

BOARD OF APPEALS - STAFF REPORT

TO: Board of Appeals

FROM: J. Korotev, Director of Code Administration

REPORT DATE: 4/26/12

BOARD OF APPEALS MEETING DATE: 5/1/12

AGENDA ITEM: Pamperin Variance Petition

PUBLIC HEARING NOTICE: The Village of Howard Board of Appeals will hold a public hearing on May 1, 2012 at 6:30 p.m. in the Duck Creek Conference Room at 2456 Glendale Avenue concerning a variance petition from Dan Pamperin of Pamperin Rental LLC to permit the erection of a 96' high business identification sign to replace the existing 85' high sign at 1575 Lineville Road, VH-96.

BACKGROUND: On February 24, 1998, the Board of Appeals granted a variance to Colortech of Wisconsin, representing Mike Barlament, to permit the erection of an 85' high, free-standing sign at 1575 Lineville Road, VH-96 (see attached). The subject sign is now more than 15 years old and has deteriorated to a point that it is no longer structurally sound, according to the new owner of the property, Dan Pamperin of Pamperin Rental, LLC. Mr. Pamperin is now proposing to remove the existing 1998 sign and replace it with a new hi-rise sign. The proposed new sign would be located approximately 150 feet south of the existing sign on the same property and the height proposed is 96 feet.

The variance granted in 1998 was specific to the 85' sign proposed and subsequently erected. Once granted, the variance became attached to the property as a permanent right. As such, the property owner can legally replace the existing sign with an identical sign in the same location with nothing more required than a sign permit. However, since the new sign being proposed is sited in a different location, is taller than the 1998 sign, and is of a different configuration, the 1998 variance no longer applies. A new variance is required for the proposed new sign.

VARIANCE STANDARDS: Section 50-180 of the Zoning Ordinance requires that *"The Board of Appeals shall not vary the regulations of this ordinance unless it shall first make findings, based upon evidence presented to it by the applicant, that all the following variance standards are met."* These standards were provided to the applicant in printed form prior to receipt of the application.

Unnecessary Hardship The applicant must clearly show that the difficulty or hardship faced has been created by the zoning ordinance and is not self-imposed and that, in the absence of a variance, no feasible use of the property can be made. The difficulty or hardship must be unique to the parcel in question and not one which affects all parcels in the area similarly. Potential loss of profit or desire for financial gain is not, in and of itself, grounds for a variance. Additionally, violations by or variances granted to neighboring property owners does not justify the granting of a variance.

Unique Property Limitation The applicant must show that unique physical characteristics of the property itself, not his own personal desires or preferences prevent him from building or developing in compliance with the provisions of this ordinance. These characteristics may include topographical conditions, parcel shape, physical surroundings, wetland areas or soil types which limit the reasonable use of the property.

Protection of the Public Interest The applicant must show that the granting of a variance will not harm the public interest, including the interests of the public at large, not just those of nearby

property owners. The granting of a variance must not result in an inadequate supply of light or air to adjacent property, a substantial increase in congestion of public streets, an increase in the danger of fire, endangerment of the public safety, or reduction or impairment of property values within the neighborhood. The lack of local opposition to a variance petition does not in itself mean that the variance will not harm the public interest.

