

MINUTES OF THE BOARD OF APPEALS MEETING
Board of Appeals
06-13-12

The meeting of the Slinger Board of Appeals was called to order by Chairman Martin at 300 Slinger Road, Slinger Wisconsin on Wednesday, June 13, 2012 at 5:30 p.m.

I. Roll Call & Notice of Meeting:	<u>Present</u>	<u>Absent</u>
Candi Martin	x	
Eugene Mueller	x	
Dawn Smith	x	
Larry Toraason	x	
Craig Wolf	x	
Dave Malecha (Alternate)		x, excused
Erin Rauh (Alternate)		x, excused
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Also Present: Terry Frederickson, Village Building Inspector/Zoning Administrator
Margaret Wilber, Deputy Clerk

Chairman Martin called the meeting to order at 5:30 p.m. Deputy Clerk Wilber took the roll call and stated that the open meeting law had been complied with in connection with this meeting.

Deputy Clerk Wilber administered the Oath of Witness to all who wished to speak before the Board at this time. Sworn in were Zoning Administrator Terry Frederickson 300 Slinger Road and Jerome J. Krukar, W2887 Bleisle Road, Iron Ridge WI.

II. Public Hearing

A. Petition for Appeal

Deputy Clerk Wilber read the Notice of Public Hearing and announced that the petitioner, Jerome Krukar, was requesting a variance to allow a new 3’x6’ sign to be installed at the southwest corner of Industrial Drive and Info Highway with a setback distance of 5 foot, which would not meet the 10-foot setback requirement. Deputy Clerk Wilber informed the Board that all posting and publication requirements had been met and no commentary had been received prior to this meeting.

Chairman Martin opened the public hearing portion of the meeting at 5:33 p.m. and asked the petitioner to present his case.

B. Petitioner’s Case

Jerome Krukar, owner of ABS Sales & Service, informed the Board that the sign in question was actually 3’x5’ and not 3’x6’ as stated in the public hearing notice. Mr. Krukar stated that his plan was to place a large granite sign at the top of the berm located on his property at the corner of Industrial Drive and Info Highway. He stated this will require a concrete foundation and grounded supports. Mr. Krukar explained that he would like this sign to be visible from the roadway and in order to do this, the concrete foundation would have to be placed at 5’ from the property line instead of the 10’ setback that the building code requires.

Mr. Krukar stated the variance was needed because of where the berm is located on his property. He stated there is an approximately 6' drop off between the top of the berm and the parking lot located behind it. Mr. Krukar informed the Board that he also planned to plant flowers and shrubs around the sign to make it visually appealing. Mr. Krukar stated he had no further information to provide at this time.

C. Zoning Administrator's Determination

Chairman Martin asked Zoning Administrator Frederickson to present his findings to the Board. Zoning Administrator Frederickson explained why a variance would be needed in this case and stated it was his opinion that the proposed sign would be consistent with other signage in the area. He stated there did not appear to be any utilities in the setback that would be disturbed by this installation. He further stated the sign placement would not obstruct vision for drivers approaching the intersection. Zoning Administrator Frederickson informed the Board that he would recommend approval of this request.

D. Public Comment Period

Chairman Martin opened the public comment portion of the meeting at 5:40 p.m. and asked if anyone else in attendance wished to make a comment during this time. There being no further public comment, Chairman Martin closed the public comment portion at 5:42 p.m.

E. Closing Statements

Chairman Martin asked Mr. Krukar if he wished to make a closing statement. Mr. Krukar stated he had nothing to add at this time.

Chairman Martin asked Zoning Administrator Frederickson if he had anything to add for a closing statement and he stated he did not.

III. Deliberation of Petition:

A. Discussion on the required variances:

Chairman Martin asked the Board if they had any questions for the petitioner.

Board Member Mueller asked about the plantings around the proposed sign and whether any of them would grow tall enough to obstruct vision within the intersection. Mr. Krukar stated that the shrubs would be low enough to prevent any vision obstructions to the stop sign or in the intersection in general.

Board Member Toraason asked how the location was selected. Mr. Krukar stated the proposed placement appeared to conform with the placement of other signs within the industrial park. He stated he selected this particular location because it would maximize the sign's visibility from the roadway. Board Member Toraason asked if there were other possible locations for the sign to be installed and Mr. Krukar stated there were several other possible sites.

Board Member Knipfer asked how it would be determined that the sign would be placed exactly 5' from the lot line. Mr. Krukar stated he was not familiar with the process but he would be willing to have a surveyor confirm the lot line if needed. Deputy Clerk Wilber stated that the exact determination of the lot line could be made one of the conditions of approval if the Board wished to approve this request.

Board Member Knipfer stated he had examined the area and the sign for the building across the street from Mr. Krukar's company appeared to also be closer to the lot line than allowed under the code. He asked how this was authorized and if an earlier Board of Appeals had approved the location for that sign.

Zoning Administrator Frederickson stated that the sign in question had been installed before he began working as zoning administrator and he would have to do some research to find out how its placement was decided. He explained that even if the property owner had received permission to install that sign within the required setback, each variance request is supposed to be evaluated on its own merits. He stated that prior decisions do not change code requirements and all relevant circumstances must be considered in each situation.

B. Findings of Fact

Chairman Martin asked Deputy Clerk Wilber to review the findings of fact that are used to make any determination on variance requests. Deputy Clerk Wilber read the findings of fact as listed in Village of Slinger Zoning Code Section 12.07. She explained that five findings need to be deliberated: Preservation of Intent, Exceptional Circumstances, Economic Hardship and not Self-Imposed Hardship, Preservation of Property Rights and Absence of Detriment. Chairman Martin asked each Board member to discuss their views on this request with regard to the findings of fact.

Discussion was held on the request and the fact that there were several other locations on the property where a sign could be installed without encroaching on the setback. Board members stated this would appear to be a self-imposed hardship, which would not justify the granting of a variance. Mr. Krukar stated that he would face a hardship if this request is denied because the sign has already been constructed.

Board members discussed the fact that it appeared that other signs may have been installed within property setbacks in the past, but with no further information on those situations it would not be possible to determine what circumstances were considered at the time.

C. Additional Conditions (if necessary) – None

D. Action to Approve, Modify, or Deny the Requested Variance

Board Member Mueller stated it was his opinion that installation of the sign would still be appropriate even if other locations on the property were available. He made the motion to approve the request for a variance to Section 6.05B of the Village Sign Code to reduce the setback for the proposed ground sign for ABS Sales and Service at 731 Industrial Drive subject to the condition that the exact location of the lot line be determined to confirm that the sign will be located 5' from the lot line.

No second was offered for the motion made by Board Member Mueller and the motion failed.

Motion Toraason/Wolf to deny the request for a variance to Section 6.05B of the Village Sign Code to reduce the setback for the proposed ground sign for ABS Sales and Service at 731 Industrial Drive based on the finding that this would be a self-imposed hardship and not sufficient grounds for a variance. A roll call vote was taken on this motion with the following results: Yea's: Martin, Knipfer, Toraason, Wolf; Nay's: Mueller. The motion was passed.

E. Notice of Appeal Rights

Deputy Clerk Wilber informed Mr. Krukar of his rights to appeal this decision and stated he would receive a letter with detailed information on the appeal process within the next few days.

IV. Adjourn Meeting

Motion Toraason/Mueller to adjourn at 5:58 p.m.; carried.

Margaret Wilber, Deputy Clerk