

**Village of Colfax
Zoning Board of Appeals
Meeting Agenda
Monday, February 21, 2022 @ 6:00 p.m.
Village Hall, 63 Main Street**

Meeting is available via zoom meeting also:
<https://us06web.zoom.us/j/87427413678?pwd=VFllcXorVIVoNVJpbjVqQU9yUkg5Zz09>
Meeting ID: 874 2741 3678 Passcode: g5vc91

Any questions on logging into the meeting, call or email
Lynn Niggemann 715-308-9986 or clerktreasurer@villageofcolfaxwi.org

Call the meeting to Order – Zoning Board of Appeals Public Hearing, February 21, 2022

1. Roll call
2. Public Appearances – (state name and address)
3. Need a **motion** to Open Public Hearing regarding the Variance Requests for 610 River Street – state time that the hearing opens.
4. Chair
 - * Public notice was published in the Colfax Messenger on February 9th, 2022.
 - * All property owners within 100 feet were notified by letter of the public hearing within the required 7-day notification requirement.
5. Property Owners explain their requests
6. Clerk - Notice any written or verbal comment received by 4:00 p.m. on February 21, 2022, today, the day of the Public Hearing.
7. Allow any Public to Comment if favor or against
8. Need a **motion** to Close Public Hearing. (State the time that the hearing is closed.)
9. Discussion of public comments and a possible motion to consideration the variance requests - approval or denial.
 - a. Change the accessory building maximum height of fifteen (15) feet to allow an accessory building height up to seventeen (17) feet.
 - b. Modify the set-back for a fence on the Evergreen Street side of the property of the corner lot from twenty-five (25) feet to twenty (20) feet.
 - c. Allow for the fence on the Evergreen Street side of the property of the corner lot to be six (6) feet rather than three (3) feet.
10. 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.

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 **6:00 p.m.** on **February 21, 2022** at the Village Hall, 613 Main Street, Colfax, WI to take public comment on the following:

Public Hearing is to review the variance requests listed below for 610 River Street Property:

- Change the accessory building maximum height of fifteen (15) feet to allow an accessory building height up to seventeen (17) feet.
- Modify the set-back for a fence on the Evergreen Street side of the property of the corner lot from twenty-five (25) feet to twenty (20) feet.
- Allow for the fence on the Evergreen Street side of the property of the corner lot to be six (6) feet rather than three (3) feet.

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

Published:
February 9th, 2022

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

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: 13 Dec 2021

Name: Jordan Teek

Address: 610 River St (PO BOX 311) Colfax, WI 54730

Phone: (608) 769-6465

PROPERTY OWNER IF DIFFERENT THAN ABOVE:

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

Highlighted Map Attached

EXACT LEGAL DESCRIPTION OF PROPERTY:

Lot 1 and 2, Block 30, J.D. Simons 3rd Addition to the City of Colfax

CURRENT ZONING: R1

PROPOSED VARIANCE: 1. Accessory Building height not to exceed 17 feet (Garage)

2. Allow a fence 20' from curb on side yard. (Corner lot)

PROPOSED USE OF PROPERTY (ATTACH SITE PLAN): 3. Allow side yard fence to be 6' tall.

