



AGENDA

City of Milton

Zoning Board of Appeals

Tuesday, January 3, 2023

5:00 PM

MILTON CITY HALL - Conference Room

710 S. Janesville Street

1. Call To Order
2. Approval Of Agenda
3. Approval Of Minutes - October 25, 2022

Documents:

[ZONING BOARD OF APPEALS MINUTES 10-25-2022.PDF](#)

4. Public Hearing, Discussion, And Possible Action To Consider A Request For A Variance To Allow The Addition To The Existing Structure With The Rear Yard Setback To Be Reduced To 6 Feet At 445 East Saint Mary Street

Documents:

[MEMO - VARIANCE REQUEST 445 EAST SAINT MARY STREET.PDF](#)
[VARIANCE APPLICATION - HOUSNER, 445 EAST SAINT MARY ST.PDF](#)
[VARIANCE NOTICE OF PUBLIC HEARING - HOUSNER, 445 EAST SAINT MARY STREET.PDF](#)

5. General Items
6. Motion To Adjourn

**Please note that upon reasonable notice, at least 48 hours in advance, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's office at 868-6900, 710 S. Janesville Street, Milton, WI 53563.

Notice is hereby given that a majority of the Common Council may be present at this meeting at the above mentioned date and time to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the City

Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the City Council will not take any formal action at this meeting.

Posted by: Jenny Salvo, City Clerk

December 29, 2022

City of Milton
Zoning Board of Appeals
October 25, 2022

Call To Order

Chairperson Schultz called the October 25, 2022 meeting of the Zoning Board of Appeals to order at 5:08 p.m.

Present: Carl Schultz, Mark Doolittle, Ken Holland, Dale Falk, and Maxine Striegl
Theron Dosch arrived at

Also Present: City Clerk Jenny Salvo and Public Works Director Mark Langer

Approval Of Agenda

M. Doolittle motioned to approve the agenda. M. Striegl seconded, and the motion carried unanimously.

Approval Of Minutes – March 8, 2022

M. Striegl motioned to approve the March 8, 2022 Zoning Board of Appeals minutes. M. Doolittle seconded, and the motion carried unanimously.

Public Hearing, Discussion and Possible Action To Consider a Request For A Variance to Allow The Addition To The Existing Structure With the Rear Yard Setback To Be Reduced To 20 Feet at 1044 West Sunset Drive.

Applicant Kenneth Smith provided an overview of the agenda item.

Chairperson Schultz opened the public hearing at approximately 5:01 p.m.

Clerk Salvo reported staff has received no objections to the variance request.

Chairperson Schultz closed the public hearing at 5:05 p.m.

There were no public comments.

Chairperson Schultz reviewed the four standards that must be taken into consideration when granting or denying a variance, and the board discussed each standard.

- Unnecessary Hardship - A situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome.
- Unique Property Limitation – A unique physical characteristic of the property, not the desires of or condition personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance.
- Protection of the Public Interest –Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The board’s actions should be

consistent with the objectives stated in their local ordinance, which (in the case of a floodplains or shoreline ordinance) has been adopted to meet minimum state statutory requirements.

- Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

K. Holland motioned to approve the variance request to allow the addition to the existing structure with the rear yard setback to be reduced to 20 feet at 1044 West Sunset Drive. M. Doolittle seconded, and the motion carried unanimously.

General Items

None

Motion To Adjourn

T. Dosch motioned to adjourn the October 25, 2022 meeting of the Zoning Board of Appeals at 5:11 p.m. M. Doolittle seconded, and the motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jenny Salvo".

Jenny Salvo
City Clerk



Zoning Board of Appeals Report

Agenda Item: Public Hearing, Discussion, and Possible Action to Consider a Request for A Variance to Allow the Addition to the Existing Structure with the Side Yard Setback to be Reduced to Six Feet at 445 East Saint Mary Street

Meeting Date: January 3, 2023

Presenter: Mark Langer, Public Works Director

Department: City Hall

Conformance with Strategic Plan:

- Affordability & Financial Stability
- Safe, Inclusive, Welcoming Community
- Diverse Opportunities for Fun and Life-Long Learning
- High Performing Organization with Professional Staff
- Environment for Business Success with Thoughtful Growth and Development

Summary

Barbara Housner has requested a variance to allow the rear yard setback to be reduced to six feet to accommodate an addition to the existing structure.

