# CITY OF EDGERTON CITY HALL 12 ALBION STREET

#### ZONING BOARD OF APPEALS

Wednesday, October 9, 2024 AT 7:00 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 <a href="https://www.cityofedgerton.com">www.cityofedgerton.com</a>. 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, October 4, 2024.
- 3. Public Hearing:
  - a. Hear comments regarding a request by Vince and Cindy Rinden for a variance to Chapter 450-33 E.4(a)[1] to allow the construction of a second, detached garage that is 288 sf (150 sf maximum is allowed).
  - b. Close the public hearing.
- 4. Consider a request by request by Vince and Cindy Rinden for a variance to Chapter 450-33 E.4(a)[1] to allow the construction of a second, detached garage that is 288 sf (150 sf maximum is allowed).
- 5. Consider approval of August 26, 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: October 9, 2024

#### GENERAL DESCRIPTION

**Description of Request:** Petition for a variance to Chapter 450-33 E.4(a)[1] to variance to Chapter 450-33 E.4(a)[1] to allow the construction of a second, detached garage that is 288 sf (150 sf maximum is allowed).

Address: 22 Broadway St (parcel 6-26-195)

**Applicant:** Vince and Cindy Rinden

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

#### STAFF REVIEW COMMENTS

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

- 1. The petitioner seeks a variance to allow the construction of a second detached garage. Chapter 450-33 E.4(a)[1] limits a property to one detached garage which is defined as an accessory structure over 150 sq feet. This parcel has an existing detached garage. Parcels in this district are also allowed to have a second accessory structure less than 150 sq ft. The petitioner proposed to add a second accessory structure that is 288 sq ft.
- 2. The petitioner requests the extra garage space for storage of personal items.
- 3. The parcel is regularly shaped. The rear portion of the parcel, where the garage is proposed, is adjacent to a surface parking lot for an adjacent apartment building.
- 4. The proposed building does not have a foundation and is movable.

Date Draft Subn		
Date Application	Submitted	
Fee Paid		

# **Application for Variance**

Application for variance
Owner (must be the applicant) Vince and Cindy Rinden  Parcel Address 22 Broadway, St. Edgerten Parcel Number 6-26-195-  Owner Address 22 Broadway, St. Edgerton Daytime Phone 608-884-6880  Present Use of the Property Single Family Home
Parcel Address 22 Broadway, St. Edgerten Parcel Number 6-26-195-
Owner Address 22 Broad way 5+ Edgerton Daytime Phone 608-884-6880
Present Use of the Property Single Family Home
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 #450-33 F cannot be entirely satisfied because:  We Can't add To other Structures Like
the house or garage.
In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail):  We want to build a garage for our

the building will be pleasing to the eye, a nutral Light gray with a reddish trim,

storage of Halloween, Christmas and outside decorations. No big garage door, but one average door. The building is ona steel frame and can be moved. It will be on crushed limerock, Its about 7'l' from the property Line.

(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.

We have an old property and can not add on to the garage. Their is a Parking lot and grade change next to our property. Also the house is to close to our driveway for a add on.

- 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 Limits to our property is the grade change and parking lot next to our 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.

we have a decorative white fence and leaf desorative small fence. The neighbors have a fence also. The building will be behind own white fence.

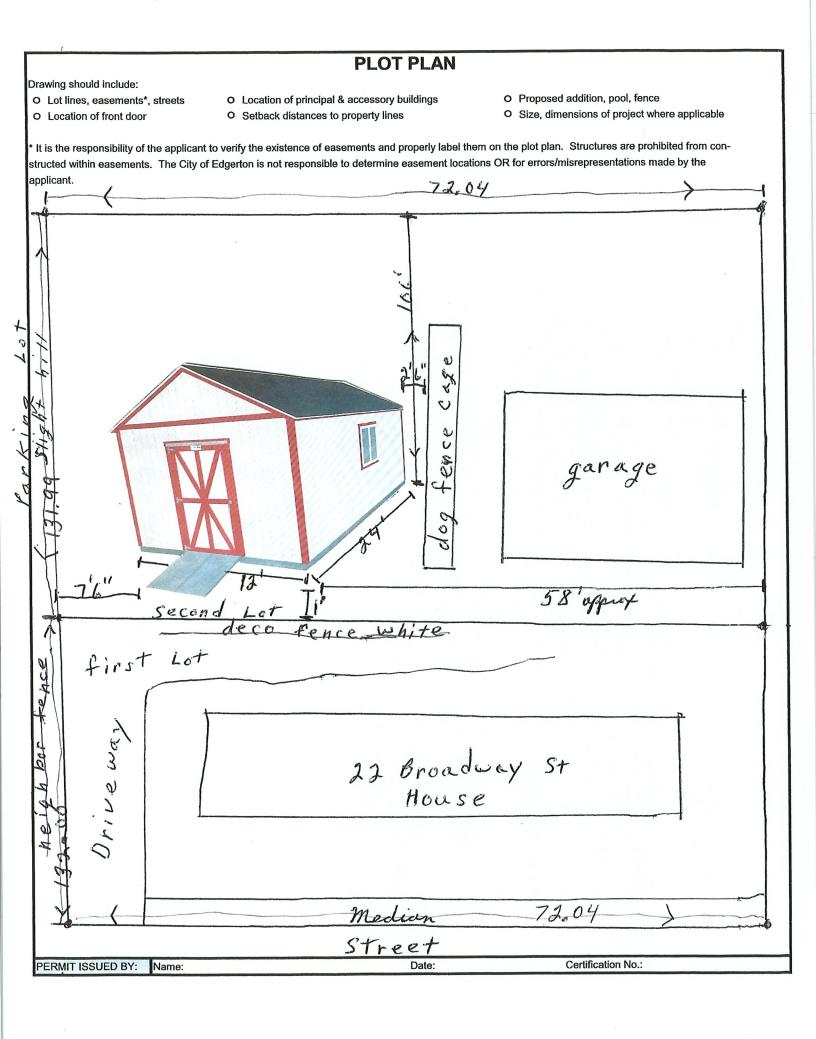
Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the 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.

