

OFFICIAL MEETING NOTICE & AGENDA

The City of Stoughton will hold a meeting of the **Board of Appeals** on **Monday, August 19, 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 July 22, 2013.
3. Daniel Harkins of Dyckhoff Properties, LLC, owner of the property at 335 Industrial Circle, Stoughton, Wisconsin, Parcel number 281/0511-051-9326-2, with a legal description of: LOT 1 CSM 13527 CS88/150&151-6/25/2013 F/K/A LOT 1 CSM 12327 CS76/236&238-12/3/2007 & ALSO INCL & DESCR AS SEC 5-5-11 PRT SW1/4NE1/4 (1.387 ACRES), has requested a variance from zoning code section 78-702(11) "Traffic control. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the director of planning and development."
4. Adjournment.
8/5/13mps

PACKETS SENT TO BOARD MEMBERS:

Russ Horton, Chair	Al Wollenzien, Vice-Chair	David Erdman, Secretary
Robert Busch	Gilbert Lee	Bob McGeever, Alternate 1
Bob Barnett, Alternate 2		

cc: Mayor Donna Olson (Packet)	Department Heads (via-email)
City Clerk Pili Hougan (via-email)	Council Members (via-email)
Planning Director Rodney Scheel (via-email)	Receptionists (via-email)
Zoning Administrator Michael Stacey (3 packets)	City Attorney Matt Dregne (Packet)
Stoughton Newspapers (via-fax)	Derek Westby (via-email)
<u>Daniel Harkins (via-email)</u>	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 July 22, 2013 5:00 p.m.

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

Members Present: Russ Horton, Chair; Al Wollenzien; David Erdman, Secretary; Gilbert Lee and Robert Busch.

Staff: Michael Stacey, Zoning Administrator.

Guests: June Bunting; Kirk Lundgren; Jerry Gryttenholm; Rodney Scheel, Planning Director; Mayor Donna Olson; Wayne Reckard and David Kneebone.

- 1. Call meeting to order.** Horton called the meeting to order at 5:00 pm.
- 2. Consider approval of the April 9, 2012 minutes.** Motion by **Wollenzien** to approve the April 9, 2012 Board of Appeals minutes as presented, 2nd by **Erdman**. Motion carried 5 – 0. (Wollenzien; Horton; Busch; Erdman; and Lee)
- 3. Elect Vice-Chair and Secretary.**
Motion by **Erdman** to nominate **Wollenzien** as Vice-Chair, 2nd by **Busch**. Motion carried 5 - 0

Motion by **Wollenzien** to nominate **Erdman** as Secretary, 2nd by **Busch**. Motion carried 5 - 0
- 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.

Horton introduced the request and opened the public hearing.

Wayne Reckard and Kirk Lundgren of Kubala Washatko Architects explained the proposed project and variance requests.

Erdman questioned the outdoor patio dimensions and materials. Lundgren stated the patio is 12' x 20' and would be constructed of stone.

Mayor Olson and Planning Director Rodney Scheel both spoke in favor of the request.

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? Though the applicant created this situation, there really are no reasonable redevelopment options for this area of the downtown. The area in and around Main-Page Court has been deemed as desirable by the City of redevelopment and the zoning code does not easily accommodate redevelopment within or on the edge of the Central Business district. The applicant is not proposing to build a Norwegian Heritage Center for economic gain rather the intent is just the opposite with many benefits to the City. We believe, in this case, the ordinance does prevent reasonable development of the property and an unnecessary hardship on the applicant.

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 lot was created by the applicant for redevelopment with the intent to acquire an adjacent lot in the future. The current lot is relatively flat and “L” shaped with no wetlands. The location of the site in relation to the historic downtown makes it unique.

C. Protection of Public Interest.

What are the potential positive impacts of this request?

The building will be a huge benefit to the community which will house programs and activities to complement existing community programs and organizations.

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

The applicant has tried to mitigate any negative impacts to the adjacent residential property by proposing installation of a fence between the properties. A conditional use permit has been recommended for approval by the Planning Commission with the Council acting on the request tomorrow night. No conditions were placed on the request except meeting the staff review letter. We have not heard any negative comments from the public.

