



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

BOARD OF ZONING APPEALS
Markesan City Hall

July 18, 2019
7:00 pm

WORKING AGENDA

Call To Order

Roll Call

Public Hearing: A variance to Section 400-19(D) of the Markesan Municipal Code – STREET YARD MODIFICATIONS – Residential Fence Restrictions – Residential fences are permitted only on the rear and side yards by Richard Slate for property located at 295 S Main Street, Markesan, WI. Proposed to have a decorative fence in front yard around front porch.

Presentation of Variance Request.

Close Floor; Take Action or Set Date To Do So.

Adjourn

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: City Hall Markesan State Bank
Post Office Farmers State Bank

Dated July 12, 2019
Elizabeth Amend, Clerk-Treasurer



Betsy Amend <bamend@markesanwi.gov>

Re: Board of Zoning Appeals Meeting

1 message

Tim Tripp <ttripp@generalengineering.net>
To: Betsy Amend <bamend@markesanwi.gov>

Mon, Jul 8, 2019 at 8:11 AM

Betsy,

I have no recommendation. The picture he supplied shows it will be a low fence. It is not a privacy fence.

Timothy Tripp
General Engineering Company
Municipal Building Inspector
Office 608.745.4070
Cell 608.617.6873

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The addressee understands that the use of any project related electronic media constitutes acceptance of the above conditions.

If you have received this email in error please notify the system manager. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

From: Betsy Amend <bamend@markesanwi.gov>
Sent: Thursday, June 27, 2019 2:01:08 PM
To: Tim Tripp
Subject: Fwd: Board of Zoning Appeals Meeting

Let me know what recommendations you have about Rich's fence permit for the Zoning Appeals Board which is meeting on July 18th.

Thanks

Betsy Amend
City of Markesan Clerk-Treasurer
920-398-3031

----- Forwarded message -----

From: <mayorsl8@aol.com>
Date: Thu, Jun 27, 2019 at 11:32 AM
Subject: Re: Board of Zoning Appeals Meeting
To: <bamend@markesanwi.gov>

FOR INSPECTIONS CALL:	GENERAL BUILDING PERMIT APPLICATION GENERAL ENGINEERING COMPANY OFFICE: (608) 745-4070 FAX: (608) 745-5763	PERMIT #
Parcel Number: <u>291-187-0100</u>	Property is Located in <input checked="" type="radio"/> Town of <input type="radio"/> Village of <input type="radio"/> City of	EXPIRATION DATE:
PROJECT DESCRIPTION (Submit Building Plans & Site Plan) <u>See attached</u>		Municipality Number

Does this project require any additional approvals or permits? yes no

Building Project Address: _____ Finished Project Value \$ _____

Zoning District(s): <u>R-1</u>	Zoning Permit No.:	Corner Lot <input checked="" type="radio"/> yes <input type="radio"/> no	Bldg. Height <u>9</u> Ft.	Setbacks: Front	Rear <u>3</u>	Left	Right
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Owner's Name(s) Rich State Mailing Address 295 S Main St. Telephone 920-398-2371

Contractor Name & Type	Licen. / Cert #	Exp. Date	Mailing Address	Telephone & Email
Construction Contractor				Tel. _____ Email _____
Dwelling Contractor Qualifier			The Dwelling Contr. Qualifier shall be an owner, CEO, COB or employee of the Dwelling Contr.	Tel. _____ Email _____
HVAC Contractor				Tel. _____ Email _____
Electrical Contractor				Tel. _____ Email _____
Master Electrician				Tel. _____ Email _____
Plumbing Contractor				Tel. _____ Email _____

RESIDENTIAL Single Family/Duplex

Addition: Electrical Plumbing HVAC Construction _____ sq. ft. Erosion Control

Detached Accessory Building: Electrical Plumbing HVAC Construction 320 sq. ft.

Remodel: Electrical Plumbing HVAC Construction _____ sq. ft.

Other: Fence Electrical Plumbing HVAC Construction _____ sq. ft. Erosion Control

Electrical Service Upgrade (Amp _____) Removal of Structure (Raze) Fence

COMMERCIAL

New Commercial Building: _____ Bldg. Sq. Ft. Electrical Plumbing HVAC Construction Erosion Control

Commercial Addition/Alteration: Electrical Plumbing HVAC Construction Erosion Control

_____ Building Sq. Ft. Electrical Service (Amp _____) Fence Sign Removal of Structure (Raze)

State of Wisconsin Plan Approval Needed: yes no (Approved plans must be submitted with permit application)

Zoning - When applicable, owner shall research setback information regarding height, lot coverage, etc. prior to submittal of this application.

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit, understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side of the last page of this application. I expressly grant the building inspector or the inspector's authorized agent permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done. *It is the Owner/Contractors Responsibility to Call in ALL INSPECTIONS to the Inspector.*

APPLICANT'S SIGNATURE Rich State DATE SIGNED 6-18-19

APPROVAL CONDITIONS This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. See attached for conditions of approval.

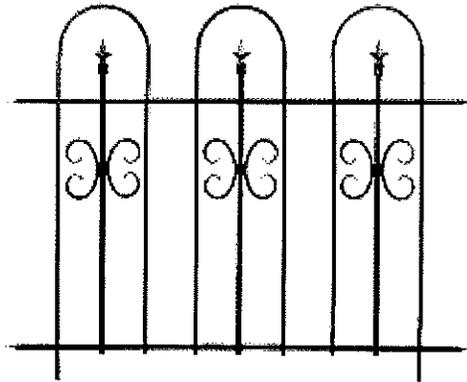
BELOW SECTION FOR OFFICE USE ONLY

FEE'S:	PERMIT(S) ISSUED	PERMIT ISSUED BY:
Construction \$ _____	<input type="checkbox"/> Construction	Name _____
Plumbing \$ _____	<input type="checkbox"/> HVAC	Date _____ Telephone _____
Electrical \$ _____	<input type="checkbox"/> Electrical	Cert No. _____ Census Code _____
HVAC \$ _____	<input type="checkbox"/> Plumbing	
Painting \$ _____	<input type="checkbox"/> Erosion Control	
Other \$ _____	<input type="checkbox"/> Other _____	
Administrative \$ _____		
State Permit Fee \$ _____		

www.generalengineers.net VER. 1/3/2018

Additional information for Slate variance application to install a fence in the front yard

It will be a 3'2" x 4' decorative border fence made of metal.



GIS Viewer Map

Green Lake County, WI

Floodplain Zoning Districts

02-03-2010

MAP NUMBER: 5504700-PANEL-C
 Floodway ZONE AE
 Flood-Fringe ZONE AE
 General Floodplain ZONE A
 areas not A or AE are ZONE X
 Map Panel
 Cross Section
 Flood Water Surface Elevation

Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- M-3 Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Oriented Establishment
- UNZ Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

