

## Board of Zoning Appeals

444 West Grand Avenue  
Wisconsin Rapids, WI 54495-2780  
(715) 421-8228 Fax: (715) 421-8291

### NOTICE TO COMMITTEES

#### **BOARD OF ZONING APPEALS**

Mike Hittner, Chairperson  
John Knolinski  
Rick Pompa  
Lee Gossick  
Jerry Feith  
Dennis Polach (1<sup>st</sup> Alternate)  
Vacant (2<sup>nd</sup> Alternate)

#### **AGENDA ITEM RECIPIENTS**

Sue Schill, City Attorney  
Zach Vruwink, Mayor  
Nick Barrett, Applicant

The City of Wisconsin Rapids Board of Zoning Appeals will meet at **1:00 p.m. on Tuesday, December 12, 2017** in the **2<sup>nd</sup> Floor Conference Room**, City Hall, at 444 West Grand Avenue.

### AGENDA

1. Approval of the report from the June 13, 2017 Board of Zoning Appeals meeting.
2. **VARI-17-0822; Nick Barrett.** The applicant is requesting variances to allow for the reconstruction of an existing freestanding sign including front and side setback requirements. The subject property is located at 4120 8<sup>th</sup> Street South (Parcel 34-14102).
3. Adjourn.

**PLEASE NOTE:** The City of Wisconsin Rapids encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the city clerk's office at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. Call the Clerk at (715) 421-8200 to request accommodations.

REPORT OF THE BOARD OF ZONING APPEALS OF THE CITY OF WISCONSIN RAPIDS  
JUNE 13, 2017

The Wisconsin Rapids Board of Zoning Appeals met at 1:00 PM on Tuesday, June 13, 2017 in the 2nd Floor Conference Room at City Hall.

Members Present:

Mike Hittner, Chairperson  
John Knolinski  
Jerry Feith  
Lee Gossick  
Dennis Polach (1<sup>st</sup> Alternate)  
Douglas Brown (2<sup>nd</sup> Alternate)

Others Present:

Dave Sonnenberg  
Adam Tegen

Members Absent:

Rick Pompa

With a quorum present, Mike Hittner called the meeting to order at 1:10 p.m.

1. Approval of the report from the May 9, 2017 Board of Zoning Appeals meeting.

Motion by Feith, second by Gossick, to approve the May 9, 2017 report.

Motion carried 5-0.

2. VARI-17-0391; David Sonnenberg. The applicant is requesting variances to allow for the expansion of the existing parking areas including setback and barrier requirements. The subject properties are located at 950 West Grand Avenue and 140 10th Avenue North (Parcels 34-01947 & 34-01948).

Dave Sonnenberg, applicant, stated that his desire is to pave a gravel area of the parking lot that is located on two separate parcels. The area is currently utilized as parking but the gravel surface creates maintenance, clean-up and safety issues. Paving the areas would complete the lot but would not add any additional spaces.

Adam Tegen stated that staff recommended denial and that the requested variances are from the following sections:

- MC Section 11.06 Traffic, Parking, and Access  
(6)(c) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over the property line.
- MC Section 11.07 Modifications  
(2)(g) Off-street parking is permitted in all yards of the B-1 and B-2 business districts and M-1 and M-2 industrial districts, but shall not be closer than five feet to any public right-of-way. Parking shall not be allowed in the vision triangle of any intersections.

Feith asked if there were additional City concerns beyond the standards for approval that were reviewed by City staff.

Tegen noted that the area is currently utilized as parking but the potential for conflict between the parking area for the business and the residential rental

was a concern as well. Overall design of the parking area is not consistent with the goals and regulations of the City.

Feith asked if there are conflict concerns between the two uses.

Dave Sonnenberg stated that there would be sufficient separation and barriers would be put in place to prevent the business patrons from encroaching into the residential driveway.

Polach asked if there were any concerns received from the adjoining property owners.

Dave Sonnenberg noted that he had received only support for the request.

Motion by Knolinski, second by Polach to approve VARI-17-0391 subject to the following conditions:

1. The variance shall apply to the new and existing parking areas shown on the submitted site plan. No parking shall take place within the public right-of-way except where permitted by ordinance.
2. Compliance with all other applicable codes and ordinances.

Motion passed 5-0.

