



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA  
Beloit City Plan Commission  
Wednesday, February 3, 2016 at 7:00 PM  
The Forum  
Beloit City Hall, First Floor  
100 State Street, Beloit**

1. **Call to Order and Roll Call**
2. **Approval of the Minutes of the January 20, 2016 Meeting**
3. **Zoning Map Amendment – 736 Oak Street**  
Public hearing, review and consideration of a Zoning Map Amendment from R-1B, Single Family Residential District, to R-2, Two-Family Residential District, for the property located at 736 Oak Street
4. **Status Report on Prior Plan Commission Items**
5. **Adjournment**

If you are unable to attend this meeting, please contact Ashley Rosenbaum in the Planning Office at 364-6700 **no later than 4:00 PM the day before the meeting.**

Notice Mailed: January 29, 2016

Approved: Julie Christensen, Community  
Development Director

\*\*Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING MINUTES**  
**Beloit City Plan Commission**  
**Wednesday, January 20, 2016 at 7:00 PM**  
**The Forum**  
**Beloit City Hall, First Floor**  
**100 State Street, Beloit**

**1. Call to Order and Roll Call**

Chairperson Faragher called the meeting to order at 7:03pm. Commissioners Ruster, Tinder, Faragher, Johnson and Councilor Kincaid were present. Commissioners Mathis, Moore, and Finnegan were absent.

**2. Approval of the Minutes of the December 22, 2015 Meeting**

Commissioner Tinder moved to approve the minutes of the December 22, 2015 meeting. Commissioner Johnson seconded the motion. The motion passed, voice vote.

**3. Amendment to a Planned Unit Development Master Land Use Plan - Menards - 2851 Milwaukee Road**

Public hearing, review and consideration of amendment to a Planned Unit Development Master Land Use Plan to allow a warehouse addition of up to 23,000 square feet for total warehouse space of 50,000 square feet

Ms. Julie Christensen, Community Development Director, presented the staff report and recommendation.

Councilor Kincaid asked how much warehouse space currently exists. Ms. Christensen answered that there is currently 26,430 square feet. She also clarified where the proposed warehouse would be located.

Commissioner Ruster asked which residents were notified of the proposed addition. Ms. Christensen stated that all of the residents within 150 feet of Menards received a notice.

Commissioner Johnson moved to approve the motion. Commissioner Ruster seconded the motion. The motion passed, voice vote.

**4. Zoning Map Amendment - River of Life United Methodist Church - 2345 Prairie Avenue**

Public hearing, review and consideration of a Zoning Map Amendment from R-1A, Single Family Residential District, to PLI, Public Lands and Institutions District for the property located at 2345 Prairie Avenue

Ms. Julie Christensen, Community Development Director, presented the staff report and recommendation.

Councilor Kincaid asked why the applicant did not submit a sign permit at the same time as the Zoning Map Amendment was submitted. Ms. Christensen explained that the applicant could not apply for the Sign Permit until the amendment was approved.

Kevin Cook, a representative of JNB Signs, (3166 N Wright road, Janesville, WI) stated that, according to previous discussions with the River of Life United Methodist Church, the proposed sign would only measure around 32 square feet (4'x8').

Councilor Kincaid asked if this would be an addition to the existing sign. Mr. Cook stated that it would be replacing the existing sign.

Commissioner Ruster asked if the approval for the proposed sign would be based on the current sign ordinance or the new amended sign ordinance. Ms. Christensen explained that it would be reviewed under the current sign ordinance as well as the Architectural Review Ordinance.

Chairperson Faragher voiced his concerns with the rezoning process for future owners of the land.

Commissioner Johnson asked if the Plan Commission rezoned Good News Christian Center to PLI. Ms. Christensen stated that the Good News Christian Center was rezoned C-2. He also inquired into why PLI was the logical choice for the proposed sign. Ms. Christensen stated that PLI and R1-A would be the two options to stay in keeping with the Comprehensive Plan.

The Commission discussed the precedent that has been set regarding Zoning Amendment Applications, citing Good News Christian Center as well as Central Christian Church as examples. Commission Johnson clarified that if this Zoning amendment request were approved, the same standards for the Central Christian Church Electronically Variable-Message (EVM) sign would apply to the River of Life United Methodist Church EVM sign. Ms. Christensen confirmed that they would be applicable.

Commissioner Johnson asked where the proposed sign would have frontage. Ms. Christensen explained the location and visibility of the existing sign. He also expressed his concern with not approving this proposal when it is similar to the previously submitted application by Central Christian Center.

Commissioner Ruster clarified that if a new future owner desired to have an EVM, they could have a 75 square foot sign.

Commissioner Johnson moved to approve the motion. Commissioner Tinder seconded the motion. The motion failed, voice vote. Commissioners Johnson and Tinder voted in favor of the motion. Commissioners Faragher and Ruster voted against the motion.

