

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING

Tuesday, August 13, 2013

1:00 P.M. – Committee Room 2, Second Floor

Oneida County Courthouse, Rhineland WI 54501

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Chairman Harland Lee called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Bob Rossi, “here”, Harland Lee, “here”, Phil Albert, “here”, Guy Hansen, “here”, Alternate Norris Ross, “here”, John Bloom, “here,” Alternate Jack Young. “here.”

County staff members present: Peter S. Wegner, Assistant Zoning Director and Lila Dumar, Secretary III.

Other individuals present: David Sippel, Joanne Sippel

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Chairman Harland Lee stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and two alternates, all of which are present today. Anyone wishing to testify must identify themselves by name, address and interest in the appeal and shall be placed under oath.

Chairman Harland Lee swore in David & Joanne Sippel & Peter S Wegner, Assistant Zoning Director.

Secretary Phil Albert read the Notice of Public Hearing for Appeal No. 13-007 of David Sippel, 3116 Hanke Drive, New Berlin WI, requesting an area variance to allow construction of a 26' X 42' garage located approximately 10 feet from the right-of-way of Bonkowski Road, contrary to Section 9.70 (A) (1) Chapter 9, Oneida County Code of Ordinances. The property is located at 7092 Bonkowski Road, located in Section(s) 3 & 4, T38N, R11E, PIN TL 407-11, Town of Three Lakes, Oneida County, Wisconsin.

The Notice of Public Hearing was published in the Northwoods River News on August 1 & 6, 2013; and was posted on the Oneida County Courthouse bulletin board on August 5, 2013. Mr. Albert noted that the proof of publication is in the appeal file; and noted that the media was properly notified.

Secretary Phil Albert stated that an onsite inspection was conducted on this date at approximately 10:00 a.m. for appeal #13-007. The location for the inspection is 7092 Bonkowski Road, Three Lakes, Wisconsin. Present at the onsite inspection were the members of the Board of Adjustment and Diann Koshuta, Zoning Technician; David and Joanne Sippel; and Mark and Gail McGrath. Observations: Property boundaries, side lot boundaries, the road right-of-way, well and septic were all marked as was the proposed construction. This is a flat lot with vegetation except for mound septic system. The appellant claimed that there is drainage from a gravel road surface to an existing garage with a cracked slab.

Mr. Albert stated that an email was received from John Higgins today. Mr. Higgins stated that he talked to David Sippel about the appeal and that he was assured by Mr. Sippel that there would be no runoff onto Mr. Higgins property. Mr. Higgins is satisfied and has no other objections.

Chairman Harland Lee stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. The public may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

#### Appellant Testimony.

Mr. Sippel: The garage that's there right now, if I were to put it anywhere else on the lot, it would...if I were to put it on the other side of the lot I would have to take down pine trees that are there and it would also be extremely close to my other neighbor that has been looking at my garage for 35 years on the opposite side of the lot. It would also be in a watershed area if I were to put it on the other side of the lot. If I do raise the garage where it is right now, the water will run, let's say in the center of our lot. If I put it on the other side of the lot it will run toward my neighbor and then toward my house instead of toward the lake. And there isn't a channel beside my house where the water will run. So it will affect my house also. Turning it on the lot also did not work because of the length of the barn/garage. Moving it 20 feet would affect my access to the front side of the lot in that I would not be able to drive over my mound to get to the house, which eventually the next project would be to fix the house and contractor's don't like to walk from the road to get to their stuff when they are doing things on the buildings. So leaving it where it is would be my best option. Moving it a little further away gives me a larger...because I am putting on the doors on the wall facing the road, so that would allow me to park in front of my garage and not be on the road. I guess that's about it, other than if you had some questions.

Mr. Lee: The existing structure you said is 35 years old, approximately. It looks like it is older than that. Is that due to the water problem that you've had there?

