



ZONING BOARD OF APPEALS MEETING

August 29, 2022
1:00 PM

PUBLIC MEETING NOTICE

Zoning Board of Appeals

Dave Laspa, Chairperson
Jerry Feith
Lee Gossick
Mike Hittner
Bruce Kluver
Peggy Montag, 1st Alternate
Jake Cattenach, 2nd 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 **August 29, 2022, at 1:00 PM. The public can listen to the meeting by calling 1-312-626-6799, Access code: 840 2584 6675.** 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. 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 or 715-421-8225 before the meeting.

AGENDA

1. Approval of the report from the May 23, 2022, Zoning Board of Appeals meeting
2. **VARIANCE 22-000828: 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).
3. 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: August 13th and August 20th, 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, August 29th, 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: 840 2584 6675.** 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 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).

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

May 23, 2022

The Zoning Board of Appeals met at 1:00 p.m. on May 23, 2022 in the Council Chambers at City Hall and via remote audioconferencing. Attending Board members were: Chairperson Dave Laspa, Mike Hittner, Bruce Kluver, and 1st Alternate Peggy Montag. Absent were Jerry Feith and Lee Gossick. Peggy Montag acted as a voting member since Board members Feith and Gossick were not at the meeting. Others in attendance included Community Development Director Kyle Kearns, Associate Planner Carrie Edmondson, BeeJay Liezen, David Mann, Tim Spaulding, Carol Wunrow-Brody, Charles Brody, Jeff Wunrow, Jane Przychocki, Lynda Ennet, Lloyd Ennet, Debra Turbin, and Dennis Polach.

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

1. Approval of the report from the April 14, 2022, Zoning Board of Appeals meeting

Motion by Hittner to approve the report from the April 14, 2022 Zoning Board of Appeals meeting;
second by Montag

Motion carried (4 – 0)

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 9th St North (Parcel ID 3407138)

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

Public hearing opened at 1:10 p.m.

Speaking in favor: Betty Jean Liezen, 331 9th Street N. and David Mann, 4315 Ridge Rd

Speaking against: none

Public hearing closed at 1:11 p.m.

Betty Jean Liezen brought drawings for the project as well as samples of the materials that would be used for the addition. She also reiterated her reasonings for wanting the addition on her property. Member Hittner asked the applicant if a lift would be part of the project and Member Laspa asked about the stairs shown on the plan, versus a handicapped entrance and the existing closed porch, to which Ms. Liezen and David Mann replied. Mr. Mann also responded to member Laspa's question about the large size of the addition. Member Montag asked the applicant about the front door usage and the size of the addition buildout to which Ms. Liezen responded. The applicant also replied to Laspa's question about turnability for a gurney in the new porch. Member Hittner asked the contractor if the front porch addition could be made smaller, to which Mr. Mann responded. Member Hittner inquired about code for front stairs to which Kyle Kearns responded. Mr. Laspa also asked if the existing porch could be

rebuilt, and whether a variance would be needed if this would occur, to which Kyle Kearns and David Mann responded.

Motion by Hittner to grant VARIANCE-22-000164 from front and side yard setbacks and the maximum building coverage ratio to construct an enclosed porch at 331 99th St North (Parcel ID 3407138), due to the health status of the applicant, subject to the following conditions:

1. The home and porch addition shall include gutters.
2. The enclosed porch shall be developed with architectural elements and components which compliment the architectural style of the existing residence.

second by Montag.

Director Kearns confirmed that the motion was made without the standards of review being met.

Motion carried (3 – 1, Laspa voting against)

- 3. VARIANCE-22-000255: Tim Spaulding** – public hearing and action on a request for a variance 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)

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

Public hearing opened at 1:36 p.m.

Speaking in favor: Tim Spaulding, 1751 Riverview Drive

Speaking against: none

Public hearing closed at 1:37 p.m.

Tim Spaulding provided information about the proposed project and clarified Member Laspa's questions about ice build-up. Members Hittner and Laspa asked the applicant about the size of the shed to which Mr. Spaulding and Carrie Edmondson responded. Member Montag asked about the existing shed to which the applicant responded. The applicant also answered Member Kluver's question about the location of the proposed shed. Member Laspa asked about setting precedence should the variance be granted, to which Carrie Edmondson responded, including information regarding the DNR and City requirements, shoreline preservation and implications of construction near a body of water.

