

**BOARD OF ADJUSTMENT MINUTES
AUGUST 9, 2017**

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

STAFF: Randy Thompson – Planning & Zoning Administrator
Kenneth Thiele – Zoning & Sanitary Specialist
Renee Pulver-Johnson – Land Use Specialist
Lauren Ramirez – Office Administrator

ALSO PRESENT: Sandy Smith – Town of Dekorra Supervisor

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. Approval of Agenda
6. Public Hearing

Item I Variance Consideration – Highway Setback; Todd & Christine Graap, Petitioners and Owners – Town of Newport

Kenneth Thiele reviewed the Staff Report. He explained the Graap's property contains currently a single family residence, a pole shed and a car port. The residence is currently a non-conforming structure and 6 ft. from the Right of Way, the car port is entirely within the right of way with no zoning permit issued, and the pole shed is partially in the ROW. The applicant would like to construct a screen porch on the residence. The owners are requesting a variance to the ROW setback for the existing residence and the addition of the screen porch, as well as a variance to the ROW setback for the car port.

Christine Graap – (Owner & Applicant) was present and sworn in.
W14573 State Highway 16
Wisconsin Dells, WI

Todd Graap – (Owner & Applicant) was present and sworn in.
W14573 State Highway 16
Wisconsin Dells, WI

Helen McDonald-Rawson asked if the Petitioner has anything to add.

Christine Graap explained they hired a contractor to help and thought he was taking care of everything, however he made mistakes.

Helen McDonald-Rawson asked board members have any questions.

Roger Wetzel questioned if they've heard any input from neighbors or the Town.

Todd Graap replied nothing negative from neighbors and Town did not give recommendation.

Kenneth Thiele explained not all Towns wish to make recommendations, Newport being one of them.

Christine Graap stated she tried calling Newport Town Chair Mat Brunn, left him a voice message and did not get a response.

Randy Thompson pointed out that the variance today is not to keep car port at current location, but to put at different spot, which is in line with house at the end of the garage, but still needing a variance, due to lack of available locations that meet setbacks.

Bernard Spink stated the car port in the ROW is a concern. He asked if moving the tank could be an option, to then move the car port in different location, as the tank is also in the way of finding a suitable spot that meets setbacks for the car port, and cannot meet setbacks at any location, unless this was done.

Alan Kaltenberg questioned age of tank and if they were planning to move it or update it in the future anyways.

Kenneth Thiele responded it was installed in 1979 and normal life expectancy of septic is 20-30 years. He explained that if the septic tank were moved, a compliant spot could most likely be found, however, since it is still working property, there is no reason to condemn them to do this.

Christine and Todd Graap both stated they would consider this option if needed, or in future if/when system fails.

Kenneth Thiele stated it was not necessary to require them to pursue this option at this time due to the system currently working with no issues.

Bernard Spink agreed. He stated that the tank could last a week more or 15 years more.

Alan Kaltenberg expressed concerns of the failure of the contractor for building knowingly with no permits, and need for repercussions.

Todd Graap agreed and stated they currently have an attorney and are going through process. They asked him on numerous occasions about permits and he

stated he was taking care of them. Then after the point of no return when they were told they'd need a variance, he still said he was going to keep going.

Christine Graap added she has emails showing proof as well. She also stated that she asked him to come to this meeting today and he would not.

Alan Kaltenberg asked staff if there's anything we can do about contractors who start work without permits.

Kenneth Thiele stated we can site the contractor in these situations, however it is not done often because it is hard to pin on them. He added that he can ask Director of Planning and Zoning, John Bluemke, to do this.

Alan Kaltenberg urged Kenneth Thiele to do this, and Kenneth Thiele agreed he would present this recommendation to John Bluemke.

Helen McDonald-Rawson asked if anyone is in favor petition (no comments)

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

Town Board not present, no Minutes on file.

**Motion by Alan Kaltenberg to approve variance for
"Highway Setback" to move car port to be 5 ft. in the Right of Way as presented
including the findings of fact, conclusions, decisions
and conditions of the Staff Report.**

Seconded by Roger Wetzel.

Motion carried, unanimously.

**William Gretzinger – Yes, Roger Wetzel – Yes, Alan Kaltenberg – Yes,
Helen McDonald-Rawson – Yes, Bernard Spink – Yes**

**Motion by Roger Wetzel to approve variance for
"Highway Setback" to construct screen porch as presented including the
findings of fact, conclusions, decisions and conditions of the Staff Report.**

Seconded by Bernard Spink.

Motion carried, unanimously.

**William Gretzinger – Yes, Roger Wetzel – Yes, Alan Kaltenberg – No,
Helen McDonald-Rawson – Yes, Bernard Spink – Yes**

At 3:33 Kenneth Thiele excused himself from meeting.

**Item II Variance Consideration – Highway Setback; Michael Swaine & Stacey
Chamberlain, Petitioners and Owners – Town of Dekorra**

Renee Pulver-Johnson reviewed Staff Report. She explained the property had a single family residence that was torn down and now contains a single-family residence that was permitted in January 2017, and a boathouse permitted in November 2016. The property owners are requesting a variance to construct a

detached garage that would be located 11 ft. from the right of way and 45 ft. from the centerline. The Town Plan Commission recommended denial of the variance on June 22, 2017.

Randy Thompson presented 2 emails the Planning & Zoning Department received in opposition of the requested variance to be on the record.

Helen McDonald-Rawson read an email of disapproval for the variance and complaint regarding the shared driveway destruction and runoff issue from neighbor:

Russ Hellenbrand
N3627 Tipperary Road
Poynette, WI 53955

William Gretzinger read an email of disapproval from the Town of Dekorra Town Board.

