



**CITY OF WAUPACA  
NOTICE OF BOARD OF ZONING APPEALS  
MONDAY APRIL 27, 2015 AT 4:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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**PLEASE NOTIFY THE CITY CLERK'S OFFICE IF YOU ARE UNABLE TO ATTEND.**

***CITY OF WAUPACA MISSION STATEMENT: "The city of Waupaca's mission is to lead creatively, plan wisely and spend prudently to provide the services that ensure a safe and vibrant community."***

**AGENDA:**

Agenda

Case No. 166 – Group One WI LLC  
TLC Sign, Tom Cullen, Agent  
110 Grand Seasons Drive  
Parcel No. 34-25-21-6

Case No. 167 – Al Swiderski WT LLC  
Tom Nitschke, Agent  
1777 Royalton Street  
Parcel No. 34-28-24-5

Adjourn

Jerry Lyons, Chairperson  
Board of Zoning Appeals

PLEASE ADVISE THE CITY CLERK'S OFFICE IF YOU REQUIRE SPECIAL ACCOMMODATIONS.  
THE CITY OF WAUPACA OFFERS EQUAL OPPORTUNITIES FOR PUBLIC MEETINGS.



# City of WAUPACA

Community & Economic Development Department

## EXECUTIVE SUMMARY

**Action Request:** **Variance** - Chapter 17.310(4) Strip Commercial District Bulk Requirements – Maximum height - 20 feet, Minimum front setback - equal to the height of the sign, Minimum side yard - 3 feet, and Maximum single side area for freestanding signs - 65 square feet

**Project Description:**

Applicant:	Group One WI LLC, TLC Sign, Tom Cullen, Agent
Owner:	Group One WI LLC
Property Address:	110 Grand Seasons Drive, Waupaca
Parcel Number(s):	34-25-21-6

**BACKGROUND**

Information regarding the original ground sign is questionable. From what staff can determine, a non-compliance ground sign existed on the originally developed Grand Seasons property. In 2003 when that property was split, the sign was relocated to its current location. The sign code for the Strip Commercial District at that time was only one ground sign was allowed per premises, all signage or supports must be set back a minimum of 2 feet from the front property line, The side yard and rear yard requirements shall be the same as those for a structure in this district (in this case 20 feet), the top of any ground sign shall not extend more than 20 feet above the grade established at the center line of the adjoining street, and the maximum square footage of each side of any sign shall be 100 square feet. (see attached regulations)

In 2005, signage regulations were changed once again to its current requirements. The Applicant seeks to modify an existing ground sign by using the existing pole structure which currently has a 2 foot setback along the public street frontage (US Highway 10) and a 2 foot sideyard setback. The applicant seeks to add a cabinet creating a total height from grade of 50 feet and a total square footage of 243.52 square feet. This request was denied as Chapter 17.310(4) B-4 Strip Commercial District Bulk Requirements requires a maximum height of 20 feet, a minimum front setback equal to the height of the sign, a minimum side yard setback of 3 feet and a maximum single side area for freestanding signs of 65 square feet. (see attached regulations)

The applicant is seeking to exceed the originally permitted City approved signage.

**VARIANCE CRITERIA**

When considering requests for a variance, there are three main criteria that must be satisfied in order to legally justify granting the variance, and to avoid setting a bad precedent for future variance requests and approvals. These three criteria have been affirmed in a variety of rulings by the Wisconsin Supreme Court.



# City of WAUPACA

## Community & Economic Development Department

These criteria are:

### 1. Unnecessary Hardship

The applicant must show 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.

### 2. A Unique Property Condition

This is defined as a special physical feature of the property (such as soil conditions, steep slope, wetlands, etc) that is not shared by nearby land. The fact that an existing structure is non-compliant with current zoning regulations, due to changes in the zoning code after the structure was built, is also an item to consider.

### 3. No Harm to the Public Interest

A variance request must be able to demonstrate how the public health, safety, and welfare will not be compromised in granting such variance.

These criteria are outlined in Chapter 17.430(4)(c) “Board of Appeals—Powers”, and interpretation of these criteria is from the League of Wisconsin Municipalities’ Zoning FAQ 3 factsheet.

## CRITERIA ANALYSIS

Based on the information submitted with the variance request, below is staff’s analysis of how the requested variance addresses the three criteria that must be met in order to grant a variance.

### 1. Unnecessary Hardship

- a. The definition of a sign according to common planning law in general is a communication device that identifies the location, price or destination of a place. Since the landowner directed someone to remove the original cabinet sign there is no legal sign on the property currently. The existing pylon poles don’t constitute a sign.
- b. Secondly, the previous pylon sign was legal non-conforming as it exceeded the allowable height, square footage, and didn’t meet the minimum setback distance to the highway. Since the previous cabinet sign was voluntarily removed all legal non-conforming status was also removed from the property for the sign.

### 2. A Unique Property Condition

The applicant has sufficient property to meet the current signage regulations without restricting access or circulation on the property. The applicant also contends that the landowner needs a sign that exceeds the proposed height for visibility. Staff disagrees with this argument as national planning policy, standards and research reports negate the need to have signage 60+ feet in the air. Studies have shown that signage height and reduction is high it’s safer and more reliable. In addition, there are alternative signage methods that can/shall be utilized to identify and designate the hotel off of HWY 10 i.e. blue tourism signage, etc.

### 3. No Harm to the Public Interest

The City concurs there is no harm to the public interest with the proposed construction if it meets the current city zoning code setbacks. If the Zoning Board of Appeals approves the variance due to financial



# City of WAUPACA

Community & Economic Development Department

hardship for the applicant, the Zoning Board of Appeals would be establishing a precedent that would be challenged within the legal court systems.

## RECOMMENDATION

Staff recommends denial without prejudice of the Variance, for the following reasons:

1. The applicant has not met the three findings of facts to permit the ZBOA to approve the variance. The applicant has not identified a need, other than financial to allow the taller and larger square footage.
2. Financial hardships are not recognized by the legal court system(s) as grounds to approve a variance; as such the Zoning Board of appeals can't approve this variance for that reason.

**PREPARED BY:** Brennan P. Kane  
Director of Community and Economic Development



# VARIANCE PETITION

## CITY OF WAUPACA, WISCONSIN

Please note the petitioner shall complete all items in red. The City shall not accept an incomplete application. All Variance Applications shall be filed by 4:00 p.m. four weeks prior to the Plan Commission at which the Public Hearing is to be scheduled. Please see Plan Commission schedule to confirm submission date.

### **SUBJECT PARCEL**

Address: \_\_\_\_\_

Tax Key: \_\_\_\_\_ Zoning: \_\_\_\_\_

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

The Petitioner is requesting

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Variance Requested from Chapter

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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:

- 12 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.
- \$250.00 Variance application fee payable to the City of Waupaca.

