



FOWLER VILLAGE COUNCIL ZONING BOARD OF APPEALS PUBLIC HEARING AND REGULAR MEETING

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Brad Rhynard
Dan Schmitt
Rick Fink
Melissa Humphrey

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DPW Employees
Vern Feldpausch
Brad Smith

PUBLIC HEARING

DATE JUNE 14, 2022

The Fowler Village Board of Appeals met on Tuesday, June 14, 2022 at 7:00 PM with President Pro-Tem Mike Porter presiding.

ROLL CALL

Roll was called and a quorum reported. Present were Codi Schrauben, Brad Rhynard, Dan Schmitt, Rick Fink, Melissa Humphrey, John Rademacher and Rhonda Feldpausch. Absent: Vernon J. Thelen.

VILLAGE PERSONNEL

Vern Feldpausch.

VISITORS

Patty and Matt Leach, Fred and Linda Epkey.

MATT LEACH – VARIANCE APPLICATION

Public Comments:

- Property located at 309 N. Main Street, Fowler is a small, corner lot
- Owners currently have limited garage space
- Owners prefer to “hide” lawn care equipment
- Variance request would vary from the required 25-foot front yard setback along the parcel’s south property line
- Variance approval would not create any adverse effects to neighbors or community

BOARD ACTION: Trustee Humphrey moved, supported by Fink to close the Public Hearing. Motion carried.

REGULAR MEETING

APPROVE AGENDA

BOARD ACTION: Trustee Schmitt moved, supported by Trustee Humphrey, to approve the agenda as presented. Motion carried.

MATT LEACH-VARIANCE APPLICATION

PROPOSED VARIANCE REQUESTS:

1. A variance to Section 6.4.G of the Zoning Ordinance to reduce the south property line 25-foot setback to 17-feet for the proposed construction of a 144 square foot shed structure.

STANDARDS FOR VARIANCE APPLICATION REVIEW BY THE BOARD OF APPEALS:

1. The applicant has provided applicable written information which addresses the appeal requirements prescribed in Section 16.3.E of the Zoning Ordinance.

2. Section 16.4.C.2 notes that a variance may be allowed by the ZBA only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all the following conditions are met:

a. There are exceptional and extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or

ii. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or

iii. By reason of the use or development of the property immediately adjoining the property in questions, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or

iv. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

RECOMMENDATION BY TAMMY Z. FOSTER, P.E. - ZIEMNICK FOSTER ENGINEERING, LLC:

Subject to the results of the public hearing and based on the requirements of the Village of Fowler Zoning Ordinance, it is recommended that the Zoning Board of Appeals approve the variance to Section 6.4.G in regard to the required 25-foot front yard setback and allow a 17-foot front yard setback. Furthermore, it is recommended that the applicant be allowed to vary from Section 3.2.B.1 by constructing a detached accessory structure within the front yard of the property.

BOARD ACTION: Trustee Humphrey moved, supported by Trustee Rhynard, to approve the request for a variance by Matt Leach, 309 N. Main Street, Fowler. Motion carried.

ADJOURN

BOARD ACTION: Trustee Fink moved, supported by Trustee Rhynard, to adjourn. Motion carried.

Adjournment: 7:06 PM

Rhonda Feldpausch, Village Clerk