

## **RESOLUTION NO. PC2022-002**

### **A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A VARIANCE TO ALLOW OVERSIZED WALL SIGNAGE FOR A TENANT IN A BUSINESS COMPLEX ZONED HIGHWAY BUSINESS (B-1) ZONING.**

**WHEREAS**, Daniel Mattson of Albrecht Sign Company, Sean Jefferson of Jersey Mike's, and property manager Matthew Lupkes of Mid-America Real Estate – Minnesota, LLC have made application for a Variance requesting approval for two oversized wall signs for property located within a business complex/commercial center in the Highway Business (B-1) Zoning District with the Dean Lakes 2<sup>nd</sup> Addition PUD Overlay as an underlying zoning; and

**WHEREAS**, the property upon which the request is being made is legally described as:

Lot 4, Block 2, Dean Lakes 2<sup>nd</sup> Addition; and

**WHEREAS**, all required public notices regarding the public hearing for the application were duly sent and posted and all persons appearing at the hearing have been given an opportunity to be heard thereon; and

**WHEREAS**, the Board of Adjustment and Appeals of the City of Shakopee did review this application on March 3, 2022 and adopted the following findings:

#### **Criterion I**

**The strict enforcement of the ordinance provisions would cause undue hardship because of circumstances unique to the individual property under consideration. Undue hardship means the following:**

**1.A. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls:**

***Finding 1.A.** The property can continue to be utilized as a commercial development with signage adequately identifying the site yet comply with the other regulations as stated in the City Code. Due to the nature of the services they provide, applying the code as written would put the tenant and all future tenants of the same industry at an inherent marketing disadvantage that other tenants in the same building benefited from under a previous version of the code.*

**1.B. The plight of the landowner is due to circumstances unique to the property;**

***Finding 1.B.** The plight of the property owner is due to circumstances unique to the property in that this commercial property would be allowed a wall sign of similar dimensions/height/location to businesses of the same use if they had a different location in the same building.*

**1.C. The circumstances were not created by the landowner;**

***Finding 1.C.** The circumstances were created by the property owner as a result of the applicant's desire for signage that can exceed the existing maximum size requirements.*

**1.D. The variance, if granted, will not alter the essential character of the locality; and**

**Finding 1.D.** *The variance would not alter the essential character of the locality, as the proposed sign would be more in line with existing signage than what is currently allowed for signage.*

**1.E. The problems extend beyond economic considerations. Economic considerations do not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Finding 1.E.** *The problems do not extend beyond economic considerations. The proposal would provide a better service to Jersey Mike's to be able to advertise their products in a manner consistent with their branding.*

**Criterion 2**

**It has been demonstrated that a variance as requested will be in keeping with the spirit and intent of this Chapter.**

**Finding 2** *The proposed variance would be in keeping with the spirit and intent of Chapter 11 (Zoning) as it would allow signage similar in size/type/location to what the City Code allows other businesses in the Highway Business (B-1) Zoning district, and it would offer a beneficial service to the community that it serves.*

**Criterion 3**

**The request is not for a use variance.**

**Finding 3** *The request is not a use variance.*

**Criterion 4**

**Conditions to be imposed by the Board of Adjustment and Appeals will insure compliance to protect the adjacent properties.**

**Finding 4** *(Dependent on the Board's action on the request.)*

**Criterion 5**

**Variances in the flood plain overlay zone also shall meet the following criteria: .....**

**Finding 5** *(Not applicable since the property is not within the flood plain overlay zone.)*

Adopted in \_\_\_\_\_ session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chairperson,  
Board of Adjustment and Appeals

ATTEST:

\_\_\_\_\_  
Michael Kerski,  
Director of Planning and Development

**PREPARED BY:**  
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