Motion by Hittner to grant VARIANCE-22-000255, a request for a variance 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), subject to the following conditions:

1. The shed shall be 10' x 22' and 35 feet from the from the ordinary high-water mark
2. The old shed shall be removed

second by Kluver.

Kyle Kearns asked for clarification for the impetus for making the motion to grant the variance. Mike Hittner responded, noting that one shed is being removed closer to the shoreline and the request is reasonable.

Motion Failed (2 – 2; Montag and Laspa voting against)

- 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)

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

Public hearing opened at 1:54 p.m.

Speaking in favor: Carol Wunrow-Brody and Jeff Wunrow, 2320 Sampson Street

Speaking against: none

Public hearing closed at 1:55 p.m.

Carol Wunrow-Brody provided her reasonings for the use variance request. A neighbor sent a letter with questions regarding the variance to which Member Hittner responded. Member Hittner also asked the applicant if a fence could be added to which the Ms. Wunrow-Brody replied. Member Hittner also asked Staff about the nature and conditions of the use variance request and Kyle Kearns responded. Jeff Wunrow answered member Hittner's questions regarding the size and use of the structures on the property. Kyle Kearns, Carol Wunrow-Brody and Jeff Wunrow responded to Member Laspa's questions about construction building code. Ms. Wunrow-Brody answered member Laspa's question about the timeframe for the use of the structures and member Montag's inquiry regarding the location(s) for the business use.

Motion by Hittner to approve VARIANCE 22-000267, 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); second by Montag.

Kyle Kearns asked members for the reasoning in the approval for the variance. Mr. Hittner stated that it has been used in most aspects of what they want to do with it now other than adding extra hoop houses.

Motion failed (2 – 2; Board members Laspa and Kluver voting against)

- 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).

Carrie Edmondson provided a background and synopsis on Variance-22-000350. Ms. Edmondson noted that there was a typo on page 62 of the report which specified 130 points of parking lot landscaping required for plantings, but that number should instead read 110 points of parking lot landscape required. Denial of the request was recommended for the reasons outlined in the staff report.

Public hearing opened at 2:16 p.m.

Speaking in favor: Agent of Applicant Jane Przychocki, 101 Division Street N #1, Stevens Point

Speaking against: none

Public hearing closed at 2:17 p.m.

Jane Przychocki provided her reasonings for wishing to deviate from the City's parking and landscape requirements in the Zoning Code. Member Laspa asked Mrs. Przychocki about the use of the rear lot to which Mrs. Przychocki responded. Mr. Laspa also asked Staff about the installation of a fence to which Kyle Kearns responded. Mrs. Przychocki answered Member Hittner's question about the nature of the business and Mr. Kearns responded to questions about lighting. There were further discussions between Member Hittner, Mrs. Przychocki and Staff about number of parking spaces on the drawings and parking access. Member Laspa addressed Ms. Przychocki about further explaining her reasons for not complying with the City's parking and landscaping standards and whether she had met with the Engineering Department regarding stormwater, to which she replied. Member Kluver inquired about the orientation of the building to which Carrie Edmondson and Mrs. Przychocki responded.

6. Motion by Hittner to deny VARIANCE 22-000350, 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); second by Laspa.

Motion approved (3 – 1 to Deny; Montag voting against)

7. Adjourn

Motion by Hittner to adjourn; second Kluver

Motion carried (4 – 0)

Meeting adjourned at 1:42 p.m.

