

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

Variance Request  
BZZ-3862

**Date:** November 29, 2007

**Applicant:** Cammy Monnens and Bjorn Bowman (sign contractors)

**Address of Property:** 6014 Portland Avenue South

**Contact Person and Phone:** Cammy Monnens, (651) 644-4445

**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494

**Date Application Deemed Complete:** October 30, 2007

**Public Hearing:** November 29, 2007

**Appeal Period Expiration:** December 10, 2007

**End of 60 Day Decision Period:** December 31, 2007

**Ward:** 11      **Neighborhood Organization:** Hale, Page, Diamond Lake Community Association

**Existing Zoning:** C1 Neighborhood Commercial District and SH Shoreland Overlay District

**Proposed Use:** Addition of a wall sign.

**Proposed Variances:** A variance to allow for an 18 sq. ft. wall sign on a property that currently exceeds their sign budget.

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

**Background:** The subject property, 6014 Portland Avenue South, is an interior lot located on Portland Avenue between 60<sup>th</sup> and 61<sup>st</sup> Street. The lot is 80 feet x 127.6 feet (10,214 sq. ft.). The property is the site of a Dairy Queen ice cream store, which has been at this location since 1960. This Dairy Queen is one of the oldest in the Twin Cities and is mentioned in the American Institute of Architects (AIA) Guide to the Twin Cities (see appendix D)<sup>1</sup>. The building on the subject property is a one-story building that measures 24 feet wide x 38 feet deep.

The subject property has two signs, an 85 square foot pylon sign that consists of the Dairy Queen logo (60 square feet) and reader board (25 square feet). The second sign is a 75 square foot roof-top sign that

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<sup>1</sup> The AIA Guide to the Twin Cities is a book that highlights architectural features in Minneapolis and other cities in the metropolitan area.

has an ice cream cone and reads “Dairy Queen.” This roof-top sign is considered a potential historic resource; like the building, it was constructed in 1960 and is mentioned in the AIA Guide to the Twin Cities

The applicant, who purchased the DQ franchise in 2003, is proposing a new signage package in order to advertise the new business that will be added to the building, Orange Julius. The proposed new sign package includes replacing the pylon sign with a new Dairy Queen logo and reader board (see appendix C3). The proposed new Dairy Queen logo sign will be 47 square feet, which is 13 square feet smaller than the existing logo sign. The proposed reader board will be the same size as the existing sign and read “Orange Julius” on the bottom portion. These alterations to the pylon do not require a variance. The part of the sign project that does require a variance is the addition of an 18 square foot, internally illuminated Orange Julius wall sign on the primary elevation (see appendix C2).

There are two reasons why the subject property requires a variance for the proposed wall sign. First, this property contains a freestanding and projecting sign on the same lot, which is not allowed by the Zoning Code<sup>2</sup>. Therefore, any additional signage would require a variance. The second reason is that the subject property currently exceeds their sign budget. A C1 Zoned property is allowed a 54 square foot freestanding sign and wall signs, or a 12 square foot projecting sign and wall signs. The subject property contains an 85 square foot freestanding sign, and a 75 square foot nonconforming projecting sign. Since the property exceeds the maximum square footage for the freestanding and projecting signs any new signage will exceed their sign allowance.

**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.**

The applicant is proposing to add an 18 square foot wall sign to the primary elevation of the building to advertise their new, second business, Orange Julius. Strict adherence to the Zoning Code would not allow for additional signage unless the nonconforming, roof-top sign was removed. Staff believes the proposed wall sign is a reasonable use of the property. Staff also believes that the property’s hardship is that the Zoning Code would require the applicant to remove the roof-top sign, which is a potential historic resource, to allow for the proposed sign.

- 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.**

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<sup>2</sup> The freestanding and projecting sign are legally nonconforming.

The circumstance upon which this variance is requested that is unique to this property of land and was not created by the applicant is the 75 square foot roof-top sign, which is a potential historic resource.

- 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.**

Staff believes that granting the variance to allow for the proposed wall sign will be in keeping with the spirit and intent of the ordinance. This is in large part due to the property owner maintaining the roof-top sign, which is a potential historic resource. If the 1960 roof-top sign was not on the building, a variance would not be required for the proposed wall sign.

Staff also believes that granting this variance will help maintain the 1960's character of this area while not being injurious to use or enjoyment of property in the vicinity. The commercial businesses at the corner of 60<sup>th</sup> Street East and Portland Avenue are zoned C1 like the subject property and have a comparable amount of signage.

- 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.**

Granting the variances would have no impact on the congestion of area streets or fire safety, nor would it 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.**

Staff believes that the proposed sign will not lead to sign clutter in the area even though the property exceeds its sign budget, and is not in conformance with Minneapolis Zoning Code Provision 543.100, Types of Signs Allowed (a projecting and freestanding sign are not permitted on a lot zoned C1). There are two reasons why staff feels the proposed sign does not lead to sign clutter. First, the roof-top sign is considered a potential historic resource and will be maintained. Second, the proposed wall sign would not require a variance if the 1960's roof top sign was removed.

- 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.**

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Staff believes that the proposed wall sign is of a quality design. The Orange Julius wall sign will consist of individually mounted aluminum channel letters. It will be internally illuminated with white LED lighting.

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

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 for an 18 square foot wall sign on a property that currently exceeds their sign budget, subject to CPED-Planning reviewing and approving the final sign permit application.

**Appendices:**

- Appendix A. Zoning Map
- Appendix B. Statement of Proposed Use and Description of Project
- Appendix C. Site Plan, Proposed Sign Information, and Pictures
- Appendix D. AIA Guide to The Twin Cities
- Appendix E. Aerial