City of MISSION

City Hall - 6090 Woodson Street - Mission, Kansas 66202
Community development Department
(913) 676-8360 - Fax (913) 722-6318

CITY OF MISSION

BOARD OF ZONING APPEALS

AGENDA
October 26, 2015
6:30 PM

1. Approval of the Minutes of the August 24, 2015 meeting

2. Application #15-05 Variance-*Public Hearing*
   5710 Johnson Drive
   Application
   Staff Report

MINUTES OF THE BOARD OF ZONING APPEALS MEETING

AUGUST 24, 2015

The regular meeting of the City of Mission Board of Zoning Appeals was called to order by Chair Jim Brown at 6:30 PM Monday, August 24, 2015. Members also present: Mike Lee, Robin Dukelow, Stuart Braden and Carla Mills. Also in attendance: Interim Community Development Director Danielle Murray

APPROVAL OF MINUTES OF July 27, 2015

Mr. Braden moved and Mrs. Dukelow seconded a motion to approve the minutes of the July 27, 2015 meeting. The vote was taken (5-0-0). The **motion carried**.

Jim Brown read the BZA rules of procedures into the record.

APPLICATION #15-04 VARIANCE – PUBLIC HEARING
5399 MARTWAY STREET – ROOF SIGN

Ms Murray: This evening you're hearing a request for a variance to the sign ordinance for property located at 5399 Martway Street, which is Mission Bowl. They're requesting a variance to allow for the reinstallation of a roof sign as part of reconstruction of the building that was damaged by fire. As we know, the property was damaged by fire earlier this year in April, and subsequently, by frequent heavy rains. So, as part of the recovery, the business owners are undergoing a renovation, which includes changes to the exterior. Staff did review those exterior changes in July. They were determined to be insignificant, so they were not brought to the Planning Commission and were instead reviewed administratively. As part of the administrative review, one of the things that we did note was that there was a plan to mount a sign above the wall, thus making it a roof sign. Even though we don't approve or disapprove signs at the time we do site plan review, we did want to make the applicant aware that that was going to be an issue, and they would need a sign permit. We did suggest to them some possible ways to redesign the sign so it would no longer be considered a roof sign and could be used as a wall sign. They considered those options with their architect and ultimately chose to apply for a variance instead. What they are proposing to do is take essentially what was a roof sign before, which is now further to the west of the building, and incorporate it into the new design at the front entrance. We felt this was enough of a new feature of the building to bring it forward as a variance. At this time, they are requesting a variance to do just that.

Included in your staff report is a summary of our existing ordinances regarding roof signs. Roof signs are prohibited as part of this specific zoning district – Main Street District 2 – and in general under our prohibited sign type. I included a definition of "wall" and "roof sign," as well. As usual, the board has the authority to grant a variance. Granting the requested variance would allow staff to approve a sign permit for placement of a roof sign on the subject property. Staff does suggest that the roof sign be in lieu of one wall sign as normally permitted by the sign code, and be limited to that north façade, as shown on the plans.

I've included in the staff report the five conditions that you normally consider. Also, a possible motion to approve it with that stipulation in lieu of and its location. Included in the staff report also is that administrative review that we conducted in July, as well as the applicant's findings with that. Exhibits have been included. That concludes staff report.

Chairman Brown: Questions for staff?

Ms. Dukelow: I was curious about the recommendations that staff provided that were not chosen.

Ms Murray: Staff suggested raising the parapet wall so that it's a wall sign rather than a roof sign, as was first recommended, rather than a variance. That was our first suggestion. The newly-designed front entrance does have a parapet wall to it. So, as you can see in the bottom image, some of the lettering of the sign sticks up above that parapet. Our interpretation would be is that if they just raised that parapet up, it would be an extension of the wall and the letters would not be above it and not be part of the roof. They considered that option with the architect. I believe the architect's letter explains why they chose not to pursue that. So, that's why they are here, seeking a variance.

[*Inaudible Question*.]

Ms Murray: They salvaged it from the building and put it in storage. They want to re-integrate it as part of the front entrance.

Chairman Brown: Anyone else have further questions of staff? [*None*.] Would like the applicant like to present their case?

