

LEAVENWORTH BOARD OF ZONING APPEALS

Monday, August 18, 2025 – 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: June 16, 2025 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. 2025-13 BZA – 2101 10TH AVENUE.

Hold a public hearing for Case No. 2025-13 BZA – 2101 10th Ave., wherein the applicant is seeking variances from Section 8 of the adopted Development Regulations to allow a freestanding sign in excess of the maximum allowable square footage of sign area, to be located adjacent to residential property, and allow the EMC portion of the freestanding sign to exceed the maximum allowable size for an EMC in the R1-6 (High Density Single Family Residential District) zoning district.

ADJOURN



BOARD OF ZONING APPEALS MINUTES
MONDAY, June 16, 2025, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

CALL TO ORDER:

Board Members Present

Daniel Bolling
Jan Horvath
Ted Davis

Board Member(s) Absent

Ron Bates
David Ramirez

City Staff Present

Michelle Baragary
Kim Portillo
Katherine Criscione

Vice Chairmanman Daniel Bolling called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: May 19, 2025

Vice Chairmanman Bolling asked for comments, changes or a motion on the May 19, 2025 minutes to present for approval. Commissioner Horvath offered a motion to approve the minutes as presented, seconded by Commissioner Davis and approved by a vote of 3-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. INTRODUCTION OF NEW MEMBER

Commission Board welcomed new member Ted Davis. Commissioner Davis expressed his gratitude toward the staff.

2. **2025-11 BZA – 1354 Ohio Street**

Hold a public hearing for Case No. 2025-11 BZA – 1354 Ohio Street, wherein the applicants are requesting a variance to allow a reduction in the 75' minimum lot width for a property zoned R1-9, and to allow a gravel driveway in the required front yard that will lead to a paved parking area in the rear yard or a paved driveway in the front yard that will not lead to a garage, carport, alley, or rear yard parking area for the property located in the R1-9 Medium Density Single Family Residential zoning district.

Vice Chairman Bolling called for the staff report.

City Planner Michelle Baragary provided the Board with an overview of the application. She stated that 1354 Ohio Street is zoned R1-9, Medium Density Single Family Residential District, and is a vacant lot that is .34 acres in size. The property is surrounded by single-family homes, with the exception of Stoneleigh Court Apartments and the Medicalodge to the south.

The applicant, Jack Shumaker, is in the process of purchasing the vacant lot at 1354 Ohio Street, with the intention of building a single-family home on the property. The proposed home will be approximately 1,000 sqft one-story with a recessed front porch that is compatible and reinforces the overall character of the block and neighborhood.

There are two variances being voted on.

The first variance request is for a 15' reduction in the 75' lot width requirement for the R1-9 zoning district. Of the 10 properties located on the same side of the block facing Ohio Street, only 1 lot meets the 75' lot width, with the average lot width being 61'. The building line will be setback 25', which meets the front yard requirement for the R1-9 zoning district.

Commissioner Davis asked if the homes were built before the regulation was in place requiring a 75' lot width requirement.

Ms. Baragary answered yes, the homes have been there for quite some time. She added the average lot is 61'.

The second variance request is to meet the 2 off-street parking requirement for single-family homes, the applicant is requesting a variance from the driveway requirement to allow either a paved driveway that is adjacent to the front wall of the home but does not lead to a garage/carport, or to extend the existing gravel driveway to a paved parking area in the rear yard. The property directly west of the subject property has an existing nonconforming gravel driveway that leads to a detached garage in the rear yard. All of the other homes along this block have paved driveways leading to an attached garage or carport, or a detached garage in the rear yard.

The applicant has provided two options for the driveway variance. The first option is to allow a paved driveway that is adjacent to the front wall of the home but does not lead to a garage or carport. The second option is to extend the existing gravel driveway to a paved parking area in the rear yard.

The property directly to the west currently has an existing non-conforming gravel driveway that leads to a rear detached garage.

After notices were sent to property owners within 200' as required by State Statute, staff received no inquiries of concerns. Staff also provided comments to the five criteria the Commission will be voting on. If there are any questions or concerns about staff comments, they will be addressed. The applicant and the property owner are present to speak and answer questions as well.

Vice Chairman Bolling opened the public hearing, and invited the applicant and owner to approach the podium.

Mr. Jack Shumaker (applicant) approached the podium and stated his name and address of 404 Logan. He states they are proposing to build on the 60' lot, with the home being 26' wide and 40' deep. The dimensions of the home would leave a 14' setback on one side of the property and 20' setback on the other side of the property.

Mr. Shumaker stated he would like pour a concrete drive way, with the intention of building a garage on the property at a later date. He stated he intended to build a driveway similar to the property to the West.

Commissioner Davis clarified that the driveway to the West of the property had no impact on the new construction.

Ms. Baragary confirmed it was just being used as an example.

Commissioner Horvath asked if there was previously an existing home on the property that was tore down in 2012 and if utilities exist on the property.

Mr. Jim Chmidling, owner of the subject property, confirms there was a house that was taken down from the property, which is why the driveway is still visible. He does not recall sewer being put on the property, though he assumes a septic tank is there.

Commissioner Horvath stated the property would need to obtain plumbing that ties in to the City.

Ms. Baragary states that too will go through the permitting process.

Vice Chairman Bolling asked if there were any more questions or statements from the public.

Mr. Jim Chmidling approaches the podium and states his name and address of 806 N. 20th Street. He states he purchased this property in either 2020 or 2021. He states the power pole is still in place from the previous structure. He states he also had communication with previous Planners who stated it would be a legal non-conforming lot. Mr. Chmidling states he was told it is legal to build on but it is non-conforming because since then we have gone to 75' instead of 60'. He believes what Mr. Shumaker is asking for is more in line with what is in that neighborhood.

With no one else wishing to speak, Vice Chairman Bolling closed the public hearing and called for discussion among the commissioners.

Commissioner Horvath asked what the staff's preference was on the driveway as far as the parking place shown on the pictures. Is it easier or does it conform and what is the staff's position on the concrete pad.

Ms. Portillo states that it is feasible to meet the code related to having a hard surface driveway that leads to a rear yard parking area, carport, or driveway; and that staff is not finding that either one of the proposed options meets all of the required criteria for a variance.

Ms. Portillo states she believes there will need to be three (3) separate votes. One for the lot width, then specify which driveway option is being reviewed, and then vote on the build.

Vice Chairman Bolling asks if there are any more questions.

Commissioner Davis requested clarification on what they just discussed, which is that staff is saying that both driveway options are not in compliance and that it is feasible for a driveway to be built that is compliant.

Ms. Portillo confirmed stating that staff's evaluation did not find unique conditions of the property, such as topographic challenges, that would make it difficult to extend the driveway to the rear yard. Furthermore, financial hardship is not a factor that can be used to justify a variance request. With that said, staff believes it is feasible to install a driveway that leads to the rear yard.

Commissioner Davis asked if the issue is with the timing of when the driveway might be installed.

Ms. Baragary responded that the Development Regulations states that when a home is constructed that is when the driveway shall be installed to meet the off-street parking requirements. You cannot build a home and then wait years to construct a driveway to meet the off-street parking requirements unless a variance is granted.

Commissioner Horvath stated that this Board could establish within the variance the sequence of that driveway being built to the standard regulation and when the pad would have to be placed as well per the regulation.

Ms. Portillo stated that would be extremely difficult for staff to track and enforce.

Commissioner Davis stated that when the home is built, a driveway must be constructed to stay compliant. It is up to Mr. Shumaker if he wants to take it all the way back to where the pad would be.

Ms. Baragary stated in order to be compliant, it has to be a paved driveway that leads to a garage, carport or rear parking area. She specified where the driveway would need to be and lead to in order to be compliant.

With no one else wishing to speak, Vice Chairman Bolling closed the public hearing and called for discussion among the commissioners.

With no further discussion, Vice Chairman Bolling read the following criteria regarding the Board's authority and reviewed each item.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions - Variances)

Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

Staff comment: The lot sits in its original configuration, with a 60' lot width that is consistent with the existing lots on the same block. The lot size is 14,856 sqft, which exceeds the minimum lot size of 9,000 sqft. All setbacks shall be met for the construction of the proposed single-family home. Staff believes the variance for the reduction in the lot width is unique to the subject property and is not created by an action of the property owner.

The property allows room for a paved driveway to lead to a garage, carport, or paved parking area in the rear yard. Staff does not believe the variance for the driveway requirement is unique to the property in question and is created by an action of the property owner or the applicant.

Lot Width: Vote 3-0

All board members voted in the affirmative.

Driveway: Vote 3-0

All board members voted in the affirmative.

- b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

Staff comment: The proposed home will be compatible with the overall character of the block and neighborhood, and will not adversely affect the rights of adjacent property owners or residents.

Both of the proposed driveway options will provide a minimum of 2 off-street parking areas, and would not negatively impact neighbors with on-street parking.

Lot Width: Vote 3-0

All board members voted in the affirmative.

Driveway: Vote 3-0

All board members voted in the affirmative.

- c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

Staff comment: The lot width of the subject property is in alignment with existing properties on the same block; therefore, staff believes that the strict application of the provisions of the Development Regulations related to lot width prohibit the property owner from using his property in the manner similar to that of other property in the neighborhood, and will constitute unnecessary hardship upon the property owner.

The topography of the property would not require excessive grading or other variances that would prohibit a paved driveway leading to a garage, carport, or paved parking area in the rear yard. Staff believes the strict application of the Development Regulations related to the driveway would not constitute unnecessary hardship upon the property owner.

Lot Width: Vote 3-0

All board members voted in the affirmative.

Driveway: Vote 3-0

All board members voted in the affirmative.

- d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*

Staff comment: The average lot width on the block is 61', and the proposed single-family one-story home will be compatible in mass and form to the existing residential homes on the block. Staff does not believe the variance for the lot width and the variance for the driveway requirement will adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Lot Width: Vote 3-0

All board members voted in the affirmative.

Driveway: Vote 3-0

All board members voted in the affirmative.

