

City of Bloomington, Minnesota
DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE: PL2023-141
APPLICANT: K K M P Properties LLP (Owner)
 Tom Kendall (Applicant)
LOCATION: 9201 E Bush Lake Rd
REQUEST: A Variance to reduce the front yard setback from 20 feet to 8.6 feet for a freestanding sign.

Required Variance Findings – Section 2.85.04(g)(1)(A-F)

Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The variance is in harmony with the general purposes and intent of the ordinance.	Finding Made – The City Code recommends appropriate setbacks for orderly and safe development of the City. Freestanding sign setbacks are intended to provide adequate separation between streets and signage. The proposed sign location equals the parking lot setback along East Bush Lake Road. Approving a variance to allow a sign with adequate visibility for the public at a permitted location prior to right-of-way taking is in harmony with the general purpose and intent of the Ordinance.
(B) ... The variance is consistent with the Comprehensive Plan.	Finding Made – Granting a setback variance for the proposed sign is consistent with the Comprehensive Plan because ground signs are customarily incidental structures permitted in the Comprehensive Plan.
(C) ... The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding Made – Taking additional right-of-way created practical difficulties for sign placement. Placing the sign at the compliant setback would decrease visibility and be within a drive aisle, creating the practical difficulty in complying with the Zoning Ordinance.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding Made – Given the practical difficulties, the proposed 8.6-foot setback is reasonable. The reduced setback relocates the sign for enhanced wayfinding from East Bush Lake Road. The proposed setback provides adequate separation between the street and the sign.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding Made – The setback is equal to the parking lot and would have been permitted if additional right-of-way had not been acquired. The landowner did not create the issues.
(F) ... The variance if granted will not alter the essential character of the locality.	Finding Made – The variance will not alter the essential character of the locality. The sign is essential and common for large office buildings and is a reasonable request.

Required Variance Findings – Section 2.85.04(g)(3)(A-D)

Sign placement variances may only be approved when:


Required Finding	Finding Outcome/Discussion
(A) ... The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.	Finding Made - The proposed sign is adjacent to A Minor Reliever roadway and approximately 300 feet from the Interstate exit. The sign is not of a size and scale to negatively impact neighboring properties.
(B) ... The placement of the sign will not be at a location which will adversely affect, deter or detract the motoring public on adjacent streets or highways.	Finding Made – The sign location is equal to that of the parking lot, which is legally non-conforming due to the right-of-way expansion. The sign placement will significantly enhance wayfinding to the building, and the sign's character is similar to other Code complying locations, even with the parking lot.
(C) ... Strict compliance with the provision of Chapter 19 or 21 of this code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.	Finding Made - Placing the sign at the 20-foot setback would block an access driveway to the site. The only alternative is to locate the sign approximately 40 feet east of the right-of-way, which will not be visible to the public. The reduced setback of the sign would make the sign more visible to traffic and those visiting the property.
(D) ... That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.	Finding Made - The site's physical conditions caused by the right-of-way expansion would not allow a reasonable sign without the variance.

RECOMMENDATION

Staff and the Hearing Examiner recommend approval of the variance through the following motion:

In Case PL2023-141, having been able to make the required findings, I move to recommend approval of a Variance to reduce the front yard setback from 20 feet to 8.6 feet for a freestanding sign at an existing office building located at 7801 E Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.

- 1.Ongoing A sign permit is required and signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
- 2.Ongoing The sign setback must be as shown on the approved plans in Case File # 2023-148.


Hearing Examiner
September 18, 2023