

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT SUBSEQUENT MEETING

**VILLAGE OF NEW GLARUS
ZONING BOARD OF APPEALS MINUTES
3/25/21 AT 6:00 PM
REMOTE MEETING**

Call to Order Chair Chuck Phillipson called the meeting to order at 6:00 PM

Present: Chuck Phillipson, Dorene Disch, Beth Luchsinger, Randy Kruse, Monika Pernot

Approval of the Agenda: Beth L moved approval of the agenda, Dorene D. Seconds. Motion passes 5-0

Consideration/Discussion: Variance per 305-15(D)(5)(a) - Lot Area Per Dwelling Unit of the municipal code of the Village of New Glarus. Property located at 506 and 508 2nd Street [tax parcel 23-161-43.0100]: The Village Attorney Bill Morgan objected to the granting of the variance on behalf of the Village as the application had not proven a case of hardship and met the criteria necessary for the granting of the variance. In his opinion, the Zoning Board of Appeals did not have the authority to grant this variance as the hardship was self-imposed. Attorney Morgan suggested the applicant redraft the CSM with a dividing line resulting in two compliant lots to achieve their desired goal.

Beth Luchsinger moved to postpone the item indefinitely. Randy Kruse Seconds. Motion passed 5-0

Adjournment: The meeting stood adjourned at 6:45 PM.

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**VILLAGE OF NEW GLARUS
ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 8, 2021**

REMOTE MEETING ZOOM:

<https://us02web.zoom.us/j/89963365295?pwd=UkhXbVA1bStjQjB1a0hBOVdBV1VuQT09>

or Dial (312)626-6799

Meeting ID: 899 6336 5295

Passcode: 161985

PUBLIC HEARING – VARIANCE – FRONT YARD SETBACK APPLICATION FROM DUSTIN AND SAVANNA NETTESHEIM

PRESENT: Bill Bigler, Beth Luchsinger, Chuck Phillipson, Monika Pernot. ABSENT: Peggy Blumer, Mike Ganshert, Randy Kruse. ALSO PRESENT: Dustin Nettesheim, Village Attorney Bill Morgan, Village Administrator Drake Daily, and Deputy Clerk Wendy Tschudy.

Chairman Chuck Phillipson opened the public hearing at 6:00 p.m.

With no public comments Chairman Chuck Phillipson closed the public hearing.

CALL REGULAR MEETING TO ORDER: Chairman Chuck Phillipson called the regular meeting to order at 6:02 p.m. PRESENT: All those present at the public hearing. Chair Phillipson confirmed a quorum of 4 board members were present.

APPROVAL OF AGENDA: Motion by Beth Luchsinger to approve the agenda as presented, second by Bill Bigler. Motion carried. (4-0)

APPROVAL OF MARCH 18, 2021 MINUTES: Bill Bigler moved to approve the minutes of March 18, 2021, second by Beth Luchsinger. Motion carried. (4-0)

CONSIDERATION/DISCUSSION: VARIANCE PER 305-165(D)3 [RE: Front Yard Setbacks] OF THE MUNICIPL CODE OF NEW GLARUS. Property located at 512 10th Avenue [tax parcel 23-161-351.0000] Dustin and Savanna Nettesheim are requesting a variance from the front yard setbacks in order to add on to the front of their residence at 512 10th Avenue.

After Chairman Chuck Phillipson raised the issue, Attorney Morgan confirmed that state statutes do appear to require a super majority of 4 members to approve the variance request. Chuck then asked board members if they wished to continue or adjourn until there could be 5 members present, as that could impact the final decision. The consensus was to continue, and Attorney Morgan confirmed that code allows for a quorum of 4 and it was ok to continue with current quorum.

Administrator Daily asked to clarify how much of the 25 foot setback is needed for the variance, and it was confirmed that the proposed structure would begin 9 feet past the sidewalk, requiring a variance of 16 feet.

Chairman Chuck Phillipson asked for applicant's statement. Dustin Nettesheim explained that his home has two bedrooms and they were looking to add a garage and two bedrooms on the front of the house to the smallest extent to address the concerns. The basement is not useable due to headroom. This solution removes the vehicles from being parked on the street, as it will become busier with the new school and potentially a new library nearby.

Chuck Phillipson asked what is the hardship, and why not extend the house at the back side. Dustin replied that he had no access to a rear addition due to the rooms on the back side of the house. Chuck noted that situations like this can be overcome.

Monika Pernot feels that the garage is an important part of the addition, so the siting to the front is important.

Bill Bigler asked if the proposal would block views for neighbors backing out of their driveways. Dustin did not see any problems.

Bill Morgan asked about the rendering submitted with the variance application which shows a retaining wall at the sidewalk. A retaining wall within the setback should be a separate variance request, and Dustin stated that he was ok with no approval of the retaining wall.

Beth Luchsinger feels that the homeowner has checked out all options and the option presented is the most viable.

Chuck Phillipson asked if the Zoning Administrator was present, and Drake Daily confirmed that he is not present.

Village Attorney Bill Morgan objected to the granting of the variance on behalf of the Village as the application had not proven a case of unnecessary hardship and not met the criteria necessary for the granting of the variance. In addition, he sees a problem with a shortened driveway and the inability to park a vehicle in the driveway without obstructing the sidewalk, which is a code violation. He states that vision at 506 10th Avenue next door would be impeded by the retaining wall. Attorney Morgan stated that the circumstance is not unique to this property and that the granting of a variance would be contrary to the public interest.

Chair Phillipson asked for further questions, or if there was anyone from the public who wished to speak to this.

Dustin Nettesheim stated that the neighbors also have issues with vehicles obstructing the sidewalk and limited driveway visibility.

Monika Pernot stated her approval of the plan and likes that people have moved back to New Glarus and want to improve their property, and that it's not their fault that cars are larger and houses smaller than when this house was built 100 years ago.

Chair Phillipson would entertain a motion. Motion by Monika Pernot, second by Beth Luchsinger to accept the request of the Nettesheims for a variance request for front yard setback.

Administrator Daily asked for clarification of the motion, is it for 16' of setback for the structure or for the structure and zero setback for the retaining wall as shown in the attachments to the variance application. Monika clarified that her motion was for everything as illustrated in the attachments. Beth Luchsinger clarified that her second for Monika's motion is still accurate.

Roll Call Vote: Bill Bigler-no; Beth Luchsinger-yes; Monika Pernot-yes; Chuck Phillipson-no. Motion failed (2-2).

ADJOURNMENT: Meeting stood adjourned at 6:52 p.m.

Minutes taken by: Wendy Tschudy

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**VILLAGE OF NEW GLARUS
ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 29, 2021**

REMOTE MEETING ZOOM:

<https://us02web.zoom.us/j/85810531928?pwd=KzIvRXNiVTI2U0Q5eC9aMkp2NGFZQT09>

or Dial (312)626-6799

Meeting ID: 858 1053 1928

Passcode: 985469

CALL TO ORDER: Chairman Chuck Phillipson called the regular meeting to order at 6:00 p.m.
PRESENT: Bill Bigler, Peggy Blumer, Mike Ganshert, Beth Luchsinger, Chuck Phillipson, Monika Pernot (2nd alternate). ABSENT: Randy Kruse (1st alternate). ALSO PRESENT: Dustin Nettesheim, Village Attorney Bill Morgan, Zoning Administrator Scott Jelle, Village Administrator Drake Daily, and Deputy Clerk Wendy Tschudy. Chair Phillipson asked Attorney Morgan for clarification of the quorum required. Attorney Morgan stated that he had done additional research and found that state statute has changed and a quorum of 4 plus a super majority for votes is no longer required by state statute. It is required by village code, which has not been updated to reflect the change in statutes, so his advice would be to follow statutes to be safer and treat a quorum as three and votes as a majority of those present. Chair Phillipson confirmed a quorum of 5 standing committee members were present.

