

**CITY OF ABILENE  
BOARD OF ZONING APPEALS  
AGENDA**

May 7, 2024, at 4:00 p.m.  
Abilene Public Library  
209 NW 4<sup>th</sup> St. Abilene, KS 67410

<b>Agenda Item</b>
1. Call to Order
2. Roll Call: ___ Travis Sawyer, Chair ___ Penni Zelinkoff, Vice Chair ___ Rod Boyd ___ Matt Mead ___ Eric Anderson ___ William Rose ___ Bill Marshall
3. Approval of Agenda
4. Approval of Meeting Minutes – November 7, 2023
<b>Business</b> 5. <b>Public Hearing for BZA 24-5</b> , a request from JumpStart gas station to allow a variance to exceed the maximum square footage allowance on an existing high-rise pole sign as outlined under Article 27, Section 27-604 of the zoning regulations of the City of Abilene, KS. The site address is 2000 N. Buckeye Ave., Abilene, KS. *Staff report *Open public hearing *Applicant/Public comments *Close public hearing *Commission discussion and action
6. Adjournment

**Abilene Board of Zoning Appeals Minutes**  
**Abilene Public Library**  
**209 NW 4<sup>th</sup> St., Abilene, KS**  
**November 7, 2023, at 3:30 p.m.**



**1. Call to Order by Chair Sawyer at 3:30 p.m.**

**2. Roll Call**

Board of Zoning Appeals members present: Chair Travis Sawyer, Vice Chair Bill Marshall, William Rose, Penni Zelinkoff, Rod Boyd

Absent: Matt Mead, Eric Anderson

Staff present: Kari Zook, Community Development Director; Kellie Olson, Administrative Assistant

Public present: Rob Eichman, Jessica Shaver, Rick & Rhonda Bartley

**3. Approval of Agenda**

Motion by Zelinkoff to approve the agenda as written, seconded by Marshall. Motion carried unanimously 5-0.

**4. Approval of Minutes**

Motion by Rose to approve the October 3, 2023, minutes as written, seconded by Marshall. Motion carried unanimously 5-0.

**5. Public Hearing for BZA 23-11, a request from Golden Belt West Multifamily, LLC d/b/a Golden Ridge Apartments, to allow variances from Article 22, Sections 22-204, 22-302, and 22-308 and Article 20, Section 20-201(b)(2)(a) of the zoning regulations of the City of Abilene, KS. The site addresses are located on NW 17<sup>th</sup> St and Rose Dr., Abilene, KS, and legally described as Golden Belt Heights West, S7, T13, R2, Block 3, Lots 1-10**

The staff report and recommendations were discussed. Chair Sawyer opened the public hearing at 3:44 p.m. The applicant discussed the project site plan and the hardships were discussed regarding the variance requests. Rick Bartley was present to ask questions regarding the development. Their concern as homeowners at Golden Belt Heights East is additional traffic and sufficient parking being met for the apartment complex. They also questioned if this apartment complex will be government-subsidized housing. This will be market-rate housing per the developers. The public hearing was closed at 3:59 p.m.

Motion by Marshall to approve all four of the variance requests, seconded by Zelinkoff. Motion carried unanimously 5-0. There is a 30-day protest period which shall expire on December 7, 2023.

**6. Adjournment**

Motion by Marshall to adjourn at 4:03 p.m., seconded by Boyd. Motion carried unanimously 5-0.

ATTEST:

\_\_\_\_\_  
Board of Zoning Appeals

\_\_\_\_\_  
Community Development

# Staff Report

**TO:** Board of Zoning Appeals  
**FROM:** Kari Zook, Community Development Director  
**SUBJECT:** BZA 24-5, JumpStart variance request  
**DATE:** May 7, 2024



## APPLICANT:

Anders Herpolsheimer – Ron’s Sign Co. 1329 S Handley St. Wichita, KS 67213  
Owner: Phil Near, JumpStart 1425 E Douglas Ave Wichita, KS 67211  
Application date received: 4/2/24

## BACKGROUND:

- The property address of JumpStart gas station is 2000 N Buckeye Ave (formerly Snacks).
- The variance request is to exceed the maximum square footage allowance of the existing high-rise pole sign located in the southwest corner of the parcel. The total square footage allowance per Table 27-2, located in Article 27 of the zoning regulations, is 150 ft<sup>2</sup> per side. The total request is 272.08 ft<sup>2</sup> per side. Final site renderings and their variance justification are attached to the agenda packet for reference.



