1. **Public hearing** – convened at 5:24pm.

2. **Call to order** – following the public hearing, the determination meeting was called to order at 5:56pm by Chairman Carlson.

3. **Roll call** – roll was taken with the above members present.

4. **Approval of minutes from previous meetings** – motion by Mulhern to approve, 2nd by Paul. Motion carried.

5. **The application for the American Legion of Wisconsin, 2930 American Legion Drive, Portage, Wisconsin for a variance to Chapter 90, Article II, Section 90-35 (5) for exceeding the minimum street side setbacks on American Legion Drive of 20 feet. The property is zoned B-3 Interchange Business.**

   Said variance will allow a ground sign within 6 feet of the right of way on American Legion Drive, a variance of 14 feet.

Ken Jahn presented variance request to the committee on behalf of the American Legion. There was a slight change from a previous proposal presented at an earlier hearing in that the sign being proposed would be smaller. New plan is to install a sign that is 3 ft. by 6 ft. with removable poll covering signage beneath of about 3 ft. by 6 ft. Sign will be 6 ft. in height, two-sided, and internally illuminated. The proposed location for sign was chosen by the applicant to avoid blocking an existing monument and flag polls on the site and because electrical access already exists at that location. Applicant further believes signage is necessary because the location is the State American Legion Headquarters and it needs to be easily findable for visitors and patrons.

Field supported the variance because the proposed sign would not create any vision impairment or hazard for pedestrians or drivers and because numerous similar setback variances had been granted for sign placements in similar situations elsewhere in the city.

Mulhern believed the hardship burden was not met by the applicant and that there is ample space to construct a sign on the property in compliance with existing zoning ordinances. He noted that nearby signs about a block away for the Social Security Administration and Goodwill were placed in substantial compliance with setback regulations. He also raised the point that because the existing public road technically ended at the end of the American Legion property a two-sided sign was unnecessary and could potentially encourage violation of city ordinance 46-76 – Driving on private property.
Carlson also argued that a hardship had not been adequately demonstrated and failure to issue the variance would not cause greater harm than the initial condition because the applicant has extensive frontage available on American Legion Road that could meet the setback requirement and provide adequate notice to patrons. No soil or other property conditions were demonstrated that created an undue hardship to compliance in his view.

Motion by Field to approve variance request, 2nd by Paul. Roll call vote requested. Motion failed 2-2 (Field and Paul voting in favor, Carlson and Mulhern voting no). Variance not granted.

6. The application for Richard Shaben, 122 Charles Street, Wisconsin for variances to Chapter 90; Article II, Section 90-27 (5) to allow street side setback on Herman Street of less than 30 feet and Article II, Section 90-51 (3) (e) (1.) An accessory building shall not be nearer than ten feet to the principal structure (the drawing shows only 6 feet between structures) and in no event shall the accessory structure be forward of the front line of the principal structure. The drawing shows the accessory building 36 feet in front of the principal structure. The property is zoned R-1 Single Family Residential District.

Said variances would permit the accessory structure to be located 10’- 3” from Herman Street, a variance of 19’-9”, 6 feet from the principal structure, a variance of 4’ and thirty six feet forward of the principal structure, a variance of 36’.

Property owners Richard and Christine Shaben presented variance requests to the committee. Variance would allow them to construct a 3-car detached garage to provide additional storage. Building would have cement foundation and siding to match their house. Applicants believe their lot is unique in shape, as it is angled slightly askew and has a drop off of around 12 ft. in backyard behind the house. Because it is a corner lot it essentially has “two front yards,” increasing what would otherwise be smaller side setback requirements.

Mulhern believed applicants met hardship burden through the information presented and given unique characteristics of the property. Field argued against the variance to allow an accessory structure 36 ft. forward of the principal structure front line and that the hardship burden was not met on this point. The structure could be built in compliance with existing zoning ordinance simply by attaching it to the principal structure. No example could be provided of a similar variance being granted by the committee.

Motion by Mulhern to approve variance requests, 2nd by Paul. Motion carried, not unanimous.

