

NOTICE TO COMMITTEES

BOARD OF ZONING APPEALS

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

AGENDA ITEM RECIPIENTS

Sue Schill, City Attorney
 Zach Vruwink, Mayor
 Marty Schreiber, 320 Grand Avenue LLC

The City of Wisconsin Rapids Board of Zoning Appeals will meet at **1:00 p.m. on Tuesday, February 13, 2018** in the **2nd Floor Conference Room**, City Hall, at 444 West Grand Avenue.

AGENDA

1. Approval of the report from the December 12, 2017 Board of Zoning Appeals meeting.
2. **VARI-18-0059; 320 Grand Avenue LLC.** The applicant is requesting variances to allow for the reconstruction of an existing parking area including setback and barrier requirements. The subject properties are located at 320 West Grand Avenue (Parcels 34-02591 & 34-02595).
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
DECEMBER 12, 2017

The Wisconsin Rapids Board of Zoning Appeals met at 1:00 PM on Tuesday, December 12, 2017 in the 2nd Floor Conference Room at City Hall.

Members Present:

Jerry Feith
John Knolinski
Lee Gossick
Dennis Polach (1st Alternate)

Others Present:

Silvio Portesi
Adam Tegen

Members Absent:

Mike Hittner, Chairperson
Rick Pompa

With a quorum present, Jerry Feith called the meeting to order at 1:06 p.m.

1. Approval of the report from the June 13, 2017 Board of Zoning Appeals meeting.

Motion by Polach, second by Knolinski, to approve the June 13, 2017 report.

Motion carried (4-0).

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 8th Street South (Parcel 34-14102).

Nick Barrett, the applicant, was not present.

Knolinski stated his understanding was that the sign would be constructed with 4" x 4" posts and would include the reader board sign, a sign panel for Barrett's Auctions, and a sign panel for their U-Haul business.

Gossick asked for clarification on the required setbacks.

Adam Tegen noted there is a 5 foot setback from the right-of-way, 12 foot setback from the side property line and it would be required to stay out of the vision triangle at 8th and Dove. A diagram showing the required setbacks was passed out to the Board.

Feith stated that based on the required setbacks there appears to be more than enough options for placing the sign south of the existing drive and north of the vision triangle at 8th and Dove.

Silvio Portesi, adjoining property owner, stated he would not be supportive of the variance but supports the placement of a sign on the property that would comply with the sign code.

Dennis Polach questioned if the traffic flow between the subject property and Potesi's property is a concern and how it would be affected by the potential variance.

Adam Tegen stated that traffic flow between the properties would not be part of the consideration for a variance. When the request was reviewed, staff recommended denial due to a lack of a hardship or unique physical limitation.

Motion by Knolinski, second by Polach to approve VARI-17-0822 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 foot wide landscaped area shall be provided at the base of the sign. Landscaping shall consist of a variety of shrubs, grasses and other planting to soften the look of the design.
3. All future additions and/or changes to the freestanding sign shall comply with the zoning ordinance in effect at the time of construction.

Motion failed (0-4).

3. Adjourn

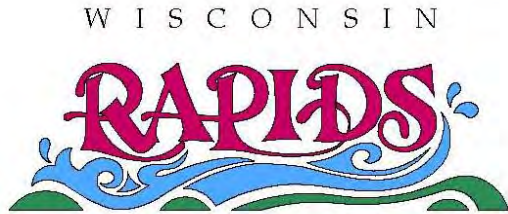
Motion by Polach, second by Gossick to adjourn.

Motion carried (4-0).

Meeting adjourned at 1:31 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 December 12, 2017



Community Development
Department

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

STAFF REPORT

VARI-18-0059; 320 WEST GRAND AVENUE LLC

FEBRUARY 1, 2018

REQUEST AND BACKGROUND:

The applicant, 320 West Grand Avenue LLC, is requesting variances to allow for the reconstruction of an existing parking area including the setback and barrier requirements. The subject properties are located at 320 West Grand Avenue (Parcels 34-02591 & 34-02595).

