



## ZONING BOARD OF APPEALS MEETING

May 23, 2022

1:00 PM

### PUBLIC MEETING NOTICE

#### **Zoning Board of Appeals**

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

#### **AGENDA ITEM RECIPIENTS**

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

Notice is hereby given of a meeting of the Wisconsin Rapids Zoning Board of Appeals within the Council Chambers at City Hall, 444 West Grand Avenue, Wisconsin Rapids, and via remote audioconferencing on **May 23, 2022, at 1:00 PM. The public can listen to the meeting by calling 1-312-626-6799, Access code: 889 6568 4411.** The meeting will also be streamed LIVE on the City of Wisconsin Rapids Facebook page. 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](http://www.wr-cm.org). If a member of the public wishes to submit comments to the Board regarding an agenda item, please contact Kyle Kearns via email or phone at [kkearns@wirapids.org](mailto:kkearns@wirapids.org) or 715-421-8225 before the meeting.

### **AGENDA**

1. Approval of the report from the April 14, 2022, Zoning Board of Appeals meeting
2. **VARIANCE 22-000164: Betty Jean Liezen;** public hearing and action on a request for a variance from front and side yard setbacks and the maximum building coverage ratio to construct an enclosed porch at 331 9<sup>th</sup> Street North (Parcel ID 3407138).
3. **VARIANCE 22-000255: Tim Spaulding;** public hearing and action on a request from Tim and Kim Spaulding for a variance to reduce rear shoreland setbacks to construct an accessory structure at 1751 Riverview Drive (Parcel ID 3405416).
4. **VARIANCE 22-000267: Carol Wunrow-Brody;** public hearing and action on a request for a use variance to operate a greenhouse business within the R-2 Mixed Residential zoning district at 2320 Sampson Street (Parcel ID 3411091).
5. **VARIANCE 22-000350: James Gannigan;** public hearing and action on a request from the 35% maximum on-site parking requirement in front of

principal buildings, landscaping standards, and architectural standards within the B-3 Neighborhood Commercial zoning district at 610-620 Airport Avenue (Parcel ID 3413366).

**6. 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: May 6<sup>th</sup> and May 13<sup>th</sup>, 2022

## **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the City of Wisconsin Rapids Zoning Board of Appeals will hold a **Public Hearing on Monday, May 23<sup>rd</sup>, 2022 at 1:00 PM** within the Council Chambers at City Hall, 444 West Grand Avenue, Wisconsin Rapids. Participation at the public hearing can be in-person or via remote audioconferencing. **The public can also participate in the hearing by calling 1-312-626-6799 Access code: 889 6568 4411.** The meeting will also be streamed LIVE on the City of Wisconsin Rapids Facebook page. The following items will be heard and possibly acted on:

1. Public hearing and action on a request from Betty Jean Liezen for a variance from front and side yard setbacks and the maximum building coverage ratio to construct an enclosed porch at 331 9<sup>th</sup> Street North (Parcel ID 3407138).
2. Public hearing and action on a request from Tim Spaulding for a variance from shoreland setbacks to construct an accessory structure at 1751 Riverview Drive (Parcel ID 3405406).
3. Public hearing and action on a request from Carol Wunrow-Brody for a use variance to operate a greenhouse business within the R-2 Mixed Residential zoning district at 2320 Sampson Street (Parcel ID 3411091).
4. Public hearing and action on a request from James Gannigan for a variance from the 35% maximum on-site parking requirement in front of principal buildings, landscaping standards, and architectural standards within the B-3 Neighborhood Commercial zoning district at 610-620 Airport Avenue (Parcel ID 3413366).

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

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

April 14, 2022

The Zoning Board of Appeals met at 2:00 p.m. on April 14, 2022 in the Council Chambers at City Hall and via remote audioconferencing. Attending Board members were: Chairperson Dave Laspa, Jerry Feith, Mike Hittner, Lee Gossick, Dennis Polach, and alternate Peggy Montag. Others in attendance included Community Development Director Kyle Kearns, Associate Planner Carrie Edmondson, Chad Wirl and Betty Jean Liezen.

The meeting was called to order at 2:00 p.m. As all five members were present, alternate member Montag was not a voting member.

**1. Approval of the report from the February 23, 2022, Zoning Board of Appeals meeting**

Motion by Hittner to approve the report from the February 23, 2022 Zoning Board of Appeals meeting; second by Feith.

Motion carried (5 – 0)

**2. VARI-22-000182: Chad Wirl – Public hearing and action on a request for a variance from the side/rear yard setback to construct an accessory structure at 850 Rosecrans Street (Parcel ID 3401550)**

Carrie Edmondson provided an overview of the staff report, recommending denial due to the project not meeting standards of review.

Public hearing opened at 2:03 p.m.

Speaking in favor: none

Speaking against: none

Public hearing closed at 2:04 p.m.

In conversations following the public hearing, member Hittner stated that he was in favor of the variance request. Mr. Laspa asked staff what the first approval meant (from the previous ZBA meeting) to which Carrie Edmondson responded. The applicant, Chad Wirl, then clarified what the added area was for mechanicals and a stairway to the second floor. Mr. Wirl also responded to Mr. Hittner's question about access to the mechanical room. Member Hittner also asked staff if there had been any additional comments by the neighbors, to which Carrie Edmondson said that no further communications were received.

Motion by Feith to approve the request for a variance from the side/rear yard setback to construct an accessory structure at 850 Rosecrans Street (Parcel ID 3401550); second by Hittner

Kyle Kearns asked the Zoning Board of Appeals members for the context of the motion and reasoning to support the motion. Jerry Feith stated that the setbacks from lot lines were less than the original proposal and cited the reasoning from the first proposal, which was 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.

Motion carried (3 – 1 – 0; Board member Laspa voting against and Gossick abstaining)

- 3. VARI-22-000164: Betty Jean Liezen** – Public hearing and action on a request for a variance from front and side yard setbacks and the maximum building coverage ratio to construct an enclosed porch at 331 9<sup>th</sup> Street North (Parcel ID 3407138)

Carrie Edmondson provided a summary of the request, recommending denial due to the reasons outlined in the staff report.

Public hearing opened at 2:14 p.m.

Speaking in favor: Betty Jean Liezen, after which she included her reasonings for the construction of the addition.

Speaking against: none

Public hearing closed at 2:28 p.m.

Kyle Kearns noted that one of Betty Jean's neighbors called the Community Development Office anonymously prior to the meeting expressing their concern about the impact of the project and that they did not support the addition on the property. The neighbor was unable to attend the meeting.

Member Hittner asked about which types of wheelchair ramps are permissible without ZBA approval to which Ms. Liezen and Kyle Kearns responded. Mr. Hittner indicated that he would be in favor of the variance due to the unique property characteristics and the applicant's health issues but wanted to first hear from the other Board members.

Dave Laspa noted that the size of the porch appeared to be much more than what was needed for a ramp. Ms. Liezen stated that is what she needs for an access out of the home. Mr. Hittner commented on the builders' investment in the project, and the applicant responded stating that she went out looking for another home that could be made ADA accessible and could not find anything. Member Laspa asked about ramp grades and wondered how the size of the proposed porch was determined, to which Kyle Kearns responded, stating that no interior layout had been provided to Staff. Ms. Liezen then provided documents, which had not been previously seen by Staff, and these were circulated among the Board members.

Peggy Montag asked the applicant Betty Jean to clarify if the ramp on the provided documents was inside of the porch, to which Ms. Liezen indicated that a ramp would need to be outside of the porch to get down to the ground. Lee Gossick inquired about the timing of the project and Ms. Liezen said the builder told her it would take six to eight weeks. Jerry Feith stated that considering the drawings and how decisions are made on the Board, it was not clear that the proposed plan would work with the enclosure and the required ramp. Ms. Liezen then stated that she would not be installing a ramp with the porch but would instead have an electrical lift installed.

Chairperson Laspa recommended that the request be put on hold until more specific information is known about the construction project. Mike Hittner agreed that more information is needed and suggested that the builder supply additional details about the construction. The remaining members agreed that holding it over was appropriate.

Motion by Hittner to postpone action to obtain more information on the request for a variance from front and side yard setbacks and the maximum building coverage ratio to construct an enclosed porch at 331 9<sup>th</sup> Street North (Parcel ID 3407138); second by Feith.

Motion carried (5 – 0)

**4. Adjourn**

Motion by Hittner to adjourn; second by Feith

Meeting adjourned at 2:52 p.m.

Respectfully submitted by Erika Esser, Secretary

The Reason for the  
Repairs and Enlarging Front Porch

I need to repair the front porch that I have at present time now in front on the house. I feel it would be better to take care of the other problems that are also there with the front of the house, at this point would be better thing to do all this at once.

I am currently trying to fix my home so in the event I lose the ability to use my hip and legs again, I can continue living in my home without a lot of limitations.

In 2003 I was in a bad car accident. The driver of the car fell asleep. I was injured with a broken hip in 3 places on the left side, broken my ankle on the right side leveling my foot dangling, a cracked knee & cracked rib on right side. I was in the hospital 2 ½ month, 3 months in nursing home. When I final was able to come home, I needed a wheel chair to be able to move around in the house for over 8 months. I learned about a lot of problems a person has to deal with when you are in a wheel chair just to survive in a home. From this experience I learned just how many problems a person faces with limited mobility in their home.

In the last 4 years I have been having more problems to deal with my legs & hip in the winter months. When a person would come to my gate, I would go out the back door, go down the 4 steps, across the way, and answer the gate out in the cold. It really became a problem for my legs and hip out in the cold. So, my family took white vinyl lattice, sprayed glue on it and attach screen to the lattice and put this up on the sides. They made a door to use in front. They had to make the door shorter than standard to have room up above, to give support to make the door moveable and be use able. Because to put in a standard door, there is no room at present time for a header and support for a frame for the door. The door I have now placed there makes a problem opening the door and to latch the door. In late fall, for the winter time have I have someone come tact up clear plastic around inside of the area now. Then put moveable frames with Styrofoam insulation in frames, down on lower half of the area of porch. Then plexiglass sheet on top. I move the Styrofoam from in front of door when someone comes to the door in the winter. The post on the north side of the porch is in the middle of the one of the windows of the house, to be able get past the window, the porch needs to have a wall placed up to the edge of the house on the north side past the window in front on the North side.

The base (floor) of the front porch is sinking in the ground and is causing roof problems. I wanted to fix this problem, put in a half wall, with windows & screens on top, a standard door that I would be able open/ close & lock without a lot of problems. I need to have electric job done to have lights put on front of house for safety reason. I would have this problem taken care of at this time. I plan on having a mailbox slot mailbox instill for the mail to come in inside of the porch at this time also. This way I would not have to wait for someone to bring my mail in. I already talked to a mail person to know the height a mail box slot should be place on the outer part of the porch to be used as they stand on the ground and not have to use steps to get to the slot.

I am trying to fix my home ready to be able to live in, take care of my own self, an stay in my own home even if I have to go back to using a wheel chair again. I need to enlarge my front porch so when someone comes to the front door, I am able to go to the door, see what they want, and turn around on the porch in a wheel chair when the comes, and get back in the house safely. I need to have a way for emergency people to come in and take me out of the house if the problem ever come up.

I need to repair the front porch of my house and try to take care of other problems that is fast coming up. Having a larger porch that can help keep me safe would put my mind at ease and allow me to feel secure in living independently. Having my independence is very important to me.

From mans Email  
4/12/22  
MOR in  
detail



Minutes Attachment 2: Handout pertaining to item 3

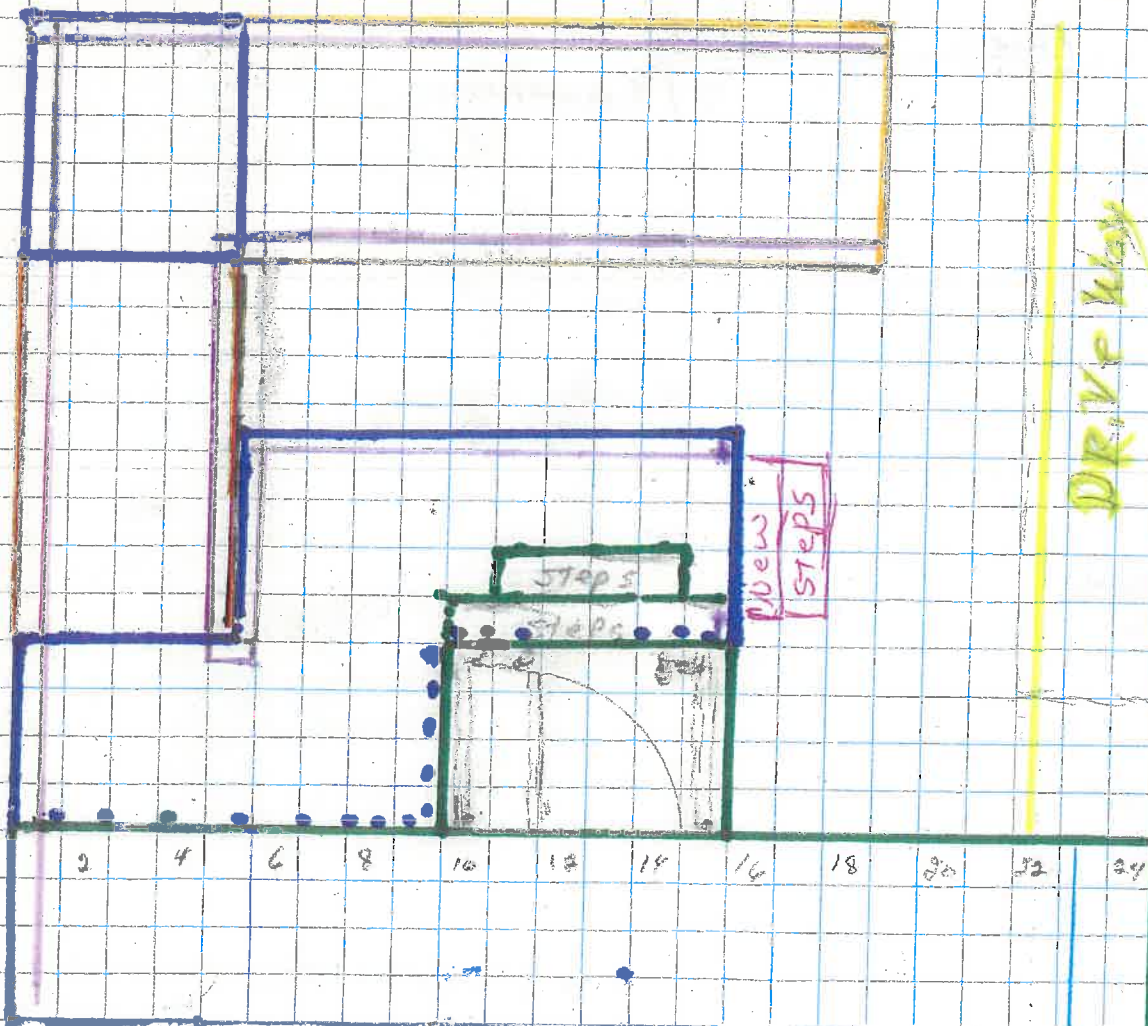
ADA AMERICA  
DISABILITIES  
Act

FROM Rail to Rail ~~36"~~ <sup>inside</sup> ~~more~~  
Base / Floor of Ramp No Less 42"  
OUT side of post edge of RAMP  
over hang 1/2" Leves 3"  
for post on Both side

