

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 12-208226
DATE: November 26, 2012

WHEREAS, Troy Decorsey has applied for a variance from the strict application of the provisions of Section 64.503(a)(3) of the Saint Paul Legislative Code pertaining to variances from the sign code requirements in order to install a projecting business sign for The Love Doctor store. The code limits the size of projecting signs to 16 square feet per side and the projection over the public sidewalk to no more than 3 feet in the T4 zoning district. The applicant proposes a 25 square foot sign per side projecting 4 feet over the public sidewalk resulting in a size variance of 9 square feet and a projection variance of one foot in the T4, Central Corridor zoning district at 1607 University Avenue West. PIN: 332923140083; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on November 26, 2012 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.*

This finding is met. The proposed sign is a V-shaped projecting sign designed to be read by drivers on both sides of University Avenue. It bears the name of the business on both sides and is designed to project 4 feet over the sidewalk similar to existing projecting business signs in the immediate area.

This property is allowed a maximum of 75 square feet of signage but City records indicate that there is currently 162 square feet of signage of which 87 square feet is legally nonconforming. A purpose and intent of the zoning code is to reduce the number of nonconforming signs in the city and to encourage a concern for the visual environment which makes the city a more desirable place to live. By removing the 67 square foot wall sign and installing the proposed 25 square foot projecting sign, the sign is consistent with the above stated purpose and intent of the code because 42 square feet of nonconforming signage would be removed. This sign is a well designed v-shaped projecting sign. It does not contain any inappropriate messages and would blend in with existing business signs in the area, therefore, it would not have any negative impact on the visual environment.

This applicant's 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.***

This condition is met. Due to the location of the Snelling Avenue Station in front of the building, the existing wall sign is no longer viable because the station blocks visibility for traffic on the east-bound lane.

- b. ***The sign would not create a hazard.***

This condition is met. There are a number of signs on this block projecting over the sidewalk further than the proposed sign. Since no incidents relating to these signs have been reported, the proposed sign would similarly not create a hazard.

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

This condition is met because no objections to this request have been raised from adjacent property owners.

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

This condition is met. Even though there are no residential properties in the immediate vicinity of the sign, the applicant states that it will be illuminated to standards permitted in the T4 district.

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

This condition is met. This sign is located in a commercial area and all businesses on this busy commercial section have similar signage. The proposed sign is in keeping with the general character of the surrounding district.

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

This finding is met. Sec. 1.29 of the Land Use Plan supports the implementation of the Central Corridor Development Strategy and one of the six principals of the Strategy is to "Improve the image and quality of life along the Central Corridor. A goal of the Comprehensive Plan (Strategy 3.11) is to encourage the coordination of business signs to achieve greater consistency among business signs and signs of community interest and to reduce visual clutter. The proposed sign would be installed in harmony with existing projecting business signs located on adjacent buildings with similar projections. This is consistent with the Comprehensive Plan to encourage the coordination of business signs. Since the sign would be 42 square feet smaller than the 67 square foot wall sign to be removed, this request is also consistent with the Comprehensive Plan to reduce visual clutter.

However, the existing projecting sign west of the applicant's building is 24 square feet in area and it is visible from the east-bound traffic on University Avenue. A 20.5 square foot sign projecting 4 feet from the building at this location would be appropriate.

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.*

This finding is met. The applicant's request for the projection sign is due to the location of the newly built Snelling Avenue Light Rail Station in front of the store blocking the visibility of the existing wall sign. If the applicant were to construct a 16 square foot sign projecting 3 feet from the building in conformance with the code, it would be obstructed by the existing projecting signs on the east and west sides of his building.

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

This finding is met. This property was rezoned from a B3 zoning district to a T4 zoning district on June 4, 2011, as part of the Central Corridor and Traditional Neighborhood zoning study. Had the property not been rezoned, the requested sign would have been permitted without a variance. This is a circumstance unique to the property not created by the applicant.

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

This finding is met. Accessory signs are permitted in all zoning districts. The requested variances would not change or alter the zoning classification of the property.

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

This finding is met. This sign is located in a commercial area and there are businesses in the area with similar size signage and projection as the applicant's proposed sign; the proposed sign is in keeping with the general character currently in the surrounding district.

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NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 64.503(a)(3) to allow a 25 square foot sign per side projecting 4 feet over the public sidewalk resulting in a size variance of 9 square feet and a projection variance of one foot on property located at 1607 University Avenue West; and legally described as Brightwood Park Lot 22 Blk 4; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED subject to the condition that the sign does not exceed 20.5 square feet per side and 4 feet of projection over the public right-of-way.

MOVED BY: Wilson

SECONDED BY: Ward

IN FAVOR: 5

AGAINST: 0

MAILED: DECEMBER 11, 2012

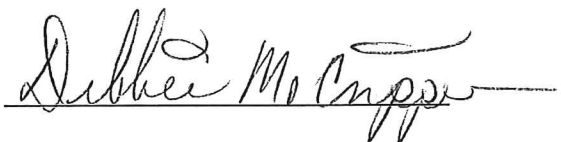
TIME LIMIT: No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period 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.

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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 November 26, 2012 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

A handwritten signature in cursive script, reading "Debbie M. Crippen", is written over a horizontal line.

Debbie M. Crippen
Secretary to the Board