



**AGENDA
BOARD OF ZONING APPEALS**

March 21, 2023

Pre-Meeting at 4:30pm

Regular Meeting at 5pm

Also on Zoom

<https://cityofbasehor.zoom.us/j/87573934696?pwd=WUtlndndNRUtZZWl4MXdmQ0REUzRVdz09>

Basehor City Hall

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Elect Chair**
- 5. Elect Vice Chair**
- 6. PV-001-23-Variance request of 2ft 6in from the side yard setback of ten feet to add on to existing garage.**
- 7. PV-002-23-Variance request from sign regulations to allow for four (4) wall signs and a monument sign.**
- 8. Adjournment**

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 6

Topic: PV-001-23-Variance request of 2ft 6in from the side yard setback of ten feet to add on to existing garage located at 1921 N. 153rd Terrace.

Presented by: Camryn Ewing

Staff Recommendation: Denial

Attachments: Staff report
Aerial
Drawings
Application
Public Hearing Notices

Projector needed for this item.
Yes



Case No. PV-001-23

Public Hearing Required

STAFF REPORT

Board of Zoning Appeals Meeting: March 21, 2023

Application:	Variance Request – Garage Extension Encroachment into Side Yard Setback by 2’ 6” (Article 7 – District Regulations)		
Owner/Applicant:	John Tyrrell		
Legal Description:	CHESTNUT ESTATES FINAL PLAT, S02, T11, R22E, LOT 3		
Location:	1921 N 153rd Ter.		
Planner:	Camryn Ewing, City Planner		

Parcel Size:	<u>±0.40 acres</u>	Zoning:	<u>R-1, Single Family Residential District</u>
Parcel ID Number:	<u>181-02-0-10-02-002.04-0</u>	Current Use:	<u>Single Family Residence</u>

REPORT:

Request

The applicant is requesting a variance to the Basehor Zoning Regulations Article 7, to allow a garage expansion to encroach into the side yard setback by 2’ 6”, reducing the side yard setback from 10’ to 7’ 6”.

Adjacent Land Use

All properties immediately adjacent to the subject property are used for residential purposes and zoned R-1, Single Family Residential District.

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. The shape of the subject lot resembles a geometric rectangle, with a width of 90 feet and length of 219 feet.
- 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. However, if granted, the proposed building will extend into the required side-yard setback resulting in a structure closer to the neighboring lot-line than is allowed by regulation.
- 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. The applicant stated that the garage addition would be finished to match the existing look and materials of the existing home for a harmonious look.
- 5. That granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**
 - 5.1. **No**, side yard setback requirements vary throughout the residential zoning districts, however the absolute minimum requirement is 7 feet, as seen in the R-2 zoning district. However, the side yard setback for the R-1 zoning district, which the subject property is located in, has a standard of 10 feet minimum.

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 northern side yard setback. No other setbacks on the property would be affected.

Staff Comments

This application requires a public hearing. As required by the Basehor Zoning Ordinance, notice of public hearing was published in the Leavenworth Times.

The existing home on the property exceeds the required side yard setbacks. The R-1 zoning district requires 10 ft side yard setbacks, however the distance from the home to the property line is 17.5 feet for both side yards. The request is to allow the property-owner the ability to add a garage that would allow him to store his boat. The requested addition to the property will result in an encroachment of the side yard setback. The requested encroachment is 2'6" Due to the nature of variance requests, Staff must recommend denial as the request is to deviate from the existing zoning regulations and the request does not meet or exceed all six variance requirements.

Conditions of the variance request not met: #1 and #3

Condition #5 is partially met.

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 Zoning Code.	P	
6	That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Sign Code provisions, 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-001-23.

ACTION OPTIONS:

1. Recommend approval of Case No. PV-001-23, Side Yard Setback Variance Request, with Findings of Fact, or
 2. Recommend denial of Case No. PV-001-23, Side Yard Setback Variance Request, with Findings of Fact, or
 3. Continue the Public Hearing to another date, time, and place.
-

2. **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT:**

a. Purpose: The purpose of this district is to provide for low-density single-family residential development, including those uses, which reinforce residential neighborhoods.

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

c. Intensity of Use Regulations:

(1) Density: Maximum 3.5 dwelling units per acre.

(2) Minimum Lot Area: Ten thousand (10,000) square feet.

(3) Minimum Lot Width:

(a) Interior: Seventy-five (75) feet

(b) Corner: Ninety (90) feet

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 to the height limitations contained herein. One (1) additional foot of height above the specified limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot.

e. Yard Regulations:

(1) Front Yard: Thirty-five (35) feet

(2) Side Yard: Minimum ten (10) feet, or ten percent (10%) of the lot width, not to exceed twelve (12) feet.

(3) Rear Yard: Minimum thirty (30) feet or twenty percent (20%) of the lot depth, whichever is greater, not to exceed forty-five (45) feet.

Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except that where no lots within the same block front on one of the two streets, the side yard setback requirements along such street shall be twenty (20) feet.

Lots fronting on two streets shall maintain the required front yard setback along both frontages.

f. Minimum Dwelling Size: Each dwelling shall provide a minimum of one-thousand-two-hundred (1200) square feet of living floor area or as required by Section 4-104.10 of the City of Basehor Subdivision Regulations, whichever square footage is greater.

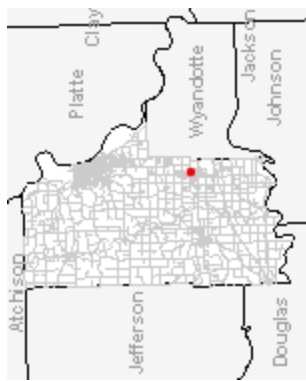
g. Accessory Buildings: 2.5% of the total square footage of the lot. The maximum size of any accessory building (detached or attached) shall not exceed 900 square feet in size.

(1) Yard Regulations:

- a. Side Yard: Must maintain same setback as primary structure
- b. Rear Yard: Ten (10) feet

No accessory building shall be erected in any required front or side yard, and no accessory building or structure shall be erected closer than five (5) feet to any other building.

Leavenworth County, KS



Legend

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

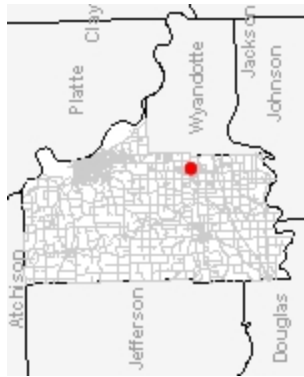
Notes



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

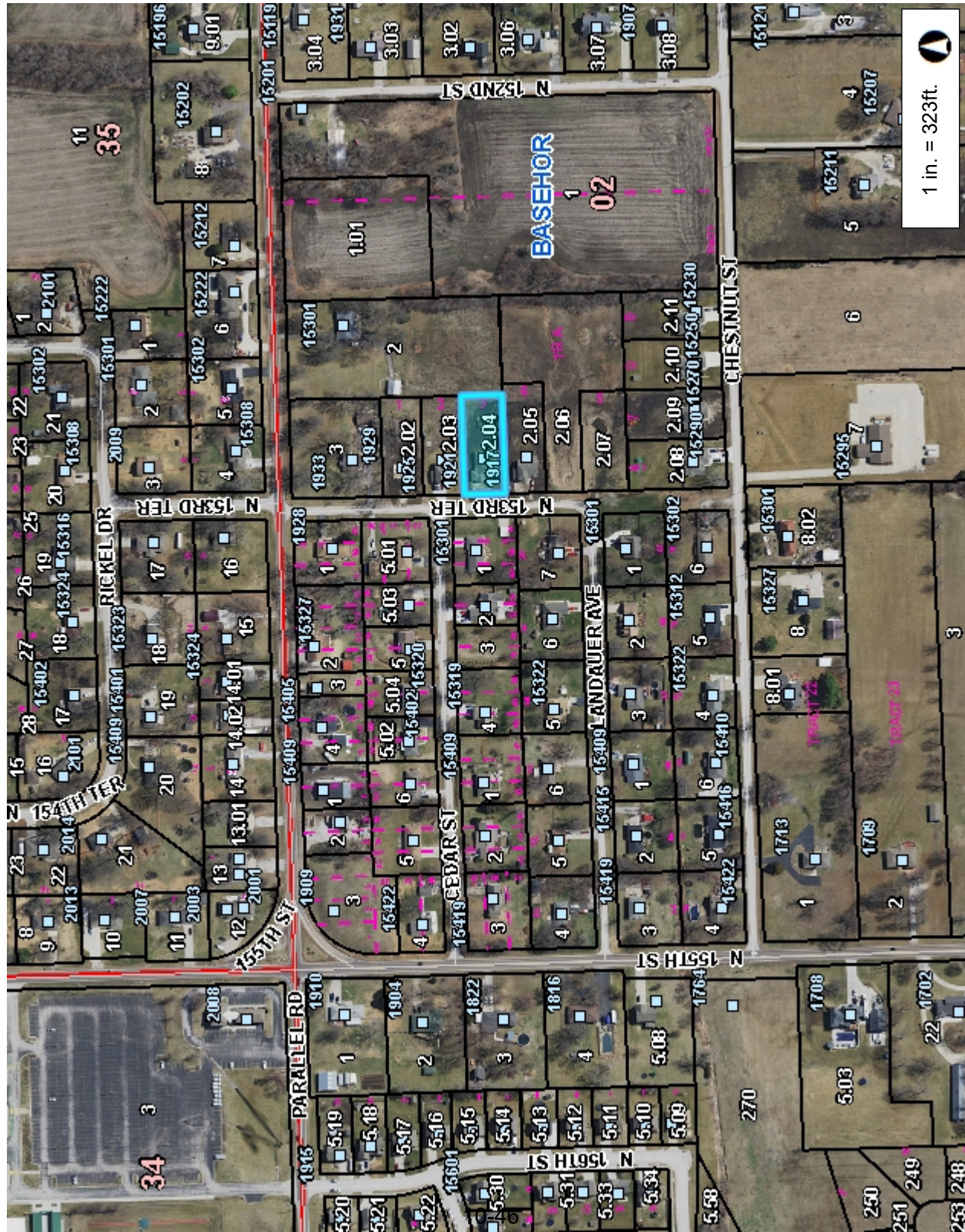
Leavenworth County, KS



Legend

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

Notes



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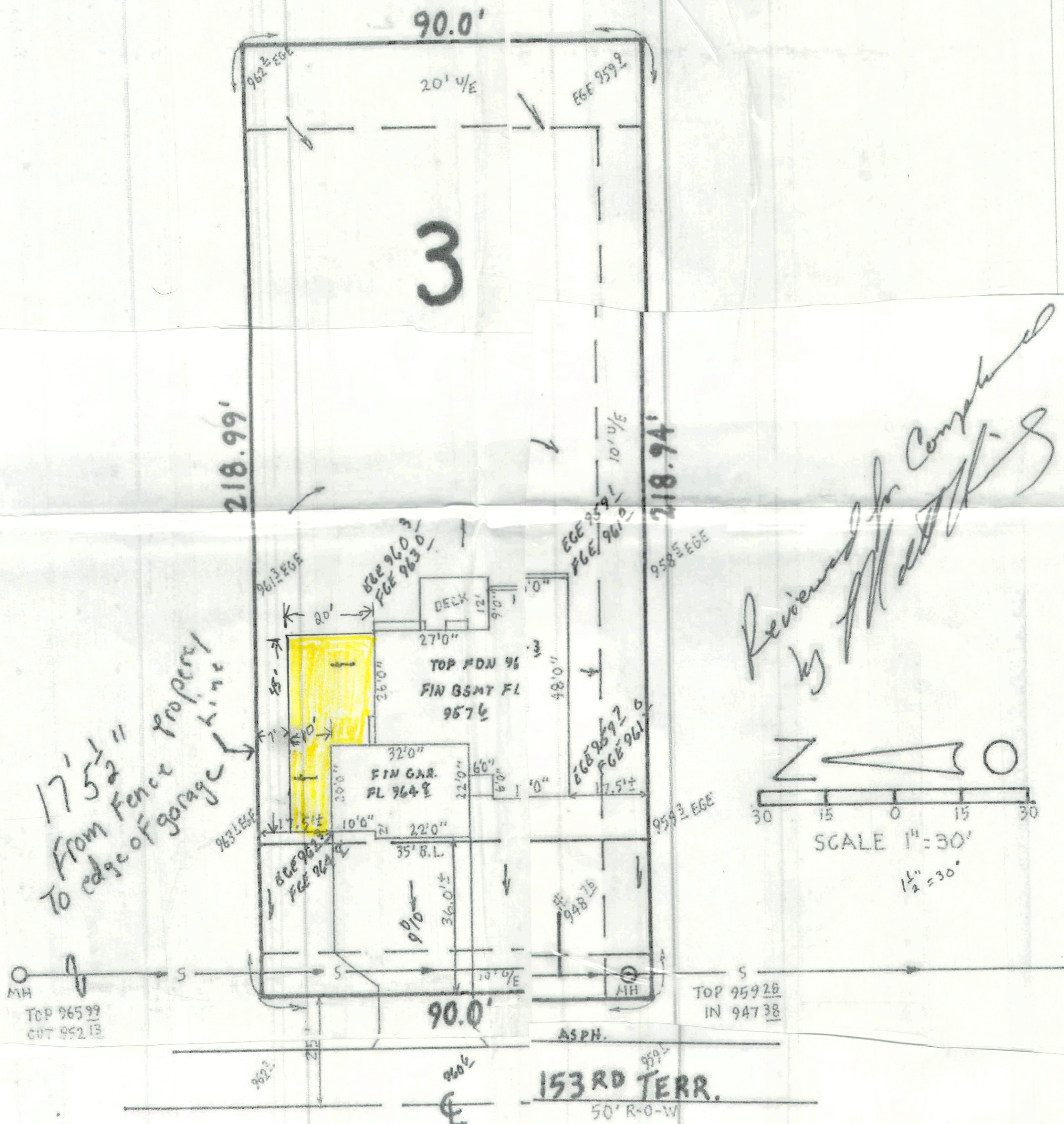
THIS MAP IS NOT TO BE USED FOR NAVIGATION

PLOT PLAN

This Plot Plan should not be used to establish any fences, buildings, or other structures except as shown on this original copy. This does not constitute a boundary survey. No property corners were set. This is a pre-construction Plot Plan, only.

Job No. 20-174

ORDERED BY: Emerald Homes, Inc.; P.O. Box 493; Bonner Springs, KS 66012
DESCRIPTION: Lot 3, Chestnut Estates, a subdivision of land in the City of Basehor, Leavenworth County, Kansas. Subject to any easements, restrictions, or reservations of record or fact.
NOTES: Legal description provided by client.
 All sewer information shown was taken from plans. Builder responsible to verify any sewer information prior to construction.
 Erosion control measures to be placed per city standards.
 Temporary gravel construction drive to be placed per city standards.
 Finish grade elevations shown are a guide only and subject to change at builder's discretion.
 This property appears to lie within Zone X (areas outside the 0.2% annual chance floodplain) Map No. 20103C0327G, Dated July 16, 2015.



U/E = Utility Easement. B.L. = Building Line. EGE = Existing Grade Elevation. FGE = Finish Grade Elevation.

Richard D. Moore Land Survey, Inc. (913) 334-3888
23673 212th Street, Leavenworth, KS 66048

Richard D. Moore — L.S. 1394

Nov. 10, 2020

Date _____

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



APPLICATION FORM

PV-00123

Project Name & Description <u>John Tyrrell, Kaiden Barracough, Garage Extension</u>		Total Site Acreage <u>1/2 Acre</u>	Present Zoning <u>10 FT</u>
Legal Description (May be attached as separate sheet) <u>LOT 3 Chestnut Estates Subdivision FINAL PLAT, S02, T11, R22E</u>		Proposed Zoning <u>7'6"</u>	
Project Address / General Location <u>1921 N 153RD Terrace Basehor, Ks. 66007</u>		Date <u>2-1-23</u>	
Parcel ID Number (CAMA Number)		Floor Area Classification <u>Cement</u>	
Property Owner Name <u>John Tyrrell, Kaiden Barracough</u>	Phone <u>816-284-3182</u>	Fax	
Property Owner Address <u>1921 N 153RD Terrace</u>	City <u>Basehor</u>	State <u>Kansas</u>	Zip <u>66007</u>
Applicant's Name <u>John Tyrrell, Kaiden Barracough</u>	Phone <u>816-284-3182</u>	Fax	
Applicant's Address <u>1921 N 153RD Terrace</u>	City <u>Basehor</u>	State <u>Kansas</u>	Zip <u>66007</u>
Applicant will be responsible for all fees incurred for 3 rd party review of plans. Initials <u>[initials]</u>		Property Owner and/or Applicant's E-mail address <u>JWartonebass@yahoo.com</u>	

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 <u>Yard</u>	
Proposed Use ☐ Residential ☐ Commercial ☐ Industrial ☐ Office ☐ Agriculture ☒ Other <u>Garage</u>	

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>[Signature]</u> Signature	<u>2-1-23</u> Date
Office Use Only ☒ Filing Fee \$ <u>150</u> ☐ Received by <u>[Signature]</u> ☐ # 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



SHEET B

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. Zoning ordinance requires a 10ft setback from the property line. We are asking for a 2'6" variance on that setback to reduce the setback to 7'6".

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. There is 17.5ft from the property line to edge of home. Adding a 10ft extension to the garage will leave 7.5ft. instead of the 10ft setback required by ordinance. There are no utility easements in that area.
- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. I have spoken with the property owner next to me, his name is Roy Drew. He sees no problem with a 7.5ft easement instead of a 10ft easement.
- 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. I would like to be able to store my pickup or boat inside the garage and the existing garage is too small. It is not deep enough or wide enough.
- 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. The addition will have the same siding, trim, and roofing material that the home has now. Stucco, stone, and wood siding. We are very proud of our home and happy to be a part of this community.
- e. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance. Although this variance would reduce the space required between our homes, the reduction would not be significant.
- 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. This will give us room to put in a 10ft wide overhead door and allow the depth to garage a full size pickup and/or boat.

Leavenworth Times

Affidavit of Publication

CITY OF BASEHOR BOARD OF ZONING APPEALS

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Zoning Appeals of the City of Basehor, will hold a public hearing of March 21, 2023 at 5:00PM, 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-001-23 a variance to Article 7.2.e(2), side yard setback, on the following described property: LOT 3 OF CHESTNUT ESTATES FINAL PLAT, S02, T11, R22E
Request submitted by John Tyrell & Kaiden Barraclough
Address: 1921 N 153rd
Parcel ID number: 181-02-0-10-02-002.04

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, Monday, March 20, 2023. Krystal A. Voth, Secretary City of Basehor, Board of Zoning Appeals Publish by 02/28/ 2023
Published in the Leavenworth Times, February 28, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 28th day of February, 2023.

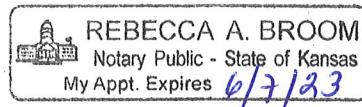
WITNESS my hand this 28th day of February, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 28 day of Feb, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 6/7/23



7021 2720 0002 4181 2731

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Baschorn, KS 66007

OFFICIAL USE

Certified Mail Fee	\$4.15	0544
Extra Services & Fees (check box, add fee as appropriate)	\$3.35	88
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.63	
Total Postage and Fees	\$8.13	

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02/28/2023

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 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.63	
Total Postage and Fees	\$8.13	

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02/28/2023

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Bonnie Springs, KS 66012

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Certified Mail Fee	\$4.15	0544
Extra Services & Fees (check box, add fee as appropriate)	\$3.35	88
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
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02/28/2023

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 City, State, ZIP+4®

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☐ Return Receipt (hardcopy)	\$0.00	
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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.63	
Total Postage and Fees	\$8.13	

Postmark Here

02/28/2023

Sent To Milford County, Onaway
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin & Laura Millikan
1917 N 153rd Ter
Basehor, KS, 66007



9590 9402 7485 2055 3267 40

7021 2720 0002 4181 2762

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]
B. Received by (Printed Name)
K. Millikan

☐ Agent
☒ Addressee

C. Date of Delivery
3/2/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
Mail
Mail Restricted Delivery
(over \$500)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Regina + Jeffrey Foster
15302 Landauer Ave
Basehor, KS, 66007



9590 9402 7485 2055 3267 19

7021 2720 0002 4181 2731

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]
B. Received by (Printed Name)
C. Foster

☐ Agent
☒ Addressee

C. Date of Delivery
3/2/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
all Restricted Delivery
(over \$500)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Milton & Connie Dunaway
15301 Cedar St.
Basehor, KS, 66007



COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]
B. Received by (Printed Name)
C. Dunaway

☐ Agent
☒ Addressee

C. Date of Delivery
3/2/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
all Restricted Delivery
(over \$500)

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Certified Mail Fee \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.63

Total Postage and Fees \$4.78

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Roy & Terress
Street and Apt. No., or PO Box No.

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage \$0.63

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Postage \$0.63

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James & Sheru Best
Street and Apt. No., or PO Box No.

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Postage \$0.63

Total Postage and Fees \$4.78

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Kylar Harris
Street and Apt. No., or PO Box No.

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☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.63

Total Postage and Fees \$4.78

Sent To
Kylar Harris
Street and Apt. No., or PO Box No.

