

**Village of Colfax
Zoning Board of Appeals
Meeting Agenda
Monday, August 10, 2015
5:30 p.m.
Village Hall, 613 Main Street, Colfax WI**

1. Call to order
2. Roll call
3. Public appearances
4. Open Public Hearing – Variance Request for 305 Main Street
5. Close Public Hearing
6. Discussion of public comments and consideration of variance request approval or denial.
7. Adjourn

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact: Lynn Niggemann, Village Administrator-Clerk-Treasurer, 613 Main Street, Colfax, WI (715) 962.3311 by 2:00 p.m. the Friday prior to the meeting so that any necessary arrangements can be made to accommodate each request.

It is possible that members of and possibly a quorum of members of the governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Village of Colfax

Box 417 - Colfax, Wisconsin 54730 - Phone 715-962-3311

Scott A. Gunnufson, President
Lynn M. Niggemann, Administrator-Clerk-Treasurer

APPLICATION FOR VARIANCE FROM THE ZONING CODE

Date: 6-6-15

Name: Ron T. & Evia Gehrman

Address: 305 main st.

Phone: 715-962-2616 715-651-5302

PROPERTY OWNER IF DIFFERENT THAN ABOVE:

N/A

Location of property for which you are requesting a variance (attach Map):

S16/T29/R11

EXACT LEGAL DESCRIPTION OF PROPERTY:

Single Family Residence

CURRENT ZONING: R-1

PROPOSED VARIANCE: Bring House + Deck to existing dimensions
15'-6" to curb

PROPOSED USE OF PROPERTY (ATTACH SITE PLAN):

