

**BOARD OF ADJUSTMENT MINUTES  
DECEMBER 13, 2023**

PRESENT: Al Kaltenberg, Craig Robson, Ralph Hemling, Charlie Kirk

STAFF: Kurt Calkins – Director of Planning & Zoning, Lauren Ramirez – Office Administrator, Kenneth Thiele – Senior Zoning & Sanitary Specialist

OTHERS PRESENT:

**1:30 PM**

1. Call to Order

Al Kaltenberg calls the meeting to order.

2. Certification of Open Meeting Law

3. Roll Call

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

4. View Site(s)

5. Recess

**3:00 PM**

6. Reconvene Meeting

Al Kaltenberg reconvenes the meeting at 3:00.

7. Confirmation of Certification of Open Meeting Law

Craig Robson reads the Public Hearing Notice into the record.

8. Roll Call

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

9. Approval of Agenda

**Motion by Ralph Hemling to approve Agenda of December 13, 2023 Board of Adjustment  
Regular Meeting & Public Hearing.  
Seconded by Charlie Kirk.  
Motion carried unanimously.**

10. Approval of Previous Meeting Minutes

**Motion by Craig Robson to approve Minutes of August 9, 2023 Board of Adjustment  
Regular Meeting & Public Hearing.  
Seconded by Ralph Hemling.  
Motion carried unanimously.**

## 11. Public Hearings

**Item I Variance Consideration – Parcel and Building Standards in Residential Zoning Districts;  
Applicant: Julia P Thiele – Town of West Point**

Al Kaltenberg opens the public hearing.

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

Julia Thiele, Applicant, is present and sworn in.  
W13236 Lake Drive  
Poynette, WI

Julia Thiele states for the record, firstly, that this is for her, and also for the neighbor's benefit. The neighbors were also present at the town's meeting in support of request. Secondly, her husband passed last year, who had disability. He installed this and walls hadn't got up, and she didn't know her husband didn't get permits. As for hardship, she explains that it's an eyesore, it's unsafe the way it's left at the moment, and it lessens property value. She states that it doesn't make sense the way it is, and it is the same thing that was there prior, but different material. It can be useful as storage.

Ken Thiele clarifies that the retaining wall that was constructed, didn't need permits, but as she is requesting storage and to build with this, that does require permits.

Al Kaltenberg asks if there are any other questions.

Al Kaltenberg asks if anyone is in favor of the request.

Daniel Thiele is present and sworn in.  
N3545 Tipperary Road  
Poynette, WI

Daniel Thiele was present and states he is the Applicant's late husband's twin brother. He states he is in favor of request.

Al Kaltenberg asks is anyone else is in favor of the request. (no comments)

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

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

Al Kaltenberg closes the public hearing and opens up Board of Adjustment Discussion and Deliberation.

Craig Robson states he believes there's no concern for public safety, and he believes there's a unique property limitation due to placement of previous retaining wall, so the location was limited. He states he is unsure if there's an unnecessary hardship.

Charlie Kirk adds that the new construction repairing the retaining wall, he understands construction servicing the same purpose as old one. He states that the new one they put anchors in though, and that would be for the purpose of putting an addition on top of that. He states he's unsure where there's a hardship.

Ralph Hemling questions the structural integrity of putting structure on top.

Applicant confirmed that yes, it is good.

Ralph Hemling states he agrees with Craig and Charlie, that they meet 2 of 3 requirements, and the hardship part he's unsure about.

Julia Thiele asks if she can speak, and with permission, states that prior to this, she was not involved in any of these decisions with her late husband. She states she is unsure if she could say husband left the hardship. She adds that it's a public safety hazard, and not something she created, and she requests that they consider this, and she's trying to make the best of this. She adds that this is not how she would have done it, and that's a hardship. Also she states that she's doing this post-mortem, and either way she's going to have to spend money on this, whether to get nothing of this, or getting the storage approved.

Ken Thiele states that if her late husband were still here, that he would have possibly had an ADA exemption.

Al Kaltenberg states that he sees that as a hardship- that he did the retaining wall to help with his problems, and now that created a hardship as well.

Craig Robson states that he thinks it's fair and sensible what she wants to do, putting structure up on retaining wall. He states Al may have point that an argument could be made that the unnecessary hardship is it's presence because project was started and left undone, and that puts her in a bind.

Charlie Kirk states that he agrees in a sense of what they are going through, but as for hardship, he doesn't see it. When replacing retaining wall, instead of making horseshoes shape, they could have not done a 3-sided wall. The structure was there, replaced to put structure on top, and he doesn't see hardship now.

Ken Thiele states that yes, he could have done retaining wall different, and he does not recall or have notes of property owner coming into office to discuss.

