

BOARD OF APPEALS
City of Beaver Dam, Wisconsin
Wednesday, July 17, 2019
MEETING MINUTES

PRESENT: Chairperson Mike Wissell, Lowell Peck, Kay Appenfeldt, Heidi Freeby.

ABSENT AND EXCUSED: None.

OTHERS: John Moosereiner, Inspection Services; Petitioners Ellen Schlichting & Mark Tomashek, Steve and Dawn Krezinski, Altine Hesebeck.

Chairperson **Wissell** called the meeting to order at 3:30 p.m. in Room 54 at the Municipal Building and introduced the board members to those in the audience. He also thanked former members Bruce Gall, Del Yaroch and the late Burt Beyer for their years of service on the board.

Motion by **Peck**, second by **Wissell**, to approve the minutes of the May 16, 2018, Board of Appeals meeting, carried by acclamation.

Wissell presented the following petition:

Ellen Schlichting, property owner, **1225 E. Circle Drive**, hereby petitions a variance to **Section 70-84 (7), Accessory Building Setbacks**, of the **Beaver Dam Municipal Code**, for Parcel Number **1214-3322-091** located at **1225 E. Circle Drive** to **construct an 18' x 32' accessory building**. The Owner is providing an accessory building that is 25' off the front property line. Municipal Code requires a 50' front yard setback. The Owner is requesting a variance of 25' for the front yard setback.

Wissell called the public hearing to order and asked if anyone wanted to speak in favor of the petition. Tomashek appeared, stating the lot in question is unique with a lot of slope. They would also not need a driveway cut and the shed is to match the exterior of the house.

Wissell asked if anyone wished to speak against the petition. Hesebeck appeared and asked why the shed couldn't be moved 10 feet to the north? She felt the petitioner misrepresented the variance request information when asking neighbors to sign a petition for it. The Petitioner apologized, and responded that he was mistaken by old information for setbacks. Neighbors questioned how tall shed would be and what plans were for water run-off.

The public hearing was closed and the petition for variance was brought back to the Board for deliberations.

After questions from board members, John Moosereiner reminds the Board that the grounds for variance approval are based on proof of hardship. **Wissell** states that the Board needs to mainly consider if there is a legal standard for the variance and if they are setting a precedent.

Motion to by **Peck** to DENY variance. There was no second and motion died for lack thereof. The Board questions whether this should be tabled until the vacant chair is filled.

Motion by **Appenfeldt**, second by **Freeby**, to approve the variance with the condition that the shed is moved 10 feet North. The petition, as amended, was approved by the following roll call vote: **Ayes: Freeby, Peck, Appenfeldt, 3. Noes: Wissell, 1.**

Freeby moved to adjourn, seconded by **Appenfeldt**, carried by acclamation. The meeting was adjourned at 4:05 p.m.

Jen Klawitter, Recording Secretary