



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
SPECIAL MEETING NOTICE AND AGENDA**

Tuesday, August 15, 2017

6:00 PM

The Forum
Beloit City Hall
100 State Street

1. Roll Call
2. Minutes of the July 11, 2017 Meeting
3. Erick Johnson – 2386 Tara Court
BOA-2017-03 Public Hearing and Review of a Land Management Plan to allow a natural lawn exceeding eight (8) inches in height for the single-family residential property located at 2386 Tara Court.
4. 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: August 10, 2017

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

MINUTES
CITY OF БЕLOIT BOARD OF APPEALS
Meeting of July 11, 2017

A Meeting of the City of Beloit Board of Appeals was held on Tuesday, July 11, 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. **Election of Officers**

a. Nomination and election of Chairperson

Ms. Hansen nominated Mr. Schroer for Chairperson, seconded by Mr. Bussan. Mr. Schroer accepted the nomination. The Board voted unanimously to elect Mr. Schroer as the Chairperson.

b. Nomination and election of Vice-Chairperson

Ms. Hansen nominated Mr. Bussan for Vice-Chairperson, seconded by Mr. Schroer. Mr. Bussan accepted the nomination. The Board voted unanimously to elect Mr. Bussan as the Vice-Chairperson.

c. Nomination and election of 2nd Vice-Chairperson

Mr. Schroer nominated Mr. Zick for 2nd Vice-Chairperson, seconded by Mr. Bussan. Mr. Zick accepted the nomination. The Board voted unanimously to elect Mr. Zick as the 2nd Vice-Chairperson.

3. **Approval of the Minutes of the May 9, 2017 Meeting**

Ms. Hansen made a motion to approve the May 9, 2017 Minutes as submitted. Mr. Zick seconded the motion. The motion passed (5-0), voice vote.

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.

Mr. Pennington reviewed the staff report and recommendation.

Mr. Bussan asked Mr. Pennington if the 720 square-foot maximum garage area standard is consistently enforced, and Mr. Pennington confirmed that it is consistently enforced. Mr. Schroer asked Mr. Pennington if Merrill Street would be reconstructed soon, and he responded that he did not know. There were no further questions of staff.

Mr. Schroer opened the public hearing. Mr. Nichols identified himself as the applicant, and summarized his statement of hardship as included in the application. Mr. Zick asked Mr. Nichols when he purchased his large boat, and Mr. Nichols stated that it was purchased last year. Mr. Zick asked Mr. Nichols if he checked the zoning standards relating to garages before buying the boat, and Mr. Nichols stated that he did not, as he originally planned to keep the boat at a storage facility.

Ms. Hansen asked Mr. Nichols if his neighbors support his proposal, and Mr. Nichols stated that he's spoken to 3 or 4 neighbors who support his plan. Ms. Hansen asked Mr. Nichols how he arrived at the proposed dimensions, and he responded that he considered a narrower garage, but that he needed enough width for his truck and boat.

Mr. Zick asked Mr. Nichols if he could comply with the maximum garage size in the ordinance, and he stated that he would have to sell his boat and buy a shorter boat in order to comply, which would cost him \$10K to \$15K. Mr. Schroer questioned the relevancy of the boat discussion, and Mr. Zick and Mr. Schroer discussed whether or not needing to sell one's property and buy smaller property could be considered hardship. Mr. Zick asked Mr. Nichols when he planned to start building the garage, and Mr. Nichols stated that he hoped to start as soon as possible. Mr. Schroer closed the public hearing.

Mr. Bussan stated that he agreed with the draft findings of fact in the staff report, and noted that four of the five criteria had not been met. Mr. Zick asked Mr. Pennington to clarify his position regarding the lack of hardship. Mr. Pennington stated that the applicant is voluntarily seeking to build a large garage to enclose his recreational vehicles, which does not qualify as hardship in staff's opinion. Mr. Zick stated his opinion that the five criteria for granting a variance have not been met.

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

5. Adjournment

The meeting adjourned at 7:40 PM.

Respectfully submitted,
Drew Pennington, AICP

REPORT TO THE BELOIT BOARD OF APPEALS

Meeting Date: August 15, 2017

Agenda Item: 3

File Number: BOA-2017-03

Applicant: Erick Johnson

Owner: Erick & Stephanie Johnson

Location: 2386 Tara Court

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

Existing Land Use: Single-Family

Parcel Size: 0.596 Acre

Request:

Erick Johnson has requested Board of Appeals review and consideration of a Land Management Plan to allow a natural lawn exceeding eight (8) inches in height for the single-family residential property located at 2386 Tara Court.

Request Overview/Background Information:

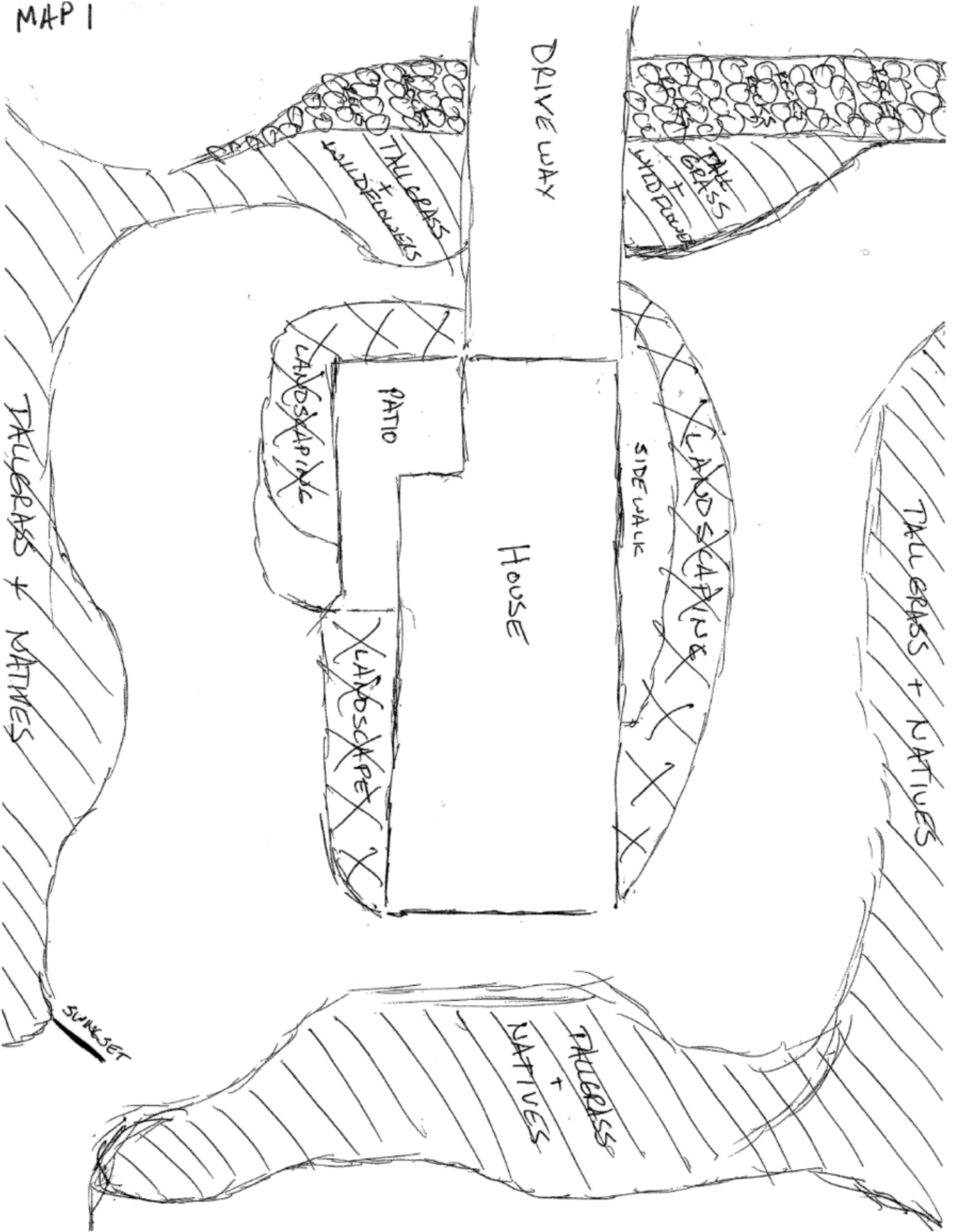
According to Section 2-1201 of the Zoning Ordinance, any owner of land one-half acre or more in size may apply to the Zoning Officer for approval of a Land Management Plan for a natural lawn exceeding eight (8) inches in height. When such an application is received, a notice is sent to property owners within 200 feet of the subject property. If at least 51% of the notified property owners file written objections to the Plan with the Zoning Officer, the Zoning Officer must refer the application to the Board of Appeals for hearing and decision, which is the case with the subject property.

