



CITY HALL • 100 STATE STREET • BELOIT, WI 53511
Office: 608/364-6700 • Fax: 608/364-6609
www.beloitwi.gov
Equal Opportunity Employer

**BELOIT BOARD OF APPEALS
MEETING NOTICE AND AGENDA**

Tuesday, July 11, 2017

7:00 PM

The Forum
Beloit City Hall
100 State Street

1. Roll Call
2. Election of Officers
 - a. Nomination and election of Chair
 - b. Nomination and election of Vice-Chair
 - c. Nomination and election of 2nd Vice-Chair
3. Minutes of the May 9, 2017 Meeting
4. Gerald Nichols – 964 Cleveland Street

BOA-2017-02 Area Variance to Section 6.3.4(d) of the City of Beloit Zoning Ordinance to allow the total area of a detached accessory structure (garage) to exceed 720 square feet, for the property located at 964 Cleveland Street.
5. Adjournment

*If you are unable to attend this meeting, notify the Planning Office at (608) 364-6700 **no later than 4:00 PM the day before the meeting.***

Notice Mailed: June 26, 2017

Approved: Drew Pennington, AICP, Director of Planning & Building Services

MINUTES
CITY OF БЕLOIT 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

CITY OF BELOIT

REPORT TO THE BELOIT BOARD OF APPEALS



Meeting Date: July 11, 2017

Agenda Item: 4

File Number: BOA-2017-02

Applicant: Gerald Nichols

Owner: Gerald Nichols

Location: 964 Cleveland Street

Existing Zoning: R-1B, Single-Family Residential District

Existing Land Use: Single-Family Dwelling

Parcel Size: 0.1526 Acre

Request:

Gerald Nichols has filed an application requesting an Area Variance to Section 6.3.4(d) of the City of Beloit Zoning Ordinance to allow the total area of a detached accessory structure (garage) to exceed 720 square feet, for the property located at 964 Cleveland Street.

Request Overview/Background Information:

The applicant has proposed the construction of a new driveway on Merrill Street and the construction of a 24' x 36' detached garage to the west of the existing house. The proposed 864 square-foot garage is larger than the maximum allowed by the Ordinance, which is 720 square feet.

Key Issues:

- Section 6.3.4(d) of the Zoning Ordinance includes general standards for accessory buildings, and establishes a maximum area of all detached accessory buildings of 720 square feet or 10% of the lot area, whichever is greater. For the subject property, the maximum is 720 square feet. This regulation is intended to ensure that accessory buildings remain subordinate to the house in terms of size and use, which protects the residential character of single-family neighborhoods.
- According to the applicant, the 864 square-foot garage is needed in order to store his boat, motorcycles, and pick-up truck. The existing house is 898 square feet with a 200 square-foot attached garage.
- The proposed garage is 24 feet wide and 36 feet deep, and will include an 18-foot overhead garage door facing Merrill Street. The Engineering Division has approved the applicant's request for a Driveway Permit for a new driveway on Merrill Street.
- The proposed garage has setbacks of 6 feet from the interior side (south) lot line and 4 feet from the rear (west) lot line, which complies with the minimum (3-foot) setbacks in the Zoning Ordinance.
- According to the applicant, the garage will include siding and roofing that matches the house.
- The attached Public Notice was sent to 18 nearby property owners. As of this writing, Planning staff has not received any comments or concerns.
- **Wisconsin Supreme Court Standards for Area Variances**
The Wisconsin Supreme Court has established a standard for granting variances to zoning regulations. For "area" variances, the property owner and/or applicant has the burden of proving that the standard for granting an area variance has been met. In order to grant an area variance, the Board of Appeals must determine that **all of the following criteria** of section 2-903 are satisfied:
 - (a) Compliance with the strict letter of the Zoning Ordinance regulating area, setbacks, frontage, height, bulk or density would create a hardship by either:
 - (1) unreasonably preventing the owner from using the property for a permitted purpose; or
 - (2) rendering conformity with such regulations unnecessarily burdensome.
 - (b) The hardship is unique to the property.
 - (c) The hardship is not self-created.
 - (d) The variance will not undermine the purpose of the ordinance or the public interest.
 - (e) The variance will not permit a use of land that substantially changes the character of the neighborhood.
- The attached Findings of Fact evaluate this application against the above standards.

Consistency with Comprehensive Plan:

- The Comprehensive Plan recommends Single-Family Residential – Urban uses and a zoning district classification of R-1B for the subject property. The subject property's zoning district classification is consistent with this recommendation.

Sustainability:

- **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**

Staff Recommendation:

The Planning & Building Services Division recommends **denial** of the requested Area Variance to Section 6.3.4(d) of the City of Beloit Zoning Ordinance to allow the total area of a detached accessory structure (garage) to exceed 720 square feet, for the property located at 964 Cleveland Street, based upon the established criteria of Section 2-903 of the Zoning Ordinance and the attached Findings of Fact.

Fiscal Note/Budget Impact: N/A

Attachments: Findings of Fact, Location & Zoning Map, Photos, Application, Sketch, Public Notice, and Mailing List.

CITY OF BELOIT

FINDINGS OF FACT



Area Variance to Section 6.3.4(d) of the City of Beloit Zoning Ordinance to allow the total area of a detached accessory structure (garage) to exceed 720 square feet, for the property located at 964 Cleveland Street.

Under the standards for Area Variances in Section 2-903 of the Zoning Ordinance, Planning staff finds:

- (a) Compliance with the strict letter of the Zoning Ordinance regulating area, setbacks, frontage, height, bulk or density **would not** create a hardship by either:
 - (1) Unreasonably preventing the owner from using the property for a permitted purpose; or
 - (2) Rendering conformity with such regulations unnecessarily burdensome.

The ordinance allows the applicant to construct a 720 square-foot garage, which is 24 feet by 30 feet.

- (b) The hardship **is not** unique to the property.

The subject property is an average-size single-family property. It is not unusually small, and even if it were, the Zoning Ordinance allows all single-family properties to have detached accessory buildings totaling 720 square feet or 10 percent of the lot area, whichever is greater.

- (c) The hardship **is** self-created.

The applicant is voluntarily seeking to construct a garage. The hardship claimed in the application is related to the applicant's personal belongings and circumstances.

- (d) The variance **will** undermine the purpose of the ordinance or the public interest.

The variance may undermine the purpose of the ordinance by allowing a garage that is the same approximate size as the house to which it is accessory.

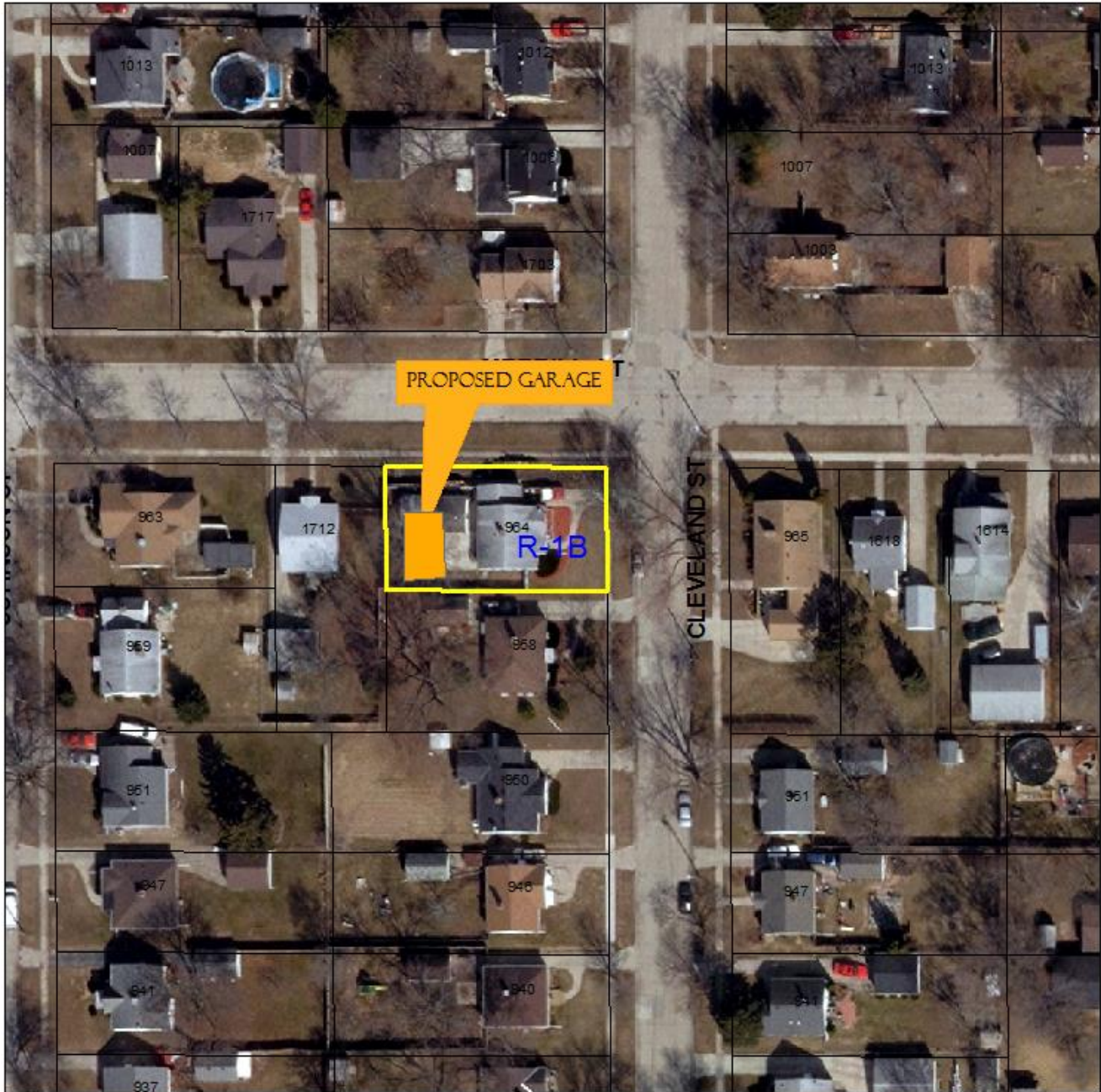
- (e) The variance **will not** permit a use of land that substantially changes the character of the neighborhood.

The proposed garage is located in the rear corner of the lot, and if approved, is not expected to change the character of the neighborhood.

Location & Zoning Map



964 Cleveland Street

BOA-2017-02



1 inch = 70 feet
0 10 20 40 60 Feet

Legend

-  City Limits
-  Zoning District

Map prepared by: Drew Pennington, AICP
Date: June 2017
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

Board of Appeals Application Form

(Please Type or Print)

File Number: BOA-2017-02

1. Property Address: 964 Cleveland St.
2. Tax Parcel Number(s): 13410210
3. Legal description: Lot: 4&5 Block: 1 Subdivision: MC GAVOCKS FIFTH ADD

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

4. Owner of record: Gerald Nichols Phone: 815-509-3558

(Address) (City) (State) (Zip)

5. Applicant's Name: Gerald E. Nichols

964 Cleveland St Beloit WI 53511
(Address) (City) (State) (Zip)

1 815-509-3558 gnichols1972@gmail.com
(Office Phone #) (Cell Phone #) (E-mail Address)

6. Present zoning: _____ Present use: _____
7. Proposed use (if different): _____
8. Purpose of application: "Area" Variance "Use" Variance
 Appeal of order or decision of Administrative Official

9. Code from which relief is sought or appeal is taken:
 Zoning Ordinance Flood Plain Ordinance (964 SP)

10. State specific sections of code and Variance(s) requested: (Use separate sheet if necessary)
allowed 770 sq feet and I would like to up grade to 24x36' deep. Storage costs and storage scarcity is also a reason for me applying for this variance.

11. State specific hardship experienced by the applicant: (Use separate sheet if necessary)
I presently have a boat and trailer that is approx 34' in length and in order to keep it under secure cover and out of sight to the public I am requesting a variance that would allow me to build structure to 36' deep. Also I have 3 vintage motorcycles and a new truck I need area to house them in.

(Continued on back)

With recent crime problems in the area and my concern for overall appearance of my property is my main reason for applying for this variance.

12. In order for this application to be considered complete, the applicant must attach a scale drawing (1" = 20' usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes or additions. You are required to furnish a legible drawing with enough detail that will adequately advise and inform the Board.

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

[Signature] | Gerald C. Nichols | 6-14-17
 (Signature of Applicant) (Print name) (Date)

The owner's signature below grants permission for the applicant to apply for the variance and permission for the Board of Appeals and City staff to inspect the subject building(s) and/or property.

