BOARD OF APPEALS MEETING

Thursday, August 1, 2013
Village Hall, EMG Board Room, 6:30 P.M.

PLEASE TAKE NOTICE that a meeting of the Brown Deer Board of Appeals will be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

I Roll Call

II Case to be Heard

A) Case No. 984 – Walmart

Premises Affected: 6300 W. Brown Deer Rd.

Appeal/Variance from Section 126-326 (1) Village Code pertaining to Wall Signs
Limit: 3 signs / 200 sq. ft. // Request: 4 signs / 501 sq. ft.

III Adjournment

Dated: July 25, 2013

Jill Kenda Lubetski, Village Clerk

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE (1) BUSINESS DAY PRIOR TO THE MEETING.

NOTICE OF APPEAL
BOARD OF APPEALS
VILLAGE OF BROWN DEER
4800 W. Green Brook Drive
Brown Deer, WI 53223

Case No. 984

Date Filed: July 12, 2013
Date Notified: July 25, 2013
Date of Hearing: August 1, 2013

NOTICE – This appeal must be typewritten and filed in **TRIPLICATE** within 20 days from the date of the decision on the Building Inspector or other Administrative Officer appealed from.

Appeal from the decision of the Building Inspector/or _____

Appellant: BRR Architecture Address: 6700 Antioch, Ste., 300, Merriam, KS 66204

Owner: Walmart Realty Address: 2001 SE 10th Street, Bentonville, AR 72712

Lessee: _____ Address: _____

To the Board of Appeals:

I hereby appeal from the order/decision of the Building Inspector, or Planning Director

dated June 19, 2013 and hereby request a variance/special exception from the Zoning Code for the relief which is sought.

1. **PREMISES AFFECTED** is known as 6300 West Brown Deer Rd., Brown Deer, WI
(Street Address)

Legal Description: Lot _____ Block _____ Subdivision _____

Please see attached.

2. **ZONING DISTRICT OF SITE:** B-3 Commercial District

3. **SETBACKS:**
Front: 40 feet from lot line
Rear: 40 feet from lot line
Side: North _____ & South _____ or
East 10 & West 10

4. Has any appeal or petition for special exception been filed hitherto on these premises? If so, when and what disposition was made of same? Explain:

Date of variance/special exception: Granted likely for Lowe's signage

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE FOLLOWING:

NOTE: All pertinent papers and information must be submitted with this application.

(a) COPY OF DECISION OR ORDER ON WHICH APPEAL IS BASED. Please see attached.

(b) TYPEWRITTEN STATEMENT of the principal points on which I base my appeal and request for variance/special exception, with description of the proposed work, if any. The actual amount of the requested variance/special exception is required.

Please see attached.

AFFIDAVIT

STATE OF ~~WISCONSIN~~ Kansas)
Johnson) SS
~~MILWAUKEE~~ COUNTY)

I (we) hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Signature of appellant/owner/lessee

Subscribed and sworn to before me

this 12 day of July, 2013

Notary Public, ~~Milwaukee~~ Johnson County

10.7.13
My Commission Expires

DEBRA A. TALLMAN NOTARY PUBLIC STATE OF KANSAS

AFFIDAVIT OF APPELLANT AS TO PROPERTY AFFECTED

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

I (We) Ryan McKay (applicant's name) being first duly sworn on oath, deposes and says

that he is Owner/Lessee of the property located at 6300 West Brown Deer Rd., Brown Deer (address of affected property), having

the following legal description:

Lot: _____ Block: _____ Subdivision: _____

That pursuant to the Rules for Procedure of the Board of Appeals, the following is a **COMPLETE** list of the names and addresses of the last free owners of record of all lands within 200 feet (residential) or 500 feet (commercial) of any part of the proposed structure or premises involved in the appeal which the appellant is making to the Board of Appeals of the Village of Brown Deer:

_____
Signature of appellant/owner/lessee

Subscribed and sworn to before me

this 12 day of July, 2013

Debra A. Tallman
Notary Public, ~~Milwaukee~~ Johnson County

10.7.13
My Commission Expires

DEBRA A. TALLMAN NOTARY PUBLIC STATE OF KANSAS

PROPERTY OWNER
6345 PLAZA CIR
BROWN DEER, WI 532232257

PROPERTY OWNER
6267 W SILVER BROOK LN
BROWN DEER, WI 532232246

PROPERTY OWNER
6333 PLAZA CIR
BROWN DEER, WI 532232257

PROPERTY OWNER
6239 W SILVER BROOK LN
BROWN DEER, WI 532232246

PROPERTY OWNER
6205 W SILVER BROOK LN
BROWN DEER, WI 532232267

PROPERTY OWNER
6350 PLAZA CIR
BROWN DEER, WI 532232256

PROPERTY OWNER
6166 PLAZA CIR
BROWN DEER, WI 532232252

PROPERTY OWNER
6159 PLAZA CIR
BROWN DEER, WI 532232253

PROPERTY OWNER
6103 W SILVER BROOK LN
BROWN DEER, WI 532232244

PROPERTY OWNER
6067 W SILVER BROOK LN
BROWN DEER, WI 532232242

PROPERTY OWNER
6049 W SILVER BROOK LN
BROWN DEER, WI 532232242

PROPERTY OWNER
6250 PLAZA CIR
BROWN DEER, WI 532232254

PROPERTY OWNER
6232 PLAZA CIR
BROWN DEER, WI 532232254

PROPERTY OWNER
6321 PLAZA CIR
BROWN DEER, WI 532232257

PROPERTY OWNER
6264 PLAZA CIR
BROWN DEER, WI 532232254

PROPERTY OWNER
6300 PLAZA CIR
BROWN DEER, WI 532232256

PROPERTY OWNER
6200 PLAZA CIR
BROWN DEER, WI 532232254

PROPERTY OWNER
6177 PLAZA CIR
BROWN DEER, WI 532232253

PROPERTY OWNER
6311 PLAZA CIR
BROWN DEER, WI 532232257

PROPERTY OWNER
6195 PLAZA CIR
BROWN DEER, WI 532232253

PROPERTY OWNER
6297 PLAZA CIR
BROWN DEER, WI 532232255

PROPERTY OWNER
6209 PLAZA CIR
BROWN DEER, WI 532232255

PROPERTY OWNER
937 N 35TH ST
MILWAUKEE, WI 53208

PROPERTY OWNER
6223 PLAZA CIR
BROWN DEER, WI 532232255

PROPERTY OWNER
6245 PLAZA CR
BROWN DEER, WI 53223

PROPERTY OWNER
6257 PLAZA CIR
BROWN DEER, WI 532232255

PROPERTY OWNER
1491 W SCHAUMBURG RD
SCHAUMBURG, IL 60194

PROPERTY OWNER
6126 WEST LAYTON AVE
GREENFIELD, WI 532204608

PROPERTY OWNER
6598 W BROWN DEER RD
BROWN DEER, WI 532232237

PROPERTY OWNER
6409 W BROWN DEER RD
BROWN DEER, WI 532232234

PROPERTY OWNER
6435 W BROWN DEER RD
BROWN DEER, WI 53223

PROPERTY OWNER
6501 W BROWN DEER RD
BROWN DEER, WI 532232236

PROPERTY OWNER
6525 W BROWN DEER RD
BROWN DEER, WI 53223

PROPERTY OWNER
6051 W BROWN DEER RD
BROWN DEER, WI 53223

PROPERTY OWNER
6105 W BROWN DEER RD
BROWN DEER, WI 532232228

PROPERTY OWNER
6153 W BROWN DEER RD
BROWN DEER, WI 532232228

PROPERTY OWNER
6201 W BROWN DEER RD
BROWN DEER, WI 532232230

PROPERTY OWNER
6249 W BROWN DEER RD
BROWN DEER, WI 532232230

PROPERTY OWNER
6297 W BROWN DEER RD
BROWN DEER, WI 532232230

PROPERTY OWNER
6345 W BROWN DEER RD
BROWN DEER, WI 53209

PROPERTY OWNER
6313 W BROWN DEER RD
BROWN DEER, WI 532232232

PROPERTY OWNER
6391 W BROWN DEER RD
BROWN DEER, WI 532232232

PROPERTY OWNER
8700 N 62ND ST
BROWN DEER, WI 532232810

PROPERTY OWNER
8697 N 63RD ST
BROWN DEER, WI 532232867

PROPERTY OWNER
8693 N 63RD ST
BROWN DEER, WI 532232847

PROPERTY OWNER
8689 N 63RD ST
BROWN DEER, WI 532232847

PROPERTY OWNER
8685 N 63RD ST
BROWN DEER, WI 532232847

PROPERTY OWNER
8700 N 64TH ST
BROWN DEER, WI 532232824

PROPERTY OWNER
8681 N 63RD ST
BROWN DEER, WI 532232847

PROPERTY OWNER
8731 N 64TH ST
BROWN DEER, WI 532232823

PROPERTY OWNER
8732 N 66TH ST
BROWN DEER, WI 53223

PROPERTY OWNER
W228N745 WESTMOUND DR
WAUKESHA, WI 53186

PROPERTY OWNER
6938 N SANTA MONICA BLVD
FOX POINT, WI 53217

TUDOR PARK

LEGAL DESCRIPTION

PARCEL A:
PARCEL ONE (1) OF CERTIFIED SURVEY MAP NO. 7643, A CONSOLIDATION OF PARCEL TWO (2) OF CERTIFIED SURVEY MAP NO. 4322, RECORDED ON MAY 18, 1983, AS DOCUMENT NO. 5618100 AND PARCEL ONE (1) OF CERTIFIED SURVEY MAP NO. 4307, RECORDED ON APRIL 7, 1983, AS DOCUMENT NO. 5607614, BEING A PART OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION THREE (3), IN TOWNSHIP EIGHT (8) NORTH, RANGE TWENTY-ONE (21) EAST, IN THE VILLAGE OF BROWN DEER, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY ON AUGUST 15, 2005, AS DOCUMENT NO. 9069351.

