

**Village of Colfax
Zoning Board of Appeals
Meeting Agenda
Monday, May 1st, 2023
6:00 p.m.
Village Hall, 613 Main Street**

1. Call to order
2. Roll call
3. Public appearances
4. Open Public Hearing
 - a. Nancy Baumgartner has requested a variance of the fence type ordinance, Sec. 13-1-140 (c)(3) Accessory Uses or Structures. No woven, twisted, welded or interlaced wire fence shall be located in the Residential District, unless such fencing is ornamental in character.
 - b. Ken Kiekhafer has requested a variance to encroach on the set-back of what could be considered a side-yard set-back of 30 feet with the addition being attached to the primary residence. This is a corner lot which also means you will need to read thoroughly the pages printed or get more information on the website, www.villageofcolfaxwi.org/Ordinances/Sec 13.
 - c. Mike Schindler has requested a variance to allow a second driveway on his property from First Ave.
5. Public Comments
6. Close Public Hearing
7. Discussion of public comments and consideration of variance request approval or denial.
8. 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 **May 1st, 2023** at the Village Hall, 613 Main Street, Colfax, WI to take public comment on the following:

Public Hearing is to:

- 1) Review the variance request to install chain link fence around the back yard of 506 Maple Street.
- 2) Review the variance request to reduce the rear-yard set back to 7 feet at 108 River Street.
- 3) Review the variance request to install a second driveway off 1st Ave for the property address 603 Balsam Street.

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

Published:
April 19th, 2023

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

Village of Colfax

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

Jody Albricht, President
Lynn M. Niggemann, Administrator-Clerk-Treasurer

APPLICATION FOR VARIANCE FROM THE ZONING CODE

Date: 4/5/23

Name: Nancy Baumgartner

Address: 506 Maple St. Colfax 54730

Phone: 715-651-3546

PROPERTY OWNER IF DIFFERENT THAN ABOVE:

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

506 Maple Street

EXACT LEGAL DESCRIPTION OF PROPERTY:

Sec 16, T29N, R11W NW1/4 of NW1/4 Plat: 0198-Simons John D

addi Block/condo 7 lot 4 J.D. Simon's Add L.4 + N.12

LS BIK 7

CURRENT ZONING:

residential

PROPOSED VARIANCE:

I would like to close in my yard with black pvc coated chain link

PROPOSED USE OF PROPERTY (ATTACH SITE PLAN):

I have privacy fence on both sides of my yard and I would like to put black chain link across the back of my yard by the alley and a small section by the back of my house to close in my yard.

NONREFUNDABLE FEE: \$25.00 + PUBLICATION FEE \$35 = \$60

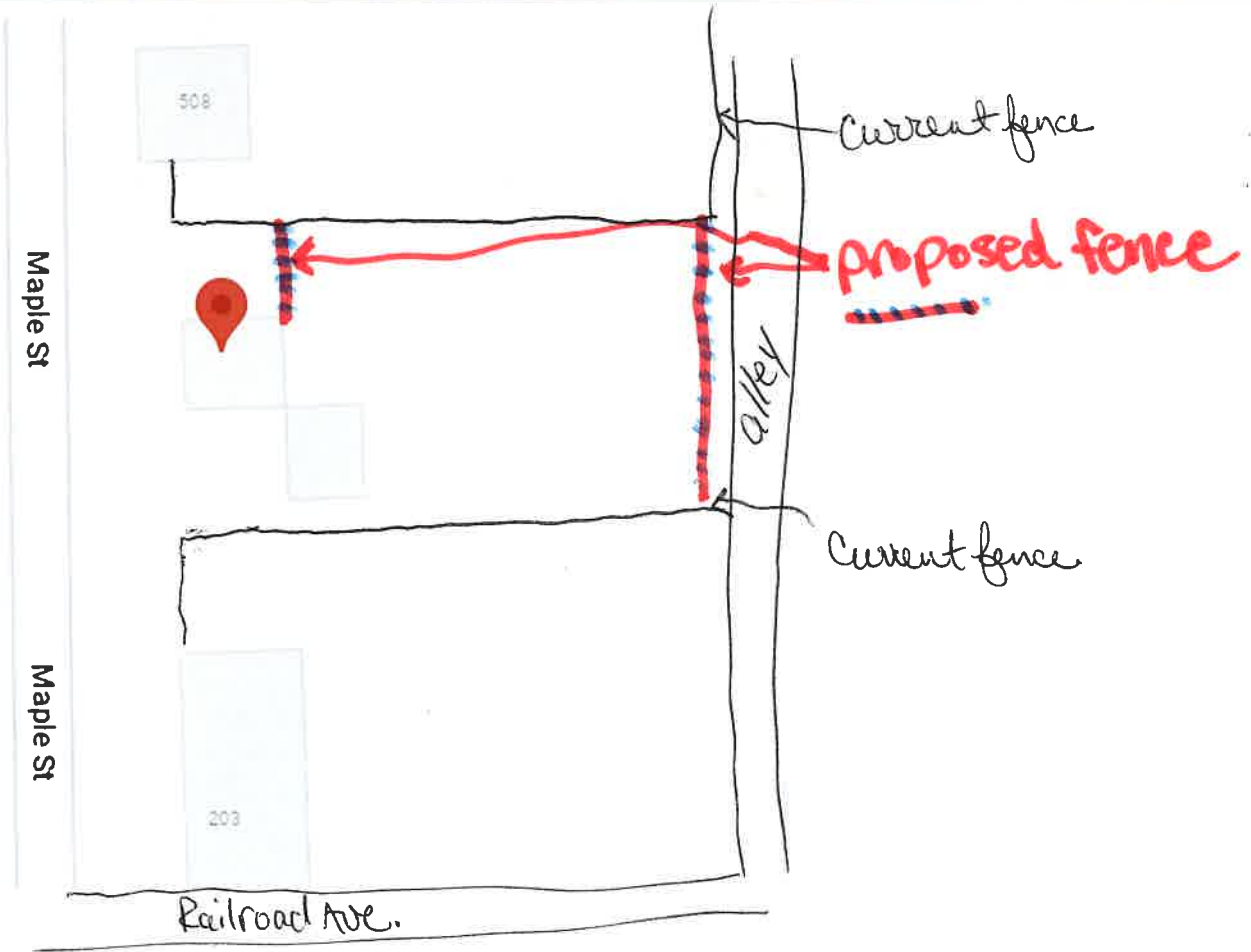
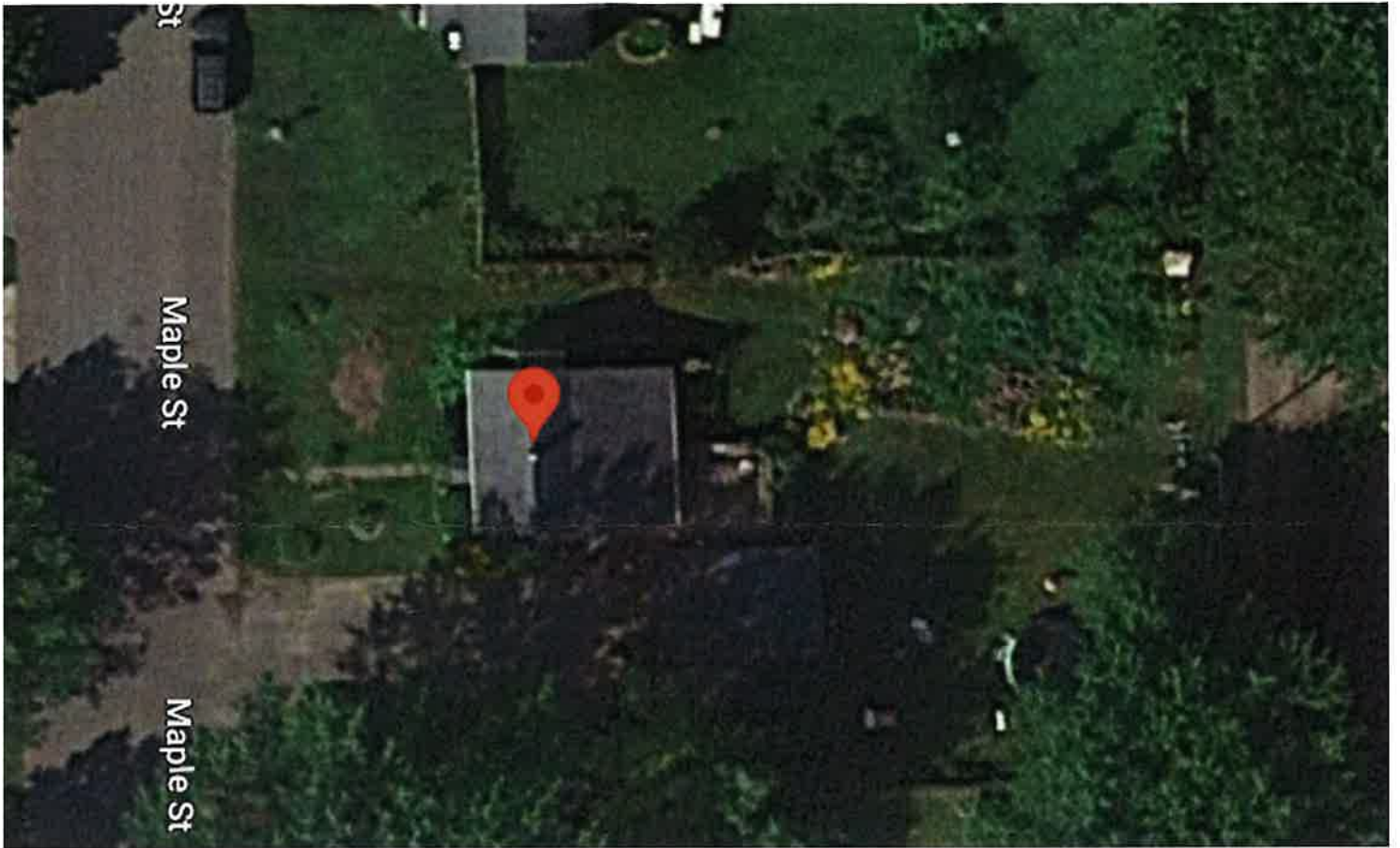
RECEIPT # _____

