



**LAWRENCE SIGN CODE BOARD OF APPEALS AGENDA
JANUARY 5, 2012 – 6:30 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 November 3, 2011 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: 4340 WEST 6TH STREET; DOUGLAS COUNTY BANK

Receive staff memo regarding a request to reconsider the variance request from Douglas County Bank, 4340 West 6th Street, to allow additional graphics on an existing monument sign. [Originally considered at the November 3, 2011 meeting.]

SV-9-4-11: A request for a variance from the provisions of Chapter 5, Article 18 (Signs), in the Code of the City of Lawrence, Kansas, 2011 edition. The variance is from the provisions of Section 5-1840.3(B) in the Sign Code which restricts the surface area of a monument sign in a Single-Dwelling Residential-Office District (RSO) to no greater than 16 square feet. The bank was granted a variance by the Sign Code Board on May 6, 2004, to have an expanded sign surface area of 24 square feet. Now, the applicant is seeking a variance to allow an additional 9 square feet of sign area at the base of the existing monument sign. This signage is already installed and the work was done without permits from the City. The sign is near West 6th Street at the Douglas County Bank facility at 4340 W. 6th Street. Submitted by Luminous Neon, Inc. for Douglas County Bank, owner of record.

ITEM NO. 4: MISCELLANEOUS

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

ADJOURN

SIGN CODE BOARD OF APPEALS
Meeting Minutes of November 3, 2011 – 6:30 p.m.

Members present: Perez, Edie, Lowe, Mahoney, Christie, Holley
Staff present: Guntert, Walthall, Parker

ITEM NO. 1: MINUTES

Motioned by Mahoney, seconded by Christie, to approve the August 4, 2011 Sign Code Board of Appeals minutes.

Motion carried unanimously, 6-0

ITEM NO. 2: COMMUNICATIONS

There were no communications before the Board.

No Board member disclosure of ex parte contacts or abstentions from the discussion and vote on agenda items.

There were no agenda items deferred.

ITEM NO. 3: 4340 WEST 6TH STREET; DOUGLAS COUNTY BANK

SV-9-4-11: A request for a variance from the provisions of Chapter 5, Article 18 (Signs), in the Code of the City of Lawrence, Kansas, 2011 edition. The variance is from the provisions of Section 5-1840.3(B) in the Sign Code which restricts the surface area of a monument sign in a Single-Dwelling Residential-Office District (RSO) to no greater than 16 square feet. The bank was granted a variance by the Sign Code Board on May 6, 2004, to have an expanded sign surface area of 24 square feet. Now, the applicant is seeking a variance to allow an additional 9 square feet of sign area at the base of the existing monument sign. This signage is already installed and the work was done without permits from the City. The sign is near West 6th Street at the Douglas County Bank facility at 4340 W. 6th Street. Submitted by Luminous Neon, Inc. for Douglas County Bank, owner of record.

STAFF PRESENTATION

Mr. Walthall presented the item.

Lowe asked Mr. Walthall if the original variance request had increased the sign by fifty percent.

Mr. Walthall stated the sign was increased by fifty percent and the total sign structure was now eight feet tall.

Lowe asked if the applicant had previously requested a variance for sign height and size.

Mr. Walthall stated the previous variance request was for sign height and size and the variance had been granted.

Mahoney asked Staff if there had been a previous variance request to add words to the base of a sign.

Mr. Walthall said there had been various situations where a variance was needed to add graphics to the base of a sign.

Christie asked if a variance was always needed to add lettering to the base of a sign.

Mr. Walthall said a base was a device to increase the sign graphics to make it more visible to traffic. He said if the sign graphic area was below the threshold then lettering could be added to the base and it would be in compliance.

Mahoney asked if the base could be added to the total size of the sign. He said the question was not if lettering was on the base.

Christie asked Staff what the practice was in the past if a sign did not meet code but was installed.

Mr. Walthall said there had been instances where an applicant applied for a permit and a sign had been installed prior to the permit request. He said there had been instances where a sign had to be reconfigured.

Lowé asked Staff if there had been an instance like this in the past.

Mr. Walthall said he did not recall an instance like this in the past.

Lowé recalled an instance where a sign had not been made with the proper material.

Mr. Walthall said there had been a situation where the sign was made of improper material but it had not been installed.

APPLICANT PRESENTATION

The applicant was not present.

PUBLIC COMMENT

There was no public comment.

ACTION TAKEN

Motioned by Christie, seconded by Edie, to close the public comment regarding 4340 West 6th Street.

Motion carried unanimously, 6-0

BOARD DISCUSSION

Mahoney said he did not see what would equate to a hardship as all of the conditions had not been met. He said the sign looked more like an advertisement rather than stating what the business was.

Edie said there was nothing presented that would make the conditions apply.

Mahoney said if the sign variance was approved it would set a precedent.

ACTION TAKEN

Motioned by Mahoney, seconded by Christie, to deny the sign variance located at 4340 West 6th Street, based on Staff's recommendation and Board discussion.

Motion carried unanimously, 6-0

ITEM NO. 4: MISCELLANEOUS

Mr. Walthall said there was a follow up from the Bob Billings Parkway and Wakarusa Drive sign variance. He said the signs were pre-existing and were in compliance. Mr. Walthall stated there was an agreement between the City of Lawrence and Kansas University. He said the approval was made in concurrence with staff recommendations for all of the signs to be brought up to current code.

Mr. Guntert stated the Board of Zoning Appeals had one empty position and he would prefer scheduling a training session after the first of the year.

ACTION TAKEN

Motioned by Edie, seconded by Mahoney, to adjourn the Sign Code Board of Appeals meeting.

Motion carried unanimously, 6-0

ADJOURN – 7:00 p.m.

Official minutes are on file in the Planning Department office.

Memorandum
City of Lawrence
Planning & Development Services

TO: Sign Code Board of Appeals

FROM: Barry Walthall, Building Codes Manager

C: Scott McCullough, Planning & Development Services Director

Date: December 27, 2011

RE: Request to Reconsider SV-9-4-11

Staff requests that the Board reconsider the variance request for Douglas County Bank, 4340 West 6th Street to allow additional graphics on an existing monument sign. The reason for this request is to rectify a miscommunication that resulted in the applicant not being in attendance and able to speak in support of the variance at the original hearing on November 3, 2011.

Staff believed that the applicant had been informed of the meeting date and time when the variance application was received, but discovered this wasn't the case after the hearing. To avoid future incidents applicants will be contacted one week in advance to confirm the meeting date and time and to ensure the applicant has access to the meeting agenda and staff report. Staff apologizes to the applicant and the Board for the poor communication and inconvenience.

Date: 09-16-2011

Zoning Classification: RSO

Name of Business: Douglas County Bank

Address: 4340 W 6th St., Lawrence KS 66049 Disposition: _____

\$250.00 Non-Refundable Fee Required with application – Date Paid: 9/27/11

APPLICATION FOR A SIGN VARIANCE
(Chapter V, Section 1847, of the Code of the City of Lawrence, Kansas)

Variance Request: Allow additional wording to existing sign approved by Variance Committee May 6, 2004. Bank would like to add "Community Loan Center". This portion of sign will not be illuminated.

City Code (Municipal Law) States:

Note: 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. **The variance request arises from conditions which are unique to the location in question and which are not ordinarily found in the same district zone, and are not created by an action of the property owner or applicant.** There is no signage indicating institution has lending capability at this location. This verbiage allows passing traffic to realize the Bank's services.
- B. **The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zoning districts or neighborhood in which property is located.** The existing sign size is sufficient. It does not block any view for motorists. The current sign has been in place for the past seven years and we have not received any complaints regarding the sign or its wording.
- C. **The strict application of the requirements of this article would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this article.** Douglas County Bank moved its residential and consumer lending ability to this location approximately eight years ago. This is the only DCB branch that has lending staff other than at 9th and Kentucky. It is very important in today's competitive environment that consumers realize the full-service staff at this location. It will also save significant time for consumers not having to drive downtown for lending needs. This additional wording sends a message to consumers that this location is a true full-service, neighborhood bank.

Note: Applicant must provide a picture or drawing (to scale) of the proposed sign. Location of ground signs (pole-surface mounted) will need location indicated on the submitted site plan.

Douglas County Bank
[Signature] EPTCOO
Applicant Signature

Signature of Property Owner (if other than applicant)

785-865-1031
Phone number (day)



SPECIFICATIONS

- APPLIED VINYL IN DEEP BLUE.

