

Department of Community Planning and Economic Development - Planning Division Report
Variances
BZZ-4804

Date: June 17, 2010

Applicant: Fun City Dogs

Address of Property: 2206 & 2210 Snelling Avenue

Project Name: Fun City Dogs Signage

Contact Person: RyAnne Quirk, (612) 722-3647

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

Date Application Deemed Complete: May 24, 2010

End of 60-Day Decision Period: July 23, 2010

Ward: 2 **Neighborhood Organization:** Seward Neighborhood Group

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

Zoning Plate Number: 21

Legal Description: Not applicable

Proposed Use: New painted wall signs

Concurrent Review:

- Variance to allow signage on a non-primary building wall, facing southwest towards the Hiawatha LRT Bike Trail.
- Variance to allow signage on a non-primary building wall, facing south towards the interior property line.
- Variance to increase the maximum area of painted wall signs from 0 square feet to 214 square feet on a non-primary building wall, facing southwest towards the Hiawatha LRT Bike Trail.
- Variance to increase the maximum area of painted wall signs from 0 square feet to 72 square feet on a non-primary building wall, facing south towards the interior property line.
- Variance to increase the maximum area of painted wall signs from 120 square feet to 178 square feet along Snelling Avenue.

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

Background: The property is located along Snelling Avenue and the rear of the building faces the Hiawatha LRT Bike Trail, LRT line and Hiawatha Avenue. The subject property is approximately 11,236 square feet the applicant recently established a new doggie daycare facility within an existing warehouse building. The properties are zoned I2 and are located in the IL and PO Overlay Districts. The existing business received approval for a conditional use permit to allow for an animal shelter in the I2 district and a parking variance from the city planning commission on March 29, 2010.

There are several existing painted wall signs on the property depicting blue paw prints on the front and rear of the building and a painted identification wall sign on the front of the property facing Snelling Avenue. The property was recently cited by Zoning Enforcement for the installation of signage without the required permits. The applicant has now prepared a sign plan that requires the five variances.

As previously mentioned, the rear wall of the building faces the Hiawatha LRT Bike Trail, LRT line and Hiawatha Avenue, however, it is not considered to be a primary building wall. Therefore, the zoning code does not allow for signage along this wall without two variances; one to allow for the location of signage on a non-primary building wall and the other to allow any sign area. The applicant is requesting to paint four wall signs along this façade, totaling 214 square feet in area.

The applicant is also requesting to place three painted wall signs on the south wall, facing the dog run area. This is also not a primary building wall and requires the same two variances; one to allow for the location of signage on a non-primary building wall and the other to allow any sign area. The total proposed area for the signs along this façade totals 72 square feet in area.

Finally, the fifth variance is required to increase the maximum area for permitted wall signage from 120 square feet to 178 square feet to allow for four painted wall signs along Snelling Avenue. The maximum area for wall signs on a primary building wall is calculated by multiplying 1.5 square feet of building sign area by the linear footage of the building wall. The building wall is 80 feet in length, therefore allowing 120 square feet maximum in area.

As of writing this staff report, staff has not received any correspondence from the Seward Neighborhood Group. 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.**

Non-primary building wall facing the Hiawatha LRT Bike Trail: The applicant is seeking a variance to allow for signage on the rear wall of the building, which faces the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue. This wall is not considered to be a primary building wall because the Hiawatha LRT Bike Trail is not considered to be a public street and the building does not have an entrance on this side of the building. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. Staff has observed that it is very difficult to identify the business 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.

Non-primary building wall facing south towards the interior side yard: The applicant is seeking a variance to allow for signage on the side wall of the building, which faces south interior property line. This wall is not considered to be a primary building wall because this wall does not face a public street and the building does not have an entrance on this side of the building. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. In addition, this wall has been a target for graffiti, the proposed signage will hopefully deter additional tagging of the structure. Staff believes that signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site. Strict adherence to the regulations to the zoning ordinance would not prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use.

Sign area facing the Hiawatha LRT Bike Trail: The applicant is seeking a variance to allow for signage on the rear wall of the building, which faces the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue. This wall is not considered to be a primary building wall because the Hiawatha LRT Bike Trail is not considered to be a public street and the building does not have an entrance on this side of the building. Therefore, no sign area is allotted for this building wall. The applicant is requesting a variance to allow for 214 square feet of sign area. If this were to be a primary building wall, the maximum sign area allowed would only be 120 square feet. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. 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. Staff has observed that it is very difficult to identify the business without the use of signage; however, staff does not believe that 214 square feet of sign area is necessary to accomplish the identification of the use and instead recommends that 120 square feet of signage would allow for reasonable use.