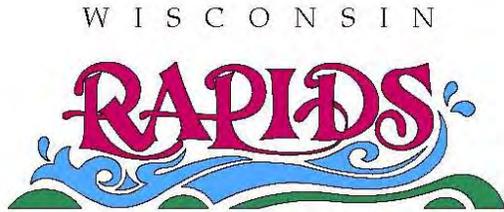
3. Adjourn

Motion by Feith, second by Gossick to adjourn. Motion carried 5-0.

Meeting adjourned at 1:23 p.m.

Appeals: The decisions contained herein may be appealed by a person aggrieved by any decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Submitted by Adam Tegen on June 15, 2017



Community Development  
Department

444 West Grand Avenue  
Wisconsin Rapids, WI 54495-2780  
(715) 421-8228 Fax: (715) 421-8291

**STAFF REPORT**

**VARI-17-0822; NICK BARRETT**

**OCTOBER 1, 2017**

**REQUEST AND BACKGROUND:**

Nick Barrett, on behalf of Michael and Patrick Barrett, is requesting a reduction in the required freestanding sign setback for a side yard from 12 feet down to 2 feet and for a front yard from 5 feet down to 2 feet. The subject property is located at 4120 8<sup>th</sup> Street South (Parcel 34-14102).

The subject property is a typical corner lot with a width of 133.5 feet and depth of 300 feet. The property has access off 8<sup>th</sup> Street South and Dove Avenue. The subject property is currently zoned B-2, General Commercial District and is developed with an auction house/retail business that also provides for the rental of trucks and trailers. Due to the start of an additional business on the property, the applicant wishes to reconstruct the existing freestanding sign to provide additional advertising space. The size and style of the proposed sign complies with the regulations of the sign ordinance, but the existing and proposed location does not meet the required setbacks. See the attached information from the applicant for more detail.

**SUBJECT PROPERTY AND ADJACENT PROPERTY ZONINGS:**

Subject Property: B-2, General Commercial District

Adjacent Properties:

- North: B-2, General Commercial District and R-2, One-family and Two-family Residential District
- South: B-2, General Commercial District
- East: Commercial, B-1 (Town of Grand Rapids)
- West: B-3, Exclusive Office District Commercial

**SUBJECT PROPERTY AND ADJACENT PROPERTY USES:**

Subject Property: Commercial - Auction/Rental/Retail

Adjacent Properties:

- North: Commercial – Restaurant, Residential
- South: Commercial – Bank
- East: Commercial – Retail
- West: Residential

**STANDARDS FOR APPROVAL:**

**Standard #1:** Do unique physical limitations exist on the property including steep slopes or wetlands that are not generally shared by other properties that prevent compliance with ordinance requirements?

**Findings #1:** The property is standard sized commercial City lot just under one acre. The property is developed with a primary commercial building of 3,500 square feet and a storage building of 3,400 square feet. The majority of the remaining lot is surfaced in gravel which is used for parking, display of auction items, and storage of trucks and trailers available for rental. The existing sign is located on the north side of the property adjacent to the right-of-way of 8<sup>th</sup> Street South. The applicant contends that the unusual design of the intersection of 8<sup>th</sup> Street and Dove Avenue make the placement of a sign near the corner unsafe and it would pose a traffic visibility issue. While the maintenance of an existing sign location is often desirable, the current location does not meet the current requirements of the ordinance. The proposed location of the sign may be the most feasible and desirable, but there is the ability to reconfigure the existing parking and traffic flow to allow a freestanding sign elsewhere on the property. As such, staff feels there is a not a unique physical limitation on the subject property.

**Standard #2:** Is the request due to the existence of an unnecessary hardship? An unnecessary hardship cannot be due to conditions which are self-imposed or created by a prior owner. It has also been determined by the Courts that economic or financial hardship does not justify a variance. For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.

**Findings #2:** The existing sign is non-conforming and needs to be replaced. The applicant wishes to improve the sign and add additional advertising space to make the property more attractive. There is no record of when the existing sign was placed on the property, but it may have been prior to the property being annexed by the City or before the need to obtain a permit. If the sign had been placed in a location that previously was permitted by code and effected by changes in regulations it could be argued that an unnecessary hardship exists, but no record of such a claim exists. The applicant notes that the intersection design at 8<sup>th</sup> and Dove effects the property to a level that would qualify as an unnecessary hardship. However, staff feels that since other, potentially less convenient, locations for the sign exists there is a not an unnecessary hardship present.

**Standard #3:** Does the requested variance impact the interests of the neighbors, the entire community and the general public? These interests include:

- Public health, safety and welfare;
- Water quality;
- Fish and wildlife habitat;
- Natural scenic beauty;
- Minimization of property damages;
- Provision of efficient public facilities and utilities; and
- Any other public interest issues.

**Findings #3:** The subject property is a developed site with established businesses.

The existing sign location has been in place for some time without any evidence of harm to the public interest. Engineering prepared an exhibit showing the vision distance required by code and the proposed sign would not be located within the area. Therefore, staff agrees with the applicant that the requested variance will not negatively impact the general public.

**RECOMMENDATION AND CONDITIONS OF APPROVAL:**

Based upon the findings for this request, staff recommends denial of **VARI-17-0822**. However, if the variance is approved, staff recommends the approval be subject to the following conditions:

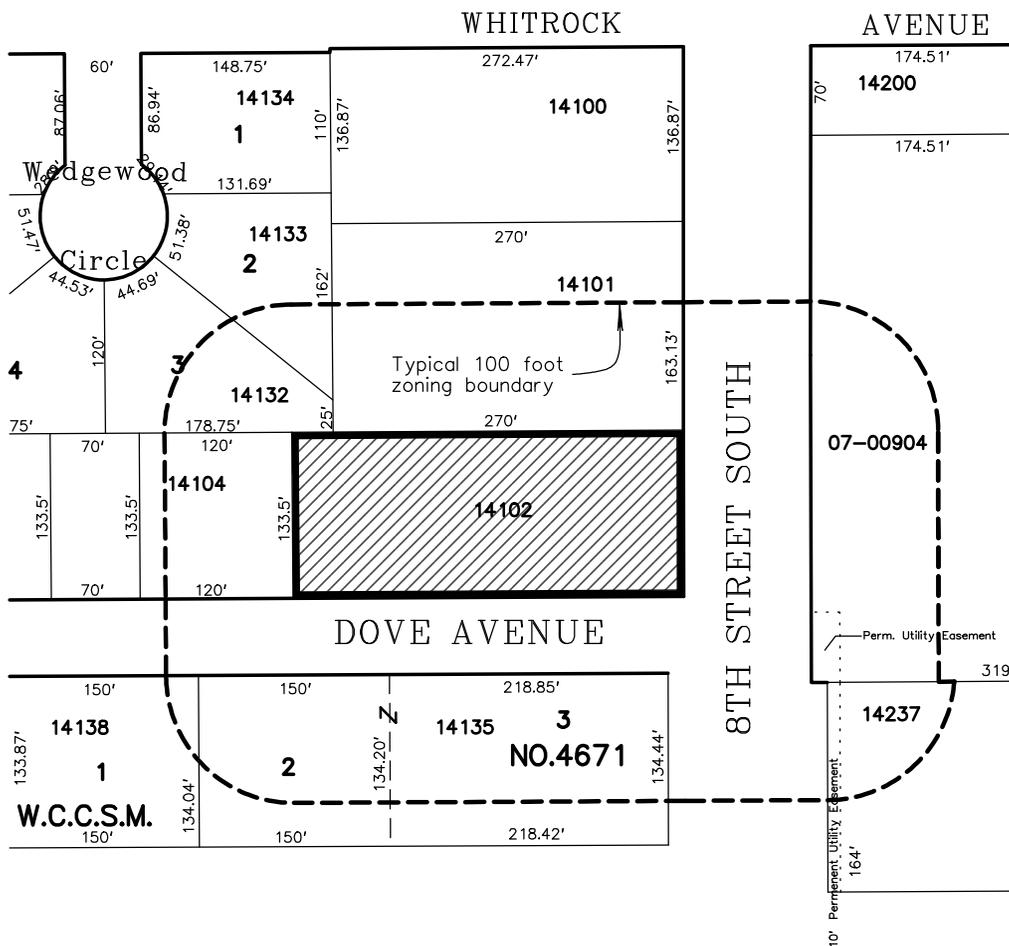
1. The variance shall only apply to the proposed freestanding sign which shall be located a minimum of 2 feet from the north and east property lines. The freestanding sign shall not exceed a total height of 13 feet. All other aspects of the sign must comply with the sign ordinance.
2. A minimum 5' wide landscaped area shall be provided at the base of the sign. Landscaping shall consist of a variety of shrubs, grasses and other plantings to soften the look of the sign.
3. All future additions and/or changes to the freestanding sign shall comply with the zoning ordinance in effect at the time of construction.

