

**BOARD OF ADJUSTMENT MINUTES**  
**April 13, 2022**

PRESENT: Al Kaltenberg, Emmett O'Neill, Ralph Hemling, Pat Beghin, Craig Robson

STAFF: Lauren Ramirez – Office Administrator, Andy O'Brion – Zoning & Sanitary Specialist, Kenneth Thiele – Senior Zoning & Sanitary Specialist, Melissa Burkhardt – Zoning & Land Use Specialist

**12:00 PM**

1. Al Kaltenberg calls the meeting to order
2. Certification of Open Meeting Law
3. A roll call was taken and a quorum was declared present
4. View Site(s)
5. Recess

**3:00 PM**

6. Al Kaltenberg reconvened the meeting at 3:00
7. A roll call was taken and a quorum was declared present
8. Confirmation of Certification of Open Meeting Law
9. Approval of Agenda

**Motion by Pat Beghin to approve Agenda of April 13, 2022 Board of Adjustment Regular Meeting & Public Hearing.**  
**Seconded by Ralph Hemling.**  
**Motion carried unanimously.**

10. Minutes

**Motion by Ralph Hemling to approve Minutes of January 12, 2022 Board of Adjustment Regular Meeting.**  
**Seconded by Emmett O'Neill.**  
**Motion carried unanimously.**

11. Public Hearing

Pat Beghin reads in the Public Hearing Notice.

A roll call is taken and a quorum was declared present.

**Item I Variance Consideration – Parcel and Building Standards in Residential Districts, Minimum Required Setback for Front and Street Side Yards, and Rebuilding of Nonconforming Structures; Applicants: Christopher T Hoffmann – Town of Dekorra**

Ken Thiele reviews the Background, Town Recommendation, Analysis, Standards for Review, and Recommendation portion of the Staff Report on record.

Craig Robson asks if this is indeed, an issue between the Zoning Code and Shoreland Code.

Ken Thiele explains that yes, since they say 2 different things.

Chris Hoffmann (applicant) is present and sworn in.  
1411 W Somerset Lane  
Shaumburg, IL

Chris Hoffmann states that this is his family's property that was bought in the 60's, and has been passed down to him. He states that his mom is still around and wishes to make more room for her.

Chris Hoffmann states that he has emails from neighbors across the street, lot to the north, and house to the south, in favor of this request. He passes around the emails that he brought printed.

Alan Kaltenberg asks if there are any other questions.

Alan Kaltenberg asks if anyone is in favor of the petition. (no comments)

Alan Kaltenberg asks if anyone is against the petition. (no comments)

Alan Kaltenberg asks if there is anyone else wishing to speak.

Al Kaltenberg asks about conflict between the 2 ordinances.

Ken Thiele states it is a conflict for nonconforming structures.

Al Kaltenberg asks if this is, then, a nonconforming issue.

Ken Thiele states that is correct.

Tomas Toro-Santos (Grothman & Associates) states he is the engineer that is working on plans. He states that the house will be a little over 28 feet in height, not close to the 35 feet.

Craig Robson states he believes this request meets the 3 Standards for Review. He states that there is an unnecessary hardship – the issue between the 2 requirements the 2 ordinances states, a unique property limitation – caused by the setbacks, and there is no threat to the public safety issue. He states he would be willing to offer a variance based on those 3 reasons.

**Motion by Craig Robson to approve variance for**

**“Parcel and Building Standards in Residential Districts”, “Minimum Required Setback for Front and Street Side Yards”, and “Rebuilding of Nonconforming Structures” as presented, including the Findings of Fact, Conclusions of Law, Decision, and Conditions of the Staff Report.**

**Seconded by Ralph Hemling.**

**Motion carried unanimously.**

**Emmett O’Neill – Yes, Pat Beghin – Yes, Al Kaltenberg – Yes, Ralph Hemling – Yes, Craig Robson – Yes**

**Motion carried unanimously.**

**Item II Variance Consideration – Parcel and Building Standards in Residential Districts; Applicants: Jon M Hermes & Jennifer J Hermes – Town of Lodi**

Andy O’Brion reviews the Background, Town Recommendation, Analysis, Standards for Review, and Recommendation portion of the Staff Report on record.

