

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 7:05 p.m. In attendance were Al Krick and Roger Rachuba. A quorum was declared established. Also in attendance were Carol Pomeday – The Ozaukee Press, Frederick Koehler and Suzanne Plant, Ryan Mueller.

Open Meeting Law Compliance Check:

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

Action Items:

Fritz Koehler, 646 Main Street, Belgium, WI has made a Land Development Application for a variance of street yard setback for a front deck/porch on his property. The Village of Belgium Zoning Ordinance “Section 270-17. RD-1 Single-Family Residence District (g) (1) A minimum street yard of 25 feet from the right-of-way of all public streets shall be required...” Mr. Koehler’s request is to reduce the front yard from 25 feet to allow for a 12’ x 4’ deck.

Ryan Mueller addressed the Zoning Board of Appeals and discussed the deck with Mr. Koehler. Mr. Mueller stated his concern was line of sight issues when he is backing into his parent’s driveway. After discussion with Mr. Koehler, Mr. Mueller stated that he felt comfortable with the deck.

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 Roger Rachuba and seconded by Al Krick to adjourn at 7:16 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