

**MINUTES
CITY OF БЕLOIT BOARD OF APPEALS
Meeting of November 10, 2020**

A Meeting of the City of Beloit Board of Appeals was held on Tuesday, November 10, 2020, in The Forum of Beloit City Hall, 100 State Street. Chairperson John Petersen called the meeting to order at 7:08 PM.

1. Roll Call

Director of Planning & Building Services Drew Pennington called the roll. Present were: Merlin Bussan, Dustin Gronau, John Petersen, David Baker, and Felipe Rodriguez. Kara Purviance Hawes was absent.

2. Approval of the Minutes of the September 8, 2020 Meeting

Mr. Bussan made a motion to approve the September 8, 2020 Minutes as submitted. Mr. Baker seconded the motion. The motion passed unanimously, roll call vote.

3. Public Hearings (Variance Requests)

- a. Consideration of an application from Richard Bergmann for an Area Variance to Sections 6.3.3(b)(1) & 8-107(e) of the City of Beloit Zoning Ordinance to allow a carport within a side setback area in an R-1B, Single-Family Residential District, for the property located at 1343 Highland Avenue.

Mr. Pennington reviewed the staff report. Mr. Bussan asked Mr. Pennington if the detached garage meets the setback. Mr. Pennington stated that the setback for a detached garage is three feet, but if the garage is less than three feet from the lot line it is a legal nonconforming structure. Mr. Bussan asked Mr. Pennington if having the carport in the setback would prevent access for needed services. Mr. Pennington stated that the applicant would need to answer, but that the setbacks serve other purposes such as providing fire separation between structures and reducing impact upon neighbors. Mr. Baker asked Mr. Pennington if the carport is attached to the house, and Mr. Pennington stated that it is attached. Mr. Baker stated concerns about fire separation and all the structures being connected. Mr. Baker asked if the carport could be attached, and Mr. Pennington explained that attached accessory structures must meet setbacks for the house. Mr. Baker asked about the post depth, and Mr. Pennington replied that the applicant could answer. Mr. Peterson asked Mr. Pennington about the angled line on the site sketch, and Mr. Pennington stated that the photos did not show any portions of the structure matching the angled line. Mr. Peterson asked if the retaining wall belonged to the applicant, and Mr. Pennington responded that it belonged to the neighbors and had been reconstructed in the past decade. Mr. Petersen asked if the variance would affect future owners of the neighboring property. Mr.

Pennington urged the Board to evaluate that impact when discussing the request. Mr. Baker noted that a previous variance with similar circumstances was denied.

The public hearing was opened. Mr. Richard Bergmann, 1343 Highland Avenue, identified himself as the applicant. Mr. Bergmann explained that the carport is needed for safety reasons and discussed his personal mobility issues. Mr. Bergmann noted that the slab was constructed to the foundation standards of an attached garage. Mr. Bergmann added that the driveway is built on top of a retaining wall, and that the utility pole is not actively used. Mr. Bergmann concluded speaking. The Board did not have any questions for Mr. Bergmann. The public hearing was closed.

Mr. Bussan stated that Wisconsin Supreme Court has set high standards for granting variance requests, and that the proposed variance does not meet the hardship standard. Mr. Bussan noted that the setback creates inconvenience for the applicant, but not hardship, and would set a bad precedent that undermines the purpose of the ordinance. No other comments were shared.

Mr. Bussan made a motion to deny the requested variance based upon the findings in the staff report. Mr. Baker seconded the motion. The motion passed 4-1, roll call vote. Mr. Gronau voted against the motion.

4. Adjournment

Mr. Baker made a motion to adjourn, which was seconded by Mr. Bussan. The meeting adjourned at 7:45 PM.

Respectfully submitted,
Drew Pennington, AICP