

**ZONING BOARD OF APPEALS**

**Aug. 27, 2007**

Chairperson Hannes called the meeting to order.

**A. Roll call**

Present at roll call were Paul Hannes, Nate Klassy, Marshall Zwygart, Jon Pfarr, Bud Pilz, Building Inspector/Zoning Administrator Powers, Mayor Marsh, Asst. City Attorney Dan Bartholf, and Don Olson. Dave Haroldson and Dennis Dalton were absent.

**B. Correction of Minutes**

None

**C. Business:**

**1. Finish discussion and act on appeal by Don Olson for property at 216/218 N. 13<sup>th</sup> Ave. to reduce rear and side setbacks**

This is a continuation from the previous meeting.

Don Olson explained what he is asking for and that the Board of Public Works turned down the request to reduce the storm sewer easement running down the property line at this address.

Building Inspector/Zoning Administrator Powers again explained the City's position.

Questions and discussion took place.

Don Olson said that he could come up with a different plan if he needed to.

The Board began making their findings as Dennis Dalton arrived.

The findings include:

\*The proposed variance will not be contrary to the public interest because it doesn't affect anyone to the rear of the property because of the wetlands.

\*The property has a special or unique condition because of the stormwater storage area to the back of the property and the excessive easement on the side of the lot.

\*The special or unique condition creates an unnecessary

hardship and is unnecessarily burdensome because the property is unmarketable due to small size if a variance can't be granted.

More questions and discussion took place.

Motion made by Marshall Zwygart and seconded by Nate Klassy to approve a rear variance of 2.5 feet and to deny the side variance. Before the members could vote, Don Olson asked again for a side variance and only asked for 2 feet this time. Marshall Zwygart amended his motion to include a 2 ft variance to the south side yard if the Board of Public Works would agree to narrow up the storm sewer easement. There was no second. Questions and discussion took place. Paul Hannes said he wants to stick with the Board of Public Works decision to not change the easement. More questions and discussion took place. Marshall Zwygart then amended his original motion to only "approve a rear variance of 2.5 feet". Nate Klassy concurred and seconded the motion. On roll call vote, the amended motion passed unanimously. Dennis Dalton abstained from voting because he wasn't here for the whole meeting. Therefore 2<sup>nd</sup> Alternate Bud Pilz voted in place of Dennis. Motion made by Marshall Zwygart to approve a 2 ft variance on the south side of the lot encroaching on the storm sewer easement, conditioned upon approval by the Board of Public Works. The motion was seconded by Jon Pfarr. More questions and discussion took place. Dan Bartholf said that the Board really has not made a finding for the variance for the side yard stating why the unique condition is creating an unnecessary hardship. Marshall Zwygart said that it is burdensome if the side variance is not granted because the duplex size is restricted and would be burdensome to the neighborhood if a quality property can't be built on this lot. More questions and discussion took place. Dan Bartholf asked if Mr. Olson could put a house on this lot. Mr. Olson replied yes. Mayor Marsh made it clear that if the Board of Public Works does not approve reducing the easement, it is considered denied, and will not come back to this Board again. More discussion took place. The motion regarding the side yard variance was finally voted upon, and carried unanimously on roll call vote. Bud Pilz voted again in place of Dennis Dalton.

## **2. Set date to finish discussion and act on Grabow appeal**

Questions and discussion took place. The Board agreed to have the meeting on Sept. 10<sup>th</sup>, 2007 at 5:00 p.m.

**D. Adjournment**

Motion to adjourn made by Marshall Zwygart and seconded by Jon Pfarr. Motion carried.

Carol J. Stamm, CMC, WCMC  
City Clerk