

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, APRIL 11, 2016

Continued from March 14, 2016

PRESENT: Mmes. Bogen, Maddox, Porter and Trout-Oertel; Messrs. Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Katrice Albert*, Vincent Courtney*, Daniel Ward

*Excused

The meeting was chaired by Joyce Maddox, Chair.

Ryan P. North (#16-013374) 929 7th Street West: A variance of the off-street parking requirement in order to remodel an existing vacant building into an assembly hall without fixed seating to be known as the North Garden Theater for an artistic and community rental facility for plays, musicals, comedy, bands, films, business meetings, weddings, reunions, parties and receptions. Off-street parking must be provided for the difference between the previous use and the proposed use. 1) The proposed use requires 27 off-street parking spaces, the previous retail use required 15 off-street parking spaces. No spaces are available for a variance request of 12 off-street parking spaces. 2) The property is allowed 80 square feet of total signage, 99 square feet of signage is proposed for a variance of 19 square feet.

Mr. Diatta showed slides of the site and reviewed the staff report with a recommendation for approval of the parking variance request provided that no liquor, beer or wine is served after midnight. Staff further recommends denial of the sign variance request based on findings 3 and 4.

No correspondence was received opposing the variance request.

Two letters were received from District 9 supporting the variance requests.

The applicants **TINA & RYAN P. NORTH**, 2911 Armour Terrace, were present. Ms. North stated the District Council was hoping that they could work with the church to get the required parking which is at the end of the block they are located on. They are currently in talks with the business administrator of the church, who has been out of town, so they have been working with the Upper Mississippi Academy who is a tenant of the church, they have a building on the church property and share the parking lot. They have been speaking with the interim executive director of the academy about bartering some off-street parking spaces in the evenings and weekends for their providing some theater education classes for the students at the academy. Although the academy has an arts program they do not have any theater and they were very excited about the notion of working something out. Fort Road Federation gave them approval and encouraged them to continue working with the neighborhood on alternative parking spaces for the theater.

Ms. Maddox asked that they talk about the signage. Mr. North stated that historically the building featured a marquee that stuck out about 4 feet from the face of the building and included the blade part of the sign which extends vertically. They wanted to put a sign on the building that would be more historically in keeping with the structure they are repairing. They also included in the 99 square feet that they are asking for two poster holders that will announce upcoming shows on the face of the building. They feel putting the posters in glass holders will deter graffiti and vandalism on the face of the building. Otherwise there would be just the double doors in the front of the building with a lot of open blank space. All of which brought them over the 80 square feet allowed for signage. They are asking for an additional 18 square feet of signage in an effort to honor the history of the building.

Ms. Trout-Oertel asked if the signs in the windows would be considered permanent or temporary signs or weather they needed to be counted in the 80 square feet allowed by code. Mr. Diatta questioned whether they are talking about the changeable signs on either side of the blade sign. Mr. North replied, no he is not talking about them. Mr. Diatta stated that a temporary window sign would not be counted in the 80 square feet. He explained that temporary signs are different from permanent signs and have their own rules. The 80 square feet are just for the permanent signs, anything that they want to put up as a temporary sign requires a permit if it is on the outside. They are allowed to put up a temporary sign three times a year and allowed to keep it up for 30 days per time. If it is put inside a window then it can be there permanently and they will not need a permit to change the sign but it is only allowed to be 30% of the window area. Mr. North stated that this will be in a box affixed to the front of the building. Mr. Diatta stated that will be permanent. Mr. North stated that the box will be permanent but the contents will change monthly.

Ms. Porter and Mr. Diatta talked about which signs were being discussed. Mr. North pointed out the boxes on either side of the front doors as being the boxes. He continued that the depiction of the front of the building showing a box office and doors on either side of the box office are incorrect, they were an early rendition by the artist. There will not be an external box office, there will only be one set of double doors and the poster boxes will be on either side of that double door in front. The boxes shown on the depiction show approximately where they want the boxes placed on the building, maybe a little further to the center.

Ms. Maddox asked how big the poster boxes are. Mr. North replied they are about 2 feet by 4 feet. Ms. Maddox replied about 16 square feet. She asked Mr. Diatta if the extra 16 sixteen feet for the two boxes that would go on this variance request or a separate permit. Mr. Saylor stated that they would be like movie posters in a glass case that would be swapped out, is that correct? Mr. Diatta replied that the boxes would stay there forever, so they would have to be included in the 80 feet of signage. If they are treated as a permanent sign the applicants will not have to come in to the City every time they change the content. Ms. Maddox asked if the neighborhood needed to be re-notified about this change in signage. Mr. Warner asked if the boxes would be light. Mr. North replied no. Mr. Warner stated that he thinks that it is included in the request.

Ms. Trout-Oertel asked how many parking spaces are in the church lot. Mr. North replied there are a lot, he thinks that there are easily 200 parking spaces in the church lot.

Ms. Bogen asked if the Norths had spoken with any of the other businesses to find out how easy the church has been to not work with over the last 10-15 years. Mr. North stated that he approached the church himself. He has spoken with several of the business neighbors and he thinks that there might have been some reluctance a lot of the businesses that approached the church for extra parking were bars and he can understand why the church might have a reservation about providing parking for the bars. Ms. North stated that they did speak with the church and were told unless they were a non-profit they could not work with them. She continued that if they are not able to work through the school and end up having to work through the church they were hoping that they might be able to work through the City as the lessee on it trying to figure out the parking situation.

