

WESTWOOD BOARD OF ZONING APPEALS

Staff Report

Meeting Date: March 3, 2025

Staff Contact: Leslie Herring, City Administrator

BZA-2025-01 – Consider application of Sarah Brown, organizing member of property owner Iris Holding Company, LLC, for a variance from Westwood Zoning Ordinance Article No. 9.2.12 and 9.3.3.C to allow façade signage in excess of that allowable on property located at 4812 Rainbow Blvd., Westwood, KS 66205

BACKGROUND: Sarah Brown, organizing member of property owner Iris Holding Company, LLC has renovated a former fur retail space into Blair & Blythe, a home goods retailer. Exterior signage changes are part of this renovation.

Pursuant to Westwood Zoning Ordinance Article No. 9.2.1.C, sign permit applications are to be forwarded to the Planning Commission for review prior to permit issuance. As the desired signage package of the applicant does not conform with the Westwood Zoning Ordinance, a variance is required for City staff to issue the permit.

Role and Power of the Board of Zoning Appeals as Provided by State Statute

The granting of variances and exceptions from a city's zoning regulations are explicitly covered in K.S.A. 12-759(e). That state statute allows the board of zoning appeals to,

authorize in specific cases a variance from the specific terms of the [zoning] regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done.

OWNER OF RECORD: Iris Holding Company, LLC

APPLICANT: Sarah Brown, organizing member of property owner Iris Holding Company, LLC

LOCATION: The property is located at 4812 Rainbow Blvd., Westwood, KS, 66205

ZONING: C-1 Commercial – Mixed Use

PROPOSED PROJECT: Install (3) signs to the front/east facade of the building. These signs will say 'tabletop' (42.5"W x 8.25" H) 'Blair & Blythe' (185.5" W x 20"H) and 'interiors' (45.5" W x 6.5"). These signs will be 1" thick aluminum letters painted black, elevated off the face of the building 1" and backlit in the evening.

The signs will be installed in the middle of the two brick ledges, centered on the building. The brick ledges are 4" each and rest right above the installed awning and below the window ledges. The

installation space is 28" in height. The signage letters will be sitting between 6-8 inches above the installed awning.

The temporary signage that will be taken down when weather/temps allow will be the following: the left South side window decals of 'coming soon' and the large picture in the window. In the right North side window the large picture and the 'coming soon' decals.



EXTERIOR SIGN, BACK LIT / HALO LIT LETTERS
1" Aluminum Letters Painted (Color TBD)
Size: 392.5" x 20"
Quantity: 1
Stud Mount to Building Face

CONTENT DETAILS
Overall content size: 392.5" x 20"
Blair & Blythe: 185.5" x 20"
Tabletop: 42.5" x 8.25"
Interiors: 45.5" x 6.5"

INSTALLATION ADDRESS
4812 rainbow Blvd , Westwood, KS 66205
Product Number: 1
Proof Number: 2
Additional proofs after #2 are \$25 each

APPLICABLE CITY ZONING ORDINANCE PROVISIONS: The following zoning ordinance provisions are applicable to this variance request:

9.2.12 Wall Signs

A. Any wall sign:

1. Shall not project or extend more than twelve inches from the face of the wall surface, or eighteen inches above the awning, provided that the awning is at least a minimum of eighteen inches below the parapet.
2. Shall not exceed twenty square feet in area.
3. Shall not extend above, below or beyond the wall surface on which mounted.
4. Must be placed only on flat wall areas where the sign touches the wall surface continuously on all sides.

9.3.3 Retail and Business Districts; CP-1, C-1, P-1

The following signs shall be permitted in retail and business districts:

- C. In addition to the monument sign(s), each business or commercial establishment shall be permitted one non-illuminated, illuminated channel cut letter, or indirectly illuminated wall, projecting, or awning sign. The total area of each sign shall not exceed 10 percent of the area of the business facade on which it is placed, and the facade must be continuous with the tenant's gross leasable floor area. Business establishments having frontage on more than one dedicated public street may have the aforementioned wall or awning sign on each frontage.

ZONING ORDINANCE VARIANCE REQUEST: A variance from both Section 9.2.12 and 9.3.3.C are required to allow installation of the "Blair & Blythe" channel cut letters, which constitute the one (1) allowed façade sign and exceed the 20 sqf. maximum allowable size by 5'9" as well as the smaller signage outside of the "Blair & Blythe" channel cut letters, which result in more than one (1) façade sign on the east façade of the building.

VARIANCE CRITERIA: Pursuant to K.S.A. 12-759(e), a request for a variance may be granted in such case upon a finding by the board [of zoning appeals] that the following conditions have been met:

- (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
- (B) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- (C) that the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- (D) that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (E) that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

STAFF COMMENTS: The Westwood Zoning Ordinance Section provides:

9.2.1.D

If the Building Official determines that the proposed sign is not in compliance with all requirements of this chapter or any other laws or any other ordinances of the City, the Building Official shall not issue the requested permit, and shall notify the applicant of such denial and the reason therefore within fourteen days of the application being completed and filed with the City.

9.2.1.F

Any applicant aggrieved by a decision of the Building Official shall be entitled to an appeal to have said decision reviewed by the Governing Body. Said appeal must be taken within thirty days of the decision from which an appeal is taken. The Governing Body shall hear such appeal at the earlier of its next regularly scheduled meeting or the passage of twenty days from the decision from which an appeal is taken.

The last non-conforming commercial sign considered by the Board of Zoning Appeals was in October 2020 for a façade sign at Midwest Transplant Network (1900 W. 47th Pl.). That sign application was considered by the Board of Zoning Appeals but may have been considered by that Body in error, as the Zoning Ordinance provides for an alternative avenue – administrative denial followed by Governing Body consideration, if appealed – for non-conforming signs, specifically.

To error on the side of consistency and to ensure proper due process is provided to permit applicants, this application has been published for public hearing as a variance before the Board of Zoning Appeals.

Staff analysis concludes that this application does not meet the strict criteria for a variance under Kansas State law, as evaluated below:

- (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;

Administrative review finds this condition is unmet.

- (B) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

Administrative review finds this condition is met.

- (C) that the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

Administrative review finds this condition is unmet.

- (D) that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

Administrative review finds this condition is met.

- (E) that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

Administrative review finds this condition is met.

STAFF RECOMMENDATION: Staff recommends that the Board of Zoning Appeals consider whether a variance is applicable in this situation and, if determined to be unapplicable, to take no action on the

application and allow City staff to proceed with processing the application through the provisions of Westwood Zoning Ordinance Nos. 9.2.1.D and, possibly, 9.2.1.F, if so desired by the applicant.