NOTICE

The City of **Merrill Zoning Board of Appeals** will meet on **Tuesday, May 7, 2013 at 6:00P.M.** in the City Hall Basement Conference Room on the following:

Voting members: Pete Lokemoen, Chairperson, Bill Schneider, James Koebe, Mark Peterson, Dean Haas and Ron Burrow

AGENDA

1.) Call to order

2.) Roll call

3.) Approval of the minutes January 24, 2013.

4.) Eric Dayton. 1001 Pine Bluff, Merrill, WI requesting a variance to Merrill Municipal Code Section 113-317 (g) (1) maximum accessory building height in a residential zone. Current limitation is 15 feet in height and the appellant wants to exceed that. Legally described as 34.000.000.119.01.03.

5.) Next meeting date

6.) Public Comment

7.) Adjournment

Darin Pagel
Zoning Administrator

The Merrill City Hall is accessible to the physically disadvantaged. If specific accommodations are needed, please contact the Merrill City Hall at 536-4880.

City of Merrill
Zoning Board of Appeals
Thursday, January 24, 2013 at 6:00 P.M.
City Hall Common Council Chambers, 1004 East First Street

Members Present: Pete Lokemoen (Chairperson), Bill Schneider, Dean Haas, James Koebe, Mark Peterson and Ron Burrow (Alternate).

Others Present: City Administrator Dave Johnson, Building Inspector/Zoning Administrator Darin Pagel, Lawrence Duginski, Nancy Lehman, Mary Duginski, Sherry Heath, Jeffrey Heath, Tammy Gruling, Gayle Oberg, David Oberg, Susan Locke, Moriah Locke, Robert Locke, Keith Lunders, Amy Hein, Wendi Weinkauf, Marianne Bunge, Jane Kleinhans, Brian Woller, Matthew Kleinhans, Carlie Kleinhans, Gerald Kleinhans, Lynne Voelz, Andrea Krueger, Patricia Stewart, Theresa Holt, Richard Ruge, David Sukow, Judy Hull, Richard Hull, Joan Kleinschmidt, Loyd Kleinschmidt, Todd Trapp, Ken Albers, Bob Opsahl, Virginia Zastrow, Eddy Woody and City Clerk Bill Heideman.

Call to order and roll call

Chairperson Lokemoen called the meeting to order at 6:00 P.M. City Clerk Heideman called the roll.

Minutes of November 27th, 2012 meeting

Motion (Koebe/Schneider) to approve, as submitted, the minutes of the November 27th, 2012 meeting. Carried.

Public Hearing – Variance request from Gerald Kleinhans – 108 S. Foster Street

Information was in the meeting packet. Building Inspector/Zoning Administrator Pagel explained the variance request.

Gerald and Jane Kleinhans, 611 N. Prospect Street, are requesting a variance for property at 108 South Foster Street. Per City of Merrill Code of Ordinances Section 105-148, it is a blighted influence on the neighborhood and has been ordered to be removed by April 1st, 2013. Also, City of Merrill Code of Ordinances Section 105-48 prohibits alternation to existing nonconforming buildings when the cost exceeds 50% of the assessed value of the property.

Building Inspector/Zoning Administrator Pagel has submitted a letter stating that he does not believe that building rehabilitation is a viable alternative. The letter addresses concerns related to siding, windows, roof, porch, foundation and the accessory building.

Motion (Schneider/Koebe) to open the public hearing. Carried.

Sixth District Alderperson Dave Sukow, 1901 Webster Street, spoke against the variance. He reported that the Committee of the Whole has mandated that the ordinances related to conditions of buildings should be strictly enforced.

Matthew Kleinhans, 1412 E. Tenth Street, spoke in favor of the variance. He stated that Gerald Kleinhans is not ignoring necessary improvements. He suggested that the City should seek to provide more opportunity.

Susan Locke, 108 S. Prospect Street, stated that she strongly agrees with Matthew Kleinhans. It is her opinion that the house is structurally sound.

Andrea Krueger, 404 N. Genesee Street, spoke in favor of the variance and suggested that the City consider ways to assist Gerald Kleinhans.

Gerald Kleinhans questioned Building Inspector/Zoning Administrator Pagel's conclusion that the accessory building is beyond repair. He stated that the building does need a new roof, but that he would like to keep that building if possible.

Matthew Kleinhans stated that there are currently several pole buildings in the site being discussed, and he thinks that they are more unsightly than the property that was condemned.

Motion (Haas/Schneider) to close the public hearing. Carried.

Ron Burrow asked Gerald Kleinhans how often he visited the tenants renting the properties that Mr. Kleinhans owns. Gerald Kleinhans responded that he does monitor the residences from the outside, but that he wants to provide privacy to his tenants.

Building Inspector/Zoning Administrator Pagel stated that he would agree to any timeline for improvements established by the Zoning Board of Appeals, but he asked that the granting of any variance with a timeline be very specific as to what must be completed by the deadline.

Motion (Koebe/Schneider) to grant Gerald Kleinhans a variance until October 31st, 2013, to complete the improvements at 108 South Foster Street. The necessary improvements are specified in the letter submitted by Building Inspector/Zoning Administrator Pagel to the Zoning Board of Appeals and presented to Gerald Kleinhans. If the improvements are not completed to the satisfaction of the City of Merrill Building Inspector by October 31st, 2013, the condemnation orders at 108 South Foster Street will proceed. Carried, with one "No" vote.

Public Hearing – Variance request from Jeffrey Heath – 2707 Crescent Drive

Information was in the meeting packet. Building Inspector/Zoning Administrator Pagel explained the variance request.

Jeffrey Heath, 2401 W. Jackson Street (Apt. 55), is requesting a variance for the property at 2707 Crescent Drive. Per City of Merrill Code of Ordinances Section 113-317, an accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Currently, the only structure on the property is a garage.

Motion (Koebe/Haas) to open the public hearing. Carried.

Ken Albers, 2705 Crescent Drive, asked what the consequences would be if a variance is not granted. Pete Lokemoen responded that, if a variance is not granted, the property will be considered non-conforming. Ken Albers stated his concerns that, if a variance is granted, precedence will be set.

Nancy Lehman, 2712 Glen Drive, owns property within 100 feet of the property being discussed. She stated that the building on the property creates an unsightly appearance and lowers the property values of the surrounding properties. She is not in favor of the variance and asked that the law be upheld.

Richard Hull, 2710 Crescent Drive, spoke against the variance.

Richard Ruge, 2715 Crescent Drive, said that although he was not in favor of granting the variance, he did feel empathy for the current property owner.

Keith Lunders, 2709 Crescent Drive, agreed with Nancy Lehman, although he can understand Mr. Heath's predicament.

Bob Opsahl, 2721 Glen Drive, stated that several residents in that neighborhood have stated their hope that the variance request be declined.

Virginia Zastrow, 2708 Crescent Drive, stated that she agree with Nancy Lehman.

Matthew Kleinhans asked whether the property could be rejoined, or whether there might be another alternate solution.

Lynn Voelz, 2301 W. Jackson Street (Apt. 78), spoke in favor of the variance. She was the party who sold the property to Jeffrey Heath. She stated that, at the time of the sale, she was unaware of any zoning restrictions associated with the property.

Andrea Krueger spoke in favor of the variance. She stated that it is difficult for people to know all the zoning ordinances.

Jeff Heath spoke in favor of the variance. He stated that he bought the building to be used for storage. He reported that he applied for all the necessary permits when he worked on the building.

Sherry Heath, 2401 W. Jackson Street (Apt. 55) spoke in favor of the variance. She stated that improvements have been made to the building since her and her husband (Jeffrey Heath) purchased the building.

Ken Albers stated that, in the past, he was involved in a similar situation. He stated that he lost money as a result, but he stated his conviction that the law must be upheld.

Andrea Krueger stated that there are other instances of unattached garages in the City, and therefore approving the variance would not be setting a precedence.

Matthew Kleinhans spoke in favor of the variance.

Eddy Woody, 1010 East Ninth Street, stated that he was in a similar situation, and was told that he could do the same thing Mr. Heath has done.

Motion (Koebe/Haas) to close the public hearing. Carried.

Mark Peterson noted that the Zoning Board of Appeals duty is to rule on the variance alone, without considering the other circumstances mentioned earlier.

Dean Haas asked whether a title search had been done on the property. He was told that a title search had been done, and that nothing unusual was brought to light at that time.

Motion (Peterson/Haas) to decline the variance request, due to lack of criteria per City of Merrill Code of Ordinances Section 113-461. Carried, with one "No" vote.

