



AGENDA
BOARD OF ZONING APPEALS
May 13, 2024
Regular Meeting at 5:00pm
Basehor City Hall

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of minutes of the preceding meeting.**
 - a. Minutes of February 13, 2024.**
- 5. PV-001-24-Request for variance at 1409 N. 155th Street for accessory building size limit for a RO zoned lot.**
- 6. Adjournment**



**MINUTES
BOARD OF ZONING APPEALS
February 13, 2024
Regular Meeting at 5:30pm
Basehor City Hall
And on Zoom**

<https://cityofbasehor.zoom.us/j/86920569820?pwd=wp4yAWBHyB032VbFlasaHdH9XKtYAh.1>

- 1. Call to Order 5:30PM**
- 2. Pledge of Allegiance**
- 3. Roll Call**

**Members: Brian Freeman, David Howard, William Lindquist present.
Steve Foss absent.**

Staff: Krystal Voth, Planning and Zoning Director, Diana Jacobson, Permit Technician

- 4. PV-006-23- Application PV-006-23, consider a variance to Article 7.11.e.(3), minimum rear yard setback of twenty-five (25') feet and a minimum front yard setback of eighty (80) feet.**

Krystal Voth, Planning Director, presented the staff report and is recommending approval. Consolidated Water District is seeking approval of a variance for the front yard setback from 80 feet to 50 feet and rear yard setback from 25 feet to 10 feet.

Motion was made by Brian Freeman recommending approval of PV-006-23 with Will Lindquist seconding. Motion carried 3-0.

- 5. PADM-003-24-Board of Zoning Appeals By Laws.**

Krystal Voth, presented staff report on adopting Board of Zoning Appeals By Laws.

Motion made by William Lindquist recommending approval of PADM-003-24 and seconded by Brian Freeman. Motion carried 3-0.

- 6. Adjournment**

David Howard motioned to adjourn with Brian Freeman seconding. Motion was carried 3-0. There being no further discussion the meeting was adjourned at 5:41pm.

Submitted for approval without correction or additions on this 13th day of May 2024.

David Howard, Chair

Diana Jacobson, Secretary

City of Basehor
Agenda Item Cover Sheet

PV-001-24

Agenda Item No. 5

Topic: Variance for accessory building requirements.

Narrative: Applicant is requesting a variance to the RO zoned accessory building requirements for 1409 N. 155th Street.

Presented by: Krystal Voth, Planning and Zoning Director



Case No. PV-001-24

STAFF REPORT

Board of Zoning Appeals Meeting: May 13, 2024

Application:	Variance Request – Maximum Accessory Building Size - Article 7.1.g		
	District Regulations		
Owner/Applicant:	Joe Rawie		
Legal Description:	Located in the Southeast Quarter of Section 02, Tnshp 11, Range 22		
Location:	1409 n 155 th Street		
Planner:	Krystal A. Voth		
Parcel Size:	<u>±1.6</u>	Zoning:	<u>R-0 Suburban Residential</u>
Parcel ID Number:	<u>181-02-0-00-00-024.00</u>	Current Use:	<u>Single Family Residence</u>

REPORT:

Request

The applicant is requesting a variance to the Basehor Zoning Regulations Article 7 which establishes maximum square footage for accessory structures within the R-0 Zoning District. The property is currently approximately 20 acres, however the applicant is planning to develop the property. The applicant desires to split the existing home and outbuildings from parent tract. The proposed split would establish the home and outbuildings on a tract of land approximately 1.6 acres. According to the zoning district regulations, a property of this size would be limited to accessory structures not to exceed 1,600 square feet. Currently, the existing accessory structures total approximately 2,850 square feet. The applicant is requesting

a variance that will allow for all of the accessory structures to remain on the proposed 1. Acre tract of land. The submitted tract split proposes that all accessory structures will remain on a single tract of land and all required setbacks will be met.

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 property does not have any extraordinary conditions. However, the accessory buildings on the property predate the zoning regulations limiting the maximum accessory building square footage.

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. The purpose of this ordinance is two-fold. First, the intention is to preserve green space within developments which has a positive impact on stormwater runoff. Secondly, the purpose of the ordinance is to ensure that residential developments do not become inundated with accessory buildings which can be aesthetically displeasing. While this request does exceed the maximum allowable square footage, the large lot size ensures the building will not seem out of character or place. Additionally, there is unlikely to be negative consequences on stormwater runoff due to the size the parcel.

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 is not necessarily the minimum that could be requested. The applicant could extend the size of the tract and minimize the variance required.

Staff Comments

The applicant is requesting a variance to the Basehor Zoning Regulations Article 7 which establishes maximum square footage for accessory structures within the R-O Zoning District. The requested variance is for 1,250 square feet. The proposed tract split meets the zoning regulations for size and setbacks. The applicant desires to retain the largest developable area possible which is the reason for the request. 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.

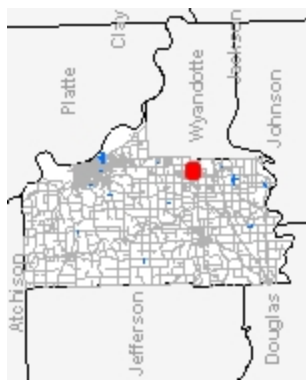
STAFF RECOMMENDATION:

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-001-24.

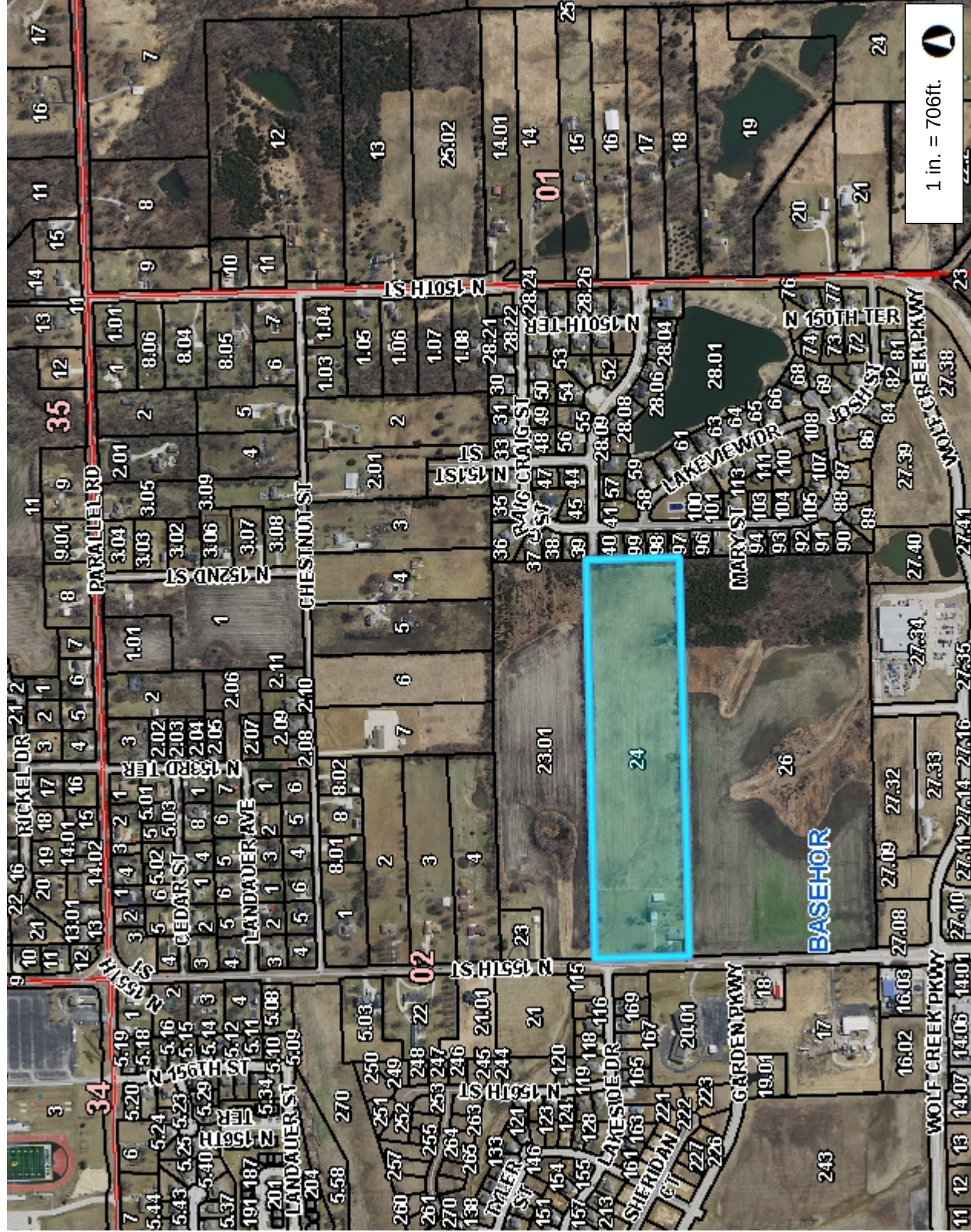
ACTION OPTIONS:

1. Approve variance request for Case No. PV-001-24, a request to exceed the maximum allowable accessory square footage by 1,250 square feet, with Findings of Fact, or
2. Deny variance request for Case No. PV-001-24, a request to exceed the maximum allowable accessory square footage by 1,250 square feet Findings of Fact, or
3. Continue the request to another date, time, and place.

Leavenworth County, KS

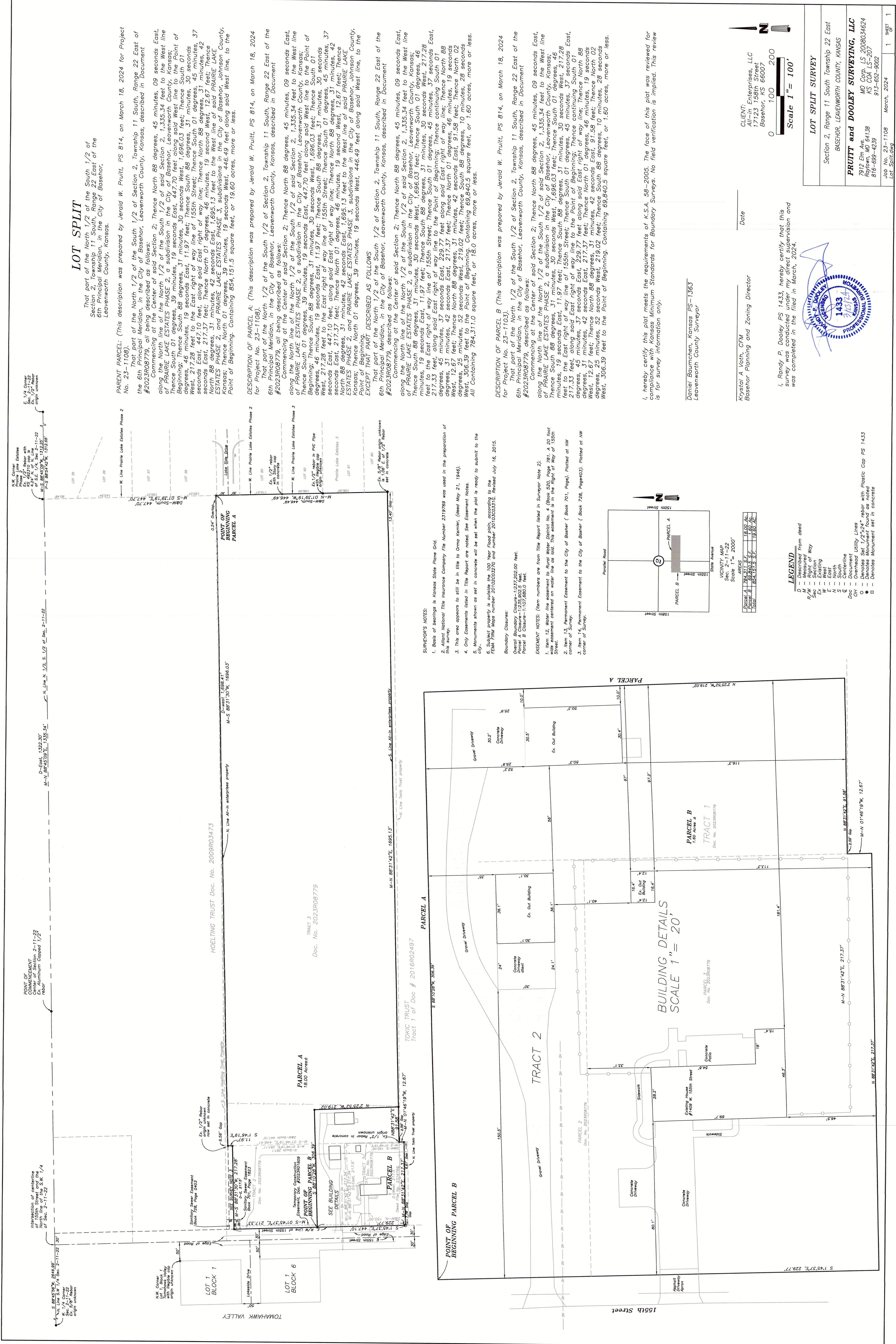


- Legend**
- Parcel Number
 - Parcel
 - City Limit Line
 - Major Road
 - Road
 - Railroad
 - Section
 - Section Boundaries
 - County Boundary
- 1 in. = 706ft.



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



PLS-001-24
DU-001-24

APPLICATION FORM

CITY OF BASEHOR

Planning & Zoning Department
2620 N. 155th Street, PO Box 406, Basehor, KS 66007
Phone: 913-724-1370 Fax: 913-724-3388
www.basehor.org



Rec'd 4-2-24

Project Name & Description LOT SPLIT SURVEY		Total Site Acreage 19.60	Present Zoning R-0
Legal Description (May be attached as separate sheet) SEE ATTACHED		Proposed Zoning R-0	
Project Address / General Location 1409 N 155TH ST., BASEHOR KS		Date 4-1-24	
Parcel ID Number (CAMA Number) 1810200000024000		Floor Area Classification	
Property Owner Name ALL IN ENTERPRISES LLC	Phone 913 915 7389	Fax	
Property Owner Address 17123 158TH	City BASEHOR	State KS	Zip 66007
