

**VILLAGE OF GERMANTOWN
BOARD OF ZONING APPEALS
MEETING MINUTES
June 8, 2016**

CALL TO ORDER: The meeting was called to order at 5:31 p.m.

ROLL CALL: Chair White, Filla, Fritsche, Schleif and Alternate Merry. Village Attorney Sajdak, Community Development Director (CDD)/Village Planner and Zoning Administrator Retzlaff and Deputy Clerk Hann. Absent and excused: Member Hansen

APPROVAL OF MINUTES: February 10, 2016, April 13, 2016 and April 27, 2016.

MOTION (Fritsche/Schleif) to accept the minutes of February 10, 2016, carried.

MOTION (Schleif/Fritsche) to accept the minutes of April 13, 2016, carried.

Member Fritsche stated that his name was spelled incorrectly in the April 27, 2016 minutes and asked that they be corrected. **MOTION (Schleif/Fritsche) to accept the minutes of April 27, 2016 meeting as corrected, carried.**

Chair White opened the Public Hearing at 5:40 p.m.

PUBLIC HEARING:

Chair White read the public hearing notice. The hearing is to hear any and all parties, their attorneys or agents, for or against the **APPEAL** as filed by **POBLOCKI SIGN COMPANY FOR AURORA HEALTH CARE**, owner of the following property, seeking a variance to allow two directional signs @5' x 2'9" wide (13.75 sq. ft. each), larger than allowed by the Village of Germantown Municipal Code, Section 17.46 on the property located at **Aurora Advanced Healthcare, 17975 Mequon Road / W180N11070 N River Lane, Germantown, WI 53022.**

Community Development Director (CDD) Jeff Retzlaff was sworn in by Chair White. CDD Retzlaff presented the Village's information. In March 2016, CDD Retzlaff approved the sign permit applications filed by the Poblocki Sign Company for replacement monument and wall signage proposed for Aurora Health Center campus of River Lane. At that time, CDD denied separate sign permit applications for (2) proposed on-site directional signs because proposed signs exceeded maximum height (4 feet) and sign face area (6 sq. ft. per side) for on-site traffic control and directional signs under Section 17.46(7)(f). On April 25, 2016, Poblocki Sign Company filed a Notice of Appeal seeking a variance from maximum height and area allowances for on-site in order to install two (2) signs as proposed with each sign having a height of 5 feet and an area of 13.75 sq. ft. per side. CDD Retzlaff stated this On-Site Traffic Control and Directional Code was added to the Code in November, 2014. Up until then the only provision allowed a 3 sq. ft. to allow for on-sight direction control.

Chair White read policy and procedures of Board of Zoning Appeals. Chuck Amundsen, VP of Strategic Accounts for Poblocki Sign Company was sworn in by Chair White. Mr.

Amundsen stated all criteria is established in application and this is not a branding opportunity. This is a large campus with five different parking environments to be consider and there is level of anxiousness when people approach the facility. Just trying to make sure people get to right department.

Chair White asked Mr. Amundsen if there was anything special about this parking lot, like lines of sight or anything unique about real estate or land that requires these signs. Mr. Amundsen stated yes, there is a second street like a frontage street in parking lot. There are two separate drive in areas to the north building and the south building and once people enter in they will be looking for where to go. Smaller signs can't quite convey the information as clearly as the slightly large sign being requested. These signs called the "tombstone sign", stay with consistency of other locations.

Merry asked if Aurora encountered sign issue in past with other communities and what alternatives they used. Mr. Amundsen said he could not answer those questions, he is not familiar with each of their facilities where problems have arisen, however, he knows this tombstone design is used throughout all their properties and can vary in size.

Member Filla asked if this size has been used at other campuses. Mr. Amundsen didn't know. Member Schleif asked if Aurora would down size their sign to make it within required standards. Mr. Amundsen stated Aurora would then not put anything up because it would be so small.

Member Fritsche asked CDD Retzlaff if there is anything preventing owners from modifying the property to make signs fit. CDD Retzlaff stated his department does monitor those situations. This is a unique situation because of the two driveways, however the signs don't show both buildings. If you go in the wrong driveway you would be lost already. Mr. Amundsen said people would have to have some idea of the building they were going to, before entering parking lot. CDD Retzlaff stated monument sign on street could be used for additional signage. Mr. Amundsen stated the monument sign is internally illuminated and making changes as departments change could be costly, where the smaller signs could be delaminated and changed easier.

Member Fritsche asked CDD Retzlaff about size of existing monument signs and if they meet maximum currently or if they could be made bigger for directional sign information. CDD Retzlaff excused himself to get that specific information.

Chair White asked if there was any existing data that would show how Aurora's business would be impacted if people couldn't find the correct building. Mr. Amundsen stated he did not know of anything showing that information.

Member Fritsche asked if there were any wall signs on outside of the building. Mr. Amundsen thought everything was posted on inside of building.

CDD Retzlaff stated sign area on "North Monument" is 22 ½ sq. ft. (dimensions 4 ½ ft. tall by 5 ft. wide) and "South Monument" is 27 sq. ft. Monument signs are allowed to be up to 80 sq. ft.

Member Schleif ask CCD Retzlaff how many monument signs are allowed and he responded only one Monument sign per parcel and Aurora has two parcels and one monument sign for each parcel. CCD Retzlaff was asked about other properties with sign issues. He stated the only other sign situation is on Pilgrim and Mequon Roads where existing monument sign was utilized to announce facility by using slide in face paddles.

Chair White closed public hearing at 6:08 p.m. without asking for comments and reopened public hearing to invite anyone in favor of appeal to speak. No one present wished to speak.

Chair White invited anyone opposed to appeal to speak. No one present wished to speak.

Chair White asked if anyone wished to speak. No one present wished to speak.

The Public Hearing was closed at 6:09 p.m.

DELIBERATION AND ACTION BY THE BOARD:

Discussion followed:

Member Fritsche stated variance will not be in accord with spirit of Zoning. There was only one other example of a sign which came up with a solution to meet existing ordinance. Chair White agreed ordinance intent is to have small directional signs and has not been persuaded. Member Filla stated this is a large property that has a lot of people traffic who are not familiar on where to go could be contrary to public interest. Chair White stated our duty is to the ordinance.

Member Filla stated there are exceptional and unusual circumstances that apply specifically to this parcel because it is a large complex and has potential to be confusing to people who visit it. Member Schleif stated this is an unusual circumstance because of the two Aurora locations side by side and there is a need for clarity of a directional sign. Attorney Sajdak clarified to the board this body is to determine if circumstances presented by applicant meet terms of exceptional on a case by case basis. Chair White stated since use of property is a health care facility and a disproportional number of cliental is elderly or those with medical conditions, there are unusual conditions that exist.

Chair White stated the variance is not necessary for preservation and enjoyment of property. Member Fritsche concurred.

Member Fritsche stated the variance will not create a substantial detriment to other properties and would be beneficial to public safety.

Member Fritsche stated enforcement of Zoning code would not result in unnecessary hardship to appellant because patients would still come to office. Member Filla asked if

patients hardship would be conveyed to Aurora. Chair White state there is no evidence showing Aurora business is affected.

Variance:

1. Variance will not be contrary to public interest **because it would be beneficial to the patients** but will not be in accord with the spirit of Zoning Code ~~because it would be beneficial to the patients.~~
2. There are exceptional, extraordinary or unusual conditions or circumstances because this is a health care facility and there are people in need of clear directional signs.
3. The variance is not necessary for preservation and enjoyment of substantial property rights
4. The variance will not create substantial detriment to adjacent property, and will not be contrary to public safety or interest.
5. A literal enforcement of the terms of Zoning Code would not result in practical difficulty or unnecessary hardship to appellant/applicant.

MOTION (Fritsche/Schleif) based on the testimony that has been provided and the discussion that followed it is this body's determination that we deny the variance from the provisions of Section 17.46(7)(f) that requires a maximum height (4 feet) and sign face area (6 sq. per side) for on-site traffic control and directional signs for the property located at W180 N11070 N river Lane, Germantown.

Roll call vote:

***Ayes: 5 (Member Fritsche, Merry, Schleif, Member Filla, White). Nays: 0
Motion carried with no negative votes.***

MOTION (Fritsche/Schleif) to adjourn meeting at 6:34 p.m., motion carried.

Donna Hann
Deputy Clerk

Barbara K.D. Goeckner, Village Clerk
On behalf of Deputy Clerk Donna Hann

Minutes noted with corrections by overstrikes for omission and underscores for additions. Approved on: July 13, 2016.