

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 July 27, 2015 6:30 PM

1. Approval of the Minutes of the June 22, 2015 meeting
2. Application #15-02 Variance-Public Hearing
5605 W 49th Street-Front Yard Setback
Application
Staff Report
Exhibits
3. Application #15-03 Variance-Public Hearing
5820 Lamar Avenue-Monument Sign
Application
Staff Report
Exhibits

Please contact Nakeisha at 676-8362 if you will be unable to attend.

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
JUNE 22ND, 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, June 22th, 2015. Members also present: Mike Lee, Robin Dukelow, Stuart Braden and Carla Mills. Also in attendance: City Planner Danielle Murray and Board of Zoning Appeals Secretary Nakeisha Cooper.

ELECTION OF OFFICERS

Mr. Braden moved to nominate Mr. Brown for the Board of Zoning Chairman. Mrs. Dukelow seconded the motion. The vote was taken, all voting AYE. (5.0.0). The motion carried.

Mrs. Dukelow moved to nominate Mr. Braden for Board of Zoning Vice Chairman. Mr. Lee seconded the motion. The vote was taken, all voting AYE. (4-0-1) with one abstention (Braden). The motion carried.

Mrs. Dukelow moved to nominate Nakeisha Cooper for Board of Zoning Secretary. Mr. Braden seconded the motion. The vote was taken, all voting AYE. (5-0-0). The motion carried.

APPROVAL OF MINUTES OF OCTOBER 27TH 2014

Mrs. Dukelow moved and Mr. Braden seconded a motion to approve the minutes of the October 27th, 2014 meeting. The vote was taken (4-0-1) with one abstention (Mills). The **motion carried**.

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

CASE#15-01 VARIANCE - PUBLIC HEARING
6120 W. 64TH STREET - REAR YARD FENCE HEIGHT

Ms. Murray presented the staff report.

The subject property is currently zoned Single Family Residential "R1", was constructed in 1965, and has changed owners in the last year. The new owners of the home wish to replace the existing fence along their rear property line. The current fence is 8' in height and backs up to Kennett Place Townhomes which is adjacent to the north. The townhome development also has a fence in the area. The townhome fence is a wood panel fence 6' in height of a "goodneighbor" design (panels alternate sides of posts). No fence permit is on file for either of the existing fences as they likely predate the requirement for a permit or are not detailed on the construction drawings available. No prior variances are on file for the subject property. The subject property has an outdoor pool in the rear yard. Kennett Place was constructed in phases over a period of time ranging from 1985-1998. The townhomes immediately adjacent to the subject property were constructed in 1986. As with all fence applications, it is the responsibility of the private property owners to

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
JUNE 22ND, 2015

establish the correct ownership and siting of the proposed fence.

Ms. Dukelow asked staff if a part of the code references the height of the fence in relation to the swimming pool. Also how many other properties adhere to the fence code along the property lines.

Ms. Murray explained that the code states the height of the fence has to be at least 6 feet and there are other fences along the property line that meet the requirement.

Mr. Braden asked if the city records note the height limit on fencing in this particular area.

Ms. Murray stated that she is uncertain about the fence code before 2000, however the current codes states 6 feet.

Ms. Mills asked if there are other fences in the area that are 8 feet tall.

Ms. Murray replied that she was uncertain, staff did not perform a field survey.

Ms. Dukelow explained to staff that the site plan indicates 6 feet on the East & West side of the property. Ms. Dukelow then asked if there are any regulations concerning the entire perimeter of the property.

Ms. Murray explained that no one individual could have something different than another, and the fence code only regulates the height and location of the fence

Ms. Knight stated that a portion of the fence is already 8 feet based on the slope of the ground. The main purpose of the variance is to maintain a level of privacy and to repair the fence due to the current appearance.

Ms. Dukelow asked the applicant what the plans are for the East, West and South side.

Ms. Knapp explained that the plan is to replace the fence in it's entirety.

Mr. Lee asked the applicant to explain why they believe the fence is a present hardship.

Ms. Knapp explained that when they purchased the house, the privacy that the fence provided was a driving factor. The fence is already 8 feet in an area, and they would like to keep the same height around the perimeter of the property.

Mr. Brown opened the Public Hearing.....

Tamra Knapp located at 6120 W. 64th Terrace, came forth and explained that she is not in agreement with the zoning approval, and is against the approval. She believes everyone's fence should be uniform.

Mary Owens located at 6404 Beverly Drive came forth and explained that the variance is not necessary. Ms. Owens stated that the fence is unsightly and it would not be in

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
JUNE 22ND, 2015

uniform with any of the other's in the area; and in her opinion should not have been allowed in the first place. Ms Owens also questions whether or not the fence could have been grandfathered in.

Ms. Murray explained that it could have been grandfather in and would have to had been approved.

Wayne Stallard located at 6107 W. 64th Terrace came forth and explained that if the height was approved for the North side, you would also have to approve it for the West side. Each fence should meet the same requirement, they should be the same size and height.

Earle Brigance located at 6210 W. 64th Terrace came forth and stated that they are neighbors and he has no objection to the fence, his only recommendation would be to repair it.

Audrey Irick located at 6217 W. 64th Terrace came forth and asked if Milhaven had it's own fence code in which the applicant has to abide by.

Mr. Brown explained that the BZA only addresses the City Ordinance, they do not address Homeowner Association codes and regulations.

Mr. Norman located at 6404 Beverly Drive came forth and explained that an 8 foot fence would be an eyesore and he is opposed to the variance. A 6 foot fence seems sufficient and anything larger should not be allowed.

Mr. Brown closed the Public Hearing.

Mr. Lee asked staff if the number of pools in milhaven.

Ms. Murray stated that she isn't sure, there are approximately 12 or 13 other properties that surround Kennett Place, but she is unsure of the exact height of the others.

Ms. Dukelow stated that there are other surrounding properties with fencing that varies somewhere between 4 and 8 feet in height. The elevation varies in each case.

Ms. Dukelows suggests a landscaping solution to the height issue.

Mr. Braden asked for grade to be explained

Ms Murray responded by explaining how fence height is measured and how the topline of a fence may or may not follow grade.

Mr. Lee moved and Mrs. Dukelow seconded a motion to accept the applicant's findings of fact and approve the variance for an 8 foot fence along the north property line

The vote was taken. (2-3-0) The motion failed per the rules of procedures of the Board of Zoning Appeals.

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
JUNE 22ND, 2015

ADJOURNMENT

With no other agenda items, **Mrs Dukelow moved and Mr.Braden seconded a motion to adjourn.** The vote was unanimous. The **motion carried.** The meeting adjourned at 7:10 P.M.

ATTEST:

Jim Brown, Chair

Nakeisha Cooper
Board of Zoning Appeals Secretary



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

Permit # 15.02

Application to the Board of Zoning Appeals

Applicant Name: RONNY BROCK Company:
 Address: 5605 W. 49th St
 City/State/Zip: MISSION, KS 66207
 Telephone: 913-722-1843
 Email:

Property Owner Name: RONNY BROCK Company:
 Address: 5605 W 49th St
 City/State/Zip: MISSION, KS 66202
 Telephone: 913-722-1843
 Email:

Address of Property: 5605 W 49th St
 City/State/Zip: MISSION, KS 66202
 Zoning: R-1

Variance Application Type Appeal
 Description of Request

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

Accessibility
 REMODELING
www.accessremodel.com

Grab Bars
 Transfer Products
 Lifts
 Ramps
 Walk-In Tubs
 Roll-in Showers
 Door Widening
 Home Modification
 Commercial

Paul Lillig
 Mobile: 816-935-0159
 Office: 913-831-4444
 Email: paul@accessremodel.com

2005 Metcalf Ln. #320 • Shawnee Mission, KS 66202

June 24, 2015

City of Mission, KS

Re: Ronny Brock, 5605 W 49th St, Mission KS

Appeal of Decision regarding accessible ramp

Ronny Brock, of the above address, with and through his brother, Roger, who has power of attorney, is formally requesting appeal of the decision of June 16, 2015, by City of Mission, KS regarding installation of deck and wheel chair ramp within the setback of R-1 districts.

Per a conversation with Danielle Murray, city planner, on June 16, Ronny and Roger Brock and Accessible Remodeling are filing an appeal. Per the appeal document, a description of the request including Code section is as follows;

We are requesting that a ramp with deck be installed within the setback portion of above property. According to section 410.010 'R-1', item D, Front yards: (see attachment A) This provision does not allow for accessible ramps in the setback, rendering the owner unable to enjoy the dwelling. We will construct a ramp and deck using design attributes that will comply with requirements stated in the attachment.

Consideration of Variances:

1. The setback has created a unique dilemma. The only available cost effective area to install the deck with ramp is within the 30' setback.
2. The variance will have no impact on neighbors, adjacent property owners and residents.
3. The owner will not be able to access Occupational Therapy or Physical Therapy, engage with his physician or access services outside his home using wheelchair accessible transportation.
4. The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.
5. This request will not oppose the general provision for setback as described in attachment A or oppose the general spirit of the Title.

Attachment B;

Formal request for "reasonable accommodation" under the Fair Housing Act

Attachment C;

Info from Angela Schmitt regarding discharge condition of Ronny Brock

Attachment D;

Kansas City Medical Partners Medical Report: for your convenience, the following is the wording of the patients discharge condition from Lorrie Holland, APRN, Dr. Cuezze's Nurse Practitioner;

Line 8 reads and continues: "Based on patient's current physical abilities, he will return home in WC (wheel chair). He requires a ramp outside of home for safety & functionality. Without a ramp, he will be prohibited from entering his home."

Accessibility Remodeling will remove the deck with ramp upon this occupant no longer residing at the above address.

**Background Information Regarding Ronny Brock's Disability and Current Status
in Support of an Appeal to the City of Mission for Approval of a Ramp (as submitted)
at 5605 W. 49TH St., Mission, KS 66202**

(document: Ramp_Appeal.docx 6-20-15)

As of today, June 20, my brother Ronny Brock has spent 46 continuous days at Brookdale Skilled Nursing/Rehab (5-6 through 6-20) at 12000 Lamar Ave., Overland Park, KS 66209 (913-663-2888). Every day he had received physical therapy and occupational therapy to improve his mobility and capabilities. Prior to this time accumulated at Brookdale were he is currently, Ronny was at the Rehabilitation Hospital of Overland Park, 5100 Indian Creek Parkway, Overland Park, KS 66207 (913-544-1957) where he spent 13 days (4-23 through 5-5) in rehabilitation. Prior to that, he had been admitted to the Shawnee Mission Medical Center through the E/R and stayed there 3 nights (4-20 through 4-22). In summary, Ronny hasn't been home since April 20 which now amounts to 62 straight as of today.

Ron was diagnosed with Axonal Motor Neuropathy 4 or 5 years ago by his neurologist, Dr. Gordon R. Kelley, Shawnee Mission Neurology Consultants, 8800 W. 75th St., Suite 100, Shawnee Mission, KS 66204 (913-632-9810). This is a muscular degenerative form of neuropathy and had progressed to the point where Ronny could no longer move about his house at 5605 W. 49th St., Mission, KS 66202 without great difficulty. When his home care internal medicine doctor, Dr. Dimitri Golfilopoulos, 5005 W. 131st St., Leawood, KS 66209 (913-681-2398) visited him at home on April 20 for serious lower GI issues, dehydration, etc., he sent him directly to the Shawnee Mission Medical Center E/R. Following hydration steps and a colonoscopy by Dr. Ervin Eaker (his gastroenterologist), West Glenn Gastrointestinal Consultants, P.A., 6850 Hilltop Rd., Suite 170, Shawnee, KS 66226 (913-248-8008), when Ronny was ready to be discharged for home, he was unable to walk on his own utilizing the 4-wheel walker he had relied on prior to being hospitalized. Consequently, the hospital discharge case worker recommended that he go to a rehabilitation hospital (rather than going home) for physical therapy and Ronny chose the Rehabilitation Hospital of Overland Park.

To summarize this some, Ronny is still not walking on his own right now without assistance or utilizing a cane, or walker of any kind. He will no doubt return home wheelchair bound. Please see Brookdale's Geriatric Medicine Physician's assessment of this situation, Dr. Joy Cuezze, Kansas City Medical Partners (816-822-0050). It is likely that Ronny will be discharged from Brookdale in several weeks and he has chosen to return to his home at 5605 W. 49th St., Mission, KS 66202. This was the reason Ronny contracted with Bryon Sunday at Accessibility Remodeling (913-831-4444) on 5-27-15. Had the ramp been approved by the City of Mission, it would have been completed by now and ready for Ronny's use. (Ronny's home is our old family home and has been occupied by our family for 60 years now and he wants to remain living there for as long as he can.) Brookdale Skilled Nursing/Rehab Case Management is very concerned about discharging Ronny back to his home without the wheelchair ramp based on their knowledge of the current and forecast status of Ronny's disability and mobility limitations and safety concerns.

The denial of the ramp by the City of Mission, KS means frankly that Ronny will now not have safe, reasonable access to his home. Expected to be restricted to a wheelchair for mobility purposes when he is released from Brookdale, the wheelchair ramp is essential for him to enter and depart from his home safely utilizing a wheelchair transportation service.

Prior to the current prognosis of being expected to be wheelchair bound and unable to walk on his own or with the assistance of a walker, Ronny's mobility was of course better. He used his 4-wheel walker to get around and also utilized a stair lift from the garage level to the first floor living area. With the progression of his disease, the stair lift is no longer feasible because the seating area is significantly higher (5 inches) than his wheel chair which will not allow for the use of a transfer board which requires now for all transfers from his wheelchair. Getting in and out of the chair lift seating arrangement would not now be feasible due to the transfer complications and cramped space. Unfortunately, this is a tri-level home that Ronny is living in and the ramp is his last alternative for safely entering and exiting his home in a wheelchair. Ronny expects to have private duty nursing help daily to assist him with his daily living activities when he is released from Brookdale.

Just to reiterate, the importance of the ramp, Ronny is going to be denied safe and reasonable access to his home without a wheelchair ramp due to his disability and for all of the reasons I have mentioned in this letter. It is essential that he be allowed the opportunity by the City of Mission to have a ramp installed on his property at his expense so he can continue to enjoy his home for however long that might be.

