



BUILDING, SAFETY & ZONING DEPARTMENT

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TO: Zoning Board of Appeals
DATE: August 27th, 2024
SUBJECT: A variance request for 553-555 Milford Street

A request by Buzdum Trust/Michael L. Martin, Sr., for a variance to the lot width requirements under §550-24F(2)(b). Parcel PIN(s): 291-0815-0541-022

SITE DETAILS:

Acres: 0.63
Current Zoning: Multi-Family Residential 8 (MR-8)
Existing Land Use: Single-Family Residential
Future Land Use Designation: Central Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking variance approval of a reduction of the lot width requirements under §550-24F(2)(b) of the Zoning Ordinance. The applicant would like to subdivide an existing parcel that contains two existing single-family homes. Lot 1 on the proposed Certified Survey Map would be 60.03ft wide rather than the required 75ft. Lot 2 would be 97.59ft wide and conform to the ordinance requirements.

The homes were part of former the Bethesda Lutheran Homes and Services complex that was sold after the closure of campus facilities. Homes on the former campus property were not required to be built on individual residential lots resulting in two single-family homes existing on the subject property.

STAFF EVALUATION:

Variance Findings

§550-147D(3)

(3) *The Zoning Administrator shall also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the City of Watertown's Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection D(3)(a) through (f) below:*

(a) *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 which are not present on other properties in the same zoning district. Specifically:*

[1] *The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one which 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, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space and setback requirements are observed.*

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Opportunity Runs Through It

Finding: There is a hardship in that the property was formerly part of the Bethesda Lutheran Homes and Services complex where individual homes were not required to be built on individual lots within the complex. The closure and sale of the complex properties has resulted in two single-family homes being located on the same parcel.

[2] Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.

Finding: Not applicable.

[3] 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.

Finding: Not applicable. The existing homes were allowed to be built on the same parcel under a previous version of the zoning ordinance and are not considered to be a self-imposed hardship.

[4] Violations by or variances granted to neighboring properties shall not justify a variance.

Finding: Not applicable.

[5] 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.)

Finding: Not applicable.

- (b) In what manner do the factors identified in Subsection D(3)(a) 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.*

Finding: The proposed variance is essential for the two existing single-family homes to be separated onto individual lots.

- (c) 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.*

Finding: The proposed variance would not be of substantial detriment to adjacent residential properties. The homes in this area have existed as they are currently configured for many years without issues.

- (d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(4) above] 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 Comprehensive 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.*

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Finding: The proposed variance would not have a substantial or undue adverse impact. The homes in this area have existed as they are currently configured for many years without issues. While the City's Comprehensive Plan calls for this area to be commercial in nature in the future, the division of this parcel as proposed does not impede that planning goal. The existing single-family uses can exist as they are until such time as the area is transitioned to commercial use.

- (e) *Have the factors which present the reason for the proposed variance 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 (see § 550-11)? 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.*

Finding: The current situation with two single-Family homes on one parcel was created before the current effective date of the ordinance and were not created by the applicant.

- (f) *Does the proposed variance involve the regulations of Article IV? The response to this question shall clearly indicate that the requested variance does not involve the provisions of the article.*

Finding: The proposed variance does not involve the regulations of Article IV. The proposed variance involves a standard (lot width) in Article II.

ZONING BOARD OF APPEALS OPTIONS:

The following are possible options for the Zoning Board of Appeals:

1. Deny the variance, based on failure to meet the required findings.
2. Approve the variance, based on successfully providing substantial evidence to meet the required findings.

ATTACHMENTS:

- Application materials