

TOWN OF GRAND CHUTE  
**ZONING BOARD OF APPEALS MINUTES**  
JUNE 14, 2018

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

Also Present: Robert Buckingham, Community Development Director; 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** – MARCH 8, 2018 meeting.

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

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.

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

Rod Fredrickson, Appleton Sign Company, spoke on behalf of the applicant to explain the hardship due to the excessive right-of-way depth. He also noted that the sign design is a national brand standard requirement.

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

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.

Director Buckingham provided background on the circumstances at the property and the excessive depth of the right-of-way line at the sign location. He noted that code intent is to have sign underclearance to prevent interference with clear vision for cars existing the property. The excessive depth in this case makes vision clearance at the street line a moot point.

**Motion (Ulrich/Janssen) to approve Variance V-02-18 requested 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 the ground level to the bottom of the sign.** Motion carried, all voting aye.

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 EXITING PYLON SIGN THAT EXCEEDS 25 FEET IN HEIGHT AND 144 SQUARE FEET IN SIZE.

Chair Petersen opened the hearing at 5:36 p.m.

Landon White, Sign Enhancement Services, spoke on behalf of the applicant and explained the request to replace a nonconforming sign with a new sign. He offered testimony that lowering the sign to meet code would create blocked views due to existing on-site vegetation. He noted that the sign successfully directs customers to the property and by lowering it, there could be lost business to other competing restaurants.

In response to questions from Commissioners Janssen and Ulrich, Mr. White advised that it is unclear if the vegetation at the property is on private land or street right-of-way. Mr. White also acknowledged that even if the existing sign stay as-is, there would come a time when the trees would have to be trimmed.

**Motion (Ulrich/Gustafson) to close Public Hearing #2 at 5:48 p.m.** Motion carried, all voting aye.

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.

Director Buckingham explained the Town practice when working with owners of nonconforming signs. When it is not practical to bring a nonconforming sign into full compliance, staff does support variance requests if the owner agrees to lower the height and size to a prescribed level. In this case, the applicant declined that alternative. He also noted that tree growth is not a hardship as defined for zoning purposes.

**Motion (Ulrich/Janssen) to deny Variance V-03-18 requested by FCPT Restaurant Properties LLC, dba Olive Garden Italian Restaurant, 1275 N. Casaloma Drive, to modify an existing pylon sign in Community Center Sign District that exceeds 25 feet in height and 144 square feet in size.** Motion carried, all voting aye.

7. **ADJOURNMENT.**

**Motion (Gustafson/Ulrich) to adjourn the meeting at 5:53 p.m.** Motion carried, all voting aye.

Respectively submitted,

Tracy Olejniczak/BB  
Community Development Secretary