



## Legislation Text

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**File #:** RES 13-206, **Version:** 1

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Memorializing the City Council's decision of January 16, 2013, granting the appeal of the Hamline Midway Coalition of a BZA decision granting sign variances to the business property at 1607 University Avenue West.

WHEREAS, Troy DeCorsey duly applied for a variance from the Board of Zoning Appeals ("BZA"), under BZA File No. [12-208226 <tel:12-208226>](tel:12-208226), from the strict application of the zoning code's regulation of signs in T4 zoning districts, for the purpose of installing a "projecting" business sign for DeCorsey's business located at property commonly known as 1607 University Avenue West (PIN No. [332923140083 <tel:332923140083>](tel:332923140083)) and legally described as Brightwood Park Lot 22 Blk 4; and

WHEREAS, pursuant to Leg. Code § 64.503(a)(3), business signs in T4 zoning districts are permitted to project into the public right-of-way no more than 3 feet and are limited in size to no more than 16-square feet per-side. The business sign proposed by DeCorsey would project 4-feet over a public sidewalk and would be 25-square feet per-side in size. Approving the proposed sign required a 1-foot projection variance and a 9-square foot size variance; and

WHEREAS, on November 26, 2012, the BZA pursuant to Leg. Code § 61.601, duly conducted a public hearing on the said application where all persons interested were afforded the opportunity to be heard; and

WHEREAS, at the close of the said public hearing, the BZA, based upon the public hearing evidence, the file submissions, as well as the report of BZA staff recommending denial, all as substantially reflected in the minutes, determined to grant the requested projection variance but modify the requested size variance by limiting the size of the sign to no more than 20.5-square feet per-side, based upon the following findings as set forth in BZA Resolution No. [12-208226 <tel:12-208226>](tel:12-208226) and incorporated herein as follows:

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

This finding is met. The proposed sign is a V-shaped projecting sign designed to be read by drivers on both sides of University Avenue. It bears the name of the business on both sides and is designed to project 4 feet over the sidewalk similar to existing projecting business signs in the immediate area.

This property is allowed a maximum of 75 square feet of signage but City records indicate that there is currently 162 square feet of signage of which 87 square feet is legally nonconforming. A purpose and intent of the zoning code is to reduce the number of nonconforming signs in the city and to encourage a concern for the visual environment which makes the city a more desirable place to live. By removing the 67 square foot wall sign and installing the proposed 25 square foot projecting sign, the sign is consistent with the above stated purpose and intent of the code because 42 square feet of nonconforming signage would be removed. This sign is a well designed v-shaped projecting sign. It does not contain any inappropriate messages and would blend in with existing business signs in the area; therefore, it would not have any negative impact on the visual environment.

This applicant's request conforms to the provisions of Leg. Code § 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. This*

condition is met. Due to the location of the Snelling Avenue Station in front of the building, the existing wall sign is no longer viable because the station blocks visibility for traffic on the east-bound lane.

*b. The sign would not create a hazard.* This condition is met. There are a number of signs on this block projecting over the sidewalk further than the proposed sign. Since no incidents relating to these signs have been reported, the proposed sign would similarly not create a hazard.

*c. The sign would not be objectionable to adjacent property owners.* This condition is met because no objections to this request have been raised from adjacent property owners.

*d. The sign would not adversely affect residential property through excessive glare and lighting.* This condition is met. Even though there are no residential properties in the immediate vicinity of the sign, the applicant states that it will be illuminated to standards permitted in the T4 district.

*e. The sign is in keeping with the general character of the surrounding area.* This condition is met. This sign is located in a commercial area and all businesses on this busy commercial section have similar signage. The proposed sign is in keeping with the general character of the surrounding district.

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

This finding is met. Sec. 1.29 of the Land Use Plan supports the implementation of the Central Corridor Development Strategy and one of the six principals of the Strategy is to "Improve the image and quality of life along the Central Corridor. A goal of the Comprehensive Plan (Strategy 3.11) is to encourage the coordination of business signs to achieve greater consistency among business signs and signs of community interest and to reduce visual clutter. The proposed sign would be installed in harmony with existing projecting business signs located on adjacent buildings with similar projections. This is consistent with the Comprehensive Plan to encourage the coordination of business signs. Since the sign would be 42 square feet smaller than the 67 square foot wall sign to be removed, this request is also consistent with the Comprehensive Plan to reduce visual clutter.

However, the existing projecting sign west of the applicant's building is 24 square feet in area and it is visible from the east-bound traffic on University Avenue. A 20.5 square foot sign projecting 4 feet from the building at this location would be appropriate.

*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 finding is met. The applicant's request for the projection sign is due to the location of the newly built Snelling Avenue Light Rail Station in front of the store blocking the visibility of the existing wall sign. If the applicant were to construct a 16 square foot sign projecting 3 feet from the building in conformance with the code, it would be obstructed by the existing projecting signs on the east and west sides of his building.

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

This finding is met. This property was rezoned from a B3 zoning district to a T4 zoning district on June 4, 2011, as part of the Central Corridor and Traditional Neighborhood zoning study. Had the property not been

rezoned, the requested sign would have been permitted without a variance. This is a circumstance unique to the property not created by the applicant.

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

This finding is met. Accessory signs are permitted in all zoning districts. The requested variances would not change or alter the zoning classification of the property.

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

This finding is met. This sign is located in a commercial area and there are businesses in the area with similar size signage and projection as the applicant's proposed sign; the proposed sign is in keeping with the general character currently in the surrounding district."

WHEREAS, on December 18, 2012 and pursuant to Leg. Code § 61.702(a), the Hamline Midway Coalition, under DSI-Zoning File No. [12-221391 <tel:12-221391>](tel:12-221391), duly filed an appeal from the BZA's determination in this matter and requested a hearing before the City Council for the purpose of considering the action taken by the BZA in granting the variance as modified; and

WHEREAS, on January 16, 2013, pursuant to Leg. Code § 61.702(b), the City Council, upon notice to affected parties duly conducted a public hearing where all interested parties were given an opportunity to be heard; and

WHEREAS, the City Council, having heard the statements made before it and having considered the variance application, the report of staff, and all the records, minutes and resolution of the BZA, does hereby

RESOLVE, that the Council of the City of Saint Paul does hereby reverse the BZA's decision in this matter, based upon the following findings:

The BZA Staff Report dated November 8, 2012 recommended denial. The Council finds that the Staff Report's denial recommendation correctly applied the present sign regulations for T4 districts to this variance application. The Council therefore finds that the BZA erred when it granted the applicant's projection variance and modified the applicant's sign size variance when the Staff Report recommendation was not based on any incorrect application of T4 district sign requirements for to this variance application. The Staff Report recommendation was consistent with T4 zoning and although this decision is close, it is within the Council's authority under Leg. Code § 61.704 to reverse the BZA decision in this matter and adopt as its own, the findings contained in the BZA Staff Report of November 8, 2012 as the basis for granting the appeal and denying the requested variances.

AND, BE IT FURTHER RESOLVED, that the appeal of Hamline Midway Coalition be and is hereby granted for the reasons stated above; and, be it

FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to Troy DeCorsey, the Hamline Midway Coalition, the BZA, the Zoning Administrator, and the Planning Commission.