

Board of Appeals Meeting Agenda
Town of Holland
Sheboygan County, Wisconsin

Date: Wednesday, December 4, 2024

Time: 7:00pm

Place: Holland Town Hall, W3005 County Road G, Cedar Grove WI 53013

1. Call to order.
2. Pledge of Allegiance.
3. Clerk to certify that notice requirements and the requirements of the Wisconsin Open Meetings law have been met.
4. Clerk to take roll call and confirm whether a quorum is present.
5. Adopt agenda as official order of business.
6. Chair Announcement of Proceedings.
7. Public input (Comments may be limited to 3 minutes per person).
8. Hearing of Board of Appeals:
 - a. A request by Michael B Everett to vary the applicable sign regulations. The request is to construct a sign with a height of 100 feet and an area of 697.5 square feet at N905 Sauk Trail Road, Cedar Grove, WI 53013:
 - (1) Motion to open hearing.
 - (2) Chair announces the request.
 - (3) Board of Appeals members report on any site inspection.
 - (4) Applicant/owner will present request to the Board of Appeals.
 - i. Questions from Board of Appeals members.
 - (5) The Town Building Inspector presents report.
 - (6) Clerk to report on any related correspondence.
 - (7) Chair to request statement(s) from the public.
 - (8) Board of Appeals members to disclose any ex parte communications.
 - (9) The applicant/owner will present any rebuttal.
 - i. Questions from Board of Appeals members.
 - (10) Board of Appeals members ask any final questions.
 - (11) Confirm documents have been received into the record.
 - (12) Motion to close the record and the hearing.
9. Deliberation and decision on the above request by Michael B Everett:

Visit the Town of Holland's website at <http://townofholland.com>

- a. Findings of fact (based on ordinance jurisdiction and standards, Board of Appeals members use Request Documentation Form):
 - (1) Determine whether the board has the authority to make a decision.
 - (2) Determine whether the application contains the information necessary to make a decision.
 - (3) Record pertinent facts from the record/hearing on the decision form.
- b. Conclusions of law
 - (1) Specify applicable legal standards.
 - (2) Determine which facts relate to the legal standards.
 - (3) Determine whether the legal standards are met (agree on any conditions).
- c. Order and Determination.

10. Hearing of Board of Appeals:

- a. A Second Amended Application by Atty. Ellen Anderson on behalf of David Valenti and Larry Britton appealing the Town Plan Commission's adoption of the Town Attorney's interpretation of zoning regulations. The Application requests a review of the legal interpretation that the proposed use of the dwelling at N2047 Pine Beach Road South, Oostburg, Wisconsin complies with Holland Town Code §330-27, R-1 Single-Family Residence District:
 - (1) Motion to open hearing.
 - (2) Chair announces the request.
 - (3) Board of Appeals members report on any site inspection.
 - (4) Applicant will present request to the Board of Appeals.
 - i. Questions from Board of Appeals members.
 - (5) Property owner will present justification for their interpretation to the Board of Appeals.
 - i. Questions from Board of Appeals members.
 - (6) The Town Plan Commission will present justification for its interpretation to the Board of Appeals.
 - i. Questions from Board of Appeal members
 - (7) Clerk to report on any related correspondence.
 - (8) Board of Appeals members to disclose any ex parte communications.
 - (9) Chair to request statement(s) of witnesses.
 - (10) Applicant will present any rebuttal.
 - i. Questions from Board of Appeals members.
 - (11) Board of Appeals members ask any final questions.
 - (12) Confirm documents have been received into the record.
 - (13) Motion to close the record and the hearing.

Visit the Town of Holland's website at <http://townofholland.com>

11. Deliberation and decision on the above request by Ellen E. Anderson on behalf of David Valenti and Larry Britton:
 - a. Findings of fact (based on ordinance jurisdiction and standards):
 - (1) Determine whether the board has the authority to make a decision.
 - (2) Determine whether the application contains the information necessary to make a decision.
 - (3) Record pertinent facts from the record/hearing on the decision form.
 - b. Conclusions of law
 - (1) Specify applicable legal standards.
 - (2) Determine which facts relate to the legal standards.
 - (3) Determine whether the legal standards are met (agree on any conditions).
 - c. Order and Determination.
12. Public input (Comments may be limited to 3 minutes per person).
13. Read and approve meeting minutes.
14. Adjourn.

Notice is hereby given that a quorum of the Town of Holland Plan Commission, Town of Holland Board, or any of its committees, may be present at this meeting to gather information about a topic over which they have decision-making authority.

James H Wonser, Chairman

Agenda posted by Clerk Janelle Kaiser in the following locations:

- Holland Town Hall at W3005 County Road G, Cedar Grove, WI 53013
- Town website at www.townofholland.com

Any person wishing to attend the meeting requiring accommodation due to a disability should contact the Town office by phone at (920) 668-6625 or by email at clerk-treasurer@hollandwi.gov at least 72 hours prior to the meeting.

**Town of Holland
Board of Appeals Application**

Board of Appeals Applications shall be submitted to the Town Clerk, W3005 County Road G, Cedar Grove, WI 53013. A completed Board of Appeals Application and related fee of \$750.00 must be submitted, along with any supporting documents. The chairman of the Board of Appeals shall review the application and schedule a Board of Appeals meeting if appropriate.

A Board of Appeals Application along with one full size hard copy and one (1) electronic copy (PDF file) of all certified survey maps, plats, construction drawings, and similar materials shall be submitted to the Clerk. The review process and time frame begin upon the Town's receipt of a complete submittal, as determined by the Town Board of Appeals, that includes the application and all related materials.

All questions, comments, and concerns shall be directed to the Town Clerk-Treasurer at 920-668-6625 or clerk-treasurer@townofholland.com.

1. Applicant / Agent Information:

MICHAEL B EVERETT

<i>(Name)</i> 2211 PECH RD	HOUSTON	TX	77055
<i>(Street)</i> 832-865-4662	<i>(City)</i>	<i>(State)</i> BRAD@TEXASREPUBLICSIGNS.COM	<i>(Zip)</i>
<i>(Phone)</i>	<i>(Fax)</i>	<i>(Email)</i>	

2. Property Information #1:

905 SAUK TRAIL RD	CEDER GROVE	WI	53013
<i>(Street)</i> 59008076431	<i>(City)</i> 5.15	<i>(State)</i>	<i>(Zip)</i>
<i>(Taxkey #)</i>	<i>(Acreage)</i>		

Property Information #2:

<i>(Street)</i>	<i>(City)</i>	<i>(State)</i>	<i>(Zip)</i>
<i>(Taxkey #)</i>	<i>(Acreage)</i>		

Property Information #3:

<i>(Street)</i>	<i>(City)</i>	<i>(State)</i>	<i>(Zip)</i>
<i>(Taxkey #)</i>	<i>(Acreage)</i>		

3. Application Request & Fees:

Fees associated with all Board of Appeals Applications are identified in the Town of Holland Fee Schedule. All payments are to be made out to: "Town of Holland". This application fee only covers the cost of the meeting, including notice publication. The review process and time frame begin upon the Town's receipt of a complete submittal, as determined by the Board of Appeals.

4. Resource Information:

Applicants should review any related sections of the Town of Holland Code of Ordinances prior to submitting a Board of Appeals Application.

5. Professional Services Reimbursement Notice:

Pursuant to the Town of Holland Code of Ordinances, whenever the services of the Town Attorney, Town Engineer, Town Planner, or any other Town professional staff results in fees specific to this application, the Town shall charge the applicant for the fees incurred. Also, be advised that certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to the Town of Holland Code of Ordinances, if the Town Attorney, Town Engineer, Town Planner, or any other Town professional provides services to the Town because of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. In addition, I have been advised that pursuant to the Town of Holland Code of Ordinances, certain other fees, costs, and charges are my responsibility.

I/We the undersigned, being owner(s) of all the area described, hereby petition for (check all that apply):

Variations: 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 Town Zoning shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a practical difficulty or unnecessary hardship exists and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created.

Variance: To vary the applicable lot size requirements, including lot area, lot width, and density requirements.

Variance: To vary the applicable building bulk limitations, including height, lot coverage, floor area ratio, and yard requirements.

Variance: To vary the applicable off-street parking and off-street loading requirements.

Variance: To vary the applicable sign regulations.

Variance: To vary the regulations and restrictions applicable to nonconformities.

Errors: Appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector.

Error.

Substitutions: Applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.