Charlie Kirk adds that also when replacing retaining wall, the anchors weren't in previous wall, but they are now.

**Motion by Al Kaltenberg to approve the variance for "Parcel and Building Standards in Residential Zoning Districts", as presented, including the Findings of Fact, Conclusions of Law, Decision, and Conditions of the Staff Report.**

**Seconded by Craig Robson.**

**Craig Robson – Yes, Al Kaltenberg – Yes, Ralph Hemling – Yes, Charlie Kirk – No.**

**Motion carried non-unanimously.**

Al Kaltenberg states Unnecessary Hardship is present due to project starting under ADA and would have been permitted, Unique Property Limitation is present, and Protection of the Public Interest is not an issue.

**Item II Variance Consideration – Parcel and Building Standards in Residential Zoning Districts, Minimum Required Setback for Front and Street Side Yards, and Expansions and Repairs of Nonconforming Structures; Applicants: Daniel J Thiele & Teresa M Thiele – Town of Dekorra**

Al Kaltenberg opens the public hearing.

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

Daniel Thiele, Applicant, was present and sworn in.  
N3545 Tipperary Road  
Poynette, WI

Daniel Thiele discusses hardship and history, with his house burning down. He states they had to gut it and decide to rebuild. At that time, he got builder Dean Smith involved, and wanted to make house wheelchair accessible. He believes that moving the deck to where they want, will also bring it further away from the water and neighbor's view of the water. He presents and turns in documents that include letter from neighbor Marilyn Gerdes – N3541 Tipperary Road, Poynette, WI, who is in favor of request, and Bruce and Christina Martin-Wright – N3557 Tipperary Road, Poynette, WI, who is also in favor of request. He adds that a hardship is the setbacks are really close- and there's a benefit to moving the deck, for themselves and the neighbors.

Al Kaltenberg asks if anyone has any questions.

Craig Robson has questions of deck location – if it will be in-line with garage.

Dean Smith, Builder, is present and sworn in.  
N3758 Tipperary Road  
Poynette, WI

Dean Smith clarifies that deck will be 1 foot short from garage. He explains this construction will be to make home wheelchair accessible.

Ken Thiele explains that the actual deck is a foot short of it. There's an allowance in the ordinance for stairways, but they are already seeking variance request, so this is easier and cleaner to ask for stairs and ramp now, to go with deck at the same time.

Craig Robson has questions about how far from property line this will be – 2 feet?

Ken Thiele explains yes the stairs and that platform. He also explains that there will be a CSM to combine lots, and a foundation survey to verify where structures lie.

There was a question about the site plan – there's 2 different ones.

Dean Smith clarified which one is correct.

Ken Thiele states that Exhibit B will need to be amended in Decision. Exhibit B should have 8x5 for both landings, rather than 8x8 currently listed.

Al Kaltenberg asks if there are any other questions.

Al Kaltenberg asks if anyone is in favor of the request. (no comments)

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

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

Al Kaltenberg closes the public hearing and opens up Board of Adjustment Discussion and Deliberation.

Al Kaltenberg states that he believes the uniqueness of lot is hardship, with the slope and steepness, and unique property limitation. There are also no safety concerns.

Ralph Hemling concurs with Al Kaltenberg, stating no public safety issue, unique property limitation with slope, and hardship with accessibility.

Charlie Kirk asks about size of walkway alongside of garage.

Daniel Thiele explains existing, as 4 feet wide.

**Motion by Craig Robson to approve the variance for “Parcel and Building Standards in Residential Zoning Districts”, “Minimum Required Setback for Front and Street Side Yards”, and “Expansions and Repairs of Nonconforming Structures” as presented, with amendment to Exhibit B – Site Plan, to modify listed 8’x8’ landings, to 8’x5’ landings, including the Findings of Fact, Conclusions of Law, Decision, and Conditions of the Staff Report.**

**Seconded by Ralph Hemling.**

**Craig Robson – Yes, Al Kaltenberg – Yes, Ralph Hemling – Yes, Charlie Kirk – Yes.**

**Motion carried non-unanimously.**

Craig Robson states Unnecessary Hardship is present due to limited access to home, Unique Property Limitation is present due to slope, and Protection of the Public Interest is not an issue.

12. Adjourn

**Motion by Charlie Kirk to adjourn meeting.**

**Seconded by Ralph Hemling.**

**Motion carried unanimously.**

Meeting adjourned at 4:01 PM.

Respectfully submitted,



Craig Robson, Board of Adjustment Secretary

A handwritten signature in black ink that reads "Lauren Ramirez". The signature is written in a cursive, flowing style.

Recording Secretary  
Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members  
County Clerk  
County Board Chair