

**1. Call to order and Roll Call**

Members Present: Robert Metcalf, William Helen, Jean Leuke, David Wilke, Ted Chitwood

Others Present: Larry Gilles, Building Inspector; Jim Short, Applicant

**2. Approval of Minutes from April 19, 2021**

Motion by Chitwood, second by Metcalf to approve the minutes from April 19, 2021. Motion carried.

**3. Public Hearing**

The Board listened to a request from Jim Short for a variance of 394 sq. ft in the size of the proposed detached garage located at 538 Powell St (parcel 216-1379). There is a 506 sq. ft attached garage on the property and Mr. Short is proposing a 768 sq. ft. detached garage. The total of the existing and proposed garage space is 1274 sq. ft. where only 900 sq. ft. is allowed per the ordinance. He is also requesting a variance of 1 foot in the height of the proposed garage, where 15 feet is the maximum per the ordinance. The purpose of the structure is for storage for a boat.

Motion by Metcalf, second by Wilke to approve the variance request from Jim Short on parcel 216-1379. Motion Carried.

**4. Adjourn & Next Meeting Date**

Motion by Metcalf, second by Leuke to adjourn the meeting. Motion carried.

Time: 5:27 pm

Next Meeting Date: Oct 5, 2022



**CITY OF DODGEVILLE**

100 E. Fountain St.  
Dodgeville, WI 53533  
[www.dodgevillewi.gov](http://www.dodgevillewi.gov)

September 22, 2022

John Meyers  
3110 County Rd K  
Barneveld, WI 53507

Mr. Meyers,

The permit applications submitted 9/22/2022 for the construction of 2 mini storage buildings at 313 Cty Road YZ (parcel # 216-1302) have been denied for the following reasons.

The proposed buildings are not the required minimum of 25 feet from the rear lot line as required in the B-H zoned area per sec. 17.18 (2) of City of Dodgeville zoning code.

If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

*Larry Gilles*

Larry Gilles, Building Inspector  
City of Dodgeville

**17.18 B-H GENERAL HIGHWAY BUSINESS DISTRICT.** The B-H District is established to provide for the establishment of principally motor vehicle-oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

(1) PERMITTED USES.

- (a) Automotive sales, servicing and repairs.
- (b) Cleaning, dyeing and pressing establishments.
- (c) Construction/contractor shops
- (d) Convenience stores.
- (e) Department stores and discount stores.
- (f) Banks.
- (g) Restaurants.
- (h) Feed and seed stores.
- (i) Locker plants.
- (j) Gasoline and service stations, providing all gas pumps are not less than 30 feet from any existing or proposed street line.
- (k) Laundromats.
- (l) Lumber and contractor's yards.
- (m) Motels.
- (n) Plumbing and heating shops.
- (o) Printing and related trades.
- (p) Publishing, including newspaper publishing, job printing, lithographing and blueprinting
- (q) Recreational and entertainment establishments.
- (r) Shopping centers.
- (s) Supermarkets.
- (t) Taxidermists.
- (u) Tourist information and hospitality centers.
- (v) Veterinary clinics.
- (w) (Cr. Ord. #988) All permitted uses in the B-C Central Business District.

(2) CONDITIONAL USES. (a) Farm machinery and equipment sales, repair and storage.

- (a) Painting businesses.
- (b) Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.
- (c) (Cr. Ord. #1169) Churches and similar places of worship and instruction.
- (d) See sec. 17.26(1) of this chapter.

(1) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage.....	Minimum 100 ft.
Lot area. ....	Minimum 20,000 sq. ft.
Front yard.....	Minimum 50 ft.
Side yards.....	Minimum 20 ft.
Rear yard. ....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Number of stories.....	Maximum 2-1/2

(2) OFF-STREET PARKING AND LOADING REQUIREMENTS. See sec. 17.26 of this chapter.

**B-C Permitted Uses**

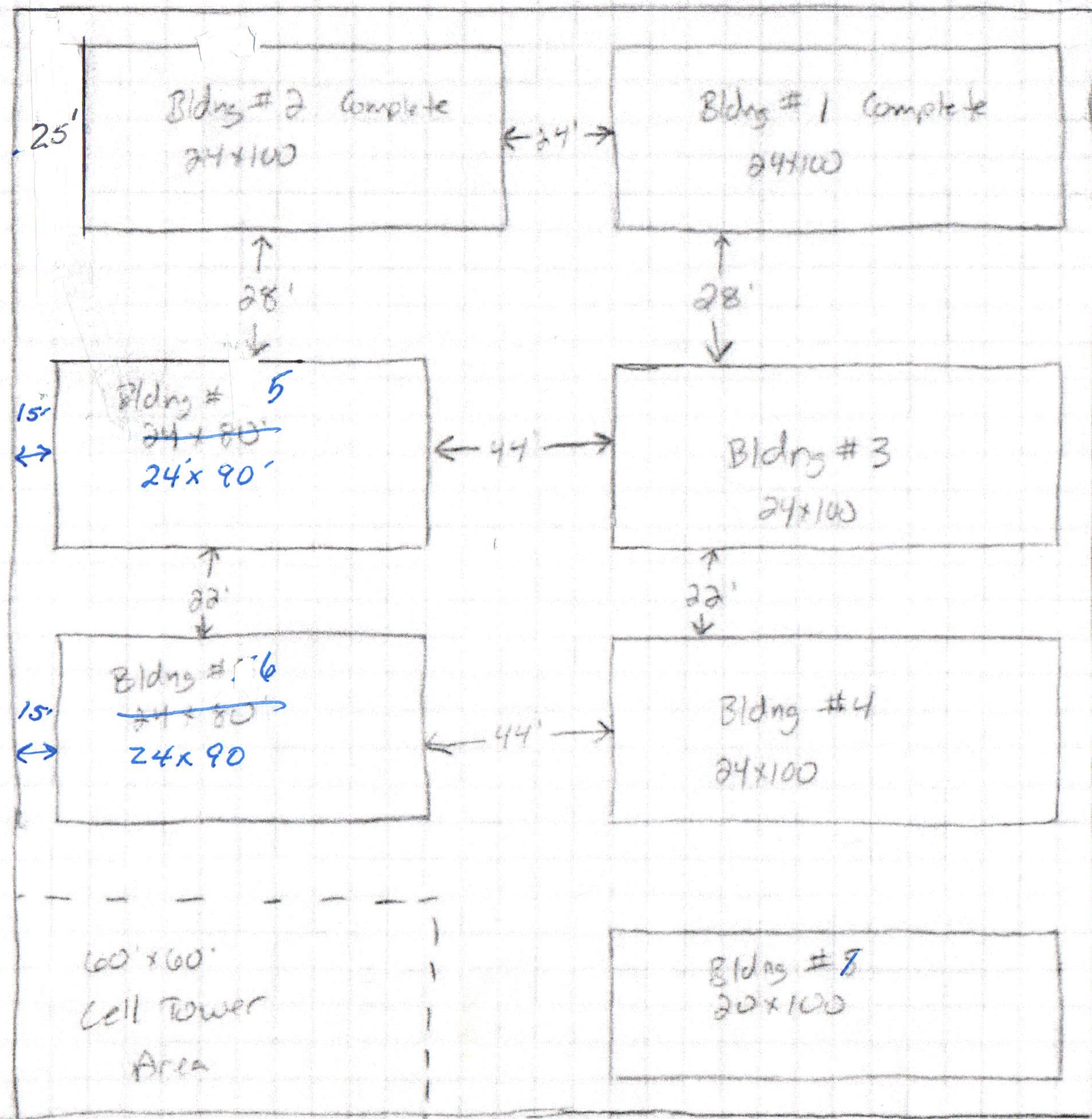
- (a) Banks and other financial institutions, including loan and finance companies.
- (b) Clinics.
- (c) Cocktail lounges and taverns.
- (d) Commercial schools.
- (e) Hotels.
- (f) Newspaper offices and light service printers.
- (g) Parking facilities.
- (h) Professional and business offices.
- (i) Restaurants and taverns.
- (j) Retail stores.
- (k) Service establishments
- (l) Theaters and places of amusement.
- (m) Utility company offices.