Substitution.

Interpretations: Applications for interpretations of the zoning regulations and interpretations of the location of the boundaries of the zoning districts, after the Town Plan Commission has made a review and recommendation.

Interpretation.

If you are uncertain about what boxes to check, review the Town Code including sections 330-96 and 330-99 related to the Board of Appeals.

The purpose of this request is as follows:

Request for variance from section 330-66(C) height and square footage limitation to a ground sign.

Respectfully request a variance for an additional 80' in height and additional 597.50 sq ft for a grand total of 100' tall sign with 697.50 sq ft in area.

Description of proposed operation or use (a statement of the type, extent, area, etc., of any development project):

The proposed operation involves the development of a truck stop fueling station designed to serve long haul truck drivers and other vehicles. The project will encompass an area of approximately 5.15 acres, strategically locate near Hwy 43 to facilitate easy access for vehicles.

The station will include multiple fueling dispensers for diesel and gasoline, ensuring efficient service for a high volume trucks. Additionally, the facility will feature a convenience store offering essential supplies, snacks and beverages, as well as restrooms, The facility will offer hot food and possibly a QSR.

The proposed sign with the requested square footage is essential for maximizing visibility, enhanced brand recognition, enduring safety and providing effective marketing communication, particularly here where visibility is compromised by natural obstructions. (Trees)

Comment on the compatibility of proposed use and/or zoning with adjacent lands (a statement of land uses and impact of zoning change):

If the surrounding properties are primarily zones commercial business, the fuel station aligns well with the uses Such facilities typically coexist with other commercial enterprises, including restaurants, retail stores, and service stations, creating a environment that benefits both the business and the community.

List all properties adjacent, abutting, or lying within 300 feet of the subject property (names and mailing addresses of neighboring owners of vacant land and built-upon land):

B'S CORNER, LLC N 905 SAUK TRAIL RD CEDAR GROVE WI 53013

CEDAR GROVE OASIS HOLDINGS, LLC N 905 SAUK TRAIL RD CEDAR GROVE WI 53013

LAMONT W LUKENS N 949 SAUK TRAIL RD CEDAR GROVE WI 53013

BONNIE J DEPIES N 937 SAUK TRAIL RD CEDAR GROVE WI 53013

JOHN T MORANO N 953 SAUK TRAIL RD CEDAR GROVE WI 53013

JAMES TESTROOTE N 960 SAUK TRAIL RD EDAR GROVE WI 53013

EXIT 113 TOH LLC 7659 N LONGVIEW DR GLENDALE WI 53209

PIRIFORMIS , LLC N 263 CLAER VUE SHORES CEDAR GROVE WI 53013

Has a previous petition been filed? YES NO If so, when: _____

Applicant / Agent Signature

MICHAEL B EVERETT / TEXAS REPUBLIC SIGNS, LLC

(Name)

MICHAEL B EVERETT

(Signature)

10-31-2024

(Date)

Property Owner Information #1

Joel Accathara

(Name)

14 Heath Way

(Street)

408-896-5635

(Phone)

Joel

(Signature)

South Barrington

(City)

(Fax)

IL

(State)

(Email)

60010

(Zip)

joel.accathara@gmail.com

(Date)

10/15/24

Property Owner Information #2

New Owner

OSMA Kular

(Name)

11723 Walton Cres Zionsville

(Street)

317 750 3212

(Phone)

(S) Kular

(Signature)

(City)

(Fax)

IN

(State)

(Email)

46077

(Zip)

kularsh@yahoo.com

(Date)

10/30/24

Note: If more than two property owners attach additional copies of this page.

Town Staff Use Only

Date	Amount Due	Check #	Received By
10/31/2024	\$750.00	7841	Janelle Kaiser

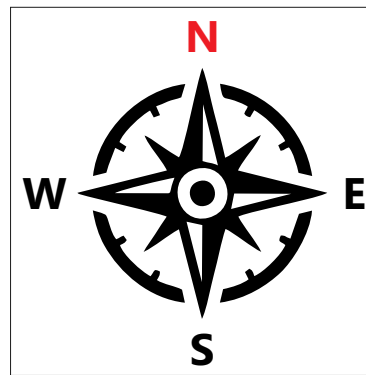


Image © 2024 Airbus
Image © 2024 TerraMetrics
Image NOAA



2211 Pech Rd. Houston, TX 77055
Texasrepublicsigns.com
832-727-5415

Customer:
PILOT / CITGO DEALER

Address:
905 SAUK TRAIL RD
CEDAR GROVE, WI 53013

City of Jurisdiction:
TOWN OF HOLLAND

Designer:
BE

Date Created:
5-15-2024

W.O. #:

File Path:
P:\2024 JOBS\PILOT - DEALER ONE 9
CEDAR GROVE WI.CDR

REVISIONS

Rev 1:

Rev 2:

Rev 3:

Rev 4:

Rev 5:

CUSTOMER APPROVAL

Todd Signature:

Date:

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/OR OTHER APPLICABLE LOCAL CODE. THIS INCLUDES PROPER GROUNDING AND BONDING OF SIGN.

ELECTRICAL REQUIREMENTS

AMPS:	VOLTS:	CIRCUITS:
0.0	0.0	0 @ 120V

PILOT = 220.0 FT2
 PRICER = 197.5 FT2
 SBARRO = 140.0 FT2
 TENANT = 140.0 FT2
 TOTAL = 697.50 FT2



2211 Pech Rd. Houston, TX 77055
 Texasrepublicsigns.com
 832-727-5415

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Todd Signature:

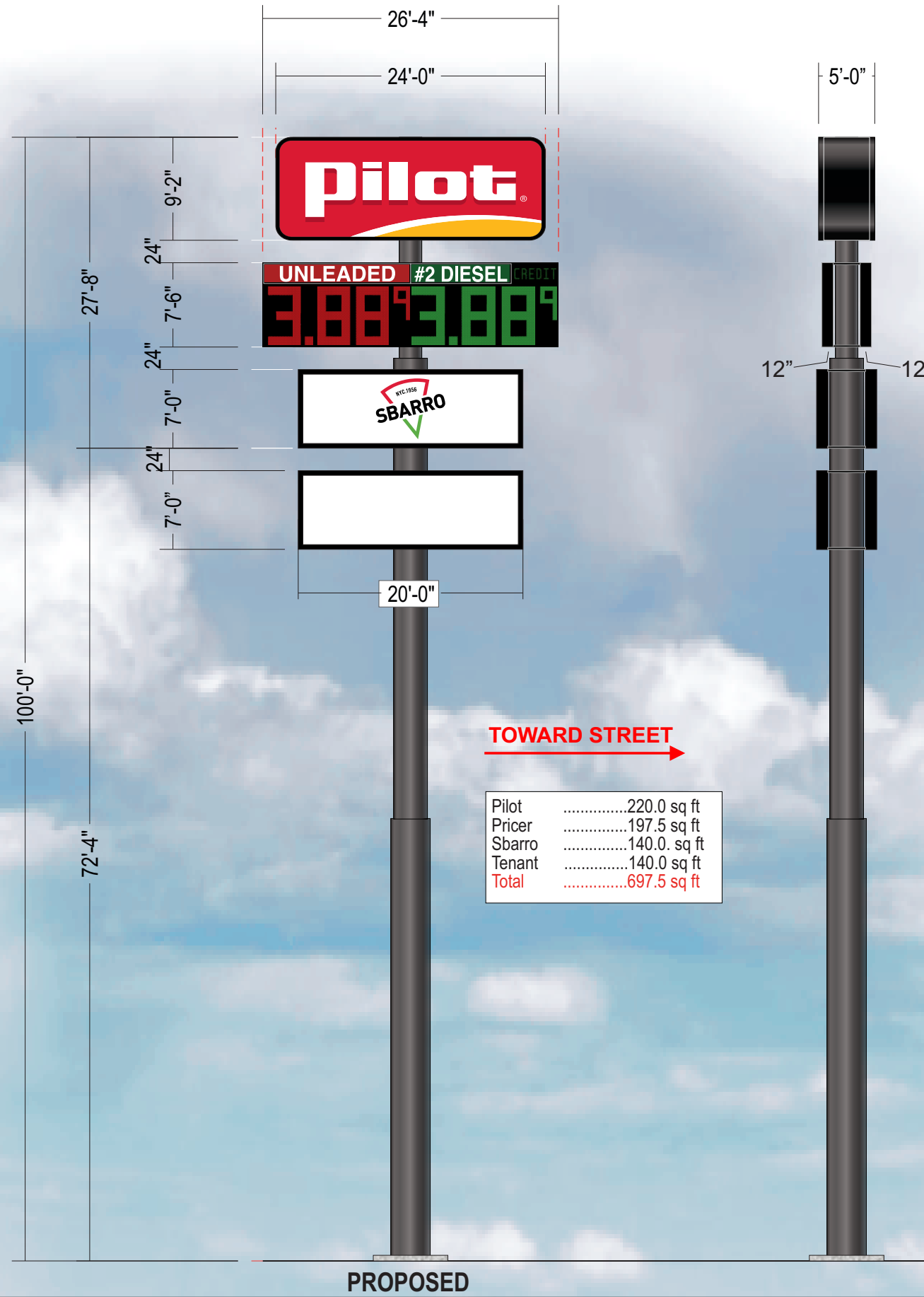
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AMPS:	VOLTS:	CIRCUITS:
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EXISTING SIGN TO BE REMOVED TO GRADE