decorative small fence. No other driveway, no impact on City. The building will be behind the white decorative fence, we also called differs hot line and the area is cleared.

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.	
the buildings - house and gar be added on to the structures	age Can not
Does the proposed variance involve the regulations of Subsection regulations in each zoning district of Section 22.700? The respondently indicate that the requested variance does not involve Subsection.	onse to this question shall
No	
Verification by applicant: I, $V_{in}$ and the above information is truthful my ability.	
Applicant Signature V. R. R.	Date 52P4/14/2024
Applicant Signature Cindy Renden	Date Sept 10 2024  Date Sept 10, 2024
Consideration for Approval: Granted Denied	Date
Chairman, City of Edgerton Zoning Board of Appeals	

Revised date 6-23-1998



# CITY OF EDGERTON ZONING BOARD OF APPEALS MINUTES

August 26, 2024

A regular meeting of the Zoning Board of Appeals ("ZBA") was called to order at 6:35 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on August 26, 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 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 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 requests being considered at the meeting.

Staff provided a brief explanation of the request and the reason for the need for a variance for the property located at 310 Chaucer 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 6:41.

The ZBA went into a public hearing on the variance application of Kaleb Wynn for a variance to Section 450-33 E.4(a)[1] to allow the construction of a 1,166 sf detached garage, 900 sf being the maximum allowed under the Code, or in the alternative, to allow the Applicant to construct a 266 sf gazebo, 150 sf being the maximum allowed under the Code adjacent to a garage yet to be constructed on his property located at 310 Chaucer St.

The Applicant presented as to the need for the variance. The preferred solution is for the construction of the detached garage with an open-air pavilion. The request is being made to provide additional storage and a gathering place. The Applicant stated that it will be constructed in the same materials as the house, but it will not be generally visible from the

street and only one neighbor. The Applicant believes a covered area with a TV and smoker would increase the value of the property. The Applicant further stated that they have already invested \$13,500 in the project due to a tree removal and pre-work which has been done. The Applicant did not understand that the amount of the square footage would be an issue when he commenced the project but now understands that the open-air covered porch area is considered to be part of the square footage. If the Applicant's primary request is denied, he would look to construct a stand-alone gazebo like structure. He does not think that such a solution would have as much curb appeal.

Larry Cutting, a neighbor (308 Chaucer St.), spoke in favor. He does not believe it will have any negative impact on the neighborhood.

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 Ellingworth at 6:47 p.m. Motion carried on a unanimous vote.

Administrator Flanigan presented the Staff Report and recommendations. The staff report recommended that the variance be denied granted 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 there is an attached garage already which would result in more storage than is normal. The requested structure, which would be an accessory structure, would be the same size as some of the nearby houses.

ZBA Member Ellingsworth asked what the enclosed structure size would be. The Applicant indicated the enclosed portion would be 900 sq. ft. and further noted that the add-on was for convenience. Applicant emphasized that the covered area would not be enclosed, with only room for seating and perhaps a firepit.

After further brief discussion, a <u>motion to deny</u> the variance for the construction of a detached garage with a covered pavilion as requested was made by ZBA Member Long, seconded by ZBA Member Ellingsworth (<u>Motion Approved</u> 5-1, ZBA Member Jorstad voting against).

Further discussion was then had as to the request to construct a gazebo. It was noted that there would be the same amount of concrete for the gazebo as was proposed for the open-air portion of the requested detached grarage. ZBA Member Ellingsworth asked what hardship would be in having a smaller gazebo. The Applicant said it was simply to get more use out of it and due to wanting more area. ZBA Member Long made a **motion to approve** the request for a variance as to the gazebo. The motion was seconded by ZBA Member Jorstad. After further discussion, **Motion Failed** (5-1, ZBA Member Jorstad voting against)

ZBA Member Long made a <u>motion to reconsider the initial motion</u>, ZBA Member Jorstad seconded the motion. On a roll call the <u>motion for reconsideration failed</u>. Both applications were therefore denied.

The next order of business was the consideration of the variance request by the David and DeEtta Shanklin Revocable Trust, as to Parcel Number: 6-26-99, 1 Head St., Edgerton.

A brief description of the request was provided by staff.

The ZBA went into a public hearing at 7:20 p.m. upon the motion of ZBA Member Lietz, seconded by ZBA Member Ellingsworth, on the variance application of by the David and DeEtta Shanklin Revocable Trust for variances to Section 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 opaqueness allowed is 50%).