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
 Skyler Harris
 1503 Parallel Rd,
 Basehor, KS 66007

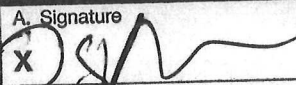


9590 9402 7485 2055 3267 71

2. Article Number (Transfer from service label)
 7021 2720 0002 4181 2793

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
 X 

B. Received by (Printed Name) C. Date of Delivery
 Skyler Harris 3/2/23

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™
☐ Adult Signature ☐ Registered Mail Restricted Delivery
☐ Adult Signature Restricted Delivery ☐ Certified Mail®
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery

Article Addressed to:
 Skyler Harris
 1503 Parallel Rd,
 Basehor, KS 66007

2. Article Number (Transfer from service label)
 7021 2720 0002 4181 2793

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

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 Print your name and address on the reverse so that we can return the card to you.
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Article Addressed to:
 Joyce Mohan
 PO Box 154
 Basehor, KS 66007



9590 9402 7485 2055 3266 96

2. Article Number (Transfer from service label)
 7021 2720 0002 4181 2711

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
 James V. & Sharee A. Best
 15307 Cedar St.
 Basehor KS 66007



9590 9402 7485 2055 3267 88

2. Article Number (Transfer from service label)
 7021 2720 0002 4181 3745

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
 X 

B. Received by (Printed Name) C. Date of Delivery
 Emeraldal Homes Inc. 3/2/23

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™
☐ Adult Signature ☐ Registered Mail Restricted Delivery
☐ Adult Signature Restricted Delivery ☐ Certified Mail®
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery

Article Addressed to:
 Emeraldal Homes Inc.
 PO Box 493
 Bonner Springs, KS 66012

2. Article Number (Transfer from service label)
 7021 2720 0002 4181 2748

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

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Article Addressed to:
 Roy & Teresa Drew

2. Article Number (Transfer from service label)
 7021 2720 0002 4181 2711

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

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 X 

B. Received by (Printed Name) C. Date of Delivery
 James Best 3/2/23

D. Is delivery address different from item 1? ☐ Yes ☒ No
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Article Addressed to:
 James V. & Sharee A. Best
 15307 Cedar St.
 Basehor KS 66007

2. Article Number (Transfer from service label)
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PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

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 X 

B. Received by (Printed Name) C. Date of Delivery
 Roy & Teresa Drew 3/2/23

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™
☐ Adult Signature ☐ Registered Mail Restricted Delivery
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Article Addressed to:
 Roy & Teresa Drew
 PO Box 493
 Bonner Springs, KS 66012

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 X 

B. Received by (Printed Name) C. Date of Delivery
 Roy & Teresa Drew 3/2/23

D. Is delivery address different from item 1? ☐ Yes ☒ No
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3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™
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 Roy & Teresa Drew
 PO Box 493
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2. Article Number (Transfer from service label)
 7021 2720 0002 4181 2711

PS Form 3811, July 2020 PSN 7530-02-000-9053

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 7

Topic: PV-002-23-Variance request from sign regulations to allow for four (4) wall signs and a monument sign.

Presented by: Krystal Voth

Staff Recommendation: Partial Variance

Attachments: Staff report
Plans
Aerial
Application
Public Hearing Notices

Projector needed for this item.
Yes



Case No. PV-002-23

Public Hearing Required

STAFF REPORT

Board of Zoning Appeals Meeting: March 21, 2023

Application:	Variance Request – Exceeding Allotted Signage for Taco Bell (Sign Code Section 6.3.1 & 6.3.2)		
Owner/Applicant:	Brandon Duffy, First State Development		
Legal Description:	WOLF CREEK JUNCTION PHASE 1, BLOCK 2, LOT 3, SECTION 2 TOWNSHIP 11 RANGE 22E.		
Location:	15498 State Avenue		
Planner:	Krystal A. Voth, Planning & Zoning Director		
Parcel Size:	<u>±1 acre</u>	Zoning:	<u>CP-1, Neighborhood Business District</u>
Parcel ID Number:	<u>181-02-0-00-00- 027.12-0</u>	Current Use:	<u>Vacant</u>

REPORT:

Request

The applicant is requesting a variance to the Basehor Sign Code, Article 6.

The applicant is requesting to exceed the number of permitted wall signs for the CP-1 zoning district. The applicant is requesting to locate wall signage on all four facades of the proposed building in addition to one monument sign. The code allows for either two (2) wall signs or one (1) wall sign and (1) monument sign. The request from the applicant is for a total of five (5) signs which includes wall signs on all sides of the building and a monument sign.

Adjacent Land Use

The surrounding land use is mainly comprised of commercial businesses, Casey's is directly north of the site, Citizen's bank is to the west, US 20/40 is located to the south, separating more intense commercial businesses, and to the east of the site is vacant open space, also zoned CP-1.

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 is a one (1) acre lot, located at the NW corner of US Highway 20/40 and 155th St. The lot is uniquely shaped, resembling an irregular pentagon. The setback from 24/40 is more than 125' coupled with the required building setback line, the building will be located a minimum of 155' from the highway. While this setback distance is unusual for zoning in general, the setback distance is not unusual for this property as the other lots in this location are subjected to the same setback requirements. However, there has been no development of any of the adjoining lots along 24/40 Highway to-date.
- 1.2. Due to the unique shape of the lot, the orientation of the building was limited to one area that would be favorable for this type of establishment. This establishment would include a drive through window as part of their fast-food services, which would therefore indicate vehicular traffic circulating around the entirety of the building.
- 1.3. The subject property is a highly visible location to both the traffic along 155th Street and US Highway 24/40, however the lay of the land requires the building to be placed behind a ridge that may reduce visibility of the building itself.

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 request would likely **not** adversely affect the rights of the adjacent property owners or residents. The only existing business within this area is Casey's. Casey's currently has a total of six (6) signs. However, there are two business located within this area that are in conformance with the sign code requirements and do not exceed the allowable number of signs.

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.

3.1. There is no indication of any unnecessary hardship upon the property owner represented in the application.

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. No, there would likely not be any adverse effects to the public.

4.2. Granting the variance may negatively impact the harmonious development of this area as the request for additional signs may set a precedence that will allow several businesses within this area to also exceed the allowable signage requirements.

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

5.1. Yes, the request to the Sign Code is excessive and allowing this variance in its entirety is likely to set a precedence for future development of the area, which may result in an abundance of signage.

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

6.1. Staff is generally supportive of a partial variance for this request given that the business directly to the north has been allowed to exceed the sign code. Additionally, the property does have minor site constraints due to the setback and the location of the building behind the ridge. The request as submitted, in the opinion of Staff, is not the least modification possible to allow the success of the business.

Staff Comments

This application requires a public hearing. As required by the Basehor Zoning Ordinance, notice of public hearing was published in the Leavenworth Times.

Basehor Sign Code, Article 7 states:

In the CP-1 zoning district, each business or establishment shall be permitted not more than two (2) wall signs, limited to one (1) per wall. In lieu of one (1) of the permitted wall signs, one (1) monument sign shall be permitted for each freestanding building housing one tenant.

The applicant is requesting to exceed the permitted number of signs by three (3) additional wall signs.

The location of the monument sign will be determined and finalized prior to the issuance of a sign permit.

Variance Analysis			
No.	Variance Condition	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 Sign Code provisions, which are in question.	P	

Conditions of the variance request not met: #1, #3, #5.

Condition #6 is partially met.

STAFF RECOMMENDATION:

Due to the nature of the request, which is not in conformance of the sign code, Staff is not able to recommend approval of Case No. PV-002-23. Staff does recommend the Board of Zoning Appeal consider a partial variance for the request. Staff recommends the allowance of two (2) wall signs and one (1) monument sign. Staff has provided a chart showing surrounding municipalities sign code requirements below.

Sign Regulations - Commercial		
Municipalities	Wall Signage	Monument Signs
Lenexa	3 total - 1 per façade	1 - on primary street frontage
	No larger than 5 percent of the total area of the facade upon which it is placed	Height cannot exceed 5 ft
Leavenworth	4 total - 1 per façade	1 - freestanding
	Maximum 10% of wall surface to which signs are placed - 150 sq ft max	50 sq ft max
Olathe	2 total - 1 per wall	1 - freestanding
	Not to exceed 10% of the area of the wall upon which it is mounted	Sign face cannot exceed 25 sq ft - 10 ft from property line.
Bonner Springs	1 total - primary façade	1 - freestanding, every 150 ft
	2 sq ft per each linear foot of the front building façade or no more than 25% of the wall on which the signage is placed	1 sign per 150 ft of highway, arterial, or collector frontage
Tonganoxie	3 total - 1 per wall	One in lieu of one wall sign
	Lesser of 10% of wall or 100 sf	60 sq ft - 6 ft height maximum

ACTION OPTIONS:

1. Recommend approval of Case No. PV-002-23, Signage Variance Request for Taco Bell, with or without conditions, or
 2. Recommend denial of Case No. PV-002-23, Signage Variance Request for Taco Bell, for the following reasons; or
 3. Continue the Public Hearing to another date, time, and place.
-

6.2.3 Temporary Subdivision Signs.

- A. One (1) temporary freestanding, non-illuminated sign is allowed per subdivision entrance.
- B. Such sign shall not exceed eight (8) feet in height, and thirty-two (32) square feet.
- C. Such sign shall be removed after six (6) months.
- D. A sign permit is required.

6.3 CP-1 Neighborhood Business Districts

The following signs shall be permitted with an approved sign permit.

6.3.1 Wall Signs. Each business or establishment shall be permitted not more than two (2) wall signs, limited to one (1) per wall. The area of the wall sign shall not exceed two (2) square feet per lineal foot of the area of the wall upon which it is mounted or no more than twenty-five (25) percent of the area of wall on which the signage is placed. Wall signs include canopy or awning signs.

6.3.2 Monument Signs.

- A. In lieu of one (1) of the above permitted wall signs, one (1) monument sign shall be permitted for each freestanding building housing one (1) tenant. The sign shall not exceed eighty (80) square feet and ten (10) feet in height.
- B. In addition to the signs permitted above, each complex, as defined in Section 3.1, shall be permitted one (1) identification (monument) sign with names of tenants.
- C. In complexes, or single business sites, on property more than five (5) acres in size and with more than one (1) street frontage, or one thousand (1,000) feet of street frontage, a second identification (monument) sign shall be permitted on each street frontage.

6.3.3 Projecting Signs.

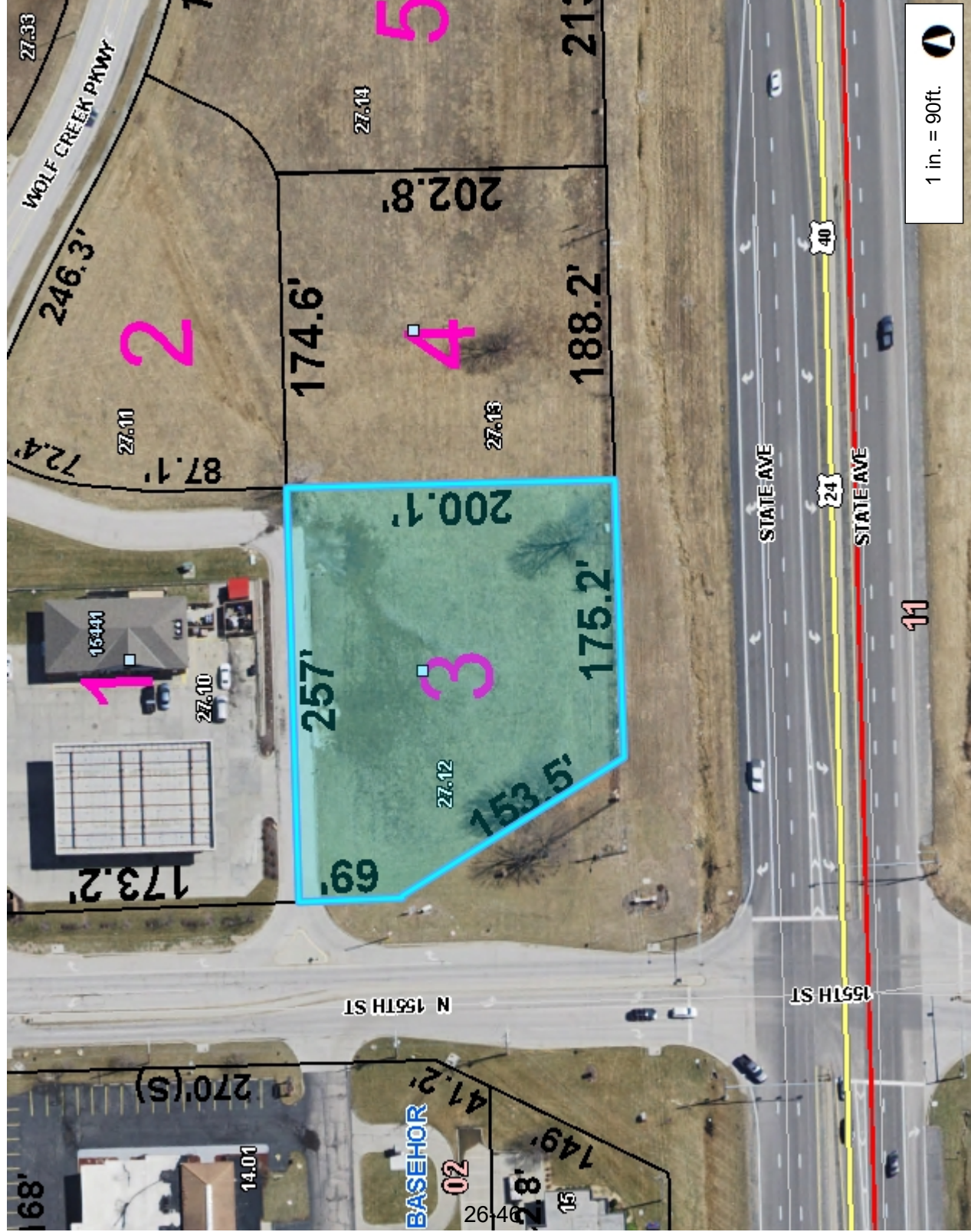
- A. In lieu of one (1) of the above permitted monument signs, one (1) projecting sign shall be permitted.
- B. Such projecting sign shall not exceed sixteen (16) square feet, with two (2) faces permitted.
- C. The sign shall not extend more than six (6) feet from the face of the building.
- D. In the event the property has more than one (1) street frontage, a second projecting sign shall be permitted on each street frontage.
- E. A sign permit is required.

