

Buffalo County Minutes

Committee/Board:

Board of Adjustment

Date of Meeting:

June 14, 2018

Electronic and Hardcopy Filing Date: _____

The meeting was called to order at 10:00 a.m. by Chairman, Dale Klopp. Barry Drazkowski, Ronald Kazmierczak, Dale Klopp were all present.

Others present for all or part of the public meeting include Mike Owecke; Zoning Administrator, Julie Lindstrom; Administrative Assistant in the Zoning Department. John Jaszewski, George Stolpa, Brian Kamla. Others may have been in attendance that did not sign in.

Public Notice was read aloud.

Minutes are summarized as follows:

Variance Request #2018-1- George Stolpa, (agent, John Jaszewski).

Mr. Stolpa explained when the structure was built, it was permitted as a duplex and his intention was to sell it after it was constructed. He has been trying to sell it as a duplex. His renter is interested in purchasing one part of the duplex and he found out he would need a variance to sell each side of the duplex separately, so he is here requesting a variance, so he can sell the structure as two separate units. Mr. Stolpa continued by saying that he knows all the people that live in the area and met with them and they all seem to want this variance to pass because they want permanent people living there and not as rental property.

This ended Mr. Stolpa's presentation.

There were no public comments.

Questions by the Board of Adjustment and Zoning Staff.

- Mr. Drazkowski – You stated that when you built it, you had a permit for the building and you put it up for sale, but there were no takers. Wouldn't you have needed the variance at that time.
- Mr. Owecke – At the time when he was trying to sell the property, he was trying to sell it as a duplex.
- Mr. Jaszewski – No. Separately.
- Mr. Owecke – So why that was not caught in 2007 or 2008, I can't tell you. I can tell you that the structure was permitted in 2005 as a duplex, as one structure. There is no indication that there was any intention of selling it as a zero lot line in the future.
- Mr. Drazkowski – In your comments, you talk about the people in the area are supportive of this being converted to a private ownership. Have we received any public comments.
- Mr. Owecke – We received the response from the Town, "Town Acknowledgement Form" and they did approve it. I received one phone call from MaryAnne McMillan-Urell, Chair of the County Board of Supervisors, also property owner within 300 feet; she was sent a notice of the hearing. Ms. McMillan-Urell, stated she was very much in support of the variance request. There have been issues with it being a rental; there has been parking issues; she would like to see it converted to private owned.
- Mr. Drazkowski – One additional question. Currently we don't have zero lot line stipulation in our ordinance.
- Mr. Owecke – There is no language or guidance in our current ordinance about zero lot lines.

- Mr. Kazmierczak – Maintenance agreement are being completed by an attorney. Mr. Owecke as far as the Zoning office is concerned is the septic system adequately sized to serve both units and the well likewise.
- Mr. Owecke – Yes.
- Mr. Kazmierczak – The other variance is for lot size, because it is only one-third of an acre. Is it in the Agricultural Zoning District.
- Mr. Owecke – Yes.
- Mr. Kazmierczak – Do they have separate driveways; basically what we are looking at is trying to create a condominium out of a duplex.
- Mr. Owecke – Yes, or a townhouse.
- Mr. Klopp – It said in there, there are other counties that have zero lot lines.
- Mr. Owecke – Yes. It is more typical in an urban area, larger cities. It is unusual in a rural county like Buffalo County.
- Mr. Klopp – Are there other properties in this county that have this.
- Mr. Jaszewski – Fountain City. On the outskirts of Fountain City.
- Mr. Owecke – That would be within the municipality of Fountain City. Not County zoning.
- Mr. Klopp – You want to sell one-half.
- Mr. Jaszewski – We have an offer to purchase on the one side right now and another interested party on the other side.
- Mr. Klopp – As far as the neighbors benefiting.
- Mr. Jaszewski – We have spoken with every single neighbor all away around the property and they are all in favor
- Mr. Jaszewski – More permanent, stable neighbors.
- Mr. Kazmierczak – Does the Zoning office have any concerns with the lot size.
- Mr. Owecke – No. A lot of the reasons for minimum lot size in the rural areas is to have room for a replacement septic system; that is why we are going to larger lot sizes. The property owners are going to have to have some kind of an agreement. After looking at the lot, I would be pretty confident the area within the two lots is large enough to put another replacement system there, so hopefully that will be included in the agreement should that system fail, they need to use both lots to create another treatment area, other than that, I don't have any concerns.
- Mr. Kazmierczak – That is what I was getting at whether there was adequate room for a replacement septic system.
- Mr. Owecke – Right below the existing, current one.
- Mr. Kazmierczak – The existing system is thirteen years old.
- Mr. Owecke – It is fairly new.
- Mr. Klopp – 2,000 gallon septic system takes care of six units.
- Mr. Owecke – Six bedrooms.
- Mr. Klopp – I would assume something like that needs to be pumped out every 3 months.
- Mr. Owecke – It is an at-grade septic system that is required to be pumped every three years.

Mr. Jaszewski introduced himself as the real estate agent and asked if the Board of Adjustment needs to review or see a copy of the shared well and septic system agreement.

- Mr. Owecke – One of the requirements of an approved variance is you give a copy of the agreement to the Zoning Department, stating that the whole back lot can be used for a replacement sanitary system.

Photo presentation began at this time.

Looking east to west on Thomas Road; two car garages, both sides of the duplex have two car garages.

- Mr. Stolpa – There is additional parking on top; gravel off road parking. Total of eight parking spaces.
- Mr. Klopp – Is that the area between the car and grass in the photo.
- Mr. Stolpa – Where the gravel is, that is parking off the road.

Photos continued. Looking north up Thomas Road; there are two empty lots. Looking south there is a lot more development to the south.

- Mr. Klopp – The car in the photo; is that someone that lives there.
- Mr. Stolpa – Yes. That is the extra parking off the road. Where those three cars are in the photo, that is all parking that I put in.

Total number of parking places was questioned and there are five total each side; 2 in the garage, 2 just outside the garage and one extra that Mr. Stolpa put in, just off the road on the gravel.

Photo review continued. In the back, you see the pipes and treatment area for the septic system and the lot slopes down in the back. I am assuming it is the lot line where the rows of trees are in the photo. There is room below the current septic system for a replacement system. The lilac bushes belong to Mr. Stolpa. I don't think there was a home immediately across Thomas Road, but on both sides. Mr. Stolpa stated right across from the current duplex are lots that he gave to each of his boys.

This ended the slide photo presentation.

- Mr. Kazmierczak – We have nothing in our ordinance that allows for the sale of Townhouses in the county.
- Mr. Owecke – Right. You can rephrase that and we don't have any language that says you can't.
- Mr. Kazmierczak – Except for the zero setback on the property line.
- Mr. Kazmierczak – If we were to grant this variance and allow the sale of this, are we setting a precedence that would eliminate setbacks in general.
- Mr. Owecke – No, not at all. Wisconsin Case law has found, that every variance application has to be judged on its own merit; not based on anything previous to that.
- Mr. Kazmierczak – By doing this we are basically really hacking at the minimum lot size in the Agricultural Zoning District. Does that cause the Zoning Office concern.
- Mr. Owecke – No. I think the lot is adequate where those concerns can be addressed. Just so you are aware, right now we are in the midst of the Comprehensive Zoning Ordinance Revision and this area should that revision be adopted by the county, this area will be zoned residential instead of agricultural and the minimum lot size in the residential district will go from two acres to one acre and is still less than the one acre at one-third acre.
- Mr. Klopp – That is still a concern of mine if we approve this, the next one would we feel we would have to approve that as well.
- Mr. Owecke – No.
- Mr. Kazmierczak – Obviously, we don't know what was said thirteen years ago when the applicant came in and applied for the permit for the duplex. We don't know whether the thought on the part of the Zoning Office was whether they were going to be selling the unit as a unit or as individual units. I

am sure Mr. Stolpa thought he was making that, but we don't know how it was interrupted. Those people are no longer with us. That is something that we need to take into consideration as well.

- Mr. Owecke – Other than the two conditions; the third one has been satisfied.
- Mr. Klopp – There was a special meeting that was called. Was that just for hearing your variance for the Town Board.
- Mr. Owecke – Yes. I talked to the Town chair and they had a special meeting; they had something they needed to meet for, so they included this as part of the special meeting.

It was the consensus of the Board to not do a site visit.

There were no additional correspondence.

- Mr. Kazmierczak – We did send a mailing out to the surrounding neighbors.
- Mr. Owecke – Yes.