Direction	Zoning Classification	Land Use(s)
North	C-3	Holm Automotive empty lot
East	C-3	Holm Automotive
South	C-3	Country Mart
West	C-3	Undeveloped

The notice of public hearing was published in the Abilene Reflector Chronicle on April 12, 2024, and written notices were sent by mail on April 12, 2024, to property owners within 200 feet of the site address as required by Article 25, Section 25-701 of the zoning regulations.

**COMMENTS:**

Departmental/Citizen comments: None

**ACTION:**

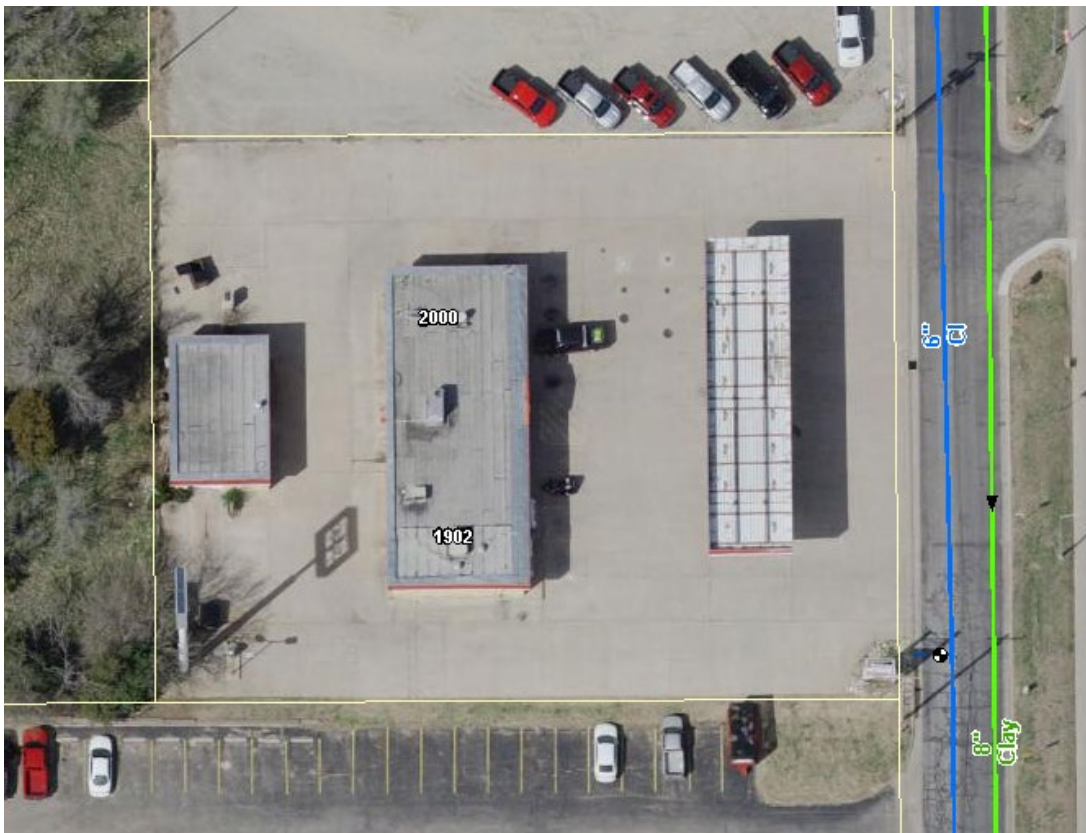
The Board of Zoning Appeals may:

1. Approve the variance as requested.
2. Approve the variance with amendments.
3. Disapprove the variance with findings.

**NOTES:**

Upon conclusion of the hearing, the board will render a decision on the request. If a person is aggrieved by the decision, they may appeal the decision to the Dickinson County District Court within 30 days.

\*The appeal period will expire on June 6, 2024.



