# BOARD OF APPEALS
OF THE CITY OF PLATTEVILLE

Monday, January 20, 2020 at 7:00 p.m.
Council Chambers - City Hall
75 North Bonson Street
Platteville, Wisconsin 53818

# AGENDA

1. Roll Call

2. Approve Minutes: December 16, 2019

3. Motion:

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

9. Findings of Fact

A. Variance: 140 Lutjen Place – Laurie Baker & Keven Aide (BA20-VA01-01)
B. Variance: 300 S. Water Street – Ben Reeves (BA20-VA02-02)

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
December 16, 2019 at 7:00 p.m.
Council Chambers at City Hall

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

A regular Board of Appeals meeting was held at 7:00 p.m., December 16, 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 Osterholz, to approve the minutes of the August 19, 2019 meeting as presented. Motion carried unanimously.

VARIANCE REQUEST: 620 Boldt Street

Board member Miller introduced the variance request of Judy Baker who seeks permission to construct a porch addition onto the front of the house that will be less than 25 feet to the lot line. 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 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. 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. 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. 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'.

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.

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.

The applicant statement was made by Judy Baker. She stated that the house has been empty for 1-1/2 years. In addition to the porch, she wants to replace the windows and doors and complete other improvements. The porch is desired to protect the house from the sun and the entrance from the weather, and reduce the air-conditioning expenses. She will be living in the house. In response to a question, she stated that the porch will be framed with a Trex decking, not concrete.

No public statements against.
No public statements in general.

The Board discussed the proposed project. The members liked that someone will be moving into the house and completing some improvements. The porch will improve the appearance of the property. The style of the porch fits the house and the neighborhood.

Motion by Osterholz to approve the variance for the property at 620 Boldt Street as requested. Second by Knautze. Upon roll call vote, motion was approved 5 - 0.

The Findings of Fact were discussed:

The project will improve the house and the neighborhood.
The existing porch already extends out 6 feet from the house.
There will be no negative impact on the adjoining properties or the neighborhood.
It will be better for the community to have the house improved and occupied.

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: January 20, 2020
Re: Variance from Zoning Ordinance
Case #: BA20-VA01-01

Request: Variance from Section 22.04(B) of the Zoning Ordinance regarding the size of accessory structures.

Applicant: Laurie Baker & Kevin Aide
Location: 140 Lutjen Place

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>Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>North</td>
<td>Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>East</td>
<td>Centurylink</td>
<td>M-1</td>
<td>Mixed Use</td>
</tr>
<tr>
<td>West</td>
<td>Neal Wilkins School</td>
<td>I-1</td>
<td>Institutional</td>
</tr>
</tbody>
</table>

BACKGROUND

1. The property at 140 Lutjen Place contains a single-family home, a garage and a storage shed. The applicant would like to construct an addition onto the garage which would result in the property exceeding the maximum area for accessory structures allowed by the zoning ordinance.

PROJECT DESCRIPTION

2. The property has an existing garage that is 32’ x 36’ in size (1,152 sq. ft.), and there is also an existing shed that is 8’ x 10’ in size (80 sq. ft.), which results in a total area for the accessory structures of 1,232 sq. ft. The applicant would like to construct a 24’ x 36’ (864 sq. ft.) addition onto the west side (rear) of the garage. Including the size of the addition, the total area of accessory structures on the property would be 2,096 sq. ft.

3. Section 22.04(B) of the zoning ordinance limits the area of accessory structures to a maximum of 1,200 sq. ft., so the total of the existing structures already exceeds this amount (1,232 sq. ft.). The addition would put the area of the accessory buildings at approximately 2,096 sq. ft.
STAFF ANALYSIS

4. 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. The property currently has an existing single-family use that can continue. Although the size of the current accessory buildings on the property are non-conforming, it is still legal to continue to use them. It does not appear that the first standard has been met for the variance request.

5. 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 relatively large (approximately 0.59 acres) for a single-family residential lot in the City. There are large accessory buildings on some of the adjacent properties, including some commercial structures to the east and some residential storage structures to the south and east. However, it is questionable if this meets the uniqueness standard.

6. The third standard requires the applicant to show that the variance, if granted, will not have a negative impact on the public interest. The primary impact of the project will be to the neighboring properties to the west and south based on the location of the building. The existing building is approximately 72’ from the west lot line, and a minimum of 30’ from the south lot line, so there will still be a significant setback after the addition. The addition is to the rear of the existing building, so will not be readily visible from the street. Overall, there should be no significant negative impact on the public. Again, it is questionable if the third standard has been met for the variance request.

STAFF RECOMMENDATION

7. It is questionable if the variance meets all the standards needed for approval; therefore, the variance should be denied.

The above constitutes the opinion and report of the Community Planning and Development Department.

ATTACHMENTS:

1. Application
2. Location Maps
3. Building Site Sketch
## General Information

<table>
<thead>
<tr>
<th>Applicant/Agent</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laurie Boiken, Kevin Aide</td>
<td>Same</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
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</thead>
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<tr>
<td>140 Lutjen pl</td>
<td>778-4000 57490a2</td>
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</tr>
</tbody>
</table>

**Type of Request:**
- [x] Variance from Code Requirements
- [ ] Appeal of Administrative Decision

## Property Information

**Address of Property in Question:** 140 Lutjen pl, Platteville, WI

**Legal Description:**

Current Use and Improvements: **SINGLE-FAMILY RESIDENTIAL**

Proposed Use and Improvements: **SAME WITH LARGER GARAGE**

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Required</th>
<th>Requested</th>
<th>Is this a corner lot?</th>
<th>Zoning District</th>
<th>Code Reference (Section No.)</th>
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<td>ft.</td>
<td>ft.</td>
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<td>R-2</td>
<td>22.02.CH(1)</td>
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<tr>
<td>Left Side Yard</td>
<td>ft.</td>
<td>ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Yard</td>
<td>ft.</td>
<td>ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>ft.</td>
<td>ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>sq. ft.</td>
<td>sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td>SIZE OF ACESSARY STRUCTURE</td>
<td></td>
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</tr>
</tbody>
</table>
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...

I am 55 years old; moved from my Home in Montfort after we got married in July of 2018. We would like to move my belongings to my new home in Platteville. Laurie and I have accumulated a lot in 55 years and we need the room to store our belongings.

2) The hardship is due to unique features of the property in that...

We would like to build on the West End of our Garage. The school has an empty lot to the west. The Addition would be noticeable from either Street (East Side) because it will be straight west. We have 72 feet on the West End of the Addition and 30 feet on the South, 22 on the North.

3) The variance will not be contrary to the public interest because...

Our neighbor has a large shed to the South. Our Addition will be across from that. It is not the view from the north. There is an empty School lot to the west. Century Link has two large buildings to the East. It shouldn't be that much out of place.

Thank you.

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: [Signature] DATE: 1/8/2020
APPELLANT: [Signature] DATE: 1/8/2020
STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department
Date: January 20, 2020
Re: Variance from Zoning Ordinance
Case #: BA20-VA02-02

Request: Variance from Section 22.11(G)(5) of the Zoning Ordinance regarding the size of an electronic sign.

Applicant: Ben Reeves

Location: 300 S. Water Street – Edward Jones/Nutrition World

Surrounding Uses and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
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<td>Business</td>
<td>B-2</td>
<td>Mixed Use</td>
</tr>
<tr>
<td>North</td>
<td>Business</td>
<td>B-2</td>
<td>Mixed Use</td>
</tr>
<tr>
<td>South</td>
<td>Business</td>
<td>B-3</td>
<td>Business</td>
</tr>
<tr>
<td>East</td>
<td>Business</td>
<td>R-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>West</td>
<td>Business</td>
<td>B-2</td>
<td>Mixed Use</td>
</tr>
</tbody>
</table>

BACKGROUND

1. The property currently has a 4’-8” x 8’ changeable-copy freestanding sign near the corner of Water Street and Alden Avenue. The applicant would like to replace the sign with a new electronic sign that exceeds the area allowed by the zoning ordinance.

PROJECT DESCRIPTION

2. The proposed sign would be a 5’ x 8’ LED digital sign that would be mounted on a pole and located at a similar location to the existing sign. The actual sign location will be dependent upon the location of existing sewer mains but will be located to meet the ordinance requirements. The 40 sq. ft. area of the proposed sign exceeds the maximum area of 35 sq. ft. allowed for electronic signs in the B-2 district.

STAFF ANALYSIS

3. 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. The applicant is allowed a slightly smaller sign than what is requested. Is the difference between the desired sign area and the allowed sign area critical to the operation of the businesses on this property, or create an unnecessary burden? Staff does not believe that to be the case. The ordinance does not prevent the applicant from installing signage or using the property for the desired use. For these reasons, a hardship is not present, and the first standard is not met for the variance request.

