

AGENDA

**City of Whitewater, Board of Zoning Appeals
On October 25, 2012
7:00 p.m., Community Room
Whitewater Municipal Building
Whitewater WI**

1. Call to order and roll call.
2. Secretary presents the cases to be heard:

The purpose of this hearing is to consider a request for a variance for the property located at 555 E Clay Street for Patrick McCormick.
 - a. To allow for a variance for construction in the front yard of a detached accessory structure for the purpose of storing personal vehicles.
(19.06.120)
4. Testimony of appellant (after being sworn in).
5. Testimony of Zoning Administrator.
6. Objections in writing or in person.
7. Questions, rebuttals as necessary.
8. Adjourn to closed session, under WIS Stats. 19.85(1)(a) "deliberating concerning a case which was the subject of the quasi-judicial hearing before the board, NOT TO RECONVENE.
9. Notification of decision in writing to appellant, news media, etc. will follow.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting.



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
 and Building Inspections*

www.whitewater-wi.gov
 Telephone: (262) 473-0540

To: City of Whitewater Board of Zoning Appeals
 From: Latisha Birkeland, Neighborhood Services Manager / City Planner
 Meeting Date: October 25, 2012
 Re: Variance request for 555 East Clay Street for Patrick McCormick to construct, in the front yard, a detached accessory structure for the purpose of storing personal vehicles.

Summary of Request

Location: 555 E. Clay Street
Current Land Use: Single Family
Current Zoning: R-2 One and Two Family Residence

Description

Mr. McCormick has requested a variance to place a detached accessory structure in the front yard of his property located at 555 E. Clay Street. City Code Section 19.06.120 (F) states that detached accessory structures are permitted in the side and rear yards only.

Front yards are determined by the minimum distance between the existing street line and the nearest point of the principal structure. The structure at 555 E. Clay was built closer to the back of the lot, towards the lake, which has created a deep front yard. The diagram included in this packet shows the front yard distance exceeding 730 feet. It is rare to have this amount of length for a front yard among residential properties in this city.

If the Board of Zoning Appeals approves this variance, the applicant intends to apply for a Conditional Use Permit to allow this detached accessory structure to be 864 square feet. This is 64 square feet larger than the maximum size (800 square feet) allowed for detached structures. Setbacks and height requirements per City Code will need to be met by the applicant.

Analysis of Proposed Project

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist:

Standard	Evaluation	Comments
Findings prerequisite to grant a variance (see section 19.72.080 of zoning ordinance)		

Standard	Evaluation	Comments
The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;	Yes	The majority of this lot is considered front yard, which is the yard with the most restrictions. The principal structure was built as close to the water body as possible, leaving an extended front yard.
The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification	Yes	Correct. This request is very specific to this property.
The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner	Yes	The applicant states this structure would be used for storage of personal vehicles only.
The hardship is not one that is self-created	Yes	The principle structure already exists. This structure is what determines where the front yard is located.
The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods	Yes	Allowing this structure to enclose personal vehicles already on the property may increase the neighboring property values, not decrease.
The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district	Yes	The use is appropriate for the district
No variance shall be granted in a floodland district where not in compliance with Section 19.46.070(C)(4) of this title.	NA	The west side of this property is not located in a floodland nor a shoreland.



PUBLISH IN WHITEWATER REGISTER ON OCTOBER 4, 2012 AND
OCTOBER 11, 2012

NOTICE OF ZONING HEARING

TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on October 25, 2012 at 7:00 p.m. in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, Whitewater, Wisconsin.

The purpose of this hearing is to consider a request for a variance to allow for construction in the front yard of a detached accessory structure for the purpose of storing personal vehicles (19.06.120) at 555 E Clay Street for Patrick McCormick.

This notice is being mailed to owners of record within 300 feet of the property in question, to the City Planner and the Plan Commission in accordance with Section 19 or the Code of Ordinances. THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE CITY PLANNER DURING NORMAL BUSINESS HOURS (Monday – Friday 8:00 a.m. to 5:00 p.m.)

BOARD OF ZONING APPEALS

By: Nancy Stanford
Secretary

Dated: October 1, 2012

PATRICK A MCCORMICK TRUST
CAROL A MCCORMICK TRUST
555 E CLAY ST
WHITEWATER WI, 53190

ROBERT A STEINERT
370 W ANN ST
WHITEWATER WI, 53190

CITY OF WHITEWATER
PO BOX 1778
WHITEWATER WI, 53190

MIKE JUONI
MELISSA JUONI
541 E. CLAY ST
WHITEWATER WI, 53190

RUSSELL G ASBURY, JR
SANDRA K ASBURY
238 ESTERLY ST
WHITEWATER WI, 53190

THOMAS E LABELLE TRUST
MARY E LABELLE TRUST
13717 W PROSPECT PL
NEW BERLIN WI, 53151

ERNEST R STAEBLER TRUST
MARGARET N STAEBLER TRUST
419 E CLAY ST
WHITEWATER WI, 53190-0500

HARTMANN ENTERPRISES LLC
336 INDIAN MOUND PKWY
WHITEWATER WI, 53190

JEAN H NIELSEN LIFE EST
PAMELA J JONES
701 E CLAY ST, A2
WHITEWATER WI, 53190

FRANK A LUDEMAN
BERTHA J LUDEMAN
701 E CLAY ST UNIT C-1
WHITEWATER WI, 53190

GWENDOLYN FRIESS
565 CLAY ST
WHITEWATER WI, 53190

E&L ZIPP MANAGEMENT TRUST
611 E. CLAY ST
WHITEWATER WI, 53190

RONALD R SCHILT
545 E. CLAY ST
WHITEWATER WI, 53190

FRANK CORDIO, JR.
222 S. ESTERLY ST
WHITEWATER WI, 53190

A J TANIS
1232 W WALWORTH AVE
WHITEWATER WI, 53190

THOMAS E LABELLE TRUST
MARY E LABELLE TRUST
13717 W PROSPECT PL
NEW BERLIN WI, 53151

MARTHA E MESKE
530 E. CLAY ST
WHITEWATER WI, 53190

GARY MICKELSON
545 E. MILWAUKEE ST
WHITEWATER WI, 53190

JULIA S ROSS
701 E CLAY ST #B-1
WHITEWATER WI, 53190

NANCY J COLE TRUST
701 E CLAY ST
#C-2
WHITEWATER WI, 53190

ROBERT J MCLERNON
CAROL M MCLERNON
JAMES R MCLERNON
N3748 BOWERS RD
LAKE GENEVA WI, 53147

DENNIS C FERRO
JUDY A FERRO
429 S. PRINCE ST
WHITEWATER WI, 53190

THOMAS E LABELLE TRUST
MARY E LABELLE TRUST
13717 W PROSPECT PL
NEW BERLIN WI, 53151

RUSSELL G ASBURY, JR
SANDRA K ASBURY
638 E. CLAY ST
WHITEWATER WI, 53190

ALLAN T STARK
SHERYL A STARK
578 E CLAY ST
WHITEWATER WI, 53190

THOMAS E LABELLE TRUST
MARY E LABELLE TRUST
13717 W PROSPECT PL
NEW BERLIN WI, 53151

EUNICE KINCAID
4366 WINDSOR RD
WINDSOR WI, 53598

ALVIN O STORK TRUST
MARGARET H STORK TRUST
701 E CLAY ST
UNIT 1-A
WHITEWATER WI, 53190

LILA D WALDMAN
701 E CLAY ST B2
WHITEWATER WI, 53190

DOROTHY L NELSON
435 W STARIN RD
WHITEWATER WI, 53190

KRISTINE L ANDERSEN
KARI L FOX
824 6TH ST #3
SANTA MONICA CA, 90403

STEPHEN F SWADER
701 E CLAY ST UNIT E-1
WHITEWATER WI, 53190

LAURETTE J GREENE
701 E CLAY ST, #E2
WHITEWATER WI, 53190

BEULAH M ROGERS
701 E CLAY ST UNIT 1F
WHITEWATER WI, 53190

PHILIP A BEALHEN
ROSETTA A BEALHEN
701 E. CLAY ST - F2
WHITEWATER WI, 53190

B JEAN BROMLEY
701 E CLAY ST, G-1
WHITEWATER WI, 53190

LINDA FISCHER
701 E CLAY ST UNIT G2
WHITEWATER WI, 53190

NOTICE: The Board of Zoning Appeal meetings are scheduled on the 4th Thursday of the month. All complete plans must be in by 9:00 a.m. Monday prior to the 1st Thursday of the month. If not, the item will be placed on the next available Board of Zoning Appeals meeting.

CITY OF WHITEWATER
BOARD OF ZONING APPEALS APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$200.00 fee. Filed on 10-1-12.
2. Class 2 Notice published in Official Newspaper on 10-4-12 and 10-11-12. The last publication to be at least 10 days prior to the meeting.
3. Notices of the Public Hearing mailed to property owners within 300 feet of the property involved in the application on 10-3-12.
4. Board of Zoning Appeals holds the PUBLIC HEARING on 10-25-12. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Board of Zoning Appeals will deliberate and render its decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.72 of the City of Whitewater Municipal Code of Ordinances, entitled BOARD OF ZONING APPEALS, for more information on the application.

CITY OF WHITEWATER SITE PLAN SUBMITTAL REQUIREMENTS

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 8 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

TO: THOSE REQUESTING A VARIANCE OF ZONING
REQUIREMENTS

FROM: THE BOARD OF ZONING APPEALS

THINGS YOU WILL HAVE TO PROVE TO BE GRANTED A VARIANCE

The Board of Zoning Appeals has the power *“to hear and grant applications for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the ordinance shall be observed and the public safety, welfare and justice secured.”* USE
VARIANCES WILL NOT BE GRANTED.

Findings prerequisite to granting of a variance

No variance to the provisions of this title shall be granted by the Board unless it finds beyond a reasonable doubt that ALL of the following facts and conditions exist, and so indicates in the minutes of its proceedings:

- A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a practical hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;
- C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;
- D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please consider the above items in presenting your oral testimony, for a lack of such testimony may result in denial of the variance.

All questions in the application must be answered.

CITY OF WHITEWATER
APPLICATION FOR VARIANCE

IDENTIFICATION AND INFORMATION ON APPLICANT(S)

Applicant's Name: Patrick McCormick

Applicant's Mailing Address 555 E. Clay St, Whitewater, WI

Owner of Property Site as of date of application, according to current property tax records: Patrick McCormick

Street Address of Property (if vacant land, describe in detail the property location): 555 E. Clay St

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description):
LOT 1 CERT SURVEY NO. 1366 RECORDED IN VOL 6 CS PG 210 WCR SE 1/4 SE 1/4
SEC 4 T4N RISE ALSO COM E 1/4 COR SEC 4 SOD 28'57" E 1583.58'
589D 33'49" W

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name NONE Firm _____

Office Address _____

Contractor _____

EXISTING AND PROPOSED USES

Current Principal Use: Single family residence

Accessory or Secondary Uses: _____

Proposed Use (Describe need for Variance): Due to the unique location of my property, it would not be feasible to locate a garage to side or back of principal residence.

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you.

Yes _____ No

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed.

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

PLOT PLAN

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: R2

No. of Occupants Proposed to be Accomodated: 2 No. of Employees, if applicable: _____

Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: _____

STANDARDS

The following are Standards that the City of Whitewater Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards.

STANDARD	APPLICANT'S EXPLANATION
<p>A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out</p>	<p>Due to the way the house is oriented to the lake (Tippie), it would be impossible to access garage from driveway</p>
<p>B. The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification</p>	<p>Due to <u>our</u> unique property location, this would not pertain to the general private properties in the city.</p>
<p>C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.</p>	<p>This structure is purposed strictly for storage of personal vehicles.</p>
<p>D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.</p>	<p>Our residence is located so far off street location (approx. 1200 ft) that none of the neighborhood would be affected.</p>

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind & supply ALL pertinent information.

Signature of Applicant

[Handwritten Signature]

Date 10-1-12

APPLICATION FEES

(to be completed by City)

Fee for Variance application - \$200.00

Date fee received by City 10-1-12

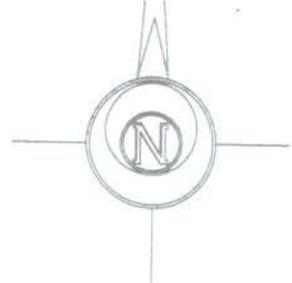
Receipt # 6.010121

Received by: NS

Date Notice sent to owners of record: 10-3-12 By NS

Date(s) published in Whitewater Register: 10-4-12 + 10-11-12

Date set for Hearing before Board of Zoning Appeals: 10-25-12



LEGEND

- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND COUNTY MONUMENT
- FOUND CONCRETE MONUMENT
- CHISEL CUT IN CONCRETE
- SET IRON ROD, 24" LONG, WEIGHING 1.5 LBS./LINEAL FT., 3/4" DIA.
- RECORDED AS DIMENSION
- EXISTING FENCE

SCALE: 1" = 50 FEET

MARK L. MIRITZ
WISCONSIN REGISTERED
LAND SURVEYOR S-2582
DATE: FEB. 11, 2006 JOB NO. 06.104



Premium Steel Color Selection

ENDURACOTE

PREMIUM DEFENSE
Against the Elements



White 899 *



Cardinal 845



Light Gray 889



Caribbean Blue 881 *



Charcoal Gray 851



Ivory 883 *



Light Stone 887 *



Hickory Moss 870 *



Gallery Blue 826



Ash Gray 848



Hartford Green 821



Snow 824



Tan 855 *



Red 898 *



Classic Burgundy 853



Evergreen 875



Cocoa Brown 856



Dark Brown 859



Sierra 896



Antique Bronze 854



Black 880

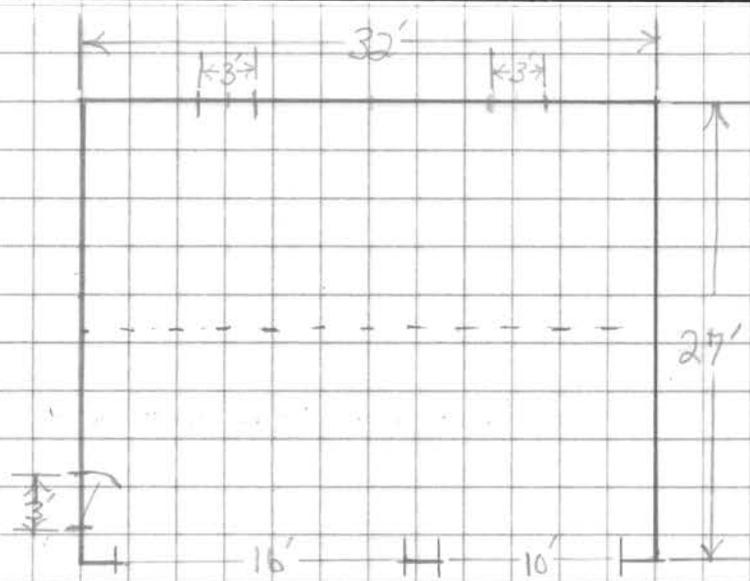


Patina Green 893 *

Note: These color samples are as close to the actual painted colors as permitted by process printing. Actual color samples are available from Cleary upon request.

* Energy Star approved.





Roof Pitch 7/12
Soffit 2'

