

**BOARD OF ADJUSTMENT MINUTES  
AUGUST 8, 2018**

PRESENT: Helen McDonald Rawson, Pat Beghin, Alan Kaltenberg,  
William Gretzinger

ABSENT: Bernard Spink

STAFF: Lauren Ramirez – Office Administrator, Kurt Calkins –  
Director of Planning & Zoning

OTHERS PRESENT: Kevin Kessler – Town of West Point Plan Commission  
Chair

**1:00 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. Election of Vice Chair

**Motion by Bill Gretzinger to elect Alan Kaltenberg as  
Board of Adjustment Vice Chair.  
Seconded by Pat Beghin.  
Motion carried unanimously.**

6. Approval of Agenda

**Motion by Alan Kaltenberg to approve Agenda of August 8, 2018 Board of  
Adjustment Regular Meeting & Public Hearing.  
Seconded by Pat Beghin.  
Motion carried unanimously.**

7. Approval of Minutes

**Motion by Alan Kaltenberg to approve Minutes of July 11, 2018 Board of  
Adjustment Regular Meeting & Public Hearing.  
Seconded by Bill Gretzinger.  
Motion carried unanimously.**

8. Public Hearing

**Item I Variance Consideration – Rear Yard Setbacks, James Fanning, Agent &  
Fanning Family Trust, Owner – Town of Lodi**

Helen McDonald Rawson opens the public hearing.

James Fanning is present and sworn in.  
1773 Caxton Drive  
Wheaton, IL 60189

Kurt Calkins presents the Staff Report prepared by Zoning & Sanitary Specialist Kenneth Thiele, who is not here due to approved leave. He reports that the property contains a single family residence with an attached deck, a detached garage and a shed. The existing residence is 73 feet from the centerline of Clar-Mar Drive or 46 feet from the right of way, 40 feet from the east side property line, 18 feet from the rear or south side property line and 74 feet from the Ordinary High Water Mark (OHWM) of Lake Wisconsin or west side property line. The applicant is proposing a 14 ft. x 16 ft. addition to the existing residence. This addition is proposed to be 90 feet from the centerline of Clar-Mar Drive or 66 feet from the right of way, 40 feet from the east side property line, 18 feet from the south side or rear property line and 108 feet from the OHWM. The applicants are seeking a 7 foot variance to the rear property line setback.

Kurt Calkins explains that when the comprehensive revision of the Zoning Ordinance was completed, it changed the interpretation of the property setbacks. An addition in the desired location cannot be completed without moving the house, which would be unnecessary hardship. He explains that there are no unique property limitations and that the approval of this variance would not have a severe impact on the public safety. He adds that the town has met and has recommended approval of this request.

Helen McDonald Rawson asks if there was anything else to add.

James Fanning adds that the house has been there for 45 years. Since then, he explains, the required street to measure to has changed. He states that if it were still the old way, he wouldn't need a variance. He explains that he started this project in 2000, but now just getting around to finishing it and during that time, the requirement changed.

Helen McDonald Rawson questions if any other parties would like to speak.

Helen McDonald Rawson closes the public hearing.

Helen McDonald Rawson is opening now for discussion and deliberation.

Alan Kaltenberg stated that when the requirements were changing, a discussion regarding this exact issue came up, and they noted that they'd take these cases 1 by 1.

**Motion by Pat Beghin to approve variance for  
"Rear Yard Setbacks" as presented, including the findings of fact, conclusions,  
decisions and conditions of the Staff Report.**

**Seconded by Alan Kaltenberg.**

**Motion carried, unanimously.**

**Pat Beghin- Yes, Alan Kaltenberg- Yes, Helen McDonald Rawson- Yes, Bill Gretzinger- Yes.**

**Item II Variance Consideration – Road Setbacks, Mark De Clute, Owners and MWD Income Trust, Applicant – Town of West Point**

Mark De Clute is present and sworn in.

745 Squirrel Lane

Marathon, WI 54448

Justin Kane is present and sworn in.

530 Park Avenue

Prairie du Sac, WI

Kurt Calkins presents the Staff Report prepared by Zoning & Sanitary Specialist Kenneth Thiele, who is not here due to approved leave. He explains that the subject property contains a single family residence and a detached garage. The existing 22 ft. x 24 ft. garage is 66 feet from the centerline of Trails End Road and 32 feet from the right of way, 65 feet from the north side property line, 12 feet from the south property line and 72 feet from the Ordinary High Water Mark (OHWM) of Lake Wisconsin. The applicant is proposing to replace the existing garage with a new garage that is 32 ft. x 31 ft. and would be 58 feet from the centerline of Trails End Road and 24 feet from the right of way, 58 feet from the north side property line, 10 feet from the south side property line and 75 feet from the OHWM. Because the proposed building lot coverage would increase the impervious surfaces by 3.87%, the applicant is proposing a rain garden as well for mitigation. The applicant is seeking a 5 foot variance for the setback to the centerline of the road and a 6 foot variance to the road right of way.

Kurt Calkins explains that the existing non-conforming structure could be replaced with the issuance of a zoning permit for a new structure in the exact same location and dimensions of the existing garage. A new garage could be constructed that would meet all requirements of both the Shoreland-Wetland Protection Ordinance and the General Zoning Ordinance.

Kurt Calkins notes that there is no unnecessary hardship present or unique property limitations that would prevent the new or replacement garage to meet all required setbacks. The approval of the variance would however not have a severe impact have on the public safety. He adds that the town has met and is not in favor of approving this variance.

