



Notice is hereby given according to State Statutes that the BOARD OF ZONING APPEALS of the Village of Hobart will meet on Wednesday July 10th 2024 at 5:00 PM in the Village Office. NOTICE OF POSTING: Posted this 21st day of June, 2024 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.

MEETING NOTICE – BOARD OF ZONING APPEALS

Date/Time: Wednesday July 10th 2024 (5:00 PM)
Location: Village Office, 2990 South Pine Tree Road

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of Minutes of the November 29th 2022 meeting
4. Public Comment on Non-Agenda Items

ACTION ITEMS

5. DISCUSSION AND ACTION – Election of Board Chairperson and Vice-Chairperson

6. PUBLIC HEARING - Side yard setback variance (HB-743-1, 3841 Hillcrest Drive)

The property owners (Justin Goffard) are planning to construct a new single family dwelling on the property located at 3841 Hillcrest Dr. (HB-743-1), and as the petitioner, is requesting consideration for a variance to allow the future principal structure (dwelling) to be constructed with a side yard setback of 15 feet whereas Village Zoning Code section 295-190 requires a minimum 25 foot setback from a side property line.

7. ACTION on aforesaid agenda item

8. TRAINING – Introduction to the Zoning Board – The Center for Land Use Education (Webinar)

The Board will participate in a training session. There will be NO action taken during the training session.

9. ADJOURN

Aaron Kramer, Village Administrator

COMMISSION MEMBERS: Chris Iglar, Jeff Johnson, Erik Perry, Henry Rueden, John Rehn, Robert Zittlow, Jr. (alternate), James Kubalak (alternate)

NOTE: Page numbers refer to the meeting packet. All agenda and minutes of Village meetings are online: www.hobart-wi.org. Any person wishing to attend, who, because of disability requires special accommodations, should contact the Village Clerk-Treasurer at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



**Village of Hobart Board of Zoning Appeals Minutes
Hobart Village Office; 2990 S. Pine Tree Rd, Hobart, WI
Tuesday, November 29, 2022 – 5:30 pm**

1. Call to Order, Roll Call:

The meeting was called to order by Jeff Johnson at 5:40 pm. Roll call: Richard Happel, absent; Chris Iglar, absent; Jeff Johnson, aye; Erik Perry, aye; John Rehn, aye; Henry Rueden, aye.

2. Verify/Modify/Approve Agenda:

Motion by John Rehn, seconded by Henry Rueden to approve the agenda as presented. All in favor. Motion carried.

3. Approval of Planning & Zoning Appeals Minutes:

Motion by John Rehn, seconded by Erik Perry to approve the February 3, 2020 minutes as presented. All in favor. Motion carried.

4. Public Comment on Non-Agenda Items:

None

5. Election of Board Chairperson and Vice-Chairperson:

Motion by Jeff Johnson, seconded by John Rehn to nominate Richard Happel as Chairperson of the Board of Appeals. All in favor. Motion carried.

Motion by Jeff Johnson, seconded by John Rehn to elect Richard Happel as Chairperson of the Board of Appeals. All in favor. Motion carried.

Motion by Erik Perry, seconded by Jeff Johnson to nominate Erik Perry as Co-Chairperson of the Board of Appeals. All in favor. Motion carried.

Motion by John Rehn, seconded by Jeff Johnson to elect Erik Perry as Co-Chairperson of the Board of Appeals. All in favor. Motion carried.

6. Variance from the Setback Requirements (HB-3220, 4100 Trenty Trail):

Director of Planning and Code Compliance, Todd Gerbers updated the committee. Motion by John Rehn, seconded by Erik Perry to grant the variance from the setback requirements for HB-3220, 4100 Trenty Trail. All in favor. Motion carried.

7. Adjourn:

Motion by Jeff Rehn, seconded by Henry Rueden to adjourn. All in favor. Motion carried.
Meeting adjourned at 5:57pm.

TO: Board of Appeals

RE: Side yard setback variance, HB-743-1, 3841 Hillcrest Dr.

FROM: Todd Gerbers, Director of Planning and Code Compliance

DATE: July 10, 2024

ISSUE: HB-743-1, 3841 Hillcrest Dr., seeks a variance to reduce the side yard setback to 15 feet, whereas section 295-190 of the Village Zoning Code requires a minimum of 25 feet for a side yard setback.

GENERAL INFORMATION

- | | |
|--------------------------------|--------------------|
| 1. Petitioner(s): | Justin Goffard |
| 2. Property Owner(s): | Justin Goffard |
| 3. Address of Parcel Affected: | 3841 Hillcrest Dr. |
| 4. Parcel(s): | HB-743-1 |

VARIANCE REQUEST

The property owners (Justin Goffard) are planning to construct a new single family dwelling on the property located at 3841 Hillcrest Dr. (HB-743-1), and as the petitioner, is requesting consideration for a variance to allow the future principal structure (dwelling) to be constructed with a side yard setback of 15 feet whereas Village Zoning Code section 295-190 requires a minimum 25 foot setback from a side property line.

BACKGROUND

The property owners are currently in the process of doing some tree and vegetation removal/clean up on this particular property to make room for the construction of a future single-family dwelling and associated facilities (including but not limited to a driveway, private on-site waste treatment system (POWTS), and well). This parcel contains a total of 2.128 acres (92,709 square feet) of which slightly over half is located within an Environmentally Sensitive Area (ESA) or floodplain leaving approximately 1.01 acres (44,130 square feet) of buildable area. Of this remaining 44,130 square feet, there are approximately 33,432 square feet available for construction of a dwelling once the required front yard setback of 40' is removed and required side yard setback of 25' is also removed. The steep slopes on the property and the required ESA setback are physical limitations that severely reduce the buildable area on this property.

Therefore, the petitioner/property owner is requesting a variance to reduce the side yard setback from 25 feet down to 15 feet along the south property line. Included in the packet is a correspondence from the owners of the property to the south as well as a site layout depicting the proposed location of the future dwelling and septic (POWTS) system. Staff has reviewed the requested variance and believes there would be very little if any negative impact on the adjoining properties or the neighborhood should this variance be granted as requested.



2990 S. Pine Tree Rd.
Hobart, WI 54155
tele: 920-869-3809
fax: 920-869-2048

Todd Gerbers
Director of Planning and Code Compliance
e-mail: todd@hobart-wi.org

GUIDELINES USED BY THE BOARD OF APPEALS TO DETERMINE WHETHER A VARIANCE SHOULD BE GRANTED

Although the statutes contain a number of qualifying phrases, the main statutory test of whether a variance may be properly granted is whether an “unnecessary hardship exists”. The leading Wisconsin case on variances is *SNYDER v WAUKESHA COUNTY* (1976), 74 Wis. (2nd) 468, 247 NW (2nd) 468. In this case, the court set forth the following guidelines for granting variances:

- 1) An unnecessary hardship means that the property cannot yield a reasonable return when used for the permitted purposes or where no feasible use can be made of the land without a variance.
- 2) The changes in the character of the neighborhood that would be caused by the variance are important.
- 3) The hardship must be unique to the property in question and may not apply equally to similar lots.
- 4) The hardship must be unique to the lot, not personal to the owner of the lot.
- 5) A variance cannot be granted in the case of a self-created hardship.

IN ADDITION, the courts have made it clear that a variance CANNOT be granted in the following situations:

- 1) Where there is a self-created hardship, that is, where the application is due to a problem created by the owner/applicant.
- 2) Where there is a personal hardship, and the variance would continue to affect the character of the neighborhood after title to the property has passed.
- 3) Where there is an economic hardship, a purely financial hardship, for example, restriction of the property to a less profitable use.

IMPORTANT INFORMATION FOR APPLICANTS

The Village of Hobart Board of Appeals meets on “as needed basis” on the last Monday of each month at 5:30 P.M. at the Village Office. Due to statutory public notification requirements, the application deadline is approximately 20 days prior to a meeting. Please confirm the deadline with staff.

The following must be submitted in order for your application to be accepted:

- Complete the attached application form. Both the owner and applicant must sign the application form.
- Answer all questions on the application form.
- A site plan drawn to scale showing all structures, lot lines, streets and distances from the structures to the lot lines and street.
- Any other supporting documentation you feel is necessary or as may be required by staff.

It is recommended for the applicants and/or a representative for the applicant to attend the meeting to answer questions of the Board and present their variance request. If the applicant and/or representative fail to appear, the Board may choose to act on the item, or to postpone action until the next meeting. If for any reason the owner/applicant withdraws the application, it must be done so in writing. If the owner/applicant wishes to reapply they must file a new application form, site plan, supporting documentation, and filing fee. Filing fees are non-refundable.

If you have any questions about the variance application form, or the process of obtaining a variance, please contact the Director of Planning and Code Compliance at 920-869-3809.

YOUR APPLICATION IS DUE BY: _____

YOUR VARIANCE HEARING DATE: _____ **AT 5:30 P.M.**



2990 S. Pine Tree Rd.
Hobart, WI 54155
tele: 920-869-3809

Todd Gerbers
Director of Planning and Code Compliance
e-mail: todd@hobart-wi.org

ZONING BOARD OF APPEALS VARIANCE APPLICATION

Please Type or Print in BLACK INK

Please submit a complete **reproducible site plan (maximum size 11" x 17")**. (A complete site plan includes, but is not limited to, all structures, property lines and streets with distances to each.) The fee is payable to the Village of Hobart and due at the time the application is submitted. APPLICATION FEE IS NON-REFUNDABLE.

Address of Parcel Affected: _____

Petitioner: _____

Phone: _____

Petitioner's Address: _____

Email: _____

Signature Required: Justin Goffard

Date: _____

Owner (if not petitioner): _____

Phone: _____

Owner's Address: _____

Email: _____

Signature Required: _____

Date: _____

To be granted a variance, each applicant must be able to prove that an unnecessary hardship would be created if the variance is not granted. The burden of proving an unnecessary hardship rests upon the applicant. The attached sheet provides information on what constitutes a hardship. (Attach additional sheets, if necessary, to provide the information requested. Additional information may be requested as needed.)

- 1. Explain your proposed plans and why you are requesting a variance:**

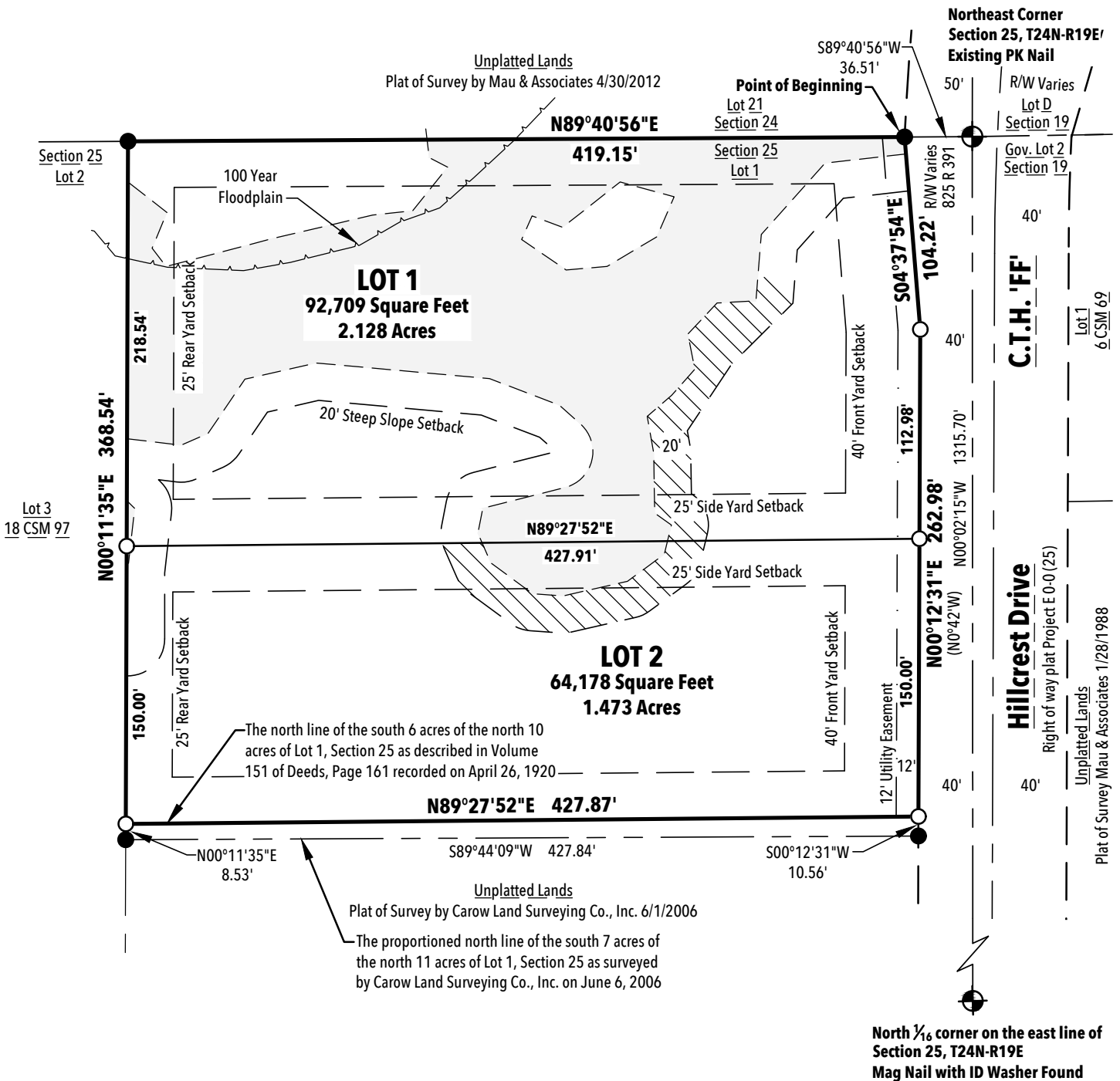
2. Describe how the variance would not have an adverse effect on surrounding properties:

3. Describe the special conditions that apply to your lot or structure that do not apply to surrounding lots or structures:

4. Describe the hardship that would result if your variance were not granted:

CERTIFIED SURVEY MAP

PART OF LOT 1 OF SECTION 25, TOWNSHIP 24 NORTH, RANGE 19 EAST,
VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

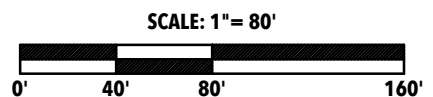


AFFECTED TAX PARCELS:

HB-743

LEGEND:

- Set 1" x 18" Iron Pipe w/ ID Cap Weighing 1.38 lbs./lin. ft.
- Existing 1" Iron Pipe
- ⊕ Recorded County Monument
- (N0°42'W) Record Bearing or Distance
- ▭ Steep Slope Area
- ▨ Lands unsuitable for building until such time as a geotechnical report proving its suitability is provided to Brown County staff



Bearings are referenced to the Brown County Coordinate System. The east line of Lot 1 of Section 25, T24N-R19E bears N00°02'15"W.



Robert E. Lee & Associates, Inc.

ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES

1250 CENTENNIAL CENTRE BOULEVARD

HOBART, WI 54155











INTERNET: www.releeinc.com

PHONE: (920) 662-9641

FAX: (920) 662-9141

Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line
-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete map legend (map key) is available at:
tinyurl.com/BrownDogLegend

