

Zoning Board of Appeals Agenda
July 19, 2022
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 JULY 7, 2022:

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 per § 690-48(F) to have a 6'-high fence in the front yard setback area; 4'-high is the normal requirement. – 348 W Main St; Parcel #276-0740-00000. – Andrew Koch

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 7, 2022

Present: Nathan Johnson, Richard Braun, Jessie Phalan
Absent: Walter Luepke
Others: Brian Duvalle and Debra Meister

Chair Nathan Johnson called the meeting to order at 12:00 PM.

Motion by Braun, seconded by Phalan to approve the minutes from the 6/21/22 meeting.

Motion approved 3-0

Consider zoning variance per § 690 Schedule 1 for less than the required 25' and 40' front yard setback for a proposed detached carport – 325 Lucky Street – Lot 31; Parcel #276-1321-00000 – Debra Meister

Debra Meister would like to place a carport in front of her mobile home to protect her vehicle from the paint-chipping effects of Grede Foundry. The carport would be approximately 20' long and have clear sides and a tarp roof. Email in opposition was received from neighbor Tonya Antijunti who was also present at the meeting. She stated she is now unopposed now that she sees that the proposed carport is smaller than what was sent to her. Discussion held on the tarp and plastic sides as to ensure that they would be maintained and still provide clear views for safety of drivers and pedestrians. Discussion held on placing the carport next to the mobile home, but there is not enough room. Carports have been placed on several interior mobile home park lots, but those lots do not have the 25' front setback that the Lucky St lots have.

Moved by Braun, seconded by Phalan to approve the proposed detached carport with a minimum 5' setback from the sidewalk. The carport must have clear sides in order to see through it for safety reasons and remain in good repair. Once the applicant no longer owns the mobile home, the carport must be removed at that time.

Motion approved 3-0

Moved by Braun, seconded by Phalan to adjourn the meeting at 12:22 PM.

Motion approved 3-0

Respectfully submitted,

Julie Strutz
Deputy Clerk-Treasurer

Staff Report

DATE: July 19, 2022 – 12:00 PM

APPLICANT: Andrew Koch

LOCATION: 348 W Main St; Parcel #276-0740-00000

ZONING: R-1 Residential

DESCRIPTION: Consider zoning variance per § 690-48(F) to have a 6’-high fence in the front yard setback area; 4’-high is the normal requirement.

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: Lucky St; 66’ ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: 1%-chance floodplain

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-1 Residential.
 - b. The Board finds that the parcel contains an existing single-family residence.
 - c. The Board finds that a 6'-high fence is proposed.
 - d. The Board finds that § 690-48(F) limits fences in the front yard setback area to 4' in height.
 - e. The Board finds that the owner installed the current fence without a permit.
 - f. The Board finds that a 4'-high fence was approved in August 2015 with an addition in May 2018.
 - g. The Board finds that this is a corner lot thereby having two front yards.

STAFF COMMENTS:

This property has had attracted several past enforcement actions, mostly from junk and junk cars. Not that such situations justify a variance, but the applicant has submitted additional problems he has dealt with too. There is a similar fence across the street that is within the front yard setback area although it appears it was approved as 4' in February 2007.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, July 19, 2022, 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: Andrew Koch
ADDRESS: 348 W. Main St CITY: Reedsburg STATE: WI
ZIP: 53959 PHONE: (608) 415-9397 FAX: _____
E-MAIL: andy.koch21@gmail.com
PROPERTY OWNER: (if different from Applicant) _____

LOCATION: City of Reedsburg PARCEL #: 0740-0000

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: _____
☐ Site Plan Review: (See "B" on back page) _____
☐ Zoning Appeal / Interpretation: _____

- ☒ Zoning Variance: Variance for greater than 4 Foot Fence
For *VARIANCE* requests, also answer "C" on back page.

- ☐ 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.

dlc 7/5/21

Applicant Signature / Date

Andrew G Koch 7/5/21

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.**

Conditional Use \$200	_____
Cond. Use-Agriculture \$400	_____
Variance \$125	<u>125.00</u>
Zone Change \$200	_____
C.S.M. \$175	_____
Subdivision Plat \$610	_____
- w/ Stormwater Plan \$100	_____
Flood Plain Zone \$189	_____
Site Plan Review 175	_____
Comp Plan Amend \$200	_____

Date Paid 7-6-22
Receipt # _____

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

B. Site Plan Requirements.

- (A) North arrow
- (B) Location of property lines, dimensions, and setbacks.
- (C) Location of existing and proposed public roads, rights-of-way and private easements of record.
- (D) Location of existing water bodies, surface drainage ways, stormwater controls, floodplains, and wetlands.
- (E) Location of existing and proposed buildings.
- (F) Location of parking areas and all exterior lighting.
- (G) Location of all loading / unloading areas.
- (H) Location of all sidewalks, walkways, bicycle paths and areas for public use.
- (I) Location of all utilities on the site.
- (J) Location and specifications for all fences, walls, and other screening features.
- (K) Location and specifications for all existing and proposed perimeter and internal landscaping.
- (L) Location and specifications for screening of all trash receptacles and other solid waste disposal facilities.
- (M) Location and specifications for proposed signs.
- (N) Elevation drawings for proposed commercial structures.
- (P) Floor plans, when needed to determine the number of parking spaces required.

C. Please describe how your request meets each of the following Variance standards. Attach additional pages if needed.

That there are special circumstances or conditions (that) apply to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

See attached

That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

granting of Variance would help w/ safety of all animals & children

That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

fence is even with front of the house & not impeding vision of intersection, or side walks.

c) Being located on corner of intersection there are regularly objects that fall off of trailers & out of trucks that bounce into our yard & often times over our fence. These objects are often tools, building supplies & many misc. sharp heavy objects. (pipes, metal plates, screws, nails etc)

Unsupervised children often (daily) walk past our home to the park on James Street & regularly stick backpacks, skateboards, food, balls & other unsafe items for our dogs over the fence & into the yard. Children have been caught taunting our dogs & attempting to give them unsafe food items.

There is currently an open case regarding a man attempting to climb our fence & steal one of our dogs. He was witnessed leaning over our 4 foot fence & attempting to carry one of our dogs over that fence. There have also been on 2 occasions people/squatters leaving abandoned/



City of Reedsburg GIS

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SCALE: 1" = 35'

CITY OF REEDSBURG

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

Print Date: 7/13/2022

DATE: 06/29/2022

TO: ANDREW G KOCH
E8848 COUNTY RD O
SAUK CITY, WI 53583

ANDREW G KOCH
348 W MAIN ST
REEDSBURG, WI 53959

Re: Fence

Property Address: 348 W Main St
Parcel #: 0740-00000

Mr. Koch,

It appears you have constructed a new 6'-high fence. A 6' fence is not permitted in the front yard of a property and was also done without a permit. If you wish to keep the fence as is, you will need to apply for a zoning variance to see if the Zoning Board will or will not approve your fence. The next meeting is July 19 with an application deadline of July 6, 2022. Otherwise please remove the fence within 10 days of this letter.

Thank you for your cooperation and please contact me at the above number or bduvalle@ci.reedsburg.wi.us with any questions.

§ 690-48 Permit Required.

- (F) *From the front setback line of the principal building toward the street, the maximum height of a fence shall be four feet. In a case where a side boundary fence is within 10 feet of a driveway, the fence shall have a minimum fifteen-foot front setback.*

§ 690-11 Enforcement and Administration.

- (G) *Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violations, the Common Council, the Zoning Administrator, the Plan Commission, or any property owner who would be especially damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.*
- (H) *Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500, and costs of prosecution, for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.*



Brian Duvalle
Planner/Building Inspector