

CITY OF EDGERTON
CITY HALL
12 ALBION STREET

ZONING BOARD OF APPEALS
Monday, August 1, 2022 AT 5:30 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. 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, July 29, 2022.
3. Public Hearing:
 - a. Hear comments regarding a request by Erik Twaroski and Stephanie Unertl for a variance to Chapter 22.711(3)(b)4. to reduce the front yard setback from 25 feet to 13.5 feet to allow the construction of a stoop, steps, and a covered porch for the property located at 704 Dickinson Ave. (6-26-532).
 - b. Close the public hearing.
4. Consider request by Erik Twaroski and Stephanie Unertl for a variance to Chapter 22.711(3)(b)4. to reduce the front yard setback from 25 feet to 13.5 feet to allow the construction of a stoop, steps, and a covered porch for the property located at 704 Dickinson Ave. (6-26-532).
5. Public Hearing:
 - a. Hear comments regarding a request by Edgerton School District for a variance to Chapter 22.402(7) to reduce the separation distance between driveways from 25 feet 12 feet to allow the construction of a driveway (Parcel 6-26-919.1).
 - b. Close the public hearing.
6. Consider request by Edgerton School District for a variance to Chapter 22.402(7) to reduce the separation distance between driveways from 25 feet 12 feet to allow the construction of a driveway (Parcel 6-26-919.1).
7. Consider approval of February 28, 2022 Zoning Board of Appeals meeting minutes.
8. Adjourn

cc: All Board Members
All Council Members
City Attorney

City Administrator
Department Heads

Newspapers

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 1, 2022

GENERAL DESCRIPTION

Description of Request: for a variance to Chapter 22.711(3)(b)4. to reduce the front yard setback from 25 feet to 13.5 feet to allow the construction of a stoop, steps, and a covered porch

Address: 704 Dickinson Ave (6-26-532)

Applicant: Erik Twaroski and Stephanie Unertl

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 petitioners seek a variance to allow the construction of a 6.5' x 9' stoop and steps closer to the front lot line than is allowed by the ordinance. The ordinance allows an uncovered porch to extend 6 feet into a required front yard. The existing house is closer to lot line than allowed by the ordinance so the proposed stoop extends further into the front yard than allowed by the ordinance thus a variance would be required. The existing stoop and stairs extend 6' 8" into the yard.
2. The petitioners indicate that at some point in the future they propose to put a roof on the porch which would also require a variance.

Date Draft Submitted	
Date Application Submitted	
Fee Paid	160.00 (pd)

Application for Variance

Owner (must be the applicant) Erik Twaroski and Stephanie Unertl

Parcel Address 704 Dickinson Avenue, Edgerton, WI 53534 Parcel Number 6-26-532

Owner Address 704 Dickinson Avenue, Edgerton, WI 53534 Daytime Phone 920.323.0586

Present Use of the Property Residential (single-family) with Permitted Home Occupation

Zoning Classification R2

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(3)(b)4 cannot be entirely satisfied because:

Current principle structure front/street setback measures 22 ft. 6in. from front/street lot line.

Current stoop/steps are set back 15 ft. 10in from front/street lot line. Current stoop/steps are unsafe and unsightly, with protruding rebar, loose railings, significant cracking, and uneven rise between steps.

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

Current concrete stoop and steps to be replaced/overbuilt with a larger wood/composite porch with a set back

of 13 ft. 6 in. from front/street lot line (extending 2 ft. 4 in. beyond current stoop/steps). Current stoop/steps width is 6ft. 3 in. Proposed new porch/steps will extend to northside edge of the principle structure for a new width of 12 ft. 6 in., with a setback of 14.4 ft. from north side lot line (within current regulations).

New porch to be built in two parts: platform, steps, and railings first, with a roof planned to be added at a later date.

- (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 primary structure and stoop/steps were built in 1946, before the passage of current applicable zoning regulations. Replacing the unsafe/unstable concrete stoop/steps with a safe and attractive new porch/steps will require variance approval, as the current principle structure does not meet the front/street setback as required in 22.711(3)(b)4 and described above in part 2 of this document.

- 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 current stoop/steps at the subject property are unsafe and unsightly, with protruding rebar, uneven step rise, and loose railings at the top of the stoop. Because the home was built in 1946, before current applicable zoning regulations, the home and stoop/steps do not meet the required 25 ft. front/street side set back as required in zoning ordinance 21.711(3)(b)4. A variance is needed to replace the unsafe structure with a new, safe and visually appealing porch/steps.

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 porch will not negatively impact adjacent properties, as the expansion of the porch towards the northside side lot line will remain within the appropriate setbacks as set by current zoning ordinance.

