

**MINUTES OF THE BOARD OF APPEALS MEETING
10-14-15**

The meeting of the Slinger Board of Appeals was called to order by Chairman Toraason at 300 Slinger Road, Slinger Wisconsin on Wednesday, October 14, 2015 at 5:30 p.m.

I. Roll Call & Notice of Meeting:	<u>Present</u>	<u>Absent</u>
Craig Wolf	x	
Rick Knipfer	x	
Chris Leis	x	
Eugene Mueller	x	
Larry Toraason	x	
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Also Present: Tammy Tennies, Clerk
Greg Darga, Village Building Inspector/Zoning Administrator
Marty Marchek, Village Planner
Dave Malecha, Alternate Member

Chairman Toraason took the roll call and stated that all posting and publication requirements had been met.

II. Public Hearing on Variance No. 1 – Setback Along E. Washington Street – Expansion of Non-Conforming Structure (Section 8.06):

Chairman Toraason announced that Richard Wagner with JSD Professional Services Inc. represents St. Peter congregation who are petitioning for a variance to Section 8.06 of the Zoning Ordinance for the property located at 208 E. Washington Street. It was noted that the existing setback is 15ft. and the congregation is requesting a setback of zero (0) feet.

A. Opening Statement of Petitioner

Mr. Richard Wagner, a civil engineer with JSD Professional Services Inc., appeared before the Board on behalf of St. Peter Congregation. He stated that four variances are tied together and he would like to discuss them at in summary and then address each individually. Mr. Wagner stated that the variances being requested are due to the expansion of the church. He noted that issues they are dealing with include the age of the church, which was built when there were few, if any, building setback restrictions, along with dealing with site size limits. Mr. Wagner stated that variance No. 1 is requesting a zero (0)ft. setback, which is allowed in the nearby business zoning district (B-1). The project is in the preliminary design process and the final plans are not yet completed to confirm what the actual setback will be but they don't want to have to come back later if the final design requires a lesser setback.

Clerk Tennies administered the Oath of Witness to all who wished to speak before the Board at this time and included all testimony up to this time. Sworn in were Richard Wagner, JSD Professional Services Inc., Sherry Schaefer, 711 Slinger Rd. Slinger, WI, Ken Leeson 200 Heder Dr. Slinger, WI, Rick Vandermause 4734 Keely Dr. Slinger, WI, Zoning Administrator Greg

Darga 300 Slinger Road and Village Planner Marty Marchek 300 Slinger Rd.

B. Zoning Administrator's Report

Chairman Toraason asked Zoning Administrator Darga to discuss the Village's position on this petition. Discussion was held on the right-of-way and that the B-1 Business district currently has a zero setback. It was noted that the building was not moving closer to the street and that all the property to the north surrounding the congregation has a zero setback.

C. Public Comment Period

Chairman Toraason opened the public comment portion of the meeting at 5:34 p.m. and asked if anyone else in attendance wished to make a comment during this time.

There being no further public comment, Chairman Toraason closed the public comment portion of the hearing at 5:35 p.m.

D. Closing Statements

Chairman Toraason asked Mr. Wagner and Zoning Administrator Darga to present their closing statements.

No further comments were made.

III. Public Hearing on Variance No. 2 – Deficit in the Number of Parking Spaces On-Site or Within 400 Feet (Section 5.03 D.)

A. Opening Statement by Petitioner

Mr. Wagner stated that the congregation anticipates 450 more attendees with the expansion of the congregation and there is not enough on-site parking because there is not enough site area due to site constraints. He noted that with the expansion of the church there will be a reconfiguration of the parking lot and at least eight parking spaces will be lost.

Discussion was held concerning the possibility of three churches sharing one priest in the future, thus fewer services being held and additional space needed for the fewer services held.

B. Zoning Administrator's Report

Zoning Administrator Darga explained that occupancy of the church determines the number of parking spaces necessary and that with the proposed expansion, the site cannot comply with the number of parking spaces needed on-site or within 400ft. He stated that the lack of parking spaces in variance No. 2 results in the necessity of variance No. 3.

C. Public Comment- None

D. Final Testimony

Chairman Toraason asked Mr. Wagner and Zoning Administrator Darga to present their closing statements.

No further comments were made.

IV. Public Hearing on Variance No. 3 – Off-Street Parking Areas Located Further than 400 Feet From the Congregation (Section 5.03D)

A. Opening Statement by Petitioner

Mr. Wagner stated that because of the site area constraints there are not enough parking spaces on-site or within 400 ft., so the congregation has entered into a 50 year agreement with the Slinger School District to use two (2) of their parking lots to make up some of the deficit in the number of parking spaces.

Discussion was held on the distance from the school lots to the congregation and if they would be utilized. It was noted that currently on holidays the school parking lots have been used.

B. Zoning Administrator’s Report

Zoning Administrator Darga discussed this matter above while discussing variance No. 2.

C. Public Comment Period - None

D. Final Testimony

Chairman Toraason asked Mr. Wagner and Zoning Administrator Darga to present their closing statements.

No further comments were made.

V. Public Hearing on variance No. 4 – Width of Parking Rows & Aisles Below Code Minimum (Section 5.03 F.)

A. Opening Statement by Petitioner

Mr. Wagner stated that in reviewing the Village Ordinance concerning the movement aisle widths, he stated that there isn’t language to determine if the ordinance is referring to one-way or two-way traffic. He stated that the plans propose angle parking with one-way traffic which allows for a narrower aisle width. He provided standards from other places for aisle widths. In reviewing these standards, he noted that what they are proposing would comply with those standards.