Land Use

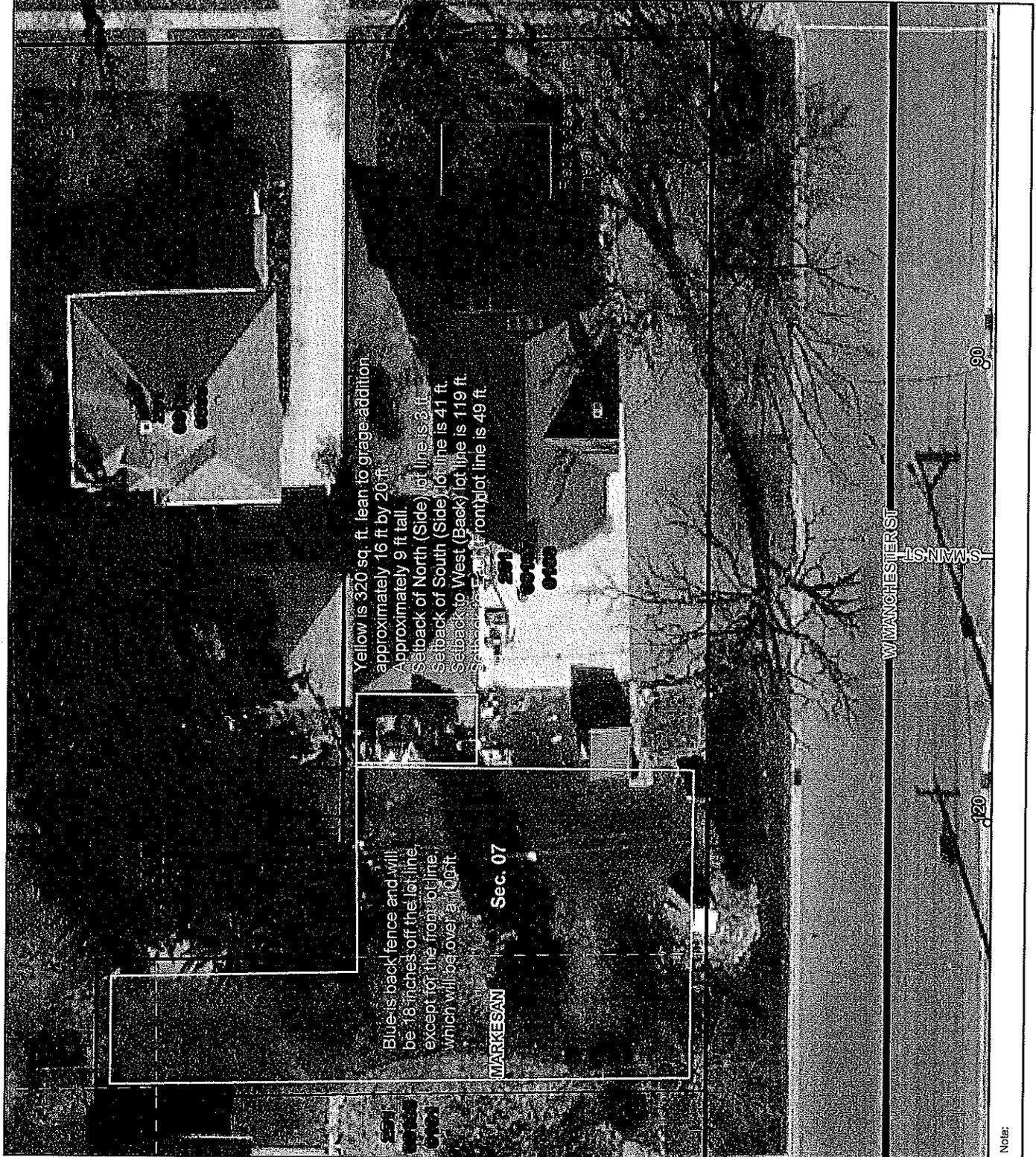
- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential

Base Map

- Parcel
- Address
- City Village Town
- Section
- State Road
- County Road
- City Village Town Road
- Private Road
- Lake River
- River Stream

Time: 5:37:37 PM
 Date: 6/18/2019
 1 inch = 25 feet

Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>



Note:

CITY OF MARKESAN
GREEN LAKE COUNTY, WISCONSIN

BOARD OF ZONING APPEALS APPLICATION FOR VARIANCE

Application fee of \$250 must be submitted with application. Fees are not refundable.

To apply for a variance from the City of Markesan Zoning Ordinance this completed application, along with the appropriate fees, **twelve copies of a site plan** and other requested information and materials, must be submitted to the City Clerk at least 60 days prior to your hearing date. In addition to the application fee, a fee for the required public notice is required. This fee varies.

Your completion of this application (no alternatives will be accepted) and appearance at a public hearing are necessary for the Board to act upon your request. Depending upon the information the Board receives at the hearing and its application of the law, your request for a variance may or may not be granted. You may use the backside of this application or attach extra sheets if you wish. Fees are non-refundable even if the variance is not granted.

APPLICANT – Please print:

Name: Lillian and Rick Slate
Mailing Address: 295 S Main St (PO Box 400)
Phone number: 970-398-2371

PROPERTY OWNER (if different from Applicant) – Please print:

Name: _____
Mailing Address: _____
Phone number: _____

I/We hereby request a hearing before the Zoning Board of Appeals for the following subject property (Physical Address or Legal Description/Tax Parcel number, if no address):

295 S main st Present Zoning District R1

For a variance from section(s) 400-19(d) of the City of Markesan Code of Ordinances.

Explanation of Variance(s) requested: _____

Would like to put a fence around the
front porch. It will be approx 3-4
3-4 foot tall - a more decorative design
made from either metal, wood or composite

This application shall also include a drawn to scale site plan(s) with the following information provided. The Zoning Administrator may authorize omissions that are not applicable to an individual case.

- a) North arrow.
- b) Street address.
- c) Size of property in sq. ft or acres.
- d) Property lines and dimensions.
- e) Location of significant natural features including wetlands, steep slopes, flood-prone areas, unique vegetation, any other unusual land features.
- f) Location of all structures on the land with building dimensions.
- g) Proposed construction
- h) Lot lines and all structure within one hundred feet (100') of the site's property lines including driveways and other access points along both sides of the street where access to the site is proposed.
- i) Identification of all rights-of-way and easements pertaining to the subject land and adjoining parcels.
- k) Photographs of property.

In actions before the Board of Zoning Appeals, the burden of proof falls on the applicant, i.e. if a variance is requested, factual evidence must be presented to satisfy the Board that a hardship exists, which is not generally true of other properties in the area and which is not a self-created hardship. The economic cost of compliance is not legally considered a hardship.

The following five questions are based upon the tests for granting non-use/dimensional variances. Be aware that in every instance, each of the tests MUST be satisfied in order for the Board of Zoning Appeals to legally grant a variance. Thus, it is in your best interest to answer each of the questions in this application clearly and completely, with as much detail as necessary to support your case for *practical difficulty*, which must be proven in order for the Board to grant a variance.

Practical difficulty is a legal term. The Board concludes a valid case has been made for the existence of a practical difficulty when it finds:

1. That a unique circumstance or condition relative to your land prevents you from enjoying the use of your property as others in the same zone district are generally able to do.
2. That the requested variance:
 - a. will not be significantly harmful to your neighbors.
 - b. is consistent with the intent of the Ordinance.
 - c. was not made necessary by anything you did in the first place.

The Board will use the five questions in this application to guide its inquiry into your case. After each question, there is a brief explanation to help you understand the kind of information required. A variance cannot be granted merely as a convenience to the property owner.

1. What are the exceptional or extraordinary circumstances or unique property limitations that apply to your property, circumstances and conditions that do not generally apply to other properties in the same zoning district as your property?

The house sits on a corner lot. More

depth than Manchester St than Main St

What makes your parcel, your property, your land, so unusual -- say in its size or shape or location or other physical characteristics? You must show that you truly have a practical difficulty, one not shared generally by others in your zoning district. ("Zoning district," means all other property owners in R-1, R-2, B-1, etc. -- not just your immediate neighbors.)

2. If you are not granted this variance, will others in your zoning district be able to enjoy substantial rights and privileges that you are unable to?

Yes - see #3

The Board will also need to be convinced that the nature of your parcel does not allow you to do with your property what others in your district are rightfully able to do. If you claim your lot is too narrow to allow you to build a garage without a variance, yet other residents in your zone district with the same size lots are able to do so, you would not have a strong case for a variance.

3. Will granting this variance be significantly detrimental to your adjacent neighbors and surrounding neighborhood?

There are several front yard fences

in the area, some in place before

the ordinance, some after. They look nice.

Applicants should realize that the neighbors' signatures on a petition or testimony at the hearing is not necessarily sufficient in itself to convince the Board that granting the variance will not be detrimental to the neighborhood. Variances go with the land, not with the current land owner. Consequently, the Board may take a broader and longer view, one that may be more impartial than your neighbors.

4. Will granting this variance harm the intent and purpose of this Ordinance?

No.

The Board must consider whether or not granting a variance will hinder the community in achieving the very goals and objectives the Ordinance is trying to accomplish. You should explain *how* your application is consistent with and does not violate the intent of the particular chapter(s) that applies to it; merely saying it does not is not enough.

5. Has the immediate practical difficulty been caused by anything the applicant has done?

NO

So-called "self-created" practical difficulties may not be used to justify granting a variance. Some examples of such difficulties are purchasing property that is nonconforming, trying to undo the effect of a previously granted variance, or having previously constructed/placed structures in a location which hinders your plan for the property.

