

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



AGENDA

Monday, May 20, 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: April 15, 2024
3. Variance: 585 W. Madison Street – Paula & Andrew Baumann (BA24-VA04-04)
 - 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

April 15, 2024 at 7:00 p.m.
Council Chambers at City Hall

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

APPROVAL OF MINUTES:

Motion by Kasper, second by Lynch, to approve the minutes of the March 18, 2024 meeting. Motion approved.

VARIANCE REQUEST:

85 Broadway Street – Todd & Stephanie Mumm

Carroll introduced the variance request from Todd & Stephanie Mumm who seek a variance regarding the setback of a proposed building addition.

The property has a driveway and parking area on the south side of the house but does not have a garage. The applicant is proposing to construct a 22' wide by 30' deep, 2-car garage addition onto the south side of the house. The house is currently 23' from the south lot line, so the proposed addition would only be 1' from the lot line.

The minimum side-yard setback for principal structures is normally 10 feet but based on the size of the property (approximately 4,900 sq. ft.), this lot qualifies as a substandard lot. This designation means the required side-yard setback is reduced to 5 feet. However, even with this designation the proposed addition will not be adequate to meet the ordinance. Therefore, the applicant is requesting a variance from the minimum side yard setback requirement to allow the 1' requested setback.

It is questionable if this request has not met all the standards needed for approval. If the Board feels the standards have not been met, then the variance should be denied.

Applicant statement.

Todd Mumm provided the applicant statement. They would like to construct a garage to provide an area to keep the vehicles inside and provide additional space for storage and a workspace. They talked to their neighbors to let them know what they are proposing to build, and nobody has indicated any concerns about the idea.

The Board asked about the relation and proximity of the proposed garage to the neighbor's house. The response was that the garage would be back further than the neighbor's house so as not to block the windows and would be approximately 6 feet away.

There was a question regarding the driveway space that will remain after the garage is built. The applicant responded that there will still be space to allow two vehicles to park in the driveway in front of the garage.

Public statements in favor. None

Public statements against. None

Public statements in general. None

Applicant Rebuttal. None

Board Discussion.

There was a discussion related to installing one wider 16' garage door rather than two as proposed. This could create an issue with not having adequate bracing for the wall. The narrower garage would limit the ability to park two vehicles in the garage. There was some concern related to the 1' setback distance to the property line as proposed. There was also a discussion related to the need to have flexibility with the ordinances in the older neighborhoods that were built with different rules and where the lots are smaller and the structures closer together. There was also a discussion related to the fire separation requirements of the building code that would apply to this situation.

Motion by Lynch to approve the variance. Second by Kasper. Motion was approved 4-1 (Wunderlin voted against).

The Findings of Fact

The shape of the lot and the small lot size are unusual and makes it necessary to provide some flexibility with the zoning requirements.

The garage would improve the appearance of the neighborhood, so would be beneficial for the neighbors.

The garage would increase the value of the property and the tax benefits for the City.

There were no concerns expressed by any neighbors or residents.

ADJOURN:

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

Joe Carroll, Community Development Director

Approved: _____

STAFF STATEMENT TO THE BOARD OF APPEALS

From: Community Planning & Development Department

Date: May 20, 2024

Re: Variance from Zoning Ordinance

Case #: BA24-VA04-04

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

Applicant: Paula and Andrew Baumann

Location: 585 West Madison Street

Surrounding Uses and Zoning:

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

BACKGROUND

1. The applicant owns an existing single-family home at 595 West Madison Street. The applicant also owns the adjacent vacant lot at 585 W. Madison Street. The applicant would like to build a new shed on the vacant lot.

PROJECT DESCRIPTION

2. The applicant would like to build a detached 8' x 12' shed on the vacant lot at 585 W. Madison Street. The shed would be only for the personal use of the applicant and associated with the residence on the adjacent lot.
3. The proposed shed as a permitted accessory building in the R-2 district; however, according to Section 22.04, "accessory uses and structures are permitted in any district but not until the principal structure is present or under construction". Since this lot is vacant, there is no principal structure present on the same lot. Therefore, the applicant requires a variance to construct an accessory structure before a principal structure has been built.

4. The other option available to the applicant would be to combine the two lots. This would address the code requirement as quoted above, because the other lot has a principal structure present. However, the applicant wants to maintain the separate lots, because they may want to sell the other lot in the future for someone else to construct a residence.

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. A shed is a permitted accessory use in the R-1 district, and the applicant could combine the lots and legally build the garage on this land. The Board needs to determine if the requirement to obtain a Certified Survey Map and legally combine the lots is an unnecessary burden on the applicant.
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 similar in size and shape to other parcels in that area of the City. The lot has no unique features that warrant the need for a variance; therefore, the property fails to meet the uniqueness standard.
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 shed would be permitted if the lot was combined with the adjacent lot, and the impact on the neighbors would be the same. Therefore, it appears that the third standard has been met for the variance request.
8. Even though it appears questionable if the application meets the legal standards needed for approval, the Board of Appeals approved similar requests in 2002, 2004 and 2009. There have also been a few similar variances approved in the Extraterritorial Zoning area.

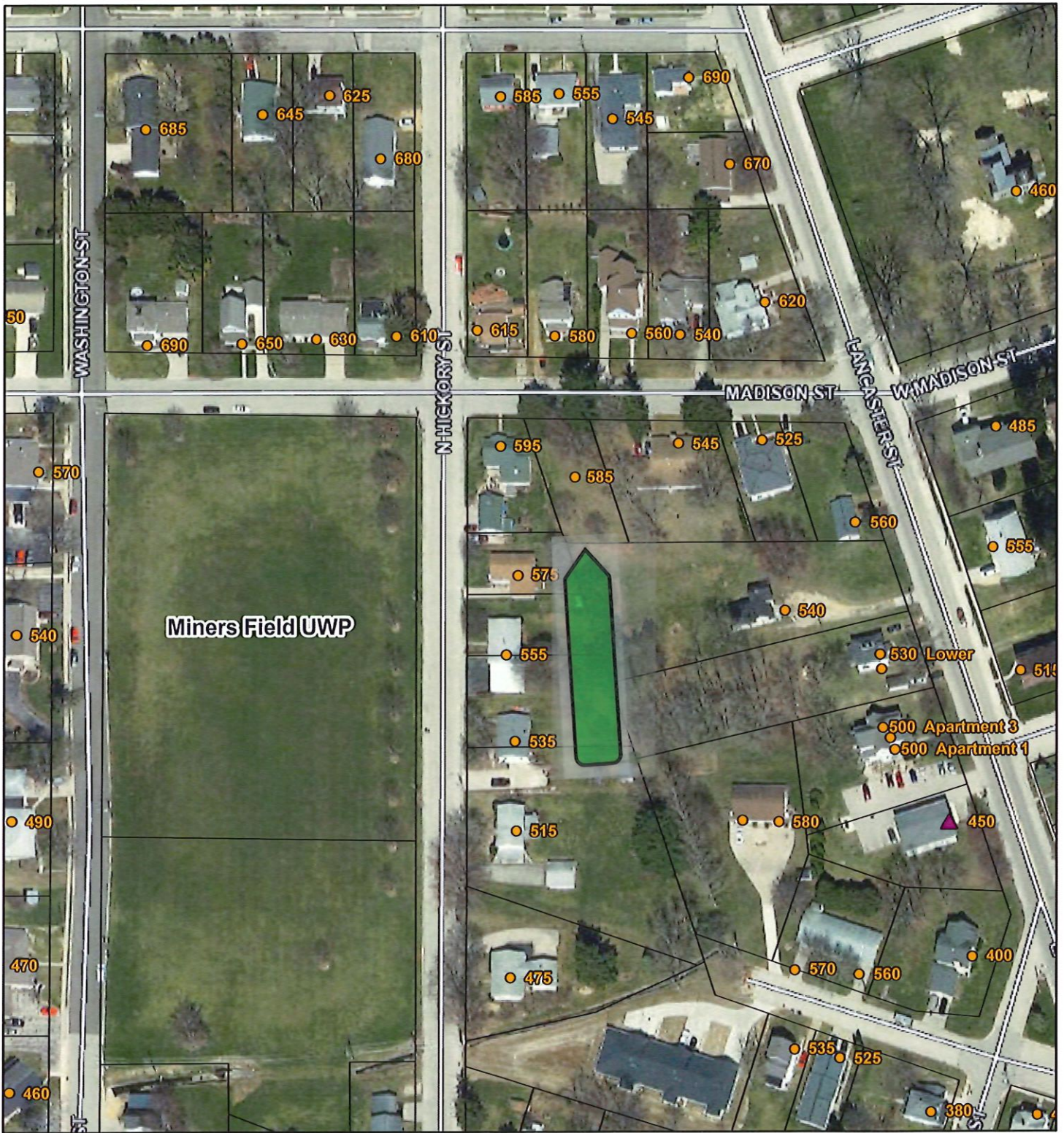
STAFF RECOMMENDATION

9. Variance requests must meet all three standards of the Three Standards Test; however, the variance request does not appear to meet all the standards. Since the request fails to meet all three legal standards needed for approval, the variance should be denied. However, as mentioned above, consideration should be given to the precedent that has been set.

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

ATTACHMENTS: Application, Location Map, Site Sketch

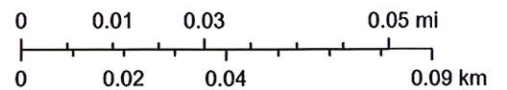
City of Platteville



5/13/2024, 12:07:42 PM

1:2,257

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



APPLICATION TO THE
BOARD OF APPEALS
 CITY OF PLATTEVILLE, WISCONSIN



GENERAL INFORMATION

	APPLICANT/AGENT	OWNER
NAME(S):	Paula and Andrew Baumann	Paula and Andrew Baumann
MAILING ADDRESS:	595 West Madison Street Platteville, WI 53818	
PHONE:	608-778-8596	
EMAIL:	baumann@mhtc.net	

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

PROPERTY INFORMATION

SITE ADDRESS:	545 West Madison Street	PARCEL ID:	271-00768-0000
LEGAL DESCRIPTION:	Plat Lot 5 Block 50		
CURRENT USE & IMPROVEMENTS:	None		
PROPOSED USE & IMPROVEMENTS:	8 X 12 Shed		

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:	City of Platteville
LEFT SIDE YARD:			CODE REFERENCE (SECTION NO.):	22.04 Part B
RIGHT SIDE YARD:				
REAR YARD:	5	5		
AREA:				
OTHER:				

OFFICE USE ONLY

Date Application Filed: _____ Fee Paid (\$): _____ Receipt Number: _____
 Board of Appeals Action: _____ BoA Date: _____ Permit Number: BA24-VA04-04
 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. <u>UNNECESSARY HARDSHIP IS PRESENT BECAUSE:</u></p>	<p>We would like to use this lot to add a new shed for our lawn tools and equipment at the rear of the property. Our current lot is landscaped with raised garden beds, trees, a garage and decks. There is not a good location for this new shed. This small lot is next to our property and an excellent location for this shed.</p>
<p>2. <u>THE HARDSHIP IS DUE TO THE UNIQUE FEATURES OF THE PROPERTY IN THAT:</u></p>	<p>This property is adjacent to our residence. It is a lot with no buildings or improvements on it. It is a narrow empty lot we purchased a two years ago so that another owner would not build so close to our home. We do not plan to build a home on this lot at this time.</p>
<p>3. <u>THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST BECAUSE:</u></p>	<p>We are planning to purchase a new, well built shed from Hometown Structures, a Platteville company on Hwy. 81. It will be put at the rear of the lot on beams on crushed rock. It can be moved easily. This will not have any negative impact on any neighbors in terms of view, access, drainage, parking, etc. There are no homes close to location we have selected for this shed's placement.</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: Paula Baumann

DATE: 04/09/2024

APPELLANT: Andrew Baumann

DATE: 04/09/2024

271-1620

271-768

271-767

SHED

271-1621

271-1622