

Zoning Board of Appeals Meeting

Meeting Notice and Agenda

Village of Cross Plains

2417 Brewery Road, PO Box 97

Cross Plains, WI 53528

(608) 798-3241

Thursday, January 29, 2015

6:00 pm

- I. Call to Order and Roll Call
- II. Discussion and action to approve the minutes from January 23, 2014.
- III. Request for a variance located at 2829 Church Street from Village Code 4.05(5)(d) in order to construct an addition within the side yard setback.
- IV. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or matt@cross-plains.wi.us.

VILLAGE OF CROSS PLAINS

2417 Brewery Road
Cross Plains, WI 53528
(608) 798-3241

Zoning Board of Appeals – Meeting Notice

Notice is hereby given that a meeting of the Zoning Board of Appeals will be held at the Village Hall located at 2417 Brewery Road, Cross Plains, WI 53528 at 6:00 pm on January 29, 2015 regarding the following item:

1. Request for a variance located at 2829 Church Street from Village Code 4.05(5)(d) in order to construct an addition within the side yard setback.

Dated this 15th day of January, 2015.



Matthew G. Schuenke
Administrator/Clerk-Treasurer

Zoning Board of Appeals Meeting

Meeting Minutes

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Thursday, January 23, 2014
6:00 pm

I. Call to Order and Roll Call

The meeting was called to order at 6:05 pm.

Present: Dan Buckland, Dick Cashwell, Bob Green (arrived at 6:30), Paul Yochum, and Chairperson Stan Zander.

II. Discussion and action to approve the minutes from September 19, 2013 – A motion was made by Cashwell, seconded by Yochum, and unanimously carried by the Zoning Board of Appeals to approve the minutes from September 19, 2013.

III. Request for a variance located at 2028 Julius Street from Village Code 4.29 in order to construct a Commercial Kitchen within an accessory structure as a Home Occupation.

- Testimony was provided by the Zoning Administrator.
- Testimony was provided by the applicant for 2028 Julius Street.
- Following the completion of testimony, a motion was made by Cashwell, seconded by Yochum, and unanimously carried by the Zoning Board of Appeals to table action on the variance request for 2028 Julius Street until the next meeting.

IV. Adjournment

A motion was made by Buckland, seconded by Yochum, and unanimously carried by the Zoning Board of Appeals to adjourn the meeting at 7:14 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,

Matthew G. Schuenke, Zoning Administrator
Village Administrator/Clerk-Treasurer

ZBA VARIANCE WORKSHEET

Applicants: Dennis & Carolyn Meyer, 2829 Church St. Cross Plains, WI. 798-4268

1) The variance requested:

To build an elevated, 3 or 4 season, room on the North West corner of our house, extending closer than ten feet to the lot line, in conjunction with a deck that has already been approved.

2) What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance request is not granted:

Due to the unusual shape of our lot, it would be impractical to build the structure following the lot line to achieve the ten foot offset. This would also not be a functional addition, would look bad, and probably decrease the resale value of our property.

3) Why variance requested is not contrary to the public interest and will not endanger public safety and welfare:

There are no structures or natural features near the proposed area that would be affected by or interfered with and we will, of course, comply with all relevant building codes so as not to endanger the public interest, safety, or welfare.

4) Why variance will be in accord with the spirit of the zoning ordinance:

This variance would allow us to enhance the appearance and value of our home, while providing us a more versatile lifestyle for our family, friends, and neighbors.

Signature of Applicant:



Date: 10-24-14

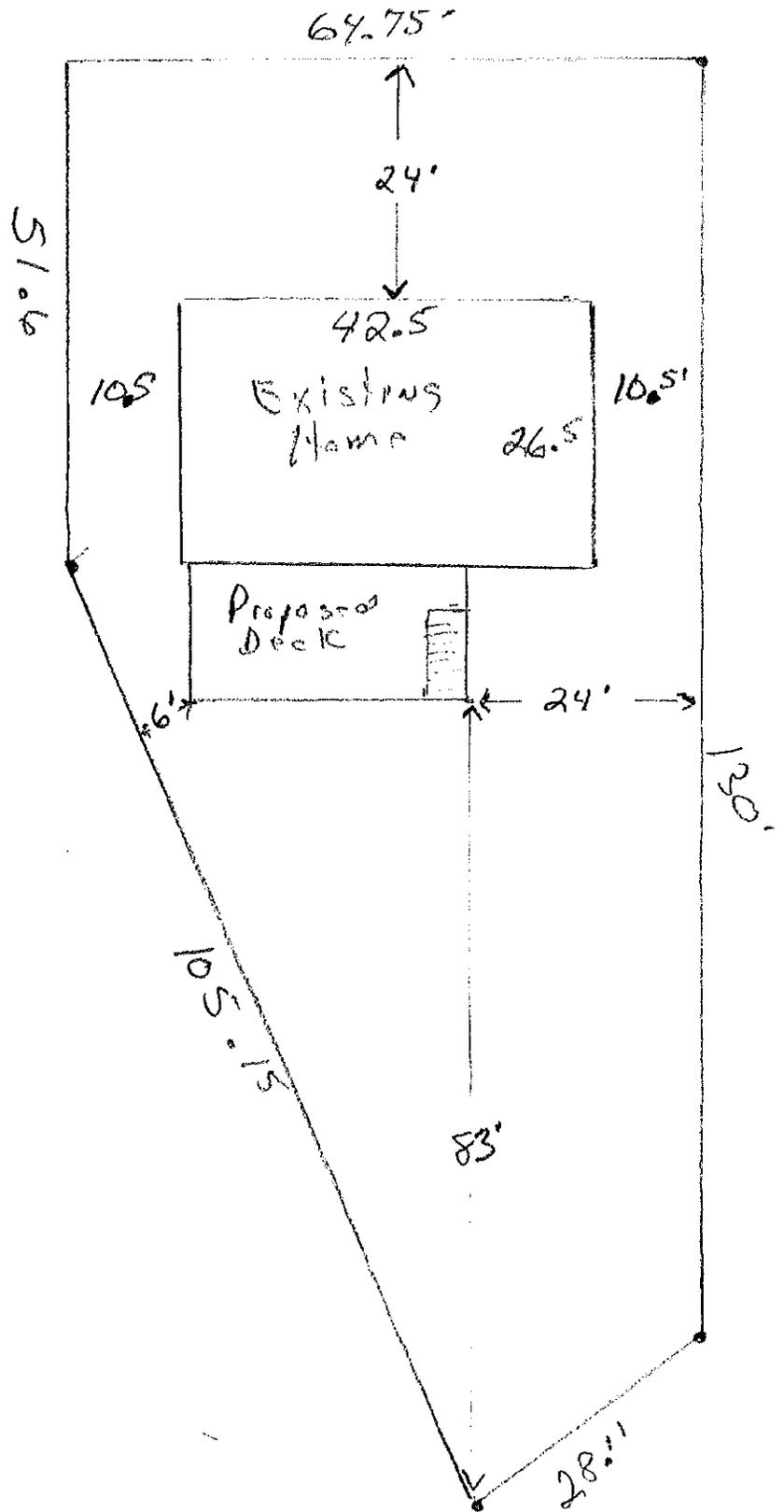
Fee: \$25.00

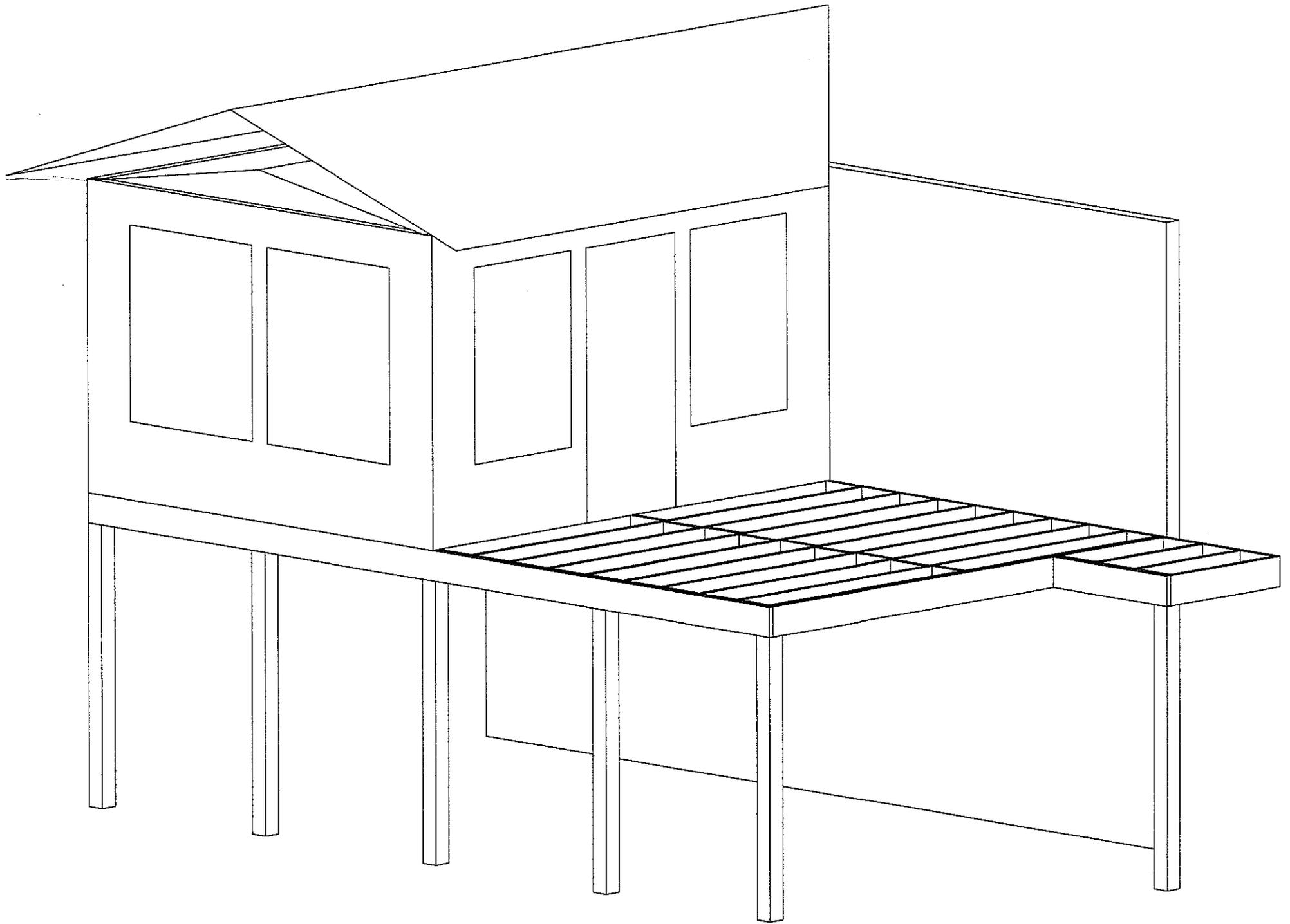
WE ASK THAT THE APPLICANT SUBMIT ALL MATERIALS AND JUSTIFICATION AS IS AVAILABLE FOR THE PROJECT IN QUESTION CLEARLY SHOWING INTENT, LAYOUT AND DIMENSIONS.

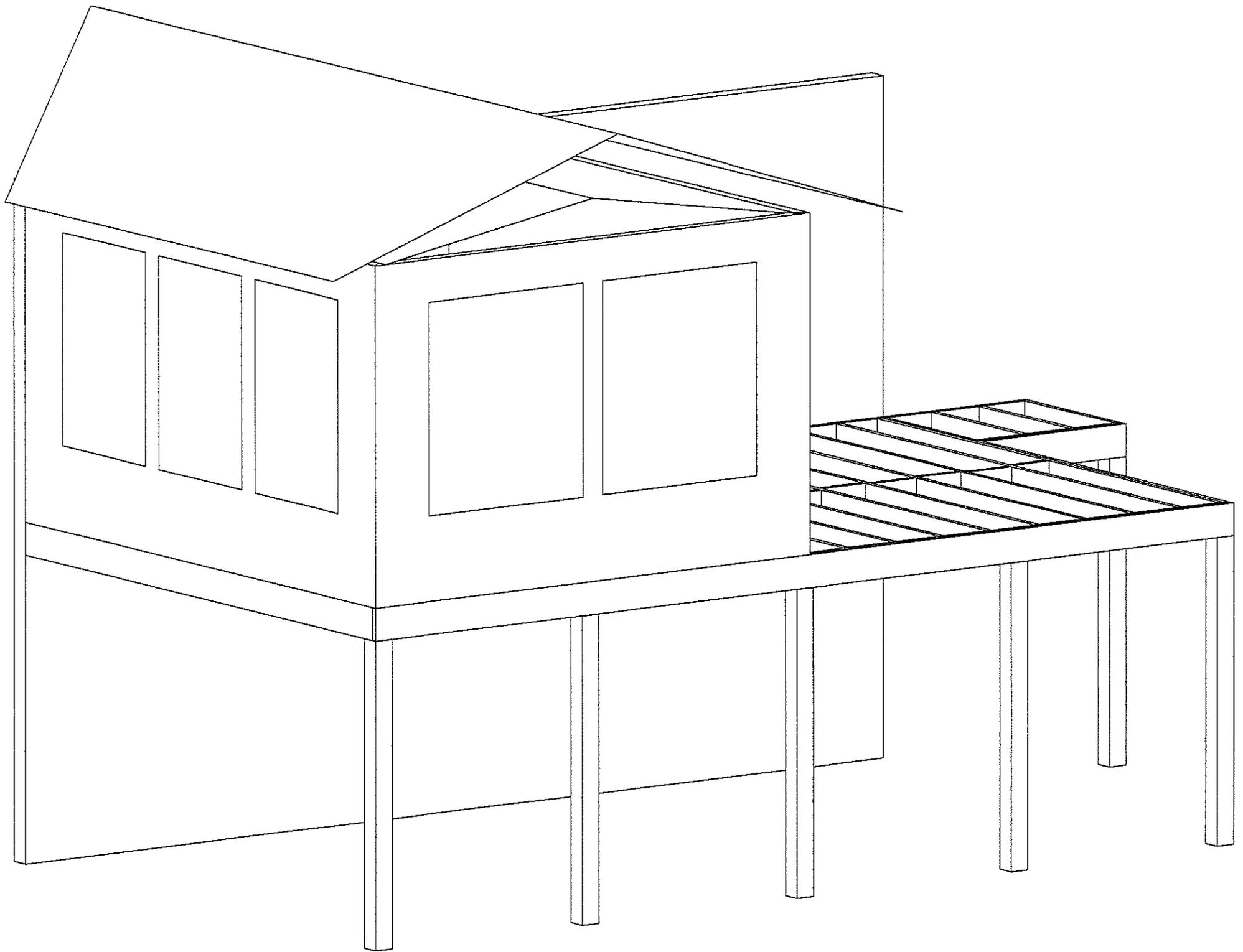
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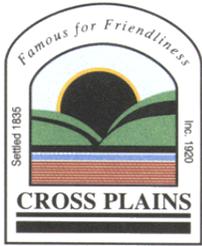
Church Street

