

To the members of the Zoning Board of Appeals

I am the owner of the property at 347 James Street and will be most affected by this variance.

I am writing this letter to request that the Board of Zoning Appeals not approve the variance application by the applicant to build a structure about 4.5 feet from the property line between 347 James Street and 355 James Street.

This property is zoned R-3 which allows for multiple family dwellings and could as R-3 zoning become an apartment building.

The original single family house was legal non-conforming under the R-3 Zoning and was a rental property.

The applicant demolished that house in 2020 and under the zoning ordinance did not replace the house in time.

This is R-3 zoning which requires a 15 foot sideyard setback per city of Whitewater zoning code.

Therefore a new structure should now meet the R-3 sideyard setback of 15 feet.

As the applicant is a developer, I am concerned a new structure will be a rental property or will be sold.

I am also concerned that during construction that close to my property could damage my property. If the new structure is allowed to be 4.5 feet from my property line the excavation to put in cement footings could affect my property

I am requesting that the zoning board of appeals deny the variance request to build a new structure about 4.5 feet from the property line. I believe that this will not allow for space between buildings if other property owners ask for a 4.5 foot setback. If the zoning board of appeals approves this variance then it may set a precedent for other applicants to ask for a 4.5 foot variance setback. If everyone in a R-3 zoning district requested a 4.5 foot setback for new structure, I am concerned that there would not be enough space for firefighters to have adequate access during potential fire as large density apartments are allowed either by permitted use or conditional use in R-3 zoning areas.

The property at 355 James Street has 100 foot of street frontage along James Street. This should allow for 70 feet of buildable frontage along James Street so there should be enough space to build a house and still comply with the 15 foot sideyard setback.

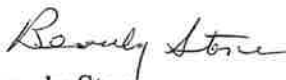
I am also concerned that any stormwater runoff from the structure roof could affect my property. Will the roof overhang be closer than 4.5 feet?

Are there any bay windows or other bumpouts that extend beyond the 4.5 feet?

In conclusion, please consider not setting a possible precedent for other developers to believe they are also entitled to reduce their sideyard setback to as close as 4.5 feet to the neighbor's property line in an R-3 district.

I am attaching emails from previous zoning administrator Christine Munz-Pritchard to RLA property owner addressing the 15 foot sideyard setback in the R-3 zoning and also the requirement that the new structure be built within 1 year of house demolition in order to use the old approximate house footprint.

Again, I request that you deny the variance appeal.
Thank you for your consideration of this request.
Sincerely,


Beverly Stone

enclosure:

email from Randall Aschbrenner to Christine Munz-Pritchard dated Dec. 2, 2020 12:51 PM

email response from Christine Munz-Pritchard to Randall Aschbrenner dated
Dec. 2, 2020 1:03 PM

email from Christine Munz-Pritchard to Mr. Aschbrenner dated Sep. 18, 2019

Memorandum To: R.L.A. Properties From: Christine Munz-Pritchard dated May 13, 2020

Liana Dostie

From: Christine Munz-Pritchard <CMunz-Pritchard@whitewater-wi.gov>
Sent: Wednesday, December 2, 2020 1:03 PM
To: Randall Aschbrenner
Cc: Wallace McDonell; Kahube dba MZIS
Subject: RE: 355 W. James St
Attachments: letters.pdf

The orders given were for a roof repair. I have attached the letters. You decided to demo the building. I explained to you this is a nonconforming lot and you had to begin construction within a year. I also waved all the fines for you with the expectation that you would keep your word and being construction.

Chris Munz-Pritchard

From: Randall Aschbrenner <raschbrenner21@gmail.com>
Sent: Wednesday, December 2, 2020 12:51 PM
To: Christine Munz-Pritchard <CMunz-Pritchard@whitewater-wi.gov>
Cc: Wallace McDonell <wkm@hmattys.com>; Kahube dba MZIS <municipalzoningandinspection@gmail.com>
Subject: Re: 355 W. James St

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chris,

If no extension is granted til the end of 2022, what extension can I get? Til the end of 2021 to pull building permits? If the original building permit was issued 2/10/2020 and was changed to a demo permit that was paid on 3/24/2020. The house was finally removed 10/14/2020. What is my official deadline to obtain a building permit so I can use the existing structure footprint?

This was an unexpected project to begin with. The holding costs on the lot are a huge financial burden. The rental market in Whitewater is in bad shape, material costs are up almost 160% since Covid. I think it is a bad idea to build a house in this current environment with no upside given the student housing market, regular rental market and selling a new home in this location would never pencil out. I waited almost 6 months for my excavator to remove the house and getting proper bids from contractors is near impossible right now.

Thank you,

Randall

On Wed, Sep 18, 2019, 8:42 AM Christine Munz-Pritchard <CMunz-Pritchard@whitewater-wi.gov> wrote:

Mr. Aschbrenner,

355 W James St is zoned R-3. Below are the yard requirements (building envelop) for this zoning district.

19.21.060 - Yard requirements.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION

- A. Front, thirty feet first floor.
- B. Side, fifteen feet; corner lots twenty-five feet.
- C. Rear, thirty feet.
- D. Shore, seventy-five feet. All shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

Thanks,

Chris Munz-Pritchard

Neighborhood Services Director / City Planner

312 W Whitewater St.

PO Box 178

Whitewater, WI 53190

MEMORANDUM

To: R.L.A. Properties LLC
From: Christine Munz-Pritchard
Date: May 13, 2020
Re: 355 W James St, Whitewater WI Tax ID# /TR 00027C

The property has building maintenance and repair orders. This year the Neighborhood Services Department received a zoning and building permit application of the property located at 355 W James St, Tax Key Number /TR 00027C in response to the repair order. It was approved by the building inspector on 2/10/2020. The total cost for the permit was \$77.50 and was paid for on 2/19/2020.

On 3/24/2020, the City received a Demolition Permit for the same location. The demolition permit voids the building permit issued on 2/10/2020. The City is issuing a refund of \$77.50 for the 2/10/2020 building permit.

This building is a nonconforming structure and per 19.60.030 (A) - Discontinuance or replacement of nonconforming use or structure. If such nonconforming use or structure is discontinued or terminated for a period of twelve months, any future use of the structures, land or water shall conform to the provisions of this title. A building permit-zoning permit will need to be issued when construction begins. Per 19.09.609 - Start of construction. "Start of construction" means the date the building or zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within six months of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured or mobile home on a foundation. Issuing of the building and zoning permits shall expire in six months unless substantial work has commenced and is continuing in a progressive, workmanlike manner.

Additionally, it looks like information for the demo permit is missing some things. The permit requires a plumbing permit, inspection for asbestos (this may not apply to single family), erosion control, will there be fencing and a inch of top soil with grass planted and so on. There is nothing attached. Please let the building inspectors know that plans on the missing information.