

Department of Community Planning and Economic Development – Planning Division
Appeal of the Zoning Administrator’s Decision
BZZ-5069

Date: February 24, 2011

Applicant: Dr. Ted Mazurek

Address of Property: 3616 Nicollet Avenue

Contact Person and Phone: Randall Tigue, (612) 259-9211

Planning Staff and Phone: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: January 6, 2011

End of 60-Day Decision Period: March 7, 2011

End of 120-Day Decision Period: May 6, 2011 (*extension letter sent February 11, 2011*)

Ward: 8 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: R2B Two-Family Residence District

Zoning Plate Number: 25

Proposed Use: A chiropractic office within the applicant’s residence

Appeal of the decision of the Zoning Administrator: that an existing sign for a chiropractic clinic exceeds maximum area of signs for a home occupation.

Applicable Zoning Code Provision: Chapter 525.170, Appeals of decisions of the zoning administrator.

Background and Analysis: The appellant has filed an appeal of the Zoning Administrator’s decision that the existing signage at the subject property exceeds the maximum allotment for signage for a home occupation. The property consists of the appellant’s residence and business offices, known as Nicollet Chiropractic Clinic. The property is located in the R2B District. The zoning code permits home occupations in the residential zoning districts, but provides standards for how such uses shall perform in Chapter 535, including references to the number, size, and type of signage allowed in connection with a home based business. Chapter 535.450 states

“Home occupations shall be subject to the following standards:

(8) Signage shall be restricted to one (1) non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one (1) facing each street, shall be allowed.”

Zoning Enforcement staff observed a total of 4 signs on the property at the time of inspection. In addition to the wooden freestanding sign in the applicant’s front yard and the illuminated “open” sign in the applicant’s window, there is also an 8 square foot temporary yard sign, and a 6 x 6 inch door plaque on the front elevation for a total of 4 signs on the site. On December 14, 2011, an order of non-compliance identified that two of the signs are in violation of Section 535.450 of the zoning code. An existing 24” x 48” freestanding sign in the front yard which exceeds the maximum of 1 square foot described in Section 543.450. Additionally, there is an illuminated “Open” sign in the front window of the building. Staff has no record of any sign permit approvals for the signs. With the exception of the door plaque, which meets the standards in the ordinance, the signage is illegal.

The appeal of the Zoning Administrator’s decision was originally scheduled for a public hearing before the Board of Adjustment on February 3, 2011. The applicant was not present at the public hearing, and action was taken to continue the application to the next regularly scheduled meeting on February 24, 2011. The applicant has since informed CPED staff of a prior commitment to be out of town, and has requested the Board of Adjustment continue the public hearing an additional cycle. The applicant is requesting the application be continued one additional cycle to the March 3, 2011, public hearing given the scheduling conflict. Staff has extended the review period and additional 60 days until May 6, 2011.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the nonconforming use certificate:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment and **continue** the appeal of the zoning administrators decision regarding signage for the property located at 3616 Nicollet Avenue in the R2B Two-Family Residential District one cycle to the **March 3, 2011**, Board of Adjustment meeting.

Attachments:

- 1) Zoning map