

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: February 27, 2019

GENERAL DESCRIPTION

Description of Request: Petition for a variance to Chapter 22.304(5)(d) and Chapter 22.711(3)(b)10 to allow the modification of a detached garage in excess of the 900 sf maximum and to exceed the maximum height of 20 feet.

Address: 212 Bentley Place

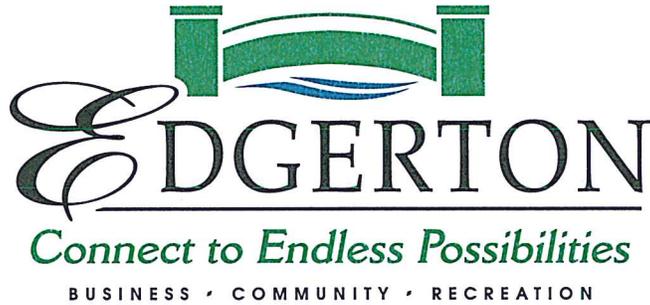
Applicant: Erik and Dawn Samuelsen

Current Zoning/Land Use: R-2 Residential / single family home

STAFF REVIEW COMMENTS

The planning staff has reviewed the petition in accordance with the Edgerton Zoning Ordinance and has the following comments:

1. The petitioners seek a variance to allow the modification of an existing detached garage that exceeds the size and height restrictions of the ordinance. Chapter 22.304(5)(d) limits detached garages to 900 sq ft. The existing garage is 854 sq ft on the first floor and 480 sq ft on the second floor (1,334 sq ft total). The existing garage is 23'7" tall. The proposal includes a modification to a portion of the existing garage to increase its height to match the original height of 23'7". The maximum garage height allowed by Chapter 22.711(3)(b)10 is 20'.
2. The petitioners wish to preserve the front part of the structure and remove the rear section. The rear section was built with a shed roof extending nearly to the ground making it difficult to use. The petitioners propose to replace the rear section with an addition that has the same footprint as the existing structure but with a wall height to match the front of the structure. The addition will not have a second floor. The proposal does not therefore increase the floor area, but does change the nonconforming structure and exceeds the height allowed by the ordinance.
3. The petitioners indicate their motivation to renovate, as opposed to rebuilding, the existing garage is to preserve its historic character. The petitioners indicate the structure was originally built in the early 1900s as a barn.



Date Draft Submitted	
Date Application Submitted	1/23/19
Fee Paid	100

Application for Variance

Owner (must be the applicant) ERIK & DAWN SAMUELSEN

Parcel Address 212 BENTLEY PLACE, EDGERTON Parcel Number 6-26-586

Owner Address 212 BENTLEY PLACE, EDGERTON Daytime Phone 608-247-3697

Present Use of the Property PERSONAL RESIDENCE

Zoning Classification RESIDENTIAL

The following items must be submitted with each application. Additional site plan information as described in Section 22.213(3) may be required by the Zoning Administrator (Ordinance section referenced in this application are available upon request):

- (1) **Map of the property showing the following:**
 - Entire property
 - All lot dimensions
 - Existing structures with dimensions to property lines (buildings, fences, walls etc)
 - Proposed structures with written dimensions to property lines
 - Existing paved surfaces (driveways, walks, decks, etc)
 - Proposed paved surfaces with dimensions to property lines
 - Written dimensions to buildings on adjoining properties if setback variance is requested
 - Zoning of adjacent parcels
 - Street(s) which are adjacent to the parcel
 - Graphic scale and north arrow
 - Changes in land use intensity due to the variance (additional dwelling units, more customers, more parking, outside lighting, outside storage, etc)

- (2) **Written description of proposed variance** answering the following questions:
City of Edgerton Ordinance Section # 22.300 5D cannot be entirely satisfied because:

ORIGINAL BARN / GARAGE STRUCTURE AS ORIGINALLY BUILT EXCEEDS 900SF.
WE WOULD LIKE TO RENOVATE AND UPDATE THIS EXISTING BARN TO MAKE IT
STRUCTURALLY SOUND, MORE USABLE, AND VISUALLY MUCH MORE APPEALING.
PROPOSED RENOVATIONS AND REMODELING WOULD ALL BE COMPLETED ON THE
EXISTING FOOTPRINT.

In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail):

THE ORIGINAL DESIGN ON THIS BARN, BUILT IN THE EARLY 1900'S PROVIDES A SHED ROOF WHICH RUNS FROM THE PEAK DOWN TO APPROXIMATELY 4' FROM THE FLOOR LEVEL ON THE BACK SIDE. WE WISH TO REBUILD THE BACK SIDE OF THIS BARN WITH FULL HEIGHT WALLS TO MAKE IT MORE USABLE AS A GARAGE AND VISIBLY MUCH MORE APPEALING.

- (3) **Written justification of the requested variance** with reasons why the Applicant believes the proposed variance is appropriate. Before the Zoning Board of Appeals can grant a variance, they must find that the following criteria have been satisfied. Describe how your request meets the following criteria: (section 22.211(4)(c))

What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district.

WE BELIEVE THAT THIS BARN IS AN INTEGRAL PART OF THIS PROPERTY AND WE WOULD PREFER TO RENOVATE AND REMODEL THIS STRUCTURE ON IT'S CURRENT FOOTPRINT RATHER THAN TEAR DOWN AND REPLACE WITH A NEW GARAGE STRUCTURE.

- The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
- Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
- Violations by, or variances granted to, neighboring properties shall not justify a variance;
- The alleged hardship shall not be one that would have existed in the absence of a zoning

ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

AS ORIGINALLY CONSTRUCTED, THIS BARN EXCEEDS 900SF WHEN THE HAY LOFT IS INCLUDED ABOVE. WE ARE REQUESTING THIS VARIANCE TO ALLOW US TO REPAIR AND REMODEL THIS BARN ON IT'S ORIGINAL FOOTPRINT AND INCREASING THE WALL HEIGHT ON THE BACK END TO MAKE THIS STRUCTURE MUCH MORE USABLE FOR US AS A GARAGE, WHILE MAKING VISIBLY MUCH NICER FOR ALL OUR NEIGHBORS.

Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

WE DO NOT BELIEVE THAT THE GRANTING OF THIS VARIANCE WILL HAVE ANY NEGATIVE EFFECT ON ANY OF OUR NEIGHBORS. WE WILL REMODEL AND RENOVATE THIS STRUCTURE ON THE EXISTING FOOTPRINT, SO NO SETBACKS WILL BE CHANGED. FURTHERMORE, OUR PROPOSED RENOVATIONS WILL GREATLY IMPROVE THE OUTWARD APPEARANCE AND SAFETY OF THIS 100+ YEAR OLD STRUCTURE.

Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

WE BELIEVE THAT THE GRANTING OF THIS VARIANCE WILL ONLY HELP TO FURTHER IMPROVE THE CHARACTER AND OVERALL APPEAL OF OUR BENTLEY PLACE / PARK LANE NEIGHBORHOOD.

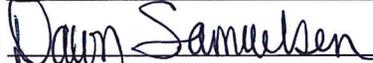
Have the factors causing the variance request been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Chapter. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.

THIS ORIGINAL BARN STRUCTURE EXCEEDED THE 900SF MAXIMUM ALLOWED PRIOR TO OUR PURCHASE AND VARIANCE APPLICATION SUBMISSION.

Does the proposed variance involve the regulations of Subsection 22.304 or the district use regulations in each zoning district of Section 22.700? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Subsection.

WE DO NOT BELIEVE THAT OUR VARIANCE REQUEST INVOLVES THE PROVISIONS OF THE SUBSECTIONS OUT LINED ABOVE.

Verification by applicant: I, ERIK & DAWN SAMUELSEN, owners for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability. My signature on this application grants permission for City Officials to access the site of the requested variance for the sole purpose of obtaining information relevant to the variance request.

Applicant Signature  Date 1/23/2019
Applicant Signature  Date 1/23/19

Consideration for Approval: Granted _____ Denied _____ Date _____ Chairman, City of Edgerton Zoning Board of Appeals
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**CITY OF EDGERTON
ZONING BOARD OF APPEALS MINUTES**

February 6, 2019

A regular meeting of the Zoning Board of Appeals ("ZBA") was called to order at 7:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on February 6, 2019.

Present and responding to the roll call were Chairperson David Maynard, James Kapellen, Jim Long, Steve Burwell and Russell Jorstad and alternates Corey Steen and Paul Davis.

Absent - none.

Also present were City Administrator Ramona Flanigan, City Attorney William E. Morgan, Tom Hartzell and Alder Matt McIntyre and Mayor Chris Lund.

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.

The ZBA went into public hearing on the variance application of John Onsrud for a variance to section 22.750(5)(b) to reduce the sideyard setback from 70 feet to 24 feet, and a second variance to section 22.303(2)(a) to allow the expansion of a nonconforming structure for a proposed building addition closer to the lot line than allowed by ordinance, both variances for the property located on County Hwy N, parcel # 6-26-904 in the City of Edgerton, Wisconsin.

A motion to open the Public Hearing was made by ZBA Member Jorstad, seconded by alternate ZBA Member Steen, and passed by unanimous voice vote at 7:07 p.m. Applicant John Onsrud presented on the need for the variance and noted that it was not possible to make an addition to the structure which was constructed in 1972 where it was located that did not require a variance. The applicant also noted that though there was land adjacent in which to construct a new building that would be in the middle of crop fields or would impact drainage structures for which the Drainage District had easements. The Applicant circulated 12 photos of the subject property. It was noted that there are no nearby residential structures on any adjoining property. There were no other presenters regarding the application from the Applicant and there were no other appearances.

Administrator Flanigan presented the staff report which recommended that the variances be granted.

After presentation of the staff report, ZBA Member Long made a motion to close the public hearing, seconded by alternate ZBA Member Davis. Upon a unanimous voice vote, the

public hearing was closed at 7:19 p.m. After a brief discussion, ZBA Member Jorstad moved to approve each of the requested variances. Alternate ZBA Member Steen 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 February 28, 2018 Zoning Board meeting. Upon a motion from ZBA Member Long, seconded by ZBA Member Jorstad, the minutes were approved. The vote was unanimous in favor of approving the minutes.

There being no further business of the Board, a motion was made by ZBA Member Kapelland, seconded by ZBA Member Long, to adjourn. Motion carried by unanimous voice vote. The meeting was adjourned at 7:27 p.m.

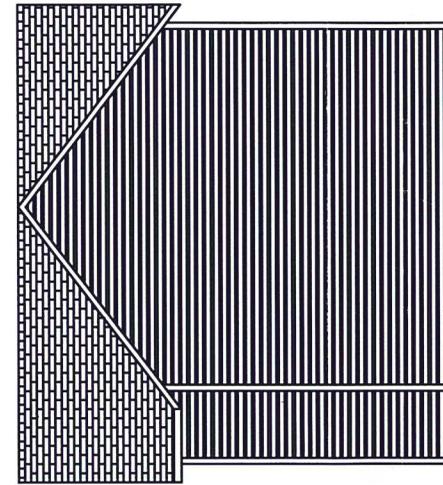
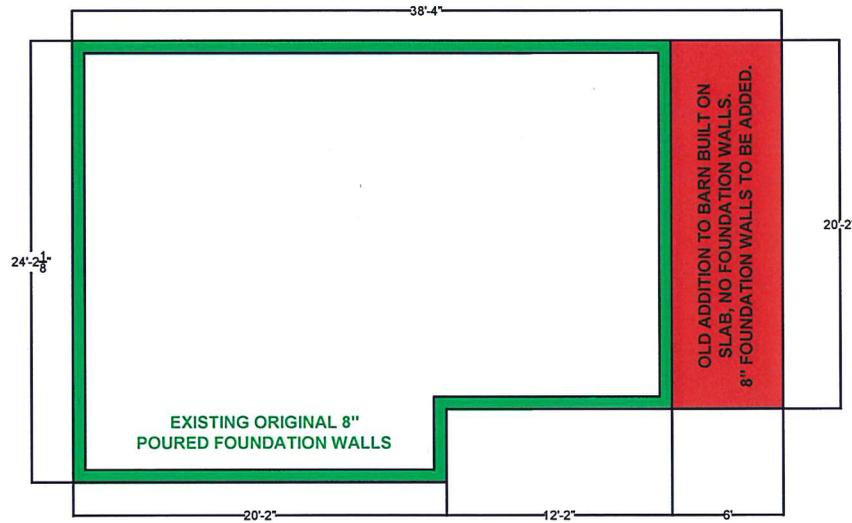
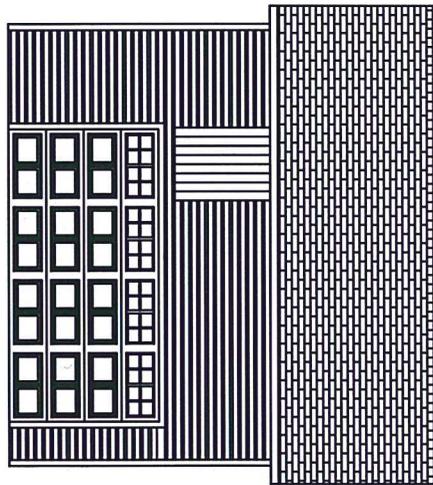
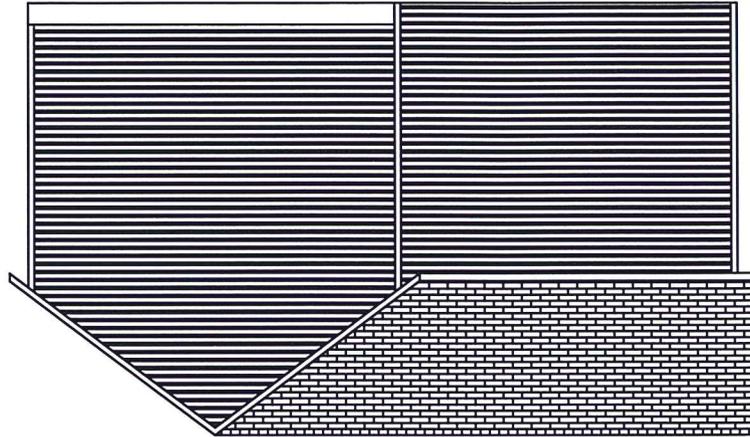
Dated this 20th day of February, 2019

