

TOWN OF BROOKFIELD
BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

WHEREAS, a request for a variance from the Town's zoning ordinance has been submitted to the Town Clerk;

WHEREAS, such a request has been referred to the Board of Appeals by the Zoning Administrator because it does not comply with Section 17.06(1)(b) of the Town Zoning Ordinance;

NOW THEREFORE PLEASE TAKE NOTICE, the Public Hearing before the Board of Appeals of the Town of Brookfield will be held at 6:00PM on August 17, 2022 at the Town Hall, 645 N. Janacek Road, Brookfield, WI to consider the following:

A request by Jason Keen with VRE Bluemound, LLC. for the following described property:

PT LOT 2 CSM #5100 VOL 41/307 REC AS DOC #1387116 PT SE1/4 SEC 30 T7N R20E; COM NE COR OF SE1/4; S0°12'00"W 577.25 FT; S89°20'00"W 50.00 FT; S0°12'00"W 206.00 FT THE BGN, S0°12'00"W 140.00 FT; S17°13'15"W 137.00 FT; S89°58'09"W 129.88 FT; N0°12'00"E 308.95 FT; N89°20'00"E 80.00 FT; S0°12'00"W 5.00 FT; N89°20'00"E 42.00 FT; S0°12'00"W 35.00 FT; N89°20'00"E 48.00 FT TO BGN :: INCLUDING ACCESS & PARKING EASEMENT RECORDED AS DOC #1448146 ON 9/16/1987, Town of Brookfield, Waukesha County, Wisconsin. The property is located at 585 North Barker Road, and identified as Tax Key Number BKFT 1128-997-001.

The request is for a variance from the vision triangle requirement of Section 17.06(1)(b) of the Town of Brookfield Zoning Code from the required 60 feet to 30 feet.

The Board of Appeals may adjourn into Closed Session, according to Wis. Stats. § 19.85(1)(a), to deliberate their decision. The Board will adjourn into open session to act on their decision and to adjourn.

All interested parties will be given an opportunity to be heard.

Published in the Freeman this 3rd and 10th day of August, 2022.

Georgia Balcerowski
Town Clerk

ZONING BOARD OF APPEALS APPLICATION

Town of Brookfield

Address and Tax Parcel Number of the Property for which this Petition is made: _____
BKFT1128997001 (585 N Barker Road)

Owner Information

Name: VRE Bluemond, LLC

Address: 1211 S. White Chapel Blvd,
Southlake, TX 76902

Phone Number: 817-266-4457

Email: Dniven@verdad.com

Petitioner Information

Name: Jason Keen

Address: 1211 S White Chapel Blvd
Southlake, TX 76092

Phone Number: 214-957-6028

Email: mbagley@hdgroupinc.com (Please use
for all communication)

Required Submittal Information:

- Plat of survey prepared by a registered land surveyor showing all of the information required under § 17.02(8) for a building permit.
- Name and address of all abutting and opposite property owners of record.
- Detailed plans of proposed construction, including floor plan and elevation views. Include a written description of the proposed construction.
- Explanation, in writing, as to what hardship or practical difficulty the code is causing.
Note: - Cost of project or financial reasons are not considered a hardship.
- Self-induced hardships are not considered a reason for granting a variance.
- Unnecessary hardships must relate to a unique condition affecting owner's land.
- Granting of a variance due to hardship may not be contrary to public interest.
- Eight (8) copies of all documents (preferred size to be no greater than 11" x 17")
- \$300.00 application fee
- Additional information required by the Town Plan Commission, Engineer, Zoning Board of Appeals, or Building Inspector.

Nature & disposition of any prior petition for appeal, variance, or conditional use: _____

Request for approval of variance to allow new, monument sign to exist within the parameters of the required site triangle at intersection of N Barker Road and Bluemound. See attached exhibit showing site triangle.

Description of all nonconforming structures & uses on the property: _____

There are currently no non-conforming uses on the property. The site is currently under construction for a new Shake Shack restaurant with drive-through that was approved under CUP.

Ordinance standard from which this Petition is sought (section number and text): _____

Check the reason for the Petition and describe Petitioner's rationale for this Petition:

Area variance (use variances shall not be granted): _____

Zoning district boundary dispute: _____

Ordinance interpretation (include section number): _____

Administrative decision/measurement/order in dispute: Request for relief from Section 17.06 of the Town of Brookfield Zoning Code (See Section text on subsequent page), which would prohibit the placement of a new monument sign within the vision triangle.

