

Board of Appeals Meeting Minutes

Monday, September 14, 2009 5:00 p.m.

Public Safety Building, Council Chambers, upper level, 321 S. Fourth St., Stoughton WI.

Members Present: Al Wollenzien, Chair; Kristin Ott; Robert Barnett; Robert Busch and Norm Venden.

Members Absent and Excused: David Erdman

Members Absent: Russ Horton

Staff: Michael Stacey, Zoning Administrator.

Guests: Brooke Schein

- 1. Call meeting to order.** Al Wollenzien called the meeting to order at 5:00 pm.
- 2. Elect Vice-Chair.** Motion by **Barnett** to nominate Ott as Vice-Chair. 2nd by **Venden**. Ott accepts the nomination. Motion carried 4 – 0 (Wollenzien, Ott, Barnett and Venden)
- 3. Consider approval of the minutes of March 2, 2009.** Motion by **Ott** to approve the minutes as presented. 2nd by **Barnett**. Motion carried 4 - 0. (Wollenzien, Ott, Barnett and Venden)
- 4. Brooke Schein, owner of the following property: 219 S. Academy Street, Stoughton, Wisconsin, Parcel #281/0511-092-2944-2, JOHN NELSON ADD S 33 FT OF LOT 4 BLOCK 2, has appealed the requirements of the City of Stoughton zoning ordinance section 78-84(3) b, which requires a minimum side yard setback of 10 feet for principal buildings within the R-1 Single Family Residential District. The applicant requests a variance to allow a home addition to be constructed 1.9 feet from the north side lot line at 219 S. Academy Street, Stoughton, WI.**

Wollenzien opened the variance hearing. Brooke Schein explained the variance request as follows: Schein stated she had been working on improving the interior and now is concentrating on updates to the exterior. Schein stated the lot is half the size of a normal lot and when she applied for a permit to build a deck, she found out that a variance would be required due to required side yard setbacks.

Busch arrived at 5:14 pm.

Schein stated she has been thinking about enclosing the deck area with a roof and possibly screening it in. Ott questioned the fencing to be removed. Stacey stated the recently installed fence was found to be non-conforming when the survey was done. The fence will need to be moved to comply with city standards. A lengthy discussion took place regarding whether or not to Table the request until the applicant has sufficient plans to enclose the deck. Stacey stated that any approval could have contingencies added to allow enclosing the deck.

Stacey gave a staff review related to the 3 tests required to approve a variance request as follows:

- A. **PHYSICAL LIMITATIONS:** The property does have a physical limitation in that the size of the property is half the size of a standard single family lot.
- B. **PUBLIC INTEREST:** The variance should not harm the public interest because the proposed addition will not be beyond the existing width of the home and is mostly out of sight of public view. No one has complained about the proposed addition. There are a few similar properties within the City of Stoughton.
- C. **UNNECESSARY HARDSHIP:** It is questionable as to whether or not unnecessary hardship exists because the applicant could install a cement slab in compliance with the code. It is unclear what exactly the applicant means by a covered deck. There are no specifics as to what the covered deck would look like. The applicant has reasonable use of the property without the deck addition.

Schein explained that she intends to enclose the deck and not extend the roof beyond the side of the home. Stacey stated that if approved a contingency could be included to not allow the roof to extend more than 2 feet beyond the proposed footprint to the east. The Commissioners agreed that to be a workable solution.

Motion by **Barnett** to approve the variance contingent on the roof not extending beyond 2 feet beyond the proposed footprint to the east and that the Department of Planning & Development review the plan for consistency with this approval. 2nd by **Busch**. Motion carried 5 – 0. (Barnett, Wollenzien, Venden, Busch and Ott).

5. **Adjournment.** Motion by **Ott** to adjourn. 2nd by **Barnett**. Motion carried 5 – 0.

Respectfully Submitted,

Michael Stacey