

MINUTES
CITY OF PLATTEVILLE ZONING BOARD OF APPEALS

June 19, 2023 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Todd Kasper, Dana Niehaus, Karen Lynch, Kevin Wunderlin
ALTERNATE MEMBERS PRESENT: None
MEMBERS ABSENT: Gene Weber
ALTERNATE MEMBERS ABSENT: John Zuehlke
STAFF PRESENT: Joe Carroll (Community Development Director), Ric Riniker (Building Inspector)

APPROVAL OF MINUTES:

Motion by Wunderlin, second by Lynch, to approve the minutes of the February 20, 2023 meeting.
Motion approved 4-0.

VARIANCE REQUEST:

1430 Country Club Court – Mike Dietzel

Carroll introduced the variance request from Mike Dietzel who seeks permission to construct a fence in the street yard that exceeds the allowable height. The property is located on Country Club Court, but the property also has frontage onto Highway 80 at the rear of the house. The owner would like to install a 6' tall solid fence on the west side of the property, which will be located between the house and Highway 80. By definition, any portion of the property located between the house and the street is considered a street yard. The zoning ordinance limits the height of fences in the street yard of residential properties to 4 feet maximum. Since the applicant would like to install a fence that is 6 feet in height, a variance is required to allow an additional 2 feet of height. It is questionable if the request meets the legal standards, but some precedent has been set with other variance approvals.

Applicant statement.

Mike Dietzel explained that he would like the fence for privacy and to reduce the noise from the highway. He also has three young children, so the fence is important for safety. The fence is located far enough from the highway that it shouldn't create any issues.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

The Board members agreed that the sign seemed like a reasonable request and shouldn't create any issues for the neighbors.

Motion by Lynch to approve the variance as presented. Second by Niehaus. Upon roll call vote, motion was approved .

The Findings of Fact were discussed:

The fence was important to have for the safety of the children and for noise control. The location will not create any visibility issues for traffic and is far enough away from the road so that it would not be readily visible. The back yards of all the houses along that portion of the road face the highway, which is different is some of the houses faced the street.

190 N. Second Street – Allegiant Oil

Carroll introduced the variance request from Allegiant Oil who seeks permission to construct a digital/electronic message sign, which is not allowed in the zoning district where this property is located.

The applicant will be removing the existing freestanding sign and installing a new free-standing sign using the existing pole at the same location. The existing sign has a portion that is a manual changeable copy sign, which means someone has to climb onto the platform and change the letters to change the message. The proposed sign will include an electronic message sign to display information on gas prices and other product information that can all be controlled remotely. The overall sign size will be 87" x 96", which is slightly smaller than the existing sign. The property is zoned CBT Central Business Transition District, which does not allow electronic message signs. The size, location and height of the proposed sign are in conformance with the ordinance requirements. The applicant is requesting a variance to allow the electronic message sign as proposed. It is questionable if the request meets all three legal standards.

Carroll mentioned that we occasionally receive complaints regarding other electronic signs, usually due to the brightness of the sign. Typically, the owner just makes an adjustment and that solves the problem. That is the only concern regarding this request due to the residential properties that are nearby.

Applicant statement.

Tina Hake mentioned that the property already has lights under the canopy and on the building that stay on all night, so the additional light from the sign would be minor. Mike Lange mentioned that the sign automatically adjusts based on the light conditions from day to night, so the brightness should not be an issue. The brightness can also be adjusted manually if needed.

There was a question regarding the existing stairs and platform around the existing sign; will this be removed? The applicant stated that the platform and stairs are connected to the sign pole and help support the sign, so removing it would reduce the support and may result in the sign not being structurally sound.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

There was consensus that the sign would be similar to the existing sign and shouldn't create any issues for the neighborhood.

Motion by Wunderlin to approve the variance as presented. Second by . Upon roll call vote, motion was approved .

The Findings of Fact were discussed:

The sign will face east/west, which is up and down the street, rather than facing the residential properties. This will limit the impact from the sign lighting.

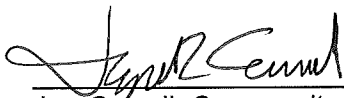
Other lights on the property will reduce the visibility and relative brightness of the sign.

The proposed sign is very similar to the existing sign.

The ordinance seems to be out of date and doesn't seem to apply well to this situation.

ADJOURN:

Motion by Lynch, second by Niehaus, to adjourn. Motion carried unanimously.



Joe Carroll, Community Development Director

Approved: 9/18/2023