PARCEL B:
A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS SET FORTH IN EASEMENT AGREEMENT RECORDED ON AUGUST 25, 2005, AS DOCUMENT NO. 9076306, CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED ON FEBRUARY 23, 2006, AS DOCUMENT NO. 9189340.

VILLAGE OF BROWN DEER

COMMUNITY SERVICES DEPARTMENT
4800 West Green Brook Drive
Brown Deer, Wisconsin 53223

June 19, 2013

Jennifer Creason
BRR Architecture, Inc.
6700 Antioch Plaza, Suite 300
Merriam, KS 66204

Dear Ms. Creason,

After reviewing Walmart's proposed sign package it is the decision of the Community Services Department that the proposed "Wall Signs" do not conform to the Village's Code of Ordinances. Specifically, the proposal does not conform to Section 121-326 (1) in terms of quantity and overall size. The overall quantity for "wall Signs"in the Village Code is limited to 3 signs totaling 200 square feet. Your proposal calls for 4 signs totaling 501 square feet.

You are hereby advised that the proposal needs to be amended in order to conform to Village Code. Alternatively, you may request a variance review through the Board of Appeals of the Village of Brown Deer.

Should you have any questions related to the above issues please feel free to contact me.

Sincerely,

Nathaniel Piotrowski
Community Development Director

Office: 414.371.3061 - FAX: 414.371.3053 - E-Mail: npiotrowski@browndeerwi.org - WWW.BROWNDEERWI.ORG

B | R | R
architecture

Walmart Signage Variance Request

July 12, 2013

Village of Brown Deer
Attention: Nate Piotrowski
4800 West Green Brook Drive
Brown Deer, WI 53223

Re: Walmart Store #6394 located at 6300 West Brown Deer Road, Brown Deer, WI

Dear Mr. Piotrowski,

The intent of this letter, application, and corresponding documents is to request a variance for the signage at the proposed Walmart located at 6300 West Brown Deer Road.

We appreciate your time and consideration of our sign variance request. Based on discussions with the Planning Department, the proposed Walmart sign program exceeds the square footage and number of wall signs allowed on a structure. Per Article II Section 121-60(e) under the Village of Brown Deer Code of Ordinances, the board of appeals may grant variation from strict application of the code if the variance will:

1) Not be contrary to the public interest, and
2) Substantial justice will be done by granting the variance, and
3) The variance is needed so that the spirit of the ordinance is observed, and
4) Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.

Therefore, it is our intent to request variance from the following:

> *Municipal Code Section 121-326* - Permitted signs and display guidelines – (1) *Wall signs*. The total square footage of all wall signs on a structure may not exceed one (1) square foot per lineal foot of building wall frontage and a maximum number of three (3) wall signs (totaling no more than 200 square feet gross surface area for all signs.)

The proposed signage includes one (1) main identification internally-illuminated sign at 298 square feet, one (1) "Market" sign at 28.17 square feet, one (1) "Home & Pharmacy" sign at 97.66 square feet, and one (1) "Outdoor Living" sign at 77.17 square feet for a total of 501 square feet. In addition, but not included in the sign variance request are two (2) monument signs at 66.5 square feet each for a total square footage of 133 along West Brown Deer Road.