6.3.4 Attention-Attracting Devices or Signs. Such device or sign may be permitted upon approval by the Planning Commission and/or City Council. A sign permit is required.

6.3.5 Changeable Copy Signs. Such sign shall be a component of a monument sign defined in Section 6.3.2.

- A. Such sign shall not exceed a face area of thirty-two (32) square feet.
- B. Existing freestanding signs constructed without a changeable copy sign shall not be permitted to add a changeable copy sign component.

Leavenworth County, KS



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

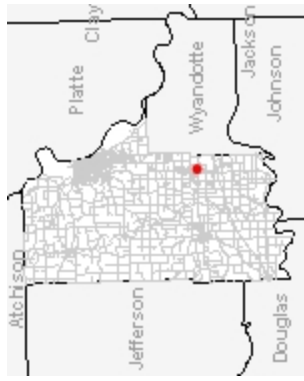
179.9 0 89.94 179.9 Feet

1 in. = 90ft.

Notes

Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary



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



APPLICATION FORM

Project Name & Description Taco Bell/Signage		Total Site Acreage	Present Zoning CP-1
Legal Description (May be attached as separate sheet) see attached sheet		Proposed Zoning	
Project Address / General Location 155th & State Ave (NE corner)		Date 02/17/2023	
Parcel ID Number (CAMA Number) R22572 / 1810200000027120		Floor Area Classification	
Property Owner Name First Street Development	Phone 702.885.5936	Fax	
Property Owner Address 4700 Belleview Ave., Suite 415	City Kansas City	State MO	Zip 64112
Applicant's Name Marti Palmer / View Sign & Light	Phone 913/529-2010	Fax —	
Applicant's Address 10935 Kaw Dr	City Edwardsville	State KS	Zip 66111
Applicant will be responsible for all fees incurred for 3 rd party review of plans. Initials MP		Property Owner and/or Applicant's E-mail address mpalmer@viewsignlight.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>Marti Palmer</u> <u>02/17/2023</u> Signature Date		Office Use Only ☐ Filing Fee \$ _____ ☐ Received by _____ ☐ # of Plans _____ ☐ Attached Legal Description ☐ Property Ownership List
---	--	---

View Sign & Light
mpalmer@viewsignlight.com / 913/529.2010

FILING RECORD

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE LEAVENWORTH COUNTY REGISTER OF DEEDS ON THIS 9th DAY OF MARCH, 2006 AND IS DULY RECORDED AT 12:33:00 PLAT BOOK 10; PAGE 97.

PM
Stacy Driscoll by Melinda Felix
REGISTER OF DEEDS
STACEY DRISCOLL

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED LAWFUL OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "WOLF CREEK JUNCTION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, AND ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY DEDICATED. AN EASEMENT IS GRANTED UPON AND OVER THE PLAT AND MAP UTILITIES, GAS AND UNDERGROUNDS ARE CONTAINED ON THIS PLAT AS UTILITY EASEMENTS. I CONFIRM THAT THE MAKING OF THE SAME HAS BEEN PAID IN FULL.

18400 174TH STRETT
BONNER SPRINGS, KS 66012

BENCHMARK ENTERPRISES LLC.

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF LEAVENWORTH

enone garroba
NOTARY PUBLIC

SURVEYORS CERTIFICATE

WE HEREBY CERTIFY THAT DURING THE MONTH OF MAY 2003, UNDER MY DIRECT SUPERVISION THIS FIRM COMPLETED A SURVEY OF THE ABOVE DESCRIBED PLAT. THE RESULTS OF THAT SURVEY ARE HEREIN ACCURATELY SHOWN. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARD OF CARE AS SPECIFICALLY SET FORTH IN THE BOUNDARY SURVEYING ACT, KANSAS STATUTE, TITLE 45, CHAPTER 24, SECTION 24-201, TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

JAMES W. SINCOFF, P. S. 1234

ENDORSEMENTS

RIGHT-OF-WAY AND EASEMENTS
ACCEPTED BY CITY OF BASEHOR,
KANSAS

CHAIRMAN
JOHN MATTHEWS

Carole Duckey
SECRETARY

JOSEPH MCAFEE

TREASURER'S CERTIFICATE

I HEREBY CERTIFY, AS THE COUNTY TREASURER OF LEAVENWORTH COUNTY, THAT ALL TAXES AND SPECIAL ASSESSMENTS DUE AND PAYABLE ON THE FOREGOING SUBDIVISION HAVE BEEN PAID THIS 9th DAY OF march, 2005.

Lanice Young by Helma Abbott
LEAVENWORTH COUNTY TREASURER

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas minimum standards for boundary surveys. No field verification is implied. This review is for survey information only.

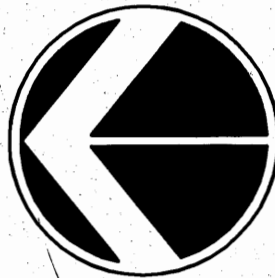
Don R. Schmitz
County Surveyor

BENCHMARK

BM#1 ALUMINUM CAP SET IN CONCRETE
ELEV. = 972.51

BM#2 ALUMINUM CAP IN MEDIAN ISLAND HWY.
24/40, SOUTH QUARTER CORNER,
SECTION 2, T11S, R22E.
ELEV. = 956.02 FEET NAVD88

VICINITY MAP



SCALE: 1" = 100'

FINAL PLAT - PHASE 1

WOLF CREEK JUNCTION

OWNER/DEVELOPER: BENCHMARK ENTERPRISES LLC. 18400 174TH STREET BONNER SPRINGS, KS 66012

DATE: JANUARY 28th, 2005

LEGAL DESCRIPTION

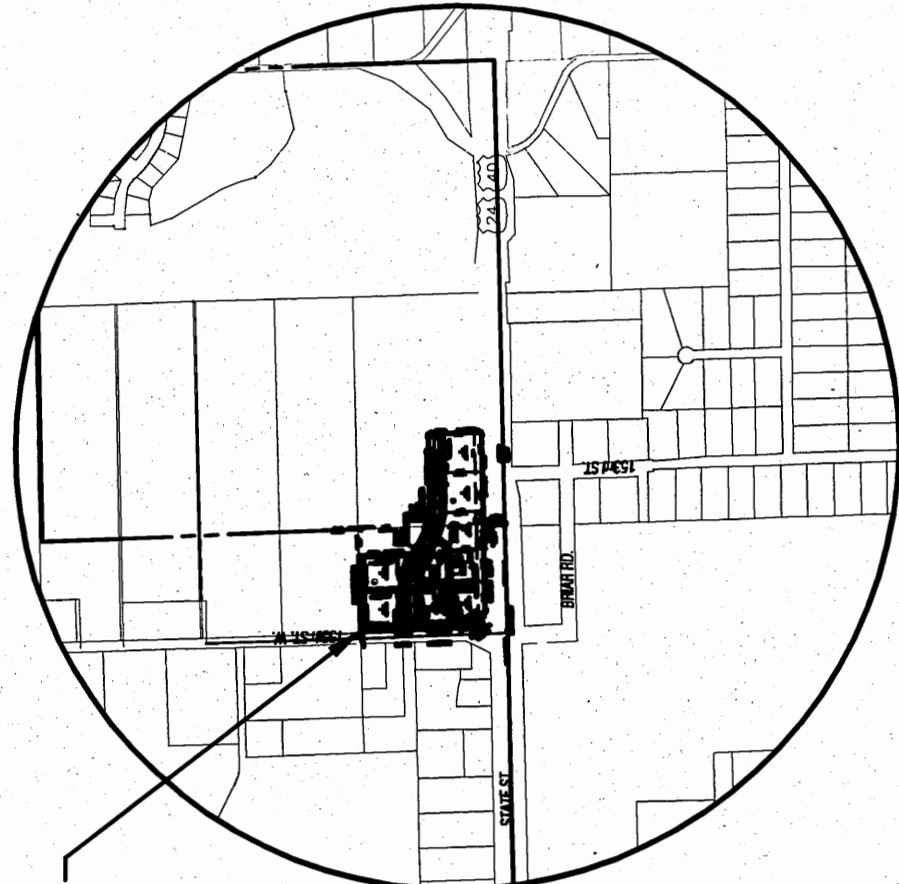
This description references a tract description contained in Guaranteed Land Title/First American Land Title commitment no. 1255888 dated January 13th, 2003, as:

The South 37 acres of the following described tract of land: The West 1/2 of the Southeast 1/4 and the East 37 acres of the East 1/2 of the Southwest 1/4 all in Section 22, less any part thereof used or taken for road purposes, in Township 11, Range 22, less any part thereof used or taken for road purposes, in Leavenworth County Kansas"; this subject tract being a portion of above and a replat of JOHANNA VISTA SUBDIVISION, more particularly described as follows:

Commencing at the South Quarter corner of Fractional Section 2, Township 11 South, Range 22 East of the Sixth Principal Meridian in Leavenworth County, KS, the bearing on the South line of the Southeast Quarter of said Section 2 distance of 127.22 feet to a point on the North right-of-way of US Highway 24 as now established and Point of Beginning, thence along said right-of-way S88°31'29"W a distance of 121.05 feet; thence along the West line of the Southeast Quarter of said Section 2 distance of 135.35 feet; thence continuing along said right-of-way S88°30'35"W a distance of 381.37 feet; thence continuing along said right-of-way N34°02'04"W a distance of 153.55 feet; thence along the East right-of-way of 15th Street as established by the Final Plat of Joanna Visto Subdivision as recorded in Leavenworth County, N15°07'07"W a distance of 585.46 feet; thence N85°31'33"E a distance of 430.00 feet; thence S75°01'07"E a distance of 310.90 feet; thence along a non tangent curve to the right having a radius of 530.00 feet, a central angle of 61°15'55" and a Chord Bearing of S51°49'46"E, an arc length of 57.96 feet; thence along a reverse curve to the left, having a central angle of 47°00 feet and a central angle of 32°47'51" an arc length of 289.04 feet; thence N88°30'21"E a distance of 374.70 feet; thence S01°07'07"E a distance of 300.50 feet to a point on the North right-of-way of US Highway 24, as now established; thence along said right-of-way S88°31'29"W a distance of 524.78 feet to the Point of Beginning, containing 11.86 acres, more or less, subject to easements and restrictions of record.

