



**ZONING BOARD OF
APPEALS MEETING**
April 19, 2023
2:00 PM

PUBLIC MEETING NOTICE

Zoning Board of Appeals

Dave Laspa, Chairperson
Jerry Feith
Lee Gossick
Mike Hittner
Bruce Kluver
Peggy Montag, 1st Alternate
Vacant, 2nd Alternate

AGENDA ITEM RECIPIENTS

Sue Schill, City Attorney
Erika Esser, Secretary
Jennifer Gossick, City Clerk

Notice is hereby given of a meeting of the **Zoning Board of Appeals** to be held in the Council Chambers at City Hall, 444 West Grand Avenue, Wisconsin Rapids, **Wednesday, April 19, 2023**. The meeting will be streamed live on the City of Wisconsin Rapids Facebook page and will also be broadcast live on Charter Cable Channel 985 and Solarus HD Cable Channel 3. If a member of the public wishes to access this meeting live via Zoom audio conferencing, you must contact the City Clerk at least 24 hours prior to the start of the meeting to coordinate your access. This meeting is also available after its conclusion on the City's Facebook page and Community Media's YouTube page, which can be accessed at www.wr-cm.org. It is possible that members of the Zoning Board may appear remotely via video or audioconferencing for this meeting.

AGENDA

1. Approval of the report from the December 20, 2022, Zoning Board of Appeals meeting
2. **23-000164 Angela Roberts**; public hearing and action on a request for a variance from the front yard setback to construct a single-family residence at 1111 High Street (Parcel ID 3401997).
3. **23-000163 Heather Yeager**; public hearing and action on a request for a variance from the corner side yard setback to construct a fence at 1241 14th Street South (Parcel ID 3406969).
4. Adjourn

The City of Wisconsin Rapids encourages participation from all its citizens. If participation at this meeting is not possible due to a disability or other reasons, notification to the city clerk's office at least 24 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. Call the clerk at (715) 421-8200 to request accommodations.

PUBLISH: April 2nd and April 9th, 2023

NOTICE OF PUBLIC HEARING

Notice is hereby given of a meeting of the City of Wisconsin Rapids Zoning Board of Appeals to be held in the Council Chambers (first floor conference room) at City Hall, 444 West Grand Avenue, Wisconsin Rapids, on **Wednesday, April 19, 2023 at 2:00 p.m.** The meeting will be streamed live on the City of Wisconsin Rapids Facebook page and will also be broadcast live on Charter Cable Channel 985 and Solarus HD Cable Channel 3. The following item will be heard and possibly acted on:

1. Public hearing and action on a request from Angela Roberts for a variance from the front yard setback to construct a single-family residence at 1111 High Street (Parcel ID 3401997).
2. Public hearing and action on a request from Heather Yeager for a variance from the corner side yard setback to construct a fence at 1241 14th Street South (Parcel ID 3406969).

Further details regarding the specific request can be obtained within the Community Development Department at City Hall, or by calling the department at 715-421-8228.

If a member of the public wishes to access this meeting live via Zoom audio conferencing, you must contact the City Clerk at least 24 hours prior to the start of the meeting to coordinate your access. This meeting is also available after its conclusion on the City's Facebook page and Community Media's YouTube page, which can be accessed at www.wr-cm.org. It is possible that members of the Council (Committee) may appear remotely via video or audioconferencing for this meeting.

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.

Jennifer Gossick,
Wisconsin Rapids City Clerk



REPORT OF THE ZONING BOARD OF APPEALS

December 20, 2022

The Zoning Board of Appeals met at 2:00 p.m. on December 20, 2022 in the Council Chambers at City Hall and via remote audioconferencing. Attending Board members were: Chairperson Dave Laspa, Jerry Feith, Mike Hittner, Bruce Kluver, Lee Gossick and Jake Cattanach (alternate). Others in attendance included Kyle Kearns, Carrie Edmondson, Alderperson Dennis Polach, Irving Larson (applicant representative) and Joseph Zurfluh.

The meeting was called to order at 2:01 p.m.

1. Approval of the report from the November 16, 2022 Zoning Board of Appeals meeting

Motion by Hittner to approve the report from the November 16, 2022 Zoning Board of Appeals meeting; second by Kluver.

Motion carried (5 – 0)

2. VARIANCE-22-001288: Kevin Keith – Public hearing and action on a request from Kevin Keith for a variance from the side yard setback to construct a fence at 331 16th Avenue North (Parcel 3402193).

Carrie Edmondson provided a summary of the request, recommending denial based on the analysis and findings in the staff report.

Public hearing opened at 2:06 p.m.

Speaking in favor:

- Joseph Zurfluh, 11841 64th St, Saratoga

- Irving Larson, 10631 52nd St, Saratoga

Speaking against: none

Public hearing closed at 2:13 p.m.

Discussions ensued between Board members, staff and the applicant's representative regarding the existence of a building permit, the permitting process and repercussions for leaving the fence in place.

Motion by Hittner to deny the request from Kevin Keith for a variance from the side yard setback to construct a fence at 331 16th Avenue North (Parcel 3402193) as no hardship exists or unique property characteristics; second by Kluver.

Motion carried (4 – 0; Gossick abstained)

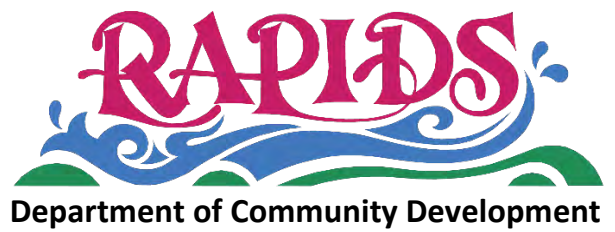
3. Adjourn

Motion by Hittner to adjourn; second by Feith

Motion carried (5 – 0)

Meeting adjourned at 2:28 p.m.

Respectfully submitted by Erika Esser, Secretary



Administrative Staff Report
Single-Family Dwelling
Area Variance from Front Yard Setback
1111 High Street
April 12, 2023

<p>Applicant(s):</p> <ul style="list-style-type: none"> Angela Roberts <p>Staff:</p> <ul style="list-style-type: none"> Kyle Kearns, Director Carrie Edmondson, Associate Planner <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 3401997 <p>Lot Information:</p> <ul style="list-style-type: none"> Effective Frontage: 55 feet Effective Depth: 140 feet Square Footage: 7,405 Acreage: 0.17 Acres <p>Zone(s):</p> <ul style="list-style-type: none"> “R-2” Mixed Residential <p>Council District:</p> <ul style="list-style-type: none"> District 1: Ryan Austin <p>Master Plan:</p> <ul style="list-style-type: none"> Residential <p>Current Use:</p> <ul style="list-style-type: none"> Vacant <p>Applicable Regulations:</p> <ul style="list-style-type: none"> Chapter 11 - Zoning 	<p>Request</p> <p>23-000164 Angela Roberts; public hearing and action on a request for a variance from the front yard setback to construct a single-family residence at 1111 High Street (Parcel ID 3401997).</p> <p>Attachment(s)</p> <ol style="list-style-type: none"> Application Site Plan Elevations Property Data <p>Findings of Fact</p> <ol style="list-style-type: none"> The applicant is requesting a variance from the front yard setback for a single-family dwelling. Specifically, the proposed front yard setback is 15 foot 1 inch. After doing setback averaging on the property, the required front yard setback is 17 feet. Therefore, a 1 foot 11 inch encroachment is being requested. The property is zoned “R-2” Mixed Residential District. The Zoning Board of Appeals shall base its decision upon the standard for a variance described in s. 62.23(7)(e)(7), Wis. Stats., and applicable judicial interpretations of such statute. <p>Staff Recommendation</p> <p>Approve the request from Angela Roberts for a variance to reduce the front yard setback to construct a single-family dwelling at 1111 High Street (Parcel ID 3401997) due to the following:</p> <ol style="list-style-type: none"> Unique property characteristics exist. Hardship exists, because compliance with the front yard setback requirement is unreasonably preventing the applicant from using the property for a permitted purpose. There is no negative impact anticipated to the neighborhood, community, or general public.
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Vicinity Map



Site Photos



Background

The applicant is requesting a variance from front yard setback standards for a proposed single-family dwelling. Previously there was a single-family dwelling on the subject parcel. A raze order was issued by the City in September of 2019, because it was determined that the residence was in disrepair and consequently dangerous, unsafe, and unfit for human habitation. A permit for demolition was obtained in November of 2019, and the house was subsequently razed. The lot has been vacant since that time. The applicant is proposing construction of a 1,589 square foot single family dwelling with an approximate 1,148 square foot main floor and 441 square foot lower level. The proposed home would be a modest three-bedroom two bathroom home. Additionally, a 576 square foot detached two-car garage is proposed to be constructed south of the home.

The lot is nonconforming because it does not meet the current minimum lot width requirement (75 feet), or the minimum lot area requirement (7,500 square feet for single-family) as outlined in Chapter 11 – Zoning. However, in Article 19, the following provision is outlined for nonconforming lots:

11.19.03 Nonconforming lots

(a) Generally. A legal nonconforming lot may be used for an allowable use, provided such use complies with all other development standards of the zoning district in which the lot is located.

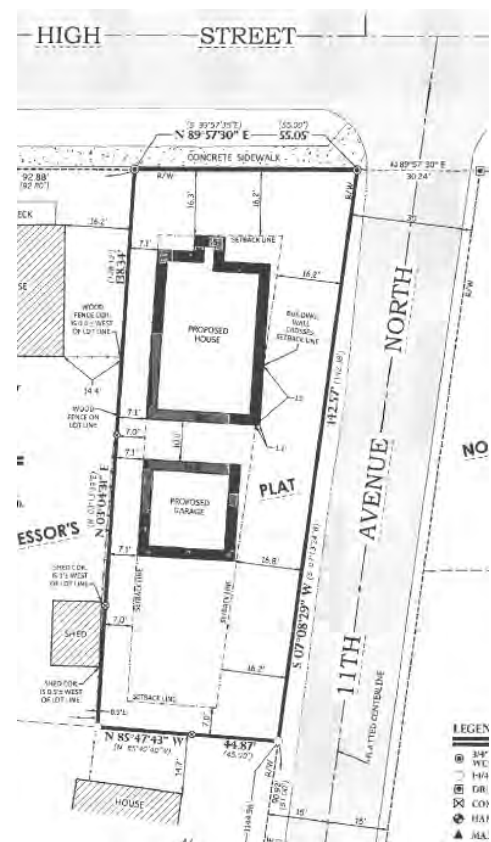
Therefore, a single-family dwelling is permitted because it is an allowable use, but must meet current Mixed Residential “R-2” development standards. The lot has a somewhat irregular configuration and the eastern property line angles in greater proportion to the western property line as it travels south. The parcel is already narrow and the angle creates an increased narrowing at the southern end of the parcel.

The purpose of setbacks is as follows:

11.06.106 Building setbacks

(a) Purpose. Setback standards, in conjunction with other dimensional standards, are established to define a pattern of development in each of the zoning districts. The established setback standards provide for a varying degree of (1) privacy between neighbors; (2) separation to mitigate noise and odor; (3) space for light and air circulation; (4) land for landscaping, recreational use, pleasure, and stormwater management; (5) land for maintaining the exterior of buildings and other structures; (6) room for the placement and maintenance of underground and above-ground utilities; and (7) room for emergency vehicles between and around buildings and other structures

Chapter 11 – Zoning allows for setback averaging to be done to provide an alternative distance in developed areas of the City. In areas where the majority of principal buildings have less than the required setback, a new setback requirement is established based on the average front yard setback of those properties. A setback average was done for this parcel and the required front yard setback was determined to be 17 feet. The applicant is proposing a front yard setback of 15 feet 1 inch from the property line on Eleventh Avenue North. In summary, a 1 foot 11 inch encroachment into the front yard setback is proposed.



The Zoning Board of Appeals shall base its decision upon the standard for a variance described in S. 62.23(7)(e)(7), Wis. Stats., and applicable judicial interpretations of such statute which are further analyzed below, including staff findings and recommendations.

Standards of Review

- 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?

Analysis: The property has a narrow lot width, including a frontage width of 55.05 feet and a rear width of 44.87 feet. The lot area is approximately 7,405 square feet. The minimum lot width for newly subdivided lots within the Mixed Residential “R-2” District is 75 feet and the minimum lot area is 7,500 square feet.

Findings: Although it is not unusual to have angled property lines within the City, this lot is already particularly narrow. The angled property lines further reduce the already narrow development envelope. The lot is also substandard in size. The applicant is proposing a single-family footprint of 1,148 square feet. The dwelling size of 1,589 square feet is only slightly larger than the required minimum of 1,200 square feet required for a three bedroom single-family dwelling. The home style is typical and is not unusually wide or large and yet it encroaches into the required front yard setback. The encroachment is proposed even after setback averaging has been calculated, which provides an alternative distance for residential properties in the more established, developed core of the City. In summary, staff recognize that unique physical limitations exist on the property.

- 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.

Analysis: The applicant is proposing a single-family use which is one of few permitted uses in the Mixed Residential “R-2” District. Single family dwellings are by far the most common use in the “R-2” District.

Findings: The applicant is proposing a modest single-family home. They have made every attempt to propose a size and style that meets current dimensional standards for the Mixed Residential “R-2” District. In so doing, they have still had difficulty designing a single-family dwelling that meets the required front yard setback requirement. Compliance with dimensional standards is unreasonably preventing the owner from constructing a single-family dwelling, which is to use the property for a permitted and common purpose.

- 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.

Analysis: The subject parcel is located within a well established, residential area within the City. It is surrounded by single-family residences on all sides and single-family residences are the predominant use throughout the surrounding blocks. The seven-foot side yard setback will be maintained to the adjacent neighboring property. A public hearing notice was provided as well as notice to surrounding property owners within 300 feet of the property.

Findings: Allowing for the variance provides a marginal increase in intensity when compared to the required 17-foot front yard setback. Overall, the proposed home and garage are keeping in scale with the overall lot size and are consistent with surrounding development and with the overall land use vision for the area. At the date of this staff report the Community Development Department has not received any comments from the public regarding the request.

Based upon the findings for this request, staff recommends approval of 23-000164 due to the following:

- 1. Unique property characteristics exist.**
- 2. Hardship exists, because compliance with the front yard setback requirement is unreasonably preventing the applicant from using the property for a permitted purpose.**
- 3. There is no negative impact anticipated to the neighborhood, community, or general public.**



Variance Application
City of Wisconsin Rapids, Wisconsin
 Version: January 3, 2019

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

Overview: A variance is a relaxation of requirements found within the City's zoning code. Variances are considered by the Board of Zoning Appeals on a case-by-case basis and decisions of the Board are based on the evidence and testimony received as part of the application, during a site visit, and through the public hearing process. The Board's job is not to compromise the requirements for a property owner's convenience, but to apply legal criteria provided in State law, court decisions, and the zoning code. Variances are meant to be an infrequent remedy where a zoning requirement imposes a unique and substantial burden and a variance would be appropriate to alleviate such hardship without circumventing or undermining the intent of the zoning code.

If you submit an application, do not contact any member on the Board of Zoning Appeals before the scheduled meeting.

Governing regulations: The procedures and standards governing the review of this application are found in Article 5 of the City's zoning code (Chapter 11 of the municipal code).

General instructions: Complete this application and submit one copy to the Community Development Department. Alternatively, you can submit your application online at <https://wisconsinrapids.zoninghub.com/>

Application fee: \$250.00

Application submittal deadline: Applications must be submitted at least 3 weeks prior to the Zoning Board of Appeals meeting, which are typically held the second Tuesday of the month at 1:00 pm.

Mandatory meeting with staff: To ensure that all the required information is provided and that there is a complete understanding of the process, the applicant must meet with City staff to discuss the request and necessary items. Please contact the Community Development Department to schedule an appointment.

