

CITY OF EDGERTON  
CITY HALL  
12 ALBION STREET

ZONING BOARD OF APPEALS  
WEDNESDAY, JANUARY 30, 2019 AT 7:00 P.M.

1. Call to Order; Roll Call.
2. Confirmation of Appropriate Meeting Notice Posted Friday, January 25, 2019
3. Public Hearing:
  - a. Hear comments regarding a request by John Onsrud for a variance to Chapter 22.750(5)(b) to reduce the sideyard setback from 70 feet to 24 feet and to Chapter 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.
  - b. Close the public hearing.
4. Consider request by John Onsrud for a variance to Chapter 22.750(5)(b) to reduce the sideyard setback from 70 feet to 24 feet and to Chapter 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.
5. Consider approval of September 24, 2018 Zoning Board of Appeals meeting minutes.
6. Adjourn

cc: All Board Members  
All Council Members  
City Attorney  
Newspapers

City Administrator  
Department Heads

**NOTICE:** If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341

**TO:** Edgerton Board of Appeals

**FROM:** Staff

**MEETING DATE:** January 30, 2019

**GENERAL DESCRIPTION**

**Description of Request:** Petition for variances to Chapter 22.750(5)(b) to reduce the sideyard setback from 70 feet to 24 feet and to Chapter 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

**Address:** The parcel is located on Cnty Hwy N (parcel 6-26-904)

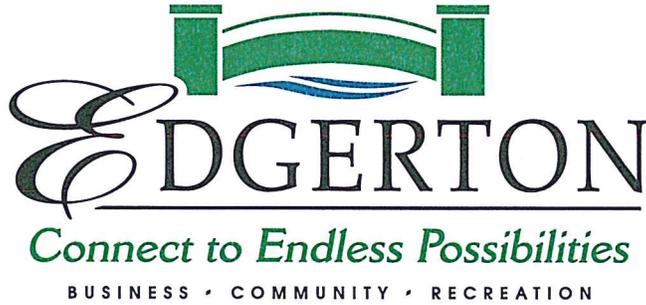
**Applicant:** John Onsrud

**Current Zoning/Land Use:** A-1 Agriculture / agriculture

**STAFF REVIEW COMMENTS**

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

1. The petitioner seeks variances to allow an addition to an existing agriculture structure closer to the lot line than allowed by the ordinance. The Petitioner wishes to add a 27x42' addition to the south side of the existing structure, in line with the existing building. The addition could not be constructed on the west or north sides of the building as that would make the building more nonconforming. The proposed eave height needed for the agriculture equipment would not allow an addition to the east side of the existing structure. The site is also constricted by a waterway on the southeast corner of the building.



Date Draft Submitted _____
Date Application Submitted _____
Fee Paid _____

**Application for Variance**

Owner (must be the applicant) Oliver E. Conrad  
Parcel Address 1159 Hwy N Parcel Number 6-26-904  
Owner Address 217 Whitneys Way Daytime Phone 290-0955  
Present Use of the Property Coon and Beans  
Zoning Classification AB

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 # 22.7503B cannot be entirely satisfied because:

Can not add to South End & meet Ordinance  
Set backs - because Evolving Blvd. is too close to Lot  
Pine -

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

*add addition to South End*

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- (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.

*The zoning board is dictating where building should go - we have height of the addition does not allow the addition on East side*

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- 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.

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*Can not put building on East side because  
it would be in crop land*

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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.

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*no neighbors near by - and I  
maintain the water way*

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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.

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*Have no planning matters with  
the City*

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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.

Original build based on 1974  
and metz Ordinance at that time

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.

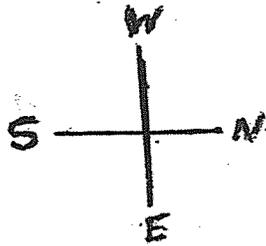
NA

Verification by applicant: I, \_\_\_\_\_, owner 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 \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

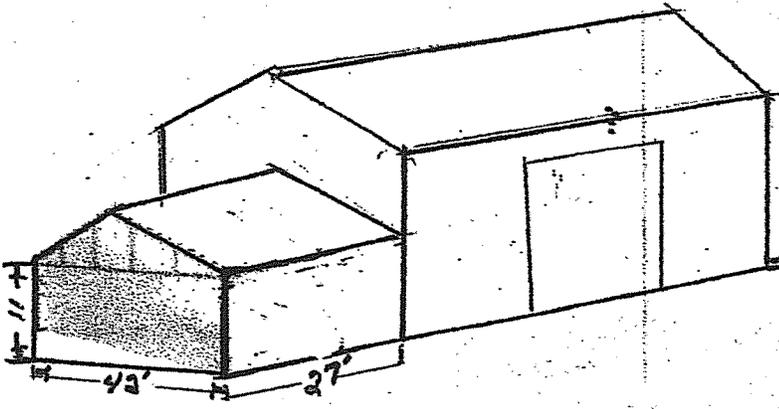
Consideration for Approval: Granted \_\_\_\_\_ Denied \_\_\_\_\_  
Date \_\_\_\_\_  
Chairman, City of Edgerton Zoning Board of Appeals



Dana Colony

HWY - N

65'



drive way

Corn + Bean field  
↓  
30 acres crop parcel

subject information

1 - Erected

distance from ... mark (3 Bays at ...)

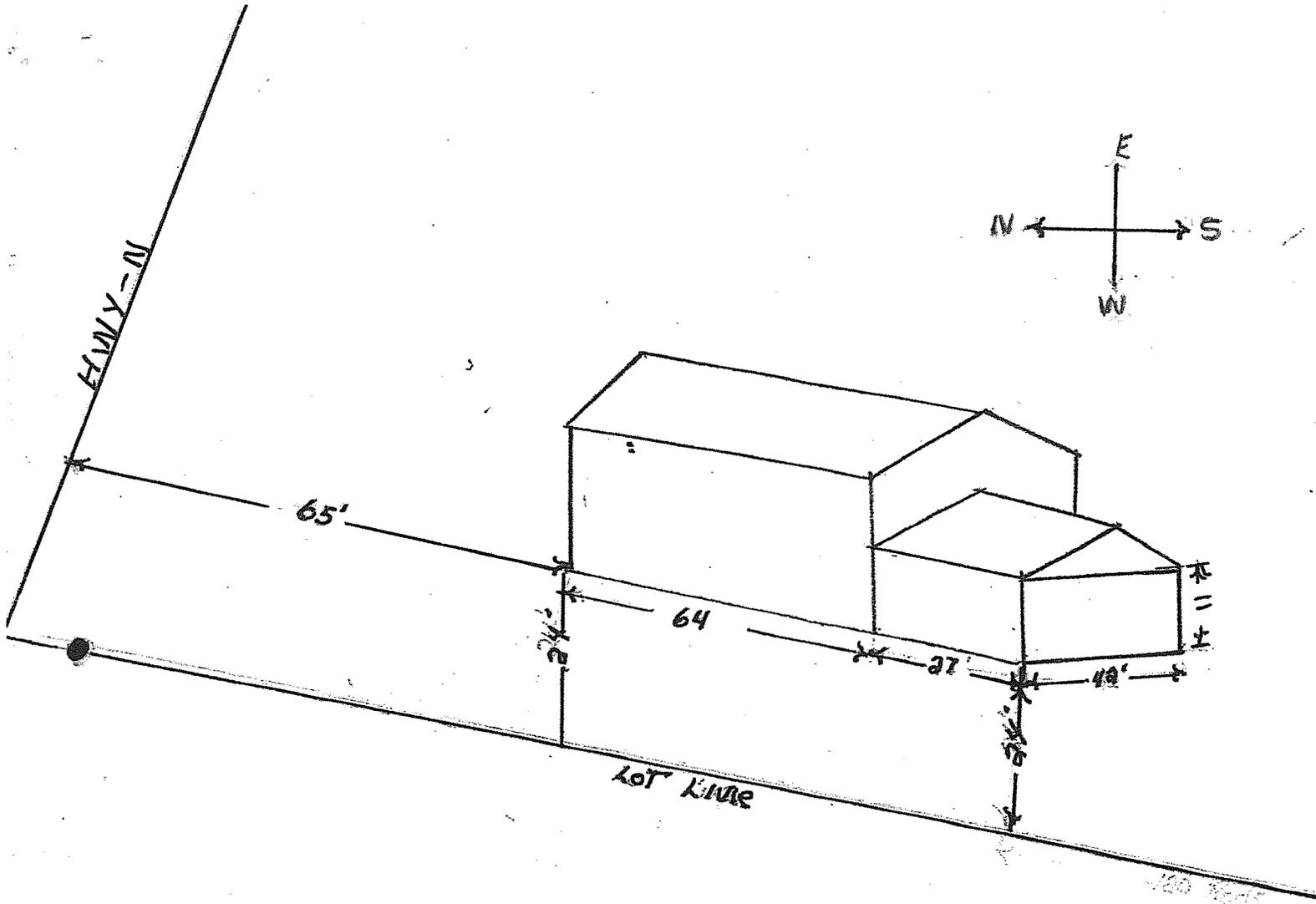
re removed.

inter partitions.

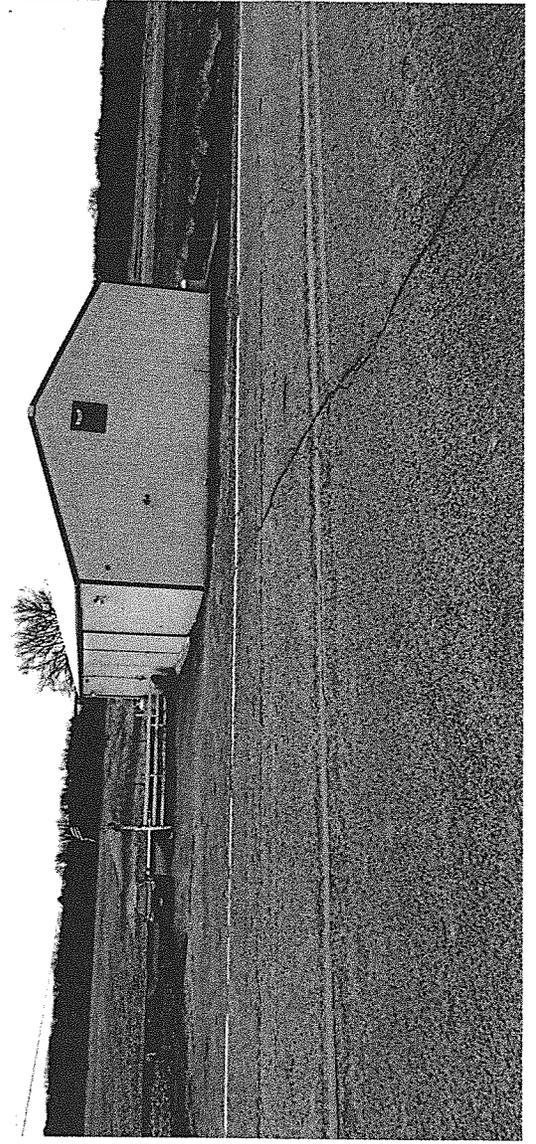
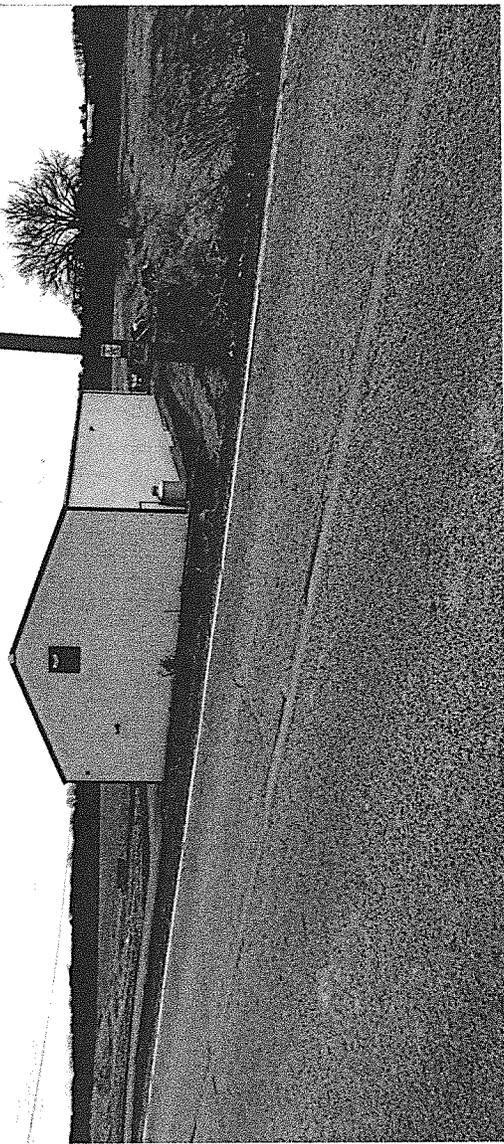
warranty, and G-90 Galvanizing Up to 1.0 ounce of Zinc

in to ridge).

the  is applied<sup>®</sup>



20 acre crop land  
 no buildings -



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

September 24, 2018

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 September 24, 2018.

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

Absent was Paul Davis.

Also present were City Administrator Ramona Flanigan, City Attorney William E. Morgan, Tom Hartzell and Alder Dave Esau.

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 Stacey and Janna Hurda for a variance to section 22.711(3)(b)(8) to allow a reduced pavement set back from 3 feet to 0.5 feet for the property located at 608 West Rollin Street, Edgerton, Wisconsin.

A motion to open the Public Hearing was made by ZBA Member Jorstad, seconded by ZBA Member Long, and passed by unanimous voice vote at 6:05 p.m. Applicant Stacey Hurda presented on the need for the variance. Administrator Flanigan noted that a second variance was also necessary that was not originally included to reduce the amount of green space required under the Code. Applicant Hurda noted that property was accessed by an existing easement allowing a shared use of driveway; however, the easement was conditioned upon approval of the neighboring landowner. The Applicant was in the process of selling the home and was informed by the neighbor that they would not approve the continued use of the easement area for a successor owner, thus necessitating the construction of a paved drive on the other side of the house to allow access to the existing garage structure. There were no other presenters regarding the application from the Applicant. Administrator Flanigan presented the staff report which recommended that the variance be granted with conditions to address storm water runoff and snow removal, and requiring the construction of a driveway sloped so as not to drain water onto an adjacent neighbor’s property, placement of downspouts on the house and garage positioned to drain on to grassy areas as opposed to pavement, and a prohibition against depositing of snow upon neighbor’s property.

After presentation of the staff report, ZBA Member Kapellen made a motion to close the public hearing at 6:14 p.m., seconded by ZBA Member Long. Upon a unanimous voice vote,

the public hearing was closed at 6:15 p.m. After a brief discussion, ZBA Member Kapellen moved to approve the requested variances with the conditions as outlined in the staff report. ZBA Member Jorstad 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 Steen, the minutes were approved. The vote was 5-0 in favor of approving the minutes.

There being no further business of the Board, a motion was made by ZBA Member Steen, seconded by ZBA Member Long, to adjourn. Motion carried 5-0. The meeting was adjourned at 6:20 p.m.

Dated this 2<sup>nd</sup> day of October, 2018

Respectfully submitted,

CITY OF EDGERTON

A handwritten signature in black ink, appearing to read 'W. Morgan', written over a horizontal line.

By: William E. Morgan, City Attorney