

**Buffalo County Minutes**

**Committee/Board:**

Zoning Board of Adjustment

**Date of Meeting:**

October 28, 2020

**Electronic and Hardcopy Filing Date**

The Board of Adjustment public hearing was called to order at 9:00 a.m. by Chairman; Dale Klopp. Ron Kazmierczak, Barry Drazkowski, and Dale Klopp were all present.

Others present for all or part of the public meeting include Mike Owecke; Zoning Administrator, Anissa Glaus; Zoning Administrative Assistant, Briar Golden; Zoning Specialist, and Ryan and Tammy Wieczorek.

The public notice for the hearing was read aloud.

Agenda item #3 was reviewed by Mr. Dale Klopp.

Minutes are summarized as follows.

**Applicant Presentation and Testimony** Ryan Wieczorek proposed that he would like to operate a home-based business out of his accessory structure. This business is for fireworks which he previously sold at a different residence and has now moved this business to his home, with this year having been his first year. He stated that he can put a gate up as well as trees surrounding the property. He had a petition signed by many people in favor of the business which include his adjoining neighbors. He plans to sell fireworks for only a 3-week period every year, from June 15<sup>th</sup> to July 5<sup>th</sup>.

No public comments

**Questions to Applicant by BOA Members and Zoning Staff**

Barry Drazkowski asked how Ryan manages to make sure that all those buying fireworks have a permit to do so, as that is a fireworks law. Ryan mentioned that he has forms in the store to have filled out by his customers. Barry says in the application Ryan made a strong statement about not firing off fireworks in the future. Barry questions if he has shot off fireworks in the past. Ryan stated that he has but with a permit. He does not light off his product that he has in the store as that takes money out of his own pocket. He just shoots firework for fun on his own time with town permit, around the fourth, like everyone usually does.

Ron Kazmierczak questions the lot size as the ordinance says five acres and Ryan's lot is less than one. Mike Owecke responds that the large acreage is more for a farm-based business, not for a home business. Being it is residential it does not apply to Ryan.

Ron Kazmierczak also asks about the starting date as the application and the proposed conditions have different dates. Mike Owecke said that he took the dates that Ryan submitted to the Town versus the dates he had on the application, because the Town times were more restrictive.

DRAFT UNTIL APPROVED

Dale Klopp stated that they received three anonymous letters regarding concern from neighbors. Dale asked if he got town permits to light off fireworks, which Ryan responded that he does get a town permit. Dale Klopp also asks about a gate. Ryan stated that he would put a gate up, and Dale asks why he wants to do that. Ryan responded that he would put a gate up if the neighbors are concerned about traffic or privacy. Ryan said he wants to put bushes up or anything he needs that meets the conditions. Mike Owecke stated that he did not put a gate in the conditions as it does not seem to be necessary.

Dale questions Ryan on the size of his garage, which is 20 by 40.

Ron questions if the neighbors that Ryan says support the fireworks shop are the adjacent neighbors, which Ryan says are the ones that are in approval for the business.

**Photo Presentation**

Mike Owecke shared photos taken of the property and the surrounding residences. Pictures show the parking area available and Mike Owecke explained that there is plenty of parking. Ron asked how wide the area where his driveway is, and Ryan explained that the driveway is about 10 feet and the whole strip he owns is about 16 feet.

Mike Owecke stated that it is a small residential area that is more densely developed and is like a long narrow subdivision.

Mike Owecke shared pictures of the garage structure that the Firework shop is in. The closest residence to the garage is 125 feet.

Dale questions the shop and as far as laws go, is wondering if there is another exit in the back. Ryan said that he is planning to have a back door, that will be used for bringing in product which will serve as an emergency exit.

Barry questions the requirements for an outhouse. Mike Owecke states that it is not in our ordinance, but Ryan states that one will be available.

Dale Klopp questions how many employees there will be. Ryan explained that he will have 4 or 5 employees including his wife, himself, maybe the neighbors and a family member. Ron states that there can be no more than 4 full time employees that aren't residing at the residence.

Dale Klopp questioned if this was the first year selling out of this residence, which Ryan explained that it was, however he ceased sales when Mike Owecke came out letting him know that he had complaints and that Ryan needed a permit. Dale Klopp also questioned if trees had been planted yet, which Ryan stated that they have not, but he is planning to.

Mike Owecke states that trees will not be an adequate screen once they are full grown and that he needs something human level, like 6-foot shrubs planted that are thick.

**No Site Visits Needed.**

Barry Drazkowski made a motion to approve with the measures that were presented by the zoning department.

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Ron Kazmierczak seconded that and also wants to be sure to include that he needs a Port-a-John or something similar for public health and safety and also wants to make sure that Ryan understands the conditions he has to follow, since they are different than what Ryan originally proposed.

Sales will be June 15<sup>th</sup> through July 4<sup>th</sup> from 10 a.m. to 8 p.m., with no fireworks being lit off.

Dale Klopp approves the motion and carried.

**Minutes from September 29, 2020 Meeting:** No Changes. Barry Drazkowski made the motion to approve the minutes, seconded by Ron Kazmierczak.

Public Hearing was adjourned at 9:50 A.M.

Respectfully Submitted,

Anissa Glaus, Zoning Administrative Assistant