

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



AGENDA

Monday, September 18, 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 and July 17, 2023
3. Variance: 960 Broadway – Keith & Deborah Custer (BA23-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

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 .

The Findings of Fact were discussed:

The fence was important to have for the safety of the children and for noise control. The location will not create any visibility issues for traffic and is far enough away from the road so that it would not be readily visible. The back yards of all the houses along that portion of the road face the highway, which is different is some of the houses faced the street.

190 N. Second Street – Allegiant Oil

Carroll introduced the variance request from Allegiant Oil who seeks permission to construct a digital/electronic message sign, which is not allowed in the zoning district where this property is located.

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. 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. It is questionable if the request meets all three legal standards.

Carroll mentioned that we occasionally receive complaints regarding other electronic signs, usually due to the brightness of the sign. Typically, the owner just makes an adjustment and that solves the problem. That is the only concern regarding this request due to the residential properties that are nearby.

Applicant statement.

Tina Hake mentioned that the property already has lights under the canopy and on the building that stay on all night, so the additional light from the sign would be minor. Mike Lange mentioned that the sign automatically adjusts based on the light conditions from day to night, so the brightness should not be an issue. The brightness can also be adjusted manually if needed.

There was a question regarding the existing stairs and platform around the existing sign; will this be removed? The applicant stated that the platform and stairs are connected to the sign pole and help support the sign, so removing it would reduce the support and may result in the sign not being structurally sound.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

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: _____

MINUTES
CITY OF PLATTEVILLE ZONING BOARD OF APPEALS
July 17, 2023 at 7:00 p.m.
Council Chambers at City Hall

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

APPROVAL OF MINUTES:

The minutes in the packet were incomplete so there was no action regarding the minutes of the June 19, 2023 meeting.

VARIANCE REQUEST:

430 Jewett Street – Clark Cammack

Carroll introduced the variance request from Clark Cammack who seeks a variance to allow the construction of a covered porch that doesn't meet the required street yard setback. 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. 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".

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. 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 Sickie 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.

Applicant statement. Clark Cammack mentioned that he wants to replace the porch with a covered porch and replace the roof on the house at the same time. He was not aware until he talked to the Building Inspector that the rules were different for covered porches. The proposed porch will not be any closer to the street than the existing porch.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion. The general consensus was that the project will not have a negative impact on the neighbors, it will improve the value of the property, and will improve the appearance of the property.

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

530 Broadway Street – Marilee Lonsberg

Carroll introduced the variance request from Marilee Lonsberg who seeks permission to construct a new house that does not meet the required street yard and side yard setbacks. 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. 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.

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

Applicant statement. Marilee Lonsberg mentioned that there is a shared driveway with an easement that is 40 feet wide and located next to the property. This is the side where the variance is being requested so the house will not be close to the next house. There are other houses in the vicinity that are closer to the street and similar to what is being requested.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion. The general consensus was that the project will not have a negative impact on the neighbors, other houses in the vicinity have a similar setback to what is being requested, the proposed house will fit the neighborhood.

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

The Findings of Fact

430 Jewett Street: The project will improve the appearance of the property and the neighborhood, it will improve the taxes, the porch will fit the neighborhood because other houses are also closer to the street, the variance is only requesting to allow the porch to be 1 foot closer.

530 Broadway Street: A similar variance was previously approved and this request is close to the one year deadline; there are other precedents that apply; the project will not have a negative impact on the neighbors; the house will fit the neighborhood.

ADJOURN:

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

Joe Carroll, Community Development Director

Approved: _____

STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: September 18, 2023

Re: Variance from Zoning Ordinance

Case #: BA23-VA06-06

Request: Variance from Section 22.04(B) of the Zoning Ordinance regarding the size of accessory structures.

Applicant: Keith and Deborah Custer

Location: 960 Broadway Street

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Residential	R-2	Medium Density Residential
North	Vacant	M-1	Medium Density Residential
South	Residential/Park	R-2/C-1	Medium Density Residential/Conservancy
East	Commercial	M-1	Conservancy/Manufacturing
West	Vacant/High School	R-2/I-1	Medium Density Residential/Institutional

BACKGROUND

1. The property at 960 Broadway contains a single-family home, a detached garage and a potting shed. The applicant would like to remove the existing garage and construct a new larger garage, which would result in the property exceeding the maximum area for accessory structures allowed by the zoning ordinance.

PROJECT DESCRIPTION

2. The property has an existing detached garage that is in poor shape and in need of repairs. There is also an existing shed that is 120 sq. ft. The applicant would like to remove the existing garage and construct a new 40' x 40' (1,600 sq. ft.) detached garage in the northwest corner of the property. The total area of all accessory buildings would be 1,720 sq. ft.
3. 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 1,720 sq. ft. would exceed this amount by 520 sq. ft.

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 property currently has an existing single-family use and existing accessory buildings that can continue to be used. The applicant is also able to construct a new garage that provides more space than currently is on the property – up to 1,200 sq. ft. in total. Is the difference between the allowable 1,200 sq. ft. and the requested 1,720 sq. ft. critical to the point of becoming a hardship? It does not appear that 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. The lot is very large for a single-family residential lot in the City and is located at the very edge of the City, so it is more rural in nature than most lots. The lot also has only one other residential neighbor. This situation does make the property unique compared to most other residential properties in the City. It appears the request meets the uniqueness 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 primary impact of the project will be to the neighboring residential property to the south. The new garage will be located approximately 245 feet to the southern property line and 370 feet to the house located on the property to the south. The impact on this property should be limited. The other adjacent properties should not be impacted. The only other potential concern is setting a precedent for other properties to exceed the allowable area, but the uniqueness limits the ability of other applicants using this as a comparable. It appears that the third standard may have been met for the variance request.

STAFF RECOMMENDATION

7. Staff believes it is questionable if the variance meets all the standards needed for approval; if the Board agrees, the variance should be denied.

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




ATTACHMENTS:

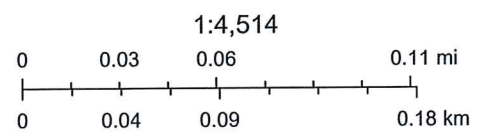
1. Application, Location Map

City of Platteville



9/7/2023, 7:32:23 AM

-  Centerlines
-  City Boundary
-  Parcel Data (2023)
- Landmark Names



RECEIVED
8/28/23

APPLICATION TO THE
BOARD OF APPEALS
CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

	APPLICANT/AGENT	OWNER
NAME(S):	Keith & Deborah Custer	Keith Custer
MAILING ADDRESS:	960 Broadway St. Platteville, WI 53818	960 Broadway St. Platteville, WI 53818
PHONE:	608-732-8589	608-732-8589
EMAIL:	custerk@gmail.com	custerk@gmail.com

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

PROPERTY INFORMATION

SITE ADDRESS:	960 Broadway St.	PARCEL ID:	271-00323-0000
LEGAL DESCRIPTION:	Assessment PLAT PRT LOT 1 DESC; COM NW COR SW¼ SEC 11; S52D28M E53.19'; E631'; S1219'; N89D21M E 537.38'; S0D34M W572.57';		
CURRENT USE & IMPROVEMENTS:	Legal Description (Cont): E 258.65'; S82'; E115' TO POB N294.37'; S448.29'; S 59D41M W130.90'; N220' TO POB Also COM W¼ COR SEC 11; S 89D37M E1626 Current Use & Improvements: Single family primary residence with 2-car attached Garage, ~100 sq.-foot Potting Shed, and 2-car detached garage.		
PROPOSED USE & IMPROVEMENTS:	No change in proposed use. Proposed replacement of 2-car detached garage with shed large enough to de-clutter property of vehicles.		

DIMENSIONS	REQUIRED (FT OR SQ FT)	REQUESTED (FT OR SQ FT)	CORNER LOT?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
STREET YARD:			ZONING DISTRICT:	SC 4389, Platteville School District
LEFT SIDE YARD:			CODE REFERENCE (SECTION NO.):	2712-Platteville Assessment PLAT Tract: 11-03N-01W SE SW Block: 1 Lot 1
RIGHT SIDE YARD:				
REAR YARD:	1200 SQ FT	1720 SQ FT		
AREA:				
OTHER:	Accessory limit of 1720 rather than 1200			

OFFICE USE ONLY

Date Application Filed: 8/28/2023 Fee Paid (\$): _____ Receipt Number: _____
 Board of Appeals Action: _____ BoA Date: 9/18/2023 Permit Number: BA23-VA06-06
 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>We are a large family who are requesting effective use of a unique, 2.15-acre lot to protect and conceal multiple vehicles. We have 3 UWP/teen drivers (+2 in coming years) who have worked hard at local businesses to afford their own vehicle; however, Municipal Code Use Restriction 22.04.B.1.e limits accessory structures to 1200 Sq Ft. which is insufficient to enclose vehicles, leaving the property cluttered. The current detached garage is aged and in need of replacement; however, it is not worth the cost if limited to a small structure.</p>
<p>2. THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:</p>	<p>Though technically in the city limits (with city taxes), the property is 2.15 acres with only 1 partially-visible neighbor as it sits over a hill. The planned 40' x 40' garage would occupy less than 2% of the property and would follow other ordinances including rear-yard location and setbacks. I support the ordinance as applied to a typical city lot residence, however this is a unique property in its size, location, lack of curb or sidewalk, and abutting Faherty's Recycling.</p>
<p>3. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:</p>	<p>Given the lack of neighbors and large lot-size, a modest building of 1600 sq ft would not look out of place. The intent of the ordinance is to avoid unsightly structures in residential areas. The proposed project would remove an unsightly garage and also conceal 4 vehicles and other equipment which improves the appearance of one of the first residences visitors coming from the M will see, therefore approving this variance helps meet the intent of the code.</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: 
 APPELLANT: 

DATE: 8/27/23
 DATE: 8/27/23

City of Platteville



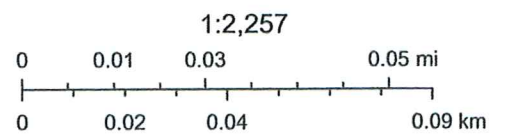
5/19/2023, 10:59:49 AM

- Centerlines
- City Boundary

- Parcel Data (2022)
- Landmark Names

Address Points (Data in Progress)

- Active



Platteville, Wisconsin
Google Street View
May 2023 See more dates



Image capture: May 2023 © 2023 Google