The new porch/steps will extend 2 ft. 4 in. further than the current stoop/steps towards the front/street side lot line, impacting only the depth of the front yard and set back from the street.

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. Granting the proposed variance will add positively to the curb appeal and overall character of the neighborhood, as well as providing a safe entrance/exit from the front door of the home. The only impact the proposed variance will have is to the depth of the front yard of the home and the set back from the street.

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 factors causing the variance request were not created after the effective date of this Chapter. The primary residence and stoop/steps were built in 1946, before the current setback ordinances were in place.

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.

The proposed variance does not involve Subsection 22.304 or section 22.700, as it does not significantly change the use or structure of the single family detached dwelling on site or impact the zoning map or district boundaries and doesn't fall outside the allowable land uses of residential district two (R-2) properties. The variance would simple allow for a new, safe and attractive entrance/exit from the existing primary structure.

Verification by applicant: I, Erik Twaroski & Stephanie Unertl, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability.

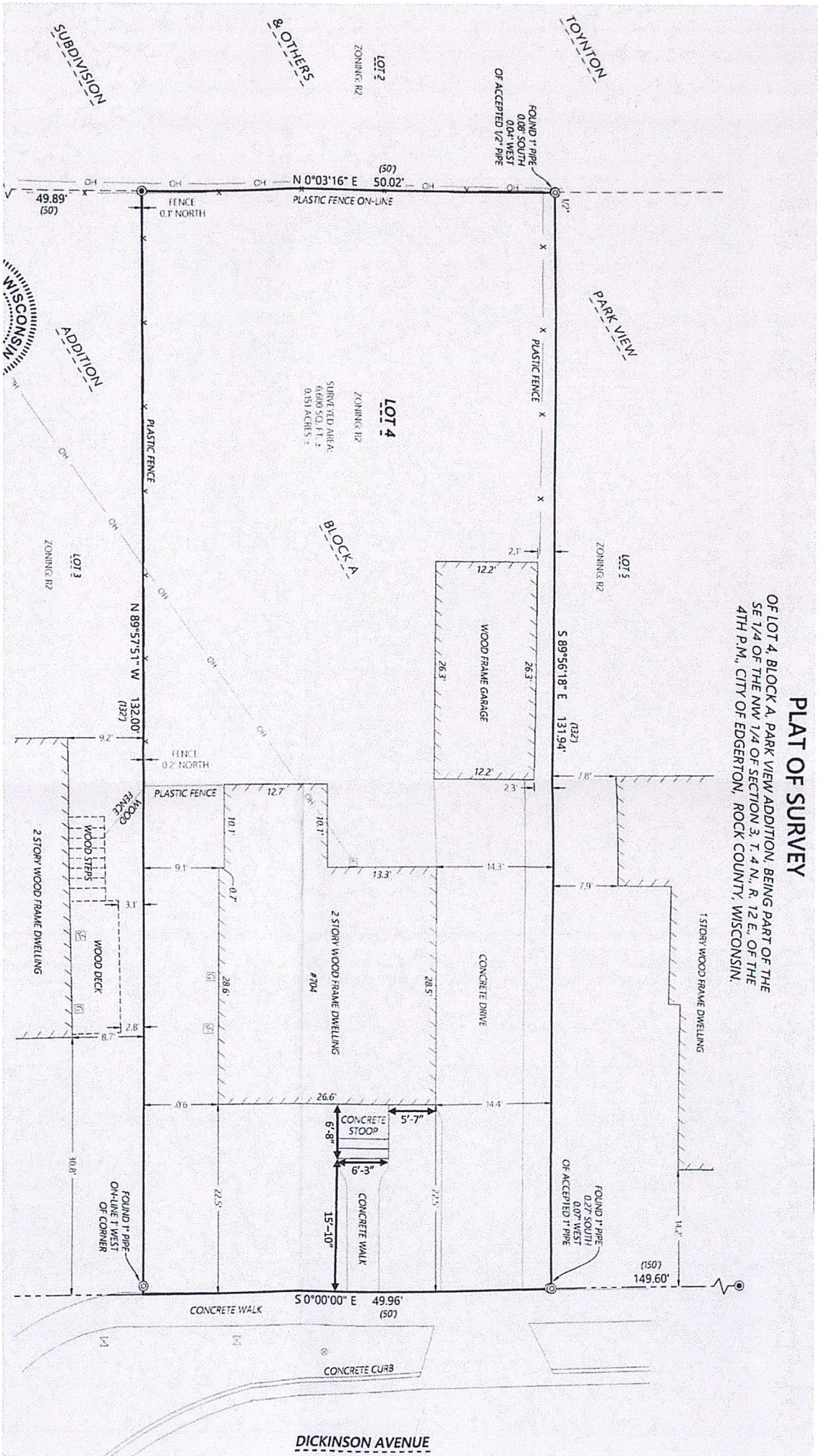
Applicant Signature Stephanie Unertl Erik Twaroski Date 07/20/2022
Applicant Signature _____ Date _____