Jennifer Meyer, TK Architects, appeared before the Board of Zoning Appeals and made the following comments:

Ms. Meyer: We are the architects working on the renovation of Mission Bowl. As you guys know, it was destroyed by fire several months ago, and we are working on getting that bowling center reopened. I think the only question is really is about the sign. It's an existing sign. There were four existing signs on this building. One of them is being repurposed on the inside of the building. Two of them are going away completely. This is the only sign that remains. The reason we slid the sign over is because there's low visibility of the signs to Mission Bowl from the street right now, and we felt that the new rooftop and its screen was a good opportunity to help make that sign more visible. If you took at the middle and top pictures, it's very difficult to see that sign right now. So, we had to replace the rooftop equipment because the existing equipment was damaged by fire. We had to screen it through City ordinances, and we felt that this was a good opportunity to make that sign more visible. So, we kind of slid it over.

We did look at increasing the parapet height. I was actually very pleased with how you guys have worked with us on this project. So, the first thing I saw when I saw the request to raise the screen was to do it. You guys have been really great; I'm going to go ahead and do it. It ended up being a six-foot raise in the parapet height, which was a huge increase to the structural requirements for that screen. We would have had to modify the structure inside the building and reinforce it to support this extra six feet. And, certain points of that rooftop screening would have been 15 feet tall, which is two feet taller than the building itself. So, it didn't make a lot of sense to raise that up. And then financially, the additional structure that would be required to raise it, right now we're working with a very tight budget with the money that the insurance company has provided, and adding any kind of cost for something like this could be devastating to the project. I'm available for questions.

Chairman Brown: How much of the “Mission” is down below the top of edge of the parapet? It looks to me like it would look better if you could see the entire word “Mission” above it.

Ms. Meyer: I’m not sure of the exact distance.

Chairman Brown: Is that for a structural reason?

Ms. Meyer: It’s at the height it’s at for a rooftop unit. That’s what set that height. It had nothing to do with the sign.

Ms. Dukelow: You’re saying, can you move the word part up so it adds “Mission” - ?

Chairman Brown: So that “Mission” is above the parapet. I’m just asking the question.

Ms. Meyer: I’m sure we can move it up.

Chairman Brown: Does anyone else have any questions of the applicant?

Ms Dukelow: I think that’s a good point. I would question that, too. If we raised it up so that the top of the parapet underlined “Mission,” or if it fell right between the two, that might be more visible and more consistent. That way the word wouldn’t be quite so broken up. I am pleased that they were able to salvage the sign and use it again because it’s really classic. How tall is that sign, top to bottom?

Ms. Meyer: It’s almost 13 feet.

Chairman Brown: – it creates more curiosity to have the “Mission” where it is.

Mr Braden: I think it does, too, but I think there is a problem actually reading it.

Mr Lee: I’m assuming it’s part of the [inaudible] looked at the structure as to what we have to do, to be done to it to make it go all the way [inaudible].

Ms. Meyer: To raise the sign, or to raise the parapet?

Mr Lee: If you raised the sign itself.

Ms. Meyer: We have not looked at the structure to raise the sign.

Mr Lee: The existing structure is what was there before?

Ms. Meyer: Yes.

Chairman Brown: Any other questions of the applicant? At this time, I will open the public hearing. Is there anything anyone would like to add?

Michael O’Donnell, 9211 Beverly Street, Overland Park, Kansas, appeared before the zoning board and made the following comment:

Mr. O’Donnell: The sign is primarily for night time visibility. What you’re seeing right now won’t be as pronounced, won’t be as – I see what you’re saying. It’s a great thought. But actually, at night, when it’s lit up, I don’t think that will come into play. Thank you.

Chairman Brown: Asked if the color scheme would remain the same as the original sign.

Mr. O’Donnell: Confirmed that it would.

Chairman Brown: Okay. At this time, I'll close the public hearing. Any questions or statements? Seeing none, I'll call the question.

Mr. Braden moved and Mrs. Dukelow seconded the following motion:

The Board of Zoning Appeals, at their August 24, 2015 meeting, voted 5-0 to approve the proposed variance allowing for a roof sign in the location (north facade/roof edge of the building) and as designed. The Board entered the following findings into the record:

a. The variance requested arises from such 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. A unique situation was created by the fire event.

b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents. The same sign will be remounted with additional screening of the roof. Both of these do not adversely affect the rights of adjacent owners or resident.

c. The strict application of the provisions of this Title would constitute unnecessary hardship upon the property owner represented in the application. The sign was only removed to preserve it during restoration efforts after the fire event. Not allowing for its re-installation or requiring additional structural work to the building would be a hardship for the applicant.

d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare as the sign will remain the original sign.

e. Granting the variance will not be opposed to the general spirit and intent of this Title. But for the fire, which was an unusual event, the sign would have been allowed to remain as an existing non-conforming sign.