The subject properties are developed with a 47,000 square foot, 3 story multi-tenant office building with accessory asphalt parking lot. The parcels are 1.11 acres and approximately 170 feet wide and 290 feet deep. The applicant reconstructed the previously designed parking lot in 2017. The previous design and layout of the parking lot did not comply with the current parking regulations found within the Zoning Code. Specifically, there is a conflict with the required parking setback of 5 feet and the requirement for curbs or barriers on the western periphery of the parking areas. The existing paved areas were grandfathered but with the reconstruction, the paving and parking layout are required to comply with current regulations. See the attached plan and narrative for more detail.

SUBJECT PROPERTIES AND ADJACENT PROPERTY ZONINGS:

Subject Properties: B-1, Central Commercial District

Adjacent Properties:

North: B-1, Central Commercial District
South: B-1, Central Commercial District
East: B-1, Central Commercial District
West: B-1, Central Commercial District

SUBJECT PROPERTIES AND ADJACENT PROPERTY USES:

Subject Properties: Commercial Multi-tenant Office Building

Adjacent Properties:

North: Industrial – Paper Mill
South: Commercial – Bank
East: Commercial – Retail and Offices
West: Commercial – Storage Garage, Vacant Retail, and Upper Story 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 variances requested are in relation to the site layout conflicts; parking setback of 5 feet from the right-of-way, and the requirement for barriers along the western and northern property line. The existing pavement and parking were developed prior to the adoption of the current site design regulations. However, the reconstruction of the paved area would have potentially allowed for the site design conflicts to be addressed. In order to comply with the required 5 foot setback from the right-of-way on the north and east side of the parking lot the existing curbing would need to be removed and relocated at the required setback. This would result in narrowing of the drive aisles and the reduction of at least 10 parking spaces. Although on-site parking is not required in the B-1 District, it is important to know that a typical 30,000 square foot office building (assuming non-leasable space exists within the building) would be required to provide 100 parking spaces. The existing non-conforming layout provides 56 spaces +/- . The requirement for barriers along the west and north is intended to prevent vehicles from extending over the property lines. In this case, the two properties are owned by the applicant and the adjacent properties owned by the City are developed with a parking lot that function in coordination with each other. The applicant notes that the configuration of the Jackson Street and 3rd Avenue North right-of-way present a physical limitation on the subject property. Over time, projects such as the construction of West Jackson Street have modified the right of way, encroaching further into the property. Staff is of the opinion that a unique physical limitation does exist based upon the history of the site and the modifications of the right-of-way over time.

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 applicant chose to reconstruct the majority of the off-street parking area to maintain safety and functionality. Under the current ordinance, a reconstruction of the lot requires that it be brought up to current zoning standards. By ordinance, the application would need to develop two separate parking lots and move the parking back from the right-of-way along 3rd Avenue North. This would likely result in the loss of at least 10 parking spaces in an area that parking is already a challenge. The building on-site was originally constructed as the Johnson Hills department store and the current owner renovated the space into a multi-tenant office building. In staff's opinion, the provision of off-street parking spaces for employees and customers is necessary to maintain the viability of the property for the permitted purpose. As previously noted, the construction of Jackson Street and encroachment of the public right-of-

way over time has also impacted the area available for parking. In their narrative, the applicant notes that the loss of parking stalls would have a detrimental impact on their ability to keep and attract tenants to the building. As such, staff is of the opinion that an unnecessary hardship does exist for the requested variances.

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 applicant expressed concerns regarding the potential redesign of the main parking area and the likely loss of parking spaces. The existing tight layout of the parking make changes extremely impactful and may lead to a greater potential for internal circulation issues. The current layout has been in place for some time and there is no evidence that the existing situation has had a negative impact on public safety. Even with the reduced setbacks along the right-of-way, parked vehicles do not restrict pedestrian movements on the adjacent sidewalks. As such, staff agrees with the applicant that the requested variances will not negatively impact the general public.

REQUESTED VARIANCES:

- 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.

RECOMMENDATION AND CONDITIONS OF APPROVAL:

Based upon the findings for this request, staff recommends **approval** of **VARI-18-0059 as it relates to MC Section 11.06(6)(c) and 11.07(2)(g)** subject to the following conditions:

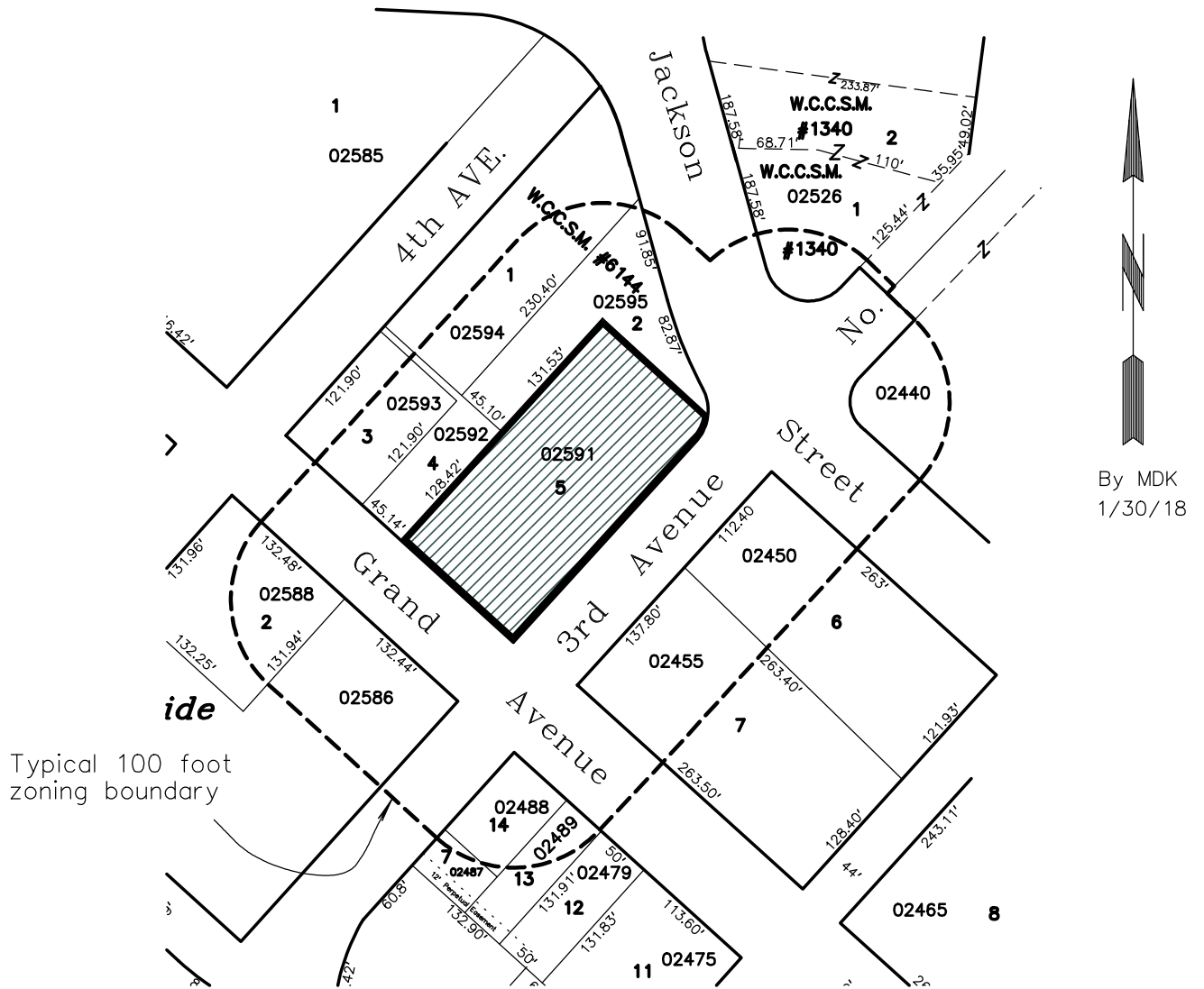
1. The variance shall apply to the reconstructed parking area shown on the submitted site plan. No parking shall take place within the public right-of-way or within the vision triangle.
2. Compliance with all other applicable codes and ordinances.

