

**REPORT OF THE BOARD OF ZONING APPEALS OF THE CITY OF WISCONSIN RAPIDS
JUNE 12, 2018**

The Wisconsin Rapids Board of Zoning Appeals met at 1:00 PM on Tuesday, June 12, 2018 in the 2nd Floor Conference Room at City Hall.

Members Present:

Mike Hittner, Chairperson
John Knolinski
Lee Gossick
Rick Pompa
Dennis Polach (1st Alternate)
Jim Gignac (2nd Alternate)

Others Present:

Brett Itterman – Ole Rentals
Terry Goodwin
Dick Goodwin
Adam Tegen

Members Absent:

Jerry Feith

With a quorum present, Mike Hittner called the meeting to order at 1:00 p.m.

1. Approval of the report from the March 27, 2018 Board of Zoning Appeals meeting.

There was a discussion on the proper wording for condition #4 for VARI-18-0134. It was determined the language was correct.

Motion by Polach, second by Knolinski, to approve the March 27, 2018 report.

Motion carried (5-0).

2. **VARI-18-0278; TJS Rentals LLC.** The applicant is requesting a variance to allow for the reconstruction of an existing access point and parking area including setback and location requirements. The subject property is zoned B-2, General Commercial District and is located at 610 East Grand Avenue (Parcel 34-07890).

Brett Itterman, the applicant, provided an overview of the request. Due to the existing layout of the property, the two curb cuts that currently exist on East Grand Avenue are required to operate a drive thru facility and have proper traffic flow. The parking along 6th Street South is important to maintain the minimum number required to stay in compliance with the franchise requirements. They are willing to install barriers along the edge of the parking to prevent encroachment over the sidewalk.

Terry Goodwin, Timeless Quality Imaging, noted she is a neighbor to the subject property and would not want to see parking removed in the area.

John Knolinski asked for an overview of the East Grand Avenue reconstruction project.

Adam Tegen noted that a complete reconstruction of East Grand Avenue will take place in 2019. As part of that process, the design is seeking to eliminate non-conforming situations and encroachments into the right-of-way. Taco John's western entrance does not meet the 50 foot separation from an intersection and is being recommended for removal. The parking along 6th

Street currently encroaches into the right-of-way as well as the required 5 foot parking setback. If the variances are not approved, the site will need to be redesigned to comply with the applicable regulations. To review specific design elements, copies of the proposed reconstruction are available in the City Engineering Department.

Dennis Polach asked what the traffic counts are on this portion of East Grand Avenue.

Adam Tegen stated he does not have those numbers at the meeting but they could be located.

Jim Gignac asked if there is a record of particular safety concerns created by the current layout.

Adam Tegen noted that the site design is not flagged for particular safety concerns but that does not necessarily mean there are no safety issues at the site. The layout is likely to create conflicts between pedestrians and vehicles.

Brett Itterman stated that the curb cut in question is an entrance only. Traditionally that results in fewer pedestrian conflicts than an exit point. He also noted that the planting areas along East Grand Avenue will be redone or adjusted as part of the project.

John Knolinski added that the closure of East Junior High is likely to impact this location from a traffic and pedestrian standpoint. Most likely it will result in a decrease of both in the general area.

Adam Tegen stated that staff recommends denial of the requested variances due to an inability to see how there is a particular physical limitation on the site. But if it is approved it should be subject to the three conditions listed in the staff advisory report.

Motion by Knolinski, second by Pompa to approve VARI-18-0278 subject to the following conditions:

- 1. The variance shall apply to the replacement of the western entrance on East Grand Avenue and the existing parking located on the west side of the property along 6th Street South.**
- 2. No parking shall take place within the public right-of-way unless approved under a separate Revocable Occupancy Permit. Barriers shall be installed along 6th Street South to prevent further encroachment of vehicles into the right-of-way and to prevent conflicts with pedestrians on the adjacent sidewalk. No parking shall occur within the vision triangle.**
- 3. Compliance with all other applicable codes and ordinances.**

Motion carried (5-0).

3. Adjourn

Motion by Knolinski, second by Pompa to adjourn.

Motion carried (5-0).

Meeting adjourned at 1:22 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 13, 2018