

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



AGENDA

Monday, March 18, 2024 at 7:00 p.m.

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

1. Call to Order
2. Approve Minutes: September 18, 2023
3. Variance: 1035 Oakhaven Court – Mark and Amanda Witzig (BA24-VA01-01)
450 N. Court Street – City of Platteville Fire Department (BA24-VA02-02)
 - 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

September 18, 2023 at 7:00 p.m.
Council Chambers at City Hall

MEMBERS PRESENT: Dana Niehaus, Karen Lynch, Kevin Wunderlin, Todd Kasper
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 Lynch, second by Niehaus, to approve the minutes of the June 19, 2023 meeting. Motion approved. Motion by Wunderlin, second by Lynch, to approve the minutes of the July 17, 2023 meeting. Motion approved.

VARIANCE REQUEST:

960 Broadway Street – Keith and Deborah Custer

Carroll introduced the variance request from Keith and Deborah Custer who seek a variance to allow the construction of an accessory building that exceeds the allowable size.

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. 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.

Carroll stated that it is questionable if this request meets the first standard but appears to meet the second and third standard. If the Board feels the standards have not been met, then the variance should be denied.

Applicant statement.

Keith Custer commented that they have four kids with cars, plus their own cars, and an RV that they would like to store inside. They don't want the property to look cluttered by parking all the vehicles outside. The existing garage is in need of repairs and isn't large enough.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion. None

Motion by Lynch to approve the variance. Second by Wunderlin. Motion was approved 4-0.

The Findings of Fact

The building would not be readily visible from the street.
The building would improve the appearance of the property by allowing the vehicles to be stored inside.
The building would improve the value of the property.
No neighbors would be negatively impacted by the project.
The surrounding land is primarily vacant, with a rural character.
The large lot size and location makes the property unique.

ADJOURN:

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

Joe Carroll, Community Development Director

Approved: _____

STAFF STATEMENT TO THE BOARD OF APPEALS

From: Community Development Department

Date: March 18, 2024

Re: Variance from Zoning Ordinance

Case #: BA24-VA01-01

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

Applicant: Mark and Amanda Witzig

Location: 1035 Oakhaven Court

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	R-1	Low Density Residential
East	Single-family Residential	R-1	Low Density Residential
West	Single-family Residential	R-1	Low Density Residential

BACKGROUND

1. Mark and Amanda Witzig own and reside on the property at 1035 Oakhaven Court. They purchased the property in 2021. Randy and Dawn Jenny are in the process of constructing a home on the adjacent property at 185 W. Knollwood Way. They purchased their property sometime after 2021 when it was two vacant lots (155 and 185 W. Knollwood Way).
2. In November of 2023 a Certified Survey Map (CSM) was created to combine the two Jenny parcels into the current lot. The CSM provided information to indicate that a patio and deck located on the Witzig property extend across the property line onto the Jenny property. The patio, deck and a storage addition located under the deck were constructed by the previous owner sometime between 2015 and 2020 and were in existence at the time the Witzig's purchased the property. The deck improvements were made without a building permit and were constructed in violation of the zoning ordinance. The deck and storage addition located under the deck do not meet the required side-yard setback. The deck extends 1.4 feet onto the Jenny property. The Witzigs are proposing to remove a portion of the deck

and are seeking a variance for the remaining deck stairs and building addition that do not conform to the required side-yard setback.

3. A building permit was obtained by the previous owner in 2016 for the installation of a concrete patio. At the time the Witzig's purchased the 1035 Oakhaven property in July 2021 an easement was provided by Mr. Ubersox as owner of the 155 W. Knollwood property (the current Jenny property). The easement provided a perpetual nonexclusive easement to have, to use and to maintain a concrete patio, which currently extends from the 1035 Oakhaven property onto the 155 Knollwood property. Because of the presence of this easement, the patio is not part of the variance request.

PROJECT DESCRIPTION

4. To achieve compliance with the zoning ordinance, the applicant is proposing to remove a portion of the deck so that it will be even with the back of the house and will no longer encroach onto the adjacent Jenny property. The remaining portion of the deck will meet the required setback, but they would like to keep the deck stairs, which will be closer than the required 5 feet. They would also like to keep the basement storage addition that is located under the deck. The variance request will be for the location of the deck stairs within the 5' setback (approximately 2.5 feet), and the location of the storage addition within the 10' setback (approximately 5.5 feet). No changes are proposed for the patio.

