

Department of Community Planning and Economic Development - Planning Division Report
Variances
BZZ-4608

Date: December 17, 2009

Applicant: Hillcrest Development

Address of Property: 1209 Tyler Street NE

Project Name: Frost Building Signage

Contact Person: Charlie Nestor, (612) 623-2475

Planning Staff: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: November 23, 2009

End of 60-Day Decision Period: January 22, 2010

Ward: 1 **Neighborhood Organization:** Northeast Park Neighborhood Association

Existing Zoning: I2 Medium Industrial District and IL Industrial Living Overlay District

Zoning Plate Number: 10

Legal Description: Not applicable

Proposed Use: A new wall sign

Variance: to increase the maximum permitted height for a wall sign to 38 feet

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, specifically Section 525.520(21) “to vary the number, type, height, area or location of allowed signs...”

Background: The property is located in a triangular wedge of land adjacent to a rail corridor and approximately one block from both Central Avenue NE and Broadway Street NE and consists of two industrial buildings at 32,907 gross square feet and 3,977 gross square feet. The subject property is approximately 3 acres and is the site of Frost Building, the location of a former paint factory, which is currently being remodeled for a multi-tenant commercial and industrial building. The property was rezoned to add the IL Industrial Living Overlay in 2006.

There is one existing sign on the property; a 60 sq. ft., non-illuminated, painted wall sign, approximately 28 ft. high, located on the South wall of the building. The applicant is proposing to install a second non-illuminated, painted wall sign on the West elevation of the structure, approximately 38 feet above grade

and 120 square feet. The maximum height of a wall sign is 28 feet from grade to the top of the sign; therefore, the applicant has requested a variance for the proposed height of the sign.

As of writing this staff report, staff has not received any correspondence from the Northeast Park Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

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.

The applicant is seeking a variance to increase the maximum permitted height for an identification wall sign from 28 feet to 38 feet. The applicant states that the increased height is required due to the location of multiple additions, renovations and windows in the building over the last 90 years and the lack of visibility of the front of the building along Tyler Street NE and 13th Avenue NE. The proposed location of the sign is oriented towards Tyler Street NE and Central Avenue. Staff has observed that it is very difficult to see the business from the street without the use of signage. Strict adherence to the regulations to the zoning ordinance would prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use.

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 conditions upon which the variance is requested are unique to the parcel and have not created by the applicant. The applicant states that the increased height is required due to the location of multiple additions, renovations and windows in the building over the last 90 years and the lack of visibility of the front of the building along Tyler Street NE and 13th Avenue NE. The proposed location of the sign is oriented towards Tyler Street NE and Central Avenue. Staff has observed that it is very difficult to see the business from the street without the use of signage. Strict adherence to the regulations to the zoning ordinance would prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use. The only appropriate location of the sign to ensure visibility is approximately 38 feet above natural grade.

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.

The regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health safety and welfare. The subject property is zoned I2 Medium Industrial District. Staff believes that the granting of these variances would be in keeping with the spirit and intent of the ordinance by allowing the sign to be located approximately 38 feet above grade. Without the proposed sign, the use may not be visible from the roadway. The sign is not illuminated and would not front directly onto any property that would find the proposed sign overly imposing or intrusive.

- 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 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. The sign will not have moving or flashing components that would be particularly distracting to drivers or nearby properties.

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.**

The proposed sign is located on a 3rd floor addition, approximately 20 feet in length. This is the only sign located on this wall. The addition of this identification sign does not cause unnecessary sign clutter to the façade of the building and is consistent with the painted wall sign located on the South elevation.

- 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.**

It is staff's opinion that the signs will be professionally painted with quality materials. The proposed sign is consistent with the existing painted wall sign on the South side of the building.

Recommendation of the Department of Community Planning and Economic Development - Variance:

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 height of a wall sign from 28 feet to 38 feet to allow for a new identification wall sign for the Frost Building located at 1209 Tyler Street NE in the I2 Medium Industrial District and IL Industrial Living Overlay District, subject to the following condition of approval:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the sign plan and permit.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to the Northeast Park neighborhood and CM Ostrow
- 3) Zoning map
- 4) Site plan
- 5) Sign plan/Photographs