



Planning Division

## **MINUTES – Opening Remarks**

### **Board of Zoning Appeals Meeting: July 27, 2020**

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The Board of Zoning Appeals convened at 6:00 p.m. to meet in regular session with Chair Barry Sutherland presiding. Board Members Ryan Nelson, Dean Vakas, Marcia Youker, and Jeremy Fry were present.

*Recited Pledge of Allegiance.*

A motion to approve BZA MN20-0309, the meeting minutes from March 9, 2020 Board of Zoning Appeals, was made by Board Member Vakas and seconded by Board Member Youker. The motion passed with a vote of 5-0.

**MINUTES**  
**OLATHE BOARD OF ZONING APPEALS**

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**Case Number:** BZA20-0001

**Hearing Date:** July 27, 2020

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**Request:** A variance from *Unified Development Ordinance Section 18.50.190.E.8* to permit a sixty-five (65) square foot directional sign in lieu of the four (4) square foot maximum permitted.

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**Kim Hollingsworth, Senior Planner**, presented the request for a variance from UDO Section 18.50.190.E.8, to permit a sixty-five (65) square foot directional sign in lieu of the four (4) square foot maximum permitted for Walmart, located at 395 N. K-7 Highway.

**Ms. Hollingsworth** explained that the applicant is seeking a variance to the size requirements for a directional sign to be located on the east façade of the building. The building was recently expanded to add square footage and parking to accommodate Walmart's grocery pickup program located along the northern portion of the building. The applicant is requesting one directional sign, measuring 64.53 square feet, to be placed on the eastern front building façade. Staff stated that the sign is complementary to the expanse and scale of the building. Staff does not expect any adverse or negative impacts to adjacent property owners and no correspondence was received from the public regarding this request.

**Ms. Hollingsworth** added that the applicant presented information that a strict application of the size restrictions for directional signage is an unnecessary hardship because it would substantially inhibit the visibility of the sign to customers. Ms. Hollingsworth noted that the demand for grocery pickup services has increased substantially due to the COVID-19 pandemic. Staff recommends approval of this application. She informed the Board the applicant was present through Zoom and was available for questions.

**Board Member Fry** questioned how staff compared this application to a previous similar application. **Aimee Nassif, Chief Planning and Development Officer**, responded that the Board of Zoning Appeals operates differently than a typical planning commission.

This board is required to consider the case at hand and not previous cases because this board does not set precedent. However, she is willing to respond to such questions after the hearing.

**Chair Sutherland** opened the public hearing. There was no one wishing to speak, so he called for a motion to close the public hearing.

*A motion to close the public hearing for BZA20-0001 was made by Board Member Vakas and seconded by Board Member Fry. The motion passed with a vote of 5-0.*

**Mr. Frank Jenkins** wished to address the board, noting that in an earlier Kansas Supreme Court case, the court rejected an application for a variance on the basis of self-created business growth. However, he noted that the COVID-19 pandemic has created a situation not caused by the property owner. He simply wished the board to be aware of that point.

There being no further discussion, **Chair Sutherland** called for a motion.

*A motion to approve BZA20-0001 was made by Board Member Vakas and seconded by Board Member Youker, subject to the following stipulation:*

- 1. The applicant must submit a sign permit for review by the Olathe Fire Department prior to installation.*

*The motion passed with a vote of 5-0.*



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**MINUTES – Other Matters**

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There were no announcements.

*Meeting adjourned.*