

**BOARD OF APPEALS
APPROVED MINUTES OF MAY 15, 2019
TOWN OF BEAVER DAM
W8540 COUNTY ROAD W**

Chairman Schmitt called the meeting to order at 7:13pm.

Roll call taken. Present: Chairman Jeff Schmitt, Alan Mannel, Howard Bohl, Del Guenther, Land Use Administrator Dan Prunuske. Absent: Harold Hicks, Susan Reчек, Jesse Hanks.

Meeting was posted April 29, 2019 and published May 1, 2019.

Motion (Guenther/Bohl) to approve the minutes of November 28, 2018. Motion carried.

Chairman opened the public hearing on the application of Alan D. & Sheila L. Mannel for a variance to the terms of s. 62-121(3)(e), Zoning Ordinance, to allow a 10 ft. street setback for a new house on parcel 004-1214-2022-024 at N8439 Sunset Boulevard, and for a garage addition on parcel 004-1214-2022-025 at N8437 Sunset Boulevard, Beaver Dam, WI. Alan Mannel present as applicant and recused himself. No one to present to speak in opposition. Chairman closed the public hearing.

Motion (Bohl/Guenther) to grant variance to allow a 10 foot street setback for a new house on parcel 004-1214-2022-024 at N8439 Sunset Boulevard. Motion carried.

Motion (Guenther/Bohl) to grant variance for a garage addition on parcel 004-1214-2022-025 at N8437 Sunset Boulevard contingent that lots are combined prior to that (Lots 2 and 3 of CSM 6785). Motion carried.

Chairman opened the public hearing on the application of CEE Media, LLC for a variance to the terms of s. 62-214(3), Zoning Ordinance, to allow a 12 ft. x 48 ft. billboard on parcel 004-1114-0144-002 at W7390 State Road 33 (Glander Landscape), Beaver Dam, WI. Mike Butler of CEE Media and Stuart Glander of Glander Landscape present. No one present to speak in opposition.

Motion (Bohl/Mannel) to grant variance to allow a 12'x48' billboard on parcel 004-1114-0144-002 at W7390 State Road 33. Motion carried.

Motion (Mannel/Guenther) to adjourn 7:39pm. Motion carried.

Respectfully submitted,

Kristine Klodowski, Secretary

**BOARD OF APPEALS
APPROVED MINUTES OF JUNE 12, 2019
TOWN OF BEAVER DAM
W8540 COUNTY ROAD W**

Chairman Schmitt called the meeting to order at 7:13pm.

Roll call taken. Present: Acting Chairman Del Guenther, Susan Reчек, Alan Mannel, Harold Hicks, Howard Bohl, Land Use Administrator Dan Prunuske. Absent: Jeff Schmitt.

Meeting was posted June 4, 2019 and published June 4, 2019.

Motion (Bohl/Hicks) to approve the minutes of May 15, 2019. Motion carried.

Chairman opened the public hearing on the application of Kevin Raether, agent for Noreen Rueckert and the Alan Matuszeski estate for a variance to the terms of s. 62-63(2)(n), Zoning Ordinance, to allow creation of a parcel larger than 1.5 acres containing a non-farm single-family dwelling. Kevin Raether present. Would like to create a 6-7 acre parcel that includes the current residence and then a parcel that is approximately 73 acres. Prunuske indicated intent of original ordinance was to preserve farm land; however, majority of acreage is wetland and forest land. Earl Voigt, neighboring property owner present, has no problem with variance. Chairman closed the public hearing.

Motion (Mannel/Hicks) to approve variance request. Motion carried.

Chairman opened the public hearing of Alan D. & Sheila L. Mannel for a variance to the terms of s. 62-7(c), Zoning Ordinance, requiring a full basement for a new single-family residence on parcel 004-1214-2022-024 at N8439 Sunset Boulevard. Alan Mannel present and recused. Being on the lake and with high water level, would like permission to have a crawl space instead of a full basement. Discussion. No one else present for or against. Chairman closed the public hearing.

Motion (Reчек/Bohl) to approve the variance. Motion carried.

Motion (Hicks/Reчек) to adjourn 7:16pm. Motion carried.

Respectfully submitted,

Kristine Klodowski, Secretary

BOARD OF APPEALS
APPROVED MINUTES OF JULY 10, 2019
TOWN OF BEAVER DAM
W8540 COUNTY ROAD W

Chairman Schmitt called the meeting to order at 7:03pm.

Roll call taken. Present: Chairman Jeff Schmitt, Del Guenther, Susan Reчек, Harold Hicks, Howard Bohl, Land Use Administrator Dan Prunuske. Absent: Alan Mannel. Town Board members present: John Kuzniewicz, Joe Kern, Jesse Hankes.

Meeting was posted and published June 25, 2019.

Motion (Guenther/Bohl) to approve the minutes of June 12, 2019 with the correction and removal of Jesse Hankes as absent. Motion carried.

Chairman opened the public hearing on the application of CEE Media, LLC. for a variance to the terms of s. 62-214(3), Zoning Ordinance, to allow a 12 ft. x 48 ft. billboard on parcel 004-1114-0144-001 at W7352 State Road 33 (Ptaschinski, LLC.), Beaver Dam, WI. Applicant, Mike Butler of CEE Media, LLC present. Was present 2 months ago and the DOT did not allow for construction as it was too close to the turn lane for Fabisch Road, hence the relocation. No one else present for or against. Chairman closed the public hearing.

Motion (Bohl/Guenther) to approve the variance. Motion carried.

Chairman opened the public hearing on the application of Allen L. & Rhonda M. Steiner for a variance to the terms of s. 50-3, Street Ordinance, prohibiting any structure in the Town road right-of-way in front of parcel 004-1214-3531-007 at N7440 Beier Hill Road. Applicants, Allen and Rhonda Steiner present. All board members received a packet from the Steiner's prior to the start of the meeting. Rhonda Steiner thanked board for being here. Start of column construction began September 15, 2017. Sat until May 2018 with decorative stone. June 2018 all of the finishing work was done and the landscaping. Three weeks later they received a letter from Town to tear them down. Steiners appeared before Town Board at August 2018 meeting. The columns not on site plan. Light posts on page 1 of Contractor's Specifications. Steiner pointed out "website indicates application will be reviewed and if anything else is needed, we will let you know". Conditional Land Use Permit was issued without condition of light posts. Steiner's acknowledge they are 30" into right of way and they acknowledge such as they accommodate water flow of subdivision and utilities that would normally be in the right of way versus their front yard. Subdivision covenants require light in yard. Drove through other subdivisions in the Town and discovered there are others that would be in the right of way and wondered about the process that allowed such. May 2019 received another letter from Town requiring removal. Steiner's appeared at the Town Board meeting in June 2019. Rhonda Steiner distributed packets of pictures of other properties that have items in the right of way. Steiner asked Board if enforcement of items in the right of way shouldn't be consistent instead of arbitrary.

Chairman spoke with Town's Attorney regarding the matter. Attorney Uttech indicated it is not reviewable by the Board of Appeals as it is not on the Steiner's property, but in the road right of way. Statute is clear about what can happen. Land Use Code for Town is clear about what can happen. Schmitt reviewed other options available, including the option of a property owner "acquiring the property". Guenther inquired why it is brought before the Board of Appeals if they do not have jurisdiction. LUA Prunuske indicated the Steiner's needed to exhaust all of their administrative remedies prior to going to court. Guenther asked to proceed with meeting and not worry about the attorneys. Bohl stated responsibility is to be within the setback of the road, but not the public domain. LUA indicated the "masonry columns" were on a list of specifications, but not listed on the land use permit nor shown on the site plan.

Steiner would like to know the Town Board is willing to work with them and she is willing to get an easement. Town Board Chairman Kuzniewicz cited Wi State Statute 86.04 and indicated Board of Appeals does not have the power to grant variance. Discussion. Recheck asked if Board had authority. Schmitt relayed that Town Attorney advised that Board of Appeals could not approve the variance.

Adam Kreitzman, son of applicant present. Works in law enforcement and encouraged Town Board and Board of Appeals to be more consistent as it does not look well on the Boards. Chairman closed the public hearing.

Bohl, Recheck, Hicks, Guenther and Schmitt all agree that the Board of Appeals should not take any action. Steiner inquired about expense of purchasing an easement and LUA reviewed the steps.

By order of Chair, no action by Board of Appeals. Guenther would like to see a statement from Town's Attorney.

Motion (Bohl/Recheck) to adjourn 7:59pm. Motion carried.

Respectfully submitted,

Kristine Klodowski, Secretary

**BOARD OF APPEALS
APPROVED MINUTES OF AUGUST 21, 2019
TOWN OF BEAVER DAM
W8540 COUNTY ROAD W**

Acting Chairman Guenther called the meeting to order at 7:05pm.

Roll call taken. Present: Del Guenther, Susan Reчек, Harold Hicks, Howard Bohl, Al Mannel, Land Use Administrator Dan Prunuske. Absent: Chairman Jeff Schmitt.

Meeting was posted August 13, 2019 and published August 10, 2019.

Motion (Bohl/Hicks) to approve the minutes of July 10, 2019. Mannel abstained, not present at meeting. Motion carried.

Chairman opened the public hearing on the application of Dale and Susan Pangborn for a variance to the terms of s. 50-56(a), Driveway Ordinance, to allow 2 driveways on a residential parcel, also to renew previously granted but expired variances to allow improvements to an existing nonconforming structure and porch construction in the street yard all on parcel 004-1214-2123-020 at N8358 Hickory Lane.

Applicants present. Dale Pangborn shared that him and his wife, Susan Pangborn live in one half of duplex and mother and mother-in-law live in other half. Pangborn was not aware of 1 year window to use previously granted variance. Pangborn would like to construct 2 front porches and 2 screen porches. New variance request is to have a second driveway access off of Hickory for an additional garage.

LUA Prunuske indicated it is a 2 family (R-2) property in a R-1 zoned neighborhood. The current ordinance prohibits allowing any improvements.

Ron Hauser, W8831 Burr Oak Drive, neighboring property owner, present and in favor of. Hauser indicated the neighbors are in favor of as well. No one present opposed.

Acting Chairman closed the public hearing.

Discussion. Motion (Mannell/Hicks) to approve variance as requested and extend/renew previously granted variance. Motion carried.

Guenther went on record as requesting any future legal opinions shared be substantiated in writing.

Motion (Bohl/Hicks) to adjourn 7:34pm. Motion carried.

Respectfully submitted,

Kristine Klodowski, Secretary

**BOARD OF APPEALS
UNAPPROVED MINUTES OF DECEMBER 4, 2019
TOWN OF BEAVER DAM
W8540 COUNTY ROAD W**

Meeting called to order at 7:11pm.

Roll call taken. Present: Del Guenther, Susan Reчек, Harold Hicks, Jeff Schmitt, Howard Bohl, Land Use Administrator Dan Prunuske.

Meeting was posted November 21, 2019 and published November 26, 2019.

Motion (Guenther/Hicks) to approve the minutes of August 21, 2019. Motion carried.

Schmitt read application by United Cooperative for a sign variance. Steve Oakley expressed concern about light from sign reflecting on his property. After explanation of the light, did not feel it would be an issue.

Schmitt closed public hearing and opened for discussion.

Motion (Guenther/Hicks) to approve. Motion carried. Bohl abstained.

Motion (Guenther/Reчек) to adjourn 7:26pm. Motion carried.

Respectfully submitted,

Howard Bohl