

SIGN CODE BOARD OF APPEALS
Meeting Minutes
May 5, 2005 – 6:45 p.m.

Members present: Hannon, Goans, Lane, Blaufuss, Emerson, Santee and Herndon
Staff present: Walthall and Saker

ITEM NO. 1: MINUTES

A number of typographical errors were noted in the minutes of the April meeting.

Motioned by Lane, seconded by Emerson to approve the minutes of the April 7, 2005 meeting as revised.

Motion carried 6-0-1, with Santee abstaining due to his absence from the April meeting.

ITEM NO. 2: COMMUNICATIONS

There were no other communications the Board

Swearing in of witnesses

ITEM NO. 3: DALE MARTENS NISSAN; 2112 WEST 29TH TERRACE

SV-04-09-05: A request for two variances from the provisions of Chapter 5, Article 7 (Signs), of the Code of the City of Lawrence, Kansas, 2003. The requests pertain to the total surface area allowed for two ground surface mounted signs to be located along Iowa Street (100 sq. ft.) and West 29th Terrace (70 sq. ft.). The signs comply with the height allowance but do not meet the maximum sign area standard of 60 sq. ft. Section 5-739.6(A) of the Sign Code of the City of Lawrence, Kansas, 2003 is the governing regulation concerning the permitted size of a monument sign in a commercial district. The subject property is zoned C-5 (Limited Commercial) District. Submitted by Michael Schmidt with Star Signs & Graphics, Inc., for Dale Martens Nissan, the property owner of record.

STAFF PRESENTATION

Mr. Walthall introduced the item, a request to allow two ground signs for the subject property that each exceeded the maximum square footage allowed for a ground sign in this zoning district.

It was established that the two ground signs would replace two existing pole signs and both would be under the maximum allowable height for ground signs. The configuration of the subject property allowed for both signs to be located as proposed, but both signs were over the allowed 66 square feet in area.

Mr. Walthall responded to questioning that the sign replacement was likely to accommodate a change in the nationwide manufacturer's marketing package. This was fairly common for this kind of use.

A discrepancy was noted in the drawings provided. The dimensions given in the drawing appeared to show a sign width of 10', while the application requested a sign with an 11' width.

APPLICANT PRESENTATION

Michael Schmidt, Star Signs & Graphics, spoke on behalf of the applicant. Mr. Schmidt explained the apparently conflicting data in the application. He said the sign itself was 10' wide at the base, but the sign cabinet, complete with metal end caps, was 11' wide.

Mr. Schmidt noted that the proposed ground signs were closer to code requirements than the existing signs because pole signs were not allowed at all. He verified that both existing pole signs would be removed when the proposed signs were installed.

Mr. Schmidt said it was correct that the sign replacement was part of a national campaign by the manufacturer.

The applicant was asked to address the request in relation to the questions in the application, specifically whether the situation was unique and/or if it was not created through the action of the applicant. Mr. Schmidt responded that the situation was created by the applicant, or more correctly, by the manufacturer. The proposed signs were constructed in a standard size and shipped nationwide. He said it was possible to have a custom-sized sign built but at additional cost.

PUBLIC COMMENT

No member of the public spoke on this item.

BOARD DISCUSSION

The Board referenced signs approved for other car dealerships in the recent past, noting specifically the Crown Chevrolet/Toyota on S. Iowa Street that had appeared before the Board for the last 4 months. It was discussed that the previous approvals had been for number of signs and/or location. To the recollection of all those present, the previous approvals had been for the number of signs and/or location. The previous signs had been within the code allowance for size.

The Board discussed various reasons they had been able to use to base approval on in the past, such as facing a public right-of-way or excess setbacks from the public street.

Although the Board liked to see the move away from non-compliant pole signs, it was generally agreed that, in this case, it was simply too easy for the dealer to have a sign constructed that fit the code requirements. Also, this was the same situation facing every business on S. Iowa Street, so no claim of uniqueness could be made.

ACTION TAKEN

Motioned by Herndon to deny the variances as requested.

DISCUSSION ON THE MOTION

Herndon suggested that, with this denial, the Board agree to let the applicant submit a revised design that did not include the end caps in the square footage measurement. Several members opposed this allowance, feeling it was better to apply the code requirements as written. Staff also opposed this suggestion, asking if it were granted that the Board state a maximum measurement for the endcaps.

It was established that the sign base was used to calculate sign height, but not area. This meant the applicant could design a smaller sign on a taller base to make it more visible.

ACTION TAKEN

Herndon acknowledging the overriding sentiment of other Board members and Staff withdrew the motion on the floor to deny both variances.

BOARD DISCUSSION

It was noted that the sign on 29th Street Terrace was only 4' oversized and suggested this sign could be dealt with separately and possibly approved. Some felt the amount of excess area was irrelevant, because the "smaller" sign did not meet the criteria any more than the "larger".

ACTION TAKEN

Motioned by Herndon, seconded by Hannon to approve the variance for the Nissan Trucks sign located on 29th Street Terrace as presented.

Motion failed, 3-4, with Herndon, Hannon, and Santee voting in favor. Blaufuss, Emerson, Goans and Lane voted in opposition.

BOARD DISCUSSION

The Board discusses several options for dealing with the variances together and separately.

There was additional discussion about removing the endcaps from the area calculation in a later request. Herndon said he would defer to the opinions of those Board members who opposed this concept.

Herndon expressed concern that the area restrictions would make it difficult to maintain the applicant's logo, which was more rectangular than square, as a reasonable size. He suggested it was a good will gesture not to require the applicant to redesign the entire logo. Others felt that the sign companies would be able to deal with this issue.

ACTION TAKEN

Motioned by Hannon, seconded by Herndon to deny both variances.

Motion carried unanimously, 7-0.

ITEM NO. 4: MISCELLANEOUS

Goans said that, with approval of tonight's minutes, the Board forwarded the proposed text amendment to the Sign Code as discussed at the April meeting. He would attend the City Commission meeting to answer questions if the item was pulled from the Consent Agenda.

ADJOURN 7:30 - p.m.

Official minutes are on file in the Planning Department office.