

**APPLICATION  
FOR  
BOARD OF ZONING APPEALS  
OLATHE, KS**

Case No. BZA-\_\_\_\_\_

BZA Date: \_\_\_\_\_  
(Staff use only.)

Please print or type

Application is hereby made for:

- ☐ **Appeal** from a decision of the code enforcement officer, city planner, chief building official, or other City staff, in the enforcement of the *Unified Development Ordinance*.
- ☐ **Variance** from specific section(s) of the *Unified Development Ordinance*.

Legal Description: \_\_\_\_\_

Location or address of subject property: \_\_\_\_\_

Zoning on subject property: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

Request: (Cite specific section, by section and subsection, of the *Unified Development Ordinance* from which variance is being requested.)

PROPERTY OWNER'S NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
STREET CITY STATE ZIP**NOTE:** See attached submission requirements.

SIGNATURE OF OWNER OR AGENT: \_\_\_\_\_

NOTE: If not signed by owner, authorization of agent must accompany this application.

FEE: \_\_\_\_\_ REC'D BY: \_\_\_\_\_ DATE PAID: \_\_\_\_\_

CITY OF OLATHE

Ownership Affidavit

STATE OF KANSAS )

ss.

COUNTY OF JOHNSON )

Comes now Wal-Mart R.E. Bus. Trust (owner) who being duly sworn upon his/her oath, does state that he/she is the owner of the property legally described as Lot 1 of West Village being part of the East Half of the Southeast Quarter of Section 27, Township 13 South, Range 23 East in the City of Olathe, Johnson County, Kansas as recorded in Book 200703, Page 5513 on March 16, 2007 by the Johnson County Register of Deeds

In the application for Walmart Directional Signage Variance Size Increase  
(description of application)

Acknowledge the submission of said application and agree to bind the subject property in accordance with the plan submitted as part of the above application.

Dated this 8<sup>th</sup> day of JUNE, 20 20

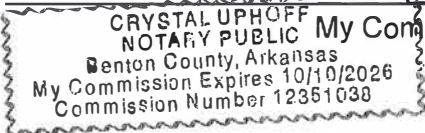
[Signature]  
Signature of Owner

GREGG STELLMAN  
Printed Name

Subscribed and sworn to before me this 8 day of June, 20 20

[Signature]  
Notary Public

10-10-2021



**SUBMISSION REQUIREMENTS FOR A VARIANCE**

(Attach additional sheets if necessary.)

1. Does the request arise from a condition which is unique to the property in question, 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? ☐ Yes ☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Will granting a variance adversely affect the rights of adjacent property owners or residents? ☐ Yes ☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Will strict application of the provisions of this ordinance constitute unnecessary hardship upon the property owner represented in the application? ☐ Yes ☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare? ☐ Yes ☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Will the variance be opposed to the general spirit and intent of this ordinance?

☐ Yes ☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a list of names and addresses of all owners of land within the notification area (two hundred [200] feet within the city limits; one thousand [1,000] feet in the unincorporated area) of the subject property.

**Prepared by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

It is the applicant's responsibility to demonstrate that all of these conditions have been met at the time of application. Applicants are encouraged to submit any materials which will support their case, including sketch plans, photographs, studies, letters of support, etc.

## SUBMISSION REQUIREMENTS FOR A VARIANCE

1. *Does the request arise from a condition which is unique to the property in question, 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?* **YES**
  - The current location of the Pickup program for Walmart is not readily visible to customers. It is located on the north side elevation of the building. The Pickup expansion will also be located towards the rear of the building as well. Due to current site constraints this is the best location for the physical expansion. In addition, several existing building elements will block customer sight line view of the new Pickup expansion. This include the existing pharmacy drive through canopy and the compressor housing screening.
  - See attached Site Plan, Elevations and Exhibit A
2. *Will granting a variance adversely affect the rights of adjacent property owners or residents?* **NO**
  - The sign will be place on the northeast front corner of the building. The new pickup sign will be internally illuminated. See attached elevations and site plan for clarity. Currently the building sites back more than 700'+ from the ROW of N. Parker Street/Highway 7. The Pickup sign does not face any residential zoned area. The set back of 700'+ and no residential zoning facing the sign should have no to minimal affects on adjacent property owners.
  - See attached Site Plan
3. *Will strict application of the provisions of this ordinance constitute unnecessary hardship upon the property owner represented in the application?* **YES**
  - Signage is to help identify service provided by the store. Currently the store has 283 orders per day using the Pickup program. Walmart has estimated the store will elevate to 423 orders per day (OPD). This has required the need to expand the program by means of a physical expansion to the store to accommodate for the increase in service demand. This store has one of the higher OPD prediction of all the Walmart stores in the United States.
  - Currently with the COVID-19 pandemic, the program may meet or exceed this OPD prediction. The Pickup program provides a safe and convenient way for customers to order and receive their grocery without having to leave the safety of their vehicle. It also reduces the customer need to come into physical contact with other customers or store associates. The demand for this service can only increase with the current COVID-19 situation. Without this program Walmart may see a reduction in customers during this time.
  - See attached Site Plan
4. *Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?* **NO**
  - The purpose and location of the sign is to help identify the general location of the Pickup program on site. The store and parking field sits on 21.25 acre site. The front of the

store is 556'+ long. The sign will help customer to locate which side of the site/building the Pickup program is located. In addition, there will be placement of directional signs on posts throughout the site to help direct customers through the parking field to the right location. These signs will be based off the site entry off of 135<sup>th</sup> street and Highway 7 entry drive. The combination of the wall mounted Pickup sign and site directional signs will alleviate unnecessary traffic flow within the parking field and provide a safer environment overall on site.

- The Pickup sign will be constructed and attached to the building to meet all safety requirements. See attached elevation for signage construction and attachment details.

5. *Will the variance be opposed to the general spirit and intent of this ordinance?* **NO**

- Directional signs are used to help navigate a site to a specific location. This is done to reduce risk within the site by limiting the amount of meandering traffic. The more we can direct customers to the correct location by limiting unnecessary traffic flow less inherent risk there will be on site. The combination of both the wall directional sign and the site directional sign can reduce this risk. The size of the wall sign is needed due to the size of the site. Safety for all customers is the most important issue when navigating a site of this magnitude.

## Exhibit A:

Sight Lines:

**View at Site entry from Highway 7/N. Parker Street:**











View at Site entry from N. 135<sup>th</sup> Street:







