

Zoning Board of Appeals Agenda
October 19, 2021
Reedsburg City Hall Council Chambers
12:00 PM

DUE TO THE RESTRICTIONS CAUSED BY THE COVID-19 PANDEMIC, SOME VOTING MEMBERS MAY BE PRESENT VIA TELECONFERENCE OR VIDEO CONFERENCE, AS PROVIDED BY THE RECOMMENDATIONS OF THE WISCONSIN DEPARTMENT OF JUSTICE. [HTTPS://WWW.DOJ.STATE.WI.US/NEWS-RELEASES/OFFICE-OPEN-GOVERNMENT-ADVISORY-CORONAVIRUS-DISEASE-2019-COVID-19-AND-OPEN-MEETINGS](https://www.doj.state.wi.us/news-releases/office-open-government-advisory-coronavirus-disease-2019-covid-19-and-open-meetings)

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 AUGUST 17, 2021:

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 - ALL ITEM(S) ON THE AGENDA HAVE THE POSSIBILITY OF A MOTION:

- A. Consider zoning variance per § 690-Attachment 3 to have a side setback less than the required 25' for future storage buildings – 410 South Ave; Parcel #276-0481-00000 – Riffey Transload
- B. Consider zoning variance per § 690-Attachment 1 to have rear setbacks less than the required 25' for proposed duplexes – Fawn Valley Estates Plat; Parcel #s 2046-1213, 2046-1214, 2046-1215, 2046-1216 – Fawn Estates LLC – Shea Geffert

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
August 17, 2021

Present: Nathan Johnson, Richard Braun, Pat Andera
Absent: Walter Luepke and Charlie Brumer
Others: Brian Duvalle, Faith Christian Church of Mauston (Paul Scherack) and Nick from Auto Medic

Brian Duvalle called the meeting to order at 12:00 PM.

Moved by Johnson, and seconded by Braun to approve the minutes from the June 29, 2021, meeting.
Motion approved 3-0.

Election of Chairperson. Motion by Johnson, seconded by Andera to nominate Richard Braun – Braun declined. Motion by Andera, seconded by Braun to nominate Nathan Johnson for Board Chairperson. Motion carried 3-0.

Election of Vice Chairperson. Motion by Andera, seconded by Johnson to nominate Richard Braun for Board Vice Chairperson. Motion carried 3-0.

Consider zoning variance per § 690-Attachment 2 and § 690-41 to determine if a tax parcel can be divided into two with the second parcel not having the required 25' front setback nor direct street frontage – 2033 E. Main St; Parcel #276-2200-11000 – Faith Christian Church of Mauston, Inc.

Faith Christian Church would like to buy the back building on the property from Steve Lange and divide the property accordingly. Nick, owner of the adjacent Auto Medic, has no objection to the variance but wanted to point out there is a verbal agreement between Lange and himself to allow for a drive way in front of the Auto Medic property for drivers eastbound to access Lange's property and the Church building. If either Lange or Auto Medic sell their property, the use of the Auto Medic property could be jeopardized or may need a formal agreement. It is legal to do a U-turn in front of the property for people driving east to get to the Lange driveway from Main Street.

Motion by Andera, seconded by Braun to approve the variance with condition of a driveway and parking easement and a report that there is code compliant fire separation between the Church and Lange buildings.
Motion carried 3-0.

Consider amending shed size at 487 Derby Row.

Motion by Andera, seconded by Braun to amend shed size at 487 Derby Row 22' X 28' to 24' X 28'. Motion carried 3-0.

Moved by Braun, seconded by Andera to adjourn the meeting at 12:37 PM. Motion carried 3-0.

Respectfully submitted,

Julie Strutz
Deputy Clerk-Treasurer

Staff Report

DATE: October 19, 2021

APPLICANT: Riffey Transload

LOCATION: 410 South Ave; Parcel #276-0481-00000

ZONING: I-1 Light Industrial

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION: Consider zoning variance per § 690-Attachment 3 to have a side setback less than the required 25' for future storage buildings. The applicants proposes to place the storage buildings a few feet from the side (west) lot line to avoid utility and utility easements in the interior of the property.

General Findings

SURROUNDING LAND USES:

- North – Railroad
- West – Residential
- South – Vacant
- East – Industrial

ZONING:

- North – Government
- West – R-1 Residential
- South – Conservancy
- East – I-1 Light Industrial

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: South Ave & S Pine St, 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None

COMPREHENSIVE PLAN DESIGNATION: Industrial

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

Variance Findings – § 690-12(B)

- 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 parcel is zoned I-1 Light Industrial.
 - b. The Board finds that the existing parcel contains the former Friede Construction yard.
 - c. The Board finds that § 690 Attachment 3 requires a 25’ side setback when next to a residential zone.
 - d. The Board finds that two new storage buildings are proposed.
 - e. The Board finds that the use of the property is a future rail loading / unloading business.
 - f. The Board finds that the tax parcel is approximately 2.9 acres.
 - g. The Board finds that there are residences to the west.
 - h. The Board finds that there are existing utility easements on the property.

STAFF COMMENTS:

The applicant proposes to construct two new storage buildings on the property for their rail business. They are also currently leasing State-owned land on the north side of South Ave, along the tracks. This property under consideration would be used for storage in support of the loading / unloading operations. The attached site plan indicates several water and sanitary sewer easements. Therefore the applicant would like to keep the buildings as far to the west as possible to help avoid the utilities.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, October 19, 2021, 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: Riffex Transload
ADDRESS: N 605 Smith Rd **CITY:** Wonegan **STATE:** WI
ZIP: 53968 **PHONE:** 608-479-1813 **FAX:** _____
E-MAIL: wade@riffextranspartllc.com
PROPERTY OWNER: (if different from Applicant) _____
LOCATION: 410 South ave Reedsburg WI **PARCEL #:** _____

LAND USE REQUEST

(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:** West Set Back 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 and for a temporary Zoning sign to be placed in my yard prior to the meeting.

Wade Riffex 10.17.21
Applicant Signature / Date

Owner Signature / Date

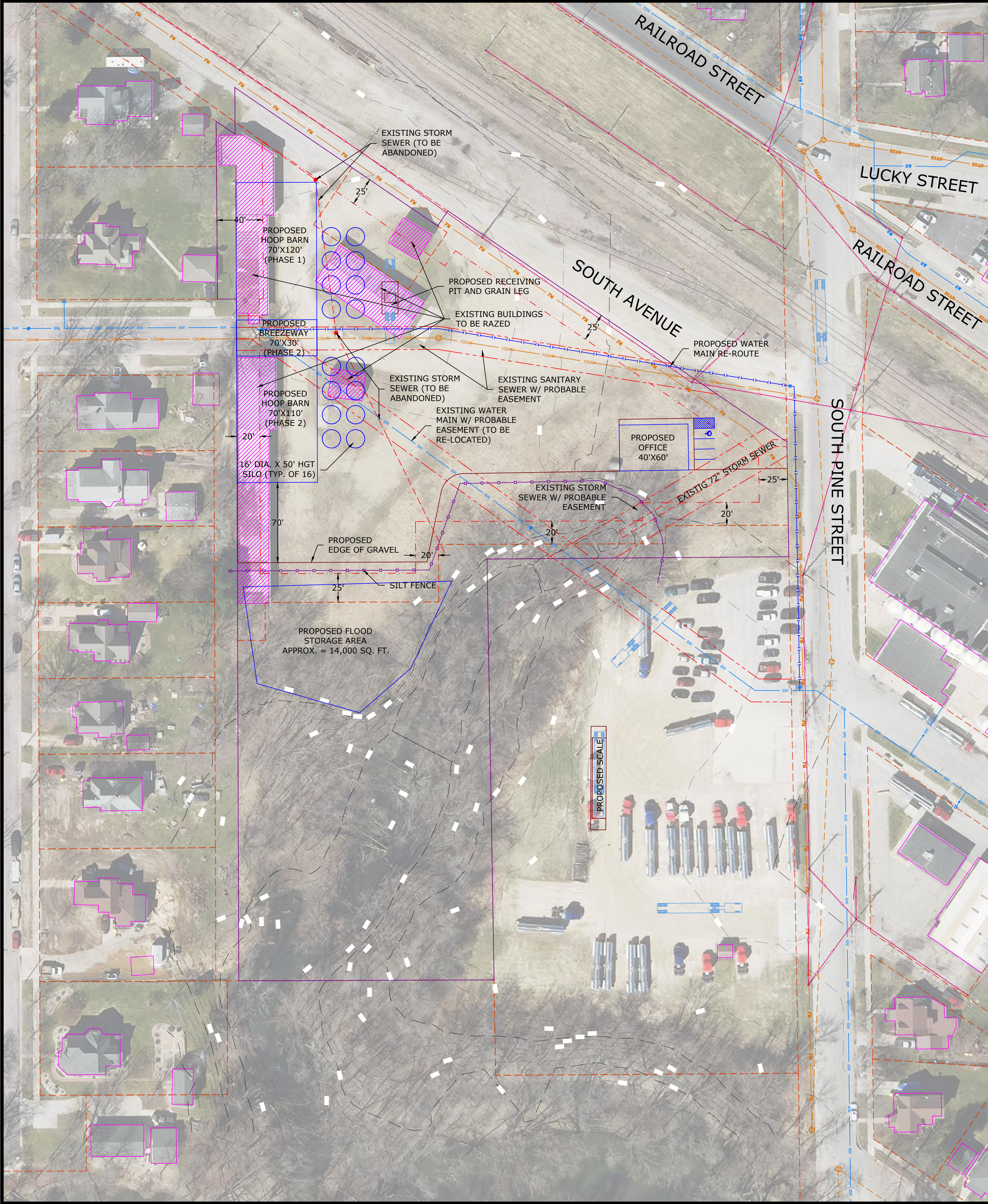
Extraterritorial Committee Date: _____
Plan Commission Date: _____
Board of Zoning Appeals Date: _____
City Council Action & Date: _____

Account #10-461500-00

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

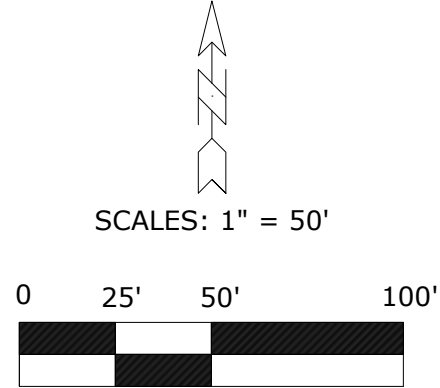
G:\wpnet\Zoning - Planning\Land Use Appl.doc

Cond Use Permit	\$200	_____
Cond Use-Agriculture	\$400	_____
Variance	\$125	<u>X</u>
Rezoning	\$200	_____
C.S.M.	\$175	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Site Plan Review	\$175	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid	<u>10-7-2021</u>	_____
Receipt #	<u>1.039314</u>	_____



LEGEND

- PROPERTY LINES
- SETBACK LINES
- EASEMENT LINES
- EXISTING CONTOURS - MAJOR
- EXISTING CONTOURS - MINOR
- EXISTING BUILDING
- EXISTING TREES
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE
- EXISTING WATER VALVE
- EXISTING ASPHALT
- EXISTING GRAVEL
- PROPOSED BUILDING
- PROPOSED GRAVEL
- PROPOSED CONTOURS - MAJOR
- PROPOSED CONTOURS - MINOR

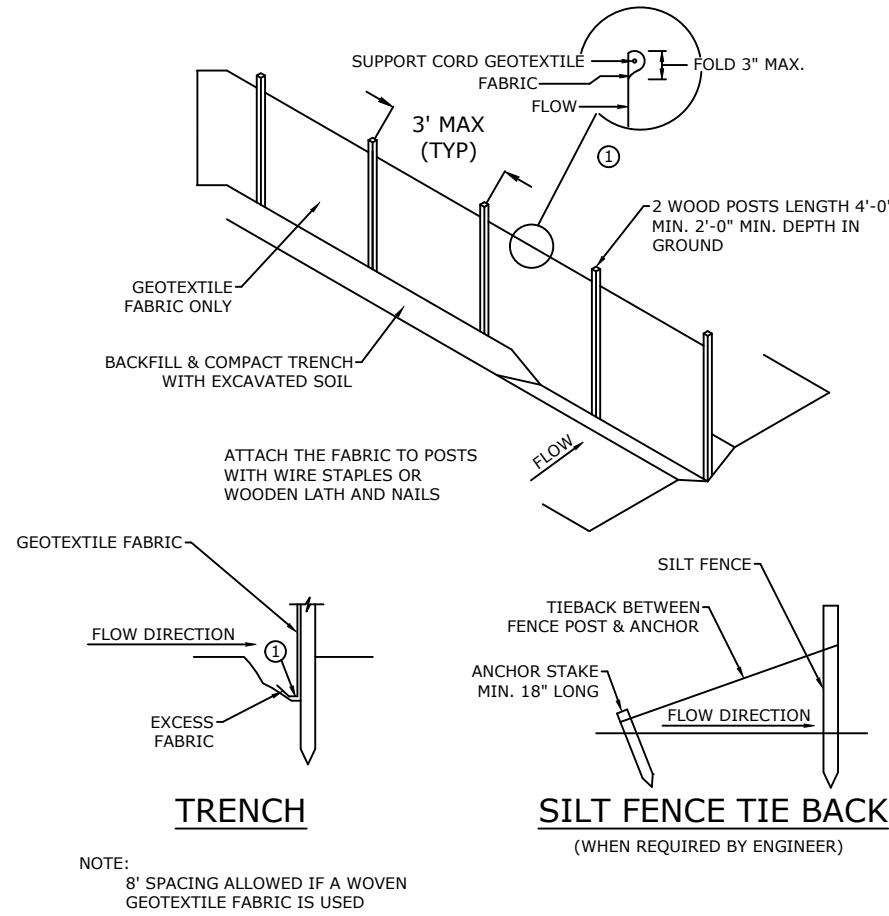


EROSION CONTROL NOTES:

- CONTRACTOR SHALL HAVE ALL EROSION CONTROL MEASURES IN PLACE AND APPROVED BY THE ENGINEER PRIOR TO COMMENCEMENT OF EXCAVATION AND ACTIVITIES.
- EROSION CONTROL MEASURES SHALL COMPLY WITH WISCONSIN ADMINISTRATIVE CODE, COMM CHAPTER 21, UNIFORM DWELLING CODE, AND CHAPTER 65 COMMERCIAL CONSTRUCTION.
- ALL SILT FENCE SHALL BE INSPECTED DAILY. CLEANING, ADJUSTING AND REPLACING EROSION CONTROL MEASURES SHALL BE DONE AS NECESSARY THROUGHOUT CONSTRUCTION. ALL EROSION CONTROL MEASURES SHALL BE IN WORKING CONDITION AT THE END OF EACH WORK DAY.
- EROSION CONTROL MEASURES SHALL BE INSTALLED PER THE DETAILS IN LOCATIONS DESIGNATED ON THE PLANS, OR AS MAY OTHERWISE BY DIRECTED BY THE ENGINEER.
- SEDIMENT FROM OVERLAND FLOW SHALL BE PREVENTED FROM LEAVING THE WORK SITE BY INSTALLING SILT FENCING PARALLEL TO THE CONTOURS LOCATED DOWNHILL OF THE WORK SITE.
- EXISTING VEGETATION SHALL BE REMOVED ONLY TO THE EXTENT NECESSARY TO PERFORM CONSTRUCTION ACTIVITIES. CLEARING OF AREAS THAT ARE CLEARLY OUTSIDE THE LIMITS OF CONSTRUCTION SHALL NOT BE PERMITTED.
- MAINTAIN ALL EROSION CONTROL MEASURES UNTIL ALL DISTURBANCE IS COMPLETED. DO NOT REMOVE EROSION CONTROL MEASURES UNTIL AT LEAST 70% OF THE AREA SERVED HAS ESTABLISHED A UNIFORM, VIGOROUS VEGETATED COVER.
- STONE TRACKING PADS (AS REQUIRED BY ENGINEER) SHALL BE INSTALLED AT ALL CONSTRUCTION SITE EXITS TO PREVENT TRACKING OF SOIL ONTO PUBLIC ROADWAYS. ANY TRACKED SOIL SHALL BE REMOVED BY MECHANICAL STREET CLEANING AT THE END OF EACH DAY. ADD NEW STONE TO THE TOP IF OLD STONE BECOMES DIRT COVERED.
- ALL DISTURBED AREAS SHALL BE RESTORED AND VEGETATED AS SOON AS POSSIBLE AFTER DISTURBANCE. IN GENERAL, STABILIZATION OF DISTURBED AREAS SHALL BE COMPLETED WITHIN 30 DAYS OF THE INITIAL DISTURBANCE, OR WITHIN 7 DAYS OF FINAL GRADING AND TOPSOIL PLACEMENT.
- REFER TO THE DNR TECHNICAL STANDARDS AVAILABLE AT [HTTP://WWW.DNR.STATE.WI.US/ORG/WATER/WM/NPS/STORMWATER/TECHSTDs.HTM](http://www.dnr.state.wi.us/org/water/wm/nps/stormwater/techstds.htm).
- CONTRACTOR SHALL WATER NEWLY SEEDED AREAS IF 7 DAYS PASS WITHOUT A RAINFALL DURING THE FIRST 6 WEEKS AFTER INITITAL STABILIZATION.
- MULCHING OF DISTURBED AREAS SHALL BE AT A RATE OF 2 TONS PER ACRE. MULCH SHALL BE ANCHORED INTO THE SOIL BY DISCING.
- AFTER ATTEMPTS TO STABILIZE DISTURBED AREAS WITH SEEDING AND MULCH FAIL, THOSE AREAS SHALL BE TEMPORARILY STABILIZED USING POLYACRYLAMIDE UNDER DIRECTION OF THE ENGINEER.
- A MINIMUM OF ONE EROSION CONTROL INSPECTION SHALL BE PERFORMED EACH WEEK, AND ONE INSPECTION SHALL BE PERFORMED AFTER ANY RAINFALL EVENT OF 0.5" OR GREATER. ALL REPAIRS OR MODIFICATIONS SHALL BE COMPLETED WITHIN 24 HOURS OF THE INSPECTION.

SITE RESTORATION CONSTRUCTION NOTES:

- WORK SHALL CONFORM TO THE "STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION", OF STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION, 2020 EDITION.
- FERTILIZER SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR AND SHALL CONFORM TO THE REQUIREMENTS SPEDIFIED; FERTILIZER SHALL HAVE A 20-10-10 RATIO OF NITROGEN, PHOSPHORIC ACID AND POTASH.
- STRAW MULCH OVER NEW SEEDING SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR AT A RATE OF 2 TONS PER ACRE AND SHALL CONFORM TO THE REQUIREMENTS SPECIFIED IN SECTION 627 OF THE STATE SPECIFICATIONS. ALL MULCH SHALL BE STABILIZED BY ANCHORING. THIS CAN BE ACHIEVED BY LIGHT DISCING.
- ENGINEER WILL MAKE PERIODIC ON-SITE OBSERVATIONS OF THE WORK IN PROGRESS.



GENERAL NOTES

- TRENCH SHALL BE A MINIMUM OF 4" WIDE & 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC. FOLD MATERIAL TO FIT TRENCH AND BACKFILL & COMPACT TRENCH WITH EXCAVATED SOIL.
- WOOD POSTS SHALL BE A MINIMUM SIZE OF 1-1/8"x1-1/8" OF OAK OR HICKORY.

