



City of Reedsburg
134 South Locust Street, P.O. Box 490
Reedsburg, WI 53959
Ph. 608-524-6404 Fax. 608-524-8458
www.reedsburgwi.gov

Zoning Board of Appeals Agenda
August 27, 2019
Reedsburg City Hall, 134 S Locust Street
12:00 AM

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY ATTEND THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THE COMMON COUNCIL HAS DECISION-MAKING AUTHORITY. IF A QUORUM OF THE COMMON COUNCIL ATTENDS THIS MEETING, NO ACTION WILL BE TAKEN BY THE COMMON COUNCIL AT THIS MEETING.

CALL TO ORDER

APPROVAL OF MINUTES

I. APPROVE MINUTES FOR THE MEETING HELD ON JULY 16, 2019 - AUGUST 8, 2019 MEETING WAS CANCELLED:

THE COMMITTEE WILL RECEIVE INFORMATION ON NON-AGENDA TOPICS BROUGHT BEFORE THE COMMITTEE BY MEMBERS OF THE PUBLIC. THE COMMITTEE WILL NOT DISCUSS THESE TOPICS, AND WILL NOT TAKE ACTION ON ANY OF THEM AT THIS MEETING

I. GENERAL BUSINESS:

- A. Consider zoning variance to build a duplex with a zero lot line side setback, which is less than the 8' required per section 17.12 Schedule 1. 927 Exhibit Circle; Parcel #2408-143 - Pace Construction & Leasing, LLC.
- B. Reconsider floodplain zoning variance to make alterations to substantially damaged building located in the Baraboo River Floodway under municipal ordinance 23.3 & 23.6(2). 239 Granite Avenue; parcel #1666-1 - City of Reedsburg.

II. ADJOURN:



The City of Reedsburg does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings and programs are available by calling (608) 524-6404. To be able to meet the needs of a request for a different format contact the City Clerk-Treasurer at 134 S. Locust Street, Reedsburg, WI at least 48 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

City of Reedsburg
Zoning Board of Appeals Minutes
July 16, 2019

Present: Adam Kaney, Walter Luepke, Jerry Zuhlke, Richard Braun, and Pat Andera
Absent: Richie Strutz
Others: Brian Duvalle

Adam Kaney called the meeting to order at 12:00 PM.

Moved by Luepke and seconded by Braun to approve the minutes from the May 21, 2019, meeting. Motion carried 4-0.

Consider zoning variance to replace and enlarge an enclosed front porch that is less than 20' from the front lot line per section 12.12 Schedule 1, and to build and accessory storage building on a different tax parcel than the principal dwelling per section 17.21(1). – 635 Division St; Parcel #s 1162 & 1163 – Shane Lewerenz.

Lewerenz commented on the condition of the front porch. The only good thing on the current porch is the roof, the rest is rotten. He plans on making the front porch the whole length of the house but the same distance going towards the sidewalk. Steps will also be added to the front located in the middle of the porch. Discussion was held on the house being built prior to zoning and only having a 20' front setback itself.

Moved by Braun, seconded by Andera to approve the replacement of the front enclosed porch as presented which will be less than 20' from the front lot line. Motion carried 4-0.

Lewerenz commented that he will be taking the old storage building down after the new one is complete. The current building was built half on each tax parcel. He would fill the area of the new storage building by 6-8" to avoid water runoff from the higher-elevated alley.

Brian Duvalle commented he would like to see the lots combined, and if approved, a condition be placed on it to combine the lots within a certain timeframe. Most citizens of similar previous requests combined their lots and didn't apply for a variance.

Moved by Luepke to approve the variance for the storage building with the condition he combines the lots within 5 years or when he sells the properties (whichever one comes first). No second.

Luepke withdrew his motion.

There was discussion on how difficult it would be to enforce a stipulation of combining the lots in the future or when it sells.

Moved by Andera, seconded by Braun to deny the accessory building variance. Motioned carried to deny 4-0.

Moved by Luepke, seconded by Braun to adjourn the meeting at 12:37 PM. Motion carried 4-0.

Respectfully submitted,

Julie Strutz
Deputy Clerk-Treasurer

ZONING BOARD OF APPEALS
Staff Report

DATE: 8/27/19

APPLICANT: Pace Construction & Leasing, LLC

LOCATION: 927 Exhibit Circle; Parcel #2408-14300

ZONING: R-2 Residential

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance to build a duplex with a zero lot line side setback, which is less than the 8' required per section 17.12 Schedule 1.

General Findings

SURROUNDING LAND USES:

- North – Residential
- West – Detention pond
- South – Residential
- East – Residential

ZONING:

- North- R-2 Residential
- West- Government
- South- R-2 Residential
- East- R-2 Residential

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: Exhibit Cir, 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Residential

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

Variance Findings – Section 17.07

1. **The variance will not be contrary to the public interest.**
2. **Substantial justice will be done by granting the variance.**
3. **The variance is needed so that the spirit of the ordinance is observed.**
4. **Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.**
 - a. The Board finds that the property is currently vacant.
 - b. The Board finds that the property is roughly 104' X 150'.
 - c. The Board finds that section 17.12 Schedule 1 requires an 8' minimum side setback.
 - d. The Board finds that section 17.12 Schedule 1 permits two-family residential.
 - e. The Board finds that the adjacent property to the west is owned by the City of Reedsburg and is used as a stormwater detention pond.
 - f. The Board finds that the applicant proposes to construct a new duplex with a zero lot line side setback.
 - g. The Board finds that the Reedsburg Public Works Committee reviewed the request on 7/17 and recommended approval.

STAFF COMMENTS

This was recommended approval by the Public Works Committee. The City-owned property will remain as a detention pond there should otherwise be no problem with a zero-lot line setback.

However the roof overhang would cross the lot line, so should you approve this, I ask that a condition be placed that the City Attorney is consulted at the applicant's expense on a possible encroachment agreement.

