

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

ZONING BOARD OF APPEALS

Monday, August 26, 2024 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. 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, August 23, 2024.
3. Public Hearing:
 - a. Hear comments regarding a request by Kaleb Wynn for a variance to Chapter 450-33 E.4(a)[1] to allow the construction of a 1,274 sf detached garage (900 sf maximum is allowed) or to allow the construction of a 390 sf gazebo (150 sf maximum allowed).
 - b. Close the public hearing.
4. Consider a request by by Kaleb Wynn for a variance to Chapter 450-33 E.4(a)[1] to allow the construction of a 1,274 sf detached garage (900 sf maximum is allowed) or to allow the construction of a 390 sf gazebo (150 sf maximum allowed).
5. Public Hearing:
 - a. Hear comments regarding a request by David and DeEtta Shanklin Revocable Trust for variances to Chapter 450-33 C(1)(a) and 450-33 C(3)(a) to allow the construction of a fence 6 feet tall (maximum height allowed is 4 feet); and to allow the construction of a fence that is 100% solid (maximum opaqueness allowed is 50%).
 - b. Close the public hearing.
6. Consider a request by David and DeEtta Shanklin Revocable Trust for variances to Chapter 450-33 C(1)(a) and 450-33 C(3)(a) to allow the construction of a fence 6 feet tall (maximum height allowed is 4 feet); and to allow the construction of a fence that is 100% solid (maximum opaqueness allowed is 50%).
7. Consider approval of June 27, 2024 Zoning Board of Appeals meeting minutes.
8. Adjourn

cc: All Board Members City Administrator
 All Council Members Department Heads
 City Attorney
 Newspapers

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: August 26, 2024

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 450-33 E.4(a)[1] to allow the construction of a 1,274 sf detached garage (900 sf maximum is allowed) or to allow the construction of a 390 sf gazebo (150 sf maximum allowed).

Address: 310 Chaucer St (parcel 6-26-243.1)

Applicant: Kaleb Wynn

Current Zoning/Land Use: R-2 Residential / 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 petitioner seeks a variance to allow the construction of a detached garage that exceeds the size restrictions of the ordinance. Chapter 450-33 E.4(a)[1] limits detached garages to 900 sq ft.
2. The petitioner proposes to construct an 884 sf detached garage with a 390 sf covered pavilion attached to the garage. The covered pavilion by definition counts as floor area bringing the total square footage to 1,274.
3. The petitioner spoke with city officials and, based on that conversation, believed that a building of this size would be allowed and began construction of the project before building permits were issued.
4. If a variance to allow the pavilion to be part of the detached garage **is denied**, the petitioner requests a variance to allow the construction of the pavilion as a 390 sf stand-alone structure (gazebo as defined in the ordinance) which is larger than the maximum 150 sf allowed by the ordinance.

Date Draft Submitted _____
Date Application Submitted _____
Fee Paid _____

Application for Variance

Owner (must be the applicant) Kaleb D. Wynn

Parcel Address 310 Chaucer St, Edgerton WI 53534 Parcel Number 6-26-243.1

Owner Address 310 Chaucer St, Edgerton WI 53534 Daytime Phone 608-509-6366

Present Use of the Property Single Family Residential

Zoning Classification R2

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:

We are requesting an additional 266 square feet under a covered pavillion. Per multiple conversations with the city via phone/email, this hard originally been okay'd.

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

If the additional 266 square feet can't be approved, we'd propose a stand-alone

pavillion (26' x 15') that butts up to the garage.

- (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.

This additional square footage does not negatively impace the surrounding neighbors in any way. We've already invested \$13,500 into excavatation work for this project based on preliminary guidance provided to us by the city.

- 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.

Not only would we like to use the garage for storage, we'd like the pavillion to enhance the space for relaxation and socialization. Having an attached pavillion (vs a stand-alone) will be more structuarly stable and visually appealing.

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 - this has been discussed with our one neighbor. They are on board with the project and are willing to advocate for it if necessary.

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

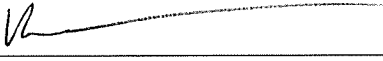
Have the factors causing the variance request been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Chapter.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

Prior to considering this project, we reached to the city to see if the attached pavillion would be permitted. We were told yes because a pavillion does not have 4 walls so it would not count towards the total allowed square footage. In turn, we had \$13,500 worth of excavation work done. Had the answer been no, we would have had no need for this much excacation work. 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

