

MINUTES
MANHATTAN BOARD OF ZONING APPEALS

City Commission Room, City Hall
1101 Poyntz Avenue

Wednesday, March 11, 2020

7:00 p.m.

MEMBERS PRESENT: Harry Hardy, Chairperson; Sara Fisher; Ansley Chua

MEMBERS ABSENT: Connie Hamilton, Vice-Chair; La Barbara Wigfall

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development;
Barry Beagle, Senior Planner

Hardy called the meeting to order at 7:00 p.m.

Staff called roll and a quorum was established.

1.1 **CONSIDER THE MINUTES OF THE February 12, 2020, BOARD OF ZONING APPEALS MEETING.**

Fisher moved to approve the February 12, 2020 minutes. The motion was seconded by Chua and approved; 3-0.

- 2.1 A PUBLIC HEARING to consider a CONDITIONAL USE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow the renovation of a legally nonconforming three-unit dwelling in an R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay at 1000 Leavenworth Street. (Applicant/Owner: BIGDLILI, LLC; file no. EXC-19-079)
CONTINUED FROM DECEMBER 11, 2019 BZA MEETING

Bunger requested a continuation of the case until the April hearing.

Fisher moved to table item 2.1 until the April hearing. Chua seconded. Motion carried 3-0.

- 2.2 A PUBLIC HEARING to consider an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow an existing wall sign to extend above the roofline in the LM-SC, Light Manufacturing and Service Commercial District at 524 Ft. Riley Boulevard. (Applicant: Precision Tint & Auto, Jerry Carroll; file no.: EXC-20-005)

Bunger presented the staff report for item 2.2. City Administration recommends to APPROVE the Exception request to allow an existing wall sign to extend above the roofline in the LM-SC, Light Manufacturing and Service Commercial District at 524 Ft. Riley Boulevard, subject to the following conditions:

1. The existing sign must remain in good condition

Hardy agreed that constructing a parapet would make the building stand out more than the existing sign.

Hardy opened the floor for public comment: There were none. Hardy noted that the applicant was present.

Hardy opened the floor for Board discussion:

Chua raised concern that a permit was issued, but the restrictions on the permit were not followed. Chua said he was concerned that approving this exception could establish a precedent for this type of behavior. Hardy said that the City stepped in and enforced the zoning regulations once it was aware that the sign had not been built properly. Making the applicant go through the Board of Zoning Appeals is how to alleviate that conflict.

Bunger said that when staff were going through the enforcement process, they discovered the business owner had very little to do with the sign installation. After discovering the business owner had little to do with installation, staff recommended going before the Board for a final decision.

Rollcall vote was taken. Motion carried 3–0 with one condition of approval.

THE BOARD MADE THE FOLLOWING FINDINGS OF FACT FOR THE EXCEPTION AT 524 FT. RILEY BOULEVARD:

Present land use: LM-SC, Light Manufacturing and Service Commercial District

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: Other than the condition of the existing sign, the site and use generally conform to the Zoning Regulations. No other Exceptions are being requested. The site has historically been used as a sales lot for motor vehicles, which allow parking of vehicles as close as 12 feet to the front property line. It appears that the location of the asphalt paving along Fort Riley Boulevard complies with the setback requirement.

PROBABLE EFFECT ON ADJACENT PROPERTIES: There should be minimal impact on adjacent properties from approving the Exception request. The sign that was recently installed is of high quality and is not out of character or intrusive to the surrounding properties.

Additionally, a number of commercial properties along Ft. Riley have signage that is in essence similar to the subject property, albeit, an integral design of the buildings. The property at 501-521 Ft. Riley Boulevard has signage extending above the roof eaves within modified roof gables. The business at 430 Ft. Riley Boulevard has signage

extending above the roofline by using a parapet design. The restaurant at 520 Ft. Riley Boulevard also has signage installed on the parapets of the building.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The effects on public health, safety and welfare are minimal. The height, size, location, and lighting characteristics of the sign does not impact traffic on Ft. Riley Boulevard, S. 6th Street or adjacent properties.

As previously discussed, the new sign is similar to signs previously located on the building and is also similar in height to wall signs on other buildings in the immediate area along Ft. Riley Boulevard. The approval of the Exception will not impact the order or character of the highway commercial corridor.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: The strict application of the sign height requirement in the LM-SC District would mandate that the existing sign be lowered below the roofline. Considering that the front façade along Fort Riley Boulevard is mostly windows and doors, including large garage doors, the sign cannot be lowered without impacting the use of the doorways.

Alternatively, the building could be redesigned to provide a legitimate parapet to install the sign onto. Practically speaking, this alternative is most likely not a viable option. The metal sided building was not designed for a true parapet, so the cost to design and construct the façade retrofit would be costly and unreasonable for such a sign. Additionally, a parapet would most likely be out of character for the building, which would probably be more of an adverse impact on the business and surrounding commercial corridor.

Another alternative is that the business owner could redesign the sign so that it would fit on the wall face, as required. As discussed, the wall is comprised of mostly doors and windows, so that the amount of square footage to be used as a wall sign is limited. This would limit the effectiveness of the wall sign, especially for a business in a building that is setback over 85 feet from the front property line.

Considering that the previous sign, which was originally permitted in 1994, extended above the roofline and that alternatives that would comply with the current regulations may be impractical for the business owner, it appears that the strict application of the regulations is unreasonable.

2.3 A REQUEST to consider an extension to the 180-DAY PERIOD OF VALIDITY in accordance with Secs. 14-608 and 707 of the Manhattan Zoning Regulations with respect to the following properties:

- a. Braum's, 1104 Scenic Landing (CUP-19-046)

Fisher commented that she had read online that many members of the public were misinformed about the delay of Braum's construction. She said she had read online content that blamed the Board for scaring Braum's away. Beagle said that Braum's has

every intention to come to Manhattan. He said he that Braum's delay is unrelated to the Board's previous decision on signage. The applicant has simply had delays due to construction financing.

Fisher moved to approve the extension; Chua seconded. Motion carried 3-0.

b. Lodging/Boarding House, 711/715 Humboldt Ave. (CUP-19-064 & EXC-19-065)

Fisher asked why the applicant needed the extension. Bunger said they are still fundraising for construction.

Fisher moved to approve the extension; Chua seconded. Motion carried 3-0.

c. Manhattan Medical Center, 1133 College Ave. (EXC-17-070)

Chua moved to approve the extension; Fisher seconded. Motion carried 3-0.

Hardy adjourned the meeting at 7:20 p.m.

NEXT MEETING: Wednesday, May 13, 2020

Respectfully submitted by, Dre'VeL Taylor, Planning Intern.