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

Staff comment: Staff does not believe that granting of the variance for the lot width reduction will be opposed to the general spirit and intent of the Development Regulations.

The intent of the driveway requirement is to improve the overall aesthetics of the neighborhood and to protect and enhance property values; therefore, staff does believe that granting of the variance for the driveway requirement will be opposed to the general spirit and intent of the Development Regulations.

Lot Width: Vote 3-0

All board members voted in the affirmative.

Driveway: Vote 3-0

All board members voted in the affirmative.

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

ACTION:

Approve or deny the variance request to allow a 15' reduction in the 75' lot width requirement.

Approve or deny the variance request from the driveway requirement.

Vice Chairman Bolling stated that based on the findings, the variance for Case No. 2025-11 BZA is granted with no restrictions, conditions or safeguards.

Vice Chairman Bolling asked if there was any other business to be taken up. There was no other business.

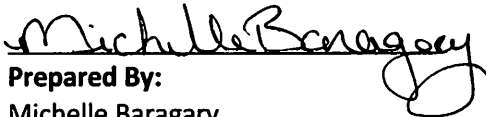
Vice Chairman Bolling called for a motion to close the meeting. Commissioner Davis made a motion to adjourn the meeting, seconded by Commissioner Horvath and passed 3-0.

The meeting adjourned at 6:43 p.m.

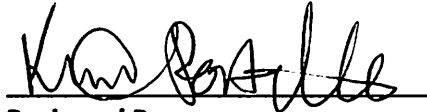
Minutes taken by Administrative Assistant Katherine Criscione.

**BOARD OF ZONING APPEALS AGENDA ITEM
VARIANCE REQUEST
2025-13 BZA
2101 10th Avenue**

AUGUST 18, 2025



Prepared By:
Michelle Baragary
City Planner



Reviewed By:
Kim Portillo, AICP
Director of Planning & Community Development

SUMMARY:

The applicant is requesting three variances from Section 8 of the adopted Development Regulations for the following items:

1. To allow a freestanding sign with a sign area that exceeds the maximum allowable sign area.
2. To allow an Electronic Message Center to be located adjacent to residential property.
3. If a variance to allow the EMC adjacent to residential property is approved, an additional variance is needed to allow the EMC portion of the freestanding sign to exceed the maximum allowable size for an EMC. If the variance to allow the EMC adjacent to residential property is denied, the Board does not need to vote on this variance, as no EMC would be allowed at all.

DISCUSSION:

The applicant, Young Sign Co., Inc. on behalf of Trinity Lutheran Church, is applying for variances from the above noted section of the adopted Development Regulations to allow the installation of 42.75 SF freestanding sign with a 26 SF Electronic Message Center (EMC), located adjacent to residential property. The applicable development regulation for this site allows for a maximum freestanding sign area of 32 SF, of which 25% (8 SF) may be an EMC. Additionally, the development regulations prohibit any EMC adjacent to residentially zoned areas.

Of note, Trinity Lutheran Church has an existing nonconforming freestanding sign that is 40 SF.

Trinity Lutheran Church located at 2101 10th Avenue is zoned R1-6 (High Density Single Family Residential District). Public or semi-public facilities, such as a church, are allowed signage as regulated and permitted in the Neighborhood Business District (NBD).

Section 8.08 of the Development Regulations states:

Public and Semi-Public Buildings: Churches, school, libraries, community centers, hospitals, or other public/semi-public facilities located in a residentially zoned district shall be allowed signage as regulated and permitted in Section 8.10, Signs Permitted in the Neighborhood Business District (NBD).

Section 8.10 of the Development Regulations states that freestanding signs permitted in the NBD may have two faces and shall not exceed 32 square feet per face. Section 8.10 further states:

The allowed freestanding signs may be electronic changeable message signs, provided they comply with all other standards in this article addressing lighting, safety, and electronic changeable messages.

Section 8.13 of the Development Regulations states that when allowed by any other section of this sign code, an EMC sign shall comply with performance standards listed in the code. Section 8.13 further states:

Size and Placement: *The maximum size of any EMC shall be 25% of allowed square footage of any monument or wall sign or 32 square feet, whichever is less. No EMCs shall be located adjacent to residential property.*

It should be noted when calculating sign area, section 8.03 of the Developments Regulations states:

The entire area within a single continuous rectangle enclosing all elements (individual letters and/or logo) of the sign which form an integral part of the display including the perimeter border.

Trinity Lutheran Church is adjacent to residential property. To the west is Leavenworth High School zoned R1-9, to the north is a single-family home zoned R1-6, to the east are two single-family homes zoned R1-6, and to the south is a single-family home and a vacant lot both zoned R1-6.

Staff recommendation is that the variances requested could not fully meet all the conditions required for approval.

After the required notice was published and sent to properties within 200', staff has received no comments from any notified property owners.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

Staff Comment:

Variance 1: Overall Sign Size

Public & semi-public buildings (including churches) are permitted by-right in residential zoning districts. The City of Leavenworth has many churches in residential districts. When the sign code was developed, the need for these facilities to have larger signs was considered, which is why signage for public & semi-public buildings are regulated and permitted by section 8.10 *Signs Permitted in the Neighborhood Business District* and not by section 8.08 *Signs Permitted in Residential Districts*.

The existing monument sign is 14' from the west property line and is already highly visible from the public right-of-way. There are no site conditions such as steep slopes or obstructions that make it difficult to see the sign from public right-of-way at the allowable size.

Staff finds that there is no unique condition of the property that justifies larger overall freestanding sign area than what the development regulations allow.

Variance 2: EMC adjacent to residential property

The church is surrounded by residential properties to the north, east and south. The requested sign would be located on the west façade along 10th Avenue. While three of the properties are currently owned by the church, they may not be at some point in the future. The Development Regulations prohibit EMCs next to residential property, regardless of ownership.

Staff finds that there is no unique condition of the property that makes an EMC necessary at this location.

Variance 3: EMC Size

The proposed EMC would be more than three times the allowable size, and again staff finds there are no site conditions such as steep slopes or obstructions that make it difficult to see the sign from public right-of-way at the allowable size. Sign allowances, especially for EMC's are intentionally more limited within residential neighborhoods to preserve the residential character of the neighborhood.

Staff finds that there is no unique condition of the property that justifies a larger EMC area than the development regulations allow, and that the variance requested is created by the action or actions of the property owner or applicant.

- b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

Staff Comment:

Variance 1: Overall Sign Size

The existing sign, which does not have an EMC is already 40 SF, which is larger than the allowed size for a freestanding sign. The proposed modifications would increase the overall size of the sign by 2 SF to 42 SF, whereas a maximum of 32 SF is allowed for a freestanding sign in the NBD.

As far as staff is aware, there are no issues from surrounding properties regarding the existing non-electronic sign. Staff finds it unlikely that the small increase of 2 SF would significantly impact the surrounding property owners. However, the addition of an electronic element to the sign could have an impact, as addressed in the following paragraphs.

Variance 2: EMC adjacent to residential property

With the EMC being located on the west side of the property, the building would act as an intervening buffer between the sign and the residentially zoned properties to the east, so they

are not likely to be adversely impacted. Additionally, the property to the west on the opposite side of 10th Avenue is a school, which is different than a typical residential use and not likely to be negatively impacted by an EMC. The property to the north is a single-family home. Although it is on the opposite side of Thornton Street, the home does have windows that directly face the proposed EMC. This could have a negative impact of visual distraction and glare into the home.

Variance 3: EMC Size

An electronic message center that is over three times the maximum allowable size in a residential zoned district could adversely affect the rights of adjacent residential property owners or residents, particularly on the existing single-family home to the north. Potential impacts include increased light and glare into residential areas and a visual scale that is out of character with the surrounding neighborhood.

- c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

Staff Comment:

Variance 1: Overall Sign Size

Staff finds the strict application of the Development Regulations will not constitute unnecessary hardship upon the property owner as the regulations have taken into account the need for larger signs for churches located in residential districts by having less restrictive regulations but at the same time being compatible in the residential district they are located in. There is an existing nonconforming sign that is in decent condition and could be used for many years to come. Staff does not find that denying the size increase would create a hardship for the property owner.

Variance 2: EMC adjacent to residential property

The Development Regulations considers the needs of public & semi-public facilities and made the sign code less restrictive for these types of facilities that are located in residential zoning districts. Therefore, staff does not believe the strict application of the Development Regulations will constitute unnecessary hardship upon the property owner.

Variance 3: EMC Size

EMCs can be ordered in various sizes, such as a 4'2" x 2'8" (11.13 SF) or 4'2" x 3'11" (16.34 SF). The property owner has the option to make the EMC the smaller of the two signs, and the ID sign as the larger sign. Therefore, staff finds that the strict application of the provisions of the Development Regulations will not constitute unnecessary hardship upon the property owner.

- d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*

Staff Comment:

Variance 1: Overall Sign Size

The existing sign, which does not have an EMC, is already 40 SF, which is larger than the allowed size for a freestanding sign. The proposed modifications would increase the overall size of the sign by 2 SF to 42 SF, whereas a maximum of 32 SF is allowed for a freestanding sign in the NBD.

As far as staff is aware, there are no issues from surrounding properties regarding the existing non-electronic sign. Staff finds it unlikely that the small increase of 2 SF would significantly impact the surrounding property owners.

Variance 2: EMC adjacent to residential property

EMCs in residential areas can negatively impact the neighborhood through light pollution, visual clutter, and potential distractions to drivers. EMCs located near intersections or pedestrian crossings are of particular concern. With the high school to the west, there is a pedestrian crossing at this intersection, and a lot of young, inexperienced drivers that attend the high school.

Staff finds that an EMC adjacent to residential property could adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Variance 3: EMC Size

An EMC that is 26 SF versus the allowable 8 SF will have more light pollution, glare, visual clutter in the neighborhood, and be a greater distraction for drivers, especially for the students attending the high school that could potentially lead to accidents.

Staff finds that an electronic message center that is over three times the maximum allowable size in a residential zoned district could adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

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

Staff Comment:**Variance 1: Overall Sign Size**

The existing monument sign is already highly visible from the public right-of-way. There are no site conditions such as steep slopes or obstructions that make it difficult to see the sign from public right-of-way at the allowable size.

Staff finds the Development Regulations have taken into account the need for larger signs for churches located in residential districts by having less restrictive regulations, and that the granting of the variance increasing the overall sign area will be opposed to the general spirit and intent of the Development Regulations.

Variance 2: EMC adjacent to residential property

Staff finds that by having less restrictive regulations for churches located in residential districts, the sign code provides a means to display their message(s) while being compatible with the residential district they are located in.

Staff does believe that the granting of the variance desired will be opposed to the general spirit and intent of the Development Regulations.

Variance 3: EMC Size

The purpose of the sign code is to create the framework for a comprehensive and balanced system of regulations of signs to facilitate easy and pleasant communication between people and preserving and improving the quality of the city's environment. One way this is accomplished is by reducing distraction of motor vehicle operation by signage that could be harmful to traffic and pedestrian safety. By having less restrictive regulations for churches located in residential districts, the sign code provides a means to display their message(s) while being compatible with the residential district they are located in.

EMCs can be ordered in various sizes, such as a 4'2" x 2'8" (11.13 sqft) or 4'2" x 3'11" (16.34 sqft). The property owner has the option to make the EMC the smaller of the two signs, and the ID sign as the larger sign. Staff believes that the granting of the variance for an EMC three

times larger than the allowable size in a residential zoning district is in opposition to the general spirit and intent of the Development Regulations.

There are no extenuating circumstances, such as steep slopes or obstructions, impairing the visibility of the sign and warranting an EMC of this magnitude in a residential area; therefore, staff finds that the granting of the variance for a 26FT EMC is in opposition to the general spirit and intent of the Development Regulations.

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

ACTION:

- Approve or deny the variance to allow a freestanding sign with a sign area that exceeds the maximum allowable sign area.
- Approve or deny the variance to allow an EMC to be located adjacent to residential property.
- Approve or deny the variance to allow the EMC portion of the freestanding sign to exceed the maximum allowable size for an EMC. If the variance to allow the EMC adjacent to residential property is denied, the Board does not need to vote on this variance, as no EMC would be allowed at all.



TRINITY LUTHERAN CHURCH

Traditional Worship
Saturday 5:30pm
Sunday 8:00am
10:45am

Contemporary Worship
Sunday 9:30am

Sunday School
& Bible Education
Sundays 10:00am

2025/08/14



TRINITY LUTHERAN CHURCH

Traditional Worship

Saturday 5:30 p.m.

Sunday 8:00 a.m.

10:45 a.m.

Contemporary Worship

Sunday 9:00 a.m.

11:00 a.m.

2025/08/14




TRINITY LUTHERAN CHURCH

Traditional Worship
Saturday 5:30pm
Sunday 8:00am
10:45am

Contemporary Worship
Saturday 7:30pm

Anglican
Sunday 10:30am

2025/08/14



TRINITY LUTHERAN CHURCH

Traditional Worship
Saturday 5:30pm
Sunday 8:00am
10:45am

Contemporary Worship
Sunday 9:30am

Sunday School
& Adult Education
Sunday 9:30am

lutheranworth.org

2025/08/14



2025/08/14



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2025-13 BZA

Application No. 17544

Fee (non-refundable) \$350.00

Filing Date 7/3/2025

Hearing Date 8/18/2025

Publication Date 7/23/2025

PETITION

Property Zoning: R1-L

Location of Subject Property: Trinity Lutheran Church, 2101 10th Ave., Leavenworth Kansas

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

Petitioner: Young Sign Co., Inc

Petitioner Address: 326 Choctaw St., Leavenworth KS

Email: sales@youngsigncompany.com Telephone: 913-651-5432

Petitioner's Interest in Property: Church requests updating their sign to an electronic message center & ID sign.

Purpose of Petition: Variance request to allow the overall reduced sign size and include an EMC. Current code restricts the size of the EMC to only 25% of the total 32 sq. ft. restriction. Existing sign is 40 sq.ft.

☐ Appeal of Administration Decision _____ Date of Decision _____

Section 11.03.A

☒ Variance: _____

Section 11.03.B

☐ Exception: _____

Section 11.03.C

Site Plan or drawing attached (hard & digital copy): Yes ☒ No ☐

I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name (print): Mark Denney

Signature: Mark Denney Date: 7/1/2025

State of Kansas)

County of Leavenworth)

Signed or attested before me on July 1, 2025 by Laura L. Robinson

Notary Public: Laura Robinson

My appointment expires: 10/20/25 (Seal)

LAURA ROBINSON
Notary Public - State of Kansas
My Appt. Expires 10/25/25

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

Check list below...

<input checked="" type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input checked="" type="checkbox"/>	Full legal description of subject property obtained from the Register of Deeds Office (913-684-0424)
<input checked="" type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property – County GIS Department 913-684-0448
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

8/11/25 REVISED
 PER CITY REQUEST:
 Black Frame :50"x121"= 42.01 sq. ft.
 Adding the top of the
 logo adds .75 sq. ft.
 Total: 42.76 sq.ft.

17"
 50"
 31.5"

121"
 46"
 42"
 75"
 72"

ID sign: 16.72 sq. ft.
 EMC: 26.04 sq. ft.
 Total: 42.76 sq. ft.



street
 side



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DATE 08/11/2025 R2

ann@youngsigncompany.com

Trinity Lutheran Church
 Leavenworth, KS 66048

Side A- on NORTH SIDE of structure

street
side

DAKTRONICS

10mm FULL COLOR EMC

CABINET SIZE 50" X 75"

ACTIVE AREA 44" X 72"



TRINITY LUTHERAN CHURCH

LCMS



**YOUNG
SIGN
COMPANY**

326 Choctaw St., Leavenworth, KS.
913-651-5432

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DATE 04/07/2025 DESIGNER Ann Hoins

ann@youngsigncompany.com

**Trinity Lutheran Church
Leavenworth, KS 66048**

Side B- on SOUTH SIDE of structure



DAKTRONICS.COM

201 Daktronics Drive PO Box 5128
Brookings, South Dakota 57006-5128
T 800-325-8766 605-692-0200 F 605-697-4700
signagelegislation@daktronics.com

August 13, 2025

Re: Digital Signage Manufacturer's Brightness Certification

Sign Type: Galaxy® Outdoor Electronic Message Center - GT6X-108x180-10-RGB-2V

Installation Site: Leavenworth, Kansas

To Whom It May Concern:

The following information pertains to the above-referenced display, manufactured by Daktronics, Inc.

The subject display is capable of complying with the requirements of Article 8, Section 8.13 of the City of Leavenworth, Kansas Code of Ordinances, specifically:

1. The Galaxy® display, like all Daktronics displays, is equipped with a light-sensor (photocell) that detects ambient light levels and adjusts the display intensity automatically according to natural ambient light conditions. The sign is set to not exceed the brightness level of 0.3-foot candles above ambient light as measured using a recently calibrated foot-candle lux meter and based on the following formula: $\text{Measurement distance} = \sqrt{(\text{the area of the sign in sq. ft.} \times 100)}$.
2. The Galaxy® display comes equipped with the ability to hold messages static for a period of not less than eight (8) seconds and messages shall change directly and immediately with no flashing, strobing, blinking, fluttering, spinning, rotating, bouncing, scrolling and chasing.
3. The Galaxy® display will not include any audio message, tones or music.
4. The Galaxy® display can be programmed to meet the code requirements upon installation and that all programmed compliance features will be locked from future alteration.

Please note that the end user is responsible to work with Daktronics upon installation to program the required brightness settings. Daktronics, Inc. is the world leader in the design and manufacture of electronic display systems. We are committed to providing LED displays that adhere to the regulatory environment, working closely with our customers for a responsible approach to the market.

Please let me know if you have any questions or concerns.

Sincerely,

Jan Mandel

DAKTRONICS, INC.



326 CHOCTAW ST., LEAVENWORTH, KS. 66048 - 913-651-5432
see what we can do at YoungSignCompany.com

July 2, 2025

Board of Zoning Appeals

COVER LETTER-SIGN VARIANCE REQUEST- TRINITY LUTHERAN CHURCH

Trinity Lutheran Church was founded in 1955 and the cornerstone was laid at its present location, 2101 Tenth Avenue, in 1958. The church has ownership of the entire city block and the previous alley has been vacated to the church. In addition, the church own a small lot to the south next to the house located on Marion Street and another large vacant lot also on Marion which has large power poles running through it to the power sub-station located on Thornton Street.

Please find the attached documentation:

- *Variance Application, notarized, with legal description obtained from Register of Deeds, Leavenworth County.
- *GIS listing & map of property owners within 200 ft. of the church property.
- *Letter stating the purpose of the variance request with answers to the five criteria
- *Site plan
- *Sign plan, showing existing sign and requested sign update
- *Sign construction letter

Sincerely,

A handwritten signature in black ink that reads 'Ann M. Hoins'.

Ann M. Hoins
Young Sign Co. Inc.

Trinity Lutheran Church Representatives:
Mark Denney, President, Board of Directors
Ron Romig, 1st VP, Board of Directors
Reverend Dr. Damian Snyder



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July 2, 2025

Board of Zoning Appeals,

We respectfully request inclusion on the agenda to appear before your board at the meeting scheduled for August 18, 2025.

The purpose of our appearance will be to request that the existing monument sign for Trinity Lutheran Church, located at 2101 Tenth Avenue, Leavenworth, be updated with an Electronic Message Center and ID sign with logo.

The existing brick base is 10' wide in the middle and the current sign with the church name, logo, and service times is 4' x 10' wide. (40 Sq. Ft.) The sign has acrylic faces and is internally illuminated. The code restricts the overall size of their monument sign to only 32 sq.ft. and in addition, restricts the use of an EMC to the small size of 25 % of the 32 sq. ft. which is only 8 sq. ft. Electronic Message Signs aren't manufactured in 12" square increments, so obtaining an 8 sq. ft. EMC is extremely difficult and would appear so small that it would be deemed inadequate for readability purposes.

VARIANCE CRITERIA RESPONSES for TRINITY LUTHERAN CHURCH SIGN:

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

The need for this variance stems from a unique combination of physical and contextual circumstances that are not typical within the residential zone. Trinity Lutheran Church, though zoned residential, operates as an institutional and public-serving property—distinct from standard residential dwellings. It sits at a major intersection near Leavenworth High School and other civic infrastructure, creating a visibility and communication necessity that differs markedly from neighboring single-family homes.

Additionally, the sign's placement, scale, and aesthetic were established under previous code allowances, prior to the zoning revisions that introduced the current square footage limitations. This places the church in a uniquely constrained position where compliance would require downsizing an existing monument base and reducing message center visibility to an ineffective degree. These circumstances were not created by the church or the applicant, but rather by evolving municipal codes and the inherently mixed-use context of the site.

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

The proposed sign, though exceeding the standard size limits for residential areas, is designed with community sensitivity in mind. The visibility of the sign is limited to only one residential property to the north, while all other neighboring areas either face away, are blocked by vegetation and infrastructure, or are commercial or public in nature (e.g., Leavenworth High School directly across the street). The sign is mounted on a tasteful brick base with attractive columns, ensuring aesthetic integration with the surroundings. Additionally, the church agrees to abide by the 10:00 PM shutoff time for the EMC, ensuring there is no light pollution or disturbance during residential quiet hours. These factors collectively ensure that the rights and quality of life of nearby residents are preserved.

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

Applying the regulation's 32 sq. ft. total signage limit and 8 sq. ft. restriction for an Electronic Message Center (EMC) in this context imposes an unnecessary and impractical hardship. An 8 sq. ft. EMC is functionally inadequate—not only are such small units difficult to source from reliable manufacturers, but they also fail to deliver meaningful communication to the public due to visibility limitations. Trinity Lutheran Church aims to share service times, community events, and spiritual messages that benefit both members and passersby. The hardship is further amplified by the fact that the sign's physical structure already exists and conforms to appropriate setbacks. Denying the variance based solely on rigid square footage limitations, when the impact is minimal and mitigated, would prevent the church from reasonably using its property in line with its mission.

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

The proposed signage promotes public convenience and welfare by providing clear, timely communication from a longstanding community institution. The EMC will display messages of encouragement, event information, and public announcements—all aligned with the church's role as a community hub. There is no element of the signage that compromises safety, order, or morals. The church's voluntary agreement to power down the EMC nightly ensures that light emissions remain well within acceptable limits for residential peace. Rather than detract from the public good, the sign enhances it.

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

The spirit and intent of the residential signage code is to preserve neighborhood character, avoid visual blight, and ensure residential comfort. This application respects those values. The proposed sign is modestly larger than code allows, yet it is professionally designed, tastefully installed, and does not create undue impact on the area's aesthetics or use. It serves a property that, although zoned residential, functions as an institutional landmark—a church—with community-wide reach and responsibility. The variance allows flexibility where warranted, without eroding the broader principles the code seeks to uphold.

Approving this variance will not set a precedent for commercial overreach in residential zones but will instead demonstrate thoughtful adaptation for institutional properties with unique communication needs. The public will not experience harm, only increased access to relevant information and community engagement. With appropriate design, limited operating hours, and negligible visual intrusion, the sign represents a balanced solution that supports both regulation goals and practical communication needs.

We appreciate your thoughtful consideration of this variance request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ann M. Hoins".

Ann M. Hoins
Young Sign Co. Inc.

Trinity Lutheran Church Representatives:
Mark Denney, President, Board of Directors
Ron Romig, 1st VP, Board of Directors
Reverend Dr. Damian Snyder



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July 2, 2025

CONSTRUCTION NOTES:

Width of existing brick between the columns is 128" Depth of brick columns is 16"

Existing Internally illuminated cabinet: 121.5' wide x 48" H x 16" Deep, hinged faces.

Existing Cabinet is supported by two steel supports on both sides of the sign. 3.25" space on the left and right of sign.

Church will remove all plants prior to any work being done at site. Brick repair by others if needed.

SIGN CONSTRUCTION MATERIALS and EMC SPECIFICATIONS:

After removal of existing sign cabinet, install three horizontal metal tubing supports between the brick columns to mount signs to.

The two EMC signs are 7" deep, back to back attached to supports so overall width is 16". EMC signs, by Daktronics, have full capabilities of image and message control, automatic turn off at mandated times as needed, and automatic control of brightness depending on weather conditions and ambient lighting. The church will adhere to all regulations in section 8.13 of the Development Regulations.

The two ID signs, 50" tall x 46.5" wide by 7" deep, will have a full metal framework construction, metal backer panel, face, and retainer system.

The white acrylic face behind the metal to be decorated with church name. The signs will be internally illuminated with led modules and power supplies.

The cross logo signs are attached channel construction, metal backs, returns, with white acrylic decorated as shown.

