CITY OF EDGERTON CITY HALL 12 ALBION STREET

ZONING BOARD OF APPEALS

Wednesday, September 15, 2021 AT 6:00 P.M.

REMOTE PARTICIPATION: To participate or 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.

- 1. Call to Order; Roll Call.
- 2. Confirmation of Appropriate Meeting Notice Posted Friday, September 10, 2021
- 3. Public Hearing:
 - a. Hear comments regarding a request by Edgerton Hospital and Health Services for a variance to Chapter 22.505(3)(c) to allow the construction of a sign larger than allowed by the Zoning Ordinance for the parcel is located at 11101 Sherman Road. (6-26-1500).
 - b. Close the public hearing.
- 4. Consider request by Edgerton Hospital and Health Services for a variance to Chapter 22.505(3)(c) to allow the construction of a sign larger than allowed by the Zoning Ordinance for the parcel is located at 11101 Sherman Road. (6-26-1500)
- 5. Public Hearing:
 - a. Hear comments regarding a request by Jordan Davis for a variance to Chapter 22.503(1)I for the property located at 225 W Fulton Street to allow the installation of a projecting sign (Parcel 6-26-01.A).
 - b. Close the public hearing.
- Consider request by Jordan Davis for a variance to Chapter 22.503(1)I for the property located at 225 W Fulton Street to allow the installation of a projecting sign (Parcel 6-26-01.A).
- 7. Public Hearing:
 - a. Hear comments regarding a request by Lisa Weinstein for a variance to Chapter 22.711(3)(b)8 for the property located at 512 Blaine Street to reduce the pavement setback from 3 feet 0 foot to allow the construction of a driveway (Parcel 6-26-506)
 - b. Close the public hearing.
- 8. Consider request by Lisa Weinstein for a variance to Chapter 22.711(3)(b)8 for the property located at 512 Blaine Street to reduce the pavement setback from 3 feet 0 foot to allow the construction of a driveway (Parcel 6-26-506)

- 9. Public Hearing:
 - a. Hear comments regarding a request by request by Neal Brown for the following variances:
 - Chapter 22.712 (3)(b)5 to reduce a sideyard setback from 8 feet to 3 feet;
 - Chapter 22.712 (3)(b)8 to reduce the pavement setback from 5 feet to 0 feet
 - b. Close the public hearing.
- 10. Consider request by Neal Brown for the following variances:
 - Chapter 22.712 (3)(b)5 to reduce a sideyard setback from 8 feet to 3 feet;
 - Chapter 22.712 (3)(b)8 to reduce the pavement setback from 5 feet to 0 feet
- 11. Consider approval of August 23, 2021 Zoning Board of Appeals meeting minutes.
- 12. Adjourn

cc: A

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: September 15, 2021

GENERAL DESCRIPTION

Description of Request: Petition for variances to Chapter 22.505(3)(c) to allow the construction of a sign larger than allowed by the Zoning Ordinance.

Address: 11101 Sherman Road. (6-26-1500)

Applicant: Edgerton Hospital and Health Services

Current Zoning/Land Use: B4 / hospital

STAFF REVIEW COMMENTS

The zoning administrator has reviewed the petition in accordance with Section 22.211 of the Edgerton Zoning Ordinance, found it to be complete and that it fulfills the requirements of this chapter and has the following comments:

- 1. The petitioner wishes to install an onsite directional sign for the emergency entrance of a hospital.
- 2. The petitioner proposes to install a double faced sign that is a total of 22 sf. The ordinance limits directional signs to 9 sf.
- 3. The petitioner proposes to remove the words emergency from the existing sign in the area of the proposed sign.

PAID
AUG 3 0 2021
CITY OF EDGERTON

Date Draft Submitted
Date Application Submitted
Fee Paid

Application for Variance

Owner (must be the applicant) Keyin E. Cook - JNB Signs INC. JANESVILLE - agent

Parcel Address III Ol IV. Sherman Rd- Parcel Number
Owner Address 1101 N. Shrvman Rd. Daytime Phone 608, 884, 1607
Present Use of the Property Hospital
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) Man of the property showing the following:
(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 # 22.505(3)(c) cannot be entirely satisfied because:
Ax addition divertional large enough to be seen quicty is Neebed for envergency Reposes. Envergency resonse vehicles as well As Poblic Needs Wick excess to Envergency room that this would Greatly help.
Needed for envergency brosses. Emergency resonse vehicles as well
AS Public Needs Quick eccess to Emergence room that this would Greatly
describe the proposal in detail):
Small word "Dunergency" to be removed on Existing Small directional.
directional
2

(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

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.

variance, they must find that the following criteria have been satisfied. Describe how your

There have been Instances where Emergency Services
Vehicles As well as the Poblic Needing Emergency care
Drove Past the Emergency access road to the right AND
going to the Main Entrance to the hospital. Thus causing
Confusion And WASKing time needed toget To the Emergency noon.

- 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

make the subject property developable so that property rights enjoyed by the similar properties can be enjoyed by the owners of the subject property.	
	A & -
Would the granting of the proposed variance be of substantial detriment properties? The response to this question shall clearly indicate how the propose will have no substantial impact on adjacent properties.	
No. This in a interior lot location Awa	d ther
No. This in a interior lot location And ere No visible directionals that can	be
Seen by Adjacent properties.	
	100 .
substantial or undue adverse impact on the character of the neighborhood, enfactors, traffic factors, parking, public improvements, public property or rights other matters affecting the public health, safety, or general welfare, either as the or as they may in the future be developed as a result of the implementation of provisions, and policies of this Chapter, the Master Plan, or any other plan, progordinance adopted or under consideration pursuant to official notice by the C governmental agency having jurisdiction to guide growth and development? The this question shall clearly indicate how the proposed variance will have no substation such long-range planning matters.	s-of-way, or ey now exist of the intent, ram, map, or City or other e response to
This sign is a directional sign	inan
interior lot sign that will be a p end crucial necessity due to its loc	
end crucial necessity due to its 100	cation
Have the factors causing the variance request been created by the act of the previous property owner or their agent (for example: previous development decise building placement, floor plan, or orientation, lotting pattern, or grading) after the state of this Chartes. The property that the state of this Chartes.	sions such as the effective
date of this Chapter. The response to this question shall clearly indicate that	such factors ection of the

Applicant, a previous property owner, or their age	ent.
IT was indicated that	Current direction Current Size Sources a hindercuct
Was to be used but	Current Size
Of "Emergency" Panel	Saves a hinderarco
To be effective.	
Does the proposed variance involve the regulation regulations in each zoning district of Section 22.	
clearly indicate that the requested variance do	
Subsection.	
_ <i>NO</i>	
Verification by applicant: I, Levin E. Cook TUB	(AGENT) Signs Dox, owner for which relief is
sought, certify that the application and the above informa	tion is truthful and accurate to the best of
my ability.	. /2 /2
Applicant Signature	Date 8/30/21
Applicant Signature	Date
Consideration for Approval: Granted	Denied
	Date,
Chairman, City of Edgerton Zoning Board of Appeals	

Revised date 6-23-1998

DIRECTIONAL SIGN SPECIFICATIONS

DESCRIPTION

CABINET: SignComp Medium Body Double-Sided cabinet with 1-1/2" retainers (#2015/2055)

FACES: Routed 3/16" transcluent "White" acrylic (#7328), decorated with 3M "Red" (3630-33) translucent vinyl, applied first surface

SUPPORT POLES: (2) 3" aluminum support poles, cabinet installed between poles

FINISHES: Support poles, cabinet and retainers to be prepped and painted to match

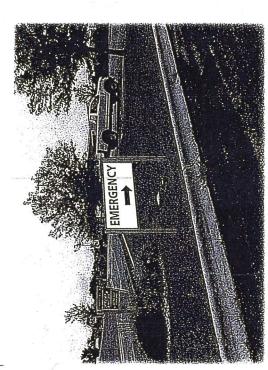
**Exact color match needed prior to production the existing signage on site

LIGHTING: Cabinet lit internally using Hanley PF3120 "White" LED light modules

ELECTRICAL: 120 Volt, UL Listed & Labeled, 12 Volt Hanley power supplies mounted inside cabinet

INSTALLATION: Sign to be installed parallel to the curb, exact location TBD

-8-



-11-5"

5'-0".

Sign to be installed parallel to the curb

Drawing Scale: 3/4" = 1'As shown on a 17" x 11" Tabloid

SECTION A



3M "Red" (3630-33)

Existing Paint Color (TBD)





Edgerton Hospital

CLIENT:

Edgerton, WI

JOB LOCATION:

Kevin Cook

DESIGNER:

SALESMAN:

SideıView

113/4"

REVISION HISTORY: Kaitlin

Initial Drawing Release

General Revision KC. A 07-29-21

B 08-04-21

EMERGENCY

6 1/8"

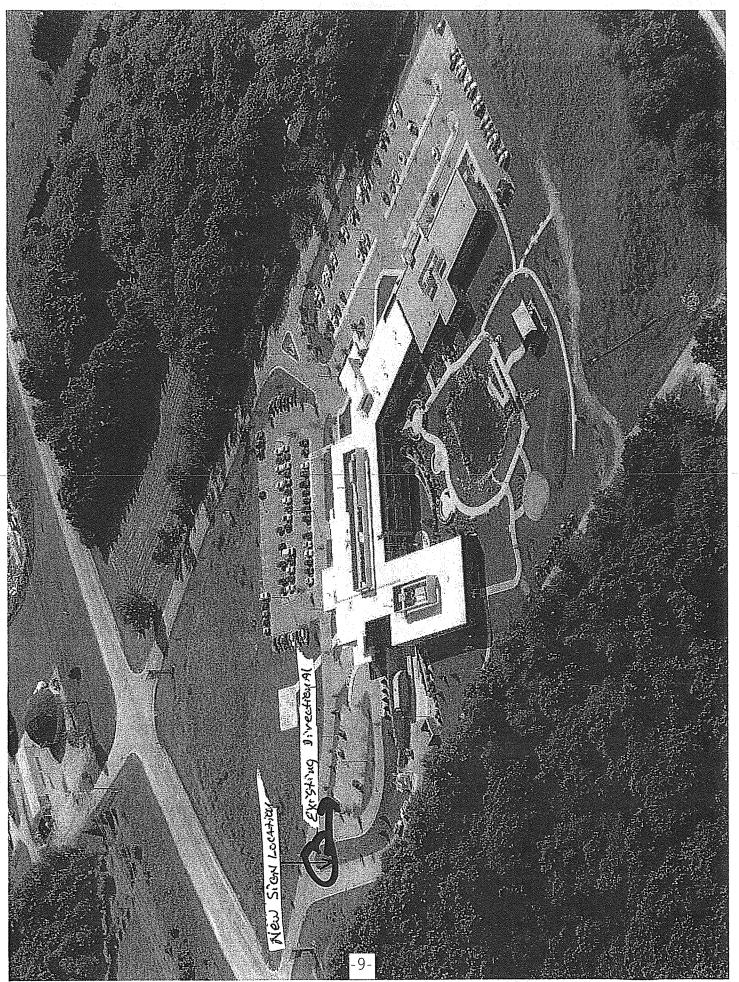
PRODUCTION APPROVAL:

