

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



AGENDA

Monday, June 19, 2023 at 7:00 p.m.

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

1. Call to Order
2. Approve Minutes: February 20, 2023
3. Variance: 1430 Country Club Court – Mike Dietzel (BA23-VA02-02)
190 N. Second Street – Allegiant Oil (BA23-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 & 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

February 20, 2023 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Todd Kasper, Dana Niehaus, Gene Weber, Karen Lynch, Kevin Wunderlin

ALTERNATE MEMBERS PRESENT: John Zuehlke

MEMBERS ABSENT: None

STAFF PRESENT: Joe Carroll (Community Development Director), Ric Riniker (Building Inspector), Ryan Simmons (Fire Chief)

A regular Board of Appeals meeting was held at 7:00 p.m., February 20, 2023.

APPROVAL OF MINUTES:

Motion by Weber, second by Kasper, to approve the minutes of the August 15, 2022 meeting. Motion approved.

VARIANCE REQUEST:

Platteville Fire Department – 450 N. Court Street

Carroll introduced the variance request from the Platteville Fire Department who seeks permission to construct a new fire station that will not be in conformance with minimum street-yard setback requirements of Chapter 22.054(E) of the City of Platteville Municipal Code.

The City is proposing to construct a new fire station in the location of the former OE Gray School building, which will be demolished. The proposed location for this new building will not meet the required street-yard setback along Court Street. As proposed, the building will be 10 feet from the lot line along Court Street. Section 22.054(E) of the Zoning Ordinance requires a minimum street-yard setback of 25 feet. The proposed setback of 10 feet does not meet this requirement, so the Fire Department is requesting a variance to this requirement.

Carroll stated that because this project will be a City building, Staff is refraining from providing an opinion regarding this request and will instead explain the reasons why the building is being located where it is, and why the 10' setback is being requested.

One of the goals of the building design is to have as many functions of the building as possible on the main floor, and to have that floor as accessible as possible. This also includes access to the building from the parking lots. Since the flattest part of the site is to the east and south, the goal is to locate the building as close as possible toward the southeast corner.

Because the fire trucks are very large vehicles, having adequate space on the site for the trucks to enter and exit the building becomes very important. Due to the state highway being located on Chestnut and Adams Street to the south of the site, the desire is to have the main truck exit as close to this intersection as possible. The streets at that location are wider and provide better access to the rest of the City than the other streets fronting the site.

The intent is for the trucks to enter the building from the north and exit to the south. The design engineers have completed some computer modeling of the larger trucks entering and exiting the building. The modeling shows there is a very tight exiting situation for the trucks leaving the building from the bay on the far west. There is limited space for the trucks to maneuver without encroaching

onto the neighboring property. This situation results in the need to have the building located as far to the east as possible.

Applicant statement. None

Public statements in favor. None

Public statements against. None

Public statements in general.

Carl Peterson owns property adjacent to the site. He stated that he has no objection to the zoning or requested variance, but he is against the fire station being built at this site. He believes that this is a bad location due to the traffic impacts and site access issues.

Applicant Rebuttal.

Chief Simmons commented that the fire station location has been previously studied and it was determined that this is the best location.

Board Discussion.

Weber stated that he looked at the site previously and feels that based on the design and location of the building there will be no impacts on site visibility or traffic visibility.

The location has been studied previously and it has been determined this is the best location.

The fire department needs a new building to accommodate all the needs of the department.

There is no direct impact on any adjacent properties because the proposed variance is from the street right-of-way rather than a shared lot line.

Motion by Kasper to approve the variance as presented. Second by Wunderlin. Upon roll call vote, motion was approved unanimously.

The Findings of Fact were discussed:

The St. Mary's school and church buildings, as well as other buildings in the neighborhood are closer than the required 25-foot setback, so there will be no significant impact on the neighborhood.

There is no risk or impact to pedestrians or cars.

The existing 25-foot setback is somewhat arbitrary. Other nearby districts have smaller setbacks.

The request is not against the public interest.

ADJOURN:

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

Joe Carroll, Community Development Director

Approved: _____

STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: June 19, 2023

Re: Variance from Zoning Ordinance

Case #: BA23-VA02-02

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

Applicant: Michael Dietzel

Location: 1430 Country Club Court

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Residential	R-3	Medium Density Residential
North	Residential	R-3	Medium Density Residential
South	Residential	R-3	Medium High Density Residential
East	Residential	R-3	Medium Density Residential
West	Golf Course	R-1	Golf Course

BACKGROUND

1. The applicant owns and resides in a single-family home at 1430 Country Club Court. The applicant is requesting a variance regarding the height of a fence in the street yard.

PROJECT DESCRIPTION

2. The property is located on Country Club Court, but the property also has frontage onto Highway 80 at the rear of the house. The owner would like to install a 6' tall solid fence on the west side of the property, which will be located between the house and Highway 80. 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. The problem with the fence height is due to the property having two street frontages (front and back), however, this is not a unique situation as there are other lots in the City with this same situation. 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. There will be approximately 27 feet from the edge of the road to the fence, and approximately 20 feet from the walking path to the fence. All of the closest properties are well screened with trees and shrubs so the fence will not be readily visible to them, so there should be limited impact. The impact on the general public should also be limited. The fence will be located far enough from the highway so there will not be an issue with visibility for vehicles. Therefore, it appears that the third standard may have been met.
7. A similar variance request was approved in the Spring of 2022 for a 6' height fence in the street yard for the property at 575 Camp Street. This property is on the corner of Camp Street and Lancaster Street (Hwy. 81). Another similar variance was approved in 2005 for the property at 1055 Hathaway Street, which also has frontage onto Highway 81 (Lancaster Street).

STAFF RECOMMENDATION

8. Staff does not believe the application meets all three of the legal standards needed for approval. However, similar variances have been approved in the past.

ATTACHMENTS:

1. Location Maps, Application, Site Map

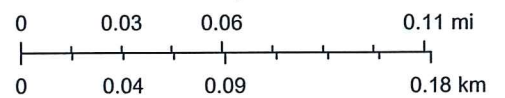
City of Platteville



5/15/2023, 4:05:15 PM

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



**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.*

<p>1. UNNECESSARY HARDSHIP IS PRESENT BECAUSE:</p>	<p>Our property line is next of backyard is next to highway 89 & the walking path. so our property line is 70' from center line & to build fence 20' addition of feet from road would greatly reduce our yard space. The traffic noise of semi's inhibits conversation on backyard deck.</p>
<p>2. THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:</p>	<p>It is unique to have backyard border the highway.</p>
<p>3. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:</p>	<p>There will still be 20 feet between walkway & vinyl 6' fence, it will be aesthetically pleasing, & not impairing vision of traffic.</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>_____</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>

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: Michael P Dwyer

APPELLANT: _____

DATE: 5/15/2023

DATE: _____

APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

	APPLICANT/AGENT	OWNER
NAME(S):	Michael Dietzel	
MAILING ADDRESS:	1430 Country Club Ct Platteville, WI 53818	
PHONE:	(563) 581-9818	
EMAIL:	mdietzel11@gmail.com	

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

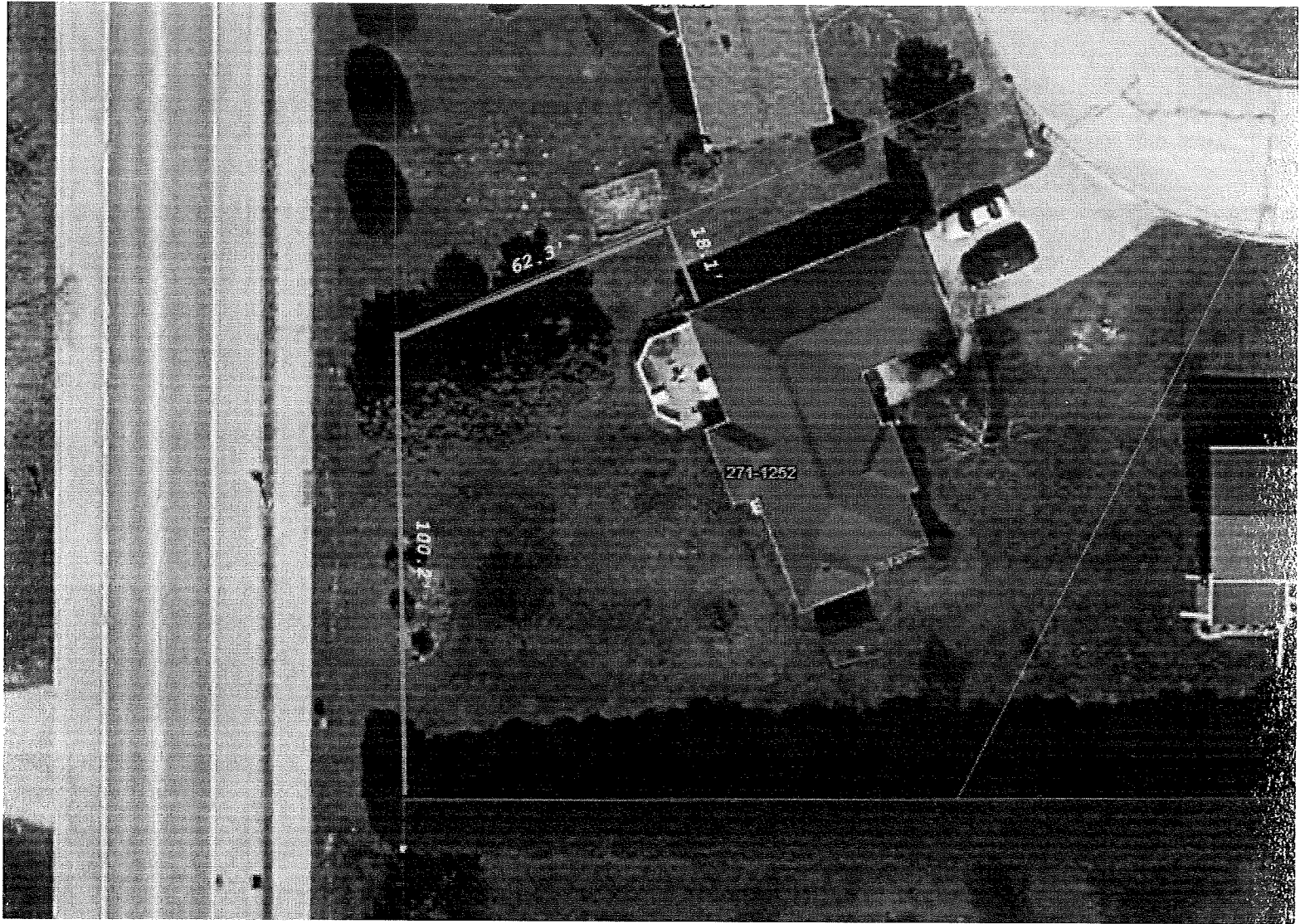
PROPERTY INFORMATION: *Attach additional sheets if necessary.*

SITE ADDRESS:	1430 Country Club Ct	PARCEL ID:	
LEGAL DESCRIPTION:			
CURRENT USE & IMPROVEMENTS:			
PROPOSED USE & IMPROVEMENTS:			

DIMENSIONS	REQUIRED (FT OR SQ FT)	REQUESTED (FT OR SQ FT)	CORNER LOT?
STREET YARD:			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
LEFT SIDE YARD:			ZONING DISTRICT:
RIGHT SIDE YARD:			CODE REFERENCE (SECTION NO.):
REAR YARD:			
AREA:			
OTHER:			

OFFICE USE ONLY

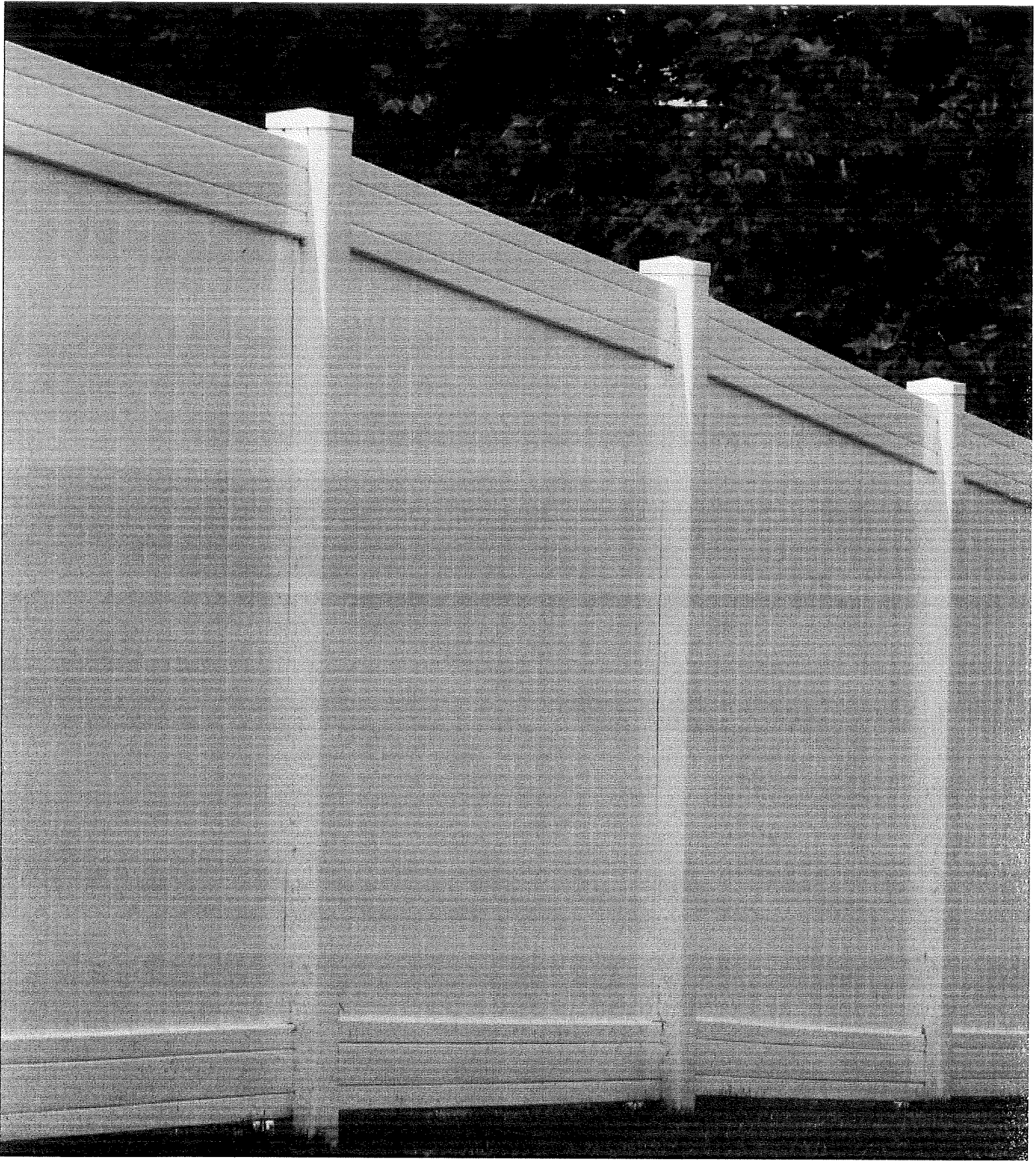
Date Application Filed: 5/15/2023 Fee Paid (\$): 150 Receipt Number: _____
 Board of Appeals Action: _____ BoA Date: 6/19/2023 Permit Number: BA23-VA02-02
 Conditions: _____





271-1253

271-1252



STAFF STATEMENT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: June 19, 2023

Re: Variance from Zoning Ordinance

Case #: BA23-VA03-03

Request: Variance from Section 22.11 of the Zoning Ordinance regarding the installation of a digital sign.

Applicant: Allegiant Oil

Location: 190 N. Second Street

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Commercial	CBT	Mixed Use
North	Residential	R-2	Medium Density Residential
South	Commercial	B-2	Commercial
East	Residential	CBT	Mixed Use
West	Police Department	CBT	Mixed Use

BACKGROUND

1. The applicant owns the Allegiant Oil property at 190 N. Second Street. The applicant would like to install a new freestanding sign to replace the existing sign on the corner of Furnace Street and Third Street. The proposed sign will be a digital/electronic message sign, which is not allowed in that zoning district.

PROJECT DESCRIPTION

2. The applicant will be removing the existing freestanding sign and installing a new free-standing sign using the existing pole at the same location. The existing sign has a portion that is a manual changeable copy sign, which means someone has to climb onto the platform and change the letters to change the message. The proposed sign will include an electronic message sign to display information on gas prices and other product information that can all be controlled remotely. The overall sign size will be 87" x 96", which is slightly smaller than the existing sign.
3. The property is zoned CBT Central Business Transition District, which does not allow electronic message signs. The size, location and height of the proposed sign are in

conformance with the ordinance requirements. The applicant is requesting a variance to allow the electronic message sign as proposed.

STAFF ANALYSIS

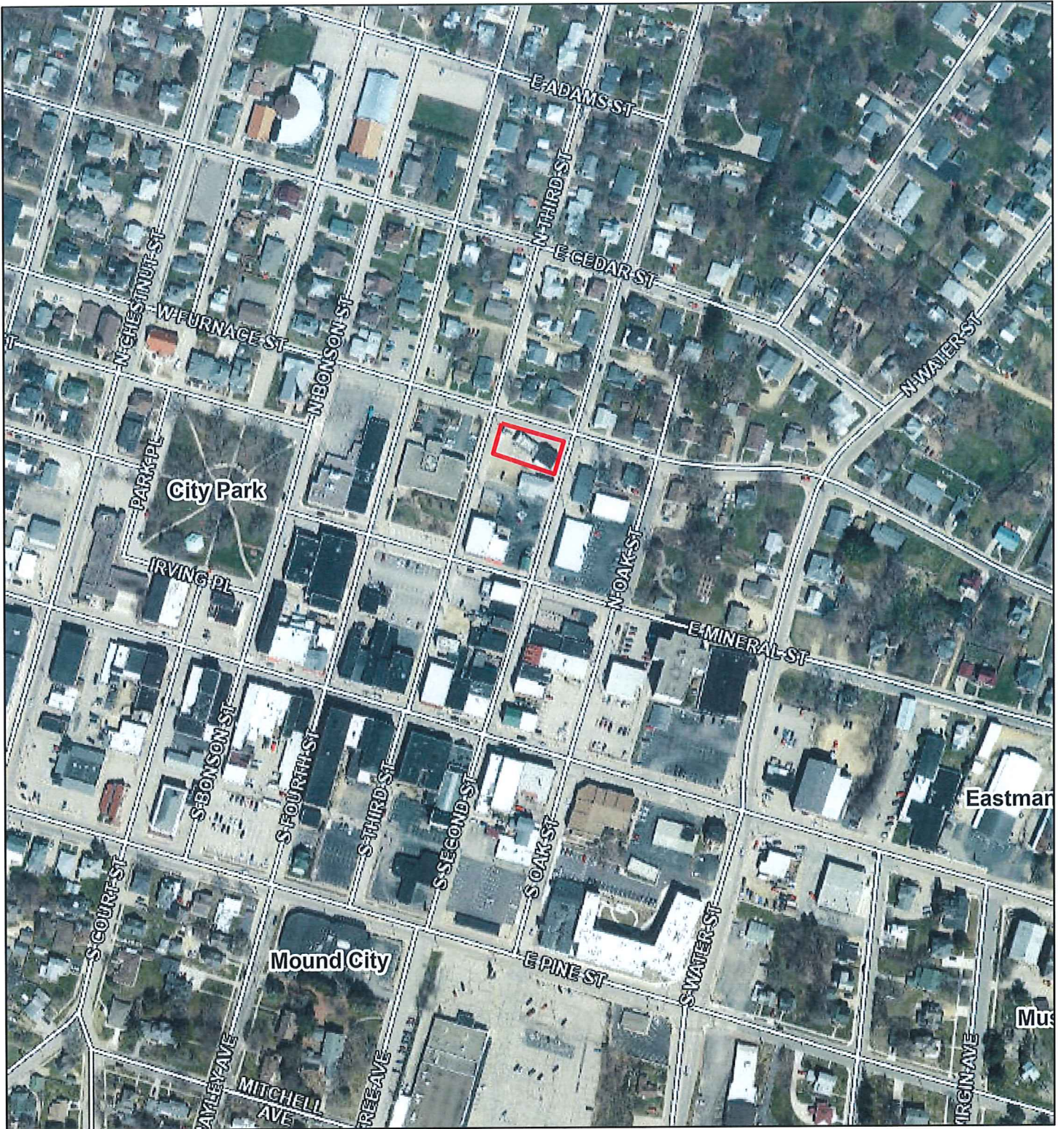
4. As with any variance request, there are three standards that must be considered. The first standard requires the applicant to show that a strict application of the dimensional and other standards in the Zoning Ordinance would lead to an unnecessary hardship. The Wisconsin State Supreme Court has determined 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 has an existing viable use of the property that can continue, and the applicant has an existing sign that meets the code requirements. It is questionable if 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. There does not appear to be any significant physical features of the property that differentiate it from other properties in the CBT district. It appears this standard has not been met.
6. The third standard requires the applicant to show that the variance, if granted, will not have a negative impact on the public interest. Staff believes that since this sign and structure will be replacing an existing similar structure in the same location, the overall impact on the public will be limited. It appears that the third standard may have been met for the variance request.

STAFF RECOMMENDATION

7. The request does not appear to meet all three of the standards needed for approval; if the Board agrees the variance should be denied.

ATTACHMENTS: Location Map, Application, Sign Drawing

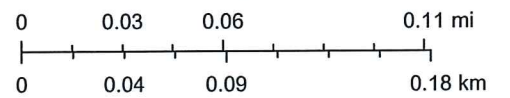
City of Platteville



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- Centerlines
- City Boundary



Landmark Names

City of Platteville

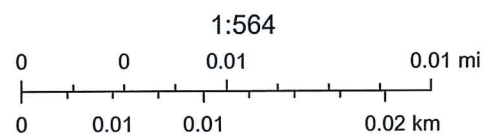


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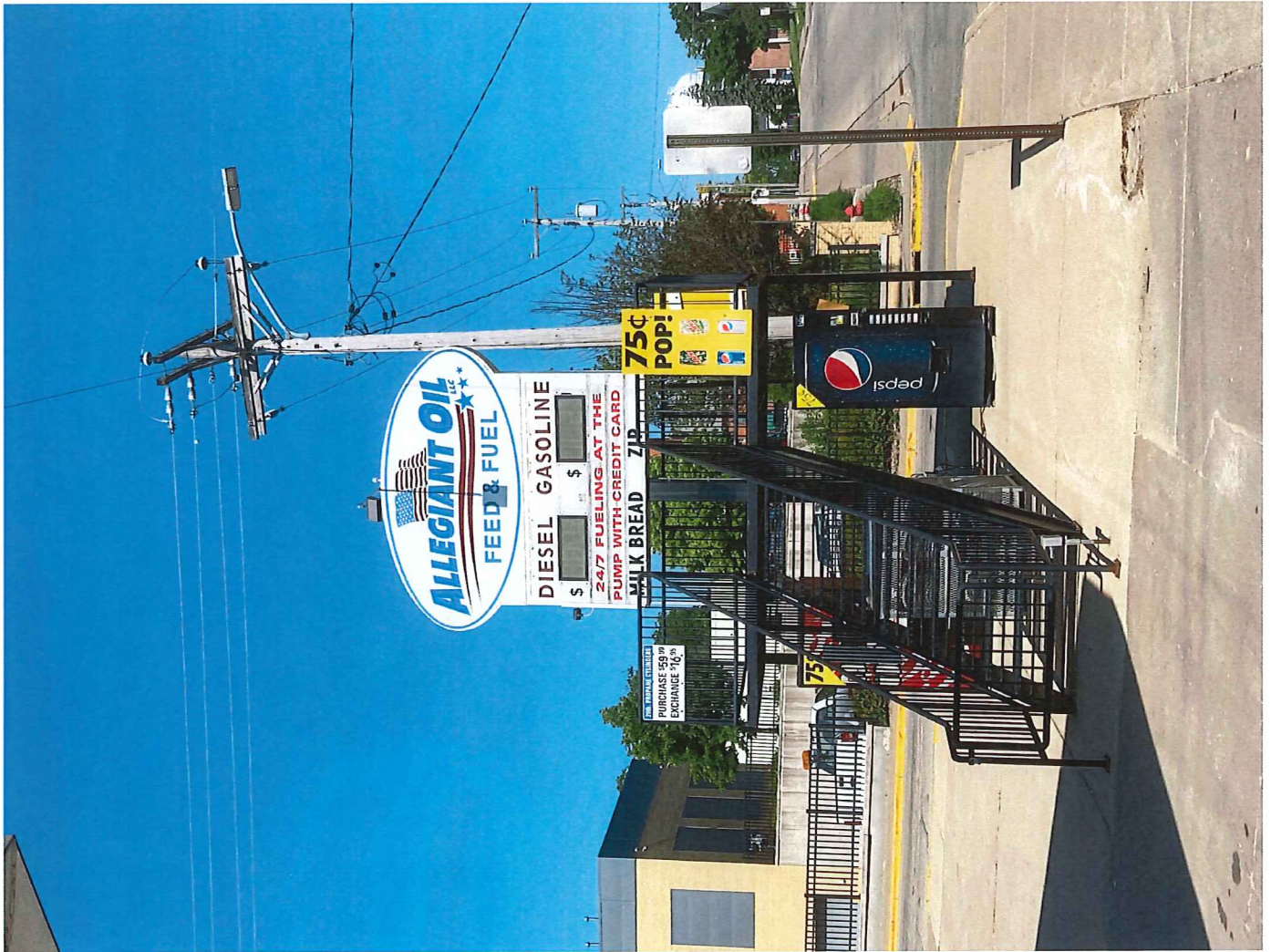
- Centerlines
- City Boundary

Address Points (Data in Progress)

- Active



EXISTING



APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



General Information (please type or print clearly)

	Applicant/Agent	Owner
Name	mike Lange (Lange Sign Group)	Alligiant Oil TENA JONES
Address	1730 IL Route 35N EAST Dubuque IL 61005	190 North 2nd Street
Phone	563-590-8297	608-732- 8072 4139
Email	mike@langesign.com	Scottsenergy@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: 190 North 2nd Street, Platteville, WI

Legal Description: _____

Current Use and Improvements: _____

Proposed Use and Improvements: Change Existing ID Sign
New Sign will be smaller than Existing

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: 5/25/2023 File Number: BA23-VA03-03

Board of Appeals Action & Date: _____ 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: Allow message Center

Decision of official(s): _____

Describe your appeal: I would like to update existing changeable copy sign to an LED message center.

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... it is hard to change the changeable copy board compared to a message center. Also can put alot of messages on the board.

2) The hardship is due to unique features of the property in that... the property is unique as far as where it is located.

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

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: Mitchell J. Jantz

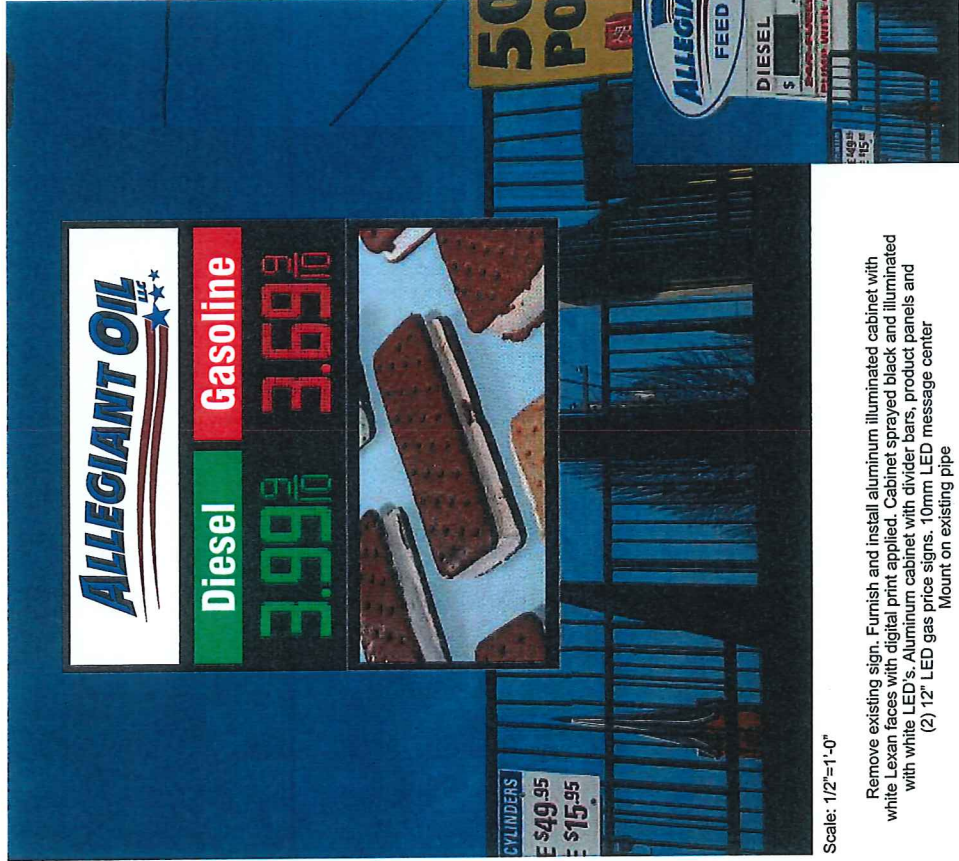
DATE: 5-17-23

APPELLANT: _____

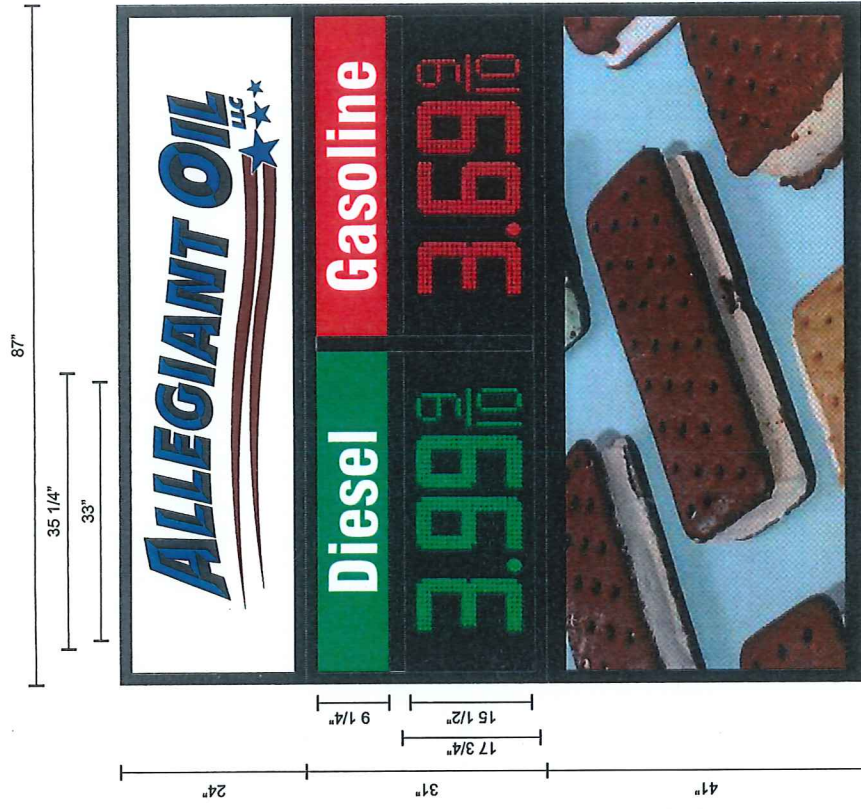
DATE: _____

These plans are the exclusive property of the Lange Sign Group and are the result of the original work of its employees, they are submitted to your company for the sole purpose of your consideration of whether to purchase from Lange Sign Group. A sign manufactured according to these plans, distribution, or exhibition of these plans to anyone other than the employees of your company or use of these plans to construct a sign similar to the one embodied herein is expressly forbidden.

© COPYRIGHT 2020 LSG



Existing



Scale: 3/4"=1'-0"

Scale: 1/2"=1'-0"

Remove existing sign. Furnish and install aluminum illuminated cabinet with white Lexan faces with digital print applied. Cabinet sprayed black and illuminated with white LEDs. Aluminum cabinet with divider bars, product panels and (2) 12" LED gas price signs. 10mm LED message center
Mount on existing pipe