**5. Status Report on Prior Plan Commission Items**

City Council approved the Certified Survey Map at 2001 and 3620 Gateway Boulevard and the Relocation Order for Easements for the Fourth Street Bridge Project.

**6. Adjournment**

The meeting adjourned at 7:25pm.

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



**Meeting Date:** February 3, 2016      **Agenda Item:** 3      **File Number:** ZMA-2016-02  
**Applicant:** Bev Krueger      **Owner:** Bev Krueger      **Location:** 736 Oak Street  
**Current Zoning:** R-1B, Single-Family      **Existing Land Use:** Single-Family      **Parcel Size:** 0.2 Acre  
**Proposed Zoning:** R-2, Two-Family

### Request Overview/Background Information:

Bev Krueger has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to R-2, Two-Family Residential District, for the property located at 736 Oak Street.

The attached **Location & Zoning Map** shows the location of the subject property and the zoning of the surrounding area. The adjacent zoning and land uses are as follows:

- North: R-1B, Single-Family Residential; Single-Family Dwelling (Rental)
- South: R-1B, Single-Family Residential; Single-Family Dwelling (Rental)
- East: R-1B, Single-Family Residential; Single-Family Dwelling
- West: R-1B, Single-Family Residential; Single-Family Dwelling

The Zoning Ordinance directs the Plan Commission to hold a hearing and make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

### Key Issues:

- There is a 1,780 square-foot, two-story residential (rental) building on the subject property.
- The applicant purchased the subject property on August 31, 2015. Prior to the applicant's purchase of the subject property, the property was a legal nonconforming duplex in a single-family zoning district. It is unknown exactly when the duplex use was discontinued. However, Planning staff sent a letter to the previous owner on August 24, 2015, notifying him that the subject property had lost its nonconforming duplex status due to the lack of a 2014 Rental Dwelling Permit. Since it was not legally occupied during 2014, it can no longer be used as a duplex.
- The applicant is seeking to rezone the subject property to R-2 in order to use the subject property as a two-family rental. Planning staff advised the applicant prior to submittal that the proposed R-2 zoning is inconsistent with the Comprehensive Plan and would constitute spot zoning.
- There is a driveway and a structurally unsound detached garage on the subject property that needs to be substantially repaired or demolished.
- The R-1B District is primarily intended to accommodate single-family detached dwellings on moderate-sized lots. The subject neighborhood was downzoned to R-1B more than a decade ago in an attempt to reduce overcrowding and inappropriate density resulting from the conversion of single-family homes into 2- and 3-unit dwellings. At the time of the downzoning, all existing properties with more than one legally established unit were given grandfathered status, technically known as legal nonconforming status. According to state law, when a legal nonconforming use is discontinued for more than one year, the property must conform to the underlying zoning district classification. There have been dozens of properties in the vicinity of the subject property that have lost their nonconforming status after sitting vacant for a year or failing to obtain a Rental Permit for a year or more.
- Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has been contacted by one neighbor who opposes the requested rezoning to R-2.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
  - a. *The existing use of property within the general area of the subject property;*
    - The primary existing use within the general area of the subject property is single-family residential. While there are certainly some remaining nonconforming 2- and 3-unit dwellings, they will eventually lose their nonconforming status and will need to be converted to single-family dwellings.
  - b. *The zoning classification of property within the general area of the subject property;*
    - The subject property is located in the middle of a large R-1B District. To rezone the subject property to R-2 would constitute unlawful spot zoning.
  - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*

- The subject property is suitable for the uses permitted in the existing R-1B district. The subject property is too narrow (66' vs. 70') and too small (8,712 square-feet vs. 8,750 square feet) to be a suitable duplex lot.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
- There has been very little development activity and few zoning map amendments in the immediate area during the past decade.

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**Consistency with Comprehensive Plan and Strategic Plan:**

The Comprehensive Plan's Future Land Use Map (#10) recommends Single-Family Residential – Urban uses for the subject property and the entire immediate area. This recommendation is intended to encourage single-family dwellings and the downsizing of multi-unit dwellings, and to encourage owner occupancy and property reinvestment. The requested rezoning to R-2, Two-Family Residential is not consistent with the Comprehensive Plan, and if approved would violate Section 66.1001(3) of Wisconsin Statutes.

Consideration of this request supports City of Beloit Strategic Goal #5.

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**Sustainability:** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

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**Staff Recommendation:**

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **denial** of a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to R-2, Two-Family Residential District, for the property located at 736 Oak Street.

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Location & Zoning Map, Application, Public Notice, and Mailing List.

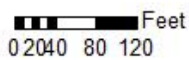
# Location & Zoning Map

736 Oak Street

ZMA-2016-02



1 inch = 163 feet



## Legend

- City Limits
- Zoning District

Map prepared by: Drew Pennington, AICP  
Date: January 2016  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION

# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2016-02

1. Address of subject property: 736 OAK ST

2. Legal description: Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: 66 wide feet by 132 deep feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 13570505

4. Owner of record: Beverly J. Krueger Phone: 608-882-4291  
339 East Main Evansville WI 53536  
(Address) (City) (State) (Zip)

5. Applicant's Name: Bev Krueger  
same 339 E. Main Evansville WI 53536  
(Address) (City) (State) (Zip)

608 882-4291 | 614-578-5397 | bevschooldpbs@yahoo.com  
(Office Phone #) (Cell Phone #) (E-mail Address)

6. **THE FOLLOWING ACTION IS REQUESTED:**

Change zoning district classification from: R-1b to: R-2

All existing uses on this property are: Rental. Was built as a 2-flat originally. Been a two-flat until last owner let zoning expire

7. All the proposed uses for this property are:

Principal use(s): Rental - upper & lower -

When I bought this in Aug of 2015 I was not told that seller had lost his zoning. Have owned two rental houses in Beloit was last 30 years.

Secondary use(s): \_\_\_\_\_

1 R. 1 house unit rental - Really too big for most families

Accessory use(s): \_\_\_\_\_

8. I/we represent that I/we have a vested interest in this property in the following manner:

- Owner
- Leasehold, Length of lease: \_\_\_\_\_
- Contractual, Nature of contract: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): Bev J. Krueger                      Phone: 608 882 4291  
339 E. Main Evansville                      WI                      535 36  
(Address)                      (City)                      (State)                      (Zip)

**The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.**

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Beverly J. Krueger                      Beverly J. KRUEGER                      1-4-16  
(Signature of Owner)                      (Print name)                      (Date)

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\_\_\_\_\_  
(Signature of Applicant, if different)                      (Print name)                      (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff	
Filing Fee: <b>\$275.00</b>	Amount Paid: <u>\$275.00</u> Meeting Date: <u>Feb. 3, 2016</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Draffington</u>	Date: <u>1/5/16</u>
Date Notice Published: _____	Date Notice Mailed: _____





## **NOTICE TO THE PUBLIC**

January 20, 2016

To Whom It May Concern:

Bev Krueger has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to R-2, Two-Family Residential District, for the property located at:

**736 Oak Street.**

There is a two-story residential (rental) building on the subject property. Prior to the applicant's purchase of the subject property, Planning staff sent a letter to the previous owner notifying him that the subject property had lost its nonconforming duplex status due to the lack of a 2014 Rental Dwelling Permit and could only be used as a single-family dwelling. The applicant is seeking to rezone the subject property to R-2 in order to use the property as a two-family rental.

The following public hearings will be held regarding this application:

**City Plan Commission:** Wednesday, February 3, 2016, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, February 15, 2016, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.**

**We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

JERRY DRAKE  
523 ST LAWRENCE AVE  
BELOIT, WI 535115324

KHALID ABDELRAHEM  
411 ST LAWRENCE AVE  
BELOIT, WI 53511

DUANE BLAKEMAN  
419 ST LAWRENCE AVE  
BELOIT, WI 535115322

WILLIAM MACKENZIE  
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JENNIFER NEWLAND  
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JANESVILLE, WI 535452338

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GERARDO FLORES  
716 OAK ST  
BELOIT, WI 53511

MICHAEL L & CHERYL SAARI  
717 ELM ST  
BELOIT, WI 53511

MICHAEL LOVAAS  
718 ELM ST  
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SUSAN GARDUNO  
718 VINE ST  
BELOIT, WI 53511

OTHONIEL & TARCILA CASTRO  
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BELOIT, WI 53511

JOSEPH W & KATHLEEN E VICKERMAN  
FAMILY TRUST  
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BELOIT, WI 535115304

EDWARD & SUSAN DOWDY  
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OMAR MUNOZ  
724 VINE ST  
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MARCO FLORES  
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ST PAUL LUTHERAN CHURCH  
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ASSEMBLY OF FAITH IN  
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P O BOX 1161  
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P O BOX 35  
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CLARENCE & JOAN DRINKWATER  
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GATEWAY REDEVELOPMENT LLC  
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MARY SUE BUTZLER  
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DARYL & KATHERINE SWAIN  
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JAMES PECK INVESTMENTS LLC  
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MANAGEMENT LLC  
529 MAIDEN ST  
MINERAL POINT, WI 53565

FELIPE & ROSALIA MARTIN  
2565 SKYLINE DR  
BELOIT, WI 53511

WILLIE BUCHANAN  
748 VINE ST  
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DENISE CARTER  
751 OAK ST  
BELOIT, WI 53511

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