Board of Zoning Appeals Agenda

City Hall Council Chambers

Tuesday, June 12, 2018

Meeting begins @ 6:00 p.m.

Board of Zoning Appeals Members:

Please contact Don @ 667-1708

No later than 12:00 Noon, Tuesday, June 12, 2018,

If you will be unable to attend

Prepared by:

Don E. Slone, AICP, CFM
City Planner — Floodplain Manager
CRS Coordinator

People  Planning  Progress
Call to Order: Time: ______

Roll Call:

_____ Jason Krone  _____ Sherri Neff  _____ Lloyd Mesmer (Chairman)

_____ Merle Parks  _____ Craig Stephan (Vice-Chairman)

New Business:

ITEM NO. 1: Approval of Minutes: The Board of Zoning Appeals meeting held May 15, 2018.

Motion: ______________________  Second: ______________________

1. Board Discussion
   # For: ______  # Against: ______

ITEM NO. 2: Variance: BZA-113: “Delta Innovative Services, Inc.”, a request by Danny Boyle, Boyle Midwest, LLC, property owners of record for the following variance:

Article XIX, “I-2”, Heavy Industrial District, Section 6, Use Limitations, Paragraph 5, “Outside storage areas shall be paved with an all-weather, dust free surface”.

Open Public Hearing Time: ______

1. Staff Presentation
2. Applicant Presentation
3. Public Comment

Close Public Hearing Time: ______

Motion: ______________________  Second: ______________________

4. Board Discussion / Vote

_____ Jason Krone  _____ Sherri Neff  _____ Lloyd Mesmer

_____ Merle Parks  _____ Craig Stephan

Approved: _____  Denied: _____
ITEM NO. 1

BOARD OF ZONING APPEALS AGENDA
Tuesday, June 12, 2018 – 6:00 p.m.

Approval of Minutes: The regular Board of Zoning Appeals meeting held May 15, 2018.

PRESENT
Jason Krone
Sherri Neff
Lloyd Mesmer

& VOTE:
Merle Packs
Craig Stephan

MOTION: __________________________

SECOND: __________________________

ACTION: Make a Motion to Approve

STAFF RECOMMENDATION: Staff recommends approval of the Board of Zoning Appeals meeting Minutes.

NARRATIVE: The minutes of the May 15, 2018 meeting are attached.
BOARD OF ZONING APPEALS MINUTES
Tuesday, May 15, 2018 @ 6:00 p.m.

Members Present: Jason Krone, Merle Parks, Lloyd Mesmer, Sherri Neff, and Craig Stephan
Staff Present: Don E. Slone, AICP, CFM, City Planner

The Chairman Mesmer called the meeting to order at 6:00 p.m. and asked for a roll call. Roll call listed above.

Chairman Mesmer introduced Item No. 1: Election of Officers and asked for nominations. Merle Parks nominated Lloyd Mesmer for Chairman seconded by Sherri Neff. Chairman Mesmer asked if we need a vote. Merle Parks made a second motion that all Board positions remain the same with a second from Craig Stephan. Chairman Mesmer asked for a vote. The motion was approved on a 5-0 vote.

Chairman Mesmer introduced ITEM No. 2: Variance: BZA-112: “Nettleton Manor Apartments”, a request by Justin Unger, Steele Nettleton, LLC, property owners of record for the following variances:

1. Article XV, C-1 Central Business District, Section 4, Height Regulations from the maximum height of structure, three (3) stories, or forty-five (45) feet to the existing six (6) story building that measures fifty-eight (58) feet to the top of the roof parapet;
2. Article XIV, MX, Mixed Use District, Section 5, Yard Regulations, Paragraph 2, Side Yard from the minimum ten (10) feet to the existing nine (9) feet; and
3. Article XXIII Off-Street Parking and Loading Regulations Section 5, which requires two (2) spaces per unit. This request grants the existing parking to be sufficient for the seventy-six (76) unit residential building.

