

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI

MEETING: **BOARD OF ZONING APPEALS**

DATE AND TIME: **WEDNESDAY, APRIL 27, 2016 5:30 p.m.**

LOCATION: **Germantown Village Hall Board Room
N112 W17001 Mequon Road**

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL:** Chair – Barry White, Members Lisa Filla, Philip Fritsche, Jim Hansen, Jeffrey Schleif
Alternates: Benjamin Goetter and Carroll Merry
- III. **APPROVAL OF MINUTES:** April 13, 2016
- IV. **PUBLIC HEARINGS:**
To hear any and all parties, their attorneys or agents, for or against the application filed by **JAMES & MARY STOUT, PROPERTY OWNER**, seeking a building setback variance in order to construct an accessory roof over an existing feedlot that will encroach 18 feet into the minimum 60 feet front yard setback on the property located at **W204N12079 Goldendale Road, Richfield, WI 53076**.
- V. **DELIBERATION AND ACTION BY THE BOARD on Item IV:**
- VI. **NEXT MEETING DATE AND TIME IF NEEDED:** June 8, 2016 at 5:30 p.m.
- VII. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

Notice is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

RECEIVED
MAR - 9 2016
OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

VILLAGE OF GERMANTOWN
OFFICE OF THE VILLAGE CLERK
N112 W17001 MEOUON ROAD/P. O. BOX 337
GERMANTOWN WI 530220337

BOARD OF ZONING APPEALS
NOTICE OF APPEAL OR APPLICATION

Case No. _____
Filing Date _____
Fee Paid \$ 560.00
Hearing Date: 4.13.16
Notice Mailed: _____
Notices Published: 4.7/16 + 4/14/16

To: Board of Zoning Appeals
Village of Germantown, Wisconsin

NOTICE IS HEREBY GIVEN that the undersigned hereby (appeals for relief from a decision of an administrative official) (applies for the following described right or privilege):

1. Appellant's or Applicant's Name: Jim & Mary Stout
Address: W204 N12079 Goldendale Road Richfield, WI 53076
Phone No. : 414-313-2242
2. Appellant's or applicants' interest in property:
(☒) Owner; () Tenant; () Mortgagee;
() Agent.
3. Property Owner's Name: Jim & Mary Stout
Address: W204 N12079 Goldendale Road Richfield, WI 53076
Phone No.: 414-313-2242
4. Address of property: W204 N12079 Goldendale Road Richfield, WI 53076
Lot _____, Block _____, Tax Parcel No. GTNV 184984, Zoning District: _____
5. Present use of the property: Agricultural
6. Proposed use of the property: Agricultural

7. Previous Appeal or Application (if any)? Yes () No (X)

If YES, list date of hearing: _____ and Decision of previous hearing: _____

8. Identify the **PURPOSE** for this appeal or application. Please circle appropriate item below and provide the requested information. Attach a separate sheet, if necessary.

(a) Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.

1. Date of decision or order:
February 12, 2016
2. Description of decision or order:
Applied for a building permit to construct a roof over existing feedlot; application denied because a 60 foot front yard setback requirement was not met.
3. Decision or order is erroneous because:
Requesting a variance, see below.

(b) Request for Variance of Zoning/Building Code.

1. Describe the requested variance and dimension of variance:
I am requesting to construct an open-type building / roof over the existing concrete feedlot. The proposed roof will be 44' from the right-of-way and 108 feet in length extending perpendicular and attached to the existing barn which is 40'-3" from the right-of-way.
2. Explain how the Variance, IF granted, is consistent with the spirit, purpose and intent of the Code:
Understandably, a front yard setback is to maintain aesthetics and promote the safety and efficiency of the streets and highways. The proposed building / roof, although within the 60-foot setback, is 3 plus feet further from the right of way than the existing barn (noted dimensions above). The proposed roof structure as planned continues to promote the safety and efficiency of Goldendale Road by placing it further from the right-of-way than the existing barn. Preventing water pollution, covering and managing the animals under an open-air roof system while establishing and maintaining a vegetated grass cover on the remaining open ground within the current feedlot area will dramatically improve the aesthetics of the farming operation.
3. Describe the exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot/parcel, use,

structure, or intended use that **DO NOT** apply generally to other properties or uses in the SAME district:

A complaint about flies from a neighbor sparked the original interest from the Village and the county Land and Water Conservation Division (LWCD) to my farm. In conversation with the LWCD staff I was made aware of the State's administrative code (NR-151) an agricultural performance standard that requires me to prevent the direct discharge from my feedlot to the waters of the state.

This roof project is the end result of planning efforts with the LWCD as a means to eliminate or greatly reduce the potential of animal waste runoff leaving the feedlot and reaching the stream directly south of the farm's feedlot. The close proximity of the existing lot and stream makes the roof project the best alternative to fix the runoff concern.

4. Describe what special conditions exist which cause practical difficulty or unnecessary hardship, IF variance is NOT granted:
The proposed roof is centered over the existing feed bunk. The feeding and management of cattle is an important part of the viability of the farm. If the roof system were to be placed outside of the 60-foot setback, the east side of the building would be less than 8 feet from the feed bunk. This would leave no room to effectively feed and manage the movement of cattle east of the feed bunk and still be under roof. The practical difficulty of compliance would result in not only the feed bunk from having to be moved but also would require changes to the general management of stored feed including the utilization of the existing silo.
5. Explain why the variance **IS NECESSARY** for the preservation and enjoyment of substantial property rights possessed by other properties in the SAME district:
This farm has been in existence for over 100 years, while the animals have come and gone a few times, I am making substantial investments in the buildings with improvements so as to ensure a safe and profitable farming operation. A farm that is part of the community but includes the compliance with water quality requirements. Doing nothing is not an option if I am wanting to maintain animals on the farm while still utilizing the infrastructure of the barn building, feeding system and lot.
6. Explain how this variance, IF granted, **WILL NOT** create substantial detriment to adjacent property, **WILL NOT** be contrary to the public interest and **WILL NOT** endanger public safety and interest:

I truly believe that granting this variance will not adversely affect the area, community or the adjacent properties; as the project, by design, will protect the waterway and serve to enhance the presence of the area. This project will also allow me to continue to utilize existing structures and management methods, and serves to create a safer and "best practice" farming operation. Safety and "best practices" are established with the public interest at heart and will provide a more appealing and desirable agricultural setting.

I believe very strongly in the presence of agriculture in the local community. That agriculture, however, should enhance the community and be viewed as an asset by neighbors and community members alike. Lastly, by authorizing this project, it will allow me to more easily and effectively develop the goals and objectives of The Stout Farm: To be a viable source of locally grown food, a clean and safe place to visit and learn about farming and a source of pride in the neighborhood and the Village of Germantown.

(c) Request for interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.

1. List applicable section(s) of the Zoning Code: _____
2. Describe proposed use/activity/construction:

3. Explain reasons supporting requested action:

4. Has request been referred to Plan Commission? Yes () No ()
If YES, give recommendation of Plan Commission:

(d) Permission for Temporary Use Permit.

1. Describe use requested: _____
2. Proposed commencement date: _____
3. Proposed termination date: _____

(e) A determination that an unspecified or unclassified use is permitted in a Zoning District.

1. Describe use requested:

2. Attach copy of recommendation of Village Plan Commission.

(f) Permission to substitute a MORE restrictive nonconforming use for an existing nonconforming use.

1. Attach copy of recommendation of Village Plan Commission.
2. Attach copy of certification of Zoning Administrator to legality of present nonconforming use.
3. Date of commencement of present use: _____
4. Value of improvement on date use became nonconforming (attach documentation supporting value): \$ _____
5. Present value of all existing improvements, additions and alterations since date use became nonconforming (attach documentation): \$ _____

REQUIRED DOCUMENTATION

Each appeal or application must be accompanied by:

- A. Current plat or survey of the lot/parcel, with complete details of the site, dimensioned, elevation data, easements, existing and proposed physical features, yards and setbacks, etc.
- B. Attachments as outlined above.
- C. Filing fee(s)
- D. Copy of decision or order which is the basis of this appeal/application.
- E. Name and Address of counsel IF appellant/applicant elects to be represented by counsel.
- F. Any additional fee of \$ _____ to cover the administrative costs if a contested case is requested.

I hereby certify that the above application and/or appeal and all attachments hereto are true, correct and complete to the best of my knowledge and belief.

Dated: 3/9, 2016



Signature of applicant or appellant

Village of



Germantown

Community Development Department Inspection Services

N112 W17001 Mequon Road P.O. Box 337
Germantown, Wisconsin 53022-0337
Phone: (262) 250-4760 Fax: (262) 253-8255
www.village.germantown.wi.us

February 12, 2016

Mr. James Stout
W204 N12079 Goldendale Road
Richfield, WI 53076

GTNV 184-996

Dear Mr. Stout:

The office of Inspection Services is in receipt of your building permit application for a metal roof structure to be built over your cow yard. Due to the fact that the proposed structure fails to meet the required setback, your permit application as submitted cannot be approved. Your property is zoned A-1. This zoning designation requires a front yard setback of 60 feet. Your proposed structure encroaches on the front yard setback by approximately 18 feet.

You may apply for a variance to the Board of Zoning Appeals. Applications must be submitted to the Village Clerk along with supporting documentation and an application fee of \$560.00. Appeals must be applied for within thirty days of this notice. Should you have any questions, please feel free to contact Inspection Services.

Sincerely,

Holly Madson
Inspection Services

cc: Barbara K. D. Goeckner, Village Clerk
Jeff Retzlaff, Zoning Administrator
Property File

VILLAGE OF GERMANTOWN
N112 W17001 Mequon Road - P.O. Box 337 - Germantown, WI 53022
APPLICATION FOR BUILDING PERMIT
Phone (262) 250-4760/Fax (262) 253-8255

Date 1/21/16 Bldg. Permit No. _____

The undersigned hereby applies for a permit to build, construct, remodel, occupy, or to install according to the following statement:

1. Owner Jim Stout Address W204 N12079 Goldendale Rd.
2. Address of Construction W204 N12079 Goldendale Rd Zoning District Agricultural A-1
3. Permit For Metal Roof over cow yard Cost 39,000.00
4. Size of Structure - Square Footage of Proposed Building/Other 5616 ft² Height 22'
5. Set-Backs of Structure - Front _____ Side _____ Rear _____
6. Contractor _____ Phone _____ DCFR Cert. # _____
Address _____ Qualifier # _____

101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that: **If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s.101.654(2)(a), the following consequences might occur:** (a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence of the contractor that occurs in connection with the work performed under the building permit. (b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and 2-family dwelling code or an ordinance enacted under sub.(1)(a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

It is hereby agreed between the undersigned, as owner/agent and the Village of Germantown for and in consideration of the premises and of the permit to construct, erect, alter, or install and the occupancy of building as above described, to be issued and granted by the Village Building Inspector, that the work thereon will be done in strict compliance with the Ordinances of the Village of Germantown and to obey all and any lawful orders of the Village Building Inspector and the State Laws relating to the construction, alteration, repairs, removal and safety of buildings and other structures and permanent building equipment. **IF APPLICABLE, YOU SHOULD CONTACT YOUR HOMEOWNERS ASSOCIATION FOR ANY APPROVAL THAT MAY BE REQUIRED. NOTE: IF ANY WORK IS COMMENCED PRIOR TO OBTAINING THE PROPER PERMITS, ALL FEES SHALL BE DOUBLED.**

Signature James D Stout Print Name James D. STOUT
Address W204 N12079 Goldendale Rd City & State Richfield WI Zip Code 53076
Phone Numbers _____ Home 1 Work 1 414-313-2242 Cell _____

The Village of Germantown Assessor's Office creates and maintains property records for all real estate parcels within the Village of Germantown in which it has jurisdiction. Pursuant to Wisconsin Statute 70.32(1), all properties that are issued building permits are field reviewed, described, and valued by "actual view". This means that each building permit requires 1) assessment personnel to initially process existing records or create new records, 2) physically review, onsite, the purpose of each building permit to document all property description additions and/or alterations, and 3) process the information gathered in the field to determine an assessed value.

Every person receiving an approved building permit from the Village in which said building permit requires an employee of the Assessor's Office to physically view onsite any descriptive property change in an effort to maintain the property record shall pay a property maintenance fee commensurate with the type of building permit issued by the Village.

***** SCHEDULE OF BUILDING PERMIT FEES *****

Building.....\$	Early Start.....\$	Decking.....\$
Remodeling.....\$	Propane Tank.....\$	Storage Shed.....\$
Garage.....\$	Sign.....\$	Swimming Pool.....\$
Plan Exam.....\$	Siding.....\$	Fence.....\$
Occupancy Permit...\$	Reroofing.....\$	Fireplace.....\$
Heating.....\$	Razing.....\$	Gazebo.....\$
Air Conditioning.....\$	Foundation Repair....\$	\$

