

LEAVENWORTH BOARD OF ZONING APPEALS

Monday, October 20, 2025 – 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: September 15, 2025 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. 2025-18 BZA – 2410 S 14TH STREET.

Hold a public hearing for Case No. 2025-18 BZA – 2410 S. 14th St., wherein the applicant is seeking variances from Section 1.05 of the adopted Development Regulations to expand an existing nonconforming gravel driveway in the R1-9 (Medium Density Single Family Residential District) zoning district.

2. 2025-21 BZA – 513 MAPLE STREET.

Hold a public hearing for Case No. 2025-21 BZA – 513 Maple St., wherein the applicant is seeking a variance from Section 4.04.B of the adopted Development Regulations to allow a detached garage larger than the allowable size in the R1-6 (High Density Single Family Residential District) zoning district.

ADJOURN



BOARD OF ZONING APPEALS MINUTES
MONDAY, September 15, 2025, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

CALL TO ORDER:

Board Members Present

Daniel Bolling
Jan Horvath
Ted Davis
Ron Bates

Board Member(s) Absent

City Staff Present

Michelle Baragary
Kim Portillo
Sarah Roll

Chairman Ron Bates called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: August 18, 2025

Chairman Bates asked for comments, changes or a motion on the August 18, 2025 minutes to present for approval. Commissioner Horvath offered a motion to approve the minutes as presented, seconded by Commissioner Bolling and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2025-15 BZA – 771 OTTAWA STREET

Hold a public hearing for Case No. 2025-15 BZA – 771 Ottawa St., wherein the applicants are requesting a variance to allow an Accessory Dwelling Unit to be occupied without the owner occupying the principal dwelling unit in the R1-6 High Density Single Family Residential zoning district.

Chairman Bates called for the staff report.

City Planner Michelle Baragary provided the Board with an overview of the application. She stated that the property located at 771 Ottawa St. is zoned RI-6 (High Density Single Family Residential District), and is currently functioning as a Residential Home-Stay (Airbnb) with an existing detached accessory

building. The owner, Carl Piekarski, intends to use the detached accessory building as an accessory dwelling unit, which will be rented. Accessory dwelling units are allowed with issuance of a Special Use Permit based on the requirements of Section 4.04 of the adopted Development Regulations:

Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:

- (1) Shall be compatible with the design of the principal dwelling unit.*
- (2) Shall respect the general building scale and placement of structures to allow shoring of common space on the lot, such as driveways and yards.*
- (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.*
- (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.*
- (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.*
- (6) Shall meet all building code requirements for a single family dwelling unit.*
- (7) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.*

The owner has indicated that he does not intend to live in either the principal dwelling or accessory dwelling unit, and that he intends to rent both the principal and accessory units separately. In November 2022, a Special Use Permit (SUP) was issued to allow the principal dwelling at 771 Ottawa to function as a Residential Home-Stay (Airbnb) in the RI-6 zoning district. If the variance is granted, the applicant intends to continue operating the Airbnb. One of the conditions of the SUP for the Airbnb states that any guests of the property must park in the driveway or garage of the home. Per section 5.02 of the Development Regulations, the required off-street parking rate for a single-family or two-family dwelling unit is 2 per each dwelling unit, totaling 4 off-street parking spaces. Currently, there are 2 approved parking spaces used for the principal dwelling. The property allows room for a gravel-parking pad off the rear alley. The gravel parking pad shall be contained by a border, and may be a maximum of 37 feet as measured from the rear property line.

According to the submitted application, the detached accessory structure was converted to a single dwelling unit prior to the applicant purchasing the property in August 2021. Sometime after November 2022, the applicant renovated the detached accessory structure. The City has no record of the conversion or renovations of the detached accessory structure. Since building permits were not issued, staff is unaware if the renovations meet residential building codes.

There has been one SUP issued for an ADU, which occurred in 2024. The ADU was existing nonconforming, as ADUs were not specifically addressed in the Development Regulations at the time of construction of the detached structure. In 2021, a variance application was submitted to allow an ADU at a property in which neither the principal dwelling nor the accessory dwelling would be occupied by the property owner, and was denied.

If the Board were to grant the variance, staff would recommend a condition be added to require parking be installed directly off the rear alley to accommodate 2 vehicles. Additionally, a Special Use Permit would need to be approved to allow the accessory dwelling, subject to the variance.

Ms. Baragary read the staff comments to the board.

Chairman Bates asked if there were any questions.

Commissioner Davis asked if he understood correctly and staff disagrees.

Ms. Baragary commented that staff disagreed with condition (e).

Chairman Bates commented that the duplexes across the street have been established before the development regulations were adopted and wanted to verify there were no variances granted for those buildings.

Ms. Baragary confirmed that there are no active variances or Special Use Permits for those duplexes. If they were to be destroyed more than 50%, they would not be permitted to rebuild duplexes without a Special Use Permit.

Chairman Bates asked if the photos submitted were taken recently.

Ms. Baragary confirmed the photos are recent and were taken by both staff and the applicant.

Commissioner Horvath asked if staff had received any feedback or comments from neighboring properties.

Ms. Baragary stated that staff received one general inquiry. No comments were made.

Commissioner Horvath asked if the owner completed these upgrades with approved permits.

Ms. Baragary stated no permits were obtained.

Commissioner Horvath noted that electricity will need to be separated, should this variance be approved.

Ms. Baragary stated if this variance is granted, owner will be required to obtain all applicable permits and inspections.

Commissioner Davis asked for clarity on the conditions needing to be met. If the owner tried to obtain building permits for a structure such as this, would this issue be addressed that if he did not contact the Planning & Zoning Department.

Ms. Baragary confirmed that Planning & Zoning work closely together with Permits and the Planning department would intervene and still require a Board of Zoning Appeals review.

Commissioner Davis asked if staff believes that this would not bring any hardship to the owner and clarified that the Special Use Permit for the Residential Home Stay is for the primary building only.

Ms. Baragary confirmed.

Chairman Bates asks if there are any more questions, and then opened the public hearing.

Mr. Carl Piekarski approached the stand and stated he was the owner of the property. He has been working with the V.A. to help veterans with housing.

He states that he and his son in law have been renovating the shed for a veteran who needs a single place to live. Being a former compliance officer, after he discovered this is not in conformance with the

Development Regulations, he has been working with the Planning department in hopes of bringing this unit into compliance.

Commissioner Bolling asked if the main structure is the Residential Home Stay and the Accessory Dwelling Unit will be the shed for the veteran needing a home.

Mr. Piekarski confirmed the renovated shed will be the Accessory Dwelling Unit.

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

Commissioner Davis asked why the Development Regulations require the owner of the property to occupy one of the structures of an Accessory Dwelling Unit.

Director Kim Portillo explained the regulations and requirements of an Accessory Dwelling Unit.

With no further discussion, Chairman Bates 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: Staff disagrees. The property is located in the RI-6 (High Density Single Family Residential District) zoning district, and is occupied by a single-family dwelling unit with an existing detached accessory structure. The lot width is 48', and lot size is 6,000 SF, which meets the development standards. The property is surrounded by single-family homes with the exception of four existing nonconforming duplexes to the north. In November 2022, the applicant applied for and was issued a Special Use Permit to allow a Residential Home-Stay (Airbnb) in the principal dwelling. When operating an Airbnb in a residential neighborhood, the Development Regulations do not allow an accessory structure located on the same lot to be rented as well. The need for the variance arises from the property owner's desire to increase revenue.

Vote 0-4

All members voted in the negative.

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

Staff comment: Staff agrees. Four existing nonconforming duplexes are located on the north side of Ottawa, across the street from the subject property. The ADU would be an additional housing option for a single-person.

Vote 4-0

All 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: Staff disagrees. The Development Regulations offers several rental uses in residentially zoned neighborhoods, such as Bed & Breakfast Inns, Residential Home-Stay, and Boarding & Rooming Houses, all of which require the issuance of a SUP. Each of the stated uses have specific regulations and requirements to meet the intent of that use. Furthermore, the Development Regulations allows two-family dwelling units in the RI-6 zoning district with the issuance of a SUP as well. A primary difference between ADUs and two-family dwelling units is that ADUs are accessory and subordinate to the principal dwelling unit. Of the many rental options offered in the Development Regulations, the applicant chose the Residential Home-Stay

Vote 1-3

Commission Horvath voted in the affirmative. 3 members voted in the negative

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

Staff comment: Staff agrees. Four existing nonconforming duplexes are located on the north side of Ottawa Street, across the street from the subject property. Staff does not believe the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. However, since permits were not issued for the conversion and renovations of the detached building, should the variance be

granted, the applicant shall acquire all necessary permits and inspections to ensure code compliance before renting the space as a living unit.

Vote 4-0

All 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: The Development Regulations offers several rental uses in residentially zoned neighborhoods, such as Bed & Breakfast Inns, Residential Home-Stay, and Boarding & Rooming Houses, all of which require the issuance of a SUP. Each of the stated uses have specific regulations and requirements in order to meet the intent of that use. ADUs are specifically intended to allow, for example, an elderly parent or independent living that is accessory and subordinate to the principal dwelling occupied by the property owner. The ADU cannot be accessory or subordinate to a principal dwelling that is operating as an Airbnb.

Vote 0-4

All members voted in the negative.

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 an accessory dwelling unit on a property in which neither the principal nor accessory dwelling are occupied by the owner of the property, as described herein and subject to subsequent approval of a Special Use Permit.

Chairman Bates stated that based on the findings, the variance for Case No. 2025-15 BZA is denied.

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

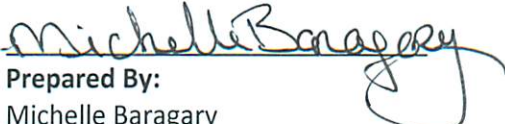
Chairman Bates called for a motion to close the meeting. Commissioner Horvath made a motion to adjourn the meeting, seconded by Commissioner Bolling and passed 4-0.

The meeting adjourned at 6:34 p.m.

Minutes taken by Planning Assistant Sarah Roll.

BOARD OF ZONING APPEALS AGENDA ITEM
VARIANCE REQUEST
2025-18-BZA
2410 S 14TH STREET

OCTOBER 20, 2025


Prepared By:
Michelle Baragary
City Planner


Reviewed By:
Kim Portillo
Director of Planning and
Community Development

SUMMARY:

The applicant, Jennifer Koppen, is requesting a variance from Section 1.05 of the adopted Development Regulations to allow the expansion of a nonconforming gravel driveway.

DISCUSSION:

The subject property, 2410 S 14th Street, is situated in the R1-9 (Medium Density Single Family Residential District) and contains a single-family home with a side-loaded attached garage. The existing driveway is a lawfully established nonconforming gravel driveway, installed in 1954. All surrounding properties utilize paved driveways, consistent with the neighborhood standard.

The continuation of the existing nonconforming driveway is permitted under the regulations, provided it is maintained and not expanded or abandoned. Abandonment would occur if the driveway is not maintained (e.g., gravel washes away, or it becomes overgrown), requiring any new installation to conform with the current Development Regulations.

The Development Regulations strictly prohibits the physical expansion of any nonconforming use. Section 1.05.D.3 states:

Extension. Any nonconforming use shall not be physically extended, expanded, or enlarged. Such prohibited activities shall include, without being limited to:

- a. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments or that cause such use to become nonconforming).*

The subject property was sold in December 2024. Following the sale, and prior to mid-July 2025, the nonconforming driveway was expanded. This expansion included widening the entrance at 14th Street (extending over the property line) and expanding westward approximately 52 feet, widening the final dimensions to 23 feet. This action directly violates Section 1.05.D.3, necessitating the current variance request.

After notices were sent to property owners within 200 ft. as required by State Statute, staff received one inquiry.

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 comments: Staff disagrees. The subject property is typical for the residential neighborhood. The desire for a larger driveway is not unique, and the expansion was an action of the property owner after the 2024 sale. Staff supports the continuation of the nonconforming driveway as it existed in 2024, but finds no unique condition to allow its expansion.

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

Staff comments: Staff disagrees. The expanded gravel entrance off 14th Street extends onto the neighboring property to the south. Additionally, uncontained gravel (due to lack of a border) will wash away over time, negatively impacting adjacent parcels.

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 comments: Staff disagrees. The Development Regulations already allow the nonconforming use (the existing gravel driveway) to continue. Strict application only prevents the expansion or enlargement of that use, which is a standard requirement for all nonconforming properties.

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

Staff comments: Staff disagrees. Increasing the nonconforming nature of the driveway (from an allowed single 12 ft. width to an 18 ft. entrance, extending 52 ft. west to a 23 ft. width) exacerbates its inconsistency with the aesthetic standards of the paved-driveway neighborhood. This adversely affects the aesthetic and potentially the property values in the neighborhood

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

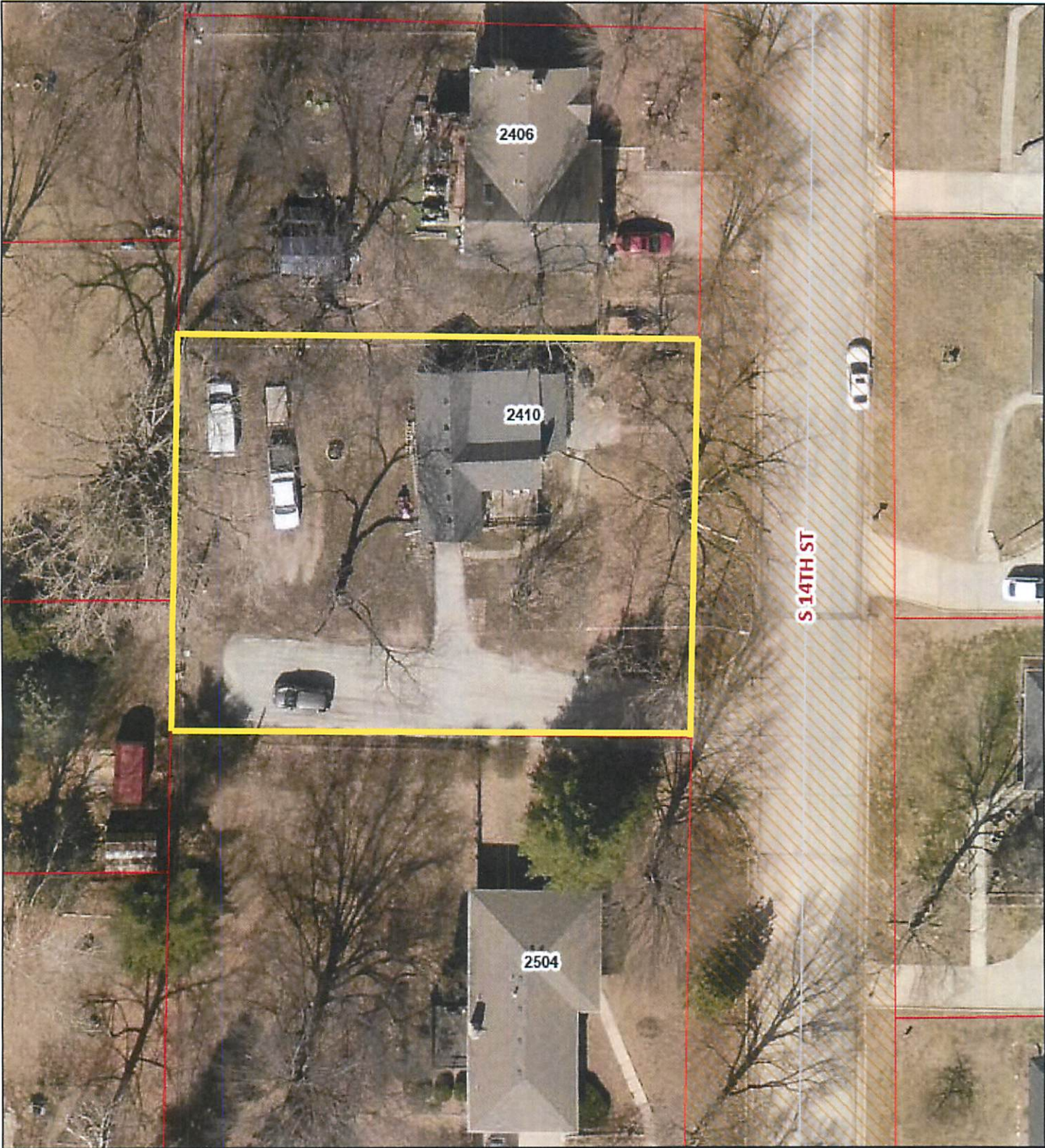
Staff comments: Staff disagrees. The intent of the Development Regulations is to allow the continued use of the existing nonconforming driveway, but to prevent its physical expansion or enlargement. Granting a variance for an already-completed expansion of a nonconforming use directly opposes the general spirit and intent of the 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:

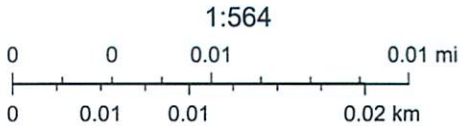
Approve or deny the variance request from Section 1.05 of the adopted Development Regulations to allow an expansion of a nonconforming gravel driveway.

2025-18 BZA - 2410 S 14th St



10/16/2025, 4:41:36 PM

- Lines
- Override 2
 - Parcels_Current
 - Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

Condition of 2410 S 14th St. when listed for sale on Zillow.

