corner of said Lot 5; thence North 88 degrees 35'56" East for a distance of 42.00 feet along the North line of said Lot 5 to the TRUE POINT OF BEGINNING; thence South 01 degrees 24'51" East for a distance of 120.22 feet to the South line of said Lot 5; thence South 88 degrees 02'50" West for a distance of 75.00 feet along said South line; thence North 13 degrees 39'09" East for a distance of 127.02 feet along the West line of said Lot 5 to the North line of said Lot 5; thence along a curve to the left having a radius of 50.00 feet and an arc length of 13.14 feet along said North line, being subtended by a chord bearing of South 83 degrees 52'28" East and a chord distance of 13.10 feet; thence North 88 degrees 35'36" East for a distance of 29.00 feet along said North line to the point of beginning.
Together with and subject to covenants, easement and restriction of record.
Said property contain 7082.34 square feet, more or less.
Error of Closure - 1 : 34551

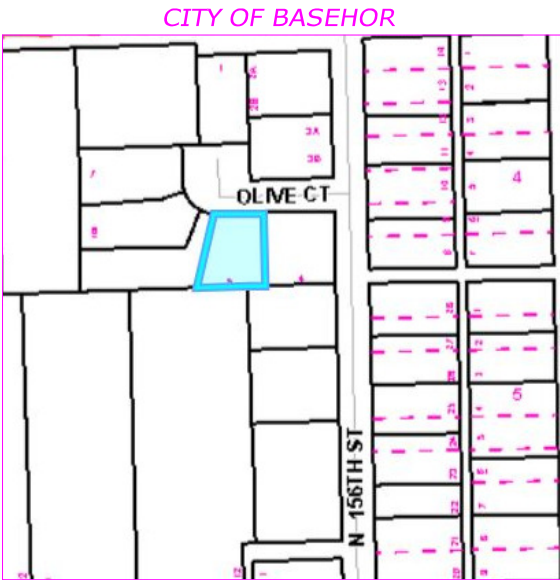
TRACT 5B:
A part of Lot 5, MAYFIELD SUBDIVISION PHASE 2, City of Basehor, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on August 29, 2023, more fully described as follows: Beginning at the Northeast corner of said Lot 5; thence South 01 degrees 24'51" East for a distance of 119.82 feet along the East line of said Lot 5; thence South 88 degrees 02'50" West for a distance of 42.00 feet along the South line of said Lot 5; thence North 01 degrees 24'51" West for a distance of 120.22 feet to the North line of said Lot 5; thence North 88 degrees 35'56" East for a distance of 42.00 feet along said North line to the point of beginning.
Together with and subject to covenants, easement and restriction of record.
Said property contain 5040.75 square feet, more or less.
Error of Closure - 1 : 68033

NOTES:

- 1) This survey does not show ownership or easements.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Descriptions
- 5) Basis of Bearing - KS State Plane North Zone 1501
- 6) Point Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys - Recorded Plats of MAYFIELD SUBDIVISION PHASE 2, Doc. #2018P00030
- 8) Road Records - Per recorded plat.
- 9) Referenced Deed Document No.
- 10) Survey prepared without the benefit of title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures, if any, shown in approximate location.
- 13) Property is not in a Special Flood Hazard Area See Recorded Plat
- 14) Lots are subject to City of Basehor Codes.
- 15) Common Wall determined by measuring the existing building corners.

CITY OF BASEHOR:
I, Krystal A. Voth, Planning and Zoning Director for the City of Basehor, do hereby approve the Lot Split shown hereon this _____ day of _____, 2023.

