



Agenda

Board of Zoning Appeals

Thursday, July 27, 2023 at 5:30 PM

City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES

- 1. Approval of Minutes from March 30, 2023

III. PUBLIC HEARING

- 2. Appeal of Patrick Gilles to grant a variance from the requirement to have an open fence in the required street yard per Section 17.27 (3). The applicant is proposing to have a fence that is more than 50% opaque (not transparent) at both street yards... on East Division St and also on N Union St. The parcel # is 216-0185 with an address of 105 N Union St. The property is zoned R-M and will continue to be used for providing day care services.

- 3. Adjourn Public Hearing

IV. NEW BUSINESS

- 4. Consideration and possible action on appeal of Patrick Gilles to grant a variance from the requirement of having an open fence in the required street yards on East Division St. and also N Union St. of his property at 105 N. Union St.

V. OLD BUSINESS

- 5. Appointment of Secretary for the Board of Zoning Appeals.

VI. ADJOURN

- 6. Motion to Adjourn

Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, that requires the meeting or material at the meeting to be in an accessible location or format, must contact the City Clerk at the address listed above or call 930-5228, prior to the meeting so that any necessary arrangements can be made to accommodate each request.



Minutes

Board of Zoning Appeals

Thursday, March 30, 2023 at 5:00 PM

City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Reimann at 5 pm.

Members Present: Reimann, Davis, Hofer, Kratcha, Schroeder, Chitwood (Alternate)

II. APPROVAL OF MINUTES

1. *Approval of Minutes from December 14, 2022*

Motion by Schroeder, second by Chitwood to approve the Dec 14, 2022 Minutes. Motion carried 4-0. 2 Abstained: Davis & Reimann.

III. PUBLIC HEARING

Prior to the Public Hearing, Reimann and Davis recused themselves due to the fact they are involved in County Government and the applicant John Meyers is the County Board Chairman.

Motion by Schroeder, second by Hofer to appoint Chitwood Pretemporal Chair. Motion carried 5-0. Reimann abstained.

2. *Application for a variance request from John Meyers from the required setbacks for 2 structures in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15-ft setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216*

Lane Carver, Attorney representing Meyers spoke on the 3 criteria of a variance request and the Meyer’s reasons why they met all criteria. Unnecessary Hardship – the setback requirements with the uniqueness of a 1-acre pond make the parcel with less room to build; Unique property condition – Meyers has 1-acre less to build due to a pond needed for drainage; and no harm to the public interest – because there is nothing currently behind the lot except for the platted “Brown Street”. The Meyers spoke about the need for storage units in the area. BOA members asked various questions about future buildings and the potential of Brown St being further developed. Whether or not a 15 ft setback on Brown St harmed the public interest was also discussed.

3. *Adjourn Public Hearing.* Motion by Schroeder, second by Kratcha to adjourn the public hearing. Motion carried 4-0.

IV. NEW BUSINESS

4. *Consideration and possible action on appeal of John Meyers to grant a variance from the required setbacks for 2 structures in the B- H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216- 1302) legally described as Lot 2, CSM 1609- 11CS- 216.* Motion to approve the variance request with all three conditions being met (uniqueness of property, unnecessary hardship, no harm to the public interest) by Schroeder, second by Hofer. Roll call vote. Motion carried 4-0, Abstained: Reimann, Davis

5. *Appointment of secretary for the Board of Zoning Appeals*
Motion by Davis, second by Hofer to table this item. Motion carried 6-0.
A regular monthly meeting was discussed. The suggested time would be the Fourth Thursday of the month at 5:30 if needed.

V. ADJOURN

6. *Motion to Adjourn*
Motion by Schroeder, second by Davis to adjourn the meeting. Motion carried 6-0.
Time: 6:10

Variance Application

City of Dodgeville Zoning Board of Appeals

Part 1: General information and alternatives analysis

To be completed jointly by the applicant and zoning staff.

Petition # _____ Date filed 6-12-23 ^{pd.} \$ 300 fee paid (payable to City of Dodgeville)

	Owner/agent	Contractor
Name	Patrick Gilles	
Address	4274 County Rd CH Dodgeville, WI 53533	
Phone	608-577-6044	
Email	pcgilles8@gmail.com	

Legal description: 1/4, 1/4, S T N, R E

City/Village/Town of Dodgeville

Address 105 N Union St Tax parcel number _____

Lot area & dimensions: 2409 sq. ft., 73 x 33 ft.

Zoning district ???

Current use & improvements:

Child Care center playground area.

Description of any prior petition for appeal, variance or conditional use:

Description and location of all nonconforming structures & uses on the property:

Ordinance standard from which variance is being sought (section number and text):

Describe the variance requested:

Want like to have 2 privacy fence around our playground area.

Type of variance requested:

use variance – Use variances are not granted.

area variance – provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.

Describe the effects on the property if the variance is not granted:

Traffic 2nd on-lookers can see 2nd watch our children at play.

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

None.

- b. Alternatives you considered that require a lesser variance and reasons you rejected them. If you reject such alternatives, provide the reasons you rejected them.

None.

Part 2: Three-Step Test

To qualify for a variance, the applicant must demonstrate that their property meets the following three requirements.

1) Unique property limitations *(To be completed by the applicant)*

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

- Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.
- No. A variance cannot be granted.

2) No Harm to Public Interests *(To be completed by zoning staff)*

A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures and lots*
- *Any other public interest issues*

Ordinance purpose:

To regulate fence design.

Purpose(s) of standard from which variance is requested:

To allow visibility of things at streets and sidewalks that may impact pedestrians and vehicles giving them more reaction time to prevent accidents. Also gives the occupants of the property more time to react to possible vehicle accidents that may impact their street yard

Analysis of impacts

Discuss impacts that would result if the variance was granted. For each impact, describe mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term and cumulatively.

Short term impacts: (through the completion of construction)

Impact 1: Vehicle traffic would not have normal visibility	Impact 2:
Mitigation 1: Could have a larger vision triangle at the intersection of E. Division St and N Union St.	Mitigation 2:
Extent to which mitigation reduces project impact If a larger than required vision triangle were provided, the westbound vehicle traffic on E. Division St would have a better view of southbound traffic and pedestrians on N. Union St. before reaching the intersection.	Extent to which mitigation reduces project impact:

Long term impacts: (after construction is completed)

Impact 1: Westbound vehicles on E. Div. St would have limited visibility from the daycare front yard and Southbound traffic on N. Union St	Impact 2: Children playing in the front yard at Div. St. may not be aware of an impending vehicle accident that may penetrate the fence
Mitigation 1: Could have a larger vision triangle at the intersection of E. Division St and N Union St.	Mitigation 2:
Extent to which mitigation reduces project impact: Would help vehicle traffic see other vehicles and pedestrians that may be present on N. Union St	Extent to which mitigation reduces project impact:

Cumulative impacts: (What would happen if a similar variance request was granted for many properties?)

Impact 1:

I believe if everyone were allowed to have a privacy fence on the property lines at the street yards there would be more vehicle accidents especially on corner lots

Mitigation 1:

Extent to which mitigation reduces project impact:

Impact 2:

Mitigation 2:

Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

- Yes. A variance cannot be granted.
- No. Mitigation measures described above will be implemented to protect the public interest.

3) **Unnecessary hardship** (To be completed by the applicant)

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

- For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.¹ The Wisconsin Supreme Court also determined that living without a lakeside porch was a personal inconvenience and did not constitute unnecessary hardship.² The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

Is unnecessary hardship present?

Yes. Describe:

No. A variance cannot be granted

¹ *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 and *State v. Waushara County Bd. of Adjustment*, 2004 WI 56, 271 Wis. 2d 547, 679 N.W.2d 514

² *Snyder v. Waukesha County Zoning Bd. of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N.W.2d 98 (1976)

Part 3: Construction Plans
To be completed and submitted by the applicant.

Attach construction plans detailing:

- Property lines
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Floodplain & wetland boundaries
- Dimensions, locations & setbacks of existing & proposed structures
- Utilities, roadways & easements
- Location & extent of filling/grading
- Location & type of erosion control measures
- Any other construction related to your request
- Anticipated project start date

I certify that the information I have provided in this application is true and accurate.

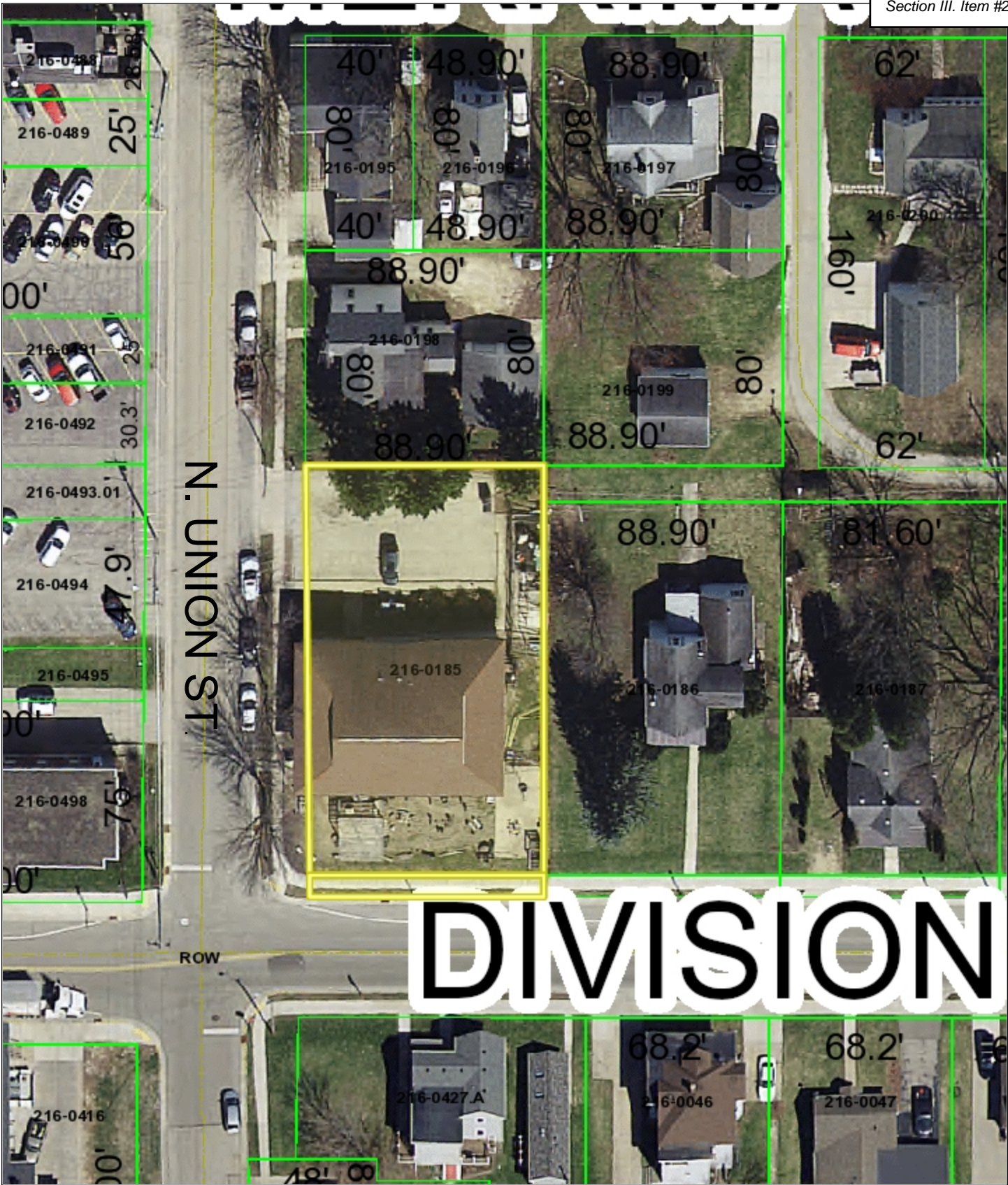
Signed: (applicant/agent/owner) Beth A. L. C. 165

Date: 6-12-23

Remit to: Building Inspector
100 E Fountain St. Dodgeville, WI 53533
buildinginspector@ci.dodgeville.wi.us

Notified Property owners wthin 100 feet of parcel 216-0185

Owner	Parcel #	Parcel address	Owner address	City St Zip
SWCAP INC	0490	149 N. Iowa St	149 N. Iowa St.	Dodgeville, WI 53533
Hennessey Properties LLC	0491	141 N. Iowa St.	5785 Bent Tree Dr	East Lansing, MI 48823
Stephanie Halverson	0492	133 N. Iowa St.	5560 Cty Rd. YZ	Dodgeville, WI 53533
KTAP LLC	0493.01	158 N. Iowa St.	158 N. Iowa St.	Dodgeville, WI 53533
KTAP LLC	0494	119 N. Iowa St	158 N. Iowa St.	Dodgeville, WI 53533
Hocking Market II LLC	0495	115 N. Iowa St.	137 S. Virginia Terrace	Dodgeville, WI 53533
Town and Country insurance Services Inc.	0498	110 E. Division St.	P.O. Box 302	Albany, WI 53502
Kwik Trip Inc.	0416	115 S. Iowa St.	1626 Oak St. P.O Box 2107	LaCrosse, WI 54603
Chip Property Rentals	0427.A	201 E. Division St.	4120 Cty Road H	Ridgeway, WI 53582
Kim W McCutchin	0046	205 E. Division St.	P.O. Box 342	Dodgeville, WI 53533
Peter Koerwitz	0047	209 E. Division St.	209 E. Division St.	Dodgeville, WI 53533
Breck Equity LLC	0187	210 E. Division St.	1816 Waunona Way	Madison, WI 53713
Stephanie Ann Esser	0186	206 E. Division St.	206 E. Division St.	Dodgeville, WI 53533
Dennis Gordon	0200	213 E. Merrimac St.	209 E. Merrimac St.	Dodgeville, WI 53533
Stephanie Ann Esser	0199	206 E. Division St.	206 E. Division St.	Dodgeville, WI 53533
Keenan Properties	0198	109 N. Union St.	6405 St Rd 191	Dodgeville, WI 53533
Dennis Gordon	0197	209 E. Merrimac St.	209 E. Merrimac St.	Dodgeville, WI 53533
David Lowe	0196	205 E. Merrimac St.	205 E. Merrimac St.	Dodgeville, WI 53533
Gloria Humbert	0195	201 E. Merrimac St.	201 E. Merrimac St.	Dodgeville, WI 53533



DIVISION

N. UNION ST

ROW

SW WI GIS

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SCALE: 1" = 50'

Print Date: 6/28/20