Board members stated that the proposed changes in the parking layout are an improvement compared to what is currently there. It was noted that the improvements utilize the space better and have a better traffic flow.

B. Zoning Administrator's Report

Zoning Administrator Darga informed the Board that in accordance with section 5.03, it requires that if you enlarge a building and have a nonconforming parking lot than there are certain requirements for parking. He stated that there is a chart in the code for aisle width and he would not be able to approve the site plan without a variance in this case.

Planner Marchek commented that the other codes from other locations that the petitioner presented to the Board show that the Village has high a design standard. He noted that the variable standards from other municipalities shows that other areas are able to function and maneuver vehicles in smaller aisle dimension then what is in the Village code.

C. Public Comment Period -None

D. Final Testimony

Chairman Toraason asked Mr. Wagner and Zoning Administrator Darga to present their closing statements.

No further comments were made.

VI. Deliberation, Findings of Fact & Action to Approve, Modify or Deny Requested Variances:

A. Variance No. 1 – Discussion, Findings, Action

Chairman Toraason stated the Board would now deliberate on this request and read the findings of fact that are used to make any determination on variance requests as listed in Village of Slinger Zoning Code Section 12.07.

Board members discussed that rather than a zero (0) ft. setback they would like a one (1) ft. setback

Chairman Toraason explained that five findings need to be deliberated: Preservation of Intent, Exceptional Circumstances, Economic Hardship and Self-Imposed Hardship, Preservation of Property Rights and Absence of Detriment.

Chairman Toraason stated that in regards to preservation of intent, there is no conflict with the purpose and intent. He commented on the historical factor of the property and building and the lack of restrictions in prior years when the building was constructed.

Chairman Toraason stated that in regards to exceptional circumstance, the age of the structure needs to be considered. It was also noted that there are B-1 districts surrounding this property, which have a zero (0) ft. setback. The Board suggested a one (1) ft. setback instead of zero (0) ft.

Chairman Toraason stated that in regards to economic hardship and self-imposed hardship, there aren't any hardships for consideration in this case.

Chairman Toraason stated that in regards to preservation of property rights, this variance of a setback of one (1) ft. would be similar to the other properties in the same vicinity which are B-1 District with a zero (0) ft. setback.

Chairman Toraason stated that in regards to absence of detriment, there is no detriment to adjacent property owners.

Motion Mueller/Wolf to approve a one (1) ft. setback along E. Washington Street – expansion of non-conforming structure (Section 8.06). Motion passed.

C. Variance No. 2 & 3– Discussion, Findings, Action

Chairman Toraason stated the Board would now deliberate on the request in variance No. 2 & No. 3 and read the findings of fact that are used to make any determination on variance requests as listed in Village of Slinger Zoning Code Section 12.07.

Chairman Toraason stated that in regards to preservation of intent, there is no conflict with the purpose and intent. He commented that it is currently a parking lot and will remain a parking lot.

Chairman Toraason stated that in regards to exceptional circumstance, it was noted that there needs to be a minimum number of onsite and offsite parking spaces within 400 ft. available.

Chairman Toraason stated that in regards to economic hardship and self-imposed hardship, there aren't any hardships for consideration in this case.

Chairman Toraason stated that in regards to preservation of property rights, it is not an issue.

Chairman Toraason stated that in regards to absence of detriment, there is no detriment to adjacent property owners since most of the surrounding properties are owned by the congregation.

Motion Leis/ Knipfer to approve the deficit in the number of parking spaces on-site or within 400 Feet and off-street parking areas located further than 400 feet from the congregation (Section 5.03 D.). Motion passed.

D. Variance No. 4 – Discussion, Findings, Action

Board member Wolf stated that the Planning Commission should review the code, yet at this time the Board of Appeals should consider a variance for the width of parking rows and aisles below code minimum.

Chairman Toraason stated the Board would now deliberate on this request and read the findings of fact that are used to make any determination on variance requests as listed in Village of Slinger Zoning Code Section 12.07.

Chairman Toraason stated that in regards to preservation of intent, there isn't a conflict with the purpose and intent. He commented that the congregation is working to make traffic in the parking lot move more smoothly.

Chairman Toraason stated that in regards to exceptional circumstance, the current Village code does not specifically address one-way or two-way traffic.

Chairman Toraason stated that in regards to economic hardship and self-imposed hardship, there aren't any hardships for consideration in this case.

Chairman Toraason stated that in regards to preservation of property rights, the congregation is maintaining the parking lot by just changing the design and flow, so it is not affecting the property rights by other properties in the same vicinity.

Chairman Toraason stated that in regards to absence of detriment, there is no detriment to adjacent property owners.

Motion Wolf/Mueller to approve width of parking rows & aisles below code minimum with the condition that it has to be one-way traffic (Section 5.03 F.) Motion passed.

VII. Notice of Appeal Rights

Mr. Wagner was informed that he will receive a letter informing them of this decision within the next few days.

VIII. Adjourn Meeting

Motion Mueller/Wolf to adjourn at 6:44 p.m.; carried.

Tammy Tennies, Clerk