

**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 16th day of September, 2021.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney