



136 North Monroe Street  
Waterloo, WI 53594  
Phone: 920-478-3025  
Fax: 920-478-2021  
www.waterloowi.us

**PUBLIC NOTICE OF A COMMITTEE MEETING OF THE  
COMMON COUNCIL OF THE CITY OF WATERLOO**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and to the news media, that the following meeting will be held:

**COMMITTEE: BOARD OF ZONING APPEALS**

**DATE: WEDNESDAY, MAY 25, 2016 TIME: 9:00 A.M.**

**LOCATION: COUNCIL CHAMBER OF THE MUNICIPAL BUILDING  
136 N. MONROE STREET**

to consider the following:

1. Call to Order and Roll Call
2. Approval of Minutes
  - December 17, 2014, Movin Out, Inc., 217 N. Monroe Street
3. Citizen Input
4. Unfinished Business
6. New Business
  - Docket #2016-01: Variance Request for Jeffrey Kennel, owner of the property at 257 Mill Street
    - 385-8 C.(3)Principal Building rear yard setback minimum 30', proposed rear yard setback 12'
7. Consideration of such other matters as authorized by law
8. Adjourn

*Morton J. Hansen*  
Morton J. Hansen  
Clerk/Treasurer

Posted and Mailed: Tuesday, May 10, 2016

**CITY OF WATERLOO  
ZONING BOARD OF APPEALS MINUTES  
COUNCIL CHAMBER OF THE MUNICIPAL BUILDING  
136 N. MONROE STREET  
DECEMBER 17, 2014  
(DOCKET ITEM #2014-01 - MOVIN' OUT INC)**

**1. CALL TO ORDER AND ROLL CALL**

Chairperson Jeni Quimby called the meeting to order at 5:30 p.m.

**2. ROLL CALL**

Present – Chair Jeni Quimby, Steve Hegstrom, Cliff Butzine, Dale Van Holten, and Kevin Putzke. Others present – Dave Porterfield, Movin' Out, Inc. of Madison, WI; Dianne, Waterloo Courier; Dan Cook and Lois A. M. Baird, Deputy Clerk/Treasurer.

**3. APPROVAL OF MINUTES**

- November 8, 2006, PalletOne, 310 Portland Road
- June 3, 2008, Walsh, 1015 Jamie Street

**Motion:** Moved by Butzine, seconded by Van Holten to approve the November 8, 2006 and June 3, 2008 minutes. Voice Vote: Motion carried with Quimby abstaining to the June 3, 2008 minutes.

**4. CITIZEN INPUT**

None

**5. UNFINISHED BUSINESS**

None

**6. NEW BUSINESS.**

**Docket #2014-01: Variance Request for Monroe Street Apartments, LLC – Movin' Out Inc., of Madison, WI Applicant and Prospective Property Owner, 217 N. Monroe Street**

- 385-10C(3)(e) number of stories, maximum of two, three stories proposed
- 385-10C(3)(f) lot area per dwelling unit, minimum 3,600 square feet, proposed 2,450 square feet per unit
- 385-10C(3)[4], building height, maximum 35', proposed ±46'

**Discussion:**

Dave Porterfield, Movin' Out, Inc. of Madison, WI presented his case. Porterfield stated about 75% of the housing is directed toward working people in the community to be able to afford decent, clean, and safe living in the community. The rest is directed towards people with disabilities or a veteran status. Porterfield stated they do not have what is called operating subsidized housing where the tenant would only have to pay 1/3 of the rent. People pay what the rent is actually listed as.

Quimby illustrated a student just out of college who only makes \$11.00/hour could not afford regular housing. This project would allow that person to afford it.

Porterfield said they have a professional property manager, Oakbrook Corp. of Madison. They manage numerous other housing projects. They perform a criminal background check and credit check. The applicants need to pass a certain level to be accepted. Porterfield explained that they have secured all the financing for the project; we will not need any financing support from the City. Initially the City guided us to apply for PUD Zoning. The staff recommended R-2, Single Family Residential Zoning with a conditional use permit.

Putzke asked for clarification of what was before the Zoning Board of Appeals. He asked if it was the variances needed, which were number of stories, the lot area and the building height.

Quimby stated the Plan Commission and the Council approved the project, the Zoning Board of Appeals need to consider the variances needed.

Hegstrom asked what the ramifications were between the 2,450 square feet and the 3,600 square feet.