Substitution of a more restrictive nonconforming use or structure: _____

I certify that the information I have provided in this application is true and accurate.

Signed:  _____
Petitioner

Date: 7/8/22

Remit Application to: Town of Brookfield
 Attn.: Town Clerk
 645 North Janacek Road
 Brookfield, WI 53045

Date of Application Received (Office Use Only): _____

§ 17.06 Traffic, loading, parking and access.

(1)

Traffic visibility.

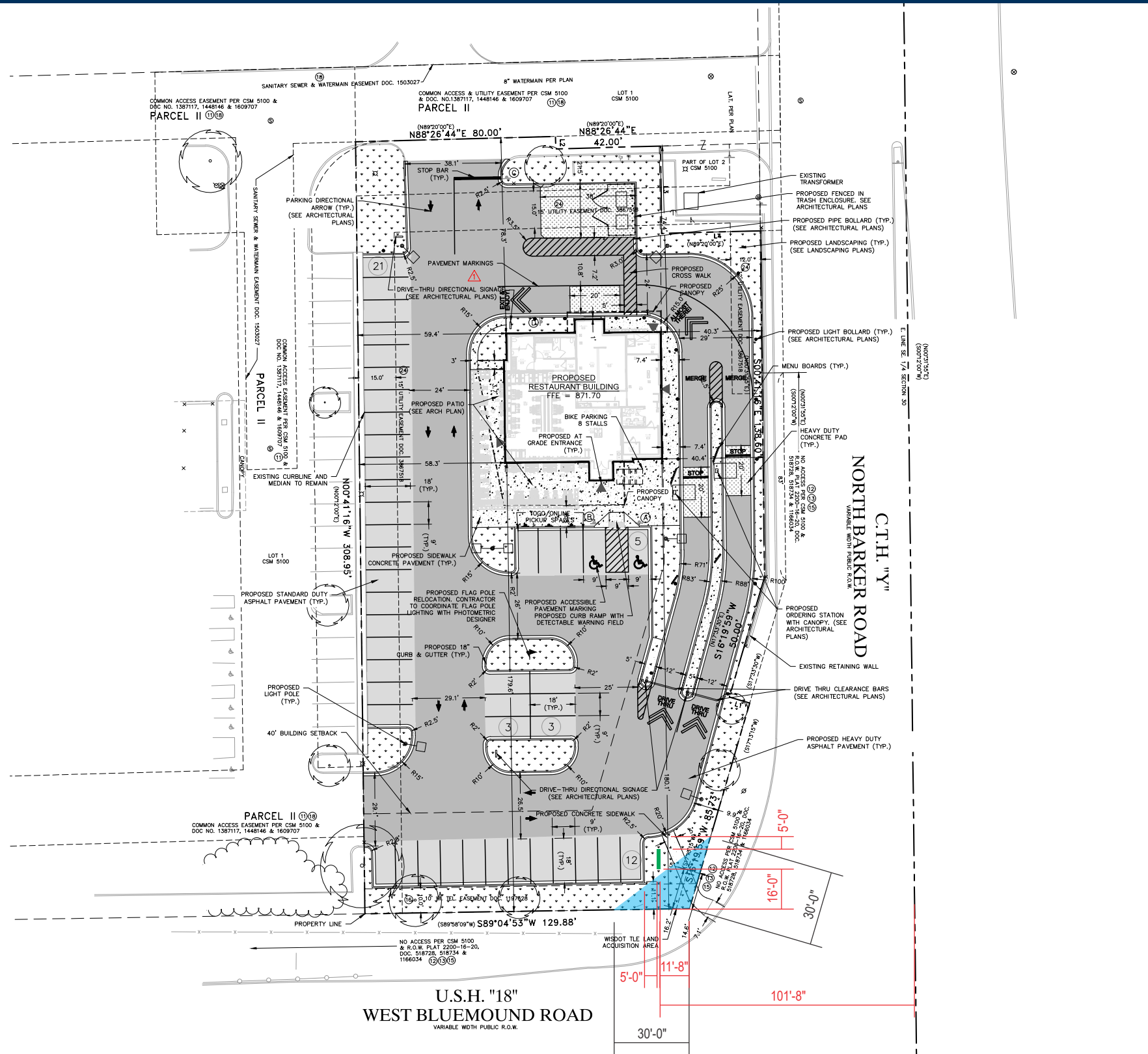
(a)

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean center line grade of the vision triangle. The vision triangle is formed by connecting a line between points located 30 feet from the intersection of two streets along the right-of-way line.

