

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4432

Date: July 16, 2009

Applicant: West Bank School of Music

Address of Property: 1813 6th Street South

Project Name: West Bank School of Music Signage

Contact Person: David Alderson, (612) 333-6651

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

Date Application Deemed Complete: June 17, 2009

End of 60-Day Decision Period: August 16, 2009

Ward: 2 **Neighborhood Organization:** West Bank Community Coalition

Existing Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 21

Legal Description: Not applicable

Proposed Use: A new wall sign

Variance: to locate a proposed wall sign on non-primary building wall

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 subject property is approximately 33 ft. by 165 ft. (5,445 sq.ft.) and is the site of the West Bank School of Music, an existing performing arts school. The property has frontage along 6th Street South. Previous approvals for the property include a rezoning, yard variances and a parking variance to allow for an addition, which was approved by the City Planning Commission on June 21, 2004, and the City Council on July 2, 2004 and is in compliance with all of the conditions of approval.

There is one existing sign on the property; a non-illuminated freestanding sign along 6th Street South, approximately 32 square feet in area. The applicant is proposing to remove this sign and install a new freestanding sign that is visually consistent with the proposed wall sign. The proposed wall sign is on the south elevation of the structure, approximately 12 above grade and 45 square feet in area. Wall signs may only be placed on a primary building wall, which is defined as:

Primary building wall. An exterior building wall that faces a street or that faces an accessory parking area and contains a public entrance. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented.

The south elevation does not face a public street or an accessory parking area with a public entrance; therefore the proposed sign location is not permitted. The applicant has applied for a variance to locate the sign on a non-primary building wall.

Staff has received an approval letter from the West Bank Community Coalition; a copy is attached to the staff report. Staff will forward any additional comments, if 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 allow for a wall sign to be located on a non-primary building wall. The applicant states that the proposed location is required due to allow for increased visibility of the building from Cedar Avenue. The proposed location of the sign is oriented towards Cedar Avenue. Staff has observed that it is very difficult to see the business from Cedar Avenue 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 proposed sign will face a parking lot that serves the adjacent building. Staff believes that the only appropriate location of the sign to ensure visibility is in the proposed location.

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 C1 Neighborhood Commercial District and the proposed sign meets the required sign provisions regarding height, illumination and size. The applicant is also applying for a sign permit to replace the existing freestanding sign with another that matches the proposed wall sign. Staff believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance by allowing the proposed sign along the west wall, if the two signs were more visually consistent. In addition, the

sign 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 2nd story of an existing building, approximately 45 square feet in area. 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 meets the required sign provisions regarding height, illumination and size.

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 proposed sign is constructed professionally out of quality materials and will be visually consistent with the proposed freestanding sign.

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 locate a proposed wall sign on non-primary building wall for an existing performing arts school located at 1813 6th Street South in the C1 Neighborhood Commercial District, subject to the following conditions of approval:

1. CPED-Planning staff review and approval of the final sign plan and permits.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mails sent to the West Bank Community Coalition and CM Gordon

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- 3) Neighborhood organization letter
- 4) Zoning map
- 5) Site plan
- 6) Sign plan
- 7) Photographs