



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF BOARD OF APPEALS MEETING
MONDAY, NOVEMBER 9, 2009 AT 6:30 P.M.
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) CALL MEETING TO ORDER:** Meeting called to order by Opsteen at 6:29 p.m.
- 2) ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Members present – Opsteen, Hansen and Wallenfang. Also present was Administrator/Clerk Gorall and the applicant Bruce Havel.
- 3) APPROVE PREVIOUS MINUTES**
 - a) July 27, 2009 Board of Appeals Minutes – For Approval/Denial: Motion by Wallenfang/Hansen to approve minutes. Motion carried 3 to 0.
- 4) PUBLIC HEARING**
 - a) Application for Variance to Sec. 63-06(4)(e) Accessory Uses and Structures, Fences, Walls, Hedges; Bruce and Michelle Havel are requesting the variance for W2593 Ridgfield Court. Parcel number for the property involved is 030137000: Opsteen opened the public hearing and called for comments in favor of the application. Bruce Havel spoke in favor of the application and explained his request. Havel noted that he has a corner lot, described the desired fence location, desire for a larger gate opening, described setbacks for the lot and noted that visibility would not be obscured. Opsteen called for comments in opposition to the application. No comments. Motion by Wallenfang/Hansen to close the public hearing. Motion carried 3 to 0.
- 5) APPLICATIONS FOR APPROVAL OR DENIAL**
 - a) Application for Variance to Sec. 63-06(4)(e) Accessory Uses and Structures, Fences, Walls, Hedges; Bruce and Michelle Havel are requesting the variance for W2593 Ridgfield Court. Parcel number for the property involved is 030137000 – For Approval/Denial: Gorall provided a review of the application and applicable zoning regulations. Hansen noted that having the tree removed adjacent CTH KK would be beneficial. Havel noted that all trees located adjacent KK will be removed. The Board reviewed and discussed the application including all of the following requirements:
 - Variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of the zoning ordinance.
 - The variance will not permit the establishment of a use which is not permitted or permissible in the zoning district.
 - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
 - The hardship is not shared generally by other land or buildings in the area.
 - The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.The Board agreed that all points noted above are favorable to the application and while limited hardship is created there are other similar situations in the Town. Overall, the Board noted that the four foot variance is favorable to the Town. Motion by Wallenfang/Hansen to approve the application to allow for a four foot variance (21 foot setback from the lot line on Hank Drive is allowed). Motion carried 3 to 0.
- 6) FUTURE AGENDA ITEMS**

Future meeting agenda/discussion items and possible action on future Board of Appeals agenda, including specific items for inclusion on or exclusion from future agenda: No future agenda items were presented.
- 7) ADJOURN:** Motion by Wallenfang/Hansen to adjourn at 6:40 p.m. Motion carried 3 to 0.

Angela Gorall, Administrator/Clerk
Dated: November 10, 2009

Motion to approve by Wallenfang/Hansen. Date: 3/8/2010.
Carried 3 to 0.