



CITY OF **M**ILTON
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AGENDA
City of Milton
Zoning Board of Appeals
Tuesday, August 2, 2016
6:00 p.m.
MILTON CITY HALL
Conference Room
710 S. Janesville Street

1. Call to order
2. Approve Agenda
3. Approve Minutes – April 6, 2016
4. Public hearing to consider a request received from Tim Rubitsky, 317 Golden Lane, for a Variance to allow a front deck to be constructed. The request is to exceed the allowable front yard setback for R-3 per section 78-404(4) of the City of Milton Code of Ordinances.
5. Discussion and action regarding a request received from Tim Rubitsky, 317 Golden Lane, for a Variance to allow a front deck to be constructed. The request is to exceed the allowable front yard setback for R-3 per section 78-404(4) of the City of Milton Code of Ordinances.
6. General Items
7. 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 the Zoning Board of Appeals Committee meeting scheduled for above noted 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 Council will not take any formal action at this meeting.

Posted by: Elena Hilby
07/29/16

City of Milton
Zoning Board of Appeals ~ Wednesday, April 6, 2016

Call Meeting to Order

Clerk Hilby called the meeting to order at 5:30 p.m. K. Holland nominated B. Lippincott as chairperson. L. Laehn seconded, and the motion carried.

Present: Larry Laehn, Bruce Lippincott, Tom Kevern, and Ken Holland.

Also present: Director of Public Works Howard Robinson, City Administrator Al Hulick, and City Clerk Elena Hilby.

Excused absence: Jim Polarski, Theron Dosch, and Carl Schultz.

Approve Agenda

L. Laehn moved to approve the agenda. T. Kevern seconded, and the motion carried.

Approve Minutes – October 5, 2015

K. Holland moved to approve the minutes. L. Laehn seconded, and the motion carried.

Public Hearing And Discussion And Possible Action To Consider A Request From Parker Community Credit Union For A Variance To Allow Additional Illuminated Signs At 110 Parkview Drive.

Chairperson Lippincott opened the public hearing at 5:35 p.m.

DPW Robinson explained the situation with this sign and why a variance would be needed. DPW Robinson said there have been no objections.

Brian Miller of PCCU was present to answer questions.

Chairperson Lippincott closed the public hearing at 5:47 p.m.

Discussion among the group followed.

Chairperson Lippincott read the standards that must be taken in consideration when granting or denying a variance.

Unnecessary Hardship - which is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity, is unnecessary 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 development in compliance with the zoning ordinance. They determined this property is unique by how large it is for a B-3 zoned area. It was also decided that strict conformity would lead to lack of modernization which is not desirable for the city.

Protection of the Public Interest – in 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 states in their local ordinance, which (in the case of a floodplains

or shoreline ordinance) has been adopted to meet minimum state statutory requirements. There was no public opposition.

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.

L. Laehn moved to grant a variance to PCCU, to allow a variance for an additional monument freestanding sign and illuminated sign, extra square footage for illuminated signs, and extra square footage of over 32 square feet for monument/freestanding signs which are seen at the same time contingent on the following:

- The new sign should conform to have a stone resemblance similar to the building
- The new sign must be approved by the City Administrator.
- The illuminated sign shall be dimmed from 9:00 p.m. to 6:00 a.m. each day.

K. Holland seconded, and the motion carried.

General Items

None.

Motion to Adjourn

K. Holland moved to adjourn the April 6, 2016 meeting at 6:25 p.m. L. Laehn seconded, and the motion carried.

Respectfully submitted,

Elena Hilby
City Clerk

Office of the Director of Public Works

To: City of Milton Zoning Board of Appeals, Mayor Anissa Welch, and Common Council Members
From: Howard Robinson, Director of Public Works
Date: 8/2/2016
Subject: Public Hearing and Discussion and Possible Action to consider a request from Tim Rubitsky for a Variance to the front yard setback to allow for a front deck at 317 Golden Lane

Discussion

Tim Rubitsky at 317 Golden Lane is requesting a front yard setback exception to allow for a deck at the front of his residence. Zoning for this property is R-3, requiring a 25' front yard setback. This request is for a reduction from the required setback of 25' to 5'6". The proposed deck is 24' wide by 5' deep.

This will not affect any City Public Works maintenance functions. Other houses in the neighborhood already do not meet the 25' front setback. His current house is only 10'6" from the front property line.

