

LEAVENWORTH BOARD OF ZONING APPEALS
COMMISSION CHAMBERS, CITY HALL
100 N 5th STREET, LEAVENWORTH, KANSAS 66048
REGULAR SESSION
Monday, March 16, 2026
6:00 PM

AGENDA

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: January 26, 2026 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. **INTRODUCE NEW BOARD MEMBER CHRISTOPHER L'HEUREUX**
2. **INTRODUCE NEW PLANNING ASSISTANT BEN HYDE**
3. **2026-09 BZA – 4200 NEW LAWRENCE RD.**

Hold a public hearing for Case No. 2026-09 BZA, 4200 New Lawrence Rd., wherein the applicant is seeking a variance from Section 4.03 of the adopted Development Regulations to allow an accessory structure to be located forward of the main building line.

ADJOURN



BOARD OF ZONING APPEALS MINUTES
MONDAY, January 26, 2026, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

CALL TO ORDER:

Board Members Present

Daniel Bolling
Ron Bates
Ted Davis

Board Member(s) Absent

Jan Horvath

City Staff Present

Michelle Baragary
Kim Portillo

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

APPROVAL OF MINUTES: December 15, 2025

Chairman Bates asked for comments, changes or a motion on the December 15, 2025 minutes to present for approval. Commissioner Davis offered a motion to approve the minutes as presented, seconded by Commissioner Bolling and approved by a vote of 3-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. ELECTION OF OFFICERS

Chairman Bates nominated Commissioner Davis for Chairman, seconded by Commissioner Bolling. Approved by a vote of 3-0.

Commissioner Bolling volunteered for Vice Chairman, seconded by commissioner Bates. Approved by a vote of 3-0.

2. 2026-01 BZA – 1117 OLIVE STREET

Hold a public hearing for Case No. 2026-01 BZA, 1117 Olive St., wherein the applicant is seeking a variance from Section 6.08 of the adopted Development to allow a 6-foot-tall solid fence forward of the front wall of a residential structure.

Chairman Davis called for the staff report.

City Planner Michelle Baragary provided the Board with an overview of the application. She stated that the applicant and property owner, Bradley Jenkins, is requesting a variance from the adopted Development Regulations to allow a 6-foot-tall solid fence to remain forward of the front wall of the single-family residence located at 1117 Olive Street.

The subject property is approximately .16 acres and is developed with a single-family dwelling. In April 2025, the applicant obtained a fence permit for the installation of a 6-foot-tall privacy fence. In November 2025, City staff received a complaint from an adjacent rental property indicating that the fence “obstructs their view of anyone coming down the street”.

During staff’s review of the complaint, it was determined that due to the poor quality of the submitted site plan, Code Enforcement staff were unable to identify that the proposed 6-foot privacy fence extended forward of the front wall of the residence and into the public right-of-way. As a result, the fence permit was inadvertently approved in error. The Planning & Community Development Director subsequently discussed this issue with Code Enforcement staff to help prevent similar occurrences in the future.

As currently constructed, the 6-foot-tall privacy fence extends approximately 18 feet beyond the front wall of the primary dwelling up to the front property line, and approximately an additional 6 feet into the public right-of-way, totaling 24 feet beyond the front wall of the residence. The property owner has agreed to remove the portion of the fence located within the public right-of-way. However, the applicant is requesting approval to retain the remaining 18 feet of the 6-foot-tall solid fence that extends beyond the front wall of the residence.

The applicant has stated that the request is based on ongoing conflicts and allege harassment from the occupants of the neighboring property to the east, located at 1115 Olive Street, which is currently a rental property. The applicant reports that these conflicts have resulted in multiple interactions with the Leavenworth Police Department and the issuance of an order of protection involving two individuals residing at the subject property.

Section 6.08 of the Development Regulations provides the following standards for fences within residential front yards:

- (a) *Open fences and hedges may be installed in all front yards on the property lines but may not exceed 48 inches above the natural contour of the ground.*
- (b) *No solid fences shall be constructed or reconstructed closer to the street line than the front wall of the residential structure. The front wall of the residential structure shall be determined by excluding porches, roof overhangs, dormers, or other extensions.*

After the required notice was published and distributed to property owners within 200' of the subject property, staff has received no comments from any notified property owner as of the date of this report.

Chairman Davis opened the public hearing.

Bradley Jenkins of 1117 Olive Street stated that he lives at the property in question and has had multiple police calls to his home as well as his neighbor's home as a result of issues with the neighbor. He stated the neighbor has been harassing his family and two people living in his home currently have restraining orders against the neighbor. He state that the purpose of the fence is to provide some separation from that neighbor and help his family feel safe. They have five children living in the home and fear for their safety. That is why they wish to keep the fence, as long as the current neighbor, who is a renter, lives next door.

Jessica Lopez of 1117 Olive street spoke and stated that she is one of the people living in the house who has a protection order against the neighbor, as does her daughter. She stated that she fears for her safety and the safety of her children, some of which have special needs, when she has to get everyone in and out of the cars and house. She stated the neighbor has thrown nails at their home and vehicle and vandalized their property by throwing other things in their driveway or at the car. She state that now that the fence is up, the neighbor is still able to sometimes throw things over it from her porch, but that she feels better protected knowing there is a barrier between the two.

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

With no further discussion, Chairman Davis 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 finding: Staff disagrees. The circumstances cited by the applicant are not unique to the subject property and are commonly experienced by other properties within the zoning district. Although serious, the need for a 6-foot solid fence forward of the front wall arises from personal and situational factors, including conflicts with neighbors, which do not constitute a unique physical condition of the land. The property does not exhibit exceptional conditions such as unusual narrowness, shallowness, irregular shape, or topographical constraints that would justify a 6-foot privacy in the front yard. The need for the variance therefore does not arise from an inherent characteristic of the property.

Vote 1 - 2

Bates voted in the affirmative.

Davis and Bolling 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 finding: Staff agrees. Staff finds that the granting of the variance, as conditioned to exclude fencing from the public right-of-way, will not adversely affect the rights of adjacent property owners or residents. The variance is limited to allow an existing 6-foot-tall solid fence segment to extend approximately 18 feet forward of the front wall of the residence, with all fencing removed from the public right-of-way. No evidence was submitted indicating that the fence has resulted in measurable harm to neighboring properties, and no objections were received following public notice.

Vote 2 -1

Davis and Bolling voted in the affirmative.

Bates voted in the negative

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 finding: Staff disagrees. Strict application of the Development Regulations does not create unnecessary hardship. The property can be reasonably used and enjoyed as a single-

family residence without the requested variance. The reported concerns regarding neighbor interactions, while serious, are personal or situational and do not qualify as a hardship under state variance standards, which generally require that hardship arise from physical conditions of the land.

Vote 1 - 2

Bates voted in the affirmative.

Davis and Boling 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 finding: Staff agrees. The requested variance, as conditioned to prohibit any fencing within the public right-of-way, will not adversely affect the public health, safety, morals, order, convenience, prosperity, or the general welfare. The fence is located approximately 16 feet from the curb, is entirely on private property, and does not obstruct required sight lines or interfere with pedestrian or vehicular circulation. Based on the evidence presented, there is no indication that the proposed variance would create conditions that are detrimental to the public interest or otherwise compromise the general welfare of the area.

Vote 3- 0

All 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 finding: Staff disagrees. Granting the requested variance would be contrary to the general spirit and intent of the Development Regulations, which seek to maintain open front yards, promote neighborhood compatibility, and preserve a consistent and visually accessible streetscape. Granting the variance would create a precedent for similar requests, weakening the code's objective to regulate front-yard fencing and protect the streetscape.

Vote 2- 1

Bates and Davis voted in the affirmative.

Bolling 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 request for a variance from Section 6.08 of the Development Regulations to allow a 6-foot-tall solid fence forward of the front wall of a residential structure but shall not extend into the public right-of-way.

Chairman Davis stated that based on the findings, the variance for Case No. 2026-01 BZA is denied.

Due to exceptional circumstances and staff findings outlined in the policy report, an administrative decision was made for a twelve (12) month period for removal of the approximately eighteen (18) foot segment of fence extending from the front wall of the residence to the front property line. However, any portion of solid fence located in the public right-of-way must be removed immediately.

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

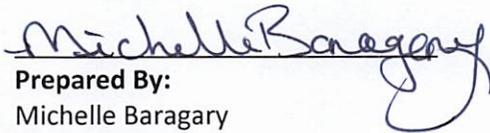
Chairman Davis called for a motion to close the meeting. Commissioner Bates made a motion to adjourn the meeting, seconded by Commissioner Bolling and passed 3-0.

The meeting adjourned at 6:30 p.m.

Minutes taken by Planning Director Kim Portillo.

**Board of Zoning Appeals Agenda Item
Variance Request
2026-09 BZA
4200 NEW LAWRENCE ROAD**

MARCH 16, 2026



Prepared By:
Michelle Baragary
City Planner



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

SUMMARY:

Consider a variance from Section 4.03 of the adopted Development Regulations to allow an accessory structure to be located forward of the main building line.

DISCUSSION:

The applicants and property owners, Clifton and Rozenda Downing, are requesting a variance from the adopted Development Regulations to allow the placement of an accessory structure forward of the main building line for their single-family residence located at 4200 New Lawrence Road.

The subject property is zoned R1-25, Low Density Single Family Residential District, and is developed with a single-family home. The parcel is approximately 4.24 acres, and the house is located approximately 380 feet from New Lawrence Road.

The applicants are proposing to construct a 36' x 30' agricultural accessory building to store equipment and tools used to maintain the property. Due to the terrain, the property slopes significantly downward toward an existing pond located behind the residence, which limits the ability to place the structure within the rear yard area. Additionally, the property contains significant wooded areas and varying terrain between the house and New Lawrence Road, obscuring visibility of the proposed structure from the roadway and adjacent properties.

Proposed Site Plan and Accessory Structure:

- 36' x 30' concrete pad
- The proposed accessory structure will be 24' x 30' with a 12' x 30' lean-to on the west side, totaling 1,080 SF and have two windows and a door on the west side.
- The proposed placement is approximately:
 - 55' forward of the main building line
 - 28' from the north property line
 - 300' from the east property line
 - 90' from the south property line

Section 4.03.E of the adopted Development Regulations states that:

1. *No accessory buildings shall be erected in any required front or side yard, or at any other place forward of the main building line.*

Article 12 of the Development Regulations defines "Agriculture Accessory Building" as follows:

A detached accessory structure used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of equipment or supplies used for agricultural or property maintenance activities.

In accordance with Kansas State Statute, notice of the public hearing was mailed to property owners within 200 feet of the subject property. As of the date of this report, staff has received no comments from 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 finding: Staff agrees. The subject property contains unique physical characteristics that limit placement of accessory structures behind the primary residence. The lot slopes significantly downward toward an existing pond located to the rear of the home, which restricts feasible building areas in the rear yard. Additionally, the residence is located approximately 380 feet from New Lawrence Road, resulting in a large front yard area relative to typical residential lots. These conditions are related to the natural terrain and layout of the property and were not created by

the actions of the property owners. Therefore, staff finds that the request arises from conditions unique to the property.

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

Staff finding: Staff agrees. The proposed agricultural accessory building will be located a substantial distance from adjacent property lines and public roadways. The structure is proposed to be located approximately 300 feet from the east property line and New Lawrence Road, approximately 28 feet from the north property line, and approximately 90 feet from the south property line. Additionally, the site contains significant tree cover and varying terrain that will help screen the structure from neighboring properties and the roadway. Staff has not received any comments or objections from property owners notified of the request. Based on the proposed location, size, and limited visibility of the structure, staff finds that granting of the variance will not 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 finding: Staff agrees. Strict application of the Development Regulations would create an unnecessary hardship for the property owner due to the unique physical characteristics of the property and existing underground lines. The terrain slopes significantly downward toward an existing pond located behind the residence, which limits the practical placement of an accessory structure within the rear yard area while maintaining reasonable access and usability. Additionally, lines for water, gas, electric, and fiber optic cable for internet are installed on the south side of the residence. As a result, the area located forward of the main building line represents the most feasible location for the proposed agricultural accessory building. Without the requested variance, the property owner's ability to construct a structure necessary for the storage of equipment and tools used to maintain the property would be significantly limited. Therefore, staff finds that strict enforcement of the regulations would create an unnecessary hardship under these circumstances.

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

Staff finding: Staff agrees. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or the general welfare. The proposed agricultural building will be situated approximately 300 feet from the east property line and adjacent roadway. The structure will be used for the storage of equipment and tools associated with maintaining the property and will not introduce new land uses or activities that would negatively impact the surrounding area. Based on the evidence presented, there is no indication that the proposed variance would create conditions detrimental to the public interest or otherwise compromise the general welfare of the area.

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

Staff finding: Staff agrees. The general intent of the Development Regulations is to promote orderly development and minimize potential impacts of accessory structures on neighboring properties and public rights-of-way. In this case, the proposed structure will remain substantially set back from the roadway and adjacent property lines and will be partially screened by existing vegetation and topography. Given the large size of the parcel and the limited visibility of the structure, staff finds that the request is generally consistent with the 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:

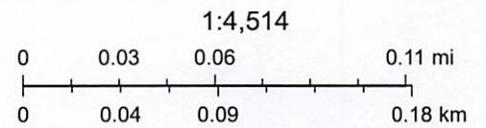
Approve or deny the request for a variance from Section 4.03 of the adopted Development Regulations to allow placement of an accessory structure forward of the main building line.

