



**Community Development
Department**
City of Wisconsin Rapids
444 West Grand Avenue
Wisconsin Rapids, WI 54495
Ph: (715) 421-8228

REPORT OF THE ZONING BOARD OF APPEALS

September 27, 2021

The Zoning Board of Appeals met at 3:00 p.m. on September 27, 2021, in the Council Chambers at City Hall and via remote audioconferencing. Attending Board members were: Chairperson Dave Laspa, Jerry Feith, Mike Hittner, Lee Gossick, Bruce King, and alternate Dennis Polach. Others in attendance included Community Development Director Kyle Kearns, Building Inspector Josh Volz and Arnold Haessly.

The meeting was called to order at 3:00 p.m. Alternate member Polach did not participate in deliberation or voting.

1. Approval of the reports from the April 27, 2021 Zoning Board of Appeals meeting.

Motion by Hittner to approve the reports from the April 27, 2021 Zoning Board of Appeals meeting.
Second by King.

Motion carried (5 – 0)

2. **VARI-21-0782; James Pawlik:** public hearing and action on a request for a variance to allow a fence within the vision triangles and encroach within the setback at 550 9th Ave N (Parcel ID 3401660).

Community Development Director Kearns summarized the request and staff report presented in the meeting packet, recommending the denial.

Public hearing opened at 3:04 p.m.

Speaking in favor:

Arnold Haessly of 831 Fremont Street - Mr. Haessly felt the fence added to the neighborhood, that it was not overly tall and did not obstruct anything.

Jim Pawlik of 550 9th Ave N – Claimed that there was a partial fence there prior. He believes that the biggest vision problem was caused in the winter by snow being plowed and piled very high at the corner lot and that it is difficult to keep the fire hydrant clear for access in case of an emergency. He believed that the slats in fence were far enough apart that one can see through it all the way.

Speaking against: None

Public hearing closed at 3:08 p.m.

Through discussions between Board members and Staff, it had been determined that work on the fence had begun prior to the approval and issuance of the building permit. The contractor contacted Building Inspector Josh Volz to inspect the fence a few days after the building permit application was submitted. Mr. Volz discovered that there were problems with the installation of the fence at the vision triangle locations. Later the building permit was officially issued (June 10, 2021), with the condition that no fence or wall greater than 2.5 feet above the street grade shall be placed within in the vision area. The zoning violations were not corrected by the contractor.



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Motion by King to modify the variance, so that the existing fence can stay, except for the area at Fremont and 9th, which should be modified by dog-earring the fence to meet the 20' code requirement. Second by Gossick.

Comment by Mr. Pawlik regarding the location of an existing tree on the lot. Staff and Board members discussed accuracy of GIS mapping.

Motion withdrawn by King. Second withdrawn by Gossick.

Mr. Haessly interjected his recommendations for the fence height. Mr. Pawlick reiterated that there was a fence in the vision triangle previously and that nothing had happened there for 21 years. Modifications of the vision triangle requirements were further explored by the Board members and concerns about the existing tree were revisited.

Motion by Hittner to approve a fence within the vision triangles and encroach within the setback at 550 9th Ave N (Parcel ID 3401660), citing the above as reasoning, including the request not being detrimental to the public. Second by Gossick.

Motion carried (4 – 1; Laspa voting against)

3. Adjourn

Motion by Hittner to Adjourn. Second by King.

Motion carried (5 – 0)

Meeting adjourned at 4:08 p.m.

Respectfully submitted by Erika Esser, Secretary