

Buffalo County Minutes

<u>Committee/Board:</u>	Zoning Board of Adjustment
<u>Date of Meeting:</u>	August 9th, 2022
<u>Electronic and Hardcopy Filing Date</u>	DRAFT

The Board of Adjustment public hearing was called to order at 8:05 a.m. by Chairman Dale Klopp. Barry Drazkowski, Ron Kazmierczak and Dale Klopp were all present.

Others present for all, or part of the public meeting include Briar Golden; Zoning Specialist, and Dan Olson; applicant.

The public notice for the hearing was read aloud.

Agenda item #3 was reviewed by Mr. Dale Kopp.

Minutes are summarized as follows.

Applicant Presentation and Testimony Dan Olson explained that he owns both the storage units and the neighboring home at the site. His hope is to build a garage on the east side of the property, where the electricity and septic are located, to serve as a privacy barrier between his commercial lot and the home. To have adequate space for the garage, he would need to take land from his commercial lot and add the land to the lot with his home.

Photo Presentation

Briar Golden presented aerial imagery and other photographs of the Olson property.

Board of Adjustment members questioned Mr. Golden on the locations that the photographs were taken and asked Mr. Olson where existing and proposed property lines are located on the images.

Questions to Applicant by BOA Members and Zoning Staff

Mr. Klopp asked when the storage unit was constructed. Mr. Olson said that he believed the storage unit was constructed 25-30 years ago. He has owned the storage unit for 17 years.

Observing the Town of Mondovi Zoning Map, Mr. Drazkowski noted that Mr. Olson's commercial property appeared to be isolated from similar land uses. He listed the immediate zoning districts in the surrounding area. Mr. Kazmierczak referred to this arrangement of zoning districts as 'spot zoning.'

Mr. Golden said that the towns of Buffalo County adopted the current zoning maps to reflect the existing uses of the land.

Mr. Kazmierczak asked for clarification from Mr. Olson if he was connected to city sewer or if he has a septic system. Mr. Olson clarified, stating that he has a septic system.

Mr. Olson said that he had spoken with the Highway Commissioner, and it would likely be acceptable to install another driveway on his property.

Reacting to Mr. Olson's statements about adding plumbing to the shed, Mr. Klopp asked if the garage that he intends to build would be used for residential rather than commercial use. Mr. Olson said that it would be used for personal storage.

Referring to a photo of the residence, Mr. Kazmierczak asked how much property is located on the west side of his existing garage. Mr. Olson thought that it was approximately 80 – 100 feet.

Mr. Klopp and Mr. Kazmierczak asked Mr. Olson to identify the location of the

Mr. Klopp asked what the length of the existing storage unit is. Mr. Olson said that it was about 100 feet long. Mr. Klopp asked what size of the proposed garage would be. Mr. Olson replied by stating that the garage would be 80 x 40 feet in size.

Mr. Drazkowski asked what the constraints might be of building the garage on his commercial lot. Mr. Olson said that he would like the garage to be located on his residential lot so that, if the storage shed were sold, his garage would not be sold with the property.

Mr. Klopp asked if the location of the utilities was the primary reason that Mr. Olson would locate his garage/ shed on the east side of his residential lot.

Mr. Golden noted that the current use of the commercial lot is not a high intensity land use. He said that, in its current state, the commercial lot could someday be used for a more intensive commercial operation.

Mr. Klopp asked if Mr. Olson's proposal would leave enough space for storage unit renters to back up structures. Mr. Klopp asked for clarification from Mr. Golden that a storage shed could be constructed on a quarter-acre lot if public sewer was available.

Mr. Drazkowski said that it appeared that Mr. Olson could build on the west side of the property. Layering on that point, Mr. Drazkowski said that the commercial lot seemed to be a legacy. He said that felt conflicted, stating that there were other options for Mr. Olson.

Mr. Kazmierczak referred to state statute and stated that there appears to be another option on the property, but there are unique property limitations and there isn't any harm to public interest. Mr. Drazkowski said that the unnecessary hardship and unique property limitations wouldn't meet criteria for approval without knowing the unique history of the parcel and the timeline in which the zoning maps were created. Mr. Klopp said that it seemed to be self-imposed. Mr. Drazkowski said that in this case, he was leaning towards approval of the variance because of the hardship and unique history of the property. Mr. Kazmierczak asked Mr. Golden for the Zoning Department's position.

Mr. Golden said that he believed that it would be difficult to address the fact that the hardship, in this case, was self-imposed. However, in Mr. Golden's opinion, the assumption that Mr. Olson's business should have space for a septic system and meet minimum lot size requirements for an unsewered lot causes hardship. Mr. Kazmierczak referenced the conditions the Mr. Golden

proposed in the Zoning Department's Report to the Board of Adjustments and said he was ready to make a motion.

Mr. Kazmierczak motioned to approve with the conditions included in the Zoning Department's Report, adding that the commercial use of the property may never change from a storage unit unless the lot were connected to city sewer and that all other zoning and other permitting requirements apply.

Mr. Drazkowski seconded the motion, adding that all the conditions Mr. Kazmierczak listed be applied.

All in favor motion carried.

No Additional Correspondence.

No Site Visits Needed.

Minutes from the May 17 and June 30, 2022 Hearings

Mr. Klopp, referring to the May 17, 2022 hearing minutes, was unsure if the board made dust control a condition. Mr. Kazmierczak said that board did indeed make a condition that the applicant 'shall' collaborate with the Town of Dover to control dust.

Mr. Golden requested comment from the board regarding Ms. Schoeder's comments from the May 17, 2022. Mr. Kazmierczak said that due to the public interest in the case, Ms. Schoeder should be held to her word at the time of the hearing and she should be limited to two events in November 2023. Mr. Klopp argued that it's sometimes hard to remember an exact number on the spot. Mr. Kazmierczak said that it would be fair to interested parties to limit the number of events to that which was agreed upon at the time of the hearing.

Mr. Kazmierczak motioned to approve meeting minutes for the May 17th, 2022 hearing. All in favor.

Mr. Klopp motioned to approve minutes for the June 30th, 2022 hearing. Mr. Drazkowski seconded. All in favor.

Mr. Klopp motioned to adjourn the meeting. Seconded by Mr. Kazmierczak. Public Hearing was adjourned at 8:56 A.M.

Respectfully Submitted,


Briar Golden, Zoning Specialist