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 has an existing house on the lot that is currently being used, and that can continue to be used. The hardship in this situation is that, without a variance, the applicant will need to remove a portion of the deck, the deck stairs, and storage addition under the deck due to the negligence of the previous owner. This would be a financial burden as well as a burden due to the loss of the use of these amenities that were present when they purchased the property.
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 does have an unusual triangular shape that limits the buildable area but is otherwise similar in size to other parcels in that part of the City. The unique situation with this request and this property is that neither the applicant nor the adjoining property owner created the current problem. They both bought into the problem and the applicant is looking for a way to resolve the issue.
7. The third standard requires the applicant to show that the variance, if granted, will not have a negative impact on the public interest. The improvements obviously impact the Jenny property but should have little to no impact on the other neighboring properties. These

improvements have been there for several years without incident. This situation only became apparent because of the CSM and the Jenny's construction project.

STAFF RECOMMENDATION

8. Staff recognizes that this is a very unusual situation due to the violations being solely due to the negligence of the previous owner. The applicant and adjacent property owner both purchased the properties with the improvements already present. The applicant is looking for a solution to the problem through modifications to the deck and a variance. From a legal perspective there is some question if the applicable standards have been met, but Staff believes a variance is warranted. If the Board agrees, the variance should be approved.

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

ATTACHMENTS:

1. Application
2. Location Map
3. Site Map

APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



General Information (please type or print clearly)

	Applicant/Agent	Owner
Name	Mark and Amanda Witzig	Mark and Amanda Witzig
Address	1035 Oakhaven Court	1035 Oakhaven Court
Phone	Mark: 608-642-7567	Amanda: 608-642-1329
Email	Mark: witzigm@yahoo.com	Amanda: ajwitzig@gmail.com

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

Property Information (Attach additional sheets if necessary)

Address of Property in Question: 1035 Oakhaven Court, Platteville, WI 53818

Legal Description: Oakhaven Subdivision, Lot 8, 13983 square feet, parcel number 271-01788-0000

Current Use and Improvements: to continue being able to access our raised deck as built with staircase and the garden garage located under our raised deck that has been there since we purchased our home approximately four years ago.

Proposed Use and Improvements: there would be no new uses or improvements if the requested variance is approved. We would like to continue to be able to access our raised deck as built, the staircase to the raised deck, and the garden garage underneath our raised deck.

Dimensions:	Required	Requested
Street Yard	ft.	ft.
Left Side Yard	HOUSE 10 DECK 5 ft.	HOUSE 5.5 DECK 2.5 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: R1

Code Reference (Section No.):

OFFICE USE ONLY

Date Application Filed: 1/30/24 File Number: BA24-VA01-01
 Board of Appeals Action & Date: 2/19/24 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...

If the request for a variance is not approved, we will have to remove the staircase to our back raised deck and tear apart our garden garage. Also, if the variance is not approved, we will no longer have ground access to our raised deck. The loss of value will be significant when we sell our home in the future.

2) The hardship is due to unique features of the property in that...

Our lot is not four-sided; it is three-sided and comes to a point on the north-east side of our home where the raised deck, staircase, and garden garage are currently located. At the time the raised deck and staircase were built, the previous home owner had owned all three lots (our lot and the two lots that are now indicated as lot one on the provided CSM). Because of this, the owner ignored the lot lines and setback regulations.

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

It is our belief that the public interest will not be harmed if this variance request is approved. Our family has lived in our home for almost four years and these items were in existence prior to our purchase. The raised deck and garden garage are located on the back side of our home. In the past four years, no individuals have brought complaints to our attention on the location of the parts of our home mentioned. The nearest neighboring structure is approximately 60 feet from the setback variance that we are requesting.

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: Mark Vitzguy DATE: 1/30/2024
APPELLANT: Amanda J. Witug DATE: 1/30/2024