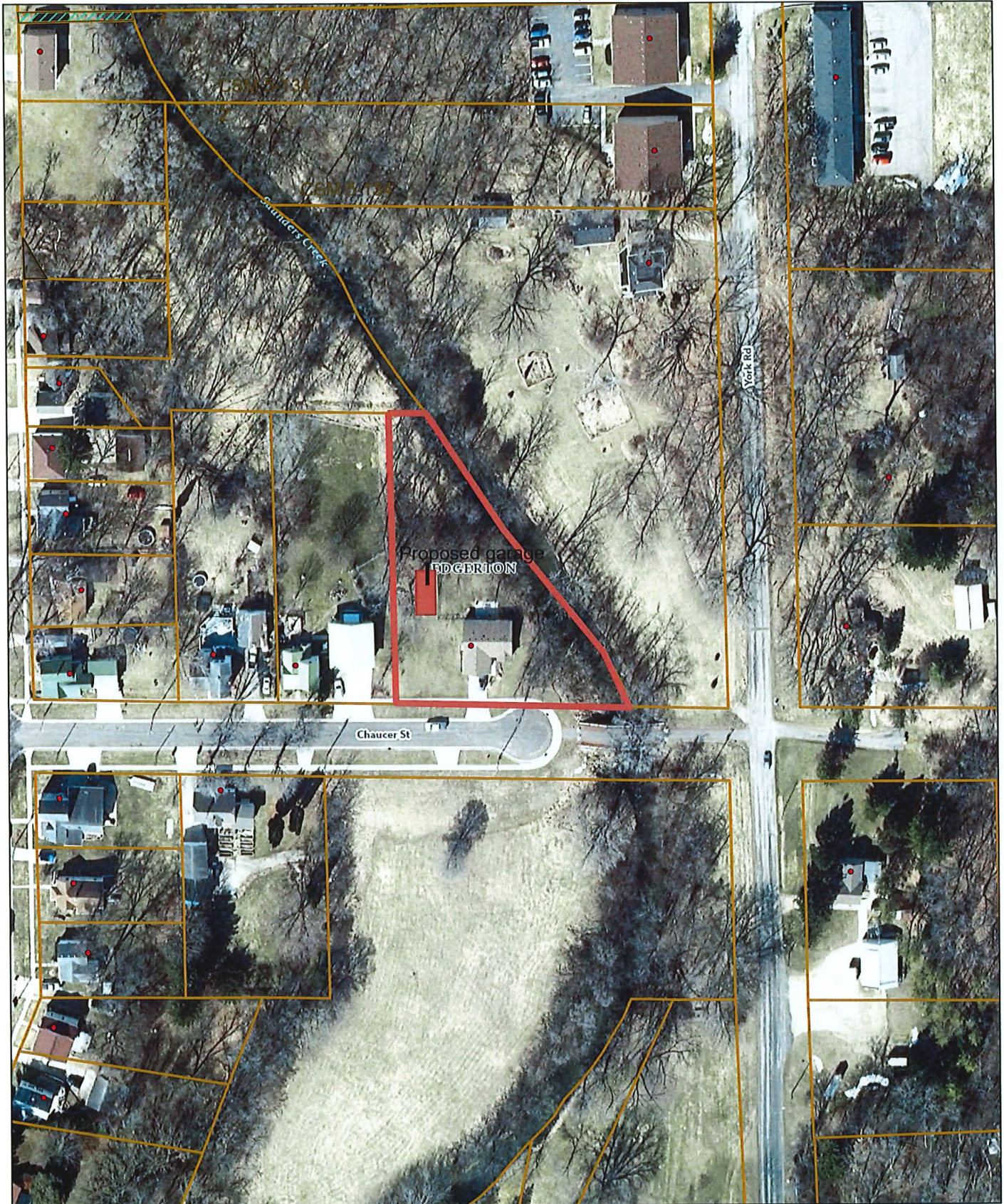
Verification by applicant: I, Kaleb Wynn, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability.

Applicant Signature  Date 7/25/24

Applicant Signature _____ Date _____

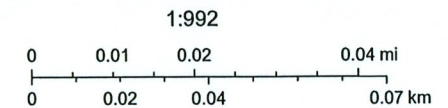
Consideration for Approval: Granted _____ Denied _____ Date _____
Chairman, City of Edgerton Zoning Board of Appeals