As of this writing, I don't know RUC's response to building along the lot line. Generally properties have a 5'-wide utility easement along all side lot lines. I should have an answer by the meeting.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Thursday, August 27, 2019, ZBA Agenda
- D. Land Use Change Application
- E. Staff Report
- F. Request for Review
- G. Notice of Public Meeting

City of Reedsburg Land Use Application

134 S. Locust St.
PO Box 490
Reedsburg, WI 53959

Ph: 608-524-6404
Fax: 608-524-8458
bduvalle@ci.reedsburg.wi.us

APPLICANT: Pace Construction & Leasing, LLC

ADDRESS: E6918 Ski Hill Rd **CITY:** Reedsburg **STATE:** WI

ZIP: 53959 **PHONE:** 608-524-5557 **FAX:** _____

E-MAIL: bpace@depholdingsllc.com

PROPERTY OWNER: (if different from Applicant) _____

LOCATION: City of Reedsburg, 3rd Add to Westerfair Subd Lot 57 (PRT SE SW 9-12-4) **PARCEL #:** 276-2408-14300

LAND USE REQUEST

927 Exhibit Circle

(Please describe one or more as applicable – attach extra pages/maps if necessary)

☐ **Certified Survey Map (CSM):** _____

☐ **Conditional Use Permit:** _____

For **CONDITIONAL USE PERMIT** requests, also answer "A & B" on back page.

☐ **Preliminary Plat:** _____ **Final Plat:** _____ **Name of Plat:** _____

☐ **Rezoning - From:** _____ **To:** _____ **TID #** _____

☐ **Site Plan Review:** (See "B" on back page) _____

☐ **Zoning Appeal / Interpretation:** _____

☒ **Zoning Variance:** Side setback - zero lot line

For **VARIANCE** requests, also answer "C" on back page.

☐ **Other or Annexation:** _____

AFFIDAVIT

I certify that the information and plans submitted are true and accurate to the best of my knowledge. I also give permission to City zoning officials to enter my property for inspection purposes.

[Signature] 7/23/19

Applicant Signature / Date

[Signature] 7/23/19

Owner Signature / Date

Extraterritorial Committee Date: _____

Plan Commission Date: _____

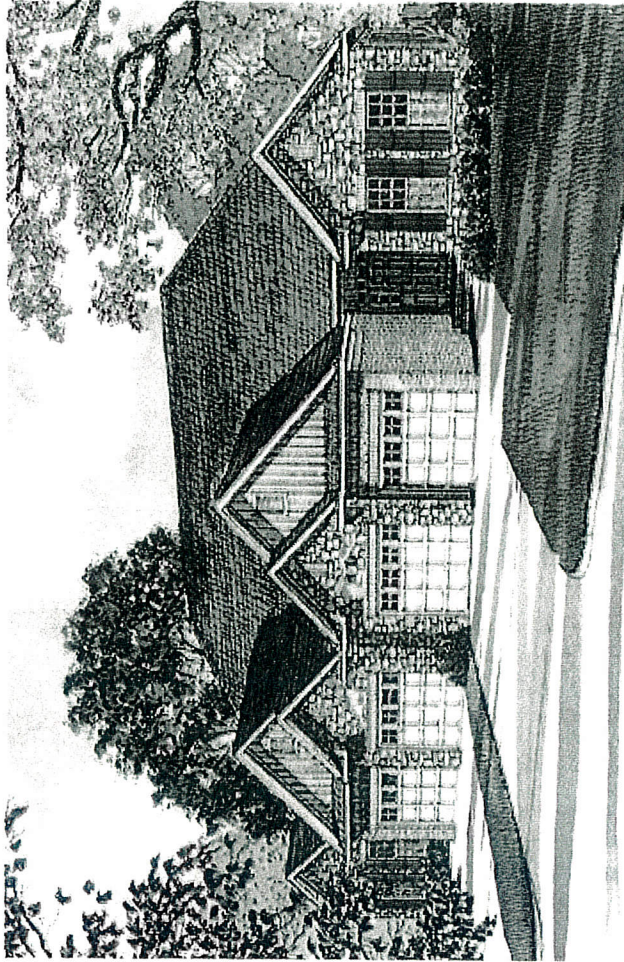
Board of Zoning Appeals Date: _____

City Council Action & Date: _____

Account #10-461500-00

**The applicant or representative MUST
ATTEND the meeting**

Cond Use; Site Plan	\$153	_____
Cond Use-Agriculture	\$400	_____
Variance	\$112	<u>112</u>
Rezoning	\$200	_____
C.S.M.	\$171	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Flood Plain Zone	\$189	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid		_____
Receipt #		_____



Plan Number 62349 | Order Code 00WEB | Front Elevation

FamilyHomePlans.com

U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526

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City of Reedsburg GIS

DISCLAIMER: The City of Reedsburg does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

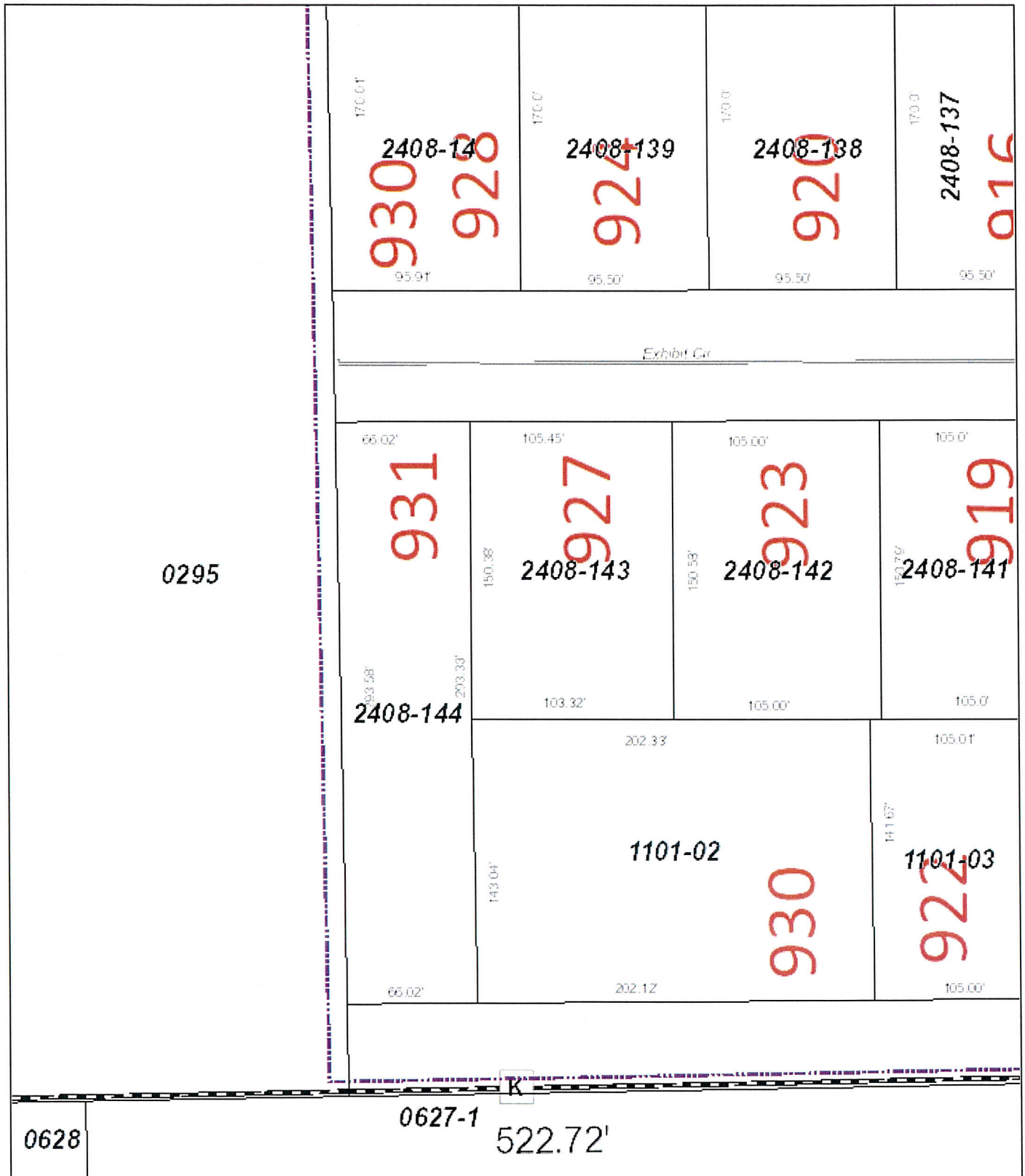


SCALE: 1" = 69'

CITY OF REEDSBURG

134 S. Locust Street
PO Box 490
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608-524-6404

Print Date: 7/17/2019



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SCALE: 1" = 69'

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part of the inner rim of a bathtub, hot tub, shower, spa or whirlpool appliance.

3. Within 4 feet vertically of a tread or landing in a stairway and within one foot horizontally of the near edge of the tread or landing.

4. Within 4 feet vertically of the floor and 3 feet horizontally of the nosing of the top or bottom tread of a stair.

5. In guard assemblies.

(bm) Safety glass is not required where glazing meets any of the following:

1. The size of an individual pane of glass is 8 inches or less in the least dimension.

2. The safety glass is required by sub. (3) (am) 1. and the only door within 2 feet of the glazing is the fixed panel of a patio door.

3. The safety glass is required by sub. (3) (am) 1. and there is an intervening wall or other permanent barrier between the door and the glazing.

Note: The U.S. Consumer Product Safety Commission requires safety glass for glazing in internal and external doors, including storm doors and patio doors, as well as for the tub or shower enclosures themselves. These federal rules, contained in 16 CFR, subchapter B, part 1201, apply in addition to any state rules or statutes.

Note: Glass blocks are considered to be masonry products and are regulated under the ACI 530 standard adopted under s. SPS 320.24. They are not required to be safety glazing.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. (1) and (2), Register, February, 1985, No. 350, eff. 3-1-85; r. and recr. (3) and (4), Register, July, 1986, No. 367, eff. 1-1-87; am. (4), Register, January, 1989, No. 397, eff. 2-1-89; am. (2) (a), (4) and (5), Register, March, 1992, No. 435, eff. 4-1-92; am. (2) (a), Register, November, 1995, No. 479, eff. 12-1-95; am. (3), r. and recr. (4) and (5), Register, January, 1999, No. 517, eff. 2-1-99; CR 02-077: am. (1) (a) and (5) (b) Register May 2003 No. 569, eff. 8-1-03; CR 08-043: am. (title), r. (3) and (4), renum. (5) to be (3) and am. (3) (intro.), r. and recr. (3) (a) and (b) Register March 2009 No. 639, eff. 4-1-09; CR 15-041: am. (1) (intro.), cr. (1m), renum. (2) (a) to (2) (a) 1. and am., cr. (2) (a) 2., renum. (3) (intro.) and (a) to (d) to (3) (am) (intro.) and 1. to 4. and am. (am) (intro.), 1. (intro.), a., cr. (3) (am) 5., renum. (3) (e) to (3) (bm) (intro.) and am., cr. (3) (bm) 1. to 3. Register December 2015 No. 720, eff. 1-1-16; CR 15-089: am. (1) (a) Register May 2016 No. 725, eff. 6-1-16.

SPS 321.06 Ceiling height. All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least 7 feet, except as follows:

(1) (a) Rooms may have ceiling heights of less than 7 feet provided at least 50% of the room's floor area has a ceiling height of at least 7 feet. Any area with a ceiling height of less than 5 feet may be ignored in this calculation.

(b) The 50% limit in par. (a) does not apply to subs. (3) to (6).

(2) Beams and girders or other projections may project to no more than 8 inches below the required ceiling height.

(3) The ceiling height extending back from the front edge of a water closet may slope to below 7 feet, but may not go below 5 feet until beyond the back of the water closet.

(4) The ceiling height extending back from the front edge of a lavatory may be less than 7 feet, but may not go below 5 feet until beyond the back of the lavatory.

(5) A ceiling height of less than 7 feet may be provided between the rear rim of a bathtub and a wall of the room abutting that rim, or between the side rim and a room wall abutting that rim.

(6) A ceiling height of less than 7 feet may be provided between the rear wall of a shower stall and a wall of the room abutting that rear wall, or between the side wall of a shower and a room wall abutting that side wall.

Note: Section SPS 384.20 (5) (o) 4. establishes minimum horizontal clearances for water closets, and reads as follows: "A water closet may not be located closer than 15 inches from its center to any side wall, partition, vanity, or other obstruction, nor closer than 30 inches center to center, between water closets. There shall be at least 24 inches clearance in front of a water closet to any wall, fixture or door."

Note: See ch. SPS 384 Appendix for further explanatory material.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; CR 15-041: renum. 321.06 to 321.06 (intro.), (1) (a), and (2) and am., cr. (1) (b), (3) to (6) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.07 Attic and crawl space access. (1) **ATTIC.** Attics with 150 or more square feet of area and 30 or more inches of clear height between the top of the ceiling framing and the bottom of the rafter or top truss chord framing shall be provided with

an access opening of at least 14 by 24 inches, accessible from inside the structure.

(2) **CRAWL SPACES.** Crawl spaces with 18 inches of clearance or more between the crawl space floor and the underside of the house floor joist framing shall be provided with an access opening of at least 14 by 24 inches.

