

**CITY OF EDGERTON  
CITY HALL  
12 ALBION STREET**

**ZONING BOARD OF APPEALS**

Tuesday, April 15, 2025 AT 6:30 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](http://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, April 11, 2025.
3. Public Hearing:
  - a. Hear comments regarding a request by Jonathon Frey for a variance to Chapter 450-53 C(3)(b) to allow the construction of a fence up to 6' 8" tall (maximum height allowed is 6 feet).
  - b. Close the public hearing.
4. Consider a request by Jonathon Frey for a variance to Chapter 450-53 C(3)(b) to allow the construction of a fence up to 6' 8" tall (maximum height allowed is 6 feet).
5. Public Hearing:
  - a. Hear comments regarding a request by Ben and Hannah Lodahl for a variance to Chapter 450-96E(2)(h) for the property located at 225 Lord Street (south of 207 Lord Street) to reduce the pavement setback from 5 feet to 2 feet 3 inches on both sides of the proposed driveway to allow the construction of a driveway (Parcel 6-26-1162).
  - b. Close the public hearing.
6. Consider a request by Ben and Hannah Lodahl for a variance to Chapter 450-96E(2)(h) for the property located at 225 Lord Street (south of 207 Lord Street) to reduce the pavement setback from 5 feet to 2 feet 3 inches on both sides of the proposed driveway to allow the construction of a driveway (Parcel 6-26-1162).
7. Consider approval of October 9, 2024 Zoning Board of Appeals meeting minutes.
8. 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:** April 15, 2025

**GENERAL DESCRIPTION**

**Description of Request:** a variance to Chapter 450-53 C(3)(b) to allow the construction of a fence up to 6' 8" tall (maximum height allowed is 6 feet).

**Address:** 606 Doty Street (parcel 6-26-416)

**Applicant:** Jonathon Frey

**Current Zoning/Land Use:** R-2 Residential District Two/ single family home

**STAFF REVIEW COMMENTS**

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

1. The petitioners seek a variance to allow an existing fence that was installed taller than allowed by the ordinance to remain as constructed. The ordinance prohibits fences in a side yard taller than 6'. The tallest portion of the existing fence is 6' 8".
2. The existing fence bottom is well above the ground surface in several areas because the grade changes across the property. The majority of the fence is solid except for the top portion which is partially opaque.





Date Draft Submitted	
Date Application Submitted	04/21/2011
Fee Paid	

## Application for Variance

Owner (must be the applicant) Jonathon Frey

Parcel Address 606 Doty St 53534 Parcel Number \_\_\_\_\_

Owner Address \_\_\_\_\_ Daytime Phone 715-581-1090

Present Use of the Property Primary Residence

Zoning Classification Residential

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:

The current privacy fence on the north side of 606 Doty  
is on average 2" higher than allowed by ordinance.

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

That the property owner is allowed to keep the current

fence at it's current height. No further or additional modifications.

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- (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.

There was an error in construction. I thought I was within the allowed height, but due to a highly varying topography I am over on avg. 2". Current setup allows privacy for both neighbors. As is the fence allows for easy maintenance.  
Please attached Statement.

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- 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.

The varying topography of that section of the yard makes it difficult to get an accurate measurement, as there is little uniformity

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, I believe not. I used fence panels with lattice top to be less intimidating and to allow sunlight even at winter solstice. Current set provides maximum privacy for both parties in all sections of yard. (Patio, backdoor, driveway).

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.

No. Fence is set back well behind the front yard. High-quality materials were used, and to have the "pretty side" facing my neighbor. Avoiding an unattractive structure was important.

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.

Yes, there was a construction error on my part.

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.

Verification by applicant: I, Jonathan Frey, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability.

Applicant Signature

Jonathan Frey

Date 03/13/2025

Applicant Signature

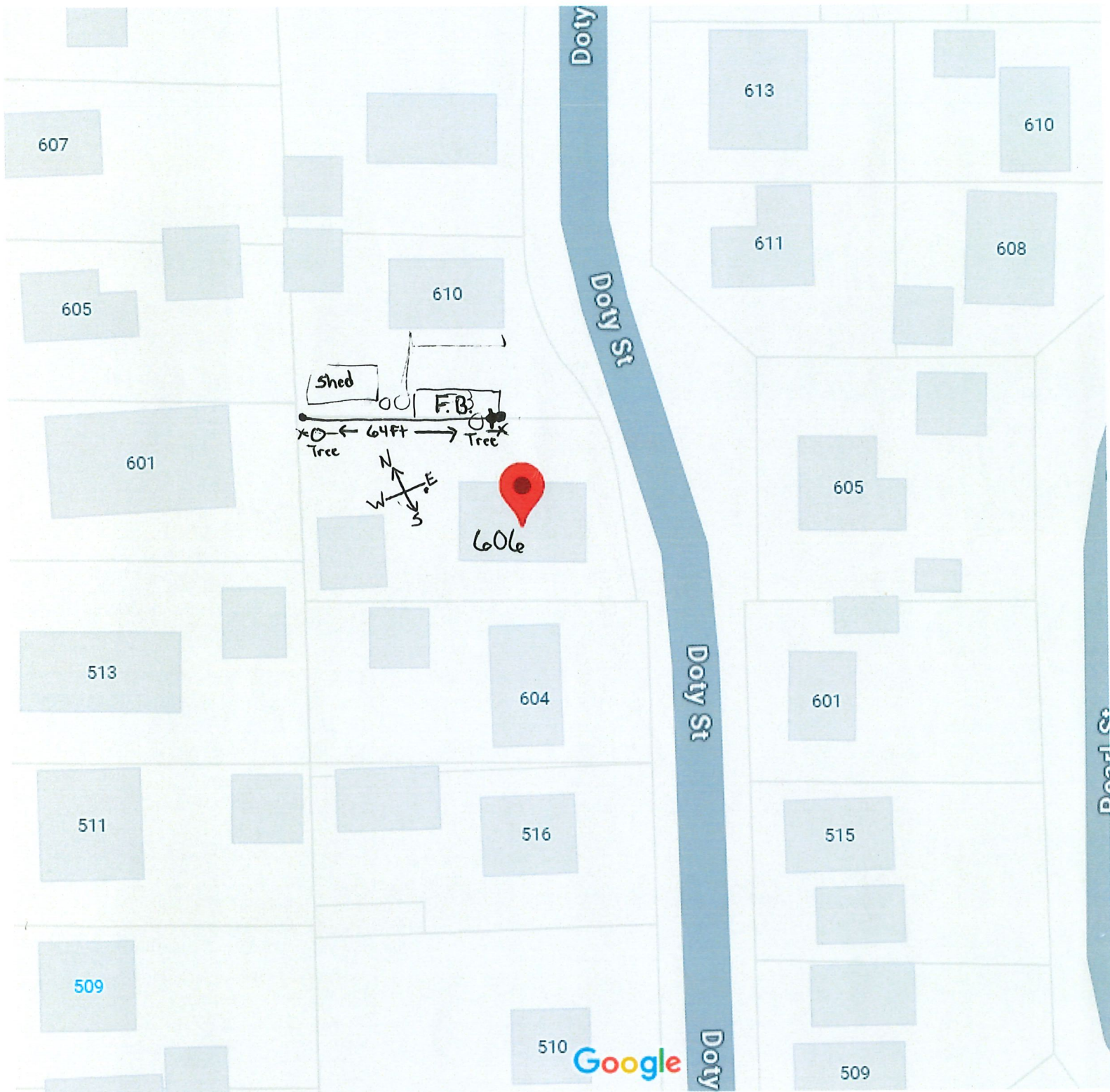
Date

Consideration for Approval: Granted

Denied

Date

Chairman, City of Edgerton Zoning Board of Appeals







Picture taken from edge of patio

















6'2"

6'3"

6'2"

6'3 1/2"

6'1"

6'1"

6'2"

6'



**TO:** Edgerton Board of Appeals

**FROM:** Staff

**MEETING DATE:** April 15, 2025

**GENERAL DESCRIPTION**

**Description of Request:** Petition for a variance to Chapter 450-96E(2)(h) to reduce the pavement setback from 5 feet to 2 feet 3 inches on both sides of the proposed driveway to allow the construction of a driveway (Parcel 6-26-1162).

