

# VILLAGE OF ROSENDALE PUBLIC HEARING NOTICE

**PUBLIC NOTICE IS HEREBY GIVEN** that the Zoning Board of Appeals of the Village of Rosendale will hold a Public Hearing at 6:00 PM on March 10, 2022 at the Rosendale Municipal Building, 211 N. Grant Street at the request of Ryan Smit for a variance to Article 7, Section 7.38 of Zoning Ordinance Number 91 titled COMPREHENSIVE ZONING DISTRICT PLAN AND REGULATIONS FOR THE VILLAGE OF ROSENDALE, WISCONSIN. The property is located at 217 W. Division Street, Rosendale, Wisconsin 54974. A variance is requested to exceed the maximum height of accessory buildings as set forth in Article 7 Section 7.38 as it relates to the above described property. Copies of the variance request are available at the Clerk's Office during normal office hours. Persons who wish to speak either for or against the granting of the variance will have an opportunity at this hearing to be heard. Written comments may be sent to the Village of Rosendale, P.O. Box 424, Rosendale, WI 54974 and must be received by 4:00 PM on the date of the hearing.

Emily Wirkus, Village Clerk-Treasurer

Dated: February 23, 2022

Section 5.4 Accessory Uses and Structures

No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment of construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.

Section 5.5 Access

No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street at least sixty-six (66) feet in width unless said street on the date of passage of this Ordinance had a lesser width.

Section 5.6 Existing Structures

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this Ordinance, provided that such structure shall be completed within one calendar year from the effective date of this Ordinance. Any structure existing prior to the effective date of this Ordinance may be converted to any use permitted by the zoning district in which such structure is located.

Section 5.7 Compliance with Requirements - Limited Applicability

No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Ordinance shall be included as part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area similarly required for any other structure or use, except as provided for herein.

Section 5.8 Minimum Dimensions

No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot existing on the effective date of this Ordinance shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking spaces or loading berths, or lots created or established after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 5.9 Permitted Excess

The height of any main or principal structure or accessory building may exceed the maximum permitted height by two (2) feet for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure is located. However, no structure may exceed fifty (50) feet in height.

6.38 Building Height: Except as provided in Section 5.10 no principal building shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height.

## ARTICLE 7 R2-VILLAGE RESIDENTIAL DISTRICT

### Section 7.1 Purpose

The R2-Village Residential District is intended to provide the area covered by this Ordinance with a low density residential district while requiring complete infrastructure improvements due to topography, density, adjacent land uses and overall subdivision design.

### Section 7.2 Permitted Uses

Within the R2-Village Residential District the following uses are permitted.

- 7.21 single-family dwellings
- 7.22 two-family dwellings
- 7.23 public park, playgrounds
- 7.24 conversion of any existing building to a permitted use
- 7.25 agricultural uses as permitted in Section 11.11 and 11.13
- 7.26 home occupations and professional home offices.
- 7.27 Receiving towers, television antennae, and private transmission towers less than fifty (50) feet in height.

### Section 7.3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

- 7.31 Occupancy: Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
- 7.32 Location: Dwellings shall be located so as to abut a street.
- 7.33 Building Dimensions: The minimum habitable floor area per dwelling unit shall be 1200 square feet. The minimum building width shall be twenty-four (24') at all parts of the principal structure.
- 7.34 Off-Street Parking:
  - 7.341 Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces located on the same lot or tract of land as the dwelling served.

7.342 Each off-street parking space shall total at least 180 square feet.

7.343 Not more than one (1) off-street parking space within a private garage or private carport shall be rented or leased to a non-resident of the premises.

