

**TOWN OF TAYCHEEDAH
BOARD OF APPEALS
MICHAEL & KARLA DISHAW VARIANCE
MAY 30, 2018
6:00 P.M.
TAYCHEEDAH TOWN HALL**

Members present: Chairman Jerome Bord, Tim Marcoe, Mark Gulig, John Buechel, Joe Sabel and Secretary Kristin Marcoe

The purpose of the public hearing was to consider a variance requested by Michael & Karla Dishaw for an exception to Section 13-1-24(f)(3)(a), Highway Setback Lines; Section 13-1-48(d)(6)(a), Side yard Setback; and Section 13-1-48(d)(7), Rear Yard Setback, of the Town of Taycheedah Code of Ordinances, to allow for the construction of a home with a reduced front setback, a reduced side yard setback and a reduced rear setback.

Secretary Kristin Marcoe recorded the hearing and took notes.

The Chairman called the hearing to order at 6:00 p.m. The Secretary read the notice.

Alec Dishaw and Michael Dishaw were sworn in. Alec represented both Michael & Karla Dishaw and discussed in detail regarding the variance. His testimony and responses to questions are as follows:

- In October 2016 the variance was granted and has since expired with no construction work done.
- Minawa Beach Road is a unique beach regarding the lot sizes. The North branch consists of 100' lots and the South branch consists of 50' lots divided by a private beach road. The Dishaw residence is on the South branch. The road is maintained by the owners, not the Town
- The Dishaws have secured a building permit from Fond du Lac County Shoreland Zoning to allow for a 200sf lateral expansion of the footprint which is now brought forward for the Town of Taycheedah's approval.
- The current cottage sits on the West side of the road. A well is located just south of the existing cottage. An existing garage is located on the East side of the road. WI DNR identified an area of wetland east of the existing garage making this area not suitable for building a home due to its unique limitations of overhead electric crosses property at an angle, the property east of the road backs up to a navigable waterway, currently has an existing garage, currently in the flood plain and has many mature trees.
- The property on the West side of the road also has unique limitations. The property where the current homestead exists is non-buildable without the variances requested due to the property being restricted by its western most border; Lake Winnebago and its minimal setback. Also, this plot is restricted by private roads proximity to the water and the sewer easement in the buildable space.
- No harm to the public interest: This residence will be in congruence with existing structures on Minawa Beach Road and will be zoned appropriately. The residence will not be unfit for the beach, in the last 15 years two (2) homes were rebuilt on the southern branch of Minawa Beach Road with similar square footage and aesthetic appeal. The residence will not alter the use of neighboring properties and will not limit or alter accessibility of properties south of the new residence. The prevention of water pollution will be a vast improvement with the new structure. The implementation of two rain gardens on the property in addition to redirecting runoff as to not compromise the waterway.
- In applying for the variances, they are requesting it must be foremost acknowledged that the intent is to protect the waterway and neighboring properties and that we do not seek a variance as a free pass from regulation, but to seek a variance as a necessity to build a structure due to the unique lot.
- The unnecessary burdensome, to be mentioned, is concerned with the portion west of the private road, the only portion of land that is a buildable home site on this lot as well as the limitation to expand in any other direction other than toward the north as well as east due to the floodplain, well, required rain garden and neighboring home to the south.
- Conformity with the current setback restrictions (OHM) measured from the neighbor's lot and the unnecessary physical constraint produced, not by the owner's lot, but by the neighbor's lot, is unnecessarily burdensome and deprives the owners the right of reasonable use of their property which are substantially the same as the possessed by owners of other properties in the same zoning district.

- They plan to build a single-family home. The new two-story home would be approximately 1,150 sq. ft.
- The new home is projected to have be 23' from the center of the road, 8'4" north side yard setback and 50' rear setback. Floodplain issues on the south side of the lot would cause the reduced north side yard setback.
- The side yard setback of 8'4" is due to limited area. There are no structures on the two north lots. The home to the south shares the well. The well will remain in its existing location.
- The Dishaw's attended two (2) meetings with the Minawa Beach Association to present their plans. No issues regarding their proposed plans were brought up by the Association.
- A request of a July 1, 2018 start date with substantial completion by the end of December 2018.
- Per Shoreland Zoning, the Dishaws were required to sign an affidavit to install two (2) rain gardens and always maintained. Karr-Bach Builders, the contractor, is aware of this and has the plans for the rain gardens.

No one spoke in support or opposition to the variance: however, Carol Bagel who resides at N8432 Minawa Beach Road indicated she is not opposed to the project, currently lives in the floodplain and is concerned about the drainage. Alec Dishaw explained per Fond du Lac County Shoreland Zoning they are allowed the 200 ft lateral expansion which reduces the greenspace. With that said, currently all the downspouts run into the yard. Two (2) rain gardens will be installed and the downspouts will be directed to the gardens. One garden will be located on the East side of the road and the second garden will be on the West side of the road south of their new home and on the eastern portion of the lot. No elevation changes will be made to the property with the new house.

Chairman Jerome Bord closed the public hearing at 6:28 p.m.

Board of Appeals deliberations and action were as follows:

- All paperwork and plans are in order

Motion by Mark Gulig, second by Tim Marcoc, to approve the variance commencing July 1, 2018 for the construction of a new home with a front setback of 23', 8'4" north side yard setback and a 50' rear setback, citing limitations of the narrow lot, the floodplain designation, the application of the high-water mark, and the sewer easement.

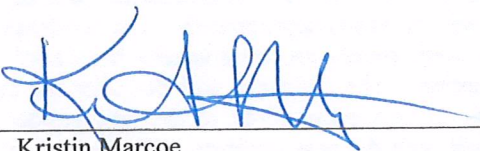
Roll Call vote:

Tim Marcoc	aye	John Buechel	aye
Mark Gulig	aye	Jerome Bord	aye
Joe Sabel	aye		

Motion carried (5-0).

Motion by John Buechel, second by Joe Sabel to adjourn at 6:30 p.m. Motion carried (5-0).

Attest.


 Kristin Marcoc
 Secretary