Item #10 was moved to this point in the agenda.

Motion by Mr. Drazkowski to approve the Variance #2018-1 based on the criteria and from his perspective and the lack of strict structure and guidance in our current Ordinance and include the proposed conditions by the Zoning staff as recommended.

Proposed conditions are as follows:

1. *A copy of the certified survey map of the subdivision of Lot 3 shall be submitted to the Zoning Department.*
2. *A copy of the property owners POWTS obligation agreement shall be submitted to the Zoning Department.*
3. *The Towns Acknowledgement Form, signed by the Town Chair, shall be returned to the Zoning Department. Failure to do so will render the variance null and void.*

- Mr. Kazmierczak – I second that and in light of the fact that you mentioned the lack of guidance is problematic for us. My main concern is the lot size. Zoning staff has made it clear that they feel it is adequate size for a replacement septic system. The other thing that I think is a positive here, that even though it is not part of the variance process, we should take into consideration the fact that this is a rental unit that will be converted into two private ownership parcels that in fact I think the surrounding neighbors are all in support of based on what we have heard and what we have not heard.

All in favor. Carried.

Variance Request #2018-2, Brian Kamla & James Kamla.

Brian Kamla explained that currently in the old barn structure they want to replace they have the steers. An addition was put on the barn; built a feed lot on the east side of it and another feed area on the west side. Right now the animals are rough on old buildings and they wall are starting to collapse, the walls are crumbling and we would like to replace it with something more modern, like the heifer barn we did earlier, but knowing the history of the farm, the building is right on the property line. Originally, in reviewing the abstract, when the barn was built, the two owners made a deal to move the property line over, so they could build a lien to on the barn. Since they built the lien to, it is currently on the property line again. Because the feedlots are there, they are restricted where they can go and the well on the other side of the barn was within 68 feet of his property line and to move it anywhere else, they would have hills, roads, creeks and other buildings. So it is quite a restricted area.

Mr. Owecke requested that Mr. Kamla talk about the history with the residential lot as far as setback and how that came to be.

Mr. Kamla continued by saying that in 1970 his parents bought the home farm on the southside, now he currently owns. Mr. Klopotek got into a financial situation and sold the farm to James and myself, but wanted to keep the house and small acreage. That is the small residential lot that we are here for; that is what is restricting us from doing what we want to do today. Mr. Klopotek has asked me in the past to buy the residential lot, but it is not part of our plan to purchase the house at this time, not that it won't happen in the future. Mr. Owecke questioned and Mr. Kamla stated that Mr. Klopotek does live in the house now. Mr. Kamla continued by saying that Mr. Klopotek received the notice of the hearing told me he didn't plan to be at the hearing and he did not have an issue with what the Kamla's are trying to do.

- Mr. Kazmierczak – That is the product of the 68 foot issue. To clear up a little confusion, it appears that, I understand one of the property owners is Brian Kamla and one is Brian and James Kamla.
- Mr. Kamla – My brother and I brought the Klopotek farm together.
- Mr. Kazmierczak – That setback issue is because it is two separate owners even though your brother James is one of the owners.
- Mr. Kamla – My brother and I have not formed a corporation.
- Mr. Kazmierczak – But you are part owner of that parcel that is on the property line as well. My brother James was planning to be here today as well, but plans changed.

There were no public comments.

Mr. Klopp asked Mr. Kamla to approach the BOA members and point out some things on the map. Mr. Kamla point out the property line between Mr. Klopotek and pointed out the property owned by Mr. Klopotek and showed property all the way down to the creek, with Mr. Klopotek property outlined in red on the map. Mr. Kamla also pointed out his property lines and property that belongs to Buffalo County since the bridge repair was completed. Mr. Kamla pointed out the building site more narrow (50 feet instead of 64 feet) than the existing building and the location of the well on the far corner.

Mr. Kamla stated that they are 25 feet from the barn wall now and to the best he can measure to the barn is 50 feet, but one side of the barn is wider than the other side. Mr. Kamla continued by saying than once the old barn is tore down, they will measure from the well 50 feet towards the property line and try to fit it in the location of the old barn as best they can.

Mr. Klopp pointed to an area on the map and questioned if it was all cement. Mr. Kamla stated yes and the upper side they have a patchwork and they do have a wall and what we want to do is once the new barn is complete the cattle will all be under one roof. Mr. Kamla pointed out on the photo an alleyway to get the cattle down to here (not sure what he was pointing at when he said here); will also need a gate for separating. Mr. Drazkowski questioned and Mr. Kamla responded that the new building would not have a lien to similar to the one on the old building and we considered going without it, to keep an open lane, but the south side, will have them snow drifted in. The property line was originally closer to the barn and comes out to the corner and goes across to the road so that your (can't understand this word on the audio) did not have to build a bridge to get on their farm, they traded so he could build that lien to. So that is why there is two-tenths of an acre.

- Mr. Klopp – So he lives here (Mr. Kamla stated that it is covered by all the trees) and you live here.

- Mr. Kamla – Yes. This barn is actually closer to my house than it is to his house. The one that we would like to build.
- Mr. Kamla – In order to build a new structure on my brothers and my land, we would have to move to a different location.
- Mr. Kazmierczak – If the property line between yours and your shared property wasn't there, is there a reason you couldn't move the barn so it was half on each of your properties, just curious.
- Mr. Kamla – There is a landscaping issue then, drainage What purpose would that be.
- Mr. Kazmierczak – Is there a drainage way there in addition to the feedlot.
- Mr. Kamla – Between our house and the old barn, there is the start of a slope.
- Mr. Kazmierczak – I understand now.

Looking at the photos again, Mr. Klopp questioned the location of the slope. Mr. Kamla, pointed out on the aerial photo, the location of a dam, and that comes down through this yard, between these two buildings, and down to the creek. Mr. Kamla also point out an area where he keeps a sediment hole that catches everything and the extra water runs down through the grass and along the road ditch.

- Mr. Kamla – Mr. Kazmierczak was talking if you move these half and half, this is also rains down here between these barns, sediment station for this yard.
- Mr. Kazmierczak – I thought you said the drainage came on the other side and this is why I was asking the question.
- Mr. Kamla – Technically it is kind of on both sides.
- Mr. Kazmierczak – I understand now.
- Mr. Drazkowski – Mr. Owecke, I have a question. In the ordinance, it says a required setback to the property for any accessory structure. Is that a general term for any kind of farm structure.
- Mr. Owecke – Pretty much.
- Mr. Kazmierczak – Is your plan to use the existing concrete from the old barn.
- Mr. Kamla – The reason we didn't want to take the barn down, we wanted to see about using existing walls, but the concrete floor is limestone and worse than the walls. The floor would actually be an improvement to prevent seepage and whatever else environmentally and we want to put a four foot concrete wall around it away from the well and away from (can't understand the word from the audio right here). It is easier to clean.

Photo slide show started at this time. The audio was difficult to hear and understand at times during the photo slide presentation, so parts of the photo slide presentation is not included in the text.

Mr. Klopp commented that the roof of the old barn looks fairly decent from what we can see here. Mr. Kamla stated that the roof is in rough condition and has been re-nailed, but it is still hanging there, but actually the floor is what is collapsing.

Mr. Owecke reviewed photos as follows: Looking west from county road "C", this is the barn and the bridge is just to the right. That is where Konkel Valley Road takes off to the north, bridge, Swinns Valley Creek; property line and residential lots were pointed out. It looks like there is kind of a waterway.

- Mr. Klopp – To the right of the barn, there is that little red shed and then there is white.
- Mr. Kamla – White is a plastic (can't understand the audio at this time). Red one is feed area.
- Mr. Klopp – To the right of that is a well, that little casing.
- Mr. Kamla – Yes. The property line runs from just off the (can't understand the word from the audio at this time) to the right and that tree and then around his house.

