

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



AGENDA

Monday, August 15, 2022 at 7:00 p.m.

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

1. Call to Order
2. Approve Minutes: July 18, 2022
3. Variance: 290 W. Dewey Street – Rich and Jeanne Bonin (BA22-VA06-06)
 - 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
July 18, 2022 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Joie Schoonover, Todd Kasper, Dana Niehaus, Gene Weber
ALTERNATE MEMBERS PRESENT: None
MEMBERS ABSENT: None
STAFF PRESENT: Joe Carroll (Community Development Director)

A regular Board of Appeals meeting was held at 7:00 p.m., July 18, 2022.

APPROVAL OF MINUTES:

Motion by Weber, second by Niehaus, to approve the minutes of the May 23, 2022 meeting. Motion approved.

VARIANCE REQUEST:

Barb Cook – 265 Second Street

Carroll introduced the variance request from Barb Cook who seeks permission to move the lot line between 265 N. Second Street and 135 E. Cedar Street that will result in a lot that will not be in conformance with Chapter 22.052(E) of the City of Platteville Municipal Code.

The applicant owns an existing single-family home at 135 E. Cedar Street. She would like to purchase some land from the property at 265 Second Street to increase the size of her lot. This change will result in the creation of a lot that is below the minimum requirements of the zoning ordinance.

The applicant's property at 135 E Cedar Street has an area of approximately 5,450 sq. ft. and has a width of 49.87 feet. Both of these dimensions are below the minimum lot size required for a single-family home in the R-2 district, so it is considered a legal-nonconforming lot. The property is also non-conforming due to the building setbacks being below the minimum.

The applicant would like to purchase some land from the property at 265 N. Second Street and increase the size of her lot. The area to be purchased would be approximately 1,469 sq. ft. The property at 265 N. Second Street is currently 6,996 sq. ft. in area and has a width of 66 ft. This lot meets the minimum size requirements of 6,000 sq. ft. of area and 60 ft. of width. However, reducing the size of this lot by 1,469 sq. ft. will reduce the size of the lot to 5,527 sq. ft., which is below the minimum lot size requirement, so the sale would create a non-conforming lot. The structure at 265 N. Second Street also currently meets the rear-yard setback requirement of 25 feet but will not meet this requirement with the new setback of 5 feet, so the structure will also become non-conforming.

Section 22.052(E) of the Zoning Ordinance requires all lots that are used as single-family dwellings to have a minimum of 6,000 square feet, but the proposed lot after the land sale would have an area of only 5,527 square feet. The rear-yard setback will be reduced from 26.5 feet to 5 feet, so it will no longer meet the minimum 25 ft. setback. Since the proposed lot will not meet the minimum area requirement of the zoning ordinance, and the minimum rear-yard setback, the applicant is requesting a variance to allow the creation of a non-conforming property.

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.

Barb Cook stated that she has been mowing and taking care of the property for years with the understanding that it was her property. She needs the space for her dog and to provide more distance from her house.

Public statements in favor.

Alison Schemerhorn, the owner of the property at 265 N. Second Street, spoke in favor of the variance. She was also under the assumption that the property was part of the applicants property and not hers. She also confirmed that the applicant has been mowing and taking care of the property. She has no need for the property and agreed that the applicant needs the space for her dog.

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

There was consensus that this request is reasonable and would benefit both properties. This is a unique situation that will not have a negative impact on the neighborhood or the community.

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

The Findings of Fact were discussed:

Both property owners are agreeable to the variance and the land exchange.
The request will not have a negative impact on the neighborhood or the community.
The property has already been treated as if it is part of the applicant's property, and it looks like it is part of the property.
This is a unique situation and the code requirements don't fit the situation.

ADJOURN:

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

Joe Carroll
Community Development Director

Approved: _____

STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: August 15, 2022

Re: Variance from Zoning Ordinance

Case #: BA22-VA06-06

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

Applicant: Rich and Jeanne Bonin

Location: 290 W. Dewey Street

Surrounding Uses and Zoning:

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

BACKGROUND

1. The applicant owns a single-family home at 290 W. Dewey Street. The applicant would like to build an addition onto the existing porch located at the front of the house that does not meet the required street-yard setback.

PROJECT DESCRIPTION

2. The house currently has a covered concrete porch at the southwest corner of the house, facing the intersection of Dewey Street and Elm Street. The foundation for the porch is cracked and the steps are sinking. The applicant would like to remove the existing porch and construct a new larger porch. The current porch is approximately 11' feet from the lot line along Dewey Street and 14 feet from the lot line along Elm Street.
3. The applicant would like to construct a larger porch that would be approximately the same distance from Dewey Street, but it would be wider and extend 4 feet closer to Elm Street.

This additional width would provide a walkway connection along the side of the house that would connect the porch to the parking area that exists next to the house on the Elm Street side. This new porch would be approximately 10 feet from the property line along Elm Street.

4. The existing house is a legal non-conforming structure regarding the setback because it is less than the required 25 from the property line. The ordinance does allow some encroachment into the required setback for uncovered porches, but not closer than 15 feet. The proposed porch would require a variance since it would be 10 feet from the lot line.

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 regarding the enlargement of the porch. It is questionable if the inability to enlarge the porch meets 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 somewhat smaller than the other parcels in that part of the City. The property currently doesn't meet the required street setbacks, which impacts the ability to make changes to the structure. This lot is unique in that it has three street frontages, which require a larger setback than required along a side or rear lot line. The lot is also tapered toward the rear, which provides less lot area than a standard rectangular lot. It appears that the uniqueness standard may have 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 feet. Overall, the proposed construction should have little impact on the general public. It appears that the third standard may have been met for the variance request.

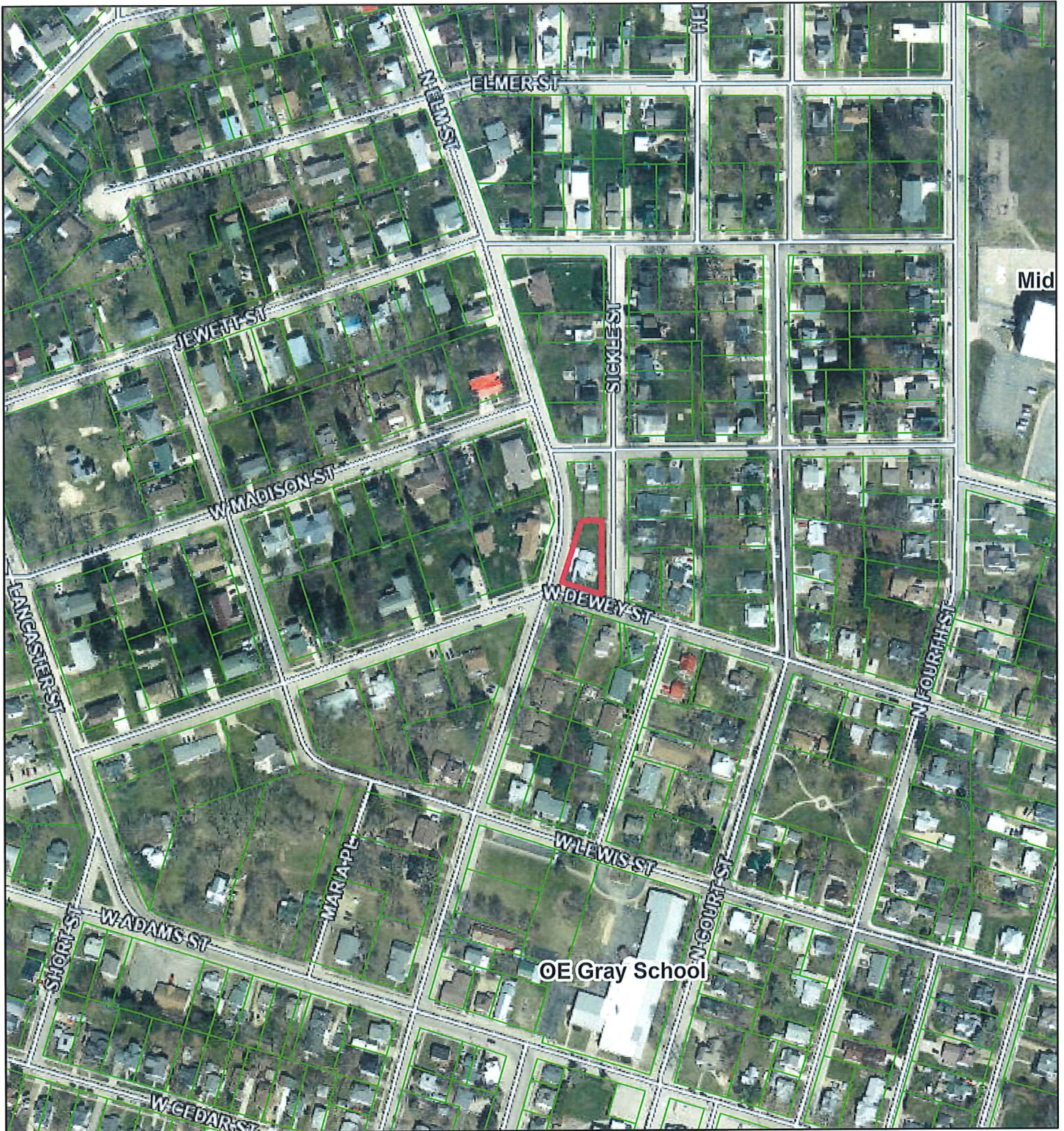
STAFF RECOMMENDATION

8. It is questionable if this request meets all three 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, in 2018 for the property at 715 Sickle Street, and in 2019 for the property at 620 Boldt Street. Those variances involved enlarging a front deck/porch facing the street and that didn't meet the street yard setback.

ATTACHMENTS:

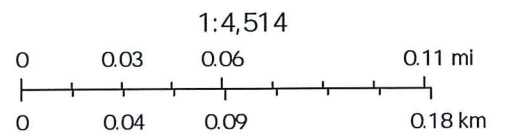
1. Application
2. Location Map
3. Site Map
4. Site Photos

City of Platteville



7/19/2022, 10:23:34 AM

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



City of Platteville



7/19/2022, 10:28:51 AM

-  Centerlines
-  City Boundary
-  Parcel Data (2022)

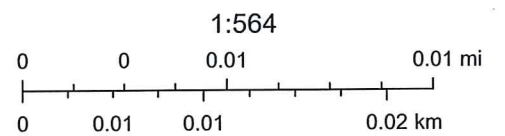




Image capture: Sep 2013 © 2022 Google

Platteville, Wisconsin

Google

Street View - Sep 2013

APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



General Information (please type or print clearly)

| | Applicant/Agent | Owner |
|---------|-----------------|----------------------------------|
| Name | Same → | Richard (JR) & Jeanne Bonin |
| Address | Same → | 290 West Dewey Platteville WI |
| Phone | | 608 732 7909 608 732 3678 |
| Email | | rpbedu@yahoo.com |

Type of Request: Variance from Code Requirements
 Appeal of Administrative Decision

Property Information (Attach additional sheets if necessary)

Address of Property in Question: 290 West Dewey Street, Platteville, WI

Legal Description: _____

Current Use and Improvements: _____

Proposed Use and Improvements: Front porch remodel + enlarge 48" west with access to house driveway

| Dimensions: | Required | Requested |
|-----------------|----------|-----------|
| Street Yard | ft. | ft. |
| Left Side Yard | ft. | ft. |
| Right Side Yard | ft. | ft. |
| Rear Yard | ft. | ft. |
| Area | sq. ft. | sq. ft. |
| Other | | |

Is this a corner lot? YES NO
 Zoning District: _____
 Code Reference (Section No.): _____

OFFICE USE ONLY
 Date Application Filed: 2/11/2022 File Number: BA22-VA06-06
 Board of Appeals Action & Date: 8/15/2022 Fee Paid/Receipt #: _____
 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... of the undersized lot and being surrounded by 3 streets.

2) The hardship is due to *unique features of the property* in that... the house is not centered in the lot; it is closer to the west lot line (elm street); and it is very close to Dewey Street (frontage + address).

3) The variance will not be *contrary to the public interest* because... it will not obstruct a driver's visibility on Elm or Dewey Street, and we have no close neighbors/structures.

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: _____

APPELLANT: James Bonin DATE: 7/11/2022