Sign area facing the south interior side yard: The applicant is seeking a variance to allow for signage on the side wall of the building, which faces south interior property line. This wall is not considered to be a primary building wall because this wall does not face a public street and the building does not have an entrance on this side of the building. Therefore, no sign area is allotted for this building wall. The applicant is requesting a variance to allow for 72 square feet of sign area. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. In addition, this wall has been a target for graffiti; the proposed signage will hopefully deter additional tagging of the structure. Staff believes that signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site. Strict adherence to the regulations to the zoning ordinance would not prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use.

Sign area facing Snelling Avenue: The applicant is requesting a variance to increase the maximum area of wall signage along Snelling Avenue from 120 square feet of sign area to 178 square feet. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. Staff believes that 120 square feet of signage on the front of the building, facing Snelling Avenue and 120 square feet of signage on the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site. Strict adherence to the regulations to the zoning ordinance

would not 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.**

Non-primary building wall facing the Hiawatha LRT Bike Trail: The conditions upon which the variance is requested are unique to the parcel and have not created by the applicant. The applicant is seeking a variance to allow for signage on the rear wall of the building, which faces the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue. This wall is not considered to be a primary building wall because the Hiawatha LRT Bike Trail is not considered to be a public street and the building does not have an entrance on this side of the building. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. Staff has observed that it is very difficult to identify the business without the use of signage. In addition, this wall has been a target for graffiti; the proposed signage will hopefully deter additional tagging of the structure. 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.

Non-primary building wall facing south towards the interior side yard: The conditions upon which the variance is requested are not unique to the parcel and have been created by the applicant. The applicant is seeking a variance to allow for signage on the side wall of the building, which faces south interior property line. This wall is not considered to be a primary building wall because this wall does not face a public street and the building does not have an entrance on this side of the building. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. Staff believes that signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site. Strict adherence to the regulations to the zoning ordinance would not prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use.

Sign area facing the Hiawatha LRT Bike Trail: The conditions upon which the variance is requested are unique to the parcel and have not created by the applicant. The applicant is seeking a variance to allow for signage on the rear wall of the building, which faces the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue. This wall is not considered to be a primary building wall because the Hiawatha LRT Bike Trail is not considered to be a public street and the building does not have an entrance on this side of the building. Therefore, no sign area is allotted for this building wall. The applicant is requesting a variance to allow for 214 square feet of sign area. If this were to be a primary building wall, the maximum sign area allowed would only be 120 square feet. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. In addition, this wall has been a target for graffiti; the proposed signage will hopefully deter additional tagging of the structure. 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. Staff has observed that it is very difficult to identify the business without the use of signage; however, staff does not believe that

214 square feet of sign area is necessary to accomplish the identification of the use and instead recommends that 120 square feet of signage would allow for reasonable use.

Sign area facing the south interior side yard: The conditions upon which the variance is requested are not unique to the parcel and have been created by the applicant. The applicant is seeking a variance to allow for signage on the side wall of the building, which faces south interior property line. This wall is not considered to be a primary building wall because this wall does not face a public street and the building does not have an entrance on this side of the building. Therefore, no sign area is allotted for this building wall. The applicant is requesting a variance to allow for 72 square feet of sign area. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. Staff believes that signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site. Strict adherence to the regulations to the zoning ordinance would not prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use.

Sign area facing Snelling Avenue: The conditions upon which the variance is requested are not unique to the parcel and have been created by the applicant. The applicant is requesting a variance to increase the maximum area of wall signage along Snelling Avenue from 120 square feet of sign area to 178 square feet. The applicant states that the proposed signage location to attract business and that the location of the site has been very difficult for people to find. Staff believes that 120 square feet of signage on the front of the building, facing Snelling Avenue and 120 square feet of signage on the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site. Strict adherence to the regulations to the zoning ordinance would not prohibit reasonable use of the property and cause undue hardship due to the lack of visibility of the use.

- 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.**

Non-primary building wall facing the Hiawatha LRT Bike Trail: 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 signage along a public pathway, transit corridor and public street, even though the use does not have a public entrance along the rear wall. Without the proposed sign, the use may not be as visible. The sign is not illuminated and would not front directly onto any property that would find the proposed sign overly imposing or intrusive.

Non-primary building wall facing south towards the interior side yard: 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. Staff believes that signage on the front of the building, facing Snelling

Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site.

