

## **WINNEBAGO COUNTY BOARD OF ADJUSTMENT**

Tuesday, January 29, 2013 – 5:30 p.m.

Lounge Room, Courthouse, Oshkosh, Wisconsin

### **PUBLIC HEARING**

**Present:** Board Members: Arden Schroeder, Greg Kargus, Dan Mingus, Tom Verstegen, and David Weiss

**Absent:** James Forbes

**Also present:** Candace Zeinert, Zoning Department; Jessica Meinen, court reporter; and guests.

Meeting was called to order at 5:30 p.m. Board members and staff introduced themselves. C. Zeinert read the appeal process.

### **Neufeld Enterprises LLC – Town of Menasha**

D. Mingus read the legal description and requested variance for the agenda item.

David Gruber of Jones Sign was sworn in and explained that they plan to construct a new pylon sign which exceeds the height and sign square footage allowances. He said there were many reasons for the variance including the topography of 970 American Drive being 15ft lower than Hwy 41. Mr. Gruber also mentioned that tree foliage encroaches on visibility and that the distance between the sign and Hwy 41 requires a larger sign for wayfinding. Mr. Gruber added that there is a sign on an adjacent property that shows the building for lease. They are afraid that some people are confusing that with H.J. Martin's business; the proposed sign would alleviate any confusion. Mr. Gruber distributed additional photographs.

Richard F. Schilling, a sales representative of Jones Sign, was sworn in. He presented the Board with a handout listing the reasons for relief of sign regulations. He commented that the new sign height and larger size would provide readability of the sign from the highway. He mentioned that the request is consistent with existing signage in the area. Mr. Schilling pointed out that visibility and wayfinding to the property is an issue.

David Martin of H.J. Martin was sworn in explained why the sign was needed. He said that people do not know they are located there, especially with the neighbor's leasing sign. Mr. Martin mentioned that they have an existing tenant, Valley Cabinet in the building and are hoping to have another tenant on the 2<sup>nd</sup> floor.

There was discussion regarding the proposed location of the sign as the diagrams and pictures submitted showed different locations. C. Zeinert inquired if the existing sign for the development was on this property or on the neighbor's parcel. Mr. Martin did not know.

George Dearborn, Community Development Director for the Town of Menasha was sworn in and informed the Board that the Town has recommended denial for the variance requests. He explained that there are no exceptional or unique circumstances. Mr. Dearborn added that the Town has a wayfinding ordinance to help locate businesses that are placed within the road

right-of-ways. He commented that no property has right or a guarantee to have visibility off Hwy 41; the property's frontage is off American Drive and Wheeler Rd. Mr. Dearborn also said that the existing sign for the development is not on this parcel. Lastly, he added that in all the time that he has been with the Town, he has never seen a variance request for sign square footage increases or heights exceeding 55ft.

Mr. Schilling approached the Board again. He pointed out that the wayfinding signs do not alert the drivers on Hwy 41, they are only located on the local roads.

### **David Viaene – Town of Menasha**

David Viaene was sworn in. He described the work that was already completed – a breezeway between the existing home and detached garage. Mr. Viaene mentioned that the entire house is located with the 75ft shore yard setback. He offered that the addition doesn't affect habitat or wildlife and it is not obtrusive. Mr. Viaene added that it adds a good look to the neighborhood and that the addition fits with the neighboring homes with them having attached garages also.

The Board inquired if the garage was finished. Mr. Viaene replied that it is just 2x4 studs but would like to finish it off at some point. He added that only a small section of the addition is within the actual shore yard setback. Mr. Viaene explained that the contractor went forward with the project as they had a permit for exterior work on the existing home. The Board inquired if the breezeway was a finished space to which Mr. Viaene replied that it was.

George Dearborn, Town of Menasha Community Development Director approached the Board again. He said that the circumstances were unfortunate and that the addition looks nice but that the request does not meet the criteria for being granted a variance. He explained that there is already reasonable use of the property and there is no hardship, and that is why the Town was recommending denial. Mr. Dearborn added that if the variance was granted, there would be a lot of issues with the building permit that would need to be resolved first.

Mr. Viaene approached the Board again. He said that there was a permit granted for the work done on the house and that the hardship was not being able to have an attached garage. He explained that the contractor went forward with the project because he thought it would be covered by the exterior work permit. D. Weiss asked if the addition had a foundation. Mr. Viaene replied that it was just on a slab; there were no footings.

C. Zeinert read a letter from Tom Blake, Shoreland Zoning Specialist recommending denial of the request because there are no exceptional or extraordinary circumstances and not having an attached garage is not a hardship. Mr. Viaene replied that nothing will run to the lake and harm will be done to the environment.

Mr. Dearborn approached the Board again. He said that the building inspectors for the Town of Menasha work for him and added that a permit for roofing and siding was given, not a permit for the addition. The reason the violation was noticed was because an electrician came in for a permit, which could not be granted. G. Kargus asked for confirmation that there would be issues with issuing a building permit for what is already constructed; Mr. Dearborn confirmed that there would be because the addition most likely need footings or to be signed off by an engineer.

## **Susan Dupont – Town of Winneconne**

Joseph and Shannon Dupont were sworn in. They described how they are proposing to construct a new home on the property with reduced fill requirements. They would like to remove the existing cottage and build a new, larger home for their larger family. Mr. Dupont added that the neighbors to the north are relatives.

Board members inquired why the 10ft setback is proposed for the south side and the 7ft is proposed on the north side. Mr. Dupont answered that it would offer them a better view of the lake because their boathouse resides along the south property line.

The Board also asked if they had considered a retaining wall. Mr. Dupont explained that their neighboring relatives may be building in the near future and didn't want to spend the money for a long retaining wall. They prefer to put in drain tile and a swale as to not put water on to their neighbors. The Board pointed out that they will need sufficient space on the north side for the swale. Mr. Dupont said there would be 4ft for the swale and drain tile. The Board also added that on these variance requests they like to condition that downspouts of the home are tied in to the drain tile. Mr. Dupont agreed that it sounded feasible.

A. Schroeder inquired if they had considered redesigning the home to fit the lot; there was going to be over 2,000 sq ft on just the first floor. Mr. Dupont replied that they need to utilize the space of the small lot. A. Schroeder added that the houses are so close together and that he would rather see the 10ft setback on the north side because it will allow for more room to slope down and for the swale. Mr. Dupont added that there is a well on the north side that they plan to utilize for the new home, but it sticks out of the ground. They would like to have more room on the south side for open yard.

C. Zeinert distributed a floodplain survey of the property received via email.

## **T & B Barr Real Estate – Town of Nekimi**

Steve Moorehead of T & B Barr was sworn in. He stated that they are requesting an additional 184 sq ft of signage for the tenants of the property. He mentioned that the tenants are currently far away from the road way and cannot be seen. Mr. Moorehead pointed out that the property is 80 acres in size. The Board asked what kind of lighting the sign would have. Mr. Moorehead replied that the tenants names would be back lit and also noted that there will not be any back signage, even though the ordinance allows both sides to have signs.

C. Zeinert read the recommendation for approval from the Town of Nekimi.

There being no other business, Arden Schroeder adjourned the meeting at 6:20 p.m.

Respectfully submitted,

***Candace M. Zeinert***

Recording Secretary