



ZONING BOARD OF APPEALS MEETING MINUTES

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

TUESDAY, JANUARY 5, 2016

- 1) Call to Order: Meeting was called to order at 5:02pm.
- 2) Roll Call: Present: Brian Hodgkiss, Ryan Thompson, Tom Capper, Jack Ophoven, Scott Chicoine.
Excused: None.
Staff present: Mark Mommaerts, AICP (Planner)
- 3) Approve Agenda: Motion (Ophoven/Hodgkiss) to approve the agenda. Motion carried unanimously.
- 4) Site Inspections: Departed from Town Hall to conduct site inspections at 5:03pm. Viewed the following properties:
 - a. Variance – David & Allison Blackmer – N6792 Harrison Road.
- 5) Return to Town Hall: Returned to Town Hall from site inspections at 5:35pm.
- 6) Pledge of Allegiance: Pledge was recited.
- 7) Approve Minutes: Motion (Hodgkiss/Ophoven) to approve the August 4, 2015 minutes. Motion carried unanimously.
- 8) Public participation: There was no public comment.
- 9) Convene Meeting and Enter Public Hearing: The Public Hearing was opened at 5:36pm. The following petitions were heard:
 - a. Variance – David & Allison Blackmer – N6792 Harrison Road. The hearing notice was read into the record. Testimony was taken from Allison Blackmer (Petitioner) and David Blackmer who spoke in favor of the variance request. Mrs. Blackmer stated that they need a larger building for boat repairs and refinishing. She also reference the reasons listed in the variance application form. Chairman Thompson asked about the existing shed. Mr. Blackmer responded that it will be torn down. Member Ophoven had a concern that the shed would be built near the stream running through the property. Mrs. Blackmer responded that it will be constructed away from the creek, near the existing building. Chairman Thompson asked if they would be using the existing driveway. Mr. Blackmer responded that it is a shared driveway and will continue to use the existing driveway. They are not requesting a

new access/culvert at this time. No testimony was given in opposition. Staff memo to the Zoning Board of Appeals dated December 28, 2015 was included. Planner Mommaerts stated that he received a call from Deb Dominczak, N6781 Harrison Road, stating that her and her husband, Frank, were in favor of the permit request.

10) Close Public Hearing and Reconvene Regular Meeting: The Public Hearing was closed and the regular meeting reconvened at 5:45pm.

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

- a. Variance – David & Allison Blackmer – N6792 Harrison Road. Member Chicoine asked about the 500-square foot limit in the Shoreland Wetland Overlay zoning requirements. Planner Mommaerts explained that the SWO is a different zoning district and that this property is in the RS-1 & SHO zoning districts. Member Ophoven asked that applicant if they are okay with the conditions listing in the staff report. Allison Blackmer responded that they are okay with the approval conditions.

Motion (Hodgkiss/Ophoven) to approve the variance request with the following conditions:

1. Only one variance will be approved for an accessory building exceeding the size limit for the three lots when under the same ownership.
2. All other zoning ordinance provisions shall be met, including but not limited to, building height and setbacks.

The Zoning Board of Appeals found the following:

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 the Zoning Ordinance because the RS-1 zoning district allows for development of back-lots and the proposed size fits with the surrounding properties.
2. The variance will not permit the establishment of a use which is not permitted or permissible in the district because the RS-1 zoning district allows for development of back-lots.
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 because the development of back-lots is only available to properties along Harrison Road.
4. The literal interpretation of the provisions of the zoning ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same zoning district because other properties along Harrison Road have accessory buildings that exceed the 900 square foot limit.
5. The hardship is not shared generally by other land or buildings in the area because other properties in the area were able to construct accessory buildings exceeding 900 square feet prior to the 900 square foot limit in the Harrison zoning ordinance taking effect for back-lots.

6. The hardship results from the strict application of the zoning ordinance and is not the result of self-created or self-imposed circumstances.
Motion carried unanimously.

12) Items for Discussion: None.

13) Announcements/Correspondence/Meeting Attendance: Planner Mommaerts stated that he will be looking for training opportunities in 2016 for Zoning Board members.

14) Set Next Meeting Date: Next meeting set for February 2, 2016 at 5:00pm.

15) Adjourn: Motion (Chicoine/Hodgkiss) to adjourn at 5:50pm. Motion carried unanimously.

Dated: January 6, 2016

Prepared by: Mark Mommaerts, AICP, Planner



Tom Capper, Secretary 5/2/17
Zoning Board of Appeals Date