

**MINUTES  
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**

A meeting of the City of Beloit Board of Appeals was held on Tuesday, September 12, 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. MINUTES**

**2.a. Consideration of the Minutes of the July 11, 2023 Board of Appeals Meeting**

Adams made a motion to approve the July 11, 2023 minutes as submitted. Petersen seconded the motion. The motion passed (4-0), voice vote.

**3. APPEALS**

*No appeals were 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 streetside 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.**

Nee provided the staff report, noting that the applicant had proposed the construction of a 158-foot long, six-foot high fence that is six percent open along their property line adjacent to Forest Avenue in the streetside setback area, which exceeds code. Code allows fences in the front or streetside setback area to be up to four feet high and requires them to be at least 50 percent open.

Baker opened the public hearing. Jennifer Moran, spouse of the applicant, spoke on behalf of the applicant stating that they needed the privacy fence closer to the property line so that when a gate was closed across their driveway, they could fit a truck and trailer in the driveway inside the gate without unhooking the trailer, and that the position of the house created a unique safety and vulnerability concern. Baker closed the public hearing. The Board discussed the proposal noting that the applicant could meet code and still fit the truck and trailer entirely within a gated portion of the driveway, and were not persuaded that a hardship existed that

required it to be a six-foot privacy fence within the setback area. Nor did the Board find the position of the house to be unique in its safety or vulnerability to justify a higher privacy fence closer to the street than the setback line.

Petersen made a motion to deny the requested variance based upon the findings in the staff report. Mr. Preuschl seconded the motion. The motion passed 5-0, roll call vote.

**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.**

Nee provided the staff report noting that the applicant was requesting a Variance to the Floodplain Zoning Ordinance to allow modification or addition to a nonconforming structure that would equal or exceed 50 percent of its present equalized assessed value without the entire structure being permanently changed to a conforming structure. Nee noted that although this variance request is for the entire Ironworks Campus, the main reason for it at this time was for the proposed Henry Dorrbacker project.

Nee pointed out that the applicant had received a variance for the same purpose in 2013 that allowed them to make improvements to the Ironworks Campus that exceeded 50 percent of the equalized assessed value without the entire structure being permanently changed to a conforming structure. The previous variance allowed them to raise the lowest floor of the structure to the base flood elevation (BFE) as opposed to the flood protection elevation (FPE). At the time, the BFE was specifically noted as 743.0. The BFE has since dropped and so HCP would like to now meet or exceed the new BFE, whatever it may be at the time of construction. Nee noted that staff believed the intent of the original variance was to elevate the lowest floor to the BFE, not the specific elevation of 743.0. The Wisconsin Department of Natural Resources (WDNR) concurred with the variance request in 2013 provided that at least the BFE was met. For this request, WDNR recommended maximizing flood protection where possible, but noted that it would accept the City's interpretation of the preexisting 2013 variance that allows for elevation of the lowest floor to the current BFE, rather than the BFE at time of issuance.

Baker opened the public hearing. Frank McKearn, engineering consultant of the applicant, spoke on behalf of the applicant stating that they intended to meet or exceed the BFE as the current Variance from 2013 allows, but that the BFE at the

time of construction, which had dropped since 2013, be used as the benchmark as opposed to a specific elevation, which could be subject to further adjustment as FEMA updates maps in the future. Baker closed the public hearing. The Board discussed the proposal noting that the applicant's request is in line with the previous approval, and that meeting the BFE for the finished floor at the time of construction was appropriate as opposed to the specific elevation of 743.0, and that requiring the applicant to meet the FPE, was an unnecessary hardship.

Preuschl made a motion to approve the requested variance based upon the findings in the staff report. Gronau seconded the motion. The motion passed 5-0, roll call vote.

5. **SUCH OTHER MATTERS AS MAY BE AUTHORIZED BY LAW**

*No other matters for review by the Board.*

6. **ADJOURNMENT**

Petersen made a motion to adjourn, which was seconded by Gronau. The meeting adjourned at 8:09 PM.



David Baker, Chairperson