

STAFF REPORT

- Application:** Variance to construct an overhead sign with a height of approximately 15'8" (max. 15 ft allowed), size of up to 50 square feet (max. 32 sq ft allowed) and a road right-of-way setback of approximately 12 feet (min. 30 feet required).
- Applicant:** True Friends
Conor McGrath
True Friends
- Property Owner:** TRUE FRIENDS
- Agenda Item:** 4(d)
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Background Information:

- **Proposal:** The applicants are proposing to replace an existing sign at the entrance to the Camp Courage property with a new "ranch style" sign that would be placed over top of the driveway and supported by posts on either side. The height of the sign would be exceeding the maximum 15 ft height allowed by about 8 inches. The setback to the right-of-way of County Road 7 would be approximately 12 feet instead of the 30 feet required, but consistent with the location of the sign being replaced.

The applicant has indicated that the Fire Marshal requires a clearance to the bottom of the sign of at least 13'8" when constructed over a driveway. The proposed sign is 2 feet tall by itself, which puts the top of the sign at the proposed 15'8".

- **Location:**
 - Property address: 8135 County Road 7 NW, Maple Lake
 - Sec/Twp/Range: 23-121-27
 - Parcel number(s): 206000233201
- **Zoning:** AG General Agriculture
- **Lot size:** Approx. 120+ acres as a whole (multiple parcels involved)
 - Existing and Proposed Impervious Coverage: Well under required limits
- **Septic System Status:** Not applicable
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The site of the proposed sign does not contain a bluff or steep slopes. It is relatively flat.
 - Wetlands: There do not appear to be any wetlands that would impact this proposal.

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2016) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
 - (a) The granting of the variance will be in harmony with the County Land Use Plan.
 - (b) The property owner proposes to use the property in a reasonable

manner not permitted by an official control.

- (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
- (d) The proposal does not alter the essential character of the locality.
- (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
- (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

Needs discussion: The spirit and intent of the Township's restrictions on sign height are to prevent visual clutter and signs which may be out of character with the area. In this case, the sign is well screened from general view by trees as vehicles approach the site and is mostly visible only to people directly across the road from the sign or those turning into the driveway. The proposed height and design of the sign requires at least 13'8" of clearance for emergency vehicles, thus limiting the height of an actual sign to no more than 1'4" if it is to meet the 15 ft height limit.

2. **Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?**

Needs discussion: The Comprehensive Plan does not address applications such as these, except to encourage consistency in the application of ordinances.

3. **Is the proposed use of the property reasonable?**

Needs discussion: The desire to have an attractive sign at the entrance to a property is reasonable for a camp use such as with Camp Courage. However, a sign which did not extend over the driveway would be possible which would not have the same challenges in meeting the height limit as does the currently proposed sign.

4. **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

Needs discussion: The need for the variance is due largely to the desired design of the sign and the resulting requirements for minimum clearance to allow emergency vehicles under the sign. The location of the existing sign plays into the request for a road setback variance.

5. **Will the variance, if granted, alter the essential character of the locality?**

Needs discussion: The proposed sign will replace an existing sign, so a sign at the entrance will not change the character. The proposed height and design may change appearances and character slightly, but arguably not significantly.

6. **Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

No: The need for the variance is due to other factors mentioned in #4 above.

7. **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

Needs discussion: The primary way to avoid the variance is to place the sign further back so as to meet the required road setback and to construct a different style of sign that does not extend over the driveway.

8. **Will the granting of the variance adversely affect the environmental quality of the area?**

No: The sign will have no significant impact on the environment.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact noted above, Staff recommends approval of the requested variance only if the Board finds that the particular design of the sign is reasonable and that alternative designs represent a practical difficulty.