CITY OF ABILENE, KANSAS

DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2355 · Fax: (785) 263-2552 · www.abilenecityhall.com

**INSTRUCTIONS:** This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- |   |  |
|---|--|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL          | <input type="checkbox"/> LOT SPLIT                         |
| <input type="checkbox"/> ANNEXATION                     | <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE    |
| <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS | <input type="checkbox"/> PRELIMINARY PLAT                  |
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT   | <input type="checkbox"/> PLANNED DEVELOPMENT               |
| <input type="checkbox"/> CONDITIONAL USE PERMIT         | <input type="checkbox"/> REPLAT                            |
| <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT     | <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT   |
| <input type="checkbox"/> FINAL PLAT                     | <input type="checkbox"/> SITE PLAN                         |
| <input type="checkbox"/> HOME OCCUPATION PERMIT         | <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
| <input type="checkbox"/> LANDMARK DESIGNATION           | <input checked="" type="checkbox"/> VARIANCE               |
| <input type="checkbox"/> LOT SPLIT                      |  |

FOR OFFICIAL USE ONLY

Appn Number: B2A 245  
Date Received: 3/6/24  
Received By: KZ

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Request for allowance of additional height and square footage for the high-rise freestanding sign, as well as additional square footage for the freestanding street sign

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Anders Herpolsheimer Tel: (316) 267-8914  
Business Name: Ron's Sign Co Fax: (316) 267-0811  
Address: 1329 S. Handley St  
City: Wichita State: KS Zip Code: 67213  
E-mail: artdeptronsignco@aol.com

PROPERTY OWNER (If Different from Applicant/Agent):

Name: Phil Near Tel: (620) 926-1700  
Business Name: JumpStart Fax: ( )  
Address: 1425 E. Douglas Ave  
City: Wichita State: KS Zip Code: 67211  
E-mail: plnear@live.net

ENGINEER/ARCHITECT/SURVEYOR:

Name: \_\_\_\_\_ Tel: (\_\_\_\_)  
Business Name: \_\_\_\_\_ Fax: (\_\_\_\_)  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**PROPERTY INFORMATION**

**PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):**

2000 N. Buckeye Ave

**PROPERTY TAX IDENTIFICATION**

NUMBER: 001-2503

ZONING: Existing: Commercial & Industrial Proposed: \_\_\_\_\_

LAND USE: Existing: Retail (Gas Station) Proposed: \_\_\_\_\_

**GROSS SIZE OF PLAT/LOT:**

Residential: \_\_\_\_\_ Commercial: 0.65 acre Industrial: \_\_\_\_\_ Other: \_\_\_\_\_ Total: \_\_\_\_\_

**NUMBER OF LOTS:**

Residential: \_\_\_\_\_ Commercial: 1 Industrial: \_\_\_\_\_ Other: \_\_\_\_\_ Total: \_\_\_\_\_

**IMPROVEMENT CHARACTERISTICS:**

Number of Buildings or Structures: 3 Total Building Area: \_\_\_\_\_

Maximum Height of Buildings or Structures: 45'-0" Total Impervious Area: \_\_\_\_\_

**EXISTING PUBLIC FACILITIES:**

	Public	Private	Other (Describe)
Water Service:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Wastewater Service:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Roadway Access:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

**FLOODPLAIN INFORMATION:**

Floodway:  Yes  No FIRM Map-Panel Number: 20041C0070C  
Floodway Fringe:  Yes  No Zone: \_\_\_\_\_

**ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?**

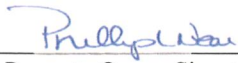
Yes  No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

**APPLICANT/PROPERTY OWNER CERTIFICATION\***

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

  
\_\_\_\_\_  
Applicant Signature

03/05/2024  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner Signature

03/05/2024  
\_\_\_\_\_  
Date

\* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

**PART II - TO BE COMPLETED BY STAFF**

**DOCUMENTS TO BE SUBMITTED WITH APPLICATION\*\***

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Copy of Deed           | <input type="checkbox"/> Easements and Covenants          | <input type="checkbox"/> Location Map                               |
| <input checked="" type="checkbox"/> Site Plan              | <input type="checkbox"/> Preliminary Plat                 | <input type="checkbox"/> Final Plat                                 |
| <input type="checkbox"/> Infrastructure Plans              | <input type="checkbox"/> Development Agreement            | <input type="checkbox"/> Grading and Stormwater Plans               |
| <input type="checkbox"/> Elevation Survey                  | <input type="checkbox"/> Traffic Impact Study             | <input type="checkbox"/> Construction Plans                         |
| <input type="checkbox"/> Performance Agreement             | <input type="checkbox"/> Proof of Notification            | <input type="checkbox"/> Utility Plans                              |
| <input type="checkbox"/> Text Amendment Language           | <input type="checkbox"/> Property Owner List              | <input type="checkbox"/> Comprehensive Plan Amendment Justification |
| <input type="checkbox"/> Annexation Boundary Map           | <input type="checkbox"/> Operating Characteristics Report | <input type="checkbox"/> Administrative Appeal Justification        |
| <input checked="" type="checkbox"/> Variance Justification | <input type="checkbox"/> Other _____                      |   |

