



AGENDA

1. Call to Order, Roll Call
2. Approval of May 12, 2021 Meeting Minutes
3. Discussion and Possible Action **V2023-1 – Jonathan Patti: Variance to allow an accessory structure without a principle structure on parcel 59176745644 (0.44 acres) in a Residential R-1 zone.**

No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Appeals must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably present the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT. There may be site inspections prior to public hearing.

4. Adjourn



1. Call to Order, Roll Call: Chairman Gary Smith called the hearing to order at 6:39 pm. Members present included Judith Schluethermann, Karen Engel, and Brady Bemis. Member Elizabeth Wroblewski was absent. Also present included Village President Mike San Felippo, Public Works Director Joe Huiras, Petitioner John Reineking, Cinda Werner, Ruth Smith, Gary Feider, and Clerk/Treasurer Jo Ann Lesser (virtually).
2. Chairman Smith read the hearing notice.
3. John noted that the home has a one-car garage 11' ½" w X xx l. Current shed 10' X 15' will be taken down in order for the new shed to be built in the same location. John stated his problem is storage, the lack of storage space. John is seeking a variance to exceed the allowed 150 square foot shed size and is looking to build a 20' X 20' or 15' X 20' shed.
4. Member Schluethermann asked about the possibility of adding on to the existing garage. Director Huiras responded that it is an option, but without having a survey done there is no way to know if there would be enough footage to do that.

Chairman Smith stated that the location of the proposed shed is on a downhill slope.

Member Bemis commented that he does not believe there is a negative impact.

Chairman Smith-aesthetics from his lot is not a factor.

Member Bemis commented that hardship is the hardest to prove, you are still allowed a shed and the property can still be used as intended.

Chairman Smith mentioned the builder placed the home too close to the south lot line and only included a one-car garage, it is unheard of today. Most homes today are built with a three-car garage.

Member Schluethermann-what is going to stop others from coming in and requesting a variance is this request is approved?

Member Bemis-responded that he does not feel this is setting precedence.

Member Schluethermann-mentioned adding to the back of the existing garage since you can't go wide.

Chairman Smith-more expensive, a considerable construction project.

John Reineking-extending the garage could infringe on the lot line.

Chairman Smith-the house does not sit square on the lot.

Chairman Smith opened the hearing to additional comments:

Cinda Werner of 158A E. Shore Road felt that there would be no issues, the shed is not visible from the road, and feels it is a hardship and it makes sense to allow the variance.

Mark Seider of 169 E Shore Road-did not feel a precedent was a concern but was worried it would be in the front of the house. Suggested that the shed be built in the NE corner of the lot so the neighbor would not have to see the shed.

Ruth Smith-petitioner is north of her property would rather see it on the SE corner.

Member Bemis-questioned is the 15' X 20' would be enough to help with the boat.

John stated that the boat with the motor is 23' long and will stay in the garage. The shed is essentially for the lawnmower, snow blower, and kayak.

Member Bemis made a motion to approve a variance for NAME ADDRESS to build a 15' X 20' shed. Member Engel seconded the motion. Bemis; aye Schluethermann; aye Engel; aye Chairman Smith recused himself. Motion carried by unanimous voice vote.

The hearing adjourned at 7:28 pm.

Respectfully submitted,

Jo Ann Lesser, CMC, WCMC
Clerk/Treasurer

Board of Zoning Appeals Meeting Notice
Wednesday, July 26, 2023
5:00 p.m.
Village Board Meeting Room – 96 Russell Drive

Notice is hereby given that the Board of Zoning Appeals of the Village of Random Lake will hold a meeting on Wednesday, July 26, 2023 at 5:00 p.m. in the Village board meeting room to hear and consider the following request:

Jonathan Patti of 750 N Montgomery St, Port Washington, WI has recently constructed a storage shed on parcel 59176745644 in the Village of Random Lake. A storage shed is not allowed on any parcel until their principal structure is present or under construction; according to Village ordinances. The principal structure is not under construction; therefore, this reason he is requesting a variance.

Anyone interested in the above described property, may appear at said meeting and be heard either for or against said appeal.

Stephanie Waala
Clerk/Treasurer



June 23, 2023

Jonathan Patti
750 N Montgomery St
Port Washington, WI 53074

Dear Mr. Jonathan:

This letter is to inform you that parcel 59176745644 is currently in violation of Village of Random Lake Code of Ordinance 38.37 (1)(a) "*Accessory uses*. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30 percent of the required areas for the rear yard."

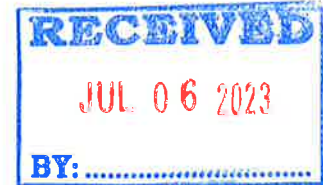
At this time the shed shall be removed from the property within 30 days of this notice or a daily violation fee will be assessed towards the property.

If you wish to appeal this decision and seek a variance that see the enclosed procedures of filing with the Board of Zoning Appeals.

Sincerely,

Peter Lederer
DPW Director

To: Village of Random Lake
Zoning Board of Appeals



Variance Request

Subject Property: Parcel ID 59176745644

Relevant Ordinance Requirements Requiring Variance: 38-37(1) (a): *Accessory uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.* Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30 percent of the required area for the rear yard.

Variance Requested: Allowing a shed/accessory structure without a principle structure being present for the storage of a walk-behind lawn mower and other various tools for the maintenance of the property which is required by The Village of Random Lake ordinance 38-2, ordinance 38-3, ordinance 22-9 (a) (1) and ordinance 22-9 (b) (1).

Reason for Request: Sec. 38-504 (b) (3): *To authorize, upon appeal in specific cases, such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.*

To have safe, secure and adequate storage of equipment for property maintenance as required by The Village of Random Lake. Literal enforcement will result in practical difficulty and unnecessary hardship.

Supporting Information:

Exceptional circumstances: There are approximately 161 lakefront properties according to The Village of Random Lake zoning map. Eight of those properties do not have principle structures on them including Parcel ID 59176745644. Eight out of 161 lakefront properties is 0.049% which is less than half a percent. Less than half a percent obviously makes this property and situation very exceptional. The extraordinary, exceptional and unusual circumstances, along with the hardships that I will outline below are so rare that the granting of this variance is not so general or recurrent to suggest the zoning ordinance be changed.

Severe Legal Hardships: In absence of a shed, one option is to use a chain and padlock to secure the lawnmower to a tree, it will be in violation of ordinance 38-2, ordinance 38-3 and ordinance 38-45 (7). See ordinance violations below:

Ordinance 38-2: The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the village.

Ordinance 38-3: It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the village; and implement the village comprehensive plan or plan components.

Ordinance 38-45 (7): *Unobstructed yards.* Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard.

Alternatively, If I remove the lawnmower from the property and stop maintaining the property and cutting the grass, it will be in violation of ordinance 38-2, ordinance 38-3, ordinance 22-9 (a) (1) and ordinance 22-9 (b) (1). See ordinances violations below:

Ordinance 38-2: The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the village.

Ordinance 38-3: It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the village; and implement the village comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Sec. 22-9. - Brush, grass and weeds.

(a) Destruction of noxious weeds.

(1) The village clerk shall annually, on or before May 15, publish a Class 2 notice, under Wis. Stats. ch. 985, that every person is required by law to destroy all noxious weeds and other rank growth of vegetation on land, occupied or unoccupied, in the village which is owned or controlled. Grass and weeds in excess of six inches are prohibited in the village.

Sec. 22-9. - Brush, grass and weeds.

(b) Length of lawn and grasses.

(1) Public nuisance declared. Lawns, grasses, and noxious weeds on lots or parcels of land, occupied or unoccupied, which exceed six inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the village. For that reason, any lawn, grass or weed on a lot or other parcel of land, occupied or unoccupied, which exceeds six inches in length is declared to be a public nuisance.

Severe Financial Hardships: In this economy, with current lumber prices, the average cost of a newly constructed principle structure is well over \$100,000. Asking a parcel property owner to take on a considerable amount of debt exceeding \$100,000 so that they can erect a \$600 shed to protect a \$200 lawnmower to be able to maintain that property is legally unjust and morally abnormal.

Preservation of Property Rights: The property rights of other properties in the neighborhood and district will be preserved and enjoyed with the granting of this variance. The underlying purpose of this variance is to improve the look of the land so that it does not look abandoned. I would be hard pressed to find nearby property owners who prefer the disheveled look of a neglected and unkept lot versus a well manicured lakefront property.

Through my interactions with various neighbors the property for the past thirty years could best be described as a dumping ground. During my restoration efforts, I have removed multiple tires, a jacuzzi cover, part of a tractor chassis, a lead acid car battery, three trailer loads of used asphalt, and more beer bottles than I can count. All of which I had to pay to have disposed of properly.

I am fostering an ethic of land stewardship and promoting the development of a healthy community. Furthermore, a violation for doing the right thing diminishes civility within The Village of Random Lake. I cannot in good faith build a home for my retirement if I am prosecuted for improving the quality of the land on which I plan to build upon.

It is highly doubtful that The Village of Random Lake or any adjoining neighbors or visitors to our community would rather enjoy viewing a lawnmower chained and locked to a tree or alternatively a decaying property full of tall grass and weeds. I am trying to do the right thing but feel I am being oppressed for my hard efforts.

To date, several neighbors have thanked me for my efforts on cleaning up the property noting that they have watched it sit idle for decades - four of whom have complimented on how nice the new shed looks and one in particular who inquired about the shed because they are looking for something very similar.

Absence of Detriment: The adjoining property has an accessory building located on it so the proposed shed for which the variance is being requested will not look out of place. The color and designed look of the exterior also resembles bark and/or wood so it fits in with the surrounding trees and landscape. This accessory building will not have a negative impact on the neighborhood, but rather improve its overall curb appeal while maintaining property values. Granting of the variance will neither harm the public interest nor undermine the purposes of the ordinance.

In my opinion, undermining the ordinance would be erecting a 40 foot by 40 foot pole barn for the storage of various cars, boats, motorhomes, pop up campers, motorcycles and/or other recreational vehicles. Recreational types of storage proposals would not improve the quality of life of the nearby property owners or increase nearby property values. Recreational storage is not being requested; property maintenance which is required by law is being requested.

In summary: The variance being requested is allowable due to exceptional circumstances, preservation of property rights and absence of detriment. The variance requested is also allowable under Sec. 38-504 (b) (3) because literal enforcement will result in practical difficulty and unnecessary hardship.

This shed is for the safe and secure storage of a walk-behind lawnmower to be able to maintain and promote the health, safety, morals, prosperity, aesthetics and general welfare of the village as required by ordinance 38-2, and to stabilize and protect property values, further the appropriate use of land and conservation of natural resources, and preserve and promote the beauty of the village as required by ordinance 38-3.

All the Best,

Jonathan Patti
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Port Washington WI, 53074
Daytime Phone (262) 307-9716