

AGENDA

**City of Whitewater, Board of Zoning Appeals
On August 26, 2010
7:00 p.m., Community Room
Whitewater Municipal Building
Whitewater WI**

1. Call to order and roll call.
2. Secretary presents the cases to be heard:
 - a. Walmart, 1362 W. Main Street, variance to Section 19.54.052, to allow for wall signs in excess of the maximum 50 sq. ft. requirement, increasing the total wall signage to 375.24 sq. ft. and to increase the number of allowed wall signs from 1 sign to 2 wall signs.
3. Testimony of appellant (after being sworn in).
4. Testimony of building inspector.
5. Objections in writing or in person.
6. Questions, rebuttals as necessary.
7. Adjourn to closed session, under WIS Stats. 19.85(1)(a) "deliberating concerning a case which was the subject of the quasi-judicial hearing before the board, NOT TO RECONVENE.
8. Notification of decision in writing to appellant, news media, etc. will follow.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting.

PUBLISH IN WHITEWATER REGISTER 2 TIMES ON AUGUST 5,
2010 AND AUGUST 12, 2010.

NOTICE OF ZONING HEARING

TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on August 26, 2010 at 7:00 p.m. in the Whitewater Municipal Building Community Room, 312 W Whitewater St. Whitewater, Wisconsin.

The purpose of this hearing is to consider a request for a variance to allow for 2 wall signage greater than 50 sq. ft. (375.24 sq. ft.) by increasing the main "Walmart" wall sign from 50 sq. ft. to 298 sq. ft. and adding a second wall sign "Outdoor Living" of 77.24 sq. ft. to improve building aesthetics and to serve customer wayfinding at 1362 W. Main Street for Walmart.

The following variance is requested: A variance to Section 19.54.052 for the B-1 (Community Business) Zoning District, to allow for wall signs in excess of the maximum 50 sq. ft. requirement, increasing the total wall signage to 375.24 sq. ft. and to increase the number of allowed wall signs from 1 to 2 wall signs.

This notice is being mailed to owners of record within 300 feet of the property in question, the Zoning Administrator and the Plan Commission in accordance with Section 19 of the Code of Ordinances. THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE SECRETARY DURING NORMAL BUSINESS HOURS (Mon – Friday 8:00 a.m. to 4:30 p.m.)