The Applicants presented on the need for the variances. The Applicants noted that the request was is actually for their daughter's home. The home had been recently purchased and the Applicants are trying to improve the property. The Applicants noted that their daughter is mentally ill. They presented three letters, including letters from their daughter's treatment providers supporting the request. The Applicants stated that their daughter has PTSD, and that unless there is a fence, she will not have the same enjoyment of her property as would an individual without PTSD. To minimize the impact of the request, they are proposing a fence which will blend in with the trees. The Applicants argued that if the fence is placed as is required by the Code, that the fence would not provide significant area for her to work. They also noted that it is a corner lot with two front yards which affects the location of the fence.

Nicholas Lowe (3 Head St.) spoke in opposition to the request on basis of the beauty and aesthetics of the neighborhood would be negatively affected. Lowe stated that his kitchen is only 12' off of the back corner of where the fence would be located. Lowe stated that he would be okay if the fence was pushed in from his kitchen window.

Larry Witzel (316 Crescent St.) also spoke in opposition to the request. Witzel said that the fence would have a negative impact on the neighborhood. He feels bad about the Shanklin's situation but does not support the request.

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

A motion to close the public hearing was made by ZBA Member Ellingsworth and second by ZBA Member Lietz. [ZBA Member Long indicated that he would be abstaining] The motion passed by a voice vote at 7:29 p.m.

Administrator Flanigan presented the Staff Report and recommendations. The staff report recommended that the variance be denied granted due to the fact that there was nothing unique about the property and the property could continue to be used in its present state. She noted that part of the fence can be 6' and opaque but not portion which is along the street.

The Administrator also noted that this is a very large lot meaning that there is a lot of space that can accommodate outside activities. It was acknowledged that there are no visibility issues associated with the request. The reason to deny is based on hardship.

ZBA Member Ellingsworth asked why the extra 25' of fencing is necessary. The Applicants stated that the additional length would allow the fence to enclose a treehouse that their daughter would liked to use.

After further discussion, a <u>motion to approve</u>, but only to only to the extent necessary to encircle the treehouse, was made by ZBA Member Ellingsworth and seconded by ZBA Alternate Wellnitz, for the purpose of discussion. After further discussion, ZBA Member Ellingsworth made a <u>motion to amend the motion</u> to limit the fence to 15'. The motion to amend died for lack of a second.

After further discussion, the <u>original motion was denied</u> (4-1 – ZBA Member Jorstad voting against; ZBA Member Long abstaining)

After further brief discussion, a <u>motion to approve a limited variance</u> with the following conditions: fence to be at least 15' from the ROW(10'variance from Code), up to 6' in height, and may be 100% opaque, was made by ZBA Member Leitz and seconded by ZBA Alternate Wellnitz. The motion was <u>approved</u> by roll call vote (ZBA Member Long abstaining)

The next order of business was the approval of the minutes of the June 27, 2024, Zoning Board meeting. A motion to approve the minutes as presented was made by ZBA Member Jorstad, seconded by ZBA Member Long. Motion was approved on unanimous voice vote.

There being no further business of the Board, a motion was made by ZBA Member Long, seconded by ZBA Member Ellingsworth to adjourn. The motion was approved unanimously. The meeting was adjourned at 7:50.

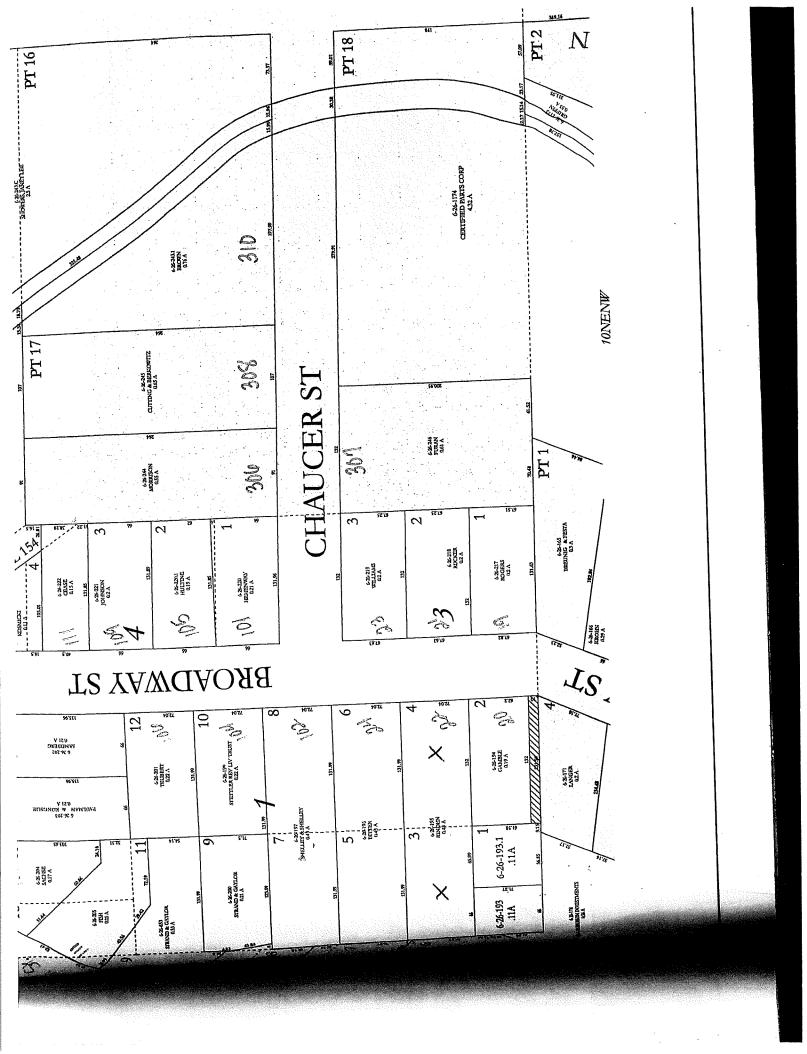
Dated this 18th day of September 2024.

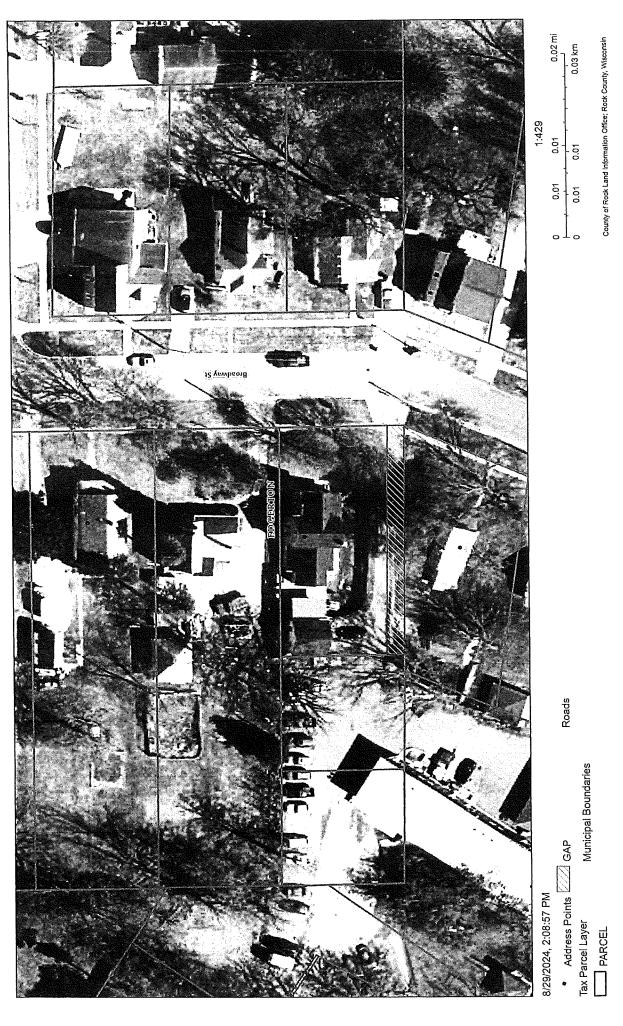
Respectfully submitted,

CITY OF EDGERTON

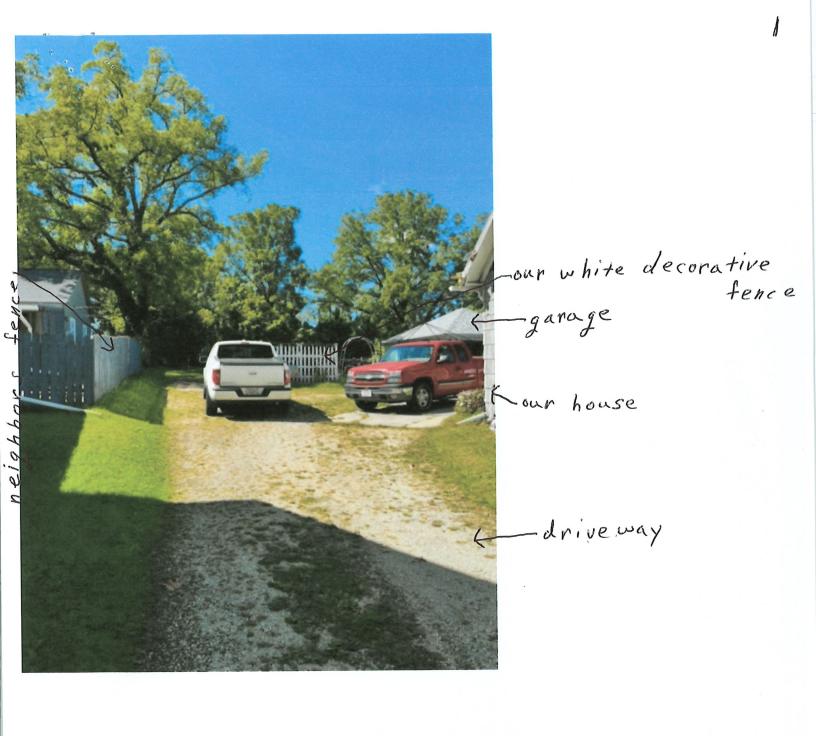
/ss/ William E. Morgan

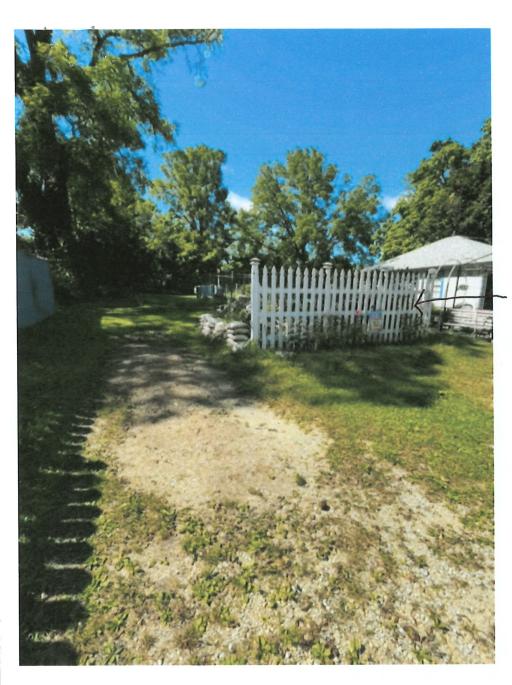
By: William E. Morgan, City Attorney



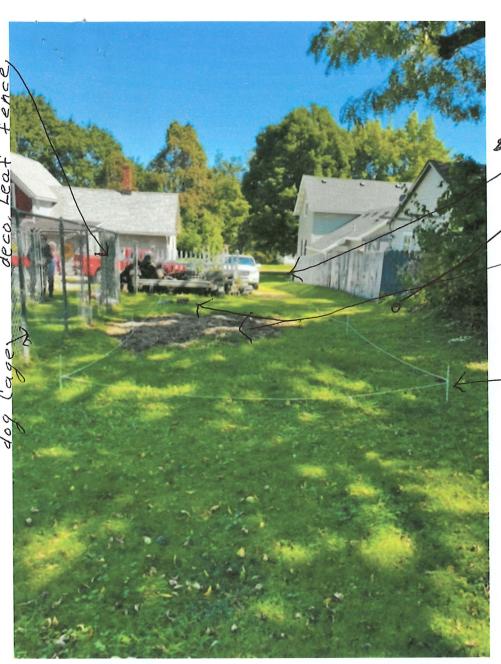


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-decorative white fence