Office Use Only

Date Received _____
 Received By _____
 Fee _____
 Case # _____
 Aldermanic District _____
 ZBA Date _____

1. Applicant information

Applicant name Angela Roberts
 Street address PO Box 674
 City, state, zip code Stevens Point, WI 54481
 Daytime telephone number 715-310-3860
 Email h10officeteam@gmail.com

2. Agent contact information. Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	<u>Agent 1</u>	<u>Agent 2</u>
Name	<u>Heidi Mancheski</u>	_____
Company	<u>H10 LLC</u>	_____
Street address	<u>PO BOX 674</u>	_____
City, state, zip code	<u>Stevens Point, WI 54481</u>	_____
Daytime telephone number	<u>715-310-3860</u>	_____
Email	<u>h10officeteam@gmail.com</u>	_____

3. Type of application (select one)

- Dimensional variance - Provides an increment of relief from a bulk regulation such as building height or setback.
- Use variance - Permits a use of land that is otherwise prohibited.

4. Subject property information

Physical address 1111 High Street, Wisconsin Rapids, WI 54495
 Parcel number(s) 34-01997

Note: The parcel number can be found on the tax bill for the property or it may be obtained from the Community Development Department.

Is the subject property currently in violation of the City's zoning ordinance as determined by the City's zoning administrator?

No
 Yes

If yes, please explain.

[Empty text box for explanation]

Comment: Pursuant to Section 11.04.10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, special charges, or other required payments that are specifically related to the subject property?

No
 Yes

If yes, please explain.

[Empty text box for explanation]

Comment: Pursuant to Section 11.04.11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, special assessments, special charges, or other required payments are delinquent and unpaid.

5. Zoning information (refer to the City's current zoning map)

The subject property is located in the following base zoning district(s). (check all that apply)

- RR Rural Residential
- R-1 Single-family Residential
- R-2 Mixed Residential
- R-3 Multi-family Medium Density Residential
- R-4 Multi-family High Density Residential
- R-8 Manufactured Home Park
- B-1 Downtown Commercial
- B-2 General Commercial
- B-3 Neighborhood Commercial
- B-5 Mixed Use Commercial
- M-1 General Industrial
- M-2 Heavy Industrial
- I-1 Institutional
- P-1 Park and Recreation
- C-1 Conservancy

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- Planned Development (PDD)
- Downtown Design
- Shoreland
- Shoreland-Wetland
- Floodplain
- Wellhead Protection

6. Current use. Describe the current use of the subject property.

Vacant Lot

7. Previous variance applications for the subject property. Describe any variances applications that have been submitted for the property; include the year, a general description, and whether the application was approved or not.

None

Note: If a variance application has been denied, an application for the same variance may not be submitted for a period of 12 months following the date of decision, except if the zoning administrator determines that factors have changed or there is new evidence in support of the variance request. (See Section 11.05.381 of the zoning code.)

8. **Variance request.** Provide the requested information for each variance that may be required. If you need any assistance determining what variances may be required you should seek counsel from an attorney, surveyor, consultant, or other professional who is familiar with the City's zoning code.

Section number of zoning code	Describe the requirement from that Section	Proposal
1. 11.06.106(b)	Will not comply	Asking for reduced front yard set back
2.		
3.		
4.		

9. **Proposed project.** Describe what you would like to do (e.g., build a house, garage, fence) that cannot be done because of the section of the zoning code listed above.

Build a house and a detached garage

10. **Project alternatives.** Please describe the alternatives, if any, that were considered in designing the project so the variance request would not be necessary in the first place and/or the request is minimized and how they were incorporated or why they were deemed to be unacceptable.

Description	Was the alternative used? If not, why was it rejected?
1. We want to meet the square footage required for the home on a uniquely, small lot	We met with a professional designer and gave her the parameters to design within for size of home and lot.
2. If we did a jog in to meet set back	It would take us below the allowed finished squarefootage
3. If we choose to make the house longer	It would interrupt the flow of the home
4.	

11. **Unnecessary hardship.** Describe how the section(s) of the zoning code listed above create(s) a practical difficulty or is unreasonably burdensome in terms of severely limiting or prohibiting the reasonable use of the subject property as generally allowed under the City's zoning code. Attach additional pages as necessary.

Small unique lot that narrows by 10' North to South. Jogging house in or adding onto the end would not allow the home floor plan to make sense, no flow

12. Unique property limitations. Describe how the hardship is due to unique or special conditions or limitations affecting the subject property and/or structure that are not typical or generally shared by other properties in the City. Attach additional pages as necessary.

Small, unique lot that narrows when you go North to South. Due to the street configuration of 11th Ave North, and the angle of the road the lot narrows as you go south by 10', the west lot line that does not angle as much as the 11th ave north

13. Public interest. Describe why the variance, if granted, would not be contrary to the public interest by creating or having the potential for creating an adverse impact on the public, health, safety, or welfare of adjoining and surrounding residents, properties or the community. Attach additional pages as necessary.

Use as proposed is consistent with the surrounding area

14. Supplemental materials. Attach the following to this application form.

1. A project map with the information listed in Appendix F of the zoning code.
2. Proposed construction plans (if applicable)

15. Attachments. List any attachments included with your application.

Survey- showing the house and garage structures
Rendering of the future home design

16. Other information. You may provide any other information you feel is relevant to the review of your application.

Our goal is to develop vacant lots within the city to help improve our neighborhoods

17. Applicant certification

- I understand that I, or any of my agents, may not discuss this application with any member of the Board of Zoning Appeals until after the Board renders a final written decision.
- I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes City officials and employees, and other designated agents, including those retained by the City, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.

- I understand that this application and any written materials relating to this application **will** become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Heidi Mancheski

Name – print

Name – Signature

Date

Name – print

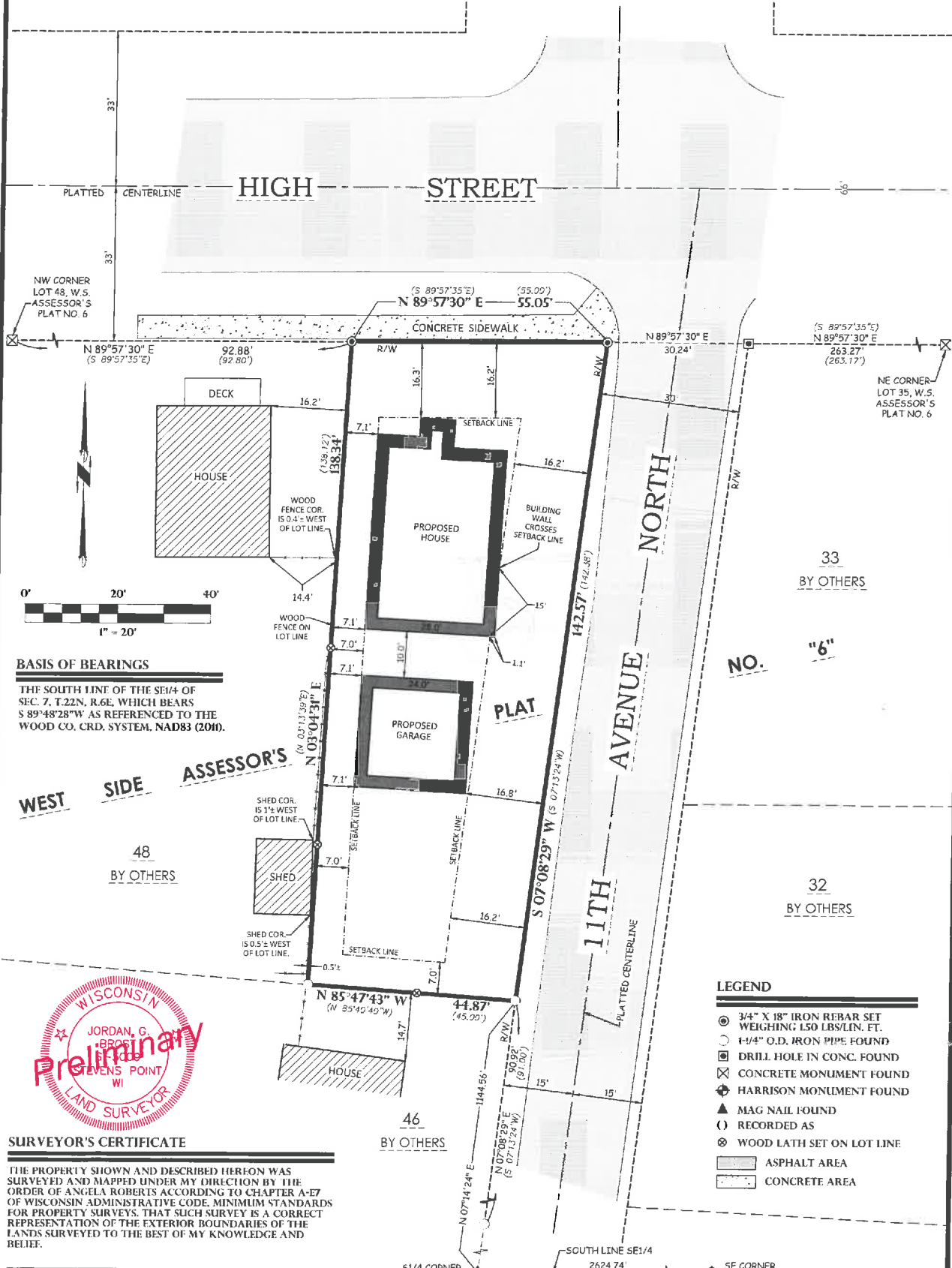
Name – Signature

Date

PLAT OF SURVEY / SITE PLAN

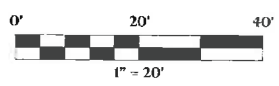
LEGAL DESCRIPTION

BEING LOT 47 OF THE WEST SIDE ASSESSOR'S PLAT NO. 6, LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 22 NORTH, RANGE 6 EAST, CITY OF WISCONSIN RAPIDS, WOOD COUNTY, WISCONSIN.



NW CORNER LOT 48, W.S. ASSESSOR'S PLAT NO. 6

NE CORNER LOT 35, W.S. ASSESSOR'S PLAT NO. 6



BASIS OF BEARINGS
THE SOUTH LINE OF THE SE1/4 OF SEC. 7, T.22N, R.6E, WHICH BEARS S 89°48'28"W AS REFERENCED TO THE WOOD CO. CRD. SYSTEM, NAD83 (2010).

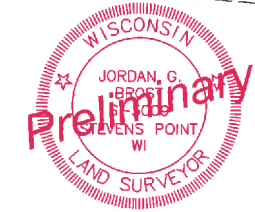
WEST SIDE ASSESSOR'S

48 BY OTHERS

33 BY OTHERS

NO. "6"

32 BY OTHERS



SURVEYOR'S CERTIFICATE

THE PROPERTY SHOWN AND DESCRIBED HEREON WAS SURVEYED AND MAPPED UNDER MY DIRECTION BY THE ORDER OF ANGELA ROBERTS ACCORDING TO CHAPTER A-27 OF WISCONSIN ADMINISTRATIVE CODE, MINIMUM STANDARDS FOR PROPERTY SURVEYS. THAT SUCH SURVEY IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JORDAN G. BROST, PLS. NO-3009

- LEGEND**
- ⊙ 3/4" X 18" IRON REBAR SET WEIGHING 150 LBS/LIN. FT.
 - 1-1/4" O.D. IRON PIPE FOUND
 - ⊠ DRILL HOLE IN CONC. FOUND
 - ⊗ CONCRETE MONUMENT FOUND
 - ⊕ HARRISON MONUMENT FOUND
 - ▲ MAG NAIL FOUND
 - () RECORDED AS
 - ⊗ WOOD LATH SET ON LOT LINE
 - ▨ ASPHALT AREA
 - ▤ CONCRETE AREA



Land Surveying
Civil Engineering
Landscape Architecture
Jordan G. Brost, PLS #3009
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (FH) 715.244.9522 (FX)

FIELDWORK COMPLETED 03-13-23
DRAWN: JGB CHECKED: JGB
FIELD BOOK 44 PAGE 12
JOB NO: 23.735

CLIENT:
SHI SERVICES LLC
C/O ANGELA ROBERTS
PO BOX 674
STEVENS POINT WI 54481

OWNER:
SHI SERVICES LLC
C/O ANGELA ROBERTS
PO BOX 674
STEVENS POINT WI 54481

Tax key number: 34-01997

Property address: 1111 High St

Owner: SHF Services LLC
 PO Box 674
 Stevens Point, WI 54481

Zoning: R-2, Mixed Residential
 Traffic / water / sanitary: Light / City water / Sewer
 Legal description:

Summary of Assessment	
Land	\$5,900
Improvements	\$0
Total value	\$5,900

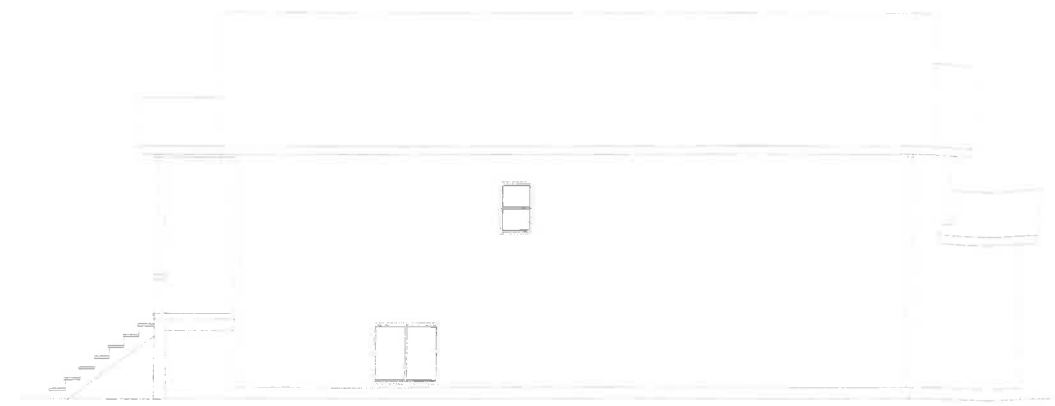
Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1	Residential	52	140	7,405	0.170	None	Residential		\$5,900

Building Permits				
Issued	Permit #	Purpose	\$ Amount	Completed
12/27/2019	19-1076	Raze Home	\$11,350	12/31/2019
2/22/2011	11-0076	Replace Siding, To Vinyl	\$5,000	5/3/2012
11/6/2007	80065	Roof	\$3,000	11/6/2009

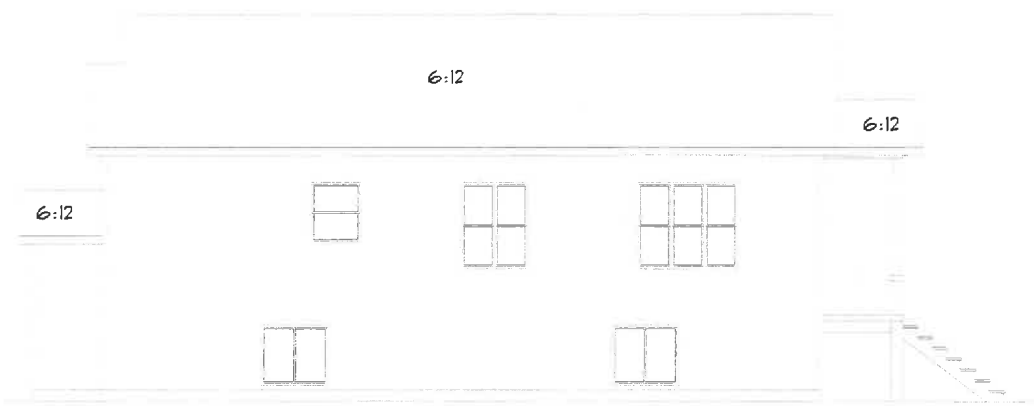
Sales History		
Date	Price	Type



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



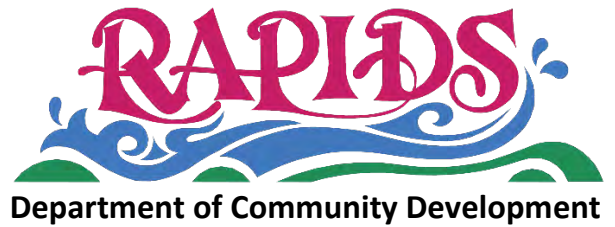
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