Key Issues:

- After investigating a complaint about tall grass & weeds on the subject property, a City of Beloit Code Enforcement Official sent the attached notice to the applicant, which invoked Section 7.235 of the Property Maintenance Code and required the grass to be mowed by July 31, 2017.
- On July 21, 2017, the applicant submitted the attached Land Management Plan application.
- On July 25, 2017, Planning staff sent the attached Public Notice to property owners within 200 feet.
- On August 3, 2017, the neighbors submitted the attached petition, which qualifies as a written objection to the proposed Land Management Plan. The petition is signed by ten (10) neighboring property owners.
- On August 9, 2017, the applicant submitted the attached planting list and marked-up aerial photo.
- As shown on the attached aerial photo, the subject property is a corner property at the SW corner of Oak Lane Drive and Tara Court in the Lather's Woods Neighborhood.
- According to the applicant, the Plan includes tall grass, natives, and wildflowers and is intended to allow small oak saplings to grow to maintain the wooded feel of the lot. The attached Planting List includes wildflowers, grasses, sedges, & rushes. The photo taken by Code Enforcement is attached, and the applicant has indicated that he will be submitting hard copy photos at the meeting.
- If the applicant's request is approved by the Board of Appeals, he will be allowed to keep the natural lawn but will need to comply with the mowing requirements in Section 2-1202, which require mowing the areas from the street to 5 feet back from the front property line and at least a 5-foot strip adjacent to neighboring property lines.
- If the applicant's request is denied, he will need to mow the entire lawn by a deadline established by Code Enforcement.
- The City has approved a total of 5 Land Management Plans for commercial and institutional properties in the last decade. This application is the first request pertaining to a single-family residential property.

Attachments: Land Management Plan (2), Planting List, Photo, Notice of Violation, Public Notice, Mailing List, Neighborhood Petition (2), and Application (2).

MAP 1



MAP 2

2386 Tara Ct

Center latitude: 42.5371 ° North. Center longitude: 88.9612 ° West. Scale: one to 1,128,4972. Visible Features: 10 features visible on Parcel, 2 features visible on Sub division, 1 features visible on Corporation, 1 features visible on Section, 1 features visible on Geographic.

Full Extent Previous Extent Next Extent Layers Export Print

Share Map Query Swipe Select Line Measure Point Markup



PLANT SPECIES LIST

Savanna & Woodland Edge

Savannas are partially shaded plant communities found in the transitional zone between forest and grassland. These shade tolerant plants grow best with a few hours of direct sunlight each day.