Next meeting date

The next meeting will be at the call of the Chairperson.

Public Comment

None.

Adjournment

Motion (Peterson/Schneider) to adjourn. Carried. Adjourned at 7:03 P.M.

Minutes prepared and submitted by:

William N. Heideman, WCMC
City Clerk

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARINGS

All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the Zoning Board of Appeals of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Tuesday, May 7, 2013**, in the City Hall Basement Conference Room, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

1. Eric Dayton. 1001 Pine Bluff, Merrill, WI requesting a variance to Merrill Municipal Code Section 113-317 (g) (1) maximum accessory building height in a residential zone. Current limitation is 15 feet in height and the appellant wants to exceed that. Legally described as 34.000.000.119.01.03.

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: April 19, 2013

CITY OF MERRILL, WISCONSIN

By: _____
William N. Heideman
City Clerk

APPLICATION FOR ZONING VARIANCE
CITY OF MERRILL

NAME: Eric Dayton STREET ADDRESS: 1001 Pine Bluff Ave.

PROPERTY ADDRESS: 1001 Pine Bluff Ave TAX ROLL#: _____

LEGAL DESCRIPTION: _____

EXISTING USE: _____ PROPOSED USE: _____

REASONS FOR REQUESTING A VARIANCE: Higher than 15' Garage code

ADDITIONAL REQUIREMENTS

1. Names and addresses of all abutting and opposite property owners within 100 feet of the property to be altered.
2. Evidence by the applicant of ownership or control of the property for which the variance is submitted.
3. Address and description of the property.
4. A site plan or survey plat, drawn to scale, showing an accurate depiction of the property, location of structures, and property lines within 100 feet of the parcel.
5. Other pertinent information that may be pertinent in considering the application.
6. FAILURE TO SUPPLY SUCH INFORMATION SHALL BE GROUNDS FOR DISMISSAL OF PETITION.
7. A fee of $175.00 shall be paid to the Clerk-Treasurer at time of application.

All information submitted is accurate to the best of my knowledge.

Eric Dayton 04/16/13

Signature of Applicant Date

esign #: 36624

MENARDS® Design-It® Post Frame

4/10/2013

ems Selected:

ɔc Truss, 8'oc Post Spacing Building Type
With A Dry Anchor System.
Truss Spacing; Estimated With 4 / 12 Pitch
ɹss Design Location Zip Code: 54452
ɔoring Type: Attached to Concrete
ɹst Frame Dimensions: 40'x72'x12'
8 CCA Grade Board
e Steel Panels You Have Chosen Are:
Walls ==> Brown Pro-Rib
Roof ==> White Pro-Rib
Trim ==> White
ıite Ridgecap & ProfileVent
ɩored Neoprene Washer Screws for the Roof
ɩored Neoprene Washer Screws for the Walls
ɔof Fasteners On Rib; Wall Fasteners In The Flat
ttom Trim
Front Sidewall Overhang
Back Sidewall Overhang
' Front Endwall Overhang
' Back Endwall Overhang
te White Soffit Color
ve Trim, 6" Fascia Trim
ide Closure Strips
stom Mini-Print To Aid In Construction

Options Selected:

The options you have chosen are:
Service Doors
Service Windows
(1)OH Door(s) 10'X10' Insulated Ribbed White
(1)OH Door(s) 9'X9' Insulated Ribbed White
(2)Low Headroom Kit(s)

Front View

Sidewall:
-9'x9' Overhead 96" DP

Endwall:
-10'x10' Overhead 180" DP

Back View

Sidewall:
- No Doors

Endwall:
- No Doors

day's estimated base price: $13,236.09
base price includes: galvanized steel cap, siding and roofing,
'anized ridge white corner and gable trim, no lean-to's.

Today's estimated price: $16,854.86
If purchased today, you save: $312.66
Monthly BIG Card payment: $533.60
Jobsite delivery may be required for trusses.

***** Take this sheet to the Building Materials counter to purchase your materials. *****

r placement Is based on Midwest Manufacturing specifications but can be customized at the Building Materials counter. Ask a Building Materials Team Member for details!

nay buy all the materials or any part at low cash and carry prices. Because of the wide variable in codes, Menards cannot guarantee that materials listed will meet your building code requirements. These plans are suggested ns and material lists only. We do not guarantee the completeness or prices of these structures. Tax, labor and delivery not included.