

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

August 23, 2021

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 August 23, 2021.

Present and responding to the roll call in person were Chairperson Dave Maynard, James Kapellen, Jim Long, Russel Jorstad, Veronica Ellingworth and Dave Esau (alternate).

Also present in person were City Administrator Ramona Flanigan, City Attorney William E. Morgan and Alder Jim Burdick.

Chairperson Dave Maynard opened the meeting. 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 Long, seconded by ZBA Member Jorstad, and passed by unanimous roll call vote at 6:05 p.m.

The City Attorney provided a brief recitation of the criteria to be considered in order to grant a variance.

The ZBA went into public hearing on the variance application of T&D Plaza LLC / Don Deegan for a variance to Chapter 22.722(4)(b) to allow construction of an accessory structure closer to Ladd Land than permitted by the ordinance for the parcel located at 1025 N. Main St., Edgerton, Wisconsin.

Applicant Don Deegan presented on the need for the variance. The Applicant indicated the site of the property was a former grocery store with an overlarge parking lot not suited for the present use. Further, Applicant noted that there was not much space between the building on the north side and Ladd Lane its preferred storage location. Applicant indicated a desire to build a 80' x 12' three sided structure with the open side facing the existing building to be used as storage and for the sale of items in Spring. Recent remodeling to the existing structure necessitated additional space for lawn and garden items outside which need protection under a covered structure. Applicant's proposal was for the installation of the open shed 12 feet of the sidewalk rather than the required 25-foot setback. If the structure were placed closer to the building customers would not be able to as easily access the area.

Also speaking on behalf of the Applicant was Dan Learn and Brennan Deegan. Mr. Learn noted that the present area is all concrete and that they would be installing bollards between

the accessory building and the roadway. Mr. Learn also noted that this would block off any drive access along the north side of the building.

ZBA Member Ellingworth asked why the structure was not being placed within the larger parking lot. Applicant indicated that the reason for this was for safety concerns.

There were no other presenters regarding the application.

On motion of ZBA Member Kaplellen with a second by ZBA Member Long, the Public Hearing was closed at 6:14. The motion passed on a unanimous roll call vote.

Administrator Flanigan presented the staff report which recommendation that the variance be denied. Staff noted that this would not have an adverse impact on the neighborhood but that the construction of the accessory structure did not require a variance as it could be built closer to or attached to the existing building and therefore was a self-created hardship.

ZBA Member Long asked the Applicant if there were any other reasons other than cost why it could not be attached to the existing building. The Applicant indicated that if the structure were either attached or placed within 10 feet of the existing structure, the new structure would have to comply with state building codes and this would increase the cost from an expected \$15,000-\$20,000 to approximately \$200,000.

Chairman Maynard again asked whether or not it was a possibility to place the accessory structure in the larger front parking lot. ZBA Member Jorstad indicated that he felt that the hardship was due to the retail nature of the business. The Applicant agreed and indicated that without the variance he could not maximize his business. ZBA Member Ellingworth asked if the variance was denied what would the Applicant do. The Applicant indicated that he would simply not pursue the project.

At 6:32 PM ZBA Member Kapellan moved for approval of the variance request with conditions. ZBA Member Long seconded the motion. After further discussion regarding the specific conditions to be imposed the Board attached the conditions that the accessory structure be sided in a neutral tone color; that the Applicant provide and maintain several planters and other plantings between the sidewalk and the structure to break up the mass of the wall; that the Applicant install drains to an underground system if gutters are ever installed on the structure; and that the existing fence be removed when adjacent to the structure. Upon a roll call vote, the motion was granted unanimously.

The next order of business was to consider approval of the minutes of the April 14, 2021 Zoning Board meeting. Upon a motion from ZBA Member Jorstad, seconded by ZBA Member Long, the minutes were approved by unanimous roll call vote.

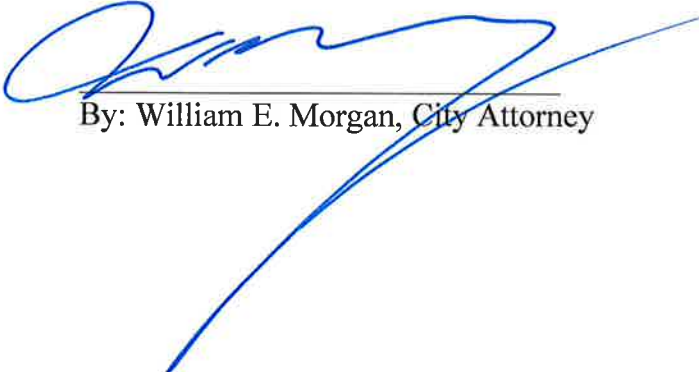
The Board then fixed the next meeting for September 15 at 6 p.m.

There being no further business of the Board, a motion was made by ZBA Member Kapellan, seconded by ZBA Member Long to adjourn. Motion was approved unanimously. The meeting was adjourned at 6:52 p.m.

Dated this 24th day of August, 2021.

Respectfully submitted,

CITY OF EDGERTON



By: William E. Morgan, City Attorney