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

Revised date 6-23-1998

PLAT OF SURVEY

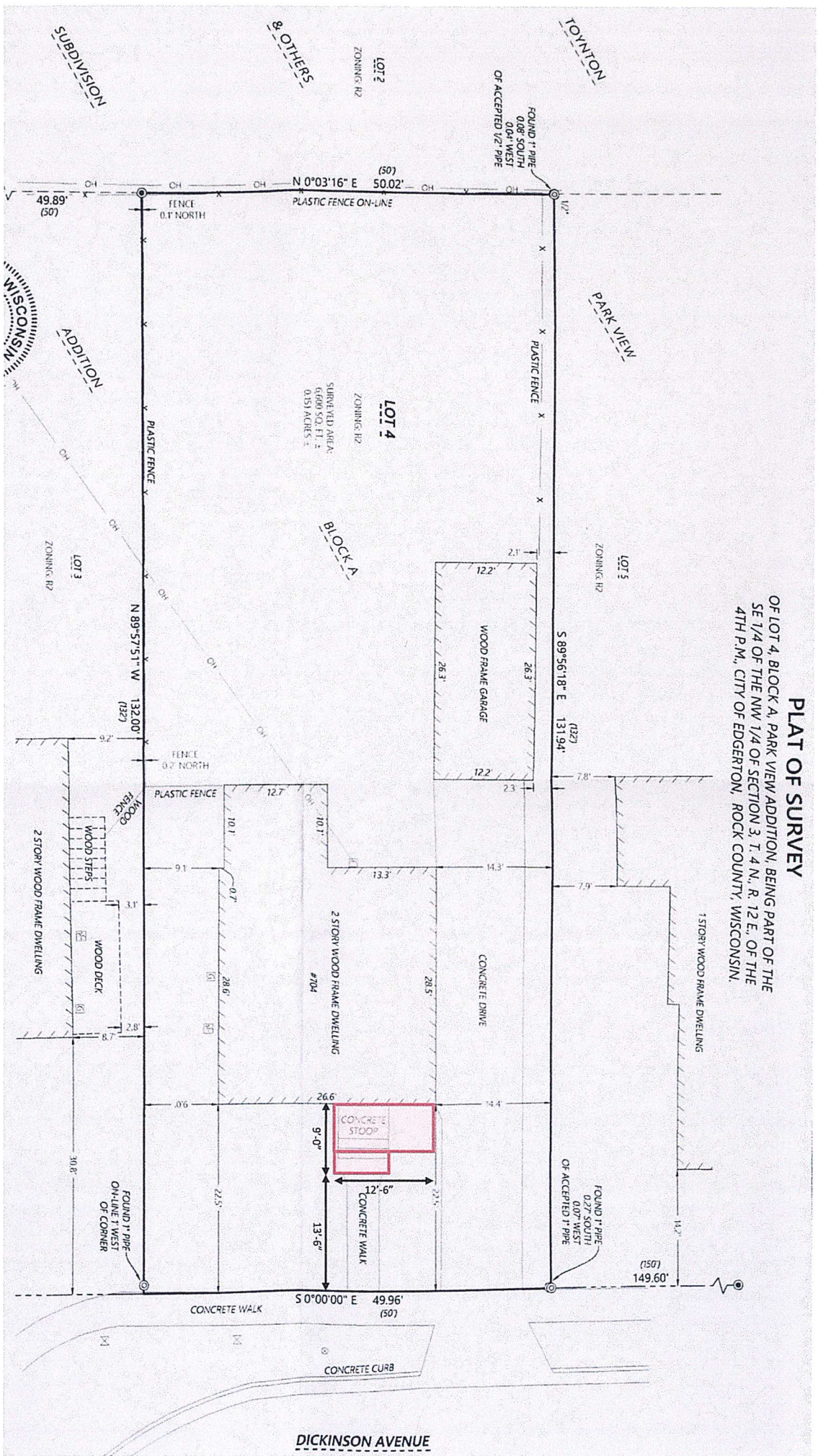
OF LOT 4 BLOCK A, PARK VIEW ADDITION, BEING PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 3, T. 4 N., R. 12 E., OF THE 4TH P.M., CITY OF EDGERTON, ROCK COUNTY, WISCONSIN.



