

LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
August 13, 2025

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Joshua Zenger, Jaden Bailey, Dan Clemons, Doug Tystad, Jeff Spink, Steve Skeet, Robert Owens, Allan Stork and Marcus Majure.

Members absent: William Gottschalk.

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Development Planner, Misty Brown-County Counselor, Jon Khalil-Deputy County Counselor

Member Oath of Office

Re-appointed Commissioner Steven Skeet was sworn in.

Approval of Minutes

Commissioner Stork motioned to approve the minutes. Commissioner Bailey seconded.

ROLL CALL VOTE - Motion to approve the minutes passed 4/0 (2 abstained, 3 absent).

Secretary's Report. Amy Allison stated there were two items on the Consent Agenda. Ms. Allison stated there are also three plat and exception items on the Regular Agenda. One is a Public Hearing for a re-zoning and also Board of Zoning Appeals, which is a variance case.

Approval of Agenda

Commissioner Clemons motioned to approve the agenda and Commissioner Bailey seconded.

ROLL CALL VOTE - Motion to approve the agenda passed 8/0.

Declarations None

Commissioner Tystad explained his hesitancy to break up land to allow minimal septic systems. Tystad suggest the County instead hold people accountable for installing quality septic systems. Director Jacobson concurred and stated that staff has the utility questions answered. Additionally, Mr. Jacobson stated there will be a Utility Recommendation Committee formed by the end of the year. As it stands today, the 1-acre lots are acceptable under current regulations.

Regular Agenda

A. Case DEV-25-066 Tract Split – Frederickson

Consideration of an exception of a tract split for a tract of land in the Northwest 1/4 of Section 29, Township 9 South, Range 22, East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Stranger Road

Staff Report. Josh Schweitzer explained the applicants are requesting an exception from the zoning and subdivision regulations of Article 50, Section 40.31 which is the lot depth to lot width requirement for Lot 1 on proposed tract split.

Commissioner Clemons motioned and Commissioner Stork seconded.

ROLL CALL VOTE - Motion to approve the agenda passed 8/0.

B. Case DEV-25-076 Boundary Line Adjust – Lavery/Walker

Consideration of an exception of a boundary line adjustment for tracts of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 17208 & 17200 Eisenhower Road

Staff Report. Amy Allison stated the applicants are requesting a boundary line adjustment. The request arose from an existing accessory structure that was constructed too close to the adjoining property line. If approved, the proposal would bring the structure into compliance by exchanging land from the south to the north to the opposite owners. This would cause the structure to meet setback requirements. During the application process, it was discovered that both parcels are comprised of two legal descriptions.

Commissioner Tystad motioned and Commissioner Clemons seconded.

ROLL CALL VOTE - Motion to approve the agenda passed 8/0.

C. Case DEV-25-074 Rezoning – Van Zee

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: Tracts of land in the Northeast Quarter of Section 9, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas and a tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 21443 Springdale Road

Staff Report. Josh Schweitzer stated that this case is a rezone request to change the parcel from RR-5 to RR-2.5. The applicants are requesting approval to create two additional lots from the parent tract of land. The seven Golden Factors have been met and staff recommends approval.

Chairman Spink opened the Public Hearing.

Surveyor Joe Herring appeared and stated staff has handled the case well and mentioned the intended layout of the property to the south 2.5 acre lot would have a shared drive with the existing house. The north tract would have their own driveway. Mr. Herring stated KDOT is supportive of the driveway modifications as long as the rezone is approved. Mr. Herring disclosed that KDOT would be hesitant to allow an interior road near the property.

Commissioner Clemons motioned and Commissioner Bailey seconded.

Adjournment of Planning Commission at 5:51pm.

Board of Zoning Appeals

Members present: Allan Stork, Robert Owens, Steve Skeet, Doug Tystad, Jaden Bailey and Joshua Zenger

A. Case DEV-25-077 Variance - Pitts

Consideration of a Variance request from Article 41, Section 6 Exhibit B of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Southeast Quarter of the Southeast Quarter of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth, Kansas.

Also known as 21280 207th Street

Staff Report. Amy Allison stated the applicant is requesting a variance and is proposing to divide the property into two separate parcels. During staff's review, it was determined that existing driveway is not compliant with the spacing requirements. This particular road is a high-collector arterial road, which typically serves over 1,000 vehicle trips per day.

Public Works has also assessed the case and determined that the correct spacing requirement must be met.

Commissioner Tystad asked if the spacing includes both sides of the road. Ms. Allison responded that no, and that policy dictates the spacing requirement only as it relates to the side of the road that the entrance is located.

Chairman Spink opened the Public Hearing.

Public Comments

Surveyor Joe Herring stated that the current distance is 90 feet short of the 660-foot requirement. Mr. Herring elaborated that the existing entrance was added in the 1990's for residents in a mobile home. The home was in the family for about 12 years. Upon a family's member's passing, they had to evict their son's girlfriend and remove the structure. It's been kept as a residential driveway because there is a power pole with a transformer that is currently owned by Free State. Mr. Herring stated the residents were not properly notified by the County in 2005 that they were violating the regulations. Mr. Herring further added that surrounding property owners do not meet the spacing requirements either, but reiterated if approved, this variance request would not cause harm in any way.

Commissioner Tystad asked for clarification on the driveway situation for this parcel and surrounding property. Commissioner Stork asked Mr. Herring to confirm when the driveway in question was created. Mr. Herring stated the driveway was added just prior to 1993 when the Father passed.

Director John Jacobson stated that technical variations must go through the variance process because there is no land use component. Commissioner Owens asked if a grandfather clause would be applicable in this case. Mr. Herring stated the property owners lost their grandfather clause because they did not construct a home within 12 months. Commissioner Owens asked when the 660-foot rule came into effect. Amy Allison confirmed it to have become effective in 2020. John Jacobson added that the reason these cases go before the BZA is to verify if it meets the five statutory criteria. If a case is passed by the BZA, it can only be appealed by District Court.

No one spoke in favor or opposition of the request.

Commissioner Stork commented that the Planning Commission has addressed possibly hundreds of driveways added without permits over the years and it appears Public Works doesn't raise issue with them. Commissioner Stork stated he believes there are driveways on heavily travelled major roads that are more dangerous than this case. Commissioner Owens concurred.

Commissioner Stork motioned and Commissioner Skeet seconded.

ROLL CALL VOTE - Motion to approve 6/0.

Commissioner Tystad motioned and all seconded for adjournment.

Adjournment of Board of Zoning Appeals at 6:11pm.

Upcoming meeting dates:

Wednesday, September 10, 2025, 5:30 PM
Regular Planning Commission Meeting

For More Information:

If you have any questions or need to make special arrangements for a meeting,
please call or stop by the Planning and Zoning Department.
Contact Dawn Chamberlain – 913-364-5750