1 inch rise =  
1 ft slope

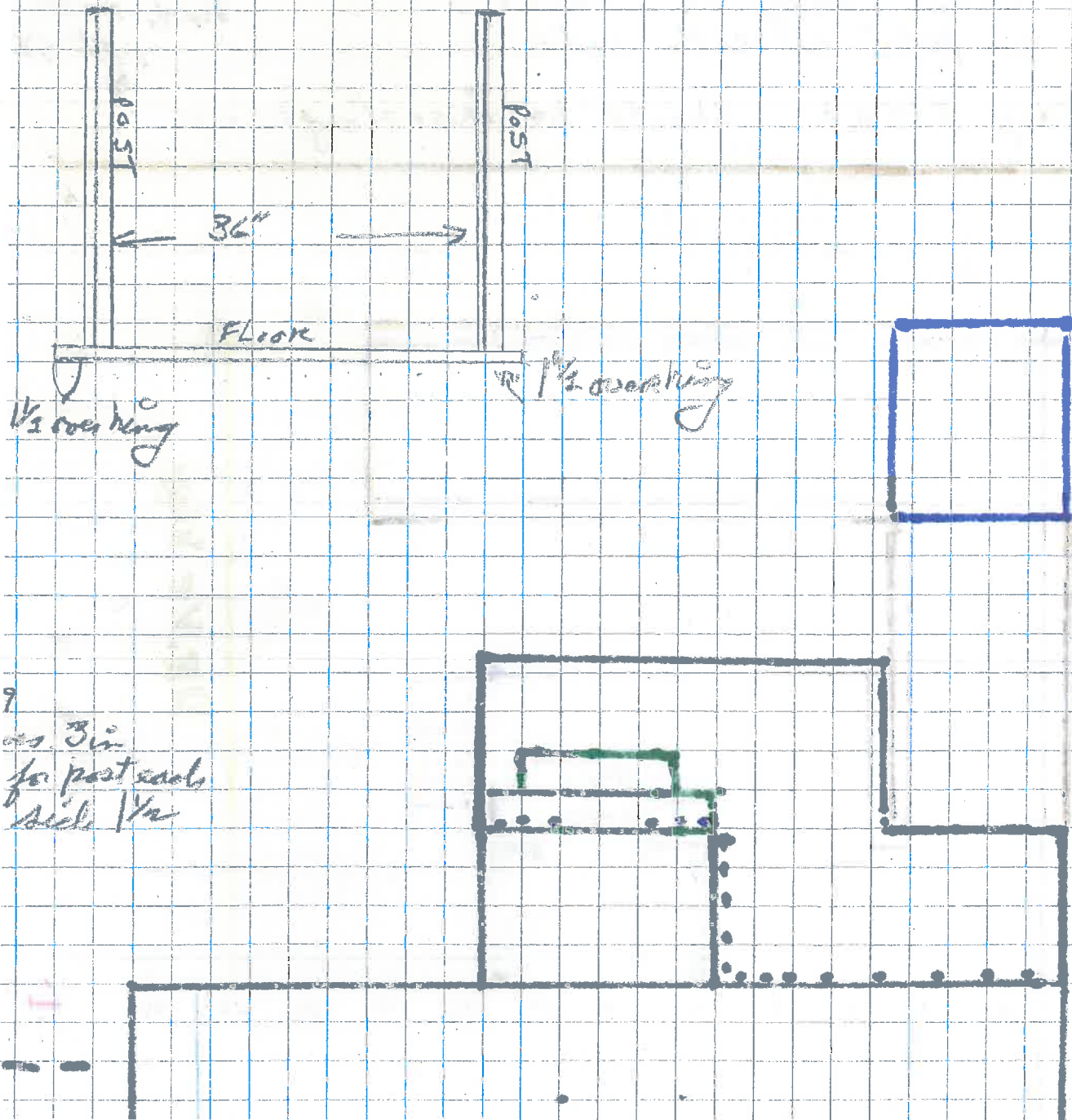
Ramp Slope should be 1" rise = 1' long Ramp

Side walk



17' wall  
to Ramp  
out





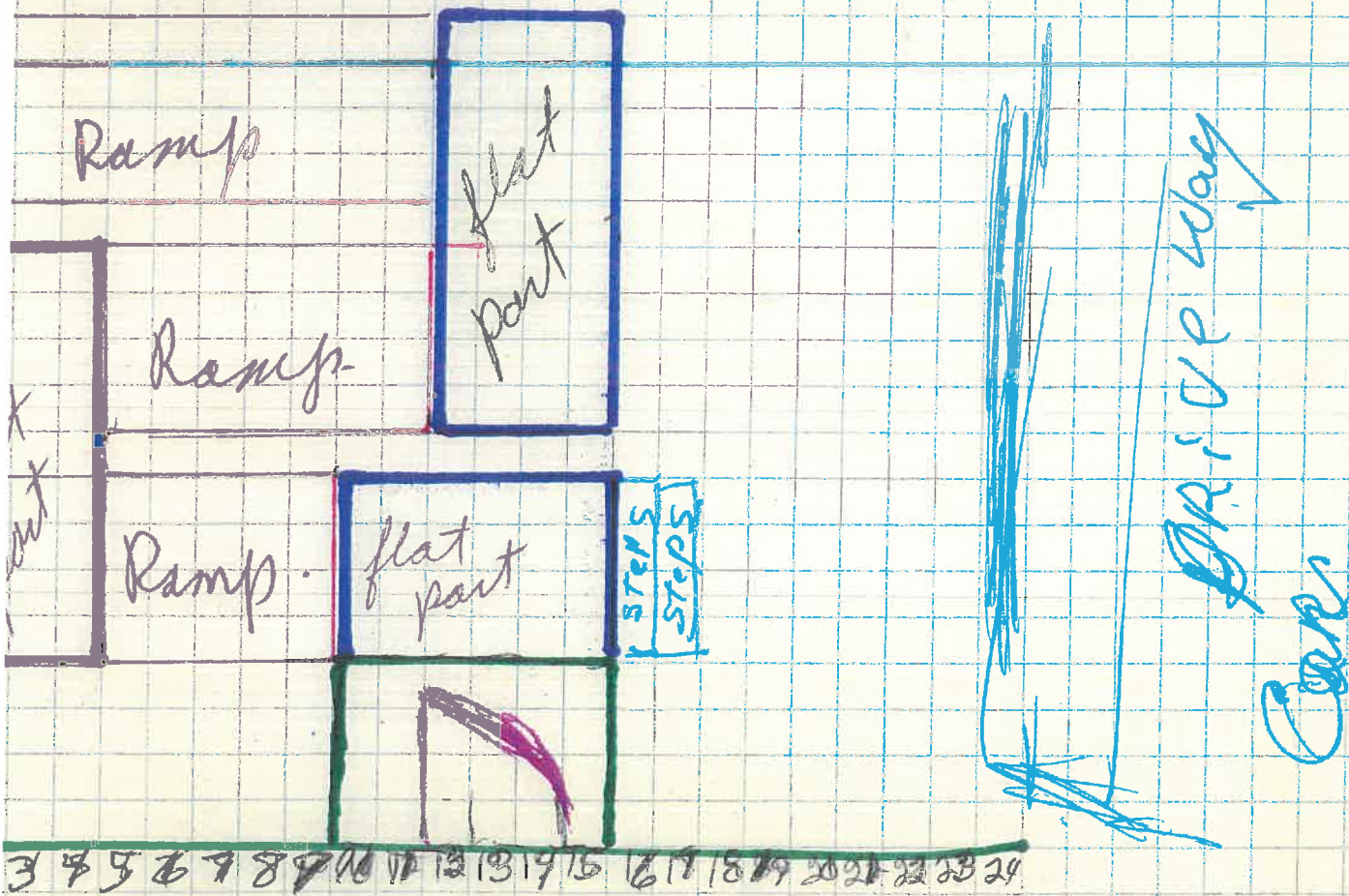
9  
as 3 in  
for post each  
side 1/2

FOR every inch rises height <sup>up</sup> need 1 foot <sup>down</sup>

I have a 36" wide hall way  
I would hit my knees on the wall.  
when I was in wheelchair  
It is Better to have 48" between rails

42" wide for Base  
42" x 4"  
48" base

1 1/2" over hing  
FROM post



Mann Power Construction  
Dave Mann, Owner  
4315 Ridge Road  
Wisconsin Rapids, WI 54495  
Phone (715) 421-4567  
[dmmann@wctc.net](mailto:dmmann@wctc.net)

Bee Jay Liesen  
331 9<sup>th</sup> Street North  
Wisconsin Rapids, WI 54494

May 30, 2020

Estimate for Concrete Front Porch Project 8' x 12' 8"

Project Includes:

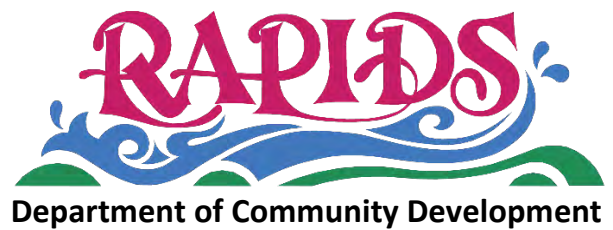
- Removing concrete steps, sidewalk. Porch roof and decorative roof line.
- Dig 4' footing, block walls and concrete porch floor 8' x 12' 8"
- 4 x 4 treated sidewalls, with header, 2 x 6 rafter, ½" sheeting with metal roofing.
- Aluminum fascia, soffit and ceiling
- Knee wall with vinyl siding 2' high
- Aluminum storm and screen windows on 3 sides
- Aluminum storm door to side steps and new sidewalk

Total estimate for above \$19,772.00

Dave Mann

Sign and date below to begin your project:

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# Administrative Staff Report

## Variance – Front and Side Yard Setbacks and Maximum Building Coverage Ratio

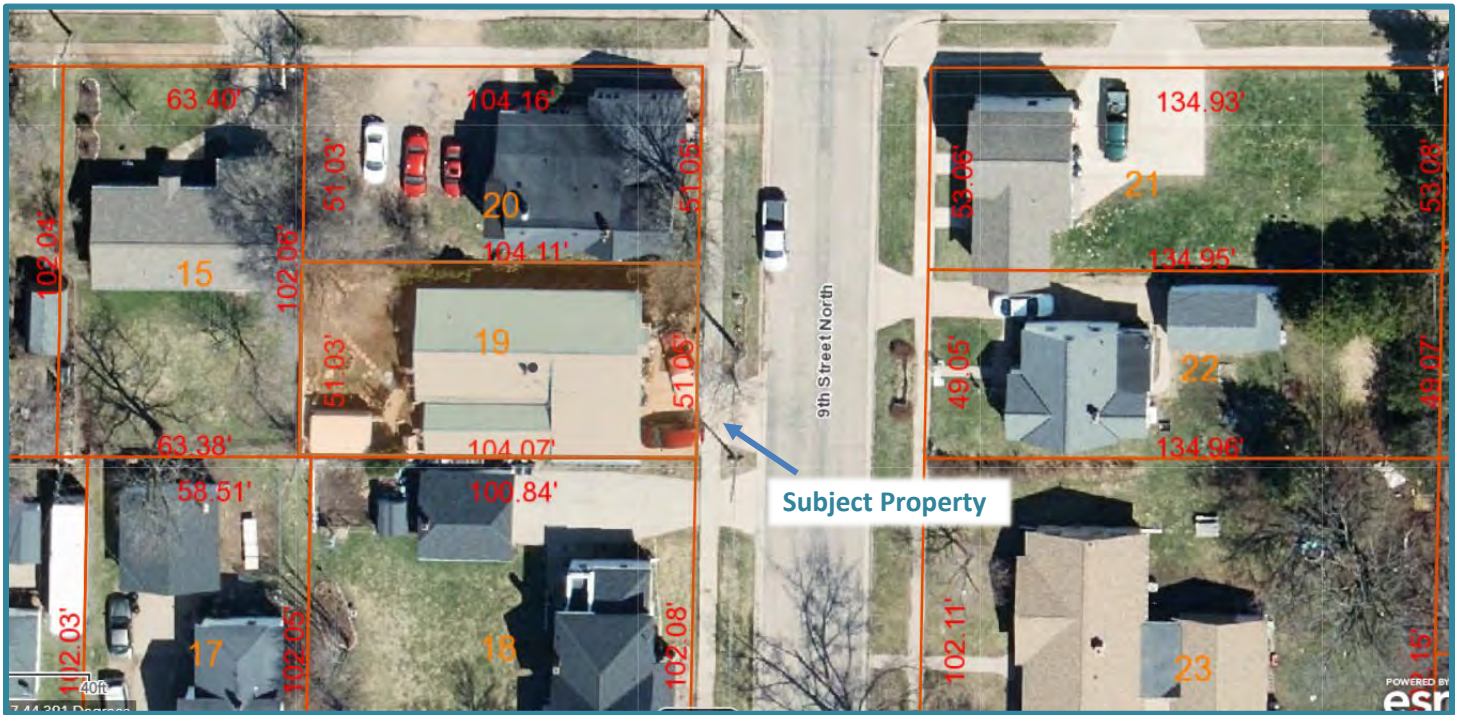
### 331 Ninth Street North

### May 16, 2022

<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>Betty Jean Kay Liezen</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>Kyle Kearns, Director</li> <li>Carrie Edmondson, Associate Planner</li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>3407138</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>Effective Frontage: 51 feet</li> <li>Effective Depth: 104 feet</li> <li>Square Footage: 5,227</li> <li>Acreage: 0.12 Acres</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>"R-2" Mixed Residential District</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>District 5</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>Residential</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>Residential Single-Family Home</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>Chapter 11 - Zoning</li> </ul>	<p><b>Request</b></p> <p><b>VARI-22-000164: Betty Jean Liezen</b> – Public hearing and action on a request for a variance from front and side yard setbacks and the maximum building coverage ratio to construct an enclosed porch at 331 9th Street North (Parcel ID 3407138).</p> <p><b>Attachment(s)</b></p> <ol style="list-style-type: none"> <li>Application(s)</li> <li>Map</li> <li>Photos</li> <li>Property Data</li> </ol> <p><b>Findings of Fact</b></p> <ol style="list-style-type: none"> <li>The applicant is requesting a variance from the setback standards and maximum allowable building coverage to construct an enclosed porch.</li> <li>The property is zoned "R-2" Mixed Residential District</li> <li>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.</li> </ol> <p><b>Staff Recommendation</b></p> <p>Deny the request from BeeJay Betty Jean Kay Liezen, for a variance to construct an enclosed porch within the setbacks and exceeding the maximum allowable building coverage at 331 9<sup>th</sup> Street North (Parcel ID 3407138), due to the following:</p> <ol style="list-style-type: none"> <li>The lot and building are nonconforming. The building is non-conforming due to the number of additions which have transpired through the years. There is no uniqueness present that justifies additional construction.</li> <li>An unnecessary hardship doesn't seem to exist, and any claimed appears to be self-created.</li> <li>Construction within the required setbacks has implications for pedestrian and homeowner safety and privacy, and for the environment. Further exceeding the maximum allowable building coverage requirement disrupts the scale of development when compared to surrounding properties. It also creates privacy issues, property maintenance issues, and natural resource management issues.</li> </ol>
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## Vicinity Map



## Background

The applicant, Betty Jean Kay Liezen, is requesting a variance from setback requirements and maximum allowable building coverage requirements. A variance application was submitted (attached) requesting an enclosed porch to encroach within the front and side yards. In 2003 the applicant received a building permit to construct a 10 foot by 29 foot addition to the back of the house and a 16 foot by 16 foot patio area. Later that year, a separate permit was received to extend the roof over the front entry and add a 12 foot by 12 foot addition. The front patio area has been enclosed since that time.

The applicant is now requesting to construct an enclosed front porch. At present the home has side yard setbacks of 5 foot 6 inches and 6 feet, with a front yard setback of 17 feet 7 inches. The home is currently at 48.3 percent for building coverage ratio. The proposed addition would expand the nonconformity by extending the 6 foot side yard setback, creating an approximate 8 foot 7 inch front yard setback, and expanding building coverage to 50.9 percent.

Initially, the applicant had expressed their desire to add the enclosed porch based on the need to make the front entrance accessible for those with limited mobility (i.e. wheelchair access). A wheelchair ramp (uncovered) is allowable by code, as the Zoning Code does allow for the building inspector to approve them within setbacks, provided this is the only reasonable location based upon building configuration. The applicant had originally expressed the desire to have the ramp constructed within an enclosed porch, although they had stated that they do have an enclosed wheelchair lift within the garage. In April, the Zoning Board of Appeals tabled the application to allow the applicant to clarify their request.

Now the applicant has stated they have no desire for ramp or wheelchair ramp access within the front porch. The applicant is requesting encroachment into the required setback and to exceed the maximum building coverage requirement only for the construction of an enclosed porch.

The following sections from the Zoning Code apply to this project:

### 11.06.106 Building Setbacks

**(g) Decks and porches.** Decks and porches are considered to be part of the building to which they are attached, and therefore must comply with all applicable setback requirements.

Mixed Residential (R-2) district			
<b>Description:</b> This district is intended to accommodate single-family dwellings and two-family dwellings along with compatible community and civic uses.			
<b>Dimensional Standards:</b>			
Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	7,500 square feet for single-family; 10,000 square feet for two-family
Lot width, minimum	s. 11.06.103	B	75 feet
Street frontage, minimum	s. 11.06.104	C	50 feet for single-family; 85 feet for two-family
Water frontage, minimum	s. 11.06.105	-	75 feet
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal buildings; 5 feet behind the front face of the principal building for detached accessory building, but not less than 25 feet <b>[1,2,3]</b>
Side yard setback, minimum	s. 11.06.106	E	7 feet on one side and 10 feet on the other for principal buildings; 3 feet for detached accessory building <b>[4]</b>
Rear yard setback, minimum	s. 11.06.106	F	20 percent of lot depth for principal buildings; 3 feet for detached accessory building without an alley; 5 feet for detached accessory building with an alley
Building Standards			
Building height, maximum	s. 11.06.108	-	2 stories, but not more than 30 feet for principal buildings; 1 story, but not more than 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	30 percent for principal buildings; 20 percent of rear yard area, but not greater than 900 square feet for detached accessory building

## Photos





## Standards of Review

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- 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 considered nonconforming, due to the lot size and width. The house has been built on the center of the lot, has undergone extensive expansion, and has driveway access from 9<sup>th</sup> Street North. Furthermore, the building appears nonconforming as well, due to setbacks and maximum building coverage.

**Findings:** The lot size is consistent with the surrounding properties. The original home and garage were keeping in scale with the property and the surrounding neighborhood. However, the property has been heavily built out as compared to surrounding properties. There is no remaining room to physically expand, except for the possibility of a second small accessory structure. Given the above finding, staff has not determined that a unique property characteristic exists.

- 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 indicates that meeting the expansion is necessary for them to fully utilize their property. They stated in the application that it would enable better accessibility for an ambulance stretcher or gurney and that the applicant would be more able to answer the door when people arrive at the home. The front porch is a desire of the applicant. However, the proposed front porch does not impact the applicant's ability to utilize the single-family home in a traditional manner.

**Findings:** Any hardship claimed by the applicant seems to be out of desire or a perceived need. The expanded covered porch area seems unrelated to the ability to answer the door or transport a gurney. The property has been built out to such an extent that any additional development creates multiple issues. It is also important to note that establishment of yards and associated setbacks are to allow safety to passing vehicles and pedestrians, privacy both for the property owner and for those within the public right-of-way, and to provide environmental protection. Similarly, building coverage requirements regulate intensity. They ensure that development on each lot is keeping in appropriate scale. This also ensures neighbor privacy and protection of natural resources.

- 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 requested variance would allow for an enclosed porch within the required setbacks and in excess of the maximum building coverage requirement. As a result, the construction would increase the clear disproportionate build-out of this site. 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 pedestrians utilizing the sidewalk and public right-of-way. Properties require a balance of developed or constructed areas and undeveloped areas for



privacy, maintenance access, and natural resource management. Additionally, it may set precedent for other residential lot owners that are seeking to substantially over-build upon their property. 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 VARI-22-000164 due to the following:**

- 1. The lot and building are nonconforming. The building is non-conforming due to the number of additions which have transpired through the years. There is no uniqueness present that justifies additional construction.**
- 2. An unnecessary hardship doesn't seem to exist, and any claimed appears to be self-created.**
- 3. Construction within the required setbacks has implications for pedestrian and homeowner safety and privacy, and for the environment. Further exceeding the maximum allowable building coverage requirement disrupts the scale of development when compared to surrounding properties. It also creates privacy issues, property maintenance issues, and natural resource management issues.**



**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 3/23/22  
 Received By KK  
 Fee 250.00  
 Case # 22 - 00164  
 Aldermanic District -  
 ZBA Date TBD

**1. Applicant Information**

Applicant name BeeJay Betty Jean Kay Liezen  
 Street address 331 Ninth St North  
 City, state, zip code Wis Rapids Wis.  
 Daytime telephone number 715 421 2634  
 Email [signature]

**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.

Agent 1	Agent 2
Name <u>David Mann</u>	
Company <u>Mann Power Construction</u>	
Street address <u>4315 Ridge Road</u>	
City, state, zip code <u>Wisconsin Rapids Wis</u>	
Daytime telephone number <u>715 421 4567</u>	
Email <u>dmann@wetc.net</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 331 Ninth Street North  
 Parcel number(s) \_\_\_\_\_

Variance Application  
City of Wisconsin Rapids, Wisconsin  
Page 2

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 type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial     | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input checked="" 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.

home

**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.			
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.

*fix the front porch & at same time enlarge it & put screens on it to make it more use able to use & get it ready to go in & out if an ambulance (the front porch is sinking in)*

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.		
2.		
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.

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.

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.

it would be better to fix the problem now so as not to let the home look run down because if the base of the porch is not fixed it will cause problems with the roof.

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.

the front porch would replace the one they now only made bigger to be more useable.

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

I would be better able to get to the door to when people come to the door.

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  
Page 5

- 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:

BeeJay Betty Jean  
Name - print Kay Luke Liezen

BeeJay Betty Jean  
Kay Luke Liezen  
Name - Signature

Mar 22, 2022  
Date

Name - print

Name - Signature

Date

Mann Power Construction  
Dave Mann, Owner  
4315 Ridge Road  
Wisconsin Rapids, WI 54495  
Phone (715) 421-4567  
[dmmann@wctc.net](mailto:dmmann@wctc.net)

Bee Jay Liesen  
331 9<sup>th</sup> Street North  
Wisconsin Rapids, WI 54494

May 30, 2020

Estimate for Concrete Front Porch Project 8' x 12' 8"

Project Includes:

- Removing concrete steps, sidewalk. Porch roof and decorative roof line.
- Dig 4' footing, block walls and concrete porch floor 8' x 12' 8"
- 4 x 4 treated sidewalls, with header, 2 x 6 rafter, ½" sheeting with metal roofing.
- Aluminum fascia, soffit and ceiling
- Knee wall with vinyl siding 2' high
- Aluminum storm and screen windows on 3 sides
- Aluminum storm door to side steps and new sidewalk

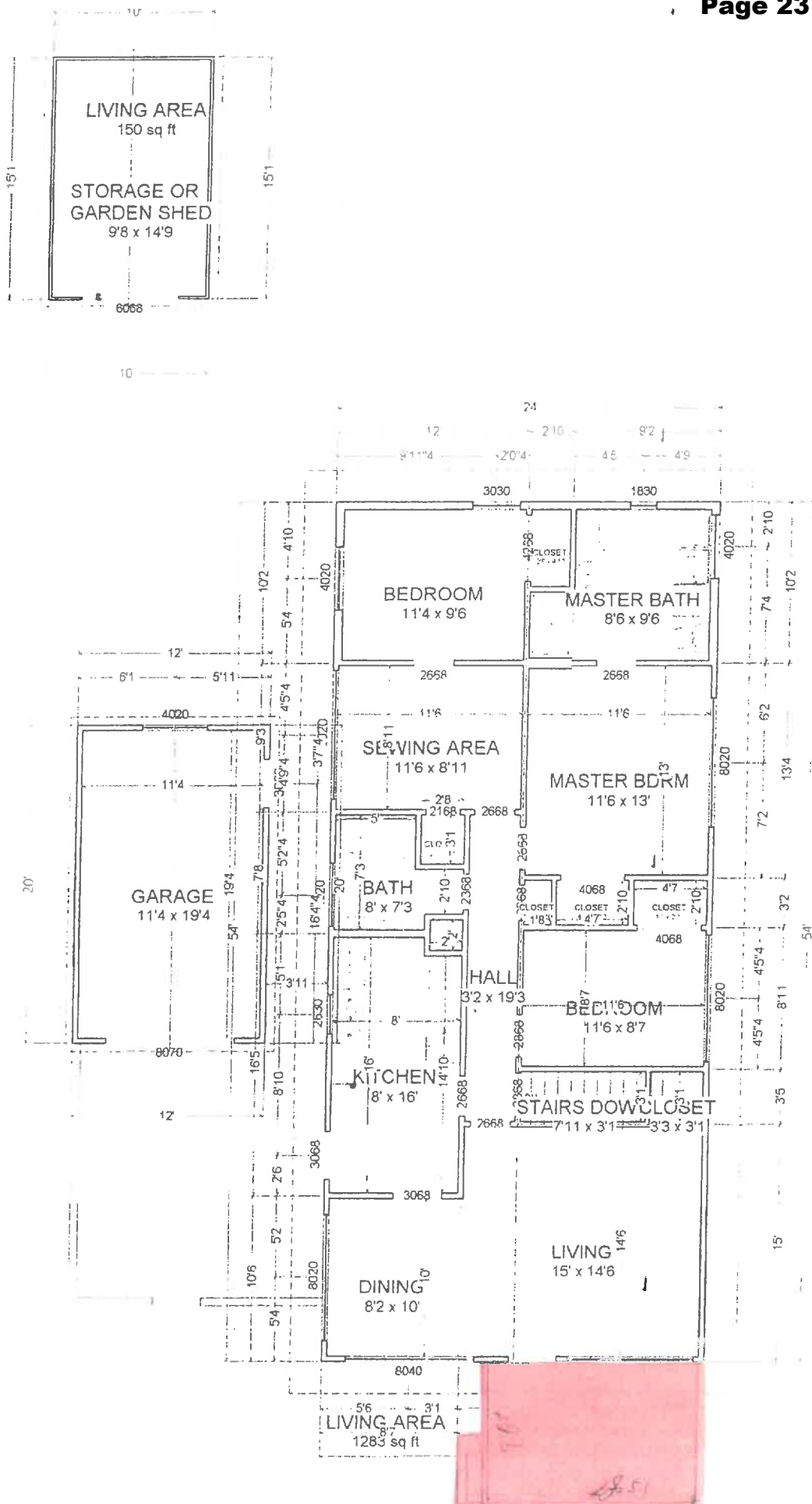
Total estimate for above \$19, 772.00

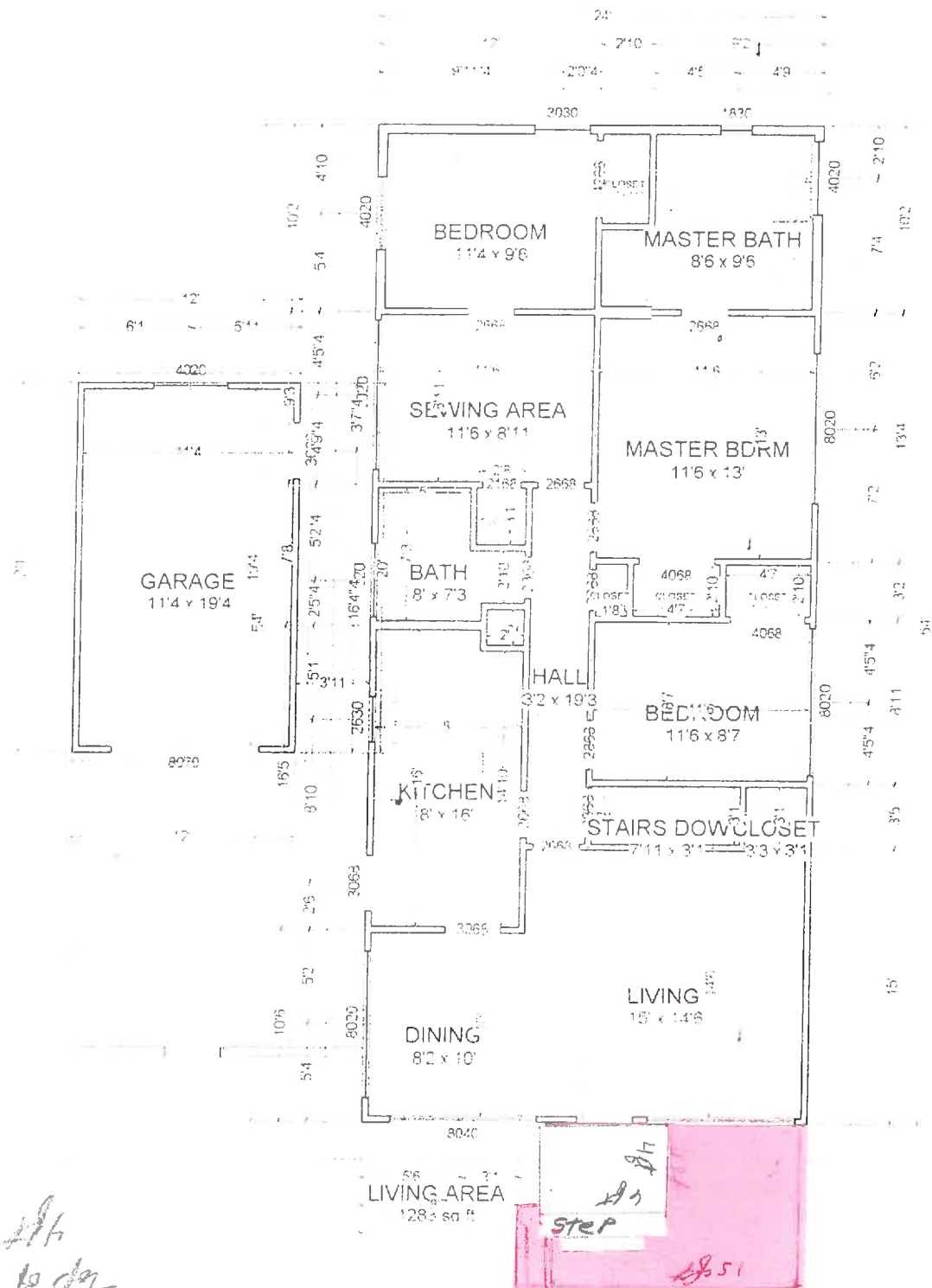
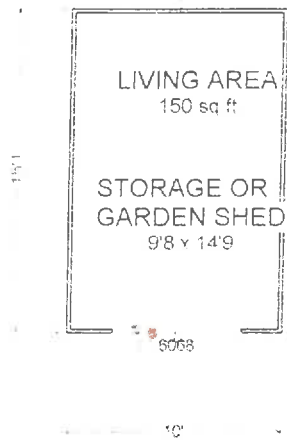
Dave Mann

Sign and date below to begin your project:

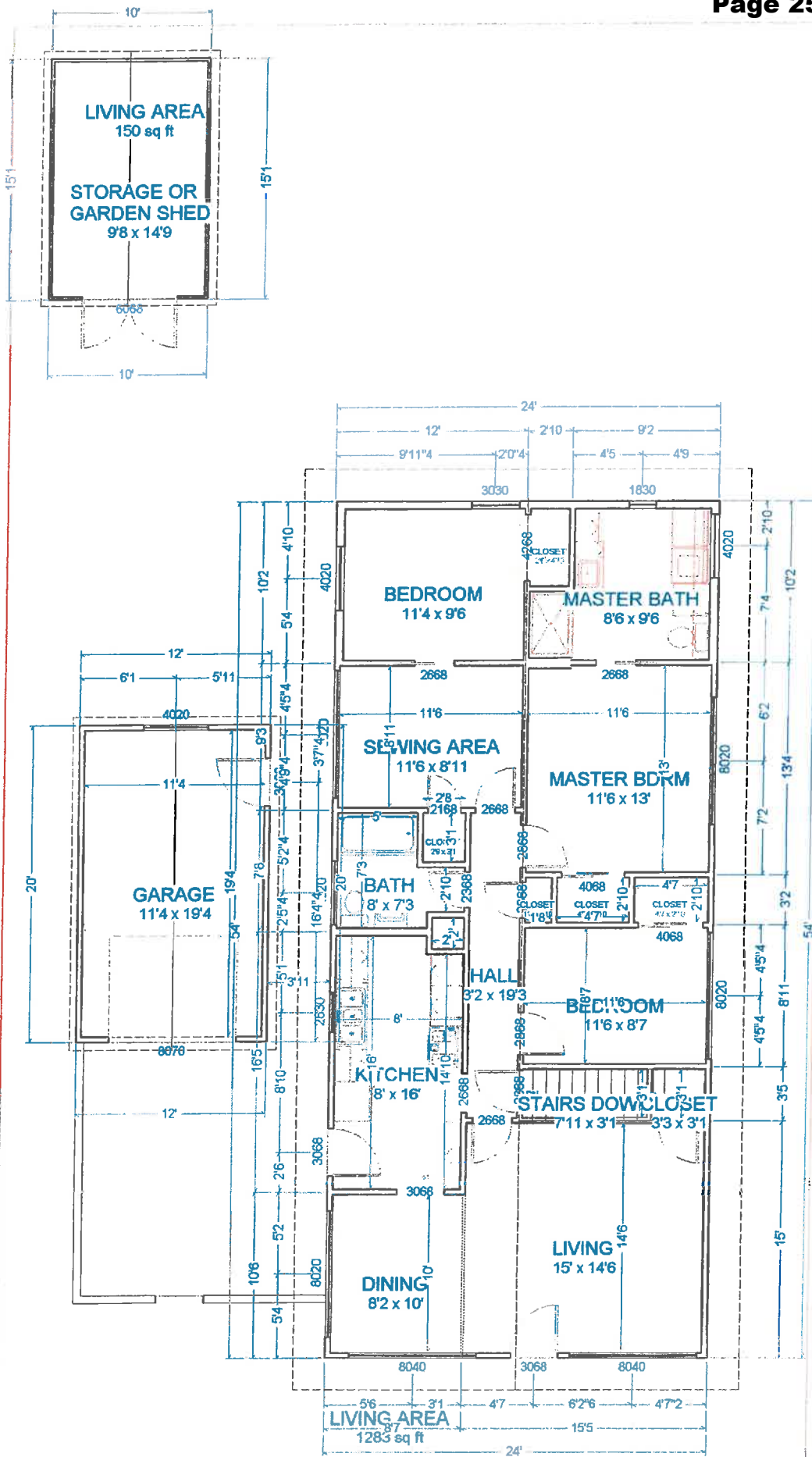
---







11'9" x 11'6"  
steps to deck



8 ft 7 in  
to side  
walk

0.01 mi

North  
Side  
City Viewer

South Side  
garage  
Puppet house

5/25/93  
(715)  
421-2636

## Streets

## Schools

## Streets

## Parcels

3/29/2022, 3:29:34 PM

low house  
roof over  
and house  
over hang  
ch

15' x 2'  
9 ft X 15 ft

house

54' BY  
24' ft

102.06'

104.11'

104.07'

100.84'

51.03'

51.06'

51.0'

58.51'

3.38'

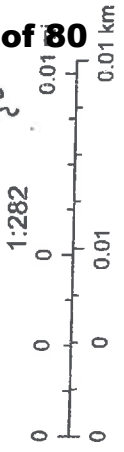
yellow house  
Blue Roof over  
hang house  
pink over hang  
proch  
Add yellow  
Room For Proch  
part

West end



FRONT of House to Side Walk  
17ft 4 in. | Proch now with  
steps 8 11ft 7 in  
take away 9ft.

