

OFFICIAL MEETING NOTICE & AGENDA

The **City of Stoughton** will hold a meeting of the **Board of Appeals** on **Thursday December 18, 2014** at **5:00 p.m. or as soon as this matter may be heard** in the **Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street**, Stoughton, Wisconsin.

AGENDA:

1. Call meeting to order.
2. Kathleen Johnson and Scott Nelson, owners of the property at 509 Hill Street, Stoughton, Wisconsin, have requested a variance from zoning code section, 78-105(2)(e)8bL, "Side lot line to accessory structure: Four feet from property line, four feet from alley."
3. Jim Blouin, 600 W. Main Street, Stoughton, Wisconsin, has requested a variance from zoning code section, 78-706(5), "Exterior parking or storage of recreational vehicles such as mobile homes, boats, trailers, campers, snowmobiles and ATV's."
4. Adjournment.

12/8/14mps

PACKETS SENT TO BOARD MEMBERS:

Russ Horton, Chair
Bob Barnett

David Erdman, Secretary
Aaron Thomson

Bob McGeever
Josh Twedt, Alternate #1

cc: Mayor Donna Olson (Packet)
City Clerk Pili Hougan (via-email)
Receptionists (via-email)
Zoning Administrator Michael Stacey (3 packets)
Stoughton Newspapers (via-fax)
derickson@madison.com
Jim Blouin, 600 W. Main Street, Stoughton
Kathleen Johnson and Scott Nelson, 319 S. Franklin Street, Stoughton

Department Heads (via-email)
Council Members (via-email)
Steve Kittelson (via-email)
City Attorney Matt Dregne (Packet)
Derek Westby (via-email)
Scott Nelson (via-email)

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL MICHAEL STACEY AT 608-646-0421

"IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING."

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

OFFICIAL NOTICE

Please take notice that Kathleen Johnson and Scott Nelson, owners of the property at 509 Hill Street, Stoughton, Wisconsin, have requested a variance from zoning code section, 78-105(2)(e)8bL, "Side lot line to accessory structure: Four feet from property line, four feet from alley."

The property at 509 Hill Street is formally described as follows:

Parcel number: 281/0511-092-4882-3, with a legal description of: OMSBERG'S ADDN BLOCK 1 LOT 2 (This property description is for tax purposes. It may be abbreviated)

The applicants are requesting a variance to allow a detached garage that was built in non-compliance to remain.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on Thursday, December 18th, 2014 at 5:00 p.m., or as soon after as the matter may be heard in the Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton.

For questions related to this notice contact the City Zoning Administrator at 608-646-0421

Published: November 27, 2014 HUB

City of Stoughton Procedural Checklist for Variance Review and Approval (Requirements per Section 78-910)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance *and* by the City to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City as a guide when processing said application.

I. Recordation of Administrative Procedures for City Use.

Pre-submittal staff meeting scheduled: VIA EMAIL

Date of Meeting: _____ Time of Meeting: _____ Date: _____ By: _____

Follow-up pre-submittal staff meetings scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ By: _____

Date of Meeting: _____ Time of Meeting: _____ Date: _____ By: _____

Application form filed with Zoning Administrator

Date: 11/6/14 By: mps

Application fee of \$ 395 received by Zoning Administrator

Date: 11/6/14 By: mps

Professional consultant costs agreement executed (if applicable):

Date: _____ By: _____

II Application Submittal Packet Requirements for Applicants Use.

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit 1 initial draft application packet for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (1 copy to Zoning Administrator)

Date: _____ By: _____

↓ Draft Final Packet (1 copy to Zoning Administrator)

Date: 11/6/14 By: mps

↓

↓

☐ ☒ (a) A map of the subject property:

☒ Showing all lands for which the variance is proposed.

☒ Map and all its parts are clearly reproducible with a photocopier.

☒ Map scale not less than one inch equals 800 feet.

☒ All lot dimensions of the subject property provided.

☒ Graphic scale and north arrow provided.

☐ ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property to the City as a whole.

☐ ☒ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.

☐ ☒ (d) A site plan of the subject property as proposed for development.

☐ ☒ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 78-910(3)1- 6. (See part III below.)

III Justification of the Proposed Variance for City Use.

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.

Describe the hardship or that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

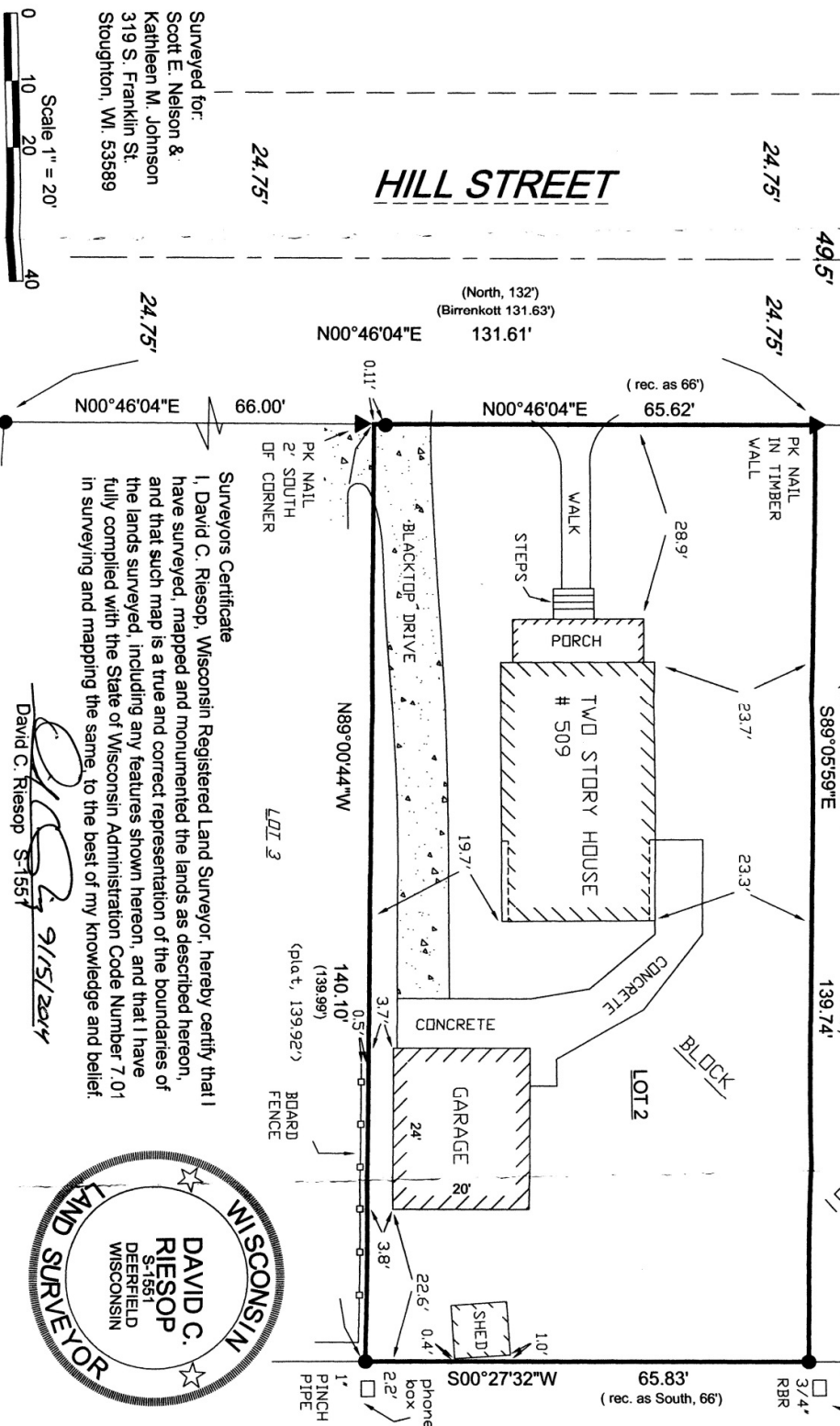
There exists a PK stake, set in concrete, apparently dividing lots 2 and 3, Omsberg Addition. Using this stake and information provided by the previous owners of Lot 3 Omsberg Addition that a fence was sited on the property line, a new garage was built on lot 2 Omsberg Addition, compliant to setbacks. (See attached map from surveyor) According to a surveyor (David C. Riesop)

Plat of Survey

Lot 2, Block 1, Ormsberg Addition to the City of Stoughton, Dane County, Wisconsin.

- Legend:
- = 1/2" iron solid rod found unless otherwise noted
 - ▲ = PK nail found
- Parentheses indicate recorded as values.

Referenced to survey bearing on South line of Lot 2, bearing S89°00'44"E, assumed basis



Wisconsin Mapping, LLC

Dwg. No. 4561-14

Date 9/15/2014

hired after construction, the actual boundary is in fact located 2 feet to the north of this stake, incongruent with existing landmarks. According to this survey, the west end of the garage is 3.7 (a violation of 3.6 in) feet from the property line and the east end is 3.8 feet (a violation of 2.4 in) from the property line.

- NOTES:**
- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships
 - Violations by, or variances granted to, neighboring properties shall not justify a variance
 - The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

2. In what manner do the factors identified in 1. above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

The uncertainty in the actual division of the property has made the upgrading of the property subject to considerable uncertainty as to the siting of any upgrades to the property.

3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

Granting of the variance should cause no substantial impacts to the property or adjoining properties and would in fact substantially improve the value of adjacent properties, owing to the upgrades currently taking place on the property. The only permanent structures affected by granting of the variance would be a wood fence and the garage itself and the requested variance is quite small as noted above.

4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

The proposed variance should have no effect whatsoever on the public health, safety, traffic, the character of the neighborhood, public improvements or general welfare. It may reduce some parking problems by reducing on street parking.

5. Have the factors which present the reason for the proposed variance been created by the act of the Applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of the Zoning Ordinance (see Section 78-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of the Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.

To the best of my knowledge, the reason for the proposed variance is not due to any agent known to me. It may have been caused by uncertainties in maintenance of property boundaries over the course of 120 years.

6. Does the proposed variance involve the regulations of Section 78-203, Appendix C (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

The requested variance will in no way violate Section 78-203 Appendix C, as the requested variance does not change the current function of the property.



11.25.2014 11:24



11.25.2014 11:24



11.25.2014 11:24



11.25.2014 11:25

Dear Dave:

We have been uneasy with the survey that was performed the property 509 Hill Street, Stoughton. There are a few things that have drawn attention to results of the survey of this property. Since there are multiple scenarios that have come into question we thought we could contact you asking how you came up with these particular survey results.

Right after you did the survey you mentioned on the phone that it looks like the fence is on the lot line. Has that changed? It looks like the survey you sent via the mail is conflicting what you said on the phone.

The PK stake that is set in the city laid sidewalk between 509 and the property south of us was not used as a measurement lot line. I would think that would be a pretty strong lot point.

You used a point of origin to the south of a property of a survey you did in the past. Did you reference any other surveys other than that? I contacted Arrow Land Surveying that we have used in the past and he mentioned that Weir, Birrenkott and Walker have done some to the north. When Kevin had done another property for us in the past he ended going through multiple lots.

When we purchased the property the neighbors to the south insisted they installed the fence was right on lot line.

Our front lot is suppose to be 66 feet and with the point of origin coming from the south our lot has been shorted and the south lot distance is the whole 66 feet. Where if the stake in the sidewalk it would be right on. Additionally, when we measured the distance from the sidewalk corner to the north to the PK stake in the landscape timber (not the most stable landmark), that distance was 67 ft, granting that property an additional foot of the platting.

With all this conflicting information that has been told to us, we are not confident about the survey. We at this point think with the contradictory results that were given that we would need another survey done.

Scott Nelson 541-602-0697
Kathleen Johnson 608-333-8152

As noted on the survey, there is a PK spike 2 feet south of the surveyor's calculated southern corner of the boundary, which appears to correspond to current topographical features-i.e. the division of the drive and neighbors fence, which were used in siting the garage. There is also a PK spike referenced on the northern boundary which is located in a landscape timber, the stability of which I am uncertain. Using the southern PK spike (located in cement) and my high school geometry, relocates the boundary to 4.4 ft and 4.1 ft south of the foundation

Michael Stacey

From: David Riesop [wismapping@charter.net]
Sent: Tuesday, October 21, 2014 5:06 PM
To: Michael Stacey
Subject: Fw: 509 Hill Street
Attachments: scan0035.pdf

Hi Mike:

I just listened to your message from Oct 7th, It went on the call waiting message system and I didn't know it was there. Sorry to be so late in replying. Maybe this is settled already, but Kathy Johnson was unhappy where the line turned out, or at least the location of the line to the garage and was questioning the survey. She was talking about getting another survey, I don't know if she did or not. See below for my explanation to her.

thanks

----- Original Message -----

From: [David Riesop](#)
To: [Kathleen Johnson](#)
Sent: Thursday, October 09, 2014 6:33 AM
Subject: Re: 509 Hill Street

Hi Kathy,

Sorry these lines aren't turning out in your favor, but I have to stick with the line I had established, based on the monuments or markers in the ground. Regarding the fenceline, I recall you had asked if it was over the line, at that point in time I hadn't done the map or calcs, but I believe I told you it looked to be ok.