Chairman Mesmer opened the public hearing at 6:04 p.m. and asked for Staff presentation. The City Planner presented the Staff Report that supports the three requested variances subject to the listed conditions including the background on the case.

Chairman Mesmer asked if the applicant would like to make a statement. Justin Unger, Steele Nettleton, LLC, stated that he would be glad to answer any questions the Board might have and asked for approval of the (3) variances in order to allow the property and existing structure to be a “legal conforming” use.

Chairman Mesmer asked if anyone in the audience had any questions or comments. Betty Spalding, 111 E. Kump Avenue stated that she was a current resident of Nettleton Manor and has been for the past 14 years. She stated that she was very pleased that the new owners were actually doing what they promised which had not been the case for the past two owners who promised upgrades but none were ever done.

Chairman Mesmer closed the public hearing at 6:11 p.m. and asked for a motion. Merle Parks made a motion to approve the (3) variance with the listed conditions in the Staff Report with a second from Craig Stephan.

Chairman Mesmer the Board of they had any questions. Craig Stephan asked if the property is still age restricted. Justin Unger stated that it is restricted to those with disabilities and is also income restricted.

Merle Parks asked about the Architect’s letter that stated “it is my position that it is not feasible to reconstruct a seventy-six (76) unit residential building on the existing lot, in the instance of a catastrophic event and full reconstruction be required”. The architect, Adam Pickett stated that without approval of the requested variances, 76 units could not be reconstructed with the three stories limitation as allowed under the current zoning without the variances.

Chairman Mesmer asked for the vote. Motion was approved 5-0.

Chairman Mesmer asked if the Board had any additional business, seeing none, he adjourned the meeting at 6:17 p.m.

Don E. Slone, AICP, CFM, Secretary
ITEM NO. 2

BOARD OF ZONING APPEALS AGENDA
Tuesday, June 12, 2018 – 6:00 p.m.

Variance: BZA-113: "Delta Innovative Services, Inc.", a request by Danny Boyle, Boyle Midwest, LLC, property owners of record for the following variance:

Article XIX, "I-2", Heavy Industrial District, Section 6, Use Limitations, Paragraph 5, "Outside storage areas shall be paved with an all-weather, dust free surface".

Note:
This request is to permit the use of Calcium Chloride to treat the gravel storage yard, and be maintained as needed.

PRESENT  Jason Krone
Sherri Neff
Lloyd Mesmer

& VOTE: Merle Parks
Craig Stephan

MOTION:

SECOND:

ACTION: Make a motion to approve.

STAFF RECOMMENDATION: The City Planner, City Engineer and Public Works Director support the requested variances based upon the Board findings and subject to the conditions listed in the Staff Report.

NARRATIVE: A Staff Report is included in the agenda. Staff will be present to answer any questions.
VARIANCE: DELTA INNOVATIVE SERVICES, INC.
Case No.: BZA-113
Applicant/Owners: Danny Boyle, Boyle Midwest, LLC
Location: 800 W. Front Street (Parcel No. 960503)
Zoning: “I-2”, Heavy Industrial District
Lot Size: 8.4 acres
Building Size: 45,790 sq.ft. (Existing) + 34,950 sq.ft. (Additions)
Building Use: Warehouse/Office – Roofing and Sheet Metal Fabricating Company

Staff Recommendation:
The City Planner, City Engineer and Public Works Director support the request to grant a variance to allow the use of Calcium Chloride treated gravel for the “storage yard only” to meet the “paved with an all-weather, dust-free surface” requirement. This requirement is listed under Article XIX, “I-2”, Heavy Industrial District, Section 6(5): Outside storage areas shall be paved with an all-weather, dust free surface.
This variance is subject to the following (2) conditions:
1. The property owners shall provide the surface treatment of Calcium Chloride at an interval sufficient to maintain a dust-free area; and
2. The applicants file the “Variance Approval Letter” provided, and provide a “filed copy” to the City Planner to close the file.

