

**BOARD OF APPEALS
OF THE CITY OF PLATTEVILLE**



AGENDA

Monday, December 20, 2021 at 7:00 p.m.

Conference Chambers at City Hall
75 N. Bonson Street
Platteville, Wisconsin 53818

1. Call to Order
2. Approve Minutes: August 5, 2021
3. Variance: 1847 Ubersox Drive – Kwik Trip (BA21-VA03-03)
 - a. Staff Presentation
 - b. Applicant Statement
 - c. Public Statements in Favor
 - d. Public Statements Against
 - e. Public Statements in General
 - f. Applicant Rebuttal
 - g. Board of Appeals Discussion
 - h. Board of Appeals Action
 - i. Findings of Fact
4. Adjournment

If you have concerns or comments related to an item on this agenda, but are unable to attend the meeting, please send the comments to carrollj@platteville.org or call 608-348-9741 x 2235.

MINUTES
CITY OF PLATTEVILLE ZONING BOARD OF APPEALS

August 5, 2021 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Michael Knautz, Joie Schoonover, Isaac Shanley, Angie Donovan, Mary Miller

ALTERNATE MEMBERS PRESENT: None

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., August 5, 2021.

APPROVAL OF MINUTES:

Motion by Shanley, second by Knautz, to approve the minutes of the May 17, 2021 meeting. Motion carried unanimously.

VARIANCE REQUEST:

Carroll introduced the variance request of Brian Dailey who seeks permission to construct an accessory structure in the street yard on the property at 885 Northside Drive, which will not be in conformance with Chapter 22.04 of the City of Platteville Municipal Code.

The applicant owns a single-family home at 858 Northside Drive. The applicant would like to construct a shop/garage building between the house and the street, which would not be in conformance with the location requirements of the zoning ordinance.

The applicant wishes to construct a 24' x 24' shop/garage east of the house and in the northeast corner of the property. The project would also include a new 18' wide by 24' long driveway connecting the building to the street.

Although accessory structures are permitted in the R-1 District, Section 22.04 (B) requires all accessory structures to be located in the side or rear yard. The proposed building will be located closer to the street than the principal structure, which would be considered the street yard. Since the property is located on a corner, it has two street yards. The applicant is requesting a variance to allow the structure to be located in the street yard.

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 Brian Dailey. They have a small two bedroom home, but are now raising their granddaughter and need additional space. He would like to build a detached garage/shop so that he can move his existing woodworking shop out of the basement. The rear yard is too small and placing a building there would block the views from all the windows, and would also encroach on the patio area and garden. There is a sewer line for the house that also limits the ability to place the building further towards the rear yard. The building will be designed and constructed to match the appearance of the house.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

Several Board members mentioned they visited the site and were grateful for the stakes marking the proposed location of the garage. There were comments that it appears to be a well-maintained property and the proposed garage will fit the site. The access to the rear yard would be difficult, and a driveway to a garage in the rear yard would be difficult to install and would be very expensive. A garage in the rear yard would block most of the view from the house windows. There was consensus that the rear yard has limited space for a garage.

Motion by Shanley to approve the variance for a 24' x 24' garage on the east side of the property as presented. Second by Donovan. Upon roll call vote, motion was approved 5 - 0.

The Findings of Fact were discussed:

The property has limited space in the side or rear yard.
The corner lot has mostly street yard and limited side and rear yard.
Driveway access to the rear yard would be costly.
A building in the rear yard would block the window views.
The proposed building would maintain the property value without negatively impacting the value of neighboring properties.

ADJOURN:

Motion by Knautz, second by Schoonover, 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 20, 2021

Re: Variance from Zoning Ordinance

Case #: BA21-VA03-03

Request: Variance from Section 22.11 of the Zoning Ordinance regarding the height of a free-standing sign.

Applicant: Kwik Trip Inc.

Location: 1847 Ubersox Drive

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Vacant	B-3	Business
North	Platteville Gas	B-3	Business
South	Vacant	B-3	Business
East	Kunes Country	B-3	Business
West	Business/ Stormwater pond	B-3	Business

BACKGROUND

1. The property in question is currently vacant property that is used as overflow parking for the Kunes dealership. Kwik Trip is interested in purchasing the current Mobil gas station and convenience store located at the corner of Vision Drive and Ubersox Drive. They would like to remove the existing building and pumps and construct a new Kwik Trip store, fuel pumps and canopy, diesel fuel pumps and canopy, and a carwash building. As part of the project, they would like to install a free-standing sign that exceeds the maximum height limits of the zoning ordinance.

PROJECT DESCRIPTION

2. The proposed sign would be located on the far southeast corner of the property, near the diesel fuel pumps and carwash. The proposed sign would have a 100 sq. ft. "Kwik Trip" panel area and two fuel price panels that are each 55.8 sq. ft., so the total sign area will be 211.6 sq. ft. This is within the requirements of the ordinance. The proposed sign will have a height of 60 feet. Section 22.11 of the zoning ordinance limits free-standing signs in the B-3 District to a maximum height of 30 feet. Kwik Trip has applied for a variance to allow the additional sign height so that the sign can be seen from the Highway 151 interchange.

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 sign that is 30 feet tall. Is the difference between the allowable sign height and the sign height that is being requested (60 feet) critical to the operation of the businesses on this property, or create an unnecessary burden? Generally, Staff does not believe that to be the case since a shorter sign would still advertise the business from Business Highway 151. The ordinance does not prevent the applicant from installing signage or using the property for the desired use, so it is questionable if a legal hardship is present.
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; therefore, it appears the uniqueness standard is not 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. The surrounding properties are either vacant or larger commercial properties. A taller sign at the proposed location will not block any other signage or cause a problem with surrounding properties. There should be limited negative impact on other properties in the area. The only potential area of concern would be setting a precedent for allowing larger signs for other properties that are in the vicinity of the highway interchange. Overall, it appears the third standard may have been met for the variance request.
6. The free-standing sign for the former Swiss Valley Cheese plant and the sign for the Pioneer Ford dealership, which are both west of this property, received a variance to allow a taller sign than allowed by ordinance (37 feet), but not as tall as this request.

STAFF RECOMMENDATION

7. Variance requests must meet all three standards of the Three Standards Test; however, it is questionable if the variance request meets all three legal standards.

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

ATTACHMENTS:

1. Application
2. Location Map

APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

	APPLICANT/AGENT	OWNER
NAME(S):	Trent Kastenschmidt	Kwik Trip, Inc.
MAILING ADDRESS:	1813 Kramer Street La Crosse, WI 54603	1813 Kramer Street La Crosse, WI 54603
PHONE:	(608) 793-6456	(608) 793-6456
EMAIL:	TKastenschmidt@kwiktrip.com	TKastenschmidt@kwiktrip.com

TYPE OF REQUEST: Variance from Code Requirements Appeal of Administration Decision

PROPERTY INFORMATION: *Attach additional sheets if necessary.*

SITE ADDRESS:	1840 Ubersox Drive	PARCEL ID:	271-03100-0440 & 271-03100-0425
LEGAL DESCRIPTION:	No correct legal description determined yet. CSM is currently being drafted and will be submitted to city for review shortly.		
CURRENT USE & IMPROVEMENTS:	Gas Station and lot for car dealership		
PROPOSED USE & IMPROVEMENTS:	Convenience store with a 10 dispenser gas canopy, two lanes of side diesel and a detached carwash.		

DIMENSIONS	REQUIRED (FT OR SQ FT)	REQUESTED (FT OR SQ FT)	CORNER LOT?
STREET YARD:			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
LEFT SIDE YARD:			ZONING DISTRICT: B-3 Highway Business
RIGHT SIDE YARD:			CODE REFERENCE (SECTION NO.):
REAR YARD:			Chapter 25.11 Section G-6.a.1.b:
AREA:			Maximum Height: 30 feet
OTHER:			

OFFICE USE ONLY

Date Application Filed: 10/4/2021 Fee Paid (\$): 150 Receipt Number: 14.037629
 Board of Appeals Action: _____ BoA Date: _____ Permit Number: _____
 Conditions: _____

APPLICATION TO THE
BOARD OF APPEALS
 JUSTIFICATION FOR THE REQUEST



VARIANCE: State in the spaces below how your variance request conforms to the Three Standards Test as described in the "Zoning Variance FAQ" document. *Attach additional sheets if necessary.*

1. UNNECESSARY HARDSHIP IS PRESENT BECAUSE:	<p>The maximum height requirement does not allow the proposed Kwik Trip to attract customers driving by on Highway 151. The intention behind purchasing the property was to reach those passengers. Being less than a quarter-mile from the on/off ramp allows for people to quickly grab what they need and be on their way. Allowing only a 30' sign could greatly reduce people taking advantage of that.</p>
2. THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:	<p>On Highway 151 just east of exit 21, there is a low spot that blocks eyesight for passengers driving west. From both directions, trees and other road signage would greatly interfere with passenger eyesight using the current code of a 30' sign. Lastly, neighboring buildings to the east would be near the same height/taller than our sign if the variance was denied. Kwik Trip's proposal is to construct a sign that can extend just past these obstacles and be seen from a reasonable distance.</p>
3. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:	<p>Kwik Trip takes pride in the aesthetics of its properties. The sign has been hid in the back of the property and as close to the highway right-of-way as possible. In addition, Kwik Trip sent a sign company out to determine the most efficient height that could be seen from both directions. This was to avoid building a sign too high and creating a sore spot near the entrance to the City of Platteville.</p>

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

CITY OFFICIAL(S) WHO MADE THE DECISION YOU ARE APPEALING:	<p>_____</p> <p>_____</p>
DECISION OF OFFICIALS:	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
DESCRIBE YOUR APPEAL <i>Attach additional sheets if necessary:</i>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

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: Trent Kastenschmidt Digitally signed by Trent Kastenschmidt
 DN: CN=Trent Kastenschmidt
 Date: 2021.09.30 16:01:33-05'00'

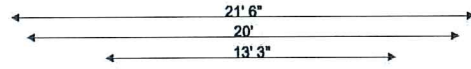
APPELLANT: _____

DATE: September 30, 2021

DATE: _____

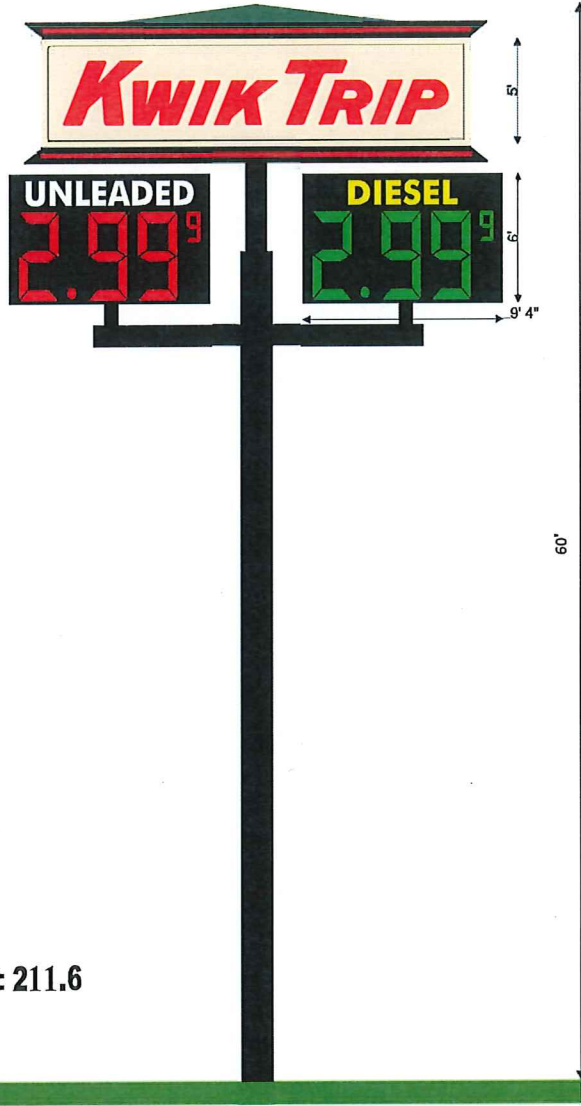
Kwik Trip

1196 Plateville, WI



• 100 sq. ft.
I.D. Panel area

• 72" Pricers
55.8 sq. ft. each
111.6 Total Pricer Area



TOTAL SQ FT: 211.6



Print Date: 10/6/2021

General Reference Map
Grant County, WI

 Tax Parcel Boundaries

1:2,257

The data provided in this document is for informational purposes only and Grant County assumes no legal responsibility for the information contained in this data. The burden for determining fitness for use rests entirely upon the user. Grant County assumes no liability for the accuracy of the data or responsibility for direct, indirect, special, consequential, exemplary or other damages. This document is not a legal survey nor is it intended to be used as such.

Sources: Esri, DeLorme, Garmin, IGN, and the GIS User Community
 Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Grant County, Wisconsin, Wisconsin Regional Orthoimagery Consortium (2020)