- Mr. Owecke – Does that well serve your house.
- Mr. Kamla – No. Just the barn. The property line runs again from the right side of the screen to past that pole to his house and around the trees and back down the road. That is his shed.
- Mr. Klopp – You guys all a bit close.
- Mr. Kamla – When we built the other barn (audio was not clear at this time)
- Mr. Kamla – His well is just inside the house by the double window.
- Mr. Kamla – This is where the water drains to his property line. It is 200 feet to the road ditch and 150 yards to the creek.
- Mr. Klopp – The well right now, how far from the barn wall is how many feet?
- Mr. Kamla – Twenty-five feet. Just over, it has to be 25 feet from the barn wall. That post is the corner of his property.
- Mr. Klopp – Are your intentions those 2 little structures plan on leaving that there?
- Mr. Kamla – I would like to; at least temporarily until I have somewhere else to store things.
- Mr. Klopp – The reason why I mention that is to bring the buildings closer to the well.
- Mr. Kamla – Unless that has changed, but the building needs to be twenty-five feet from the well.
- Mr. Owecke – Is the silo coming down also.
- Mr. Kamla – Hopefully. I have people that want it, but they backed out. If they don't the Town of Glencoe is interested in taking the stone.

This ended the photo slide presentation.

- Mr. Kazmierczak – Mr. Owecke, did we get anything from the Town on this one.
- Mr. Owecke – No we did not. Did you go to the Town? (questioning Mr. Kamla)
- Mr. Kamla – My neighbor is on the Town, he told me I would have to apply for a variance. I talked with two of the Town Board members and they both told me I would have to apply for a variance.
- Mr. Owecke – That is one of the requirements that applicants for variances and conditional use permits have to go to their Town Board and you bring what is called, "Town Acknowledgement Form". You present your application to the Town Board and it is an opportunity for the Town Board to have input to the Board of Adjustment saying yes we support or no we oppose the application.
- Mr. Kamla – The Town Board is aware of it because they talked about taking the rock.
- Mr. Owecke – Did you (questioning Mr. Kamla) read the staff report that the Zoning Department sent out. There are three conditions that are in the report that are suggested to the Board of Adjustment. One of those is that you would submit the Town Acknowledgement Form to the Zoning Department
- Mr. Kamla – You go to a regular Town Board meeting to do that.
- Mr. Owecke – Yes.
- Mr. Klopp – Who is the chairman in your Township.
- Mr. Kamla – Cletus Foegen.
- Mr. Kazmierczak – The cattle shed that is there is actually closer to Mr. Klopotek's house than the proposed barn.
- Mr. Kamla – The existing one yes.
- Mr. Kazmierczak – Was the cattle shed part of Mr. Klopotek's property at one time.
- Mr. Kamla – yes
- Mr. Kazmierczak – So it was actually his shed.
- Mr. Kamla – Condition #2, was that the Zoning department also.
- Mr. Owecke – That was more an idea or suggestion that the Board of Adjustment considered.
- Mr. Kamla - I am sure I can get the Town Acknowledgement Form, the Town Board is already aware of it.

It was the consensus of the Board of Adjustment, not do a site visit.

- Mr. Draskowski – In terms of action at this point.
- Mr. Klopp – I assume we can take action with condition that the Town Board meet and if they don't approve and if we deny it; it does not matter. Do you have a suggestion, Mr. Owecke.
- Mr. Owecke – I worded the second condition that the Board of Adjustment isn't obligated to make a ruling based on the Town Board's decision. The Town Board makes just an advisory position they take. So, he (Mr. Kamla) would simply have to go through the process of going to the Town Board, so they are aware and regardless of how the Town votes, you could still make a decision today.
- Mr. Klopp – That is more or less why we set this up in the beginning; the Town Board is informed and they know what is going on and to have a little input besides.
- Mr. Kamla – I guess I interpreted that as if the variance is approved, I go to the Town Board. I am not sure when the Town Board meets.
- Mr. Owecke – Usually once a month.
- Mr. Klopp – I assume they probably met this month already. Usually the Town Board's meet probably the first or second week of every month.
- Mr. Klopp – Mr. Draskowski do you have any more questions.
- Mr. Draskowski- I do not have any more questions.
- Mr. Kazmierczak – Nor, do I.
- Mr. Klopp – I don't. As far as looking at the photos that we looked at, you are kind of bottled up there. As far as where the water comes down, on the side of the barn, if the rain water was going off in a different direction, I would probably think, maybe that barn could be moved over onto Mr. Kamla's property.
- Mr. Kamla – So that would give us (can't understand the audio at this time) away from and then I have a legal issue of it being on property owned by myself and property owned by my brother and I together/
- Mr. Klopp – You would have an issue.
- Mr. Kamla – This structure the slope to the barn will run so it won't fall on the adjoining property. It will be on my property.

