



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

August 25, 2020  
6:00 pm

**WORKING AGENDA**

Call To Order

Roll Call

**Public Hearing:**

A variance to Section 400-19 (D) and 400-20 of the Markesan Municipal Code – ZONING – Height and Area Exceptions; Street yard modifications and Corner Lots; Residential fence restrictions; no closer than 18 inches from the property line and required setback for side yard by Michael Glisch for property located at 20 S. High Street, Markesan, WI. Propose to install a black galvanized chain-link fence to fence in back yard which will be less than 18 inches of lot line and less than 30 feet for side yard setback on a corner lot.

Presentation of Variance Request.

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

Adjourn

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 August 18, 2020  
Elizabeth Amend, Clerk-Treasurer

## NOTICE

There will be a City of Markesan Board of Zoning Appeals Public Hearing on Tuesday, August 25, 2020 at 6:00 p.m. at the Markesan City Hall, 150 S. Bridge St., Markesan, WI to consider the granting of a variance for the following:

- A variance to Section 400-19 (D) and 400-20 of the Markesan Municipal Code – ZONING – Height and Area Exceptions; Street yard modifications and Corner Lots; Residential fence restrictions; no closer than 18 inches from the property line and required setback for side yard by Michael Glisch for property located at 20 S. High Street, Markesan, WI. Propose to install a black galvanized chain-link fence to fence in back yard which will be less than 18 inches of lot line and less than 30 feet for side yard setback on a corner lot.

Elizabeth A Amend  
City Clerk-Treasurer

Publish August 13, 2020

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, **eight 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: Michael Glisch  
Mailing Address: 20 S High St Markesan WI 53946  
Phone number: 920 767 0025

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):

20 S High St Present Zoning District \_\_\_\_\_

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

Explanation of Variance(s) requested: We would like to fence in our back yard so our dogs have room to run + a place to do their business. we have a back porch that would not be 18 in off the property line same for a sidewalk and a tree line to the south. Both neighbors are good with what we are doing. All posts and fencing would be within our property lines

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.

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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?

We are a corner property with limited yard space. We can't fence the front because of the street so close to the yard

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?

No but I don't think there is another property as small residentially as ours. all of our neighbors have larger parcels Tom & Ineves House a property was part of ours years back so we lost that area

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?

No I believe it will enhance the area. We are spending an additional \$500 to make the fence black so it matches our house trim

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 all the area around us is still wide open

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 when we bought this house we knew the yard was small, and our 3 dogs have used the front to do business I would like to get the front yard looking as good as the rest of the yard, with animals going in the same place all the time grass doesn't do well*

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 *Michael Glink* Date *7-21-2020*

This application, **eight (8)** copies of required site plan, and filing fee received by:  
Administrative Official *Deborah Fleiting* Date *7/31/2020*

FOR CITY USE ONLY

DATE FILED *7/31/2020* Recp # *23393*  
\$250 FEE PAID *check # 2956* CLASS 2 NOTICE PUBLISHED (REZ) *8-13-2020*  
HEARING DATE - BOA *8-25-2020* INDIVIDUAL NOTICES MAILED \_\_\_\_\_

