

**Department of Community Planning and Economic Development - Planning Division Report**  
Variances  
BZZ-4683

**Date:** February 11, 2010

**Applicant:** Signcrafters

**Address of Property:** 317 17<sup>th</sup> Avenue SE

**Project Name:** Keeler Apartments Signage

**Contact Person:** Michael Lawrence, (763) 571-2995

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

**Date Application Deemed Complete:** January 12, 2010

**End of 60-Day Decision Period:** March 13, 2010

**Ward:** 2      **Neighborhood Organization:** University of MN, adjacent to Marcy-Holmes

**Existing Zoning:** OR3 Institutional Office Residence District

**Zoning Plate Number:** 15

**Legal Description:** Not applicable

**Proposed Use:** A new wall sign

**Variance:** to increase the maximum permitted height for a wall sign to 22 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 on a corner lot at 4<sup>th</sup> Street SE and 17<sup>th</sup> Avenue SE and the lot area is approximately 20,120 sq. ft. The structure was built in 2002 as a 44-unit multiple-family dwelling with an office for the University of MN Multicultural Center.

There is one previous sign on the property; a 100sq. ft., non-illuminated, wall sign, approximately 32 ft. high, located on the North wall of the building. The applicant removed the previous sign and applied for a sign permit to allow for a new wall sign, approximately 87 sq. ft., internally illuminated with channel letters and a raceway cabinet. The sign permit stated that the sign height would be 14 ft., the maximum height of a wall sign in the OR3 Institutional Office Residence District; however, the wall sign was installed at 22 ft. from grade to the top of the sign. Therefore, the applicant has requested a variance for the proposed height of the sign.

The subject property is located in the within the neighborhood boundary of the University of MN area and there is not an official neighborhood organization representing this area. However, the applicant and staff have sent notification to the nearest official neighborhood organization, Marcy-Holmes Neighborhood Association. As of writing this staff report, staff has not received any correspondence from the Marcy-Holmes 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 14 feet to 22 feet. The applicant states that the increased height is required due to lack of available wall space that faces 4<sup>th</sup> Street SE. The location of the sign is above a one-story addition and windows in the building, leaving approximately 1 ft. of height between the roof and the maximum 14 ft. in height allowed for a sign. The proposed location of the sign is oriented towards 4<sup>th</sup> Street SE. The previous sign in a similar location, which had the logo of the building, was placed approximately 32 ft. above grade. Staff has observed that it is very difficult to see the apartment name from the street without the use of signage and that lowering the sign would result in a reduction of the sign area due to the existing location of the existing addition and windows. 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 sufficient area and location on the building and the lack of visibility of the use to allow for a sign.

**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 a one-story addition and windows in the building, leaving approximately 1 ft. of height between the roof and the maximum 14 ft. in height allowed for a sign. The proposed location of the sign is oriented towards 4<sup>th</sup> Street SE. A previous sign, which had the logo of the building, was placed approximately 32 ft. above grade. Staff has observed that it is very difficult to see the apartment name from the street without the use of signage and that lowering the sign would result in a reduction of the sign area due to the existing location of the existing addition and windows. 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 sufficient area and location on the building and the lack of visibility of the use to allow for a sign.

**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 OR3 Institutional Office Residence District and the maximum height of a wall sign for a multiple-family dwelling is 14 ft. from grade to the top of the sign. 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 22 ft. above grade, which is approximately 10 ft. lower than the previous sign. Without the proposed sign, there is insufficient area and location on the building for a sign visible from the street. 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 2<sup>nd</sup> story wall, approximately 87 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 location on the second floor and the area as determined by the length of the primary building wall.

**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 were constructed professionally out of quality materials. The sign is approximately 87 sq. ft. and is internally illuminated with channel letters and a raceway cabinet.

**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 14 feet to 22 feet to allow for a new identification wall sign for the property located at 317-321 17<sup>th</sup> Avenue SE in the OR3 Institutional Office Residence District, subject to the following condition of approval:

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

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of letters sent to the MHNA and CM Gordon
- 3) Zoning map
- 4) Site plan
- 5) Sign plan
- 6) Previous sign photograph
- 7) Photographs