



## HAYS AREA BOARD OF ZONING APPEALS MEETING

City Hall, 1507 Main Street, Hays, KS

Monday, June 16, 2025 – 4:00PM

## AGENDA

### 1. CALL TO ORDER BY CHAIRMAN.

### 2. CONSENT AGENDA.

- A. Minutes of the meeting of May 19, 2025

*Action: Consider approval of the minutes of the May 19, 2025 meeting*

- B. Citizen Comments (on non-agenda items)

### 3. PUBLIC HEARING ITEMS.

- A. Public Hearing for a setback variance request by Dave and Sheila Eichman for a carport at 1600 E 29<sup>th</sup> St.

*Action: Consider approving the variance request for 1600 E 29<sup>th</sup> St*

### 4. NON-PUBLIC HEARING ITEMS.

- A. Sign Size and Height Variance requested by USD 489 for a monument sign at 2300 E 13<sup>th</sup> St.

*Action: None at this time, a public hearing is set for July 21, 2025*

### 5. ADJOURNMENT.

**DRAFT**  
**HAYS AREA BOARD OF ZONING APPEALS MEETING**  
**CITY HALL COMMISSION CHAMBERS**  
**May 19, 2025**  
**4:00 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:**

The Hays Area Board of Zoning Appeals met for their regularly scheduled meeting on Monday, May 19, 2025, at 4:00 p.m. in the Commission Chambers at City Hall. Chairman Matthew Wheeler called the meeting to order.

**Roll Call:**

**Present:** Matthew Wheeler, Jim Schreiber, Bernie Gribben, Brian Garrett, Mike Vitztum, Dustin Schlaefli, and Joseph Boeckner

**Absent:**

City staff in attendance: Collin Bielser, Deputy City Manager, Jarrod Kuckelman, Assistant City Manager, Jesse Rohr, Public Works Director, Curtis Deines, Superintendent of Planning and Development, Kate Armstrong, Planning Technician, and Ashley Kinderknecht, Administrative Assistant.

**2. CONSENT AGENDA:**

**A. Minutes:** Matthew Wheeler asked if there were any changes to the April 21, 2025, Hays Area Board of Zoning Appeals meeting minutes. There were none.

**Motion:** Mike Vitztum moved, Jim Schreiber seconded the motion to approve the minutes from the April 21, 2025, meeting.

**Vote: AYES**

Matthew Wheeler, Jim Schreiber, Bernie Gribben, Brian Garrett, Mike Vitztum, Dustin Schlaefli, and Joseph Boeckner

**B. Citizen Comments:** There were no citizen comments.

**3. PUBLIC HEARING ITEMS:**

**A. Public Hearing for a setback variance request by Jessica Diaz and Mario Diaz-Santiago for a carport at 1402 Oak St.**

Curtis Deines provided a PowerPoint presentation of an applicant's request for a variance to reduce the required setbacks for a carport from 14ft to 4ft on the south street side and from 5ft to 2ft on the east rear yard. City Staff discovered the carport had been built without a permit and appeared to violate setback requirements. A notice was sent to the property owner on April 10, 2025, after it had come to Staff's attention that there was a carport constructed without a permit and that appeared to be noncompliant with building setbacks. After meeting on site with City staff, the owner decided to request a

variance in hopes of keeping the already constructed carport in its current location. The house was built in 1895 on two lots. The house is set back from Oak Street and 14<sup>th</sup> Street more than normal. The location of the house on the lot does not allow for a backyard and would not comply with today's setback regulations.

Mr. Deines provided the variance criteria stating that the property is irregularly shaped compared to other lots on the block. The north side of the home is sitting directly on the original property line and the back yard is small. The 14-foot setback creates significant challenges for development. Since the home is built in the far northeast corner it further limits buildable area, making it more difficult to effectively utilize the site for any detached structures. The proposed request could negatively impact the rights of adjacent property owners, as they would be held to the standard 25-foot front setback requirement along E. 14<sup>th</sup> Street and would not be permitted to construct a similar structure as close to the property line. With the house being set back in the northeast corner of the property, it makes it difficult to build any accessory structures on the property within the required setbacks. It is unlikely that if granted as proposed, this variance would adversely affect public health, safety or general welfare. Granting the variance would oppose the general spirit and intent of the regulations.

Mr. Deines then provided the options to be considered by the Board of Zoning Members. The proposed variance request does not seem to meet the regulatory and statutory criteria for a variance; therefore, staff does not recommend approval as submitted.

Mike Vitztum asked for clarification on the request. Mr. Deines stated that on the south side the applicant is requesting a 10ft variance from 14ft to 4ft. The property line is right in the middle of the sidewalk, so the south part of the carport is about 4ft away and on the east side it is about 2ft from the property line. Generally, accessory structures require a 5ft setback, so getting it to where the carport is now, they are requesting a 3ft variance on the east side. Mr. Vitztum asked about the properties on 14<sup>th</sup> Street. Mr. Deines stated that the properties to the east on 14<sup>th</sup> Street actually front 14<sup>th</sup> Street and are unable to have accessory structures in the front of their house. The requested property is the only one on the corner lot where you can have a structure come out on the street side.

Dustin Schlaefli stated that it looked like there was a driveway already in the location of the carport and asked if there was a structure there prior to the carport. Mr. Deines stated that as far as he knows it has always just been a driveway with no other structures. Mr. Schlaefli asked if there was any room to put a structure closer to the house. Mr. Deines stated that you could put the carport closer to the house itself, moving about 8-10ft north.

Matthew Wheeler opened the public hearing as per the Open Meetings Act by Kansas Law. He asked if there were any comments or questions.

Applicant Mario Diaz-Santiago stated that if he moves the carport closer to the house 10ft, he will not have a backyard. Every year he gets hail damage to his truck, so he thought of getting a carport. He stated that even with the carport there, he can see

people walking on the sidewalk. Jessica Diaz stated that the truck does not usually cover the sidewalk, but she was driving it when the picture was taken.

Matthew Wheeler asked if there was room to put the carport on the Oak Street side. Mr. Deines stated that there is room for a structure there, but it would get into allowing an accessory structure in front of the house. Mr. Wheeler then asked if the applicants could fence part of the yard on the Oak Street side. Mr. Deines stated they could have a fence in the front, but it would have to transition down to 42" with it being in the front. Mr. Vitztum asked if the City heard anything from the neighbors. Mr. Deines stated that they had not.

Mr. Schlaefli stated he thinks they need to look at setting a precedent. Mr. Wheeler stated it is close to the sidewalk for pedestrians and people riding their bikes. Joseph Boeckner stated that looking up and down the block, it looks as though most of the properties have rear access. Mr. Deines stated that was correct and the property being discussed does not have alley access. Mr. Boeckner stated that the uniqueness, in his opinion, is that many of the property owners on 14<sup>th</sup> Street have back-alley parking and/or access where they can put up a big metal building or carport in the back where this property does not even have that ability.

Mr. Vitztum asked if there was any way that the property owner could shorten the carport. Mr. Deines stated that the Board could make conditions of the property owner. Ms. Diaz stated they did discuss different options, but decided to keep it in its current place because adding a driveway is going to be a huge expense. To move it towards the house, they are going to have to find a way to move the shed that is right in front of the carport and then remove the deck. Mr. Schlaefli asked if the concrete goes north of the fence. Mr. Deines stated that the concrete goes all the way into the backyard.

Mr. Schlaefli suggested to allow the side yard setback, but it has to be moved as close to the house as possible. Mr. Deines stated from the house to the property line it is 34ft., the carport is 20ft., so if you subtract 10ft. it would be a 4ft variance, getting the carport 10ft closer to the house. So, it would be a 4ft variance instead of a 10ft variance.

Matthew Wheeler closed the public hearing and asked for any further discussion. There were none.

**Motion:**

Dustin Schlaefli moved to approve a 4ft south street side variance and a 3ft east rear yard variance; Bernie Gribben seconded.

**Vote: AYES**

Matthew Wheeler, Jim Schreiber, Bernie Gribben, Mike Vitztum, Dustin Schlaefli, and Joseph Boeckner

**Vote: NAYS**

Brian Garrett

#### **4. NON-PUBLIC HEARING ITEMS:**

##### **A. Setback Variance request by Dave and Sheila Eichman for a carport at 1600 E 29<sup>th</sup> St**

Curtis Deines provided a PowerPoint presentation of an applicant's request for a 5 ft. variance of the east side building setback, a reduction from the required 7 ft setback to 2 ft, for a carport that is already constructed. City staff sent a notice to the owner of record, Dave and Sheila Eichman, on April 10, 2025, after it had come to staff's attention there was a carport constructed without a permit and appeared to be noncompliant with building setbacks. After meeting with city staff, the owner decided to request a variance in hopes of keeping the already constructed carport in its current location.

