

REGULAR MEETING OF THE BOARD OF APPEALS
CITY OF HUDSON
Monday, June 22, 2020

The meeting was held via Zoom Video Conference and was made accessible through the Zoom meeting log-in, call-in phone number. The Board of Appeals meeting was called to order by Chairman Hallbeck at 5:06 p.m.

BOARD MEMEBERS PRESENT. Nick Hallbeck, Julie Heifner, Jon Huhn, Carah Koch, and Mary Claire Potter.

BOARD MEMBERS ABSENT. None.

STAFF MEMBERS IN ATTENDANCE: Emily Boles, Rhett Borner, and Tiffany Weiss.

OTHERS PRESENT. Tyler Edwards, Linda Walbrun, Larry Walbrun, Bob Boddy, and others present.

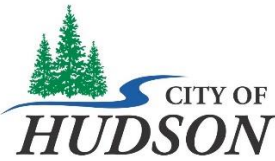
Discussion and possible action on March 5, 2020 meeting minutes. Motion by Potter, seconded by Heifner to approve the minutes of the March 5, 2020 Board of Appeals meeting. All ayes (5-0). Motion carried.

Public hearing on a variance application by Menard Inc. to reduce access drive lane setback from 5 ft to 0 ft (City Code 255-64(A)) and reduce accessory building side yard setback from 20 ft to 5 ft (City Code 255 Attachment 2 – Table of Dimensional Requirements) at 1400 Gateway Boulevard – Appeal No. 246 and 247. Chairman Hallbeck read the public hearing notice and opened the public hearing stating that persons desiring to speak shall direct their comments to the Board. No comments were made. Chairman Hallbeck requested the applicant present their requested variance.

Tyler Edwards, Menard, Inc. Real Estate Representative, discussed Menard's proposed project to add an additional lane at the yard gate for online order pick-up. The drive lane would be a dedicated entrance for online orders and entered by scanning a bar code. Edwards stated that the project would streamline the entrance, get traffic away from large trucks, and reduce congestion. Edwards said the store has been in this location since 1994 and therefore the lot is a funny shape and does not have much of size. Edwards described the gate structure.

Hallbeck inquired about the purchase of neighboring property and confirmed that without the property purchase the project could not proceed. Edwards confirmed that the property is under contract and is close to selling. Bob Boddy, owner of 1400 Gateway Circle, stated he does not have concern about the project but does about the setbacks. Boddy described draft private agreements between himself and Menard Inc. including trees and wall construction. Boddy expressed concern about tree removal. Edwards stated that there was currently a purchase agreement under general terms, and he was waiting for clean copy of a site plan and development agreement from his legal team. Discussion about development agreement was held. Emily Boles, Community Development Executive Assistant, clarified that the variance request was specific to the setback requests not private development agreements. Motion by Potter, seconded by Koch to close the hearing. All ayes (5-0). Motion carried.

Discussion and possible action on a variance application by Menard Inc. to reduce access drive lane setback from 5 ft to 0 ft (City Code 255-64(A)) and reduce accessory building side yard setback from 20 ft to 5 ft (City Code 255 Attachment 2 – Table of Dimensional Requirements) at 1400 Gateway Boulevard – Appeal No. 246 and 247. Hallbeck asked for discussion about the five decision criteria and asked the Board for further discussion.



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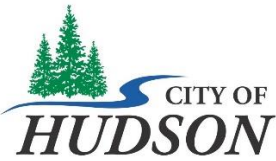
Motion by Potter, seconded by Huhn to grant variances to reduce access drive lane setback from 5 ft to 0 ft (City Code 255-64(A)) (Appeal No. 246) and to reduce accessory building side yard setback from 20 ft to 5 ft (City Code 255 Attachment 2 – Table of Dimensional Requirements) (Appeal No. 247) at 1400 Gateway Boulevard.

Decision Criteria:

- I) *Literal enforcement of the code would result in unnecessary hardship to the property owner.*
Strict adherence to the requirements of City of Hudson Code would prevent the addition of an online order pickup lane to the Menards store. The new online order lane will provide a safer route for customers to pick up orders.
- II) *The conditions upon which a petition for a variance is based are unique to the property for which variation is being sought.*
The store has been open since 1994 and has grown to fit the available property and is an irregular shaped lot. The lot has a unique setup that has been worked around for years. The applicant is purchasing property from the neighbor to expand however not enough land is available to meet setback requirements due to the neighboring properties parking needs.
- III) *The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property.*
There is no indication that the purpose of the requested variance is based exclusively upon economic considerations. Testimony was given that the project will provide an elevated level of safety for guests and reduce vehicle conflicts with other vehicles and pedestrians within the yard.
- IV) *The granting of the variance 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.*
The requested variances are not believed to be detrimental to adjacent properties or the public welfare. The neighboring property owner is working with Menard Inc. to come to a private agreement.
- V) *The proposed variance will not jeopardize the spirit and general and specific purposes of the Code.*
The requested variances are not believed to undermine the spirit of the Code.

Approval is granted to permit variances from City of Hudson Municipal Code §255-64(A) to reduce access drive lane setback from 5 ft to 0 ft (Appeal No. 246) and pursuant to City of Hudson Municipal Code 255 Attachment 2 – Table of Dimensional Requirements to reduce side yard setback from 20 ft to 5 ft (Appeal No. 247) at 1400 Gateway Boulevard with the following conditions:

1. Property owner must obtain all applicable Building Permits.
2. That the applicant purchase the proposed property from the owners of 1400 Gateway Circle prior to Building Permit application.
3. Any omissions of any conditions not listed shall not release the property owner/developer from abiding by City Ordinances.



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4. All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.

Discussion: Discussion was held regarding the neighboring property owners concerns and timing of property sale. **Ayes (5-0). Motion carried.**

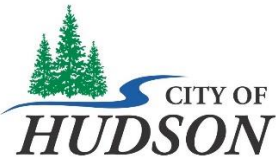
Public hearing on a variance application by Linda & Larry Walbrun to reduce front yard setback from 25 ft to 19.2 ft, to reduce side yard setback from 20 ft to 14.9 ft, and to reduce back yard setback from 20 ft to 9.3 ft (City Code 255 Attachment 2 – Table of Dimensional Requirements) at 607 Vine Street – Appeal No. 248, 249 & 250. Chairman Hallbeck opened the public hearing stating that persons desiring to speak shall direct their comments to the Board. No public comments were received.

Chairman Hallbeck requested the applicant present their requested variance. Linda and Larry Walbrun, applicants, introduced themselves and stated they have been residents of downtown Hudson for 14 years. Mrs. Walbrun described her chronic health issues that impact her mobility and her future physical needs. She continued to describe the purchase of their rambler house with an attached garage and desire for a two-car garage. The applicant said the biggest complication for their project is a water line and possible sewer line in an easement established in 1951 for the neighboring property. The owners were unaware of this hardship when the property was purchased. Mrs. Walbrun discussed the process of surveying their property and redesigning the home to meet their needs. She stated that they want the home to be an asset to the neighborhood and plan to landscape and keep the house in the same architectural style. Mrs. Walbrun stated that they tried not to ask for extreme exceptions and specifically measured their cars and reviewed their needs. She highlighted her exhibit that shows other homes that do not meet current setback standards and said it is not unusual of homes in the neighborhood. They stated that it is unique to have a sewer and water line through their property for their neighbors. The Walbruns have been sensitive to the neighbors while designing their project. Mrs. Walbrun continued to discuss how they explored paying to move the neighbors water & sewer line with the City of Hudson's Utility Department which is not an option. The Walbruns expressed their love of the neighborhood and thanked the Board for their time and for serving the community.

Chairman Hallbeck asked for audience comments. No comments were made. Tiffany Weiss, Associate City Planner, reviewed the staff report. Weiss stated that setbacks are used to create a buffer to properties and that single-family zones expect to have these types of buffers. Weiss said the house is currently legally non-compliant. She also highlighted that the requested setbacks for relief are located at an intersection. Rhett Borner, Assistant Building Inspector, discussed his meetings with the Wablruns, the private utilities near the existing garage, and city ordinances. Borner said it was a fairly unique situation and the only course of action to improve the property was to apply for a variance.