Applicant's Name JOE PAWIE	Phone SAME	Fax	
Applicant's Address SAME	City SAME	State	Zip
Applicant will be responsible for all fees incurred for 3 rd party review of plans. Initials JR		Property Owner and/or Applicant's E-mail address joerawie@aol.com	

APPLICATION TYPE		
☐ Annexation	☐ Preliminary Development Plan (Submit Sheet A)	[# of lots _____]
☐ Rezoning (Submit Sheet A)	☐ Final Development Plan (Submit Sheet A)	[# of lots _____]
☐ Conditional Use Permit (Submit Sheet A)	☐ Re-Plat	[# of lots _____]
☐ Special Use Permit	☐ Preliminary Plat	[# of lots _____]
☒ Variance (Submit Sheet B)	☐ Final Plat	[# of lots _____]
☐ Site Plan	☒ Lot Split	

PROJECT INFORMATION	
Existing Use ☒ Residential ☐ Commercial ☐ Industrial ☐ Office ☐ Agriculture ☐ Vacant ☐ Other _____	
Proposed Use ☒ Residential ☐ Commercial ☐ Industrial ☐ Office ☐ Agriculture ☐ Other _____	

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (In acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA FOR PRELIMINARY AND FINAL PLATS			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

Property Owner/Agent Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.	
X <u>Joe Pawie</u> Signature _____ Date _____	Office Use Only ☒ Filing Fee \$ <u>300</u> ☐ Received by _____ ☐ # of Plans _____ ☐ Attached Legal Description ☐ Property Ownership List

CITY OF BASEHOR

Planning & Zoning Department
 2620 N. 155th Street, PO Box 406, Basehor, KS 66007
 Phone: 913-724-1370 Fax: 913-724-3388
 www.basehor.org



GENERAL REASON FOR APPEAL, EXCEPTION, OR INTERPRETATION

REASON FOR REQUEST

Is this a request for:

- ☐ an interpretation of the zoning ordinance text, maps, or boundaries according to Article 17(6)A?
 (Includes appeals from decisions of any officer administering the provisions of the Zoning Ordinance as allowed in Article 17(11)A.)
- ☐ a special exception as allowed in Article 17(10)A in the Zoning Ordinance?
- ☒ a request for a variance from the Zoning ordinance as allowed in Article 17(14)A?

Explain, including the interpretation, exception or applicable section of the Zoning Ordinance. _____

_____ See attached sheet _____

REQUEST FOR VARIANCE

A request for a variance from the zoning ordinance may be granted upon the finding of the board that all of the following conditions have been met: **(Explain in detail how each of the following conditions have been met)**

- a. 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 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 Zoning Ordinance of which 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, general welfare or the harmonious development of the city. _____
- _____
- _____
- e. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance. _____
- _____
- _____
- f. 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. _____
- _____
- _____

- A. The existing house currently has three accessory buildings located on the property. The current owner of the property is requesting a lot split to include the existing house and accessory buildings. The total lot area for the new Parcel is 1.60 acres. With the current R-O Suburban Residential Zoning, the maximum floor area for accessory buildings is based on 1,000 square feet of accessory building per acre of lot size. At 1.60 acres, the maximum accessory building footprint would be 1,600 square feet. The existing accessory buildings onsite total roughly 2,850 square feet. So, we would request a deviation of 1,250 square feet.
- B. The granting of the permit for the variance would have minimal impact to adjacent property owners. The existing accessory buildings have been in place for multiple years. The setbacks from the proposed lot split property lines follow the R-O Suburban Residential Zoning. Therefore, it is our opinion that adjacent property owners would have minimal impact to the variance.
- C. The strict application of the zoning ordinance would require the property owner to remove taxable accessory buildings from the property. The proposed lot split property lines have been shown to allow for proper setback from adjacent property owners.
- D. The variance requested will not adversely affect the public health, safety and general welfare of the city. The existing accessory buildings have been in place for multiple years and the owner is not requesting to construct additional buildings. There will be no visible change to the existing property. Access to the accessory buildings will remain the same.
- E. The granting of the variance will not be in opposition to the general spirit and intent of the zoning ordinance. The proposed lot split considers the setbacks for accessory buildings within the existing zoning and does not encroach into those setbacks.
- F. If granted this variance would be the minimum variance that will afford relief to the property owner to allow the existing accessory buildings to remain in place and not have to remove a taxable building structure.

**CITY OF BASEHOR
BOARD OF ZONING APPEALS
PV-001-24**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Zoning Appeals of the City of Basehor, will hold a public hearing on May 13, 2024, at 5:00 PM, in the meeting room of City Hall located at 1600 N. 158th Street, Basehor, Kansas to consider a variance on accessory structure size limits for property zoned RO, (*Basehor Zoning Regulations, Article 7.1.g*) on the following described property:

LEGAL DESCRIPTION:

Request Submitted By: Joe Rawie
Address: 1409 N. 155th Street
Parcel ID Number: 1810200000024000

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 instead of in person, written comments must be received no later than noon, Friday, May 10, 2024.

Krystal A. Voth, Planning and Zoning Director
City of Basehor, Board of Zoning Appeals

Publish by April 23, 2024.

(Publish One Time)



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



A horizontal scale bar with a black outline. It is divided into two equal segments by a vertical line. The left segment is labeled '0' at its left end and '101.26' at the dividing line. The right segment is labeled '202.5 Feet' at its right end. The entire bar is labeled '202.5' at the far left end.