APPROVAL OF AGENDA: Motion by Beth Luchsinger to approve the agenda as presented, second by Bill Bigler. Motion carried. (5-0)

APPROVAL OF JUNE 8, 2021 MINUTES: Bill Bigler moved to approve the minutes of June 8, 2021, second by Beth Luchsinger. Motion carried. (5-0)

MOTION TO RECONSIDER: VARIANCE PER 305-165(D)3 [RE: Front Yard Setbacks] OF THE MUNICIPAL CODE OF NEW GLARUS. Property located at 512 10th Avenue [tax parcel 23-161-351.0000] Motion by Bill Bigler to reconsider the variance request, second by Mike Ganshert. Motion carried (5-0)

CONSIDERATION/DISCUSSION: VARIANCE PER 305-165(D)3 [RE: Front Yard Setbacks] OF THE MUNICIPAL CODE OF NEW GLARUS. Property located at 512 10th Avenue [tax parcel 23-161-351.0000]

STATEMENT OF THE NATURE OF THE CASE BY THE CHAIR: Administrator Daily explained that by reconsidering the variance, it is as if no action had been taken previously. Front yard setbacks are no less than 25 feet, and this applicant is requesting a 9 foot setback requiring a 16 foot variance of the code.

APPLICANT STATEMENT: Dustin Nettesheim explained that his street will become a major access to the new school. His current garage is unusable and without the addition, they would have to move because there are no feasible options to add a garage onto the back side of the house.

QUESTIONS BY BOARD MEMBERS: Mike Ganshert asked how long ago the home was purchased, and Dustin Nettesheim replied December 2016.

STATEMENT BY ZONING ADMINISTRATOR AND/OR VILLAGE ATTORNEY: Zoning Administrator Scott Jelle pointed out that the bird's eye view in the submission shows that the retaining wall is closer to the road than the proposed garage. Beth Luchsinger stated that we can't discuss the retaining wall. Village Attorney Morgan indicated that the meeting notes summarize the Village's recommendation to deny the application, based on lack of hardship, unnecessary hardship due to unique property condition, and public interest. He stated that the proposed plans leave not enough room to park in the driveway without also parking in the sidewalk and this is not code compliant.

QUESTIONS BY BOARD MEMBERS: Peggy Blumer asked how many houses in the village do not have a 25 foot setback. Chuck Phillipson explained that we do not have that information and that some houses were built prior to the ordinance. Beth Luchsinger stated that at many homeowners have to park across sidewalks, so she wouldn't base her vote on that, and homeowners try not to but it happens. She looked at the property and the house doesn't have the appearance of being obtrusive. She might consider it a hardship if they can't improve vs. relocating. Peggy Blumer agrees, especially with the tight housing market. Attorney Morgan indicated that the hardship refers to the property, not the family. Mike Ganshert stated that in the past, the village has approved variances easily and will pay for it. Beth Luchsinger asked how. Mike Ganshert replied that the village has not seen the hardship side. Beth Luchsinger talked about parking in the garage vs. on the driveway, and the fact that there is no way to build the garage in the back without it being too costly.

STATEMENTS BY INTERESTED PERSONS: Alternate member Monika Pernot agrees with Peggy and Beth, that the intent is to get cars off the sidewalk and into a garage. She feels that it is a hardship and the intent is to move cars away from traffic and pedestrians.

QUESTIONS BY BOARD MEMBERS: No additional questions.
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APPLICANT REBUTTAL: Dustin Nettesheim stated that the proposed small addition would guarantee that the sidewalk would not be blocked, and that he counted 12 area properties where the setback is less than 25 feet, although many are corner houses where side yard requirements are different from front yard requirements. Mike Ganshert asked if we can assume they are variances? Administrator Daily stated that we don't know.

Motion by Beth Luchsinger to approve the variance request as presented, second by Peggy Blumer. Roll Call Vote: Bill Bigler-no, Peggy Blumer-yes, Mike Ganshert-no, Beth Luchsinger-yes, Chuck Phillipson-no. Motion failed (2-3).

ADJOURNMENT: Meeting stood adjourned at 6:32 p.m.

Minutes taken by: Wendy Tschudy

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