

Decision on Variance

By Bayfield County Board of Adjustment

Case No. 3

December 7, 2006

Lulich Implement, Inc. (Robert Lulich) is requesting a variance from the terms of Section 13-1-82 and 13-1-87(d) of the Bayfield County Zoning Ordinance. Section 13-1-82 allows (2) on-premises signs of 50 sq. ft. each. Section 13-1-87(d) states that signs "shall not extend more than 10 ft. in height above the ground level". Applicant requests to place a (3rd) 4' x 6' on-premises sign at 18' in height.

Findings of Fact and Conclusions of Law:

1. The applicant requested a variance from two parts of the Bayfield County Zoning Ordinance.
2. Section 13-1-82 allows only two on-premises signs, and the applicant requests a third sign on the premises.
3. Section 13-1-87(d) limits signs to 10 ft. in height and the applicant wishes to have a third sign approximately 18 ft. in height.
4. Exhibit C2 was a sign advertising Lulich Implement, Inc. The sign was 84 sq. ft., and was on the building.
5. Exhibit C3 was a second, free standing New Holland sign approximately 17.8 ft. in height and having an area of 5 x 5 ft.
6. There is an additional White sign that the applicant agrees to remove because Lulich Implement no longer handles that brand.
7. All of the above signs were installed in the early 1980s before the sign ordinance was in existence.
8. The present ordinance allows for 2 signs on the premises and 2 signs off premises with a maximum of 50 sq. ft., in area and 10 ft. in height.
9. Exhibit C2 shows that the Lulich Implement sign on the building would not be visible above the height of the tractors that they are attempting to advertise if it was 10 ft. high.
10. Bob Lulich testified on behalf of the applicant that Kubota requires that a Kubota sign be placed in order for the applicant to have a Kubota franchise. If the applicant does not place the sign Kubota will not ship parts or equipment to Lulich.
11. Kubota requested that the sign be 20 ft. high but the applicant installed it at approximately 18 ft., the same height as the New Holland sign.
12. The Kubota sign is not particularly visible from the road.
13. Lulich Implement has strong financial incentives to meet the sign and other requirements of Kubota because if they do that they will receive a better deal on parts and warranty work. Mr. Lulich hopes this will foster economic development and additional employment in the area.

14. Mr. Lulich indicated that he has no objection to a condition of the variance that there be no additional signs on the premises, as well as taking down the White sign.
15. The Town of Eileen indicated that they have no objection to the variance for the sign and that it is compatible with their land use plan.
16. The Board feels there is credible evidence that Lulich Implement may be denied the Kubota franchise if they do not put up the sign.
17. The Board feels that local businesses, in some instances, need to have multiple signs so they can handle multiple product lines.
18. This sign is in a very visible, developed area (the implement business) and you have to look carefully to even see the sign.
19. The appearance of the sign does not detract from any natural beauty of the area.
20. The Board sees no adverse environmental effects based upon the sign.
21. For all the above reasons the Board finds that it would be an unnecessary hardship if the variance is not granted because the applicant would be unreasonably prevented from using the land for a permitted purpose.
22. There is no adverse impact on the premises in question or the neighborhood in general.

Decision:

For all the above reasons the variance is granted with the following conditions:

1. The White sign be removed.
2. No further signs will be placed on the premises.

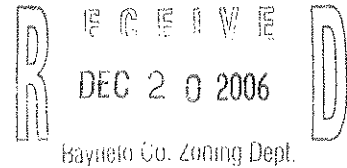
Motion made by Dick Compton; seconded by Phil Lupa

VOTE: 5 yes; 0 no

Dated: _____

12/17/06

Lee Wiesner



Members Present: Phil Lupa, Richard Compton, Randy Matis, Lee Wiesner, Kerry Tetzner

Also Present: Michael Fauerbach, Attorney for BOA; Karl Kastrosky