CLOSURE		
COURSE:	S 88°-31'-29" W	DISTANCE:
COURSE:	S 88°-30'-35" W	DISTANCE:
COURSE:	N 34°-02'-04" W	DISTANCE:
COURSE:	N 01°-51'-07" W	DISTANCE:
COURSE:	N 88°-31'-33" E	DISTANCE:
COURSE:	S 01°-51'-07" E	DISTANCE:
COURSE:	530.00 ft	DISTANCE:
RADIUS:	470.00 ft	DELTA
COURSE:	N 88°-30'-21" E	DISTANCE:
COURSE:	S 01°-51'-07" W	DISTANCE:
COURSE:	S 88°-31'-29" W	DISTANCE:
PERIMETER:	3509.32	ft
AREA:	516673.76	ft ²
ERROR CL.	0.002 ft	
PRECISION:	1:1,424,194.28	

PLAT LOCATION



NOTES

1. ZONING: "CP-2" GENERAL BUSINESS DISTRICT; Lots 1-9. Eddling
2. RESERVES: None
3. AREA: 11.86 acres more or less
4. BASIS OF BEARINGS: Modified/scooped to the ground; Kansas State Plane North Zone Grid Coordinates
5. Interior lot corners shall be set at or following completion of construction.
6. Book 13, Page 70 Find Plat of Joanna Vieto Subdivision, Leavenworth County, Kansas, establishes the Right of Way of 155th St. at 40 Ft.

LEGEND

- FOUND 1/2" REBAR WITH CAP
 LS 203 IN CONCRETE
 — SET 1/2" IRON BAR W/
 CLS 39 ID CAP
 — SET 1/2" IRON BAR W/
 CLS 39 ID CAP IN CONCRETE
 M— MEASURED
 R— RECORD
 *— BLOCK NUMBER

OPEN SPACE



SE. Cor., Sec. 2, T1S, R22E, 6th P.M.
 Fnd. #5 Bar w/ 2" Aluminum KDOT Cap
 Stamped "NE. Cor. 11-11-22"

S. 1/4 Corner, Sec. 2, T11S, R22E, 6th P.M.
Fnd. #5 Bar w/ 2" Aluminum-KDOT Cop
Stamped "N. 1/4, Cor. 11-11-22"

SW. Corner, Sec. 2, T11S, R22E, 6th P.M.
Fnd. #5 Bar w/ 2" Aluminum KDOT Cap
Stamped "NW. Cor., 11-11-22"

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.

The Zoning ordinance sign criteria which allow for just one wall sign and one monument at the property at the corner of 155th & State Avenue causes the business significant loss in visibility and brand identification which will result in reduced business and revenue. We request a variance at this site in order to install the standard Taco Bell sign package of wall signs on all elevations and a monument at the corner.

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.
Because of the layout of the NE corner of 155th & State Avenue in question, the Taco Bell property is located a good distance back from the roadway and behind a ridge. An additional signage allowance will provide the wayfinding necessary for customers coming from both State Avenue and 155th Street.
- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
The additional Taco Bell signs requested in this variance won't affect the rights of adjacent property owners or residents, but will actually help them as customers will be more efficiently routed to their destination with wall signs and directionals.
- 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.
The strict application of the provisions of the Zoning Ordinance creates significant hardship for the business. Under the strict application, the business is unable to install standard signage and brand identification on the premises. As a result, it is expected that the business will suffer a significant loss in revenue and the ability to run a viable business in the premises will be hindered by this Zoning Ordinance.
- 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.
There will be no adverse effects to the City of Basehor from the additional Taco Bell signage, and it will, in fact, promote better convenience and prosperity within the City.
- e. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.
The Taco Bell variance request does not oppose the general spirit of the Zoning Ordinance and will support increased visibility and business for the new business and the City.
- 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.
The variance request of additional signage allowance for the standard Taco Bell signage identity package is needed for optimal visibility and efficient wayfinding for customers.

(Current) LANDLORD/OWNER SIGNAGE APPROVAL LETTER

Date: 2/17/2023

Project Location:

To whom it may concern:

I Dustin K. Baker, Manager of WCJ Basehor, LLC give authorization to apply for and obtain all permits necessary to install sign components at the above location.

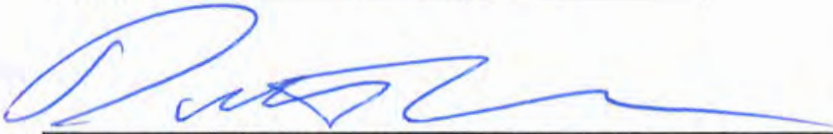
Owner or Landlord/Property Management:

Name: WCJ Basehor, LLC

Address: _____

PO Box 3789
Laurence, KS 66046
dbaker@alcorproperty.com

Phone: 913-954-0801



Owner/Landlord/Authorized Agent Name Printed & Signature

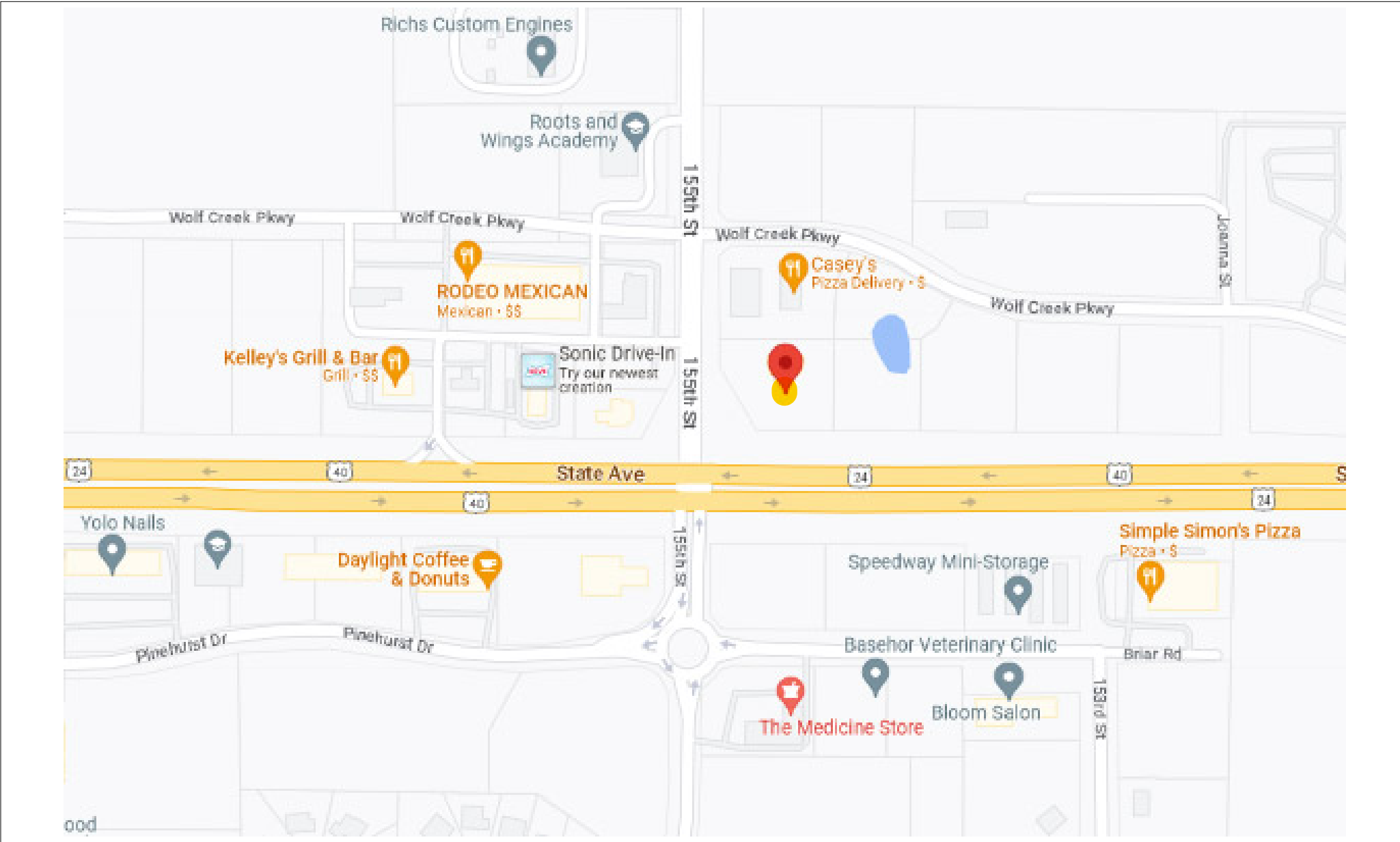


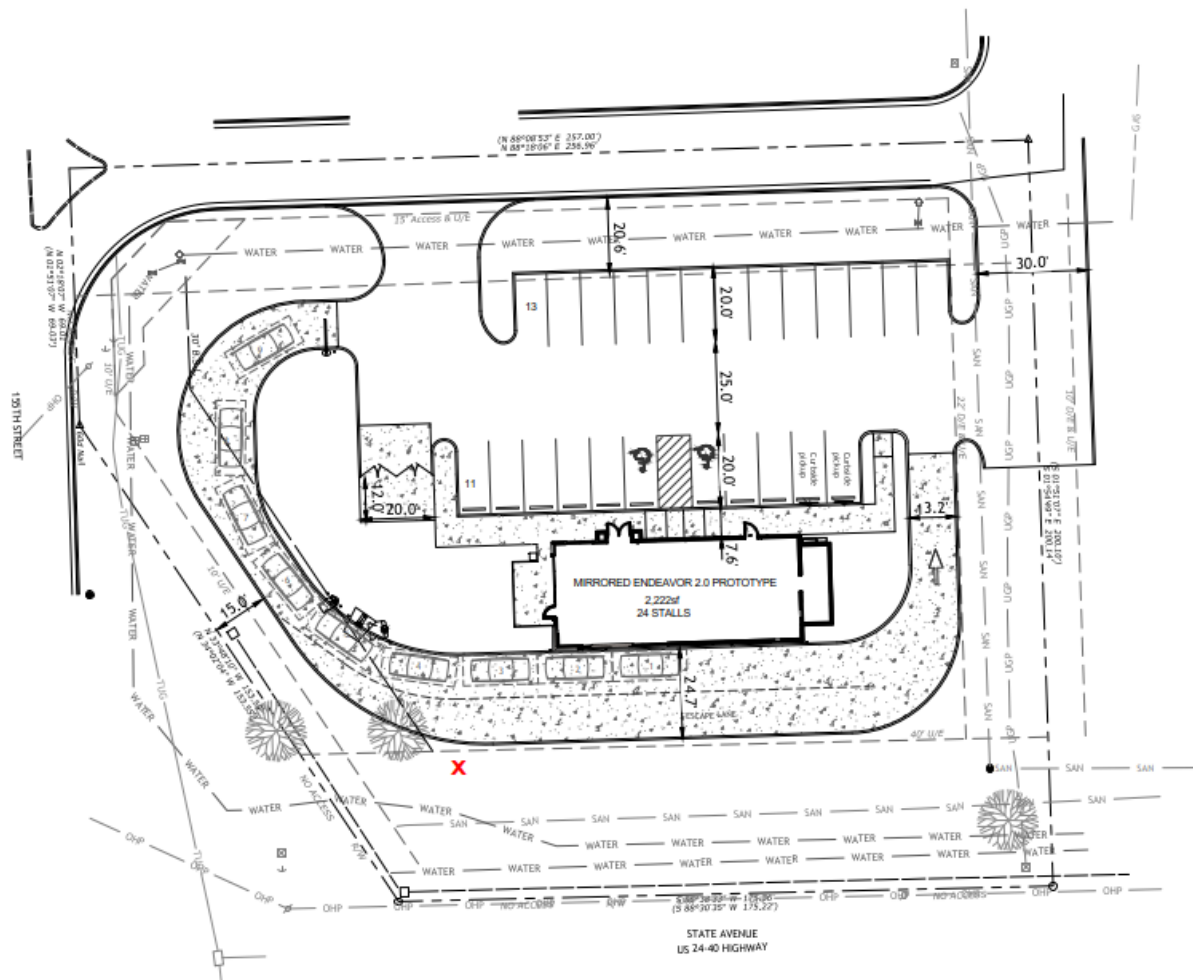
Prepared Exclusively for
SITE TBBASEHORADR

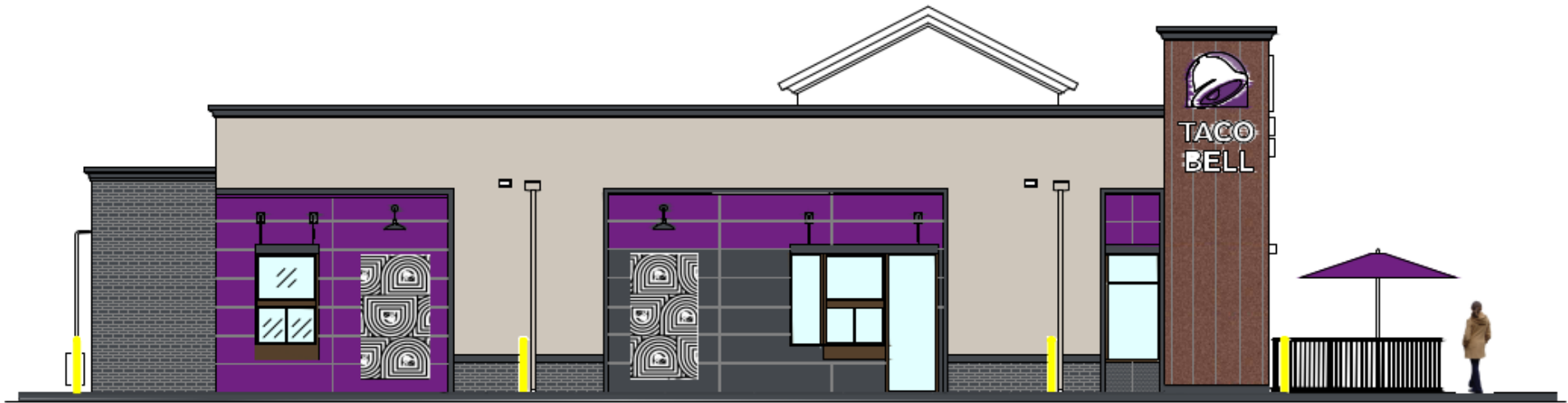
155TH ST & STATE AVENUE
BASEHOR, KS 66007

February 20, 2023

Account Manager: Nate Antonie
nantonie@everbrite.com (414) 529-3500









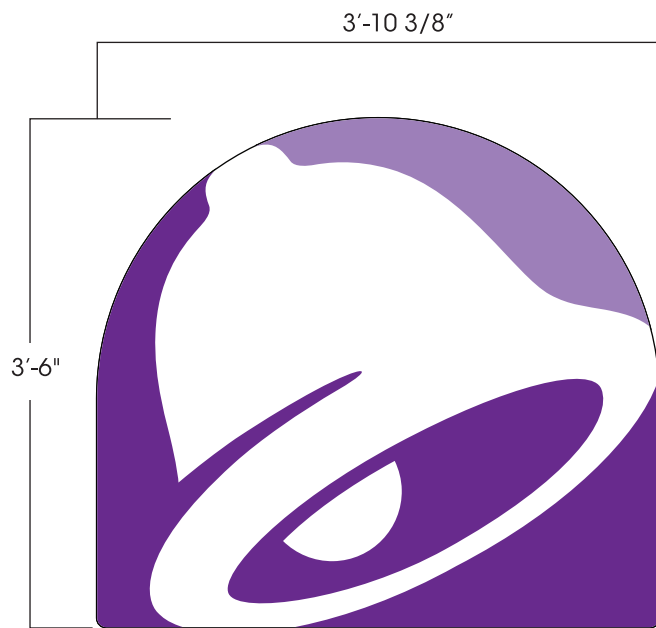


NOTE:
MASONRY BASE SUPPLIED BY OTHER CONTRACTORS

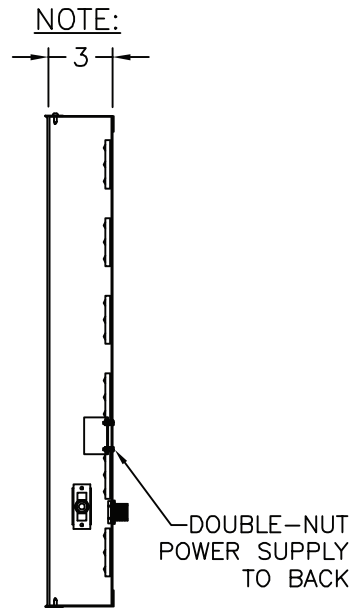


DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer: Taco Bell		Description: 80 Sq. Ft.Monument Sign	Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.	
Project No: 386 35	Scale: 3/8"=1'-0"			
Date:	Drawn By: RB	Revised:	CUSTOMER SIGNATURE	DATE
Location & Site No:		Revised: 36-46	LANDLORD SIGNATURE	DATE



Sign Area: 13.41 Sq. Ft. (Squared)



GENERAL SPECIFICATIONS:

3" aluminum returns & trim cap w/ black finish
 .150 White poly face w/ vinyl applied to first surface

ELECTRICAL SPECIFICATIONS:

- LED: LS-PRO160-50K-2B1
- Power Supply: One (1) 60 watt
- .9 amps @ 100-277 VAC
- One (1) 20 amp circuit

COLORS:

Dark Purple: 3630-9327; PMS 2603
 Light Purple: 3630-9141; PMS 2577
 Black
 White

These product sheets are the exclusive property of Everbrite LLC. Use of this property in any manner without express written permission of Everbrite LLC is prohibited. Drawings are for graphic purposes only and not intended for actual construction. For more specific manufacturing detail, please refer to engineering specifications and install drawings.



Everbrite

Everbrite LLC
 4949 S 110th Street, Greenfield, WI 53220
 Phone: 414-529-3500 • Fax: 414-529-7191
 Website: www.everbrite.com

Part No: E032881

V-04.3640

Project No: 385413

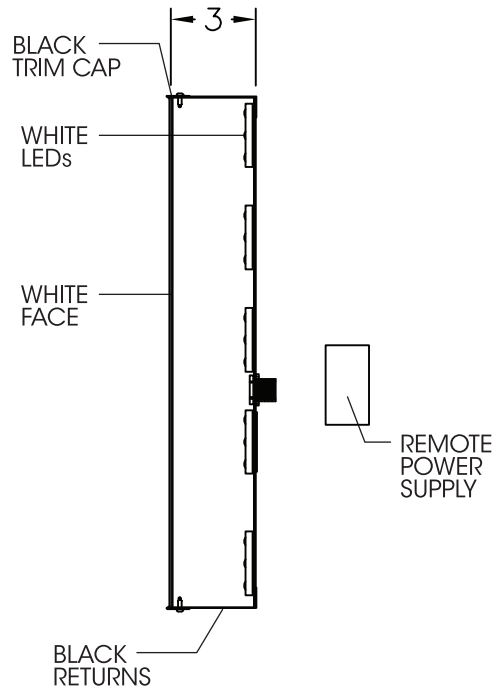
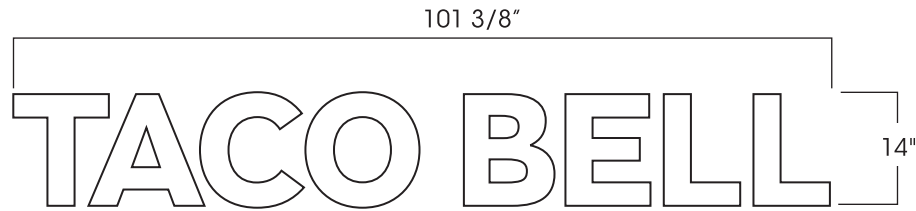
Description:
 3'6"X3'10" BELL LOGO

37-46

Date: 10/8/18

Drawn By: RB





GENERAL SPECIFICATIONS:

- 3" Deep fabricated aluminum cabinet, black
- .118 #7328 White acrylic faces w/ 3/4" black trim cap
- Internally illuminated with white LEDs
- Sign Area (Squared): 9.85

ELECTRICAL SPECIFICATIONS:

- White LEDs
- Power Supply: One (1) 60 watt
.90amps @ 100-277 V
- One (1) 20 amp circuit, 60HZ UL 48 & NEC compliant

COLOR SPECIFICATIONS:

Black
White

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Everbrite

Everbrite LLC
4949 S 110th Street, Greenfield, WI 53220
Phone: 414-529-3500 • Fax: 414-529-7191
Website: www.everbrite.com

