

MINUTES

**SIGN CODE BOARD OF APPEALS
City/School Administration Building
Third Floor East Conference Room
October 21, 2009
7:00 a.m.**

The Sign Code Board of Appeals met on Wednesday, October 21, 2009, with the following members present: Peter Neumann, Chairman; Gary Brown, Karen Gundersen-Olson, Dennis Hettich and Paul Weber. Staff present: Brad Solon, Carol Campbell and Susan Donat Development Service Center; and Wade Nyberg, City Attorney's Office. Paul Weber for Cleary Building Corp, Bob Brandt for Good Guys LLC and Merle Bach, Bach Investment, Inc, appellants, were also present.

Neumann called the meeting to order at 7:08 a.m.

Appeal 2009-9

Ryan Schumann for Cleary Building Corp, 1555 Catron Blvd, Rapid City 57701 applies for a variance to exceed the allowable square footage for a ground sign per Section 15.28.200 of the Rapid City Municipal Code for a ground sign located at 1555 Catron Blvd, legally described as Lot A Less Lot H1 Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Solon presented the video to the Board.

Paul Weber stated that the sign will be in the new S.D. Highway 16 Right-of-way. Weber stated that the State has required that the sign be moved.

In response to Neumann's question, Solon stated that the sign is legal non-conforming, Solon further reviewed the Sign Code regarding residential zoning that allows for a sign to be one square foot. Solon added that the sign existed prior to annexation. Solon stated that the Department of Transportation is taking the right-of-way and that it will limit the size of signage allowed on the property. Solon commented that there is an existing wall sign on the building.

In response to Gundersen-Olson's question, Solon stated that the Planned Residential Development has been in existence for awhile. Solon stated that the barn and horse pasture have been abandoned.

Solon stated that the Department of Transportation will not pay to move the sign but will reimburse the cost of relocating the sign. Discussion followed.

In response to Gundersen-Olson's question, Solon advised that the change in property owner would limit the allow sign to one square foot.

In response to Neumann's question, Solon confirmed that both signs are legal non-conforming.

Todd Koehne, Sign Service and Supply expressed opposition to the requirement as a burden as a result of the annexation.

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Terry Olson, Lamar Signs, reviewed the State requirements with regard to relocation or condemnation reimbursement.

Gundersen-Olson's stated that signage in the County is regulated differently than City.

In response to Gunderson-Olsen's question, Solon advised that the sign would not be utilized as a billboard. Solon reviewed Sign Code relating to the sign. Discussion followed.

Weber stated that a new owner would be unable to utilize the pole sign, Solon stated that a variance would need to be requested for the signage on the building.

In response to Gunderson-Olsen's question, Solon stated that a permit would be required for a monument sign. Discussion followed.

Hettich moved, Brown seconded to approve the relocation of the ground sign as requested. Motion fails (2 to 2).

Solon stated that no objections have been received from the adjacent property owners.

Discussion followed regarding options to the applicant.

Todd Koehne stated that the wall sign may not be able to be changed because there are limited options available to the applicant.

Brown moved, Gunderson-Olsen seconded to uphold the decision of the building official and deny the relocation of the ground sign as requested. Motion carries (3 to 1).

Appeal 2009-11

Merle Bach, Bach Investment, Inc, 1575 North La Crosse Street, Suite 1, Rapid City, SD 57701 appeals the decision of the building official to deny the sign building permit for an alteration to an existing off-premise sign per section 15.28.240 of the Rapid City Municipal Code located at 1575 North La Crosse Street, legally described as Lot B of Lot 6 of K-3, Marshall Heights Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Solon presented the video to the Board.

Brian Bach, stated that the plywood would be removed and replaced with an Light Emitting Diode (LED) sign,

In response to Gunderson-Olsen's question, Bach stated that the sign would be varied.

In response to Brown's question, Bach stated that adjacent properties could advertise on the sign.

In response to Neumann's question, Solon identified the changes to the Sign Code. Solon reviewed size restrictions from the Sign Code. Solon stated that the existing sign is in compliance with the Sign Code with the exception of spacing.

In response to Neumann's question, Bach identified the size of the new sign.

In response to Brown's question, Solon stated that there is no restriction on the duration of the message on an LED sign. Solon stated that the sign has to be static, cannot scroll. Solon added that the subject sign is an off-premise sign. Discussion followed regarding off-premise message on the sign.

Terry Lamar, reviewed the Sign Code regulations for LED signs.

Solon reviewed law suits relating to other existing signs in the community. Discussion followed.

In response to Brown's question, Bach stated that the intent is six second advertising slots.

Hettich moved, Brown seconded to overturn the decision of the building official and allow the alteration to an existing off-premise sign to stay within the six second rotation. Motion passed (5 to 0).

Appeal 2009-10

Bob Brandt for Good Guys LLC, Box 8007, Rapid City, SD 57709 applies for a variance to reduce the setback for a ground sign per section 15.28.200 of the Rapid City Municipal Code for a ground sign located at 333 Omaha Street, legally described as Tuscany Square Subdivision Tract 1, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Solon presented the video to the Board.

Bob Brandt for Good Guys, LLC. Stated that both signs were on the site plan identify the location of each sign. Brandt identified the sizes of the signs and their proximity to the lot line and sidewalks. Brandt reviewed how the confusion that occurred with the location of the signs on the property identified on the site plan.

Solon stated that the sign is improperly positioned at this time.

In response to Brown's question, Wade Nyberg reviewed the Sign Code Ordinance.

Brandt stated that they worked with the Fire Department to ensure that there was no obstruction to the Fire Department. Discussion followed regarding location to the fire hydrant.

Brown moved, Weber seconded to overturn the decision of the building official and allow the ground sign as requested. Motion passed (5 – 0).

Brown moved, Hettich seconded and unanimously carried to approve the minutes of the August 19, 2009 meeting.

There being no further appeals to come before the board at this time, the meeting was adjourned at 7:55 a.m.