

Board of Zoning Appeals

Wednesday, June 15, 2022

5:00 p.m.

Members Present: Josh Winter, Pat Keller, Chris Shulfer, Ted Osenga,

Others Present: Dan Ault, Steve Kuntz, Dominique Swangstu, Julia Mann, Karen Swanson, Joe Terry

1. Mr. Winter called the meeting to order at 5:30 p.m.

2. PUBLIC HEARING

The Clerk read, at 5:31 p.m., the public hearing notice for the Richard & Patricia Harding request for a variance from the Village's front/street yard setback standards and the ordinary high water mark setback for properties located at 1301 and 1311 Woodduck Ln.

Mr. Swangstu stated that there are two standards for the board to consider, i.e. The Table of Minimum Standards (right-of-way setback) and the ordinary high water mark setback established in Section 550-43(K) of the Village of Plover Municipal Code of Ordinances.

Mr. Swangstu referred to his report, copy attached, and discussed the location overview, staff clarification of the setbacks, i.e. ordinance requirements vs. variance request, and the property limitations. He referred to Exhibit A of the application, copy attached, depicting the buildable area per the ordinance setbacks, and Exhibit B of the application, copy attached, depicting the buildable area if the variance is granted. He discussed the Village's storm sewer easement on the north lot.

Mr. Swangstu discussed the board's determination options, i.e. approve the variance as proposed, approve the variance with differing standards or with additional conditions, defer the determination to a later date in order for staff and/or the applicant to obtain additional information or materials, or deny the variance as proposed.

Mr. Swangstu discussed staff's recommendation to approve the variance contingent upon the two existing parcels be combined, the existing road right-of-way/property line shall be clearly marked, and the ordinary high water mark setback be clearly marked and confirmed by Village staff.

Richard Harding, 247679 Nehrbass Rd., Athens, WI, discussed working with the realtor and bank to get the property purchased. He stated that expedience is key.

There was no one else present to speak in favor of or against the variance request.

- ✓ **Mr. Osenga moved to close the public hearing at 5:41 p.m. Mr. Shulfer seconded and the motion carried.**

3. CONSIDERATION OF THE RICHARD & PATRICIA HARDING VARIANCE REQUEST AT 1301 AND 1311 WOODDUCK LANE

Mr. Kunst stated that the proposed setbacks from the ordinary high water mark are consistent with other houses along the river in the Village of Plover. There haven't been any issues with development along the river bank and the application is in line with the rules of intent. He stated that the board should incorporate the three standards of exceptional circumstances, preservation of property rights and the absence of detriment in their motion.

Mr. Keller questioned if this would be a permanent residence and if there were any complaints of a house this size.

Mr. Harding stated that, yes, this would be their permanent residents. Mr. Swangstu stated that he has not heard from anyone regarding the variance request.

Mr. Keller questioned the proximity of the proposed residence to the road and railroad tracks as it might relate to home owners insurance. Mr. Harding stated that there haven't been any red flags with insurance issues.

Mr. Winter questioned if there are any structural concerns with being so close to the steep bank. Mr. Harding stated that he is working with the Village's building inspectors.

Mr. Shulfer questioned the reasoning behind the requirement that the lots be combined. Mr. Kunst stated that accessory buildings are not allowed on a lot by themselves.

Mr. Winter questioned if there were any other negative concerns. Mr. Kunst and Mr. Ault stated that there were not.

- ✓ **Mr. Keller moved to approve the request from Richard & Patricia Harding for a variance from the Village's front/street yard setback standards and the ordinary high water mark setback for properties located at 1301 and 1311 Woodduck Ln. incorporating the findings that:**

There are exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general and recurrent nature as to suggest that this chapter should be changed.

Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

Mr. Shulfer seconded and the motion carried.

4. Mr. Osenga moved to adjourn at 5:55 p.m. Mr. Keller seconded and the motion carried.

Karen Swanson, Village Clerk