

**VILLAGE OF DRESSER
ZONING BOARD OF APPEALS PROCEEDINGS
WEDNESDAY, AUGUST 3, 2022**

The meeting was called to order at 6:00 PM by Sam Malm. It was announced that the proceedings would be tape recorded. The purpose of the meeting was to consider a request for the following variance: Richard & Katherine Erickson, 406 Thye Trail, for a variance to construct a 24' X 16' accessory building. The proposed accessory building exceeds the size limit set by Municipal Code 17.08(5) – one garden shed not more than 120 square feet and 15 feet in height. Legal Description: Lot 13 Fourth Addition Parcel Number 116-00207-0000.

Motion Darrin Frandsen/Katie Raddatz to nominate Sam Malm as chairman for this meeting. All in Favor. Motion Carried. Sam Malm is chair for tonight's meeting.

Announcement of Notice Given: Sam Malm stated public notice was posted July 12 2022 and published in the Osceola Sun July 20, 2022 and the property owners within 100 feet were also notified on July 12 2022. Members present at the meeting: Sam Malm called for roll call: Sam Malm, Rusty Norlander, Mark Kuhl, Darrin Frandsen, and Katie Raddatz. Also present Attorney Lindsey Kohls, Jodi A Gilbert-Clerk/Treasurer, and Richard and Katherine Erickson. No other people were present.

Village Attorney Lindsey Kohls reviewed Standards for Variances and advised the committee. Kohls stated the state has 3 standards: 1. Unnecessary hardship. If they comply it would be burdensome. 2. Any unique conditions of the property on why they couldn't comply. 3. No harm to the public. Those are listed in Section 17.27(6) and Dresser has some other standards. 1. Can't make money. 2. Can't be a self-created hardship. 3. Not impair light/air/increase congestion/endanger the public to surrounding properties. Dresser Ordinance 17.27(6)(g) You are allowed to place conditions on the variance. These are the things to look for.

Review took place of the Variance Application from Richard & Katherine Erickson 406 Thye Trail. Committee may view property located at 406 Thye Trail. Sam Malm asked the Erickson's to explain the project and what you are trying to do. Rich stated we are looking to enclose our backyard with a 6-foot cedar fence with 3 gates. The south side already has a fence the neighbor put up and the other neighbor put a small picket fence up and it is 18 inches from the property line on the neighbor's property. We are planning to install 2 feet inside the property line. We are then putting in an inground pool. We are looking to build a 12 x 16 building to house equipment for the pool and to set up an outside living area. We wanted to attach the roof line to the existing structure. Concrete would be put down but there is still plenty of green space. We will match colors with the house. We are hoping to upgrade our home and to stay here way into retirement. We want to remain here. Sam Malm stated we have what the code says regarding accessory buildings. No other variances have been given on sheds in the past - accessory building or garden shed. They have a detached garage already. You can't have two detached garages. Sam Malm, I believe we have the chance to the view the property. Let's take

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the opportunity to go look at the property. Sam Malm stated let's recess and go to the property and then come back when finished. The committee left to tour the property. The committee toured the property and returned back to the office at 6:32 PM. Sam Malm stated for the record that the committee viewed the site. We asked some questions of the property owners and returned with the same people in attendance.

Sam Malm called for Public Comments. No public comments were given.

Discussion/Decision by the Zoning Board of Appeals was held. Sam Malm stated we have to decide whether or not to grant the variance for the property. If anyone has any thoughts or questions please ask. Mark Kuhl stated I believe the distance of 16 feet was the length of the skimmers they want. You do have a garage right behind that they could be stored in. Rich stated the basics are we don't want to exit the fence when maintaining the pool. The ideas were taken into consideration on how long we plan to stay there and what age we will be dealing with the pool. The building will house the lawn equipment and pool equipment. It will give us space. Kohls stated that it is common for a board to go thru these standards one at a time to see if they can grant the variance. Section 17.27(6)(a)-(g). Sam Malm agreed in the past we have gone thru these one by one. Trying to determine the best course of action. A. This discusses shape of the property. I don't see any hardship to the owner. B. Any conditions unique to the property – It could be unique maybe cause of the pool and they are just not putting in a shed. We need to be careful if we allow something we will need to allow everyone else to do it. Kohls stated Ordinances could be changed in the future. It is a valid reason – Katie Raddatz stated yes with a pool. C. The purpose is not to make more money. Rich Erickson commented that a pool is the opposite of making money. D. Is the hardship caused by this chapter and not by the person or property. Katie Raddatz asked can you explain this. Kohls stated is it a self-created hardship. Sam Malm stated are they causing this issue. Not a past owner that caused this issue. E. It is not detrimental to other property. Sam Malm asked what is distance between your fence and the neighbor fence. 42 inches on the west and a full four feet on other side. I plan to mow yard between the fences. Katie Raddatz stated it is not detrimental to anyone. F. Light/Air/Congestion etc... Locked gates – yes – pool ordinance to be followed. We are good with it. G. Any conditions – do we want to have additional stipulations. Rich Erickson stated there is no electric at the shed and no plumbing. It is a stand-alone building – lighting would be solar. No utilities to or from the shed. Sam Malm asked what is the regulation on the number of vehicles on a property. Off street parking was a conditional use with the hair business. 5 cars could be parked in the driveway. Sam Malm stated when looking at Section 6 – the majority were satisfied. Kohls stated all of those would need to be met per State Statutes. We were no to A & B. Rich Erikson stated in regards to A – we want everything to be enclosed in the locked area. The garage I have is smaller than what Ordinance allows. Hardship – is hard. When you visit other pools and they have pool houses/sheds for equipment. It is a common design at the end of the pool. We would not have enough storage space. We want to keep things out of the elements but in the area of the pool. The Ordinance says you can have a covered – 120 sq foot shed and build a pergola. If the size of the shed was down you would not need a variance. If we grant to you, we would have to grant to

