BOARD OF APPEALS
OF THE CITY OF PLATTEVILLE

Monday, December 16, 2019 at 7:00 p.m.
Council Chambers - City Hall
75 North Bonson Street
Platteville, Wisconsin 53818

AGENDA

1. Roll Call

2. Approve Minutes: August 19, 2019

3. Motion:

   1. Staff Presentation
   2. Applicant Statement
   3. Public Statements in Favor
   4. Public Statements Against
   5. Public Statements in General
   6. Applicant Rebuttal
   7. Board of Appeals Discussion
   8. Board of Appeals Action
   9. Findings of Fact

   A. Variance: 620 Boldt Street – Judy Baker (BA19-VA04-04)

4. Adjournment

If your attendance requires special accommodation needs, write or call City Manager, P.O. Box 780, Platteville, Wisconsin 53818, (608)348-9741; for TDD accessibility (608)348-2313.
MINUTES
CITY OF PLATTEVILLE ZONING BOARD OF APPEALS
August 19, 2019 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Michael Knautz, Tom Lindahl, Mary Miller, Mike Osterholz
ALTERNATE MEMBERS PRESENT: None
MEMBERS ABSENT: Robin Cline
STAFF PRESENT: Joe Carroll (Community Development Director), Ric Riniker (Building Inspector)

A regular Board of Appeals meeting was held at 7:00 p.m., August 19, 2019 in the Council Chambers of the Municipal Building. Let the records show that the meeting was properly posted according to the Open Meeting Law.

APPROVAL OF MINUTES:
Motion by Knautz, second by Miller, to approve the minutes of the June 17, 2019 meeting as presented. Motion carried unanimously.

VARIANCE REQUEST: 315 Lutheran Street

Board member Lindahl introduced the variance request of Joan Schnepper who seeks permission to relocate the northern lot line of the property to within 10 feet of the building. The proposed change would require a variance from Chapter 22.052(E) of the City of Platteville Municipal Code.

Joe Carroll gave the staff report. The applicant owns an existing single-family home at 315 Lutheran Street and an adjacent property at 305 Lutheran Street. The owner recently received approval to re-divide the properties to reconfigure the lot line between the two parcels. When surveying the property, it was discovered that an existing fence on the south side of the property at 345 Lutheran Street encroaches onto the 315 Lutheran Street property.

The applicant would like to deed a portion of the 315 Lutheran Street property to the neighbor so that their fence is on their property. The amount of property to be deeded is approximately 784 sq. ft. The property size would be reduced to approximately 9,915 sq. ft., which still meets the minimum size requirements of the zoning ordinance. However, the lot line will now be approximately 7.25 feet from the house, which is closer than the required 10 minimum setback. The applicant is requesting a variance to allow this reduced setback.

Joe 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. However, the change would eliminate a non-conforming encroachment with the fence, so the request is worthy of consideration for approval.

Lindahl asked how long the fence has been there. The applicant stated that the fence was installed 8 years ago.

The applicant statement was made by Joan Schnepper. She stated that the required setback from the property line is adequate for most of the property adjacent the house, but there is a slight curve in the fence that results in it getting closer than 10 feet. Both property owners thought the fence was correct when it was installed. The neighborhood has lots of properties that are unusually shaped, and the lot angles are different than the house angles. Making this change would match where everyone already assumed the lot line was located.
The neighbors to the north, Chris and Hannah Coder, mentioned they assumed the fence was located on the lot line when they installed it. They are in favor of the request.

No public statements against.

No public statements in general.

The Board discussed the proposed project. No concerns were identified.

Motion by Miller to approve the variance for the property at 315 Lutheran Street as requested. Second by Osterholz. Upon roll call vote, motion was approved 4 - 0.

The Findings of Fact were discussed:

Due to the location of the house being at an angle to the lot line, it is difficult to install a fence that is appropriately located.

The fence is only closer at one corner, not along the entire length of the house.

There should be no negative impact on the community.

Most people would assume that the fence is already the lot line.

**ADJOURN:**

Motion by Knautz, second by Osterholz, to adjourn. Motion carried unanimously.

Joe Carroll  
Community Development Director  Approved: ____________________
STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department
Date: December 16, 2019
Re: Variance from Zoning Ordinance
Case #: BA19-VA04-04

Request: Variance from Section 22.052(E) of the Zoning Ordinance regarding the minimum street yard setback.

Applicant: Judy Baker
Location: 620 Boldt Street

Surrounding Uses and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
<th>Comprehensive Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property in Question</td>
<td>Single-family Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>North</td>
<td>Single-family Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Single-family Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>East</td>
<td>Single-family Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single-family Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
</tbody>
</table>

BACKGROUND

1. The applicant is considering purchasing an existing single-family home at 620 Boldt Street. The applicant would like to build a porch onto the front of the house that does not meet the required street-yard setback.

PROJECT DESCRIPTION

2. The house currently has an open concrete porch that extends 6’ from the front of the house facing Boldt Street. The house itself is approximately 30’ from the curb and 21’-6” from the front lot line. The existing porch is approximately 15’-6” from the front lot line.

3. The applicant would like to construct a larger covered porch that would still extend 6’ from the house but would be 24’ wide instead of the existing 8’ wide.
4. The existing house is a legal non-conforming structure regarding the setback because it is 21'-6" from the lot line rather than the required 25'. The existing porch is legal because it is an uncovered concrete slab and only needs to be 15' from the lot line. A covered porch must meet the required 25' setback the same as the principle structure. The proposed porch would require a variance since it would be 15'-6" feet from the lot line rather than the required setback of 25'.

