

**BOARD OF ADJUSTMENT MINUTES
APRIL 11, 2018**

PRESENT: Helen McDonald Rawson, Roger Wetzel, Alan Kaltenberg,
William Gretzinger, Bernard Spink

STAFF: Randy Thompson – Planning & Zoning Administrator,
Lauren Ramirez – Office Administrator, Kenneth Thiele –
Zoning & Sanitary Specialist, Andrew O’Brion – Zoning &
Sanitary Specialist

1:30 PM

1. View Sites

3:00 PM

2. Helen McDonald Rawson called the meeting to order
3. Certification of Open Meeting Law
4. Roll Call was taken and a quorum declared present
5. Approval of Agenda
6. Public Hearing

**Item I Variance Consideration – Building Lot Coverage and Highway Setbacks,
Troy & Carilee Lamb, Owners and Justin Kane, Agent – Town of
Caledonia**

Kenneth Thiele reviews the Staff Report. He explains that the subject property contains a single family residence and two sheds. Current building lot coverage is 18.7% of the property, and existing impervious surfaces are 24.81% of the property. He states the shed located in the northeastern corner of the property crosses the northern property line into the road right of way (ROW), is 9 in. from the eastern property line, 44 ft. from the western property line and 100 ft. from the Ordinary High Water Mark (OHWM) of Lake Wisconsin. The applicants are proposing to remove this shed and replace it with a new 21 ft. x 21 ft. x 17 ft. or 441 sq. ft. garage. This garage is proposed to be 20 ft. from the centerline of Baltic Avenue, 6 in. from Right of Way, 26 ft. from the eastern property line, 12 ft. from the western property line and 109 ft. from the OHWM, which is further back than the current location of the shed. This shed will be used to park vehicles and store equipment.

With this info, Kenneth Thiele explains applicants are requesting a variance for the building lot coverage, as this proposed garage would leave the building lot coverage at 21.8%, which is more than the 20% maximum allowed, and impervious surfaces at 27.2%, also exceeding the allowed. He adds that per the ordinance, you can go up to 30% impervious surfaces with mitigation, as applicants are willing to do with a rain garden and gutters on the garage,

secured with a maintenance agreement recorded at the Register of Deeds. Applicants are also requesting a variance for the highway setback, as this proposed garage would be located 6' from the ROW, which is closer than the 30' requirement.

He explains a hardship is not present, as there is no requirement that a property owner have a garage, and the use of the property is not impaired without it. He states there is a unique property limitation, as the size of the lot with setbacks and current structures leaves little room for additional structures. He states also then there is no severe impact on public safety, as they are removing the structure in the road ROW and the raingarden will help control runoff from garage, as well as Baltic Avenue.

Justin Kane (Agent) is present and sworn in.
708 Forest Drive
Maxomanie, WI 53560

Helen McDonald-Rawson asks if the agent have anything to add.

Justin Kane states he does not.

Helen McDonald-Rawson asks if there are any questions.

Bernie Spink questions with the building on west side, if there is a second well.

Justin Kane states the well-house straddles the property line, as it is a joint well.

Roger Wetzel questions what calculations were used to measure if the raingarden is sufficient.

Justin Kane responds that the DNR website has guidelines he used. He adds the raingarden they are proposing is actually more than adequate, taking care of runoff from road and house both, and exceeding requirements.

Helen McDonald-Rawson questions if this raingarden is for the proposed garage.

Justin Kane responds that it is.

Alan Kaltenberg questions if well is 8 ft. from proposed garage.

Justin Kane responds that yes, 8 ft. is correct and 2 ft. is requirement.

Randy Thompson confirms this.

Alan Kaltenberg questions if this is then 5 ft. from septic.

Justin Kane states that is correct.

Alan Kaltenberg questions if raingarden will impose on road right of way.

Justin Kane responds that yes, it does impose. He states that he contacted the Town of Caledonia, who has not responded or gotten back to him. He adds that he understands the rain garden should not impose on the right of way, as there are no rocks, fencing, structures, etc.

Helen McDonald-Rawson questions where they are proposing to access to this.

Justin Kane responds they will have access on the east side, as the shed on the north east corner will be removed.

Alan Kaltenberg questions how many feet will this be from the house.

Justin Kane answers 20+ feet.

Helen McDonald-Rawson questions what the plans will be when they have to put in a new septic tank or well.

Justin Kane states that they designed the garage so equipment can get in there. They had this all inspected ahead of time to make sure POWTS was up to date.

Kenneth Thiele adds that if the drain field failed, this would not be an issue.

Bernie Spink questions if the holding tank is the required 25 feet from the well.

Kenneth Thiele and Justin Kane confirms yes.

Helen McDonald-Rawson questions if anyone has any other questions.

Roger Wetzel questions if the neighbors have had any input on this.

Justin Kane states that the neighbors are relatives, as they also purchased this from a relative. He adds that the petitioners know most of the others as well and states that if anyone has objected to this, they would have expressed their concerns.

Helen McDonald-Rawson questions if anyone has anything else they want to add.