8ft 7 in



South  
Side  
garage  
Proch line

5ft 5 in

Streets  
Schools

Streets  
Parcels

3/29/2022, 3:29:34 PM



West end



North  
Side  
City Viewer

house  
to proch  
6ft

front of house  
to Side Walk  
17ft 7 in

yellow house  
blue roof over  
hang house  
pink over hang  
proch

## Porch

Porch to be 9 ft by 15 ft. From North corner of house past front door, 17" south pass of the front door.

Dave Mann, owner of Mann Power Construction will do the front porch with his crew.

Dave will get the city permit to fix an enlarge front porch.

Eight-inch blocks will be used under the floor for the foundation. The foundation, will be going four feet below ground level. The floor will be sealed with a layer of concrete and topped with a wooden floor. Frame of porch of wood. Vinyl scallops trim in front of porch, on the top gable part of porch, to match house. Because I am not able to get same size siding to go parallel, I am having white vertical vinyl siding placed around porch under windows and where needed.

The roof will be Hubbell Steel same as what was put on the house roof, in the same Hawaii Blue. A Turbine Ventilator will be placed on top of roof on the north side of roof. Over-hang of roof will be the same as the house over-hang, around the porch. Match roof level on the north side of porch.

Sides and ceiling will be insulated.

Walls 4 inch thick, by time finished outside and inside walls will be closer to 6 inches.

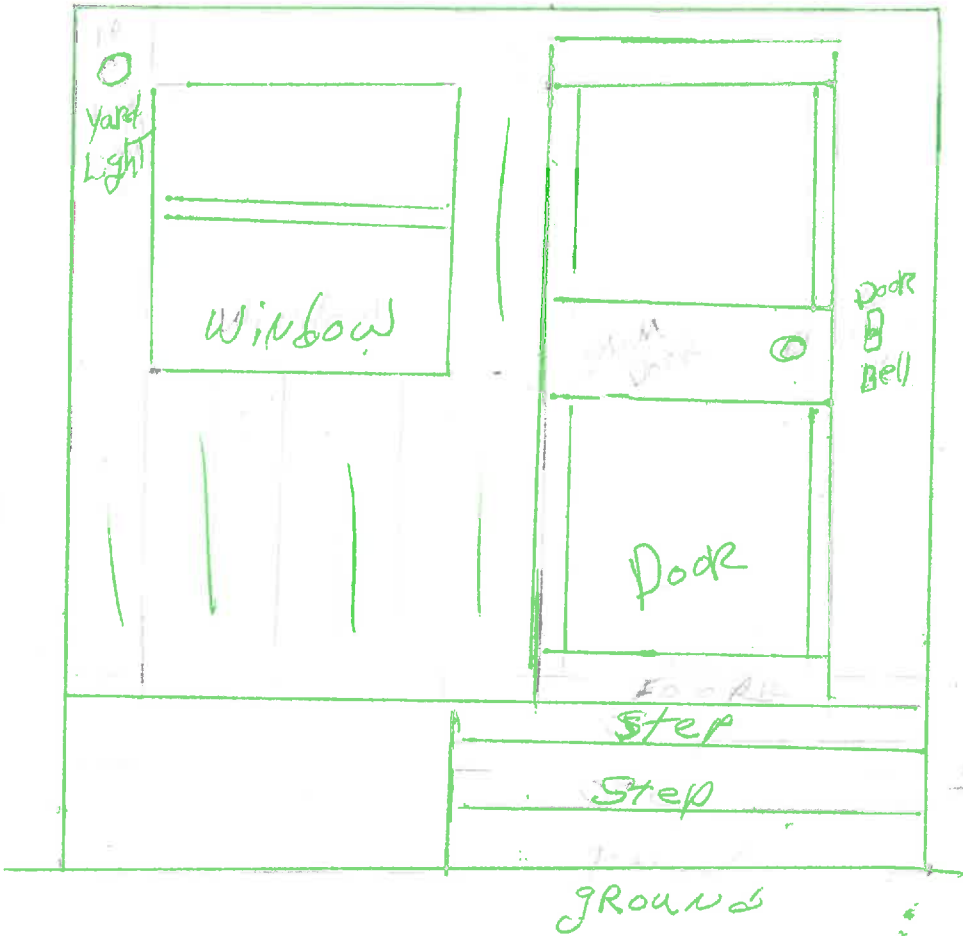
Double hung, vinyl casement windows with screens. 2 Windows on the north end of porch, 3 windows across front the east side, on south end a door and one window.

Door will be a aluminum storm door. Door opening 36" – 38"

The roof will be Hubbell Steel same as what was put on the house, in the same Hawaii Blue. A Turbine Ventilator will be placed on top of roof on the north side of roof

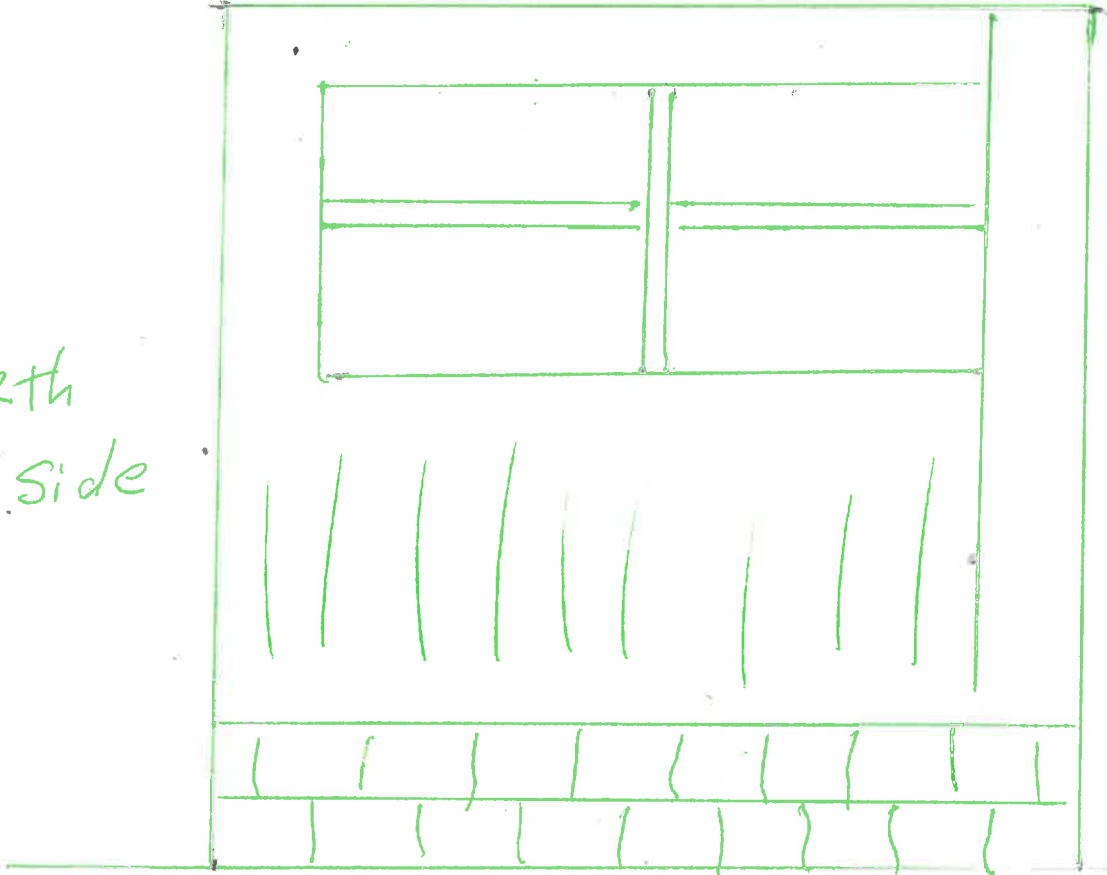
Cement steps on the south side in front of door. Vinyl hand rails by the steps.

Mann Power Construction well be taken care of electrical hook up, for outlets & lights inside, outdoor light by front porch door and a doorbell.



2 Steps  
about 6 high

North  
end side









From: 7152135858@mms.uscc.net

Date: 3/26/2022, 12:35 PM

To: beejay@wctc.net

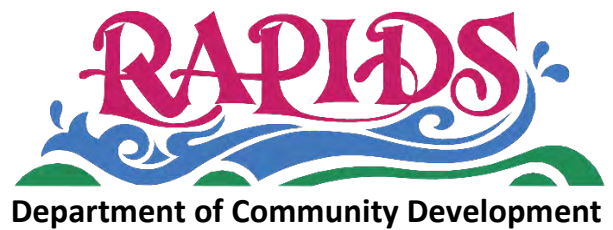


Thank you for using Picture and Video Messaging by U.S. Cellular. See [www.uscellular.com](http://www.uscellular.com) for info.

Attachments:

IMG952364.jpg

237 KB



# Administrative Staff Report

## Detached Accessory Structure

### Variance from Setbacks

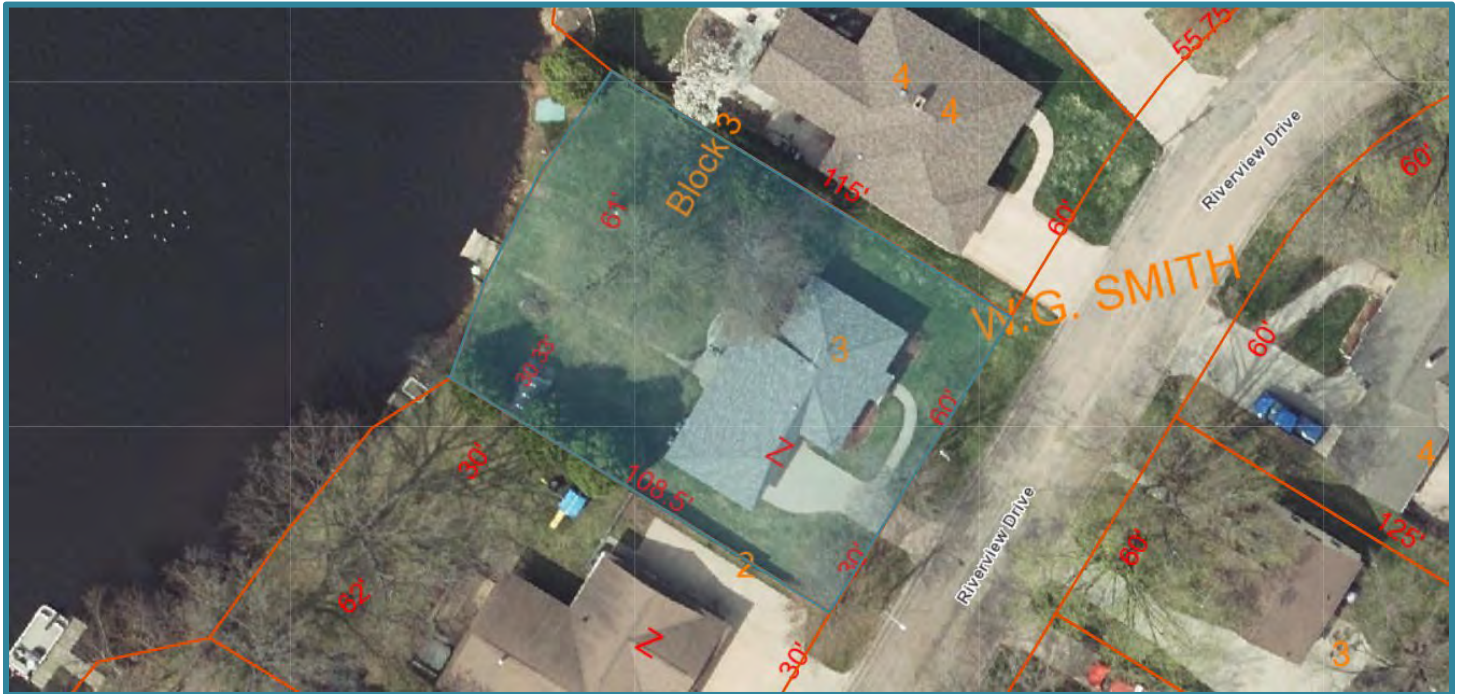
1951 Riverview Drive

May 16, 2022

<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>Tim &amp; Kim Spaulding</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>Kyle Kearns, Director</li> <li>Carrie Edmondson, Associate Planner</li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>3405416</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>Effective Frontage: 90 feet</li> <li>Effective Depth: 111 feet</li> <li>Square Footage: 10,000</li> <li>Acreage: 0.230 Acres</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>"R-2" Mixed Residential District</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>District 4: Rayome</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>Residential</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>Residential Single-Family Home</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>Chapter 11 - Zoning</li> </ul>	<p><b>Request</b></p> <p><b>VARIANCE 22-000255: Tim Spaulding;</b> public hearing and action on a request from Tim and Kim Spaulding for a variance to reduce rear shoreland setbacks to construct an accessory structure at 1751 Riverview Drive (Parcel ID 3405416).</p> <p><b>Attachment(s)</b></p> <ol style="list-style-type: none"> <li>Application</li> <li>Site Plan</li> <li>Building Specifications</li> <li>Property Data</li> </ol> <p><b>Findings of Fact</b></p> <ol style="list-style-type: none"> <li>The applicant is requesting a variance from the rear shoreland setback for a detached accessory structure. Specifically, they are requesting to construct to 33 feet from the rear property line instead of the required 46 feet.</li> <li>The property is zoned "R-2" Mixed Residential District and falls within the Shoreland Overlay District.</li> <li>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.</li> </ol> <p><b>Staff Recommendation</b></p> <p>Deny the request from Tim and Kim Spaulding for a variance to reduce the rear shoreland setback to construct an accessory structure at 1951 Riverview Drive (Parcel ID 3405406) due to the following:</p> <ol style="list-style-type: none"> <li>No unique property characteristic exists.</li> <li>No hardship exists that prevents the owner from using the property for a permitted purpose or that makes conformity unnecessarily burdensome.</li> </ol>
---	--



## Vicinity Map



## Site Photos



## Background

The applicant, Tim Spaulding, is requesting a variance from shoreline setback standards for a proposed accessory structure. The applicant contacted the City in April to inquire about the dimensional requirements to construct a 10'x24' (240 sq. ft.) accessory building to store materials on the property. Their desire was to place the shed 33 feet from the rear property line. The Shoreland Overlay District outlines the following setback standards for accessory buildings:

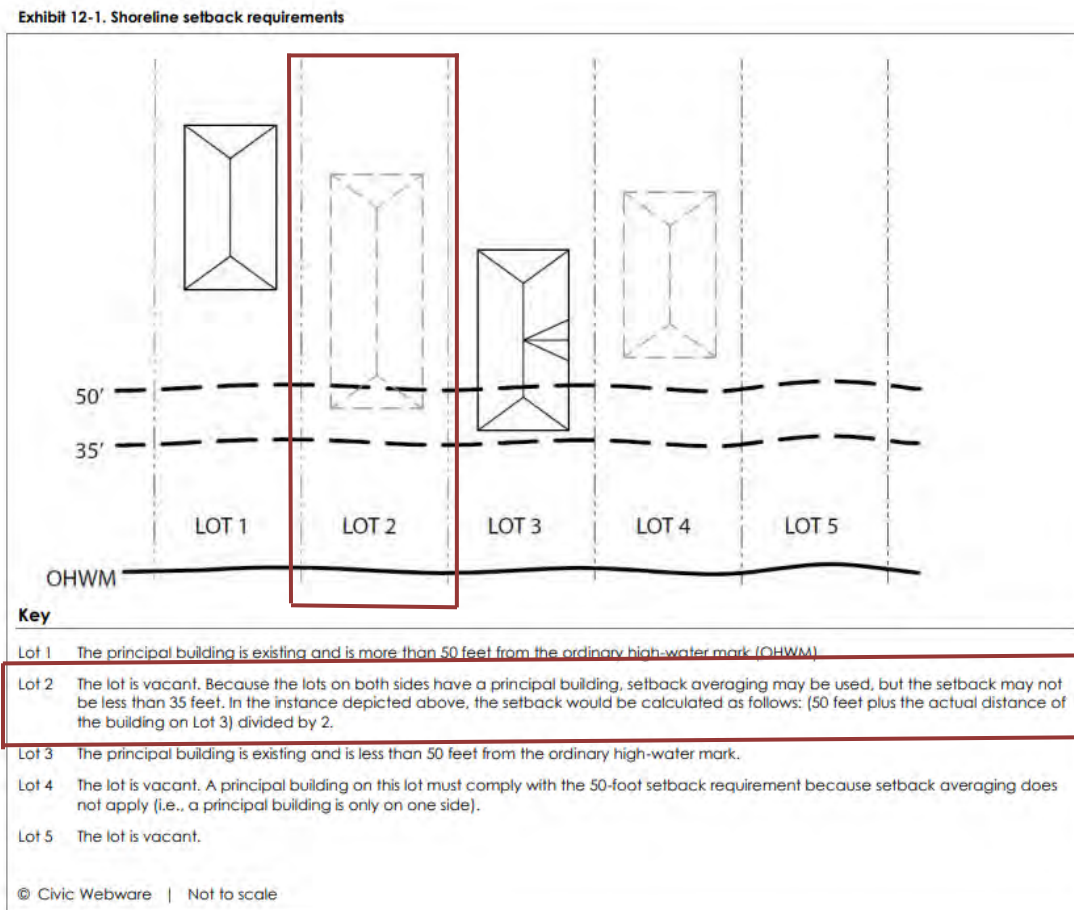
### 11.12.05 Shoreline setback

*(a) Principal buildings. Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:*

(1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

(2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

(b) **Accessory buildings.** Accessory buildings shall comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 35 feet of the ordinary highwater mark as set forth in s. 11.12.06.



Because their home is between two developed properties, setback averaging between the two homes can be done as in the lot 2 example in the diagram above. The lot to the north of the Spaulding property has an accessory structure 42 feet from the ordinary high-water mark. The lot to the south would be calculated at 50 feet.  $[(50 \text{ feet} + 41 \text{ feet})/2] = 45.5$  (46) feet. The Spauldings are allowed to construct the accessory building to 46 feet from the ordinary high-water mark. Therefore, the existing detached accessory structure encroaches into the setback by approximately 13 feet. The applicant is requesting a variance of 13 feet from the 46-foot average shoreline setback required to construct the accessory building.

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? The property is of similar size to those within the vicinity, and the homes is placed similarly on the lot to others nearby along the River and street frontage.

**Analysis:** The property is very similar to other riverfront properties in the vicinity. In addition, the house was constructed in 1948 and is similar in size, scale, age, and type to the surrounding residences. The property has a clear front property line (street frontage) along Riverview Drive, and the rear property line (shoreline) are evident. Furthermore, while not unique, the property has shoreline along the Wisconsin River.

**Findings:** The applicant has not identified a unique property limitation on the application. Staff feels that an adequately sized garage, detached or attached, can be constructed on the property meeting applicable setbacks, including the average shoreline setback. Further, the lot was developed as single-family residence which has been the principal use 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 does not list a hardship on the application. They state that they would like relief from the Shoreland Overlay setback requirement to place it in the desired location. They also state that they considered moving the proposed location within the required setbacks but are concerned about ice build-up. Additionally, they considered expanding the attached garage, but are concerned it would be too small.

**Findings:** Although the requested variance allowing for this orientation and size may be suitable for the desires of the applicant, it does not constitute an unnecessary hardship. The site can accommodate an accessory structure with the same dimensions if it is reoriented on the property. Thus, this appears to be associated with preference versus any necessity or hardship.

- 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, with several other homes located along the shoreline. The requested variance would allow for an accessory structure to be constructed within the required rear setback. A public hearing notice was provided as well as notice to surrounding property owners within 300 feet of the property.

The purpose of general setbacks and shoreline setbacks

### Zoning Ordinance – Section 11.06.106 Building setbacks (page 96)

(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.

**Zoning Ordinance – Section 11.12.02 Purpose** (page 139/302)

This article promotes the public health, safety, and welfare and is intended to:

- 1) further the maintenance of safe and healthful conditions and prevent and control water pollution;
- 2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;
- 3) control the placement of principal buildings by establishing setbacks from waterways; and
- 4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

**Findings:** Allowing for the variance could possibly set precedent for other adjacent properties that could make similar 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 22-000255 due to the following:**

3. **No unique property characteristic exists.**
4. **No hardship exists that prevents the owner from using the property for a permitted purpose or that makes conformity unnecessarily burdensome.**





# 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 4/15/22  
Received By CE  
Fee \$250.00  
Case # 22-000655  
Aldermanic District 4-Rayome  
ZBA Date 5/23/22

### 1. Applicant information

Applicant name Tim Spaulding  
Street address 1751 Riverview Dr.  
City, state, zip code Wisconsin Rapids, WI 54494  
Daytime telephone number 715-424-0163  
Email tkspaulding3@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.

Agent 1	Agent 2
Name <u>Tim Spaulding</u>	
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 1751 Riverview Drive  
Parcel number(s) \_\_\_\_\_

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 type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial     | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input checked="" 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 checked="" 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 from me.

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, 12.05		I'm looking for relief on shore line zoning.
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.

I would like to have a 10'x 24' shed delivered in to the required shoreland setback.

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. I considered running it parallel to garage but I'm worried about ice buildup in winter.	
2. I considered adding on to existing garage. but with setbacks it would be too small.	
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.

- 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.

- 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.

If granted I could remove existing plastic shed which is sitting at 21' from shore line and the new building would be 33'.

- 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 map. Shed list spec. s.

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

- 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  
Page 5


- 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.

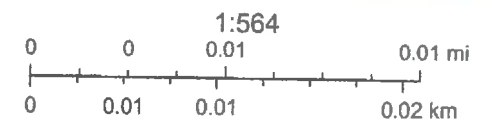
Property Owner:

<u>Timothy M. Spauldy</u>	<u>Timothy M. Spauldy</u>	<u>4-15-2022</u>
Name – print	Name – Signature	Date
_____	_____	_____
Name – print	Name – Signature	Date



4/14/2022, 11:46:57 AM

Streets	Streets
 Parcels	Schools



Spec. on shed.

10' x 24'

Floor

② 6"x6" treated 24'

2x6 frame built on top 16" on center

3/4" treated plywood flooring.

2"x4"x8' walls 2 foot on center

Trusses 4' on center.

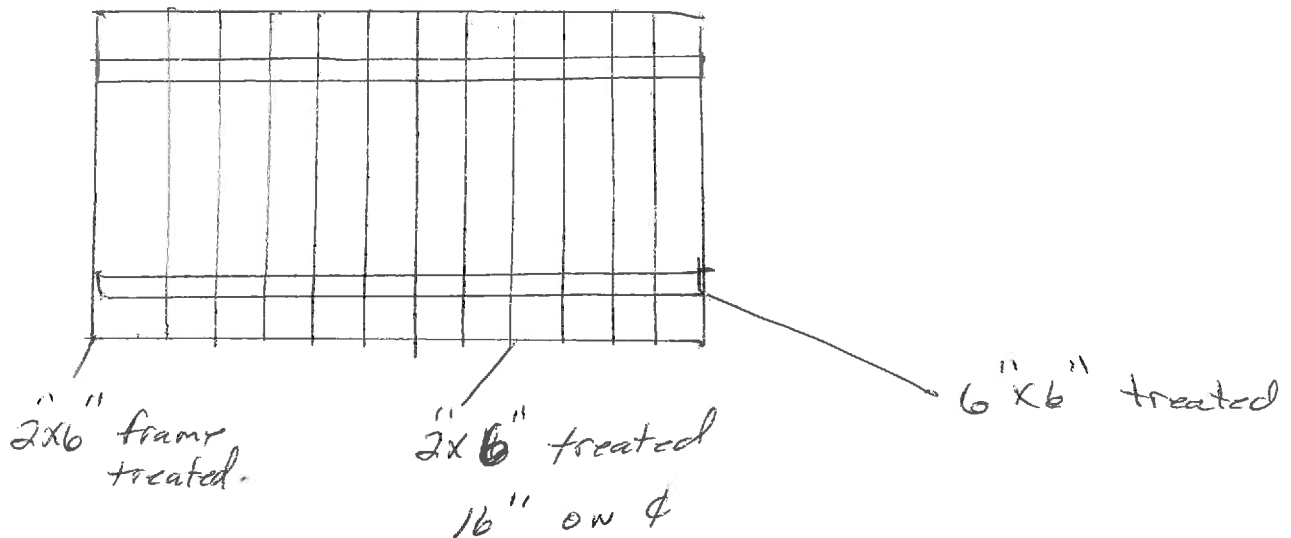
Light Gray steel siding.

Charcoal Gray steel Roof and Trim.

① 9x7 Raised Panel Over head garage door.

② 3'x2' vinyl windows.

③ Fiberglass service door.



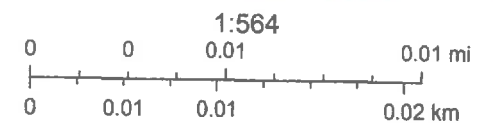


## City Viewer

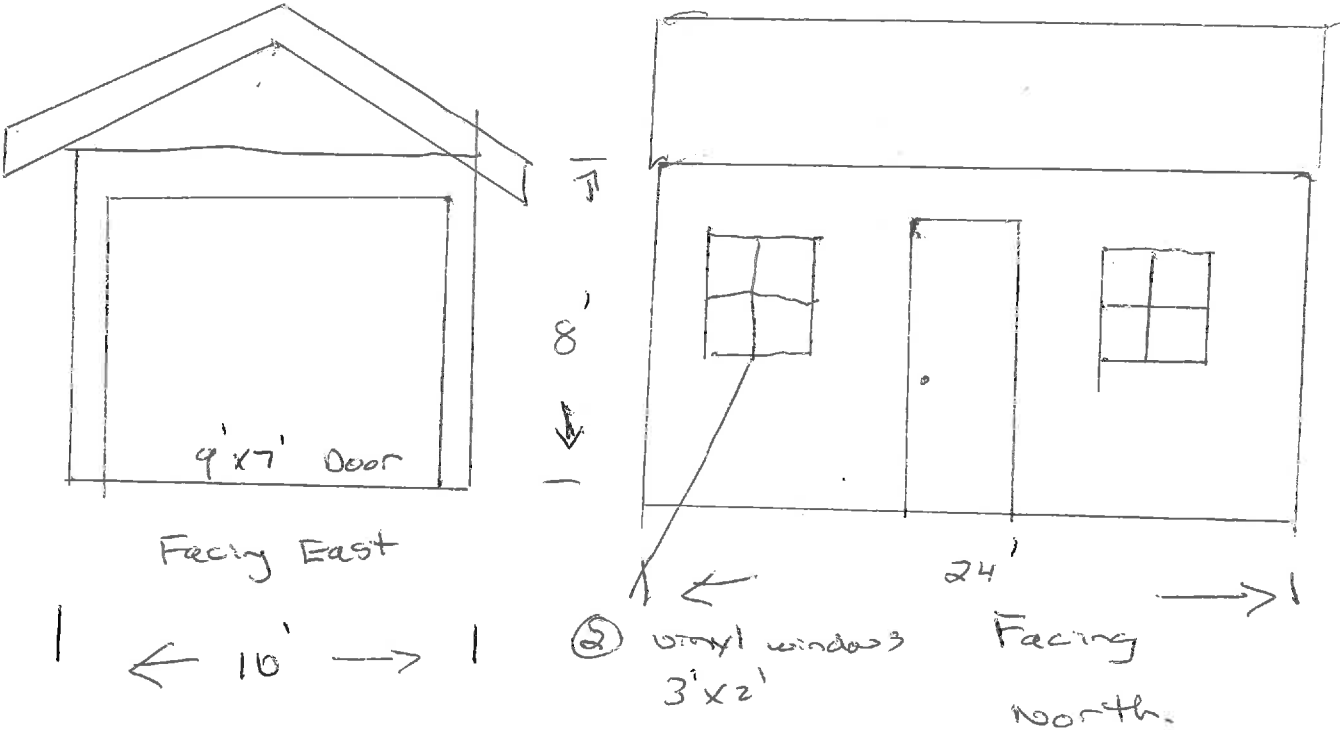


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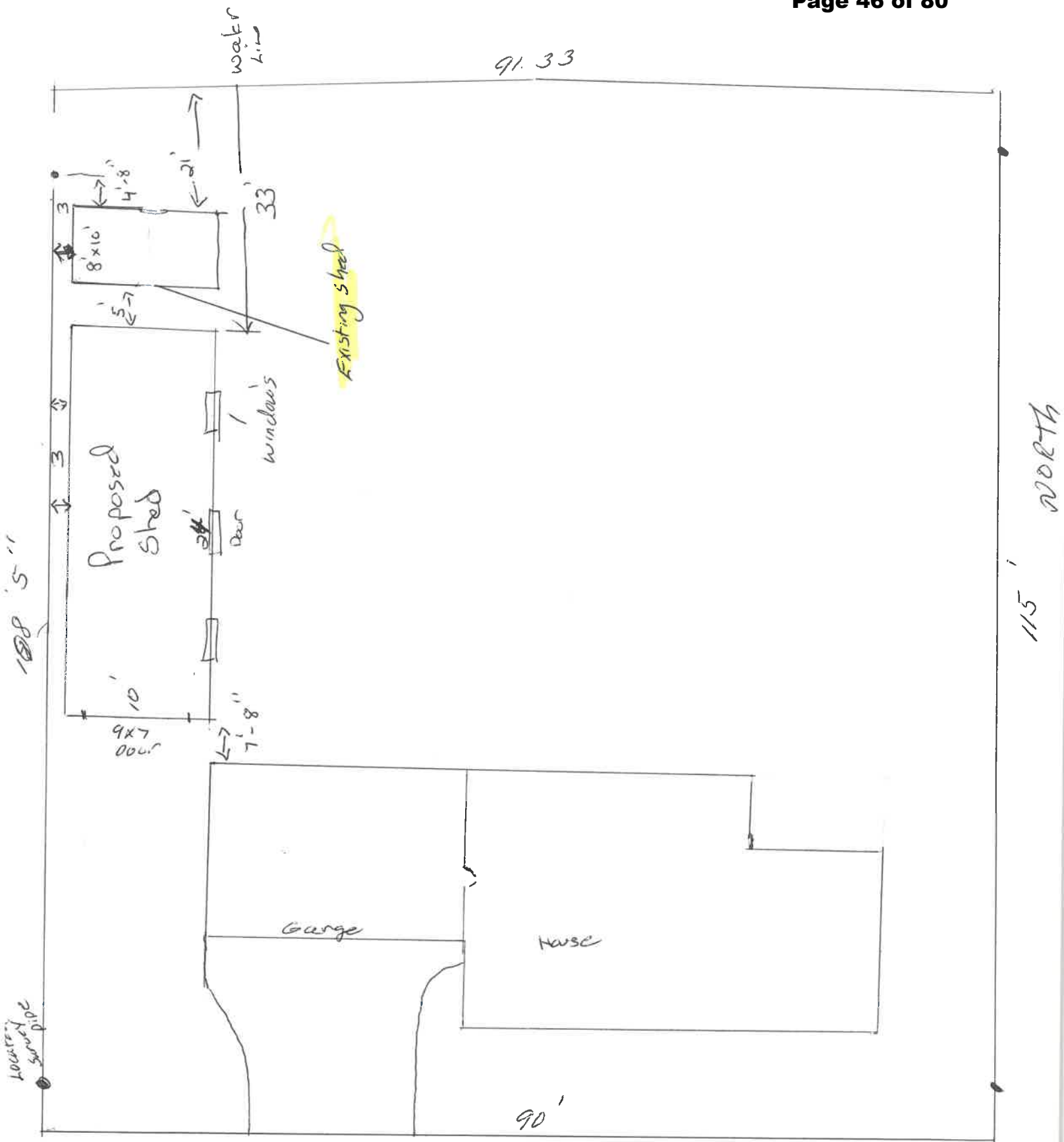
Streets Streets  
 Parcels Schools







West



Not to Scale

Riverview Dr.

East

# Administrative Staff Report

Use Variance – Greenhouse  
2320 Sampson St.  
May 16, 2022



<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>• Carol Wunrow-Brody</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>• Kyle Kearns, Director</li> <li>• Carrie Edmondson, Associate Planner</li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>• 3411091</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>• Effective Frontage: 100 feet</li> <li>• Effective Depth: 144 feet</li> <li>• Square Footage: 14,312</li> <li>• Acreage: 0.329 Acres</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>• "R-2" Mixed Residential District</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>• District 7 - Delaney</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>• Residential</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>• Residential Single-Family Home</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>• Chapter 11 - Zoning</li> </ul>	<p><b>Request</b></p> <p><b>VARIANCE 22-000267: Carol Wunrow-Brody;</b> public hearing and action on a request for a use variance to operate a greenhouse business within the R-2 Mixed Residential zoning district at 2320 Sampson Street (Parcel ID 3411091).</p> <p><b>Attachment(s)</b></p> <ol style="list-style-type: none"> <li>1. Application(s)</li> <li>2. Site Plan</li> <li>3. Spec Sheet</li> <li>4. Property Data</li> </ol> <p><b>Findings of Fact</b></p> <ol style="list-style-type: none"> <li>1. The applicant has a conditional use permit to operate a greenhouse at their residence located at 2331 Sampson Street.</li> <li>2. The applicant had a previous conditional use permit granted for off-street parking and landscaping at 2320 Sampson Street.</li> <li>3. The property is zoned "R-2" Mixed Residential District.</li> <li>4. A greenhouse is not a permitted use in the "R-2" Mixed Residential District.</li> <li>5. 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.</li> </ol> <p><b>Staff Recommendation</b></p> <p>Deny the request from Carol Wunrow-Brody, for a use variance to operate a greenhouse at 2320 Sampson Street (Parcel ID 3411091), due to the following:</p> <ol style="list-style-type: none"> <li>1. There are not unique physical property limitations.</li> <li>2. There is no unnecessary hardship, as reasonable uses can be made on the property.</li> <li>3. There is potential short-term and long-term harm to the public interest.</li> </ol>
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Vicinity Map



Site Photos





## Background

The applicant, Carol Wunrow-Brody, has been operating a greenhouse business at her place of residence at 2331 Sampson Street since 1961. She applied for and received a conditional use permit for the greenhouse use at the 2331 Sampson Street location in 1985. Subsequently, the applicant purchased the property across the street, 2320 Sampson Street, from the City of Wisconsin Rapids. In 1986, the applicant requested an amendment to their conditional use permit for the 2320 Sampson Street location to be used for off-street customer parking and landscaping. In 1989, they requested a second amendment to the conditional use permit to allow construction of a small storage shed, and small area of cement to hold bulk dirt, and for the possibility in the future of putting up a small temporary hoop house for spring use.

The applicant desires to cease the greenhouse at the 2331 Sampson Street location in the next few years. The item before you is for a use variance to allow a greenhouse use on the property located at 2320 Sampson Street. Even with the prior conditional use permit and amendments, this site was not approved for a greenhouse use. Under Chapter 11 – Zoning, a greenhouse is defined as:

**1.04 Greenhouse Description:** *A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. Plants grown on site may be sold at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants.*

**Parking Requirements:** *1 space for each employee on the largest work shift, plus 1 space for each 600 square feet of retail floor area if plants are offered for retail sale*

**Supplemental Standards:** *Aside from generally applicable standards, no special standards apply to greenhouses.*

A greenhouse is not a permitted use in any residential districts within the City, except for the RR Rural Residential District, where they are conditionally permitted. The minimum lot area requirement in the RR Rural Residential district is 5 acres, or 217,800 square feet. This compares to a minimum lot area requirement of 7,500 square feet in the R-2 Mixed Residential district:

### Rural Residential (RR) district

**Description:** This district is intended to accommodate single-family dwellings on larger lots, limited agricultural uses, and other compatible land uses.

#### Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	5 acres
Lot width, minimum	s. 11.06.103	B	250 feet
Street frontage, minimum	s. 11.06.104	C	100 feet
Water frontage, minimum	s. 11.06.105	-	100 feet



**Mixed Residential (R-2) district**

**Description:** This district is intended to accommodate single-family dwellings and two-family dwellings along with compatible community and civic uses.

**Dimensional Standards:**

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	7,500 square feet for single-family; 10,000 square feet for two-family
Lot width, minimum	s. 11.06.103	B	75 feet
Street frontage, minimum	s. 11.06.104	C	50 feet for single-family; 85 feet for two-family
Water frontage, minimum	s. 11.06.105	-	75 feet

**Land-Use Matrix – Appendix A**

Series / Land Use	Secondary Review	RR	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	B-5	I-1	P-1	M-1	M-2	C-1
<b>1 Agriculture</b>																
1.01 Agriculture, crop	-	P	-	-	-	-	-	-	-	-	-	-	-	-	C	-
1.02 Agriculture, general	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1.03 Aquaculture	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-	-	C	C	C
1.04 Greenhouse	SP,PO,ZP	C	-	-	-	-	-	-	C	-	-	-	-	C	C	-

Clearly, the intent of the Zoning Code is to allow this type of use in neighborhoods with large lot sizes where houses are set great distances from one another. The code does not allow for these types of uses in the more traditional residential neighborhoods located throughout most of the City.

The applicant is applying for a use variance to allow a greenhouse on the property at 2320 Sampson Street. They are planning to construct three hoop houses on site. In addition, the existing shed would serve as a site for customer payment. There would be no parking on site, customers would be required to park on the street.

**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 meets all R-2 Mixed Residential dimensional requirements including minimum lot area, lot width, and street frontage. The property has clear access from Sampson Street. The property has no unique physical limitations.

**Findings:** The lot size, orientation, and configuration are consistent with the surrounding residential lots. This property is well suited to permitted uses within the district including single-family and two-unit dwellings. Staff has not determined that a unique property characteristic exists.

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 a use variance, unnecessary hardship exists when no reasonable use can be made of the property without a variance.

**Analysis:** For a use variance, unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance. A proposed use may be reasonable when it:

- does not conflict with uses on adjacent properties or in the neighborhood,
- does not alter the basic nature of the site,
- does not result in harm to public interests,
- and does not require multiple or extreme variances.

The property currently supports the nearby nonconforming conditional use to operate a greenhouse at 2331 Sampson Street. Additionally however, the property can be used for all permitted and conditional uses within the R-2 Mixed Residential district. However, this situation is complicated by the fact that this lot was utilized as an accessory to the adjacent conditional use permit for the greenhouse.

**Findings:** Staff has determined that unnecessary hardship does not exist. Reasonable use of this property can be made for other permitted uses. There is nothing precluding the owner from building a home on the lot. However, staff does acknowledge that the intended use from the onset of owning this property was not residential in nature, but this still does not justify a use variance. In addition, 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; | ➤ Minimization of property damages;                       |
| ➤ Water quality;                     | ➤ Provision of efficient public facilities and utilities; |
| ➤ Fish and wildlife habitat;         | and   |
| ➤ Natural scenic beauty;             | ➤ Any other public interest issues                        |

**Analysis:** The subject property is located within a primarily single-family residential neighborhood. Short-term negative impacts could include increased traffic demand, parking issues, materials delivery and storage, and other demands associated with a commercial, rather than residential use. Long-term impacts could include increased diversion from the density and intensity of the residential neighborhood.

**Findings:** The intention of Chapter 11 – Zoning is clear in prohibiting greenhouses from all residential districts except the RR Rural Residential district which has extremely large lot sizes. Allowing for the use variance could increase both short-term and long-term negative impacts. Additionally, it may set precedent for other greenhouse businesses that would like to locate in residential zoning districts. 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 22-000267 due to the following:**

1. There are not unique physical property limitations.
2. There is no unnecessary hardship, as reasonable uses can be made on the property.
3. There is potential short-term and long-term harm to the public interest.



# 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 4-20-22  
Received By CE  
Fee 250.00  
Case # 22-000267  
Aldermanic District 3-Lacher  
ZBA Date TBD

### 1. Applicant information

Applicant name Carol Munrow-Brady  
Street address 2331 Sampson St.  
City, state, zip code Wisconsin Rapids, WI 54494  
Daytime telephone number 715-423-5981 or Cell 715-712-2569  
Email munrows @ solarus . biz

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.

	Agent 1	Agent 2
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 2320 Sampson St Wisconsin Rapids  
Parcel number(s) 3411091

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.

Most greenhouse owners selling retail have enclosed buildings for their merchandise. Cars are out on the front yard.

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.

Never had any objections or complaints from any neighbors at all. They come and get their plants from us.

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.

Hand-drawn picture of proposed idea as to where the structures would be placed.

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

Our business has been very beneficial to people of Wis Rapids including the City of Wis. Rapids. We are doing all their live hanging baskets by Post Office, Mead Area etc and reded silk baskets on Oak Street etc.

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  
Page 2

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 type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial                | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input checked="" 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 checked="" 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.

Parking / Greenhouse / Storage Shed + Retail Sales + Displays

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

Year property was purchased from City applied for zoning permit for parking + greenhouse use. Present greenhouse put up in 1986. Complete area is finished in according to regulations.

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.	Would like to put up 3 additional hoop houses so that spring flowers would be enclosed and would not have to be in yard of house.	
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.

Wrote in above by # 8-1. Original Permit was awarded us in 1961 to put up Greenhouse at 2331 Sampson St. In 1976 permit was granted to sell from our properties 2331 + 2320 Sampson St. Would like to put up 1 at 16x40 and 2 at 16x32.

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. Everything is usable now + would be used.	
2.	
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.

Owners of 2331 Sampson St House are getting older and would like it if all plants would not be in front yard of house. Youngest son would be able to help immensely with everything across the road in 2320 area. His name is Jeffery R. Wunrow. If plants planter in Greenhouse and would be much handier for having plants right there. We would not have to cover everything at night to prevent freezing like we do now -

Variance Application  
City of Wisconsin Rapids, Wisconsin  
Page 5

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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:

CAROL J. Wunrow-Brady  
Name – print

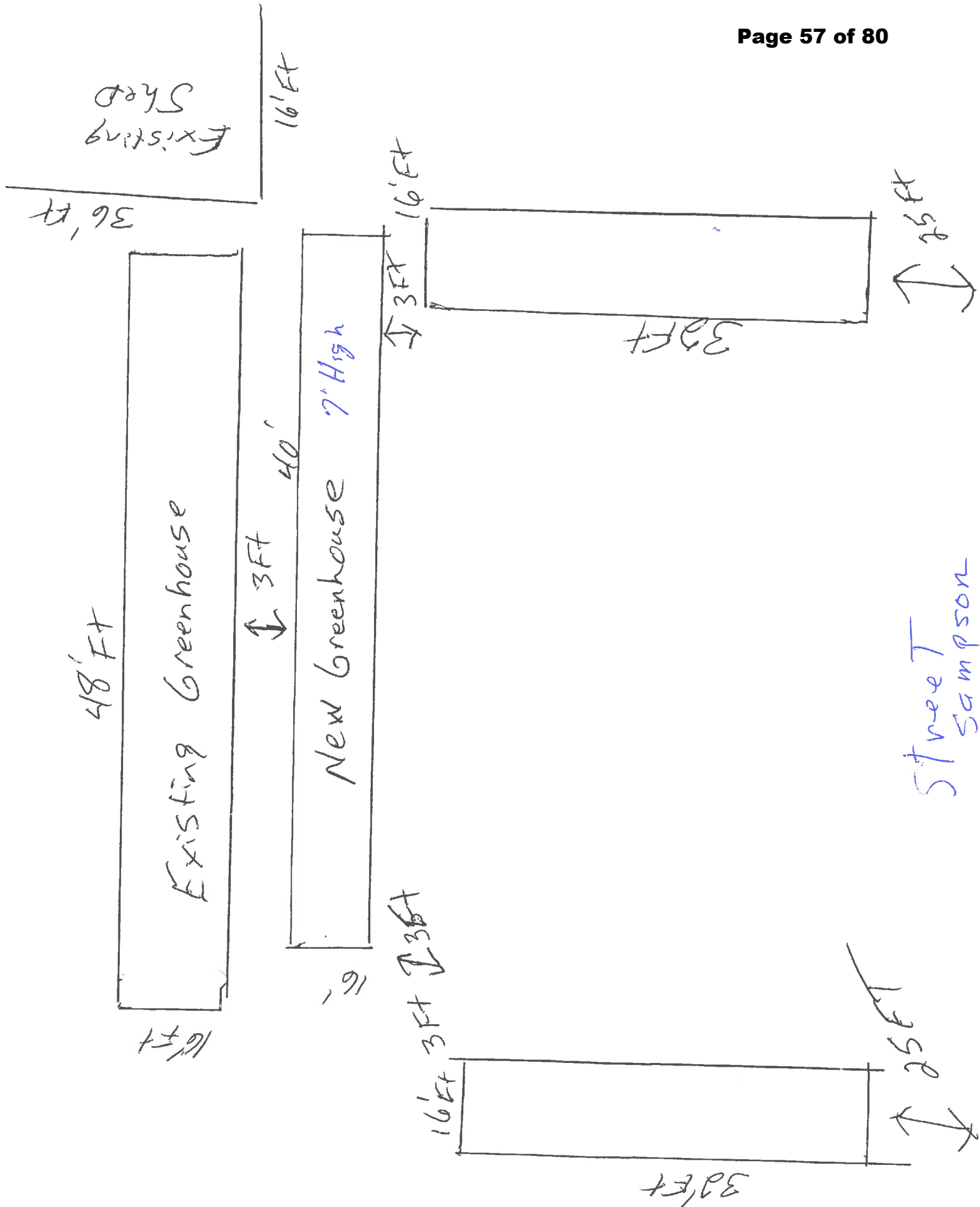
Carol J. Wunrow-Brady  
Name – Signature

4-18-22  
Date

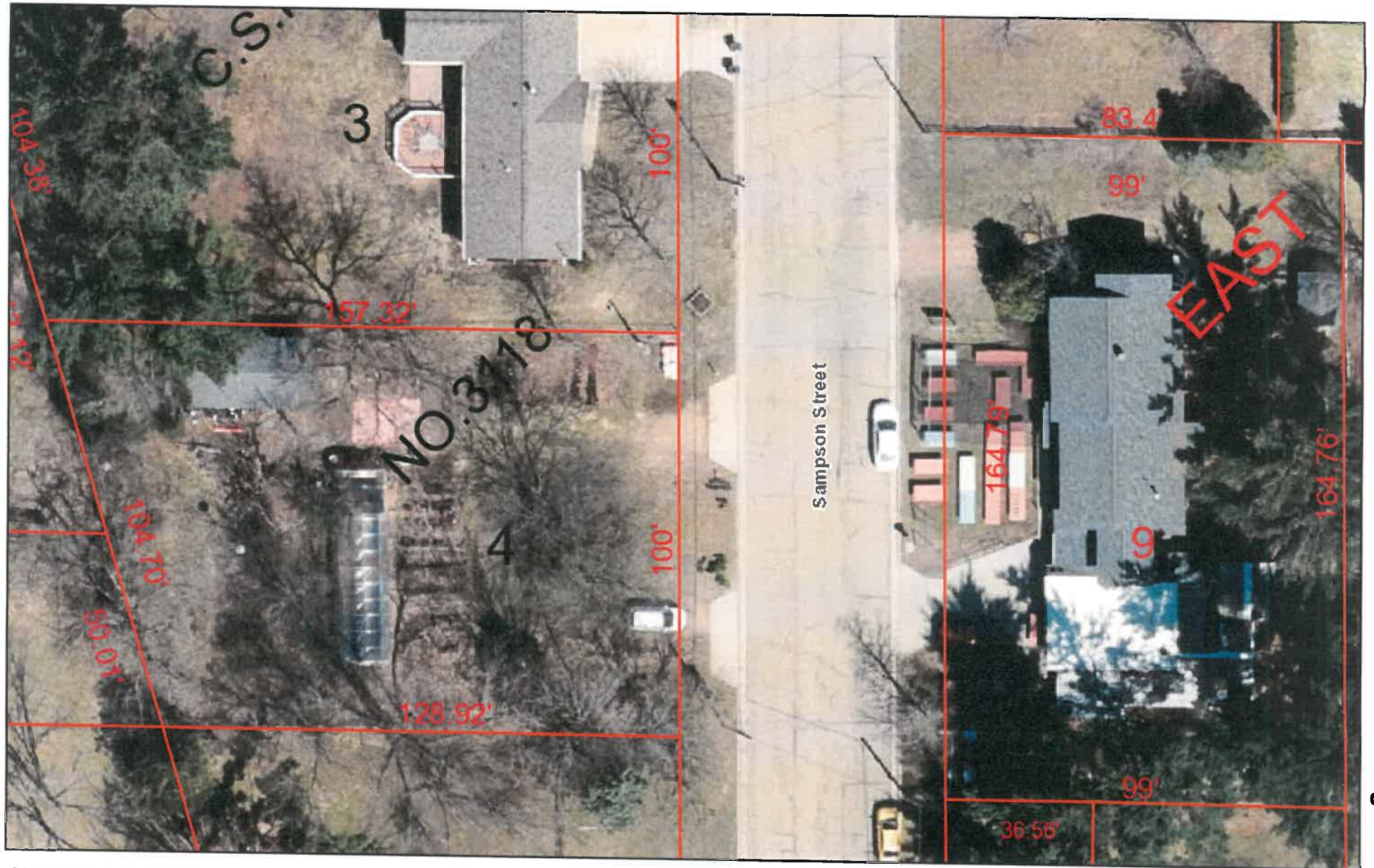
\_\_\_\_\_  
Name – print

\_\_\_\_\_  
Name – Signature


\_\_\_\_\_  
Date

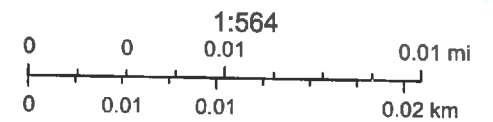


# City Viewer



3/29/2022, 1:41:30 PM

- |  |         |
|--|---------|
| Streets  | Streets |
|  Parcels | Schools |





The Catamount Coldframe is versatile and easy to install. The one piece bow slips into the ground posts. Add your purlin(s) and off you go! These coldframes can withstand heavier snow loads as a result of the purlin being connected to the bow using a cross connector system as opposed to drilling and bolting a purlin to the bow (*shown below*) allowing for maximum bow strength. The Catamount Coldframes are available in 15 ft. widths. You can also order extended ground posts for additional height in the greenhouse.



Country Way Gardens | Fairport, NY



## Features

- 4 ft., 5 ft. or 6 ft. bow spacing
- Bows are 1.315 in., 17 ga. galvanized steel tubing
- The top purlin is connected to the bow using a cross connector system allowing for maximum bow strength as opposed to drilling and bolting a purlin to the bow
- The 15 ft. width is perfect for 15 ft. wide ground cover and 24 ft. wide poly
- Ground posts are 1.66 in., 14 ga. galvanized steel tubing



Made in New Hampshire by



# CATAMOUNT PACKAGES

## Frame

The frame includes all of the steel tubing pre-drilled, all hardware and ground post driver. Does not include baseboard or end wall framing materials.

## Roof Covering

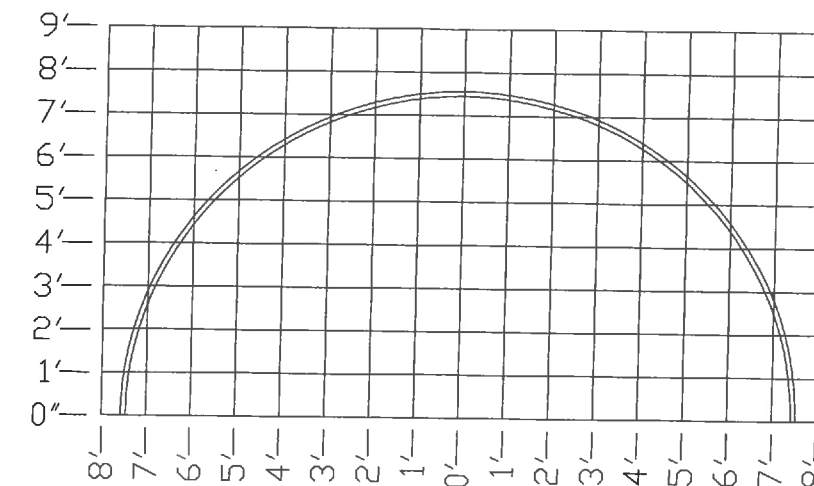
The roof covering includes two layers of poly, wire lock for along the sides and an inflation kit.

## Mechanical Ventilation

Mechanical ventilation includes an exhaust fan(s), shutters and necessary thermostats to control all equipment.

## Roll-Up sides

Roll-up sides include roll pipe, hardware and gear box operators for 2 roll-up sides.



1 Ft. Squares  
15' Bow

Size	Frame	Roof Covering	Mechanical Ventilation	Roll-Up Sides
15' x 48'	\$906	\$601	\$1,593	\$1,184
15' x 72'	1,338	807	1,738	1,563
15' x 96'	1,770	978	2,283	1,852

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# Administrative Staff Report

## Variance – Zoning Code Requirements for Dimensional Standards and Landscaping Standards

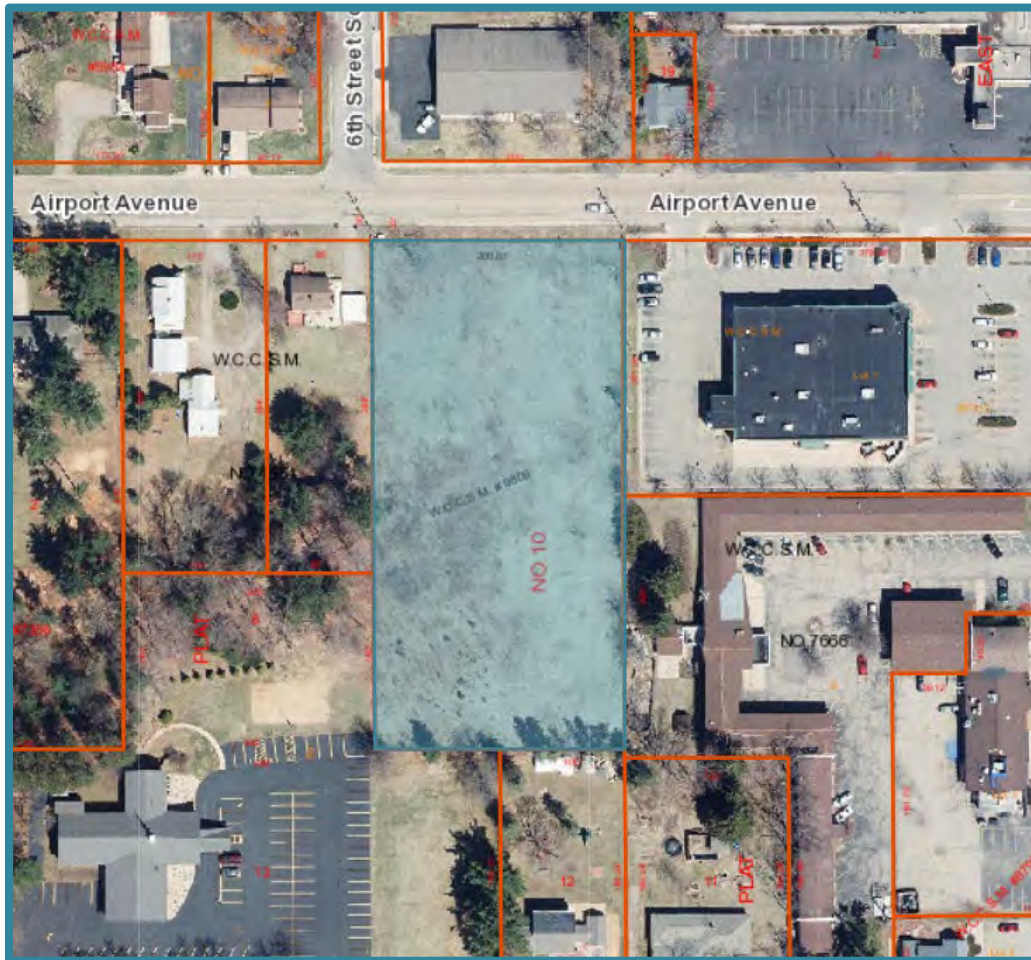
610-620 Airport Avenue

May 17, 2022



<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>James Gannigan</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>Kyle Kearns, Director</li> <li>Carrie Edmondson, Associate Planner</li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>3413366</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>Effective Frontage: 200 feet</li> <li>Effective Depth: 403 feet</li> <li>Square Footage: 80,604</li> <li>Acreage: 1.85 Acres</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>"B-3" Neighborhood Commercial District</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>District 7 - Delaney</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>Mixed-Use</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>Vacant</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>Chapter 11 - Zoning</li> </ul>	<p><b>Request</b></p> <p><b>VARIANCE 22-000350: James Gannigan;</b> public hearing and action on a request from the 35% maximum on-site parking requirement in front of principal buildings, landscaping standards, and architectural standards within the B-3 Neighborhood Commercial zoning district at 610-620 Airport Avenue (Parcel ID 3413366).</p> <p><b>Attachment(s)</b></p> <ol style="list-style-type: none"> <li>Application(s)</li> <li>Plans</li> <li>Material Specifications</li> <li>Property Data</li> </ol> <p><b>Findings of Fact</b></p> <ol style="list-style-type: none"> <li>The applicant is requesting a variance from the 35% maximum on-site parking requirement in front of principal buildings and parking lot and foundation landscape standards.</li> <li>The lot is vacant.</li> <li>The property is zoned "B-3" Neighborhood Commercial District.</li> <li>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.</li> </ol> <p><b>Staff Recommendation</b></p> <p>Deny the request from James Gannigan, for an area variance for relief from the maximum parking requirements and landscaping requirements (Parcel ID 3413366), due to the following:</p> <ol style="list-style-type: none"> <li>The lot is vacant and although a small portion is located within a FEMA Flood Zone, unique property characteristics are limited.</li> <li>There are no unnecessary hardships that exist to make this land unnecessarily burdensome for commercial development.</li> <li>Construction that does not incorporate parking requirements and landscape standards has implications for the surrounding homeowners, community members, and City and to future City development.</li> </ol>
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## Vicinity Map



## Background

The applicant, James Gannigan, is requesting a variance from parking requirements and parking lot landscaping requirements. A variance application was submitted (attached) requesting relief from these standards when constructing a new commercial building on the site. In July of 2020, the site was rezoned from R-3 Multi-Family Medium Density Residential district to B-3 Neighborhood Commercial district. The B-3 Neighborhood Commercial district is:

*“...primarily intended to accommodate low-intensity commercial uses in a residential setting.”*

Attributes that help low-intensity commercial uses to better integrate with surrounding residences include medium to low intensity uses and site design, architectural features, and landscaping that creates harmony with residential neighborhoods. These characteristics can make a commercial building have a similar style and feel to various housing styles in residential neighborhoods. Dimensional standards for the B-3 Neighborhood Commercial district, along with landscaping standards and architectural standards, help to ensure that new commercial building have a scale, style, and intensity that is consistent with surrounding residences.

Chapter 11 – Zoning requires that no more than 35 percent of the required parking be constructed in front of the principal building:



Other			
Distance between driveway and property boundary line, minimum	-	I	5 feet
Distance between parking lot and property boundary line, minimum	-	J	5 feet if adjacent to non-residential; 10 feet if adjacent to residential
On-site parking in front of principal building, maximum	s. 11.06.118	K	35 percent; 50 percent with special exception consistent with s. 11.06.118

The applicant is requesting to construct 96% of their parking in front of the principal building. They are also requesting relief from the landscaping requirements. More specifically, they are requesting relief from the requirement to allow no more than 35% of on-site parking in front of a principal building. They are requesting to allow 96% (25 of 26 parking spaces) to be placed in front of the principal building. In addition, they are requesting a reduction from the required number of 130 parking lot landscape points and would prefer to provide only 39 points. They are also requesting deviation from the 60% of required parking lot landscape points to be devoted to tall trees and a minimum of 20% devoted to shrubs. They are requesting that 100% of the parking lot landscape points consist of shrubs.

They are also seeking a variance from building foundation landscaping standards. Chapter 11 – Zoning requires use of various plant types for foundation plantings. However, tall and medium trees are not allowed to be used for foundation plantings. The intent of foundation planting is to create a visual break in the mass of buildings. This is typically done with landscape planters surrounding the building that contain a mix of various materials. The applicant is proposing to use a combination of low evergreen trees and medium deciduous trees.

Site Photos



## 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 vacant and meets the minimum lot size requirements for the B-3 district. There is a small area of FEMA Flood Zone that encroaches into the west-central portion of the site. However, most of the site is developable in a traditional manner.

**Findings:** The lot size is consistent with many of the surrounding lots and is vacant. The lot is rectangular in shape and has adequate site access from Airport Avenue.

- 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 indicates that meeting the maximum 35 percent parking requirement in the front of the building would create an inconvenience for patrons, as they would need to walk from the side to the front of the building. They also noted that by placing 96 percent of the parking in front of the building, they are keeping more consistency with the residential feel of the neighborhood.

They have indicated that meeting the landscaping points requirements further limits their ability to construct the plan in the way that they intended. They have indicated that meeting the parking lot landscape requirements would limit their ability to remove snow and would reduce visibility for motorists.

**Findings:** Any hardship claimed by the applicant seems to be out of desire or a perceived need to utilize their original site and building plans. The lot is vacant, therefore, relief from dimensional standards or landscape standards is only sought for convenience, cost-savings, desire, or the like. The applicant can construct a variety of design configurations that would still meet site design criteria and landscaping standards outlined in Chapter 11 – Zoning.

The 35% maximum parking limitation in front of a principal building encourages incorporation of more green space and pedestrian scaled development. It reduces the harsh commercial appearance of hardscape to building traditionally associated with an auto-oriented development. By breaking up the parking and shifting some to the side of the building, more landscaping is incorporated into the street frontage. This ultimately leads to a site configuration and construction style and scale that blends well with residential neighborhoods.

The landscaping standards are in place to improve the aesthetic appearance of the built environment and the City, reduce noise, glare, lights, dust, and pollution; ensure that land uses of different intensities are buffered, encourage a community forest, and enhance ambient environmental conditions including shade, air quality, and water quality.



The point-based landscape system allows for flexibility and individuality. In this case it is even more imperative to include the required landscaping due to the proximity of residential land uses to the north, west, and south.

Staff has determined that while the applicant is seeking relief from parking standards and landscape standards, Chapter 11- Zoning incorporates these standards to maintain a particular scale, style, and design aesthetic within the community. This aesthetic achieves a variety of goals and can be attained with a variety of design proposals. However, the design as submitted does not accomplish the desired objective. Additionally, there is no hardship that makes meeting requirements outlined unnecessarily burdensome. There is sufficient allowance for flexibility and individuality while meeting parking and landscaping requirements.

**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 transitional neighborhood, with multi-family residences to the north, commercial property to the east, single-family residences and a church to the west and south. The requested variance allows for reduced standards for parking and landscaping. This allows for a diminished aesthetic within this transitional neighborhood, providing less of a buffer between land uses. A public hearing notice letter was provided as well to surrounding property owners within 300 feet of the property.

**Findings:** Chapter 11 – Zoning outlines site design and landscaping standards to provide a certain aesthetic with new construction in the City, buffer surrounding properties, and provide natural resource protection. In this way, new construction provides enhancement to residents, the surrounding neighborhood, and the greater community. Allowing for this variance reduces the ability of this project to meet the desired objectives. It also may set precedent for future development that desire to construct projects that do not meet standards outlined in the zoning code. This could be for a variety of baseless reasons including cost, timeline, and individual preferences of each applicant. Standards are in place to ensure that all applicants and developers are subject to the same requirements. If these standards are not maintained, it could become especially difficult for staff to enforce City codes.

At the date of this staff report the Community Development Department has not received any comments from the public regarding the request. It should be noted that during the rezoning process in 2020, members of the public expressed concern over construction of a commercial building within a neighborhood that is primarily residential in nature. With regard 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 22-000350 due to the following:**

- 1. The lot is vacant and although a small portion is located within a FEMA Flood Zone, unique property characteristics are limited.**
- 2. There are no unnecessary hardships that exist to make this land unnecessarily burdensome for commercial development.**
- 3. Construction that does not incorporate parking requirements and landscape standards has implications for the surrounding homeowners, community members, and City and to future City development.**





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 5/2/22  
Received By CE  
Fee \$250.00  
Case # 22-000350  
Aldermanic District 1 Delaney  
ZBA Date 5/23/22

**1. Applicant information**

Applicant name James Gannigan  
Street address 101 Division St. N. #1  
City, state, zip code Stevens Point, WI 54481  
Daytime telephone number 715-343-1986  
Email jim.gannigan@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.

Agent 1	Agent 2
Name <u>Jane Przychocki</u>	
Company <u>Heliotherapy Health Center</u>	
Street address <u>101 Division St. N. #1</u>	
City, state, zip code <u>Stevens Point, WI 54481</u>	
Daytime telephone number <u>715-424-0808</u>	
Email <u>janepr41@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 610-620 Airport Ave, Wisconsin Rapids  
Parcel number(s) 3413366

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 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 checked="" 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.

It is a 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 that I am aware of.

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.			
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.

To have parking lot in front of building.