Exhibits:
Applicant’s letter - Surface Treatment; Annotated Dimension Plan; Article Road Dust Control – Calcium Chloride; Building Elevations; Applicant’s letter addressing the “Conditions for Consideration”; WYCO Parcel Data Sheet; Article XIX, “I-2”, Heavy Industrial District zoning; and Proof of Publication.

Background:
The current building was originally constructed in 1944 and has been maintained under its current condition. The unscreened gravel area measures approximately 20,879 square feet, and an additional 8,151 square feet of deteriorating concrete paved parking lot with a gravel turnaround area measures a total of 29,030 square feet. The proposed treated/screened dust-free lot measures approximately 57,500 square feet or an additional 28,470 square feet of gravel storage yard.

Discussion:
In staff’s opinion, the proposed surface treatment of Calcium Chloride at an interval sufficient to maintain a dust-free area coupled with the complete screening of the storage area as shown on the “Front Street Building Elevations” does meet the intent of the code for a “dust-free environment”.

Provisions for Granting a Variance:
A variance may be granted, upon a unanimous finding by the Board that all five of the following conditions have been met.
The Board shall make a determination on each condition and finding, and shall be entered into the record.
1. **Condition Unique to the Property** – The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;

2. **No Adverse Affects** – The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

3. **Unnecessary Hardship** – The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

4. **Public Health, Safety and Welfare** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

5. **Ordinance Intent** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
May 21, 2018

TO: Mr. Don Slone, AICP, CFM  
    City Planner, Community Development  
    City of Bonner Springs  
    205 E. 2nd Street  
    Bonner Springs, KS 66012

RE: 800 W. Front Street  
     Bonner Springs, KS

Dear Mr. Slone,

Please find attached a photo depicting the existing and proposed gravel aggregate surface changes sought for the development of our site at the above-referenced address. The drawing shows that the existing unscreened gravel area measures approximately 20,879 square feet. This area is shaded in blue on the drawing. The proposed screened dust-free lot measures approximately 57,500 square feet and is shaded in yellow on the drawing.

Operational measures are planned to mitigate the dust from the aggregate cover in the form of surface treatment of Calcium Chloride at an interval sufficient to maintain dustless area.

Physical screening barriers are planned to both reduce view of the lot as well as contain the materials

A 4.5 Foot wide, 1.5 Foot deep sand filter strip is planned to mitigate the impact of the storm water runoff from the lot and improve runoff quality

If you have any questions or if any additional information is needed, please let me know.

Sincerely,

[Signature]

Danny Boyle
Exhibit Notes:
1. The existing unscreened gravel area measures approximately 20,879 sq. ft. and is shaded blue. The proposed screened, dust-free lot measures approximately 57,500 sq. ft. and is shaded yellow. The existing parking lot to the north (5,751 sq. ft.) and gravel turn-around (2,400 sq. ft.) are planned to be removed and converted to green space (grass).
2. Operational measures are planned to mitigate the dust from the aggregate cover in the form of surface treatment at an interval sufficient to maintain dustless area.
3. Physical screening barriers are planned to both reduce view of the lot as well as contain the material using the planned 20 ft. long storage building and 6' privacy fence and screened access gates.
4. A 4.5-ft. wide 1.5-ft. deep sand filter strip is planned to mitigate the impact of stormwater runoff from the lot and improve runoff quality.

Aerial Image of Existing Site
6" Privacy Fence with Privacy Access Gates
Storage building as lot screen.
6" Privacy Fence with Privacy Access Gates
Road Dust Control

Calcium chloride is one of the most effective dust control and dust suppression agents in the industry. Read on below or contact us to see how calcium chloride can meet your needs.