Porterfield explained that it complies with the certain amount of density for what it is zoned. The lot borders between a commercial district and a residential district. The reason not to be rezoned to a PDD (Planned Development District) was the minimum lot size required. Smaller lots could be considered.

Porterfield explained the storm water issue, which they received guidance from the City Engineer.

Putzke said that on the business side, there could not be a traffic related business in that area. Short of it being another parking lot, he could not think of anything else but a housing project being constructed there.

Porterfield said that across the river there is another housing project proposed. They were approached by the City to come to Waterloo. The City felt that a project like this would fit in the area.

Butzine felt that the project was being stuffed into a small area.

Quimby stated there were a lot of people at the first meeting. In reality the project is allowing more green space than ever before even though it seems like the building is being stuffed into a small space. It gives use for a space, short of being a parking lot.

Hegstrom questioned the land along the river where the plan mentions woods.

Porterfield said that the property goes to the river's edge and there is a 75 foot setback requirement by the DNR which cannot be built on. Porterfield stated they are entering into an agreement with the City to maintain the easement. The right of way will be able to be accessed from Edison Street to the bridge (a walk way to school).

Quimby asked if there was any conversation about an exit on Edison Street to alleviate confusion in and out on N. Monroe Street.

Porterfield said that it was suggested by the City Engineer and others from the City not to have traffic exiting on Edison Street.

Van Holten said he was a resident on Edison Street and when Perry Printing was in operation, it was a nightmare when traffic was exiting onto Edison Street and Franklin Street.

Butzine questioned if the Edison Street exit would be blocked off. Porterfield said that it should be open for fire protection. Porterfield said that when they met with the Fire Chief he recommended it stay open for fire truck access. There would be no entry for normal traffic.

Butzine felt that the code should be amended first. Butzine did not feel this body should be the one to decide.

Quimby stated the Plan Commission and the Council have already approved the project. At one time the City's code allowed a PUD Zoning. The Plan Commission needs to look at the two zoning districts and possible update the code.

Butzine felt the project should be sent back to the Plan Commission to update the code so this committee does not have to approve it.

Quimby stated the project needs to get finalized before December 31<sup>st</sup> to start bringing tax revenue into the City.

Baird stated the Council cannot approve variances. The reason it comes to this committee is that the Building Inspector denied the building permit due to the project not meeting certain sections of the code.

**Motion:** Moved by Van Holten, seconded by Putzke to approve Docket #2014-01 and the three variances requested for Monroe Street Apartments, LLC – Movin' Out, Inc., of Madison, WI for the property located at 217 N. Monroe Street. Roll Call Vote: Ayes – Quimby, Hegstrom, Van Holten and Putzke. Noes – Butzine. Motion carried.

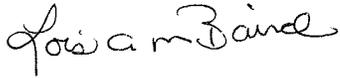
**7. CONSIDERATION OF SUCH OTHER MATTERS AS AUTHORIZED BY LAW**

None

**8. ADJOURNMENT**

**Motion:** Moved by Van Holten, seconded by Quimby to adjourn. Motion carried. Time of adjournment was approximately 6:00 p.m.

Attest:



Lois A.M. Baird  
Deputy Clerk/Treasurer



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Waterloo, WI 53594  
Phone: 920-478-3025  
Fax: 920-478-2021  
www.waterloowi.us

CITY OF WATERLOO  
COUNTY OF JEFFERSON  
STATE OF WISCONSIN

NOTICE OF HEARING ON  
APPLICATION FOR VARIANCE

DOCKET NO. 2016-01

TO: WHOM IT MAY CONCERN:

The Zoning Board of Appeals of the City of Waterloo will meet on **Wednesday, May 25, 2016 beginning at 9:00 a.m.** in the Council Chamber of the Municipal Building, 136 North Monroe Street, for the following purpose:

**PUBLIC HEARING** on the appeal application received from applicant, Jeffrey Kennel, property owner at 257 Mill Street in the City of Waterloo, Jefferson County Wisconsin.

The property is described as Out Lot 59, ASR PLT in the City of Waterloo, Jefferson County, Wisconsin. Also known as 257 Mill Street. Tax Parcel #290-0813-0533-022.

The action requested is to allow a rear-yard setback variance of 12' for the construction of a 10' X 21' attached deck:

The required rear yard setback per the City of Waterloo Municipal Code §385-8 C.(3), principal building rear yard minimum is 30'.

Following the hearing the board intends to deliberate on the application and may announce its determination.

By:

Morton J. Hansen  
City Clerk/Treasurer

Publish: The Courier, May 19, 2016



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**EXHIBIT #1**

**STATE OF WISCONSIN  
COUNTY OF JEFFERSON  
CITY OF WATERLOO**

**AFFIDAVIT OF MAILING**

**DOCKET NO. 2016-01**

Notice of Hearing on Zoning Appeal or Application  
Jeffrey Kennel  
906 Lake Court, Madison, WI 53715  
257 Mill Street  
Variance - 12' Rear Yard Setback Variance  
May 25, 2016, beginning at 9:00 a.m.  
Council Chamber, Municipal Building  
136 N. Monroe Street  
Waterloo, WI 53594

I, Lois A. M. Baird, Deputy Clerk/Treasurer for the City of Waterloo, Jefferson County, Wisconsin, swears that on the 10<sup>th</sup> day of May 2016 I deposited for mailing: 1) Notice of Hearing on Application for Variance.

Jeffrey Kennel  
906 Lake Court  
Madison, WI 53715

Chris & Jennifer Josheff  
206 Mill Street  
Waterloo, WI 53594

Roger Holzhueter Trust  
222 Mill Street  
Waterloo, WI 53594

Elizabeth Schoob  
242 Mill Street  
Waterloo, WI 53594

Warren Heideman  
Donna Schaan  
4222 Waban Hill  
Madison, WI 53711

Brian & Laurie Rehm  
PO Box 293  
Lake Mills, WI 53551

Brian Marconnet  
282 Mill Street  
Waterloo, WI 53594

David & Jeanne Zastrow Trust  
290 Mill Street  
Waterloo, WI 53594

Lee & Christine Fiedorowicz  
322 Mill Street  
Waterloo, WI 53594

Parker & Rita Dow  
360 Mill Street  
Waterloo, WI 53594

James Worswick  
219 Mill Street  
Waterloo, WI 53594

David & Mary Stodola  
205 Mill Street  
Waterloo, WI 53594

Debra Hottinger  
172 Mill Street  
Waterloo, WI 53594

Dale & Carol Eilenfeldt  
363 Cleveland Street  
Waterloo, WI 53594

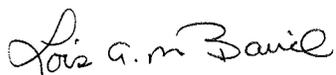
Douglas Dunneisen  
W12086 Clarkson Road  
Waterloo, WI 53594

Robert Campbell  
433 College Street  
Lake Mills, WI 53551

Ricky Wolf  
350 Cleveland Street  
Waterloo, WI 53594

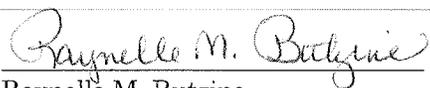
Ryan & Amanda Radloff  
425 Cleveland Street  
Waterloo, WI 53594

Andrew Hougan  
172 Mill Street  
Waterloo, WI 53594



Lois A.M. Baird  
Deputy Clerk/Treasurer

Subscribed and sworn to before me  
this 10th day of May, 2016



Raynelle M. Butzinc  
Notary Public, State of Wisconsin, Jefferson  
County  
My commission expires May 25, 2018



136 NORTH MONROE STREET, WATERLOO, WISCONSIN 53594-1198  
Phone (414) 478-3025

APPLICATION FOR VARIANCE

(Review and Action by Board of Zoning Appeals)

Number: 2016-01 Date Filed: 4/28/16 Fee Paid: 285<sup>00</sup> 4/28/16 # 32016

Location of Property: 257 MILL ST

Applicant or Agent: JEFF KENNEL jeffkenne@gmail.com

Address: 906 LAKE CT. MADISON WI 53715 Telephone: 503 422 9030

Owner of Property: JEFF KENNEL

Address: 906 LAKE CT. MADISON WI 53715 Telephone: 503 422 9030

Contractor: MORT CROWLEY

Address: \_\_\_\_\_ Telephone: 608 574 2029

Professional Engineer: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Legal Description of Property: Out Lot 59, Ann Pkt

Land Parcel Size: \_\_\_\_\_ Present Use: \_\_\_\_\_ Zoning District: R-2 Single Family

Proposed Use: \_\_\_\_\_

TERMS OF MUNICIPAL CODE  
385-8. R-1 C.(3)(C)  
30' min. rear yard  
setback

VARIANCE REQUESTED  
12' rear yard variance:

Specify reason(s) for Petition: (for example, insufficient lot area, setback, etc.)

Have existing non-conforming building on lot; Converting it into home, would like 2<sup>nd</sup> exit off back of house onto deck.

ATTACH THE FOLLOWING:

1. Adjoining owners; all names and addresses of all abutting and opposite property owners within 300 feet.
2. Site Plan showing the area involved, its location, dimensions, elevations, drainage, parking, etc., and location of adjacent structures within 300 feet.

Date: 4/28/16 2016

[Signature]  
Signature of Applicant/Agent

Call (262) 544-8280 or  
1-800-422-5220  
INDEPENDENT  
INSPECTIONS, LTD.

# WI UNIFORM PERMIT APPLICATION

PERMIT NO. 110

TAXKEY#

## ISSUING MUNICIPALITY

TOWN  VILLAGE  CITY  
OF Waterloo  
COUNTY: \_\_\_\_\_

PROJECT LOCATION  
(Building Address)

257 Mill St.

PROJECT DESCRIPTION

10' x 21' AH. Deck

COMMERCIAL  ONE & TWO FAMILY

Owner's Name JEFF KENNEL Mailing Address - Include City & Zip 906 LAKE ST., MADISON WI 53715 Telephone - Include Area Code 503-422-9030

Construction Contractor (DC Lic No.) OWNER Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Dwelling Contractor Qualifier (DCQ Lic No.) \_\_\_\_\_ Dwelling Contractor Qualifier shall be an owner, CEO, COB, or employee of Dwelling Contractor Telephone - Include Area Code \_\_\_\_\_

Plumbing Contractor (Lic No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

Electrical Contractor (Lic No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

HVAC Contractor (Lic No.) \_\_\_\_\_ Mailing Address - Include City & Zip \_\_\_\_\_ Telephone - Include Area Code \_\_\_\_\_

## PROJECT INFORMATION

Subdivision Name

Lot No.

Block No.

Zoning District B-2 Lot Area \_\_\_\_\_ Sq. Ft. N.S.E.W. Setbacks Front \_\_\_\_\_ Ft. Rear 18' Ft. Left \_\_\_\_\_ Ft. Right \_\_\_\_\_ Ft.

<b>1a. PROJECT</b> <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Raze <input checked="" type="checkbox"/> Other <u>Deck</u> <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move		<b>3. TYPE</b> <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Multi <input type="checkbox"/> Commercial		<b>6. STORIES</b> <input type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input checked="" type="checkbox"/> Other		<b>9. HVAC EQUIPMENT</b> <input type="checkbox"/> Forced Air Furnace <input type="checkbox"/> Radiant Baseboard or Panel <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central Air Conditioning <input type="checkbox"/> Other		<b>12. ENERGY SOURCE</b> <table border="1"> <tr> <th>Fuel</th> <th>Nat. Gas</th> <th>L.P.</th> <th>Oil</th> <th>Elec.*</th> <th>Solid</th> <th>Solar</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Space Htg</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Water Htg</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>* <input type="checkbox"/> Dwelling unit will have 3 kilowatt or more installed electric space heater equipment capacity.</p>						Fuel	Nat. Gas	L.P.	Oil	Elec.*	Solid	Solar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Space Htg	<input type="checkbox"/>	Water Htg	<input type="checkbox"/>										
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Water Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																			
<b>1b. GARAGE</b> <input type="checkbox"/> Attached <input type="checkbox"/> Detached		<b>4. CONST. TYPE</b> <input type="checkbox"/> Site Constructed <input type="checkbox"/> Mfd. UDC <input type="checkbox"/> Mfd. HUD		<b>7. FOUNDATION</b> <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input checked="" type="checkbox"/> Treated Wood <input type="checkbox"/> ICF <input type="checkbox"/> Other		<b>10. PLUMBING</b> Sewer <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Septic No.		<b>13. HEAT LOSS (Calculated)</b> Total _____ BTU/HR																																	
<b>2. AREA</b> Basement _____ Sq. Ft. Living Area _____ Sq. Ft. Garage _____ Sq. Ft. Other <u>210</u> Sq. Ft. TOTAL _____		<b>5. ELECTRICAL</b> Entrance Panel Size: _____ amp Service: <input type="checkbox"/> New <input type="checkbox"/> Rewire _____ Phase _____ Volts <input type="checkbox"/> Underground <input type="checkbox"/> Overhead Power Company:		<b>8. USE</b> <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Other		<b>11. WATER</b> <input checked="" type="checkbox"/> Municipal Utility <input type="checkbox"/> Private On-Site Well		<b>14. ESTIMATED COST</b> \$ <u>2,300.00</u>																																	

The applicant agrees to comply with the Municipal Ordinances and with the conditions of this permit; understands that the issuance of the permit created no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate. Have Permit/Application number and address when requesting inspections. Call (262) 544-8280 or 1-800-422-5220. Give at least 24 hours notice on all inspections.

