

PORT EDWARDS ZONING BOARD OF APPEALS  
Minutes of meeting held on August 23, 2017

Called to order 4:35 p.m.

Attendance:

Doug Kasten, Gary Blum, Mitch Rasmussen, Leo Thomasgard and Lee Tremmel (Members)  
Richard Piette – Village Administrator, Lisa Onslow

Purpose: To consider the request of Lisa Onslow for a variance reducing the 20 foot side setback to a 9 foot side setback. The owner is asking for special consideration because the existing garage has a side setback of only 9 feet and the owner would like the west walls of the two proposed buildings to line up with the west wall of the existing garage.

Chair Doug Kasten stated that the existing garage has been there for over 50 years and that it is quite a distance from Seneca Road – Lisa Onslow stated that it is 130 feet from Seneca Road. Chair Kasten felt granting the variance would not provide any detrimental effects to the neighbors and stated that none of the neighbors objected to the request. Lisa Onslow presented a letter from the neighbors on the west of her property consenting to the requested variance. Chair Kasten stated that granting the variance would not set a precedence for future requests.

Member Tremmel stated that he felt there has been no proof of unnecessary hardship which is one of the three main criteria for granting a variance. He also stated that after researching this matter, he felt this should not have been a request for a variance before the Zoning Board of Appeals but rather a request for a rezoning of the property to the appropriate commission / committee from A1 Agricultural to R1 Residential. The parcel is not a minimum of 5 acres as required by the zoning ordinance and should therefore be zoned residential. The side setback requirement for R1 Residential is 3 feet, so the proposed buildings would be well within the required setback limit if rezoned.

Member Blum said he agreed with Member Tremmel that the property should be rezoned to R1 Residential, but he felt it would be an unnecessary hardship to the property owner because of the amount of time it would take to have the property rezoned. Chair Kasten and Member Rasmussen expressed their agreement with Member Blum.

Motion by Member Blum to grant the variance; seconded by Member Thomasgard. Motion carried. (Kasten – aye; Blum – aye; Rasmussen – aye; Thomasgard – aye; Tremmel – nay)

Meeting adjourned at 4:53 p.m.

Diane M. Tremmel (Secretary)  
Village Clerk-Treasurer