



PUBLIC NOTICE & AGENDA
BELOIT BOARD OF APPEALS
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Tuesday, September 12, 2023

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the July 11, 2023 Board of Appeals Meeting
[Attachment](#)
3. APPEALS
No appeals have been submitted for review by the Board.
4. VARIANCES
 - 4.a. Consideration of an application from Juanjose Moran for an Area Variance to Section 8-300(h) (1)(a) of the City of Beloit Zoning Ordinance to allow a six-foot high fence in the front or street-side setback area and Section 8-300(i)(2) of the City of Beloit Zoning Ordinance to allow a six percent open fence in the front or street-side setback area in an R-1A, Single Family Residential District, for the property located at 604 Frederick Street.

[Attachment](#)
 - 4.b. Consideration of an application from Hendricks Commercial Properties for a Variance to Section 5-421(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modification or addition to a nonconforming structure, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value without the entire structure being permanently changed to a conforming structure in compliance with the applicable requirements of the floodplain/zoning ordinance for the property located at 701 Third Street.

[Attachment](#)
5. SUCH OTHER MATTERS AS MAY BE AUTHORIZED BY LAW
No other matters for review by the Board.
6. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

**MINUTES
BELOIT BOARD OF APPEALS
City Hall Forum, 100 State Street, Beloit, WI 53511
7:00 PM
Tuesday, July 11, 2023**

1. CALL TO ORDER AND ROLL CALL

A meeting of the City of Beloit Board of Appeals was held on Tuesday, July 11, 2023, in the Forum of Beloit City Hall, 100 State Street. Chairperson David Baker called the meeting to order at 7:00 PM. TJ Nee, Director of Planning and Building Services, called the roll. Present were: David Baker, Susan Adams, Dustin Gronau, Mark Preuschl and John Petersen.

2. ELECTION OF OFFICERS

2.a. Election of Chairperson

Adams nominated Baker as Chairperson, which was seconded by Petersen. Baker accepted the nomination. The nomination passed (5-0), voice vote.

2.b. Election of Vice-Chairperson

Gronau nominated Adams as Vice-Chairperson, which was seconded by Baker. Adams accepted the nomination. The nomination passed (5-0), voice vote.

2.c. Election of Second Vice-Chairperson

Adams nominated Gronau as Second Vice-Chairperson, which was seconded by Preuschl. Gronau accepted the nomination. The nomination passed (5-0), voice vote.

3. MINUTES

3.a. Consideration of the Minutes of the December 13, 2022 Board of Appeals Meeting

Petersen made a motion to approve the December 13, 2022 minutes as submitted. Preuschl seconded the motion. The motion passed (5-0), voice vote.

4. APPEALS

No appeals were submitted for review by the Board.

5. VARIANCES

No variance requests were submitted for review by the Board.

6. SUCH OTHER MATTERS AS MAY BE AUTHORIZED BY LAW

6.a. Consideration of Resolution 2023-01 approving the amendment to the Rules of Procedure for the Board of Appeals

Julie Christensen, Community Development Director, presented the staff report and the amended Rules of Procedures for the Board of Appeals, including the processes for variances and appeals, and a change in quorum to three members.

Adams asked how quorum has changed. Christensen noted that the Board of Appeals quorum was changed in the early 2000s to five members per State law, but subsequently State law changed again to make quorum just a majority. Preuschl asked about the seven-member makeup of the Board. Christensen said that there are five regular members, and two alternates. Christensen said the two alternates can be part of the discussion but cannot vote if there are enough regular members present. Preuschl noted that the language for contested hearings is simplified. Christensen confirmed that procedure is similar so there was no need to differentiate between a variance or appeal process and a contested hearing.

Referring to the Voting paragraph in the Rules of Procedure, Adams asked if five financially disinterested board members are not available, if it would be three that would meet quorum. Christensen agreed that the change should be made from five to three, and that if none of them can vote then they would adjourn the meeting.

Discussion on the Rules of Procedures related to voting ensued. Adams asked if alternates could sit up front. Christensen said that they can sit up front, and it was clarified that alternate members cannot vote unless regular members are not able to vote or are not present as outlined in State Statute.

Adams moved to approve the Rules and Procedures as discussed and amended, seconded by Preuschl. The motion passed (5-0), voice vote.

6. **ADJOURNMENT**

Preuschl made a motion to adjourn, which was seconded by Gronau. The meeting adjourned at 7:39 PM.

David Baker, Chairperson

CITY OF BELOIT

REPORTS TO BOARD OF APPEALS



Meeting Date: September 12, 2023	Agenda Item: 4a	File Number: BOA-2023-02
Applicant: Juanjose Moran	Owner: Juanjose Moran	Location: 604 Frederick Street
Existing Zoning: R-1A, Single Family Residential District	Existing Land Use: Single Family Residence	Parcel Size: 0.93 acres

Request:
 Juanjose Moran has filed an application requesting an Area Variance to Section 8-300(h)(1)(a) of the City of Beloit Zoning Ordinance to allow a six-foot high fence in the front or street-side setback area and Section 8-300(i)(2) of the City of Beloit Zoning Ordinance to allow a six percent open fence in the front or street-side setback area in an R-1A, Single Family Residential District, for the property located at 604 Frederick Street.

Request Overview/Background Information:
 The applicant has proposed the construction of a 158-foot long, six-foot high fence that is six percent open beginning near the northwest property corner of the lot and following along and near the property line adjacent to Forest Avenue, then south towards the northeast corner of the house. The 158 Feet along Forest Avenue and the portion of the proposed fence within 30 feet of the property line toward the house is within the street-side setback area of Forest Avenue.

- Key Issues:**
1. Section 8-300(h)(1)(a) of the City of Beloit Zoning Ordinance requires that fences installed in front setback or street-side setback areas shall comply with this section and with the following requirements: In residential, commercial and Public Lands and Institutional (PLI) zoning districts, fence height shall not exceed four feet.
 2. Section 8-300(i)(2) of the City of Beloit Zoning Ordinance requires that fences located in front setback and street-side setback areas shall be 50 percent open (see-through) and be of split rail, wrought iron or picket design.
 3. The proposed fence is six feet high and according to the application, six percent open (see-through).
 4. The existing lot is 0.93 acres and all existing structures (a single-family house and a detached garage) more than meet required setbacks. The zoning lot is not substandard and exceeds minimum lot area, width and setback requirements.
 5. The attached Public Notice was sent to 6 nearby property owners. As of this writing, Planning staff has not received any comments or concerns.
 6. **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.
 7. The attached Findings of Fact evaluate this application against the above standards.

Consistency with the Comprehensive Plan

- The Comprehensive Plan recommends Single Family Residential Uses for the property, and the property is zoned R-1A, Single Family Residential District, consistent with the Comprehensive Plan.

Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. **Write N/A if not applicable**

N/A

Staff Recommendation

- The Planning & Building Services Division recommends **denial** of Area Variance to Section 8-300(h)(1)(a) of the City of Beloit Zoning Ordinance to allow a six-foot high fence in a front or street-side setback area, and recommends **denial** of Area Variance and Section 8-300(i)(2) of the City of Beloit Zoning Ordinance to allow a six percent open fence in the front or street-side setback area in an R-1A, Single Family Residential District, for the property located at 604 Frederick 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 Map, Google Street View, Initial Fence Application, Approved Fence Application, Fence Permit, Notice of Violation and Photos, BOA Application, Applicant Submittals, Public Notice, and Mailing List

CITY OF БЕЛОIT

FINDINGS OF FACT

The applicant's requests are for an Area Variance to Section 8-300(h)(1)(a) of the City of Beloit Zoning Ordinance to allow a six-foot high fence in a front or street side setback area, and an Area Variance to Section 8-300(i)(2) of the City of Beloit Zoning Ordinance to allow a six percent open fence in the front or street side setback area in an R-1A, Single Family Residential District, for the property located at 604 Frederick 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.

Compliance with the strict letter of the Zoning Ordinance regulating fence height and percentage of the fence that is open within the street-side setback (30-feet) of Forest Avenue (or Frederick Street) would not be unnecessarily burdensome for the property owner. It is not burdensome to build a fence to code, in this case four feet high rather than six feet high in the street-side setback area, and it is not burdensome to maintain a 50 percent open fence within front or street-side setback areas. All Residential, Commercial and PLI properties in the City where a fence can be built are required to meet the same height standard and the 50 percent requirement applies to all zoning districts including manufacturing districts. Both existing structures on the property more than meet the setback requirements of the R-1A Zoning District, and do not create a physical hardship to install a fence per code. Also, a fence, or lack thereof, does not impact the ability of the owner to use the property for a single-family residence. The applicant indicated that a second garage and driveway off Forest Avenue makes the property unique and that "enforcing the setback for the fence would put a fence through the middle of the driveway thus preventing me from using the driveway for permitted purposes." Staff believes the location of the fence across the driveway (if the applicant chooses to cross the driveway) at the setback line as opposed to where the applicant shows it crossing the driveway right behind the property line has no bearing on the ability to use the driveway. The applicant can build a fence in the location desired on the fence application, it just cannot be higher than four feet or less than 50 percent open in the street-side setback area as proposed.

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

The existing conditions of the lot and buildings are not unique to the property. All Residential, Commercial and PLI properties in the City have the same requirements of a maximum four-foot high fence that is at least 50 percent open in front and street-side setback areas (note the 50 percent requirement applies to all zoning districts including manufacturing districts). There are not unique site constraints such as topographical, existing structures or otherwise that hinder the ability or build a fence to code. The applicant indicated that the position of his house on his lot create unique circumstance of increased vulnerability. Staff believes this is not a unique situation, and that the Zoning Ordinance does not treat properties differently based on real or perceived levels of crime. Arguably, a six-foot high site-obscuring fence adjacent to the public right-of-way provides cover for criminal activity by preventing visibility from neighbors, motorists and passersby.

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

The applicant indicated that "the level of vulnerability would exist regardless of who lives there." Again, staff believes this is not a unique situation to this property, and that the Zoning Ordinance does not treat properties differently based on real or perceived levels of crime. Additionally, the applicant originally started building a fence without a permit. Staff notified the applicant that a permit was needed, and he applied to build a six-foot, sight-obscuring fence within the street-side setback area. Because it did not meet code, staff requested that he amend his application, which he did. His amended application met code, because the proposed fencing, although six feet high and site-obscuring was proposed to be setback at least 30 feet from the front and street-side property lines. However, once approved and the fence permit was issued, the applicant continued installing a six-foot privacy fence near the property line along Forest Avenue, and not as described in the approved drawing, which was a violation of the fence code. Staff issued a violation letter with a correction date on August 8, 2023. Any hardship related to the installation of a fence per code is self-created, evidenced by the fact that applicant applied for and was approved for a fence that met code, but simply chose

not to build it to code.

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

The variance will undermine the purpose of the ordinance. The Zoning Ordinance was adopted pursuant to the powers granted and limitations imposed by the Constitution and laws of the State of Wisconsin. Included in that authority is the ability to establish Development Standards codified in Article VIII of the Zoning Ordinance. Fence regulations are included in those Development Standards. The Zoning Ordinance and the Development Standards contained within it are intended to protect the public health, safety, morals, comfort, convenience, and general welfare of existing and future residents of the City in part by “zoning all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City” and by “fixing reasonable standards to which buildings and structures shall conform.”

No fences, other than those in manufacturing districts, are allowed higher than four feet within the front and street-side setback areas, and in no district (including manufacturing districts) are allowed to be less than 50 percent open (see through) within the front and street-side setback areas. Allowing a variance to construct a fence on residential property that would not even be permitted in a manufacturing zoning district will undermine the purpose of the ordinance, compromise neighborhood aesthetics, potentially compromise community safety and negatively impact property values, all of which are not in the public interest.

(e) The variance **will** permit a use of land that substantially changes the character of the neighborhood.

The applicant is not proposing a change in land use, however allowing a six-foot fence that is less than 50 percent open in a front or street-side setback area would set a precedence for future requests. The effects of doing so would both individually and cumulatively substantially change the character of any neighborhood.

Location Map



Google Street View



Initial Fence Application



FENCE & DOG ENCLOSURE PERMIT APPLICATION

Location/Address: 604 Frederick St
Tax Parcel No.: 13331150

Application Number: _____

Applicant: Juanjose Moran
Address: 604 Frederick St
City: Beloit State: WI Zip: 53511
Phone: 253-394-2379

Owner: Juanjose Moran
Address: 604 Frederick St
City: Beloit State: WI Zip: 53511
Phone: 253-394-2379

Lot Type: Interior Lot X Corner Lot

Fence/Enclosure Type: X Privacy - Material: Wood
 Split Rail - Material: _____
 X Picket - Material: Wood
 Chain Link (prohibited in front and street side setback areas)
 Color Coated Chain Link
 Other: _____

Fence Height: 6 Foot


A Site Plan or Plat Map is required. Use the back side of this application to satisfy this requirement.

Installation Regulations

- All fence posts support components must be located on the inside of the fence facing the property on which the fence is located unless the fence is designed and constructed to look the same on both sides of the fence.
- Fences shall be installed plumb and the top finish of the fence shall be uniform.
- All fences proposed to be located in the front setback or street side setback shall comply with the regulations governing vision triangles found in section 8-400 of the Zoning Ordinance.
- The height of fences shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited.
- The project site shall be marked by *Digger's Hotline* before digging holes for fence installation. The permit holder shall be responsible for damage to any underground utility.
- No fence, or portion thereof, shall be closer than eighteen (18") inches from the public sidewalk.
- No portion of any fence may extend beyond any property line, public right-of-way, or public land, unless the owner has secured a written and recorded easement.

The applicant certifies that all of the above information is true and correct, and agrees to complete the work described according to the information given, the plans and specifications filed, and to be in full compliance with all applicable laws, codes, rules and regulations of the City of Beloit and the State of Wisconsin. This permit is valid for one year; deadlines contained therein are always subject to any shorter deadline contained in an order imposed by the Planning & Building Services Division and Code Enforcement.

ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE A CITY GUARANTEE AS TO THE ACCURACY OF THE SITE PLAN/PLAT MAP. APPLICANT AND OWNER ACKNOWLEDGE SOLE RESPONSIBILITY FOR ACCURATELY LOCATING PROPERTY LINES AND HEREBY CERTIFY THAT THERE WILL BE NO ENCROACHMENT UPON NEIGHBORING PROPERTIES. FOLLOWING INSTALLATION, CONTACT THE HOUSING SERVICES DIVISION AT (608) 364-6650 TO SCHEDULE AN INSPECTION.

Applicant's Signature: 

Date: 6/28/2023

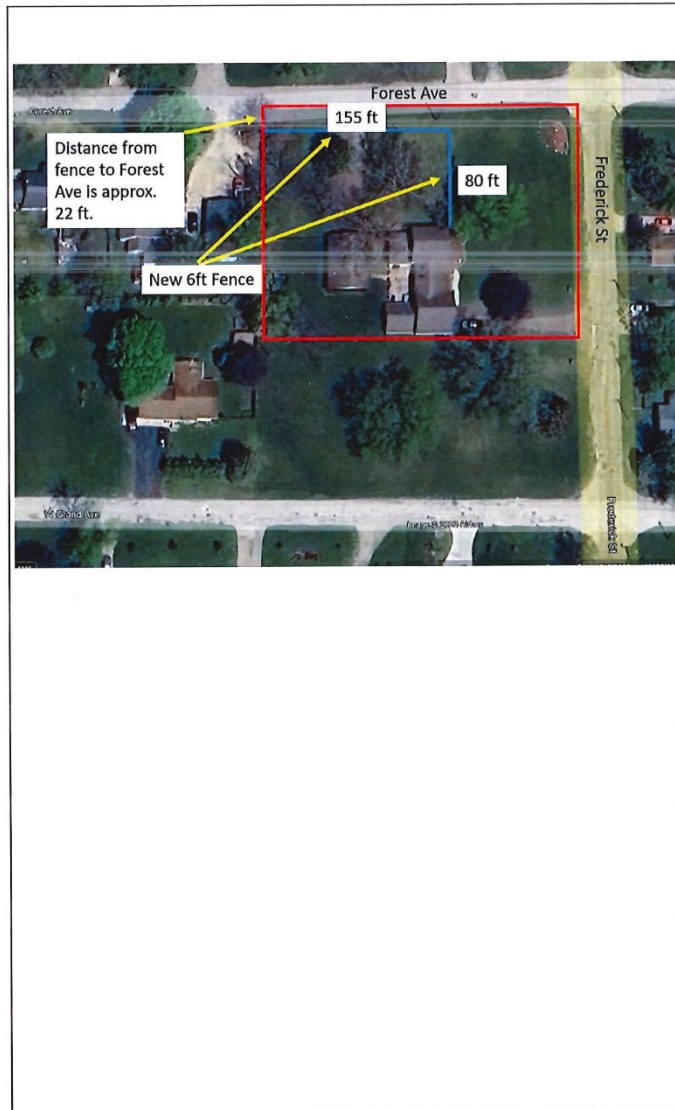
Office Use

Architectural Review Required: No Yes – Contact Planning Division Prior to Approval
Historic Property: No Yes – Contact Planning & Building Services Division Prior to Approval
Permit Fee: \$25/\$75 (if applicable) - Cash: Check: /Check No. Credit Card:

Approved By: _____

Date: _____

Site Plan/Plat Map (Required)



Required Elements:

- Property Lines
- Adjacent Streets
- Existing Structures
- Fence Location & Height
- Distance between fence and property lines
- Distance between fence and existing structures
- Berms or dramatic changes in grade

Approved Fence Application



FENCE & DOG ENCLOSURE PERMIT APPLICATION

Location/Address: 604 Frederick St
 Tax Parcel No.: 13331150

Application Number: 66348

Applicant: Juan Moran
 Address: 604 Frederick St
 City: Beloit State: WI Zip: 53511
 Phone: 2533942379

Owner: Juan Moran
 Address: 604 Frederick St
 City: Beloit State: WI Zip: 53511
 Phone: 2533942379

Lot Type: Interior Lot Corner Lot

Fence/Enclosure Type: Privacy - Material: Wood
 Split Rail - Material: _____
 Picket - Material: Wood
 Chain Link (prohibited in front and street side setback areas)
 Color Coated Chain Link
 Other: _____

Fence Height: 6ft

280082
13331150

A Site Plan or Plat Map is required. Use the back side of this application to satisfy this requirement.

Installation Regulations

- All fence posts support components must be located on the inside of the fence facing the property on which the fence is located unless the fence is designed and constructed to look the same on both sides of the fence.
- Fences shall be installed plumb and the top finish of the fence shall be uniform.
- All fences proposed to be located in the front setback or street side setback shall comply with the regulations governing vision triangles found in section 8-400 of the Zoning Ordinance.
- The height of fences shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited.
- The project site shall be marked by *Digger's Hotline* before digging holes for fence installation. The permit holder shall be responsible for damage to any underground utility.
- No fence, or portion thereof, shall be closer than eighteen (18") inches from the public sidewalk.
- No portion of any fence may extend beyond any property line, public right-of-way, or public land, unless the owner has secured a written and recorded easement.

The applicant certifies that all of the above information is true and correct, and agrees to complete the work described according to the information given, the plans and specifications filed, and to be in full compliance with all applicable laws, codes, rules and regulations of the City of Beloit and the State of Wisconsin. This permit is valid for one year; deadlines contained therein are always subject to any shorter deadline contained in an order imposed by the Planning & Building Services Division and Code Enforcement.

ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE A CITY GUARANTEE AS TO THE ACCURACY OF THE SITE PLAN/PLAT MAP. APPLICANT AND OWNER ACKNOWLEDGE SOLE RESPONSIBILITY FOR ACCURATELY LOCATING PROPERTY LINES AND HEREBY CERTIFY THAT THERE WILL BE NO ENCROACHMENT UPON NEIGHBORING PROPERTIES. FOLLOWING INSTALLATION, CONTACT THE HOUSING SERVICES DIVISION AT (608) 364-6650 TO SCHEDULE AN INSPECTION.

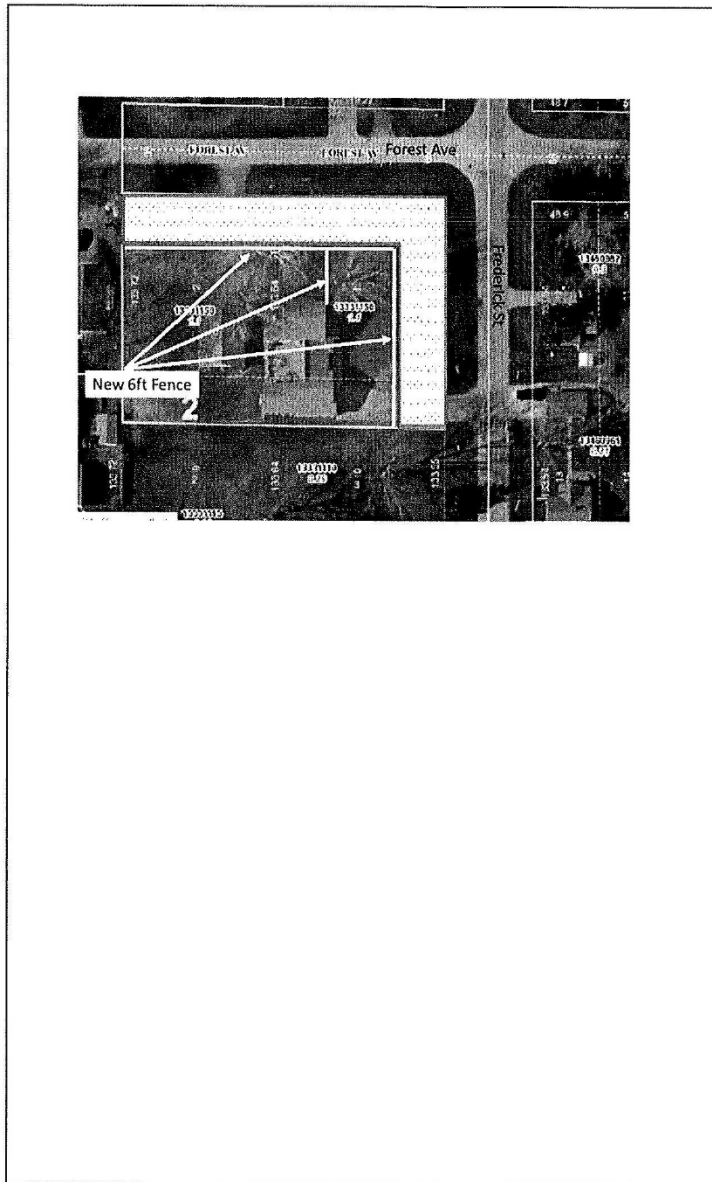
Applicant's Signature: Date: 7/10/2023

Office Use

Architectural Review Required: No Yes - Contact Planning Division Prior to Approval
 Historic Property: No Yes - Contact Planning & Building Services Division Prior to Approval
 Permit Fee: \$25/\$75 (if applicable) - Cash: Check: /Check No. Credit Card:

Approved By: Date: 7/11/2023

Site Plan/Plat Map (Required)



Required Elements:

- Property Lines
- Adjacent Streets
- Existing Structures
- Fence Location & Height
- Distance between fence and property lines
- Distance between fence and existing structures
- Berms or dramatic changes in grade

Fence Permit



DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING & BUILDING SERVICES
100 STATE STREET
BELOIT, WI 53511

TELEPHONE: (608) 364-6700
FAX: (608) 364-6609
www.beloitwi.gov

Fence Permit

F20230082

604 FREDERICK ST

Application Number: 66348
Parcel Number: 13331150

Application Date: 07/10/2023
Permit Date: 07/13/2023
Expire Date: 07/13/2024

THIS PERMIT HAS BEEN ISSUED IN ACCORDANCE WITH THE APPLICATIONS AND PLANS APPROVED BY HOUSING SERVICES. ALL WORK MUST BE DONE IN STRICT ACCORDANCE WITH LOCAL, STATE AND FEDERAL CODES.


Building Official

Permit Fee Paid: \$25.00

Description of Work: 6 FT PRIVACY WOOD FENCE. STREET&FRONT YARD MUST START 30 FT FROM PROPERTY LINE – CORNER LOT

No portion of any fence may be extended beyond any property line, public right-of-way, or public land, unless the owner has secured a written and recorded easment.

Owner:
Juan Moran
604 Frederick St
Beloit, WI 53511

APPEARANCE

All fences shall be installed with the finished side facing the adjacent property or the public right of way, unless the fence is located in a rear yard and more than 10 feet from any side or rear lot line. All fence posts must be located on the inside of the fence facing the property on which the fence is located, unless the fence is designed and constructed to look the same on both sides of the fence.

Notice of Violation and Photos



Division of Planning and
Building Services
City Hall
100 State Street
Beloit, Wisconsin 53511

608-364-6700 (Office)
608-364-6609 (Fax)
beloitwi.gov
Equal Opportunity Employer

COMMUNITY DEVELOPMENT DEPARTMENT

Via U.S. Mail & Email

August 8, 2023

Juan Jose & Jennifer Moran
604 Fredrick Street
Beloit WI, 53511

Re: Notice of Violation - Fence Installment at 604 Fredrick Street

Dear Mr. Jose,

Our official records indicate that you are the owner of the property at 604 Fredrick Street, in the City of Beloit. Beloit City Staff was informed about a fence that had recently been constructed, on the above referenced property, without a permit. A notice of violation was sent out June 28, 2023. A permit was issued for a fence on July 13, 2023 for a privacy fence setback 30 from the property lines. The approved design is not what has been installed on site. Furthermore, the fence height is not compliant with section 8-300(h)(1) of the Zoning Ordinance, which requires a maximum height of 4 feet for a fence installed on a street facing setback. Fences located in front setback and street side setback areas shall be 50 percent open (see-through) and be of split rail, wrought iron picket design, or coated chain-link.

Please correct the fence to make it compliant with zoning ordinances by Tuesday August 29, 2023 in order to avoid a citation.

Failure to correct this violation by the date above may result in any of the penalties described in Article 10 of the Zoning Ordinance. The forfeiture associated with the first citation is \$187.00. You have the right to appeal this order in accordance with Section 2-1000 of the Zoning Ordinance. If you have any questions, please contact me at (608) 364-6708 or email at rottmanh@beloitwi.gov.

Sincerely,

A handwritten signature in blue ink that reads "Hilary Rottmann".

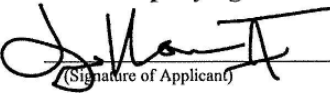
Hilary Rottmann, Planner II
Planning & Building Services

c: File, Property

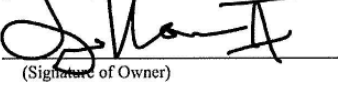


12. In order for this application to be considered complete, the applicant must attach a scale drawing (1" = 20' usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes 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.


/ Juanjose Moran
/ 8/18/2023
(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.


/ Juanjose Moran
/ 8/18/2023
(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 \$300.00 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: **\$300.00** Amount paid: _____ Meeting date: _____
 Application accepted by: _____ Date: _____
 No. of notices: _____ X mailing cost (\$0.50) = cost of mailing notices: \$ _____
 Date Notice Published: _____ Date Notice Mailed: _____

Applicant Submittals

10. State specific sections of code and Variance(s) requested: (Use separate sheet if necessary)

Beloit, Wisconsin Code of Ordinances
Chapter 19 Zoning Code
Article VIII - Development Standards
8-300 Fences

h.FENCE HEIGHT. Fence height shall be in accordance with this section and the following requirements:

1.Fences in Front or Street-Side Areas . Fences installed in front setback or street-side setback areas shall comply with this section and with the following requirements:

(a)In residential, commercial and PLI zoning districts, fence height shall not exceed 4 feet.

*Request a variance to allow for a 6 foot fence.

i.FENCE MATERIALS.

2.Fences located in front setback and street side setback areas shall be 50 percent open (see-through) and be of split rail, wrought iron or picket design.

*Request a variance to allow for a reduction to 6 percent open

11. State specific hardship experienced by the applicant: (Use separate sheet if necessary)

My name is Juan Moran and I am a United States Air Force retired veteran. During my 21 years of services and worked as a Combat Controller (CCT) for 8 years. As a CCT I deployed three times to Afghanistan, with two of those time being to extremely remote locations. During these deployments I was in combat multiple times, combat that involved being ambushed, small arms fire, heavy machine gun fire, rocket propelled grenades, IED's, and mortar/rocket attacks. Fortunately, I was never physically injured during these deployments, but I didn't leave unscathed. I now suffer from Post Traumatic Stress Disorder that comes with depression and anxiety. The anxiety portion is centered around the safety and security of my family. And while the difference between and 4 foot chain-link fence and a 6 foot wood privacy fence might not seem like that big of a deal, it is to me. I make sure that I do what I can everyday to make sure my family is safe and secure. I live on a very large lot for the city, and currently the northwest corner is very exposed creating a vulnerability and safety concern. I would like the opportunity to feel that my family and I are safe in our own home.

In order to grant an Area Variance, the Board of Appeals must determine that all of the following criteria 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

My property is unique in that it has a second garage and driveway on the side of the house. Enforcing the setback for the fence would put a fence through the middle of the driveway thus preventing me from using the driveway for permitted purposes.

2. rendering conformity with such regulations unnecessarily burdensome; and

Not allowing for the variance would require a less safe 4 foot fence on the most vulnerable area of my property. Subjecting my property to an increased likelihood of break in and theft. This side street area has no lights and the shorter fence would allow anyone to see into my backyard, master bedroom, side garage and view any stored items on my property. These combined things increase the vulnerability of my property and given my PTSD creates an unnecessary burden that could easily be prevented with no negative effects to the community.

b. The hardship is unique to the property; and

The location of my property in relationship to city lines and the position of my house on my lot create a unique circumstance of increased vulnerability. My house was broken into multiple times during the last owners ownership.

c. The hardship is not self-created; and

The level of vulnerability would exist regardless of who lives here.

d. The variance will not undermine the purpose of the ordinance or the public interest; and

The purpose of the ordinance was difficult to obtain and the below quote is what I received from the city. Additionally, I do not have side walks around my house, nor am I requesting a privacy fence along the property line in the front setback area.

“This is a long time standard applied throughout the City to all residential properties. The setback in the R-1A zoning district is 30 feet. Beyond that fences can be higher and private. I was not here when the code was written but I assume it is largely for community aesthetics, safety and property values. Imagine a block of houses in the City where all the property owners placed a 6-foot high fence 18 inches from the sidewalk. Our streetscapes would look and feel like alleys. Community safety would likely be compromised because residents would not be able to monitor the streets they reside on.”

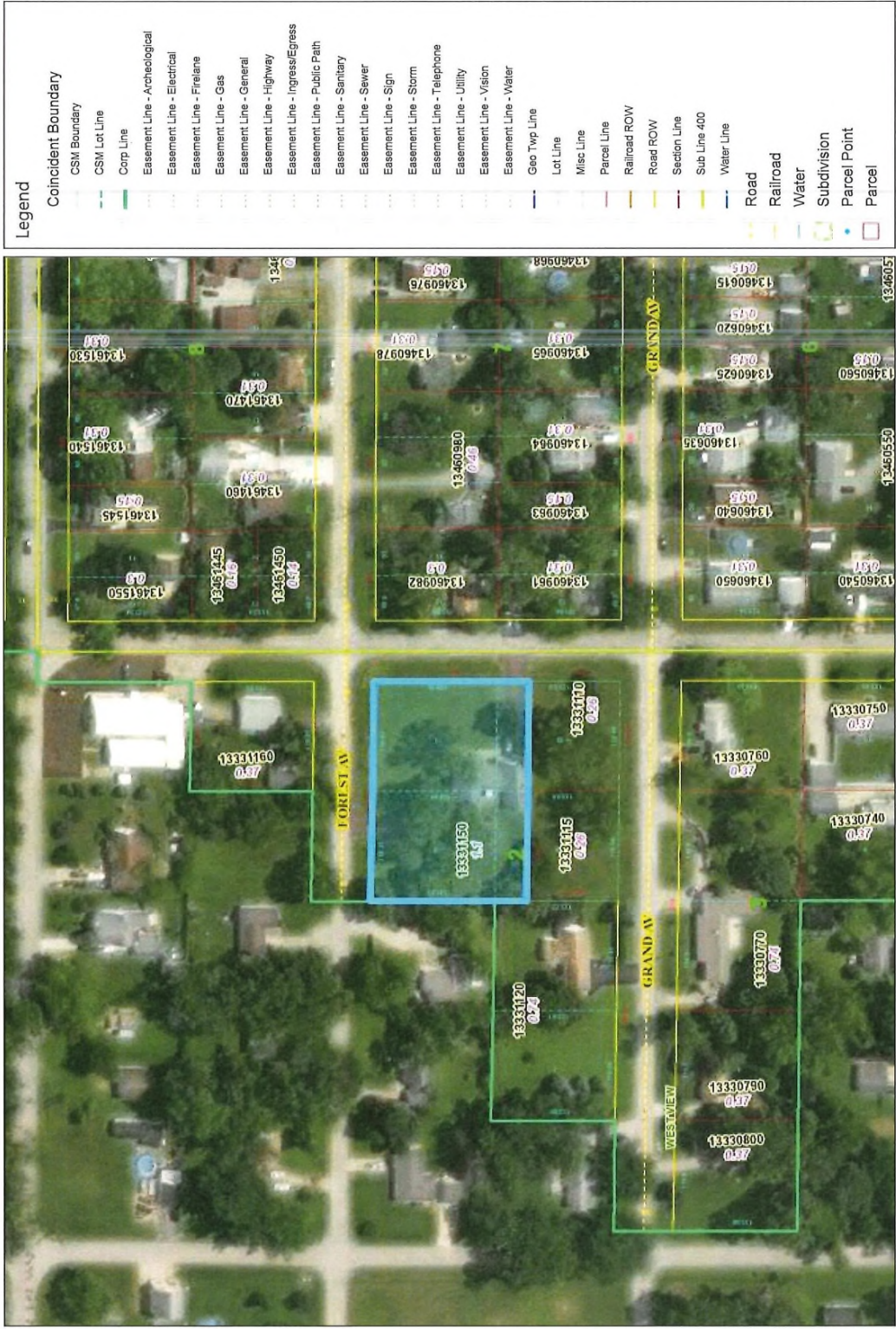
Aesthetics – I was approved to build a 6 foot fence essentially around my entire side and front yard as long as it met the setback criteria. While I am willing to do this, I have not talked with one person including my wife who thinks this would be aesthetically pleasing. A fence not encroaching on the front setback area, built all of similar material meets the aesthetics the city desires.

Safety – Crimes are often committed against residents’ personal property. The more a resident can safeguard their property the less like a crime will be committed against it. Less crimes committed in the city make for a safer city. My privacy fence will add to the safety of the city.

Property value – My wife has been a realtor for over 5 years and is currently a broker. Privacy fences are often viewed as a benefit and can increase property value. An increase in my property value will likely benefit the houses in my neighborhood.

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

Use of land is not changed.



604 Frederick St
 Web Print: 08/09/2023

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 188 376 Feet

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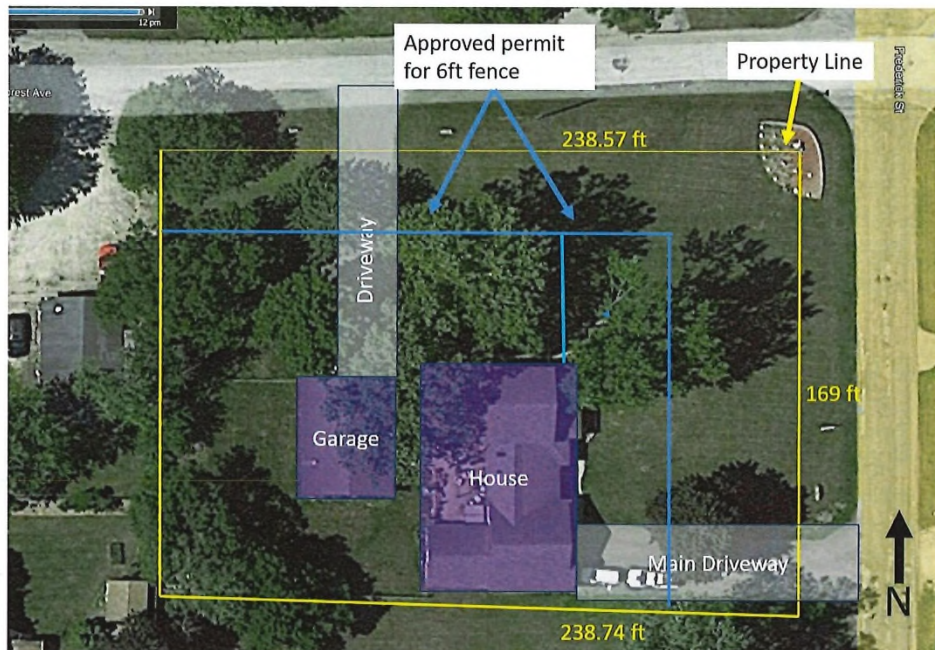
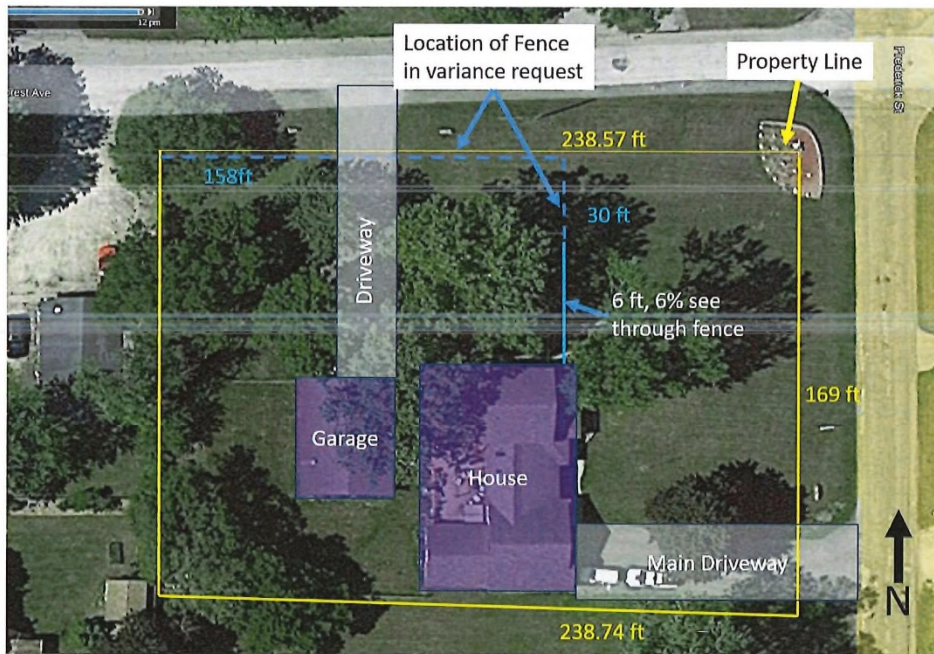
Parcel Number: 13331150
 Owner: Scott A. Ward Kari G. Ward
 Owner's Address: 604 Frederick St Beloit, WI 53511
 Site Address: 604 Frederick St
 Zoning: R-1A
 Land Use: Single family residential
 Neighborhood: Southwest
 Legal Description: LOT 1 CSM VOL 32 PGS 223 & 224
 Acreage: 0.926

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Web Print: 08/09/2023

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Page 1 of 1



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

August 31, 2023

To Whom It May Concern:

Juanjose Moran has filed an application requesting an Area Variance to Section 8-300(h)(1)(a) of the City of Beloit Zoning Ordinance to allow a six-foot high fence to in a front or street side setback area and Section 8-300(i)(2) of the City of Beloit Zoning Ordinance to allow a six percent open fence in the front or street side setback area in an R-1A, Single Family Residential District, for the property located at:

604 Frederick Street.

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

Board of Appeals: Tuesday, September 12, 2023, at 7:00 PM or as soon thereafter as the matter can be heard in the City Hall Forum, 100 State Street.

We are interested in your opinion. You may mail your comments to the attention of TJ Nee at 100 State Street, Beloit, Wisconsin 53511 or via email to neet@beloitwi.gov. You may also call (608) 364-6711 to provide your comments over the phone.

You may 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 more information, contact TJ Nee at neet@beloitwi.gov or (608) 364-6711.

DANIEL BAKER
2331 W. GRAND AVE.
BELOIT, WI 53511

SCOTT A. WARD
1011 E. ELMWOOD AVE.
BELOIT, WI 53511-2403

LOUIS S. PEER
945 S. WEST STREET
BELOIT, WI 53511-4804

DEBRA L. UNDERHILL
2248 FOREST AVENUE
BELOIT, WI 53511-5717

GARY A. OLSON
1952 TOWNVIEW AVE
BELOIT, WI 53511-2824

RAYMOND C. VINCE
11536 WILD DEER TRL
ROSCOE, IL 60173-8988

CITY OF БЕЛОИТ

REPORTS TO BOARD OF APPEALS



Meeting Date: September 12, 2023	Agenda Item: 4b	File Number: BOA-2023-3
Applicant: Daniel M. Barkes	Owner: Hendricks Commercial Properties, LLC	Location: 701 Third Street
Existing Zoning: Planned Unit Development (PUD), General Manufacturing District (M-2), Wellhead Protection Overlay (WPO)	Existing Land Use: Industrial (Warehouse), Commercial (Office, Retail Sales and Service/Entertainment)	Parcel Size: 18.64 acres to Meander Line

Request:

Hendricks Commercial Properties (HCP) has filed an application requesting a Variance to Section 5-421(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modification or addition to a nonconforming structure, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value without the entire structure being permanently changed to a conforming structure in compliance with the applicable requirements of the floodplain/zoning ordinance for the properties located at 701 Third Street. While this variance request is for the entire Ironworks Campus, the impetus for this request is related to an approved PUD for the Henry Dorrbaker project, an entertainment venue on the Campus located at the end of the Spine Road, which is also proposed to include indoor pickleball courts connected to Dorrbaker’s. This portion of the Ironworks Campus is located with the 100-year floodplain (1% Annual Chance Flood Hazard area).

Request Overview/Background Information:

HCP received a variance for the same purpose in 2013 that allowed them to make improvements to the Ironworks Campus that including the area covered by this variance request as well as additional areas south of the Spine Road that exceeded 50 percent of the present equalized assessed value without the entire structure being permanently changed to a conforming structure. The previous variance also included what is now HCP and the YMCA. Specifically, HCP’s 2013 variance allowed them to raise the lowest floor of the structure to the base flood elevation (BFE) along with floodproofing measures, rather than raising the lowest floor to the flood protection elevation (FPE), which is two feet above the BFE and required when new or non-conforming structures are built in the 100-year floodplain, or improved by more than 50 percent of their present equalized assessed value. At the time, the BFE was 743.0, and the FPE was 745.0. The BFE established in 2013 was based on the 2008 Flood Insurance Rate Maps (FIRM). In 2015, those maps were updated effectively lowering the BFE in this area of the Rock River, including the Dorrbaker portion of the structure from 743.0 to between 741.3 and 741.6, and in the planned indoor pickleball court area to between 741.6 and 742.2. HCP would like to build up the lowest floor of Henry Dorrbaker’s to 742.5 (at least 0.9 feet above BFE) and maintain the existing floor of the planned pickleball courts at 742.29 (at least 0.09 feet above BFE), but not raise them to 743.0 since the BFE has dropped. Raising the floors to 743.0 would cause unnecessary hardship. HCP is specifically requesting that the lowest floors of the structure at least meet the current BFE as determined by FEMA at the time of construction, whatever that elevation may be, but not a specific elevation number. As such, a new variance for the HCP properties is needed to clarify a condition in the original variance that referred to elevating the lowest floor to the BFE, and 743.0. The new variance is requested for Lot 1 of Certified Survey Map Document Number 2065929, recorded in Volume 37 on Pages 445-452 of Certified Survey Maps (CSM) of Rock County Wisconsin (attached). The original 2013 variance will remain in effect for properties not covered by this new variance since the 2013 variance would still apply to areas described in the 2013 variance except for Lot 1 described above.

Key Issues:

1. Section 5-421(b)(4) of the City of Beloit Zoning Ordinance requires that no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance.
2. Since the variance was approved in 2013, an estimated \$12M has been invested in the property at 701 Third Street. The current assessed value is just under \$24M. HCP will be making additional significant investments in the property which likely will exceed the 50 percent limit that the original variance allows, provided conditions of approval of the variance continue to be met. However, the first condition of approval in the 2013 variance is

now considered ambiguous since it requires that **“Prior to occupancy of the renovated commercial space, the applicant shall elevate the lowest floor to the base flood elevation of 743.0 and shall implement the flood proofing measures proposed in their application attachments.”** Staff believes the intent of the original variance was to elevate the lowest floor to the BFE, which at the time was 743.0, but that 743.0 has no significance in it of itself other than representing the prior BFE.