Part No: E032905

V-09.14W

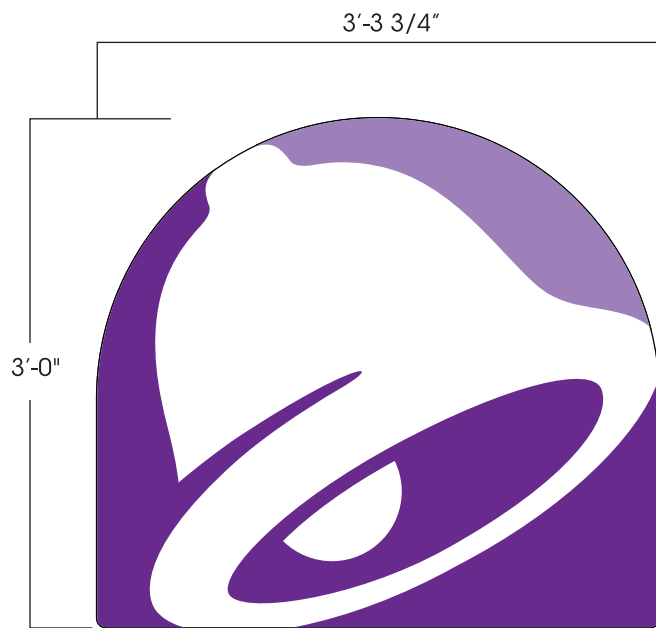
Project No: 385473-2

Description:
14" Inline Channel Letter Set
38-46

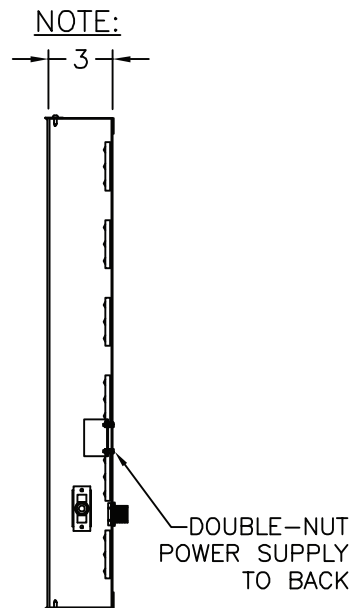
Date: 11/19/18

Drawn By: RB





Sign Area: 9.93 Sq. Ft. (Squared)



GENERAL SPECIFICATIONS:

3" aluminum returns & trim cap w/ black finish
 .150 White Polycarbonate face w/ vinyl applied to first surface

ELECTRICAL SPECIFICATIONS:

- LED: LS-PRO160-50K-2B1
- Power Supply: One (1) 60 watt
- .9 amps @ 100-277 VAC
- One (1) 20 amp circuit

COLORS:

Dark Purple: 3630-9327; PMS 2603
 Light Purple: 3630-9141; PMS 2577
 Black
 White

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Everbrite LLC
 4949 S 110th Street, Greenfield, WI 53220
 Phone: 414-529-3500 • Fax: 414-529-7191
 Website: www.everbrite.com

Part No: E032880

V-04.3034

Project No: 38541-33

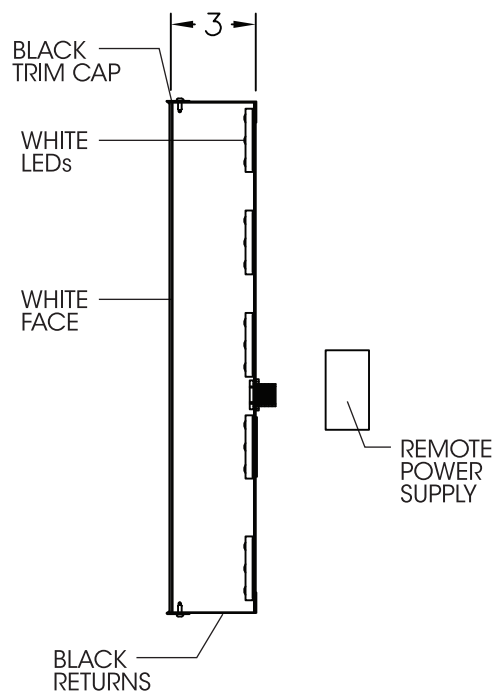
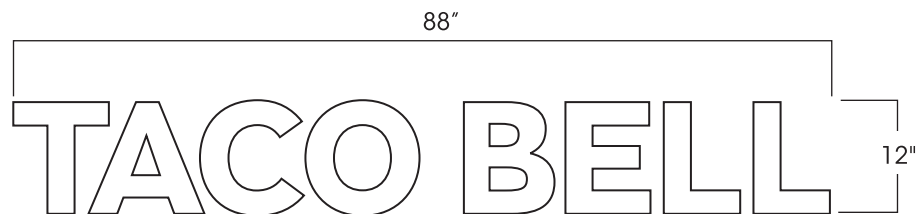
Description:
 3'x3'3 BELL LOGO SF

39-46

Date: 10/25/18

Drawn By: RB





GENERAL SPECIFICATIONS:

- 3" Deep fabricated aluminum cabinet, black
- .118 #7328 White acrylic faces w/ 3/4" black trim cap
- Internally illuminated with white LEDs
- Sign Area (Squared): 7.33

ELECTRICAL SPECIFICATIONS:

- White LEDs
- Power Supply: One (1) 60 watt
.90amps @ 100-277 V
- One (1) 20 amp circuit, 60HZ UL 48 & NEC compliant

COLOR SPECIFICATIONS:

Black
White

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Everbrite LLC
4949 S 110th Street, Greenfield, WI 53220
Phone: 414-529-3500 • Fax: 414-529-7191
Website: www.everbrite.com

Part No: E032904

V-09.12W

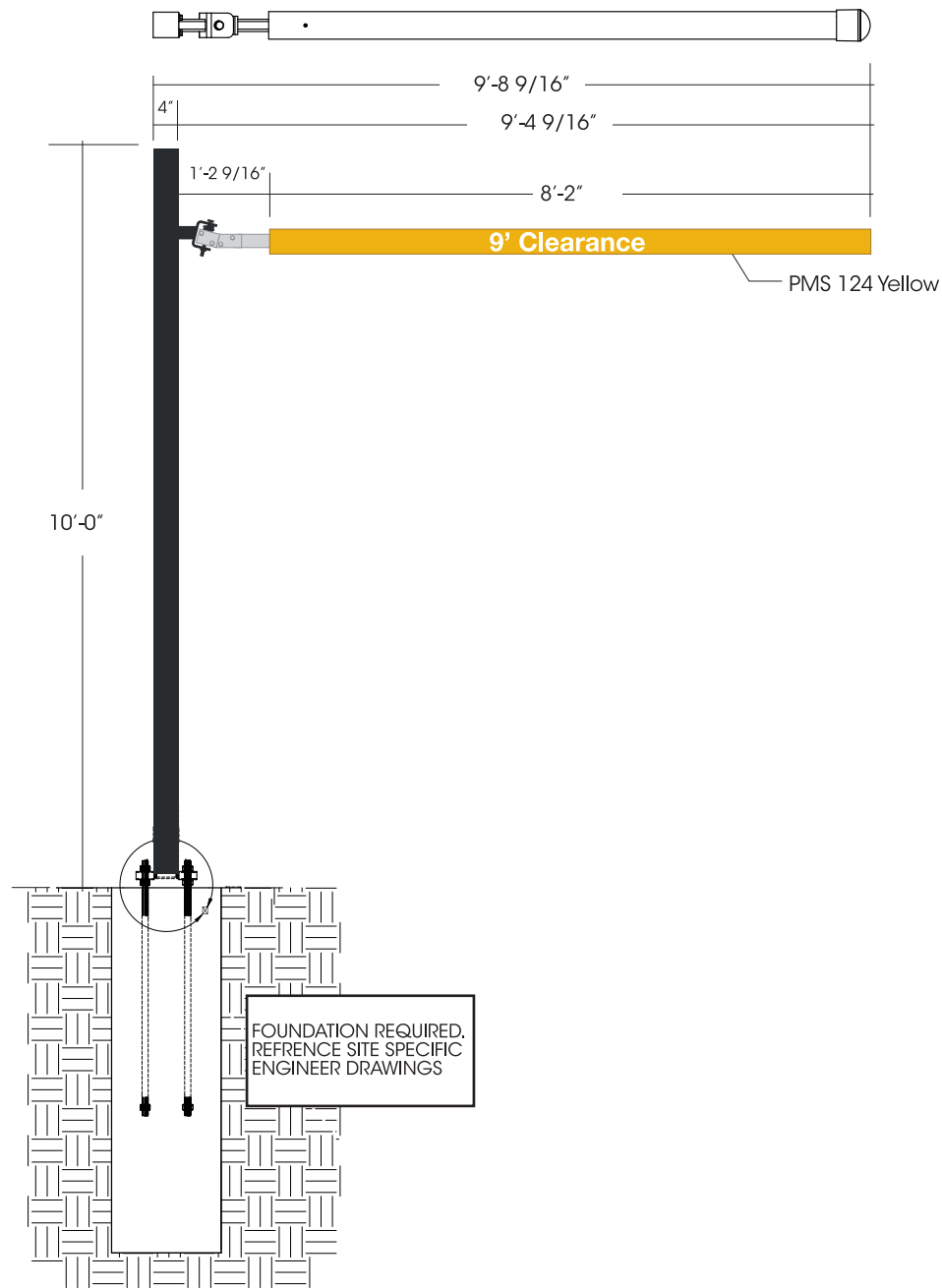
Project No: 385473-2

Description:
12" Inline Channel Letter Set
40-46

Date: 11/19/18

Drawn By: RB





COLOR SPECIFICATIONS

RAL9011 Graphite Black



Everbrite, LLC.
4949 S. 110th Street, Greenfield, WI 53228
Phone: 414-529-3500 • Fax: 414-529-7191
Website: www.everbrite.com

Part No: V-1069.EN

Description: TB PORTAL W/O SHRD
2/PC

Project No: 429288-1

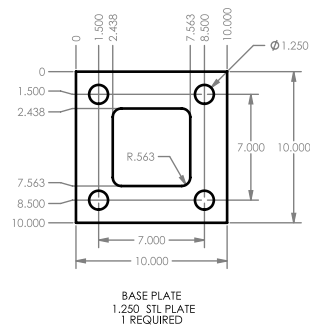
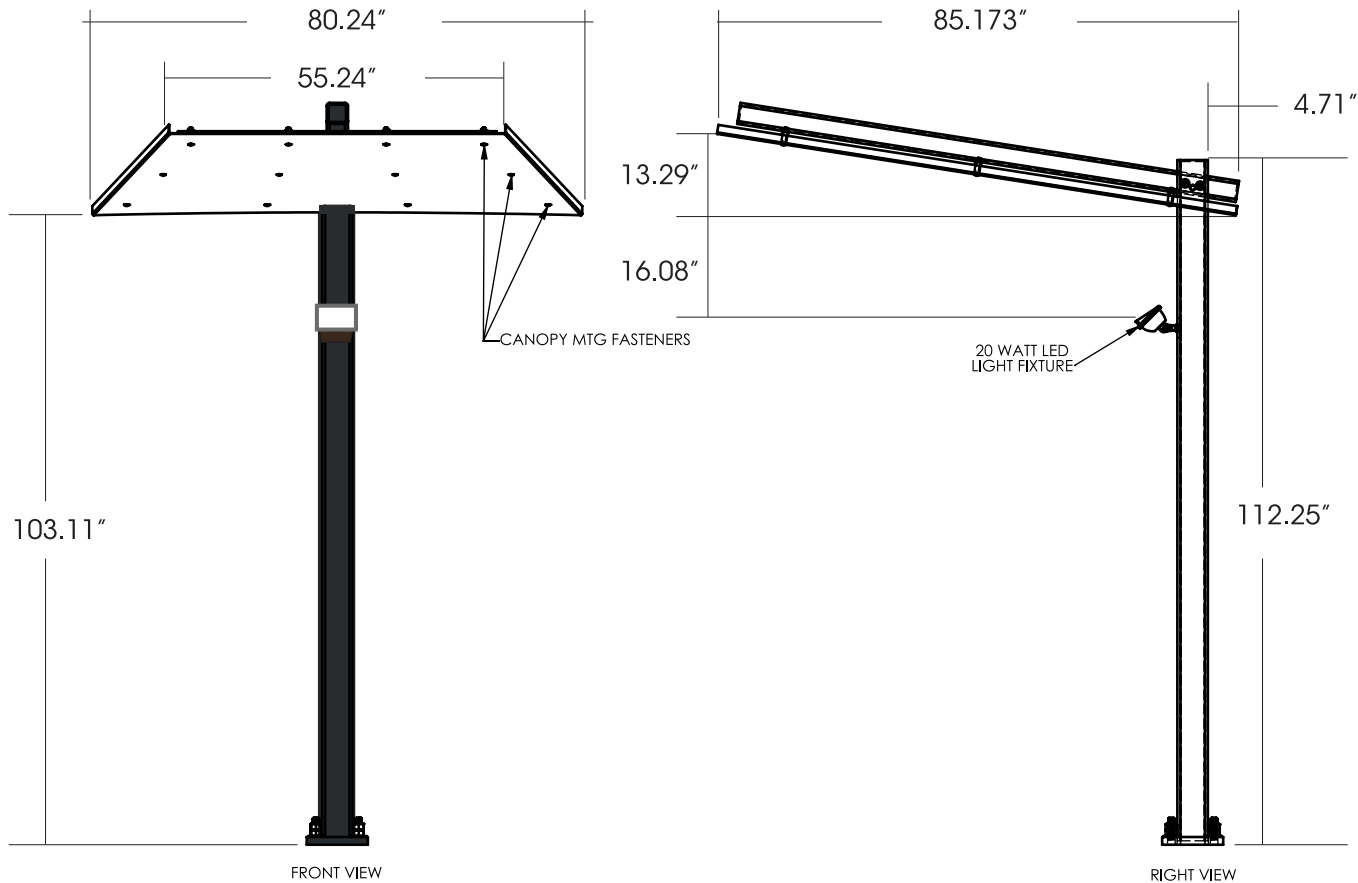
Drawn By: KW