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everyone else. The current garage is 624 sq feet and I am allowed up to 1200 sq feet. If we added to the garage, we would run into drainage issues and you still have the point on how that would look with the pool. You would be adding onto a foundation that is already set. You're talking a lot of money to add onto the garage. It is not feasible. It would not look right and not function right. This pool is \$30,000.00. We continue to invest in our property. We did that when we put in the one chair salon – investing more in this property. The main reason is we don't want to go anywhere else. I would love a bigger garage, but you don't hammer a square block into a round hole. This a planned out organized situation. A bigger garage is not the answer. The specific conditions call for more than a little shed for this space. Rich Erickson stated half of that shed is just for storage. It is for building reasons. We set a budget for ourselves and need to be realistic about pouring cement/pavers. Katie Raddatz stated the way the property is set up it makes sense the way it is proposed – adding onto the garage wouldn't look right. It would make more sense to put in the shed versus add onto the garage. There is room to do this. Something that is unique is that it is a big enough lot to do this. Look at the physical shape of the property. We want to put everything inside the fence. Rich Erickson stated the fence is for safety and we are also looking an auto cover. Katie Raddatz stated opening up the gates to get equipment out would open them up to more safety issues. Rich Erickson stated if I am opening up the gates to move stuff around and a kid runs in that could be a big issue. The way it is presented should look very nice and a 12X16 building would be appropriate for the area. The covered area is very fetching to the eye. Want to match our home - color of the siding and color of the roof. I understand the hardship thing. Seems the rules are there already - is that is it appropriate for this condition? Sam Malm stated anyone can make a motion and second it. Kohls stated are you making the property unique if it is granted. As long as you support the conditions for this unique property. Someone else can't just say they want it too. Katie Raddatz stated the physical surroundings – would make a hardship to care for the pool and for safety – keep it in that one area. Darrin Frandsen stated I don't believe any of the neighbors have any problems with it. Drainage would be an issue if it was on a garage, that would make it unique to that property. Look at the way the property is laid out stated Sam Malm it is a flat rectangular property that is easy to deal with. If it had a slope or a goofy shape to it. Rich Erickson stated that coincides with hardship. An addition to a garage – that is hardship extra financial cost to the project. I can add this extra square footage to a very much smaller space and it won't be an eye sore. We are maximizing green space. It has to be safe. The hardship is how do I make it look like what we imagine without that size shed. I can't hang an awning on a shed. That is a hardship with my \$35,000.00 investment in my property. We are investing in how it looks and keeping the area looking beautiful. That should be rewarded. We want to keep the outside sitting area open and we are just not putting in another big shed. We can restrict or put the condition that the sitting area would not be enclosed. Rich Erickson stated we hope to put a grill and seating area in this area. Katie Raddatz stated isn't it unique to the property that they are putting in a pool. They also have a huge front yard. What are the front setbacks. The house was built further back on the property then required. You are the ones putting in the pool. It is unique to this property. What is the right away on East Avenue. The property length is 150 feet – 125 feet on East Avenue. The house is set back further then

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the other properties located on that street. Sam Malm stated I am estimating that the house is 15 feet further back then the neighbor's homes.

Motion Katie Raddatz/Rusty Norlander that we approve the variance to construct a 24' x 16' accessory building for Rich and Kate Erickson at 406 Thye Trail based on the following: A. The particular surroundings do make it a hardship – the house sits farther back on the property, current garage locations, and safety. B. Unique to that property is they are putting in a pool and the size is necessary to make things look nice and to provide safety for the neighborhood. C. They plan to live here and stay here not to make money/sell the property. D. They didn't build the house and it sits further back on the property then the neighbors. E. It is not detrimental to the public – the neighbors don't have a problem with it. F. No light/air issues it will be actually safer to have everything inside of the locked fence. G. One condition of the variance is that they can't enclose the 12' x 16' outer sitting space with permanent building materials to make it one larger permanent storage area. Any other discussion – nothing was stated. Sam Malm called for roll call vote. Darrin Frandsen – yes, Katie Raddatz – yes, Rusty Norlander – yes, Mark Kuhl – yes, Sam Malm – no. 4 yes votes and 1 no vote. The Variance has been approved. You can start moving forward with construction. Minutes will be sent to the building inspector.

Motion Darrin Frandsen/Sam Malm to adjourn the meeting at 7:45 PM. All in Favor.
Motion Carried.

Jodi A. Gilbert – Village Clerk

These minutes have not been approved.