

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, NOVEMBER 26, 2012

PRESENT: Mmes. Bogen and Morton; Messrs. Courtney, Ward, and Wilson of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta, Ms. Lane and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Joyce Maddox*
*Excused

The meeting was chaired by Gladys Morton, Co-Chair.

Troy Decorsey (#12-208226) 1607 University Avenue West: 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.

Mr. Diatta showed slides of the site and reviewed the staff report with a recommendation for denial of the requested variances based on findings 1 through 4.

No correspondence was received opposing the variance request. One petition was submitted by the applicant signed by twelve neighboring business owners supporting the variance request.

One letter was received from District 11 opposing the variance request.

The applicant **TROY DECORSEY**, 1607 University Avenue West, was present. Mr. Decorsey stated his business is down about 58%, since the construction of the Light Rail system started on University Avenue, due to lack of parking and visibility of the store from the street. Regardless of the type of store he runs it is a legal business. He has invested a lot of money into the building, cleaning it up. Mr. Decorsey contended that it is no longer an adult book store, but more of a women's boutique, which is the reason the new signage says "The Love Doctor" without the phrase "adult bookstore". He stated that the only problem he has had with the City is because he wants larger projecting sign, so the sign can be seen from both directions on University Avenue. Mr. Decorsey stated that the sign on top of the building has been there for 50 years, it belongs to the building owner and he was told he could use it for his business. The parking sign was put up when construction of the Light Rail came through so people would know where to park. Mr. Decorsey stated that he got approval from the City to put up the parking sign. He stated that he is asking for a sign smaller than the wall sign he is removing. The sign would stick out one foot more than the allowed 3 feet, so it can be seen by cars traveling on University Avenue.

Mr. Courtney asked Mr. Decorsey to address the findings that were not met in the staff report. Mr. Decorsey stated for finding one, he is asking for a four foot projecting sign because there are projecting signs on either side of his business that would block a 3 foot projecting sign from view and the Light Rail station is in the middle of University Avenue directly across from his store blocking the front of his building. For finding two, the answer is basically the same as finding one. The Light Rail has done damage to the parking and visibility from University Avenue and the signs on either side of him are also blocking his sign from oncoming traffic along University Avenue.

Ms. Bogen asked Mr. Decorsey whether he is removing his signage on the roof of the building. Mr. Decorsey replied no, that sign belongs to the property owner and it is not being changed.

Mr. Ward and Mr. Decorsey discussed the window signs and the walls right behind the windows, however, this is not relevant to signage variance before the Board.

Mr. Decorsey and the Boardmembers discussed his requested signage and how his sign would be blocked by neighboring signs if the sign is only projecting 3 feet.

There was no opposition present at the hearing.

Hearing no further testimony, Ms. Morton closed the public portion of the meeting.

Mr. Ward and Mr. Diatta discussed the rooftop and wall signage. Ms. Lane stated that the window signage and the sandwich board sign in the public right of way are not included in the maximum amount of signage allowed on the property. What was considered was the current rooftop sign and the wall sign. Mr. Ward and Ms. Lane discussed that the property is in the Hamline-Midway Special Sign District, however, nothing in that code regulates business signs.

Ms. Bogen stated that what is before the Board today is that a projecting sign can be no more than 16 square feet per side under the code and can project no more than three feet over the public right of way. Mr. Diatta replied that is correct.

Mr. Courtney asked Mr. Diatta before the City changed the code, what would Mr. Decorsey have been able to install for signage, if the code had not been changed. Mr. Diatta stated that prior to the property being rezoned to a T4 this property would have been allowed a 25 square foot sign projecting up to 4 feet over the right of way without a variance. Ms. Lane explained that when the study done and the properties in the Central Corridor were all changed to T districts, that study also resulted in code changes that reduced the signage allowed in T districts so that all new signs in the district cannot be as large as the old signs. Mr. Ward added that this references back to the rezoning to T4 that says that all signs will conform to the new standards the same all across the board for the whole area. The intent is to bring everything into conformance and have all the signage be the same and if it's changed the sign will not match what the City is trying to get to consistently in the future. Ms. Lane stated not only is it a part of the purpose and intent of the Zoning Code it is also mentioned in the Land Use Plan.

Mr. Ward asked about all the other properties along the central corridor and whether they all had to apply for a variance to be in compliance. Ms. Lane replied no, pre-existing signs will be allowed as legal non-conforming use and only new signs must be brought into conformance with the ordinance. Mr. Ward stated that because this is a change of the sign and because it is a new sign it has to conform to the ordinance.

Mr. Courtney moved to approve the variance and resolution, that the Board approve the extra 1 foot for the projecting sign and give Mr. Decorsey half of the additional 9 foot of sign area he is requesting. Ms. Bogen and Mr. Courtney discussed the signage. Mr. Wilson asked to have it repeated. Mr. Courtney stated that he is proposing to allow the applicant the full 4 foot projection and a sign that is 20.5 square feet.

Mr. Courtney stated for finding one Mr. Decorsey states that he has projecting signs on either side of him that are non-conforming due to their size and projection and will block his signage if his sign were to be allowed a 3 feet of projection. For finding four it is unique to the property because of the area re-zoning he has two signs next to him that block his property and he has to live with it. Ms. Bogen and Mr. Courtney discussed the rooftop sign that is visible from the east on University Avenue, Mr. Courtney stated that the front of the store is important to get customers to see it and most of the customers will be riding the Light Rail so it needs to be in front of the building as most of the people will not see the rooftop sign.

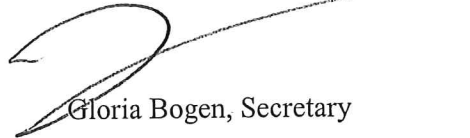
Mr. Ward seconded the motion, which passed on a roll call vote of 4-1(Bogen).

Submitted by:



YaYa Diatta

Approved by:



Gloria Bogen, Secretary