Note: Access to plumbing or electrical systems may be required under chs. SPS 382 to 387, Plumbing Code or ch. SPS 316, Electrical Code, Volume 2.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; am. Register, March, 1992, No. 435, eff. 4-1-92; am. (1), Register, November, 1995, No. 479, eff. 12-1-95.

SPS 321.08 Fire separation and dwelling unit separation. (1) **FIRE SEPARATION.** Dwelling units shall be separated from garage spaces, accessory buildings, property lines and other dwelling units in accordance with Table 321.08 and the following requirements:

Table 321.08

Between Dwelling And:	Distance Between Objects ¹	Fire Rated Construction ^{2,5}
Detached garage or accessory building on same property	Less than 5 feet	3/4-hour wall ³ 1/3-hour door or window ³
Another dwelling on same property	Less than 5 feet	3/4-hour wall ⁴ 1/3-hour door or window ⁴
Detached garage, accessory building, or other dwelling on same property	5 to 10 feet	3/4-hour wall ³ 1/3-hour door or window ³
Detached garage, accessory building, or other dwelling on same property	More than 10 feet	No requirements
Property Lines	Less than 3 feet	3/4-hour wall 1/3-hour door or window
Property Lines	3 feet or more	No Requirements
Zero Lot Line	None	Follow sub. (2) (d) requirements

¹ Distance shall be measured perpendicular from wall to wall or property line, ignoring overhangs.

² Fire rated construction shall protect the dwelling from an exterior fire source.

³ Fire rated construction may be in either facing wall.

⁴ Fire rated construction shall be in both facing walls.

⁵ The methods for garage separation in par. (a) 1. are examples of ¾ hour wall construction.

(a) **Attached garages.** 1. The walls and ceiling between an attached garage and any portion of the dwelling, including attic or soffit areas, shall be ¾-hour fire-resistive construction or shall be constructed as specified in any of the following:

a. One layer of 5/8-inch Type X gypsum drywall shall be used on the garage side of the separation wall or ceiling.

b. One layer of ½-inch gypsum drywall shall be used on each side of the separation wall or ceiling.

c. Two layers of ½-inch gypsum drywall shall be used on the garage side of the separation wall or ceiling.

2. For all methods listed under subd. 1., drywall joints shall comply with one of the following:

a. Joints shall be taped or sealed.

b. Joints shall be fitted so that the gap is no more than 1/20-inch with joints backed by either solid wood or another layer of drywall such that the joints are staggered.

Note: 1/20-inch is approximately the thickness of a U.S. dime.

3. Vertical separations between an attached garage and a dwelling shall extend from the top of a concrete or masonry foundation to the underside of the roof sheathing or fire-resistive ceiling construction.

(b) **Structural elements exposed in an attached garage.** Beams, columns and bearing walls which are exposed to the garage and which provide support for habitable portions of the dwelling shall be protected by one of the methods specified in par. (a) 1. a. or c. or other ¾ hour fire-resistive protection.

(c) **Doors.** 1. The door and frame assembly between the dwelling unit and an attached garage shall be labeled by an independent testing agency as having a minimum fire-resistive rating of 20

minutes. The test to determine the 20-minute rating is not required to include the hose stream portion of the test.

Note: Acceptable tests for fire rating of door assemblies include ASTM E-152, UL 10B, and NFPA 252.

2. Only glazing allowed by the door's listing may be installed in any door required under this section.

(d) *Other openings.* 1. Access openings in fire separation walls or ceilings shall be protected in one of the following ways:

a. The opening is protected with a material that has a finish rating of at least 20 minutes.

b. The opening is protected in the same way as the wall or ceiling where the opening is located.

2. The cover or door of the access opening shall be permanently installed with hardware that will maintain it in the closed position when not in use.

(2) DWELLING UNIT SEPARATION. (a) *General.* In 2-family dwellings, dwelling units shall be separated from each other and from shared tenant spaces including attics, basements, garages, vestibules and corridors.

(b) *Attic separation.* Dwelling units with attic space that extends over both units shall be separated in accordance with one of the following:

1. 'Complete separation.' The units shall be provided with wall construction under par. (d) that extends all the way to the underside of the roof deck.

2. 'Vertical and horizontal separation.' a. The units shall be provided with wall construction under par. (d) that extends to the dwelling unit ceiling and ceiling construction under par. (e).

b. Dwelling units using this method of separation shall provide attic draft stopping under par. (f) that extends all the way to the underside of the roof deck above and in line with the separation wall.

(c) *Doors.* Any door installed in the dwelling unit separation shall have the door and frame assembly labeled by an independent testing agency as having a minimum fire-resistive rating of 20 minutes. The test to determine the 20-minute rating is not required to include the hose stream portion of the test.

(d) Walls. Walls in the dwelling unit separation shall be protected by not less than one layer of $\frac{5}{8}$ -inch Type X gypsum wallboard or 2 layers of $\frac{1}{2}$ -inch gypsum wallboard or equivalent on each side of the wall with joints in compliance with sub. (1) (a) 2.

(e) *Floors and ceilings.* A fire protective membrane of one layer of $\frac{5}{8}$ -inch Type X gypsum wallboard with joints in compliance with sub. (1) (a) 2., shall be provided on the ceiling beneath the floor construction that provides the separation.

(f) *Draft stopping for concealed roof spaces and attics.* 1. Attic areas, mansards, overhangs and other concealed roof spaces shall be draft stopped above and in line with the separation wall.

2. Acceptable draft stopping materials include:

a. $\frac{3}{8}$ -inch wood structural panel.

b. $\frac{1}{2}$ -inch gypsum board.

(3) PENETRATIONS. (a) *Ducts.* 1. Except as allowed under subd. 2., all heating and ventilating ducts that penetrate a required separation shall be protected with a listed fire damper with a rating of at least 90 minutes.

2. The fire damper required under subd. 1. may be omitted in any of the following cases:

a. There is a minimum of 6 feet of continuous steel ductwork on at least one side of the penetration.

b. The duct has a maximum cross-sectional area of 20 square inches.

(b) *Electrical and plumbing components.* Penetrations of a required separation by electrical and plumbing components shall be firmly packed with noncombustible material or shall be protected with a listed through-penetration firestop system with a rating of at least one hour.

(c) *Plastic Piping.* Penetrations of a required separation by plastic pipe shall be protected by a penetration firestop system approved by the department and installed as tested in accordance

with ASTM E 814 or UL 1479, with a minimum positive pressure differential of 0.01 inch of water (3 pa), and shall have an F rating of not less than the required fire-resistance rating of the assembly penetrated.

