

RESOLUTION 2025-27

RESOLUTION GRANTING A VARIANCE TO INSTALL A SECOND SIGN THAT EXCEEDS THE REQUIRED SIZE LIMITATION AT 202 8TH AVENUE SE IN THE CITY OF PIPESTONE

WHEREAS, C & A Enterprises LLC, d/b/a Harvey Sign Co (“Applicant”) submitted an application for a variance to the City of Pipestone (“City”) to construct a sign on property located at 202 8th Avenue SE (PID 18.720.1700), which is owned by First State Bank Southwest (“Owner”) and is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the Applicant and Owner’s request for a variance seeks to install additional signage to an existing business sign on the Property, which increases the total area of the signage to 133 square feet and which exceeds the size limitation for freestanding business signs on the Property; and

WHEREAS, the proposed placement of the signs is set forth in Exhibit B attached hereto; and

WHEREAS, on April 8, 2025, upon proper and sufficient published notice, notice to affected properties and notice to properties in the area of the Property, the City of Pipestone Board of Appeals and Adjustments held a public hearing regarding the requested variance, considered the information presented, and voted to forward the application to the City Council with a recommendation that the variance be approved; and

WHEREAS, the City Council considered the requested variance at its meeting on May 5, 2025 and finds as follows:

- a. The Property is currently zoned B-3 Highway Business District;
- b. Section 153.32(D)(3) of the City Code provides that the total area for freestanding signage for business signs cannot exceed 100 square feet;
- c. Section 153.32(C) of the City Code defines a “business sign” as “A sign which directs attention to a business, commodity, or a commodity service, or entertainment sold or offered upon the premises where such a sign is located.”;

- d. The Applicant proposes to install additional business signage to an existing business sign on the Property, which directs attention to businesses on the Property as depicted on Exhibit B attached hereto;
- e. The additional signage increases the total area of the signage to 133 square feet, which exceeds the size limitation for freestanding business signs on the Property;
- f. In accordance with Section 153.27 of the City Code and Minnesota Statutes, section 462.357, subd. 6, the Board of Appeals and Adjustments found and determined as follow:
 - (1) The Property cannot yield a reasonable use if permitted to be used only under conditions allowed by the regulations governing the district in which the Property is located. The additional signage supports the businesses on the Property, and the increase in total area is minimal;
 - (2) The plight of the Owner is due to unique circumstances not normally applicable to land holdings within the same district. The minimal increase in total sign area does not increase to structure of the existing freestanding sign on the Property;
 - (3) The proposal is in harmony with the general purpose and intent of the City Code. The signage supports businesses on the Property and is an update of the existing freestanding sign;
 - (4) The proposal is consistent with the City's Comprehensive Plan and will be compatible with present and future land uses of the area. The minimal increase in the total area of the signage is consistent with uses in the area;
 - (5) The variance, if granted, will not alter the essential character of the locality. The additional signage does not alter or increase the size of the structure of the existing freestanding sign on the Property;
 - (6) The Owner intends to use the property in a reasonable manner not permitted in the City Code. The additional signage supports businesses on the Property; and
 - (7) There are unique circumstances to the Property not created by the Owner that creates a practical difficulty.

- d. The City Council additionally finds and determines that the criteria for approval of a variance set forth in Section 153.27 of the City Code and Minnesota Statutes, section 462.357, subd. 6 have been met by the proposal.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, including the application, information presented at the public hearing and the findings and determinations contained herein, the City Council hereby approves and issues a variance to install additional business signage on the Property, which exceeds the sign size limitation for business signs, subject to all of the following conditions, restrictions, and requirements:

1. Scope of Variance. This variance allows the Applicant and the Owner to install signs on the Property as depicted in Exhibit B and in accordance with the plans and specifications submitted with the variance application, which is incorporated herein by reference. The signs must be constructed and placed in accordance with the conditions imposed on this variance, the requirements of the City Code, and all other applicable regulations.
2. Commencement of Work. If construction in accordance with the plans and specifications submitted with the variance application is not substantially started within two years from the date of the issuance of the variance, the variance shall become void. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete.
3. Binding Effect. This variance and its conditions must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership of the Property.
4. Legal Compliance. This variance is subject to the requirements of the City Code and the Owner is required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances.
5. Acceptance of Conditions. Utilization of the Property pursuant to the variance shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the variance without qualification, reservation, or exception.
6. No Waiver. A failure by the City to take action with respect to any violation of any condition, covenant or term of this variance shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.

Passed and adopted by the City Council of the City of Pipestone this 5th day of May, 2025.

Dan Delaney
Mayor

ATTEST:

Stephanie LaBrune
City Clerk

EXHIBIT A

Legal Description of the Property

Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-One (21), in Block Nine (9) of Sanford's Addition to the City of Pipestone, County of Pipestone, State of Minnesota.

EXHIBIT B
Signs

