

**CONFIDENTIAL LEGAL MEMORANDUM**

**ATTORNEY-CLIENT PRIVILEGED**

**TO:** Zoning Administrator Ellise Rose and staff

**FROM:** von Briesen & Roper, s.c.  
By: Nicholas S. Cerwin

**DATE:** March 5, 2026

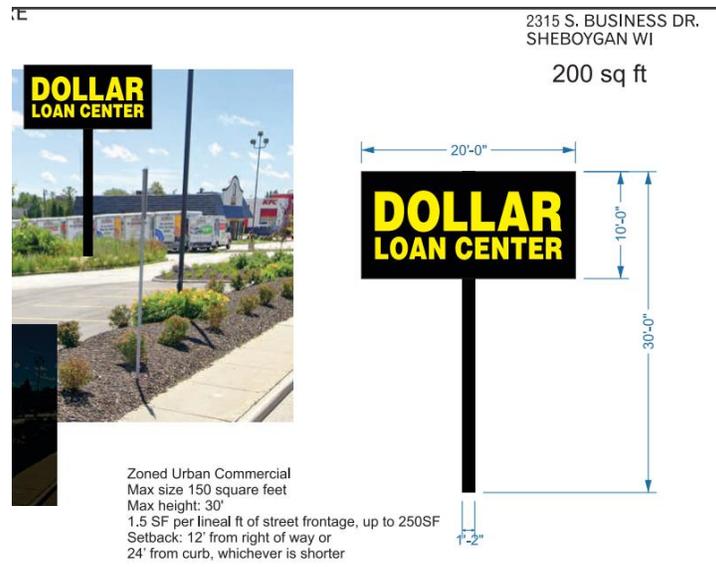
**RE:** Dollar Loan Center pylon sign application and conditional use permit

I have been asked to assist the City of Sheboygan Zoning Administrator on evaluation of an application for a sign permit and conditional use permit submitted by the Dollar Loan Center for a proposed sign to be located off premises at the address of 1813 Ashland Avenue.

Pending Application Information:

The sign permit application identifies a request for a double-sided illuminated pylon sign that stands at a total height of 30-feet off the ground. Because the proposed sign is double-sided, each individual side has a separate sign face area of 20'0" by 10'0". The sign will benefit the property of 2315 S. Business Drive but is located on an adjacent property at 1813 Ashland Ave, owned by Aurora Health Care, Inc. Both properties are located within the UC zoning district.

The application submission includes a depiction of the proposed sign as follows:



The pending application currently identifies the total square footage of signs on the property as “0” and that once the signage will be installed, the total square footage of signage would be 200 square feet. Based upon current county GIS mapping, this appears to be incorrect as 1813 Ashland Avenue appears to have a large three-sided sign on the corner of Ashland Ave. and Business Dr.

The applicant has also submitted an easement document which purports to modify a prior agreement. This prior/original agreement has not been provided for this review and I am not aware of City Staff having access to the original agreement. The easement document provided reports that the prior/original agreement was made between prior ownership of both parcels as of 1991. This easement agreement purports to have been recorded on or about April 18<sup>th</sup>, 1991, and states in part that “United shall have an easement for location of such sign on an island which United will construct, the land description being described by Henry M. Nelson, surveyor, as follows ...”

It is currently unknown if the current owner of 1813 Ashland Avenue has any objection to the easement language, or is even aware of a proposed sign being installed on their property. It is also undetermined whether the underlying/original agreement which was modified by the 1991 easement is still valid, or whether the easement itself is still valid.

The conditional use application was submitted along with the sign application. This application appears to have been submitted along with the proposed drawings and plan designed by “Sign Me Up,” the contractor involved in the sign installation process. The purpose of this conditional use appears to be largely related to the proposed size and location of the sign, although information on the application provided for this analysis is missing.

