



## City of Algoma

### Zoning Board of Appeals Minutes Wednesday, June 4, 2014

The Zoning Board of Appeals for the City of Algoma was called to order in City Hall at 5:30 PM by Chairman Hutter.

Present at roll call: Bob Bennett, Bill Bush, Don Guth, Chuck Hutter, and Secretary Jeff Wiswell. Absence excused at roll call: Terry Jorgenson.

The Secretary noted that the agenda was posted on bulletin boards in the City Hall, Library, and Utility office, and a notice was also published in the Green Bay Press Gazette. The Chairman declared that the meeting is in compliance with the open meetings law.

A motion was made by Bennett, and seconded by Guth, to approve the agenda for the meeting. Motion passed.

The Secretary reminded each member of the body that under the Ethics Code they should make any required disclosures or recusals as might be needed.

The Secretary briefed members of the board on the matter presently before it relating to a request by Randall and Kristina Lischka, who reside at 731 Division Street, Algoma, Wisconsin, to be granted a variance from the code for the construction of an addition to their garage.

A number of years ago when the Lischka's purchased the property, the existing garage was in disrepair. They appeared before the Zoning Board of Appeals stating their desire to: (1) remove the garage which was setback 2 feet from the side yard, and (2) replace it with a new garage using the same setback. To do so required a variance. The variance was granted.

Now they are seeking to add on to the rear of the garage, which will require additional variances. Application for a building permit was denied by the building inspector pursuant to the City of Algoma, Municipal Code, Chapter 18, which requires:

[1] A six (6) foot interior side yard setback variance, and

[2] Which states at Chapter 18.08 (2) (a) that "no structure may be enlarged or altered in a way, which increases its nonconformity," and

[3] Which states at Chapter 18.08 (2) (b) that “The total structural repairs or alterations in a nonconforming structure shall not during its life exceed 50% of the assessed value of the structure unless permanently changed to a conforming use.”

Mr. Randall Lischka appeared before the Board to request the proper variances from the code, including the one requiring a six (6) foot setback from the side yard for the construction of an addition to their garage.

Mr. Lischka was administered the oath by the Secretary, and he proceeded to review his plans with the Board.

Mr. Mike Zettel, who resides at 803 Division Street, Algoma, Wisconsin, appeared before the Board. Mr. Zettel, was administered the oath by the Secretary, and he spoke in support of the request from Randall Lischka.

Members of the Board expressed great concern that they did not have adequate written information presented to them to make an informed decision on the request.

A motion was made by Bennett, and seconded by Guth, to have the Board stand in recess until Thursday, June 6, 2014 at 6 PM. Motion passed, and the Board stood in recess.

On Thursday, June 6, 2014 at 6:05 PM the Board resumed in regular order. Present at roll call: Bob Bennett, Bill Bush, Don Guth, Chuck Hutter, and Secretary Jeff Wiswell. Absence excused at roll call: Terry Jorgenson.

Mr. Lischka presented the Board with a written statement supporting his request for a variance from the code requiring a six (6) setback from the side yard for the construction of an addition to their garage. The statement is attached to the record and addressed: (1) the variances requested, (2) special conditions and hardships, (3) the public interest, safety, and the general welfare, (4) the spirit of the zoning ordinance, and (5) substantial justice.

At the conclusion of his presentation, a motion was made by Bennett, and seconded by Guth, to close the public hearing. Motion passed.

A motion was made by Bennett, and seconded by Guth, to (1) grant a variance to allow a 2 foot setback from the west side yard of the lot; and (2) to permit the construction of a 24 foot by 24 foot addition to the garage. Motion passed, with all members present voting in the affirmative.

A motion was made to adjourn at 7:36 PM by Guth, and seconded by Bennett. The motion carried, and the Board stood adjourned until further notice.