

ADAMS COUNTY
BOARD OF ADJUSTMENT
MONTHLY MINUTES:
SEPTEMBER 19, 2012

On Wednesday September 19, 2012 at 9:30 A.M. Chairman Ivan Morrow called the Adams County Board of Adjustment meeting to order with the following members present; Cathy Croke, Secretary; Robert Beaver, Tom Feller and Robert Benkowski. Others present were: Phil McLaughlin, Zoning Administrator and Cathy Allen Recording Secretary. Was this meeting properly announced? Phil McLaughlin stated that it was. Public Hearings: Richard Buckminster – Special Exception Permit request under Section 3-3.03 of the Adams County Comprehensive Zoning Ordinance to allow a the construction of a residential accessory building without a primary structure in an A1 Exclusive Agriculture District on property located in the NE ¼, NW ¼, Section 16, Township 14 North, Range 6 East on Hwy Q, Town of Dell Prairie, Adams County, Wisconsin. Tom Feller made a motion to grant the Special Exception Permit. Cathy Croke seconded the motion. Discussion followed. Roll Call Vote: 5 – Yes. Motion carried. Hans Juergen Lang – Appeal under Section 4-6.05 of the Adams County Comprehensive Zoning Ordinance to Administrative action in which an Order for Correction was issued for a fence/structure constructed in violation of Section 3-4.04(A) (E) exceeding height limit and constructed without a permit; and Section 5-6B.04(B) road setback, on property located in the SW ¼, SE ¼, Section 30, Township 18 North, Range 6 East, at 1776 13th Drive, Town of Preston, Adams County, Wisconsin. Mr. Lang was present with a representative from the law Firm of Boardman & Clark, LLP. Pictures were presented. Owner stated that the fence was needed because of thefts that had occurred from his property. He also stated that he was responsible for marking the property line for the contractor. It was pointed out that if the owner would have checked to see if a permit was required, he would have been made aware of the road setback requirements and height limitations, and would not be in this situation. Discussion was held regarding power company and telephone easements. Mr. McLaughlin stated that the Board's objective today was to decide if the Order for Correction issued by him was to be upheld in its entirety or not. Discussion was held. Bob Beaver made a motion to postpone the decision for sixty (60) days, to allow the appellant more time to explore other avenues of possible correction. Cathy Croke seconded the motion. All in favor. Motion carried.

Robert Benkowski was excused from the remainder of the meeting at 10:20 A.M.

Ronald & Barbara Von Haden – After the Fact Variance request to Section 10-4B.01(C) & (F) of the Adams County Shoreland, Wetland and Habitat Protection Ordinance to allow a garage that was constructed without permits to remain at 33' from the centerline of A Street and 2 ½ ft. from the side lot line on property located in the NW ¼, SE ¼, Section 18, Township 19 North, Range 5 East, Lots 4-13 of Roberts Subdivision, NKA Lot 1 of CSM 4533 at 1945 Bighorn Drive, Town of Monroe, Adams County, Wisconsin. (Required setbacks are 63' from centerline and 10" from side lot line.) Discussion was held regarding the lack of a building permit and required setbacks. Dwaine Hays, Chairperson for the Town of Monroe informed the Board that although the town does not issue permits for garages/accessory buildings, the setback for a dwelling is 33' from the center of the road and probably would have objected to the less than 10' side lot setback. Cathy Croke was surprised that Hartje didn't ask to see the building permit. Discussion followed. Bob Beaver made a motion to do a site visit of the property. Cathy Croke seconded the motion. It was decided that the on-site would be on October 17, 2012 at 8:45 A.M., with Public Hearings to follow. Roll Call Vote: 4 – Yes. Motion carried. Dale J Haddon – Appeal under Section 4-6.05 of the Adams County Comprehensive Zoning Ordinance to Administrative action in which the petitioner was directed to stop renting property out on a temporary basis (Defined as renting to a party for a period of

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thirty (30) continuous days or less.) located in the NE ¼, NW ¼, & Pt of the SE ¼, NW ¼, Section 29, Township 14 North, Range 7 East, at 562 Golden Ct., Town of New Haven, Adams County, Wisconsin. Phil McLaughlin informed the Board of the lengthy process it has taken to get to this point with the Haddon's. Starting with a complaint from the township and neighbors as to problems caused by short term renters, to a previous Appeal to the Board of Adjustment, an application for a Conditional Use before the Planning & Zoning Committee, (which was determined not allowed because it was not listed as a CUP per case law) to a letter telling them that they can no longer rent the property on a temporary basis, because they could not provide written proof of rental prior to 1998 when the Town of New Haven adopted County Zoning. Mr. Haddon produced affidavits from people stating that they rented the property prior to 1998. Mr. McLaughlin verified with Corporation Counsel that those affidavits were not a legal form of proof. Bob Beaver made a motion to uphold the Zoning Administrator's decision. Tom Feller seconded the motion. Roll Call Vote: 4 – Yes. Motion carried.

Minutes: Phil McLaughlin presented the Board with the minutes from the August 15, 2012 Board of Adjustment meeting for their review. Cathy Croke made a motion to approve the minutes as presented. Ivan Morrow seconded the motion. All in favor. Motion carried

Correspondence: None.

The next Board of Adjustment meeting will be on October 17, 2012 with an onsite at the Ronald Von Hadon property located at 1945 Bighorn Drive, Town of Monroe, with Public Hearings to immediately follow at the Courthouse, Room A260.

Bob Beaver made a motion to adjourn. Ivan Morrow seconded the motion. All in favor. Motion carried.

ADJOURNED: 11:34 A.M.

Ivan Morrow, Chairman

Robert Benkowski

Catherine Croke, Secretary

Tom Feller

Robert Beaver

Robert Donner (Alternate)

Cathy Allen, Recording Secretary

THESE MINUTES HAVE NOT BEEN APPROVED BY THE COMMITTEE