Listing updated: December 13, 2024 at 08:01am

Listing Provided by: Hillary Anderson 913-306-3156, Realty Executives

Bought with: Trisha Alton, SP00223822

Realty Executives

Source: Heartland MLS as distributed by MLS GRID, MLS#: 2485922





Photo taken by staff on 10/16/25



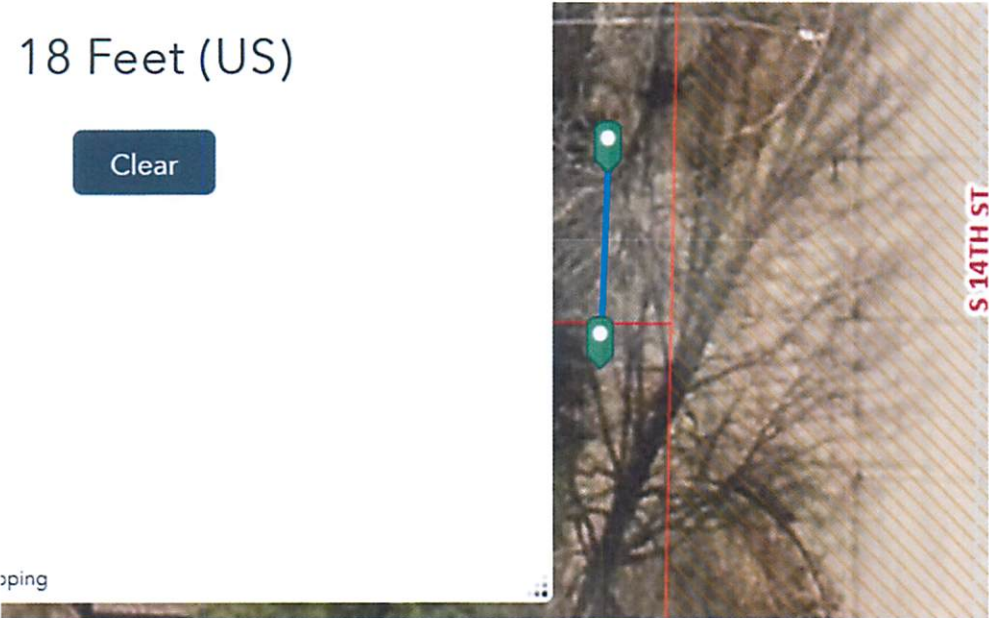
Photo from Google Maps – November 2024



Measurements from GIS

18 Feet (US)

Clear



Measurement Result

23.1 Feet (US)

Clear



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

PETITION

Property Zoning: R1-9

Location of Subject Property: 2410 South 14th Street

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

Petitioner: Jennifer Koppen

Petitioner Address: 2410 South 14th Street

Email: jen_koppen@icloud.com

Telephone: 913-306-0477

Petitioner's Interest in Property: Owner

Purpose of Petition: to keep the current gravel driveway footprint, that was installed prior to my purchase of the property on June 5, 2025

- ☐ 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): Jennifer Koppen

Signature: _____ Date: 8/20/25

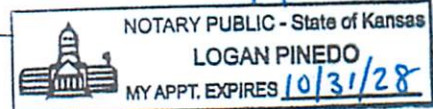
State of Kansas)

County of Leavenworth)

Signed or attested before me on August 20, 2025 by Jennifer Koppen

Notary Public: Logan Pinedo

My appointment expires: 10/31/28 (Seal)



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

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

OFFICE USE ONLY

Case No.: 2025-18 BZA

Application No. 17824

Fee (non-refundable) \$350.00

Filing Date 8/20/25

Hearing Date 10/20/2025

Publication Date 9/24/2025

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 06/06/2025

Chen Koppen

COUNTY CLERK

DOC #: 2025R03826
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
06/06/2025 08:00:37 AM
RECORDING FEE: 38.00
PAGES: 2

Property Address:
2410 South 14th Street, Leavenworth, KS, 66048

WARRANTY DEED

Alliance Nationwide Title Agency, LLC
KS-ANTA-LV-505162

THIS INDENTURE, made this 2 day of June, 2025 between Christian Barnes and Rebecca Barnes, a married couple hereinafter referred to as "Grantors", and Jennifer Koppen, a single person hereinafter "Grantee" whose mailing address is: 2410 South 14th Street, Leavenworth, KS 66048.

FOR VALUABLE CONSIDERATION OF TEN DOLLARS (\$10.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, Grantors, do hereby grant, bargain, sell and convey unto the said Grantee, the following described real estate, lying in the County of Leavenworth, State of Kansas, to-wit:

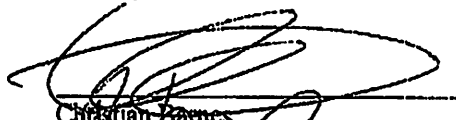
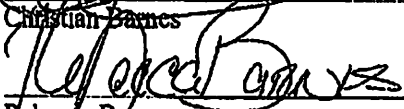
The South 65 feet of the East 135 feet of Block 3, Cleveland Park Subdivision, City of Leavenworth, Leavenworth County, Kansas. AND the Adjacent North Half (35 feet by 135 feet) of vacated Santa Fe Street, City of Leavenworth, Leavenworth County, Kansas. Parcel 1 as shown on the Survey recorded November 14, 1990 in Book S14 at Page 92.

SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.

TO HAVE AND TO HOLD the same unto Grantees, and unto Grantees' heirs and assigns forever, with all rights and appurtenances thereunto belonging. GRANTOR(S) hereby covenant on behalf of Grantor and Grantors' heirs, personal representatives, executors and assigns that said GRANTOR(S) is lawfully seized of an indefeasible estate in fee simple of said premises; that Grantor has a good right to sell and convey the same as aforesaid; that the premises are free and clear from any encumbrance done or suffered by Grantor(s) or those under who they claim; and will forever warrant and defend the title to the said premises against all lawful claims of all persons whomsoever, excepting, however: (i) taxes not yet due and payable and any special taxes becoming a lien after the date of this deed; (ii) all easements, conditions, restrictions, mineral reservations, and other matters of record; (iii) matters which would be revealed by a survey or inspection of the Real Estate; and (iv) all zoning ordinances.

IN WITNESS WHEREOF, the said GRANTORS have executed these presents to be effective as of the day and year first above written.

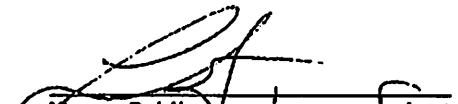
WITNESS Grantors' hands this 2 ^{June} Day of ~~May~~ of 2025
~~May~~


Christian Barnes

Rebecca Barnes

STATE OF Kansas
County (and/or City) of Leavenworth

On this 2 day of June 2025, before me, the undersigned, a Notary Public in and for said state, personally appeared, Christian Barnes and Rebecca Barnes, known to me to be the person who executed the within instrument, and acknowledged to me that he/she executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.


Notary Public Laura Finch

My Commission Expires: 5/30/27



SEND TAX STATEMENTS TO THE GRANTEE.

The applicant shall submit a statement, in writing, justifying the variance requested, indicating the enforcement provisions of the specific regulations from which the variance is requested, and outline in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 11.03.B.2 (a)-(f) of this article.

My name is Jennifer Koppen and I am the owner of the single-family home at 2410 South 14th Street. I purchased the home on June 2, 2025 (see Ex. 3). At the time I purchased the home, and still to this day, there was and is a gravel driveway. As you can see from the ariel GIS photo from 2016 (Ex. 6), this gravel driveway has been in existence for years. Additionally, the expansion of the gravel driveway occurred before I purchased the home. The ariel photo and site plan (Ex. 1), which was taken in the winter months of 2025 before I purchased the home in June shows the extended gravel driveway.

I did not create the noncompliant issue for which I am requesting a variance.

Granting the permit of this variance will not adversely affect the rights of adjacent property owners. From talking to the previous owner who installed the driveway, and from personally visually and physically inspecting the driveway, it was constructed with several inches of aggregate base 3 (AB3) crushed rock, topped with a layer of 1-inch gravel. There is no excessive dust, no drainage issues, it does not wash away, nor does it cause cross-contamination with any adjacent properties.

To not be granted this variance would constitute an unnecessary hardship on me, the property owner. When I purchased this property, I was provided no disclosure from the seller or seller's agent regarding this non-compliant driveway. If I were forced to remove this driveway to be in strict compliance with the development regulations, it would cost several thousands of dollars to remove the gravel, grade the land, sod the formerly enlarged part of the driveway, and concrete in the new driveway. It would also result in significant disruption to me and my neighbors to have lots of heavy earthmoving equipment present on the property for several weeks to modify the property as required. It would also require street parking during the construction, and after, if the driveway is required to be returned to its original footprint. The property is located near the end of a dead-end street (third house from the end), which already makes street parking limited.

Granting this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. On the contrary, it will have a positive effect on the neighborhood, eliminated the need for the massive horizontal construction job described above.

Based on the forgoing, and the very professional installation, and clean and tidy appearance of the existing gravel driveway, we believe granting this variance will not be opposed to the general spirit and intent of the development regulations.

**Documents in support of Board of Zoning Appeals Application for Jennifer Koppen,
2410 14th Street**

Exhibit 1 – Site Plan (on current Integrity GIS printout)

Exhibit 2 – Photo of the gravel drive

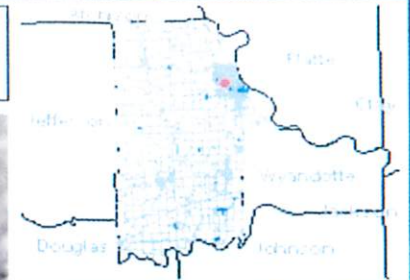
Exhibit 3 – Warranty Deed for 2410 14th Street, recorded on June 6, 2025 (showing change of ownership to Jennifer Koppen)

Exhibit 4 – Full legal description of 2410 14th Street

Exhibit 5 – Certified list of property owners from the County GIS Department

Exhibit 6 – 2016 GIS photo of property, showing former footprint of gravel drive

Leavenworth County, KS



Legend

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

Notes

Ex. 1,
Koppen Petition

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



Ex. 2,
Koppen Petition

Leavenworth County, KS 2016



Legend

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

39.4 0 19.72 39.4 Feet

1 in. = 20ft.



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.

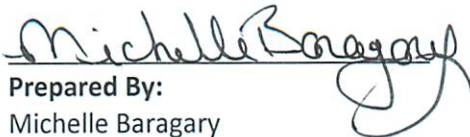
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Ex. 6
Koppen Petition

Board of Zoning Appeals Agenda Item
Variance Request
2025-21-BZA
513 Maple

OCTOBER 20, 2025



Prepared By:
Michelle Baragary
Planner



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

SUMMARY:

The applicant, Edward H. Allen II, is requesting a variance from Section 4.04 of the adopted Development Regulations to allow a detached garage greater than 1,200 square feet.

DISCUSSION:

The subject property is a 2.2 acre lot zoned R1-6 (Low Density Single Family Residential District) with an existing single family home on the lot. To the north and east of the property are single-family homes. To the west of the property is a church and catholic school, and to the south is land owned by the church and one single-family home.

Section 4.04 of the Development Regulations states that for single-family residences, detached garages on parcels one acre or larger may not exceed 1,200 square feet. The applicants are proposing to install a 1,620 square foot detached garage with a 120 square foot attached covered overhang, totaling 1,740 square feet for the overall size of the accessory structure. The garage will be located in the rear yard and will be constructed of post frame with metal siding and roofing. The applicant has chosen a design that is compatible with the existing single-family home, with overhead doors that match the existing home and a matching color palette. The applicant is proposing a concrete driveway extension off the existing driveway, which would be in conformance with the code.

After notices were sent to property owners within 200 ft. as required by State Statute, staff received one inquiry.

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 comments: Staff agrees. The subject property is unique in its size for the surrounding area. It is substantially larger than the average size of the single-family lots surrounding it, and at 2.2 acres is significantly larger than the minimum lot size in the zoning district of 6,000 SF. Staff finds that the size of the lot is unique for the zoning district and that the request is not created by any actions of the property owner.

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

Staff comments: Staff agrees. The proposed garage would be screened from view from the east or south due to existing vegetation. It would be set back 105 feet from the front property line and abut institutional uses to the west. Staff does not find that the variance would adversely affect the rights of adjacent property owners or residents.

- 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 comments: Staff agrees. Given the size of the property, restricting the owner to the standard accessory structure size permitted in this zoning district would prevent development that is proportionate to the scale of the lot. The 2.2 acre parcel has the same area as approximately fifteen lots meeting the minimum 6,000 square foot requirement for the zoning district. Although the applicant is requesting an accessory structure larger than what the code typically allows, the lot provides sufficient area to accommodate the request. Staff therefore finds that applying the same size limitation as would apply to a 6,000 square foot lot would create an unnecessary hardship.

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

Staff comments: Staff agrees. The garage will be built with proper permitting and inspections. It will be used for residential purposes and in keeping with the accessory use regulations. Staff finds it will not 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 comments: Staff agrees. The intent of this section of the development regulations is to ensure that development in the single-family district is residential in nature and physically compatible with the surrounding uses and structures. The proposed structure would be compatible in scale to the existing home and the size of lot. There will be significant open space left remaining on the lot and the structure will be smaller than the house. Additionally, the applicant is proposing a design that would be complementary to the home. Staff finds that the granting of the variance will not be opposed to the general spirit and intent of the Development Regulations.

