

NOT APPROVED

**Minutes of the Zoning Board of Appeals Public Hearings & Regular Meeting
Town of Lisbon, Town Hall
Monday, December 9, 2019
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 5:00 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 John Smaglik requesting Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to M-2 General Industrial District offsets, for the property located at W220N7071 Town Line Rd, LSBT 0237.981.002 for a 113' 7" foot side offset variance and a 100' 1" rear offset variance to construct a 60'x80'x16' storage building.

Public Hearing Comments.

Jerry Neumann, 7082 Town Line Road, Lannon, stated this is a good use for the property. He explained the residents who live north of the lot built this building in 1959 and there used to be an industrial building behind it. He stated the new structure will improve the property value and give more tax money to the Town and was in favor of granting the variance.

Charlie Koch asked the applicant what type of landscaping was being used. Mr. Smaglik explained that there are trees planted on the north and the west side of the property. Chairman Gehrke asked when the last time he was on the property. Mr. Smaglik explained he doesn't make much money there and doesn't spend a lot of time at the property.

Adjourn Public Hearing. The public hearing was closed at 5:07 P.M.

Call Zoning Board of Appeals to Order.

BOA Chairman Gehrke called the Zoning Board of Appeals meeting to order at 5:07 P.M. Roll Call: Present: BOA Chairman John Gehrke, BOA Members Dennis Plotecher and Charlie Koch. Also present: Building Inspector Bryan Oelhafen and Town Clerk Dan Green.

Discussion and necessary action to approve the October 22, 2019 Zoning Board of Appeals Public Hearing and Regular Meeting minutes.

Motion by BOA Member Plotecher to approve the October 22, 2019 Zoning Board of Appeals Public Hearing and Regular Meeting minutes. Seconded by BOA Chairman Gehrke. Motion carried 3-0.

New Business.

Discussion and necessary action on the request from John Smaglik, for a special exception from the following section of the Town of Lisbon Zoning Code, related to construction of a storage building for the property located at W220N7071 Town Line Road, LSBT 00237.981.002; Section 32(f)(2) in M-2 Zoning, offset of the Zoning Ordinance requires a minimum of 200 feet from a residential or agricultural zoning district where a lot abuts on a zoning district boundary line where buildings or uses are not permitted in the more restrict zoning district; applicant is requesting a 113' 7" foot side offset variance and a 100' 1" rear offset variance.

John Smaglik stated he has been in business 26 years and has been in Lisbon for 21 years. He bought the property in 2007 and knew it would be a good value. He had a lot of dead trees he needed to remove from the property. He put a fence around it to help buffer from the neighbors. The Carlson's who border the property to the north, originally building structure in 1959. He thought this would be a good time to upgrade the building and get his business back into full swing. The intention is to revive the existing building and keep the well and hopefully the holding tank. He also wants to clean up the property and bring some of the outside storage inside. John Gehrke asked what items he would be able to bring inside that he could not now. The applicants stated he could store trucks, trailers, lawnmowers, salt and fertilizer.

Charles Koch questioned if the building was currently not in compliance with the zoning code which was correct. The new structure would also be non-conforming. He questioned if the hardship was that he wants to make the building improved for business use. The applicant explained there are no overhead doors on the building and is hard to get things inside. The block the building is built on is brittle and the roof is very old. The applicant explained he want to increase the value of the property. He also explained there are trees on the north and west lot lines to serve as a buffer. He stated it would be impossible to build anything on this lot with the M-2 code dictating a 200 foot setback. John Gehrke stated the unique property limitations makes the existing structure non-conforming and impossible to put any building on the site. He questioned what harm it would be to the public interest. He did not see any.

Dennis Plotecher questioned why the let them build the structure in 1959. The building inspector explained the zoning code was not established back then.

John Gehrke stated he walked the Bug Line trail next to the property and stated there was a roofing business that was 60 feet from the property line, similar to Mr. Smaglik's building. He explained that there are a lot of non-conforming properties in the area. Mr. Plotecher asked what could be done to make this compliant with the zoning code. The building inspector, Bryan Oelhafen, stated there is nothing you can do as this zoning district allows the type of use the applicant is using it for. He explained that most business districts have a buffer between a residential districts in which this does not.

Mr. Koch asked the applicant what equipment was on the property. Mr. Smaglik stated he had dump trucks (3-yard), tractors including some diesel engines. Mr. Koch asked if the neighbors could hear the engine noise. The applicant explained he is rarely there, but that there is a quarry across the street that has large trucks moving in and out all the time. Mr. Koch stated he thinks the addition would be good for the Town and seems like a good use of the land. John Gehrke asked if the applicant was going to have fuel tanks or flammable fertilizer stored on the property which the applicant stated he was not.

Motion by Charlie Koch to approve the request from John Smaglik, for a special exception from the following section of the Town of Lisbon Zoning Code, related to construction of a storage building for the property located at W220N7071 Town Line Road, LSBT 00237.981.002; Section 32(f)(2) in M-2 Zoning, offset of the Zoning Ordinance requires a minimum of 200 feet from a residential or agricultural zoning district where a lot abuts on a zoning district boundary line where buildings or uses are not permitted in the more restrict zoning district; for a 113'7" side offset variance and a 100'1" rear offset variance. Seconded by Dennis Plotecher. Motion carried 3-0.

Adjournment.

Chairman Gehrke adjourned the Monday, December 9, 2019 Board of Appeals Meeting at 5:27 PM.

Respectfully submitted,

Dan Green CMC/WCMC
Town Clerk