#SVWE Mesic to Dry Part Sun to Full Shade 14.50 PLS LBS/Acre 80.00 Seeds/ Sq. Ft

Wildflowers		Oz/Acre
Agastache scrophulariaefolia	Purple Giant Hyssop	1.00
Allium cernuum	Nodding Onion	8.00
Anemone virginiana	Tall Anemone	0.50
Aquilegia canadensis	Wild Columbine	1.50
Aster sagittifolius	Arrow-Leaved Aster	1.00
Chamaecrista fasciculata	Partridge Pea	13.00
Coreopsis lanceolata	Lance-Leaf (Sand) Coreopsis	2.00
Coreopsis palmata	Prairie Coreopsis	1.50
Echinacea pallida	Pale Purple Coneflower	4.00
Eupatorium purpureum	Purple Joe Pye Weed	0.75
Helianthus strumosus	Pale-Leaved Sunflower	2.00
Heliopsis helianthoides	Early Sunflower	10.00
Hypericum pyramidatum	Great St. John's Wort	0.25
Kuhnia eupatorioides	False Boneset	2.00
Liatris pycnostachya	Prairie Blazing Star	1.50
Monarda fistulosa	Wild Bergamot	1.50
Penstemon digitalis	Foxglove Beard Tongue	1.00
Ratibida pinnata	Yellow Coneflower	2.00
Rudbeckia hirta	Black-Eyed Susan	4.00
Rudbeckia subtomentosa	Sweet Black-Eyed Susan	2.00
Scrophularia lanceolata	Early Figwort	0.25
Solidago speciosa	Showy Goldenrod	0.75
Tradescantia ohiensis	Ohio Spiderwort	3.00
Veronicastrum virginicum	Culver's Root	0.50
Zizia aurea	Golden Alexanders	8.00
Grasses, Sedges, & Rushes		Oz/Acre
Andropogon gerardii	Big Bluestem	8.00
Bouteloua curtipendula	Side Oats Grama	16.00
Bromus ciliatus	Fringed Brome	6.00
Bromus kalmii	Prairie Brome	10.00
Carex bicknellii	Copper-Shouldered Oval Sedge	2.00
Diarrhena americana	Beak Grass	4.00
Elymus canadensis	Canada Wild Rye	64.00

Elymus villosus	Silky Wild Rye	16.00
Hystrix patula	Bottlebrush Grass	16.00
Schizachyrium scoparium	Little Bluestem	8.00
Sorghastrum nutans	Indian Grass	10.00





COPY

NOTICE OF VIOLATION

CITY OF BELOIT
CODE ENFORCEMENT

Violation Number: 43410

July 21, 2017

JOHNSON, ERICK D.
2386 TARA CT
BELOIT, WI 53511

RE: 2386 TARA CT
Parcel #: 22110050

A recent inspection of the above referenced property revealed conditions that violate specific codes and/or ordinances of the City of Beloit.

Please be advised that upon receipt of this notice you must correct the following violation within the time period specified. Failure to correct the violation within the specified time may result in citations being issued. Citations carry penalties of not less than \$187.00 and not more than \$691.00 for each violation. I would like to avoid issuing any citations and ask for your cooperation on this matter.

CODE/ORDINANCE: 7.235 WEEDS AND GRASS

VIOLATION/CORRECTION: PLEASE CUT AND TRIM ALL LONG GRASS AND WEEDS ON ENTIRE PROPERTY, TO INCLUDE FRONT/REAR/SIDE YARDS AND TERRACES WHERE APPLICABLE. GRASS/WEEDS MAY NOT EXCEED MORE THAN 8 INCHES IN HEIGHT. PLEASE MAINTAIN PROPERTY.

THE ABOVE VIOLATION(S) MUST BE CORRECTED BY 07/31/2017.

For a complete description of the municipal code and ordinance, please visit www.beloitwi.gov.

A written order to correct a property maintenance code violation shall remain in effect for 24 months from the date of issuance. You may request a review of the order or may appeal the order as provided in Section 1.15 of the Municipal Code.

The findings of this inspection report are intended to identify code violations that are readily apparent at the time of inspection. The inspection did not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied. If you have any questions, please contact me at the phone number below.

DIVISION OF HOUSING SERVICES

HOLLY HARTLEY (608) 364-6652

Code Inspector, 100 State Street, Beloit, WI 53511



NOTICE TO THE PUBLIC

July 25, 2017

To Whom It May Concern:

Erick Johnson has filed an application for a Land Management Plan for the property located at **2386 Tara Court** in the City of Beloit. According to Section 2-1200 of the City of Beloit Zoning Ordinance, the owner of land one-half acre or more in size may seek approval of a Land Management Plan to allow weeds and grasses to exceed eight (8) inches in height.

The applicant would like to maintain landscaped areas comprised of tall grass, native plants, and wildflowers in order to provide a suitable environment for oak saplings, which he believes will contribute the sites wooded appearance. A copy of the application and Landscape Plan are attached.