Pilot220.0 sq ft
Pricer197.5 sq ft
Sbarro140.0 sq ft
Tenant140.0 sq ft
Total697.5 sq ft

ELEVATION

PROPOSED

SCALE= 1:145



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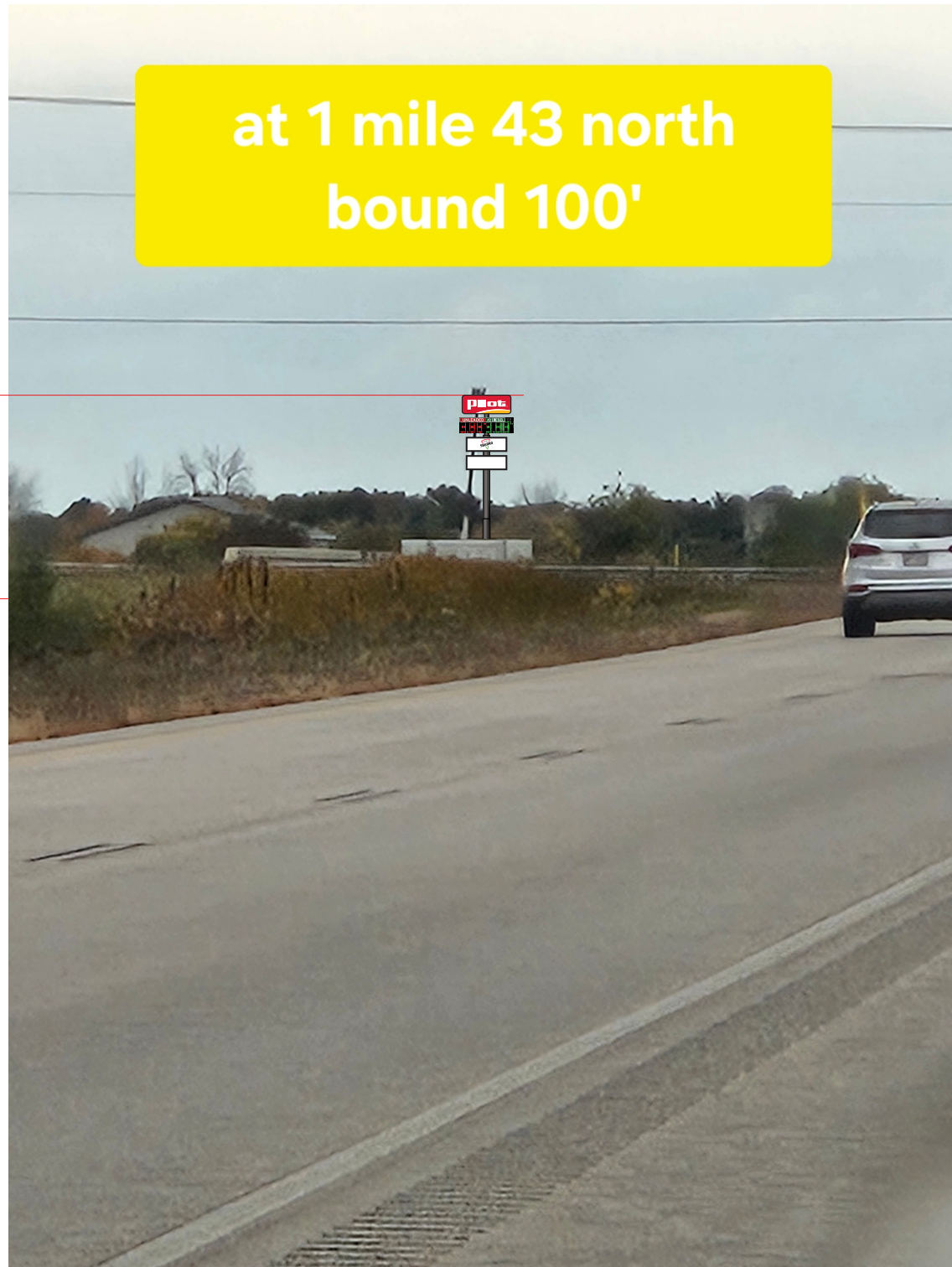
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ELECTRICAL REQUIREMENTS

AMPS: 0.0 VOLTS: 0.0 CIRCUITS: 0 @ 120V

at 1 mile 43 north
bound 100'

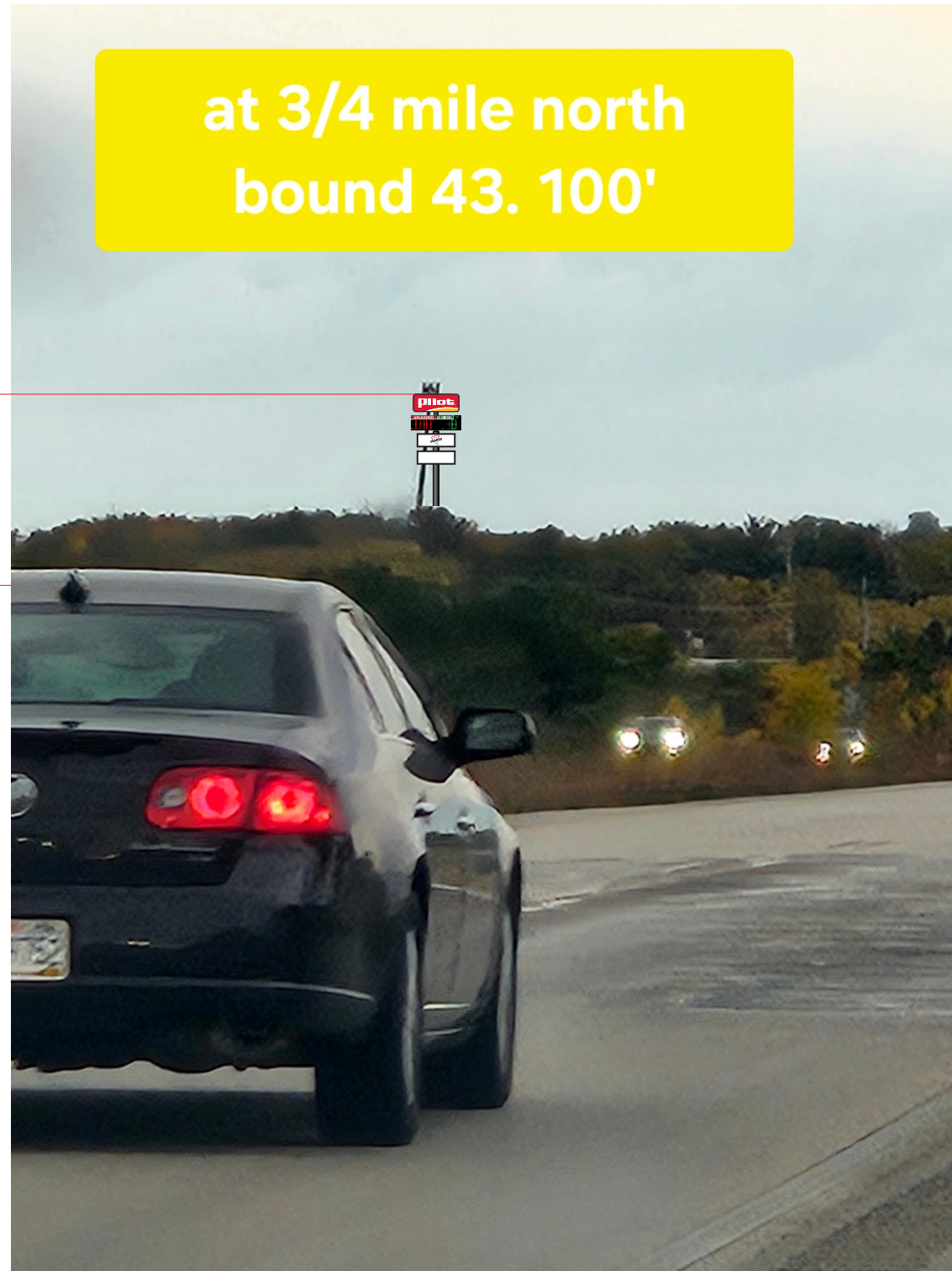
100'-0"



SCALE: 1" = 948.0"

at 3/4 mile north
bound 43. 100'

100'-0"



SCALE: 1" = 1014.0"



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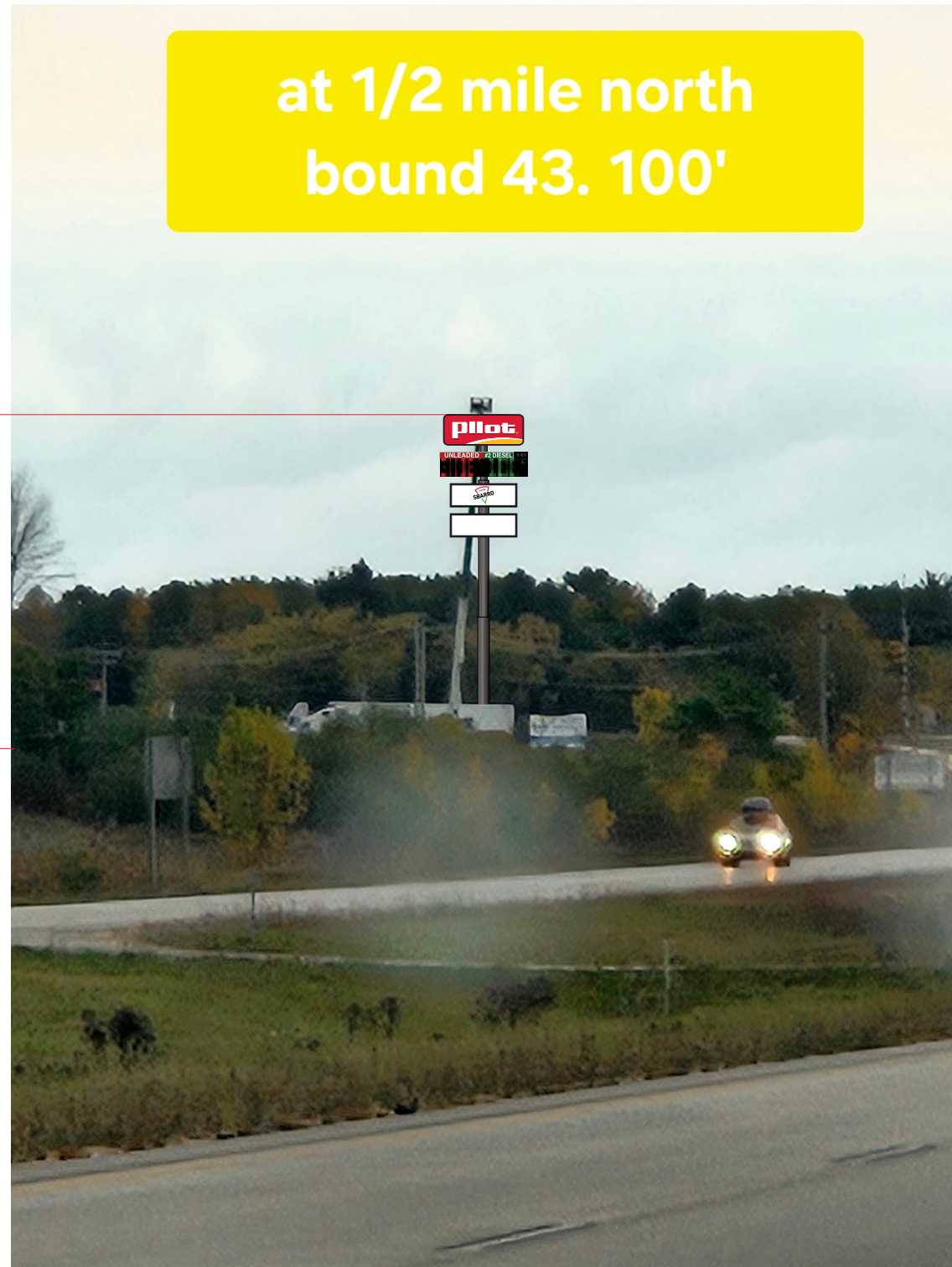
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AMPS:	VOLTS:	CIRCUITS:
0.0	0.0	0 @ 120V

at 1/2 mile north
bound 43. 100'

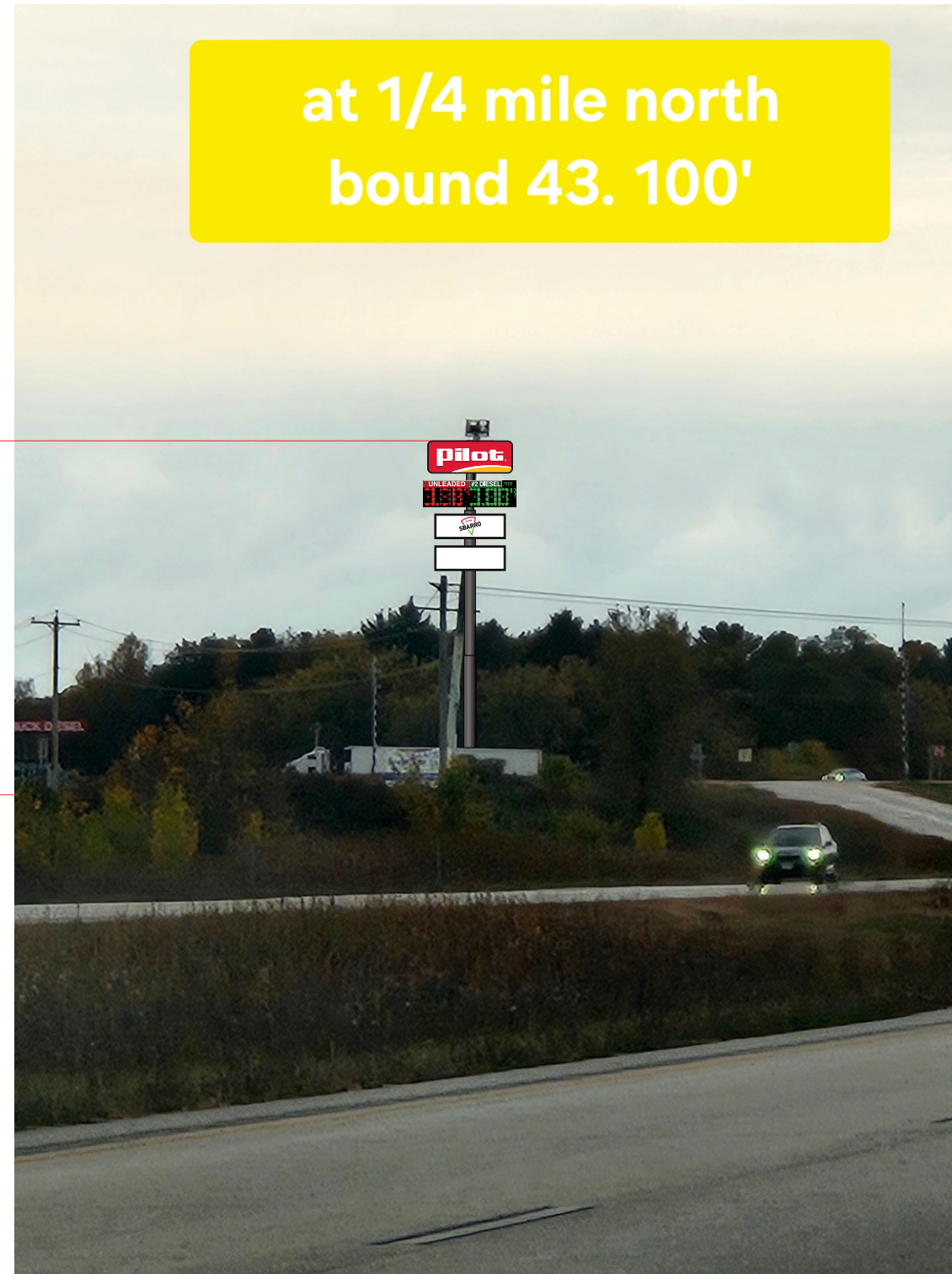
100'-0"



SCALE: 1" = 578.0"

at 1/4 mile north
bound 43. 100'

100'-0"



SCALE: 1" = 548.5"



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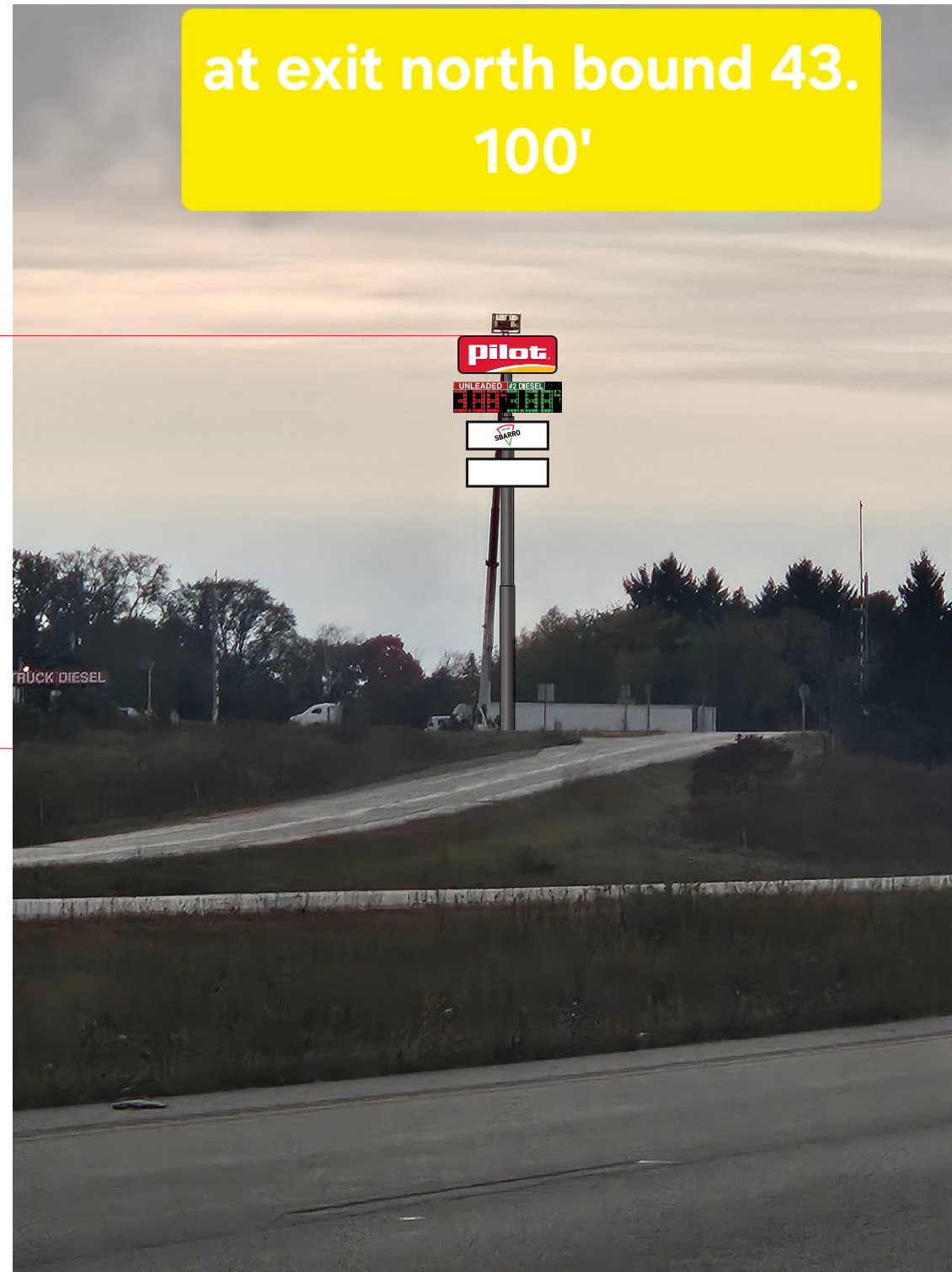
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AMPS:	VOLTS:	CIRCUITS:
0.0	0.0	0 @ 120V

at exit north bound 43.
100'

100'-0"



SCALE: 1" = 470.5"