3. Related to the 2013 approved variance, on August 12, 2013 DNR provided correspondence stating, *“It is our position that if you elevate the lowest floor to the base flood elevation that we will not oppose the variance. Please recognize, however, that if for some reason you do not elevate the lowest floor to the base flood elevation, that we would oppose the variance.”* Related to this current variance request, on August 18, 2023 DNR provided correspondence stating, *“Our recommendation at the Department will always be to maximize flood protection where possible within the scope of your ordinance, but ultimately, the Department would not object to the City’s interpretation of this variance, as long as it results in construction above the current BFE at a minimum.”*
4. The applicant has complied with all conditions of the 2013 variance including the various floodproofing measures outlined in the 2013 staff report (attached).
5. The attached Public Notice was sent to 5 nearby property owners. As of this writing, Planning staff has not received any comments or concerns.
6. The standards for granting a variance to the floodplain regulations are detailed in Section 5-426 of the Zoning Ordinance. The attached Findings of Fact evaluate this application against those standards.

Consistency with the Comprehensive Plan

- The Comprehensive Plan recommends General Industrial uses for the property. The underlying M-2 zoning and PUD classification are appropriate and consistent with the Comprehensive Plan.

Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. **Write N/A if not applicable**

If approved, the variance would comply with *Economic Sustainability* as described in the Strategic Plan by making decisions in an economically and fiscally responsible way to further the health of the local economy.

Staff Recommendation

- The Planning & Building Services Division recommends **approval** of a Variance to Section 5-421(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modification or addition to a nonconforming structure, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value without the entire structure being permanently changed to a conforming structure in compliance with the applicable requirements of the floodplain/zoning ordinance for the property located at 701 Third Street, based upon the attached updated Findings of Fact and subject to the following conditions:
 1. Prior to occupancy of renovated space, the applicant shall elevate the lowest floor to at least meet the current BFE as determined by FEMA at the time of construction, whatever that elevation may be.
 2. The applicant shall obtain all applicable zoning and building-related approvals and permits needed prior to renovation and occupancy of the property.
 3. Any material changes in the adopted conditions or use of this property shall be approved by the Board of Appeals by amending this Variance.

Fiscal Note/Budget Impact

- If approved, the variance would allow additional redevelopment and adaptive reuse of an underused portion of the Ironworks Campus, create jobs and increase the tax base.

Attachments

Findings of Fact, BOA Application, Applicant Submittals including CSM, FEMA Exhibit and Narrative, Public Notice, and Mailing List, BOA-2013-05 Report Materials

CITY OF БЕЛОIT

FINDINGS OF FACT

The applicant's request is for a Variance to Section 5-421(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modification or addition to a nonconforming structure, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value without the entire structure being permanently changed to a conforming structure in compliance with the applicable requirements of the floodplain/zoning ordinance for the property located at 701 Third Street.

Under the standards for a Variance in Section 5-426(d) of the Zoning Ordinance, Planning staff finds:

- (a) Literal enforcement of the section will cause unnecessary hardship; and

Literal enforcement of the floodplain provisions causes unnecessary hardship and would require concrete fill of 2.24 feet to 3.64 feet over approximately 16,950 square feet for the Henry Dorrbacker area and 1.91 feet to 2.71 feet over approximately 12,000 square feet for the pickleball courts area if the lowest floors were elevated to the flood protection elevation (FPE). The higher fill amounts are based on the 745.0 FPE and the lesser fill amounts are based on the current FPEs. This is equivalent to approximately 150 to 233 loads of a standard dump truck. Significant fill throughout the remaining part of the Campus may also be needed in the future. Additionally, raising the floors of these proposed spaces will create a disconnect from the adjacent spaces both internally and externally due to a significant elevation change. Adjacent unimproved building areas have floor elevations ranging from 741.17' to 742.29' and the exterior sidewalk and roadway grades range from 740.50' to 742.50'. Extensive ramping and stairs will be required to maintain access and ADA compliance to and from the proposed spaces.

- (b) The hardship is due to adoption of the floodplain section and unique property conditions, not common to adjacent lots or premises. In such case the section or map must be amended; and

The hardship is due to the adoption of the floodplain ordinance in 2008 as amended in 2015, which is more than 100 years after the building was constructed to house Beloit Corporation. The current Ironworks building and overall Campus have unique property conditions not common to adjacent lots or premises including its size, original construction period, former use and location in downtown Beloit adjacent to the Rock River, all of which make it particularly and practically difficult to make this facility completely conform to contemporary Floodplain Zoning standards.

- (c) The variance is not contrary to the public interest; and

The variance is not contrary to the public interest. The applicant will elevate the lowest floor to the base flood elevation and has provided flood proofing measures. The DNR has indicated that it does not object to the City's interpretation of this variance, as long as it results in construction above the current BFE at a minimum.

- (d) The variance is consistent with the purpose of this section in Section 5-403.

The variance, subject to a condition requiring the lowest floor to be at or above BFE along with flood proofing, is consistent with the purpose of the ordinance in Section 5-403.

In addition to the criteria above, to qualify for a variance under FEMA regulations, the following criteria must be met:

- (a) The variance may not cause any increase in the regional flood elevation;
(b) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
(c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the section.

As with the previous variance granted in 2013, the proposed variance meets criteria (a) and (c) above. For criterion (b) the lot size is greater than one-half acre but criterion (b) is not absolute. 44 CFR § 60.6(a) allows variances for lots that are larger than one-half acre, provided "the technical justification required for

issuing a variance increases.” The justification outlined above meets this condition including the need for extensive fill over a large footprint that ultimately exceeds one-half acre, otherwise creating a disconnect from the adjacent spaces both internally and externally due to a significant elevation change, extensive ramping and stairs that would be required to maintain access and ADA compliance to and from the proposed spaces, and unique property conditions not common to adjacent lots or premises including its size, original construction period, former use and location in downtown Beloit adjacent to the Rock River. It would be particularly and practically difficult to make this facility completely conform to contemporary Floodplain Zoning standards that were not in existence at the time of site development more than 100 years ago.

A variance shall not:

- (a) Grant, extend or increase any use prohibited in the zoning district.
- (b) Be granted for a hardship based solely on an economic gain or loss.
- (c) Be granted for a hardship which is self-created.
- (d) Damage the rights or property values of other persons in the area.
- (e) Allow actions without the amendments to this section or map(s) required in Division 8, Amendments.
- (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

The requested variance does not grant, extend or increase any use prohibited in the zoning district. Literal enforcement of the section will cause unnecessary hardship not solely based on economic gain or loss. The hardship is due to adoption of the floodplain section and unique property conditions and not self-created. The variance is not contrary to the public interest and does not damage the rights or property values of other persons in the area. The variance does not allow actions without amendments to this section or map(s) required in Division 8 related to obstructions or increase in base flood elevations. The proposed variance does not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure because it is not a designated historic structure.

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: _____

1. Property Address: 701 THIRD STREET
2. Tax Parcel Number(s): 13530710
3. Legal description: Lot: _____ Block: _____ Subdivision: SEE ATTACHED

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

4. Owner of record: HEWDRICKS COMM Phone: 608.247.1192
525 PROPERTIES THIRD ST BELoit WI
(Address) (City) (State) (Zip)
5. Applicant's Name: HEWDRICKS COMMERCIAL PROPERTIES
525 THIRD ST BELoit WI 53511
(Address) (City) (State) (Zip)
608.362.8981, 608.247.1192 DAN.BARKER@HEWDRICKSGROUP.net
(Office Phone #) (Cell Phone #) (E-mail Address)
6. Present zoning: M-2, WPD Present use: OFFICE, WAREHOUSE, ENTERTAINMENT
7. Proposed use (if different): SAME
8. Purpose of application: "Area" Variance "Use" Variance
 Administrative Appeal Administrative Appeal – Contested Case Proceedings
9. Code from which relief is sought or appeal is taken:
 Zoning Ordinance Floodplain Ordinance


10. State specific sections of code and Variance(s) requested: (Use separate sheet if necessary)
CHAPTER 19 ARTICLE V. REQUESTING A VARIANCE
AS THE PROPOSED RENOVATIONS WILL EXCEED 50%
OF THE CURRENT EQUALIZED VALUE.

11. State specific hardship experienced by the applicant: (Use separate sheet if necessary)
THE 50% VALUATION THRESHOLD WILL NOT ALLOW
THE NECESSARY IMPROVEMENTS TO MODERNIZE
THE FACILITY. LOOKING FOR CLARIFICATION
ON THE FILL REQUIREMENT FROM THE
2013 VARIANCE APPROVAL.

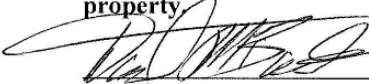
(Continued on back)

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.

 | DANIEL M. EAVES | 8.18.23
 (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

 | DANIEL M. EAVES | 8.18.23
 (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 \$300.00 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: \$300.00	Amount paid: _____ Meeting date: _____
Application accepted by: _____	Date: _____
No. of notices: _____	X mailing cost (\$0.50) = cost of mailing notices: \$ _____
Date Notice Published: _____	Date Notice Mailed: _____

APPLICANT SUBMITTALS



August 29, 2023

Board of Appeals Application supplemental narrative:

Hendricks Commercial Properties is seeking an amendment to the current variance or a variance to Section 5-421 of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance for the Ironworks Campus located at 701 Third Street. The requested amendment to the existing variance or new variance language would be **to require the lowest finished floor elevation, at a minimum, be brought to the Base Flood Elevation at the time of construction.** The current variance established in 2013 allowed modifications to the structures on the subject property if the lowest finished floors of the structures were brought up to the Base Flood Elevation of 743.00 and flood proofing measures were installed. Flood proofing measures such as a flood wall, flood gate, and backflow preventer were installed as part of the Irontek Drive "Spine Roadway" construction. Since 2013, base flood elevations were reevaluated and lowered by FEMA and updated maps were released.

The existing floor elevation of the proposed Henry Dorrbaker's Entertainment Lab (HDB) is 741.36' and the existing floor elevation of the proposed pickleball courts space is 742.29'. The current 100-year (1% annual flood hazard chance on average) elevation through the proposed HDB space ranges from 741.30' to 741.60' and through the proposed pickleball courts space ranges from 741.60' to 742.20'. The requirements of the non-conforming structures without a variance are to bring the lowest finished floor elevation to a minimum of 2-feet above the 100-year flood elevation and a 15-foot area around the perimeter of the building to 1-foot above the 100-year flood elevation. This would require the proposed HDB space floor to be brought to 745.00' in the 2013 standard or 743.60' by the current flood elevations and the proposed pickleball courts area to be brought to 745.00' in the 2013 standard or 744.20' by the current flood elevations. This is a required concrete fill of 2.24-feet to 3.64-feet over approximately 16,950 SF for the HDB area and 1.91-feet to 2.71-feet over approximately 12,000 SF for the pickleball courts area. This is equivalent to approximately 150 to 233 loads of a standard dump truck. Additionally, raising the floors of these proposed spaces will create a disconnect from the adjacent spaces both internally and externally due to a significant elevation change. Adjacent unimproved building areas have floor elevations ranging from 741.17' to 742.29' and the exterior sidewalk and roadway grades range from 740.50' to 742.50'. Extensive ramping and stairs will be required to maintain access and ADA compliance to and from the proposed spaces. Please reference the attached FEMA Exhibit, sheet C2.07 for more detail.

The requested variance will provide relief to the proposed development by requiring the proposed HDB space to fill only 0.24' (2.9") and require no fill for the proposed pickleball courts space. However, to better match the existing sidewalk, roadway, and proposed pickleball courts floor elevations and minimize the required ramping, the HDB space will have a finished floor elevation of approximately 742.50' which would be 0.90' above the allowed variance elevation providing additional flood protection.

19 N. High St.
Janesville, WI 53548
608-743-9350

2857 S. Bartells Dr.
Beloit, WI 53511
608-365-4464

1040 N. Wisconsin Street
Elkhorn, WI 53121
262-379-2250



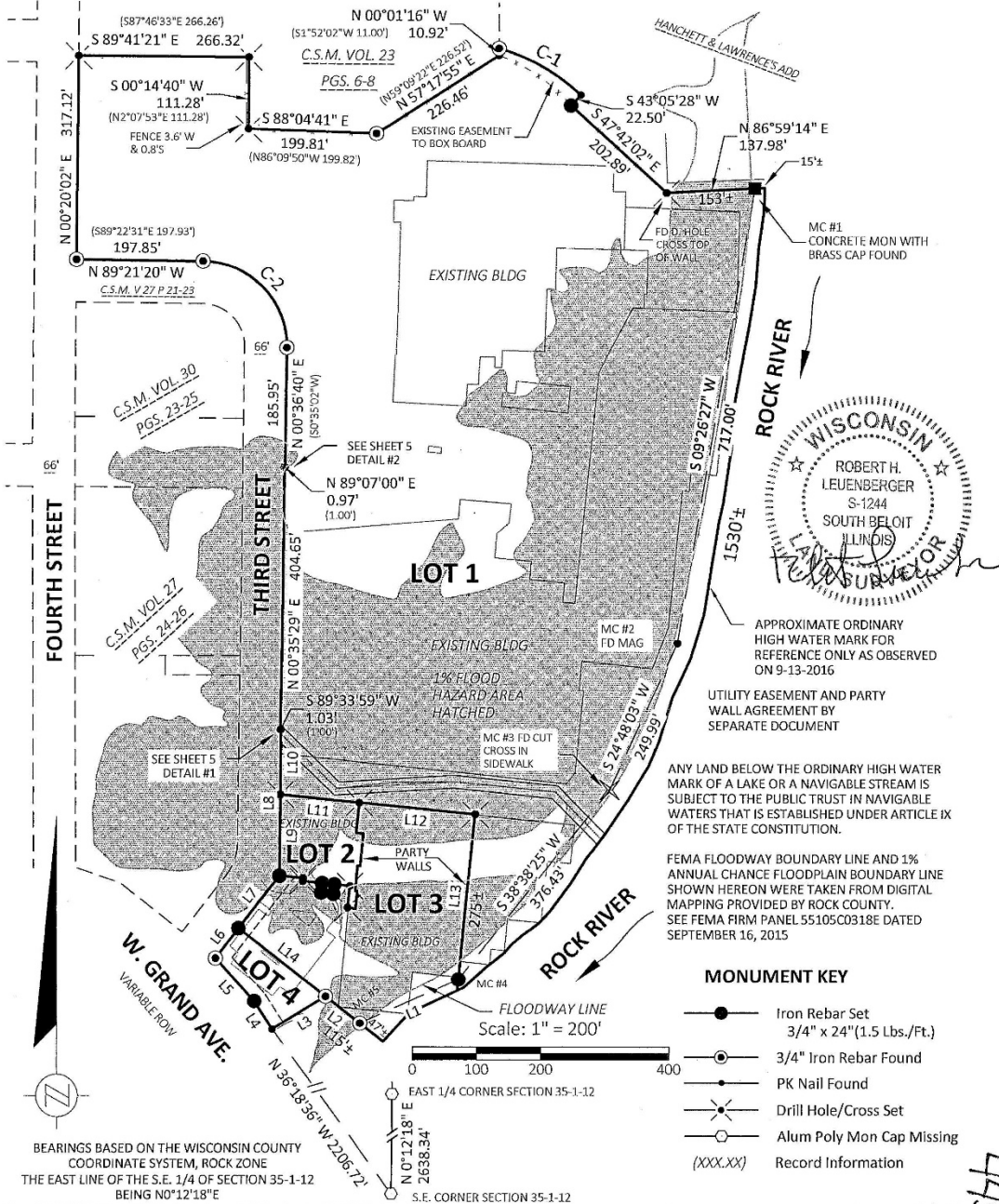
2065929

RANDAL LEVES
REGISTER OF DEEDS
ROCK COUNTY, WI
RECORDED ON
11/16/2016 09:00:48AM

CERTIFIED SURVEY MAP

OF PART OF BLOCKS 14, 15 AND 16 OF HANCHETT AND LAWRENCE'S ADDITION, ALSO LOTS 1-9 OF TENNEY'S ADDITION, ALSO A PART OF LOT 35 ALL OF LOTS 36-42 AND 57-59 OF HACKETT ADDITION AND LOTS 1, 2 AND PART OF LOT 3 AND THE VACATED ALLEY OF TATTERSHALL & CONVERSE'S SUBDIVISION, ALSO INCLUDING THOSE PORTIONS OF VACATED WEST GRAND AVENUE, ST. LAWRENCE AVENUE, SECOND STREET, THIRD STREET THE HEAD AND TAIL RACE, BEING ALL A PART OF GOVERNMENT LOTS 2 AND 3 OF SECTION 35, T. 1 N., R. 12 E. OF THE 4TH P.M., NOW CITY OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.