History: Cr. Register, November, 1979, No. 287, eff. 6-1-80; r. and recr. Register, February, 1985, No. 350, eff. 3-1-85; cr. (1m), am. (2), (5) (c) and Table, Register, January, 1989, No. 397, eff. 2-1-89; am. (2), (4) and (5) (a) (intro.), renum. (5) (b) and (c) to be (5) (c) and (d) and am. (5) (d), cr. (5) (b) and (e), (6), Register, March, 1992, No. 435, eff. 4-1-92; r. (3) (a), (5) (d), renum. (3) (b) and (c), (5) (e) to be (3) (a) and (b), (5) (d), am. (5) (a) (intro.), (6), cr. (6) (c) to (e), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (5) and (6) (b), am. (6) (c) and (d), r. (6) (e) and cr. (7), Register, January, 1999, No. 517, eff. 2-1-99; r. (1) to (4), renum. (5) to (7) to be (1) to (3), and cr. (2) (e), Register, March, 2001, No. 543, eff. 4-1-01; corrections in (2) (c) and (d) were made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 02-077; am. (1) (a) 1. and (2) (a) to (c) Register May 2003 No. 569, eff. 8-1-03; CR 08-043; am. (1) (intro.) and Table, r. (1) (a) 4. and (2) (e), renum. (1) (c), (2) (b), (c) and (d) to be (1) (c) 1., (2) (c), (d) and (e) and am. (2) (d), cr. (1) (c) 2., (2) (b) and (f), r. and recr. (1) (d) 1. and (2) (a) Register March 2009 No. 639, eff. 4-1-09; correction in Table 21.08 made under s. 13.92 (4) (b) 7., Stats., Register March 2009 No. 639; correction in (1) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 15-041; am. Table 321.08, cr. (3) (c) Register December 2015 No. 720, eff. 1-1-16.

SPS 321.085 Fireblocking. (1) FIREBLOCKING LOCATIONS. Fireblocking shall be provided in all of the following locations:

(a) In concealed spaces of walls and partitions, including furred spaces, at the ceiling and floor levels.

(b) At all interconnections between concealed vertical and horizontal spaces including the attachment between a carpet and a dwelling.

(c) In concealed spaces between stair stringers at the top and bottom of the run and at any intervening floor level.

(d) At all openings around wires, cables, vents, pipes, ducts, chimneys and fireplaces at ceiling and floor level.

(2) FIREBLOCKING MATERIALS. Fireblocking shall consist of one of the following:

(a) 2-inch nominal lumber.

(b) Two layers of one-inch nominal lumber.

(c) One thickness of $\frac{3}{4}$ -inch nominal plywood or wood structural panel with any joints backed with the same material.

(d) One thickness of $\frac{1}{2}$ -inch gypsum wallboard, face nailed or face screwed to solid wood, with any joints backed with the same material.

(e) Fiberglass or mineral wool batt insulation may be used if both of the following conditions are met:

1. The least dimension of the opening may not exceed 4 inches.

2. The batt shall be installed to fill the entire thickness of the opening or stud cavity.

(f) For wires, cables, pipes and vents only, non-shrinking caulk, putty mortar, or similar material may be used provided no dimension of the opening exceeds $\frac{1}{2}$ inch around the penetrating object.

(g) For chimneys, fireplaces and metal vents, fireblocking shall be metal, cement board or other noncombustible material.

History: Cr. Register, March, 2001, No. 543, eff. 4-1-01; CR 02-077; am. (1) (b) Register May 2003 No. 569, eff. 8-1-03.

SPS 321.09 Smoke detectors. (1) A listed and labeled multiple-station smoke alarm with battery backup shall be installed in all of the following locations:

(a) An alarm shall be installed inside each sleeping room.

(b) On floor levels that contain one or more sleeping areas, an alarm shall be installed outside of the sleeping rooms, within 21 feet of the centerline of the door opening to any sleeping room and in an exit path from any sleeping room.

(c) On floor levels that do not contain a sleeping area, an alarm shall be installed in a common area on each floor level.

Note: Section 50.035 (2), Stats., requires the installation of a complete low voltage, interconnected or radio-transmitting smoke detection system in all community-based residential facilities including those having 8 or fewer beds.

Note: Section 101.645 (3), Stats., requires the owner of a dwelling to install a functional smoke detector in the basement of the dwelling and on each floor level except the attic or storage area of each dwelling unit. The occupant of such a dwelling unit shall maintain any smoke detector in that unit, except that if any occupant who is not the owner, or any state, county, city, village or town officer, agent or employee

**City of Reedsburg
Notice of Public Meeting**

The Reedsburg Zoning Board of Appeals will review the following land use application. You are being sent this notice as a neighboring property owner who may be affected by the proposal. If you have any questions, please call Brian Duvalle at 608-768-3354. The meetings are at:

Reedsburg City Hall
134 S. Locust Street
Reedsburg, WI 53959

You are welcome to attend the meetings, or if you are unable to attend, comments may be sent prior to the above address or bduvalle@ci.reedsburg.wi.us

Meeting agendas can be found at www.reedsburgwi.gov

DATE: 8/8/19

APPLICANT: Pace Construction & Leasing, LLC

LOCATION: 927 Exhibit Circle; Parcel #2408-14300

ZONING: R-2 Residential

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance to build a duplex with a zero lot line side setback, which is less than the 8' required per section 17.12 Schedule 1.

The applicant is proposing to build a duplex that would be located along the lot line adjacent to the stormwater detention pond. The other three setback areas would conform to the required zoning standards.

ZONING BOARD OF APPEALS
Staff Report

DATE OF MEETING: August 27, 2019

APPLICANT: City of Reedsburg

LOCATION: 239 Granite Ave; Parcel #1666-1

ZONING: B-2 Business

PROPOSED LAND USE REQUEST: Floodplain Zoning Variance; Section 23.7(3)

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance to make alterations to substantially damaged building located in the Baraboo River Floodway under municipal ordinance sections 23.3 & 23.6(2).

The variance may include a proposal to allow additional wet flood mitigation through flood vents, wall removal, backflow valves, and other relevant conditions.