General Reference Map Grant County, WI

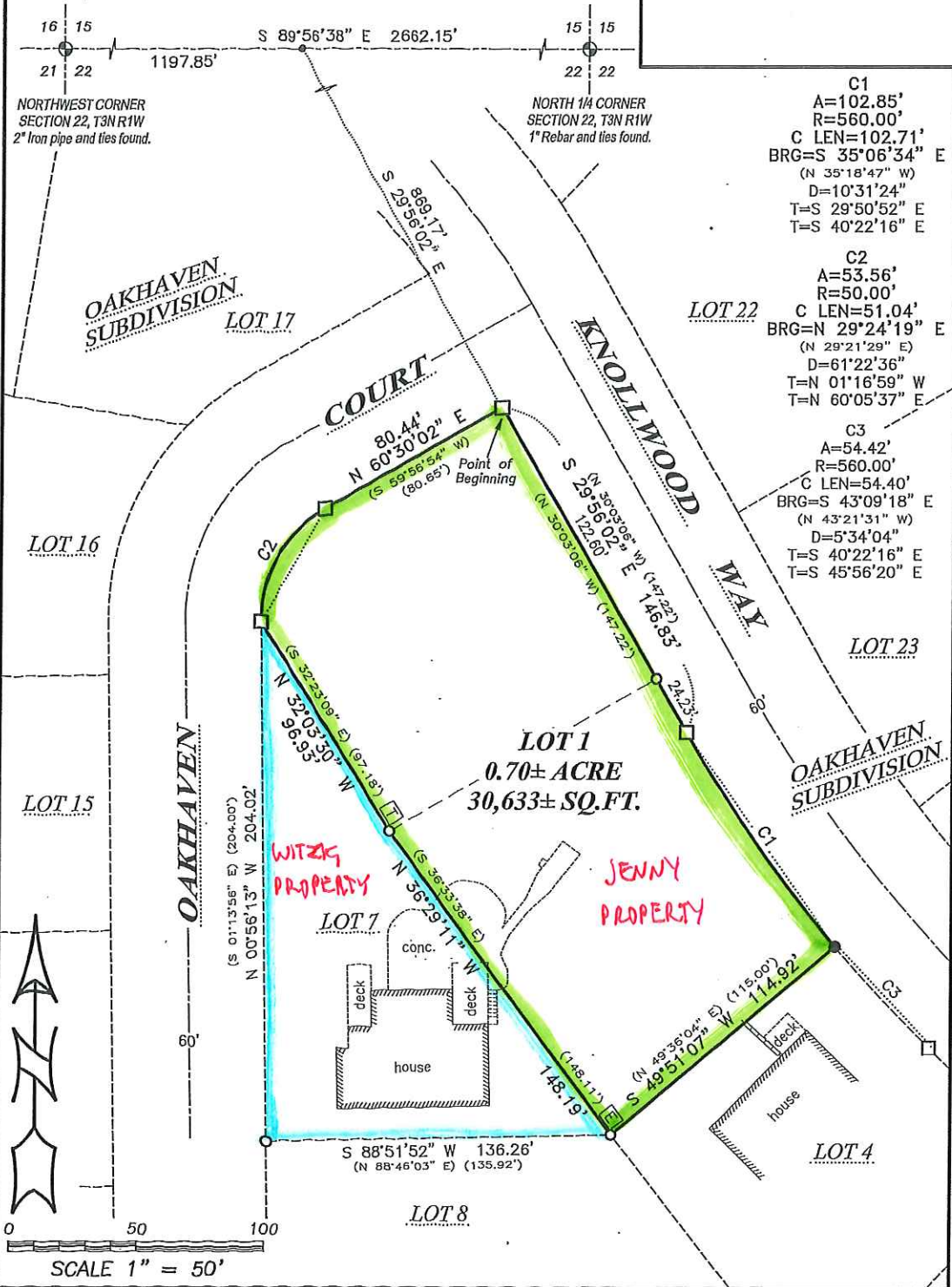
1: 564

 Tax Parcel Boundaries

The data provided in this document is for informational purposes only and Grant County assumes no legal responsibility for the information contained in this data. The burden for determining fitness for use rests entirely upon the user. Grant County assumes no liability for the accuracy of the data or responsibility for direct, indirect, special, consequential, exemplary or other damages. This document is not a legal survey nor is it intended to be used as such.

CERTIFIED SURVEY MAP NO. _____

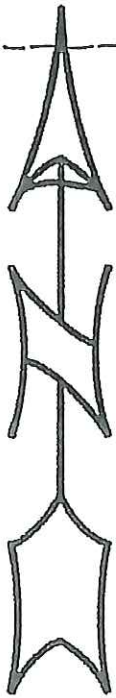
**BEING A REPLAT OF LOTS 5 AND 6 OF OAKHAVEN
SUBDIVISION WHICH IS LOCATED IN THE NE
1/4-NW 1/4 OF SECTION 22, T3N R1W, CITY OF
PLATTEVILLE, GRANT COUNTY, WISCONSIN**



LOT 16

LOT 15

OAKHAVEN



SCALE 1" = 50'

(S 01°13'56" E) (204.00')
N 00°56'13" W 204.02'

C2

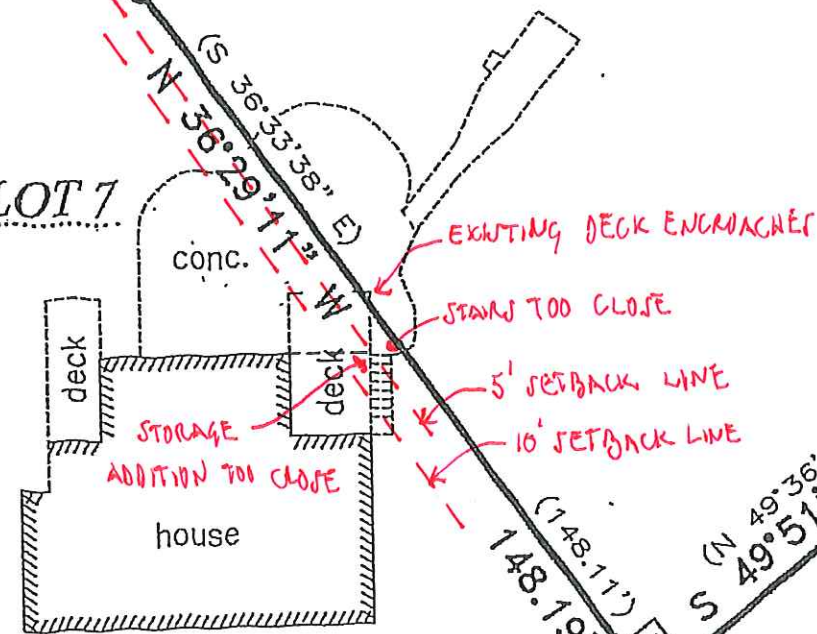
(S 32°23'09" E) (97.18')
N 32°03'30" W 96.93'

N 60°
(S 59°56'54" (80.65')
Point of Beginning

(N 30°03'06" W) (147.22')
S 29°56'02" E 122.60'
(N 30°03'06" W) (147.22')
146.83'

LOT 1
0.70± ACRE
30,633± SQ.FT.

LOT 7



S 88°51'52" W 136.26'
(N 88°46'03" E) (135.92')

LOT 8

EXISTING



LOT 16

LOT 15

OAKHAVEN

(S 01°13'56" E) (204.00')
N 00°56'13" W 204.02'

60'

C2

(S 32°23'09" E) (97.18')
N 32°03'30" W 96.93'

N 60°
(S 59°56'54" (80.65')
Point of Beginning

(N 30°03'09" W) (147.22')
S 29°56'02" E 146.83'
(N 30°03'09" W) (147.22')

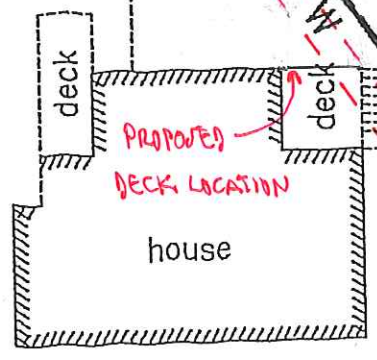
LOT 1

0.70± ACRE
30,633± SQ.FT.

LOT 7

conc.

(S 36°33'58" E)
N 36°29'11" W

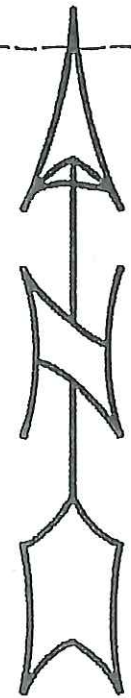


house

5' SETBACK
10' SETBACK

S 88°51'52" W 136.26'
(N 88°46'03" E) (135.92')

LOT 8



0 50 100

SCALE 1" = 50'

PROPOSED

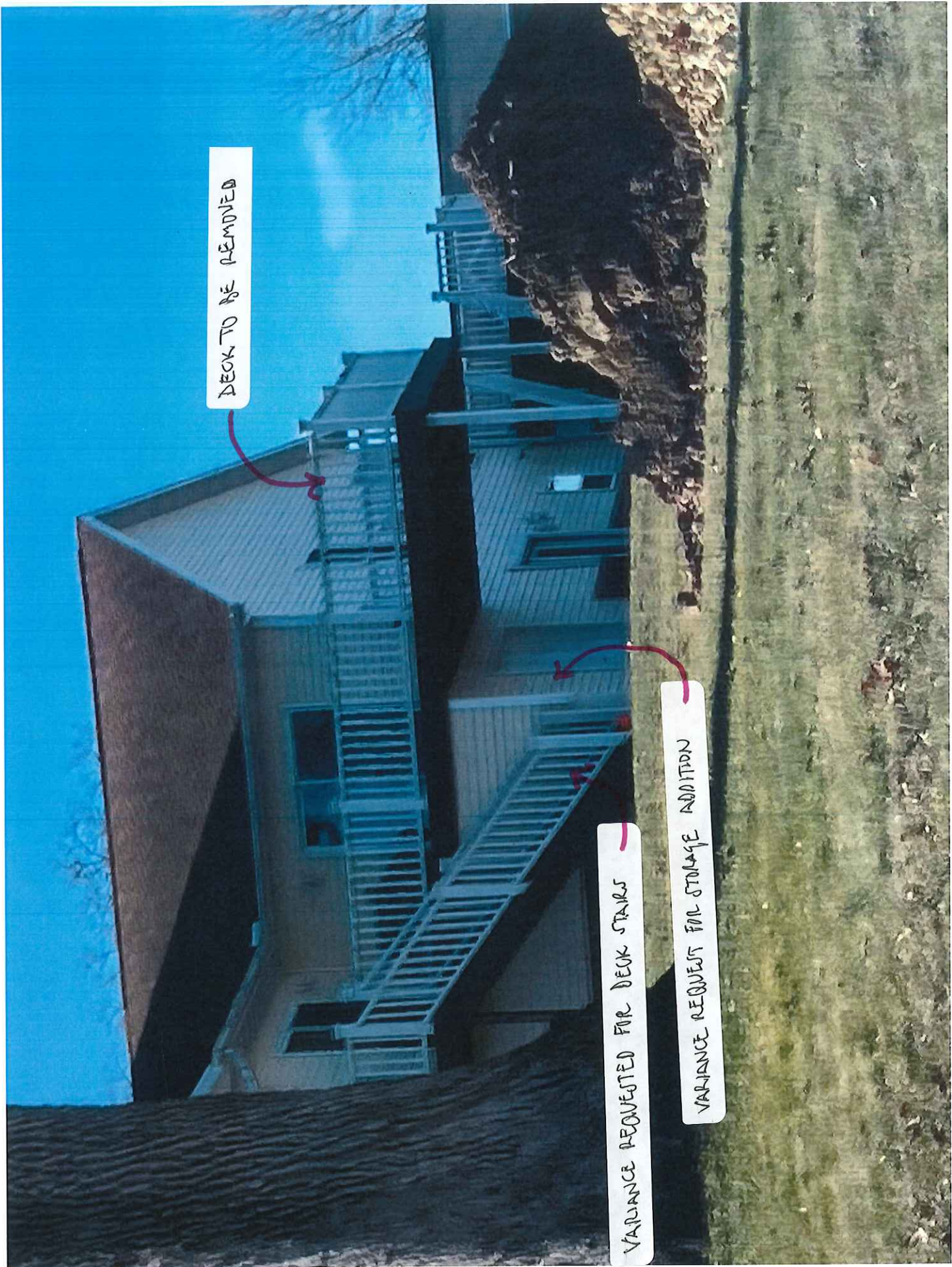


Austin Surveying, LLC

Land Surveying & Septic System Designs

JOB NO: 23S232

H:\CRD\23S232



DECK TO BE REMOVED

VARIANCE REQUESTED FOR DECK STAIRS

VARIANCE REQUEST FOR STORAGE ADDITION



DECK TO BE REMOVED

VARIANCE REQUEST FOR ADDITION

February 14, 2024

Joe Carroll
Community Development Director
City of Platteville
PO Box 780
Platteville, WI 53818-2313

RE: Zoning Board of Appeals – Mark & Amanda Witzig Variance

Dear Mr. Carroll:

I received a "notice of the public meeting" of the Zoning Board relative to the appeal of Mark and Amanda Witzig for a variance of their side yard setback at 1035 Oakhaven Court.

I am unable to attend the meeting on February 19th due to a conflict with another meeting I have, but want to write to the Zoning Board in support of the Witzig's request for a variance.

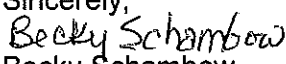
They purchased their property in good faith with the understanding that there was no concern with the lot line and I do not feel they should be accruing the expense or the stress of having to deal with new neighbors who are encroaching on what they felt was their property. I would have thought the Jenny's contractor would have at done a better job of laying out the property and plan setting so that this would not have occurred.

What concerns me more is that someone can purchase two lots and ultimately build a structure combining the lots without having to get a variance for the combination of the said lots. If I am misunderstanding that and the Jenny's were required to seek a variance to do that, I don't believe as a neighbor that I was sent a notification of that appeal.

Had I been aware that the Jenny's were combining the lots, I would have protested that as I don't believe a home as large as the one they are building is in congruence with the other homes in the neighborhood and have therefore decreased the value of the smaller homes.

This is a pet peeve of mine. Over 20 years ago I owned a home with my husband on Jewett Street. A then employee of the City purchased two properties next to our home, combined the lots, and built a multiple apartment dwelling for students. Most of our neighbors in the neighborhood protested at the time as we had all bought our homes in good faith thinking that the neighborhood was zoned for single family dwellings. The City sided with their employee. We ended up selling our home, and took a substantial loss in its value as did several of our neighbors. I fear the same thing has now happened to the Witzigs who are a young couple and can't afford to lose their property value. I'm sure they only wish they could have afforded to buy the lots to ensure the beauty of the neighborhood and I know I and other neighbors wish we could have known this was happening and perhaps we would have pooled our money to buy the lots ourselves to prevent it.

I thank you, and the Zoning Board for allowing me to voice my opinion and concern and hope you support Witzig's appeal and look at the practice of combining lots in the future.

Sincerely,

Becky Schambow
1060 Oakhaven Court
Platteville, WI 53818

cc: Mark and Amanda Witzig

Joe Carroll

From: Sandra Jansen <sk.jansen11@gmail.com>
Sent: Monday, February 12, 2024 9:00 PM
To: Joe Carroll
Subject: Meeting February 19, 2024: Variance Request - Witzig (BA24-VA01-01)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Caution: This email is from an external source.

We are writing in support of the subject appeal for a side yard setback variance at 1035 Oakhaven Ct. After review of the related information on the city's website, it seems that Mark and Amanda Witzig have proposed a reasonable and generous resolution to a very unfortunate situation. We hope their request for a variance will be approved.

Thank you and best regards,
Sandra Jansen & Michael O'Donnell
1040 Oakhaven Ct.
Platteville, WI 53818

STAFF REPORT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: March 18, 2024

Re: Variance from Zoning Ordinance

Case #: BA24-VA02-02

Request: Variance from Section 22.054(E) of the Zoning Ordinance regarding the minimum side yard setback.

Applicant: Platteville Fire Department

Location: 450 N. Court Street

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Former OE Gray School	I-1	Institutional
North	Single-family Residential	R-2	Medium Density Residential
South	Single-family Residential/ Commercial	R-2/B-1	Medium Density Residential/ Business
East	Single-family Residential/ Duplex Residential	R-2	Medium Density Residential
West	Single-family Residential/ Business	R-2/B-1	Medium Density Residential/ Business

BACKGROUND

1. In 2021 the City acquired the former OE Gray School property from the Platteville School District. The Council has identified this property as the future location of a new fire station. The existing school building will be demolished and replaced with a new building. Several options to locate the building on this site have been investigated to determine the best building and site layout. Acquisition of additional property at 220 W. Adams Street is also being pursued to provide adequate space and access.

PROJECT DESCRIPTION

2. The new building is being proposed to replace the current fire station located at 275 E. Main Street. The current building is outdated in many respects but has a primary issue with lack of space for the trucks and also lack of space for the administration and support activities. The proposed building will include an apparatus bay area, equipment storage, and areas for decontamination, gear cleaning, communication, offices, and a large training/community space – all on the main floor.

3. The exterior site improvements will include parking for personnel when responding to fires, public parking for the community room, a stormwater detention area, exterior training space, and the exit and entrance drives for the apparatus bay.
4. The property has frontage on Adams Street, Court Street, Lewis Street and Elm Street. The property slopes from the southeast corner to the northwest corner, with the flattest portion of the lot being to the east and south.
5. The building is still in the final design stage, so some modifications may yet occur. However, as proposed, the building will be 6'-1" from the nearest lot line along the western interior boundary of the property. Section 22.054(E) of the Zoning Ordinance requires a minimum side-yard setback of 15 feet, with a greater setback required for taller buildings (1 foot for each foot of building height). The height of the building at that location is currently 25'-4", which requires a setback of 25'-4". The designers are working on some modifications that will reduce the building width (approximately 4') and resulting setback, and that will reduce the building height (approximately 2'), which will reduce the required setback. Based on these potential changes, the current plan should be considered the worst-case scenario. The proposed setback of 6'-1" does not meet the required setback, so the Fire Department is requesting a variance to allow the closer setback.

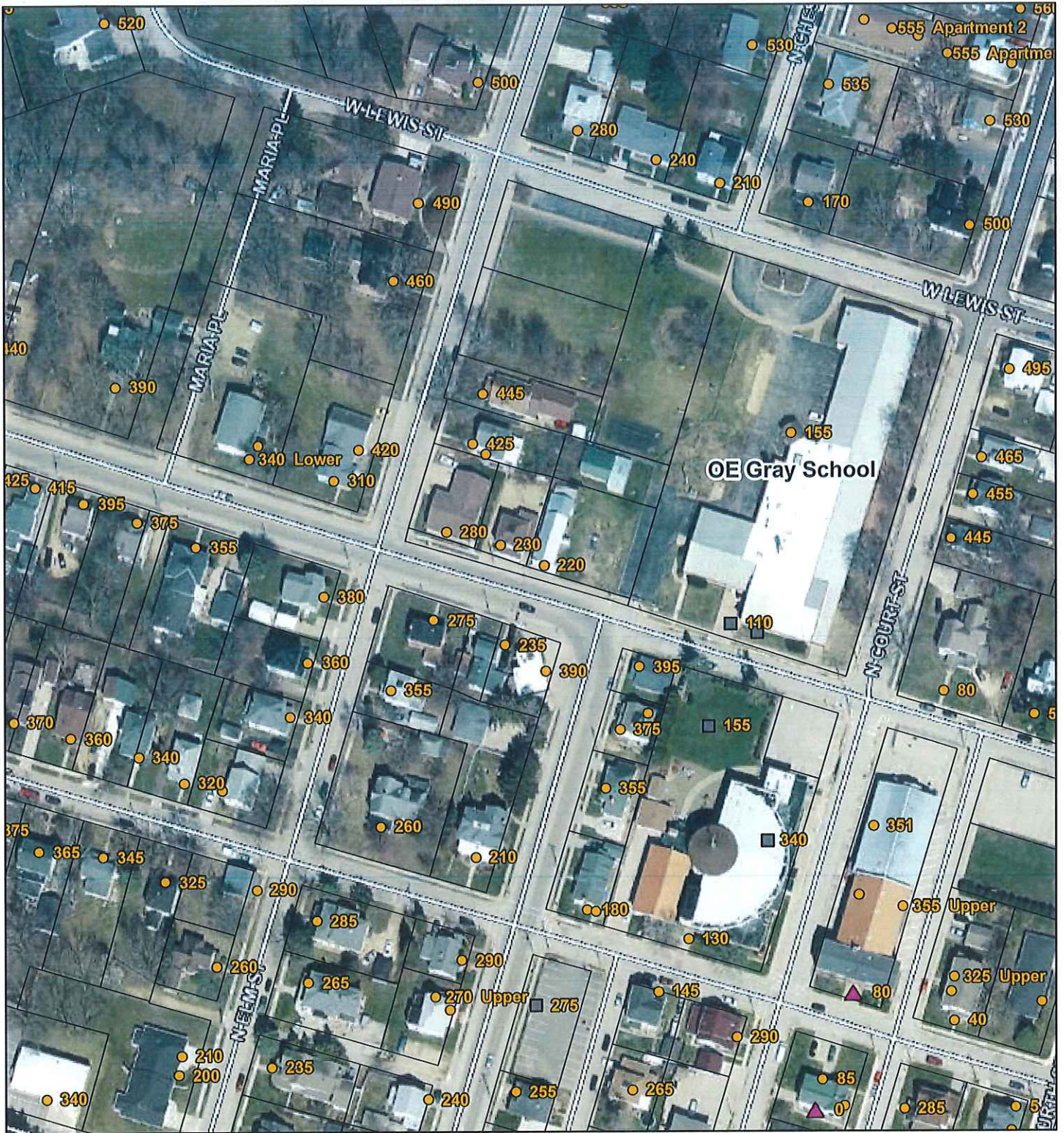
STAFF ANALYSIS

6. Because this project will be a City building, Staff is refraining from providing an opinion regarding this request and will instead just try to explain the reasons why the building is being located where it is, and why the setback is being requested.
7. One of the goals of the building design is to have all the building functions on the main floor, and to have that floor accessible. 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.
8. 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 onto this street and 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 property at 220 W. Adams Street is being acquired so the building can be moved closer to the intersection to provide this necessary truck access.
9. 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.

10. 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.
11. The third standard requires the applicant to show that the variance, if granted, will not have a negative impact on the public interest.
12. The Board needs to consider the characteristics of the site and project, the design constraints mentioned above, and determine if the standards have been met for the variance to be approved.

ATTACHMENTS: Location Map, Preliminary Building Drawings

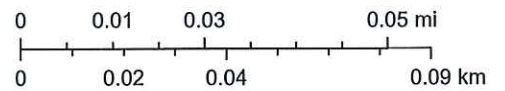
City of Platteville



2/1/2024, 9:07:59 AM

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- Centerlines
- Address Points (Data in Progress)
 - Active
 - Inactive/Retired
 - Question/Needs Review
- Parcel Data (2023)

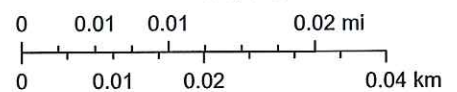


City of Platteville



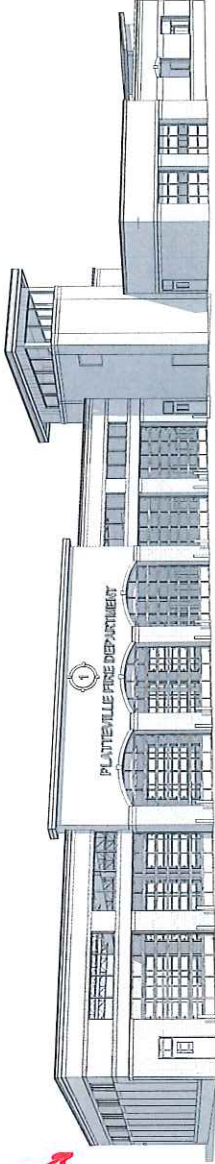
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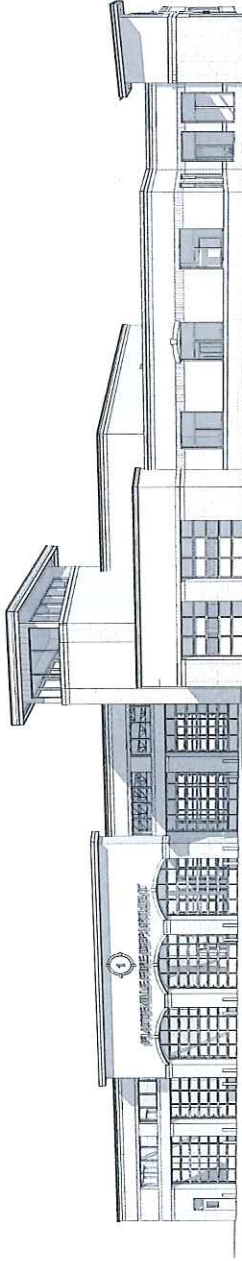


- Centerlines
- Address Points (Data in Progress)
 - Active
 - Inactive/Retired
- Parcel Data (2023)

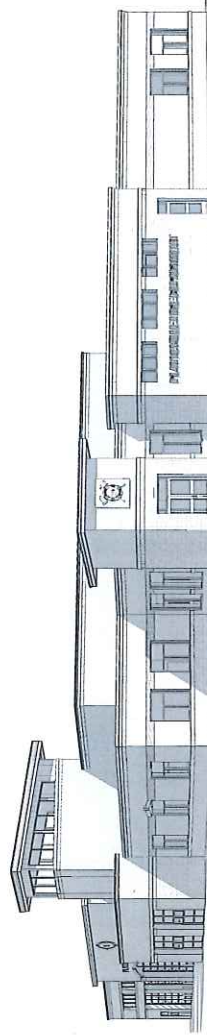
VARIANCE FROM
THIS WALL



① FRONT BAY ISO
ELEVATION



② FRONT COMMAND ISO
ELEVATION



③ FRONT ENTRANCE ISO
ELEVATION

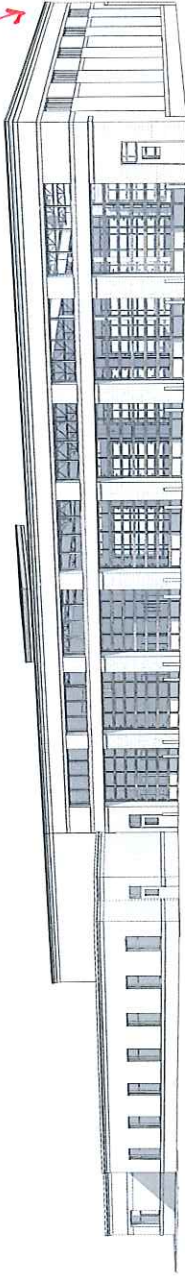
PLATTEVILLE FIRE STATION

SCHEMATIC DESIGN - 02.02.2024

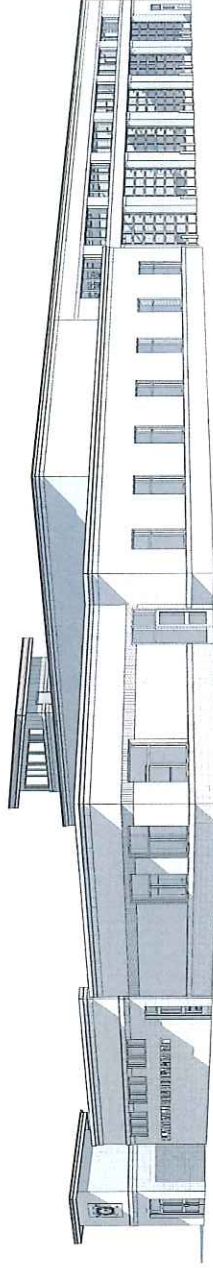
PLATTEVILLE, WI 53818

PROJECT NUMBER: 60901

VARIANCE FROM
THIS WALL



① BACK BAY ISO
SCALE



② BACK DAY ROOM ISO
SCALE

PLATTEVILLE FIRE STATION

SCHEMATIC DESIGN - 02.02.2024

PLATTEVILLE, WI 53818

PROJECT NUMBER: 08051



