

**Department of Community Planning and Economic Development – Planning
Division Report**

Variance Request
BZZ-2783

Date: December 21, 2005

Applicant: Zilya Tres, on behalf of Zilya Salon and Spa

Address of Property: 2919 Hennepin Avenue South

Contact Person and Phone: Zilya Tres, (612) 822 4444

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

Date Application Deemed Complete: December 21, 2005

End of 60 Day Decision Period: February 19, 2006

Appeal Period Expiration: January 30, 2006

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

Existing Zoning: C3A Community Activity Center District

Proposed Use: Installation of a new awning sign.

Proposed Variance: A variance to increase the maximum area of signage on the building from 60 feet to 74 feet (for a 30 square foot awning sign along the Hennepin Avenue frontage) for the property at 2801 Hennepin Avenue in the C3A Community Activity Center District.

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

Background: The subject site consists of a mixed use building constructed in 1929 and renovated in 2003. After the renovation, the site was leased out to a mixture of uses including restaurants (Zeno, Bilimbi Bay) and the salon that is the subject of this application. The applicant is requesting approval to install a new awning above an entrance leading to the second floor tenancy along the Hennepin Avenue side of the building near the northwest corner of the site. There are several existing signs on the building, and it is currently in compliance with the sign area regulations of the zoning code.

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The applicant proposes to install a 30 square foot awning sign that identifies “Zilya Salon and Spa” and contains a logo. The proposed sign is intended to be located above the entrance to the use near the northwest corner of the building facing Hennepin Avenue. According to section 543 of the Minneapolis code, wall signs accessory to buildings/uses in the C3A district are limited to 1 ½ square feet in area per foot of Primary Building Wall (PBW). The West façade of the existing building on the property is 40 feet in length, therefore the maximum area (or sign budget) for wall signs is 60 square feet. The variance is required as the sign on the awning would create a cumulative total of signage that exceeds the overall sign budget for this face of the building from 60 to 74 square feet.

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.**

Maximum area for a wall mounted (awning) sign: As suggested above, the maximum area per wall/awning signs in the C3A zoning district is based upon the length of the Primary Building Wall (PBW) as described in the table in section 543.100. Sixty (60) square feet of wall signage is allowed on this façade. The applicant is proposing add a 30 square foot awning, increasing the signage on the building so that there is a 14 square foot excess of signage for this wall.

The existing building signage is within the limits established by the code and 16 square feet is left over. The applicant currently has an existing 4 x 4 foot sign on this façade, and proposes an additional 30 square feet with the new awning. Staff believes there are reasonable alternatives to the proposed signage that would be more consistent with character and size of the existing signage placed by other tenants on the building. Also, staff believes the applicant can remove the existing signage and place a new sign compliant with the area allowance of the code. In this manner, the applicant can balance its desire for adequate signage within the available sign budget remaining on the façade.

The hardship the applicant must address is in regards to adding signage to a wall where a substantial portion of the available sign budget is already accounted for. Staff does not find this is a basis for granting a variance to the regulations of the ordinance, nor is it considered a hardship for purposes of findings of fact.

- 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.**

Maximum area for a wall mounted (awning) sign: The applicant has requested

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the variance in order to provide a visible presence for its 2nd floor business, which is unique circumstance of the property the applicant did not create. However, the hardship is related to the lack of available sign budget. The applicants existing 4 x 4 sign consumes a portion of the sign budget that would be available to the salon. The property is a multiple tenant building, and the other uses of this property also have an interest in placing signage on this wall. Staff believes the situation has been created both by the applicant and the other uses of the property in regards to the allocation of signs to each use within the building. Staff believes there are alternatives to the proposed signage that would provide the applicant a reasonable use of the property within the allowable limits of the zoning code.

- 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.**

Maximum area for a wall mounted (awning) sign:

The proposed signage is not consistent with the spirit and intent of the ordinance, which is designed to restrict the amount of signage on the wall. The zoning code retains minimum allowances for signage identifying 2nd floor uses. In keeping with the spirit of the ordinance, the applicant could propose a different sign and remain within the allowable sign budget.

The proposed sign would not affect the adjacent properties or alter the essential character of the area, but staff believes there are other alternatives to the sign proposed that allow a reasonable use of the applicants' interest in this property.

- 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.**

Maximum area for a wall mounted (awning) sign: Granting the variance is unlikely to influence on the congestion of local streets or endanger the public health, safety or welfare.

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 applicant applied for the sign variance with the desire to increase the visibility of her establishment. The purpose of the ordinance is to regulate the amount of signage on the structure. Staff believes the proposed sign, together with the existing sign for this use, is larger than the minimum necessary to provide the use a visible presence along Hennepin Avenue. Further, the existing sign (near the

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upper south corner of the West façade) can be removed or altered so as to bring the overall area of signage on the wall to within the limits of the sign budget and still provide the use an identity.

Additionally, staff believes the proposed signage is inconsistent with the existing design scheme of awnings and signs on the building, and is concerned the proposed sign would distract from this pattern. Granting the variance may cause the elevation to look unbalanced and could clutter this façade.

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 building is of an exterior design such that any number of sign varieties could be appropriate. The sign will be professionally constructed and installed. However, staff does not believe it is of such an exceptional design or style that will enhance the area to the extent that granting the variance is merited.

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 **deny** the variance to increase the maximum permitted area of signage on the building from 60 feet to 74 feet (to install a 30 square foot awning sign that exceeds the allowable area by 14 feet) for property located at 2919 Hennepin Avenue in the C3A Community Activity Center District.