CUSTOMER: DOUGLAS COUNTY BANK
NAME: PAT SLABAUGH
LOCATION: 6TH AND FOLKS ROAD
 LAWRENCE, KS
 785.865.1046

DATE: 9/20/11
DESIGN NO: TM-#1787
ARTIST: AW

SCALE: 1/2" = 1'

APPROVED:

DATE:



LUMINOUS Neon Inc
ART & SIGN SYSTEMS

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Date: 26 March 2004

Zoning Classification: RO-1

Name of Business: Douglas County Bank

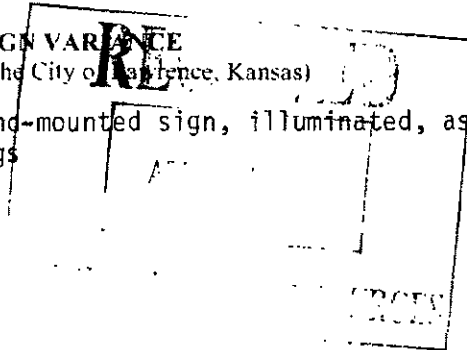
Address: _____

Disposition: Approved - 5-6-04

\$50.00 Non-Refundable Fee Required with application Date Paid: _____

APPLICATION FOR A SIGN VARIANCE
(Chapter V, Section 745, of the Code of the City of Lawrence, Kansas)

Variance Request: Allow installation of a ground-mounted sign, illuminated, as indicated on attached drawings



City Code (Municipal Law) States:

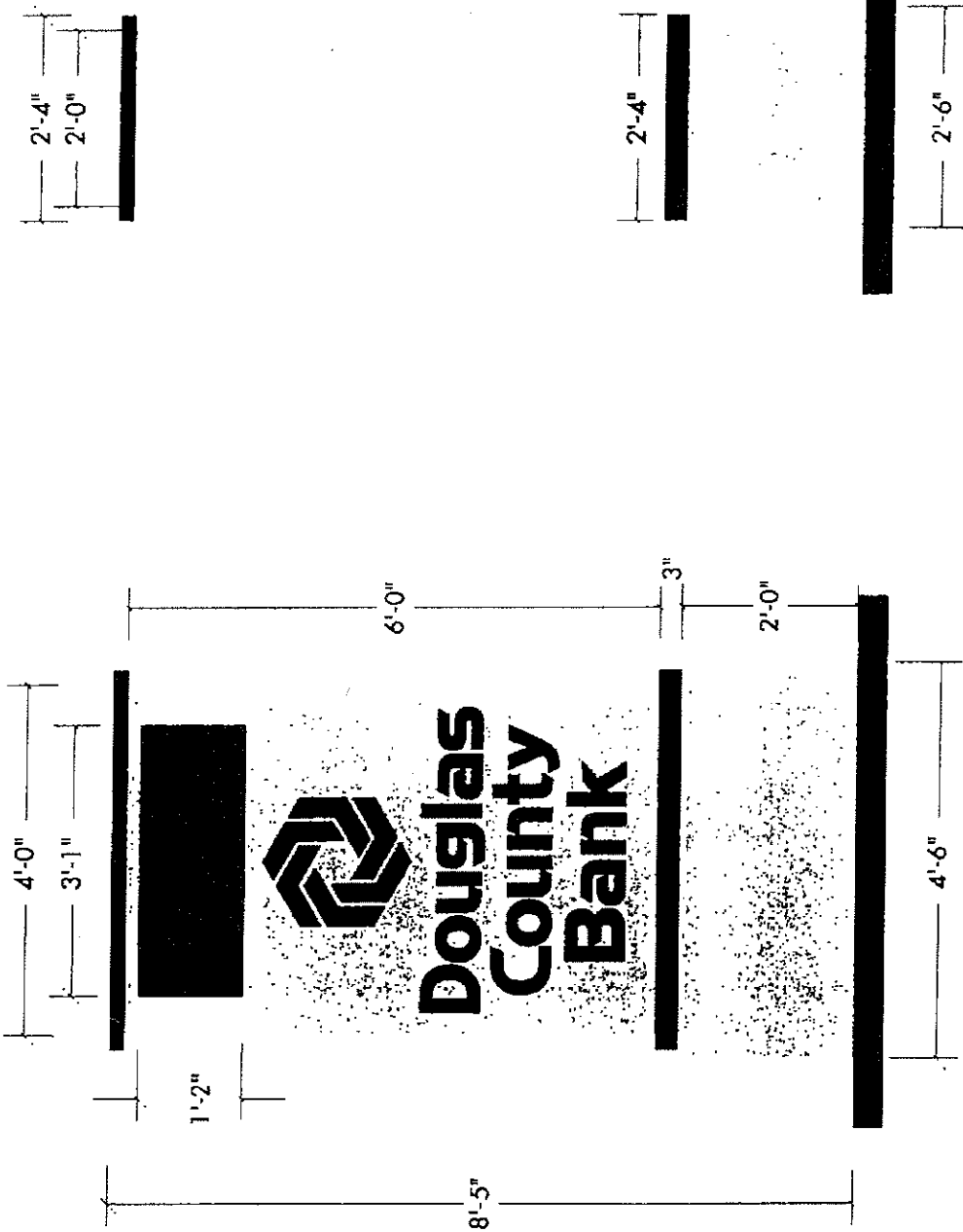
Note: The Lawrence Sign Code Board of Appeals may hear and authorize in specific cases a variance from the sign regulations of the City of Lawrence (Chapter V, Article 7). Any such variance shall be authorized ONLY upon an affirmative vote of majority of board members present. Any applicant for a variance 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. The variance request arises from conditions which are unique to the location in question and which are not ordinarily found in the same district zone, and are not created by an action of the property owner or applicant. The allowable sign size is too small to be seen by the traffic travelling at speeds of 45 miles per hour on 6th Street. The majority of businesses on 6th Street currently display signs larger than the prescribed limitations for this site.
- B. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zoning districts or neighborhood in which property is located. The sign will not block any views for motorists, and will be attractive and well maintained. This sign type and size are consistent with most other business locations of this type - and will more closely match the Douglas County Bank's other locations.
- C. The strict application of the requirements of this article would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this article. The small size requirement is not appropriate for a street frontage such as 6th Street due to high traffic volumes and speed of travel. A visible and readable sign will aid in motorist way-finding.

Note: Applicant must provide a picture or drawing (to scale) of the proposed sign. Location of ground signs (pole-surface mounted) will need location indicated on the submitted site plan.

Douglas County Bank by
[Signature]
Applicant Signature

Signature of Property Owner (if other than applicant)



SPECIFICATIONS

- D/P, INTERNALLY-ILLUMINATED MONUMENT SIGN.
- ALUMINUM CONSTRUCTION.
- FOULTED LOGO/COPY WITH PUSH-THRU ACRYLIC.
- TRANSLUCENT VINYL IN BACKGROUND AND SUPERFAN BLUE.
- SUPERVIEW LED TIME/TEMP UNIT WITH 9 CHARACTERS.
- INSTALLED ON 4" CONCRETE MONOPAD.
- COLORS: PMS 467 BLUE, PMS 405 FLIST BROWN.

SIGN TYPE: MONUMENT SIGN	QUANTITY:	ACCT MNGR: HS	REVISIONS:
CLIENT: DC, CO BANK		DESIGNER: AN	
NAME: PAT SLABALUGH		DATE ORDERED: 5/29/04	FINAL:
ADDRESS: 6TH + POLK'S ROAD		SKETCH #: L2271G-2	
PHONE: 863.1031		SCALE: 1/2" = 1'	
FAX:		CLIENT APPROVAL:	



Memorandum City of Lawrence Planning & Development Services

TO: Sign Code Board of Appeals
FROM: Barry Walthall, Building Codes Administrator
C: Scott McCullough, Planning Director
Date: October 21, 2011
RE: 4340 W 6th St sign variance request

PROJECT SUMMARY

The request is to increase the allowable sign area for the monument sign approved by variance on May 6, 2004 by an additional nine square feet. The sign structure will not change but additional graphics are proposed for the base of the sign that was originally blank space. Minutes for the May 6, 2004 Sign Code Board of Appeals meeting are attached.

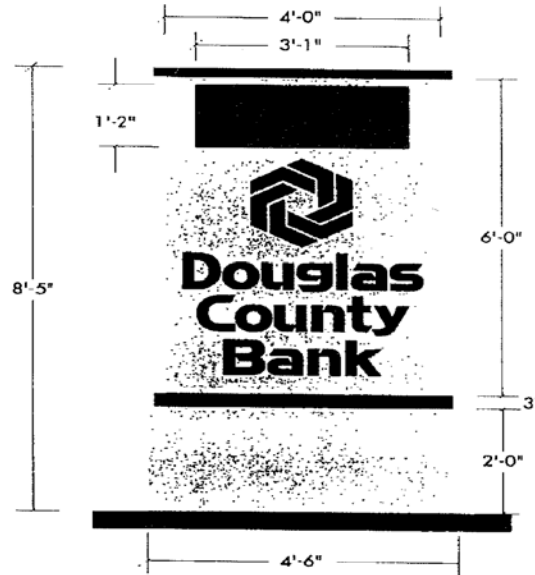


GENERAL INFORMATION

Zoning Designation: RSO (Single-Dwelling Residential-Office)

Sign Type: Monument sign

History: On May 6, 2004 the Sign Code Board of Appeals approved a variance for Douglas County Bank to construct a sign larger than ordinarily allowed in the RSO district (minutes attached). The variance authorized the sign area to be increased to 24 square feet (from 16 square feet), and the sign structure to be a total of 8 feet 5 inches in height, including a two foot base.



Sometime after the sign was approved it was altered without further authorization through the variance process or a sign permit. The physical dimensions of the sign structure remain as originally approved, but graphics have been applied to the base which adds nine square feet to the sign area.



Sign base: The sign code allows for a monument sign in a RSO district to be constructed with or without a “base”. The height of the sign is permitted to be increased by up to four feet if a base is incorporated. The purpose of a sign base is to improve the sign’s aesthetics by concealing the support structure, creating delineation for the sign graphics, and improving the sign’s functionality by increasing height and improving visibility for vehicular traffic. The sign base is intended to be free of graphics.

Sign Code References:

5-1840.3 **Business Signs Unilluminated**, in residential districts, shall be permitted subject to the following conditions:

(B) In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) wall sign up to ten (10) square feet of surface area per building shall be permitted. In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) monument sign may be installed for a tract of property which has a size of one (1) acre or larger. The monument sign shall not exceed sixteen (16) square feet in sign surface area and four (4) feet in height. The base of the monument sign, the dimensions of which shall be excluded from the limitations on the sign surface area, may have a height not exceeding four (4) feet. If a monument sign exists for a tract of property in a Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), or Planned Office District (POD) zoned district, any wall sign shall be no greater than two (2) square feet of surface area per building.

CODE ANALYSIS

5-1840.3	Sign Code Requires	Proposed Installation
Area of property	The minimum lot size to qualify for a monument sign in the RSO district is one acre.	<ul style="list-style-type: none"> 1.424 Acres – Complies
Sign area	The maximum area for a monument sign in the RSO district is 16 square feet. <ul style="list-style-type: none"> Allowable area increased to 24 sq. ft. with variance approved on 5/6/04 	<ul style="list-style-type: none"> 9 additional sq. ft. for total sign area of 33 sq. ft.
Sign height	The maximum height is 4 feet for the sign, and 4 feet for a sign base if applicable. <ul style="list-style-type: none"> Total sign height increased to 8.5 ft. with variance approved on 5/6/04, including 2 ft. base and 6.5 ft. sign 	<ul style="list-style-type: none"> Total height to remain at 8.5 ft, base height of 2 ft. eliminated and converted to sign height. Sign height increased from 6.5 to 8.5 ft.
Illumination	Business signs in residential districts are not permitted to be illuminated.	<ul style="list-style-type: none"> No illumination is proposed - Complies

CRITERIA FOR APPROVAL OF VARIANCE

Per Section 5-1847(B), the Board may grant variances from the construction and district regulations 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 which are unique to the location in question and which are not ordinarily found in the same district zone; and the

unique conditions are not created by an action or actions of the property owner or applicant; and

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 neighborhood in which the property is located; and
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 inconsistent with the general purpose and intent of this Article. Such practical difficulties or unnecessary hardships may include compliance with amended provisions of this Article that were not in effect at the time a predecessor sign was installed.

STAFF ANALYSIS

Staff's opinion is that the criteria for variance are not fully satisfied:

- The applicant has not demonstrated that practical difficulties or unnecessary hardships exist. The sign was altered from the approved design with no consideration given to changing the sign graphics to comply with the scope of the original variance approval.