Sign area facing the Hiawatha LRT Bike Trail: 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 signage along a public pathway, transit corridor and public street, even though the use does not have a public entrance along the rear wall. Without the proposed sign, the use may not be as visible. The sign is not illuminated and would not front directly onto any property that would find the proposed sign overly imposing or intrusive.

Sign area facing the south interior side yard: 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. Staff believes that signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site.

Sign area facing Snelling Avenue: 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 120 square feet of signage on the front of the building, facing Snelling Avenue and 120 square feet of signage on the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site.

- 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.**

All variances: 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 signage 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.**

Non-primary building wall facing the Hiawatha LRT Bike Trail: The proposed signage are painted depictions of nine paw prints, approximately 81 square feet in area, a 4 ft. by 6 ft. a dog, a 3 ft. ² ball and a 10 ft.² identification sign. The total sign area proposed is 214 square feet. Staff

believes that that the sign adjustment along this façade will be less likely to lead to sign clutter if the area of the signage is reduced to 120 square feet. In addition, the proposed signage is consistent with the painted wall sign located on the South elevation.

Non-primary building wall facing south towards the interior side yard: The proposed signage is painted depictions of a 60 ft.², a 3 ft.² fire hydrant and a 9 ft.² dog house. The total sign area proposed is 72 square feet. Staff believes that that the sign adjustment along this façade will lead to sign clutter if the area and that the signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site.

Sign area facing the Hiawatha LRT Bike Trail: The proposed signage are painted depictions of nine paw prints, approximately 81 square feet in area, a 4 ft. by 6 ft. a dog, a 3 ft. ² ball and a 10 ft.² identification sign. The total sign area proposed is 214 square feet. Staff believes that that the sign adjustment along this façade will be less likely to lead to sign clutter if the area of the signage is reduced to 120 square feet. In addition, the proposed signage is consistent with the painted wall sign located on the South elevation.

Sign area facing the south interior side yard: The proposed signage is painted depictions of a 60 ft.², a 3 ft.² fire hydrant and a 9 ft.² dog house. The total sign area proposed is 72 square feet. Staff believes that that the sign adjustment along this façade will lead to sign clutter if the area and that the signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site.

Sign area facing Snelling Avenue: The proposed signage are painted depictions of nine paw prints, approximately 81 square feet in area, a 4 ft. by 6 ft. a dog, a 3 ft. ² ball and a 8 ft.² identification sign. The total sign area proposed is 178 square feet. Staff believes that that the sign adjustment along this façade will be less likely to lead to sign clutter if the area of the signage is reduced to 120 square feet. Staff believes that that the sign adjustment along this façade will lead to sign clutter if the area and that the signage on the front of the building, facing Snelling Avenue and the rear of the building facing the Hiawatha LRT Bike Trail, LRT and Hiawatha Avenue is sufficient to allow for the visibility of the site.

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.

All variances: It is staff's opinion that the signs will be professionally painted with quality materials. The proposed signage is consistent with the existing painted wall signs on the front of the building. In addition, this wall has been a target for graffiti; the proposed signage will hopefully deter additional tagging of the structure, particularly on the elevation facing the Hiawatha LRT Bike Trail.

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 allow signage on a non-primary building wall, facing southwest towards the Hiawatha LRT Bike Trail, for the properties located at 2206 and 2210 Snelling Avenue 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.

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 **deny** the variance to allow signage on a non-primary building wall, facing south towards the interior property line, for the properties located at 2206 and 2210 Snelling Avenue in the I2 Medium Industrial District and IL Industrial Living Overlay District.

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 area of painted wall signs from 0 square feet to **120** square feet on a non-primary building wall, facing southwest towards the Hiawatha LRT Bike Trail, for the properties located at 2206 and 2210 Snelling Avenue 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.

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 **deny** the variance to increase the maximum area of painted wall signs from 0 square feet to 72 square feet on a non-primary building wall, facing south towards the interior property line, for the properties located at 2206 and 2210 Snelling Avenue in the I2 Medium Industrial District and IL Industrial Living Overlay District.

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 **deny** the variance to increase the maximum area of painted wall signs from 120 square feet to 178 square feet along Snelling Avenue, for the properties located at 2206 and 2210 Snelling Avenue in the I2 Medium Industrial District and IL Industrial Living Overlay District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to the Seward Neighborhood Organization and CM Gordon
- 3) Zoning map
- 4) Site plan
- 5) Sign plan
- 6) Photographs