Ms. Bogen stated that on the sign variances there are two findings that they do not meet, according to staff. She asked that they answer why they do meet the two findings. Demonstrate how it is impractical or unreasonable to operate the business without more than 80 square feet of signage and that there is something unique on the property to justify the extra square footage of signage. Mr. North stated that

they want to be viewed by the community as many other historical theaters that almost all feature the marquee that sticks out and the blade sign that runs up and down. They were concerned that if they came up with a more modern looking sign or a sign without the blade coming up it might give a more modern look to the theater and they really wanted to honor the history of the building. Ms. North stated that this sign design actually comes from 1929, that is when they started the design that they are duplicating here for the building. The original design was a box on a wall and they wanted to do something that is a little more interesting and be more unique to the neighborhood. Ms. North continued that they could do the sign under that allowed 80 square feet, but she feels it would be sacrificing what could be a really great piece in the neighborhood. If they got rid of the blade sign they could do the signage under that 80 square feet, however, if they are going to do it they would rather do it right and do the whole thing if possible.

There was opposition present at the hearing.

Connie Rongitsch, 1070 Lakewood Drive, Maplewood stated that she is speaking for several neighbors that live in the neighborhood and submitted photos of the neighborhood parking problems. She stated that the top three photos show how severe the parking shortage is in the neighborhood. The vehicles are parked illegally butting right up to the intersection. Next there are photos of Daly between Palace and James both sides of the street constantly and any time of the day they are packed. James heading north off of 7th street totally packed, the church parking lot they are talking about, she has not counted the parking spaces but she thinks it has under 100 parking spaces. They have bowling out of that building the parking lot gets filled, they have funeral parking there. She stated if the applicants can get parking in the church lot she is happy for them, then they would not need the variance because they would have their parking. She does not see allowing them the variance without the parking. Ms. Maddox asked who she is representing. Ms. Rongitsch replied David Schloegl, 395 Daly Street & James Voda who lives on Arbor(not within 350 feet of the property).

Ms. Maddox asked when the photos were taken. Ms. Rongitsch replied at 11:00 am on Saturday, before the bar crowd shows up and already there is no parking.

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

The Board split the variances to take a separate vote for each variance.

For the parking variance:

Ms. Bogen moved to approve the variance and resolution based on findings 1 through 6, provided that no liquor, beer or wine is served after midnight.

Mr. Saylor seconded the motion, which passed on a roll call vote of 5-0.

Ms. Trout-Oertel asked if the Board should add an additional condition that it is based on the applicants achieving an agreement for shared parking for the required 15 off-street spaces with an adjacent neighbor. Ms. Bogen replied that she would not agree to that. Mr. Saylor replied he would not agree to that either. Ms. Maddox replied that the applicants have shown the Board that they are willing to go the extra mile to get some parking for their place. The Board has received a lot of signatures from people supporting the variance request from people who wanted this. She thought that there would have been a lot of discussion about the parking and the Board has not gotten that. There is a crunch on the applicants trying to get this up and running under a deadline; for all of those reasons she agrees that the applicants should continue to try to get the required parking for the building. Ms. Bogen stated that when the Board was working with Shamrocks and they could not get the parking from the church because nobody is able to work with the

church, the Board did not make a signed parking agreement a condition of the approval, so we should not do it now. She thinks that there may be a better chance of working with the church working through the school in this instance. She has more hope that the church will do something to allow the applicants the few extra spaces that they need.

For the signage variance:

Ms. Bogen moved to deny the variance and resolution based on findings 1 through 6, of the sign variance request based on findings 3 and 4. It failed for lack of a second.

Ms. Porter asked if there is any historical significance to the building. Mr. Diatta replied no. It is just old. Ms. Porter stated that there is some merit to keeping it.

Mr. Saylor moved to approve the variance and resolution based on findings 1 through 6, for finding 3 it is not about economic considerations he was moved by the historical element aspect, particularly when tying it in with other historical St. Paul landmarks that have similar signage, examples were included. For being unique to the property again this has been used as a theater, it is small and tucked in there and he thinks it needs the signage particularly as it is described will allow it to stand out so it does not get lost in the shuffle of the buildings along the sidewalk.

Mr. Warner asked if the Board would consider now that the applicants are asking for 115 square feet of signage and **that no more than 16 square feet of signage is allowed for the two changeable window box signs. The window box signs cannot be illuminated.** It was also kind of vague whether they planned to build a marquee, he thinks that they were motivated to do something along those lines, but **if they do build a marquee the applicants will have to get an encroachment permit from public works**, because it will hang over the public sidewalk. That would be an additional condition that they have to apply for an encroachment permit if they do build a marquee. Mr. Saylor and Ms. Trout-Oertel both agreed to the three additional conditions.

Ms. Trout-Oertel seconded the motion, which passed on a roll call vote of 4-1(Bogen).

Submitted by:

Approved by:

YaYa Diatta

Thomas Saylor, Secretary