



PUBLIC NOTICE
Board of Zoning Appeals Meeting
Wednesday, October 19, 2022 @ 5:00 PM
City Hall Council Chambers

AGENDA AND PUBLIC HEARING NOTICE

1. Call to order and Roll Call
2. Approval of Minutes from October 5, 2022
3. Appointment of a secretary for the Board of Zoning Appeals.
4. **Old Business** - Action on appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.
5. **Public Hearing** – Appeal of Kyle Skogen to grant a variance from the required setbacks and the maximum size of garage space, for a detached garage that he has placed in the R-1 zoning district pursuant to sec. 17.13(3) of the Zoning Code to allow a setback of 4 feet and total garage space of 912 sq. ft. The property is located at 506 Bennett Rd (parcel # 216-1124.03) legally described as LOT 3 CSM 576 REC IN V 3 CSM P 225 BEING PT OF THE SE1/4 OF SE1/4

All interested persons will be heard.
6. **New Business** - Consideration and possible action on appeal of Kyle Skogen to grant a variance from the required setbacks for a detached garage in the R-1 zoning district pursuant to sec. 17.13(3) of the Zoning Code to allow a setback of 4 feet and total garage space of 912 sq. ft. The property is located at 506 Bennett Rd (parcel # 216-1124.03) legally described as LOT 3 CSM 576 REC IN V 3 CSM P 225 BEING PT OF THE SE1/4 OF SE1/4
7. Adjourn and next meeting date.

Dated: October 14, 2022
Posted: City Hall
Iowa County Courthouse
Chamber of Commerce
City Website

1. Call to order and Roll Call

Members Present: Robert Metcalf, Jean Leuke, Ted Chitwood, Jim Short, Kyle Reimann
Others Present: Larry Gilles, Building Inspector; Eric Hagen, City Attorney; John & Nancy Meyers, Applicant; Claudia Looze, member of ICHS.

2. Approval of Minutes from September 26, 2022

Motion by Chitwood, second by Metcalf to approve the minutes from Sept 26, 2022. Motion carried 5-0.

3. Eric Hagen Legal Presentation

City Attorney Hagen was present to provide a review of rules and duties of the Zoning Board of Appeals. There are 3 main legal criteria that a variance applicant must satisfy: Unnecessary hardship, a unique property condition and no harm to the public interest.

4. Appointment of Chairman for the Zoning Board of Appeals

Motion by Chitwood, second by Metcalf to nominate Kyle Reimann as Chairman of the Zoning Board of Appeals. Roll call vote. Motion carried 5-0.

5. Public Hearing

Appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216.

John & Nancy Meyers spoke to the BOA about why their project should be approved. No other public comment was heard.

6. New Business

- a. Consideration and possible action on appeal of John Meyers to grant a variance from the required setbacks for a structure in the B-H General Highway Business zoning district pursuant to sec. 17.18(2) of the Zoning Code to allow the installation of 2 Commercial Mini Storage buildings with a 15 foot setback from the rear lot line on the property located at 313 County Rd YZ (parcel # 216-1302) legally described as Lot 2, CSM 1609-11CS-216."

Motion by Metcalf, second by Chitwood to that the variance request caused no harm to the public interest. All in favor 5-0

Motion by Chitwood, second by Short that the variance request represented a unique property condition. Voice vote 4-1 (Reimann opposed).

Motion by Reimann, second by Chitwood that the condition of unnecessary hardship is not met. Voice vote 5-0. The variance request is denied.

7. Adjourn and next meeting date.

Motion by Chitwood, second by Leuke to adjourn the meeting. Motion carried 5-0.

Time: 6:25PM

Next Meeting Date: October 19th 5:00PM

DRAFT



CITY OF DODGEVILLE

100 E. Fountain St.
Dodgeville, WI 53533
www.dodgevillewi.gov

September 20, 2022

Kyle Skogen
506 Bennett Rd.
Dodgeville, WI 53533

Mr. Skogen,

During routine inspections in the City, I noticed that a garage has been located/ built on your property at 506 Bennett Rd. (Parcel # 216-1124.03) and no permit has been applied for or issued for this building.

Enclosed is a permit application or a permit can be obtained online at <https://dodgevillewi.gov/building/page/residential-additions-and-remodels> at the bottom of the page.

