



**LAWRENCE SIGN CODE BOARD OF APPEALS AGENDA
MARCH 7, 2019 – 6:35 P.M., CITY COMMISSION MEETING ROOM, FIRST FLOOR OF
CITY HALL, SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

CALL THE MEETING TO ORDER

TAKE ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT

ITEM NO. 1: MINUTES

Consider approval of the minutes from the January 3, 2019 meeting.

ITEM NO. 2: COMMUNICATIONS

Acknowledge any communications to come before the Board.

Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

Announce any agenda items that will be deferred.

**ITEM NO. 3: PERMANENT FREE-STANDING SIGN VARIANCE FOR WOOF'S
PLAY & STAY; 1519 W 23RD STREET**

SV-19-00070: A request for a variance as provided in Section 5-1828 of the Sign Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the sign location requirements of Section 5-1817(c) of the Sign Code for a Permanent Free-Standing Sign in CS (Commercial Strip) zoning. The property is located at 1519 W 23rd Street. Submitted by Tri City Sign on behalf of Westgate LC, property owner of record.

ITEM NO. 4: MISCELLANEOUS

a) Consider any other business to come before the Board.

ADJOURN

Memorandum

City of Lawrence

Planning & Development Services

TO: Sign Code Board of Appeals

FROM: Janet Smalter, Plans Examiner

C: Barry Walthall, Building Codes Manager

Date: February 13, 2019

RE: 1519 W 23rd St Permanent Free-standing Sign Variance Request

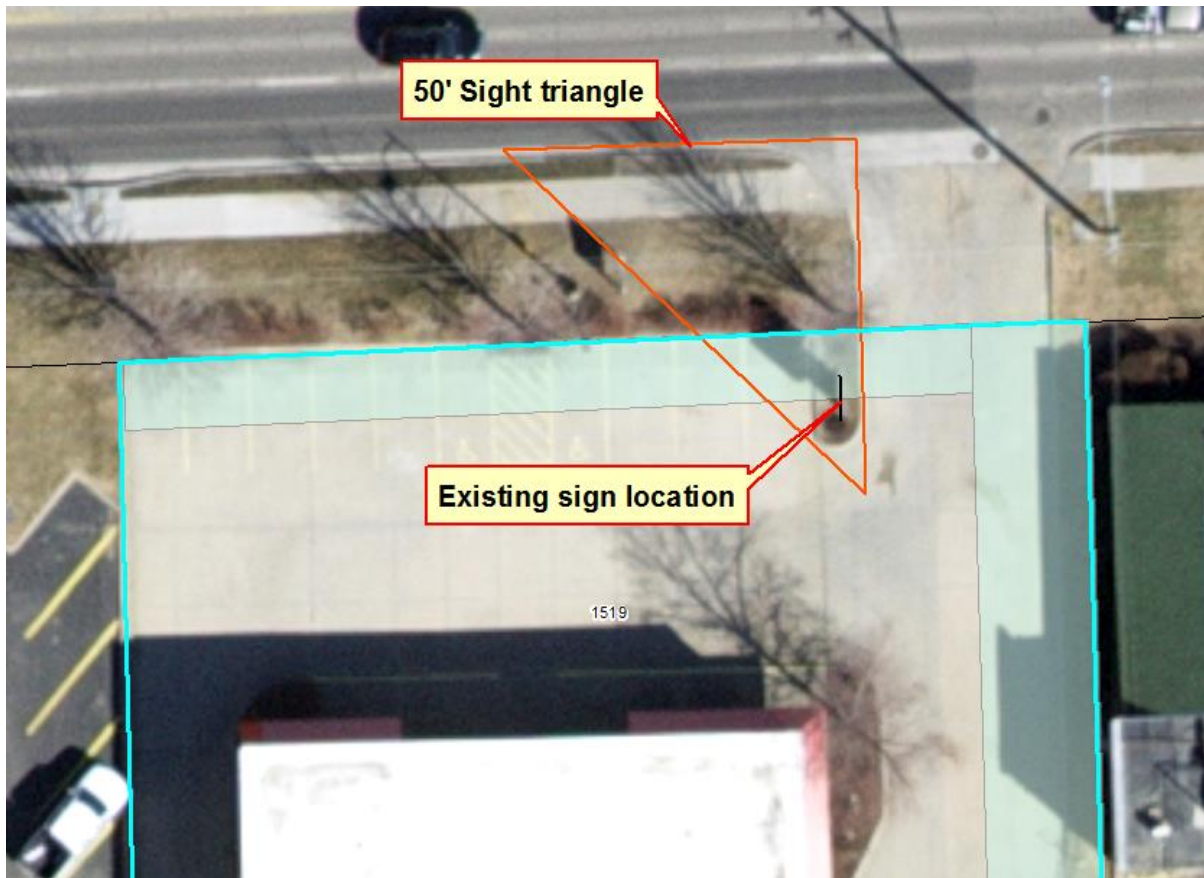
PROJECT SUMMARY

The requested variance is:

1. To remove and replace the existing permanent free-standing sign. The proposed new sign would be moved south to be located outside of the utility easement, but inside the prohibited 50' sight triangle. The property is zoned CS.



Aerial Photograph #1



Aerial Photograph #2

GENERAL INFORMATION

Zoning Designation: CS (Commercial Strip District)

Sign Code Reference:

5-1817(c) **RESTRICTIONS APPLICABLE TO ALL SIGNS**

(c) No Sign, located in the triangle formed by two curb lines at the intersection of two streets, a street and an alley, two internal access streets, an internal access street and a street, or a driveway and a street, extending for a distance of 50 feet each way from the intersection of the curb lines, shall exceed a height of more than 36 inches above the road level of the adjoining street, alley, or driveway, so that it does not impede or obstruct the view of a driver of a motor vehicle approaching the intersection.

CODE ANALYSIS

Comparison of sign regulations to requested variances:		
Code Section	CS Zoned District (Allowed)	(Proposed)
5-1817(c)	<p><u>Sight triangle:</u></p> <p>(c) No Sign, located in the triangle formed by two curb lines at the intersection of a driveway and a street extending for a distance of 50 feet</p>	<p><u>Number of Signs:</u></p> <p>The existing sign is located in the lower third of the sight triangle. The applicant is willing to install the sign closer to the west and south</p>

	each way from the intersection of the curb lines, shall exceed a height of more than 36 inches above the road level of the adjoining street or driveway, so that it does not impede or obstruct the view of a driver of a motor vehicle approaching the intersection.	curb of the parking island as construction will allow. Relocation of the sign to the west is not recommended. The proposed relocation would obstruct vehicular access to adjacent parking.
5-1817 (g)	No person shall install, erect, construct, or hang any Sign within a public utility or drainage easement.	An existing utility easement intersects the location of the existing sign. Applicant will move sign location out of the utility easement.

CRITERIA FOR APPROVAL OF VARIANCE

Per Section 5-1828, the Board may grant variances from any person seeking a sign permit that cannot meet the restrictions or standards of the sign code upon the determination that all of the following findings have been fully met:

1. At the time a variance is granted by the Board, the Board shall find that the variance request arises from conditions that are unique to the location in question, which are not ordinarily found in the same zoning district, and that the unique conditions are not caused or created by an action or actions of the property owner or applicant.
2. At the time a variance is granted by the Board, the Board shall find that the granting of the variance will not be materially detrimental to the public welfare, including the visual appearance of the area, or injurious to property or improvements in such zoning districts or the neighborhood in which the property is located.
3. At the time a variance is granted by the Board, the Board shall find that the strict application of the requirements of Article 18, Chapter 5, of the City Code would result in practical difficulties or unnecessary hardships to the owner or applicant, inconsistent with the general purpose and intent of the sign code. Such practical difficulties or unnecessary hardships may include compliance with amended provisions of the sign code that were not in effect at the time a predecessor sign was installed.

STAFF ANALYSIS

Staff opinion is that the request does meet the criteria for the granting of a variance:

1. In the opinion of staff, conditions do exist which are unique to the location and which are not ordinarily found in the same district zone.
 - The existing site prohibits relocation of the sign outside of the sight triangle without reducing the parking area to accommodate a proposed code compliant sign location at the property line facing the busy principal arterial street (23rd St.).
 - The approved site plan for the property is limited to the required parking.

2. In the opinion of staff, the granting of a variance would not be materially detrimental to the public welfare or injurious to the property or improvements to the neighborhood.
 - The property is bounded by the Arby's Restaurant to the West, Oriental Bistro & Grill to the East, 23rd St to the North and Eddingham Place Apartments to the South. The permanent free-standing sign proposed to be located facing 23rd St. will not obstruct the properties.
 - In the opinion of staff the existing location is not a hazard for vehicular traffic.
3. The strict application of the requirements of the sign code may result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the code.
 - The requested sign is similar in height and area to a sign at this location previously approved for a commercial business; a new sign with enhanced features proposed to replace the existing is appropriate. Modifications to the site are unnecessary and would reduce the parking area provided. Staff has researched alternative locations for a ground sign and determined no other option available under existing conditions.

STAFF RECOMMENDATION

Staff recommends approval of the requested variance to allow for a replacement of the permanent free-standing sign within the 50' sight triangle intersection of the street and driveway that will comply with other restrictions applicable to all signs for the CS zoned district.

Date: Jan 25 2019 Zoning Classification:
Name of Business: Woof's Play & Stay
Address: 1519 W 23rd St
\$350.00 Non-Refundable Fee Required with application – Date Paid:

APPLICATION FOR A SIGN VARIANCE
(Chapter V, Section 1828 of the Code of the City of Lawrence, Kansas)

Variance Request: to remove existing monument sign that is 7' wide
12' high and replace with new sign that is 8'3" wide and 12' h
with Electronic Message Display

City Code (Municipal Law) States:
Code state 72sqft is max. signage for 10' set back from property
line and not in the site triangle.

The Lawrence Sign Code Board of Appeals may hear and authorize in specific cases a variance from
the sign regulations of the City of Lawrence (Chapter V, Article 18). Any such variance shall be
authorized ONLY upon an affirmative vote of majority of board members present. Any applicant for a
variance must respond to the following circumstances, EACH of which must be found by the Sign Code
Board of Appeals to apply prior to granting any variance:

- A. That the variance request arises from conditions that are unique to the location in question,
which are not ordinarily found in the same Zoning District, and that the unique conditions are not
caused or created by an action or actions of the property owner or applicant.

There is no other place to install a monument sign without giving up a parking
stall and that is no an option for this property.

- B. That granting the variance will not be materially detrimental to the public welfare, including the
visual appearance of the area, or injurious to property or improvements in such Zoning Districts
or the neighborhood in which the property is located.

This new sign is 1' wider than the existing sign and should not bother any othe adjacent
properties. We are willing to install closer to the South curb and the West curb to
get most of the sign out of the Site Triangle.

- C. That strict application of the Sign Code would result in practical difficulties or unnecessary
hardships to the owner or appicant, inconsistent with the general purpose and intent of the
Sign Code. Such practial difficulties or unnecessary hardships may include compliance with
amended provisions of the Sign Code that were not in effect at the time a predecessor Sign
was installed.

The intent is for a new sign wih Electronic Message Display to advertise the
activities of the business and since there is no other place to put a sign
the island area is what is practical.

Note: Applicant must provide a completed sign permit application for the proposed sign, along with all information,
details, graphics and plans as required by City of Lawrence Code Section 5-1805.

Jeianne Davis
Applicant Name
jeanne@tricitysign.com
Email
308-384-6335
Phone Number

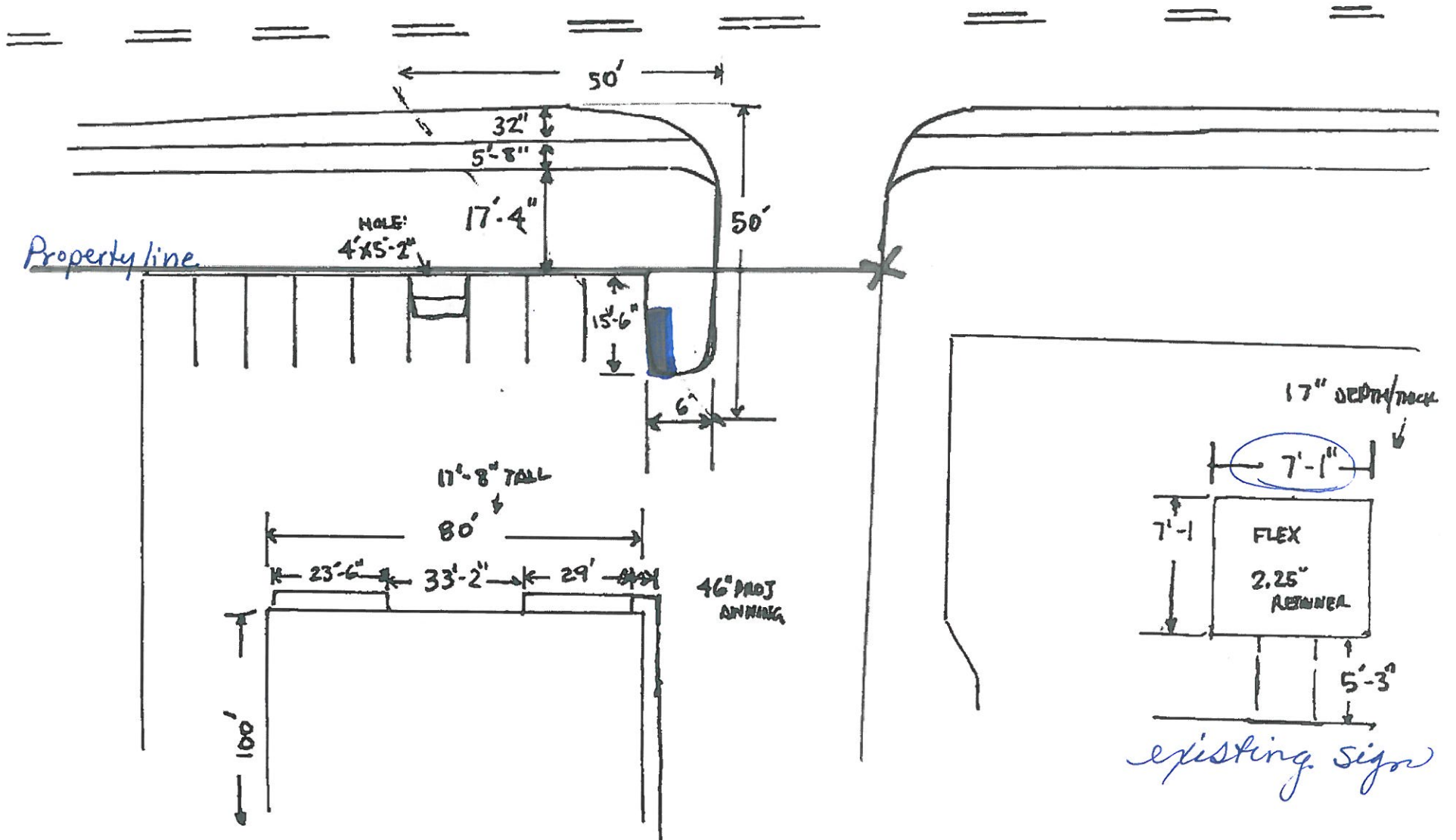
Jeianne Davis for
Applicant Signature Tri City Sign
Property Owner Signature
(If other than Applicant)

