



*"In the Spirit of Town Government"*

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**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF BOARD OF APPEALS MEETING  
MONDAY, JULY 27, 2009 AT 6:00 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) **CALL MEETING TO ORDER:** Meeting called to order by Opsteen at 6:15 p.m.
- 2) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Members present – Opsteen and Wallenfang. Hansen was excused. Also present was Administrator/Clerk Gorall and applicants.
- 3) **APPROVE PREVIOUS MINUTES**
  - a) June 22, 2009 Board of Appeals Minutes – For Approval/Denial: Motion by Wallenfang/Opsteen to approve minutes. Motion carried 2 to 0.
- 4) **PUBLIC HEARING**
  - a) Application for Variance to Sec. 63-06(4)(c) Accessory Uses and Structures, Detached Accessory Buildings; Timothy and Laure Kline are requesting the variance for N369 Carols Lane. Parcel number for the property involved is 030041814: Opsteen opened the public hearing and asked for comments in favor of the application. Steve Frassetto and Tim Kline were present and spoke in favor of the request. Frassetto provided a map and reviewed the site, photos, Town requirements, compliance with variance requirements and the need for the garage. Easement is maintained between lot 1 and 2 for a driveway access to the site. The applicant noted how other options were reviewed for the garage, noting restrictions such as shoreland zoning. Applicant noted that neighbors were contacted regarding the request with no opposition. Opsteen asked for comments in opposition to the application. No comments. Motion by Wallenfang/Opsteen to close the public hearing. Motion carried 2 to 0.
  - b) Application for Variance to Sec. 63-05(10) Dimensional Requirements for Industrial Zoning, Wolf River Partners, LLC is requesting the variance for Speedway Heights Lot 9. Parcel number for the property involved is 030254000: Opsteen opened the public hearing and asked for comments in favor of the application. Dave Allen, member of Wolf River Partners, was present and spoke in favor of the application noting coordination with the Town on the need for the variance in regard to installation of a pond. Opsteen asked for comments in opposition to the application. No comments. Motion by Wallenfang/Opsteen to close the public hearing. Motion carried 2 to 0.
- 5) **APPLICATIONS FOR APPROVAL OR DENIAL**
  - a) Application for Variance to Sec. 63-06(4)(c) Accessory Uses and Structures, Detached Accessory Buildings; Timothy and Laure Kline are requesting the variance for N369 Carols Lane. Parcel number for the property involved is 030041814 – For Approval/Denial: Gorall provided a review of the application noting that the existing shed on the parcel must be removed and a double permit fee must be paid due to proceeding without a building permit. 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. Motion by Wallenfang/Opsteen to approve the application with the condition that the current accessory building be removed. Motion carried 2 to 0.

- b) Application for Variance to Sec. 63-05(10) Dimensional Requirements for Industrial Zoning, Wolf River Partners, LLC is requesting the variance for Speedway Heights Lot 9. Parcel number for the property involved is 030254000 – For Approval/Denial: Gorall provided a review of the application noting that the applicant is cooperating with the Town on installation of a pond. 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. Motion by Wallengang/Opsteen to approve the application. Motion carried 2 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/Opsteen to adjourn at 6:42 p.m. Motion carried 2 to 0.

Angela Gorall, Administrator/Clerk  
Dated: July 28, 2009

Motion to approve by Wallenfang/Hansen. Date: 11/9/09.  
Carried 3 to 0.