

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

October 9, 2024

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 7:05 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on October 9, 2024.

Present and responding to the roll call in person were ZBA Members Chairperson James Kapellen, Christopher Leitz, Russell Jorstad, Jim Long and Veronica Ellingworth and ZBA alternate Dave Esau.

Also present in person was City Administrator Ramona Flanigan and City Attorney William Morgan.

Chairperson James Kapellen opened the meeting.

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

An opening statement was given by Chairperson Kapellen regarding the general purpose of the ZBA.

City Attorney Morgan provided a brief explanation of variances and the appropriate standard to be applied to the request being considered at the meeting.

Administrator Flanigan provided a brief explanation of the request and the stated reason for the need for a variance for the property located at 22 Broadway St. The ZBA was also provided with additional information and pictures of the property which was the subject of the application.

A motion to open the Public Hearing was made by ZBA Member Long, seconded by ZBA Member Jorstad, and passed by unanimous voice vote at 7:09.

The ZBA went into a public hearing on the variance application of Vince and Cindy Rinden for a variance to Section 450-33 E.4(a)[1] to allow the construction of a second detached garage which would be 288 sq. ft. in size, the maximum size allowed under the Code being 150 sq. ft.

Mr. Rinden presented the request on behalf of the applicants. He indicated that they would like a variance to have a shed in which to store holiday decorations and other items. The existing garage does not have any additional room. They do not believe that it will be detrimental to the apartment complex, and he related that the other adjacent property owners

have said that they do not object to the request. Mr. Rinden further stated that he did not believe that the maximum allowed by code would be enough storage space.

ZBA Member Ellingsworth asked if there was a grade change on the property. Mr. Rinden said that he had removed some stumps, but only a small amount of fill is necessary. The City Administrator noted that the adjacent parking lot for the apartment is higher by about 3' which would allow that property greater visibility into the Rinden backyard. ZBA Member Long asked what the size of the existing garage was. Mr. Rinden indicated that it was a two car garage. ZBA Member Jorstad asked if it was possible to add on to the existing garage. Mr. Rinden indicated that if the addition were to the rear of the garage, that the addition would impact a garden located there. Administrator Flanigan noted that the existing garage may not be in compliance with side yard setbacks and so without a variance, that the Applicants would need to expand to the south, roughly where they propose to put the shed.

A question was raised about what was permitted as to accessory structures. The ZBA was informed that property owners could have one detached garage of up to 900 sq. ft. in size and one additional 150 sq. ft. shed. The Applicant noted that the placement would be difficult to see from the street.

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

A motion to close the public hearing was made by ZBA Member Jorstad, seconded by ZBA Member Ellingsworth at 7:18 p.m. Motion was carried on a unanimous vote.

Administrator Flanigan presented the Staff Report and recommendations. The staff report recommended that the variance be denied due to the fact that there was nothing unique about the property and the property could continue to be used in its present state.

The Administrator noted though there was a detached garage already, and that the total area would be less than the 900 sq. ft. allowed under the code, that the problem was that there is nothing unique about this parcel. It was further noted that the Applicants could make an addition to the existing garage bring it to the maximum 900 sq. ft. and that such an addition would be more area than what was being requested.

After further brief discussion during which ZBA Member Kapellen noted that 150 sq. ft. is quite large and that with shelves such a shed could hold a lot. For that reason ZBA Member Kapellen made a **motion to deny** the variance for the construction of a detached shed as requested. The motion was seconded by ZBA Member Long for discussion purposes. ZBA Member Ellingsworth made the point that this would still be less than what is allowed. A question was asked as to why 150 sq. ft was the maximum allowed and when that rule came into place. Discussion suggested that the rule had been in place at least 15-20 years and was likely based on the belief that any structure over 150 sq. ft. could be used to store a car. A question was asked as to how long the garage has existed in its current location. Mr. Rinden noted that it had been in its existing location for many year and that the existing walls are partially concrete. On a roll call vote, the **motion failed**. (1-5, ZBA Member Kapellen voting

in support) ZBA Member Ellingsworth then made a **motion to grant** the variance, seconded by ZBA Member Leitz. On a roll call vote, the **motion was approved** (5-1, ZBA Member Kapplelen voting against).

The next order of business was the approval of the minutes of the August 26, 2024, Zoning Board meeting. A motion to approve the minutes as presented was made by ZBA Member Jorstad, seconded by ZBA Member Ellingsworth. ZBA Member Leitz made note that his name was misspelled on the third page. Motion was approved on unanimous voice vote with the correction noted.

There being no further business before the Board, a motion was made by ZBA Member Ellingsworth, seconded by ZBA Member Long to adjourn. The motion was approved unanimously by a voice vote. The meeting was adjourned at 7:32.

Dated this 10<sup>th</sup> day of October 2024.

Respectfully submitted,

CITY OF EDGERTON

/ss/ William E. Morgan

By: William E. Morgan, City Attorney