Jon Hermes (applicant) is present and sworn in.

6 Grenadier Ct

Lincolnshire, IL

Jon Hermes states the reason he is here is because his deck needs to be repaired. He states the retaining wall needs to be replaced first, along with other repairs and changes to the deck. He adds there’s a lot of concrete he will be eliminating, and all of this, in turn, will improve vegetation and restoration of the area.

Alan Kaltenberg asks if there are any other questions.

Alan Kaltenberg asks if anyone is in favor of the petition. (no comments)

Alan Kaltenberg asks if anyone is against the petition. (no comments)

Alan Kaltenberg asks if there is anyone else wishing to speak.

Emmett O’Neill states there’s conflict between Shoreland and Zoning requirements. He states there’s an unnecessary hardship with that, and adds the deck will also not be of danger to the public safety. He adds that the deck conforms to the others in the area, and so there’s a unique property limitation. He states that he believes this will be an improvement.

Ralph Hemling states he agrees.

Craig Robson states he agrees as well.

**Motion by Emmett O’Neill to approve variance for**

**“Parcel and Building Standards in Residential Districts” as presented, including the Findings of Fact, Conclusions of Law, Decision, and Conditions of the Staff Report.**

**Seconded by Craig Robson.**

**Motion carried unanimously.**

**Emmett O’Neill – Yes, Pat Beghin – Yes, Al Kaltenberg – Yes, Ralph Hemling – Yes, Craig Robson – Yes**

**Item III Variance Consideration – Minimum Required Setback for Rear Yard; Applicants: Elizabeth R Hinkley Living Trust Dtd 2/26/2003, and James W Hinkley – Town of Pacific**

Melissa Burkhardt reviews the Background, Town Recommendation, Analysis, Standards for Review, and Recommendation portion of the Staff Report on record.

James W Hinkley (applicant) is present and sworn in.  
1729 Ashland Avenue  
St. Paul, MN

James Hinkley adds the other issues he’s been having, such as failed windows, allowing water to get in and cause rot. He states he added sliding glass door. He states the neighbors on both sides have decks as well. He states that with respect to the hardship and unique property limitation, getting older, and dealing with cancer, the stairs are hard to navigate. He adds that the town motto “living in nature”, is what he wants to do.

Karen Dame (applicant’s wife) is present and sworn in.  
1729 Ashland Avenue  
St. Paul, MN

Karen Dame states that she’s not sure if they all visited site, but they don’t have south neighbors, and they just want to put up a deck.

Pat Beghin asks who owns promenade.

Ken Thiele states that they’ve been a topic of discussion in our office, in relation to the issues that arise with multiple owners.

Alan Kaltenberg asks if there are any other questions.

Alan Kaltenberg asks if anyone is in favor of the petition.

James Watson is present and sworn in.  
N7581 North Shore Drive  
Portage, WI

James Watson states he has a house he owns with his sisters around the block. He reviews the history of the promenade, stating it was originally a gentleman's agreement, and it was put in writing when a judge needed extra land to put his home on, but didn't want anyone else to have this. For \$1.00, rights were granted to everyone for lake access in the subdivision. He states now those even 3 rows back are still paying higher taxes for this.

James Watson adds that Mr. Hinkley only wants to do what all neighbors in area do already- have a deck. He states that all the other houses have decks within the 25 foot setback, and 16 of the homes are more than 25 feet, and even some have houses within that. He states this is equalivant to putting new regulations on old 1920's houses.

Dorothy Rebholz is present and sworn in.  
N7530 North Shore Drive  
Portage, WI

Dorothy Rebholz states she wishes to reiterate what Mr. Watson said, adding that everyone but 2 or 3 homes have decks within the same area that Mr. Hinkley wants to. She states she is in favor of the request.

