

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-1909**

Date: September 2, 2004

Applicant: Hansord Agency Inc.

Address of Property: 222 Hennepin Avenue South

Contact Person and Phone: Ed Soltvedt, (612) 330-0425

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

Date Application Deemed Complete: August 9, 2004

End of 60 Day Decision Period: October 8, 2004

End of 120 Day Decision Period: December 7, 2004

Ward: 5 **Neighborhood Organization:** Warehouse Neighborhood Group

Existing Zoning: B4C-1, Downtown Commercial District

Proposed Use: Two freestanding signs.

Proposed Variance: A variance to allow two new freestanding signs where two already exist, a variance to increase the maximum permitted area of a freestanding sign from 32 sq. ft. to 132 sq. ft. and a variance to increase the maximum permitted height of a freestanding sign from 8 ft. to 19 ft. 4 in.

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

The subject property is bounded by Hennepin Avenue, Second Street North, First Avenue North, and Washington Avenue South. There are two existing showrooms on site, one for Jaguar vehicles and one for Land Rover vehicles, there is a large service area, and three customer parking lots. The showrooms are located on the corner of Hennepin Avenue and Washington Avenue South. The service area is located in the center of the property and is accessed off Second Street North. Customer parking lots are located along Hennepin Avenue accessed off Second Street North, along First Avenue North, and along Washington Avenue South.

The site maintains two existing freestanding signs they are located on Second Street North at the entrance of the existing parking lot. The applicant proposes to reface the existing signs. The two existing freestanding signs both identify the drive as the service entrance. A wall mounted Land Rover sign is being added to the Hennepin Avenue side of the building next to the existing Jaguar growler. The exiting

awning above the entrance to the service station along Hennepin Avenue will be replaced. The existing backlit wall mounted signage along Washington Avenue on the Land Rover showroom will be removed and replaced by one Land Rover sign. The existing wall mounted sign on First Avenue North with the words Service Entrance on it will be refaced.

The applicant is proposing to construct two new freestanding signs on the property. One will be a freestanding pylon sign located at the entrance of an existing parking lot on Washington Avenue and is visible from Hennepin Avenue and First Avenue North. The purpose of this sign is to identify the two automobile companies that occupy the building, Jaguar and Land Rover. Land Rover is a new tenant of the site. The new sign will be a solid pylon that is 19 ft. 4 in. tall by 6.5 ft. wide and the sign area is 132 sq. ft. The proposed pylon sign replaces an existing freestanding sign that has a large red arrow pointing into the lot and reads Customer Parking. The second new freestanding sign will be located on Hennepin Avenue to the right of the one-way drive exiting the Jaguar customer parking lot and service area. The sign will be a two sided 3 ft. by 5 ft. freestanding sign on posts, constructed of an aluminum composite with vinyl lettering. The Hennepin Avenue side of the sign will read Exit Only and on the parking lot side will read Watch for Pedestrians. The secondary freestanding sign does not require a height or area variances.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Maximum number of freestanding signs: The applicant is seeking a variance to increase the maximum number of freestanding signs from one (1) to four (4). The applicant proposes to reface the two existing freestanding signs, located along Second Street North at the entrance of the existing parking lot. The existing two signs are redundant and both identify the drive as the service entrance. Strict adherence to the ordinance allows for auxiliary signs on site. Auxiliary signs are allowed to be freestanding, 4 ft. in height, 4 sq. ft. in area, and can provide directional information, but cannot include logos or commercial messages. If the property owner reconfigured their signs on the property to meet these regulations, the property would not require a variance. Strict adherence to the ordinance does not prevent reasonable use of the property, because the frontage of the building allows for considerable wall signage. Meeting the requirements of the regulations regarding auxiliary signs allows freestanding signage on the property to be used to identify the tenants of the building, instead of identifying entrances and exits.

Sign area: The applicant is seeking a variance to increase the maximum permitted area of a freestanding sign from 32 sq. ft. to 132 sq. ft. for the proposed pylon sign along Washington Avenue. The applicant has indicated that the increased area is needed in order to construct the proposed pylon sign to the size it comes from corporate headquarters. Staff could find no evidence of existing freestanding signs in the area that are approximately 132 sq. ft. on adjacent properties. Strict adherence to the regulations would not prohibit reasonable use of the property or cause undue hardship.

Sign height: The applicant is seeking a variance to increase the maximum permitted height of a freestanding sign from 8 ft. to 19 ft. 4 in. for the proposed pylon sign along Washington Avenue. The applicant has indicated that the increased height is needed in order to construct the proposed pylon sign to the size it comes from the corporate headquarters. Staff could find no evidence of existing freestanding signs that exceed 8 ft. in height on adjacent properties. Strict adherence to the regulations would not prohibit reasonable use of the property or cause undue hardship.