Alternative solutions.

Are there any alternative solutions to the request that would meet the requirements of the ordinance? We considered amending the ordinance to accommodate this request but it is not a good idea to amend an ordinance because of one request. The variance process is there to let neighbors express their concerns. Changing the code typically does not allow for that type of specific input.

Recommendations:

Staff recommendation is to approve the variance contingent on the conditional use permit being approved by the Common Council.

Busch asked if anyone has heard from the residential property owner. Jerry Gryttenholm stated they met with the owners and they are in favor.

Wollenzien asked if there were any plans for retail sales. Gryttenholm stated they want to complement not compete with the downtown, so no retail is planned.

Horton closed the public hearing.

Motion by **Erdman** to approve the variance request as presented, 2nd by **Busch**. Motion carried 5 - 0 (Wollenzien, Erdman, Horton; Busch and Lee).

5. Adjournment. Motion by **Erdman** to adjourn at 5:39 pm, 2nd by **Wollenzien**. Motion carried 5 - 0

Respectfully Submitted,
Michael Stacey

OFFICIAL NOTICE

Please take notice that Daniel Harkins of Dyckhoff Properties, LLC, owner of the property at 335 Industrial Circle, Stoughton, Wisconsin, Parcel number 281/0511-051-9326-2, with a legal description of: LOT 1 CSM 13527 CS88/150&151-6/25/2013 F/K/A LOT 1 CSM 12327 CS76/236&238-12/3/2007 & ALSO INCL & DESCR AS SEC 5-5-11 PRT SW1/4NE1/4 (1.387 ACRES), has requested a variance from zoning code section 78-702(11) "Traffic control. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the director of planning and development."

The applicant is requesting to allow trucks to back from the street to a new loading dock.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on August 19, 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: August 8, 2013 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: 7-29-03 Time of Meeting: 2:00 pm Date: _____ By: MPS

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

Application form filed with Zoning Administrator Date: 7-29 By: _____

Application fee of \$390 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: 7-29-2013 By: DJH

↓ Draft Final Packet (1 copy to Zoning Administrator)

Date: _____ By: _____

↓ ↓

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(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.

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

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

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

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(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 subject property created before zoning restriction applied to it. Front setback (North) insufficient to provide for truck turn-around on the property itself. The lot is not large enough to either side to provide for such a turn-around area on the subject property.

NOTES:

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

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

The property and building is currently used and pre-exists the zoning rule. The proposed addition and new loading dock improves the current use which leaves trucks projecting on to the right-of-way and possibly paved street. These issues would be resolved. Only issue remains is backing off the public street into the truck dock ramp.

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; detriment as this is already the situation and it improves an existing situation by getting trucker off of right-a-way and street.

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

The proposed variance has no impact on any other use or development and simply improves safety from the current grand-fathered use of the existing loading dock.

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: 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.

No the new zoning restriction or ordinance was created after the building was constructed.

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.

N/A

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator Date: 7-29 By: MPS

Notified Neighboring Property Owners (within 300 feet) Date: 8-6 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet) Date: 7-30 By: MPS

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 7-30 By: MPS

Class 1 legal notice published on Aug. 8, 2013 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.

Dyckhoff Properties, LLC
Signed: (owner) Daniel Herkins, managing member.

Date: 7-29-2013

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 of Dyckhoff Properties, 335 Industrial Circle, Stoughton, WI 53589

Application Submittal Packet Section II. (c).: Written Description of the proposed variance.

The proposed variance relates to a portion of the zoning ordinance adopted after the construction of the existing building located at the address of 335 Industrial Circle. The existing building has a semi-truck loading dock located on the North end of the existing building and the set back of that dock is 49.66 feet according to the survey from the South right-of-way line of Industrial Circle. This existing loading dock requires that trucks stop and back up off the street into the dock ramp. With the lengths of the truck trailers and cabs increased over time, the front of the truck cabs often sit on the street right-of-way and in some cases may protrude into the paved street area.