As indicated, I used previous survey monuments for your North and South lines, and they are attached for your reference. A 1996 survey by Dan Birenkott set the pk nail in the timber wall to the North. A 1973 survey by G. Weir on lots to the South set lot 3 or the lot adjoining you to the South at 66 feet from a 1/2" rod. In 1998 A Walker used the same rod and found the 1/2" rod at your lot corner, measuring 65.96 feet along that line. In 2010 I had also surveyed that lot and found the two stakes and the pk 2 feet away, the rod bent off line by 0.11'. This is probably when the fence was built.

I didn't find any record or survey regarding the pk nail above, or who set it, and yes using it, your garage would clear 4 feet, but the fence you mentioned would be 0.14 feet over the line on your side, and if it was used to associate lot lines in the block, the long used chain link fence along the South line of lot 3, and the 1/2" rod at that corner as documented by Weir in 1973 would not measure out.

If you are still uneasy about the location, you should get a second opinion, but unless other evidence is found regarding that pk, I will stick with my survey.

I hope this at least answered some of your questions.

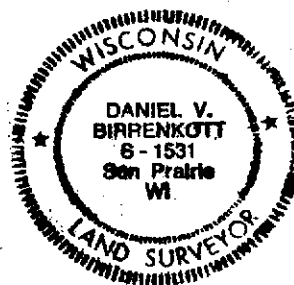
thanks

----- Original Message -----

From: [Kathleen Johnson](#)
To: wismapping@charter.net
Cc: dr.scottnelson@gmail.com
Sent: Wednesday, October 08, 2014 9:12 AM
Subject: 509 Hill Street

DANIEL V. BIRRENKOTT REGISTERED LAND SURVEYOR NO. 1531
P. O. Box 237, SUN PRAIRIE, WISCONSIN 53590 (608) 837-7463

Daniel V. Birrenkott Registered Land Surveyor
No. 1531



SURVEYED MK
DRAWN MK
APPROVED D.V.B.
FIELD BOOK 108/15 SWNW
DATE 5-5-96 58051
TAPE/FILE

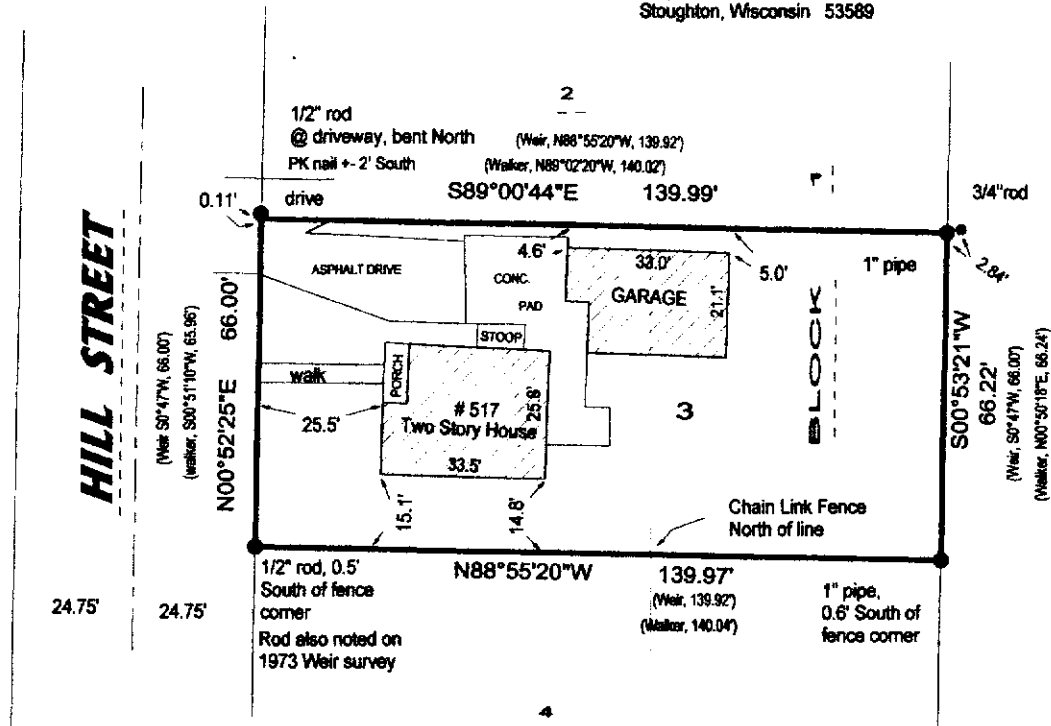
OFFICE MAP NO. 100-151004 MAP # 96-0603
 NAME COUNTY RECEIVED DAV

