

**Department of Community Planning and Economic Development – Planning  
Division Report**

Variance Request  
BZZ-2832

**Date:** March 8, 2006

**Applicant:** M&D Enterprises

**Address of Property:** 5425 Nicollet Avenue

**Contact Person and Phone:** Steve Nelson, (612) 824-8813

**Planning Staff and Phone:** Brad Ellis, (612) 673-3239

**Date Application Deemed Complete:** February 3, 2006

**End of 60 Day Decision Period:** April 4, 2006

**Appeal Period Expiration:** March 27, 2006

**Ward:** 11      **Neighborhood Organization:** Tangletown Neighborhood Association

**Existing Zoning:** C1 Neighborhood Commercial District

**Proposed Use:** Installation of one internally illuminated projecting sign, five externally illuminated wall signs, and one non-illuminated awning sign

**Proposed Variances:** A variance to allow a projecting sign on the same zoning lot as a freestanding sign; a variance to increase the maximum area of a projecting sign from 12 square feet to 22 square feet on the corner of Diamond Lake Road and Nicollet Avenue; a variance to increase the maximum allotted area of wall mounted signage from 93.3 square feet to 130.7 square feet along Nicollet Avenue; and a variance to increase the maximum allotted area of wall mounted signage from 60 square feet to 73.4 square feet along Diamond Lake Road for a General Retail Sales and Service Use in the C1 Neighborhood Commercial District.

**Zoning code section authorizing the requested variances:** 525.520 (21)

**Background:** The subject site is Diamond Lake Ace Hardware, 5425 Nicollet Avenue, in the C1 Neighborhood Commercial District. Diamond Lake Ace Hardware has recently expanded and renovated the subject site, and has proposed the installation of new signage along the building walls and on the corner of the building.

The subject property is a U-shaped lot, approximately 160 feet by 105 feet (14,769 square feet). The subject site includes a hardware store and surface parking lot. The applicant is proposing a new signage package for the entire building to enhance their recent expansion and renovation.

The site currently has a nonconforming freestanding pole sign on the southeast corner of the zoning lot along Diamond Lake Road. The applicant is proposing to install a projecting sign on the corner of Nicollet Avenue and Diamond Lake Road. A projecting sign is not allowed if a freestanding sign is on the same zoning lot without a variance.

A projecting sign in the C1 Neighborhood Commercial District is allowed a maximum of 12 square feet. The proposed projecting sign advertises Diamond Lake Ace Hardware with the word "HARDWARE" and measures 22 square feet total. The proposed projecting sign would be located on the corner of two building walls at the intersection of Nicollet Avenue and Diamond Lake Road.

On-premise signage is regulated by table 543-2, which allows one square foot of signage per one square foot of primary building wall if there is a freestanding sign on the same zoning lot. The primary building wall facing Diamond Lake Road is allowed 60 square feet of signage. The applicant has installed the words "ELECTRICAL" and "PAINT" on the primary building wall along Diamond Lake Road. Including the proposed projecting sign, the total signage on that primary building wall is 73.4 square feet. The primary building wall facing Nicollet Avenue is allowed 93.3 square feet of signage. The applicant has installed the words "HARDWARE," "PLUMBING," and "PAINT" on the primary building wall facing Nicollet Avenue. Including the proposed projecting sign, the total signage along the Nicollet Avenue primary building wall is 130.7 square feet.

### **Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**A projecting sign on the same zoning lot as a freestanding sign:** In the C1 Neighborhood Commercial District, a projecting sign shall not be allowed if a freestanding sign is on the same zoning lot. A projecting sign is a reasonable use in the C1 Neighborhood Commercial District, and the proposed projecting sign and the existing freestanding sign serve different purposes: the projecting sign would identify the building, while the freestanding sign identifies the parking. Staff does not believe adherence to the regulations would create a hardship.