(b)

In the case of arterial streets intersecting with other intersecting streets or railways, the corner cutoff distances establishing the vision triangle clearance space shall be increased to 60 feet

SITEPLAN



EXTERIOR LOCATION PLAN - Proposed

SCALE: 1" = 50'-0"



JOB #: 259821-R0-VAR
 DATE: 06.28.2022
 DESIGNER: J. Dowden
 SALES REP: X. Xxxxxxx
 PROJ MGR: S. Kostka

REV.	DATE	BY	DESCRIPTION
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CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE

SHAKE SHACK

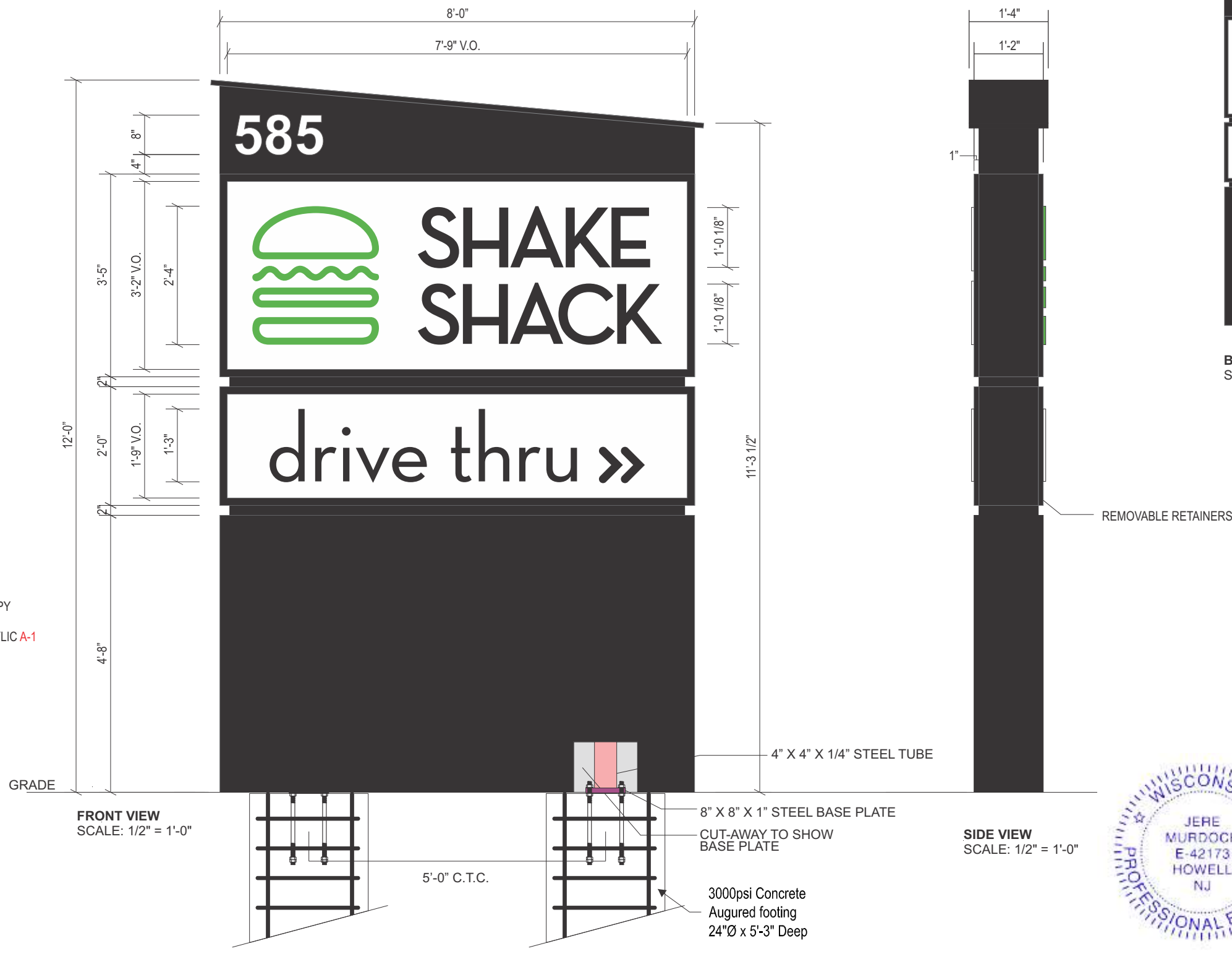
SHAKE SHACK
 585 N. BARKER RD.
 BROOKFIELD, WI. 53045

