

NOTICE

The **City of Stoughton** will hold a meeting of the **Board of Appeals** on **Monday, April 9, 2012 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 September 6, 2011 Board of Appeals minutes.
3. John Mulligan, applicant/agent for Stephen & Zoe Blair, owners of the property at 724 S. Page Street, Stoughton, Wisconsin, Parcel # 281/0511-082-6960-6, with a legal description of: O M TURNER SECOND ADD BLOCK PRT OF LOTS 9, 10 & 11 DESCR AS BEG AT PT ON E LN OF SD LOT 11 66 FT N OF N LN OF LOW ST (NKA LOWELL ST) TH W 132 FT TH S 66 FT TO N LN OF SD LOW ST (NKA LOWELL ST) TH E ALG SD N LN OF LOW ST (NKA LOWELL ST) TO W LN OF S PAGE ST TH NW ALG SW SIDE OF S PAGE ST TO POB, has appealed the requirements of the City of Stoughton zoning ordinance section 78-105(2)(e)8bD which requires a minimum front yard setback of 20 feet to a house. The applicant/agent requests a variance to allow construction of a sunroom addition with a front setback of 17 feet to the south front lot line or Lowell Street side of the house.

4. Adjournment.

4/2/12mps

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)
John Mulligan, 4232 Twin Valley Road, Middleton, WI., 53562 (Packet)
Stephen & Zoe Blair, 724 S. Page Street, Stoughton (Packet)

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

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL THE ZONING ADMINISTRATOR AT 608-646-0421

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

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

Board of Appeals Meeting Minutes
Tuesday, September 6, 2011 5:00 p.m.
Public Safety Building, Council Chambers, 321 S. Fourth Street, Stoughton WI.

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

Members Absent and Excused: Russ Horton and Gilbert Lee

Staff: Michael Stacey, Zoning Administrator.

Guests: Micheal & Sarah Carpenter; Richard Budden

1. **Call meeting to order.** Wollenzien called the meeting to order at 5:00 pm.
2. **Consider approval of the August 1, 2011 minutes.** Motion by **Barnett** to approve the August 1, 2011 Board of Appeals minutes as presented, 2nd by **Erdman**. Motion carried 4 – 0. (Wollenzien, Ott, Erdman, and Barnett) Busch arrived at 5:02pm.
3. **Micheal Carpenter, owner of the property at 410 Veterans Road, Stoughton, Wisconsin, Parcel # 281/0511-092-6010-2, with a legal description of: VETERANS ROAD CONDOMINIUM UNIT 1, has appealed the requirements of the City of Stoughton zoning ordinance section 78-105(2)(f)7bA, B, and C which requires (for a twin home) a minimum lot area of 5,000 square feet; minimum lot width of 40 feet; and a minimum street frontage of 50 feet respectfully. This property is zoned TR-6 – Two Family Residential. The applicant requests variances to allow the creation of a twin home by zero-lot line.**

Wollenzien introduced the request.

Ott stated she did stop by the subject property and has some literature related to the property.

Micheal Carpenter explained that all other duplex lots in his neighborhood are split by zero lot line. Mr. Carpenter stated that he and the adjoining neighbor have had a difficult time trying to sell their units because a loan is difficult to acquire for a condominium.

Ott questioned if condominium fees are part of the condominium arrangement. Micheal Carpenter stated the condominium is set up just as if it were a zero lot line property.

Richard Budden, 408 Veterans Road registered in favor of the request and was available for questions if necessary.

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

A. Unnecessary Hardship:

Does the ordinance in place today unreasonably prevent the landowner from using the property for a permitted purpose or are the standards unnecessarily burdensome?

Ordinances don't take into account all potential situations. That is why there is a variance procedure. This is simply a unique case where due to the shape of the lot and the positioning of the home, the property cannot meet the standards necessary to split by zero lot line.

B. Unique Property Limitation:

Are there any unique property limitations such as the shape, slope or size? The limitations should not be common to a number of properties and the circumstances of the individual are not justification.

The property is uniquely shaped and is not common to many properties within the City of Stoughton.

C. Protection of Public Interest.

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

There does not appear to be any negative impacts of approving this variance. Essentially, nothing will noticeably change.

Alternative solutions.

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

The property owner's have already tried the alternative, which is creating a condominium. Ultimately, a hardship has been created due to changes in the banking industry and the economic downturn.

Recommendations.

Staff recommendation is to approve the variance request to allow the zero lot line to occur administratively through the Department of Planning & Development with the condition that the condominium be dissolved prior to zero lot line approval.

Wollenzien closed the public hearing.

Motion by **Erdman** to approve the variance request as presented with the condition that the condominium be dissolved prior to zero lot line approval, 2nd by **Barnett**. Motion carried 5 – 0 (Wollenzien, Ott, Erdman, Barnett and Busch).

4. Adjournment. Motion by **Ott** to adjourn at 5:11 pm, 2nd by **Barnett**. Motion carried 5 - 0

Respectfully Submitted,
Michael Stacey

OFFICIAL NOTICE

Please take notice that John Mulligan, applicant/agent for Stephen & Zoe Blair, owners of the property at 724 S. Page Street, Stoughton, Wisconsin, Parcel # 281/0511-082-6960-6, with a legal description of: O M TURNER SECOND ADD BLOCK PRT OF LOTS 9, 10 & 11 DESCR AS BEG AT PT ON E LN OF SD LOT 11 66 FT N OF N LN OF LOW ST (NKA LOWELL ST) TH W 132 FT TH S 66 FT TO N LN OF SD LOW ST (NKA LOWELL ST) TH E ALG SD N LN OF LOW ST (NKA LOWELL ST) TO W LN OF S PAGE ST TH NW ALG SW SIDE OF S PAGE ST TO POB, has appealed the requirements of the City of Stoughton zoning ordinance section 78-105(2)(e)8bD which requires a minimum front yard setback of 20 feet to a house. The applicant/agent requests a variance to allow the owner to construct a sunroom addition with a front setback of 17 feet to the south side or Lowell Street side of the house.

Notice is hereby given that the Board of Appeals will conduct a variance hearing on this matter on April 9, 2012 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: March 29, 2012 HUB

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

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

I. Recordation of Administrative Procedures for City Use.

Pre-submittal staff meeting scheduled:

Date of Meeting: 3/19/12 Time of Meeting: 4:00 pm 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:

Application form filed with Zoning Administrator Date: 3/19 By: mps

Application fee of \$ 380 received by Zoning Administrator Date: 3/19 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: 3/19 By: mps

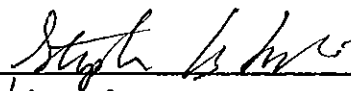
↓ Draft Final Packet (1 copy to Zoning Administrator) Date: By:

- ↓
- ☐ ☒ (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. N/A
 - ☐ All lot dimensions of the subject property provided.
 - ☐ Graphic scale and north arrow provided.
- ☐ ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property to the City as a whole.
- ☐ ☒ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- ☐ ☒ (d) A site plan of the subject property as proposed for development.
- ☐ ☒ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 78-910(3)1- 6. (See part III below.)

IV. Final Application Packet Information for City Use.

Receipt of Final Application Packet by Zoning Administrator Date: 3/19 By: MPS
Notified Neighboring Property Owners (within 300 feet) Date: 3/29 By: MPS
Notified Neighboring Township Clerks (within 1,000 feet) Date: 3/29 By: MPS
Class 1 legal notice sent to official newspaper by Zoning Administrator Date: 3/20 By: MPS
Class 1 legal notice published on 3/29/12 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) 
Date: 3/19/2012

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

Welcome

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Tuesday, March 20, 2012

Parcel information updated on Tuesday, March 20, 2012 unless otherwise noted.

Parcel Number - 281/0511-082-6960-6[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	08
Quarter	NW
Quarter-Quarter	SE
Plat Name	O. M. TURNER'S 2ND ADDITION
Block/Building	5
Lot	10
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	STEPHEN K BLAIR
Property Address	724 S PAGE ST
City State Zip	STOUGHTON, WI 53589
Country	USA

[eX - Edit Owner Address](#)

Owner Status	CURRENT CO-OWNER
Name	ZOE A BLAIR
Property Address	724 S PAGE ST
City State Zip	STOUGHTON, WI 53589
Country	USA

[eX - Edit Owner Address](#)

Parcel Address

Primary Address 724 S PAGE ST

[eX - Edit Parcel Address](#)[eX - Add More Addresses](#)

Billing Address

Attention

Assessment Information

Assessment Year	2012	2011
Valuation Classification	G1	G1
Assessment Acres	0.2	0.2
Land Value	\$34,800.00	\$34,800.00
Improved Value	\$118,800.00	\$118,800.00
Total Value	\$153,600.00	\$153,600.00
Valuation Date	01/14/2012	04/05/2011

[About Annual Assessments](#)

Tax Information

2011 Tax Values		E-Bill	E-Receipt
Category	Assessed Value	Average Assessment Ratio	Estimated Fair Market Value
Land	\$34,800.00 /	0.9676	\$35,966.00
Improvement	\$118,800.00 /	0.9676	\$122,779.00
Total	\$153,600.00 /	0.9676	\$158,744.00

2011 Taxes:	\$3,329.80
2011 Lottery Credit(-):	\$90.65
2011 First Dollar Credit(-):	\$68.49
2011 Specials(+):	\$311.95
2011 Amount:	\$3,482.61

[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
 O M TURNER SECOND ADD BLOCK PRT OF LOTS 9, 10 & 11 DESCR
 AS BEG AT PT ON E LN OF SD LOT 11 66 FT N OF N LN OF LOW ST
 (NKA LOWELL ST) TH W 132 FT TH S 66 FT TO N LN OF SD LOW ST
 (NKA LOWELL ST) TH E ALG SD N LN OF LOW ST (NKA LOWELL ST)
 TO W LN OF S PAGE ST TH NW ALG SW SIDE OF S PAGE ST TO
 POB

Recorded Documents

Doc.Type	Date Recorded	Doc. Number	Volume	Page
WD	05/02/2006	4186798		

DocLink Now Available!

Variance request at 724 S. Page Street, Stoughton, WI 53589.

Justification of proposed variance.

1

This lot is a corner lot which is quite narrow (66 feet) with a side street (Lowell) that angles back with only a 67 degree turn instead of 90 degrees. Since the house was originally built to square with Page Street, the side yard on Lowell Street gets shorter as you go to back of the house. Because of this a smaller room could be built if it was moved all the way to the front of the house without a variance. However, there are several problems with building in that location.

First, the house has beveled corners on the two front corners that greatly help the appearance of the house from the street. If the room were to be built where no variance was required the south corner would need to be eliminated, and squared to the front and then the sunroom attached. The appearance would significantly be altered and would look less appealing from the street.

Second, the room would be closer to both Page and Lowell Streets and would be closer to the intersection. This zoning already allows building within 20 feet of streets, but when it projects further into an intersection with this sharp an angle it could cause a safety issue.

Another factor is that as on many corner lots pedestrians cut through the corner of the lot. With the sharp angle of the corner it is even more of a factor. The owner maintains a pathway just for this purpose. The intent is to keep this path, but with the corner version of the room the path would be pushed further toward the intersection.

Also, the noise from traffic and the recreation facilities across the street have made it difficult to enjoy the area outside the house on the deck. This room placed further along the house would allow for greater utilization of the lot.

The room would look more in tune with the nature of the structure moved four feet back along the house. It would also minimize any possible safety concerns. To build it there would only require a 3 foot variance.

2

The layout of the corner lot with the sharp angle is not very common. The nearby recreation area and the traffic noise are not combined in many areas. The requested variance would allow a reasonable sized room to be built without sacrificing the appearance of the structure from the road, and at the same time minimizing the impact on any safety concerns. The room would also act as somewhat of a noise buffer to lessen the effect of noise on the deck. The main reason for the variance request is that for both the owner and for public safety the room is better placed 4 feet down the side of the house.

3

The granting of this request will have no effect on surrounding properties.

4

The granting of the request will not have any negative effect on public safety. It will actually be an improvement over what could be built if no variance were sought.

5

The problems that led to this need for a variance were the result of placement on the lot when the house was built. It was squared to Page street and at the time it was first built.

Madison Survey Associates, Inc.

101 Nob Hill Road, Suite 104
Madison, WI 53713

608-276-8886

Fax 276-8883
Mobile 575-6553

Residential and Commercial Mortgage Inspections and Surveys
Registered Surveyors & Bxpeditors

Built 1901

FILE #: 112-03-0013-M

OWNER:

Blair

ADDRESS:

724 S. Page St.,
Stoughton, WI

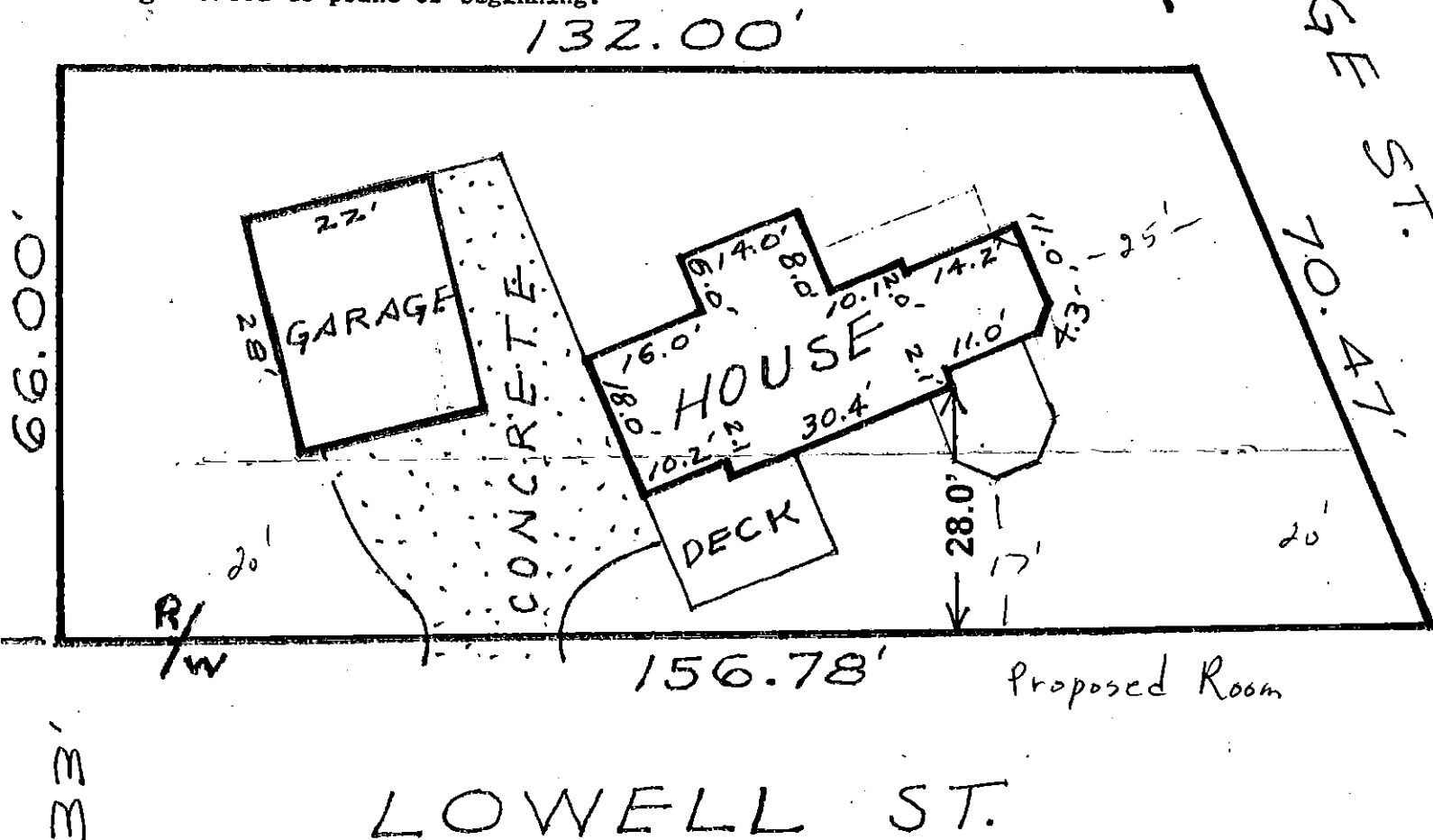


LEGAL DESCRIPTION:

Part of Lots Nine (9), Ten (10) and Eleven (11), Block Five (5), O. M. Turner's 2 nd Addition, in the City of Stoughton, described as follows: Commencing at a point on the East line of Lot 11, at a point 4 rods North of the North line of Low Street; thence West 8 rods: thence South 4 rods to North line of said Low Street; thence East along said North line of Low Street to West line of Page Street, thence Northwest along the Southwest side of Page Street to point of beginning.

SCALE:
1" = 20'

3' E. S. PAGE ST.
10.47'
25'
11.0'
14.2'
10.18'
8'
9.40'
16.0'
18.0'
10.2'
30.4'
28.0'
17'
20'





Madison Survey Associates, Inc.

101 Nob Hill Road, Suite 104
Madison, WI 53713

608-276-8886

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Residential and Commercial Mortgage Inspections and Surveys
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Built 1901

FILE #: 112-03-0013-M

OWNER:

Blair

ADDRESS:

724 S. Page St.,
Stoughton, WI

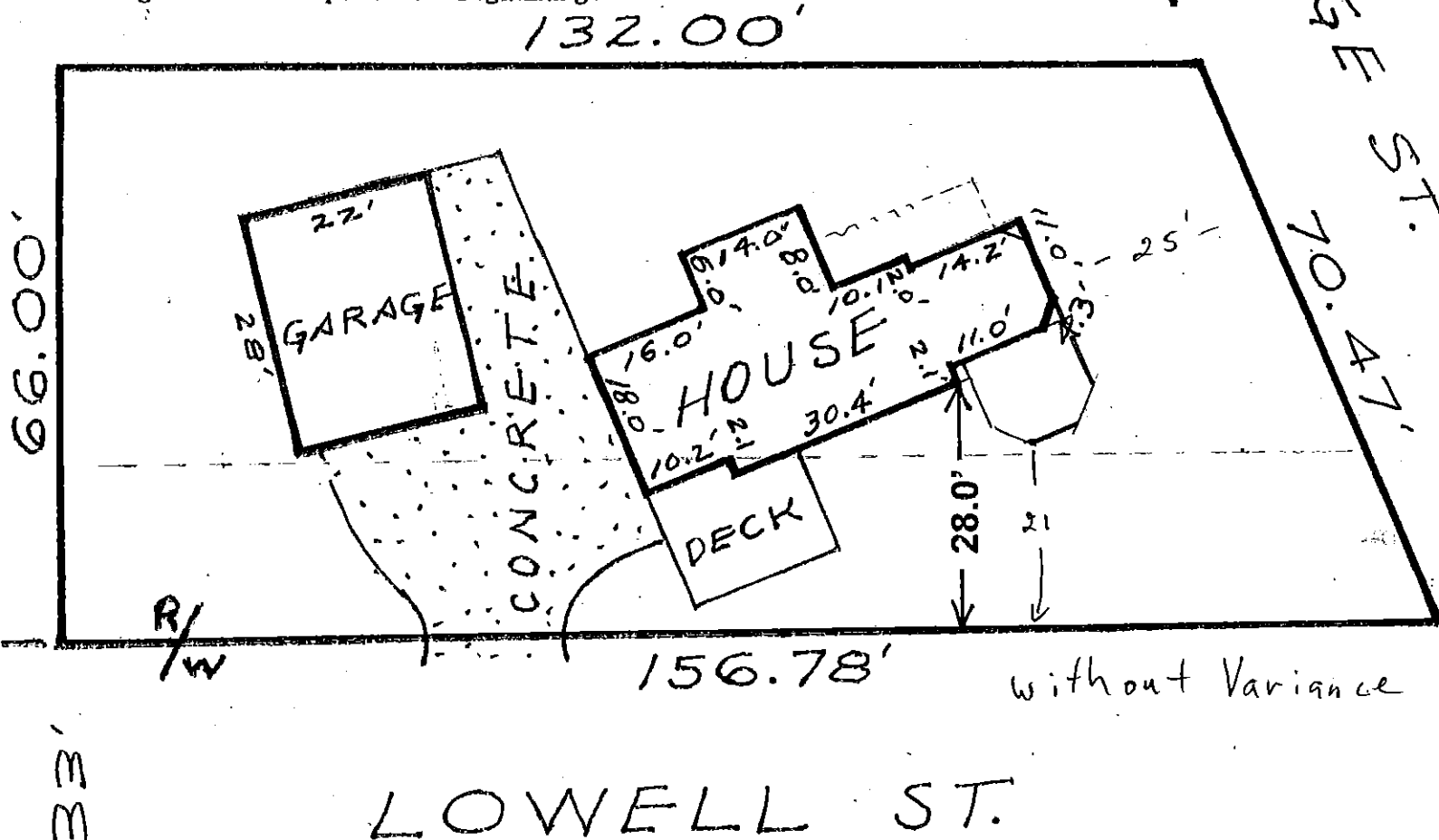


LEGAL DESCRIPTION:

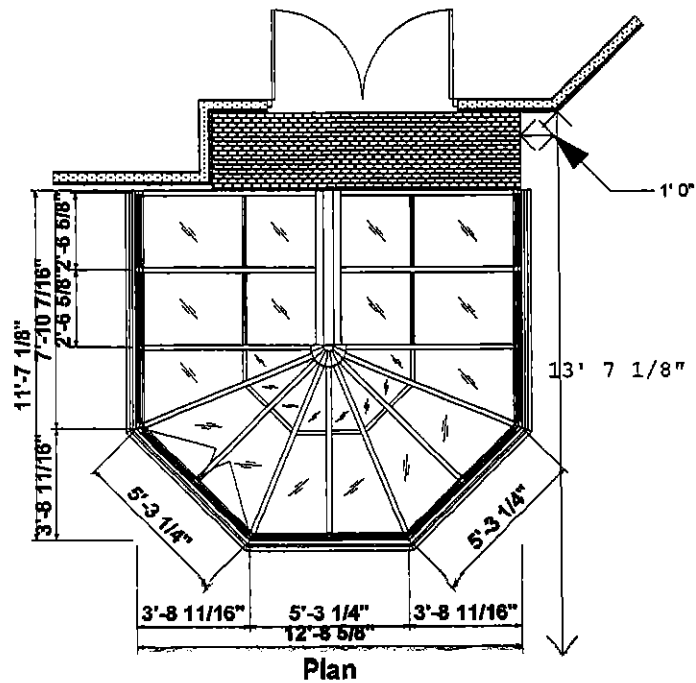
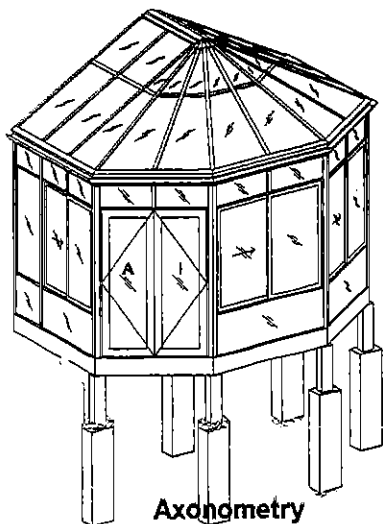
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SCALE:
1" = 20'

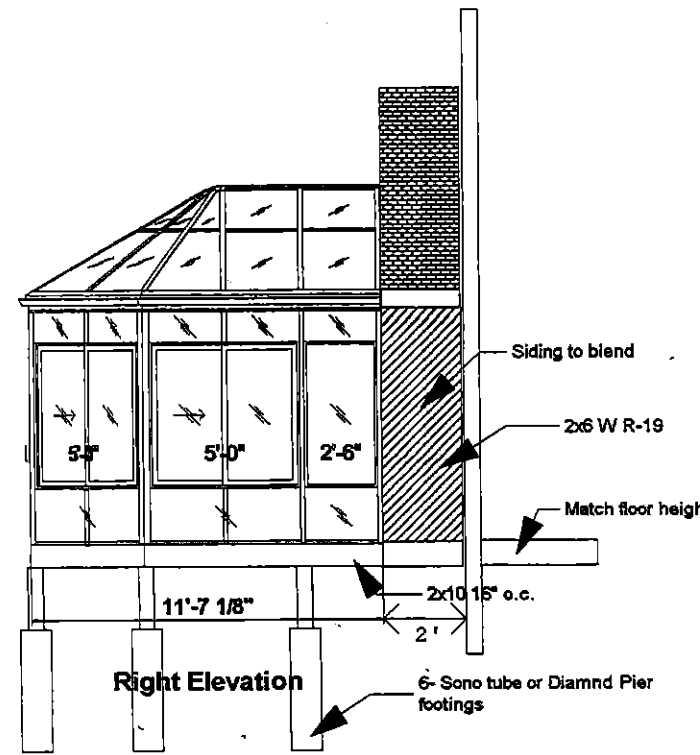
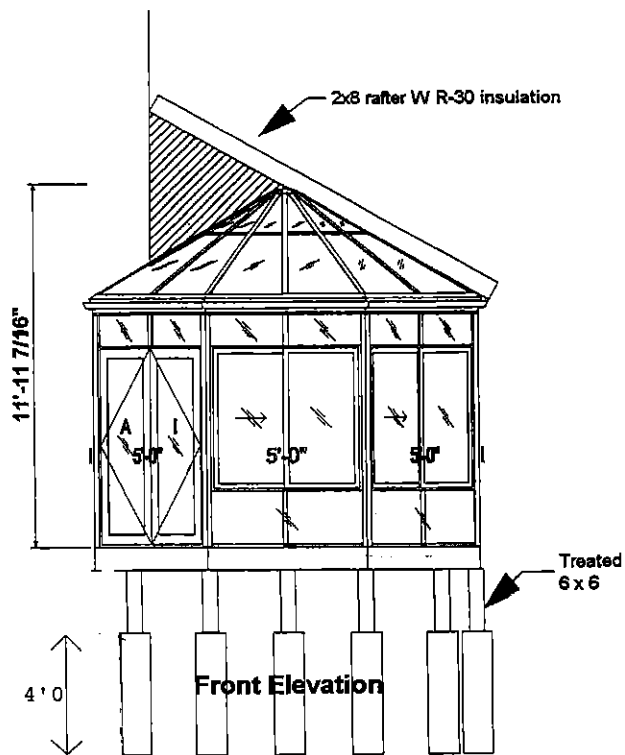
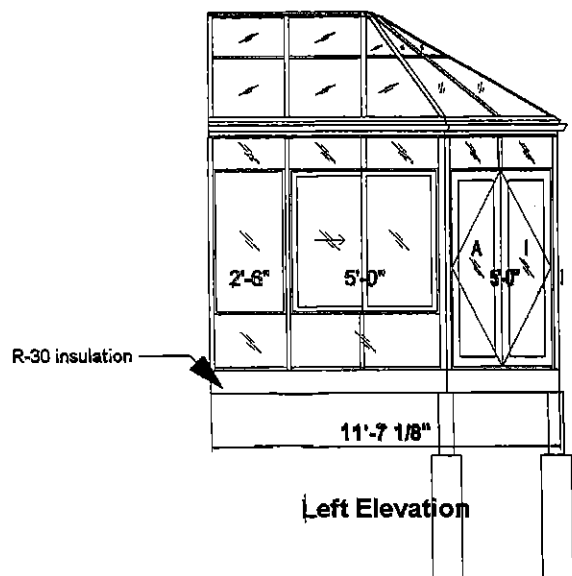
3' 3" S. PAGE ST.
10.47'







BLAIR
C4FT1311A Hybrid
724 S. Page st.
Stoughton, WI 53589













DEPARTMENT OF PLANNING & DEVELOPMENT REVIEW

Name and Address of Applicant: Stephen & Zoe Blair
724 S. Page Street
Stoughton, WI. 53589

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

Zoning ordinance section 78-105(2)(e)8bD, requires a minimum front yard setback of 20 feet to a house within the SR-6 Single Family Residential District.

The applicant/agent seeks to construct a sunroom addition for the owner's with a 17-foot front setback to the south side (Lowell Street side) of the home at 724 S. Page Street.

Summary of Request

The applicant/agent requests a variance to allow a sunroom addition to be closer to the front lot line than the zoning ordinance currently allows. Code requires a minimum front 20-foot setback while this request is for a 17-foot setback.

DATE OF APPLICATION: March 19, 2012

DATE PUBLISHED: March 29, 2012

DATE NOTICES MAILED: March 29, 2012

DATE OF HEARING: April 9, 2012

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 724 S. Page Street is approximately 9,400 square feet in area and is currently zoned SR-6 Single Family Residential. The minimum lot size required for an SR-6 district lot is 4,000 square feet, while the minimum building setback from the front lot line is 20 feet, 12 feet to a porch. The building setback required from a side lot line is a minimum of 6 feet with a total of both sides being a minimum of 14 feet. The building setback required from a rear lot line is a minimum of 20 feet. The property does not appear to be unique in shape, size, or topography. It appears the way the home was positioned on the lot is causing the greatest difficulty. The applicant states the lot is quite narrow (66 feet) when in fact 66 feet is the standard lot width for numerous historic lots within the City. The applicant also states the side street angles back with a 67 degree angle instead of 90 degrees. We agree the shape of the lot may be a bit unique but we don't believe this really creates a safety issue. In actuality, the lots shape provides more

vision at the intersection of S. Page Street and Lowell Street. There are many properties with much more serious vision corner problems. I have provided a few examples.

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.*

Some of the conditions upon which the application is based are generally applicable to similar corner lot properties within Single Family Residential districts. We do not believe there is a vision safety concern if the addition constructed in compliance with the code. The home has a front corner that is beveled so attaching the addition at this location may take away from the architectural design of the home. It is possible to reduce the size of the addition and move it back away from the corner if that is the desire of the owner. The home is not listed as a local landmark and is not contributing to a historic district.

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

The purpose of the variance does not appear to be based exclusively for the economic gain of the owner. The owner proposes to construct a sunroom on the south side of the home in a safe, architecturally attractive manner.

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 variance request is created by persons having an interest in the property, not by the zoning ordinance. There are options to construct the sunroom in compliance with the zoning ordinance. Additionally, the zoning code was recently amended to reduce the front setback from 25 feet to 20 feet for historic areas of the community to allow for more flexibility.

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 should be carefully considered as to the public welfare and due consideration for the other options available to meet the code. Variances are for minor incremental allowances where all other options have been exhausted.

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, or increase 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. Notices have been sent to property owners within 300 feet of the applicant's property to give the owner's a chance to provide input on this variance request.



04.02.2012 14:03



04.02.2012 14:04



04.02.2012 14:05

