

OFFICIAL MEETING NOTICE & AGENDA

The City of Stoughton will hold a meeting of the **Board of Appeals** on **Monday, July 22, 2013 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 9, 2012.
3. Elect Vice-Chair and Secretary.
4. The Bryant Foundation, owner of the property at 277 W. Main Street, Stoughton, Wisconsin, Parcel number's 281/0511-082-1105-2 and 281/0511-082-1117-2, with a legal description of: CSM No. 13461, has requested a variance from the requirements of the following City of Stoughton zoning ordinance sections:
 - 78-206(3)(c)1.b which requires "All structures shall be located a minimum of 50 feet from any residentially zoned property";
 - 78-105(4)(c)8.b.C which requires : Building to front or street side lot line: average of directly adjacent building or buildings along same street frontage as determined by the department of planning and development";
 - 78-610(5)(b) which references the level of opacity for bufferyard requirements in Table 78-610(4)(a) and references the variety of landscaping point options in Table 78-610(4)(b) to meet the opacity requirements.

The owner requests these variances to allow the construction of a Norwegian Heritage Center at 277 W. Main Street, Stoughton, Wisconsin.

5. Adjournment.

7/15/13mps

PACKETS SENT TO BOARD MEMBERS:

Russ Horton, Chair
Robert Busch

Al Wollenzien
Gilbert Lee

David Erdman

cc: Mayor Donna Olson (Packet)
City Clerk Pili Hougan (via-email)
Planning Director Rodney Scheel (Packet)
Zoning Administrator Michael Stacey (3 packets)
Stoughton Newspapers (via-fax)
Kirk Lundgren (via-email)
June Bunting (via-email)

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

Monday April 9, 2012 5:00 p.m.

Public Safety Building, Council Chambers, 321 S. Fourth Street, Stoughton WI.

Members Present: Al Wollenzien, Chair; Kristin Ott, Vice-Chair; David Erdman, Secretary; Robert Barnett; and Russ Horton.

Members Absent and Excused: Robert Busch and Gilbert Lee

Staff: Michael Stacey, Zoning Administrator.

Guests: John Mulligan; and Stephen Blair

1. **Call meeting to order.** Wollenzien called the meeting to order at 5:00 pm.
2. **Consider approval of the September 6, 2011 minutes.** Motion by **Erdman** to approve the September 6, 2011 Board of Appeals minutes as presented, 2nd by **Ott**. Motion carried 5 – 0. (Wollenzien; Horton; Ott; Erdman; and Barnett)
3. **John Mulligan, applicant/agent for Stephen & Zoe Blair, owners of the property at 724 S. Page Street, Stoughton, Wisconsin, Parcel # 281/0511-082-6960-6, with a legal description of: O M TURNER SECOND ADD BLOCK PRT OF LOTS 9, 10 & 11 DESCR AS BEG AT PT ON E LN OF SD LOT 11 66 FT N OF N LN OF LOW ST (NKA LOWELL ST) TH W 132 FT THS 66 FT TO N LN OF SD LOW ST (NKA LOWELL ST) THE ALG SD N LN OF LOW ST (NKA LOWELL ST) TO W LN OF S PAGE ST TH NW ALG SW SIDE OF S PAGE ST TO POB, has appealed the requirements of the City of Stoughton zoning ordinance section 78-105(2)(e)8bD which requires a minimum front yard setback of 20 feet to a house. The applicant/agent requests a variance to allow construction of a sunroom addition with a front setback of 17 feet to the south front lot line or Lowell Street side of the house.**

Wollenzien introduced the request and opened the public hearing.

John Mulligan, acting as agent for the property owners, explained the variance request. Mulligan noted the hardship is primarily due to the positioning of the home on the lot. Stephen Blair stated the home was built in 1901 and was likely one of the first homes built in that area. While the applicant provided an alternative design for the addition that (i) moved the proposed addition to the east of the structure, (ii) removed the beveled front/SE corner of the existing structure, (iii) reduced the size of the proposed addition, and (iv) would be in compliance with current ordinances, Mulligan noted that, from an architectural standpoint, it would be best to construct the addition as initially requested and farther to the west away from the beveled front corner.

Michael Stacey gave the staff review of the proposed variance request according to the 3 standards necessary to approve a variance request as follows:

A. Unnecessary Hardship:

Does the ordinance in place today unreasonably prevent the landowner from using the property for a permitted purpose or are the standards unnecessarily burdensome? Ordinances don't take into account all potential situations. That is why there is a variance procedure. The zoning ordinance was

recently amended to provide more flexibility for properties within historic areas of the Stoughton community. It appears the hardship was created because of the positioning of the home on the lot not because of the zoning ordinance.