As his brother with his power of attorney, and having discussed all of this information with him in detail, I request "reasonable accommodation" under the Fair Housing Act for Ronny and that the City of Mission approve the ramp as soon as possible.

Respectfully submitted,

Roger W. Brock

609 Laurel Dr. SW
Aiken, SC 29801
Home Phone: 803-649-3470
Cell Phone: 803-646-2141
E-Mail: rwbrock@mac.com

ATTACHMENT "C"

Paul,

This is the documentation/opinion I requested from Brookdale Medical regarding the necessity of a ramp for Ronny in my memo yesterday to you and Angela Dixon, Ronny's Case Manager at Brookdale. I trust that what Angela has obtained from Brookdale Medical clearly adds justification to the requirements for a ramp and credibility to our appeal case and represents a valuable opinion in this matter.

Roger

Begin forwarded message:

From: Angela Schmitt <aschmitt@brookdale.com>
Subject: Ramp Necessity Documentation
Date: June 22, 2015 at 2:27:13 PM EDT
To: "Roger Brock (rwbrock@mac.com)" <rwbrock@mac.com>

Hi Roger,

Attached to this email you should find a copy of the progress note from Lorrie Holland, Dr. Cuezze's Nurse Practitioner. It notes that Ronny is likely to discharge from this community at wheelchair-level and that a wheelchair ramp is required for entry to the home as well as safety and functionality.
Hope this helps!

I will print your previous email and attachments today and get them to Ronny. Have you had any further thoughts on making a home visit work? Our therapists are hoping this week or early next week would be possible.
We'll be in touch,

Angela (Schmitt) Dixon
Rehab Case Manager
Brookdale Overland Park
Cell: (913) 579-8183

Kansas City Medical Partners
Progress Note

DOB: 5/7/44
Patient: Brock, Ronny
Date: 6/20/15

Room: 347

| | | | | | | | |
|----------------|------|------|------|--------|----|---------|--------|
| Date of Vitals | 6/20 | Temp | 98.0 | Pulse | 88 | BP | 118/63 |
| Ox Sat | 98% | Resp | | Weight | | Glucose | |

Staff Reports: Med A F/U

Patient Reports:

SH: Adv Directives Full Code DPOA EC: Rodger Brock

| Area | ROS: circle positives/line negatives | Exam: circle positives/line negatives |
|---------|--------------------------------------|---------------------------------------|
| General | | |
| HEENT | | |
| CV | | |
| Resp | | |
| GI | | |
| GU | | |
| Neuro | | |
| Psych | | |
| Endo | | |
| Allergy | | Dry Skin |
| Skin | | Rhinorhea |
| | | No rash No wound |

Labs reviewe

Xrays reviewed

Outside records reviewed:

A/P: Medication List Reviewed

- 1) Edema
- 2) GERD
- 3) Constipation
- 4) IBS
- 5) Gastroparesis
- 6) Neuropathy
- 7) HTN
- 8)
- 9)
- 10)

Prognosis: Stable Fair Poor

Capable of understanding rights/responsibilities: Yes No, due to dementia

Health Maintenance :
Pneumovax Eye Exam
BMD Test MMG

*Based on pt's current physical abilities pt will remain home in W.C. He requires a ramp outside for Rehabilitation Potential: Good Poor
at home for safety
No, due to delirium
and functional ability
without a ramp, he
would be prohibited
from entering his
home.*

I have reviewed the chart including past medical history, medications, allergies, and laboratory studies. I have seen and examined the patient and discussed the plan of care with the nursing staff. I have discussed the patient care with the resident of his/her medical condition. Allied professional documentation reviewed.

Provider Signature Jane Heller

STAFF REPORT
Board of Zoning Appeals Meeting July 27, 2015

AGENDA ITEM NO.: 2

PROJECT NUMBER / TITLE: Variance Application # 15-02
Variance to required front yard

REQUEST: Application for variance to Section 410.010.D front yards in the "R-1" district

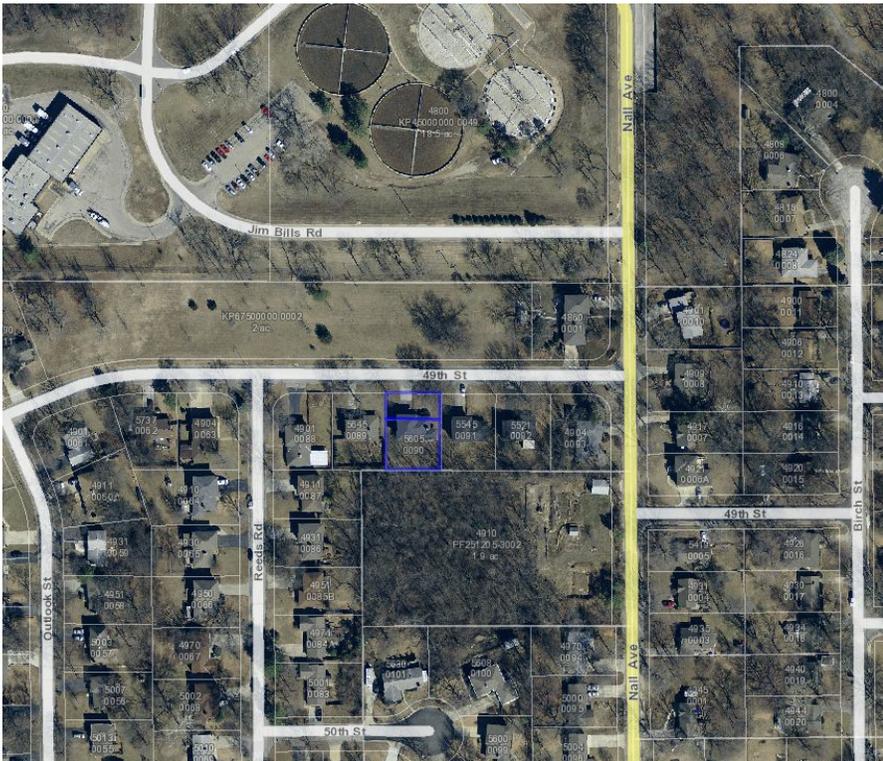
LOCATION: 5605 W 49th Street
Mission, Kansas 66202

OWNER: Ronny Brock
5605 49th Street
Mission, KS 66202

APPLICANT: Paul Lillig
Accessibility Remodeling
6025 Metcalf Ln #320,
Overland Park, KS 66202

ADVERTISEMENT: 6/30/2015- The Legal Record Newspaper

PUBLIC HEARING: 7/27/2015-BZA



BACKGROUND INFORMATION:

The existing building was constructed in 1956 as a residential home. The application indicates that the home has been in the current owner's family since that time. Over the years, the homeowner has made interior alterations to adapt the space for his use. Following a recent hospitalization, the homeowner is requesting that exterior alterations be allowed to continue the same. Information submitted by the homeowner's doctor and brother is included in the packet. The proposed alteration includes a front deck and handicap accessible ramp

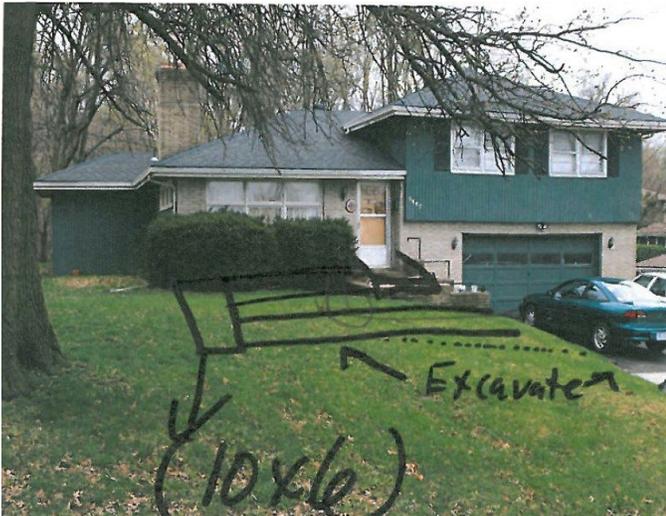
which extends into the required front yard area.