7. Adjournment – meeting adjourned at 6:29pm, motion by Mulhern, 2nd by Field. Motion carried.

Respectfully submitted,

Adam R. Field
Secretary

Date Approved: 03/07/2016
City of Portage  
Board of Zoning Appeals  
Monday, March 7, 2016  
Municipal Building, Conference Room Two  
Minutes

Members Present: Traci Bartels; Adam Field; Mike Mulhern; Mike Paul; Jeff Wetzel

Members Absent: Dave Carlson (excused); Ryan Jahn, alternate

Also Present: Don & Candace Roeker, Portage Mini Warehouse, LLC

1. Public hearing – convened at 5:25pm.

2. Call to order – following public hearings, the determination meeting was called to order at 5:31pm by Chairman Paul.

3. Roll call – roll was taken with the above members present.

4. Approval of minutes from previous meetings – motion by Mulhern to approve, 2nd by Paul. Motion carried.

5. The application for Donald Roeker, Portage Mini Warehouse LLC, 740 E. Albert Street, Portage, Wisconsin for a variance to Chapter 90, Article II, Section 90-36 (5) for exceeding the minimum street side setback on East Albert of 20 feet. The property is zoned B-4 General Business District.

Said variance will allow a ground sign within 3 feet of the right of way on East Albert, a variance of 17 feet.

Mr. Roeker, the applicant, presented the variance request to the committee. Variance would allow placement of sign in front of his business on E. Albert St. At least 5 other nearby business have signs placed in a substantially similar manner to the variance requested. There is a city culvert, and a depressed bio-filter along the front of the property, then blacktop in front of the mini-warehouse building, limiting sign location alternatives within the existing ordinance. Field argued that a site hardship had been proven and that the variance should be approved on the basis of fairness, as many other businesses along the same street had been granted similar variances. Mulhern argued a hardship and not been proven and sign could be placed further back on the property.

Motion by Field to approve the variance request, 2nd by Wetzel. Motion carried, not unanimous. Variance granted.

6. Adjournment – motion to adjourn by Field, 2nd by Wetzel. Motion carried. Meeting adjourned at 5:43pm.

Respectfully submitted,

Adam R. Field  
Secretary  

Date Approved: 05/02/2016
Members present: Chuck Sulik, Michael Mulhern, Michael Paul, Jeff Wetzel,
Members Excused: Traci Bartels;  Ryan Jahn, Alternate 1; Liz Seinkowski, Alternate 2
Also Present:  Director Sobiek, Bill Welch, Chad Stevenson, Jeff Liegel, Ken Jahn, and Craig Sauer.

1. Public Hearing – convened at 5:25pm
   Jeff Liegel, S and L Properties, spoke in favor and presented request for the sign variance.
   No opposition was read or present against the variance request.

2. Call to order
   Following the public hearing, the determination meeting was called to order at 5:30 by Chair Sulik.

3. Roll Call
   Roll was taken with the above members present.

4. Approval of minutes from March 7, 2016 meeting
   Motion by Mulhern, second by Wetzel.  Motion carried 4-0.

5. The application for Culvers, 2733 New Pinery Road, City of Portage, Columbia County, Wisconsin for a variance to Chapter 90, Article II, Section 90-33 (5) for exceeding the minimum front or street side setback on New Pinery Road of 30 feet and a side setback of 10 feet. The property is zoned B-1 Neighborhood Business. Said variance will allow a ground sign within 12 feet of the right of way on New Pinery Road and within 2 feet of side lot line, a total variance of 18 feet front/street side and 8 feet side variance.

   Mrs. Liegel and Stevenson indicated the sign variance was needed due to the Culver’s restaurant expansion that will displace the current sign. Liegel stated the proposed placement of the new sign made sense on the north side of the property away from the line of vision and other signage near the southern end where traffic enters the parcel and the adjoining parcel.
Paul indicated his concern with setting a precedent for other north side signs if this variance is granted and that he was in favor of requiring the sign to be erected at the ordinance required setbacks.

Paul questioned whether the sign would be too close to the sidewalks along New Pinery Road.

Sobiek indicated the sign would be far enough away from the sidewalks and right of way so that public safety was not impinged upon. Mulhern concurred, indicating the sign would be 12 feet away from the right of way and sidewalk.

Motion by Mulhern, second by Wetzel, to approve the variance request. Motion carried, not unanimous. Variance granted.

6. **Adjournment**

Motion to adjourn by Mulhern, second by Paul. Motion carried. Meeting adjourned at 5:37pm.

Respectfully submitted,

Steven Sobiek
Director, Business Development and Planning

DATE APPROVED: 09/07/2016
City of Portage
Board of Zoning Appeals
Public Hearing 5:25pm,
Regular Meeting, 5:30pm
Wednesday September 7, 2016
Municipal Building, Conference Room Two
Minutes

Members present: Chuck Sulik, Michael Mulhern, Jeff Wetzel,

Members Excused: Michael Paul, Traci Bartels; Ryan Jahn, Alternate 1; Liz Seinkowski, Alternate 2

Also Present: Director Sobiek, Bill Welch, and Craig Sauer.

1. Public Hearing – convened at 5:25pm

   Michael Shortreed, applicant, spoke in favor and presented request for the garage/accessory building set back variance.

   No opposition was read or present against the variance request.

2. Call to order

   Following the public hearing, the determination meeting was called to order at 5:30 by Chair Sulik.

3. Roll Call

   Roll was taken with the above members present.

4. Approval of minutes from May 2, 2016 meeting

   Motion by Mulhern, second by Wetzel. Motion carried 3-0 on a call of the roll with Sulik, Mulhern, and Wetzel voting yes.

5. The application for Michael Shortreed, Parcel #1509, 217 W. Franklin Street, City of Portage, Columbia County, Wisconsin for a variance to Chapter 90, Article II, Section 90-29 (5) to allow exceeding the minimum rear setback of 4 feet. The property is zoned R-3 Single and Two Family Residential. Said variance will allow for the building of a detached garage within 0 feet of the rear lot line, a variance of 4 feet.

   Mr. Shortreed indicated the variance was needed to allow him to tear down the existing garage with a 0 setback from the lot line, and replace it with a new slightly larger garage at the same location.
Mulhern indicated his support for granting the variance since there is no alley and the proposed detached garage is in line with neighboring garages located on the rear lot lines.

Chair Sulik indicated there were no City plans for utility easements in the rear 4 foot rear set back area of the lot, and that the Fire Department indicated that a new garage at the proposed location within the 4 foot setback area would not pose a safety hazard.

Motion by Mulhern, second by Wetzel, to approve the variance request. Motion carried, 3-0 with Mulhern, Sulik and Wetzel voting yes. Variance granted.

6. **Adjournment**

Motion to adjourn by Mulhern, second by Wetzel. Motion carried 3-0 with Mulhern, Sulik and Wetzel voting yes. Meeting adjourned at 5:41 pm.

Respectfully submitted,

Steven Sobiek
Director, Business Development and Planning

DATE APPROVED: 10/03/2016
City of Portage  
Board of Zoning Appeals  
Public Hearings, 5:20pm and 5:25pm,  
Regular Meeting, 5:30pm  
Monday, October 3, 2016  

Municipal Building, Conference Room Two  
Minutes

Members present: Chuck Sulik, Michael Mulhern, Jeff Wetzel, Michael Paul, Traci Bartels;  

Members excused: Ryan Jahn, Alternate 1; Liz Seinkowski, Alternate 2  

Also Present: Director Sobiek, Bill Welsh, David Gunderson, Sandy Gunderson, Christopher Krause, Suzanne Hoppe, and Gary Koss  

1. Public Hearing convened at 5:20pm regarding the application for Christopher Krause, parcel #1617, 228 W. Franklin St. Portage, Columbia County, Wisconsin for variance to Chapter 90; Article II, Section 90-29 (5) to allow minimum rear setback of less than 11 feet for an attached garage and addition. A variance of 29 feet from the required minimum rear set back of 40 feet. The property is zoned R-3 Single Family and Two Family Residential district.

Said variance would permit the attached garage and addition to be within 11 feet of the rear setback, a variance of 29 feet. The minimum rear setback is 40 feet. on 228 W Franklin St., a variance of 29 feet.

Christopher Krause, applicant, spoke in favor and presented request for the attached garage/building addition set back variance.

No opposition was read or present against the variance request.

Public Hearing adjourned at 5:25pm.

