

BOARD OF APPEALS - STAFF REPORT

TO: Board of Appeals

FROM: J. Korotev, Director of Code Administration

REPORT DATE: 10/14/11

BOARD OF APPEALS MEETING DATE: 10/25/11

SUBJECT: The Village of Howard Board of Appeals will hold a public hearing on October 25, 2011 at 6:30 P.M. in the Duck Creek Conference Room at 2456 Glendale Avenue concerning a variance petition from Todd Thomas of Creative Sign Company representing Bruce Wolf of Rock Gardens/1951, to permit an existing pylon sign to be raised from a height of 40 feet to 65 feet at 1951 Bond Street, VH-614-1.

SUMMARY: The permit to erect the existing "Rock Garden" sign was issued in January 1999 after a variance was granted by the Board of Appeals in December 1998 to allow the sign to be erected at a height of 40 feet. The maximum height allowed by the Zoning Ordinance for signs in the B-2 zoning district is 30 feet. The applicant is now petitioning for another variance for the sign to allow it to be raised 25 feet to an overall height of 65 feet because of the Highway 41 expansion project. The Highway 41 project will include the construction of a new entrance ramp adjacent to the sign approximately 20 feet higher than the existing highway grade resulting in the ramp elevation being approximately the same height as the bottom edge of the readerboard portion of the 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.

STAFF FINDINGS:

- The hardship faced by the applicant is not self imposed. The hardship is created by the Highway 41 project and is unique to this project as compared to other properties along the Highway 41 corridor.
- The Highway 41 project will create a topographical or physical condition which will limit the visibility of the existing sign.
- There appears to be no evidence that a variance will negatively affect public interest. The “Comfort Suites” sign on the adjacent property to the south is 60 feet high and has been in place since 1991.

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.

NOTE: If the Board determines that a variance should be granted it may consider reducing the overall height allowed to 60 feet to be consistent with the height of the “Comfort Suites” sign on the adjacent property to the south.

ATTACHMENTS:

- I Aerial site location map
- II Variance petition submitted by applicant
- III Letter of explanation submitted by property owner
- IV Before and after views of sign
- V Minutes of 12/22/98 BOA meeting where original variance was granted

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: _____
Initials: _____

Applicant

Name: CREATIVE SIGN CO INC

Address: 505 LAWRENCE DR DE PERE WI 54115
 Phone: (920) - 336 - 8900 Email: Todd @ GREEN BAY SIGNS, COM

Business Name: ROCK GARDENS / 1951
 Conditional Use Site Address: 1951 BOND GREEN BAY WI 54303
 Landowner of Record: BRUCE WOLF
 Address: 1951 BOND GREEN BAY WI 54303
 Phone: (920) - 491 - 3907 Email: B.WOLF@COMFORTSUITESGB.COM

Consultant(s)

Architect

Name: N/A

Address: _____

Phone: () - - _____ Email: _____

Contractor/Engineer

Name: N/A

Address: _____

Phone: () - - _____ Email: _____

Parcel/Building Information

Lot Size: _____ Acres Current Zoning: HVLY COMMERCIAL Street Frontage: _____

Lot Dimensions: _____ Does Current Zoning Permit Intended Use: _____

Bldg. Sq. Footage: _____ Dimensions of Building: _____

Describe Specifically the Nature of the Request: SEE LETTER ATTACHED

ATTACHMENT III



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Fax 920-499-5242
1951west@comfordsuitesgb.com
www.1951westgb.com



ROCK
GARDEN

Tel. 920-497-4701
Fax 920-499-5242
rockgarden@comfordsuitesgb.com
www.comfordsuitesgb.com



BY CHOICE HOTELS

Tel. 920-499-7449
Fax 920-499-0322
comfordsuites@comfordsuitesgb.com
www.comfordsuitesgb.com

1951 Bond Street
Green Bay, WI 54303-4627

September 16, 2011

Village of Howard
2456 Glendale Av
Green Bay WI 54307
RE: Variance for Rock Garden/1951

Jim:

We would like to apply for a variance for raising the Rock Garden/1951 West sign located near the HWY 41 at 1951 Bond St. We would like to raise the sign to 65' OAH from the current height of 40'.

Due to the HWY 41 expansion project & the installation of a solid retaining wall that will completely block the view of our current reader board, sign and our buildings from both the Northbound and Southbound direction. Raising the sign would help our customers to locate our property and arrive in an expeditious and safe manner. We also believe that this is necessary to continue to grow our business within the Howard Community and this would allow us to continue using the message board for the reason it was purchased to promote our Hotel and Restaurant within the community.

We have researched other possible placements for moving the sign to stay within the ordinance without success as the construction runs the entire length of our property along HWY 41.

We feel strongly that this will not cause any harm to the public because it will be in approximately the same location. The fact that the sign is approximately 300 feet to any other property owner it will not negatively affect them in any way.

Thank you


Bruce A. Wolf

ATTACHMENT V

JONES SIGN CO
VARIANCE -
1951 BOND ST.
VH-614

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

A motion was made by P. Farrell and seconded by J. Kornowski to

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JONES SIGN CO
VARIANCE -
1951 BOND ST.
VH-614
CONTINUED

suspend the rules to hear from the audience.
Motion Carried Unanimously.

Nicholas Lison - Jones Sign Co. appeared before the Board requesting a variance in the sign ordinance to replace damaged identification sign at Rock Garden Supper Club from 30' in height to 45'. The old sign had to be taken down because it was a hazard. New footings are to be set and the new sign is to be the same height. The overall square footage will be less. They would like to put in an electronic message center. The new sign is much cleaner than the one that was there. Biggest problem is to be able to see it coming from the north.

Discussion was held regarding height of other signs in the area such as Van Boxtel and Fleet Farm. It would make sense to keep the signs at a level where they're all pretty much the same.

A motion was made by P. Farrell and seconded by J. Daugherty to return to the regular order of business.
Motion Carried Unanimously.

K. Pagel mentioned he personally would be in favor of going down to 40' just like VanBoxtel to keep continuity.

The Board reviewed the findings of fact for the variance petition from Jones Sign Company, 1951 Bond Street, VH-614.

A motion was made by J. Daugherty and seconded by J. Kornowski to grant a request from Jones Sign Co. for a variance to permit the erection of a 40' high free-standing on-premise business identification sign on VH-614-1, located at 1951 Bond Street.
Motion Carried Unanimously.

FUTURE
AGENDA ITEMS

Future agenda items:

P. Farrell discussed the meeting he had with Ken Simons regarding the conditional use he was denied. When asking to appeal it he was referred to circuit court. P. Farrell questioned this. J. Korotev updated the Board on the issue. K. Simons wanted to buy VandeYacht's accessory building that was going to be removed from the property purchased by AMS. Due to size, a conditional use was required. The application did not meet the standards and the conditional use was denied. To appeal the decision, he must take it to