**Maximum area for a projecting sign:** The maximum area for a projecting sign in the C1 Neighborhood Commercial District is 12 square feet. The applicant has proposed to install a 22 square foot projecting sign. The sign will be located on the corner of the building. When considering the maximum allotted area of wall

mounted signage for the two primary building walls, half of the 22 square feet is allotted to Nicollet Avenue and half is allotted to Diamond Lake Road. Each face of the two-sided sign is 11 square feet. Based on the fact that the sign is on the corner of an intersection, only 11 square feet will be visible at each side of the building façade. Staff believes that a projecting sign on the corner of the building, 11 square feet on each side, is a reasonable use.

**Maximum allotted area of wall mounted signage facing Nicollet Avenue:** The applicant is proposing 130.7 square feet of total signage along the primary building wall facing Nicollet Avenue. The applicant has stated that he is proposing a consistent sign package that is intended to reflect a traditional neighborhood hardware store from the 1940s. Based on the length of the primary building wall and the use of the existing freestanding sign, the maximum square footage for signage facing Nicollet Avenue is 93.4 square feet. Staff believes that the sign package, as proposed, is a reasonable use of the property.

**Maximum allotted area of wall mounted signage facing Diamond Lake Road:** The applicant is proposing 73.4 square feet of total signage along the primary building wall facing Nicollet Avenue. The applicant has stated that he is proposing a consistent sign package that is intended to reflect a traditional neighborhood hardware store from the 1940s. Based on the length of the primary building wall and the use of the existing freestanding sign, the maximum square footage for signage facing Nicollet Avenue is 60 square feet. Staff believes that the sign package, as proposed, is a reasonable use of the property.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**A projecting sign on the same zoning lot as a freestanding sign:** The existing freestanding sign on the same zoning lot prohibits the use of a new projecting sign. The parcel is unique because it is a “U” shape, with a building between the parking area containing the freestanding sign and the building walls. From Diamond Lake Road, the projecting sign and the freestanding sign appear to be on different zoning lots. The freestanding sign primarily indicates the location of the parking lot, while the projecting sign will indicate/identify the use as a hardware store.

**Maximum area for a projecting sign:** The subject property is located on the corner of Nicollet Avenue and Diamond Lake Road. This is a congested and busy

intersection. The location of the structure is a circumstance that has not been created by the applicant

**Maximum allotted area of wall mounted signage facing Nicollet Avenue:** The existing freestanding sign on the same zoning lot limits the maximum area allowed for wall signage. The freestanding sign and wall mounted signage along Nicollet Avenue will serve different purposes; one will identify the location of the parking lot and the other will identify the use a hardware store. The existing freestanding sign that does not serve the same purpose of the wall mounted signage is a circumstance of the unique parcel shape and has not been created by the applicant.

**Maximum allotted area of wall mounted signage facing Diamond Lake Road:** The existing freestanding sign on the same zoning lot limits the maximum area allowed for wall signage. The freestanding sign and wall mounted signage along Diamond Lake Road will serve different purposes; one will identify the location of the parking lot and the other will identify the use a hardware store. The existing freestanding sign that does not serve the same purpose of the wall mounted signage is a circumstance of the unique parcel shape and has not been created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**A projecting sign on the same zoning lot as a freestanding sign:** Staff does not believe the proposed projecting sign will alter the essential character of the neighborhood, since the intersection of Nicollet Avenue and Diamond Lake Road contains all commercial uses. The Minneapolis Plan designates Nicollet Avenue south of Lake Street as a Community Corridor. The additional projecting sign should have minimal impact on the adjacent properties due to the height and location of the sign. The existing freestanding sign is out of character with the 1940s-style sign package the applicant has proposed for the remainder of the lot.

**Maximum area for a projecting sign:** Staff does not believe a larger projecting sign will alter the essential character of the neighborhood, since the intersection of Nicollet Avenue and Diamond Lake Road contains all commercial uses. The Minneapolis Plan designates Nicollet Avenue south of Lake Street as a Community Corridor. The larger projecting sign should have minimal impact on the adjacent properties due to the height and location of the sign.