The vote was taken (5-0-0). The **motion carried.**

ADJOURNMENT

With no other agenda items, Mrs. Mills moved and the Commission seconded a motion to adjourn. The vote was unanimous. The motion carried. The meeting adjourned at 6:50 p.m.

_____
Jim Brown, Chair

ATTEST:

_____
Danielle Murray
Interim Community Development Director

CITY OF MISSION KANSAS

Community Development Department
6090 Woodson Street
Mission, KS 66202
Phone: (913) 676-8360
Fax: (913) 722-1415

Permit # 15-05

Application to the Board of Zoning Appeals

Applicant Name: Carl & Cathy Casey Company: Casey's Auto Repair
Address: 8347 Allman Rd
City/State/Zip: Lenexa, KS 66219
Telephone: 913-927-0399
Email: caseysautorepair@sbcglobal.net

Property Owner Name: Carl & Cathy Casey Company: Casey's Auto Repair
Address: 5917 Beverly Ave
City/State/Zip: Mission, KS 66202
Telephone: 913-403-9500
Email: caseysautorepair@sbcglobal.net

Address of Property: 5710 Johnson Drive
City/State/Zip: Mission, KS 66202
Zoning:

Application Type

Variance ☒ Appeal ☐

Description of Request

Please provide a brief description of the request including specific Code Section and quantity of variance or decision for appeals:

Renew/ Resize/ Reface an existing pole sign. The building sits back farther than surrounding buildings. This causes a visability hardship in which the pole sign equals the visability issue. The new sign will be cleaner, cover the same or smaller area and be oval instead of a pentagon shape.

Consideration of Variances

The Board of Zoning Appeals has the authority to grant variances upon a finding that all of the following conditions have been met. Please explain how your application satisfies the conditions. Attach additional sheets if necessary.

1) The Variance requested arises from such 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 of the property owner of applicant.

2) The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

3) The strict application of the provisions of this Title would constitute unnecessary hardship upon the property owner represented in the application.

4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

5) Granting the variance will not be opposed to the general spirit and intent of the Title.

Agreement to Pay Expenses

Applicant intends to file an application with the Community Development Department of the City of Mission, Kansas (City). As a result of the filing of said application, City may incur certain expenses, such as but not limited to publication costs, consulting fee, attorney fee, and court reporter fees. Applicant hereby agrees to be responsible for and to reimburse City for all cost incurred by City as a result of said application. Said costs shall be paid within ten (10) days of the receipt of any bill submitted by City to Applicant. It is understood that no requests granted by City or any of its commissions will be effective until all costs have been paid. Costs will be owed whether or not Applicant obtains the relief requested in the application.

X Raymond C Camp Date 9-10-15
Signature (Owner)

X Date
Signature (Owner's Agent)

**********FOR OFFICE USE ONLY**********

File Fee: $ 75.00 pd 9/10/15	Meeting Date 10/20/15
13 Certified x 6.49 = 84.37	PC BZA CC
Total:	Date Notices Sent
Receipt #	
Notes:	Date Published
	Decision

The property in question has had an existing pole sign for a number of years. Our request is to update the sign to bear our company name & logo. Our update will occupy the same or less total area, be the same height & same intensity. The physical shape of the sign will change from a pentagon to an oval.

The building on the property sits back in a recess from Johnson Drive much farther than surrounding buildings posing a visibility hardship. The pole sign levels the playing field for daily traffic to see our business among the others. Granting this variance will allow us update the pole sign to be much more eye appealing and direct existing and new customers to our new location.

Please help us in our quest to grow our Mission business in the same successful manner that we have done these past years. Your support will give us the visibility our new location will need to draw in new business.

Thank you for your consideration on this matter.

Carl & Cathy Casey

Casey's Auto Repair.

STAFF REPORT
Board of Zoning Appeals Meeting October 26, 2015

AGENDA ITEM NO.: 2

PROJECT # / TITLE: Variance Application # 15-05, Sign ordinance

REQUEST: Application for variance to Section 430.060 to allow for the reuse/refacing of an existing pole sign by a new business owner.

LOCATION: 5710 Johnson Drive
Mission, Kansas 66202

OWNER: Sinclair Marketing, Inc
PO Box 30825
Salt Lake City, UT 84130

APPLICANT: Carl & Cathy Casey
8347 Allman Rd
Lenexa, KS 66219

ADVERTISEMENT: 10/6/2015 - The Legal Record Newspaper

PUBLIC HEARING: 10/26/2015-Board of Zoning Appeals

BACKGROUND INFORMATION:

The subject property is currently zoned Main Street District 1 “MS1” and is located on the north side of Johnson Drive in the Downtown District. The property has operated as a gas and service station for more than 50 years. City Council minutes indicate the pole sign was initially approved for construction in 1970. No sign permit is on file. In August of this this year the previous lessee decided not to renew that arrangement nor to buy the property. Subsequently, the applicant has indicated they intend to purchase the property. The pumps and underground storage tanks for gasoline have been removed. The sign face was also removed to prepare for a change in business name. Other changes to the site proposed would be minor, including painting the exterior and replacing overhead doors.

The use became a non-conforming use in 2003 according to Section 410.340 which prohibits gasoline service stations in the Downtown District. However, a non-conforming use may be continued regardless of a change in ownership as long as it does not cease for more than 180 days (Section 420.200). Pole signs are a prohibited sign type in the City except for certain circumstances within 1000’ of Johnson Drive and Metcalf Avenue (Section 430.060). The subject sign is therefore a non-conforming sign and may not be moved, replaced, or refaced for a new business. At this time the applicant is requesting a variance in order to allow for refacing and continued use of a the pole sign which would continue to be located within the canopy structure along Johnson Drive. The application states the applicant intends to reduce the area of the sign face and change its shape to an oval. The current sign is within 5’-7’ of the property line, approximately 18’ in height, and supported by a single pole.

May 2015-Street view

October 2015-Street view

CODE REVIEW

From 2000-2015 the Board of Zoning Appeals has heard the following requests regarding signs:

All Board of Zoning Appeals Cases Regarding Signs 2000-2015

Address	Occupant	Variance Request	BZA Decision	Date	Zoning District
5399 Martway St	Mission Bowl	Roof mounted sign-relocation and integration with new entryway	Granted for north façade/roof edge only	8/28/2015	MS2
5820 Lamar Ave	Brill Office Building	Monument sign-not allowed by right to establish a new sign.	Granted in lieu of one wall sign	7/27/2015	C-2A
6101 Johnson Dr	The Bar	Monument sign-not allowed by right, replacing existing at time of renovation from gas station to bar	Granted w. Conditions: avoid sight triangle, waive in-lieu of clause, revoke if building removed	10/27/2014	MS1
5914 Johnson Dr	VCA/Mission MedVet	Monument sign-not allowed by right to establish a new sign	Denied	9/24/2012	MS1
5940 Lamar Ave	Hennessy, Boe & Gondring Law	Monument Sign-reduced setback	Granted	12/19/2011	MS2
5501 Johnson Dr	Capitol Federal Bank	Monument sign reduced setback, additional projecting signs w.o. relinquishing wall signs in-lieu	Denied	7/26/2010	MS2
6819 Johnson Dr	Keystone Auto Sales	Monument sign exceeding height, setback, and area standards w.o. relinquishing wall signs in-lieu	Denied	8/31/2009	C-2B
4725 Lamar Ave	Lawrence Pest Control	Monument sign reduced setback	Denied	7/28/2008	C-2
7000 Foxridge Dr	Value Place Hotel	Monument sign to exceeding height standard	Granted	8/21/2006	C-2B
6300 Johnson Dr	CVS	Monument sign exceeding area standard and allowing electronic messages	Denied	3/20/2006	C-2B
6219 Johnson Dr	Salvation Army Store	Monument sign-not allowed by right to replace existing pole sign	Granted	7/19/2004	C-2A
6800 W 47th Ter	Deals Express	Monument sign exceeding height, setback, and area standards. Already installed illegally	Granted	5/3/2004	M-1
5420,22,28 Johnson Dr	Bearde Properties	Roof mounted sign-not allowed by right, back lit awning	Granted w. conditions: owner submit sign plan for approval of BZA.	12/29/2003	C-2A

Applicable Ordinances

SECTION 430.090:SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

E. Districts "C-2A", "MS1" And "MS2".

1. Each business or commercial establishment shall be permitted signage as follows:

a. Three (3) wall signs, not more than one (1) on a facade, provided that the area of each sign shall not exceed ten percent (10%) of the total area of the facade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted.

b. In lieu of one (1) of the wall signs, one (1) projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed ten percent (10%) of the total area of the facade upon which it is attached or ten (10) square feet, whichever is more, and does not extend above the roof level of the building where the sign is located. The lowest point of such sign must be a minimum of seven (7) feet above the ground or sidewalk.

c. A combination of a wall sign and projecting sign shall also be allowed, in which case the total area of both signs shall not exceed ten percent (10%) of the total area of the facade upon which the signs are attached. The projecting sign shall not be more than ten (10) square feet.

2. In addition to the permitted wall signs, one (1) pedestrian oriented sign per business entry shall be permitted to be placed beneath a non-retractable awning and/or canopy that extends from the building. Such sign shall be limited to three (3) square feet in area and may be internally illuminated. The lowest point of such sign must be a minimum of seven (7) feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one (1) non-illuminated identification sign, not more than three (3) square feet in area, may be placed on the wall at each major entrance to the building. The highest point of the sign may be no higher than seven (7) feet above the sidewalk.

3. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed six (6) feet in height above the average grade and the sign face shall not exceed fifty (50) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area extending a minimum of three (3) feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one (1) project identification sign may be located on each side of the street or, alternatively, one (1) project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping.

4. On property zoned "MS2", monument signs are permitted subject to the following restrictions:

a. One (1) detached monument sign shall be permitted for each building in lieu of one (1) wall sign or projecting sign; provided however, that in the case of a shopping center

designed as one (1) unified entity and consisting of one (1) or several buildings, either attached or freestanding, one (1) detached monument sign shall be permitted for the entire center.

b. The minimum setback from the right-of-way line to the closest building or buildings on the lot must be equal to or greater than fifteen (15) feet.

c. Such sign shall not exceed six (6) feet in height above average grade and the sign face shall not exceed fifty (50) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area which is equal to or greater than two hundred (200) square feet.

d. The minimum setback for the monument sign is ten (10) feet.

5. Monument signs are not permitted in the "C-2A" and "MS1" Districts unless a sufficient ten (10) foot setback exists for such a sign.

6. In the area defined in Section 410.330 as the Downtown District, the following requirements shall apply:

a. Window signs are geared towards pedestrians and therefore should be no larger than ten percent (10%) of the storefront glazing. Signs should be of a permanent nature applied directly on the glass. No placards or poster board panels leaning in windows are allowed, except for open/closed signs that shall be no larger than one (1) square foot.

b. No canopies, panels or awnings which span through two (2) or more storefronts shall be allowed. Backlit awnings are permitted only if the awning is opaque. If a portion of a backlit awning is not opaque, then that portion shall be considered a "sign".

430.060 Prohibited Signs

A. The following signs are prohibited except as stated below or as otherwise specifically provided hereinafter:

6. Pole signs, except that an existing business as of 2003 within one thousand (1,000) feet of the intersection of Johnson Drive and Metcalf Avenue are permitted to maintain, reface or replace existing pole signs for which a valid sign permit has previously been issued. New signs that replace existing pole signs must reduce the non-conforming height, area or setback of the previously issued sign permit.

430.020 Sign Definitions:

POLE SIGN

A sign which is supported by one (1) or more poles, uprights or braces in the ground so that the bottom edge of the sign face is more than ten (10) feet above the ground.

MONUMENT SIGN

A detached sign where the width of the base of the sign is a minimum of one-half (½) the width of the widest part of the sign face or where the base consists of two (2) or more supports so that the top edge of the sign face of a monument sign is ten (10) feet or less above the ground. The materials of the base of a monument sign shall be one (1) of the following: masonry, wood, anodized metal, stone or concrete.

SIGN MAINTENANCE

The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame, pole, brackets or surface. Changing copy or logo without increasing sign dimensions shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

SIGN REFACING
Changing or replacing the words, numerals or other surface of the sign to serve a different establishment or business or to create a substantially different visual effect without altering, moving or replacing the structure, frame, pole or bracket supporting the sign.

420.220 Non-Conforming Signs
A non-conforming sign may not be moved or replaced and the message may not be changed, except to bring the sign into complete conformity with this Article, except for "sign maintenance" as defined in Section 430.020.

ANALYSIS
The Board of Zoning Appeals has the authority to grant variances to Section Title IV. Land Use of the Municipal including the sign code. Granting of the requested variance would allow staff to approve a sign permit for the refacing of the existing pole sign on the subject property to support the establishment of a new business by the applicant. Staff suggests that the pole sign be in lieu of one wall sign as normally permitted by the sign code. When considering applications for a variance the BZA may only grant a variance upon a finding that ***all of the following conditions*** have been met:

a. The variance requested arises from such 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.

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

c. The strict application of the provisions of this Title would constitute unnecessary hardship upon the property owner represented in the application.

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

e. Granting the variance will not be opposed to the general spirit and intent of this Title.