SHEET NUMBER
1.0

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MS.1 D/F ROUTED OUT, PUSH THRU ILLUMINATED MONUMENT QTY 1

PROPOSED SQUARE FOOTAGE: 44.3



BACK VIEW
SCALE: 1/4" = 1'-0"

DESIGN SPECIFICATIONS	
IBC 2015	with WI amendments
Wisconsin Commercial Building Code	
ASCE 7-10	Minimum Design Loads for Buildings & Other Structures
ACI 318-14	Building Code Requirements for Structural Concrete
ANSI/AISC 360-10	Specification for Structural Steel Buildings
DESIGN LOADS	
Wind	Vult = 115 mph
Exposure	C
Risk Cat.	II
Grnd. Snow	Pg = 30 psf

- SPECIFICATIONS**
- FABRICATED D/F ILLUMINATED MONUMENT CABINET PTD P-3, .125" ALUMINUM FACE PAINTED P-5, ROUTED OUT, WITH ACRYLIC COPY
 - 1 1/2" x 1 1/2" FABRICATED ALUMINUM RETAINER PAINTED P-3
 - SHAKE SHACK AND DRIVE THRU TO BE 1/2" PUSH THRU CLEAR ACRYLIC A-1 W/1ST SURFACE BLACK VINYL V-2
 - BURGER TO BE 1/2" CLEAR ACRYLIC WITH 1ST SURFACE GREEN VINYL V-1
 - FABRICATED ALUMINUM POLE COVER, REVEAL, AND EMBELLISHMENT AT TOP TO BE PAINTED P-3
 - ADDRESS TO BE 1/4" ALUM FCO ATTACH W/VHB PTD P-5
 - 5000K LED ILLUMINATED

- COLORS/FINISHES**
- P-3 RAL #9004 - BLACK - MATTE FINISH
 - P-5 SW #7005 - PURE WHITE - MATTE FINISH
 - A-2 1/2 CLEAR ACRYLIC
 - V-1 BRILLIANT GREEN - OPAQUE VINYL (1ST SURFACE)
 - V-2 OPAQUE BLACK VINYL (1ST SURFACE)

ILLUMINATION: 6.5 FOOTCANDLES



MURDOCH ENGINEERING
SIGN STRUCTURE PROFESSIONALS
2300 A-2 NJ-34
MANASQUAN, NJ 08736
(878) 570-8255 x0
Jere Murdoch
Jere Murdoch, PE
Professional Engineer
WI PE Lic. #42173

