

ZONING BOARD OF APPEALS
November 11, 2024, 9:00 A.M.

Meeting called to order at 9:00a.m.by Charlotte Ignash.

Roll Call: Charlotte Ignash, Ken Rathje and James Smith.

Others Present: Secretary Kristen Maust, building and zoning inspector, Terry Kelly.

MOTION by Rathje and second by Smith to approve the minutes from the November 7, 2024 meeting, all ayes, **motion carried.**

MOTION made by Rathje and second by Smith to open public meeting, regarding file # 2024-03, for petitioner Matthew Fitzgerald, all ayes, **motion carried.**

Chairman Ignash read the variance request, File #2024-03, Matthew Fitzgerald petitioner:

Date application filed: **10-23-24**

Date Notice of Hearing mailed to petitioner: **10-23-24**

Notice of Hearing in Newspaper: **TRIBUNE** Date: **10-23-24**

Notice of Hearing to Utility Companies: **10-23-24**

Notice of Hearing to residents within 300' of site: **10-24-24**

Distributed to Board Members: **11-4-24**

Reading of Variance Request –

Matthew Fitzgerald is requesting a 4.5 ft. variance from the 25ft rear setback, to build and addition on his home, located at 6910 Stephens Dr. Parcel# 3253-726-025-00. Zoned residential.

Presentation by Petitioners –

Mr. Fitzgerald expressed the need for the addition to be built on his existing home. He loves the Caseville community and has been a part of the Stephens Drive neighborhood for several years. He and his wife plan to make this their permanent residence. He needs the added space for his family and guests.

Public Comments –

Lucy Koziel, a neighbor, said that Fitzgerald has a lot of history with the neighborhood and the community, and sees no problem with the addition.

Jenny Peyok, a neighbor and street administrator for their subdivision, has no problem with the addition and mentioned that Mike Tundo, the neighbor behind Fitzgerald also is in support.

Nick Sosnowski, a neighbor, knows Fitzgerald well, he was shown the plans for the addition and the addition would improve the homes appearance.

Rick Franz also is in support of addition.

Correspondence – Received letter of support by neighbor, Alex Legemann.

Board Member Comments-

James Smith asked Fitzgerald if they had a homeowner's association on Stephens Dr.

MOTION to close public meeting and resume regular meeting at 9:15 a.m., made by Smith and second by Rathje. All ayes, **motion carried.**

MOTION by Rathje and second from Smith to approve Matthew Fitzgerald for the 4.5 ft. variance from the 25ft setback, to build and addition on his home. All ayes, **motion carried**.

MOTION made by Smith and second by Rathje, to open public meeting regarding file# 2024-04, for petitioner, Michael Langenburg, on behalf of Langenburg Construction, **motion carried**.

Chairman Ignash read the variance request, File #2024-04, Michael Langenburg, petition

Date application filed: **10-24-24**

Date Notice of Hearing mailed to petitioner: **10-29-24**

Notice of Hearing in Newspaper: **TRIBUNE** Date: **10-27-24**

Notice of Hearing to Utility Companies: **10-29-24**

Notice of Hearing to residents within 300' of site: **10-29-24**

Distributed to Board Members: **11-4-24**

Reading of Variance Request –

Michael Langenburg, from Langenburg Construction, is requesting a variance from the provisions set forth in 1286.36 (d) and 1286.44 from front setback.
Parcel #3253-835-091-10. Zoned General Business.

Presentation by Petitioners –

Mr. Langenburg stated he turned all needed paper work for the needed permits to the building/zoning inspector, Kelly on October 1, 2024, and presented the committee with email documentation between him and Kelly. He said he has never had to wait this long for a permit. He was not aware of the setback ordinance, and proceeded to start the project without the proper permits pulled.

Public Comments –

Terry Kelly, building/zoning inspector, explained that Langenburg never paid for the proper permits and was instructed to submit a site plan before any action could be taken.

Jerry Wroblewski, on behalf of the Caseville Harbor Association, expressed concern about any glare from the solar panels that may affect the boaters in the harbor. He also asked why couldn't the panels be put on the roof of the building instead of the retaining wall.

Lou Johnson asked the location where the electricity is run to.

Correspondence –Received letter of support from Christopher Cristiano from Mariner's Cove Marina, LLC.

Board Member Comments-

James Smith states the retaining wall violates the setbacks and prior to Langenburg starting the project, he should have found out what permits needed to be pulled and if he met the setback requirements. He stated that Kelly has office hours and is available by phone to get those things addressed. He has major problem that Langenburg started without the proper steps. Smith has concerns for the city's future Riverside Park project, regarding the planting of trees in the future and whether or not that would

present a shadow or reflection from the solar panels. Smith asked how the committee can grant a variance without the proper permits being pulled.

Ken Rathje visited the location and said he did see a glare from the panels. He thinks they are an eye sore, and does not like the look of them and also has concerns for the future Riverside Park project. Charlotte Ignash explained that you cannot judge on the solar panels being an eye sore. Due to the project being started already, is not concerned about the setbacks at this point. Ignash asked Langenburg if he could provide research on any reflection or shadow study to show that this will not cause any future issues.

MOTION made by Smith and second by Ignash to close public meeting and resume regular meeting at 10:05 a.m. All ayes, **motion carried.**

MOTION made by Ignash and second by Rathje to approve the variance from provisions set forth in 1286.36 (d) and 1286.44 setback from front yard variance required (approximately a 15ft variance), to allow solar panels to existing retaining wall, located at 6525 Riverside Dr., requested by Michael Langenburg, providing Langenburg shows a reflection/shadow study and the future development of the city's, Riverside Park will not be limited by ordinance 1286.36 (d) (5). **Motion carried. 2-1. Smith opposed.**

MOTION made by Ignash and second by Smith to adjourn meeting at 10:10 a.m. All ayes, **motion carried.**



Kristen Maust, ZBOA Secretary