TO VILLAGE BOARD: _____

TO ZONING BOARD OF APPEALS: _____

PUBLICATION DATES: _____

Nancy Baumgartner
Applicant's Signature



Nancy Baumgartner	506 Maple St	fence variance	
Name	Mail address	Property Address	
Ellen Anderson Irrevocable Trust		203 Railroad Ave	Colfax, WI 54730
Jerry & Jolene Albricht	E7593 850th Ave	115 Railroad Ave	Colfax, WI 54730
	Colfax, WI 54730		Colfax, WI 54730
Mark Mouledoux & Nancy Odom Mou	PO Box 199	503 Maple St	Colfax, WI 54730
	Colfax, WI 54730		Colfax, WI 54730
Donald Braaten		505 Maple St	Colfax, WI 54730
Telephone USA of WI LLC	100 Century Park Dr.	507 Maple St	Colfax, WI 54730
	Monroe LA 71203		
Adam Keapproth & Beata McClelland		509 Maple St	Colfax, WI 54730
Jane Dobbs		510 Maple St	Colfax, WI 54730
Joseph Hagbert	PO Box 502	508 Maple St	Colfax, WI 54730
Rolland Sundby	PO Box 503	511 Cedar St	Colfax, WI 54730
	Colfax, WI 54730		Colfax, WI 54730
Kelly Hayes	E7464 910th Ave	509 Cedar St	Colfax, WI 54730
	Colfax, WI 54730		
Christopher Daniel Marian Lynn		507 Cedar St	Colfax, WI 54730
Methodist Church		501 Cedar St	Colfax, WI 54730

Village of Colfax

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

Jeff Prince, President
Lynn Niggemann, Administrator-Clerk-Treasurer

TO: Colfax Methodist Church
P.O. Box 216
Colfax, WI 54730

DATE: April 19th, 2023

RE: Request for Variance from the Zoning Code

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 April 19th, 2023 in the Colfax Messenger. If you have any further questions, please don't hesitate to contact our office.

PUBLIC HEARING REQUEST FOR ZONING VARIANCE

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 May 1st, 2023 at the Colfax Village Hall, 613 Main Street, Colfax, WI to take public comment on the following:

PROPERTY OWNER: Nancy Baumgartner

PARCEL #17111-2-291116-220-0044 VILLAGE OF COLFAX

LEGAL DESCRIPTION: JD Simon's Addition Lot 4 & North 12' of Lot 5 Block 7

ADDRESS: 506 Maple Street

Variance request is to install black or green coated chain link fence in the back yard of 506 Maple Street. The ordinance states in Sec. 13-1-140 (b) (2):

"No woven, twisted, welded or interlaced wire fence shall be located in a Residential District, unless such fencing is ornamental in character."

