

EDGERTON COMMUNITY BUILDING  
EDGERTON BOARD OF ZONING APPEALS  
August 11, 2020  
6:30 PM  
Minutes

The Edgerton Board of Zoning Appeals (the Board) convened with Chairman John Daley calling the meeting to order at 6:30 p.m.

The Roll Call was answered, indicating those present were Board member Jeremy Little, Board member Charlie Crooks, and Board member Deb Lebakken. Board member Tim Berger and Chairman John Daley were absent from the meeting. Also present were Development Services Director Katy Crow and Planning and Zoning Coordinator/City Clerk Chris Clinton.

The Planning and Zoning Coordinator/City Clerk indicated a quorum was present.

**MINUTES**

The approval of the minutes from the meeting held on July 14, 2020 were considered. Motion by Board member Lebakken, seconded by Mr. Crooks, to approve the minutes. The minutes were approved, 3-0.

**PUBLIC HEARING – VARIANCE REQUEST FOR 32501 W 200<sup>TH</sup> ST – VA2020-02**

Ms. Katy Crow, Development Services Director, stated this variance is request is for signage at the truck stop that is being constructed at Interstate 35 (I-35) and Homestead Lane. She stated Mr. Kent Jurgersen is presenting for CAT Scales in replacement of the applicant, Mr. Ryan Duncan.

Board member Little, acting as Chair, stated the Board has convened to conduct a public hearing to consider Application VA2020-02 requesting approval of a variance from the signage regulations allowing one (1) pole sign per parcel under the Unified Development Code (UDC) Article 12, Section 12.12.C for On the Go Travel located at 32501 West 200<sup>th</sup> Street, Edgerton, Kansas. This request for a variance is allowed by the City of Edgerton UDC which requires that such a matter be heard by the Board of Zoning appeals. The Board is composed of all five (5) members of the Edgerton Planning Commission. He stated all hearings before the Board of Zoning Appeals shall be open to the public. He explained the Chair of the Board may establish reasonable limitations on the length of testimony and shall have the power to rule on objections and other points of order raised by a board member, an applicant, or member of the public.

Board member Little stated the variance requests heard before the Board take into consideration the following criteria:

1. The variance arises from a condition unique to the property in question and is not a general condition found in the neighborhood.
2. That granting the variance will not adversely affect the rights of adjacent property owners or residents.

3. That strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance. The board must determine that the hardship is greater than an economic disadvantage, and in fact extends to a means of livelihood, a matter of protecting title to property, or if left uncorrected, would result in a severe and irrevocable change in the applicant's ability to transfer property. A hardship may also be construed to be "honest error" imposed upon a property owner by a ministerial official, or licensed professional, or through eminent domain or zoning resulting in a substantial a near taking loss of property rights.
4. The variance desired will not adversely affect the public health, safety, morals or welfare, convenience, prosperity, or general order.
5. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions that are in question.

In consideration of this item this evening, the following parameters will be in place:

- Each criterion will be addressed one at a time.
- Each criterion must pass by a majority vote.
- Should any one of the five criteria not pass with a majority vote, the item fails.
- The vote for each criterion will be by voice vote and the Planning and Zoning Coordinator will poll each board member individually.

Board member Crooks motioned to open the public hearing. Board member Lebakken seconded the motion. The public hearing was opened, 3-0.

Mr. Jurgensen spoke before the Board. He pointed out where the scale is to be located on the Site Plan and explained how the traffic will flow for trucks needing to use the scale. Mr. Jurgensen showed the Board photos of what the scale looks like in Olathe, Kansas and another location that does not have the pole signs above the entrance of the scale. He explained how the scale looks and operates. CAT Scales wants to make sure the trucks are street legal before the trucks get onto the roads too far and cause damage to the roadways. He stated truck drivers will be able to get the weight inside the store or on CAT Scale's mobile application. Mr. Jurgensen stated trucks are on the scales for less than a minute then the drivers know if they can add more fuel or increase the load they are moving. There are two (2) cameras so that attendants in an adjacent building may monitor for correct placement of the truck on the scale. The scales are typically near the end of the fuel stations and elevate approximate 4" – 6" above the ground. Mr. Jurgensen explained that safety concerns about the location of the scale have led to the request of the variance.

Mr. Jurgensen stated in regard to the first criterion, the travel center and facility will house services for trucks. The CAT Scale is a separate entity from the travel center with no structures for signs and uses an intercom system on the pole which communicates to the attendant inside the shop to aid the driver. He stated there is a long-term lease to put the scale on the site.

Mr. Jurgensen addressed criterion number two. He stated the installation of the signs will not affect adjacent residents. The scale provides a service that is needed in this area. The signs will help navigate drivers to the scale and that in turn would help reduce overweight truck loads on

roadways. The signs would also aid in traffic circulation and prevent the recycling of traffic within the site.

Mr. Jurgensen explained the third criterion. He stated without the signs, it is hard for drivers to see the scale as it is only 4 to 6 inches above the surrounding pavement and there are no structures around it. The proposed sign will increase the public's safety and increased response time for traffic to prevent recycling within the site that can cause traffic jams.

Mr. Jurgensen spoke about the fourth criterion. He explained there would be no adverse effects to the public health, safety, morals, order, convenience, prosperity, or general welfare if the sign were approved. The signs will be installed meeting all local codes with no line of sight issues as it is not near an access point. He stated the scale would reduce the number of overweight loads on roadways.

Mr. Jurgensen addressed the fifth criterion. He said the approval of the variance would not be opposed to the general spirit and intent of the zoning regulations. He explained there are going to be many businesses at this location that have buildings to where they can hang up signs, but there are no buildings for the CAT scales. The signs would help drivers find and locate the scale easily.

Ms. Crow spoke before the Board to present City Staff's findings. She said the UDC was updated last fall, increasing the allowable height of pole signs and the overall sign area for pole signs was increased to 900 square feet. The Planning Commission discussed the look and feel of commercial areas within Edgerton when discussing the changes to the UDC. The property owner has indicated they wish to construct a pole sign that will display the fuel prices on the southwest corner of the lot. This would make the CAT Scale pole sign the second one on the parcel, which is not allowed per the UDC, and has led to the request for the variance.

Ms. Crow presented City Staff's response for the first criterion. She stated Article 12, Section 12.12.C, Table 12-3 of the UDC states that a C-2 zoned parcel is allowed a maximum 1 pole sign per parcel. The parcel owner has indicated a large pole sign is to be constructed on the southwest corner of the parcel which will show fuel pricing. While the proposed pole sign by CAT Scale is for another entity on the same parcel, the UDC does not allow the exemption for multiple pole signs for multiple tenants on a property. She explained the request for a pole sign is not unique to this parcel as each C-2 and C-3 zoned parcel has to meet the one pole sign requirement. Ms. Crow explained City Staff believes a scale house, a canopy covering the scale, or masonry style supports for the sign are all available options which would not require a variance. The metal supports proposed by the applicant are by definition what make it a pole sign. If the design was altered it could be defined as another type of signage and thus alleviate the need for the variance.

Ms. Crow addressed the second criterion. She stated the approval of multiple pole signs will create a precedence for future developments that wish to do the same. City Staff has also explained to the applicant that there are other types of signage allowed by the Edgerton UDC that could be utilized with no variance required.

Ms. Crow spoke on the third criterion. She said the UDC does not ban signage, but it requires signage to meet the approved guidelines for installation. The safety information shown on the proposed sign can be displayed on a different type of sign that would not need a variance. Ms. Crow stated City Staff also stated this for their response to the fourth criterion.

Ms. Crow present City Staff's response on the fifth criterion. She said Article 12 of the UDC has been revised and updated within the last year. It was the intent during that code revision that development projects in all zoning designations, meet a standard that was both functional and attractive. She said due to the parcel's adjacency to Logistics Park Kansas City (LPKC), the City has been very deliberate in enforcing the requisite design standards which keep LPKC an attractive asset to the Edgerton community. Ms. Crow explained the established limit of one pole sign per parcel was an included requirement in order to keep the air space clear of clutter. Branding for individual businesses operating on the parcel could be added to the fuel pole sign through a coordination of efforts between the owner and onsite tenants. The safety information can be displayed on approved signage which does not require a variance.

Board member Crooks inquired if the round metal poles are what make the proposed sign a pole sign. Ms. Crow answered yes. Board member Crooks asked if there were masonry pillars, then there would not need a variance. Ms. Crow replied that is correct. Board member Crooks asked the applicant what the height of the scale is off the ground. Mr. Jurgensen answered the scale is about 4 to 6 inches higher than grade. Board member Crooks inquired if there would be many signs. Mr. Jurgensen replied there would only be the 1 sign. Mr. Jurgensen inquired if a canopy or if the pole was wrapped in brick if the need for the variance would be eliminated. Ms. Crow replied that was correct asked for clarification on what an item is that is shown on a photo. Mr. Jurgensen answered it is a turn block that would block a truck turning into the sign. He explained CAT Scales tries to install standard signage at all project so that there is no wait for manufacturing and the signage is always in stock. Ms. Crow stated the poles could be kept and masonry would just need to be kept up around the supports.

There were no further comments from the applicant, City Staff, or the public. Board member Little closed the public hearing.

Board member Little stated after hearing the information provided, the Board will now address each criterion individually. As the Board finishing discussing each item, they will vote on each criterion by a voice vote. He explained a yes vote indicates the board member agrees with the statement and a no vote indicates the board member disagrees with the statement. In order for an item to pass, it must receive a yes majority vote.

Board member Little read the first item as the variance arises from a condition inquire to the property in questions and is not a general condition found in the neighborhood. The item did not pass as all the board members disagreed with the statement, 0-3.

Ms. Crow stated the variance is not granted as all items must be found true. With the failure of the first item, no further votes were taken. Mr. Jurgensen stated that CAT Scale will provide drawings for a canopy with signage.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Board member Crooks, seconded by Board Lebakken. The motion was approved, 3-0.

The meeting adjourned at 7:00 PM.

Submitted by:

Chris Clinton  
Planning and Zoning Coordinator/City Clerk