2026-09 BZA - 4200 New Lawrence Rd



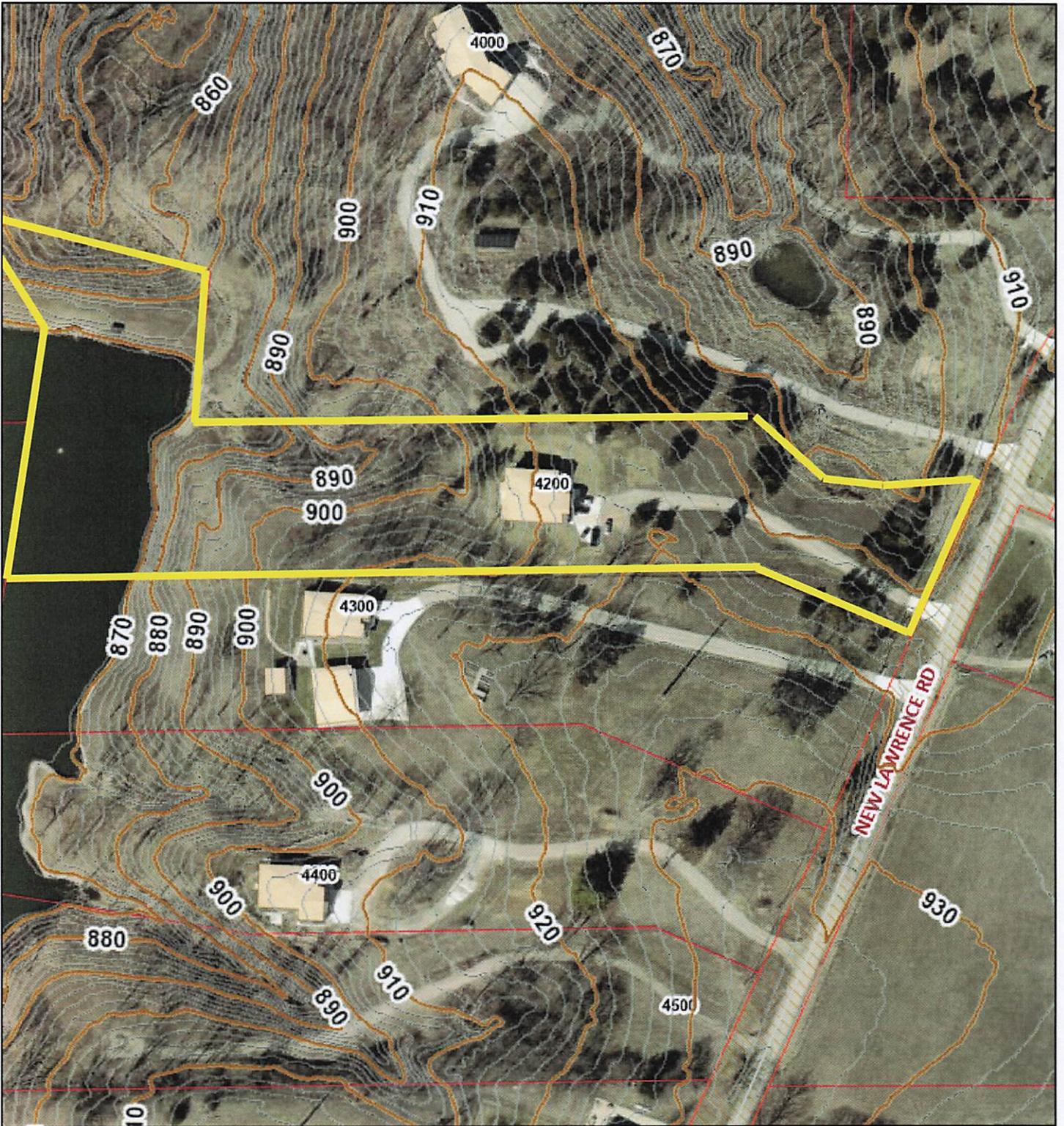
3/11/2026, 1:39:15 PM

- Override 1
- Leavenworth City Limits
- Parcels (City Owned)
- City Right-of-Way
- Parcels_Current
- RoadCenterline



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

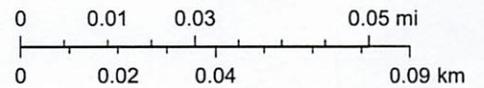
2026-09 BZA - Contours



3/11/2026, 1:41:26 PM

1:2,257

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



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

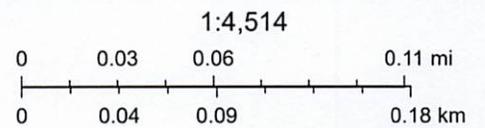
2026-09 BZA - Zoning



3/11/2026, 1:58:32 PM

- Override 1
- Zoning_CURRENT
 - R1-25
 - R1-9
 - Parcels (City Owned)

- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.:	<u>2026-09</u>	BZA
Application No.	<u>18489</u>	
Fee (non-refundable)	<u>\$350.00</u>	
Filing Date	<u>1/26/26</u>	
Hearing Date	<u>3/16/26</u>	
Publication Date	<u>2/18/26</u>	

PETITION

Property Zoning: R1-25

Location of Subject Property: MOONLIGHT LAKE ESTATES LOT #8

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

Petitioner: CLIFTON E. DOWNING

Petitioner Address: 4200 NEW LAWRENCE ROAD

Email: chdowning1@gmail.com Telephone: (619)392-8450

Petitioner's Interest in Property: OWNER

Purpose of Petition: APPROVAL OF AGRICULTURAL BUILDING/STRUCTURE IN THE FRONT YARD

- Appeal** of Administration Decision _____ Date of Decision _____
Section 11.03.A
- Variance:** Section 4.03.E
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): CLIFTON EUGENE DOWNING ROZENDA MARIA DOWNING

Signature: Clifton E. Downing Rozenda M. Downing Date: 1/21/26

State of KANSAS)

County of LEAVENWORTH)

Signed or attested before me on January 21, 2026 by Clifton + Rozenda Downing

Notary Public: Michelle Baragary

My appointment expires: 8/16/28 (Seal)



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 913-684-0443
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

January 25, 2026

Letter of Intent

To the Board of Zoning Appeals,

I am writing to formally request a variance in my intent to construct an agricultural building (ag bldg.) on our estate. This agricultural building is much needed and long awaited as all the equipment used to maintain the property is and has been housed in our garage since 12/01/ 2023 (the date we moved in). The ag building would be used to store tools large and small such as our Kawasaki mule, 60" zero turn, mower, commercial grade woodchipper, lawn mowers, weed eaters, snow blower, drill press, table saw, workbenches, car jacks and too much other stuff to list here, all of which are still stored in my garage. It is next to impossible to locate things I need and know I have but just can't find what I need when I need it. I spend lots of unnecessary time hunting for things. The agricultural building would immediately eliminate all those hassles if granted.

I would like to add some specifics about the building plan itself. First, a concrete pad measuring 36' wide x 30' length x 4" thick. The actual ag building will be 24'x30' base vertical style roof with 10' side height. It will include a 36"x 80" walk in door, two 24"x 36" windows (one place on each side of building), insulated throughout, 12'x 30' left lean to. The color of the roof and trim will be burnished slate, and the sides and ends will be sandstone as these colors were chosen to match our home as closely as possible. Earthtones is our goal.

We would like to again emphasize that our variance request arises from the unique topography of our property, it will not adversely affect our neighbors yet greatly aid us in our daily duties of maintaining the property. It will not affect the public's health, safety, prosperity, or general welfare. Finally, if our desired variance is granted by this board, it will not be opposed to the general spirit or intent of the Development Regulations.

Thank you for your time and consideration.

Sincerely,

Clifton and Rozenda Downing



January 20, 2026

Written Statement Justifying Variance Request

b) The variance we are requesting arises from such condition which is unique to our property and is not ordinarily found in the same zone or district due to the unique, narrow, and hilly topography of lot number 8. In fact, we were forced to sacrifice our lake view for no other reason than the parcel itself and is in no way created by any actions of our own.

c) The granting of the permit for the variance will in no way adversely affect the rights of adjacent property owners or residents. We have included with this our application a certified list of property owners within 200 feet of our property. Five of the eight property owners shown on the City of Leavenworth property radius search belong to the Moonlight Lake Estates HOA. Our bylaws require that any new construction be approved by the board, then voted on by the body. Our neighbors to our north side are Tom (HOA President) and Jennie Duncan. Our neighbors to our south are Kevin (HOA Treasurer) and Delores (AKA DeDee) Wiley. They have already applied for and successfully received a variance for their chicken coop. Our neighbors across the lake to the west are Mark (HOA Beautification Officer) and Joanne Preisinger, and members Mark and Michelle Schuler. Through conversations and thorough observation, we believe that placement of the agricultural building on the north side of the front yard would be best because it would be nestled in naturally wooded boundaries surrounding our property on that side. We are all original owners and are keenly aware of each lot and its uniqueness and we appreciate each one. We have all long been aware of my desire and need for such a structure to house all the equipment necessary to maintain the estate (i.e. zero turn, mule, woodchipper, 72 in snowplow, lawn mowers, weed eaters...) and finally use my ag building for its intended purpose after two years. I have consulted both Tom and Kevin on several occasions about location, and we have all consistently agreed that the chosen location is best and likely the only feasible place on lot 8.

