

OFFICIAL MEETING NOTICE & AGENDA

The City of Stoughton will hold a meeting of the **Board of Appeals** on **Thursday May 5, 2016** 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. Consider approval of the Board of Appeals minutes of April 11, 2016
 3. Elect Vice-Chair
 4. Elect Secretary
 5. Jamie Bush, owner of the property at 1017 Nygaard Street, Stoughton, Wisconsin, has requested a variance from zoning code sections, 78-105(4)(b)8a, "Minimum landscape surface ratio: 25 percent" and 78-610, "Landscaping requirements for bufferyards" to allow a building addition.
 6. Terri Zeman, owner of the property at 524 S. Van Buren Street, Stoughton, Wisconsin, has 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" to allow installation of a carport.
 7. Adjournment.
- 4/25/16mps

PACKETS SENT TO BOARD MEMBERS:

Russ Horton, Chair	David Erdman, Secretary	Bob McGeever
Bob Barnett, Vice-Chair	Aaron Thomson	Jeff Cunningham, Alternate #1
Donna Vogel, Alternate #2		

cc: Mayor Donna Olson (via-email)	Department Heads (via-email)
City Clerk Lana Kropf (via-email)	Council Members (via-email)
Receptionists (via-email)	Steve Kittelson (via-email)
Zoning Administrator Michael Stacey (3 packets)	City Attorney Matt Dregne (via-email)
Stoughton Newspapers (via-fax)	Derek Westby (via-email)
Terri Zeman, (via-email)	derickson@madison.com
Jamie Bush (via-email)	Kelli Krcma (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.

Board of Appeals Meeting Minutes
Thursday, April 11, 2016, 5:00 p.m.
Public Safety Building, Council Chambers, 321 S. Fourth Street, Stoughton WI.

Members Present: David Erdman, Secretary; Bob McGeever; Bob Barnett, Vice-Chair; and Jeff Cunningham

Members Absent: Russ Horton and Aaron Thomson

Staff: Michael Stacey, Zoning Administrator

Guests: Amanda Beatty; Tom Beatty; Joshua Ganshert and Paul Lawrence

- 1. Call meeting to order.** Barnett called the meeting to order at 5:00 pm.
- 2. Steve Slatter representing Amada Beatty, owner of the property at 808 Bergen Court, Stoughton, Wisconsin, has requested a variance from zoning code section, 78-105(2)(c)7bH, "Rear lot line to house: (min) 30 feet."**

Barnett introduced the request and opened the public hearing.

Amanda Beatty explained the variance request. Ms. Beatty stated the house is situated on a cul-de-sac lot that is irregularly shaped. There is a narrow front yard and a wide but shallow back yard. Due to the shallowness of the back yard there is not the 30-foot setback as required for a porch or sunroom addition. Plans also include a ramp to provide safe and manageable egress in the event of an emergency. Currently, the only egress is in the garage where she would have to walk down 4 steps and if there was a loss of power she is not strong enough to open the garage door without assistance.

Mark Macinnis registered in favor of the variance request.

Stacey gave a review of the 3 tests that must be met according to state statutes for the approval of a variance as follows:

Unnecessary hardship: The hardship in this case is due to the need for handicap accessibility and the need for more livable space to the rear of the property. There have been no other requests of this nature in the past. The nature of this request is unique.

Unique property limitation: Like some cul-de-sac lots, this lot is irregularly shaped and does not leave much room at the rear for principal structure expansion. The particular shape, surroundings or topographical conditions does appear to create a hardship on the owner. The owner may not have realized what the setback requirement when the lot was purchased. A concrete patio has previously been installed in place of a deck or other addition.

Protection of the Public Interest: There does not appear to be any real positive or negative impacts to the community as a whole. We have not heard any negative comments from the public related to this request.

Barnett closed the public hearing.

Motion by Cunningham to approve the variance request as presented, 2nd by McGeever. Motion carried 4 – 0. (Barnett, Erdman, McGeever, and Cunningham)

3. **Joshua Ganshert (1905 Erickson LLC), owner of the property at 221 S. Water Street (AKA 188 W. Main Street), Stoughton, Wisconsin, has requested a variance from zoning code section, 78-206(8)(a) in part, ” Residential uses will be permitted on the ground floor of a building used for an office, commercial or institutional land use, but may not be within the first 24 feet of the ground floor measured from the front of the building.”**

Barnett introduced the request and opened the public hearing.

Joshua Ganshert explained the variance request. Mr. Ganshert stated the building is a historic landmark in the heart of downtown. Mr. Ganshert stated he and his partner bought the property in 2012 after it fell into foreclosure and at that time was in disrepair. They updated the residential apartments on the 2nd and 3rd floor essentially doubling the value of the property. In December 2013, the commercial tenant that occupied the front of the main floor along Main Street was forced to close her business due to medical reasons. They renovated that space in 2014 which is now leased to AmundArt Hus. In October 2014 the tenant occupying the commercial space on the ground floor along Water Street gave notice they would be terminating the lease in June 2015. The space has been advertised for lease since October 2014 and no potential commercial tenants have been found. We are now seeking a variance to allow two residential units for the ground floor space along Water Street (exhibit 1 space B). The W. Main Street space of the building (exhibit 1 space A) will remain commercial use only.

No one registered to speak.

Stacey gave a review of the 3 tests that must be met according to state statutes for the approval of a variance as follows:

Unnecessary hardship: We believe when the ordinance was created a corner lot was not considered. Also, the hardship is caused by the commercial/office market in the historic downtown area. Without the Main Street exposure it may be more difficult to attract a tenant.

Unique property limitation: The particular shape, surroundings or topographical conditions are not the issue in this case. Rather, it is a matter of the intent of the zoning language to require business uses within the first 24 feet of the ground floor from the front of the building. The property is unique in that it is a historic landmark of Stoughton’s downtown area. If approved, the applicant/owner will still meet the requirement along Main Street.

Protection of the Public Interest: It is not in the public interest to have vacancy within the downtown area rather it has negative impacts. We have not heard any negative comments from the public related to this request.

Barnett closed the public hearing.

Motion by Erdman to approve the variance request as presented, 2nd by McGeever. Motion carried 4 - 0. (Barnett, Erdman, McGeever, and Cunningham)

4. Adjournment.

Motion by **Erdman** to adjourn at 5:12 pm, 2nd by **McGeever**. Motion carried 4 – 0.

Respectfully Submitted,
Michael Stacey

OFFICIAL NOTICE

Please take notice that Jamie Bush, owner of the property at 1017 Nygaard Street, Stoughton, Wisconsin, has requested a variance from zoning code sections, 78-105(4)(b)8a, "Minimum landscape surface ratio: 25 percent" and 78-610, "Landscaping requirements for bufferyards"

The property at 1017 Nygaard Street is formally described as follows:
Parcel number: 281/0511-062-4218-3, with a legal description of: JOHN
NYGAARD'S VIRGIN LAKE ESTATES LOT 118
(This property description is for tax purposes. It may be abbreviated)

The applicant is requesting the variances to allow a building addition at the south side of the principal building.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on Thursday May 5, 2016 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: April 21, 2016 HUB

Board of Appeals – Variance Information & Application

City of Stoughton

A variance is a relaxation of a standard in a zoning ordinance and is decided by the Zoning Board of Appeals. The Board is a quasi-judicial body because it functions similar to a court. The Board is appointed and governed by the State of Wisconsin zoning enabling law, contained in 62.23 Wis. Stats. The five regular members and two alternates of the Board are citizens appointed by the Mayor and approved by Council, who give their time without compensation. The Board's duty is not to compromise ordinance provisions for a property owner's convenience rather to apply legal criteria provided in state laws, court decisions and the local zoning ordinance to a specific fact situation. The board may only approve a variance request that meets the "Three Step Test" which is part of the application process. Typically, there are five voting members present for a hearing and it takes a majority of a quorum or three affirmative votes to approve a variance when five members are present. There must be at least four board members present to conduct a hearing. The alternates are used in case of an absence or conflict of interest. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. There are two types of variances; a "use variance" would allow a landowner to use a property for an otherwise prohibited use; while an "area variance" provides an incremental relief (normally small) from a physical dimensional restriction such as a building height or setback.

Next Steps:

Complete the variance review and approval form (attached) and submit a fee according to the current fee schedule;

Locate and mark lot corners and/or property lines, the proposed building footprint and all other features of your property (if applicable) related to your request so that the planning staff and/or Board members may inspect the site. There are copies of plats in the planning office at City Hall that may help an applicant locate property stakes with the use of a metal detector. In some cases a surveyor may need to be hired.

After submitting the application and fee, a planning staff member will contact the Board Chair to determine a hearing date. The Board typically will meet on the first Monday of the month as necessary, though in some cases a hearing may be necessary on a different date at the discretion of the Board Chair. Once a date has been determined, planning staff will publish a notice of the request for a variance in the city's official newspaper noting the location, reason and time of the public hearing. All property owners within 300 feet of your property and any affected state agency will also be given notice of the hearing. At the hearing, any party may appear in person or may be represented by an agent and/or attorney. The burden will be on the property owner or applicant to provide information upon which the Board may base its decision. The owner and/or representative must convince the Board to make a ruling in the owner/applicant's favor. City planning staff will provide a review of the variance request as it relates to the Three Step Test. The Board must make its decision based only on the evidence provided at the time of the hearing. The owner or representative must be present at the hearing to explain the request and answer questions because the board may not have sufficient evidence to rule in favor of the request and must then deny the application.

Note: While Wisconsin Statutes do not specifically prohibit *use variances*, there are a number of practical reasons why they are not advisable:

- Unnecessary hardship must be established in order to qualify for a variance. This means that without the variance, no reasonable use can be made of the property.
- Many applications for *use variances* are in fact administrative appeals. Often the Board of Appeals is asked to determine whether a proposed use is included within the meaning of a particular permitted or conditional use or whether it is sufficiently distinct as to exclude it from the ordinance language. Such a decision is not a *use variance* but an appeal of the administrator's interpretation of ordinance text.
- Zoning amendments are a more comprehensive approach than *use variances*. Elected officials consider the larger land area to avoid piecemeal decisions that may lead to conflict between adjacent incompatible uses or may undermine comprehensive plan and/or ordinance objectives. Cities have approval authority for zoning ordinance amendments.
 - Zoning map amendments can change zoning district boundaries so as to allow uses provided in other zoning districts.
 - Zoning text amendments can add (or delete) permitted or conditional uses allowed in each zoning district.

Area and Use Variance Decision Process

Step 1: Consider alternatives to the variance request.

Step 2: Determine if all three statutory variance criteria are met.

Area Variance -- Provides an increment of relief (normally small) from a dimensional restriction such as building height, area, setback, etc.

Use Variance -- Permits a landowner to put property to an otherwise prohibited use.

1. Unnecessary Hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Consider these points:

- Purpose of zoning restriction
- Zoning restriction's effect on property
- Short term, long term and cumulative effects of variance on neighborhood and public interest.

1. Unnecessary Hardship exists when no reasonable use can be made of the property without a variance.

2. Unique physical property limitations such as steep slopes or wetlands must prevent compliance with the ordinance. The circumstances of an applicant, such as a growing family, elderly parents, or a desire for a larger garage, are not legitimate factors in deciding variances.

3. No harm to public interests A variance may not be granted which results in harm to public interests. Public interests can be determined from the general purposes of an ordinance as well as the purposes for a specific ordinance provision. Analyze short-term, long-term and cumulative impacts of variance requests on the neighbors, community and statewide public interest.

Step 3: Grant or deny request for variance recording rationale and findings.

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:

Date of Meeting: 4-7-16 Time of Meeting: 1:00 pm 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: 4-7 By: MPS

Application fee of \$ 400 received by Zoning Administrator

Date: 4-7 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: 4-7-16 By: MPS

↓ 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.
- ☐ ☒ (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 VARIANCE REQUESTED ARE NOT FOR ANY NEW ITEMS,
THEY ARE WHAT THE SITE WAS BUILT WITH ORIGINALLY.
THE VARIANCES WOULD BE MAINTAINING CURRENT STATE.

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.

NO ADDITIONAL ADJUSTMENTS WILL BE MADE TO SITE.

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.

NO, NO SIGNIFICANT CHANGES TO SITE WILL BE MADE.

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.

NO, NO SIGNIFICANT CHANGES TO SITE WILL BE MADE.

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.

YES, THE ORIGINAL SITE WAS APPROVED BEFORE I PURCHASED THE PROPERTY.

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~~ YES, THIS VARIANCE WILL ADD TO THE C.U.P.

IV: Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 4-7-16 By: MPS

Notified Neighboring Property Owners (within 300 feet)

Date: 4-15-16 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet)

Date: _____ By: All notified

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 4-8-16 By: CANA

Class 1 legal notice published on 4-21-16

By: CANA

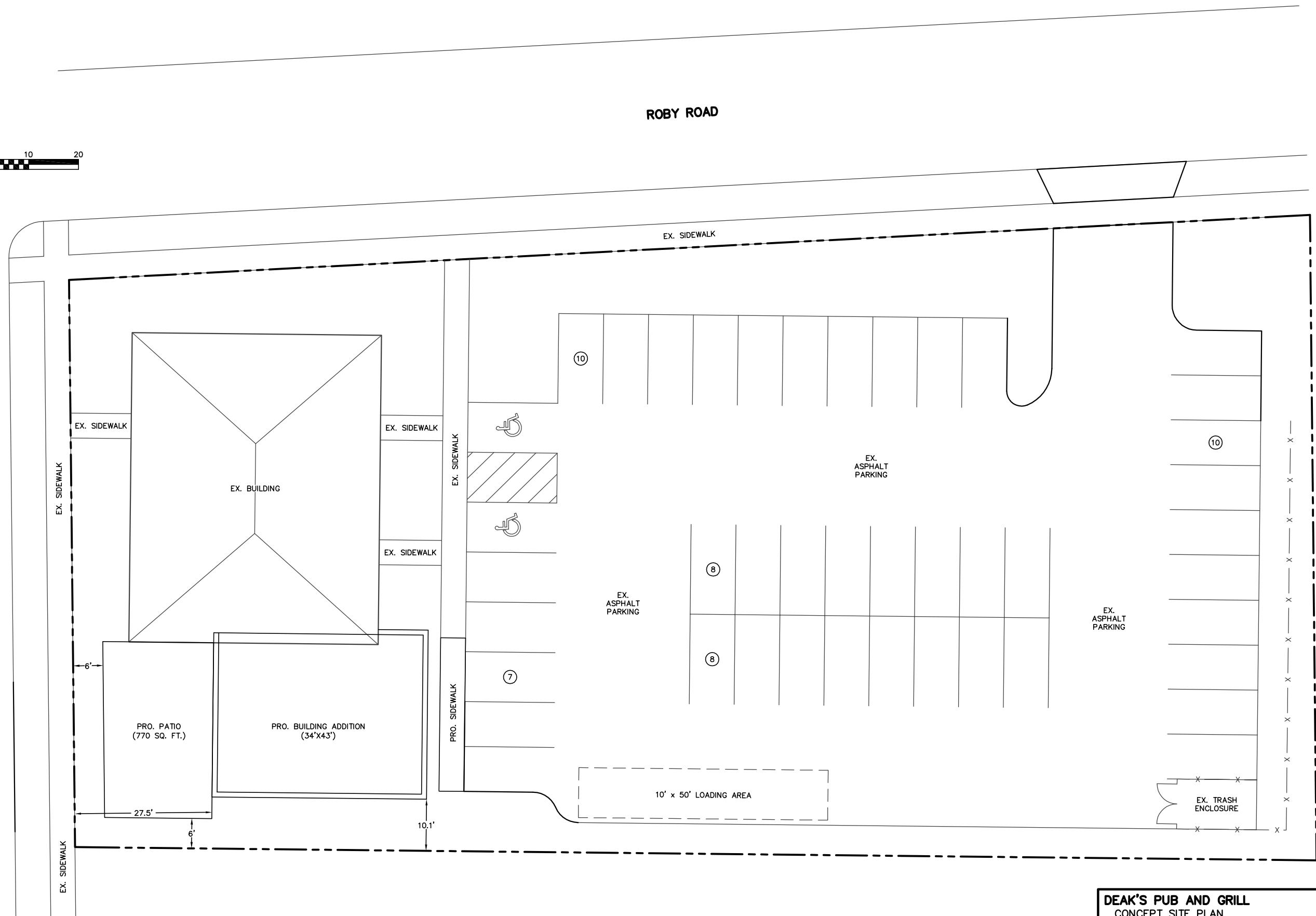
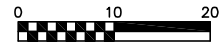
I certify that the information I have provided in this application is true and accurate. I understand that Board of Appeals members and/or City of Stoughton staff may enter and inspect the property in question.

Signed: (owner) JB

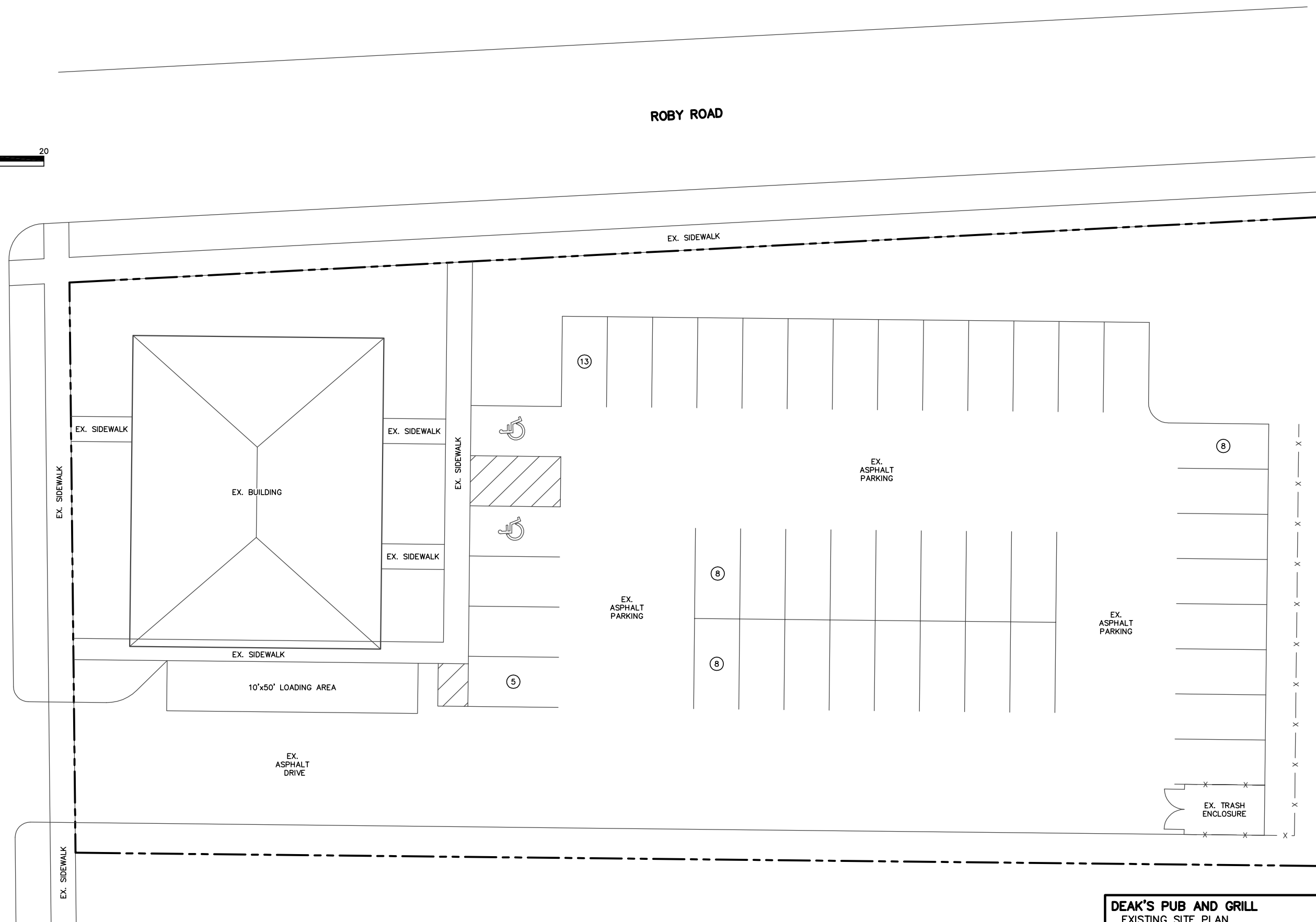
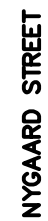
Date: 4-7-16

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



4604 Siggelkow Road, Suite A – McFarland, Wisconsin 53558
Phone (608) 838-7750; Fax (608) 838-7752




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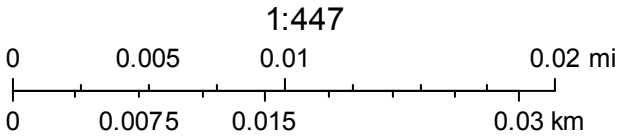






March 8, 2016

 Tax Parcels



Planning
Geophysical
Water Resources
Parcels

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Jamie Bush
 1017 Nygaard Street
 Stoughton, WI. 53589

THE FOLLOWING IS THE SPECIFIC ZONING ORDINANCE SECTION(S) THE APPLICANTS ARE REQUESTING RELIEF FROM:
78-105(4)(b)8a, "Minimum landscape surface ratio: 25 percent" and 78-610, "Landscaping requirements for bufferyards"

Summary of Request

The applicant/owner has received Council approval for a conditional use permit to construct the addition including the outdoor patio area and moving the drive entrance to Roby Road contingent on gaining variance approval for the lack of landscape surface area, lack of bufferyard and lack of required parking. The applicant has since reduced the capacity of the building to bring the parking into compliance. This variance request is related to the Planned Business District bufferyard requirements and landscape surface ratio requirements. The bufferyard requirement for Indoor Commercial Entertainment is 20 feet with a minimum solid 6-foot fence and minimum 221 points of landscaping. The existing bufferyard is 10 feet while the fence and landscaping meet the requirements. The landscape surface ratio is 25% for the whole site while the current ratio is approximately 20%. If approved, the applicant will still need site plan approval by the Planning Commission.

DATE OF APPLICATION: April 7, 2016

DATE PUBLISHED: April 21, 2016

DATE NOTICES MAILED: April 14, 2016

DATE OF HEARING: May 5, 2016

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 1017 Nygaard Street is zoned Planned Business. The property is not large enough to meet the current zoning standards. Originally, the site met all zoning requirements however the zoning code was changed in 2009 which at that time the bufferyard was increased and the landscape surface ratio was established. The property in its current state does not meet the current zoning requirements.....it is grandfathered.

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 most other Planned Business zoned properties within the City of Stoughton. The addition will essentially not change building capacity or impervious surface area.

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 based on the desire of the applicant to meet customer demand for small groups and provide an area for outdoor dining. There may be economic gain but that is unknown at this time.

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 changes to the zoning code, otherwise the property would be compliant.

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.

If the variance is approved, the applicant would still need to gain site plan approval from the Planning Commission and likely approval from the Public Safety Committee related to outdoor consumption and traffic due to the entrance/exit change. At this point, the proposal has not been fully reviewed by all committees to appease/evaluate the public welfare.

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 steps are being taken so that the use does not impair the use and enjoyment of adjacent property.

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AGENDA:

1. Call meeting to order.
2. Consider approval of the Board of Appeals minutes of April 11, 2016
3. Elect Vice-Chair
4. Elect Secretary
5. Jamie Bush, owner of the property at 1017 Nygaard Street, Stoughton, Wisconsin, has requested a variance from zoning code sections, 78-105(4)(b)8a, "Minimum landscape surface ratio: 25 percent" and 78-610, "Landscaping requirements for bufferyards" to allow a building addition.
6. Terri Zeman, owner of the property at 524 S. Van Buren Street, Stoughton, Wisconsin, has 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" to allow installation of a carport.
7. Adjournment.
4/25/16mps

PACKETS SENT TO BOARD MEMBERS:

Russ Horton, Chair	David Erdman, Secretary	Bob McGeever
Bob Barnett, Vice-Chair	Aaron Thomson	Jeff Cunningham, Alternate #1
Donna Vogel, Alternate #2		

cc: Mayor Donna Olson (via-email)	Department Heads (via-email)
City Clerk Lana Kropf (via-email)	Council Members (via-email)
Receptionists (via-email)	Steve Kittelson (via-email)
Zoning Administrator Michael Stacey (3 packets)	City Attorney Matt Dregne (via-email)
Stoughton Newspapers (via-fax)	Derek Westby (via-email)
Terri Zeman, (via-email)	derickson@madison.com
Jamie Bush (via-email)	Kelli Krcma (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 Terri Zeman, owner of the property at 524 S. Van Buren Street, Stoughton, Wisconsin, has 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" to allow installation of a carport three feet 2 inches from the side lot line.

The property at 524 S. Van Buren Street is formally described as follows:
Parcel number: 281/0511-071-6034-0, with a legal description of: THORSENS
ADD LOT 4, BLOCK 1 & ALSO INCL PRT VAC GARFIELD ST ADJ SD
PRCL. (This property description is for tax purposes. It may be abbreviated)

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on Thursday May 5, 2016 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: April 21, 2016 HUB

Storage Shelter Variance
524 S. Van Buren St.

**** A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.**

I'm requesting to install a 10' W x 18' L steel storage shelter on the south side of the garage. The property line on the south side of the garage DOES meet the 4 feet requirement in the back corner of the lot. However, due to the angle of the property and lot line, the front corner DOES NOT meet the 4 feet requirement. The front corner is 3 feet 2 inches.

**** 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.)**

Purpose:

The previous owners put in a cement slab on the south side of the garage. Plenty enough room for parking or a storage area. It's an unusual space because we have 2 very large and over 100-year healthy pine trees shared between the south lot line. The pine trees are beautiful but drop sap so we cannot park or store anything on the south side of the garage. Our neighbor Connie Fellow's does not want to cut the trees down due to the shade it creates and the history of the trees. Furthermore, the cost of cutting down the trees would be very expensive.

The storage shelter will be used to store garbage cans, snow blower, lawn mower, and fishing boat. The fishing boat is only stored on our property from Spring to Fall as I take the boat to my family farm for winter storage.

Connie Fellow's at 602 South Van Buren Street of our property has no problems with us putting up the storage shelter.

Variance Summary:

This is an area variance. The back corner does meet the 4 feet requirement and the other side is just under the 4 feet requirement which is a very small variance that is less than 1 foot and is still over 3 feet from the lot line. The lot line is on the south side and is only shared with Connie Fellow's at 602 South Van Buren Street.

This does not provide unnecessary hardship or unique physical property limitations. This is being able to utilize my lot that I own and pay taxes on.

This has no harm to public interests in the short or long term with my neighbors or community.

Storage Shelter Area Variance
Terri Zeman
524 S. Van Buren St.

Unnecessary Hardship:

Our south-side property lot line is shared with 602 South Van Buren Street and we have 3 very large and over 100-year healthy and beautiful pine trees that drop sap during the Spring, Summer, and Fall. This prohibits the use of the paved area on the south-side of the garage. This is causing unnecessary hardship and the inability to use this area of our property without having a permanent covered roof structure to protect from the sappy pine trees. The permanent steel storage shelter will be used for a vehicle or a fishing boat. The size for a vehicle to pull into the permanent steel storage will be 10 feet wide to allow for safe entry and access in and out of the vehicle.

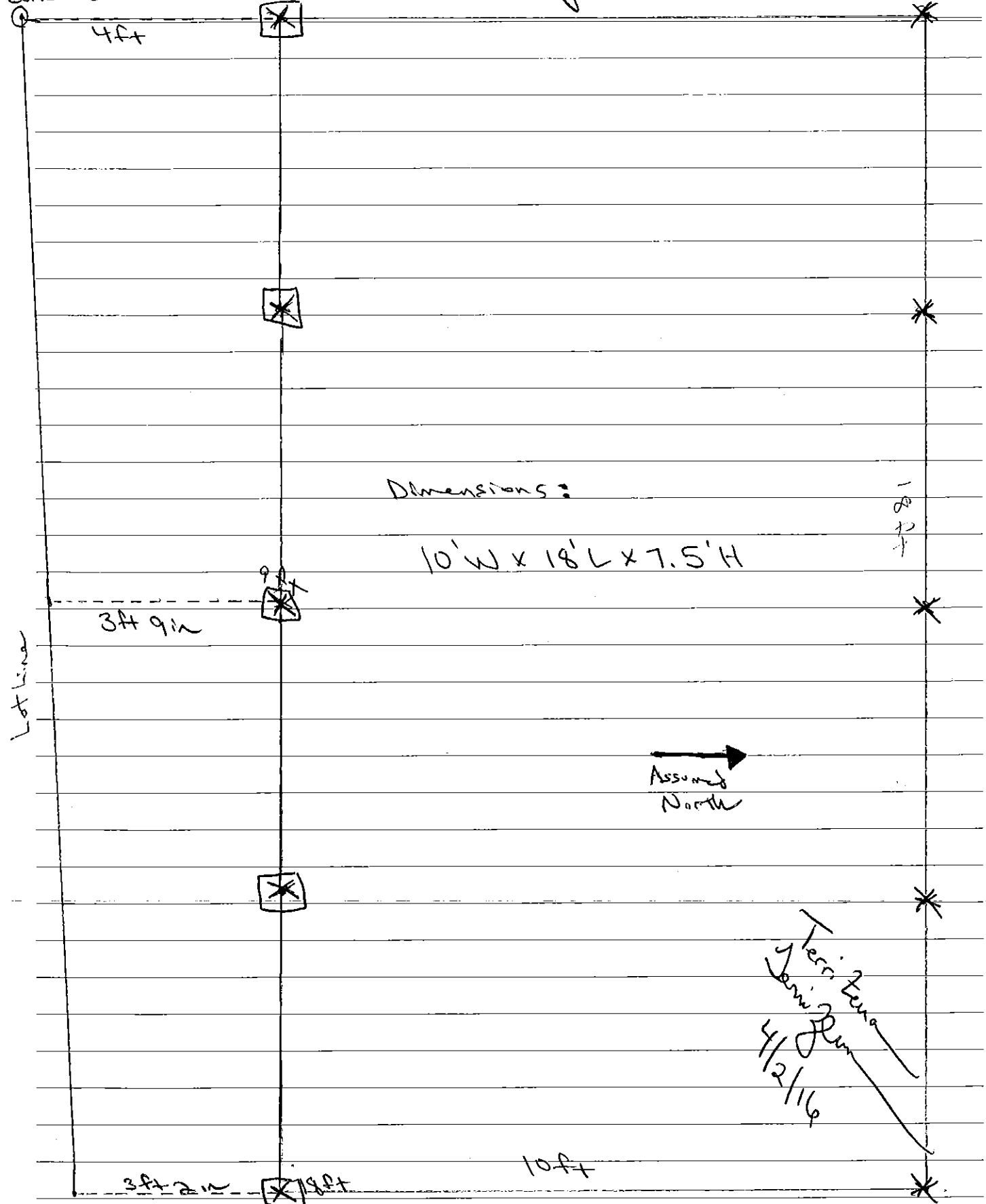
Unique Property Limitations:

The characteristics of the garage location on the lot is not square on the southwest corner of our property which makes this unique. The proposed back side of the permanent steel storage shelter addition DOES meet the 4 feet requirement but the front of the steel storage shelter prohibits me from building due to the shape and angle of the lot line. The front side of the steel storage shelter is 3 feet 2 inches from the lot line. Our neighbor, Connie Fellow's at 602 South Van Buren Street who shares the south-side property line has no issues with us putting up the permanent steel storage shelter. Matter of fact, Connie would rather have us put the permanent steel storage shelter up versus removing the beautiful and healthy pine trees.

Terri Zeman
524 S. Van Buren St.
Stoughton, WI 53589

Carport / Steel Storage Shelter

Corner lot line



Scale: one inch = two feet

X = Anchor Stakes
[X] = Cement Footing (Anchor Stakes)

PLAT OF SURVEY

ALL OF LOT 4, BLOCK 1, THORSEN'S ADDITION TO THE CITY OF STOUGHTON, AS RECORDED IN VOLUME 3 OF PLATS, ON PAGE 45, AS DOCUMENT NUMBER 273524, DANE COUNTY REGISTRY, ALSO PART OF VACATED GARFIELD STREET, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 07, TOWNSHIP 07 NORTH, RANGE 05 EAST, CITY OF STOUGHTON, DANE COUNTY, WISCONSIN.

131.72'(131.73' per Plat of Survey)(132')



SCALE : ONE INCH = TWENTY FEET

FOUND 0.14' WEST OF CORNER AS SHOWN ON PLAT OF SURVEY 98-0859

THORSEN'S

FENCE CORNER IS ON NORTH LOT LINE AND 0.5' WEST OF LOT CORNER

ADDITION
BLOCK 1

LEGEND

- 3/4" SOLID IRON ROD FOUND
 - ⊙ IRON PIPE FOUND OUTSIDE DIAMETER NOTED
 - 3/4" X 18" SOLID IRON RE-ROD SET, WT. 1.50 lbs./ft.
- INDICATES RECORDED AS
- () DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. BUILDINGS ARE MEASURED TO THE NEAREST TENTH OF A FOOT.
- DATE OF FIELDWORK= 03-18-2015

THIS IRON IS STICKING UP 1' WITH A SLIGHT LEAN. GROUND ENTRY LOCATION IS SHOWN.

PIPE IS STICKING OUT OF GROUND 1'. THIS PIPE HAS PIPE THREAD END. PIPE IS 2.06' NORTH AND 2.57' EAST OF LOT CORNER

S87°34'36"W 131.99'(132')
65.57'

SURVEYED FOR :
TERRI L. ZEMAN
NICHOLE M. BENDT
524 S. VAN BUREN ST.
STOUGHTON, WI 53589

SURVEYED BY :

Burse

surveying & engineering

2801 International Lane, Suite 101
Madison, WI 53704 608.250.9263
Fax: 608.250.9266
email: mburse@bse-inc.net
www.bursesurveyengr.com

Date: March 26, 2015
Plot View: pos

PROJECTS\BSE1812\dwg\BSE1812.DWG

M:\BSE1812\dwg\BSE1812.DWG

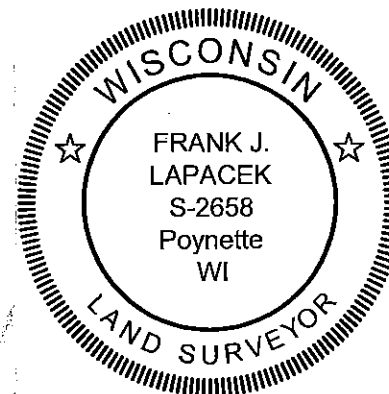
DESCRIPTION FURNISHED: - Warranty Deed Doc. No. 4059459
Lot Four (4), Block One (1), Thorsen's Addition to the City of Stoughton, and that part of the North 1/2 vacated Garfield Street which is contiguous to said property, all in the Town of Dunkirk, now in the City of Stoughton, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I, Frank J. Lapacek, Professional Land Surveyor, No. 2658, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7), and the map hereon is correct to the best of my knowledge and belief.

Dated this _____ day of _____, 201__

Signed: Frank J. Lapacek, P.L.S. No. 2658



VACATED GARFIELD STREET

NOTES:

- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose. Survey was performed without the benefit of a title report.
- 2) No attempt has been made as a part of this survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
- 3) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- 4) All buildings, and surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon.
- 5) Total parcel area = 13,037 square feet
- 6) The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin State Statutes.



DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Terri Zeman
524 S. Van Buren Street
Stoughton, WI. 53589

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

78-105(2)(e)8bL, " Side lot line to accessory structure: Four feet from property line, four feet from alley" to allow installation of a carport three feet 2 inches from the side lot line.

Summary of Request

The applicant/owner is requesting a variance from the SR6 – Single Family Residential District, accessory building side yard setback requirement for a proposed carport. The carport is proposed to be 3 feet 2 inches from the side lot line while the minimum requirement is 4 feet.

DATE OF APPLICATION: April 7, 2016

DATE PUBLISHED: April 21, 2016

DATE NOTICES MAILED: April 15, 2016

DATE OF HEARING: May 5, 2016

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 524 S. Van Buren Street is zoned SR-6 – Single Family Residential. There are no physical property limitations or topographical conditions causing the hardship in this case. A concrete slab has previously been poured to accommodate parking south of the garage.

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 other single family properties within the City of Stoughton. Many property owners could claim tree sap is dripping on boats or vehicles. If the garage was built farther to the north, the carport could be constructed in compliance with the code.

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. Rather it is due to pine trees dripping sap onto a boat or vehicle.

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 not caused by the ordinance in this case, rather it is caused by the owner's desire to park a boat or vehicle south of the garage and under pine trees that drip sap. Vehicles or boats could be covered by a tarp.

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 likely not be detrimental to the public welfare. To date, we have received no complaints regarding this request. Each variance case is to be weighed on its own merits, however this could set precedence for future requests of this nature.

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.