

**Village Board, Zoning Board and Plan Commission Educational Meeting – October 17, 2005
Special meeting which was held in the Campbellsport Library meeting room, 202 N. Helena St.,
Campbellsport**

Item#1 – Meeting called to order by Pres. Uelmen at 6:30 P.M. for Village Board & Plan Commission.
David Nims called Zoning Board of Appeals to order

Item#2 – Meeting notice was given to the Campbellsport News, National Exchange, Post Office,
Library and posted at the Village Hall and in compliance with the open meeting law.

Item#3 – Roll Call: Pat Twohig, Wendy Volz Daniels, Ken Schwartz, Dean Uelmen, Dan Boldt, Don
Stoffel, Mike Yahr, Heidi Olson, Bill Grede, Dave Schellhaass, Mark Gruber, David Nims, Henry
Straub, Gerhard Nass, Barb Knickel, Steve Wolf

Absent: Chris Schanen

Others in attendance: Steve & Diane Schickert, Tom Heldt, Doris Schwartz, Ken Jungers, Tom
Matenaer, Chris & Mary Jo Greene, Karan Van Beek, Janet Hafemann, Don & Candy Ficht, Bart
Welsh, Joann Schrauth

Don Stoffel nominated Dean Uelmen to chair educational meeting

Motion by Ken Schwartz, seconded by Henry Straub to nominate David Nims to chair educational
meeting with Village Board, Plan Commission and Zoning Board with Atty. John St.Peter. Ayes-15,
Noes-0, Abstain-1.

Dean Uelmen introduced Atty. John St. Peter who is going to educate members of all the Boards on
“Tips for the Boards of Zoning Appeals” and how ordinances should be adopted and what Boards
should be taking action on particular issues.

Packet of information handed out by Atty. St. Peter on (Tips for the Boards of Zoning Appeals)
Zoning Board of Appeals – stand alone Board on making decisions relating to variances related to
zoning - “Quasi –judicial” body - (an appointed board and cannot supercede ordinances)
Plan Commission is advisory to Village Board – rezoning issues and reviewing plats.

The Law of Variances on page #3 –

Background Concepts – 1)Zoning Codes can be adjusted by granting exceptions known as variances
2)Variance – right to use or build on land in a way prohibited by strict application of zoning ordinance
3)WI law defines variance on manner to use property in way prohibited by ordinance when not to do
so would be a hardship

Example – Amend ordinance to add items to exceptions to zoning ordinance.

1)Variance standards: reviewed on page#4

Use vs Area variance discussed

**Use variance cannot be issued by Zoning Board – needs to come to Village Board to request
amending ordinance to allow additional items to zoning code

Planning Commission would hear special uses and then recommendation to Village Board

Zoning Board hears: area variances(setback problems, frontage, height, bulk or density restrictions.

2)“Unnecessary Hardship” – a)due to unique physical characteristic(water running thru lot, big oak
tree) , not desires or conditions personal to applicant.

b)Self-imposed hardships alone cannot justify a variance

c)No variance can be granted solely on basis of economic gain or loss

No opposition is not a good decision to grant variance, Zoning Board should act like judges. Even if people are opposed to the variance if a good case is made; an independent decision should be made to either grant or not grant a variance based on information given at meeting.

Applicant must prove unnecessary hardship, unique property limitations and absence of harm to the public interest.

Zoning Board must act like Judges and do not necessarily make the right decision because not all sides & information is always presented. Read article in Oct. issue of League of Municipalities. Zoning Board should only listen to information and documents presented at meeting. DO NOT investigate property, get costs, speak with applicant, discuss with other board members or neighbors prior to meeting.

Appeals of decisions of Zoning Board go to the Circuit Court system. Currently when clerk types up and puts in file the clock starts ticking.

It was suggested that Clerk should send out letter giving decision either way to applicant with date so noted if an appeal may be requested.

Persons on Zoning Board should say at beginning of meeting or indicate if there may be a conflict of interest and be replaced with Alternate then. Alternates in audience can participate in case, but cannot be part of voting board once case has begun.

Vote count to granting variance is 4 in favor not a bare majority. Atty. St. Peter will check to see if this is changed per comment by Clerk on recent legislation.

Village ordinance can be more restrictive and could be changed if State Statute has changed.

Check list of items that need variance

Forms that lay out standards and findings of fact, criteria.

Atty. St. Peter will send out sample documents for possible use.

Clerk should be able to direct residents to the right Board for jurisdiction.

Documents of ordinances, letters to Steve Schickert and Zoning Board minutes handed out by Clerk for reference and interpretation and discussion with Atty St. Peter

Steve Wolf left meeting at 7:45 P.M. and did not want to discuss Schickert issue because Plan Commission had voted not to pursue at a previous meeting.

Barb Knickel stated she thought grandfathering should be taken into consideration when building permits are taken out and new ordinances pass. Atty. St. Peter said residents need to be aware of law changes and ignorance is not an excuse

Atty St. Peter stated Village of Campbellsport has options:

1) Issue ticket for violation and meet in court – because driveway issue was a code violation

2) Put driveway ordinance in zoning ordinance section of code.

Zoning Board decision is a null and void issue because they had no jurisdiction to hear case

Pat Twohig would like the driveway ordinance be put on the November Village Board agenda for discussion .

Item#5 – Announcement - Special Village Board meeting set for Wed. Oct. 19 at 5:30 P.M. on site by the cemetery off of Hwy W.

Motion by Mike Yahr, seconded by Heidi Olson to adjourn meeting at 8:42 P.M. Motion carried.

Respectfully submitted,

Diane Lemke, Clerk/Treasurer CMC