Mr. Deines provided a visual of the west and south side of the property that shows how much elevation changes from the street and alley. Mr. Deines provided the variance criteria stating the property is not irregularly shaped compared to other lots on the block and surrounding blocks. Even though the proposed carport would still be located on the applicant's property, the proposed request could adversely affect the rights of the adjacent property owners due to the carport possibly being placed within 2 ft. of the adjacent property owner's property line. The request could be considered a self-imposed hardship since there is room to relocate the carport further into the backyard and access the carport from the front yard. It is unlikely that if granted as proposed, this variance would adversely affect public health, safety or general welfare. Granting the variance would oppose the general spirit and intent of the regulations.

Dustin Schlaefli asked if there would be room in the backyard for the carport and would it still be accessible. Mr. Deines stated you could possibly drive back into the driveway from the front. Joseph Boeckner asked if the concrete and fence were new. Mr. Deines stated that it had been there for several years.

No action at this meeting. There will be a public hearing on June 16, 2025.

#### **5. ADJOURNMENT: Matthew Wheeler adjourned the meeting at 4:35 p.m.**

Submitted by Ashley Kinderknecht, Administrative Assistant



## Hays Area Board of Zoning & Appeals

### Agenda Memo

<b>Agenda Item:</b>	Setback Variance for a Carport at 1600 E. 29 <sup>th</sup> St.
<b>Owner:</b>	Dave & Shelia Eichman
<b>Type of Review:</b>	Consider a Setback Variance for a Carport at 1600 E. 29 <sup>th</sup> St.
<b>Presented By:</b>	Curtis W. Deines, Planning & Development Superintendent
<b>Date Prepared:</b>	June 4, 2025
<b>Agenda Date:</b>	June 16, 2025

### Summary

The applicant is requesting a variance to reduce the required setback for a carport from 7 ft. to 2 ft. on the east side yard. City Staff discovered the carport had been built without a permit, and it appeared to violate minimum setback requirements. A notice was sent to the property owner on April 10, 2025. Following a meeting with City Staff, the owner acknowledged the issue. The applicant is now seeking a variance in order to retain the carport in its existing location.

### Background

The applicant is requesting a 5 ft. variance of the east side building setback, a reduction from the required 7 ft. setback to 2 ft, for a carport that is already constructed.

City Staff sent a notice to the owner of record, Dave & Shelia Eichman, on April 10, 2025, after it had come to Staff's attention that there was a carport constructed without a permit and appeared to be noncompliant with building setbacks. After meeting with City Staff, the owner decided to request a variance in hopes of keeping the already constructed carport in its current location.

## **Standards of Evaluation**

**(Per State Statute 12-759 and City Unified Development Code)**

- The BZA has the authority to grant a variance if a literal enforcement of the provisions of the adopted regulations will, in an individual case, result in unnecessary hardship, provided:
  - The spirit of the regulations shall be observed.
  - Public safety and welfare secured.
  - Substantial justice shall be done.
- The applicant must show that the property was acquired in good faith and that the variance is needed due to extraordinary or exceptional circumstances of the property such as exceptional narrowness, shallowness, or shape of the lot.
- Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be finding by the Board that all of the following conditions exist:
  - a. The uniqueness of the property not ordinarily found in the same zone or district and not created by willful action of the owner.

**Staff Analysis:** *The property is not irregularly shaped compared to other lots on the block and surrounding blocks. There are several other houses that are the same shape and size. There is a concrete retaining wall that ranges in height around the rear yard and street side, making vehicle access from that area difficult.*

- b. The granting of the variance will not adversely affect the rights of adjacent property owners.

**Staff Analysis:** *Even though the proposed carport would still be located on the applicant's property, the proposed request could adversely affect the rights of the adjacent property owners due to the carport possibly being placed within 2' of the adjacent property owner's property line.*

- c. The strict application of the code will constitute unnecessary hardship upon the property owner.

**Staff Analysis:** *The request could be considered a self-imposed hardship since there is room to relocate the carport further into the backyard and access the carport from the front yard.*

- d. The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.