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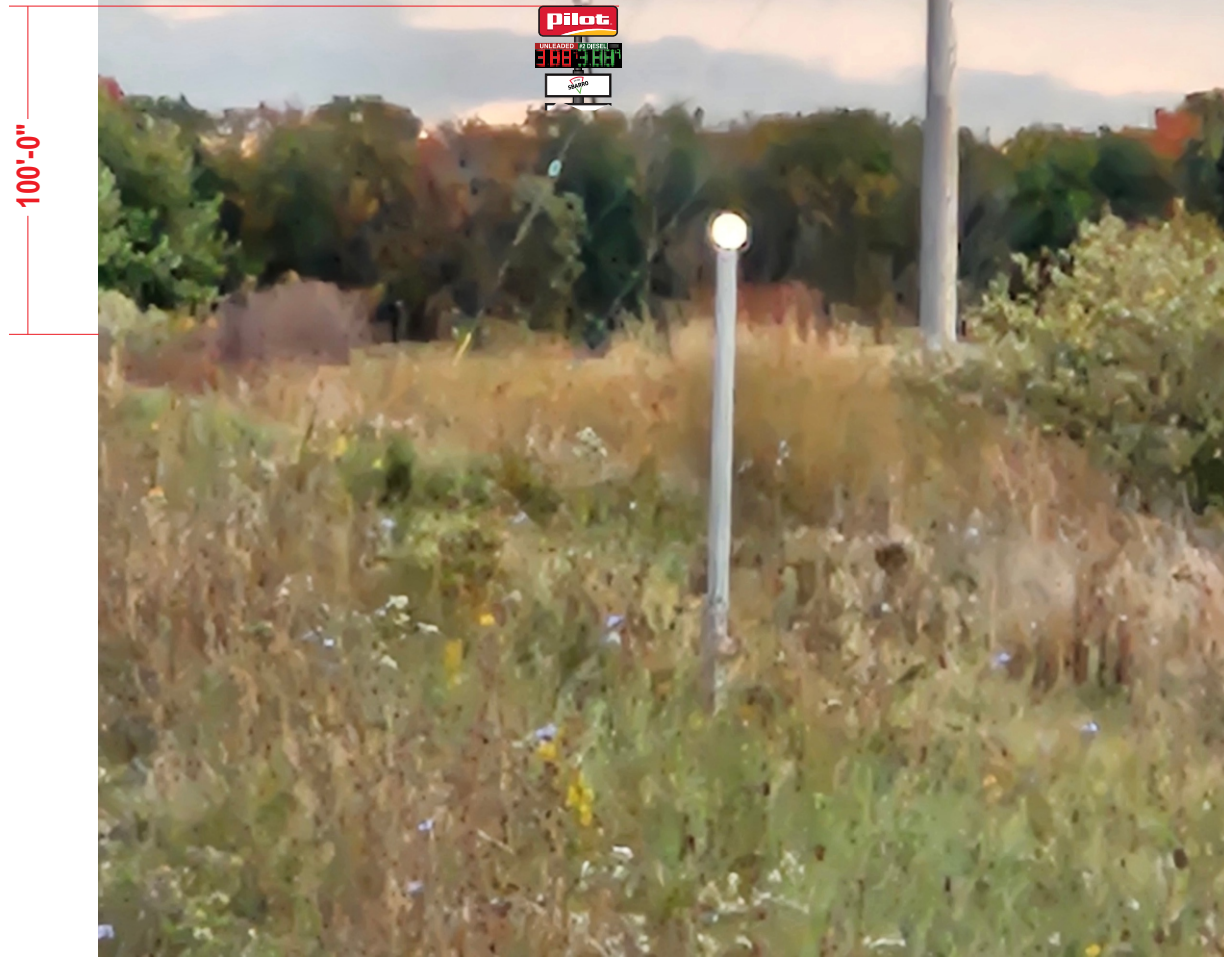
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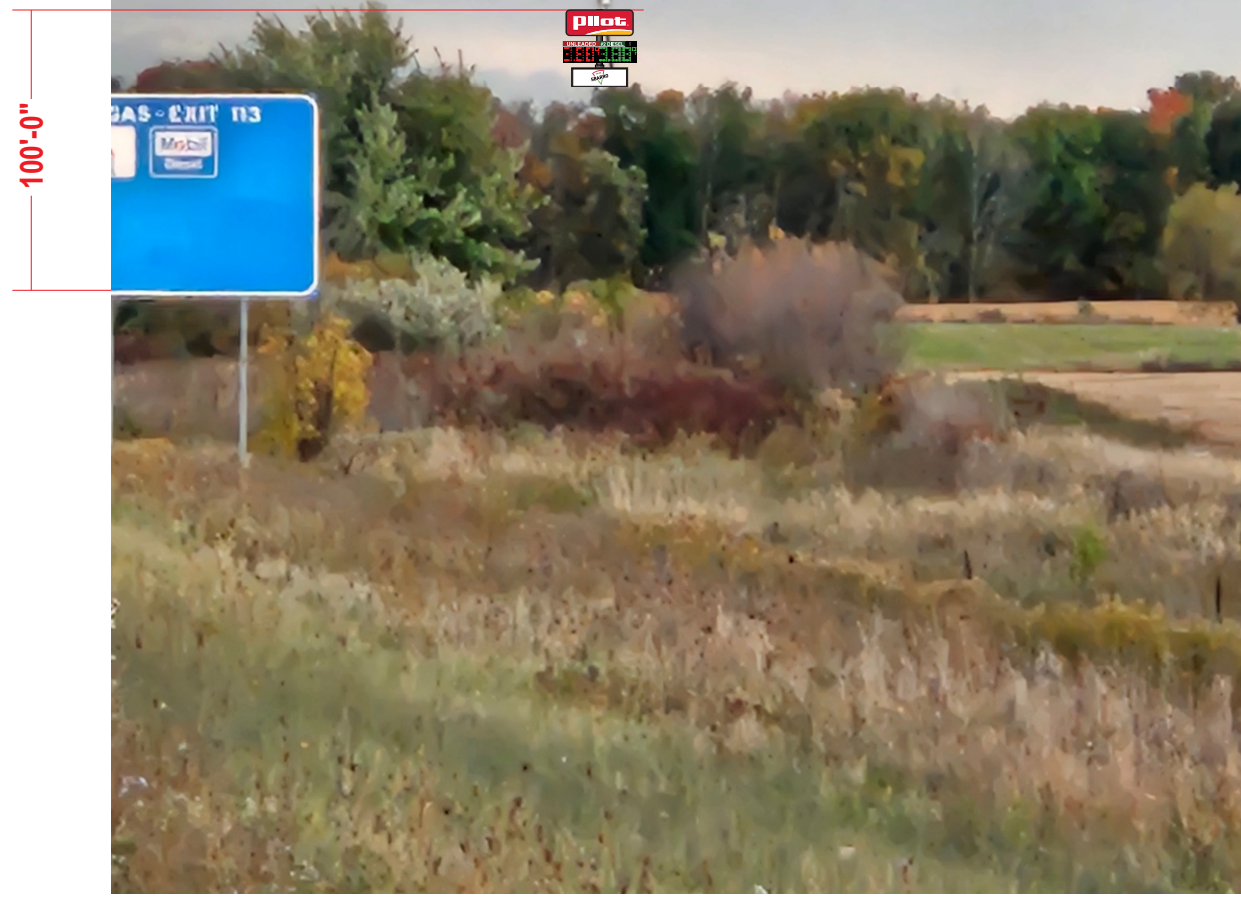
AMPS:	VOLTS:	CIRCUITS:
0.0	0.0	0 @ 120V

at 1 mile south bound
43. 100'



SCALE: 1" = 702.0"

at 3/4 mile south
bound 43. 100'



SCALE: 1" = 822.0"



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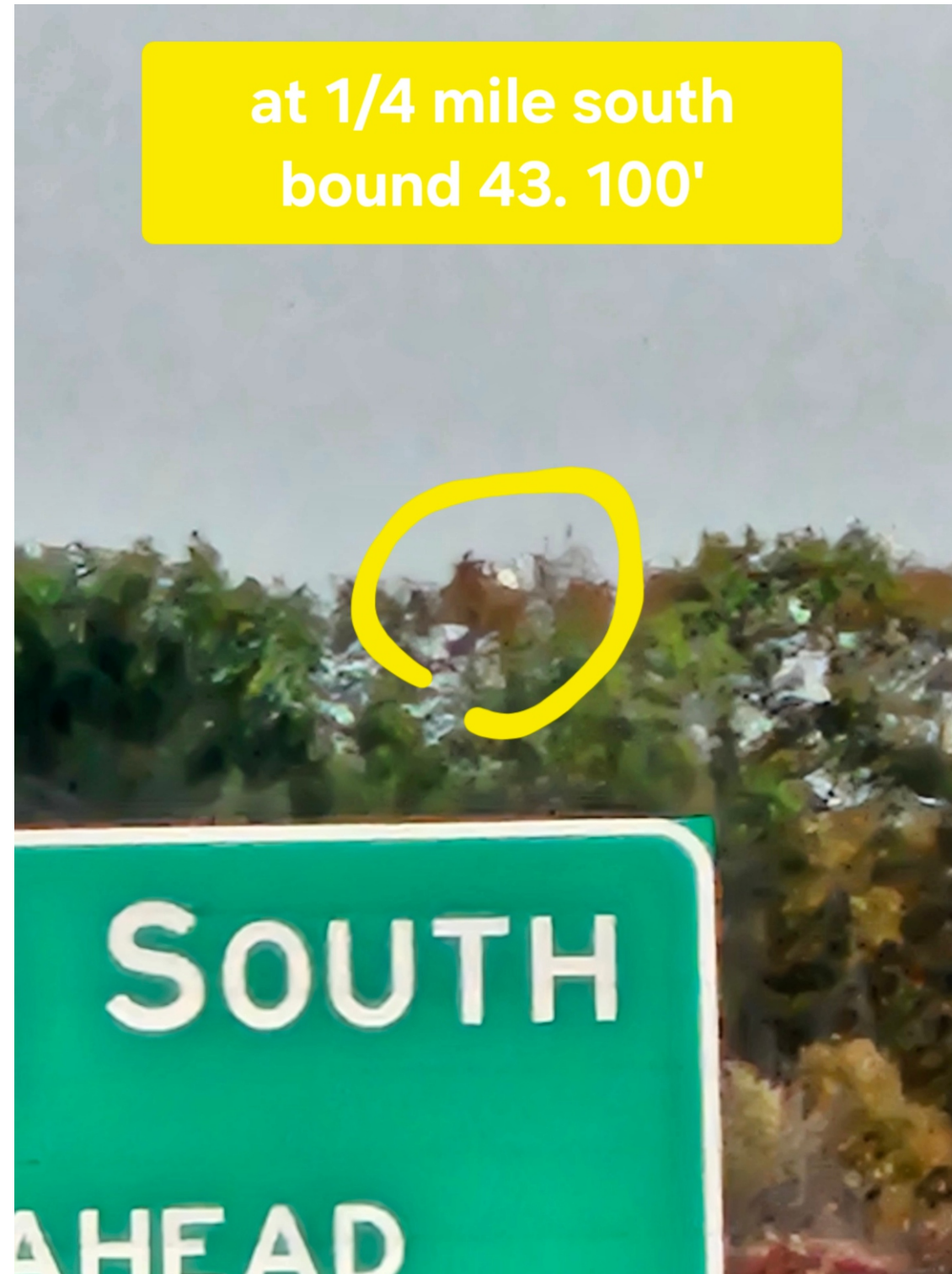
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AMPS:	VOLTS:	CIRCUITS:
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SCALE: 1" = 523.0"





