



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF BOARD OF APPEALS MEETING
MONDAY, JANUARY 12, 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 6:31 p.m.
- 2) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present – Opsteen, Hanson and Wallenfang. Also present was Administrator/Clerk Gorall, Dave Schmalz of McMahon and members of the public.
- 3) **APPROVE PREVIOUS MINUTES**
 - a) September 24, 2008 Board of Appeals Minutes – For Approval/Denial: Motion by Wallenfang/Hanson to approve minutes. Motion carried 3 to 0.
- 4) **PUBLIC HEARING**
 - a) Application for Variance to Sec. 63-05(4)(5a)(2) Single Family Residential District, Dimensional Requirements; Donald and Carol Coenen, W2855 Emons Road, Lot 2 of Pending Certified Survey Map; Parcel numbers 030055800, 030055900 and 030094600: Public hearing opened by Opsteen. Opsteen called for comments in favor of the application. Dave Schmalz spoke in favor of the application noting the history of the parcel, DNR requirements for pond development, need for the variance and the overall plan for development of the area. Barry Jadin, owner of property to the east, spoke in favor of the application. Opsteen called for comments in opposition to the application. No comments. Motion by Wallenfang/Hanson to close the public hearing at 6:36 p.m. Motion carried 3 to 0.
- 5) **APPLICATIONS FOR APPROVAL OR DENIAL**
 - a) Application for Variance to Sec. 63-05(4)(5a)(2) Single Family Residential District, Dimensional Requirements; Donald and Carol Coenen, W2855 Emons Road, Lot 2 of Pending Certified Survey Map; Parcel numbers 030055800, 030055900 and 030094600 – For Approval/Denial

The Board discussed the application against each variance requirements. Wallenfang noted that this is a unique circumstance for the area and is consistent with the area. Hanson noted consistency with zoning. Board agreed that all of the following requirements are met by the application. Applicant noted that there are no immediate plans for building on the lot.

 - 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.

Motion by Wallenfang/Hanson to approve the variance application. 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 comments.
- 7) **ADJOURN:** Motion by Wallenfang/Hanson to adjourn at 6:39 p.m. Motion carried 3 to 0.

Angela Gorall, Administrator/Clerk
Dated: January 13, 2009

Motion to approve by Wallenfang/Opsteen. Date: 6/22/2009.
Carried 2 to 0.