

**BOARD OF APPEALS**  
CITY OF WISCONSIN DELLS  
MUNICIPAL BUILDING ~ 300 LACROSSE STREET  
WISCONSIN DELLS, WI 53965  
**SEPTEMBER 8, 2010**

1. Ben Borcher called the meeting to order at 5:00P.M.

Present: Ben Borcher, Tom Collins, Jesse Leichsenring, Adam Makowski, Ron Newell and alternate member Joe Gussel

Others: City Clerk-Treasurer Dale Darling, Admin. Deputy Clerk Nancy R. Holzem, Public Works Director Mike Horkan, Assistant Director of Public Works Chris Tollaksen, Tom Lucke, Gary Krueger, and Andy Steinke from the *Dells Events*.

Notice of the meeting had been given to the Dells Events, WNNO Radio and posted in accordance with State Statutes. Official Notice of the Public Hearing before the Board of Appeals was published in the *Dells Events* on August 28, 2010. Property owners within 300 feet were notified via mail by copy of the Public Hearing Notice indicating the Public Hearing date and variance requested. A packet of information detailing the request had been distributed to Board Members, Director of Public Works/Building Inspector, Council Members, the Appellant, the Assistant City Attorney and other interested persons by the City Clerk/Treasurer's office. A conflict of interest was indicated by Board member Jesse Leichsenring so Alternate member Joe Gussel took his place.

2. Board member Ben Borcher announced Larry Neal's resignation as chairperson. Motion by Collins seconded by Makowski to approve Mayor Helland's recommended appointment of Ben Borcher as chairperson. Motion carried unanimously. Chairperson Borcher declared that a quorum of the Board of Appeals was present so the requested variances could be heard.

3. Motion by Makowski seconded by Newell to approve the minutes from the May 13, 2010 meeting as presented with no corrections. Motion carried unanimously.

4. Chairperson Borcher declared the Public Hearing open on the following two variance requests received from LAJALI LLC (Tom Lucke):

- **A Variance of four (4) feet from Municipal Code Sed. 22.26(3)(d)** which states that projecting structures may not extend more than six (6) feet over the public right-of-way. The proposed projecting structure extends ten (10) feet over the public right-of-way.
- **A Variance of seventy-eight (78) feet from Municipal Code sec. 22.26(4)(f)** which states that signage on a projecting structure shall not exceed 300 square feet. The proposed sign is 378 square feet.

Chairperson Borchert reminded board members that they are there to act on behalf of the city and not the applicant. The three standards required in order to grant a variance are the existence of unnecessary hardship, the presence of unique property limitations, and the protection of public interest. He added that the burden of proof was on the applicant to meet the criteria. Public Works Director/Building Inspector Mike Horkan and Assistant Public Works Director Chris Tollaksen gave an explanation as to why the two variances were needed for the projecting structure and sign being proposed.

Speaking on behalf of granting the variance was Gary Krueger. He stated that because of the size of the theme on the overhead structure, they needed extra space which then warranted the variances. He explained that it would be a load bearing structure. Applicant Tom Lucke stated that it was similar to store fronts in Gatlinburg, TN and Myrtle Beach, FL. He stated that businesses there were putting a lot into store fronts to create appeal and attract customers. He stated that by doing something similar he hoped to draw more people to the business and the downtown area. The large size will allow it to be seen from a block away.

Property owners within 300' were sent notice of the Public Hearing. None appeared at the hearing. Within no one else came forward to speak, so Chairperson Borchert declared the Public Hearing closed.

5. Chairperson Borchert questioned what unique characteristics of the property or what hardships there were that would require the granting the variances. Krueger stated that the city did grant a permit for a ticket booth. Their proposed store front goes hand in hand with it in order to create a unique marquee theme. Lucke stated that the trees in front of the building will partial block the sign creating a uniqueness of the property and a hardship since not all properties on Broadway have trees in front of them.

Board member Adam Makowski asked how the square footage was calculated on the sign and structure. Assistant Director of Public Works Chris Tollaksen explained how the square footage was calculated. The sign on the globe area is 270' and the sign on the front marquee is 108'. The two added together is 378' which is greater than the 300' that is allowed. If one of the signs were removed from the structure a variance would not be needed for that part. The applicant stated at this time that he was **withdrawing his request for a 78' variance** for signage stating that he will either remove the sign copy area from the globe or amend all of the copy so that it does not exceed the 300 square feet limit.

The issue before the board now is a 4' variance from the 6' limit for projecting structures over a public way. Lucke stated that there is a big tree right in front of the building. Makowski questioned how moving the structure out would help. Lucke stated that there would be more space to work with in order to make the sign more dimensional and you would have better visibility of it.

Member Gussel questioned Lucke if it was going to be a year-round business. He responded with, "Yes, I'd like it to be". Makowski questioned if there would be animals. Lucke stated, "No". Makowski added that he thought it was great that someone was taking the initiative to clean up things downtown.

It was moved by Collins seconded by Makowski to **approve the 4 feet variance from Municipal Code sec. 22.26(3)(d)** citing the tree(s) as a hardship and uniqueness to the property and also for weight bearing issues. Upon roll call vote the motion carried 5-0. Chairperson Borchert declared the variance **approved**.

6. There were no items for referral.
7. Motion by Makowski seconded by Gussel to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 5:35P.M.

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Nancy R. Holzem  
Admin. Deputy Clerk/Treasurer  
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