Public Hearing convened at 5:25pm regarding the application for David and Sandra Gunderson, parcel # 176, 218 Washington St. Portage, Columbia County, Wisconsin for variance to Chapter 90; Article II, Section 90-28 (5) to allow lot width of 65 feet. A variance of 5 feet from the required minimum lot width of 70 feet. The property is zoned R-2 Single Family Residential district.

Said variance would permit the lot width of 65 feet, a variance of 5 feet. The minimum lot width is 70ft. on 218 Washington St., a variance of 5 feet.

David Gunderson, petitioner, spoke in favor and stated he and his wife, Sandy, have owned the parcel for 29 years. It was once the childhood home of his wife, Sandy.

Gary Koss, owner of parcel #175 next door, spoke against the variance petition. He stated he was concerned about a new home being too close to the lot line and too close to his existing house.
Suzanne Hoppe, Renewel Unlimited, spoke in favor, stating that if the variance was granted, Renewel Unlimited would build two new homes of about 1,300-1,400 square feet on each of the two subdivided parcels new separate parcels. Renewel Unlimited builds new homes with construction done by at-risk youths under the supervision of construction professionals. These homes are then offered for sale to low to moderate income families in need of housing.

Public hearing concluded at 5:31pm.

2. **Call to order**

   Following the public hearing, the determination meeting was called to order at 5:31 by Chair Sulik.

3. **Roll Call**

   Roll was taken with the above members present.

4. **Approval of minutes from the September 7, 2016 meeting**

   Motion by Mulhern, second by Wetzel, to approve the September 7, 2016 meeting minutes. Motion carried 5-0 on a call of the roll with Sulik, Mulhern, Paul, Bartels and Wetzel voting yes.

5. **Consider the application for Christopher Krause, Parcel #1617, 228 W. Franklin Street, City of Portage, Columbia County, Wisconsin for a variance to Chapter 90, Article II, Section 90-29 (5) to allow exceeding the minimum rear setback of 40 feet. The property is zoned R-3 Single and Two Family Residential. Said variance will allow for the building of an attached garage and addition within 11 feet of the rear lot line, a variance of 29 feet.**

   Mr. Krause indicated the variance was needed to allow him to build an attached garage and addition with an 11 foot setback from the rear lot line. Parking on the steep driveway has created a safety issue for his family, including young children.

   Mulhern indicated his support for granting the variance since the safety issue with the steep driveway incline needs to be addressed.

   Wetzel concurred with Mr. Mulhern.

   Chair Sulik indicated there were no City plans for utility easements in the rear set back area.

   Motion by Mulhern, second by Wetzel, to approve the variance request. Motion carried, 5-0, with Mulhern, Sulik, Wetzel, Paul and Bartels voting yes. Variance granted.

6. **Consider the application for David and Sandra Gunderson, parcel # 176, 218 Washington St., Portage, Columbia County, Wisconsin for variance to Chapter 90; Article II, Section 90-28 (5) to allow lot width of 65 feet. A variance of 5 feet from the required minimum lot width of 70 feet. The property is zoned R-2 Single Family Residential district.**
Said variance would permit the lot width of 65 feet, a variance of 5 feet. The minimum lot width is 70 feet. on 218 Washington St., a variance of 5 feet.

Mr. Paul indicated that if this variance petition was granted, the new homes would still have to comply with lot line setbacks so that no home would up against a lot line. Director Sobiek concurred, indicating that the side lot line setback is 10 feet.

Chair Sulik inquired as to whether the street light in front of the parcel would be moved or removed. Mr. Gunderson indicated that he is meeting with Alliant Energy to discuss either moving or removing the street light.

Mr. Mulhern indicated he is favor of granting the variance as it would add new single family construction to the city. Mr. Wetzel concurred.

Motion by Mulhern, secnd by Wetzel, to approve the variance request. Motion carried, 5-0, with Sulik, Paul, Mulhern, Bartels, and Wetzel voting yes. Variance granted.

7. Adjournment

Motion to adjourn by Mulhern, second by Wetzel, to adjourn the meeting. Motion carried 5-0 with Mulhern, Sulik and Wetzel, Bartels and Paul voting yes. Meeting adjourned at 5:43 pm.

