

NOTICE

The City of Stoughton will hold a meeting of the **Board of Appeals** on **Monday, August 1, 2011** 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 October 25, 2010 Board of Appeals minutes.
3. Elect Vice-Chair and Secretary.
4. Wayne & Judith Lynn, owners of the property at 425 S. Fifth Street, Stoughton, Wisconsin, Parcel # 281/0511-081-3946-1, with a legal description of: ORIGINAL PLAT BLOCK 42 S 32 FT OF LOTS 5 & 6, have appealed the requirements of the City of Stoughton zoning ordinance section 78-105(2)(e)8bD, F, J and Q related to the SR-6 zoning district, which requires a minimum front yard setback of 20 feet to a house, minimum side yard setback of 6 feet to a house, minimum rear yard setback of 20 feet to a house, and a maximum of 35 feet for a dwelling height. The owner/applicant requests a variance to allow the property at 425 S. Fifth Street, Stoughton to be rezoned from HI – Heavy Industrial to SR-6 – Single Family Residential. Additionally, a variance is requested to construct a roof addition to the east end of the building.
5. Adjournment.

7/25/11mps

SENT TO:

Al Wollenzien, Chair
Kristin Ott, Vice-Chair
David Erdman, Secretary

Russ Horton
Robert Busch

Robert Barnett, Alternate #1
Gilbert Lee, Alternate #2

cc: Mayor Donna Olson (Packet)
Deputy Clerk Pili Hougan (via-email)
Building Inspector Steve Kittelson (via-email)
Zoning Administrator Michael Stacey (3 packets)
Stoughton Newspapers (via-fax)
Wayne & Judith Lynn, 425 S. Fifth Street, Stoughton (Packet)
Derek Westby (via-email)
Department Heads (via-email)
Council Members (via-email)
Receptionists (via-email)
City Attorney Matt Dregne (Packet)

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.

s:\mps\board of appeals\lynn 11\lynn notice11.doc

Board of Appeals Meeting Minutes

Monday, October 25, 2010 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; Russ Horton; Robert Barnett and Gilbert Lee.

Members Absent and Excused: Robert Busch

Staff: Michael Stacey, Zoning Administrator.

Guests: Mike Ashiky; Rev. David Handt and Dave McKichan.

1. **Call meeting to order.** Wollenzien called the meeting to order at 5:00 pm.
2. **Consider approval of the August 30, 2010 minutes.** Motion by **Erdman** to approve the August 30, 2010 Board of Appeals minutes as presented, 2nd by **Ott**. Motion carried 5 – 0. (Wollenzien, Ott, Erdman, Horton and Barnett)
3. **Mike Ashiky (Vlora LLC) owner of Sunrise Family Restaurant, 1052 W. Main Street, Stoughton, Wisconsin, Parcel # 281/0511-071-0264-4, with a legal description of: REPLAT OF BLOCK 2 EMERSON PARK BLOCK 3 LOT 3 & PRT LOT 4 & TH PRT LOTS 5 & 6 LYG N OF USH 51 & PRT VAC PARK AVE DESCR AS BEG INTERSECTION OF NLY LN USH 51 WITH E LN LOT 3 TH N0DEG15'10"W ALG SD E LN 224.12 FT TH S87DEG02'00"W 116.75 FT TH S2DEG28'40"E 137.20 FT TH S26DEG47'W 39.49 FT TO NLY LN USH 51 TH ALG ARC OF CURVE RAD 1096 FT L/C S70DEG32'41"E 137.35 FT TO POB SUBJ TO & TOG W/ESMT IN DOC #2780298, has appealed the requirements of the City of Stoughton zoning ordinance section 78-105(4)(b)8bF, which requires a minimum side yard setback of 10 feet for buildings within the PB - Planned Business District. The owner/applicant requests a variance to allow the existing building at 1052 W. Main Street, Stoughton to be expanded 5 feet to the east which leaves a setback of between 5.3 feet and 7.1 feet.**
Wollenzien introduced the variance request and opened the public hearing. Dave McKichan, representing the owner, explained the request. Erdman questioned the increase in seating capacity. Mike Ashiky explained he will lose 2 seats but gain 12 to bring the total seating to 104 while the zoning code allows a capacity of 108 for 36 parking stalls. Wollenzien allowed anyone to speak for or against the request. No one registered to speak. Wollenzien read a registration in favor of the request by Rev. David Handt. Zoning Administrator Michael Stacey stated he was contacted by the adjacent property owner, Lee Madden who stated he is in favor of the variance but is concerned about the business keeping the operation on their property and increasing the seating capacity to allow more patrons may cause more parking issues. Stacey stated that since this is a conditional use, if the variance is approved, these issues can be addressed during the conditional use process, which includes notification to all property owners within 300 feet and a public hearing at a Planning Commission meeting.

Stacey provided a 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?

In this case, it could be argued that this type of commercial development is more suited to a Planned Development zoning classification, where the setbacks are not set by ordinance rather a plan is provided by an applicant and the Planning Commission and Common Council review the plan and decide what the setbacks should be. Ideally, a planned development could work in this location if all adjacent properties were included so the properties could be reviewed as a whole for traffic, parking, landscaping etc...

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 is flat, rectangular and the size is in compliance with today's standards. The lot is unique in that traffic for adjacent uses moves all around the building except for the parking area, so there really is no side or rear yard as compared to most standard development.

C. Protection of Public Interest.

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

Increased capacity may impact adjacent properties if parking becomes an issue.

What are the potential positive impacts of the request related to the environment, aesthetics, safety, etc...?

Building aesthetics will be improved and providing better accommodations for all patrons including handicapped individuals.

Alternative solutions.

Are there any alternative solutions to the request that would meet the requirements of the ordinance?

There really are no good alternatives that will allow the applicant to maintain the required parking stalls.

Recommendations.

If the board does opt to approve the variance, staff recommends approving with the condition that a conditional use permit be approved by the Common Council for the addition and to waive any landscaping requirements that would be required as part of the addition.

Motion by **Barnett** to approve the variance request contingent on a conditional use permit approved by the Common Council and that any landscaping requirements for the addition be waived, 2nd by **Erdman**. Motion carried 5 – 0 on role (Wollenzien, Ott, Erdman, Horton and Barnett)

The next step is to apply for a conditional use permit.

4. Adjournment. Motion by **Erdman** to adjourn at 5:20 pm, 2nd by **Ott**. Motion carried 5 - 0

Respectfully Submitted,

Michael Stacey

OFFICIAL NOTICE

Please take notice that Wayne & Judith Lynn, owner of the property at 425 S. Fifth Street, Stoughton, Wisconsin, Parcel # 281/0511-081-3946-1, with a legal description of: ORIGINAL PLAT BLOCK 42 S 32 FT OF LOTS 5 & 6, have appealed the requirements of the City of Stoughton zoning ordinance sections 78-105(2)(e)8bD, F, J, and Q which requires a minimum front yard setback of 20 feet to a house, 12 feet for a porch; Minimum 6 feet for a side lot line to a house; Minimum of 20 feet for a rear lot line to a house; and a maximum height of 35 feet for a dwelling height. According to the applicant, the property currently has no west front setback; a two-foot front setback along the south property line; a two-foot side yard setback along the east side property line; and a one-foot setback along the north property line. The owner/applicant requests a variance to allow the owner to proceed through a rezoning process for the property at 425 S. Fifth Street from HI – Heavy Industrial to SR-6 – Single Family Residential. Additionally, the property owner requests a variance to construct an addition to the east end of the building to within two feet of the east lot line; one-foot from the north lot line and two feet from the south lot line.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on August 1, 2011 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 City Zoning Administrator 608-646-0421

Board of Appeals
Al Wollenzien, Chair
AW:mps

Published: July 14, 2011 HUB

OFFICIAL NOTICE

Please take notice that Wayne & Judith Lynn, owner of the property at 425 S. Fifth Street, Stoughton, Wisconsin, Parcel # 281/0511-081-3946-1, with a legal description of: ORIGINAL PLAT BLOCK 42 S 32 FT OF LOTS 5 & 6, have appealed the requirements of the City of Stoughton zoning ordinance sections 78-105(2)(e)8bD, F, J, and Q which requires a minimum front yard setback of 20 feet to a house, 12 feet for a porch; Minimum 6 feet for a side lot line to a house; Minimum of 20 feet for a rear lot line to a house; and a maximum height of 35 feet for a dwelling height. According to the applicant, the property currently has no west front setback; a two-foot front setback along the south property line; a two-foot side yard setback along the east side property line; and a one-foot setback along the north property line. The owner/applicant requests a variance to allow the owner to proceed through a rezoning process for the property at 425 S. Fifth Street from HI – Heavy Industrial to SR-6 – Single Family Residential. Additionally, the property owner requests a variance to construct an addition to the east end of the building to within two feet of the east lot line; one-foot from the north lot line and two feet from the south lot line.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on August 1, 2011 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 City Zoning Administrator 608-646-0421

Board of Appeals
Al Wollenzien, Chair
Published: July 14, 2011
WNAXLP

Public Access System

Public Access | Public Agency Access | Subscription Access | Log Out

Friday, July 1, 2011

Parcel information updated on Friday, July 01, 2011 unless otherwise noted.

