

OFFICIAL MEETING NOTICE & AGENDA

The City of Stoughton will hold a meeting of the **Board of Appeals** on **Monday, September 23, 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 August 26, 2013.
3. Marty & Karen Vaage, owners of the property at 145 Forton Street, Stoughton, Wisconsin, have requested a variance from zoning code sections, 78-105(2)(e)8bF, "Side lot line to house: Minimum six feet."; 78-105(2)(e)8bJ, "Rear lot line to house: Minimum 20 feet."; and 78-405(4)(b)1, "Permitted intrusions into required rear or side yards: Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard." This request is to allow a carport that was built in non-compliance to remain.
4. Andrew Kaiser, owner of the property at 401 N. Page Street, Stoughton, Wisconsin, has requested a variance from zoning code section, 78-105(2)(e)8bD, "Front or street side lot line to house: Minimum 20 feet to house; 12 feet to porch; maximum 25 feet to house; 15 feet to porch." This request is to allow a deck addition.
5. Calvin & Rae Marie Heiser, owners of the property at 1608 Moline Street, Stoughton, Wisconsin, have requested a variance from zoning code section, 78-105(2)(f)7bH, "Rear lot line to house or attached garage: 30 feet." This request is to allow the property/duplex to be split by zero-lot line.
6. Adjournment.
9/10/13mps

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)
Receptionists (via-email)	Steve Kittelson (via-email)
Zoning Administrator Michael Stacey (2 packets)	City Attorney Matt Dregne (Packet)
Stoughton Newspapers (via-fax)	Derek Westby (via-email)
<u>Marty & Karen Vaage</u>	<u>Calvin & Rae Marie Heiser</u>
<u>Andrew Kaiser</u>	

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL MICHAEL STACEY AT 608-646-0421

"IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING."

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

OFFICIAL NOTICE

Please take notice that Marty & Karen Vaage, owners of the property at 145 Forton Street, Stoughton, Wisconsin, have requested a variance from zoning code sections, 78-105(2)(e)8bF, "Side lot line to house: **Minimum six feet.**"; 78-105(2)(e)8bJ, "Rear lot line to house: **Minimum 20 feet.**"; and 78-405(4)(b)1, "Permitted intrusions into required rear or side yards: Sills, pilasters, lintels, ornamental features, cornices, **eaves, and gutters** for residential buildings; provided they **do not extend more than two and one-half feet into the required yard.**"

The property at 145 Forton Street is formally described as follows:
Parcel number: 281/0511-053-7740-5, with a legal description of: FORTON'S ADDN
BLOCK 2 W 66 FT OR W1/2 LOT 10

The applicants are requesting variances to allow a carport that was constructed in non-compliance with the above named ordinance sections to remain.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on September 23, 2013 at 5:00 p.m. or as soon after as the matter may be heard, in the Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton.

For questions related to this notice contact the City Zoning Administrator at 608-646-0421

Published: September 5, 2013 HUB

Marty + Karen Vaage
8/20/13

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: 8/20/13 Time of Meeting: _____ Date: _____ By: MVS

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

Application form filed with Zoning Administrator Date: _____ By: _____

Application fee of \$ 370 received by Zoning Administrator Date: 8/20/13 By: MVS

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: 8/20/13 By: MVS

- ↑ ↑
- ✓ (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.

Our hardship is that our lot is a little less than $\frac{1}{2}$ lot. The lot lines are crooked to the south and east. Our terrain is also uneven and sloping, making it difficult to measure the lot lines. Our neighbor's to the east, his garage encroaches on our lot. The garage is also bowed, making measuring difficult. We didn't build the carport out of dishonesty. We knew that the east side lot line was crooked, but we tapered the posts closer to the front of the house to (what we thought) would be in compliance of the setback, because pulling a string was challenging because of the terrain and the bowed garage. Had we built a detached carport, our setback would have been 4' instead of 6'. This we felt was more of an encroachment on the neighbors land because the neighbor wouldn't have room to maintain his garage. So at 6' we are in more of a setback violation than if the carport were detached $\frac{1}{2}$ " away from our wall. Additionally, our neighbors to the south, Al and Marilyn Seier agreed to allow us to ascertain some of their land to satisfy the setback, however, our homes are 38' apart, so that is not possible due to that setback. Al Anderson to the east, also agreed to allow us to ascertain 6" of his land (to the garage) but his mother, who legally owns the property, is in the Skaalen home and the State of WI owns $\frac{1}{2}$ of her home, so that isn't possible either. Both wanted to help. The carport does not pose a safety issue, is not a fire hazard, nor an eyesore, and it doesn't block anyone's view of nature. To correct this, we respectfully request a Variance, which we feel is reasonable. To take this down would be, at the least, time consuming and heartbreaking.

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.

Neighbor's garage encroaches onto applicant's lot and onto the set back. Since January 2010 when we purchased the property have made significant improvement to the exterior of the home which has helped the curb appeal of the property and neighborhood. We have been told by everyone who has witnessed the improvement how glad they are to see us do this.

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.

Neighbors have compliments applicants on the carport as well as the improvements to the exterior of their home. Encroachment is minor and not evident to the naked eye or bystander.

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

No. Encroachment is not noticeable to surrounding owners. As mentioned above, neighbor's garage encroaches, so applicants' carport with its setback is an improvement on the surrounding area.

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.

We did create the violation, however, it wasn't to be dishonest. We measured to the steaks, which was what was initially requested. We believed that our measurements were accurate. We tried to "give" extra inches on the east side, but weren't aware of the measure of the violation until we received the 3rd survey. We pulled our strings and measurements off the stake, which was what was requested of us when obtaining our original building permit on October 14, 2012. We found out on 07/09/13 that we were over on the south and east side.

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.

Applicants have read through the entire Table of Land Uses and specifically searched for Section 78-203, Appendix C and read through the information. We do not believe that our request for the variance involves Section 78-203. We also would like that state that we honestly don't understand this question and will be happy to discuss at our Review.

Thank you, Marty and Karen Vaage 06/10/2013

8/20/13

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 8/20/13 By: PPS

Notified Neighboring Property Owners (within 300 feet)

Date: 9/5/13 By: PPS

Notified Neighboring Township Clerks (within 1,000 feet)

