

MINUTES
ZONING BOARD OF APPEALS MEETING
JUNE 4, 2012
5:00 P.M.

1. Roll Call

Clerk Kurihara called the meeting to order at 5:00 p.m. Members present were Koenen, Bausch, Vorwald, Johansen, Schwantes and Ihm-1st Alternate (Non-Voting for this meeting). Also present were Clerk Kurihara, Zoning Administrator Hampton, Greg Martin and Dan Klein.

2. Approval of Minutes

Motion by Bausch, second by Koenen to approve meeting minutes of 10/11/11. Motion carried.

3. Public Hearing

Clerk Kurihara declared the public hearing open at 5:02 p.m.

The purpose of the hearing was to consider appeal of Greg Martin for a variance on property situated at 111 S. Tyler Street to replace and construct a new detached garage on the existing foundation which will not meet the rear setback requirement for accessory structures set forth in Section 16.10 (1) (d) of the Zoning Ordinance for the City of Lancaster, WI. The rear setback requirement is three (3) feet and the applicant proposes to build on the rear lot line.

Zoning Administrator Hampton explained that the applicant wants to build a new garage on the existing garage foundation which would be non-conforming to the current zoning laws since more than 50% of the original structure was being removed.

Greg Martin further explained that he intends to tear down the old garage completely and construct a new garage of the same size. He also distributed pictures of the existing garage for review.

Clerk Kurihara mentioned that he had not been any objections from neighbors and Darrin Miles (adjacent rear property owner) has stopped in City Hall today to state that he did not object to the variance.

There were no other persons who wished to speak for or against the variance.

4. Close Public Hearing

Clerk Kurihara closed the public hearing at 5:08 p.m.

5. Consider Appeal

Motion by Schwantes, second by Vorwald to approve request of Greg Martin for a variance on property situated at 111 S. Tyler Street to construct a new detached garage on the existing foundation with a zero (0) foot rear setback which will not meet the three (3) foot rear setback requirement for accessory structures set forth in Section 16.10 (1) (d) of the Zoning Ordinance for the City of Lancaster, WI. Motion carried unanimously by roll call vote.

6. Adjourn

Motion by Koenen, second by Bausch to adjourn at 5:09 p.m. Motion carried.

Respectably Submitted,
David A. Kurihara, City Clerk

MINUTES
ZONING BOARD OF APPEALS MEETING
NOVEMBER 5, 2012
5:00 P.M.

1. Roll Call

Clerk Kurihara called the meeting to order at 5:00 p.m. Members present were Koenen, Bausch, Vorwald, Johansen, Schwantes and Ihm-1st Alternate. Also present were Clerk Kurihara, Zoning Administrator Hampton, Attorney Infield, Tony & Barb Bausch, Gloria Landon and David Timmerman.

2. Approval of Minutes

Motion by Bausch, second by Vorwald to approve meeting minutes of 6/04/12. Motion carried.

3. Public Hearing

Postpone until November 19, 2012-The appeal of Erin Vogt for the reversal of the decision of the Zoning Administrator denying a building permit for the construction of a building addition at 138 S. Fillmore St., City of Lancaster, WI for the reason: The applicant proposes to construct a new attached garage which will not meet the side setback requirement set forth in Section 16.05B (5) of the Zoning Ordinance for the City of Lancaster, WI. The side setback requirement is an aggregate of 20 feet for both sides and no single side yard less than 8 feet. The applicant proposes to build 4 feet from the side lot.

4. Close Public Hearing

N/A

5. Consider Appeal

N/A

6. Public Hearing

Bausch recused himself from the Board as he is the petitioner. Ihm will be a voting member at this time.

Clerk Kurihara declared the public hearing open at 5:05 p.m.

The purpose of the hearing was to consider appeal of Tony Bausch for the reversal of the decision of the Zoning Administrator denying the use of a non-conforming structure (house) at 959 E. Lincoln Street, City of Lancaster, WI for the reason: The applicant proposes not to remove the house (a condition of Certified Survey Map approval) and use it for residential purposes. The house does not meet the side setback requirement for residential structures set forth in Section 16.05B (5) of the Zoning Ordinance for the City of Lancaster, WI. The side setback requirement is an aggregate of 20 feet for both sides and no single side yard less than eight (8) feet. The house is on the side lot line.