Permit fees are doubled for work started prior to permit issuance.

Please include a plot plan showing the location of the building in relation to your property lines on the east side and south side of your lot. Also include the exterior dimensions of the building.

If no action is taken, You are in violation of the City of Dodgeville Building Code. Your failure to obtain a permit will result in a fine of \$20 to \$100 per day for each day you are in violation of the building Code going back to the date of this notice.

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

Dept of Safety & Professional Services Industry Services Division Wisconsin Stats. 101.63, 101.73	<h2 style="margin:0;">Wisconsin Uniform Building Permit Application</h2> <p style="margin:0;">DSPS Instructions on back of second ply. The information you provide may be used by other government agency programs [(Privacy Law, s. 15.04 (1)(m)]</p>	Application No. Parcel No. NA 1124.03																																																																																				
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Owner's Name Kyle Skogen		Mailing Address 506 N. Bennett Rd.																																																																																				
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Building Address 506 N. Bennett Rd		County IOWA Subdivision Name _____ Lot No. _____ Block No. _____																																																																																				
Zoning District(s) R-1 R-1		Zoning Permit No. _____ Setbacks: Front _____ ft. Rear _____ ft. Left _____ ft. Right _____ ft.																																																																																				
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I understand that I am subject to all applicable codes, laws, statutes and ordinances, including those described on the reverse side of the last ply of this form; am subject to any conditions of this permit; understand that the issuance of this permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If one acre or more of soil will be disturbed, I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and the owner shall sign the statement on the back of the permit if not signing below. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

I vouch that I am or will be an owner occupant of this dwelling for which I am applying for an erosion control or construction permit without a Dwelling Contractor Certification and have read the cautionary statement regarding contractor responsibility on the second page of this form.

APPLICANT (Print:) Kyle Skogen **Sign:** _____ **DATE** 09/26/2022

APPROVAL CONDITIONS This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. See attached for conditions of approval.

ISSUING JURISDICTION Town of _____ County of _____ State-Contracted Inspection Agency#: _____ Municipality Number of Dwelling Location _____
 Village of _____ State _____
 City of **Dodgeville**

FEES:	PERMIT(S) ISSUED	WIS PERMIT SEAL #	PERMIT ISSUED BY:
Plan Review \$ Inspection \$ Wis. Permit Seal \$ Other \$ Total XXXX \$50.00 \$100 dbl fee	<input type="checkbox"/> Construction <input type="checkbox"/> HVAC <input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion Control	_____	Name _____ Date _____ Tel. 608-935-9326 Cert No. _____ Email: <u>buildinginspector@ci.dodgeville.wi.us</u>

INSTRUCTIONS

The owner, builder or agents shall complete the application form down through the Signature of Applicant block and submit it and building plans and specifications to the enforcing jurisdiction, which is the City of Dodgeville.

PERMIT REQUESTED

- Check off type of Permit Requested, such as structural, HVAC, Electrical or Plumbing.
- Fill in owner's current Mailing Address and Telephone Number.
- If the project will disturb one acre or more of soil, the project is subject to the additional erosion control and stormwater provisions of ch. NR 151 of the WI Administrative Code. Checking this box will satisfy the related notification requirements of ch. NR 216.
- Fill in Contractor and Contractor Qualifier Information. Per s. 101.654 (1) WI Stats., an individual taking out an erosion control or construction permit shall enter his or her dwelling contractor certificate number, and name and certificate number of the dwelling contractor qualifier employed by the contractor, unless they reside or will reside in the dwelling. Per s. 101.63 (7) Wis. Stats., the master plumber name and license number must be entered before issuing a plumbing permit.

PROJECT LOCATION

- Fill in Building Address (number and street or sufficient information so that the building inspector can locate the site.
- Local zoning, land use and flood plain requirements must be satisfied before a building permit can be issued. Fill in Zoning District, lot area and required building setbacks.

