

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 11-007821
DATE: February 7, 2011**

WHEREAS, MJ Properties of Saint Paul has appealed an order of the Zoning Administrator, requiring the removal of all temporary real estate rental signs exceeding that allowed by code (one real estate sign not to exceed 6 square feet in size.) as set fourth in the provisions of Section 64.502(b)(2) of the Saint Paul Legislative Code pertaining to temporary real estate rental signs in the RM2 zoning district at 1440 Randolph Avenue. PIN: 102823310005; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on February 7, 2011 pursuant to said application in accordance with the requirements of Section 64.203 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. In response to a complaint regarding the amount of signage displayed on this property, the Department of Safety and Inspections (DSI) conducted a site inspection on December 22, 2010. Six temporary real estate signs were found on the property totaling 352 square feet in size advertising the building and its amenities. The property also has a permanent identification sign 32 square feet in size. The inspector issued an order requiring that all the temporary real estate signs be removed. The applicant is appealing the order because she believes that the inspector wrongly determined that the signs in question are real estate signs, that the code is discriminatory and that it violates the First Amendment to the Constitution.
2. The maximum allowable signage per frontage for identification purposes on a property of this size is 24 square feet. The current identification sign on the property does not comply with the 24 square feet requirement. However, it would be allowed to remain because it is legally nonconforming. The code also allows real estate signs, but they are limited to 6 square feet in size, they can remain until the property is sold or leased and they do not require a permit.
3. The sign ordinance is clear and unambiguous in its definition of real estate and temporary signs. The property was inspected in response to complaint, there is nothing discriminatory in the way the code has been enforced. The order does not infringe on any rights protected under the First Amendment to the Constitution.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the Zoning Administrator did not err in ordering the removal of all temporary real estates signs at 1440 Randolph Avenue; and legally described as Section 10 Town 28 Range 23 Ex W 41 Ft And Ex E 250 Ft The N 200 Ft Of Part Of Ne 1/4 Of Sw 1/4 Lying S Of Randolph Ave And W

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Of Albert St All In Sec 10 Tn 28 Rn 23; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

BE IT FURTHER RESOLVED; that the appeal is hereby denied.

MOVED BY: Bogen
SECONDED BY: Linden
IN FAVOR: 7
AGAINST: 0

MAILED: February 8, 2011

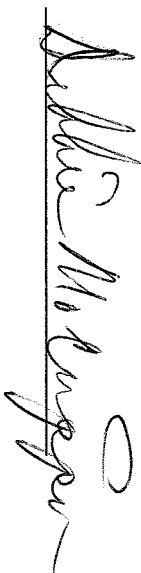
TIME LIMIT: No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period 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 February 7, 2011 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

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SAINT PAUL BOARD OF ZONING APPEALS

A handwritten signature in black ink, appearing to read "Debbie M. Crippen". The signature is written in a cursive style with a large, prominent initial "D".

Debbie M. Crippen
Secretary to the Board