

**REPORT OF THE ZONING BOARD OF APPEALS OF THE CITY OF WISCONSIN RAPIDS  
NOVEMBER 13, 2018**

The Wisconsin Rapids Zoning Board of Appeals met at 1:00 PM on Tuesday, November 13, 2018 in the 2nd Floor Conference Room at City Hall.

**Members Present:**

Mike Hittner, Chairperson  
Jerry Feith  
Lee Gossick  
Jim Gignac (2<sup>nd</sup> Alternate)

**Members Absent:**

Rick Pompa  
Dennis Polach (1<sup>st</sup> Alternate)

**Others Present:**

Richard Larson  
Tassanee Larson  
Kathy Carolfi  
Roger Nelson  
Ramona Lubeck  
Aldersperson Scott Kellogg  
Aldersperson Tom Rayome  
Adam Tegen  
Ray Starks

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

1. Approval of the report from the October 9, 2018 Zoning Board of Appeals meeting.

**Motion by Gignac, second by Feith, to approve the October 9, 2018 report.**

**Motion carried (4-0).**

2. **APPEAL-18-0996; Richard Larson.** The applicant is appealing the code interpretation of Section 25.29 Public Nuisances Prohibited and the related order of the Code Enforcement Officer. The property is located at 421 Lyon Street (Parcel 34-03114).

Ray Starks, Ordinance Control Officer, provided a history of the issue before the Board. The City has received complaints regarding the feeding of feral cats on the property and the potential secondary effect of attracting nuisance wild animals. Mr. Starks has met with the property owner and inspected the property. Feral cats are being fed, but the property is clean and well kept. There is not an ordinance which prevents the feeding of feral cats but after discussions with others at the City, the decision was made to issuance a public nuisance abatement order.

Richard Larson, 421 Lyon Street, stated that there is no ordinance against the feeding of feral cats. They do feed feral cats but they keep the property clean and well maintained and do not attract other nuisance wild animals. Mr. Larson feels they are being targeted for doing something that others in the City do without any repercussions. This does not constitute a public nuisance.

Aldersperson Scott Kellogg noted that he has received multiple complaints on the issue and felt that enforcement of Section 25.26 is appropriate.

Ron Nelson, 460 Lyon Street, stated that before the feeding of the feral cats began there was not an issue with other animals in the neighborhood. Mr. Nelson has started trapping the animals to reduce the numbers and feels that the neighborhood's ability to enjoy the outdoors is being compromised by the feeding that is taking place.

Tassanee Larson, 421 Lyon Street, noted that other animals were in the area prior to the feeding of cats. The feeding is done in a clean and orderly manner and does not offer the opportunity for other animals to partake.

The Board held a discussion with the neighbors, applicants, and alderpersons regarding what is currently taking place at the property and whether or not it constitutes a public nuisance.

James Gignac felt that the activities of the applicant meet the definition of a nuisance even though there is a not an ordinance that specifically prohibits the feeding of cats. As a result, he does not support the appeal.

Lee Gossick felt that neighbors need to take care of their property and work with each other.

Jerry Feith does not see a direct relationship between the feeding of the feral cats and the potential for attracting other nuisance animals. Feels this is outside the purview of an ordinance and is more of a neighborhood issue.

**Motion by Feith, second by Gossick, to take no action on APPEAL-18-0996 due to the matter being outside of their purview and to allow the typical enforcement process to move forward.**

**Motion carried (4-0).**

3. Adjourn.

**Motion by Feith, second by Gossick, to adjourn.**

**Motion carried (4-0).**

Meeting adjourned at 1:47 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 November 19, 2018