B. Unique Property Limitation:

Are there any unique property limitations such as the shape, slope or size? The limitations should not be common to a number of properties and the circumstances of the individual are not justification. The property is somewhat uniquely shaped and is not common to many properties within the City of Stoughton. However, the shape, size or slope of the lot does not limit the owner in this case.

C. Protection of Public Interest.

What are the potential negative impacts of the request such as environmental, aesthetics, safety, etc...?

There does not appear to be any negative impacts of approving this variance, though approval may set precedence for future requests.

Alternative solutions.

Are there any alternative solutions to the request that would meet the requirements of the ordinance? The agent representing the property owner's has provided a plan that will meet the code requirements. Additionally, the sunroom could be reduced in size to meet code.

Recommendations:

Staff recommendation is to carefully consider approval of this variance including the alternative to meet the existing code. If the zoning code had not been amended recently they would be looking at a variance of 8 feet instead of 3 feet. The variance request must meet all 3 tests for approval.

Wollenzien closed the public hearing.

Motion by **Erdman** to approve the variance request as presented, 2nd by **Horton**.

Motion carried 3 - 2 (Wollenzien, Erdman, and Horton voted yes; Barnett and Ott voted no).

Board members voting in the affirmative noted that incremental relief (3 feet) from this variance was justified due to hardships resulting from combination of set-back requirements relating to this parcel being a corner lot (Page Street and Lowell Street), this parcel being in a historic neighborhood, the prior positioning of the house on this parcel, and actions placed on the applicant in modifying the current structure to construct the proposed addition within set-back requirements. Board members voting in the negative noted that hardship was not evident since the applicant (or agent thereof) provided to the Board alternatives that could be pursued that would be in compliance with current ordinances.

4. Adjournment. Motion by **Erdman** to adjourn at 5:25 pm, 2nd by **Ott**. Motion carried 5 - 0

Respectfully Submitted,
Michael Stacey

OFFICIAL NOTICE

Please take notice that the Bryant Foundation, owner of the property at 277 W. Main Street, Stoughton, Wisconsin, Parcel number's 281/0511-082-1105-2 and 281/0511-082-1117-2, with a legal description of: CSM No. 13461, has requested a variance from the requirements of the following City of Stoughton zoning ordinance sections:

- 78-206(3)(c)1.b which requires "All structures shall be located a minimum of 50 feet from any residentially zoned property";
- 78-105(4)(c)8.b.C which requires : Building to front or street side lot line: average of directly adjacent building or buildings along same street frontage as determined by the department of planning and development";
- 78-610(5)(b) which references the level of opacity for bufferyard requirements in Table 78-610(4)(a) and references the variety of landscaping point options in Table 78-610(4)(b) to meet the opacity requirements.

The owner requests these variances to allow the construction of a Norwegian Heritage Center at 277 W. Main Street, Stoughton, Wisconsin.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on July 22, 2013 at 5:00 p.m. 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: July 11, 2013 HUB



Parcel information updated on Wednesday, July 03, 2013 unless otherwise noted.

Parcel Number - 281/0511-082-1105-2

[Return to Previous Page](#)

Parcel Status: Active Parcel



[Show Map](#)
[Map Questions?](#)

Parcel Information

Municipality	CITY OF STOUGHTON
State Municipality Code	281
Township	05
Township Direction	N
Range	11
Range Direction	E
Section	08
Quarter	NW
Quarter-Quarter	NE
Plat Name	CSM 13461
Block/Building	
Lot	1
Restrictive Covenants	Show Restrictions for this Plat, CSM, or Quarter

Assessment Information

No assessment information available

[About Annual Assessments](#)

Tax Information

[Pay Taxes Online](#)

No tax information available

Please click on the [Show Tax Payment History](#) link to verify if a recent payment has been processed. Processed payments and payment history are updated nightly.

District Information

Type	State Code	Description
SCHOOL DISTRICT	5621	STOUGHTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	5804 -	TIF 04

Zoning Information

Contact your local city or village office for municipal zoning information.