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

ACTION:

Approve or deny the variance request from section 4.04 of the Development Regulations to allow a detached garage greater than 1,200 square feet.

2025-21 BZA - 513 Maple



10/16/2025, 11:00:35 AM

- Override 1
- Parcels_Current
- Buildings
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline

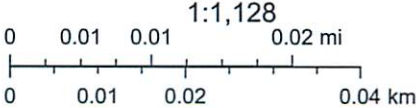


Photo taken by staff on 10/16/25





BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2025-21 BZA

Application No. 17889

Fee (non-refundable) \$350.00

Filing Date 9/3/2025

Hearing Date 10/20/2025

Publication Date 9/24/2025

PETITION

Property Zoning: R1-6

Location of Subject Property: 513 Maple St Leavenworth Kansas 66048

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

Petitioner: Edward H Allen II

Petitioner Address: 513 Maple St Leavenworth Kansas 66048

Email: R60785@yahoo.com Telephone: 9136833687

Petitioner's Interest in Property: I own the property

Purpose of Petition: I am seeking a size variance for a detached garage in the size of 1740 sq ft. 120sq ft of that is a covered pad for the exterior walk thru door of the garage.

☐ 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): Edward H Allen II

Signature: [Signature] Date: 9/3/2025

State of KANSAS)

County of LEAVENWORTH)

Signed or attested before me on Sept. 3rd 2025 by Edward Allen II

Notary Public: [Signature]

My appointment expires: 10/30/2025

(Seal)
JORDAN W. PEMBLE
Notary Public - State of Kansas

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

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

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 44620

Doc #: 2022R06833
TERRILLOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/18/2022 10:02:36 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

County Clerk

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 07/18/2022

Janet Klammke
COUNTY CLERK

CORPORATION WARRANTY DEED (Statutory)

THE GRANTOR,

The Roman Catholic Archdiocese of Kansas City in Kansas

a not-for-profit corporation duly organized, incorporated, and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at 12615 Parallel Parkway, Kansas City, Kansas 66109 in the State of Kansas, hereby
CONVEYS AND WARRANTS to

Brittan Young-Henderson, a single person and Edward Allen, a single person

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, as joint tenants with full rights of survivorship and not as tenants in common, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

Lots 1 through 10, Block 31, FACKLER'S ADDITION, and that part of vacated alley and vacated Ohio Street of Block 1 of STILLE'S SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on June 21, 2022, more fully described as follows: Beginning at the Northwest corner of said Lot 8; thence North 71 degrees 41'59" East for a distance of 359.78 feet along the North line of said Block 31 to the Northeast corner of said Lot 1; thence South 18 degrees 14'22" East for a distance of 132.63 along the East line of said Block 31; thence South 01 degrees 00'33" East for a distance of 188.80 feet along said East line; thence South 87 degrees 37'00" West for a distance of 138.91 feet along the centerline of said vacated Ohio Street to a point on the centerline of a vacated alley of said STILLE'S SUBDIVISION; thence South 01 degrees 00'38" East for a distance of 30.00 feet on said centerline; thence South 87 degrees 33'42" West for a distance of 167.67 feet along the South line of vacated Ohio Street; thence North 18 degrees 17'35" West for a distance of 256.86 feet along the West line of said Block 31 to the point of beginning. Known as Tract 2 on Certificate of Survey filed July 10, 2022 as 2022S031.

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 14th day of July A.D. 2022

The Roman Catholic Archdiocese of Kansas City in Kansas

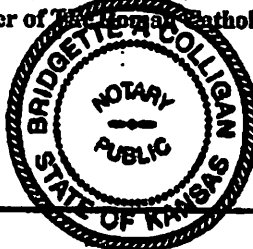
Carla K. Mills
Carla K. Mills, Secretary/Treasurer

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 14th day of July 2022 by:
Carla K. Mills, Secretary/Treasurer of The Roman Catholic Archdiocese of Kansas City in Kansas

My appointment expires:

5/18/2026



Bridgette A. Colligan
Notary Public
Bridgette A. Colligan

**Edward Allen
513 Maple St
Leavenworth, KS 66048
913-683-3687
R60785@yahoo.com**

September 3, 2025

**Leavenworth Planning & Zoning Board
100 N 5th Street
Leavenworth, KS 66048**

RE: Request for Variance 513 Maple St Leavenworth, KS 66048, R1-6 Zoning District

Dear Members of the Planning and Zoning Board,

I am writing to respectfully request a variance for my property located at 513 Maple St, which is zoned R1-6 Single-Family Residential. Specifically, I am seeking permission to construct a detached accessory structure (shop/garage) that exceeds the maximum allowable size for accessory buildings in the R1-6 district.

The proposed structure will measure approximately 45 feet by 36 feet with a height of 12 feet and a lean-to porch measuring 12' long x 10' wide. Totaling is size at 1740 square foot. My property is 2.2 acres in size, far exceeding the 6,000 sq. ft. minimum lot size for this zoning district. The structure will be a post frame garage with colored 29g metal siding and roofing. The garage doors will be two overhead doors that match the existing homes garage door style and color. (Color samples attached)The structure will be located toward the southwest side of the property, within all setback requirements, and will remain consistent with the residential nature of the neighborhood.

The purpose of this structure is personal use only; including the storage of vehicles, lawn and garden equipment, and use as a hobby workspace. It will not be used for any commercial or business activity.

The need for this variance arises because the current accessory structure size limitations in the R1-6 code were designed for standard-sized residential lots and do not account for larger parcels like mine. While my lot has ample space and buffering to accommodate a structure of this size without creating adverse impacts, the strict enforcement of the code would prevent me from making a reasonable and appropriate use of my property.

