



**Community Development  
Department**  
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## **REPORT OF THE ZONING BOARD OF APPEALS**

February 23, 2022

The Zoning Board of Appeals met at 1:00 p.m. on February 23, 2022 in the Council Chambers at City Hall. There was no one present via Zoom. Attending Board members were: Chairperson Dave Laspa, Mike Hittner, Dennis Polach, Jerry Feith, and Peggy Montag (1<sup>st</sup> alternate). Absent was Lee Gossick. Others in attendance included Community Development Director Kyle Kearns, Associate Planner Carrie Edmondson, Chad Wirl, Tom Rayome, City Attorney Sue Schill and Shane Blaser.

The meeting was called to order at 1:05 p.m.

1. Approval of the report from the December 15, 2021 Zoning Board of Appeals meeting.

Motion by Hittner to approve the reports from the December 15, 2021 Zoning Board of Appeals meeting; second by Polach.

Motion carried (5 – 0)

2. **VARI-22-0031; Chad Wirl** – Public hearing and action on a request for a variance to reduce the front, rear, and side yard setbacks to construct an accessory structure at 850 Rosecrans Street (Parcel ID 3401550).

Associate Planner Carrie Edmondson provided background on the property located at 850 Rosecrans Street and summarized the findings in the Staff report. Denial of the variance was recommended due to standards of review not being met.

Chairperson Laspa asked about lot lines, specifically about construction easements and stormwater runoff, to which the applicant (Chad Wirl) responded by indicating permission does not exist from the neighboring railroad. He then clarified that the proposed building may be set back greater than 1 foot but wants leeway in the setback. Mr. Wirl also provided details on the cul-de-sac right-of-way and stormwater features. Member Montag further inquired about lot lines and Mr. Wirl stated that he was told that no one really knew the legal lot line to the east and talked about other historic issues regarding the property.

Mr. Hittner compared the desire for the intensity for residential properties versus commercial, stating that a dichotomy existed between the two types of properties and the differing densities, to which Associate Planner Edmondson responded about recent trends in housing and development.

Mr. Wirl continued to discuss the history, characteristics, future development, and his reasons for wanting to expand his business at its current location. He included a summary of the recent improvements to the concrete driveway on the property and in the right-of-way, as well as the proposed City improvements to the right-of-way slated in Spring of 2022. Mr. Wirl continued, noting that none of the previous requests to the Zoning Board of Appeals met the standards, and his request is cut and dry. The applicant presented six letters to the Board from neighbors in the area, who were all in favor of the proposed project. Mr. Kearns asked Mr. Wirl to submit the letters to Staff to become part of the record.

Chairperson Laspa asked Mr. Wirl if he had obtained permission from the neighbor to the north to be on their property, to which the applicant said yes.

Public hearing opened at 1:33 p.m.

Speaking in favor: Shane Blaser – 2830 12<sup>th</sup> St. S

Speaking against: none

Public hearing closed at 1:35 p.m.

Mr. Feith stated that the impact to the neighbors is low and acknowledged the fact that he is in favor of the expansion. Feith also indicated that the Zoning Board of Appeals panel and other panels in the City give great weight to the desires of people wanting to make investments in the City and there is no reason not to grant the variance, although the setbacks are a technicality.

Motion by Hittner to grant **VARI-22-0031**, a request for a variance to reduce the front, rear, and side yard setbacks to 1 foot in order to construct an accessory structure at 850 Rosecrans Street (Parcel ID 3401550); second by Feith.

Director Kearns asked the Board to indicate their reasoning for the motion being made as it relates to the standards of review.

Member Hittner stated that the variance should be granted due to the circumstances of the lot, the neighbors most affected by the project are not opposed, and the ability for the project to affect the neighboring properties is limited. Mr. Polach agreed with Mr. Hittner and felt that the proposal was nothing but a plus to the City. Member Feith said that there is already equipment which is allowed to be parked on the Expressway side and the addition would improve the appearance of the area.

Motion carried (4 – 1; Board member Laspa voting against)

### 3. Adjourn

Motion by Hittner to Adjourn; second by Feith.

Motion carried (5 – 0)

Meeting adjourned at 1:38 p.m.

Respectfully submitted by Erika Esser, Secretary