



City of Bonner Springs

KANSAS

Board of Zoning Appeals Minutes - Regular Meeting - September 17, 2024

BOARD OF ZONING APPEALS MEETING - 6:00 PM -

CALL TO ORDER - Board of Zoning Appeals Members Present: Lloyd Mesmer - Chair, Larry Clark - Vice-Chair, Sherri Neff, Paul Zeps and Nick Perica

CONSENT AGENDA -

Approval of minutes from the August 20, 2024 Board of Zoning Appeals Meeting. - Larry Clark moved Paul Zeps seconded to approve the minutes of the August 20, 2024, Board of Zoning Appeals meeting as presented.

UNFINISHED BUSINESS - Staff gave report on the tabled item - BZA-05-24 VARIANCE REQUEST for a 50' tall double masted pole sign at Speaker Rd and K7

Paul Zeps motioned Lloyd Messmer seconded to reopen the public Hearing for BZA-05-24 at 6:04pm

PUBLIC HEARING - BZA-05-24 - VARIANCE REQUEST - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of fifty (50') foot tall double masted pole sign. - Tara Limbach, 5725 Foxridge Dr., Mission, KS 66202, Real Estate Project Manager from Quik Trip Corporation presented via Zoom. Tara stated that Quik Trip is in our city and wants to partner with us to be successful, and it would be very beneficial to have the sign to attract people to stop. She stated that Bonner wants people to stop in their town, we should be thinking outside the box and forward-thinking. She stated that there are other pole signs going north and south on K7, Academy Bank, Go Car Wash, Waffle House, and KFC Taco Bell. Quik Trip would like to have the sign so that it can be seen from I70 and K7 since the project is in a low area.

Kimberly Phillips lives in Wichita, Ks and is relocating to Bonner, and has been in commercial development for 28 years. She stated she's in favor of this and that Quik Trip is hands down the best. They take excellent care of their property, have great employees and are always clean. It would be a privilege to have Quik Trip at the corner where they are suggesting and asking for the variance to go. I can only see it as a positive, and they need the high sign to attract the traffic on the highway coming from the turnpike.

Paul Zeps had a question for the applicant. You're claiming that not having the additional 30' of sign over the allowed 20' by the ordinance is creating a hardship. I would like to see a study that shows visibility lines, impact on traffic, impact on attracting customers, things like that. Without knowing the height of the surrounding terrain or the topography and all those other things, it is very difficult to see the hardship for number 3 on the list. Is the parcel over 50' below the rise of 7 highway? Staff said there is a berm along K7 as a buffer and that they do sit lower than the highway because of the berm. We do not have elevations.

Tara stated Quik Trip is sitting down from the highway, and they need the sign to let people know they are there and to exit. The area will look nice, not an industrial area.

Larry Clark asked if the variance is not approved will they pull out of the project? Tara answered no.

There was further discussion about the sign and that it would not be seen from I 70 because of the topography. Paul Zeps states that you won't see the sign. 50' does not address the additional hardship because 50' doesn't achieve what you want to achieve in the first place if we understand what you are saying.

Chair Mesmer asked about the dimensions of the sign because it is a big sign at 445 sqft. 50' high, 17'2" wide by 445 sqft.

Paul Zeps asked staff, if the applicants' statements are correct. Are the other signs in the area pretty big? Can you elaborate on when they went in and some of the conditions and how it would be appropriate to justify a variance on this issue?

Mark Lee, Community Development Director, stated Walmart, has one, but it is short. KFC is a monument and has a solid base all the way down. I don't know how tall it is. They have been in existence since they were built back in the 90's or early 2000's. They used to be allowed. There are several scattered all around the city. Since then, we have changed to

monument signs. The current Quik Trip to the north has a monument sign full-bodied from the ground up to the top. I believe it's 20 or 30 feet tall. Since then, we have reduced the heights and styles.

Larry Clark moved Paul Zeps seconded to close the Public Hearing at 6:27pm.

Paul Zeps discussed hardship and the ordinance intent for this variance. We want to work with Quik Trip, but I don't see the hardship and the ordinance intent to maintain the entrance. Recommends that we table it again and Quik Trip develop a topography study to support her position and the additional feet.

Larry Clark commented that it was made very clear that we make recommendations to the commission. The reason this board was established is to have one look ahead of the council and that look has to go through these 5 different steps and see if there is indeed a reason to request or to propose a variance. I don't think at this point the applicant has established a need for a variance. There are other means of advertising.

Chair Mesmer is not sure that there is a hardship there. Using a cell phone, you can find a Quik Trip.

Paul Zeps, do we want to vote now or table it for one month? Chair Mesmer would like to see it settled.

Larry Clark moved Paul Zeps second to deny the variance. The motion passed unanimously.

NEW BUSINESS - Chair Mesmer called to open the Public Hearing of variance request BZA-06-24. Staff asked that it be removed or moved to a later date because of information found and several things that made the variance request difficult because of a utility easement, not enough information and it is zoned a Planned District. Staff suggested that the applicant replat this single lot and shift the utility easements.

Clark asked if we removed this, would they be allowed to bring it up at a later date. Staff said yes, he would be willing to do that.

Rod Phillips and Kim Phillips stated they were the owners and passed out paperwork to the Commissioners. Kim Phillips spoke about the property being grandfathered in, her plans and how much money she has spent on the architect.

BZA-06-24 - Variance Requests - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of single family dwelling within the required yard setbacks. - Chair Mesmer stopped the discussion and asked what the motion should be.

Larry Clark motioned Nick Perica seconded to table the variance to the next meeting.

ADJOURNMENT - Chair Lloyd Mesmer adjourned the meeting at 6:56 pm.