**Staff Analysis:** *It is unlikely that if granted as proposed, this variance would adversely affect public health, safety, morals, order, convenience, prosperity,*

*or general welfare as it would not interfere with sight lines, access, or traffic flow.*

- e. The granting of the variance desired will not be opposed to the general spirit and intent of the regulations.

**Staff Analysis:** *Granting the variance would oppose the general spirit and intent of the regulations.*

## **Options**

- Do not approve the variance
- Approve with conditions or other alternatives
- Approve the variance

## **Recommendation**

Since the applicant's request does not appear to meet the regulatory and statutory criteria for a variance, staff does not recommend approval as submitted.

## **Action Requested**

Motion to not approve the variance as requested.

## **Supporting Documentation**

Visuals

History of Carport Side Yard Variances

Application & Owner Justification





Backyard Retaining Wall



Backyard Retaining Wall



## **City of Hays History - Side Yard Variances for Carports since 2021**

- 2021 – 302 E 24<sup>th</sup>
  - **Approved** for a 7' variance from 7' to 0' for lean-to carport that was already constructed. Was conditional that when the owner moves or sells the property the carport be removed.
- 2021 – 2918 Barclay
  - **Approved** a 3.5' variance from 7' to 3.5' for a lean-to-carport
- 2024 – 315 E. 23<sup>rd</sup>
  - **Denied** a 6' variance from 7' to 1 ft for a carport beside the house.
- 2025 – 1402 Oak St.
  - **Approved** a variance of 4 ft to the street side and 3 ft to the rear on a corner lot. The original request was for 10 ft.

HAYS AREA BOARD OF ZONING APPEALS

Case #03-2025

Date Filed \_\_\_\_\_

Date Approved or

Denied \_\_\_\_\_

**APPLICATION FOR VARIANCE**

I. Name of Applicant Dave & Sheila Eichman \_\_\_\_\_ Phone 785-650-1548

Mailing Address 1600 E 29th St, Hays, KS \_\_\_\_\_

Name of Owner Dave & Sheila Eichman \_\_\_\_\_ Phone 785-650-1548

Mailing Address Same \_\_\_\_\_

Name of Authorized Agent Same \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address Same \_\_\_\_\_

Relationship of applicant to property is that of Owner \_\_\_\_\_  
(Owner, tenant, lessee, other)

II. The variance is requested The request is for a carport located on the east side of the garage \_\_\_\_\_  
on property located at 1600 E 29th St \_\_\_\_\_ Reduce the side yard setback from 7 ft. to 2 ft. a variance of 5 ft.  
and legally described as: Block 3, Lot 1 Hays Plaza 5th Addition \_\_\_\_\_

in the City of Hays and which is presently zoned R-3 \_\_\_\_\_.

Give metes and bounds description below or on attached sheet: (required only if property is not part of a legally recorded plat)

III. The applicant and owner herein, or authorized agent and owner:

- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this variance request.
- B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
- C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
- D. Acknowledges right to appeal the decision of the board to the District Court.

APPLICANT/AUTHORIZED AGENT (IF ANY)

OWNER

OFFICE USE ONLY:

RECEIVED IN THE PLANNING & DEVELOPMENT DIVISION ON May 1, 2025  
TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00.

Ashley Kinderknecht, Admin Assistant

NAME AND TITLE

## **Variance Request for 1600 E 29<sup>th</sup> St, Hays, KS**

We are requesting a variance to reduce the side yard setback to 2 feet from the east property line to maintain the metal carport kit used to house our mowing business equipment. We need the additional space to allow clearance when backing the trailer into the side drive. The carport is being used to protect our mowing equipment from the elements.

### **Uniqueness**

The carport is in the only logical place for a carport. It was placed on an existing drive behind our double gate. Because our house is on a sloping corner lot, our back yard is surrounded by a 2' to 6' retaining wall on the east, south, and west sides restricting vehicle access to the backyard to only the northeast corner of our house.

### **Adiacent Property**

The carport does not have a negative impact on any of the adjoining properties. Diann Waldschmidt is the closest neighbor having the property adjoining on the east and has stated she does not have concern with the carport or its impact on her property. The carport does not block access to her property in any way and the runoff from the carport is on our driveway which is channeled on to our lawn. The carport is in our side yard behind a privacy fence next to our garage which does not obstruct anyone's view of the street or sidewalk.

### **Hardship**

As noted above, the carport was placed on the existing driveway, which is next to our garage and in front of our garden. It would be costly and materially impact the usability of our yard to extend the driveway further into the backyard to relocate the carport. Also moving the carport into the back yard would make it impossible to back our work trailer into the carport. Additionally, we need access to electricity to charge our trailer batteries when not in use, which is available from an outdoor plug on the east side of the house.

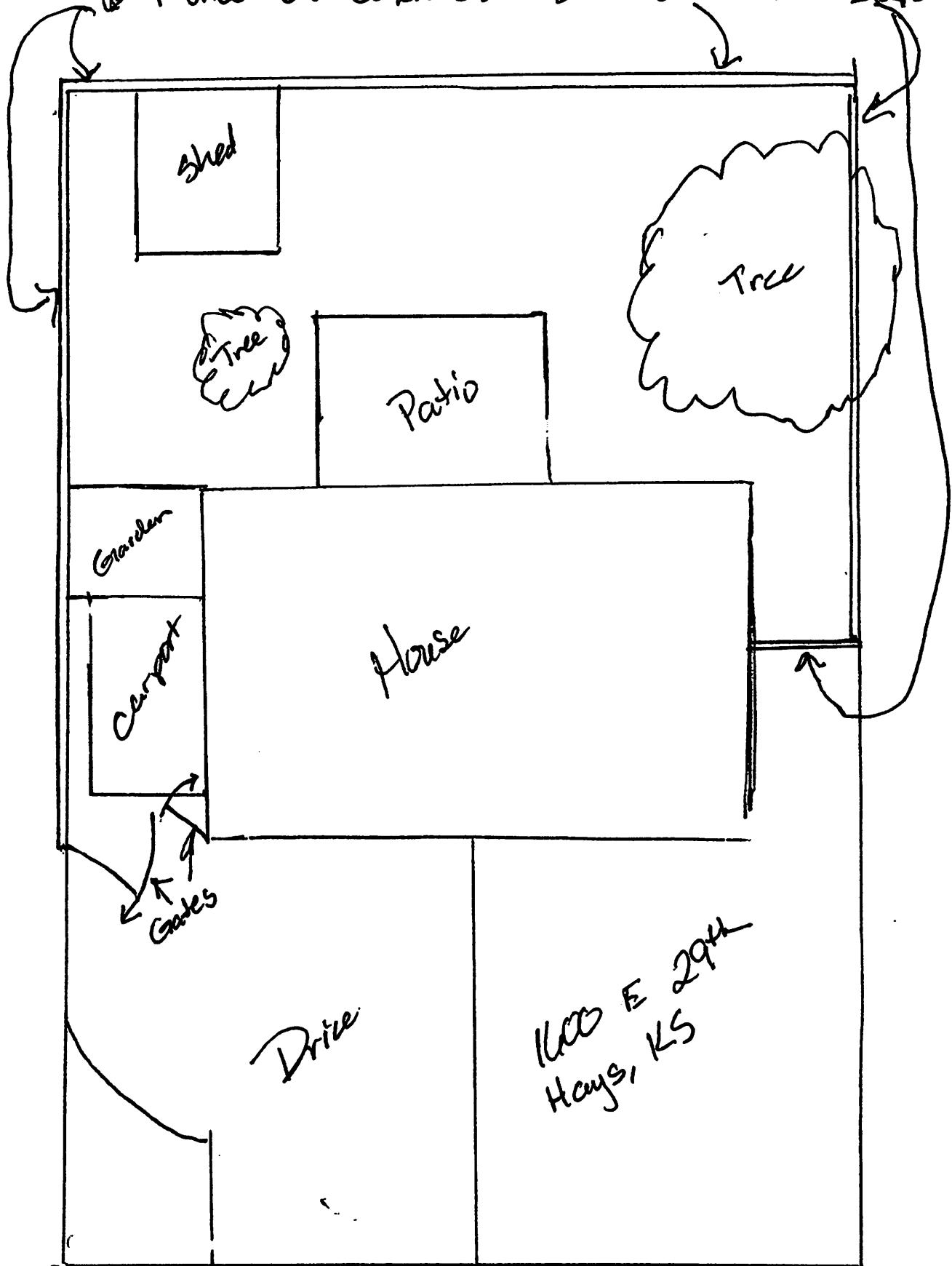
### **Public Interest**

The carport does not have any negative impact on public interest, health, or safety. As mentioned above the carport is in our backyard largely out of public view with no public access. The carport does not detract from the value of any adjoining properties. Our carport is similar in construction and placement to parking structures located in our neighborhood at 1606 E. 29<sup>th</sup> Street and 2018 Metro, as well as numerous other properties in Hays.

### **Spirit and Intent of the Zoning Regulations**

This variance is not opposed to the general spirit and intent of the zoning regulations. The placement of the carport makes effective use of the existing driveway, drive thru gate, and utility services without obstructing right of ways or public sidewalks and streets.

6' Force on concrete wall 2'-6" due to lot slope



**BEFORE THE HAYS AREA BOARD OF ZONING APPEALS  
THE CITY OF HAYS, KANSAS**

**NOTICE**

TO: Dave & Sheila Eichman  
The Hays Area Board of Zoning Appeals  
The City of Hays, Kansas, and all other persons concerned,

You are hereby notified that pursuant to the provisions of K.S.A. 12-759 through K.S.A. 12-760 et seq. as amended, and Ordinance 4004 of the Code of Ordinances of the City of Hays, and Resolution 2021-20 of the Board of County Commissioners of Ellis County, Kansas, that a hearing will be had before said Board upon the appeal filed by Dave and Sheila Eichman.

The subject of the hearing shall be a request by Dave and Sheila Eichman for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements to allow a 5ft reduction of the east side yard setback from 7ft to 2ft on the real property located at 1600 E 29<sup>th</sup> St, Hays, Ellis County, Kansas.

You are hereby notified that a hearing will be had upon said appeal on the 16th day of June 2025 at 4:00 p.m., in the City Commission Chambers of City Hall at 1507 Main, in the City of Hays, Kansas, at which time said appeal will be determined.

Matthew Wheeler, Chairperson  
Hays Area Board of Zoning Appeals



**This is a list of property owners abutting the subject property that were sent a copy of the publication notice.**

#03-2025							
Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
1601 E 28th St Ter	026-138-27-0-40-07-011.00-0	James & Linda	Height	1601 E 28th St Ter	Hays	KS	67601
1603 E 28th St Ter	026-138-27-0-40-07-012.00-0	Kenneth G & Beverly J	Meder	1603 E 28th St Ter	Hays	KS	67601
2817 Indian Trail	026-138-27-0-30-12-020.00-0	Vernon E & July L	Morgan	PO Box 2869	Dillon	CO	80435
2819 Indian Trail	026-138-27-0-30-12-001.00-0	Vernon E & July L	Morgan	PO Box 2869	Dillon	CO	80435
2901 Indian Trail	026-138-27-0-30-11-003.00-0	William & Tiffany	Weber	2901 Indian Trail	Hays	KS	67601
1605 E 29th St	026-138-27-0-40-06-001.00-0	First Southern Baptist Church		1605 E 29th St	Hays	KS	67601
1602 E 29th St	026-138-27-0-40-07-009.00-0	Donald & Diane Waldschmidt Trust		1602 E 29th St	Hays	KS	67601
1600 E 29th St	026-138-27-0-40-07-010.00-0	David I & Sheila A	Eichman	1600 E 29th St	Hays	KS	67601



## Hays Area Board of Zoning & Appeals

### Agenda Memo

<b>Agenda Item:</b>	Size and Height Variance for a Monument Sign for Hays High Campus at 2300 E. 13 <sup>th</sup> St.
<b>Owner:</b>	USD 489
<b>Type of Review:</b>	Consider a Sign Variance for Size and Height
<b>Presented By:</b>	Curtis W. Deines, Planning & Development Superintendent
<b>Date Prepared:</b>	June 4, 2025
<b>Agenda Date:</b>	June 16, 2025

### Summary

USD 489 is requesting a variance to increase the size and height of a monument sign on East 13th Street for the new Hays High and future Hays Middle School campus. The sign would exceed current P-I zoning limits of 36 sq ft and 12 feet in height. The proposed sign is 107 square feet and 13 feet 10 inches tall. The 119-acre campus is much larger than typical lots in Hays. Buildings are set far back from the street, requiring greater sign visibility. A larger sign is needed to properly identify the campus and guide the public. Staff recommends setting a public hearing for July 21, 2025.