General Findings

SURROUNDING LAND USES:

- North – Vacant, Skate Park
- West – Vacant
- South – Vacant
- East – Baraboo River

ZONING:

- North – Conservancy
- West – Conservancy
- South – Conservancy
- East – Government

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: Granite Ave, 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: Floodway

COMPREHENSIVE PLAN DESIGNATION: Residential

Variance Findings – Section 17.07

1. **The variance will not be contrary to the public interest.**
2. **Substantial justice will be done by granting the variance.**
3. **The variance is needed so that the spirit of the ordinance is observed.**
4. **Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.**
 - a. The Board finds that the property contains a 3800 SF storage building with two bathrooms.
 - b. The Board finds that the building is legal non-conforming as it was built in 1958.
 - c. The Board finds that section 23.6 addresses improvements to legal non-conforming structures.
 - d. The Board finds that the most recent assessment was \$37,143.
 - e. The Board finds that the cumulative costs of improvements exceed 50% of \$37,143.
 - f. The Board finds that the parcel is 0.42 acres in size.

STAFF COMMENTS

- The building, a roofing contractor business, was damaged and repaired following the June 2008 flood.
- The City purchased the property in 2014.
- The intent of the purchase was to provide public bathrooms for future camping because the surrounding properties had been bought through a FEMA grant and are deed restricted for development.
- The building was remodeled to add a second bathroom and new showers. The east end wall was pulled back to provide an open pavilion.
- The building was damaged again in the 2018 flood. This damage now brought the cumulative damage to over 50% of the building's equalized assessed value.
- The building now has to be brought into flood ordinance compliance.
- In speaking with the Wis DNR originally, we could wet floodproof the building by adding flood vents and a backflow preventer in the floor drain.
- However after speaking with FEMA, the building could only be dry floodproofed by raising it up and placing it on fill.
- The building currently is used for storage and public bathrooms.
- If a variance is approved, flood vents, wall removal, etc could still be added to help mitigate against future floods.
- Tanya Lourigan from the WDNR plans to attend the meeting to provide additional feedback from FEMA/DNR's perspective.

23.6(2)(2) FLOODWAY DISTRICT

- (A) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
1. Has been granted a permit or variance which meets all ordinance requirements;
 2. Meets the requirements of s. 23.6(1);
 3. Shall not increase the obstruction to flood flows or regional flood height;
 4. Any addition to the existing structure shall be floodproofed, pursuant to s. 23.7(5), by means other than the use of fill, to the flood protection elevation; and

5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking or limited storage.

23.7(3)(D) VARIANCE

1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this ordinance in s. 23.1(3).
2. In addition to the criteria in subd.1., to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

COMMENTS

ADMINISTRATOR:
 AMBULANCE:
 FIRE:
 POLICE:

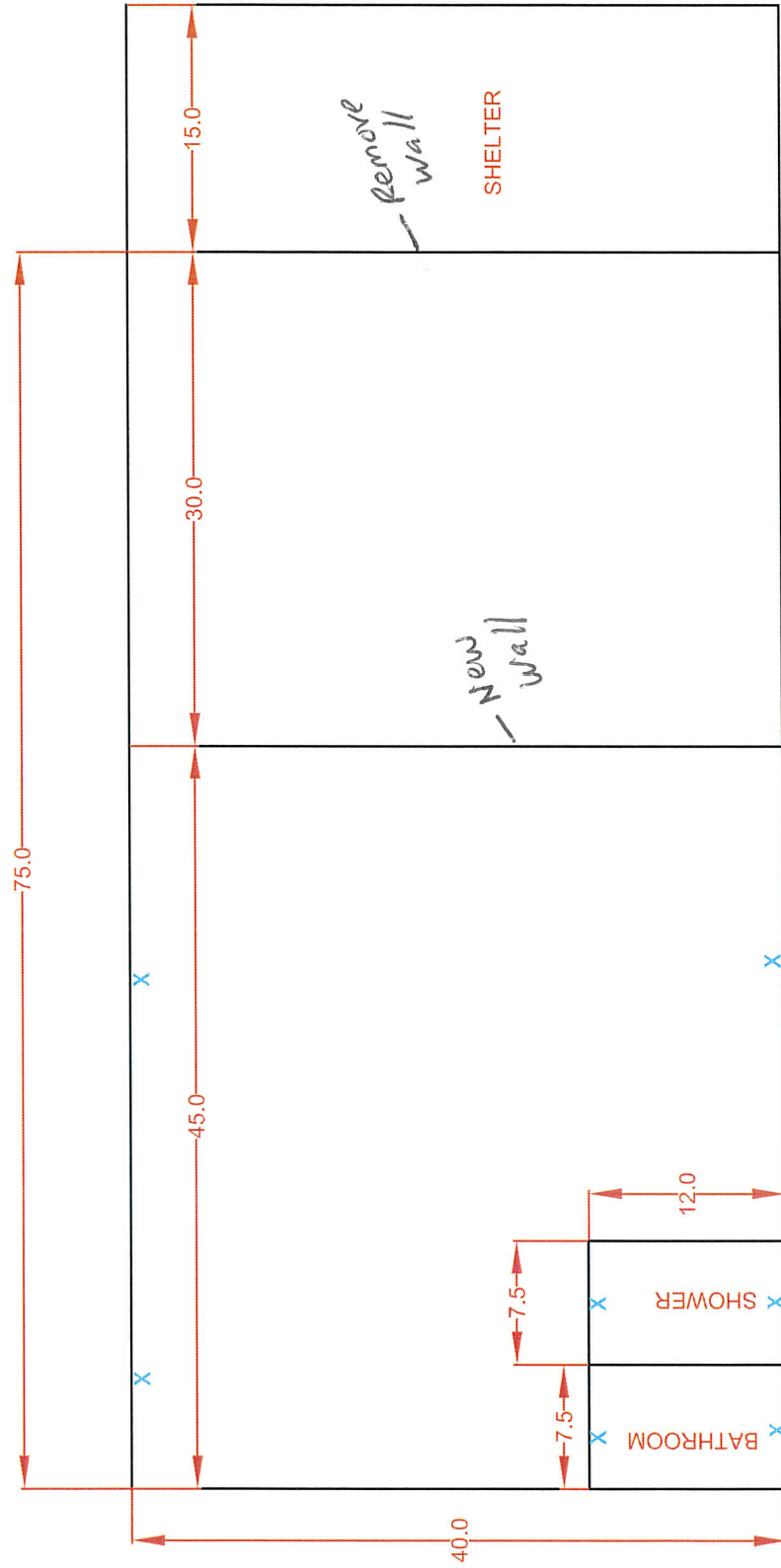
PUBLIC WORKS:

SCHOOL:
 UTILITIES:
 OTHER:

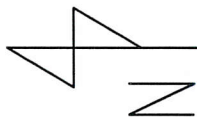
Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Floodplain Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, August 27, 2019, ZBA Agenda
- D. Land Use Change Application
- E. Staff Report
- F. Request for Review
- G. Notice of Public Meeting

CURTAIN BUILDING



X = FLOOD VENT





Concrete Work / Metal Buildings / Architectural Metal Work / Crane Service
230 King St. Reedsburg, Wi 53959 / Ph 608-524-4417 / Fax 608-524-1404
www.tmggeneralcontractors.com

Proposal To: _____

Nm: C.O.R Parks dept.