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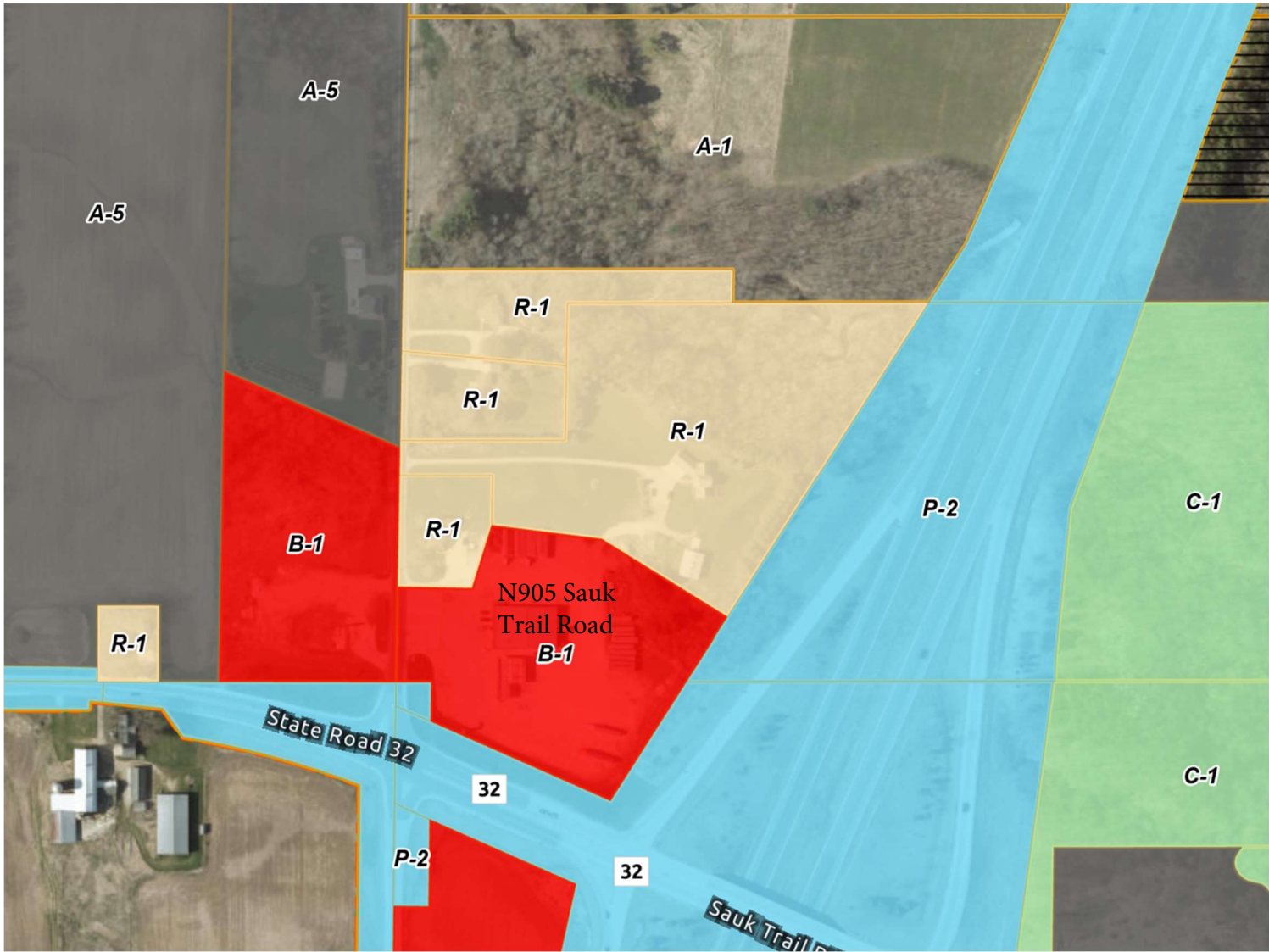
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0.0	0.0	0 @ 120V



SCALE: 1" = 756.5"



N905 SAUK TRAIL ROAD – BOARD OF APPEALS APPLICATION 12/4/2024
LOCATION MAP SHOWING ZONING OF SUBJECT AND SURROUNDING PROPERTIES
PREPARED BY CLERK JANELLE KAISER

*Town of Holland, WI
Monday, November 18, 2024*

Chapter 330. Zoning

Article XII. Signs

§ 330-64. Permit required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except those signs excepted in § 330-65 of this chapter below and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of any building codes.

§ 330-65. Signs permitted in all districts without permit.

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
- B. Agricultural signs pertaining to the production or sale of agricultural products on a farm which shall not exceed 30 square feet in area or be closer than 50 feet between signs.
[Amended 10-9-2023 by Ord. No. 2023-09]
- C. Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- D. Name, home occupation, and warning signs not to exceed eight square feet located on the premises and not closer than 50 feet between signs.
- E. Bulletin boards of public, charitable, or religious institutions located on the premises.
- F. 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.
- G. Official signs, such as traffic control, parking restrictions, information, and notices.
- H. Temporary signs or banners, such as at construction sites or special sales, when authorized by the Building Inspector.
- I. Directory signs indicating the direction and distance to a specific cottage, dwelling, or recreation facility not to exceed five square feet in display area.

§ 330-66. Signs permitted in nonagricultural and nonresidential districts.

The following signs are permitted in the business and industrial districts and are subject to the following regulations:

- A. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building wall surface, shall not exceed 500 square feet in area for each road on which the premises has road frontage, and shall not exceed 20 feet in height.
[Amended 10-9-2023 by Ord. No. 2023-09]
- B. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet on one side or 200 square feet on all sides for each road on which the premises has road frontage, shall not extend more than six feet in any required yard, shall not be less than 10 feet from all lot lines, shall not exceed a height of 20 feet, and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.
[Amended 10-9-2023 by Ord. No. 2023-09]
- C. Ground signs limited to one sign for each road on which the premises has road frontage which advertise the business name, services offered, or products sold on the premises shall not exceed 35 feet in height, shall meet all yard requirements for the district in which it is located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for each road on which the premises has road frontage. In addition to the above regulations, ground signs which advertise a business name, services offered, or products sold at a location other than the premises on which the sign is located shall conform to the setback requirements of Article **XV** of this chapter.
[Amended 10-9-2023 by Ord. No. 2023-09]
- D. A roof sign shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for each road on which the premises has road frontage.
[Amended 10-9-2023 by Ord. No. 2023-09]
- E. Window signs shall be placed only on the inside of commercial buildings.
- F. Combinations of any of the above signs shall meet all the requirements for the individual sign.

§ 330-67. Location limited.

No sign except those permitted in § **330-65** of this chapter above shall be allowed to face a residential, conservation, or park district within 500 feet of such district boundary.

§ 330-68. Prohibitions.

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 to or egress from any door, window, or fire escape, and no sign shall be placed or be lighted in such a way as to cause glare or impair driver visibility upon public ways.

§ 330-69. Existing signs.

A sign lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of Article **X** of this chapter shall apply.

§ 330-70. General restrictions.

- A. Illumination. Where reflecting, radiating, or other illumination of signs is permitted:
 - (1) Light shall not be projected toward or onto property located in residential districts or onto public streets.
 - (2) Such illumination shall be indirect and the source of light shall not be exposed when located in a residential district.

- B. Conditions. Landscaping, architectural design, type of construction, sureties, continued maintenance, lighting, fencing, planting screens, operational control, hours of operation, traffic safety restrictions, increased yards, and other factors may be reviewed and required by the Town Plan Commission and Building Inspector before issuance of the building permit upon finding that they are necessary to fulfill the purpose and intent of this chapter.

TOWN OF HOLLAND
BOARD OF APPEAL HEARING PROCEDURES
Variance Application
N905 Sauk Trail Road, Cedar Grove

Public Hearing Operational Procedures (Chair reads A-M)

- A. This is a hearing on an application for a grant of variance of Holland Town Code § 330-66 to construct a sign with a height of 100 feet and an area of 697.5 square feet at N905 Sauk Trail Road, Cedar Grove, WI 53013 located in the B-1 Business District.

- B. Holland Town Code § 330-99A(4). Variances.

Variances from the regulations of the Holland Town Zoning Code shall be granted by the Board of Appeals only in accordance with the standards set out in Holland Town Code § 330-99B and may be granted to vary the applicable sign regulations.

- C. Holland Town Code § 330-96. Board Role in Application

The Board 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 this chapter shall be observed and the public safety, welfare, and justice secured.

- D. The Chair will announce the request.

- E. The Board members will report on any site inspection.

- F. The applicant/owner will present the request to the Board with any justification for the request. The Board may ask for clarification or additional information during the presentations. The Chair will swear in any witnesses giving testimony.