ArcGIS Web Map

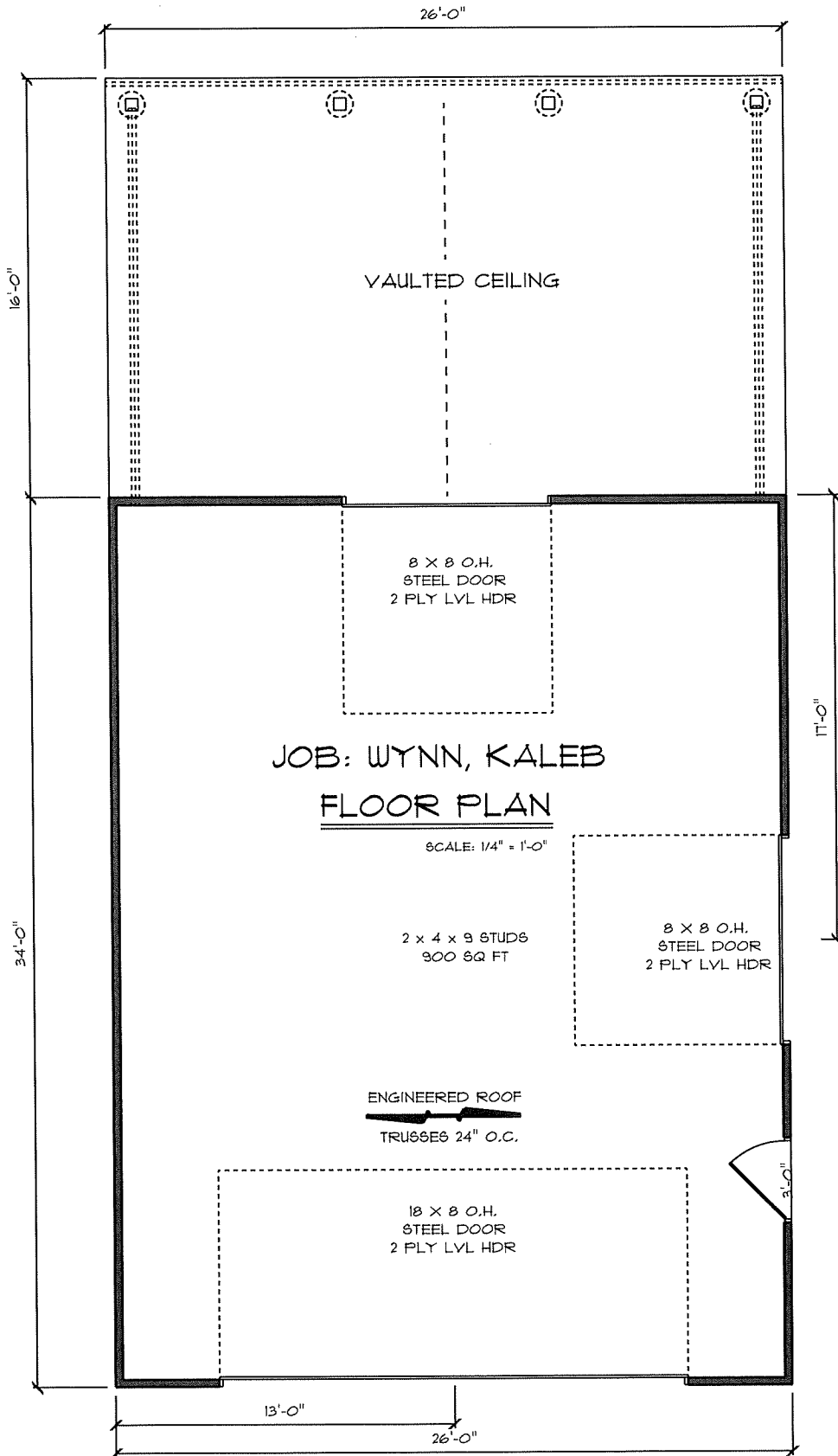


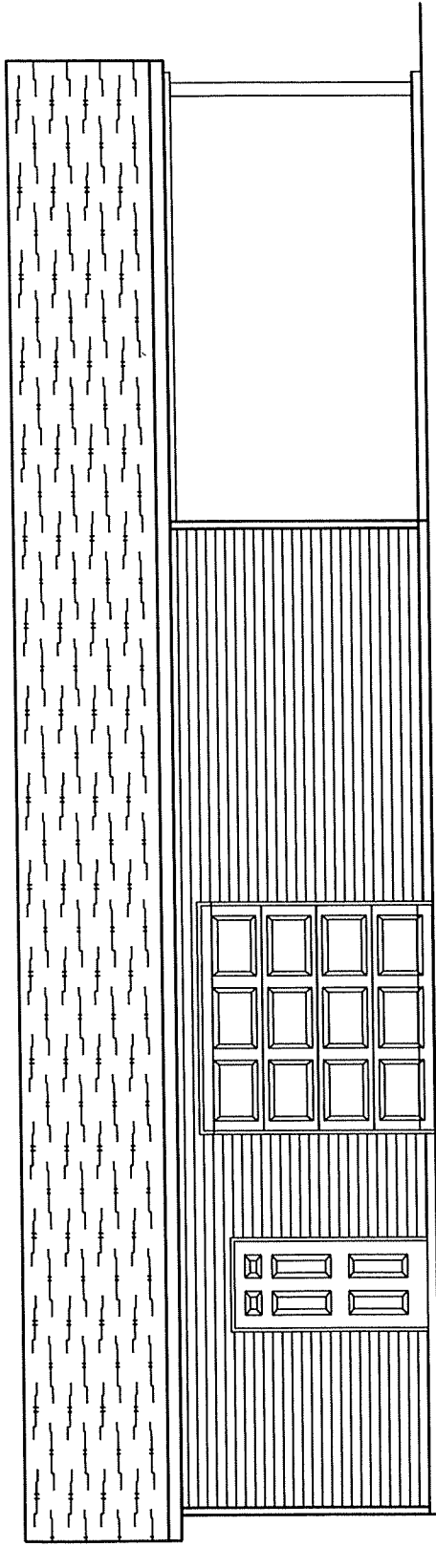
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- Address Points
- OVERLAP
- Tax Parcel Layer
- PARCEL
- GAP
- Municipal Boundaries
- Rivers and Streams
- Roads



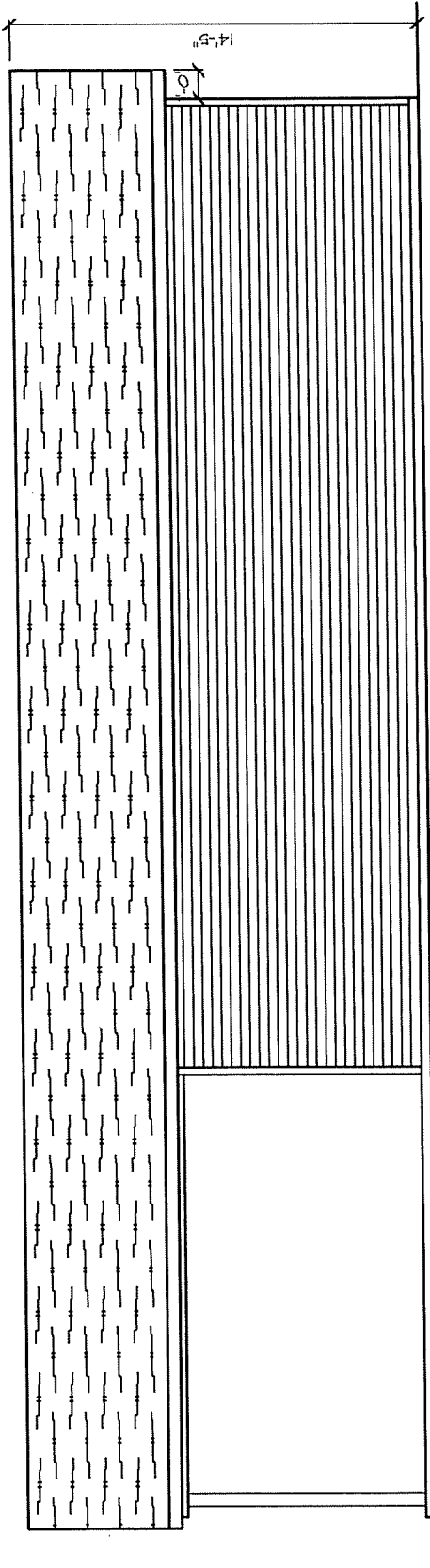
County of Rock Land Information Office; Rock County, Wisconsin





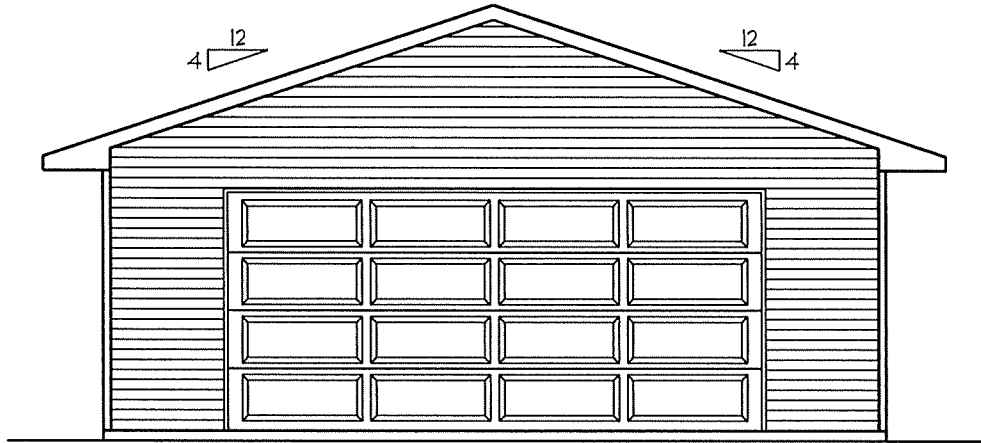
RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



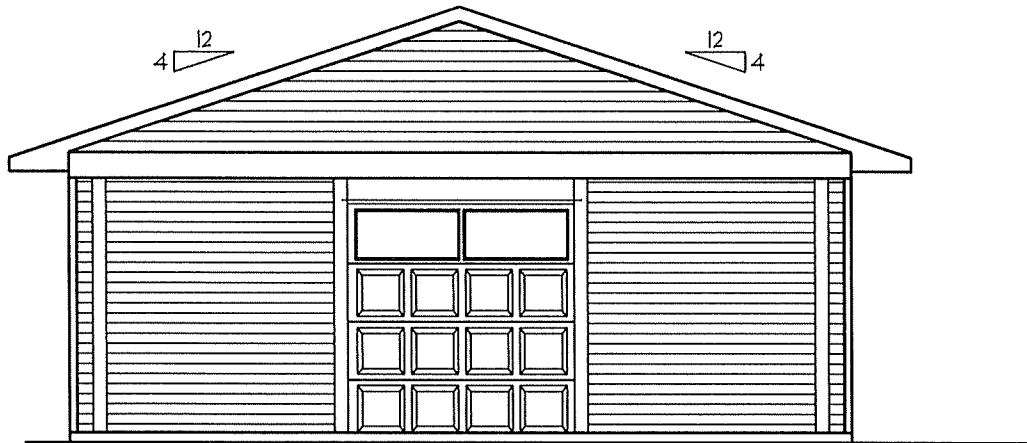
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: August 26, 2024

GENERAL DESCRIPTION

Description of Request: Variances to Chapter 450-33 C(1)(a) and 450-33 C(3)(a) to allow the construction of a fence 6 feet tall (maximum height allowed is 4 feet); and to allow the construction of a fence that is 100% opaque (maximum opacity allowed is 50%).

Address: 1 Head Street (parcel 6-26-99)

Applicant: David and DeEtta Shanklin Revocable Trust

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 variances to allow the construction of a fence that is closer to the front (street yard) lot line; less see through, and taller than is allowed by the ordinance. The lot is a corner lot with two “front yards” meaning the fence must comply with the front yard standards on two sides.
2. The ordinance allows for the height of a fence to be exceeded with the granting of a conditional use by the Plan Commission under the following conditions:
 - a. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;
 - b. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side.
 - c. The fence shall be set back from the property line beyond the requirement of [ordinance above, such distance as appropriate to contain adequate landscaping per (3)(c)4.b., above, and so as to maintain an attractive relationship to fence’s external side.

The Plan Commission will consider a conditional use permit regarding the fence height at a meeting preceding the ZBA meeting. If the conditional use permit is not granted by the Plan Commission, the ZBA will consider the height and opacity of the fence.

3. The petitioner proposes to install the fence 6’ from the West Street sidewalk and retain the existing landscaping on the street side of the fence.

Date Draft Submitted	_____
Date Application Submitted	_____
Fee Paid	_____

Application for Variance

Owner (must be the applicant) Todd Regan; Livvia Shanklin; David C. Shanklin, DeEtte M. Shanklin Revocable Living Trust

Parcel Address 1 Head St. Edgerton, WI Parcel Number 6-26-99

Owner Address 1 Head St.; 1 Head St.; 9990 N. Edgewood Shores Rd., Edgerton Daytime Phone 608-221-3677

Present Use of the Property Residential

Zoning Classification R2

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 # 450-53 cannot be entirely satisfied because:

We would like to build a 6 foot opaque privacy fence but are not allowed because the property is a corner lot with two "front" yards.

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

We propose a 6 foot privacy fence starting at the SE corner of the

house to approximately 6 feet short of the sidewalk along West St, then running the length of the rear property line, inside the hedges and trees, to the NW corner of the property line. From there, running south along the property line, to the NW corner of the garage. A small section and gate will run between the SE corner of the garage and house

- (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.

Livvia Shanklin, one of the owners and residing at 7 Head St., is mentally ill and traumatized when seen by others. The fence would help keep her safe and secure while in her yard and new community. She also owns 3 dogs which have been known to jump 4 foot fences and the privacy fence would also keep the dogs from barking at stimuli and disturbing neighbors.

- 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 unusual shape of the property, being a corner lot considered to have two "front" yard borders along the south and east sides, along with current regulations, prevent adequate privacy and impedes owner enjoyment of the property.

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 increase in allowed height and the opacity of the proposed fencing does not obstruct vision of intersecting streets and driveways (sidewalks, especially considering that Head St. is one way flowing west. Existing plantings and trees will adequately screen the fence, maintaining an attractive appearance to the neighborhood. (The fence will be set back into the yard approximately 6 feet from the sidewalk.)

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: this variance would be a positive influence on the character of the neighborhood, because its placement will require removal of brush and overgrowth on the property.

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: the property lines were determined previous to the last or current owners' residence.

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: it refers section 22-206 which has been updated to 450-53

Todd Regan ; Livvia Shanklin;

Verification by applicant: I, David C. & Deette M. Shanklin, owners 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 [Signature] Date 7/26/24

Applicant Signature [Signature] Date _____

Deette M. Shanklin [Signature] 7/26/24

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

Kaleb D. Wynn - 310 Chaucer St, Edgerton WI - 608-509-6366

Parcel Number: 6-26-243.1



Current land use in single family residential. Request is to add a storage shed.

Notes:

Property Lines in Yellow

Property Line dimensions in Blue

Proposed Structure in White

Proposed new paving in gray

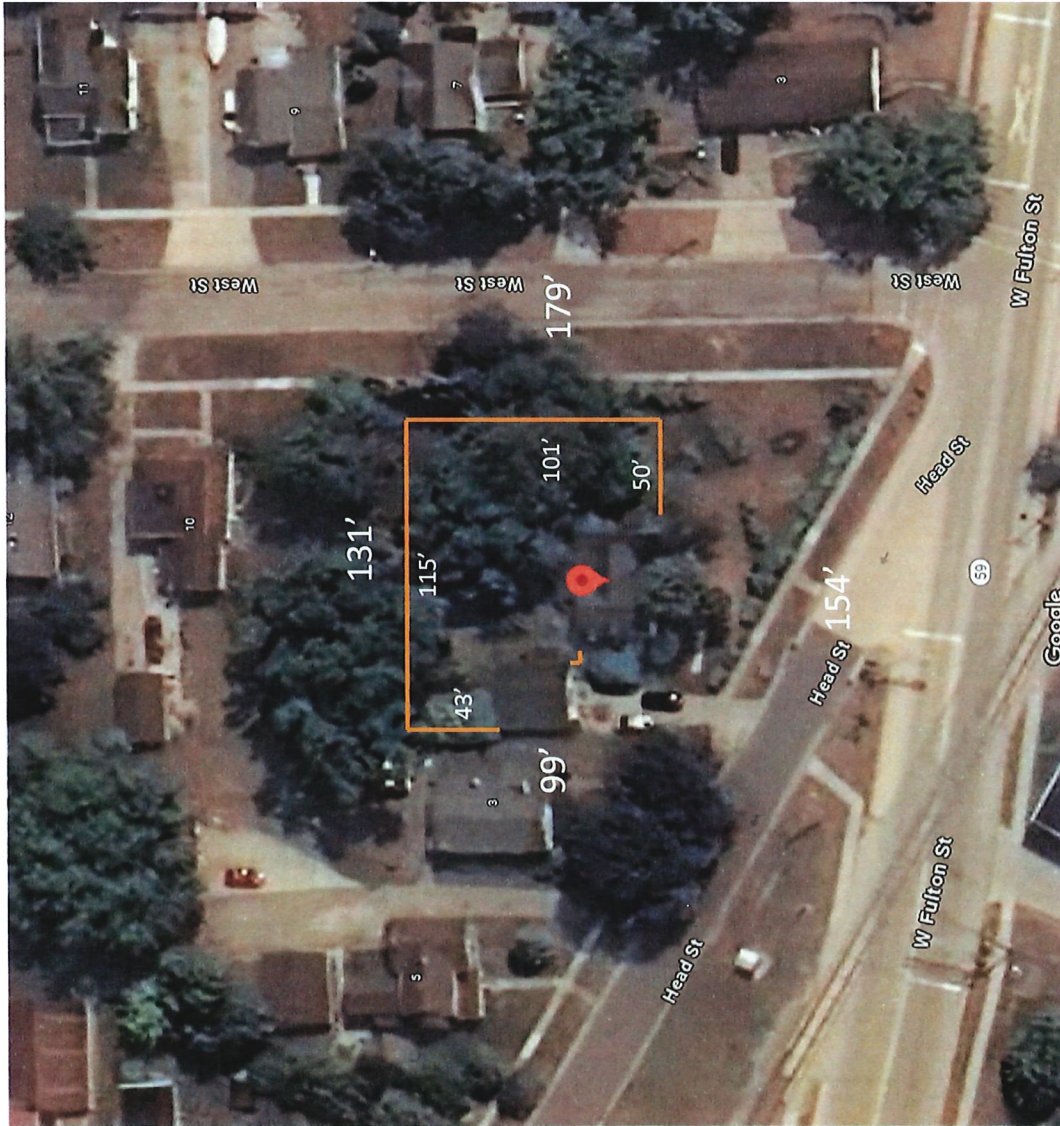
Zoning of Adjacent parcels

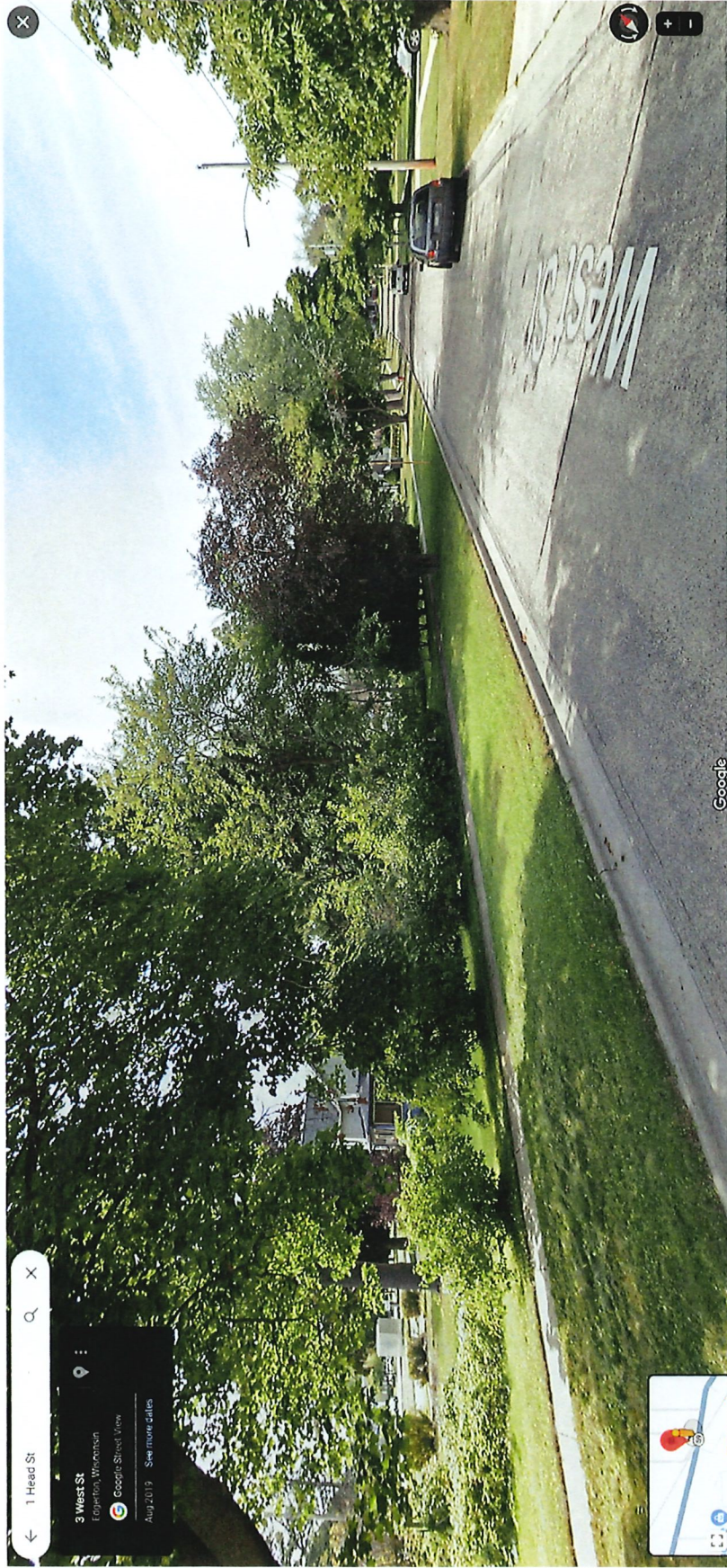
- North R2
- South M1
- East R4
- West R2

Proposed Property from lines

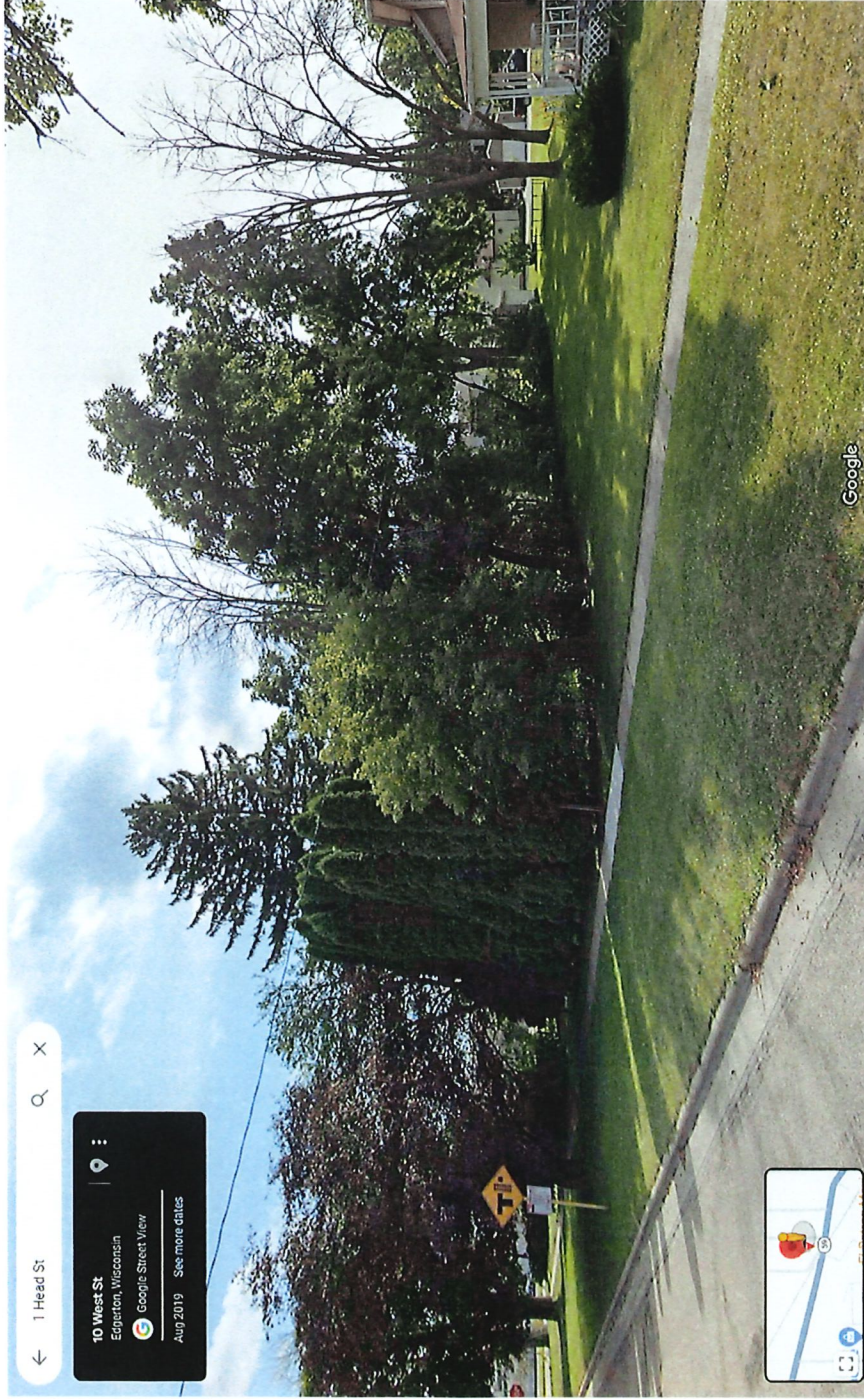
- North 128'
- South 75'
- East 84'
- West 10'

North is at the top
Lot dimensions 99'x131'x179'x154'
Proposed fence is in orange 43'x115'x101'x50'
Adjacent parcels are Zoned R2





This view is looking north on West Street.
The fence would be approximately 6 feet inside of the sidewalk and positioned behind trees and shrubs



This view is looking southwest on West Street showing the back and east side of the lot. The fence would be inside of trees and shrubs.



This view is the front of the house from Head Street

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

June 27, 2024

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 5:33 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on June 27, 2024.

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

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 Long, seconded by ZBA Member Jorstad, and passed by unanimous voice vote at 5:35.

The ZBA went into a public hearing on the variance application of Mary Jo Hessian for a variance to Chapter 450-84C.(2)(d)[2], seeking a reduced front yard setback from 27’ to 16’ to allow the construction of a detached garage at the property located at 203 Garfield Street.

Ms. Hessian presented as to the need for the variance. The applicant noted that there had been a need for a storm sewer easement across their property due to the adjacent property and their need for a sump pump and accompanying drainage issues. Because of this the area in which the accessory structure could be placed was significantly reduced necessitating the variance.

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 Leitz at 5:37. Motion carried on a unanimous vote.

Administrator Flanigan presented the Staff Report and recommendations. The staff report recommended that the variance be granted due to the unique nature of the property and the neighborhood in general. Staff noted that there are a number of different setbacks already within the neighborhood so any difference in setbacks on the subject property would not have a negative impact on adjoining properties.

After further brief discussion, a motion to grant the variance as requested was made by ZBA Member Jorstad, seconded by ZBA Member Long. 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 May 15, 2024, Zoning Board meeting. A motion to approve the minutes as presented was made by ZBA Member Long, seconded by ZBA Member Jorstad.

There being no further business of the Board, a motion was made by ZBA Member Jorstad, seconded by ZBA Member Long to adjourn. The motion was approved unanimously. The meeting was adjourned at 5:40.

Dated this 28th day of June 2024.

Respectfully submitted,

CITY OF EDGERTON

/s/ William E. Morgan

By: William E. Morgan, City Attorney