

**CITY OF ELKHORN
ZONING BOARD OF APPEALS
AGENDA**

November 30, 2023, 6:00 p.m.

**Council Chambers, City Hall,
311 Seymour Ct., Elkhorn, Wisconsin, 53121**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) MOTION AND ACTION TO NAME CHAIRPERSON
- 4) MOTION TO ADJOURN INTO A PUBLIC HEARING/READ PUBLIC NOTICE - Variance for sunroom addition located at 115 S Broad Street (Tax Key: YRW00051)
- 5) COMMENTS BY ZONING ADMINISTRATOR
- 6) PRESENTATION BY THE PETITIONER OR AGENT
- 7) COMMENTS BY INTERESTED PROPERTY OWNERS OR THEIR AGENTS
- 8) REBUTTAL
- 9) REBUTTAL BY OPPOSITION
- 10) CLOSE HEARING
- 11) DELIBERATION BY BOARD OF APPEALS MEMBERS
 - a. The Board may adjourn into closed session by a motion and roll call vote per SS 19.85(1)(a): “Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.” If they do go into closed session, the Board will reconvene into open session immediately thereafter.
- 12) ACTION BY BOARD ON VARIANCE REQUEST
- 13) ADJOURNMENT

Dated this 20th Day of November 2023

**CITY OF ELKHORN
NOTICE OF PUBLIC HEARING**

ZONING VARIANCE

Notice is hereby given that a public hearing will be held before the Board of Appeals of the City of Elkhorn on November 2, 2023 at 4:00 P.M. or soon thereafter as the matter may be heard in the Council Chambers, City Hall, 311 Seymour Court, Elkhorn, WI for the purpose of hearing all interested parties, their attorneys or agents with respect to the request submitted by John and Jalayne Olson to allow for a sunroom addition located within the front yard setback of the parcel. Section 17.7-3 of the Elkhorn Zoning Ordinance states additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels. The property is located at 115 S. Broad Street and is more precisely identified by the following tax parcel ID number:

YRW 00051

The City of Elkhorn will attempt to accommodate anyone with special needs if requests are made a sufficient time in advance. The City Clerk can be reached at: (262) 723-2219.

Dated this 4th day of October 2023.

Allison Schwark
Zoning Administrator

Publish 2x: 10/19/23 & 10/26/23
Elkhorn Independent

ELKHORN WISCONSIN

CITY OF ELKHORN
311 SEYMOUR COURT
ELKHORN, WISCONSIN 53121
PHONE 262-723-2223
FAX 262-741-5135

September 27, 2023

Jalayne Olson
115 S Broad Street
Elkhorn, WI 53121

Via Certified and Regular Mail

Re: Zoning Permit Denial – 115 S Broad Street., Elkhorn, Wisconsin - Tax Key No. YRW00051

Dear Property Owner:

We have received your permit application for a sunroom addition for the above referenced property. I am sorry to inform you that we must **deny** your permit at this time due to failure to meet the required front yard setbacks.

Please see the City of Elkhorn Municipal Code section 17.5-3 for the specific requirements regarding setbacks in your zoning district. All codes are available for viewing on-line at: https://library.municode.com/wi/elkhorn/codes/code_of_ordinances.

Based upon this denial you shall have the following options:

1. Adjust your site plan to include an addition that is consistent with our current ordinance, conforming to all setback requirements.
2. File an appeal application for a variance within 90 days of the date of this notice pursuant to Section 17.12-5 of the City of Elkhorn Municipal Code.

Sincerely,

CITY OF ELKHORN

Allison Schwark
Zoning Administrator

PETITION FOR VARIANCE
CITY OF ELKHORN BOARD OF APPEALS

DATE FILED: _____ \$325.00 made payable to City of Elkhorn
Owner Applicant: _____
Name: Jalayne Olson
Address: 115 S Broad St Elkhorn WI 53121
Phone: _____ Fax: _____
Legal description of property: 1/4, 1/4, S 1, T 2 N, R 16 E, City of Elkhorn
Physical Address: 115 S Broad St Elkhorn WI
Tax parcel number: lot 7 Block 31
Lot area & dimensions: 10928 sqft
Zoning District (s): T1
Project Description: Sun Room addition
Required by Ordinance Variance Requested
Front property set back is at 21ft
setback now is 25ft

NO VARIANCE TO THE PROVISIONS OF THE CITY OF ELKHORN MUNICIPAL CODE SHALL BE GRANTED BY THE BOARD OF APPEALS UNLESS IT FINDS THAT ALL OF THE FOLLOWING FACTS AND CONDITIONS EXIST.

(1) **Preservation of Intent.** The variance request is consistent with the purpose and intent of the City of Elkhorn Municipal Code because . . .

(2) **Exceptional Circumstances.**

(2a) **Unique Property Limitations.** Compliance with the terms of the Municipal Code is prevented by unique features of this property . . .

(2b) **Unnecessary Hardship.** Unnecessary hardship is present because

My mother now lives with us as she requires more assistance to remain at home versus an assisted living facility, which she is unable to afford. Her most enjoyable way to spend the day while we are at work, is to read her book outdoors while she waters her birds. This situation would grant her this in a controlled climate and not have to ~~see~~ navigate stairs when no one is home to assist her. It would prevent unnecessary falls and injuries, allow her to remain at home, and the additional benefit of not burdening taxpayers with the expense of an assisted living

(3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. The hardship is not economic or self-imposed because

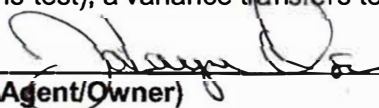
(4) Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights . . .

(5) Absence of Detriment. That the variance will not create substantial detriment to adjacent property

Attach a plat of survey of your site and a copy of detailed construction plans.

IF YOU QUALIFY FOR A VARIANCE

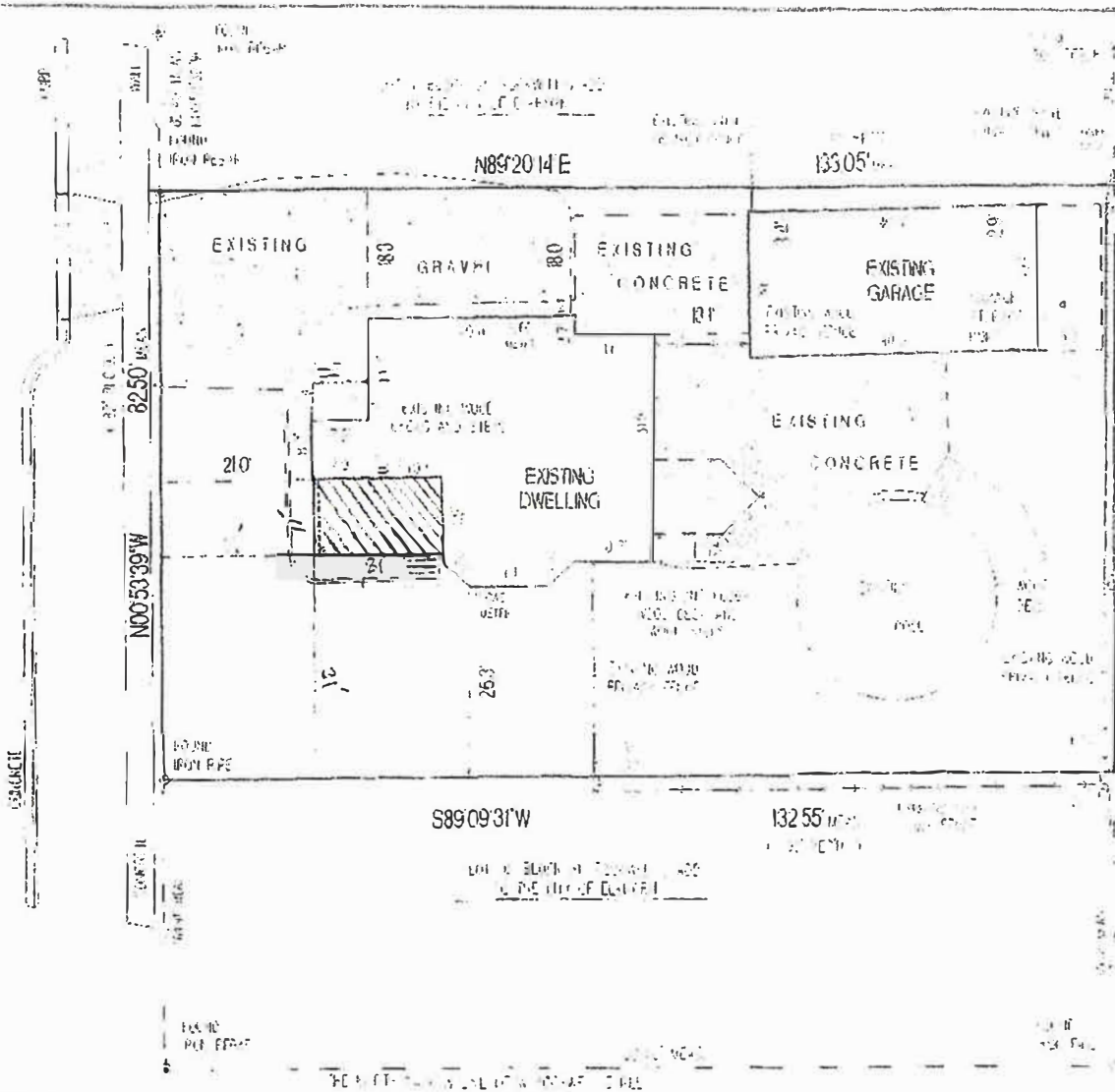
- The Board may grant only the minimum variance necessary while preserving the purpose and intent of the zoning ordinances.
- The Board may impose conditions on project design, construction activities or operation of a facility to assure that public interests are protected.
- A variance granted by the Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- A variance decision may be appealed to circuit court by an aggrieved party within 30 days of filing of the decision in the office of the board. For this reason you may choose to delay construction on your project until after the appeal period has expired in order to minimize the risk that the court may overturn the Board of Appeals decision and void your variance.
- Because a property rather than its owner may qualify for a variance (unique property limitations test), a variance transfers to subsequent property owners.

Signed:  Date: 8-21-23
(Applicant/Agent/Owner)

Remit to: City of Elkhorn
Zoning and Building Department
311 Seymour Court
Elkhorn, WI 53121

SOUTH BROAD STREET

100' 0" 100' 0" 100' 0" 100' 0"



PLAT OF SURVEY

LEGAL DESCRIPTION FROM THE PARCEL REPORT AND THE RECORDED SUBDIVISION PLAT

LOT 1, BLOCK 31 IN ROCKWELL, ADDITION TO THE CITY OF ELKHORN IN THE NORTHEAST 1/4 OF SECTION 1 IN TOWNSHIP 2 NORTH RANGE 16 EAST IN THE COUNTY OF ELKHORN, WISCONSIN

PROPERTY ADDRESS 115 S BROAD STREET
ELKHORN WISCONSIN

WILLIAM J. WARREN R.P.S.
563 W18007 JANESVILLE ROAD
MUSKEGO WI 53150
(414) 469-2149 (CELL)
EMAIL: wjwarren@msurvey.com

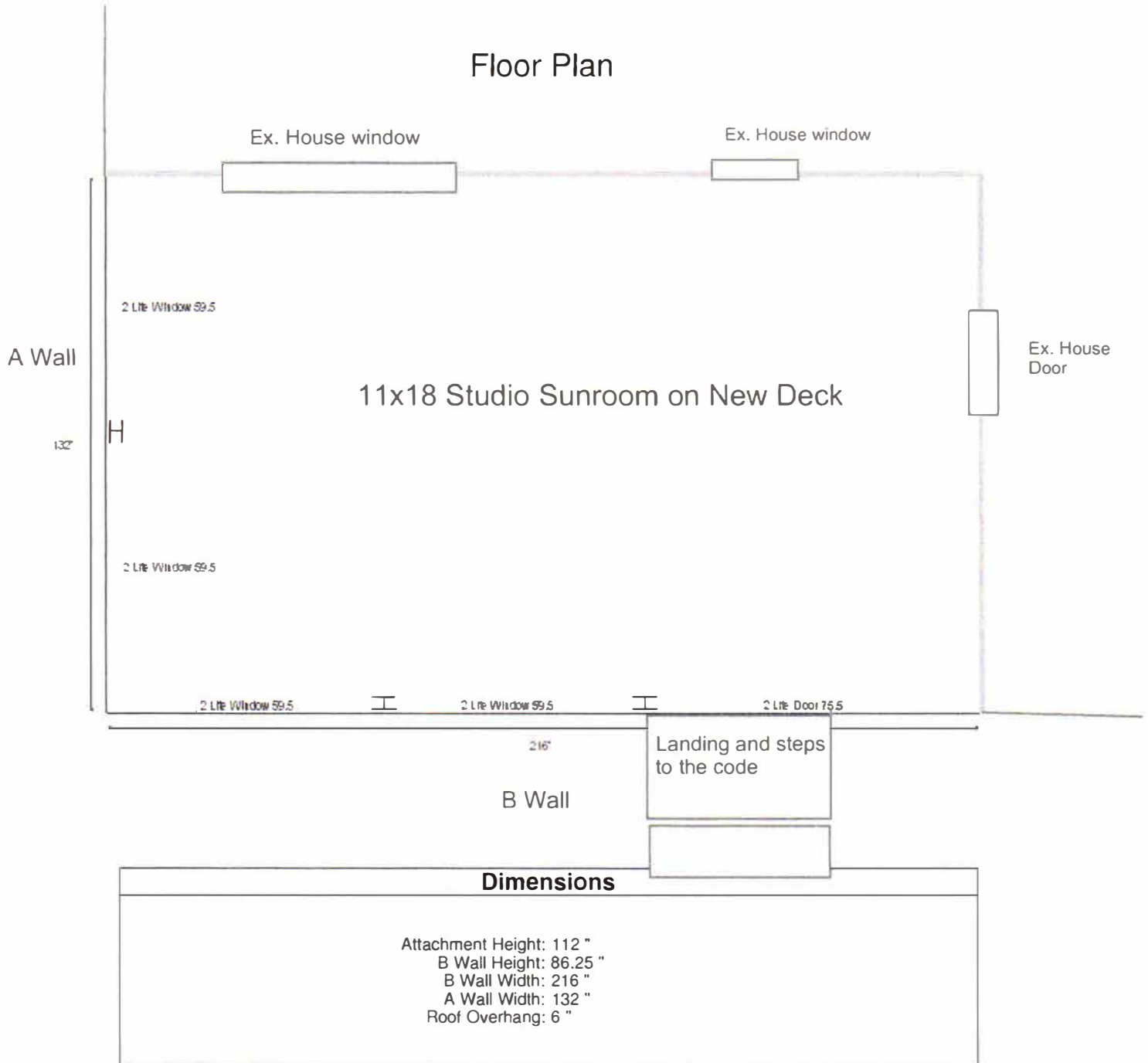
SCALE 1" = 20'
GRAPHIC SCALE



CHAMPION WINDOWS
JALAYNE and JOHN OLSON

