

CITY OF EDGERTON
CITY HALL
12 ALBION STREET

ZONING BOARD OF APPEALS

Thursday, June 27, 2024 AT 5:30 P.M.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to Order; Roll Call.
2. Confirmation of Appropriate Meeting Notice Posted Friday, June 21, 2024.
3. Public Hearing:
 - a. Hear comments regarding a request by Mary Jo Hessian for a variance to Chapter 450-84C.(2)(d)[2]. for the property located at 203 Garfield Street to reduce the front yard setback from 27 feet to 16 feet to allow the construction of a detached garage closer to the street than allowed by the ordinance.
 - b. Close the public hearing.
4. Consider a request by Mary Jo Hessian for a variance to Chapter 450-84C.(2)(d)[2]. for the property located at 203 Garfield Street to reduce the front yard setback from 27 feet to 16 feet to allow the construction of a detached garage closer to the street than allowed by the ordinance.
5. Consider approval of May 15, 2024 Zoning Board of Appeals meeting minutes.
6. Adjourn

cc: All Board Members
All Council Members
City Attorney
Newspapers

City Administrator
Department Heads

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: June 27, 2024

GENERAL DESCRIPTION

Description of Request: for a variance to Chapter 450-84C.(2)(d)[2] to reduce the front yard setback from 27 feet to 16 feet to allow the construction of a detached garage closer to the street than allowed by the ordinance.

Address: 203 Garfield St (6-26-896.2)

Applicant: Mary Jo Hessian

Current Zoning/Land Use: R-2 / residential

STAFF REVIEW COMMENTS

The planning staff has reviewed the petition in accordance with the Edgerton Zoning Ordinance and has the following comments:

1. The petitioner seeks a variance to allow the construction of a 16' x 20' detached garage that is closer to the front lot line than is allowed by the ordinance. The proposed addition would be approximately 16' from the front property line and the ordinance requires the garage structure be setback at least to the setback of the principal structure.
2. The attached map shows the location of two easements on the property. The easement that traverses the yard from the northeast corner of the yard to the southwest corner of the lot is a stormsewer easement. Previously, the property owner granted the easement to allow the installation of the stormwater pipe to resolve a stormwater problem that impacted two adjoining properties. Stormwater was trapped in the rear yard of three the properties. An inlet and storm pipe were installed in the easement.
3. If the variance is granted, the petitioner will be required to obtain a conditional use permit for the second driveway.

Date Draft Submitted _____
Date Application Submitted _____
Fee Paid _____

Application for Variance

Owner (must be the applicant) Mary Jo Hessian

Parcel Address _____ Parcel Number 6-26-896.20

Owner Address 203 Garfield St Daytime Phone 608 774 6015

Present Use of the Property Residence

Zoning Classification _____

The following items must be submitted with each application. Additional site plan information as described in Section 22.213(3) may be required by the Zoning Administrator (Ordinance section referenced in this application are available upon request):

(1) **Map of the property showing the following:**

- Entire property
- All lot dimensions
- Existing structures with dimensions to property lines (buildings, fences, walls etc)
- Proposed structures with written dimensions to property lines
- Existing paved surfaces (driveways, walks, decks, etc)
- Proposed paved surfaces with dimensions to property lines
- Written dimensions to buildings on adjoining properties if setback variance is requested
- Zoning of adjacent parcels
- Street(s) which are adjacent to the parcel
- Graphic scale and north arrow
- Changes in land use intensity due to the variance (additional dwelling units, more customers, more parking, outside lighting, outside storage, etc)

(2) **Written description of proposed variance** answering the following questions:

City of Edgerton Ordinance Section # _____ cannot be entirely satisfied because:

Build a detached 16' x 20' garage facing Walker Way.

In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail):

- (3) **Written justification of the requested variance** with reasons why the Applicant believes the proposed variance is appropriate. Before the Zoning Board of Appeals can grant a variance, they must find that the following criteria have been satisfied. Describe how your request meets the following criteria: (section 22.211(4)(c))

What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district.

1. To the benefit of myself and neighbors, I granted a storm sewer easement to allow the construction of a storm water pipe across my property.
2. The easement precludes the construction of a garage that meets the setbacks.

- The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
- Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
- Violations by, or variances granted to, neighboring properties shall not justify a variance;
- The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

Other properties in this neighborhood do not have an easement dividing the middle of the yard. This is a corner lot, therefore I have two front yards with greater setbacks.

Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

No. The curve of the street will help to mask the encroachment of this garage.

Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

The building will be set back far enough so it doesn't prohibit or limit visibility or impact traffic.

Have the factors causing the variance request been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective

date of this Chapter. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.

I gave permission for the storm sewer easement after a water problem was created by someone else - I solved the problem by giving permission to run the storm sewer through my property.

Does the proposed variance involve the regulations of Subsection 22.304 or the district use regulations in each zoning district of Section 22.700? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Subsection.

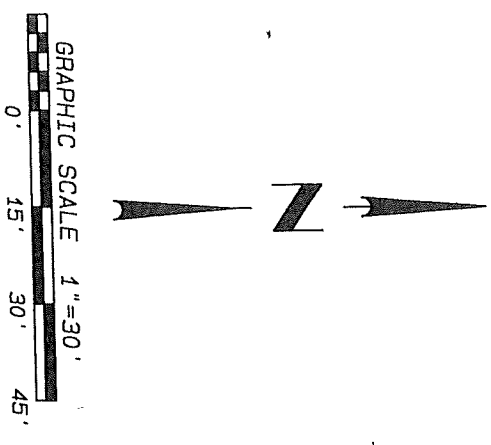
No

Verification by applicant: I, Mary Jo Hessian, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability. My signature on this application grants permission for City Officials to access the site of the requested variance for the sole purpose of obtaining information relevant to the variance request.

Applicant Signature Mary Jo Hessian Date 6/3/24
Applicant Signature _____ Date _____

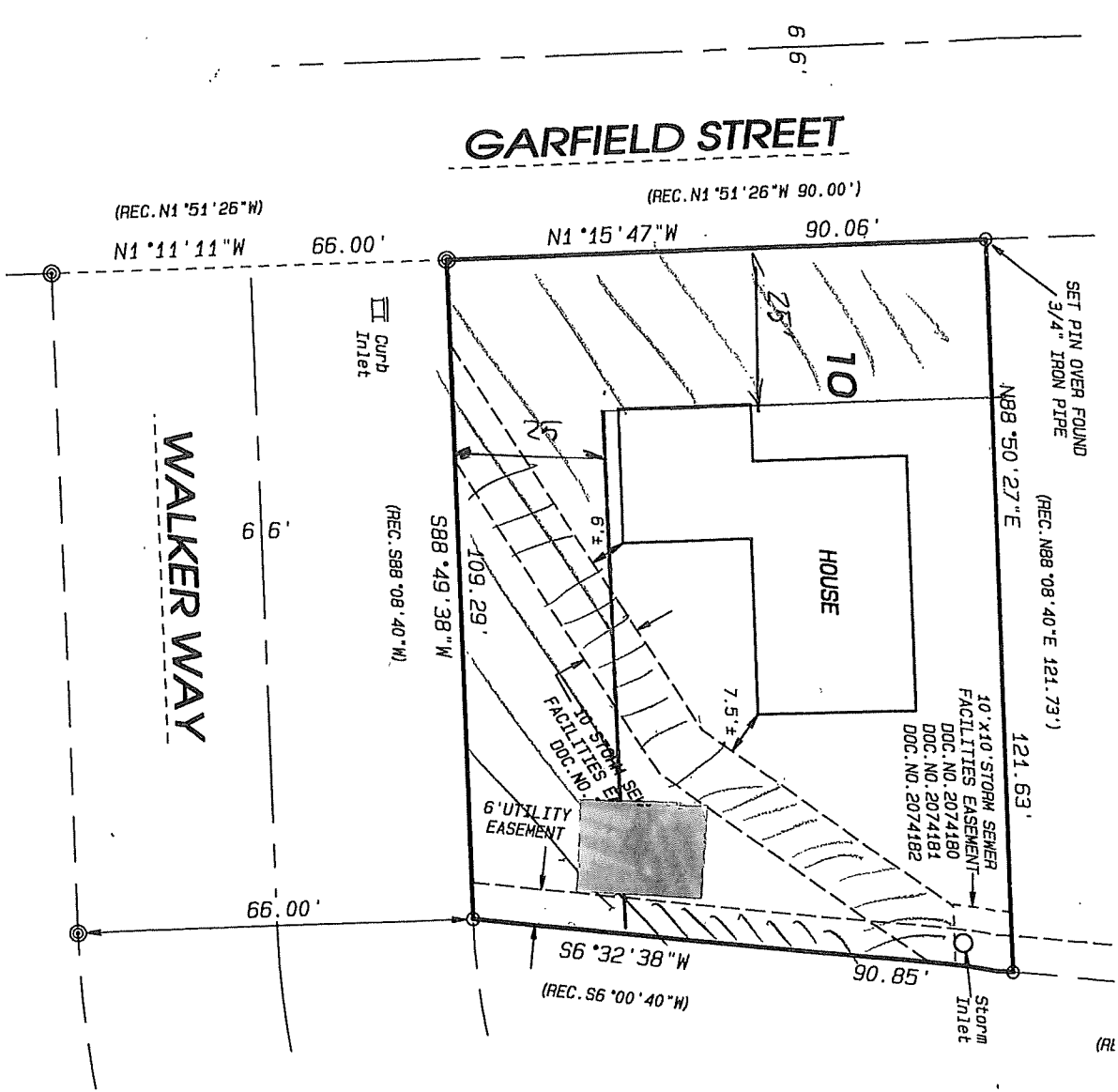
Consideration for Approval: Granted _____ Denied _____ Date _____
Chairman, City of Edgerton Zoning Board of Appeals

NOTE: FIELDWORK COMPLETED MAY 16, 2024.
NOTE: THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND



LEGEND:

- SET IRON PIN, 3/4" x 24", 1.5 LBS./LIN.FT.
- ◎ FOUND 1" IRON PIPE



Delbert Eggestaffer
 608 201 7391
 joeyhessian@yahoo.com

A Garage would be similar to one in picture.



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

May 15, 2024

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:36 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on May 15, 2024.

Present and responding to the roll call in person were ZBA Members Chairperson James Kapellen, Christopher Leitz, Russell Jorstad, Jim Long, and alternates Dave Esau and Mark Wellnitz. Absent Veronica Ellingworth.

Also present in person was City Administrator Ramona Flanigan and City Attorney William Morgan.

Chairperson James Kapellen 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.

An opening statement given by Chairperson Kapellen regarding the general purpose of the ZBA.

City Attorney Morgan provided a brief explanation of variances and the appropriate standard to be applied to the request being considered at the meeting.

Staff provided a brief explanation of the request and the reason for the need for a variance. The ZBA was also provided with additional information and pictures of the property which was the subject of the application.

A motion to open the Public Hearing was made by ZBA Member Jorstad, seconded by ZBA Member Long, and passed by unanimous voice vote at 6:43.

The ZBA went into a public hearing on the variance application of the Edgerton Hospital and Health Services, regarding its property located at 2-4 Burdick Street for a variance from Chapter 450-63 C(1)(c)[1] to allow the installation of additional signage beyond that permitted by Code.

Staff noted that one neighbor called in advance to express that they understood that there was a need for a sign but requested that the sign not be flashing.

No one else spoke regarding the application during the public hearing.

A motion to close the public hearing was made by ZBA Member Jorstad, seconded by ZBA Member Wellnitz at 6:45. Motion carried on a unanimous vote.

Administrator Flanigan presented the Staff Report and recommendations. The Staff Report noted there could be a modification to the request which would better address the concerns of the applicant. In particular they could take their logo off the proposed wall signs and insert an arrow. If they did that the signs would be directional signs which would not need a variance. They would still need a variance for the size of the signage. Given that it is a corner lot, staff believe that there is adequate visibility, which does not justify an oversized sign. The recommendation was to deny the application.

ZBA Esau asked if both sides of the projecting sign count towards the overall calculations. Staff confirmed that both sides do count and if it were only one sided, the need for a variance would be eliminated.

ZBA Wellnitz noted that the request involves a large sign.

After further brief discussion, a motion to deny the variance as requested was made by ZBA Member Wellnitz, seconded by ZBA Member Leitz. The motion was passed by a unanimous roll call vote.

The next order of business was the consideration of the approval of the minutes of the June 12, 2023, Zoning Board meeting. A motion to approve the minutes as presented was made by ZBA Member Jorstad, seconded by ZBA Member Esau. After a brief discussion regarding a question of the attendance of ZBA Long at the June 12 meeting, the minutes were approved by unanimous roll call vote subject to confirmation by staff of Long's attendance with directions to make the change if records reflected that ZBA Long had been present.

There being no further business of the Board, a motion was made by ZBA Member Long, seconded by ZBA Member Wellnitz to adjourn. The motion was approved unanimously. The meeting was adjourned at 6:57.

Dated this 16th day of May 2024.

Respectfully submitted,

CITY OF EDGERTON

/ss/ William E. Morgan

By: William E. Morgan, City Attorney