### Background

The applicant, USD 489, is requesting a variance from the sign regulations of the City of Hays to allow for an increase in both area and height for a monument sign. The proposed sign is to be located on East 13th Street and will serve as the primary identification for the new Hays High and future Hays Middle School campus.

Under current regulations for monument signs in the P-I (Public and Institutional) zoning district, the maximum allowable sign area is 36 square feet and the maximum height is 12 feet. The applicant is requesting a sign area of 81.75 sq ft (36"x55", 12"x18", 120"x60") and a total height of 13 feet 10 inches.

The subject property consists of 119 acres, significantly larger than the average parcel in Hays. The educational campus will house multiple public buildings and functions,

with substantial internal circulation and buildings are set far away from the public right-of-way.

The new school buildings are set back a considerable distance from East 13th Street, much farther than typical institutional or commercial buildings. A larger sign is necessary to maintain adequate visibility and scale for motorists and visitors approaching the site.

## **Standards of Evaluation**

***(Per State Statute 12-759 and City Unified Development Code)***

- The BZA has the authority to grant a variance if a literal enforcement of the provisions of the adopted regulations will, in an individual case, result in unnecessary hardship, provided:
  - The spirit of the regulations shall be observed.
  - Public safety and welfare secured.
  - Substantial justice shall be done.
- The applicant must show that the property was acquired in good faith and that the variance is needed due to extraordinary or exceptional circumstances of the property such as exceptional narrowness, shallowness, or shape of the lot.
- Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be finding by the Board that all of the following conditions exist:
  - a. The uniqueness of the property not ordinarily found in the same zone or district and not created by willful action of the owner.

***Staff Analysis:*** *The property is uniquely large at 119 acres, serving as a multi-building public education campus. This scale is not typical for sites in the P-I district, and it creates a practical need for larger, more visible signage to identify and navigate the campus effectively.*

- b. The granting of the variance will not adversely affect the rights of adjacent property owners.

***Staff Analysis:*** *The proposed sign will be placed along a major arterial (East 13th Street), and due to the site's scale, will not adversely affect adjacent properties or disrupt the character of the area. Its design as a monument sign, as opposed to a pole or billboard-style sign, maintains a low, pedestrian-friendly profile.*

- c. The strict application of the code will constitute unnecessary hardship upon the property owner.

***Staff Analysis:*** *If the sign code is applied without flexibility, the school would be limited to a sign that is too small to be seen clearly from the street. The*

*campus is 119 acres and the buildings are set far back from East 13th Street, making visibility a challenge. A smaller sign would not provide clear identification or directions for students, parents, staff, and visitors. Since the campus includes multiple buildings and serves the public, a larger sign is reasonable. Requiring the school to meet the smaller sign size would create an unnecessary burden, as the larger size accommodates the scale and purpose of the site more effectively.*

- d. The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.

**Staff Analysis:** *It is unlikely that if granted as proposed, this variance would adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare as it would not interfere with sight lines, access, or traffic flow.*

- e. The granting of the variance desired will not be opposed to the general spirit and intent of the regulations.

**Staff Analysis:** *While the proposal exceeds the numerical standards for height and area, it is consistent with the intent of the sign regulations: to promote legible, well-designed signage that supports orderly development. The increased dimensions are justified by the site context and public interest served.*

## **Recommendation**

Staff recommends setting a public hearing for July 21, 2025.

## **Action Requested**

Motion to set a public hearing for July 21, 2025.

## **Supporting Documentation**

Visuals

Application & Owner Justification



## SIGN SPECIFICATIONS

Color: Full Color / RGB text, pictures & video  
Pitch: 6mm  
Matrix: 250x500  
Dimensions: 5'-0" x 10'-0" (Tall x Wide)  
Max # of Lines: 36  
Max Letter Per Line: 83  
Sign Faces Size: 18" x 144" (Tall x Wide)  
Logo Cabinets Size: 36" x 55" (Tall x Wide)  
Monument Size: 166" x 190" (Tall x Wide)

Cabinet PMS Color:  
**PANTONE 426 C**  
Powdercoat Color S1730058

See available powdercoat colors:  
<https://goldenrulesigns.com/grs-powder-coat>

### Colors used:

CMYK	PMS
	PMS White
	PMS 504 C
	PMS 123 C

The Pantone Color Matching System is the sign industry standard for color selection. Computer monitor settings and printer calibration can limit the accuracy between the color you see and the true PMS color when painted. For specialized colors, ask your Project Consultant for a sample.