Not to  
Scale



City 42  
→

Star Mar Storage  
Building Layout  
4/19/22

Detention Pond Area



## *Variance Application*

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of adjustment/appeals. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

### **Process**

At the time of application you will be asked to:

1. **Complete an application** form and submit a \$300 fee;
2. **Provide detailed plans** describing your lot and project (location, dimensions and materials);
3. **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three Step Test in Part 2); and
4. **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the zoning board may inspect the site.

Following these steps, the Zoning Administrator will publish notice of your request for a variance in the county's official newspaper noting the location and time of the required public hearing before the zoning board. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.



## Variance Application

### City of Dodgeville Zoning Board of Appeals

#### Part 1: General information and alternatives analysis

To be completed jointly by the applicant and zoning staff.

Petition # \_\_\_\_\_ Date filed 9/22/22 \$ 300 fee paid (payable to City of Dodgeville)

	Owner/agent	Contractor
Name	<u>John Meyers</u>	<u>Midwest Roofing &amp; Construction</u>
Address	<u>3110 County Rd K</u>	<u>4949 County Road YZ</u>
	<u>Barnesville WI 53507</u>	<u>Dodgeville WI</u>
Phone	<u>608. 574. 9240</u>	<u>608. 574. 8022</u>
Email	<u>lmeyersjohn@live.com</u>	<u>jeff@midwestroofingpros.com</u>

Legal description: ☐ 1/4, ☐ 1/4, S ☐ , T ☐ N, R ☐ E

City/Village/Town of Dodgeville

Address 313 County Rd YZ Tax parcel number 216-1302

Lot area & dimensions:  sq. ft.,  x  ft.

Zoning district ??? B-H

Current use & improvements:

Self Storage Units

Description of any prior petition for appeal, variance or conditional use:

CUP for self storage facility was issued in 2021

Description and location of all nonconforming structures & uses on the property:

On SW end of lot near Brown Street. Lot line is parallel to Brown Street

Ordinance standard from which variance is being sought (section number and text):

Describe the variance requested:

Request change of rear lot setback from 25' to 15'  
This will allow 24'x90' Buildings to be constructed  
instead of 24x80

Type of variance requested:

☐ **use variance** – Use variances are not granted.

☒ **area variance** – provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.



Describe the effects on the property if the variance is not granted:

Large detention pond for water runoff control used up almost an acre of land. This variance will allow best use scenario for landowners to construct additional storage units. 2 additional units (10x12) for each building. Creation of safe slopes also used up a good amount of land.

#### Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

Alternative is for shorter buildings to be constructed

- b. Alternatives you considered that require a lesser variance and reasons you rejected them. If you reject such alternatives, provide the reasons you rejected them.

No other alternatives



## Part 2: Three-Step Test

To qualify for a variance, the applicant must demonstrate that their property meets the following three requirements.

### 1) Unique property limitations *(To be completed by the applicant)*

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

☒ Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.

☐ No. A variance cannot be granted.

### 2) No Harm to Public Interests *(To be completed by zoning staff)*

A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- Public health, safety and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures and lots
- Any other public interest issues

Ordinance purpose:

Purpose(s) of standard from which variance is requested:

While water detention is important to any city plan, it does involve taking private lands out of production. In this case we went to extremes to protect the city from runoff - we designed pond for 100% paved lot. Result is loss of control + future development of land. Extending lot by reducing setback is a small contribution back to landowner of land control + development.



### Analysis of impacts

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term and cumulatively.

#### Short term impacts: (through the completion of construction)

Impact 1:

*Possibly Impedes runoff water*

Impact 2:

Mitigation 1:

*We maintain ditches + storm water drainage*

Mitigation 2:

Extent to which mitigation reduces project impact

*Reduction of impacts to zero impact.*

Extent to which mitigation reduces project impact:

#### Long term impacts: (after construction is completed)

Impact 1:

*Same as above*

Impact 2:

Mitigation 1:

Mitigation 2:

Extent to which mitigation reduces project impact:

Extent to which mitigation reduces project impact:

Cumulative impacts: (What would happen if a similar variance request was granted for many properties?)

Impact 1:

*None that I can think of*

Mitigation 1:

Extent to which mitigation reduces project impact:

Impact 2:

Mitigation 2:

Extent to which mitigation reduces project impact:

Will granting the variance harm the public interest?

☐

Yes. A variance cannot be granted.

☒

No. Mitigation measures described above will be implemented to protect the public interest.



3) Unnecessary hardship (To be completed by the applicant)

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

- For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.<sup>1</sup> The Wisconsin Supreme Court also determined that living without a lakeside porch was a personal inconvenience and did not constitute unnecessary hardship.<sup>2</sup> The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

**Is unnecessary hardship present?**



Yes.

Describe:

15 foot set back adequately protects neighbors and public  
The neighboring parcel is a city ROW for Brown  
Street. If an entrance on Brown Street is needed,  
visibility would still be good. This variance creates  
no intrusion on neighbors or the City. We still  
maintain good water control + safety.



No. A variance cannot be granted

<sup>1</sup> *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401 and *State v. Waushara County Bd. of Adjustment*, 2004 WI 56, 271 Wis. 2d 547, 679 N.W.2d 514

<sup>2</sup> *Snyder v. Waukesha County Zoning Bd. of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N.W.2d 98 (1976)



### Part 3: Construction Plans

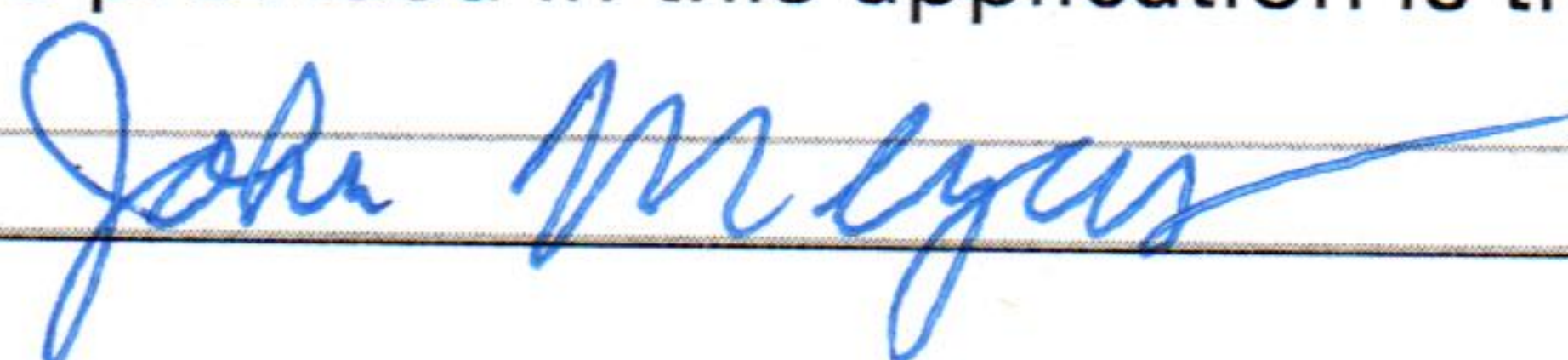
*To be completed and submitted by the applicant.*

Attach construction plans detailing:

- ☒ Property lines
- ☐ Vegetation removal proposed
- ☐ Contour lines (2 ft. interval)
- ☐ Floodplain & wetland boundaries
- ☒ Dimensions, locations & setbacks of existing & proposed structures
- ☐ Utilities, roadways & easements
- ☐ Location & extent of filling/grading
- ☐ Location & type of erosion control measures
- ☐ Any other construction related to your request
- ☐ Anticipated project start date

I certify that the information I have provided in this application is true and accurate.

Signed: (applicant/agent/owner)



Date:

9/22/22

Remit to: Building Inspector

100 E Fountain St. Dodgeville, WI 53533

buildinginspector@dodgevillewi.gov