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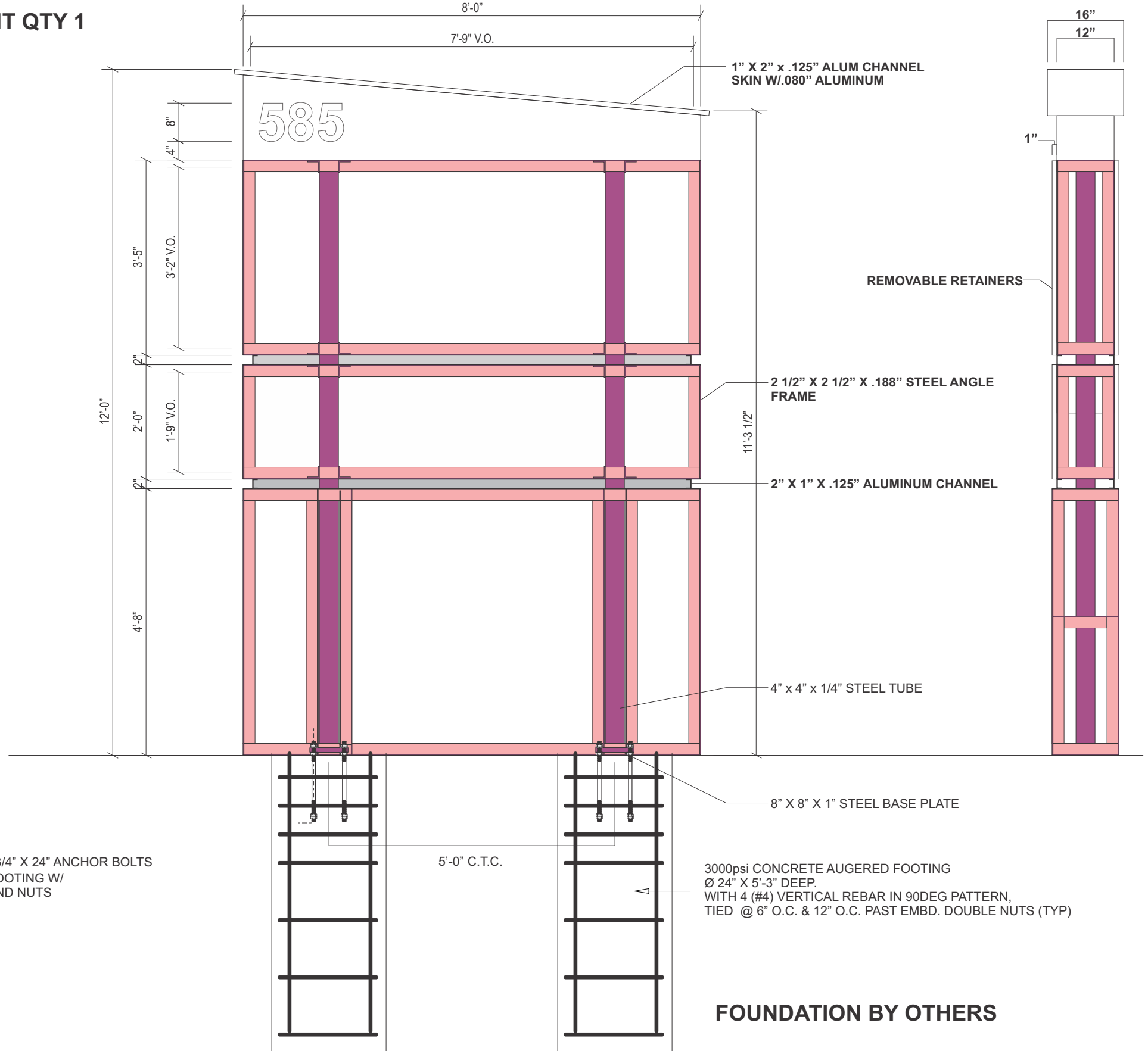
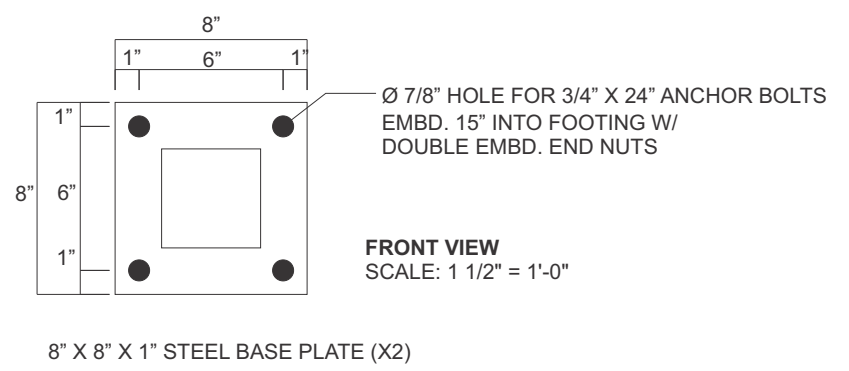
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CLIENT APPROVAL _____ DATE _____
LANDLORD APPROVAL _____ DATE _____

SHAKE SHACK

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BROOKFIELD, WI. 53045

SHEET NUMBER
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TOWN OF BROOKFIELD ZONING BOARD OF APPEALS REPORT

Building a Better World
for All of Us®

TO: Zoning Board of Appeals
FROM: Bryce Hembrook, Town Planner

REPORT DATE: August 12, 2022
ACC MEETING DATE: August 17, 2022

RE: Shake Shack – Variance Request

Applicant: Jason Keen (owner of property). David Niven and Richard Kos will be in attendance.