Staff Recommendation

None

Attachments

- Notice of Public Hearing
- Variance Application
- Site Plan Materials



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NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on Tuesday, August 2, 2016 at 6:00 p.m. in the City Hall Conference Room, 710 S. Janesville Street, to consider a request received from Tim Rubitsky for a Variance to allow a front deck to be constructed. The request is to exceed the allowable front yard setback for R-3 to allow a setback of 5 feet 6 inches on the property per section 78-404(4) of the City of Milton Code of Ordinances. This property is located at 317 Golden Lane, Milton, WI. This property is zoned R-3 (Residential).

Code of Ordinance: Sec. 78-404(4): The front yard setback is 25 feet.

All interested persons or their agents will be heard at said hearings after which final determinations will be made. This notice is given under Section 78 of the Municipal Code of Ordinances. Notice of Public Hearing is mailed to property owners within 250 feet of the subject property. The distance is measured from all corners of the subject property.

Elena Hilby, City Clerk/Deputy Treasurer

Request received in office: 7/18/2016

Published in the Milton Courier: 7/21/2016

Copies mailed to the following: 7/19/2016

Herbert L & Patricia M Kunkel Revocable Trust, 338 S John Paul Rd, Milton, WI 53563-1225

Richard C Holtz, 217 Golden Ln, Milton, WI 53563-1250

Richard J Troon, 137 Romar Dr, Milton, WI 53563

Richard H Jr Kraus Trust, N8039 State Rd 89, Whitewater, WI 53190-4104

Larry R Garber, 403 Golden Ln, Milton, WI 53563

Nicky A & Carla J Witte, 533 Milfred St, Watertown, WI 53094

John Lauer, 323 S John Paul Rd, Milton, WI 53563

Scott David Boie, 9217 N John Paul Rd, Milton, WI 53563-9267

Milton Masters LLC, 6430 Bridget Rd #230, Madison, WI 53713

Henry A Lukas, 8749 N Clear Lake Rd, Milton, WI 53563

Russell I Grover Sr., 329 S John Paul Rd, Milton, WI 53563-1224

Dale L & Amanda L Pierce, 216 Golden Ln, Milton, WI 53563-1251

Milton Enterprises LLC, 8303 N Birdie St, Milton, WI 53563

Robert R Starks, 321 Vernal Ave, Milton, WI 53563

Gregory A Steinmetz Trust, 413 Golden Ln, Milton, WI 53563

Tiffany L Walters, 222 Forest Lake Dr, Milton, WI 53563-1810

Jeffrey C & Mitzie K McCulloch, 364 S John Paul Rd, Milton, WI 53563

Black Iron Properties LLC, PO Box 65, Milton, WI 53563-0065

Arak Properties LLC, 5508 N Robin Crest Dr, Milton, WI 53563-9475

Michael L & Janet M Sessler, 318 Golden Ln, Milton, WI 53563-1209

Robert E & Patricia Bauman, 315 Vernal Ave, Milton, WI 53563

Dan Olin, 342 S John Paul Rd, Milton, WI 53563-1225
 Hoyle E Green Trust, 5522 N Robincrest, Milton, WI 53563-9475
 Dennis P & Mary Kay Sitter, 309 Vernal Ave, Milton, WI 53563
 383 John Paul LLC, PO Box 511272, New Berlin, WI 53151-2072
 Roger P & Betty J Saunders Trust, 404 Golden Ln, Milton, WI 53563-1211
 Trevor J & Tara Wyro, 13504 Plumbago Ct, Fort Wayne, IN 46814-8837
 Brian L Baker, 311 Golden Ln, Milton, WI 53563
 Lawrence E & Nancy H Nau, 917 Racine St, Delavan, WI 53115-14717
 Richard L Munger, PO Box 65, Milton, WI 53563-0065
 Richard Donahue, 3735 Skyview Dr, Janesville, WI 53546-2024
 John A & Lillian V Nevestich, 15405 Mission St, Hesperia, CA 92345-4222
 Richard Toon & Martha S Johnson, 137 Romar Dr, Milton, WI 53563
 Donald L Drake Survivor Trust, 8901 N Wood St, Milton, WI 53563-9180
 Shelley E & David J Nofsinger, 306 S John Paul Rd, Milton, WI 53563-1225
 Fei Ri Pan & Mei Na Guo, 327 Golden Ln, Milton, WI 53563

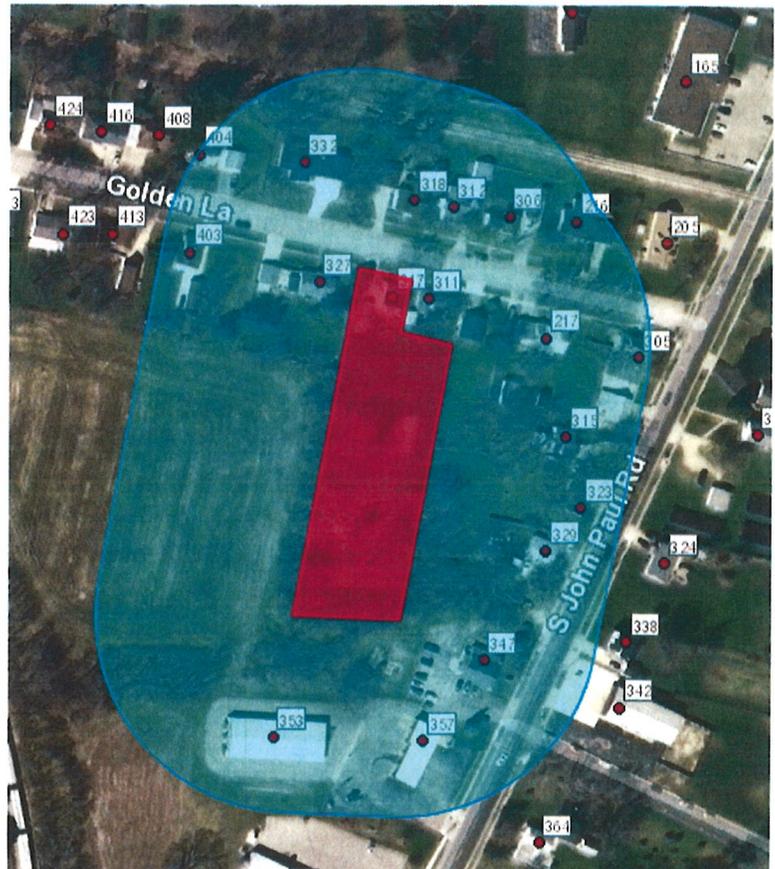
Mayor, Anissa Welch
 City Administrator, Al Hulick
 City Attorney, Mark Schroeder
 City Clerk, Elena Hilby
 Director of Public Works, Howard Robinson
 Police Chief, Scott Marquardt
 City Assessor, Lee De Groot

Common Council Members
 Ald Dave Adams
 Ald Lynda Clark
 Ald Nancy Lader
 Ald Ryan Holbrook
 Ald Maxine Striegl
 Ald Jeremy Zajac

Zoning Board of Appeal Members: Theron Dosch, Ken Holland, Tom Kevern, James Polarski, Carl Schultz, Larry Laehn, and Bruce Lippincott.

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: ehilby@milton-wi.gov or hrobinson@milton-wi.gov
- PHONE: 868-6900
- FAX: 868-6927





City of Milton Application and Record

Application Date: 7-18-16
 Applicant Name/Agent: Tim RUBITSKY
 Owner of Property: Tim RUBITSKY
 Business Name: _____
 Address: 317 GOLDEN LN.
 City/State/Zip: MILTON, WI. 53863
 Telephone: 608-314-6332
 Email: _____

Date to be Reviewed by Plan Commission: _____
 Date to be Reviewed by Common Council: Aug 2, 2016
 Date to be Reviewed by Zoning Board of Appeals: Aug 2, 2016

Fee Required:	Date Paid
Conditional Use Permit \$250.00	_____
Rezoning \$250.00	_____
Variance \$250.00	<u>7/18/2016</u>

Reason for Request/Appeal or Reason Permit was Refused: TO PUT ON A
5' X 25' DECK TO THE FRONT (NORTH) END OF
HOUSE WITH A ROOF - HIPED

Current code requires a 25' front yard setback,
The setback request would be to allow a 5'6" setback.

Property Location for Project

Address: 317 GOLDEN LN.

Legal Description: RESIDENTIAL

Description of Premise (Including Existing and Proposed Buildings): SEE ATTACHED

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: Residential

Proposed Use: Residential

Present Occupancy: Residential Proposed Occupancy: Residential

Name of Proposed Subdivision: N/A

Surveyor's Name: N/A Address: N/A

Property Lot Size: N/A (square feet or acres)

Lot Size of Preliminary Land Division: N/A Lot Size of Final Land Division: N/A
Building Setback Front: 10'6" → 5'6" Side: N/A Rear: N/A
Building Setback Corner: N/A Side: N/A Rear: N/A
Number of Stories: — Number of Rooms: — Height: —
Architect: — General Contractor: owner
Off Street Parking: — Number of Stalls: —
Estimated Cost of Work: \$2,000

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: Timothy E. Rubitsky

Print Name: TIMOTHY E. RUBITSKY

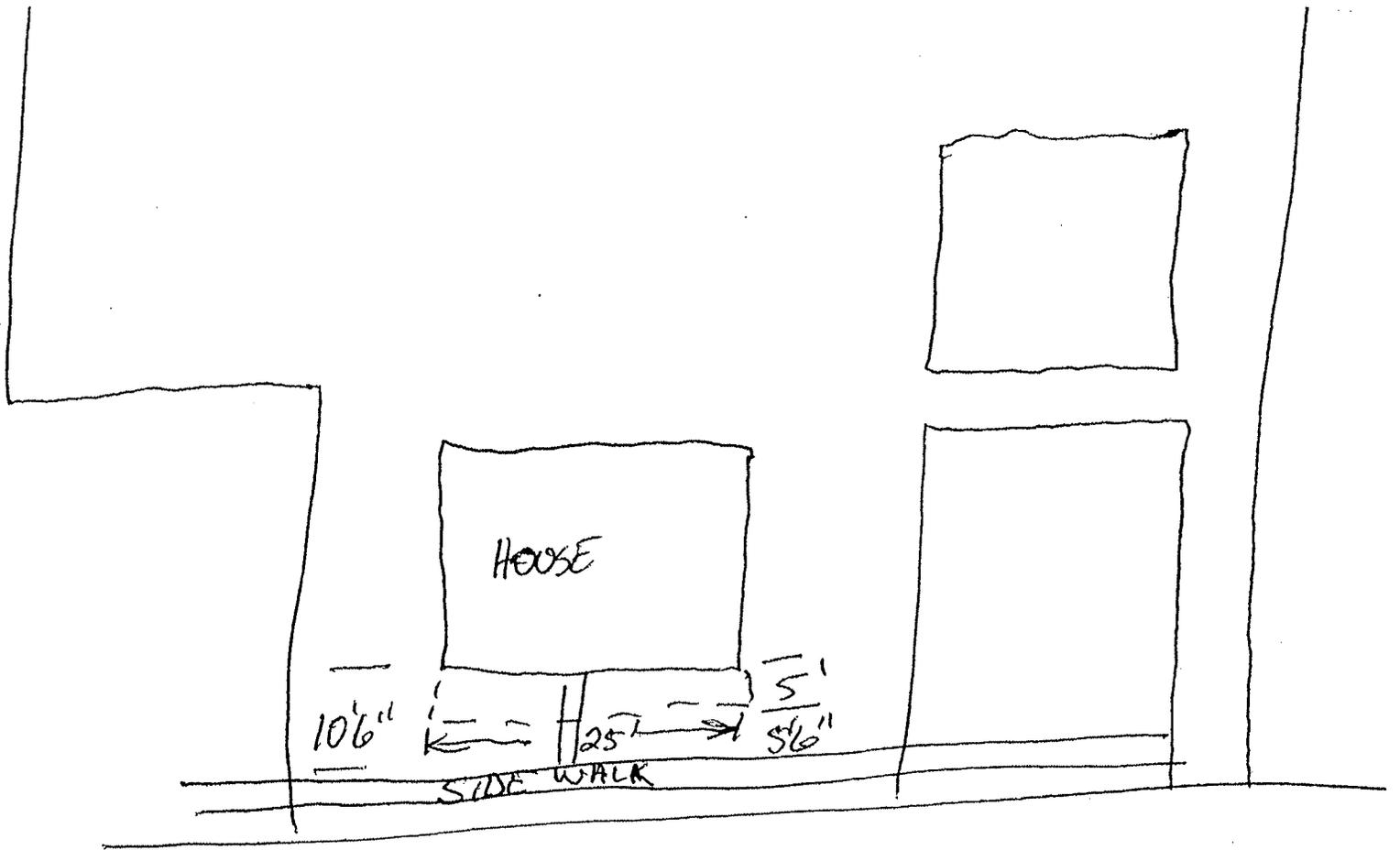
Recommendations by Director of Public Works: _____

Filed this 18th day of July, 2016

Howard Robinson 7/18/16
Director of Public Works / Building Inspector, Howard Robinson

Elena Hilby (d.s.)
City Clerk, Elena Hilby

Publication Date: 7/21/16



GOLDEN LN.