Steve Pate is present and sworn in.  
N6838 Boyd Road  
Pardeeville, WI

Steve Pate (Town of Pacific Plan Commission member) states life is about quality of life- within reason, and we should do everything we should to do that. He states that it's important to be able to watch grandkids, or visit with neighbor, with ease of access to do this. He states that he supports this endeavor.

Steve Pate adds that he did not vote at Town regarding this, as he was deemed biased by the Town.

Alan Kaltenberg asks if anyone else is in favor of the petition. (no comments)

Alan Kaltenberg asks if anyone is against the petition. (no comments)

Alan Kaltenberg asks if there is anyone else wishing to speak.

Craig Robson states that he believes it's in the protection of the public interest, and there's a unique property limitation; however, he was unsure about the unnecessary hardship. He adds that he'd make the case of that with the ambiguity of the promenade, the interest of the promenade. He believes that this deck should be allowed.

Ralph Hemling states that he agrees, and finding the unnecessary hardship was the question about this one. He adds that with Craig Robson's interpretation of that with regards to the promenade, he too, agrees.

Emmett O'Neill states he agrees as well that the promenade is an unnecessary hardship.

Al Kaltenberg adds he is in agreement of this, and it creates a hardship for the county as well, as the ownership is unknown.

**Motion by Craig Robson to approve variance for  
"Minimum Required Setback for Rear Yard" as presented, including the  
Findings of Fact, Conclusions of Law, Decision, and Conditions of the  
Staff Report.**

**Seconded by Pat Beghin.**

**Motion carried unanimously.**

**Emmett O'Neill – Yes, Pat Beghin – Yes, Al Kaltenberg – Yes, Ralph  
Hemling – Yes, Craig Robson – Yes**

**Item IV Variance Consideration – Parcel and Building Standards in Commercial and Industrial Districts; Applicants: Noor Investments LLC – Town of Caledonia**

Ken Thiele reviews the Background, Town Recommendation, Analysis, Standards for Review, and Recommendation portion of the Staff Report on record.

Zach Asleson (applicant) is present and sworn in.  
916 Silver Lake Drive  
Portage, WI

Zach Asleson reviews setbacks, and plans for this project prior to him even being on the case. He states they now need extra space for traffic, and they are offsetting this with restoring 4100 sq ft.

Ken Thiele states the pond there was man-made.

Al Kaltenberg states he believes there's a unique property limitation with the man-made lake and wetlands. He asks if this would be considered wetlands without the lake.

Pat Beghin states that considering the fill for the overpass, that was done for the roadway, there's no way to know if it was wetland before.

Alan Kaltenberg asks if there are any other questions.

Alan Kaltenberg asks if anyone is in favor of the petition. (no comments)

Alan Kaltenberg asks if anyone is against the petition. (no comments)

Alan Kaltenberg asks if there is anyone else wishing to speak.

**Motion by Al Kaltenberg to approve variance for “Parcel and Building Standards in Commercial and Industrial Districts”, as presented, including the findings of fact, conclusions, decisions and conditions of the Staff Report.**

**Seconded by Ralph Hemling.**

**Motion carried unanimously.**

**Emmett O’Neill – Yes, Pat Beghin – Yes, Al Kaltenberg – Yes, Ralph Hemling – Yes, Craig Robson – Yes**

12. Adjourn

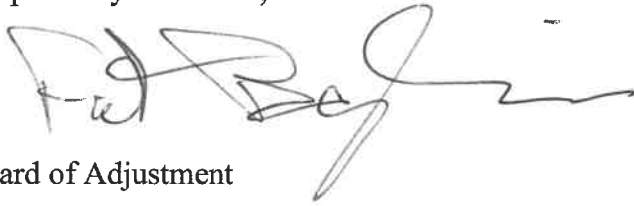
**Motion by Pat Beghin to adjourn meeting.**

**Seconded by Emmett O’Neill.**

**Motion carried unanimously.**

Meeting adjourned at 4:19 PM.

Respectfully submitted,



Board of Adjustment



Recording Secretary

Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members  
County Clerk  
County Board Chair

