

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, November 15, 2010
Administrative Center – County Board Room
7:00 p.m. – 7:55 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., Terry Houlihan, Dave Eilertson
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Jonathan Kaatz (minutes)

CALL TO ORDER

Howard Raymer, Jr., Committee Chair, called the meeting to order at 7:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of Wisconsin Open Meetings Law.

APPEAL NO. 2010-47 Tony L & Teresa M Brenengen, PO Box 488, Coon Valley, WI 54623. Permit denied to retain a previously constructed 60-ft X 40-ft detached accessory building that will exceed the area and height limits for such buildings on a proposed 5.02 acre lot resulting from a parcel split. The property is described as part of the NW-SE, Section 32, T15N, R5W. Property address of W1869 Brye Rd. Town of Washington.

Appearing in favor: Tony L Brenengen, PO Box 488, Coon Valley, WI 54623.

QUESTIONS Raymer: So this building was built on the larger parcel?

ANSWER Brenengen: Ya, it's on a 160 acre parcel and we're looking at sequestering 5.05 acres so we can sell the home on a small parcel and retain the rest of the agricultural land. We're trying to keep our agricultural land intact for the farm and sell the house.

QUESTIONS Raymer: So the building and the house are on that parcel?

ANSWER Brenengen: That's correct.

QUESTIONS Eilertson: When did that building get built, Tony?

ANSWER Brenengen: I'm going to say it's at least...probably 10 years ago. It's been quite some time.

REMARK Eilertson: They looked very new to me when I went out there and looked at it.

REMARK Brenengen: It's about 10 years old. Our house is about 14 years old. And we built it 4 years after the house was done. The whole idea is that we're trying to retain that piece of property with that building so it'd fit like a nice hobby farm. That's kind of how it's used as it is today. My strong desire is to be able to sell the home on the five acres and keep the agricultural land for myself and not piecemeal it. One large parcel if possible.

QUESTION Raymer: Anything else, Tony?

ANSWER Brenengen: I'm hoping it's not a detriment to anybody. We're at the end of the road. It's not visual to anybody. It's kind of as the property has been used in the past. So I hope it's not a detriment. That's all I have.

Appearing in opposition: None.

Correspondence: Fax from Barb Muenzenberger, Town of Washington Clerk, received and dated November 11, 2010. Fax states the Town Board of the Town of Washington approved the site variance for Tony Brenengen at their monthly board meeting on November 10, 2010.

Discussion:

REMARK Raymer: It is right at the end of the road. It just doesn't have the 35 acres.

REMARK Eilertson: The road ends there. It's not a problem I don't see.

REMARK Houlihan: I don't see any problem either.

Motion Houlihan/Eilertson to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-48 Kristine M Mellor and Dale E Werner, 770 Wagon Dr, West Salem, WI 54669. Permit denied to retain six (6) previously constructed detached accessory buildings that will exceed area and number limits for such buildings, some of which will exceed the height limit, on a proposed 3.99 acre

parcel resulting from a parcel split. The property is described as part of the SE-NE, Section 23, T16N, R7W. Property address of W5318 Keil Coulee Rd. Town of Medary.

Appearing in favor: Kristine M Mellor, 770 Wagon Dr, West Salem, WI 54669.

REMARK Mellor: We are dividing a portion of our land into a 3.99 acre lot for my daughter and son-in-law. This farm is a century old family farm. Most of the buildings have been there for many years and we were unaware of the ordinance. We want to preserve the history of this century family farm and the history of Medary. Keeping it all in the family.

(Referring to map)

QUESTION Eilertson: Building number four, the shed is going to be razed. Do they plan to take any of the other buildings down?

ANSWER Mellor: We don't want to. We're going to try to keep them.

QUESTION Eilertson: Are they going to have any or raise animals or anything on there?

ANSWER Mellor: They were made thinking just maybe a few chickens. That's about it.

QUESTION Houlihan: Other than building number four, all the buildings are in good condition?

ANSWER Mellor: Pretty good. My son-in-law was planning on fixing them up. Little by little. Whatever needs to be.

Appearing in favor: Robert Keil, W5405 Keil Coulee Rd, La Crosse, WI 54601.

REMARK Keil: I'm the Town of Medary Supervisor and the County Board Supervisor. I have a new home that looks right down onto this family setting. When you wake up in the morning and see the sun shining down in there it's a very picturesque setting. Plus, a farm that I lived with my father on until I was 15 years old. I've pounded a few nails on this farm too, so I hate to see it torn down for that purpose. They already tore three buildings down already. The garage was not able to get a modern size car in to it so I think they removed that. But the rest of the buildings I think are in pretty good shape. I'd hate to see this family farm torn down just for another garage and little addition on the house.

Appearing in opposition: None.

Correspondence: Email from Linda Seidel, Town of Medary Chairperson, received on November 11, 2010. Email states the Town Board met and voted unanimously on November 9, 2010, to approve Appeal No. 2010-48 as submitted.

(Referring to map)

QUESTION Raymer: Nate, just for clarification, that number seven says existing residence see Zoning/Occupancy 24753. They've applied for a permit to put an addition on that house?

ANSWER Sampson: They have. An attached deck, attached garage, addition to the residence and a breezeway. That was issued October 19, 2010.

REMARK Raymer: But that has no bearing on what we're dealing with here.

REMARK Sampson: It really doesn't. No.

Discussion:

REMARK Raymer: It's your typical farmstead that we've dealt with before. As long as the buildings aren't falling down. They are going to get rid of the one.

REMARK Eilertson: As long as they're going to fix them up and paint them. They don't look that bad to me when I looked at them.

**Motion Eilertson/Houlihan to approve
3 Aye, 0 No. Motion carried unanimously.**

APPEAL NO. 2010-49 Jennifer A Roberge, 505 Curt Rd, Holmen, WI 54636; on behalf of MDPJ LLC, 648 Second Ave N, Onalaska, WI 54650. Permit denied to retain an after-the-fact 8-ft X 10-ft covered entry that lies within the required setback line as approved on the Plat of Homestead Addition. The property is described as Lot 7, Block 1 of Homestead Addition. Tax Parcel 10-1692-0. Town of Onalaska.

Appearing in favor: Dan Wilhelm, 505 Curt Rd, Holmen, WI 54636.

REMARK Wilhelm: In an attempt to renovate this property we failed to get the proper permits. There was a lack of communication or something. We didn't realize that we were within the setback when we did this property. By the way, there's some photos. Can we bring up the photos?

(Referring to photos submitted by applicant)

REMARK Wilhelm: That's a neighboring property two doors down, which also has a similar porch in front. We built this on there. This property was an eye sore to the neighborhood and we're trying to renovate it. That's what it looked like before. We're trying to renovate this property and bring it up to the standards of the rest of the neighborhood. That's what it looks like right now. We built this porch on the front of it. Two feet of that porch is encroaching onto the setback. We apologize. We kind of messed up when we applied for the permit. I thought we had one, apparently we didn't. That would have revealed the setback rule. I think the neighbors appreciated what we've done with this property, brought it up to the standard of the neighborhood. We hope that you'll support our efforts.

QUESTION Eilertson: Are you going to live in the house?

ANSWER Wilhelm: No.

QUESTION Eilertson: You bought the house and you're renovating it for speculation?

ANSWER Wilhelm: Yes.

QUESTION Eilertson: Do you have it sold now?

ANSWER Wilhelm: No.

QUESTION Eilertson: You don't have an offer to purchase on it?

ANSWER Wilhelm: No.

QUESTION Eilertson: Did you have a contractor put that porch on?

ANSWER Wilhelm: Yes.

QUESTION Eilertson: What was that contractor's name?

ANSWER Wilhelm: Mike Johnson from Sparta.

QUESTION Eilertson: He did know enough?

ANSWER Wilhelm: He did. He asked us to get the permit. We thought we had gotten the permit and we didn't. It's our fault. It's not his.

Appearing in favor: Jennifer Roberge, 505 Curt Rd, Holmen, WI 54636.

REMARK Roberge: I just wanted to talk a little bit about the permit. I had called down to the Town of Onalaska and I don't know if I misspoke or he misunderstood me, I can't think of the gentleman that I talked to, but asked him about getting a permit. I talked about us putting on a new roof. I think he misunderstood me or I didn't speak well enough. But he didn't realize that we were putting the porch on the front. And he told me I didn't need a permit. But I think I got confused with the roof and the new shingles versus the porch. So I just wanted to make that clear.

REMARK Raymer: Well in the townships they don't issue permits for roofing but they do for a roofline alteration or for a porch addition.

REMARK Roberge: And that's where I think I misunderstood it.

REMARK Raymer: You should have stated that's what you were going to do.

REMARK Roberge: Correct.

REMARK Raymer: I don't know what person you talked to down there.

REMARK Roberge: I wrote it down. I don't have it with me.

REMARK Raymer: Normally there's two ladies that work in that office.

REMARK Roberge: Ya, I talked to one of the females and she gave me a number of a gentleman to call and that's who I talked to.

REMARK Raymer: I don't know who that would have been.

Appearing in opposition: John Fredrickson, W8374 Woodview Dr, Onalaska, WI 54650.

QUESTION Raymer: Okay, you're just two houses down?

ANSWER Fredrickson: Correct.

REMARK Fredrickson: I got a letter here that I'd like to read. This is of course in response to the notice of appeal. (Letter in italics) *"Several homeowners in the neighborhood have made home improvements to*

their property over the years and have followed proper procedures required to obtain building permits prior to any renovations being done, which involved time and expense. Modifications were made to plans when variances were denied by the La Crosse County Zoning board, which happened on several projects." That first picture that was shown is my home. The entryway that is on there is what I was allowed after I came before this board. I wanted to more.

QUESTION Raymer: When was that?

ANSWER Fredrickson: That was about six or seven years ago. *"Although we welcome new residents to the neighborhood and applaud efforts made to improve properties, we expect everyone to follow the zoning ordinance just as the rest of the homeowners have done in the past. Ms. Roberge and MDPJ LLC should not be the exception and therefore should not be rewarded for their violation. We are requesting that you deny their appeal, and that they modify the existing covered entry to comply with the setback line in accordance with the surrounding properties."* The letter is signed by a number of the surrounding property owners along with addresses on the second page.

QUESTION Raymer: Could you tell us when you did your porch; did you get a variance to do it the way you did it?

ANSWER Fredrickson: No I did not. Not the way I wanted to do it. I asked for less than a foot and I was denied.

QUESTION Raymer: But is your variance within the setback?

ANSWER Fredrickson: My variance is more than 30 feet back.

REMARK Raymer: Okay, so you didn't need it.

REMARK Fredrickson: I wanted more. I wanted to go into the variance but it was denied.

QUESTION Fredrickson: You built not in the setback? You built in compliance with the setback?

ANSWER Fredrickson: Correct. I was denied.

Appearing in opposition: David Devine, W8375 Woodview Dr, Onalaska, WI 54650.

QUESTION Raymer: You're across the street?

ANSWER Devine: Correct. I recently put an addition on the back of my house. The only thing I have to say about this is I followed the procedures. I went and got my permits. Everything was taken care of the right way. When I built my garage I was told I was not allowed to put a 30 foot garage up. The reason being is I have one unattached building on my property. They made me put a four foot breezeway in and a 26 foot garage. Now I don't care how you add the numbers up, 30 feet is 30 feet. I couldn't put a 30 foot garage up, but a four foot breezeway and a 26 foot garage. Okay. That's basically all I got to say. Follow procedures, we don't have a problem.

Appearing in opposition: John Brandt, W8385 Woodview Dr, Onalaska, WI 54650.

REMARK Brandt: I have lived there since '81 and have improved my property and I have always went to the building permit and the zoning department before I built. That's all I have to say.

Appearing in opposition: Keith Burrell, W8368 Woodview Dr, Onalaska, WI 54650.

QUESTION Raymer: You're right next door?

ANSWER Burrell: I'm right next door. I signed the paper Mr. Fredrickson brought. I think it states everything that everybody pretty much follows the rules. If they didn't get their permits I'd like to see the board do what's right.

Correspondence: 1) Letter submitted by John Fredrickson at the public hearing. Letter is signed by owners of eight neighboring parcels. Letter requests appeal to be denied.
2) Phone call from Peg Hanson, Town of Onalaska, received on November 12, 2010. Ms. Hanson stated the Town of Onalaska Planning Commission met on November 8, 2010 but a quorum was not present and the town does not have a recommendation.

Discussion:

REMARK Eilertson: Truest sense of the word, it's a self imposed hardship.

QUESTION Raymer: I think maybe what should be probably discussed, from my understanding is they had to pay an after-the-fact permit to get to this meeting. They'll have to pay an after-the-fact for the zoning permit, when they get it, if they do. Then they'll have to pay an after-the-fact for a building permit. What did this fee cost for this public hearing?