Zoning Administrator Hampton explained that the City had approved a three (3) lot Certified Survey Map for the applicant in which it was stated that the house in question on Lot 3 would be removed since non-removal would create a non-conforming lot. In addition, Tony had built new home on Lot 2 that is only about 10 feet away from the house on Lot 3.

Tony (Bausch) explained that he had initially agreed to tear down the house when he would be done finish building his house (Lot 2). He would like to see any written record of the statement stating when the house was to be torn down. Recently he had a niece that needed a place to stay and decided to rent the house (Lot 3) to her. Also he felt that the Certified Survey Map was approved with the understanding that a new road when developed would become the new frontage of Lot 3. He believes that Lot 3 is not buildable at this time so he would like to have the house remain on Lot 3 until future development occurs and the new road is built (unknown future time).

Gloria Landon stated that it was her daughter renting the house. She would like to see a written record of the timeline for the removal of the house and wondered why the house can't remain until future development occurs.

There were no other persons who wished to speak for or against the variance.

7. Close Public Hearing

Clerk Kurihara closed the public hearing at 5:24 p.m.

8. Consider Appeal

The Board asked City Attorney Infield to explain his opinion on granting variances. He stated that in order for a granted variance to be upheld in court then the Board's decision must be based on the following findings:

- If not granted then a hardship would be created and would be unreasonably burdensome on the property owner
- The hardship would be the result of a unique property condition.
- The hardship can't be self-created.
- Public interest would not be harmed if the variance is granted

It does not appear that this request meet those conditions.

A Board Member wondered if they could place a time restriction on the approval. City Attorney Infield stated that he thought they could but was not sure and would like to research it if the Board does decide to put a time condition on the variance.

Motion by Johansen, second by Koenen to approve the request of Tony Bausch for a variance on property situated at 959 E. Lincoln Street for the use of a non-conforming structure (house) with a side lot line which does not meet the side setback requirement for residential structures set forth in Section 16.05B (5) of the Zoning Ordinance for the City of Lancaster, WI. The side setback requirement is an aggregate of 20 feet for both sides and no single side yard less than eight (8) feet. Motion carried four (4) to zero (0) with Vorwald abstaining by roll call vote.

9. Adjourn

Motion by Schwantes, second by Ihm to adjourn at 5:43 p.m. Motion carried.

Respectably Submitted,
David A. Kurihara, City Clerk

MINUTES
ZONING BOARD OF APPEALS MEETING
NOVEMBER 19, 2012
5:00 P.M.

1. Roll Call

Clerk Kurihara called the meeting to order at 5:00 p.m. Members present were Koenen, Bausch, Vorwald, Johansen and Ihm-1st Alternate (Voting for this meeting). Schwantes was absent. Also present were Clerk Kurihara, Zoning Administrator Hampton, Erin Vogt and Anthony B.

2. Approval of Minutes

Motion by Vorwald, second by Koenen to approve meeting minutes of 11/05/12. Motion carried.

3. Public Hearing

Clerk Kurihara declared the public hearing open at 5:01 p.m.

The purpose of the hearing was to consider appeal of Erin Vogt for a variance on property situated at 138 S. Fillmore Street for construction of a new attached garage which will not meet the side setback requirement set forth in Section 16.05B (5) of the Zoning Ordinance for the City of Lancaster, WI. The side setback requirement is an aggregate of 20 feet for both sides and no single side yard less than eight (8) and the applicant proposes to build two (2) feet from rear lot line.

Zoning Administrator Hampton explained that the applicant wants to build a new attached garage which will be further from the property line than the detached garage that was previously there.

Clerk Kurihara mentioned that two (2) neighbors had contacted him in support of the variance: Gene Ihm (Written Notice) and Mark Udelhoven (Phone Call).

There were no other persons who wished to speak for or against the variance.

4. Close Public Hearing

Clerk Kurihara closed the public hearing at 5:04 p.m.

5. Consider Appeal

Motion by Bausch, second by Vorwald to approve request of Erin Vogt for a variance on property situated at 138 S. Fillmore Street for construction of a new attached garage with a two (2) foot rear setback which will not meet the side setback requirement set forth in Section 16.05B (5) of the Zoning Ordinance for the City of Lancaster, WI. Motion carried unanimously by roll call vote.

6. Adjourn

Motion by Koenen, second by Johansen to adjourn at 5:05 p.m. Motion carried.

Respectably Submitted,
David A. Kurihara, City Clerk