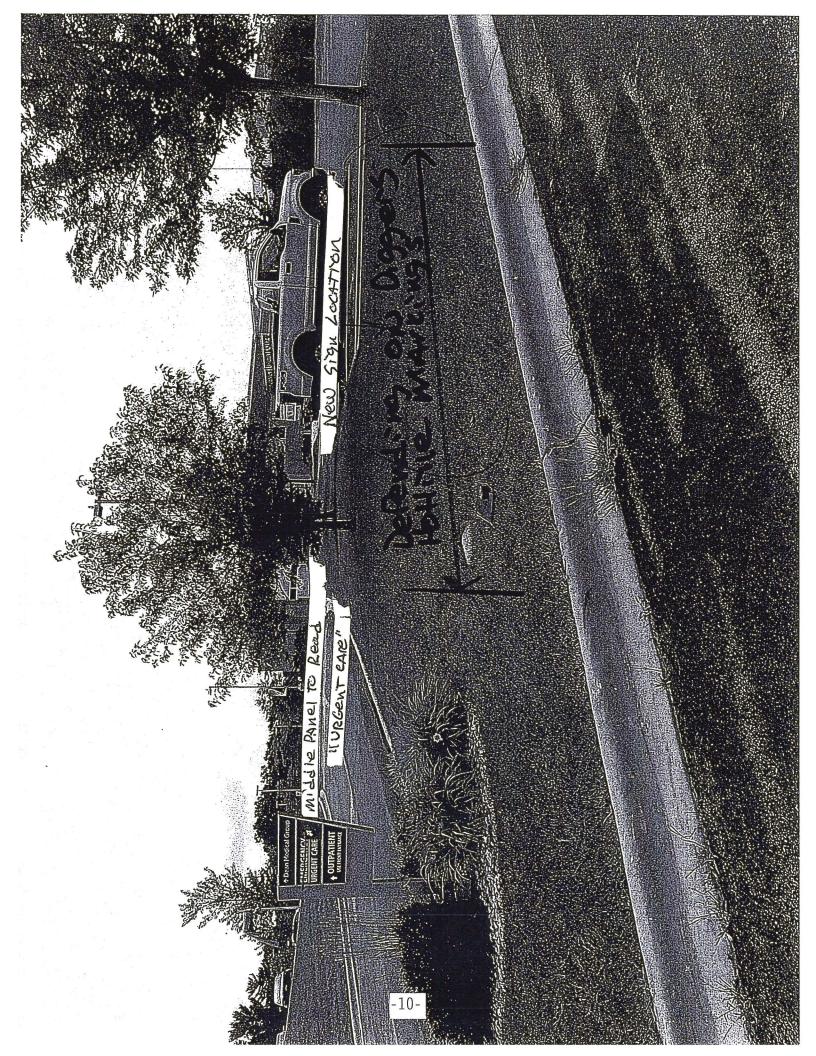
CLIENT SIGNATURE:

08867-01b

08-04-21 Revision 01

Page 1 of 1





TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: September 15, 2021

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 22.503(1) to allow the installation of

a projecting sign

Address: for the property located at 225 W Fulton Street (Parcel 6-26-01.A).

Applicant: Jordan Davis

Current Zoning/Land Use: HMU / Personal or Professional Services (dentist office/storage)

STAFF REVIEW COMMENTS

The zoning administrator has reviewed the petition in accordance with Section 22.211 of the Edgerton Zoning Ordinance, found it to be complete and that it fulfills the requirements of this chapter and has the following comments:

- 1. The petitioner wishes to install a projecting sign a type of wall sign that is installed perpendicular to the building face. New projecting signs are not allowed in any zoning District except for the B2 District. Most of the downtown is zoned B-2. The subject property is zoned HMU. Projecting signs are allowed in the downtown district because most buildings in the downtown are built up to the sidewalk (no setback) so there is no opportunity for ground signs.
- 2. The ordinance allows for two on wall signs. The property currently has two wall signs one on the east and one on the west side of the building. One sign would have to be removed or a variance would be required to exceed the number of wall signs if the projecting sign were allowed. The maximum area for the projecting sign is 42 sf (both sides)
- 3. Projecting sign must be at least 10' off the pavement, cannot project more than 4' from the face of the building, and must be at least 2' behind the curb.
- 4. The new sign must be approved by the Historic Commission.





Application for Variance

Owne	er (must be the applicant) Jardan Davis (Davis Family Dentistry)
Parce	Address 225 W. Fulton Shout Parcel Number 6 74-014
Owne	er Address USI N. Page St. Stoughton, NI Daytime Phone (1008) 884-944
Prese	nt Use of the Property Denice assice
Zonir	ng Classification HMU
as des sectio	ollowing items must be submitted with each application. Additional site plan information scribed in Section 22.213(3) may be required by the Zoning Administrator (Ordinance in referenced in this application are available upon request):
(1)	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:

In	lieu	of	complying	with	the	ordinance,	the	following	alternative	is	proposed	(please
de	scrib	e th	ne proposal	in def	tail)	•						_

monnd	like	40	hana	<u>a</u>	sian	tont	storiona	mont	
building									

(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.

Although building is not in "historic district", building/businuss is a landmark to downtown and a cign that projects would increase down four curb appeal as used as point patients to the correct door for business use.

- 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;

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.
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watch the wrest as examptoned productor.
umang kapan sa panggapan kabalah suna uman sa mengalah sa sebagai sa sebagai sa sebagai sa sebagai sa sebagai s
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 the proposed sign will cause less consumer son
busines entrance
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 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

effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent. 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. (Davis Family Dunisby) Verification by applicant: I, Jordan Dowis, 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 Qull Doug Applicant Signature Date

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

Revised date 6-23-1998

-15-

Charmonero, Cris. of Eddicements Zinerray Browned oil Applicable

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: September 15, 2021

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 22.711(3)(b)8 to reduce the paved surface setback from 3 feet to 0 feet to allow a driveway closer to the lot line than allowed by ordinance.

Address: 512 Blaine St

Applicant: Lisa Weinstein

Current Zoning/Land Use: R-2 Residential / duplex

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 driveway closer to the lot line at 512 Blaine Street than allowed by the ordinance. Chapter 22.711(3)(b)8 requires pave surfaces be 3 feet from a side lot line and 5 feet at the street property line (sidewalk).
- 2. The property has two existing gravel driveways. The City allows unpaved, existing driveways that do not meet the setback requirements to be paved in their current location without a variance. Neither of the existing driveways comply with the ordinance: the southern driveway is too close to the lot line at the sidewalk but otherwise conforms; and the northern one is on the lot line so none of it complies with the setback requirements. The petitioner would be allowed to pave the two existing driveways without a variance but the petition wishes to extend the driveways. The proposed location of the northern driveway is closer to the lot line than is allowed. The ordinance requires a 3 foot setback the petitioner seeks a zero-foot setback.

