

**CITY OF EDGERTON
CITY HALL
12 ALBION STREET**

**ZONING BOARD OF APPEALS
Monday, August 23, 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, August 20, 2021
3. Public Hearing:
 - a. Hear comments regarding a request by T&D Plaza LLC / Don Deegan for a variance to Chapter 22.722(4)(b) allow the construction of an accessory structure closer to Ladd Lane than permitted by the ordinance for the parcel located at 1025 N Main Street.
 - b. Close the public hearing.
4. Consider request by T&D Plaza LLC / Don Deegan for a variance to Chapter 22.722(4)(b) allow the construction of an accessory structure closer to Ladd Lane than permitted by the ordinance for the parcel located at 1025 N Main Street.
5. Consider approval of April 14, 2021 Zoning Board of Appeals meeting minutes.
6. Adjourn

cc: All Board Members
All Council Members
City Attorney
Newspapers
City Administrator
Department Heads

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: August 23, 2021

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 22.722(4)(b) to reduce the front yard setback from 25 feet to 12 feet to allow the construction of a storage building.

Address: 1025 N Main St

Applicant: T&D Plaza/Don Deegan

Current Zoning/Land Use: B-3 Large Scale Commercial / retail

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 an 80' x12' open storage shed closer to the front lot line (Ladd Lane) than is allowed by the ordinance. The petitioner wishes to construct the storage shed 12' from the front property line. The ordinance requires a 25' setback. The shed will be steel sided and open on the side facing the existing building. The area between the proposed building and the Ladd Lane sidewalk is already paved precluding the ability to plant a landscape screen along the building. The petitioner does not plan to put gutters on the structure.



Date Draft Submitted _____
Date Application Submitted _____
Fee Paid _____

Application for Variance

Owner (must be the applicant) TAD Plaza LLC
Parcel Address 1025 N. Main St Parcel Number _____
Owner Address 1844 W. Crystle Dr. Edgerton WI 53534 Daytime Phone (608) 290 5154
Present Use of the Property Retail
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:
The structure I'm proposing to build is less than 25' from the lot line. (not enough set-back).

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

I would like to construct a 3-sided structure
with a roof on the north side of my building, 11' feet
from my property line.

- (3) **Written justification of the requested variance** with reasons why the Applicant believes the proposed variance is appropriate. Before the Zoning Board of Appeals can grant a variance, they must find that the following criteria have been satisfied. Describe how your request meets the following criteria: (section 22.211(4)(c))

What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district.

My property was originally constructed to be a grocery store.
The grocery committed a large portion of the lot to parking area
with no area for outside lawn and garden sales, and no
area for rental equipment, both of which I depend on
to run my business successfully. The north side of my

- 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.)

building is most conducive for the display and storage
of this portion of my business, and the building is
positioned in a way that doesn't leave me proper
space to do this without the variance.

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.

Again, because of the previous owners committing
so much area to parking, I need to utilize a
certain area of the property that was made smaller
in size because of this commitment.

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, I will construct a building that's aesthetically
pleasing. I will ^{professionally} landscape the area in front
of the structure to make it look better
than it does now. I will remove a portion
of the fence if that is more appealing or leave it, which
ever looks better.

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.

To my knowledge no.

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.

Yes, as stated previously. Building Placement would be different for my business, compared to the previous owners that placed the building.

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, Don T. Deegan, 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 Don T Deegan Date 7-27-21

Applicant Signature _____ Date _____

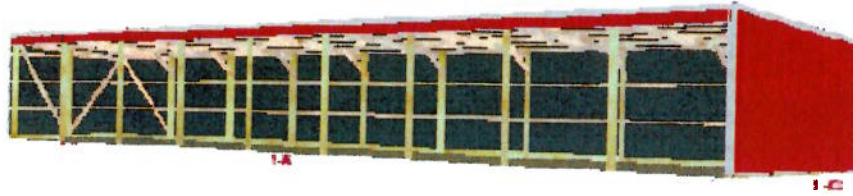
Consideration for Approval: Granted _____ Denied _____
Date _____
Chairman, City of Edgerton Zoning Board of Appeals

Revised date 6-23-1998

Additionally I would like to add. My son Brennan has joined the business, making us a third generation store. My effort and energy from this point forward is to try to ensure his success. Adding additional lawn + garden and rental in this area helps do this. We need this space to grow and prosper.

