



## Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

**Date:** September 30, 2014

**To:** Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

**Referral to:** Zoning & Planning Committee

**Subject:**

**Name of Appellant:** Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC

**Name of Original Applicant:** Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC

**Property Address:** 1313 5<sup>th</sup> Street SE

**Ward #:** 3

**Appeal of decision of the Zoning Board of Adjustment:** Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC has filed an appeal of the decision of the Zoning Board of Adjustment denying three sign variances for The Marshall located at 1313 5<sup>th</sup> Street SE, in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District.

**Recommendation:**

Notwithstanding the staff recommendation, the Zoning Board of Adjustment denied three of the requested sign variances on August 21, 2014, for the properties at 1313 5<sup>th</sup> Street SE, Ward #3, as follows:

**1. 1313 5<sup>th</sup> Street Southeast (BZZ #6700, Ward 3) (Shanna Sether)**

**Variance A.** Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC, has applied for a variance to allow for a new wall sign located on a non-primary building wall on an existing multiple-family dwelling located at 1313 5<sup>th</sup> Street Southeast, in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District.

**Action:** Notwithstanding staff recommendation, the Board of Adjustment **denied** the variance to allow for a new wall sign not located on a primary building wall located at 1313 5<sup>th</sup> Street SE in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District, based on the following finding:

**Finding #1:** There are not circumstances unique to the property that has created a practical difficulty in complying with the ordinance. The applicant has proposed the structure and has created the circumstances.

**Absent:** S. Cahill, M. Ditzler

**Aye:** J. Finlayson, D. Sandberg, J. Saufley, A. Thompson

**Nay:** E. Johannessen, D. Ogiba

**Motion passed**

**Variance B.** Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC, has applied for a variance to increase the maximum height of a wall sign from 28 feet to approximately 75 feet on an existing multiple-family dwelling located at 1313 5<sup>th</sup> Street Southeast, in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District.

**Action:** Notwithstanding staff recommendation, the Board of Adjustment **denied** the variance to increase the maximum height of a wall sign from 28 feet to approximately 75 feet on an existing multiple-family dwelling located at 1313 5<sup>th</sup> Street SE in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District, based on the following finding:

**Finding #1:** There are not circumstances unique to the property that has created a practical difficulty in complying with the ordinance. The applicant has proposed the structure and has created the circumstances.

**Absent:** S. Cahill, M. Ditzler

**Aye:** J. Finlayson, D. Sandberg, J. Saufley, A. Thompson

**Nay:** E. Johannessen, D. Ogiba

**Motion passed**

**Variance C.** Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC, has applied for a variance to increase the maximum area of a wall sign from 0 square feet to approximately 113 square feet on an existing multiple-family dwelling located at 1313 5<sup>th</sup> Street Southeast, in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District.

**Action:** Notwithstanding staff recommendation, the Board of Adjustment **denied** the variance to increase the maximum area of a wall sign from 0 square feet to approximately 113 square feet on an existing multiple-family dwelling located at 1313 5<sup>th</sup> Street SE in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District, based on the following finding:

**Finding #1:** There are not circumstances unique to the property that has created a practical difficulty in complying with the ordinance. The applicant has proposed the structure and has created the circumstances.

**Absent:** S. Cahill, M. Ditzler

**Aye:** J. Finlayson, D. Sandberg, J. Saufley, A. Thompson

**Nay:** E. Johannessen, D. Ogiba

**Motion passed**

**Previous Directives:** None

Prepared by: Shanna Sether, Senior City Planner, 612-673-2307 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Janelle Widmeier, Senior City Planner, 612-673-3156
--

### **Community Impact**

- Neighborhood Notification: Marcy-Holmes Neighborhood Association was sent notification of the appeal on September 19, 2014.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On September 3, 2014, staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to November 18, 2014.

### **Background/Supporting Information**

Carol Lansing of Faegre Baker Daniels, on behalf of 1313 5<sup>th</sup> Street MN Owner, LLC has filed an appeal of the decision of the Zoning Board of Adjustment denying three sign variances for The Marshall located at 1313 5<sup>th</sup> Street SE, in the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District. Notwithstanding the staff recommendation, the Board of Adjustment denied three variances to allow for a new identification wall sign for The Marshall, a newly constructed multiple-family dwelling. The Board of Adjustment voted 4-2 and denied the three requested variance. The appellant's complete statement of the actions and reasons for the appeal are attached. The staff report and attachments are also attached.