



AGENDA
City of Milton
Zoning Board of Appeals
Tuesday, June 18, 2019
5:15 p.m.
MILTON CITY HALL
Conference Room
710 S. Janesville Street

1. Call To Order
2. Approval Of Agenda
3. Approval Of Minutes - August 21, 2018

Documents:

[ZBA MINUTES 08-21-18.PDF](#)

4. 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

Documents:

[MEMO - MURPHY VARIANCE REQUEST.PDF](#)
[VARIANCE APPLICATION.PDF](#)
[NOTICE OF PUBLIC HEARING.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
06/14/2019

**City of Milton
Zoning Board of Appeals
August 21, 2018**

Call To Order

Chairperson Jim Polarski called the August 21, 2018 meeting of the Zoning Board of Appeals to order at 5:30 p.m.

Present: Chairperson Jim Polarski, Tom Kevern, Carl Schultz, and Bruce Lippincott.

Approval Of Agenda

C. Schultz motioned to approve the agenda. B. Lippincott seconded, and the motion carried.

Approval Of Minutes - June 19, 2018

C. Schultz motioned to approve the minutes. B. Lippincott seconded, and the motion carried.

Public Hearing And Discussion And Possible Action To Consider A Request Received From Great Smiles Dental For A Variance To Install A Second Monument Sign At 858 Arthur Drive Per Section 78-1933(3)(C)(1) Of The City Of Milton Code Of Ordinances
General Items

Chairperson Polarski opened the public hearing.

Chairperson Polarski 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.
- 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 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.

Ed Terneus, 24 W. Maple Lane, spoke in support of the variance.

C. Schultz made a motion to approve the variance request as presented based on the uniqueness of the property having two street frontages. B. Lippincott seconded, and the motion carried.

Motion To Adjourn

B. Lippincott motioned to adjourn the August 21, 2018 meeting of the Zoning Board of Appeals at 5:48 p.m. C. Schultz seconded, and the motion carried.

Respectfully submitted,

Howard Robinson
Director of Public Works



Department of Public Works

To: Mayor Welch, City of Milton Zoning Board of Appeals
From: Howard Robinson, Director of Public Works
Date: June 18, 2019
Subject: 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.

Summary

Lucas Murphy and Patricia Murphy have applied for a variance to construct a 42x80 garage on vacant land on North Janesville Street. City ordinance requires a principal structure to be constructed on a property before an accessory structure (i.e. garage) can be constructed on the property. The vacant property is zoned R-4 (Residential District 4).

Lucas Murphy owns and resides at a residential property across the street from the vacant property. The residential property has a low backyard that contains stormwater during rain events and snow melt, making it unavailable for construction without filling it in. The Murphys would like to construct this garage for personal/residential use on the vacant property as indicated on the site plan. Pictures of the type of garage proposed are included, and a driveway and parking areas would be required to be paved if the variance is granted. The proposed garage would also allow them to place outside storage on their current residential property indoors as requested by city ordinance request.

We have not received any correspondence from neighboring property owners concerning this request.

Recommendation

Staff does not offer a recommendation on this variance request.



City of Milton Application and Record

Application Date: 5/20/19

Date to be Reviewed by Plan Commission: _____

Applicant Name/Agent: Lucas Murphy

Date to be Reviewed by Common Council: _____

Owner of Property: Patricia Murphy

Date to be Reviewed by Zoning Board of Appeals: 6/18/19

Business Name: _____

Address: 927 Bowers Lake Road

City/State/Zip: Milton WI 53563

Telephone: 608.316.5802

Email: snorulz@gmail.com

Fee Required:	Date Paid
Conditional Use Permit \$250.00	
Rezoning \$250.00	
Variance \$250.00	5/20/19

Reason for Request/Appeal or Reason Permit was Refused: Would like to build an approx. 42' x 80' garage on the property without having a residence on the property. The garage will be used in a residential manner for personal storage and activities. The garage will have 16' walls

Sec 78-315(2) Accessory uses. A garage is considered an accessory structure. An accessory structure is not permitted until a principal structure is present or under construction.

Property Location for Project

Address: V-23-1143B

Legal Description: PT NE 1/4 NE 1/4 PT OL 335 AP

Certified Survey Map # 1313060 VOL 19 PG 447-448 Lot 2

Description of Premise (Including Existing and Proposed Buildings): Vacant Land

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: Recreation, Vacant Property

Proposed Use: Recreation with ~~shop~~ personal garage storage

Present Occupancy: None Proposed Occupancy: None

Name of Proposed Subdivision: NA

Surveyor's Name: _____ Address: _____

Property Lot Size: 10.58 Acres (square feet or acres)

Lot Size of Preliminary Land Division: _____ Lot Size of Final Land Division: _____

Building Setback Front: 30' from neighbors back lot line, ~190' from Street Side: 15' Rear: ~750'

Building Setback Corner: _____ Side: ~360' Rear: ~750'

Number of Stories: 1 Number of Rooms: 2 Height: 30'

Architect: _____ General Contractor: unknown at this time

Off Street Parking: yes Number of Stalls: 4

Estimated Cost of Work: \$100,000

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: Lucas Murphy

Print Name: Lucas Murphy

Recommendations by Director of Public Works: This would not affect public works functions. If granted the driveway and parking areas will need to be paved.

Filed this 20 day of May, 2019

Spencer Robinson 5-21-19
Director of Public Works / Building Inspector, Howard Robinson

Leanne Schroeder
City Clerk, ~~Elena Hilby~~

Publication Date: 6/6



a community since 1838

NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on **Tuesday, June 18, 2019 at 5:15 p.m.** in the City Hall Conference Room, 710 S. Janesville Street, to consider a request received from Lucas Murphy and Patricia Murphy for a Variance to allow a 42' x 80' garage on vacant land without a principal structure. The request is 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. The Parcel Number is V-23-1143B, and is zoned R-4 (Residential District 4).

Code of Ordinance: Sec. 78-315(2) – *Accessory uses*. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry.

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.

Leanne Schroeder, City Clerk

Request received in office: 05/20/2019
Published in the Milton Courier: 06/06/2019
Copies mailed to the following: 06/03/2019

Michael M. Moore, Sr. & Donna B. Moore, 387 N. Janesville Street
MFA Properties, LLC, 8103 N. Milton Road
Anthony I. Tracy, 908 Nelson Avenue
Lucas J. Murphy & Katrina Anderson, 362 N. Janesville Street
Charles A. & Connie R. Nelson, 340 N. Janesville Street
Thurlow E. & Nancy L. Nelson, 916 Nelson Avenue
Donald M. Munns, 371 N. Janesville Street
Schiefelbein Properties, LLC, 5407 E. Rotamer Road
Patricia A. Murphy, 927 Bowers Lake Road
Joshua F. & Heather L. Brunk, 382 N. Janesville Street
Cindy A. Zillmer, 410 E. Sunset Drive
Kerry K. Rebiger & Sandra Ann Nibeck, 331 N. Janesville Street

Mayor, Anissa Welch
City Administrator, Al Hulick
City Attorney, Mark Schroeder
City Clerk, Leanne Schroeder
Director of Public Works, Howard Robinson

Common Council Members

Ald Lynda Clark
Ald Jerry Elsen
Ald Ryan Holbrook
Ald Larry Laehn

Police Chief, Scott Marquardt
City Assessor, Paul Musser

Ald Theresa Rusch
Ald Bill Wilson

Zoning Board of Appeals Members:

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