Our proposed sign package meets the spirit and purpose of the Village Zoning Ordinance which is to "promote the health, safety, morals, prosperity and general welfare of the village....to promote the safety and efficiency of public streets and highways, to aid in conserving and stabilizing the economic values of the community, to preserve and promote the general attractiveness and preserve the character and quality of the built and natural environment...." The proposed sign package is appropriate in scale, number and placement and would provide for the safety and well-being of the citizens by contributing to a safe, convenient, and aesthetically pleasing shopping environment. In addition, the sign package adequately identifies the number and types of uses included with the Walmart store.

The proposal is not contrary to the public interest as the main Walmart sign, located on front façade facing Brown Deer Road and set back approximately 300 feet, is the only sign that is internally illuminated and therefore, will not have a detrimental effect on the neighboring properties. Furthermore, the sign proposal is appropriate for the use, size and scale of the building.

Substantial justice will be done in granting this variance as the signage ordinance when created, was not intended to address large format stores with multiple uses and multiple entrances/exits.

If the variance was not granted, hardships would be experienced in that visibility would be reduced from Brown Deer Road and customers would be inconvenienced due to the lack of adequate way-finding. In addition, the safety and welfare of shoppers and local residents would potentially be impacted as drivers would likely spend additional time in their automobiles differentiating between the multiple store entries. To reduce possible pedestrian-auto conflicts, adequate signage at each entry is desired.

Please find attached completed Notice of Appeals Form (Applicable Section of the Zoning Ordinance, we're requesting relief from), A2.2 Sign Detail sheet, color rendering of store's front façade, Affidavit of Property Affected and application fee.

Thank you for your time and consideration. We appreciate the opportunity to communicate the intent of our signage package and illustrate the need for the variance.

Sincerely,

Jennifer Creason

Jennifer Creason
BRR Architecture, Inc.
6700 Antioch Plaza, Suite 300
Merriam, KS 66204
direct: 913-236-3460
main: 913-262-9095
www.brrarch.com

Order to be appealed

Sec. 121-326. - Permitted signs and display guidelines.

(a) All materials, colors and shapes of proposed signs shall be compatible with the related buildings.

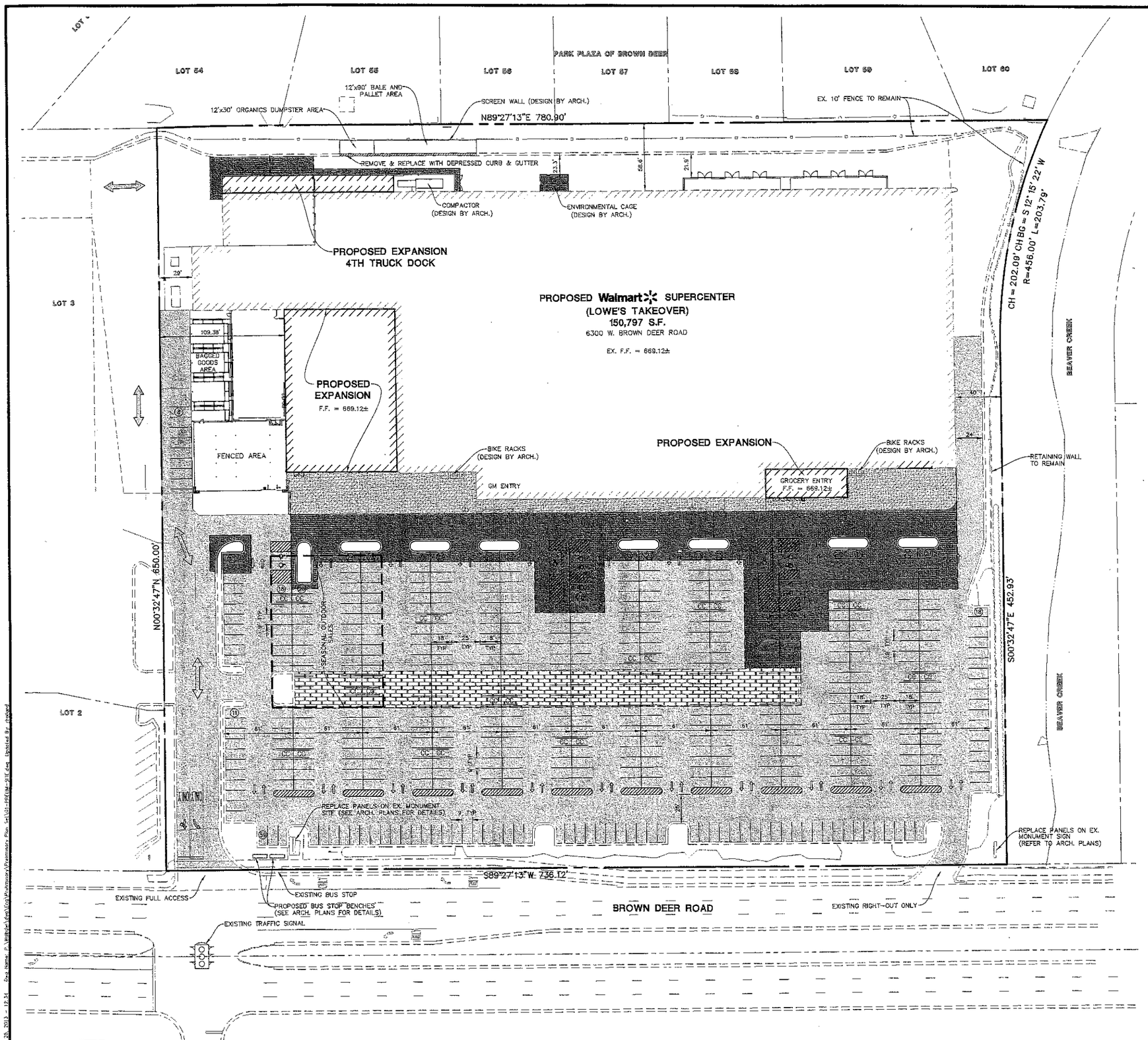
(b) The uses listed on the following tables shall apply to the building use and not the zoning classification.

