Board of Appeals Public Hearing & Regular Meeting Minutes
Town of Lisbon, Town Hall
Monday, April 30, 2018
5:00 P.M.

A Public Hearing was held by the Town of Lisbon Zoning Board of Appeals at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 and was called to order by the Board of Appeals Chairman John Gehrke at 5:15 P.M. BOA Chairman Gehrke read the notice of public hearing as published in the Lake Country Now and Northwest Now papers, on the Town's website and on the Town Hall posting boards.

Public Hearing to solicit public comments on the request from Scott and Vicki Meyers, for Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to construction of an accessory building, for the property located at N68W27101 Oakdale Lane, Lisbon, WI 53089, LSBT 0217.063:

• Section 16(e)(1), setback of the Zoning Ordinance requires a minimum of 50 feet from the road right-of-way measured to the overhang of the proposed accessory building, addition. Applicant is requesting 41 feet.

• Section 16(e)(2), offset of the Zoning Ordinance requires a minimum of 20 feet from the lot line to the lot line to the roof line of the house or accessory building. Applicant is requesting 16 feet.

Public Hearing Comments. BOA Chairman Gehrke opened the hearing to comments from the public.

Mark & Diane Serath, N68W27121 Oakdale Lane, submitted a written objection along with a picture of their property facing the Meyers' property and is attached to the minutes.

Adjourn Public Hearing. The public hearing was closed at 6:00 P.M.

Call Zoning Board of Appeals to Order.

BOA Chairman Gehrke called the Zoning Board of Appeals meeting to order at 5:30 P.M. Roll Call: Present: BOA Chairman John Gehrke and BOA Members Charlie Koch and Prosper Pfannerstill. Also present: Building Inspector Bryan Oelhafen and Town Clerk Gina Gresch.

Discussion and necessary action to approve the April 9, 2018 Zoning Board of Appeals Public Hearing and Regular Meeting minutes.

No motion made as the minutes were not ready for approval.

New Business.

Discussion and necessary action on the request from Scott and Vicki Meyers, for Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to construction of an accessory building, for the property located at N68W27101 Oakdale Lane, Lisbon, WI 53089, LSBT 0217.063:

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Mr. Meyers apologized for not contacting the neighbors and explained why he would like the variance. His lot is an odd shape and wants to build onto the front of the existing garage. After the addition there would still be a 61 foot setback and you wouldn't really notice it. This addition also will not degrade the neighbor's home values, but rather improve the resale values, because this takes away the look of his tri-level home. Adding on to the back of the garage isn't an option because of the existing sunroom and a large Hickory tree he doesn't want to take down. If he added on to the side of the garage, it would close the gap between the two homes. He has tried to figure out all of the options. He showed the BOA members the plans and how the tri-level look wouldn't be as noticeable. He stated his hardship is that he would like to improve the look of the house and to have a bigger garage. One way or another he will be fixing the front of his house. He also explained it is a huge inconvenience to have to move his BMW to get his motorcycle every day. He doesn't want to keep their vehicles out in the weather. They take good care of their yard and gardens. This would help keep the property neat and clean looking.

BOA members discussed the hardship and agreed Mr. Meyers has a practical difficulty. There doesn't seem to be an extreme hardship that they couldn't live there. Good thought was put into the plans by the applicant, however this issue could have been addressed in past additions/remodels.

Motion by BOA Member Koch to deny both requests from Zoning Code Sections 16(e)(1) and 16(e)(2), for Scott and Vicki Meyers, for Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to construction of an accessory building, for the property located at N68W27101 Oakdale Lane, Lisbon, WI 53089, LSBT 0217.063, because the hardship is self-imposed, not having enough space to house his vehicles. Seconded by BOA Member Pfannerstill. Motion carried 2-1 with one nay by Chairman Gehrke.

Mr. Meyers asked if there could be a compromise on the plans. Chairman Gehrke responded the applicant would have to revise the plans and re-submit for another BOA hearing.

Adjournment.

Motion by BOA Member Gehrke to adjourn the Monday, April 30, 2018 Board of Appeals Meeting at 6:00 PM. Seconded by BOA Member Koch. Motion carried 3-0.

Respectfully submitted,

Gina C. Gresch, MMC/WCPC
Town Clerk

To the Zoning Board of Appeals:

With reference to Hearing #1 (special exceptions to setback and offset of minimum footage zoning ordinances), we strongly oppose this variance request and request that the Zoning Board of Appeals deny the request by Scott and Vickie Meyers for the following reasons:

1) Construction of the requested garage addition would negatively impact resale value of our property. Per attached photo, existing property structures are already in close proximity. This addition would leave only 58' between existing garage structures.
2) An alternative option to this extension would be construction on the backside of the existing garage structure, which would not conflict with any setback or offset requirements.
3) At time of purchase of our lot in Woodland Oaks, the declaration of building restrictions executed by the developers states in Clause 2 that "The purpose of this Declaration is to insure the best use and the most appropriate development and improvement of each building site thereof; and to protect owners of building sites against such use of surrounding building sites as will detract from the residential value of their property; to preserve, so far as practical, the natural beauty of said property; to guard against the erection thereon of poorly-designed or proportioned structures; to obtain use of material; to insure the highest and best residential development of said property; with appropriate locations thereof on building sites; to secure and maintain proper setbacks from streets and adequate free spaces between structures."
4) Like all Town of Lisbon residents, we choose the area for the openness of lot sizes and the beauty of the rural environment. This addition would definitely diminish both of these factors. Therefore, we kindly request that the Board of Appeals deny this variance request.

Thank you for your consideration.

Mark and Diane Serath
N68 W27121 Oakdale Lane
Sussex, WI 53089

RECEIVED
APR 30 2018
TOWN OF LISBON

WAUKESHA, WIS. 53186

(414) 542-5616

RONALD H. ZIMMERMAN
REGISTERED LAND SURVEYOR

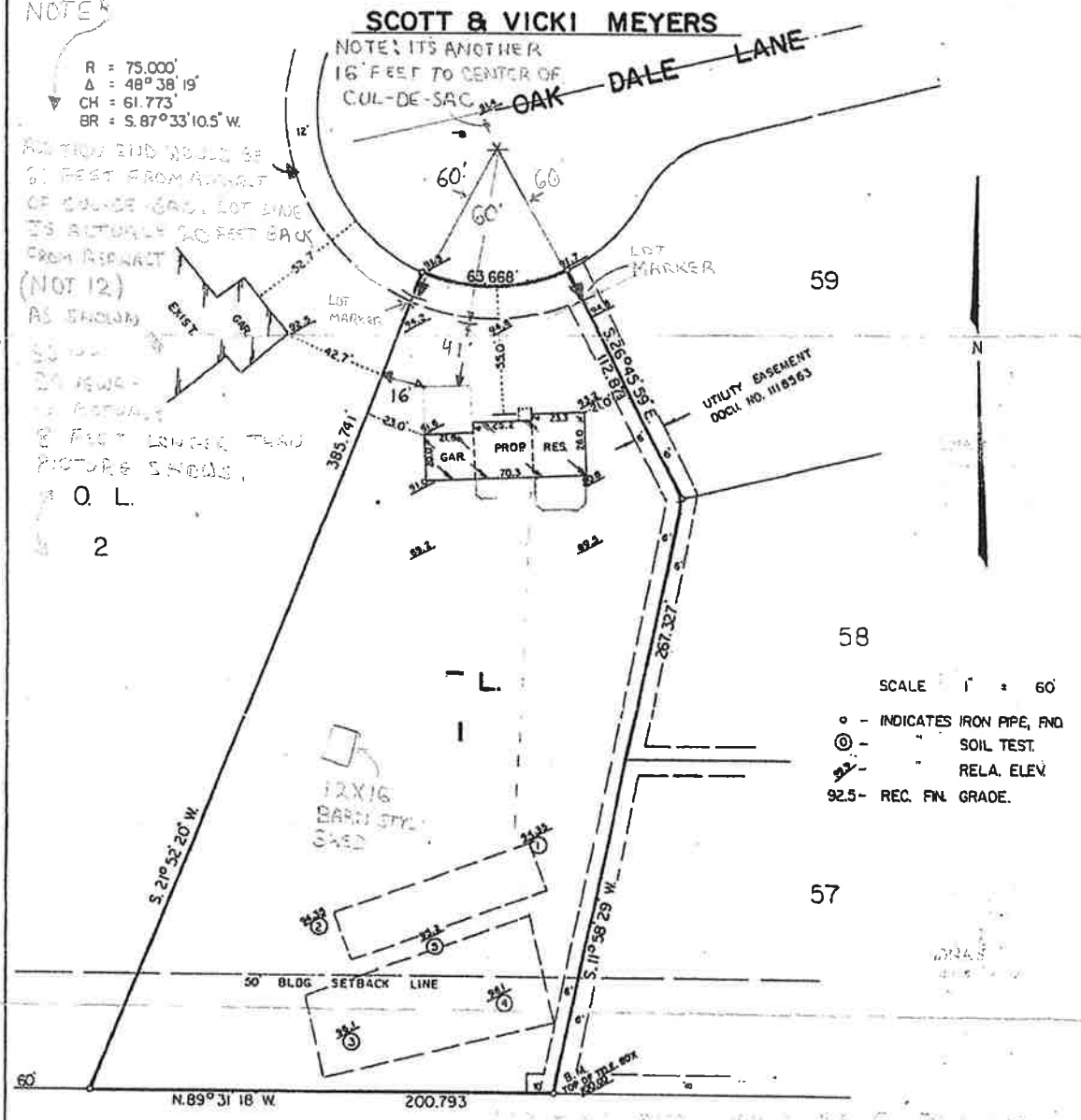
9' FOOT VARIANCE NEEDED OFF FRONT

4' FOOT VARIANCE NEEDED OFF WEST SIDE

PLAT OF SURVEY

FOR

SCOTT & VICKI MEYERS



Outlot 1, Woodland Oaks Addition No. 1, being a subdivision of part of the Southeast 1/4 of the Northeast 1/4 of Section 19 and the Southwest 1/4 of the Northwest 1/4 of Section 20, Town 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin.

CERTIFICATION

STATE OF WISCONSIN } SS
COUNTY OF WAUKESHA }

I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF; AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY AND MAP.

DATE: MARCH 7 19 90.

Ronald H. Zimmerman

WISCONSIN
RONALD H. ZIMMERMAN
S - 868
WAUKESHA, WIS.
LAND SURVEYOR

26/116
RKS

1116400

Vol 391 Page 538 WOODLAND OAKS

DECLARATION OF BUILDING RESTRICTIONS executed by DJN ASSOCIATES, a Partnership, dated September 20, 1979, and recorded in the office of the Register of Deeds for Waukesha County, Wisconsin, on December 17 19 79 on Reel _____ Image _____ as Document No. 1116400 reciting as follows, to wit:

Let it be here stated that the existence of this body of guides and restrictions shall be in effect and binding on all property owners in the subdivision known as WOODLAND OAKS and as developed by DJN ASSOCIATES for Twenty-Five (25) years from the date of its recording.

WHEREAS, DJN ASSOCIATES, is the owner of the real property described in Clause 1 of this declaration and is desirous of subjecting the real property described in Clause 1 to Building Restrictions, Easements, Covenants, and Conditions for the benefit of each owner in Particular.

NOW, THEREFORE, DJN ASSOCIATES, declares that the real property hereinafter described shall be used, held, transferred, sold and conveyed subject to the conditions set forth in this declaration which shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owners thereof.

DEFINITION OF TERMS. Building Site shall mean One (1) recorded, platted lot or Two (2) or more contiguous recorded, platted lots under recorded common ownership. Family shall mean an individual or group of individuals related by blood, marriage or adoption and not to exceed three not so related sleeping, living, cooking or eating on the premises as a single housekeeping unit. Accessory Building shall mean a subordinate building which is located on the lot on which a dwelling is situated, and the use of which is clearly incidental to the use of the main building. An accessory building shall not have any living quarters.

CLAUSE 1

LEGAL DESCRIPTION: WOODLAND OAKS - Being a subdivision of a part of the NE 1/4 of the NE 1/4 and the SE 1/4 of the NE 1/4 of Section 19, and the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 of Section 20, Town 8 North, Range 19 East, Town of Lisbon, Waukesha County, Wisconsin.

CLAUSE 2

2.1 General Purpose The purpose of this Declaration is to insure the best use and the most appropriate development and improvement of each building site thereof; and to protect owners of building sites against such use of surrounding building sites as will detract from the residential value of their property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures; to obtain use of material; to insure the highest and best residential development of said property; to encourage and secure the erection of attractive homes thereon; with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain proper setbacks from streets, and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement in said property and thereby to preserve and enhance the values of investments made by purchasers of building sites therein.

DEC 17 1979

1116400

3.1 Term and Amendment. Unless amended as herein provided, this Declaration shall run with the land and shall be binding upon all persons claiming under the DJN ASSOCIATES for a period of 25 years from the date this Declaration is initially recorded. During a period of three years from the date of such recording, or until all of the lots subject to this Declaration have been sold by DJN ASSOCIATES, whichever occurs later, this Declaration may be amended by the recording of a written instrument executed by or on behalf of all of the following:

(1) DJN ASSOCIATES or its successor, assigns, and

(2) The owners of two-thirds of those lots subject to this Declaration. Thereafter, until the expiration of such 25 year period, this Declaration may be amended by the recording of an instrument executed by the owners of two-thirds of the lots subject hereto. All amendments made during such 25-year period shall be consistent with the general plan of development embodied in this Declaration. After the expiration of such 25-year period, this Declaration (as presently written or as so amended) shall be automatically extended for successive periods of ten years, unless an instrument executed by the owners of a majority of the lots subject hereto has been recorded to abolish or change the same in whole or in part. In ascertaining the number of owners assenting to any such amendatory instrument, persons having the power to convey the fee simple in a given lot shall constitute a unit having a single vote.

3.2 Enforcement. If any of the covenants, conditions, easements, or restrictions are violated, it shall be lawful for DJN ASSOCIATES and/or any other person or persons owning any lot in WOODLAND OAKS subject to the provisions of this declaration, to prosecute any proceedings at law or in equity against the person or persons violating any such covenant, condition, easement, or restriction, and either to prevent him from doing so, or recover damages for such violations.

3.3 Severability. Invalidation of any of the covenants, conditions, easements, or restrictions herein contained, or any part thereof, by a judgment or court order shall not affect any other of the provisions which shall remain in full force and affect.

IT IS FURTHER UNDERSTOOD AND AGREED that this Declaration of Restrictions relating to the use and occupancy of the above described premises shall be binding upon the undersigned as owners of the premises, their heirs, executors, successors, and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 20th day of September, 1979.

In Presence of:

Garth Bowen

Alfred C. Eichler, Jr.

1116160

REGISTER'S OFFICE
WAUKESHA COUNTY, WISCONSIN

1979 DEC 17 PM 12 45

REC'D 391 IMAGE 538

REGISTER OF DEEDS

D.J.N. ASSOCIATES, a Partnership

Donald W. Dibble

Nick G. Contos

James H. McGrath

David J. McKendrey

STATE OF WISCONSIN)
) ss
WAUKESHA COUNTY)

Personally came before me this 20th day of September A.D. 1979, The above named Donald W. Dibble, Nick G. Contos, James H. McGrath, and David J. McKendrey, to me known to be the persons who executed the foregoing instrument and acknowledged the same as their free act and deed.

(SEAL)

Garth Bowen,
Notary Public, Waukesha Co., Wis.

My Commission expires Feb. 24, 1980

Return to Garth Bowen
[illegible]