Hallbeck asked about safety on the corner of Vine Street and Sixth Street with the setback reduced to 14.9 ft. Discussion was held regarding the existing fence, other planned residential districts in the city that have reduced setbacks, and the scenario if a whole new home were to be built on the lot. Chairman Hallbeck asked for further comments from audience. None were made. Heifner expressed concern for the site line of pedestrians. Motion by Potter, seconded by Koch to close the hearing. All ayes (5-0). Motion carried.

Discussion and possible action on a variance application by Linda & Larry Walbrun to reduce front yard setback from 25 ft to 19.2 ft, to reduce side yard setback from 20 ft to 14.9 ft, and to reduce back yard setback from 20 ft to 9.3 ft (City Code 255 Attachment 2 – Table of Dimensional Requirements) at 607 Vine Street – Appeal No. 248, 249 & 250. Hallbeck reviewed the five decision criteria and asked the Board for further



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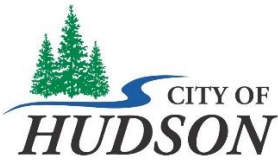
discussion. Discussion was held regarding safety at the street intersection. Heifner stated that the property is unique with the sewer and water line easement which is very prohibitive. She expressed concern for pedestrian visibility at the corner and commended the excellent application. Huhn said he understood where the visibility concerns were coming from. He stated that the garage will be extended in line with the house and not bumped towards Vine Street. Huhn said that the project was in spirit of the code. Koch said the sidewalks add additional green space for extra sight line space.

Motion by Heifner, seconded by Potter to grant variances to reduce front yard setback from 25 ft to 19.2 ft (Appeal No. 248), reduce side yard setback from 20 ft to 14.9 ft (Appeal No. 489), reduce back yard setback from 20 ft to 9.3 ft (Appeal No. 250) pursuant to City Code 255 Attachment 2 – Table of Dimensional Requirements at 607 Vine Street.

Decision Criteria:

- I) *Literal enforcement of the code would result in unnecessary hardship to the property owner.*
Strict adherence to the requirements of City of Hudson and Wisconsin Administrative Code would prevent addition to the existing structure. The applicant gave testimony that they are unable to expand the existing single-car garage due to the existence of a neighbor's waterline through the property. The applicant has pursued moving or re-routing the private utilities but found no option for relocation.
- II) *The conditions upon which a petition for a variance is based are unique to the property for which variation is being sought.*
The combination of existing structure location and private utility easement is unique to the corner lot of 607 Vine Street. The water and sewer connection for the neighboring property cannot be relocated. Additionally, the 1955 house does not meet current setback requirements. The applicant has noted that the conditions were not created by themselves.
- III) *The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property.*
There is no indication that the purpose of the requested variance is based exclusively upon economic considerations. Testimony was given that the project is to improve functionality and usability of the home.
- IV) *The granting of the variance 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.*
The requested variances are not believed to be detrimental to adjacent properties or the public welfare. The Board held discussion regarding pedestrian safety and visibility and believe the project will not negatively affect sight lines. The house will be improved by the project and the applicant has discussed adding landscaping to beautifying the property.
- V) *The proposed variance will not jeopardize the spirit and general and specific purposes of the Code.*
The requested variances are not believed to undermine the spirit of the Code. A buffer between properties will be maintained and the sidewalks provide additional space for pedestrian sight lines.

Approval is granted to permit variances from City of Hudson Municipal Code 255 Attachment 2 – Table of Dimensional Requirements to reduce front yard setback from 25 ft to 19.2 ft (Appeal No. 248), reduce side



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yard setback from 20 ft to 14.9 ft (Appeal No. 489), reduce back yard setback from 20 ft to 9.3 ft (Appeal No. 250) at 607 Vine Street with the following conditions:

1. Property owner must obtain all applicable Building Permits.
2. Any omissions of any conditions not listed shall not release the property owner/developer from abiding by City Ordinances.
3. All conditions run with the land and are binding upon the property owner and all heirs, successors, and assigns. The sale or transfer of all or any portion of the property does not relieve the original property owner from meeting any conditions.

Ayes (5-0). Motion carried.

COMMUNICATIONS AND ITEMS FOR FUTURE AGENDAS.

None.

ADJOURNMENT.

Motion by Potter, seconded by Huhn to adjourn at 6:08 p.m. All ayes (5-0). Motion carried.

Respectfully submitted,
Emily Boles, Acting Secretary

DRAFT