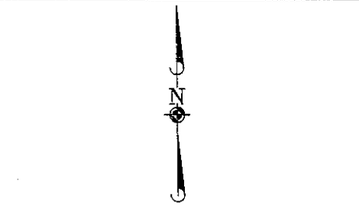
(1) *Wall signs.*

	Maximum Gross Surface Area Per Sign (square feet)*	Maximum Projection From Building (feet)	Maximum Number of Wall Signs Per Building**	Illumination
Single-family dwelling	NOT PERMITTED			
Multiple-family dwelling	24	2	1 (an additional sign on a second elevation is allowed if on corner lot)	Allowed
Business, office and mixed use	1 x lineal feet front building wall	2	3 (totaling no more than 200 square feet gross surface area for all signs)	Allowed
Manufacturing	1 x lineal feet front building wall. No sign to exceed 120 square feet	2	1 (an additional sign on a second elevation is allowed if on corner lot)	Allowed
Educational, recreational, institutional, religious	1 x lineal feet front building wall; no sign to exceed 100 square feet	2	1 (an additional sign on a second elevation is allowed if on corner lot)	Allowed

*If more than one sign per elevation, the gross surface area may be divided between all signs using one lineal foot of front building wall. The lineal foot of front building wall is the measurement for square footage of all signs even if the sign is located on an elevation other than the front.

**In the case of a multiple-tenant structure where each business has its own defined space, clearly visible from the exterior of the structure, the maximum amount of wall signs per each tenant space is also three if a business, office or mixed use development. Individual tenant wall signs are not permitted if a business does not have its own defined space clearly visible from the exterior of the structure.





PAVEMENT LEGEND

- SEALCOAT ASPHALT — SEALCOAT AND RE-STRIPE ASPHALT
- FULL DEPTH REMOVAL AND REPLACEMENT — REMOVE AND REPLACE EXITING CONCRETE OR ASPHALT PAVEMENT
- PERMEABLE PAVERS — REMOVE EXISTING POROUS PAVEMENT AND REPLACE WITH PERMEABLE PAVERS
- ARCHITECTURAL CONCRETE — REFER TO ARCHITECTURAL PLANS FOR DETAILS

SITE DATA	
JURISDICTION	VILLAGE OF BROWN DEER
CURRENT ZONING	B3 COMMERCIAL

PARKING DATA

WAL-MART	150,797 S.F.
STANDARD SPACES	507 SPACES
ACCESSIBLE SPACES	12 SPACES
CART CORRALS (14)	28 SPACES
TOTAL PARKING	519 SPACES
RATIO	3.44/1,000 S.F.

