BOARD OF APPEALS
OF THE CITY OF PLATTEVILLE

Monday, March 16, 2020 at 7:00 p.m.
Council Chambers - City Hall
75 North Bonson Street
Platteville, Wisconsin 53818

AGENDA

1. Roll Call

2. Approve Minutes: February 17, 2020

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: 115 E. Business Highway 151 – Casey’s Marketing Company (BA20-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
February 17, 2020 at 7:00 p.m.
Council Chambers at City Hall

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

A regular Board of Appeals meeting was held at 7:00 p.m., February 17, 2020 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 Cline, to approve the minutes of the December 16, 2019 meeting as presented. Motion carried unanimously.

VARIANCE REQUEST: 140 Lutjen Place

Board member Miller introduced the variance request of Laurie Baker and Kevin Aide who seek permission to construct an addition onto the back of the garage that will exceed the maximum area allowed by the zoning ordinance. The proposed change would require a variance from Chapter 22.04(B) of the City of Platteville Municipal Code.

Joe Carroll gave the staff report. 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. 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.).

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.

The applicant statement was made by Laurie Baker and Kevin Aide. The applicants mentioned that they have tools, vehicles and equipment that will not fit in the existing garage and storage building. They looked into renting storage units, but that would be too expensive and not convenient. They currently have some materials on trailers that they borrowed from friends, which are located on the property. If they could put the materials inside the building, it would improve the appearance of the property. The larger building would also increase the tax base for the City.

There was a question related to the height of the roof for the addition. The applicant stated that the new roof would be approximately 1 foot higher than the existing roof.

There was a question regarding if the building would be used for a business or home occupation. The applicant stated that was not the case for either. The building would only be used for their own uses and to work on their own vehicles.

No public statements in favor.
No public statements against.

No public statements in general.

The Board discussed the proposed project. There was consensus that it made sense to place the materials inside the garage. That would look better than having vehicles and equipment outside. The large lot can accommodate a larger building, and there would still be plenty of open space and grass for appearance and to absorb the storm water.

Motion by Knautz to approve the variance for the property at 140 Lutjen Place as requested, with the condition that the roof for the garage addition not exceed 2 feet above the existing garage roof. Second by Miller. Upon roll call vote, motion was approved 4 - 0.

**VARIANCE REQUEST: 300 S. Water Street**

Board member Miller introduced the variance request of Ben Reeves who seeks permission to install a new digital sign that will exceed the maximum area allowed by the zoning ordinance. The proposed change would require a variance from Chapter 22.11(G)(5) of the City of Platteville Municipal Code.

Joe Carroll gave the staff report. 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. 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.

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.

The applicant statement was made by Ben Reeves. He mentioned that the sign would primarily be for the health store, but would occasionally have messages for the Edward Jones business and some community messages. The bottom of the sign would be 7 feet above the ground, and it would be located so there would be good visibility. There would also be plantings at the base of the sign, so the project would improve the appearance of the property.

Rick Brunton from JNB signs spoke in favor of the request. He explained that digital signs are built in increments of 12" – both height and width, so it is difficult to make minor adjustments in the sign area. This would make it difficult to change size of the sign from 40 sq. ft. to 35 sq. ft. Signage is very important for the viability of businesses.

No public statements against.

No public statements in general.

The Board discussed the proposed project. There was consensus that the sign would be more attractive than the existing sign, and the new sign would improve the appearance of the property. Most people wouldn't notice the size difference.

Motion by Knautz to approve the variance for the property at 300 S. Water Street as requested. Second by Cline. Upon roll call vote, motion was approved 4 - 0.
VARIANCE REQUEST:  355 Enterprise Drive/1590 Vision Drive

Board member Miller introduced the variance request of Bill Breuer who seeks permission to install a parking lot on a portion of the property at 1590 Vision Drive and 355 Enterprise Drive that is not hard-surfaced as required by Chapter 22.09(C).

Joe Carroll gave the staff report. The applicant is interested in purchasing the building at 355 Enterprise Drive. The building is vacant but was most recently used as the location for the Timmernans Supply business. The applicant would use the building for the B&M Auto Tire & Towing business. The applicant would also like to purchase part of the vacant lot at 1590 Vision Drive. Part of this lot is located just to the east and is owned by the City. This land would be used as a secure storage area and impound area for the towing business.