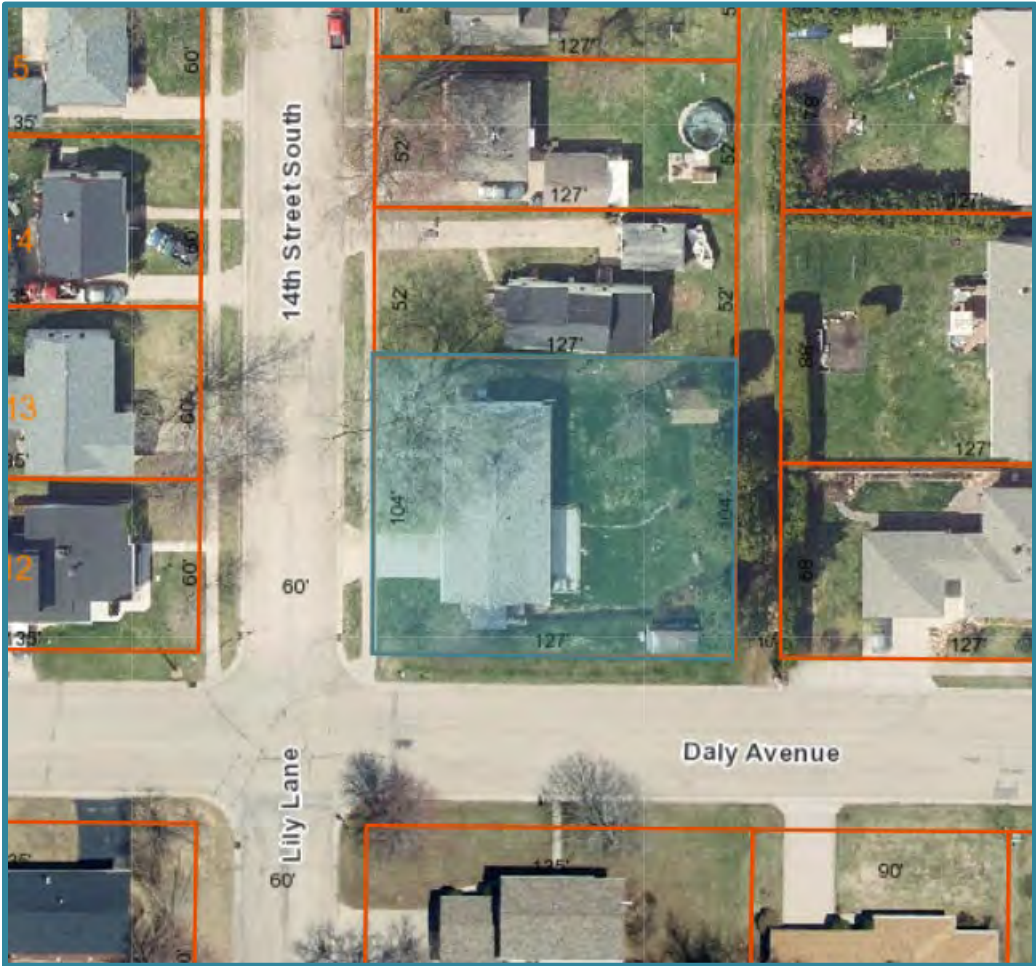


Administrative Staff Report

Variance – Fence Setback
 1241 14th Street South
 April 12, 2023

<p>Applicant(s):</p> <ul style="list-style-type: none"> • Heather Yeager <p>Staff:</p> <ul style="list-style-type: none"> • Kyle Kearns, Director • Carrie Edmondson, Associate Planner <p>Parcel Number(s):</p> <ul style="list-style-type: none"> • 3406969 <p>Lot Information:</p> <ul style="list-style-type: none"> • Effective Frontage: 104 feet • Effective Depth: 127 feet • Square Footage: 13,068 • Acreage: 0.300 Acres <p>Zone(s):</p> <ul style="list-style-type: none"> • "R-2" Mixed Residential District <p>Council District:</p> <ul style="list-style-type: none"> • District 6 - Polach <p>Master Plan:</p> <ul style="list-style-type: none"> • Residential <p>Current Use:</p> <ul style="list-style-type: none"> • Residential Single-Family Home <p>Applicable Regulations:</p> <ul style="list-style-type: none"> • Chapter 11 - Zoning 	<p>Request</p> <p>23-000163 Heather Yeager; public hearing and action on a request for a variance from the corner side yard setback to construct a fence at 1241 14th Street South (Parcel ID 3406969).</p> <p>Attachment(s)</p> <ol style="list-style-type: none"> 1. Application(s) 2. Site Plan 3. Photo 4. Property Data <p>Findings of Fact</p> <ol style="list-style-type: none"> 1. The applicant is requesting a variance from the corner side yard setback standard for a fence. 2. The property is zoned "R-2" Mixed Residential District 3. The Zoning Board of Appeals shall base its decision upon the standard for a variance described in s. 62.23(7)(e)(7), Wis. Stats., and applicable judicial interpretations of such statute. <p>Staff Recommendation</p> <p>Deny the request from Heather Yeager for a variance to construct a fence within the corner side yard setback at 1241 14th Street South (Parcel ID 3406969), due to the following:</p> <ol style="list-style-type: none"> 1. Unique property characteristics do not exist. 2. An unnecessary hardship doesn't seem to exist, and any claimed appears to be self-created. 3. Construction within the required setbacks has safety and privacy implications for citizens.
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Vicinity Map



Site Photos



Background

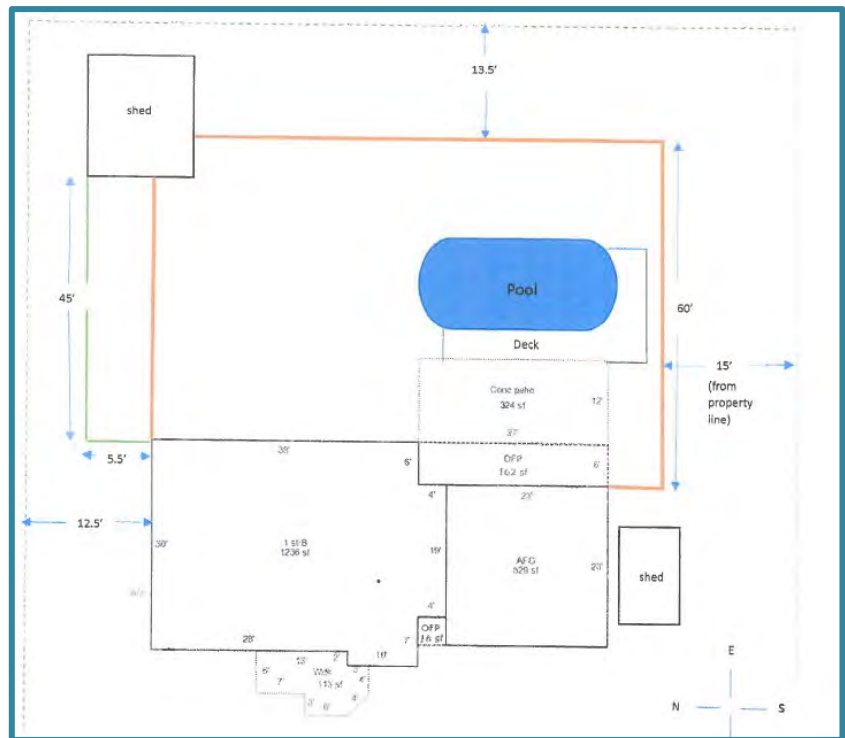
The applicant, Heather Yeager, is requesting a variance from the corner side yard setback requirement. A variance application was submitted (attached) requesting a fence to encroach within the required corner side yard setback. The applicant is replacing a fence that was constructed previously in the same location. However, all new fences constructed in the City must comply with fence requirements as outlined in Chapter 11 – Zoning.

Chapter 11 – Zoning requires that residential fences on corner lots maintain the following setbacks:

11.15.07 Fences in residential zoning districts

(a) Front yard In residentially zoned areas on interior lots with one frontage, fences, not exceeding 4 feet in height, shall be allowed within a residentially required front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line. If the fence is setback at or beyond the minimum required setback, fences may exceed the 4-foot height requirement, but shall not be higher than 6 feet.

(c) Corner lots. In residentially zoned areas, the maximum height of a solid fence or wall within a required front or corner side yard setback shall not exceed 4 feet, except that a fence or wall of up to 6 feet may be located within a corner side yard setback behind the rear plane of the principal building. If the fence is setback at or beyond the minimum required setback, fences may exceed the 4-foot height requirement, but shall not be higher than 6 feet.



The proposed fence would be in violation of (a) Front yard and (c) Corner lots, as the six foot high fence is proposed within the required corner side yard setback. If the applicant desires a fence 6 feet in height, it is required to be constructed behind the building line of the home (which is closer than the required front yard setback).

Per Chapter 11 – Zoning setback are established for the following purpose:

(a) Purpose. Setback standards, in conjunction with other dimensional standards, are established to define a pattern of development in each of the zoning districts. The established setback standards provide for a varying degree of (1) privacy between neighbors; (2) separation to mitigate noise and odor; (3) space for light and air circulation; (4) land for landscaping, recreational use, pleasure, and stormwater management; (5) land for maintaining the exterior of buildings and other structures; (6) room for the placement and maintenance of

underground and above-ground utilities; and (7) room for emergency vehicles between and around buildings and other structures.

Standards of review are analyzed below:

Standards of Review

- 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?

Analysis: The property is existing and meets current Mixed Residential (R-2) district standards. The existing single-family residence with attached garage is a classic style and the lot configuration is typical.

Findings: The lot size is representative of the surrounding neighborhood and the size of the residence and attached garage are consistent with surrounding structures. The existing residence does not meet the minimum front yard setback of 25 feet along Daly Avenue. However, that is commonly seen in developed areas of the City. There is adequate space to construct either a fence four feet in height two feet from the property line along Daly Avenue, or a fence six feet in height past the building line of the home along Daly Avenue. Given the above findings, staff has not determined that any unique property characteristics exist.

- 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.

Analysis: The applicant has the ability to construct a typical residential fence upon the property in the front, side, or rear yard. They have stated that they prefer this particular location to meet needs associated with their swimming pool and deck. However, these limitations are self-imposed due to constraints created as a result of their previous construction upon the lot. There are no limitations preventing the owner from using this property for a permitted purpose, i.e. a single family dwelling with a fence. The fence that existed previously is nonconforming and the newly proposed fence does not meet current requirements outlined in Chapter 11 – Zoning.

Findings: Any hardship claimed by the applicant seems to be out of desire to place the fence in a preferred location. It is also important to note that establishment of setbacks to allow safety to vehicles and pedestrians, privacy both for the property owner and for those within the public right-of-way, and to provide environmental protection.

Staff has determined that while the requested variance, allowing for a fence within the required setback, is suitable for the desires of the applicant, it does not constitute an unnecessary hardship which is not self-created. Again, many options for fencing exist that would meet setback requirements. A precedent could also be set for similar requests in the future, if a hardship is acknowledged in this case based on the facts and standards of review.

- 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.

Analysis: The subject property is located within a primarily single-family residential neighborhood. The surrounding properties are similar and are subject to the same setback requirements for fences. The purpose of setbacks is to protect the safety and privacy of citizens using the right-of-way and to maintain environmental protection, as well as neighborhood characteristics and aesthetics. A public hearing notice letter was provided as well to surrounding property owners within 300 feet of the property.

Findings: Allowing for the variance could impede the safety and privacy of citizens. Additionally, it may set precedent for other similarly configured lots to make like requests. At the date of this staff report the Community Development Department has not received any comments from the public regarding the request. With regards to public health, safety and welfare, additional information may be received prior to the meeting or during the public hearing which may relate to the interest of the neighbors and general public.

Based upon the findings for this request, staff recommends denial of 23-000163 due to the following:

- 1. Unique property characteristics do not exist.**
- 2. An unnecessary hardship doesn't seem to exist, and any claimed appears to be self-created.**
- 3. Construction within the required setbacks has safety and privacy implications for citizens.**



Variance Application
City of Wisconsin Rapids, Wisconsin
Version: January 3, 2019

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

Overview: A variance is a relaxation of requirements found within the City's zoning code. Variances are considered by the Board of Zoning Appeals on a case-by-case basis and decisions of the Board are based on the evidence and testimony received as part of the application, during a site visit, and through the public hearing process.

If you submit an application, do not contact any member on the Board of Zoning Appeals before the scheduled meeting.

Governing regulations: The procedures and standards governing the review of this application are found in Article 5 of the City's zoning code (Chapter 11 of the municipal code).

General instructions: Complete this application and submit one copy to the Community Development Department. Alternatively, you can submit your application online at https://wisconsinrapids.zoninghub.com/

Application fee: \$250.00

Application submittal deadline: Applications must be submitted at least 3 weeks prior to the Zoning Board of Appeals meeting, which are typically held the second Tuesday of the month at 1:00 pm.

Mandatory meeting with staff: To ensure that all the required information is provided and that there is a complete understanding of the process, the applicant must meet with City staff to discuss the request and necessary items.

1. Applicant information

Applicant name Heather Yeager
Street address 1241 14th St S
City, state, zip code Wisconsin Rapids WI 54494
Daytime telephone number 715-316-2751
Email hryeager71@gmail.com

2. Agent contact information. Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Table with 2 columns: Agent 1, Agent 2. Rows include Name, Company, Street address, City, state, zip code, Daytime telephone number, Email.

3. Type of application (select one)

- Dimensional variance - Provides an increment of relief from a bulk regulation such as building height or setback.
Use variance - Permits a use of land that is otherwise prohibited.

4. Subject property information

Physical address 1241 14th St S Wisconsin Rapids WI 54494
Parcel number(s) 3406969

Office Use Only
Date Received 03-27-23
Received By Kyle Krams
Fee 250.00
Case # 23-000163
Aldermanic District -
ZBA Date TBO

Note: The parcel number can be found on the tax bill for the property or it may be obtained from the Community Development Department.

Is the subject property currently in violation of the City's zoning ordinance as determined by the City's zoning administrator?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 11.04.10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, special charges, or other required payments that are specifically related to the subject property?

- No
- Yes

If yes, please explain.

Comment: Pursuant to Section 11.04.11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, special assessments, special charges, or other required payments are delinquent and unpaid.

5. Zoning information (refer to the City's current zoning map)

The subject property is located in the following base zoning district(s). (check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> RR Rural Residential | <input type="checkbox"/> R-8 Manufactured Home Park | <input type="checkbox"/> M-1 General Industrial |
| <input checked="" type="checkbox"/> R-1 Single-family Residential | <input type="checkbox"/> B-1 Downtown Commercial | <input type="checkbox"/> M-2 Heavy Industrial |
| <input type="checkbox"/> R-2 Mixed Residential | <input type="checkbox"/> B-2 General Commercial | <input type="checkbox"/> I-1 Institutional |
| <input type="checkbox"/> R-3 Multi-family Medium Density Residential | <input type="checkbox"/> B-3 Neighborhood Commercial | <input type="checkbox"/> P-1 Park and Recreation |
| <input type="checkbox"/> R-4 Multi-family High Density Residential | <input type="checkbox"/> B-5 Mixed Use Commercial | <input type="checkbox"/> C-1 Conservancy |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Planned Development (PDD) | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Floodplain |
| <input type="checkbox"/> Downtown Design | <input type="checkbox"/> Shoreland-Wetland | <input type="checkbox"/> Wellhead Protection |

6. Current use. Describe the current use of the subject property.

Primary residence

7. Previous variance applications for the subject property. Describe any variances applications that have been submitted for the property; include the year, a general description, and whether the application was approved or not.