Thank You; Don T Deegan

Elevation Views



Handwritten notes:
 12' x 12' piers
 4' x 4' piers

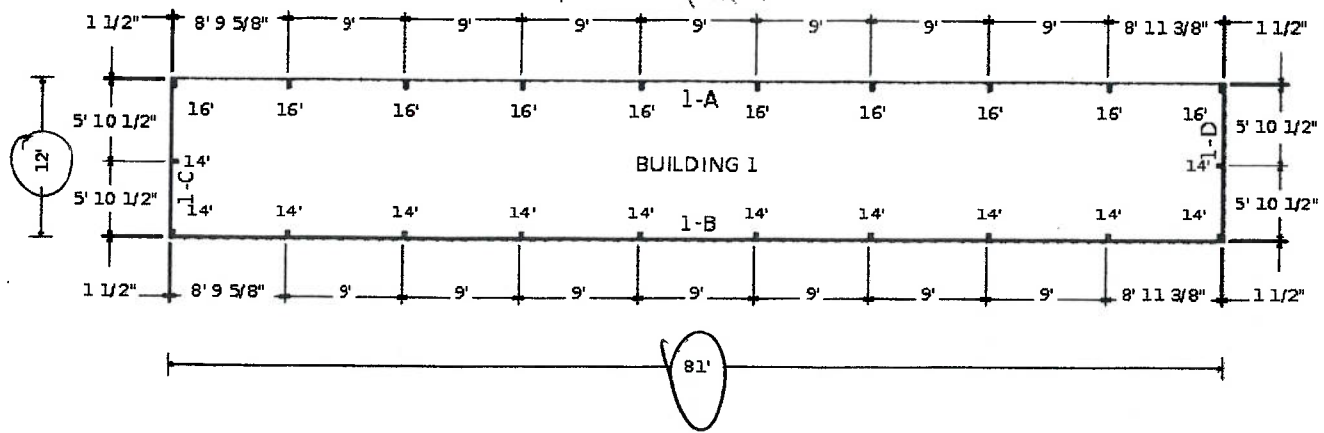
Handwritten notes:
 12' x 12' piers
 4' x 4' piers

Handwritten label: Fence

Handwritten note: A building would be centered on South side of chain link fence.

Handwritten note: A fence is 11' from property line. The back of the structure will hit up to the fence.

Floor plan

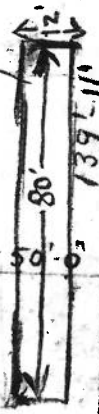


Proposed Structure

*

25'-0" 31

78 →



118'-0"

22'-0"

EXISTING BUILDING

VESTIBULE

CANOPY

NO CURB

EXIST. 93 CAR PARKING

ACCESSIBLE

9' X 19'

18 CAR STALLS @ 9' X 19'

18

19

19

19

LADD AVE

by
VED
ED-HUMAN RELATIONS

DEPENDENCE
253-13

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

April 14, 2021

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 7:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on April 14, 2021.

Present and responding to the roll call in person were Chairperson Dave Maynard, James Kapellen, Jim Long, Russel Jorstad, Corey Steen (alternate) and Steve Burwell. Responding via Zoom conference call was Paul Davis (alternate).

Also present in person were City Administrator Ramona Flanigan and 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 a variance.

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 7:07 p.m.

The ZBA went into public hearing on the variance application of Christine Festa for variances to Chapter 22.711(3)(b)4 to allow construction of covered porch within setback for the property located at 17 Broadway Street (6-26-165), Edgerton, Wisconsin.

Applicant Christine Festa presented on the need for the variance. The applicant indicated that they had previously replaced an existing enclosed porch. The new overhang was creating water damage issues on the open porch that the applicant had constructed. Applicant also noted that there were other properties adjacent to the subject property with structures closer to the setback line. The applicant was seeking to construct a roof over the new porch to protect the front door from water damage. Zoning administrator noted that for the purposes of setback, the roof overhang is not considered.

There were no other presenters regarding the application. Administrator Flanigan presented the staff report which recommended that the variances be denied. Staff noted that this would not have an adverse impact on the neighborhood but that the addition of the new porch was a self-created hardship.

The at 7:14, ZBA Member Kapellen moved to close the public hearing. The motion was seconded by ZBA Member Long. The motion passed on a unanimous roll call vote.

ZBA Member Jorstad noted that his original concern was that there may be a vision obstruction but that was not the case and that therefore there was no reason not to grant the request. ZBA Member Long agreed noting that much of the neighborhood was already nonconforming. After further discussion by the Board, ZBA Member Kapellen made a motion to approve the requested variance. ZBA Member Burwell seconded the motion. Upon a roll call vote, the motion was granted unanimously.

The next order of business was to consider approval of the minutes of the March 3, 2021 Zoning Board meeting. Upon a motion from ZBA Member Long, seconded by ZBA Member Jorstad, the minutes were approved by unanimous roll call vote.

There being no further business of the Board, a motion was made by ZBA Member Jorstad, seconded by ZBA Member Kappellen to adjourn. Motion was approved unanimously. The meeting was adjourned at 7:20 p.m.

Dated this 19th day of April, 2021.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney