

**VILLAGE OF DRESSER
ZONING BOARD OF APPEALS MEETING
MONDAY, OCTOBER 15, 2012
6:00 PM**

The meeting was called to order by Jodi A. Gilbert, Clerk at 6:00 PM. Roll Call was taken: Sam Malm, Rick Jones, and Marian Madsen. Ernest Vaala Absent, 1 Vacant Position, Alternates William Pfannes and Lynn Mikl also Absent. Also present Jodi A. Gilbert Clerk, Attorney Tim Laux, and Greg Schmidt. No other public or press was in attendance. This meeting is a public hearing so it will be tape recorded. Attorney Laux informed the committee that they should appoint a Chairman of the Meeting. Motion Madsen/Malm to appoint Rick Jones as Chairman of the Meeting. All in Favor. Motion Carried. Public Notice was posted and published in the Standard Press on 9/27/12.

Jones read the public hearing notice specifying what the request is for. Jones asked for Roll Call. Marian Madsen, Sam Malm and Rick Jones. Announcement of a quorum.

Review of the variance application from Greg Schmidt/Theresa Peterson was done. Attorney Laux started with the legal side of things – Section 17.27 which the committee does have a copy of I believe states the Authority of the Board of Appeals to grant variances. The deal with variances is that they are very limited. Section 17.27 under standards #6 states that certain standards should be met and that burden is on Greg and Theresa. You really do need to go through this list and make findings on each of those things. #7 down below the Standards discusses that there are certain circumstances to grant a variance Laux continued so it would make sense to read through it if you have not. On Page 17.26 in that Ordinance you do have authority from the terms of the chapter not contrary to public interest. Special conditions and unnecessary hardships seem to be getting litigated in the WI courts. It's up to you to decide. The rest is boiler plate and no such action granting a variance is setting a condition for future use. There is the issue of hardship and public interest and safety. You need to look at what is being asked here and compare that with what is authorized. Look at what is in the application. Jones asked the question – Is there any reason why we can't go look at the site. Make ourselves familiar with the area. Laux stated it is up to you folks. I am fine with that. OK Let's go take a look at it. The committee recessed at 6:12 PM to view the property.

The committee returned at 6:35 PM and resumed discussion. Jones stated the next thing I would like is for Greg to go over his application and the reasons why you need the size you do. Greg stated basically the house does not have a basement. We are looking for storage and want to get my vehicle off the road. Looking for extra room. Jones stated for the record could you specify what you are asking for. Greg stated I am asking for 18 x 40 with a maximum of 20 feet. We want the two roofs to meet. I didn't want to ask for just 12 feet. Jones stated the maximum is 15 feet. Would 15 feet work for what you need? Greg stated I haven't looked at it. If there is a problem with the board on the distance from Trina I could back it to 16 and still give me room and I would be happy with that. Jones stated personally I think that would be an excellent idea and give you some room for water drainage. Possibly putting gutters on the East side. Malm stated when you wrote this within 2 feet. We actually don't know exactly where the property line is.