Date: _____ By: _____ N/A

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 8/27/13 By: PPS

Class 1 legal notice published on 9/5/13

By: PPS

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) _____

Date: _____

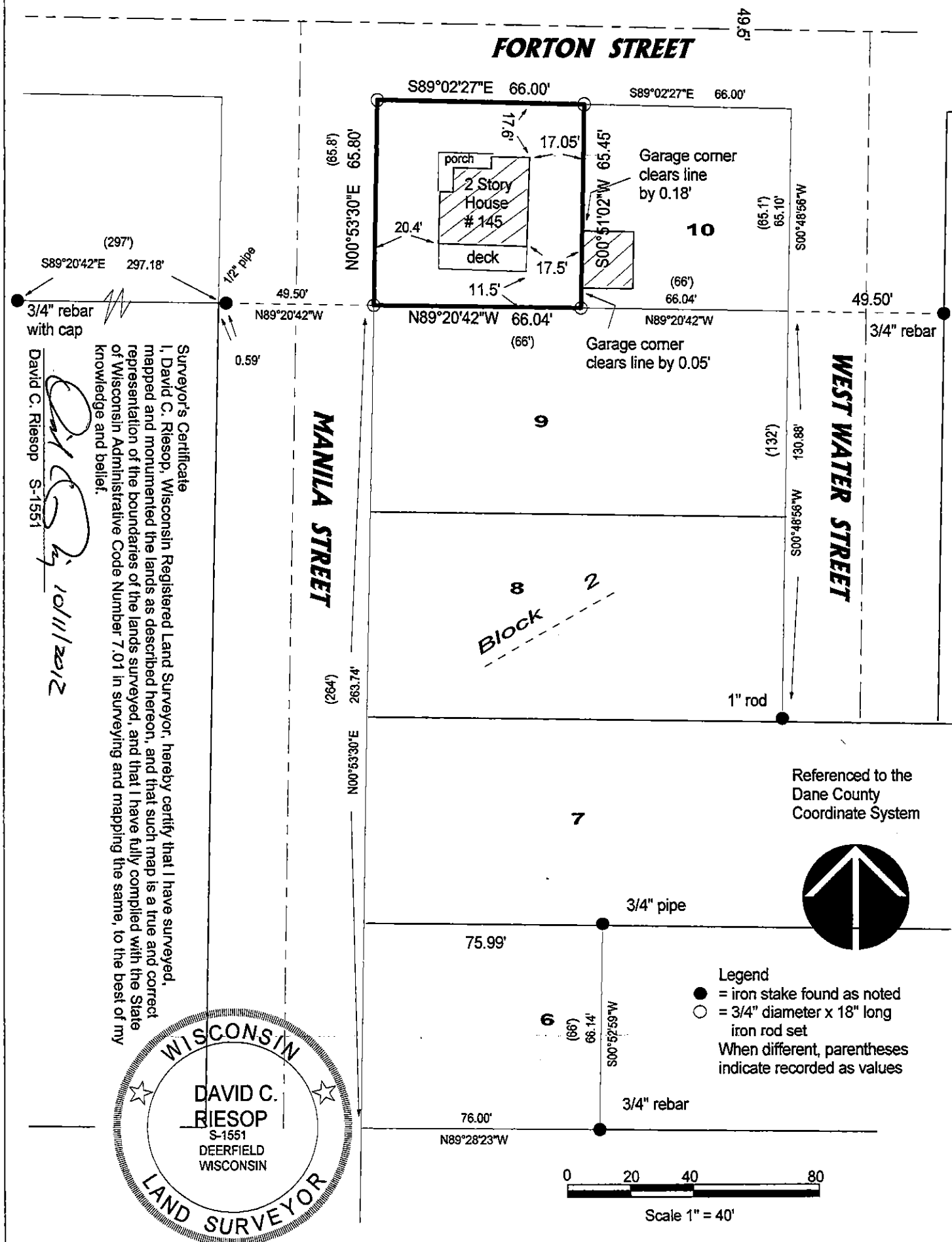
Attached

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

Plat of Survey

The West 1/2 of Lot 10, Block 2, Forton's Addition,
in the City of Stoughton, Dane County, Wisconsin



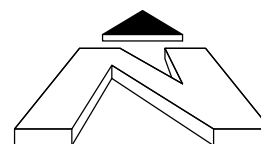
Wisconsin Mapping, LLC

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

Dwg. No. 4246-12 Date 10/09/2012
Sheet 1 of 1

Location Survey

The West 1/2 of Lot 10, Block 2, Forton's Addition,
in the City of Stoughton, Dane County, Wisconsin



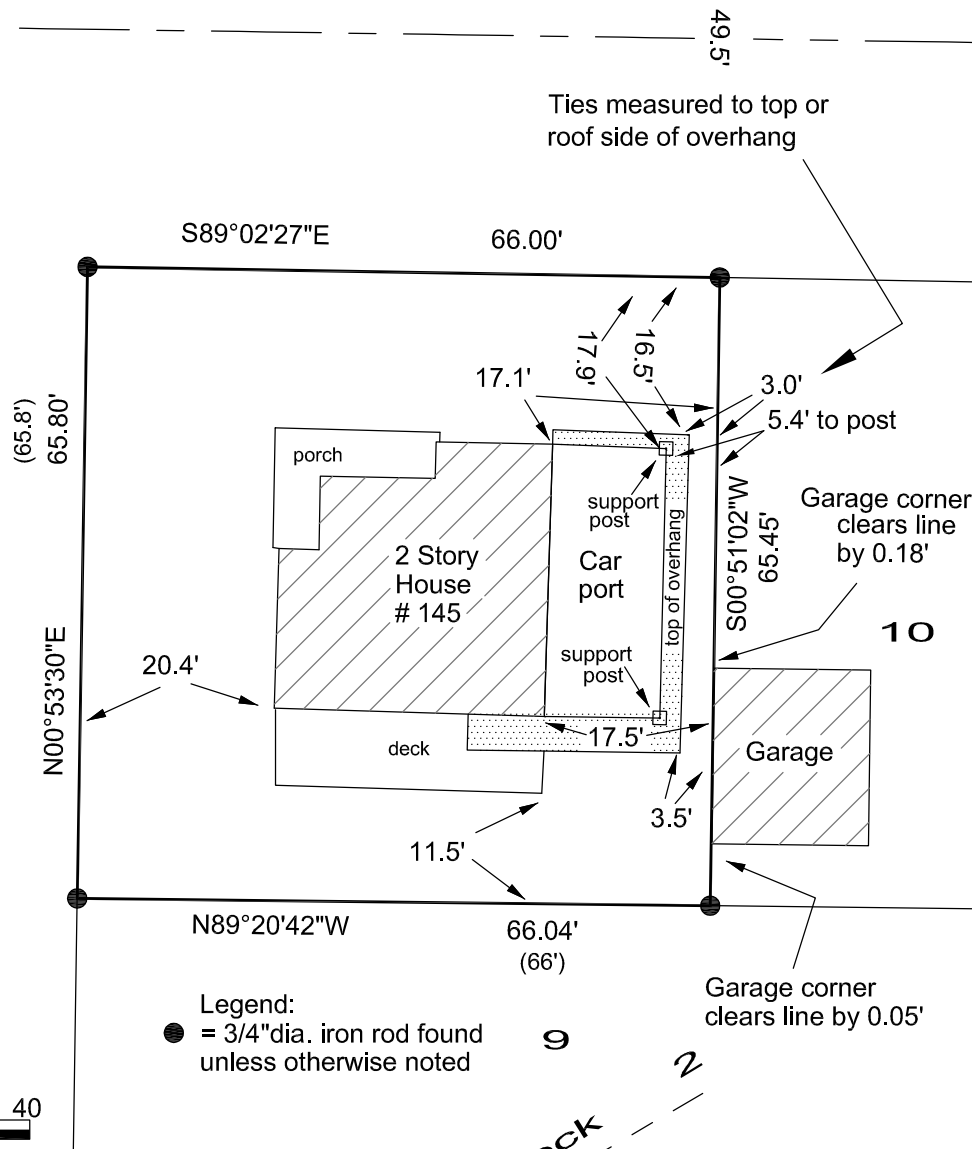
Referred to the Dane
County Coordinate
System.

Prepared for:

Martin Vaage
919 Aldora LN
Waunakee, WI. 53597

FORTON STREET

MANILA STREET



Parentheses indicate
recorded as values.

Surveyors Certificate

I, David C. Riesop, Wisconsin Registered Land Surveyor, hereby certify that I have surveyed, mapped and monumented the lands as described hereon, and that such map is a true and correct representation of the boundaries of the lands surveyed, including any features shown hereon, and that I have fully complied with the State of Wisconsin Administration Code Number 7.01 in surveying and mapping the same, to the best of my knowledge and belief.

David C. Riesop S-1551



Location Survey

The West 1/2 of Lot 10, Block 2, Forton's Addition,
in the City of Stoughton, Dane County, Wisconsin

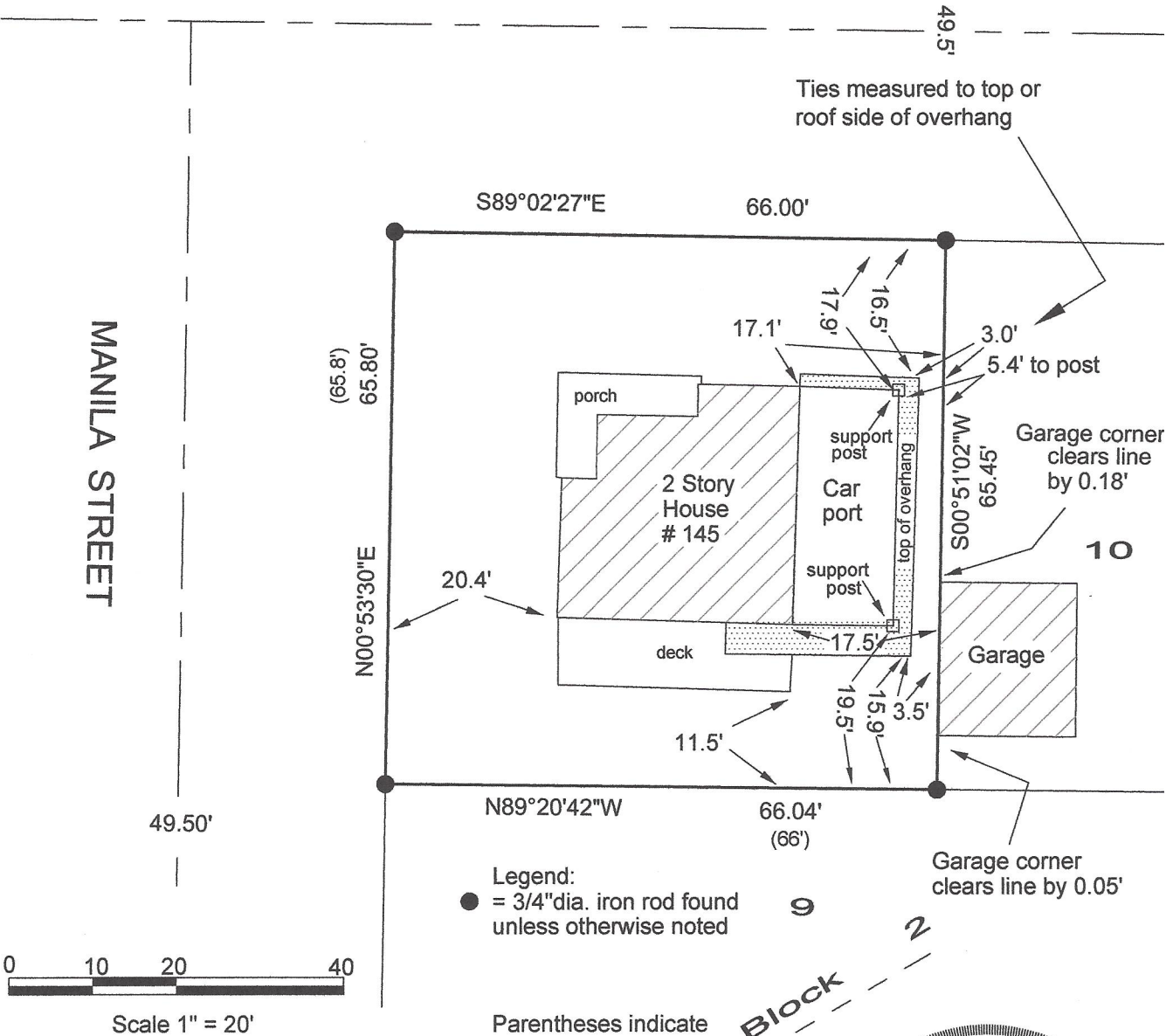


Referred to the Dane
County Coordinate
System.

Prepared for:
Martin Vaage
919 Aldora LN
Waunakee, WI. 53597

FORTON STREET

MANILA STREET



Surveyors Certificate

I, David C. Riesop, Wisconsin Registered Land Surveyor, hereby certify that I have surveyed, mapped and monumented the lands as described hereon, and that such map is a true and correct representation of the boundaries of the lands surveyed, including any features shown hereon, and that I have fully complied with the State of Wisconsin Administration Code Number 7.01 in surveying and mapping the same, to the best of my knowledge and belief.

David C. Riesop 7/25/2013
David C. Riesop S-1551



Wisconsin Mapping, LLC

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

Dwg. No. 4246B-12 Date 07/09/2013
Sheet 1 of 1 added rear setback 7/25/2013

We hereby agree, that Karen and Marty's carport, is not a burden nor an eyesore. We not think that the carport encroaches on any lands or eyes.

Bob Hansen 200 Forton St. - Good work

Dan Stokstad 140 Forton St

Debra Stokstad 140 Forton St - It is not a eye
sour to use. It's a
improvement.

Al Seier 127 Manilla St - Looks good

Joshua D. Dornier 200 Forton St. lower
(Joshua Delamie)

137 Forton { Haulan Midland - Very Nice - NO PROBLEM
owner
Allen Anderson 877-4079

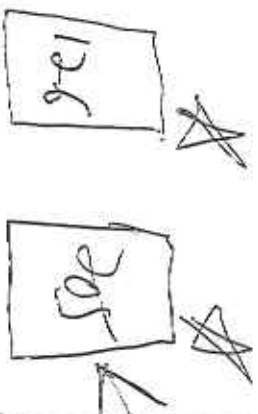
MIKE + TIFFANY Vienneau ~ 877-4274 - NO PROBLEM

148 FORTON ST

Al + Betty Melars 111 Forton Ct LOOKS nice

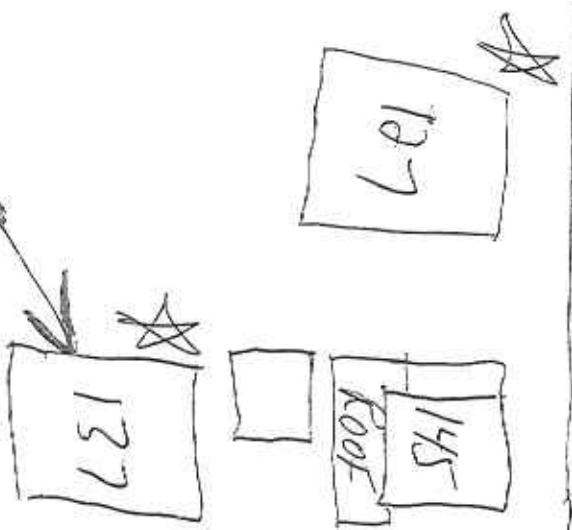
Rollie Weeden 126 Manilla St, no problem w/ this structure

Ray Weeden 126 Manilla St no issues w/
this structure.



Mr Anderson verbally told us ~~great job~~. Not here to sign petition.

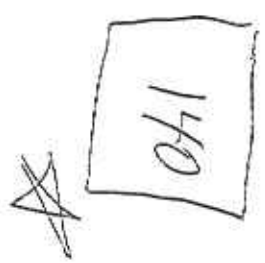
Annika St



alan anderson willing to give us 6" to nothing from this lot

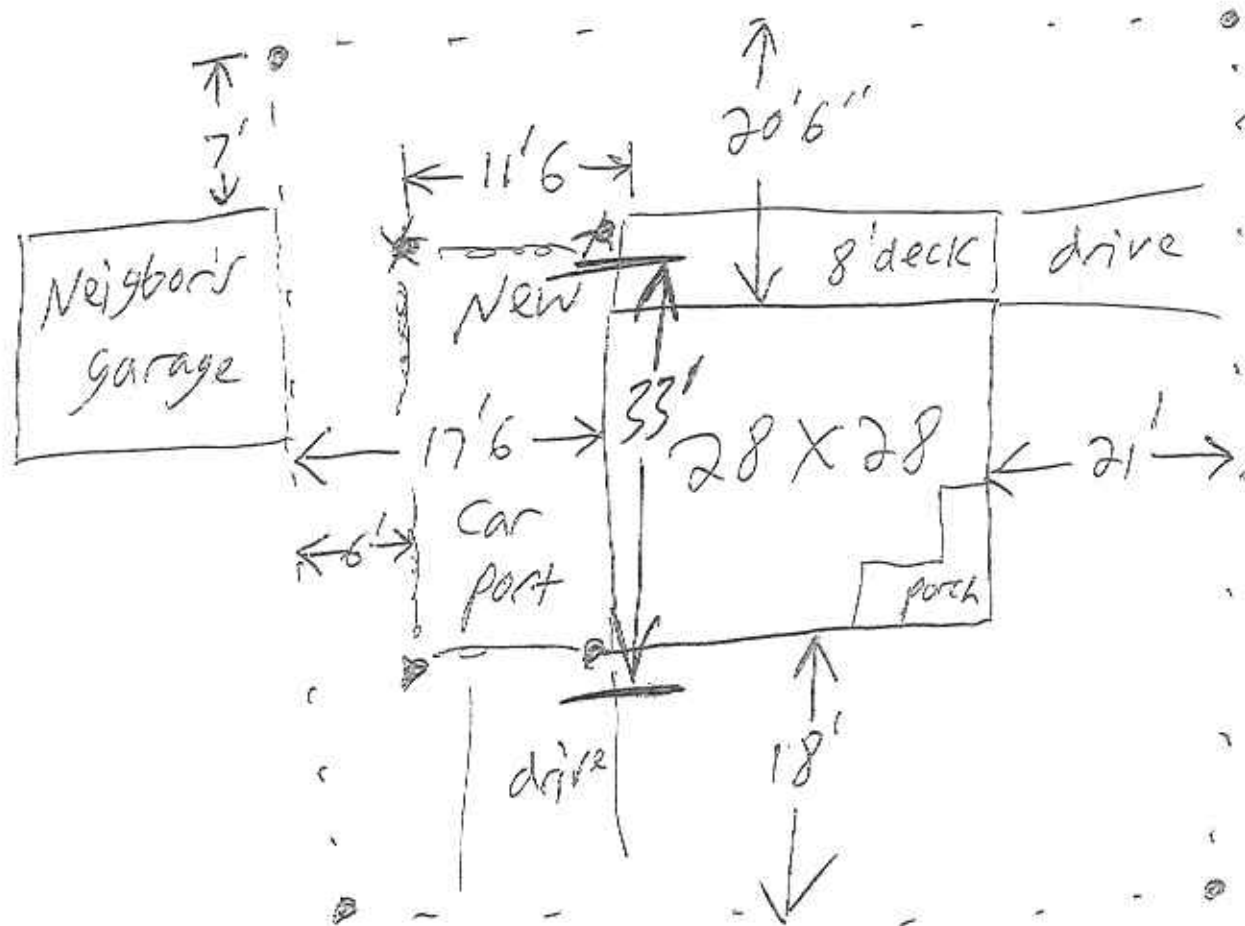
111 Farsten Ct

For to n d r



All surrounding theme is that can see APPROVE.

New car port 11 to wire ~~to~~ wing
33'



manilla

Forten



To see all the details that are visible on the screen, use the "Print" link next to the map.



year unknown
prior to applicants
ownership









06/09/2013 10:46



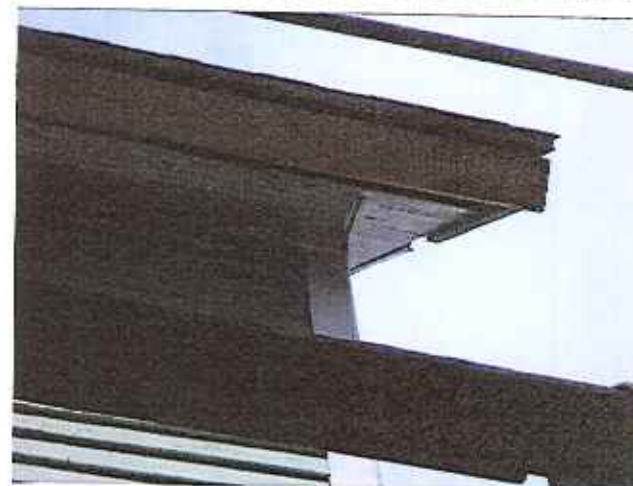
06/09/2013 10:46



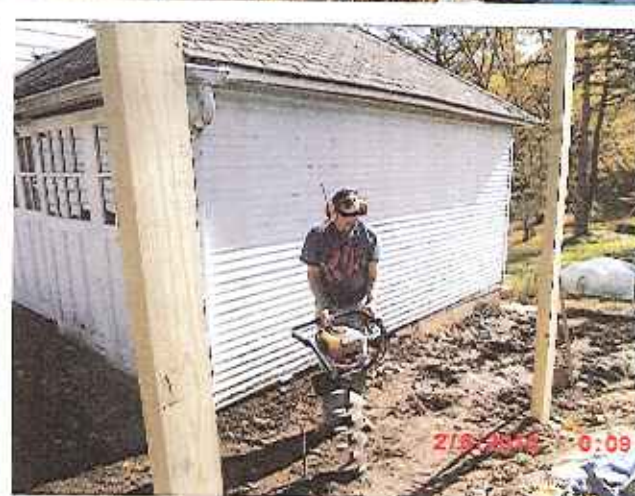
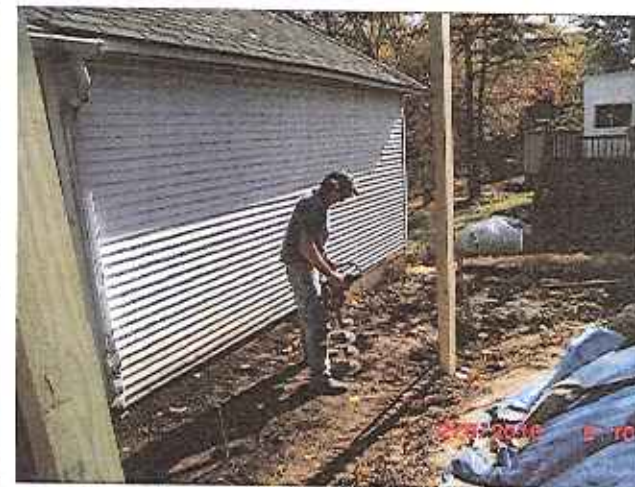
06/09/2013 10:47







WRONG DATE



1.1mm. n.r.to.



← Wrong date



← 8/23/12 correct date



CITY OF STOUGHTON

381 E. MAIN STREET

608-873-6677

**Residential Addition**

Permit Number: 2012277

Applicant

Name: Marty Vaage
 Address: 145 Forton Street
 Stoughton, WI. 53589

Approval Date: 10/12/2012

Phone: 576-8210

Fees and Receipts

RESIDENTIAL BUILDING PERMITS (1 & 2 FAMILY) 002

Additions, including decks: Plan Review and Inspections (400 sq
 ft or less) \$40.00

SIDEWALK \$0.00

ZONING: Residential Review Fee \$40.00

Total Fees \$80.00

Total Receipts \$80.00

Description

Project Description: Carport Addition and driveway Proposed Floor Space: 322

Construction Cost: 500

Comments:

30" overhang - side

45" to back ✓

Conditions:

Comments:

shed too

Cautionary Statement to Owners Obtaining Building Permits

Section 101.65 (1r) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under Section 101.654(2)(a), the following consequences might occur: The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under this building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under this building permit.

The owner may not be able to collect from the contractor, damages for any loss sustained by the owner because of a violation by the contractor of the one and two-family dwelling code or an ordinance enacted under sub. (1)(a), because of any bodily injury to or death of others or damage to property of others that arises out of the work performed under this building permit or because of any bodily injury to or death of others or damage to property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under this building permit.

Cautionary Statement to Contractors for Projects Involving Buildings Built Before 1978

If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 sq. ft. or more of paint per room, 20 sq. ft. or more of exterior paint, or involves windows, then the requirements of Chapter

DHS 163 requiring Lead-Safe Renovation Training and Certification apply. Call (608)266-6876 or go to <http://dhs.wisconsin.gov/lead/WisconsinRRPRule.htm>

Wetlands Notice to Permit Applicants and Property Owners

"You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification web page: (<http://dnr.wi.gov/wetlands/delineation.html>) or contact a department of Natural Resources service center."

Additional Responsibilities for Property Owners with Projects Disturbing One or More Acres of Soil

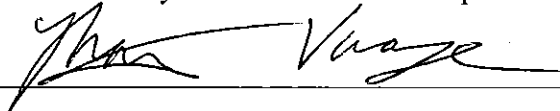
I understand that this project is subject to Chapter NR 151 regarding additional erosion control and stormwater management and will comply with those standards.


Additional Responsibilities for Property Owners

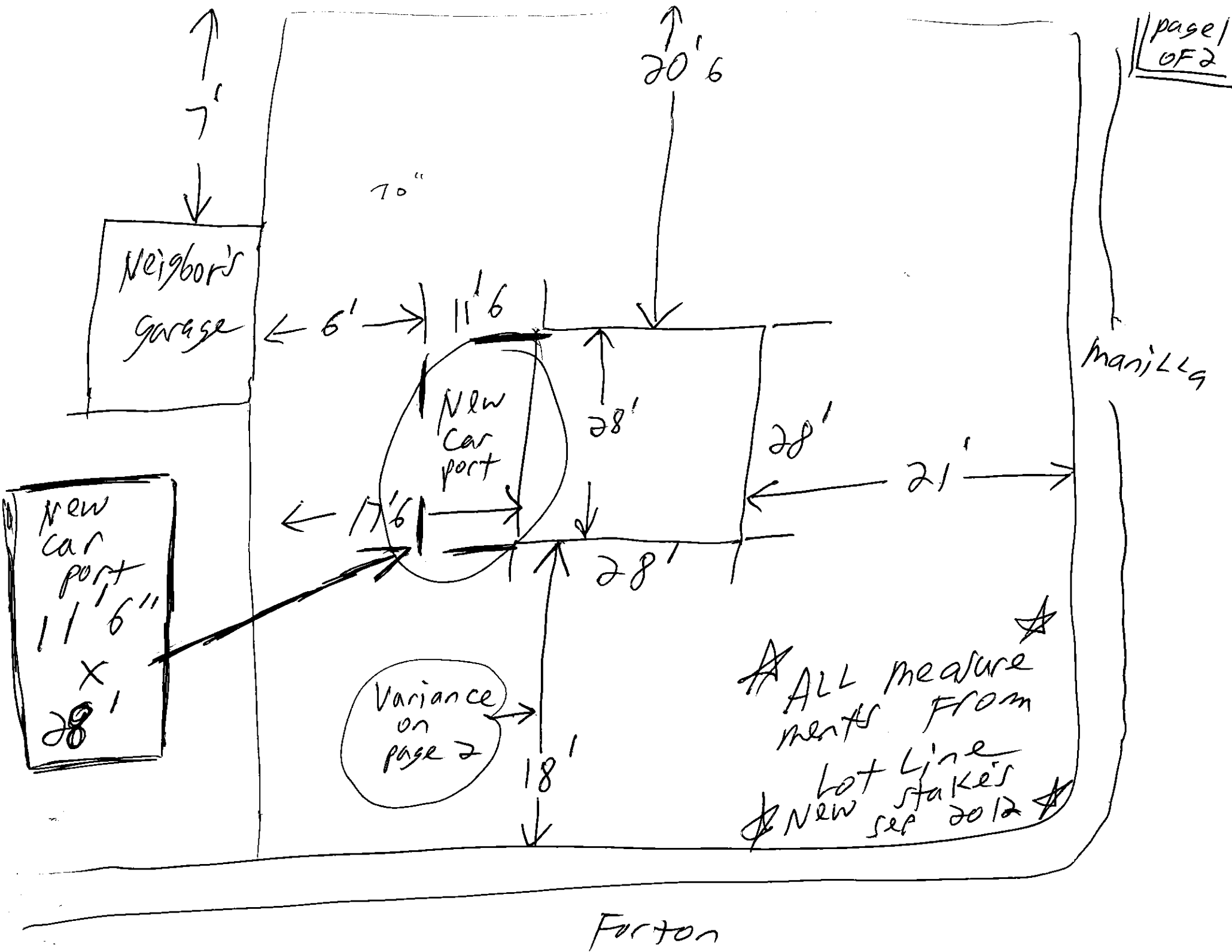
The owner is responsible to provide the location of lot stakes onsite for many projects to confirm setbacks including but not limited to: prior to pouring footings; new construction; building additions; fencing; accessory structures... Additionally the owner is responsible to call the building inspector for required inspections such as: Footings (prior to pouring); electrical, plumbing; HVAC; insulation; framing; ... Call the Building Inspector at 608-873-7626 if you are unsure what inspections are required.

Owner/Applicant Signature

Date



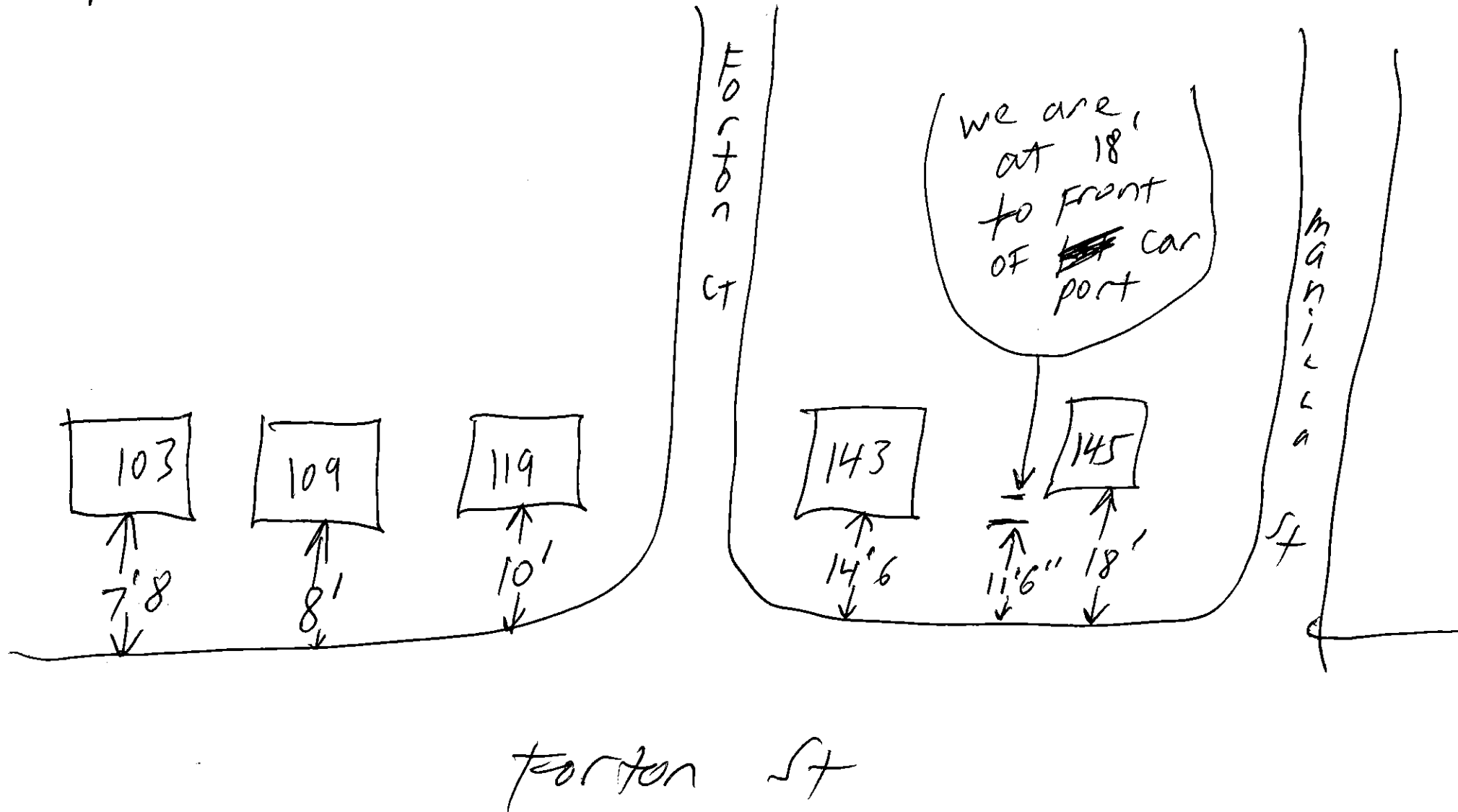

Oct 12 2012



Furton

* front wall of house's on Forten St
measured to Lot line

Page 2
OF 2



$$158 \div 5 = 11'6'' \text{ allowance from Lot line to car port}$$



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

May 8, 2013

Marty Vaage
145 Forton Street
Stoughton, WI. 53589

NOTICE: ZONING VIOLATIONS AT 145 FORTON STREET, STOUGHTON, WI. 53589.

Dear Mr. Vaage;

As previously informed, the carport addition to your home at 145 Forton Street is in non-compliance with the required rear lot line setback of 20 feet.

Your options appear to be:

- Alter the structure to comply with the 20-foot requirement;
- Apply for a variance from the code to potentially allow the non-conformity to remain.

Additionally, a shed has been installed without a permit.

These non-compliances must be taken care of by June 10, 2013 or you may be subject to a penalty per section 1-3 of the Municipal Code. Each day after June 10, 2013 shall be considered a separate violation.

Please contact me with any questions or concerns at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Marty & Karen Vaage
145 Forton Street
Stoughton, WI. 53589

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

78-105(2)(e)8bF, "Side lot line to house: Minimum six feet."; 78-105(2)(e)8bJ, "Rear lot line to house: Minimum 20 feet."; and 78-405(4)(b)1, "Permitted intrusions into required rear or side yards: Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard."

Summary of Request

The applicant's acquired a permit to construct an attached carport to their home at 145 Forton Street. After construction of the carport, an inspection was done by City staff which confirmed non-compliance with the submitted plan and with the City zoning code. A survey was done that confirmed the carport is in non-compliance with the three zoning code requirements listed above.

DATE OF APPLICATION: August 20, 2013
DATE PUBLISHED: September 5, 2013
DATE NOTICES MAILED: September 5, 2013
DATE OF HEARING: September 23, 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.

This variance request is related to errors during the construction of the carport. In some regards the topography may have hindered the ability to construct the carport in compliance with some of the requirements. It seems likely a request for a variance prior to the construction would not have been granted. Generally, the physical surroundings, shape or topographical conditions are not the issue here.

2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zone classification.

The conditions upon which the application is based are generally applicable to similar properties within the SR-6 Single Family Residential district. Meaning any property owner could construct an addition in non-compliance.

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

We believe the purpose of the variance is not for the economic gain of the owner/applicant.

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 mistakes made during the construction of the carport and is not caused by the zoning ordinance. The zoning code was amended in 2009 to provide greater flexibility in historic areas such as this location.

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 granting of the variances is not particularly detrimental to other property in the neighborhood. We have to be careful not set precedence for this type of variance request. 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. Though, due to the closeness of the roof and gutter system, it is likely stormwater drainage will end up on adjacent properties.



05.07.2013 14:33



09.16.2013 07:43



09.16.2013 07:43



09.16.2013 07:44



09.16.2013 07:45



09.16.2013 07:45

09.16.2013 07:45



OFFICIAL NOTICE

Please take notice that Andrew Kaiser, owner of the property at 401 N. Page Street, Stoughton, Wisconsin, has requested a variance from zoning code section, 78-105(2)(e)8bD, "Front or street side lot line to house: Minimum 20 feet to house; 12 feet to porch; maximum 25 feet to house; 15 feet to porch.";

The property at 401 N. Page Street is formally described as follows:

Parcel number: 281/0511-053-6466-0, with a legal description of: SARAH E TURNER ADDN CORR SURVEY BLOCK 9 S 66 FT LOT 5 & S 66 FT LOT 6

The applicant is requesting a variance to allow a proposed front deck addition.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on September 23, 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: September 5, 2013 HUB

Welcome

[Public Access](#) | [Public Agency Access](#) | [Subscription Access](#) | [Log Out](#)

Friday, August 23, 2013

Parcel information updated on Friday, August 23, 2013 unless otherwise noted.

Parcel Number - 281/0511-053-6466-0[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 SW
Quarter-Quarter SE
Plat Name TURNER'S SARAH E. ADDITION TO STOUGHTON, RESURVEY OF PT
Block/Building 9
Lot 5
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**Property owner has requested confidentiality**

Owner Status CURRENT OWNER
Name ANDREW KAISER
Property Address 401 N PAGE ST
City State Zip STOUGHTON, WI 53589
Country USA

[- Edit Owner Address](#)**Parcel Address****Primary Address** 401 N PAGE ST[- Edit Parcel Address](#)[- Add More Addresses](#)**Billing Address**

Attention
Street 401 N PAGE ST
City State Zip STOUGHTON, WI 53589
Country USA

Assessment Information

Assessment Year	2013	2012
Valuation Classification	<u>G1</u>	<u>G1</u>
Assessment Acres	0.15	0.15
Land Value	\$26,100.00	\$26,100.00
Improved Value	\$132,600.00	\$129,100.00
Total Value	\$158,700.00	\$155,200.00
Valuation Date	04/05/2013	05/08/2012

[About Annual Assessments](#)**Tax Information**[Pay Taxes Online](#)

2012 Tax Values		E-Statement	E-Bill	E-Receipt
Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value	
Land	\$26,100.00 /	0.9916	\$26,322.00	
Improvement	\$129,100.00 /	0.9916	\$130,194.00	
Total	\$155,200.00 /	0.9916	\$156,515.00	

2012 Taxes:	\$3,586.59
2012 Lottery Credit(-):	\$0.00
2012 First Dollar Credit(-):	\$76.00
2012 Specials(+):	\$162.00
2012 Amount:	\$3,672.59

[Show Tax Information Details](#)[Show Tax Payment History](#)**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
 SARAH E TURNER ADDN CORR SURVEY BLOCK 9 S 66 FT LOT 5 &
 S 66 FT LOT 6

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
WD	02/02/2006	4158134		
WD	07/27/2004	3947148		
WD	07/27/2004	3947146		
WD	02/04/2004	3870038		
WD	05/29/2003	3722849		

City of Stoughton Procedural Checklist for Variance Review and Approval (Requirements per Section 78-910)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance *and* by the City to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City as a guide when processing said application.

I. Recordation of Administrative Procedures for City Use.

Pre-submittal staff meeting scheduled:

VIA PHONE

Date of Meeting: 8/16/13 Time of Meeting: _____ Date: _____ By: MP5

Follow-up pre-submittal staff meetings scheduled:

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

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

Application form filed with Zoning Administrator Date: _____ By: _____

Application fee of \$390 received by Zoning Administrator Date: 8/23/13 By: MP5

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: 8/23/13 By: MP5

↓

- ☒ (a) A map of the subject property:
- ☐ Showing all lands for which the variance is proposed.
 - ☐ Map and all its parts are clearly reproducible with a photocopier.
 - ☐ Map scale not less than one inch equals 800 feet.
 - ☐ All lot dimensions of the subject property provided.
 - ☐ Graphic scale and north arrow provided.
- ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property to the City as a whole.
- ☒ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- ☒ (d) A site plan of the subject property as proposed for development.
- ☒ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 78-910(3)1- 6. (See part III below.)

III Justification of the Proposed Variance for City Use.

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Describe the hardship or that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

The property at 401 N Page St was created in 1902 before current zoning regulations. Throughout the years city zoning has changed the size of the property map. This has created the event of the property now sitting too close to W. McKinley St per current zoning statutes. Because of this a variance is required to recreate how the house was originally built. The property when built in 1902 had a 3 season porch at the site of variance. Due to decay over the years the porch became dilapidated and was removed from the house. This created the current model for the house, which includes a small landing and stairs off the side of the house facing W. McKinley St.

In an effort to recreate how the original house structure was we are proposing reconnecting this side door and one of the back doors to the house that faces W. McKinley St. with a deck. If this deck were allowed it would recreate the original blueprint for the house set back in 1902.

The side door to the house that faces W. McKinley St. is a unnecessary structure for it just exits out into the yard and has not meaningful purpose. With the recreation of this connecting deck the door would then become useable and necessary for the use of the house.

The hardship created by current zoning laws restrict the homeowners of recreating how the house was initially envisioned in 1902.

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.

Current zoning regulations restrict the property to recreate the deck because the house sits too close to W. McKinley St. If the house were to be built now the house would be positioned on the lot as to meet current zoning requirements but because the house was built before current zoning requirements it is impossible to meet those standards for the structure is already built. The property over the years has also shrunk because of city acquisition of part of the property to help meet current zoning standards. This has reduced the size of the property by at least 9 feet when W. McKinley St. was widened and resurfaced in the past. Because of this the property was made to be non-compliant to city zoning requirements. We ask for an 8.5 foot variance be granted from W. McKinley St. This will allow for the construction of a 5'6" wide deck be built on the side facing W. McKinley St. This will then be able to connect to the deck on the back of the house (which also will be rebuilt).

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.

The granting of this proposed variance would have no impact on adjacent properties. The proposal only changes the current structure minimally. It extends the deck on the side of the house that faces W. McKinley St. by making it 9 inches wider (towards the street) and 16 feet longer in connecting and extending the landing off the side of the house facing W. McKinley St. to the current deck on the back of the house. Properties around 401 N Page will not be impacted or most likely even notice any difference to the current structure.

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

No. There will be no impact on the character of the neighborhood or any other factors now or in the future. In fact, the variance will bring the house closer to its original design from 1902.

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.

No. The factors that necessitate the variance were created before the ordinance date of 6-23-2009.

6. Does the proposed variance involve the regulations of Section 78-203, Appendix C (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

No, the variance does not involve regulations of Section 78-203, Appendix C.

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator Date: 8/21/13 By: mps

Notified Neighboring Property Owners (within 300 feet) Date: 9/5/13 By: mps

Notified Neighboring Township Clerks (within 1,000 feet) Date: _____ By: _____ N/A

Class 1 legal notice sent to official newspaper by Zoning Administrator Date: _____ By: _____

Class 1 legal notice published on 9/5/13 By: mps

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

Signed: (owner) [Signature] 608-333-1131

Date: August 12, 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



BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI 53590
Phone (608) 837-7463
Fax (608) 837-1081

0 30 60
SCALE 1" = 30'

PLAT OF SURVEY

SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

Daniel V. Birrenkott
Wisconsin Registered Land Surveyor No. S-1531.

Description:

The South 66 feet of Lot 5 and the South 66 feet of Lot 6, Block 9, Corrected Survey and Plat of Mrs. Sarah E. Turners Addition to the City of Stoughton, City of Stoughton, Dane County, Wisconsin.

Bearings referenced to the North right of way line of West McKinley Street, assumed bearing of S88°11'42"W



DRAFT

Prepared For:

Aaron Dushack
401 N. Page St.
Stoughton, WI 53589
(608) 332-6448



Legend:

- = Found 1" Iron Pipe
- ⊙ = Found 1" Pinch Top Pipe
- ⊗ = Found 1-1/4" Iron Bar
- = Set 1"x24" Iron Pipe min. w.L. = 1.13 ft./in. ft.
- = Overhead Utility Lines

Dated: JULY 22, 2013
Surveyed: L.A.S.
Drawn: T.K./M.A.P.
Checked: M.A.P./D.V.B.
Approved: D.V.B.
Field book: 340/12-13
Comp. File: J:\2013\CARLSON
Office Map No. 130410

Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wellands, if present have not been delineated.

This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.

How far out the new deck will be from the old deck.



How far the deck will extend from the current deck, on one end



How far the deck will extend on the other end and connect to the other existing deck. It will create a corner at this spot



What is there now and what will be connected together.



another view



View from across McKinley St. from neighbors yard.



View from McKinley St.



DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Andrew Kaiser
401 N. Page Street
Stoughton, WI. 53589

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

78-105(2)(e)8bD, "Front or street side lot line to house: Minimum 20 feet to house; 12 feet to porch; maximum 25 feet to house; 15 feet to porch."