Date: 7/22/2020 41-46

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TACO BELL



ELECTRICAL SPECIFICATIONS

UL & NEC approval required.

Lamp(s): 5.5" hx6" w flood light - 20W LED (4100K), 1400 lumens

Circuits(s): (1) 20 amp-120V

COLOR SPECIFICATIONS

RAL9011 Graphite Black



Everbrite, LLC.
4949 S. 110th Street, Greenfield, WI 53228
Phone: 414-529-3500 • Fax: 414-529-7191
Website: www.everbrite.com

Part No: V-1070.EN

Description: CNPY,TB DT CNPY
W/O SHD 2/PC

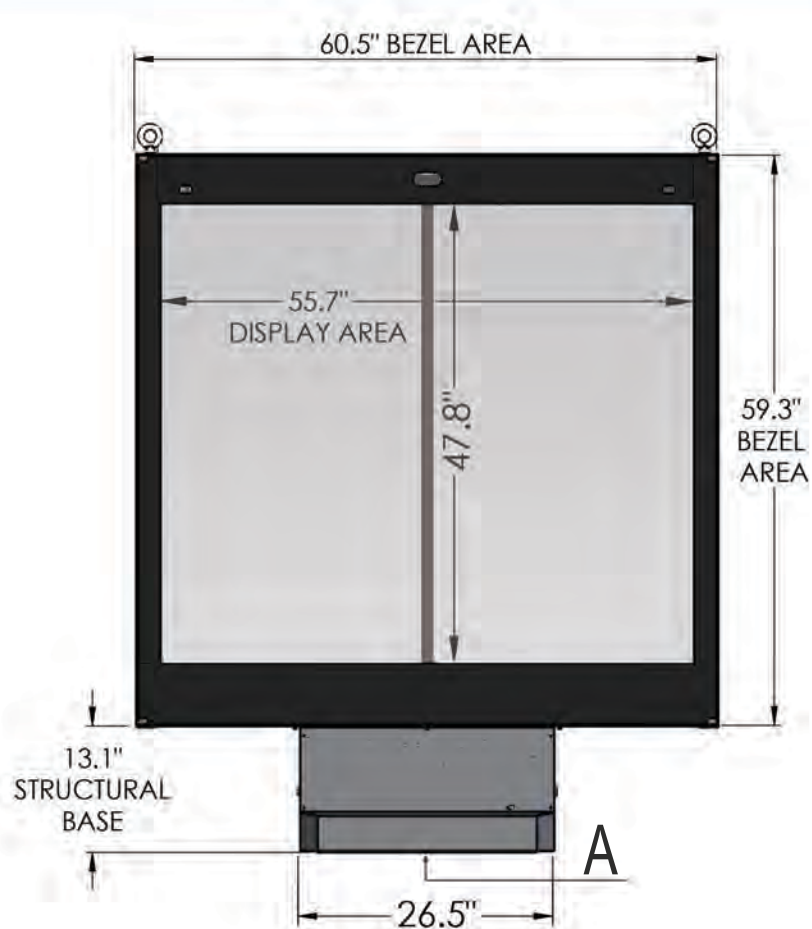
Project No: 429288-1

Drawn By: KW

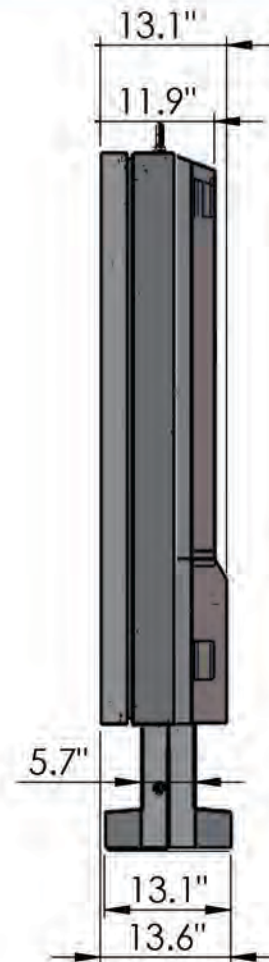
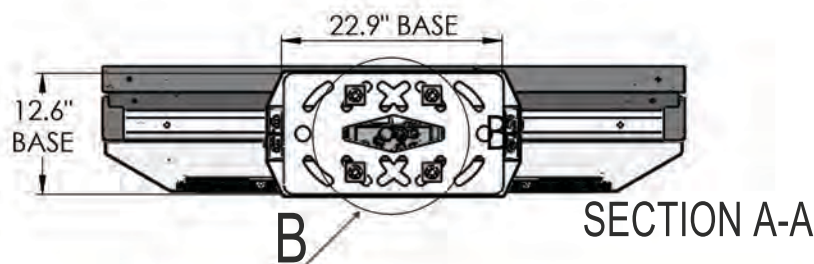
Date: 7/22/2020 42-46

These product sheets are the exclusive property of Everbrite LLC. Use of this property in any manner without express written permission of Everbrite, LLC is prohibited. Drawings are for graphic purposes only and not intended for actual construction. For more specific manufacturing detail, please refer to engineering specifications and install drawings.

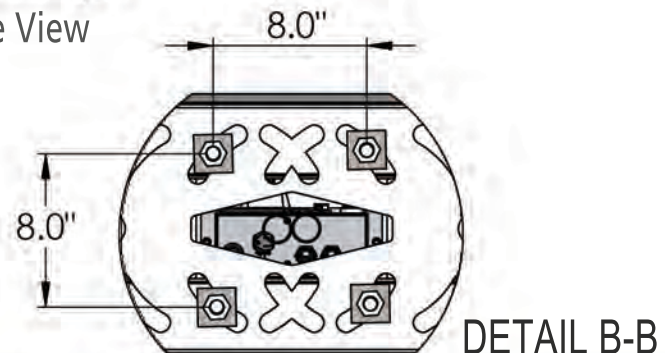




Front View



Side View



GENERAL SPECS

Material: Aluminum exterior with
tube steel inner frame.
Certified 180 MPH

Surface Treatment:

- Pretreatment - zinc primer
& polyester powder coating

Surface Area:

- Display: 18.5 sq/ft
- Total surface: 24.9 sq/ft

Weight:

- Gross: 915 lbs / Net: 705 lbs

ELECTRICAL SPECS

Power:

- Hardwired AC Power
- 120/240V 50/60Hz
- 1150 W (@ max load)
- UL Rated @ 10 Amp

Backlight:

- LED Light Source
- 380 CD/M2 to 3,500 CD/M2
- Auto adjusting to outdoor
ambient light levels



Product Model #: STR-D12-120

Project #:

Date: 2019-12-03

43-46

STRATACACHE
MARKETING TECHNOLOGY

STRATACACHE
40 N. Main Street
Dayton, Ohio 45423
1-800-244-8915

Drawing #: STR-D12 v1.1

Date: 2019-12-03

Author: B. Pupo

**CITY OF BASEHOR
BOARD OF ZONING
APPEALS**

**NOTICE OF PUBLIC
HEARING**

Notice is hereby given that the Board of Zoning Appeals of the City of Basehor, will hold a public hearing of March 21, 2023 at 5:00PM, 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-002-23 a variance to The City of Basehor's Sign Code Ordinance, Section 6.4 CP-2, General Business District, exceeding maximum wall signage, on the following described property:
LOT 3 of PHASE 1 WOLF CREEK JUNCTION, S02, T11, R22E

**Request submitted by
Marti Palmer/View Sign &
Light**

Address: 00000 State Avenue (NE Corner of 155th & State)

**Parcel ID number:
181-02-0-00-00-027.12**

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, Monday, March 20, 2023.

Krystal A. Voth, Secretary
City of Basehor, Board of
Zoning Appeals Publish by
02/28/2023

Published in the Leavenworth Times, February 28, 2023.

Leavenworth Times Affidavit of Publication

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 28th day of February, 2023.

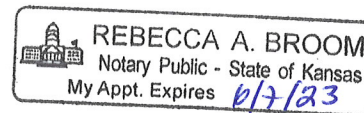
WITNESS my hand this 28th day of February, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 28 day of
Feb, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 6/7/23



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Casey's Retail Co.
P.O. Box 54288
Lexington KY 40555



9590 9402 7775 2152 9425 77

7022 0410 0000 7712 1220

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

O. Blauvelt

C. Date of Delivery

3/22/23

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Registered Mail☐ Registered Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation☐ Restricted Delivery☐ Registered Mail☐ Registered Mail Restricted Delivery (over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sutton Property Mgmt LLC
1106 N 155th St.
Basehor KS 66007



9590 9402 7775 2152 9425 60

2. Article Number (Transfer from service label)

7022 0410 0000 7712 1244

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Registered Mail☐ Registered Mail Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Stacey Leslie</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: WCJ Basehor LLC P.O. Box 3789 Lawrence KS 66046		B. Received by (Printed Name) <i>Stacey Leslie</i>	C. Date of Delivery <i>3-6-23</i>
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
 9590 9402 7775 2152 9425 91		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500)	
2. Article Number (Transfer from service label) 7022 0410 0000 7712 1213			
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Stacey Leslie</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: Citizen Savings + Loan Assoc 5151 S 4th St Leavenworth KS 66048		B. Received by (Printed Name)	C. Date of Delivery <i>3-4</i>
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
 9590 9402 7775 2152 9425 84		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500)	
2. Article Number (Transfer from service label) 7022 0410 0000 7712 1237			
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	