Mr. Sippel: Don't know. I'd say it was just poor siding. It was never constructed to withstand the snow load that it saw. I don't know that anything has ever been done to it. When I purchased it, it was late in the season of the winter and it was sagged tremendously. So I knew what I was getting into when I purchased it. I knew I would have to do something with it, because the other building that we did take down was in worse condition than that.

Mr. Lee: How long have you owned the property?

Mr. Sippel: 8 years.

Mr. Lee: Did you have some pictures or drawings that you wanted to share with us?

Mr. Sippel: Yes. I had the pictures posted on the wall there. I don't think Pete saw. So they might be to his benefit. And then the other drawings I think you have copies of everything as far as the surveys and that.

Mr. Albert: I don't think we have a copy of the proposed structure that you had. If we could get a copy of that.

Mr. Lee: While those pictures and things are going around, any member of the Board have a question?

Mr. Albert: Are these copies? Can we keep these?

Mr. Sippel: You can keep them. Or maybe make copies. That would be better.

Mr. Hansen: Where do you propose to run the runoff water?

Mr. Sippel: That would be what we are calling the tree line in the survey that I had posted there. The original property line was wrong; the tree line is the actual property line. It would be on the east side of the mound system. My neighbor's lot is a little higher than mine, but not much. My front yard is considerable lower than the road, but the way the water runs is right down the driveway. So by pitching the driveway and the garage towards the property line, we are hoping to keep the water off of his and send it along side the mound and the tree line.

Mr. Lee: As I am looking at this diagram, it would be to the east, right?

Mr. Sippel: Yes. Right now, most of it comes out and it sits in a spot just beyond my garage to the south there, the water does. The photos I took two weeks ago were from

probably a ½ inch of rain. When we get 2 inches of rain the water will come in the man door it gets that bad.

Mr. Lee: If I am looking at the diagram, can you locate approximately where that big pine tree is?

Mr. Sippel: About here.

Mr. Lee: Under that line?

Mr. Sippel: Yes. I would just as soon not lose that tree.

Mr. Bloom: What is your justification for the need for a garage that is that size, 26 X 42? That is considerable.

Mr. Sippel: I still have numerous things in that garage. We had emptied it last fall in anticipation of rebuilding it. So consequently I do have considerable amount of things that I want to put inside. And not leave sit outside in the weather. And I did purchase the property 8 years ago with the assumption that I would have that size garage. So I guess the need for it is that I had already filled that space and as the years go on, I always seem to acquire more things instead of less.

Mr. Lee: Is that right?

Mr. Sippel: Yes. Making it smaller and then I'd get a boat and a car in it and that would be it. Because I'd be going down to a 26 X 26 or maybe 26 X 32. Basically, it's just the fact that I have that much stuff already and we do have two snowmobiles. I'd like to put them in there too. So if it gets to be any smaller, I'll have a trailer sitting outside that would be unsightly. I already have one there storing stuff that I have taken out of the garage which normally would not be there. As far as I know, I don't have any objections from the neighbors having that size garage there and making it two feet wider allows me to have access from the road and actually back a boat in there. It can be done the other way, but it is extremely tricky with a pick-up truck. With a tractor or four-wheeler it wouldn't be so bad to back a boat in there.

Mr. Albert: Did you put the mound system in?

Mr. Sippel: No. That was in 1986 by the previous owners.

Mr. Bloom: What is the height of the proposed garage?

Mr. Hansen: It is shown on the project detail. 42 X 26 with height of 19. Two stories.

Mr. Wegner: A loft or an attic.

Mr. Hansen: When you say a loft, are you talking a whole second story?

Mr. Sippel: The trusses allow a storage loft up there, so the side wall is five foot; center height is close to six foot. This drawing is actually more helpful. 6'7" was the center height. So it allows me to have a stairway downstairs and then a storage loft for excess stuff.

Mr. Hansen: On that drawing you just had, it looks to me like a relatively conventional structure, with simply an upstairs storage area.

Mr. Sippel: Correct. Designed rafters for storage.

Mr. Hansen: So saying it is 2 stories isn't quite right.

Mr. Sippel: Is that what I put on the permit?

Mr. Hansen: Yes.

Mr. Lee: It's not really two stories.

Mr. Sippel: No.

Mr. Wegner: So you lied on the permit.

Mr. Sippel: Sorry.

Mr. Young: The storage area, according to this is 9 feet 1 1/8 inches. How tall is it going to be from the second story to the peak? You have here, 7.5. But that's not to the peak.

Mr. Sippel: This particular picture may be a little bit different because we had a truss difference, but this was the final copy—the one that Pete has.

Mr. Wegner: So this distance for the permit is 6' 7". And then the peak—from the base of this joist to the peak of the roof is 9' 2 1/2". The difference is this little engineered truss.

Mr. Sippel: Yes.

Mr. Hansen: How tall is the building that is there now?

Mr. Sippel: Probably 14 feet. There is an 8 ft sidewall and then a standard pitch. So it would be right around 14 feet.

Mr. Lee: So to the peak might be 5 feet higher?

Mr. Sippel: Correct.

Mr. Ross: You are currently living in the non-new house to the right, looking at the lake?

Mr. Sippel: Yes.

Mr. Ross: Do you have plans to do something to that structure?

Mr. Sippel: Yes.

Mr. Ross: Major?

Mr. Sippel: The possibility exists—depends on funds; definitely needs to be re-sided.

Mr. Ross: How would moving this garage or keeping it where it is, moving it back closer to the mound. How would that expedite that project? My thought is do the house first and then the garage. I'm just throwing it out there.

Mr. Sippel: The garage was in a lot worse shape, as you very well saw. The house is habitable forever. We stuck \$30,000 in it just to live in it or to visit it. We are there three days on a weekend, every other week during the summer. We don't use it during the winter. The newest building has a full forced air furnace. The house has two wall furnaces which heat very poorly. Heating costs are up around \$2500.00 in propane for a winter, at least that what the previous owners were running through there. The house, it would be nice to make let's say the same, but not two stories as the cottage which consequently would mean that I would be putting in a full course basement foundation so I can have access to my utilities and whatever else and we can put stuff down there that belongs down there. In order to do that, you'd like a concrete pumper somewhat close and if we were to move the garage 20 feet, it would restrict any type of access to getting to the front of that lot. Ten feet is making a minimum. In other words, we move the garage 10 feet; we still have 10 feet we can get in between the garage and the mound system. So you still would have access to get a big vehicle in there.

Mr. Lee: Actually your drawing here shows 20 feet. From one corner to the mound system, it says 20.

Mr. Sippel: Oh, that would be on the application. What that is...I don't know if you were there when Diann asked that question. Where the stakes were that were put in there. You know, I thought the toe of the mound would be where it actually comes flat. Well, that's not the toe of the mound. It is a 12 ft width starting from the center and then moving six feet to each side. Well, there is still a slope for another 6-8 feet before you get to the flat surface. So.

Mr. Lee: So it's really 10 not 20. Is that what you are saying?

Mr. Albert: What Diann measured was where the slope came flat; it was 10 feet to the existing garage.

Mr. Ross: To the new proposed corner.

Mr. Sippel: Yes.

Mr. Hansen: To the new proposed corner or existing?

Mr. Ross: Proposed.

Mr. Lee: Okay, so the 20 is 10.

Mr. Bloom: That's correct.

Mr. Sippel: It says 10 to the flat area. It is 20 to the...

Mr. Lee: I think we understand.

Mr. Sippel: It's kind of strange because like you would think, the toe would be where it would be done.

Mr. Young: You are going to raise the garage up?

Mr. Sippel: Correct. About 8 inches.

Mr. Young: How is that going to affect the water flow? You'll still get water down there.

Mr. Sippel: Into the garage?

Mr. Young: If you look at your road, that's higher than what your garage is going to be.

Mr. Sippel: It still will be, but the area out in front where the trees are, I plan on raising that, so even if the existing driveway needs to be raised at an angle so that it runs more into the grassy area, and then consequently in front of the pine tree. That's the idea there. I'll be raising the front my lot in front of the garage also.

