



**AGENDA**  
**BOARD OF ZONING APPEALS**  
**March 24, 2025**  
**Regular Meeting at 5:00pm**  
**Basehor City Hall**

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- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of minutes of the preceding meeting.**
  - a. Minutes of December 16, 2024.**
- 5. PV-001-25-Request for variance to exceed the allowed wall signs in CP-2 zoning district for Fareway Meat & Grocery**
- 6. Adjournment**



**MINUTES**  
**BOARD OF ZONING APPEALS**  
**December 16, 2024**  
**Regular Meeting at 5:00pm**  
**Basehor City Hall**

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1. **Call to Order 5:00pm**
2. **Pledge of Allegiance**
3. **Roll Call**

**Members present-Steve Foss, David Howard, Brian Freeman, William Lindquist**

**Staff-Jim Sherman, Planning Director, Alex Van Dyke, City Planner, Diana Jacobson, Permit Tech.**

4. **Approval of minutes of the preceding meeting.**
  - a. **Minutes of May 13, 2024.**

**Member Foss motioned to approve minutes with member Freeman seconding.  
Motion carried 4-0.**

5. **PV-002-24-Request for variance at 21062 N. 155th Street for accessory building size limit for a R-1 zoned lot.**

**Jim Sherman presented staff report, explained the accessory structure requirements for R-1 zoning and the request for a variance.**

**The applicant, Dan Lynch of Invictus Builders, LLC., explained how it was a misunderstanding with the buyer of the home that this building was ordered by them and done independently without knowing there was a limitation on structure size but he wishes to come into compliance with city regulations.**

**Public hearing opened.**

**Dennis Mills, Visionary Homes, LLC., 2040 Vermont St., Lawrence, KS, 66046, spoke in favor of the variance.**

**Public hearing closed.**

**The members discussed the size of the structure and the impacts of allowing a 1600sf structure in an R-1 zoned area and if it met the requirements allowable for a variance. An alternative discussed was to continue the request for variance for 60 days and this would allow for the applicant to request to rezone the property to R-O and negate having a variance.**

**Member Lindquist motioned to continue the variance request for 60 days with member Foss seconding. Motioned carried 4-0.**

**6. Adjournment**

**Member Howard motioned to adjourn with member Freeman seconding. Motion carried 4-0, meeting adjourned at 5:30pm.**

**Submitted without corrections on this \_\_\_\_\_ day of \_\_\_\_\_ 2025.**

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**David Howard, Chair**

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**Diana Jacobson, Permit Tech**



# *City of Basehor*

## Agenda Item Cover Sheet

### Board of Zoning Appeals Item No. 5

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**Meeting Date:** March 24, 2025

**Staff Contact:** Alex Van Dyke

**Topic:** Variance Request for Fareway Meat & Grocery

**Narrative:** The applicant is requesting to exceed the maximum allowed signs in CP-2 zoning district from two (2) to four (4).

**Staff Recommendation:** Approval

**Recommended Motion:** I move to approve Case No. PV-001-25, Signage Variance Request for Fareway Grocery Store, based off the conditions to be considered

**Attachments:**

Staff Report  
Aerial View  
Application  
Sign Examples  
Sign Regulations  
Public Hearing Notice



**Case No. PV-001-25**  
**\*\*\*Public Hearing Required\*\*\***

**STAFF REPORT**

**Board of Zoning Appeals Meeting: March 24, 2025**

|                           |   |                     |  |
|---------------------------|---|---------------------|--|
| <b>Application:</b>       | <b>Variance Request – Exceeding Allotted Signage for Fareway Meat &amp; Grocery (Sign Code Section 6.4.1 &amp; 6.4.2)</b> |                     |  |
| <b>Owner/Applicant:</b>   | Matt Heath, Fareway Stores Inc.   |                     |  |
| <b>Legal Description:</b> | Southwest One-Quarter of Section 2, Township 11 South, Range 22 E   |                     |  |
| <b>Location:</b>          | 15840 State Avenue Basehor, Kansas 66007  |                     |  |
| <b>Planner:</b>           | Alex Van Dyke   |                     |  |
| <b>Parcel Size:</b>       | <u>3.90 acres</u>   | <b>Zoning:</b>      | <u>CP-2, General Business District</u> |
| <b>Parcel ID Number:</b>  | <u>R310798</u>  | <b>Current Use:</b> | <u>Vacant – Under Construction</u>     |