Parcel Number - 281/0511-081-3946-1

[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 NE
 Quarter-Quarter NW
 Plat Name STOUGHTON
 Block/Building 42
 Lot 5

Assessment Information

Assessment Year	2011	2010
Valuation Classification	G2	G2
Assessment Acres	0.097	0.097
Land Value	\$19,000.00	\$19,000.00
Improved Value	\$84,400.00	\$84,400.00
Total Value	\$103,400.00	\$103,400.00
Valuation Date	04/05/2011	03/24/2010

[About Annual Assessments](#)

Tax Information

2010 Tax Values

Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$19,000.00 /	0.972	\$19,548.00
Improvement	\$84,400.00 /	0.972	\$86,832.00
Total	\$103,400.00 /	0.972	\$106,379.00

Zoning Information

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

Owner Name and Address

Owner Status CURRENT OWNER
 Name JUDITH A HUBERD
 Property Address 425 S FIFTH ST
 City State Zip STOUGHTON, WI 53589
 Country USA

- Edit Owner Address

2010 Taxes:	\$2,102.30
2010 Lottery Credit(-):	\$82.88
2010 First Dollar Credit(-):	\$65.73
2010 Specials(+):	\$0.00
2010 Amount:	\$1,953.69

[Show Tax Information Details](#)[Show Tax Payment History](#)

Parcel Address

Primary Address 425 S FIFTH ST

- Edit Parcel Address

- Add More Addresses

District Information

Type	State Code	Description
SCHOOL DISTRICT	5621	STOUGHTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	5805 -	TIF 05

Tax Property Description

For a complete legal description, see the recorded documents
ORIGINAL PLAT BLOCK 42 S 32 FT OF LOTS 5 & 6

Billing Address

Attention
 Street 425 S FIFTH ST
 City State Zip STOUGHTON, WI 53589
 Country USA

- Edit Billing Address

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
WD		2838704		

[Document Types and their Abbreviations](#)[Document Types and their Definitions](#)

- For questions on property and assessment

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: 6/30/11 Time of Meeting: 9:00 AM Date: By: MPS

Follow-up pre-submittal staff meetings scheduled:

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

Date of Meeting: Time of Meeting: Date: By: V/A

Application form filed with Zoning Administrator Date: By:

Application fee of \$365 received by Zoning Administrator Date: 6/30/11 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: 6/30/11 By: MPS

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

- ☐ Showing all lands for which the variance is proposed.
- ☐ Map and all its parts are clearly reproducible with a photocopier.
- ☐ Map scale not less than one inch equals 800 feet.
- ☐ All lot dimensions of the subject property provided.
- ☐ Graphic scale and north arrow provided.

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

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

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

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

III Justification of the Proposed Variance for City Use.

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

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

See attached sheet

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 variance would allow our building to have a safe rear entrance and exit all year around. Especially important in times of emergency.

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 view will be obstructed anymore than existing now. To the east there is a 6' fence, to the north there are trees and bamboo shrubs. Our building wall is to the west. The only real noticable view would be from East South Street where there are no neighbors close.

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.

By heating the ramp we are improving the neighborhood by eliminating a fall and slippery walk area. By having the roof over this area we will be able to get one car off of a very busy street freeing up more parking for others

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.

See #3 and pictures

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.

2 This variance request does not involve the provisions of Appendix C.

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 6/30/11 By: MP

Notified Neighboring Property Owners (within 300 feet)

Date: 7/20/11 By: MP

Notified Neighboring Township Clerks (within 1,000 feet)

Date: 7/20/11 By: MP

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 7/1/11 By: MP

Class 1 legal notice published on 7/14/11 By: MP

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) Wayne Lynn

Date: 7-19-11

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. This building was built in 1875, long before existing neighbors and plot lines were developed for South 5th and 6th Streets. As the neighboring properties between South 5th & South 6th Streets were developed, the properties were landscaped so the water would run to the rear of the properties creating a trench running down a steep hill from Jefferson Street to about 50 feet north of East South Street. This last 50 feet included the East end of our property, which was a swampy mud hole when we purchased it in 1999. The land next to our building was washed out and flooded constantly and running into our basement causing damage. When the railroad tracks were removed and the city put in sidewalks, curb, and gutter we put in a drainage system that is connected to the storm sewer (with the city's approval). This system catches most of the water that has run down hill, but the 4" PCV pipe could not handle it all. We still got water in the basement. It was agreed by us and the city engineers that we needed to put in a concrete wall to hold the water back and slow it down. With the drainage work and the wall, our neighbor and we no longer have a swampy area and the back end of the building is safe from water damage.