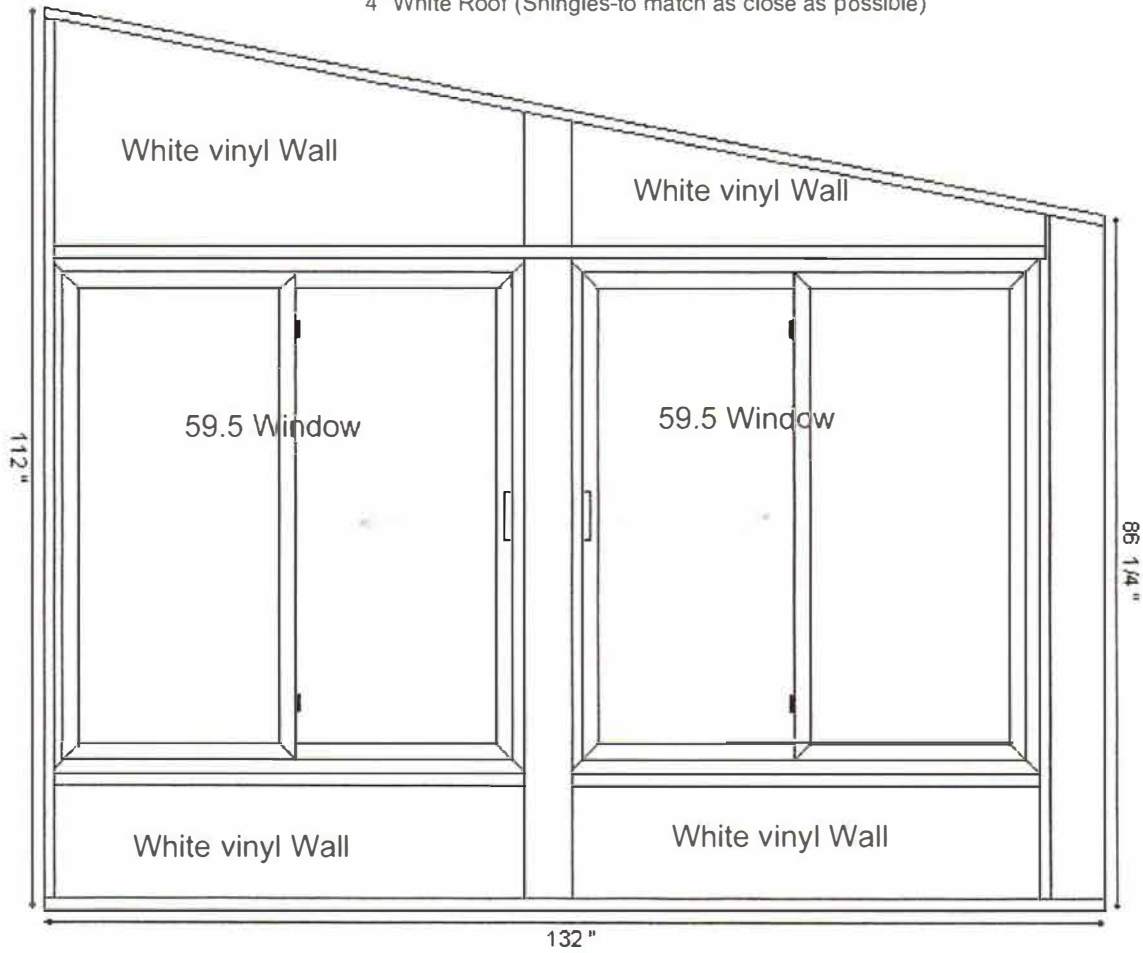
JULY 21 2023

Floor Plan



A Wall

4" White Roof (Shingles-to match as close as possible)



Dimensions

Attachment Height: 112 "
B Wall Height: 86.25 "
A Wall Width: 132 "
Roof Overhang: 6 "

Layout

0.625" (BASE PLATE) + 59.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 59.5" (2 Lite Window) + 6.5625" (Corner Post) + 0.75" (Remainder - No Fill)

B Wall



Dimensions

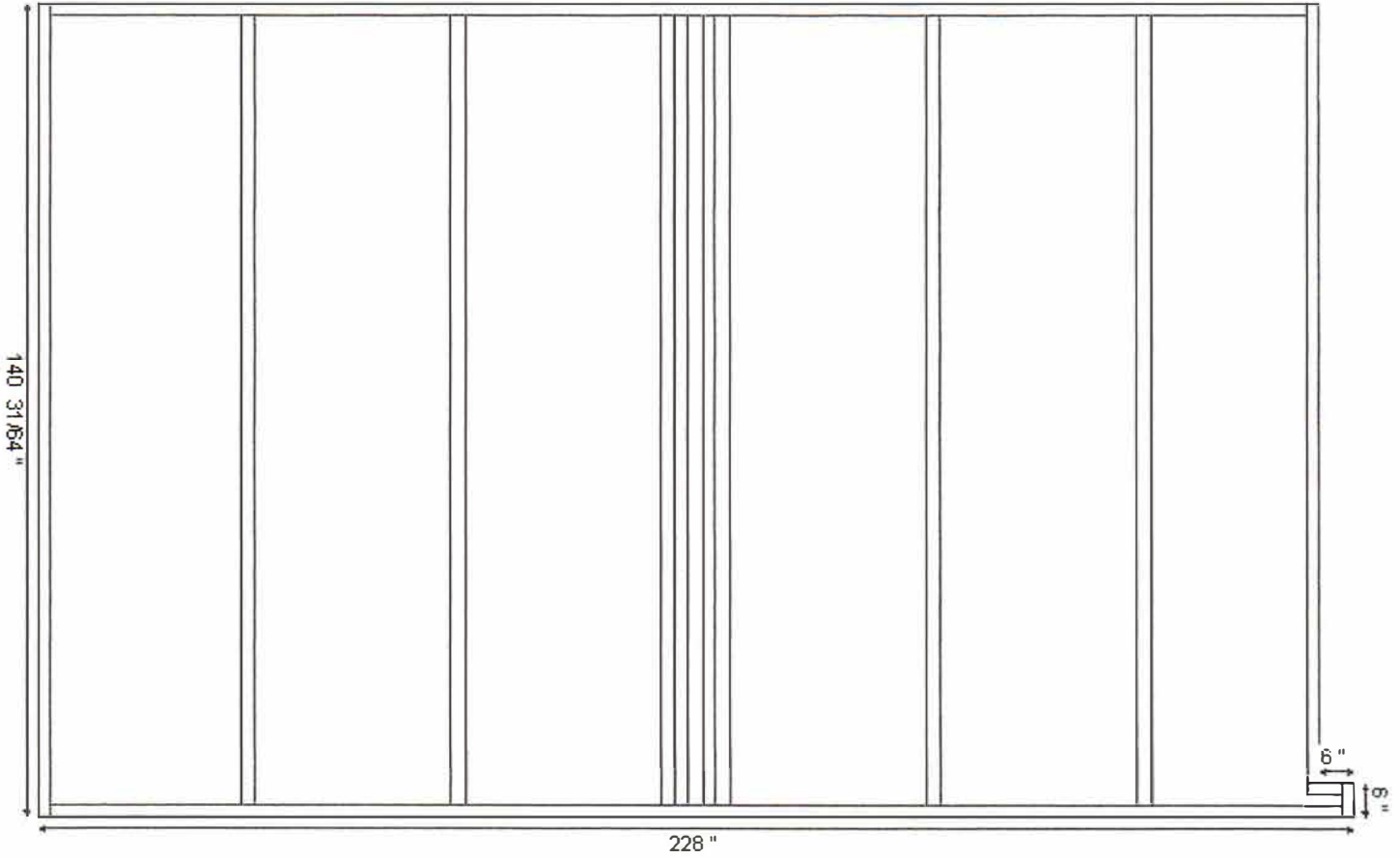
Attachment Height: 112 "
 B Wall Height: 86.25 "
 B Wall Width: 216 "
 Roof Overhang: 6 "

Layout

6.5625" (Corner Post) + 59.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 59.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 75.5" (2 Lite Door) + 0.625" (WINDOW PLATE) + 3.5625" (Foam) + 0.625" (BASE PLATE)

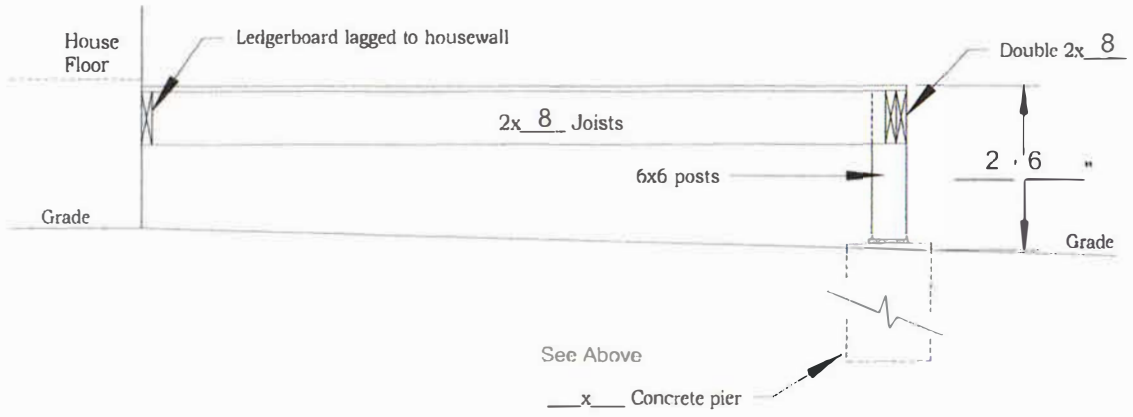
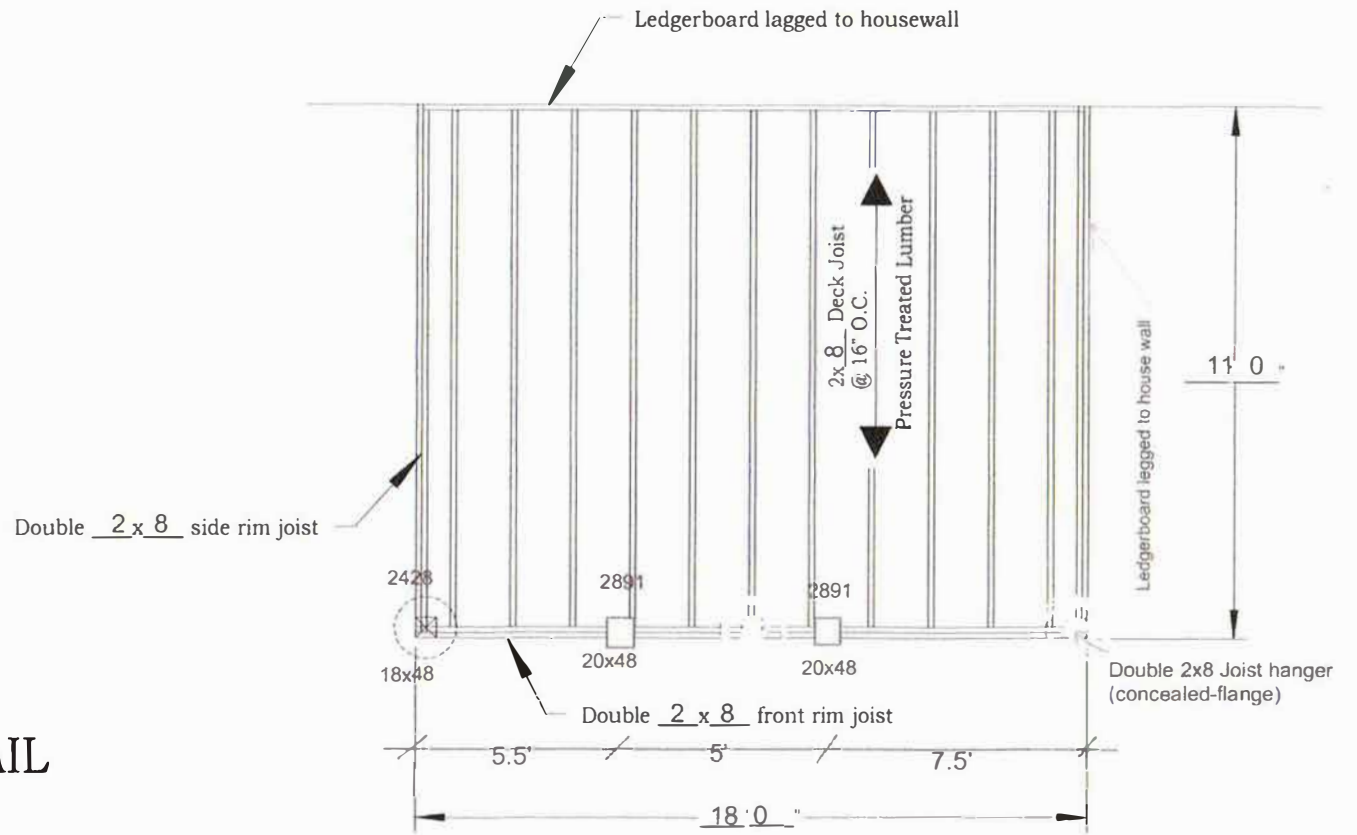
4" White Roof (Shingles-to match as close as possible)

Roof



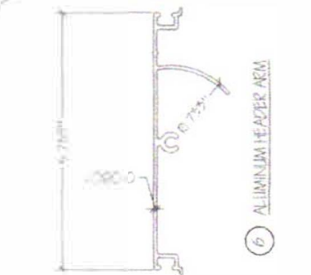
Dimensions
Attachment Height: 112 "
B Wall Height: 86.25 "
B Wall Width: 216 "
A Wall Width: 132 "
Roof Overhang: 6 "

DECK DETAIL

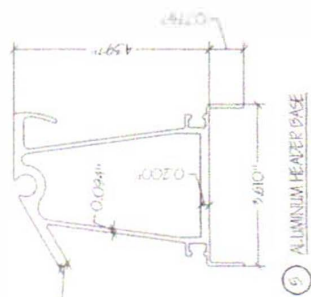


RESIDENCE	CODES
Olson Jalayne 115 S Broad ST Elkhorn WI 53121	2018

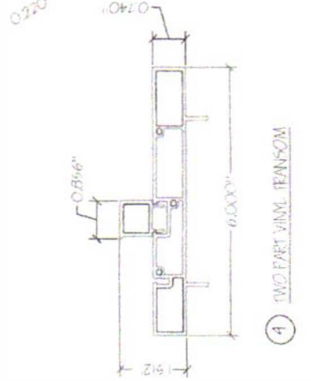
DATE: 2019
 SCALE: NTS
 Drawn by: MJG
 REV: DATE:
 SHEET NO. OF 5
 MARTIN J. COSS
 E-34522
 WEST CHESTER, OHIO
 PROFESSIONAL ENGINEER
 2-208-40272



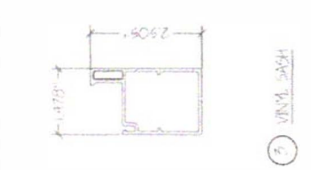
⑥ ALUMINUM HEADER AREA



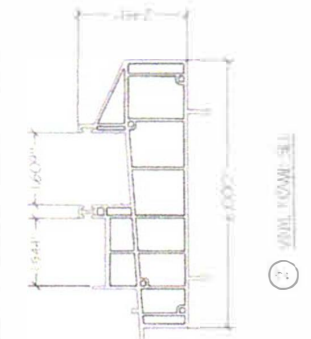
⑨ ALUMINUM HEADER BASE



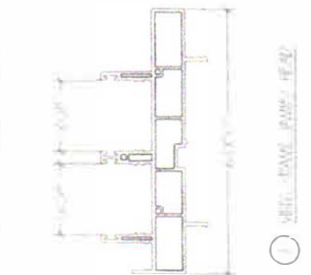
④ TWO PART VINYL PAN/SOM



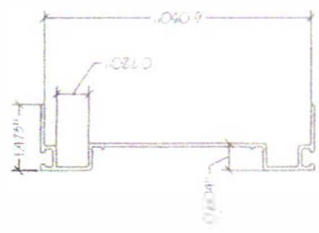
⑤ VINYL SASH



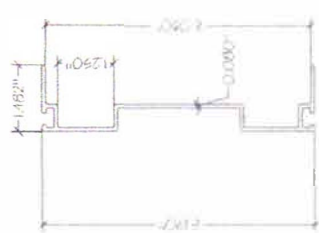
② VINYL FRAME SILL



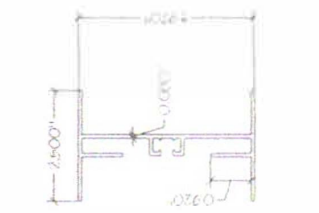
① VINYL FRAME HEAD



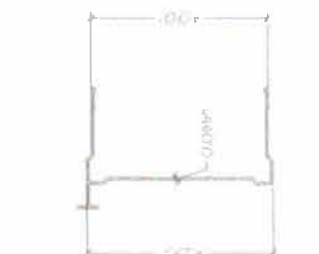
⑫ ALUMINUM GIRT SECTION



⑪ ALUMINUM FLOOR BASE



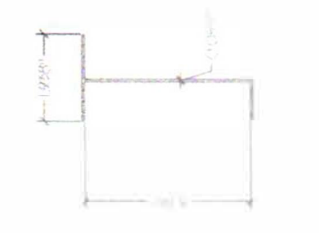
⑩ ALUMINUM 1\"/>



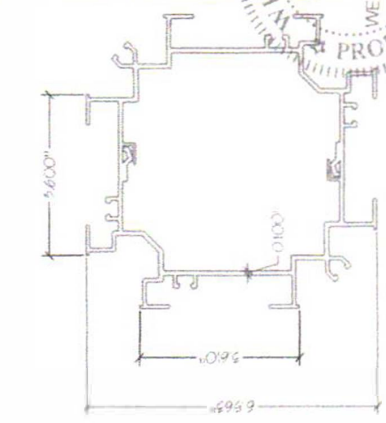
⑧ ALUMINUM 3\"/>



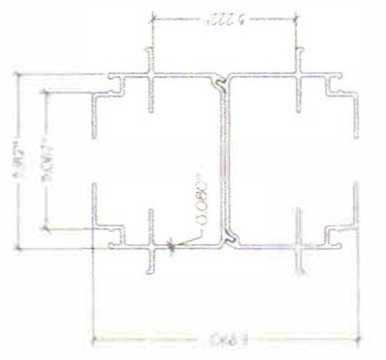
⑤ ALUMINUM 4\"/>



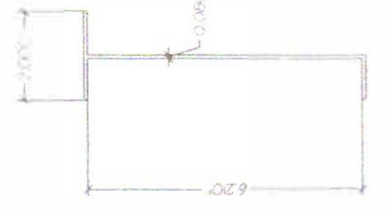
⑦ ALUMINUM 4\"/>



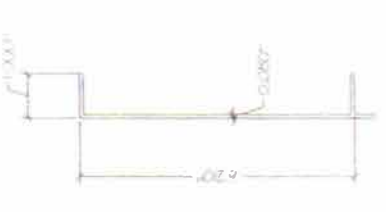
⑮ ALUMINUM CORNER POST



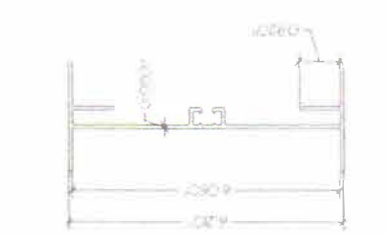
⑦ ALUMINUM CENTER/MIDWAY RIDGE POST



⑥ ALUMINUM 6\"/>



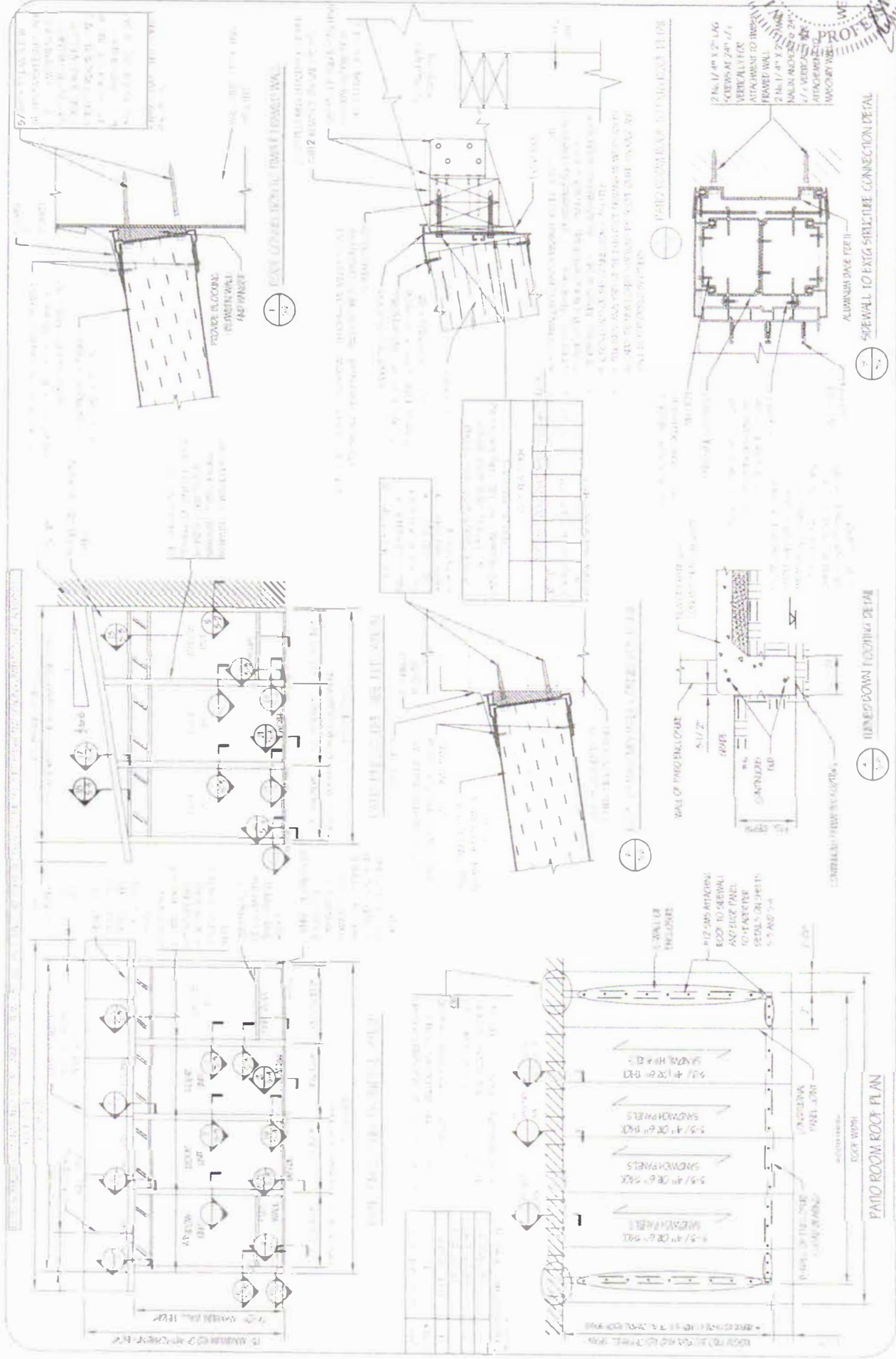
⑭ ALUMINUM 6\"/>



③ ALUMINUM 6\"/>



⑬ ALUMINUM 6\"/>

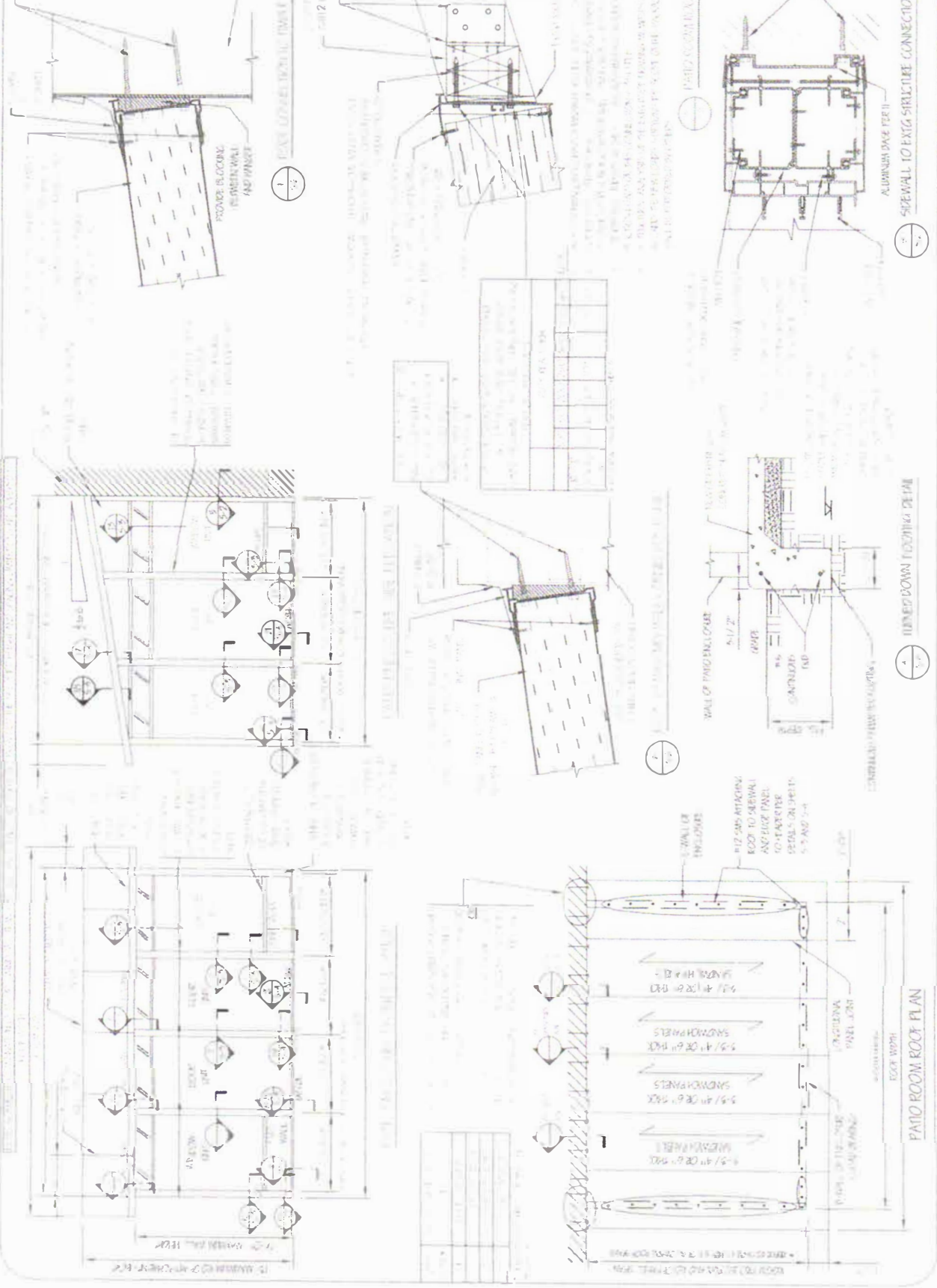


57
 PROVIDE ISOLATING
 INSULATION
 UNDER
 ROOFING
 MEMBRANE
 TO
 PREVENT
 CONDENSATION
 AND
 WATER
 INTRUSION
 INTO
 THE
 BUILDING
 STRUCTURE

1
 EXTERIOR WALL TO EXTERIOR WALL
 CONNECTION DETAIL

2
 DOWN DOWN CONNECTION DETAIL

3
 SIDEWALL TO EXTERIOR STRUCTURE CONNECTION DETAIL

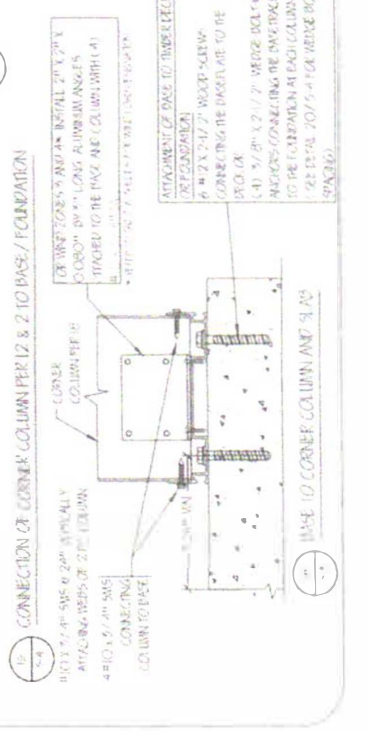
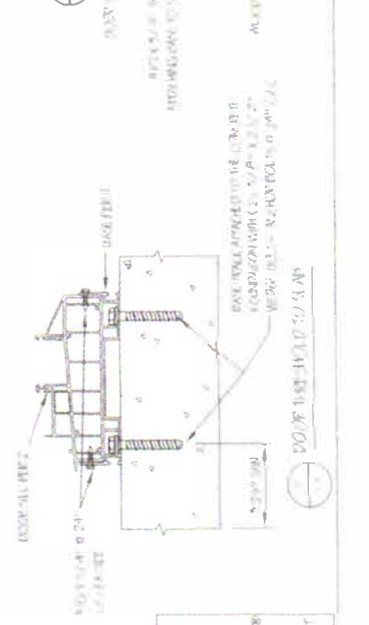
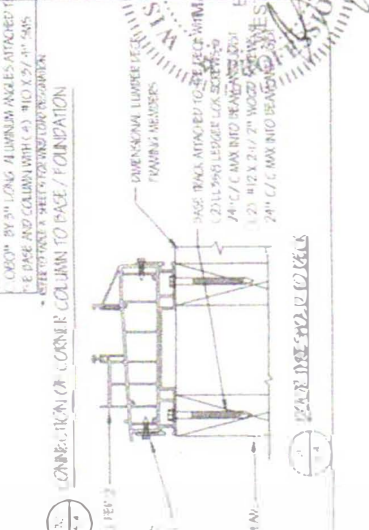
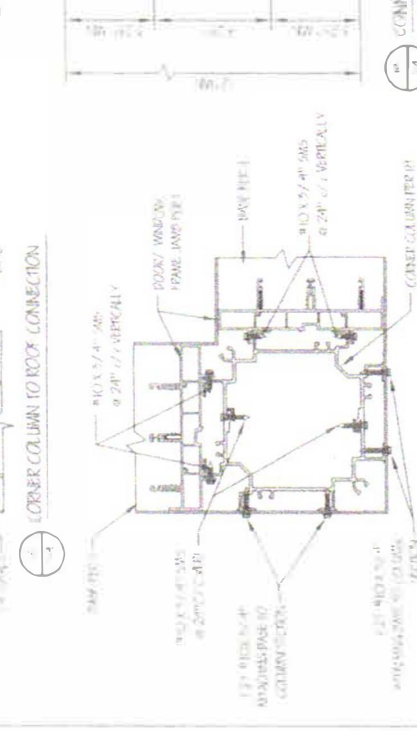
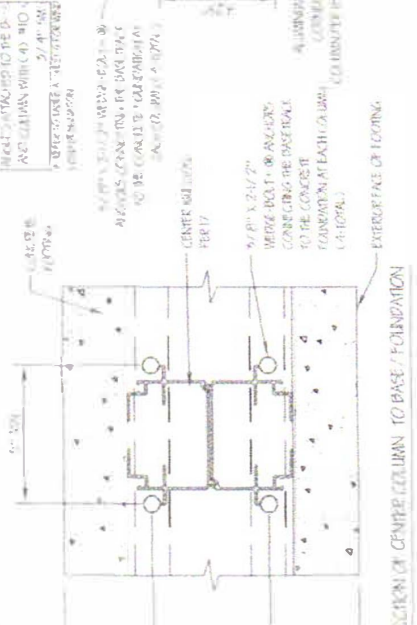
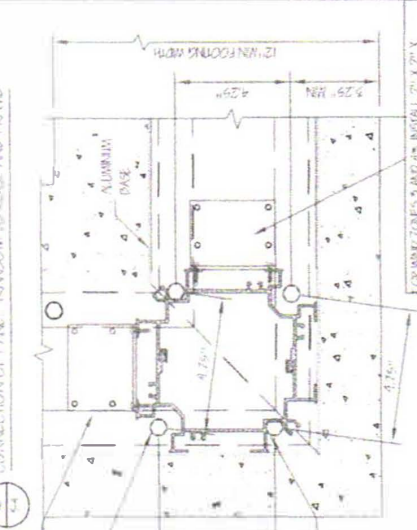
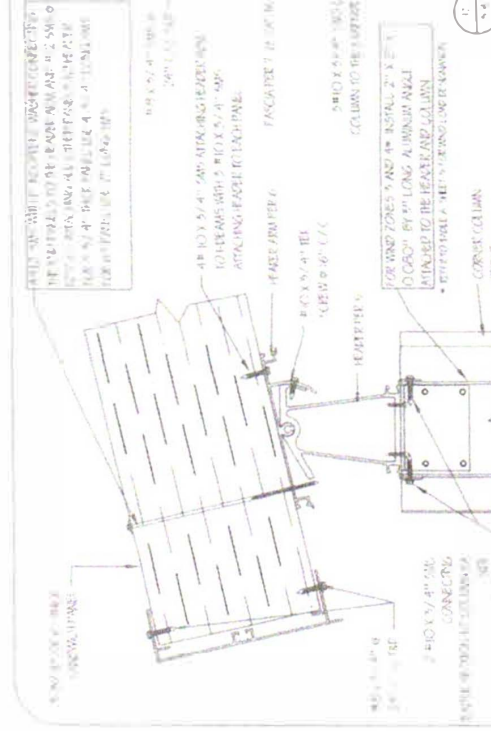
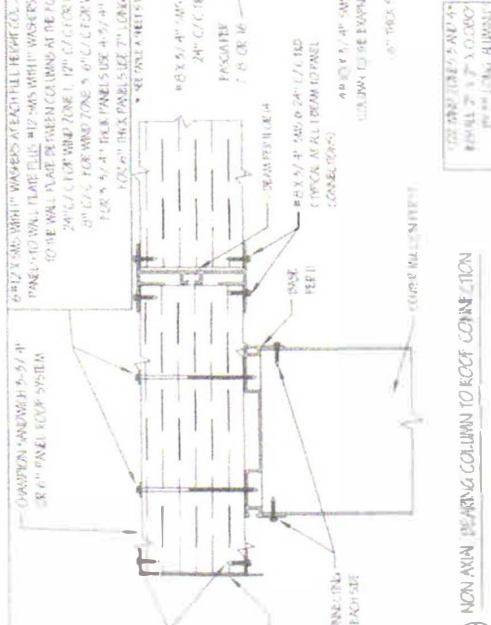
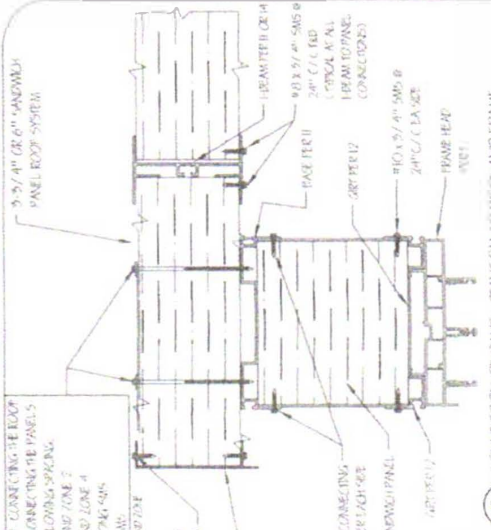