Helen McDonald-Rawson asks if anyone is in favor of petition. (no comments)

Helen McDonald-Rawson asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

**Motion by Roger Wetzel to approve variance for
“Building Lot Coverage and Highway Setbacks” as presented, including the
findings of fact, conclusions, decisions and conditions of the Staff Report.**

Seconded by Alan Kaltenberg.

Motion carried, unanimously.

**Alan Kaltenberg - No, Roger Wetzel - Yes, Helen McDonald Rawson - No, Bill
Gretzinger - No, Bernard Spink - No.**

Motion failed.

Decision not unanimous.

**Item II Variance Consideration – Road Setbacks, William & Jacqueline Hering,
Owners and Steve Schilz, Agent – Town of Lodi**

Andrew O’Brion reviews the Staff Report. He explains the subject property lies on the shore of Lake Wisconsin, and had contained a house with a deck, a garage and a small shed before it was destroyed by a fire in the summer of 2017. The applicant is seeking a variance to replace the previous house with a new house and an attached garage. He states the existing garage and shed will be removed. The previous house and deck did not meet the required setback to the lake (75 ft. required, 29.5 ft. actual) and the required setback to the side yard (6.8 ft. minimum required, 16.8 ft. cumulative required, 2.8 ft. actual). The proposed house will meet both the required setback to the lake and both side yards, but will be unable to meet the required setbacks to the right-of-way and the centerline of Demynck Road. The required road setback is 30 ft. from the right-of-way or 63 ft. from the centerline of Demynck Road, whichever is greater. The house is proposed to be 22.5 ft. from the right-of-way and 37.5 ft. from the centerline of Demynck Road.

He explains a hardship is present, as the building envelope is reduced based on the size of the lot. He states there is a unique property limitation, due to the narrow ROW. He added also that the public interest and safety is not compromised.

Steve Schilz (Agent) is present and sworn in.
5704 Dixon Lane
Madison, WI 53716

Dione Boedeker (potential purchaser of property with Agent Steve Schilz) is present and sworn in.

5704 Dixon Lane
Madison, WI 53716

Constance Lindholm (Power of Attorney for William Hering) is present and sworn in.

9010 E Cooper Street
Tuscon, AZ 85710

Helen McDonald-Rawson asks if the agent have anything to add.

Constance Lindholm adds that she is only there for questions on what “was” there. Also adds that this proposal is vastly improving distance.

Alan Kaltenberg questions if the house that burnt down met right of way and centerline setbacks.

Andrew O’Brion answers that the house did, however, the garage and shed previously there, did not, also adding that it did not also meet the side yard setback.

Helen McDonald-Rawson questions if they plan on making any changes such as raingardens.

Steve Schilz states they are hooked up to municipal septic, but will have to put in well.

Alan Kaltenberg questions if this is shared well.

Constance Lindholm states it is not a shared well.

Dione Boekeder adds that purchasing this lot with Steve Schilz is contingent upon being granted this variance.

Helen McDonald-Rawson questions if mitigation is required for this proposal.

Andrew O’Brion states that as long as they keep in requirements for impervious surfaces and cannot go above number that was already there, they will be fine.

Roger Wetzel adds that he is familiar with this area and house. He states that this plan is compatible with neighboring area and houses. He adds that is it a good thing however that there is already a sewer in there because it’d be an issue if there wasn’t.

Randy Thompson states that the road has tighter lots and it is always a struggle to determine what is better, highway or water setbacks, or a happy medium. He adds that if a happy medium were to be decided upon for this

property, 2 variances instead of just 1 would be needed, so the water setback in this case is the most important. He states that the house size they decided on is not excessive for size of lot and area.

Helen McDonald-Rawson asks if anyone has any other questions or comments.

Helen McDonald-Rawson asks if the petitioners have anything to add.

Helen McDonald-Rawson asks if there are any questions.

Helen McDonald-Rawson asks if anyone is in favor of petition. (no comments)

Helen McDonald-Rawson asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file.

**Motion by Alan Kaltenberg to approve variance for
“Road Setbacks” as presented, including the findings of fact, conclusions,
decisions and conditions of the Staff Report.**

Seconded by Roger Wetzel.

Motion carried, unanimously.

**Alan Kaltenberg - Yes, Roger Wetzel - Yes, Helen McDonald-Rawson - Yes, Bill
Gretzinger – Yes, Bernie Spink – Yes.**

Motion carried, unanimously.

7. Close Public Hearing

Motion by Alan Kaltenberg to close public hearing.

Seconded by Bill Gretzinger.

Motion carried unanimously.

8. Approval of Minutes

**Motion by Alan Kaltenberg to approve Minutes of February 14, 2018 Board of
Adjustment Regular Meeting & Public Hearing.**

Seconded by Roger Wetzel.

Motion carried unanimously.

9. Adjourn

Motion by Bill Gretzinger to adjourn meeting.

Seconded by Bernie Spink.

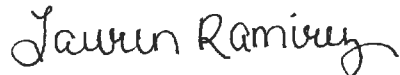
Motion carried unanimously.

Meeting adjourned at 3:31 PM.

Respectfully submitted,



William Gretzinger, Secretary
Board of Adjustment



Recording Secretary
Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members
County Clerk
Vern Gove, County Board Chair
Mary Cupery, County Board Vice Chair