Mr. Albert: Just by looking at your pictures here, the natural drainage from the road right down onto your property, if you divert that by raising this area, you are going to divert that farther down to the other side of your lot. Right?

Mr. Ross: That's what he is saying. That's where he wants it to go.

Mr. Lee: He wants it to go on the other side of the mound system.

Mr. Albert: Just the natural flow appears to come down this way. If he fills this in....

Mr. Ross: He's going to fill it on the left.

Mr. Sippel: The road is actually too high right there. When I started this 2-3 years ago, I had....out there and he said he didn't see an issue with snow plowing or anything else. Not too long after I talked to him, they came out and fixed the end of that road a little bit, but they did raise it up so there is a lip there now. And that lip stops it. It's where the right hand barrel is to the lip stop.

Mr. Albert: It appears to have been raised and your neighbors driveway, but diverted it then down into your driveway.

Mr. Sippel: So the flow I am hoping to have is to go down the tree line--I can't change it a lot because my neighbor's garage is so low.

Mr. Hansen: The neighbor to the east?

Mr. Sippel: Correct. But it would be nice to at least get it to flow in the grass instead of in the gravel. Originally that road was asphalt all the way, and we are still picking up chunks of asphalt in front of the green barrel every spring.

Mr. Albert: It was blacktopped at one time?

Mr. Sippel: Yes.

Mr. Albert: Really.

Mr. Lee: It's certainly not in the best of shape.

#### County Testimony

Mr. Wegner: I'll pass these around as an exhibit. These are the photos that were taken today at the site. As his appeal states and as you already discussed, he came into the office to get a permit to replace the existing garage due to it's being in poor shape and our ordinance does not allow an accessory structure that does not meet the appropriate setbacks to lots lines and right-of-way to be replaced. So the permit was denied. And we discussed different options. And I put together a map of options that the County would propose. The County believes he could get what he is asking for if he would look at two alternative locations and possibly reduce the size of the garage. As far as controlling the runoff with rain gutters and French drains I think a lot of that can be taken care of. So on the map you will see shown in blue the area that meets all the

applicable setbacks. But if you use this area that is 10 feet from the toe of the mound, this area meets the applicable setbacks. What I did then was I took the same square footage of what you see proposed at 26 X 42 and I came up with option A and option B. If you look at the plans that I don't think were part of the appeal but that he sent in with the permit, it shows the opening of the garage. If you took option A you could enter the garage by the two doors that are being proposed on that side and then swing around kind of where the two buildings overlap to gain access on the west side. The other thing I did was, I looked at what is the actual size of the septic system and looking at the permit that was issued for the reconnect, they are showing the system from the onsite inspections to be 24 X 62 and it has moved a little bit farther down from where it is located on the survey. That being said, if you were to take option A you would have almost between the 10 ft setback and the south side of option A and the edge of the mound, is approximately 15 feet. And that is not really the area of concern, gaining access to the main house. You would have all the open area because obviously the existing garage would be gone and option B would not be there. If you were to take option B, you would have a difference of between 15 to 20 feet between the toe slope of that mound, and the edge of the garage to gain access. So I understand his concerns with location and it has been there for 35 years. The County would suggest that you take advantage of either option A or B, relocating the garage and possibly if there is still an issue with a setback or drainage, just to reduce the size.

Mr. Lee: If he did option A, he'd lose the tree then.

Mr. Wegner: It would be pretty close, but again I am just looking at it as a lot and not the tree or the septic. That's another option; he could move the septic because it is a 1986 septic. And he would have more room over here to move the garage down or over this way. This way being on the east side of this highlighted blue area. I guess the bottom line is there are options getting exactly what he is asking for, which some would argue is more than what is needed.

