



Doc No **A05007519**

Certified, filed and/or recorded on
Nov 7, 2023 4:06 PM

Office of the County Recorder
Ramsey County, Minnesota
Todd J. Uecker, County Recorder
Tracy M. West, County Auditor and Treasurer

Deputy 303

Pkg ID 1594540M

Document Recording Fee Abstract	\$46.00
<i>Document Total</i>	\$46.00

**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 4th day of October 2023, at 5:30 p.m.

The following Members were present: Member Bjorum, Aspnes and Chair Schaffhausen; and none were absent.

Variance Board Member Aspnes introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. 161

**A RESOLUTION APPROVING A VARIANCE TO SECTION 1010.03.C PROHIBITED SIGNS OF THE
ROSEVILLE CITY CODE, AT 1721 COUNTY ROAD C (PF23-011)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 042923430025 and is legally described as:

A Lot 4, Block 1, Twin Lakes 4th Addition

WHEREAS, City Code §1010.02 (Definitions) and 1010.03 (General Provisions) states the following concerning signs:

1010.02.A.1. **SIGN:** Any writing, pictorial presentation, number, illustration or decoration, flag, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

1010.02.A.26. **PAINTED SIGN:** A sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.

1010.03.C. Prohibited Signs.

2. No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.

WHEREAS, Smash Park requests a variance from §1010.03.C, Prohibited Signs, in support of permitting four (4) painted signs on the north elevation of the Smash Park building. Each image is 144 square feet in area for a total of 576 square feet of painted signs. This amount, along with the other recently approved signs for the building, complies with the maximum master sign plan allowance permitted under the code; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning;" and

WHEREAS, the Variance Board has made the following findings:

- a. *The proposal is consistent with the Comprehensive Plan.* The Variance Board finds the proposal is generally consistent with the Comprehensive Plan because it represents the type of continued investment promoted by the Comprehensive Plan's goals and policies. However, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning commercial development signage.
- b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Generally, the proposal to "paint" four pictorial presentations on the north façade is in harmony with the purpose and intent of the Sign Regulations, which support wall and freestanding signage with an approved Master Sign Plan for this property.

City staff has long upheld sign prohibitions as numerous other options exist to achieve compliance. However, the request by Smash Park is unique in that the method of the proposed painted sign, and use modern technology, eliminates the concerns that drove the prohibition of painted signs. The zoning code permits concrete tip-up panels and concrete masonry units (CMU) to be stained on site, which is the same method Smash Park would use to install the four images on the north façade. The Variance Board has determined this method for applying a sign on the exterior of a concrete panel seems reasonable and in harmony with the intent of the zoning code.

- c. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to determine whether the requested deviation will put the property to use in a manner reasonably consistent with the standards set forth in the Code. The Variance Board concludes this finding to be generally true regardless of an approved variance as the building has been approved with a specific wall signage allowance, which does not rely on the painted pop art images. However, the pop art culture representative of the proposed four pictorial presentations are an integral component of Smash Park and their image, which is why they are seeking a variance to "paint" them on the exterior of their Roseville location. The Variance Board notes the "painted" signs desired would be installed using a similar concrete stain to that currently used on the building and then sealed for added longevity, which is much different a method that would have been used when the painted sign prohibition first originated in the Code. Given this, the Variance Board believes the proposed variance puts the property to use in a reasonable manner.
- d. *There are unique circumstances to the property which were not created by the landowner.* Smash Park discusses in their submitted narrative the challenges they encountered when investigating the use of permitted materials, issues with installation and fasteners, sign longevity, as well as the recommendations by the supplier of the concrete tip-up panel. These findings are unique and limit the options available to support the desired pictorial presentations. Therefore, the Variance Board finds there to be unique circumstances not created by the applicant.
- e. *The variance, if granted, will not alter the essential character of the locality.* Although the Planning Division staff strives for fully Code-compliant signage and has not supported prohibited signs in the past, the Variance Board has determined allowing the proposed four pictorial presentations or illustrations to be stained and sealed on the north façade of the Smash Park facility will not alter the essential character of Roseville.

WHEREAS, Section 1009.04 (Variances) of the City Code also explains that the purpose of a VARIANCE is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning." The Variance Board finds the proposal appears to satisfy all of the above requirements essential for approving this requested variance. Specifically, the Variance Board finds the applicant has demonstrated practical difficulties preventing compliance with the sign regulations of the Zoning Code, as it relates to the use of painted signs.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variance to §1010.03.C, Prohibited Signs, of the City Code to permit four painted signs on the north façade of the Roseville Smash Park facility at 1721 County Road C, based on the content of this report and associated plans provided as attachments, public input, and Variance Board deliberation.

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member Bjorum and upon vote being taken thereon, the following voted in favor: Members Aspens, Bjorum, and Chair Schaffhausen; and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

