

MINUTES OF THE BOARD OF APPEALS MEETING
Board of Appeals
2-12-14

The meeting of the Slinger Board of Appeals was called to order by Chairman Toraason at 300 Slinger Road, Slinger Wisconsin on Wednesday, February 12, 2014 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 | |
| | <hr/> 5 | <hr/> |

Also Present: Tammy Tennes, Clerk
Greg Darga, Village Building Inspector/Zoning Administrator
Marty Marchek, Village Planner

Chairman Toraason called the meeting to order at 5:30 p.m. Chairman Toraason took the roll call and stated that the open meeting law had been complied with in connection with this meeting.

II. Public Hearing

A. Petition for Appeal

Chairman Toraason read the Notice of Public Hearing and announced that the petitioners, Lynn and Michael Patenaude are requesting a variance to Section 3.18 G. 1. of the Zoning Ordinance for the property located at 711 Industrial Drive to construct a proposed 5,617 sq. ft. addition for indoor vehicle parking along the South side of the existing D&M Building facing Info Highway Court. Section 3.18 G. 1. of the M-2 District requires a 40 foot minimum street yard setback from Info Highway Court. The proposed addition would be setback 10 feet from the right-of-way line requiring a variance of 30 feet from the 40 foot minimum required street yard setback.

Clerk Tennes informed the Board that all posting and publication requirements had been met.

Chairman Toraason opened the public hearing portion of the meeting at 5:35 p.m.

B. Opening Statement of Petitioner

Mr. Mark Hertzfeldt of Design 2 Construct, on behalf of the Patenaude's, appeared before the Board and stated that D&M Auto Body would like to put an addition onto their existing building. He stated that currently cars are being parked outside in the area proposed for the addition. He stated that the addition is necessary to have the cars inside a heated building and away from the exterior elements. Mr. Hertzfeldt stated that it will save time and protect the vehicles by having them enclosed. He stated the proposed addition would be built to match the existing building.

C. Zoning Administrator's Determination

Chairman Toraason asked Zoning Administrator Darga to discuss the Village's position on this petition. Zoning Administrator Darga stated that the property is a unique lot, having 3 streets

around it. He stated that the property does limit them somewhat to what can be done. Zoning Administrator Darga stated that the only issue is that the proposed addition encroaches into the street setback along Info Highway Ct approximately 30'-0", which goes against the required street yard setback in the M-2 General Manufacturing District, which is 40'0" from the right-of-way per 3.18G 1. of the Slinger Zoning Code.

Discussion was held concerning setback requirements, road right-of-way, easements, placement of utilities and setbacks of neighboring lots.

Zoning Administrator Darga stated that Mr. Patenaude's property does have a greater setback than the neighboring properties.

D. Public Comment Period

Chairman Toraason opened the public comment portion of the meeting at 5:40 p.m. and asked if anyone else in attendance wished to make a comment during this time.

Clerk Tennes administered the Oath of Witness to all who wished to speak before the Board at this time. Sworn in was Michael Patenaude 781 Valley Forge Dr. Slinger.

Clerk Tennes informed the Board that a letter from Blast Craft, 750 Industrial Dr. had been received prior to this meeting. Mr. Patenaude handed the Board a letter from neighbor ABS Sales & Service located at 731 Industrial Dr. Clerk Tennes read the letter which stated: "My company and I firmly support their proposed addition and hope that the Village Zoning Board approves it".

Mr. Patenaude stated that he was sorry that he was late and that some of what he will be stating may be duplicating Mr. Hertzfeldt's statement. Mr. Patenaude stated that the proposed addition to his building is essential for his business. He stated that he will be creating more green space and that he is just enclosing what is already on his property. He stated that for this addition he needs an alley way, parking, and to be able to drive through it, which is why he is here asking for a variance. Mr. Patenaude stated that he likes having his business in Slinger and he is looking to add onto the building because his family is taking part in the business and this addition will only help business in the future. He stated that if he is unable to expand here, he will have to look at relocating, which he really would rather not have to do.

Board Member Wolf asked if there would be parking on the West side of the building. Mr. Patenaude stated that with this addition there would be no need for parking on the West side of the building because he would have hoists in the building and would be stacking cars.

Chairman Toraason asked Planner Marchek if he had any comments regarding the request.

Planner Marchek stated that the key thing to keep in mind is that the lot is unusual since 3 sides of the lot abut streets, which takes out developable area.

Chairman Toraason closed the public comment session of the meeting at 5:55pm.

E. Closing Statements

Chairman Toraason stated that Mr. Patenaude had just made his statement, which was also his closing statement. Mr. Patenaude agreed.

III. Deliberation of Petition:

A. Discussion on the Requested Variance to Section 3.18 G. 1.

Chairman Toraason asked each Board member for their thoughts.

Board member Leis asked if this was the only option. Mr. Patenaude stated that in order to be productive, he would need this variance. Board member Leis stated that he thought this addition would increase the value of the property.

Chairman Toraason stated that 2 other additions have been added to the original building and stated to Mr. Patenaude that he probably did not think he would be continually adding on. Mr. Patenaude confirmed, he had put on 2 additions already and stated that he did have those additions in mind when he built the original building. He stated that he put the original building where he did because it would allow for room to expand.

Board member Knipfer asked why there was not a curb. Mr. Patenaude stated that there was a verbal agreement with the Village at the time he began building because of the neighboring business, Enders Construction, which had heavy and large equipment that may have damaged the curb. Former Administrator DeGraves determined that a curb was not necessary.

Board member Mueller stated that he thought this addition would clean up the area and it was creating more green space.

Board member Wolf stated that the advantage to this property is that the street is not a thru street. He stated that because there is no property line with another owner, but with a street, it is not likely to be expanded, and stated that Mr. Patenaude is trying to utilize as much of the property as possible.

Board member Knipfer stated that he empathizes with Mr. Patenaude but the proposed setback of 10ft. is too small.

Discussion was held that a normal side yard setback would be 20ft.

Chairman Toraason asked if the addition would be fully functional if the Board allowed a 10ft. variance. Board member Knipfer stated that he would be ok with a 20ft. variance.

Mr. Patenaude stated that a 20ft. variance would be unproductive. He stated that 10ft. is 15 cars parked outside and inside he would be able to stack, so that is 30 cars. He stated that 10ft. means a lot.

B. Findings of Fact

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. He 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.

There was no comment concerning preservation of intent, so Chairman Toraason said they would come back to it.

Chairman Toraason stated that in regards to exceptional circumstance the lot is small and is the only business in that area that is surrounded by 3 streets.

Chairman Toraason stated that the hardship is the 40ft setback on each side because of the streets. The hardship is not economic or self-imposed.

Chairman Toraason stated that in regards to preservation of property rights, there is no question that the view would be improved.

Chairman Toraason stated that the neighbors have submitted letters in favor of the addition, so there is no detriment to adjacent property owners.

Chairman Toraason went back to preservation of intent and noted that Mr. Patenaude's intent is consistent with the purpose and intent of the regulations of the district in which the development is located.

Additional discussion was held concerning lot lines, easements, and setbacks.

C. Additional Conditions (if necessary): None

D. Action to Approve, Modify, or Deny the Requested Variance to Section 3.18 G.1.

Motion Leis/Knipfer to condition the requested variance from a setback of 10 ft. to 20ft. from the right-of-way line requiring a variance of 20ft instead of 30ft from the 40 foot minimum required street yard setback. A roll call vote was taken. Yea's Toraason, Knipfer, Lies; Nay's Mueller and Wolf.

E. Notice of Appeal Rights

Chairman Toraason informed Mr. Patenaude that he could appeal this decision.

IV. Adjourn Meeting

Motion Mueller/Wolf to adjourn at 6:22 p.m.; carried.

Tammy Tennes, Clerk