Analysis and Key Issues

The parcel is zoned Residential District Three (R-3) and Section 78-404(5) of the City of Milton Code of Ordinances states the rear yard setback in the zoning district is 15 feet. The applicants have requested the setback is reduced to six feet to allow for a 10'6" x 28' proposed screened-in addition to the rear of the existing structure.

The request does not affect public works maintenance or street views. City staff has not received correspondence from surrounding properties concerning this request.

Fiscal Impact

There is no fiscal impact to the City of Milton.

Attachments

- Variance Application and Site Plan
- Notice of Public Hearing



City of Milton Application and Record

Application Date: 12-5-2022 Date to be Reviewed by Plan Commission: N/A
 Applicant Name/Agent: Barbara J. Housner Date to be Reviewed by Common Council: N/A
 Owner of Property: Barbara J. Housner Date to be Reviewed by Zoning Board of Appeals: 1/3/2023

Business Name: _____
 Address: 445 E. St. Mary's St.
 City/State/Zip: Milton, WI 53563
 Telephone: home 608 868 3100
cell 608 728 4964
 Email: bjhouse2004@yahoo.com

Fee Required:	Date Paid
Conditional Use Permit \$250.00	
Rezoning \$250.00	\$ <u>250</u> ⁰⁰
Variance \$250.00	

Reason for Request/Appeal or Reason Permit was Refused: variance on distance on lot line for
for addition. Lot line and house at angle.
My side yard is graded so that the water does flow around the back
of house so there is drainage.

Property Location for Project

Address: 445 East Saint Mary's St, Milton WI 53563

Legal Description: _____

Description of Premise (Including Existing and Proposed Buildings): single family dwelling
3 bedroom ranch with double attached garage

Current Zoning: (circle one) A1 A2 B1 B2 B3 C1 C2 M1 M2 MR R1 R2 (R3) R4 PUD SP

Proposed Zoning: (circle one) A1 A2 B1 B2 B3 C1 C2 M1 M2 MR R1 R2 (R3) R4 PUD SP

Present Use: single family dwelling

Proposed Use: _____

Present Occupancy: Owner Occupant Proposed Occupancy: Owner Occupant

Name of Proposed Subdivision: _____

Surveyor's Name: _____ Address: _____

Property Lot Size: _____ (square feet or acres)

Lot Size of Preliminary Land Division: _____ Lot Size of Final Land Division: _____

Building Setback Front: 25 Side: East 29 Rear: 10'

Building Setback Corner: 25 Side: 23 West Rear: 6'1"

Number of Stories: 1 Number of Rooms: N/A Height: Tied to Roof line

Architect: N/A General Contractor: Sockness Builders

Off Street Parking: N/A Number of Stalls: N/A

Estimated Cost of Work: \$80,000

The undersigned hereby agrees that the foregoing information is true and accurate, and that if this permit or request is granted, all work will be done in accordance with this application and all the Ordinances of the City of Milton.

Applicant Signature: Barbara J Housner

Print Name: Barbara J. Housner

Recommendations by City of Milton Staff: _____

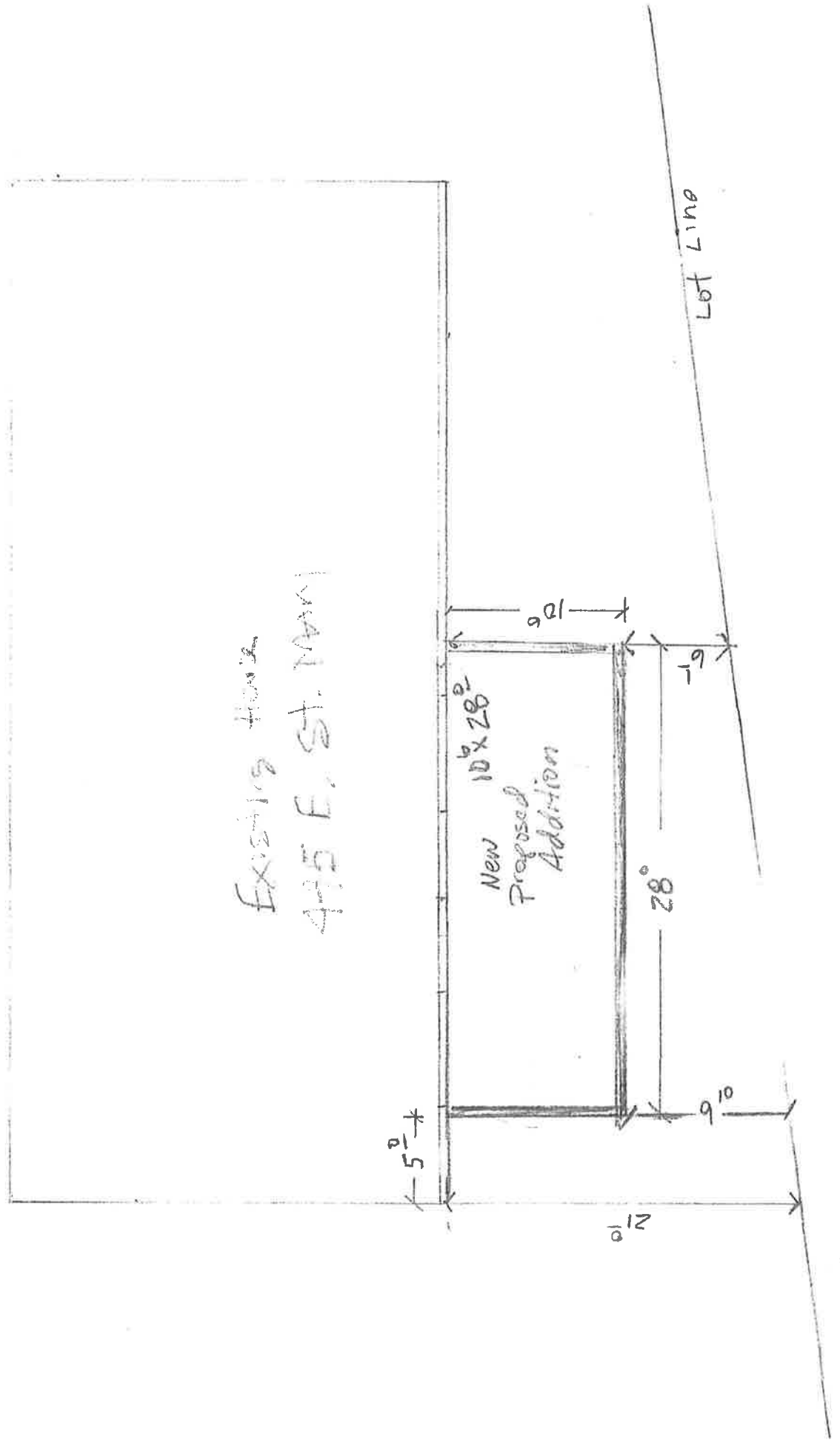
Filed this 5th day of December, 2022

Jenny Salvo
City Clerk, Jenny Salvo

Publication Date: 12/14/2022

Sodness Builders / Homeowner

Existing House
445 E. St. Mary





NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on **Tuesday, January 3 at 5:00 p.m.** in the Council Chambers, 710 S Janesville Street, to consider a request received from Barbara Housner for a Variance to allow the rear yard setback to be reduced to 6' feet to accommodate an addition to the existing structure. Section 78-404(5) of the City of Milton Code of Ordinances states the rear yard setback shall be 15 feet. The property is located at 445 East Saint Mary Street, Parcel Number V-23-650.3, and is zoned Residential District Three (R-3). A map of the site plan is available by contacting City Hall at (608) 868-6900 ext. 2.

Code of Ordinance: Sec. 78-404(5) – The rear yard setback is 15 feet.

All interested persons or their agents will be heard at said hearing after which a final determination will be made. This notice is given under Section 78 of the Municipal Code of Ordinances.

Jenny Salvo, City Clerk

Request received in office: 12/05/2022

Published in the Janesville Gazette: 12/14/2022

Copies mailed to the following properties located within 250 feet of the parcel: 12/9/2022



Mayor, Anissa Welch
City Administrator, Al Hulick
City Attorney, Mark Schroeder
City Clerk, Jenny Salvo
Public Works Director, Mark Langer
Police Chief, Scott Marquardt
City Assessor, Paul Musser

Common Council Members

Ald Lynda Clark
Ald Eric Stockman
Ald Ryan Holbrook
Ald Larry Laehn
Ald Theresa Rusch
Ald Bill Wilson

Zoning Board of Appeals Members:

Theron Dosch
Ken Holland
Mark Doolittle
Carl Schultz
Maxine Striegl

Individuals who are unable to attend the Public Hearing may submit comments to:

- MAIL: Milton City Hall, 710 South Janesville Street, Milton WI 53563
- E-MAIL: jsalvo@milton-wi.gov or ahulick@milton-wi.gov
- PHONE: 868-6900 ext. 2
- FAX: 868-6927