NONREFUNDABLE FEE: \$25.00

RECEIPT # 15528

TO VILLAGE BOARD: _____

TO PLAN COMMISSION: _____

PUBLICATION DATES: _____

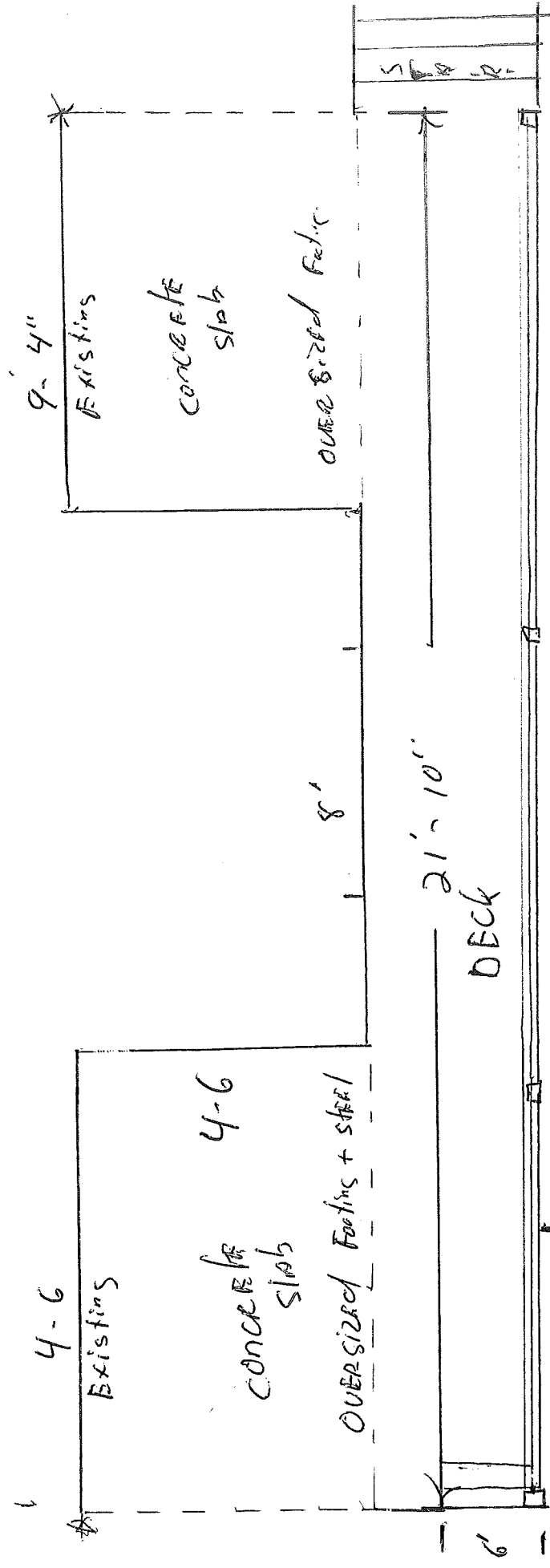
Evia Gehrman

Applicant's Signature

