

**MINUTES OF THE BOARD OF APPEALS MEETING**  
**Board of Appeals**  
**12-15-10**

The meeting of the Slinger Board of Appeals was called to order by Chairman Martin at 300 Slinger Road, Slinger, Wisconsin on Wednesday, December 15 at 5:30 p.m.

<b>I. Roll Call &amp; Notice of Meeting:</b>	<u>Present</u>	<u>Absent</u>
Candi Martin	x	
Mike Patenaude	x	
Dawn Smith	x	
Larry Toraason	x	
Craig Wolf		x, excused
Rick Kohl (Alternate)	x	
Erin Rauh (Alternate)		x, excused
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**Also Present:** Terry Frederickson, Village Building Inspector/Zoning Administrator  
Margaret Wilber, Deputy Administrator/Deputy Clerk

Deputy Clerk Wilber took the roll call and stated that all posting and publication requirements had been met. She also stated that two items were received prior to the meeting. Deputy Clerk Wilber informed the Board that Jane Herte, the owner of 224 Kettle Moraine Drive N, had returned her notice of public hearing and stated that she did not have a problem with the variances being approved. Deputy Clerk Wilber stated that the second correspondence was a letter received from the petitioners, Mark and Bonnie Monroe, and she read the letter into the record.

Deputy Clerk Wilber administered the Oath of Witness to all who wished to speak before the Board at this time. Sworn in were Zoning Administrator Terry Frederickson 300 Slinger Road, Mark Monroe 4822 Cedar Hills Drive, Slinger, Bonnie Monroe 4822 Cedar Hills Drive, Slinger, and Dave Wolbrink 40 Heder Drive, Slinger.

**II. Public Hearing**

A. Petition for Appeal

Chairman Martin announced that Bonnie and Mark Monroe of 4822 Cedar Hills Drive have petitioned for two variances to allow construction of a 6-foot addition along the entire rear of their home located at 227 Kettle Moraine Drive N. She stated the home is set back 28.6 feet from Heder Drive, which makes the existing home a nonconforming structure relative to its setback from Heder Drive. Chairman Martin stated that variance #1 is required to allow any enlargement of a nonconforming structure in accord with Section 8.06 of the Village of Slinger Zoning Ordinance. She stated that variance #2 is required related to the specific requirement in the R-2 district for a 40-foot street yard setback. Chairman Martin stated the proposed addition would be set back 28.6 feet from Heder Drive, requiring a variance of 11.4 feet against the 40-foot minimum setback requirement. Chairman Martin asked the petitioners to present their request.

B. Petitioner's Case

Mark Monroe, 4822 Cedar Hills Drive, appeared before the Board and stated that the letter they submitted prior to this meeting provided a good summary of the situation. He stated that the house was built over 60 years ago and was in very poor condition before they purchased it. Mr. Monroe stated that the kitchen is 10' by 10' and too small to allow room for modern appliances such as a dishwasher or full-size refrigerator. Mr. Monroe stated that the bathroom is so small, the prior owners installed a toilet and tub in one of the bedrooms to resolve access problems.

Bonnie Monroe, 4822 Cedar Hills Drive, stated that over the years the property has become run down and abused. She stated that the roof leaked so badly that the back wall of the building has to be torn down and replaced. Mrs. Monroe explained that when they realized such extensive work would be needed, they decided to look at what other improvements could be done to make the home more functional.

Mr. Monroe explained that he is in the business of refurbishing and renovating buildings and he believes the house can be improved on to make it a much more valuable residence. He also stated that the proposed expansion would be only towards the back of the property, so the house will still be farther away from the street than the existing garage on the property.

Chairman Martin asked the Monroes if they had anything further to add to their request and they stated they did not.

C. Zoning Administrator's Case

Chairman Martin asked Zoning Administrator Frederickson to present the Village's stance on this matter. Zoning Administrator Frederickson informed the Board that the building's nonconforming status came about when Heder Drive was created in the 1960's, which was after the house was built. He stated this fact may be considered sufficient to meet the exceptional circumstances finding.

Zoning Administrator Frederickson explained that two separate variances would be needed here due to the building's nonconforming status. He stated that when a structure is considered nonconforming, the only work that can be performed on it without a variance is interior type of improvements or repairs that do not change the size of the structure. Zoning Administrator Frederickson stated that any exterior changes to the building will automatically require a variance.

Zoning Administrator Frederickson discussed the five findings that should be examined when considering any variance request, preservation of intent, exceptional circumstances, economic hardship not self-imposed, preservation of property rights and absence of detriment. He stated that it was his opinion that this situation included exceptional circumstances but no definite economic hardship. He further stated it was his opinion that it could be considered necessary to preserve property rights and would not create a substantial detriment.

**D. Public Comment Period**

Chairman Martin opened the hearing to public comment at 5:44 p.m.

Dave Wolbrink, 40 Heder Drive, appeared before the Board and spoke in support of the approval of these variances. Mr. Wolbrink stated that one of the factors that should be considered is whether granting the request would result in an improvement of the property, which would in turn make the property more valuable to the overall tax base in the Village. Mr. Wolbrink stated it was his opinion that the work proposed here would be beneficial for the property and the surrounding neighborhood, and he asked the Board to consider approving both of the variances requested.

There being no further public comment, Chairman Martin closed the public comment portion of the hearing at 5:46 p.m.

**E. Closing Statements**

Chairman Martin asked Mr. and Mrs. Monroe and Zoning Administrator Frederickson to present their closing statements.

Mr. Monroe stated they had no further comments to make on this matter.

Zoning Administrator Frederickson stated that once all findings are reviewed, the Board should also consider whether their decision will set a precedent and how that might affect other properties in the Village.

**III. Deliberation of Petition:**

**A. Discussion on the required variances:**

1. Variance #1 to allow any enlargement of the nonconforming house
2. Variance #2 to allow the proposed addition to be located 28.6 feet from Heder Drive

Chairman Martin stated that the variances would be discussed separately and asked Board members to present any questions or comments they had on the first variance that would allow any enlargement of the nonconforming house.

Board Member Kohl stated it was his opinion that this was not creating any new setback issue since the house was already in place before the street went in.

Board Member Toraason asked about the status of the garage and whether there would be a later request for work to be performed on that structure. Mr. Monroe stated that there would not be a variance needed for the garage. He stated they had already completed replacing the roof of the garage and that was the only work that would be needed. Board Member Toraason stated it was his opinion that the circumstances here are exceptional enough to justify the variance.

Chairman Martin asked the Board to discuss their opinions on the second variance, which would allow the proposed addition to be located 28.6 feet from Heder Drive. Board members stated they believed the fact that the street was installed after the house was constructed should be given special consideration in this case.

**B. Findings of Fact**

Chairman Martin asked Deputy Clerk Wilber to review the findings of fact that are used to make any determination on variance requests. Deputy Clerk Wilber read the findings of fact as listed in Village of Slinger Zoning Code Section 12.07. She explained that five findings need to be deliberated: Preservation of Intent, Exceptional Circumstances, Economic Hardship and not Self-Imposed Hardship, Preservation of Property Rights and Absence of Detriment. Deputy Clerk Wilber stated there appeared to be a consensus of the Board that both variances would meet the preservation of intent finding since they are consistent with the purpose of regulations of the district. She further stated the Board finds there are exceptional circumstances in this situation, there is no particular economic hardship, there is the preservation of property rights and there is an absence of detriment to adjacent property.

**C. Additional Conditions (if necessary)**

Chairman Martin asked the Board if there were any additional conditions that they wished to propose in this matter and Board members stated there were none.

**D. Action to Approve, Modify, or Deny the Requested Variance**

Board Member Patenaude moved to approve both requested variances based on the findings that the variances would be consistent with the purpose of regulations in the area, there were extraordinary circumstances in this situation, the approval would preserve property rights and the variances would not create a substantial detriment to adjacent property. Board Member Toraason seconded the motion and a vote was taken with the following results: Yea's: Martin, Kohl, Patenaude, Smith, Toraason; Nay's: None. The motion was passed and the variances were approved.

**E. Notice of Appeal Rights**

Deputy Clerk Wilber informed Mr. and Mrs. Monroe that written confirmation of the approval of the variances will be sent to them within the next few business days.

**IV. Adjourn Meeting**

Motion Kohl/Smith to adjourn at 5:54 p.m.; carried.

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Margaret Wilber, Deputy Administrator/Deputy Clerk