

The meeting was called to order at 6:30 p.m. by Chairman F. Matestic.

Roll Call – Present: Chairman Fred Matestic; Members Michael Alex, Steve Menden, Ryan Murphy, Z. Fowler and G. Luecht; Adminsitrator S. Kulik. Audience (2).

Meeting Notice was read by S. Kulik: Summary of Notice:

This is a request by Hammad LLC d/b/a Hales Corners BP, for the property located at 5100 . 108th Street for the necessary variance to locate a sign within two (2) feet of the setback area on parcel 654-9985-002. Village Codes Sections 8-9-5(b) prohibits any pylon sign to located within less than twenty-five (25) feet from the front property line in any zoning district..

S. Kulik reviewed procedures. Petitioner provides support for variance request. Board may then ask questions and must make decision based upon the three (3) tests for variance hardship. 1) That it is an unnecessary hardship were compliance with the ordinance would unreasonably prevent the owner from using the property for a permitted use or would render conformity with such restrictions as unnecessarily burdensome. 2) Unique property limitations exist the prevent the ordinance compliance that are not common to adjacent properties and that the hardship was not self-created. 3) Granting of the variance would not harm the public interest as defined by the general purpose of the specific ordinance.

Petitioner: Mohammad Ghaffar, owner of Hammad LLC - addressed the Board. Sign was required to relocated Wisconsin DOT taking of 400 square feet of property where the original sign was located. The orginial sign was two (2) feet from the set back line. Replacing the sign under the ordinance would locate the sign in the middle of the gas pumps. The sign in lower than the previous sign and if placed in that location the sight line would make it impossible to see. It is safer to place the sign where the public can easily see it and enter the property without a hard braking and potentially harmful and dangerous turn. A monument sign would not be seen well as a three foot retaining wall has been built along the property line by the DOT and you cannot see a sign like that from the street and it would further block the view if a monument sign was placed there as people line up to enter the highway.

Board: Chair Matestic commented that gas stations are unique in that they are required by State Law to post their gas prices. S. Kulik commented that a previous variance identified a property line setback that they no longer own that had been granted and included the 300 ft from the lighted intersection issue which would place this sign on property the petitioner doesn't own. S. Menden questioned whether Edgerton Ave. needs to be considered with the pylon placement. S. Kulik commented that it would be a side yard setback and the proposed placement meets the side yard requirement. S. Mended question on if they later decide to place a monument sign at the location would they have to come before this body for another variance. S. Kulik response is they would not, that the set back is for an area for sign placement that begins at the 2 foot mark and as long as any signage is placed there, if a variance is granted it would not have to come back to this body. R. Murphy question where the sign would have to be if the variance were not granted. M. Ghaffar commented in the middle of the pumps. F. Matestic commented it could be more than 25 feet and perhaps up against the building. M Ghaffar commented it would not be able to be seen and would be worthless. S. Menden commented on the map location of the proposed sign placement. S. Kulik commented that the yellow dot on the map is more like 8 ft based upon the map dimensions, but it would be limited to two feet if granted. F. Matestic question regarding whether the DOT intersection poles were in the way of the proposed setback. S. Kulik commented that the poles are already up but don't have the final lights on them yet and that the intersection signs are approximately 25

to 30 feet high and the proposed sign is approximately 13 feet and his sign is about 8 to 10 feet inside the curb line.

Motion- (Murphy, Menden) to grant the variance as the applicant has proven that an unnecessary hardship in that placement of the sign at 25 feet would mean placement in the gas pump area and require that the pumps be relocated to accommodate the sign, that the property is unique in its configuration relative to safety and the newly constructed retaining would limit the functionality of a monument sign, that the property site hardship was not self-created as the Wisconsin Department of Transportation expansion caused the taking of 400 square feet where the previous sign was place and that the public is served greater by the proposed sign placement as it allows them to see the signage earlier for ease of entering the property. Roll Call: ayes: Alex, Fowler, Luecht, Matestic, Menden and Murphy. Nays; None. Motion carries unanimously.

Adjournment-Motion (Menden, Murphy) to adjourn meeting at 6:.50 p.m.

Sandra M. Kulik
Administrator