



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, June 25, 2024**

Members Present: Chair Perry Beise, Commissioner Tony Mauren, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Jill Larson-Vito

Members Absent:

Staff Present: Community Development Director Zack Carlton and Sr. Administrative Assistant/Recording Secretary Jennifer Green

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Larson-Vito and seconded by Commissioner Johnson to approve the Board of Adjustments agenda for June 25, 2024. Motion Carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Rydberg and seconded by Commissioner Booth to approve the following consent items. Motion Carried 6-0.

4.1 Board of Adjustments - May 28, 2024

5. PUBLIC HEARINGS

5.1 Variance: Freestanding Sign Size (Height and Area), 18823 Freeport St. NW - Holiday Gas Station

Mr. Carlton presented the staff report. He stated staff is recommending the Board of Adjustments deny the sign size variance request as standards 1, 3, 4, and 5 have not been satisfied. If denied, this request will be heard by the City Council at the July 15, 2024, meeting.

Commissioner Mauren asked about the stipulation if a business was lower than the highway grade.

Mr. Carlton stated in this instance, the business is higher than the highway grade; therefore, sign height is capped at 40'. The applicant previously applied for a sign height request for an 80' sign.

Commissioner Johnson asked about the height of the Burger King and McDonald's signs.

Mr. Carlton stated both of those sign heights are approximately 50'.

Commissioner Mauren asked if this location was the only possible spot for the sign.

Mr. Carlton stated the north end near the curbing is possible, but there may be underground utilities.

Chair Beise opened the public hearing. There being no one to speak, Chair Beise closed the public hearing.

Commissioner Johnson stated the Planning Commission spent a lot of time on reviewing the sign ordinance for this area and changed the ordinance to increase the sign height due to the changes in Highway 169. He felt the size of the sign was unreasonable and didn't align with the ordinance, proposing the height to match Burger King's sign height of 47'. He was not supportive of the sign area request, which he stated was more than double the ordinance.

Commissioner Booth agreed.

Commissioner Rydberg was comfortable capping the sign height at 50' but was not sure of the sign area.

Commissioner Booth asked what the ordinance requirements were for the sign area.

Mr. Carlton stated the sign area is limited to 150 square feet per face.

Moved by Commissioner Johnson and seconded by Commissioner Rydberg to approve a sign height variance of 50' above the adjacent grade of Highway 169 and deny the request for an increase in the sign area for Holiday Gas Station located at 18823 Freeport St. NW for the following reasons:

The following standards for approval of the height variance are satisfied:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of Highway Commercial and the proposal is consistent with the Comprehensive Plan.**
- 3. The proposed use is reasonable and is permitted in the zoning ordinance.**
- 4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction.**
- 5. The variance will not alter the essential character of the locality.**

The standards for denial of the sign area variance are not met for the following reasons:

- 1. The general purpose and intent of the ordinance is not met.**
- 2. Installing a sign that exceeds the commercial zoning district limits by 80% is not reasonable.**
- 3. The interchange at Highway 169 and School Street is not a unique circumstance to the property as a 150 square foot sign would still be visible.**

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4. **A sign that is 276 square feet would be the largest and tallest sign in the area and would alter the essential character of the area.**

Motion Carried 6-0.

6. MOTION TO ADJOURN REGULAR MEETING
Moved by Commissioner Rydberg and seconded by Commissioner Booth to adjourn the Board of Adjustments meeting. Motion Carried 6-0.

The meeting adjourned at 6:49 p.m.

Minutes prepared by Jennifer Green.



Perry Beise, Chair



Tina Allard, City Clerk