HOW CALCIUM CHLORIDE SAVES ROADS AND MONEY

- **Improved dust control:** Calcium chloride retains moisture for prolonged periods. This unique property helps to hold down dust and stabilize unpaved road surfaces, creating smooth-riding roads that last.
- **Reduced routine maintenance costs:** Since calcium chloride treated roads need less maintenance than roads treated with other materials, you can save on labor, equipment and fuel costs. By maximizing compaction, calcium chloride also provides a longer lasting road.
- **Reduced gravel replacement costs:** Up to 80% of the cost of aggregate replacement can be saved when calcium chloride is properly applied.
- **Reduced construction costs:** Because calcium chloride speeds compaction, less rolling is required to achieve greater density—which translates into greater labor savings. When used with full depth reclamation, calcium chloride can help reduce road reconstruction costs by as much as 50%.

CONTROLLING DUST FOR LESS

Calcium chloride is a cost-effective-and highly effective-agent for dust control. Calcium chloride:

- Can be reworked when the road surface is moist.
- reduces grading costs by as much as 50%
- reduces replacement cost of gravel and other materials by up to 80%
- reduces labor costs
- poses minimal threat to the environment, because it resists leaching. In fact, calcium chloride is used in food processing, fertilizers and as a nutrient in some applications.

APPLYING CALCIUM CHLORIDE FOR DUST CONTROL

1. Blade and shape the surface to allow water to drain off properly.
2. Apply liquid calcium chlorides using a tank truck with a rear-mounted distribution bar that spreads the liquid evenly over the road.
3. For proper road maintenance, apply a second time later in summer.

CALCIUM CHLORIDE LEAVES OTHER AGENTS IN THE DUST

- **Watercan't resist evaporation like calcium chloride; that's why water can only lay dust instead of control it. Once the water evaporates, you will have to water the road again. And frequent road watering adds up to greater operating costs.**
- **Oil is messy, chokes roadside foliage, and causes a crusty, pot holed, crumbling road surface when it dries. Oil also costs at least three times as much as calcium chloride.**
- **Oil emulsions are less expensive than oil alone, but as the water evaporates, the problems of oil-messiness and a crumbling surface -remain.**
- **Lignosulphonate, a by-product of paper mills, is less expensive than calcium chloride, but it lasts a fraction of the time. Frequent reapplication is necessary due to wash-out caused by rain-which translates into extra costs and reapplication maintenance trips.
May 7, 2018

TO: City of Bonner Springs  
   Board of Zoning Appeals  
   205 E. 2nd Street  
   Bonner Springs, KS 66012  

RE: 800 W. Front Street Zoning Appeal

Delta Innovative Services, Inc. is a commercial roofing contractor currently located in Kansas City, KS. We have been in operation since 1990 and have had significant growth since 2004, with a total of 28 years in business. Currently our offices are 5 miles apart, relocating to Bonner Springs will allow us to consolidate our business locations, enhancing our growth potential and our pool or potential applicants. We project with the current growth in the construction sectors we will continue to expand our business. Currently Delta Innovative Services employs 30 number of full time and 150 part-time / seasonal employees. Of those staff members approximately 30 full time office employees will be working in the Front street facility on a daily basis with the majority of personnel operating on construction sites all over the KC metro area. These employees would bring revenue in out of Bonner daily and a few would relocate their families to the Bonner area.

Condition Unique to the Property  -  Our business requires the use of large roll off style dumpsters and heavy roofing equipment that when not on construction sites will be stored in the screened lot located between the main shop building and the outdoor storage building. The variance requested would be to install a custom designed gravel lot, that will be oil treated seasonally in lieu of asphalt that would be maintained as needed. With our business operations this is needed as we operate large equipment/trucks and roll-off containers that would destroy an asphalt surface with constant daily use. Having a gravel substrate is more forgiving to our use and allows us to self-repair the surface the lot after damage occurs. Additionally, it is our intent to store our trucks in the new covered area on the concrete pad on the south side of the main building.

No Adverse Effects  -  There will not be any adverse effects to the adjacent property owners as the gravel storage area will not be visible from Front Street. The area will be obscured from the street by a combination of screening items, a 40’x290’ storage building, security gates & fencing at both entries and the main building with its new 100’x200’ addition, along with new street front landscaping, (refer to attached drawings, architectural street elevation on sheet A4). In addition, other faces of the property are obscured with dense deep tree cover ringing the South and East property lines.

