

MINUTES
CITY OF PLATTEVILLE ZONING BOARD OF APPEALS

March 18, 2024 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Dana Niehaus, Karen Lynch, Gene Weber, Todd Kasper
ALTERNATE MEMBERS PRESENT: John Zuehlke
MEMBERS ABSENT: Kevin Wunderlin
ALTERNATE MEMBERS ABSENT: None
STAFF PRESENT: Joe Carroll (Community Development Director), Ric Riniker (Building Inspector)

APPROVAL OF MINUTES:

Motion by Niehaus, second by Kasper, to approve the minutes of the September 18, 2023 meeting.
Motion approved.

VARIANCE REQUEST:

1035 Oakhaven Court – Mark and Amanda Witzig

Carroll introduced the variance request from Mark and Amanda Witzig who seek a variance regarding the setback of an existing deck stairs and building addition.

Mark and Amanda Witzig own and reside on the property at 1035 Oakhaven Court. They purchased the property in 2021. Randy and Dawn Jenny are in the process of constructing a home on the adjacent property at 185 W. Knollwood Way. They purchased their property sometime after 2021 when it was two vacant lots (155 and 185 W. Knollwood Way).

In November of 2023 a Certified Survey Map (CSM) was created to combine the two Jenny parcels into the current lot. The CSM provided information to indicate that a patio and deck located on the Witzig property extend across the property line onto the Jenny property. The patio, deck and a storage addition located under the deck were constructed by the previous owner sometime between 2015 and 2020 and were in existence at the time the Witzig's purchased the property. The deck improvements were made without a building permit and were constructed in violation of the zoning ordinance. The deck and storage addition located under the deck do not meet the required side-yard setback. The deck extends 1.4 feet onto the Jenny property. The Witzigs are proposing to remove a portion of the deck and are seeking a variance for the remaining deck stairs and building addition that do not conform to the required side-yard setback.

To achieve compliance with the zoning ordinance, the applicant is proposing to remove a portion of the deck so that it will be even with the back of the house and will no longer encroach onto the adjacent Jenny property. The remaining portion of the deck will meet the required setback, but they would like to keep the deck stairs, which will be closer than the required 5 feet. They would also like to keep the basement storage addition that is located under the deck. The variance request will be for the location of the deck stairs within the 5' setback (approximately 2.5 feet), and the location of the storage addition within the 10' setback (approximately 5.5 feet). No changes are proposed for the patio.

From a legal perspective there is some question if the applicable standards have been met, but Staff believes a variance is warranted. If the Board agrees, the variance should be approved.

Applicant statement.

Mark Witzig provided more information regarding the request. They have begun talking to contractors regarding the removal of a portion of the deck. They would like to maintain the stairs to maintain access from the ground to the deck, but if needed the stairs could be removed. He informed the Board that they were not aware of the encroachment when they purchased the property and were fortunate to notice the patio encroachment right before the closing. The easement was drafted at the last minute after they noticed the location of the patio, but since the deck was not known to be an issue, that was not included in the easement.

After a question from the Board, he described the attempts to resolve the issue with the adjacent property owners, but no agreement was reached.

Public statements in favor. None

Public statements against.

Dawn Jenny spoke against the request as the owner of the adjacent property where the current encroachment exists. They would like to have all the improvements that were installed illegally be removed and brought into compliance with the zoning requirements. The improvements were installed without a building permit and in violation of the ordinance, so they shouldn't be allowed to remain.

She provided some information regarding the attempts between them and the Witzig's and City staff to find a resolution to the issue, but the two property owners couldn't come to an agreement.

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

The Board discussed the matter and questioned the owners regarding possibilities to find a resolution to the problem. The Board recognizes that the problem was created by the previous property owner and both of the current owners are not responsible for the issue and are victims of the situation. They appreciate the Witzig's decision to move forward with removing part of the deck in an attempt to improve the situation. Consensus of the Board is that the variance request is reasonable and seems to be a good solution to an unusual problem.

Motion by Kasper to approve the variance. Second by Niehaus. Motion was approved 5-0.

The Findings of Fact

The Witzigs face an unnecessary burden due to the potential loss of the deck, stairs, and storage room based on a situation they didn't create.

The improvements have been there for several years and have not previously been an issue for the neighborhood.

This is a unique situation because the violation was created by the previous owner without knowledge of the City or either of the current owners.

450 N. Court Street – Platteville Fire Department

Carroll introduced the variance request from the Platteville Fire Department who seeks a variance regarding the side yard setback for the proposed new fire station.

In 2021 the City acquired the former OE Gray School property from the Platteville School District. The Council has identified this property as the future location of a new fire station. The existing school building will be demolished and replaced with a new building. Several options to locate the building on this site have been investigated to determine the best building and site layout. Acquisition of additional property at 220 W. Adams Street is also being pursued to provide adequate space and access.

The new building is being proposed to replace the current fire station located at 275 E. Main Street. The current building is outdated in many respects but has a primary issue with lack of space for the trucks and also lack of space for the administration and support activities. The proposed building will include an apparatus bay area, equipment storage, and areas for decontamination, gear cleaning, communication, offices, and a large training/community space – all on the main floor. The exterior site improvements will include parking for personnel when responding to fires, public parking for the community room, a stormwater detention area, exterior training space, and the exit and entrance drives for the apparatus bay. The property has frontage on Adams Street, Court Street, Lewis Street and Elm Street. The property slopes from the southeast corner to the northwest corner, with the flattest portion of the lot being to the east and south.

The building is still in the final design stage, so some modifications may yet occur. However, as proposed, the building will be 6'-1" from the nearest lot line along the western interior boundary of the property. Section 22.054(E) of the Zoning Ordinance requires a minimum side-yard setback of 15 feet, with a greater setback required for taller buildings (1 foot for each foot of building height). The height of the building at that location is currently 25'-4", which requires a setback of 25'-4". The designers are working on some modifications that will reduce the building width (approximately 4') and resulting setback, and that will reduce the building height (approximately 2'), which will reduce the required setback. Based on these potential changes, the current plan should be considered the worst-case scenario. The proposed setback of 6'-1" does not meet the required setback, so the Fire Department is requesting a variance to allow the closer setback.

Applicant statement.

Chief Simmons was available to answer any questions the Board may have.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. Carroll mentioned that all the nearby property owners were notified of the request, but none have come forward to make any comments either for or against the request.

Board Discussion.

The Board recognized the need to have the building located where it is proposed. Since none of the neighbors have come forward to express any concerns, it appears that there are not impacts that need to be considered.

Motion by Weber to approve the variance. Second by Lynch. Motion was approved 5-0.

The Findings of Fact

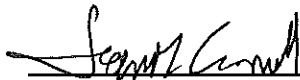
The variance is necessary to locate the building where proper fire truck access can be provided.

No concerns have been expressed by the neighbors, so there must not be any significant public impact.

The project is necessary for the benefit of the community.

ADJOURN:

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



Joe Carroll, Community Development Director

Approved: 4/15/2024