

MINUTES

1. Call to order and Roll Call

The meeting was called to order by Ted Chitwood at 5 p.m.

Present: Luecke, Chitwood, Schroeder

Not Present: Reimann

Others Present; Gilles-Building Inspector

A temporary Chairman was appointed for this meeting since the acting Chairman was absent

Motion by Carrie, second by Luecke to appoint Ted Chitwood as the chairman pro tempore for this meeting.

2. Approval of Minutes from October 19, 2022

Motion by Schroeder, second by Luecke to approve the minutes from Oct. 19, 2022. Voice vote
Motion carried 3-0.

3. Appointment of a secretary for the Board of Zoning Appeals.

Motion by Schroeder, second by Luecke to table this until a future meeting. Voice vote
Motion carried 3-0.

4. **Public Hearing**

- a. Appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.

Chitwood commented that the Board will not have a voting quorum on the appeal of John Meyers since Luecke is recusing herself from this part of the meeting. Mr. Meyers was notified of this prior to the meeting, but attended anyway.

- b. Appeal of Susan Bay to grant an after the fact variance from the required setbacks pursuant to sec. 17.19(3) of the Zoning Code to allow a setback of 25 feet (an exact measurement will be known once a surveyor establishes the property line prior to the meeting date) for a roof that has been built over an existing deck. The property is located at 602 N Main St. (parcel # 216-0605) legally described as PT OF LOTS 36, 37, 38, 39 & 40 MADDIN'S ADDITION.

Chitwood invited Allison Markoski to step up to the podium to speak in regards to the appeal of Susan Bay.

Allison Markoski, attorney from Jackson Law Firm representing Sue and Gary Bay spoke in regards to the requested variance. She stated that a surveyor was hired to establish a more accurate distance from the roof that was built so that the amount of the variance request would be more accurate than the 25 feet that was estimated to be needed. The survey showed that the closest part of the roof that was built without permit was 20.8 feet from the property line in question. Therefore the Bays are requesting a 30 foot variance to allow the roof that was built to be within 20 feet of the west property line. Allison made the argument that the new roof is a convenience for the public especially any handicapped people since there is a long ramp for their use to access the building. She stated that the existing building is unique due to it already being too close to the property line per current ordinance and needing the accessible entrance. Allison stated that there is no harm to the public interest as the roof is not affecting soil, or water, or impeding snow removal, or any other public safety issues. When asked what the unnecessary hardship was she stated that weather protection would not be provided to the public without the roof over that accessible entrance to the building, and short and long term effects would be that patrons would stop going to the store knowing they and their goods would have to be outside in bad weather.

Motion by Luecke, second by Schroeder to close the public hearing. Voice vote Motion carried 3-0

5. New Business

- a. Consideration and possible action on appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.

This was not acted on since there was not a quorum present to hear the appeal or make a decision.

- b. Consideration and possible action on appeal of Susan Bay to grant a variance from the required setbacks for a roof over existing deck in the M-L zoning district pursuant to sec. 17.19(3) of the Zoning Code to allow a setback of approximately 25 feet. The property is located at 602 N Main St. (parcel # 216-0605) legally described as PT OF LOTS 36, 37, 38, 39 & 40 MADDIN'S ADDITION.

Gilles gave the board the written format to follow that was previously provided by City attorney Eric Hagen.

The first part of the 3 part test to assess whether or not to grant a variance discussed was the "Unnecessary hardship".

Luecke motioned that the unnecessary hardship test is being met due to the fact that it is a hardship to the public as far as accessing the building without the roof that was built, second by Chitwood. Voice vote was taken with Chitwood and Luecke voting yes, and Schroeder voting no. Motion carried 2-0

The second part of the 3 part test to assess whether or not to grant a variance discussed was the "Unique property aspect".

Chitwood motioned that the unique property aspect was being met due to the location of the existing building already being too close to the property line in question per the current ordinance, seconded by Luecke. Voice vote. Motion carried 3-0

The 3rd part of the 3 part test to assess whether or not to grant a variance discussed was the "Harm to Public Interest".

Chitwood motioned that there was no harm to the public interest created by the roof that was built, seconded by Luecke. Voice vote 3-0

Luecke motioned that the variance requested be granted, second by Chitwood. Voice vote. Motion carried 3-0 with the condition that any required building permits be obtained.

- 6. Adjourn and next meeting date.



MINUTES
Board of Zoning Appeals Meeting
Wednesday, December 14, 2022 @ 5:00 PM
City Hall Council Chambers

Motion by Schroeder to adjourn, second by Luecke. Voice vote 3-0
Next Meeting Date : TBD

Minutes by Larry Gilles

DRAFT