TOTAL PARKING COUNT AND RATIO DOES NOT INCLUDES SPACES USED BY CART CORRALS

CODE REQUIRED PARKING

MINIMUM RATIO	3.30 SPACES/1,000 S.F.
MINIMUM PARKING REQUIRED	498 SPACES

SITE DATA

LOT 1-WAL-MART	11.05± AC.
TOTAL	11.05± AC.

BUILDING DATA

GROSS LEASABLE AREA	±150,797 S.F.

LEGEND FOR PROPOSED IMPROVEMENTS

- PROPOSED BUILDING
- PROPOSED 18" CURB AND GUTTER
- (22) PROPOSED PARKING SPACES
- CC | CC CART CORRAL
- TRUCK ROUTE

DRAWN BY	REVISIONS	DATE
		2-21-13

REVISED PER VILLAGE COMMENTS

Manhard CONSULTING LTD
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

PROPOSED NORTH SHORE WAL-MART SUPERCENTER NO. 6394-00 TAKEOVER

VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN

PRELIMINARY SITE DIMENSIONAL AND PAVING PLAN

PROJ. MGR.:	TTR
PROJ. ASSOC.:	RJS
DRAWN BY:	MN
DATE:	8-7-13
SCALE:	1"=40'

SHEET 2 OF 6

WALSDWI 120642

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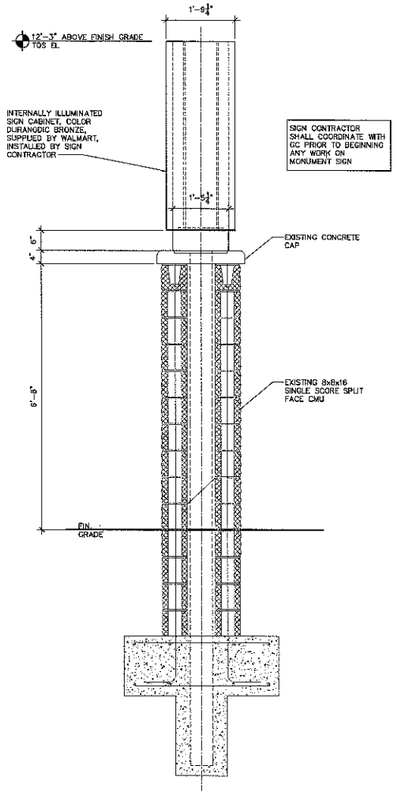
Reface Existing Monument Signs – Sim.

Walmart

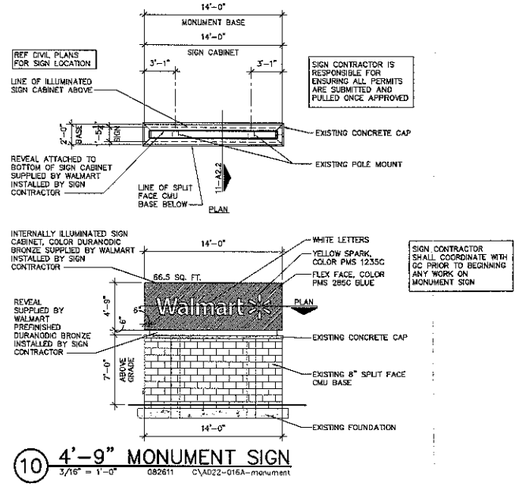
B|R|R architecture	June 10, 2013	North Shore, WI #6394	Locations of Site Signs

SITE SIGNAGE SCHEDULE					A022-SITE 043010
SIGNAGE	QTY	COLOR	INDIVIDUAL AREA	TOTAL AREA	
Walmart Monument (INTERNALLY ILLUMINATED)	2	WHITE LETTERING, YELLOW SPARK	66.5 SF	133 SF	
TOTAL SITE SIGNAGE				133 SF	

