

## VILLAGE OF NEW AUBURN

### Village Board of Appeal

Tuesday, June 11, 2024

The Village of New Auburn Village Board of Appeals (BOA) held a meeting at the New Auburn Village Hall, 130 E. Elm St., New Auburn, WI 54757.

1. **Call to Order/Roll Call.** At 5:06 p.m. BOA Chair and Village Board Member Brad Lotts called the meeting to order. Those in attendance were BOA Member and Village Administrator-Clerk-Treasurer (VACT) Bradley Hanson, BOA Member and Village Building Inspector (BI) Joe Atwood, BOA Member Nick Jones. No appointed BOA members were absent. Public in attendance were Triad Plastics representative Dan North and Village President Shannon Berg.
2. **Confirmation of Compliance of open meeting's law and public notice requirements.** VACT Hanson advised that noticed was provided to property owners within 300 feet of the parcel where the variance is under consideration, provided to and published in the Bloomer Advance, and posted to the three recognized public posting locations as required by law.
3. **Public Hearing for 106 W Pine Street, New Auburn, WI setback variance request.** At 5:07 p.m. BOA Chair Lotts opened the Public Hearing. VACT described the reason for the variance request, concerns regarding shipping container usage on the property with appropriate industrial zoning, and about a half a dozen responses to the letter. VACT continued he received no complaints or concerns from any of the individuals inquiring for further details, which included the property owner of the adjacent residential property to the north of 106 W Pine St, which is at 337 N Central St, New Auburn, WI. Lastly, VACT Hanson offered a solution to one of the variance requests, which was for the BOA to recommended for the Village Board to consider vacating the alley portion that cuts through the parcel (23110-0122-61320101). The BOA heard from Triad Plastics' representative(s) regarding their stance on granting the variance request. At 5:16 p.m. the Public Hearing was closed.
4. **Variance application and public hearing decision.** Motion by Jones and seconded by Chair Lotts to approve Triad Plastics' variance request. The BOA discussed the following variance approval criteria:
  - An unnecessary hardship must be present; meaning that literal enforcement of the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restriction unnecessarily burdensome. The alley created a hardship for the property owner due to the setback requirements only allowing a thing approximately five-foot (5') delineation between the north and south setback for storage area.
  - The hardship must be due to unique physical limitations of the property rather than the circumstance of the property owner. The property owner did not own the public right-of-way, as it was and is owned by the Village of New Auburn and is available for public use, which created the south property line and a requirement of the 25' setback. The northern property line has a 50' setback requirement as the adjacent property is zoned Residential. This alley cut right through the parcel / property of Triad Plastics.
  - The hardship cannot be self-created. The alley was not created by the property owner, but by the public good with public access behind properties of multiple different owners.

- The hardship cannot be based upon the financial gain or loss of the property owner. There was no financial gain or loss claimed by the property owner, nor was there any discussion by the Board beside a review of this criterium.
- The variance will not be contrary to the public interest. The spirit of the Ordinance shall be observed and substantial justice done. Based on the testimony and the input received by the Village, the Board believes this variance would not be contrary to the public interest, the Ordinance shall be observed and justice would be done.

5. **Adjourn.** At 5:26 p.m. motion by Jones and seconded by VACT Hanson to adjourn. Motion carried.

Signed:  \_\_\_\_\_  
Bradley J Hanson, Village Administrator-Clerk-Treasurer