

**City of Oconomowoc**  
**Zoning Board of Appeals Minutes – June 15, 2022**

Chairman Brotheridge called the meeting to order at 6:00 pm and confirmed that appropriate notice was given. The Chairman asked that the record reflect that the original meeting agenda stated the wrong property address. This was corrected by staff. New notices were sent out, and the correct address was on the City website. Zoning Administrator Jason Gallo confirmed that corrected notices were sent out and copies were placed at the stations of the Board members.

**Members Present:** Danny Day Jr, Carl Wickman, Ken Brotheridge, and Bonnie Goodson

**Members Excused:** Kyle Driscoll and Philip Cunningham

**Staff Present:** Jason Gallo

2. **Approve Minutes of March 9, 2022:** Motion by Day to approve the March 9, 2022 minutes; second by Wickman. Motion carried 3-0.

Bonnie Goodson arrived at 6:02 pm.

3. **Public Hearing – 6:02 pm:** The purpose of the hearing is to hear public comment on the variance application filed by Jason & Nicole Heard (property owners) to allow the construction of a 30' x 40' detached garage located at 421 Oakwood Avenue, City of Oconomowoc. The owners are requesting a variance from Section 17.110(2)(d) – Accessory Uses and Structures, within the City Zoning Code, specifically the maximum combined footprint size of accessory buildings in the Traditional Residential Zoning District shall not exceed 1000 square feet with lots having street frontages greater than 66' width. With the existing detached structure of 736 SF, the lot is allowed up to 264 additional SF. For the City to grant permits for the proposed 1200 SF structure, a variance of 936 SF must be approved. If granted, the proposed structure would be used for garage purposes.

Brotheridge opened the public hearing and swore in Jason Heard and Nicole Heard, the property owners. Gallo gave a power point presentation on the applicants' variance request. He stated that the request is for an area variance. 421 Oakwood Avenue is currently zoned TR and is allowed up to 1000 SF of detached accessory building. Gallo pointed out the large size of the property (about 3 acres), the deep lot, and water frontage. The applicants do not currently have a garage on the property, but they do have a 736 SF backyard cottage that is tenant occupied. The applicant is requesting permission to build a 30' x 40' garage on the property which would allow for cars to be parked two-deep. Gallo showed images of the proposed garage site and the views to the north and south of the property, pointing out that the garage would likely not be easily visible from surrounding properties. The applicants have other amenities on their property, such as kayaks, bikes, outdoor furniture, and a utility cart, that are not aesthetically pleasing when stored outdoors. Gallo explained that he denied the applicant's initial request to build the garage in March due to zoning regulations. The applicant has the burden of proof to demonstrate that all three criteria defined in the state statute requirements are met: 1) unique physical property limitations; 2) no harm to public interest; 3) unnecessary burden on the owner if variance is not granted. Gallo explained that the property is unique due to its existing backyard cottage, large size, 16 abutting lots, and river frontage. The public will not be harmed

because views would not be blocked by the garage, the applicants have received letters of support from neighbors, and a hazardous tree would be removed from the property. The applicants bear an unnecessary burden because they are unable to store their cars and tools indoors. Gallo showed an image that depicted the vehicles of the property owners and the backyard cottage tenants parked outside on the driveway. Gallo recommended approval of the variance at 421 Oakwood Avenue with two conditions: 1) The existing sheds on the property be removed and 2) The hazardous tree be cut down and removed from the property.

Jason Heard, property owner, explained the renovation work that the applicants have put into the property since moving in. They have done landscaping, driveway repair, patio work, and indoor renovation. Adding a garage is the next step in their plans to improve the property. Heard explained that the applicants have 4 children and that adding a garage would help with the storage of equipment and toys. Heard stated that the proposed garage footprint is less than 2% of the total property area. Gallo asked for clarification that the applicants are seeking a 30' x 40' garage. Jason Heard stated that the garage being requested is actually 35' x 40' (1400 SF). Nicole Heard explained that after consulting an architect, they felt that the 5' extension was necessary. There was a discrepancy between the written request and the dimensions on the plans. Jason Heard explained the verbal support that the applicants received from neighbors who did not submit letters. Gallo explained the process for approving a 35' x 40' garage; the Board could approve this change in size with a 30 day allowance for challenges from the public. Brotheridge clarified that the Board would now be considering a 35' x 40' garage request.

Reverend Jason Terhune, 415 Oakwood Avenue, stated that the applicants have done a great job beautifying the property and making it safe for neighborhood children to use. Terhune expressed support for the 35' x 40' garage and explained that it would be an improvement to the property. Not having a garage would potentially deter future buyers and devalue the property.

Brotheridge confirmed the swearing in of Terhune and closed the public hearing at 6:38 pm

**4. Consider/act on the application request of Jason & Nicole Heard for a variance to allow an additional 936 SF of detached accessory building located at 421 Oakwood Avenue:**

Day asked if the sheds were included in the total SF of accessory building area. Gallo confirmed that the numbers provided in the presentation were under the assumption that the applicant would be removing the sheds from the property. Day asked for confirmation that the detached building area allowed is based on frontage to the road, not overall property size. Gallo confirmed.

No further discussion.

Motion by Wickman to grant a variance of 1136 SF and allow a 1400 SF garage to be built on the property at 421 Oakwood Avenue. The applicant has provided evidence that the property is unique, there would be no harm to the public, and there would be an unnecessary burden placed on the applicant without the variance. The following conditions are to be adhered to: 1)