Date Draft Submitted _____ Date Application Submitted ____ Fee Paid

Application for Variance

wner (must be the applicant) LISA WEINSTEIN	
arcel Address 5/2 BLAIN E Parcel Number	
Parcel Number Parcel Number	
wner Address 300 E. SAM VELSEN, EDGER-ACDaytime Phone 32-	52
wner Address 30 E. SAMUELSEN, EDGERTCDaytime Phone 32- resent Use of the Property 2 UNIT BUILDING	_
oning Classification	
the following items must be submitted with each application. Additional site plan information escribed in Section 22.213(3) may be required by the Zoning Administrator (Ordinance section ferenced in this application are available upon request): Map of the property showing the following: Entire property All lot dimensions	on
Existing structures with dimensions to property lines (buildings, fences, walls et 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 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, mo customers, more parking, outside lighting, outside storage, etc)	is
2) Written description of proposed variance answering the following questions: City of Edgerton Ordinance Section # cannot be entirely satisfied because	se:
THE DRIVEWAY ON THE WEST SIDE WOULD	<u>_</u>
NOT BE WIDE ENOUGH FOR A VEHICLE	
In lieu of complying with the ordinance, the following alternative is proposed (plea describe the proposal in detail): WAIVE THE 3 FOOT FROM THE PROPERTY	

AND	PE	RMIT	OWNO	270	ROUR	CONC	REPE	UP
TO 1	148	PROPE	ERTY	41	US.			

•					***************************************			

(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	DRIVEWAYS	TAVE	ALWAYS	BEEN)	THERE

·					

- 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.

DE NEED TO PROVIDE SUFFICIENT PARKING
FOR EACH OF THE TWO TENANTS. PARKING
ON THE STREET IS ONLY PERMITTED ON
DNE SIDE OF THE STREET.

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 VARIANCE WILL HAVE NO EFFECT DN THE TWO ADJACENT 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.

THERE HAS ALWAYS BEEN PARKING ON BOTH BIDES OF THIS BUILDING AND WITH A CONCRETE BRIVEWRY, THE BUILDING WILL HAVE A CLEAN AND FINISHED LOOK.

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

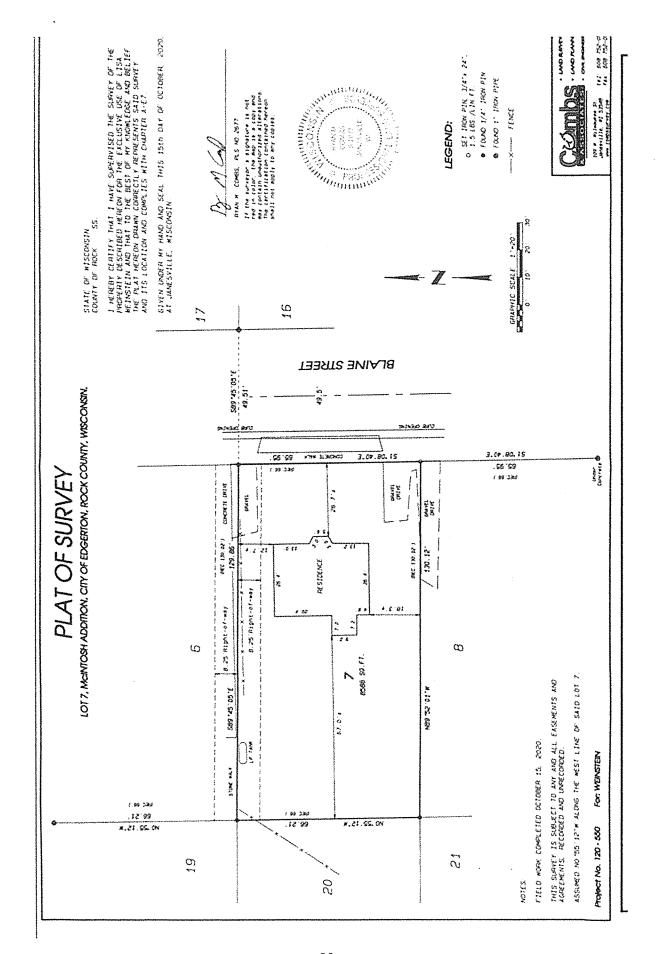
Applicant, a previous property owner, or their a	gent.
I didn't create it, been a 2 unit, and to the 1st \$ locat	and it has always
to the let & lead	the house related
10 THE DI TOCAT	non requires it
Does the proposed variance involve the regulation regulations in each zoning district of Section 22 clearly indicate that the requested variance of Subsection.	7002 The regnonge to this greation of 11
No.	
Verification by applicant: I,	
Applicant Signature Sea Meesteen	Date_ 8~9~2 (
Applicant Signature	Date
Consideration for Approval: Granted	Denied
Chairman, City of Edgerton Zoping Board of Appeals	Date

Revised date 6-23-1998

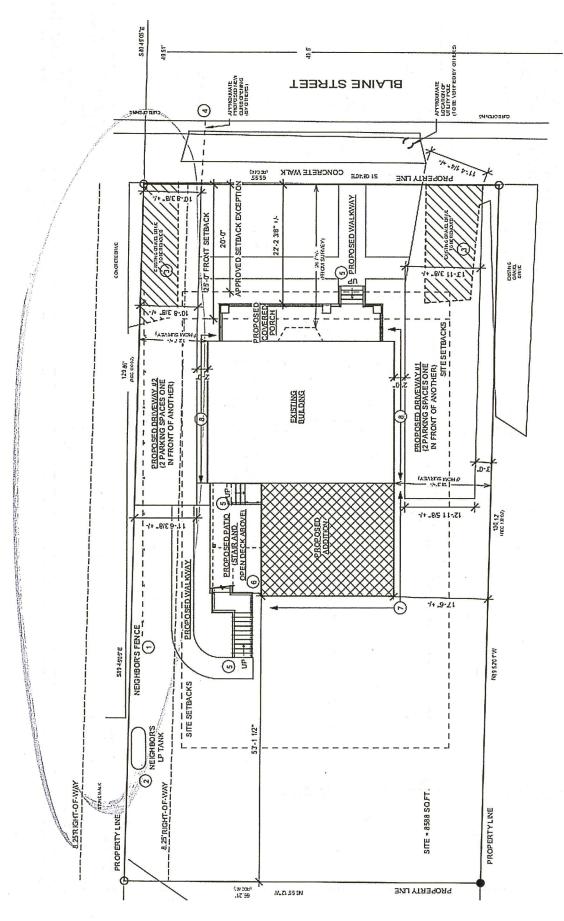
Our plans call for a driveway for each side of the building. This way the first floor will have a driveway on the east side and the second floor will have its own driveway on the west side of the building. The east side has 15 feet, 11-5/8 inches and there is no problem with pouring the driveway 3 feet from the lot line. That is not the case for the west side driveway.

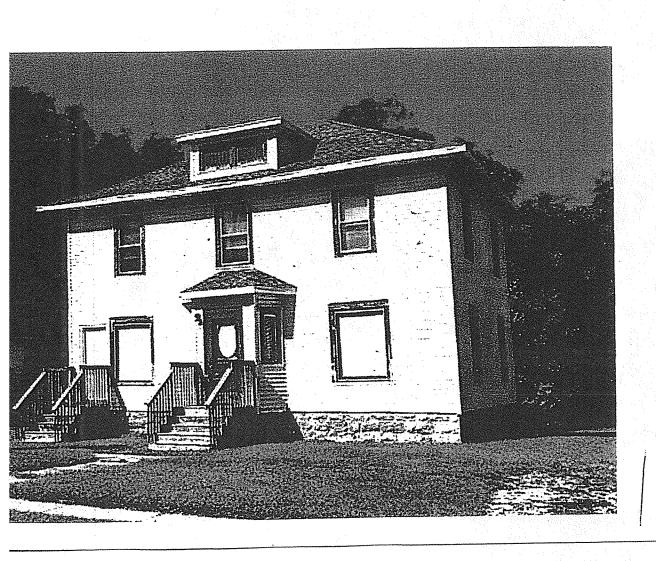
We are hereby requesting that a variance be granted on the west side driveway so that we could pour the concrete driveway all the way to the lot line. The proposed driveway will be 11 feet, 6-3/8 inches on the back side of the driveway and 10 feet, 8-3/8 inches on the front side. If a variance is not granted, the driveway would be only 7 feet, 8-3/8 inches on the front side and that would be too narrow to comfortably drive a car onto it. The narrow concrete driveway would not be safe to park a vehicle on it. There is the risk of tenants driving too close to the side of the wood frame building which would pose a problem with people accidentally driving into the building. There would also be the concern of drivers banging their doors into the building and damaging their vehicles.

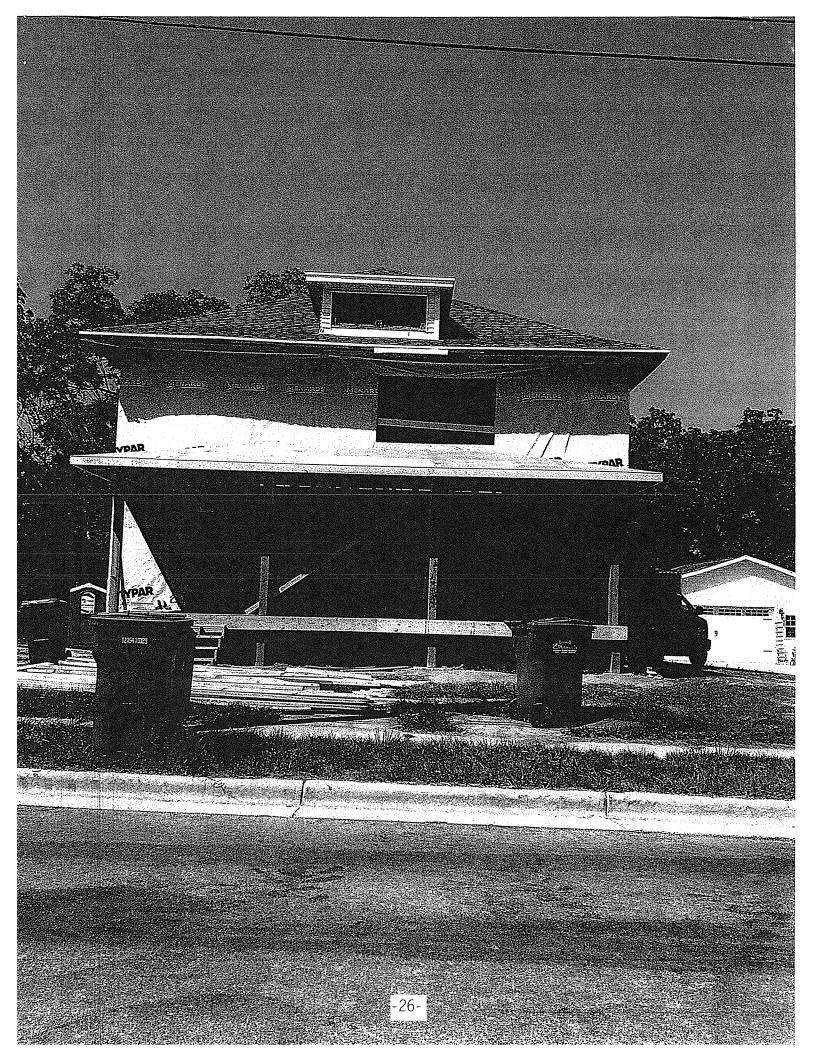
Granting a variance would be a great benefit to the functionality of this building and would also give the building a clean finished look.











TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: September 15, 2021

GENERAL DESCRIPTION

Description of Request: Petition for the following variances an addition to a residential structure and the expansion of the driveway both closer to the lot line than permitted.

- Chapter 22.712 (3)(b)5 to reduce a sideyard setback from 8 feet to 3 feet;
- Chapter 22.712 (3)(b)8 to reduce the pavement setback from 5' to 0'

Address: 20 Albion St

Applicant: Neal Brown

Current Zoning/Land Use: R-3 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 an addition to a single-family house located 3 feet from the side lot line. The ordinance requires an 8 foot setback. The existing structure is 3 feet from the lot line and the proposed addition would match the setback of the existing structure.
- 2. The parcel currently has a shared driveway with the property to the south with each driveway built on the lot line. The petitioner wishes to extend the driveway to accommodate access to the garage that is part of the proposed addition. The proposed driveway expansion would reduce the setback from the required 3 feet to zero feet in the driveway expansion area.
- 3. The lot is 49.7 feet wide which is narrow compared to most R-3 lots. The minimum width required by the ordinance in the R-3 District is 60'.



Application for Variance

Owner (must be the applicant) UEAL D. BROWN
Parcel Address Parcel Number
Owner Address 20 Albien St. Engreton WE 53534 Daytime Phone (972) 365-0305
Present Use of the Property Residential (primary fresource)
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:
I would like to Extens my house on my for west AND IN OFFER TO DO SE-I NEED SFT from my for live. I do Not have BFT.
In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail): My lor in Eggenn is only ~50FT wine, other lors in Eggenn me

house - Just Extrus it were to Increase the length of my house to Accommon my family with spring.

(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.

liter I have Indiana below - the wiath of my property is less than 50 Fr. In NOT INTERFETED IN MAKING MY house with see Only in length (West) TO INCRESSE Space in House for my family to have more space.

- 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

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in Agreence with Remodel-Tust plan for city Approxim.

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Assocition. It was coming towards them or their property live's only

Extending my have further were an my property live.

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.

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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

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Does the proposed variance involve the regulations of Surregulations in each zoning district of Section 22.700? To clearly indicate that the requested variance does not Subsection.	he response to this question shall
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Verification by applicant: I, Nem D. Brown ought, certify that the application and the above information is tony ability.	, owner for which relief is ruthful and accurate to the best of
Applicant Signature /////	Date 8-10-2021
Applicant Signature	Date
Ponsideration tor Approval: Granted Den	ifed)
	Date
Chairman; Gity/of/Edgerton; Zoning: Board of Appeals	

Revised date 6-23-1998



Application for Variance

Owner (must be the applicant) NEAL D. BROWN
Parcel Address Parcel Number
Owner Address 20 Albien St. Engreton WE 53534 Daytime Phone (972) 365-0305
Present Use of the Property Residential (primary Residence)
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 to property lines (buildings, fences, walls etc.) 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)
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Revised date 6-23-1998

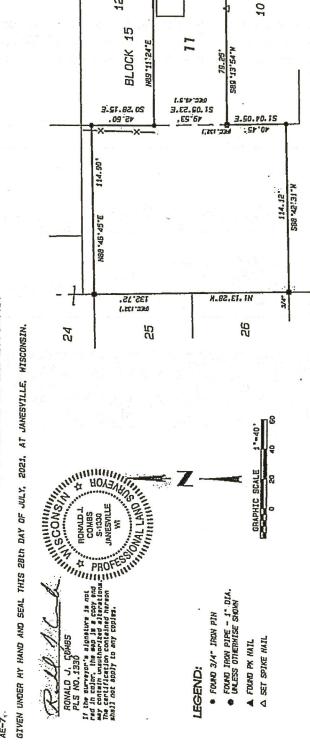
PLAT OF SURVEY

LOT NO. 11, BLOCK 15 OF THE ORIGINAL PLAT OF THE CITY OF EDGERTON, ROCK COUNTY, HISCONSIN, AND ALSO THE FOLLOHINS DESCRIBED PREMISES IN SAID BLOCK; COHENCING AT THE NORTHEAST CORNER OF LOT 28 IN SAID BLOCK IS AND RINNING EAST BONNING EAST BOWNING EAST BOWNING TO AN EASTERLY EXTENSION OF THE NORTH BOWNING LINE OF SAID LOT 28, TO THE NEST BOWNING LINE OF SAID LOT 28 BOWNING THENCE SOUTH ON THE MEST BOWNING TO THE SOUTHEAST CORNER OF LOT WHIRE OF SAID BLOCK; THENCE AND REST TO THE SOUTHEAST CORNER OF LOT NUMBER 26 IN SAID BLOCK; THENCE NORTH 8 RODS TO THE POINT OF BEGINNING.

STATE OF MISCONSIN COUNTY OF ROCK SS.

I HEREBY CERTIFY THAT I HAVE SUPERVISED THE SURVEY OF THE PROPERTY DESCRIBED ABOVE FOR THE EXCLUSIVE USE OF NEAL BROWN AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PLAT HEREON DRAWN CORRECTLY REPRESENTS SAID SURVEY AND ITS LOCATION AND COMPLIES MITH CHAPTER AE—7.0

GIVEN UNDER HY HAND AND SEAL THIS 28th DAY OF JULY, 2021, AT JANESYILLE, HISCONSIN.



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FIELDHORK COMPLETED JULY 23, 2021.

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEHENTS AND AGREENENTS, RECORDED AND UNDECORDED.

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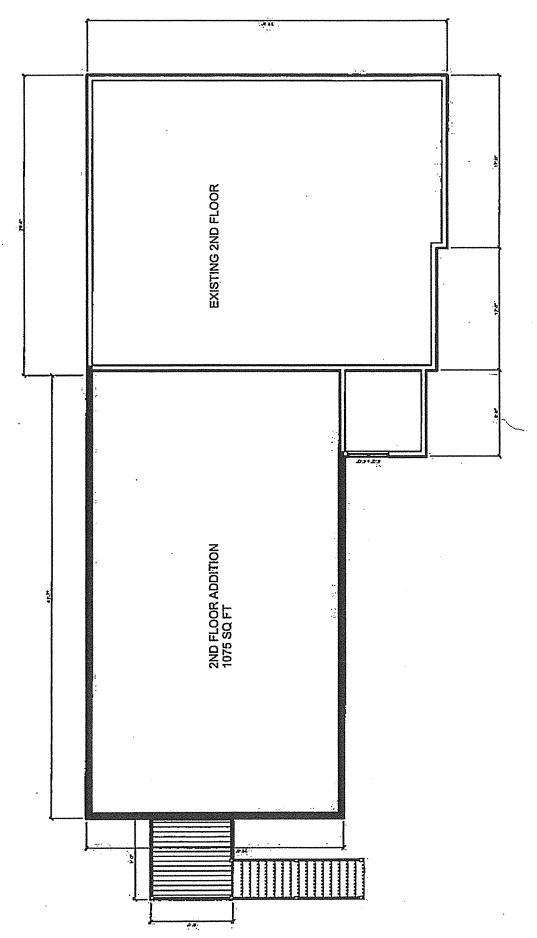
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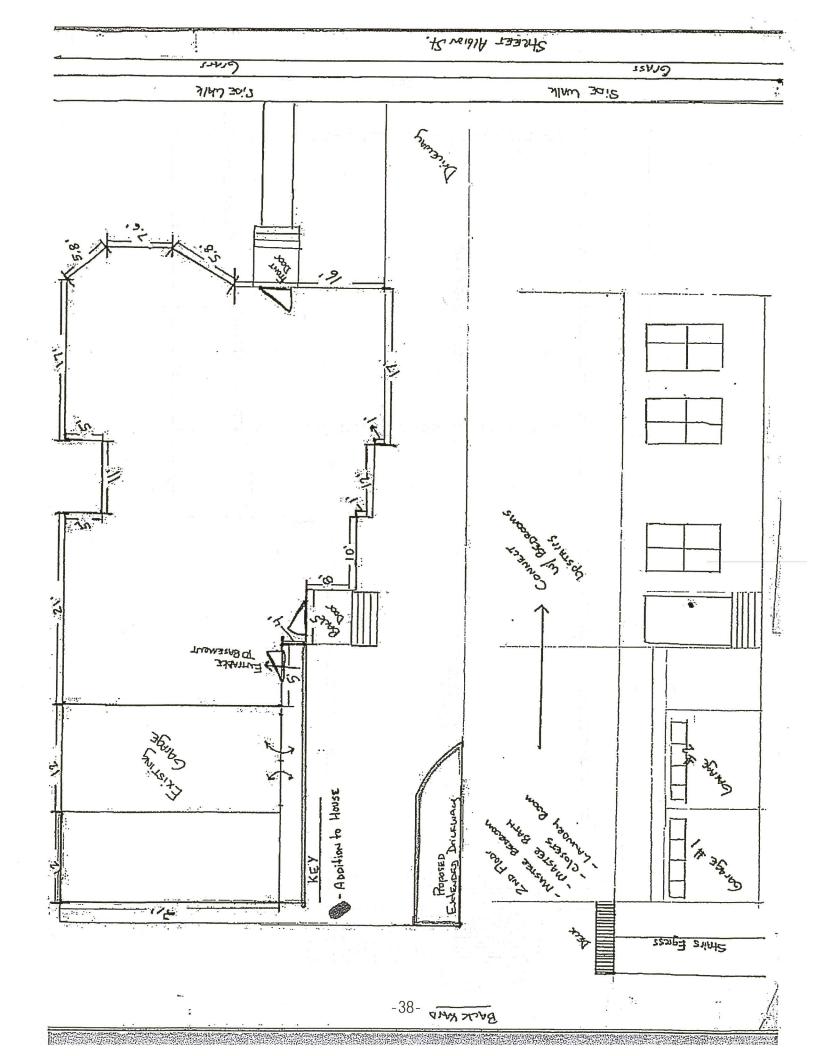
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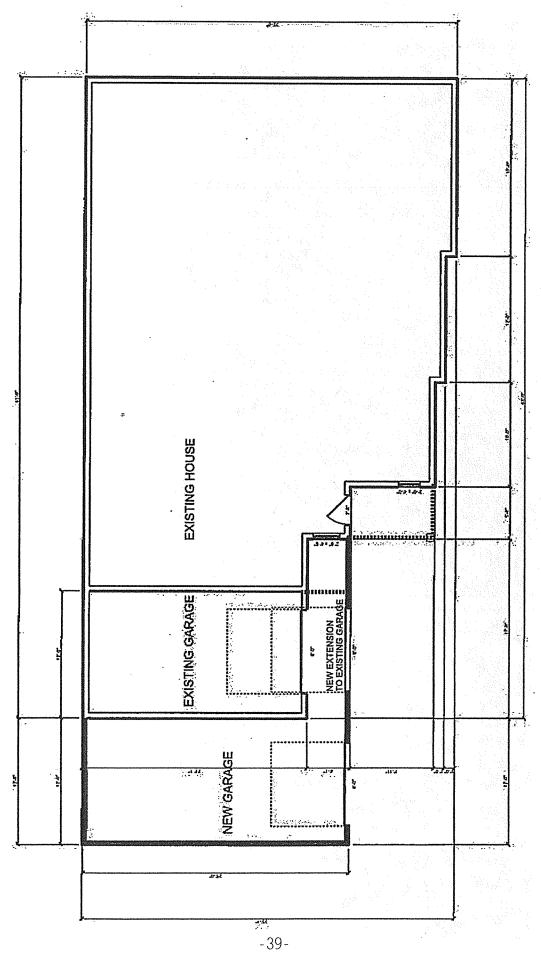
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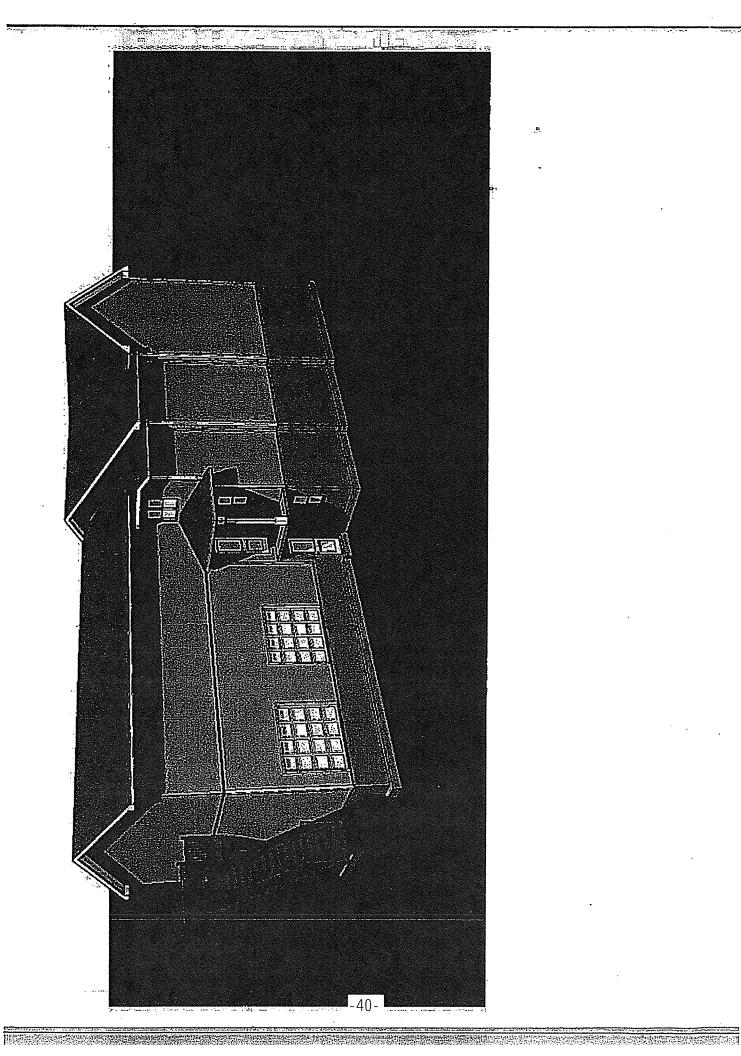
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For BROWN









