



## HAYS AREA BOARD OF ZONING APPEALS MEETING

City Hall, 1507 Main Street, Hays, KS

Monday, July 21, 2025 – 4:00PM

## AGENDA

### 1. CALL TO ORDER BY CHAIRMAN.

### 2. CONSENT AGENDA.

- A. Minutes of the meeting of June 16, 2025

*Action: Consider approval of the minutes of the June 16, 2025 meeting*

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

### 3. PUBLIC HEARING ITEMS.

- A. Public Hearing for a sign size and height variance requested by USD 489 for a monument sign at 2300 E 13<sup>th</sup> St

*Action: Consider approving the variance request for 2300 E 13<sup>th</sup> St*

### 4. NON-PUBLIC HEARING ITEMS.

- A. None

### 5. ADJOURNMENT.

**DRAFT**  
**HAYS AREA BOARD OF ZONING APPEALS MEETING**  
**CITY HALL COMMISSION CHAMBERS**  
**June 16, 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, June 16, 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, Brian Garrett, Mike Vitztum, Dustin Schlaefli, and Joseph Boeckner

**Absent:** Bernie Gribben

City staff in attendance: Toby Dougherty, 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 May 19, 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 May 19, 2025, meeting.

**Vote: AYES**

Matthew Wheeler, Jim Schreiber, 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 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 5ft variance of the east side building setback, a reduction from the required 7ft setback to 2ft, for a carport that is already constructed. City Staff sent a notice to the owner of record, Dave & Sheila 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. Mr.

Deines provided a view of the west and south side of the property showing how much elevation there is from the street and alley.

Mr. Deines provided the variance criteria stating that the property is not irregularly shaped compared to other lots on the block and surrounding blocks. There is a concrete retaining wall that ranges in height around the rear yard making vehicle access from that area difficult. 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 2ft 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, morals 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.

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

Diane Walschmidt stated that she lives right next to the applicants. She stated that it does not bother her that the carport is there and that Dave put up the fence between their properties. She stated that it is probably an advantage that it is there to maybe keep some of the trash that blows into the property out. She has no objections to the carport being there.

Dave Eichman stated that he knew that one of the topics for discussion would be how it would impact the neighbors. He stated that along with Diane, he had notes that were written by two other neighbors with one not even knowing the carport was there. He did not realize that the carport needed a permit as it was a kit that he got. He had met with the city, and they provided him with some samples and had asked for examples of other variances and how people justified it. He stated that out of those examples provided, over half of them the city did not have a record of any permits or variances for them. They are using an existing driveway and has a video of his son backing the trailer in. When he backs it in, it is difficult to do. To move the carport anywhere in the back would make it extremely difficult to do and would cost a lot to pour additional concrete. He provided some pictures of some carports in his area that are on property lines and do not have permits or variances.

Dustin Schlaefli asked for clarification on the examples that he worked with the city to get, if that was before or after he was told about the carport issue. Mr. Eichman stated that it was after the city had contacted him. Mr. Wheeler stated that just because someone does something doesn't necessarily make it right. He stated that if other carports are out there and have been put up without permits, that doesn't necessarily mean that was right or that Mr. Eichman's is right. He expressed that the whole reason here is a Unified Code is so that everyone gets the same rules and the same treatment.

He stated that the city is not picking on him but wanting everyone to have the exact same rules under the Unified Codes.

Mike Vitztum asked about the height of the carport. Mr. Eichman believes it to be about 9ft with a width of about 12 ½ ft. Mr. Vitztum asked if it would be okay if it were a shed as opposed to a carport. Mr. Deines stated that it would not be because it is over 120 sq ft.

Matthew Wheeler closed the public hearing and asked for any further discussion.

Dustin Schlaefli asked about the examples that were provided to Mr. Eichman, if they were issued a variance. Mr. Deines stated that some of the properties were granted a variance and some of them weren't. He stated that it depended on the time when the carport was installed. In 2016 the city adopted the UDC, so there are structures that are nonconforming because they were before that date. Matthew Wheeler asked if someone pointed out structures that were placed after 2016, then we would go through the same process of requesting a variance. Mr. Deines stated that we would do an investigation to see what the situation was.

Mr. Vitztum asked if there was any where he could move the carport to keep it. Brian Garrett stated that they could notch out the retaining wall in the alley and put it back there. It wouldn't be cheap, but it is an option. Mr. Wheeler asked about the shed in the back and if the retaining wall was at ground height. Mr. Eichman stated that it is about 2ft. Joseph Boeckner believes that the carport is well done and is discrete.

Matthew Wheeler asked if there was any further discussion. There was none.

**Motion:**

Brian Garrett moved to not approve the variance as requested; Dustin Schlaefli seconded.

**Vote: AYES**

Matthew Wheeler, Jim Schreiber, Mike Vitztum, Dustin Schlaefli, and Brian Garrett

**Vote: NAYS**

Joseph Boeckner

Brian Garrett stated that this issue is something that the city needs to get a handle on and a way to regulate it. Mr. Deines stated that it can be a change in regulation. Mike Vitztum asked what happens next with the property owner. Mr. Deines stated that we would work with him on a timeline of when it would be removed from this location or in a compliant location on his property. City Manager Toby Dougherty stated that as Planning Commission, they can make a recommendation to the City Commission if they see there is an issue with the regulations. Public Works Director Jesse Rohr stated that city staff can grant an extension for the removal of the carport to see about getting regulation changes to the City Commission. Mr. Vitztum thinks that's a good option.

#### **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**

Curtis Deines provided a PowerPoint presentation of USD 489 regarding 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 13<sup>th</sup> Street and will serve as the primary identification for the new Hays High and future Hays Middle School campus. 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. The new school buildings are set back a considerable distance from East 13<sup>th</sup> 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.

Under current regulations for monument signs in 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 square feet and a total height of 13 feet 10 inches.

Mr. Deines provided the variance criteria stating that the property is uniquely large at 119 acres, serving as a multibuilding 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. The proposed sign will be placed along a major arterial street, and due to the site's scale, will not adversely affect adjacent properties or disrupt the character of the area. 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. A smaller sign would not provide clear identification or directions for students, parents, staff and visitors. It is unlikely that if granted as proposed, this variance would adversely affect public health, or general welfare as it would not interfere with sight lines, access, or traffic flow. 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.

Matthew Wheeler asked if the sign was electronic. Mr. Deines stated that the H and Hays Indians will be printed and there will be an electronic message center. Brian Garrett asked how this sign compares to Hays Meds. Mr. Deines stated that Hays Meds signs are taller.

##### **Motion:**

Dustin Schlaefli made a Motion to set a public hearing for July 21, 2025; Mike Vitztum seconded.

**Vote: AYES**

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

5. **ADJOURNMENT:** Matthew Wheeler adjourned the meeting at 4:37 p.m.  
Submitted by Ashley Kinderknecht, Administrative Assistant

DRAFT



## 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>	July 1, 2025
<b>Agenda Date:</b>	July 21, 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 ft in height. The proposed sign is 81.75 sq ft and 13 feet 10 inches tall. The 119-acre campus is much larger than the 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 the Board approve the variance as submitted as it is consistent with the intent of the sign regulations: to promote legible, well-designed signage that supports orderly development.

### 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 sq ft and the maximum height is 12 ft. 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. 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 the Board approve the variance as submitted as it is consistent with the intent of the sign regulations: to promote legible, well-designed signage that supports orderly development.

## **Action Requested**

Motion to approve the sign variance as submitted.

## **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.

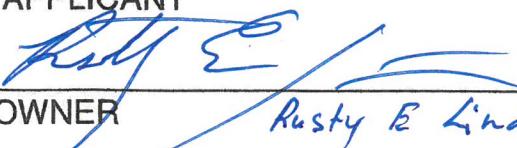
Give metes and bounds description below or on attached sheet: (required only if property is not part of a legally recorded plat)

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  
APPLICANT

AUTHORIZED AGENT (IF ANY)

 Rusty E. Lindsay  
OWNER

## 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.

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

**NOTICE**

TO: USD 489  
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 USD 489.

The subject of the hearing shall be a request by USD 489 for a variance as may be deemed by the Hays Area Board of Zoning Appeals of said City, from existing legal requirements to allow for a size and height variance for a monument sign on the real property located at 2300 E. 13<sup>th</sup> St, Hays, Ellis County, Kansas.

You are hereby notified that a hearing will be had upon said appeal on the 21st day of July 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.**

**#04-2025**

Property Address	Parcel	First Name	Last Name	Address	City	State	Zip
2500 E 13Th St	026-181-02-0-20-01-001.00-0	UNIFIED SCHOOL DIST 489		323 W 12th St	Hays	KS	67601-3812
00000 E 13Th St	026-181-02-0-20-01-002.00-0	UNIFIED SCHOOL DIST 489		323 W 12th St	Hays	KS	67601-3812
2300 E 13Th St	026-181-02-0-20-01-003.00-0	UNIFIED SCHOOL DIST 489		323 W 12th St	Hays	KS	67601-3812
00000 E 13Th St	026-181-02-0-20-02-002.01-0	MARK	OTTLEY	700 W 48th St	Hays	KS	67601-1403
2101 E 13Th St	026-137-35-0-30-12-004.00-0	ADAM & MEGAN	PRAY	116 E 11th St	Hays	KS	67601
1302 Golden Belt Dr	026-137-35-0-30-13-014.00-0	DCS INVESTMENTS LLC		PO Box 1576	Hays	KS	67601
2205 E 13Th St	026-137-35-0-30-13-015.00-0	ALEX J & SHARON L	DREILING	1305 Western Plains Dr	Hays	KS	67601
2203 E 13Th St	026-137-35-0-30-13-015.01-0	BEN & KIM	STAAB	1312 Agnes Dr	Hays	KS	67601-2720
2301 E 13Th St	026-137-35-0-30-14-014.00-0	JAMES & DEBORAH	BRAUN	3810 Post Rd	Hays	KS	67601
2401 E 13Th St	026-137-35-0-30-15-014.00-0	LINK INC		2401 E 13th St	Hays	KS	67601-2663
2501 E 13Th St	026-137-35-0-30-16-002.00-0	UNIFIED SCHOOL DIST 489		323 W 12th St	Hays	KS	67601-3812
1330 Canterbury Dr	026-137-35-0-30-12-003.00-0	MIDWEST ENERGY INC		1330 Canterbury Dr	Hays	KS	67601