**Maximum allotted area of wall mounted signage facing Nicollet Avenue and Diamond Lake Road:** Staff does not believe the additional signage will alter the essential character of the neighborhood. The Minneapolis Plan designates

Nicollet Avenue south of Lake Street as a Community Corridor. The additional signage should have minimal impact on the adjacent properties. The existing freestanding sign is out of character with the 1940s-style sign package the applicant has proposed for the remainder of the lot, and shines a bright white light onto the adjacent residential property.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**A projecting sign on the same zoning lot as a freestanding sign, maximum area for a projecting sign, and maximum allotted area of wall mounted signage facing Nicollet Avenue and Diamond Lake Road:** Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure be detrimental to the public welfare or endanger the public safety.

**Findings Required by the Minneapolis Zoning Code for a sign adjustment:**

1. **The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

**A projecting sign on the same zoning lot as a freestanding sign:** Staff believes the addition of a projecting sign to this building will not increase sign clutter in the area. There are many existing signs along Nicollet and a high quality projecting sign can help draw attention to the building. A projecting sign is a consistent use within the C1 Neighborhood Commercial District. The credit card band and the message board on the freestanding sign could lead to sign clutter with the additional signage proposed.

**Maximum size for a projecting sign:** The applicant applied for the sign variance with the desire to increase the visibility of the building. The purpose of the ordinance is to regulate the amount of signage on the structure. Staff believes the larger proposed projecting sign is consistent with the C1 Zoning District.

**Maximum allotted area of wall mounted signage facing Nicollet Avenue and Diamond Lake Road:** The signage along Nicollet Avenue does not lead to sign clutter in the area. The signs are evenly spaced along the building, and are not out of character with the area. The signage is consistent with the C1 Zoning District. The credit card band and the message board on the freestanding sign could lead to sign clutter with the additional signage proposed.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

**A projecting sign on the same zoning lot as a freestanding sign:** The applicant has indicated that they have been remodeling the store to reflect a traditional neighborhood hardware store from the 1940s. The sign will be professionally constructed and installed. The proposed sign is an interesting design, simply the word “HARDWARE,” and is in keeping with a 1940s theme. The existing freestanding sign is not consistent with the 1940s theme the applicant is implementing for the building.

**Maximum size for a projecting sign:** The applicant has indicated that they have been remodeling the store to reflect a traditional neighborhood hardware store from the 1940s. The sign will be professionally constructed and installed. The proposed sign is an interesting design, simply the word “HARDWARE,” and is in keeping with a 1940s theme. The existing freestanding sign is not consistent with the 1940s theme the applicant is implementing for the building.

**Maximum allotted area of wall mounted signage facing Nicollet Avenue and Diamond Lake Road:** The wall-mounted signs are traditional, and are understated, simply advertising products as opposed to the name of the store. The signs are in keeping with a 1940s traditional neighborhood hardware store theme. The existing freestanding sign is not consistent with the 1940s theme the applicant is implementing for the building.

**Recommendation of the Department of Community Planning and Economic Development Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to allow a projecting sign on the same zoning lot as a freestanding sign; to **approve** the variance to increase the maximum area of a projecting sign from 12 square feet to 22 square feet on the corner of Diamond Lake Road and Nicollet Avenue; to **approve** the variance to increase the maximum allotted area of wall mounted signage from 93.3 square feet to 130.7 square feet along Nicollet Avenue; and to **approve** the variance to increase the maximum allotted area of wall mounted signage from 60 square feet to 73.4 square feet along Diamond Lake Road for a General Retail Sales and Service Use in the C1 Neighborhood Commercial District, subject to the following conditions:

- 1) Reface the existing freestanding sign in a manner consistent with the 1940s theme as outlined by the applicant. The applicant must obtain a sign permit for the façade replacement.
- 2) Eliminate the message board portion of the freestanding sign
- 3) Eliminate the credit card band on the pole of the freestanding sign.
- 4) The applicant must obtain a sign permit for the proposed signs.