ANSWER Sampson: The after-the-fact appeal fee was \$420.

REMARK Raymer: So they have monetarily been penalized. I understand what these folks are saying. They live here but now this group of people that bought this house, I mean this day and age there's really no excuse for not getting a permit. But if there was a misunderstanding about who got it or who didn't get it or whatever.

REMARK Eilertson: It's self imposed. They're flipping it.

QUESTION Raymer: So if they did this to enhance the sale price of it, you just don't know how this mistake was made. It in some ways enhances the property if the variance is approved. They can have a stoop like that can't they? Or can't they even have a stoop that sticks out that far?

ANSWER Sampson: Technically in most other subdivisions in a case like this with a four rod road a 27 foot setback would be the required setback. It just so happened this plat required a 30 foot setback.

QUESTION Raymer: But if the roof wasn't on it, can the stoop itself stay there? How far do you let a stoop come out?

ANSWER Sampson: We'll typically let something four by six, six by six as an uncovered entry. We won't even typically require something, if it's just solely for access and the minimum amount required we'll allow that.

REMARK Eilertson: I guess I would feel differently if we didn't have so many people opposed.

REMARK Raymer: I agree.

Motion Eilertson/Houlihan to deny.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-50 Sally B Brudos and Robert K Page, 2508 2nd Ave E, La Crosse, WI 54603. Permit denied to construct a 10-ft X 12-ft living space addition to an existing residence where the addition will lie within the required setback from the Interstate 90 right-of-way. The property is described as Lots 10, 11 & 12, Block 1, Island Park Addition except 0.27 acres taken for road. Tax Parcel 4-189-0. Town of Campbell.

Appearing in favor: Robert Page, 2508 2nd Ave E, La Crosse, WI 54603.

REMARK Page: We feel the house was built long before the interstate was put in and that the interstate is what encroaches on our property to make this a hardship for us. That's about it.

REMARK Raymer: The bulk of your house is in the setback.

REMARK Page: Right.

REMARK Raymer: That empty corner is what you want to fill in.

REMARK Page: Right.

QUESTION Eilertson: You're just squaring it off, Mr. Page?

ANSWER Page: Yes.

QUESTION Eilertson: What are you going to use that room for?

ANSWER Page: Basically to have the eating area enlarged.

QUESTION Eilertson: The dinette area?

ANSWER Page: Ya. The kitchen is not very wide. We have to have a table in this other area.

Appearing in opposition: None.

Correspondence: None.

REMARK Sampson: No correspondence received. My understanding is the appellant has met with town regarding this appeal. Maybe you could explain to the board what you've done with the town.

REMARK Page: We went to the zoning board at the Town of Campbell and they approved it.

Discussion:

REMARK Houlihan: Three quarters of that house is already in.

REMARK Raymer: Talk about imposing. The interstate imposed on them. It's not like they're adding in to this setback. Squaring up with what they got.

Motion Eilertson/Houlihan to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-51 Kim A & Tammy Marie Flock, W8159 Beacon St, Onalaska, WI 54650. Permit denied to construct an on-premise business sign that lies within the required setback from the centerline of a town road and within the vision triangle of the intersection of a town road and state highway. The property is described as part of the SW-SW, Section 29, T17N, R7W. Tax Parcel 10-812-0. Town of Onalaska.

Appearing in favor: Tammy Marie Flock, W8159 Beacon St, Onalaska, WI 54650.

QUESTION Raymer: So when you got your other variance, you forgot about the sign? You were just in here. You just got the variance for the building.

ANSWER Flock, Tammy Marie: Ya. Then we ended up shifting the building over so we wouldn't even have needed the variance. What got us into doing the sign, because in the beginning we were thinking of just putting the signage on the building. I don't know if you guys drove by the property. Bill and Lucy Pohl have that Edgewater Motel sign there. There's an easement, what would that be on the north side of the building? To make the traffic flow better we would like to get rid of that easement and the two signs. She has Edgewater Motel and then the lower sign. So just to make it look neater and cleaner in that area we'd like to...we made a contract with them. I don't know if you want to see it or not. We went to a lawyer and had that written up. In exchange they would give up rights to the easement and then agree to go in on the sign with us. The sign would look like this.

(Referring to detail of sign)

QUESTION Raymer: So you'd both be on the same sign?

ANSWER Flock, Tammy Marie: Yes.

REMARK Flock, Tammy Marie: All this has been a process for us. The hardship would be that if we put it where we are allowed to put the sign it would be right in the middle of our lot I would say and it would go into the retention pond. So that's another reason why we would prefer to have it on the south.

QUESTION Eilertson: I have a question. Close to this corner there's a group of electrical wires coming up. What is that for? Is that for the sign? Right in this southwest corner.

ANSWER Flock, Tammy Marie: I know we were going to possibly have wiring there. I'm not aware that our contractor...

QUESTION Eilertson: It's a wood stick with wiring coming up to it. Is that where the sign is going to be? Is the sign going to be illuminated?

ANSWER Flock, Tammy Marie: We're just going to have a light shining on that. I don't know could it be old wiring? It might possibly be there was wiring underneath.

REMARK Raymer: No, I would guess they ran the wiring over there for that. They probably did that before the ground froze. They probably ran wire over there to for that lighting.

REMARK Flock, Tammy Marie: He might have done it just in case.

REMARK Raymer: Right. Anticipating the approval.

REMARK Flock, Tammy Marie: We're not saying we're assuming anything.

REMARK Raymer: You aren't anticipating anything.

REMARK Flock, Tammy Marie: No.

(Referring to map)

QUESTION Eilertson: You're retention pond is right here?

REMARK Flock, Tammy Marie: Is that the front?

QUESTION Eilertson: You can't move this sign and have it be effective if you put it here?

ANSWER Flock, Tammy Marie: I think people would be confused where to turn. Even though we're trying to make a deal with them, Lucy and Bill, I think they would feel they have to turn in this way. We really want to direct the traffic to Hilltop. We've talked to Dennis Parsley about our ideas also, with the highway department. The flow of traffic would just generate better if could get them all to come in this way so when they're coming off the interstate they would turn in here or coming this way too. If the sign there's, I just fell like people would be confused. They're already confused. I worked there for four years in the building prior to this one. To me it was kind of an accident. It was scary for a lot of my clients turning in there. I think it'd be safer for them to get over here and turn this way if they're coming this way and also this way. It think it would just make more sense.

QUESTION Eilertson: And the pavement is like in here?

ANSWER Flock, Tammy Marie: Ya.

QUESTION Houlihan: How many feet from the pavement is the sign, approximately?

ANSWER Flock, Tammy Marie: From the middle of the centerline, if I'm correct, 50 feet.

QUESTION Eilertson: The sign right here to the middle of Highway 35 is 50 feet?

ANSWER Flock, Tammy Marie: Maybe.

REMARK Eilertson: No that's not a correct statement.

REMARK Flock, Tammy Marie: I'm sorry.

REMARK Raymer: The highway is 80 feet wide there.

QUESTION Eilertson: The right-of-way is. The pavement is what I'm asking. Is it 66 feet?

ANSWER Sampson: Actually it's more like 86 feet. Could I put an aerial on?

REMARK Flock, Tammy Marie: I've got so many figures in my head.

(Referring to aerial)

REMARK Raymer: So it would be way off from the pavement.

REMARK Houlihan: The sign sits almost next to the blacktop of the driveway or the parking area.

REMARK Flock, Tammy Marie: It would be right in the corner.

REMARK Raymer: That does make sense. What you're saying then is they would turn on Hilltop if they saw that sign instead of going past it.

REMARK Flock, Tammy Marie: I think people would be confused if it was in the center, like which road do I turn on. This is pending. Lucy and Bill won't sign the contract off with us until we get this decided which makes sense. She doesn't want to give up right to that easement. So if this won't go through we might just have to leave her sign there and therefore maybe just put signage on the building. We just feel it would look neater and cleaner. And she agrees also. They just don't have the money for a new sign right now. It would help the neighbor to the north of us also. It would just make it look nicer in that area also. But the hardship for would be that we just can't put it in the center of that retention pond.

REMARK Raymer: No, I'm sure you can't. They have rules as far as what can be in there. Anything else?

REMARK Flock, Tammy Marie: I guess I would just like to say this has been a lot of work and I've learned a lot out of the whole process. And I would really appreciate it if you'd take into consideration, like I said, it will help Bill and Lucy Pohl out. I think it would improve their property. It will definitely improve our lot by taking down those signs. Those signs for me have just been kind of a, I don't know, it will be kind of a detriment to my property. Once again I think it will help the neighbor to the north of us also. Thank you.