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

Mark De Clute adds that he has owned this house since 1991. He will be retiring soon and wants to live there full time with his soon-to-be wife. He explains they need the space for all the storage they have separate, soon to be together. He states that the garage could be built without a variance, but that would not give him the space he needs, so he wants this garage as large and deep as possible.

Justin Kane adds that Mr. De Clute is soon to be a full time member of the community and this space requested would allow him to have motivation to stay here long term, and use the space the way he needs.

Helen McDonald Rawson questions if any other parties would like to speak.

Helen McDonald Rawson closes the public hearing.

Helen McDonald Rawson is opening now for discussion and deliberation.

Kevin Kessler is present and sworn in.  
N2326 Trails End Road  
Lodi, WI 53555

Kevin Kessler explains his titles and involvement within the town and county, and states he is here today as the Town of West Point Plan Commission Chair. He further explains that he lives on this same road as this variance is being requested and welcomes these petitioners to the area.

Kevin Kessler reports that the Plan Commission first had a meeting prior to the Public Hearing, so there was no motion. He states that at this meeting, they were in general disagreement with the request based on 3 factors. These factors include the documentation that states there is no hardship, there is an alternative to allow this to be in compliance, and the Staff Report recommending against variance.

He further explains that there was a Plan Commission public hearing after this on June 12. There, he reports that neither the petitioner, nor anyone representing the petitioner, showed up to the meeting. He states this led the Plan Commission to a denial vote.

Kevin Kessler adds he is just reporting on the actions, yet wants to welcome the De Clutes to the neighborhood.

Justin Kane states that he did apply for the variance, and at the initial meeting that he was present at, Kevin Kessler alluded that there was no need to proceed with this request, as it will be denied. So due to that conversation, he states that he chose not to attend, yet, had he known there was a possibility, he would have been there. He also adds that he finds it odd that he lives on the same street as the De Clutes, but is still representing the town on it.

Kevin Kessler affirms that this is not true that he indicated verbally that the variance would be recommended for disapproval. Instead, he states that he certainly indicated skepticism and told him that it didn't look good, yet made it clear they had the rights to proceed- especially since the fee had already been paid to the town. He clarifies that prior to the public hearing they do not pre-judge outcomes, and he did not indicate that it was not or would not, be approved.

Justin Kane states that Kevin Kessler's exact words were: "You should ask for your money back."

Kevin Kessler states that this is not a debate. He reaffirms he only indicated there was skepticism and he did suggest them getting application fee back, but it was not an instruction or request.

Mark De Clute explains he was unable to attend meeting due to work scheduling.

Kevin Kessler explains that the public hearing notices went certified in the mail ahead of time.

Mark De Clute states he was not aware of procedure.

Alan Kaltenberg states that given the information that there is already a garage, and this one could meet setbacks, there are concerns. He adds that parking along street can be issue also.

Helen McDonald Rawson adds that the road is narrow.

Alan Kaltenberg questions setbacks for holding tank.

Justin Kane states that he thinks it is 10 ft. from house and 5 ft. from accessory structure.

Mark De Clute states that he did not even consider parking as an issue, as any time he has been there, it's never come up as a concern. He adds they aren't party people and parking on his property is not restrictive.

Helen McDonald Rawson states that snowplows are also a tight squeeze on that road anyways due to the narrowness. She states that in the past, these part time cabins have never had problems because they were only occupied part of the year so these concerns when building were not brought up. Now, she adds, the areas have been changing to accommodate full time residences.

Justin Kane states that the extra space in this proposed structure would accommodate parking for cars to clear up road parking. Also he points out that in the Staff Report, no public safety hazard noted.

Kevin Kessler adds that his personal perspective as a resident of the same area, is that he emphasizes with the resident for extra storage space. He states this is a premium if you have it and live on the lake. He also emphasizes for wanting a variance, as he himself has a legal non-conforming garage that was built prior to him purchasing the property. He also adds that at the public hearings for the town, they mail notices within 500 feet and no neighbors came in against proposal. Yet, the question comes up of the legality of the request and approval. The final matter is that he does not meet the criteria for having a hardship.

Helen McDonald Rawson asks if anyone else has anything to add.

Bill Gretzinger asks the petitioners if they can build this a different way, such as up.

Justin Kane explains that he can still expand footprint within setbacks as he understands.

Kevin Kessler states that another option may be to join house and garage.

Justin Kane clarifies that this would create more issues, and can't go back with the ordinary high water mark, but could go closer to house if meeting setbacks.

**Motion by Pat Beghin to deny variance for  
"Rear Yard Setbacks" as presented, including the findings of fact,  
conclusions, decisions and conditions of the Staff Report due to hardship  
requirement not met.**

**Seconded by Alan Kaltenberg adding also due to possibility of rebuilding  
meeting setbacks and standards.**

**Motion carried, unanimously.**

**Pat Beghin- Yes, Alan Kaltenberg- Yes, Helen McDonald Rawson- Yes, Bill  
Gretzinger- Yes.**

9. Close Public Hearing

**Motion by Pat Beghin to close public hearing.**

**Seconded by Bill Gretzinger.**

**Motion carried unanimously.**

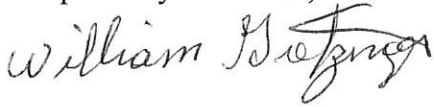
10. Adjourn Meeting

**Motion by Alan Kaltenberg to adjourn meeting.**

**Seconded by Pat Beghin.  
Motion carried unanimously.**

Meeting adjourned at 3:54 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  
Dan Drews, County Board Vice Chair

