

NOTICE

The City of **Merrill Zoning Board of Appeals** will meet on **Monday, December 12, 2016 at 6:00P.M.** in the City Hall Basement Conference Room on the following:

Voting members: Bill Schneider, James Koebe, Dean Haas, Ron Burrow, Adam Rekau, David Sukow and Alderman John Burgener

AGENDA

- 1.) Call to order
- 2.) Roll call
- 3.) Approval of the minutes October 4, 2016.
- 4.) John Kaufman, 903 E 5th Street, requesting a variance to M.M.C. Sec. 113-38, front yard setback in a residential district. Legally described in tax# 34.0090.002.731.00.00
- 5.) Other Business
- 6.) Next meeting date
- 7.) Public Comment
- 8.) 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.

ZONING BOARD OF APPEALS MINUTES
October 4, 2016, 6:00 p.m.

PRESENT: Bill Schneider, Chairman, Ron Burrows, Dave Sukow, Alderman John Burgener, Zoning Administrator Darin Pagel.

Absent: Adam Rekau, Jim Koebe, Dean Haas

Motion to approve June 7, 2016 minutes Mr. Sukow, second Mr. Burrows, carried.

ZA Pagel read the meeting notice and explained procedure.

Motion to open hearing Mr. Burgener, second Mr. Sukow, carried.

ZA Pagel briefed the Board on the request stating the reason for the variance request. TLC Sign Company was available by telephone if the Board had questions. No one to speak in opposition.

Motion to close hearing Mr. Sukow, second Mr. Burrows, carried.

Motion to approve the variance Mr. Burgener, second Mr. Burrows, carried.

With no other business or public comment

Motion to adjourn Mr. Sukow, second Mr. Burgener, carried.

Meeting adjourned 6:15pm

Darin Pagel, Recording Secretary.

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARING

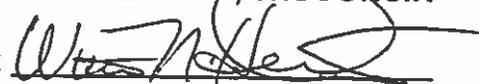
All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the Zoning Board of Appeals of the City of Merrill, Wisconsin, commencing at 6:00 p.m., on Monday, December 12, 2016, in the City Hall Basement Conference Room, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

1. John Kaufman, 903 E 5th Street, requesting a variance to M.M.C. Sec. 113-38, front yard setback in a residential district. Legally described in tax# 34.0090.002.731.00.00

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

Dated: December 28, 2016

CITY OF MERRILL, WISCONSIN

By: 
William N. Heideman
City Clerk

APPLICATION FOR ZONING VARIANCE
CITY OF MERRILL

NAME: John & Kim Kaufman / STREET ADDRESS: 903 E 5th St

PROPERTY ADDRESS: Merrill TAX ROLL#: _____

LEGAL DESCRIPTION: _____

EXISTING USE: _____ PROPOSED USE: _____

REASONS FOR REQUESTING A VARIANCE: Requesting Deck Remain on Home - We are less than 1 foot out of Variance - our plan is to ~~move~~ entrance the Home's Appearance in town would increase Tax to City

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.



[Handwritten Signature]
Signature of Applicant

11/23/16
Date



Inspection Department

1004 East First Street • Merrill, Wisconsin • 54452
Phone: 715.536.4880 • Fax: 715.539.2668

11-28-16

TO: Zoning Board of Appeals

FROM: Darin Pagel, Zoning/Building Administrator

RE: Variance request at 903 E 5th St

Dear Board Members,

I have enclosed a letter sent to Mr. Kaufman on 10-26-16 in regard to a deck constructed on the front of his house at 903 E 5th St. without a permit. The deck does not meet the setback requirements as required by M.M.C. Sec. 113-38. The minimum setback for the district is 20', the neighbor's house is setback 16'. Therefore, taking the average between the minimum setback and the neighbor's setback as the code requires, Mr. Kaufman's setback would be 18'. He is requesting a 10' setback. As stated in the letter, Mr. Kaufman could construct a 4'x 4' landing which would be code compliant without a variance.

I have also enclosed the code section which is the basis for granting a variance. If the Board recalls, there was a similar variance request on N State St where a deck was built without a permit and did not meet the setbacks. The Board decided the request did not meet the criteria required to grant a variance, and therefore denied it. I will be at the meeting if there are any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Darin Pagel", is written over a printed name tag.

Darin Pagel



Inspection Department

1004 East First Street • Merrill, Wisconsin • 54452
Phone: 715.536.4880 • Fax: 715.539.2668

10-26-16

John Kaufman
903 E 5th St
Merrill, WI 54452

RE: Deck

Dear Mr. Kaufman,

Per our meeting and discussion today, M.M.C. Sec 105-48 requires permits for decks prior to construction. The deck that you have constructed on your property at 903 E 5th St. does not meet the minimum front setback as required by M.M.C. Sec. 113-38. Therefore, the maximum size, without a variance, that could be constructed would be a 4'x4' landing which would not require a permit. Please remove the deck to bring it into compliance within 30 days of this letter. Failure to do so will result in daily citations until corrected. Any questions, give me a call at 715-536-4880. Thank you.

Sincerely,

Darin Pagel
Building Inspector

(2) The zoning board of appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than ten days before the hearing in one or more of the newspapers in general circulation in the city, and shall give due notice to the parties in interest, the zoning administrator and the plan commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, zoning administrator and plan commission.

(d) *Action of the zoning board of appeals.* For the board to grant a variance, it must find that:

- (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning code should be changed.
- (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
- (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
- (5) The proposed variation will not undermine the spirit and general and specific purposes of the zoning code.

(e) *Conditions.* The board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

(Ord. No. 2011-12, 12-13-2011)

Lincoln County Public Access Land Records Viewer



Author: Public
 Date Printed: 1/12/28/2016

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