



City of Whitewater, Board of Zoning Appeals Agenda  
In Person and Virtual  
April 14, 2022

6:30 p.m. - Community Room  
Whitewater Municipal Building  
312 W Whitewater St, Whitewater WI

Please join the meeting from your computer, tablet or smartphone.  
<https://meet.goto.com/319664637>

You can also dial in using your phone.  
United States: [+1 \(571\) 317-3122](tel:+15713173122)

**Access Code:** 319-664-637

1. Call to order and roll call.  
Election of Chair and Vice Chair
2. Secretary presents case to be heard:  
  

**Applicant:** Bauer Sign & Light for Shopko Optical  
**Property:** 1139 W Main Street Parcel #/L 00002  
**Applicable Code:** 19.54.080 – Permanent Business Sign Group  
**Variance Requested:** Current Zoning relating to wall signs limits to one square foot of sign area per one square foot of building façade length. Applicant wishes to exceed the limitation.
4. Board presentation of hearing procedures.
5. Applicant Presentation requesting Variance.
6. Statement by Neighborhood Services Director.
7. Public Comment and Input.
8. Written input presented.
9. Applicant response to statements.
10. Board deliberations of case (Open Session).

11. Board action on request, including findings regarding variance request.
12. Adjourn.

A written decision will be issued at a later date.

**Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.**

**NOTICE: The Board of Zoning Appeal meetings are scheduled on the 4<sup>th</sup> Thursday of the month. All complete plans must be in by 9:00 a.m. Monday prior to the 1<sup>st</sup> Thursday of the month. If not, the item will be placed on the next available Board of Zoning Appeals meeting.**

CITY OF WHITEWATER  
BOARD OF ZONING APPEALS APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$200.00 fee. Filed on \_\_\_\_\_
2. Class 2 Notice published in Official Newspaper on \_\_\_\_\_ and \_\_\_\_\_. The last publication to be at least 10 days prior to the meeting.
3. Notices of the Public Hearing mailed to property owners within 300 feet of the property involved in the application on \_\_\_\_\_
4. Board of Zoning Appeals holds the PUBLIC HEARING on \_\_\_\_\_  
They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Board of Zoning Appeals goes into closed session not to reconvene. Notification of the decision in writing to appellant, news media, etc. will follow.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.72 of the City of Whitewater Municipal Code of Ordinances, entitled BOARD OF ZONING APPEALS, for more information on the application.

CITY OF WHITEWATER  
SITE PLAN SUBMITTAL REQUIREMENTS

1. Site Plan, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.

See Drawing  
Package

2. Natural Features Inventory Map, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.

Not Applicable

3. Landscape Plan, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.

Not Applicable

4. Grading and drainage plan, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.

Not Applicable

5. Utilities plan, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.

Not Applicable

6. Building elevations, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.

See Drawing  
Package

7. Sign plan, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.

See Drawing  
Package

8. Lighting plan, meeting the City's lighting ordinance, and showing the location, height, type, orientation and power all proposed outdoor lighting both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

Not Applicable

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 8 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

TO: THOSE REQUESTING A VARIANCE OF ZONING REQUIREMENTS

FROM: THE BOARD OF ZONING APPEALS

THINGS YOU WILL HAVE TO PROVE TO BE GRANTED A VARIANCE

The Board of Zoning Appeals has the power "to hear and grant applications for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the ordinance shall be observed and the public safety, welfare and justice secured." USE VARIANCES WILL NOT BE GRANTED.

Findings prerequisite to granting of a variance

No variance to the provisions of this title shall be granted by the Board unless it finds beyond a reasonable doubt that ALL of the following facts and conditions exist, and so indicates in the minutes of its proceedings:

- A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a practical hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;
- C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;

---

- 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.

Please consider the above items in presenting your oral testimony, for a lack of such testimony may result in denial of the variance.

*All questions in the application must be answered.*

CITY OF WIDTEWATER  
APPLICATION FOR VARIANCE

**IDENTIFICATION AND INFORMATION ON APPLICANT(S)**

Applicant's Name: Shopko Optical

Applicant's Mailing Address: 1139 W. Main Street, Whitewater, WI 53190

Owner of Property Site as of date of application, according to current property tax records: \_\_\_\_\_

Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of Banc of America Commercial Mortgage Inc., Commercial Mortgage Pass-Through Certificates, Series 2008-LS1

Street Address of Property (if vacant land, describe in detail the property location): \_\_\_\_\_

1139 W. Main Street Whitewater, WI 53190

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description):

LOTS TWO (2), THREE (3), FOUR (4), FIVE (5) AND SIX (6) IN LAWDALE, IN THE SOUTHWEST ONE-QUARTER (¼)

OF SECTION FIVE (5), TOWNSHIP FOUR (4) NORTH, RANGE FIFTEEN (15) EAST, IN THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

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

Name: Bauer Sign & Light Firm: Sign Company

Office Address: 2500 s. 170th Street, New Berlin, WI 53151

**EXISTING AND PROPOSED USES**

Current Principal Use: Retail Shopping Center - Applicant's future site is vacant.

Accessory or Secondary Uses: Not Applicable

Proposed Use (Describe need for Variance): Proposed Use is to be a Shop-Ko Optical Store

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

Yes  No

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

Not Applicable

**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: B1 Surround

No. of Occupants Proposed to be accommodated: \_\_\_\_\_ No. of Employees, if applicable: 10-20

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: \_\_\_\_\_

**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, <u>shape</u>, 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>Surrounding tenants have larger signage in proportion to their tenant space, and if we adhere to the signage code of 1 sq. ft. of signage for each linear foot of frontage, our sign appears smaller than the neighboring tenants.</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>C. The purpose of the variance is not exclusively upon a desire for economic or other material gain by the applicant or owner.</p>   | <p>We are simply looking to maximize our exposure in the community. We are also looking to maintain consistency with our branding. All other locations have a minimum of a 15' sign for their location - important for branding image.</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> |  |

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



Date

1-31-22

APPLICATION FEES  
(to be completed by City)

*Fee for Variance application- \$200.00*

Date fee received by City \_\_\_\_\_  
Received by: \_\_\_\_\_

Receipt# \_\_\_\_\_

Date Notice sent to owners of record: \_\_\_\_\_

By \_\_\_\_\_

Date(s) published in Whitewater Register: \_\_\_\_\_

Date set for Hearing before Board of Zoning Appeals: \_\_\_\_\_

**AGREEMENT OF SERVICES**

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

 the applicant/petitioner for

X (Owner's Name): Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of Banc of America Commercial Mortgage Inc., Commercial Mortgage Pass-Through Certificates, Series 2008-LS1, dated: \_\_\_\_\_

Phone# \_\_\_\_\_, tax key #(s) L 00002

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgment of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 28 day of January, 2011.

 (Signature of Applicant/Petitioner)

Greg Henning (Printed Name of Applicant/Petitioner)

X Em a Boswell 2-25-22 (Signature of Owner of Property & Date Signed)  
as authorized agent for Owner

X Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of Banc of America Commercial Mortgage Inc., Commercial Mortgage Pass-Through Certificates, Series 2008-LS1 Printed Name of Owner of Property