**Property Owner**

**Owner's Agent**

Name Group One WI LLC

Name Tim's Lighting Company - dba: TIC Sign Inc

Signature 

Signature 

Address 14 Glenn

Address 558 Eisenhower Drive Suite A

City Ervin State CA Zip 92620

City Kimberly State WI Zip 54136

Phone (949) 302-7403

Phone (920) 731-4852

Fax \_\_\_\_\_

Fax (920) 733-3148

\*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: 4/10/15

Fee: \$250.00

Receipt No: 59505

111 S. Main Street  
Waupaca, WI 54981

BA - \_\_\_\_\_

Revised 02/2014





558 Eisenhower Drive, Suite A, Kimberly, WI 54136  
Phone: 920-731-4852 Fax: 920-733-3148

N7255 32<sup>nd</sup> Court, Weyauwega, WI 54983  
Weyauwega Phone: 920-867-4852

March 25, 2015

City of Waupaca  
111 S Main Street  
Waupaca, WI 54981

Community & Economic Department:

The Ramada Grand Seasons Hotel provides rooms, conference center, waterpark and dining. The hotel is open 24 hours a day, 365 days a year with a great location near Hwy 54 & 10.

The Ramada Grand Season Hotel was recently changed hotel chain from Grand Seasons Best Western Hotel. The previous sign was constructed specific to Best Western's branding. It was not possible to do a simple face change due to the specific shape of the sign. Ramada's branding is allowing the current sign to be re-used with modifications. The current location is placed near existing structure which keeps it at a safe distance from traffic flow in the parking lot.

We do not believe there in any harm to public interest since the sign has been successful at that location for many years.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Julie Braun', written in a cursive style.

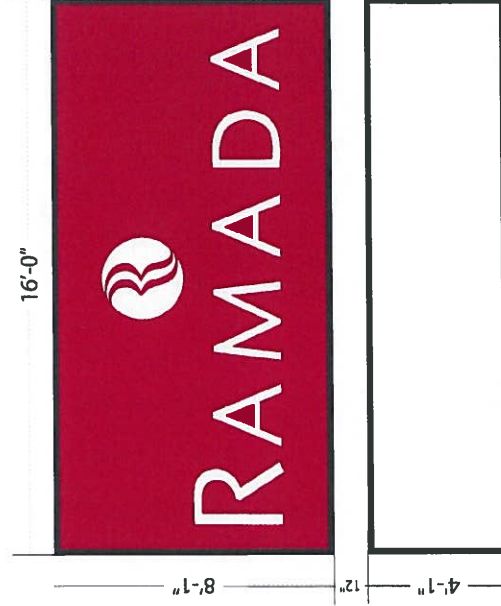
Julie Braun, Permit Coordinator  
TLC Sign, Inc



EXISTING SIGN:  
17'9 1/8" x 13'8 3/8"



PROPOSED

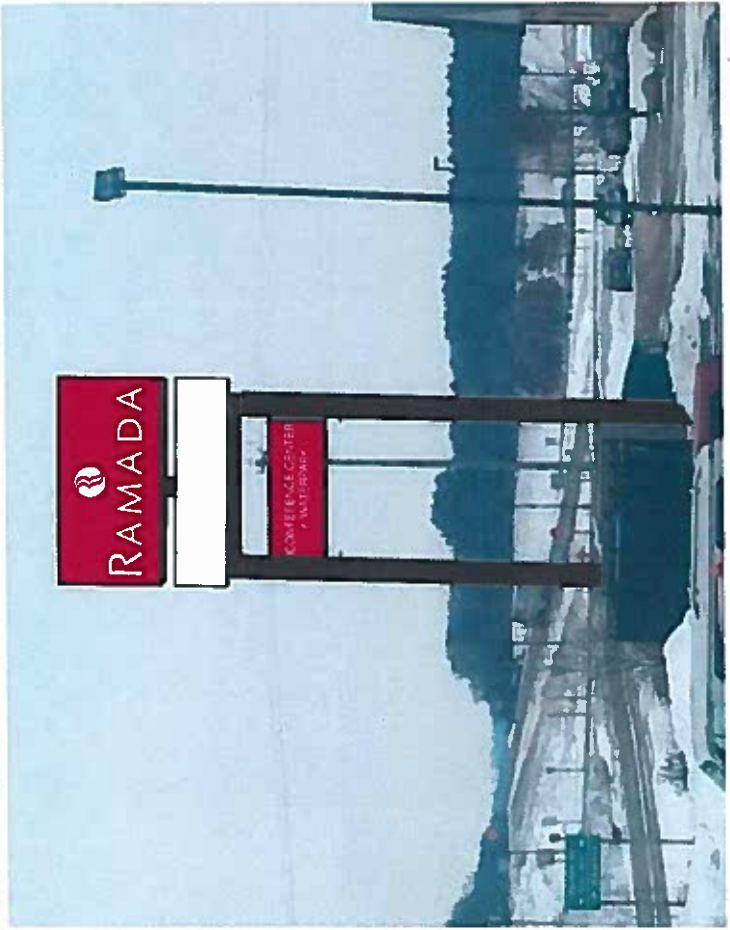


GRAPHIC DETAIL  
SCALE: 3/16" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

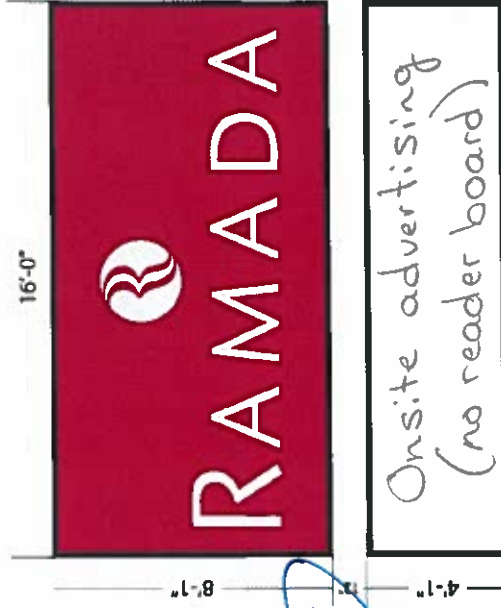
Note: Color swatch may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Customer:	<b>RAMADA</b>	Prepared By:	<b>RM</b>	Eng:	-
Location:	<b>WAUPACA, WI</b>	Date:	<b>2/23/15</b>	File Name:	<b>134384 - R2 - WAUPACA, WI - SIGN PACKAGE</b>
<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest Watertown, SD 57201-0210 1 (800) 843-9888 • www.personasigns.com</p> <p><b>PERSONA</b> SIGN MAKERS / IMAGE BUILDERS</p>					



PROPOSED

EXISTING SIGN:  
17'9 1/8" x 13'8 3/8"



129.344

45.344

48.83  
243.518  
194.588  
15'7"

GRAPHIC DETAIL  
SCALE: 3/16" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

NOTE: Color computer may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a ruban in this drawing will be made.

Customer:	RAMADA	Date:	2/23/15	Prepared By:	RM
Location:	WAUPACA, WI	File Name:	134384 - R2 - WAUPACA, WI - SIGN PACKAGE	Eng:	-

**PERSONA**  
SIGN MAKERS / IMAGE BUILDERS  
DISTRIBUTED BY SIGN UP COMPANY  
760 21st Street, Southwest  
PO Box 210  
Watertown, SD 57201-0210  
1 (800) 843-9888 • www.personasigns.com

## Ronda Rollins

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**From:** Tim Cullen <Tim@tlcsign.com>  
**Sent:** Friday, April 10, 2015 6:51 PM  
**To:** rrollins@cityofwaupaca.org  
**Cc:** Tom Cullen  
**Subject:** Ramada sign height

Ronda,

The overall sign height we are requesting for the Ramada highway pylon is 50' even.

