

Board of Zoning Appeals Hearing – September 28, 2009

The following media were noticed relative to this meeting per the Open Meetings Law of the State of Wisconsin: The Ozaukee Press, Port Washington, WI; The Milwaukee Journal-Sentinel (Ozaukee-Washington Desk), Milwaukee, WI; The Sheboygan Press, Sheboygan, WI. In addition, a copy of the agenda was also posted at the following locations within the Village of Belgium: Belgium Village Hall, Belgium Post Office, Port Washington State Bank (Belgium Office), Harris Bank (Belgium Office), and Belgium Hardware and Beverage.

Call to Order, Roll Call, Establishment of a Quorum:

Chairman Leon Anzia called the hearing to order at 7:30 p.m. In attendance were Al Krick and Roger Rachuba. A quorum was declared established. Also, in attendance were Carol Pomeday – The Ozaukee Press, Scott Schneiberg, Ronald and Patti Wollner, Eric Wilkowski, John Thiele, Dan Birenbaum – DPW and Water Superintendent and Ryan Mueller.

Open Meeting Law Compliance Check:

We are in compliance. This meeting is being audio recorded.

Action Items:

Scott Schneiberg, 544 Main Street, Belgium, WI has made a Land Development Application for a variance in regard to lot width in regard to the current B-1 zoning. The Village of Belgium Zoning Ordinance “Section 270-21. B-1 Business District (A) Two-Family residences permitted under §270-18, provided the residence complies with the lot area and width, building height and area, garage and parking, and yard requirements of said section.” Mr. Schneiberg’s request is to reduce the allowable lot width from 120 feet to 80 feet.

Mr. Schneiberg explained his plans for the property and stated that the property may go back to commercial use in the future. Dan Birenbaum stated that the building would have to have two separate water meters for the two units. Mr. Schneiberg had no concerns with that.

No other concerns were stated.

Findings:

- a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district. **Exists – no objection.**
- b) Exceptional Circumstances. 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 so general or recurrent nature as to suggest that the Zoning Ordinance should be changed. **Exists – no objection.**

- c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance. **Exists – no objection.**
- d) Preservation of Property Rights. 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. **Exists – no objection.**
- e) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest. **Exists – no objection.**

The variance was granted.

Adjourn:

A motion was made by Leon Anzia and seconded by Al Krick to adjourn at 7:40 p.m. The Board of Zoning Appeals was polled: Ayes – Anzia, Krick, Rachuba; noes – none; abstain – none. Motion carried.

Respectfully submitted,

Jamie Cecil
Deputy Clerk-Treasurer