

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-2836

Date: February 22nd, 2005

Applicant: Financial Freedom Development

Address of Property: 1300 Lagoon Avenue

Contact Person and Phone: Karl Bowman / Signarama / 651-644-4352

Planning Staff and Phone: Robb Clarksen 612-673-5877

Date Application Deemed Complete: February 10, 2006

End of 60 Day Decision Period: April 10, 2006

Appeal Period Expiration: March 27, 2006.

Ward: 10 **Neighborhood Organization:** Lowry Hill East

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Use: Add one 48 square foot wall sign to each elevation of the building (both the Lagoon Avenue and Fremont Avenue facades) for a total of 2 new signs comprising a total of 96 additional square feet on the building.

Proposed Variance: A variance to increase the maximum allowable area of all signs on the Lagoon Avenue elevation from 125 square feet to 299 1/2 square feet, a variance to increase the maximum allowable area of all signs on the Fremont Avenue elevation from 75 square feet to 164 1/2 square feet, and a variance to increase the maximum permitted height of signage from 24 feet to 30 feet above grade.

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

Background: Karl Bowman of Signarama, on behalf of Financial Freedom, is proposing the installation of two wall signs at the subject property address, 1300 Lagoon Avenue. The site is zoned C2 Neighborhood Corridor Commercial District. The zoning code imposes an overall limit of the total square footage allowed for all wall signage placed on a building. For the subject property, the aforementioned provisions of the code allot a maximum area of 1 square foot per 1 foot of primary building wall due to the existence of a freestanding sign. Bar Abilene has placed a metal pylon sign at the front/center of the Lagoon Avenue elevation of the site. Most of the other signs on the building exhibit a metallic finish and blue paint/design scheme and are located in a band that is just above the windows and awnings for the first floor uses.

Comment: This entire line may be unnecessary for a BOA app? It may come from a CPC report (which I am working from) for a sign variance associated with some other review....

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Each primary building wall on the property retains a 1 to 1 sign budget as described above. The allotted budget is 125 square feet along Lagoon Avenue and 75 feet along the smaller Fremont Avenue elevation. The existing signage on the Lagoon Avenue elevation sums 251.5 square feet, which is currently in excess of the allowable budget. The existing signage on the Fremont Avenue elevation sums 116 1/2 square feet, and is also in excess of the allotted budget. The applicant is proposing an additional 48 square foot wall sign for each elevation, a total of 96 square feet of additional signage on the building. Furthermore, the applicant requests a variance to the height requirement for signs in the C2 district from 24 to 30 feet from grade.

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.**

On the Lagoon Avenue frontage, the existing building signage already exceeds the allowable budget by 126 1/2 square feet and the applicant proposes an additional 48 square feet. On the Fremont Avenue elevation, the sign budget has been exceeded already in a similar fashion, with 116 1/2 square feet of signage where 75 is permissible. In the past, staff has asked applicants to remove other signs for their businesses in order to move toward achieving compliance. In this case, the applicant does not have any existing signage on the wall which could be removed to move in the direction of compliance with the maximum area requirements of the zoning code. As the applicant cannot remove other signs to achieve conformance, staff can find no condition that could be construed as a hardship. Staff does not believe the request to add additional signage to a building that is in excess of the sign budget is reasonable. Staff also believes the variance to increase maximum height may not be a reasonable request if there could be other locations for the same signage if other signs could be removed.

- 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 site is flat and rectangular and the building is up to the property line. The site has adequate visibility from the surrounding streets from at least the north, south and west elevations. The most important circumstance to consider with this variance application is the amount of signage on the wall. Staff concluded the conditions affecting the situation are generally applicable to other properties in the city, and that there are no unique characteristics or circumstances of this property that merit granting the variance as proposed.

- 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.**

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The intent of the ordinance is to allow effective signage appropriate to the character of each zoning district, to promote an attractive environment by limiting visual clutter and confusion, and to minimize effects on nearby properties. The building signage already exceeds the allowed maximum. In past situations, staff has considered applications to replace existing signs with proposed signs in attempt to reduce existing clutter or permit higher quality signage on the building. Staff believes there may be other plausible options for signage which the applicant has yet to exhaust.

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 variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Additional Findings Required by the Minneapolis Zoning Code related to sign variance requests:

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.**

As discussed in the text above, the buildings existing signage exceeds the budget authorized in the zoning code for both the Lagoon and Fremont Avenue primary building wall. Staff is concerned that granting the variance will further clutter the building with signs. Staff also considered whether the proposed signage conflicts with the location of other signage on the building such that the proposed signage results in further clutter.

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 will be professionally constructed and installed, and is on an individual basis an attractive sign. However staff is concerned that the proposed signage may break from the general location of signs above the first floor entries. Staff does not believe the proposed signage is of such exceptional design or style that granting the variance could enhance the area.

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 **deny** the variance to increase the maximum allowable area of all signs on the building along Lagoon Avenue from 125 square feet to 299 ½ square feet, and to **deny** a variance to increase the maximum allowable area of all signs on the building along Fremont Avenue from 75 square feet to 164 ½ square feet, and to **deny** a variance to increase the maximum permitted height of signage from 24 to 30 feet above grade, to allow the installation of two 48

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square foot internally lit wall signs for property located at 1300 Lagoon Avenue in the C2 Neighborhood Corridor Commercial District.