

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 13-218991
DATE: September 16, 2013

WHEREAS, Richard Lang for Saint Paul College has applied for several variances from the strict application of the provisions of Section 64.501(a)(3) & 64.501(a)(4) of the Saint Paul Legislative Code pertaining to sign code requirements in order to install new signage for the Saint Paul College.

1) The sign code allows one identification sign not exceeding 30 square feet per street frontage.

NORTH FRONTAGE

There is an existing 120 square foot wall sign on the northeast corner of the college building. The applicant is proposing to install 4 new wall signs totaling 214 square feet on the north side of the new parking ramp facing the same frontage as the existing wall sign, resulting in a variance request of 4 signs and a variance request of 214 additional square feet of signage.

EAST FRONTAGE

There is an existing 44 square foot free standing sign on the east side of the school building. The applicant is proposing an additional 3.76 square foot wall sign, resulting in a variance request of 1 additional sign and a variance request of 3.76 additional square feet of signage.

SOUTH FRONTAGE

There is an existing 36 square foot free standing sign on the south side of the school building. The applicant is proposing one additional 53 square foot wall sign, resulting in a variance request of one additional sign and a variance request of 53 additional square feet of signage.

2) The sign code allows one bulletin board not exceeding 30 square feet on the property. A sign with dynamic display is a type of bulletin board. A sign with dynamic display must be monochromatic and the display cannot change faster than once every 20 minutes. The applicant is proposing a 145 square foot bulletin board sign with dynamic display for a variance of 115 square feet; the applicant is also requesting variances of the color and message frequency requirements to allow a full color display with changeable copy every 30 seconds in the RM2 zoning district at 235 Marshall Avenue. PIN: 362923430005; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on September 16, 2013 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:

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

Saint Paul College is located on a 30-acre parcel and has a yearly school enrollment of 12,100 students. A new 4 level, 610 space parking ramp was recently constructed on the west side of the existing buildings. The proposed signs are identified on the Plot Plan & Sign Locations attachment submitted by the applicant as follows:

Area 1 - a wall sign on the east side of the new parking lot.

Area 2 - identification signs for the east and north entrances to the building and the west parking ramp entrance.

Area 3 - a sign with dynamic display facing Kellogg Boulevard.

According to the applicant, the proposed wall signs would provide needed identification for building entrances in order to better orient students and visitors. The sign with digital display would provide timely information to students as well as the general public about various school events and services offered by this institution. The proposed signs are professionally designed to match existing signs on the school grounds and are in keeping with the scale of this large site. The request is in keeping with the purpose and intent of the sign ordinance to protect the right of information transmittal. This finding is met for the amount of signage requested.

A zoning study was conducted on signs with dynamic display in 2009 and research indicated that color and the frequency of message display are aspects of driver distraction. The code has since been amended to regulate signs with digital display based their respective zoning districts and their proximity to residential uses. In residential districts, dynamic display text with only one color with display messages changing every 20 minutes is allowed. Saint Paul College is located in a residential zoning district and allowing the proposed sign with dynamic display to be full color and to change the message every 30 seconds as requested by the applicant could create a safety hazard; it is not in keeping with the general purpose and intent of the code in promoting and protecting the public health and safety. This finding is not met for the full color and message duration for the dynamic display sign request.

This request does conform 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.*

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The proposed amount of wall signage and the larger sign with dynamic display is proportional to the scale of this large parcel of land. This condition is met for the amount of signage requested.

However, there are no unusual conditions to allow a full color sign with dynamic display that would change its display message every 30 seconds. This condition is not met for this request.

b. The sign would not create a hazard.

The proposed wall signs and the larger sign with dynamic display are designed for greater visibility. Their size would not create a hazard. This condition is met for the amount of signage requested.

However, the request to allow the proposed sign with digital display to be full color and change messages every 30 seconds could be a hazard to drivers. This condition is not met for this request.

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

The signs do not contain anything inappropriate and no objections to this request have been raised from adjacent property owners. This condition is met for all variance requests.

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

Although illuminated, the signs would not violate lighting requirement allowed under the code. This condition is met for all variance requests.

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

The college is in near proximity to downtown and the proposed signs would fit the general character of the area. This condition is met for the amount of signage requested.

There are no identification signs in the immediate area operating in a similar as requested for the proposed sign with digital display. The request to have a full color digital display sign changing messages every 30 seconds is not in keeping with the character of the area. This condition is not met for this request.

