

OFFICIAL MEETING NOTICE & AGENDA

The City of Stoughton will hold a meeting of the **Board of Appeals** on **Monday April 11, 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. 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."
 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."
 4. Adjournment.
- 3/25/16mps

PACKETS SENT TO BOARD MEMBERS:

Russ Horton, Chair	David Erdman, Secretary	Bob McGeever
Bob Barnett, Vice-Chair	Aaron Thomson	Jeff Cunningham, Alternate #1
Vacant, 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)
Amanda Beatty, 808 Bergen Court, Stoughton	derickson@madison.com
Steve Slatter (via-email)	Joshua Ganshert (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 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."

The property at 808 Bergen Court is formally described as follows:
Parcel number: 281/0511-071-5177-0, with a legal description of:
KLONGLANDS THIRD ADDITION TO SWEETBRIER LOT 47
(This property description is for tax purposes. It may be abbreviated)

The applicant is requesting a variance to allow a sunroom addition at the rear of the home which is proposed to be setback 23.5 feet rather than the required minimum of 30 feet.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on Monday, April 11, 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: March 31, 2016 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:

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

Follow-up pre-submittal staff meetings scheduled:

Date of Meeting: 3/17/16 Time of Meeting: 1:00 Date: _____ By: mps

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

Application form filed with Zoning Administrator

Date: 3/17/16 By: mps

Application fee of \$ 400 received by Zoning Administrator

Date: 3/17/16 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 3/17/16 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.)

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 3/17/16 By: MPS

Notified Neighboring Property Owners (within 300 feet)

Date: 3/24/16 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet)

Date: 3/24/16 By: MPS Dunkle

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 3/23/16 By: MPS

Class 1 legal notice published on 3/31/16

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)

Amanda Hefey

Date: 3-17-16

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

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.

Attached

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.

Attached

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.

Attached

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.

Attached

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.

Attached

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.

Attached

March 7, 2016

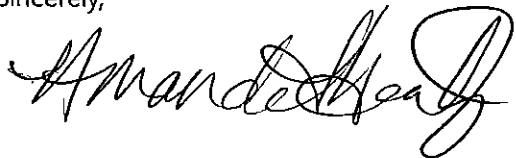
Dear Appeal Committee,

My name is Amanda Beatty. I grew up in Stoughton, graduated from Stoughton High School in 1994, and my parents are long-term residents. I am returning home to Stoughton following a medical crisis. In October 2013, I suffered a spontaneous brain hemorrhage and had a stroke at age 37. I am now wheelchair bound, and my career was cut short, but I continue to do therapy in the hopes of improving my mobility. Living in Stoughton, I can be closer to friends and family who can help me live as independently as possible.

I purchased my home in Stoughton on October 30, 2015, and moved in December 4th following the installation of hard-surface floors, which are easier for me to maneuver in my wheelchair. The house was already very accessible: wider doorways, step-in shower and desk-height vanity in the master bedroom and desk in the kitchen, but needed safe egress. In short, the house had everything I was looking for, except a porch or sunroom and a ramped exit. I knew the house would be perfect, and I could add a sunroom with a ramp to the backyard in the near future.

The house is situated at the end of a cul-de-sac, so the lot is irregularly shaped: there is a relatively narrow front yard and a wide, but shallow back yard. Due to the shallowness of the back yard at the patio doors, there is not the 30 foot setback required for a porch or sunroom. A variance of this standard would be minimally invasive to the neighborhood, but would allow me to more fully enjoy the yard. Plans also include a ramp, providing me with safe, manageable egress in the event of emergency. Currently, my only egress is in the garage (where I would have to walk down 4 steps), and should there be a loss of power, I lack the strength to open the garage door without assistance. I hope you will consider this variance, which would make the house safe for me, as well as providing me the opportunity to fully enjoy the back yard..

Very Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Beatty". The signature is fluid and cursive, with the first name "Amanda" being more prominent than the last name "Beatty".

Amanda Beatty

1. What exceptional or extraordinary circumstances or special factors are present which apply to only the subject property?...

The shape of the lot is irregular and wedge shaped, with a narrow front yard and a shallow, wide back yard. The shallowness of the back yard does not allow the required 30 foot setback required for an additional structure to be added. The new owner is wheelchair bound and cannot safely access the back yard. The only safe egress for the new owner is thru the garage, down 4 steps with railings on both side. Should the electricity be out, the new owner lacks the physical capability to manually raise the garage door. The new owner purchased the property with intent to add a sunroom/porch with a ramp to provide adequate egress and allow full enjoyment of the backyard.

2. In what manner do the factors identified in 1. Above prohibit the development of the property in a manner similar to other properties in the same zoning district?...

The location of the parcel on the cul-de-sac makes the property wedge-shaped with a shallow back yard which prohibits the addition of a porch or sunroom with a ramp. Other properties in this zoning district are the traditional rectangular shape, which would allow more room for the required setback.

3. Would the granting of the variance be of substantial detriment to adjacent properties?...

The properties on either side would not have visual interference of the sunroom due to the shape of the yard and location on a cul-de-sac. The only property impacted would be directly behind the property. That property would be minimally impacted as there is a fixed, wooden play-structure that is between the proposed addition and the back yard neighbor's outdoor living area (deck).

4. Would the granting of the proposed variance... result in adverse or undue impact on the character of the neighborhood?...

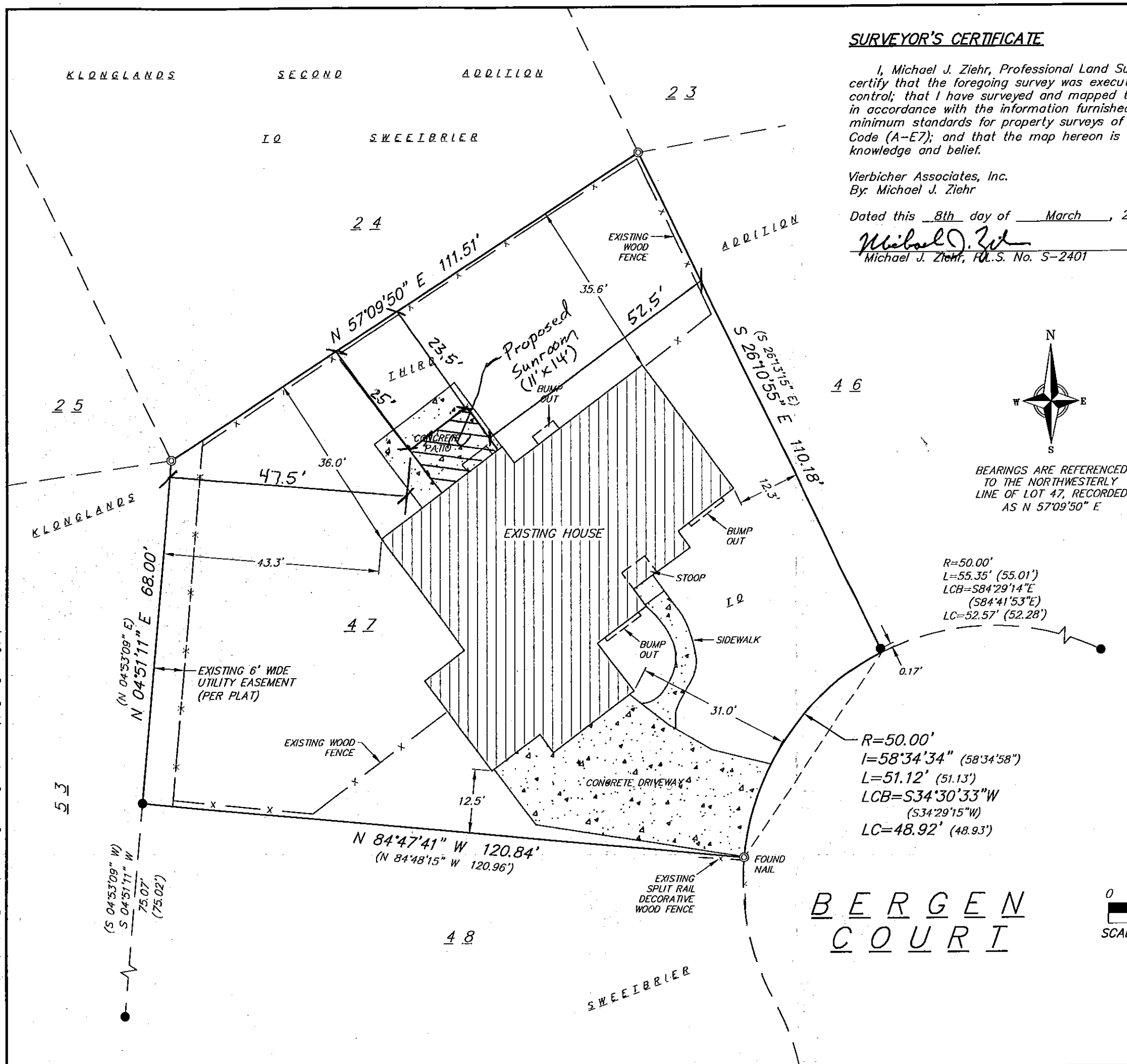
Due to the location on the cul-de-sac, there would be no impact on environment, traffic, parking etc...The proposed structure would be visible only to the back yard neighbor, through a fixed, wooden play structure and above the existing 6 foot privacy fence

5. Have the factors which present the reason for the proposed variance been created by the act of the Application or previous property owner...?

