

**CITY OF SAINT PAUL**  
**BOARD OF ZONING APPEALS RESOLUTION**  
**ZONING FILE NUMBER: 17-000219**  
**DATE: April 10, 2017**

WHEREAS, Joey Crary – Indigo Sign Works has applied for a variance from the strict application of the provisions of Section 64.503(a)(6) & 64.625 of the Saint Paul Legislative Code pertaining to *two variances of the sign code requirements* in order to reface the existing sign on the southwest corner of the intersection of Old Hudson Road and White Bear Avenue with a dynamic display (electronic messages) for the Holiday gas station that is being rebuilt. **Sign A** 1) The text and images on the dynamic display sign must have only one color; the applicant is requesting that the text and images have full color. 2) Signs shall not change the display faster than every 20 minutes; the applicant is requesting that their sign change every 30 seconds. *Two variances of the sign code requirements in the White Bear Avenue special district sign plan overlay* to construct a new freestanding business sign along I-94 on the southwest corner of the Holiday gas station property. **Sign B** 1) New freestanding signs are permitted in the overlay district only for buildings that have a setback of at least 35 feet from the right-of-way; the Holiday gas station building will have a setback of 5.5 feet from the south property line; the applicant is requesting a variance to allow a freestanding sign within the setback area. 2) Freestanding signs have a height limit of 20 feet, the applicant is requesting a 37.5-foot high sign, for a height variance of 17.5 feet in the T3 zoning district at 1770 Old Hudson Road. PIN: 342922440001; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on February 13, 2017 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*

The applicant was hired by Holiday gas station to create a signage plan for the new construction of a gas station/convenience store/carwash. Sign a) The owner is proposing a full color dynamic display sign in the same location as the existing freestanding sign on the northeast corner of the property. Sign b) The owner is also proposing a 37.5' high pylon sign on the southwest corner approximately 5.5' from the south property line.

Sign a) In October, 2015, the parcel was rezoned to a T3, traditional neighborhood zoning district. Prior to the rezoning, all of the property owners received written notification about the rezoning. This district limits the sign display to monochromatic; the dynamic display sign copy can change no faster than once per 20 minutes; and the display must be turned off between 11 p.m. and 7 a.m. or after business hours, whichever is later. Holiday has not requested a variance of the requirement to turn off the display sign as specified. The

applicant says the signage frame being re-used is similar to other signs located on the property to the north, Super America, and to the north-east, Subway, and they want to have similar dynamic displays on their sign. The Super America sign is full color and when staff timed it, it changed every five minutes. The Subway sign is full color and changes about every 12 seconds. In order to be competitive with the other commercial businesses, the applicant says Holiday needs to have a full color sign which changes copy more frequently than the allowed every 20 minutes.

Sign b) The intent of the White Bear Avenue Special Sign District Plan is to provide strong, clear identification of businesses and to reduce sign clutter. The sign plan provides a unified framework that will enhance the image of the business districts and foster pride in the adjacent neighborhoods. However, the Plan stipulates that a pole sign must be located 35' from the right-of-way at a maximum height of 20'. Due to the grade difference between the property to the west and the Holiday gas station, the owner is concerned that the pylon sign would be hidden behind the wall of the building to the west and would not be visible soon enough for traffic traveling east on I-94 to take the exit. While the Plan supports pole signs they can also be a source of clutter. The Plan states the signs shall have minimal structure and the framework should be painted black or another dark color. The applicant is proposing a dark blue frame with LED lighting along the framework where the sign is located. The sign shall have a programmable dimmer capability which would limit the brightness.

This 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.***  
The Holiday gas station/convenience store/car wash is a new business with a new building, it is important to provide signage that is clear and readable from roadways while blending with the existing signage in the neighborhood in terms of size and clarity. This finding is met for both variance requests.
- b. ***The sign would not create a hazard.***  
The proposed signs would not create a hazard. This finding is met for both variance requests.
- c. ***The sign would not be objectionable to adjacent property owners.***  
Objections to this request have been raised from the Super America station to the north and from the district council. This finding is not met for both variance requests.
- d. ***The sign would not adversely affect residential property through excessive glare and lighting.***  
The nearest residentially zoned property is located over 175 feet to the east and the applicant has been informed that the maximum illumination level for Sign a) with dynamic display may not exceed 0.3 foot candles above ambient light level as measured from fifty feet from the sign's face. Sign b), located along I-94 and not

near residential uses should not adversely affect residential property through excessive glare and lighting. Both signs will have programmable dimming capability to lower the brightness if it becomes an issue. This finding is met for both variance requests.