PROJECT DATA - Fill in all numbered project data blocks (1-14) with the required information. All data blocks that apply to your project must be filled in, including the following:

2. Area (involved in project):

- Basements - include unfinished area only
- Living area - include any finished area including finished areas in basements
- Two-family dwellings - include separate and total combined areas

- 3. Occupancy - Check only "Single-Family" or "Two-Family" if that is what is being worked on. In other words, do not check either of these two blocks if only a new detached garage is being built, even if it serves a one or two family dwelling. Instead, check "Garage" and number of stalls. If the project is a community based residential facility serving 3 to 8 residents, it is considered a single-family dwelling.
- 9. HVAC Equipment - Check only the major source of heat, plus central air conditioning if present. Only check "Radiant Baseboard" if there is no central source of heat.
- 10. Sewage - Indicate if the dwelling will be served by municipal sewer or privately owned treatment system. If a private system is used, include the Sanitary Permit number. Note: A building permit cannot be issued for a new dwelling that utilizes a privately owned wastewater treatment system until a sanitary permit has been issued. This applies to any new or existing private onsite wastewater treatment system that will be used by the dwelling.
- 14. Estimated Cost - Include the total cost of construction, including materials and market rate labor, but not the cost of land or landscaping.

SIGNATURE – The owner or the contractor’s authorized agent shall sign and date this application form. If you do not possess the Dwelling Contractor certification, then you will need to sign the "Cautionary Statement" for any erosion control or construction permits.

CONDITIONS OF APPROVAL - The authority having jurisdiction uses this section to state any conditions that must be complied with pursuant to issuing the building permit.

(Part of Ply 4 for Applicants)

Cautionary Statement to Owners Obtaining Building Permits

101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654 (2) (a), the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and two- family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

Cautionary Statement to Contractors for Projects Involving Building Built Before 1978

If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 sq. ft. or more of paint per room, 20 sq. ft. or more of exterior paint, or involves windows, then the requirements of ch. DHS 163 requiring Lead-Safe Renovation Training and Certification apply. Call (608)261-6876 or go to the Wisconsin Department of Health Services' lead homepage for details of how to be in compliance.

Wetlands Notice to Permit Applicants

You are responsible for complying with state and federal laws concerning the construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification web page or contact a Department of Natural Resources service center.

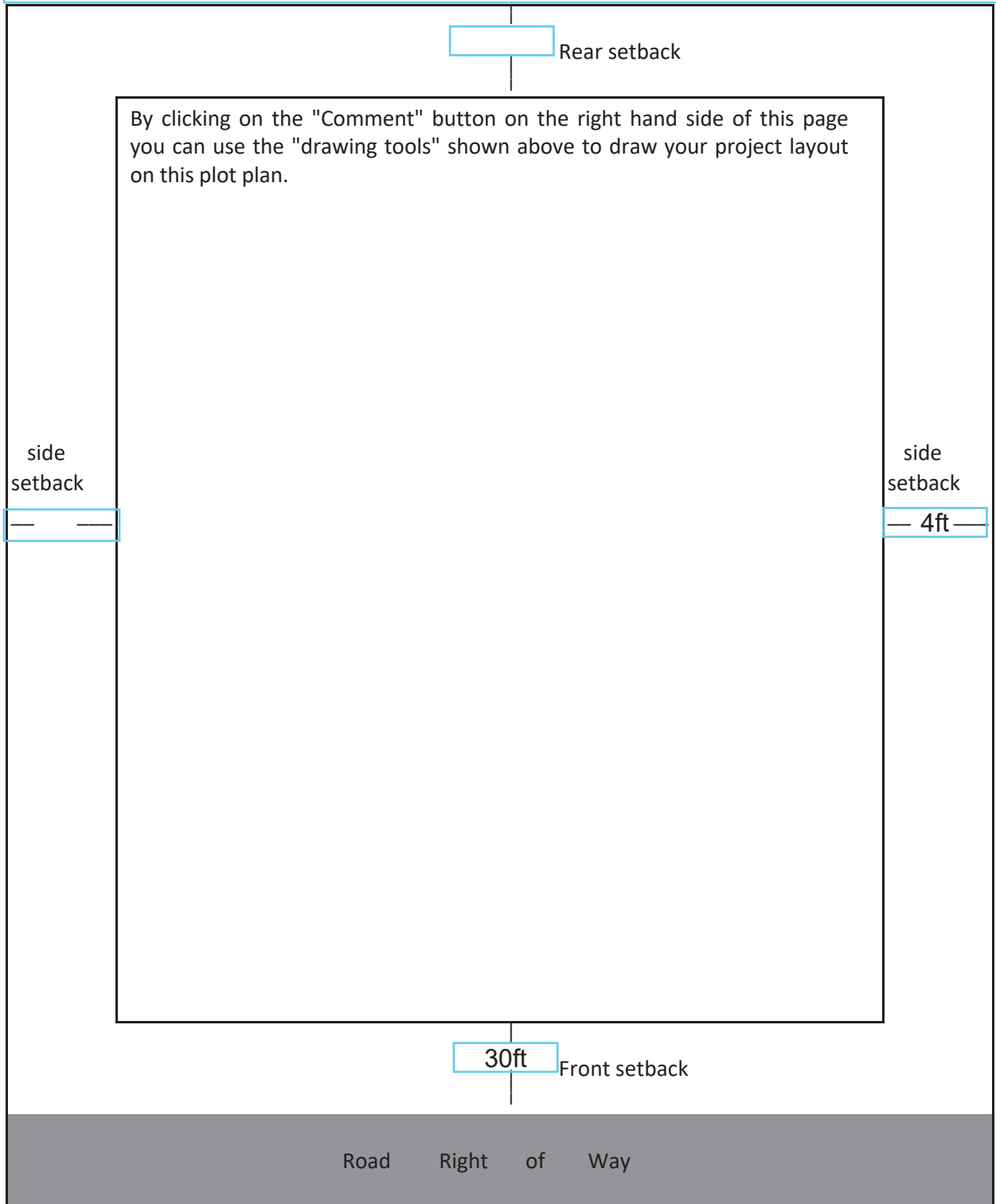
Additional Responsibilities for Owners of Projects Disturbing One or More Acre of Soil

I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management standards, and will comply with those standards.

Owner's Signature: _____ Date: _____

Describe your project:

14ftx24ft portable temporary structure to house work supplies and or car.





CITY OF DODGEVILLE

100 E. Fountain St.
Dodgeville, WI 53533
www.dodgevillewi.gov

September 28, 2022

Kyle Skogen
506 Bennett Rd.
Dodgeville, WI 53533

Mr. Skogen,

The permit application submitted 9/27/2022 for the placement/construction of a detached garage at 506 Bennett Rd. (parcel # 216-1124.03) has been denied for the following reasons.

The proposed detached garage of 336 sq. ft. plus the existing attached garage of 576 sq. ft (from assessment record) is 12 sq. ft. over the 900 sq. ft of garage space as allowed by the current ordinance for a property in the R-1 zoned areas.

The setback from the detached garage to a side lot line is required to be a minimum of 5 feet per the current ordinance (Sec 17.03(3)). The plot plan you submitted indicates that the detached garage is only 4 feet from your east lot line.

Your options as I see them are:

1. Remove the detached garage completely.
2. Reduce the size of the detached garage by 12 square feet and move it to at least 5 feet from the side lot line.
3. Appeal my decision to the City Board of Zoning Appeals by way of requesting a variance to the size of the garage and the setback to the side lot line. In order to know the exact amount of a requested variance, the east lot line would have to be determined exactly by finding the lot stakes if present, or hiring a surveyor to establish the lot line. The application for a variance is available at <https://dodgevillewi.gov/building/page/variance-appeal-process>

If no action is taken, You are in violation of the City of Dodgeville Zoning Ordinance. Your failure to obtain a permit will result in a fine of \$20 to \$100 per day for each day you are in violation of the zoning ordinance going back to the date of this notice.

Please let me know how you intend to proceed.

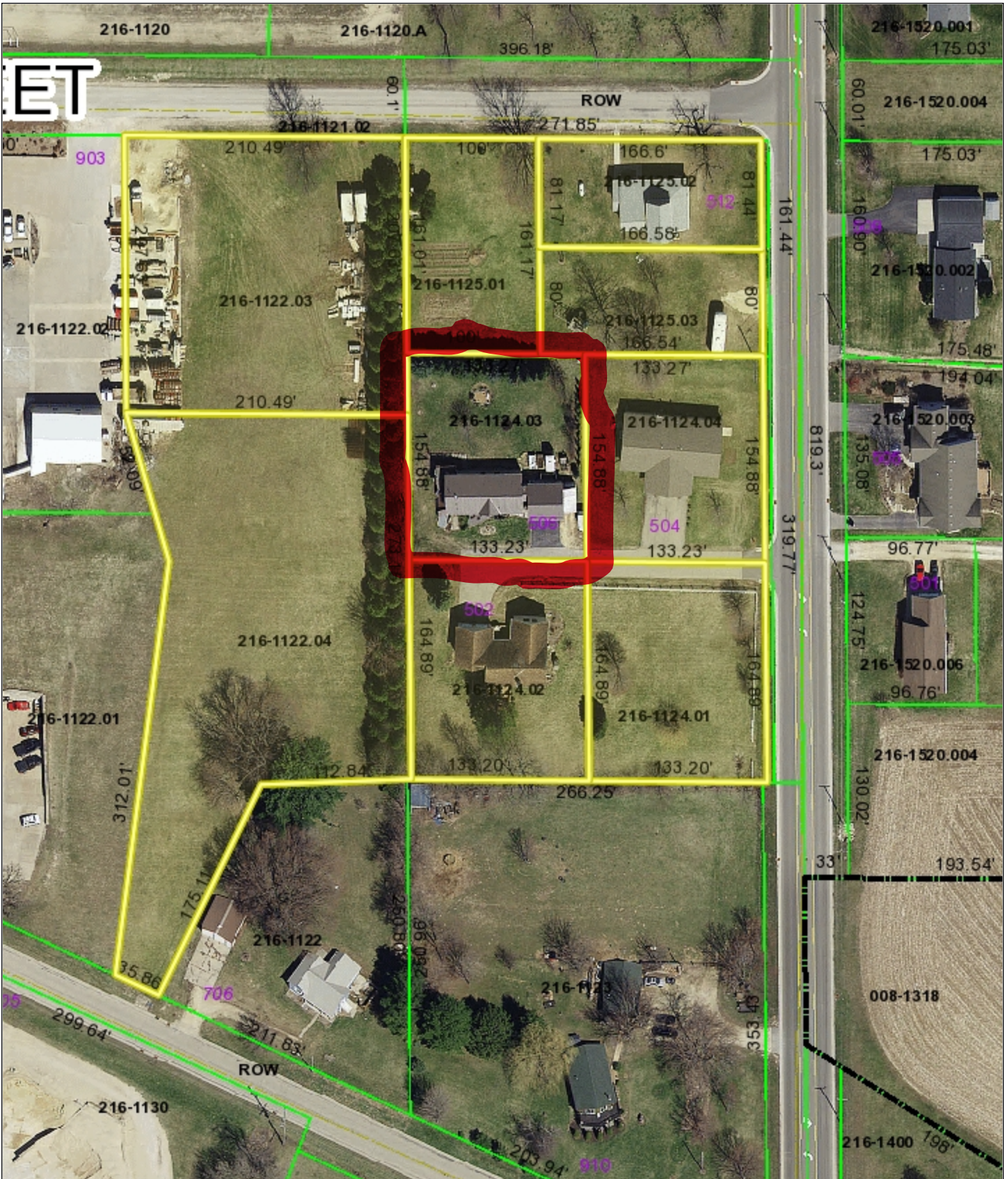
If you have any questions feel free to contact me at 608-935-9326 or email listed below.

Sincerely,

Larry Gilles

Larry Gilles, Building Inspector





SW WI GIS

DISCLAIMER: No guarantee in the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 100'



Print Date: 10/6/2022

17.13 R-1 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT. The R-1 District is established for low density developments of one- and two-family homes.

(1) PERMITTED USES. (a) One-family and two-family dwellings. Each residential unit in a two-family dwelling located in a single lot may be under separate ownership provided that the property upon which the dwelling is located is a condominium, as defined in §703.02, Wis. Stats.

(2) CONDITIONAL USES. See also sec. 17.24 of this chapter.

- (a) Churches and similar places of worship and instruction, including parsonages.
- (b) Municipal buildings, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- (c) Utility offices, provided there is no service garage or storage yard.
- (d) Public, parochial and private elementary and secondary schools.
- (e) Public parks, recreation areas, playgrounds and community centers.
- (f) Home occupations and professional offices.
- (g) (Cr. Ord. #887) Day care centers.
- (h) See sec. 17.24(1) of this chapter.

(3) LOT, YARD AND BUILDING REQUIREMENTS (Am. Ord. #970). See also sec. 17.08 of this chapter.

Lot frontage at setback.....	Minimum 80 ft.
Lot area.	Minimum 8,000 sq. ft.
Principal building:	
Front setback.....	Minimum 25 ft.
Side setbacks:	
Up to 1-1/2 stories. Minimum per side, 8 ft.....	Minimum total, 20 ft.
1-1/2 to 2-1/2 stories. Minimum per side, 10 ft.....	Minimum total, 25 ft.
Rear setback.	Minimum 25 ft .
Building height.....	Maximum 35 ft.
Building width.	Minimum 24 ft.
Number of stories.....	Maximum 2-1/2
Off-street parking.....	Minimum 2 spaces per dwelling unit.
Accessory buildings:	
Front setback.....	Minimum 25 ft.
Side setback.....	Minimum 5 ft.
Rear setback	Minimum 5 ft .
Garage(s) (attached, detached or in combination)	Maximum 900 ft2, Maximum height 15 ft

(See also sec. 17.24 of this chapter)

Other sections of the zoning code may have more restrictions.

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 # 1 Date filed 10/03/22 \$ 300 fee paid (payable to City of Dodgeville)

	Owner/agent	Contractor
Name	Kyle Skogen	
Address	506 N. Bennett Rd	
	Dodgeville WI	
Phone	414-305-1129	
Email	kyleskogen16@gmail.com	

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

City/Village/Town of Dodgeville

Address 506 N. Bennett Rd Tax parcel number 2161124.03

Lot area & dimensions: .47 acres sq. ft., x ft.

Zoning district R-1 Single and Two Family Residential

Current use & improvements:

Residential property. This property is where I live. Improvement is to put a portable structure to house a vehicle.

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

This is response to denied permit that I filed. This is the first variance I have ever filed.

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

The item in discussion is a 14'x24' portable structure to house a vehicle. I have it located on the east side of my property right next to my current garage.

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

The ordinance is that I am only allowed 900 sq ft of garage space and I must be 5ft from my lot line.

Describe the variance requested:

I am requesting this variance to allow me to have a portable structure sit next to my current garage so that I can house my vehicle and keep it off the street. Due to my lot size, the structure will sit closer to the lot line than the ordinance allows and it is 12 sq ft over the allotted 900sq ft ordinance. I am asking for permission to keep the structure in its current placement and keep its current size. Per the unique property limitations: Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance. The current property and building limitations prevent the addition of a structure to this home to meet 900 sq ft. The property line requirements also prevent this.

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:

The effect on the property if the variance is not granted will be that I will have to remove the structure somehow burdening myself of the cost and disruption of the landscape. I will have a vehicle sitting outside exposed on the street in the way. I will be forced to move, which will leave my property up to a new person that may or may not take care of it as highly as I have for the past 12yrs. If this variance is not granted the burden and effects will be greater.

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.

I have considered moving the structure to the rear of my garage as to satisfy the lot line setback. I cannot change the size of the structure unfortunately. I have no problem with moving it if I must. The 8ft set back if I was to build a permanent structure would prevent me from building the needed size structure to hold a vehicle.

- 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.

I have rejected removing the structure completely as advised by Larry Giles, because I already purchased it and have it beautifully installed and this would not solve my need for it in the first place. Removing it would take unknown time and cost that I feel are unnecessary. Removing it does not solve the reason why I needed it in the first place. I do not see how removing it is an option. Larry also offered the option of making the building smaller. I do not see how I can change the size of the building since it is already built. I chose this size building because it is the size needed to hold a vehicle. Any smaller and a vehicle would not fit.

His suggestions of removal or making it smaller seem unrealistic and unhelpful.

I cannot think of any other alternatives other than to leave it the way it is or simply move it to a different place on my property if that makes everyone happy.

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:

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:	Impact 2:
Mitigation 1:	Mitigation 2:
Extent to which mitigation reduces project impact	Extent to which mitigation reduces project impact:

Long term impacts: (after construction is completed)

Impact 1:	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:

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.¹ The Wisconsin Supreme Court also determined that living without a lakeside porch was a personal inconvenience and did not constitute unnecessary hardship.² 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:

This entire situation is unnecessary hardship. From the beginning I have had zero support from Larry Giles. I tried to work with him to come up with a plan and options to add a third car garage. Due to my lot size, he told me that my only option was to build a smaller than needed garage. I got bids to do this and it would have cost me over \$40,000 and still would not have been the size needed. I found a more cost effective option that fit my needs and looks beautiful. I was unaware of the need for a permit of a portable structure. After I had it placed and landscaped, Larry deliberately issued me a notice. I filed the permit which he denied immediately. Now I am stuck with a beautiful garage but because I am over the size limit by 12 sq ft and too close to the lot line I am having to go through this unnecessary hardship process. If I am unable to keep the garage, I will be forced to have to move and leave the city of Dodgeville. I have loved living here up to this point. I am disgusted with the Cities reaction to me needing a little more storage and the direction I chose. I made my property more beautiful, I didn't effect anyone else, I am not disrupting anyone or anything, I didn't ruin the landscape. This entire process is unnecessary in my opinion. The location that I chose to put the structure is the best placement due to the conditions of the lot and access to the driveway. I never intended for this to cause such an issue. My intent was to simply add a third car garage and keep my vehicles off the street. I thought I was doing a good thing and making the property more beautiful. I want to satisfy all parties involved and resolve this matter peacefully.



No. A variance cannot be granted

¹ *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

² *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:

Remit to: Building Inspector
100 E Fountain St. Dodgeville, WI 53533
buildinginspector@ci.dodgeville.wi.us

I wanted to write this separate letter to express my thoughts to everyone. I began this project with the simple intention of adding a third car garage to house a vehicle as to keep it off the street and keep the neighborhood looking nice. I approached Larry Giles months ago and we discussed the options for my property to build a structure. He advised me that my only option would be to tear down the existing end wall on my current garage and remove the single door and create a double door thus having a three car garage. This option didn't allow the needed space for three cars because it barely would hold three cars not allowing you to open the doors once parked inside. I went ahead and got bids for this and was shocked to see them all come in at over \$40,000. This was insane. I began my project all over again and stumbled upon a portable garage option. In my head, I thought this would be a great solution both financial and aesthetics. I purchased the portable building and had it installed. I spent a lot of time and energy making the landscaping look nice. My neighbors have told me that they love the new building and how great it looks. I was completely unaware that I needed a permit for a portable structure. I thought I only needed a permit for a structure if it was permanently in the ground. A few weeks after I had the building, I received a letter from Larry Giles informing me that I broke the cities rules and I need to file a permit and he doubled the fee. I was very upset with his letter. He could have simply reached out to me or came and talked to me. I didn't know that I needed a permit. I didn't deliberately not file a permit. Following his letter, I proceeded to file a permit. The next day he emailed me that the permit was denied due to the building being too close to the property line and being 12sq ft too big. I chose to put the structure where it is because it is close to the driveway and the most level place on the property. If I move it somewhere else on the property, I will have to disturb the land and make a long driveway which will affect the look and the lay of the property. I have further been trying to work with him on a remedy and have gotten nowhere with him. I am used to dealing with people on a simple trust, integrity, honor and find common ground basis. All I'm trying to do is enjoy my house and life here in Dodgeville. I did not ask for a fight or to cause a huge problem. I have tried asking Larry how we can make changes or find a way to make things work. I proposed moving the structure further away from the property line. I can't change the size of the building because it is already built. Is 12 sq ft really that big of a deal? I love this garage and I think it adds nothing but good things to the property and the neighborhood. Since this ordeal has risen I

have been looking at houses in the thought I might have to move because of this. This is an unfortunate situation and one that I never intended. I don't want to move because of this but I feel I am being forced out of my home. If someone else is to live in the property, who knows how they will keep it maintained. All I am asking for is some lenience on 12 sq ft of garage space and a small amount of set back on my property line. I don't feel that I am asking for much. I have support from my neighbors on this. I have been a faithful citizen to Dodgeville for 12yrs. I have improved the property over the years and maintained it to my best ability. I have loved living here and would like to stay for many years. Can we please find a solution to please everyone and move on with life. I don't see the need to make this a big deal. If the board has any ideas or suggestions I would like to hear them. I feel lenience should be considered to citizens on issues like this when they are not causing a major disturbance to the land or the look of the property. People should the have the right to make changes to there yard or add small structures. I was trying to the right thing here. I hope we can come to some agreement and resolve this effectively.

Sincerely

Kyle R Skogen









Sheryl Brokopp
149 N Iowa Street
Dodgeville, WI 53533
October 3, 2022

City of Dodgeville

100 E Fountain Street
Dodgeville, WI 53533

To Whom it May Concern:

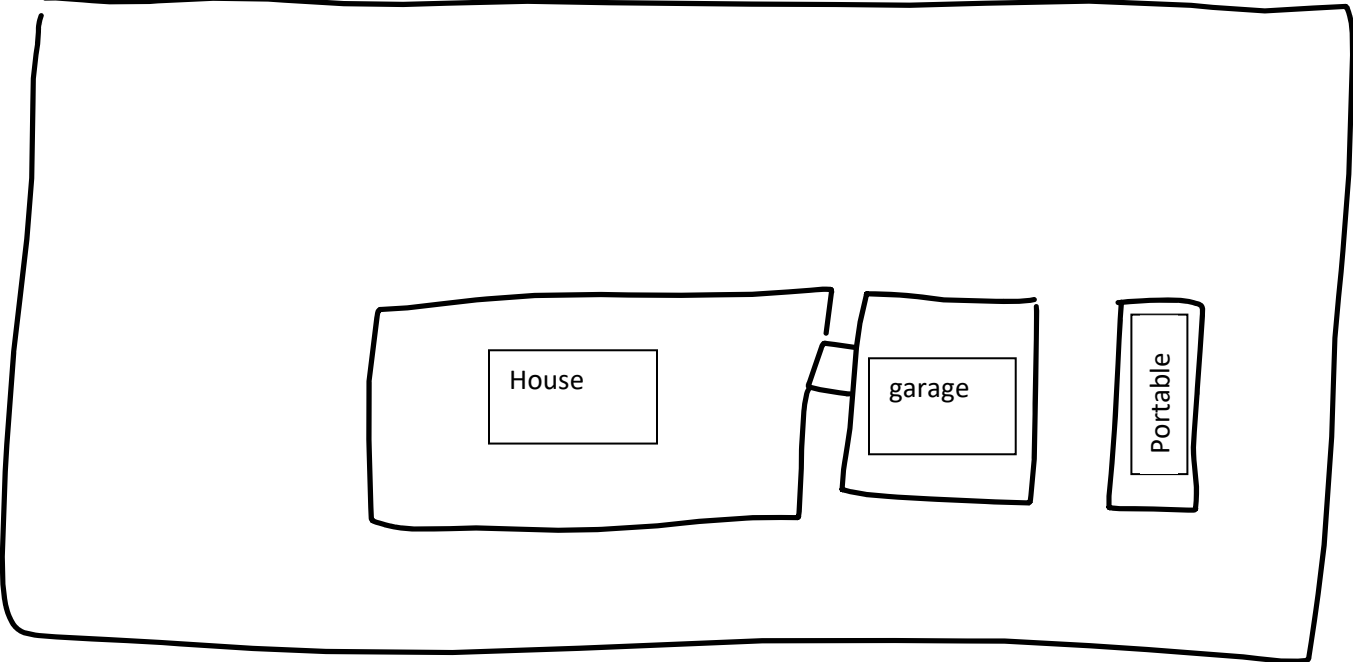
It has come to my attention that our neighbor Kyle Skogen is seeking a variance for his portable garage at 506 N Bennett Rd. and I would like to give our endorsement. The garage doesn't seem to be too close to the property line and it doesn't encroach on any uses of our property. They have been awesome neighbors and I feel like the placement of the garage is to the benefit of the property and I feel it is needed for them to properly store the equipment he uses to make a living. I feel that the City could use a measure of tolerance for a hard working person who is trying to take care of his equipment and maintain an exceptionally well-maintained property.

Best Regards,

Sheryl Brokopp
SWCAP
Director, Opportunity House
s.brokopp@swcap.org
(608)574-9672

Current situation

.



Proposed alternative placement of shed to be further from the lot line.