Respectfully submitted by Erika Esser, Secretary

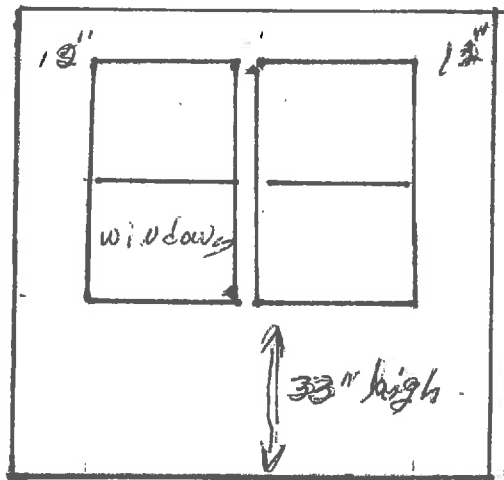
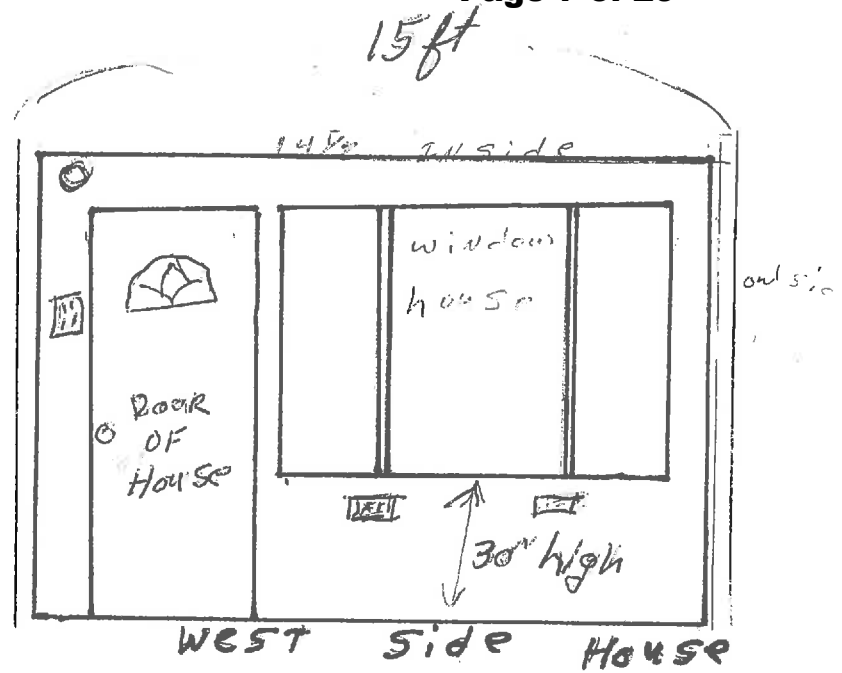
Light By Door

plugging & Light Switch

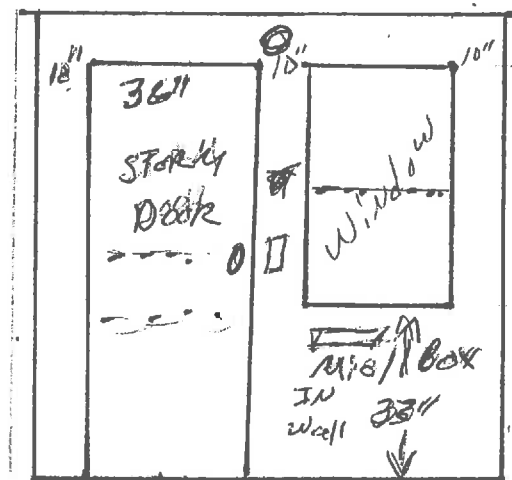
Plug IN

Outside

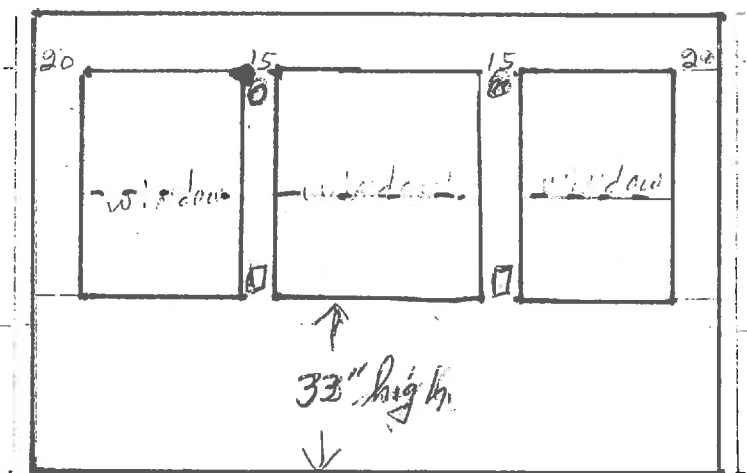
Inside



North end wall
Inside porch



South end wall
Inside porch



East wall To The Side wall



Community Development Department

In regard to Carol Wuaron -
Baody's request for a
variance to operate a
greenhouse business at
2320 Sampson Street (Parcel
ID 3411091, her greenhouse is
an old established business and
using the lot across the Sampson
St. is not a problem.
It is kept orderly and
primarily used for show
and trees John Sprade





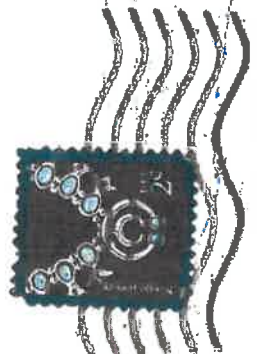
Jahn Ironside,
2221 4th St. S.
Wisc Rapids, WI 54494-5898

Community Development Dept,
City of Wisconsin Rapids
444 West Grand Ave
Wisconsin Rapids, WI 54495

54495-276844



GREEN BAY WI 543
18 MAY 2022 PM 3 L



Kearns, Kyle

From: Sara Janz <janz.sara@gmail.com>
Sent: Thursday, May 19, 2022 7:09 PM
To: Kearns, Kyle
Subject: Public Notice Hearing with regard to the property at 2320 Sampson Street

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Kyle,

Thank you for taking the time to summarize and present my concerns related to this matter. I want to start by saying that I have lived in the neighborhood since the fall of 2006 and have developed a friendship with Carol Wunrow-Brody. I knew that her business had existed prior to me purchasing my residence and have not had a problem since moving here. The business did not look like a greenhouse or an out of place business in a residential area. I do have concerns regarding the changes that are being requested at this time, these include:

1. How will the aesthetics of the neighborhood be changing? I do not see the current greenhouse located at the back of the lot from my living room window. Will I be seeing nothing but plastic and people if there are multiple greenhouses located on this property?
2. How will this change affect the value of my property and the property of my neighbors? I am concerned about the value of my property if there was a greenhouse visible and I decided to sell in the future.
3. What are the expectations for upkeep of the property in question? What happens if the property is sold down the road (can business go in that space or are there city laws about what can or cannot go in there in the future)?
4. Is there an expected increase of traffic in the future due to the operation of a full greenhouse for a longer period of time? There are many children walking to parks and school. I also see children walking and riding bikes and I am concerned about their safety.
5. I know Carol is looking to retire soon, who would be taking this over? Is this a short-term thing for her, or is this for someone who is planning to buy it?

I also want to make note that I have talked to a few other neighbors who were exempt from the notice of this meeting but are expressing the same concerns.

Again, I want to thank you for summarizing and sharing my concerns.

Sara Janz

Edmondson, Carrie

From: Kearns, Kyle
Sent: Monday, May 23, 2022 10:29 AM
To: Edmondson, Carrie
Subject: FW: James Gannigan Variance Requests

FYI, please print for ZBA.

Kyle Kearns
 Director of Community Development
 (715) 421-8225



City of Wisconsin Rapids
 444 West Grand Avenue
 Wisconsin Rapids, WI 54495-2780

www.wirapids.org

Statement of Confidentiality

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From: Larry Koopman <lkoopman@lampertlee.com>
Sent: Monday, May 23, 2022 10:27 AM
To: Kearns, Kyle <KKearns@wirapids.org>
Subject: James Gannigan Variance Requests

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kyle,

I am on the Board of Directors for the Evangelical Free Church of Wisconsin Rapids. Last week the church received the notification letter of the public hearing this afternoon regarding Mr. Gannigan's variance requests. The Gannigan property abuts the church property at the northeast corner of the church property. I

stopped by the Community Development office last week and reviewed Mr Gannigan's application and your staff report. The Board discussed the requests at our meeting last Thursday. The Evangelical Free Church of Wisconsin Rapids does not have any objections to the variance requests because all the proposed development is on the north end of the property so it has little or no impact on the church property either way.

That being said we understand your recommendation to not approve the variances and I would probably be the first person to jump on the bandwagon if the variances were approved.

Larry D. Koopman, P.E.
Lampert-Lee & Associates
10968 Hwy 54 East
Wisconsin Rapids, WI 54494
Office: 715-424-3131
FAX: 715-423-8774
lkoopman@lampertlee.com

