

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-1997**

Date: October 21 2004

Applicant: Theros Realty II, LLC (Rudolph's Bar-B-Que)

Address of Property: 1933 Lyndale Avenue South

Contact Person and Phone: Dan Kaufman, Kaufman Signs, (612) 788-6828

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: September 27, 2004

End of 60 Day Decision Period: November 26, 2004

End of 120 Day Decision Period: January 25, 2005

Ward: 7 **Neighborhood Organization:** Stevens Square Neighborhood Association

Existing Zoning: C2, Neighborhood Community Corridor District

Proposed Use: A new projecting sign.

Proposed Variance: A variance to increase the maximum permitted area of a projecting sign from 16 sq. ft. to 39.75 sq. ft. and a variance to increase the maximum permitted height of a projecting sign from 24 ft. to 25.5 ft. in the C2 District.

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

Background: The subject site is on the corner of Lyndale Avenue South and Franklin Avenue West. The site consists of Rudolph's Bar-B-Que restaurant with parking behind the structure on a 6,120 sq. ft. lot. The applicant is proposing to install a new 3 ft. by 13 ft. 3 in. (39.75 sq. ft.) three-sided, rotating, projecting, neon sign that will extend 3 ft. from the building. Staff originally noticed the sign variance to include the area of all three sides of the sign, however that was inaccurate. Only a single face, that is visible at any time, is used to calculate area of a three-sided or tubular sign.

The maximum outward extension from the building of a projecting sign is 4 ft. The proposed projecting sign will extend 3 ft. The maximum permitted area of a projecting sign in the C2 District is 16 sq. ft. The maximum permitted height of a sign is 24 ft. The applicant is proposing a variance to increase the maximum permitted area of a projecting sign from 16 sq. ft. to 39.75 sq. ft. and a variance to increase the maximum permitted height of a projecting sign from 24 ft. to 25.5 ft. in the C2 District.

The zoning code strictly prohibits roof signs and signs with moving or swinging parts or elements. Therefore the code prohibits any portion of the sign to project above the roof line of the building. The definition of roof sign which is “a sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a flat, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.” The applicant has received building permits for exterior alterations of the restaurant. These elevations show the height of the sign to be at 25 ft. and that the proposed sign does not exceed the height of the roof. (The elevations from the permit for the remodeled building are included.) Additionally, the rotation of the proposed sign is prohibited by code. The sign would need to be redesigned to be a stationary two- or three-sided sign. The sign must be mounted on the building to not project above the roof line and the sign must be designed to be stationary.

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.**

Sign area: The applicant is seeking a variance to increase the maximum permitted area of a projecting sign from 16 sq. ft. to 39.75 sq. ft. in the C2 District. The applicant has stated that due to the location of the restaurant on a busy intersection the projecting sign with the increased area is needed for visibility. Staff would agree that this property located on the corners of Lyndale and Franklin experience a significant volume of traffic. Strict adherence to the regulations does not allow for the proposed 39.75 sq. ft. projecting sign on the building, which is a reasonable amount of signage.

Sign height: The applicant is seeking a variance to increase the maximum permitted height of a projecting sign from 24 ft. to 25.5 ft. in the C2 District. The applicant has stated that due to the busy intersection the projecting sign at 25 ft. is needed for visibility. Staff would agree that this property located on the corners of Lyndale and Franklin experience a significant volume of traffic. Strict adherence to the regulations does not allow for the proposed 25 ft. high projecting sign on the building, which is a reasonable location for their signage. Due to the uniquely busy intersection and a newly constructed roof height of 25 ft., the sign height variance is a reasonable request.

- 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.**

Sign area: The circumstances upon which the variance is requested are unique to the parcel due to the location of the restaurant at the busy intersection of Lyndale and Franklin. Square footage for projecting signs does include the brackets that hold the sign, this increases the overall size of the sign. The variance to increase the maximum permitted area of a projecting sign from 16 sq. ft. to 39.75 sq. ft. is to increase visibility and to be consistent with the new exterior alterations. The

sign extends 3 ft. from the building and staff feels the increased area is appropriate for the location of the sign.

Sign height: The circumstances upon which the variance is requested are unique to the parcel due to the location of the restaurant at the busy intersection of Lyndale and Franklin. The proposed projecting sign will be located at a height of 25.5 ft. from grade. Due to the uniquely busy intersection and a newly constructed roof height of 26 ft. the sign height variance is a reasonable request. The building was originally constructed with gables of 26 ft. in height to the peak. The sign extends 3 ft. from the building façade and staff feels the increased height is appropriate for the location of the sign.

- 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.**

Sign area: Granting the sign area variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the proposed sign is in scale with the existing sign and will not significantly impact the character of the area, because will be located on the corner of a busy intersection.

Sign height: Granting the sign height variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the proposed sign is in scale with the existing sign and will not significantly impact the character of the area, because will be located on the corner of a busy intersection.

- 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.**

Sign area: Granting the sign area variance would likely have no impact on the congestion of area streets or fire safety, nor would sign area variance be detrimental to the public welfare or endanger the public safety because the proposed sign will project no more than 3 ft.

Sign height: Granting the sign height variance would likely have no impact on the congestion of area streets or fire safety, nor would the increased height 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.**

Sign area: Staff believes that the proposed projecting sign is in scale with the building and the area. The sign will be consistent with the purpose of the C2 zoning district. The sign extends only 3 ft. away from the building and the increased area is appropriate for the busy intersection it is proposed on.

Sign height: Staff believes that the proposed projecting sign is in scale with the building and the area. The sign will be consistent with the purpose of the C2 zoning district. The sign extends only 3 ft. away from the building and the increased height is appropriate for the busy intersection it is proposed on.

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.**

Sign area: Staff believes that the proposed projecting sign is in scale with the building. The sign will be of exceptional design and is consistent with the architecture and design of the building.

Sign height: Staff believes that the proposed projecting sign is in scale with the building. The sign will be of exceptional design and is consistent with the architecture and design of the building.

Recommendation of the Department of Community Planning and Economic Development:

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 maximum permitted area of a projecting sign from 16 sq. ft. to 39.75 sq. ft. and **approve** the variance to increase the maximum permitted height of a projecting sign from 24 ft. to 25.5 ft. in the C2 District subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans.
2. That the applicant obtain a sign permit.
3. That the projecting sign be stationary and not rotate or have any moving parts.
4. That the sign not exceed 25.5 ft. or the height of the building.