**Address:** 225 Lord Street (south of 207 Lord Street)

**Applicant:** Ben and Hannah Lodahl

**Current Zoning/Land Use:** A-1 Agriculture / vacant

**STAFF REVIEW COMMENTS**

The planning staff 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 driveway closer to the lot line than allowed by the ordinance. Chapter 450-96E(2)(h) requires a pavement setback of 5 feet. The petitioner requests a variance to allow the driveway to be 2 feet 3 inches from the property line on both sides of the proposed driveway.
2. The property was platted many years ago as a “flag” lot having only 16.5’ of street frontage. The lot has no other street frontage. The Zoning Ordinance requires a minimum driveway width of 10 feet which cannot be constructed to meet the ordinance within the 16.5 feet lot frontage without a variance.
3. The petitioner plans to construct a single-family home on the 6.2 acres.
4. The petitioner obtained a conditional use from the Plan Commission to allow the construction of a single family structure on a substandard lot due its street frontage.





Date Draft Submitted \_\_\_\_\_  
Date Application Submitted \_\_\_\_\_  
Fee Paid \_\_\_\_\_

## Application for Variance

Owner (must be the applicant) **Ben & Hannah Lodahl**

Parcel Address: **225 Lord St Edgerton, WI** Parcel Number: **6-26-1162**

Owner Address: **316 South Ave. Egerton, WI 53534** Daytime Phone **(262) 949-2999**

Present Use of the Property: **Undeveloped Lot**

Zoning Classification: **A1**

The following items must be submitted with each application. Additional site plan information as described in Section 450-21 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 #450-96E(2)(h) cannot be entirely satisfied because: **We are unable to meet the minimum setbacks for the driveway. 5ft from each lot line is required. Our easement is 16.5ft wide and the minimum width for a driveway is 10ft (although we plan on a 12ft wide). With this being the only access to the property, we will need a variance against the setback standard.**

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

**Asking for a variance to have 2.25ft setback as opposed to 5ft set back from property lines. The driveway will be gravel based with black top fines as a finished layer.**

- (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 450-21D.(3) (a))

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.

**The only access we have to this property to build a new home is on Lord St. With the easement only being 16.5ft when divided, we are unable to satisfy the ordinance of 5ft setbacks from adjacent lot lines. This is the only variance that is needed as the uses of the property meet all other desired use guidelines established by the City for A1 zoning. It meets the hardship qualification below as it is an unusually shaped lot and I'm sure created before the current passage of zoning regulations – but we cannot wait to call it home!**

- 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;
- Selfimposed 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 cuttingoff existing access to a public rightofway or deed restrictions imposed by the owner's predecessor in title are considered to be such selfimposed 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.

**Just looking to build a single family ranch home on a beautiful property in the City of Edgerton.**

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.

**The easement/driveway is used regularly to access the property now. The adjacent landowner to the north has two sheds that are encroaching our easement that need to be moved. This needed to happen regardless of if we put an actual driveway in or not. We've had many pleasant conversations surrounding this. One shed has been moved already and the other is in the process of being moved now. The neighbor to the south has a fence around their backyard that will not be disturbed with the driveway as it is setback further than 5ft from the property line.**

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 rightsofway, 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 longrange planning matters.

**Not at all. Simply a driveway on our easement. No trees will need to be harvested in order for this to be put in place.**

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

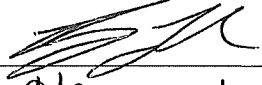
effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.

**No. Nothing we, or the previous owner did to create the need for the variance. I'm assuming just an update to the chapter was made after the lots were divided.**

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.**

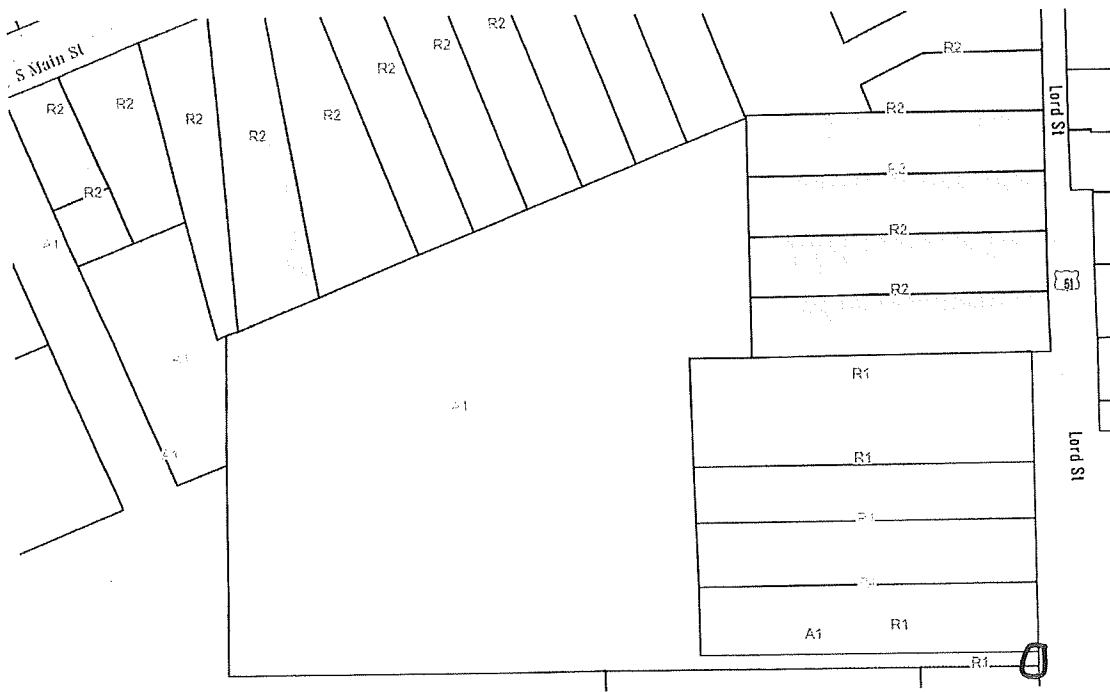
Verification by applicant: I, **Ben & Hannah Lodahl**, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability. My signature on this application grants permission for City Officials to access the site of the requested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

Applicant Signature  Date 3/14/25  
Applicant Signature Hannah Lodahl Date 03/14/25

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

Revised date 6-23-1998



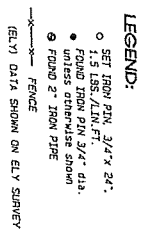


Outlets 245 and 246 of the Accessor's Plat of the City of Edgerton, in the City of Edgerton, Rock County, Wisconsin, Together with and subject to, a road over the South County, State of Wisconsin, and 245 of said Accessor's Plat to be kept open and used for the purpose of travel to and from U.S. Highway 51 on the East side of Section 9, T.4N., R. 12 E. of the 4th P.M., Situated in Rock County, and the State of Wisconsin.

I HEREBY CERTIFY THAT I HAVE SUPERVISED THE SURVEY OF THE PROPERTY DESCRIBED ABOVE AND THAT THE SURVEY IS ACCURATE AND CORRECTLY REPRESENTS SAID SURVEY AND ITS LOCATION AND COMPLETES WITH CHAPTER A-67.

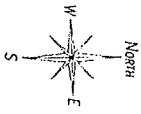
GIVEN UNDER MY HAND AND SEAL THIS 6TH DAY OF SEPTEMBER, 2022. AT JAMESVILLE, WISCONSIN.

If the surveyor's signature is not red in color, the map is a copy and may contain unauthorized alterations. The certification contained herein shall not apply to any copies.



NOTES:  
FIELD WORK COMPLETED SEPTEMBER 1ST, 2002.  
THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS,  
RECORDED AND UNRECORDED.  
ASSUMED N 45-49 E ALONG THE WEST LINE OF SAID OULLOT 246.  
A SURVEY BY ALEX ELY REVISED JUNE 26, 1959 WAS USED IN RETRACING THE  
BOUNDARIES OF THIS SURVEY.

[illegible]

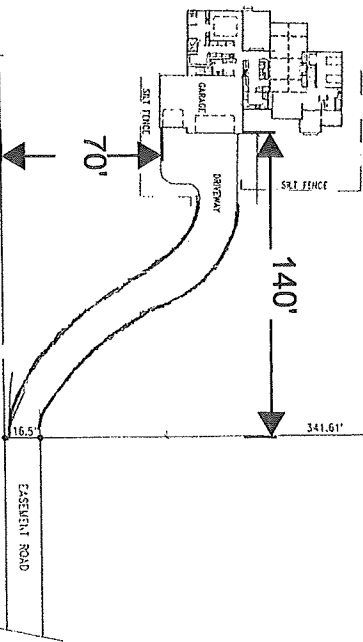


OL 246

SITE PLAN  
SCALE: 1" = 30'-0"



OL 245



**TOWER Designs**

1700 SOUTH 17TH AVENUE  
ARLINGTON, VA 22204  
608-756-4874

DRAWN BY:

Ben & Hannah Lodahl

DATE:  
12-12-11

SHEET  
51



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

October 9, 2024

A regular meeting of the Zoning Board of Appeals ("ZBA") was called to order at 7:05 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on October 9, 2024.

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

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 was 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.

Administrator Flanigan provided a brief explanation of the request and the stated reason for the need for a variance for the property located at 22 Broadway St. 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 Long, seconded by ZBA Member Jorstad, and passed by unanimous voice vote at 7:09.

The ZBA went into a public hearing on the variance application of Vince and Cindy Rinden for a variance to Section 450-33 E.4(a)[1] to allow the construction of a second detached garage which would be 288 sq. ft. in size, the maximum size allowed under the Code being 150 sq. ft.

Mr. Rinden presented the request on behalf of the applicants. He indicated that they would like a variance to have a shed in which to store holiday decorations and other items. The existing garage does not have any additional room. They do not believe that it will be detrimental to the apartment complex, and he related that the other adjacent property owners

have said that they do not object to the request. Mr. Rinden further stated that he did not believe that the maximum allowed by code would be enough storage space.

ZBA Member Ellingsworth asked if there was a grade change on the property. Mr. Rinden said that he had removed some stumps, but only a small amount of fill is necessary. The City Administrator noted that the adjacent parking lot for the apartment is higher by about 3' which would allow that property greater visibility into the Rinden backyard. ZBA Member Long asked what the size of the existing garage was. Mr. Rinden indicated that it was a two car garage. ZBA Member Jorstad asked if it was possible to add on to the existing garage. Mr. Rinden indicated that if the addition were to the rear of the garage, that the addition would impact a garden located there. Administrator Flanigan noted that the existing garage may not be in compliance with side yard setbacks and so without a variance, that the Applicants would need to expand to the south, roughly where they propose to put the shed.

A question was raised about what was permitted as to accessory structures. The ZBA was informed that property owners could have one detached garage of up to 900 sq. ft. in size and one additional 150 sq. ft. shed. The Applicant noted that the placement would be difficult to see from the street.

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 Ellingsworth at 7:18 p.m. Motion was carried on a unanimous vote.

Administrator Flanigan presented the Staff Report and recommendations. The staff report recommended that the variance be denied due to the fact that there was nothing unique about the property and the property could continue to be used in its present state.

The Administrator noted though there was a detached garage already, and that the total area would be less than the 900 sq. ft. allowed under the code, that the problem was that there is nothing unique about this parcel. It was further noted that the Applicants could make an addition to the existing garage bring it to the maximum 900 sq. ft. and that such an addition would be more area than what was being requested.

After further brief discussion during which ZBA Member Kapellen noted that 150 sq. ft. is quite large and that with shelves such a shed could hold a lot. For that reason ZBA Member Kapellen made a **motion to deny** the variance for the construction of a detached shed as requested. The motion was seconded by ZBA Member Long for discussion purposes. ZBA Member Ellingsworth made the point that this would still be less than what is allowed. A question was asked as to why 150 sq. ft was the maximum allowed and when that rule came into place. Discussion suggested that the rule had been in place at least 15-20 years and was likely based on the belief that any structure over 150 sq. ft. could be used to store a car. A question was asked as to how long the garage has existed in its current location. Mr. Rinden noted that it had been in its existing location for many year and that the existing walls are partially concrete. On a roll call vote, the **motion failed**. (1-5, ZBA Member Kapellen voting

in support) ZBA Member Ellingsworth then made a **motion to grant** the variance, seconded by ZBA Member Leitz. On a roll call vote, the **motion was approved** (5-1, ZBA Member Kapplelen voting against).

The next order of business was the approval of the minutes of the August 26, 2024, Zoning Board meeting. A motion to approve the minutes as presented was made by ZBA Member Jorstad, seconded by ZBA Member Ellingsworth. ZBA Member Leitz made note that his name was misspelled on the third page. Motion was approved on unanimous voice vote with the correction noted.

There being no further business before the Board, a motion was made by ZBA Member Ellingsworth, seconded by ZBA Member Long to adjourn. The motion was approved unanimously by a voice vote. The meeting was adjourned at 7:32.

Dated this 10<sup>th</sup> day of October 2024.

Respectfully submitted,

CITY OF EDGERTON

/ss/ William E. Morgan

By: William E. Morgan, City Attorney