**\*\*\* STAFF RECOMMENDS APPROVAL \*\*\***

**REPORT:**

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

The applicant is requesting to exceed the number of permitted wall signs for the CP-2 zoning district. The applicant is requesting to place two wall signs on each of South (State Ave facing) and West (158<sup>th</sup> Street facing) walls.. The code allows for either two (2) wall signs or one (1) wall sign and (1) monument sign. The request from the applicant is for a total of four (4) signs.

A public hearing is required for this matter. A Notice of Public Hearing was published by the City, and letters were sent out to affected property owners within 200 feet in City limits, and 1000 feet if the property is in Leavenworth County twenty (20) days before the hearing, on March 4<sup>th</sup>.

## Site Information

The property was platted for 'Fareway Basehor Addition' in the Fall of 2024. Construction plans have been reviewed by City Staff and have been approved in February 2025. This variance request does not impact the ability of the owner to begin construction on the site.

The building will sit at the north end of the lot, with the entrance on the southwest corner of the building. The building will be visible from both directions of travel on State Ave, 158<sup>th</sup> Street and Wolf Creek Parkway. Entrances to the lot will be situated on Wolf Creek Parkway and 158<sup>th</sup> Street. The proposed signage will face south toward State Avenue and west toward 158<sup>th</sup> Street. Two signs will be located above the entrance on the southwest corner of the building. The remaining two signs will be located near the center of each of the South and West sides of the building, displaying 'Fareway' on each sign. All four proposed signs will be internally lit.

**Table 1: Comparison of Surrounding Properties**

|                           | Current Zoning  | Current Use                                      | Future Land Use Plan       |
|---------------------------|---|--|----------------------------|
| <b>Applicant Property</b> | CP-2 - General Business District                                      | Undeveloped                                      | Community Commercial       |
| North                     | I-2 - Heavy Industrial District<br>P-R - Planned Residential District | Elite Automotive & Diesel LLC<br>Undeveloped P-R | Medium Density Residential |
| South                     | CP-2 - General Business District                                      | Undeveloped                                      | Community Commercial       |
| East                      | CP-2 - General Business District                                      | Undeveloped                                      | Community Commercial       |
| West                      | RR-2.5 - County Property  | Holy-Field Vineyard & Winery                     | Community Commercial       |

## Variance Request and Analysis

Basehor Sign Code, Article 7 states:

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

The applicant is requesting to exceed the permitted number of signs by two (2) additional wall signs.



**Exhibit 1: Example of Fareway Signage – Omaha Store**

The Zoning Regulations provide that a variance may be granted, upon finding by the board that **all** the following conditions have been met:

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

1.1. The requested variance is necessary to accommodate Fareway Meat and Grocery's need for four wall signs instead of the two allowed under Section 6.4.1 of the Basehor Sign Regulations. The additional signage is essential for customer wayfinding, branding consistency, and visibility along multiple frontages, ensuring that patrons can easily locate entrances and key areas of the store.

Strict enforcement of the two-sign limit creates unnecessary hardship by limiting effective communication for a large-format grocery store, which typically requires clear signage for accessibility and operational efficiency. This variance aligns with the intent of the zoning ordinance by maintaining an orderly, professional appearance while supporting business functionality, safety, and the overall economic vitality of the community.



1.2. The site has potential to be accessed and seen by three access roads, creating atypical approaches and angles that may necessitate additional signage to the building.

**2. The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.**

2.1. Allowing additional signs does not negatively impact nearby properties. They are consistent with comparable commercial developments in the area.

**3. That the strict application of the provisions of the Sign Code Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

3.1. The two added signs create branding for a building of this size. Limiting the signage to two could potentially make it difficult for customers to locate the store. This helps customers better identify the store from the road.

**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare, or the harmonious development of the city.**

4.1. The two added signs will not adversely affect the public health, safety, morals, order, convenience, etc. They are consistent with comparable commercial developments in the area. Limiting the signage to two could potentially make it difficult for customers to locate the store. This helps customers better identify the store from the road.

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

5.1. The variance still aligns with the intent of Basehor's sign regulations. It promotes orderly and effective signage, enhances public wayfinding, the signage is properly scaled on the building and prevents visual clutter while supporting business needs. It is consistent with comparable commercial developments in the area and supports economic growth without compromising aesthetics.

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

6.1. There are no additional modifications or relief provided to the applicant outside of the requested sign variance

**Table 2: Variance Analysis**

| No. | Variance Condition  | Condition Met | Condition Not Met |
|-----|---|---------------|-------------------|
| 1   | That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant. | X             |                   |
| 2   | The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.   | X             |                   |
| 3   | That the strict application of the provisions of the Sign Code Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.  | X             |                   |
| 4   | That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare, or the harmonious development of the city.  | X             |                   |
| 5   | That granting of the variance desired will not be opposed to the general spirit and intent of the Sign Code.  | X             |                   |
| 6   | That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Sign Code provisions, which are in question.   | X             |                   |

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**STAFF RECOMMENDATION:**

**Staff recommends approval.** Staff finds that all necessary conditions are met.

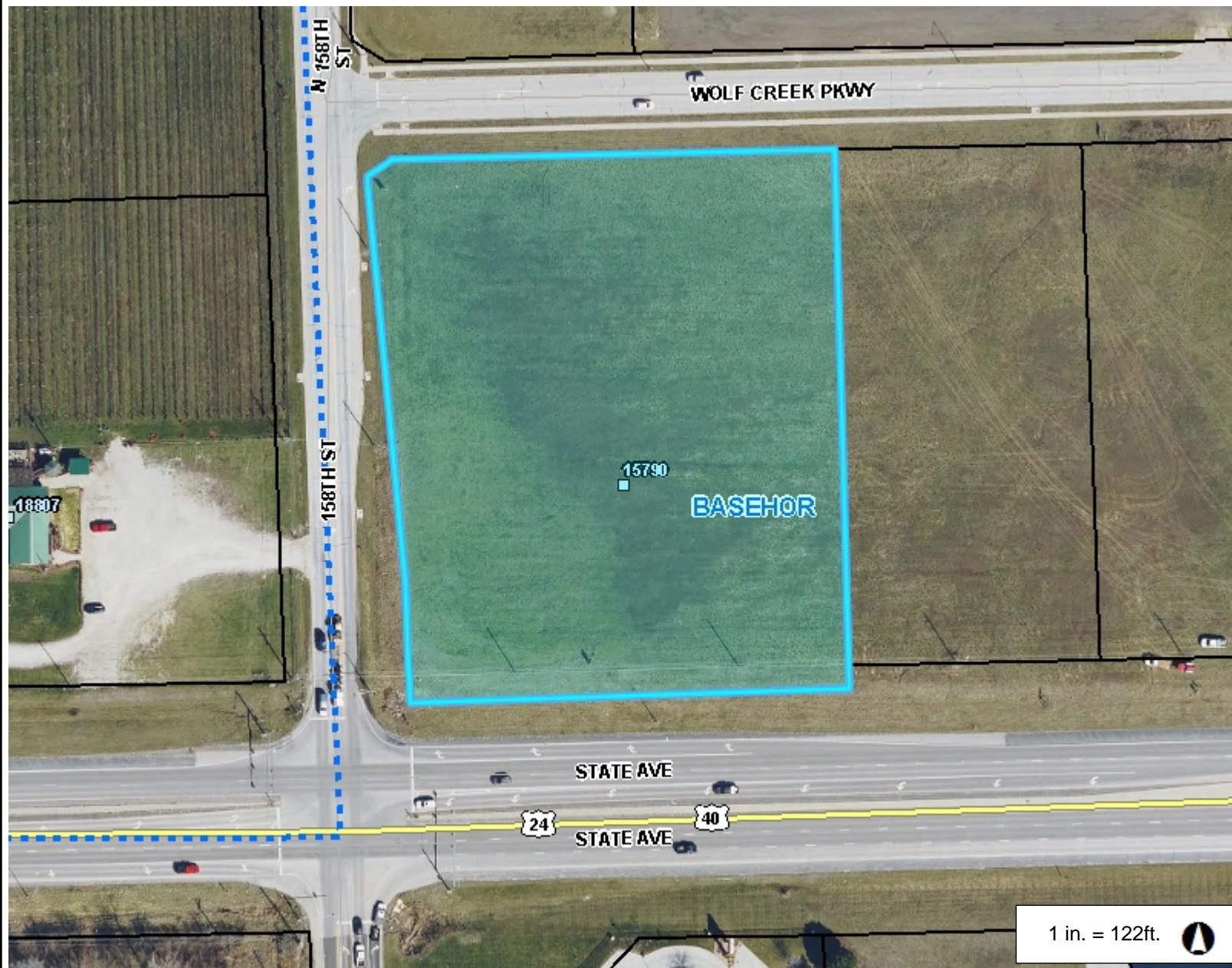
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**ACTION OPTIONS:**

1. I move to approve Case No. PV-001-25, Signage Variance Request for Fareway Grocery Store, based off the conditions to be considered; or
2. I move to deny Case No. PV-001-25, Signage Variance Request for Fareway Grocery Store, for the following reasons; or
3. Continue the Public Hearing to another date, time, and place.

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# Leavenworth County, KS



## Legend

- Address Point
- Lot Line
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- + Railroad

1 in. = 122ft.



244.0

0

122.00

244.0 Feet

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



# APPLICATION FORM

## CITY OF BASEHOR

### Planning & Zoning Department

1600 N. 158<sup>th</sup> Street, Basehor, KS 66007

Phone: 913-724-1370

www.cityofbasehor.org



|  |  |                           |  |  |                      |                           |                          |     |            |
|--|--|---------------------------|--|--|----------------------|---------------------------|--------------------------|-----|------------|
| Project Name & Description   |  | Fareway Meat and Grocery  |  | Total Site Acreage   | 3.83                 | Present Zoning            | CP-2 Gen. Business Dist. |     |            |
| Legal Description (May be attached as separate sheet)  |  |                           |  | Southwest One-Quarter of Section 2, Township 11 South, Range 22 East |                      |                           |                          |     |            |
| Project Address / General Location   |  |                           |  | 15840 State Avenue Basehor, Kansas 66007                             |                      | Date                      | 2/5/2025                 |     |            |
| Parcel ID Number (CAMA Number)   |  |                           |  | 052-181-02-0-00-00-309.00-0  |                      | Floor Area Classification |                          |     |            |
| Property Owner Name  |  | Fareway Stores, Inc.      |  | Phone  | (515) 432 - 2623     | Fax                       |                          |     |            |
| Property Owner Address   |  | 2300 Industrial Park Road |  | City   | Boone, IA 50036-0070 | State                     | IA                       | Zip | 50036-0070 |
| Applicant's Name   |  | Fareway Stores, Inc.      |  | Phone  | (515) 432 - 2623     | Fax                       |                          |     |            |
| Applicant's Address  |  | 2300 Industrial Park Road |  | City   | Boone, IA 50036-0070 | State                     | IA                       | Zip | 50036-0070 |
| Applicant will be responsible for all fees incurred for 3 <sup>rd</sup> party review of plans. Initials [MH] |  |                           |  | Property Owner and/or Applicant's E-mail address                     |                      |                           |                          |     |            |