As briefly mentioned above, the back yard and both sides of the house are unsuitable for any structures for reasons previously mentioned (water runoff, and too small). Which leaves only the north side of our front yard, which by law/regulation requires a variance request. The south side of the front yard was quickly eliminated for several reasons. First, it would be highly visible. Second, it would be an eye-sore for the Wiley's and everyone passing by. Third, all lines for our house are trenched underground on this side (i.e. water, gas, electric, and fiber

optics for internet). I recommend that no more dirt work be done on the south side of my front yard.

If granted, the north side of our front yard would be the ideal place for such a structure as it will have a very low profile nestled near a natural wooded boundary running the length of lots 8 & 9 (Downing/Duncan) property lines. There are no underground hazards to be avoided on this side. Placed on the hill water will run off and protect its foundation.

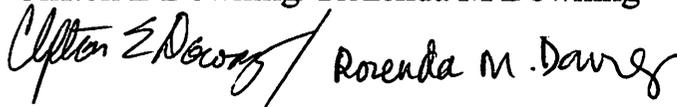
d) The strict application of the provisions of the Development Regulations would constitute continued unnecessary hardships regarding the laborious work around methods I currently use to accomplish daily tasks around the property. Our garage currently houses everything meant to be kept in an agricultural building. This makes things very difficult for me as I am a retired veteran with coronary artery disease (CAD) and have a defibrillator implant. The structure would allow me to organize and quickly and easily accomplish any task required with minimal physical effort from mowing to snow plowing. Strict application of the provisions of the Development Regulations would also hamper efforts to keep the main driveway free and clear for private daily use as well as emergency vehicles' access.

e) The variance would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of anyone.

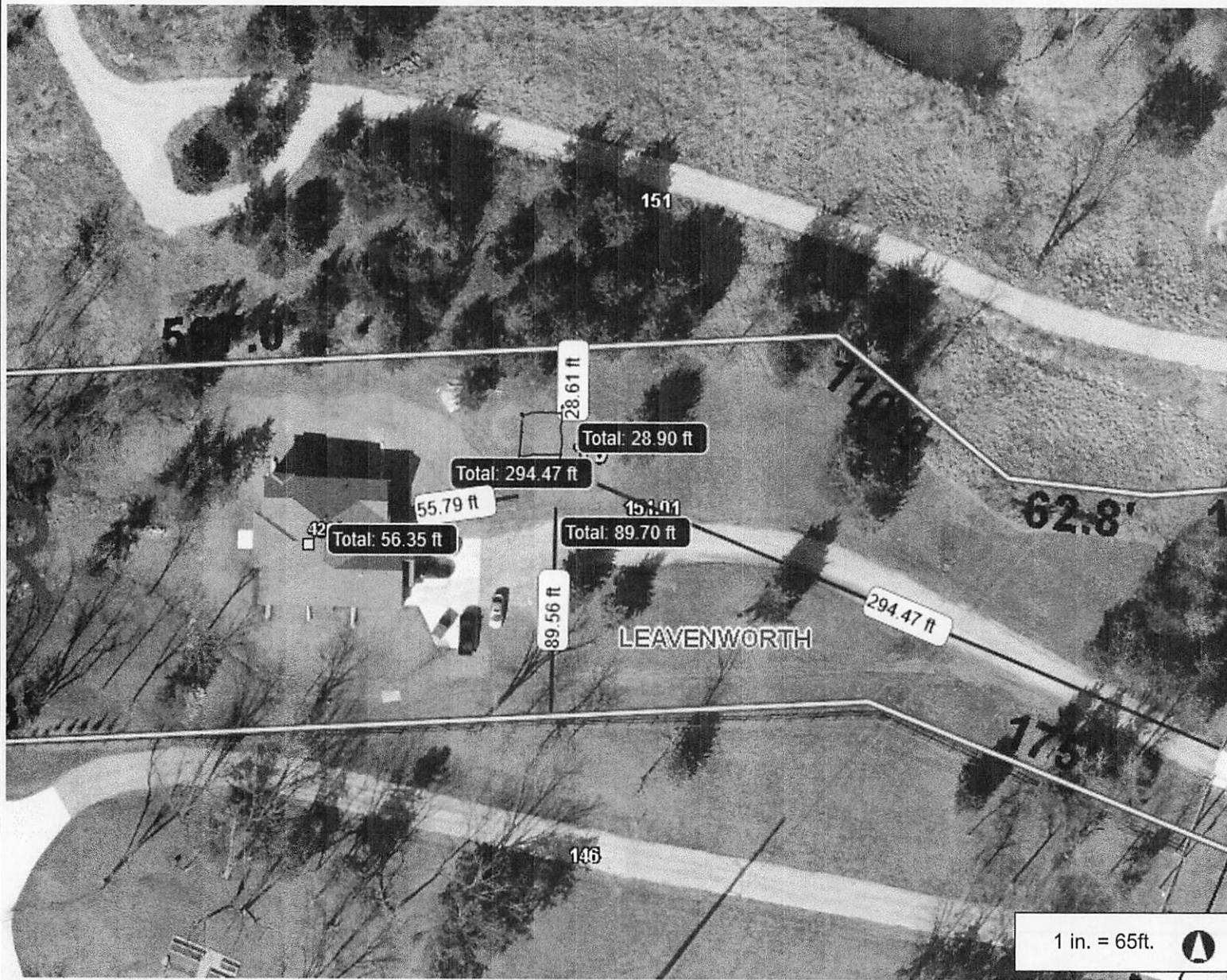
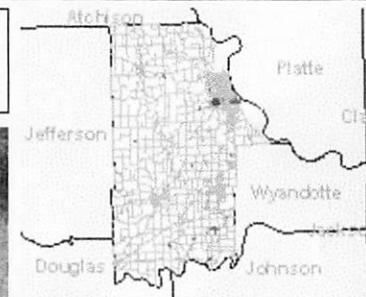
f) Granting the variance desired is not opposed to the general spirit and intent of the Development Regulations. Quite the contrary, being a retired veteran and former civil servant, my entire professional career has been about the people, and rules based for the greater good of all, and I would never simply disregard the general spirit or intent of the Development Regulations so help me God.

Respectfully,

Clifton E Downing/ Rozenda M Downing

Handwritten signatures of Clifton E Downing and Rozenda M Downing.

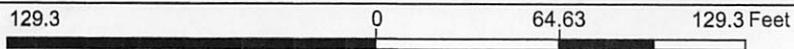
Leavenworth County, KS



Legend

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

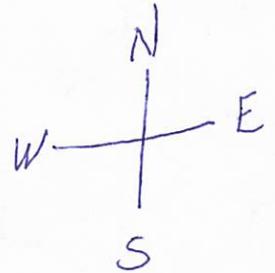
1 in. = 65ft.



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

South elevation



West elevation



YOUR PREMIER STEEL BUILDING CHOICE

510 Riverside Drive, Suite 100
Mount Airy, NC 27030

1 (877) 552-7020
orders@custombuilt-structures.com

CUSTOMER INFORMATION

ORDER DATE: 12/29/25

AUTHORIZED DEALER

NAME: Clifton Downing Revision 1 (Original Order Date 12/18/25)
INSTALL ADDRESS: 4200 New Lawrence Rd
CITY: Leavenworth STATE: KS ZIP CODE: 66048
EMAIL: chdowning4@gmail.com COUNTY: Leavenworth
CELL: PHONE: (619)392-8450

DEALER NAME: Warrior Buildings
PHONE NUMBER: (888)576-0565
EMAIL ADDRESS: makayla.b@warriorbuildings.com

BUILDING TYPE	Garage			ROOF STYLE	Vertical		
WIDTH	36'	LENGTH	30'	HEIGHT	10'	FRAME GAUGE	<input checked="" type="checkbox"/> 14 Gauge <input type="checkbox"/> 12 Gauge
COLORS	Roof Burnished Slate	Sides & Ends	Sandstone		Trim	Burnished Slate	
Is your surface level?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Ready for installation?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Color Screws	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

DESCRIPTION	QTY	PRICE
24' x 30' Base Vertical Style Roof	1	\$ 4,495.00
10' Side Height	1	\$ 480.00
2 Sides Enclosed Horizontally W/ Wains	1	\$ 1,420.00
2 Ends Enclosed Horizontally W/ Wains	1	\$ 2,950.00
2) 10' x 8' Roll Up Doors On 24' End	1	\$ 2,100.00
1) 36" x 80" Walk In Door	1	\$ 330.00
2) 24" x 36" Windows	1	\$ 360.00
2" Fiberglass Insulation Throughout	1	\$ 4,505.00
1) 12' x 30' Left Lean To	1	\$ 2,247.50
7' Side Height	1	\$ 60.00
Connection	1	\$ 160.00
Colored Screws	1	\$ 0.00
Mfg Discount / Send Generic Plans	1	-\$ 7,260.85
Estimated Lead Time Is 6-8 Weeks Weather Permitting		
Lead Time Starts Once Site Is Ready / Permitting Is Completed If Needed		
60% Remaining Balance Due Prior To Scheduling		
20% Prior To Installation / 20% Upon Completion		

Electricity Available? YES NO

LOT MUST BE LEVEL, NO MORE THAN 3" OFF LEVEL AND CLEAR OF OBSTACLES OR UNIT MAY NOT BE INSTALLED

Installation Surface? Concrete

NOTE: FRAME IS 1 FT. SHORTER THAN ROOF LENGTH

TOTAL COST INFORMATION	
SUBTOTAL	\$ 11,846.65
SURCHARGE	% \$ 0.00
TAX 9.5 %	1,125.43
TOTAL PRICE	\$ 12,972.08
DEALER DISCOUNT	
DOWN PAYMENT 14 %	\$ 1,658.53
LABOR FEES	
GENERIC DRAWINGS (DRAWINGS ARE NON-REFUNDABLE)	Risk I \$350.00
EQUIPMENT FEE	
PERMIT FEE	
FREIGHT FEE	
BALANCE DUE	\$ 11,613.55

PAYMENT INFORMATION	
CARD BALANCE DUE NO CARD FEE REQUIRED IN CO, KS, NY, OK, TX	2.5 % \$ 282.84

OFFICE USE
 CREDIT CARD MONEY ORDER
 CASHIER'S CHECK OTHER

PURCHASE AGREEMENT (See reverse for terms and conditions)
 Custom Built Structures, Inc. is not responsible for leaks underneath baserails; our sheet-metal buildings are not airtight, and customers should discuss any special needs prior to purchase. We reserve the right to correct any balance/pricing errors, repossess buildings not paid in full upon installation, and charge extra for tasks such as leveling or building over obstacles. The \$350 drawing fee is non-refundable, and customers must pull any required permits. Frames are 1' shorter than roof lengths, prices are valid for 90 days, and by signing, customers agree to all terms on both front and back. **Payment terms: for orders under \$5,000, payment is due upon installation; for \$5,000-\$9,999, a 50% deposit is required before scheduling with the balance due upon completion; and for orders \$10,000 or more, a 60% deposit is due before scheduling, 20% upon crew arrival, and the final 20% at completion.**

CUSTOMER SIGNATURE: Clifton Downing 12/29/2025 21:00:37 UTC DATE: 12 / 29 / 2025

With customer present at time of installation, customer will sign below to signify acceptance of unit as installed.

CUSTOMER SIGNATURE: _____ INSTALLER SIGNATURE: _____ DATE: _____



MUSCLE
CONCRETE



WARRIOR
BUILDINGS

301 N Main St, Suite 2300, Winston-Salem, NC 27101
Phone: 336-955-1159
Email: orders@muscleconcrete.com

SALESPERSON: MaKayla

CELL: (336)793-3459

ORDER DATE: 12/23/25

NAME: Clifton Downing

INSTALLATION ADDRESS: 4200 New Lawrence Rd

CITY: Leavenworth

STATE: KS

ZIP CODE: 66048

CELL: (619)392-8450

EMAIL: chdowning4@gmail.com

36'

WIDTH

30'

LENGTH

4"

THICKNESS

CONCRETE TYPE: 4000 PSI

FOOTERS?

YES:

X

NO:

FOOTER SIZE:

12"X12"

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	36'x30'x4" concrete pad		\$13,600
1	12"x12" footers <i>REQ TO BE INSPECTED BY CITY INSPECTOR PRIOR TO CONCRETE BEING POURED.</i>		
1	Up to 12" of grading <i>DO I NEED THIS, OR WILL JUSTIN DO THE GRADING AND LEVEL WITH A TRANSIT TO ENSURE IT IS.</i>		
1	Fiber mesh		
2	#4 rebar in footings		

PURCHASE AGREEMENT	TOTAL COST INFORMATION	
If you do NOT purchase grading with your building, you are responsible for your site being level. When our crew arrives on site, they will check your site with a transit to ensure it is level. If the site is NOT level there will be an additional return trip fee. RESPONSIBILITY OF MUSCLE CONCRETE TO ENSURE PAYMENT TO CONCRETE PLANT. By signing this document, the customer understands and agrees with all the purchase agreements found on this document.	DEPOSIT (7%)	\$847.00
	UPON ARRIVAL	\$5,101.20
	UPON COMPLETION	\$7,651.80
	SUBTOTAL	

City of Leavenworth Property Radius Search



Clifton and Rozenda Downing
01-21-2026
052-102-10-0-00-00-151.01-0

Legend

- Parcels in Buffer
- Parcel Searched
- Buffer
- City Limits