CITY OF EDGERTON ZONING BOARD OF APPEALS MINUTES

August 23, 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 August 23, 2021.

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

Also present in person were City Administrator Ramona Flanigan, City Attorney William E. Morgan and Alder Jim Burdick.

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.

A motion to open the Public Hearing was made by ZBA Member Long, seconded by ZBA Member Jorstad, and passed by unanimous roll call vote at 6:05 p.m.

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

The ZBA went into public hearing on the variance application of T&D Plaza LLC / Don Deegan for a variance to Chapter 22.722(4)(b) to allow construction of an accessory structure closer to Ladd Land than permitted by the ordinance for the parcel located at 1025 N. Main St., Edgerton, Wisconsin.

Applicant Don Deegan presented on the need for the variance. The Applicant indicated the site of the property was a former grocery store with an overlarge parking lot not suited for the present use. Further, Applicant noted that there was not much space between the building on the north side and Ladd Lane its preferred storage location. Applicant indicated a desire to build a 80' x 12' three sided structure with the open side facing the existing building to be used as storage and for the sale of items in Spring. Recent remodeling to the existing structure necessitated additional space for lawn and garden items outside which need protection under a covered structure. Applicant's proposal was for the installation of the open shed 12 feet of the sidewalk rather than the required 25-foot setback. If the structure were placed closer to the building customers would not be able to as easily access the area.

Also speaking on behalf of the Applicant was Dan Learn and Brennan Deegan. Mr. Learn noted that the present area is all concrete and that they would be installing bollards between

the accessory building and the roadway. Mr. Learn also noted that this would block off any drive access along the north side of the building.

ZBA Member Ellingworth asked why the structure was not being placed within the larger parking lot. Applicant indicated that the reason for this was for safety concerns.

There were no other presenters regarding the application.

On motion of ZBA Member Kaplellen with a second by ZBA Member Long, the Public Hearing was closed at 6:14. 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 this would not have an adverse impact on the neighborhood but that the construction of the accessory structure did not require a variance as it could be built closer to or attached to the existing building and therefore was a self-created hardship.

ZBA Member Long asked the Applicant if there were any other reasons other than cost why it could not be attached to the existing building. The Applicant indicated that if the structure were either attached or placed within 10 feet of the existing structure, the new structure would have to comply with state building codes and this would increase the cost from an expected \$15,000-\$20,000 to approximately \$200,000.

Chairman Maynard again asked whether or not it was a possibility to place the accessory structure in the larger front parking lot. ZBA Member Jorstad indicated that he felt that the hardship was due to the retail nature of the business. The Applicant agreed and indicated that without the variance he could not maximize his business. ZBA Member Ellingworth asked if the variance was denied what would the Applicant do. The Applicant indicated that he would simply not pursue the project.

At 6:32 PM ZBA Member Kapellan moved for approval of the variance request with conditions. ZBA Member Long seconded the motion. After further discussion regarding the specific conditions to be imposed the Board attached the conditions that the accessory structure be sided in a neutral tone color; that the Applicant provide and maintain several planters and other plantings between the sidewalk and the structure to break up the mass of the wall; that the Applicant install drains to an underground system if gutters are ever installed on the structure; and that the existing fence be removed when adjacent to the structure. Upon a roll call vote, the motion was granted unanimously.

The next order of business was to consider approval of the minutes of the April 14, 2021 Zoning Board meeting. Upon a motion from ZBA Member Jorstad, seconded by ZBA Member Long, the minutes were approved by unanimous roll call vote.

The Board then fixed the next meeting for September 15 at 6 p.m.

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 6:52 p.m.

Dated this 24th day of August, 2021.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney

4849-2571-0072, v. 1

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