

Zoning Board of Appeals Agenda
October 15, 2019
Reedsburg City Hall, 134 S Locust Street
12:00 PM

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 ZONING BOARD OF APPEALS MINUTES FOR THE MEETING HELD ON AUGUST 27, 2019:

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 add a second, oversized ground sign to Casa de Oakes per municipal ordinance section 690-110. - 1130 Bindl Dr; Parcel #2408-143 - Greeley Signs & Graphics, LLC.
- B. Consider zoning variance to have a fence within 2' of the sidewalk (right-of-way) and within 15' of a vision triangle per municipal ordinance sections 690-48(D) & 690-62(A). - 501 N Park St; Parcel #0440 - Heather Wojciechowski.

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 27, 2019

Present: Adam Kaney, Walter Luepke, Richard Braun, Richie Strutz, and Pat Andera

Others: Brian Duvalle, Tim Becker, Tonya Lourigan – WI DNR, Aaron Bauer, Matt Scott, Phil Peterson, Joe Hasler, Dave Knudsen and Dave Pace

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

Moved by Luepke and seconded by Braun to approve the minutes from the July 16, 2019, meeting. Motion carried 5-0.

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.

Dave Pace from Pace Construction & Leasing LLC is asking for a 0 lot line on the west side of the parcel. This parcel is adjacent to a retention pond owned by the city. The Public Works Committee has approved to allow the 0 lot line on the west side of the parcel. Discussion was held on if the City could sell a portion of land instead but could interfere with the pond. Pace stated he has shrunk the building as much as he can and needs an additional 3' past the lot line.

Moved by Andera, seconded by Braun to allow Dave Pace to build a duplex with a 0 lot line with the stipulation of the owner making an overhang encroachment agreement with the City. There could also need to be an easement with the city as needed. It may be a possible the city would sell the 3' of land Dave Pace needs to accommodate the duplex he wants to build and the variance approval would apply as well to the final lot line. Motion carried 5-0.

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.

Tonya Lourigan, from WI DNR reiterated a letter dated May 21, 2019 still applies at this time. It could affect the city's agreement with the National Flood Insurance Program. The city's classification in the Community Rating System could also be affected. There are three main options to address the recurring flood damage to the structure. They are as follows:

1. Remove the structure entirely with no replacement.
2. Renovate/replace the structure with a new design that meets all applicable current floodplain requirements.
3. Renovate the structure as-constructed, understanding that the City may not be in compliance with floodplain requirements.

Phil Peterson, District 3 Councilperson and also on the Parks & Recreation Committee stated that this building is needed as part of the City's planning efforts for public use of the Granite Street area. Phil also stated that the Granite Avenue boat launch area is an asset to the city and the public.

Aaron Bauer from the Parks & Recreation Committee stated this city building with the restrooms would be a benefit for not only the boat launch but for the whole surrounding area including Plenke's Pond and the Smith Conservatory. There are no other restroom options in this area.

Dave Knudsen, District 4 Councilperson, was the chairman of the Ad-Hoc Committee after the 2008 flood that studied the Greater Granite Avenue area. The city decided to purchase the building after the 2008 flood because it survived the flood and again survived the 2018 flood with minimal damage. Dave also stated that having restrooms would also be very beneficial for the Smith Conservatory, Blakeslee Conservator and Plenke's Pond area. He feels this building is an asset to the community, not a hardship.

Matt Scott indicated that the building would be reduced in size, away from the river which would reduce the flow of the river pushing against the building. The building would be out of the current, so you wouldn't have the structural damage.

Alterations to wet flood proof the building is approximately \$12,200. This includes reducing the size of the building to 45'.

Attorney Joe Hasler reminded to the board that if approved be sure to follow the ordinance so that all requirements (sections 23.6(2) and 23.7(3)) are met.

Chairperson Adam Kaney commented that he feels the variance meets the standards for the variance.

Moved by Andera, seconded by Luepke to approve the zoning variance to make alterations to the damaged city owned building located at 239 Granite Avenue. Motion carried 4-1 (Braun-nay).

Moved by Braun, seconded by Strutz to adjourn the meeting at 1:03 PM. Motion carried 5-0.

Respectfully submitted,

Julie Strutz
Deputy Clerk-Treasurer

ZONING BOARD OF APPEALS
Staff Report

DATE: October 15, 2019

APPLICANT: Greeley Signs & Graphics, LLC

LOCATION: 1130 Bindl Dr; Parcel #2408-143

ZONING: B-2 Business

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance to add a second, oversized ground sign to Casa de Oakes per municipal ordinance section 690-110.

General Findings

SURROUNDING LAND USES:

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

ZONING:

- North- R-2 Residential, B-2 Business
- West- Ag, Government
- South- Ag
- East- Ag, R-2

TOPOGRAPHY: Slopes up to west and south

STREET R.O.W./TRAFFIC/ACCESS: Bindl Dr, 66' ROW; Hwy 23,

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Residential; Industrial

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 contains an assisted living and memory care facility.
 - b. The Board finds that the property is 5.5 acres in size.
 - c. The Board finds that section 690-110 allows one ground sign per property.
 - d. The Board finds that there is an existing, and proposed to be replaced, ground sign along Bindl Dr.
 - e. The Board finds that the applicant proposes to build a second, oversized ground sign.
 - f. The Board finds that the property is located on Bindl Dr with frontage along Hwy 23.
 - g. The Board finds that the current setbacks are approximately 16' on the N Pine side and 24' on the 5th St side.
 - h. The Board finds that surrounding properties contain a commercial fitness center and duplexes.

