



ZONING BOARD OF APPEALS MINUTES

July 13, 2020
COMMUNITY CENTER

ZBA meeting called to order by Chair Cheryl Pytlarz at 5:30 pm

Pledge recited.

Roll Call: Cheryl Pytlarz, Chair; Bill Neumann, Sec'y; John Czystkowski, Member; Greg Clark, alternate. Quorum satisfied. Not present: D. Kline, excused with medical condition.

Agenda approved, with the exception that we tabled approval of unavailable minutes from October 27, 2019. Bill motioned and Gregg supported the motion. No objections.

Discussion about a regular meeting. Cheryl lead a discussion about setting regular ZBA meetings, which must be posted at the beginning of the year. ZBA members agreed that quarterly meeting scheduling can be suspended, future meetings will be administrative and business and called when required, as this board does not have regular business to warrant a regular meeting,

Discussion about approving minutes from public hearings. Members agreed to a new ZBA policy creating a deadline for public hearing minutes approval to be in line with the statutory requirement for an appeal decision which is to be made within the 30 days of the public hearing. The new policy is that public hearing minutes will be approved within 30 days of the public hearing. Comment was made that minutes approval can be made at any time. Another comment was made that having approved minutes online for an extended period is more appropriate than having draft minutes online for an extended period.

Public Hearing. Peter Becich in attendance, 5:55pm, Consider Peter Bechic's request for a variance to the setback requirements from a right-of-away (ROW) to construct a new entry and front door entrance to his home.

6:00 pm, John motioned, Greg supported, and the roll call was made to enter the public hearing. Mr. Becich iterated his position and request by explaining that the current stairway entrance (to his trailer home) was made without a landing and is hazardous to enter and exit, and therefore needs to be redesigned and rebuilt. His application provides the supporting evidence for the variance.

He proposed a covered walkway extending out along the garage. The Building Inspector would not approve the request due to current setback rules. The existing structures also do not meet the zoning ROW setback requirements and were apparently "Grandfathered" when the first ordinances were adopted. However, the request for this construction does not aggravate the

current "Grandfathered" setbacks and would benefit the safety of the current owner. Submitted photos and drawings clarified the request.

John motioned, Greg supported to leave the public Hearing to go into discussion. Greg noted that important factors include that the road is not infringed on more, the request is a minimal structural change and appears to be harmonious with existing neighborhood. The proposed construction will not add to any road maintenance issues (such as snow removal) or safety issues that do not already currently exist.

Cheryl asked that the board use the standards for a dimensional variance in the ZBA Handbook rather than using the ones adopted by the board in 2019. The Handbook standards are clearer and have supporting examples to help the board make good decisions. The board made these decisions for the 6 standards:

1. This case has special conditions because it doesn't compound existing non-compliance issues.
2. Safety issues are addressed by adding a landing to the doorway exit.
3. Property was purchased by Mr. Becich with existing non-conforming setbacks.
4. Is in harmony with ordinances as the ROW setback will not be further violated.
5. Will not be injurious to the neighbors or otherwise detrimental to the general welfare.
6. No public safety issues and there were no neighbor concerns brought forward.

Bill motioned to allow the variance to proceed, John supported with the provision that any new structure is not allowed closer the road ROW than existing structures. The variance was granted by a unanimous vote of approval by roll call. A letter detailing the decision will be generated and mailed to Mr. Becich by the ZBA Chair. Zoning Administrator Dan Kline will contact Mr. Becich to let him know he can proceed with project.

Public Hearing. Bob and Chris Roggeveen in attendance, 6:30pm. Consider Bob Roggeveen's request for a variance of the ROW setback requirements to construct a garage.

6:30 pm, John motioned, Greg supported the motion and the roll call was made to enter the Public Hearing. Bob Roggeveen is requesting a zoning variance to the road right-of-way (ROW) setback requirements in order to build a garage for storage. This request is for a 16' variance from the 25' ROW setback for the SE corner of the garage which is separated from the road by a considerable ditch and sheltering tree line.

Mr. Roggeveen gave a narrative outlining his request and provided additional information on his utilization of the garage to be included with the information in his variance application. Several photos were provided by Cheryl and County Road Commission Engineer Phil Strong provided details in an email to Cheryl about the ROWs on Thousand Island Lake Rd. for Mr. Roggeveen's neighbors.

Mr. Roggeveen stated that the ROW on his lot was changed sometime before the 1982 when he bought the property. Cheryl spoke with Phil Strong of the County Road Commission about the ROWs on Thousand Island Lake Rd. The ROW at the Roggeveen's lot had been changed in the past because the road needed to be moved away from the lake to allow for buildable lakefront lots. And for drainage purposes on those parts of Thousand Island Lake Rd. that were moved away from Thousand Island Lake, the county increase the ROW to 80-100' from 66' to give them

flexibility to drain tributaries along the road. Mr. Roggeveen's immediate neighbors have ROW variation from 80-100'. Pictures were shown, from a visit by Cheryl, from various angles, showing a steep drop off in the land at the NW corner of the proposed garage, requiring slight movement of the proposed building site and therefore putting it out of compliance with ROW setback requirements. It is noted that the variance request would not extend the detached garage into the county road ROW.

John motioned, Greg supported to leave the public hearing to go into discussion. There was discussion about using the flat land near the cabin on the property. It lies next to a drainage area that has a propensity to flood and would be unsuitable to build the proposed garage.

The Board used the standards for a dimensional variance in the ZBA handbook to decide that the variance be granted. The board made these decisions for the 6 standards:

1. Requested garage location is the only buildable land available on the lot that is not compromised by seasonal water flow and a sharp drop in the NW corner of the garage restricts the ability to place garage at required ROW setbacks.
2. Lots around and adjacent to the Roggeveen's have garages the proposed size and many have lesser ROW's. Therefore, it was determined that a literal interpretation of the ordinance would deprive applicant of rights commonly enjoyed by other properties due to the combination of item 1 above and the 100' ROW.
3. The Roggeveen's did not cause any of the conditions that limit the proposed garage location.
4. The granting of the variance will be in harmony with the general purpose and intent of the ordinance because there is plenty of screen barrier vegetation between the SE corner of the garage and the ROW line to keep the view wild and the garage out of sight.
5. There is no known situation in this case to cause injury to the neighbors nor the general welfare.
6. An existing tree line shelters the building from the road and must be maintained to support the spirit of the ordinance. No complaints from neighbors, even though one reviewed the request. No evidence of unfairness to neighbors.

John submitted to grant the variance because of the information regarding water problems on the lower property, the ROW variations along Thousand Island Lake Rd. and the steep land drop at the NW garage corner while maintaining the tree barrier to the road. Cheryl supported the motion and the variance was granted by a unanimous vote of approval by roll call.

A letter detailing the decision will be generated and mailed to Mr. Roggeveen by the ZBA Chair. Zoning Administrator Dan Kline will contact Mr. Roggeveen to let him know he can proceed with project.

Motion by Bill to adjourn, supported by John, Adjourned at 7:30 pm

Respectfully submitted;

Bill Neumann, Sec'y

Approved July 22, 2020