BOARD OF APPEALS – Minutes
November 14, 2019

Village of Hales Corners
5635 S. New Berlin Road

The meeting was called to order at 6:00 p.m. by Chairman S. Menden.

Roll Call – Present: Chairman S. Menden; Members J. Chesney, Z. Fowler, G. Luecht and R. Murphy. Adminsitrator S. Kulik. Audience (2).

Meeting Notice was read by S. Menden: Summary of Notice:
This is a request by Klaus Law Office for the property at 5665 S. 108th Street for the necessary variance to locate a monument sign within five (5) feet of setback area on parcel 658-0051-001. 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: Warren Klaus, on behalf of Klaus Law Office and Paul Butler, Bauer Signs, 2500 S, 170th Street, New Berlin, WI 53151 addressed the Board. Sign has been in place for over 40 years. Recent widening of Highway 100 has now placed the sign base at the lot line and the sign itself hangs over the sidewalk. This situation was not created by the owner. Public Safety is enhanced due to advanced line of site to parking lot entrances and is further enhanced as the sign hangs over the public sidewalk. Proposed sign will be a monument sign at five (5) feet from the lot line. Placing the sign at the required ten (10) foot set back places the sign inside parking stalls and reduces available parking as well as would require a reconfiguration of entrance and egress to the parking lot on Parnell. Sign is not an electronic message center (EMC) sign and therefore the Parnell lighted intersection is not a factor.

Board: Chair Menden. None.

Motion: (Chesney, Fowler) to grant the variance as the applicant has proven that an unnecessary hardship in that placement of the sign at 10 feet setback would reduce available parking, require reconfiguration of entrance and egress to the lot, was not self created due to the DOT road widening project, and would enhance public safety as existing sign hangs over a public sidewalk. Roll Call: ayes: Chesney, Fowler, Menden, Murphy. Nays; None. Motion carries unanimously.

Adjournment-Motion (Menden, Fowler) to adjourn meeting at 6:12 p.m.

Sandra M. Kulik
Administrator