

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 16-013374**

DATE: April 11, 2016

Rev: 6-17-16

WHEREAS, Ryan P. & Tina North have applied for variances from the strict application of the provisions of Section 63.207 & 64.504(a) of the Saint Paul Legislative Code pertaining to the off-street parking and sign code requirements in order to remodel an existing vacant building into an assembly hall without fixed seating to be known as the North Garden Theater for an artistic and community rental facility for plays, musicals, comedy, bands, films, business meetings, weddings, reunions, parties and receptions. Off-street parking must be provided for the difference between the previous use and the proposed use. 1) The proposed use requires 27 off-street parking spaces; the previous retail use required 15 off-street parking spaces. No spaces are available for a variance request of 12 off-street parking spaces. 2) The property is allowed 80 square feet of total signage, 99 square feet of signage is proposed for a variance of 19 square feet in the B2 zoning district at 929 7th Street West. PIN: 112823140136; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 25, 2016 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. The variance is in harmony with the general purposes and intent of the zoning code.

The building on this site is a two-story structure that has been vacant for many years. The applicants recently purchased the building with the intent to remodel it into an assembly hall without fixed seating called the North Garden Theater. This would be an artistic and community rental facility for plays, musicals, comedy, bands, films, business meetings, weddings, reunions, parties and receptions.

The previous retail use required 15 off-street parking spaces and the proposed use requires 27 off-street parking spaces but no parking is available. Consequently, the applicants are requesting a variance for 12 parking spaces (the difference in parking between the two uses).

The property is also allowed a maximum of 80 square feet of signage and the applicants are proposing 99 square feet of signage, which cannot be accomplished without a variance for 19 square feet of signage.

According to the applicants, this would be a neighborhood-oriented venue intended mostly for customers who live in the immediate area. Liquor service would be provided on site and the applicants understand that this service cannot be provided after midnight. If liquor service is provided beyond midnight, the business would be a "bar" and would have to meet

the parking requirement for a bar, which would require an additional 10 off-street parking spaces.

Since this site is located on a bus route and within walking and biking distance from the much of anticipated customer base, the applicants estimate that a significant number of the customers would be walk-ins.

There is no parking restriction in the immediate area leaving on-street parking available especially in the evenings when non-food businesses are closed. Provided the business does not serve alcohol past midnight, the proposed use allows this deteriorating building to be brought back to life, thereby improving the economic viability of the community as intended in Sec.60.103 of the Zoning Code.

The building previously had similar signage consisting of a projection sign and wall sign that were removed many years ago. **The applicants intend to install similar type of signage and add two more window signs totaling 16 square feet in size. The window signage would contain non-illuminated changeable signage that would require a one-time permit. This would result in a total of 115 square feet of total signage on this site, thereby increasing the variance from 19 square feet to 35 square feet.**

The applicants' request conforms to the provisions of Section 64.207, the findings necessary for sign variances, as follows:

a. The variance is due to unusual conditions pertaining to sign needs for a specific building or lot.

The proposed signage consists of a projection sign designed to be read by drivers on West 7th Street as they approach the site and a wall sign, flanked by a reader board on each side for advertising events on the site. The proposed signage configuration is typical for this type of business. This finding is met.

b. The sign would not create a hazard.

The proposed signs are designed to be read by both drivers and pedestrians. Although lit, the proposed signage would remain constant with no special effects that could cause distraction for drivers or pedestrians. This finding is met.

c. The sign would not be objectionable to adjacent property owners.

No objections to this request have been raised from adjacent property owners. This finding is met.

d. The sign would not adversely affect residential property through excessive glare and lighting.

The proposed signs would not face any residential properties. This finding is met.

e. The sign is in keeping with the general character of the surrounding area.

The signs would be located on an existing building and are in keeping with the general character of the surrounding district. This finding is met.

This finding is met for both variance requests.

2. *The variance is consistent with the comprehensive plan.*

There are a number of businesses on this commercial stretch of West 7th Street. The Comprehensive Plan (Strategy 1.46) “encourages retail establishments located in close proximity to each other” because it “creates a synergy that benefits all businesses” resulting in more opportunities to attract new businesses as well expand existing ones. The proximity of multiple businesses allow customers to walk between the different destinations - stores, restaurants, a bank, the library – without having to drive between them. With the improving economic climate, creating conditions for business retention and growth is critical and the applicants’ request is one way to do that. This request is in keeping with Strategy 1.46 of the Comprehensive Plan and its goal to support local businesses.

The proposed use allows residents of the community to have access to amenities offered in other parts of the city while providing employment opportunities. This is consistent with the 2010 District 9 Area Plan, which encourages linking the West 7th Street community to amenities and opportunities within and outside the community. The proposed theater is one way to meet this goal.

According to the applicants, the previous signs were deteriorating and the lettering was significantly faded and had to be removed. The proposed signs are professionally designed to enhance the appearance of the property. Removing the old faded signs and replacing them with signage slightly larger than allowed under the zoning code is in keeping with the Comprehensive Plan in preventing sign clutter.

This finding is met for both variance requests.

3. *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

The existing building occupies the entire site. Other than on-street parking, there is no other way to provide parking. This is a reasonable request and the lack of parking options constitutes a practical difficulty in complying with the parking provisions.

The proposed signage would allow the theater building to stand out in a way that is similar to other theater signage.

This finding is met for both variance requests.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The site is fully developed and there is no room to add more parking. This is a circumstance unique to the property not created by the current property owner.

The proposed signage would replicate signage that previously existed on the site and would visually maintain the theatrical character of the building. This is a circumstance unique to the property not created by the applicant.

This finding is met for both variance requests.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

A theater and accessory signs are permitted in all zoning districts. The requested variances if granted would not change or alter the zoning classification of the property. This finding is met for both variance requests.

6. *The variance will not alter the essential character of the surrounding area.*

Converting a vacant building that was previously used for retail into a gathering space will not significantly affect the traffic pattern in the area or alter the essential character of this commercial stretch of West 7th Street. There is on-street parking on both sides of West 7th Street which would help mitigate the lack of off-street parking.

The proposed signs would be similar to the signs previously existing on the building; they would not alter the character of the area.

This finding is met for both variance requests.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Sections 63.207 & 64.504 are hereby waived to allow no off-street parking spaces and 115 square feet of total signage subject to the following conditions: ***1) No liquor, beer or wine is served after midnight. 2) The two window box signs combined do not exceed a total of 16 square feet. 3) An encroachment permit is obtained from the Department of Public Works for the marquee sign. 4) The window box signs are not illuminated*** on property located at 929 7th Street West and legally described as Stinsons Sub Of B25 Stinson B Lot 16 Blk 25; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive provisions of Section 64.504 to allow 99 square feet of signage on property located at 929 7th Street West and legally described as Stinsons Sub Of B25 Stinson B Lot 16 Blk 25; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED.

MOVED BY: Saylor
SECONDED BY: Albert
IN FAVOR: 7
AGAINST: 0

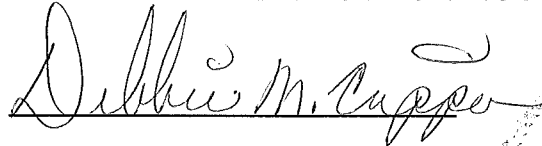
MAILED: May 13, 2016

TIME LIMIT: No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

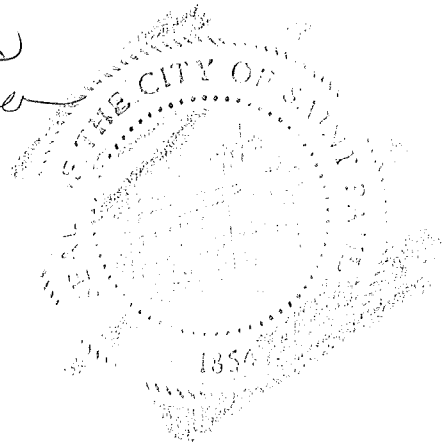
APPEAL: Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

CERTIFICATION: I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on April 25, 2016 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Debbie M. Crippen
Secretary to the Board





Doc No **A04621590**

Certified, filed and/or recorded on
Aug 29, 2016 9:50 AM

Office of the County Recorder
Ramsey County, Minnesota
Susan R Roth, County Recorder
Christopher A. Samuel, County Auditor and Treasurer

Deputy 301

Pkg ID 1145601M

Document Recording Fee Abstract	\$46.00
<i>Document Total</i>	\$46.00