Stacey Chamberlain
N3611 Tipperary Road
Poynette, WI 53955

Helen McDonald-Rawson asked if petitioner has anything to add.

Stacey Chamberlain stated that this is the first she is hearing about Mr. Hellenbrand's disapproval. She has been in communication with him regarding all issues he presented, and has been reassuring him they will get resolved once construction is complete. She stated she is confused about runoff issue, as she cannot change the slope of the driveway.

Helen McDonald-Rawson reviewed recommendation from Russ Hellenbrand to peak driveway to fix runoff issue.

Stacey Chamberlain added that the Town's Plan Commission meeting disapproval was because they stated it was a self-imposed hardship, and she has to respectfully disagree. The place recommended that meets setbacks, also has slope and would not be suitable there either. Along with that, it would require fill and retaining wall, which costs more money as well, and neighbor has deck to west of that, that they would be in the way of their view. She concluded that this area would not be suitable for many reasons, one being not in the public interest.

Stacey Chamberlain also stated the Plan Commission told her they'd be sending recommendation to Town Board, but was not on the meeting then afterwards, yet was on the next meeting, which was last night.

Renee Pulver-Johnson explained Planning & Zoning process, that we send application to Town and give 60 days to hear a recommendation back. Either way, Town input is only a recommendation to the Board of Adjustment. If

Plan Commission recommended denial, it may not have needed to proceed to Town Board. Since we heard back from Plan Commission recommending denial, we went with that recommendation, and if they met last night, that is also past the 60 day requirement.

Randy Thompson also explained we do like Town's input, as they are the ones located around subject property.

Helen McDonald-Rawson asked if petitioner has any further questions or comments.

Stacey Chamberlain stated she'd just like to reiterate she does not think the option suggested that would meet setbacks would be in public interest, and she does believe she has a unique property limitation due to slope, and hardship if she moved it down the slope.

Helen McDonald-Rawson asked if anyone has any further questions or comments.

Alan Kaltenberg stated that the requested variance is 11 ft. from the road, and that is pretty close and a concern if the retaining wall collapsed, and the damage that would have.

Roger Wetzel reviewed graph showing proposed location that would meet setbacks.

Sandy Smith (Town of Dekorra Plan Commission and Town Board, was present and sworn in)
W8968 Bilkie Road
Poynette, WI 53955

Sandy Smith clarifies that when there is a recommended denial from the Town Plan Commission, the proposal is halted at that time and generally not forwarded to Town Board, due to that denial.

Sandy Smith questioned if we receive an email from Gary Leatherberry, Town of Dekorra Plan Commission and Town Board.

Randy Thompson answered we did not receive that.

Sandy Smith explained this is a self-imposed hardship due to the fact that they started building their house, knowing they would need a variance for this detached garage if they chose to build it.

Helen McDonald-Rawson asked if anyone has any questions or comments.
(no comments)

Helen McDonald-Rawson asked if anyone is in favor petition (no comments)

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

Sandy Smith acknowledged she is opposed to petition.

Roger Wetzel questioned if original plans for house showed need for variance.

Stacey Chamberlain answered that there were several versions of the house and house with detached garage.

Roger Wetzel asked when it was decided to move the garage to a non-compliant location.

Stacey Chamberlain stated that the architect drew up the design not knowing that a variance would be needed, which was submitted to the County. This was all before they had started building. At that point when they found out it was not in a compliant location, they took it off the design because of cost as well, and proceeded to get permit for house without garage.

Renee Pulver-Johnson explained she informed them when they submitted with non-compliant garage that they can either remove the garage from the plans, and she can issue the permit for the house with intent to try to get variance when ready to build it, or they can keep it in the plans and ask for variance and if granted, get permit for both at same time. She stated they chose the first option.

Bernard Spink questioned other garages on same road, if locations are generally closer to road.

Randy Thompson stated yes, they are, but that was due to acceptable averaging setbacks that was done in past, which is not done anymore.

Stacey Chamberlain reiterated the proposed garage would be in line with the house and with neighbor's garages.

Sandy Smith stated that if a variance had been requested for an existing residence, that would be more acceptable, as it would not be self-imposed then.

Stacey Chamberlain responded that this is not a self-imposed hardship, as the entire lot slopes and no matter the location, it is an issue.

**Motion by Alan Kaltenberg to deny variance for "Highway Setback" as presented, adding no that there is no hardship if variance is not issued, and there is a public safety issue putting the garage in the proposed location in relation to the road, findings of fact, conclusions, decisions and conditions of the Staff Report.
Seconded by Bernard Spink.**

**Motion carried, not unanimously.
William Gretzinger – Yes, Roger Wetzel – No, Alan Kaltenberg – Yes,
Helen McDonald-Rawson – Yes, Bernard Spink – Yes**

7. Close Public Hearing

**Motion by Alan Kaltenberg to close public hearing.
Seconded by Bernard Spink.
Motion carried unanimously.**

8. Approval of Minutes

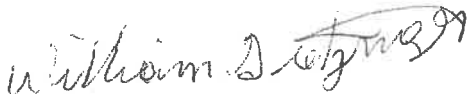
**Motion by Bernard Spink to approve Minutes of June 14, 2017
Board of Adjustment Regular Meeting & Public Hearing.
Seconded by Alan Kaltenberg.
Motion carried unanimously.**

9. Adjourn

**Motion by Roger Wetzel to adjourn meeting.
Seconded by Alan Kaltenberg.
Motion carried unanimously.**

Meeting adjourned at 4:50 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