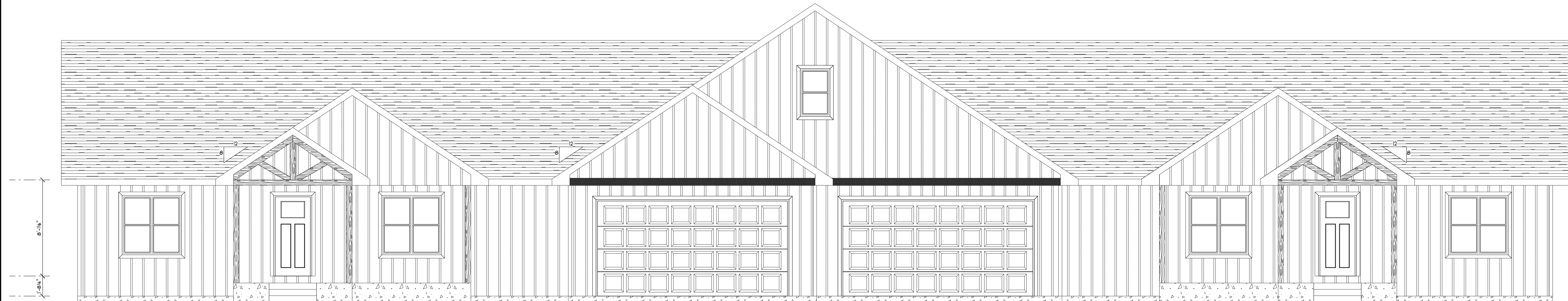
SILT FENCE DETAIL

NOTE: ADDITIONAL POST DEPTH OR TIE BACKS MAY BE REQUIRED IN UNSTABLE SOILS AT LOCATIONS AS DIRECTED BY ENGINEER

REVISIONS	
10/06/2021	
10/07/2021	
RIFFEY AG SERVICE SOUTH AVENUE REEDSBURG, WI SITE PLAN	

ENGINEERING SURVEYING ENVIRONMENTAL	(608) 835-3310
ENGINEERING CONSULTANTS, INC.	
2600 C.T.H. Y - DODGEVILLE, WI 53533	

DATE:	09/24/2021
DESIGNED:	MB
DRAFTED:	JM
PROJECT #:	21-075
SHEET	1
OF	1



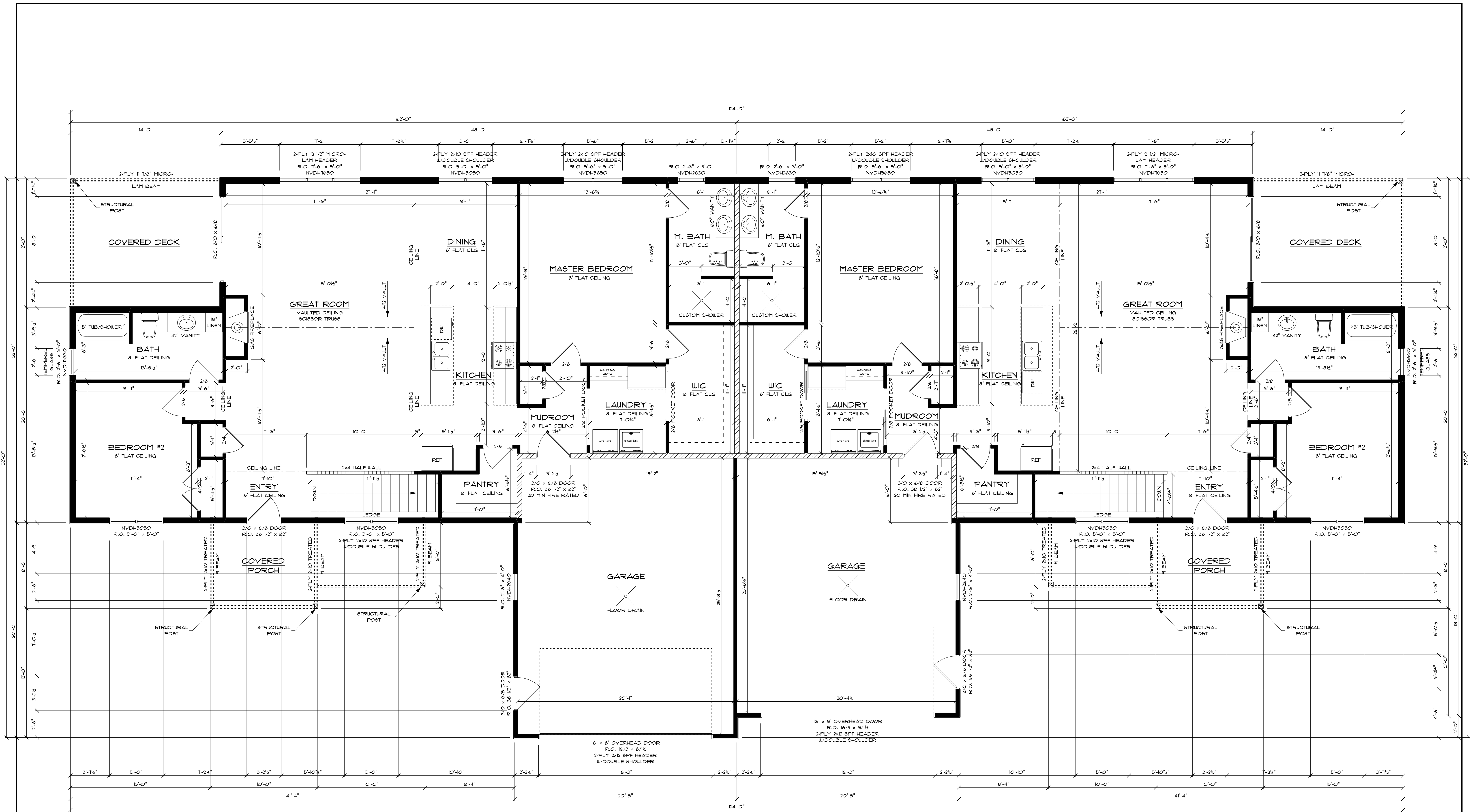
FRONT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



