

**AMENDED AGENDA
BOARD OF APPEALS
TUESDAY, JULY 20TH, 2021 5:30 p.m.
City Hall Council Chambers
108 N. Capron St., Berlin, Wis.**

- 1) Roll Call**
- 2) Request by Aurora Commercial Properties LLC, 146 W. Ceresco Street Berlin, WI for area variance at 146 W. Ceresco Street. Property description is First Addition Certified Survey Map 1991 V8, City of Berlin, Green Lake County, Wisconsin. Parcel #206-00475-0000.**
- 3) Adjourn**

DATE: June 7, 2021

TO: BOARD OF APPEALS

FROM: LINDSEY KEMNITZ

RE: Area Variance for 146 W. Ceresco Street

BACKGROUND:

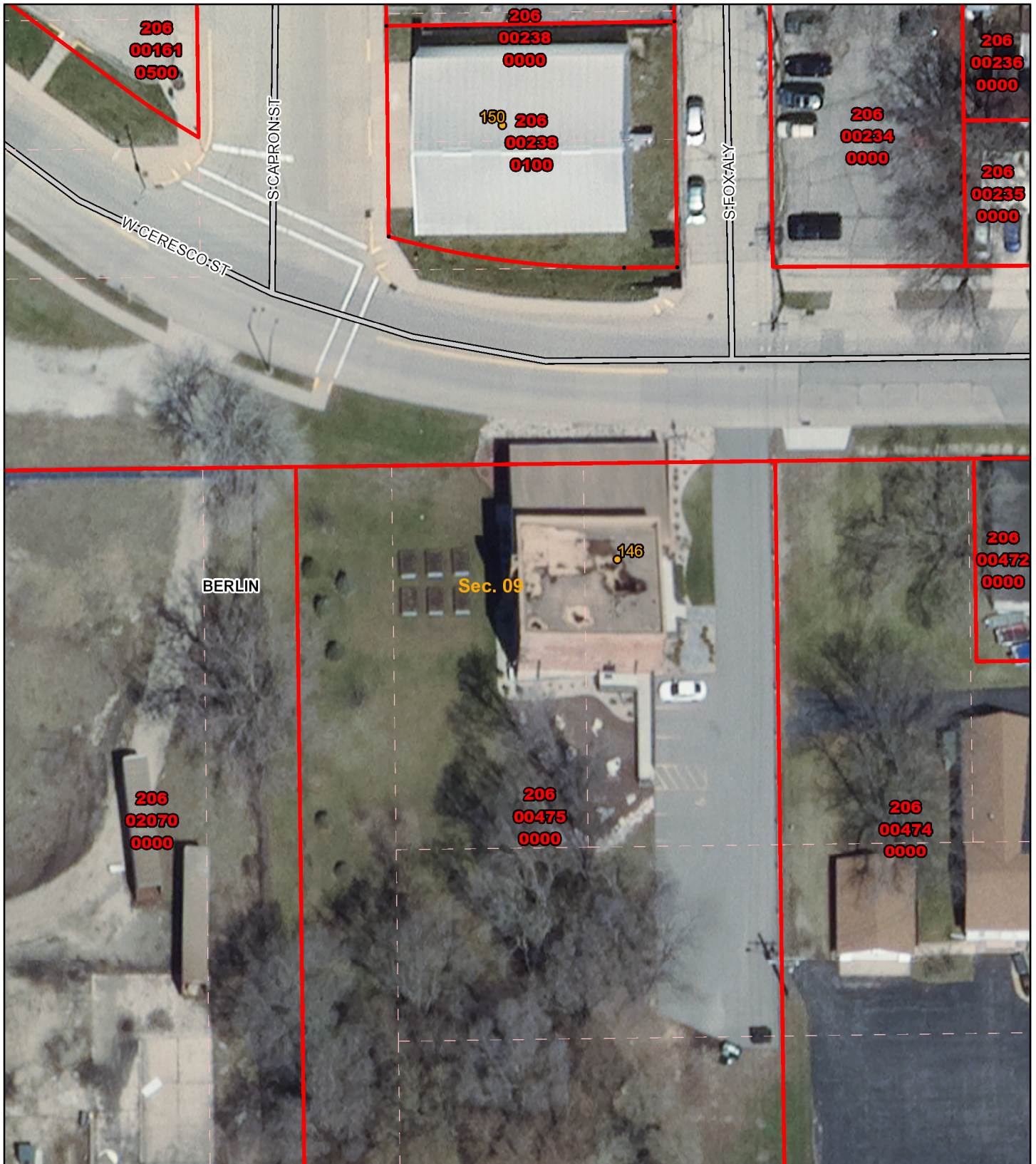
Violet & Company is requesting an area variance on the placement of the sign that was installed in summer of 2020. The installed sign is located within the right-of-way which is prohibited.

Section 82-804 Sign Prohibitions and limitations.

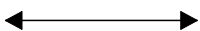
(5) No sign shall be permitted to extend into a public right-of-way, except for permitted projecting, awning, marquee, suspending, waving, and sandwich board signs; or as may be specifically authorized as part of an approved development plan in a PUD zoning district. See [section 82-811](#)(f) for installation and ground clearance requirements for signs that legally encroach into the public right-of-way.

The building inspector and I have been working with the property owner since last summer to resolve this issue. In the beginning of 2021 the owner informed the City she was working on a new sign and it would be installed early spring. I followed up with the owner in May and was informed a new sign would not be cost effective and requested to apply for a variance.

Attached is a photo of the existing sign and parcel view.



1 inch = 47 feet



Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>

GIS Viewer Map

Green Lake County, WI

Time: 7:35:17 AM
 Date: 6/8/2021

Note:





Violet & Co.
THREADS. DIGS. BLOOMS.

CITY OF BERLIN, WISCONSIN

VARIANCE APPLICATION

CITY OF BERLIN



Or

EXTRATERRITORIAL ZONING AREA



(I)/(WE) Deana Ceman
(name)

of 146 West Ceresco Street
(mailing address)

hereby petition the Board of Appeals for the review and approval of a variance to the Zoning Code of the City of Berlin.

SUBJECT PARCEL

Address: 146 West Ceresco Street

Parcel: 206004750000 Zoning: Commercial

The undersigned, does hereby respectfully petition the City of Berlin Zoning Board of Appeals to appeal the following zoning regulation as it applies to the above subject property:

The Petitioner is requesting

to keep existing sign in its location

Variance Requested from Chapter

Type of Variance Requested:



Use Variance - Permits a landowner to put a property to an otherwise permitted use.



Area Variance - Provides an increment of relief from a physical dimensional restriction such as a building height or setback.

The Board of Appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to public interest where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" would be created.

I understand that the Zoning Ordinance does not permit the above improvement on this property and that in order for this Variance to be granted, the request must satisfy all of the criteria stated below.

I submit the following grounds for a Variance in this case.

1. Unnecessary Hardship

The applicant shall explain how the regulation (e.g. setbacks, height, bulk or density restrictions) unreasonably prevents or unnecessarily burdens the activity. Stating that a zoning regulation prevents or burdens the planned activity is not enough of a hardship for variance approval. The current or prospective property owner shall not create a need for this Variance.

The area is landscaped and lit well and I rely on it heavily for drive by traffic for my bussiness to thrive.

2. A Unique Property Condition

There is something unusual or exceptional about the lot or the use of the lot (which does not apply to similar lots or uses) which causes the applicant to request this Variance. This may be defined as a special physical feature of the property i.e. soil conditions, steep slope, wetlands, etc. that is not shared by nearby land.

I was told that if the sidewalk that is West of my Bldg and the sidewalk that is East of my Bldg were ever to connect then my sign would be directly in the way. There is currently no sidewalk nor any imminent plans to install a sidewalk at this location.

3. No Harm to the Public Interest

The Variance requested shall not have any negative effects on the neighboring properties. The request shall be able to demonstrate how the public health, safety, and welfare will not be compromised in granting such variance.

My sign, as is, does not hinder any of my neighbors nor does it block the imaginary sidewalk. It actually beautifies the neighborhood.

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you consider in each category below.

- a. Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you reject them.

I've consulted with several designers/contractors and we have not been able to come up with a solution that is as aesthetically pleasing as the existing.

- b. Alternatives you considered that require a lesser variance and reasons you rejected them. If you reject such alternatives, provide the reasons you rejected them.

There are no alternatives. After consulting with a structural engineer it is determined the building will not hold the sign.

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact.

- a. Short Term Impacts:

Leave as is and my business continues to thrive bringing 100's of thousands of dollars to the local economy.

- b. Long Term Impacts:

See 'a'

- c. Cumulative Impacts: (What would happen if a similar variance requested was granted for many properties?)

If it would help other businesses to thrive, it would be great!

I further understand that it is my responsibility to provide the following information as well as any additional information, if necessary, to show that these criteria have been met.

PETITIONER: The following are to be provided at the time of submission:

- ☐ 2 Copies of the current survey or dimensioned sketch (drawn to scale) showing all existing and proposed improvements.
- ☐ Additional information – a typed narrative describing use of proposed structure.
- ☐ Color photos illustrating existing condition of property.
- ☐ Stake out lot corners or lines- the proposed building footprint and all other features of your property to your request so that the zoning board may inspect the site.
- ☒ \$200.00 Variance application fee payable to the City of Berlin.

Property Owner

Owner's Agent

Name <u>Deana Ceman</u>	Name _____
Signature <u>Deana Ceman</u>	Signature _____
Address <u>146 West Ceresco</u>	Address _____
City <u>Berlin</u> State <u>WI</u> Zip <u>54923</u>	City _____ State _____ Zip _____
Phone <u>920-379-4040</u>	Phone _____
Fax _____	Fax _____

*The current property owner shall acknowledge a Variance Petition on behalf of an agent (i.e., prospective buyer) prior to submission of the petition.

(For Office Use Only)

Date Filed: 5/24/21

Fee: \$200.00

Receipt No: 3.7090