REC FEE: 30.00
FILED: CSM 37-445
PAGES: 8



APPROXIMATE ORDINARY HIGH WATER MARK FOR REFERENCE ONLY AS OBSERVED ON 9-13-2016

UTILITY EASEMENT AND PARTY WALL AGREEMENT BY SEPARATE DOCUMENT

ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX OF THE STATE CONSTITUTION.

FEMA FLOODWAY BOUNDARY LINE AND 1% ANNUAL CHANCE FLOODPLAIN BOUNDARY LINE SHOWN HEREON WERE TAKEN FROM DIGITAL MAPPING PROVIDED BY ROCK COUNTY. SEE FEMA FIRM PANEL 55105C0318E DATED SEPTEMBER 16, 2015

MONUMENT KEY

- Iron Rebar Set
3/4" x 24" (1.5 Lbs./Ft.)
- 3/4" Iron Rebar Found
- PK Nail Found
- Drill Hole/Cross Set
- Alum Poly Mon Cap Missing
- (XXX.XX) Record Information

BEARINGS BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM, ROCK ZONE
THE EAST LINE OF THE S.E. 1/4 OF SECTION 35-1-12 BEING N0°12'18"E

ORDER NO: 32103
BOOK: 566 PAGE 22
FIELD CREW: RHL
DRAWN BY: RHL
DATE: SEPTEMBER 14, 2016

ORDERED BY
HENDRICKS COMMERCIAL PROPERTIES
SHEET 1 OF 8

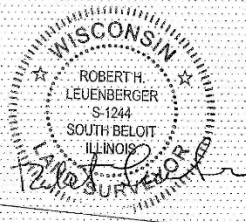
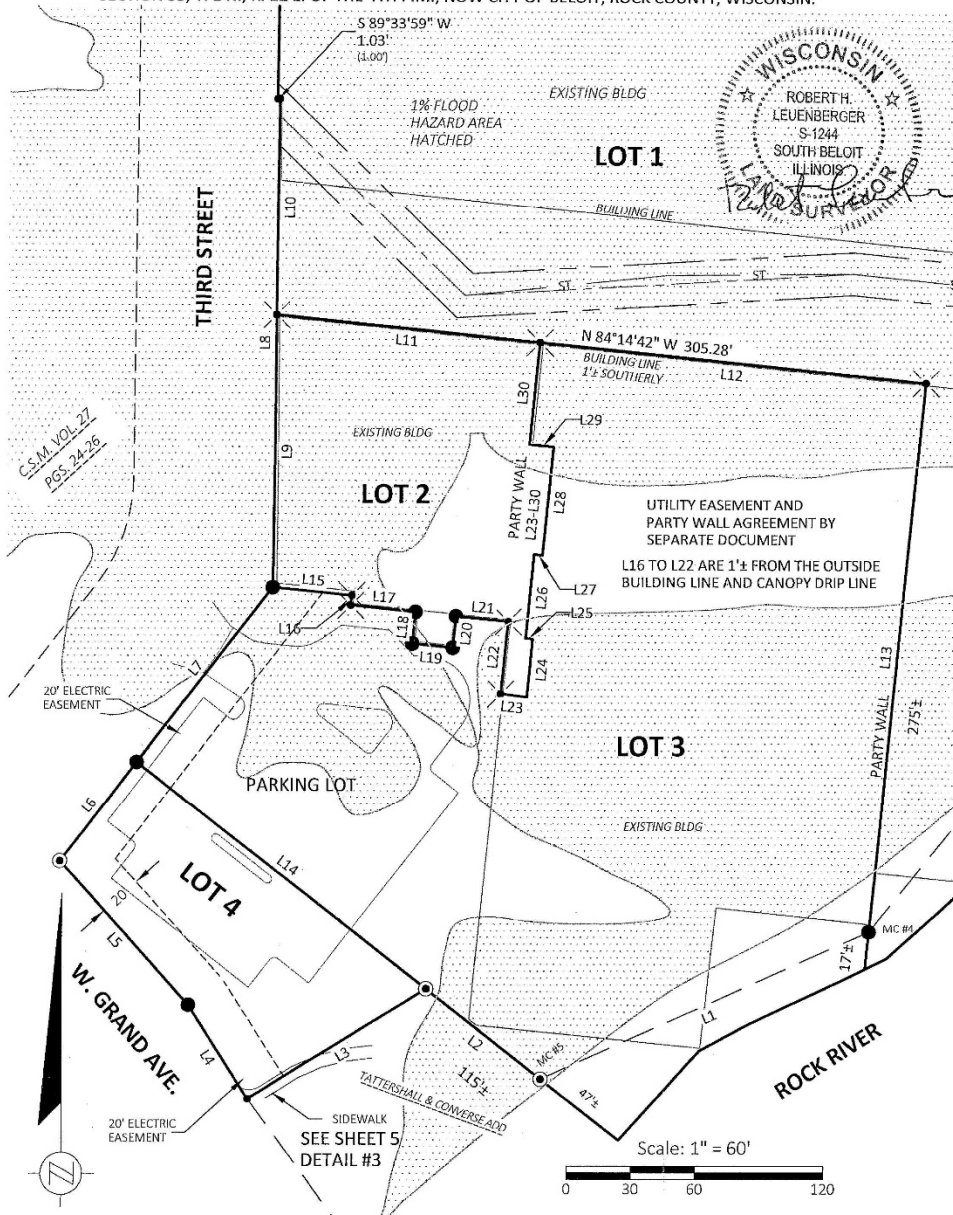
Batterman
engineers surveyors planners

2857 Bartells Drive Beloit, Wisconsin 53511
608.365.4464 www.rhbatterman.com

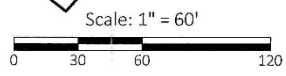
475

CERTIFIED SURVEY MAP

OF PART OF BLOCKS 14, 15 AND 16 OF HANCHETT AND LAWRENCE'S ADDITION, ALSO LOTS 1-9 OF TENNEY'S ADDITION, ALSO A PART OF LOT 35 ALL OF LOTS 36-42 AND 57-59 OF HACKETT ADDITION AND LOTS 1, 2 AND PART OF LOT 3 AND THE VACATED ALLEY OF TATTERSHALL & CONVERSE'S SUBDIVISION, ALSO INCLUDING THOSE PORTIONS OF VACATED WEST GRAND AVENUE, ST. LAWRENCE AVENUE, SECOND STREET, THIRD STREET THE HEAD AND TAIL RACE, BEING ALL A PART OF GOVERNMENT LOTS 2 AND 3 OF SECTION 35, T. 1 N., R. 12 E. OF THE 4TH P.M., NOW CITY OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.



C.S.M. VOL. 27
PAGES 24-26



<p>ORDER NO: 32103 BOOK: 566 PAGE 22 FILED CREW: RHL DRAWN BY: RHL DATE: SEPTEMBER 14, 2016</p>	<p>ORDERED BY HENDRICKS COMMERCIAL PROPERTIES SHEET 2 OF 8</p>	<p>Batterman engineers surveyors planners 2857 Bartells Drive Beloit, Wisconsin 53511 608.365.4464 www.rhbatterman.com</p>
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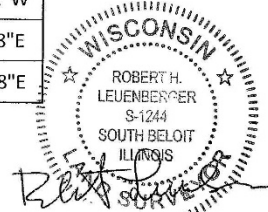
977

CERTIFIED SURVEY MAP

OF PART OF BLOCKS 14, 15 AND 16 OF HANCHETT AND LAWRENCE'S ADDITION, ALSO LOTS 1-9 OF TENNEY'S ADDITION, ALSO A PART OF LOT 35 ALL OF LOTS 36-42 AND 57-59 OF HACKETT ADDITION AND LOTS 1, 2 AND PART OF LOT 3 AND THE VACATED ALLEY OF TATTERSHALL & CONVERSE'S SUBDIVISION, ALSO INCLUDING THOSE PORTIONS OF VACATED WEST GRAND AVENUE, ST. LAWRENCE AVENUE, SECOND STREET, THIRD STREET THE HEAD AND TAIL RACE, BEING ALL A PART OF GOVERNMENT LOTS 2 AND 3 OF SECTION 35, T. 1 N., R. 12 E. OF THE 4TH P.M., NOW CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

Line Table		
Line #	Length	Direction
L1	168.09	S65° 59' 36"W
L2	67.93	N52° 01' 35"W
L3	97.75	S58° 31' 28"W
L4	51.70	N32° 41' 48"W
L5	90.20	N42° 09' 40"W
L6	58.64	N37° 56' 45"E
L7	102.80	N38° 01' 25"E
L8	227.53	N00° 36' 34"E
L9	126.48	N00° 36' 34"E
L10	101.05	N00° 36' 34"E
L11	123.83	N84° 14' 42"W
L12	181.55	N84° 14' 42"W
L13	257.10	N05° 43' 15"E
L14	172.00	S52° 07' 51"E
L15	37.16	S84° 17' 46"E
L16	4.60	S06° 07' 29"W
L17	30.48	S84° 15' 23"E
L18	14.65	N05° 44' 37"E
L19	19.08	S84° 15' 23"E
L20	14.65	N05° 44' 37"E

Line Table		
Line #	Length	Direction
L21	24.49	S84° 15' 23"E
L22	33.65	N05° 45' 04"E
L23	12.37	S82° 58' 05"E
L24	27.08	S05° 30' 27"W
L25	3.38	S84° 29' 33"E
L26	39.20	N05° 37' 45"E
L27	3.85	S84° 19' 18"E
L28	50.51	S05° 40' 42"W
L29	11.29	S84° 19' 18"E
L30	47.68	N05° 47' 28"E



LOT AREAS

LOT 1 TO MEANDER LINE = 812,090± SF / 18.64 ACRES
 LOT 1 TO APPROXIMATE ORDINARY HIGH WATER MARK = 19.6± ACRES


LOT 2 = 16,712 ± SF / 0.38 ACRES

LOT 3 TO MEANDER LINE = 74,492± SF / 1.7 ACRES
 LOT 3 TO APPROXIMATE ORDINARY HIGH WATER MARK = 1.8± ACRES

LOT 4 = 11,519± SF / 0.26 ACRES

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	ARC	CHORD BEARING	CHORD LENGTH
C-1	27°28'56"	307.95'	147.71'	S 60°40'29" E	146.30'
C-2	90°02'34"	132.94'	208.92'	N 44°23'51" W	188.08'

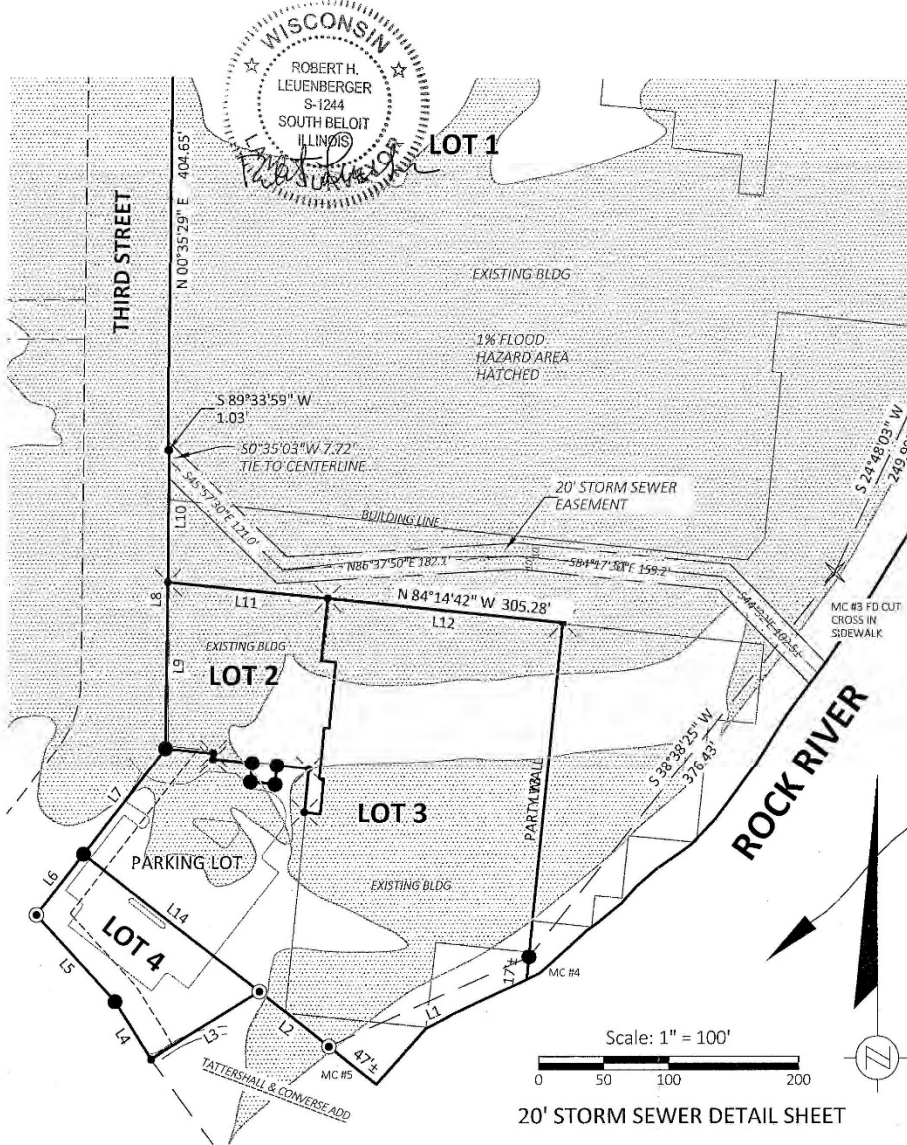
RECORD CURVE DATA
 C-2 DELTA = 89°57'33" RADIUS = 133.00' ARC = 208.82' CHORD = N44°23'44"W 188.02'

ORDER NO: 32103 DRAWN BY: RHL DATE: SEPTEMBER 14, 2016	ORDERED BY HENDRICKS COMMERCIAL PROPERTIES SHEET 3 OF 8	 2857 Bartells Drive Beloit, Wisconsin 53511 608.365.4464 www.rhbatterman.com
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CERTIFIED SURVEY MAP

OF PART OF BLOCKS 14, 15 AND 16 OF HANCHETT AND LAWRENCE'S ADDITION, ALSO LOTS 1-9 OF TENNEY'S ADDITION, ALSO A PART OF LOT 35 ALL OF LOTS 36-42 AND 57-59 OF HACKETT ADDITION AND LOTS 1, 2 AND PART OF LOT 3 AND THE VACATED ALLEY OF TATTERSHALL & CONVERSE'S SUBDIVISION, ALSO INCLUDING THOSE PORTIONS OF VACATED WEST GRAND AVENUE, ST. LAWRENCE AVENUE, SECOND STREET, THIRD STREET THE HEAD AND TAIL RACE, BEING ALL A PART OF GOVERNMENT LOTS 2 AND 3 OF SECTION 35, T. 1 N., R. 12 E. OF THE 4TH P.M., NOW CITY OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.



ORDER NO: 32103
BOOK: 566 PAGE 22
FIELD CREW: RHL
DRAWN BY: RHL
DATE: SEPTEMBER 14, 2016

ORDERED BY
HENDRICKS COMMERCIAL
PROPERTIES
SHEET 4 OF 8

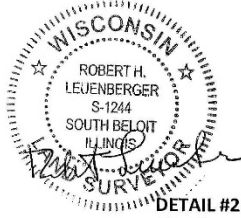
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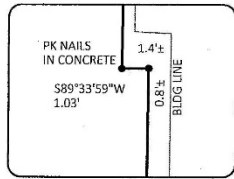
478

CERTIFIED SURVEY MAP

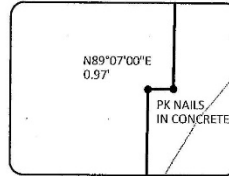
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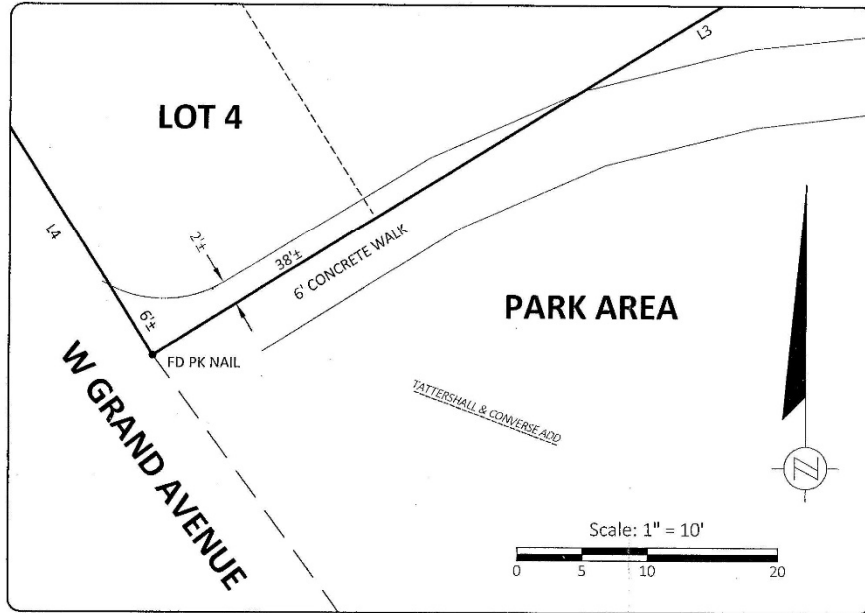
DETAIL #1
1" = 5'



DETAIL #2
1" = 5'



DETAIL #3
1" = 10'



ORDER NO: 32103 DRAWN BY: RHL DATE: SEPTEMBER 14, 2016	ORDERED BY HENDRICKS COMMERCIAL PROPERTIES SHEET 5 OF 8 <small>File Name: J:\2016-2017\32103\32103\FINAL SURVEY\DWG\DWG05.DWG</small>	engineers surveyors planners 2857 Bartells Drive Beloit, Wisconsin 53511 608.365.4464 www.rhbatterman.com	
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6/17

CERTIFIED SURVEY MAP OF

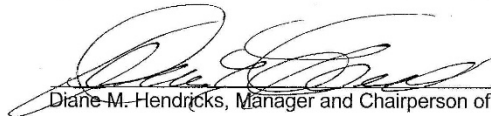
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CORPORATE OWNERS CERTIFICATE OF DEDICATION

Hendricks Commercial Properties, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner, does hereby certify that said company caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Map.

Hendricks Commercial Properties, LLC further certifies that this Map is required by Sections 236.10 or 236.12 to be submitted to the following for approval or objection: The Planning Commission of the City of Beloit.

IN WITNESS WHEREOF, Hendricks Commercial Properties, LLC has caused these presents to be signed by Diane M. Hendricks, Manager and Chairperson of the Board, this 11 day of November, 2016.


Diane M. Hendricks, Manager and Chairperson of the Board

State of Wisconsin) Personally came before me, this 11 day of November, 2016,
County of Rock) ss. Diane M. Hendricks of the above-named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such officer of said company, and acknowledged that she executed the foregoing instrument as such officer as the deed of such company, by its authority.

LORI A GOFF
Notary Public
State of Wisconsin


Notary Public, Rock County, Wisconsin

My Commission Expires: 6-5-20

WISCONSIN
ROBERT H. LEVENBERGER
S-1244
SOUTH БЕЛОИТ
ILLINOIS
SURVEYOR

ORDER NO. 32103
FOR HCP
SEPTEMBER 14, 2016
SHEET 7 OF 8

Batterman
engineers surveyors planners
2857 Bartells Drive · Beloit, Wisconsin 53511
608.365.4464 · www.rhbatterman.com



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CERTIFIED SURVEY MAP OF

OF PART OF BLOCKS 14, 15 AND 16 OF HANCHETT AND LAWRENCE'S ADDITION, ALSO LOTS 1-9 OF TENNEY'S ADDITION, ALSO A PART OF LOT 35, ALL OF LOTS 36-42 AND 57-59 OF HACKETT ADDITION AND LOTS 1, 2 AND PART OF LOT 3 AND THE VACATED ALLEY OF TATTERSHALL & CONVERSE'S SUBDIVISION, ALSO INCLUDING THOSE PORTIONS OF VACATED WEST GRAND AVENUE, ST. LAWRENCE AVENUE, SECOND STREET, THIRD STREET, THE HEAD AND TAIL RACE, BEING ALL A PART OF GOVERNMENT LOTS 2 AND 3 OF SECTION 35, T. 1 N., R. 12 E. OF THE 4TH P.M., NOW CITY OF БЕЛОИТ, ROCK COUNTY, WISCONSIN

I hereby certify that the property taxes on the parent parcel are current and have been paid as of November 2, 2016.

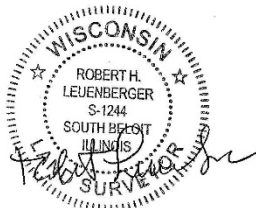
By: Nicki L. Brown
Rock County Treasurer

Approved by the Planning Commission of the City of Beloit, this 17th day of February, 2016.

By: Drew Pennington
Drew Pennington, AICP
Dir. of Planning & Building Services

DOCUMENT NO. 2065929 RECEIVED FOR RECORD THIS 16th DAY OF November A.D. 2016 AT 9:00 O'CLOCK A. M. AND RECORDED IN VOLUME 37, PAGES 445 to 452 OF CERTIFIED SURVEY MAPS OF ROCK COUNTY, WISCONSIN.

Randal Hayes REGISTER OF DEEDS



ORDER NO. 32103
FOR HCP
SEPTEMBER 14, 2016
SHEET 8 OF 8

Batterman 
engineers surveyors planners

2857 Bartells Drive Beloit, Wisconsin 53511
608.365.4464 www.rhbatterman.com

est

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

August 31, 2023

To Whom It May Concern:

Hendricks Commercial Properties (HCP) has filed an application requesting a Variance to Section 5-421(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modification or addition to a nonconforming structure, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value without the entire structure being permanently changed to a conforming structure in compliance with the applicable requirements of the floodplain/zoning ordinance in a Planned Unit Development (PUD), General Manufacturing District (M-2), Wellhead Protection Overlay (WPO) zoning district for the property located at:

701 Third Street.

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

Board of Appeals: Tuesday, September 12, 2023, at 7:00 PM or as soon thereafter as the matter can be heard in the City Hall Forum, 100 State Street.

We are interested in your opinion. You may mail your comments to the attention of TJ Nee at 100 State Street, Beloit, Wisconsin 53511 or via email to neet@beloitwi.gov. You may also call (608) 364-6711 to provide your comments over the phone.

You may submit a letter to the Board of Appeals, 100 State Street, Beloit, Wisconsin 53511, to either support or oppose the applicant's request. The standards for granting a variance to the floodplain regulations are in Section 5-426 of the Zoning Ordinance.

For more information, contact TJ Nee at neet@beloitwi.gov or 608-364-6711.

BELOIT BOX BOARD CO
PO BOX 386
BELOIT, WI 53512-0386

STATELINE FAMILY YOUNG
MEN'S CHRISTIAN ASSOCIATION INC
501 THIRD ST
BELOIT, WI 53511-6211

JAGGER BAY PROPERTIES, LLC.
141 ROOSEVELT AVE., STE. A
BELOIT, WI 53511-4417

FIRST AMERICAN CREDIT UNION
1982 CRANSTON RD
BELOIT, WI 53511-3137

P & E ENTERPRISES, LLC
PO BOX 875
BELOIT, WI 53512-0875

BOA-2013-05 REPORT MATERIALS

CITY OF BELOIT

REPORT TO THE BELOIT BOARD OF APPEALS



Meeting Date: August 13, 2013 **Agenda Item:** 4 **File Number:** BOA-2013-05

Applicant: Hendricks Commercial Properties LLC **Owner:** Hendricks Commercial Properties LLC **Location:** 701 Third Street

Existing Zoning: M-2, General Manufacturing District & WPO, Wellhead Protection Overlay District **Existing Land Use:** Manufacturing, Office, & Vacant **Total Area:** 16.36 Acres

Request:

Hendricks Commercial Properties LLC has filed an application requesting a Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance with the floodplain standards, for the Ironworks property located at 701 Third Street.

Request Overview/Background Information:

The applicant has proposed the substantial renovation of the southern half of the Ironworks facility, including partial demolition and the creation of a new west-east driveway leading from Third Street to a cul-de-sac near the river. The space to the north of the driveway will be renovated and retained as manufacturing space, while the space to the south of the new driveway will be converted into commercial space. The applicant intends to comply with some floodplain regulations by voluntarily flood proofing, but is seeking relief from other regulations that will be activated by the proposed renovations, the costs of which will exceed 50 percent of the building's assessed value.

Key Issues:

- As shown on the attached map, the entire Ironworks facility is located in the 100-year or 1% annual chance floodplain. When new buildings are proposed in the floodplain, they are subject to additional standards that involve elevating the lowest floor to the *flood protection elevation*, which is the *regional (or base) flood elevation* plus two feet. Recent examples of elevated structures near the subject property include the Phoenix building and Tilley's Pizza building.
- Existing structures that do not comply with these standards are considered legal nonconforming structures, which are subject to Section 5-439 of the Zoning Ordinance. According to Section 5-439(b)(4) of the Zoning Ordinance, "no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use."
- The current equalized assessed value of the Ironworks building is \$7,836,500. Therefore, the cost of modifications to the Ironworks building over its lifetime is limited to \$3,918,250. According to Building Permit records, the applicant has already made \$2,747,668 worth of improvements to the Ironworks building. Therefore, the applicant is limited to \$1,170,582 in additional improvements, as illustrated below.

Ironworks Building Assessed Value	\$7,836,500
50% of Ironworks Building Assessed Value	\$3,918,250
Less: Cost of Modifications To-Date	(\$2,747,668)
= Future Modifications Limit	\$1,170,582

- In other words, once the applicant spends more than \$1,170,582 on building renovations, the entire commercial portion of the building (94,000 square feet) must be raised to the *flood protection elevation*. The applicant is proposing approximately \$30 – 40 Million in renovations over the next several years, with the potential to create 700 – 1,000 jobs.
- For the subject property, the *base flood elevation* is 743.0, which means that the *flood protection elevation* is 745.0. The Ironworks building has an existing first floor elevation of 741.5, which means that the existing first floor will have to be raised 3.5 feet from 741.5 to 745.0 in order to comply with the floodplain ordinance. The industrial portions of the building can be flood proofed, but the portion proposed for commercial use will need to be elevated.
- The application and supporting documents are attached to this report.
- The applicant is proposing several flood proofing measures to protect their property and the entire neighborhood. These flood proofing measures, including flood walls and building modifications, are described in the attachments.
- The attached Public Notice was sent to four nearby property owners and the DNR. As of this writing, Planning staff

- has not received any comments or concerns from the public.
- **On August 12, 2013, DNR staff commented on the proposed variance. According to DNR staff, if the applicant elevates the first floor from the existing elevation of 741.5 to the base flood elevation of 743.0, DNR staff is not opposed to the variance. The applicant has been advised of DNR's position and is willing to elevate the first floor to 743.0. Therefore, Planning staff has proposed a condition of approval that reflects this compromise.**
 - The standards for granting a variance to the floodplain regulations are detailed in Section 5-446 of the Zoning Ordinance. The attached Findings of Fact evaluate this application against the standards.

Consistency with Comprehensive Plan:

The City's Comprehensive Plan classifies the subject property as appropriate for *General Industrial* uses. The underlying M-2 zoning classification is appropriate for this recommendation, although the applicant will need a Conditional Use Permit before establishing office uses in the southern half of the building.

Sustainability:

- **Reduce dependence upon fossil fuels** – This proposed development will reduce dependence upon fossil fuels by creating employment opportunities and increasing the availability of goods & services in an existing, underutilized industrial space that is well served by transit, bicycle, and pedestrian infrastructure.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – This proposed adaptive reuse of an existing industrial building may reduce outward development pressure on environmentally sensitive land.
- **Meet the hierarchy of present and future human needs fairly and efficiently** – This project is expected to have a positive impact on all stakeholders.

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the requested Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance with the floodplain standards, for the Ironworks property located at 701 Third Street, based upon the attached Findings of Fact, subject to the following conditions:

1. **Prior to occupancy of the renovated commercial space, the applicant shall elevate the lowest floor to the base flood elevation of 743.0 and shall implement the flood proofing measures proposed in their application attachments.**
2. Prior to establishing commercial (office) uses in the M-2 district, the applicant shall obtain a Conditional Use Permit from the Beloit City Council.
3. Prior to issuance of Building Permits for this project, the applicant shall submit detailed site & architectural plans for Planning staff review and approval.
4. Any major changes in the adopted conditions or use of this property shall be approved by the Board of Appeals by amending this Variance.

Attachments: Findings of Fact, Location & Zoning Map, Master Plan, Flood Proofing Plan, Application & Attachments, Public Notice, and Mailing List.

FINDINGS OF FACT

Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance with the floodplain standards, for the Ironworks property located at 701 Third Street.

Under the standards for a Variance in Section 5-446(d) of the Zoning Ordinance, Planning staff finds:

- (a) Literal enforcement of the section provisions will cause unnecessary hardship; and
Literal enforcement of the floodplain provisions will require the applicant to raise the 94,000 square-foot floor of an existing industrial building that was constructed nearly a century ago by 3.5 feet, which would create major practical difficulties. Compliance would involve pumping 1,200 – 1,500 truckloads of cement into an existing structure in phases, and would create a 3.5-foot differential in floor elevations. While there is hardship in trying to elevate the building, there is also hardship in trying to maintain nonconforming status over the long term, since it would be virtually impossible to rehab and occupy the vacant portions of this massive complex without exceeding the 50% cap. Therefore, limiting the cost of improvements to \$1.17M in perpetuity would result in the complex remaining in a perpetual half-vibrant, half-vacant state, which would cause unnecessary blight and hardship upon the entire community.
- (b) The hardship is due to adoption of the floodplain section and unique property conditions, not common to adjacent lots or premises. In such case the section or map must be amended; and
The hardship is due to the adoption of the floodplain ordinance in 2008, decades after the building was constructed and 8 years after Beloit Corp. closed. The Ironworks building is unique due to its age, historical relevance as an employment hub, size, and location. Due to the massive size and scale of the building, there are few, if any, buildings in the City that would be tougher to bring into compliance with the floodplain regulations.
- (c) The variance is not contrary to the public interest; and
The variance is not contrary to the public interest. The applicant is voluntarily elevating the lowest floor to the base flood elevation and providing flood proofing that will enhance flood protection.
- (d) The variance is consistent with the purpose of this section in Section 5-403.
The variance, subject to a condition requiring the lowest floor to be at or above base flood elevation and flood proofing, is consistent with the purpose of the ordinance in Section 5-403.

In addition to the criteria above, to qualify for a variance under FEMA regulations, the following criteria must be met:

- (a) The variance may not cause any increase in the regional flood elevation;
- (b) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
- (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the section.
The proposed variance meets criteria (a) and (c) above. Criteria (b) is somewhat arbitrary when applied to existing industrial properties like the subject property. While it's true that allowing a variance for a new development on large floodplain property would have more of a potential impact, it's also true that bringing a large existing property into compliance with the floodplain standards coincides with a greater likelihood of hardship. By making all properties over a certain size ineligible for a variance, even in cases of good and sufficient cause, this standard may raise questions relating to due process and equal protection.

A variance shall not:

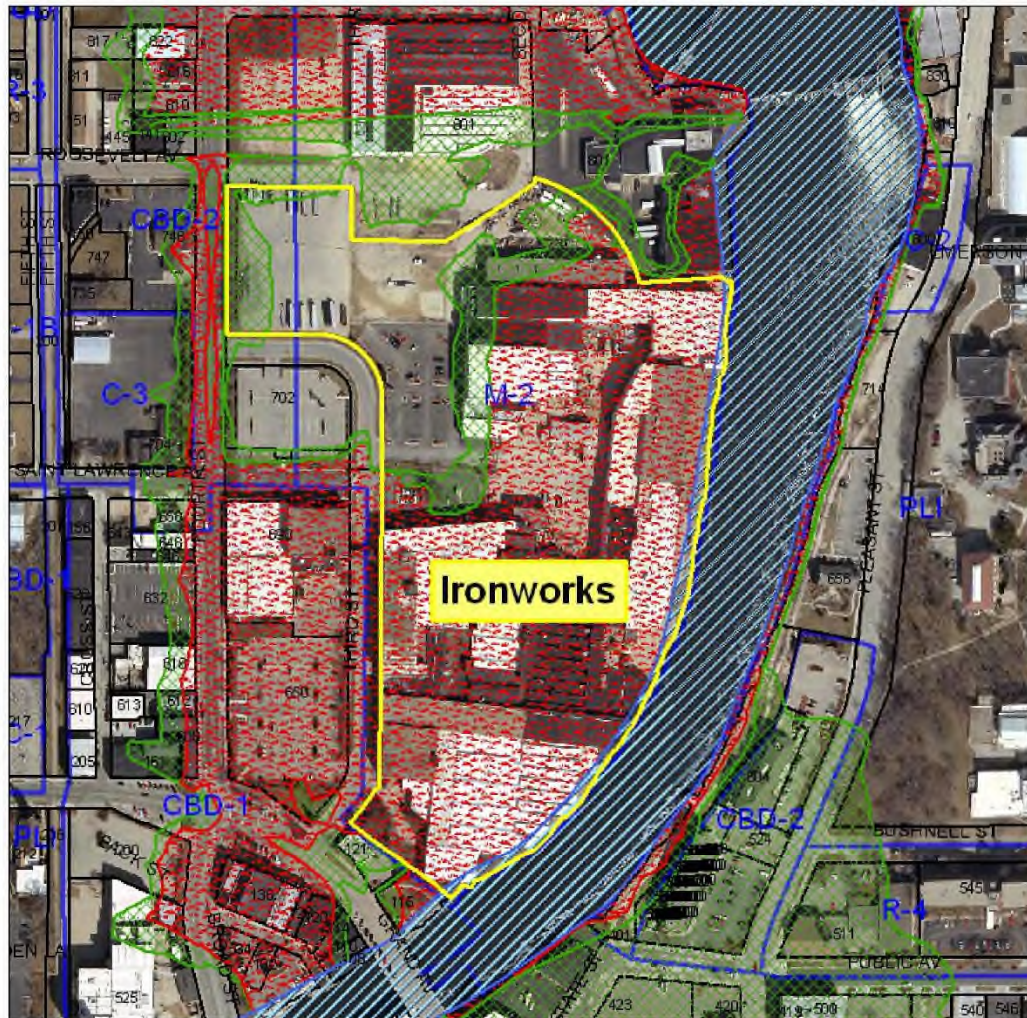
- (a) Grant, extend or increase any use prohibited in the zoning district.
- (b) Be granted for a hardship based solely on an economic gain or loss.
- (c) Be granted for a hardship which is self-created.
- (d) Damage the rights or property values of other persons in the area.
- (e) Allow actions without the amendments to this section or map(s) required in Section 5-450.
- (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

The requested variance will allow permitted and conditional uses. The hardship is based upon the practical difficulty of pumping massive amounts of cement into an existing industrial building, and the design problems resulting from a 3.5-foot differential in floor elevation from one side of the private street to the other. The hardship is due to the adoption of the ordinance in 2008, and the proposed flood proofing will ensure that the project does not damage the rights or property values of others. Therefore, Planning staff believes that the requested variance meets the above criteria.

Location & Zoning Map

701 Third Street

BOA-2013-05



1 inch = 281 feet

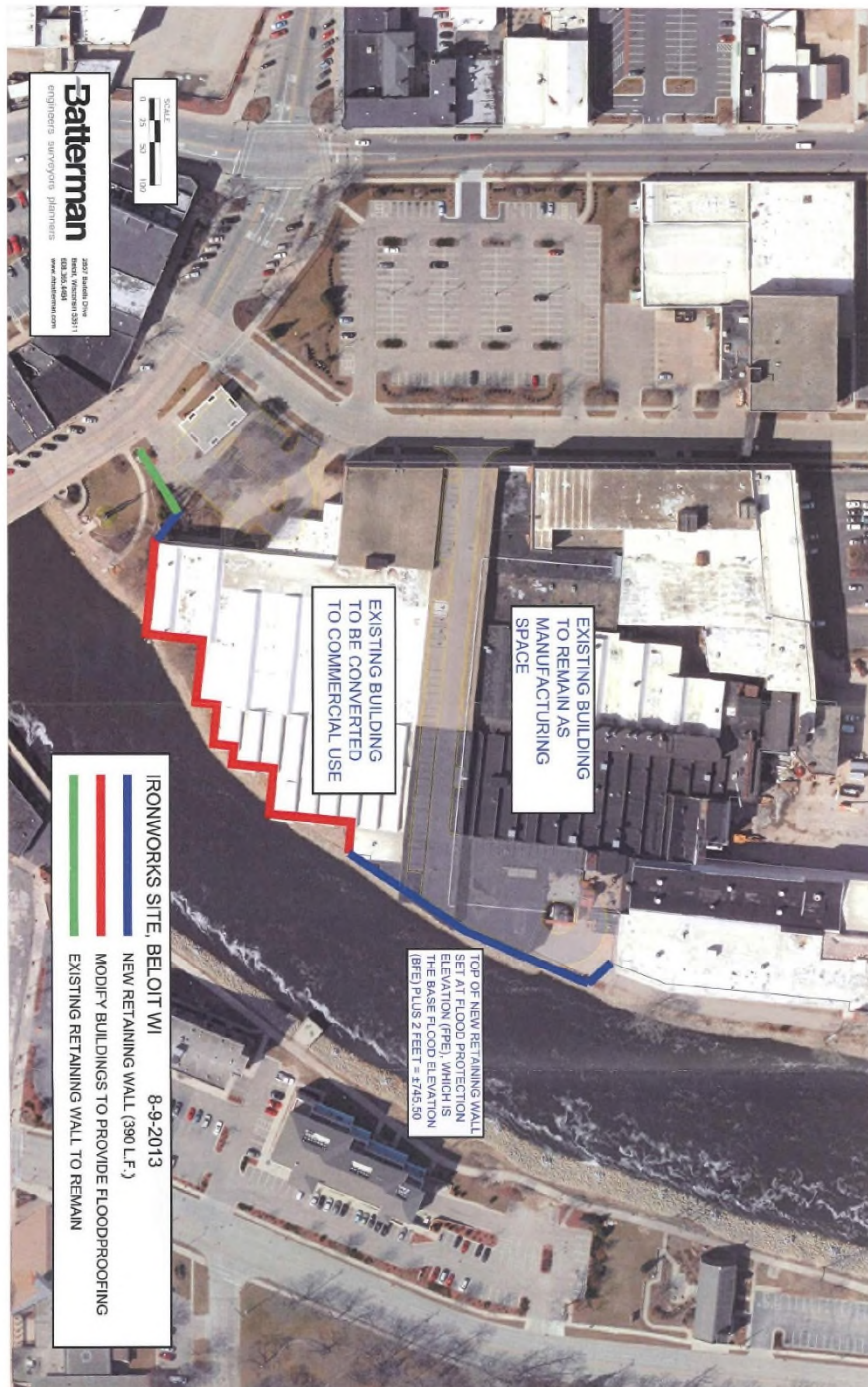
Legend

- 500-YEAR Flood Hazard Zone (V)
- 100-YEAR FLOOD AE1 - No Base Flood Elevation
- 100-YEAR FLOOD AE1 - Base Flood Elevation Determined
- PLUGGOWAY APPLICABLE AE1 - 100-year or greater
- CBD Parcels
- Existing District

Map prepared by: Drew Farrington
 Date: August 2013
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

BOA-2013-05, 701 Third Street, Hendricks Commercial Properties



BOA-2013-05, 701 Third Street, Hendricks Commercial Properties

CITY of BELOIT
Neighborhood Planning 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-2013-05

1. Property Address: 701 ~~655, 645, 605, 601~~ Third Street

2. Tax Parcel Number(s): 13530710

3. Legal description: Lot: _____ Block: _____ Subdivision: See Attached

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

4. Owner of record: Water Tower Properties West LLC Phone: 608.362.8911

<u>655 Third Street</u>	<u>Beloit</u>	<u>WI</u>	<u>53511</u>
<small>(Address)</small>	<small>(City)</small>	<small>(State)</small>	<small>(Zip)</small>

5. Applicant's Name: Hendricks Commercial Properties

<u>655 Third Street</u>	<u>Beloit</u>	<u>WI</u>	<u>53511</u>
<small>(Address)</small>	<small>(City)</small>	<small>(State)</small>	<small>(Zip)</small>

<u>608.362.8911</u>	<u>/ 608.207.5149</u>	<u>/ mark.membrino@hendricksgroup.net</u>
<small>(Office Phone #)</small>	<small>(Cell Phone #)</small>	<small>(E-mail Address)</small>

6. Present zoning: M-2 Present use: Manufacturing and Office

7. Proposed use (if different): Same

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

10. State specific sections of code and Variance(s) requested: (Use separate sheet if necessary)

Chapter 19 Article V (5-430)(a)(4) & 439(4). Requesting a variance from the placement of fill one foot or more above the regional flood elevation and extending 15' beyond the limits of the structure and the proposed renovations will exceed 50% of the current equalized assessed value.

11. State specific hardship experienced by the applicant: (Use separate sheet if necessary)

Compliance with the above code sections would require fill to be placed within the public right of way of Third Street and the Rock River. Additionally the 50% valuation threshold will not allow the necessary improvements to modernize the facility.

PLEASE SEE ADDITIONAL INFORMATION ATTACHED TO THE APPLICATION.

(Continued on back)

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] Mark Membrino 4/18/13
 (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] Mark Membrino 4/18/13
 (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 Neighborhood Planning 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: <u>\$200.00</u>	Meeting date: <u>Aug. 13, 2013</u> <u>May 14, 2013</u>
Application accepted by: <u>[Signature]</u>	Date: <u>4/18/13</u> <u>7/19/13</u>
No. of notices: _____	X mailing cost (\$0.50) = cost of mailing notices: \$ _____
Date Notice Published: _____	Date Notice Mailed: _____

Additional information for question no. 11 “State specific hardship experienced by the applicant”

In addition to the hardship listed in the application of filling within the public right of way, the concept being considered for the “Iron Works” redevelopment is to open up a portion of the building into an open air mall use. Please see the attached exhibits for the location. The majority of the campus is empty now and is proposed to have new tenants with modern up to date interiors. The existing building(s) footprint is not proposed to change substantially, only the facades and internal uses. The uses south of the open mall area will be commercial and the uses to the north will be industrial/manufacturing.

The commercial use is the area that requires the variance to the flood plain ordinance. Without the variance request/approval, the existing floor elevation will need to be brought up to the flood protection elevation (FPE). For this campus the existing floor elevation is consistently at elevation 741.5. The 100-yr flood elevation is 743.3 (averaged across the campus) and the required flood protection elevation (FPE) is 2 feet above the 100-yr elevation making the required new floor elevation to be 745.3. This would result in the floor being raised from 741.5 to 745.3, or an increase of 3.8 feet.

The additional hardship is the transition within the open mall area from the commercial use to the manufacturing use. Within the open area, which will be redeveloped with a “street like feel”, the grade change from the south to the north would have to accommodate the 3.7 feet grade change in a relatively short distance (66ft). This grade change over a short distance simple does not make the space usable or functional.

The property owner is willing to make the necessary flood proofing improvements as called out in the attached exhibit entitled “Ironworks Floodproofing”

IRONWORKS FLOODPROOFING

NARRATIVE

The goal of the Ironworks site improvements is to convert a large portion of the existing manufacturing facility into a commercial use building. In order to do this, the owner must invest an amount that is more than 50% of the value of the building. Because the building is within a floodplain, improvements of this magnitude will require a variance to the City of Beloit's Floodplain Zoning Ordinance.