Date 07/24/19

St: 134 S Locust St.

Ph.

City: Reedsburg Wi. 53959

Fax

Cell

email

Attn: Matt Scott

P.O.# & f.n.

MATERIALS & SPECIFICATIONS:

Remove exterior sheeting up to building line closest to breaker box.
Install new intermediate wall on building line closest to breaker box. 8017.00

Install 6 wall vents at bottom of Sheetmetal to allow flood water to flow thru building. 1508.00

Depending on what materials can be salvage from the endwall there could be a slight deuction
at the end of project. Any deuction would be less than \$750.00

Estimated project cost **\$9,525.00**

SCHEDULE OF PAYMENTS

Down Payment Required before material ordered or project starts 40% \$3,810.00
Progress Payment due upon completion of
Final payment due upon completion of job. 60% \$5,715.00

Delay of timely payments will result in delay of work activities.

All payments are due UPON RECEIPT OF INVOICE.

A FINANCE CHARGE computed by the "periodic rate" of 1-1/2% per month or 18% annual rate

230 King St, Reedsburg, WI 53959 / Ph 608-524-4417 / Fax 608-524-1404
Visit Our Website @ www.tmggeneralcontractors.com

Project Changes

Contractor or owner may request changes in the scope of work at any time. Cost for changes to be determined before work starts. All changes to be written estimates must be agreed upon and signed by both parties. Change Orders will become part of original contract.

Sub Contractor Notes

All Subcontractors included in bid are required to enter into formal agreements with T&M GCI. All Subcontractors to be **Wisconsin Certified And Licensed**. Subcontractors employed by T & M GCI are required to carry Workmans Compensation and General Liability. Proof of insurance is required before work activities start. Copies will be furnished to owner. If **Owner** has other contractors performing work, they are required to provide proof of Insurance to T&M GCI naming as additional insured. All Owner employed Contractors to be **Licensed and Certified by the State of Wisconsin**. T&M GCI will not assume responsibility for work activities or liability for accidents or damages by Owner Contracted Subcontractors

Notice of Right to file Lien included as part of this contract:

As Required by Wisconsin Construction Lien Law, Builder Hereby Notifies Owner That Persons Or Companies Furnishing Labor Or Materials For The Construction On Owner's Land May Have Lien Rights On Owners Land And Buildings If Not Paid. Those Entitled to Are Those Who Contract Directly With The Owner Or Those Who Give The Owner Notice Within 60 days After they First Furnish Labor Or Materials For The Construction. Accordingly, Owner Probably Will Receive Notices From Those Who Furnish Labor Or Materials For The Construction, And Should Give A Copy Of Each Notice Received To His Mortgage Lender, If Any. Builder Agrees To Cooperate With The Owner And His Lender, If Any, To See That All Potential Lien Claimants Are Duly Paid.

Warrantees:

All materials used are warranted by the Manufacturer according to their Specifications.
All construction labor performed by T & M GCI is guaranteed one year from date of completion of project with date of completion defined as Request for Final payment from owner.
All work to be done in workman like manner according standard construction practices.
Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, material delays or owner delays beyond our control. **Owner** to carry Builders Risk, Fire, Tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.
Wisconsin Lien Law applies if invoices are not paid within thirty (30) days after completion or as specified in the Proposal above.

Acceptance of Proposal

Owner acknowledges he has read all of the above and agrees with the terms and specifications and Authorizes T & M GCI to proceed with work as outlined.
Owner further agrees to enter into **Formal Contract Agreement** before construction starts if required by T & M GCI depending on size and scope of project

Client: _____ T & M GENERAL CONTRACTORS INC
by _____
Date: _____ Contractor/Date Tim Templin
Valid 30days 07/24/19

230 King St, Reedsburg, WI 53959 / Ph 608-524-4417 / Fax 608-524-1404
Visit Our Website @ www.tmggeneralcontractors.com



N5769 Hwy 58
New Lisbon, WI 53950
Phone: (608) 847-5599
Fax: (608) 847-5244
www.langeplumbinginc.com

DATE: 7-11-2019
NAME: City of Reedsburg Parks Dept
ADDRESS: Granite Ave
CITY, STATE, ZIP: Reedsburg
PHONE:
ESTIMATED SUM: \$2700.00

ESTIMATE

JOB DESCRIPTION

Installing sewer shutoff valve for storage building.
Includes excavation

Labor and Excavation \$1,600.00
Materials \$ 1,100.00
Estimate total \$2,700.00

Please call with any questions.

All lien rights reserved. All equipment and materials warranted as per manufactures policy, unless otherwise specified in this agreement. Any labor, materials, or equipment used other than that specified here in shall be considered an "extra" and shall be billed separately on a "time and material" basis unless specified in writing by LANGE PLUMBING INC. Our workers are fully covered under workmen's compensation Insurance. This proposal is good for 30 days from date submitted.

Submitted by: Corey Champlin

Date: 7-11-2019

Accepted by:

Date:

From: Housley, Cheryl - DNR
Sent: Thursday, October 04, 2018 4:12 PM
To: Lourigan, Tanya L - DNR <Tanya.Lourigan@wisconsin.gov>
Subject: RE: Bathrooms

Tanya,

Thanks for passing on the City's question. Attached is a copy of the City's grant contract and other docs for this property's acquisition under the Stewardship program.

As Brian explained, the primary reason why the City purchased the building was because it is grandfathered as an existing structure in the floodplain, despite new ordinances after 2008.

The City planned for this site to be a park/campground for paddlers & bikers, thus they renovated existing plumbing in the building to create public restrooms/showers for campers. WDNR Stewardship program didn't fund the development/improvements to the park, only the acquisition of the property.