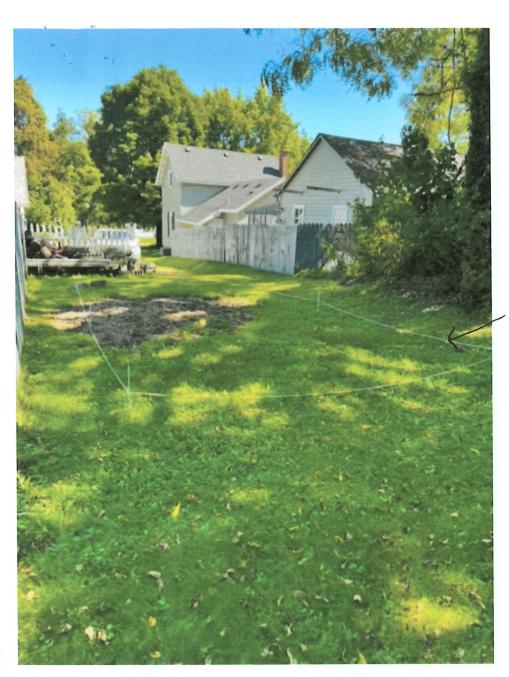


Street

Lot mar Ker

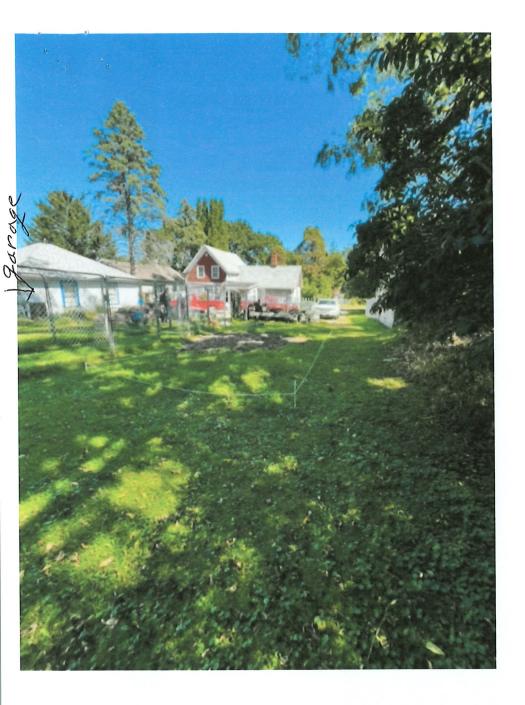
-tree stumps taken down and removed

-outline of 12×24'
garage



out line of 12'x 24'
garage







Lot mar Kers 131,99

-decorative Leaf Small fence



new garager corner to Lot marker 76"