According to the Zoning Ordinance, neighboring property owners within 200 feet of the property on which a Land Management Plan is proposed must be notified of the pending application. If, within 15 days of receipt of this notification and application, less than 51 percent of the adjacent property owners file written objections to this Land Management Plan, Planning staff may approve the plan. If more than 51 percent of those notified file **written** objections to the plan, the Board of Appeals will hold a public hearing and render a final decision. **Any written objections to this Land Management Plan must be received in the Planning & Building Services Division by 5 PM on Friday, August 11, 2017. Written comments can be emailed to planning@beloitwi.gov.**

A full copy of the proposed Land Management Plan is available for review in the Planning & Building Services Division on the third floor of City Hall, located at 100 State Street. If you have any questions, please contact Rudy Moreno, Planner II, at (608) 364-6708 or morenor@beloitwi.gov.

DONNA LOOMIS
2359 TARA CT
BELOIT, WI 535111938

NUCIFORO REVOCABLE TRUST
3543 OAK LANE DR
BELOIT, WI 53511

BRENT S & KIMBERLY L SCHNEIDER
3557 OAK LANE DR
BELOIT, WI 53511

DALE E & JULIANNE MITCHELL
3571 OAK LANE DR
BELOIT, WI 535111933

JEROME F & KRISTEN KLOBUCAR
2373 LATHERS RD
BELOIT, WI 535111915

MATTHEW HONEA
3566 OAK LANE DR
BELOIT, WI 53511

THOMAS & SARA JOHNSON
2357 LATHERS RD
BELOIT, WI 53511

FREDERICK RODEMAN
2372 TARA CT
BELOIT, WI 53511

GARY A & JODIE L HOUSTON
2405 LATHERS RD
BELOIT, WI 535111933

RODRIGO MERINO
N1691 S WASHINGTON RD
CHILTON, WI 530149619

DOUGLAS F & MARY K EDDY
3520 OAK LANE DR
BELOIT, WI 53511

ERICK D & STEPHANIE L JOHNSON
2386 TARA CT
BELOIT, WI 53511

GERALD & NANCY MAYHEW
2368 TARA CT
BELOIT, WI 535111938

MARCELLA SAVAGE
2356 TARA CT
BELOIT, WI 535111938

July 31, 2017

Dear City of Beloit:

We, the neighbors of Eric Johnson of 2386 Tara Court, Beloit WI are writing this letter in opposition to the proposed Land Management Plan described in a mailer to all neighbors within 200 feet of the above property. The landscaping plan of "tall grass, natives, and wildflowers" is not what is seen from the road and neighboring homes. These areas of mainly weeds are long and unsightly. The tall grasses and weeds cause a blind spot and safety issue to small children, pedestrians and cars. In addition to these concerns, the yard is an eyesore and potentially decreases property value in this nice, quiet neighborhood. Lastly, the large rocks in the yard are unsightly and appear ungroomed and not well-maintained. By allowing this proposal, we feel that the city is setting a precedent to allow for "weeds and grasses to exceed 8 inches in height" in yards throughout the city. Please consider these thoughts in your decision of the proposed plan.

Sincerely,

<u>Name</u>	<u>Address</u>
<u>Kim Semmler, Bert Schuler</u>	<u>3557 Oak Lane Dr, Beloit, WI</u>
<u>Nancy Mayhew, Jim Ingmar</u>	<u>2368 Tara Ct Beloit WI</u>
<u>Steven D. Savage for Marvella Savage</u>	<u>2356 Tara Ct. Beloit, WI</u>
<u>Dick Amb</u>	<u>2358 Tara Ct Beloit WI</u>
<u>John L. Houston Gary Taylor</u>	<u>2905 Lathens Rd Beloit WI</u>
<u>Sam Johnson</u>	<u>2357 Lathens Rd Beloit WI</u>
<u>John Boone</u>	<u>2341 Lathens Rd Beloit, WI</u>
<u>Rene Neufuss</u>	<u>3543 Oak Lane, Beloit, WI</u>
<u>Dale & Ted McLeod</u>	<u>3571 Oak Lane Dr Beloit</u>
<u>Zeddy. (Mary Eddy)</u>	<u>3590 Oak Lane Drive, Beloit</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

August 01, 2017

Dear City of Beloit:

We, the neighbors of Eric Johnson of 2386 Tara Court, Beloit WI conducted a meeting on August 1st at the residence and in the presents of Eric Johnson and wife Stephanie. This meeting was pulled together as a good neighbor meeting to address the concerns we have with the current view and the plan provided to us from the city.

