

**MINUTES  
CITY OF БЕЛОIT BOARD OF APPEALS  
Meeting of May 9, 2017**

A Meeting of the City of Beloit Board of Appeals was held on Tuesday, May 9, 2017, in The Forum of Beloit City Hall, 100 State Street. Chairperson John Schroer called the meeting to order at 7:00 PM.

**1. Roll Call**

Director of Planning & Building Services Drew Pennington called the roll. Present were: John Schroer, Merlin Bussan, Carolyn Hansen, Willis Zick, and Dustin Gronau. John Petersen was absent.

**2. Approval of the Minutes of the October 14, 2014 and July 12, 2016 Meetings**

Mr. Bussan made a motion to approve the October 14, 2014 and July 12, 2016 Minutes as submitted. Ms. Hansen seconded the motion. The motion passed (5-0), voice vote.

**3. Janet A. Becker – 1263 Eaton Avenue**

BOA-2017-01 Use Variance to Section 4-202 of the City of Beloit Zoning Ordinance to allow a two-family dwelling (duplex) in an R-1B, Single-Family Residential District, for the property located at 1263 Eaton Avenue.

Mr. Pennington reviewed the staff report and recommendation.

Mr. Bussan asked Mr. Pennington to explain the notification process prior to downzoning actions. Mr. Pennington stated that current state statutes require individual property owners to be notified prior to a downzoning action affecting their property, but that the notification process was likely different in in the 1990's. Mr. Zick asked Mr. Pennington if the applicant received an individual notice prior to her property being downzoned, and Mr. Pennington stated that he did not believe that individual notices were provided at that time.

Mr. Schroer opened the public hearing. Ms. Becker identified herself as the applicant. Ms. Becker stated that her rental unit was last occupied in 2007, and had never been a problem in the neighborhood. Ms. Becker stated that her rental unit was inspected several times without incident until she had the water meter replaced in 2016 and she informed the water utility that the unit had been vacant for a long period of time. Mr. Zick stated to the applicant that the Board was not making a policy decision, and that the City Council had implemented a downzoning policy in 1999.

Ms. Becker stated that using the second unit as storage was not reasonable due to the layout, and that buyers of her property would not be interested in that arrangement. Ms. Becker stated that she had consulted a realtor. Mr. Schroer asked Ms. Becker if she had obtained an estimate from a contractor to convert the structure into a single-family dwelling, and she stated that she had not. Mr. Schroer closed the public hearing.

Mr. Zick stated that the applicant may not have been treated fairly back in 1999 if she was not notified of the downzoning, but that the process had been improved now. Mr. Bussan stated that the hardship was self-created because the applicant voluntarily left the rental unit vacant for a decade. The Board members discussed whether or not failure to provide individual notice of the downzoning in 1999 constituted a hardship upon the applicant, and agreed that the lack of notice did not justify a variance in 2017. Several Board members expressed sympathy for the applicant's situation.

Mr. Zick made a motion to deny the requested variance. Mr. Bussan seconded the motion. The motion passed (5-0), voice vote.

**4. Adjournment**

The meeting adjourned at 7:45 PM.

Respectfully submitted,  
Drew Pennington, AICP