Rec'd 6-8-15

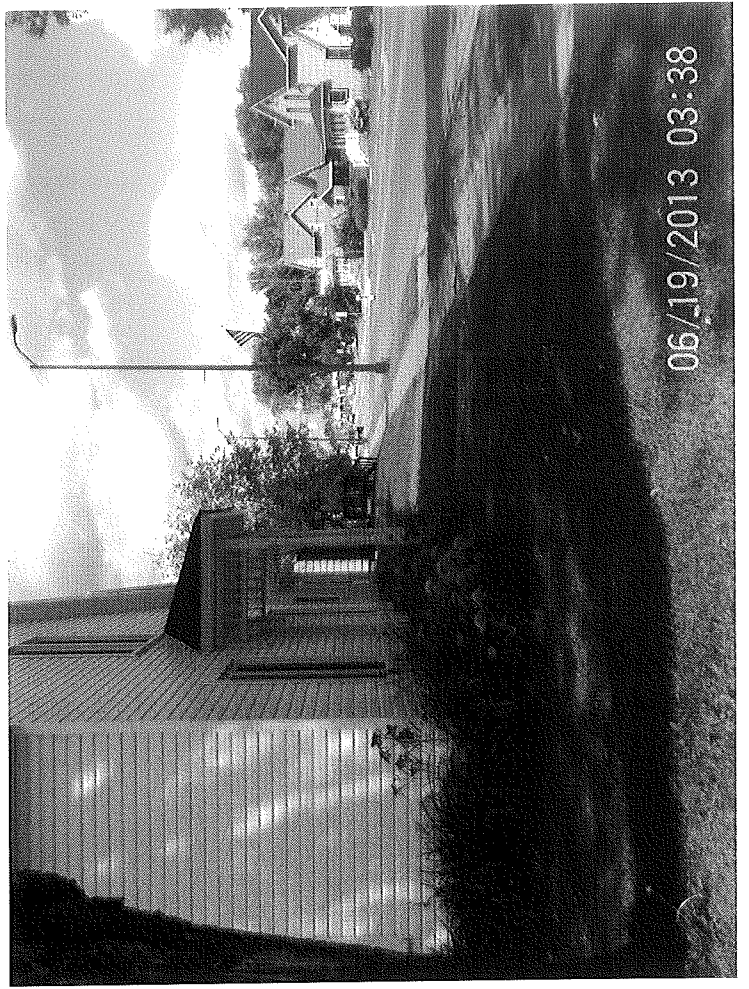
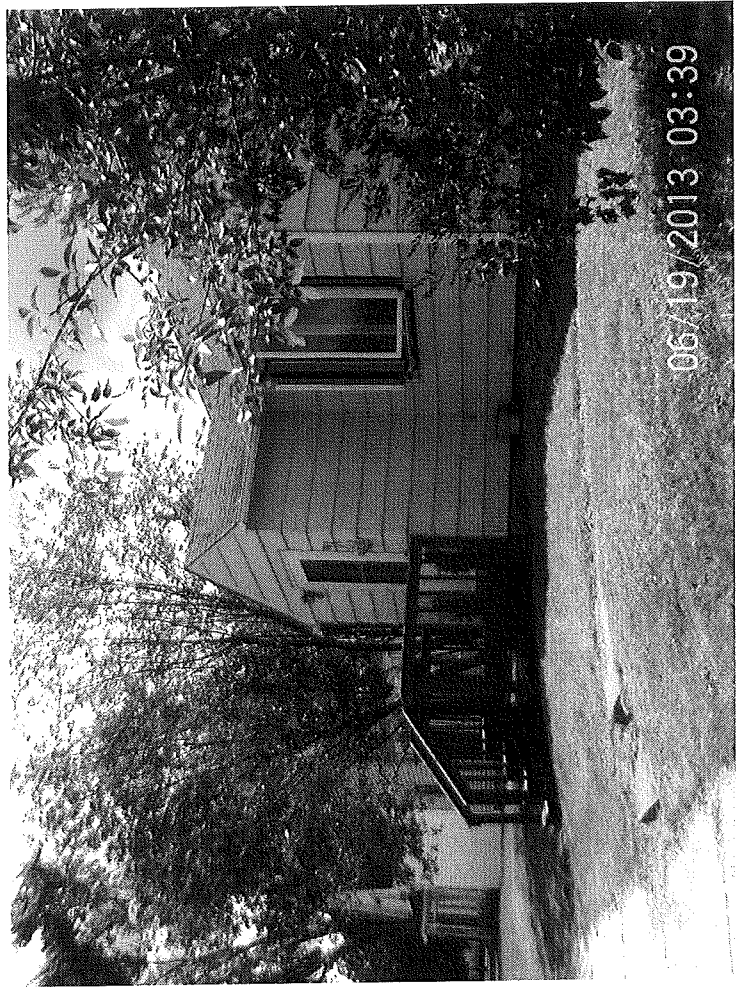
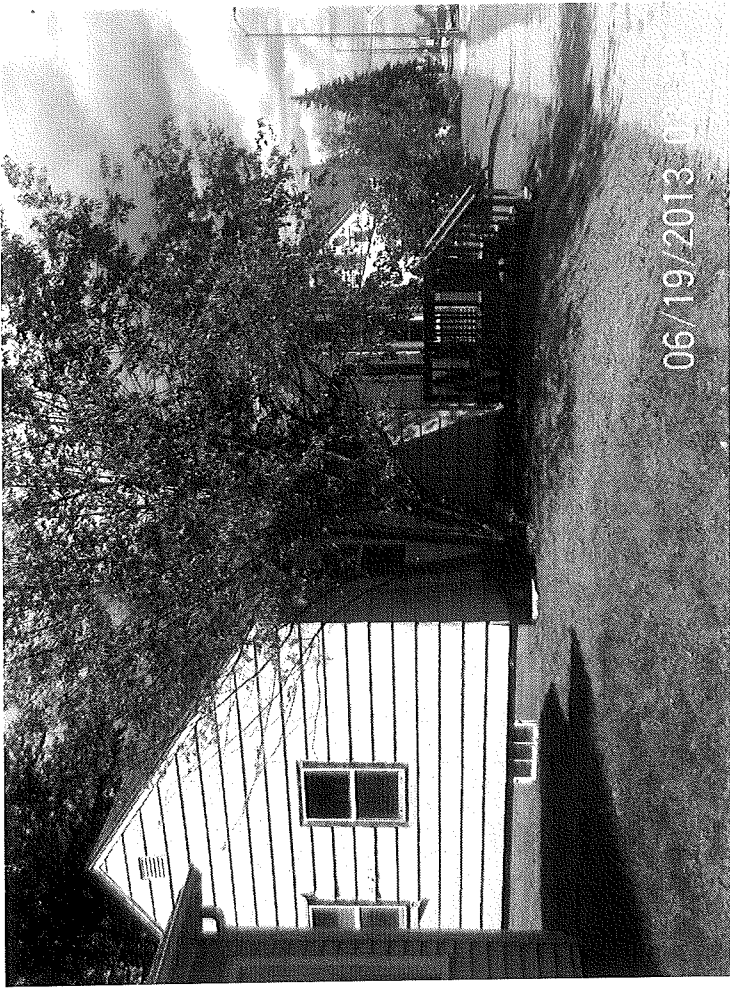
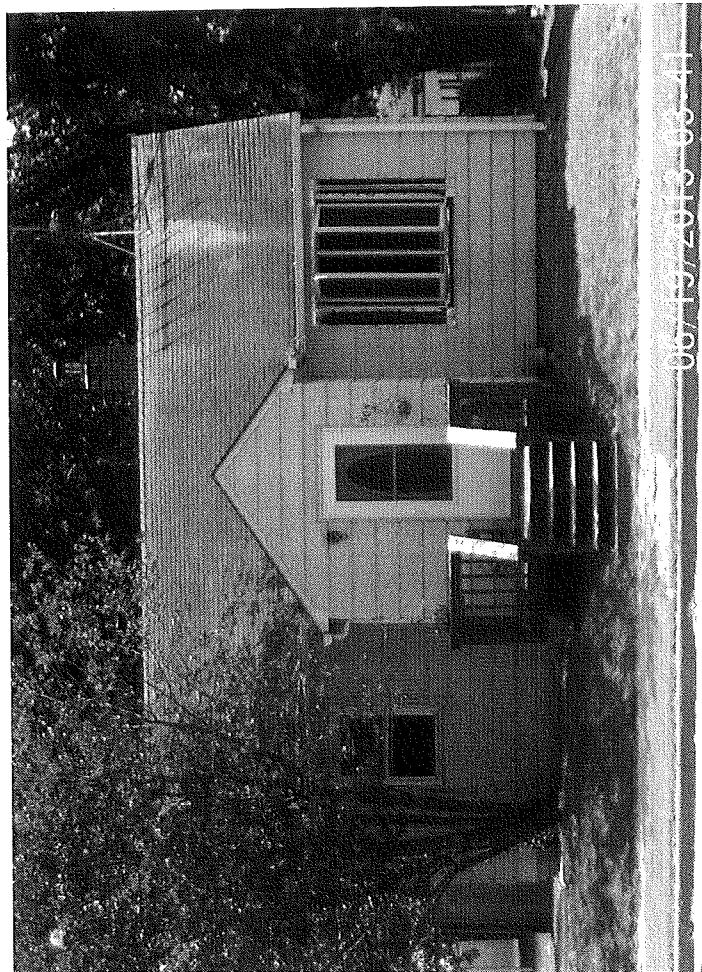
Setback 10'

