

**VILLAGE OF DRESSER
ZONING BOARD OF APPEALS PROCEEDINGS
MONDAY, JULY 13, 2015**

The meeting was called to order at 7:43 PM by Attorney Tim Laux. It was announced that the proceedings would be tape recorded. Laux read the following from the Public Notice: to consider a request for the following variance: Johannes Vander Bent – Village Pizzeria, 101 State Road 35 S, for a variance to construct a building addition to be located 1 foot 11 inches from the north property line. The proposed addition does not meet the requirements in the Municipal Building Code Section 17.19(3) B-2 Highway Commercial District – Lot, Yard, and Building Requirements. Legal Description: Lots 13 & 14 Second Add & N 193.2' Lot 27 Assessor's Plat Exc Lot 1 CSM #879 V4 Pg 125 Loc Lot 27, Parcel Number 116-00171-0000. Members present at the meeting: Sam Malm, Rick Jones, Luke Loescher, Marian Madsen, and Bryan Raddatz(Fatboy). Also present Attorney Tim Laux, Jodi A Gilbert-Clerk/Treasurer, Johannes Vander Bent, Lee & Barb Williamson, Grace Bjorklund, and Bryan Beseler.

Motion Jones/Madsen to appoint Bryan Raddatz(Fatboy) as Chairman of the meeting. No other nominations were made. All in Favor. Four members of the committee voted yes. Malm voted no. Motion Carried.

Announcement of Notice Given: Published in the Standard Press July 2, 2015 and the property owners within 100 feet were notified June 29, 2015.

Review of Variance Application. The former right a way was 60 feet and at the Village Board Meeting on July 13, 2015 they discontinued a portion of Main Street West changing the right a way from 60 feet to 50 feet. This in turn gives 5 feet to the property owner on the north and 5 feet to the property owner on the south. This makes the existing building not in the public right a way. That problem has been rectified. We now have a variance request from Johannes Vander Bent-Village Pizzeria. This request is to build/replace the existing solarium and put on an addition the full length of the building and extending it north towards the new right a way. We are currently out 13 feet. The replacement will extend out an additional 2 ½ feet. We would still be on private property and not in the right a way. It will be much better than the current situation. The question is whether you want to grant a variance that would be necessary to waive the side yard set back of 20 feet. We are modifying a previous variance that was given to this piece of property but that was very vague in description of what was granted. Laux continued you have key principles in determining whether to grant a variance. You have area variances versus use variances. One key element is whether the dimensions of the property are in strict compliance with the Ordinance and won't allow them to use the property for the use that is allowed. Dimensions of the property – need to be in compliance with the law. Can't use the property for the permitted use of a restaurant with out the variance. When looked at that way you now have one of the key reasons to grant a variance. This issue existed a long time before he owned the property. That previous variance wasn't given according to a survey and violated your own code. You don't have before you a use variance that would be asking to change this into a manufacturing facility for example.

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Something other than highway commercial use. Use variances are very different. They would then need to ask for a change in the zoning. Asking for an area variance to do what he wants to do, which is already an allowed use. These are just things to think about.

Raddatz asked for any public comments. Barb Williamson stated we do want him to be able to expand and be able to serve the community. We are an abutting land owner that is OK with this.

Raddatz asked if the committee wanted to view the property. Committee felt it was not necessary.

Motion Jones/Raddatz to approve a variance allowing Johannes Vander Bent – Village Pizzeria to construct a building addition to be located within approximately 1 foot 11 inches from the north property line. Any further discussion. It was asked about the landscaping to the north of the addition. What is going to be there? I would hope we are going to encourage water to drain into that area. Vander Bent stated I plan to leave it as grass through that area. There would be a nice grass area out to the road. Raddatz read section 17.27(6)(f) – The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Raddatz continued what they are asking doesn't affect any part of that. Vote was called for. All in Favor. All committee members voted yes. Jones abstained from the voting. Motion Carried.

Meeting was adjourned. 7:56 PM.

Jodi A. Gilbert – Village Clerk

These minutes have not been approved.