

CITY OF EDGERTON
CITY HALL
12 ALBION STREET

ZONING BOARD OF APPEALS
Wednesday, March 3, 2021 AT 6:00 P.M.

NOTE: PER EMERGENCY ORDER, FACE COVERINGS ARE REQUIRED

REMOTE PARTICIPATION: To participate or 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.

1. Call to Order; Roll Call.
2. Confirmation of Appropriate Meeting Notice Posted Friday, February 26, 2021
3. Public Hearing:
 - a. Hear comments regarding a request by T&D Plaza LLC / Don Deegan for variances to the following sections for the parcel located at 1025 N Main Street (6-26-955.2A):
 - 22.505(3)(a)4.a.ii. to allow larger signs than allowed by the ordinance;
 - 22.505(3)(a)4.b.ii. to allow a freestanding (existing) sign taller than allowed by the ordinance; and
 - 22.508(2) (a) to allow the modification of nonconforming signs.
 - b. Close the public hearing.
4. Consider request by T&D Plaza LLC / Don Deegan for variances to the following sections for the parcel located at 1025 N Main Street (6-26-955.2A):
 - 22.505(3)(a)4.a.ii. to allow larger signs than allowed by the ordinance;
 - 22.505(3)(a)4.b.ii. to allow a freestanding (existing) sign taller than allowed by the ordinance; and
 - 22.508(2) (a) to allow the modification of nonconforming signs.
5. Consider approval of October 7, 2020 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: March 3, 2021

GENERAL DESCRIPTION

Description of Request: Petition for variances to:

- 22.505(3)(a)4.a.ii. to allow larger signs than allowed by the ordinance;
- 22.505(3)(a)4.b.ii. to allow a freestanding (existing) sign taller than allowed by the ordinance; and
- 22.508(2) (a) to allow the modification of nonconforming signs.

Address: 1025 N Main Street (6-26-955.2A)

Applicant: T&D Plaza LLC / Don Deegan

Current Zoning/Land Use: B-3 / hardware and retail store

STAFF REVIEW COMMENTS

The Zoning Administrator has reviewed the petition in accordance with Section 22.211 of the Edgerton Zoning Ordinance, found it to be complete and that it fulfills the requirements of this chapter and has the following comments:

1. The petitioner wishes to change the signage at the store located at 1025 N Main Street.
2. The petitioner proposes to utilize the existing posts of the existing pylon sign and change the sign face. A sign in this location can be no more than 10' tall. The existing sign is approximately 27' tall thus requiring a variance to modify the sign.
3. The petitioner proposes to utilize the frame and change the face of the existing wall sign. The ordinance allows for a total of 180 sf of wall signage on the building. The two existing wall signs (Deegan's and Family Dollar) are approximately 212 sf total. The petitioner proposes to add individual lettering on the wall listing products sold in the hardware store. This new signage is approximately 235 sf creating total wall signage of 447 sf.
4. The petitioner proposes to install new faces on both the exiting pylon sign and the wall sign. Since both signs are currently nonconforming, a variance is required to allow the modification of nonconforming signs.

Date Draft Submitted	_____
Date Application Submitted	_____
Fee Paid	_____

Application for Variance

Owner (must be the applicant) Don Deegan Deegan's Hardware
 Parcel Address 1025 N Main St Parcel Number _____
 Owner Address 1844 W. Crystal Dr Edgerton Daytime Phone 608 290 5154
 Present Use of the Property Retail
 Zoning Classification B3

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):

I wish to reface each of my existing signs.
Replace all outdated internal electrical with LED.
Add names of departments with letters left (North) 2
of existing wall sign.

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.

This involves a combination of two variables. One
is that the building contains 2 businesses and each
of these businesses need adequate signage. Two is our
distance from the road. To be effective we need
signage that can be seen from a distance.

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 don't believe it would. The overall impact
is going to improve the aesthetic value of
the property, and neighborhood.

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.

I don't believe so, for reasons previously
stated.

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

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- (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.

I believe the refacing and electrical upgrade enhance the overall appearance of the property.

With regard to new (letter sign) I believe my building is larger than most Elyton retail locations and is much further from the visible street than most which I believe justifies more and larger signage to be affordable.

- 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

Applicant, a previous property owner, or their agent.

~~_____~~
_____ Anton sign pre dated my occupation of
_____ the building and maybe the Ordinance.

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.

NO

Verification by applicant: I, Don T Deegan, 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 *Don T Deegan* Date 2-2-21
Applicant Signature *Don T Deegan* Date 2-2-21

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

Revised date 6-23-1998

9' - 3"
PLUMBING

5' - 3"
PAINT

6' - 1/2"
TOOLS

12' - 4"
HOUSEWARES

11' - 1"
ELECTRICAL

14' - 8"
LAWN & GARDEN

Front Elevation

Scale: 3/8" = 1'-0"

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

October 7, 2020

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 7:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on October 7, 2020.

Present and responding to the roll call were Chairperson David Maynard, James Kapellen, Jim Long, Steve Burwell, and Russel Jorstad.

Also present were Mayor Chris Lund, City Administrator Ramona Flanigan and City Attorney William E. Morgan.

Chairperson Maynard opened the meeting with a greeting and a statement of purpose. 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 Long, seconded by ZBA Member Kapellen, and passed by unanimous voice vote at 7:04 p.m. Prior to commencing the public hearing, the Chairperson requested that the City Attorney go over the criteria to grant a variance and to address any particular issues that may be pertinent to this application.

The ZBA went into public hearing on the variance application of Bowman Farms/Stop N Go for a variance to Chapter 22.505(3)(a) to allow for the installation of signage that does not meet the ordinance requirements for the property located at 1 South Main Street, Edgerton, Wisconsin.

Applicant Andy Bowman presented on the need for the variance. The applicant indicated that because of the size and the location of the property, the present location of the standing sign was the only one that worked. He further noted that the proposal as to the standing sign would improve the vision triangle and would also make the presently non-conforming sign more conforming. The Board asked how the present sign was approved and Administrator Flanigan noted that it had been submitted as part of a Plan Development process but that only the sign had been acted on. The applicant was also seeking additional signage on the canopy as well as the building itself resulting in two more areas of signage than is permitted. Member Jorstad stated that he felt that it was not much of a change. Chairperson Maynard noted that since there was a standing sign, there was not as much of a need for signage on either the north or the south faces of the canopy.

There were no other presenters regarding the application. At 7:17, ZBA Member Kapellen moved to close the public hearing. The motion was seconded by ZBA Member Burwell. The motion passed on a unanimous voice vote.

Administrator Flanigan presented the staff report which recommended that the variance be approved as to the standing sign, but denied as to the additional signage on the building and canopy due to a lack of hardship related to the subject property.

After presentation of the staff report, and further discussion by the Board, ZBA Member Kapellen made a motion to approve the requested standing sign variance. ZBA Member Long seconded the motion. Upon a roll call vote, the motion was granted unanimously. ZBA Member Kapellen then made a motion to deny the additional signage requests. ZBA Member Burwell seconded the motion. Upon a roll call vote, the motion was granted with a vote of 4-1, with Member Jorstad voting in opposition.

The next order of business was to consider approval of the minutes of the July 15, 2020 Zoning Board meeting. Upon a motion from ZBA Member Jorstad, seconded by ZBA Member Burwell, the minutes were approved by unanimous voice vote.

There being no further business of the Board, a motion was made by ZBA Member Kapellen, seconded by ZBA Member Long, to adjourn. Motion was approved unanimously. The meeting was adjourned at 7:25 p.m.

Dated this 12th day of October, 2020.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney