

**CITY OF EDGERTON
ZONING BOARD OF APPEALS MINUTES**

February 28, 2022

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on October 21, 2021.

Present and responding to the roll call in person were Chairperson Dave Maynard, James Kapellen, Jim Long, Veronica Ellingworth (after roll call) and Dave Esau (alternate).

Also present in person was City Administrator Ramona Flanigan.

Chairperson Dave Maynard opened the meeting. The first order of business was confirmation of appropriate meeting notice. City Administrator Ramona Flanigan confirmed that the meeting notice was posted in the appropriate places as required under the Wisconsin Statutes.

A motion to open the first Public Hearing was made by ZBA Member Long, seconded by ZBA Member Kapellen, and passed by unanimous roll call vote at 6:04.

The ZBA went into public hearing on the variance application of Lori Frohmader for a variance to Chapter 22.423(4)(e) to reduce the rear yard setback to from 10 feet to 3 feet on the property located at 204 Spencer Street, Edgerton, Wisconsin.

Lori Frohmader presented on the need for the variance. Applicant noted that they had been in residence at the location for eight years. When they moved in to that location, they contacted the city to determine what was necessary to establish a seasonal above ground pool and were told that it needed to be 3 feet to 5 feet from the rear line of their lot. The Applicant and her husband installed landscaping in the area surrounding the pool in accordance with that advice. Applicant noted that though there was opposition from one adjoining landowner, that property owner lived more than 25 feet from the pool. Applicant also noted that the property owner closest to the pool did not object.

Next, John and Cheryl Kinnamon, residents at 205 E. Fulton spoke in opposition to the variance. The property owners share a lot line with the Applicant. They could see the need for a variance of some sort but not the amount of variance requested. They also expressed concerns that if the pool should break open that portions of their property would flood.

Sean Swanson next spoke. Mr. Swanson owns property adjacent to the applicant and spoke in favor of the application.

On motion of ZBA Member Ellingworth with a second by ZBA Member Esau, the Public Hearing was closed at 6:21. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variance be approved noting that the lot was a substandard lot. Due to the very small rear yard, there was limited ability for the applicant to install a code compliant pool as would be possible in other lots within the district. The staff report also noted that the pool is seasonal in nature and screened from the neighbors by a solid fence. Staff report also noted that a temporary pool in the proposed location would not have an adverse impact upon the planning policies of the city and that the applicant did not create the lot configuration.

After brief additional discussion, including regarding the availability of insurance to protect against catastrophic pool failure, ZBA Member Kapellen moved for approval of the variance request with the facts as presented by the applicant and the Administrator. ZBA Member Esau seconded the motion. Upon a roll call vote, the motion was granted unanimously.

After brief additional discussion, ZBA Member Kapellen moved for approval of the variance requested with the findings of fact as reflected in the staff report. ZBA Member Ellingsworth seconded the motion. Upon a roll call vote, the motion was granted unanimously.

The next order of business was the consideration of the approval of the minutes of the October 21, 2021 Zoning Board meeting. Upon a motion from ZBA Member Long, seconded by ZBA Member Ellingsworth, the minutes were approved by unanimous roll call vote.

There being no further business of the Board, a motion was made by ZBA Member Kapellen, seconded by ZBA Member Long to adjourn. Motion was approved unanimously. The meeting was adjourned at 6:32.

Dated this 7th day of March, 2022.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney