

CITY OF EDGERTON  
CITY HALL  
12 ALBION STREET

ZONING BOARD OF APPEALS

Thursday, October 21, 2021 AT 6:00 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 [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, October 15, 2021
3. Public Hearing:
  - a. Hear comments regarding a request by Donald Becker for a variance to Chapter 22.730(4)(b) to reduce a sideyard setback of an accessory structure from 25 feet to 5 feet. The variance would allow for the construction of a detached garage closer to the lot line than allowed by the ordinance for the property located at 406 Highway Street (6-26-1191.3).
  - b. Close the public hearing.
4. Consider request by Donald Becker for a variance to Chapter 22.730(4)(b) to reduce a sideyard setback of an accessory structure from 25 feet to 5 feet. The variance would allow for the construction of a detached garage closer to the lot line than allowed by the ordinance for the property located at 406 Highway Street (6-26-1191.3).
5. Public Hearing:
  - a. Hear comments regarding a request by Richard Burlingame for a variance to Chapter 22.711(3)(b)4 to reduce a front yard setback from 25 feet to 15 feet. The variance would allow for the construction of a porch closer to the lot line than allowed by the ordinance for the property located at 403 Blaine Street (6-26-161).
  - b. Close the public hearing.
6. Consider request by Richard Burlingame for a variance to Chapter 22.711(3)(b)4 to reduce a front yard setback from 25 feet to 15 feet. The variance would allow for the construction of a porch closer to the lot line than allowed by the ordinance for the property located at 403 Blaine Street (6-26-161).
7. Public Hearing:
  - a. Hear comments regarding a request by David Denton for a variance to Chapter 22.304(5)(d)1(a) to allow the construction of a second garage for the parcel at 816 W Fulton Street. (parcel 6-26-840)
  - b. Close the public hearing.

8. Consider request by David Denton for a variance to Chapter 22.304(5)(d)1(a) to allow the construction of a second garage for the parcel at 816 W Fulton Street. (parcel 6-26-840)

9. Consider approval of September 15, 2021 Zoning Board of Appeals meeting minutes.

10. 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 21, 2021

**GENERAL DESCRIPTION**

**Description of Request:** Petition for the following a variance to Chapter 22.730(4)(b) to reduce a sideyard setback of an accessory structure from 25 feet to 5 feet.

**Address:** 406 Highway St (6-26-1191.3)

**Applicant:** Donald Becker

**Current Zoning/Land Use:** M-1 Light Industrial / 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 variances to allow the construction of an 128 sf accessory structure (utility shed) closer to the lot line than allowed by the ordinance.
2. The parcel is Zoned M 1 Light Industrial although the use is a single family home. Manufacturing zoning district have significantly larger setback than residential districts. An accessory structure having a 5' setback would be allowed without a variance in a residential district.



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

**Application for Variance**

Owner (must be the applicant) Donald E. BECKER  
Parcel Address 406 Highway St Parcel Number 608-884-3403  
Owner Address 406 Highway St Daytime Phone \_\_\_\_\_  
Present Use of the Property \_\_\_\_\_  
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:  
ordinance has a very large set back.

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

5' from the side lot line.

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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.

My property is Resident use in a  
Manufacturing District.

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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.

It I was in Rentbeat district  
I could build this without a  
variance.

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,

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 impact on city planning,

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 zoning was done by  
city.

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,

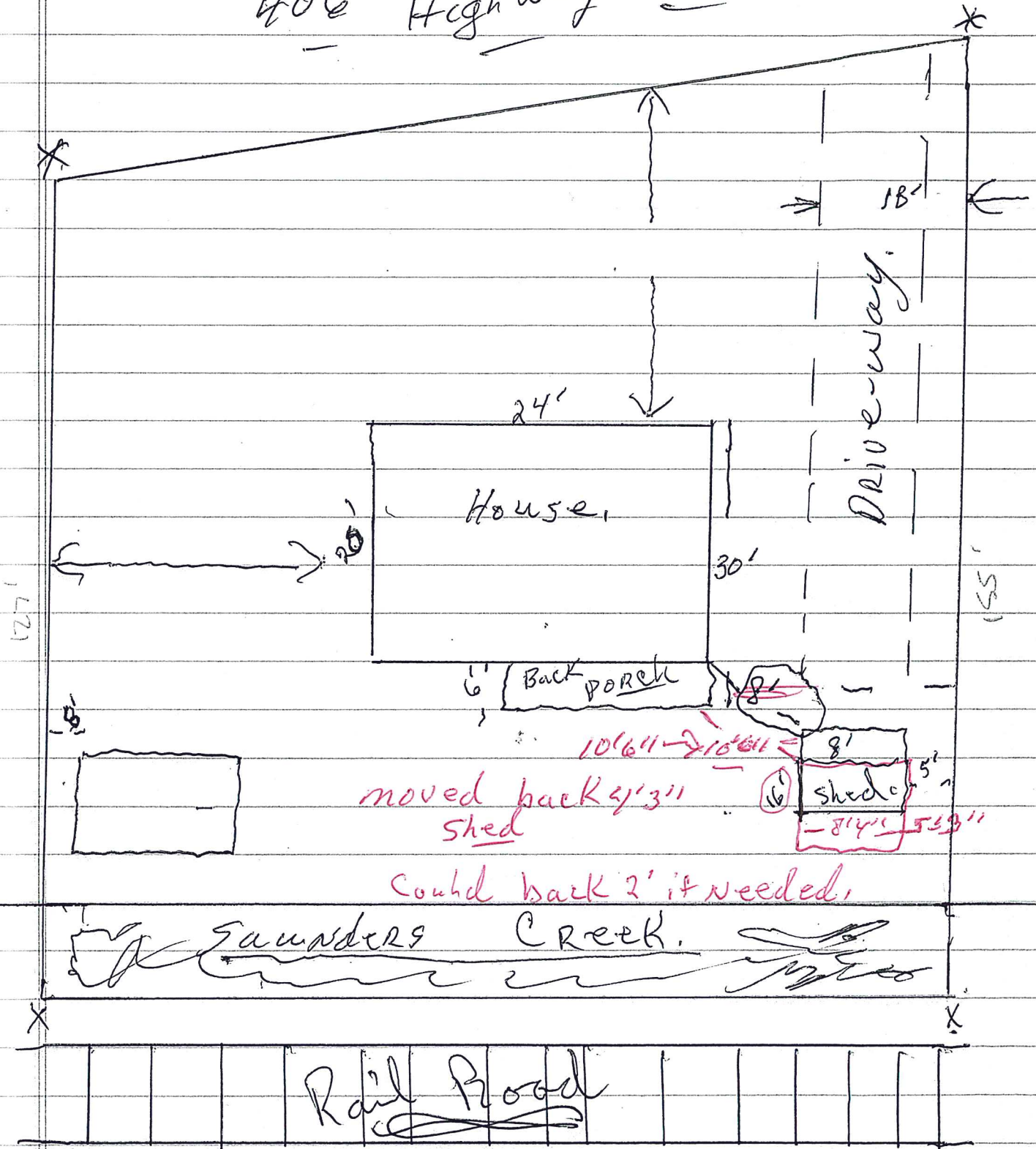
Verification by applicant: I, \_\_\_\_\_, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability. My signature on this application grants permission for City Officials to access the site of the requested variance for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

Applicant Signature Donald E Becker Date 9-15-2021

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

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

406 Highway St.





**TO:** Edgerton Board of Appeals

**FROM:** Staff

**MEETING DATE:** October 21, 2021

**GENERAL DESCRIPTION**

**Description of Request:** Petition for a variance to Chapter 22.711(3)(b)4 to reduce a front yard setback from 25 feet to 15 feet to allow the construction of a covered porch.

**Address:** 403 Blaine St (6-26-161)

**Applicant:** Richard Burlingame

**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 5' x 21' covered porch closer to the front lot line than is allowed by the ordinance. The petitioner proposes move the front door of the property to the east (Swift St) side of the structure. Relocating the door requires the installation of some type of stoop and steps.
2. The ordinance allows an uncovered porch to extend 6 feet into a required front yard. The existing structure is closer to lot line than allowed by the ordinance so even if the proposed porch were not covered, a variance would be required. The proposed pergola that covers the porch is considered a roof even though it is not solid.

Date Draft Submitted	_____
Date Application Submitted	_____
Fee Paid	_____

**Application for Variance**

Owner (must be the applicant) Richard L. Burlingame.  
 Parcel Address Blaine st. Parcel Number 403  
 Owner Address 403 Blaine st Daytime Phone 319-572-1249.  
 Present Use of the Property single family home  
 Zoning Classification RZ

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 # 22.711 cannot be entirely satisfied because:  
Setback requirements

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

We would like to relocate the front door to its

original location of the house, facing Swift Street. It would replace the inappropriate picture window, which was added in the 1950s.  
There would be a 5' x 19' porch added to the front of the structure in question.

- (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.

The structure in question is the enlarged, original front porch, now enclosed and a room of the house.  
We propose a new front door, windows on either side and a porch with steps leading to Swift St. similar to the original structure's appearance and style.

- 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 would be a significant increase in "curb appeal of the house, as well as the neighborhood, which has many architecturally significant homes. It is a very visible home in the area, and it demands a better, more appropriate appearance.

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.

Not at all, in fact, it is certain the neighbor would appreciate the improvements and changes

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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. It would be a positive change to the neighborhood. In appearance and perhaps increased/sustained property values and desirability of the area.

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 structure has been in existence since the 1950's

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, FW Bredingmaef, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability.

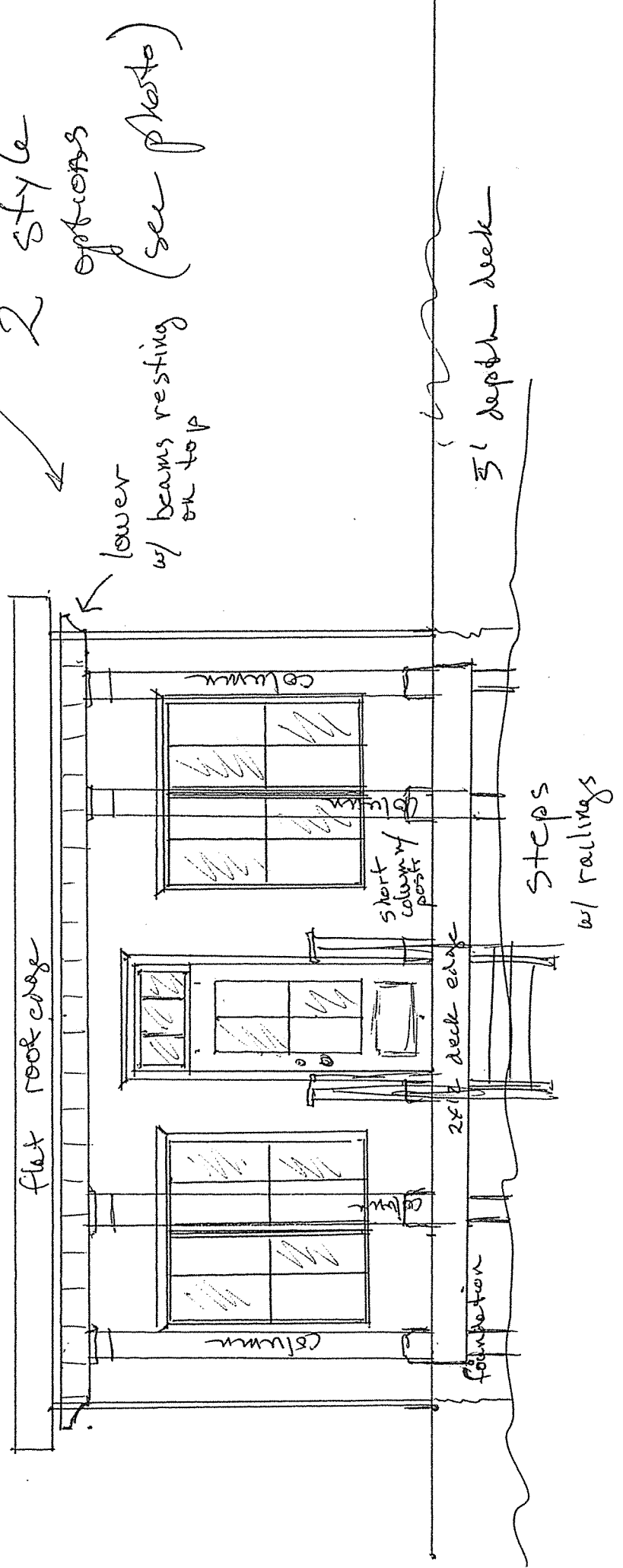
Applicant Signature FW Bredingmaef Date 09/30/21  
Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

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

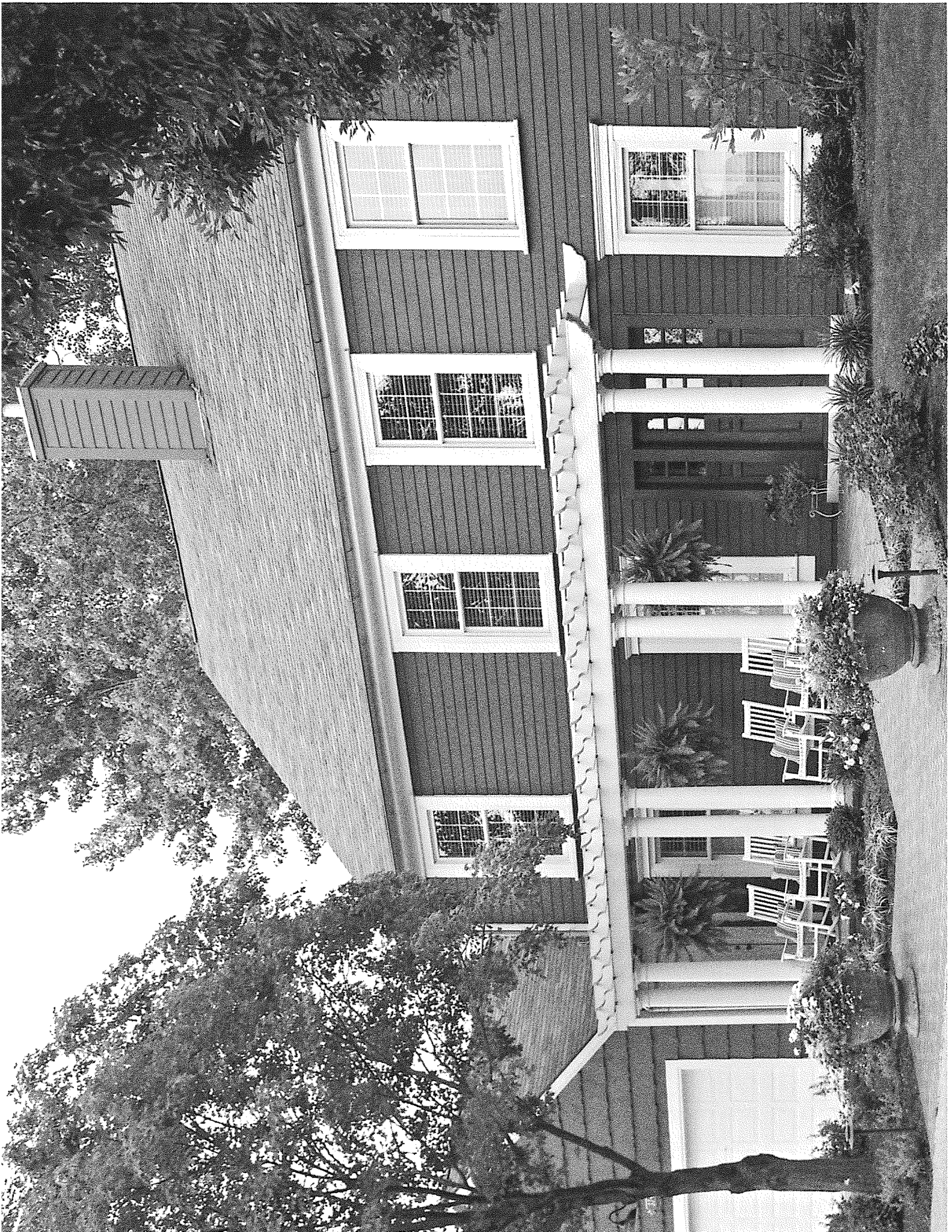
403 Blaine  
Fourlingame / Raftin

Perogla 2x10" face

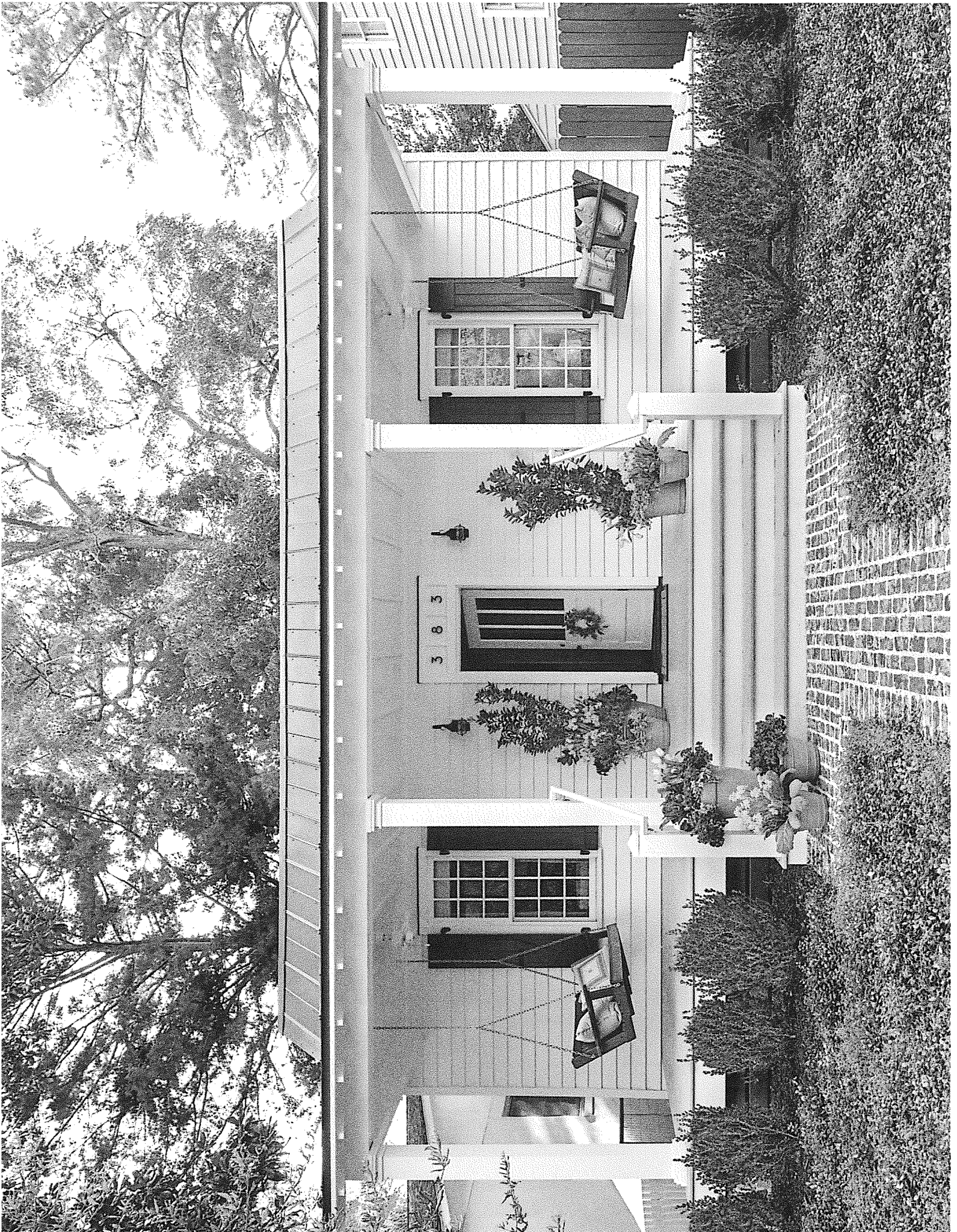
2 style  
officers  
lower  
w/ beams resting (see photo)  
on top











**TO:** Edgerton Board of Appeals

**FROM:** Staff

**MEETING DATE:** October 21, 2021

**GENERAL DESCRIPTION**

**Description of Request:** Petition for variance to Chapter 22.304(5)(d)1 (a) to allow the construction of more than one detached garage.

**Address:** 816 W Fulton Street #6-26-840

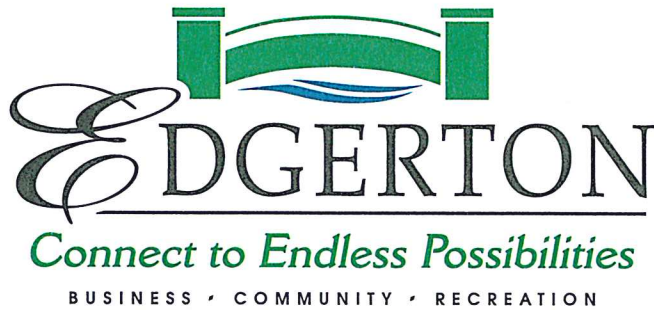
**Applicant:** David Denton

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

**STAFF REVIEW COMMENTS**

The planning staff has reviewed the petition in accordance with Section 22.211 the Edgerton Zoning Ordinance and has the following comments:

1. The subject parcel is zoned R-2 Residential. The petitioner seeks a variance to allow the construction of a 192 sf accessory structure which is considered a garage. The parcel currently contains one detached garage. The ordinance allows for one detached garage (an accessory structure over 150 sf) and one utility shed (an accessory structure under 150 sf). The proposed structure is considered a garage due to its size. Only one garage is allowed per parcel.



pd

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

### Application for Variance

Owner (must be the applicant) David Denton  
Parcel Address 816 W Fulton Parcel Number \_\_\_\_\_  
Owner Address 816 W Fulton Daytime Phone 608 445 9778  
Present Use of the Property R-2 single family house  
Zoning Classification R-2 dentondavid05@gmail.com

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:

I need a shed to store my things that is larger than the ordinance allowed.  
I have extra lawn care equipment because of the large lot.

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

Obtain a variance to construct a larger shed

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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.

My lot is very large and a slightly larger shed will not impact the neighbors.

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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.

I need more storage because I have a big lot to maintain.

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.

Shed will be in the middle of the lot not near my neighbors.

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 shed is in the back and not impact the character of the neighborhood.

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 existing garage was built by the previous owner.

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.

it does not

Verification by applicant: I, David Denton, 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 David Denton Date 9/15/21

Applicant Signature Date

Consideration for Approval: Granted Denied Date

Chairman, City of Edgerton Zoning Board of Appeals



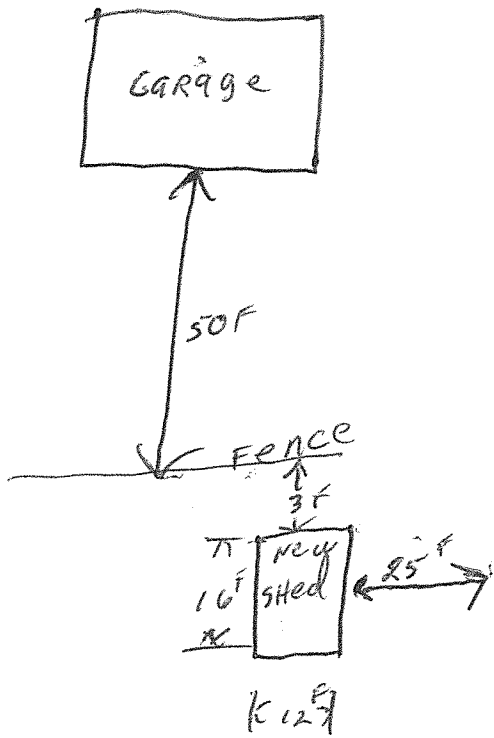
## Variance Procedure

1. Zoning Board of Appeals meetings are held on the first Wednesday of the month at 7:00 PM at City Hall, 12 Albion Street. Prior to submitting the final application, it is recommended that the applicant submit 2 draft copies of the application and map for review by the Zoning Administrator 10 days before the application deadline.

An application must be accompanied by the following:

- \$160 application fee
  - A map of the existing and proposed conditions of the property
  - The complete application
2. Upon receiving a complete application, the City Clerk will notify the neighbors within 250 feet of the proposed variance. The Clerk will also publish a notice in the paper describing the variance request.
  3. It is strongly suggested that the applicant attend the meeting. An attorney or agent may appear on his/her behalf. If the applicant cannot attend the meeting, the representative must be fully informed and able to answer questions pertaining to the proposal.
  4. The Board of Appeals shall make its determination on the application within 35 days of the public hearing, unless an extension is granted by the Board. The Board may make its determination the night of the public hearing.

If you have any questions, feel free to contact the City Garage at 884-4811 or City Hall at 884-3341.





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

September 15, 2021

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on September 15, 2021.

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

Also present in person were City Administrator Ramona Flanigan, City Attorney William E. Morgan.

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

The City Attorney provided a brief recitation of the criteria to be considered in order to grant an area variance in general.

A motion to open the first Public Hearing was made by ZBA Member Kapellen, seconded by ZBA Member Long, and passed by unanimous roll call vote at 6:07 p.m.

The ZBA went into public hearing on the variance application of Edgerton Hospital and Health Services for a variance to Chapter 22.505(3)(c) to allow construction of a sign larger than allowed by the zoning ordinance on the property located at 11101 Sherman Rd., Edgerton, Wisconsin.

Kevin Cook presented behalf of the applicant on the need for the variance. Mr. Cook emphasized that the issue was one of safety for persons coming to the hospital for emergency purposes. The present sign location leads to potential confusion and could direct persons in need of emergency services to the wrong driveway. He also indicated that the applicant’s intention was to redo the existing sign eliminating the phrase "emergency" so that it only referred to urgent care. Mr. Cook also noted that the sign was on the interior of the lot not near the road. ZBA Member Long clarified the location of the sign. ZBA Member Esau noted that the new location would be slightly perpendicular to the roadway giving it visibility.

There were no other presenters regarding the application.

On motion of ZBA Member Long with a second by ZBA Member Ellingworth, the Public Hearing was closed at 6:13. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variance be approved noting that it was a directional sign for the emergency entrance of the hospital hoping to clarify the configuration of the intersection which has different options. Staff also noted that the sign was not visible from adjacent properties and therefore would not have any adverse impact on those properties or the overall planning goals.

After brief additional discussion, ZBA Member Kapellan moved for approval of the variance request. ZBA Member Long seconded the motion. Upon a roll call vote, the motion was granted unanimously.

The next order of business was the calling of the second public hearing. A motion to open the Public Hearing was made by ZBA Member Kapellen, seconded by ZBA Member Long, and passed by unanimous roll call vote at 6:17 p.m.

The ZBA went into public hearing on the variance application of Jordan Davis for a variance to Chapter 22.503(1)(l) to allow construction of a new projecting sign which would be contrary to the zoning ordinance on the property located at 225 W. Fulton St., Edgerton, Wisconsin.

The applicant Jordan Davis presented on the need for the new sign. She noted that though there were two signs on the building presently, people often became confused and attempted to enter the building at the employee's entrance. ZBA Member Long asked what the intended size of the new projecting sign would be. The applicant indicated she was uncertain but that she estimated it would be 3' x 2' in size but that it would comply with other aspects of the city's ordinances. Chairperson Maynard sought confirmation that her intent was to place the new sign on the front of the building. The applicant indicated that her preference was on the front and to the left of the door. ZBA Member Kapellan asked the Zoning Administrator if the proposed size was consistent with the application of the sign ordinance in the downtown area. Zoning administrator Flanigan confirmed that the size as indicated by the applicant would be. ZBA Member Esau asked as to the length of the projection of the sign. The Zoning Administrator indicated that the applicant had not requested any additional variances and that therefore it would need to otherwise conform to zoning code. ZBA Member Long noted that the sign design had been approved by the historic district.

There were no other presenters regarding the application.

On motion of ZBA Member Ellingworth with a second by ZBA Member Kapellan, the Public Hearing was closed at 6:22. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variance be approved noting that though projecting signs are not allowed in the HMU District, they are allowed in the downtown district because most buildings are built up to the sidewalk precluding installation of a ground mounted sign. The subject property is built up to the edge of the sidewalk which is not typical for buildings in the HMU district. This lack of setback is

unusual to the property limiting its options. Staff report also noted that the proposed sign would not have any negative impact on the adjacent properties. Finally, the staff report noted that the applicant had not created this hardship. Staff report recommended as a condition of approval that at least one of the existing wall signs be removed and that the sign otherwise comply with the ordinance provisions including area, height, and distance from the building and curb.

After brief additional discussion, ZBA Member Long moved for approval of the variance requested with the conditions as requested in the staff report. ZBA Member Ellingsworth seconded the motion. The applicant indicated that it was her intention to remove both signs on the sides of the building as they were no longer necessary. Upon a roll call vote, the motion was granted unanimously.

The next order of business was the calling of the third public hearing. A motion to open the Public Hearing was made by ZBA Member Kapellen, seconded by ZBA Member Long, and the motion passed by unanimous roll call vote at 6:27 p.m.

The ZBA went into public hearing on the variance application of Lisa Weinstein for a variance to Chapter 22.711(3)(b) to allow to reduce the pavement setback on the property located at 512 Blaine St., Edgerton, Wisconsin.

The applicant did not appear however the adjoining property owner Rick Peters, 514 Blaine St., appeared and spoke in opposition to the granting of the variance. Mr. Peters indicated that there were presently two graveled areas which were utilized for parking. He also noted that the applicant does not presently live at the address, rather it has been used as a rental property and that is the applicant's intention going forward. He further indicated that the applicant had related to him that she wished to install concrete right up to his driveway but doing so would result in the placement of concrete on his property. He noted that he had installed concrete in the area of his drive approximately 13 years ago.

Upon questioning by the Board, the Zoning Administrator confirmed that the existing graveled areas could be covered in concrete but that the expansion as requested by the applicant required a variance because the applicant intended to expand the concrete area up to the property line along the northern edge of the property. ZBA Member Esau provided photos of the property which he had taken that day. He further expressed concerns regarding run-off issues if the application were granted.