Administrative Staff Report

Use Variance – Greenhouse
2320 Sampson St.
August 24, 2022



<p>Applicant(s):</p> <ul style="list-style-type: none"> • Carol Wunrow-Brody <p>Staff:</p> <ul style="list-style-type: none"> • Kyle Kearns, Director • Carrie Edmondson, Associate Planner <p>Parcel Number(s):</p> <ul style="list-style-type: none"> • 3411091 <p>Lot Information:</p> <ul style="list-style-type: none"> • Effective Frontage: 100 feet • Effective Depth: 144 feet • Square Footage: 14,312 • Acreage: 0.329 Acres <p>Zone(s):</p> <ul style="list-style-type: none"> • "R-2" Mixed Residential District <p>Council District:</p> <ul style="list-style-type: none"> • District 7 - Delaney <p>Master Plan:</p> <ul style="list-style-type: none"> • Residential <p>Current Use:</p> <ul style="list-style-type: none"> • Residential Single-Family Home <p>Applicable Regulations:</p> <ul style="list-style-type: none"> • Chapter 11 - Zoning 	<p>Request</p> <p>VARIANCE 22-000828: 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).</p> <p>Attachment(s)</p> <ol style="list-style-type: none"> 1. Application(s) 2. Site Plan 3. Spec Sheet 4. Property Data <p>Findings of Fact</p> <ol style="list-style-type: none"> 1. The applicant has a conditional use permit to operate a greenhouse at their residence located at 2331 Sampson Street. 2. The applicant had a previous conditional use permit granted for off-street parking and landscaping at 2320 Sampson Street. 3. The property is zoned "R-2" Mixed Residential District. 4. A greenhouse is not a permitted use in the "R-2" Mixed Residential District. 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. <p>Staff Recommendation</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"> 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.
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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.

In May of 2022, the applicant appeared before the Zoning Board of Appeals in an application for a use variance to operate a greenhouse on the property located at 2320 Sampson Street. The request involves the construction of additional hoop houses to store products associated with the greenhouse use nearby. Although there was a prior conditional use permit and amendments, this site had not been approved for a greenhouse use. Furthermore, under the current zoning ordinance, a lot cannot have an accessory use where no principal use is present. To expand any uses on the site, even those previously approved, such as storage, requires a principal use to be identified, which has prompted the request for a variance to operate a greenhouse. The Zoning Board of Appeals denied the request for a use variance.

Under Chapter 11 – Zoning

11.05.381 Effect of denial

If the Zoning Board of Appeals denies a variance application, the board may not rehear the same, or essentially the same, application unless there has been substantial change in the circumstances relating to the application.

The applicant has modified the application. They are now proposing to construct two 16 foot by 48 foot hoop houses and one 16 foot by 32 foot hoop house. The smaller hoop house to the north is being proposed, so that the neighbor to the north can maintain their view.

The hoop houses would function to hold seed annuals, potted annuals, and hanging baskets. The hoop houses would also provide space to do urn planting. This all was previously stored and done at the applicant's home across the street. This would allow the applicant's primary residence to function as a home and reduce the need to cover and uncover the plants depending on the weather. They now are planning to keep their present cut flower business on their property at 2331 Sampson Street.

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
1 Agriculture																
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.

Therefore, the applicant is applying for a use variance to allow a greenhouse on the property at 2320 Sampson Street, which includes the construction of three hoop houses on site. 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 for 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. Furthermore, under the new zoning ordinance, the greenhouse is now nonconforming, along with the accessory storage on the adjacent lot.

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 may 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 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 22-000828 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 8/8/22
Received By CE
Fee \$250.00
Case # 22-000828
Aldermanic District 7-Delaney
ZBA Date _____

1. Applicant information

Applicant name Carol J. Wunnows-Brady
Street address 2331 Sampson Street
City, state, zip code Wisconsin Rapids, WI 54494
Daytime telephone number 715-423-5981 or cell 715-712-2569
Email Wunnows@solatus.biz (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 Street Wisconsin Rapids
Parcel number(s) 3411091

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.

Presently used basically in Spring for planting up cemetery urns, peoples, planters, storage in shed and having shrubbery + trees stored on it.

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.

Previous application was made on this property for greenhouses but plans + location of greenhouses are all changed.

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.

Construct 2 greenhouses and bring another from other property over.

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. Changed because neighbor wanted to see down street when sitting in front yard	
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.

see attached letter

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.

People love our business -

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.

Map or drawing of intentional locations of greenhouses .
Letter of history etc -

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

see attached letter

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:

Carol J Hunnow - Brody
Name – print

Carol J Hunnow - Brody
Name – Signature

8-7-22
Date

Name – print

Name – Signature

Date

To Whom It May Concern:

In 1961 my husband and I made application for a conditional use permit to build a greenhouse in the back yard of our home at 2331 Sampson St, Wis. Rapids. We never believed it would develop into the business we have today.

In 1986 we purchased the lot across the street from the City of Wisconsin Rapids. We got another use permit for a greenhouse and shed for storage with the stipulation we put up a fence around the entire lot, which we did. As things would have it the business has grown and grown. People in the entire area in and around Wisconsin Rapids, depend on us. Businesses including Aspirus Hospital, Taylor Funeral Home, Retchey Funeral Home, Renaissance Assisted Living, Quately Foods, Assumption Catholic School, Wildross Sportsmen Club, Wisconsin Rapids Public School, City of Wisconsin Rapids, to name a few - and many, many more depend on us. As a matter of fact gave classes before Covid for the City in planting, hanging baskets, pots + herbs. We also the last two years have made available for the City the hanging baskets on East Grand in front of the Library, Head Inn up to the Bridge on the East Side. This past year we were responsible for flowers for decorating 13 Churches in the area. Not to mention the hundreds + hundreds of people that depend on us for their planting needs.

We have had no objections from the neighbors around us. We just had one request from one neighbor that we keep the greenhouse back far enough that when he sits in his front lawn, he can see down the street. For this reason, we have changed our plans of locations of the greenhouses. Previously we wanted to put 2 greenhouses on both sides of the lot, one on each side. Now we would like to place a 48' Greenhouse for shade plants on the south side of the lot. We would then make a smaller unit on the north side 32 ft long so there would be no blockage what so ever. This smaller unit would be used as the area where my son

Page 25 of 29
does all his own planting etc for people. (This used to be done in the existing greenhouse in the past) and greenhouse now would be used for ~~sun~~ sun annuals. The 3rd Greenhouse 40' long would go in front of the existing greenhouse and house perennials and potted annuals. All greenhouses will have hanging baskets in them. The time span of the uses of these greenhouses would probably be from the 3rd or 4th week in April thru the end of June. These plants will now have cover and protection from the elements. It would be very much more convenient for customers. Previously they walked on uneven ground in our entire yard around our house and garage.

We would still be keeping our present cut flower business in our buildings etc on our 2331 Sampson St Property. The new area across the street would only be used and hopefully managed by my youngest son, taking some of the responsibility off this 80 year old lady.

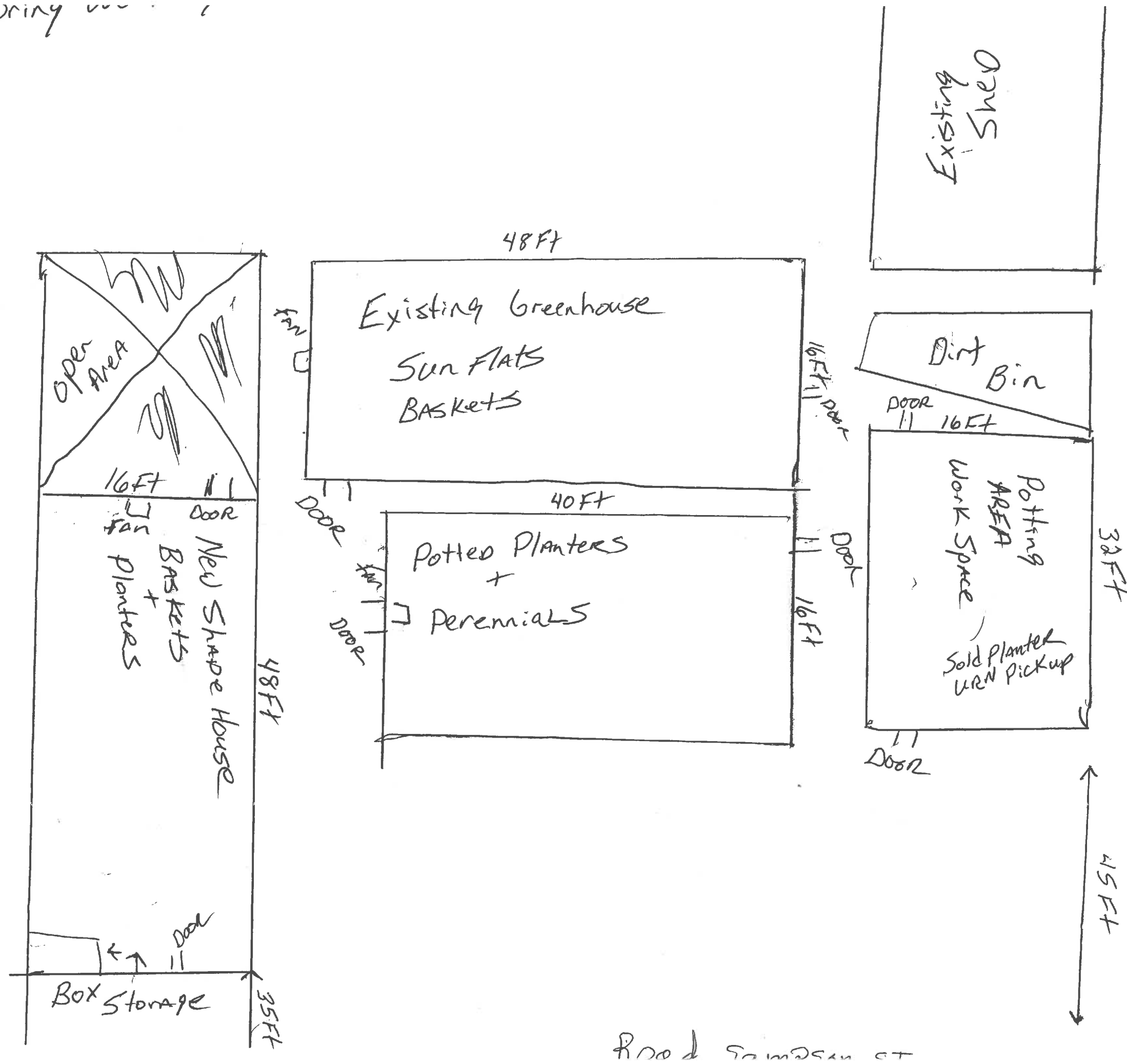
This past June or beginning of July we are very proud of having been awarded from the Chamber like the ^(Heart of Community Award) "Business of the Year Plaque" and a very nice plaque from the state of Wisconsin.

We believe we are on this earth to help people out and that's what we try to do everyday.

Thank You —

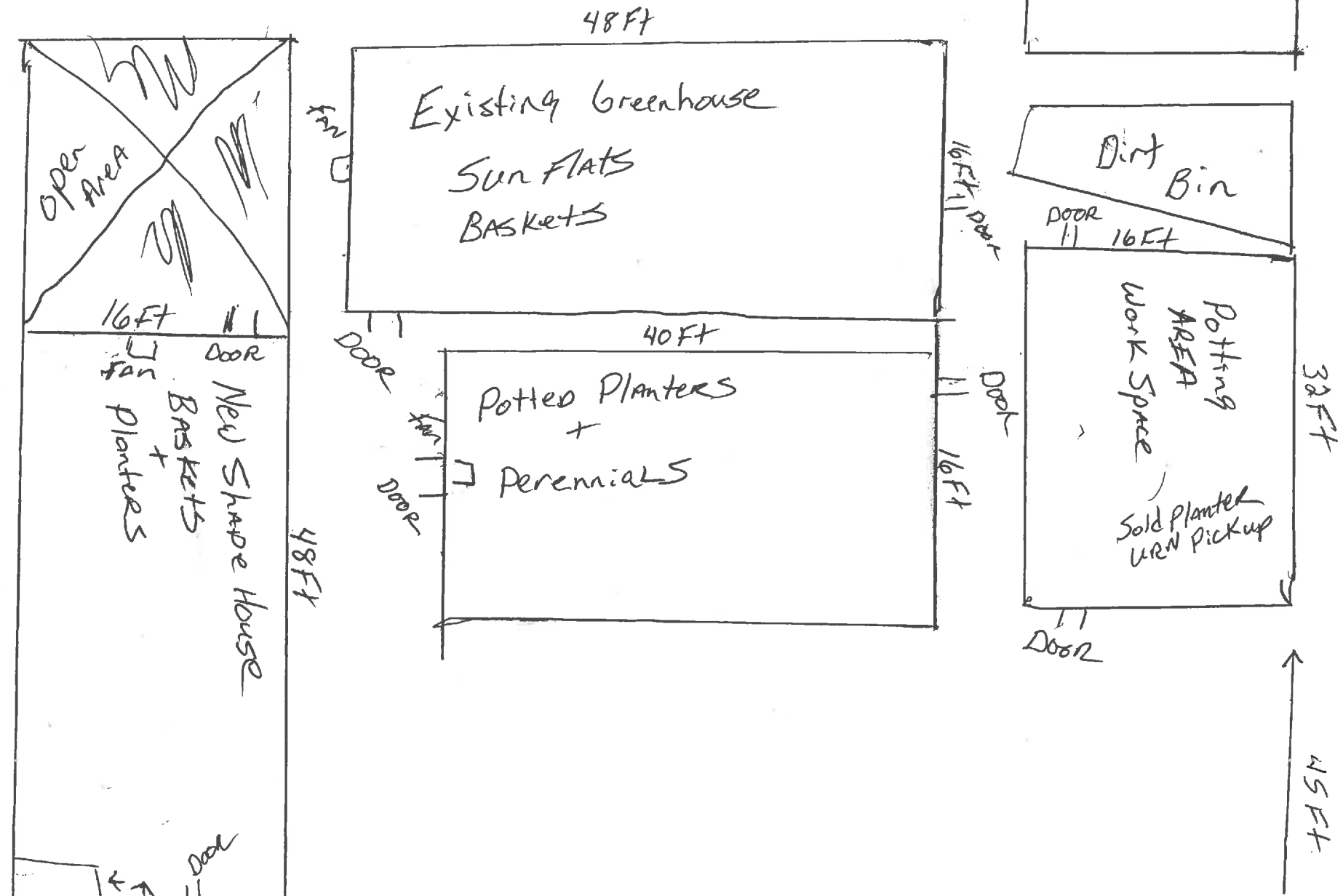
Carol J. Skurnow - Brody
D/B/A Skurnow's Greenhouse + Floral