\* Overall sign depth may vary due to support size required by engineering.

## HAYS AREA BOARD OF ZONING APPEALS

Case # 04-2025

Date Filed 6/4/2025

Date Approved or Denied \_\_\_\_\_

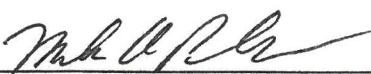
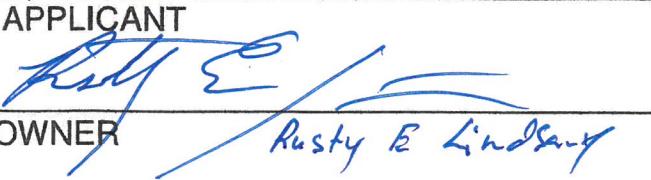
## APPLICATION FOR VARIANCE

- I. Name of Applicant Northwest Signs & Awards - Mark Pechanec Phone 620-786-9139  
Mailing Address 201 Columbia St. - LaCrosse, KS. 67548  
Name of Owner (if different from applicant) USD #489 (Hays High/Middle School) Phone 785-623-2600
- Mailing Address 323 West 12<sup>th</sup> St, Hays, KS. 67601  
Name of Authorized Agent \_\_\_\_\_ Phone 785-623-2400  
Mailing Address \_\_\_\_\_  
Relationship of applicant to property is that of \_\_\_\_\_ (Owner, tenant, lessee, other)  
II. The variance is requested for increasing the allowable sq.ft. for an electronic message center (EMC) to be mounted to a monument sign for the entrance of the school  
Increasing the height of monument sign on property located at 2300 E. 13<sup>th</sup> St, Hays, KS and legally described as: Annexed Territory East End: APN/Parcel ID 181-02-0-20-01-003.00  
in the City of Hays and which is presently zoned P-1.

Give metes and bounds description below or on attached sheet: (required only if property is not part of a legally recorded plat)

## III. The applicant and owner herein, or authorized agent and owner:

- Acknowledges receipt of an instruction sheet concerning the filing and hearing of this variance request.
- Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
- Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
- Acknowledges right to appeal the decision of the board to the District Court.

Mark Pechanec  
APPLICANTAUTHORIZED AGENT (IF ANY)  
OWNER Rusty E. Lindsay

## OFFICE USE ONLY:

RECEIVED IN THE PLANNING & DEVELOPMENT DIVISION ON June 4, 2025,TOGETHER WITH THE APPROPRIATE FEE OF \$\$50.00.Ashley Kinderknecht, Administrative Assistant

NAME AND TITLE

USD #489 is purposing a monument sign to be placed on their property at 2300 E. 13th St. in Hays, KS. The current designed purposely exceeds the city of Hays' sign code of 12' in maximum height, and exceeds the maximum square footage for the Electronic Message Center (also referred to later as an EMC) Current purposed sign has the height at 13' 10" and the EMC at 50 Sq. Ft. for each side of the monument sign.

- A. The sign purposed is unique to the zoning area of P-I by ways of a large open lot for use of a public school. This lot is very large and not normal to other businesses, buildings, etc. in the same zoning district.
- B. The purposed sign should not adversely affect neighboring adjacent properties, as it will not impede the view from drivers traveling down the roadway, or accessing the entrance of this property or other neighboring properties. The sign will be well made with concrete, brick, mortar, steel, etc. as to the longevity of the sign withstanding the Kansas weather, mainly high wind.
- C. The current zoning in the size of the (EMC) Electronic Message Center states a maximum of 36 sq. ft. The purposed sign is designed at 50 sq. ft. per side as the monument sign it mounts to will be perpendicular to the street. The size of the EMC needs to be bigger than the 36 sq. ft. city code due to not being able to clearly read the EMC from a diving distance. With the set back being a decent way from the street, we want to make sure the EMC can be easily read at a distance.
- D. The purposed increase in height of the monument sign and sq. ft. of the EMC should not adversely affect the public. The sign will not harm in safety, health, moral, convenience or general welfare of the citizens of Hays as well as its visitors.
- E. If so granted of this variance, the purposed applicants and property owners understand and will uphold the spirit and intent on other zoning regulations.