SUZANNE FOSTAL
SURVEYED FOR: 1005 E. SOUTH STREET
STOUGHTON WI 53589
DESCRIPTION-LOCATION LOT 1, BLOCK 1, DMSBERG
ALLOTION TO THE CITY OF STOUGHTON
DAVE COUNTY, WISCONSIN.
To 42256
MAP # 96-0403

Plat of Survey

Lot 3, Block 1, Omsberg Addition to the City
of Stoughton, Dane County, Wisconsin

Prepared for Scott Barnett, 517 Hill Street,
Stoughton, Wisconsin 53589



Legend:

● = Iron Stake Found as noted

When different, parentheses
indicate recorded as values



Referenced to survey record bearing on South line
of Lot 3, bearing N88°55'20"W, assumed basis

Surveyor's Certificate

I, David C. Riesop, Wisconsin Registered Land Surveyor, hereby certify that I have surveyed,
mapped and monumented the lands as described hereon, and that such map is a true and correct
representation of the boundaries of the lands surveyed, and that I have fully complied with the State
of Wisconsin Administrative Code Number 7.01 in surveying and mapping the same, to the best of my
knowledge and belief.

David C. Riesop 7/29/10
David C. Riesop S-1551



Wisconsin Mapping, LLC

* surveying and mapping services
306 West Quarry Street, Deerfield, Wisconsin 53831
(808) 784-5802

Dwg. No. 3962-10 Date 7/29/10
Sheet 1 of 1

2010-00706

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Kathleen Johnson & Scott Nelson
319 S. Franklin Street
Stoughton, WI. 53589

*The address for the variance request is 509 Hill Street, Stoughton.

THE FOLLOWING IS THE SPECIFIC ZONING ORDINANCE SECTION(S) THE APPLICANTS ARE REQUESTING RELIEF FROM:

SR6 district requirements: 78-105(2)(e)8bL, "Side lot line to accessory structure: Minimum 4 feet to lot line."

Summary of Request

The applicant/owner is requesting a variance from the SR6 – Single Family Residential, side yard setback requirement for a recently built detached garage. The applicant/owner used a lot stake that later proved to be invalid. The newly build garage is now placed 3.7 feet from the side lot line at the front of the garage and 3.8 feet from the side lot line at the rear.

DATE OF APPLICATION: November 6, 2014
DATE PUBLISHED: November 27, 2014
DATE NOTICES MAILED: December 1, 2014
DATE OF HEARING: December 18, 2014

FACTUAL AND LEGAL BASIS FOR THE DEPARTMENT OF PLANNING & DEVELOPMENT RECOMMENDATIONS, BASED UPON THE **STANDARDS FOR VARIANCES**:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The property at 509 Hill Street is currently zoned SR-6 – Single Family Residential. The particular shape, surroundings or topographical conditions are not the issue here. Rather, it is a matter of the applicant/owner referencing an invalid lot stake. The physical shape or topographical conditions did not result in any hardship in the case.

2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zone classification.

The conditions upon which the application is based are generally not applicable to similar properties within a neighborhood business district. This is a unique situation specific to this property. Staff continues to look for ways to eliminate this type of issue in the future and recently began a policy to inspect the lot stakes prior to construction.

3. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

We believe, the purpose of the variance is not based on the desire of the applicants to gain economically or for any other material gain.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property.

The difficulty or hardship is caused by the applicant/owner referencing an invalid lot stake not by the ordinance.

5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.

We believe the granting of the variance will not be detrimental to the public welfare. It is a pretty small increment for a variance.

6. The proposed variance will not impair the use and enjoyment of adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

We believe the proposed variance should not impair the use and enjoyment of adjacent property.

OFFICIAL NOTICE

Please take notice that Jim Blouin, 600 W. Main Street, Stoughton, Wisconsin, has requested a variance from zoning code section, 78-706(5), "Exterior parking or storage of recreational vehicles such as mobile homes, boats, trailers, campers, snowmobiles and ATV's."