Map printed
 6/17/2024



1:1,200

1 inch = 100 feet*

1 inch = 0.0189 miles*

*original page size is 8.5" x 11"
 *Appropriate format depends on zoom level

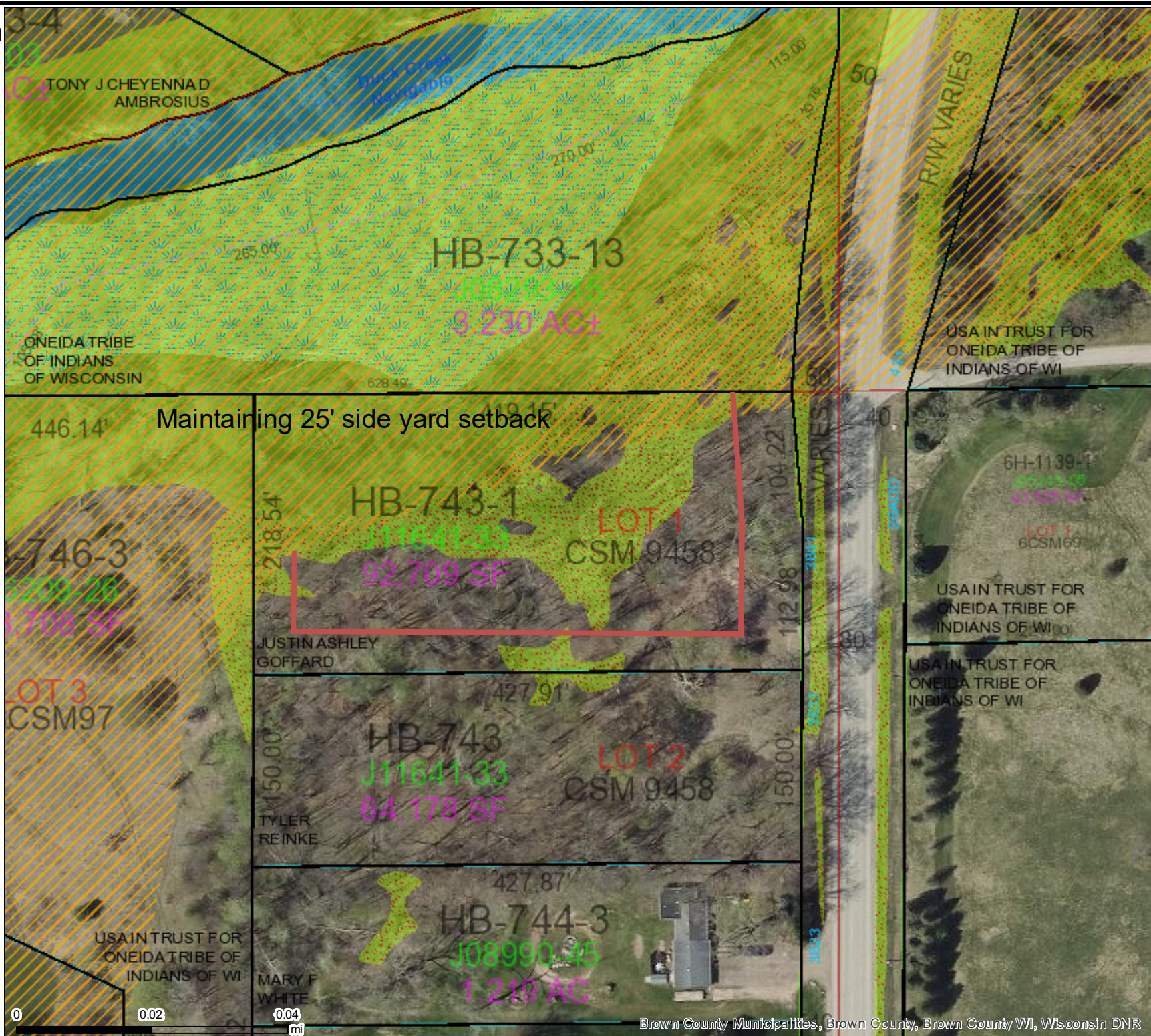
This is a custom web map created by an online user of the GIS map services provided by the

**Brown County Wisconsin
 Planning & Land Services
 Department**



(920) 448-6480

www.browncountywi.gov



Side Yard Setback Variance

2 messages

Justin Goffard <jmg1685@gmail.com>
To: "bfred081@gmail.com" <bfred081@gmail.com>

Mon, Mar 11, 2024 at 12:05 PM

Hey guys,


Thanks again for the meeting at our land. It was nice to see you all again.

Attached is a survey we had completed showing a proposed building site with a set back of 15 ft versus 25 ft. As we discussed, the 10ft variance to the setback gives us the space we would need to fit our home and septic into the buildable area of the southwest corner of our lot.

If you can please reply with any agreements or disagreements you have with our attached plan, We'd like to have your written consent before filing a variance with the village.

Thanks again, and let me know if you have any questions.

Justin & Ashley Goffard
920-737-1662

 **X-1668.pdf**
222K

Brittany Reinke <bfred081@gmail.com>
To: Justin Goffard <jmg1685@gmail.com>

Tue, Mar 12, 2024 at 4:10 AM

Hey Justin-

It was great meeting with you again to see the potential of our properties and work together to preserve the beauty of our land. Thank you for coming to us in this matter, we truly do appreciate it. Tyler and I are favor of you moving forward with the requesting a variance related to the proposed location for the primary residence structure. We know there are significant limitations to build locations on both properties and appreciate the communication to preserve privacy between the potential residence locations.

Thank you!

> On Mar 11, 2024, at 12:05 PM, Justin Goffard <jmg1685@gmail.com> wrote:

>
>

[Quoted text hidden]

> <X-1668.pdf>