Krystal A. Voth, Planning and Zoning Director



VICINITY MAP
Not to Scale

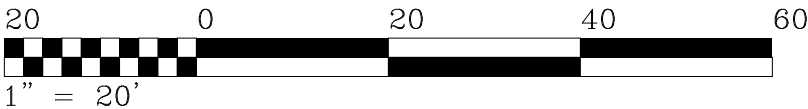
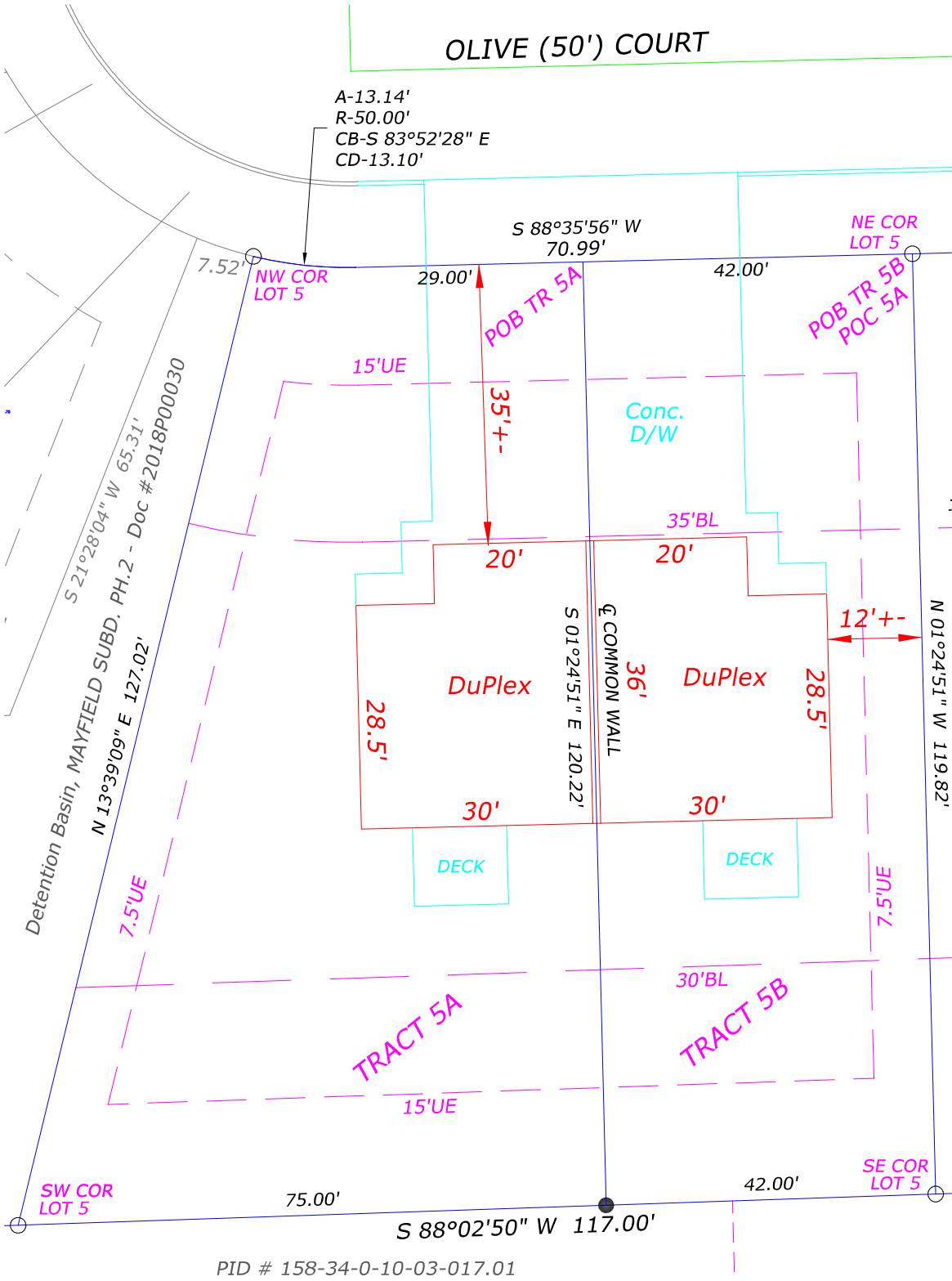
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of August 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Job # K-23-1027 LOT 5
August 29, 2023

J.Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax. 913.674.5381
Email - survey@teamcash.com



Scale 1" = 20'

3. **R-2 TWO-FAMILY RESIDENTIAL DISTRICT:**

a. Purpose: The purpose of this district is to provide for moderate density residential development, including duplex and higher density single-family dwellings, to encourage strong residential neighborhoods.

b. Permitted Uses: Single-family residences, two-family residences, and related public and semi-public uses are permitted. For a specific listing of the permitted and conditionally permitted uses, see Appendices A of these regulations.

c. Intensity of Use Regulations:

(1) Density: Maximum eight (8) dwelling units per acre.

(2) Minimum Lot Area: Five thousand (5,000) square feet per dwelling unit.

(3) Minimum Lot Width:

(a) Minimum of 40' per unit

(b) Corner: Ninety-five (95) feet

(4) Single-family dwellings on separate lots, but attached to adjacent dwellings by means of a common wall shall conform to the following:

(a) The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents, or other openings in the common wall.

(b) No unit shall share a common wall on more than two (2) sides.

(c) No unit shall have a depth greater than three (3) times its width.

(d) Any exterior wall which is not a common wall must meet all yard requirements.

(e) Each lot must have direct access to a public street.

(f) The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.

d. Height Regulations:

Maximum Structure Height: Two and one-half (2 1/2) stories, or thirty-five (35) feet.

Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, scenery lofts, tanks, ornamental towers, church steeples, spires, antennas, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject

Leavenworth Times
422 Seneca Street
(913) 682-0305

I, Tammy Lawson, of lawful age, being duly sworn upon oath, deposes and says that I am the Paper Planning Specialist of Leavenworth Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Leavenworth, for the County of Leavenworth, in the state of Kansas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

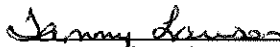
20 Sep 2023

Notice ID: v1K1G0FOkfHBEIKHnHBE

Publisher ID: 1484560

Notice Name: Basehor Board of Zoning Appeals

PUBLICATION FEE: \$55.00


Paper Planning Specialist

VERIFICATION

STATE OF KANSAS
COUNTY OF LEAVENWORTH

Signed or attested before me on this

21 day of Sept, A.D. 2023.


Notary Public

NOTICE OF PUBLIC MEETING
CITY OF BASEHOR
BOARD OF ZONING
APPEALS

Notice is hereby given that the Board of Zoning Appeals of the City of Basehor, will hold a public meeting on October 10, 2023 at 5:30PM, in the meeting room of City Hall located at 2620 N. 155th Street, Basehor, Kansas, and remotely via Zoom, to consider a variance request. The request is regarding application PV-005-23 a variance to Article 7.3.c(3), Minimum Lot Width of 40', on the following described property:

LOT 5 OF MAYFIELD SUBDIVISION

Request submitted by Greg Ernzen
Address: 15625 & 15627 Olive Court
Parcel ID number: 158-34-0-10-03-020.00

Further information is available, including the full legal description, for inspection during regular business hours in the City of Basehor & Zoning Department.

We encourage public input. If you wish to provide comments in writing, written comments must be received no later than noon, Monday, October 9, 2023.

Krystal A. Voth, Secretary
City of Basehor, Board of Zoning Appeals
Published in the Leavenworth Times, Sep 20, 2023
1484560