STAFF COMMENTS

The ordinance allows multi-business sites (shopping mall, office complex, etc) to have a second ground sign when there are two frontages. So having a second frontage is somewhat unique to the site. If approved, you could condition it that another sign option (e.g. wall sign) not be allowed.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, October 15, 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: Greeley Signs + Graphics LLC

ADDRESS: 1209 US Hwy 14E **CITY:** Richland Cr **STATE:** WI

ZIP: 53581 **PHONE:** 608-647-2628 **FAX:** No Fax

E-MAIL: agreeley@signface.com

PROPERTY OWNER: (if different from Applicant) Casa de Oakes

LOCATION: 1130 Bindel Drive **PARCEL #:** 2564

LAND USE CHANGE REQUESTED

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

☒ **Conditional Use Permit:** See attached sheet

For **CONDITIONAL USE PERMIT** requests, also answer "A" on the opposite side.

☐ **Zoning Variance:** _____

For **VARIANCE** requests, also answer "B" on the opposite side.

☐ **Zone Change (Rezoning) - From:** _____ **To:** _____

☐ **Certified Survey Map (C.S.M.):** _____

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

☐ **Flood Plain Zone Change: From:** _____ **To:** _____

☐ **Comprehensive Plan Amendment:** _____

☐ **Other:** _____

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.

Dean J. Gmely 19-26-19
Applicant Signature / Date

R. Knell 19-26-19
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.**

Conditional Use	\$153	_____
Cond. Use-Agriculture	\$400	_____
Variance	\$112	_____
Zone Change	\$200	_____
C.S.M.	\$171	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Flood Plain Zone	\$189	_____
Mapping Fee	\$61/parcel	_____
in C.S.M./plat		_____
Comp Plan Amend	\$200	_____
Date Paid		_____
Receipt #		_____



ZONING BOARD OF APPEALS
Staff Report

DATE: October 15, 2019

APPLICANT: Heather Wojciechowski

LOCATION: 501 N Park St; Parcel #0440

ZONING: R-1 Residential

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance to have a fence within 2' of the sidewalk (right-of-way) and within 15' of a vision triangle per municipal ordinance sections 690-48(D) & 690-62(A).

General Findings

SURROUNDING LAND USES:

- North – Residential
- West – Residential
- South – Residential
- East – Residential

ZONING:

- North- R-1 Residential
- West- R-1 Residential
- South- R-1 Residential
- East- R-1 Residential

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: N Park St & 5th St, 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 contains a single-family residence with detached garage.
 - b. The Board finds that the property is 66' X 109'.
 - c. The Board finds that section 690-48(D) requires a 2' minimum front setback.
No fence shall be erected within two feet of any public right-of-way.
 - d. The Board finds that section 690-62(A) requires a 15' vision triangle.
No obstructions such as signs, structures, parked vehicles, fences or vegetation shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by a fifteen-foot setback from the intersection of the two street right-of-way lines, except for the B1 Central Business District.
 - e. The Board finds that the applicant proposes to build a fence along the sidewalk (right-of-way).
 - f. The Board finds that the property is located on a corner.
 - g. The Board finds that the current setbacks are approximately 16' on the N Pine side and 24' on the 5th St side.
 - h. The Board finds that surrounding properties contain mostly single-family dwellings.

STAFF COMMENTS

As you'll see, fence construction was started. The owner claims I told her a few months ago that there are no fence regulations or permits. Not that I remember any such conversation or believe I would say such a thing, they are nonetheless applying for a variance. The vision triangle would be OK as long as you can see through the fence.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
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- 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: Heather Wojciechowski

ADDRESS: 501 N. Park St. **CITY:** Reedsburg **STATE:** WI

ZIP: 53959 **PHONE:** 608-412-5950 **FAX:** _____

E-MAIL: heather.wiseheart@gmail.com

PROPERTY OWNER: (if different from Applicant) Adam Thielen

LOCATION: 501 N. Park St. **PARCEL #:** 8440

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:** _____

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.

Heather Wojciechowski, 09/30/19

Applicant Signature / Date

Adam Thielen, 9-30-19

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.***

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Cond Use; Site Plan \$153	_____
Cond Use-Agriculture \$400	_____
Variance \$112	_____
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 #	_____

Zoning Variance: My intention is to build a 3 foot high slotted perimeter fence around my yard keep my children and dogs in my yard. As well as a neighbor and her dog out of my yard.

C 1: I will be able to maintain my children and pets in my yard at all times with this perimeter fence.

C 2: I live on the corner 5th and Park Street. Out of the four houses on that corner 50% of the houses already have fences up that is not to the current city ordinances.

C 3: the current city ordinance states that the fence needs to be two feet from the sidewalk. And if you own a corner lot it needs to be angled 15 feet from the inside of the sidewalk corner to prevent obstruction of traffic. Currently on the corner of 5th and Park Street 50% of the houses already have fences that are right on the sidewalk and that are not angled 15 feet from the corner. Currently there have been no issues with their fences. To build a perimeter fence around my property, a 2000 square foot house on a 7,313 square foot property, to the current city ordinances would create a hardship on my property since I don't have a big enough property to build the fence and still have space to utilize inside the fence. I have less than 20 feet from the sidewalk to my house in both the front and side yard. I have attached photos as well.

In summation: I would like to build a fence next to the sidewalk to utilize what yard we have to give our children and pets a space to play in while also preventing any animals that may wander on or near my property. I am willing to accept all responsibility for any fence damage if the city decides to work on the sidewalk.



City of Reedsburg GIS

CITY OF REEDSBURG

134 S. Locust Street
PO Box 490
Reedsburg, WI 53959
608-524-6404

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SCALE: 1" = 35'

Print Date: 10/9/2019