The property contains an existing building and paved parking area. The applicant would like to use the existing building for auto repair, tire service and office space, and the existing parking lot would be for customer and employee parking. The applicant would like to purchase additional vacant land to the east of the property for use as a vehicle storage area and impound lot for the towing business. The zoning ordinance requires vehicle parking areas to have a hard surface of asphalt, concrete, concrete pavers, or similar surface. Gravel or crushed stone doesn't meet this requirement. The applicant would like the surface of this vehicle storage and impound area to be gravel, so the request is for a variance from this requirement.

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.

The applicant statement was made by Bill Breuer. He described how the hard surfaced parking lots can become damaged when towing and moving damaged vehicles. The fluids from the vehicles can damage the surface. A gravel surface is much easier to repair and maintain that a concrete or asphalt surface. There will be a fence around the vehicle storage area to provide security. There will also be a storm water detention area on the site.

There was a question regarding the existing parking lot. Mr. Breuer mentioned that the lot is too small. He needed space to maneuver the larger vehicles when pulling them onto the lot, and also space to store the vehicles. Sometimes it takes several months for the paperwork to clear before the vehicles can be disposed of permanently. He also occasionally waits until scrap prices rise before removing the vehicles.

No public statements in favor.

No public statements against.

No public statements in general.

The Board discussed the proposed project. The Board mentioned that the storage area would not be readily visible. The storm water detention area and the fencing should improve the situation.

Motion by Cline to approve the variance for the property at 355 Enterprise Drive/1590 Vision Drive as requested. Second by Knautz. Upon roll call vote, motion was approved 4 - 0.
The Findings of Fact were discussed:

140 Lutjen Place:
Placing the items inside a building would clean up the property and improve the appearance. The large size of the property was unique and can accommodate a larger building. The addition would not be readily visible. There should be no negative impacts.

300 S. Water Street:
The new sign and landscaping would be better looking than the existing sign and will improve the appearance of the property. This is a replacement sign for a similarly sized sign, not an additional sign. There should be no negative impacts.

355 Enterprise Drive/1590 Vision Drive:
The parking and storage area is necessary for the business. There should be no negative impact on the area – there are other gravel parking areas nearby. The fencing and storm water detention will help with the concerns.

ADJOURN:
Motion by Schoonover, second by Knautz, to adjourn. Motion carried unanimously.

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

From: Community Planning & Development Department
Date: March 16, 2020
Re: Variance from Zoning Ordinance
Case #: BA20-VA04-04

Request: Variance from Section 22.059(E) of the Zoning Ordinance regarding the minimum street-yard setback.

Applicant: Casey’s Marketing Company
Location: 115 E. Business Highway 151

Surrounding Uses and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
<th>Comprehensive Plan</th>
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<tbody>
<tr>
<td>Property in Question</td>
<td>Commercial</td>
<td>B-3</td>
<td>Business</td>
</tr>
<tr>
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<td>B-3</td>
<td>Business</td>
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<tr>
<td>South</td>
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<td>Business</td>
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<tr>
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<td>Commercial</td>
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</tr>
<tr>
<td>West</td>
<td>Commercial</td>
<td>B-3</td>
<td>Business</td>
</tr>
</tbody>
</table>

BACKGROUND

1. The applicant is interested in purchasing the property at 115 E. Business Highway 151 for the purpose of constructing a gas station/convenience store. Due to the size and shape of the parcel, the applicant cannot fit the structure they would like to build on the property without a variance.

PROJECT DESCRIPTION

2. The applicant would like to construct an approximately 4,850+ sq. ft. (50’ × 97’-2") convenience store and a 66’ × 84’ fuel canopy on this property. The property has frontage on Highway 80/81 (Water Street) and Business Highway 151. The zoning ordinance requires buildings in the B-3 district to have a 25’ setback from the property line along streets. Since this property has two street frontages, the lot would have two street-yard setbacks (25’), a side-yard setback (15’) and one rear-yard setback (30’).