4. 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 property does not have a unique physical characteristic that impacts the signage. It doesn’t appear that the uniqueness standard has been met for the variance request.

5. The third standard requires the applicant to show that the variance, if granted, will not have a negative impact on the public interest. Due to the similarity between the size of the existing sign and the proposed sign, the request should not have a negative impact on the general public. In addition, the proposed sign will be located higher above the ground, which will impact visibility less than the existing sign; therefore, the third standard has been met for the variance request.

STAFF RECOMMENDATION

6. Variance requests must meet all three standards of the Three Standards Test; however, it is questionable that the variance meets all the standards. If the Board decides the request fails to meet the legal standards needed for approval, the variance should be denied.

The above constitutes the opinion and report of the Community Planning and Development Department.

ATTACHMENTS:

1. Application
2. Location Map
3. Sign Details
APPLICATION TO THE
BOARD OF APPEALS
CITY OF PLATTEVILLE, WISCONSIN

General Information (please type or print clearly)

<table>
<thead>
<tr>
<th>Applicant/Agent</th>
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<tbody>
<tr>
<td>Name</td>
<td>Name</td>
</tr>
<tr>
<td></td>
<td>BEN REEVES</td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>300 S. Water St</td>
<td>300 S. Water St</td>
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<tr>
<td>Phone</td>
<td>Phone</td>
</tr>
<tr>
<td>608-642-7711</td>
<td>608-642-7711</td>
</tr>
<tr>
<td>Fax</td>
<td>Fax</td>
</tr>
<tr>
<td>888-267-2119</td>
<td>888-267-2119</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: 300, 330, 360 S. Water St, Platteville, WI

Legal Description: Former Kwik Trip — Now Edward Jones and Nutrition World

Current Use and Improvements: Three unit strip mall — retail and office

Proposed Use and Improvements: Replace existing 4'8" by 8' letter/arrow sign with a 5'x8' LED digital sign. That will be 55sf larger (405sf) than B-2 normal maximum for electronic signs (35 sf). Slightly larger sign will offset placement further from streets for better and safer visibility for traffic on corner of Water and Alden Streets.

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</tr>
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<td>Area</td>
<td>sq. ft.</td>
<td>sq. ft.</td>
</tr>
</tbody>
</table>

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

Zoning District: B-2

Code Reference (Section No.): 22.11 (G)(5)

OFFICE USE ONLY
Date Application Filed: 1/9/2020
File Number: ___________________________
Fee Paid/Receipt #: ______________________
Board of Appeals Action & Date: __________________________
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... We are asking to increase the maximum area of the electronic message from 35 sf to 40 sf to accommodate a 5' x 8' digital message center. Because we are voluntarily setting the sign back from the corner so far to increase visibility at the Water and Alden St intersection, the smaller 35' sign would be less readable.

2) The hardship is due to **unique features of the property** in that... Although we are zoned B2 which I believe means we could have zero setback, I have voluntarily kept building and sign back from Water St and Alden St to maximize visibility and safety. But, that makes signage harder to see when further than required from streets.

3) The variance will not be **contrary to the public interest** because... We are only increasing the maximum allowed by 5sf while leaving even better visibility than there currently is with our arrow/letter sign because we are using pylon sign where bottom of sign is seven feet above grade vs. 12 feet above grade with current letter sign. I also intend to intersperse uplifting phrases with marketing messages (e.g. Gratefulness is uplifting all year long; "Thank you, emergency services personnel—you are appreciated!"). Thank you, Veterans for your sacrifices and our freedoms!

**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:** Ben Reeves  
**DATE:** 1/9/2020

**APPELLANT:**  
**DATE:**  
-90.476 42.730 Degrees
**TRONIC DISPLAY SPECIFICATIONS:**

* Manufacture and install (1) D/F pylon sign with EMC as shown.

Skin & Bones construction, .063" aluminum skin, 1 1/2" x 1 1/2" x 3/16" aluminum ingle skeleton structure, prepped and painted to match PMS 439C.

* W x 60" H Desay digital display with a matrix of 140x224.

*絕: 6" steel support tube directly embedded into formed and finished concrete base.

* 9Volt, UL Listed & Labeled, power supplies mounted inside of cabinet.

* to be provided by customer.