2. The variance is consistent with the comprehensive plan.

The proposed signage is consistent with the size of this large parcel of land. The signs are professionally designed to match existing signage on the property in order to maintain consistency throughout the site. It is in keeping with the Comprehensive Plan in preventing sign clutter. This finding is met for the amount of signage requested.

The request to allow the proposed sign with dynamic display to be full color and change its display message every 30 seconds as requested by the applicant could create a safety hazard; it is not consistent with the Comprehensive Plan to promote and protect the public health and safety. This finding is not met for this request.

- 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 site has undergone changes with the addition of a new parking ramp and additional signage is needed. Because there is signage already existing on the subject lot frontages, it is not practical to have sufficient signage on this 30-acre property without a variance. According to the applicant, the proposed signs are scaled to allow reading from a distance without too much difficulty. This is a practical difficulty in complying with the current size requirement and number of signs allowed per street frontage without a variance. This finding is met for the amount of signage requested.

However, there are no practical difficulties in complying with the requirement that the sign be only one color and change its display once every 20 minutes. This finding is not met for this request.

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

According to the applicant, the large size of this parcel and today's demand for mass communication create a unique situation that requires larger signs for clear visibility from the surrounding streets. The size of the parcel at 30 acres dictates the need for the requested amount of signage. This is circumstance unique to the property not created by the landowner. This finding is met for the amount of signage requested.

The request to allow a full color dynamic display sign changing messages every 30 seconds is not compelled by circumstances unique to this property. This finding is not met for this request.

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

Signs are allowed in all zoning districts. The requested variances, if granted will not change the zoning classification of the property. This finding is met for all variance requests.

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

This college is in near proximity to downtown and the proposed amount of signage would fit the general character of the area. This finding is met for the amount of signage requested.

Although there are business signs with digital display nearby, there are no identification signs in the immediate area operating in a similar way as requested for the proposed sign with digital display. The request to have a full color digital display sign changing messages every 30 seconds is not in keeping with the character of the area. This finding is not met for this request.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 64.501(a)(3) & 64.501(a)(4) are hereby waived to allow: 1) ***NORTH FRONTAGE*** – 4 new wall signs totaling 214 square feet of additional signage. ***EAST FRONTAGE*** – One additional sign of 3.76 square feet. ***SOUTH FRONTAGE*** - One additional 53 square foot wall sign. 2) One 145 square foot sign with dynamic, on property located at 235 Marshall Avenue; and legally described as Niningers Addition Tost Paul Part Of Blk 83 Dayton And Irvines Add Bet Louis St And Cathedral Place And All Of Chambers Rearrangement Of Blk 11 Rondos Add And Part Of Sd Blk 11 Rondos Add Bet Sd Dayton And Irvines Add And Sd Chambers Rear And Part Of Blk ; in accordance with the application for variance and the site plan on file with the Zoning Administrator.
IS HEREBY APPROVED.

MOVED BY: Bogen

SECONDED BY: Courtney

IN FAVOR: 6

AGAINST: 1

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 64.501(a)(4) pertaining to the color

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and message frequency requirements in order to allow a full color display with changeable copy every 30 seconds on property located at 235 Marshall Avenue; and legally described as Niningers Addition Tost Paul Part Of Blk 83 Dayton And Irvines Add Bet Louis St And Cathedral Place And All Of Chambers Rearrangement Of Blk 11 Rondos Add And Part Of Sd Blk 11 Rondos Add Bet Sd Dayton And Irvines Add And Sd Chambers Rear And Part Of Blk ; in accordance with the application for variance and the site plan on file with the Zoning Administrator.
IS HEREBY DENIED.

MOVED BY: Bogen
SECONDED BY: Ward
IN FAVOR: 4
AGAINST: 3

MAILED: September 17, 2013

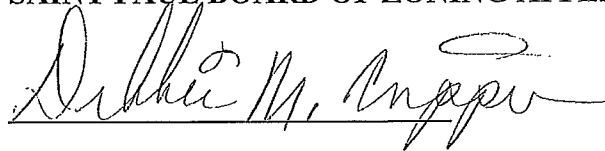
TIME LIMIT: No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period 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 September 16, 2013 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", written over a horizontal line.

**Debbie M. Crippen
Secretary to the Board**