

Town of Lyndon – Board of Appeals Minutes

July 15, 2009

Onsite Inspection at 6:00 P.M. – N3456 North Avenue, Cascade, WI

Adjourn Meeting to Town Hall, W6081 County Road N, for 7:00 P.M. Public Hearing

Meeting Minutes

1. Chair, Ray Zimmermann, called the meeting to order at 7:00 pm followed by the Pledge of Allegiance.
2. Take Role & Confirm Quorum is present – Present: Ray Zimmermann, Pat Roby, Ruth Drewry, Jon Kennedy and Katie Roberts.
3. Determination of Compliance with open meeting law – publication – Publication of the Public Hearing was done in the Plymouth Review on June 30 and July 7, 2009. Posting of the Notice of Public Hearing was done on June 24, 2009 and letters to the neighbors were sent at this time. Posting of the Board of Appeals meeting was done on Friday July 10, 2009.
4. Presentation and approval of prior meeting minutes - There were no previous minutes for this issue.
5. Public Hearing -
 - a. Open Hearing - Zimmermann opened the Public Hearing at 7:15 pm.
 - b. The application for variance was read by Chair Zimmermann. He asked the board if anyone had any personal interest or relationship that would prevent them from making a fair and unbiased decision on this issue. There were none.
 - c. Report on Site Inspection – Zimmermann reported results of on site inspection and asked if there were any questions on this.
 - d. Comment from Plan Commission Chair – There was no comment at this time from Jerry Rosche, but he said he would answer questions as they arose.
 - e. Related Correspondence – Sally Marver reported there had been no contact or correspondence received from the public in response to the publication or letters sent to the neighbors.
 - f. Disclose any ex parte communication – No one had been approached or contacted to discuss this matter.
 - g. Public Comments – No one in the audience had any comment.
 - h. Request Statement/Response by Applicant (Kraemer) – Norbert Kraemer described the lot he was proposing and said it will be A-5 as this would limit the number of livestock.
 - i. Final Questions – Final questions were asked of Kraemer.
 - j. Close Record and Hearing – Zimmermann passed out information he had gathered from the Town of Lyndon Smart Growth Plan to provide any necessary basis for interpretation of Zoning, and excerpts from Ziervogel vs. Washington County Board of Adjustments to further the Board’s understanding of their role in decision making on variances.
6. Board Member Discussion and Action on Kraemer Variance(s) Request
 - a. Rear yard setback – The variance request is asking for a 65’ setback from the barn to the rear lot line. If the 100’ setback is to be adhered to, it would cut into prime tillable

farmland. It was discussed and all agreed that the straw barn could house animals so it should be considered as part of the barn. This would make the setback 56' instead of 65' setback. Roby felt if the 100' was adhered to, it would actually be going against the intent of the ordinance to preserve as much farmland as possible.

Roberts moved, 2nd by Drewry, to grant the variance for the rear lot, to follow the yellow line on the exhibit map. Roll call vote was: Roby-yes, Zimmermann-yes, Drewry-yes, Kennedy-yes, and Roberts-yes. All in favor, motion carried.

- b. Side yard setback – Kraemer was requesting an angled lot line to retain his ownership of the driveway on the east side of the lot. There is another driveway for the home. Kraemer explained to put a new drive in for the field would take a great deal of landscaping. Zimmermann explained it would be hard to prove a hardship given the availability of the land to the east where a new driveway could be located. Zimmermann had contacted Matt Mrochinski (Sheboygan County Planning & Resources) and Matt felt that the land to the east was viable for a driveway but suggested that the DNR be contacted to see if any of this was considered wetlands. It was suggested that Kraemer contact the Town of Lyndon DPW for the placement of an alternate drive and also the DNR to see if a new driveway would be permissible. If a new driveway would not be allowed, Kraemer could cite hardship to the Board of Appeals in order to keep the existing driveway. Zimmermann moved, 2nd Roberts, to table this issue and adjourn the meeting until further information is gathered. Meeting adjourned at 8:35 pm.

Ray Zimmermann
Chairman