

ZONING BOARD OF APPEALS
October 21, 2008 5:30 PM Fire Department

APPROVED

CALLED TO ORDER 5:30pm

PRESENT: Amy Zott, Bill Goulding, Dan Snyder, David Wawrzyniakowski, Ron Patla and Jon Schultz.

Absent: Joel Weis. **Excused:** None.

APPROVAL OF MINUTES: The minutes of August 19, 2008 were approved on a motion by Ron Patla, seconded by Dan Snyder.

CITIZEN COMMENTS: Alderman Katie Simenson had made comments on the issue of signs and variance requirements via phone calls to Amy Zott and other Zoning Board members.

APPEAL: By Phillip Moran, Best Value Flooring & Contract Design regarding the property located at 941 Milwaukee Avenue for a variance from Section 315-71D of the zoning ordinance, which in this case establishes a maximum accumulated total sign area of 140 square feet and can only be located on the exterior wall that fronts on a public street. And 315-71 D Note © In the B-1 zoning district, primary business entryways that do not face onto a public street shall be permitted one wall sign not exceeding eight square feet.

Appearing in favor of the variance request was Julie Burres of RSV Engineering, Big Bend, WI and Phillip Moran of Best Value Flooring, 941 Milwaukee Ave, Burlington. No one appeared opposed to the variance request. The City, in the Presence of Zoning Administrator Pat Scherrer, was opposed to granting the variance.

DISCUSSION: Julie Burres explained that the request was to have two signs at 4' x 16' each to be located on each side of the building requiring a variance of 56 square feet for one and 64 feet for the other. It was noted that the building sets well into the right a way which makes a frontal sign difficult to see and there are no street side entrances. It was further noted that in October of 2005 a variance was granted to Lynch Dealerships to place Jeep signs on each side of the building, each exceeding the eight square feet maximum. That variance was granted with the condition that the signs be removed within 5 years and with the understanding that the entire property was to be developed within 5 years.

RULING: The building's location does make a frontal sign difficult to see and the lack of adequate signs adversely affects its use as a retail facility. However, alternatives do exist and the variance request was based primarily on economic, self imposed hardship which is specifically not grounds for granting a variance.

MOTION: By Dan Snyder to grant variances based on the precedence of the October 2005 ruling and with an extension of the 5 year removal condition died for want of a second. Therefore, the variance request was denied.

ZONING BOARD OF APPEALS

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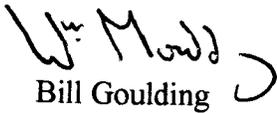
APPEAL: Jeffrey and Chantal Horn regarding the property located at 324 Origen Street for a variance from Section 315-54A of the zoning ordinance, which states in part that uncovered stairs may project into any yard but not to exceed six feet and not closer than three feet to any lot line. And Section 315-56 the required street yards may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in any residential district.

Appearing in favor of the variance request was Jeffrey and Chantal Horn 324 Origen Street, Burlington. No one appeared opposed to the variance request. The City, in the Presence of Zoning Administrator Pat Scherrer, was opposed to granting the variance.

DISCUSSION: Jeffery Horn explained that he wanted to build a portico covering the front entrance to his home to divert the roof runoff which currently causes ice build up on the steps each winter. While this is a safety issue it is not unique in the older areas of the City where street construction have left houses with non-conforming street yards.

RULING: The Ordinances are such that any attempt to cover the stairs would be considered an addition to the structure and therefore in violation of the setback requirements. The Chair chose to table the variance request giving the Horns the opportunity to seek other solutions and return to this board if a variance would be required.

ADJOURNMENT: With a motion by Dan Snyder, seconded by Ron Patla, the meeting was adjourned at 7:00 pm on Tuesday October 21, 2008.


Bill Goulding
Secretary