

BOARD OF ZONING APPEALS

July 23, 2019

VILLAGE OF SAUKVILLE MUNICIPAL CENTER

The meeting was called to order at 6:00 p.m. by Trevor Seitz.

Statement of Public Notice was given by Dawn Wagner.

Members Present: Trevor Seitz, Scott Fischer, Jerry Dickmann, Don Clark, and Keith Dickmann.

Others Present: Dawn Wagner-Village Administrator, John Ross, Maureen Ross, & Jeff Crawford

APPLICATION OF MAUREEN ROSS FOR A SETBACK VARIANCE

Seitz called the meeting to order.

Roll call and confirmation of quorum was taken by Wagner.

Wagner confirmed that compliance with open meeting law and public notice requirements had been met.

Seitz read the Board of Zoning Appeals Notice of Hearing (attached).

Seitz opened the Hearing.

Open the Hearing and Read the Application of Maureen Ross

The application (attached) was read and reviewed by members of the Board.

Statement by the Applicant

John Ross stated, on behalf of Maureen Ross, that the overhang is 33.6 ft versus the 35 ft (setback).

J. Ross stated that a survey of the property was submitted for review.

J. Ross pointed to other properties that were located within the setback area.

Questions from Board Members None.

Request Statements from Public None.

Questions from Board Members None.

Report on any Correspondence Received by Secretary and Related to Hearing

Seitz stated that this item, if the variance is granted, will have to be submitted to the Architectural Review Board for review and approval.

Response by Applicant None.

Questions from Board Members None.

Confirm those Documents that have been received into the Record

Wagner confirmed that all documents have been received into the Record.

Close the Public Hearing

Seitz requested a motion to Close and Record the Hearing.

Fischer/Clark made a motion to Close and Record the Hearing. Roll call vote was taken with all in favor. Motion carried at 6:05 p.m.

Deliberation and Decision

- **§205-127 Variance to accessory building height limitation of §205-33.F(1)**
 - a. Findings of Fact
 - b. Conclusions of Law
 - c. Order and Decision

Seitz stated that §205-33.F(1) provides that in the R-3 Single Family Residence District “There shall be a minimum setback of 35 feet from the street right-of-way.”

Also, §205-127 states that “No variance to the provisions of the chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates in the minutes of its proceedings.

(1) Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district. - *Yes*

(2) Exceptional circumstances. There must be 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 should not be of so general or recurrent nature as to suggest that the Zoning Chapter should be changed. - *No Exceptional Circumstance.*

(3) Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance. - *No*

(4) Preservation of property rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity. - *No*

(5) Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest. - *No*

Vote on Application

Fischer/K. Dickmann made a motion to approve the variance request.

Roll Call Vote was taken:

Seitz - Aye

Fischer- Aye

Clark- Aye

K. Dickmann- Aye

J. Dickmann- Aye

Motion carried.

Adjournment

J. Dickmann/K. Dickmann made a motion to adjourn. Motion carried at 6:10 p.m.

Dawn Wagner

Village Administrator