[Signature] | Gerald Nichols | 6-14-17
 (Signature of Owner) (Print name) (Date)

The applicant acknowledges that this application is not deemed filed until dated and receipt acknowledged by a person authorized to receive the application. The applicant is entitled to receive a copy of the acknowledged application once it is officially reviewed and accepted.

Hearings are usually held in City Hall Forum, City Hall, 100 State Street at 7:00 P.M.

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 Planning & Building Services Division for acceptance by the filing deadline date prior to a scheduled Board of Appeals meeting. This application must be submitted with the \$200.00 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, which is typically between \$5.00 and \$20.00.

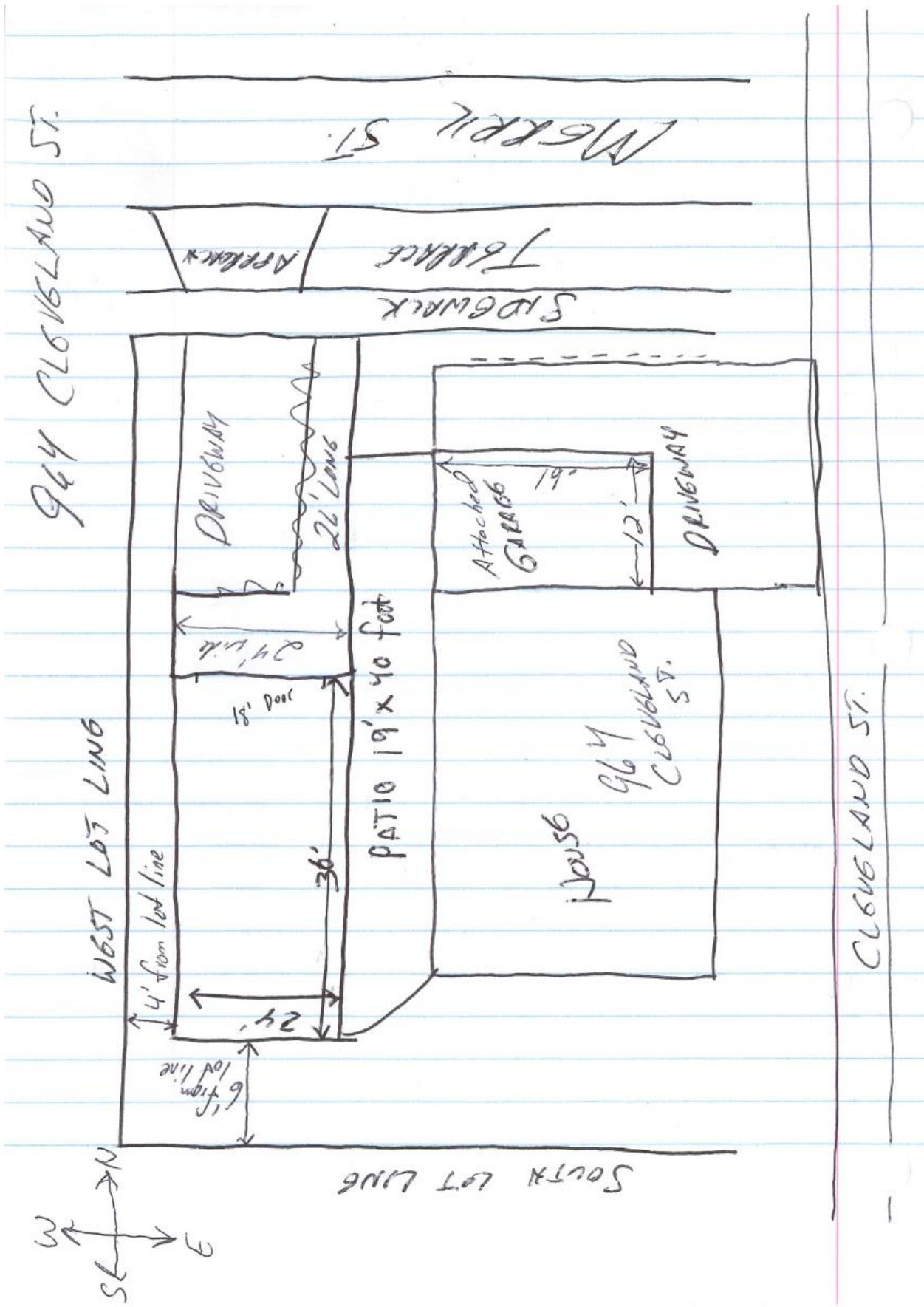
To be completed by Planning Staff:

Filing fee: \$200.00 Amount paid: \$200.⁰⁰ Meeting date: July 11, 2017

Application accepted by: Don Pennington Date: 6/15/17

No. of notices: _____ X mailing cost (\$0.50) = cost of mailing notices: \$ _____

Date Notice Published: _____ Date Notice Mailed: _____





NOTICE TO THE PUBLIC

June 26, 2017

To Whom It May Concern:

Gerald Nichols has filed an application requesting an Area Variance to Section 6.3.4(d) of the City of Beloit Zoning Ordinance to allow the total area of a detached accessory structure (garage) to exceed 720 square feet, for the property located at:

964 Cleveland Street.

The applicant has proposed the construction of a new driveway on Merrill Street and the construction of a 24' x 36' detached garage to the west of the existing house. The proposed 864 square-foot garage is larger than the maximum allowed by the Ordinance, which is 720 square feet.

The following public hearing will be held regarding this requested Variance:

Board of Appeals: Tuesday, July 11, 2017, 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 this hearing. We are interested in your opinion.

You may appear at the hearing or submit a letter to the Board of Appeals, 100 State Street, Beloit, Wisconsin 53511, to either support or oppose the applicant's request. The Board of Appeals may grant an "Area" Variance **only** if it finds that all of the following facts are true:

- a. Compliance with the strict letter of the Zoning Ordinance regulating area, setbacks, frontage, height, bulk or density would create a hardship by either:
 1. unreasonably preventing the owner from using the property for a permitted purpose; or
 2. rendering conformity with such regulations unnecessarily burdensome.
- b. The hardship is unique to the property.
- c. The hardship is not self-created.
- d. The variance will not undermine the purpose of the ordinance or the public interest.
- e. The variance will not permit a use of land that substantially changes the character of the neighborhood.

For additional information, contact Drew Pennington in the Planning & Building Services Division by phone at (608) 364-6711 or by email at penningtond@beloitwi.gov.

Anyone bringing handouts to the 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.

GERALD NICHOLS
964 CLEVELAND ST
BELOIT, WI 535114905

TAMMY HANSON
951 JOHNSON ST
BELOIT, WI 53511

CONNIE SCHABOW
947 JOHNSON ST
BELOIT, WI 53511

JEFFREY & JULIE WILLIAMS
1703 MERRILL ST
BELOIT, WI 535114918

JEFFREY A & BONNIE J BEELER
946 CLEVELAND ST
BELOIT, WI 53511

DIANA IBARRA
959 JOHNSON ST
BELOIT, WI 535112859

DAVID FROEMMING
928 W PECK ST
WHITEWATER, WI 53190

ROGER B & JEANETTE A TURNMIRE
965 CLEVELAND ST
BELOIT, WI 53511

ERIC FIEDLER
1717 MERRILL ST
BELOIT, WI 53511

DANIEL R & NANCY MARX
1006 CLEVELAND ST
BELOIT, WI 535114907

ROY A & GLENDA K GILBERT
1120 WARREN AVE
BELVIDERE, IL 61008

REVOCABLE TRUST OF 2014 RONALD A
HALLETT & CONNIE L HALLETT
2324 SHOPIERE RD
BELOIT, WI 53511

MARILYN M GRICE TRUST
963 JOHNSON ST
BELOIT, WI 535114910

DARCIA DEMOS
947 CLEVELAND ST
BELOIT, WI 53511

ALEX & DEBRA BLAZER
2059 LINWAY DR
BELOIT, WI 53511

ROY A & GLENDA K GILBERT
1120 WARREN AVE
BELVIDERE, IL 61008

TAMMY STENULSON
1618 MERRILL ST
BELOIT, WI 53511

NIRIA SANTILLAN
951 CLEVELAND ST
BELOIT, WI 53511

TERRY HANNAFORD
W-3689 SYLVESTER RD
MONROE, WI 53566