Summary of Request

The applicant/owner is requesting to construct a deck addition to the front of the home at 401 N. Page Street. This is a historic home that originally had a porch in this proposed location and the owner would like to bring that feature back to the original integrity. The home does not meet the existing front setback requirement of 20 feet from the front property line. The proposed deck will only minimally expand on the existing front deck while connecting the front deck to the side deck for a more convenient use. The owner requests to construct a 5' 6" wide deck with a front setback of 8' 6".

DATE OF APPLICATION: August 23, 2013
DATE PUBLISHED: September 5, 2013
DATE NOTICES MAILED: September 5, 2013
DATE OF HEARING: September 23, 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 401 N. Page Street is approximately 7,194 square feet in area and is currently zoned SR-6 single family residential. It is unknown what the setback requirements were, if any, when this home was built. The hardship is due to historic amendments to the zoning code. The physical surroundings, shape or topographical conditions are not the specific issue here.

2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zone classification.

The conditions upon which the application is based are generally not applicable to similar properties within the SR-6 Single Family Residential District. This is a unique situation specific to this property.

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

We believe the purpose of the variance is not based on the economic gain of the owner/applicant.

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 where the building was allowed to be very constructed closer to the front lot line than today's standard.

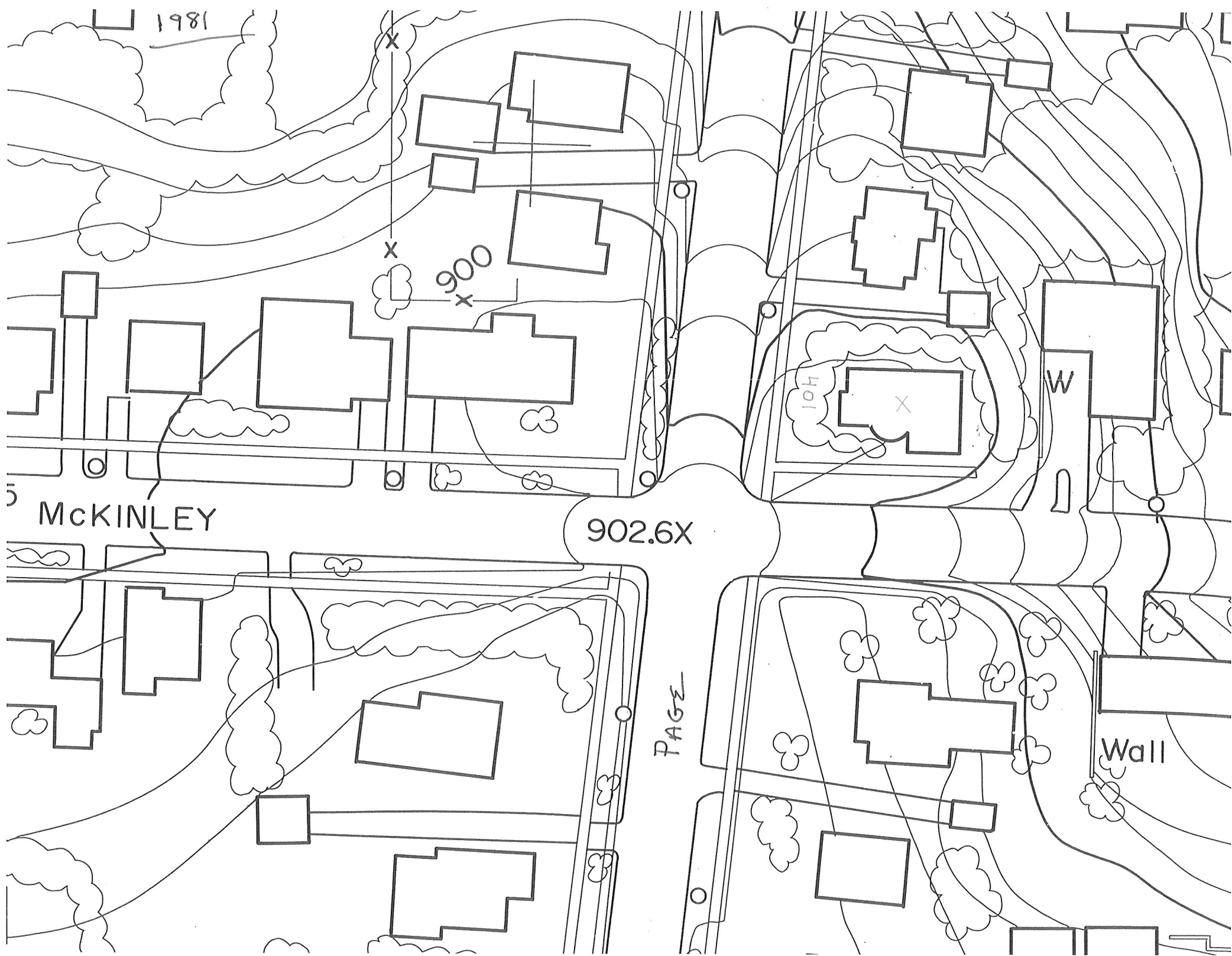
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.

We believe the granting of the variance to allow bringing the home more closely to the original integrity will not be detrimental to the public or neighborhood. 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.

1981





09.16.2013 07:48



09.16.2013 07:48

OFFICIAL NOTICE

Please take notice that Carlvn & Rae Marie Heiser, owner of the property at 1608 Moline Street, Stoughton, Wisconsin, have requested a variance from zoning code section, 78-105(2)(f)7bH, "Rear lot line to house or attached garage: 30 feet."

The property at 1608 Moline Street is formally described as follows:

Parcel number: 281/0511-092-6166-6, with a legal description of: KEGONSA RIDGE LOT 16

The applicant is requesting a variance to allow splitting the property by zero-lot-line.

Notice is hereby given that the Board of Appeals will conduct a hearing on this matter on September 23, 2013 at 5:00 p.m., or as soon after as the matter may be heard in the Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton.

For questions related to this notice contact the City Zoning Administrator at 608-646-0421

Published: September 12, 2013 HUB

Public Access System

[Public Access](#) | [Public Agency Access](#) | [Subscription Access](#) | [Log Out](#)

Thursday, August 29, 2013

Parcel information updated on Thursday, August 29, 2013 unless otherwise noted.

Parcel Number - 281/0511-092-6166-6[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	09
Quarter	NW
Quarter-Quarter	SE
Plat Name	KEGONSA RIDGE
Block/Building	
Lot	16
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	CARLVIN J HEISER
Property Address	842 REDTAIL RDG
City State Zip	OREGON, WI 53575
Country	USA
	- Edit Owner Address

Owner Status	CURRENT CO-OWNER
Name	RAE MARIE HEISER
Property Address	842 REDTAIL RDG
City State Zip	OREGON, WI 53575
Country	USA
	- Edit Owner Address

Parcel Address

Primary Address	524 HANSON RD
	- Edit Parcel Address
Additional Addresses:	1608 MOLINE ST
	- Edit Parcel Address
	- Add More Addresses

Assessment Information

Assessment Year	2013	2012
Valuation Classification	G1	G1
Assessment Acres	0.26	0.26
Land Value	\$65,200.00	\$65,200.00
Improved Value	\$174,400.00	\$176,900.00
Total Value	\$239,600.00	\$242,100.00
Valuation Date	04/05/2013	05/08/2012

[About Annual Assessments](#)**Tax Information**[Pay Taxes Online](#)

2012 Tax Values	E-Statement	E-Bill	E-Receipt
Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$65,200.00 /	0.9916	\$65,753.00
Improvement	\$176,900.00 /	0.9916	\$178,399.00
Total	\$242,100.00 /	0.9916	\$244,151.00

2012 Taxes:	\$5,594.81
2012 Lottery Credit(-):	\$0.00
2012 First Dollar Credit(-):	\$76.00
2012 Specials(+):	\$324.00
2012 Amount:	\$5,842.81

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

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

Tax Property DescriptionFor a complete legal description, see the recorded documents
KEGONSA RIDGE LOT 16**Recorded Documents**

Doc.Type	Date Recorded	Doc. Number	Volume	Page
WD		2978420		
WD			31676	36
WD			28142	72
WD			27253	55
			126	53

**City of Stoughton Procedural Checklist for Variance Review and Approval
(Requirements per Section 78-910)**

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance and by the City to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City as a guide when processing said application.
I. Recordation of Administrative Procedures for City Use.

Pre-submittal staff meeting scheduled:

VIA EMAIL

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

Follow-up pre-submittal staff meetings scheduled:

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

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

Application form filed with Zoning Administrator Date: _____ By: _____

Application fee of \$390 received by Zoning Administrator Date: 9/6/13 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: 9/6/13 By: mps

↓ Draft Final Packet (1 copy to Zoning Administrator)

Date: _____ By: _____

↓

↓

- ☐ ☒ (a) A map of the subject property:
- ☒ Showing all lands for which the variance is proposed.
 - ☒ Map and all its parts are clearly reproducible with a photocopier.
 - ☒ Map scale not less than one inch equals 800 feet.
 - ☒ All lot dimensions of the subject property provided.
 - ☒ Graphic scale and north arrow provided.
- ☐ ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property to the City as a whole.
- ☐ ☒ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- ☐ ☒ (d) A site plan of the subject property as proposed for development.
- ☐ ☒ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 78-910(3)1- 6. (See part III below.)

III Justification of the Proposed Variance for City Use.

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

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

LOT 10 IS A CORNER LOT. DUPLEX BUILDING ON LOT
CURRENTLY FITS SETBACKS WITH FRONTAGE ON MOLINE ST.
DUPLEX ALSO HAS FRONTAGE ON HANSON ROAD.
DIVIDING LOT ~~ON~~ ON UNIT LINES WILL PRESENT
A PROBLEM WITH REAR SETBACK COMPLIANCE

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.

ADJOINING PROPERTIES HAVE BEEN DIVIDED BY A LOT
LINE CONFIGURATIONS. THIS PROPERTY IS CURRENTLY
PREVENTED FROM THAT DUE TO DOUBLE FRONTAGE ON
CORNER LOT

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.

GRANTING OF VARIANCE WILL ALLOW THIS
PROPERTY TO BE SOLD INDIVIDUALLY, AND
NO LONGER USED AS RENTAL.

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.

GRANTING VARIANCE WOULD ALLOW PROPERTY TO BE
CONSISTANT WITH NEIGHBORING USE

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.

BUILDING CONFORMS TO CURRENT ZONING.
A LOT LINE DIVISION WAS NOT AN OPTION AT
TIME OF CONSTRUCTION

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.

REQUESTED VARIANCE IS FROM SETBACK REQUIREMENTS
AND NOT LAND USE PER APPENDIX C

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator

Date: 9/6/13 By: mpj

Notified Neighboring Property Owners (within 300 feet)

Date: 11 By: 1

Notified Neighboring Township Clerks (within 1,000 feet)

Date: 11 By: 1

Class 1 legal notice sent to official newspaper by Zoning Administrator

Date: 9/5/13 By: 1

Class 1 legal notice published on 9-12-13

By: ✓

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)

Calvin Heiser

Date:

9/7/13

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

RECEIVED

SEP 09 2013

CITY OF STOUGHTON

Preliminary Certified Survey

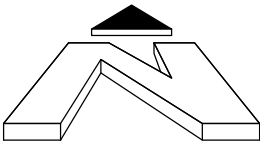
Lot 16, Kegonsa Ridge, being further located in part of the SE 1/4 of the NW 1/4, Section 09, T.05N., R.11E., City of Stoughton, Dane County, Wisconsin.

N. 1/4 Corner,
Section 9,
Aluminum
Monument
Found

N00°38'00"W
1494.71'

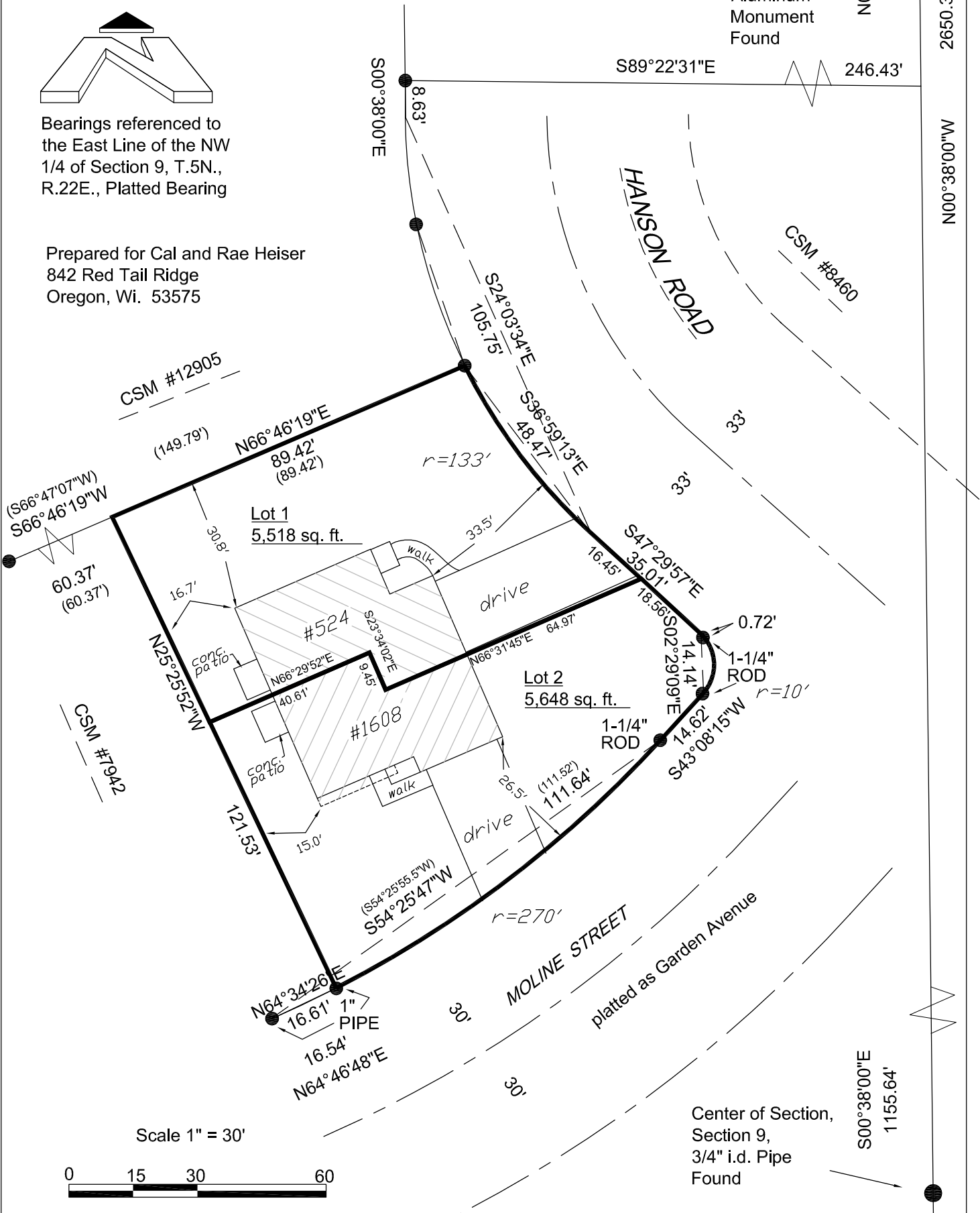
2650.35'

N00°38'00"W



Bearings referenced to
the East Line of the NW
1/4 of Section 9, T.5N.,
R.22E., Platted Bearing

Prepared for Cal and Rae Heiser
842 Red Tail Ridge
Oregon, Wi. 53575



Scale 1" = 30'

0 15 30 60

Wisconsin Mapping, LLC

surveying and mapping services
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Dwg. No. 4341-13 Date 9/05/2013
Sheet 1 of 1

DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Carlvin & Rae Marie Heiser
842 Red Tail Ridge
Oregon, WI. 53575

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

78-105(2)(f)7bH, "Rear lot line to house or attached garage: Minimum 30 feet."

Summary of Request

The applicant/owner is requesting a variance from the rear yard setback requirement to allow a zero-lot-line duplex at 1608 Moline Street/524 Hanson Road. The current rear setback at 1608 Moline Street is 15 feet compared to the 30-foot requirement. The duplex structure as a whole meets the setback requirements.

DATE OF APPLICATION: September 4, 2013

DATE PUBLISHED: September 12, 2013

DATE NOTICES MAILED: September 6, 2013

DATE OF HEARING: September 23, 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 1608 Moline Street is zoned TR-6 two-family residential. The particular shape of this two-family lot makes it rather difficult to meet the rear setback requirement to split the property. The physical surroundings or topographical conditions are not the specific issue here.

2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zone classification.

The conditions upon which the application is based are generally not applicable to similar properties within the TR-6 two-family residential district. This is a unique situation specific to this property.

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 may be based on the economic gain of the owner/applicant. Most other TR-6 properties can easily meet the zero lot line requirements making this situation unfair for the owner.

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 the zoning code not having a mechanism to allow unique corner duplex lots a way to complete a zero-lot-line. The intent of the zero-lot-line is to allow two separate parcels which can be sold separately. The zero-lot-line creates affordable home ownership.

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 the zero-lot-line will not be detrimental to the public or neighborhood. 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 as nothing is really changing.



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