

VILLAGE OF EPHRAIM

FOUNDED 1853



**BOARD OF APPEALS CASE # 135 John Welch 10102 Water St.
Variance from 40 foot rear setback
Monday, January 31st, 2011 – 5:00pm**

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**BOARD OF APPEALS CASE # 136 Bruce Nelson 3045 Church St.
Variance from 15 foot side yard setbacks
Monday, January 31st, 2011 – 5:00pm**

Members Present: Jon Kordon, Debbie Eckert, Sue Sherman, Kate Houston, Doug Schwartz, and
Charity Buhr – Administrator/Clerk

Also Present: Jane Olson, John Sawyer, Hugh Mulliken, John Welch, and Bruce Nelson

1. Call to Order

Buhr called meeting to order at 5:15 PM

2. Note Quorum

There is a quorum of Board of Appeals members present.

3. Appoint Chair

Schwartz moved, seconded by Sherman to appoint Eric Kordon acting chair. Motion passed unanimously.

4. Finding of Fact

BOARD OF APPEALS CASE # 135 John Welch 10102 Water St.

Jane Olson spoke in favor of the project on the property.

Debbie Eckert questioned the inability to rent being the hardship? Who determined that they can't? The Department of Commerce issues permits every year for use as a rental.

The Board discussed whether or not the Welch's had checked into different options for re-doing the electrical in the property instead of what they are proposing tonight.

Mr. Welch stated that they had explored the options of razing the property and this isn't an option and they have research running the electrical service in the walls and it will not be sufficient for the upgrades that are required on the property in order to continue to use the property as it has been used to date as a rental property.

The Committee discussed the hardship aspect of the case. Houston stated she felt the hardship may be financial, therefore it would not qualify. Schwartz stated that there is no indication that the hardship has anything to do with finances and it isn't correct to assume this without evidence.

The Board wanted to vote on each aspect of this case.

Sherman moved, seconded by Schwartz that this does meet the unnecessary hardship test to go forward. Kordon – aye, Houston – nay, Eckert – aye, Schwartz- aye, and Sherman – aye. Motion passed to meet the hardship test.

Sherman moved, seconded by Kordon the hardship is due to the physical limitations of the

property. Motion passed unanimously.

Sherman moved, seconded by Schwartz that this will not be contrary to the public interest. Motion passed unanimously.

This case does meet the burden of proof for all four tests.

Conclusion of matter

Sherman moved, seconded by Schwartz that the Board of Appeals grant the application for the variance as indicated to 17.24 (1) for case #135. Kordon – aye, Houston –aye, Schwartz – aye, Eckert – aye, Sherman – aye. Motion passed unanimously.

BOARD OF APPEALS CASE # 136 Bruce Nelson 3045 Church St.

The Board discussed each aspect of this application and discussed that this is a necessary improvement due to the deterioration of the roof on the property and the need to upgrade it to make it safe according to today’s building standards.

Schwartz moved, seconded by Sherman that all four criteria have been met and this variance should be granted. Kordon – aye, Houston – aye, Eckert – aye, Schwartz- aye, and Sherman – aye. Motion passed unanimously.

Conclusion of matter

Kordon moved, seconded by Sherman that the Board of Appeals to grant the application for the variance as indicated to 17.24 (1) for case #136. Kordon – aye, Houston –aye, Schwartz – aye, Eckert – aye, Sherman – aye. Motion passed unanimously.

Adjournment

Kordon moved, seconded by Houston to adjourn at 6:39 PM.

Recorded By,
Charity Buhr, WCMC
Administrator/Clerk