ATTACHMENTS:

1. Exhibit Map by City Staff
2. Zoning Map by City Staff
3. Variance Form Application Narrative by Applicant
4. Existing Layout Plans by Applicant.

ZONING BOARD OF APPEALS EXHIBIT MAP

A request by Marty Schreiber for the property located at 320 W Grand Avenue, being parcel # 34-02591. The request is for a variance to change the requirement for a 5.00 foot setback from the right-of-way, to avoid losing 10 parking stalls as part of a repaving the parking lot.



OWNERSHIP/ADDRESS WITHIN LEGAL OBJECTION BOUNDARY

PARCEL	OWNERSHIP/ADDRESS
34-02440	NEWPAGE WISCONSIN SYSTEM INC, 8540 GANDER CREEK DR, MIAMISBURG, OH 45342
34-02450	MEAD WITTER FOUNDATION INC, 730 1ST AVE S, WISCONSIN RAPIDS WI 54495
34-02455	RELAXED LLC, 160 1ST ST N APT 201, WISCONSIN RAPIDS WI 54494
34-02487	MEAD WITTER FOUNDATION INC, PO BOX 39, WISC RAPIDS WI 54495-0039
34-02488	MEAD WITTER FOUNDATION INC, PO BOX 39, WISC RAPIDS WI 54495-0039
34-02489	WILLIAM J & LUANN M STREUR, 1000 S LYNNDALDE DR, APPLETON WI 54914
34-02526	NEWPAGE WISCONSIN SYSTEM INC, 8540 GANDER CREEK DR, MIAMISBURG OH 45342
34-02586	US BANK C/O MIGLIN BEITLER, 2800 E LAKE ST, MINNEAPOLIS MN 55406
34-02588	US BANK C/O MIGLIN BEITLER, 2800 E LAKE ST, MINNEAPOLIS MN 55406
34-02591	320 GRAND AVENUE LLC, 320 W GRAND AVE STE 303, WISCONSIN RAPIDS WI 54495
34-02592	FRITZN' CO LLC, 1120 15TH ST S, WISCONSIN RAPIDS WI 54494
34-02593	CITY OF WISCONSIN RAPIDS, 444 W GRAND AVE, WISC RAPIDS WI 54495-2780
34-02594	CITY OF WISCONSIN RAPIDS, 444 W GRAND AVE, WISC RAPIDS WI 54495-2780
34-02595	320 GRAND AVENUE LLC, 320 W GRAND AVE STE 303, WISCONSIN RAPIDS WI 54495

W JACKSON ST

VARI-18-0059
320 West Grand Avenue LLC
320 West Grand Avenue
Parcels 34-02591 & 34-02595

4TH AV N

3RD AV N

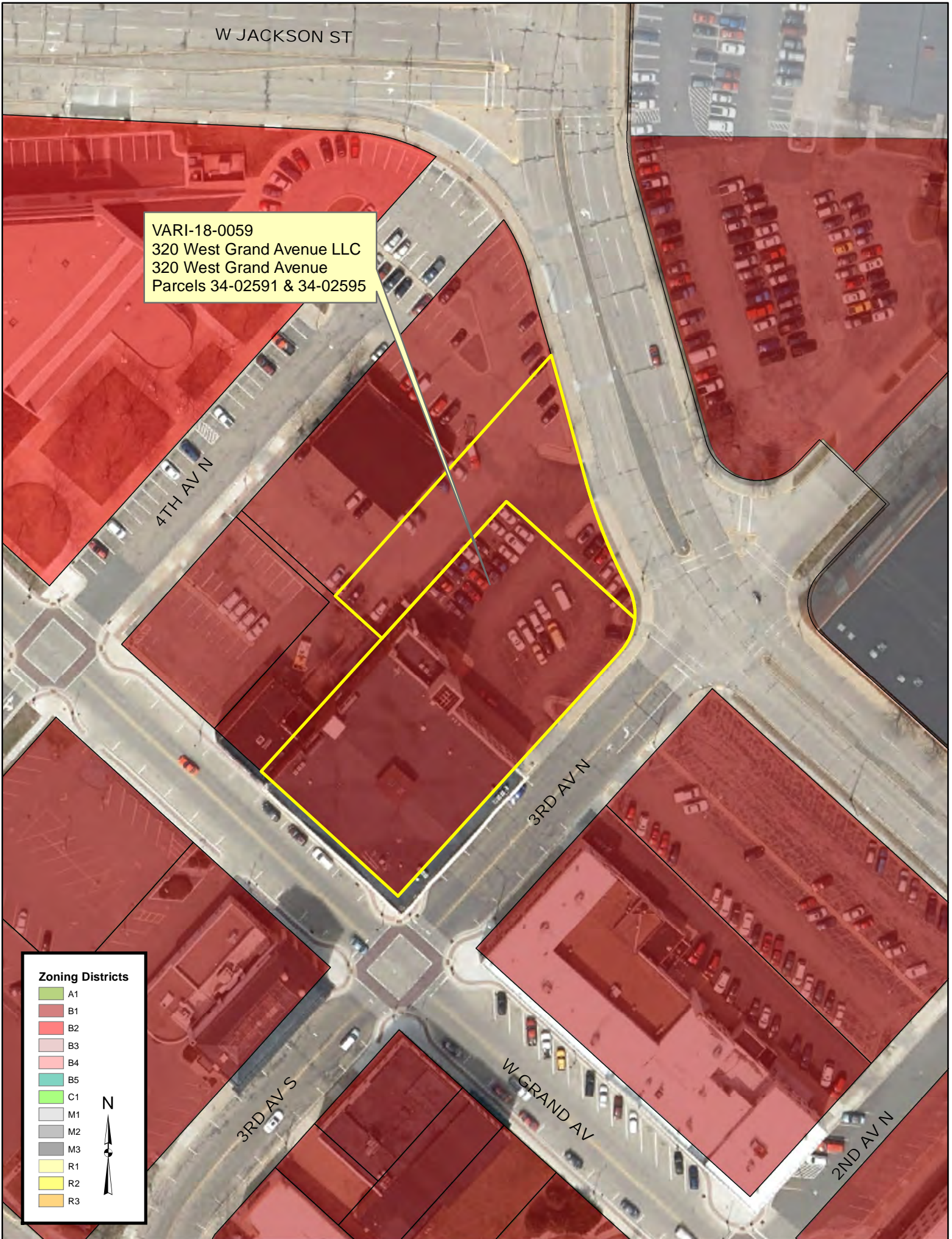
3RD AV S

W GRAND AV

2ND AV N

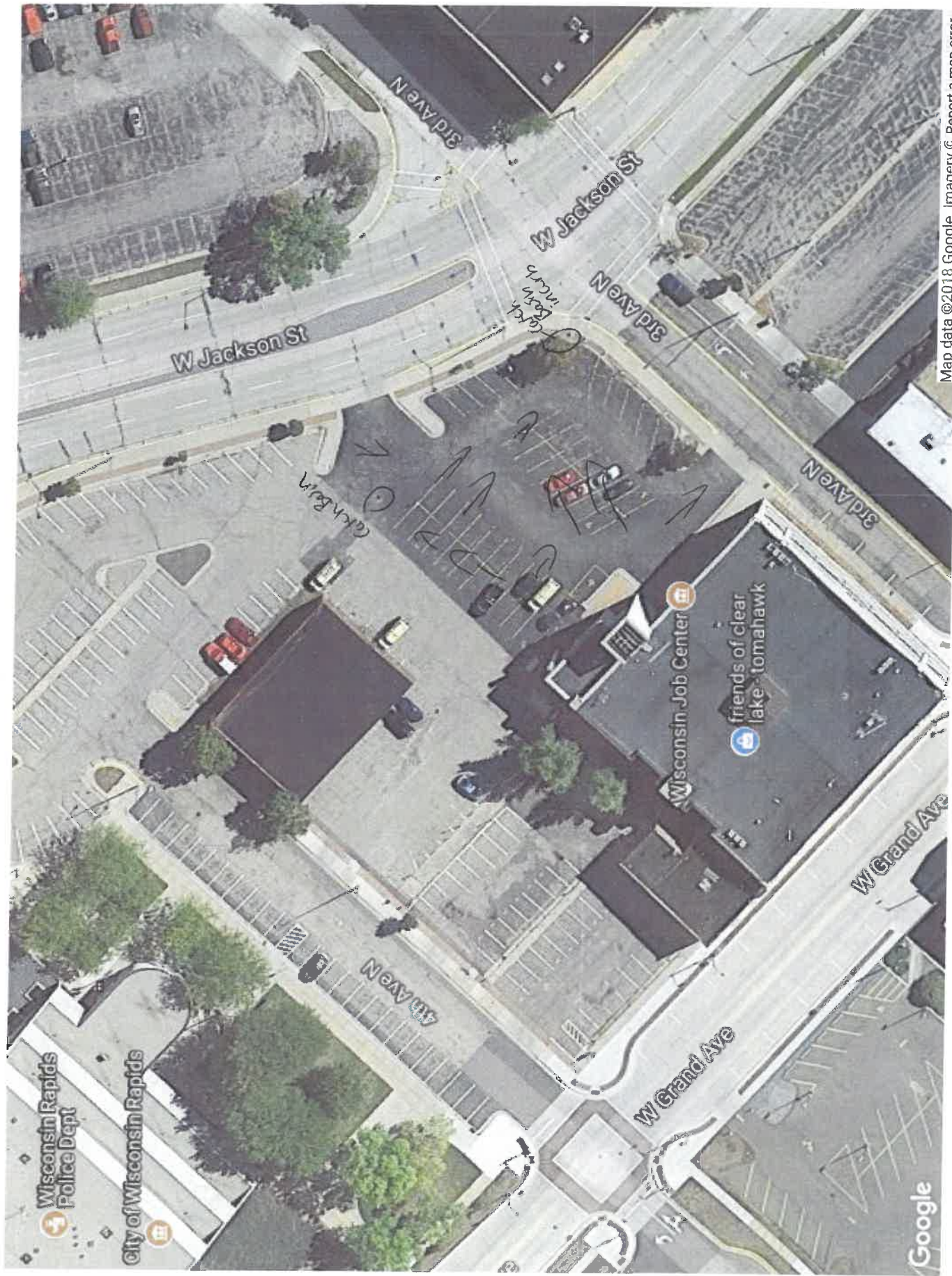
Zoning Districts

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

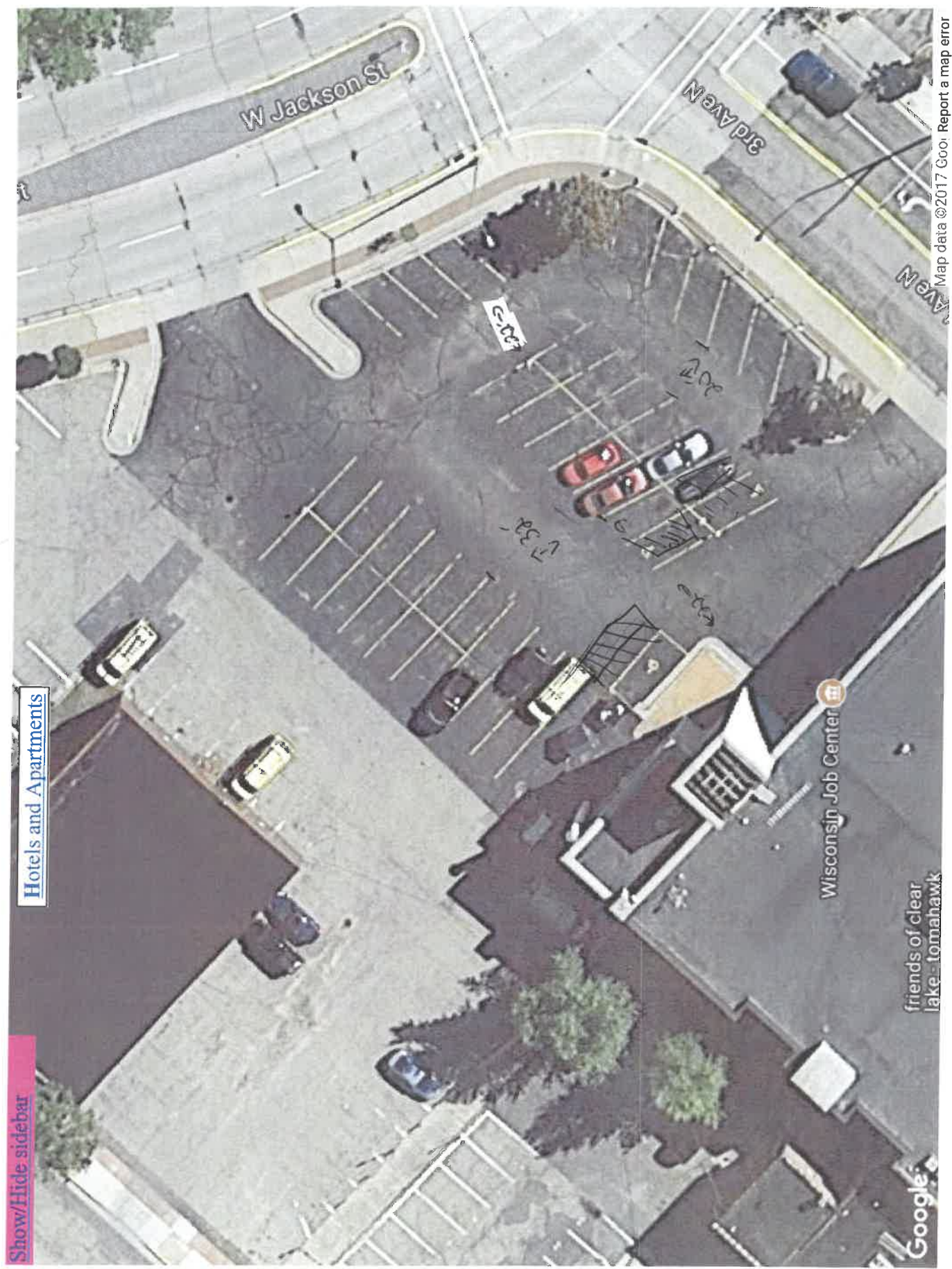


January 18, 2018
Community Development Department
Variance Form Application

- **Current Use and Improvements:**
Parking lot currently serves as parking for several businesses located inside the building for both employees and customers.
- **Requested Use and/or Improvements:**
Requested use will serve the same purpose and function of the current use of the parking lot, the improvements to the lot were removing the old asphalt and repaving the parking lot to make a smoother and safer parking lot for customers and employees.
- **Ordinance Standard from Which a Variance is Requested) section Number and Text):**
11.07 (2)(g) off street parking is permitted in all yards of the B-1 and B-2 business districts but shall not be closer than 5 feet from public right of way.
- **Describe the Effects on the Property if the Variance is Not Granted:**
If the variance is not granted the property would stand to lose around 10 parking stalls, with having a limited amount of parking spots available the property owners could lose tenants due to no parking on the property for them.
- **Have Alternatives to the Requested Variance Been Considered?**
Yes, we looked at altering the striping in the parking lot to get the 5' offset required but by doing so we wouldn't have wide enough drive lanes and would lose around 10 stalls.
- **Unique Physical Limitations:**
The parking lot is limited by the city's public right of way in which on this property the right of way happens to move towards the inside of the side walk but in the city parking lot the north (which was repaved last year and striped the same way as this lot) and the county lot to the south (which was repaved last year and striped the same way as this lot) the right of way happens to move more towards the middle of the sidewalk.
- **Unnecessary Hardship:**
The property owners would be facing an unnecessary hardship on this property if the variance isn't granted because if they were to lose parking stalls, which in turn would lose tenants of the building would mean there would be no reason for the property owner to retain the building if they cannot fill the building with tenants.



Map data ©2018 Google Imagery © Report a map error



Map data ©2017 Google Report a map error