Elevation Plan Attached

Site Plan Attached

NONREFUNDABLE FEE: \$25.00

RECEIPT # _____

TO VILLAGE BOARD: _____

TO ZONING BOARD OF APPEALS: _____

PUBLICATION DATES: _____


Applicant's Signature

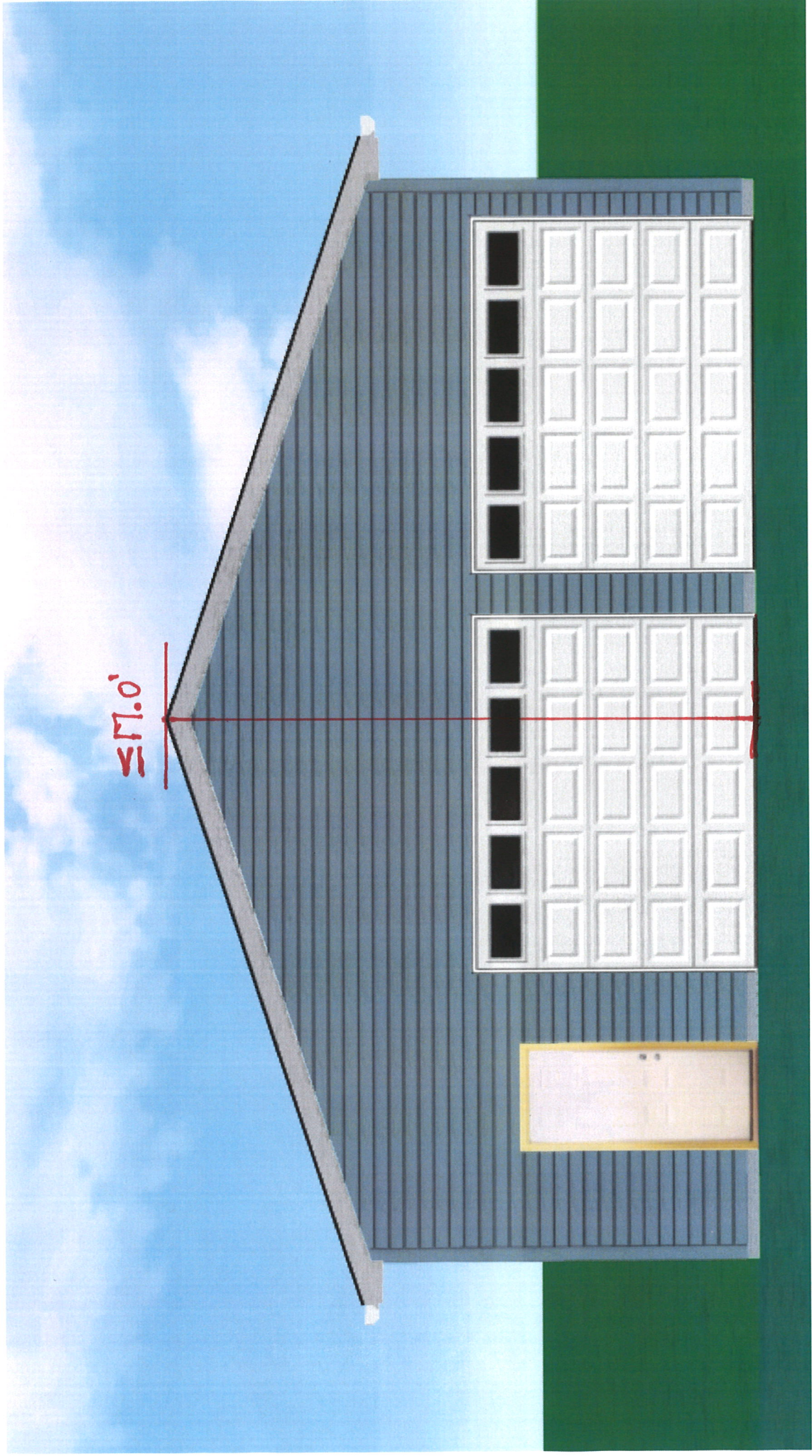
Map

North ↑



S

Elevation Plan
610 River St.



610 River St Site Plan

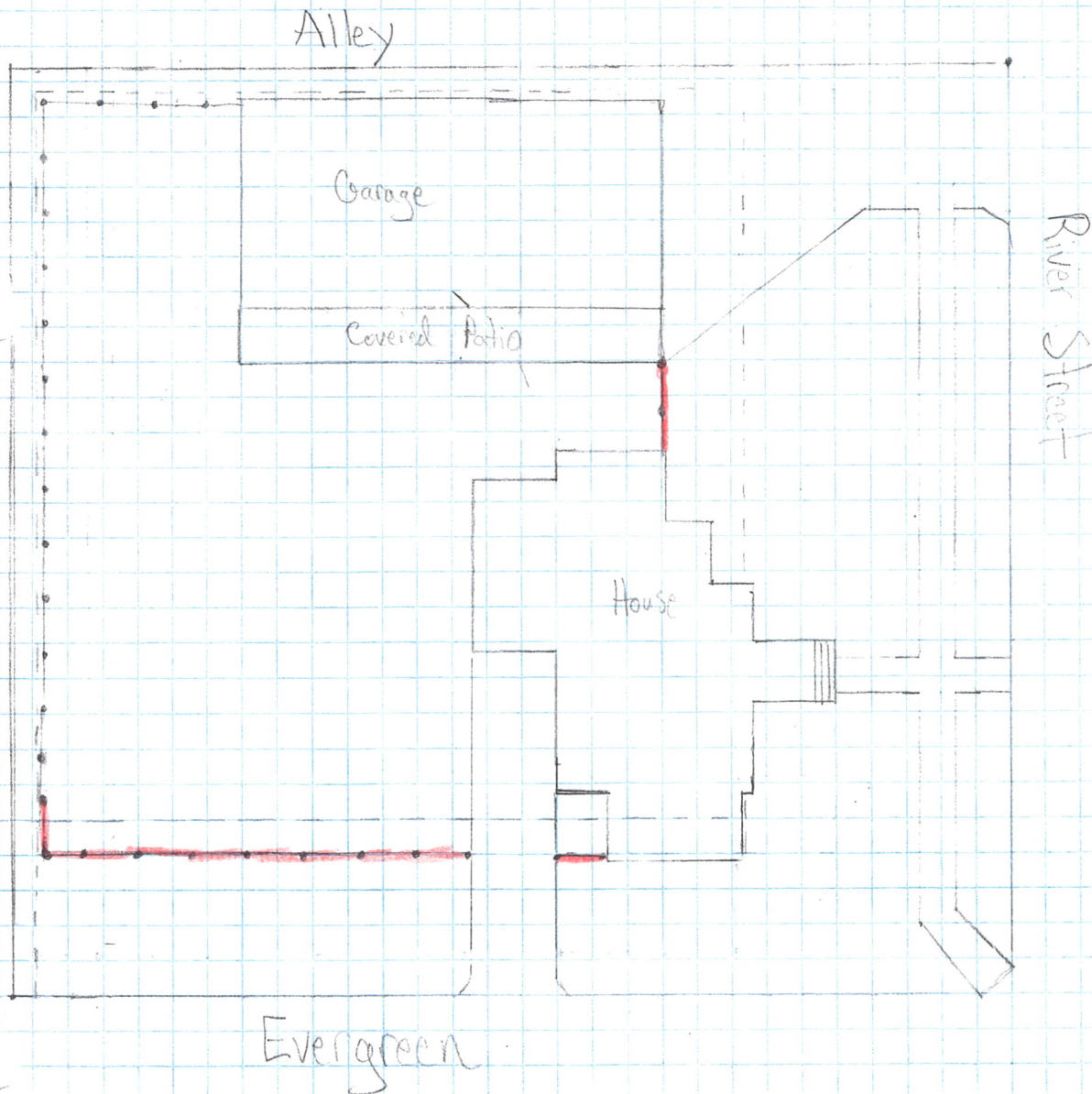


1 Square = 5A

--- Setbacks

●●● Fence

— Requested Fence Variance (6' tall instead of 3', and eastern section 20' from curb.)



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;

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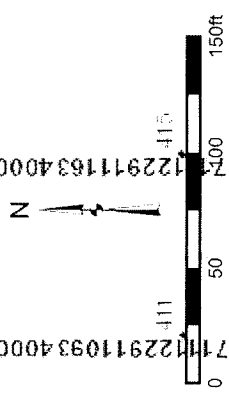
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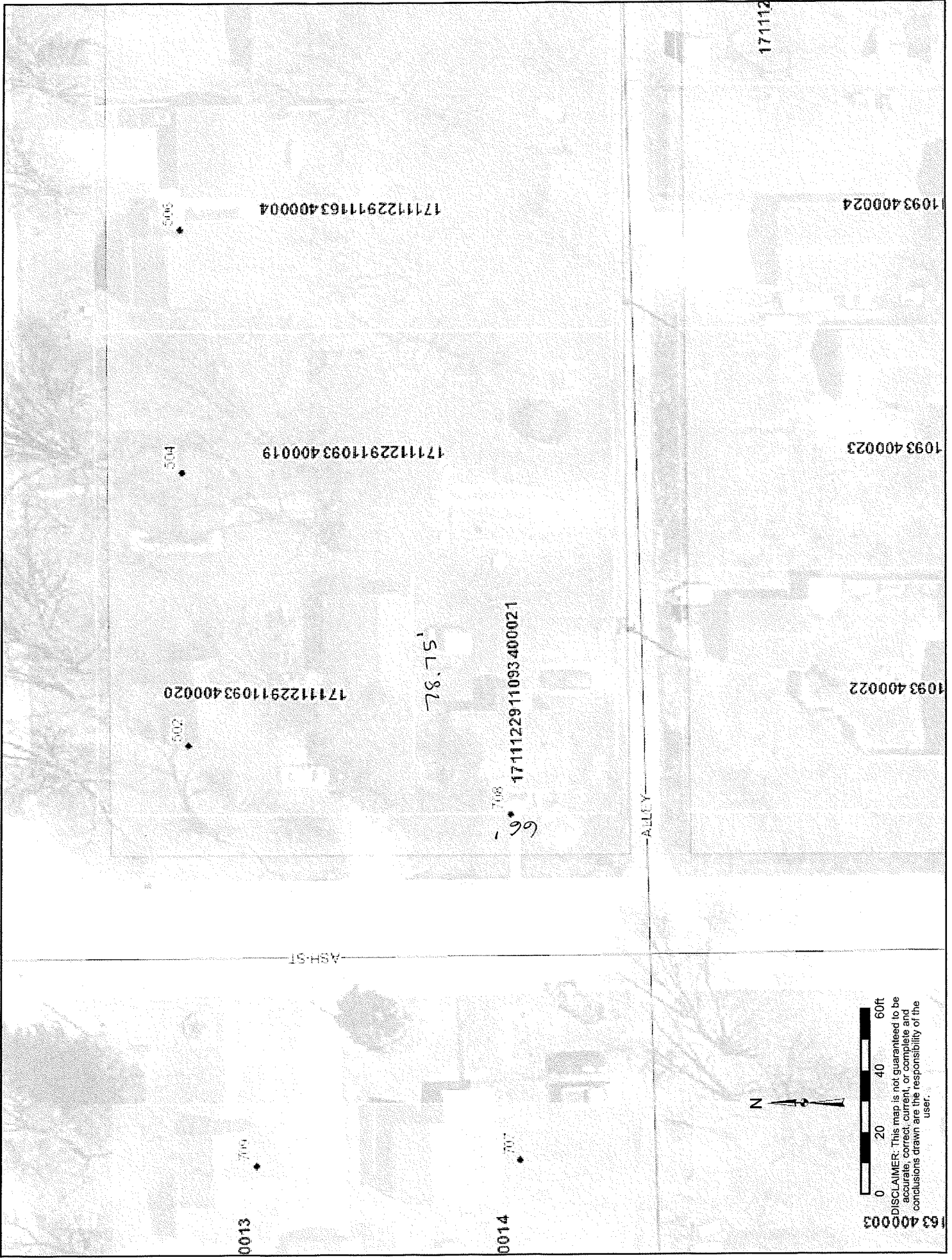
ASH ST

ALLEY

BROCK ST



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0 20 40 60ft
 DISCLAIMER: This map is not guaranteed to be accurate, correct, current or complete and conclusions drawn are the responsibility of the user.



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ARTICLE N

Appeals

SEC. 13-1-170 APPEALS TO THE ZONING BOARD OF APPEALS.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made a review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.
 - (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to

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 that 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 physiological 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.

SEC. 13-1-174 REVIEW BY COURT OF RECORD.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

SEC. 13-1-175 THROUGH SEC. 13-1-179 RESERVED FOR FUTURE USE.