The current poles are 36'6" from grade to top plate. The top cabinets are 13'2" so we will literally be at 49'8" with 4" of play.

Thanks,

Tim Cullen  
Business Development

[www.tlcsign.com](http://www.tlcsign.com)

[tim@tlcsign.com](mailto:tim@tlcsign.com)



Cell 920-538-1901 Office 800-921-0770

## Ronda Rollins

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**From:** Ronda Rollins <rrollins@cityofwaupaca.org>  
**Sent:** Thursday, February 19, 2015 10:45 AM  
**To:** 'Julie Braun'  
**Cc:** 'Brennan Kane (bkane@cityofwaupaca.org)'  
**Subject:** RE: TLC Sign - Ramada

Julie,

Staff has reviewed the proposed changes to the signage at 110 Grand Seasons Drive.

With regard to the wall signage, the maximum number of wall signs shall be limited to 3 and the aggregate area of the sign shall be limited to 5% of the wall area on which the sign is being placed. There are currently 3 wall signs in existence (wall sign over main entrance facing Grand Seasons Drive, "conference center & waterpark" sign on north face of the building facing US Highway 10, and D-Fuego wall sign adjacent to their entrance), therefore the wall sign proposed for the west face of the building would not be allowed unless one of the existing wall signs was removed. We will also need you to provide calculation of the existing wall area so we can verify compliance with the 5% requirement.

With regard to the changing out of the face of the 2' x 6' ground sign along Grand Seasons Drive, since you are not increasing the size/height or changing the location your proposed change is acceptable.

With regard to the ground sign along US Highway 10, the existing sign is non-conforming, therefore this sign will need to be brought into compliance. Current B4 ground sign regulations require:

- Maximum pole height of 20 feet
- Minimum front setback (from US Highway 10 right-of-way) equal to the height of the sign
- Minimum side yard setback of 3 feet
- Maximum single side area for freestanding sign of 65 square feet

It appears you are not planning to change any of the D-Fuego signage. Please be aware I am unable to find any permit issued for the installation of that signage. Please also be aware that the current D-Fuego sign located on the roof is considered illegal non-conforming as our sign code prohibits signs located or extended above the eave or parapet of a roof.

For future reference, signage for the City of Waupaca is now handled by myself or Brennan Kane, Director of Community & Economic Development [bkane@cityofwaupaca.org](mailto:bkane@cityofwaupaca.org).

Thank you,

*Ronda M. Rollins  
City of Waupaca  
Community and Economic Development  
111 S. Main Street  
Waupaca, WI 54981  
Direct No: 715-942-9910  
Fax: 715-258-4426  
Email: [rrollins@cityofwaupaca.org](mailto:rrollins@cityofwaupaca.org)*

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**From:** John Lust [<mailto:jlust@cityofwaupaca.org>]  
**Sent:** Thursday, February 12, 2015 11:07 AM  
**To:** RHONDA ROLLINS  
**Subject:** FW: TLC Sign - Ramada

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**From:** Julie Braun [<mailto:julie@tlcsign.com>]  
**Sent:** Thursday, February 12, 2015 10:27 AM  
**To:** John Lust  
**Subject:** TLC Sign - Ramada

Good Morning John

Attached are new renderings for Ramada Grand Seasons Hotel which is replacing Best Western Grand Seasons. The address is 110 Grand Seasons Drive Waupaca WI 54981.

Page 1 & 2 will be a face change. Page 3 is replacing a sign that was there. Different shape cabinet, so new sign. Page 4 is also a new sign cabinet. Not sure which zoning district this is in to know what would be allowed for the pylon. They also have a mexican restaurant in the hotel and would like a separate sign on the pylon for that. Either they want add a 6' x 20' sign under the main Ramada cabinet or add a cabinet below the conference center & waterpark between the poles. Let me know what would be allowed. We think the poles are approx 35' high.

Thanks

*Have a Great Day!*

*Julie Braun*

TLC Sign | [julie@tlcsign.com](mailto:julie@tlcsign.com)  
Office: 920-731-4TLC (4852)  
Fax: 920-733-3148



**17.310 SIGNS.**

- (1) **PERMIT REQUIRED.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit, except those signs excepted in subsection (2) below and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the Building Code.
- (2) **SIGNS EXCEPTED.** All signs are prohibited in the R-1 and R-2 Districts, except the following:
- (a) Real Estate Signs. Not to exceed 6 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
  - (b) Name, Occupation and Warning Signs. Not to exceed one square foot located on the premises.
  - (c) Bulletin Boards. For public, charitable or religious institutions not to exceed 15 square feet in area located on the premises.
  - (d) Memorial Signs. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - (e) Official Signs. Official signs such as traffic control, parking restrictions, information and notices.
- (3) **SIGN RESTRICTIONS.** Signs are permitted in all business and industrial districts subject to the following restrictions:
- (a) Number. The total number of freestanding signs shall be limited to one sign per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
  - (b) Setbacks and Offsets. All signs shall conform to the setback and offset requirements outlined in the Table of District Sign Requirements, per subsection (3).
  - (c) Wall Signs. The maximum number of wall signs shall be limited to a maximum of 3 and the aggregate area of the signs shall be limited as outlined in the Table of District Sign Requirements subsection (3). Wall signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of a building to wall surface.
  - (d) Projecting Signs. Projecting signs fastened to, suspended from or supported by structures shall not extend more than 9 feet into any public right-of-way and in no case will sign extend beyond back of curb line.
  - (e) Roof Signs. Signs which are located or extend above the eave or parapet of a roof shall not be permitted.
  - (f) Combinations. Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (4) **DISTRICT SIGN REQUIREMENTS.**

Zoning District	Wall Signs (% of Wall Area)	Projecting Signs (max. Ft. <sup>2</sup> )(1)	Maximum Single Side Area for Freestanding Signs(2)	Minimum Side Yard Setback	Minimum Front Setback(3)	Maximum Pole Sign Height(4)
R-3	n/a	n/a	20 to 30 ft. <sup>2</sup>	3'	Equal to height	10'
B-1	3%	35		3'		20'

			10 to 45 ft. <sup>2</sup>		Equal to height	
B-2	5%	55	30 to 65 ft. <sup>2</sup>	3'	Equal to height	20'
B-3	5%	55	30 to 65 ft. <sup>2</sup>	3'	Equal to height	20' to 30'
B-4	5%	55	30 to 65 ft. <sup>2</sup>	3'	Equal to height	20'
B-5	5%	55	30 to 65 ft. <sup>2</sup>	3'	Equal to height	20'
I-1	5%	35	10 to 45 ft. <sup>2</sup>	3'	Equal to height	20'
I-2	5%	35	10 to 45 ft. <sup>2</sup>	3'	Equal to height	20'