The issue that many residences brought up was that the management plan lacked information that we feel is important to the request. We feel that a management plan should include percentage of grasses, weeds, flowers, etc. Weeds should be identified as what are acceptable weeds, acceptable heights of weeds and percentage of weeds in the stated areas. We also feel that a timeline should be set for start and completion of a project of this magnitude. Areas that will follow the current 8" mowing height should be clearly defined in the plan as well. We as neighbors want to be respectful and open to ideas and plans, but also have concerns of neighbors that suffer from allergies as to how this plan may affect those people. We have one neighbor who has lived here over 50 years and suffers from allergies and feels that this could pose health problems depending on what is planted. We feel the current attempt at land management has not been successful and the current resident Eric Johnson agreed as there was a big change in his career. Code 2-1200 of the City of Beloit Land management plan states "plan must include provisions for cutting at length not greater than 8 inches in front area from the pavement street to 5 feet back from the front property line and at least a 5-foot strip adjacent to neighboring property line unless waved by the abutting property owner on the side so affected". The current residence violates the above current code and the concern that lack of maintenance as shown in the past exists. We ask that the current plan be rejected as per the signatures posing the current plan at this time. Please consider our concerns once again in this decision.

Sincerely,

Neighbors of Eric Johnson of 2386 Tara Court, Beloit WI

CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700 / Fax: (608) 364-6609

LAND MANAGEMENT PLAN APPLICATION

(Please Type or Print)

1. Address of property: 2386 TARA CT, BELOIT, WI 53511

2. Legal description: Lot: 5 Block: _____ Subdivision: LATHERS WOODS

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

Total area of property in acres: 0.5962

3. Tax Parcel Number(s): 22110050

4. Owner of record: ERICK JOHNSON Phone: 608-931-8647
2386 TARA CT BELOIT WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: OWNER Email: otis.ignite@gmail.com

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

(Office Phone #) / (Cell Phone #) / (E-mail Address)

6. All existing use(s) on this property are: SINGLE FAMILY HOME

7. THE FOLLOWING LAND MANAGEMENT PLAN IS PROPOSED:

Describe plan here or submit plan on separate attachment along with application.

THE ATTACHED SITE MAP ROUGHLY DESCRIBES MY INTENT WITH THE LANDSCAPING PLAN.

A BORDER STRIP WILL BE MAINTAINED ALONG TARA CT, WITH TALL GRASS, NATIVES AND WILD FLOWERS AROUND THE PROPERTY

WITH ATTRACTIVE FLOWING LINES INTERSPERSED WITH SOME LARGER FOUNDATION TREES, SHRUBS AND BUSHES. INITIAL TALLEGRASS SEED WAS

SOWN IN 2015 AND 2016 WITH A 3-5 YEAR TIMELINE FOR THE NATIVE AREAS

TO BE ESTABLISHED. THE INTENT OF THIS PROJECT IS TO ALLOW SMALL OAK SAPLINGS

TO GROW TO MAINTAIN THE WOODED FEEL OF THE LOT.

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: _____

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

The undersigned does hereby respectfully make application for approval of a Land Management Plan. The undersigned represents that the granting of the proposed request will not violate any of the required standards of any Ordinance of the City of Beloit. The undersigned also agrees to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

 _____
(Signature of owner) ERICK OTIS JOHNSON 7/20/2017
(Print name) (Date)

_____/_____/_____
(Signature of applicant, if different) (Print name) (Date)

NOTE: Adjacent property owners may object to the proposed Land Management Plan by filing a written objection with the Neighborhood Planning Division within 15 days of the date of mailing the notices to adjacent property owners. If 51% or more of the adjacent property owners file written objections to the application, the application must be referred to the Board of Appeals for a public hearing and their final decision. Otherwise the Director of Planning may approve or deny the proposed Land Management Plan.

This application must be submitted with one copy of a scaled drawing showing the layout of the property, all adjacent properties, streets and sidewalks and areas and notes related to the proposed Land Management Plan.

To be completed by Planning staff

Applicants must reimburse the City for the cost of postage and copies for mailing notices.

Number of notices _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____

Application accepted by: [Signature] Date: 7/20/17