



Dane County

Minutes

Board of Adjustment

Thursday, July 24, 2014

6:30 PM

Room 357 City-County Building

A. Call To Order

Present 5 - Chair STEVEN SCHULZ, Vice Chair SUE STUDZ, MARY HALEY, ROBERT PULVERMACHER, and AL LONG

B. Public Comment for any Item not listed on the Agenda

No public comments were made.

C. Consideration of Minutes

1. Minutes of the May 22, 2014 public hearing

SCHULZ/STUDZ to approve. The motion carried.

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and LONG

Abstain: 1 - HALEY

2. Minutes of the July 10, 2014 site inspection meeting

SCHULZ/STUDZ, to approve as amended to remove Vice Chair prior to Sue Studz. The motion carried.

Ayes: 4 - SCHULZ, STUDZ, PULVERMACHER and LONG

Abstain: 1 - HALEY

D. Public Hearing for Appeals

1. Appeal 3657. Appeal by Domestic Abuse Intervention Services (Ryan Signs, Inc., agent) for a variance from minimum required setback to highway as provided by Section 10.83(2), Dane County Code of Ordinances, to permit proposed ground on-premise sign at 2102 Fordem Ave being located in the SE ¼ of the NE ¼, Section 12, Town of Madison.

VARIANCES REQUESTED: 21 feet.

Assistant Zoning Administrator (AZA) Hilbert presented a Staff Report reporting facts of the case.

IN FAVOR: Mary Beth Selene, agent for owner, spoke in favor of the variance request.

ZONING ADMINISTRATOR'S COMMENTS: Lane spoke in favor of granting the variance request stating that the request fell within the standards for granting a sign variance and the proposed sign has been designed to fit in with the surrounding community regulations and that there was a uniqueness for infill development.

OPPOSED: [None. The Chair stated no rebuttal was needed.]

Motion: Pulvermacher/Haley to grant variance of 21 feet to the required setback from a Class C highway to permit an on-premise advertising sign as proposed.

Finding of Fact:

Existing:

- Existing structure and property has recently been converted to a domestic abuse resource center. The center is expected to open in Mid-July 2014.

Proposed

- Installation of a ground on-premise advertising sign proposed to be located within the required setback from a Class C Highway.
- Location of proposed sign has been depicted on all plans submitted during the CUP application and review period, however was not found to be non-compliant until a sign permit application was made with Dane County Zoning.

Zoning Notes:

- CUP 2166 was approved April 27, 2011 to permit a residence and care facility within the C-1 Commercial Zoning District.

History

- Prior to use as a domestic abuse resource center the property was a vacated machinery showroom and repair shop for Sears.
- Property is located in an island of the Town of Madison surrounded by City of Madison and the Village of Maple Bluff. An agreement exists between the City and the Town that the property will be annexed to the City in the year 2022.
- No violation history was found.

VARIANCES REQUESTED: Purpose: Allow for a ground on-premise sign within the required highway setback.

Setback from Road Variance:

Minimum setback from centerline of a Class C highway required: 63 feet.

Actual Setback: From front lot line: 42 feet.

VARIANCE NEEDED: 21 feet.

COMMUNICATIONS:

July 14, 2014 Town Board recommended approval of the proposed variance request.

July 18, 2014 City of Madison Zoning department stating that proposed sign would meet City signage requirements.

July 23, 2014 Joseph Parisi, Dane Count Executive, supporting the variance request.

Conclusions:

1) **Unnecessary Hardship:** The Dane County sign code is intended for rural areas and is difficult to administer on properties in and around urban areas as well as redevelopment sites where existing property layouts create hardships for meeting the sign code regulations. Granting relief allows for an existing building to remain functional. The request is not for additional signage or larger signage than what the ordinance permits.

2) **Unique Limitations of the Property:** The property is located within a "Town Island" surrounded by the City of Madison and the Village of Maple Bluff and will be annexed into the City based on a intergovernmental agreement in the year 2022; at such time the proposed sign would be conforming to City standards.

3) **No Harm to Public Interests:** The proposed sign is of similar appearance and proximity to the roadway as other signs on neighboring properties. The sign is still setback 9 feet from the public sidewalk. The use of the property is regulated by a conditional use permit providing an additional layer of protection to the community.

4) **Alternatives:** The alternatives provided by the applicant could create an unsafe environment for the users of the resource center.

The motion carried.

Ayes: 5 - SCHULZ, STUDZ, HALEY, PULVERMACHER and LONG

2. Appeal 3656. Administrative Appeal by Corey Ballweg (Millonzi Law, LLC, agent) appealing the Zoning Administrator's decision as described in a June 6, 2014 letter regarding "corrective actions at 7690 W Old Sauk Rd" and regarding property located in the SE ¼ of the SE ¼, Section 18, Town of Middleton.

The administrative appeal was withdrawn by the applicant.

This BOA Appeal was postponed indefinitely

F. Reports to Committee

1. Update on appointments to the Board of Adjustment

Hilbert updated the Board on recent reappointments to the BOA. No action was taken.

2. Staff report on past appeals and upcoming meetings

Hilbert informed the Board that an August 28th meeting would be required. No action was taken.

G. Other Business Authorized by Law

1. Election of the Chairperson of the Board of Adjustment

A motion was made by LONG, seconded by STUDZ, to nominate Schulz as Chairman. Schulz accepted the nomination, no other nominations were made. The motion carried by a voice vote.

2. Election of the Vice-Chairperson of the Board of Adjustment

A motion was made by LONG, seconded by HALEY, to nominate Studz as Vice-Chairperson. Studz accepted the nomination, no other nominations were made. The motion carried by a voice vote.

3. Election of the Secretary of the Board of Adjustment

A motion was made by HALEY, seconded by PULVERMACHER, to nominate LONG as Secretary. Long accepted the nomination, no other nominations were made. The motion carried by a voice vote.

H. Adjournment

Haley/Studz to adjourn at 7:15 PM