



AGENDA
Zoning Board of Appeals

Tuesday, November 15, 2016 at 5:30 p.m.
City of Burlington Fire Station – 165 W. Washington Street

John Lynch, Jr.
Joel Weis
Dan Snyder
Lori Clarke
Jake Hanson
Amy Zott, Alternate #1

1. Call to order
2. Roll Call
3. Approval of minutes from October 18, 2016
4. Citizen Comments
5. Letter and Communications: None
6. Old Business:
 - A. Consideration to approve a Zoning Variance application from Margaret Dozemagen for property located at 400 Dardis Drive, to build an addition to an existing garage by 11½ feet in the street yard that was tabled at the October 18, 2016 meeting.
7. Public Hearing:
 - A. A Public Hearing to hear Public comment regarding the consideration of a variance from Section 315-27, B-2 Central Business District, for property located at 225 E. Jefferson Street, to allow the first floor unit at this property to be reused as a residential rental unit.
8. New Business:
 - B. Consideration to approve a Zoning Variance application from Dale Hintz for property located at 225 E. Jefferson Street, to allow the first floor unit at this property to be reused as a residential rental unit.
9. Adjourn

NOTE: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.

City of Burlington
Board of Zoning Appeals Minutes

Date of Meeting: October 18, 2016

Members Present: John Lynch, Jr., Dan Snyder, Jake Hanson, Lori Clarke

Other Appearances: Gregory Guidry, Zoning Administrator

1. The meeting was called to order at 5:30 p.m.
2. A motion was made to approve the July 28, 2016 minutes by John Lynch, Jr. and seconded by Dan Snyder.
3. There were no citizen comments.
4. A public hearing was held on the above date based upon the filing of Zoning Form No.4 Model Appeal or Application to the Zoning Board of Appeals for Zoning Variance.

The appeal was filed on August 15, 2016 by Margaret Dozemagen for the property located at 400 Dardis Dr. for a set back variance to allow the addition of a garage which would extend 11.5 feet into the street yard.

The appeal requests:

1. Review, reversal, or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
2. A variance from the City of Burlington Zoning Code specifically the following Ordinances: Section 315-18 F(1) and 315-57.

New Business:

A Consideration to approve a Zoning Variance application from Margaret Dozemagen, for property located at 400 Dardis Dr., to build an addition to existing garage, which would extend 11.5 feet into the street yard.

Discussion on Dozemagen variance: The discussion was tabled in order for board to confer with city attorney. The board will reconvene on November 15, 2016 at 5:30 p.m. to discuss findings.

A motion was made to table the variance request by John Lynch, Jr. and seconded by Lori Clarke.

Additional business: A Consideration to approve a Zoning Variance application from Blane Schneider/JB Schneider Investments, Inc. , for property located at 988 S. Pine St. to install four storage sheds with less than a 25 foot rear yard setback.

The board was presented with drawings by the owner with measurements and details for placement of 4 rental storage sheds within the 25 foot rear yard setback. Each unit is free standing, built on skids, will not have any electrical or water connection, each has the ability to be moved at any time. The storage units will be within the fenced in area.

A motion was made to approve variance request, based the fact that the railroad tracks are behind the fenced in area, and the storage sheds are able to be removed at any time.

Motion to approve made by John Lynch, Jr. Seconded by Lori Clarke

Board of Zoning Appeals
Secretary

THE ZONING BOARD OF APPEALS IN AND FOR THE CITY OF BURLINGTON

Notice of Hearing on
Proposed Zoning Variance Permit
B-2, Central Business

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Zoning Board of Appeals of the City of Burlington, Racine County, Wisconsin, will conduct a hearing to receive evidence pertinent to its consideration of an appeal from:

Owner: Peter Ludwig
Applicant: Dale Hintz
Location: 225 E. Jefferson Street
Zoning: B-2, Central Business
Use: Vacant
Variance Requested: A variance to Section 315-27 of the Zoning Ordinance. To allow the first floor unit at this property to be reused as a residential rental unit.

NOTICE IS FURTHER GIVEN that a hearing on the above-mentioned Zoning Variance Request will be held by the Zoning Board of Appeals at the Fire House, in the City of Burlington on:

TUESDAY, NOVEMBER 15, 2016 DURING THE MEETING OF THE ZONING BOARD OF APPEALS SCHEDULED TO BEGIN AT 5:30 P.M. OR SHORTLY THEREAFTER

CITY OF BURLINGTON
ZONING BOARD OF APPEALS

Dated at Burlington, Wisconsin, 24th day of October 2016.

Carina Walters, City Administrator

*Published in the Burlington Standard Press
October 27th & November 3rd, 2016*



Building & Zoning Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1163 – (262) 763-3474 fax
www.burlington-wi.gov

For Office Use Only	
Date Filed	<u>10/11/16</u>
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Received By	<u>KA</u> (Initials)

ZONING FORM NO. 4
MODEL APPEAL OR APPLICATION

TO THE ZONING BOARD OF APPEALS FOR ZONING VARIANCE

Instructions

Appeals and applications shall be filed with the Zoning Administrator. The Zoning Administrator shall refuse appeals or applications that are not complete or are not legible.

Appeals

I hereby acknowledge of written notification of the Zoning Administrator's permit refusal or notice of violation and do, therefore, appeal to the Board of Zoning Appeals for one of the following (check one):

- 1. Review, reversal or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
- 2. A variance to Section 315-27 of the Zoning Ordinance.

Date of previous appeal (if any): n/a

Application

I hereby apply for one of the following (please check one):

- 1. An interpretation of the regulations of the Zoning Ordinance or the boundaries of the Zoning Map.
- 2. Permission to substitute a more restrictive non-conforming use for an existing one.
- 3. A determination that an unspecified or unclassified use is permitted in a district.
- 4. A temporary use permit.

Date of previous application (if any): _____

Disposition of previous application: _____

Names and Addresses

Applicant or Appellant: Dale Hintz 6659 Riverdale Lane, Greendale, WI 53129

Owner of the site: Dale Hintz and siblings

Architect: n/a

Professional Engineer: n/a

Contractor: n/a

Description of the Subject Site

Address of premises affected: 225 E. Jefferson St., Burlington, WI 53105

Lot: _____ Block: _____ Subdivision: _____

Lot size: _____

Metes and bounds description (please attach: _____

Zoning district classification: B-2

Description of existing operation or use: not in use

Description of the proposed operation or use: residential rental

Number of employees: n/a

Type of structure: residential

Terms of ordinance: area zoned as business district

Variance requested: allow residential rental use

Reason for petition: see attached.

Attachments

The following required items shall be attached for all appeals and applications:

Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plate of survey shall show the location, elevation and use of any abutting lands their structures within forty (40) feet of subject site.

Names and Addresses of all abutting and opposite property owners within 300 feet of the area.

Additional Information as may be required by the Plan Commission, City Engineer, Zoning, Building, Plumbing or Health Inspectors.

Fee Receipt from the Treasurer in the amount of \$ 150.00.

An appeal of the Zoning Administrator's permit refusal, correction order or interpretation shall be accompanied by a statement as to why the Zoning Administrator's decision is in error. An appeal for a variance shall be accompanied by a statement of facts listing the appellant's special conditions that would cause a literal enforcement of the Zoning Ordinance to result in practical difficulty or unnecessary hardship. An application for a determination of unclassified uses shall be accompanied by a complete description of the process, operation of use and comparisons with similar uses.

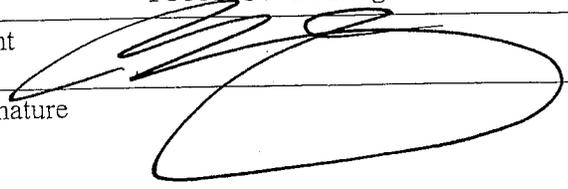
Date: 10/11/2016

Owner/Owner's Agent: _____

Peter J. Ludwig

Print

Signature



**ATTACHMENT TO
HINTZ APPEAL FOR ZONING VARIANCE**

Dale Hintz and siblings inherited this residence, located at 225 E. Jefferson St., Burlington, Wisconsin, situated immediately across the street from the Burlington Police Department when their mother died in 2008. Initially, they utilized the property as a rental property.

For approximately two years, they allowed the property to remain vacant, with the idea of selling it. The property required repairs and improvements before it could be placed on the market.

In the meantime, because the property had remained vacant for a period in excess of six months, they were told they had lost their grandfather, and could no longer use the property as residential.

The property is built as a residential home. It is not conducive to any type of commercial venture. As a consequence, they cannot sell the property, and they cannot use the property, but must continue to pay real estate taxes, insurance, utilities, and upkeep.

At this juncture, the other, remaining resources from mother's estate have been depleted, such that the cost of ongoing upkeep now comes out of pocket.

Applicant is requesting a variance to allow them to resume use of the property as a residential rental unit. At the very least, this will allow them to generate income sufficient to cover the costs of maintaining the property.

The structure in question is located on a block which contains a mix of residential and commercial buildings, the residential of which remain a permitted, grandfathered use. In returning this property to residential use, which it always was, will not change the complexion of the block and, in fact, will have a more positive impact, in that the property will not be sitting vacant.

**LEGAL DESCRIPTION
225 E. JEFFERSON STREET
BURLINGTON, WI 53105**

That part of Lot one (1) of Block Forty Seven (47) of the Original Plat of Burlington beginning at the intersection of the Southerly line of Jefferson Street with the Westerly line of Dodge Street; run thence Southwesterly along the Southerly line of Jefferson Street Eighty-Six (86) feet; thence Southeasterly parallel with the westerly line of Dodge Street, Forty-Seven (47) feet; thence Northeasterly parallel with the Southerly line of Jefferson Street, Eighty-Six (86) feet to the Westerly line of Dodge Street; thence Northwesterly along the westerly line of Dodge Street Forty Seven (47)feet to the place of beginning. Said lot being in the City of Burlington, Racine County, Wisconsin.

property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

- (3) Exterior lighting in the B-1 District shall be limited to total cutoff-type luminaires (with angle greater than 90°). The maximum permitted illumination shall be two footcandles, and the maximum permitted luminaire height shall be 28 feet as measured from surrounding grade to the bottom of the luminaire. (Note: This standard does not address illumination levels or fixture height which may be required by the City of Burlington for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property.)
- (4) For the purposes of this chapter, light shall be measured as follows:
 - (a) Metering equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus 5%. The meter shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 30 days of its use.
 - (b) Method of measurement. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the interior line of the bufferyard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same source off. The differences between the two readings shall be compared to the maximum permitted illumination allowed under this Subsection P.

Q. Signage requirements. See Article VII, Signs, of this chapter.
[Added 6-5-2001 by Ord. No. 1657(5)]

R. Landscape plan requirements. Landscape plans shall be required in the B-1 Neighborhood Business District meeting those requirements set forth in § 315-138 of this chapter.
[Added 6-5-2001 by Ord. No. 1657(5)]

§ 315-27 B-2 Central Business District.

A. The B-2 Central Business District is intended to provide for orderly and appropriate regulations to ensure the compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the City. The B-2 District is not intended to be used in any new areas of the City or areas of the City not designated within the B-2 District at the time of the adoption of the ordinance codified under this section unless approved by a two-thirds vote of the Common Council.

[Amended 8-5-2003 by Ord. No. 1729(9)]

B. B-2 permitted uses.
[Amended 9-7-2010 by Ord. No. 1907(10)]

Antique and collectors stores
Bakeries
Banks, savings and loan associations and other financial institutions
Barbershops
Bars and taverns
Beauty shops
Bookstores
Bowling alleys
Business offices
Camera and photographic supply stores
Clinics
Clothing stores

Anderson, Kristine

To:
Subject: RE: 225 E.Jefferson Zoning

Kristine Anderson
Administrative Assistant
300 N. Pine Street
Burlington, WI 53105
kanderson@burlington-wi.gov

262-342-1163

From:
Sent: Monday, November 07, 2016 2:32 PM
To: Anderson, Kristine <kanderson@burlington-wi.gov>
Cc: Bob Grandi <
Subject: Fwd: 225 E.Jefferson Zoning

On Nov 7, 2016, at 1:39 PM

To whom it may concern:

In October 2012 my husband Terence F. MacCarthy and I purchased the property at 217 E. Jefferson knowing that it is zoned B-2 Central Business District.

We have invested a large amount of money in the property to make it compliant with all necessary zoning, accessibility, codes etc. thus making the property suitable for businesses and is currently occupied by the Bear Foot Yoga Healing Studio.

We strongly object to the granting of a variance to Section 315-27, B-2 Central Business District for the property at 225 E. Jefferson.

The 225 E. Jefferson Property has been vacant for over 4 years, (the entire time we have owned our property) and is required to adhere to the B-2 zoning Business District regulations. The Burlington Downtown District has struggled for some time but it is obvious that things are on the upswing.

It is unconscionable to think that one owner could be granted a variance to an ordinance which could at any time affect the many owners and businesses not only on our block, which is zoned B-2, but also in Downtown Burlington thus setting precedent for the future.

In 2012 we requested a business zoning variance for 216 W. Jefferson which was surrounded on three side by businesses.

Request was denied because it would damage the neighborhood. What we are dealing with with 225 E. Jefferson is the opposite because the variance applied for will be a detriment to current and future development of Burlington's business district.

There are several properties on Dodge Street which are rentals that are very disruptive and unsightly. i.e. at one time for many months an overflowing dumpster, a rental being used as a drug house, an abandoned automobile and various junk and noise. That abandoned auto was removed after a year and half only to be replaced by another which is still there.

We therefor request the Zoning Board of Appeals to deny the zoning change requested by Dale Hintz and Peter Ludwig for the 225 E. Jefferson property.

Marian F. MacCarthy