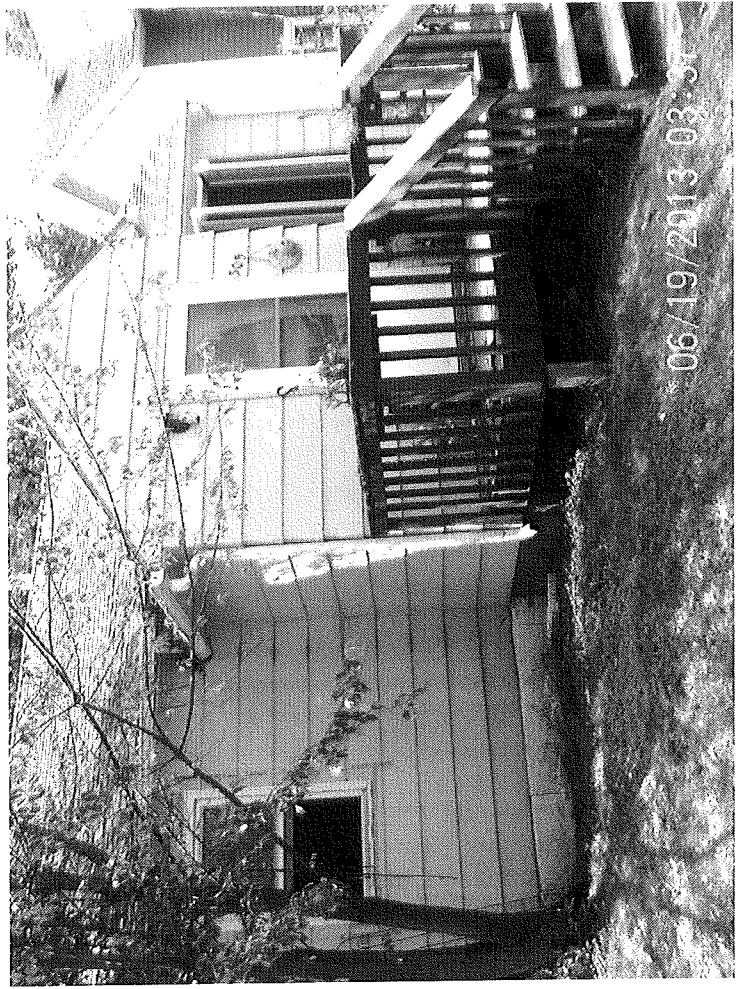
Setback 10'



Setback 25'
From curb

CURB





COPY

Village of Colfax

Box 417 - Colfax, Wisconsin 54730 – Phone 715-962-3311
Fax 715-962-2221

Scott A. Gunnufson, President
Lynn M. Niggemann, Administrator-Clerk-Treasurer

Letter Sent to
Applicant

July 31, 2015

RE: Variance Request

Ronald and Evia:

I have gathered some information for you to assist with the preparation for the public hearing regarding your request for a variance to the front yard setback requirements to allow the addition onto the front of your home. Please find the following enclosed:

- Notice of public hearing – same letter sent to the landowners within 100 feet of your property.
- Notice of public hearing published in the Messenger.
- Ordinance Sec. 13-1-173 Variations. Please read (1) closely.
- Ordinance Sec. 13-1-25 and 13-1-26 – Residential District Requirements (setback requirements).