7/20/2018

SECTION DETAILS
 G⁺ Wall System with Studio Style Roof

DATE: 2/21/19
 SCALE: NTS
 Drawn by: MAG
 REV: DATE:

(SHEET: 4 OF 5)
 KISSISSIPPI ENGINEERS
 12111 CHAMPION WAY, CINCINNATI, OH 45241
 PH: (513) 782-2900 FAX: (513) 782-2903
 PROJECT: CHAMPION ENCLOSURE SUPPLIERS
 DRAWING NO: E-34522



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CONNECTION OF PANEL TRANSOM TO ROOF AND FRAME

CONNECTION OF CENTER COLUMN TO BASE / FOUNDATION

CONNECTION OF CORNER COLUMN TO BASE / FOUNDATION

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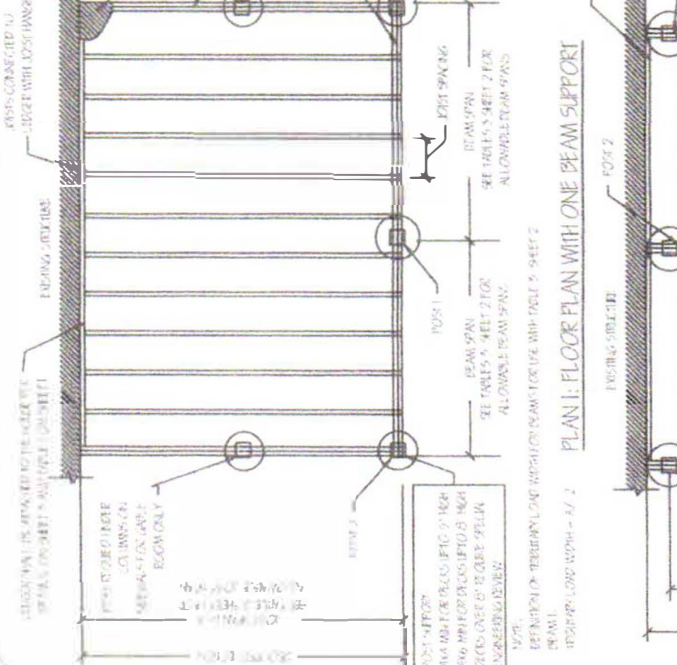
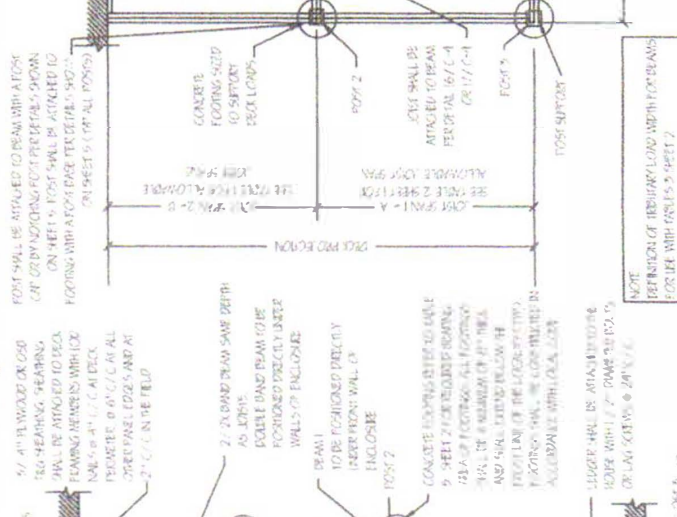
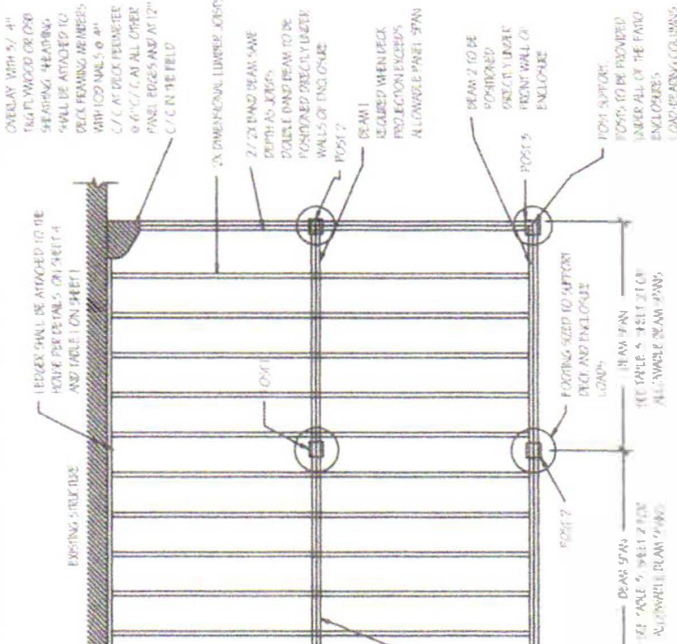
CONNECTION OF CORNER COLUMN TO BASE / FOUNDATION

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PLAN 1: FLOOR PLAN WITH ONE BEAM SUPPORT

PLAN 2: FLOOR PLAN WITH TWO BEAM SUPPORTS

PLAN 3: FLOOR PLAN WITH THREE BEAM SUPPORTS

TABLE 2: ALLOWABLE JOIST SPANS

SPECIES	JOIST SIZE	1'-0"	1'-4"	1'-8"	2'-0"
SOFTWOOD P/N NO. 2	2x6	10'-3"	9'-4"	7'-6"	7'-6"
	2x8	15'-6"	11'-10"	9'-8"	9'-8"
	2x10	16'-2"	14'-0"	11'-4"	11'-4"
DURABLE NO. 2	2x6	10'-5"	9'-0"	7'-4"	7'-4"
	2x8	15'-2"	11'-9"	9'-4"	9'-4"
	2x10	16'-1"	13'-11"	11'-4"	11'-4"
HARDWOOD No. 2	2x6	10'-0"	8'-4"	7'-2"	7'-2"
	2x8	17'-5"	11'-4"	9'-1"	9'-1"
	2x10	18'-2"	13'-6"	11'-11"	11'-11"
REINFORCED No. 2	2x6	10'-2"	8'-4"	7'-2"	7'-2"
	2x8	17'-5"	11'-4"	9'-1"	9'-1"
	2x10	18'-2"	13'-6"	11'-11"	11'-11"
WET WEATHER CEDAR NO. 2	2x6	10'-2"	8'-4"	7'-2"	7'-2"
	2x8	17'-5"	11'-4"	9'-1"	9'-1"
	2x10	18'-2"	13'-6"	11'-11"	11'-11"

TABLE 3: ALLOWABLE JOIST SPANS

TABLE 4: ALLOWABLE JOIST SPANS

TABLE 5: ALLOWABLE JOIST SPANS

TABLE 6: ALLOWABLE JOIST SPANS

TABLE 7: ALLOWABLE JOIST SPANS

TABLE 8: ALLOWABLE JOIST SPANS

TABLE 9: ALLOWABLE JOIST SPANS

NOTE: LUMBER DIMENSIONS SHALL BE NOTED FOR DECK JOISTS. DIMENSIONS OF DETAILS SHALL BE NOTED FOR DECK JOISTS. DIMENSIONS OF DETAILS SHALL BE NOTED FOR DECK JOISTS.

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TABLE 10: ALLOWABLE JOIST SPANS

PANEL TYPE	DECK LOAD (PSF)	ALLOWABLE SPAN (FT)
1	(2) 5/8" @ 24" C/C	7
2	(2) 5/8" @ 16" C/C	8
3	(2) 5/8" @ 16" C/C	9
4	(2) 5/8" @ 16" C/C	12
5	(2) 5/8" @ 16" C/C	14
6	(2) 5/8" @ 16" C/C	16

NOTE: TABLE VALUES BASED ON LUMBER WITH A SPECY GRADE OF 0.45. TABLE VALUES ARE BASED ON 10% WET WEATHER WEATHERING.

NOTE: LUMBER DIMENSIONS SHALL BE NOTED FOR DECK JOISTS. DIMENSIONS OF DETAILS SHALL BE NOTED FOR DECK JOISTS. DIMENSIONS OF DETAILS SHALL BE NOTED FOR DECK JOISTS.