STAFF RECOMMENDATION

Staff recommends denial of the variance to allow additional sign area to the existing monument sign.

**LAWRENCE SIGN CODE BOARD OF APPEALS
MINUTES**

**MAY 6, 2004 - COMMENCING AT 6:35 P.M. PRIOR TO THE BOARD OF ZONING APPEALS
MEETING, CITY COMMISSION MEETING ROOM, FIRST FLOOR, CITY
HALL, SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

MEMBERS PRESENT: Mr. Goans, Mr. Santee, Mr. Hicks, Mr. Fizell, Mr. Herndon and Mr. Lane

STAFF PRESENT: Mr. Walthall and Ms. Saker

ITEM NO. 1: MINUTES

One typographical change was requested to the minutes of the April 1, 2004 meeting.

Motioned by Mr. Fizell, seconded by Mr. Hicks to approve the minutes of the April 2004 meeting as revised.

Motion carried unanimously 6-0.

ITEM NO. 2: COMMUNICATIONS

The following communications were noted:

- Revised agenda changing name of the company representing the applicant in Item 3 from Luminous Neon to Star Signs.

No Items were requested for deferral and no abstentions were indicated.

Swearing in of witnesses

ITEM NO. 3: LMH SOUTH DIAGNOSTIC IMAGING; 3500 CLINTON PLACE

SV-04-04-04: A request for a variance from the provisions of Chapter 5, Article 7 (Signs), of the Code of the City of Lawrence, Kansas, 2003. The request is to allow an additional non-illuminated wall sign on the north wall of a building located at 3500 Clinton Place, which has more than the allowed wall signage permitted by City Code. Section 5-738.3 in the Sign Code establishes the rules for wall signs in an RO (Residence-Office) District. Said code provision allows one wall sign with an area not to exceed 10 square feet. The proposed sign will read "A Service of Lawrence Memorial Hospital" and have an area of 10 sq. ft. Submitted by Michael Schmidt with Star Signs & Graphics, Inc. for Gene Meyer, Administrator, Lawrence Memorial Hospital.

STAFF PRESENTATION

Mr. Walthall introduced the Item, explaining the applicant's request for an additional wall sign on the north elevation. The wording of the proposed sign ("A Service of Lawrence Memorial Hospital") had at one time been part of the existing signage, but had been replaced with alternate wording ("Diagnostic Imaging") in 1994 when the City Commission approved a number of variances for the property.

The applicant now asked for a variance to allow addition of the original "A Service of..." wording to the existing sign, keeping the "Diagnostic Imaging" and the LMH South logo sign.

The subject property currently had a monument sign, so Code allowed a wall sign of 2 square feet in size. The proposed additional signage would add 10 square feet in area to the existing signage that was already significantly larger than the allowable 2 square feet (allowed through the 1994 variances)

Mr. Walthall responded to questioning that he understood the applicant had indicated an intent when the “A Service of...” signage was removed that they would want this wording replaced at some time in the future. It was communicated to the applicant at that time that a new variance would be needed to make this addition.

APPLICANT PRESENTATION

Mike Schmidt, Star Signs & Graphics, said the proposed sign was in place for about 4 years before being removed to accommodate placement – per the 1994 variance – of the “Diagnostic Imaging” sign.

The applicant felt the “Service of...” wording was needed to communicate to the public that this was a division of the primary hospital and did not provide the full range of hospital services.

It was noted that original schematic showed lighting as part of the proposed signage. Mr. Schmidt said lighting was not part of the current application.

Concern was expressed that, if this variance were granted, other hospital satellite locations would come forward requesting similar signage. Mr. Schmidt responded that he did not think that was intended but he could not say “for sure”.

PUBLIC COMMENT

Barb King, director Lawrence Memorial Hospital (LMH) South, repeated the proposed sign was needed to let the public know this was not the “real hospital” or an emergency room. The entire building was dedicated to outpatient services, but it was not uncommon for individual to mistake the facility for an emergency services location.

It was suggested that alternate wording, such as “Outpatient Services Only”, would better convey the applicant’s desired meaning. Ms. King explained one department in the building was specifically named Outpatient Services, and the applicant did not want to create the image that this was the only service available in the building. She added that the proposed wording was commonly used in other cities for similar intent.

BOARD DISCUSSION

It was questioned whether the number of people confusing this location with a full-fledged hospital had increased since the original “Service of...” language was removed.

The issue was discussed in relation to traffic, discussing whether the speed of traffic at this node made additional signage suitable and if the additional wording would clarify or clutter the existing signage on the northern elevation.

It was noted that the subject area had a significant amount of landscaping, which would “hide” the northern elevation. It was then discussed if this would suitably reduce the impact of additional signage or make such signage somewhat superfluous.

Some members stated an inclination to allow the sign on the basis that this was a valuable service provided at a busy intersection and it was not a “frivolous” request to clarify these services for the benefit of the public.

Others, while agreeing this was a valuable service and the request was not unreasonable, were concerned that approval would set a precedent for future businesses in the area, as well as the other satellite hospital locations all around the city. There was additional concern about adding to the signage clutter of the surrounding area.

ACTION TAKEN

Motioned by Mr. Santee, seconded by Mr. Lane to approve the variance as requested for additional wall signage on the northern elevation at 3500 Clinton Place.

Motion failed to carry, 3-3, with Mr. Santee, Mr. Lane and Mr. Herndon voting in favor and Mr. Fizell, Mr. Goans and Mr. Hicks voting in opposition.

ITEM NO. 4: DOUGLAS COUNTY BANK; NE CORNER W. 6TH STREET & FOLKS ROAD

SV-04-05-04: A request for a variance from the provisions of Chapter 5, Article 7 (Signs), of the Code of the City of Lawrence, Kansas, 2003. The request is to allow a ground mounted monument sign with 24 sq. ft. of surface area and a height of 8 ½' to be placed along the property frontage along W. 6th Street. Section 5-738.3(B) of the Code allows one monument sign to be placed on a property with a minimum area of 1 acre, restricts the surface area to no greater than 16 sq. ft., and a height not to exceed 4 feet. Submitted by Luminous Neon, Inc. for Douglas County Bank, owner of record.

STAFF PRESENTATION

Mr. Walthall introduced the Item, a request for a ground monument sign that exceeds the maximum allowable area and height. The Code allows a monument sign 16 square feet in area and 4 feet in height and the applicant requests a sign measuring 24 square feet in area and 8.5 feet high.

Mr. Walthall explained the applicant's original request was for sign 12 feet in height, based on the sign sizes allowed in the nearby commercially zoned areas, although the subject area was zoned RO-1B. He described the various zoning districts surrounding the subject area and the types of signage allowed in each.

Examples of signs in the area similar to the one requested were noted at Dillon's, Hy-Vee and Applebee's.

It was suggested that the City had intentionally used varied zoning, including even A (Agricultural), in this area to control development along 6th Street, attempting to hold the density and intensity of 6th Street to a specific. While this intent more directly impacted building types and uses, signage was indirectly affected as well.

APPLICANT PRESENTATION

Jane Heismann, Gould Evans, spoke on behalf of the applicant. Ms. Heismann presented a map showing the various zonings in the vicinity to explain why they applicant felt the proposed sign was suited to the area. She also noted the location of the subject property next to a street with high volumes and speeds of traffic.

It was noted that the original submission had involved a significantly larger sign, similar to those seen at other Douglas County Bank locations. This proposal had been scaled back per discussion with Mr. Walthall. Ms. Heismann pointed out that other banks in the area had been permitted larger signs as part of a Planned Commercial Development (PCD).

Ms. Heismann agreed it was possible the City had attempted to control development along 6th Street with varied zoning, but she still believed this size of signage was appropriate in an area with this amount and type of traffic.

PUBLIC COMMENT

Pat Slaybaugh, Executive Vice-President of Douglas County Bank, explained the bank's need for signage, saying several individuals had mistakenly entered the bank when looking for other facilities (the adjacent church or other area banks). The amount of signage allowed by Code was, in her opinion, not sufficient along this trafficway.

Ted Haggard, President of Douglas County Bank, said the bank had made an effort to create an aesthetically pleasing structure, and that the proposed signage would be consistent with this image while providing adequate visibility.

Mr. Haggard noted the subject area was situated on the corner of two major streets, saying the original intent had been for a diagonally-placed sign to front both 6th Street and Folks Road. This concept had been abandoned in favor of a sign that only faced 6th Street.

It was verified that no lighting was intended for the proposed sign.

It was noted that two directional ground signs were already in place as permitted, and the only “sign” on any building elevation was a discreet carving of the bank’s logo into the stone of the wall face.

BOARD DISCUSSION

It was suggested that the City’s intent for a less commercially-developed area along this leg of 6th Street had evolved into a different development concept and that the Board should consider their history of granting variances in this area. It was countered that the City continued to pursue their original vision of 6th Street, evidenced by the effort to develop nodal plans and restrict strip commercial development.

It was discussed that this request involved a sign less than ½ the size of signs held by other banks in the area, although it was noted that these other banks were included in PCD’s.

It was established that the restriction of one monument sign was related to the business, not the street frontage, so the applicant could not place another monument sign on Folks Road without being approved for another variance. This was true even for properties within PCD’s.

If the property were zoned commercially, it would be allowed a monument sign 12 feet high and 60 square feet in area.

It was noted that the transportation Master Plan indicated 6th Street would be widened in the future.

ACTION TAKEN

Motioned by Mr. Fizell, seconded by Mr. Goans to approve the variance to allow placement of a ground monument sign measuring 8½ feet in height and 24 square feet in surface area, subject to the following condition:

1. The sign permitted by this variance shall be the only monument sign permitted on the subject property.

DICUSSION ON THE MOTION

Chairman Herndon said he did not disagree with the spirit of the motion, but noted any additional monument sign would require the property owner to return before the Board for a new variance. He was concerned adding the proposed condition would unnecessarily restrict future considerations.

Mr. Fizell replied that the condition was meant to communicate to this Board’s intent to future Boards in the event such a request was made.

ACTIONS TAKEN

Motion on the floor was to approve the variance to allow placement of a ground monument sign measuring 8½ feet in height and 24 square feet in surface area, subject to the following condition:

1. The sign permitted by this variance shall be the only monument sign permitted on the subject property.

Motion failed to carry, 3-3, with Mr. Fizell, Mr. Goans and Mr. Hicks voting in favor and Mr. Herndon,

Mr. Santee and Mr. Lane voting in opposition.

Motioned by Mr. Santee, seconded by Mr. Herndon to approve the variance as requested and with no conditions.

DISCUSSION ON THE MOTION

It was discussed that the new motion was intended to support the variance without additional complications of the previously-proposed condition. It was suggested that the circumstances behind a future variance request were beyond the vision of the current Board, and interfering with a future decisions in this manner was inappropriate.

It was stated that this Board had a history of granting variances “incrementally”, allowing ultimately undesirable elements through piecemeal acceptance. It was with this in mind that the condition had been proposed - to communicate for future considerations that this particular element (additional monument signs) was not intended. It was understood that this would not preclude the applicant from making such a request in the future, or future Boards from overturning the condition with future actions.

ACTION TAKEN

Motion on the floor was to approve the variance as requested and with no conditions.

Motion carried 4-2, with Mr. Santee, Mr. Herndon, Mr. Lane and Mr. Hicks voting in favor and Mr. Fizell and Mr. Goans voting in opposition.

ITEM NO. 5: MISCELLANEOUS

There was no other business to come before the Board.

ADJOURN - 7:30 p.m.

Official minutes are on file in the Planning Department Office.

May 24, 2004

Luminous Neon, Inc.
Attn: Kip Slattery
615 Vermont Street
Lawrence, KS 66044

**RE: SV-04-05-04; Ground Mounted Monument Sign for Douglas County
Bank at 4340 West 6th Street**

Dear Mr. Slattery:

The Lawrence Sign Code Board of Appeals at their meeting on Thursday, May 6, 2004, voted 4-2 to approve your request for a variance from the provisions of Section 5-738.3(B) of the Sign Code of the City of Lawrence, Kansas, 2003 that allows one monument sign on a property with a minimum area of 1-acre and a sign area limitation of 16 square feet and sign height of no greater than 4 feet. The approved variance allows the owner to erect a monument sign with a sign surface area of 24 square feet and a height of 8 ½ feet.

If you have questions, please give me a call at (785) 832-3158.

Sincerely,

David R. Guntert
Planner II

Cc: File
Barry Walthall, Codes Enforcement Manager
Frank Reeb, City Clerk
Pat Slaybaugh, Douglas County Bank