Here are the options we have presented to other communities that have had damage to grant funded structures due to natural disasters:

- 1) Replace/fully restore the public facility at 239 Granite Ave.
 - a. If it is a smaller structure than original, please explain why.
 - b. If it cannot be feasibly replaced at this location give rationale.
- 2) Replace the public facility elsewhere.
 - a. If it is a smaller structure than original, please explain why.
 - b. Grant obligations would be transferred to the new location.
- 3) Replace the value of the lost facility with new City property utilized for outdoor rec.
 - a. An appraisal would be needed to document the value of the replacement property.
 - b. Grant obligations would be transferred to the new property.

I am happy to talk directly with Matt Scott, parks director, or other City staff for Reedsburg, or join you on a call with them.

Thank you,
-Cheryl

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cheryl Housley

Phone: (608)275-3218

Cheryl.Housley@wisconsin.gov

4/16/19

Brian,

The nonconforming section in your ordinance that I referred to – Section 23.6(1)(B)(6) – is in the DNR Model Floodplain Zoning Ordinance. DNR needed to add it before FEMA would approve the revised/updated model ordinance. Essentially, it states that if maintenance and improvements to a structure are conducted at the same time, then both the maintenance and improvement costs apply towards the 50% rule.

If you do decide to apply for a variance, I would suggest reviewing the variance standards in your floodplain zoning ordinance to ensure they can all be met; particularly because Reedsburg is a CRS community. It would also be helpful if you could send me the information at least 10 days prior to the hearing since the Department would need to decide whether staff would submit a letter and/or attend the hearing. So you have the info beforehand, I will also check with Cheryl Housley to determine whether or not the variance request would have an impact on the grant funding that was provided.

I know there was some discussion about how the Granite Ave bathroom compared to the bathroom that the Village of Sauk City will construct in the floodway. After more discussion with the Village, we determined that the building was already designed with the floor above the Base Flood Elevation so it would be in compliance with FEMA standards. In addition, they are modifying the design to switch from wet floodproofing to dry floodproofing to the Flood Protection Elevation.

Thank you,
Tanya

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tanya L. Lourigan, P.E.
Phone: (608) 444-2089
Tanya.Lourigan@wisconsin.gov

T & M General Contractors Inc

Invoice

230 King Street
Reedsburg Wi. 53959
Ph. 608-524-4417 / Fax. 608-524-1404

Date	Invoice #
12/22/2018	23099

Bill To

City of Reedsburg - c
134 So. Locust
Reedsburg, Wi. 53959

Description	P.O. No.	Terms	Project
	Matt Scott	Due upon receipt	
Description	Qty	Rate	Amount
Repair wall sheeting and sliding door at old curtain BLDG. on Granite Ave.	1	1,460.00	1,460.00
# 201029 10-554500-03 M.S 			
Total			\$1,460.00

CITY OF REEDSBURG

PERMIT

Permit # 200807010

Parcel No: 1661-1

Zoning Dist: B-2

Setback

Front: Left:

Rear: Right:

☒ CONST☐ ELECT☐ PLUMB☐ HVAC☐ RAZE☐ EROSION
CONTROL☐ ZONINGDESCRIPTION OF WORK:

Remodel from flood damage

CONTRACTORSIf box is checked, owner is performing work: ☐

Construction:

Curtin Roofing LLC

(608) 524-2117

Electrical:

SITE ADDRESS: 239 Granite Ave.

OWNER: Tim & Ardith Curtin

(608) 524-2117

Plumbing:

Issued By: *A. Biesch* Date: 7/9/2008 Call 524-6404 for inspections.CONDITIONS OF APPROVAL:

No fees - flood repair

Excavation: NOTE When listed, the Excavation Contractor is jointly responsible with the owner for erosion control

State Plan Approval No:

Estimated Project Cost: \$1,600.00

**This permit card must
be displayed in a
conspicuous location
unobstructed from
public view.**

All construction activities undertaken in relation to this permit shall be in strict compliance with the Ordinances of the City of Reedsburg, as well as all applicable State of Wisconsin Codes. All cited violations shall be corrected within 30 days of notification. This permit expires 24 months from the date of issuance. Requests for inspections shall be made 48 hours in advance. Work shall not proceed until an inspection has been made or the 48 hours has elapsed.

Fees: (Includes penalty if checked): ☐

435200 Zoning: \$0.00

435110 Wis Seal: \$0.00

435100 Building: \$0.00

20-635000 Sewer: \$0.00

435300 Plumbing: \$0.00

43-461600 Park: \$0.00

435120 Electrical: \$0.00

Total Fee:

\$0.00

Permit fees are
unrefundable

CITY OF REEDSBURG		PERMIT #: P006986-012916	LOCATION: 239 Granite RD
PERMIT		PARCEL #: 276-1666-1000	OWNER: City of Reedsburg 608-524-2600
ZONING DISTRICT: B-2			
DESCRIPTION OF WORK: Construct Men's & Women's bathroom/shower rooms. Each will have one shower and toilet. Will be ADA accessible.	CONDITIONS OF APPROVAL: 1. Comply with UDC & NEC 2. Call for Inspections 3. EAV- \$37,143	TYPE OF PERMIT: Electrical New Construction Plumbing	
CONTRACTORS: Is owner performing work? No	State Plan Approval #:		
Setbacks: Front: Rear: Side: Side:	Name: T & M Construction Name: Reuter Electric Name: Riberich Inc Name: Name:	Type: Construction Type: Electrical Type: Plumbing Type: Type:	Phone: 608-524-4417 Phone: Phone: Phone: Phone:
Note: When listed, the Excavation Contractor is jointly responsible with the owner for erosion control. Estimated Project Cost: \$15,000			
All construction activities undertaken in relation to this permit shall be in strict compliance with the ordinances of the City of Reedsburg and the State of WI Codes. All cited violations shall be corrected within 30 days of notification. This permit expires 24 months from the date of issuance. Requests for inspections shall be made 48 hours in advance. Work shall not proceed until an inspection has been made or the 48 hours has elapsed.	Issued By: Brian Duvalle Date: 1/29/2016 Call (608) 524-6404 for inspections	FEES: 435200 Zoning: \$ 435100 Building: \$ 435300 Plumbing: \$ 435120 Electrical: \$	Permit Fees Paid: Yes 435110 Wis Seal: \$ 20-635000 Sewer: \$ 43-461600 Park: \$ Total Fees: \$ Permit fees are not refundable

THIS PERMIT CARD MUST BE DISPLAYED IN A CONSPICUOUS LOCATION UNOBSTRUCTED FROM PUBLIC VIEW