The need for the variance arises from the shape of the parcel and location of the house on the parcel. The new owner has physical handicaps that limit access to and enjoyment of the backyard as well as the need for ramped egress on the property.

6. Does the proposed variance involve the regulations of Section 78-203, Appendix C (Table of Land Uses)?

Variance requested is for personal use and safety of current owner, and will not change the useage from a single-family home.

**SURVEYOR'S CERTIFICATE**

I, Michael J. Ziehr, Professional Land Surveyor No. 2401, do hereby certify that the foregoing survey was executed under my direction and control; that I have surveyed and mapped the above described property in accordance with the information furnished; that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7); and that the map hereon is correct to the best of my knowledge and belief.

Vierbicher Associates, Inc.
By: Michael J. Ziehr

Dated this 8th day of March, 2016.

Michael J. Ziehr
Michael J. Ziehr, P.L.S. No. S-2401



BEARINGS ARE REFERENCED
TO THE NORTHWESTERLY
LINE OF LOT 47, RECORDED
AS N 57°09'50" E

LEGAL DESCRIPTION FURNISHED:

LOT 47, KLONGLANDS THIRD ADDITION TO SWEETBRIER, DOC. NO. 263276, LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 07, T05N, R11E, CITY OF STOUGHTON, DANE COUNTY, WISCONSIN.

DATE OF FIELD SURVEY:

MARCH 7, 2016. ANY CHANGES IN SITE CONDITIONS AFTER MARCH 7 ARE NOT REFLECTED BY THIS SURVEY.

TOTAL AREA OF PARCEL SURVEYED: 13,400 SQ. FT.
(0.308 ACRES)

PARCEL ADDRESS: 808 BERGEN COURT
PARCEL NUMBER: 0511-071-5177-0

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS RECORDED AND UNRECORDED.

SURVEY LEGEND

- ⊙ FOUND 1-1/4" Ø IRON ROD (UNLESS OTHERWISE NOTED)
- FOUND 3/4" Ø IRON ROD
- () INDICATES RECORDED AS

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT

SURVEYED FOR:

Champion
5321 Voges Road
Madison, WI 53718

SURVEYED BY:

Vierbicher Associates, Inc.
By: Michael J. Ziehr
999 Fourier Drive,
Suite 201
Madison, WI 53717
(608) 821-3962
mzie@vierbicher.com

0 10 20 40
SCALE: ONE INCH = TWENTY FEET



vierbicher
planners | engineers | advisors

REEDSBURG - MADISON - PRAIRIE DU CHIEN
999 Fourier Drive, Suite 201
Madison, WI 53717
Phone: (608) 821-3962 Fax: (608) 821-3963

PLAT OF SURVEY

LOT 47, KLONGLANDS THIRD ADDITION TO SWEETBRIER, DOC. NO. 263276, LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 07, T05N, R11E, CITY OF STOUGHTON, DANE COUNTY, WISCONSIN

REVISIONS	NO.	DATE	REMARKS

SCALE	1"=20' (11x17)
DATE	03/07/2016
DRAFTER	MZE
CHECKED	MMAR
PROJECT NO.	130257
SHEET	1 OF 1
DWG. NO.	SS-10020

Parcel Number - 281/0511-071-5177-0**Current**[◀ Parcel Parents](#)[Summary Report](#)**Parcel Summary****More +**

Municipality Name	CITY OF STOUGHTON
Parcel Description	KLONGLANDS THIRD ADDITION TO SWEETBRIER ...
Owner Name	AMANDA S BEATTY 
Primary Address	808 BERGEN CT
Billing Address	808 BERGEN CT STOUGHTON WI 53589

Assessment Summary**More +**

Assessment Year	2016
Valuation Classification	G1
Assessment Acres	0.310
Land Value	\$45,300.00
Improved Value	\$205,100.00
Total Value	\$250,400.00