- (1) *The lowest point of any sign projecting over a public way, space, walk, or road shall be a minimum of 12 feet above grade.*
- (2) *Square footage may be increased to the second number at a rate of one square foot for each additional 10 feet of lot frontage, after the first 50 feet of frontage, up to 300 feet of frontage. In addition, square footage may be increased by one square foot for every 2 feet additional setback up from the required setback to a maximum of a 40-foot setback from the base setback line.*
- (3) *Freestanding signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line in the R-3, B-1, and I-1 Districts.*
- (4) *Height may be increased to the second number at the rate of one foot for every 2 feet additional setback from the required setback.*
- (5) PROHIBITED SIGNS. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (6) OFF-PREMISES SIGNS. Off-premises signs shall be expressly prohibited in all zoning districts.
- (7) DIRECTIONAL SIGNS.
  - (a) A sign, not to exceed 6 square feet in area, indicating direction to a church, hospital, school or other public service building may be permitted in any district upon approval by the Plan Commission. Not more than 4 such signs may be erected within the City for any business or organization.
  - (b) A sign, not to exceed 12 square feet in area, for the purpose of directing patrons or attendants to an establishment off the main traveled highway for service clubs, churches, or other nonprofit organizations may be permitted in any district other than a residential district upon approval of the Plan Commission.
  - (c) Signs, not to exceed 30 square feet, for service clubs, churches or other nonprofit organizations, may be permitted in any district, upon approval of the Plan Commission, provided the sign is designed with a substantial landscape base area.
  - (d) A sign, not exceeding 2 square feet in total nonilluminated copy area (2 sides of copy permitted), only for the display of local religious and/or civic organization directional signage, may be permitted in the public right-of-way. Four such signs per organization



may be erected in the City at any intersection of an arterial and/or collector highway in any zoning district, and all signs must be located within a 2-mile radius of the organization. Four such signs per intersection shall be permitted. An individual organization may have one such sign per intersection, and shall be responsible for all costs of maintenance and removal of the structure. Such a sign shall not:

1. Be located so as to block the traveling public's line of vision; impede safe traffic movements; interfere with the viewing and/or function of any traffic control devices;
  2. Be designed or positioned so as to be misconstrued as a traffic control device.
- (8) EXISTING SIGNS. Any sign which was a nonconforming sign on November 3, 1967, or which becomes a nonconforming sign at any future date, may be continued provided that no increase in size, illumination or flashing of such sign shall be made.
- (9) RESTRICTIONS ON POSTING SIGNS. (Cr. Ord. #25-84) No person shall cause to be placed any type of sign, notice or other item on any traffic sign pole, utility pole, street indicator sign or any other pole under the jurisdiction of the City.
- (10) ABANDONED SIGNS. Abandoned signs are prohibited and shall be removed. The Zoning Administrator shall give notice to the subject property owner requiring that the sign be removed. The notice shall advise the property owner that the sign must be removed within 20 days from the date of the notice, unless the property owner files a request for an extension with the Plan Commission within that 20-day period. Thereafter, the sign must be removed:
- (a) Prior to expiration of the 20-day notice period; or
  - (b) If a request for extension is timely filed with the Plan Commission and the Plan Commission denies the request, the sign must be removed within 20 days of the denial; or
  - (c) If a request for extension is timely filed with the Plan Commission and if the Plan Commission grants the request, the sign must be removed prior to expiration of any extension granted.

Failure to remove an abandoned sign as required herein shall be subject to all of the penalties and remedies described in [sec. 17.463](#) of this chapter.

- (11) BONDS, SURETIES, AND INSURANCE.
- (a) Every applicant for a projecting sign permit shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Building Inspection Department and it shall be of a form and type approved by the City Attorney, indemnifying the City against all loss, cost, damages or expenses incurred or sustained by or recovered against the City by reason of the erection, construction or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State and conforming to the requirements of this section may be permitted by the City Attorney in lieu of a bond.
  - (b) The City shall be named as additional insured for any use or operation where projecting signs are utilized. The form shall be determined by the City Clerk.

Wisconsin Division of Safety and Buildings  Wisconsin Stats. 101.63, 101.73	<b>WISCONSIN UNIFORM BUILDING PERMIT APPLICATION</b>  Instructions on back of second ply. The information you provide may be used by other government agency programs [(Privacy Law, s. 15.04 (1)(m))]	Application No. <b>03208</b>  Parcel No.
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**PERMIT REQUESTED**  Constr.  HVAC  Electric  Plumbing  Erosion Control **Other:**

Owner's Name <b>CRAND SEASONS TRIC</b>	Mailing Address <b>110 CRAND SEASONS DR</b>	Tel. <b>258-9212</b>
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address

**PROJECT LOCATION** Lot area \_\_\_\_\_ Sq. ft. \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, of Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ E (or) W

Building Address **110 CRAND SEASONS DR** Subdivision Name \_\_\_\_\_ Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_

Zoning District(s) **CB** Zoning Permit No. **N/A** Setbacks: Front \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft. Left \_\_\_\_\_ ft. Right \_\_\_\_\_ ft.

<b>1. PROJECT</b>	<b>3. OCCUPANCY</b>	<b>6. ELECTRICAL</b>	<b>9. HVAC EQUIPMENT</b>	<b>12. ENERGY SOURCE</b>																					
<input type="checkbox"/> New <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Raze <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Move <input type="checkbox"/> Other:	<input type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Garage <input checked="" type="checkbox"/> Other: <b>HOTEL</b>	Entrance Panel Amps: _____ <input type="checkbox"/> Underground <input type="checkbox"/> Overhead	<input type="checkbox"/> Forced Air Furnace <input type="checkbox"/> Radiant Basebd/ Panel <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central Air Cond. <input type="checkbox"/> Other:	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">Fuel</td> <td style="width:10%;">Nat Gas</td> <td style="width:10%;">LP</td> <td style="width:10%;">Oil</td> <td style="width:10%;">Elec</td> <td style="width:10%;">Solid</td> <td style="width:10%;">Solar</td> </tr> <tr> <td>Space Htg</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Water Htg</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <input type="checkbox"/> Dwelling unit has 3 kilowatt or more in electric space heating equipment capacity.	Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar	Space Htg							Water Htg						
Fuel	Nat Gas	LP	Oil	Elec	Solid	Solar																			
Space Htg																									
Water Htg																									
<b>2. AREA INVOLVED</b>	<b>4. CONST. TYPE</b>	<b>7. FOUNDATION</b>	<b>10. SEWER</b>	<b>13. HEAT LOSS</b>																					
Unfin. _____ Sq Ft Bsmt _____ Sq Ft Living Area <b>N/A</b> Sq Ft Garage _____ Sq Ft Deck _____ Sq Ft	<input checked="" type="checkbox"/> Site-Built <input type="checkbox"/> Mfd: <input type="checkbox"/> WI UDC <input type="checkbox"/> U.S. HUD	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input type="checkbox"/> Treated Wood <input type="checkbox"/> Other:	<input type="checkbox"/> Municipal <input type="checkbox"/> Sanitary Permit No.:	<b>11. WATER</b> <input type="checkbox"/> Municipal Utility <input type="checkbox"/> Private On-Site Well																					
	<b>5. STORIES</b>	<b>8. USE</b>	<b>11. WATER</b>	<b>14. EST. BUILDING COST</b>																					
	<input type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other: <input type="checkbox"/> Plus Basement	<input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other:	<input type="checkbox"/> Municipal Utility <input type="checkbox"/> Private On-Site Well	\$ <b>25,000</b>																					

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side of the last ply. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

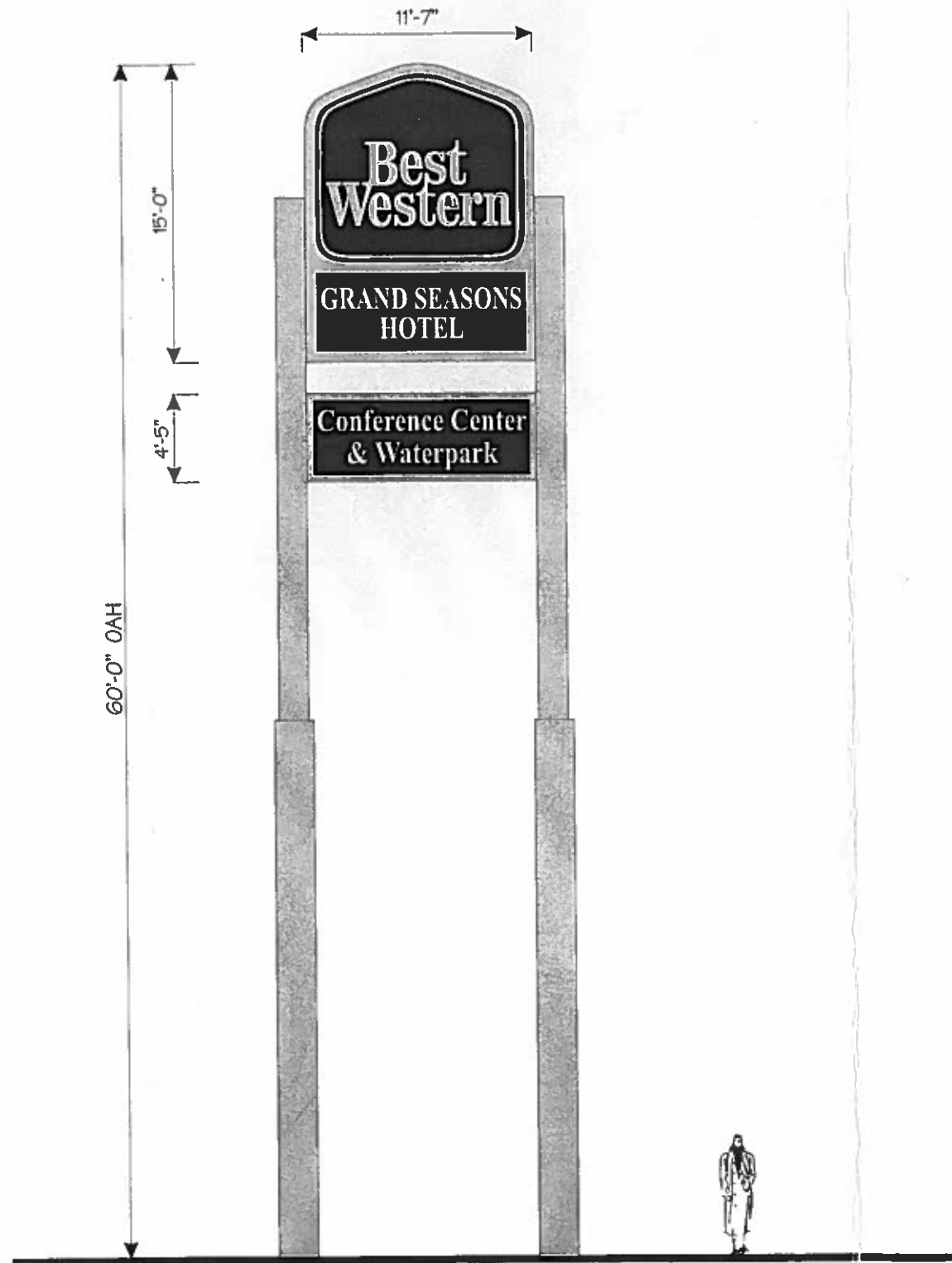
**APPLICANT'S SIGNATURE** Y. P. T. J. P. U. **DATE SIGNED** 12/10/03

**APPROVAL CONDITIONS** This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.  See attached for conditions of approval.

**REMOVE & REPLACE SIZE OF LEAKY NON-PROFESSIONAL SEAL FOR HOTEL - SIZE REPLACE FROM OVER 600# TO 229#**  
**SEAL LOCATION SHALL COMPLY WITH DOT REQUIREMENTS.**  
**SEAL TO BE APPLIED TO ORIGINAL HOTEL PARCELS - THE 1.574 PARCEL TO BE IS NOW SPLIT FROM HOTEL PARCELS**  
**ELECT TO OBTAIN OWN DEEMTS**

**ISSUING JURISDICTION**  Town of  Village of  City of  County of  State Inspection Agency #: \_\_\_\_\_ Municipality Number of Dwelling Location \_\_\_\_\_  
**NINE - SEE ATTACHED TRIFURC SITE PLAN**

<b>FEES:</b>	<b>PERMIT(S) ISSUED</b>	<b>WIS PERMIT SEAL #</b>	<b>PERMIT ISSUED BY:</b>
Plan Review \$ _____ Inspection \$ <b>125.00</b> Wis. Permit Seal \$ _____ Other \$ _____ Total \$ <b>125.00</b>	<input checked="" type="checkbox"/> Construction <input type="checkbox"/> HVAC <input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion Control	<b>N/A</b>	Name <u>Paul Hudak</u> Date <u>12/19/03</u> Tel. <u>258-4404</u> Cert No. <u>70333</u>



**D.F. Large Pylon Sign NM-175 (Qty: 1)**

D.F. Internally Illuminated Pylon Sign per Best Western Specs  
 Poles And Cabinets Painted Best Western Gray

Face Graphics:

VT5567 Red

VT3728 Yellow

VS4431 Blue

Secondary Sign Mount Between Posts

Cabinet Dimensions : 4'-5" x 11'-7"

-Copy to Read "Conference Center & Waterpark"

the jones  
design  
room

<b>CUSTOMER:</b>	Best Western of Waupaca
<b>LOCATION:</b>	110 Grand Seasons Drive
<b>CITY/STATE:</b>	Waupaca, WI

<b>DATE:</b>	12/4/02
<b>SALES:</b>	N. Lison
<b>DRAWN BY:</b>	R. Erickson

<b>BID #</b>	17131
<b>SCALE:</b>	1/8" = 1'-0"
<b>TOTAL SQ. FT.</b>	



**CUSTOMER SIGNATURE** X \_\_\_\_\_  
**DATE:** \_\_\_\_\_

<b>REVISIONS</b>	DATE: _____
	COMMENTS: _____

**SKETCH#** 17131-1pg1

This is an original unpublished drawing by Jones Sign Co., Inc. It is for your personal use, in conjunction with a project being prepared for you by Jones Sign Co. It is not to be shown to anyone outside of your organization nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of the design in any sign done by any other company, without the express written permission of Jones Sign, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS where specified. We cannot guarantee exact matches due to varying competency of surface materials and paints used. All sizes and dimensions are illustrated for client's conception of project and are not to be understood as being exact size or exact scale.

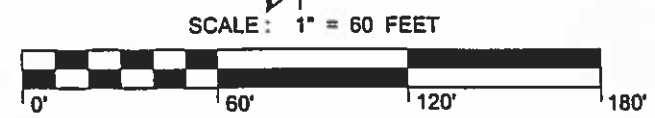
SHEET 1 OF 1  
 JOB NUMBER : 2002-01714)  
 THIS INSTRUMENT DRAFTED BY WAUPACA LAND SURVEYING.  
 E 2613 SOUTHWOOD DRIVE, WAUPACA, WISCONSIN 54981 (715) 256-9942

**COPY**

**REMAINDER LOT**  
 3.41 AC. ±

**Note :** This is a "Proposed Land Division Sketch" prepared for the sole use of the Grand Seasons Inc. All dimensions and bearings shown hereon are approximate and subject to change.

North is referenced to Wisconsin Dept. of Transportation Hwy Plans Project Number 1510-08-21.



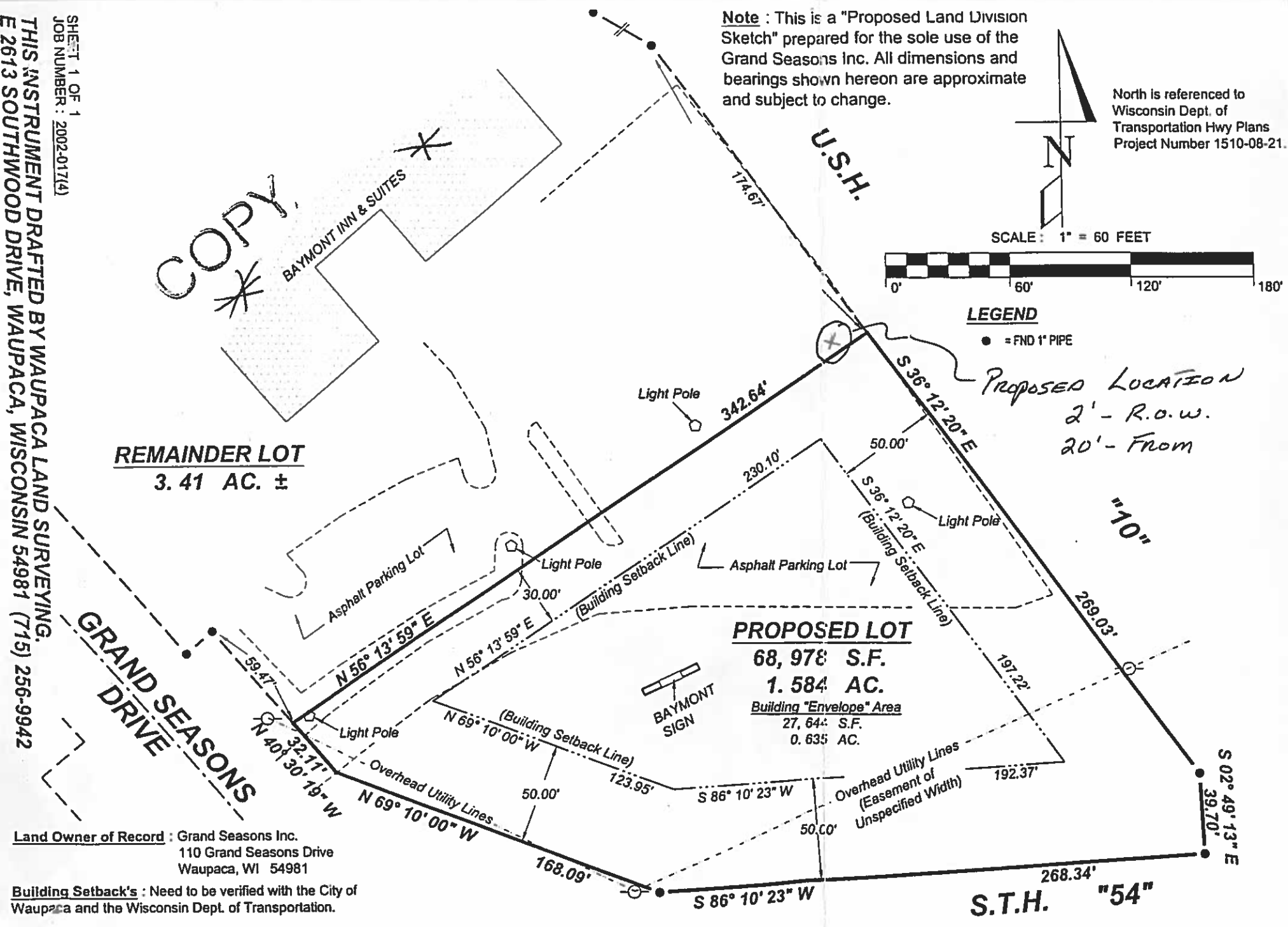
**LEGEND**

● = FND 1" PIPE

*Proposed Location*  
 2' - R.O.W.  
 20' - From

**PROPOSED LAND DIVISION SKETCH**  
 BEING PART OF CERTIFIED SURVEY MAP NUMBER 2445 - 8 - 55, LOCATED IN SECTION 25, TOWN 22 NORTH, RANGE 11 EAST, IN THE CITY OF WAUPACA, WAUPACA COUNTY, WISCONSIN.

15  
 11.5  
 1725  
 +  
 35  
 5  
 175



**Land Owner of Record :** Grand Seasons Inc.  
 110 Grand Seasons Drive  
 Waupaca, WI 54981

**Building Setback's :** Need to be verified with the City of Waupaca and the Wisconsin Dept. of Transportation.

**S.T.H. "54"**

- (c) Setback. 25 feet minimum.
- (d) Rear Yard. 15 feet minimum.
- (e) Vision Clearance. There shall be an unoccupied triangular vision clearance space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points 10 feet from the corner on each street line. This clearance shall extend from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than 12 feet high.

- See Def. #45
- (3) **CONDITIONAL USES**. Permitted after review, public hearing and approval of the Plan Commission and the Council, truck garage, repair and service of motor propelled vehicles including the storage and sale of automobile accessories, underground fuel storage and pumps. Storage parking of trailers outside buildings is prohibited, but employees' personal vehicles may be parked on the premises.

#### **17.191 STRIP COMMERCIAL DISTRICT.** (Cr. Ord. #4-88)

- (1) **USE**. In the Strip Commercial District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) Any use permitted in sec. 17.16(1)(c), (d), (f) or (g) of this chapter. (Am. Ord. #8-90) *Multi-Family*
- (b) Any use permitted in sec. 17.17(1)(b) of this chapter. (Am. Ord. #8-90) *Local Shopping*
- (c) Any use permitted in sec. 17.18(1)(b) of this chapter. (Am. Ord. #8-90) *Central Business*

- (2) **HEIGHT AND YARD REQUIREMENTS**. In the Strip Commercial District the height of buildings and the dimensions of yards shall be as follows:

- (a) Height. Buildings hereafter erected or structurally altered shall not exceed 20 feet or 2 stories in height, except that 3 stories shall be allowed if the structure is located more than 50 feet from any lot line.
- (b) Setback. (Am. Ord. #21-89) 50 feet minimum from any major street or highway; 25 feet minimum from any minor street. *\*SEE #1 ON BACK OF PAGE*
- (c) Side Yards. 20 feet minimum.
- (d) Rear Yard. 25 feet minimum.
- (e) Street Frontage. 100 feet minimum.

- (3) **CONDITIONAL USES**. (Am. Ord. #18-04) Permitted after review, public hearing and approval of the Plan Commission and the Council, truck garage; repair and service of motor propelled vehicles; including the sale and storage of automobile accessories; underground fuel storage and

*does not include carwash*

pumps; premanufactured home sales facilities; golf ball driving range; miniature golf establishment; amusement rides including related equipment; go-kart track including vehicles and other necessary equipment; water slides including related accessory structures; baseball/softball batting cage including related equipment and helipad including accessory buildings.

- (4) **MINIMUM BUILDING SIZE.** Unless otherwise approved by the Plan Commission, the minimum building size shall be 1,000 square feet.
- (5) **SIGNS.** The provisions of sec. 17.28 of this chapter shall apply in this District, except for the following requirements:
  - (a) Only one ground sign shall be allowed per premises.
  - (b) All signage or supports must be set back a minimum of 2 feet from the front property line.
  - (c) The side yard and rear yard requirements shall be the same as those for a structure in this District.
  - (d) The top of any ground sign shall not extend more than 20 feet above the grade established at the center line of the adjoining street unless the Plan Commission, after review of the site and the nature of the use of the property and the surrounding property, shall grant special permission for any other designated maximum height. (Am. Ord. #21-89)
  - (e) The maximum square footage of each side of any sign shall be 100 square feet. Those signs located in areas designated for off-premises signs are excepted from this requirement.
- (6) **OFF-PREMISES SIGNS.** Off-premises signs shall only be allowed in those areas within the Strip Commercial District officially designated for such use. All signs hereafter erected shall comply with the requirements of §84.30(4), Wis. Stats., except that the spacing requirements shall apply to both on-premises and off-premises signs.
- (7) **ACCESS CONTROL.** Prior to the issuance of a building permit, the location of access points to any City street, alley or public right of way shall be approved by the Plan Commission and any County, State or Federal highway department that has jurisdiction over the street or highway involved.

**17.20 PLANNED COMMERCIAL DISTRICT.** (Am. Ord. #18-95)

In the Planned Commercial District, no building or premises may be used for any purpose other than those uses permitted in the Commercial District, except mobile home or trailer parks, and only when development and use of property is undertaken in accordance with the following procedure:



# City of WAUPACA

Community & Economic Development Department

## EXECUTIVE SUMMARY

**Action Request:** **Variance** - Chapter 17.310(3)(a) Sign Restrictions and Chapter 17.310(4) I-2 Heavy Industrial District Bulk Requirements - Maximum single side area for freestanding signs - 45 square feet, and Minimum front setback - equal to the height of the sign.

**Project Description:**

Applicant:	Tom Nitschke, Agent
Owner:	AI Swiderski WTI LLC
Property Address:	1777 Royalton Street, Waupaca
Parcel Number(s):	34-28-24-5

### BACKGROUND

The subject property was annexed into the City of Waupaca in 2000. The property operated as an implement dealer prior to being annexed. The applicant approached the city seeking permission to construct four additional monument signs in addition to several new wall signs that would exceed the allowable square footage and amount of signs permitted under the current code. Staff worked with the applicant to develop a compromise on the signage that would have a lesser impact on the surround landscape and was applicable to other signage throughout the community. As a result, the variance submitted is a compromise from the original proposal and aligns well other similar instances throughout the community. The applicant and staff have collectively decided the installation of two additional monument signs, one specifically for Agco Brands, and additional monument co-located monument sign has been approved by all parties including the individual manufactures and dealerships.

The variance application also seeks an increase in square footage allowed per sign and a reduction in the sign setbacks due to existing site conditions.

### VARIANCE CRITERIA

When considering requests for a variance, there are three main criteria that must be satisfied in order to legally justify granting the variance, and to avoid setting a bad precedent for future variance requests and approvals. These three criteria have been affirmed in a variety of rulings by the Wisconsin Supreme Court.

These criteria are:

**1. Unnecessary Hardship**

The applicant must show 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.



# City of WAUPACA

## Community & Economic Development Department

### 2. A Unique Property Condition

This is defined as a special physical feature of the property (such as soil conditions, steep slope, wetlands, etc) that is not shared by nearby land. The fact that an existing structure is non-compliant with current zoning regulations, due to changes in the zoning code after the structure was built, is also an item to consider.

### 3. No Harm to the Public Interest

A variance request must be able to demonstrate how the public health, safety, and welfare will not be compromised in granting such variance.

These criteria are outlined in Chapter 17.430(4)(c) "Board of Appeals—Powers", and interpretation of these criteria is from the League of Wisconsin Municipalities" Zoning FAQ 3 factsheet.

## CRITERIA ANALYSIS

Based on the information submitted with the variance request, below is staff's analysis of how the requested variance addresses the three criteria that must be met in order to grant a variance.

### 1. Unnecessary Hardship

a. The existing dealership has a significant variety of manufactured products and vehicles that require some signage and designation of product to the public view. The applicant is a regional distributor of products and this location is one of their main product locations that service a large service area. As a result and due to the large amount of variety and products, there are minimum signage standards that need to be present on the site to advertise their products. Staff has worked with the applicant and the manufactures to co-locate on a shared monument sign to reduce the clutter of signs on the property. The located of the two new proposed monument signs add visual value to the property without compromising the public good of the area.

### 2. A Unique Property Condition

a. The existing conditions require a monument sign to have a setback distance equal to the height of the proposed sign. However the applicant is seeking a reduction to the setback due to existing site conditions that would prohibit proper circulation and equipment display of their products. The required setback distance would require the monument signs to be constructed and located in existing interior access driveways for patrons and fire/emergency response vehicles. The proposed sign location would not be closer to the existing New Holland monument sign that is presently located of the property.

### 3. No Harm to the Public Interest

a. The applicant and manufactures have worked with staff to reduce the number of signage originally proposed on site. The two new monuments signs will not have a negative effect on the surround industrial area, will complement the area nicely, and will align with other properties within the community with similar uses.





# City of WAUPACA

Community & Economic Development Department

## RECOMMENDATION

Staff recommends approval without prejudice of the Variance, for the following reasons:

1. Staff has been working with the applicant for the past two months to develop a consensus on the number, location, and size of the proposed monument signs. Staff does not feel the additional of the two monument signs will have a negative effect on the surround community and will complement the property nicely. The location of the proposed signage does not visually impair site lines and visual triangles and will not be closer to the road then the existing monument sign.

**PREPARED BY:** Brennan P. Kane  
Director of Community and Economic Development



## VARIANCE PETITION CITY OF WAUPACA, WISCONSIN

Please note the petitioner shall complete all items in red. The City shall not accept an incomplete application. All Variance Applications shall be filed by 4:00 p.m. four weeks prior to the Plan Commission at which the Public Hearing is to be scheduled. Please see Plan Commission schedule to confirm submission date.

### SUBJECT PARCEL

**Address:** 1777 Royalton Street, Waupaca WI 54981

**Tax Key:** 34-28-24-5

**Zoning:** I2 Heavy Industrial District

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

### The Petitioner is requesting

A sign variance to install two monument signs that our manufactures are requiring. One sign which is 7'8" by 18' tall will house all Agco Brands (Massey Ferguson, White, Sunflower, Gleaner). The other sign will

look the same as the Agco sign but will be 5'2" by 18' tall. That sign will house panels of four other manufactures. We are are requesting the a variance for the signs and set backs.

### Variance Requested from Chapter

Chapter 17.310(3) a Sign Restrictions

Chapter 17.310(4) Bulk Requirements



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.

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We have access to our our business from two entrances located on Royalton street. Because of how our the roads on our display lot are configured, we need a variance allowing the signs to be set back 7'

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and 10' from out lot line (please refer to aerial photo for specific placement of the signs). The roads on our lot limits our ability to meet minimum required setbacks.