The undersigned hereby certifies the information given in this application and supplementary materials is true and correct to the best of their knowledge. It is also understood that any information requested, and not included with the application, may cause delays in making a decision on the variance requested.

I hereby grant permission for members of the City of Markesan Board of Zoning Appeals to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application/request/proposal. (NOTE TO APPLICANT: This is optional and will not affect any decision on your application but could help the Board understand the reason for application.) YES NO

Signature of Applicant Rick Slat Date 2-1-18

This application, twelve (12) copies of required site plan, and filing fee received by:
Administrative Official Efeth A. Al Date 2-4-19

FOR CITY USE ONLY

DATE FILED _____
\$250 FEE PAID _____ CLASS 2 NOTICE PUBLISHED (REZ) _____
HEARING DATE - BOA _____ INDIVIDUAL NOTICES MAILED _____
DISPOSITION _____

Chapter 400. Zoning

Article IV. Height and Area Exceptions

§ 400-19. Street yard modifications.

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. Uncovered stair restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and be not closer than three feet to any lot line, and must be eight feet or more above ground.
- B. Cul-de-sac and curve restrictions. Residential lot frontage on culs-de-sac and curves in R-1 Districts may be less than 80 feet, provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on culs-de-sac and curves in R-2 Districts may be less than 100 feet, provided the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.
- C. Architectural projection restrictions. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two feet.
- D. Residential fence restrictions. Residential fences are permitted only on the rear and side yards in the residential districts and shall be located no closer than 18 inches from the property line. On the side yards, the fence shall not project into the principal building required setback distance and shall be in compliance with required vision clearance. A building permit is required; see Chapter 115, Building Construction, of the Code of the City of Markesan.
- E. Security fence restrictions. Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be an open type similar to woven-wire or wrought-iron fencing. A building permit is required. See Chapter 115, Building Construction, of the Code of the City of Markesan.
- F. Essential services exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- G. Street yard restrictions. With the approval of the Building Inspector, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and five feet in any business or industrial district.

Board of Zoning Appeals Minutes of March 4, 2019

Board Members present: David Brinkman; Mitch Dornfeld and Marcia Gibbons
Others present: Kyle Hilscher and Rich Slate

The City of Markesan Board of Zoning Appeals Public Hearing on Monday, March 4, 2019 at the Markesan City Hall came to order at 7:00 p.m. Rich Slate agreed to take the minutes.

A motion to elect Dave Brinkman chairperson of the committee by Marcia Gibbons and seconded by Mitch Dornfeld. Motion passed.

Chairman Brinkman called for the public hearing to consider a variance to Section 400-39 of the Markesan Municipal Code – SINGLE FAMILY RESIDENTIAL DISTRICT – Accessory Building Detached Garage, 900 square feet, 16 feet in height maximum, and a side and rear setback minimum of three feet by Kyle Hilscher for property located at 50 S High Street, Markesan, WI. Proposed addition to increase permitted square footage by 300 sq. ft., increase height by 6 feet, and to decrease side and rear minimum setback to one foot.

It was noted that Kyle Hilscher was present and answered questions from the board and that the City of Markesan's building inspector had no issue with moving the project forward.

Motion to approve the variance for Kyle Hilscher by Mitch Dornfeld and seconded by Marcia Gibbons. Motion carried.

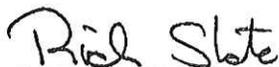
Chairman Brinkman then called for the public hearing to consider a variance to Section 400-19(D) of the Markesan Municipal Code – STREET YARD MODIFICATIONS – Residential Fence Restrictions – Residential fences are permitted only on the rear and side yards by Rich Slate for property located at 295 S Main Street, Markesan, WI. Proposed to have a decorative fence in front yard around front porch.

It was noted that Rich Slate was present and answered questions from the board. It was noted for the record that there are many other properties with fences in the front yard and that this is not unique to the City.

A motion to postpone this request until May of 2019 pending submission of a fence permit application to be reviewed by the City Building Inspector prior to the next meeting by Mitch Dornfeld and seconded by Marcia Gibbons. Motion carried.

Meeting adjourned at 7:35 p.m.

Minutes respectfully submitted by



Rich Slate, Acting Secretary