Interested persons may attend the public hearing or written statements indicating whether or not you are in favor of the variance request may be filed with the Village Clerk, P.O. Box 417, 613 Main, Colfax, WI 54730 until 12:00 p.m. on May 1st, 2023.

Lynn Niggemann
Village Administrator-Clerk-Treasurer

Property at 501 Cedar St

Village of Colfax

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

Jody Albricht, President
Lynn M. Niggemann, Administrator-Clerk-Treasurer

APPLICATION FOR VARIANCE FROM THE ZONING CODE

Date: 4-11-23

Name: Ken Kiekhafer

Address: 108 River St Colfax WI 54730

Phone: 715-308-9854

PROPERTY OWNER IF DIFFERENT THAN ABOVE:

Same

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

716-29N-11W NW NW

JD Simons 3rd Addition Lot 1 Blk 23

EXACT LEGAL DESCRIPTION OF PROPERTY:

Location see map 108- River St.

CURRENT ZONING: R-1 Single Family Residential

PROPOSED VARIANCE: Request rear-yard set-back to 7'

PROPOSED USE OF PROPERTY (ATTACH SITE PLAN):

Personal shop area

NONREFUNDABLE FEE: \$25.00 + PUBLICATION FEE \$35 = \$60

RECEIPT # _____

TO VILLAGE BOARD: _____

TO ZONING BOARD OF APPEALS: _____

PUBLICATION DATES: _____

Ken Kiekhafer

Applicant's Signature

Alt. Parcel #: 111104909000

VILLAGE OF COLFAX
DUNN COUNTY, WISCONSIN

Owner and Mailing Address: KENNETH A KIEKHAFER 108 RIVER ST COLFAX WI 54730		Co-Owner(s):	
Districts:		Physical Property Address(es): * 108 RIVER ST	
Dist#	Description	Parcel History:	
0100	CHIPPEWA VALLEY TECH	Date	Doc #
1176	SCH D COLFAX	10/14/2004	
		Vol/Page	Type
		1197/670	MISC
Abbreviated Description: J.D. SIMON'S 3RD ADD. L. 1 BLK.23		Acres: 0.000	
Plat	Tract (S-T-R 40¼ 160¼ GL)	Block/Condo Bldg	
* 0200-SIMONS J D 3RD ADDITION TO COLFAX	16-29N-11W NW NW	23 LOT 1	

2023 Valuations:					Values Last Changed on 10/06/2021
Class and Description	Acres	Land	Improvement	Total	
G1-RESIDENTIAL	0.000	9,900.00	98,500.00	108,400.00	
Totals for 2023					
General Property	0.000	9,900.00	98,500.00	108,400.00	
Woodland	0.000	0.00	0.00	0.00	
Totals for 2022					
General Property	0.000	9,900.00	98,500.00	108,400.00	
Woodland	0.000	0.00	0.00	0.00	

2023 Taxes

Taxes have not yet been calculated.

Key

* - Primary

South Lot Line

Neighbors Fence
Neighbors House

7'

5'

26'

New addition

Living Quarters
existing Building

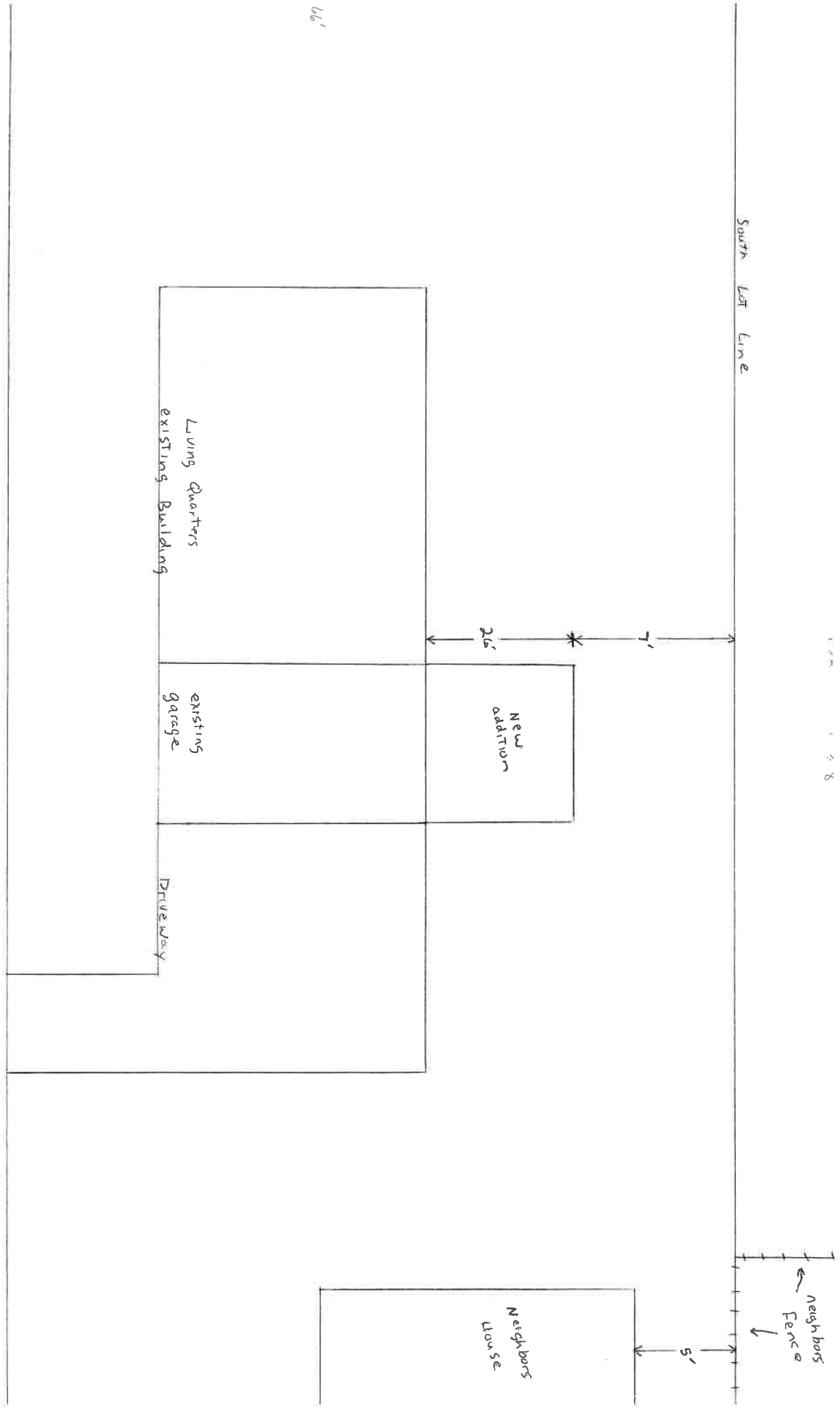
existing
garage

Driveway

Neighbors
House

66'

River ST



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;

- 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-4 District, a lot or structure must:
- a) have a minimum lot size of 8,000 square feet and a minimum lot width of 90 feet;
 - b) have a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of 10 feet;
 - c) have a minimum living area of 1,800 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-4 District:
- a) churches, public and parochial schools;
 - b) public parks and playgrounds; and
 - c) day care centers.

SEC. 13-1-29 R-5 MULTIPLE FAMILY RESIDENTIAL DISTRICT

1. Purpose. The R-5 District is intended to provide appropriate areas for multi-family land uses only in urban areas served by public sewers. The District is also intended to provide rental housing in an area protected from traffic hazards.
2. Permitted Uses. The following uses are permitted within an R-5 District:
- a) multi-family dwellings;
 - b) uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.
 - c) accessory buildings not exceeding an area of more than 30 percent of the required rear yard.
3. Requirements. In order to be considered a conforming lot or structure within an R-5 District, a lot or structure must:
- a) have a minimum lot size of 2,500 square feet per family unit up to and including four (4) families, and 2,250 square feet per family thereafter and a minimum lot width of 100 feet;
 - b) have a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of 15 feet;
 - c) not exceed a maximum principal building height of 45 feet; and
 - d) 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 20 feet.
4. Conditional Uses. The following uses shall be considered conditional uses within an R-5 District:
- a) charitable institutions, rest homes or nursing homes, private non-profit clubs and lodges;
 - b) mobile home parks in accordance with mobile home requirements;
 - c) churches; and
 - d) public parks and playgrounds;



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1711122911162200045

1711122911092200002

1711122911162200014

1711122911162200043

1711122911162200043

1711122911162200042

1711122911162200041

WEST ST

RIVER ST

MAPLE ST

0 10 20
JULIAN W. WER, Ltd. map & image services
© 2014 State of Texas, County of Williamson
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Proposed Location is only site on property that the edition can be placed and attached to existing building

Building permit

ARTICLE L

Administration

SEC. 13-1-150 GENERAL ADMINISTRATIVE SYSTEM.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

SEC. 13-1-151 ZONING ADMINISTRATOR.