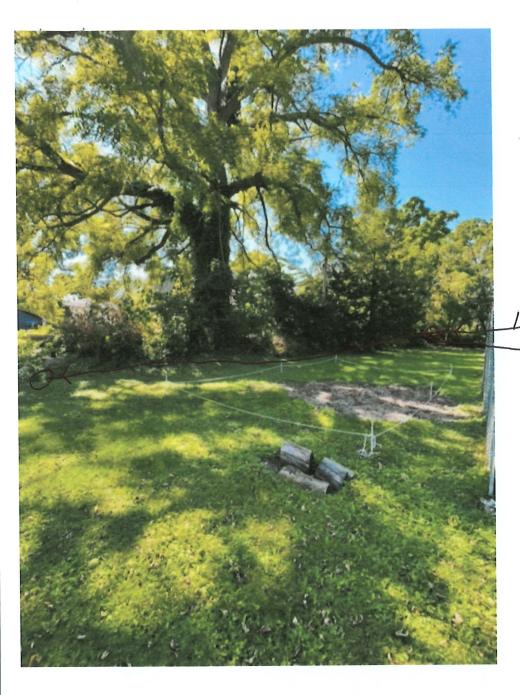
Lot marker



-lot marker



-parking Lot

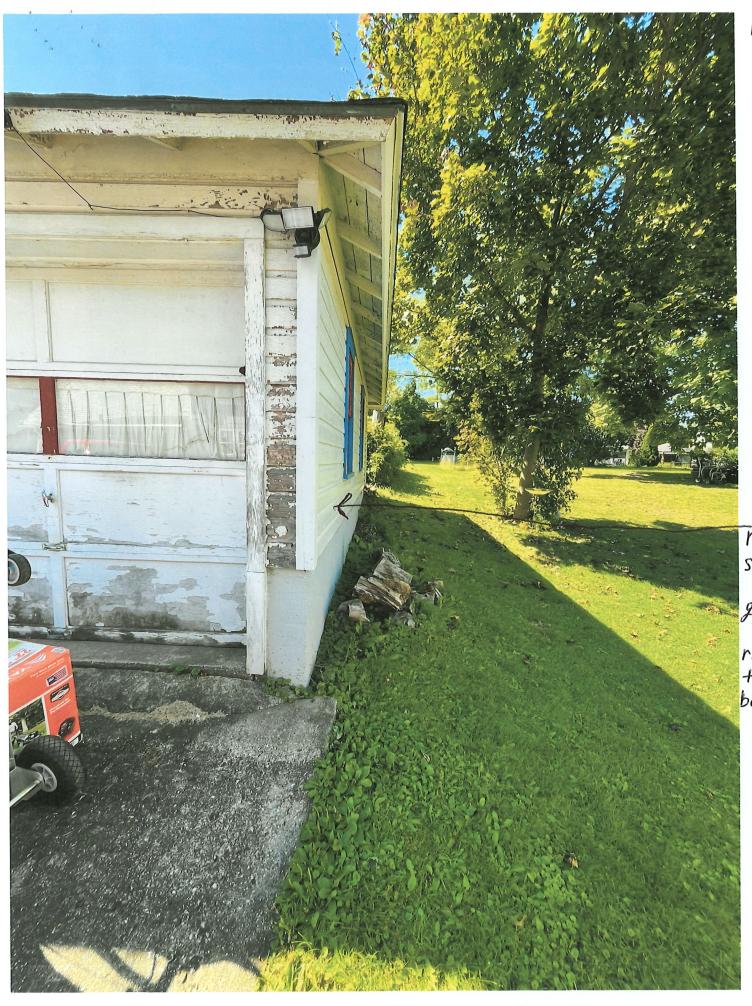


131.99

Lot markers



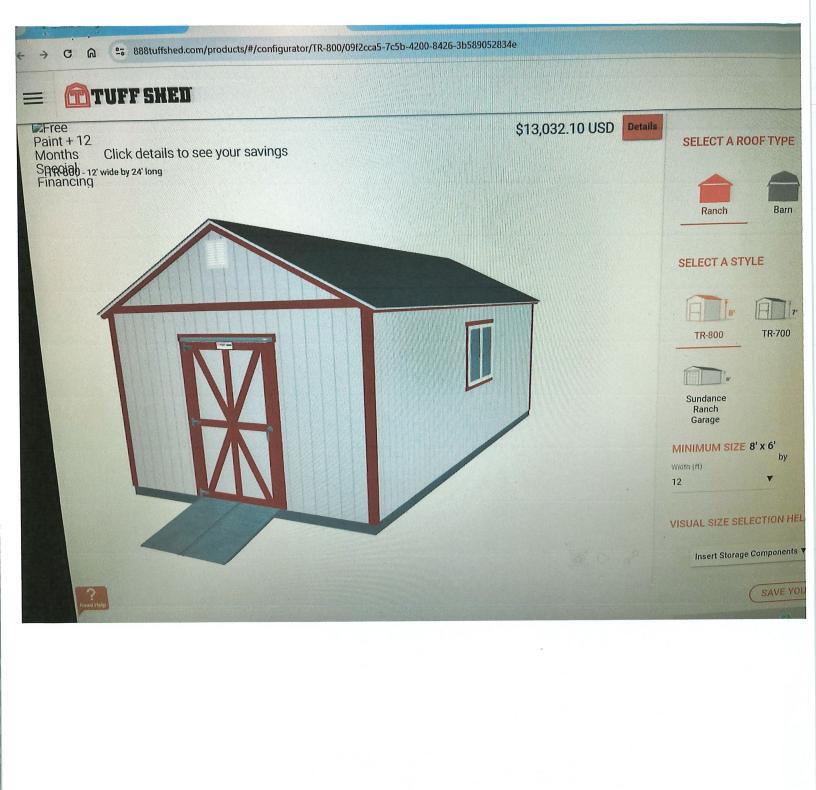
new garage markers

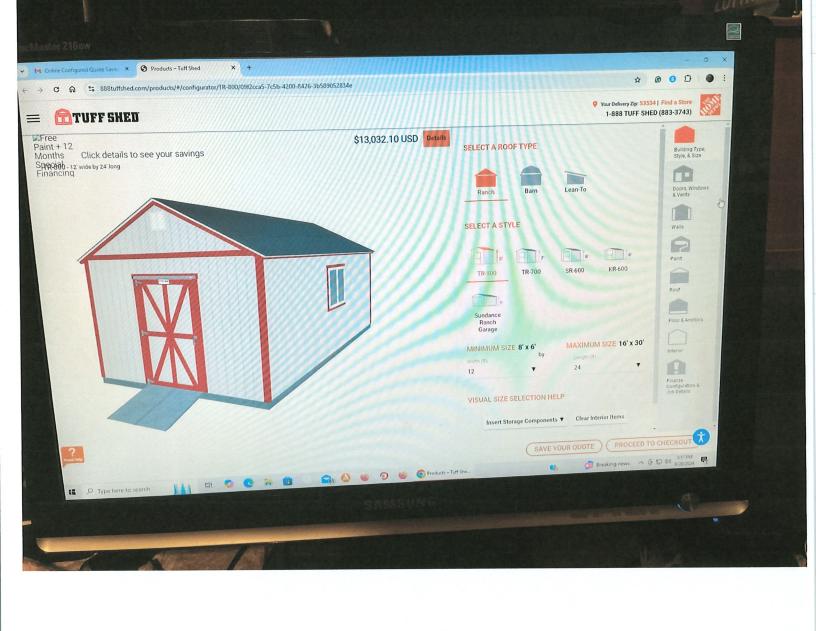


right
Side
of
garage
no
noom
to
build
on



22 Broadway St., Edgerton







Web Quote Number #: 3430533

Created: Aug 28, 2024 4:10:26 PM







#### **Customer Information**

Vince and Cindy RINDEN 22 Broadway Street Edgerton, WI 53534 bluryder71@gmail.com

#### **Shipping Information**

Vince and Cindy RINDEN 22 Broadway Street Edgerton, WI 53534

Description	Qty	List Price	Discount	Ext Net Price
TR-800 12 x 24 8 high	1/Ea	\$8923.00	\$0.00	\$8923.00
4' x 6'7" Single Shed Door 8 high	1/Ea	\$0.00	\$0.00	\$0.00
Door - Decorative Single Door Trim - Crossbuck	1/Ea	\$39.00	\$0.00	\$39.00
Door - Drip Cap (4')	1/Ea	\$42.00	\$0.00	\$42.00
Pair of Heavy Duty Ramps	1/Ea	\$349.00	\$0.00	\$349.00
4'x3' Insulated Horizontal Sliding Window	1/Ea	\$319.00	\$0.00	\$319.00