**ATTACHMENTS:**

1. Exhibit Map by City Staff.
2. Zoning Map by City Staff.
3. Sight Distance Exhibit by City Staff.
4. Sign Details Provided by Applicant.
5. Supplemental Information by Applicant.

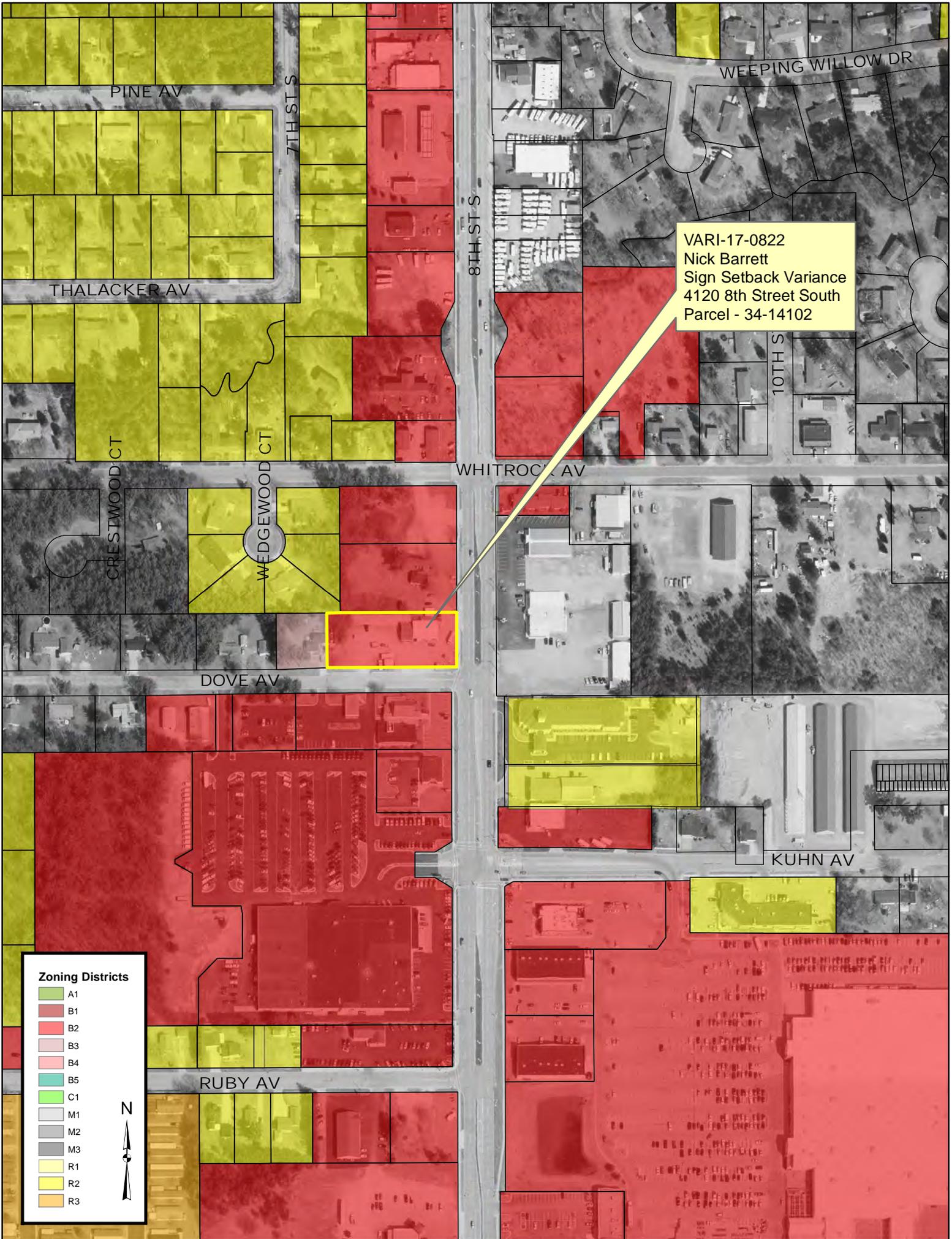
# ZONING BOARD OF APPEALS EXHIBIT MAP

A request by Nick Barrett on behalf of the owner Pat Barrett, for a variance to reduce the required side and front yard setbacks for a freestanding sign, at 4120 8th Street South, being Parcel # 34-14102.



## OWNERSHIP ADDRESS WITHIN LEGAL OBJECTION BOUNDARY

PARCEL #	OWNERSHIP/ADDRESS
34-14101	SILVIO PORTESI & JANET E PORTESI, 458 BRENTWOOD DR, WIS RAPIDS, WI 54494
34-14102	MICHAEL J BARRETT & PATRICK BARRETT, 4120 8TH ST S, WIS RAPIDS, WI 54494
34-14104	CHAD D CAREY, 711 DOVE AVE, WIS RAPIDS, WI 54494
34-14132	ARLENE E KEEHN, 4040 WEDGEWOOD CIR, WIS RAPIDS, WI 54494
34-14133	ARLENE E KEEHN, 4040 WEDGEWOOD CIR, WIS RAPIDS, WI 54494
34-14135	PAPER CITY SAVINGS ASSOC, PO BOX 339, WIS RAPIDS, WI 54495-0339
34-14138	PAPER CITY SAVINGS ASSOC, PO BOX 339, WIS RAPIDS, WI 54495-0339
34-14237	GROWTH MOTELS OF WI RAPIDS LLC, PO BOX 165, EAU CLAIRE WI 54702
07-00904	DARRELL A FENCIL & DEBORAH FENCIL, 2611 GRIFFITH AVE, WIS RAPIDS, WI 54494

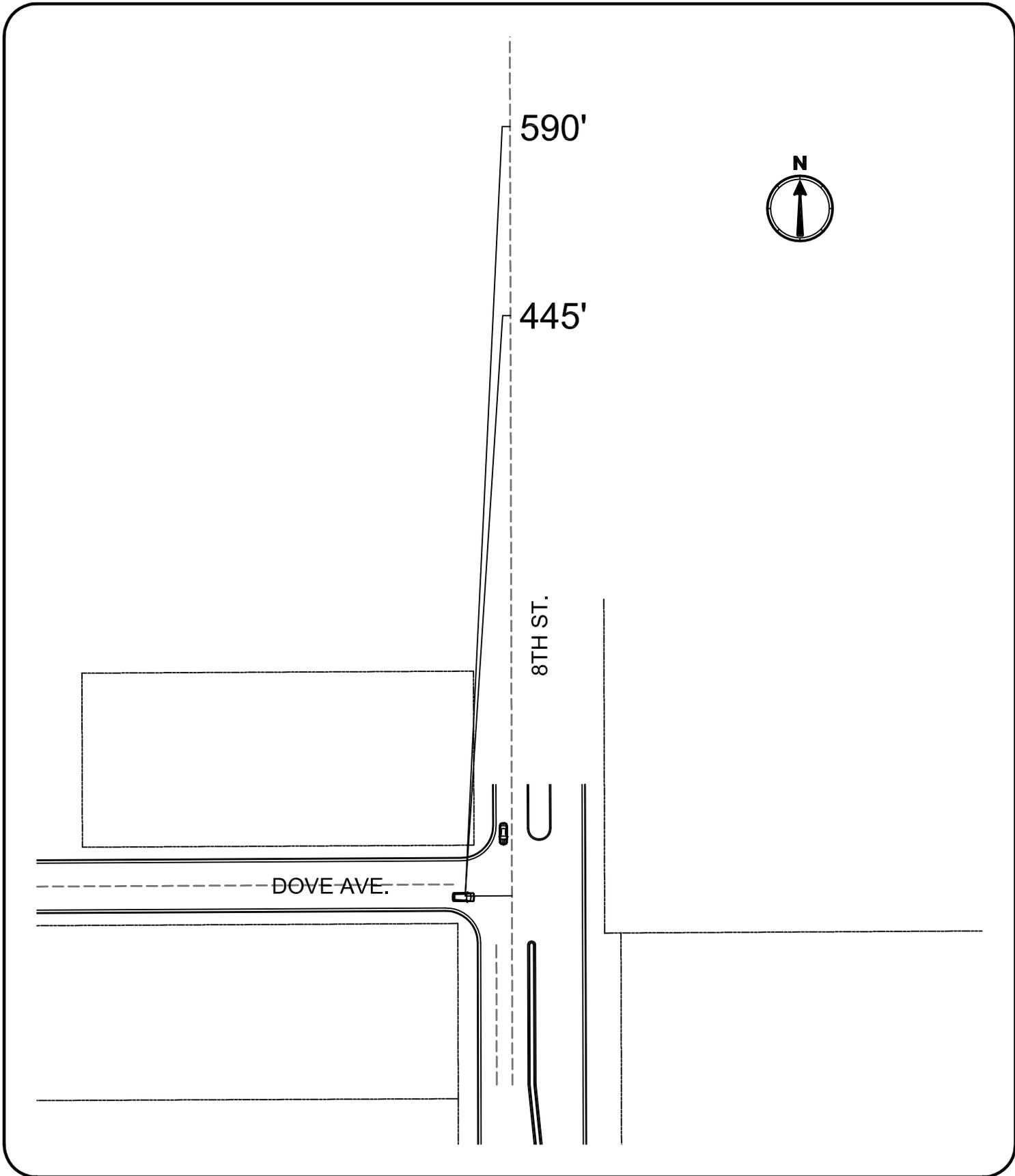


VARI-17-0822  
Nick Barrett  
Sign Setback Variance  
4120 8th Street South  
Parcel - 34-14102

**Zoning Districts**

- A1
- B1
- B2
- B3
- B4
- B5
- C1
- M1
- M2
- M3
- R1
- R2
- R3





590'

445'

8TH ST.

DOVE AVE.

<p><b>PROJECT:</b>  <b>LEFT TURN SIGHT DISTANCE AT 8TH St. AND DOVE AVE.</b></p>		
<p><b>DRAWN BY:</b> M.A.S.</p>	<p><b>PLOT DATE:</b> October 5, 2017</p>	<p><b>SCALE:</b> 1" = 100'</p>
<p><small>DRAWING FILE - S:\Engineering\CAD\Projects\Current Projects\8th and Dove site distances.dwg</small></p>		

**MANA VAULT GAMING**

**BARRETT'S AUCTION**

**AUCTION TUESDAY 630**

**SEPT 12**

**ANTIQUES FURNITURE**

**TOOLS APPLIANCES**

38"

139"

147"

Google Maps 4120 8th St S



Map data ©2017 Google United States 20 ft



4120 8th St S  
Wisconsin Rapids, WI 54494



At this location

#### Alternative Sign Location:

After review of sign location with multiple different people it has been determined that there is no other safe and visible location for the sign. The current setbacks from the road and north property line would place the sign in the center of our driveway. If we went to the south side of the driveway the setback from the sidewalk would place the sign in the center of our parking lot, without the ability to drive around it. If we located the sign on the south corner of our property we would block the line of sight when vehicles try to enter 8<sup>th</sup> street off of Dove Ave. Locating our sign on Dove ave. would result in zero visibility for the sign. After considering all of the available options the current location is the only feasible place for the new sign.

#### Unique Physical Limitations;

As described previously the design and set up of the turn lane heading south on 8<sup>th</sup> street starting at Dove ave. presents a line of sight issue when placing a sign on the south end of the property.

#### Unnecessary Hardship;

With the unique setup of the property as it pertains to 8<sup>th</sup> street and dove ave., the only location for the sign would be well down dove ave. This would greatly reduce the visibility of our sign and have a significant impact on our day to day business.

#### Harm to public interest;

As we have seen in the past, any objects placed near the intersection of Dove ave. and 8<sup>th</sup> Street greatly reduce visibility when entering 8<sup>th</sup> street off Dove ave. As this is an already dangerous intersection it would be a great harm to the public to reduce visibility at all.

Dimensions of proposed sign are on the attached sheet.

Location of new sign to be set back from sidewalk 4 feet, and 2' from north property line.

Dimensions of the existing sign are 124"x80"

Setbacks of old sign is 0' from north property line and 4' from sidewalk.