BOARD OF ZONING APPEALS

By: Debbie Helgen
Secretary

Dated: August 3, 2010

A-1709-1
ALLEF PARTNERS LLC
C/O WALMART PROPERTY TAX DEPT
P O BOX 8050
BENTONVILLE AR 72712-8050

A-1709-2
RUIZ HOLDINGS LLC
5849 GLENMOOR LANE
JANESVILLE WI 53545

A-2522-1
ST PATRICKS CONGREGATION
MULBERRY GROVE LLC
20711 WATERTOWN ROAD SUITE A
WAUKESHA WI 53186-1881

A-2522-3
ST PATRICKS CONGREGATION
1225 W MAIN ST
WHITEWATER WI 53190

A-2766-1
AKSHAR HOSPITALITY LLC
203 LILLIAN PL
BARTLETT IL 60103

A-2766-2
FRAWLEY ENTERPRISES
WHITEWATER
P O BOX 630
WHITEWATER WI 53190

W-1
WHITEWATER TEKE ASSOCIATION
C/O JON PYZYK
4656 SHAGBARK LANE
BROOKFIELD WI 53005

W-2
MARK S NEUMANN
PAUL R JORGENSEN
P O BOX 671
OCONOMOWOC WI 53066

W-4
WILDON H CULVER
BRENDA J SCHUMACHER
1240 W SALISBURY LANE
WHITEWATER WI 53190

W-8
ALAN J REIN
MARDEL L REIN
W6892 KETTLE MORAIN DR
WHITEWATER WI 53190

W-12
JOHN L CRUMMEY
MARGO A CRUMMEY
W7928 TIMBER TRAIL
WHITEWATER WI 53190

W-16, W-20
CITY OF WHITEWATER

WM-1
DANIELS INVESTMENTS, LLC
P O BOX 810
WALWORTH WI 53184

WM-2
COMMERCIAL BANK
P O BOX 239
WHITEWATER WI 53190

WUP-159
DLK FARM SERVICE INC
1398 W MAIN ST
WHITEWATER WI 53190

WUP-160G
SILVER CREEK APARTMENTS
P O BOX 629
WHITEWATER WI 53190

WUP-219
ST PATRICKS CONGREGATION
126 S ELIZABETH ST
WHITEWATER WI 53190

WUP-355,356
DLK ENTERPRISES INC
P O BOX 239
WHITEWATER WI 53190

WALMART
2001 SE 10TH STREET
BENTONVILLE AR 72716

KERRY HARDIN PE
RA SMITH NATIONAL
16745 W BLUEMOUND ROAD
BROOKFIELD WI 53005

Walmart Real Estate
Business Trust
702 SW 8th Street
Bentonville, AR 72716



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
www.ci.whitewater.wi.us

August 4, 2010

Kerry Hardin
RA Smith National
16745 W. Bluemound Road
Brookfield, WI 53005

RE: Sign Variance for both the wall sign for Walmart, the extra signage for the garden center, and the square footage increase.

Dear Kerry Hardin;

This letter is to confirm that we have submitted this request to the Board of Zoning for a Board of Zoning Appeals hearing to be held on August 26, 2010 at 7:00 p.m. As we have discussed, you will need to have someone at the meeting to present the case to the Board of Zoning Appeals in hopes to receive a variance to increase the number of wall signs allowed on the front of the building and also increasing the square footages from 50 sq. ft. maximum to 298 sq. ft. for the wall sign and from 50 sq. ft. to 77.24 sq. ft. for the garden center sign.

If you have any questions in regard to the hearing, please feel free to contact us, either Jane Wegner or myself at Whitewater Municipal Building.

Sincerely,

Bruce R. Parker (Jw)

Bruce R. Parker
Neighborhood Services Director/Zoning Administrator

BRP/jw

cc: City Attorney
City Manager
Board of Zoning Appeals

PUBLISH IN WHITEWATER REGISTER 2 TIMES ON AUGUST 5,
2010 AND AUGUST 12, 2010.

NOTICE OF ZONING HEARING

TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on August 26, 2010 at 7:00 p.m. in the Whitewater Municipal Building Community Room, 312 W Whitewater St. Whitewater, Wisconsin.

The purpose of this hearing is to consider a request for a variance to allow for 2 wall signage greater than 50 sq. ft. (375.24 sq. ft.) by increasing the main "Walmart" wall sign from 50 sq. ft. to 298 sq. ft. and adding a second wall sign "Outdoor Living" of 77.24 sq. ft. to improve building aesthetics and to serve customer wayfinding at 1362 W. Main Street for Walmart.

The following variance is requested: A variance to Section 19.54.052 for the B-1 (Community Business) Zoning District, to allow for wall signs in excess of the maximum 50 sq. ft. requirement, increasing the total wall signage to 375.24 sq. ft. and to increase the number of allowed wall signs from 1 to 2 wall signs.

This notice is being mailed to owners of record within 300 feet of the property in question, the Zoning Administrator and the Plan Commission in accordance with Section 19 of the Code of Ordinances. THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE SECRETARY DURING NORMAL BUSINESS HOURS (Mon – Friday 8:00 a.m. to 4:30 p.m.)

BOARD OF ZONING APPEALS

By: Debbie Helgen
Secretary

Dated: August 3, 2010

**CITY OF WHITEWATER
APPLICATION FOR VARIANCE**

IDENTIFICATION AND INFORMATION ON APPLICANT(S)

Applicant's Name: Walmart Real Estate Business Trust

Applicant's Mailing Address 702 SW 8th Street, Bentonville, AR 72716

Owner of Property Site as of date of application, according to current property tax records: _____
Allef Partners LLC

Street Address of Property (if vacant land, describe in detail the property location): _____
1362 W. Main Street

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description): _____
Please see attached Exhibit A

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name Kerry Hardin Firm RA Smith National, Inc.

Office Address 262-317-3283

Contractor

EXISTING AND PROPOSED USES

Current Principal Use: Department Store/Food Store/Drug Store

Accessory or Secondary Uses: Parking, garden center and ancillary uses

Proposed Use (Describe need for Variance): Walmart seeks to expand the existing building by 29,000 square feet into a Supercenter. Additional building wall signage is warranted given that the building is set back over 200 feet from Main Street. Per Table 19.54.052(1), area variances for (i) wall signs in excess of 50 square feet and (ii) 2 wall signs for one building are requested to improve building aesthetics and serve customer wayfinding.

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you.

 Yes X No

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed.

N/A

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

PLOT PLAN

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: B-1 Community Business District

No. of Occupants Proposed to be Accommodated: N/A No. of Employees, if applicable: @150

Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: 19.54.052

STANDARDS	
The following are Standards that the City of Whitewater Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards.	
STANDARD	APPLICANT'S EXPLANATION
<p>A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out</p>	<p>The existing Walmart building is setback over 200 feet from West Main Street and houses two building wall signs. Walmart proposes to expand the front store façade, reusing a redevelopment site. The distance of the store front from West Main Street limits visibility from the street necessary to identify and draw attention to the store. The sheer lineal footage of the front façade will be aesthetically enhanced by breaks provided by color and material changes, including signage. To accommodate the size and location of the building, Walmart requests variances (i) to retain two wall signs, and (ii) for 376 square feet of total wall sign area. Granting the variances is consistent with City planning objectives of enhanced aesthetics and building wall break ups. Indeed, City planners have indicated that they are considering amending the City's code to permit signage similar to that requested by Walmart.</p>
<p>B. The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification</p>	<p>The appropriateness of the two variances is governed by the size and location of the building, which was originally developed prior to the City's current sign code and is one of the largest commercial buildings in the City. The variances will encourage Walmart to reuse its existing building as opposed to abandoning the site.</p>
<p>C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.</p>	<p>Additional wall signage will enhance the aesthetics of the building by breaking up a long front façade. Additional signage will also direct drivers safely to the property. A single 50-foot wall sign on a building setback more than 200 feet from the street would not be sufficient to enable drivers to safely identify the property when traveling on West Main Street.</p>
<p>D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.</p>	<p>The variances will (i) have no impact on the supply of light or air to adjacent properties, (ii) improve congestion on public streets by safely directing drivers to the property, and (iii) enhance the neighborhood and promote other retail and commercial uses by bringing more consumer traffic to the area.</p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind & supply ALL pertinent information.

Signature of Applicant:

Kerry Hardin, agent

Date:

7/28/10

APPLICATION FEES
(to be completed by City)

Fee for Variance application - \$200.00

Date fee received by City: 7-29-10

Receipt #: 6.008765

Received by: J. Wegner

Date Notice sent to owners of record: 8-11-10 By Jane Wegner

Date(s) published in Whitewater Register: 8-5-10 & 8-12-10

Date set for Hearing before Board of Zoning Appeals: 8-26-10



Front Elevation

Sign	Qty.	Type	Color	Height	Illumination	Area (S.F.)	Total S.F.
Walmart*	1	Identity	White/Yellow	5'-6 7/8'-0"	Internal	298.00	298.00
Outdoor Living	1	Directional	White	2'-6"	N/A	77.24	77.24
Total Building Signage							375.24



DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION The building images shown are a representation of the current design intent only. The building images may not reflect variations in color, tone, hue, tint, shading, ambient light intensity, materials, texture, contrast, font style, construction variations required by building codes or inspectors, material availability or final design detailing.