Additional document requirements provided to applicant on 3/6/24. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

Kari Zook  
Name

Com Deno Director  
Title

Kari Zook  
Signature

3/6/24  
Date

**\*\* Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.**

**APPLICATION REVIEW**

**DECISION-MAKING BODY:**  Staff  Planning Commission  Board of Zoning Appeals  City Commission  
 Heritage Commission  Other (specify):

**DATE OF INITIAL HEARING(S):** 5/7/24

**FEE AMOUNT:** \$250- **DATE FEE PAID:** 3/6/24

**DETERMINATION OF COMPLETE APPLICATION:**

I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This certification does not preclude the review, recommendation and/or decision-making bodies from requesting additional information as deemed necessary to serve the public interest.

Kari Zook  
Name

Com Deno Director  
Title

Kari Zook  
Signature

4/2/24  
Date

## KANSAS WARRANTY DEED

Dated March 1, 2024

Grantor: Zaynab, L.L.C. a Kansas limited liability company

Grantee: Beacon Holding Company, L.L.C., a Kansas limited liability company.

Grantee's Mailing Address: 1425 E. Douglas, Ste 300, Wichita, KS 67211

*"Grantor" and "Grantee" are used for the singular or plural as context requires.*

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor GRANTS, BARGAINS, WARRANTS, AND CONVEYS to Grantee the following described premises, to-wit:

**A tract in the NE 1/4 of the SW 1/4 of Section 9, Township 13 South, Range 2 East of the Sixth Principal Meridian in Dickinson County, Kansas, described as follows: Beginning at a point on the West right of way line of Kansas Highway 15, said point being 181.9 feet South and 80 feet West of the center of said section; thence Southerly on an assumed bearing of S 00°04'56" East along said West right of way line a distance of 151.90 feet; thence N 89°32'42" West a distance of 200.00 feet; thence N 00°04'58" East a distance of 151.69 feet; thence S 89°36'11" East a distance of 200.00 feet to the point of beginning. Subject to: easements and restrictions of record, if any**

Subject to all easements, restrictions, reservations, and covenants, if any, now of record

The Grantor hereby covenants that the Grantor, Grantor's successors, and assigns will forever WARRANT AND DEFEND the title to the premises unto the Grantee, Grantee's successors, and assigns against the lawful claims of all persons whomsoever, excepting however the general taxes for the current calendar year and thereafter and the special taxes becoming a lien after the date of this deed.



Executed to be effective as of the date above

GRANTOR:

Zaynab, LLC, a Kansas limited liability company

By: [Signature]  
Dana Aslam, Sole Member

State of Kansas, County of Shawnee ) ss.

This instrument was acknowledged before me on March 1, 2024 by Dana Aslam, sole member of Zaynab LLC, a Kansas limited liability company for and on behalf of said company.