7.344 Any off-street parking space shall be located more than five (5) feet from any side or rear lot line.

7.35 Minimum Lot Size:

Dwelling Type	Min. Lot Area per Dwelling Unit	TOTAL MIN. WIDTH		
		Interior Lot	Corner Lot	Max. Coverage
One Family	10,000	100	120	30%
Two Family	6,000	100	120	30%

7.36 Yards:

7.361 Front Yard: There shall be a minimum street yard (setback) of 25 feet from the right-of-way of all public streets.

7.362 Side Yard: There shall be a side yard on each side of all buildings of not less than 10 feet in width.

7.363 Rear Yard:

7.3631 Minimum rear yard depth shall be twenty-five (25) feet.

7.3632 Accessory buildings may be erected in a rear yard provided they are located at least two (2) feet from the rear lot or side lot line and provided further that the maximum lot coverage is not exceeded.

7.37 Signs:

7.371 No name plate exceeding one square foot in area, nor a sign exceeding eight square feet, in or appertaining, to the lease, hire, or sale of a building or premises.

7.372 Advertising signage for home occupations or professional home offices, not exceeding two square feet, shall be permitted in the R2-Residential District.

7.38 Height: Except as provided in Section 5.10 no principal building shall exceed thirty (30) feet in height, and no accessory building shall exceed fifteen (15) feet in height.

15.623 The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

15.63 The Board of Zoning Appeals shall have the following powers:

15.631 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Ordinance.

a. Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the actions appealed from was taken.

b. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

c. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

15.632 To permit the extension of a District where the boundary line of a District divides a lot in single ownership as shown of record.

15.633 To interpret the provisions of this Ordinance where the street layout on the ground differs from the Official Zoning Map.

15.634 To authorize upon appeal in specific cases, a variance from the standards of the Ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the Board of Zoning Appeals. A variance for the purpose of this Ordinance shall not be granted unless:

- a. A written application for a variance is submitted demonstrating:
  - 1. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district;
  - 2. That literal enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance.
  - 3. That the special conditions and circumstances do not result from the actions of the applicant;
  - 4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.

No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

- b. The application is in proper form and a fee has been paid as approved by Resolution of the Village Board. The Board of Zoning Appeals shall hold a public hearing on such matter in accordance with the provisions of Sections 16.3 through 16.6. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board of Zoning Appeals if it grants the application for variance.

15.635 To grant a Special Use as specified in Section 13.3. Such determination shall be made by filing a written application or petition to the Board of Zoning Appeals.

- a. Such application shall:
  - 1. State the name, address of applicant and the owner;
  - 2. State the location of property for which the Special Use is sought;
  - 3. State the specific Special Use desired;
  - 4. State the facts sufficient to demonstrate that the conditions prescribed in Section 13.2 exist and support such statement with any plans and/or data as are required by the Board of Zoning Appeals.

Fee: \$150.00

Paid: \$150<sup>00</sup> cash

Date: 2-22-22

**VILLAGE OF ROSENDALE  
APPLICATION FOR VARIANCE**

Owner/Applicant: Ryan A. Smit

Address and Property Description:  
217 W. Division St. Parcel Number: V07-15-15-02-05-007-00

See Page 2 for Property Description/ Additional Information


Variance Requested:  
Increase maximum height allowed on an accessory structure from 15' to 20'