Applicable Municipal Regulations and Code:

The sign currently proposed by Dollar Loan Center has been identified by City staff as a “pylon sign” for the purpose of “directional sign, off premises.” The Sheboygan Municipal Code defines these terms as follows:

Sign Purpose §105-968(e)- *Directional Sign- off premises* means a sign which indicates only the name, direction, or distance of a business or activity. It may contain a business name and logo if the logo is less than one square foot in area. Off-premises directional signs do not pertain to off-premises advertising signs.

Sign Type § 105-968(g)- *Pylon sign* means a type of freestanding sign whose bottom edge is located more than one foot above a ground-mounted pedestal or whose top edge is located more than eight feet high, up to a maximum of ten feet in NC Neighborhood Commercial, or NO Neighborhood Office Districts, up to a maximum of 15 feet in the CC Central Commercial, or up to a maximum of 30 feet high in all other commercial and industrial zoning districts.

These designations by staff are appropriate because they fit the definitions within the code. The proposed signage would exist off the premises owned applicant, provides the business name, and is proposed to be constructed as a pylon sign by design and dimensions.

Based upon the sign type and zoning district, § 105-971 relates to sign regulations in certain zoning districts. Specific to the UC district in § 105-975(c)(1)c.2. freestanding pylon signs must comply with the following requirements:

- i. Maximum permitted number per lot: One freestanding sign per each public street frontage.
- ii. Maximum permitted area per sign: 1 1/2 square feet of signage for every foot of public street frontage on any chosen public street, up to a maximum sign area of 250 square feet per sign.
- iii. Maximum permitted sign height: 30 feet.
- iv. Minimum permitted sign setback: 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter.

Application of Municipal Code to Sign Plans:

Staff has determined that based upon the sign design, sign use, and application, the proposed sign does not meet the current requirements under § 105-975(c)(1)c.2. In review of those requirements, the following restrictions are triggered:

- i. The lot subject to this application (1813 Ashland Ave.) already has signage which faces in three directions along two public streets (Business Dr. and Ashland Ave.). The addition of the proposed signage would be in violation of the maximum permitted number per lot regulations.
- ii. The proposed pylon sign contains two separate sign faces, which individually are 200 sq. ft. Because this sign operates as one unit, staff has identified both faces would be used to calculate the total sign area for the single sign. As such, the total sign area of 400 sq. ft. exceeds the maximum permitted sign area.

Section iii. and iv. have not been identified as concerns or impediments under the plan as currently proposed or designed.

Based on the aforementioned regulations, the currently proposed sign would not be in conformity with current regulations of pylon signs within Sheboygan. The number of signs on the lot and the size of the sign are not in conformity with the City's sign regulations, nor is it in conformity with the "purposes, goals, objectives, policies and standards of the city comprehensive plan." See Municipal Code § 105-998 Conditional Use Review and Approval.

Additional Considerations or Concerns:

It is unclear at this time whether or not the applicant has the legal authority to place a sign on adjacent property. The easement document does not clearly reflect the duration or transferability of the easement and the original agreement has not been provided. The City should take caution to approve an application without an applicant clearly demonstrating authority to construct the sign upon another entity's property.

Staff has reported that the applicant has previously argued that the currently proposed signage must be approved because the location previously had a sign in 1996, and therefore would be grandfathered in. This assertion appears to be incorrect for two reasons: 1) it applies the billboard regulations in § 105-975 which are not applicable to this pylon sign; and, 2) the sign appears to have been removed or taken down prior to 2019 and as such any grandfathering or legal non-conforming use designation is abandoned and no longer valid.

Conclusion on legal analysis for the City of Sheboygan Zoning Administrator:

There are material issues that may need to be vetted or clarified related to the easement and ability for the applicant to actually place the sign off their premises. Further, just because a sign had historically existed at the location does not, by itself, obviate the city's ability to regulate certain aspects of the sign because that use had been abandoned and removed years earlier.

As currently situated, the present applications contain issues that may be grounds for denial of the applications pursuant to the codified and statutory authority of the Plan Commission. Under Staff's application of the municipal code, the sign would exceed the sign surface area permitted and exceeds the number of signs that are permitted on the lot, and accordingly is not in harmony with the city's standards and comprehensive plan.