STAFF ANALYSIS

5. As with any variance request, there are three standards that must be considered. The first standard requires the applicant to show that a strict application of the dimensional standards in the Zoning Ordinance would lead to an unnecessary hardship. The Wisconsin State Supreme Court has determined that a hardship exists only when the applicant can show that the regulations would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. There is an existing house on the lot that is currently being used, and that can continue to be used. The house has a porch to provide access to the house, but the issue is the enlargement of the porch and covering it with a roof. The inability to enlarge and cover the porch does not appear to meet the legal hardship.

6. The second standard requires the applicant to show that the hardship is due to some unique feature of the property, such as an odd shape or the presence of natural features. The lot is similar in size and shape to the other parcels in that part of the City. Most of the houses on the street have a similar setback. It appears that the uniqueness standard has not been met.

7. The third standard requires the applicant to show that the variance, if granted, will not have a negative impact on the public interest. Most of the other homes in that neighborhood are also closer to the street than the required 25', and two appear to be less than the proposed 15'-6". The proposed porch would improve the appearance of the house and improve the value of the property. Overall, the proposed construction should have little impact on the general public. It is questionable if the third standard has been met for the variance request.

STAFF RECOMMENDATION

8. It is questionable if this request meets all of the standards needed for approval. If the Board feels the standards have not been met, then the variance should be denied.

9. There is a precedent for this request. Similar variances were approved in 2016 for the property at 700 N. Court Street and in 2018 for the property at 715 Sickle Street. Those variances were for uncovered porches, but they both involved enlarging a front deck/porch facing the street and that didn’t meet the street yard setback.

ATTACHMENTS:
1. Application
2. Location Map
3. Site Map
4. Site Photos
APPLICATION TO THE
BOARD OF APPEALS
CITY OF PLATTEVILLE, WISCONSIN

General Information (please type or print clearly)

<table>
<thead>
<tr>
<th>Applicant/Agent</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judy L. Baker</td>
<td>Richard J. Long</td>
</tr>
<tr>
<td>902 N. High Point Rd.</td>
<td>200 Lutjen, Platteville, WI 53818</td>
</tr>
<tr>
<td>Madison, WI 53717</td>
<td></td>
</tr>
<tr>
<td>608-642-1405</td>
<td>848-6359</td>
</tr>
<tr>
<td><a href="mailto:jlbaker1111@gmail.com">jlbaker1111@gmail.com</a></td>
<td></td>
</tr>
</tbody>
</table>

Type of Request: [X] Variance from Code Requirements
[ ] Appeal of Administrative Decision

Property Information (Attach additional sheets if necessary)

Address of Property in Question: 620 Boldt Street, Platteville, WI

Legal Description: Lot 12 of Queen Ann Hill Addition
(See attached quit claim deed copy)

Current Use and Improvements: Property has been empty for 1/2 years

Proposed Use and Improvements: Owner has accepted my offer to purchase this vacant property which will be my primary residence. However, my offer is contingent on a variance code approved for a covered portico/porch on the southside entrance measuring 6' deep by 24' long as an addition.

Dimensions: Required Requested

<table>
<thead>
<tr>
<th>Street Yard from curb</th>
<th>30' approx.</th>
<th>6 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left Side Yard</td>
<td>ft.</td>
<td>ft.</td>
</tr>
<tr>
<td>Right Side Yard</td>
<td>ft.</td>
<td>ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>ft.</td>
<td>ft.</td>
</tr>
<tr>
<td>Area</td>
<td>sq. ft.</td>
<td>sq. ft.</td>
</tr>
</tbody>
</table>

Is this a corner lot? [X] YES  [ ] NO

Zoning District: [R-2]

Code Reference (Section No.): 22.052(E)

OFFICE USE ONLY

Date Application Filed: 11/21/19

File Number: 6A19-VA04-04

Fee Paid/Receipt #: 13-022-F62

Board of Appeals Action & Date: 12/16/19

Conditions:  
Justification for the Request (Attach additional sheets if necessary)

APPEAL OF AN ADMINISTRATIVE DECISION: Provide a description of your appeal.

City official(s) who made the decision you are appealing:

Decision of official(s):

Describe your appeal:

VARIANCE: State in the spaces below how your variance request conforms to the Three Standards Test as described in the attached Q&A document. Attach a separate sheet if necessary.

1) Unnecessary Hardship is present because small affordable one-story homes are difficult to find available in Platteville. This home has 1,688 sq ft and a sustainable size for me, as a single 67-year-old senior to maintain. I formally have an accepted offer to purchase it, but also renovation bid estimates from several local Platteville businesses to complete the necessary updates in and around this currently vacant home. A covered portico porch '6'x24' will provide cover and weather protection as well as save on energy bills. (See photos and design.)

2) The hardship is due to unique features of the property in that the house is approximately 30 ft from the curb on Boldt Street. The current entry door and living room windows are weather damaged/rotted and the old awning covers up nearly half the outside view from the living room. This current entry provides no cover for myself or visitors and no protection from damaging sun, rain, and Wisconsin winters. I plan to replace the entry door and windows but they need protection from weather damage. This addition will add outdoor living space to this small home.

3) The variance will not be contrary to the public interest because the portico/porch will provide family, friends, neighbors, and visitors with cheer-from our ever-changing weather, add outdoor living space to this small home, improve the aesthetic value of the home, and add tax revenue to the city of Platteville.

Signatures
The undersigned person(s) hereby give notice to the Board of Zoning Appeals of the City of Platteville, Wisconsin, of an appeal and/or request for a variance.

APPELLANT: Judy L. Baker DATE: 11/21/2019
APPELLANT: DATE:
House entry is approximately 30' from curb. Portico/porch to be 6' deep x 24' long (as outlined above).

This is 6'. Porch/portico would be 6' as deep as the current cement step.