BOARD OF ADJUSTMENTS MINUTES

Administration Building
508 New York Avenue
Sheboygan, WI

Wednesday, December 20, 2017 Called to Order: 1:00 P.M. Adjourned: 2:02 P.M.

MEMBERS PRESENT: Mark Pfaller, Eugene Blindauer, Joseph Stodolka, Dennis Frederick, and Ken Moehring

MEMBERS ABSENT: Scott Miller

ALSO PRESENT: Attorney Crystal Fieber, Alayne Bosman, Kathryn Fabian, Tyler Kober, Michael Walton Jr, and Jerry Robb

Chairperson Pfaller called the meeting to order and called the roll.

Chairperson Pfaller seated alternate Dennis Frederick in place of Scott Miller.

Alayne Bosman reported the meeting notice was posted on December 8, 2017 at 8:30 A.M. in compliance with the open meeting law.

There were no public comments regarding non-agenda items.

Mr. Pfaller opened the hearing for the variance request to the Sheboygan County Shoreland Ordinance for Adams Trust (c/o Tyler Kober) Case No. V-17-02-F to replace an existing shed on Parcel #59016224340 within the shoreland jurisdiction of Crystal Lake, Section 5, Town of Plymouth.

Mr. Pfaller ensured all documents had been received and provided an overview of the procedures for the hearing and asked the applicant if he understood the procedures.

Mr. Pfaller asked for comments from Board members regarding the site visit:

Mr. Stodolka – The property was marked with boundary markers. The property in question is a narrow parcel. There is an existing garage on the neighboring property close to the boundary. The property is not close to the lake. There is another lot on the other side of the property with a cottage and garage. You would be able to see the garage from the lake if it is built. The owner of the property in question has another lot which is not contiguous.

Mr. Moehring – It is a very small site. I think the precedent has been started by having a garage on a different lot and we need to keep the amount of coverage used to a minimum.

Mr. Frederick – No additional comments.

Mr. Blindauer – Based on the size of the lot, everything was smaller in the past and no one anticipate that things would get bigger in the future so the owners are limited to what they can do with the existing structure. The proposal will fit in with the neighboring properties. I would lean towards granting the variance.

Mr. Pfaller – No additional comments.

Mr. Pfaller called Tyler Kober forward to provide an overview of the proposed project. He gave an overview of the proposed projects. The cottage was inherited from a family member. The owner has a car licensed here as well as paddleboards that she would like to cleanup in the winter. The owner has a few items that she would like to store in the proposed garage and would like to keep the property clean by storing them in the garage. The owner is not a fulltime resident of the property as she has a home in New York. The lot that the owner owns down the road with the residence does not have room for additional buildings due to the size of the lot. There is no garage on the existing residence and no room to turn around.

Comments from the Board:

Mr. Stodolka asked if the existing shed would be removed and if there is any intent of putting in an impervious driveway. Mr. Kober explained that if the Town of Plymouth required an approach they would install pavers with grass in the middle. Mr. Stodolka also inquired if the entire lot is unusable if the variance is not granted and Mr. Kober responded that only half of the lot in question would be usable without the variance.

Mr. Moehring questioned the pitch of the garage and asked if it was for aesthetics or for additional storage. Mr. Kober said it was for both.

Mr. Frederick noted that the entire property could be used if it was cleaned up. He also asked if the building would be inspected by the Town of Plymouth. Mr. Kober said the Town of Plymouth does not inspect buildings such as the proposed one because it is not a new residence but that the fire department would do an inspection. Mr. Frederick expressed concern about the property in question or a neighboring property having a fire. Mr. Frederick also noted that the amount of impervious surfaces would be limited and Mr. Kober agreed with the statement.

Mr. Blindauer stated that he is on the Town of Plymouth board and confirmed that there is no requirement to have a driveway so that will not affect the amount of impervious surface coverage. Mr. Blindauer stated that there is also a board of appeals process for the Town of Plymouth. Mr. Blindauer also confirmed that the Town of Plymouth does not inspect buildings like the one proposed, only new residences.

Mr. Pfaller stated that he is concerned about a fire hazard of having the proposed building close to the neighbor's buildings. Mr. Pfaller indicated there is no requirement set by the Board of Adjustments for this and he indicated he did not think it was a requirement for an accessory building in the Town of Plymouth. Mr. Kober mentioned that additional fire protection was not out of the question for the owner.

Mr. Pfaller asked Kathryn Fabian for input on the driveway and mitigation points. She stated the property can have up to 30% impervious surface and the proposed garage would be 25% so there is some availability if they want to make an approach or have tire lanes. Kathryn Fabian listed a few options that would be pervious for an approach to the proposed garage.

Mr. Frederick asked if the property was in floodplain or below the ordinary high water mark. Kathryn Fabian confirmed that the property does not fall into those areas.

Kathryn Fabian expressed that the ordinance doesn't allow for accessory buildings without a principle structure and that the lot is not large enough to have a principle structure.

Mr. Pfaller asked if there were any public comments. Mike Walton, a neighbor, spoke in favor of the proposed variance request. He stated that the lake home lots do not support garages due to the sizes of the lots and he believes that is the reason for the accessory lots are for garages.

Jerry Robb, a neighbor, asked if a fence would be installed or if there would be walkways leading up to the service doors on the proposed garage.

Mr. Blindauer stated that Dr. Jean & Dan Francis, a neighbor, contacted him and stated that she is in favor of the proposed project.

Charlie Kaufmann, a neighbor, attended the site visit and expressed some concern however he was not able to attend the hearing and did not submit a written statement. Mr. Kober indicated that Charlie Kaufmann's concerns were regarding the rear setback.

Mr. Stodolka asked for clarification on the mitigation points. Kathryn Fabian explained the mitigation options. Mr. Kober also explained some general mitigation plans in mind for the proposed garage such as natural colored siding and a rain garden.

Deliberation:

Attorney Fieber recited the standards of unnecessary hardship, spirit of the ordinance, substantial justice, and public interest.

Mr. Stodolka expressed concerns if it is an unnecessary hardship because the property is already being used for some storage.

Mr. Moehring is in favor of the proposed building however is concerned about fire hazards. He stated that having proper storage for possessions is better than having them lay on the grass is more aesthetically pleasing.

Mr. Frederick is unsure if it is an unnecessary hardship and if it is in the public interest to have buildings so close together.

Mr. Blindauer also feels that unnecessary hardship and public interest are of concern however the owners are trying to improve upon the property and this is their only option.

Mr. Pfaller feels that adequate storage is in the interest of everyone and that he is in favor of the proposed project. He requested that the decision letter contains information regarding fire concerns.

Attorney Fieber clarified that conditions need to be related to the Shoreland Ordinance.

***Unnecessary Hardship*:**
Mr. Blindauer made a motion that denying the variance would cause an unnecessary hardship to the land owner. Motion seconded by Mr. Moehring.

ROLL CALL VOTE: Mr. Stodolka – no, Mr. Frederick – yes, Mr. Moehring – yes, Mr. Blindauer – yes, Mr. Pfaller – yes. Motion carried.

Spirit of the Ordinance:
Mr. Stodolka made a motion that granting this variance would be within the spirit and intent of the ordinance. Motion seconded by Mr. Blindauer.

Attorney Fieber clarified that conditions related to fire safety would need to be included in this motion.

Mr. Stodolka amended his motion to state that granting this variance would be within the spirit and intent of the ordinance with the condition that fire safety conditions be

addressed with the County and Town of Plymouth. Amended motion seconded by Mr. Blindauer.

Mr. Pfaller noted that the motion was left open to interpretation so that the County and Town of Plymouth could decide how they way to proceed. He stated it was not in the purview of the Board of Adjustments to make fire safety requirements.

ROLL CALL VOTE: Mr. Stodolka – yes, Mr. Frederick – yes, Mr. Moehring – yes, Mr. Blindauer – yes, Mr. Pfaller – yes. Motion carried unanimously.

Substantial Justice:
Mr. Stodolka made a motion that granting a variance in this case would grant substantial justice to the property. Motion seconded by Mr. Moehring.

ROLL CALL VOTE: Mr. Blindauer – yes, Mr. Moehring – yes, Mr. Frederick – yes, Mr. Stodolka – yes, Mr. Pfaller – yes. Motion carried unanimously.

Contrary to public interest:
Mr. Blindauer made a motion that granting this variance will not harm the public interest. Motion seconded by Mr. Stodolka.

ROLL CALL VOTE: Mr. Stodolka – yes, Mr. Frederick – yes, Mr. Moehring – yes, Mr. Blindauer – yes, Mr. Pfaller – yes. Motion carried unanimously.

The variance request is approved.

Mr. Stodolka made a motion to adjourn. Motion seconded by Mr. Blindauer. Motion carried unanimously.

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Eugene Blindauer, Secretary

Alayne Bosman, Recording Secretary