



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF BOARD OF APPEALS MEETING
MONDAY, APRIL 12, 2010 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 6:02 p.m.
- 2) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Members present – Opsteen, Hansen and Wallenfang. Also present was Administrator/Clerk Gorall, the applicant and Town Chairperson McAndrews.
- 3) **APPROVE PREVIOUS MINUTES**
 - a) March 8, 2010 Board of Appeals Meeting Minutes: Motion by Wallenfang/Hansen to approve minutes. Motion carried 3 to 0.
- 4) **PUBLIC HEARING**
 - a) Application for Variance to Sec. 63-05(3)(5)(b) General Agricultural District, Dimensional Requirements; David and Melissa Kavanaugh are requesting the variance for a currently vacant parcel to build a residential home. Parcel number for the property involved is 030024608: Opsteen opened the public hearing and called for comments in favor of the application. David Kavanaugh was present and noted details of need for the request, options for acquiring the needed 10 feet of frontage and impacts on his building schedule. 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. 63-05(3)(5)(b) General Agricultural District, Dimensional Requirements; David and Melissa Kavanaugh are requesting the variance for a currently vacant parcel to build a residential home. Parcel number for the property involved is 030024608 – For Approval/Denial: Gorall provided a review of the application and need for the variance. The Board reviewed and discussed the application including all of the listed 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/Hansen to approve the application to allow for the 140 ft. of frontage on an existing road less than the required 150 feet. 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 new agenda items added.
- 7) **ADJOURN:** Motion by Wallenfang/Hansen to adjourn at 6:11 p.m. Motion carried 3 to 0.

Angela Gorall, Administrator/Clerk
Dated: April 13, 2010

Motion to approve by Wallenfang/Hansen. Date: 5/12/2010.
Carried 3 to 0.