The owner is proposing to take measures to provide flood proofing for the new commercial portion of the building due to the official flood elevation data being higher than the existing and proposed first floor elevations.

There are three areas of concern that are part of this flood proofing plan which include installing a new retaining wall across the open space at the east end of the new roadway and building removal, reinforcing and water proofing the exterior wall of the building that will contain the commercial space, and extending an existing retaining wall at the south end of the building which is adjacent to the existing city park.

The water elevation of the 100 year flood event varies between 743.3 and 741.9 from the north end of the proposed retaining wall to the city park at the south end of the project. The height of the permanent flood proofing measures throughout the project will depend on the flood elevation at the corresponding location along the river.

RETAINING WALL ACROSS NEW OPENING

The proposed retaining wall will tie into the building corners at each end of the opening. The area inside the wall will consist of a parking lot which also acts as a cul-de-sac large enough for the fire department to maneuver its equipment. The top of the wall will have an elevation equal to the 100 year flood elevation, plus two feet. The anticipated wall height will be approximately 5.5 feet high with a top elevation of 746.50.

BUILDING WALL MODIFICATIONS

The walls of the building will be modified to permanently close any window openings up to the flood protection elevation, reinforce the interior of the walls with a system of girts and tube columns to resist water pressure, and installing a membrane on the exterior of the wall that extends from the flood protection elevation to a point 1 foot below the first floor elevation.

EXISTING WALLS ALONG CITY PARK

At the south end of the project there is an existing retaining wall on the Ironworks property that runs in a northeasterly direction from W. Grand Avenue, roughly 2.5 feet away from the property line. The top of this wall varies from 744.33 near W. Grand Ave. to 746.20 at the northeast end of the wall which is 38 feet from the corner of the building. The current 100 year flood elevation in this area is roughly 741.90 with a flood protection elevation of 743.90 which is below the top of the existing wall.

The opening between the northeast end of the retaining wall and the building corner will be closed with a new retaining wall built to the appropriate elevation to provide flood protection. The wall of the building will also receive flood proofing on the interior and exterior making a continuous line of protection.

OTHER MEASURES

The improvements to the building's electrical system will include placing main service disconnection points above the flood protection elevation, with any electrical circuits below that elevation being wired with materials that are waterproof or can be submerged for short periods of time without being damaged. All electrical transformers and panels will be installed at least 1 foot above the design flood elevation.

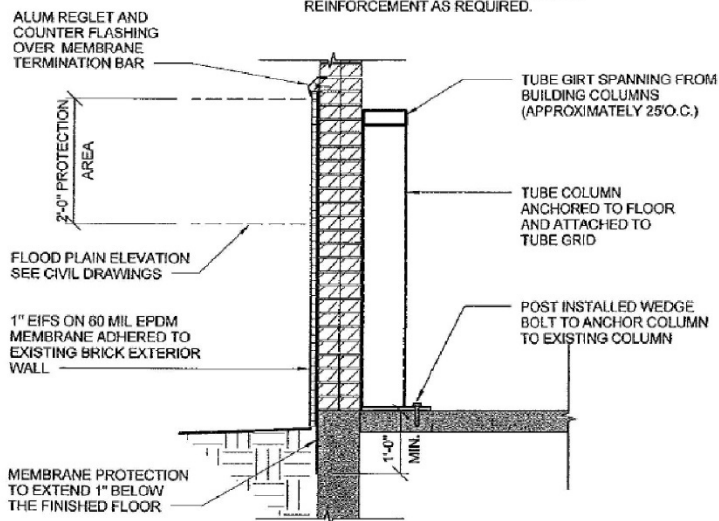
As a contingent flood proofing measure, pumps would also be used during storm events that produce high water. In order to keep flood waters from entering the building through storm water or other plumbing, all sewer lines that could be a path for flood waters will have back flow preventers installed.

CONCLUSION

The flood proofing for this site will be a combination of different permanent and temporary measures that include building permanent barriers, installing permanent supports and waterproof membranes to the existing walls of the building, closing off paths through any plumbing systems, designing future electrical systems to safe elevations and having pumps and other emergency measures ready if needed.

We feel that these measures will help us meet the purpose of the Floodplain Zoning Ordinance by protecting life, health and property, and minimizing flood damage and business interruptions.

NOTE:
 THE NEW TUBE GIRTS AND TUBE COLUMNS TO BE DESIGNED TO RESIST THE LATERAL LOAD FROM THE FLOOD WATERS TO A HEIGHT 2' ABOVE THE FLOOD PLAIN ELEVATION. THE LATERAL LOAD TO INCLUDE FLOODWATER VELOCITY BASED ON HISTORICAL EVENTS AND INFORMATION INCLUDED WITHIN THE FIRM MAPS AND CROSS SECTIONS. ADDITIONALLY, THE LATERAL SYSTEM OF THE EXISTING BUILDING SHALL ANALYZED FOR THIS ADDITION LATERAL LOAD AND PROVIDE REINFORCEMENT AS REQUIRED.



CONCEPT FLOOD PROTECTION DETAIL
 S1.0 SCALE: 1/2" = 1'-0"

2013 © EXCEL ENGINEERING, INC.  EXCEL ENGINEERING Inc. 100 CAMELOT DRIVE FOND DU LAC, WI 54635 PHONE: (920) 926-9800 FAX: (920) 926-9801	PROJECT: PROPOSED FLOOD PROTECTION FOR: IRON WORKS FACILITY 601 3RD STREET BELOIT, WI 53511	REVISION DATE:	
	OWNER: HENDRICKS COMMERCIAL PROPERTIES 655 3RD STREET SUITE 301 BELOIT, WI 53511	JOB NUMBER: 1305920	
		REFERENCE: S1.0	SHEET: ?

BOA-2013-05, 701 Third Street, Hendricks Commercial Properties



NOTICE TO THE PUBLIC

August 2, 2013

To Whom It May Concern:

Hendricks Commercial Properties has filed an application requesting a Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance with the floodplain standards, for the Ironworks property located at:

701 Third Street.

The applicant has proposed the substantial renovation of the southern half of the Ironworks facility, including partial demolition and the creation of a new west-east driveway leading from Third Street to a cul-de-sac near the river. The space to the north of the driveway will be renovated and retained as manufacturing space, while the space to the south of the new driveway will be converted into commercial space. The applicant intends to comply with some floodplain regulations by voluntarily floodproofing, but is seeking relief from other regulations that will be activated by the proposed renovations, the costs of which will exceed 50 percent of the building's assessed value. A campus master plan is attached.

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

Board of Appeals: Tuesday, August 13, 2013, 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 standards for granting a variance to the floodplain regulations are detailed in Section 5-446 of the Zoning Ordinance.

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

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.

BOA-2013-05, 701 Third Street, Hendricks Commercial Properties

BOA-2013-05, 701 Third Street, Hendricks Commercial Properties

P & E ENTERPRISES LLC
P O BOX 875
BELOIT, WI 535120875

BELOIT BOX BOARD CO
P O BOX 386
BELOIT, WI 535120386

FIRST AMERICAN CREDIT
UNION
1982 CRANSTON RD
BELOIT, WI 53511

ROBERT DAVIS
WI DNR – SOUTH DISTRICT
3911 FISH HATCHERY ROAD
FITCHBURG, WI 53711

JAGGER BAY PROPERTIES LLC
250 GARDEN LN STE 200
BELOIT, WI 53511

**FINDINGS, CONCLUSIONS, DECISION AND ORDER
OF THE BOARD OF APPEALS
CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN**

FINDINGS OF FACT

Having heard all the testimony and considered the evidence presented and the record herein, the Board of Appeals finds the following facts:

Case Number: BOA-2013-05 **Application Date:** 7/19/2013
Published Notice: 8/3/2013 **Hearing Date:** 8/13/2013

1. The applicant is Hendricks Commercial Properties, 655 Third Street Suite 301, Beloit, Wisconsin.
2. Hendricks Commercial Properties is the owner of record for (or has accepted agreements to purchase) the following described property, which is the subject of this application:

PART HACKETTS, TENNEYS, & HANCHETT AND LAWRENCES ADD, COM SW COR L 36 HACKETTS ADD, TH NELY & NLY TO PT 33 FT NLY NW COR L 3 TENNEYS ADD, TH ELY 118 FT M/L, TH NLY, NELY, & ELY TO C/L 2ND ST EXT S, TH SELY ON CURVE SW TR TO PT 376 FT M/L N OF C/L ST LAWRENCE, TH ELY TO RIVER, TH SLY & SWLY ON RIVER TO PT ON S LINE L 36 HAN & LAW ADD EXT SELY, TH NWLY P O B...AND VACATED R/R ROW DEEDED 5/15/1997 DOCUMENT #1329790 RECORDED ROCK COUNTY R.O.D, AND ROOSEVELT AVENUE VACATED ADJ TO SAID PARCEL AND INCLUDING PART CONVEYED IN DOCUMENT 1373709; EXCLUDING PART CONVEYED IN DOCUMENT 1372393, AND PART OF LOT 5, LOTS 6-13 & PART OF LOT 14 BLK 16, ALSO LOTS 1-7 AND PART OF LOT 8 BLK 15 AND VACATED THIRD STREET ADJACENT, HANCHETT & LAWRENCES ADD, ALL SITUATED IN THE CITY OF БЕЛОIT, COUNTY OF ROCK, STATE OF WISCONSIN (A/K/A 701 THIRD STREET, PARCEL NUMBER 1353-0710).
3. The applicant filed an application with the Board secretary on July 19, 2013 for a Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance with the floodplain standards, for the Ironworks property located at 701 Third Street.
4. The property is zoned M-2, General Manufacturing District and WPO, Wellhead Protection Overlay District, under the current Zoning Ordinance of the City of Beloit enacted on September 17, 2001, as amended.

BOA-2013-05, 701 Third Street, Hendricks Commercial Properties

5. Portions of the property are located in the floodfringe (floodplain), as depicted on FIRM Map Number 55105C0318D dated August 19, 2008.
6. The applicant has proposed the substantial renovation of the southern half of the Ironworks facility, including partial demolition and the creation of a new west-east driveway leading from Third Street to a cul-de-sac near the river. The space to the north of the driveway will be renovated and retained as manufacturing space, while the space to the south of the new driveway will be converted into commercial space. The applicant intends to comply with some floodplain regulations by voluntarily flood proofing, but is seeking relief from other regulations that will be activated by the proposed renovations, the costs of which will exceed 50 percent of the building's assessed value.
7. Under the standards for a Variance to the floodplain regulations in Section 5-446(d) of the Zoning Ordinance, the Board finds:
 - (a) Literal enforcement of the section provisions will cause unnecessary hardship because: literal enforcement of the floodplain provisions will require the applicant to raise the 94,000 square-foot floor of an existing industrial building that was constructed nearly a century ago by 3.5 feet, which would create major practical difficulties. Compliance would involve pumping 1,200 – 1,500 truckloads of cement into an existing structure in phases, and would create a 3.5-foot differential in floor elevations. While there is hardship in trying to elevate the building, there is also hardship in trying to maintain nonconforming status over the long term, since it would be virtually impossible to rehab and occupy the vacant portions of this massive complex without exceeding the 50% cap. Therefore, limiting the cost of improvements to \$1.17M in perpetuity would result in the complex remaining in a perpetual half-vibrant, half-vacant state, which would cause unnecessary blight and hardship upon the entire community.
 - (b) The hardship is due to adoption of the floodplain section and unique property conditions, not common to adjacent lots or premises because: the hardship is due to the adoption of the floodplain ordinance in 2008, decades after the building was constructed and 8 years after Beloit Corp. closed. The Ironworks building is unique due to its age, historical relevance as an employment hub, size, and location. Due to the massive size and scale of the building, there are few, if any, buildings in the City that would be tougher to bring into compliance with the floodplain regulations.
 - (c) The variance is not contrary to the public interest because: the applicant is voluntarily elevating the lowest floor to the base flood elevation and providing flood proofing that will enhance flood protection.
 - (d) The variance is consistent with the purpose of this section in Section 5-403 because: the variance, subject to a condition requiring the lowest floor to be at or above base flood elevation and flood proofing, is consistent with the purpose of the ordinance in Section 5-403.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Board of Zoning Appeals concludes that the requested Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance **does** meet all of the following tests:

- (a) The variance will not cause any increase in the regional flood elevation;
- (b) The lots are less than one-half acre and are contiguous to existing structures constructed below the RFE;
- (c) The applicant has demonstrated good and sufficient cause, the variance is the minimum relief necessary, and will not cause increased risks to public safety or nuisances, will not increase costs for rescue and relief efforts and will not be contrary to the purpose of the section;
- (d) The variance will not grant, extend or increase any use prohibited in the zoning district;
- (e) The variance is not granted for a hardship based solely on an economic gain or loss;
- (f) The variance is not granted for a hardship which is self-created;
- (g) The variance will not damage the rights or property values of other persons in the area;
- (h) The variance will not allow actions without amendments to the ordinance or map(s) required in Section 5-450; and
- (i) The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

The proposed variance meets criteria (a) and (c) above. Criteria (b) is somewhat arbitrary when applied to existing industrial properties like the subject property, since bringing a large existing property into compliance with the floodplain standards coincides with a greater likelihood of hardship. By making all properties over a certain size ineligible for a variance, even in cases of good and sufficient cause, this standard may raise questions relating to due process and equal protection. With respect to criteria (d) through (i), the requested variance will allow permitted and conditional uses. The hardship is based upon the practical difficulty of pumping massive amounts of cement into an existing industrial building, and the design problems resulting from a 3.5-foot differential in floor elevation from one side of the private street to the other. The hardship is due to the adoption of the ordinance in 2008, and the proposed flood proofing will ensure that the project does not damage the rights or property values of others.

ORDER AND DETERMINATION

On the basis of the above Findings of Fact, Conclusions of Law, and the record herein for this matter, the Board of Appeals determines and orders as follows:

The requested Variance to Section 5-439(b)(4) of the City of Beloit Floodplain Zoning Ordinance to allow modifications to a nonconforming structure that will exceed fifty (50) percent of its present equalized assessed value without bringing the structure into complete compliance with the floodplain standards, for the Ironworks property located at 701 Third Street, is hereby APPROVED, subject to the following conditions:

1. Prior to occupancy of the renovated commercial space, the applicant shall elevate the lowest floor to the base flood elevation of 743.0 and shall implement the flood proofing measures proposed in their application attachments.
2. Prior to establishing commercial uses in the M-2 district, the applicant shall obtain a Conditional Use Permit from the Beloit City Council.
3. Prior to issuance of Building Permits for this project, the applicant shall submit detailed site & architectural plans for Planning staff review and approval.
4. Any material changes in the adopted conditions or use of this property shall be approved by the Board of Appeals by amending this Variance.

Expiration of Permit: Any privilege granted by this decision must be exercised within six (6) months of the date of this decision after obtaining the necessary building, zoning, and/or other permits for the proposed structure and/or use.

Revocation: This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals: This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for Rock County within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

CITY OF BELOIT BOARD OF APPEALS:

Chairperson: _____ Date: _____

Attest: _____ Date: _____
 Planning Staff

Date filed: _____

BOA-2013-05, 701 Third Street, Hendricks Commercial Properties