

## **Board of Zoning Appeals**

### **MINUTES**

**September 14, 2020**

Members Present: Gordon Kinder, Ken Brost, Art Luetke, Bake Draper, John Robertson, Joe Rademacher (A), Jeff Sorenson (A)

Members Absent:

Staff Present: Andrew Bremer, Jim Trebian

#### **1. CALL TO ORDER**

Meeting called to order at 4:35 p.m. by Kinder.

#### **2. PUBLIC APPEARANCES.**

None

#### **3. APPROVAL OF MINUTES.**

a. Review and possible approval of minutes from the December 4, 2019 Board of Zoning Appeals meeting.

Motion by Luetke to approve the minutes of the December 4, 2019 meeting. Seconded by Brost. Motion passed 5-0.

#### **4. PUBLIC HEARING**

a. Public Hearing on a request by Jeffrey and Kristin Williams for a variance to construct a detached accessory carport/shed in the front yard. The property is addressed 5219 Glen Road; however, the proposed structure would be located along the Bremer Road frontage of the parcel. The property is zoned R-1B.

Kinder opened the public hearing at 4:41 p.m.

Don Kuptz of Waunakee Remodeling reviewed the request per application as provided in packets. The Williams would like to build a garage type structure with attached shed on their property, and remove the shed, which is in disrepair from the site. Bremer reviewed the applications as submitted with members. Proposed is a carport with attached shed, elevations and materials along with answers to the variance application questions have been provided by the applicants.

Luetke inquired about the size of the lot, versus the structure, it appears off Bremer Road, it will not be within the proper footage and in the staff report the possibility of moving the structure closer to the home, and further away from the road. He feels having this only 3

½' from the street can be a concern, is the homeowner concerned, and are any of the Board members concerned about this? Members discussed the overhang and measurements from the street, Kuptz indicated he could make the structure smaller and a larger overhang if members would prefer it.

Kinder inquired of Williams, have they looked at all options for their lot, there is room along the area of the current deck, they would have the option of removing the deck, having the carport where the deck is and then a deck off the carport, or, you could tie into the house off of the corner. Kristin Williams 5219 Glen Road responded when they purchased the home they received advice from someone, not in the Village, they cannot tear down the shed, as they may not be able to build anything else in its place. They are not open to tearing down their deck as they use it every night, they would rather move. They are getting quotes on tree removal to make room for the carport. They consider the proposed carport area their backyard.

Members discussed the lot line, property lines, and sidewalk as they tie in with the road and road right of way, along with safety concerns. Draper inquired about the applicants note on reducing the size of the structure from the plan as shown, is that their intention? Williams replied yes, they want it within the 40% maximum size requirement of the rear yard area. Kuptz indicated he has an updated plan he could email to Bremer.

Bremer reviewed staff reports, along with photos and images of the property as provided in packets, showing property lines, roads and street images for the request. Staff was unable to determine if there was ever an attached garage on the property. Bremer reviewed this is a "through-lot" and how it is a property with two front lot lines and two side lot lines, along with issues and requirements for a through lot. This property does not have a traditional rear yard, and they have identified Glen Road as their front yard. Bremer reviewed hardships and how they need to be considered along with his comments on the variance request. Bremer also reviewed the feasibility of having the structure in the side yard, but not affecting the deck. Bremer advised the further you could have it setback from the property line the better it would be. The structure as submitted would need to be reduced to meet the 40% requirement. The driveway ordinance limits the width of the driveway at the road to 30 feet and at the property line at 24 feet. As proposed, this would expand the driveway over what is allowed. This can be corrected by shifting the structure, or applying to the Village Board approval for a wider driveway.

Bremer reviewed the updated plan layout submittal as received by email during the meeting from Kuptz, including the setbacks, size, and identified rear yard area. The submittal still shows a driveway that is wider than allowed. Members discussed the new layout, the option of shifting the carport location, and removing part of the driveway area.

Bremer read the letter submitted against the variance request from Lana Holland 5205 Norma Road.

Kinder closed the public hearing at 5:31 p.m.

## 5. BUSINESS.

a. Discussion and possible action on a request by Jeffrey and Kristin Williams for a variance to construct a detached accessory carport/shed in the front yard. The property is addressed 5219 Glen Road; however, the proposed structure would be located along the Bremer Road frontage of the parcel. The property is zoned R-1B.

Kinder polled members on their thoughts on the proposal and justifications for granting the variance request. The consensus was the smaller design is more appropriate. Kinder would prefer it to be further from the road.

Luetke moved to approve the variance as proposed with the revision with the reduction in the size of the carport to 720 sq. ft. to meet the 40 % requirement. Robertson seconded the motion.

Kinder polled members for the vote.

Draper voted in favor of the variance - based on documents submitted, this property falls under the case of a hardship due to design layout, and there was never a garage on site. With the adjustments of the structure to fall within the 40% rule, the variance should be granted.

Brost voted in favor of the variance - based on the documents provided show this is a hardship due to being a through lot, it was not caused by the owners and is unique to the property.

Robertson voted in favor of the variance - based on this having two front yards, it was not caused by the owners, autos should be off the street, the design is acceptable and within the 40%.

Luetke voted in favor of the variance – this is a hardship of not having a rear yard on the property, they are meeting the 40% guidelines.

Kinder voted in favor of the variance –this property is a hardship due to the design, and prevents the owner from having a garage. It is not self-imposed and is unique to the property.

Bremer summarized they will receive a letter of approval, for what has been approved tonight is the 720 square foot carport and shed. If they wish to have a variance on the driveway width opening, they will need to seek that from the Village Board. They have some design flexibility, they can shift the location, or, if they wish to re-seed the existing gravel driveway area to keep the final driveway width within the Village code.

## 6. SCHEDULE NEXT MEETING DATE.

The department has received another application; staff will reach out to members to find a potential date for the next meeting, it will likely be mid October.

## 7. ADJOURNMENT.

Motion by Brost to adjourn, seconded by Robertson. Motion passed 5-0. Meeting adjourned at 5:48 p.m.