

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 14-093588
DATE: March 17, 2014**

WHEREAS, Bilal Alsadi has applied for variances from the strict application of the provisions of Section 64.405(e)(3) of the Saint Paul Legislative Code pertaining to the sign code requirements in order to install a 21 square foot sign with dynamic display on a multi-tenant free standing sign at the southeast corner of Rice Street and Maryland Avenue for the businesses on this site. The sign code requires a sign with dynamic display in a B2 district located within 100 feet of a residential use to: 1) Be monochromatic; the applicant is proposing a full color sign. 2) Have a display message that does not change faster than every 20 minutes; the applicant is proposing a display message that would change every 60 seconds, in the B2 zoning district at 1200 Rice Street. PIN: 302922220177; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on February 19, 2014 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 proposed sign with dynamic display is 21 square feet in size and would be mounted on a 103 square foot multi-tenant free standing sign. The free standing sign would also include the names of the businesses on site and LED gas price changers. LED gas price changers are considered signs with dynamic display. However, they would only have one color and would not change faster than every 20 minutes, consistent with the code; therefore a variance is not required for the LED gas price changers.

The free standing multi-tenant sign would be placed at an angle at the southeast corner of Maryland and Rice to allow drivers on both streets to read it. Since the proposed digital display sign would be mounted on a multi-tenant sign, it is important that it stands on its own and not blend with the rest of the signage on the same structure in order to increase its visibility, hence the request for a full color sign.

Additionally, the sign is intended to draw the public's attention on periodic product promotions sold on site, therefore, it is important to capture as many viewers as possible in a short period of time, which explains the request for the 60 second display change. The requested display change is shorter than the required 20 minutes but yet longer than the 12 seconds that would otherwise have been allowed had the sign been placed 100 feet from the nearest residential use.

Because the proposed sign with digital display is located on a commercial stretch that already has significant lighting, it would have a minimal impact on neighboring residences. Among the purposes of the zoning code is to “encourage a concern for visual environment which makes the city a more desirable place to live” and to “regulate the time, the place, and manner in which signs may be exhibited”. The proposed sign would be professionally designed and scaled to complement the appearance of the site; it would not counteract the above stated purposes of the zoning code. This finding is met for both variance requests.

The variance 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.

The street widening project caused this parcel to shift to the south closer to residential uses on Rice Street and affect the applicant’s ability to construct the proposed sign without a variance. Had the property line not been altered as a result of the street widening project, the proposed sign could have been installed at the corner which would have been more than 100 feet away from a residential use and a variance would not have been required. This condition is met.

b. The sign would not create a hazard.

The applicant states that the sign would not be distracting or created a hazard. Although illuminated, the sign would be lit to the lighting standards allowed under the zoning code. This condition is met.

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

No objections to the requested variances have been raised from adjacent property owners. This condition is met.

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

Although located in proximity to residential uses, this relatively small sign located in a commercial area with abundant lighting would not have a significant adverse impact on those properties. This condition is met.

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

The proposed sign is keeping with the general character of the surrounding area. There are at least three signs with digital display on Rice Street within a mile of this property. This condition is met.

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

The proposed sign would allow the business to compete with similar businesses and it is consistent with a goal of the Comprehensive Plan to support local businesses. This finding is met for both variance requests.

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 major changes due to the street widening project that caused the property to shift to the south closer to residential uses, which subsequently made it difficult for the applicant to install the proposed sign without a variance. Additionally, there is a large multi-tenant free standing sign across Maryland which could hinder the visibility of the proposed sign if it were to be move further to the east along Maryland Avenue. These are practical difficulties in complying with the code. This finding is met for both variance requests.

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

The shifting of the property closer to residential uses is a circumstance unique to the property not created by the applicant. This finding is met for both variance requests.

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 both variance requests.

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

There are a number of signs with digital display in the area. The request will not change the character of the area. This finding is met for both variance requests.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 64.405(e)(3) to allow a full color sign with dynamic display and a message display that would change every 60 seconds on property located at 1200 Rice Street; and legally described as Stinsons Rice Street addition Subj To Esmt Lots 10 Thru Lot 14 Blk 2; 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 message does not change faster than every 60 seconds.

MOVED BY: Bogen
SECONDED BY: Wilson
IN FAVOR: 6
AGAINST: 0

MAILED: March 18, 2014

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 February 19, 2014 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Debbie M. Crippen
Secretary to the Board