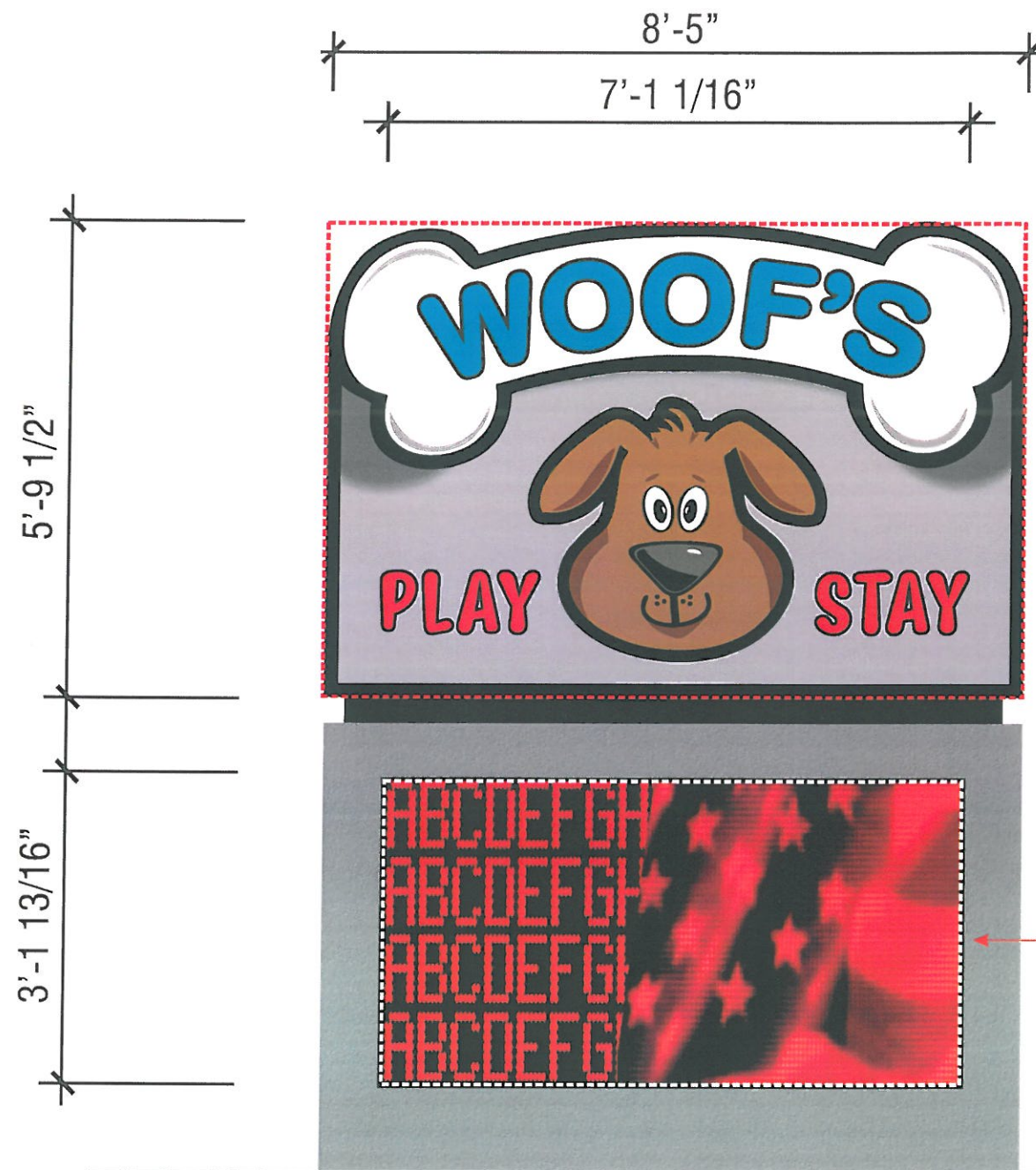


WOODFS
1519 W. 23RD LAWRENCE, KS 66046
MIKE S.

11-10-18

23RD ST





$$8.48' \times 5.80' = 49.18 \text{ sf}$$

$$7.08' \times 3.15' = 22.30 \text{ sf}$$

$$49.18 \text{ sf} \\ + 22.30 \text{ sf} \\ \hline 71.48 \text{ total sf}$$

SQUARE FOOT CALCULATIONS

SCALE - 1/2" = 1'-0"

DESIGN TYPE	
<input checked="" type="checkbox"/> INTERIOR	<input type="checkbox"/> EXTERIOR
<input type="checkbox"/> NEON DISPLAYS	<input type="checkbox"/> CHANNEL LETTERS
<input type="checkbox"/> NON-ILLUM SIGNAGE	<input type="checkbox"/> REV. CHANNEL LETTERS
<input type="checkbox"/> DUEL POLE SIGN	<input type="checkbox"/> SINGLE POLE SIGN
<input type="checkbox"/> MONUMENT SIGN	<input type="checkbox"/> DIRECTIONAL
<input type="checkbox"/> CHANGEABLE READER BOARD/ ELE. DISPLAYS	

PROJECT TYPE	
<input type="checkbox"/> NEW CONSTRUCTION	
<input type="checkbox"/> REMODELING	
<input type="checkbox"/> TENANT CHANGES	
<input type="checkbox"/> LANDLORD IMPROVEMENTS	
<input type="checkbox"/> CORPORATE CHANGES	
<input type="checkbox"/> AMENDMENTS TO EXCISING SIGNAGE	

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

NOTICE:

ALL GRAPHIC REPRODUCTIONS ARE SUBJECTED BY APPROVAL OF AUTHORIZED CLIENT, AS OF APPROVAL BY THE UNDERSIGNED & DATED PRIOR TO ANY FABRICATION OF PRODUCT, TRI CITY SIGN COMPANY HOLDS ALL AGREEMENTS FINAL AND TO CLIENT APPROVAL.

Signed _____ Date _____

Sales Rep. _____ Date _____



DRAWING NO. 8636

SALESPERSON: Tim Marchese

DRAWN BY: *Tim Marchese*

Scale: As Noted. INSPECTED BY:

Date: 12.19.18

Revised:



WOODFS
1519 W. 23RD LAWRENCE, KS 66046
MIKE S.

23RD ST

