

CITY OF EDGERTON
CITY HALL
12 ALBION STREET

ZONING BOARD OF APPEALS

Wednesday, May 15, 2024 AT 6:30 P.M.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to Order; Roll Call.
2. Confirmation of Appropriate Meeting Notice Posted Friday, May 10, 2024.
3. Public Hearing:
 - a. Hear comments regarding a request by Edgerton Hospital and Health Services for a variance to Chapter 450-63 C(1)(c)[1] for the property located at 2-4 Burdick Street to allow the installation of more signage than allowed by the Zoning Ordinance.
 - b. Close the public hearing.
4. Consider a request by Edgerton Hospital and Health Services for a variance to Chapter 450-63 C(1)(c)[1] for the property located at 2-4 Burdick Street to allow the installation of more signage than allowed by the Zoning Ordinance.
5. Consider approval of June 12, 2023 Zoning Board of Appeals meeting minutes.
6. Adjourn

cc: All Board Members
All Council Members
City Attorney
Newspapers
City Administrator
Department Heads

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: May 15, 2024

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 450-63 C(1)(c)[1] to allow the installation of more and larger signs than allowed by the Zoning Ordinance.

Address: 2-4 Burdick Street. (6-26-66)

Applicant: Edgerton Hospital and Health Services

Current Zoning/Land Use: B2 / clinic and office

STAFF REVIEW COMMENTS

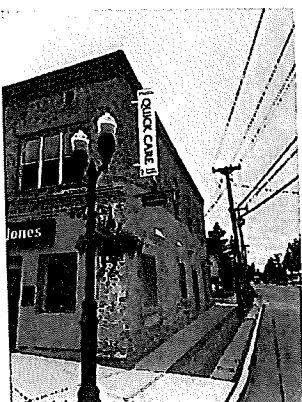
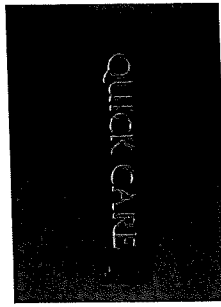
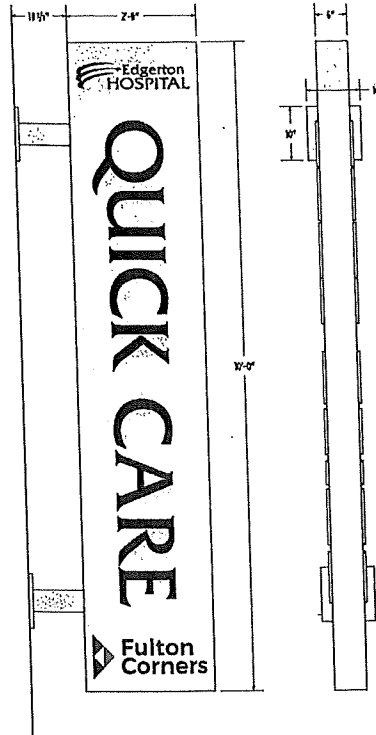
The zoning administrator has reviewed the petition in accordance with Section 450-21 of the Edgerton Zoning Ordinance, and found it to be complete and that it fulfills the requirements of this chapter and has the following comments:

1. The petitioner wishes to install three advertising signs on the structure. The property at 2-4 Burdick Street is one parcel with two businesses. The ordinance allows for two signs per business for a total of 50 sq feet of signage. The existing business, Edward Jones, has two signs totaling 24.3 sq ft.
2. The petitioner proposes to install a double-faced, projecting sign located on the W Fulton Street façade and two wall signs on Burdick Street identifying each entrance. The total area of the three proposed signs is 55.6 sq ft. If approved, the total combined sign area on the property would be 79.9 sq ft (50 sf maximum).
3. The projecting sign complies with the ordinance configuration requirements. It will be internally lit.

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- PAINT COLOR TBD
- TRANSLUCENT VINYL
- TRANSLUCENT VINYL
- TRANSLUCENT VINYL
- TRANSLUCENT VINYL

JOB DESCRIPTION

LED ILLUMINATED DOUBLE SIDED FLAG MOUNTED WALL SIGN

ALUMINUM FABRICATION, ROUTED ALUMINUM FACES. PAINT TO MATCH WALL COLOR. CD LOGOS TO BE ROUTED FROM ALUMINUM FACE. BACK WITH ACRYLIC WITH APPLIED TRANSLUCENT VINYL. "QUICK CARE" TO BE 3/4" ACRYLIC PUSH THRU WITH APPLIED TRANSLUCENT VINYL.

INSTALL SIGN FLUSH TO EXTERIOR BRICK WALL. CUSTOMER RESPONSIBLE FOR RUNNING ELECTRICAL TO SIGN LOCATION PRIOR TO INSTALLATION.

TOTAL SQ. FT. OF SIGNAGE: _____ VIEWING DISTANCE OF PRIMARY SIGN COPY: _____

UNLESS OTHERWISE SPECIFIED:
 * ALL BALLASTS WILL BE COLD START ALL-WEATHER BALLASTS. * 120V PRIMARY POWER TO SIGNS WILL BE BY OTHERS. * ALL DATA LINES TO ELECTRONIC SIGNAGE WILL BE BY OTHERS. * ALL PAINT COLORS WILL BE SEMI-GLOSS FINISH.
 THIS IS AN ORIGINAL COMPUTER GENERATED COLOR PRINT. COLORS REPRESENTED ON THIS PRINT MAY NOT MATCH THE END USE, VINYL OR PAINT COLORS EXACTLY. IT IS TO BE VIEWED AS A REPRESENTATION ONLY. ALL LOGOS & SPECIFICATIONS ARE THE SOLE PROPERTY OF ALPHAGRAPHICS.
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FILE NAME _____ DATE _____ SCALE _____

JOB NAME _____

LOCATION _____

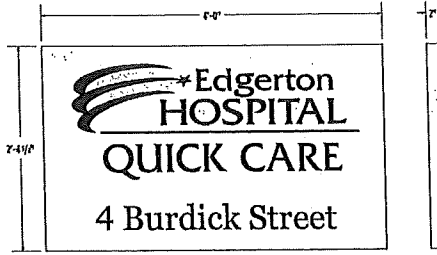
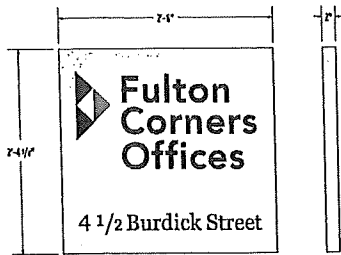
DRAWN BY _____ SALESMAN _____

DESIGN APPROVED BY _____ AUTHORIZED SIGNATURE _____

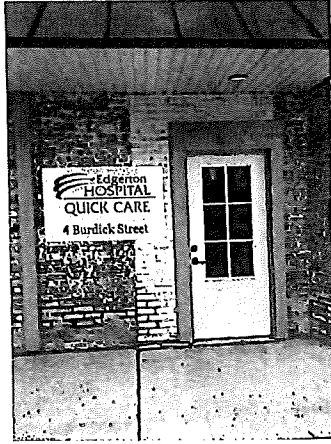
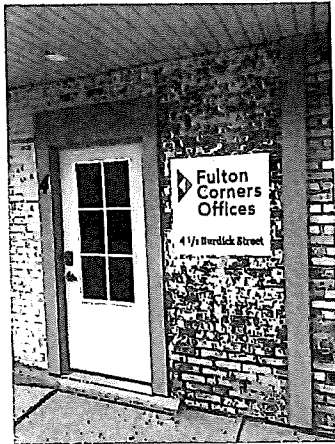
DATE _____

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- PAINT COLOR TBD
- VINYL COLOR TBD
- VINYL COLOR TBD
- VINYL COLOR TBD
- VINYL COLOR TBD
- BLACK VINYL



JOB DESCRIPTION

NON ILLUMINATED WALL SIGNS
 FLANGED ALUMINUM FACE, PAINT WHITE, APPLY VINYL GRAPHICS TO FACE. MOUNT TO EXTERIOR WALL WITH BRACKETS.

FILE NAME _____ DATE _____ SCALE _____
 JOB NAME _____
 LOCATION _____
 DRAWN BY _____ SALESMAN _____
 DESIGN APPROVED BY _____
 AUTHORIZED SIGNATURE _____
 DATE _____

TOTAL SQ. FT. OF SIGNAGE _____ VIEWING DISTANCE OF PRIMARY SIGN COPY _____

UNLESS OTHERWISE SPECIFIED:
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Date Draft Submitted	_____
Date Application Submitted	_____
Fee Paid	_____

Application for Variance

Owner (must be the applicant) Jason Haseman / Bill Downs
 Parcel Address 4 Burdick St Parcel Number _____
 Owner Address 4 Burdick St. Daytime Phone _____
 Present Use of the Property Quick Care
 Zoning Classification _____

The following items must be submitted with each application. Additional site plan information as described in Section 22.213(3) may be required by the Zoning Administrator (Ordinance section referenced in this application are available upon request):

(1) Map of the property showing the following:

- Entire property
- All lot dimensions
- Existing structures with dimensions to property lines (buildings, fences, walls etc)
- Proposed structures with written dimensions to property lines
- Existing paved surfaces (driveways, walks, decks, etc)
- Proposed paved surfaces with dimensions to property lines
- Written dimensions to buildings on adjoining properties if setback variance is requested
- Zoning of adjacent parcels
- Street(s) which are adjacent to the parcel
- Graphic scale and north arrow
- Changes in land use intensity due to the variance (additional dwelling units, more customers, more parking, outside lighting, outside storage, etc)

(2) Written description of proposed variance answering the following questions:
 City of Edgerton Ordinance Section # _____ cannot be entirely satisfied because:

In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail):

We are looking to add to the total sq. ft.

allowance for signs. Since this will be an
urgent care clinic, visible signs will be important.

- (3) **Written justification of the requested variance** with reasons why the Applicant believes the proposed variance is appropriate. Before the Zoning Board of Appeals can grant a variance, they must find that the following criteria have been satisfied. Describe how your request meets the following criteria: (section 22.211(4)(c))

What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district.

The shared parcel limits the sign sq. ft.
allowance

- The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
- Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
- Violations by, or variances granted to, neighboring properties shall not justify a variance;
- The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The

response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

I do not believe it will

Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

No

Have the factors causing the variance request been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Chapter. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the

Applicant, a previous property owner, or their agent.

Does the proposed variance involve the regulations of Subsection 22.304 or the district use regulations in each zoning district of Section 22.700? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Subsection.

Verification by applicant: I, Bill DOWNS, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability.

Applicant Signature Bill Down Date 3/14/24
Applicant Signature _____ Date _____

Consideration for Approval: <u>Granted</u> _____ <u>Denied</u> _____
_____ Date _____
Chairman, City of Edgerton Zoning Board of Appeals

Revised date 6-23-1998

**CITY OF EDGERTON
ZONING BOARD OF APPEALS MINUTES**

June 12, 2023

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:30 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on June 12, 2023.

Present and responding to the roll call in person were, James Kapellen, Veronica Ellingworth, Russell Jorstad, and Dave Esau (alternate). Alternates participated in discussions but did not participate in votes. Absent Chairperson Dave Maynard, and Mark Wellnitz (alternate)

Also present in person was City Administrator Ramona Flanigan.

As the Chairperson was absent, the members nominated James Kapellen to act as chair for the meeting upon the motion of Dave Esau second by Russel Jorstad.

Chairperson James Kapellen opened the meeting. The first order of business was confirmation of appropriate meeting notice. City Administrator Ramona Flanigan confirmed that the meeting notice was posted in the appropriate places as required under the Wisconsin Statutes.

A motion to open the Public Hearing was made by ZBA Member Jorstad, seconded by ZBA Member Esau, and passed by unanimous voice vote at 6:32.

The ZBA went into a public hearing on the variance application of Jason Cowley, regarding property located at 455 Fairway Circle for a variance from Chapter 22.710(3)(b)4. seeking a reduced front yard setback from 25’ to 16’ to allow the construction of an attached garage.

Jason Cowley presented on the application. Mr. Crowley indicated that they had moved in a few months ago and realized that they needed more space in the garage. They initially applied for a building permit but were turned down and so are seeking a variance to allow the construction of a 16x24 garage. As part of his presentation, Mr. Crowley submitted written materials including photos of the location and the neighborhood.

Al Dahlman, a resident of Fairway Circle spoke in support of the application and indicated that they did not believe it would have a negative visual impact. No one else spoke regarding the application but a written letter of support from John Nelson was presented.

A motion to close the public hearing was made by ZBA Member Esau, seconded by ZBA Member Ellington at 6:36. Motion carried on a unanimous vote.

Administrator Flanigan presented the Staff Report and recommendations. The Staff Report noted that the lot was unusually shaped and that it had front yard setbacks on three sides as a result. The Staff Report also noted that construction in the location proposed by the Applicant could impact the neighborhood in that all other properties complied with the ordinance. Because the need for the variance was self-created in that a garage could be constructed in a fashion that did not need a variance, the recommendation was to deny the application.

Esau indicated that he did not think that the addition of a garage on the property would present a negative visual impact. After further brief discussion, a motion to approve the variance as requested was made by ZBA Member Esau, seconded by ZBA Member Ellington. The motion was passed by a unanimous roll call vote.

The next order of business was the consideration of the approval of the minutes of the September 26, 2022 Zoning Board meeting. Upon a motion from ZBA Member Jorstad, seconded by ZBA Member Ellington, the minutes were approved by unanimous roll call vote.

There being no further business of the Board, a motion was made by ZBA Member Jorstad, seconded by ZBA Member Esau to adjourn. Motion was approved unanimously. The meeting was adjourned at 6:43.

Dated this 22nd day of April, 2024.

Respectfully submitted,

CITY OF EDGERTON

/s/ William E. Morgan

By: William E. Morgan, City Attorney