

Date Draft Submitted	_____
Date Application Submitted	_____
Fee Paid	_____

Application for Variance

Owner (must be the applicant) Tracy & Ryan Foley
 Parcel Address 104 W. Rollin St Parcel Number _____
 Owner Address 104 W Rollin St Daytime Phone (H) 608-884-6418
 Present Use of the Property _____
 Zoning Classification _____ cell Tracy - 608-774-4515

The following items must be submitted with each application. Additional site plan information as described in Section 22.213(3) may be required by the Zoning Administrator (Ordinance section referenced in this application are available upon request):

- (1) **Map of the property showing the following:**
- Entire property
 - All lot dimensions
 - Existing structures with dimensions to property lines (buildings, fences, walls etc)
 - Proposed structures with written dimensions to property lines
 - Existing paved surfaces (driveways, walks, decks, etc)
 - Proposed paved surfaces with dimensions to property lines
 - Written dimensions to buildings on adjoining properties if setback variance is requested
 - Zoning of adjacent parcels
 - Street(s) which are adjacent to the parcel
 - Graphic scale and north arrow
 - Changes in land use intensity due to the variance (additional dwelling units, more customers, more parking, outside lighting, outside storage, etc)

- (2) **Written description of proposed variance** answering the following questions:
 City of Edgerton Ordinance Section # 22.711 cannot be entirely satisfied because:
10,000 sq require 381
We do not have.

In lieu of complying with the ordinance, the following alternative is proposed (please describe the proposal in detail):

Return our home to a duplex from a single family. I submitted my application & appeared at the board meeting, I was told our property did not meet the criteria of 10,000 ft.

- (3) **Written justification of the requested variance** with reasons why the Applicant believes the proposed variance is appropriate. Before the Zoning Board of Appeals can grant a variance, they must find that the following criteria have been satisfied. Describe how your request meets the following criteria: (section 22.211(4)(c))

What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district.

There are no exceptional or extraordinary circumstances or special factor (except 10,000 ft) for the home returning to a duplex.

- The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
- Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
- Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
- Violations by, or variances granted to, neighboring properties shall not justify a variance;
- The alleged hardship shall not be one that would have existed in the absence of a zoning

ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

There are no necessary changes to the property or building for the house going from a single family to a duplex.

Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

No, the property and all structures will continue to be the responsibility of owner. Property can safely have 12 vehicles park in driveway.

Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

There would be an addition to 2 vehicles which can park in garage + driveway. This would be the only change.

Have the factors causing the variance request been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Chapter. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.

Factor needed for variance is
the 10,000 sq ft requirement.

Does the proposed variance involve the regulations of Subsection 22.304 or the district use regulations in each zoning district of Section 22.700? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Subsection.

I don't think so.

Verification by applicant: I, Tracy S. Foley, owner for which relief is sought, certify that the application and the above information is truthful and accurate to the best of my ability. My signature on this application grants permission for City Officials to access the site of the requested variance for the sole purpose of obtaining information relevant to the variance request.

Applicant Signature Tracy S. Foley Date 26-Mar-19
Applicant Signature _____ Date _____

Consideration for Approval: Granted _____ Denied _____ Date _____ Chairman, City of Edgerton Zoning Board of Appeals
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Ryan and Tracy Foley
104 West Rollin Street

Written justification of the requested conditional use questions.

The house in question was built as a duplex in the early 1900's with both floors identical in layout. There is a front stairway as you enter inside the front door and leads to both floors "front" door. Locks for the front door to the house and locks to the apartments front door is provided along with necessary keys. While the back stairwell begins in the basement and continues onto the third floor. The stairwell is entered upon open the side door.

There are hook ups for two sets of washer and dryers. A two door garage providing parking for both the landlord and the tenant. Additional parking for another car by both parties is available in the driveway.

When the house was purchased in April of 1996 the second floor was occupied with 2 tenants. While the owners living in the first floor. After the tenants moved out the owners moved to the second floor and rented out the first floor until 2001. The home has been a single family until this year.

Because parking is available off the street for two tenants there would be not changes in the parking on the street. There would be not changes in the neighborhood or environmental factors. The landlords will continue the responsibilities maintaining law care and removal of snow. Because the property provides for two vehicles in driveway there would be not additional parking on the street there would be effect with traffic factores. The public improvements will also continue to the responsibility of the landlord.

There would be no changes to the consistency of land uses, intensities or impacts related to the environment or the property.

A second electrical meter will need to be installed. Because the house was already built as a duplex is already provided. Although, the meter needs to be activated in order for each floor to have separate billing.

TO: Edgerton Board of Appeals

FROM: Staff

MEETING DATE: April 24, 2019

GENERAL DESCRIPTION

Description of Request: Petition for variances to allow the establishment of a second residential unit. The following variances are requested:

Section 22.711(3)(b)1. lot area reduction from 10,000 sq ft to approximately 8,400 sq ft
Section 22.711(3)(a)2. maximum gross density increase from 8 units/acre to 10.5 units/acre

Address: 104 W Rollin Street

Applicant: Tracy and Ryan Foley

Current Zoning/Land Use: R-2 Residential / single family residential

STAFF REVIEW COMMENTS

The planning staff has reviewed the petition in accordance with the Edgerton Zoning Ordinance and has the following comments:

1. The petitioner seeks a variance to allow the establishment of a second residential unit. The petitioner has provided evidence that the structure was built as a two unit structure and functioned as such from the early 1900s until 2001. The petitioner does not propose to alter the exterior or interior of the structure to accommodate the second unit.
2. The variances requested relate to the substandard lot size.
3. The lot has a two car garage and 80' long driveway providing adequate off street parking.

**CITY OF EDGERTON
ZONING BOARD OF APPEALS MINUTES**

March 12, 2019

A regular meeting of the Zoning Board of Appeals (“ZBA”) was called to order at 6:00 p.m. at the Edgerton City Hall, 12 Albion Street, Edgerton, Rock County, Wisconsin on March 12, 2019.

Present and responding to the roll call were Chairperson David Maynard, James Kapellen, Jim Long, Steve Burwell and Russell Jorstad and alternate Paul Davis.

Absent - none.

Also present were City Administrator Ramona Flanigan, City Attorney William E. Morgan, and Alder Jim Burdick.

Chairperson Maynard opened the meeting at 6:00. The first order of business was confirmation of appropriate meeting notice. City Administrator Ramona Flanigan confirmed that the meeting notice was posted in the appropriate places as required under the Wisconsin Statutes.

The first order of business was the application of Erik and Dawn Samuelsen for a variance to section 22.304(5)(d) and section 22.711(3)(b)10, which had been tabled from the February 27, 2019 meeting. The applicant Erik Samuelsen appeared and presented three alternative options to the Board. The applicant indicated a preference for the second option. The City Attorney provided guidance to the Board and indicated that only option two would require action by the Board as neither of the two other options required a variance. The City Attorney also spoke to the standard required to grant a variance and the differences between the conditional use permit and the variance process.

After the applicant’s presentation and questioning by the Board, an adjoining landowner, Lisa and Richard Carson were invited to address the Board. The adjoining landowner expressed a preference for option #1. There were no other appearances.

After further discussion, ZBA Member Kapellan moved to deny the variance application. Alternate ZBA Member Davis seconded the motion. Upon a roll call vote, the motion was approved unanimously.

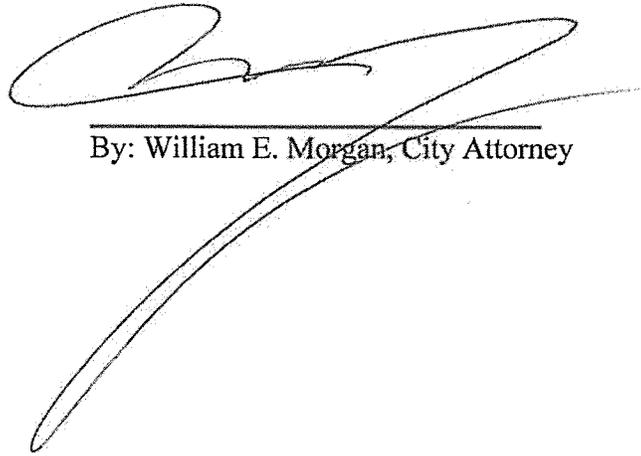
The next order of business was to consider approval of the minutes of the February 27, 2019 Zoning Board meeting. A motion from ZBA Member Long, seconded by ZBA Member Kapellan, as modified to note the absence of ZBA Member Burwell from the February 27th meeting was approved by unanimous voice vote.

There being no further business of the Board, a motion was made by ZBA Member Jorstad, seconded by ZBA Member Long, to adjourn. Motion carried by unanimous voice vote. The meeting was adjourned at 6:34 p.m.

Dated this 13th day of March, 2019

Respectfully submitted,

CITY OF EDGERTON



By: William E. Morgan, City Attorney