



AGENDA
City of Milton
Zoning Board of Appeals
Thursday, May 7, 2020
5:30 p.m.
Teleconference

PLEASE NOTE: In-person attendance by members of the public will be prohibited due to COVID-19 social distancing protocols pursuant to Governor Evers' Emergency Order #5, dated March 17, 2020, limiting public gatherings of 10 or more people.

****Members of the public may monitor this meeting via telephone by calling 1(312) 626-6799 and entering Meeting ID: 973 4203 3100**

1. Call To Order
2. Approval Of Agenda
3. Approval Of Minutes - June 18, 2019

Documents:

[ZONING BOARD OF APPEALS MINUTES 06-18-19.PDF](#)

4. Public Hearing And Discussion And Possible Action To Consider A Request Received From Steve And Becky Sexe For A Variance To Allow An Accessory Building Exceeding 200 Square Feet Per Section 78-1 And 78-342(2) Of The City Of Milton Code Of Ordinances

Documents:

[MEMO - SEXE VARIANCE REQUEST.PDF](#)
[VARIANCE APPLICATION - SEXE, 232 N. JOHN PAUL ROAD.PDF](#)
[NOTICE OF PUBLIC HEARING - SEXE, 232 N. JOHN PAUL ROAD.PDF](#)
[SITE PLAN MATERIALS.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: Leanne Schroeder
May 1, 2020

**City of Milton
Zoning Board of Appeals
June 18, 2019**

Call to Order

Director of Public Works Howard Robinson called the June 18, 2019 meeting of the Zoning Board of Appeals to order at 5:28 p.m.

Present: Theron Dosch, Ken Holland, Tom Kevern, Carl Schultz, and Bruce Lippincott.

Also Present: Director of Public Works Howard Robinson and Administrative Services Director Inga Cushman

K. Holland nominated C. Schultz to chair the June 18, 2019 meeting of the Zoning Board of Appeals. T. Dosch seconded the nomination, and the motion carried.

Approval of Agenda

B. Lippincott motioned to approve the agenda. T. Dosch seconded, and the motion carried.

Approval of Minutes – August 21, 2018

T. Kevern motioned to approve the minutes. K. Holland seconded, and the motion carried.

Public Hearing And Discussion And Possible Action To Consider A Request Received From Lucas Murphy And Patricia Murphy For A Variance To Allow An Accessory Structure For Residential Use On Land Without A Principal Structure Per Section 78-315(2) Of The City Of Milton Code Of Ordinances

Chairperson Schultz and Director Robinson reviewed the agenda item.

Chairperson Schultz opened the public hearing at 5:37 p.m.

John Arndt, owner of vacant land around the parcel, asked about the location and future plans for the property.

Charles Nelson, 340 N. Janesville Street, was also in attendance and stated he has no objections to the project.

Chairperson Schultz closed the public hearing at 5:45 p.m.

The board discussed possible contingencies.

K. Holland motioned to approve the following contingencies:

- Slope so all stormwater goes to the conservancy area.
- No rentals of the garage space will be allowed.
- Paved driveway and parking area and follow all City of Milton building ordinances.

T. Kevern seconded, and the motion carried.

T. Dosch motioned to approve the variance with the above stated contingencies. T. Kevern seconded, and discussion followed.

Chairperson Schultz reviewed the memo for the request and read the standards that must be taken into consideration when granting or denying a variance. Discussion followed on the request.

- 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. They determined that strict conformity would be unnecessarily burdensome due to the shape of the lot where the applicant's home is located.
- 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 the property where the applicant's home is located is unique by its shape.
- 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 stated 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.

The board asked to include the contingency of the garage is for personal use only and no business will be operated out of the garage. T. Dosch and T. Kevern agreed to the amendment to their motion. The motion to approve the variance with the above stated contingencies carried with B. Lippincott opposed. B. Lippincott was concerned this decision may set a precedence.

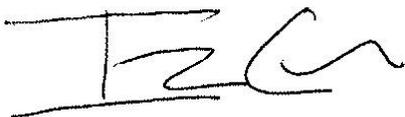
General Items

There were no general items.

Motion to Adjourn

K. Holland motioned to adjourn the June 18, 2019 meeting of the Zoning Board of Appeals at 6:12 p.m. T. Dosch seconded, and the motion carried.

Respectfully Submitted,



Inga Cushman
Administrative Services Director



Department of Public Works

To: Mayor Welch, City of Milton Zoning Board of Appeals
From: Howard Robinson, Director of Public Works
Date: May 7, 2020
Subject: Public Hearing and Discussion and Possible Action to consider a request received from Steve and Becky Sexe for a Variance to allow an accessory building exceeding 200 square feet per Section 78-1 and 78-342(2) of the City of Milton Code of Ordinances.

Summary

Steve and Becky Sexe are constructing a new garage on their property and have applied for a variance to allow them to keep their current small garage for use as a storage shed. Although it meets the height requirements for a shed, the Sexe's existing garage is 352 square feet. The Sexe's would like to keep their existing garage and add new siding rather than tear it down and put up a new shed in the same place. City ordinance allows each residential property to have one detached garage and one shed. The shed can be no more than 200 square feet.

Photos are included with this memo. The overhead photo shows the current layout of the buildings on the property. The small, existing garage was on the property when the Sexe's bought the home. The new garage will be constructed in front of the existing garage, but the buildings will not be closer to the neighbors. All of the buildings and new garage meet current setback requirements.

This variance request does not affect any Public Works functions or the sight lines from the corner of N. John Paul Road and W. Sunset Drive. City staff has not received any communication or concerns from the neighboring property owners that were notified.

Recommendation

City staff recommends approval of this variance request. The request provides for indoor storage and utilizes an existing structure that is in good shape.



City of Milton Application and Record

Application Date: April 13, 2020 Date to be Reviewed by Plan Commission: _____
 Applicant Name/Agent: Steve & Becky Sexe Date to be Reviewed by Common Council: _____
 Owner of Property: Steve & Becky Sexe Date to be Reviewed by Zoning Board of Appeals: 5/7/20

Business Name: _____
 Address: 232 N John Paul Rd
 City/State/Zip: Milton, NJ 085103
 Telephone: (608-751-4831)
 Email: sexsefam@gmail.com

Fee Required	Date Paid
Conditional Use Permit \$250.00	
Rezoning \$250.00	
Variance \$250.00	<u>4/13/20</u>

Reason for Request/Appeal or Reason Permit was Refused: Current ordinance allows a detached garage and a shed per residential lot. The owners are constructing a new garage and would like to leave the current garage as a shed. A shed can only be 200 sq. feet. The garage that they would like to use is 352 sq. ft.

Property Location for Project

Address: 233 N. John Paul Rd.

Legal Description: _____

Description of Premise (Including Existing and Proposed Buildings): Single Family Home with a detached 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: Residential

Proposed Use: Residential

Present Occupancy: Residential Proposed Occupancy: Residential

Name of Proposed Subdivision: NA

Surveyor's Name: NA Address: _____

Property Lot Size: .58 acres (square feet or acres)

Lot Size of Preliminary Land Division: NA Lot Size of Final Land Division: NA
 Building Setback Front: +40 Side: +40 Rear: +25
 Building Setback Corner: _____ Side: +60 Rear: _____
 Number of Stories: one Number of Rooms: one Height: 12'
 Architect: NA General Contractor: _____
 Off Street Parking: Provided Number of Stalls: _____
 Estimated Cost of Work: _____

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: Steve Sexe Becky Sexe
 Print Name: Steve Sexe Becky Sexe

Recommendations by Director of Public Works: The request meets setback requirements and height requirements. The owners would like to use the existing garage which is in good condition. The size is 152 square feet over the 200 sq ft size allowed. They are trying to store items inside and use existing building. The small garage they are planning to use as a shed does not meet current truck or SUV size vehicles. That is why they are building a new garage. The shed was on the existing property and used as a garage. They did not build the current garage. We have not I would recommend approval of the request. It does not affect any new sight restrictions from the neighbors or the corner.
 Filed this 13 day of April, 2020

Howard Robinson
 Director of Public Works / Building Inspector, Howard Robinson

Leanne Schroeder
 City Clerk, Leanne Schroeder

Publication Date: 4/23

We are requesting a variance for our existing garage which is 16 x 22, 352 sq ft to become a shed as it does not accommodate our full size vehicles. This building was on the property when we purchased the home. We would prefer to use this building instead of tear down and build a new shed, it has good bones and just needs a little updating. Our plan is to side the current garage (shed) and the new garage to match the house. A new garage is going to be built to accommodate the vehicles.



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NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on **Thursday, May 7, 2020 at 5:30 p.m.** via Zoom teleconference, to consider a request received from Steve and Becky Sexe for a Variance to allow for an existing garage to be used as a 352 square foot accessory building. The request is to allow an accessory building exceeding 200 square feet per Section 78-1 and 78-342(2) of the City of Milton Code of Ordinances. The property is located at 232 N. John Paul Road, Parcel Number V-23-505.1, and is zoned R-1 (Residential District 1).

Code of Ordinance: Sec. 78-1 – Accessory building means a building or portion of a building subordinate to the main building but not part of the main building and used for a purpose customarily incidental to the permitted use of the main building. In the case of a house and detached garage, the garage shall not be considered the only accessory building permitted. Accessory buildings exceeding 200 square feet shall be considered garages.

Sec. 78-342(2) The following uses are permitted in this R-1 district: (2) One private attached garage, one private detached garage and one accessory building.

A map of all affected property may be obtained from the Common Council through the office of the Clerk for the City of Milton.

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.

Please Note: This Public Hearing will be conducted via telephone. Members of the public may participate by calling 1-312-626-6799 and entering meeting ID: 973 4203 3100.

Leanne Schroeder, City Clerk

Request received in office: 04/13/2020

Published in the Milton Courier: 04/23/2020

Copies mailed to the following: 04/17/2020

Steven P. & Becky L. Sexe, 232 N. John Paul Road
Dickens Partners LLP, 941 Bowers Lake Road
Jerome J. Fink, Jr., & Donna L. Fink, 15 E. Sunset Drive
City of Milton, 710 S. Janesville Street
Karen A. Thomson, 7818 N. John Paul Road
Gerald E. & Sherry M. Steuck, 7816 N. John Paul Road
Angela J. Henning, 16 E. Sunset Drive
Angela J. Hermanson, 16 E. Sunset Drive
Gerri K. Kwiatkowski, 304 N. John Paul Road
David M. & Annette L. Foster, 115 Lukas Lane
Dale A. Condra, 3394 Preble Avenue, Ventura, CA 93003-5037

Cynthia E. & Marvin L. Kopke, 147 N. Serns Road
Malcolm D. Thoms, 155 N. Serns Road
Shawn M. Koch & Jessica L. Adams, 32 E. Sunset Drive
William R. & Ann M. Lewis, 29 E. Sunset Drive
Larry J. & Abbie C. Ring, 21 E. Sunset Drive
Jeffrey L. & Jacqueline M. Eggen, 107 Lukas Lane

Mayor, Anissa Welch
City Administrator, Al Hulick
City Attorney, Mark Schroeder
City Clerk, Leanne Schroeder
Director of Public Works, Howard Robinson
Police Chief, Scott Marquardt
City Assessor, Paul Musser

Common Council Members

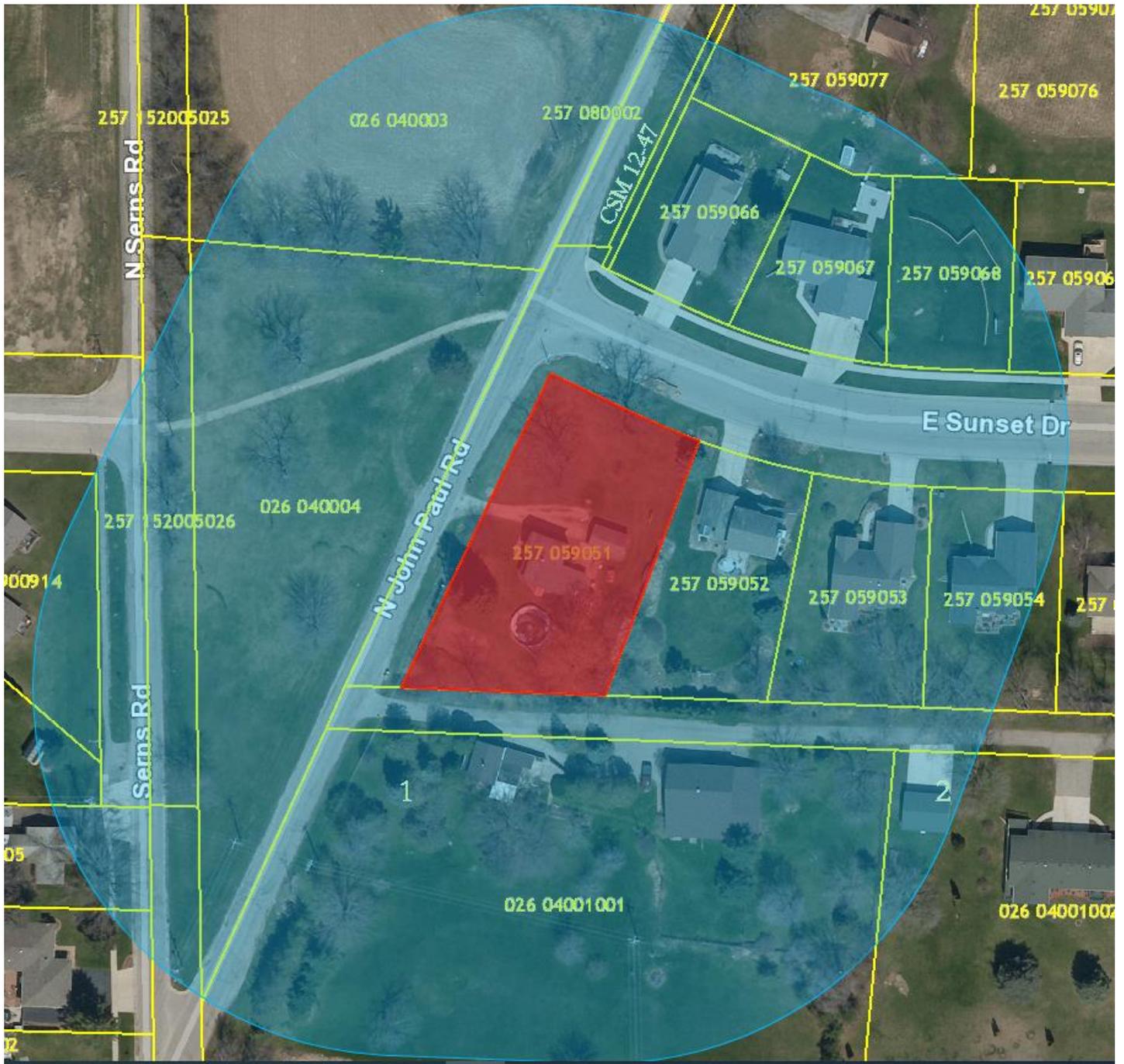
Ald Lynda Clark
Ald Devin Elliott
Ald Ryan Holbrook
Ald Larry Laehn
Ald Theresa Rusch
Ald Bill Wilson

Zoning Board of Appeals Members:

Theron Dosch
Ken Holland
Tom Kevern
James Polarski
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: lschroeder@milton-wi.gov or hrobinson@milton-wi.gov
- PHONE: 868-6900
- FAX: 868-6927





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