

MINUTES
CITY OF PLATTEVILLE ZONING BOARD OF APPEALS

July 18, 2022 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Joie Schoonover, Todd Kasper, Dana Niehaus, Gene Weber

ALTERNATE MEMBERS PRESENT: None

MEMBERS ABSENT: None

STAFF PRESENT: Joe Carroll (Community Development Director)

A regular Board of Appeals meeting was held at 7:00 p.m., July 18, 2022.

APPROVAL OF MINUTES:

Motion by Weber, second by Niehaus, to approve the minutes of the May 23, 2022 meeting. Motion approved.

VARIANCE REQUEST:

Barb Cook – 265 Second Street

Carroll introduced the variance request from Barb Cook who seeks permission to move the lot line between 265 N. Second Street and 135 E. Cedar Street that will result in a lot that will not be in conformance with Chapter 22.052(E) of the City of Platteville Municipal Code.

The applicant owns an existing single-family home at 135 E. Cedar Street. She would like to purchase some land from the property at 265 Second Street to increase the size of her lot. This change will result in the creation of a lot that is below the minimum requirements of the zoning ordinance.

The applicant's property at 135 E Cedar Street has an area of approximately 5,450 sq. ft. and has a width of 49.87 feet. Both of these dimensions are below the minimum lot size required for a single-family home in the R-2 district, so it is considered a legal-nonconforming lot. The property is also non-conforming due to the building setbacks being below the minimum.

The applicant would like to purchase some land from the property at 265 N. Second Street and increase the size of her lot. The area to be purchased would be approximately 1,469 sq. ft. The property at 265 N. Second Street is currently 6,996 sq. ft. in area and has a width of 66 ft. This lot meets the minimum size requirements of 6,000 sq. ft. of area and 60 ft. of width. However, reducing the size of this lot by 1,469 sq. ft. will reduce the size of the lot to 5,527 sq. ft., which is below the minimum lot size requirement, so the sale would create a non-conforming lot. The structure at 265 N. Second Street also currently meets the rear-yard setback requirement of 25 feet but will not meet this requirement with the new setback of 5 feet, so the structure will also become non-conforming.

Section 22.052(E) of the Zoning Ordinance requires all lots that are used as single-family dwellings to have a minimum of 6,000 square feet, but the proposed lot after the land sale would have an area of only 5,527 square feet. The rear-yard setback will be reduced from 26.5 feet to 5 feet, so it will no longer meet the minimum 25 ft. setback. Since the proposed lot will not meet the minimum area requirement of the zoning ordinance, and the minimum rear-yard setback, the applicant is requesting a variance to allow the creation of a non-conforming property.

Carroll addressed the three standards that must be considered for each variance request. He stated that it is questionable if the variance request meets all the standards needed for approval.

Applicant statement.

Barb Cook stated that she has been mowing and taking care of the property for years with the understanding that it was her property. She needs the space for her dog and to provide more distance from her house.

Public statements in favor.

Alison Schemerhorn, the owner of the property at 265 N. Second Street, spoke in favor of the variance. She was also under the assumption that the property was part of the applicant's property and not hers. She also confirmed that the applicant has been mowing and taking care of the property. She has no need for the property and agreed that the applicant needs the space for her dog.

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

There was consensus that this request is reasonable and would benefit both properties. This is a unique situation that will not have a negative impact on the neighborhood or the community.

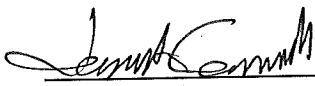
Motion by Kasper to approve the variance as presented. Second by Niehaus. Upon roll call vote, motion was approved 4-0.

The Findings of Fact were discussed:

Both property owners are agreeable to the variance and the land exchange.
The request will not have a negative impact on the neighborhood or the community.
The property has already been treated as if it is part of the applicant's property, and it looks like it is part of the property.
This is a unique situation, and the code requirements don't fit the situation.

ADJOURN:

Motion by Weber, second by Kasper, to adjourn. Motion carried unanimously.



Joe Carroll
Community Development Director

Approved: 8/15/2022