House Wrap	590/Sq Ft	\$0.40	\$0.00	\$236.00
Paint - Tundra Frost	590/Sq Ft	\$0.00	\$0.00	\$0.00
Paint - Red Gumball	1/Sq Ft	\$0.00	\$0.00	\$0.00
Full Service Paint Application	1/Ea	\$893.00	100.00%	\$0.00
Paint discount, customer to apply 2nd coat. Tuff Shed supplies paint, roller & brush	1/Ea	\$0.00	\$0.00	\$0.00
Nickel Gray 3 Tab	350/Sq Ft	\$0.00	\$0.00	\$0.00
Radiant Barrier Roof Decking	350/Sq Ft	\$1.45	\$0.00	\$507.50
Roof - 6/12 Roof Pitch Upgrade	350/Sq Ft	\$3.50	\$0.00	\$1225.00
3/4" Treated Floor Decking Upgrade	288/Sq Ft	\$1.45	\$0.00	\$417.60
Shed Anchor into Dirt - Auger or MR88	8/Ea	\$55.00	\$0.00	\$440.00
12"x12"Gable End Vent, White	2/Ea	\$37.00	\$0.00	\$74.00
Generator Rental	1/Ea	\$100.00	\$0.00	\$100.00

Description	Qty	List Price	Discount	Ext Net Price
Leveling 0"-4"	1/Ea	\$0.00	\$0.00	\$0.00
Engineering Fees	288/Sq Ft	\$1.25	\$0.00	\$360.00
Delivery Fee	1/Ea	\$0.00	\$0.00	\$0.00
List Price				\$13925.10 USD
Discount				\$893.00 USD
Subtotal				\$13032.10 USD

