



BOARD OF ZONING APPEALS MINUTES
MONDAY, June 15, 2026, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

CALL TO ORDER:

Board Members Present

Ron Bates
Jan Horvath
Laura Brown
Christopher L `Heureux

Board Member(s) Absent

Ted Davis

City Staff Present

Kim Portillo
Bethany Lasher

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

APPROVAL OF MINUTES: April 20, 2026

Acting Chairman Bates asked for comments, changes or a motion on the April 20, 2026 minutes presented for approval. Board Member Horvath moved to approve the minutes as presented, seconded by Board Member Brown and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. INTRODUCE NEW PLANNING ASSISTANT, BETHANY LASHER

Planning Assistant Bethany Lasher shared a brief introduction.

2. ELECTION OF VICE CHAIR

Acting Chairman Bates nominated Board Member Laura Brown to serve as Vice Chairman, seconded by Board Member L `Heureux, and approved 4-0.

3. **2026-13 BZA-123 N. BROADWAY STREET**

Hold a public hearing for Case No. 2026-13 BZA, 123 N. Broadway St., wherein the applicant is seeking a variance from Section 8.15 of the adopted Development Regulations to allow continued use of existing nonconforming signs after a change in tenant and business.

Vice Chairman Brown called for the staff report.

City Director Kim Portillo stated that applicant, Mark Bisbee (Mark's Small Engine Repair), is seeking a variance from the above noted section of the Development Regulations to allow continued use of existing nonconforming roof signs after a change in tenant and business name for the property located at 123 N. Broadway Street.

This application was originally considered by the Board of Zoning Appeals on April 20, 2026, at which time the Board approved the requested variance. Following the public hearing, staff discovered that the legal description submitted with the application was inaccurate. Because the incorrect legal description was used for the statutory notification requirements, the public hearing notices mailed to surrounding property owners did not contain the correct legal description of the subject property.

To ensure compliance with Kansas statutory notification requirements and due process, staff mailed new public hearing notices utilizing the corrected legal description and scheduled a new public hearing for June 15, 2026. The variance request itself has not changed since the Board's original consideration of the application on April 20, 2026.

The subject property is approximately 0.10 acres in size and is located at the southwest corner of N. Broadway and Seneca Streets. The property is zoned General Business District (GBD) and is currently occupied by Mark's Small Engine Repair, which is a permitted use within this district. The building is addressed as 121 and 123 N. Broadway Street to accommodate two tenant spaces. The space was previously occupied by The Leavenworth Mission.

Surrounding area:

- North – Zoned R-MF (Residential Multi Family); developed with a single-family residence
- South – Zoned GBD; occupied by gas station
- East – Zoned CBD (Central Business District); occupied by a church
- West – Zoned GBD; occupied by a commercial building

Two existing roof signs, measuring approximately 15 feet 4 inches by 12 feet in total, were installed in 1964 and utilized by the previous tenant following approval of a variance in November 2023. The applicant proposes to reuse both existing sign structures, as the business operates as both a repair shop and parts retailer.

Per current regulations, roof signs are not permitted to extend above the highest point of the roof. The existing signs exceed this height limitation and are therefore considered existing nonconforming signs.

The building is constructed at the front property line and features a glass front façade, limiting opportunities for wall signage. Additionally, projecting signs are not permitted to encroach into the public right-of-way within the GBD zoning district, further restricting compliant signage options for this zero-setback site.

Other existing nonconforming roof signs in the area include Dairy Queen, Goodwill, and Flatland Vapes, indicating that similar sign conditions exist within the surrounding commercial area.

Section 8.15.A of the current Development Regulations states:

Nonconforming: A nonconforming sign existing lawfully at the time of the passage of this sign code may be continued under the terms as hereinafter provided that such nonconforming signs shall be modified to conform, replaced with a conforming sign, or removed according to the following:

- 1. If there is a change in business ownership, tenant, name or type of business.*
- 2. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 25% of the current value of the sign as of the date of alteration or repair.*

Because the tenant and business name have changed, the existing signs would typically be required to be brought into compliance or removed. The requested variance would allow continued use of the existing nonconforming signs despite this change.

In accordance with Kansas State Statutes, notice of the June 15, 2026 public hearing was mailed to property owners within 200 feet of the subject property utilizing the corrected legal description. As of the date of this report, no comments have been received.

Staff Recommendation:

Staff recommends approval of the requested variance to allow the continued use of the existing nonconforming roof signs after a change in tenant and business.

Given the building's design and placement, there are limited viable options for conforming signage. The structure's glass façade and location at the front property line restrict wall signage, and projecting signs are not permitted to encroach into the right-of-way within the GBD zoning district. Additionally, due to the building's one-story height, the existing roof signs do not appear visually intrusive or out of scale with the surrounding area.

Approval is recommended subject to the following condition:

1. If either roof sign remains vacant for more than 6 consecutive months, it shall be removed in its entirety.

Vice Chairman Brown asked the Board if there were any questions regarding the policy report.

With no questions from the Board, Vice Chairman Brown opened the public hearing.

With no one wishing to speak, Vice Chairman Brown closed the public hearing.

With no further discussion, Vice Chairman Brown called to 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 agrees. The property exhibits unique physical conditions related to the building's placement and design. The structure is built at the front property line and includes a glass façade, which limits the ability to install conforming wall signage. These constraints are not commonly found on all properties within the district.

Staff finds that the hardship is not self-created. The nonconforming condition results from the age and design of the building and sign structure, which predate current regulations, rather than actions of the current applicant.

Vote 4-0

All board members voted in the affirmative.

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

Staff finding: Staff agrees. Approval of the variance will not adversely affect adjacent properties. The existing roof signs have remained in this configuration for decades and are consistent with the scale and character of the surrounding commercial area. Additionally, due to the building's one-story height, the signs are not visually intrusive or out of place. Similar nonconforming roof signs exist in the surrounding area, further supporting compatibility.

Vote 4-0

All board members voted in the affirmative.

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

Staff finding: Staff agrees. Strict application of the sign regulations would create an unnecessary hardship by limiting reasonable signage options for the tenant. Due to the building's design and placement, there are no practical conforming alternatives that provide adequate visibility for business identification. The request represents the minimum variance necessary to allow reasonable identification of the business under these site constraints.

Vote 4-0

All board members voted in the affirmative.

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

Staff finding: Staff agrees. The requested variance will not adversely affect public health, safety, or general welfare. The existing signs are structurally established and have existed at this location without known issues. Continued use of the sign will not create hazards, obstruct visibility, interfere with traffic safety, or negatively impact the public right-of-way or the orderly development of the area.

Vote 4-0

All board members voted in the affirmative.

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

Staff finding: Staff agrees. The requested variance is consistent with the general spirit and intent of the Development Regulations, which promote effective and compatible signage while recognizing practical site limitations. Allowing continued use of the existing signs accommodates the property's constraints without undermining the overall goals of the sign code and is consistent with the character of the surrounding area.

Vote 4-0

All board members voted in the affirmative.

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

ACTION:

Reconsider the request for a variance from Section 8.15 of the Development Regulations to allow continued use of the existing nonconforming roof signs following a change in tenant and business name for the property located at 123 N. Broadway Street. The Board previously approved this request on April 20, 2026; however, the matter has been reheard following re-notification of surrounding property owners due to an error in the legal description used for the original statutory notice.

Grant or deny the request. If granted, the variance shall be subject to the condition that if either roof sign remains vacant for more than six (6) consecutive months, it shall be removed in its entirety.

Board Member Bates stated that based on the findings, the variance for Case No. 2026-13 BZA is granted subject to the following condition:

- That is either roof sign remains vacant for more than six (6) consecutive months, it shall be removed in its entirety.

Vice Chairman Brown called for a motion to close the meeting. Board Member Bates made a motion to adjourn the meeting, seconded by Board Member Horvath and passed 4-0.

Meeting adjourned at 6:10 p.m.

Minutes taken by Planning Assistant, Bethany Lasher.

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