

**Village of North Hudson  
Board of Zoning Appeals  
Tuesday, September 10, 2013 @ 7:00 p.m.  
Village Hall, 400 7<sup>th</sup> Street North  
Hudson, WI 54016**

**Minutes**

**Call to order: roll call**

Chairman Chuck Roberts called the meeting to order at 7:00 p.m. Answering the call were members Rod Anderson, Dave Brathal and Gary Hines. It was noted that member Mike Yell was absent. A quorum was present and the meeting had been duly noticed. Also in attendance was Village Clerk, Melissa Luedke.

**Approval of the minutes: August 20, 2012**

**MOTION (Hines/Brathal) to approve the August 20, 2012 meeting minutes as written. Motion carried. Roberts abstained.**

**Public Hearing – Jeff and Debra Badman, 925 Crown Ct N.**

**MOTION (Roberts/Hines) to open the public hearing at 7:03 p.m. Motion carried.**

Applicant Jeff and Debra Badman appeared with their son-in-law, Jeremy. Jeff Badman stated they are requesting to build a deck on their house and need a variance of 11 feet from the rear yard setback. Two (2) neighbors, Richard Durow at 925 Crown Court N and Robert Bardill at 915 Crown Court N and 900 6<sup>th</sup> Street N., sent in communication regarding the deck and are not opposed. Mr. Badman stated the deck will back up to the woods going off the West side of the house. The Badmans purchased the home about 1 ½ years ago and were not made aware of the variance requirement. The final dimensions of the deck would be 16 feet by 26 feet. The code requires a 25 foot setback which leaves them the ability to build a 5 foot deck without a variance. Mr. Badman stated the hardship of a 5 foot deck is that it would not be useable and it could hurt the resale of the house.

**MOTION (Hines/Anderson) to close the public hearing at 7:20 p.m. Motion carried.**

Hines stated that the 11 foot variance request is substantial and the hardship statement is modest. Hines stated there are three (3) criteria that must be met. The property at 900 6<sup>th</sup> Street N., owned by Bardill, is currently zoned commercial. Roberts stated that no objections received from neighbors is not reason enough to grant a variance. Hines read the definition for an area variance and the hardship requirement. Roberts stated the parcel is next to a commercial piece of property and building a deck is not going to harm the value of the commercial property. Hines stated that the criteria must be met to grant a variance and they need to be able to explain the reasoning for granting a variance. The applicants asked if a 12 foot deck would be reasonable with a variance of 7 feet. Hines stated a smaller deck may be a compromise to not be considered an extreme variance. Anderson stated he sees a hardship due to the shape of the parcel.

**MOTION (Hines/Brathal) to grant the variance on the condition that the dimensions of the requested deck width of 16 feet are reduced to a width of 12 feet which would result in a**

**variance of 7 feet.** Hines cited incremental relief based on site circumstances of the property. Anderson requested to amend the motion to consider and vote on the original request. Roberts stated that if the motion fails, the applicants could come back with a new variance request. Motion as presented recalled after further discussion. **MOTION (Anderson/Hines) to approve the current plans as presented. Motion failed on a roll call vote of 2-2. Anderson-yes, Brathal-yes, Hines-no, Roberts-no.** Roberts stated that the variance request has therefore been denied. Hines stated that if the applicants wished to re-apply, the same procedures would apply.

**Adjournment**

**MOTION (Hines/Brathal) to adjourn the meeting at 8:35 p.m. Motion carried.**

Respectfully submitted by,

Melissa Luedke  
Village Clerk