Dennis Mayor
2829 Church St.
Cross Plains, WI









Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241
Fax: (608) 798-3817

Memorandum

To: Zoning Board of Appeals
From: Matthew G. Schuenke, Zoning Administrator
Date: January 22, 2015
Re: **Variance Request for 2829 Church Street**

Executive Summary

The property owners at 2829 Church Street have requested permission to construct a “3 or 4 season” room on top of a recently replaced deck located approximately 4’ into the side yard setback. The property is located with the Single Family Residential (R1) District and the principal structure to be set back from the side property line by 10’. Both the deck and/or a deck with 3 season room are counted as an extension of the principal structure by definition. The deck was allowed for replacement as a non-conforming use. The addition of the 3 season room is considered an encroachment into the setback and was denied by Village Staff. This memorandum will summarize the variance request as it applies to the Village Code.

Variance Request

On October 17, 2014, the Property Owner requested and was granted a Building Permit to replace an existing non-conforming deck. The non-conforming use predates the zoning code, and as is past practice has been allowed for replacement. The property owner has requested an addition to be included on this structure for the inclusion of a 3 season room that would serve as a further encroachment into this setback area. Section 4.05(5)(D) requires the principal structure to be set back from the side property line by 10’ while the deck is currently setback approximately 6’.

Recommendation

Please note that the variance request has to meet the following provisions and must receive 4 affirmative votes in order to grant a variance:

1. *4.33(9)(A) There are exceptional circumstances or conditions that apply to the lot, structure, use, or intended use that do not apply generally to other properties, structures, or uses in the same district –* Maintaining separation between principal structures is one of the main tenants of any zoning code that helps to regulate density. This standard is consistent throughout the entire zoning code for single family residential.
2. *4.33(9)(B) The exception will not be a substantial detriment to adjacent property and is not contrary to the purpose and spirit of this Chapter –* The proposed plan will allow for the principal structure through the addition to encroach further into the side yard setback and closer to the neighboring house.
3. *4.33 (9)(C) Strict application of this Chapter would deprive the owner of a reasonable use of the property –* 3 season rooms are not overly prevalent in the Village and do not take away from the basic use of the property as a single family home.

Please note that if the Zoning Board of Appeals is going to approve the variance as requested, then it must state in the action that it takes how the applicant is meeting these three provisions. Staff recommends the variance be denied due to the applicant’s failure to meet the standards for granting a variance as described above.

Village of Cross Plains

Baer Street

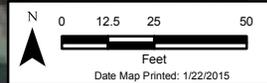
2829

Church Street

Military Road

LEGEND

- Streets
- Tax Parcels
- Municipal Boundary
- Lakes
- Rivers



Date Map Printed: 1/22/2015