

**Lincoln County Board of Adjustment
Minutes of Thursday, April 28, 2016 at 1:00 p.m.
Lincoln County Service Center, Meeting room #156**

1. Open meeting and Call to Order – Meeting was called to order at 1:00 p.m. in the Zoning Office. Members present: Lamer, Adams, Brixius & Rausch. Also present were Matthew Bremer; Land Services Administrator, Mike Huth; Zoning Program Manager and June Winters; Zoning Program Assistant. Members Hornischer & Prain were excused.
2. Tour the site in the Town of Scott that is the subject of the Public Hearing to be held at 1:30 p.m. - Board Members, Bremer & Huth left to tour the site. The Board, Bremer & Huth returned to Room #156 and re-convened at 1:35 p.m. to continue the meeting.
3. Approve minutes from the August 27, 2015 meeting - M/S Adams/Rausch to approve the minutes from August 27, 2015 meeting. Motion carried all ayes.

Members present for the public hearing: Lamer, Brixius, Adams & Rausch. Visitors: Matthew Bremer; Land Services Administrator, Mike Huth; Zoning Program Manager, Nancy Bergstrom; Corporation Counsel, June Winters; Zoning Program Assistant and 4 others.

4. Public Hearing – The public hearing was opened for the request listed below.

Variance

1. A request for a variance by Sun Prairie Investments LLP (Stark Automotive Group - representative Dan Drexler from Stratford Sign) from sections 17.6.06(1)(b) and 17.6.06(3)(b) of Lincoln County Ordinances to exceed the permitted maximum number of wall signs which is two (2) and to exceed the permitted maximum amount of directional wall sign square footage which is sixteen (16) square feet. The property is located in Section 32, T31N, R07E, in the Town of Scott and has an address of N259 Brandenburg Ave.

Dan Drexler with Stratford Sign was present and sworn in to represent Sun Prairie Investments & Stark Automotive. He explained their request. Drexler stated that this request is driven because of requirements by General Motors for their dealerships. He said that they feel that even though the request exceeds the county's limits, the signage request is not overstated for the property. Brixius asked for clarification on the sign area that they were proposing. Drexler said that the previous signage was configured differently but may have been the same area.

Bill Hoile, with Stark Automotive Group, was sworn in. He said that their existing signage had met GM's requirements at the time it was installed. He said that GM has certain signage requirements for their dealerships which GM will pay for. He showed the Board examples of other dealerships in the area (North Central Wisconsin). He said the allowance from GM was a significant dollar amount and he didn't feel that they were exceeding what others are allowed in this area.

Mike Huth, LC Zoning Program Manager, came to the podium and was sworn in. He reviewed his staff report and stated that staff recommends denial of the variance [to exceed the permitted maximum number of wall signs which is two AND to exceed the permitted maximum amount of directional wall sign square footage which is sixteen square feet] because a hardship is not present and legal alternatives are available to applicant.

He addressed the comments of the 2 representatives of the applicant. He explained the existing signage that had previously permitted. He shared conversations that he and Bremer had with Drexler for putting up exactly what was previously allowed. He stated that the applicant referenced

other dealerships and cited that none of those other dealerships are in the zoned portion of Lincoln County. They are in either City of Tomahawk, City of Merrill or other municipalities and regulations vary.

Huth shared which sign has already recently been permitted at this site even though it has not been installed. Brixius asked for clarification that they are not asking for more signs but more sign area because the proposed signs would be spread out more than previously. Huth believes that there are legal alternatives and there is no hardship present except a financial one if they don't receive reimbursement from GM.

Rausch asked for clarification on their legal options. Huth reviewed the legal alternatives. Adams asked what the financial hardship would be. Hoile said that they would forfeit 254,000 in funds from GM if the signs don't meet their standards. Brixius asked Huth about the previous signage for clarification.

Matt Bremer, LC Land Services Administrator, came to the podium and was sworn in. He spoke about the criteria for granting a variance. He reiterated the lack of hardship being present. He said that financial hardship is not an actual hardship. The sign ordinance is in place for a reason. Bremer feels that replacing the signs in the same area as permitted in 2004 was a compromise but GM was not willing to comply.

Bill Stark, Stark Automotive Group, was present and sworn in. He drew an example for the Board. He feels that their request is consistent with what was previously there but configured differently. He said that the sign on the back is facing a farm field and doesn't see why that would be a problem. Brixius asked if the square footage is more and he said that the "blue" background area may be larger than what was previously there.

Drexler came back to the podium. He said that neighboring businesses have more signage than what Stark's is asking for and one of the neighboring buildings has 3 sides of signage. He pointed out that while their only hardship may be financial because of the loss of reimbursement from GM, the dealership does employ a lot of people in this area and has a large financial impact on Merrill and the surrounding area.

Huth came back to the podium and clarified that we are working under the codes that we have currently. He said that he is not familiar with the past permitting of all of the other signage in that area. That would require quite a bit of research.

Brixius reviewed the criteria that the Board has to abide by. Bergstrom referenced the legal standards. There was discussion. Bergstrom reviewed the legal standards. Bremer said that the "replacement" of a sign is allowed even though it may exceed current ordinance. While he sympathizes with the applicant, the fact that it doesn't meet what GM would like is not a hardship. Hoile said that this goes against common sense. If they don't comply they would lose the initial \$254,000 and if GM continues this program, that would be compounded by an additional \$440 on each car that they sell annually. He felt that a different configuration of the same signs shouldn't even be an issue. Stark said that if they lose the reimbursement from GM and what that that means on the sale of each car on top of that would not allow them to be competitive with other dealerships in the area. Bremer said that there is not "common sense" clause in a variance but there are standards that need to be met.

Lamer closed the public hearing for the variance request. The Board reviewed and completed the Findings of Fact, Conclusions of Law, and Order and Determination.

M/S Brixius/Adams to APPROVE ON CONDITION the request with conditions as recommended in the staff report, adding a condition that the Certified Service directional wall sign may not exceed the 16 sq. ft.

Conditions:

1. The variance must be exercised within 24 months as required by 17.8.60(9).
2. That no additional signage other than proposed be granted.
3. All other applicable regulations shall be met.
4. The Certified Service directional wall sign may not exceed the 16 sq. ft.

Motion carried all ayes.

5. Adjourn – M/S Adams/Rausch to adjourn at 2:20 p.m. Motion carried all ayes.