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Sunroom Measure Form

Photo of where room is going on the house



Sunroom Measure Form



Sunroom Measure Form



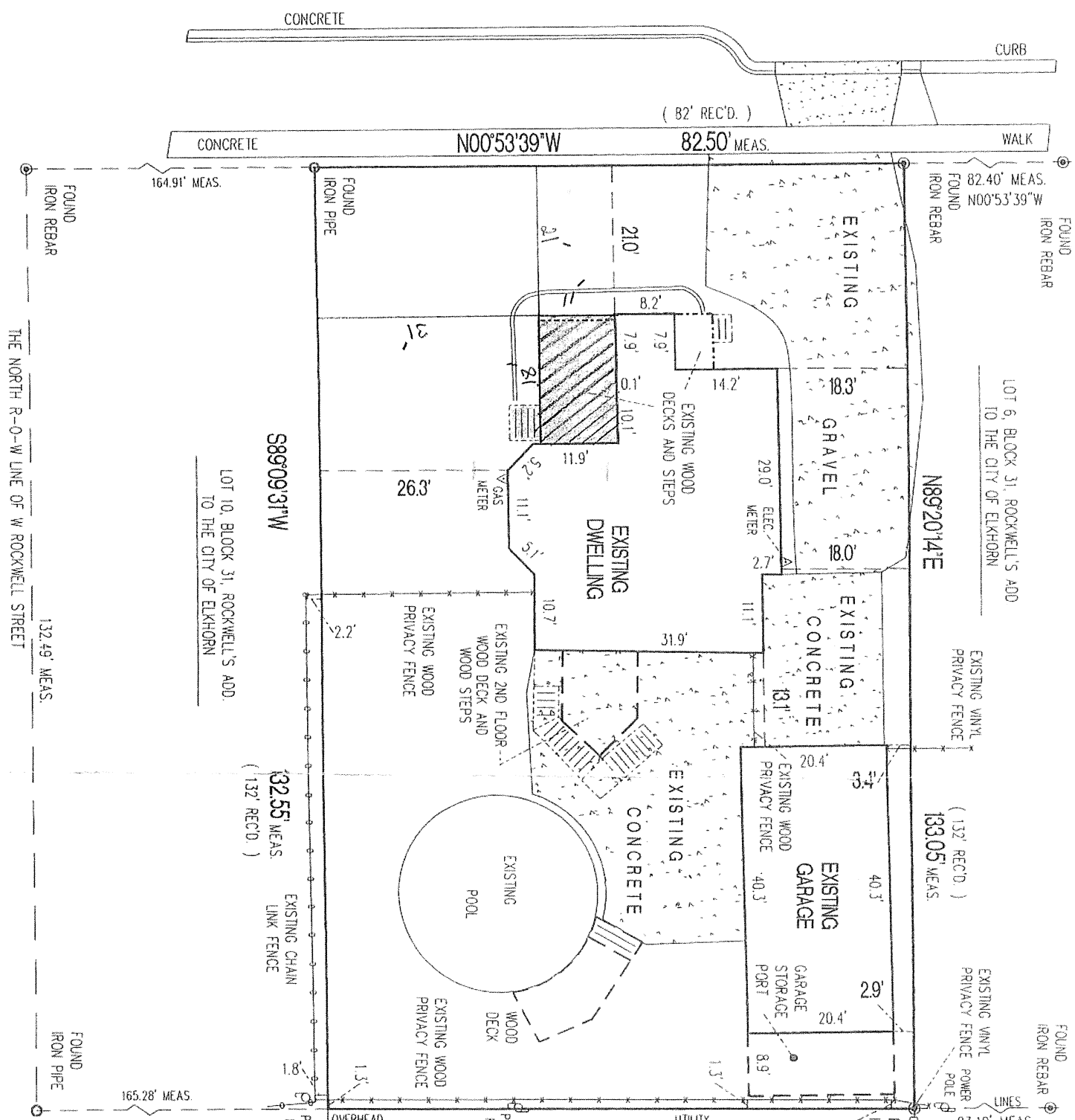
Measurement From corner of house start to start of room	0.0.ft
Which corner measured from	Left Corner
Measurement from sunroom to closest SIDE property line	20
Measurement from sunroom to closest REAR property line	70
Is Home on Public or Well Water	Public
Is Home on City Sewage or Septic	City Sewage
Are there any other detached structures on the property	No
Is HOA Required?	No

17.7-4 - Average street yards.

The required street yards may be decreased in any residential, business, manufacturing or institutional district to the average of the existing street yards of the abutting structures on each side but in no case to less than 15' in any residential district and to less than 5' in the B-2 Community Business District and B-3 Neighborhood Business District. (Ord. No. 14-05, §§ 1, 2, 2014.)

SOUTH BROAD STREET

(100' WIDE PUBLIC R-0-W)



LOT 6, BLOCK 31, ROCKWELL'S ADD.
TO THE CITY OF ELKHORN

LOT 10, BLOCK 31, ROCKWELL'S ADD.
TO THE CITY OF ELKHORN

LOT 8, BLOCK 31, ROCKWELL'S ADD.
TO THE CITY OF ELKHORN

PLAT OF SURVEY

LEGAL DESCRIPTION FROM THE PARCEL REPORT
AND THE RECORDED SUBDIVISION PLAT

LOT 7, BLOCK 31, IN ROCKWELL'S ADDITION TO THE
CITY OF ELKHORN, IN THE NORTHEAST 1/4 OF SECTION
1, IN TOWNSHIP 2 NORTH, RANGE 16 EAST, IN THE CITY
OF ELKHORN, WALWORTH COUNTY, WISCONSIN.

PROPERTY ADDRESS: 115 S BROAD STREET
ELKHORN, WISCONSIN

NOTE:
BEARINGS ARE BASED ON THE NORTH LINE
OF THE NORTHEAST 1/4 OF SECTION 1-2-16
WHICH BEARS N88°05'21"E WISCONSIN
STATE PLANE COORDINATE SYSTEM GRID,
SOUTH ZONE (NAD83), AND ALL BEARINGS
ARE REFERENCED TO GRID NORTH
DATED 6-24-2019

WILLIAM J. KARPEN R.P.L.S.
563 W13007 JAMESVILLE ROAD
MUSKEGO, WI 53150
(414) 469-2149 (CELL)
EMAIL: bkisurvey@gmail.com

AREA OF PROPERTY = 10,928.5 SQ. FT.

SCALE: 1" = 20'
GRAPHIC SCALE
TO BE AN ORIGINAL COPY
THIS STAMP MUST BE RED



Property Owners: **JALAYNE and JOHN OLSON**
Surveyed for: **CHAMPION WINDOWS**
I CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED (PROPERTY), AND THE ABOVE MAP IS A TRUE
REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES,
AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY TO THE BEST OF MY KNOWLEDGE AND BELIEF
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO
THOSE WHO PURCHASE MORTGAGE, OR GUARANTEE THE TITLE HERETO, WITHIN (1) YEAR FROM THE DATE HEREOF.

William J. Karpen
WISCONSIN REGISTERED LAND SURVEYOR
DATE: **JULY 21 2023**



TO: City of Elkhorn Zoning Board of Appeals Members
RE: Jalayne Olson Variance Application
FROM: Allison Schwark, Zoning Administrator
DATE: November 8, 2023

Project History:

The applicant, Jalayne Olson, submitted a Wisconsin Uniform Building Permit Application dated July 27, 2023, to the City of Elkhorn building and zoning department for an addition to the property located at 115 South Broad Street. The addition was for a proposed sunroom on the front of the existing home, which would replace the existing front deck.

Upon zoning review, Zoning Administrator, Allison Schwark noted that the new proposed addition did not meet the current front yard setback requirements in the RM-1 Multi-Family Residential district, which requires a 25-foot front yard setback. The addition requested proposes a 21-foot front yard setback to be flush with the current nonconforming structure.

The permit application was denied due to the above findings, and the applicant has now applied for a variance to request approval to build the addition within the front yard setback.

Following are some excerpts from the City Zoning Ordinance pertaining to findings and decisions of the Board of Appeals:

17.12-7 - Findings.

(1) In accordance with Section 62.23(7), Wis. Stats., and amendments thereto, in exercising the powers of the Board (see Section 17.12-4 of this chapter) the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

(2) No variance to the provisions of this chapter shall be granted by the Board unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

(b) Exceptional Circumstances. 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 Ordinance should be changed.

(c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(d) Preservation of Property Rights. 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.

(e) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

17.12-8 - Decision.

(1) The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.

(2) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(3) Variances, substitutions or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

Following are some excerpts from Wisconsin State Statutes 62.23(7)(e)7 relating to Board of Appeals:

b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.