Motion to approve by Mr. Klopp the variance for Brian and James Kamla with the condition that the Town Board submit the Town Acknowledgement Form.

- Mr. Kamla – Is that something the Town Board can do without their monthly meeting.
- Mr. Klopp – They would have to hold a public meeting. They can't just right up something and submit it.
- Mr. Kamla – I will contact them today to get it on their agenda. I am surprised they didn't tell me that.
- Mr. Klopp – I think they would know that.
- Mr. Owecke – I thought we (Mr. Kamla and I) talked about it when you applied and quite a while ago I sent you an email reminding you about that. It is really not a big deal, it will just slow you down a little bit in actually starting construction of the building. The variance won't be finalized until we have that.

Mr. Klopp asked and Mr. Draskowski seconded the motion.

- Mr. Klopp – There has been a motion and second to approve the variance application #2018-2 for Brian Kamla and James Kamla. Any other discussion.
- Mr. Drazkowski – In your motion did you want to have the conditions apply.

Proposed conditions are as follows:

1. *The applicants shall submit a Zoning Permit Application, and be issued a Zoning Permit, allowing the construction of the livestock structure.*
2. *The Towns Acknowledgement Form, signed by the Town Chair, shall be returned to the Zoning Department.*
3. *A vegetative screen consisting of trees and shrubs shall be planted on the applicant's property to obscure the view of the barn from the adjoining residential lot, should the landowner desire such screening.*

Failure to comply with any condition shall render the variance null and void.

- Mr. Klopp – Yes, with the conditions and also that we get the Town Acknowledgement Form.
- Mr. Drazkowski – The condition on the vegetative screening is subject is really only if the adjacent landowner if that is something you guys agree to.
- Mr. Klopp – I don't know and I don't think they should need to erect a fence. I assume something like that in this areas especially where there is a driveway going through here, it would be kind of cumbersome.
- Mr. Kazmierczak – Putting the screening up is what he is saying would be putting it in the driveway.
- Mr. Kamla – Actually the area he does have there I try to keep the weeds down.
- Mr. Kazmierczak – I do have a couple concerns or comments. I am struggling, I will be honest. I understand the situation. You already have a barn there, so it is not like you are building something new. On the other hand, the setback is 200 feet and we are talking less than one-half of that. To me that is a concern. If in fact, and I understand you don't own the property, and the well is on the property towards Mr. Klopotek; could move it the other way, I understand that is a shared property with your brother, but theoretically, at least that is a possibility. So I am struggling here in my mind. I just want you to understand that as to whether or not common sense tells us the right thing to do is what you are proposing. If I read the variance requirements, the requirement we have to make our decision on, are based on are really pretty tough; 1) Unnecessary hardship. That one is borderline; 2) Unique property limitation. Would be more of an opportunity for us to grant it; 3) No harm to public interest. I don't think there is any harm to public interest. I think your proposal new barn is going to be beneficial to the public interest. It will be a better structure and the walls as you indicated, more environmentally safe. The unnecessary hardship, I don't know if you have seen these, exists when strict compliance would be unnecessary burdensome and may not claim hardship when the conditions are self-imposed. The parcel as a whole, must be considered when applying unnecessary hardship. So what that is saying is that if there is some place else on that parcel you could do this, then we shouldn't grant the variance. That is where I am struggling, to be honest with you, Mr. Kamla. The flip side to that is unnecessary hardship must be due to physical limitations or constraints of the property, which prevent the client. Prior variances or lack of objection does not constitute a basis for granting the variance. I am really having a hard time with this; I am just going to have to be very honest with you.
- Mr. Kamla – I understand

- Mr. Kazmierczak – And it is not that it is not a good idea. I am looking at what our legal guidance for what we can do on this.
- Mr. Kazmierczak – If you want to call the vote you can call the vote, we will have to go from there.
- Mr. Kamla – Before you do, as I was thinking while you were talking, if we do move it half on our property, we already have to move the high lines, because that has to be 50 feet from these buildings, so if we put it where it is, they thought they would be able to split the difference. If we move it over onto ours, we would have to completely re-route the high lines all the way around. The other issue is I can't move towards the road in the other direction because I need to be 75 feet from the centerline of the highway. That is where we had an issue previously.
- Mr. Kazmierczak – And Mr. Kamla, again, I am telling you common sense-wise trying to put it where it is; it has been there for many years, already makes a lot of sense. I am struggling, I will be honest.
- Mr. Klopp – When it comes to variances, I think I struggle more with variances than a conditional use permit application because conditional uses are self-imposed.
- Mr. Kazmierczak – It was build there so it is a self-imposed condition.
- Mr. Klopp – Like you said Mr. Kazmierczak, common sense is a way to do what you would like to do.
- Mr. Kazmierczak – I think the unique property limitations on this are giving you drainage ways and everything else are probably the most deterring factor to supporting it. You can't move towards the well. The counter argument to that is, well maybe you can move the well, we can start getting ridiculous on what we are going to cost to put up a barn.

