

Board of Appeals Meeting Minutes
Thursday, December 18 2014, 5:00 p.m.
Public Safety Building, Council Chambers, 321 S. Fourth Street, Stoughton WI.

Members Present: Russ Horton, Chair; David Erdman, Secretary; Bob McGeever; Bob Barnett; and Aaron Thomson

Members Absent and Excused: Josh Twedt

Staff: Michael Stacey, Zoning Administrator

Guests: Jim Blouin; Scott Nelson; Fred Waldburger

- 1. Call meeting to order.** Horton called the meeting to order at 5:00 pm.
- 2. Kathleen Johnson and Scott Nelson, owners of the property at 509 Hill Street, Stoughton, Wisconsin, have requested a variance from zoning code section, 78-105(2)(e)8bL, "Side lot line to accessory structure: Four feet from property line, four feet from alley."**
Horton introduced the request and opened the public hearing.

Scott Nelson, 124 S. Franklin Street explained the variance request and provided pictures of a pk stake that proved to be invalid according to the most recent survey. Mr. Nelson stated he referenced a property stake that had been used for the installation of an adjacent fence.

No one registered to speak.

Stacey stated that this request and other similar issues like this have prompted a new policy for how site plans and inspections are processed. In the future, applicants will have to provide a site plan and have their property inspected to acknowledge lot stakes have been located prior to construction of any building, addition or fencing. Stacey gave a review of the 3 tests that must be met according to state statutes for the approval of a variance as follows:

Unnecessary hardship: We believe, in this case, the ordinance is not unreasonable and does not prevent the owner from using the property for a permitted purposed. A plan was submitted and a permit was issued for the construction of a detached garage at 509 Hill Street. The owner used a front corner stake for reference which turned out to be invalid. No other stakes were found. When an inspection was done to verify the garage setback, a survey was then required. The survey indicated the existing front stake is invalid. The conclusion is the garage is slightly over the lot line by a few inches. The hardship here is that assumptions were made related to the one stake that was found and there is apparently some history of confusion related to surveys in this area.

Unique property limitation: The lot size is similar to many in the community. There are no unique property features.

Protection of the Public Interest: There does not appear to be any real positive or negative impacts to the community as a whole. We have not heard any negative comments from the public related to this request. There are not many good alternatives to correcting this non-compliance.

McGeever stated the lot stake issue is pretty common in historic areas of the community. Horton closed the public hearing.

Motion by **Barnett** to approve the variance request as presented, 2nd by **McGeever**.

Horton stated the only question is whether it meets the property limitation test and the invalid lot stake is enough for him to vote in favor of the motion.

Motion carried 5 - 0.

3. Jim Blouin, 600 W. Main Street, Stoughton, Wisconsin, has requested a variance from zoning code section, 78-706(5), “Exterior parking or storage of recreational vehicles such as mobile homes, boats, trailers, campers, snowmobiles and ATV’s.”

Horton introduced the request and opened the public hearing.

Jim Blouin, 600 W. Main Street provided a diagram, pictures and explained the variance request. Mr. Blouin stated all of his neighbor’s are in favor of the request. Mr. Blouin brought in a concrete paver to show what he is requesting to put under the tires of the trailers.

Fred Waldburger 616 W. Main Street spoke in favor of the request.

Stacey stated the following: The issue of parking recreational vehicle and trailers comes up every year in late fall when property owners seek places to store campers, boats and trailers. The parking of these types of vehicles and trailers is a city wide issue not just an issue for Mr. Blouin. A variance is not the way to address this issue. It was recommended that Mr. Blouin request an amendment to the ordinance which he did and the Planning Commission was not in favor of a change. Staff is now working to propose a change to the ordinance that would allow the storage of recreational vehicles and trailers in the rear yard.

Stacey gave a review of the 3 tests that must be met according to state statutes for the approval of a variance as follows:

Unnecessary hardship: We believe, in this case, the ordinance is not unreasonable and does not prevent the owner from using the property for a permitted purposed. The intent of the ordinance is to limit the number of recreational vehicles and trailers on a residentially zoned lot.

Unique property limitation: The lot is similar to many properties within the City of Stoughton. There are no unique property limitations.

Protection of the Public Interest: There does not appear to be any real positive impacts for the community. We have received complaints from several residents related to this issue though not specific to Mr. Blouin’s property. Mr. Blouin could comply with the requirements of the ordinance.

McGeever recalled when he was involved in creating that ordinance and remembered the intent being to have recreational vehicles stored on a driveway.

Fred Waldburger asked if this could be a conditional use.

Jim Blouin stated his home has been there for 160 years and he can't believe the request could be denied because of a couple people complaining in the community.

Stacey stated a conditional use is a different type of process though conditions could be placed on a variance approval. Stacey also said the fact people are complaining is irrelevant since State Statutes requires a variance be approved if it meets the unnecessary hardship, property limitations and public interest tests.

Motion by **McGeever** to deny the variance request, 2nd by **Barnett**.

Erdman stated he is going to vote to deny the request because it does not meet the statutory requirements for approval.

Horton is also in favor of denial because it does not meet the criteria.

Thomson agrees with Horton and will vote against the request.

Motion carried 5 – 0.

4. Adjournment.

Motion by **Erdman** to adjourn at 5:50 pm, 2nd by **Barnett**. Motion carried 5 – 0.

Respectfully Submitted,
Michael Stacey