

Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3003

Date: June 1, 2006

Applicant: Caleb and Stephanie Brunz, on behalf of David Barnhart

Address of Property: 2929 University Avenue Southeast

Contact Person and Phone: Stephanie Brunz, 612-379-9706

Planning Staff and Phone: Shanna Sether, 612-673-2307

Date Application Deemed Complete: May 8, 2006

Public Hearing: June 1, 2006

Appeal Period Expiration: June 12, 2006

End of 60 Day Decision Period: July 7, 2006

Ward: 2 **Neighborhood Organization:** Prospect Park East River Road Improvement Association

Existing Zoning: I1 Light Industrial District and IL Industrial Living Overlay District

Proposed Use: New wall sign on a mixed use building

Proposed Variance: A variance to increase the maximum height of a sign from 24 ft. to 31.6 ft. for College Pro, a tenant in a mixed use commercial building located at 2929 University Avenue SE in the IL Light Industrial District and IL Industrial Living Overlay District.

Zoning code section authorizing the requested variance: 525.520 (21)

Background: The subject site is located on the block bound by University Avenue Southeast, 30th Avenue Southeast, 4th Street Southeast and 29th Avenue Southeast. The site consists of a mixed use development including offices, a grocery store, warehousing, self-storage and minor auto repair businesses that previously received approval by the City Planning Commission and City Council in September of 2005. Caleb and Stephanie Brunz are proposing to install a new sign on the northwestern facing wall along University Avenue Southeast. The proposed flat wall sign is approximately 8 ft. by 3.5 ft., and is not illuminated, and is located 31.6 ft. above the ground. The maximum permitted height of a flat wall sign is 24 ft. in the I2 Medium Industrial District. The applicant is proposing a variance to increase the maximum permitted height of a flat wall sign from 24 ft. to 31.6 ft.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to increase the maximum permitted height of a wall sign from 24 ft. to 31.6 ft. The applicant has stated that visibility and identification of the tenant location on the second floor are reasons for the request to locate the sign 31.6 ft. from grade to the top of the sign. Strict adherence to the regulations does not allow for the proposed 31.6 ft. high non-illuminated wall sign on the building. The property can be put to reasonable use without the variance, as the sign can be located at a lower elevation.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The circumstances of the height variance are not unique to the parcel. The applicant states the increased height of the proposed sign is due to the location of the tenant space on the second floor. The proposed sign would be located at a height of 31.6 ft. from grade, which is inconsistent with the intent of the code, the other wall signage along University Avenue Southeast and is a circumstance created by the applicant. The location of the sign on the building is limited due to the architecture of the façade and the number of windows on the building, but does allow for the sign to be located within the regulations. The area and type of sign meet the requirements in the ordinance.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Granting the sign height variance could alter the essential character of the surrounding neighborhood, but will not be injurious to the use or enjoyment of other property in the vicinity. There are a variety of zoning districts along University Avenue Southeast; however, none of these zoning districts allow for a wall-mounted sign to exceed 24 feet in height. Staff believes that the proposed sign is not in scale with the existing signage found along University Avenue and may impact the character of the area. Staff could not find any additional signs in the area that exceed 24 ft. in height, but instead, comply with the regulations.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the sign variance would likely have no impact on the congestion of area streets or fire safety, nor would the increased height or projection be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code for a sign adjustment:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

Staff believes that the proposed sign is out of scale for signage in the neighborhood in regards to height. The subject site currently has wall mounted signage on the structure and a freestanding sign located on the corner of 29th Avenue Southeast and University Avenue. The sign will be inconsistent with the purpose of the industrial zoning district and with surrounding properties. The proposed sign will be within the size and type requirements of the code however, the proposed height is inconsistent with signs in the vicinity. Staff believes that the increased height may lead to sign clutter by adding an additional sign, higher than permitted, on a site that currently has multiple signs.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

Staff believes that the proposed sign is not in scale with other signs in the area and could be located in compliance with the sign regulations. The sign is designed within the sign area and type requirements. The sign would be consistent with the purpose of the I2 zoning district, by meeting all other sign requirements, with the exception of the height. The sign is exceptional in design and will enhance the structure, but could have a negative impact on the area due to its proposed height.

Recommendation of the CPED Department Planning Division:

The CPED Department Planning Division recommends that the Board of Adjustment adopt the findings above **deny** the variance to increase the maximum permitted height of a projecting sign from 24 ft. to 31.6 ft. in the I1 and IL Districts.