

BOARD OF APPEALS OF THE CITY OF PLATTEVILLE



AGENDA

Monday, May 23, 2022 at 6:00 p.m.

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

1. Call to Order
2. Approve Minutes: March 21, 2022
3. Variance: 575 Camp Street – Laura Roberts (BA22-VA04-04)
 - 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 & Action
 - h. 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

March 21, 2022 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Joie Schoonover, Isaac Shanley, Dana Niehaus, Gene Weber
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., March 21, 2022.

APPROVAL OF MINUTES:

Motion by Weber, second by Shanley, to approve the minutes of the December 20, 2021 meeting.
Motion carried unanimously.

VARIANCE REQUEST:

Gregg & Luann Johnson – 235 E. Knollwood Way

Carroll introduced the variance request from Gregg & Luann Johnson who seek permission to construct a shed on the property at 235 E. Knollwood Way, which will not be in conformance with Chapter 22.04 of the City of Platteville Municipal Code.

The property has an existing detached garage that is 396 sq. ft., and there is also an existing shed that is 120 sq. ft., which results in a total area for the accessory structures of 516 sq. ft. The applicant would like to remove these existing buildings and construct a 30' x 50' (1,500 sq. ft.) shed in the southwest corner of the property. Section 22.04(B) of the zoning ordinance limits the area of accessory structures to a maximum of 1,200 sq. ft., so the proposed 1,500 sq. ft. shed would exceed this amount by 300 sq. ft.

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.

Applicant statement. Gregg Johnson spoke in favor of the request. He would like the shed large enough to store a pontoon boat and an old truck.

There was a question about the location of the building. Mr. Johnson stated that the shed would be in the same location as the existing two buildings, and the footprint will not be much bigger than what those two cover now. Due to the hill, trees and location behind the house, the shed will not be very visible.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion. There was consensus that due to the hill, trees and location at the rear of the property, the shed would not be very visible. Having a larger shed is preferable to having the boat and

other items kept outside. The property is well maintained and the shed will match the house so it will look nice in that neighborhood.

Motion by Shanley to approve the variance for the 30' x 50' shed as presented. Second by Weber. Upon roll call vote, motion was approved 4-0.

Kwik Trip – 1805 Vision Drive

Carroll introduced the variance request from Kwik Trip who seeks permission to construct freestanding signage on the property at 1805 Vision Drive, which will not be in conformance with Chapter 22.11 of the City of Platteville Municipal Code.

Kwik Trip is proposing to install two free-standing signs on the property. One sign would be located on the northwest corner of the property near the Vision Drive and Business Highway 151 intersection. This will be the primary store sign and will have an area of 118.57 sq. ft. The other sign will be located on the far southeast corner of the property near the diesel fuel pumps and carwash. This proposed sign will be a high-rise sign that is intended to be visible from Highway 151 and will have an area of 211.6 sq. ft. The total area of both signs will be 330.17 sq. ft. Section 22.11 of the zoning ordinance limits free-standing signs in the B-3 District to a maximum area of 200 sq. ft. per property. Kwik Trip has applied for a variance to allow the additional 130.17 sq. ft. of sign area.

When this project was first proposed, the site consisted of two properties; the former Mobil station property and the vacant parcel that Kunes was using for vehicle parking. The ordinance allows 200 sq. ft. of signage per property, so with two properties they would have been allowed a total of 400 sq. ft. of signage. When Ubersox Drive was discontinued these two properties were combined into one lot, so the allowable signage area was reduced to the 200 sq. ft. maximum.

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.

Applicant statement. Dax Connely spoke in favor of the request for Kwik Trip. They need signage that is visible from the Highway 151 interchange. The signage was in conformance prior to the street discontinuance and lot consolidation. They could redivide the lot again so they have two parcels, but it is better for them and the city to only have one parcel and one tax bill.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion. The Board agreed that this situation is basically the same as what was discussed and approved at the December meeting. Signage for businesses near the interchange have a different situation than other properties in the City.

Motion by Shanley to approve the variance for the signage as presented. Second by Niehaus. Upon roll call vote, motion was approved 4-0.

Marilee Lonsberg – 530 Broadway

Carroll introduced the variance request from Marilee Lonsberg who seeks permission to construct a single-family house on the property at 530 Broadway, which will not be in conformance with Chapter 22.052 of the City of Platteville Municipal Code.

The applicant would like to construct a one-story house with an attached garage on the property that is shown as Lot 1 on the attached certified survey map. The proposed house would be 10 feet from the front lot line (east), rather than the required 25 feet. The house would also be approximately 5 feet from the left side lot line (south), rather than the required 10 feet.

The applicant also owns the Lot 3 to the south that contains an existing single-family rental, and the Lot 2 to the rear that contains a garage/storage building. The applicant is working with a surveyor to adjust the lot lines between these parcels to provide more area for the vacant lot and increase the buildable area of the parcel. However, the ability to move the lot lines is limited by the locations of the existing structures on the other lots, the location of the driveway, and the need to maintain a minimum street frontage for Lot 2.

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.

Applicant statement. Marilee Lonsberg spoke in favor of the requested variance. The unusual lot shape is making it difficult to locate the house on the lot. She currently lives across the street and wants to stay in the neighborhood, and she already owns the lot. She needs more space so she can have a one-story house.

Public statements in favor. Andrea Custer at 515 Broadway spoke in favor of the requested variance. Teresa Pluemer at 570 Broadway spoke in favor of the request.

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion. There was consensus that the irregular shape of the lot impacted the ability to locate the house. The applicant owns other lots in the vicinity. Broadway is a very wide street so having a house closer to the lot line would not be noticeable. Other houses in the area are closer than what is being requested.

Motion by Weber to approve the variance as presented. Second by Shanley. Upon roll call vote, motion was approved 4-0.

The Findings of Fact were discussed:

Gregg & Luann Johnson – 235 E. Knollwood Way

Due to the hill, trees and location at the rear of the property, the shed would not be very visible. Having a larger shed is preferable to having the boat and other items kept outside. The property is well maintained and the shed will match the house so it will look nice in that neighborhood. Ag use of property to the rear will not be impacted. The only neighbor that contacted the City regarding the request was in favor.

Kwik Trip – 1805 Vision Drive

Signage for businesses near the interchange have a different situation than other properties in the City. The need for improved visibility from the interchange and exits is important to the business and to the public. This type of signage is typical near interchanges and is beneficial. The proposed business will be beneficial to the community. The variance for the signage was already approved at the December meeting. The signage would have been legal if the two separate lots were maintained, so this is a technicality.

Marilee Lonsberg – 530 Broadway

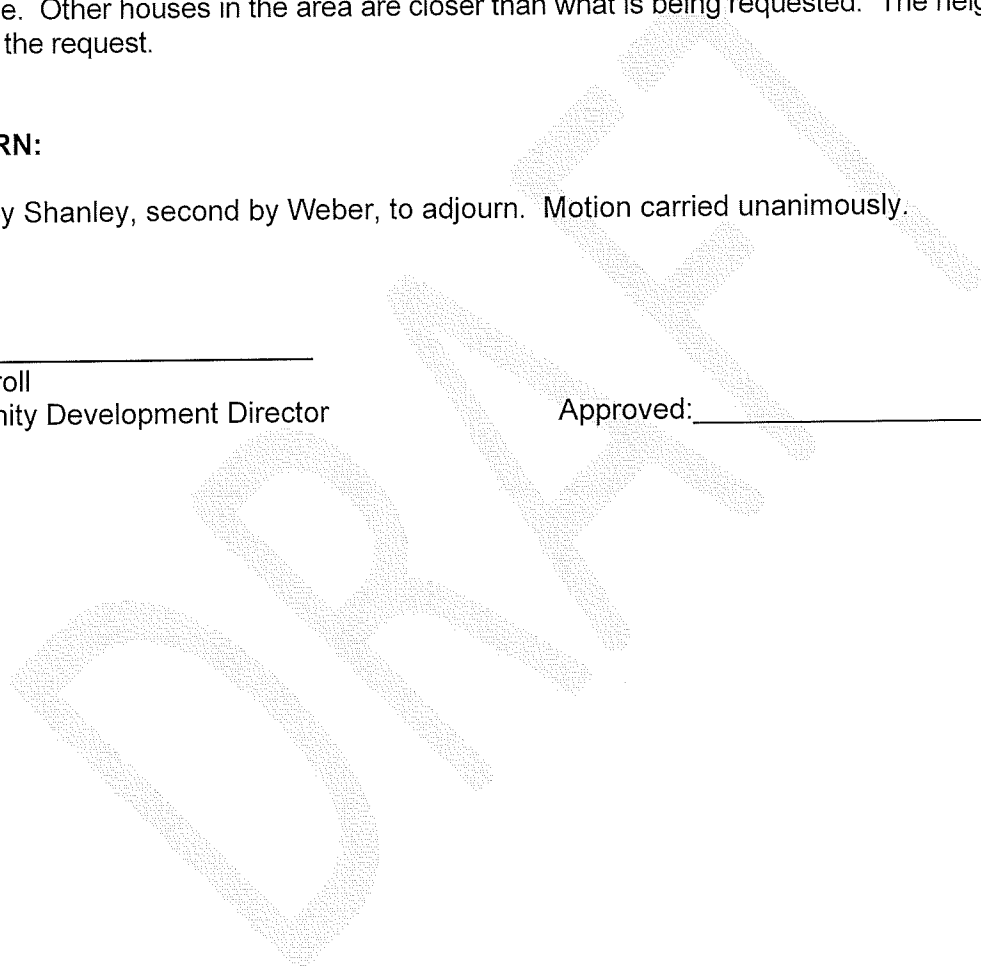
The irregular shape of the lot impacted the ability to locate the house. The applicant owns other lots in the vicinity. Broadway is a very wide street so having a house closer to the lot line would not be noticeable. Other houses in the area are closer than what is being requested. The neighborhood supports the request.

ADJOURN:

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

Joe Carroll
Community Development Director

Approved: _____



STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: May 16, 2022

Re: Variance from Zoning Ordinance

Case #: BA22-VA04-04

Request: Variance from Section 22.04(B)(3) of the Zoning Ordinance regarding the height of a fence.

Applicant: Laura Roberts

Location: 575 Camp Street

Surrounding Uses and Zoning:

| Direction | Land Use | Zoning | Comprehensive Plan |
|----------------------|-------------|--------|----------------------------|
| Property in Question | Residential | R-1 | Low Density Residential |
| North | Residential | R-1 | Low Density Residential |
| South | Residential | R-1 | Low Density Residential |
| East | Residential | R-1 | Low Density Residential |
| West | Residential | R-2 | Medium Density Residential |

BACKGROUND

1. The applicant owns and resides in a single-family home at 575 Camp Street. The applicant is requesting a variance regarding the height of a fence.

PROJECT DESCRIPTION

2. The property is located on the southeast corner of Camp Street and Lancaster Street. The owner would like to install a 6' tall solid wood fence on the side (west) and rear (south) yards of the property. The portion of the fence to be installed to the side of the house will be located between the house and Lancaster Street. By definition, any portion of the property located between the house and the street is considered a street yard.
3. The zoning ordinance limits the height of fences in the street yard of residential properties to 4 feet maximum. Since the applicant would like to install a fence that is 6 feet in height, a variance is required to allow an additional 2 feet of height.

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 applicant is currently using the property for a residence and will continue to be able to use the property for a residence without a variance. The applicant is allowed to install a fence that is 4 feet tall at this location. Therefore, the issue is whether or not the restriction on the taller fence is an unnecessary hardship. Staff does not believe the situation meets the legal definition of an unnecessary hardship.
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. There does not appear to be any unique situation present with the property that 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 ordinance allows the 6' high fence along the rear yard, so the impact to that neighbor should not be much different. The other neighboring properties are far enough away that there should be limited impact. The impact on the general public should also be limited. The fence will be back far enough from the corner so there shouldn't be an issue with visibility for vehicles at the intersection. Therefore, it appears that the third standard may have been met.

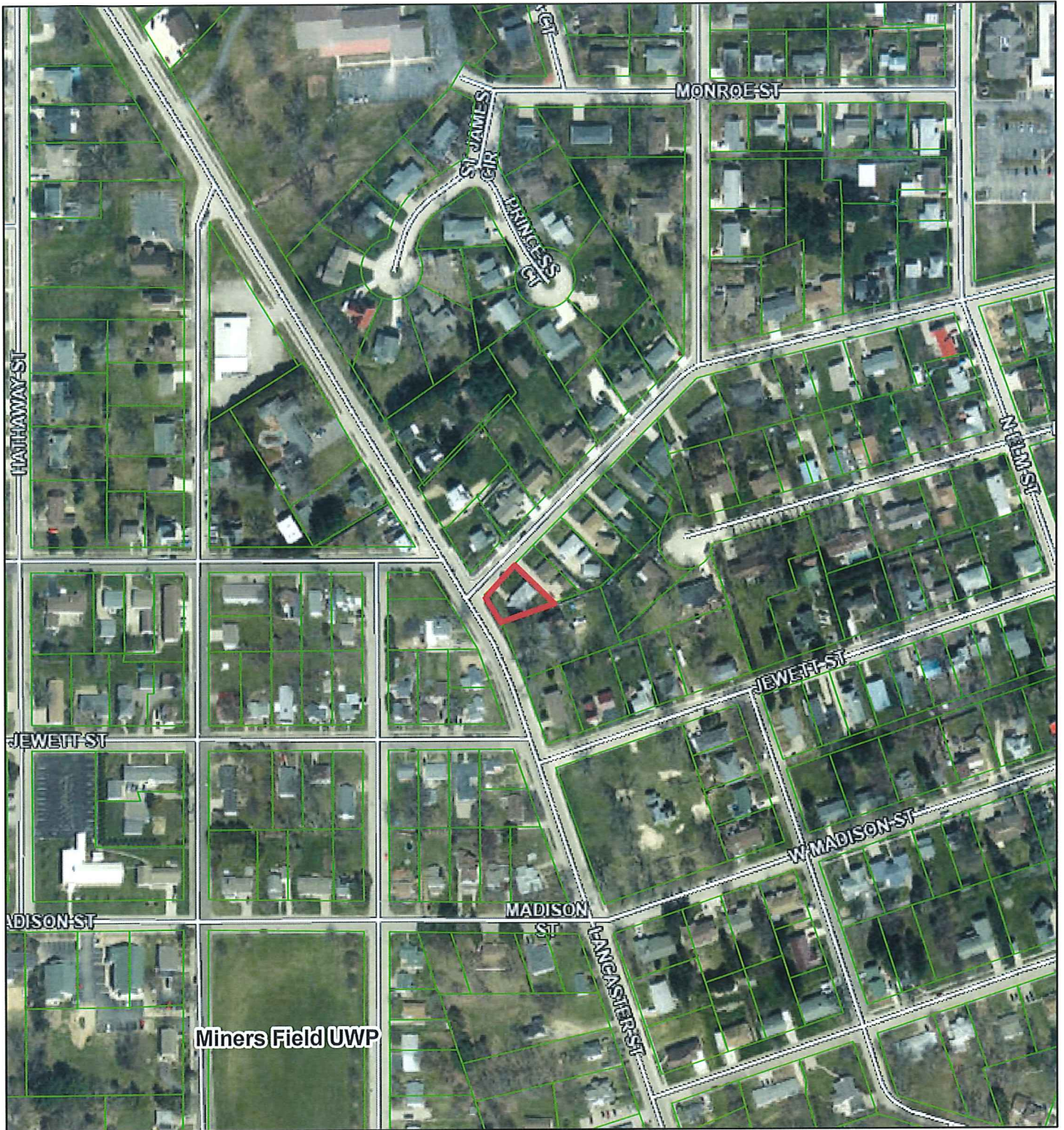
STAFF RECOMMENDATION

7. Staff does not believe the application meets all three of the legal standards needed for approval.

ATTACHMENTS:

1. Location Maps, Application, Site Map

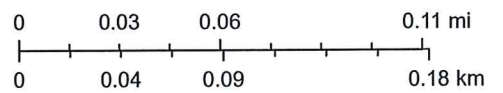
City of Platteville



5/4/2022, 4:16:32 PM

1:4,514

- Centerlines
- City Boundary
- Parcel Data (2022)
- Landmark Names



City of Platteville



5/4/2022, 4:15:49 PM

1:564

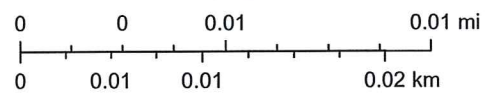
Centerlines

City Boundary

Address Points (Data in Progress)

Active

Parcel Data (2022)



APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

| | APPLICANT/AGENT | OWNER |
|-------------------------|--|--|
| NAME(S): | Laura Roberts | Laura Roberts |
| MAILING ADDRESS: | 575 Camp Street, Platteville, WI 53818 | 575 Camp Street, Platteville, WI 53818 |
| PHONE: | (817) 381-5660 | (817) 381-5660 |
| EMAIL: | lrobe27@gmail.com | lrobe27@gmail.com |

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

PROPERTY INFORMATION

| | | | |
|---|---|-------------------|----------------|
| SITE ADDRESS: | 575 Camp Street, Platteville, WI 53818 | PARCEL ID: | 271-00781-0000 |
| LEGAL DESCRIPTION: | | | |
| CURRENT USE & IMPROVEMENTS: | Single family home. | | |
| PROPOSED USE & IMPROVEMENTS: | 6' tall wooden fence on side/street yard. | | |

| DIMENSIONS | REQUIRED (FT. OR SQ. FT) | REQUESTED (FT. OR SQ. FT) | CORNER LOT? |
|------------------|--------------------------|---------------------------|---|
| STREET YARD: | | 1085sq | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| LEFT SIDE YARD: | | | ZONING DISTRICT: City of Platteville |
| RIGHT SIDE YARD: | | | CODE REFERENCE (SECTION NO.): 22.04 B-3 |
| REAR YARD: | | | |
| AREA: | | | |
| OTHER: | | | |

OFFICE USE ONLY

Date Application Filed: 4/28/2022 Fee Paid (\$): _____ Receipt Number: _____
 Board of Appeals Action: _____ BoA Date: 5/16/2022 Permit Number: BA22-VA04-04
 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.

| | |
|--|--|
| <p>1. UNNECESSARY HARDSHIP IS PRESENT BECAUSE:</p> | <p>Roughly 47% of the rear yard is considered to be a side yard because the house is on a corner. I would like to fence in the back and side yards with a 6' tall fence for privacy. The yard in question is on Lancaster Street, which is busy, and I have concerns about a 4' fence not being high enough to stop children and animals from leaving.</p> |
| <p>2. THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:</p> | <p>The home is on a corner lot with an irregular shape for the backyard. Because of how the home is positioned on the lot, and the shape of the property, almost half of the yard behind the home is considered a street yard.</p> |
| <p>3. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:</p> | <p>Based on the curvature of Lancaster Street, building a 6' tall fence with the proper setback will not block a driver's vision from any direction. The fence would not extend beyond the front of the house. The portion of the fence closest to Lancaster Street would not encroach into the pedestrian or utility easements.</p> |

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

| | |
|---|--|
| <p>CITY OFFICIAL(S) WHO MADE THE DECISION YOU ARE APPEALING:</p> | |
| <p>DECISION OF OFFICIALS:</p> | |
| <p>DESCRIBE YOUR APPEAL:</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. *Typing your name(s) below signifies your application to the Board.*

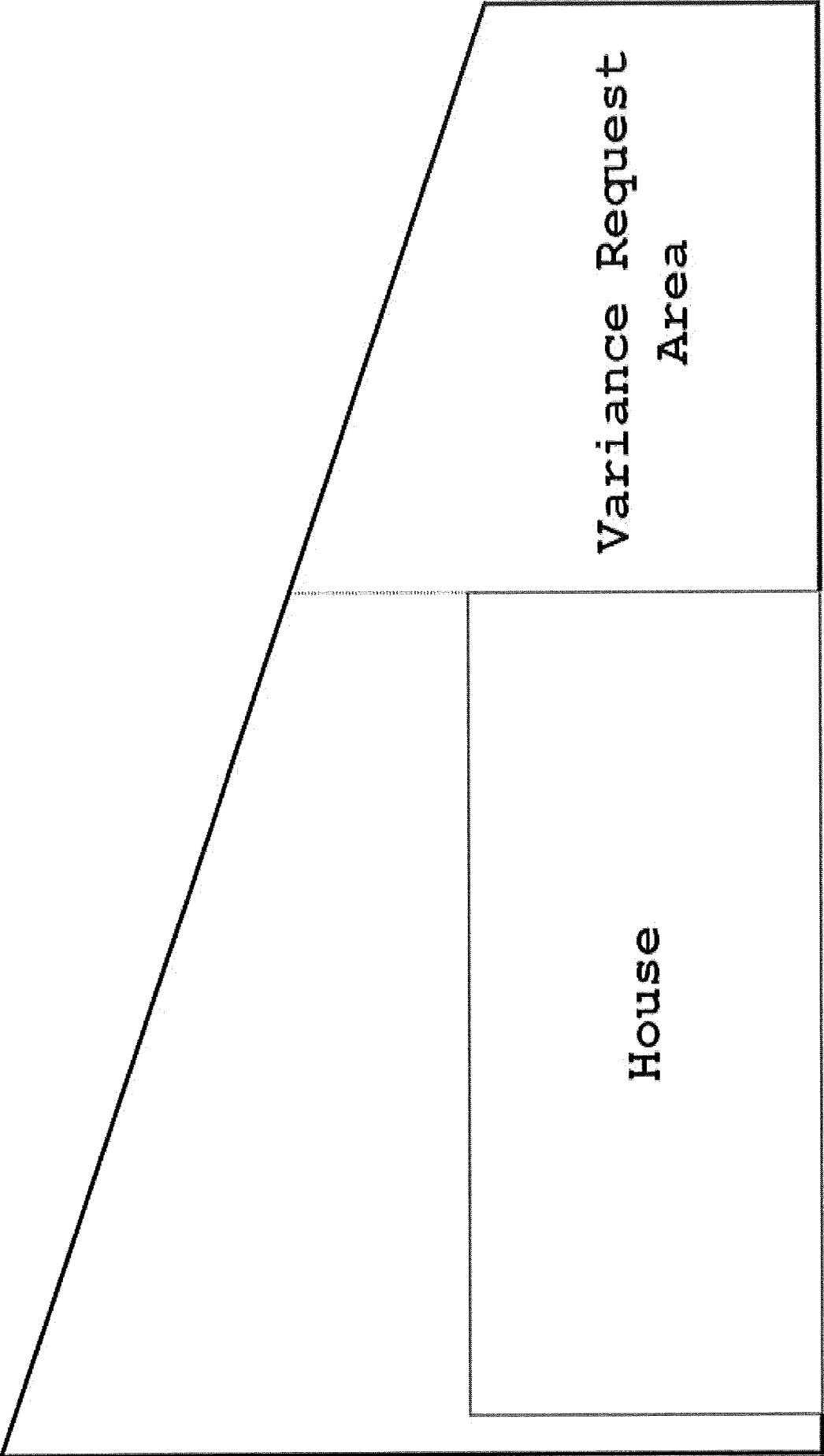
APPELLANT: Laura Roberts

DATE: 04/28/2022

APPELLANT: _____

DATE: _____

LAWCASTER STREET



Variance Request
Area

House

CAMP STREET