

**Village of Colfax
Zoning Board of Appeals
Meeting Agenda
Tuesday, May 16TH, 2023
6:00 p.m.
Village Hall, 613 Main Street**

1. Call to order
2. Roll call
3. Public appearances
4. A motion to open the Public Hearing – Roll Call Vote
 - a. Dennan Fogarty has requested a variance to review side-yard setback for detached garage. Demo current garage and request to move new garage to become attached and change the 10' side-yard setback to 3'.
5. Public Comments
6. A motion to close the Public Hearing – Roll Call Vote
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.

Village of Colfax

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

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

May 10, 2023

TO: ZONING APPEALS BOARD

Board of Appeals member,

Thank you for serving on the Board of Appeals. You are fulfilling an important function for our Village. The members of the Zoning Appeals Board are:

Mike Kiekhafer, Chair –Cell: 715-576-0943; kiekhafer.michael@mayo.edu

Mark Mosey, Home: 715-962-4420; Cell: 715-704-9255; thormosey@gmail.com

Gene Gibson, Cell: 715-308-8017; gibsonfive@charter.net

Jason Johnson, Home: 715-962-2356; Cell: 715-505-0550; slmwhtanddynomite@yahoo.com

Rich Bautch, Cell: 715-933-2512; richbautch@gmail.com

It is my hope that you and your fellow members use good judgement, common sense, and compassion when making your decisions. Because of the age of the Village, the property lines are not always as precise as they should be. In such cases your best judgement needs to be used when evaluating each scenario. *According to the Sec 13-1-173 Variations (a) (1) A request for 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.*

I have enclosed the Zoning Board of Appeals meeting information for Tuesday, May 16, 2023 at 6 p.m.

- Variance Request for 508 High Street, minimum side-yard setback for residence with detached is garage which currently 3'. With the demolition of the current garage and request to move the new garage north to create an attached garage, the ordinance requires a side-yard set-back of 10' side-yard set-back requirement to a 3' side-yard set-back.

You will find the following information in your packet:

- Agenda for the meeting
- Applications for a variances
- Map showing the variance request
- Copy of the letter sent to the variance applicant & the residents within 100 feet of the property
- List of addresses that received the notification via mail of the public hearing
- Notice of the Public Hearing notice
- Potions of the Village Ordinances copies
- Demolition application & Ordinance info

The complete ordinance regarding zoning is found on our website under the tab called ordinances. Go to Title 13 to find the complete zoning ordinance. Any updates to the zoning ordinances are listed below the Title 15. Please call me if you have any questions or would like to discuss any processes, 715-962-3311 or 715-308-9986.

Sincerely,

Lynn M. Niggemann
Enclosures

Village of Colfax

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

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

APPLICATION FOR VARIANCE FROM THE ZONING CODE

Date: 4-25-2023

Name: Dennan Fogarty

Address: E9487 city rd N Colfax WI

Phone: (715)962-4491

PROPERTY OWNER IF DIFFERENT THAN ABOVE:

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

508 High st Colfax WI

EXACT LEGAL DESCRIPTION OF PROPERTY:

Original Plat L. 1 Bk 2

CURRENT ZONING: Residential / single family

PROPOSED VARIANCE: side yard set back to 3' vs. 10'

PROPOSED USE OF PROPERTY (ATTACH SITE PLAN):

Build single family home

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

RECEIPT # 17037

~~TO VILLAGE BOARD:~~

TO ZONING BOARD OF APPEALS:

PUBLICATION DATES: 5-10-23


Applicant's Signature

1 N 50 S - 11



High St

garage



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

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:

DATE: May 3, 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 May 3, 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 Tuesday May 16, 2023 at 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: Dennan Fogarty
PARCEL #17111-2-291109-340-0018, VILLAGE OF COLFAX
ADDRESS: 508 High Street, Colfax, WI
LEGAL DESCRIPTION: ORIGINAL PLAT LOT 1, BLOCK 2

Variance request is to change the minimum side yard setback for residence with detached garage which is currently 3'. With a demolition of current garage and request to move new garage north to create an attached garage, the ordinance requires a side-yard setback of 10'. The request is to change the 10' side-yard requirement to a 3' side-yard setback.

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 p.m. on May 15, 2023.

Lynn Niggemann
Village Administrator-Clerk-Treasurer

Published: May 3, 2023 & May 10, 2023 Revised date

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;

Village of Colfax

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

Jeff Prince, President

Lynn M. Niggemann, Administrator-Clerk-Treasurer

Date: 4-25-2023

Fee \$ 25 no water/sewer utilities

OR \$100 if there are water/sewer utilities

Demolition Permit Application

Property Owner: Dennan Fogarty Property Address: 508 High St Colfax WI

Mailing Address: E9487 city rd N Colfax WI

E-mail: DennanLeo00@gmail.com Telephone#: 715-962-4491

Description of proposed work and disposal plan including route plan of construction equipment and disposal trucks: Renovating garage by moving forward to attach to house.
Will need new foundation, walls and roof.

Estimated Cost: \$20,000 Timeline of Project: 2-3 months

General Contractor: Dennan Fogarty/Chris Fogarty

E-mail: DennanLeo00@gmail.com Telephone #: 715-962-4491

Excavation Contractor: Same ↑

E-mail: _____ Telephone #: _____

The following items must be supplied with the permit application at least ten (10) days working days before the start of the project.

- Tax Summary from Dunn County showing a \$0.00 balance.
- Asbestos/lead inspection and/or abatement signed document if required or document form the Department of Health Services of Wisconsin stating that it is not required for this location/building.
- Building description, deed, map/plat or photos of building to be demolished.
- Signed safety document/disconnection documents;
- Street closure or barricades needed? When? Where?
 - Water disconnection date signed by the Public Works Director.
 - Sewer disconnection date signed by the Public Works Director.
 - Pest inspection/abatement (rats, mice, termites, fleas, bed bugs and pests in general) signed by an exterminator.
 - Gas/Xcel disconnection date signed by a gas/electric company.
 - Communication disconnection date signed by Communication Company.
 - Dust control plan during demolition.

Mail check and application to: **Village of Colfax**
613 Main Street, PO Box 417, Colfax, WI 54730

SEC. 15-1-9 REGULATION AND PERMIT FOR RAZING BUILDINGS.

- (a) No building within the Village of Colfax shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (b) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

SEC. 15-1-10 BASEMENTS; EXCAVATIONS.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on

Dennan Fogarty	508 High Street	side-yard set-back demo & attach new
Name	Mail address	Property Address
Hugo Bliss		509 Univeristy Ave Colfax, WI 54730
Barbara Douglas		509 High St Colfax, WI 54730
Amy Drees		705 Birch St Colfax, WI 54730
Michale Holland		521 University Ave Colfax, WI 54730
Morgan Kramschuster		504 High St Colfax, WI 54730
George Maukstad		506 High St Colfax, WI 54730
Joshua Mayfield		501 High St Colfax, WI 54730
Nora Shaide	1420 Tainter St	505 High St Colfax, WI 54730
	Menomonie, WI 54730	
Jordan & Melissa Sundstrom	N8424 Cty Rd M	513 University Ave Colfax, WI 54730
	Colfax, WI 54730	Colfax, WI 54730
Colfax Schools	P.O. Box 528	702 Birch St Colfax, WI 54730
	Colfax, WI 54730	

Notice of Public Hearing-Revised Date

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.** during a scheduled meeting on **Tuesday, May 16, 2023** at the Colfax Village Hall, 613 Main Street, Colfax, WI, to take public comment on the following:

To review a variance request for 508 High Street, minimum side-yard setback for residence with detached is garage which currently 3'. With a demolition of current garage and request to move the new garage north to create an attached garage, the ordinance requires a side-yard set-back of 10'. The request is to change the 10' side-yard set-back requirement to a 3' side-yard set-back.

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

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