Zoning Ordinance Sections Involved:  
Article 7: Section 7.38

Date Presented to Zoning Board of Appeals: \_\_\_\_\_

Variance: \_\_\_\_\_ Granted \_\_\_\_\_ Denied

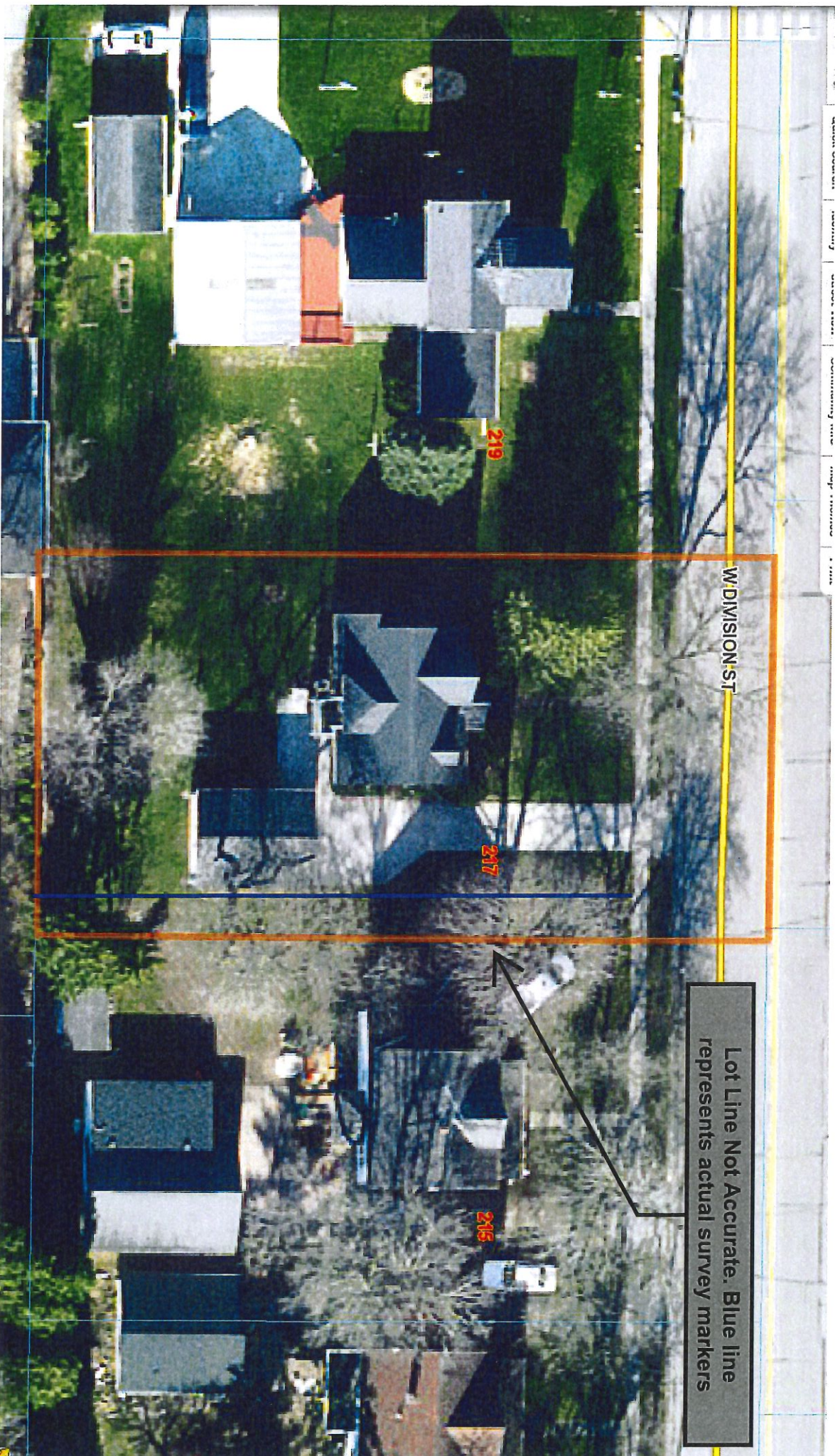
Comments:  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant(s) 

**The above Variance is being requested  
due to the following:**

- **Unable to increase side-yard offset to be able to increase overall height of structure.** Due to the layout of the house, garage, and lot line. If the garage was offset anymore than the required 2' from the side-yard lot line the garage would impede with house, it would also cause an offset in the current driveway, which would limit/eliminate access to west side of garage door. Additionally, offsetting the garage anymore would then cause a conflict with a Maple tree in the backyard as well as take away more green space in the backyard.
- **Functionality, aesthetics, and lot size.** Due to the tight lot that I have the thought process behind the attic trusses was to increase storage space as well as aesthetically match/compliment the existing house roof pitch and maximize green space. See attached photos.





W DIVISION ST

Lot Line Not Accurate. Blue line represents actual survey markers

219

217

215



