



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Final

Board of Zoning Appeals

*Brian O'Connell
Linda Yackley
George Matson
Christina Hefel
Sam Peete*

Wednesday, May 8, 2019

6:00 PM

Room 205

Call To Order

Chairman O'Connell called the meeting to order at 6:00 p.m.

PRESENT: 5 - Brian F. O'Connell, Linda Yackley, George Matson, Christina Hefel and Sam Peete

Approval of Minutes for January 9, 2019 Meeting

A motion was made Commissioner Peete, seconded by Commissioner Matson, to approve the minutes of the January 9th meeting. The motion **PASSED** by a Voice Vote.

[0498-19](#)

Subject: (Direct referral) Consideration of a request from Todd Farris, agent for Speedway LLC, seeking to exceed the maximum height of a sign at 4620 Washington Avenue, as allowed by Sec. 114-1078(1)c of the Municipal Code. The maximum allowable height is 15 feet and the proposed signage would be 22 feet in overall height (ZBA-19).

Attachments: [Public Hearing Notice](#)
[Review and Recommendation](#)
[Applicant Submittal](#)
[Draft ZBA Findings Resolution](#)

Commissioner Yackley stated in the packet it states the applicant is being reimbursed.

In response, Associate Planner Jeff Hintz explained the request. He stated there is a highway construction project on Washington Avenue/Highway 20 and the applicant is being compensated \$3,300.00 for storage of the sign. He stated the reason for the variance is that once a sign is removed, it has to be placed back in compliance with the current standards for sign heights. Hintz briefly reviewed the findings of fact in the report.

Chairman O'Connell opened the public hearing at 6:07 p.m. He swore in the following speakers for the request:

Todd Farris, Attorney in Milwaukee, WI and counsel for Speedway. He stated he filed the request on Speedway's behalf and explained the request. He stated the city is

doing roadwork on Washington Avenue and a temporary easement has been acquired on the property for roughly four months. He stated, because of the easement and construction, the sign had to be removed. Farris reiterated that Speedway was compensated for the storage of the sign. He stated Stacey Salvo, Paralegal for the City Attorney's Office, suggested the application of a variance. He stated the only reason the sign had to come down was due to the city road project, he feels they should be able to reinstall the sign as it is.

Rita Trimmel, 5412 24th Street, Kenosha, District Manager for Speedway. Trimmel explained the importance of the sign height as it gives visibility to the posted prices. She stated there are a lot of gas stations on Washington Avenue and she is hoping that they are allowed to replace the sign at its current height.

Alderman Henry Perez, the Alderman of the District. Alder Perez stated he received the notice for the meeting, however, he felt the information was not complete on the notice. He stated he has lived in the area for more than 12 years and Speedway sits on the busiest corner in the City. He stated 49,000 cars go through the intersection everyday and to lower the sign because of what the city is imposing is a little stretching. He stated he could see if it were the applicant's initiative, however, that is not the case, it is something the city is imposing on the applicant. Alder Perez stated there are other signs in the area that are taller than the current sign and that the action that the city wants to take is unreasonable at this time. He stated he wants the following factors to be considered because they are located on one of the busiest corners of the city and the imposition of the city. He reiterated that it is not the applicant's doing.

Chairman O'Connell closed the public hearing at 6:18 p.m.

Commissioner Yackley stated that if the sign is located at the top of the hill, it is an advantage to lower the sign. She stated there is no time like the present to make it correct and that the ordinances within the city need to be abided by.

Chairman O'Connell requested Hintz review the staff recommendation.

Hintz reviewed the required findings of fact for ZBA approvals. He stated that it does not matter the reason for the removal or the proposal of a new sign. He stated the same sign can be used without the size of the pole beneath. Hintz explained there are signs that exceed the 15 foot requirement; however, the goal is compliance. He stated it will take time for compliance to occur, however that is the goal of the city. He stated as soon as the sign is removed from the property, anything placed on the property would be a new sign.

Hintz stated staff is recommending denial of the request.

A motion was made by Commissioner Yackley, seconded by Commissioner Matson, to deny the variance request. The motion PASSED by a Voice Vote.

[0499-19](#)

Subject: (Direct referral) Consideration of a request from Gina Dentici, seeking to exceed the maximum height of an accessory structure, at 3105 Lathrop Avenue, as allowed by Sec. 114-693 of the Municipal Code. The maximum allowable height is 20 feet and the proposed garage structure would be 20 feet, 8.5 inches in overall height (ZBA-19).

Attachments: [Public Hearing Notice](#)
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 [Draft ZBA Findings Resolution](#)

Hintz reviewed the request and passed a letter from an adjacent property owner.

Hintz showed the site plan and the unscaled elevations for the property. He stated the zoning ordinance allows for 20 feet but no larger than 75 percent of the house.

He stated staff is recommending denial of the variance as staff feels the 20 foot requirement can be met for this development.

Chairman O'Connell stated the letter received was from the pastor of the church that is adjacent to the property, to the rear.

Chairman O'Connell opened the public hearing at 6:33 p.m. and swore in the following speakers:

Anthony Dentici, 3105 Lathrop Avenue, Racine, WI. A. Dentici stated that he did not receive the staff report and felt that it was unfair. He stated that he understands the ordinance is 20 feet and that the property used to be a business called Professional Services. A. Dentici stated they have issues with the church that is to the rear of the property and that a contractor that was recommended to them by the City robbed them of \$15,000.00. He stated they have problems with children from the church running back and forth around their property. He stated they feel unsafe on the property and have been robbed several times and that they want to secure the area. He stated the 8.5 inches will not even be noticed and they are not looking to set a precedent, however, aesthetically it will not be noticed. He stated they have a lot of time and money invested into the property.

Gina Dentici, 3105 Lathrop Avenue, Racine, WI. G. Dentici stated that they attempted to follow the code by the book, however, the builder came back and stated they need an additional 8.5 inches. She stated they did not plan for the extra height and they tried to work with the city and follow everything. She stated the topography with the hill makes it a little difficult.

Greg Anderly, 2409 Green Haze Avenue, Mt. Pleasant, WI. Anderly is the executive counsel of the church adjacent to the property. He stated there is a contradictory spoke regarding the initial contractor. He stated the church cannot endorse the variance because the project has been contentious.

Cynthia Adams, Dunkelow Avenue, Franksville, WI. Adams is the moderator of the church and stated prior to the beginning of the project there were trees lined on the site that were removed. She stated there is a lack of communication and if communication were better, things would be smoother. She stated the church is disappointed that an agreement cannot be came to. She stated there has been trespassing and heavy equipment used on the church property. She stated approval of the request would not be fair to the church.

Chairman O'Connell stated it is helpful for the Board to hear all concerns. He stated some things said were not relevant to the approval of the variance request. He stated the friction to adjacent property owners sometimes is not relevant to the decision.

Chairman O'Connell requested Hintz review access to the property.

Hintz stated the access easement to the north of the property on Lathrop Avenue is owned by the church. He stated there is a public right-of-way (alley) to the south of the property.

Commissioner Yackley stated that the property is surrounded by commercial properties.

In response to Commissioner Yackley, Hintz stated the property is surrounded by commercial properties, however, to the south of the property is exclusively residential. Hintz stated the property is zoned B2 – Community Shopping District. He stated the rules are not different for commercial properties vs. residential properties. He stated 20 feet is the maximum height for any accessory structure.

Commissioner Yackley stated it looks more than a garage.

Hintz explained the home occupation definition in the code.

Hintz described the possible actions of the Board and reviewed the required findings of fact and how the request does not comply with the required findings. He stated most accessory structures are only allowed 15 feet and state that, per Dan Kirchenberg of the Building Department, the structure could be attached to the house and built exactly how the plans were submitted.

Commissioner Yackley asked regarding the uniqueness of the property. She stated she finds it to be unique in the placement of the property.

Hintz stated that Douglas and Durand Avenues are zoned B2, however, have homes scattered within the district.

Mr. Dentici stated the structure is unique cream city brick English style structure. Stated the trees were their trees that were decaying stated trying to be good neighbors. Willing to address the concerns of the church.

Commissioner Yackley asked if the applicant or the contractors did the design change.

A. Dentici stated the engineer did the design change he stated it is for the studding and the framing

Commissioner Yackley stated that the designer and contractor should have been familiar with the codes.

A. Dentici asked for mercy from the Board.

Brief discussion ensued.

A motion was made by Commissioner Hefel, seconded by Commissioner Peete, to deny the variance request. The motion PASSED by a Voice Vote.

Adjournment

There being no further business the meeting adjourned at 7:11 p.m.