ORIGINAL STRUCTURE

DICKINSON AVENUE

PROPOSED VARIANCE



PROPOSED VARIANCE

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: August 1, 2022

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 22.402(7) to reduce the separation distance between driveways from 25 feet 12 feet to allow the construction of a driveway (Parcel 6-26-919.1).

Address: 200 Elm High Drive

Applicant: Edgerton School District

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

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 permit the construction of a new driveway closer to an existing driveway than allowed by the ordinance. Chapter 22.402(7) requires driveways be 25 feet apart. The proposed driveway is 12 feet from the existing driveway.
2. The petitioner recently completed the construction of a maintenance building. The proposed driveway would allow large vehicles to back directly to the loading dock, as opposed to having to maneuver the vehicle from the existing driveway to access the dock.



BUSINESS • COMMUNITY • RECREATION

In lieu of complying with the ordinance, the following alternative is proposed (please

Date Draft Submitted _____
Date Application Submitted _____
Fee Paid _____

Application for Variance

Owner (must be the applicant) Edgerton School Dist.
Parcel Address 230 Elm High Dr. Parcel Number _____
Owner Address 200 Elm High Dr. Daytime Phone 608 931 9393
Present Use of the Property Maintenance Shop
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 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.

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.

There will be no impact the school
District owns Property on Both Sides

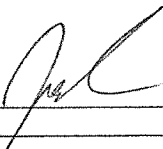
Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the 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 will be no impact on
Traffic

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.

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.

Verification by applicant: I, Edgerton School Dist 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  Date 7/8/22
Applicant Signature _____ Date _____

Consideration for Approval: Granted _____ Denied _____ Date _____

Chairman, City of Edgerton Zoning Board of Appeals

Revised date 6-23-1998

City of Edgerton, 12 Albion Street, Edgerton, Wisconsin 53534
Phone: (608) 884-3341 ♦ Fax: (608) 884-8892

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

February 28, 2022

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 October 21, 2021.

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

Also present in person was City Administrator Ramona Flanigan.

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 first Public Hearing was made by ZBA Member Long, seconded by ZBA Member Kapellen, and passed by unanimous roll call vote at 6:04.

The ZBA went into public hearing on the variance application of Lori Frohmader for a variance to Chapter 22.423(4)(e) to reduce the rear yard setback to from 10 feet to 3 feet on the property located at 204 Spencer Street, Edgerton, Wisconsin.

Lori Frohmader presented on the need for the variance. Applicant noted that they had been in residence at the location for eight years. When they moved in to that location, they contacted the city to determine what was necessary to establish a seasonal above ground pool and were told that it needed to be 3 feet to 5 feet from the rear line of their lot. The Applicant and her husband installed landscaping in the area surrounding the pool in accordance with that advice. Applicant noted that though there was opposition from one adjoining landowner, that property owner lived more than 25 feet from the pool. Applicant also noted that the property owner closest to the pool did not object.

Next, John and Cheryl Kinnamon, residents at 205 E. Fulton spoke in opposition to the variance. The property owners share a lot line with the Applicant. They could see the need for a variance of some sort but not the amount of variance requested. They also expressed concerns that if the pool should break open that portions of their property would flood.

Sean Swanson next spoke. Mr. Swanson owns property adjacent to the applicant and spoke in favor of the application.

On motion of ZBA Member Ellingworth with a second by ZBA Member Esau, the Public Hearing was closed at 6:21. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variance be approved noting that the lot was a substandard lot. Due to the very small rear yard, there was limited ability for the applicant to install a code compliant pool as would be possible in other lots within the district. The staff report also noted that the pool is seasonal in nature and screened from the neighbors by a solid fence. Staff report also noted that a temporary pool in the proposed location would not have an adverse impact upon the planning policies of the city and that the applicant did not create the lot configuration.

After brief additional discussion, including regarding the availability of insurance to protect against catastrophic pool failure, ZBA Member Kapellen moved for approval of the variance request with the facts as presented by the applicant and the Administrator. ZBA Member Esau seconded the motion. Upon a roll call vote, the motion was granted unanimously.

After brief additional discussion, ZBA Member Kapellen moved for approval of the variance requested with the findings of fact as reflected in the staff report. ZBA Member Ellingsworth seconded the motion. 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 October 21, 2021 Zoning Board meeting. Upon a motion from ZBA Member Long, seconded by ZBA Member Ellingsworth, the minutes were approved by unanimous roll call vote.

There being no further business of the Board, a motion was made by ZBA Member Kapellen, seconded by ZBA Member Long to adjourn. Motion was approved unanimously. The meeting was adjourned at 6:32.

Dated this 7th day of March, 2022.

Respectfully submitted,

CITY OF EDGERTON

By: William E. Morgan, City Attorney