The meeting was called to order at 6:18 p.m. by Chairman F. Matestic.

Roll Call – Present: Chairman Fred Matestic; Members J. Chesney, Z. Fowler, G. Luecht and S. Menden. Adminsitrator S. Kulik. Audience (3).

Meeting Notice was read by S. Kulik: Summary of Notice:
This is a request by The Equitable Bank, S.S. B. for the property at 5225 S. 108th Street for the necessary variance to locate a monument sign within two (2) feet of setback area on parcel 655-9989-007. Village Code Sections 8-9-5(b) prohibits any monument sign to be located within less than ten (10) 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 permited 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: Justin Silva on behalf of The Equitable Bank S.S.B. - addressed the Board. Sign was required to be removed under an agreement with the Wisconsin DOT and their taking of property where the original sign was located. It is not possible to place the sign where the original sign stood as petitioner does not own that land. A 10 ft setback would place the sign less within the parking lot and reduce available required miminum parking stalls. The proposed location includes a planter box which will be rmoved. Line of site is clear from Abbott going left or northbound onto 108th Street. The proposed sign is a monument sign with electronic message center. The previous sign was a pylon.

Board: Chair Matestic asked if the Board had any questions. S. Menden question how close the current planter is to where they plan to place the sign. J. Silva replied that the planter is currently 1 foot and the sign if approved is 1 foot farther back. J. Chesney asked why the original sign was removed. J. Silva replied that the DOT moved the road right of way back and in addition an existing drive through was closed off. J. Silva also commented that putting it in the pylon location would place it in the path of exising utility poles and cans. S. Kulik question regarding if she heard him state that the Abbott and 108th intersection is or will be a signaled intersection? J. Silva indicated it is. S. Kulik commented that they may have to return to the BOA for an additional variance petition as the Village Code prohibits EMC's within 300 feet of an illuminated traffic control intersection and the Abbott Avenue intersection appears to be about 60 feet from the sign location. The BOA tonight is not allowed to act upon that matter as it was not part of the public hearing notice. The Plan Commission can approve the sign variance or they can deny it. If it is denied the bank would need to petition the BOA for another variance. J. Silva indicated he understood and would convey this to the property owner.

Motion: (Menden, Luecht) to grant the variance as the applicant has proven that an unnecessary hardship in that placement of the sign at 10 feet setback would mean placement within the parking lot on the property and reduce stalls, that the hardship was not self created as the reconstruction of 108th Street and the Department of Transporation taking of frontage created the condition, and that the sign as requested at a 2 ft front yard set back would serve the the public greater by the proposed sign placement as it allows

them to see the signage earlier for ease of entering the property. Roll Call: ayes: Chesney, Fowler, Luecht, Matestic, Menden. Nays; None. Motion carries unanimously. Hearing closed at 6:36 p.m.

Meeting Notice was read by S. Kulik: Summary of Notice: Hearing opened at 6:37 p.m.
This is a request by Chun Shyu, d/b/a Tanpopo Ramen Sushi Restaurant, for the property at 5191 S. 108th Street for the necessary variance to locate a monument sign within two (2) feet of setback area on parcel 655-9990-009. Village Code Sections 8-9-5(b) prohibits any monument sign to be located within less than ten (10) feet from the front property line in any zoning district.

Petitioner Chun Shyu 13275 W. Foxwood Dr, New Berlin and representative Roger Brinkmeier, 5541 S. Kurtz Road, Hales Corners - addressed the Board. Sign was removed by the DOT due to the construction project. The sign placement requested is approximately 5 feet from the sidewalk but two feet from the lot line. This is the same sign that was in place and moving it back 2 feet from the setback places the sign within 2 feet of the building. There is no place else to place this sign and it does not cause public harm due to placement enhancing the ability for the public to see the sign and make a safer turn into the parking lot.

Board: Chair Matestic asked if there were any Board questions. None.

Motion: (Matestic, Chesney) to grant the variance as the applicant has proven that an unnecessary hardship exsits as it is impossible to place the sign 10 feet back without moving the building itself, that it was not self-created due to DOT land taking and would serve the the public greater by the proposed sign placement as it allows them to see the signage earlier for ease of entering the property. Roll Call: ayes: Chesney, Fowler, Luecht, Matestic, Menden. Nays; None. Motion carries unanimously.

Adjournment-Motion (Menden, Luecht) to adjourn meeting at 6:41 p.m.

Sandra M. Kulik
Administrator