Unnecessary Hardship  -  The requirement of an asphalt lot would put a operational and financial strain on the business as asphalt would need constant maintenance with the creation of potholes etc that would damage equipment on a routine basis. As our business has grown we don’t see a major
slowdown in the winter months, but the availability of asphalt to repair our lot in winter months is an issue, as the plants in this area close in the cold weather. Having a damaged or rough surface for months at a time concerns us for the safety of our employees and the protection of our equipment.

Public Health, Safety, and Welfare – with this variance request we believe that with all the updates to the current dilapidated building and overgrown pasture we would be beautifying an area of Bonner that needs a little TLC, this would be an uplifting event to the residences and surrounding businesses located in this area. We take pride in our business and would like to relocate it to Bonner Springs. Currently there is an area of 20,879 sf of gravel on site. In addition to the major building enhancements & renovations, building expansion and addition, new paved parking areas with curbs and gutters, landscaping, security fencing, signage we are adding a sand filter strip that will border the Wolf Creek property line to provide improved water quality to the allowed property runoff.

Ordinance Intent - the granting of this variance will not oppose the general spirit and or intent of the zoning commission as previously stated the lot will be secluded by the addition to the existing building, the construction of the storage shed, and security fencing.

Sabina R. Boyle
President

5/7/18
PARCEL INFORMATION
Parcel: 960563 [See Parcel Map]
KUPN: 049320300200300001
Status:
Tax Unit: 110
Volume: 21
TD: 5
Book: 8A
Reference: 2121
Map: 605
Map Section: D32

PROPERTY DESCRIPTION
Property Address: 800 W FRONT ST BONNER SPRINGS KS 66012
Subdivision:
Assessed With Parcel: Yes
Assessed Here Parcel: Yes
Sec-Twp-Range: 32-11-23
Description: REG 2682.38FT S & 1147.17FT E OF NW COR; N67W-299.5FT, SLY CUR LT-545.78FT, S21W-51.27FT, SLY CUR LT-193.61FT, SD SE TO
Book Page: 2018R-006765

Fronage:
Left: Right: Rear:  
Dated Acres: Mapped Acres: 8.406 Mapped SQFT: 355178.850

MAP INFORMATION
Parcel map: View Plat map: Not Available Engineering map: Not Available

NAME & ADDRESS
Owner Name: BOYLE MIDWEST, LLC
Mailing Address: 508 S 14TH ST KANSAS CITY KS 66105
Leader:

APPRaisal SUMMARY

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DISCLAIMER - VALUES AND/OR INFORMATION IS SUBJECT TO CHANGE
ARTICLE XIX

"I-2" HEAVY INDUSTRIAL DISTRICT

SECTION 1. PURPOSE: The purpose of the district is to allow basic or primary industries which are generally incompatible with residential or commercial uses.

SECTION 2. PERMITTED USES: Warehousing, wholesaling, repair, manufacturing and fabrication uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

SECTION 3. INTENSITY OF USE REGULATIONS:
1. Minimum Lot Area: Forty eight hundred (4,800) square feet.
2. Minimum Lot Width: Forty (40) feet.

SECTION 4. HEIGHT REGULATIONS: Maximum structure height: Three (3) stories, or forty-five (45) feet when a building or structure is within 150 feet of a residential district; 150 feet when a building or structure is greater than 150 feet from a residential district.

