



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: **Board of Appeals**
Date and Time: February 13, 2020, at 7:00 PM
Location: City Hall, 2000 N. Calhoun Road, Brookfield, Wisconsin

Members Present: Frank DeGuire, Gordon Rozmus, Ald. Bill Carnell, Ald. Ron Balzer

Members Excused: Rod Carter, two vacancies

Others Present: Zoning & Building Administrator Larry Goudy

1. ROLL CALL

Frank DeGuire called the Board of Appeals to order at 7:00 pm. He stated that the notice of hearing has been duly published pursuant to the State open meetings law and explained the procedure to present the appeals to the Board this evening. Mr. DeGuire indicated that a quorum was present and that the request for variances must receive the affirmative vote of three members of the Board in order for a request to be granted.

2. MINUTES OF THE DECEMBER 12, 2019, BOARD OF APPEALS

Motion by Alderman Carnell, second by Gordon Rozmus to approve the minutes of the December 12, 2019, Board of Zoning Appeals. Motion carried unanimously 4-0.

Public Hearing & Consideration of Appeal: *Certain requests for building and sign permits have been submitted to the City of Brookfield and have been denied by the Zoning & Building Administrator because they did not comply with the Zoning, Building or Sign Code of the City of Brookfield. There will be a Public Hearing held on February 13, 2020, at 7:00 pm at the Common Council Chambers for the express purpose of considering the following request(s) for variance. Please note that following the public hearing(s), the Board intends to take action by considering the request indicated.*

3. NEW BUSINESS

The request of **Westbury Bank**, Parcel 1 of CSM 6244 Being a Rediv of Parcel 1 of CSM 6033 PT of SW ¼ of the SW ¼ of Sec 15 T7N R20E Rec. 8-8-90 Doc #1606336 Vol 51 PP 248-250 & Except R1735 I2753 Doc #1855003 Rec 6/29/93 & Except the W 5' as Rec on 1/17/14, to appeal Section 15.16.190 C.4 to permit a revision to the monument sign at **17160 W. North Avenue**. The proposed sign is 15' in height. The code limits a sign at the 5' setback to no greater than 10' in height.

Jim Hogan of Westbury Bank and Ramona Miranda, Project Manager, of Lemberg appeared before the board. Zoning and Building Administrator Larry Goudy stated with the reconstruction that is beginning now on North Avenue and will continue for the next two years, this request is before the board. Land has been removed from the bank property and the property line has been readjusted. The existing sign is located beyond where the property line has been adjusted to. The County has

worked with Westbury Bank in coming up with a revised sign and a new location because it can't stay where it is. As part of that, Westbury has to move the sign further into the property. There is a 5' setback for signs in our sign code as a minimum. This proposal places it outside of the 5' setback. At that location, the code states the maximum height of the sign is 10'. That is what the sign is today at their current location. As you go closer to the building, there is a clause in our Code that allows the sign to go higher, up to a maximum of 16' for retail/service uses. The proposed sign is 15' in height. The sign must be relocated as part of the North Avenue expansion project. They are requesting the expanded height due to some factors with parking and the ability to read the electronic message board.

Mr. Goudy stated the drawing presented this evening is an accurate depiction of the masonry that matches the building.

No comments were received from neighbors.

Mr. Jim Hogan stated that Waukesha County took a corner of the land. The sign has to be moved back 10'. He stated they felt the sign has to be raised an additional 5' due to cars obstructing view. Part of the original proposal was to move the sign in the parking lot. They didn't want to lose parking spaces though, because their lot is limited to begin with already. By moving the sign to the proposed location, they wouldn't be losing two parking spaces.

Mr. DeGuire asked if the sign is existing. Mr. Hogan replied yes, including the message board, but it will be raised an additional 5' (just the brick portion). Ms. Miranda replied that the ironic thing was that the sign was moved five years ago for better visibility. They are being forced to move the sign which is creating a hardship. Mr. Rozmus replied this is not a self-imposed hardship because the County initiated the action to take the land which required the signage to be moved on the property further in. Their attempt to have a sign that isn't obstructed by the cars which is for height.

Frank DeGuire reviewed the standards/criteria for a sign variance. The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs. The proposed sign is unique and exceptional design or style to enhance the area. There are unusual site factors to preclude the construction of the sign in accordance with the chapter which would be visible to the roadway adjacent to the site frontage.

Alderman Carnell felt the sign helps locate the business. There is not a lot of signage on the building. Mr. Goudy stated there is a wall sign and a logo on the end of the building. There is no additional signage. He recognizes the extraordinary circumstances under this request. He feels this road has been a hardship for many businesses. The beautiful landscaping for the funeral home at Lilly and North Avenue is gone. Mr. Goudy added that is also the case for this property where they are having a great deal of landscaping removed and it has to be replaced at a different location further back on the site.

Alderman Carnell stated if this was approved, he would object to the massive amount of brick as the base of the sign. He would suggest planting 2-1/2' tall landscaping in front of the sign to break up the view of a large amount of brick. Mr. Hogan replied he would be willing to do this. Mr. Goudy stated they should be encouraged to plant four-season plantings. Mr. Rozmus felt low-growing evergreens around the base of the structure, and closer to the base of the structure, would be helpful. He also stated there are unusual factors.

Alderman Bill Carnell moved approval of the variance with the understanding that perhaps landscaping be changed with evergreen stock that would be relatively low growing, so it doesn't exceed approximately 2-1/2'. The motion was seconded by Gordon Rozmus and carried unanimously.

4. ADJOURNMENT

***Motion by Ald. Bill Carnell, second by Frank DeGuire to adjourn the meeting at 7:25 pm.
Motion carried unanimously 4-0.***

RESPECTFULLY SUBMITTED:

RENEE J. TADYCH, DEPUTY CITY CLERK
CITY CLERK'S OFFICE