A cement floor and ramp was laid inside the wall, so we did not have a mud hole at the rear egress. The drainage system, wall and floor/ramp eliminated the water problems for adjacent properties as well as ours.

However, it created a severe winter snow problem. The snow fills up inside of the wall and ramp area making the rear egress area impossible to use equaling a safety and fire hazard. The ramp gets slippery and the snow conceals the walkway. There is no place to blow or pile the snow up. When the ramp was built, a radiant heating system was installed in the concrete. We want to hook up the heating system so that it will melt the snow on the ramp. Our radiant heat in the floor between the sidewalls and up the ramp will melt the snow accumulation and make the egress safe to use year round.

We are asking for the variance so we can install a short wall onto of the 8" thick cement wall and put a roof cover the same width as the building (see drawing). This will allow our rear door to be used for egress and the ramp will no longer be a safety issue to walk on. Our radiant system is big enough to handle the snow on the ramp but not enough to handle all the snow that falls and drifts into the north end of the walled in area. The roof would direct this snow to the drainage area.







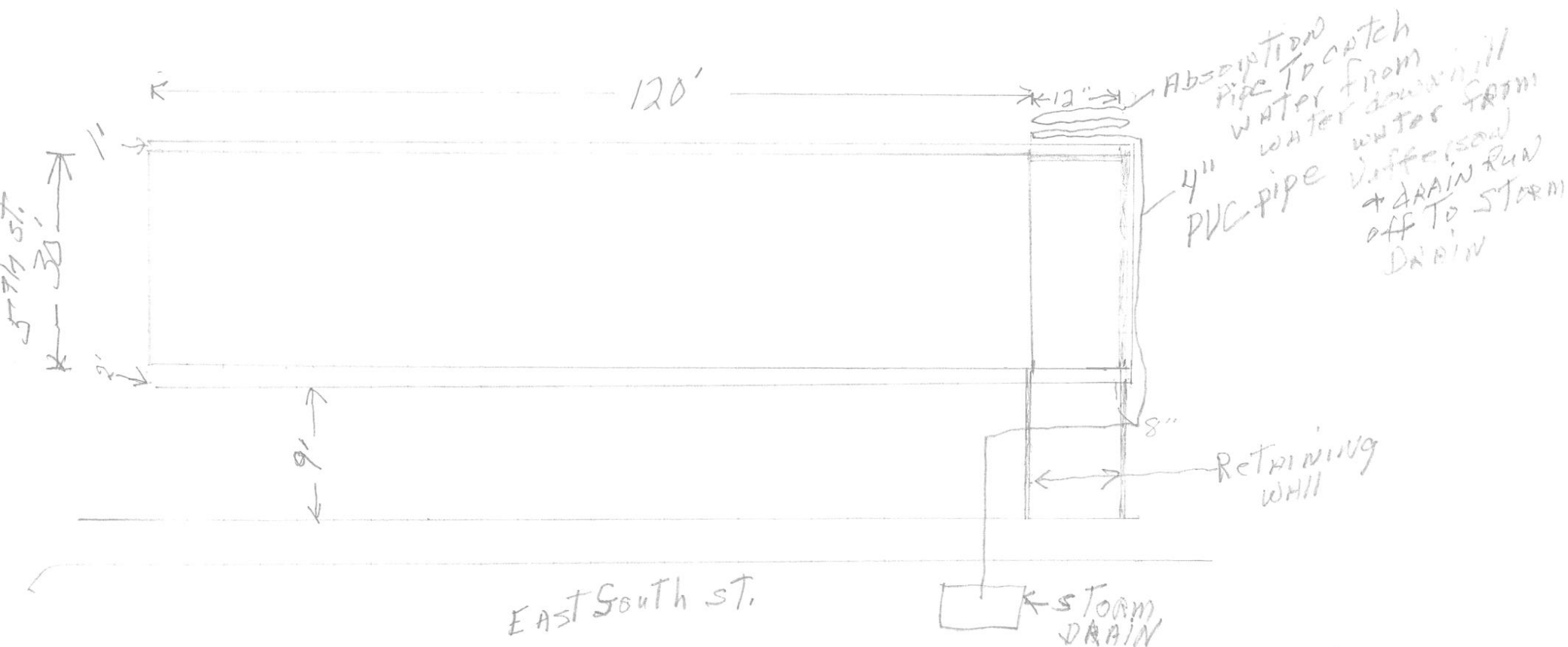




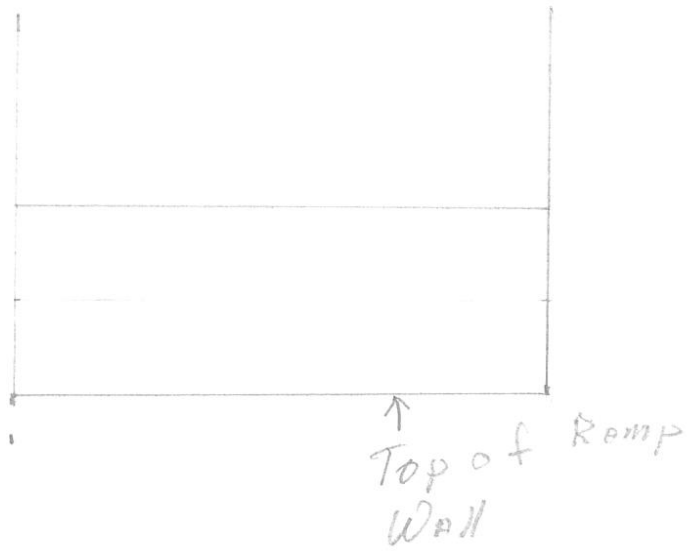
SCALE $\frac{1}{4}" = 5'$

Lot size 33' x 133'

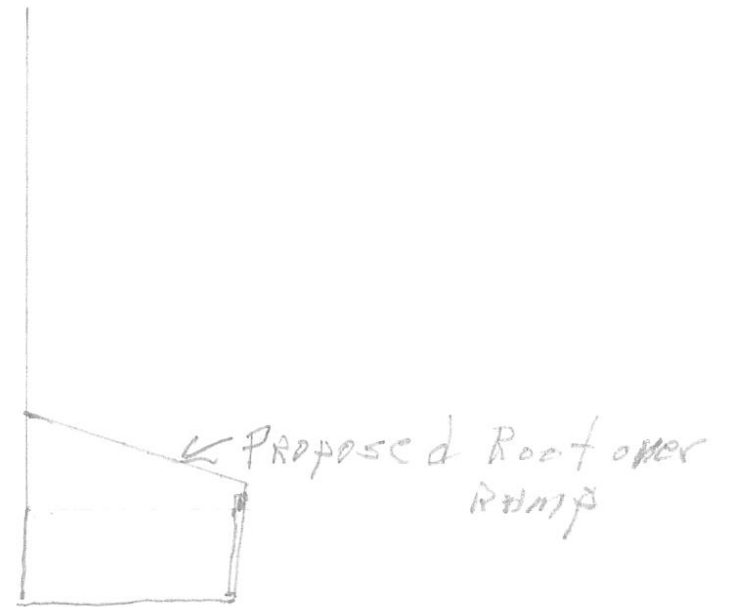
425 S. 5th ST owners Judy + Wayne LYNN



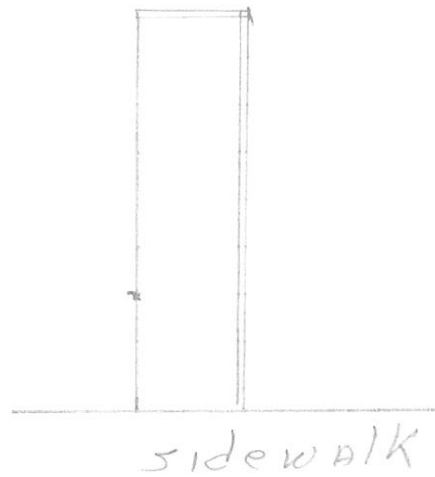
scale $\frac{1}{2}" = 5'$



REAR VIEW



scale $\frac{1}{4}" = 5'$

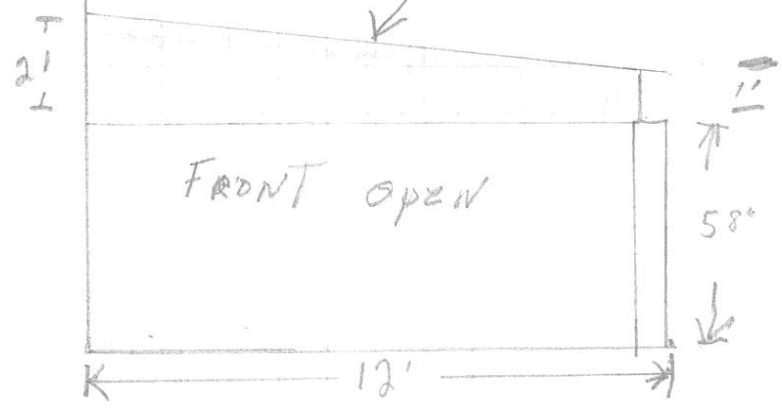


N
↑

East end of House
Roof 30' x 12"

North wall 2' high at House 1' on the EAST
East side 1' wall side of the RAMP

Roof white Roll Roofing



1' short wall
on top of
concrete wall
To keep snow
from blowing
under roof

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Wayne & Judith Lynn
425 S. Fifth Street
Stoughton, WI. 53589

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

The owner seeks to rezone the property at 425 S. Fifth Street from HI – Heavy Industrial to SR-6 Single Family Residential.

Zoning ordinance section 78-105(2)(e)8bD, F, J, and Q related to the SR-6 district requires a minimum front yard setback of 20 feet to a house; Minimum 12 feet for a porch; Minimum 6 feet for a side lot line to a house; Minimum 20 feet for a rear lot line to a house; and a maximum height of 35 feet for a dwelling height. According to the applicant, the building currently has no west front setback, has a 2-foot front setback along the south property line, has a 13-foot side yard setback along the east side property line; and a 1-foot setback along the north property line. At the time of this review a survey was not yet provided to prove the actual setbacks. A survey is expected prior to the hearing.

Summary of Request

The owner/applicant requests a variance to proceed through a rezoning process to rezone the property at 425 S. Fifth Street from HI – Heavy Industrial to SR-6 – Single Family Residential. Additionally, the owner/applicant requests a variance to construct a roof addition to the east end of the building to within 1-foot of the east lot line; 1-foot from the north lot line and 2-feet from the south lot line.

DATE OF APPLICATION: June 30, 2011

DATE PUBLISHED: July 14, 2011

DATE NOTICES MAILED: July 18, 2011

DATE OF HEARING: August 1, 2011

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 425 S. Fifth Street is believed to be 32 feet by 132 feet or 4,224 square feet in area. The property is currently zoned Heavy Industrial. The property is (legal) non-conforming in just about every aspect such as minimum lot size, setbacks, and use. The minimum lot size for Heavy Industrial is 20,000 square feet, while the minimum building setbacks for the front, side

and rear are 20 feet. The property is unique in size, historic use and is located in a unique historic residential/industrial area of the City.

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 related to the rezoning request are generally not applicable to similar properties within the HI – Heavy Industrial district. It does make sense to allow the property to be rezoned to a more compliant zoning such as SR-6 – Single Family Residential. The City Redevelopment Plan for this property proposes a residential use. The City Comprehensive Plan depicts this property as Two-Family Residential, so an amendment would be necessary in the future to reflect the actual use. Properties within the Heavy Industrial district are primarily industrial uses.

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 does not appear to be based exclusively for the economic gain of the owner/applicant. The owner/applicant would like to rezone the property to single family residential to qualify for low interest loans for building improvements. Additionally, a variance is requested to construct a roof over the east end of the property that has caused the owner problems with snow removal and safety.

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 related to the zoning is due to changes in use over time from when the property was used as storage and then converted to a residential use. The difficulty or hardship related to the building addition appears to have been created by persons having an interest in the property, not by the zoning ordinance. The owner decided to convert this industrial warehouse to a single family home. It is likely that any property with an open driveway will have snow and ice issues in the winter.

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 a rezoning request should not harm the public interest. The variance for the addition should be carefully considered as to the public welfare and considering adjacent properties. Variances are to be for minor incremental allowances while this request will ensure just about the whole property will be covered with building.

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 to allow the rezoning to move forward should not impair the use and enjoyment of adjacent property. The request for the addition will have to be carefully evaluated. Notices have been sent to property owners within 300 feet of the applicant's property to give them a chance to provide input on this variance request.