- (a) The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:
- (1) Maintain records of all permits issued, inspections made, work approved and other official actions.
 - (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
 - (3) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 - (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
 - (5) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
 - (6) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
 - (7) Request assistance and cooperation from the Village Clerk-Treasurer, Building Inspector and Village Attorney as deemed necessary.
- (b) Due to the size of the Village of Colfax it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator on a part-time basis. It is therefore provided that the function of the Zoning Administrator can be delegated to a committee of the Board or a single member of the Board or the Village President. An officer other than a Board member or another employee of the Village may also be designated to handle the duties of Zoning Administrator on part-time basis in addition to the other duties performed by such person.

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) **Variations.** 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 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.

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.

such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.

- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a principal building or structure.
- (h) **Corner Side Yards.** The required side yard on the street side of corner lots shall be at least fifty percent (50%) greater than the minimum specified for the District.
- (i) **Required Buffer Strips in Industrial Districts.** Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any Industrial-Residential boundary, a buffer strip not less than forty (40) feet in width, as measured at right angles to said lot line. Plant materials at least six (6) feet in height, of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District, shall be planted within the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the Industrial-Residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

SEC. 13-1-13 MODIFICATIONS AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Churches, schools, hospitals, sanitoriums and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.

SEC. 13-1-83 CHANGES AND SUBSTITUTIONS.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 13-1-84 RESIDENTIAL BUILDING SETBACKS.

In residential districts, except for corner lots, required setbacks shall be modified in the following cases:

- (a) Where fifty percent (50%) or more of the frontage on a block is occupied by residences having setbacks less than required by this Chapter, the setback on each remaining lot shall be no nearer the front lot line than a line adjoining the adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one (1) side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.

SEC. 13-1-85 THROUGH SEC. 13-1-89 RESERVED FOR FUTURE USE.

- (13) Building, Detached. A building surrounded by open space on the same lot.
- (14) Building, Heights of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (15) Building Setback Line. A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (16) Building, Principal. A building in which the principal use of the lot on which it is located is conducted.
- (17) Business. An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (18) Campground. A privately or municipally owned parcel or tract of land, maintained, intended or used for the purposes of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.
- (19) Channel. Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (20) Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (21) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (22) Controlled Access Arterial Street. The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (23) Corner Lot. On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five percent (75%) of the setback required on residences fronting on the side street -- but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).
- (24) Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Dunn County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

area is strictly prohibited. For the purpose of this Subsection, the definitions of the above-mentioned vehicles shall be as set forth in Chapter 340 of the Vehicle Code of the Wisconsin State Statutes. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this Subsection whether or not such repairing is done in return for remuneration.

- (54) Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (55) Kennel. An area or structure for breeding, rearing, boarding or training of three (3) or more dogs over the age of five (5) months.
- (56) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (57) Lodging House. A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (58) Lot. A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.
- (59) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135^o) or less, measured on the lot side.
- (60) Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (61) Lot, Through. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (62) Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (63) Lot Coverage (residential). The area of a lot occupied by the principal building or buildings and accessory building.
- (64) Lot Coverage (except residential). The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (65) Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (66) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (67) Lot Width. The horizontal distance between the side lot lines measured at the building setback line.

- (79) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (80) Public and Semi-Public Uses. Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums. Public, private and parochial preschool, elementary and secondary schools, and churches. Cemeteries, private clubs and lodges and storage garages.
- (81) Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than twenty-five percent (25%) of the floor area of one (1) story of a dwelling unit shall be occupied by such office and only one (1) unlighted nameplate, not exceeding one (1) square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (82) Public Airport. Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (83) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (84) Regional Flood. This regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years; this means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.
- (85) Retail. The sale of goods or merchandise in small quantities to the consumer.
- (86) Salvage Yard. Site used for the storage or sale of salvageable materials or for the purposes of salvage, wrecking, dismantling, or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects of transportation, re-use or resale.
- (87) Setback. The minimum horizontal distance between the front lot line (measured from right-of-way line) and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (88) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

- (89) Signs. Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (90) Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (91) Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (92) Street. Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- (93) Street Yard. A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (94) Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (95) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (96) Temporary Structure. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (97) Use. The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (98) Use, Accessory. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (99) Use, Principal. The main use of land or building as distinguished from subordinate or accessory use.
- (100) Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (101) Vision Clearance. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

Ken Kiekhafer 108 River St rear-yard set-back

Name	Mail address	Property Address	
Jennifer Rud		508 West St	Colfax, WI 54730
Gary Brooks		104 River St	Colfax, WI 54730
Anthony Swerman		101 River St	Colfax, WI 54730
Quinn Nellessen		105 River St	Colfax, WI 54730
Anthony Cook		109 River St	Colfax, WI 54730
113 River LLC	101 S Main St #1	113 River St	Colfax, WI 54730
Kenneth & Katherine Tape	E8442 1100th Ave Colfax, WI 54730	512 Maple St	Colfax, WI 54730
Jane Dobbs		510 Maple St	Colfax, WI 54730
Joseph Hagberg	PO Box 502	508 Maple St	Colfax, WI 54730
Telephone USA of WI LLC	100 Century Park Dr Monroe LA 71203	507 Maple St	Colfax, WI 54730
Adam Keapproth & Beata McClelland		509 Maple St	Colfax, WI 54730
Kenneth Kiekhafer		108 River St	Colfax, WI 54730

Village of Colfax

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

Jeff Prince, President
Lynn Niggemann, Administrator-Clerk-Treasurer

TO: Adam Keapproth
509 Maple St
Colfax, WI 54730

DATE: April 19, 2023

RE: Request for Variance from Zoning Code

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 April 19, 2023 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 May 1st, 2023 at 6 p.m. at the Village Hall, 613 Main St., Colfax, WI to consider a change in zoning for the following properties.

PROPERTY OWNER: Kenneth Kiekhafer
PARCEL #17111-2-291116-220-0045, VILLAGE OF COLFAX
ADDRESS: 108 River Street, Colfax, WI
LEGAL DESCRIPTION: J.D. SIMON'S 3RD ADDITION

Variance request is to change the minimum rear yard setback from 30' to 7' to add onto the garage.

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 12:00 pm May 1st, 2023.

Lynn Niggemann
Village Administrator-Clerk-Treasurer

Published: April 19th, 2023

Village of Colfax

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

Jody Albricht, President
Lynn M. Niggemann, Administrator-Clerk-Treasurer

APPLICATION FOR VARIANCE FROM THE ZONING CODE

Date: 8 4-13-23

Name: Mike Schindler

Address: 603 Balsam St Colfax WI 54736

Phone: 715-579-9971

PROPERTY OWNER IF DIFFERENT THAN ABOVE:

Same

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

603 Balsam St.

EXACT LEGAL DESCRIPTION OF PROPERTY:

JD Simon's 2nd addition Lot 1 + N 1/2 Lot 2 Block 9 Lot 1

Block 26 (JD Simon's 3rd) 1629N-11W NE NW

CURRENT ZONING: R-1

PROPOSED VARIANCE: Requesting a 2nd driveway

PROPOSED USE OF PROPERTY (ATTACH SITE PLAN):

To access my back yard with my camper, which I keep parked when

not in use, there is a telephone pole that seems to get in the way

NONREFUNDABLE FEE: \$25.00 + PUBLICATION FEE \$35 = \$60

RECEIPT # 17032

TO VILLAGE BOARD: _____

TO ZONING BOARD OF APPEALS: 5-1-23

PUBLICATION DATES: 4-19-23

Mike Schindler
Applicant's Signature



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Schwabert
Map not guaranteed
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BALSAM ST

1ST AV

ALLEY

701

606

600

600

603

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CHAPTER 3

Driveways

- 6-3-1 Driveway Permit Required
- 6-3-2 Driveway Location, Design and Construction Requirements

SEC. 6-3-1 DRIVEWAY PERMIT REQUIRED.

- (a) **Purpose.** For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Colfax without first obtaining a sidewalk permit therefor as provided by this Chapter. A sidewalk permit is not required when a new sidewalk is to be constructed in conjunction with the construction of a new principal structure; the sidewalk is included in the building permit process in such cases.
- (c) **Application.** Application for such permit shall be made to the Village Clerk-Treasurer on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. There is no fee for a driveway permit. Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Village Clerk-Treasurer shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance.
- (d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
 - (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.
 - (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
 - (3) The permittee, his/her successors or assigns, agrees to indemnify and hold harmless the Village of Colfax, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

- (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

SEC. 6-3-2 DRIVEWAY LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.

- (a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
- (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
 - (2) **Number.** The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
 - (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (a)(6) below.
 - (4) **Drainage.** The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
 - (5) **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
 - (6) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Village and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.

- c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Village Board.
- (7) Relocation of Utilities. Any costs of relocating public utilities shall be the responsibility of the property owner with approval of the Village Board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.
- (8) Construction Across Sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.
- (9) Variances. Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board in its discretion may permit a driveway of additional width.
- (2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line shall not be less than 45°.
- (3) Island Areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.
- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
- (1) Width of Driveways. Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
- (2) Angular Placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Village Clerk-Treasurer to issue a permit for a private driveway may appeal such refusal to the Village Board within twenty (20) days after such refusal to issue such permit is made.

(e) **Prohibited Driveways.**

- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village of Colfax except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
- (2) No driveway shall be closer than ten (10) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
- (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

(f) **Culvert Construction and Standards.**

- (1) Size. Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be made of new manufacture, unless specifically excepted by the Director of Public Works or Village Engineer.
- (2) Guage. The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Guage</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

<u>Height of Cover</u> (in feet)	<u>Class of Pipe</u>
0-2	IV
2-3	III
3-6	II

- (3) Drainage. The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) Endwalls. Culverts shall be provided with a concrete or metal apron endwalls as directed by the Village Engineer.
- (5) Backfill Material. Material used for backfill shall be of quantity acceptable to the Village Engineer or Director of Public Works and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (6) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Village Engineer or Director of Public Works.
- (7) Distance. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to Subsection (a)(6).
- (8) Cost. The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his culverts unobstructed and clean.
- (9) Appeal. Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Village Clerk-Treasurer, who shall place the matter as an agenda item for the Village Board's next meeting. The Village Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Village Engineer or Director of Public Works may be asked to render an opinion on the request.

Mike Schindler Variance Request	603 Balsam St	2nd driveway	
Name	Mail address	Property Address	
Mark Freezy & Christina Steen		702 Pine St	Colfax, WI 54730
Loren Bergeson		701 Balsam St	Colfax, WI 54730
David & Jennifer Almquist	PO Box 464	603 1st Ave	Colfax, WI 54730
James Nosker	PO Box 518	606 Balsam St	Colfax, WI 54730
Colfax Lutheran Church		600 Balsam St & 601 River St	Colfax, WI 54730 Colfax, WI 54730
Samuel & Krista Gearing	E4807 865th Ave Boyceville WI 54725	601 Balsam St	Colfax, WI 54730
Jason & Stacey Simonson	N5671 234th St Menomonie, WI 54751	501 River St	Colfax, WI 54730
Randolph & Erin Larson	PO Box 467	606 Pine St	Colfax, WI 54730
Barb Darsow & Jason Johnson		601 Pine St	Colfax, WI 54730
Michael & Linda Schindler		603 Balsam St	Colfax, WI 54730

Village of Colfax

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

Jeff prince, President
Lynn Niggemann, Administrator-Clerk-Treasurer

TO: David & Jennifer Almquist
PO Box 464
Colfax, WI 54730

DATE: April 19, 2023

RE: Request for Variance from Zoning Code

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 April 19th, 2023 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, May 1st, 2023 6:00 p.m.** at the Village Hall, 613 Main St., Colfax, WI to consider a change in zoning for the following properties.

**PROPERTY OWNER: Michael & Linda Schindler
PARCEL #17111-2-291116-210-0035 - VILLAGE OF COLFAX
ADDRESS: 603 Balsam Street, Colfax, WI**

**LEGAL DESCRIPTION: J.D. SIMON'S 2ND ADDITION LOT 1, NORTH ½ LOT 2 BLOCK 9
LOT 1 BLOCK 26 (JD SIMON'S 3RD)**

Variance request to a second driveway access to the property from 1st Avenue to the back yard.

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 noon on May 1st, 2023.

Lynn Niggemann
Village Administrator-Clerk-Treasurer