Appearing in favor: Kim Flock, W8159 Beacon St, Onalaska, WI 54650.

REMARK Flock, Kim: I would like to add also in the contract agreement that we have also offered the Pohl's to make a new driveway for them besides the sign to direct traffic. I guess I would also like to point out on this piece of paper where we're thinking of putting the sign.

(Referring to site plan)

QUESTION Raymer: So the storm water retention pond is between the highway and the parking lot. So this would be right on the south. But it can't be in that but that's above or between it anyways. So now just so we understand, does this mean this existing easement is going to be eliminated?

ANSWER Flock, Kim: Correct.

QUESTION Raymer: So everybody will start to be going up this road into that motel?

ANSWER Flock, Kim: Correct and we would put a new driveway right about there.

REMARK Raymer: Well that in itself is going to create a lot less confusion and turning on two different streets.

REMARK Eilertson: My concern about this was I thought the way it is drawn on here that it was in the vision triangle and I think technically it is but the setback is so long and deep.

REMARK Raymer: Right, it's so wide there and it's behind this besides. That's another 16 feet from there to there.

REMARK Eilertson: I can see on the aerial photo that it's not a hazard as a result of that.

REMARK Raymer: And we'll eliminate a sign. There's going to be two signs on this one instead of two separate signs.

ANSWER Flock, Kim: We will eliminate two signs.

Appearing in favor: Marcel T Konter, N5330 State Road 35, Onalaska, WI 54650.

REMARK Konter: I am the neighboring property to the north of Flocks.

REMARK Raymer: You just built a garage up there.

REMARK Konter: Yup. The existing signs have not had any maintenance and I've been there since 1999. What they're doing is nice. They're updating the property and eliminating the signs. I think for their traffic entering on Hilltop Drive that's where the signs should be.

Appearing in opposition: None.

Correspondence: 1) Phone call from Peg Hanson, Town of Onalaska, received on November 12, 2010. Ms. Hanson stated the Town of Onalaska Planning Commission met on November 8, 2010 but a quorum was not present and the town does not have a recommendation.

2) Email from Jarrod Turk, DOT, received on October 13, 2010. Email states the State does not require a permit for an on-premise sign, on-premise sign must be located within 50 feet of the structure, parking lot or driveway of the business, sign may only advertise activity at this location, and sign cannot be located on State highway right-of-way.

Discussion:

QUESTION Raymer: Is that going to be a problem then?

REMARK Eilertson: I got one more question for you.

REMARK Raymer: No, but wait a minute. He said it could only advertise their business.

REMARK Sampson: Business at that location.

QUESTION Raymer: But if they're going to put the one for the motel behind them, can that be on there then?

ANSWER Sampson: I would assume that would mean the easement to access that property that it would cover that too.

REMARK Raymer: We're going under your assumption then Nate. On the record.

REMARK Eilertson: It's not an on-premise sign if you're advertising somebody else's. It becomes a billboard. That's where the law comes in. I wonder if they covered that with the DOT.

QUESTION Flock, Tammy Marie: So what is that again?

ANSWER Raymer: The way Nate read that in from the State, you could only advertise your own business on that sign. In other words, not use it as a billboard type thing. We're going to assume that because the other business adjoins yours it's all going to the same basic location that it would be allowable. But down the road if this motel thing doesn't work out, you couldn't use it for advertising anybody else's except your own.

REMARK Flock, Tim: That's what we have in the contract.

REMARK Sampson: Can I clarify that? Really what you're acting on is a variance for the structure itself, not what it says. If it's contrary to what the Department of Transportation regulations are concerning advertising, that's really an issue for the State DOT.

REMARK Eilertson: My only concern was that I thought it was closer and in the vision triangle, which this highway is a busy highway in the first place. I don't have any problems with it based on the aerial photo and how far it sits back. It's not a hazard.

REMARK Raymer: And even if there's any highway widening down the road that retention pond is going to prevent it from coming here anyway. I don't see were the sign would ever be an issue.

REMARK Houlihan: Even if they widen it that much you'd have a problem.

Motion Houlihan/Eilertson to approve.

3 Aye, 0 No. Motion carried unanimously.

Motion to adjourn Eilertson/Houlihan at 7:55 pm.

3 Aye, 0 No. Motion carried unanimously.