None

Note: If a variance application has been denied, an application for the same variance may not be submitted for a period of 12 months following the date of decision, except if the zoning administrator determines that factors have changed or there is new evidence in support of the variance request. (See Section 11.05.381 of the zoning code.)

8. **Variance request.** Provide the requested information for each variance that may be required. If you need any assistance determining what variances may be required you should seek counsel from an attorney, surveyor, consultant, or other professional who is familiar with the City's zoning code.

	Section number of zoning code	Describe the requirement from that Section	Proposal
1.	11.15.07(c)	Fence height - corner side yard	allow 6ft privacy fence to replace existing 5ft chainlink fence
2.			
3.			
4.			

9. **Proposed project.** Describe what you would like to do (e.g., build a house, garage, fence) that cannot be done because of the section of the zoning code listed above.

Replace existing 5ft Chain link fence on South side of property with 6ft privacy fence in same location as current fence. Current chain link fence does not come directly parallel off structure and therefore a 6ft privacy fence in the same location does not meet current code.

10. **Project alternatives.** Please describe the alternatives, if any, that were considered in designing the project so the variance request would not be necessary in the first place and/or the request is minimized and how they were incorporated or why they were deemed to be unacceptable.

	Description	Was the alternative used? If not, why was it rejected?
1.	Option - 4ft privacy fence (meets code)	No, 4ft fence does not provide ample security (pool located in yard)
2.	Using slats on existing chainlink fence	provides minimal coverage, fence still scalable
3.		
4.		

11. **Unnecessary hardship.** Describe how the section(s) of the zoning code listed above create(s) a practical difficulty or is unreasonably burdensome in terms of severely limiting or prohibiting the reasonable use of the subject property as generally allowed under the City's zoning code. Attach additional pages as necessary.

Pool and deck currently exist directly behind parallel plane of primary structure, (within confines of current fence), and cannot be moved. Pool and deck were built (both permitted) without knowledge of requirement that fence could not exceed 4ft unless directly within parallel plane of primary structure. Several corner properties in same neighborhood have 6ft privacy fences in corner side lots that are built up to the property line along same street (Daly Av) and not within parallel plane of primary structure, which led to presumption that current fence could be modified to 6ft, as it is currently 15ft in from the property line. Was not made aware otherwise until conversation during inspection on above projects. Insurance co. would prefer 6ft privacy fence due to pool, as chainlink is opaque and scalable.

12. Unique property limitations. Describe how the hardship is due to unique or special conditions or limitations affecting the subject property and/or structure that are not typical or generally shared by other properties in the City. Attach additional pages as necessary.

At some point, codes for fence were modified to not allow privacy fence greater than 4ft in height to be installed to the property line for corner side lots (rear yard) which limits the area that can be fenced to either 25ft from the property line or directly behind the parallel plane of the primary structure. This severely limits the fenceable area, beyond that which could be considered within the vision triangle (in my case) and also does not allow my property to be secured by a fence or my current fence to be upgraded without shortening the height, despite the fact that the current fence does not impede the vision triangle or otherwise create an adverse impact. Several properties along the same street (1241 12th St S, 1241 13th St S, and 1240 14th St S) all currently have 5-6ft privacy fence installed to the property line and not off the parallel plane of the primary structure. My proposed variance only asks that the existing 5ft chainlink fence, 15ft in from the property line, be replaced with 6ft privacy fence.

13. Public interest. Describe why the variance, if granted, would not be contrary to the public interest by creating or having the potential for creating an adverse impact on the public, health, safety, or welfare of adjoining and surrounding residents, properties or the community. Attach additional pages as necessary.

As noted above, several properties within the neighborhood along the same street have 5-6ft privacy fence installed to the property line and not within the parallel plane of the structure. None currently have an adverse impact on surrounding residents or properties. My proposed fence would be an additional 15ft inward & would not affect any right of way or vision triangle. Also, my proposed composite privacy fence would be a visual improvement to neighbors facing the rear property over the existing chainlink fence, and would further secure the pool on my property from neighborhood children and pets, improving safety. It would be a significant overall improvement to the property's appearance which also benefits the neighborhood.

14. Supplemental materials. Attach the following to this application form.

- 1. A project map with the information listed in Appendix F of the zoning code.
- 2. Proposed construction plans (if applicable)

15. Attachments. List any attachments included with your application.

Site Plan
Pictures of property to show existing fence and location

16. Other information. You may provide any other information you feel is relevant to the review of your application.

The current code is too restrictive for corner lots. E.g., current code in Stevens Point requires the setback for a 6ft privacy fence on a rear corner lot as 2' from the property line, min. of 10' from the street. In Marshfield, it is 3ft from the property line. This is more reasonable & allows more yard use while not impeding right of way or vision triangles. Corner lot owners in WR are severely limited by the existing code compared to interior properties.

17. Applicant certification

- I understand that I, or any of my agents, may not discuss this application with any member of the Board of Zoning Appeals until after the Board renders a final written decision.
- I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes City officials and employees, and other designated agents, including those retained by the City, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.

Variance Application
City of Wisconsin Rapids, Wisconsin
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- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Heather Yeager