Location: 585 North Barker Road

Request: Applicant is requesting a variance from the vision triangle requirement of Section 17.06(1)(b) of the Town of Brookfield Zoning Code from the required 60 feet to 30 feet.

Background

Shake Shack has recently received approvals on their permanent signage for the new restaurant located at 585 North Barker Road. A freestanding monument sign was approved on the condition that the applicant provide a site plan showing that the vision triangle and all setbacks are met. The Town Planner informed the applicant that Section 17.06(1)(a) of the zoning code states “no obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the mean center line grade of the vision triangle. The vision triangle is formed by connecting a line between points located 30 feet from the intersection of two streets along the right-of-way line.” Additionally, Section 17.06(1)(b) states that “in the case of arterial streets intersecting with other intersecting streets or railways, the corner cutoff distances establishing the vision triangle clearance space shall be increased to 60 feet.” The property is located at the intersection of Barker Road and Bluemound Road which are both arterial road, resulting in the vision triangle increasing to 60 feet. The applicant continued to work with their sign contractor to find a viable location but determined that they were unable to find a location that met both the setbacks and the increased vision triangle. The applicant is proposing to reduce the 60 foot vision triangle requirement to 30 feet and have submitted a site plan showing the proposed location.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 501 Maple Avenue, Delafield, WI 53018-9351
SEH is 100% employee-owned | sehinc.com | 262.646.6855 | 888.908.8166 fax

DECISION FORM

Town of Brookfield Zoning Board of Appeals

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

Filing Date: _____

Affidavit of publication/posting is on file.

Hearing Date: _____

A. The Owner and Petitioner are (name and address): _____

B. The Owner and/or Petitioner are the owner of real property which is the subject of this Application (street address and Tax Key Number): _____

C. The Owner and/or Petitioner proposes (brief project description/attach plans): _____

D. The Owner/Petitioner requests an area variance under Section _____ of the ordinance.

E. The standard(s) that relate to the grant or denial of the Application are:

1. Unnecessary Hardship. Exists when compliance would unreasonably prevent the Owner/Petitioner from using the Property for a permitted purpose (leaving the Property Owner/Petitioner without any use that is permitted for the Property) or would render conformity with such restrictions unnecessarily burdensome. The Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the Property, and the short-term, long-term, and cumulative effects of a variance on the neighborhood, the community and on the public interests.
2. Unique Property Limitations. The Property contains unique limitations that create an unnecessary hardship, such as steep slopes or wetlands that prevent compliance with the ordinance. The circumstances of an Owner/Petitioner (growing family, need for a larger garage, financial concerns etc.) are not a factor. Property limitations common to other properties in the area are not unique.
3. No Harm to the Public Interest. A variance may not be granted which results in harm to public interests. The Board should review the purpose of the ordinance and related statutes in order to identify public interests. The Board must consider the short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors and the community. The focus should focus be on the general public interest, rather than the narrow interests or impacts on neighbors, patrons or residents in the vicinity of the project.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

The variance (does/does not) meet all three of the following tests:

1. Unnecessary hardship (is/is not) present because _____

2. The hardship (is/is not) due to unique physical limitations of the Property because _____

3. The variance (will/will not) harm the public interest because _____

DECISION AND ORDER

Based on the findings of fact, conclusions of law, and the record in this matter, the Board orders:

The requested variance is (denied/granted/granted-in-part), subject to the following conditions/mitigation (if applicable):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

The Zoning Administrator (is/is not) directed to issue a zoning permit incorporating these conditions and certifying by the Owner and Petitioner’s signatures that they understand and accept the conditions.

Expiration of permit. Any privilege granted by this Decision and Order must be exercised within months of the date of this Decision after obtaining the necessary building, zoning, and other permits for the proposed project. This period will be extended if this Decision is stayed by the order of any court or operation of law.

Revocation. This Decision and Order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Reconsideration and Appeal. This Decision and Order by the Board may be subject to reconsideration at its next scheduled meeting, and thus, the language contained herein may be subject to change or modification. Any person or persons, jointly or severally, aggrieved by a Decision and Order of the Board may appeal from the Decision and Order of the Board within thirty (30) days after filing of the Decision and Order in the office of the Board in a manner provided in Wis. Stat. § 62.23. This Decision and Order was filed in the office of the Board as of the date identified below.

Town of Brookfield Zoning Board of Appeals

Dean Pearson, Chairman

Attest:

Filed: _____