3. The property is very wide in the east/west direction (367’ approx.), but it is relatively narrow in the north/south direction (126’ approx.). The narrow width combined with the required setbacks provides a relatively small footprint that is buildable. The proposed
convenience store building will meet all the required setbacks. However, the proposed fuel canopy will not meet the required setback from Business Highway 151. The structural columns for the canopy are well within the setback, but the roof structure extends 4.7' into the 25' setback. The zoning ordinance does allow roof overhangs, eaves, sills, etc. to extend into the required setback up to 2'. This extra 2' of projection would apply to this structure but the canopy would still be 2.7' closer than allowed by ordinance. The applicant is requesting a variance to the street-yard setback distance along Business Highway 151.

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 proposed building meets the zoning requirements and can be built, and the applicant could construct a smaller canopy on the lot. Based on this situation, it appears questionable 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 property has a long and narrow shape that makes it difficult to utilize. However, it is questionable if this situation meets the legal 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 proposed building meets all the required setbacks. The issue is with the roof of the fuel canopy. From a visual standpoint, this type of encroachment will be perceived much differently than a full wall of a building. That combined with the fact that the encroachment is only a few feet means that the impact on the surrounding property owners and public should be very limited. This section of Business Highway 151 has a large right-of-way width, so the canopy will still be setback a significant distance from this roadway. Therefore, even with the reduced setback, the canopy will not appear to be too close to the street. There should be no significant negative impact on the general public. Therefore, it appears that the third standard has been met for the variance request.

STAFF RECOMMENDATION

7. Variance requests must meet all three standards of the Three Standards Test. It is questionable if the request has met all of the standards needed for approval.

ATTACHMENTS:

Application, Location Map, Site Plan, Canopy Detail
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>
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<tbody>
<tr>
<td>Name</td>
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<td>Phone</td>
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<td>Fax</td>
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Type of Request:  
- [x] Variance from Code Requirements
- [ ] Appeal of Administrative Decision

Property Information (Attach additional sheets if necessary)

Address of Property in Question:  115 E. Business highway 151, Platteville, WI

Legal Description: Please see included ALTA Survey

Current Use and Improvements:  Parking lot / Coffee Shop

Proposed Use and Improvements:  Convenience Store with fuel sales

<table>
<thead>
<tr>
<th>Dimensions:</th>
<th>Required</th>
<th>Requested</th>
<th>Is this a corner lot?</th>
<th>Zoning District: B-3 Highway Business</th>
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</thead>
<tbody>
<tr>
<td>Street Yard</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>[x] YES</td>
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<tr>
<td>Left Side Yard</td>
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<td>Right Side Yard</td>
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<td>Rear Yard</td>
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<td>Area</td>
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<td>sq. ft.</td>
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<tr>
<td>Other</td>
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OFFICE USE ONLY
Date Application Filed:  2/19/2020
File Number:  BA20-VA04-04
Fee Paid/Receipt #:  3040217
Board of Appeals Action & Date:  3/16/2020
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... An unnecessary hardship is present because the property is a narrow lot with frontage on two streets, each with their own setback requirements. The proposed development meets the street setback along STH 80. However, the shape of this parcel makes compliance with the 25' setback along US-151 an unnecessary hardship. There is simply not enough room to place a building and canopy with enough room for circulation of vehicles after accounting for the 25' setback. The code already allows a canopy to overhang into the setback by 2', we are requesting a variance of 3' to allow a total overhang of the canopy by 5'.

2) The hardship is due to **unique features of the property** in that... The property shape is unique in that it is almost 3 times as long as it is wide and fronts two streets. This narrow rectangular shape can only accommodate a canopy with a minor variance of the setback. The proposed site layout is necessary for delivery and passenger vehicles to maneuver the site safely.

3) The variance will not be **contrary to the public interest** because... The variance is not contrary to public interest because no improvements will be constructed in the setback (only overhang), no businesses will lose visibility to the variance, the property is surrounded on all sides by commercial properties so no residences will be disturbed and the public safety will not be harmed. The overhang of the canopy an additional 3' into the street setback, beyond the 2' which is allowed, will allow better circulation of the site creating a safer environment.

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: ____________________________ DATE: 2/12/2020
APPELLANT: ____________________________ DATE: ____________________________