

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-1893****Date:** September 2, 2004**Applicant:** Kowalski's**Address of Property:** 2440 Hennepin Avenue South**Contact Person and Phone:** George Johnson – Harriss Architects 612—339-2190**Planning Staff and Phone:** Jim Voll 612-673-3887**Date Application Deemed Complete:** July 29, 2004**End of 60-Day Decision Period:** September 27, 2004**End of 120-Day Decision Period:** November 26, 2004**Appeal Period Expiration:** September 13, 2004**Ward:** 7      **Neighborhood Organization:** East Isles**Existing Zoning:** C2 Neighborhood Corridor Commercial District**Existing Use:** Grocery store freestanding sign.**Proposed Variance:** Variance to allow a modification to an existing freestanding sign to increase the height for the sign to 8 feet and for the concrete piers to approximately 9 feet.**Zoning code section authorizing the requested variance:** Chapter Article IX Variances, specifically Section 525.520(21) “to vary the number, type, height, area, or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown, or industrial district, pursuant to Chapter 543, On-Premise Signs. Section 543.420, approval criteria for sign adjustments.**Background:** Kowalski's received a variance (BZZ-1421) to allow a second freestanding sign for the shopping center at 2440 Hennepin Avenue South. The C2 District limits the number of freestanding signs on a site to one, so a variance was necessary to allow a second sign. Kowalski's proposes to increase the height of this second sign by two feet to a height of 8 feet for the sign and approximately 9 feet for the brick piers. While this is well within the maximum height limit of 25 feet for a freestanding sign in the C2 district, because this is a second sign the modification requires a variance.

**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 property could be put to reasonable use if the variance were denied. However, the variance request can also be considered a reasonable use of the property in light of the fact that the existing sign will be well below the maximum allowable height of 25 feet. In addition, the height of the other freestanding sign on the site has been reduced by 15 feet in turn for allowing a second freestanding sign as a condition of the original variance.

- 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 Kowalski's store is located at the back of the lot behind the gas station, which makes it difficult to see from the street, so good signage is necessary. The applicant has reduced the size and area of an existing freestanding sign in exchange for a second sign. These conditions are not generally applicable to other properties in the C2 Districts.

- 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 intent of the ordinance is to reduce sign clutter and signage that is out of scale with the building and the area. The proposed sign will not be out of scale with the building. There are other large freestanding signs in the area.

- 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.**

Staff has reviewed the sign location with Public Works and it should have no impact on traffic since the drive aisle immediately to the west is one way and the base of the sign is open. It will not increase the danger of fire, be detrimental to the public welfare, or endanger public safety.

**In addition to the conditional use standards contained in Chapter 525 and this article, the Board of Adjustment shall consider, but not be limited to, the following factors when determining sign variances:**

- 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.**

A small increase of two feet will not lead to sign clutter in the area. The variance should not be inconsistent with the character of Hennepin Avenue, where there are other freestanding signs in front of businesses.

- 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.**

The sign will be professionally modified. The sign is designed to be compatible with the architecture of the site and the area. The sign will have brick piers and a routed aluminum face, rather than plastic. Landscaping will be provided at the base of the sign as required by code. Staff recommends that it be low-lying flowers or similar plantings to preserve sight lines for vehicles and pedestrians.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division:**

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to allow a modification to an existing freestanding sign to increase the height of the sign to 8 feet and the height of the concrete piers to approximately 9 feet for property at 2440 Hennepin Avenue South subject to the following conditions:

- 1) The base of the sign will remain open as shown on the drawings.
- 2) The base of the sign shall be landscaped with low-lying flowers or similar plantings.
- 3) The materials of the sign shall be brick and routed aluminum as shown in the drawings.