Owner Name and Address

Owner Status	CURRENT OWNER
Name	EDWIN E & JANET L BRYANT FOUNDATION INC
Property Address	PO BOX 600
City State Zip	STOUGHTON, WI 53589
Country	ADDED BY LYNX INTER

[eX](#) - [Edit Owner Address](#)

Parcel Address

Primary Address 277 W MAIN ST

[eX](#) - [Edit Parcel Address](#)

[eX](#) - [Add More Addresses](#)

Billing Address

Attention	
Street	PO BOX 600
City State Zip	STOUGHTON, WI 53589
Country	USA

[eX](#) - [Edit Billing Address](#)

Tax Property Description

For a complete legal description, see the recorded documents
LOT 1 CSM 13461 CS87/273&274-2/27/2013 F/K/A PRT LOTS 2, 3 & 4
BLOCK 13 ORIG PLAT STOUGHTON DESCR AS SEC 8-5-11 PRT
NE1/4NW1/4 EXC PRT NOT IN TIF

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
D	06/19/2012	4882398		
QCD	05/22/2009	4550015		
TRD	11/22/2005	4135654		
WD	11/22/2005	4135653		
LC	09/20/2001	3375656		
QCD	09/20/2001	3375655		
QCD		1845120	5947	4

DocLink Now Available!

DocLink is a feature that connects this property to recorded documents. If you'd like to use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. [Click here for instructions.](#)

By Parcel Number: [0511-082-1105](#)

By Owner Name: [EDWIN E & JANET L BRYANT FOUNDATION INC](#)

[Document Types and their Abbreviations](#)

[Document Types and their Definitions](#)



Parcel information updated on Wednesday, July 03, 2013 unless otherwise noted.

Parcel Number - 281/0511-082-1117-2

[Return to Previous Page](#)

Parcel Status: Active Parcel



[Show Map](#)
[Map Questions?](#)

Parcel Information

Municipality	CITY OF STOUGHTON
State Municipality Code	281
Township	05
Township Direction	N
Range	11
Range Direction	E
Section	08
Quarter	NW
Quarter-Quarter	NE
Plat Name	CSM 13461
Block/Building	
Lot	1
Restrictive Covenants	Show Restrictions for this Plat, CSM, or Quarter

Assessment Information

No assessment information available

[About Annual Assessments](#)

Tax Information

[Pay Taxes Online](#)

No tax information available

Please click on the [Show Tax Payment History](#) link to verify if a recent payment has been processed. Processed payments and payment history are updated nightly.

District Information

Type	State Code	Description
SCHOOL DISTRICT	5621	STOUGHTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE

Zoning Information

Contact your local city or village office for municipal zoning information.

Tax Property Description

For a complete legal description, see the recorded documents
LOT 1 CSM 13461 CS87/273&274-2/27/2013 F/K/A PRT LOTS 2, 3 & 4
BLOCK 13 ORIG PLAT STOUGHTON DESCR AS SEC 8-5-11 PRT
NE1/4NW1/4 EXC PRT IN TIF

Owner Name and Address

Owner Status	CURRENT OWNER
Name	BRYANT FOUNDATION
Property Address	3039 SHADYSIDE DRIVE
City State Zip	STOUGHTON, WI 53589
Country	ADDED BY LYNX INTER
	- Edit Owner Address

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
D	07/17/2012	4891816		
QCD		2641862	28739	50
WD		1641698	1101	329

DocLink Now Available!

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By Parcel Number: [0511-082-1117](#)

By Owner Name: [BRYANT FOUNDATION](#)

[Document Types and their Abbreviations](#)

[Document Types and their Definitions](#)

Parcel Address

Primary Address	305 S PAGE ST
	- Edit Parcel Address

[- Add More Addresses](#)

Pending Addresses:

277 W MAIN ST [Edit](#) | [Delete](#)

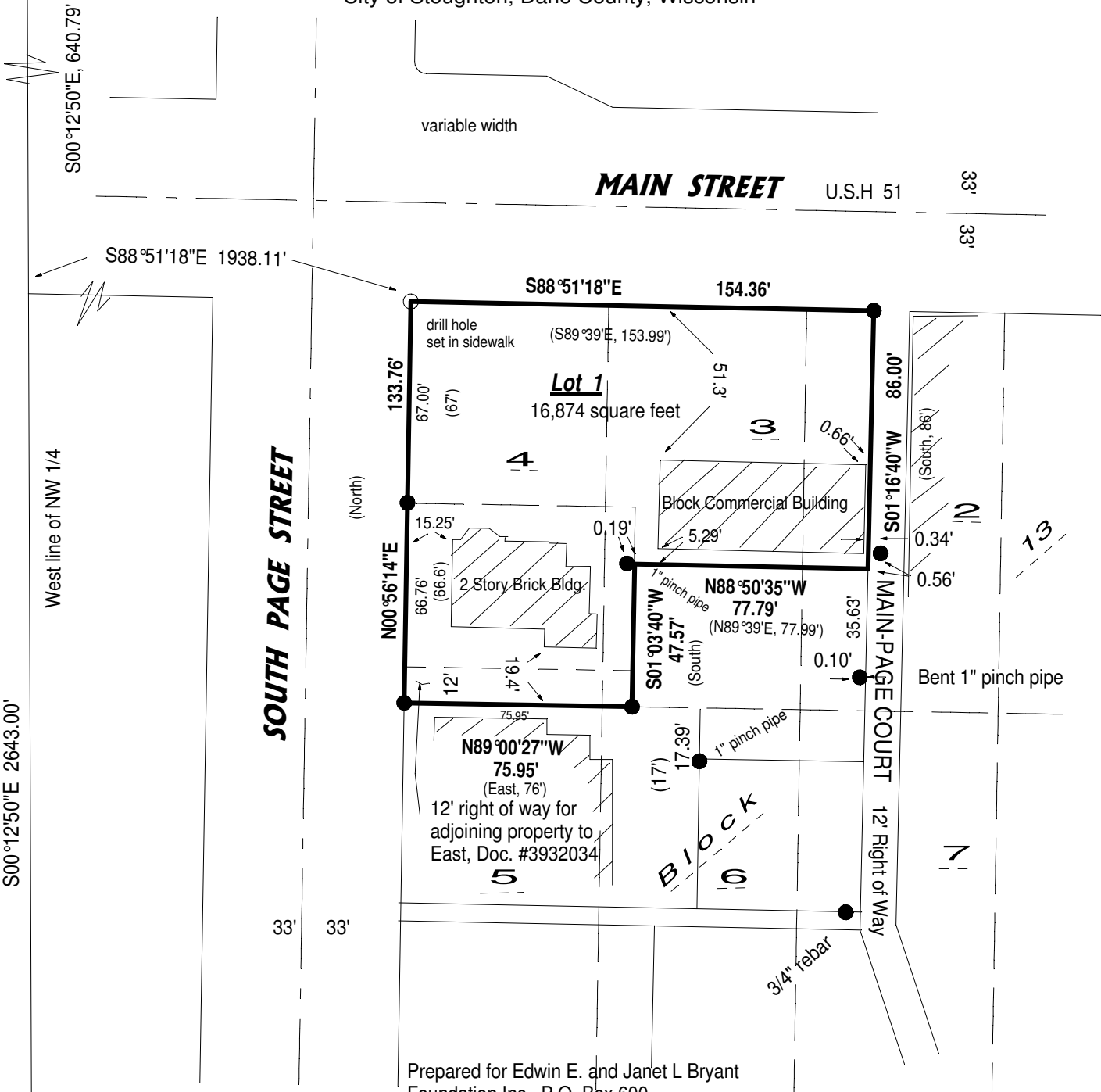
Billing Address

Attention	
Street	3039 SHADYSIDE DR
City State Zip	STOUGHTON, WI 53589

Northwest Corner,
Section 8, Gear pin
found

Certified Survey Map

Part of Lots 2, 3, and 4, Block 13, Original Plat of Stoughton,
being in the NE 1/4 of the NW 1/4 of Section 8, T.5N., R.11E,
City of Stoughton, Dane County, Wisconsin

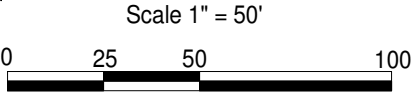
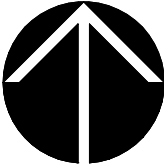


- Legend
- = 3/4" diameter iron pipe found
 - = drill hole in concrete walk set
- When different, parentheses indicate recorded as values

W 1/4 corner,
Section 8, Aluminum
Monument under pavement,
location from survey ties

Prepared for Edwin E. and Janet L Bryant
Foundation Inc., P.O. Box 600,
Stoughton, Wisconsin, 53589

Referenced to the Dane County
Coordinate System






Wisconsin Mapping, LLC

surveying and mapping services
306 West Quarry Street, Deerfield, Wisconsin 53531
(608) 764-5602

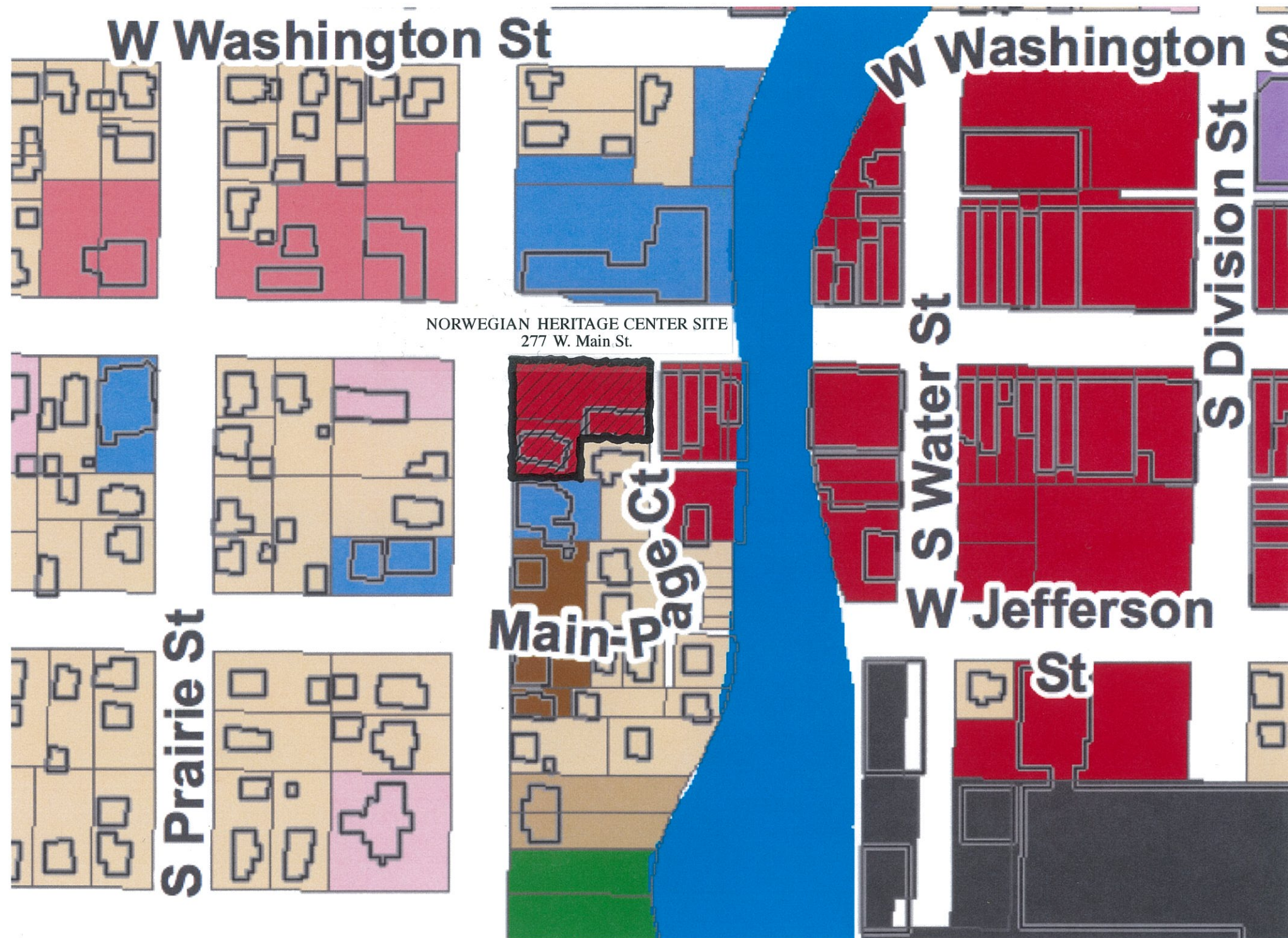
Dwg. No. 4253-12 Date 10/26/2012
Sheet 1 of 2 Revised 11/15/12, access easement
Document No. _____
C. S. M. No. _____ V. _____ P. _____

Zoning Map City of Stoughton

-  City of Stoughton Boundary
-  City of Stoughton Tax Parcel Boundary
-  Railroad
-  Building Footprint
-  Surface Water

Base Zoning Districts

-  ER-1 - Exurban Residential
-  SR-3 - Single Family Residential
-  SR-4 - Single Family Residential
-  SR-5 - Single Family Residential
-  SR-6 - Single Family Residential
-  TR-6 - Two Family Residential
-  MR-10 - Multi-Family Residential
-  MR-24 - Multi-Family Residential
-  Neighborhood Office
-  Planned Office
-  Neighborhood Business
-  Planned Business
-  Central Business
-  Planned Development
-  Planned Industrial
-  General Industrial
-  Heavy Industrial
-  Institutional
-  Institutional (Park)
-  Rural Holding
-  Right of Way





Google earth



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.

Application form filed with Zoning Administrator Date: 7/2/13 By: Kirk Lundgren

Application fee of \$390 received by Zoning Administrator Date: 7/3/13 By: Bryant Foundation

Professional consultant costs agreement executed (if applicable): N/A

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.

Draft Final Packet (1 copy to Zoning Administrator)

Date: July 2, 13 By: Kirk Lundgren



- ☒ (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. N/A
 - ☒ 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.

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

Norwegian Heritage Center

City of Stoughton Variance Review

Response to Questions, Part III of Stoughton Procedural Checklist

July 2, 2013

Item 3.b from Site Plan Review letter, dated 6/26/13.

Request an "area variance" for relief from the 50' setback requirement for a new Indoor Institutional use building from a residentially zoned property. (Zoning Code 78-206(3)(b)1.b.)

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.....

The building site is an L-shaped lot at the SE corner of Main Street and Page Street in downtown Stoughton. Main-Page Court provides the eastern boundary. There is an existing residentially zoned property to the south that the L-shaped site wraps around on two sides. The residential property is an interior land-locked site. Maintaining a 50' setback from the north and west lot lines of the residential property yields a small buildable footprint that limits the feasibility of any new building, and does not accommodate the functions of the proposed building.

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.....

The building footprint allowed after setback requirements are observed would be inadequate to accommodate the primary functions of the new proposed facility. The new building design does address the intention of the setback requirements by creating an L-shaped building that is positioned closer to the sidewalks on Main & Page Streets, and consequently creates as much space or distance as possible from the existing residential property while still providing the desired functions of the new facility. We have greatly improved upon the crowding of the existing residence by former existing buildings. Originally there was a commercial building 5' from the north property line of the residence, and the proposed new building is 47' from that same lot line. There was also a 2-story brick house 12' from the west property line of the residence, and the new building will be 16.5' away from that property line.

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.....

The proposed design of the new building reestablishes a connection to the sidewalk and reinforces the pedestrian experience on Main Street, which is more in harmony with the adjacent older buildings. As the new building turns the corner to S. Page Street, it is set back off the sidewalk with grass and landscaped areas between the building and sidewalk. These setbacks help begin the transition from the Central Business zoning on Main Street to the residentially zoned properties further south on Page Street. The new building rectifies a more detrimental site situation created by an existing corner parking lot.

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....

The Norwegian Heritage Center would improve on the character of the neighborhood by replacing a corner parking lot and 1-story commercial building with an appropriately scaled new facility. There will be a small parking area provided on site screened from the street view by the new building. People enticed to visit the Norwegian Heritage Center could benefit other local establishments, such as the Sons of Norway Lodge, the Stoughton Museum, and adjacent retail, by being directed to visit those places as well.

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

The reason for the proposed variance is the result of the Norwegian Heritage Center building site being re-zoned to Central Business (CB), its intended use categorized as Indoor Institutional, and its adjacency to an existing residentially zoned 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.....

The property is zoned Central Business (CB) and the type of use is Indoor Institutional which is permitted as a conditional use. A Conditional Use permit is being pursued.

Norwegian Heritage Center

City of Stoughton Variance Review

Response to Questions, Part III of Stoughton Procedural Checklist

July 2, 2013

Item 11 from Site Plan Review letter, dated 6/26/13.

Request an 'area variance' for relief from the front setback requirement of the Central Business district for meeting the average setback of directly adjacent buildings on Main & Page Streets. (Zoning Code Chapter 78, Appendix E, Nonresidential Bulk Standards, Footnote 7)

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.....

The subject property is zoned Central Business (CB) and is located at the SE Corner of Main Street & Page Street. The subject property is separated from the directly adjacent buildings to the east by Main-Page Court, and from the directly adjacent building to the south by a driveway and easement. If the north façade of the Norwegian Heritage Center aligned with the adjacent buildings to the east, and the east end of the new building extended all the way to its east property line, as allowed by the zoning code, traffic visibility from Main-Page Court would be significantly compromised, and pedestrian traffic would be put in direct conflict with out-coming vehicular traffic from Main-Page Court. Also, a corner lot has unique conditions involving two front sides and maintaining traffic visibility at the street corner.

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.....

To enhance vehicular traffic visibility from Main-Page Court, the east end of the Norwegian Heritage Center is set back from the east property line, and the north side of the Norwegian Heritage Center is set back from the north property line.

This area to the north side of the Norwegian Heritage Center becomes a covered porch which allows a group of visitors to queue up to the building entrance protected from inclement weather. The colonnade of the porch aligns with existing adjacent buildings across Main-Page Court. The covered porch and building main entrance abut the existing sidewalk.

At the corner of Main Street & Page Street the setbacks of the new building and open colonnade offers visual relief and provides visibility for traffic.

The west side of the new building does not come all the way up to the sidewalk or property line, has several different setbacks from the sidewalk, is separated from the directly adjacent Sons of Norway Lodge by a driveway, and does come close to aligning with the Sons of Norway building. The Norwegian Heritage Center has grass and landscaping between the sidewalk and building, whereas the Sons of Norway building has a raised entrance with a wood fence guardrail between the building and sidewalk.

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.....

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....

The new L-shaped Norwegian Heritage Center fortifies the corner at Main & Page Streets, reinforces the existing streetscape, enhances the pedestrian experience, yet allows for traffic visibility at the corner of Main & Page and for traffic exiting from Main-Page Court.

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

The reason for the proposed variance is the result of the Norwegian Heritage Center building site being re-zoned to Central Business (CB), and its location on a corner lot.

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.....

The requested variance does not involve the provisions of Section 78-203, Appendix C (Table of Land Use).

Norwegian Heritage Center

City of Stoughton Variance Review

Response to Questions, Part III of Stoughton Procedural Checklist

July 2, 2013

Item 19 from Site Plan Review letter, dated 6/26/13.

Request an 'area variance' for relief from the buffer yard requirements for a Central Business (CB) zoned property adjacent to a Single Family Residential zoned property. (Zoning Code Tables 78-610(4)(a) and 78-610(4)(b))

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.....

The Norwegian Heritage Center building site is an L-shaped lot at the SE corner of Main & Page Streets in downtown Stoughton. There is an existing residential property, zoned SR-6, that the subject L-shaped property wraps around on two sides. Main Page Court provides the eastern boundary. The residential property is an interior landlocked site. A buffer yard is required between a CB zoned property and an SR-6 zoned property. Maintaining a 20' wide buffer yard with a privacy fence located 10' into the buffer yard with a minimum of 50% of the required landscaping on the exterior side of the fence would require eliminating the small on-site parking area, the outdoor patio and pergola, and a reduction in the proposed building footprint.

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.....

It is desirable to provide some on-site parking for the new facility and the community. ADA accessible parking and drop-off are also provided. It is also desirable to provide an outdoor patio area at the south end of the Norwegian Heritage Center to allow for a graceful transitional gathering area between the Heritage Center and the Sons of Norway Lodge. Reducing the footprint of the Norwegian Heritage Center would compromise the function of the new building.

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.....

There is a 6' tall decorative wood privacy fence proposed at the two common property lines between the Norwegian Heritage Center and the residence. Currently, there is a 3' tall chain link fence in bad repair. The open space provided between the existing residence and the new building is a significant improvement over the previous existing situation where two buildings were adjacent to and crowded the existing residence.

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

All sides of the Norwegian Heritage Center have been designed to be attractive. The 'back' side of the new building is no less desirable to look at than the more public 'front' sides of building on Main Street and Page Street. There is more relief or space provided between the residence and the new building than what existed before. There will also be landscaping provided around the Norwegian Heritage Center where possible.

Another item to consider is the Bryant Foundation's desire to acquire the adjacent residential property when the current owner is ready to sell. At that time, the Bryant Foundation may want to rezone said property from SR-6 to CB, which would then remove the buffer yard requirements.

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

The reason for the proposed variance is the result of the Norwegian Heritage Center building site being re-zoned to Central Business (CB), and its adjacency to an existing Single Family Residential (SR-6) zoned 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.....

The requested variance does not involve the provisions of Section 78-203, Appendix C (Table of Land Use).

Institutional (I) Zoning

Mandt Lodge Inc.
317 S. Page St.

Single Family Residential (SR-6) Zoning

312 Main-Page Ct.
Two Story
Brick Home

50'-0"

Minimum Proximity From Structure To
Residentially Zoned Property
(78-206(3)(b) 1.b.)

Hatched Area
Indicates Previous Location Of
2-Story Brick House

Hatched Area
Indicates Previous Location Of
1-Story Commercial Building

50'-0"
Minimum Proximity From Structure To
Residentially Zoned Property
(78-206(3)(b) 1.b.)

Central Business (CB) Zoning Indoor Institutional Use

BUILDING SETBACK DIAGRAM

(Item 3b From Site Plan Review 6.26.13)

property data

Lot Area	16,874 SF
Floor Area	7,924 SF
Floor Area Ratio	.47
Impervious Surface Area	5,606 SF
Impervious Surface Ratio	.33
Building Height	43 FT

1
main floor
7924 gsf

NORWEGIAN HERITAGE CENTER
Stoughton, Wisconsin

07.02.2013

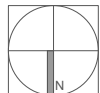
WEST MAIN STREET

SOUTH PAGE STREET

MAIN-PAGE COURT

Michael Olson
251 W. Main St.

Laverne Nelson
261 W. Main St.



The Kubala Washatko Architects, Inc.
W61 N617 Mequon Ave, Cedarburg, WI 53012
p.262.377.6039 | f.262.377.2954
www.tkwa.com

Institutional (I) Zoning

Mandt Lodge Inc.
317 S. Page St.

Single Family Residential (SR-6) Zoning

312 Main-Page Ct.
Two Story
Brick Home

Average Setback of Directly Adjacent Building
(Chapter 78 - Appendix E - Nonresidential Bulk Standards - Footnote 7)

FRONT SETBACK DIAGRAM

(Item 11 From Site Plan Review 6.26.13)

property data

Lot Area	16,874 SF
Floor Area	7,924 SF
Floor Area Ratio	.47
Impervious Surface Area	5,606 SF
Impervious Surface Ratio	.33
Building Height	43 FT

1
main floor
7924 gsf

NORWEGIAN HERITAGE CENTER
Stoughton, Wisconsin

07.02.2013

Central Business (CB) Zoning

Average Setback of Directly Adjacent Building
(Chapter 78 - Appendix E - Nonresidential Bulk Standards - Footnote 7)

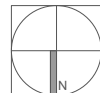
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Institutional (I) Zoning

Mandt Lodge Inc.
317 S. Page St.

Single Family Residential (SR-6) Zoning

312 Main-Page Ct.
Two Story
Brick Home

20'-0"

Bufferyard
(Tables 78-610(4)(a) and
78-610(4)(b))

20'-0"

Bufferyard
(Tables 78-610(4)(a) and
78-610(4)(b))

Central Business (CB) Zoning

BUFFERYARD
DIAGRAM

(Item 19 From Site Plan Review 6.26.13)

property data

Lot Area	16,874 SF
Floor Area	7,924 SF
Floor Area Ratio	.47
Impervious Surface Area	5,606 SF
Impervious Surface Ratio	.33
Building Height	43 FT

1
main floor
7924 gsf

NORWEGIAN HERITAGE CENTER
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WEST MAIN STREET

SOUTH PAGE STREET

MAIN-PAGE COURT

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Bryant Foundation
June Bunting
PO Box 600
Stoughton, WI. 53589

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

- 78-206(3)(c)1.b which states, "All structures shall be located a minimum of 50 feet from any residentially zoned property";
- 78-105(4)(c)8.b.C which requires: "Building to front or street side lot line: average of directly adjacent building or buildings along same street frontage as determined by the department of planning and development";
- 78-610(5)(b) which references the level of opacity for bufferyard requirements in Table 78-610(4)(a) and references the variety of landscaping point options in Table 78-610(4)(b) to meet the opacity requirements.

Summary of Request

The owner has purchased, combined and rezoned the properties at 305 S. Page Street and 277 W. Main Street to construct a Norwegian Heritage Center. The property address is now known as 277 W. Main Street. Redevelopment of this site would likely require variances or zoning code amendments no matter the type of project. The zoning code does not take into account redevelopment within the Central Business District when adjacent to residentially zoned property.

DATE OF APPLICATION: July 2, 2013
DATE PUBLISHED: July 11, 2013
DATE NOTICES MAILED: July 9, 2013
DATE OF HEARING: July 22, 2013

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 277 W. Main Street is 16,874 square feet in area and is currently zoned Central Business. There are no minimum lot size requirements for the Central Business district. The Central Business District requires zero lot lines or no setbacks. This property cannot have zero lot lines because there is a street (Main-Page Court) along the east side of the property and an

access easement along the south side of the property. Additionally, there is an adjacent single family home at the rear of the property. The code requirement for a 50-foot building setback from a residential lot line drastically reduces the building envelope of the site to the point where it is not feasible to develop. The physical surroundings, shape or topographical conditions are not the cause of the hardship rather it is the strict requirements of the zoning code.

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 not applicable to similar properties within the CB – Central Business District. This is an “L” shaped corner lot with a land-locked residential parcel to the rear. The zoning code does not provide flexibility for redevelopment of corner lots on the fringe of the Central Business District. Two buildings were removed from the properties which were much closer to the rear property lines than the proposed building. Ultimately this will be a better situation for the neighborhood and for downtown area businesses.

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

The purpose of the variance is not based on the economic gain of the owner/applicant. The owner/applicant would like construct a non-profit Norwegian Heritage Center to house programs and activities to complement existing community programs and organizations.

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 more related to the short-comings of the zoning code related to redevelopment of corner lots within the Central Business District including where this zoning meets single family zoned property. Though it could be argued the owner created the hardship due to the proposed Norwegian Heritage Center, it is likely that no redevelopment could take place without a variance. The benefits far outweigh any negative impacts.

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 to proceed with the proposed Norwegian Heritage Center provides much more community good than detriment. The proposed Norwegian Heritage Center would be a big improvement for the neighborhood and downtown area. We have not received any 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.