Mr. Sippel: My plumber suggested when we took out the permit for the guest house, we had to sign paperwork saying that the mound would not have more than 4 person(s) pressure on it, because it is undersized for two houses. So because it is old and because in the future, I do believe that one of my hardships is that if I were to move the garage to another point on the property I would lose that long skinny piece of land where a future mound system would go. And it would have to be considerably larger. So I do need that long skinny piece of land.

Mr. Lee: The mound system couldn't go this way, almost parallel to your west lot line?

Mr. Sippel: There is could go also, yes. But then we are back to putting the garage on that side of the property that was not proposed to my neighbor. It would be right in his face so to speak and we would lose the pine. I would not put a garage there without taking that pine down eventually.

Mr. Hansen: Pete, you feel option B there on your drawing would allow adequate access to the house?

Mr. Wegner: Yes. Definitely. We've got numerous other properties where it is more restrictive than that to gain access. The only thing you would really want to get down there would be a track hoe to dig a basement and as far as a pumping truck, those have a long reach on them. Those concrete pumpers, with a long arm, they could go right up to the 10 ft setback and get that far to pump the concrete. Or if it was blocked, it wouldn't be that big of an issue.

Mr. Hansen: Like you said, there are other options that you could draw, but you didn't because it gets too complicated.

Mr. Wegner: Those were related to the fact that what was measured from both the house and the cottage during the onsite inspection for the reconnect in 2010, the system is not of that dimension. It is actually probably 10 feet shorter and is approximately 5-8 feet closer to the cottage from where it is located now.

Mr. Hansen: So a person could actually move your option B building further to the northeast 40 feet, but then you cut off the drainage.

Mr. Wegner: I didn't really look into the drainage because that's a common problem on most properties and a lot of those things can be addressed on the property with rain gutters and French drains. I think the most of the drainage issues are coming from the road itself as he had in his appeal.

Mr. Hansen: You feel a French drain would take care of that?

Mr. Wegner: From the road? Sure. It might be a large one. But it would.

Mr. Hansen: Which we would prefer rather than have it run right to the lake anyway.

Mr. Wegner: Correct.

Mr. Ross: The goal is not to let it down to the lake.

Mr. Sippel: What is a French drain?

Mr. Wegner: It is basically a 2 X 4 dugout area and they fill it with crushed rock and then they put drain tile inside there, so when the water comes in, it hits this more porous area and from there goes to a lower spot or evaporates or is used by the plants.

Mr. Lee: So in your diagram here Pete, if you were going to put in a French drain you would put it to the west of option B?

Mr. Wegner: Wherever it was needed. I'm not sure where the drainage issues are, but you would put it where the water is coming in your area. So west would be one example, yes.

Mr. Lee: If he did option B he would still be elevating this garage and to keep the water away from it, you could put a French drain between the road and the west side of that. That would sort of take care of that. On the east side...

Mr. Wegner: The concern on the east side is that it would be going towards that mound, which I think he stated in his appeal, but I talked to Karl about that and he said that you could take care of that with just rain gutter with down spouts that go into little miniature French drains. Usually it ends up like they will bury a 55 gallon drywell.

Mr. Hansen: If we gave a variance, can we require mitigation like French drains and other things like that?

Mr. Wegner: You are the Board of Adjustment. You can do what you want. The County would hope that you wouldn't grant a variance because there are other options.

Mr. Ross: You also said that replacing the existing structure is not allowed by the ordinance also.

Mr. Lee: Along that line, it is interesting that you can replace a building like this house on the footprint, if it is up to the lake. But you can't replace something on a footprint if it is way back here.

Mr. Wegner: It's an accessory structure. That's the difference.

Mr. Sippel: But the accessory structure language was changed last year in the fall I believe. Because I had sent that back to Diann and that was dropped, the accessory structure being too close to a road setback.

Mr. Wegner: I'm not sure what you are saying.

Mr. Ross: He's saying that's no longer in the ordinance.

Mr. Wegner: It hasn't been in there since 2001 where you could replace an accessory structure that didn't meet the applicable setbacks. There was something that changed. Let me think about that.

Mr. Sippel: I have it in an email, but I don't have it with me.

Mr. Ross: I guess the plaguing question is always if there is an option and an opportunity to make something conforming by current standards. You have to pick a point in time when you say, now is the time to make it conforming. Then it is

conforming from then on as opposed to allowing it to continue to propagate the problem. I mean, is this the moment when that garage and that property should be 75 feet from the lake and 20 feet from the right-of-way? As long as there are options. I'm not giving you an answer. I am raising a question.

Mr. Lee: I am more concerned about things on the lakeside. This road is not exactly a high traffic road. And it is poorly maintained. I know that we have ordinances that say you have to keep back from the center line and this, that and the other thing. But when I look at this, the nature of this road, and what it actually is, I am not really concerned about that to be quite frank. I would be more concerned about a structure that is up along the lake than I am about a type of road like this. So for me personally, I am not all that concerned with the setback from the road and all of that and replacing something that is already there or essentially replacing it. Actually moving it back more than it was before. Doesn't bother me. That's where I am coming from.

Mr. Sippel: It's not a hardship, but the other reason I didn't want to turn it to make it conforming is I cannot see the road, it blocks my whole lot. It just...it would be unsightly.

Mr. Wegner: That's understandable, especially this one.

Mr. Sippel: The other one doesn't really bother me, but I'd lose the pine and I'd just put it right on top of his lot.

Mr. Albert: And his garage is already right on the property line.

Mr. Hansen: When the town plows snow where do they turn around? Where do they put the snow?

Mrs. Sippel: The one year they pushed it almost into the end of the drive.

Mr. Sippel: Actually the corner of his house would be closer because they just added 12 feet onto the corner of his house. I guarantee you that if that proposal was there, he would be the first one to say he'd have a problem with that. He is very stringent and he didn't even offer an opinion because I don't see any paperwork from him. And I don't see him.

Mr. Hansen: We are talking about your neighbor to the east?

Mr. Wegner: Yes.

Mr. Sippel: With proposal A.

Mr. Lee: Any more questions for the County, or for Mr. Sippel?

Mr. Rossi: Well, either option A or B would require his driveway to be moved a little bit.

Mr. Rossi: Mr. Sippel, if this proposed unit and the variance were granted for it, you are talking about entering the garage from the roadside. But then you have an apron here besides.

Mr. Sippel: I believe it was five feet on the drawing.

Mr. Hansen: That drawing came from the yellow paper that came around.

Mr. Rossi: You are moving it 10 feet back, but you'd still be 5 feet more...

Mr. Wegner: We look at that as the driveway. Driveways are exempt from all the setbacks.

Mr. Sippel: So it's only the building?

Mr. Young: What if it was done by water damage? Does this take effect?

Mr. Wegner: Why are you looking at that?

Mr. Young: I think it's interesting.

Mr. Lee: What's the issue Jack?

Mr. Wegner: He is pointing out Section 9.99D –Existing structure destroyed by fire, flood, and wind. If you look at the actual statutes it even covers infestation now. So let me...just give me one second. It's on Article 5-2.

Mr. Lee: So if you had a big hornet's nest in there, is that infestation.

Mr. Wegner: I just want to make sure it's good for accessory structures. I think you would be opening a can of worms because by that definition anything that was in a state of disrepair would have to have been due to something. Then there would be no need for nonconforming language.

Mr. Ross: They are talking about a flood, not slow erosion by water over 40 years.

Mr. Wegner: We would require something from the insurance company, something from the appraiser, from the fire department if it is a fire issue to basically show it was from an occurrence, not from years of use.

Mr. Wegner: Does that apply to accessory structures? I think it does.

Mr. Hansen: It also says it has to be destroyed after 2005.

Mr. Wegner: It is interesting that you brought that up, but I would argue against that because it was not a one time occurrence; with that infestation thing, people are trying to argue that. My example would be, there was one in Nokomis where the hot water heater blew and there was non stop water and a mold issue. We allowed them to replace that portion. In this case we would just be looking at the slab, not the entire garage.

Mr. Sippel: You ever been in my garage?

Mr. Wegner: Not when you were around. No, I've never been in it. I would have to talk to Corporation Counsel to see if we could justify that in this particular case. All cases are different, but I think Corporation Counsel would advise us that it would be a slippery slope with any type of an accessory structure that outlives its life expectancy. Is that something to consider due to wind, fire or flood? The intent of the language is for flood, is for fire, and is for tornadoes, it is for that type of thing.

Mr. Hansen: Under paragraph 3, it talks about the owner shall bear the burden of proof as to the size, location or use of a destroyed or damaged structure. So it implies that you may not be able to find it.

Mr. Young: Yes, it is gone. Burned down or washed away.

Mr. Hansen: And reconstruction shall only be to that extent necessary to repair the specific damage.

Mr. Lee: Any further questions? Final statement Mr. Sippel?

Mr. Sippel: If I have to move it on the lot, it would...the neighbors wouldn't be happy and my lot would be blocked by a garage. As far as decreasing the size, it's what I bought; I would like to have a garage that size.

Mr. Lee: Is it possible that you could repair the garage that you have?

Mr. Sippel: If you were to replace the concrete I would say no, because it was over spanned to begin with. That is why I have it cabled. It is not from the water affecting it, but that is why I have it cabled and supported in the center. Any kind of snow load makes it look pretty bad. It sags real bad. I would say rebuilding in the same spot would be okay, but I would just as soon have 10 feet out in front of the garage so I can put a car out there and not be sitting on the road. If 20 feet is out of the question, then I would have to go another way. This would just be....I could have asked for a zero variance, try to make that 5 feet that we have existing work, but I would just as soon straighten it out that allows it to run straight with the property line; allows me a better view of the road, the trees, everything that is beyond that and have an apron out in

front of the garage that I can leave something sit on and not be legally in the road, but like you had said, the road doesn't really exist there. It's on a map.

Mr. Wegner: We looked at vacating that portion of the road too. That was a no go.

Mr. Sippel: We discussed it and that's all the further I got. They said I would have to go back to the County.

Mr. Albert: You are talking about vacating some portion of the road right-of-way there?

Mr. Lee: That's a town road, not a County road. Right?

Mr. Wegner: I thought you discussed it with the Town and they told you not to waste your time.

Mr. Lee: The town can vacate it.

Mr. Sippel: They can vacate it. It takes like 18 months and it doesn't happen very often.

Mr. Wegner: Soder told you that.

Mr. Ross: I'm on the Committee and we've had no requests.

Mr. Sippel: There's an issue with property across the street owned by three different owners. So you would have my neighbor to the west owning one part; my second neighbor owning another part; and then him owning another part; and then they own across the street too. It would be kind of a mess.

Mr. Lee: Any other questions for the County or Mr. Sippel?

2:00 pm – Chairman Lee closed the public hearing. There will be no additional testimony accepted.

The Board deliberated in open session.

**Motion by Guy Hansen, second by Phil Albert to deny Appeal # 13-007 of David Sippel as there are other options available that comply with the ordinance and that reasonable use of the property can be achieved without a variance; and to require that drainage issues be addressed when a new garage is constructed.**

**Discussion on motion. It was concluded that the Board cannot deny a variance and impose conditions on future construction.**

**The motion was modified to read:**

**Motion by Guy Hansen, second by Phil Albert to deny Appeal # 13-007 of David Sippel as there are other options available that comply with the ordinance and that reasonable use of the property can be achieved without a variance.**

**Roll call vote: Bob Rossi, "aye", Harland Lee, "aye", Phil Albert, "aye", Guy Hansen, "aye", Alternate Norris Ross, "aye", John Bloom, "aye," Alternate Jack Young, "aye."**

**Motion by Harland Lee, second by Guy Hansen, to extend the decision filing date to Friday, August 16, 2013. The motion carried unanimously.**

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Harland Lee, Chairman

Phil Albert, Secretary

DRAFT