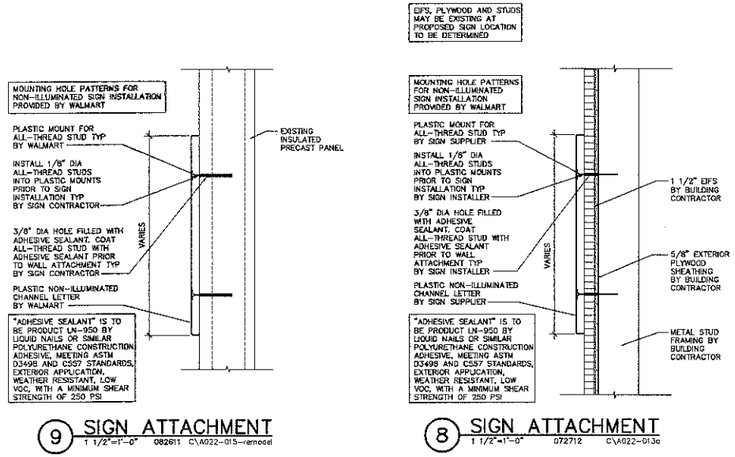
BUILDING SIGNAGE SCHEDULE					C\A022-SIGN 082611
FRONT SIGNAGE	QTY	COLOR	INDIVIDUAL AREA	TOTAL AREA	
Walmart (INTERNALLY ILLUMINATED)	1	WHITE	298.00 SF	298.00 SF	
* (spark)	1	YELLOW			
				SF	
Market	1	WHITE	28.17 SF	28.17 SF	
Home & Pharmacy	1	WHITE	97.66 SF	97.66 SF	
Outdoor Living	1	WHITE	77.17 SF	77.17 SF	
				SF	
TOTAL FRONT SIGNAGE				501.00 SF	
TOTAL BUILDING SIGNAGE				501.00 SF	



11 MONUMENT SECTION
3/4"=1'-0" 072712 C\A022-017-monument

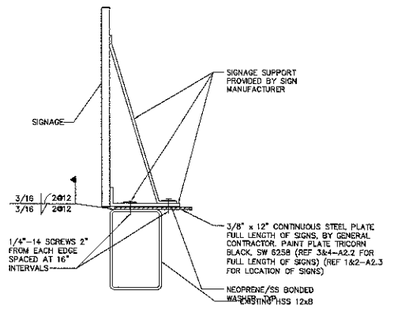


10 4'-9" MONUMENT SIGN
3/16" = 1'-0" 082611 C\A022-016A-monument

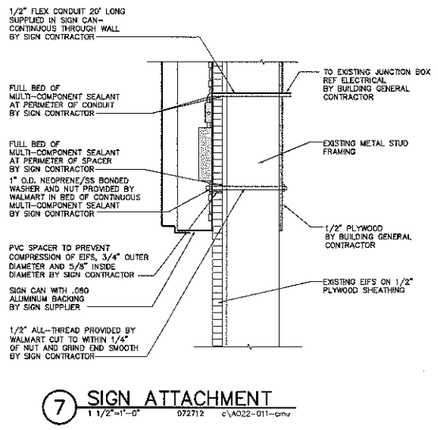


9 SIGN ATTACHMENT
1 1/2"=1'-0" 082611 C\A022-015-removal

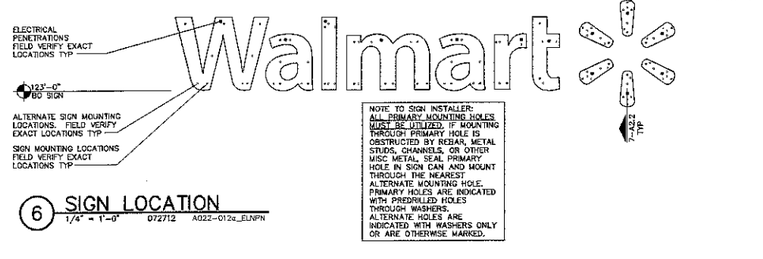
8 SIGN ATTACHMENT
1 1/2"=1'-0" 072712 C\A022-013a



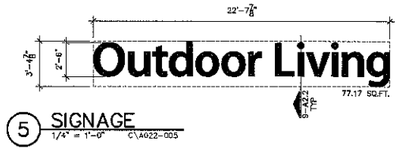
12 SIGN ATTACHMENT
1 1/2"=1'-0"



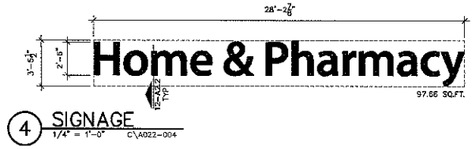
7 SIGN ATTACHMENT
1 1/2"=1'-0" 072712 C\A022-011-cmu



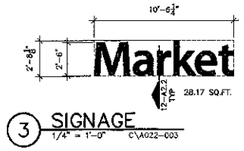
6 SIGN LOCATION
1/4" = 1'-0" 072712 A022-012a_ELNPN