The subject property is zoned Single-Family Residential “R-1” district. The Comprehensive Plan indicates this area is appropriate for residential low density development.

The adjacent properties are all developed. To the north is a sewage treatment facility, to the east/west/south are detached residential homes similar to the subject property.

CODE REVIEW

The “R-1” District requires that front yard a minimum of 20’-30’ in depth be maintained. This request is to allow the construction of a deck and ramp on the subject property with a reduction to the setback. The applicant is requesting the the setback from the property line be reduced from 30’ feet to 16’ to accommodate the deck and ramp. Approval of this variance does not constitute approval of the specific structure shown, only the change in the zoning code requirements which would allow the applicant to submit a building permit application that meets the new standards.



Applicable Ordinances

Section 410.010.D:

Front Yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least thirty (30) feet. The setback may be reduced to twenty (20) feet, if the following conditions are met.

1. The setback reduction is for an attached living area or covered porch to the principal structure, not including the garage, which does not exceed a total of one hundred twenty (120) square feet of above grade finished livable

space.

2. The exterior materials of the proposed living area or porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling.

3. The roof and design of the proposed living area or porch is properly proportioned to and integrated with the dwelling.

4. Plans are approved by the Planning Commission.

5. The structure does not adversely affect drainage on the lot or neighboring properties.

Section 405.020 Definitions

A yard is defined as:

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth

of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used.

ANALYSIS

The Board of Zoning Appeals has the authority to grant variances to Section Title IV. Land Use of the Municipal Code. Granting of the requested variance would allow City Staff to approve a building permit application that complies with the new standards set by the variance. When considering applications for a variance the BZA usually considers the following findings as per City Code Section 450.060.D, granting 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.

Due to the nature of this request, the City's attorney has advised that the following three criteria be used to make a determination on this case instead as there appears to be adequate evidence to demonstrate a medical/physical need for the alteration. The City's attorney has indicated that Federal Disability and Fair Housing laws require public entities to make reasonable modifications in policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

1. Is the applicant or person to be accommodated disabled?

The City's attorney has reviewed the materials submitted and agrees that adequate evidence has been presented to establish a medical or physical need for a ramp entrance.

2. Is the variance reasonably necessary to accommodate the disability?

In order to construct any addition to the existing building a variance would be required as the current home is already located at the limit of the front setback. The variance requested is no more than the minimum needed to add a front deck and ramp. A variance is the appropriate zoning relief to be requested.

3. Would the variance fundamentally and unreasonably alter the nature or purposes of the zoning ordinance?

In land use, a front setback is the distance which a building or other structure is set back from a street or road. The purpose of establishing a zoning setback standard is both to provide a uniform open area or front yard and to control the density of development in a neighborhood by establishing a maximum buildable area. The requested variance to add a front entry feature would not increase the density (number of housing units per acre) of the lot nor significantly alter the open area of the front yard.

POSSIBLE MOTION

I move to approve the proposed variance as requested reducing the front yard setback for property located at 5605 w 49th Street from 30' to 16 for the construction of a front deck and ramp'.



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

Permit # 15-156B

Residential Building Permit Application

| Property Owner | | Site Address | |
|----------------|----------------------------|--------------|--|
| Name | Ron Brock | Address | |
| Address | 5605 W 49 th St | | |
| City/ST/ZIP | Mission, KS 66202 | | |
| Telephone | 913-722-1843 | | |
| Email | — | | |

| General Contractor | | | |
|--------------------|---------------------------|---------------|------------------------|
| Company | Accessibility Remodeling | Licensee Name | Bryon Sunday |
| Contact | Bryon Sunday | Email | info@accessremodel.com |
| Address | 6025 Metcalf Ln #320 | License # | 2015-7557 |
| City/ST/ZIP | Shawnee Mission, KS 66202 | License Class | C |
| Phone: | 913-831-4444 | | |
| Fax: | | | |

| Sub-Contractors (Separate Forms Required for Each) | | | |
|--|-------|-----------------|-------|
| Mechanical: | | Roofing: | |
| License # | Class | License # | Class |
| Contact | | Contact | |
| Phone | | Phone | |
| Electrical: | | Framing: | |
| License # | Class | License # | Class |
| Contact | | Contact | |
| Phone | | Phone | |
| Plumbing: | | Other: | |
| License # | Class | License # | Class |
| Contact | | Contact | |
| Phone | | Phone | |

Type of Construction

New Building Addition Alteration Repair/Replace

Type of building (Single Family Dwelling, Garage, Pool, Deck, Other) please specify:

Deck and wheelchair ramp

Description of Work

Deck and ramp
Building 10x6 Deck pressure treated lumber with
wheelchair access ramp 55' long with switchback turn
and intermediary landing

Sq Ft of Construction:

Project Valuation

Total Cost \$ 5,845.00

NOTE: THE INTERNATIONAL RESIDENTIAL CODE 2012, INTERNATIONAL MECHANICAL CODE 2012, NATIONAL ELECTRICAL CODE 2011, INTERNATIONAL PLUMBING CODE 2012, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, AND INTERNATIONAL EXISTING BUILDING CODE, HAVE BEEN ADOPTED.

X
Signature (Owner/Owner's Agent)

Date

X
Signature (General Contractor)

Date 6/3/15

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

Occupancy Group:
Construction Type:
IA IB IIA IIB IIIA IIIB IV VA VB

Permit Fee: \$
Plan Review Fee: \$
Total Fee: \$

Receipt #:

Does not appear to meet front
yard setbacks - Pls submit site
plan w/ dimensions

Intake Date: 6/3/15
PC Case File# Zoning:

Approved by:
Community Development Date

Approved by:
Building Codes Date

Attachments: Mech N/A Elec N/A Plumb N/A Roof N/A Frame N/A Other N/A ROW N/A LD N/A

Denied, structure does
not meet front setback
of R-1 district - Den 6/16/15

Home **Property** Address History Map

[Send Message](#) | [Help](#)

Name **Property - Address - KUPN - QuickRef ID**

Bookmarks

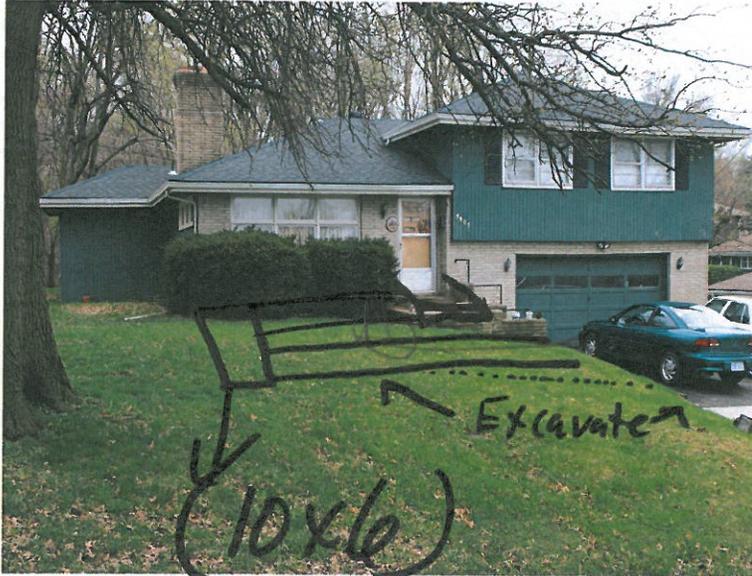
Property ID, Address, KUPN or QuickRef ID:

Use % for wildcard searches - 1 records found

<< >>

| TaxPropertyID | MailAddLine | Owner1FullName | Owner2FullName |
|--|--|----------------|----------------|
| <input type="checkbox"/> KP67500000 0090 | <input checked="" type="checkbox"/> 5605 W 49TH ST | BROCK, RONNY W | |

-
-
-
-
-
-
-

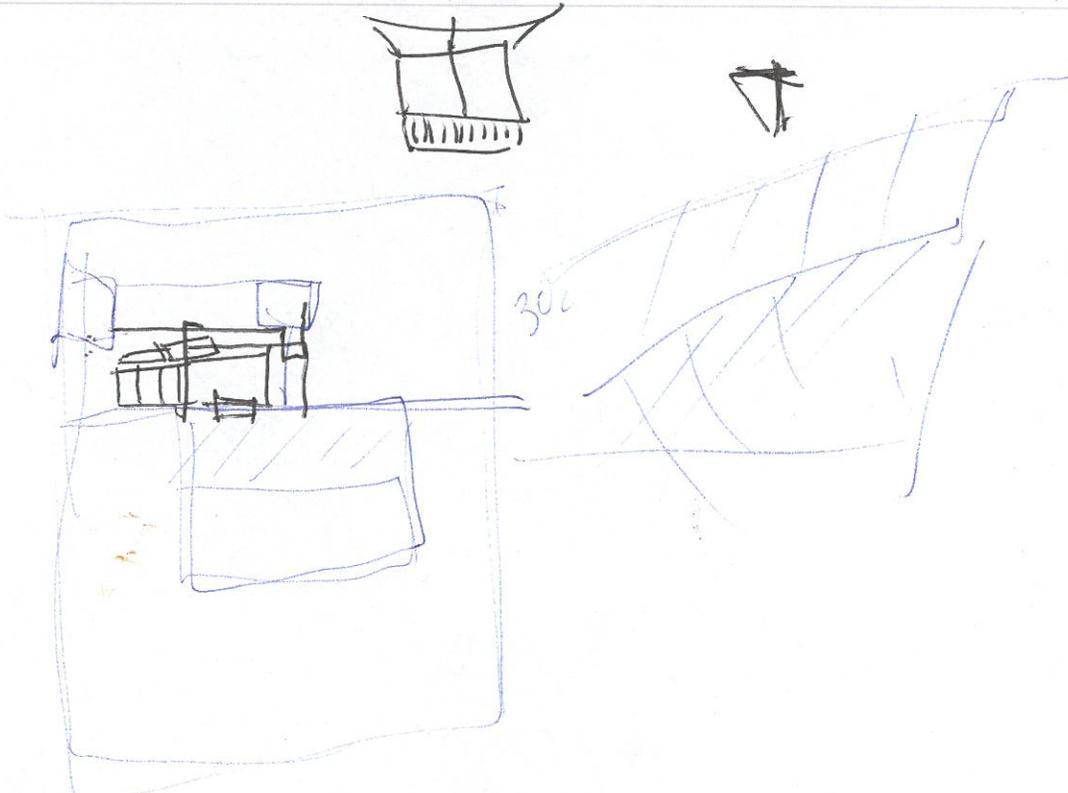


046-063-05-0-10-06-004.00-0 04/05/2010

[mouse wheel over main image to zoom / drag to recenter]

*Approx
 14 feet from the
 House + 30 ft
 From Street*

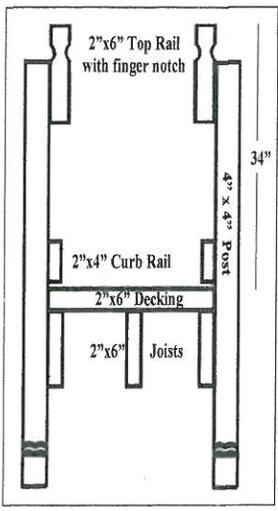
select: all none selected: map buffer directions print labels remove





6025 Metcalf Ln. #320 • Shawnee Mission, KS 66202
913-831-4444 • info@accessremodel.com

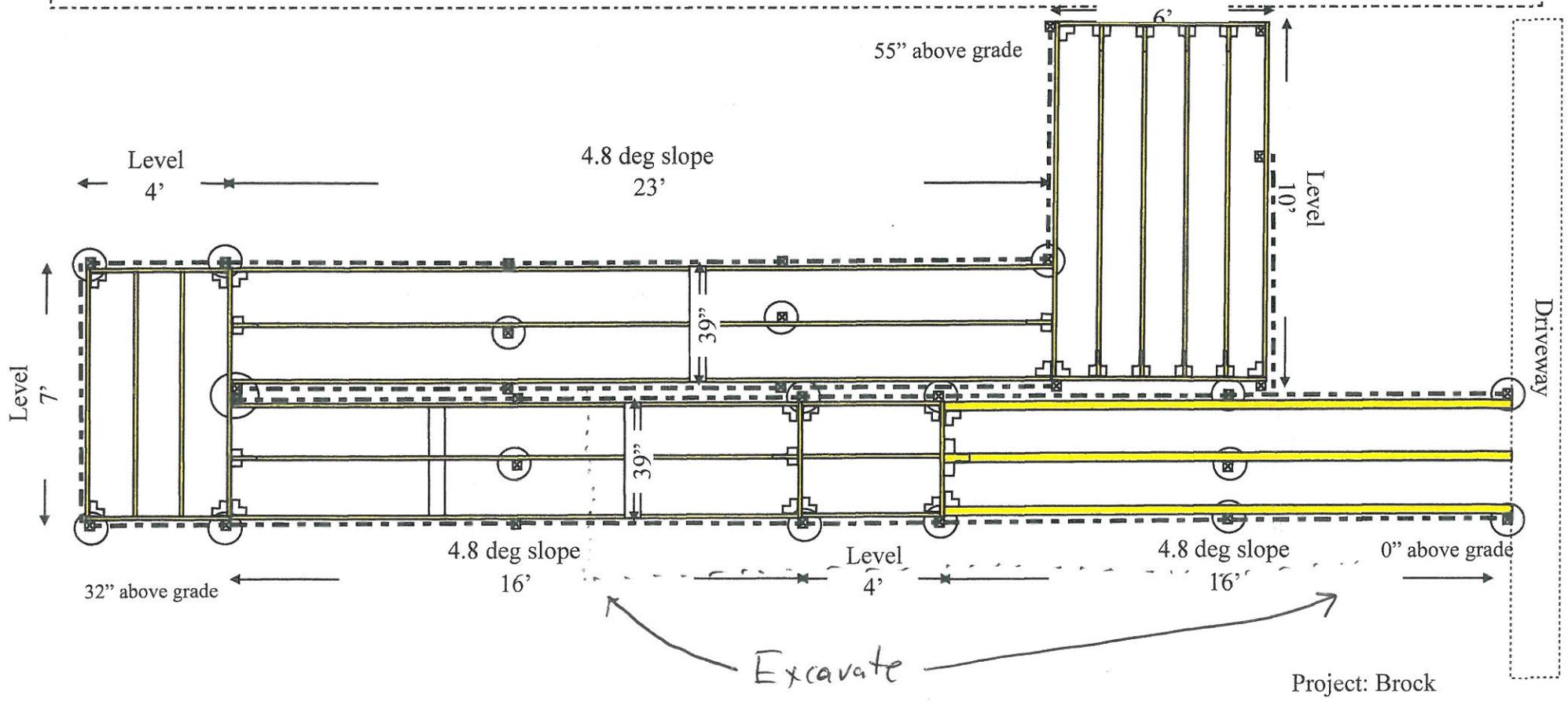
-  4" x 4" Post
-  8" Pier
-  Railing
-  Joist Hanger
-  90 deg Corner
-  Strap