Our goal was to expand the building for operations to the East by 50 feet and recess the North wall of the addition forty feet to the South of the existing building at the site. The exiting lot width prior to the purchase of some land from the City of Stoughton to the East was 150 feet. The existing building is nominally 120 feet wide with a 20 feet set back from the original lot line. Two purchases of land from the City were completed to allow building expansion to the East, one for 43.25 feet of width of buildable lot and the second purchase of 30.01 feet of width which is subject to easement of the City of Stoughton which is non-buildable and merely allow Dyckhoff Properties to meet side lot set back requirements for the proposed 50 feet wide addition to the East and to allow for continued upkeep of the undeveloped property to the East in a groomed condition by Dyckhoff Properties.

A problem has arisen with the requirements of the current zoning regulations which states that drives and turn around areas for vehicles must be done completely on the subject property and not on the public street. Complicating this issue on this subject property, is a main power feeder distribution pole 30.01 feet West of the new Northeast property corner and a second power pole with a transformer for the subject property another 43.25 feet West of the main power feeder distribution pole. The City of Stoughton power utility states that it will be virtually impossible to move the main power distribution pole as the high voltage lines come underground from the North, under Commerce Road and up this power feed pole, where the power is then distributed overhead to all businesses to the East and West along Industrial Circle. Consequently, even with the addition of the two land purchases to the East, there is insufficient area unobstructed by the power poles to allow for the trucks to exit the right of way and back up to the proposed new truck dock on the proposed East building addition on the subject property itself.

The proposed new loading dock is set back nominally 90 feet from the subject properties North property line and trucks will be completely off the public right-of-way when backed into the ramp which solves the problem of having the trucks partially sitting on the public right-of-way, however under the current zoning regulations and circumstances it will be impossible to have the trucks completely exit the right-of-way and back up to the new docks completely on the subject property. There just is not enough land area between the exiting building, the power poles, the East property line to maneuver a semi-truck and trailer into the new dock without backing off the street.

So the variance requested is that Dyckhoff Properties be granted a variance from this requirement where trucks will be allowed to stop on the street and back up into the new loading dock from the street. We site will allow straight trucks to back into the ramp entirely from the subject property as it is the long articulating trucks that will not be able to accomplish this feat entirely from the subject property.

With the variance from the current zoning rule, there will still be an improvement from the current pre-existing situation where the trucks back off the street, but still the front end of the long trucks would sit out into the street right-of-way and possibly over the gutter line into the street. The proposed improvements would allow the long trucks to be completely off the right-of-way by about 25 feet or more. The only issue is that backing off the street would need to be allowed under a variance to this requirement.

The street is not well traveled and had been a dead end until the new business park North was developed. There is less hazard to the public than currently exists considering that the trucks will be completely off the street but for the short interval where it is required that they back into the new proposed new loading dock from the street. The new dock would allow the trucks to get off the street quicker since it would not require a right angle turn while backing up off the street. We currently only have about two semi trucks per week in and out of the loading dock, but we expect that use will grow over time as we increase business volume. To the best of our knowledge, there has never been any accidents or complaints by the public resulting from stopping and backing into the existing loading dock since the original construction of the existing building back in about 1972. The proposed new loading dock will reduce any potential hazard from the existing situation which is very little as the 40 years of history of this use makes evident.

The current and proposed future use at this site is slitting steel coils from wide coils to narrow coils and also building HVAC units and lighting fixtures from components, all for use in the national non-residential energy efficient building construction market.

Submitted by:

Dan Harkins
Managing Member of Dyckhoff Properties, LLC
July 29, 2013

II(e)

Variance Request of Dyckhoff Properties, 335 Industrial Circle, Stoughton, WI 53589

Application Submittal Packet Section II. (e).: Written Justification of the proposed variance.

1. The proposed variance is justified as the proposed improvements to the property reduce the public hazard with currently exists which is very little, if any.
2. There is insufficient land area available on the subject property to comply with the current zoning rule and comply with this requirement for the subject property.
3. The existing main power feeder pole can't be practically moved by the City utility because of the underground high voltage feed from under the street from the North.
4. The current zoning restriction requirements were adopted after the existing building was constructed and the existing building was in compliance with the zoning rules at that time.
5. This variance will allow the expansion of the existing business at this site which requires more warehouse space due to expected business growth, as opposed to finding a new larger location at a different site elsewhere.
6. Also refer to Package Submittal to item II. (c) above for additional information related to the justification.
7. There is no other alternative that will allow the building expansion which can resolve the trucks backing off the street issue as there simply is not enough space on the lot North and East of the buildings to allow semi-trucks to turn around and back into either the existing or proposed loading dock. There is no configuration that can be arranged to on the site which will allow compliance with the zoning restriction prohibiting backing off the public street. This hardships results directly from the zoning restriction adopted after construction of the existing building in 1972.



08.01.2013 13:14



08.01.2013 13:14

Public Access System

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Tuesday, July 30, 2013

Parcel information updated on Tuesday, July 30, 2013 unless otherwise noted.

Parcel Number - 281/0511-051-9326-2

[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	05
Quarter	NE
Quarter-Quarter	SW
Plat Name	CSM 13527
Block/Building	
Lot	1
Restrictive Covenants	Show Restrictions for this Plat, CSM, or Quarter

Zoning Information

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

Owner Name and Address

Owner Status	CURRENT OWNER
Name	DYCKHOFF PROPERTIES LLC
Property Address	PO BOX 697
City State Zip	WOODRUFF, WI 54568
Country	USA

Parcel Address

Primary Address 335 INDUSTRIAL CIR

Billing Address

Attention	
Street	PO BOX 697
City State Zip	WOODRUFF, WI 54568
Country	USA

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

Tax Property Description

For a complete legal description, see the recorded documents
LOT 1 CSM 13527 CS88/150&151-6/25/2013 F/K/A LOT 1 CSM 12327
CS76/236&238-12/3/2007 & ALSO INCL & DESCR AS SEC 5-5-11 PRT
SW1/4NE 1/4 (1.387 ACRES)

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
WD	06/05/2013	4993359		
WD	12/28/2007	4384388		
WD	12/28/2007	4384387		
WD	11/15/2005	4132717		
WD		3125940		
WD		3090082		
QCD		1586193	981	233
WD		1017860	D720	32

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.](#)

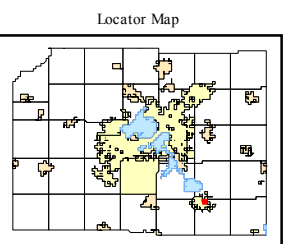
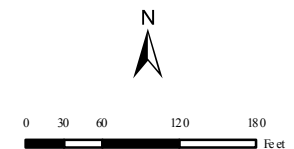
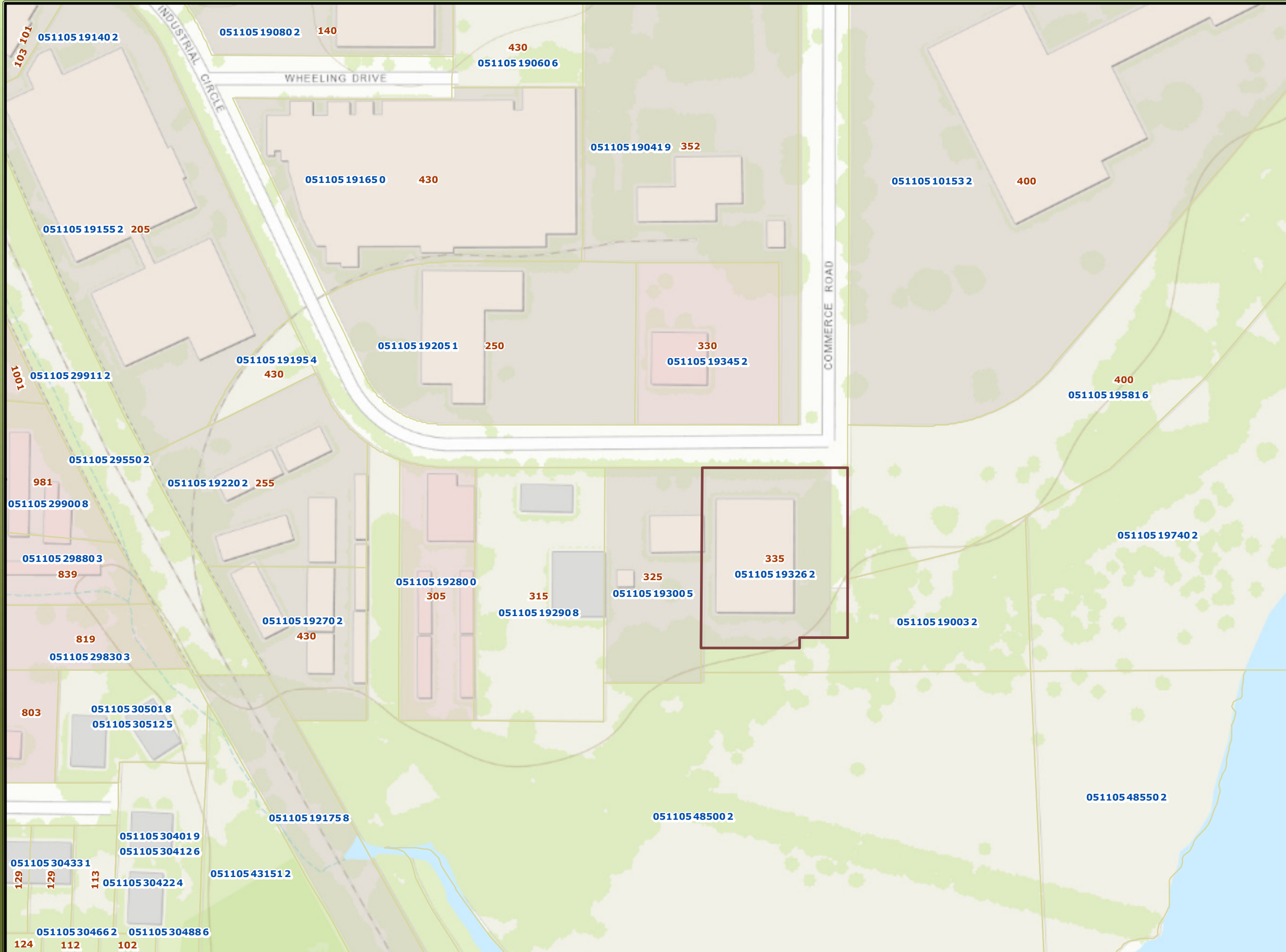
By Parcel Number: [0511-051-9326](#)

By Owner Name: [DYCKHOFF PROPERTIES LLC](#)

[Document Types and their Abbreviations](#)

[Document Types and their Definitions](#)

Who to Contact With Questions



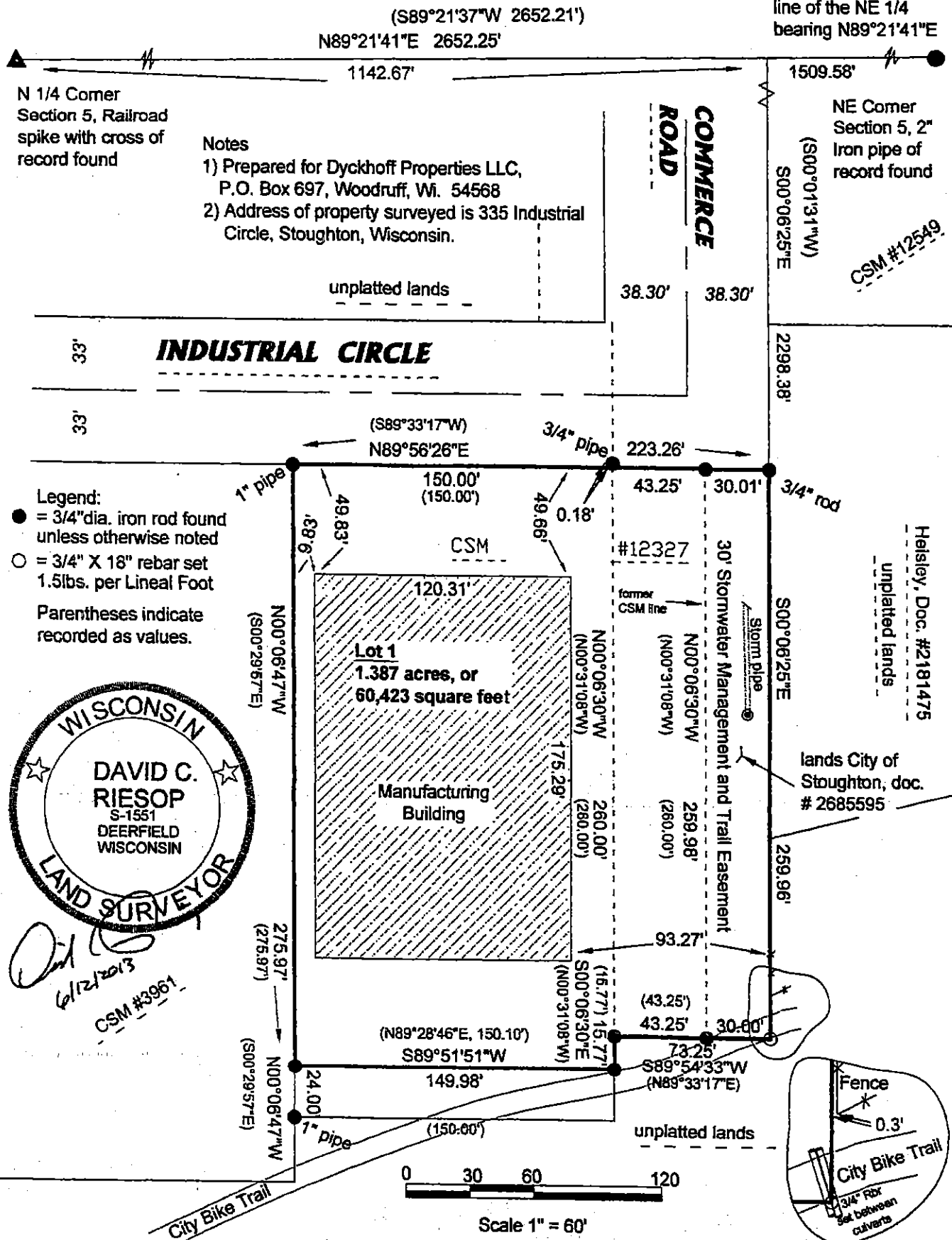
This map was prepared by the Dane County Land Information Office from records and data located in various public offices. Map information is believed to be accurate but is not guaranteed to be without error. Source data used to compile this map is dynamic and in a constant state of maintenance, correction and update. This map does not represent a field survey and is not intended to be used as one. For general cartographic and reference purposes only.

I(a)

Certified Survey Map

Dane County Certified Survey Map number 12327, together with and being a part of the SW 1/4 of the NE 1/4 of Section 5, T.5N., R.11E., City of Stoughton, Dane County, Wisconsin

Referred to the Dane County Coordinate System, with the North line of the NE 1/4 bearing N89°21'41"E



6/12/2013
CSM #3961

Wisconsin Mapping, LLC

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

Dwg. No. 4268-12

Date 1/02/2013

Sheet 1 of 2

Document No. 4999693

C. S. M. No. 13521

V. 88 P. 150

Certified Survey Map

Owner's Certificate

As owner, I hereby certify that I have caused the land described on this certified survey to be surveyed, divided, and mapped as represented on this certified survey map.

Dyckhoff Properties LLC: by

Daniel J. Harkins
Daniel Harkins, Managing Member

STATE OF WISCONSIN)

COUNTY OF DANE)ss.

Personally came before me this 13TH day of June, 2013, the above named owner to me known to be the person who executed the foregoing instrument and acknowledged the same.

Shawn F. Sullivan
Notary Public, Dane County, Wisconsin
my commission expires 10-30-16

SURVEYOR'S CERTIFICATE

I hereby certify that in full compliance with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of Stoughton, and by the direction of the Daniel Harkins, I have surveyed, divided and mapped the lands as described hereon, and that such map correctly represents the exterior boundaries of the lands surveyed, and that this land is located within and described to wit:

Dane County Certified Survey Map number 12327, together with and being a part of the SW 1/4 of the NE 1/4 of Section 5, T.5N., R.11E., City of Stoughton, Dane County, Wisconsin, described as follows:

Commencing at the N 1/4 corner of Section 5; thence N89°21'41"E along the North line of the NE 1/4, 1142.67 feet; thence S00°06'25"E, 2298.38 feet to the Southeast corner of Commerce Drive and the point of beginning; thence continue S00°06'25"E, 259.96 feet to the extended South line of Certified Survey number 12327; thence S89°54'33"W along said extended and South line, 73.25 feet; thence S00°06'30"E, 15.77 feet; thence S89°51'51"W, 149.98 feet to the Southwest corner of said Certified Survey; thence N00°06'47"W, 275.97 feet to the Northwest corner of said Certified Survey; thence N89°56'26"E along the North line of said survey and its extension thereof, 223.26 feet to the point of beginning. The above described containing 1.387 acres, or 60,423 square feet

David C. Riesop 6/12/2013
David C. Riesop S-1551



CITY APPROVAL

This Certified Survey is hereby approved for recording per City of Stoughton Plan Commission action of May 13, 2013 and City of Stoughton Common Council action of May 28, 2013.

Maria Morgan
City Clerk, City of Stoughton

REGISTER OF DEEDS CERTIFICATE

Received for recording this 25th day of June, 2013
at 8:24 o'clock A. M. and recorded in Volume 88 of Certified
Surveys, Pages 150-151

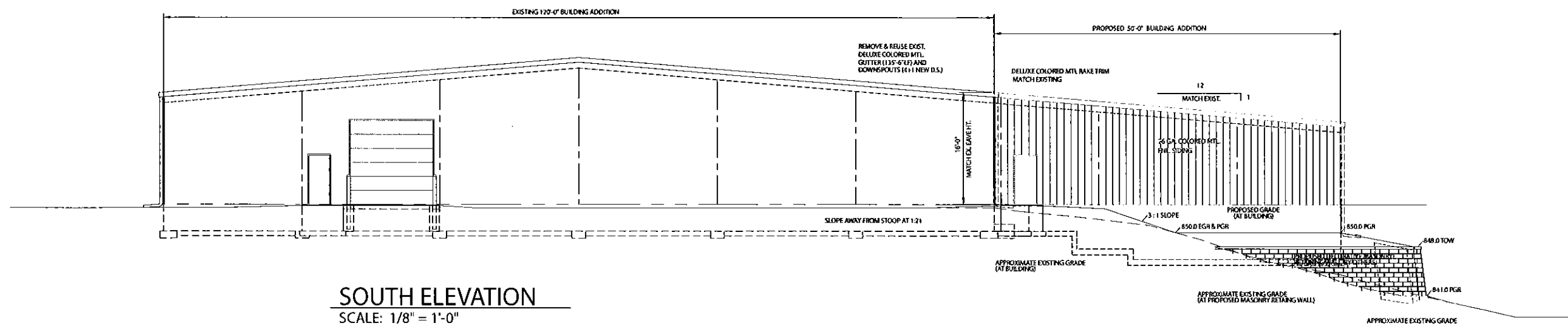
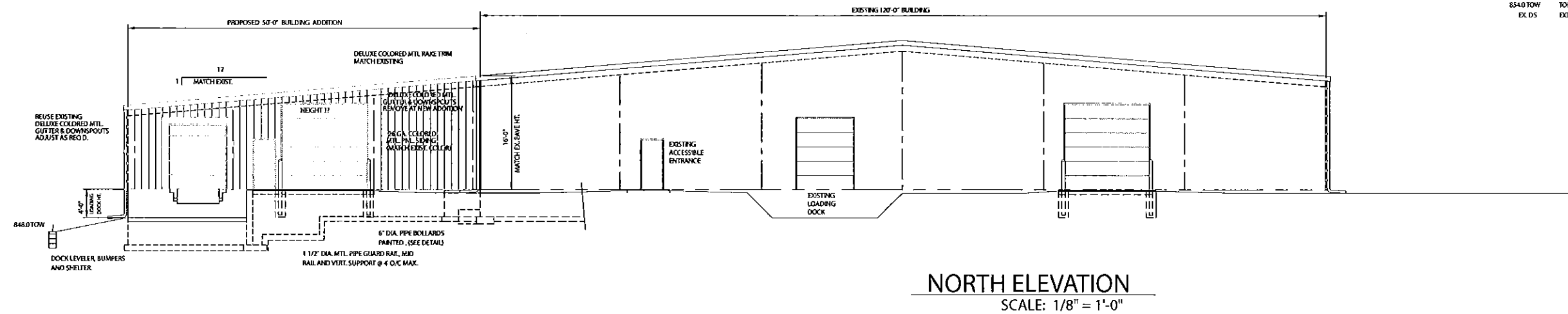
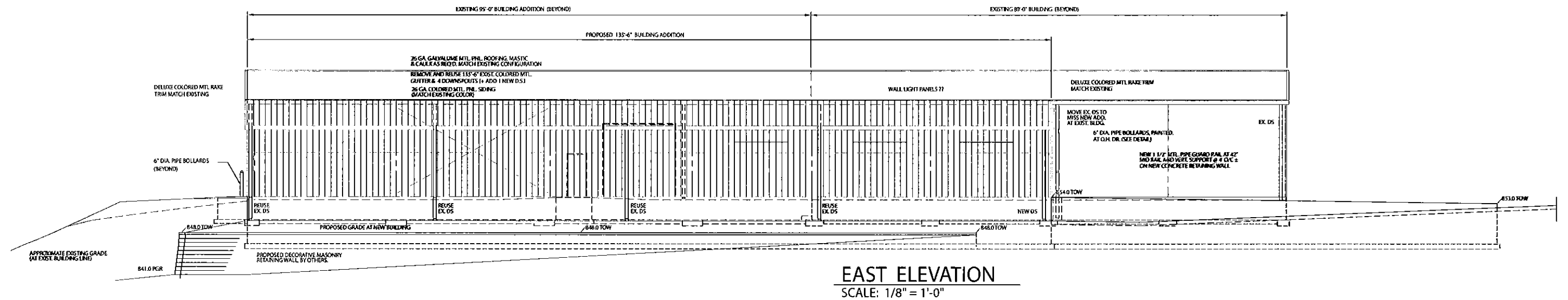
Kristi Chlebowski Deputy
Kristi Chlebowski, Register of Deeds, Dane County Rec'd 6-21-2013 1:47 pm

Wisconsin Mapping, LLC

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Dwg. No. 4268-12 Date 1/02/2013
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DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Dyckhoff Properties, LLC
Daniel Harkins
PO Box 697
Woodruff, WI. 54568

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

78-702(11) "Traffic control. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the director of planning and development."

Summary of Request

The owner has historically had large trucks back into their loading dock from the street. The plan now is to construct an addition which includes a new loading dock farther back onto the site and more in-line with Commerce Drive. Having the new dock farther back allows trucks to be off the street right-of-way while unloading and the alignment with Commerce Drive allows easier, safer backing. Due to the size of the property there is no room for a large truck to turn-around on-site. The zoning code section above does not allow backing into or from a street.

DATE OF APPLICATION: July 29, 2013
DATE PUBLISHED: August 8, 2013
DATE NOTICES MAILED: August 5, 2013
DATE OF HEARING: August 19, 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 335 Industrial Circle is 60,423 square feet or 1.387 acres in area and is zoned Heavy Industrial. The size of the property is relatively small for a Heavy Industrial site with the need for large truck deliveries. It would be a hardship on the owner to not be able to receive deliveries from large trucks. The physical surroundings, shape or topographical conditions are not necessarily the cause of the hardship rather it is the unique property size and building configuration which restricts the ability to have a truck turn-around onsite.

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 generally applicable to similar properties within the Heavy Industrial District. The property has historically had trucks back from the street to a loading dock. The new dock will be positioned farther back on the site to make for a safer situation.

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

The purpose of the variance is not based exclusively on the economic gain of the owner/applicant. The owner/applicant could continue to use the existing dock. The new dock will be better and safer for backing of large trucks since it lines up with Commerce Road.

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 due to a unique historic situation. The related code section is there for traffic safety and to avoid congestion. This area of the Industrial Park has a light amount of traffic which does help the situation.

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 allow backing from the street to a new loading dock makes for a better, safer situation than the existing loading dock. The building addition has been approved by the Planning Commission conditioned on working through the backing from the street issue. 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.