

**BOARD OF ADJUSTMENT MINUTES  
DECEMBER 14, 2022**

PRESENT: Pat Beghin, Ralph Hemling, Craig Robson

EXCUSED ABSENT: Al Kaltenberg

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

**1:15 PM**

1. Call to Order

Pat Beghin calls the meeting to order.

2. Certification of Open Meeting Law

3. Roll Call

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

4. View Site(s)

5. Recess

**3:02 PM**

6. Reconvene Meeting

Pat Beghin reconvened the meeting at 3:02.

7. Confirmation of Certification of Open Meeting Law

8. Roll Call

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

9. Approval of Agenda

**Motion by Ralph Hemling to approve Agenda of December 14, 2022 Board of Adjustment Regular Meeting & Public Hearing.  
Seconded by Craig Robson.  
Motion carried unanimously.**

10. Approval of Previous Meeting Minutes

**Motion by Craig Robson to approve Minutes of November 9, 2022 Board of Adjustment Regular Meeting & Public Hearing.  
Seconded by Ralph Hemling.  
Motion carried unanimously.**

11. Public Hearings

**Item I Variance Consideration – Minimum Required Setback for Front and Street Side Yards:**  
**Applicants: Ronald R Benoy & Raine M Benoy – Town of Fort Winnebago**

Pat Beghin opens the public hearing.

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

Ronald Benoy (applicant) was present and sworn in.  
N8893 County Road CX  
Portage, WI

Ronald Benoy states that this is the most logical spot to put addition. It's out of the way and won't bother anyone or be a public nuisance. They started planning this project a couple years ago and didn't get zoning permit, but met setbacks to what they were at that point in time. He adds that they didn't get notification from the state they were expanding roadway, and had he gotten that notification, he would have changed plans.

Kenneth Thiele states that he came in and took the appropriate steps, and then saw the change in the roadway.

Pat Beghin asks if anyone has any questions for applicant.

Ralph Hemling states that the septic is there, electrical box is right there, and not many choices for an addition, other than what he is proposing.

Ronald Benoy states that even if he put on other side, a variance would still be needed.

Pat Beghin asks if there are any other questions.

Pat Beghin asks if anyone is in favor of the request. (no comments)

Pat Beghin asks if anyone is against the petition. (no comments)

Pat Beghin asks if there is anyone else wishing to speak.

Pat Beghin closes the public hearing.

Pat Beghin opens up Board of Adjustment Discussion and Deliberation.

Ralph Hemling states that he is locked in a tight spot on 3 sides, and there's no other places to put this addition.

**Motion by Ralph Hemling to approve the variance for “Minimum Required Setback for Front and Street Side Yards” as presented, including the Findings of Fact, Conclusions of Law, Decision, and Conditions of the Staff Report.**  
**Seconded by Craig Robson.**  
**Craig Robson – Yes, Ralph Hemling – Yes, Pat Beghin – Yes**

**Motion carried unanimously.**

**Item II Variance Consideration – Minimum Required Setback for Front and Street Side Yards, and Shoreland Setbacks; Applicant: Joshua K Kranz – Town of Dekorra**

Pat Beghin opens the public hearing.

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

Kenneth Thiele reads in the DNR Review Letter that's on record.

Joshua Kranz (applicant) is present and sworn in.  
W10782 Tipperary Road  
Poynette, WI

Joshua Kranz states that for the retaining wall, he's looking for more off-road parking. He states that the road is narrow, and town is restricting more and more. As for the retaining wall, they are looking for more off-road parking. Town is restricting more and more, and currently with parking there, 2 tires are in the road, making it even more narrow.

Pat Beghin asks if anyone has any questions for applicant.

Pat Beghin asks if anyone is in favor of the request. (no comments)

Pat Beghin asks if anyone is against the petition. (no comments)

Pat Beghin asks if there is anyone else wishing to speak.

Pat Beghin closes the public hearing.

Pat Beghin opens up Board of Adjustment Discussion and Deliberation.

Craig Robson states he's not really concerned over public safety due to speed zone. He believes there's a unique property limitation involved, but he's not sure about unnecessary hardship.

Kenneth Thiele states that the unique situation is that the road right-of-way goes right to the ordinary high-water mark that you typically don't see. The slope dictates as well where things need to go. If you look out the back, he has a patio, but 10 feet from slope is the house. He states that it's not unique to that area, but to the county as a whole, it's the only part in the county with his situation. He states that a lot of owners in the area have decks, but they were built in the 70's. He states that the septic tank is there, but the posts would meet the 5 ft. setback to it.

Craig Robson says that he has no problem with deck, but think hardship exists because of the location and ordinary high-water mark and shoreland requirements. He's not sure about retaining wall.

Pat Beghin states that we could have 2 motions.