Please call or stop is with any specific questions.

Sincerely,



Lynn M. Niggemann
Administrator-Clerk-Treasurer

Village of Colfax

Box 417 - Colfax, Wisconsin 54730 – Phone 715-962-3311
Fax 715-962-2221

Scott A. Gunnufson, President
Lynn Niggemann, Administrator-Clerk-Treasurer

TO: Evia and Ronald Gehrman
305 Main Street
Colfax, WI 54730

DATE: July 28, 2015

RE: Request for Variance from Zoning Code

Notice to residents
within 100' of 305
Main St.

Per Village ordinance we are required to notify you when a property owner within 100 feet of your property has requested a Zoning Hearing. Below is the explanation and hearing notice required and published July 29th, 2015 in the Colfax Messenger. If you have any further questions please don't hesitate to contact our office.

PUBLIC HEARING REQUEST FOR ZONING VARIANCE

Please take notice that the Village of Colfax Zoning Board of Appeals will hold a public hearing on Monday, August 10, 2015 at 5:30 p.m. at the Village Hall, 613 Main St., Colfax, WI to consider a change in zoning for the following properties.

PROPERTY OWNER: Ronald T & Evia P. Gehrman
PARCEL #17111-2-291116-230-0030 VILLAGE OF COLFAX
ADDRESS: 305 Main Street, Colfax, WI

J.D. SIMON'S 3RD ADDITION PART LOT 4, BLOCK 15 NORTH 48'

Variance request to change the minimum front yard setback from 25' to 15' 6" from the burb to bring house and deck to existing dimensions.

Interested persons may attend the public hearing or written statements may be filed with the Village Clerk, P.O. Box 417, 613 Main, Colfax, WI 54730 until 4:00 p.m. on August 6th, 2015.

Lynn Niggemann
Village Administrator-Clerk-Treasurer

Published: July 29, 2015

List for the Public Hearing Notices - 305 Main Street

Property Owner	Property Location	Mailing Address
Karen Myers	307 Main Street	N7467 State Road 40, Colfax
Leroy Nelson	312 Main Street	same
SLK Investments Properties	309 Main Street	16350 Bentura Blvd, Unit 123, Encino, CA 91436
Robert Ziebell	311 Main Street	PO Box 465
Richard Knudson & Erik Brown	303 Main Street	PO Box 394
Kevin & Patricia Davis	303 4th Ave.	same
Troy Knutson	310 Cedar Street	PO Box 322
Karen Wagner, Kathleen Mitchell, George Entzminger	316 Cedar	1003 High Street, Colfax
Jeffery & Brandi Rihn	302 Main Street	5512 186th Ave., Bloomer, WI 54724
Nicholas Albricht & Kaitlin Burrington	306 Main Street	same
Wanda Auth	308 Main Street	PO Box 454, Colfax, WI
Jon & Marian Scott	310 Main Street	PO Box 266, Colfax

Notice of Public Hearing

Village of Colfax, Dunn County

Notice is hereby given that the Board of Zoning Appeals of the Village of Colfax, Dunn County, Wisconsin will hold a public hearing at **5:30 p.m.** during a scheduled meeting on **Monday, August 10, 2015** at the Colfax Village Hall, 613 Main Street, Colfax, WI, to take public comment on the following:

To review a variance request for 305 Main Street, minimum front yard setback from 25' to 15'6" from the curb to bring house and deck to existing dimensions.

A copy of the site plan proposal can be reviewed at the Village Hall, 613 Main Street.

Published:
July 29, 2015

Lynn M. Niggemann
Administrator-Clerk-Treasurer
Village of Colfax

exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

- (7) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

SEC. 13-1-171 HEARING ON APPEALS.

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

SEC. 13-1-172 DECISIONS OF BOARD OF APPEALS.

- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

SEC. 13-1-173 VARIATIONS.

- (a) **Purpose.**
- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) The Village Board may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
- (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

- (b) **Application for Variation.** The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
 - (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
 - (6) Fee receipt in the amount of Twenty-five Dollars (\$25.00).
- (c) **Public Hearing of Application.** The Village Board shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- (d) **Action of the Board.** For the Board to grant a variance, it must find that:
 - (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Board of Appeals Action.** Parties may appeal decisions of the Village Board under this Section to the Board of Appeals; the Board of Appeals shall follow the procedures applicable to the Village Board under this Section.
- (f) **Conditions.** The Village Board or the Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

ARTICLE C

RESIDENTIAL DISTRICT REQUIREMENTS

Sec. 13-1-25 R-1 NEW SINGLE FAMILY RESIDENTIAL DISTRICT – Large Lot

1. Purpose. The R-1 District is intended to provide for single-family residential land uses in newer urban areas served by public sewers. The District is also intended to protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses, and is for the exclusive location of single-family dwellings.
2. Permitted Uses. The following uses are permitted within an R-1 District:
 - a) single-family dwellings;
 - b) accessory buildings not exceeding an area of more than 30 percent of the required rear yard; and
 - c) uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.
3. Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must:
 - a) have a minimum lot size of 18,000 square feet and a minimum lot width of 80 feet;
 - b) have a front yard setback of 25 feet, a rear yard setback of 25 feet, and a side yard setback of 10 feet;
 - c) have a minimum living area of 900 square feet in the principal building;
 - d) not exceed a maximum principal building height of 35 feet; and
 - e) have an accessory building side yard setback of 3 feet, rear yard setback of 3 feet and a maximum accessory building height not to exceed 15 feet.
4. Conditional Uses. The following uses shall be considered conditional uses within an R-1 District:
 - a) churches, municipal buildings, public and parochial schools; and
 - b) public parks and playgrounds

SEC. 13-1-26 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT – Medium Lot

1. Purpose. The R-2 District is intended to provide for single-family dwellings in newer urban areas on larger lots. The District is also intended to provide an area protected from traffic hazards and safe from blighting influences.
2. Permitted Uses. The following uses are permitted within an R-2 District:
 - a) single-family dwellings;
 - b) accessory buildings not exceeding an area of more than 30 percent of the required rear yard; and
 - c) uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.
3. Requirements. In order to be considered a conforming lot or structure within an R-2 District, a lot or structure must:
 - a) have a minimum lot size of 7,500 square feet and a minimum lot width of 70 feet;
 - b) have a front yard setback of 30 feet, a rear yard setback of 50 feet, and a side yard setback of 10 feet;

- c) have a minimum living area of 900 square feet in the principal building;
- d) not exceed a maximum principal building height of 35 feet; and
- e) have an accessory building side yard setback of 3 feet, rear yard setback of 3 feet, and not exceed a maximum accessory building height of 15 feet.

4. Conditional Uses. The following uses shall be considered conditional uses within an R-2 District:

- a) public parks and playgrounds; and
- b) churches.

SEC. 13-1-27 R-3 EXISTING SINGLE FAMILY MIXED RESIDENTIAL DISTRICT

1. Purpose. The R-3 District is intended to provide for single-family and two-family dwellings within the built-up area of Colfax. The District is also intended to provide an area protected from traffic hazards and safe from blighting influences.

2. Permitted Uses. The following uses are permitted within an R-3 District:

- a) single-family dwellings;
- b) accessory buildings not exceeding an area of more than 30 percent of the required rear yard; and
- c) uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

3. Requirements. In order to be considered a conforming lot or structure within an R-3 District, a lot or structure must:

- a) have a minimum lot size of 6,000 square feet per family and a minimum lot width of 50 feet;
- b) have a front yard setback of 15 feet, a rear yard setback of 30 feet, and a side yard setback of 6 feet;
- c) have a minimum living area of 900 square feet in the principal building;
- d) not exceed a maximum principal building height of 35 feet; and
- e) have an accessory building side yard setback of 3 feet, rear yard setback of 3 feet, and a maximum accessory building height not to exceed 15 feet.

4. Conditional Uses. The following uses shall be considered conditional uses within an R-3 District:

- a) two-family dwellings;
- b) Bed and Breakfast services;
- c) residential storage buildings not involving the conduct of a business;
- d) churches, municipal buildings, public and parochial schools;
- e) public parks and playgrounds;
- f) day care centers;
- g) owner only operated windshield repair service; and
- h) selling of antiques, high end collectibles and consignment items.

SEC. 13-1-28 R-4 TWO FAMILY RESIDENTIAL DISTRICT

1. Purpose. The R-4 District is intended to provide for two-family dwellings served by public sewer. The District is also intended to provide an area protected from traffic hazards and safe from blighting influences.

2. Permitted Uses. The following uses are permitted within an R-4 District:

- a) two-family dwellings;