

TOWN OF TROY
654 Glover Rd

Site Visit- was held July 22, 2020 6:00 PM at site listed below

PUBLIC HEARING/ BOARD OF APPEALS MEETING – Chair Dan Pearson called the Public Hearing to order at 7:00 p.m. on Wednesday July 22, 2020 via Zoom to hear comments regarding the following:

Applicant: Ray Wirtz
Location: Parcel #040-1037-50-400
Address: 416 Eagle Bluff Drive, Hudson, WI 54016
Request: Variance to reduce front yard setback requirements from the road

Jens Loberg- Attorney at Loberg Law Office, 359 W Main St., Ellsworth, WI 54011 requested to speak representing Russell & Jean Bloom (Lot 13- neighbors on the other side of the street from applicant) against the variance request on the grounds that this request, if granted, would create a house built so close to the roadway that it would disrupt the peace and tranquility of the development and could affect home values. Mr. Loberg made points regarding the topography for this one particular plan, the need for keeping uniformity within the development, and vegetation to provide adequate coverage.

Gary Duclos located at 424 Eagle Bluff Drive, adjacent neighbor to applicant, noted that he does not have any issues with Ray Wirtz's plan.

Jeff Warren located at 397 Eagle Bluff Court, Wirtz's builder, noted that the statement made by Loberg was inaccurate and that placement of proposed house would not stand out.

Chairperson Pearson asked if there were any more public comments. There were none. Mahler made a motion to close public hearing, Cuccia seconded it, all in favor. **Motion carried.** Public hearing was closed at 7:39 pm.

Call to order/Roll Call/Confirm compliance with Wisconsin Open Meeting Law; Roll Call: Paul Mahler- Yes, Mike Kinney- Yes, Dan Pearson- Yes, and Alternate Jan Cuccia- Yes. Members not present were Chuck Enloe and Steve King.

Others present: Wendy Sander of Cedar Corporation, Kelly Neidermyer & Gail Anderson- Troy Town Hall Office, Ray Wirtz-Applicant, Jeff Warren- Builder, Jens Loberg (Attorney w/Loberg Law Office representing Russell & Jean Blume-Lot 13); Gary Duclos- adjacent neighbor, and others unidentified.

Meeting and Public Hearing was properly noticed as a Class 2 Notice in the paper 7/9/2020 & 7/16/2020 according to Wisconsin Open Meeting Law. Letters were sent out to adjacent landowners.

Announcements and correspondence; None

Action on minutes; Previous minutes from last Board of Appeals meeting on December 12, 2019 were reviewed. Cuccia made a motion to approve the minutes as presented, Mahler seconded it. All in favor, **motion carried.**

Unfinished business; None

New Business; Discuss Variance Application- Ray Wirtz- 416 Eagle Bluff Drive. Previous appointed secretary was not present, so Clerk Gail Anderson read the application into the record. Applicant Ray Wirtz (PID#040-1037-50-400) requested a variance to reduce front yard setback by 25' on the left (south) side of property. Chairperson Pearson reported on the site visit that occurred earlier that evening at 6 pm. Several BOA members were there along with Rob Jones from Cedar Corp., property owner, builder, and some neighbors to view the lot and planned location of the house. Wendy Sander from Cedar Corp. had reviewed the site previously and Paul Mahler reviewed the site yesterday.

Wendy Sander from Cedar Corp. presented the summary report:

- 1) Lot information:
 - a. Size: 2.491 acres
 - b. Approximate lot dimensions: 102.23 feet at the right-of-way and approximately 450 feet deep
 - c. Approximately 60 to 75 feet from the right of way to the top of a wooded slope
- 2) The physical characteristics of the land include a steep bluff (20%) covered with mature woods. This steep wooded area does make up the majority of the current allowable buildable area.
- 3) The adjacent home to the north is currently set back approximately 88 feet (Lot 2) from the cul-de-sac (home currently owned by the applicant). Home setbacks vary throughout the immediate neighborhood.
- 4) During review of previous setback variance requests, the Town has considered the necessity of vegetative screening to mitigate the visual impact on the neighborhood. If deemed warranted, additional screening could be a condition of approval.
- 5) Cedar Corporation's findings also noted the board should evaluate the application to determine:
 - a. The applicant establishes specific unnecessary hardship or practical hardship
 - b. Substantial justice and secure public safety and welfare is consistent with intent and purpose of the Chapter's regulations
 - c. Not enlarge any pre-existing condition of nonconformity
 - d. Not damage rights or property values of other persons in the area
 - e. Lot density requirements will be evaluated

Options for the Zoning Board of Appeals:

- 1) Recommend Approval
- 2) Recommend Approval, with Conditions
- 3) Recommend Denial

Discussion was held among the board on various aspects of the property including minimum requirements of house size, home values in development, the diagonal lot line, and vegetative screening. Applicant Ray Wirtz noted that Rob Jones from Cedar Corp. measured closer to 46' instead of 50' on the southerly side, so those numbers would need to be altered slightly.

Cuccia made a motion to approve variance request for Ray Wirtz located at 416 Eagle Buff (PID) with the following conditions: The setback line of 46' from SE corner to 75' at NE corner would need to be verified and surveyed in and that a landscape plan would need to be presented in order to approve, Mahler seconded it.

After further discussion, it was determined that corrected and more specific information requested would need to be provided and presented first for approval to occur. Cuccia withdrew her motion and Mahler withdrew his second. It was determined that Wirtz will return to the next BOA meeting scheduled for

August 4th to present a surveyor's map to verify the setback lines and to include a landscape plan to better screen neighboring property.

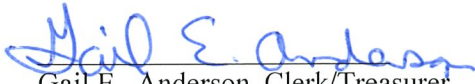
OTHER AGENDA ITEMS- None were presented.

ADJOURN- Mahler made a motion to adjourn the meeting; seconded by Mike Kinney; all ayes, **Motion Carried**, Meeting adjourned at 8:51 pm.

These minutes were taken at the
Board of Appeals meeting held
on the 22nd day of July.



Daniel Pearson, Town Chairperson



Gail E. Anderson, Clerk/Treasurer