Respectfully submitted,

Steven Sobiek
Director, Business Development and Planning

DATE APPROVED: 12/05/2016
Members present: Chuck Sulik, Michael Mulhern, Jeff Wetzel, Michael Paul, Traci Bartels;

Members excused: Ryan Jahn, Alternate 1; Liz Seinkowski, Alternate 2

Also Present: Director Sobiek, Bill Welsh, James Anderson, and Elaine Schehr

1. **Public Hearing convened at 5:25pm regarding the application for Silvia Sophia Anderson, parcel # 1427, 406 W. Burns St. Portage, Columbia County, Wisconsin for variance to Chapter 90; Article II, Section 90-29 (5) for exceeding the minimum side yard setback of 10 feet and rear set back of 40 feet. Said variance will allow the construction of a deck off the rear of the home to within 2.5 feet of the rear lot line, a variance of 37.5 feet and the side of the deck to be within 7 feet of the side lot line, a variance of 3 feet.**

   James Anderson, husband of the applicant, spoke in favor and presented request for the deck setback variance.

   Elaine Schehr, neighbor, spoke in favor and expressed no opposition. She indicated her mother technically owns the home at 410 W. Burns Street but is in poor health.

   No opposition was read or presented against the variance request.

   Public Hearing adjourned at 5:31pm.

2. **Call to order**

   Following the public hearing, the determination meeting was called to order at 5:32 by Chair Sulik.

3. **Roll Call**

   Roll was taken with the above members present.

4. **Approval of minutes from the October 3, 2016 meeting**

   Motion by Paul, second by Wetzel, to approve the October 3, 2016 meeting minutes. Motion carried 5-0 on a call of the roll with Sulik, Mulhern, Paul, Bartels and Wetzel voting yes.
5. **Appoint Vice Chairperson**

Chair Sulik indicated he asked that this item be placed on the agenda. In consultation with the mayor, he indicated it would be prudent to elect a Vice Chair of the Board to serve as Acting Chair in the Chair’s absence.

Motion by Wetzel, second by Bartels, to elect Mr. Paul as Vice Chairperson of the Board. Motion carried 5-0, with Sulik, Mulhern, Bartels, Wetzel and Paul voting yes.

6. **Consider the application for Silvia Sophia Anderson, parcel # 1427, 406 W. Burns St. Portage, Columbia County, Wisconsin for variance to Chapter 90; Article II, Section 90-29 (5) for exceeding the minimum side yard setback of 10 feet and rear set back of 40 feet. Said variance will allow the construction of a deck off the rear of the home to within 2.5 feet of the rear lot line, a variance of 37.5 feet and the side of the deck to be within 7 feet of the side lot line, a variance of 3 feet.**

Mr. Anderson stated the variance was needed to allow the recent construction of his deck to legally comply with the City’s setback requirements.

Bartels inquired why the deck was built before the variance application was submitted. Anderson stated that neither he nor his wife were aware they needed a building permit or a variance until the City building inspector notified them of this after the deck was constructed. He stated the lot line was where the neighbor’s fence was erected.

Mulhern indicated his support but was concerned about the accuracy of the fence location identifying the lot line.

Paul inquired as to whether the grade or topography was changed with the construction of the deck relative to any change in original stormwater flow before the deck’s construction. Anderson responded that the topography or grade was not changed.

Chair Sulik expressed concern that the applicant did not have a survey of the lot or a lot line survey stake to more definitively determine where the lot line was. Paul concurred.

Director Sobiek indicated that granting the variance as submitted would be predicated on the deck being 2.5 feet from the rear lot line and 7 feet from the side lot line. Any error resulting in the deck being closer to the lot lines could result in the City forcing the applicant to remove the deck.

Motion by Mulhern, second by Wetzel, to approve the variance request as submitted. Motion carried, 5-0, with Mulhern, Sulik, Wetzel, Paul and Bartels voting yes. Variance granted.

7. **Adjournment**

Motion by Paul, second by Mulhern, to adjourn the meeting. Motion carried 5-0 with Mulhern, Sulik, Wetzel, Bartels and Paul voting yes. Meeting adjourned at 5:42 pm.
Respectfully submitted,

Steven Sobiek
Director, Business Development and Planning

DATE APPROVED: 03/06/2017