- 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 number of freestanding signs: As previously mentioned, the applicant is seeking a variance to increase the maximum number of freestanding signs from one (1) to four (4). The applicant proposes to reface the two existing freestanding signs, located along Second Street North at the entrance of the existing parking lot. The fact that the freestanding signage is already over the allowed number is a circumstance created by the applicant and could be corrected by constructing signs that meet the definition of auxiliary signs. This property is similar to others in the downtown district. In downtown districts, the tenants of the buildings do not all provide exterior signage due to the number of all the smaller businesses within the buildings.

Sign area: As previously mentioned, the applicant is requesting a variance to increase the maximum size of the freestanding pylon sign from 32 sq. ft. to 132 sq. ft. Staff could find no evidence of existing freestanding signs that are approximately 132 sq. ft. on adjacent properties. Staff does not believe that the conditions upon which the sign area variance is requested is unique to this parcel of land. Staff believes the circumstances have been created by the applicant.

Sign height: As previously mentioned, the applicant is requesting a variance to increase the maximum height of the freestanding pylon sign from 8 ft. to 19 ft. 4 in. Staff could find no evidence of existing freestanding signs that exceed 8 ft. in height on adjacent properties. Staff does not believe that the condition upon which the sign height variance is requested is unique to this parcel of land and has been created by the applicant. Staff believes that an 8 ft. high sign is tall enough to be seen from at least two directions. The property is downtown where tall buildings exist. Taller signage does not necessarily provide an advantage to the property.

- 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 number of freestanding signs: Staff does not believe that the granting of this variance would be in keeping with the intent of the ordinance. Staff could find no evidence of properties in the immediate vicinity with four freestanding signs. Staff does not believe that the number of signs is necessary because the information could be provided to the public within the

regulations. The site already exceeds the number of allowed freestanding signs and could be corrected by constructing signs that meet the definition of auxiliary signs. Allowing four freestanding signs on the property is inconsistent with the area and with the downtown districts. Granting this variance would be in conflict with the spirit and intent of the ordinance and would alter the essential character of the locality.

Sign area: Staff does not believe that the granting of the sign area variance would be in keeping with the intent of the ordinance. Staff could find no evidence of existing freestanding signs that are approximately 132 sq. ft. on adjacent properties. The granting of this variance would be in conflict with the spirit and intent of the ordinance and would alter the essential character of the locality.

Sign height: Staff does not believe that the granting of the sign height variance would be in keeping with the intent of the ordinance. Staff could find no evidence of existing freestanding signs that exceed 8 ft. in height on adjacent properties. The property is downtown where tall buildings exist. Taller signage does not necessarily provide an advantage to the 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 number of freestanding signs: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed signs be detrimental to the public welfare or endanger the public safety.

Sign area: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed signs be detrimental to the public welfare or endanger the public safety.

Sign height: Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed signs be detrimental to the public welfare or endanger the public safety.

Findings Required by the Minneapolis Zoning Code for the Proposed 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.**

Maximum number of freestanding signs: It is staff's opinion that the two new freestanding signs would add to the sign clutter on the property and to the area. The property has not reached its total maximum allowed wall mounted signage and is proposing to remove some of the existing signage on the site. However, there are already two existing freestanding signs that will be

remaining on site and the applicant is proposing to add two additional freestanding signs. The number of small signs and flags scattered around the property is a concern to staff. The two new freestanding signs in addition to the presence of the existing freestanding signs and small wall mounted signs create clutter. The number of freestanding signs is inconsistent with the zoning district of the property. Staff believes one freestanding sign located at the entrance of the parking lot off Second Street North, one freestanding sign located at the exit of the parking lot on Hennepin Avenue, and one freestanding sign located on Washington Avenue South would be more consistent with the Zoning district and would reduce the sign clutter on the property.

Sign area: It is staff's opinion that the increased area of the new freestanding pylon sign would not add to sign clutter on the property or the area if it were the only freestanding sign on the property. The sign itself is inconsistent with the purpose of the zoning district. The combination of the existing freestanding signs and the addition of this sign, lead to sign clutter on the property.

Sign height: It is staff's opinion that the increased height of the new freestanding pylon sign would not add to sign clutter on the property or the area if it were the only freestanding sign on the property. The sign itself is inconsistent with the purpose of the zoning district. It is the presence of all the existing smaller freestanding signs in combination with this sign that lead to 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.**

Maximum number of freestanding signs: It is staff's opinion that the two new freestanding signs will be professionally made out of quality materials. The proposed signs are consistent with other signs on the property and will enhance the site.

Sign area: It is staff's opinion that this sign will be professionally made out of quality materials. The proposed sign is more consistent with other signs in the area and will enhance the site more than existing flags and wall-mounted signs of lesser quality.

Sign height: It is staff's opinion that this sign will be professionally made out of quality materials. The proposed sign is more consistent with other signs in the area and will enhance the site more than existing flags and wall-mounted signs of lesser quality.

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 allow two new freestanding sign where two already exist, **deny** the variance to increase the maximum permitted area of a freestanding sign from 32 sq. ft. to 132 sq. ft. and **deny** the variance to increase the maximum permitted height of a freestanding sign from 8 ft. to 19 ft. 4 in.