

BOARD OF APPEALS OF THE CITY OF PLATTEVILLE



AGENDA

Monday, July 17, 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: June 19, 2023
3. Variance: 430 Jewett Street – Clark Cammack (BA23-VA04-04)
530 Broadway – Marilee Lonsberg (BA23-VA05-05)
 - 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

June 19, 2023 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Todd Kasper, Dana Niehaus, Karen Lynch, Kevin Wunderlin
ALTERNATE MEMBERS PRESENT: None
MEMBERS ABSENT: Gene Weber
ALTERNATE MEMBERS ABSENT: John Zuehlke
STAFF PRESENT: Joe Carroll (Community Development Director), Ric Riniker (Building Inspector)

APPROVAL OF MINUTES:

Motion by Wunderlin, second by Lynch, to approve the minutes of the February 20, 2023 meeting.
Motion approved 4-0.

VARIANCE REQUEST:

1430 Country Club Court – Mike Dietzel

Carroll introduced the variance request from Mike Dietzel who seeks permission to construct a fence in the street yard that exceeds the allowable height. 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. 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. It is questionable if the request meets the legal standards, but some precedent has been set with other variance approvals.

Applicant statement.

Mike Dietzel explained that he would like the fence for privacy and to reduce the noise from the highway. He also has three young children, so the fence is important for safety. The fence is located far enough from the highway that it shouldn't create any issues.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

The Board members agreed that the sign seemed like a reasonable request and shouldn't create any issues for the neighbors.

Motion by Lynch to approve the variance as presented. Second by Niehaus. Upon roll call vote, motion was approved .

There was consensus that the sign would be similar to the existing sign and shouldn't create any issues for the neighborhood.

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

The Findings of Fact were discussed:

The sign will face east/west, which is up and down the street, rather than facing the residential properties. This will limit the impact from the sign lighting.

Other lights on the property will reduce the visibility and relative brightness of the sign.

The proposed sign is very similar to the existing sign.

The ordinance seems to be out of date and doesn't seem to apply well to this situation.

ADJOURN:

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

Joe Carroll, Community Development Director

Approved:_____

STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: July 17, 2023

Re: Variance from Zoning Ordinance

Case #: BA23-VA04-04

Request: Variance from Section 22.051(E) of the Zoning Ordinance regarding the minimum street yard setback.

Applicant: Clark Cammack

Location: 430 Jewett Street

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Single-family Residential	R-1	Low Density Residential
North	Single-family Residential	R-1	Low Density Residential
South	Single-family Residential/Stone Cottage	R-1/I-1	Low Density Residential/ Institutional
East	Single-family Residential	R-1	Low Density Residential
West	Single-family Residential	R-1	Low Density Residential

BACKGROUND

1. The applicant owns an existing single-family home at 430 Jewett Street. The applicant would like to build a porch onto the front of the house that does not meet the required street-yard setback.

PROJECT DESCRIPTION

2. The house currently has an open porch on the front of the house facing Jewett Street. The applicant would like to reconstruct the porch which would also include a roof over the porch. The existing porch is 6'x6' in size and is located approximately 15'-3" from the front lot line. The proposed porch would still extend 6' out from the house but would be about 13' wide. The porch would still be approximately 15'-3" to the front lot line.

3. The existing house is a legal non-conforming structure regarding the setback because it is 21'-3" from the lot line rather than the required 25'. The existing porch is legal because it is uncovered and can be as close as 15' to the lot line. A covered porch must meet the required 25' setback the same as the principal structure. The ordinance allows an adjustment to the required 25' based on the average setback distance of structures on the adjoining properties if they are closer than required. For this property, the adjacent house to the west has a setback of 10' and the adjacent house to the east has a setback of 22'-6", which results in an average of 16'-3". Therefore, the proposed porch would require a variance since it would be 15'-3" from the lot line rather than the required setback of 16'-3".

STAFF ANALYSIS

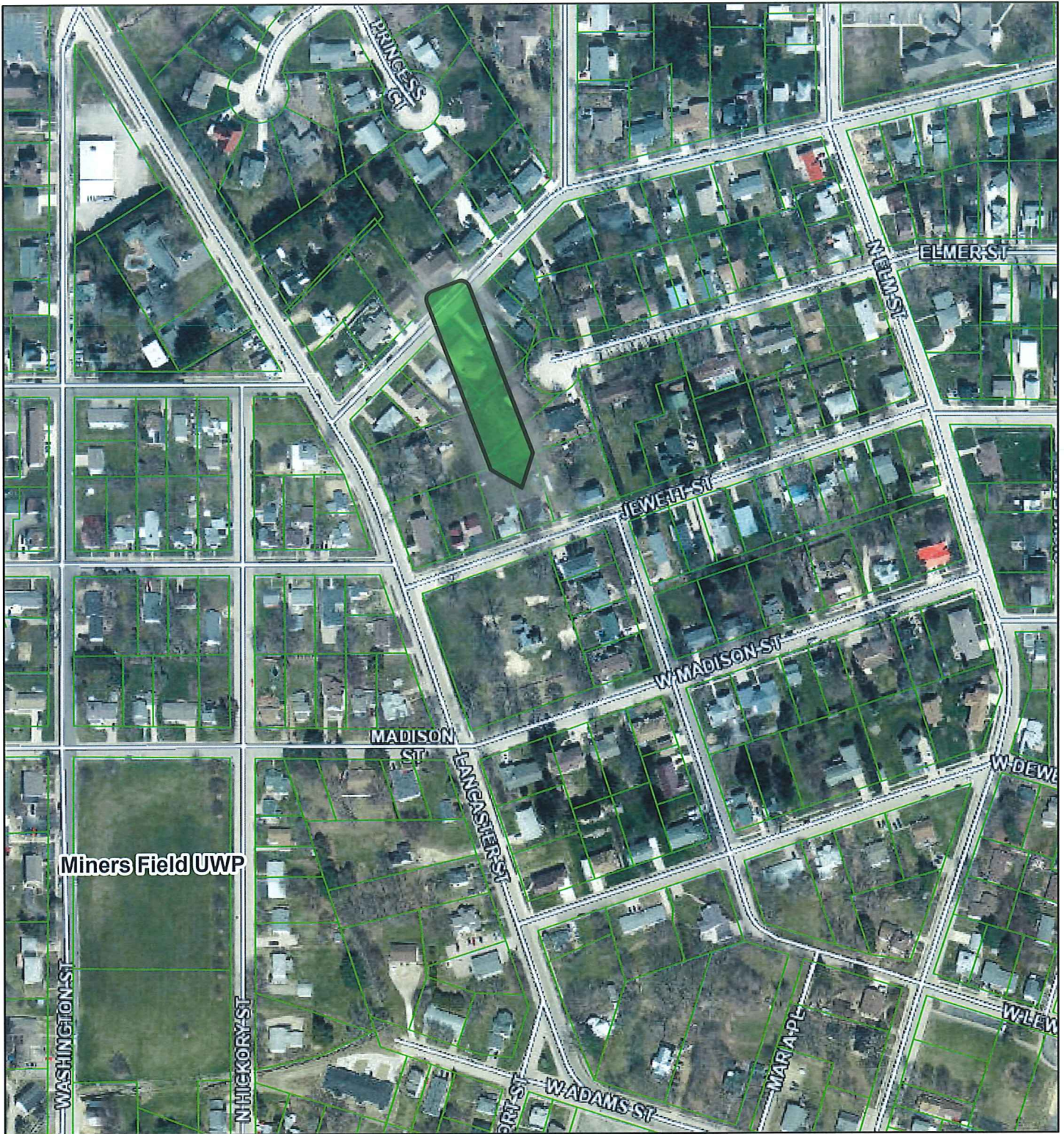
4. As with any variance request, there are three standards that must be considered. The first standard requires the applicant to show that a strict application of the dimensional standards in the Zoning Ordinance would lead to an unnecessary hardship. The Wisconsin State Supreme Court has determined 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. 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 the enlargement of the porch and covering it with a roof. The inability to enlarge and cover the porch does not appear to meet the legal 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 lot is similar in size and shape to the other parcels in that part of the City. Most of the houses on the street have a similar setback. It appears that the uniqueness 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. Some of the other homes in that neighborhood are also closer to the street than the required 25'. The proposed porch would improve the appearance of the house and improve the value of the property. Overall, the proposed construction should have little impact on the general public. It is questionable if the third standard has been met for the variance request.

STAFF RECOMMENDATION

7. It is questionable if this request meets all of the standards needed for approval. If the Board feels the standards have not been met, then the variance should be denied.
8. There is some 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. The first two variances were for uncovered porches and the third was for a covered porch, but all the requests didn't meet the street yard setback.




ATTACHMENTS: Location Map, Application, Elevations, Site Photos

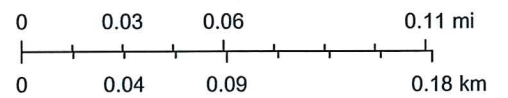
City of Platteville



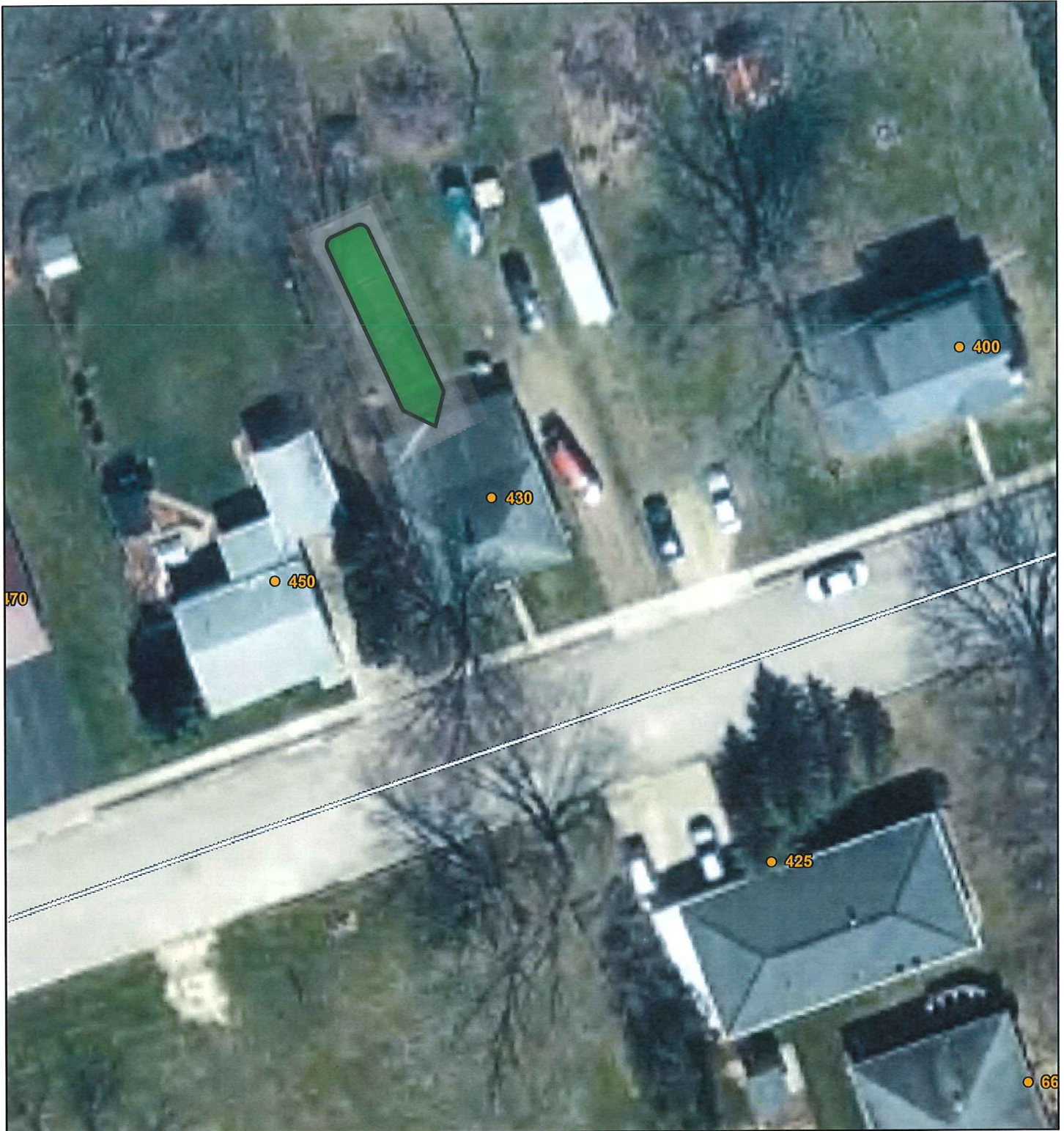
7/6/2023, 1:42:36 PM

1:4,514

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





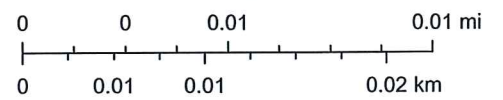
City of Platteville



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-  Centerlines
-  City Boundary



Address Points (Data in Progress)

-  Active

APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

	APPLICANT/AGENT	OWNER
NAME(S):	Clark Cammack	Clark Cammack
MAILING ADDRESS:	430 Jewett St Platteville, WI 53818	430 Jewett St. Platteville, WI 53818
PHONE:	608-348-7458	
EMAIL:		

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

PROPERTY INFORMATION: *Attach additional sheets if necessary.*

SITE ADDRESS:	PARCEL ID:
LEGAL DESCRIPTION:	
CURRENT USE & IMPROVEMENTS:	resident
PROPOSED USE & IMPROVEMENTS:	

DIMENSIONS	REQUIRED (FT OR SQ FT)	REQUESTED (FT OR SQ FT)	CORNER LOT?
STREET YARD:		50' X 21' to side walk	<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: _____ Fee Paid (\$): _____ Receipt Number: _____
 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:	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
2. THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
3. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:	<p><i>I am requesting permission to put a roof over my front porch. Ric Riniker says I need a foot of extra space on the variance. I am not going any closer to the street than the existing floor of the porch.</i></p>

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

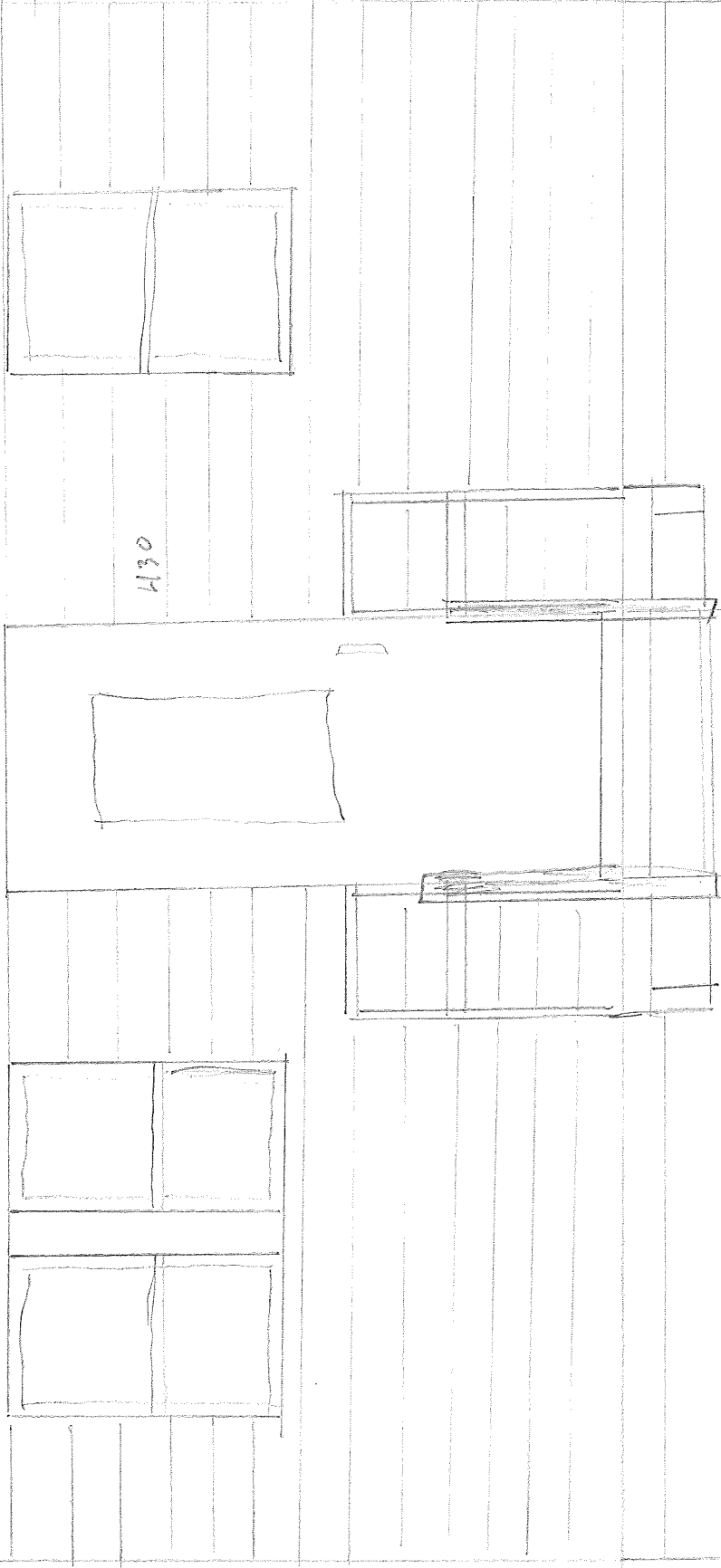
CITY OFFICIAL(S) WHO MADE THE DECISION YOU ARE APPEALING:	<hr/> <hr/> <hr/>
DECISION OF OFFICIALS:	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
DESCRIBE YOUR APPEAL <i>Attach additional sheets if necessary:</i>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

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.

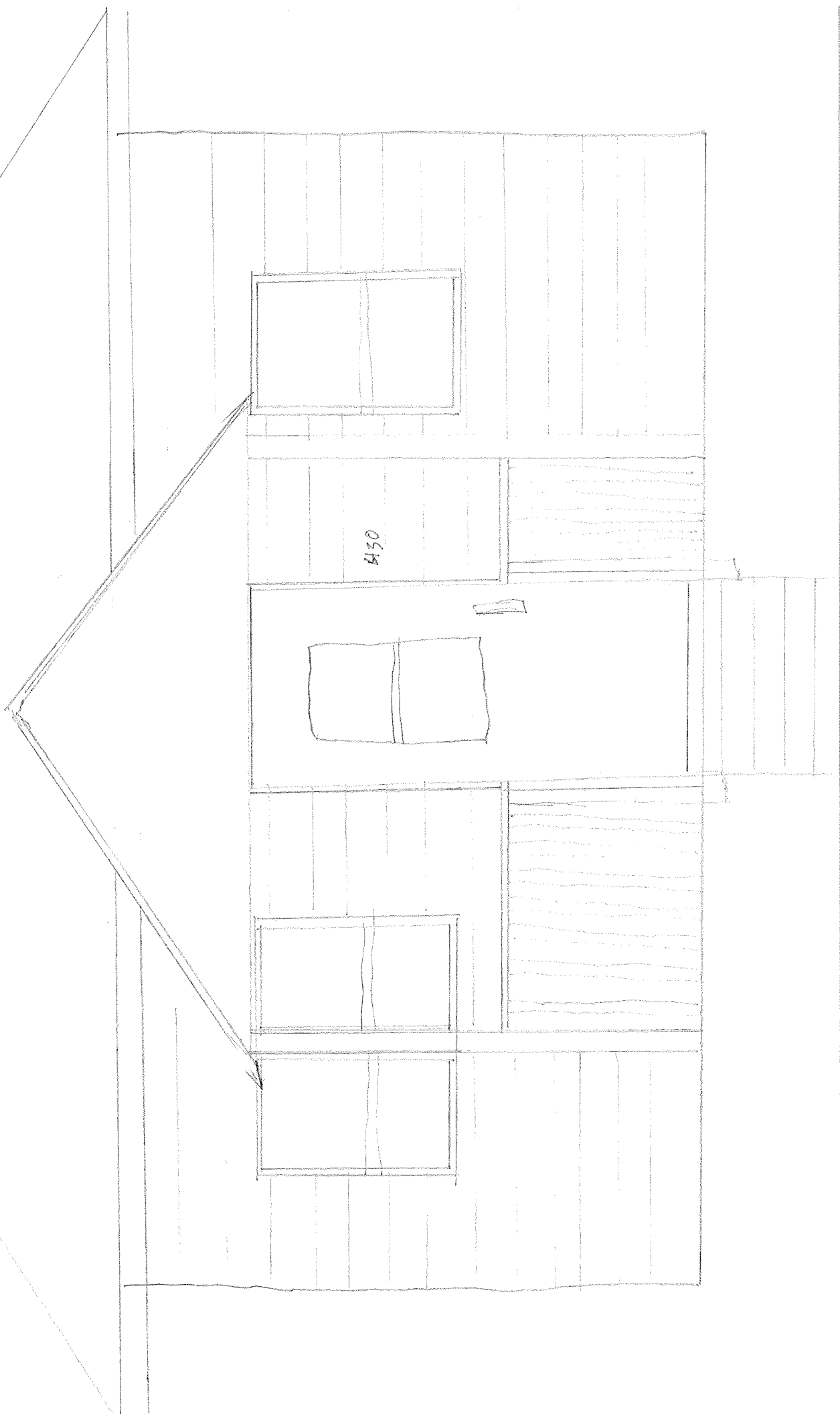
APPELLANT: *Clark Cammash*
 APPELLANT: _____

DATE: *6-20-2023*
 DATE: _____

EXISTING



PROPOSED







VIEW FROM PORCH TO WEST

VIEW FROM PORCH TO EAST



STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: July 17, 2023

Re: Variance from Zoning Ordinance

Case #: BA23-VA05-05

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

Applicant: Marilee Lonsberg

Location: 530 Broadway Street

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Vacant	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-3	Medium-High Density Residential
West	Single-family Residential	R-2	Medium Density Residential

BACKGROUND

1. The applicant owns a vacant parcel of land at 530 Broadway. She would like to construct a new single-family home on the property that doesn't conform to the minimum street-yard and side-yard setbacks. The property previously contained a single-family home, which was demolished in 2010.
2. A similar variance request was approved for this property in 2022, but that variance expired. The applicant has a modified house design and has reapplied with slightly different site plan.

PROJECT DESCRIPTION

3. 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 8 feet from the front lot line (east), rather than the required 25 feet. The 8 feet is to

the edge of an uncovered porch, but the main wall of the house would have a setback of 10 feet. The house would also be 5 feet from the left side lot line (south), rather than the required 10 feet.

4. 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.

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. The applicant is able to construct a smaller home on the property without the need for a variance. It is questionable if the inability to construct a certain sized home meets the legal standards necessary to be considered a 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 fairly small for a single-family lot, but the size is similar to the other parcels in that part of the City. The lot also has an unusual triangle shape, which does have an impact on the ability to construct a home within the buildable area. 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. Many of the other homes in that neighborhood are also closer to the street than the required 25 feet, with some similar to the requested 8 feet. The house that was previously located on this lot was approximately 12 feet from the lot line. The proposed house would be located adjacent to a 35' wide easement to the south, so it wouldn't have any direct impact on the adjacent property. Overall, the proposed construction should have little impact on the neighborhood or the general public. It appears that this standard may have been met for the variance request.

STAFF RECOMMENDATION

8. It is questionable if this request meets all of the standards needed for approval. If the Board feels the standards have not been met, then the variance should be denied.
9. A street-yard setback variance was approved in 2019 for the property at 620 Boldt Street, which is around the corner from this parcel. That variance allowed the structure to be 15'-6" from the lot line.

10. A similar variance was approved for this property in 2022, with a 10' setback from the front and a 5' setback from the side.

ATTACHMENTS:

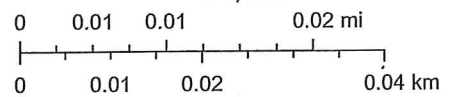
Application, Location Map, existing Certified Survey Map, proposed Certified Survey Map/Site Map, photos of neighboring building setbacks.

City of Platteville



3/16/2022, 11:28:59 AM

1:1,128



Centerline

City Boundary

Address Points (Data in Progress)

Active

APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

	APPLICANT/AGENT	OWNER
NAME(S):	Marilee Lonsberg	Same
MAILING ADDRESS:	495 Broadway St. Platteville, WI 53818	
PHONE:	608-778-1942	
EMAIL:	mlonsberg@hotmail.com	

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

PROPERTY INFORMATION: *Attach additional sheets if necessary.*

SITE ADDRESS:	530 Broadway St	PARCEL ID:	271-00465-0000
LEGAL DESCRIPTION:	Assessment Plat Lot 1, Block 13, PRT EXC W150		
CURRENT USE & IMPROVEMENTS:	Vacant Lot - Home was torn down several years ago		
PROPOSED USE & IMPROVEMENTS:	Build a 1 story Ranch style home with an attached garage.		

DIMENSIONS	REQUIRED (FT OR SQ FT)	REQUESTED (FT OR SQ FT)	CORNER LOT?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
STREET YARD:	25'	8'	ZONING DISTRICT:	R-2
LEFT SIDE YARD:	10'	5'	CODE REFERENCE (SECTION NO.):	
RIGHT SIDE YARD:	10'	10'		
REAR YARD:	25'	25'		
AREA:	8600 sq. ft.			
OTHER:				

OFFICE USE ONLY

Date Application Filed: _____ Fee Paid (\$): _____ Receipt Number: _____
 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:	Due to my age + health conditions, I need a 1 story home with an attached garage. The unusual lot shape + required setbacks would not allow a buildable area large enough to fit my house design.
2. THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:	The property has plenty of frontage on Broadway but the unique triangular shape, angles + depth of the lot make it difficult to conform to the required setbacks
3. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:	There are several homes across the street + in adjacent blocks that are much closer to the street than the required 25ft. With all these variances, being less than 25ft is the "NORM" on Broadway St..

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

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

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: Mailee Lomborg
 APPELLANT: _____

DATE: 6-29-23
 DATE: _____

COUNTY SURVEY MAP NO. _____
CERTIFIED SURVEY MAP

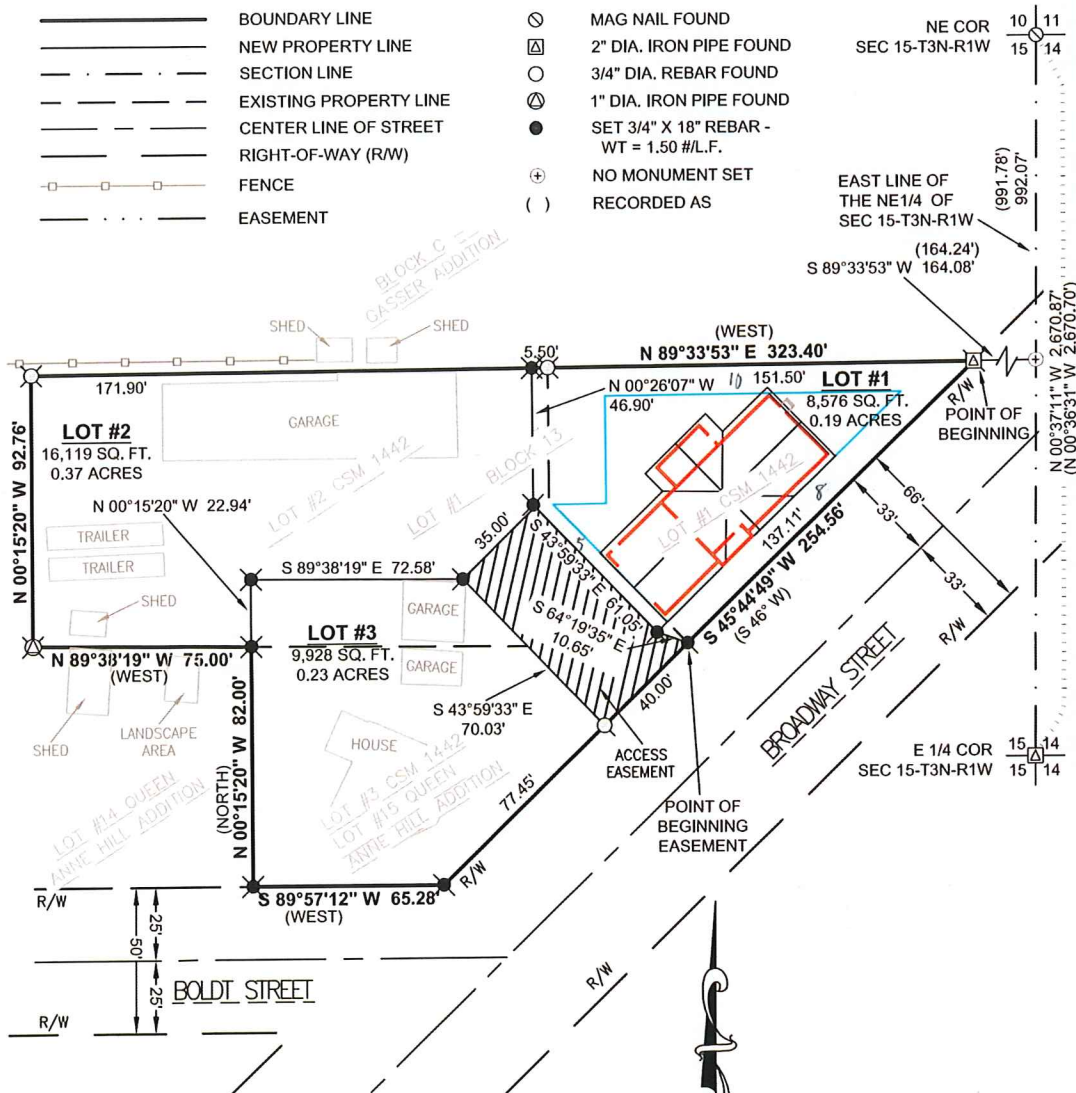
LOCATED IN CERTIFIED SURVEY MAP NO. 1442, BEING IN LOT 15 OF QUEEN ANNE HILL ADDITION AND PART OF LOT 1 OF BLOCK 13 OF THE ASSESSOR'S PLAT TO THE VILLAGE (NOW CITY) OF PLATTEVILLE, BEING IN THE NE 1/4 OF THE NE 1/4 OF SECTION 15, T3N, R1W OF THE 4TH P.M., CITY OF PLATTEVILLE, GRANT COUNTY, WISCONSIN

DRAFT

FOR RECORDING PURPOSES

LEGEND

- | | | | |
|--|------------------------|--|---|
| | BOUNDARY LINE | | MAG NAIL FOUND |
| | NEW PROPERTY LINE | | 2" DIA. IRON PIPE FOUND |
| | SECTION LINE | | 3/4" DIA. REBAR FOUND |
| | EXISTING PROPERTY LINE | | 1" DIA. IRON PIPE FOUND |
| | CENTER LINE OF STREET | | SET 3/4" X 18" REBAR - WT = 1.50 #/L.F. |
| | RIGHT-OF-WAY (R/W) | | NO MONUMENT SET |
| | FENCE | | RECORDED AS |
| | EASEMENT | | |



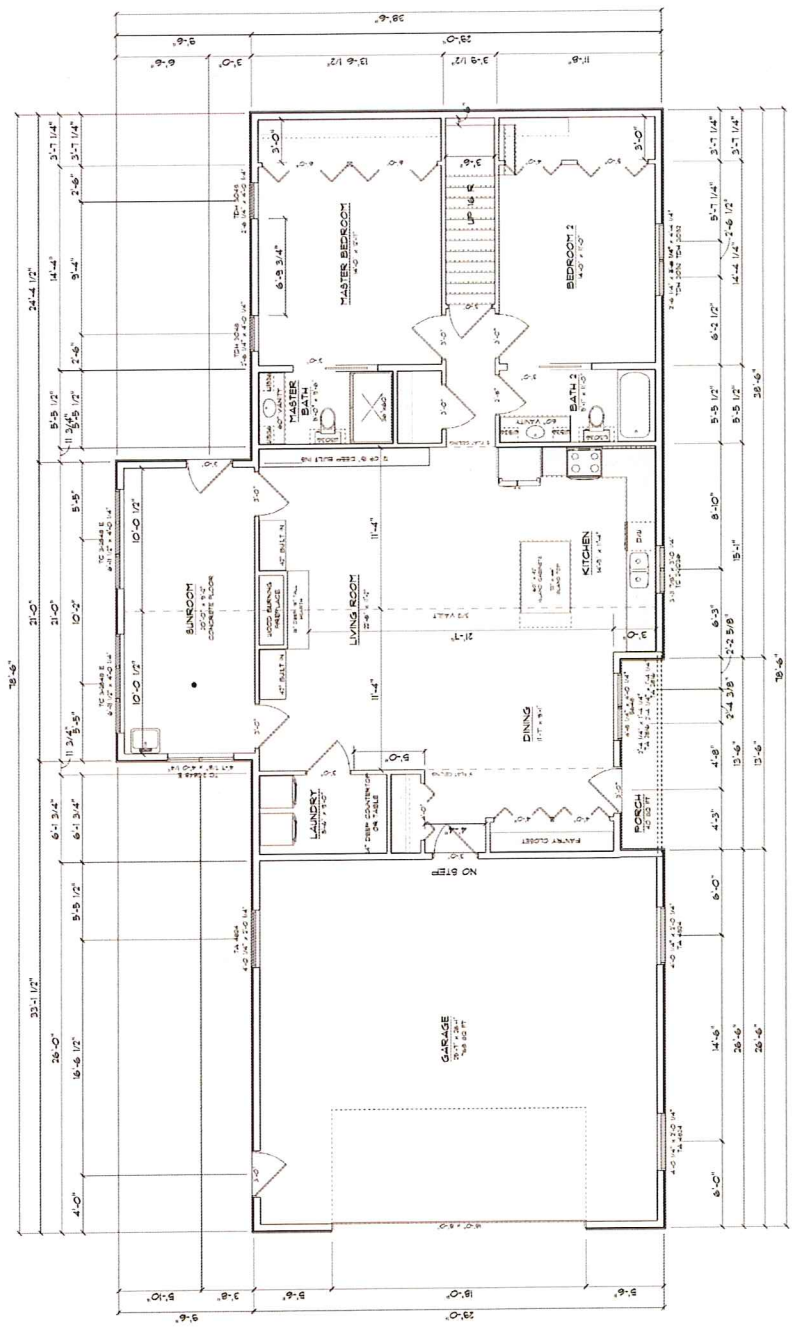
BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NE 1/4 OF SECTION 15-T3N-R1W, WHICH BEARS S 00°37'11" E IN THE GRANT COUNTY COORDINATE SYSTEM (NAD 83(2011)).



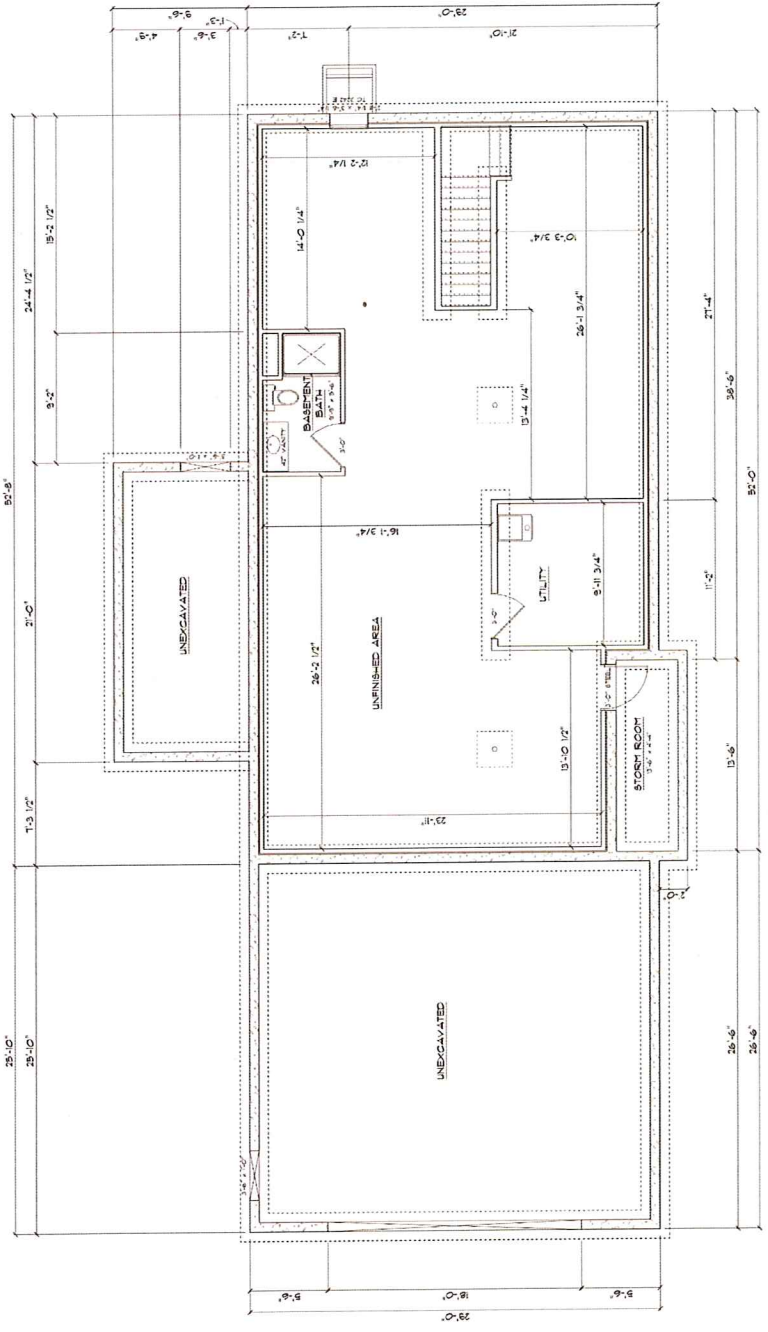
DELTA 3
 PROFESSIONAL CIVIL & STRUCTURAL ENGINEERING • SURVEYING
 GRANT WRITING • LAND DEVELOPMENT • PLANNING & CADD SERVICES
 875 SOUTH CHESTNUT STREET PHONE: (608) 348-5355
 PLATTEVILLE, WISCONSIN 53818

FOR: MARILEE LONSBURG
 495 BROADWAY STREET
 PLATTEVILLE, WI 53818

DATE(S) OF FIELDWORK: 2022-04-12
 FIELD CREW: A. LOEFFELHOLZ, J. SEWELL
 DRAWN BY: J. SEWELL
 REVIEWED BY: D. DREESSENS



MAIN FLOOR
 SCALE 1/4" = 1'-0"
 1649 SQ FT



FOUNDATION
 SCALE 1/4" = 1'-0"

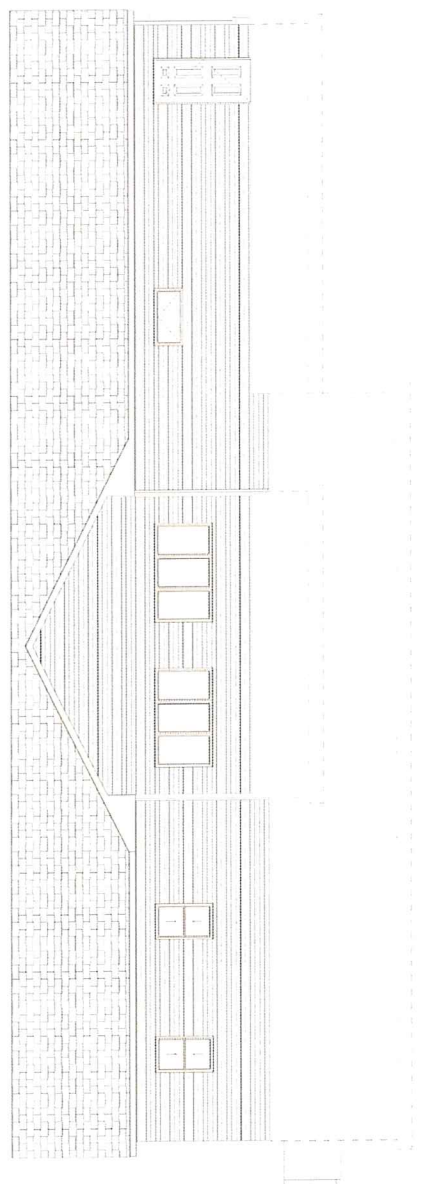
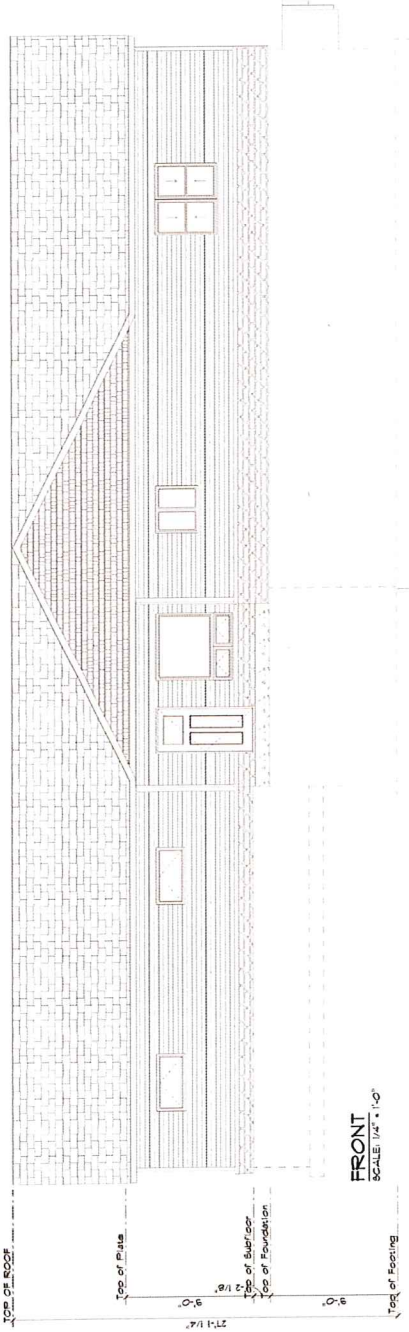
Marilee Lonsberg
 Designer/Architect
 PHONE: 53818
 FAX: 53818

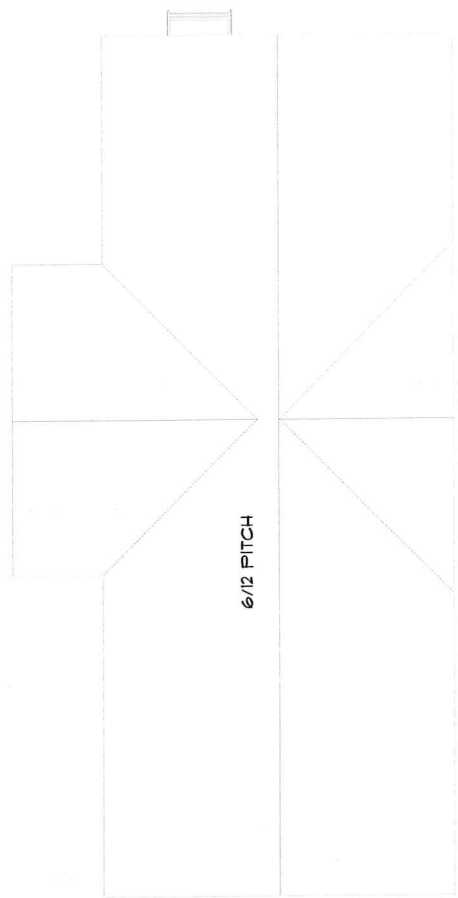


J SQUARED CONSTRUCTION, LLC
 6041 CENTRALE
 PLATTEVILLE
 IA 50638
 PHONE: 508-778-8418
 JQVE@J2CONSTRUCTION.COM

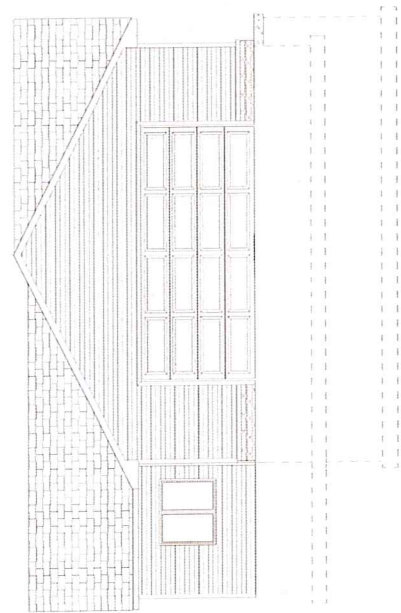
DATE: Monday, June 5, 2023
 DRAWN BY:
 CHECKED BY:
 APPROVED:

3/4
 PAGE: FRONT & REAR

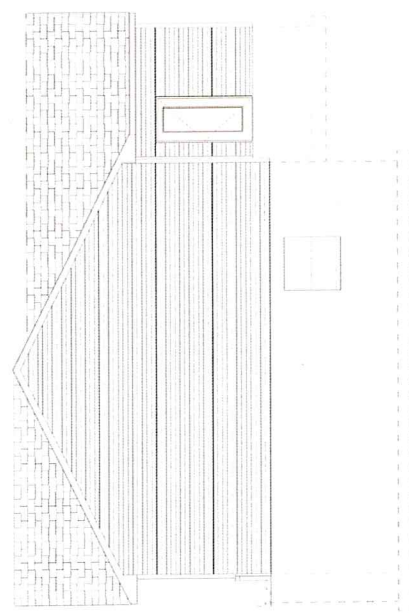




ROOF
 SCALE: 3/8" = 1'-0"



LEFT
 SCALE: 1/4" = 1'-0"



RIGHT
 SCALE: 1/4" = 1'-0"

Lonsberg Properties

Lot #1

520 Broadway

530 Broadway

Lot #2



530 Broadway Lot #1
Proposed Building Site

Properties w/in same block area as 530 Broadway.
All Setback Variances

450

470

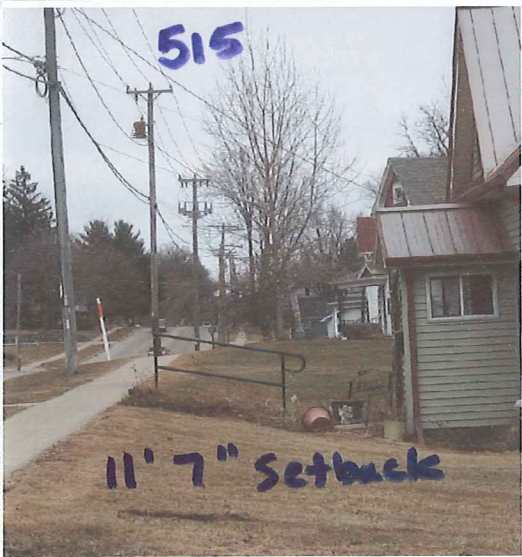
500



6' setback

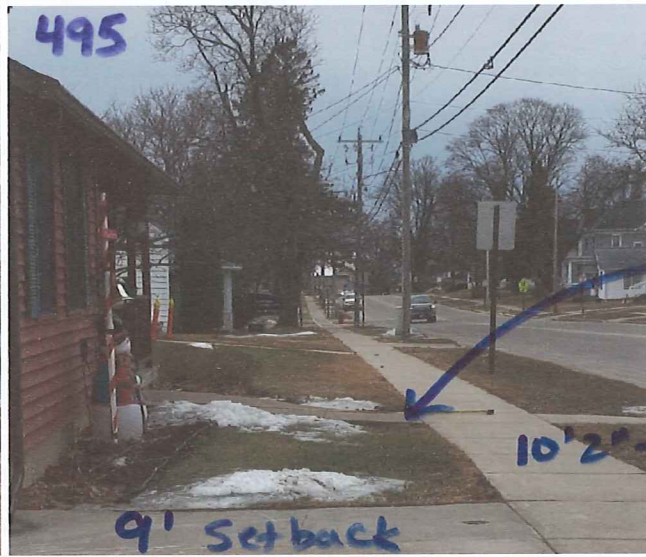
12' setback

16'



515

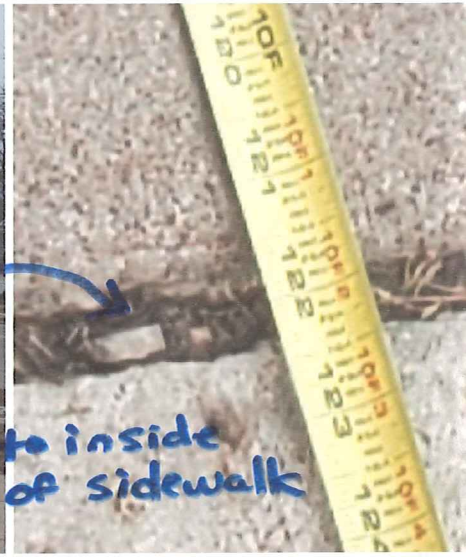
11' 7" setback



495

9' setback

10' 2" to inside of sidewalk



450

6' setback

470

12' setback to house

No Photo:

455 = 11' 10"

475 = 15' 6"