

**CITY OF EDGERTON  
ZONING BOARD OF APPEALS MINUTES**

July 15, 2020

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on July 15, 2020.

Present and responding to the roll call were Chairperson David Maynard, James Kapellen, Jim Long, Steve Burwell, First Alternate Corey Steen and Second Alternate Paul Davis.

Absent was Russel Jorstad.

Also present were City Administrator Ramona Flanigan and City Attorney William E. Morgan.

Chairperson Maynard opened the meeting with a greeting and a statement of purpose. The first order of business was confirmation of appropriate meeting notice. City Administrator Ramona Flanigan confirmed that the meeting notice was posted in the appropriate places as required under the Wisconsin Statutes.

A motion to open the Public Hearing was made by ZBA Member Kapellan, seconded by ZBA Member Long, and passed by unanimous voice vote at 6:08 p.m. Prior to commencing the public hearing, the Chairperson requested that the City Attorney go over the criteria to grant a variance and to address any particular issues that may be pertinent to this application.

The ZBA went into public hearing on the variance application of Veronica and Chase Ellingworth for a variance to Chapter 22.420(3)(a)1, 22.420(3)(b), and 22.420(3)(c)1 to allow the construction of a fence 6 feet tall (maximum height allowed is 4 feet); to allow the construction of a fence that has 0 foot setback from a street yard property line (minimum setback is 1 foot); and to allow the construction of a fence that is 100% opaque or solid (maximum opacity allowed is 50%) for the property located at 204 E. Hubert Street, Edgerton, Wisconsin.

Applicant Veronica Ellingworth presented on the need for the variance. The applicant indicated that there is a need for a solid fence of at least 6’ in height due to special needs children residing at the residence and the possibility of elopement. Member Burwell asked for specifics as to where the fence was to be located. After discussion, the applicant stated that the fence did not need a variance from the setback because the playset in the yard could be accommodated without the variance. The City Attorney inquired why a conditional use permit was not being sought. There was further discussion on the two different processes. Susan Johnston, a social worker working with the applicant, spoke on the need for the fence, the funding process, and any restrictions attached to the project.

There were no other presenters regarding the application. At 6:58, ZBA Member Long moved to close the public hearing. The motion was seconded by ZBA First Alternate Steen. The motion passed on a unanimous voice vote.

Administrator Flanigan presented the staff report which recommended that the variance be denied due to a lack of hardship related to the subject property.

After presentation of the staff report, and further discussion by the Board, ZBA Member Kapellen made a motion to approve the requested variances with the conditions that the fence be located at least 3' off of the street-yard property line and be screened with appropriate plantings, noting that a variance is essential to allow the owners of the property to enjoy the same rights as enjoyed by owners of similar property, namely the right to have children in the yard and that the need for the variance was not self-created. ZBA Member Long seconded the motion. Upon a roll call vote, the motion was granted unanimously.

The next order of business was to consider approval of the minutes of the June 19, 2019 Zoning Board meeting. Upon a motion from ZBA First Alternate Steen, seconded by ZBA Member Kapellen, the minutes were approved by unanimous voice vote.

There being no further business of the Board, a motion was made by ZBA Member Kapellen, seconded by ZBA Member Long, to adjourn. Motion was approved unanimously. The meeting was adjourned at 7:15 p.m.

Dated this 28<sup>th</sup> day of July, 2020.

Respectfully submitted,

CITY OF EDGERTON

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By: William E. Morgan, City Attorney