MAIN FLOOR PLAN
16/96 SF

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AAT
DATE:
6-3-21

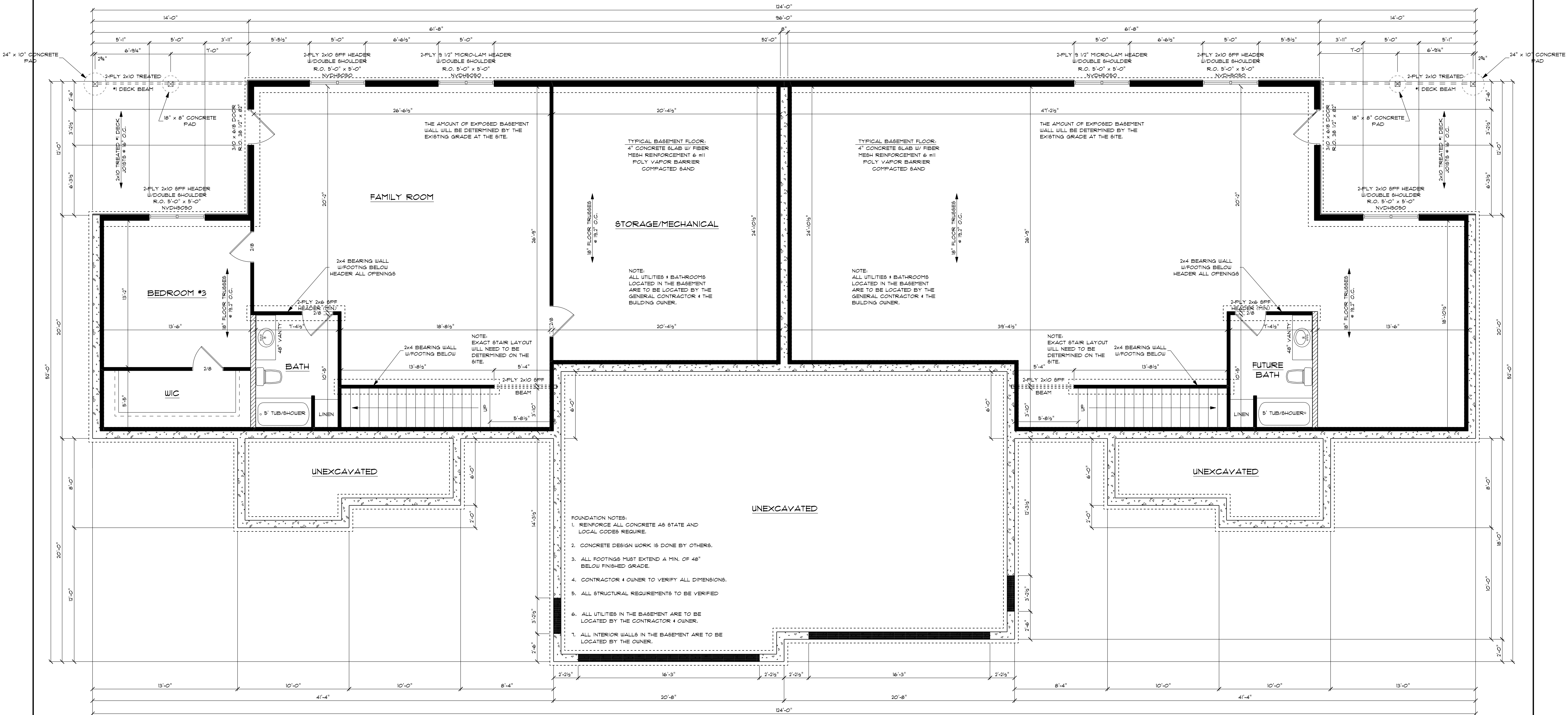


E4525A SCHUETTE ROAD
P.O. BOX 389
LAVALLE, WI 53941
PHONE: 800-362-5898 OR 608-985-7207

OWNER:

BUILDER: TBD
PROJECT: NEW DUPLEX

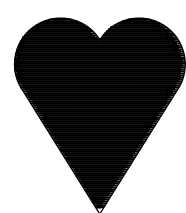
SHEET
2 OF 5
JOB NO.
2119



FOUNDATION PLAN
1/4" = 1'-0"

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PROJECT:

