

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-4202

Date: November 20, 2008

Applicant: Kim Bartmann

Address of Property: 509-1st Avenue Northeast

Contact Person and Phone: Kim Bartmann, 612-822-6302

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: October 6, 2008

Publication Date: November 14, 2008

Hearing Date: November 20, 2008

Appeal Period Expiration: December 1, 2008

End of 60 Day Decision Period: December 5, 2008

Ward: 3 **Neighborhood Organization:** Nicollet Island-East Bank (adjacent to Marcy Holmes)

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Use: Existing projecting sign

Proposed Variance: A variance to increase the size of a projecting sign from 16 sq. ft. to 45 sq. ft. in the C2 Neighborhood Corridor Commercial District

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

Background: The subject property is two-story commercial building located at the northwest corner of 1st Avenue Northeast and 6th Street Northeast. The subject site is located in a commercial area, two blocks north of the intersection of Hennepin Avenue and Central Avenue Northeast in Northeast Minneapolis. The subject sign was installed without a sign permit and CPED-Zoning Enforcement staff issued a violation to the business owners that the sign did not receive proper permits.

The sign is an existing projecting sign for a restaurant called the Red Stag Supper Club. The sign is located at the corner of the building at the height of the second story window, 24 ft. from grade. The

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sign is a ornamental, three-dimensional, stag painted red. The applicant states that the sign was a flea market purchase and not a fabricated sign. It is externally illuminated with three light sources.

The sign is three-dimensional and not a solid, opaque cabinet sign. For ease of measurement, CPED-staff determined that the area of the sign should be determined by calculating the area of the outer dimensions of an imaginary rectangle drawn around the frame or cabinet, as prescribed by the zoning code:

543.80. Computation of sign face area. (a) Framed signs. The area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle or circle, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the frame or cabinet.

The zoning code also recognizes three-dimensional signs can be measured by the maximum surface visible at any one time:

543.80 (d) Three-dimensional signs. For globe signs, three (3) dimensional, three (3) or more sided signs, or signs with indistinct sign faces, the sign face area shall be determined on the basis of the maximum surface area visible at any one (1) time.

The three-dimensional sign measurement for this sign did not produce a consistent measurement, so a variance was determined to be the best method of resolving the size of the projecting sign. CPED-staff determined the size of the sign by measuring the outermost that this projecting measured 5 ft. by 9 ft. (45 sq. ft.) and required a variance approval to remain. The business has window signs with the business logo. The business does not have other wall signs or projecting signs.

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 business can be advertised with on-premise signs without a variance, therefore the zoning code is not causing an undue hardship on the property. However, staff finds that the request of the sign variance is a reasonable because of the size of the building, location of projecting sign as well, as the lack of other business signage on site.

- 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 business can be advertised with on-premise signs without a variance, therefore the zoning code is not causing an undue hardship on the property.

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- 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 variance is keeping with the intent of the ordinance which is in part to promote an attractive environment by minimizing visual clutter and confusion. The projecting sign is three-dimensional and it does not take up the same air space of a solid projecting cabinet sign. The sign is an unconventional logo-driven advertisement of the establishment, the Red Stag Supper Club.

The sign will not alter the essential character of the surrounding neighborhood. The sign adds to the visual interest of the surrounding commercial and residential neighborhood with a unique type of sign. In granting approval of the variance, future signs for the business should be limited to the existing projecting sign and existing window signs. Future replacement projecting signs should meet the required 16 sq. ft. requirement. This ensures that sign clutter would not occur with the current or future use, because the variance would transfer to future businesses.

- 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.**

The subject sign is not a deterrent to public safety. It does not add to sign clutter of the surrounding area. In granting approval of the variance, future signs for the business should be limited to the existing projecting sign and existing window signs. Future replacement projecting signs should meet the required 16 sq. ft. requirement. This ensures that sign clutter would not occur with the current or future use, because the variance would transfer to any future business.

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.**

The subject sign does not add to sign clutter of the surrounding area. In granting approval of the variance, future signs for the business should be limited to the existing projecting sign and existing window signs. Future replacement projecting signs should meet the required 16 sq. ft. requirement. This ensures that sign clutter would not occur with the current or future use, because the variance would transfer to any future business.

- 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.**

The sign is a three-dimensional, ornamental stag painted red, located at the corner of the second story of the building. The applicant states that the sign was a flea market purchase and not a fabricated sign. The sign is an unconventional logo-driven advertisement of the establishment,

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the Red Stag Supper Club. The sign will complement the character of the surrounding neighborhood by adding to the visual interest of the surrounding commercial and residential neighborhood with this unique sign.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to increase the size of a projecting sign from 16 sq. ft. to 45 sq. ft. at 509-1st Avenue Northeast in the C2 Neighborhood Corridor Commercial District, subject to the following conditions,

1. No other projecting signs or walls signs may be installed for this business,
2. Future replacement projecting signs must meet the 16 sq. ft. size requirements for projecting signs, and
3. A sign permit is obtained for the projecting sign that is reviewed by CPED-Planning staff.