

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4053

Applicant: Mike Lawrance, on behalf of Todd Wojack

Address of Property: 2500 4th Street Northeast

Contact Person and Phone: Mike Lawrance, (763) 571-2995

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: May 16, 2008

Publication of Staff Report: June 6, 2008

Public Hearing: June 12, 2008

Appeal Period Expiration: June 23, 2008

End of 60 Day Decision Period: July 15, 2008

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Two un-permitted existing signs

Proposed Variance:

- A variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- A variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- A variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

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

Background: The subject site at 2500 4th Street Northeast is a commercial building with a bar/restaurant known as the Northeast Palace. In 2004 the subject signs were installed without a permit,

zoning enforcement staff has been working with the property owner to bring the property into compliance.

In the C1 Neighborhood Commercial District the amount of signage allowed on a structure is 1.5 times the length of the primary building wall. Sign area from one primary building wall shall not be placed on another primary building wall. The subject property is a corner lot that fronts 4th Street Northeast and Lowry Avenue Northeast and thus has two primary building walls. According to the site plan provided by the applicant the primary building wall along Lowry Avenue is 67 linear feet and the sign allocation is 100 square feet. The primary building wall along 4th Street is 25 feet and the sign allocation is 37 square feet.

The applicant has installed a 24 square foot neon and externally illuminated projecting sign on the corner of the building which is visible from both Lowry and 4th Street NE. Since the projecting sign straddles both primary building walls staff has determined that the projecting sign will count towards the sign allocation along Lowry Avenue NE. The 24 square foot sign is well within the 100 square foot sign budget. However, the maximum area of a projecting sign in the C1 Neighborhood Commercial District is 12 square feet and the subject sign is 24 square feet. A variance is required to increase the area of the sign from 12 square feet to 24 square feet.

The applicant has installed a 51 square foot wall externally illuminated wall sign along the 4th Street NE façade. The 51 square foot sign exceeds the sign budget of 37 square feet and requires a variance to increase the sign allocation along 4th Street NE from 37 square feet to 51 square feet. In addition the wall sign exceeds the 45 square foot maximum area of a wall sign allowed in the C1 District. A variance is required to increase the area of the wall sign from 45 square feet to 51 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.**

The applicant has requested three variances to allow for two un-permitted signs. The fact that the signs were never approved and installed illegally does not create hardship. The applicant has the option to design signage that meets the zoning ordinance requirements which will allow for a wall sign and projecting sign in the location of the subject signs. Staff does not believe that there is undue hardship caused by strict interpretation of the zoning ordinance.

- 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 variances are sought are not unique to the property. The applicant states “The signs that were installed were replicating the size and style of signage that originally

existed on the site.” The applicant submitted a photograph of the building prior to the current signage. Staff agrees that the subject signage replicates the location of the previous signage. However, staff does not believe the size of the signs, which are the subject of the variance application, are similar. Staff does not believe the previous signage sets any precedent or unique circumstances for the area and allocation of the subject signage.

- 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 proposed sign variances are not in keeping with the spirit and intent of the ordinance. The property is zoned C1 Neighborhood Commercial District. The purpose of the district is to allow small scale uses that are compatible with the adjacent residential uses. Limiting the size of signs in the C1 District is to ensure that the uses are compatible with the adjacent residential uses. Limiting the area of signs is in keeping with the spirit and intent of the ordinance.

- 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 not likely increase congestion in the area or increase the danger of fire safety. The proposed variance could reduce the window coverage to below the previously approved zoning requirements which would be detrimental to public welfare or 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.**

The subject variances are for two signs. The number of signs, two, does not create sign clutter, however, the sizes of the signs are out of scale with the building and surrounding area and their size creates the sign clutter. The sign variances will result signs that are inconsistent with the purpose of the zoning district.

- 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.**

Staff does not believe the subject signs will be more consistent with the architecture and design of the subject site due to the large size of the signs and the relatively small scale of the building.

CPED Planning Division Report
BZZ-4053

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** a variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- **Deny** a variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- **Deny** a variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

Attachments

1. Applicant's statement
2. Map of the area
3. Site Plan
4. Plans and photos of subject signs and building