

BOARD OF ZONING APPEALS STAFF REPORT

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TYPE OF APPLICATION: Major Variance **FILE #**12-208226

APPLICANT: TROY DECORSEY

HEARING DATE: November 26, 2012

LOCATION: 1607 UNIVERSITY AVENUE WEST

LEGAL DESCRIPTION: Brightwood Park Lot 22 Blk 4

PLANNING DISTRICT: 11

PRESENT ZONING: T4, CC **ZONING CODE REFERENCE:** 64.503(a)(3)
Hamline-Midway Special Sign District

REPORT DATE: November 8, 2012 **BY:** Yaya Diatta

DEADLINE FOR ACTION: January 3, 2013 **DATE RECEIVED:** November 2, 2012

- A. **PURPOSE:** The applicant is requesting 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.
- B. **SITE AND AREA CONDITIONS:** This is a one-story commercial building on a 40 by 121 foot lot with alley access to a parking lot in the rear of the building.
- Surrounding Land Use: The property is surrounded by various commercial uses and fronts the newly built Snelling Avenue Light Rail Station on University Avenue.
- C. **BACKGROUND:** The Love Doctor business has been operating at this location for a number of years. 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. According to a sign permit issued in 2004, the existing 95 square foot rooftop and 67 square foot wall signs were approved as replacement signs. Because rooftop signs are no longer allowed in the City of Saint Paul, the existing rooftop sign is legally nonconforming also.

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. The T4 zoning district 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. The applicant wants to remove the 67 square foot wall sign and install the proposed 25 square foot sign per side projecting 4 feet over the public sidewalk which cannot be accomplished without size and projection variances. B3 zoned property is allowed a projecting sign over the public right-of-way four feet providing it is no larger than 25 square feet, therefore, if the property was not rezoned, the proposed sign would be permitted without a variance.

When inspecting the site, staff noticed a parking sign installed on the wall of the building without a permit. If the sign is less than 6 square feet in area it would be exempt from the permit requirement but if larger than 6 square feet, it would require a permit and be included in the total signage allowed for the property. There is a temporary sandwich board located in the public right-of-way, which is not permitted. There are also a number of posters advertising the business covering the front windows, no longer allowed under the new window sign ordinance adopted in early 2012.

D. CODE CITATIONS:

New ordinance

The Saint Paul City Council adopted a new ordinance, #11-32, amending the sign code that regulates temporary signs within windows, effective February 8, 2012.

Definition of a temporary sign

A sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, and is intended to be displayed for a limited period of time only.

Temporary window signs

New temporary window signs placed within 4 feet of a window and visible to the outside cannot cover more than 30% of the window space between 4 feet and 7 feet above grade and shall not block views into the cashier area. If individual letters or designs are placed directly on the window, allowing visibility into the store between the letters, only 50% of those signs are counted toward the maximum window coverage. These regulations do not apply to permanent signs inside of a window or signs located on the exterior of windows.

Permanent and temporary signs located on the exterior of windows must meet all requirements of the sign code.

Existing temporary interior window signs that do not block views into the cashier area and existing exterior signs are allowed to remain.

Sec.64.104. - B.

Business sign. A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured on the premises upon which the sign is placed. It shall be considered as an accessory sign.

Sec.64.121. - S.

Sign. The use of words, numerals, figures, devices, designs or trademarks the purpose of which is to show or advertise a person, firm, profession, business, product or message.

Sec. 64.204. - Exemptions.

(b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

(2) Signs six (6) square feet or less in area.

Sec. 64.401. - All signs.

(i) No signs shall be located in, project into or overhang a public right-of-way, except those projecting business signs permitted in business and industrial districts that do not violate Minnesota Statutes, section 160.27, and signs established by the city, county, state or federal governments.

Sec.64.503. T1 - T4 traditional neighborhood and OS-BC districts

(a) Business and identification signs:

(1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed one and one-half times the lineal feet of the lot frontage or seventy-five (75) square feet, whichever is greater.

(3) One (1) projecting sign per entrance on a street frontage is permitted, except in the BC community business (converted) district where they are not permitted. There shall be a minimum of twenty (20) feet of lot frontage per projecting sign, and a projecting sign shall be a minimum distance of twenty (20) feet from any other projecting sign. Signs may project into a public right-of-way up to three (3) feet. The maximum display area shall be sixteen (16) square feet per side. The highest point on a projecting sign shall be no more than thirty (30) feet above grade.

Sec. 64.207. – Sign Variances.

Applications for variance from the strict enforcement of the provisions of this chapter shall be filed and reviewed according to the provisions in chapter 61, administration and enforcement. In addition to the requirements for variances in section 61.601, the applicant shall demonstrate that such variance is needed due to unusual conditions pertaining to sign needs for a specific building or lot, and that the sign would not create a hazard, would not be objectionable to adjacent property owners, would not adversely affect residential property through excessive glare and lighting, and would be in keeping with the general character of the surrounding area.

E. FINDINGS:

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

This finding is not 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.

A purpose and intent of the zoning code is to implement the policies of the Comprehensive Plan (Strategy 3.11) 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 applicant would be removing 67 square feet of wall signage and installing a 25 square foot sign that would have a similar projection as the existing projecting business signs located on adjacent buildings. In doing so, there would be a reduction of 42 square feet of signage and this request would be consistent with the goal of the Comprehensive Plan to reduce visual clutter.

Conversely, 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.” Although the proposed sign would be similar to other signs in the vicinity and would reduce the total square footage of signage on the property, it would not support improving the image and quality of life along the Central Corridor.

A purpose and intent of the sign ordinance is “To encourage a concern for the visual environment which makes the city a more desirable place to live”. When the property was rezoned to T4 in June, 2011 as part of the Central Corridor and Traditional Neighborhood zoning study, the sign regulations were also updated to decrease the size and projection of signage allowed over the public right-of-way in the traditional neighborhood zoning districts. The rezoning established a change in the standards addressing the concern for the visual environment. As property is redeveloped in this

area, new signs must meet the current regulations and over time, signage along the Central Corridor will eventually be brought into conformance with the new standards.

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 not met. Due to the location of the Snelling Avenue Station in front of the building, the existing wall sign is longer viable because the station blocks visibility for traffic on the east-bound lane. However, the existing nonconforming rooftop sign advertising this business is visible 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 at the time of the staff report 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 not met as noted in finding 1.

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 not met. The applicant has not provided any reasons that make compliance with the code impractical or unreasonable.

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

This finding is not met. There are no unique circumstances to this property for the proposed sign.

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.

- F. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter from District 11 recommending denial of the requested variances.
- G. **CORRESPONDENCE:** The applicant's application includes a petition signed by a number of business owners in the area recommending approval of the variances.
- H. **STAFF RECOMMENDATION:** Based on findings 1 through 4, staff recommends denial of the requested variances.