

CITY OF HORICON  
ZONING BOARD OF APPEALS  
CASE NO. 179 DECISION

Requested by Jason/Marie Fenske, 901 E. Lake Street, to erect a 6 feet x 20 feet deck with a front yard setback of 24 feet creating a 1 foot variance located in a R-1 Residential District.

DECISION: In view of the testimony given and the circumstances presented, the following variance was approved: open to erect a 6 feet x 20 feet deck with a front yard setback of 24 feet creating a 1 foot variance located in a R-1 Residential District at 901 E. Lake Street; Jason/Marie Fenske.

Per Section 13-1-194 of the Municipal Code of the City of Horicon, any person or persons aggrieved by any decision of the Board of Appeals may present to a court of records a petition, duly specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

Dated this 3rd day of September, 2020.

  
Daryl Levenhagen, Chairman  
City of Horicon  
Zoning Board of Appeals

ATTEST:



Chris Spilker, Secretary  
City of Horicon  
Zoning Board of Appeals

Filed: September 3, 2020

c: Jason/Maire Fenske, Property Owner  
Rob Froh, Building Inspector

The Horicon Zoning Board of Appeals met in Regular Session with Chairman Daryl Levenhagen presiding. The meeting was called to order at 4:30 p.m.

Members Present: Daryl Levenhagen, Dave Berggren, Craig Halsema, Dave Boersma, and Scott Giesen.

Members Absent: Ken Metzdorf.

Motion by Halsema, second by Berggren, to approve the Zoning Board of Appeals minutes from March 16, 2020.

Motion carried on a voice vote with no objections.

Chairman Levenhagen announced this was a Public Hearing requesting to erect a 6 feet x 20 feet deck with a front yard setback of 24 feet located in a R-1 Residential District at 901 E. Lake Street; Jason/Marie Fenske.

Levenhagen declared the Public Hearing open to erect a 6 feet x 20 feet deck with a front yard setback of 24 feet located in a R-1 Residential District at 901 E. Lake Street; Jason/Marie Fenske.

Dave Olson, Contractor, stated the deck will be in the front of the house and go straight out. Olson further stated he will be leaving the current landing and step and the deck will be built over the top of them and will not be seen once the deck is complete. Olson added the deck will be made with treated lumber and composite decking for easy maintenance.

Marie Fenske, property owner, stated the current step and landing is leaning and makes it difficult to step onto when going into the house.

Olson stated the step is currently not compliant because the step is a lot higher than what is allowed. Olson further stated with the property located on Highway 33 it will also add nice curb appeal.

Berggren questioned if the old step and landing will be seen when the deck is complete.

Olson stated the deck will cover the current step and landing and none of the existing landing and step will be seen once the deck is complete.

Berggren questioned if a roof will be added to the deck.

Fenske stated there is currently an awning and this is satisfactory for what they intend to use it for.

Olson stated it will look like a porch with the awning. Olson further stated the deck will have 3 steps and a handrail.

Scott Giesen stated he viewed the property and thought the plan was a good idea.

Dave Boersma questioned how high it will be off the ground and if there will be an outside railing.

Olson stated the deck will be 22 inches off the ground with stairs and landscaping.

Dave Boersma asked if it is a requirement to have a railing.

Olson stated a railing is only required when the deck is 24 inches off the ground but he is still installing one per the Fenke's request.

All interested individuals and/or their representatives were given an opportunity to be heard.

Levenhagen declared the Public Hearing closed.

Motion by Berggren, second by Halesma, to approve the request for a variance to erect a 6 feet x 20 feet deck with a front yard setback of 24 feet creating a 1 foot variance located in a R-1 Residential District at 901 E. Lake Street; Jason/Marie Fenske.

All voting AYE. Motion carried.

Non-Action Discussion: Dave Berggren questioned why the application was submitted on October 14, 2019 but the Variance Board did not meet until today to discuss.

Chris Spilker, Secretary, stated Rob Froh, Building Inspector, was working with Olson Builders and requested additional documentation before he could proceed.

Levenhagen asked if the Building Inspector has any leniency when a project is close to what is allowed in the City of Horicon.

Spilker explained that the ordinances do not allow for leniency and that the variance process is how to proceed when a design is presented and falls outside what is permitted.

Motion by Boersma, second by Halsema, to adjourn.  
Motion carried on a voice vote with no objections.

Meeting adjourned at 4:38 p.m.



---

Christine A. Spilker, Secretary