

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3923**

**Applicant:** Petar Poucki, on behalf of Joffee MN Property LLC

**Address of Property:** 1011 Madeira Avenue

**Contact Person and Phone:** Petar Poucki, (612) 799-1863

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

**Date Application Deemed Complete:** January 29, 2008

**Publication of Staff Report:** February 14, 2008

**Public Hearing:** February 21, 2008

**Appeal Period Expiration:** March 3, 2008

**End of 60 Day Decision Period:** March 29, 2008

**Ward: 7      Neighborhood Organization:** Bryn Mawr Neighborhood Association

**Existing Zoning:** OR2 High Density Office Residence District

**Proposed Use:** A medical clinic

**Proposed Variance:** A variance to increase the height of a freestanding sign from 8 feet to 24 feet and a variance to increase the area of a freestanding sign from 32 square feet to 44 square feet to allow for an internally illuminated freestanding pole sign at 1011 Madeira Avenue.

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

**Background:** The subject site is located on the southwest corner of the intersection of Penn Avenue and Interstate 394. The site has street frontage along both Wayzata Boulevard & Madeira Avenues. To the south of the property lies the Cedar Lake park, trail and railroad corridor. The subject site is zoned OR2 and is adjacent to property zoned I1 Light Industrial and R1 Single Family.

The applicant recently acquired the subject site, 1011 Madeira, and also 1013, 1031, and 1035 Madeira. The applicant is currently remodeling the office building at 1011 Madeira into a medical clinic that will offer eye exams, laser vision correction, and a spa for cosmetic services. The applicant is proposing a 24 foot tall 44 square foot internally illuminated freestanding pole sign.

The property is zoned OR2 High Density Office Residence District and the maximum height for a freestanding sign is 8 feet and the maximum area is 32 square feet. A variance to increase the height and area of the sign is required.

**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 a variance to increase the maximum height of a freestanding sign from 8 feet to 24 feet and to increase the maximum area of a sign from 32 to 44 square feet. The applicant states that “Signs which are visible from the 394 freeway are critical to visually establish our location for visitors.” The applicant is allowed an 8 foot tall, 32 square foot freestanding sign. Staff believes the sign area and height allocated by the zoning ordinance is sufficient in directing visitors and passersby into the subject site. Signs in the OR2 District are not regulated in a way that requires them to be visible from highway. Staff does not believe there is undue hardship caused by strict adherence to 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.**

Staff believes the circumstances for which the variances are sought are not unique to the parcel of land as the location is highly visible from the adjacent roads of Madeira, Wayzata Boulevard and Penn Avenue. The subject site is located along Wayzata Boulevard, which for all intents and purposes, acts as a frontage road to Interstate 394. The Cedar Lake trail and rail corridor is located to the south and is zoned R1 Single Family District. The trail corridor is located approximately 25 feet below the grade of the subject site and the nearest residential structures is over 300 feet from the subject site. The subject site is one of a few nonresidential zoned parcels and is the eastern most nonresidential property west of the intersection with Penn Avenue and Interstate 394.

The location of the subject site allows the property to be very visible from Penn Avenue/ Wayzata Boulevard and the fact that there are very few other commercial properties nearby results in very little other signage for the subject site to compete with.

- 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.**

Granting the variance will not be in keeping with the spirit and intent of the ordinance. The purpose of the OR2 High Density Office Residence District is to offer as a transition between the higher densities of downtown and the low density residential areas of Minneapolis. The reason for limiting the area and height of sign is to aid in the transition from commercial to residential uses. The purpose of allowing sign height is not to increase the visibility of a sign from the highway.

Staff believes the proposed sign will negatively alter the essential character of the locality. The adopted Bryn Mawr Land Use Plan calls for the area containing the subject site to be a pedestrian friendly gateway and connector into the Bryn Mawr neighborhood. Staff believes that the proposed height and size of the freestanding sign is not at a pedestrian friendly scale and the increased height and size only serves as advertisement for the business to the vehicular traffic on the highway.

- 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 variances would not likely increase congestion in the area or increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to 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 sign will not significantly increase or lead to sign clutter. There are very few commercial structures in the surrounding area.

- 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 proposed sign is a well designed internally illuminated freestanding pole sign. Staff believes that proposed height and area of the sign will not enhance the area.

**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 height of a freestanding sign from 8 feet to 24 feet and **deny** a variance to increase the area of a freestanding sign from 32 square feet to 44 square feet to allow for an internally illuminated freestanding pole sign at 1011 Madeira Avenue OR2 High Density Office Residence District.

**Attachments:**

1. Applicant statement
2. Map of subject site
3. Location and design of proposed sign
4. Photographs of site