Respectfully submitted,

CITY OF EDGERTON



By: William E. Morgan, City Attorney



ERIK & DAWN SAMUELSEN
 212 BENTLEY PLACE
 EDGERTON, WI
 608-247-3697 CELL
PROPOSED BARN REMODEL

ERIK & DAWN SAMUELSEN
212 BENTLEY PLACE
EDGERTON, WI
608-247-3697 CELL

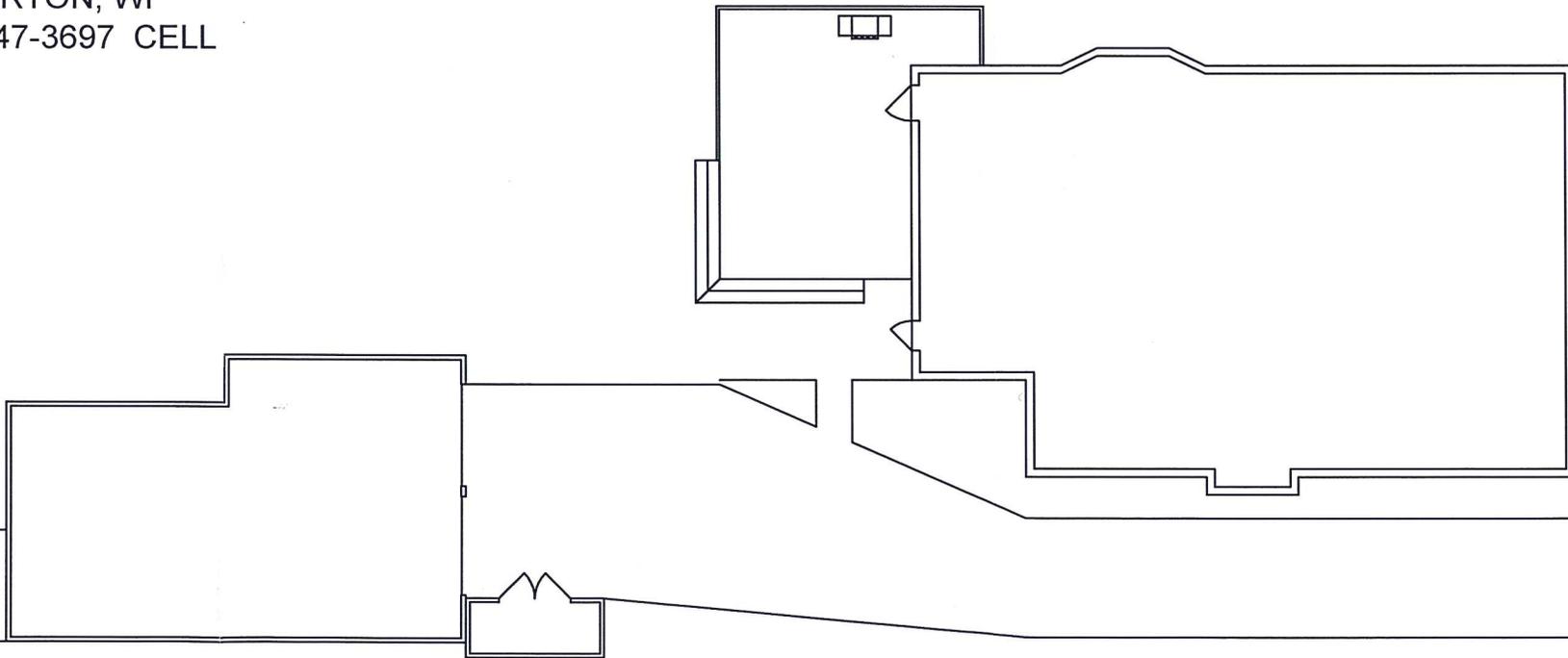
180'

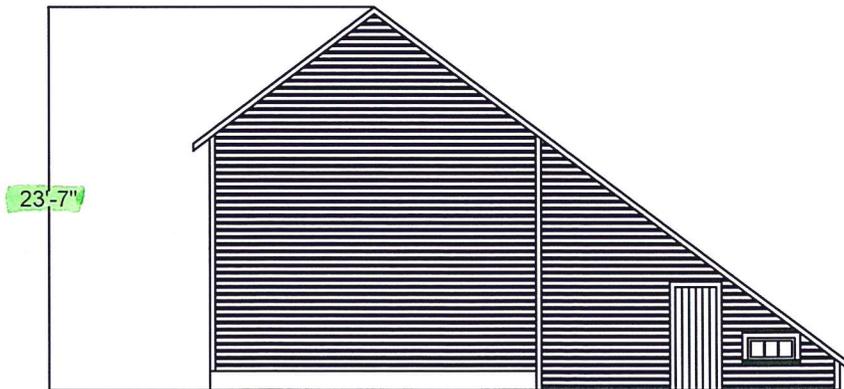
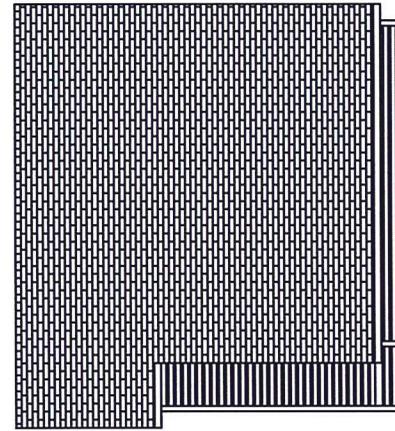
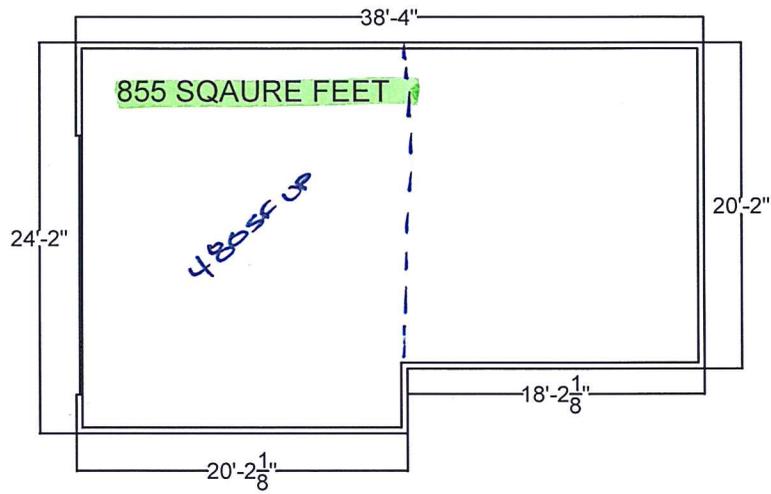
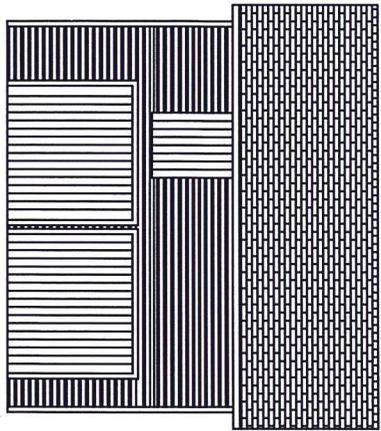
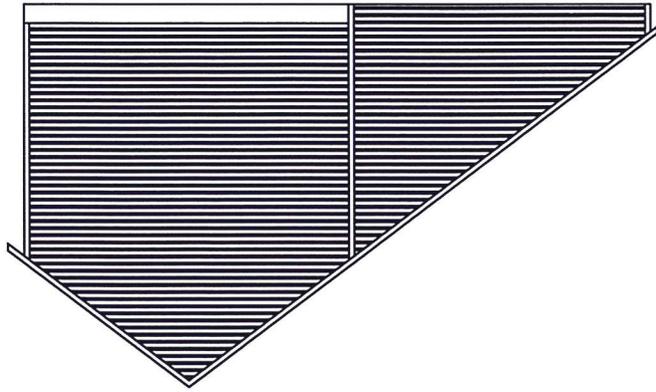
66'

BENTLEY PLACE

10'-6"

3'





ERIK & DAWN SAMUELSEN
212 BENTLEY PLACE
EDGERTON, WI
608-247-3697 CELL

CURRENT BARN CONFIGURATION