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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.

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There will be no negative effect on the neighboring properties. We have worked with the City of Waupaca Community and Economic Development Director to reduce the amount of signs. We

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originally wanted four additional signs. Based on conversations, it was determined that two monument signs would be more visually appealing than one monument sign and three pole signs. Considering the

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size of our property (810' of exposure on Royalton Street), the additional signs will not have a negative visual impact on surrounding business.

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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:

- 12 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.
- \$250.00 Variance application fee payable to the City of Waupaca.

**Property Owner**

**Owner's Agent**

Name Swiderski Equipment, Inc

Name \_\_\_\_\_

Signature *Tom Nitschke*

Signature \_\_\_\_\_

Address 1777 Royalton Street

Address \_\_\_\_\_

City Waupaca State WI Zip 54981

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (715) 258-3266

Phone \_\_\_\_\_

Fax (715) 258-3980

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: 4/13/15

Fee: \$250.00

Receipt No: 59527

111 S. Main Street  
Waupaca, WI 54981

BA - \_\_\_\_\_ - \_\_\_\_\_

Revised 02/2014



Mosinee Wausau Thorp Antigo Waupaca

***Your Partners on the Job***

April 10, 2015

To: Waupaca Board of Appeals

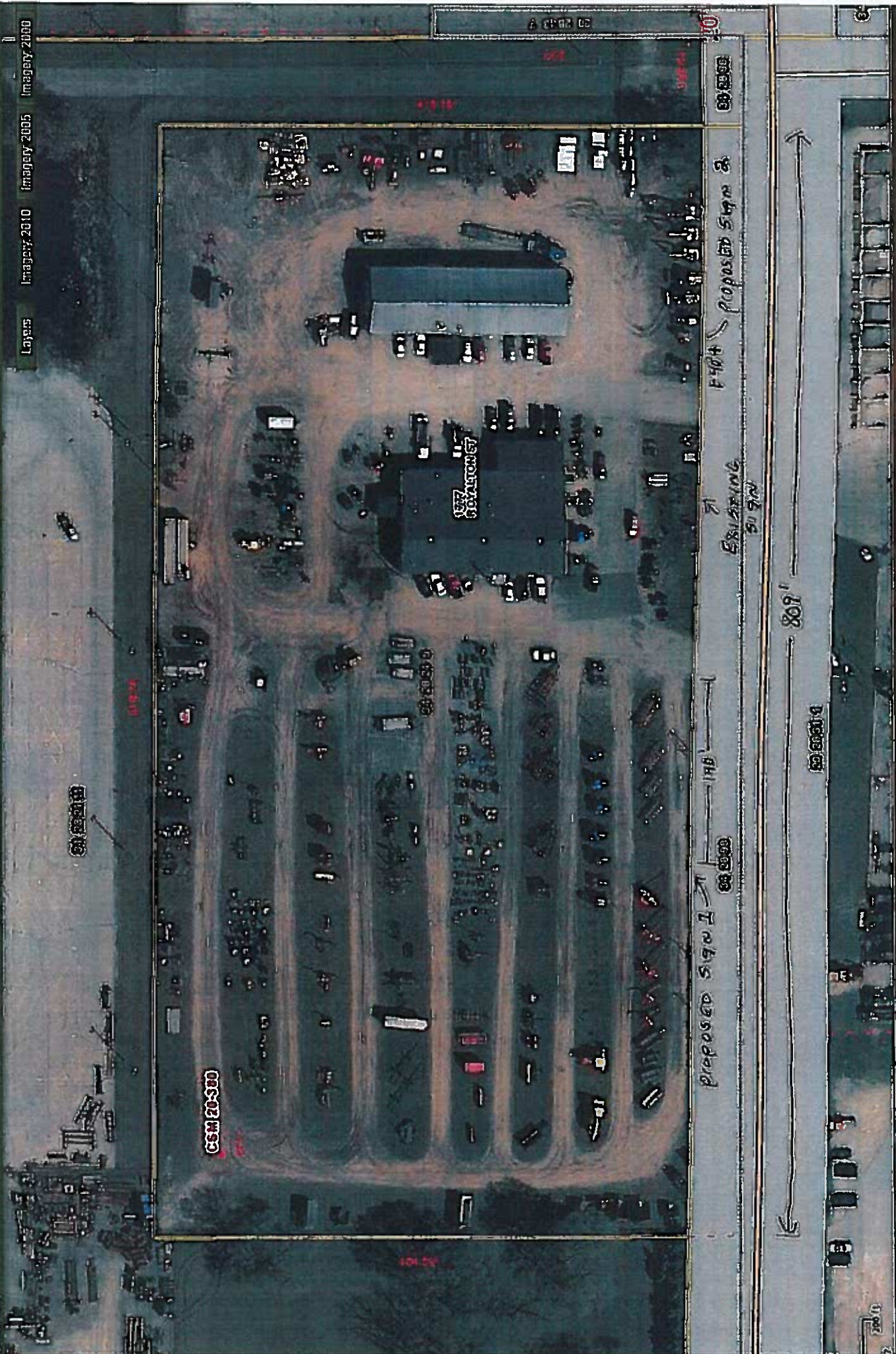
From: Swiderski Equipment, Inc.

As you may know, Swiderski equipment has been doing business in Waupaca for several years. Within the past few years we have added some brands to our existing business in Waupaca. Some of the additional brands are Massey Ferguson, White, Gleaner, Sunflower, Doosan, and Kioti.

When adding manufactures there is typically certain dealer standard that must be adhered to. The standards include certain signage requirements. We are respectfully asking the Board to approve a sign variance that would allow two monument signs to be installed and a variance to the set back from our property line on Royalton Street for such signs.

Working with the City of Waupaca, we have formulated a signage plan that solves our dealer standards problem, and ensures a positive visual impact on our property. We have gained approval from all manufactures involved, and are ready to proceed with producing the signs.

We appreciate your time and invite you to stop by and review our plan in person. Thank you.







## Swiderski Equipment Waupaca

Our current New Holland Sign is set back 7 feet from our property line on Royalton Street (shown on aerial map as existing sign)



Proposed monument sign with Agco Brands would be placed 120 feet from our most western entrance. (Shown on aerial map as sign #1). The sign would be just past the light pole in this photo. This sign would be setback the same distance as the New Holland sign. The 7' setback will provide just enough room so the sign doesn't encroach on our gravel road.



The proposed monument sign housing four of our major brands would be placed 40' from our eastern entrance. This sign could be set back 10' from the fence line. (Shown on aerial maps as sign #2). The sign would be installed on the other side of the pole in this picture.







# Full Line Dealer Requirements

Must install and display either an 18 foot or 24 foot version of the totem sign. Other sizes of signage are prohibited, except as specifically authorized in writing by AGCO in order to meet local regulations.

- The top brand is the primary brand of the dealership, and can only be one of the following brands:



- Approved Secondary Brands allowed on the totem sign are as follows:



No more than (4) four brands are permitted per totem sign. Dealers wishing to advertise more than (4) four of the allowed brands, must install an additional totem sign. The uppermost panel on each totem sign must remain in line with primary brand of the dealership and can only display either the Challenger or Massey Ferguson brand. At no time may the uppermost panel display a secondary brand or a dealer's name.

**BRAND STANDARDS:**