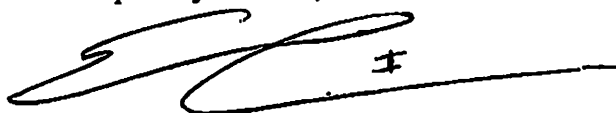
In support of my request, I note the following:

- 1. No adverse effect on neighboring properties**
The proposed structure will maintain appropriate setbacks, be screened in part by existing vegetation, and be residential in scale relative to the lot.
- 2. Consistency with the spirit of the zoning code**
The intent of the R1-6 district is to maintain residential character and prevent overcrowding. Given the size of my lot, this structure will not create density or congestion issues.
- 3. No harm to public health, safety, or welfare**
The structure will be built to code, with proper permitting and inspections, and will not generate traffic, noise, or hazards.
- 4. Unique property condition**
The unusually large size of my parcel within an R1-6 district creates a circumstance where the code's uniform accessory structure limits cause unnecessary hardship.
- 5. Architectural compatibility**
The building shall be architecturally compatible and complementary to the principal residence, utilizing similar materials, colors, roof forms, massing, and details/ornamentation to ensure visual harmony with the home and the surrounding neighborhood. Attached are color swatches of the materials being used.

Enclosed with this letter are a site plan, proposed building drawings, and photographs of the property, which demonstrate that the project is compatible with the surrounding area.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a horizontal line and a small crossbar.

Edward Allen

Edward Allen
513 Maple Street
Leavenworth, KS 66048
913-683-3687
R50785@yahoo.com

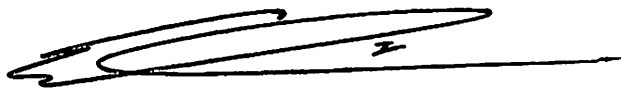
September 3, 2025

TO: City of Leavenworth Planning and Zoning

FROM: Edward Allen 913-683-3687

RE: Letter of Intent for New Post Frame Garage

I intend, at my current 513 Maple Street residence, to construct a 45' long by 36' wide x 12'-6" tall post-frame garage with colored 29g metal siding and roofing with a 12' long x 10' wide x 9' tall lean-to porch. Garage will have two overhead doors to provide access for parking two vehicles along with lawn equipment and supplies. There will be no second story or loft or stairs. Engineered trusses by Countrywide will be set at 4'-6" on center and triple laminated 6x5 pressure-treated posts set in 1'-2" diameter by 3'-6" deep foundations at 9'-0" on center with gable end posts extending to top of trusses to provide sufficient lateral bracing. Structural purlins and sheathing will be horizontal 2x4's at 24" on center with a bottom pressure-treated 2x8 plate and top 2x6 plate. Structure will have a concrete drive extension leading to the front from an existing drive made of 6" KCM MB concrete over 4" AB3 aggregate. No new or modified construction will be required in the city right-of-way. The offsets to property lines are 23' from the northwest corner to the west property line and 30' from the southwest corner to the property line and 292' from the northeast corner (porch) to the east property line and 315' from the southeast corner to the east property line and 105' from the north face of the structure to the north property line and 135' from the south face of the structure to the south property line. The structure will be offset 5' from the back line of the house and 22' from the west side of the house to the east face of the porch. These dimensions are provided on the attached site map. Also attached is information on the metal roofing and sides from Metal Panels, Inc. Also attached is a floor plan with a cross section framing detail. Also attached is my permit application. Thank you.



EDWARD ALLEN

9/3/2025
DATE

ArcGIS Web Map

ED ALLEN SUBMISSION
513 Maple Street



8/11/2025, 1:48:49 PM

Parcels_Current

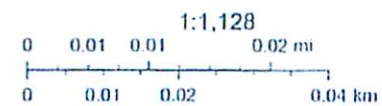
Address (Points)

City Right-of-Way

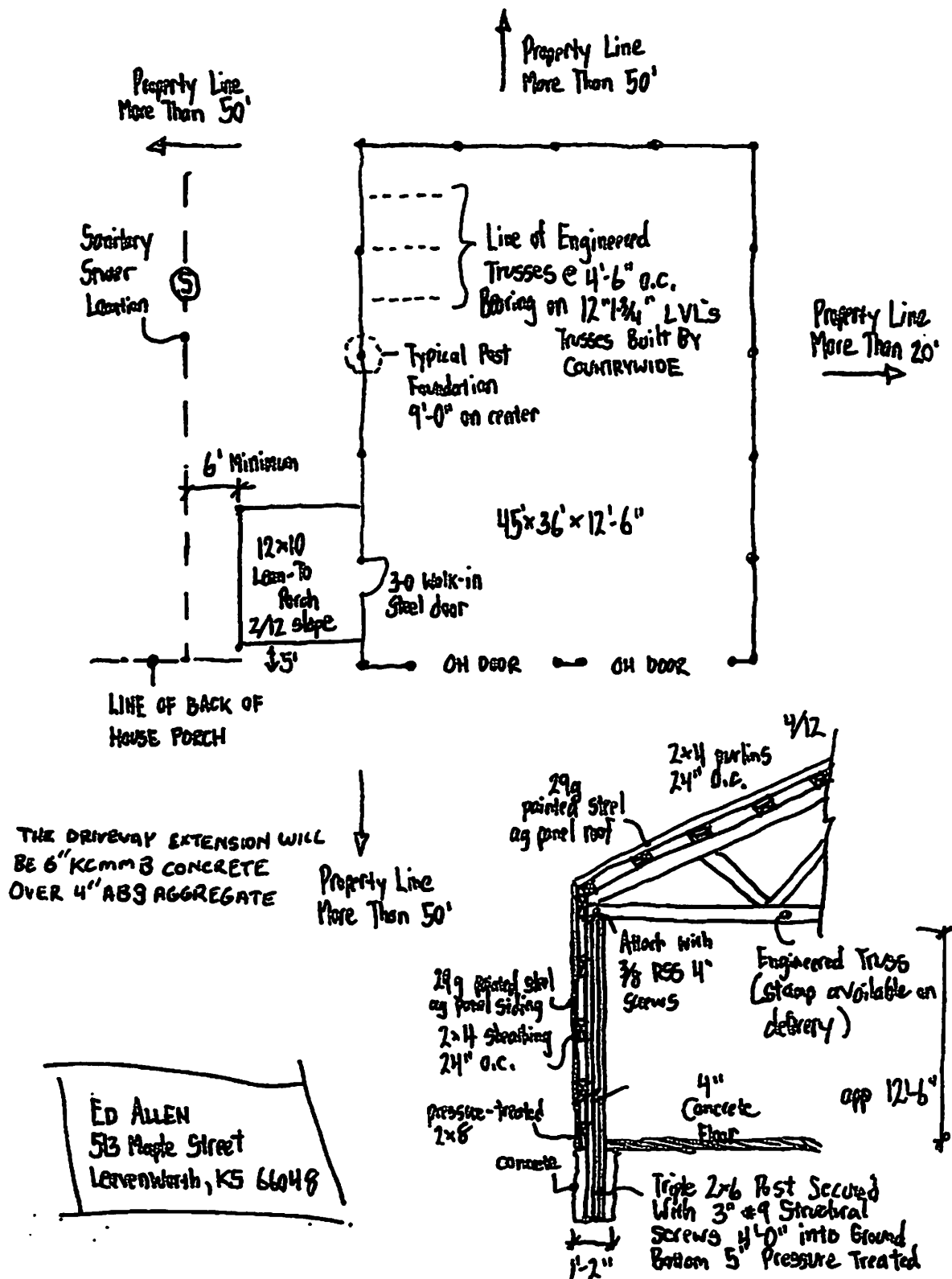
Buildings

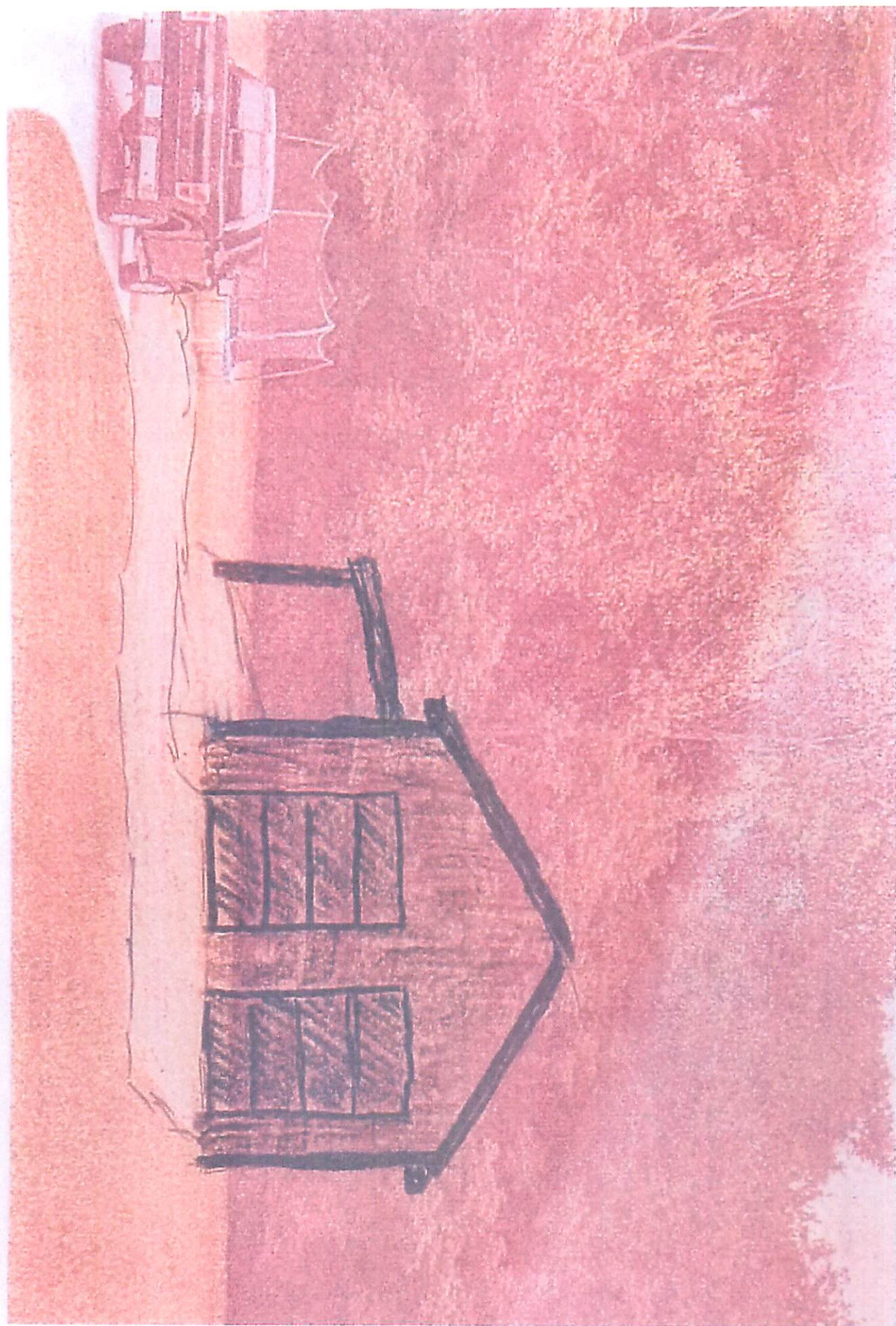
Leavenworth City Limits

RoadCenterline

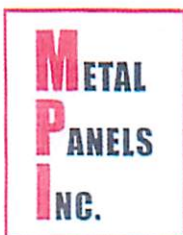


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community









Kansas City:
8341 Ruby Ave.
Kansas City, KS 66111
913-766-7200
855-818-4958 toll-free
913-766-7201 fax

Tulsa:
131 S. 147th East Ave.
Tulsa, OK 74116
918-641-0641
866-674-7657 toll-free
918-641-0640 fax



contact@metalpanelsinc.com
www.metalpanelsinc.com

Polar White

Ivory

Saddle Tan

Ash Gray

Burnished Slate

Ivy Green

Hawaiian Blue

Glossy White

Aztec Gold



All colors shown are approximate to actual finish colors. Please review actual finish samples before ordering. Custom colors available by special order (minimum order required). Samples available upon request.

Weather 40-Year Finishes ENERGY STAR compliant coatings by SHERWIN-WILLIAMS

Bone White

Light Stone

Desert Sand

Charcoal Gray

Brown

Hunter Green

Rustic Red

Black ROOF/TRIM/DOORS Galvalume

Berry

Crimson Red

26 GA. ONLY COLORS

Colony Green

Fern Green

*Gallery Blue

* PREMIUM COLOR

Our crinkle-finish colors in 26 GA:
Black • Charcoal • Burnished Slate

22 GA. available in Galvalume, Glossy White & A605 Weathering Steel

*Copper Penny