**Motion by Craig Robson to approve the deck variance for “Minimum Required Setback for Front and Street Side Yards”, and “Shoreland Setbacks” as presented, including the Findings of Fact, Conclusions of Law, Decision, and Conditions of the Staff Report.**

**Seconded by Ralph Hemling.**

**Craig Robson – Yes, Ralph Hemling – Yes, Pat Beghin – Yes**

**Motion carried unanimously.**

Ralph Hemling states that there’s the same issues along the other properties in this area. He states that it’s unique, and others they saw were worse.

Pat Beghin states that it’s not a public safety issue, and that there’s more clearance from that wall to the road than others in that area.

Ralph Hemling states that it’s better to park there than across the road.

Craig Robson states that his only comment on the retaining wall is he thinks it could have been rebuilt based on the pictures, rather than skin it out.

Pat Beghin asks how far back with referenced picture of retaining wall is it off the road.

Joshua Kranz states the existing is only 4-5 feet off the road.

Craig Robson states he is not really concerned with shoreland setback, but with circumstances with road there anyways, makes that a moot point.

**Motion by Craig Robson to approve the retaining wall variance for “Shoreland Setbacks” as presented, including the Findings of Fact, Conclusions of Law, Decision and 3<sup>rd</sup> set of**

**Conditions of the Staff Report.**

**Seconded by Ralph Hemling.**

**Craig Robson – Yes, Ralph Hemling – Yes, Pat Beghin – Yes**

**Motion carried unanimously.**

**Item III Variance Consideration – Minimum Required Setback for Front and Street Side Yards;**  
**Applicants: John P Gallagher & Virginia E Gallagher – Town of Pacific**

Pat Beghin opens the public hearing.

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

Pat Beghin points out that the town deeded roadways were never developed.

John Gallagher (applicant) is present and sworn in.

11549 S Lavergne

Alsip, IL 60803

John Gallagher states that he contracted with a builder that gave him plans that he thought the builder made to compliance with setbacks; however, once it came time for the final survey, it was found they were not in compliance. At that time, the porch had been built with stairs, and they were

on the plans with the deck. He states the stairs are the side yard. Those stairs are the main way they enter and exit the house. He states they did not willingly do this and it was not on purpose.

Ralph Hemling asks if the original plans show the porch.

John Gallagher states yes.

Kenneth Thiele states that the permit application is Exhibit H of Staff Report.

Craig Robson asked what happened with foundation survey.

Scott Hewitt – Grothman & Associates is present and sworn in.

625 E Slifer Street

Portage, WI

Scott Hewitt reviews the history of Lakeside Park. He states that it was created in 1925 and the lots were narrow, which is what they are up against now. He states that it's platted as 3<sup>rd</sup> street, but it's actually 2<sup>nd</sup>, and the town is not accepting of that road. There's difficulty emitting gravel, and if this was a standard street, they could comply. Prior to Gallagher's ownership, these were 4-50'x100' lots. Even combining lots like the town wished, they are still small. Even with new lot- the new lot would be less than half of what is now required for minimum size. He states that there's limitations with these properties. The town is concerned with impervious surfaces, and made the Gallaghers do a CSM. He states there were problems with that prior to Gallaghers even owning the property. He states the foundation plan he came up with, the idea was to have covered porch on that size. The lot size creates a unique property limitation, and no public safety issues if granted.

Steven Pate – Town of Pacific, is present. He states he doesn't wish to speak on this, but wants to see how it turns out.

Pat Beghin asks if there are any other questions.

Pat Beghin asks if anyone is in favor of the request. (no comments)

Pat Beghin asks if anyone is against the petition. (no comments)

Pat Beghin asks if there is anyone else wishing to speak.

Pat Beghin opens up Board of Adjustment Discussion and Deliberation.

Ralph Hemling states that it is not a public safety issue, and this property was hard to find, given the road issues and confusion with that.

Craig Robson states that there's no public safety issue, and there's a unique property limitation that's based on 3<sup>rd</sup> street, which is private easement. The town road as a private easement creates a unique property limitation and hardship in this case.

Kenneth Thiele states that he reviewed this with Scott Hewitt. He states that if you look into ordinance, there's no clarification to what a porch is. Nothing should extend past the porch other

than railing, and that's just a stoop. He states that this language in the ordinance needs to be cleaned up. He adds that now they have a covered porch that exceeds extended allowance.

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

**Seconded by Ralph Hemling.**

**Craig Robson – Yes, Ralph Hemling – Yes, Pat Beghin – Yes**

**Motion carried unanimously.**

12. Adjourn

**Motion by Ralph Hemling to adjourn meeting.**

**Seconded by Pat Beghin.**

**Motion carried unanimously.**

Meeting adjourned at 4:04 PM.

Respectfully submitted,



Board of Adjustment



Recording Secretary

Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members  
County Clerk  
County Board Chair