Sign a) In proposing a dynamic display sign at this location, the applicant's goal is to provide clear identification for the new business comparable to other signs at the intersection. However, the property has been rezoned to T3 and the intent of traditional neighborhood zoning is to put further restrictions on dynamic display signs and there have been objections raised to the proposed sign. This request is not in keeping with the intent of the code.

Sign b) A taller sign at this location would not be in keeping with the intent of the code as noted in the White Bear Avenue Special Sign District Plan and there have been objections raised to the proposed sign. This request is not in keeping with the intent of the code.

This finding is not met for both variance requests.

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

The proposed sign will provide greater visibility for the new gas station/convenience store/car wash. This request is in keeping with the goals of the comprehensive plan to coordinate business signs to achieve greater consistency among businesses. This finding is met.

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.*

Sign a) A freestanding sign for the previous gas station/car wash was in the same location but was not a sign with dynamic display. New dynamic display signs must meet current regulations. A monochromatic sign changing copy every 20 minutes, meeting the current regulations, is not a practical difficulty. This finding is not met for Sign a).

Sign b) The applicant says the wall of the adjoining building would limit the view of the freestanding sign at 20 feet in height from I-94 with sufficient time to exit the freeway. This finding is met for Sign b).

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

Sign a) The landowner, at the time of the Gold Line Bus Rapid Transit Station Development Study would have received notification about the rezoning and should have been aware of the restriction on signage for the property under the new T3 zoning. This finding is not met for Sign a).

Sign b) The applicant says the commercial building to the west and a line of trees would block out visibility for customers. This finding is met for Sign b).

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

Signs are permitted in all zoning districts and the requested variances would not change the zoning classification of the property. This finding is met for both signs.

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

Sign a) The proposed sign is located in a traditional neighborhood zoning district; the dynamic display sign as proposed is in keeping with the essential character of the neighborhood. This finding is met for Sign a).

Sign b) The pylon sign at the height proposed is in keeping with the general character of the surrounding area but does not meet the regulations noted in the White Bear Avenue Special Sign District Plan. This finding is not met for Sign b).

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)(6) & 64.625 to allow: **Sign A:** 1) The text and images on the dynamic display sign shall have full color. 2) Sign copy shall change a maximum of every 30 seconds. **Sign B:** To construct a new freestanding business sign along I-94 on the southwest corner of the Holiday gas station property. 1) New freestanding sign will have a setback of 5.5 feet from the south property line; the applicant is requesting a variance to allow a freestanding sign within the setback area. 2) Freestanding sign to have a 37.5-foot high sign, for a height variance of 17.5 feet on property located at 1770 Old Hudson Road; and legally described as Section 34 Town 29 Range 22 Part Sly Of Old Hudson Rd And Nly Of Hwy 392 And W Of White Bear Ave Of E 196 00/100 Ft Of Se 1/4 Of Sec 34 Tn 29 Rn 22; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

**IS HEREBY DENIED.**

**Sign A/Sign B**

**MOVED BY: Maddox/Saylor**

**SECONDED BY: Saylor/Maddox**

**IN FAVOR: 4/4**

**AGAINST: 0/0**

**MAILED: April 11, 2017**

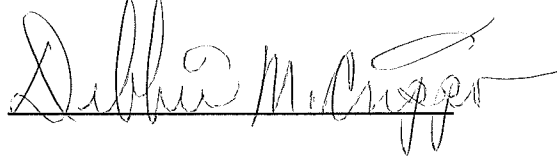
**TIME LIMIT: No decision of the zoning or planning administrator, planning commission,**

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 April 10, 2017 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, appearing to read "Debbie M. Crippen", written over a horizontal line.

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