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.	
2.	
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.

If 50% of parking was on the side of building, our clients, ~~most~~ which some are elderly, would have to walk across the lot, then around the front of building to enter. This would also limit/reduce side of buffer yard by the residential side and create unnecessary disturbance for residents.

- 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.

Our property is next to a residential property which is being occupied. Most business properties are next to other business properties, thus the issue of not disturbing the neighbors is not a problem.

- 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.

We have planned long and hard on our building plans, to be able to fit in the residential area with a park-like setting, and also to have the easiest accessibility for our clients as well. Our design for parking in front accomplishes both.

- 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.

Drawings with a 2 page explanation.

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

When we first purchased the property and went through the re-zoning process, we made a promise to the residents that we would keep it or make it look more ~~residential~~ residential, than commercial and we believe our design does just that.

- 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:

James Gannigan  
Name – print

  
Name – Signature

4-30-22  
Date

Jane Przychocki  
Name – print

  
Name – Signature

4-30-22  
Date



In addition, the city design would force a lot of our clients to walk ~~across~~ the lot on the side to get to the walkway in front to gain access to our building. In the winter-time, this would be unacceptable as this would put an excessive risk of falls due to slippery conditions.

For these reasons, we are applying for a variance in regards to the parking lot.

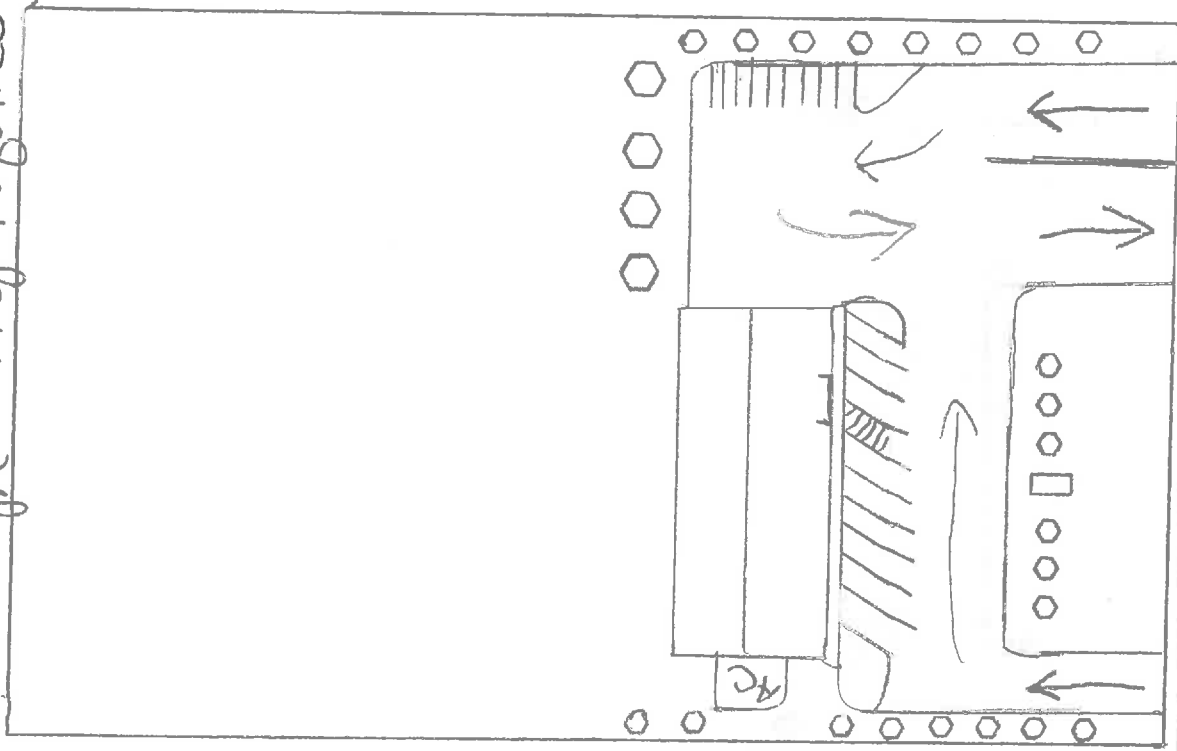


The illustration on the left labeled "original design" is the result of talks with the city engineer and inspectors on how to best deal with traffic flow, right-of-way, and to minimize any negative effects for the residents in the area.

On the West side of the property is a residential house that would be directly affected if we were forced to follow the design the city requires.

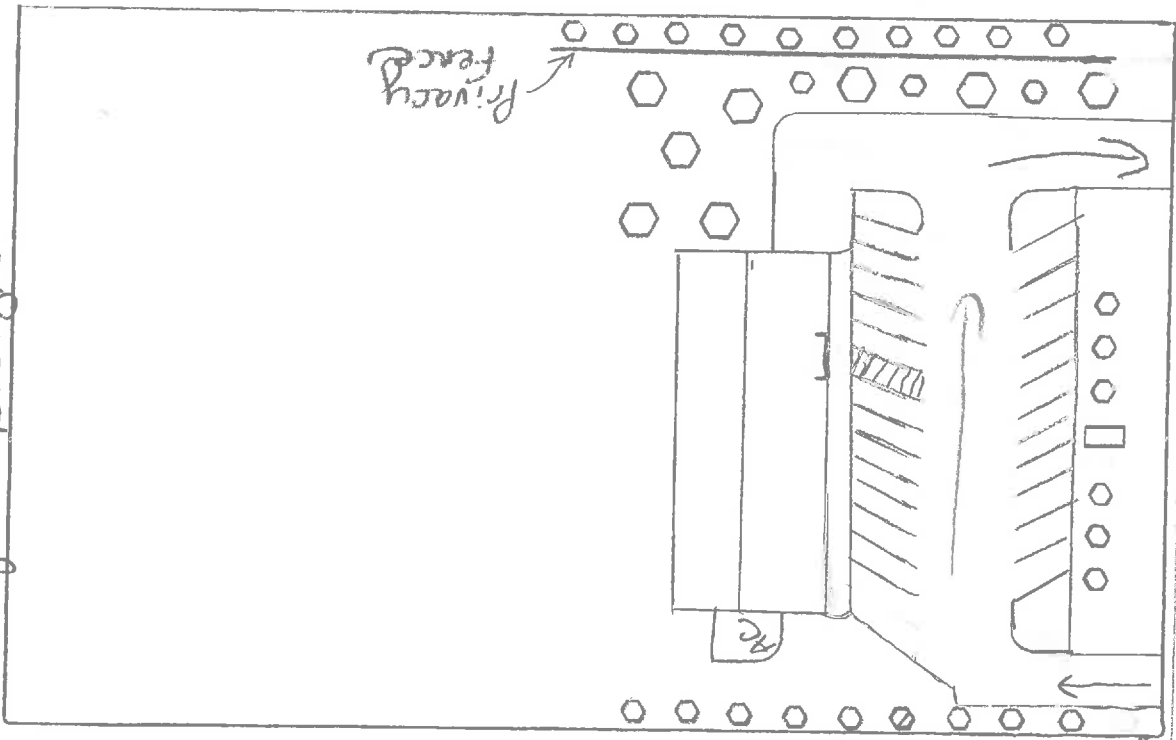
(M)

Design City requires



(N)









Original Design

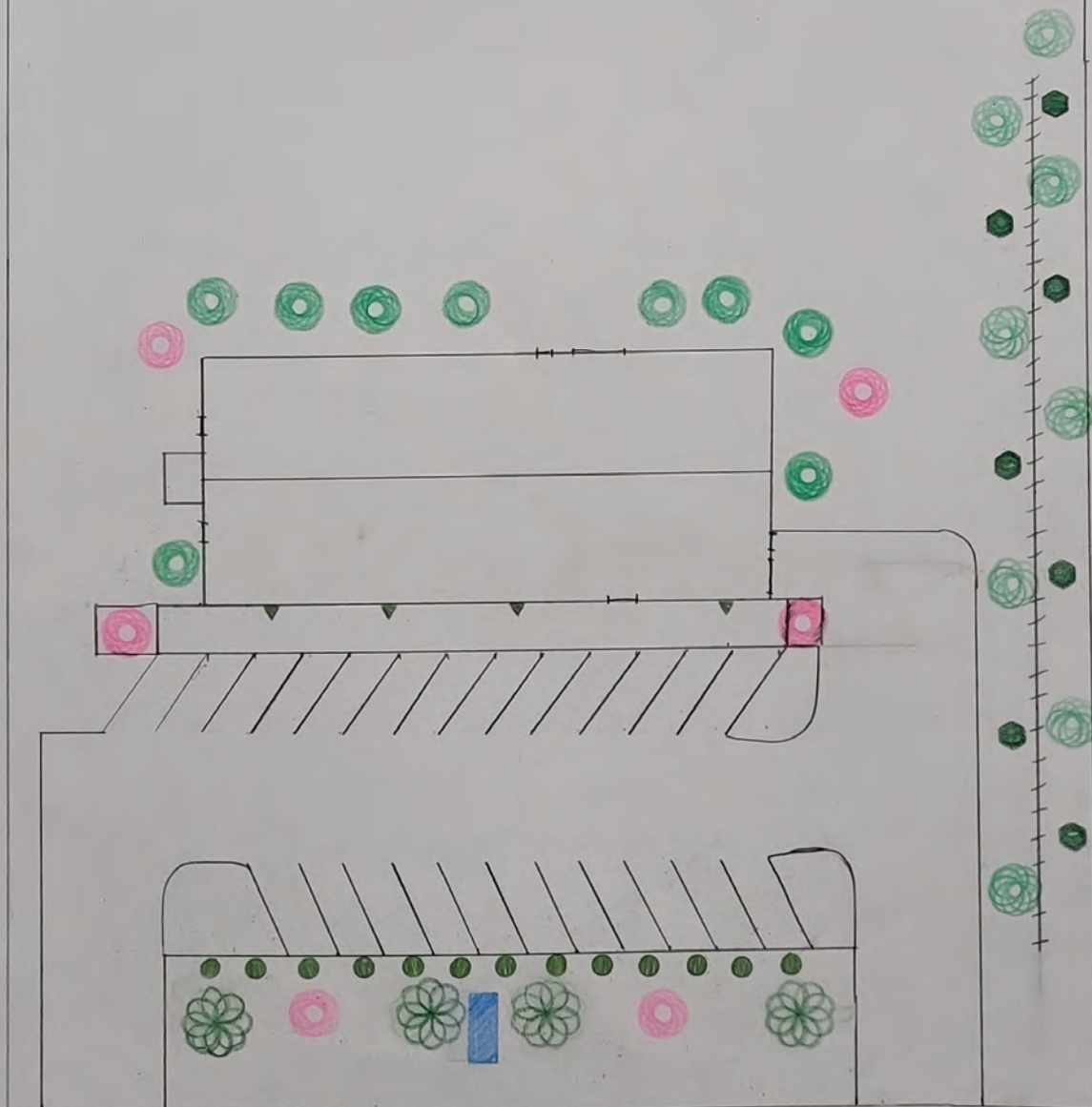


(E)

--- Airport Ave ---

(S)

-  - Pedestal Sign
-  - Low Evergreen trees
-  - Medium Deciduous Tree (flowering)
-  - Tall Evergreen Tree
-  - Medium Arborvitae
-  - Wall Planter
-  - Medium Deciduous Shrub
-  - 6' privacy fence (Height)





◻ - Wall Planter

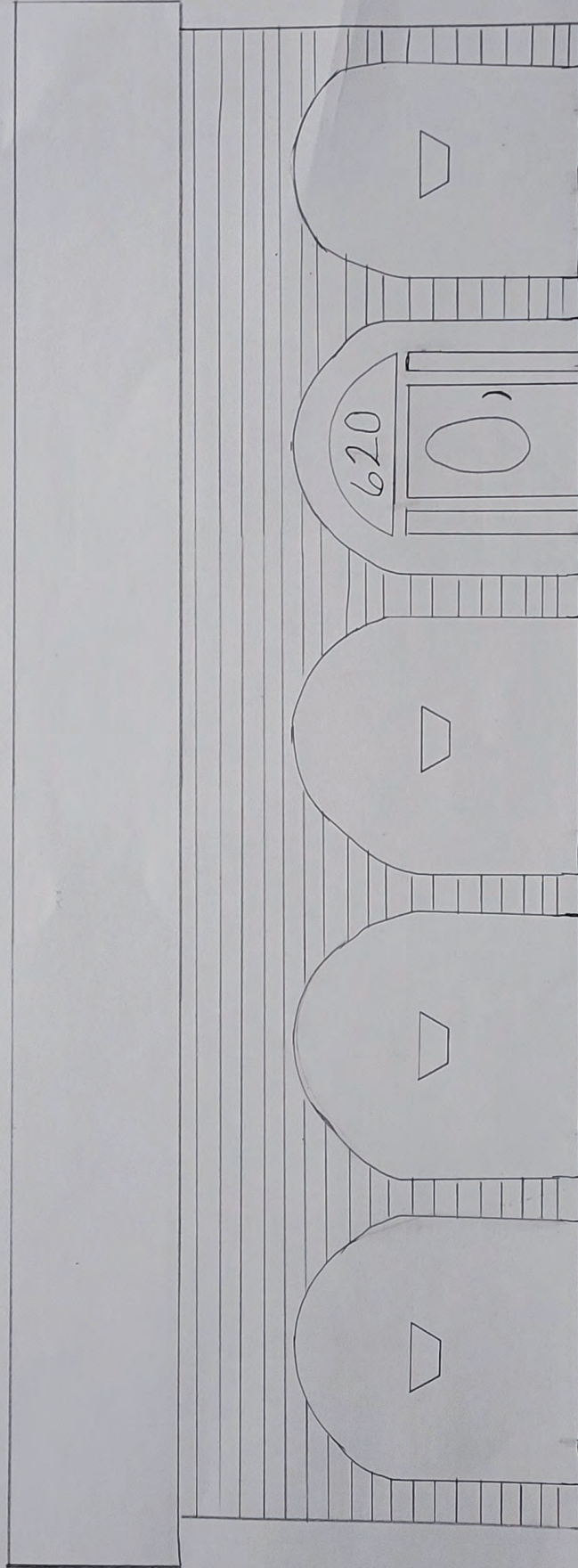


- Wood (Tongue and groove) siding



- Stucco finish

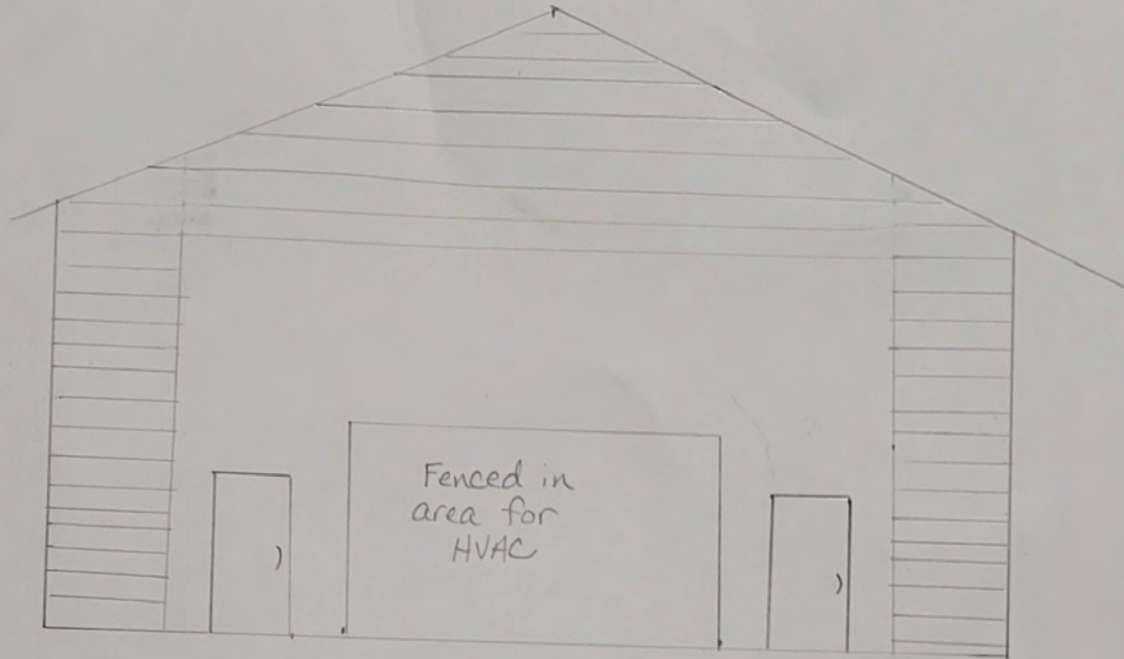
Roof - Shingles





East Side  
(Walgreens)

Page 75 of 80



West Side  
(Residential)