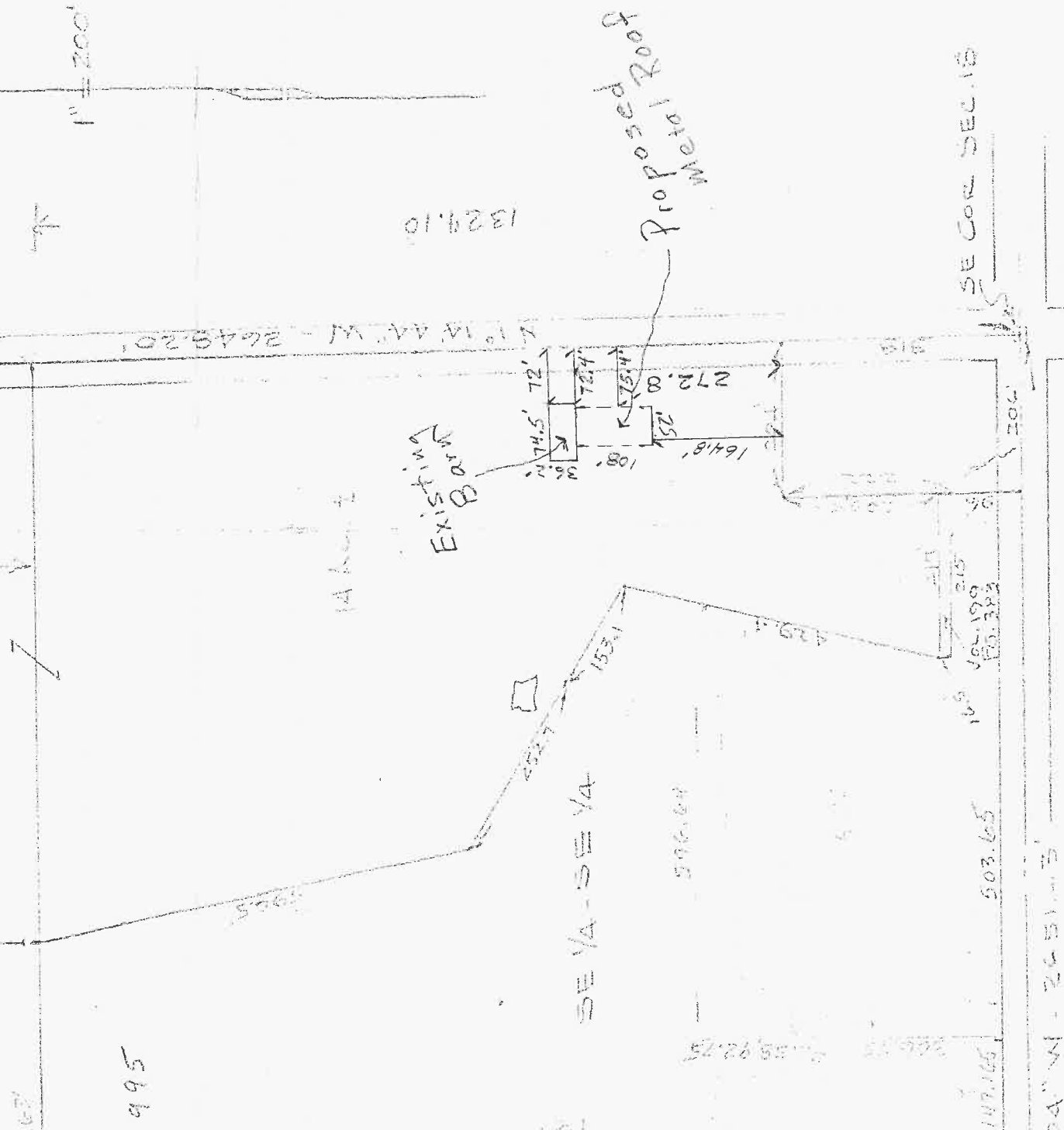
BLDG. PERMIT \$ _____ (BLD) RECORD FEE \$ _____ (APF) TOTAL FEES \$ _____

REMARKS

SEPARATE ELECTRICAL, PLUMBING AND HEATING PERMITS MAY BE REQUIRED.

[illegible]

Jim Stout
w204 w12079 Goldendale Rd
Richfield, w1 53076
414-313-2242
jim @ thestoutfarm.com



JAMES D STOUT
PROPERTY

WHITE FENCE
10 FEET BACK
FROM R.O.W

60 FOOT
SETBACK
LINE

EXISTING BARN

40'-3"

108'

PROPOSED
ROOF OVER
FEEDLOT
(52'x108')

52'

44'

60 FOOT
SETBACK
LINE

PROPERTY LINE



SCALE



JAMES D STOUT
PROPERTY

WHITE FENCE
10 FEET BACK
FROM R.O.W

60 FOOT
SETBACK
LINE

EXISTING BARN

40'-3"

108'

PROPOSED
ROOF OVER
FEEDLOT
(52'x108')

52'

44'

60 FOOT
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PROPERTY LINE



SCALE