There were no other presenters regarding the application.

On motion of ZBA Member Long with a second by ZBA Member Esau, the Public Hearing was closed at 6:39. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variance be denied. Staff noted that though the request would provide additional offstreet parking which is required by the code, the existing driveways could be expanded without a variance or with

a lesser variance. Staff further expressed concern that a driveway to the lot line would leave no room to convey storm water from the driveway and would likely cause water to drain onto the neighbor's property. Further, if a fence were to be installed by the neighbor as had been previously in place, the requested additional driveway would not be useful because a passenger would not be able to exit the vehicle due to the fence. Further having two driveways in such a tight area is detrimental to the overall character of the neighborhood and presented stormwater challenges.

ZBA Member Ellingworth asked whether or not there could be anything done to ensure proper water drainage. Staff noted that there were options but they would need to be engineered. ZBA Member Esau also expressed additional concern that if there was concrete up to the existing concrete there would be water diversion issues and that contrary to the applicant's assertion that there would be no negative impact upon the adjoining properties that it was his belief that there would be.

ZBA Member Kapellan moved to deny the application based on the proposed findings of fact. ZBA Member Long seconded the motion. After further discussion regarding possible alternatives, upon a roll call vote, the motion to deny the variance request was approved unanimously.

The next order of business was the calling of the fourth public hearing. A motion to open the Public Hearing was made by ZBA Member Long, seconded by ZBA Member Esau, and the motion passed by unanimous roll call vote at 6:50 p.m.

The ZBA went into public hearing on the variance application of Neal Brown for two variances, one to Chapter 22.712(3)(b) 5, to reduce the side yard setback from 8 feet to 3 feet, and a second variance to Chapter 22.711(3)(b)8 to reduce the pavement setback on the property located at 20 Albion St., Edgerton, Wisconsin.

The applicant Neal Brown appeared and spoke as to the need for the two variances. Applicant indicated that he and his wife had recently moved to the area and were in the process of expanding the house to accommodate their family. He noted that the existing lot was very narrow, more narrow than neighboring properties. He stated that they needed the variances to allow an addition to the existing structure and the extension of the existing driveway to access the garage to be constructed at the rear of the house. The existing lean-to shed would be removed. ZBA Member Long asked how close existing structure was to the north property line. Zoning Administrator Flanigan explained that the existing structure was approximately 3 feet off of the north property line and that the proposed expansion of the existing structure did not increase the area of encroachment but continued the same encroachment along the north property line. ZBA Member Ellingworth inquired about the second story. The applicant confirmed that it would expand within the property along the existing line of the structure allowing the owners to make better use of the property which expanded in the back area of the property. ZBA Member Long inquired as to the replacement of the driveway and expressed concerns that replacing it would necessitate an

additional variance. Staff indicated that ordinarily that would be the case but generally exceptions to that rule were granted to encourage offstreet parking.

There were no other presenters regarding the variance requests.

On motion of ZBA Member Long with a second by ZBA Member Kapellan, the Public Hearing was closed at 6:59. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variances be granted due to the narrowness of the lot and the desire to modernize the property which is consistent with the city plans. Staff noted that though zero lot line variances needed to be taken seriously this request was appropriate. However staff expressed concerns about the request to expand the drive to the lot line in the area which did not adjoin the neighboring properties driveway. Staff requested that this portion of variance be denied.

ZBA Member Long moved to grant the application with the conditions as proposed by the staff including that the setback in the rear portion of the driveway be at least 1.5 feet from the lot line and that storm water from the drive not be directed to the property to the north. ZBA Member Kapellan seconded the motion. Further discussion was had regarding any practical difficulties as to the staff request to deny a portion of the variance. The applicant indicated that he did not believe that there would be practical difficulties but that it may affect the turning radius. Upon a roll call vote, the motion was granted unanimously.

The next order of business was the consideration of the approval of the minutes of the August 23, 2021 Zoning Board meeting. Upon a motion from ZBA Member Long, seconded by ZBA Member Kappellan, the minutes were approved by unanimous roll call vote.

There being no further business of the Board, a motion was made by ZBA Member Kapellan, seconded by ZBA Member Long to adjourn. Motion was approved unanimously. The meeting was adjourned at 7:07 p.m.

Dated this 16<sup>th</sup> day of September, 2021.

Respectfully submitted,

CITY OF EDGERTON

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By: William E. Morgan, City Attorney