[Show Valuation Breakout](#)**Zoning Information****Contact your local city or village office for municipal zoning information.**



March 28, 2016

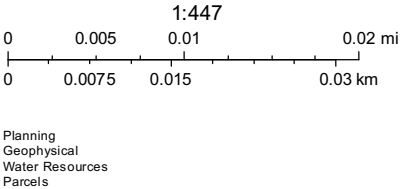
Parcel Number

House Number

CSM Text

Plat Labels

Tax Parcels





03.25.2016 14:15

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Amada Beatty
808 Bergen Court
Stoughton, WI. 53589

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

SR6 district requirements: 78-105(2)(c)7bH, "Rear lot line to house: Minimum 30 feet."

Summary of Request

The applicant/owner is requesting a variance from the SR4 – Single Family Residential District, rear yard setback requirement for a proposed sunroom addition. The addition is proposed to be handicap accessible and 23.5 feet from the rear lot line while 30 feet is the minimum requirement.

DATE OF APPLICATION: March 17, 2016

DATE PUBLISHED: March 31, 2016

DATE NOTICES MAILED: March 23, 2016

DATE OF HEARING: April 11, 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 808 Bergen Court is zoned SR-4 – Single Family Residential. Like many 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 the setback requirement when the lot was purchased. A concrete patio has previously been installed in place of a deck or other addition.

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 cul-de-sac properties within the City of Stoughton. This appears to be unique to cul-de-sac lots.

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 shape of the lot and the need for the applicant to gain access to a sunroom addition.

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. To date, we have received no complaints regarding this request.

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 Joshua Ganshert (1905 Erickson LLC), owner of the property at 221 S. Water 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."

The property at 221 S. Water Street is formally described as follows:

Parcel number: 281/0511-082-1565-5, with a legal description of:

Original Plat Block 21 W. 22 feet (A/K/A W. 1/3) Lot 5 Exc. N. 12 feet Thf.

(This property description is for tax purposes. It may be abbreviated)

The applicant is requesting a variance to allow 2 residential apartments on the ground floor along Water Street and within the 24-foot area from the building front.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on Monday, April 11, 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: March 31, 2016 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: _____ By: _____

Application fee of \$ 400 received by Zoning Administrator Date: _____ By: _____

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: 3/23/16 By: MTS

↓

☐ (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)- 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.

ATTACHED

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.

ATTACHED

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.

Attached

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.

Attached

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.

Attached

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.

Attached

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 3/23/16 By: MPS

Notified Neighboring Property Owners (within 300 feet)

Date: 3/28/16 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet)

Date: N/A By: _____

Class 1 legal notice sent to official newspaper by Zoning Administrator

Date: 3/24/16 By: CLW/c

Class 1 legal notice published on 3/31/16

By: CLW/c

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) X _____

Date: _____

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

VARIANCE REQUEST FOR 188 W. MAIN STREET – ERICKSON BUILDING

The property located at the NE corner of Water Street and W. Main Street, the Erickson Building, is a 110 year old historic building in the heart of downtown Stoughton. The property was underutilized and experienced owner/financial issues for a number of years and fell into foreclosure in 2010. In March 2012 the property was purchased by local individuals that envisioned restoring the building as a vital part of Stoughton's downtown. Immediately upon purchase, the new ownership group spent significant funds to clean and clear out the 2nd and 3rd floors of the property and create 6 brand new residential apartment units. In December 2013, the commercial tenant (Scentimints) that occupied the front of the property on W. Main Street (See Exhibit 1 space A) had significant medical issues and was forced to close her business. That space on W. Main Street had fallen into disrepair and another significant investment was required in 2014 to make it a feasible commercial space. The newly renovated space was leased to AmundArt Hus in October 2014 and they currently have a lease commitment through October 2016.

In October 2014 the tenant occupying the first floor commercial space along Water Street (See Exhibit 1 space B) gave notice that they would be terminating their lease effective June 2015. The space has been advertised for lease beginning in October of 2014 and no potential commercial tenants have been found.

The City Zoning Code allows dwelling units as an accessory use on the ground floor of a building that is 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.

We are seeking a use variance to allow for two residential units for the ground floor space of the building for which the only access is Water Street (Exhibit 1 space B). The W. Main Street space of the building (Exhibit 1 space A) will remain commercial use only.

III. Justification of the Proposed Variance for City Use

- 1) The Erickson building is one of the most distinguishable buildings in downtown Stoughton. Since the building's layout sits on the corner of W. Main Street and Water Street, it creates a hardship for the building under the city's current zoning ordinance. We understand and agree that the front of the building on W. Main Street should be required to be used as commercial. However, we request that the space with access only from Water Street be granted a use variance to allow for two residential units. One of the keys to keeping Stoughton's downtown a viable area for businesses is to bring more people to the downtown. The addition of two residential units to the Erickson building will mean that a total of eight residential units have been added to the downtown community at this location in the last four years. The units on the inside will be of similar quality to the units that were built out on the second and third floors. We have received so many positive comments about the second and third floors apartments but there have been two groups of people for which that space is not easily accessible which are the elderly and

handicap individuals. Many older prospective tenants would love to live downtown in a nice apartment but do not have the physical ability to use the stairs every day. The granting of the use variance will allow us to create two units on the first floor that will be more easily accessible. In addition it is our intention that we would make one of the two units handicap accessible. This will be one of the few handicap accessible apartment units in downtown Stoughton.

- 2) There are no similar properties to the Erickson building from both a layout and use perspective. The Erikson building is very long and narrow and there is a distinct cutoff of the lower level space between the space that is W. Main Street accessible and the space on Water Street. If the building was not located on the corner of W. Main Street and Water Street, but instead only fronted W. Main Street, the zoning would allow for residential units for the space on the first floor that is not within twenty four feet of W. Main Street. We are only requesting that the use of the space that does not have W. Main Street access be allowed for a residential use.
- 3) The granting of the proposed variance will be of no detriment to adjacent properties. Rather we believe that the variance will significantly benefit the downtown Stoughton area and businesses.
- 4) The granting of the proposed variance will not result in any undue or adverse impact on the neighborhood. As previously stated, we believe the variance to allow for two residential units will help increase the viability of downtown Stoughton business district along W. Main Street. There is ample available parking at the city parking lot at the corner of Water Street and W. Washington Street.
- 5) The Erickson building is a historic landmark and the building precedes the city's current zoning ordinance.
- 6) The proposed variance does not involve the regulations of Section 78-203, Appendix C (Table of Land Uses).

WATER ST

B

A

W. MAIN ST

Family Dental
Care

03.25.2016 14:06



W Main St

W Main St


Family Dental
Care

NO PARKING
ANY TIME

AMUNART HUB

03.25.2016 14:08

Parcel Number - 281/0511-082-1565-5**Current**[◀ Parcel Parents](#)[Summary Report](#)**Parcel Summary****More +**

Municipality Name	CITY OF STOUGHTON
Parcel Description	ORIGINAL PLAT BLOCK 21 W 22 FT (A/K/A W1...
Owner Name	1905 ERICKSON LLC 
Primary Address	221 S WATER ST
Billing Address	PO BOX 514 GREAT FALLS SC 29055

Assessment Summary**More +**

Assessment Year	2016
Valuation Classification	G2
Assessment Acres	0.061
Land Value	\$17,700.00
Improved Value	\$232,700.00
Total Value	\$250,400.00

[Show Valuation Breakout](#)**Zoning Information****Contact your local city or village office for municipal zoning information.**



March 28, 2016

House Number

CSM Text

Plat Labels

Tax Parcels

1:895

0 0.01 0.02 0.04 mi

0 0.015 0.03 0.06 km

Planning

Geophysical

Water Resources

Parcels

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Joshua Ganshert (1905 Erickson LLC)
221 S. Water Street (A/K/A 188 W. Main Street)
Stoughton, WI. 53589

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

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."

Summary of Request

The applicant/owner is requesting a variance from the above named section to allow 2 residential apartments on the ground floor along Water Street and within the 24-foot area from the front of the building.

DATE OF APPLICATION: March 23, 2016

DATE PUBLISHED: March 31, 2016

DATE NOTICES MAILED: March 28, 2016

DATE OF HEARING: April 11, 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 221 S Water Street is zoned CB – Central Business. 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 code does not take into account a corner lot. If approved, the applicant/owner will still meet the requirement along Main Street.

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 commercially zoned property where residential as an accessory use is wanted on the ground floor. Though, we don't believe there has been any other instance where this type of request has been made. There is at least one commercial property that has residential on the ground floor in the Central Business District.

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 applicants to gain economically or for other material gain. Not being able to lease out the commercial space is the driving force here.

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 commercial market in the downtown area. Without the Main Street exposure it is difficult to attract a tenant. .

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. To date, we have received no complaints regarding this request.

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.