SIGNATURE OF APPLICANT JK PRINT NAME JEFF KENNEL DATE 4/25/16

## APPROVAL CONDITIONS

This permit is issued pursuant to the attached conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. Owner/Builder solely responsible for compliance with all applicable State & Local Building and Zoning codes.

Denied - Min. 30' rear yard setback

INSPECTIONS NEEDED Building  Footing  Foundation  Rough  Insulation  Bsmt. Fl.  Final  
Electric  Rough  Service  Final Plumbing  Rough  Underfloor  Final HVAC  Rough  Final

FEES		PERMIT(S) ISSUED		SEAL NO. _____ Municipality No. _____	
Building Fee _____	Bldg. # At top of form _____	RECEIPT		PERMIT EXPIRATION:	
Zoning Fee _____	Zoning # _____	CK # _____	Permit expires two years from date issued unless municipal ordinance is more restrictive.		PERMIT ISSUED BY MUNICIPAL AGENT: Name <u>C. Butsenke</u> Date _____ Certification No. _____
WI Seal _____	Elec. # _____	Amount \$ _____	Date _____	From _____	
Electric Fee _____	Plmb. # _____	Rec By. _____			
Plumbing Fee _____	HVAC # _____				
HVAC Fee _____					
Adm. Fee _____					
Other _____					
Total _____					





**LEAGUE**  
OF WISCONSIN  
MUNICIPALITIES

---

**MUTUAL INSURANCE**

**ANNUAL REPORT 2015**



Protecting the Communities We Live In.

“Don’t Worry, You’re Covered”

## VARIANCES

Matthew P. Dregne – Stafford Rosenbaum LLP

1. *What is a variance?*

A variance permits a property owner to use or develop property in a manner prohibited by the zoning ordinance. An area variance allows exceptions to physical requirements, such as setbacks, lot area, and height limits. A use variance allows an owner to put property to a use prohibited by the zoning ordinance.

2. *What is your role?*

- a. You must decide whether to grant or deny the variance request. This is a quasi-judicial decision, which means that you must base your decision on the information presented at the hearing and on the standards in the zoning code. You must be aware of the type of variance that is being requested because the standard for determining whether an “unnecessary hardship” exists is different depending upon whether the applicant is seeking an area variance or a use variance.
- b. The applicant and the public are entitled to a fair and impartial decision maker. This means:
  - (1) Do not participate if you have a conflict of interest.
  - (2) Avoid discussing the application outside of public meetings. Do not base your decision on “lobbying” that occurs outside the hearing, or information you obtain in any way outside the hearing.
  - (3) Do not say things that suggest you have made up your mind or prejudged the application before the hearing.

3. *What process should you follow?*

- a. Require the applicant to submit all plans, documents and information required by your zoning code.
- b. Follow the notice and hearing requirements in your zoning code.
- c. Conduct an orderly hearing.

- d. Record the hearing (on tape, by detailed minutes, or in another manner that will preserve the information presented at the hearing). Individual votes by members must be recorded.
- e. After the hearing, decide whether the variance should be denied, granted or granted with conditions. The best practice is to adopt a written decision that specifies your findings and decision. If the decision is by motion, the motion should specify both the reasons for your decision, and your decision.

4. *Miscellaneous tips.*

- a. Request additional information and/or reports from the zoning administrator or applicant if it will help you understand the proposed variance or potential conditions of approval.
- b. If you have legal questions or are uncertain about how to proceed, table the application to another meeting and obtain legal advice.
- c. The applicant is responsible for showing that he or she meets the legal standard for a variance.
- d. Do not base your decision on the objections of neighbors, unless those objections show that the variance standard is not met.
- e. Do not base your decision on the number of people speaking for or against.
- f. Do not base your decision on whether you think the proposed variance is a good or bad idea. You must tie the evidence to the legal standard.
- g. Do not grant the variance for a limited or specified duration. If the variance standard is met, the variance “runs with the land;” it will last forever.
- h. Document your decision, including any conditions of approval.

5. *Disclaimer.*

This document provides only general guidelines for acting on variances. You should consult your ordinances and your legal counsel regarding local procedures and standards.