

## ZONING BOARD OF APPEALS AGENDA

Tuesday, May 1, 2018  
5:00PM

- 1) Site Inspections
  - a. Approximately 5:05 pm – Steven Sommi, W5622 Vans Road
- 2) Return to Municipal Building – Approximately 5:25pm
- 3) Call to Order
- 4) Roll Call – Welcome new Chair & Members
- 5) Pledge of Allegiance
- 6) Election of Vice-Chair
- 7) Election of Secretary
- 8) Approve Minutes
  - a. June 6, 2017
- 9) Public Participation (Non-Agenda Harrison Related Items)  
*Please be advised per State Statute Section 19.84(2), information will be received from the public; be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments.*
- 10) Convene Meeting and Enter Public Hearing– Approximately 5:30pm
  - a. Variance – Steven Sommi – W5622 Vans Road
- 11) Close Public Hearing and Reconvene Regular Meeting
- 12) Items for Discussion and Possible Action
  - a. Variance – Steven Sommi – W5622 Vans Road
- 13) Set Next Meeting Date
  - a. Tentatively June 5, 2018 at 5:00pm
- 14) Adjourn

Any person with hearing disabilities or requiring special accommodations to participate in the meeting should contact the Clerk's Office (920-989-1062) at least 24-hours prior to the meeting. This is a public meeting. As such, a quorum of the Village Board, Plan Commission, or Committees may be in attendance. However, the only business to be conducted is for the Zoning Board of Appeals.

Posted: April 24, 2018



## ZONING BOARD OF APPEALS MEETING MINUTES

VILLAGE OF HARRISON  
CALUMET COUNTY, WI  
W5298 HWY 114  
MENASHA, WI 54952

TUESDAY, JUNE 6, 2017

- 1) Call to Order: Meeting was called to order at 5:00pm.
- 2) Site Inspections: Departed from Town Hall to conduct site inspections at 5:01pm. Viewed the following properties:
  - a. Ryan & Tara Koenigs – W6864 Hazelnut Lane.
- 3) Roll Call: Present: Craig Majewski, Pat Hennessey, Tom Capper, Jack Ophoven, Scott Chicoine. Also Present: Alternate John Jung and Mark Mommaerts, AICP (Planner).
- 4) Return to Town Hall: Returned to Town Hall from site inspections at 5:30pm.
- 5) Pledge of Allegiance: Pledge was recited.
- 6) Approve Minutes: Motion (Hennessey/Capper) to approve the May 2, 2017 minutes. Motion carried 5-0.
- 7) Public participation: There was no public comment.
- 8) Convene Meeting and Enter Public Hearing: The Public Hearing was opened at 5:35pm. The following petitions were heard:
  - a. Variance – Ryan & Tara Koenigs – W6864 Hazelnut Lane. Planner Mommaerts read the rules of procedure for the public hearing. The hearing notice was read into the record. Testimony was taken from Ryan Koenigs, W6864 Hazelnut Lane (Petitioner) who spoke in favor of the variance request. Mr. Koenigs stated they purchased the home in 2012 with the idea of adding onto the garage. They would like to add a 10' x 29' addition to the garage. The contractor utilized the Calumet County online GIS map to determine setback distances. McMahan Associates restaked the property corner after the ditch was redone a few years ago. There was a discrepancy between where they thought the property line was and where the property line was staked by McMahan Associates. The addition complies with all other zoning restrictions, including lot coverage and impervious surface coverage. Eleven of the fifteen homes on the street have 3-stall garages. Two of the four that do not could accommodate a third stall addition. Mr. Koenigs also stated that with the addition there will still be over 24-feet between his house and the neighbors. They are only seeking a 26-inch variance and would still be over 5-feet from property line. Mr. Koenigs also stated that they are prepared to move if the variance is not granted. ZBA member Capper asked if the garage door size could be changed. Mr. Koenigs responded that the issue is space and not garage door size. Ernie Gonzales, W6870 Hazelnut Lane, also

spoke in favor of the variance request. Mr. Gonzales stated that he is not adding onto his house. He also stated that he could deed over two to three feet to the neighbor to make the addition work. No testimony was given in opposition. Staff memo to the Zoning Board of Appeals dated May 26, 2017 was included.

9) Close Public Hearing and Reconvene Regular Meeting: The Public Hearing was closed and the regular meeting reconvened at 5:49pm.

10) Items for Discussion and Possible Action: The following items were discussed:

a. Variance – Ryan & Tara Koenigs – W6864 Hazelnut Lane. The Zoning Board of Appeals found the following:

1. The variance is not in general harmony with the purposes and intent of the Zoning Ordinance because establishing minimum setbacks is the purpose of zoning.
2. Special conditions and circumstances do not exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district because the subject lot is zoned the same as other lots and is similar in size and shape to other lots in the neighborhood.
3. The literal interpretation of the provisions of the zoning ordinance will not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district because the zoning ordinance does not specify garage size.
4. The hardship is not shared generally by other land or buildings in the area because there is a mix of two- and three-car garages in the neighborhood.
5. The hardship results from the strict application of the zoning ordinance and is the result of self-created or self-imposed circumstances because the proposed addition is self-created.

Motion (Chicoine/Hennessey) to deny the variance request from the zoning setback based on the findings of the Zoning Board. Motion carried 5-0.

11) Items for Discussion: The following items were discussed: None.

12) Announcements/Correspondence/Meeting Attendance: None.

13) Set Next Meeting Date: Next meeting set for August 1, 2017 at 5:00pm.

14) Adjourn: Motion (Hennessey/Chicoine) to adjourn at 6:11pm. Motion carried 5-0.

*Dated: June 7, 2017*

*Prepared by: Mark Mommaerts, AICP, Planner*

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Craig Majewski, Secretary     Date  
Zoning Board of Appeals

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**ZONING BOARD OF APPEALS MEETING**

**VILLAGE OF HARRISON**

**From:**

Mark J. Mommaerts, AICP, Planner

**Meeting Date:**

May 1, 2018

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**Title:**

Variance - Sommi

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**Issue:**

Should the Zoning Board of Appeals grant a variance to an accessory structure larger than 900-square feet in the RS-1 zoning district?

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**Background and Additional Information:**

The applicant wishes to tear down an existing accessory building and replace it with a new accessory building. The property is located at W5622 Vans Roads. The property is zoned Single-Family Residential (Suburban) [RS-1]. The property is approximately 1-acre in size. The existing accessory building is 1,680 square feet with an attached concrete slab of 952 square feet. The existing accessory building experiences flooding from time to time. The existing accessory building is considered a legal nonconforming building since it was build prior to the zoning ordinance taking affect. Any new/replacement structure would have to meet the requirements of the zoning ordinance.

The variance request is due to the RS-1 zoning district requirement that the maximum size of an accessory building shall be 900 square feet. In this case, the applicant wishes to replace a legal nonconforming building with a new building that exceeds the 900 square foot limit. The proposed building is 2,464 square feet (of which 448 square feet is a covered porch). The proposed building would be raised approximately 18 inches to eliminate the flooding.

The applicant submitted written statements regarding unique property limitations, no harm to public interest, and unnecessary hardship which are included in this packet.

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**Zoning Ordinance:**

117-82 (L) Single-Family Residential (Suburban) [RS-1] | Accessory detached garages and sheds.

- (1) Number. The maximum number of accessory detached garages and sheds shall be one.
- (2) Size. The maximum size of accessory detached garages and sheds shall be 900 square feet.
- (3) Total area. The maximum total area of all accessory detached garages and sheds shall be 900 square feet.

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**Conclusions of Law/Requirements for a Variance [Section 117-360.]:**

In accordance with the Zoning Ordinance, Variances shall only be granted when the Zoning Board finds that:

1. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this [Zoning] ordinance.  
*Staff finds that the variance is not contrary to the public interest as there are no public safety concerns with a new accessory building.*
2. The variance will not permit the establishment of a use which is not permitted or permissible in the district.  
*Staff finds that accessory buildings are an allowable use in the RS-1 zoning district.*
3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.  
*Staff finds that there are no property limitations which keep the proposed building from meeting the RS-1 zoning district requirements. The applicant has an option to raise the existing building to eliminate the flooding concerns.*
4. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.  
*Staff finds that there are no unique property limitations as all properties in the area are zoned RS-1 and are limited to 900 square foot accessory building sizes.*
5. The hardship is not shared generally by other land or buildings in the area.  
*Staff finds that other properties in the area are limited to accessory building sizes of 900 square feet or less. The property already has an existing building exceeding the 900 square foot limit and the proposal is to further increase this nonconformity.*
6. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.  
*Staff finds that the hardship is not self-created.*

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**Recommended Action:**

Based on the information provided, staff recommends denial of the Variance request for the following reasons:

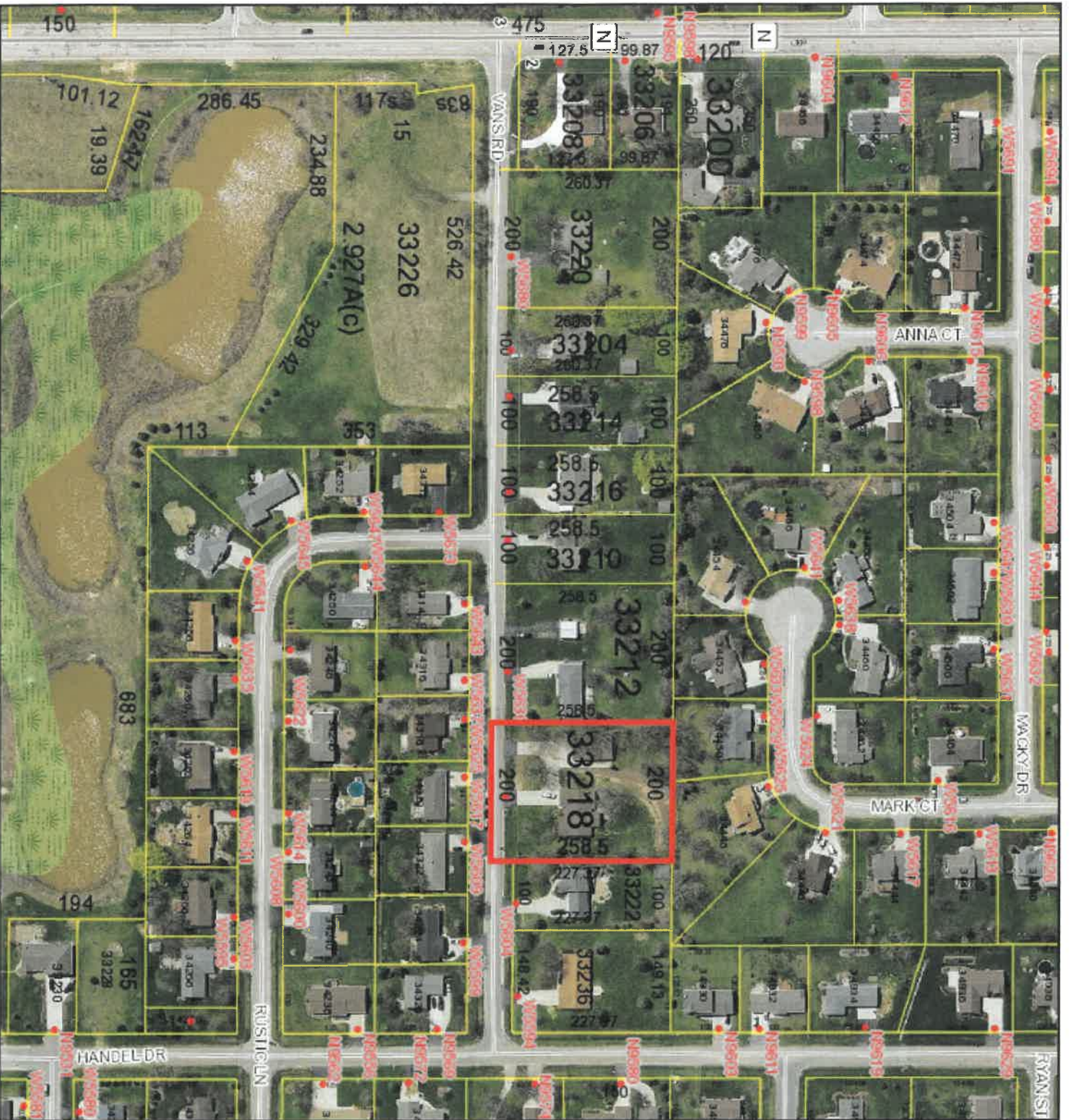
1. Staff finds that there are no property limitations which keep the proposed building from meeting the RS-1 zoning district requirements. The applicant has an option to raise the existing building to eliminate the flooding concerns.
2. Staff finds that there are no unique property limitations as all properties in the area are zoned RS-1 and are limited to 900 square foot accessory building sizes.
3. Staff finds that other properties in the area are limited to accessory building sizes of 900 square feet or less. The property already has an existing building exceeding the 900 square foot limit and the proposal is to further increase this nonconformity.

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**Attachments:**

- Aerial Map
- Written Statements
- Site Plan
- Photos
- Building Plan

# Calumet County, WI

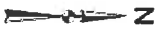


## Legend

- Address Point
- County Boundary
- Wisconsin Water
- Other Counties
- Unincorporated Community
- Town Boundary
- Point of Interest
- Parcel Boundary
- Property Hook
- PLS Section
- State Parks
- County Parks
- Lake
- River and Stream
- Wetland Boundary
- Wetland Point
- Major Roads
- Local Roads
- Trail
- Railroad

Color 2014

- Reel Band\_1
- Green Band\_2
- Blue Band\_3



**DISCLAIMER:** This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Date Printed: 04/19/15 1:26 PM Sources:	
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### Written Statements Regarding:

Steve Sommi Residence  
W5622 Vans Road  
Appleton WI

#### Item #1: Unique Property Limitations

With over 50,000 sf lot the property does not offer limitations as far as size, slopes, wetlands, etc. Our desire is to raise an existing garage that is currently 1,680 sf with an attached 952 sf concrete storage slab for a total of 2,632 sf. We would like to replace it with a new 2,464 sf garage which includes a 448 sf covered porch area. Thus returning 168 sf back to green space. The intent would be to raise the grade approximately 18" so we can eliminate the new structure from flooding during most heavy rains. We would pitch the water toward the ditches & swales. We anticipate removing existing concrete in the drive area as shown on plan and replace with new and account for new grades.

#### Item #2: No Harm To Public Interest

Aesthetically the new garage will fit in to a residential area better than a masonry block building that is existing.

#### Item #3: Unnecessary Hardship

The deterioration of the existing garage and the continuous flooding of the structure is an existing condition when the property was purchased. We are simply looking to correct existing issues.

*Creative Construction with Experience*

**PROJECT INFORMATION**

PROJECT NUMBER 1808040

PROPOSED NEW GARAGE FOR:  
**STEVE SOMI**  
W5622 VANS ROAD • APPLETON, WI

PROFESSIONAL SEAL

**PRELIMINARY DATES**

MARCH 27, 2018

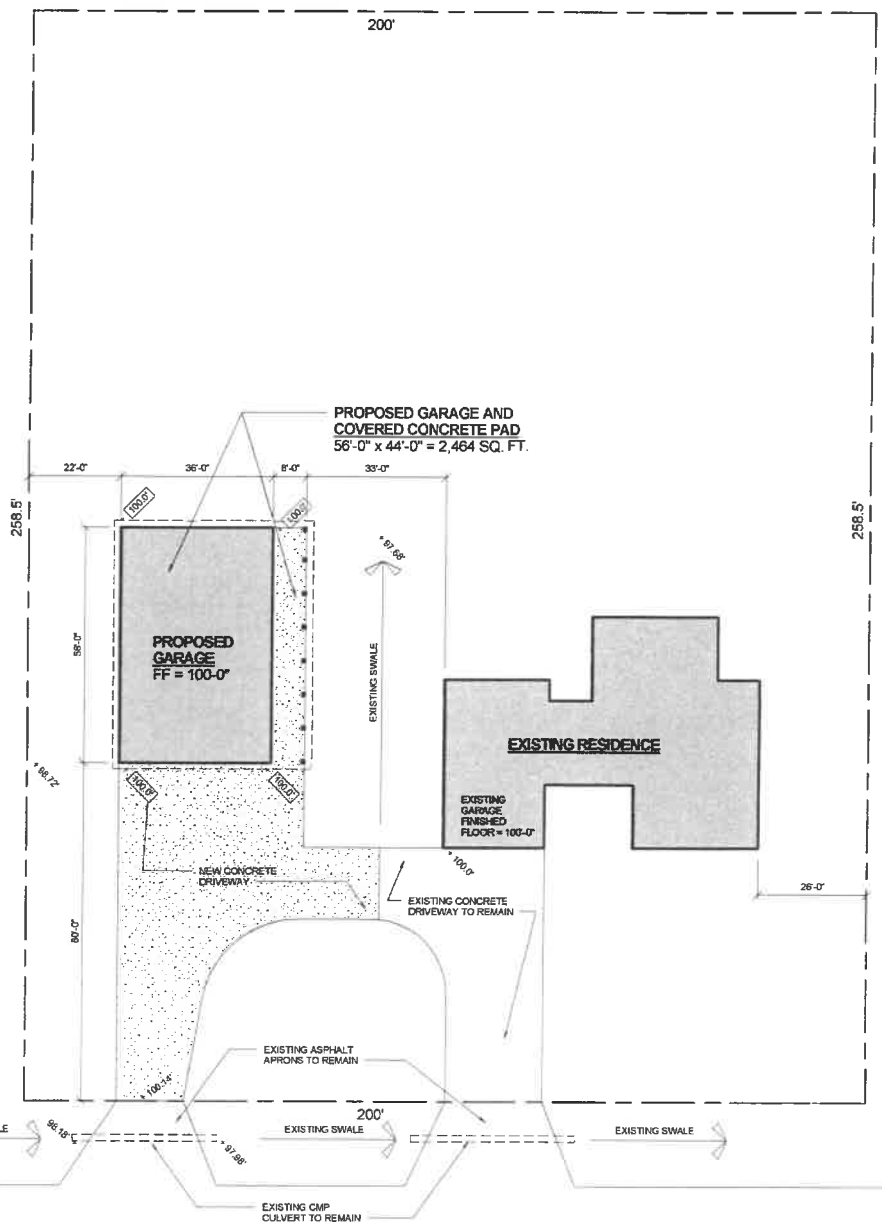
**NOT FOR CONSTRUCTION**

**SHEET INFORMATION**

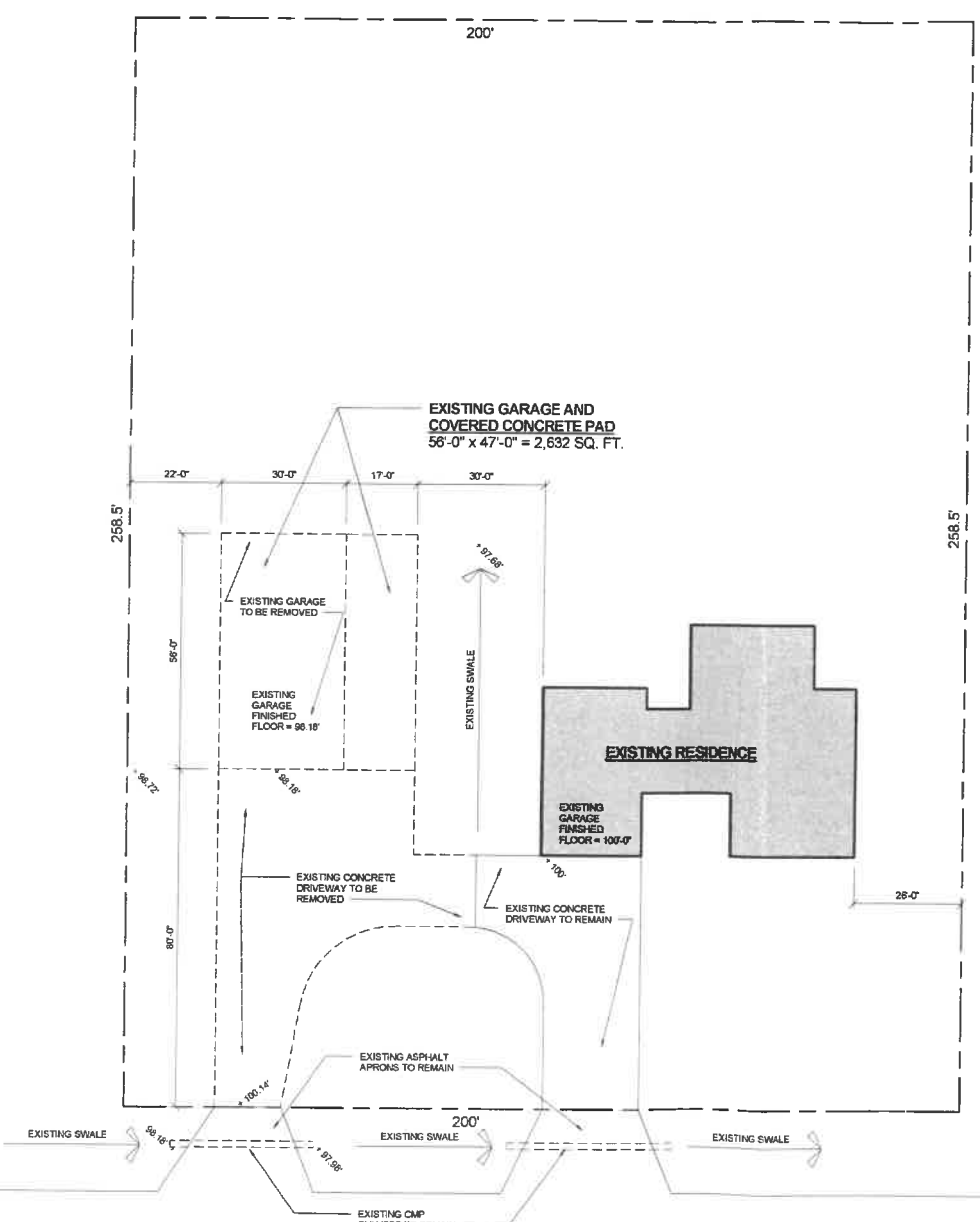
SITE PLAN

SHEET NUMBER

**C0.1**

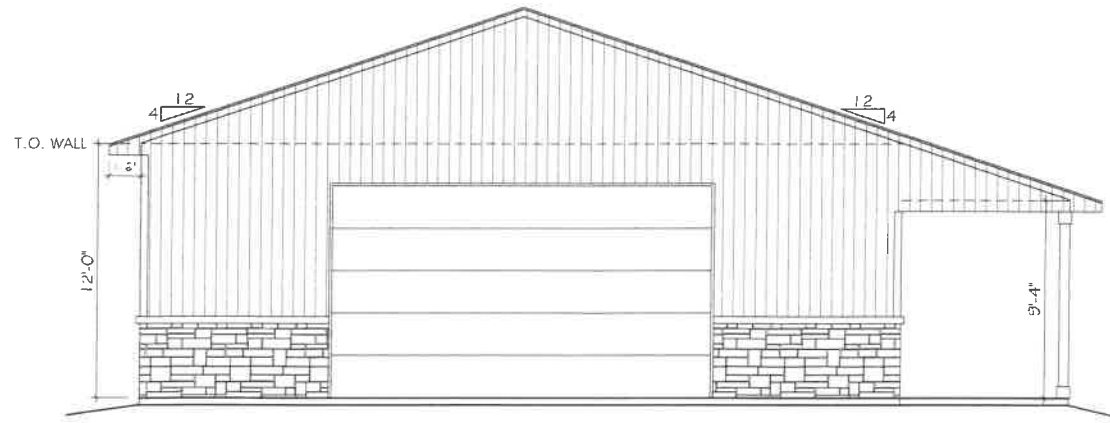


**SITE PLAN**  
SCALE: 1" = 20'-0"

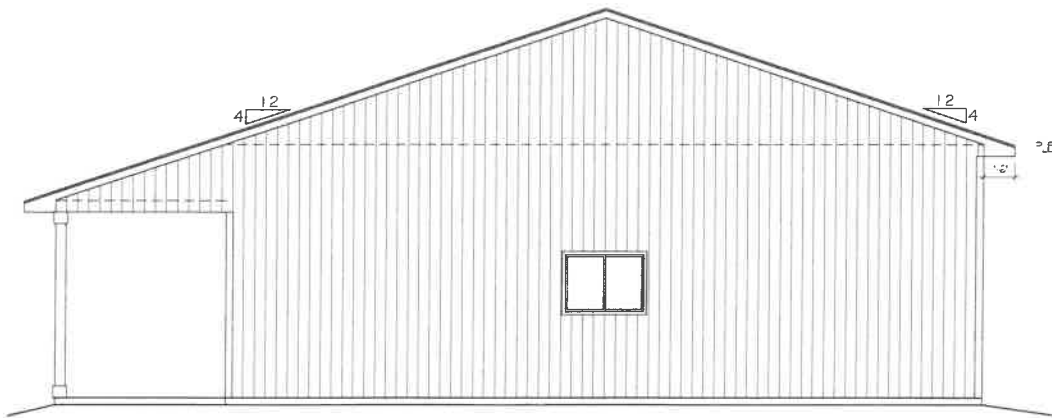
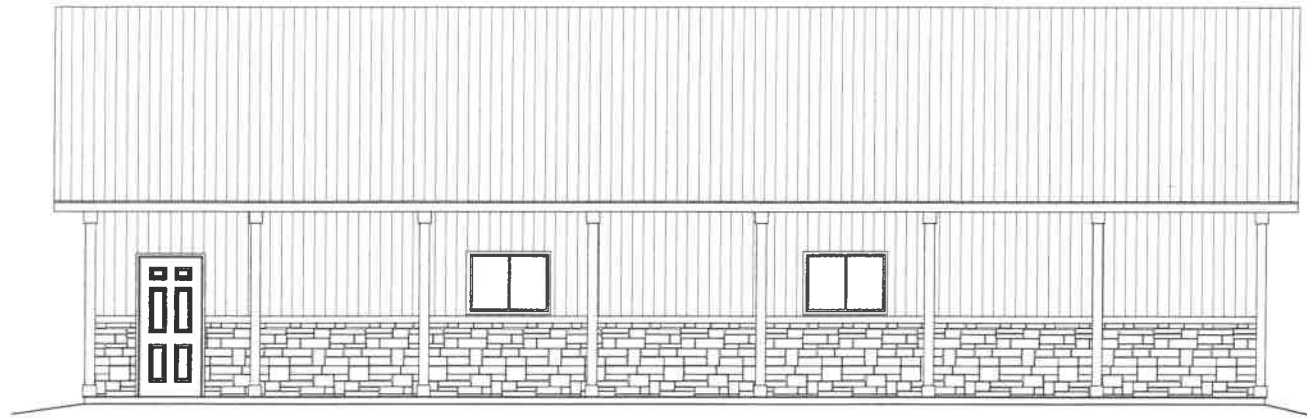


**DEMOLITION SITE PLAN**  
SCALE: 1" = 20'-0"

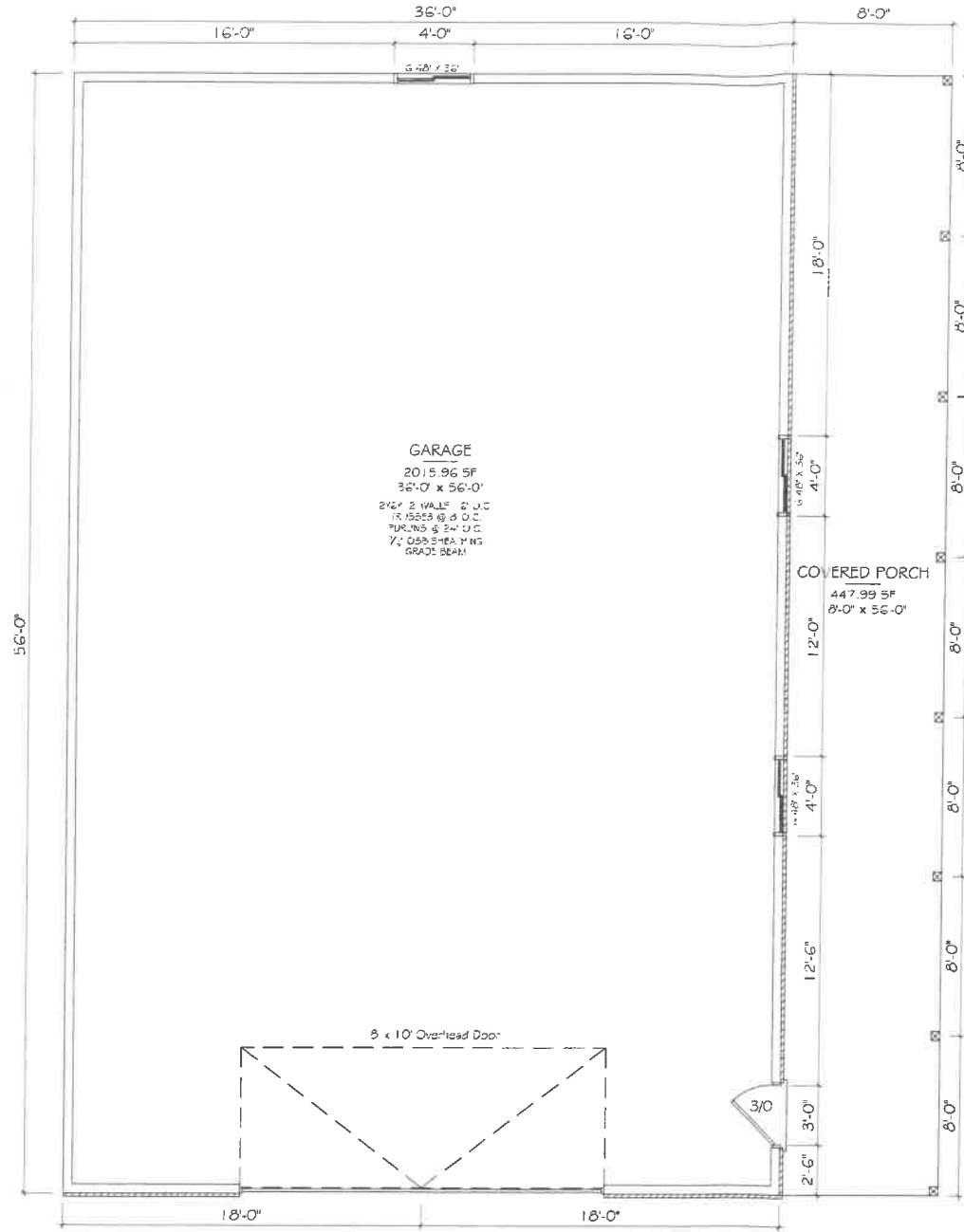
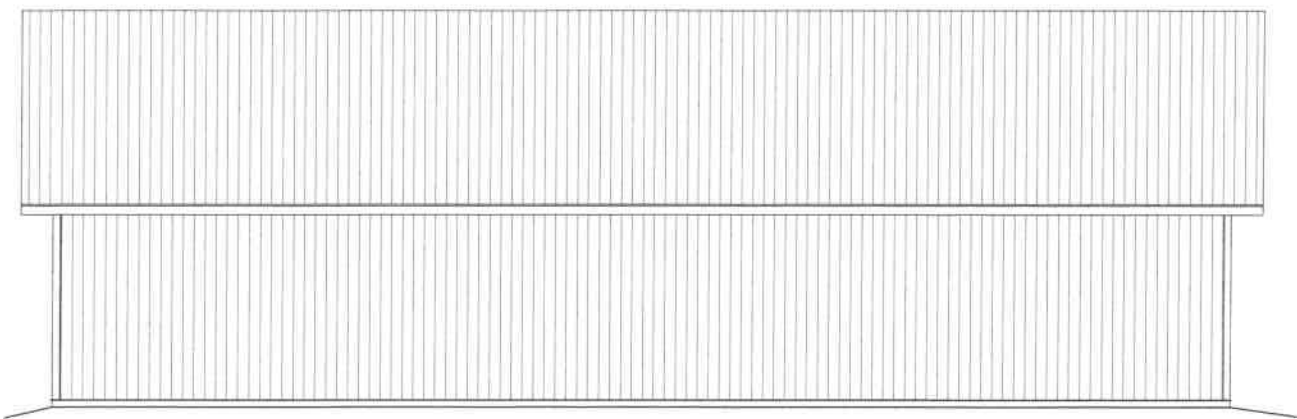




**Elevation Notes:**  
 -1/2 Roof Pitch unless noted  
 Otherwise  
 Truss Mat: STD  
 Truss Top: 1.5.5 + FLOOR BOARDS  
 1.5# felt  
 1.5/2" OSB 5'-EATHING  
 6" AAC CMU  
 Snow Load: 30lb



**ROOF TRUSS NOTE:**  
 ALL CHANGES IN CEILING PLANES  
 SUCH AS, THE HEIGHTS OF CATHEDRAL  
 AND TROY CEILINGS AS WELL AS SPECIFICATIONS  
 FOR ATTIC AND STORAGE TRUSSES ARE DETERMINED  
 BY THE TRUSS DESIGNER.  
 PLEASE REFER TO THE TRUSS SPECIFICATIONS FOR DETAILS.



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

*Preliminary Plans:  
 Not for Construction*

**SEYMOUR LUMBER**  
 OF WISCONSIN, INC.

TELEPHONE: 920.833.2324  
 APPLICABLE: 920.833.2189  
 FAX: 920.833.2189

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208 WEST WISCONSIN STREET  
 SEYMOUR, WISCONSIN 54165

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DATE: 5-16-16  
 CAD FILE: 160511.dwg  
 FINALIZED: DATE FINALIZED  
 DRAWN BY: C. HORNUNG

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VERIFY EXISTING  
 SITE DATA

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Steve Somi  
 PROJECT LOCATION:  
 W5622 Vans Rd., Appleton, WI

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A#M  
 Andy  
 (920) 621-6891

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