- G. The Town Building Inspector will present a report.

- H. Any correspondence received by the Board related to the application will be presented.

- I. Everyone wishing to make public comment will have an opportunity to speak. Each speaker will be limited to three minutes. Statements will be addressed to the Board and not to others in the room. This is not a forum for debate. If statements for your position are the same as previous statements, do not repeat them, but summarize.

- J. The Board members will disclose any ex parte communications.
- K. The applicant/owner will have an opportunity to present rebuttal.
- L. The Board members will ask any final questions.
- M. After all comments and presentations have been made and recorded, the chair will close the public hearing for Board deliberations, motions, decisions and justification for the decision. Additional information or clarification by the Board will not be accepted once the public meeting has concluded.
- N. Board Determination Process
 - 1. Findings of fact (based on ordinance jurisdiction and standards). The Board will:
 - a. determine whether the Board has the authority to make a decision.
 - b. determine whether the application and evidence contains the information necessary to make a decision.
 - c. record pertinent facts from the record/ hearing on the decision form.
 - 2. Conclusions of law. The Board will:
 - a. specify the applicable legal standards for variances. (See attached Addendum A)
 - b. determine which facts relate to the legal standards.
 - c. determine whether to grant the variance request.
 - 3. Order and Determination. The Board will:
 - a. decide/ vote on the case. (Roll call by BOA Secretary).

ADDENDUM A: STANDARD FOR VARIANCES

1. The Board of 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 this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a practical difficulty or unnecessary hardship exists and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created. Holland Town Code § 330-99A(2).
 - a. For an area variance, unnecessary hardship results when compliance with this chapter would unreasonably prevent the owner from using the property for a permitted purpose or be unnecessarily burdensome. Holland Town Code § 330-9.
 - b. Practical Difficulty means a unique circumstance or condition relative to the owner's property that prevents the owner from enjoying the use of the property as others in the same zoning district are generally able to do. Holland Town Code § 330-9.
 - c. A property owner bears the burden of proving "unnecessary hardship" for an area variance by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. Wis. Stat. § 62.23(7)(e)7.d.
 - d. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Wis. Stat. § 62.23(7)(e)7.d.
2. The Board of Appeals may not grant a variance to the provisions of Holland Town Zoning Code unless it finds that all the following facts and conditions exist:
 - a. Preservation of intent. No variance may be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance may have the effect of permitting a use in any district that is not stated permitted use, accessory use, or conditional use in that particular district.
 - i. The purpose of the B-1 Business District is to provide for the proper location and regulation of commercial, retail, professional, and

service operations that are not detrimental to the immediate surrounding area or to the Town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to lighting, noise, dust, traffic, physical appearance, etc.) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.

- b. Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to a lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Holland Town Zoning Code should be changed.
 - c. Economic hardship and self-imposed hardship are not grounds for variance. No variance may be granted solely on the basis of economic gain or loss. Self-imposed hardships may not be considered as grounds for the granting of a variance.
 - d. Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.
 - e. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest. Holland Town Code §§ 330-99B(1)-(5).
3. Ground signs are permitted in the business and industrial districts and are limited to one sign for each road on which the premises has road frontage which advertise the business name, services offered, or products sold on the premises shall not exceed 35 feet in height, shall meet all yard requirements for the district in which it is located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for each road on which the premises has road frontage. In addition to the above regulations, ground signs which advertise a business name, services offered, or products sold at a location other than the premises on which the sign is located shall conform to the setback requirements of Article XV of the Holland Town Zoning Code. Holland Town Code § 330-66C.
 4. The burden of proof is on the applicant.

**BOARD OF APPEALS – TOWN OF HOLLAND
REQUEST DOCUMENTATION FORM**

A. Tests of Authority to Act [330-96 A.]

The Board of Appeals may only act on a request if it has been given the authority to do so. A check of ‘YES’ in any of the four blocks below indicates the Board of Appeals has authority to act. If Item #2 is checked ‘YES’, 2.a. through 2.c. must be completed.

(1) Is this appeal or variance request related to an order, requirement, decision, or determination made by the Building Inspector? List specifics:	YES NO
(2) Is this appeal or variance request in 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 this Ordinance shall be observed and the public safety, welfare, and justice secured? <i>[NO USE VARIANCE IS ALLOWED UNDER THIS ITEM]</i>	YES NO
a. What is the “special condition” or “practical difficulty?”	
b. What is the “practical difficulty or unnecessary hardship” that is in conflict with “the spirit and purposes of this [zoning] Ordinance”?	
c. In what specific respects is a “special condition” or “practical difficulty” created?	
(3) Will this appeal or variance request substitute more restrictive nonconforming uses for existing nonconforming uses? <i>(No structural alterations are allowed, <u>and</u> the Plan Commission have reviewed and made a recommendation.) How will it make it more restrictive?</i>	YES NO
(4) Is this appeal a request to hear and decide interpretations of the zoning regulations and interpretations of the location of the boundaries of the zoning districts, <u>after the Plan Commission has made a review and recommendation?</u>	YES NO

B. Is the Application Complete? [330-97]

All items below must be marked as 'YES' or 'Not Applicable' to hear the case.

A. Has the name and address of the appellant or applicant AND all abutting and opposite property owners of record been provided?	<input type="checkbox"/> YES <input type="checkbox"/> NO
B. Has a plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale, <u>showing all information required for a building permit</u> , been provided?	<input type="checkbox"/> YES <input type="checkbox"/> NO
C. Has additional information required by Board of Appeals, the Plan Commission, or the Building Inspector been provided?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Not Applicable

C. Is the Requested Variance an “Authorized Variance?” [330-99 A.]

“Variances from the regulations of this Ordinance ... may be granted only in the following instances, and in no other:” At least one of the following questions must be answered in the affirmative for the request to be an “authorized variance.”

(1) Is this request being made to “vary the applicable lot size requirements, including lot area, lot width, and density requirements?”	<input type="checkbox"/> YES <input type="checkbox"/> NO
(2) Is this request being made to “vary the applicable building bulk limitations, including height, lot coverage, floor area ratio, and yard requirements?”	<input type="checkbox"/> YES <input type="checkbox"/> NO
(3) Is this request being made to “vary the applicable off-street parking and off-street loading requirements?”	<input type="checkbox"/> YES <input type="checkbox"/> NO
(4) Is this request being made to “vary the applicable sign regulations?”	<input type="checkbox"/> YES <input type="checkbox"/> NO
(5) Is this request being made to “vary the regulations and restrictions applicable to nonconformities?”	<input type="checkbox"/> YES <input type="checkbox"/> NO

D. Does This Request Meet the Standards for Variances? [330-99 B.]

“The Board of Appeals may not grant a variance to the provisions of this Ordinance unless it finds beyond a reasonable doubt that ALL the following facts and conditions exist and so indicates in the minutes of its proceedings:

<p>(1) a. The requested variance is consistent with the purpose and intent of the regulations for the district in which the development is located. Is this requirement satisfied? <u>Explain how or why:</u></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>(1) b. The use of the property, if the variance is granted, will be one of the stated permitted uses, accessory uses, or conditional uses in that particular zoning district. Is this requirement satisfied? <u>Explain how or why:</u></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>(2) There are exceptional, extraordinary, or unusual circumstances or conditions applying to this lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district. Is this requirement satisfied?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>a. <u>List all extraordinary circumstances or conditions that apply to this situation and explain why the conditions do not apply generally to other properties in the same district:</u></p>	

<p>(3) Economic hardship and self-imposed hardship are not grounds for variance. No variance may be granted solely on the basis of economic gain or loss. Self-imposed hardships may not be considered as grounds for the granting of a variance. Is this requirement satisfied? <u>Explain how or why:</u></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>(4) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity. Is this requirement satisfied? <u>Explain how or why:</u></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>(5) The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest. Is this requirement satisfied? <u>Explain how or why:</u></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

E. Approval or Rejection of Appeal

A quorum is four (4) members or alternates. A minimum of 4 votes is required to approve a request for a variance, to reverse an order, or to make an interpretation. **[330-95]**

Record Motion: _____

Record who seconded motion: _____

Record names of supporting votes: _____

Record names of opposing votes _____

F. Special Conditions [330-100 A.]

The Board of Appeals may place conditions upon any building permit ordered or authorized. The Board may also impose such conditions, safeguards, and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this Section to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.

Special conditions imposed by above motion include:

Signature of Secretary, Board of Appeals

Date