Page 2 of 3 – Zoning Board of Appeals Meeting, October 15, 2012

Malm continued it could be an inch or 23 inches. The overhang on the garage is a foot usually and you are getting real close to that line. Greg stated if 16 is more accommodating I can do that. Jones stated it would be a stipulation of the variance. Laux stated you will need to be real specific on the parameters. Malm stated the normal set back is 5 feet. Jones stated when looking at the property and the current height of the garage. Back up on what we had discussed – is someone building this for you? Greg stated Steve Marino Construction out of New Richmond. Jones stated they are probably use to tying two roofs together. When you look at the current height at 12 to 13 feet you won't have a problem tying into a 15 foot which is the current ordinance. Bring it up to 15 feet – level to the other peak. Jones continued you currently have no reason to change to 20 feet to do what you have asked to do. The 15 foot would be current. Jones stated so that brings us down to the 16 feet. If wanted to grant him to stay within the 15 foot Ordinance we could make a Motion if we are at that point. Malm stated I am not opposed to going to 20 feet if it looks normal. Jones stated I am opposed – the 15 feet on a current garage let's Greg do what he wants. There is no need for it. Laux stated when you look at the standards keep in mind Greg needs to prove why we have to do it. On the height he can withdraw his request and we are down to one issue. You have the authority to do and are having a hard time justifying and you can impose some conditions. Look at the standards and the one issue is on the set back. Greg stated I am not in construction. Jones stated you will end up tie into the walls, extend the roof line to meet the ridge line of the new construction. You want the ceiling a little higher in the new garage. The old one is pretty short. You can still tie into the existing roof. Build this garage and join these roofs together last. I would assume you would put all new shingles so it all looks the same. Greg stated I am not sure. Jones stated it would look really nice if it was all the same. All the vinyl siding would be the same. Larry Everson was going to do the cement work. Jones stated OK need to prove why you need to be so close. Greg stated I am willing to come back to 16 feet. Jones asked what is the reason. Then I would have room on the side for a vehicle. Laux stated so then you really don't need the room. There is really not a hardship. Any other reasons. There is nothing unique in the village it is flat. There are probably 50 other ways to do this. For instance take the current garage out and build a new garage and be well off the property lines. That is one example. Jones stated I would guess you have roof issues on the old garage and will need to do some reconstruction – would it behoove you to do a 12,000 sq foot garage. Laux stated you could knock out the north wall up to 5 feet from the property line. The Standards vary in the regulations of the chapter. Laux continued if you are accepting the height of the building and meet all of the things then you won't need a variance. Jones asked if part of the reason for all of this is to keep the vehicles off the alley when you add to the garage could you alter your apron and park a vehicle on the apron in front and give you still more space. Could take other garage down and maximize the new garage. Could park vehicles in front would just be a suggestion. Would you really be putting any more into the garage? Laux stated I would just say that it would not be unreasonable if granting a variance would require the need for a survey to see where that property line is. If you save money on a survey you could put it into the garage. If we were to grant the set back and somebody thinks where the line is and somebody new buys the neighbors

Page 3 of 3 – Zoning Board of Appeals Meeting October 15, 2012

property and you now find out your garage is on there property. Everybody would be pointing fingers. You would then need a survey to start the process. Being a foot off could hold some major legal ramifications down the road. Laux continued people have come to the board because that actually did happen. They had been advised, but never got a surveyor and they literally had to take a sawzall to 6 feet of the garage. The board shouldn't be in the business of telling you that won't happen. Jones asked are there any other questions or concerns. Malm stated he does desire to do it the way he wants to. There may be reasons not to build all new. Greg stated I wasn't planning on taking a loan out to do this. I have been selling a lot of things – 4 wheeler, tractor, etc. Trying to do without. Taking the old out and putting up new is an option. Jones stated people may pay to move a garage. You could look at these other avenues, possibly to see what the cost would be. Greg stated the estimate at Menard's for a new one under \$6,000 was the cost for the materials. \$5,000 for the cement. \$5,000 for the labor. I can do the stuff on the inside myself. So a total of \$15,000-\$20,000. This cost doesn't include the variables with old garage. Jones stated you can do the garage we were talking about for \$15,000-\$20,000. Jones stated we are down to one variance if we had to. Greg stated I guess at this point there are a lot of options before this decision is made. Even if it came down to an extra foot. Bring it to 16 foot and down to one foot. Malm stated we could give him a number of feet – so if he chooses to be under 15 feet. I would be willing. Jones stated I don't think we have a need to grant a variance. It should be quite easy to get what he needs by being a little creative on the plans that he originally presented. Jones stated do I make a motion. Laux stated if that is the consensus. Greg you could withdraw or have a vote on a motion and a 2nd. If you have a vote that is on file – if you withdraw then it is not on file. It may be better in the long run then having a denial. Laux if denied and he feels strongly he can take it to circuit court. If they want a denial and then it would follow that course. The problem with a denial is that you need to make findings on this. Laux stated you do have other options that can be pursued. The county will ask people what other options have you pursued. Madsen stated I agree with what has been said. Greg stated I withdraw my application at this time. Jones stated if you look at extending the current garage you could go back for extra space. Stay within 5 foot and go deeper. There is also narrowing the thrushes. Laux clarified you have withdrawn your application. Greg stated yes I will withdraw the application.

No other Public Comments were made.

Motion Madsen/Malm to adjourn at 7:00 PM. All in Favor. Motion Carried.

Jodi A. Gilbert, Clerk/Treasurer

These minutes have not been approved.