Name – print



Name – Signature

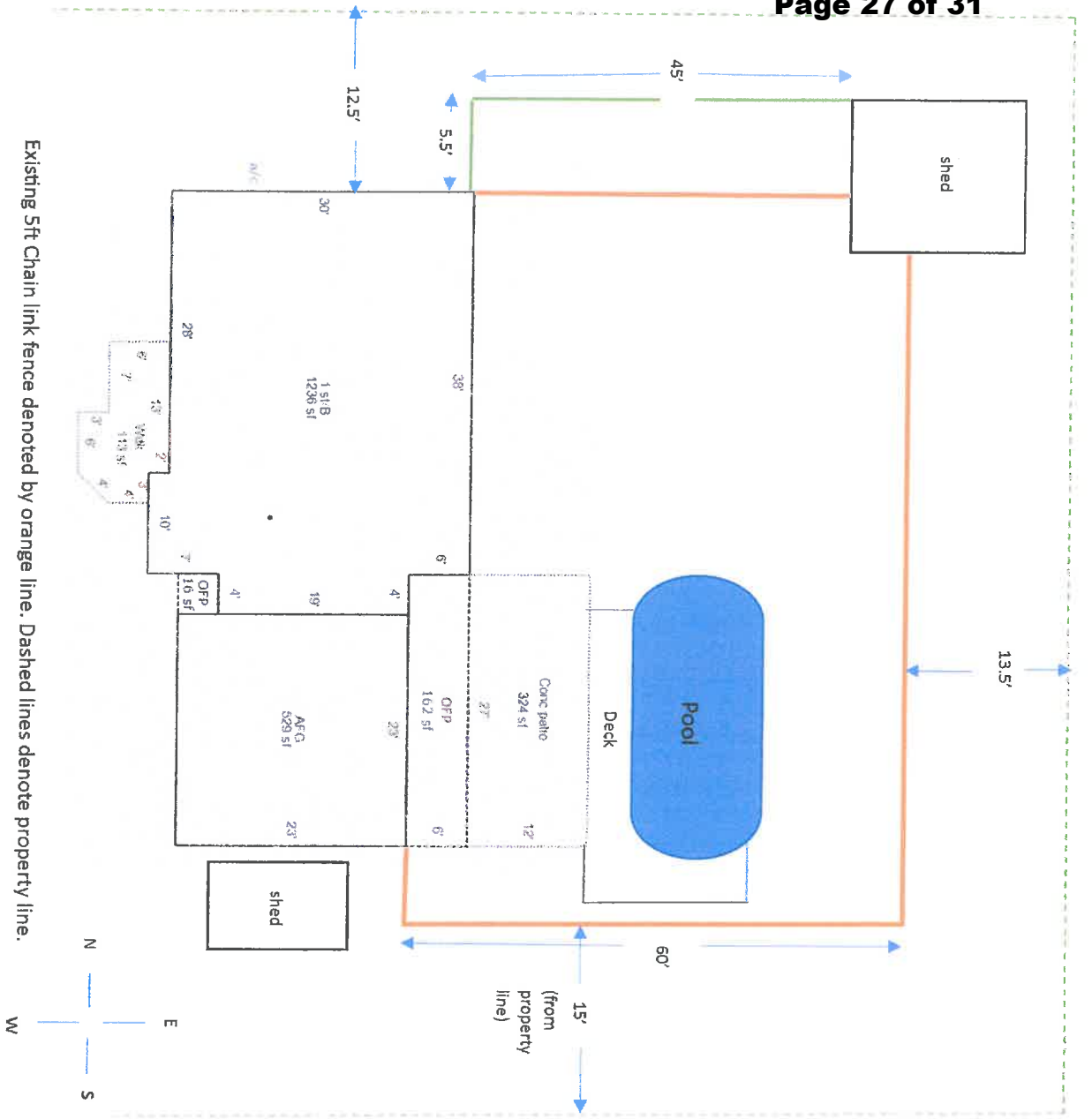
03/27/2023

Date

Name – print

Name – Signature

Date



Existing 5ft Chain link fence denoted by orange line. Dashed lines denote property line.
 Application for variance pertains to replacement of south side section with 6ft composite privacy fence in same location as existing chainlink fence.
 East section would also remain in same location. Proposed North side section (denoted in green) should not require variance.



Tax key number: 34-06969

Property address: 1241 14th St S

Owner: Heather R. Yaeger
1241 14th St S
Wisconsin Rapids, WI 54494

Zoning: R-2, Mixed Residential
Traffic / water / sanitary: Light / City water / Sewer
Legal description:

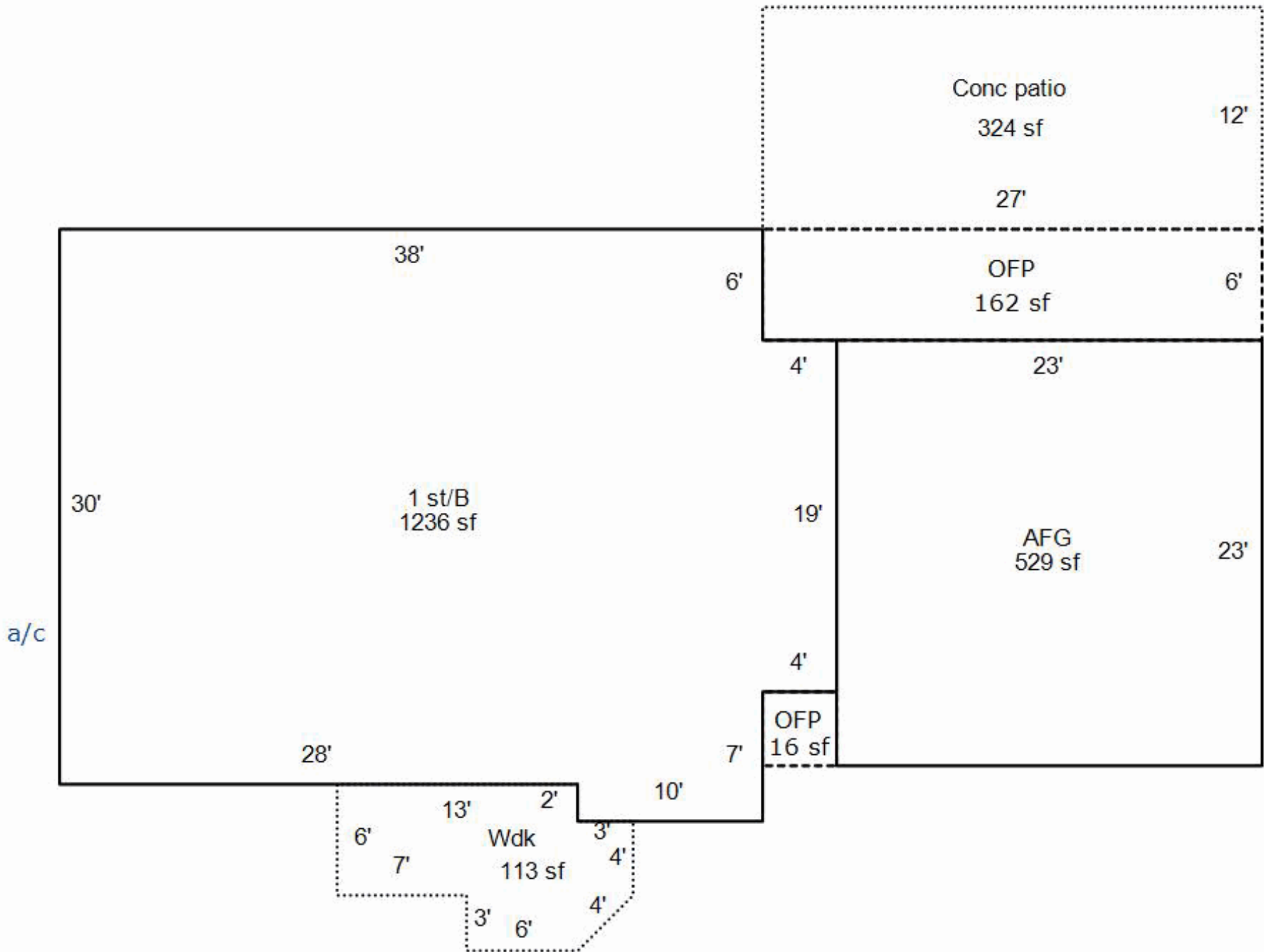
Summary of Assessment	
Land	\$14,600
Improvements	\$83,600
Total value	\$98,200

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1	Residential	104	127	13,068	0.300	None	Residential		\$14,600

Residential Building			
Year built:	1959	Full basement:	1,236 SF
Year remodeled:		Crawl space:	
Stories:	1 story	Rec room (rating):	618 SF
Style:	Ranch	Fin bsmt living area:	
Use:	Single family	First floor:	1,236 SF
Exterior wall:	Alum/vinyl	Second floor:	
Masonry adjust:	206 SF	Third floor:	
Roof type:	Asphalt shingles	Finished attic:	
Heating:	Gas, forced air	Unfinished attic:	
Cooling:	A/C, same ducts	Unfinished area:	
Bedrooms:	3	Open porch	162 SF
Family rooms:		Open porch	16 SF
Baths:	1 full, 0 half	Garage	529 SF
Other rooms:	2	Patio	324 SF
Whirl / hot tubs:		Deck	112 SF
Add'l plumb fixt:	2	Bsmt - Half Bath	1 units
Masonry FPs:	1 stacks, 1 openings		
Metal FPs:			
Gas only FPs:			
Bsmt garage:			
Shed dormers:		Energy adjustment:	No
Gable/hip dorm:		Percent complete:	100%



Total living area is 1,236 SF; building assessed value is \$83,300



# of identical OBIs: 1		Other Building Improvement (OBI)		
Main Structure		Modifications (Type, Size)		Photograph
OBI type: Utility shed, residential	Width: 10 LF	Grade: D		not available
Const type: Frame	Depth: 14 LF	Condition: Average		
Year built: 1983	Flr area: 140 SF	% complete: 100%		
	Assessed \$: \$300			

Building Permits				
Issued	Permit #	Purpose	\$ Amount	Completed
6/21/2021	21-0547	Install pool	\$15,000	7/9/2021
5/31/2011	11-0325	Deck 5 x 14	\$1,400	5/5/2012
11/17/2010	10-0908	200 AMP ELEC	\$2,566	12/31/2010
5/21/2009	82184	PATIO 12 X 27	\$1,100	5/21/2011
11/25/2008	81382	ROOF	\$8,013	11/25/2010

Sales History		
Date	Price	Type
11/30/2001	\$79,000	Valid improved sale