

**MINUTES OF THE BOARD OF APPEALS MEETING
5-27-2020**

The meeting of the Slinger Board of Appeals was called to order by Chairman Wolf at 300 Slinger Road, Slinger Wisconsin on Wednesday, May 27, 2020 at 5:30 p.m.

I. Roll Call & Notice of Meeting:	<u>Present</u>	<u>Absent</u>
Craig Wolf	x	
Rick Knipfer	x	
Chris Leis	x	
Eugene Mueller	x	
Doug Thiel	x	
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Also Present: Tammy Tennes, Clerk
Greg Darga, Village Building Inspector/Zoning Administrator
Mary Censky, Village Planner/Zoning Administrator

Clerk Tennes took the roll call and stated that all posting and publication requirements had been met. Clerk Tennes read the Zoning Board Announcement of Proceedings and the public notice.

Clerk Tennes administered the Oath of Witness to all who wished to speak before the Board at this time. Sworn in were Kevin Dittmar N81 W15111 Appleton Ave, Menomonee Falls, WI 53051, Carla Dunn N81 W15111 Appleton Ave, Menomonee Falls, WI 53051, Building Inspector/Zoning Administrator, Greg Darga 300 Slinger Rd. Slinger, WI 53086 and Village Planner/Zoning Administrator, Mary Censky 300 Slinger Rd. Slinger, WI 53086.

II. Public Hearing:

A. Petition for Appeal: American Eagle Self Storage LLC is requesting a variance to install a ground sign with a 4 ft. offset to the side lot where Village Code Sections 550-58C 2 & 550-29 G. combine to require that the offset to the side lot line should be 20ft. The property is located at 2010 American Eagle Dr. & zoned B-2 Commercial Business District

Chairman Wolf announced that Mr. Dittmar, LLC are petitioning for a variance to allow the installation of a ground sign with a 4 ft. offset to the side lot, while the Village code requires that the offset to the side lot line should be 20ft. The property is located at 2010 American Eagle Dr.

B. Opening Statement of Petitioner

Mr. Kevin Dittmar, owner of American Eagle Storage LLC asked that all of the documents provided to the Board be entered for the record as testimony. He stated that the total width of the property near the road is 40ft., making the 20ft. requirement physically impossible.

C. Zoning Administrator/Staff Review of Petition

Chairman Wolf asked Zoning Administrator Darga to discuss the Village's position on this petition. Zoning Administrator Darga stated that he had received the application for the sign and the sign was in compliance, but the setback requirement was not met and the application was denied. He stated that the parcel is a flag lot and the Village ordinance requires the building on the parcel to be identified by number. Zoning

Administrator Darga noted that this is not a self-imposed hardship and is a reasonable request.

D. Public Comment Period

Chairman Wolf opened for public comments at 5:44pm and there being no comments, the public comments portion was closed at 5:45pm.

E. Closing Statements & Close Hearing

Chairman Wolf asked Mr. Kevin Dittmar and Zoning Administrator Darga to present their closing statements.

No further comments were made.

III. Deliberation of Petition:

A. Discussion on required variance:

Board member Knipfer inquired on the width requirements of the driveway and why the 8ft. of green space was not used for the sign.

Mr. Dittmar informed the Board that if the sign was placed in the 8ft of green space, it would be in the vision triangle.

Board member D. Thiel asked why an island in the driveway was not an option. It was explained that there would not be enough turn-a-around room for the larger RV's that would be using the storage units or the fire trucks that might need to enter.

B. Findings of Fact

Chairman Wolf read the findings of fact that are used to make any determination on variance requests as listed in Village of Slinger Zoning Code Section 12.07.

Board members discussed that rather than a 20ft. offset to the side lot line of 2010 American Eagle Drive the petitioners would like the to install a ground sign with a 4ft. offset to the side lot at 2010 American Eagle Drive. It was noted that the width of the lot at the entrance driveway is 40st. and has a 24ft. wide drive isle.

Chairman Wolf went through the Zoning Board of Appeals Guild which includes five findings need to be deliberated: Preservation of Intent, Exceptional Circumstances, Economic Hardship and Self-Imposed Hardship, Preservation of Property Rights and Absence of Detriment.

Chairman Wolf discussed and the Board agreed that the establishment, maintenance or operation of the request would not be reasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Regarding exceptional circumstances, discussion was held that there are unusual circumstances or conditions applying to the parcel. It was stated that 20ft. from the side yard would not be possible because

there is only 8ft available because of the size of the entrance and the sign would be placed approximately 10ft back so that it is not in the vision triangle, thus, this property does have exceptional circumstances.

Chairman Wolf stated that in regards to exceptional circumstance, there are exceptional conditions applying to the lot that do not apply generally to other properties in the same district and the granting of the variances would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed. Board members agreed that there are exceptional circumstances due to the flag shape of the lot.

Chairman Wolf stated that in regards to economic hardship and self-imposed hardship, there is a hardship for consideration in this case. It was noted that the variances are not based solely on economic gain or loss and that the hardship in this situation is not self-imposed. It was stated that the code requires a sign be displayed at the road and the only way to remedy this matter is to approve a variance to allow the requested 4ft offset which would place the sign in the middle of the 8ft wide greenspace along the west side of the paved drive.

Chairman Wolf stated that in regards to preservation of property rights, the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity. It was stated that the proposed side lot setback of 20ft. is not feasible, it will place the sign within the paved driveway area.

Chairman Wolf stated that in regards to absence of detriment, the variance does not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of the public interest.

C. Additional Conditions (if necessary)

No additional conditions were presented.

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

Motion Knipfer/Mueller to approve the variance to allow the installation of a ground sign with a 4f5t offset to the side lot located at 2010 American Eagle Dr.: Yea's: Wolf, Leis, Mueller, Knipfer and Thiel; Nay's: None. Motion passed.

E. Notice of Appeal Rights

It was noted that the notice of appeal rights was not read, due to the approval of the appeal without any modifications and no public comment against the requested variance.

IV. Adjourn Meeting

Motion Knipfer/Leis to adjourn at 5:53 p.m. Motion passed.

Tammy Tennies, Clerk