Pricing for this quote is based on the delivery zip: 53534

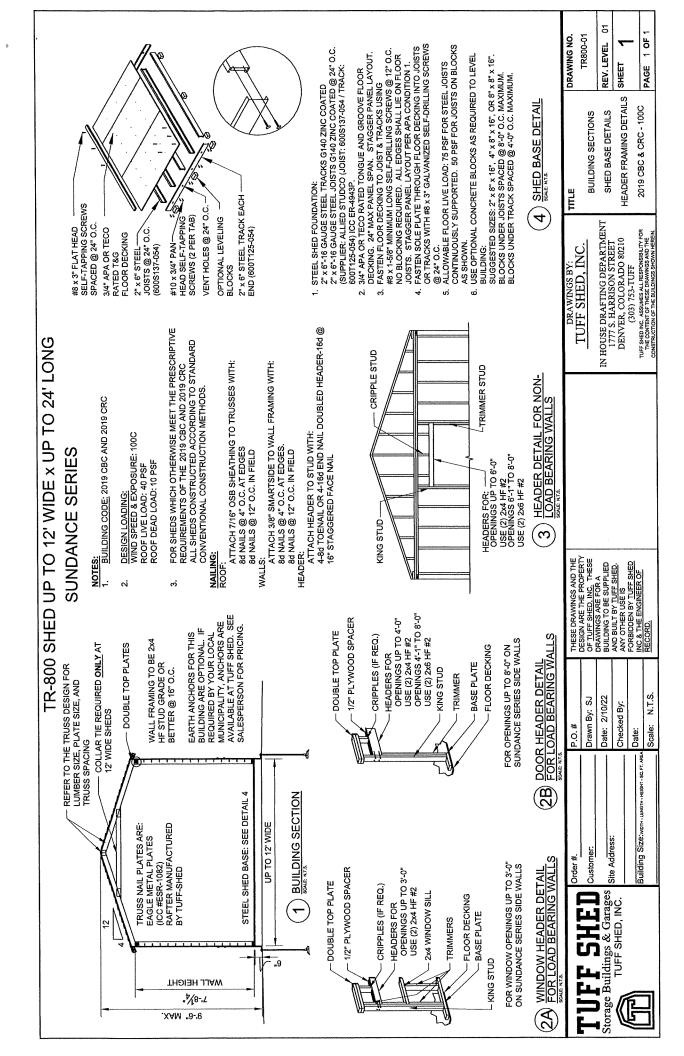
Prices shown in the online Design and Price process are subject to change without notice, do not reflect custom quote selections or any local taxes, and will be verified at time of order. Online customers selecting the Buy Now option will have appropriate local taxes added to their order. In the case of a pricing discrepancy, the market-specific prices shown in the Home Depot point-of-sale system take precedent. While Tuff Shed makes every effort to ensure correct information is included in the online Design and Price process, Tuff Shed is not responsible for technical malfunction of any telephone network, telephone or data lines, computer online systems, servers, internet providers, computer equipment, or software that may result in a pricing error or other discrepancy with the online Design and Price process.

Delivery of Tuff Shed buildings purchased at The Home Depot is free within 30 miles of A) the Home Depot store where product is purchased or B the nearest Home Depot store that offers Tuff Shed buildings in the case of an online purchase. For installation sites beyond the 30 mile radius a delivery charge of \$2 per mile for any one - way miles will apply. Additional delivery charges and / or sales taxes may apply for out of state customers.

Building price is based on level lot and does not include any engineering fees or building permits unless otherwise indicated on order. Customer is responsible for site preparation. Engineered plans may be required for permit application, and are not included in above prices. Engineering charges are relative to style and size of building. Cancelled orders are subject to a restocking fee.

This saved quote includes any applicable promotional discounts, which have limitations and expiration dates.

The price quoted is valid through the expiration date of the promotion. Once an order has been placed, pricing is guaranteed for up to 12 months. If the installation is not completed within 12 months for any reason, Tuff Shed has the right to modify the order pricing. You will be notified regarding any price adjustment prior to installation or incurring any additional charges.





Vince and Cindy RINE 22 Broadway Str Edgerton WI 53! Q9588066-9561





Wall D



Wall A

#### n

Wall C

# **Base Details/Permit**

### **Details** Building Size & Style

TR-800 - 12' wide by 24' long

#### Door

4' x 6'7" Single Shed Door, Left Hinge Placement, Crossbuck, Drip Cap, Heavy Duty Ramp Pair

#### **Paint Selection**

Base: Tundra Frost, Trim: Red Gumball Customer to apply 2nd coat

#### **Roof Selection**

Nickel Gray 3 Tab

#### **Drip Edge**

White

#### Is a permit required for this job?

Yes, Engineering fees still apply

#### Who is pulling the permit?

Customer

#### **Optional Details**

Wall B

Windows 4'x3' Insulated Horizontal Sliding

Window

#### Walls

590 Sq Ft House Wrap

#### Roof

350 Sq Ft Radiant Barrier Roof Decking 350 Sq Ft Roof - 6/12 Roof Pitch

Upgrade

#### Floor and Foundation

288 Sq Ft 3/4" Treated Floor Decking Upgrade

8 Ea Shed Anchor into Dirt - Auger or MR88

#### Interior

0 Sq Ft Overhead Loft

#### Vents

2 Ea 12"x12"Gable End Vent, White

#### Loft

None

## Jobsite/Installer Details Do

you plan to insulate this building after Tuff Shed installs it?

Yes

Is there a power outlet within 100 feet of installation location?

No

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all

four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

. Yes

Substrate Shed will be installed on? Dirt/Gravel

**Customer Signature:** 

Date: