



*"In the Spirit of Town Government"*

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**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF BOARD OF APPEALS MEETING  
MONDAY, JUNE 22, 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 6:04 p.m.
- 2) ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Members present – Opsteen and Wallenfang. Hansen was absent. Also present was Administrator/Clerk Gorall and variance applicants.
- 3) APPROVE PREVIOUS MINUTES**
  - a) January 12, 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; Kenneth and Jeanette Fink are requesting the variance for N535 County Road GG. Parcel number for the property involved is 030017602: Opsteen opened the public hearing and called for comments in favor of the application. Kenneth and Jeanette Fink were present and noted prior discussion with the Town on a building permit for a home. Mr. Fink described the desired location for the home and current location of a shed on the property noting that the shed will match the house. Opsteen called for comments in opposition to the application. No comments against the application. Motion by Wallenfang/Opsteen to close the public hearing. Motion carried 2 to 0.
  - b) Application for Variance to Sec. 63-05(4)(5)(a) Dimensional Requirements for Single Family Dwellings, Karl and Marcia Argall are requesting the variance for W2514 Skyview Ct. Parcel number for the property involved is 030182600: Opsteen opened the public hearing and called for comments in favor of the application. Karl and Marcia Argall were present and discussed the desire to use the side of their property for a garage expansion, noting no obstruction to road vision corners and that they spoke with neighbors about their application with no objections. Gorall noted that one neighbor stopped in the Town Hall to review the application, but had no objections. Opsteen called for comments in opposition to the application. No comments against the application. 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; Kenneth and Jeanette Fink are requesting the variance for N535 County Road GG. Parcel number for the property involved is 030017602 – For Approval/Denial: Gorall provided a review of the application and previous correspondence with the Town. The Board discussed and reviewed 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. Motion carried 2 to 0.

b) Application for Variance to Sec. 63-05(4)(5)(a) Dimensional Requirements for Single Family Dwellings, Karl and Marcia Argall are requesting the variance for W2514 Skyview Ct. Parcel number for the property involved is 030182600 – For Approval/Denial: Gorall presented information on the application, pictures were also provided. The Board discussed and reviewed the application including a detailed review of roof pitch and aesthetics of the addition. The Board discussed and reviewed 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 also noting that further encroachment in a front yard setback would likely not be approved. Motion by Wallenfang/Opsteen to approve the application for no greater than a ten foot encroachment in the front yard setback along Hopfensperger Road. 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: The Board agreed to another meeting date in July for a pending application.

**7) ADJOURN:** Motion by Wallenfang/Opsteen to adjourn at 6:23 p.m. Motion carried 2 to 0.

Angela Gorall, Administrator/Clerk  
Dated: June 23, 2009

Motion to approve by Wallenfang/Opsteen. Date: 7/27/2009.  
Carried 2 to 0.