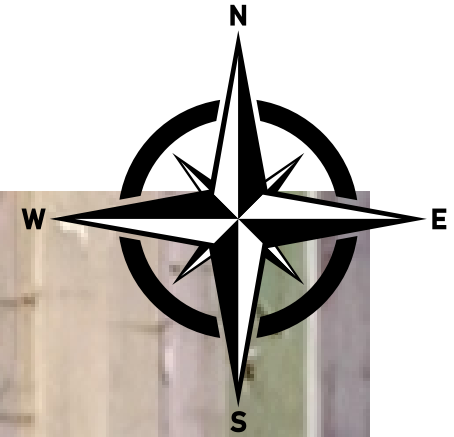
My Commission Expires: 2/24/26

[Signature]  
Notary Public



- a.** This property is located South of the US-40 & K-15 interchange and has an existing high rise sign. This existing high rise sign was previously used to advertise to the traffic traveling West on US-40. This sign had been abandoned since Phillips 66 moved out over 10 years ago. This sign was originally erected to increase visibility from the interstate to attract the passing public to pull off onto the exit ramp. The location of the property in relation to the interstate gives this property a special circumstance as there is a chance to be seen by the main traveled road.
- b.** Granting of this variance will not adversely affect any adjacent property as the sign in question has been existing at location since Phillips 66 moved in over 20 years ago. The variance in question is requesting a slight raise in height of 5 feet as well as an increase in square footage over the existing cabinet to enhance the use of this sign by adding a large LED gas price digit along with the fuel station's logo ID cabinet to both advertise the cost of the fuel along with where to go to get that price of fuel. This update to the existing sign will not have any affect neighboring properties or residences. It will actually be beneficial as the enhancement to this sign should increase the number of people who get off of the interstate at this exit which has a positive impact on all neighboring businesses.
- c.** Without the approval of this variance, this sign in question will not be effective. The variance in both square footage and height increases the legibility of this sign from the interstate. This is the main reason for this signs existence. Abiding by the existing provisions of the zoning of this property would not allow this sign to be properly utilized in a way to effectively advertise for this location.
- d.** This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare similar to the how this sign will not adversely affect adjacent properties. Again, in this instance, the enhancement of this sign would actually be more beneficial to the public.
- e.** Granting of this variance will not be opposed to the general spirit and intent of the zoning regulations of the area as this sign follows suite to other high rise signs that are located in near by properties. This property sits farther away from the interstate than the other like signs which some are taller in height than this variance in question. So this variance follows in line with what other properties have applied for in the past to help advertise off the busy interstate.

# Site Plan



RON'S SIGN COMPANY  
 1329 S. Handley St.  
 Wichita, KS 67213  
 Phone: 1.316.267.8914  
 Fax: 1.316.267.0811

DRAWING DATE: 02.28.24

DESIGNER: A. Herpolsheimer  
 SALES REP: J. Saindon

ADDRESS: 2000 N. Buckeye Ave, Abilene, KS 67410

(SIGNATURE)  
 CLIENT APPROVAL:

DATE:

CUSTOMER:

**JumpStart**

DESIGN PHASE: **FINAL**

SHEET NUMBER:

**1.0**

# Existing



RON'S SIGN COMPANY  
1329 S. Handley St.  
Wichita, KS 67213  
Phone: 1.316.267.8914  
Fax: 1.316.267.0811

DRAWING DATE: 02.28.24

DESIGNER: A. Herpolsheimer

SALES REP: J. Saindon

ADDRESS: 2000 N. Buckeye Ave, Abilene, KS 67410

(SIGNATURE)

CLIENT APPROVAL:

DATE:

CUSTOMER:

**JumpStart**

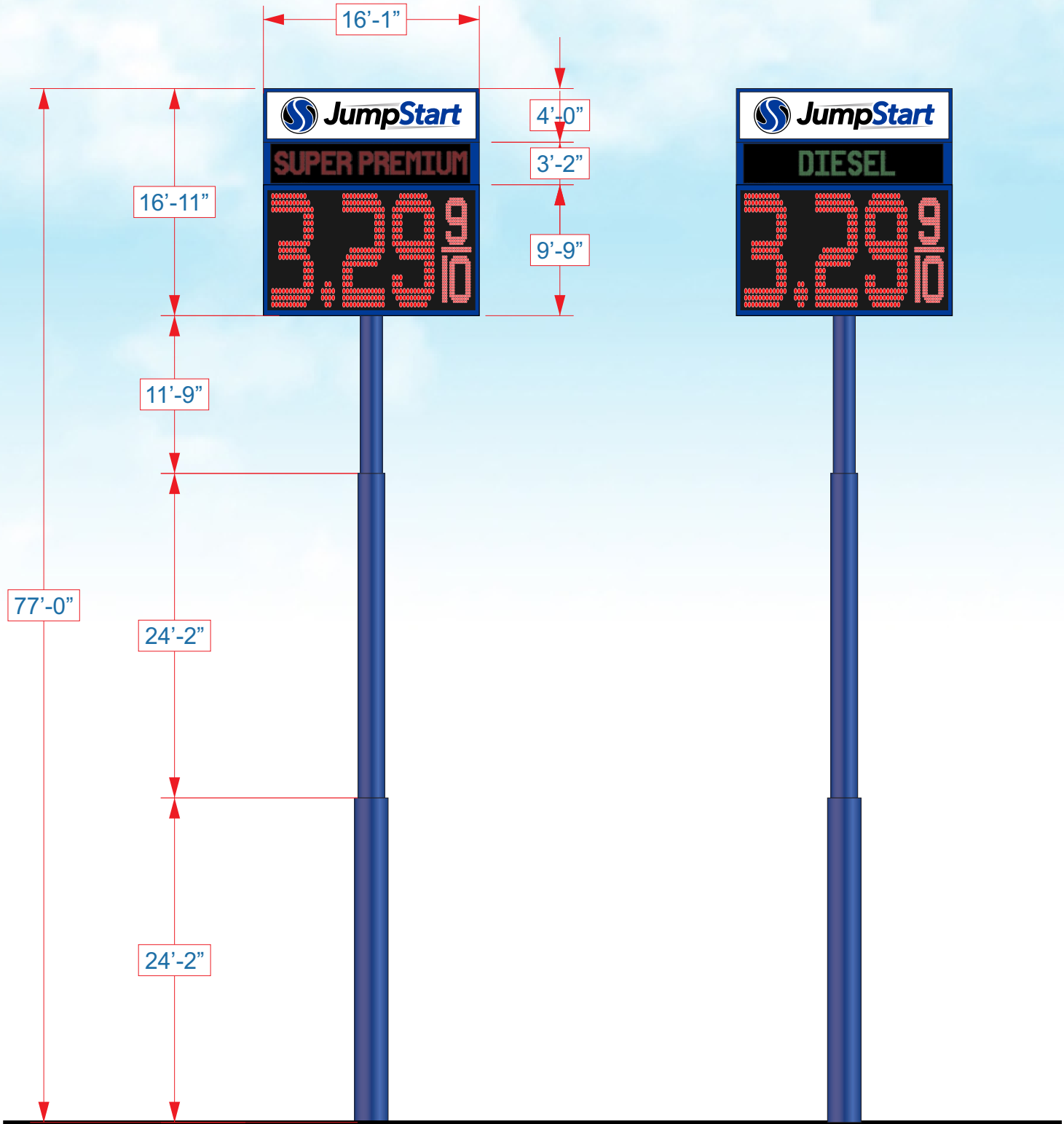
DESIGN PHASE: **FINAL**

SHEET NUMBER:

**2.0**

# Pole Sign

NEW POLE SIGN, 76" LED GAS PRICE READER, WITH LED GAS HEADER, FLEX FACE ID



Square Footage: 272.08

SCALE: 1" = 125"



RON'S SIGN COMPANY  
1329 S. Handley St.  
Wichita, KS 67213  
Phone: 1.316.267.8914  
Fax: 1.316.267.0811

DRAWING DATE: 02.28.24  
DESIGNER: A. Herpolsheimer  
SALES REP: J. Saindon

ADDRESS: 2000 N. Buckeye Ave, Abilene, KS 67410  
(SIGNATURE)  
CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

CUSTOMER:  
JumpStart

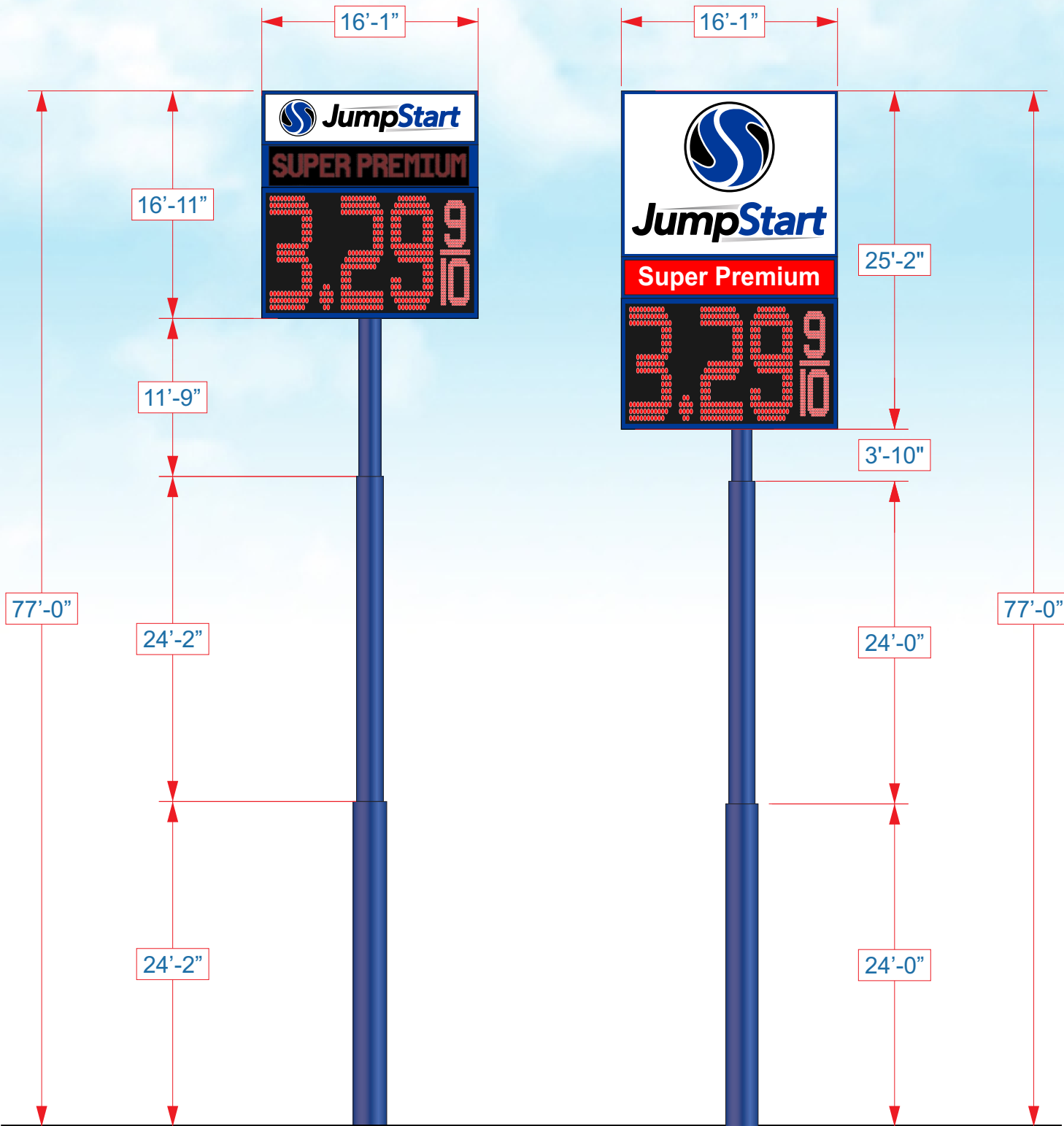
DESIGN PHASE: **FINAL**

SHEET NUMBER:  
**3.0**

# Pole Sign

NEW POLE SIGN, 76" LED GAS PRICE READER, WITH GAS HEADER

SCALE: 1" = 125"



New Proposed Square Footage: 272.08

Old Proposed Square Footage: 404.74



RON'S SIGN COMPANY  
1329 S. Handley St.  
Wichita, KS 67213  
Phone: 1.316.267.8914  
Fax: 1.316.267.0811

DRAWING DATE: 02.28.24  
DESIGNER: A. Herpolsheimer  
SALES REP: J. Saindon

ADDRESS: 2000 N. Buckeye Ave, Abilene, KS 67410  
SIGNATURE: \_\_\_\_\_  
CLIENT APPROVAL: \_\_\_\_\_  
DATE: \_\_\_\_\_

CUSTOMER:  
JumpStart

DESIGN PHASE: FINAL

SHEET NUMBER:  
3.0

# POLE SIGN

NEW POLE SIGN, 76" LED GAS PRICE READER, WITH LED GAS HEADER, FLEX FACE ID



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 1329 S. Handley St.  
 Wichita, KS 67213  
 Phone: 1.316.267.8914  
 Fax: 1.316.267.0811

DRAWING DATE: 02.28.24

DESIGNER: A. Herpolsheimer  
 SALES REP: J. Saindon

ADDRESS: 2000 N. Buckeye Ave, Abilene, KS 67410

(SIGNATURE)  
 CLIENT APPROVAL:

DATE:

CUSTOMER:

JumpStart

DESIGN PHASE: FINAL

SHEET NUMBER:

4.0

# POLE SIGN

NEW POLE SIGN, 76" LED GAS PRICE READER, WITH LED GAS HEADER, FLEX FACE ID



RON'S SIGN COMPANY  
 1329 S. Handley St.  
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 Phone: 1.316.267.8914  
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 SALES REP: J. Saindon

ADDRESS: 2000 N. Buckeye Ave, Abilene, KS 67410

(SIGNATURE)  
 CLIENT APPROVAL:

DATE:

CUSTOMER:

JumpStart

DESIGN PHASE: FINAL

SHEET NUMBER:

4.0