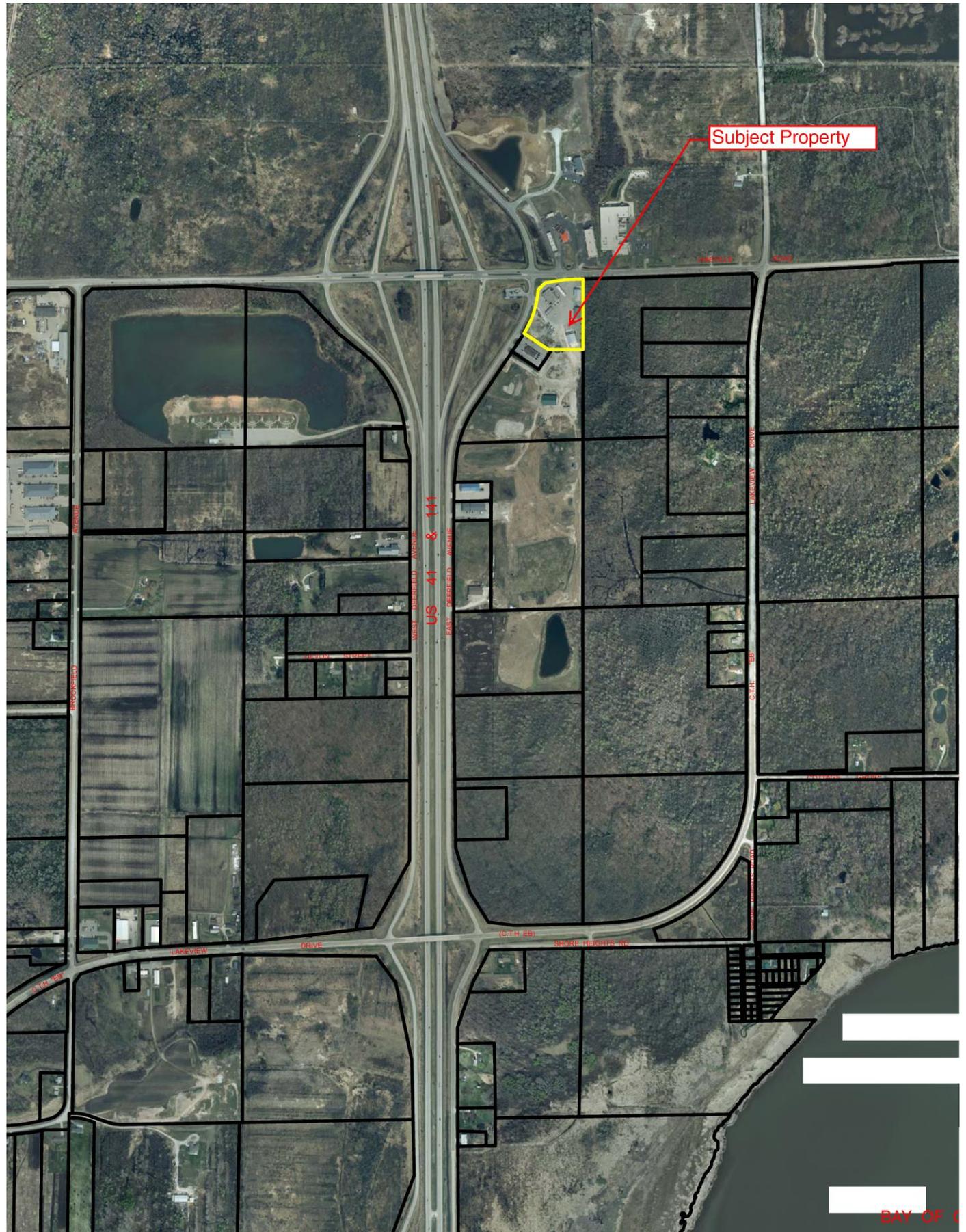
RECOMMENDATION: Staff recommends the following:

- Visit the site of the proposed variance.
- Review the applicant's submittals including reasons for requesting the variance.
- Review and discuss the above variance standards as they relate to the applicant's proposal.
- Determine whether the variance standards are substantially met per Section 50-180 of the Zoning Ordinance.
- Grant or deny the requested variance petition based upon findings and conclusions drawn.

ATTACHMENTS:

I	Aerial site location map
II-III	Variance Application
IV-V	Applicant's Explanation of Variance Request
VI	Proposed Site Plan
VII	Elevation of Proposed Sign
VIII-XI	1998 Variance Information

ATTACHMENT I



ATTACHMENT II



2456 Glendale Ave
Green Bay , WI 54313

APPLICATION FOR
A ZONING VARIANCE

See Next Page
for Materials to be Submitted
with This Application

Application Fees: **\$250 &**
\$500 for Construction w/out
Permit

Date: 4/2/2012
Initials: _____

Applicant

Name: Dan Pamperrin
Address: 1275 Glory Road - Green Bay 54304
Phone: 920-336-8983 Email: d.pamperrin@titletowne.com
Business Name: Pamperrin Rentals LLC
Conditional Use Site Address: 1575 Lincoln Ave Road - Howard
Landowner of Record: Pamperrin Rental LLC
Address: 1275 Glory Rd. - Green Bay
Phone: 920-336-8983 Email: _____

Consultant(s)

Architect

Name: _____
Address: _____
Phone: () - - - - - Email: _____

Contractor/Engineer

Name: Jones Sign Co
Address: 1711 Scheuring Rd. De Pere, WI 54115
Phone: 920-425-9835 Email: dgruber@jonesign.com

Parcel/Building Information

Lot Size: _____ Acres Current Zoning: _____ Street Frontage: _____
Lot Dimensions: _____ Does Current Zoning Permit Intended Use: _____
Bldg. Sq. Footage: _____ Dimensions of Building: _____

Describe Specifically the Nature of the Request:

See Attached

ATTACHMENT III

Please Note the Following:

- Incomplete applications will not be accepted and/or processed
- All applications shall be submitted three (3) weeks prior to the Board of Appeals meeting at which the applicant wishes to appear
- Processing an application may take up to sixty (60) days due to legal notices mandated by State law
- The Board of Appeals meets on the fourth Tuesday of the month when a variance is requested

Standards to be Met When Granting a Variance

Unnecessary Hardship

The applicant must show that the difficulty or hardship faced has been created by the zoning ordinance and is not self-imposed and that, in the absence of a variance, no feasible use of the property can be made. The hardship must be unique to the parcel in question and not one which affects all parcels in the area similarly. Potential loss of profit for financial gain is not, in and of itself, grounds for a variance.

Unique Property Limitation

The applicant must show that unique physical characteristics of the property itself prevent him from building or developing in compliance with the Village's Zoning Ordinances. These characteristics may include topographical conditions, parcel shape, physical surroundings, wetland areas or soil types which limit reasonable use of the property.

Protection of Public Interest

The applicant must show that the granting of a variance will not harm the public interest, including the interests of the public at large, not just those of nearby property owners. The granting of a variance must not result in an inadequate supply of light or air to adjacent property, a substantial increase in congestion of public streets, an increase in the danger of fire, endangerment of the public safety, or reduction or impairment of property values within the neighborhood. The lack of local opposition to a variance petition does not in itself mean that the variance will not harm the public interest.

REQUIRED (Provide All That Apply)

- ✓ A plat of survey or the equivalent thereof depicting the location, dimensions, boundaries, setbacks of buildings/structures and uses and size of the site.
- ✓ A site plan depicting existing and proposed structures relative to lot lines

Submit 15 copies of all color documents. Submit 3 copies of all documents not printed in color.

X For Jones Sign
James Korotev _____ Date 4/3/2012

Applicant Signature

Please direct all questions to Jim Korotev. Jim may be reached at 920-434-4640 or by email at jkorotev@villageofhoward.com

ATTACHMENT IV

Application for a Zoning Variance

PAMPERIN RENTAL, LLC

TO

VILLAGE OF HOWARD
WISCONSIN

Site: 1575 Lineville Rd, Howard, WI.
Fuel Station, Car wash, Certified Scales and Convenience Store

Filed 4-3-2012

Meeting 4-24-2012

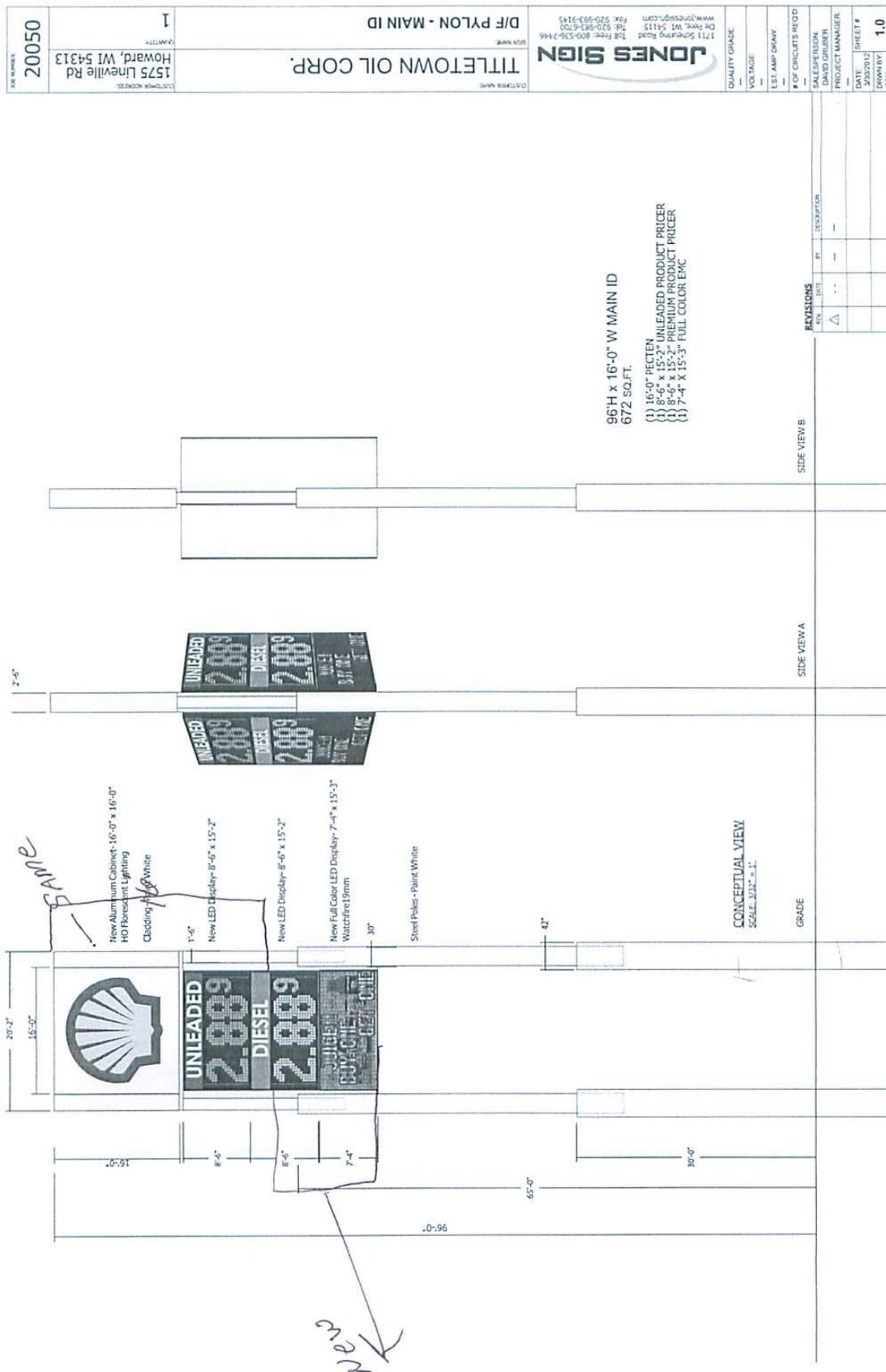
The applicant requests a variance to replace an existing sign structure with a new structure at a new location on the property.

1. Applicant has determined by way of a technical survey done by competent sign vendor that the present structure is more than 15 years old and badly rusted at critical points creating a safety hazard to citizens in the event of a high wind situation. The new sign is no higher than the existing structure.
2. Applicant requests to move the sign from the present location to new landscaped area because the new traffic pattern will place the existing structure too close for traffic patterns for cars and semi trucks to enter from the roadway safely. The existing poles will be cut off at grade level or below and that area will be paved.
3. Applicant endeavors to make the entire property a much more pleasing site with lush green space landscaping, new building elevations and general clean up of a site that had fallen into some disrepair. Applicant is making a significant investment to upgrade this property.
4. Applicant is changing fuel brands and new signage is required for the Shell Oil brand and required fuel pricing.
5. The granting of this variance would not be materially detrimental to other owners in the vicinity. On the contrary, Tiletown Oil has a solid reputation of providing very attractive fueling stations.

ATTACHMENT V

6. The hardship was not created by persons presently having interest in the property.
7. The granting of this variance will in no way be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
8. This variance will in no way impair the supply of light or air to adjacent properties.
9. The objectives of the sign ordinances are to provide adequate and maintained signage that does not endanger public safety. Not only is the proposed signage not contrary to those objectives, it will improve safety by replacing the rusted structure and move the sign out of the way of the new traffic pattern.
10. The intent of this request is to weigh both commercial interests of business owners with the public regarding safety, aesthetics and community development.

ATTACHMENT VII



JOB NUMBER: 20050	DATE: 1	CLIENT NAME: TITLETOWN OIL CORP.	CLIENT ADDRESS: 1575 Lineville Rd Howard, WI 54313	CLIENT PHONE: 920-983-9143	CLIENT FAX: 920-983-9143	CLIENT WEBSITE: WWW.TITLETOWN.COM	CLIENT PROJECT MANAGER: DAVID GRUBER	CLIENT PROJECT #: 3002012	CLIENT DATE: 3/20/12	CLIENT DRAWN BY: SK	CLIENT SCALE: 1.0
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QUALITY GRADE: ---	VOLTAGE: ---	EST. AMP DRAW: ---	# OF CIRCUITS REQ'D: ---
SALES PERSON: DAVID GRUBER			
PROJECT MANAGER: DAVID GRUBER			
DATE: 3/20/12			
DRAWN BY: SK			
SCALE: 1.0			

REVISIONS	NO.	DESCRIPTION
△	1	

96'H x 16'-0" W MAIN ID 672 SQ.FT.	(1) 16'-0" PECTEN (1) 8'-6" x 15'-2" UNLEADED PRODUCT PRICER (1) 8'-6" x 15'-2" PREMIUM PRODUCT PRICER (1) 7'-4" x 15'-3" FULL COLOR EMC
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ATTACHMENT VIII

Board of Appeals
02-24-98 Page 2 of 2

**MEACHAM
VARIANCE -
2769 FRIENDLY
CIRCLE
VH-747-H-227**

K. Pagel reminded the Board that two individuals appeared before the Board on April 29, 1997 in opposition to a similar variance request for this same lot. He feels that those two individuals concerns should be taken into consideration.

Laurie Murphy-2779 Friendly Circle appeared before the Board and explained that they have the same situation on their lot and managed to build a nice home. She feels that Meacham's should be required to meet the same standards as they had to.

The Board discussed the variance request and how the concervancy area affects the lot.

A motion was made by K. Pagel and seconded by D. Adler to deny the variance based on the findings of fact and to not allow a home with a 15' front yard setback and an attached garage with a 20' front yard setback at 2769 Friendly Circle, VH-747-H-227.
Motion Carried Unanimously.

R. Sachs announced that the Meacham variance request could be reconvened after the next public hearing is held.

**COLORTECH OF
WI VARIANCE -
1575 LINEVILLE RD
VH-96**

The Clerk Typist, Michelle Bartoletti, read the legal notice regarding a public hearing scheduled for 6:15 P.M.

A motion was made by K. Pagel and seconded by J. Daugherty to suspend the rules to hear from the audience.
Motion Carried Unanimously.

Michael Barlament-706 Frederick Court appeared before the Board explaining that he needs an 85' sign to be able to compete with his competitors. He informed the Board that the 76 gas station will be changing to Mobile. He then introduced Scott Timm.

Scott Timm-Representative from Colortech of Wisconsin appeared before the Board and informed them that he has been in the sign business for 13 years. He feels that the current sign code is not sufficient and is not supporting businesses in Howard to compete. He stated that a 85' high rise sign would allow Mike Barlament to compete and also allow people on the highway enough time to safely exit to get gas or food. Mr. Timm read a letter from Mel Martin (District 3 sign coordinator for the State of Wisconsin Transportation Department). A copy of that letter is included as part of the record for this meeting.

The Board reviewed the Findings of Fact with Mike Barlament and he commented that this is the only underpass on Highway 41 and he named several other high rise signs in the area on Highway 41 (Taco Bell, Hardees, Burger King, Comfort Suites and Amoco). He continued his argument that he is at a hardship because Suamico has a high rise directly across the road from himself and that he is at a much lower grade than the roadway.

Mike Barlament's argument for findings of the fact item #4 was, "Why go into business if you're not going for financial gain."

Pat Ryan appeared before the Board and questioned Howard's intent to support the commercial businessman. He stated that a truck stop needs a high rise sign.

Judith Smith-daughter of Mercedes Walton appeared before the Board with several comments opposing the variance request.

Chuck Beecher-President of Appleton company that supplies gas to Mobile appeared before the Board and stated that Mobile has criteria on the high rise sign and encouraged the Board to look at the variance request favorably.

ATTACHMENT IX

Board of Appeals
02-24-98 Page 3 of 3

**COLORTECH OF
WI VARIANCE -
1575 LINEVILLE RD
VH-96**

Becky Barlament-2011 Schanock Drive appeared before the Board in favor of the variance request.

A motion was made by D. Adler and seconded by T. Schmidt to return to the regular order of business.
Motion Carried Unanimously.

The Board discussed the variance request and the time that they spent on going out to the site to review the sign variance.

A motion was made by K. Pagel and seconded by J. Daugherty to approve the variance request from Colortech of Wisconsin for a variance to allow for an 85' high on premise identification sign at VH-96 for 1575 Lineville Road.
Motion Carried Unanimously.

The Board reconvened into the 6:00 Public Hearing.

Dave Chrouser commented that a house could fit on the lot, but there would be a compromise with a small backyard.

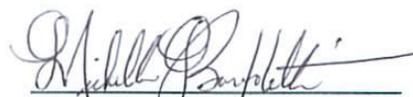
**MEACHAM
VARIANCE -
2769 FRIENDLY
CIRCLE
VH-747-H-227**

The Board discussed the variance request.

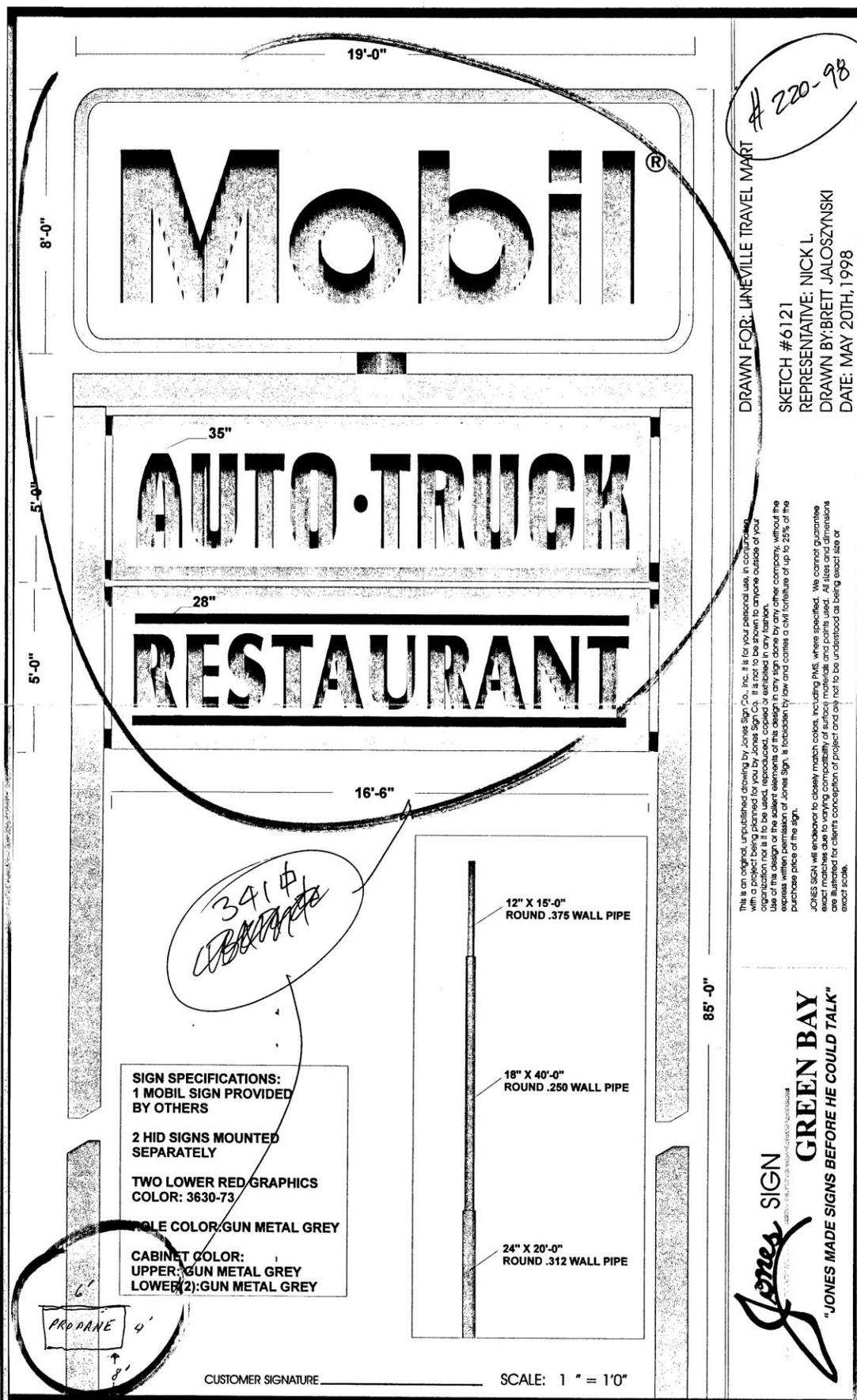
A motion was made by T. Schmidt and seconded by J. Daugherty to approve the variance request from Lloyd Meacham to allow for a home with a 15' front yard setback and an attached garage with a 20' front yard setback at 2769 Friendly Circle, VH-747-H-227.
Motion Carried Unanimously.

ADJOURNMENT

A motion was made by J. Daugherty and seconded by T. Schmidt to adjourn at 7:46 P.M.
Motion Carried Unanimously.


MICHELLE BARTOLITTI

ATTACHMENT XI

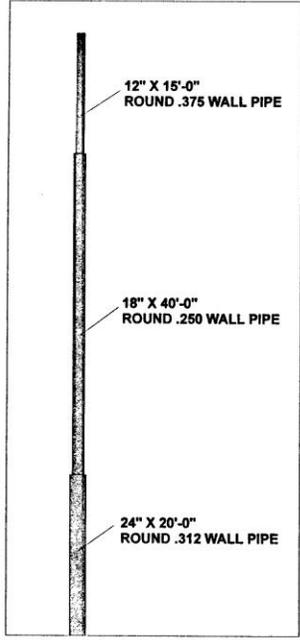


220-98

DRAWN FOR: LINEVILLE TRAVEL MART
 SKETCH # 6121
 REPRESENTATIVE: NICK L.
 DRAWN BY: BRETT JALOSZYNSKI
 DATE: MAY 20TH, 1998

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use, in connection with a project being planned for you by Jones Sign Co., Inc. It is not to be used, reproduced, copied or exhibited in any fashion. Use of this design or the content elements of this design in any sign done by any other company, without the express written permission of Jones Sign Co., Inc. is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign.
 JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for clients' conception of project and are not to be understood as being exact size or exact colors.

SIGN SPECIFICATIONS:
 1 MOBIL SIGN PROVIDED BY OTHERS
 2 HID SIGNS MOUNTED SEPARATELY
 TWO LOWER RED GRAPHICS COLOR: 3630-73
 SINGLE COLOR: GUN METAL GREY
 CABINET COLOR:
 UPPER: GUN METAL GREY
 LOWER (2): GUN METAL GREY



Jones SIGN
 GREEN BAY
 "JONES MADE SIGNS BEFORE HE COULD TALK"

PROpane
 6'
 9'
 8'

CUSTOMER SIGNATURE _____ SCALE: 1" = 10"