The property at 600 W. Main Street is owned by Ruth Campbell and is formally described as follows:

Parcel number: 281/0511-082-8700-6, with a legal description of: SEC 8-5-11 PRT NW1/4NW1/4 BEG INTERS OF W LN MONROE ST & N LN MAIN ST TH N 114.04 FT TH W 66 FT TH S TO N LN MAIN ST TH E TO POB (This property description is for tax purposes. It may be abbreviated)

The applicant is requesting a variance to allow parking of recreational vehicles (as described in section 78-706(5)) on concrete pavers placed under tires and to allow parking 1-foot from the property line.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on Thursday, December 18th, 2014 at 5:00 p.m., or as soon after as the matter may be heard in the Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton.

For questions related to this notice contact the City Zoning Administrator at 608-646-0421

Published: November 27, 2014 HUB

City of Stoughton Procedural Checklist for Variance Review and Approval (Requirements per Section 78-910)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance *and* by the City to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City as a guide when processing said application.

I. Recordation of Administrative Procedures for City Use.

Pre-submittal staff meeting scheduled: *NUMEROUS discussions via phone + at City Hall

Date of Meeting: _____ Time of Meeting: _____ Date: _____ By: _____

Follow-up pre-submittal staff meetings scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ By: _____

Date of Meeting: _____ Time of Meeting: _____ Date: _____ By: _____

Application form filed with Zoning Administrator Date: 11/17/14 By: mps

Application fee of \$ 395 received by Zoning Administrator Date: 11/17/14 By: mps

Professional consultant costs agreement executed (if applicable): Date: _____ By: _____

II Application Submittal Packet Requirements for Applicants Use.

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit 1 initial draft application packet for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (1 copy to Zoning Administrator) Date: _____ By: _____

↓ Draft Final Packet (1 copy to Zoning Administrator) Date: _____ By: _____

↓ ↓

☐ ☒ (a) A map of the subject property:

☐ Showing all lands for which the variance is proposed.

☐ Map and all its parts are clearly reproducible with a photocopier.

☐ Map scale not less than one inch equals 800 feet.

☐ All lot dimensions of the subject property provided.

☐ Graphic scale and north arrow provided.

GENERAL LOCATION
MAP by
STAFF

☐ ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property to the City as a whole.

☐ ☒ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.

☐ ☒ (d) A site plan of the subject property as proposed for development.

☐ ☒ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 78-910(3)1- 6. (See part III below.)

III Justification of the Proposed Variance for City Use.

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.

Describe the hardship or that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

THE HOUSE IS 168 yrs old, WE OWE MORE THAN ITS WORTH
(SIGN OF THE TIMES) TO ACCOMMODATE A NEW DRIVEWAY
COSTS ABOUT 6500.00 ALL 3 TRAILERS NEW COST 1200.00
1 gets put in the shed in winter time. ALL TRAILERS
ARE USED A LOT IN THERE PRESPECTIVE SEASON.

NOTES:

- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships
 - Violations by, or variances granted to, neighboring properties shall not justify a variance
 - The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
2. In what manner do the factors identified in 1. above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

THIS IS A CORNER LOT. HIGHLY EXPOSED. ITS IMPORTANT
TO ACCOMMODATE A LEVEL OF ORGANIZATION OF
NEAT, CLEAN AND PRESENTABLE. THATS WHAT I
HAVE DONE SINCE THE PAST 4 YEARS. THE NEIGHBORS
COMPLEMENT MY WORK VS COMPLAIN.

3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

MY NEIGHBORS USE MY UTILITY TRAILERS. (RECREATIONAL STUFF) NOT CONSTRUCTION STUFF. I NEIGHBOR WHO LIVES WITH IN THE 100 YARD AREA HAS TRAILERS AND IS LOW INCOME ALSO. HE WOULD LOVE TO STICK ONE OF HIS TRAILERS IN HIS YARD. HIDDEN FROM PUBLIC VIEW AND USE THE FULL DRIVEWAY TO HIS GARAGE

4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

NONE - THERES LOTS OF OLD ESTABLISHED LOTS IN THIS TOWN. NEW SUBDIVISIONS REQUIRE SOME NEW RULES. IM IN THE OLD PART OF TOWN. AND ASK FOR A LITTLE LEWAY ON MY STUFF. FOR ME TO KEEP THESE TRAILERS ELSEWARE YOUR COSTING ME MONEY AND TIME. REALLY TAKES THE FUN OUT OF LIVING HERE.

5. Have the factors which present the reason for the proposed variance been created by the act of the Applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of the Zoning Ordinance (see Section 78-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of the Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.

NONE - A DRIVEWAY COULD CAUSE A DRAINAGE ISSUE WITH SEVERAL OF MY NEIGHBORS YARDS. WITH GRAVEL OR PAVERS THE WATER HAS A CHANCE TO GO DOWN VS RIVER CREATION.

6. Does the proposed variance involve the regulations of Section 78-203, Appendix C (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

? NO Agriculture or Industrial storage.

Essential use - I heat my home with wood. 2 of the three trailers are essential for maintenance of the property.

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 11/17/14 By: MPS

Notified Neighboring Property Owners (within 300 feet)

Date: 12/1/14 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet)

Date: 12/1/14 By: MPS

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 11/18/14 By: MPS

Class 1 legal notice published on 11/27/14

By: MPS

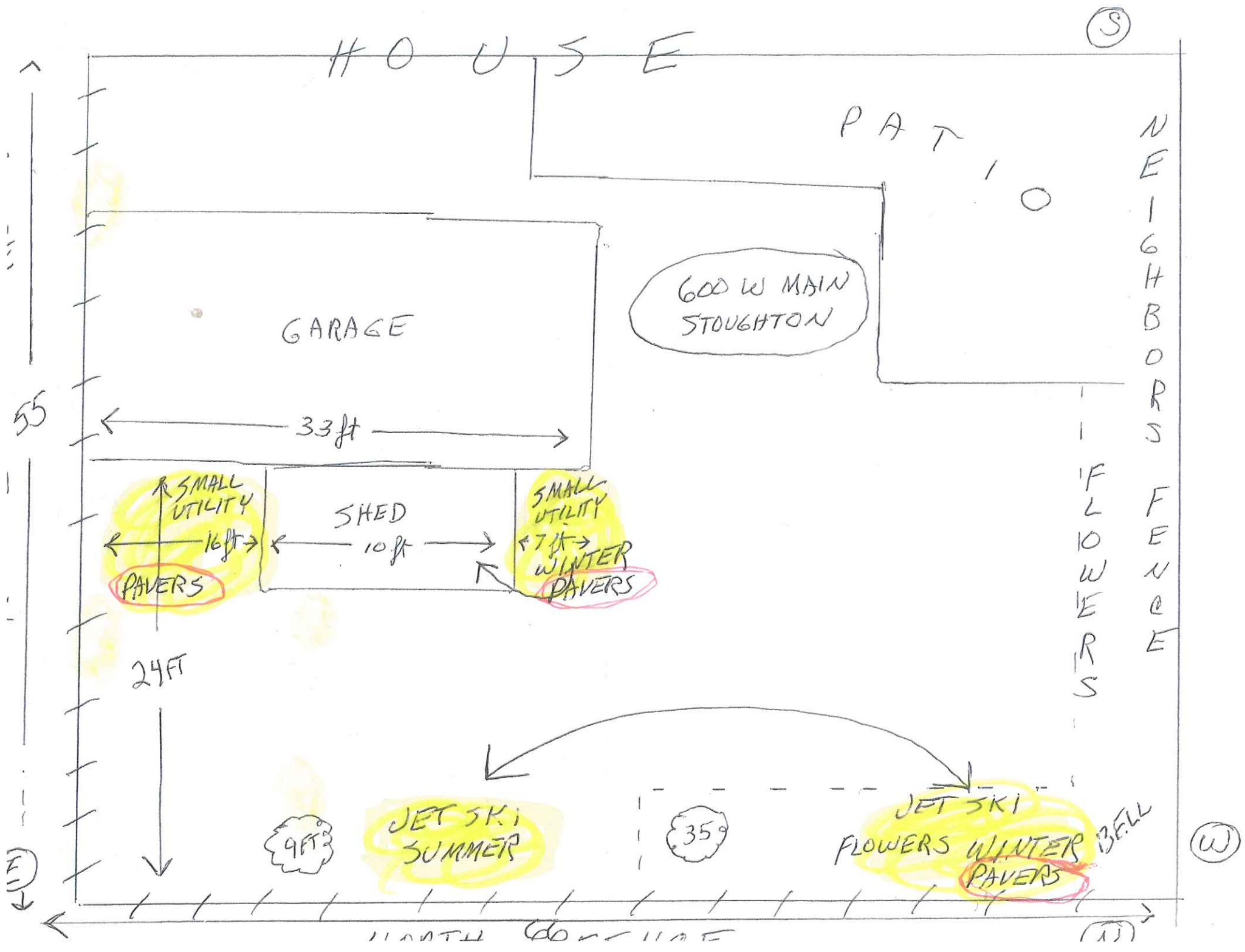
I certify that the information I have provided in this application is true and accurate. I understand that Board of Appeals members and/or City of Stoughton staff may enter and inspect the property in question.

Signed: (owner) James R Blouin

Date: November 11, 2014

Remit to:
City of Stoughton
Department of Planning & Development
Zoning Administrator
381 E. Main Street
Stoughton, WI. 53589

Questions? Call the Zoning Administrator at 608-646-0421





10.17.2014 09:33



10.17.2014 09:34



10.17.2014 09:34



11.25.2014 11:34



11.25.2014 11:34



11.25.2014 11:35



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CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589
(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

October 17, 2014

Ruth Campbell
600 W Main Street
Stoughton, WI 53589

RE: EXTERIOR PARKING REQUIREMENTS

Dear Property Owner,

This notice is regarding exterior parking at the property you own at 600 W Main Street, Stoughton, Wisconsin.

The ordinance section related to recreational vehicle parking is as follows:

78-706 (5) Exterior parking or storage of recreational vehicles such as mobile homes, boats, **trailers**, campers, snowmobiles and ATV's.

Recreational vehicles:

- (a) Shall be parked or stored within dedicated parking spaces and shall be a minimum of five feet from any property line or right-of-way line.
- (b) Shall not be parked or stored within a front or street yard except for subsection (a) above.
- (c) Shall be owned by the resident who is occupying the property on which the vehicle is parked or stored.
- (d) Are permitted only for storage purposes except mobile homes and campers may be used for overnight sleeping for a maximum of 14 days in one calendar year.
- (e) May not be permanently connected to wastewater or sanitary sewer lines, or electricity except for charging of batteries.
- (f) May not be used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its use.

It appears there is a trailer and jet skis that are not parked in a dedicated parking space. Dedicated parking spaces are paved or hard-surfaced.

The trailer and jet skis must be stored according to the above requirements or removed by November 17, 2014 or you may be subject to a penalty per section 1-3 of the Municipal Code. Penalties range from \$50.00 – \$1,000.00.

Please consider these requirements and if you would like to discuss the ordinance, contact me at 608-646-0421.

Sincerely,

City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Jim Blouin
 600 W. Main Street
 Stoughton, WI. 53589

THE FOLLOWING IS THE SPECIFIC ZONING ORDINANCE SECTION(S) THE APPLICANTS ARE REQUESTING RELIEF FROM:

78-706(5), "Exterior parking or storage of recreational vehicles such as mobile homes, boats, trailers, campers, snowmobiles and ATV's.

- (a) Shall be parked or stored within dedicated parking spaces and shall be a minimum of five feet from any property line or right-of-way line.
- (b) Shall not be parked or stored within a front or street yard except for subsection (a) above.

Summary of Request

The applicant/owner is requesting a variance from the above named code sections to allow the storage of recreational vehicles and trailers 1-foot from the lot line and to allow the placing of concrete pavers under the tires rather than placing the vehicle on a hard surface. A dedicated parking space is required to be hard surfaced such as an asphalt or concrete driveway.

DATE OF APPLICATION: November 6, 2014

DATE PUBLISHED: November 27, 2014

DATE NOTICES MAILED: December 1, 2014

DATE OF HEARING: December 18, 2014

FACTUAL AND LEGAL BASIS FOR THE DEPARTMENT OF PLANNING & DEVELOPMENT RECOMMENDATIONS, BASED UPON THE **STANDARDS FOR VARIANCES**:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The property at 600 W. Main Street is currently zoned SR-6 – Single Family Residential. The particular shape, surroundings or topographical conditions are not the issue here. The lot is flat, rectangular and nearly a historical standard size. The physical shape or topographical conditions does not result in a hardship in the case.

2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zone classification.

The conditions upon which the application is based are generally applicable to any residential property within the City of Stoughton. Numerous notices have been sent to property owners related to parking of recreational vehicles and most have complied with the requirements. This is in no way a unique situation.

3. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

We believe, the purpose of the variance is not based on the desire of the applicants to gain economically or for any other material gain.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property.

The difficulty or hardship is caused both by the ordinance and the applicant's unwillingness to find a way to comply.

5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.

We believe the granting of the variance will be detrimental to the public welfare. Since this is common to many properties within the City, the right way to handle this is to take up the request to change the ordinance to provide more flexibility to all property owners. This has already been done and the Planning Commission is not interested in a change at this time. The Board could send a recommendation to Planning that the ordinance be amended if they so choose but would have to be specific on what those changes would be.

6. The proposed variance will not impair the use and enjoyment of adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

We believe the proposed variance could diminish or impair property values within the neighborhood.