SECTION 5. YARD REGULATIONS: Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:
1. Front Yard: Twenty (20) feet
2. Side Yard: None, unless the lot adjoins a residential district, in which case there shall be a side yard of fifteen (15) feet.
3. Rear Yard: None, unless the lot adjoins a residential district, in which case there shall be a rear yard of twenty (20) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

SECTION 6. USE LIMITATIONS:
1. A solid or semi-solid wall, fence or hedge at least six (6) feet in height, with a density of at least seventy (70) percent per square foot shall be provided along any property line which is directly adjacent to any residential district. Said wall, fence or hedge shall be maintained in good condition by the owner or owners of the property.
2. All refuse generated by uses in this district shall be kept in enclosed, rodent-proof containers until removed from the property. All refuse containers shall be screened from any adjacent residential uses.
3. No use shall be permitted or so operated as to produce or emit:
   (a) Smoke, dust or particulate matter shall be in accordance with the Kansas Air Quality Control Act and applicable Federal Regulations;
(b) Fly ash, radiation, gases, heat or other effects which violate any City, State or Federal Regulations;

(c) Glare or illumination in excess of 0.5 foot candles when measured in an abutting residential zone; and

(d) Noise levels in excess of 90 db (A) for a sustained length of time measured at any point along the property line.

4. In addition, any use involving the mining, quarrying, excavating, and/or stockpiling of rock, gravel, sand and other earth material and the processing of same other than reclamation, road construction and drainage activities, must comply with the following additional performance standards:

(a) No such use or activity shall be conducted within 200 feet of a residential district without a special use permit;

(b) Obtaining of an annual blasting permit and compliance with all conditions of said permit;

(c) Shall manage development so that storm water runoff shall not cause or increase downstream flooding conditions during the 100 year storm beyond that which would have occurred prior to the development;

(d) Submission of a plan for the reclamation of the site prior to the opening of an operation. Said plan shall detail the methods to be used to control soil erosion and for the restoration of the site. Said plan shall be approved by the Planning Commission prior to commencing the operation;

(e) Annual submission of information regarding quarry status and mining operations shall be submitted to the City; and

(f) Compliance with any additional performance standards established at the time of zoning or special use permit.

5. **Outside storage areas shall be paved with an all weather, dust free surface.**

*(Revised Ordinance No. 1779, April 7, 1997)*
NOTICE

NOTICE OF A PUBLIC HEARING
BOARD OF ZONING APPEALS
CITY OF BONNER SPRINGS, KANSAS

The Board of Zoning Appeals will hold a public hearing on Tuesday, June 12, 2018 at 6:00 pm at City Hall in the Council Chambers, 205 E. 2nd Street, Bonner Springs, Kansas. The purpose of the public hearing is to receive public comment for:

Variance: BZA-112: "Delta Innovative Services, Inc., requested by Boyle Midwest, LLC, property owners of record for a variance to Article XIX, "1-2", Heavy Industrial District, Section 5, Use Limitations, Paragraph 5, Outside storage areas shall be paved with an all-weather, dust free surface. This request is to permit a custom designed gravel lot, which will be all treated seasonally in lieu of asphalt that would be maintained as needed. The property is located at 800 W. Front Street. The complete legal description and application for the above item is available for public inspection at the City Planner's Office, 205 E. 2nd Street, to Des E. Stone, AICP, CFM, City Planner at (913) 667-1708 or by email to dstone@bonnersprings.org. Persons who wish to be heard will be given an opportunity to make comments at the public hearing.

/s/ Don E. Stone, AICP, CFM
Board of Zoning Appeals Secretary
(First published 5-17-18)
1st The Wyandotte Echo 5-17-18

PROOF OF PUBLICATION

State of Kansas, Wyandotte County, ss:
Roberta M. Peterson, of lawful age, being duly sworn, says that she is the PUBLISHER of The Wyandotte Echo, a weekly newspaper, owned and operated by M.R.P.P. Inc., printed and published in the city of Kansas City, Wyandotte County, State of Kansas, which said newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has been published therein during a period of more than five years prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge, knows that the printed notice was published each and every issue of The Wyandotte Echo for __________ consecutive week(s) as follows:

1st Publication was made on: May 17, 2018
2nd Publication was made on: __________
3rd Publication was made on: __________
4th Publication was made on: __________

Printer Fees: $ 24.15

_____________________________
Roberta M. Peterson, Publisher
The Wyandotte Echo
Official Newspaper for Wyandotte County, KS
PO Box 2305, 3006 Strong Avenue
Kansas City, KS 66110