

RESOLUTION NO. PC2020-005

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A VARIANCE TO ALLOW AN ELECTRONIC MESSAGE BOARD SIGN IN THE OFFICE BUSINESS (B-2) ZONE

WHEREAS, Andrew Dahlquist of Wold Architects & Engineers, applicant, and Scott County, property owner, have filed a Variance application requesting approval to allow an electronic message board sign for property located at 200 4th Avenue West; and

WHEREAS, this parcel is presently zoned Office Business (B-2) Zone; and

WHEREAS, the property upon which the request is being made is legally described as: *Lots 1-10, Block 57, City of Shakopee, & vacated Fuller Street lying between 4th & 5th Avenues.*

WHEREAS, notice was provided and on September 3, 2020, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Community Development Director and invited members of the public to comment.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the application for Variance for an electronic message board sign is hereby APPROVED, based on the following findings with respect to City Code Sec. 151.015, Subd. B, "Criteria for Granting Variances."

Criterion I

The strict enforcement of the ordinance provisions would cause practical difficulties because of circumstances unique to the individual property under consideration. Practical difficulties 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 that would adequately identify the site yet comply with the regulations as stated in the City Code. However, due to the nature of the services they provide, it would be beneficial to regularly update/modify their messages to best benefit the community they serve.*

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

***Finding 1.B.** The plight of the applicant is due to circumstances unique to the property in that this commercial property would be allowed a monument sign of similar dimensions/height/location to a similar type of institution (i.e., City Hall), except that changeable copy would need to occur manually vs. electronically.*

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

***Finding 1.C.** The circumstances were created by the applicant as a result of the applicant's desire for signage that can be changed electronically vs. manually.*

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 not look much different than an allowed sign, except that the message would be changed electronically vs. manually.*

1.E. The problems extend beyond economic considerations. Economic considerations do not constitute a practical difficulty 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 Scott County businesses/residents by offering better information on community wide announcements/news/current events.*

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 in other business districts, 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 by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota,
this 3rd day of September, 2020.

Chair of the Board of Adjustment and Appeals

ATTEST: _____