DISPOSITION \_\_\_\_\_

JOHN STREET

20 S. High Street

SIDE WALK

WINE WAY

GATE

GARAGE

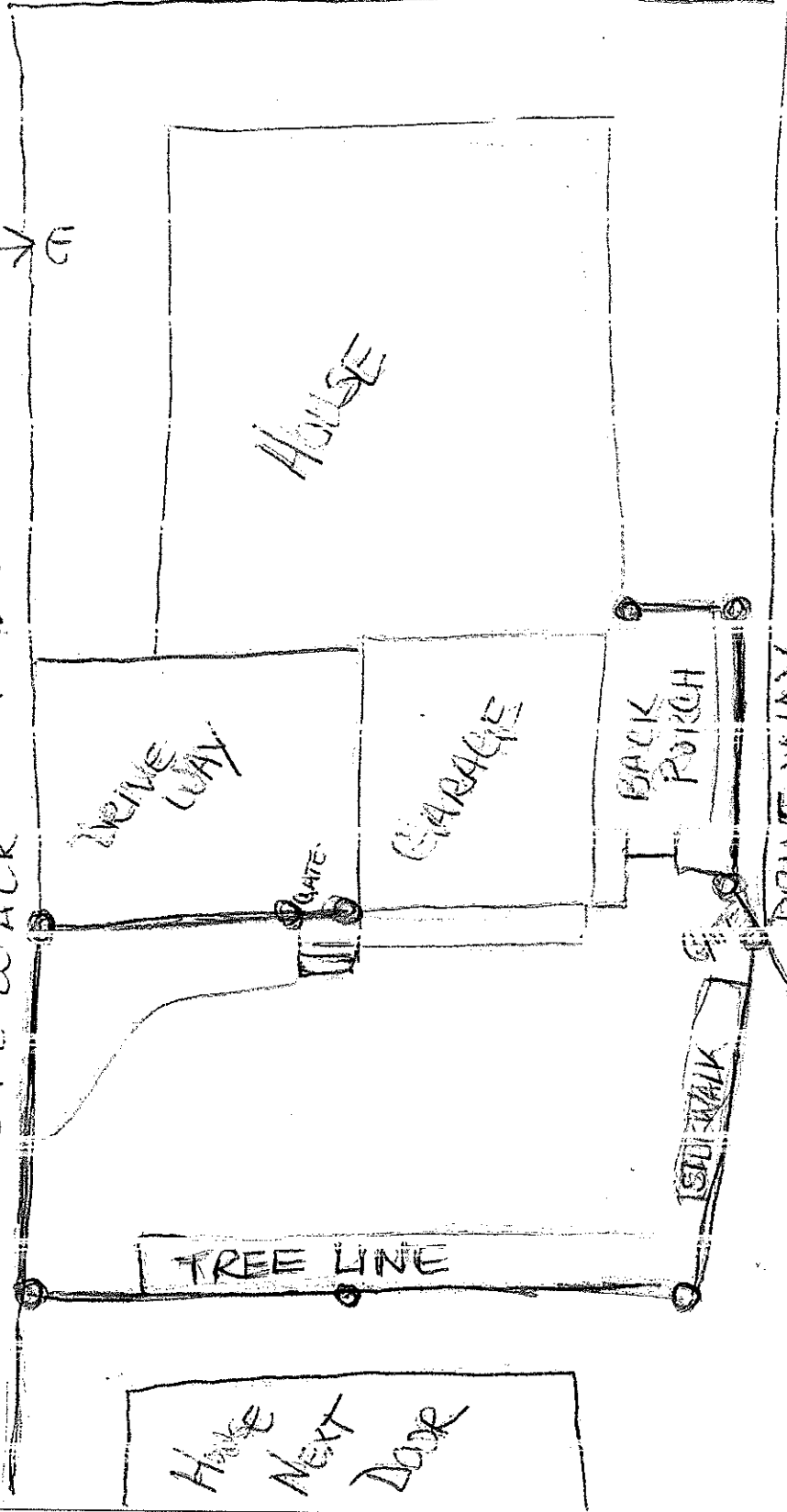
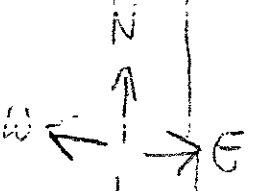
BACK PORCH

DRIVEWAY

TREE LINE

HOUSE NEXT DOOR

HOUSE



## 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. Cui-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.



## Chapter 400. Zoning

### Article IV. Height and Area Exceptions

#### § 400-20. Corner lots.

Except in C-1 Districts, on corner lots, the side yard facing the street shall not be less than 30 feet.

Oak Haven Fence LLC  
P.O. Box 168  
Neshkoro WI 54960  
920-229-2636

# Estimate

Date	Estimate #
7/14/2020	82

Name / Address
Mike Glisch 20 S High St Markesan WI 53946 920-767-0025

Project

Description	Qty	Rate	Total
48" galvanized Chainlink fence	170	14.00	2,380.00
4' gate	2	180.00	360.00
add \$450.00 for black fence			

Footage for fence is estimated. When job is completed, an actual measurement is taken and price adjusted accordingly. There will also be an additional charge for any areas that are extremely hard or rocky and difficult to drive posts into.	<b>Total</b>	\$2,740.00
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All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra cost will be executed only by written orders, and will become an extra charge over and above the estimated. Owner to carry necessary insurance.	Authorized signature <u><i>Evan J. Janssen</i></u> This estimate can be withdrawn if not excepted in 60 days
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50% Downpayment and balance due upon completion

Signature \_\_\_\_\_

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Oak  
Haven  
Fence

The Fence that makes sense

P.O.Box 168  
Neshkoro WI 54960

Phone: 920-229-2636  
Email: ohf@ibifax.com  
Evan Zimmerman: Owner

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Hi Mike,

Included is a quote for your fence.

Look it over and let me know if you have any questions.

Thank-you  
Evan