RECEIVED
JUN 03 2015
CITY OF MISSION
COMMUNITY DEVELOPMENT

House

Door



Driveway

Excavate

Project: Brock





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

Permit # 15.03

Application to the Board of Zoning Appeals

| | | |
|---|--|---------------------------------|
| Applicant Name: Brill Investors, LLC | | Company: |
| Address: 5820 Lamar Avenue, Suite 100 | | |
| City/State/Zip: Mission, Kansas 66202 | | |
| Telephone: 913-432-7676 | | |
| Email: drbrill@brilleye.com | | |
| Property Owner Name: Same | | Agent: Laura L. McConwell |
| Address: | | 5925 Beverly |
| City/State/Zip: | | Mission, Kansas 66202 |
| Telephone: | | 913-262-0605 |
| Email: | | laura@mconwell.com |
| Address of Property: 5820 Lamar Avenue | | |
| City/State/Zip: Mission, Kansas 66202 | | |
| Zoning: C-2A | | |
| Application Type | | |
| Variance <input checked="" type="checkbox"/> | | Appeal <input type="checkbox"/> |
| Description of Request | | |
| Please provide a brief description of the request including specific Code Section and quantity of variance or decision for appeals: | | |
| See Attachment | | |
| | | |
| | | |
| | | |

**Brill Investors, LLC - Variance Request
Mission Board of Zoning Appeals**

DESCRIPTION OF REQUEST: Brill Investors, LLC (Brill) owns the Brill Office Building (Brill Building). [Exhibit 1] Brill requests a variance to 403.090(E) so that Brill may install a monument sign (consistent with the monument sign requirements in 430.090(B)(2)) at Brill Building. [Exhibit 2 - example of monument sign]

BACKGROUND: Brill obtained approval to build the Brill Building in 2001. The construction was completed in 2002. Brill worked diligently with the neighboring residents, adjacent property owners and city of Mission throughout the process to ensure all concerns were addressed.

The Brill Building is located between CVS Pharmacy and QDoba to the south and residential houses to the north. The application and approval of its construction predate the current codes adopted by the City of Mission. Included with its build-out is a pad suitable for a monument sign located at its entrance on Lamar. Even though the Brill Building was constructed prior to current ordinances, it does conform with the West Gateway Form Base Code.

THE PROBLEM: The Brill Building is zoned C-2A. City of Mission staff does not believe it has the authority to grant a monument sign permit given the zoning of this property without a variance.

RELEVANT ORDINANCE: Mission ordinance: **430.090** [Exhibit 3]

- * In all zoning categories, except for C-2A and MS1, the code specifically allows for a monument sign to be substituted for a wall sign. The dimensions of a permitted monument sign is proscribed in 430.090(B)(2).
- * Section 430.090(E) specifically addresses districts zoned "C-2A", "MS1" and "MS2".
- * It does not expressly permit a monument sign in "C-2A" commercial zoning.
- * Section 430.090(E)(3) does allow a monument sign in a residential project.
- * In 430.090(E)(5) the code expressly states that "[m]onument signs are not permitted in the "C-2A" and "MS1" Districts unless a sufficient ten (10) foot setback exists for such sign".

**Brill Investors, LLC - Variance Request
Mission Board of Zoning Appeals**

CONDITIONS TO BE MET:

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 or applicant.

Mission has five (5) C-2A properties remaining and all predate current zoning ordinances. With the exception of the Brill Building, all of other properties are constructed relatively close to the roadway and can be easily seen by a pedestrian or driver from a distance when approaching from either direction. The Brill Building is sandwiched between two large commercial buildings to the south (CVS Pharmacy and QDoba) and residential to the north. The line of site to the building when approaching the Brill Building from either the north or south is obstructed.

The five (5) C-2A properties are:

- 1) Brill Building;
- 2) Mission West Shopping Center (excluding northern pad sites) [Exhibit 4];
- 3) BackYard Burger [Exhibit 5] ;
- 4) CFD #2 [Exhibit 6] ; and
- 5) Mission Pawn Shop [Exhibit 7] .

Mission West Shopping Center and CFD #2 each have monument signs predating the current ordinance. Mission Pawn Shop does not have a monument sign but does have one (1) wall sign on the east side of its building seen from Lamar and two (2) projecting signs. Because BackYard Burger has removed its signage, it is difficult to compare although the current tenant does maintain a moveable monument style sign on its western property line.

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

The granting of this variance will not affect rights of adjacent property owners or residents. The commercial properties to the south each have a monument sign. Brill installed substantial screening at the time of construction which Brill maintains to protect the residents to the north from commercial impact. The sign is sought to be placed on the north side of the entrance to the Brill Building which is at least 50 feet from its northern boundary. [Exhibit 8]

**Brill Investors, LLC - Variance Request
Mission Board of Zoning Appeals**

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

With the setback of and screening around the Brill Building, Brill is left with no options to direct traffic, pedestrian, auto or otherwise, to its building. Nor does it have the opportunity to alert the public of any tenants in its building without installation of signage closer to the street. In fact a number of people utilizing the entrance on Lamar do so to access CVS, QDoba or use the parking to patronize RJ's Bob-B-Que.

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

The variance requested is consistent with the application of this Title. The set back requirements do not impede safety of pedestrians or motorists; a monument sign will not negatively affect public health or morals; and should positively affect order, convenience and general welfare.

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

The intent of the Title is to balance the need for signage against the risk of sign pollution. It permits a variety of sign options for properties. Furthermore, the relevant section of Mission's municipal ordinance does not prohibit the monument sign Brill requests.



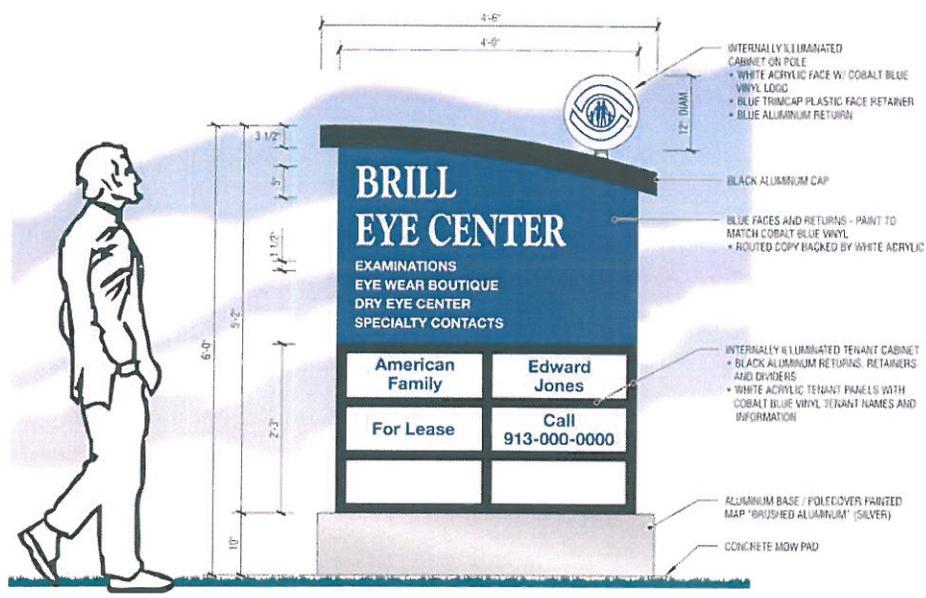
Exhibit 1

FILE: BRILL_EYE_CTR_1 SHEET: 1 OF 1

CLIENT: BRILL EYE CENTER
 ADDRESS: MISSION, KS
 SALESPERSON: HARBURCKER
 DESIGNER: LYONS

1313 Verona
 North Kansas City
 Missouri 64116-4422
 (816) 842-8980
 FAX (816) 842-5308

ACME SIGN



OPTION 1
D/F INT-ILLUMINATED MONUMENT SIGN
 SCALE: 3/4" = 1'-0"



SCALE: 1/8" = 1'-0"

CLIENT APPROVAL: _____
 Client approval insures that spelling, colors & specifications for signage & design meets their satisfaction.

This original design and all information contained therein is the property of ACME Sign Inc. and is to use in any way other than as authorized is expressly forbidden. This drawing is subject to return on demand.

Chapter 430. Signs

Section 430.090. Signs Permitted in Commercial and Industrial Districts.

[Ord. No. 1091 §§1 — 3(App. A §430.090), 9-24-2003; Ord. No. 1142 §20, 12-8-2004; Ord. No. 1259 §8, 5-21-2008]

- A. To the extent that the residential land use is permitted in a commercial or industrial district, signs for a residential land use shall be permitted as in the applicable residential district.
- B. *Districts "C-O" And "CP-O".*
1. In Districts "C-O" and "CP-O", wall signs are permitted on three (3) facades. The total area of signs on each facade shall not exceed five percent (5%) of the area of the wall upon which it is mounted.
 2. In lieu of one (1) of the wall signs, one (1) detached monument sign for each building shall be permitted. Such sign 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 located at least ten (10) feet from the public street right-of-way or private street curb line. For each additional two (2) foot setback from the public street right-of-way or private street curb line over ten (10) feet, one (1) additional foot may be added to the height of the sign to a maximum of ten (10) feet. 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.
- C. *Districts "C-1" And "CP-1".*
1. Each business or commercial establishment shall be permitted not more than three (3) wall signs, not more than one (1) on each business facade. The area of such sign shall not exceed five percent (5%) of the total area of the business facade on which it is placed. Alternatively, multi-story buildings may be permitted three (3) wall signs per building, not more than one (1) sign per building facade, as indicated above for Districts "C-O" and "CP-O". Such signs shall not extend above the height of the wall upon which they are mounted. In addition, one (1) non-illuminated wall sign, not more than nine (9) square feet in area, may be placed at each major entrance to a multi-tenant building.
 2. In lieu of one (1) wall sign, one (1) projecting sign of the same area as the wall sign replaced shall be permitted, provided that no projecting sign shall extend more than three (3) feet from the face of the building. The lowest point of such sign must be a minimum of seven (7) feet above the ground or sidewalk.
 3. Except 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 in lieu of one (1) wall sign for each commercial building, which sign shall conform to the

height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".

4. 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) additional detached monument sign may be permitted identifying the entire center. Such sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".
5. For buildings with a non-retractable awning, canopy or covered walkway along one (1) or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway and shall not exceed three (3) square feet in sign area per face. One (1) sign shall be permitted per business entry.

D. *Districts "C-2", "CP-2", "C-2B", "CP-2B" And Industrial Districts.*

1. Each business or commercial establishment shall be permitted not more than three (3) wall or marquee signs, not more than one (1) on each business facade, the area of which sign shall not exceed ten percent (10%) of the total area of the facade upon which it is placed. Such sign shall not extend above the height of the wall or marquee on which it is mounted. In addition, one (1) non-illuminated wall sign, not more than nine (9) square feet in area, may be placed at each major entrance to a multi-tenant building. Alternatively, multi-story buildings may be permitted three (3) wall signs per building, not more than one (1) sign per building facade, as indicated above for Districts "C-O" and "CP-O".
2. In lieu of one (1) of the attached signs, one (1) projecting sign shall be permitted for each establishment, provided that the area of such projecting sign shall not exceed ten percent (10%) of the total area of the facade upon which it is attached and shall 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.
3. Except 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 each building in lieu of one (1) wall sign or projecting sign. Such sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".
4. 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) additional detached sign may be permitted identifying the entire center. A gasoline service station, designed as part of the center, may also have a detached monument sign. All other signs in the center shall consist of wall, projecting or marquee signs. The detached monument sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".
5. Drive-through restaurants and car washes may have two (2) menu boards located in conjunction with each drive-through lane. Such sign shall not exceed eight (8) feet in height or thirty-two (32) square feet of sign area per face. Drive-in restaurants or food service establishments with walk-up service windows may have one (1) menu board per order station. Menu boards for drive-in service shall not exceed eight (8) square feet of sign area per face and menu boards for walk-up service shall not exceed thirty-two (32) square feet of sign area per face. All menu boards shall be oriented toward the location of the vehicle or pedestrian being served and shall not contain lettering that exceeds six (6) inches in height.
6. For buildings with a non-retractable awning, canopy or covered walkway along one (1) or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground-floor entrance. Such signs shall be located at or

near the business entrance, shall be oriented toward pedestrians on the walkway and shall not exceed three (3) square feet in sign area per face. One (1) sign shall be permitted per business entry.

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".
- F. *Districts "C-1", "CP-1", "C-2", "CP-2", "C-2A", "C-2B", "CP-2B", "MS1" And "MS2".* Where one (1) retail establishment (the "subtenant") leases space and conducts business within another retail establishment (the "primary tenant") but does not have an exterior business facade and an exterior door leading directly to the subtenant space, one (1) exterior wall sign may be permitted if the following conditions are met:
1. The subtenant's business establishment occupies at least one hundred (100) square feet of floor area and is staffed and open for business during predetermined hours.
 2. The primary tenant's business establishment occupies at least twenty-five thousand (25,000) square feet of floor area.
 3. The subtenant's business is a separate legal entity from the primary tenant's business, as opposed to a department, division or subsidiary of the primary tenant's business.
 4. A sign criteria for the building or shopping center has been submitted to and approved by the Planning Commission which specifically provides for subtenant signage, including standards for the sign location, size, style, color and content. Such sign criteria shall include scale drawings of the facades of all primary tenants where subtenant signs are authorized showing the permitted locations for subtenant signs.
 5. The total area for all signs on the same facade does not exceed the allowable signage area for that district.
The sign permit application for a subtenant sign shall include a scale drawing of the primary tenant's facade showing the location and size of the subtenant sign and all other signage on that facade. The application shall also include a copy of the lease agreement between the subtenant and the primary tenant or other documentation acceptable to the City Attorney that the two (2) businesses are separate legal entities. The provisions of this Section for subtenant signs shall not apply to businesses within an enclosed shopping mall or to businesses that are conducted primarily by automated machines.
- G. Interior neon signs or tubes as defined in this Subsection shall be allowed only in Districts "C-1", "CP-1", "C-2", "CP-2", "C-2A", "MS1", "MS2", "MP" and "M-1". If such signs or tubes are within forty-eight (48) inches of any window or door and visible from outside the building, then such sign or tubing shall not occupy an area greater than ten (10) square feet and only one (1) such neon sign area shall be allowed per business; provided however, that such signs under three (3) square feet shall not be required to

have a sign permit. All such neon signs or tubes shall not blink, flash or otherwise be used to display intermittent lighting sequences or to simulate motion. Permitted neon tubes or signs shall be installed, wired and inspected in accordance with the adopted building codes of the City of Mission. Neon signs shall not be addressed towards residential areas.

- H. Any neon sign or tubes removed for other than repair shall not be replaced with any other sign or surface which is not in compliance with existing laws and requirements.
- I. In districts where automated teller machines (ATMs) are permitted, up to three (3) signs are permitted, no more than one (1) per machine/canopy face, identifying the ATM or the bank, financial institution or ATM network associated with that machine. Such signs shall not exceed eight (8) square feet in area. In addition, one (1) non-illuminated sign is permitted per ATM to identify the types of ATM cards accepted or special instructions to ATM users. Such sign shall not exceed four (4) square feet in area, shall be mounted flush to the side of the machine and shall not require a sign permit.



Exhibit 4





Exhibit 6



Exhibit 7



Exhibit 8

STAFF REPORT
Board of Zoning Appeals Meeting July 27, 2015

AGENDA ITEM NO.: 3

PROJECT # / TITLE: Variance Application # 15-03, Sign ordinance

REQUEST: Application for variance to Section 430.090.E to allow for the placement of a monument sign in a C-2A District.

LOCATION: 5820 Lamar Ave
Mission, Kansas 66202

OWNER: Brill Investors, L.L.C.
5820 Lamar Ave
Mission, KS 66202

APPLICANT: Dr Raymond Brill

ADVERTISEMENT: 6/30/2015 - The Legal Record Newspaper

PUBLIC HEARING: 7/27/2015-BZA



BACKGROUND INFORMATION:

The subject property is currently zoned Pedestrian Oriented Business District “C-2A” and is located mid block north of Johnson Drive between Lamar Avenue and Russell Street on Lot 3 of the Holly Grove subdivision. The property was developed as an office building in 2002. In 2003 sign permit applications were received and approved for wall signs. Signs are not approved at the time of site plan review but by the sign permit application process. At this time the applicant is requesting a variance in order to allow for the addition of a monument sign to the site consistent with the monument sign dimensional requirements of the current sign code 430.090(B)(2). This zoning district does not allow for monument signs by right.

CODE REVIEW

The Pedestrian Oriented Business District “C-2A” was assigned to this property in 1998 at the time of an owner requested rezoning which allowed for the development of the Holly Grove subdivision lots immediately adjacent to Johnson Drive (Eckerd/CVS and Schlotzsky's/Qdoba). The “C-2A” District encourages retail and service establishments where the consumer enters one (1) or more places of business to accomplish his/her purpose, where several business transactions may be conducted without using a motor vehicle, and where contiguous storefront and display window architecture is the rule. It predates the Main Street District 1 and 2 districts designed to reinforce and encourage the existing character within the core of the downtown. The Mission sign code designates the appropriate sign types, numbers, and dimensions based on zoning districts. In the Pedestrian Oriented Business District “C-2A”, monument signs are not an allowable sign type for businesses except for those properties that may also contain residential units.

There are approximately 39 parcels in the downtown and immediate neighborhood (West Gateway or Downtown District along Johnson Drive) which were or are zoned “C-2A”. Of the 39, 11 are similar to the subject property. That is, they are parcels containing multi-tenant office buildings that are free-standing structures rather than attached row buildings. Only a few properties remain zoned Pedestrian Oriented Business District “C-2A”. These are located exclusively in the West Gateway District and include the Brill Office Building, Mission West Shopping Center, the former Backyard Burger site, the Consolidated Fire District #2 office, and a Pawn shop. These properties are highlighted

in red on the map above. All other “C-2A” properties in Mission were converted to Main Street District 2 “MS2” designations at the time the city master rezoning of the downtown in 2006. Main Street District 2 allows for monument signs with conditions. The map below shows the location of properties formerly zoned C-2A in the Downtown and East Gateway Districts.



From 2000-2015 the Board of Zoning Appeals has heard 10 other variance requests regarding monument signs as detailed below.

| All Board of Zoning Appeals Cases Regarding Signs 2000-2015 | | | | | |
|---|------------------------------|--|--|------------|-----------------|
| Address | Occupant | Variance Request | BZA Decision | Date | Zoning District |
| 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 | Captiol 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".

430.090(B)(2)

...one (1) detached monument sign for each building shall be permitted. Such sign 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 located at least ten (10) feet from the public street right-of-way or private street curb line. For each additional two (2) foot setback from the public street right-of-way or private street curb line over ten (10) feet, one (1) additional foot may be added to the height of the sign to a maximum of ten (10) feet. 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.

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 placement of a monument sign on the subject property that complies with the new standards set by the variance. The applicant is requesting approval of a variance for one monument sign per building in addition to any signs already allowable under code. Such sign 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 located at least ten (10) feet from the public street right-of-way or private street curb line. For each additional two (2) foot setback from the public street right-of-way or private street curb line over ten (10) feet, one (1) additional foot may be added to the height of the sign to a maximum of ten (10) feet. 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. 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.

POSSIBLE MOTION

I move to approve the proposed variance as requested allowing for a monument sign for property located at 5820 Lamar Avenue.

