

**BOARD OF APPEALS  
Minutes**

**May 14, 2020**

**Brillion City Center**

**4:00 PM**

**CALL TO ORFER:**

Sue Cohen called the meeting to order at 4:00 pm.

**ROLL CALL:**

Present were Sue Cohen (Chair), Roger Schwahn, Craig Orth, and Larry VanFrachen. Alternate Member Bill Konwal. Also were present City Administrator/Clerk-Treasurer Lori Gosz, Building Inspector Paul Birschbach, Public Works Director Andy Geiger, and Mayor Mel Edinger.

**Guests:** Jerome Popp

**APPROVAL OF AGENDA:**

**Motion**-Van Frachen moved to approve the agenda. Seconded by Orth. Motion carried.

**APRPOVAL OF MINUTES - November 14, 2019:**

**Motion** – Cohen moved to approve the minutes of the November 14, 2019 Board of Appeals Meeting. Seconded by Van Frachen. Motion carried.

**HEARING REQUET FOR VARIANCE:**

**Jerome Popp, 508 S. Parkway Drive**

**Requesting a variance from the City of Brillion Municipal Code**

**Sec. 106-9R-1 Single Family Residential, as it relates to maximum**

**Accessory buildings per lot. The property owner is requesting to be allowed**

**(2) accessory buildings, the code only allows for (1).**

Cohen asked the Clerk to read the notice of the public hearing for the record.

Gosz read the Notice of Public Hearing for the variance. Cohen opened the public hearing at 4:03pm and she asked for the testimony for or against the variance request.

Popp stated he is requesting to be allowed a second outbuilding to allow for more storage space. The portion of the parcel where he wants to build is a leftover out lot. Over a year ago, he combined the parcels, because the parcel is not big enough to build on as a separate lot.

Cohen asked if any neighbors have voiced concerns. Geiger stated he received letters from 2 neighbors opposed of the request. He stated the property owners at 514 S Parkway stated no to the request, voicing concerns about collecting too much junk and lowering house values in the neighborhood. Geiger reported Jim Eichhorst at 405 Horn St agreed with the building inspector, to not grant the permit, suggesting Popp consider enlarging the present garage or tearing it down and building a bigger structure.

Cohen questioned if this would be a consideration. Birschbach stated code allows for a 960 sq. ft. attached or a 960 sq. ft. detached out building. Attaching the existing garage to the home would not work. He can attach a 960 sq.ft. to the house or a 960 sq. ft. detached.

Cohen stated Popp has to prove a hardship. The board can not allow a variance that would set precedent.

Popp stated to attach the current garage to the house would require starting over, because of the roof line. Also, there is interference with a power pole in the back yard. The easiest would be a second garage off Horn St.

Birschbach stated City code doesn't allow a business in a R-2 zone. If this is considered a business, then it would not be allowed. Popp stated it would just be for storage.

Cohen asked if any board members had any further questions of Jerome Popp.  
Cohen closed the public hearing at 4:19pm

#### **DISCUSSION OF TESTIMONY AND REVIEW OF FACTS:**

Cohen asked for discussion. She stated that having to pay money to store elsewhere isn't a hardship. Setting precedent should not be done.

Van Frachen commented that the property across the street has large outbuildings. Approval was given to other property owners to exceed 959 ft. for an attached. Roger suggested eliminating the current garage and build a large garage on the lot. Popp stated the size of the lot is a concern. Cohen reminded the request is for allowing (2) out buildings which is against code. Konwal questioned how many neighbors opposed. Cohen stated we have heard from two. Popp stated he talked to others who are ok with it.

#### **DECISIONS AND RELATED ACTION:**

Cohen asked if there is a hardship. We need to act on the request being made.  
Konwal stated he feels there is a hardship, but two of the four adjoining neighbors have opposed. However, if cleaning up the yard is the purpose, should it be considered. Cohen stated storage at a different location is available so it would not be a hardship. Cohen reminded the board to consider the current code, when making their decision, keeping personalities out of the decision.

**Motion** – Van Frachen moved to accept the request for variance based on the hardship of the unused lot, and to allow for storage of vehicles that are not currently being stored outside, Seconded by Bill. Call vote. Van Frachen and Konwal in favor. Cohen, Orth and Schwahn opposed. Motion failed.

**Motion** – Orth moved to deny the variance request. Seconded by Cohen. Call vote. Cohn, Orth and Schwahn in favor. Konwal and Van Frachen opposed. Motion carried. The request was denied.

#### **OLD BUSINESS:**

None

**ADJOURNMENT:**

**Motion** – Van Frachen moved to adjourn the meeting. Seconded by Konwal. Motion carried.

The meeting adjourned at 4:44 pm

Lori M. Gosz  
Secretary