Leavenworth County, KS

Property Report Card

Parcel Number: 1810200000024000

Quick Ref ID: R22566

Owner Name ALL-IN ENTERPRISES LLC

Property Address: 1409 N 155TH ST, Basehor, KS 66007

Owner Address: 17123 158TH ST
BASEHOR, KS 66007

School District: USD458

Sq. Ft.: 859,971.47 Acres: 19.7 Ac.

Tax Unit: 4.00

Legal Description:

Section: 02	Block
Township: 11	Lot:
Range: 22	Sub Lot Range:
Plat:	Subdivision Plat:

Leavenworth County, KS

Property Report Card

Parcel Number: 1810200000026000

Quick Ref ID: R22567

Owner Name TOKIC TRUST

Property Address: 00000 N 155TH ST, Basehor, KS 66007

Owner Address: 3801 N 131ST ST
KANSAS CITY, KS 66109

School District: USD458

Sq. Ft.: 1,724,190.67 Acres: 39.6 Ac.

Tax Unit: 4.00

Legal Description:

Section: 02	Block
Township: 11	Lot:
Range: 22	Sub Lot Range:
Plat:	Subdivision Plat:

Book/Page: 16 / 2497

Book/Page: 13 / 3865

Leavenworth County, KS

Property Report Card

Parcel Number: 1810200000020010

Quick Ref ID: R22560

Owner Name FIRST BAPTIST CHURCH OF BASEHOR INC Property Address: 1410 N 155TH ST, Basehor, KS 66007

Owner Address: PO BOX 236
BASEHOR, KS 66007

School District: USD458

Sq. Ft.: 210,595.21

Acres: 4.8 Ac.

Tax Unit: 4.00

Legal Description:

Section: 02

Block

Township: 11

Lot: 1

Range: 22

Sub Lot Range:

Plat: F55

Subdivision Plat: FIRST BAPTIST CHURCH

Leavenworth County, KS

Property Report Card

Parcel Number: 1810200000170000

Quick Ref ID: R302148

Owner Name CORNERSTONE DEVELOPMENT INC

Property Address: 15501 LAKESIDE DR, BASEHOR, KS
66007

Owner Address: 20986 LINWOOD RD
LINWOOD, KS 66052

School District: USD458

Sq. Ft.: 19,680.82

Acres: 0.5 Ac.

Tax Unit: 4.00

Legal Description:

Section: 02

Block 6

Township: 11

Lot: 1

Range: 22

Sub Lot Range:

Plat: T48

Subdivision Plat: TOMAHAWK VALLEY

Book/Page: 18 / 1456

Leavenworth County, KS

Property Report Card

Parcel Number: 1810200000169000

Quick Ref ID: R302149

Owner Name FISK,SAVANNAH & MICHAEL

Property Address: 15507 LAKESIDE DR, BASEHOR, KS
66007

Owner Address: 15507 LAKESIDE DR
BASEHOR, KS 66007

School District: USD458

Sq. Ft.: 13,916.33

Acres: 0.3 Ac.

Tax Unit: 4.00

Legal Description:

Section: 02

Block 6

Township: 11

Lot: 2

Range: 22

Sub Lot Range:

Plat: T48

Subdivision Plat: TOMAHAWK VALLEY

Book/Page: 18 / 1456

7019 2970 0000 5539 3561

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 3801 N. 13th St.
 City, State, ZIP+4®
 Kansas City, KS 64109

PS Form 3800, April 2015 PSN 7530-02-000-9047

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 20986 Linwood Rd.
 City, State, ZIP+4®
 Linwood, KS 66052

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Bascher, KS 66007

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Postage \$0.68

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First Baptist Church of Bascher
 Street and Apt. No., or PO Box No.
 P.O. Box 236
 City, State, ZIP+4®
 Bascher, KS 66007

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☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

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All-In Enterprises LLC
 Street and Apt. No., or PO Box No.
 171 23 15th St.
 City, State, ZIP+4®
 Bascher, KS 66007

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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

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Michael and Savannah Fish
 Street and Apt. No., or PO Box No.
 15507 Lakeside Dr.
 City, State, ZIP+4®
 Bascher, KS 66007

PS Form 3800, April 2015 PSN 7530-02-000-9047

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