

1. Call to Order and Roll Call.
2. Approval of Minutes – March 8, 2018 meeting.
3. **Public Hearing #1** – Variance V-02-18 requested by Kolosso Enterprises Limited Partnership, dba Kolosso Toyota, 3000 W. Wisconsin Avenue, for a variance from Ch. 535-106 (D)(2) of the Town of Grand Chute Municipal Code for installation of a pylon sign with a vision underclearance of less than 12 feet measured from ground level to the bottom of the sign cabinet. **Action:** Hear testimony/close public hearing.
4. **Variance V-02-18** – Request by Kolosso Enterprises Limited Partnership, dba Kolosso Toyota, 3000 W. Wisconsin Avenue, for a variance from Ch. 535-106 (D)(2) of the Town of Grand Chute Municipal Code for installation of a pylon sign with a vision underclearance of less than 12 feet measured from ground level to the bottom of the sign cabinet. **Action:** Approve/deny Variance V-02-18.
5. **Public Hearing #2** – Variance V-03-18 requested by FCPT Restaurant Properties LLC, dba Olive Garden Italian Restaurant, 1275 N. Casaloma Drive, for a variance from Ch. 535-107 (D)(1) of the Town of Grand Chute Municipal Code to allow modification of an existing pylon sign that exceeds 25 feet in height and 144 square feet in size. **Action:** Hear testimony/close public hearing.
6. **Variance V-03-18** – Request by FCPT Restaurant Properties LLC, dba Olive Garden Italian Restaurant, 1275 N. Casaloma Drive, for a variance from Ch. 535-107 (D)(1) of the Town of Grand Chute Municipal Code to allow modification of an existing pylon sign that exceeds 25 feet in height and 144 square feet in size. **Action:** Approve/deny Variance V-03-18.
7. Adjournment.

Public Notice: Agendas are posted in the following locations: Town Hall bulletin boards & Town website www.grandchute.net
2015 Wisconsin Act 79 allows the publication of certain legal notices on an Internet site maintained by a municipality. This law allows these types of legal notices to be posted in one physical location in the jurisdiction (instead of three) if also placed on an Internet site maintained by the local government.

Special Accommodations: Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at (920-832-5644) with at least 24-hour notice.

Notice of Possible Quorum: A quorum of the Town Board, Sanitary Districts, Board of Review, Community Development Authority, Licensing Committee, Parks Commission, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Town Board, Sanitary Districts, Board of Review, Licensing Committee, Parks Commission, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission will be taken at this meeting.

TOWN OF GRAND CHUTE
ZONING BOARD OF APPEALS MINUTES

March 8, 2016

Members Present: Karen Petersen, Cheryl Ulrich, Kiersten Gustafson, Dan Schultz.
Members Excused: Aaron Janssen.

Also Present: Michael Patza, Town Planner (Audience attendance: 2)

1. **CALL MEETING TO ORDER AND ROLL CALL**

Chair Karen Petersen opened the meeting at 5:30 p.m. and roll call was taken.

2. **APPROVAL OF MINUTES** – November 9, 2017 meeting.

Motion (Ulrich/Schultz) to approve the minutes. Motion carried, all voting aye.

3. **PUBLIC HEARING #1:** VARIANCE (V-01-18) REQUESTED BY MICHAEL E. FORREST AND RODNEY T. BERGMAN, 2837 E. WISCONSIN AVENUE, FOR A VARIANCE FROM CH. 535-43 OF THE TOWN OF GRAND CHUTE MUNICIPAL CODE TO ALLOW CONSTRUCTION OF A BUILDING ADDITION WITHIN THE REQUIRED 55 FOOT SETBACK FROM A STATE HIGHWAY.

Chair Petersen opened the hearing at 5:32 p.m.

Rod Bergman, 2837 E. Wisconsin Avenue explained the request is for an addition to connect the existing home and garage, which are both within the required 55' front yard setback. He also detailed the constraints on the property due to the steep slope and 75' setback from the Fox River.

Planner Patza read a letter sent from John Lepinski, property owner of 2913/2917 E. Wisconsin Avenue. Mr. Lepinski indicated he was aware of the proposed project and had no objections.

Motion (Gustafson/Ulrich) to close Public Hearing #1 at 5:34 p.m. Motion carried, all voting aye.

