



## 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. McMahon 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 McMahon 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*

Craig Majewski      5/1/18

Craig Majewski, Secretary      Date  
Zoning Board of Appeals