

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: October 7, 2020

GENERAL DESCRIPTION

Description of Request: Petition for variances to Chapter 22.505(3) to allow the modification of a freestanding sign that is taller and not in compliance with setbacks; and to allow more wall signs than permitted by the ordinance.

Address: 1 S Main Street (parcel #6-26-871)

Applicant: Bowman Farms/Stop N Go

Current Zoning/Land Use: HMU / gas station convenience 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 1 S Main Street.
2. The petitioner proposes to utilize the existing posts of the existing pylon sign but modify the sign as follows: lowering the overall height from 27' 7" to 25'; reduce the sign area; and raise the bottom of the sign to 12'. The proposed sign does not comply with the following ordinance provisions:
 - Sign can be no more than 10' tall (proposed sign is 25')
 - Sign must have a 12' setback (existing sign has a 0' setback from S Main Street)
3. The petitioner proposes to install four wall signs that are 18.3 sq ft each. Three of the signs are on the canopy and one is on the building. The ordinance allows for two wall signs. The maximum area allowed for a wall sign on the building is 70 sq ft and a wall sign on the long side of the canopy is 80 sq ft.

Date Draft Submitted _____
Date Application Submitted _____
Fee Paid _____

Application for Variance

Owner (must be the applicant) Bowman Farms Inc (Stop-N-Go of Madison, Inc) Andy Bowman, president
Parcel Address 1 S Main St (Stop-N-Go #214) Parcel Number 6-26-871
Owner Address 2934 Fish Hatchery Rd Madison WI 53713 Daytime Phone 608-271-4435
Present Use of the Property fuel station/convenience store
Zoning Classification HMU with PUD overlay

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 # 22.505 3 a 1 b iii cannot be entirely satisfied because:

the ordinance calls for a 10' tall maximum sign height with an 8' underclearance due to being in the vision triangle which would leave only 2' of space for a sign. As fuel prices are required to be posted this is not enough space for a main identification sign. The lot is too small to comply to the 12' setback.

In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail):

We propose keeping the existing poles as they are but lowering the sign height from its present 27' 7" height and

conforming to more than the required 8' under clearance but keeping the setback as it is due to the small area of this lot.
Moving this sign out of the corner is not an option due to the layout of the lot. The sign would not be seen
by customers on W Fulton St if moved to the back near the railroad track (which also has street lamp pole, wires and
railroad crossing signs). If moved to the east end of the W Fulton St side of the lot, it would not be seen by Main St
customers or those traveling from the east on W Fulton as a building would block the sign.

- (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.

Small corner lot with large neighboring building blocking view from the east. Large railroad crossing signage
on the south end of the lot. Moving the existing sign placement to the current required setback place it too
close to the fuel canopy to allow vehicles to proceed through.

- 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

(vcould add channel etters to this too, and pull back if whole thing looks like it's getting denied - if add the size is 18.26 each ordinance allows 1 on store and 1 on canopy the size of the length of the building, these are much smaller than what would be allowed.

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.

The surrounding properties aren't in our circumstance in this district as this lot is very small and since it is a corner lot a sign would be appropriate in a location that can be seen from both directions.

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.

The granting of the proposed variance would have no impact on adjacent properties as the replacement would be in the same location it is presently and the replacement sign would be shorter and smaller than the existing.

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.

The replacement sign would have more underclearance than the existing making it safer for cars to see through at the intersection. The current sign has a 74 1/2" under clearance, the replacement would have 12' 4 1/4" under clearance.

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

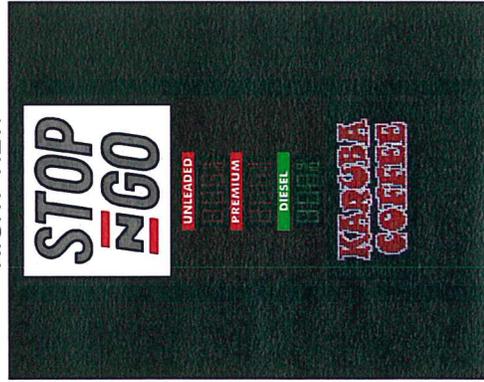
RETRO DOUBLE FACED PYLON

#1500 EDGERTON, WI

EXISTING



NIGHT VIEW



Stop N Go Faces
Have Lexan Faces
with Translucent
Vinyl Graphics

8" PRICERS
Have Illuminated
Product with
Opaque
Background

72X144
10mm RGB
Active SF 11.52
Overall SF 14.68

Using Existing
Poles

Overall Sign
SF 69.93

Approved by: _____ Date: _____ Landlord: _____ Date: _____

This artwork is copyrighted and may not be otherwise used without permission. It is the property of La Crosse Sign Co. Inc. and must be returned to them.

lacrossesign.com



1450 Oak Forest Drive • Onalaska, WI 54650 • 608-781-1450
2242 Mustang Way • Madison, WI 53718 • 608-222-5353
2502 Melby Street • Eau Claire, WI 54703 • 715-835-6189

DESIGN

Drawing by: Danielle Hadley
Sign Type: Retro Pylon
Date Created: 8/27/2020
Last Modified: 8/28/2020
Scale: 3/16" = 1'0"

SALES

Job Name: Stop N Go #214
Job Address:
1 S. Math St.
Edgerton, WI 53534
Salesperson: Cindy Bluske
Job Number: 109269

FILE

Revision Number:
Job File Location:
S:\1 - Kwik, TripAZZ-STOP-N-GO\
KT Acquisition\Edgerton, WI 1500\
1 S Main St (SNG #214)\109269 -
Acquisition of SNG Edgerton\
Design\1500 Edgerton Art 109269

COLOR KEY

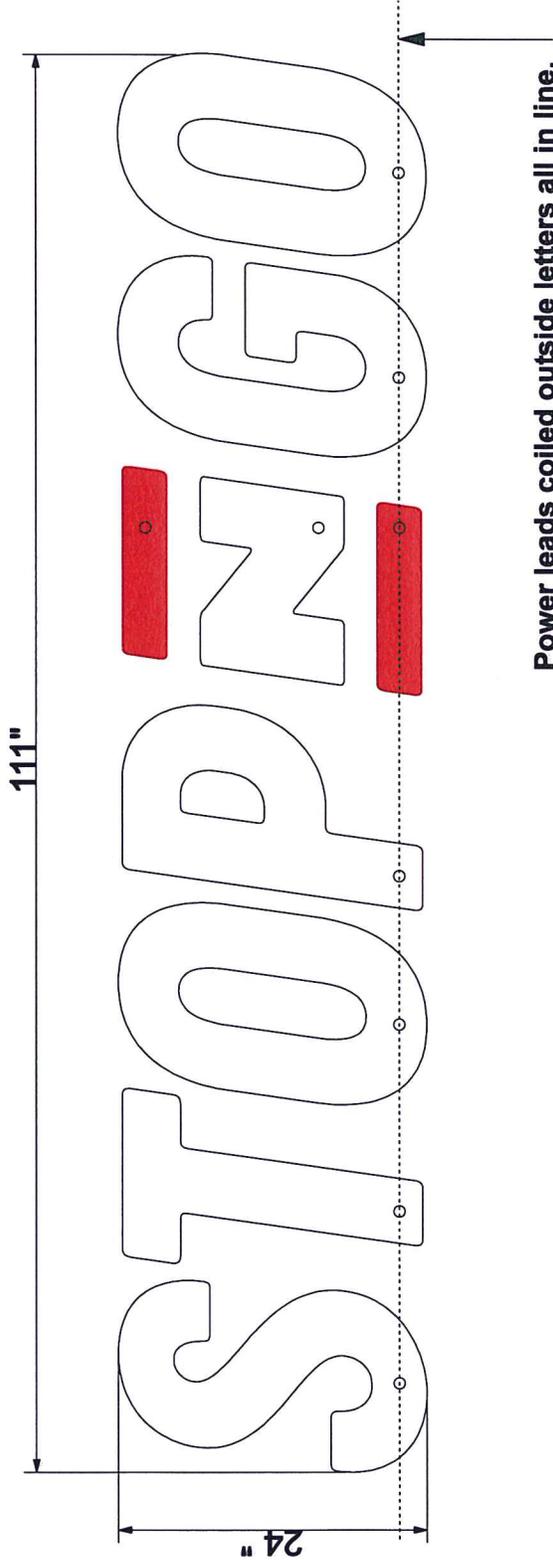
- White Lexan
- Black (230-22)
- Cardinal Red (230-53)
- Slate Gray (230-61)
- TBD

LED ILLUMINATED CHANNEL LETTERS

BUILDING

SPECIFICATION NOTES

- QUANTITY**
-1 Complete Set
- FABRICATION**
-Type: Channel Lock
-Returns: .040, 5" Deep
-Return Finish: Pre-finished White & Red
-Backs: .050
-Letter Interior: Pre-finished Semi-gloss White
-Faces: .177 White # 7328 & # 2283 Red
Acrylic (oversized for ease of removal & reinstallation)
-Trim Cap: 1" Black & Red
-Illumination: White & Red Hanley/LED Phoenix Series PF-3120 (silicone LEDs in place along with VHB tape)
- ELECTRICAL**
-UL Approved
-Voltage: 120 volt
-Power Supplies: Lower voltage LED (mounted in transformer boxes)
-LED Power Lead's Coiled Outside Letters
-Connectors: 14" Wall Busters (installed on back of letter, all LED connectors inside letters to use small blue wire nuts or ScotchLock connectors)
-Wrips: 10" Each Letter
- MOUNTING**
-Wall Mount
-Remote Power Supplies
-Supply Mounting Pattern - Heavy Paper



Approved by: _____ Date: _____ Landlord: _____ Date: _____

This artwork is copyrighted and may not be otherwise used without permission. It is the property of La Crosse Sign Co., Inc. and must be returned to them.

lacrossesign.com **PRODUCTION** **SALES** **FILE** **COLOR KEY**

La Crosse Sign Group
1450 Oak Forest Drive • Onalaska, WI 54650 • 608-781-1450
2242 Mustang Way • Madison, WI 53718 • 608-222-5353
2502 Melby Street • Eau Claire, WI 54703 • 715-835-8188

Drawing by: Danielle Hadley
Sign Type: Channel Letters
Date Created: 8/17/2020
Last Modified: _____
Scale: _____

Job Name: Stop-N-Go
Job Address: _____
Salesperson: Cindy Bluske
Job Number: _____

Revision Number: _____
Job File Location: S:\1 - Kwik Trip\YZ-STOP-N-GO\KT Acquisition\YZ-Channel Letter Order\24in White & Red

COLOR KEY
 a Red Acrylic #2283
 b White #7328
 c
 d
 e
 f

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

July 15, 2020

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on July 15, 2020.

Present and responding to the roll call were Chairperson David Maynard, James Kapellen, Jim Long, Steve Burwell, First Alternate Corey Steen and Second Alternate Paul Davis.

Absent was Russel Jorstad.

Also present were 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 Kapellan, seconded by ZBA Member Long, and passed by unanimous voice vote at 6:08 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 Veronica and Chase Ellingworth for a variance to Chapter 22.420(3)(a)1, 22.420(3)(b), and 22.420(3)(c)1 to allow the construction of a fence 6 feet tall (maximum height allowed is 4 feet); to allow the construction of a fence that has 0 foot setback from a street yard property line (minimum setback is 1 foot); and to allow the construction of a fence that is 100% opaque or solid (maximum opacity allowed is 50%) for the property located at 204 E. Hubert Street, Edgerton, Wisconsin.

Applicant Veronica Ellingworth presented on the need for the variance. The applicant indicated that there was a need for a solid fence of at least 6’ in height due to special needs children residing at the residence and the possibility of elopement. Member Burwell asked for specifics as to where the fence was to be located. After discussion, the applicant stated that the fence did not need a variance from the setback because the playset in the yard could be accommodated without the variance. The City Attorney inquired why a conditional use permit was not being sought. There was further discussion on the two different processes. Susan Johnston, a social worker working with the applicant, spoke on the need for the fence, the funding process, and any restrictions attached to the project.

There were no other presenters regarding the application. At 6:58, ZBA Member Long moved to close the public hearing. The motion was seconded by ZBA First Alternate Steen. The motion passed on a unanimous voice vote.

Administrator Flanigan presented the staff report which recommended that the variance be denied 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 variances with the conditions that the fence be located at least 3' off of the street-yard property line and be screened with appropriate plantings, noting that a variance is essential to allow the owners of the property to enjoy the same rights as enjoyed by owners of similar property, namely the right to have children in the yard and that the need for the variance was not self-created. ZBA Member Long seconded the motion. Upon a roll call vote, the motion was granted unanimously.

The next order of business was to consider approval of the minutes of the June 19, 2019 Zoning Board meeting. Upon a motion from ZBA First Alternate Steen, seconded by ZBA Member Kapellen, 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 7:15 p.m.

Dated this 28th day of July, 2020.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney