

**MINUTES
CITY OF БЕLOIT BOARD OF APPEALS
Meeting of March 8, 2022**

A Meeting of the City of Beloit Board of Appeals was held on Tuesday, March 8, 2022, in The Forum of Beloit City Hall, 100 State Street. Chairperson Kara Purviance called the meeting to order at 7:01 PM.

1. Roll Call

Director of Planning & Building Services Drew Pennington called the roll. Present were: Kara Purviance, Dustin Gronau, John Petersen, David Baker, and Susan Adams. Brooke Joos was absent.

2. Election of Officers

Mr. Baker nominated Ms. Purviance as Chair, which was seconded by Mr. Petersen. Ms. Purviance accepted the nomination. The motion passed unanimously, voice vote. Ms. Adams nominated Mr. Baker as Vice-Chair, which was seconded by Mr. Gronau. Mr. Baker accepted the nomination. The motion passed unanimously, voice vote. Mr. Baker nominated Mr. Gronau as 2nd Vice-Chair, which was seconded by Ms. Adams. Mr. Gronau accepted the nomination. The motion passed unanimously, voice vote.

3. Approval of the Minutes of the February 9, 2021 Meeting

Mr. Petersen made a motion to approve the February 9, 2021 Minutes as submitted. Mr. Baker seconded the motion. The motion passed unanimously, voice vote.

4. 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. The Board did not have any questions on the staff report. The public hearing was opened. Mr. Bergmann introduced himself and provided an extensive history of the project and the earlier proceedings of the Board. Mr. Bergmann described his physical limitations and his wife's recent medical issues and explained that the carport is needed for their safety and welfare. Mr. Bergmann asked the Board to review his handouts, some of which were included in the packet and others which were provided in hardcopy. Mr. Bergmann proclaimed that he didn't need a permit for the project and that the setbacks do not apply because the structure is already done and cannot be moved. The Chair asked Mr. Pennington to respond, and Mr. Pennington stated that setbacks are applied during the plan and/or permit review

process, which did not happen in this instance because the structure was built without permits. Mr. Pennington stated that the setback is 5 feet because the carport is attached to the house.

Mr. Petersen asked Mr. Bergmann if the neighbor's block retaining wall is supporting his driveway, and he responded that there is another wall under the driveway. Mr. Petersen asked if the carport was inspected, and Mr. Bergmann stated that it was not. Mr. Petersen asked about the cost, and Mr. Bergmann stated that the material cost was \$750. Mr. Petersen and Mr. Bergmann discussed whether the carport meets ADA requirements for an access aisle. Mr. Petersen asked if the carport was constructed to-code, and Mr. Bergmann stated that he assumes it complies. Mr. Petersen asked Mr. Bergmann if he would have redesigned the carport if staff had asked, and he stated that he might have if he could still do what he needed.

Mr. Salvador Jiminez, 405 McKinley Avenue, addressed the Board and expressed his support for the variance request. Mr. Petersen asked Mr. Jiminez if he constructed the block retaining wall, and he stated that he did. Translation for Mr. Jiminez was provided his son, also residing at 405 McKinley Avenue.

Mr. Tim Kyser, 1342 Highland Ave, addressed the Board and expressed his support for the variance request.

Ms. Sarah Muthe, a BMHS student, addressed the Board and expressed her support for the variance request.

The public hearing was closed.

Mr. Baker asked if a variance can be approved subject to a time restriction, and Mr. Pennington stated that an expiration date could be imposed as a condition of approval. Mr. Petersen walked through the criteria for obtaining a variance, and stated his concern that the hardship was self-created. Mr. Gronau stated his belief that there is hardship present that is unique to the property because of the grade difference between Mr. Bergmann's property and the neighboring lot. Mr. Baker agreed that the elevation difference is unique. Ms. Adams pointed out the wall was constructed by the neighbor and not the applicant. Ms. Purviance asked Mr. Pennington if a railing or barrier could remain on the lot line to protect against a fall, and Mr. Pennington stated that it could.

Mr. Gronau made a motion to approve the variance as requested. Ms. Adams seconded the motion. The board discussed whether a hardship was present.

Mr. Petersen moved to amend the motion to add an expiration date of 7 years or upon property transfer. Mr. Baker seconded the motion. The Board discussed whether a variance subject to an expiration date met the criteria, since the expiration date implied that the hardship might be due to the applicant's personal circumstances. Mr. Petersen withdrew his proposed amendment, and Mr. Baker concurred with the withdrawal.

The Board discussed whether the variance criteria had been met. Mr. Gronau stated his belief that the elevation difference creates a hardship. Mr. Petersen stated that the hardship is self-created because the applicant built the structure without permits, and that the hardship could have been avoided by submitting plans to the City for review and comment.

Chair Purviance called for a vote on the motion to approve the variance as requested. The motion failed on a voice vote (2 to 3).

5. Adjournment

Mr. Baker made a motion to adjourn, which was seconded by Mr. Petersen. The meeting adjourned at 8:43 PM.



Kara Purviance, Chair