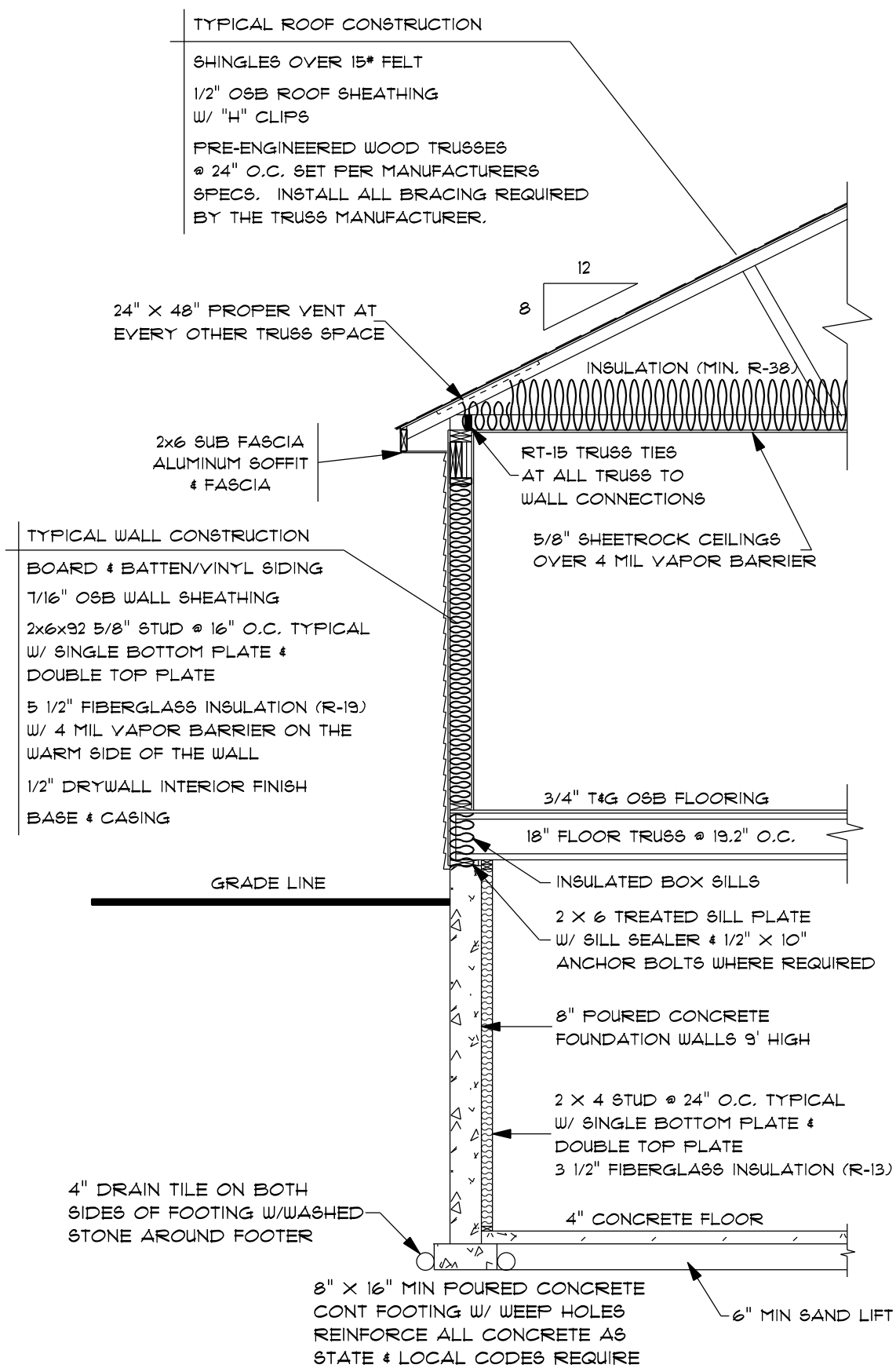
NEW DUPLEX

SHEET
3 OF 5

JOB NO.
2119



REAR ELEVATION
1/4" = 1'-0"



WALL SECTION DETAIL
NOT TO SCALE

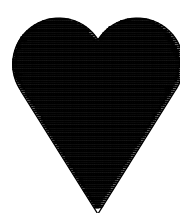
GENERAL NOTES & SPECIFICATIONS

1. ALL DIMENSIONS ARE TO BE VERIFIED BY THE OWNER & ALL CONTRACTORS.
2. EXTERIOR WALLS ARE SHOWN AT 5 1/2" - INTERIOR WALLS ARE SHOWN AT 3 1/2" (OTHER THAN PLUMBING WALLS).
3. ALL STRUCTURAL REQUIREMENTS ARE TO BE VERIFIED BY A STRUCTURAL ENGINEER.
4. ROOF TRUSS DESIGN BY TRUSS MANUFACTURER.
5. CONSULT TRUSS JOINT Mfg MILLAN'S RESIDENTIAL APPLICATIONS DESIGN SPECIFICATIONS FOR THE PROPER INSTALLATION PROCEDURES FOR ALL TJM PRODUCTS.
6. PLUMBING FIXTURE SIZES AND EXACT LOCATIONS TO BE VERIFIED W/ PLUMBING CONTRACTOR.
7. CONCRETE DESIGN BY OTHERS. REINFORCE ALL CONCRETE AS STATE & LOCAL CODES REQUIRE.
8. THE OWNER IS ULTIMATELY RESPONSIBLE FOR ALL STATE & LOCAL CODE COMPLIANCE.
9. ALL WINDOW ROUGH OPENINGS AND GLASS SIZES ARE TO BE CHECKED FOR 8% LIGHT AREA & 4% VENTING. ALSO DOUBLE CHECK ALL R.O.'S BEFORE ROUGH FRAMING IS STARTED.
10. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO INSURE THE ACCURACY OF THESE PLANS, THE GENERAL CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR THE SAME.

ALL EXTERIOR DOOR
AND WINDOW HEADERS
ARE TO BE 2-2x10 #2 & BTR SPF
UNLESS NOTED ON THE PLAN

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E4525A SCHUETTE ROAD
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LAVALLE, WI 53941
PHONE: 800-362-5898 OR 608-985-7207

OWNER:

BUILDER:

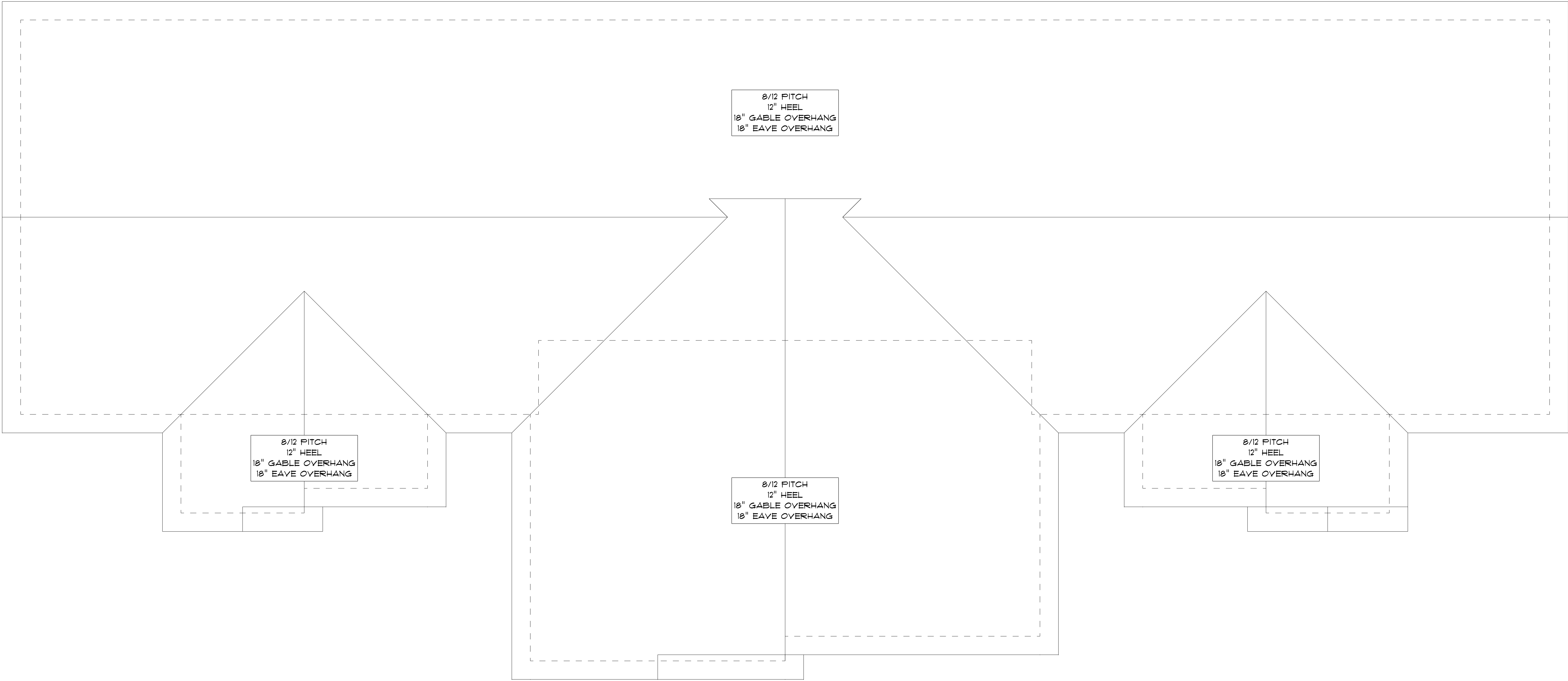
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PROJECT:

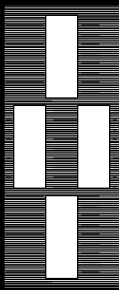
NEW DUPLEX

SHEET
4 OF 5

JOB NO.
2119

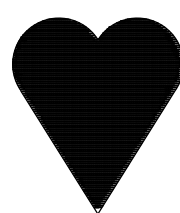
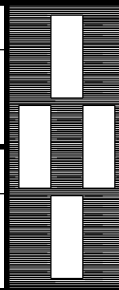


ROOF PLAN
1/4" = 1'-0"



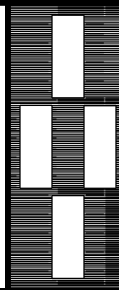
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AAT
DATE:
6-3-21



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LUMBER, INC.

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P.O. BOX 389
LAVALLE, WI 53941
PHONE: 800-362-5898 OR 608-985-7207



OWNER:

BUILDER:

TBD

PROJECT:

NEW DUPLEX

SHEET
5 OF 5

JOB NO.
2119



Staff Report

DATE: October 19, 2021

APPLICANT: Fawn Estates LLC – Shea Geffert

LOCATION: Fawn Valley Estates Plat; Parcel #s 2046-1213, 2046-1214, 2046-1215, 2046-1216

ZONING: R-2 Residential

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION: Consider zoning variance per § 690-Attachment 1 to have rear setbacks less than the required 25'. The applicant proposes a 10' rear setback to keep the future buildings in-line with Lot 16.

General Findings

SURROUNDING LAND USES:

- North – Residential
- West – Commercial
- South – Vacant
- East – Residential

ZONING:

- North – R-2 Residential
- West – B-2 Business
- South – B-2 Business
- East – Ag

TOPOGRAPHY: Slopes up to the south

STREET R.O.W./TRAFFIC/ACCESS: Fawn Valley Ct & Woodland Trail, 66' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None

COMPREHENSIVE PLAN DESIGNATION: Residential

COMMENTS

ADMINISTRATOR:

AMBULANCE:

FIRE:

POLICE:

PUBLIC WORKS:

SCHOOL:

UTILITIES:

OTHER:

Variance Findings – § 690-12(B)

- 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 parcel is zoned R-2 Residential.
 - b. The Board finds that the existing parcels are vacant.
 - c. The Board finds that each property is proposed to have a duplex dwelling.
 - d. The Board finds that § 690 Attachment 1 requires a 25' rear lot line setback.
 - e. The Board finds that the applicant proposes a 10' rear setback.
 - f. The Board finds that the four lots are next to a 32'-wide recorded utility easement.
 - g. The Board finds that the lots consist of #13-16 of Plat of Fawn Valley Estates.
 - h. The Board finds that the lot sizes are 15471, 17243, 13875, and 14391 SF respectively.

STAFF COMMENTS:

The original approval for this area was 16 four-unit dwellings under condominium ownership. Two of the 16 were built, and then the remaining are stayed vacant following the 2008 housing crash. The current owners reapplied to have the vacant area platted into individual lots. The streets, which were privately owned per the original approval, remained in the same location as they were already engineered as such. The four unit dwellings that were originally approved for the current lots would have had about a 20' front setback from the private street.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, October 19, 2021, 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: Fawn Estates, LLC SHEA GIEFFERT member

ADDRESS: 625 Granite Avenue **CITY:** Reedsburg **STATE:** WI

ZIP: 53959 **PHONE:** (608) 963-5895 **FAX:** (608) 524-6351

E-MAIL: shea@rucls.net

PROPERTY OWNER: (If different from Applicant) Same

LOCATION: Fawn Valley Estates (PLAT) **PARCEL #:** 276-2046-1213
276-2046-1214
276-2046-1215
276-2046-1216

LAND USE REQUEST

(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:** _____

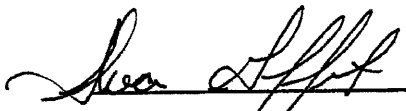
☒ **Zoning Variance:** Reduced Setback (Rear) Lots 13-16 of the Plat of Fawn Valley Estates

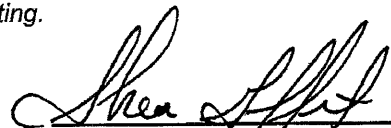
For **VARIANCE** requests, also answer "C" on back page.

☐ **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 and for a temporary Zoning sign to be placed in my yard prior to the meeting.

 11/08/21
Applicant Signature / Date

 11/08/21
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.**

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Cond Use Permit	\$200	_____
Cond Use-Agriculture	\$400	_____
Variance	\$125	\$125.00
Rezoning	\$200	_____
C.S.M.	\$175	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Site Plan Review	\$175	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid	10-11-2021	_____
Receipt #	1039334	_____



A. Please describe how your request meets each of the following Conditional Use standards as applicable. Attach additional pages if needed.

(A) Proposed operation - No Conditional Use shall be approved by the Plan Commission unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance and will not place demands on fire, police, or other public resources in excess of current capacity.

The request for a reduced rear setback shall not:

- ✓ Be injurious to the neighborhood as the request is being brought forward by the developer and the parcels (lots) in question are vacant, as are all adjacent lands.
- ✓ Be detrimental to the public welfare as adequate separation between structures shall be maintained due to the fact that the lands directly adjacent to the subject lots is burdened by a 32-foot wide utility easement (Document Number 1178873) that cannot be built upon.
- ✓ Place excessive demands upon fire, police or other public resources.

The request for a reduced rear setback will:

- ✓ Be in harmony with the general purpose of this ordinance and surrounding properties in the development and zoning district. It shall be noted that reduced setbacks were granted on the adjoining "Fawn Valley Condominiums", which are directly northwest of the subject lots.

(B) Architectural plans; existing and proposed structures - The proposed conditional land use shall be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

- ✓ The proposed duplex structures for the subject lots are included as part of this application packet. Currently, the subject lots are vacant.
- ✓ The proposed structures are in harmony with the existing structures in the neighborhood, being "Fawn Valley Condominiums", which are of similar size and architectural design.
- ✓ The adjacent lands are Zoned B-2 (Business Outer) and are burdened by a 32-foot wide utility easement (Document Number 1178873) that cannot be built upon, leaving a minimum 42 feet of separation of structures.

(C) Character and use of adjoining buildings and those in the vicinity - The proposed conditional land use shall not involve uses, activities, processes, materials, or equipment that would create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, and odors.

- ✓ The proposed structures are in harmony with the existing structures in the neighborhood, being “Fawn Valley Condominiums”, which are of similar size and architectural design.

(D) Traffic generation, circulation and parking areas - The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

- ✓ The development has met all design standards imposed by the City of Reedsburg and infrastructure improvements have been built accordingly.

(E) Traffic generation and circulation, highway access and driveway locations - The proposed conditional land use shall be adequately served by public or private streets.

- ✓ The development has met all design standards imposed by the City of Reedsburg and infrastructure improvements have been built accordingly.

(F) Sewerage and water systems - The proposed conditional land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.

- ✓ The development has met all design standards imposed by the City of Reedsburg and infrastructure improvements have been built accordingly.

B. Site Plan Requirements.

- ✓ Site plan for the subject lots are included as part of this application packet. Currently, the subject lots are vacant.

To grant a variance, the Board of Appeals must find four things:

1) The variance will not be contrary to the public interest.

This request for variance is not contrary to the public interest, because:

- ✓ The development has met all design standards imposed by the City of Reedsburg and infrastructure improvements have been built accordingly.

- ✓ The proposed structures are in harmony with the existing structures in the neighborhood, being “Fawn Valley Condominiums”, which are of similar size and architectural design.
- ✓ The request does not place excessive demands upon fire, police or other public resources.

2) Substantial justice will be done by granting the variance.

- ✓ Fawn Valley Estates, LLC, the developer of the Plat of “Fawn Valley Estates” purchased the project with previously-designed and previously-approved Engineering Plans. The location of “Woodland Trail” and, thus, the depth of the subject lots were pre-determined by these plans.
- ✓ Project infrastructure construction is nearing completion and interest in housing to be placed in the development is increasing. The trend of the interest is that of duplex-style zero lot line structures. To maintain the spirit of the existing structures in the neighborhood, being “Fawn Valley Condominiums”, deeper building envelopes are required.

3) The variance is needed so that the spirit of the ordinance is observed.

- ✓ The development is zoned R-2, the purpose of which includes “maintaining compact residential development around existing urban-residential areas”.
- ✓ Project infrastructure construction is nearing completion and interest in housing to be placed in the development is increasing. The trend of the interest is that of duplex-style zero lot line structures. To maintain the spirit of the existing structures in the neighborhood, being “Fawn Valley Condominiums”, deeper building envelopes are required.

4) Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.

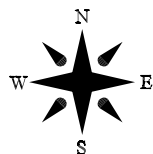
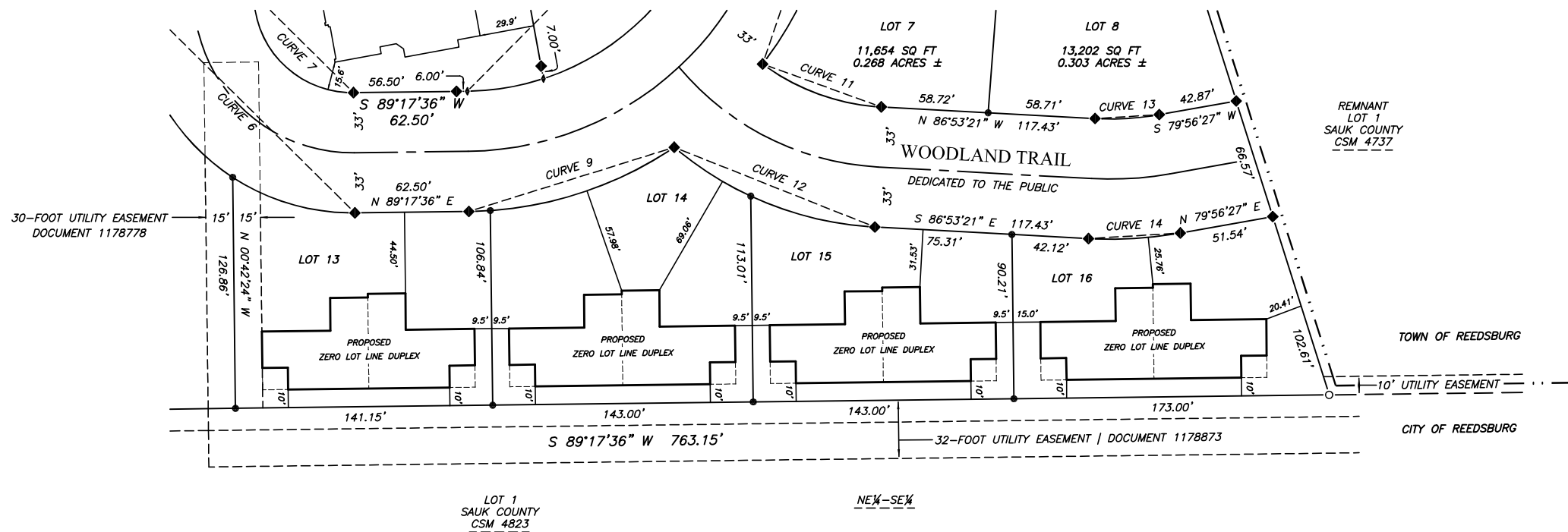
- ✓ To maintain the character and size of structures in the neighborhood and the market demand for duplex-style zero lot line structures, deeper building envelopes are required.
- ✓ Fawn Valley Estates, LLC, the developer of the Plat of “Fawn Valley Estates” purchased the project with previously-designed and previously-approved Engineering Plans. The location of “Woodland Trail” and, thus, the depth of the subject lots were pre-determined by these plans.
- ✓ Without the variance being granted, the developer will not be able to meet the market demand for the subject lots.

(C) Variance Hardship. A property owner bears the burden of proving “unnecessary hardship” by demonstrating either of the following:

1) For an area variance, that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome.

- ✓ To maintain the character and size of structures in the neighborhood and the market demand for duplex-style zero lot line structures, deeper building envelopes are required.
- ✓ Fawn Valley Estates, LLC, the developer of the Plat of “Fawn Valley Estates” purchased the project with previously-designed and previously-approved Engineering Plans. The location of “Woodland Trail” and, thus, the depth of the subject lots were pre-determined by these plans.
- ✓ Without the variance being granted, the developer will not be able to meet the market demand for the subject lots.

~~2) For a use variance, that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In both situations, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than personal considerations, and that the unnecessary hardship was not created by the property owner.~~



GRAPHIC SCALE: 1" = 80 FEET



SETBACK VARIANCE SKETCH

LOTS 13 THROUGH 16 OF FAWN VALLEY ESTATES



The Excelsior Group, LLC
 Surveying & Land Planning
 Matthew M Filus, Professional Land Surveyor

Phone: (608) 381-6882 • E-mail: mfilus@eg-wi.com • Web: www.eg-wi.com

P.O. Box 486 • Reedsburg, Wisconsin 53959