### APPLICATION TYPE

|  |  |                   |
|--|--|-------------------|
| <input type="checkbox"/> Annexation                              | <input type="checkbox"/> Preliminary Development Plan (Submit Sheet A) | [# of lots _____] |
| <input type="checkbox"/> Rezoning (Submit Sheet A)               | <input type="checkbox"/> Final Development Plan (Submit Sheet A)       | [# of lots _____] |
| <input type="checkbox"/> Conditional Use Permit (Submit Sheet A) | <input type="checkbox"/> Lot Split                                     |                   |
| <input type="checkbox"/> Special Use Permit                      | <input type="checkbox"/> Preliminary Plat                              | [# of lots _____] |
| <input checked="" type="checkbox"/> Variance (Submit Sheet B)    | <input type="checkbox"/> Final Plat                                    | [# of lots _____] |
| <input type="checkbox"/> Site Plan                               |  |                   |

### PROJECT INFORMATION

|                                      |  |                                     |                                 |                                      |                                      |                                      |
|--------------------------------------|--|-------------------------------------|---------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Existing Use                         |  |                                     |                                 |                                      |                                      |                                      |
| <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Industrial | <input type="checkbox"/> Office | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Vacant      | <input type="checkbox"/> Other _____ |
| Proposed Use                         |  |                                     |                                 |                                      |                                      |                                      |
| <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Industrial | <input type="checkbox"/> Office | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Other _____ |                                      |

### COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)

|                  |                     |                             |                   |
|------------------|---------------------|-----------------------------|-------------------|
| Total Site Area  | Existing Floor Area | Existing Building Footprint | Open Space Area   |
| No. of Buildings | Proposed Floor Area | Proposed Building Footprint | Pavement Coverage |

### COMPLETE THIS AREA FOR PRELIMINARY AND FINAL PLATS

|                         |                  |                  |                  |
|-------------------------|------------------|------------------|------------------|
| Proposed Number of Lots | Maximum Lot Size | Minimum Lot Size | Average Lot Size |
|-------------------------|------------------|------------------|------------------|

**Property Owner/Agent Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.**

x Matt Heath 2/5/2025  
Signature Date

#### Office Use Only

Filing Fee \$ \_\_\_\_\_  Received by \_\_\_\_\_  # of Plans \_\_\_\_\_  
 Attached Legal Description  Property Ownership List

**CITY OF BASEHOR****Planning & Zoning Department**

1600 N. 158th St., PO Box 406, Basehor, KS 66007

Phone: 913-724-1370

**GENERAL REASON FOR APPEAL, EXCEPTION, OR INTERPRETATION****REASON FOR REQUEST**

Is this a request for:

an interpretation of the zoning ordinance text, maps, or boundaries according to Article 17(6)A?  
 (Includes appeals from decisions of any officer administering the provisions of the Zoning Ordinance as allowed in Article 17(11)A.)

a special exception as allowed in Article 17(10)A in the Zoning Ordinance?

a request for a variance from the Zoning ordinance as allowed in Article 17(14)A?

**Explain, including the interpretation, exception or applicable section of the Zoning Ordinance.**

The requested variance is necessary to accommodate Fareway Meat and Grocery's need for four wall signs instead of the two allowed under Section 6.4.1 of the Basehor Sign Regulations. The additional signage is essential for customer wayfinding, branding consistency, and visibility along multiple frontages, ensuring that patrons can easily locate entrances and key areas of the store. Strict enforcement of the two-sign limit creates unnecessary hardship by limiting effective communication for a large-format grocery store, which typically requires clear signage for accessibility and operational efficiency. This variance aligns with the intent of the zoning ordinance by maintaining an orderly, professional appearance while supporting business functionality, safety, and the overall economic vitality of the community.

**REQUEST FOR VARIANCE**

A request for a variance from the zoning ordinance may be granted upon the finding of the board that all of the following conditions have been met: **(Explain in detail how each of the following conditions have been met)**

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant. The building size, layout, and visibility requirements necessitate additional signage.

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- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. Allowing additional signs does not negatively impact nearby properties. They are consistent with comparable commercial developments in the area.

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- c. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. The two added signs create branding for a building of this size. Limiting the signage to two could potentially make it difficult for customers to locate the store. This helps customers better identify the store from the road.

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- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare or the harmonious development of the city. The two added signs will not adversely affect the public health, safety, morals, order, convenience, etc. They are consistent with comparable commercial developments in the area. Limiting the signage to two could potentially make it difficult for customers to locate the store. This helps customers better identify the store from the road.

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- e. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance. The variance still aligns with the intent of Basehor's sign regulations. It promotes orderly and effective signage, enhances public wayfinding, the signage is properly scaled on the building and prevents visual clutter while supporting business needs. It is consistent with comparable commercial developments in the area and supports economic growth without compromising aesthetics.

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- f. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question. Yes

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## 6.3 CP-1 Neighborhood Business Districts

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

### 6.3.1 Wall Signs.

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

### 6.3.2 Monument Signs.

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

### 6.3.3 Projecting Signs.

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

### 6.3.4 Attention-Attracting Devices or Signs.

Such device or sign may be permitted upon approval by the Planning Commission and/or City Council. A sign permit is required.

### 6.3.5 Changeable Copy Signs.

Such sign shall be a component of a monument sign defined in Section 6.3.2.

- A. Such sign shall not exceed a face area of thirty-two (32) square feet.
- B. Existing freestanding signs constructed without a changeable copy sign shall not be permitted to add a changeable copy sign component.
- C. No Changeable copy sign (automatic) shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken.
- D. Changeable copy sign (automatic) shall be turned off no later than 10:00 p.m. if located within one hundred (100) feet and/or abutting a residentially zoned district.
- E. Illumination for changeable copy sign (automatic) shall not exceed seventy (70) foot candles as measured at a distance of two (2) feet from the source of light.
- F. Changeable copy sign (automatic) shall be approved by the Planning Commission and/or City Council. A sign permit is required.

### 6.3.6 Under Canopy Signs.

In complexes with three (3) or more tenants, under canopy signs shall be permitted in addition to the signage described above. One (1) such sign will be permitted for each business. Under canopy signs shall not exceed two (2) square feet.

## 6.4 CP-2 General Business Districts

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

### 6.4.1 Wall Signs.

Same as permitted in Section [6.3.1](#).

### 6.4.2 Monument Signs.

- A. Same as permitted in Section [6.3.2](#).
- B. The sign shall not exceed one-hundred (100) square feet and twenty (20) feet in height. C. Complexes, or on properties more than ten (10) acres in size, shall be required to prepare a set of sign criteria, as defined in Section [7.1](#), governing all exterior signs in the complex.

### 6.4.3 Attention-Attracting Devices or Signs.

Same as permitted in Section [6.3.4](#).

### 6.4.4 Under Canopy Signs.

Same as permitted in Section [6.3.6](#).

### 6.4.5 Menu-Boards.

Drive-through restaurants and car washes may have two (2) menu boards located in conjunction with each drive-through lane. Such sign shall not exceed eight (8) feet in height and thirty-two (32) square feet. A sign permit is required.

**CITY OF BASEHOR  
BOARD OF ZONING APPEALS  
PV-002-24**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Board of Zoning Appeals of the City of Basehor, will hold a public hearing on March 24, 2025, at 5:00 PM, in the meeting room of City Hall located at 1600 N. 158th Street, Basehor, Kansas to consider a variance request to the City of Basehor Sign Regulations, Section 6.4, CP-2 General Business District to exceed the allowed wall sign limit of two (2):

Southwest One-Quarter of Section 2, Township 11 South, Range 22 E

**Request Submitted By: Matt Heath - Fareway Grocery Store**

**Address: 15840 State Avenue**

**Parcel ID Number: 181-02-0-00-00-309.00-0**

Further information is available, including the full legal description, for inspection during regular business hours in the City of Basehor & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon, Friday, March 21, 2025.

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Jim Sherman, Planning and Zoning Director  
City of Basehor, Board of Zoning Appeals

Publish by March 4, 2025.

**(Publish One Time)**