Spring



Road Samson St

Wurrow's Greenhouse + Floral Spring Working Area



2022 Property Records for City of Wisconsin Rapids, Wood County

Page 28 of 29 August 8, 2022

Tax key number: 34-11091

Property address: 2320 Sampson St

Owner: Carol J. Wunrow
2331 SAMPSON ST
WISCONSIN RAPIDS WI 54494

Zoning: R-2, Mixed Residential
Traffic / water / sanitary: Light / City water / Sewer
Legal description:

Summary of Assessment	
Land	\$16,400
Improvements	\$4,600
Total value	\$21,000

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1	Residential	100	144	14,312	0.329	None	Residential		\$16,400

# of identical OBIs: 1	Other Building Improvement (OBI)		
Main Structure		Modifications (Type, Size)	Photograph
OBI type: Garage	Width: 16 LF	Grade: D	not available
Const type: Detached, frame or cb	Depth: 36 LF	Condition: Average	
Year built: 1989	Fir area: 576 SF	% complete: 100%	
		Assessed \$: \$4,600	

Building Permits				
Issued	Permit #	Purpose	\$ Amount	Completed

Sales History		
Date	Price	Type
9/1/1986	\$10,500	Valid vacant sale

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 cold-frames 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

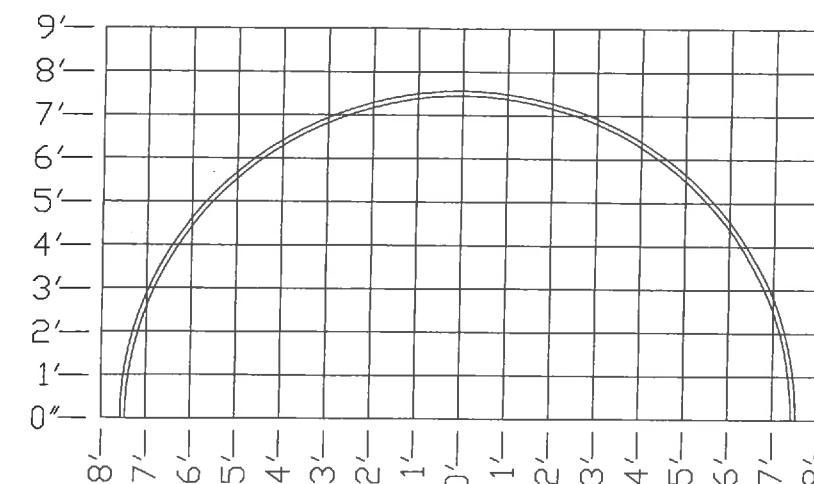
The roof covering includes two layers of poly, wire lock for along the sides and an inflation kit.

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

Made in New Hampshire by



CALL TOLL FREE
1.877.746.6544