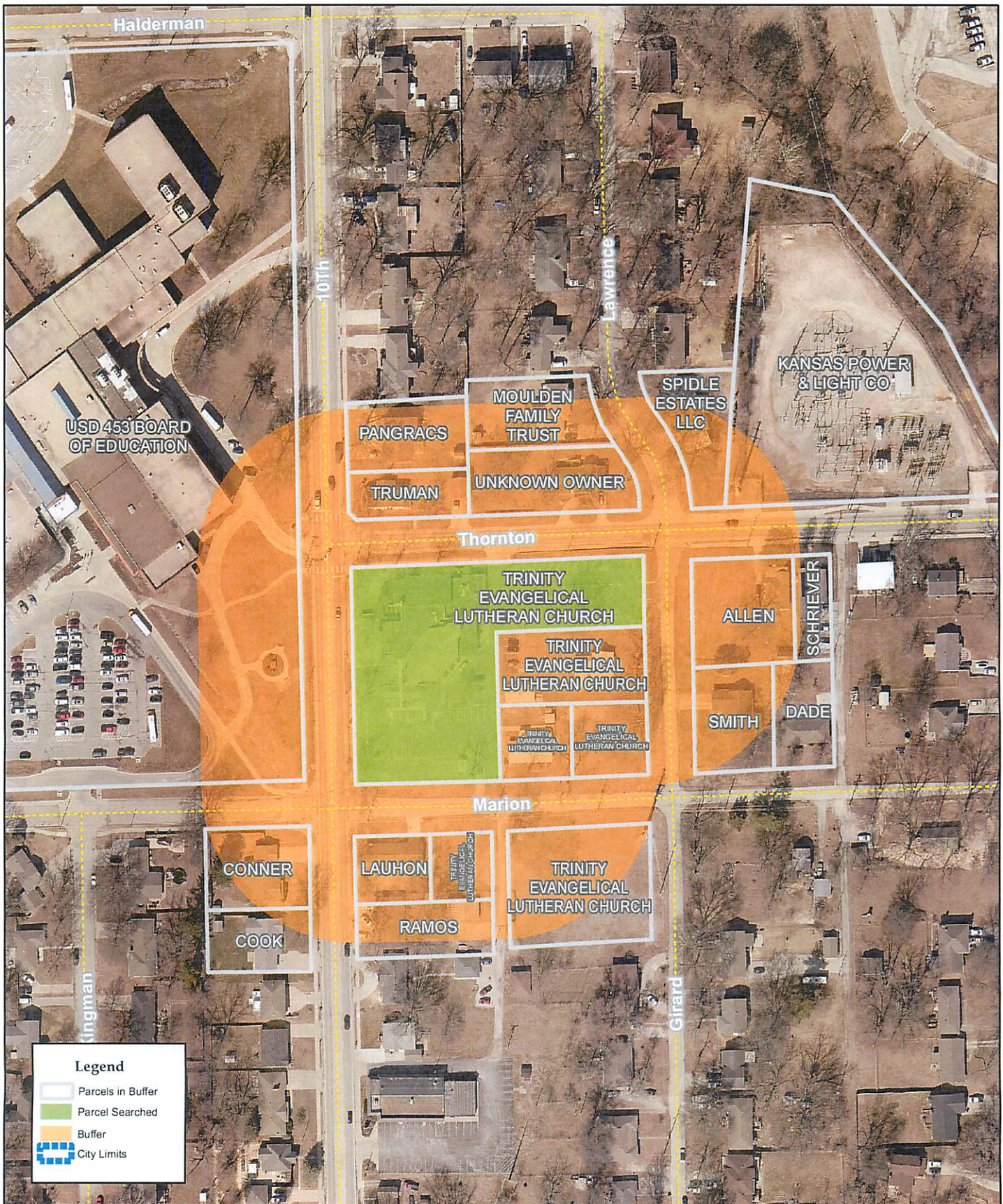
They are internally illuminated with led modules and power supplies. The logos are 27" high x 16" wide and 3.5" deep.

These two decorative elements will be mounted on the front side of the metal structure to add dimension and highlight the cross design.

All Young Sign Co., Inc. and Daktronic EMC signs are UL certified.

City of Leavenworth

Property Radius Search

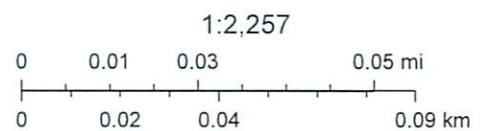


2101 10th Ave - Zoning



8/13/2025, 11:21:18 AM

- Override 1
- Zoning_CURRENT
- ▨ GBD
- ▨ I-2
- ▨ R1-6
- ▨ R1-9
- ▨ Parcels (City Owned)
- ▭ Parcels_Current
- ▭ Buildings
- Address (Points)
- ▭ Leavenworth City Limits
- ▭ City Right-of-Way
- RoadCenterline



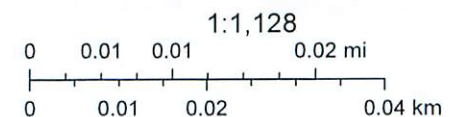
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2101 10th Ave - Trinity Lutheran Church



8/13/2025, 11:16:53 AM

- Override 1
- Parcels_Current
- Buildings
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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