Mr. Kamla suggested looking at additional photos and Mr. Kazmierczak commented that Mr. Owecke's pictures were pretty good and looking at additional photos is not going to make this part any easier. That is the problem. The state statutes is what I am struggling with Mr. Kamla.

- Mr. Kamla – The reality is if the barn falls down then the cattle will probably have to go. That is why I am putting up a new structure for them.
- Mr. Klopp – If you want the cattle bad enough, you would have to find a new location.
- Mr. Klopp – There has been a motion and second to approve the variance application for Brian Kamla and James Kamla, application #2018-2. All in favor, say I. Mr. Draskowski and Mr. Klopp voting in favor of; Mr. Kazmierczak voting no (not in favor of). The motion passes and the variance is granted.
- Mr. Kazmierczak – I really struggled and want you to understand, Mr. Kamla, common sense is to do what you are doing. I truthfully do respect that and I respect my peers for their decision on this as well. I have read this thing for 2 days and listened to your (Mr. Kamla's) presentation hoping their was something I would see there and the unique property limitation issue is one that justifies their decision, but I still disagree to the parts of it that are self-imposed.
- Mr. Kamla – If I did buy that lot, before the road and set it back 200 feet.
- Mr. Kazmierczak – Then you don't have a problem.
- Mr. Kamla – When I get the Towns Acknowledgement Form. I mail that to you.
- Mr. Owecke – Yes and you also need to apply for; this variance grants you the right to build the structure; you also need to apply for a Zoning Permit, which gives you approval to actually build that structure in that location.
- Mr. Draskowski – Variances are something we need to be pretty thoughtful of when they come to the table.
- Mr. Klopp – What I think about this one, is what if we get another one.

- Mr. Kazmierczak – That is where I struggle with it, Mr. Owecke, I hope you understand that I wasn't disagreeing with anything here.
- Mr. Owecke – I am right with you. You could go either way with this variance request. If you want to be hard line and say no, or do you want to be reasonable and I think no one would contest your stance by approving it in court.
- Mr. Kazmierczak – And I think, that by taking the position I did, voting against it, I think we put that argument out there. I don't have a problem with the fact that we approved it, but I just didn't feel comfortable that he met all the terms.
- Mr. Owecke – You guys looked at all the angles.
- Mr. Owecke – Another thing there is already the other structure that is even closer.
- Mr. Kazmierczak – The cattle barn; that is why I asked the question. That was part of Mr. Klopotek's property that they bought from him. That structure was actually on the initial property.
- Mr. Owecke – But even so, you would still now own and to make him move the new one farther away.
- Mr. Kazmierczak – And the second variance as far as from the property line, where it is directly on it. I don't know if that really is an issue because he is part owner of the property next to it. That one wasn't an issue for me. It was the residential lot issue that I had a problem with. I think we made the right, logical decision. Legally I had some concerns.
- Mr. Drazkowski – To me, it's the importance of a Board like this. The sterility of rules, versus logic to me that is a really important piece.

Mr. Kazmierczak and Mr. Klopp both commented and agreed with Mr. Drazkowski's statement.

- Mr. Kazmierczak – And we have had these debates before and we usually all come down the same way, but this time, I had a problem with it and I hope you understand it.

Motion by Mr. Kazmierczak, seconded by Mr. Drazkowski to approve the minutes from the May 1, 2018 public hearing as presented. All in favor. Carried.

Motion by Mr. Klopp, seconded by Mr. Kazmierczak to adjourn. The meeting was adjourned at 10:25 a.m.

Respectfully Submitted,

Julie Lindstrom
Zoning Administrative Assistant