



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

March 25, 2024

The Zoning Board of Appeals met at 1:00 p.m. on March 25, 2024, in the Council Chambers at City Hall. It was also streamed live on the City of Wisconsin Rapids Facebook page and broadcast live on Cable Channel 985 and Solarus HD Cable Channel 3. Board members present in the Chambers were: Chairperson Dave Laspa, Mike Hittner, Bruce Kluver, Michael Timm and 1st Alternate Peggy Montag. Jerry Feith was absent. Others in attendance included Community Development Director Kyle Kearns, Associate Planner Lizebeth Edwardsen, Susan Feith and Kevin Fangman. Anita Whetstone joined the meeting via Zoom.

The meeting was called to order at 1:00 p.m.

1. Approval of the report from the January 18, 2024, Zoning Board of Appeals meeting

Motion by Hittner to approve the report from the January 18, 2024 Zoning Board of Appeals meeting; second by Kluver.

Motion carried (5 – 0)

2. **24-000134 – Kevin Fangman;** Public hearing and action on a request for a variance from the accessory structure maximum size and height requirements, as well as setback requirements within the Mixed Residential (R-2) District to construct a detached garage at 710 3rd Street South (Parcel ID 3408477)

Kyle Kearns provided a synopsis of the request. Staff recommended denial based on the analysis and findings in the staff report for the variance standards of review.

Mike Hittner inquired about floodplain and alternative placements of the structure and Michael Timm asked about the slope of the lot, to which Mr. Kearns responded by summarizing other developable locations on the property. He further noted a 50' shoreland setback is required from the ordinary high-water mark.

Public hearing opened at 1:08 p.m.

Kevin Fangman provided information about the characteristics of the lot for the proposed accessory building, including slopes and lot orientation, and why he was requesting the variance, which included dimensions of vehicles. Mr. Fangman also spoke to the character of the neighborhood and viewshed of neighbors relating to accessory structure options.

Commissioner Montag asked the applicant for clarification on the location of the proposed structure and scale of the map. Mr. Fangman responded saying that the structure would fit between a utility box and large tree along Mead Street.

Dave Laspa asked the applicant to expound on his reasonings for the variance and regarding the size of the equipment desired to be housed inside. Mr. Fangman replied by referencing his recreational vehicle lengths and lawn tractor. He commented further on a physical disability resulting in migraine headaches and the need for having access around vehicles within the garage.

Peggy Montag asked what existed previously in the area of the proposed structure, to which Mr. Fangman indicated possibly trees and describe a recent instance with a vehicle colliding into the property from Mead Street. Commissioner Montag then asked if an existing garage existed onsite, to which Mr. Fangman confirmed and described in detail.

Mike Hittner inquired about the conditions on the Fangman property sale that were mentioned in the staff report. He further referenced a comment in the application from an attorney regarding the potential granting of a variance for a larger garage upon the sale of the property, to which Director Kearns commented, citing an email correspondence with the attorney regarding a smaller structure that would not have needed a variance. Mr. Fangman also commented that a larger structure was pursued with the potential for a variance to be obtained.

Speaking in favor of the variance: Kevin Fangman, 710 3rd St S, Wisconsin Rapids

Speaking against: Susan Feith, 700 Belle Isle, Wisconsin Rapids

Ms. Feith addressed the Board with her concerns regarding building aesthetics, City planning and zoning regulations, utilities, and other considerations.

Commissioner Hittner asked Ms. Feith which option she would prefer for accessory structures, to which she responded that no reasons exist to violate City ordinance.

Public hearing closed at 1:43 p.m.

Mr. Hittner asked staff to provide a utility map to identify the sanitary sewer referenced, to which Mr. Kearns said he could do so after the public hearing.

Anita Whetstone inquired about the anticipated timeline for construction if the variance were to be approved to which Mr. Fangman replied by indicating a construction timeline did not exist.

Further discussions took place about utilities on the property between staff, ZBA members, the applicant and Ms. Feith.

Mr. Kearns passed out copies of the email correspondence with Mr. Fangman's attorney (attached).

Mr. Fangman commented that a structure or multiple structures will be built meeting the code, or this one aesthetically pleasing structure which requires variances.

Mr. Hittner asked the applicant about his willingness to compromise on the size of the structure to which Kevin Fangman responded that the southwest corner stall of the structure could have a reduced stall and patio behind to meet the requirement.

Susan Feith commented that the structure will cause aesthetic problems and traffic problems. She suggested moving the structure up the hill.

Motion by Hittner to approve the request for a variance from the accessory structure maximum size and height requirements, as well as setback requirements within the Mixed Residential (R-2) District to construct a detached garage at 710 3rd Street South (Parcel ID 3408477); second by Timm.

Motion failed (2 Ayes – 3 Nays; Laspa, Kluver and Montag)

3. Adjourn

Motion to adjourn the meeting by Montag; second by Timm

Motion carried (5 – 0)

Meeting adjourned at 2:01 p.m.

Respectfully submitted by Erika Esser, Secretary

Attachments:

- A. PowerPoint Presentation
- B. Email from City Staff to Attorney