4. **VARIANCE (V-01-18)** - REQUEST BY MICHAEL E. FORREST AND RODNEY T. BERGMAN, 2837 E. WISCONSIN AVENUE, FOR A VARIANCE FROM CH. 535-43 OF THE TOWN OF GRAND CHUTE MUNICIPAL CODE TO ALLOW CONSTRUCTION OF A BUILDING ADDITION WITHIN THE REQUIRED 55 FOOT SETBACK FROM A STATE HIGHWAY .

Planner Patza explained that the motion will be amended to include that the proposed reduced setback will be at least 30'. Planner Patza outlined an e-mail from David Nielsen, Wisconsin Department of Transportation (WisDOT), which indicated WisDOT had no objection to this request as there are no imminent plans for widening this section of E. Wisconsin Avenue. Consequently, there is no enforceable setback from the WisDOT. Planner Patza outlined the environmental constraints on the property including the 75' setback from the Fox River, and 46' drop in site elevation from E. Wisconsin Avenue to the Fox River.

Motion (Ulrich/Gustafson) to approve Variance V-01-18 requested by Michael E. Forrest & Rodney T. Bergman, 2837 E. Wisconsin Avenue, to allow construction of a building addition within the required 55' setback from a State highway, at a setback distance of not less than 30'. In granting this variance, the Town of Grand Chute Zoning Board of Appeals has relied upon confirmation of the fact that the Wisconsin Department of Transportation does not have an enforceable setback on the property at 2837 E. Wisconsin Avenue. Motion carried, all voting aye.

5. **ADJOURNMENT**

Motion (Schultz/Ulrich) to adjourn the meeting at 5:42 p.m. Motion carried, all voting aye.

Respectively submitted,

Tracy Olejniczak/MP
Community Development Secretary

Town of Grand Chute
Variance Request
Kolosso Enterprises Limited Partnership, dba Kolosso Toyota

3/4

TO: Zoning Board of Appeals

FROM: Robert Buckingham, Community Development Director

DATE: June 6, 2018

ADDRESS: 3000 W. Wisconsin Avenue

App. #: V-02-18

REQUEST

Applicant is undertaking a major redevelopment and expansion project at its auto dealership. Included in that work is new site signage that meets Toyota branding standards. Those standards include a stipulation that Kolosso Toyota must have specific type product signs on the property, with no substitutions allowed. The proposed product sign illustrated in the attached documentation is 15 feet in height and 83 square feet in size, which dimensions both meet code requirements. A variance is requested to allow the sign to have a vision underclearance of 6'-8.5", measured from ground level to the bottom of the sign. The Sign Code requires an underclearance of no less than 12 feet for any sign located within 10 feet of the front property line.

ANALYSIS

This is a reasonable request and staff recommends approval. The underclearance provision in the Sign Code anticipates that signs subject to this requirement are to be placed in a location on the property that is very near the adjoining street line, which makes it necessary to ensure that a vehicle driver's view, when entering the flow of traffic, is not impeded by the location of the sign. In this case, Wisconsin Avenue is a State Highway and along the portion of the Kolosso property where this sign will be placed, the road right-of-way is 15' – 20' deeper and further away from the road edge than along other portions of this and surrounding properties on this street. As a result, the front edge of the proposed sign will be 30 feet from the edge of the street. This separation from the sign to the road renders the requirement of the vision underclearance moot since any vehicle entering the flow of traffic will be at least 1 car length past the sign as it prepares to enter the flow of traffic. Granting the variance in this situation is warranted and aids in ensuring the code maximum sign height of 15 feet is maintained.

FINDINGS OF FACT IN GRANTING OF A VARIANCE

- 1. The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of the Zoning Ordinance. *Found.* The public interest will not be harmed.**
- 2. The variance will not permit the establishment of a use, which is not permitted or permissible in the district. *Found.* A product/pylon sign like the one proposed is an allowed use in the Community Center Sign District.**
- 3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. *Found.* The proposed sign is located in a front setback area along an excessively deep right-of-way line, which places the sign**

30 feet from the edge of the street. The variance is the minimum needed to afford relief.

4. **The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.** *Found.* See finding #3 above. On other properties with a standard right-of-way line, the location of the requested sign would not require any vision underclearance. In those instances, the sign could be ground-mounted.
5. **The hardship is not shared generally by other land or buildings in the area.** *Found.* See finding #3 and #4 above.
6. **The hardship results from the strict interpretation of this ordinance and is not the result of self-created or self-imposed circumstances.** *Found.* See findings #3 and #4 above.

RECOMMENDATION

Staff finds in favor of granting this variance and recommends Board approval of the request by Kolosso Enterprises Limited Partnership, dba Kolosso Toyota, 3000 W. Wisconsin Avenue, to allow installation of a pylon sign with a vision underclearance of 6'-8.5", measured from ground level to the bottom of the sign cabinet.

May 16, 2018

Re: Kolosso Toyota

Statement of hardship:

Toyota branding standards stipulate that Kolosso Toyota (as well as any Toyota dealership) must have this type product sign for the facility. Toyota provides the dealer product signs as the one proposed and does not allow substitutions. This sign conforms to the 15-foot overall height requirement and allowable square footage, but the sign underclearance is at 6' 8.5". However, the edge of the sign will be 30 feet from edge of road and poses no restrictions for traffic exiting or entering at the driveway.

Since the sign does not interfere with traffic and meets all other ordinance requirements, we ask that you please allow this variance request.

Sincerely,



Rod Fredrickson – Appleton Sign Co

Cc: B Kolosso

5/6.

**Town of Grand Chute
Variance Request
FCPT Restaurant Properties LLC, dba Olive Garden Italian
Restaurant**

TO: Zoning Board of Appeals

FROM: Robert Buckingham, Community Development Director

DATE: June 6, 2018

ADDRESS: 1275 N. Casaloma Drive

App. #: V-03-18

REQUEST

Applicant proposes to replace the sign cabinet on its existing pylon sign with a new sign cabinet. The existing pylon sign is characterized as nonconforming. It is 50-2” in height and 188 square feet in sign cabinet size. A variance is requested to install the new sign cabinet, which would increase the height to 52-8” and reduce the sign cabinet size to 150 square feet. The Sign Code allows for a sign to be 25’ in height and 144 square feet in size.

ANALYSIS

The variance as requested is not recommended for approval. The Town of Grand Chute has consistently interpreted and enforced Sign Code provisions related to signs characterized as nonconforming. In such cases, this type of sign can continue to be used and maintained as-is without consequence. Additionally, the sign face panels can even be replaced with new panels so long as the existing sign cabinet continues to be used. However, when an owner proposes any other alteration of a nonconforming sign, the Town expects the sign to either be brought into full compliance with today’s code standards, or to be modified in height and/or size in conjunction with a variance request so that the extent of non-conformity is reduced. The Board of Appeals’ rulings on nonconforming signs have also reflected the code administration practices of the Town. In this specific case the applicant, through its sign company representative, was informed of these practices, but they chose to request the variance to further increase the height and to remove the cabinet and replace it with a new cabinet. While the new cabinet size would be smaller than the existing nonconforming cabinet, the new size would nonetheless still be larger than what is allowed by code. Staff recommendation to the applicant was to either bring the sign fully into compliance so that a variance would not be necessary, or to reduce the overall height of the sign to 30’, propose the new sign cabinet at 150 square feet, and request a variance (with a favorable staff recommendation). The applicant has chosen to not pursue any of these suggestions and wishes to proceed with the variance as-is.

FINDINGS OF FACT IN GRANTING OF A VARIANCE

1. **The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of the Zoning Ordinance. *Not Found.*** The purpose and intent of the Ordinance is to achieve conformity with current standards and the public interest is best served when the code is consistently interpreted and enforced. Granting the variance as requested would be counter to these purposes and intentions.
2. **The variance will not permit the establishment of a use, which is not permitted or permissible in the district. *Found.*** Corporate brand signs on a pylon structure are an allowed use in the Community Center Sign District.
3. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. *Not Found.*** The existing sign can remain and be maintained as-is in perpetuity.

4. **The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. *Not Found.*** The existing sign is characterized as nonconforming and can remain in use as-is. Arguably, the applicant enjoys rights not shared by other properties in the district by virtue of the current height and size of the sign being greater than the code allows.
5. **The hardship is not shared generally by other land or buildings in the area. *Not Found.*** The Town finds no hardship in this case. The existing sign is characterized as nonconforming and can be maintained as-is in perpetuity.
6. **The hardship results from the strict interpretation of this ordinance and is not the result of self-created or self-imposed circumstances. *Not Found.*** Because this is an existing nonconforming sign, the hardship is self-created by applicant's desire to alter and modify said sign.

RECOMMENDATION

Staff finds in opposition to granting this variance and recommends Board denial of the request of, FCPT Restaurant Properties LLC, dba Olive Garden Italian Restaurant, 1275 N. Casaloma Drive, to modify an existing pylon sign in the Community Center Sign District that exceeds 25 feet in height and 144 square feet in size.

NOTE: As a courtesy reminder, the Board does not have the authority to approve a variance for anything other than what is sought by the applicant. If during the hearing deliberations, the applicant would entertain the possibility of receiving a variance on the condition that the sign height and/or size be reduced, the Board would have the option to hold open the public hearing so that the applicant could submit an amended application with a sign array other than what was requested in the original variance application. A special meeting of the Board could be called at a future time to continue the public hearing and deliberate on the amended variance application. This action would be a courtesy of the Board and it is not obligated to proceed in this manner.

The Board is also reminded that approval of a variance requires a super-majority of 4 members voting in the affirmative. If fewer than 4 members vote affirmatively for approval of a variance, said variance is denied.

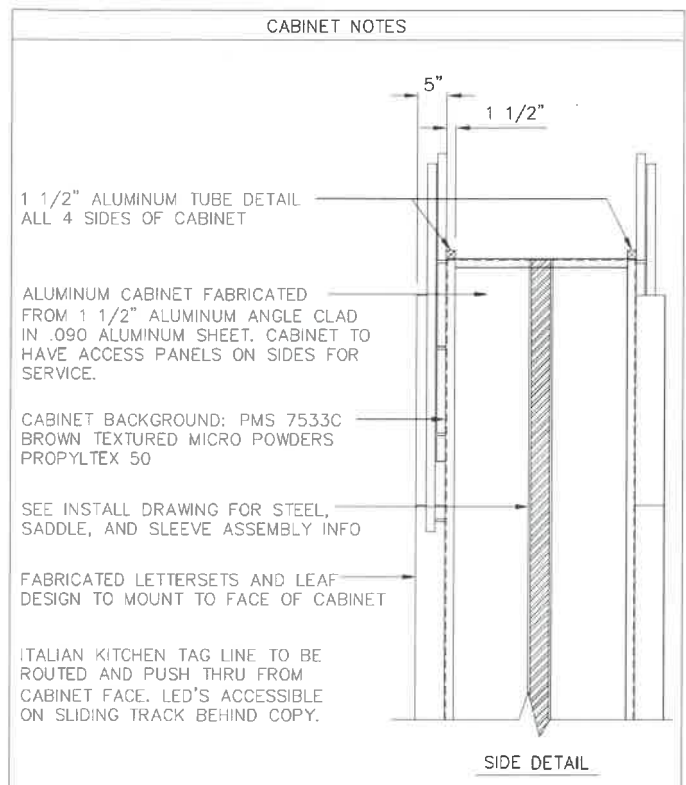
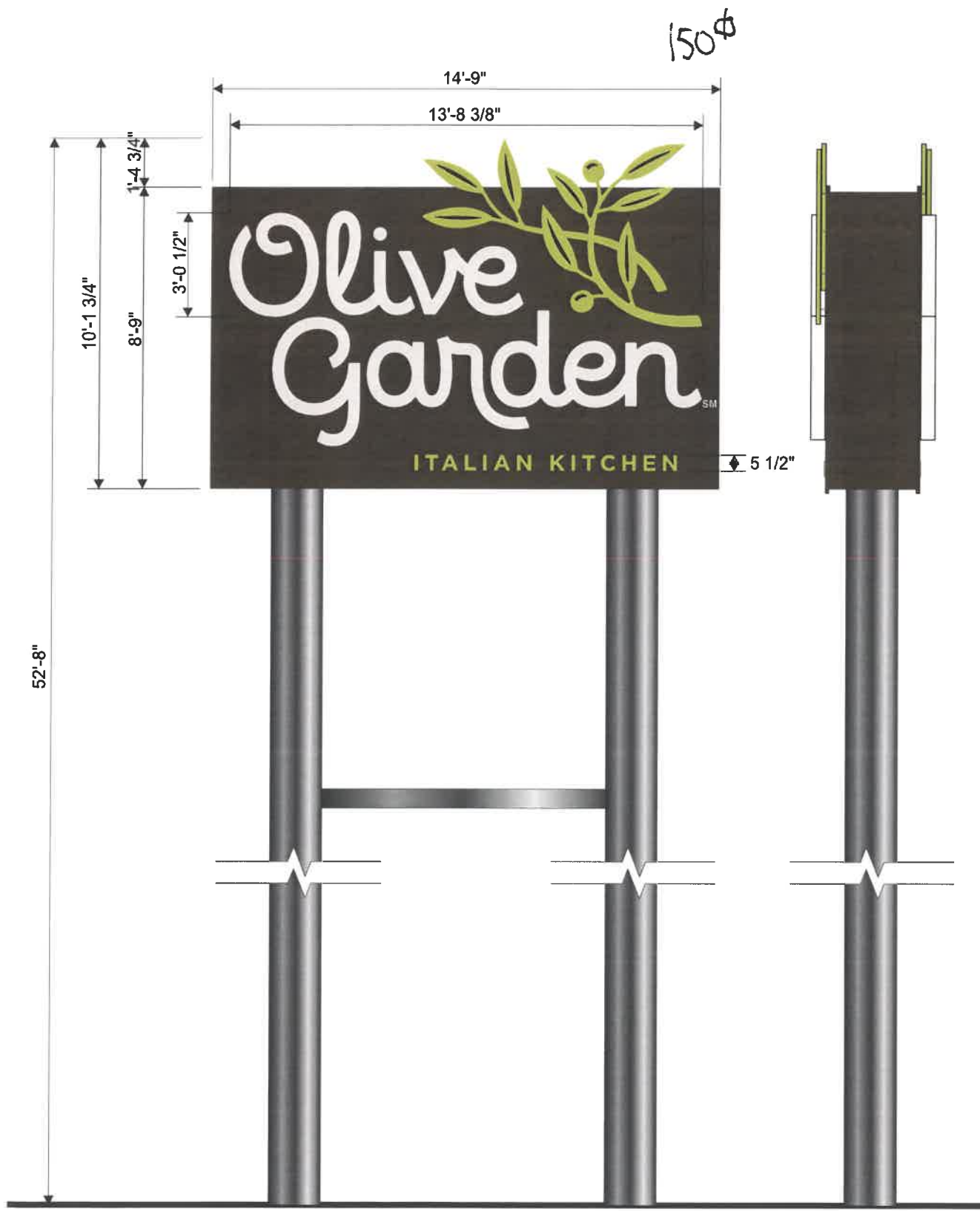
Proposed (see next page)

See page 2 for sign location. See pages 10-11 for sign details.



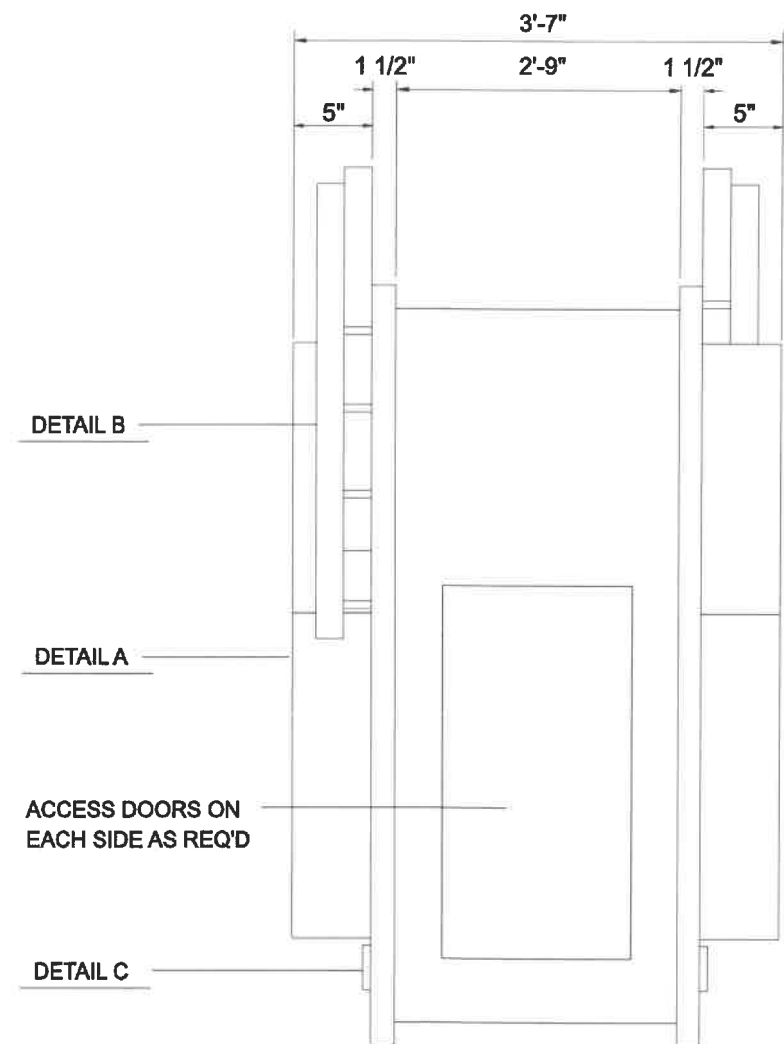
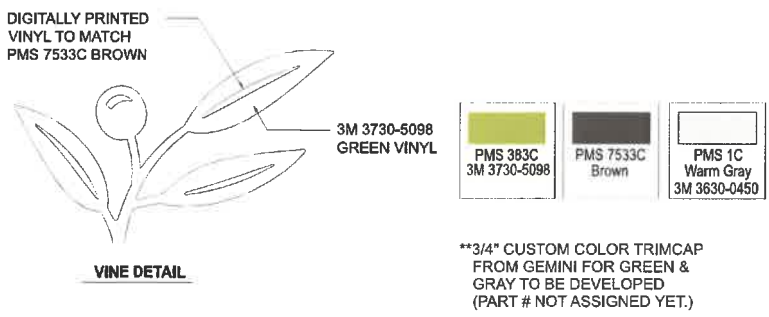
Existing:
9'-3" x 20'-4" at 50'-2" OAH:
188.08 SF





OG-M25-NL & OG-M32-NL TO HAVE 1'-9" WIDE FRAME /2'-7" OVERALL WIDTH

OG-M50-NL & OG-M75-NL TO HAVE 2'-3" WIDE FRAME /3' 1" OVERALL WIDTH



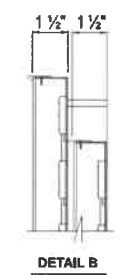
OLIVE GARDEN NOTES

- .063 WHT/BLK ALUM BACKS
- .040 ALUM RETURNS STAPLED
- K-LATH SCREWS
- 3/4" GEMINI WARM GREY TRIMCAP
- .177 WHITE SG 10 FACES MFGD. BY PLASTILITE
- SURFACE APPLIED TRANSLUCENT VINYL 3M 3630-0450 WARM GREY
- GEMX41 LED'S
- GEM TRIM, RETURNS, SCREWS, AND BACKS TO BE PMS 1C WARM GREY



VINE NOTES

- .063 WHT/BLK ALUM BACKS
- 1 1/2" .050 ALUM STAPLED RETURNS
- K-LATH SCREWS
- 1 3/4" STANDOFFS PAINTED PMS 7533 BROWN
- 3/4" GEMINI TRIM CAP GEMM71 LED'S
- .177 WHITE SG 10 FACES MFGD. BY PLASTILITE
- SURFACE APPLIED TRANSLUCENT VINYL 3M 3730-5098 GREEN
- RETURNS, SCREWS, AND BACKS TO BE PMS 383C GREEN



ITALIAN KITCHEN NOTES

- BENT .063 ALUM POP RIVIT TO BENT .090 ALUM
- .090 ALUM REMOVEABLE PANEL FOR SERVICING LED'S
- 3/4" CLEAR ACRYLIC PUSH-THRU COPY W/ 3730-5098 GREEN VINYL
- GEMM71 LED'S
- .090 ALUM FACE



P150 - Pylon Sign - 149.65 sq ft
SCALE: 1/4" = 1'-0"

Utilize existing pole/poles.
Sign company to verify drawing prior to manufacturing.