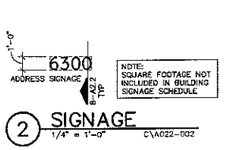
5 SIGNAGE
1/4" = 1'-0" C\A022-005



4 SIGNAGE
1/4" = 1'-0" C\A022-004

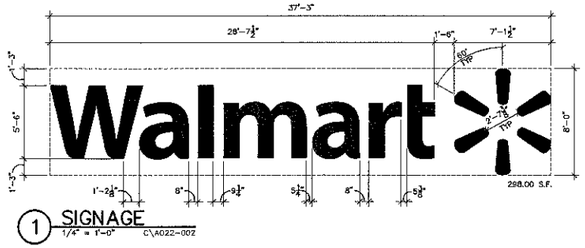


3 SIGNAGE
1/4" = 1'-0" C\A022-003



NOTE: SQUARE FOOTAGE NOT INCLUDED IN BUILDING SIGNAGE SCHEDULE

2 SIGNAGE
1/4" = 1'-0" C\A022-002



1 SIGNAGE
1/4" = 1'-0" C\A022-001

B|R|R
ARCHITECT OF RECORD: RICH HOOKS
1700 MADISON ROAD, SUITE 300, CINCINNATI, OHIO 45206

STIPULATION FOR REUSE
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CONSULTANTS

Walmart
NORTH SHORE, WISCONSIN
STORE NO. 6394
JOB NUMBER: 9710605.1 PROTO: 120

ISSUE BLOCK

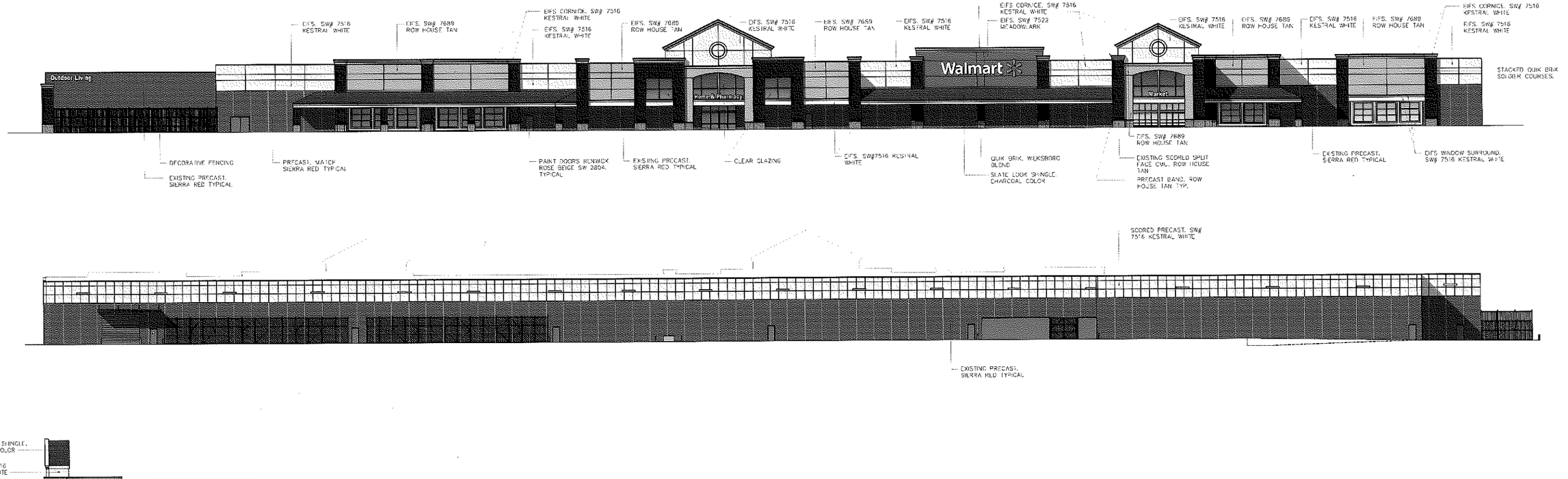
CHECKED BY:	
DRAWN BY:	
FILE NAME:	150-A022
PHOTO CYCLE:	042712
DOCUMENT DATE:	060713

SIGNAGE

SHEET: A2.2

BRR ORIGINAL PRINTED ON RECYCLED PAPER

7/9/2013 9:10:43 PM Becky Wooldridge



Walmart

B | R | R	June 20, 2013	North Shore, WI #6394 - Takeover	Elevations	1

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