

Zoning Board of Appeals Agenda
August 16, 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 19, 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(D) & 690-48(F) to have a fence within 2' of the sidewalk (right-of-way) and over 4' height. – 501 N Park St; Parcel #276-0440-00000 – Adam Thielen
- B. Consider zoning variance per § 690-110 & 690-111 to have an additional number of signs and to exceed the sign size limits. – 1515 E Main St; Parcel #276-2051-00000 and 1355 E Main St; Parcel #276-2047-00000 – Mittelstaedt Sports & Marine Inc, dba Jay's Power Center

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 19, 2022

Present: Nathan Johnson, Richard Braun, Jessie Phalen, Walter Luepke

Others: Brian Duvalle and Carolyn Bell

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

Motion by Braun, seconded by Phalen to approve the minutes from the July 7, 2022 meeting.

Motion approved 4-0

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

The owner of the property was not present at the meeting.

The previous tenant put up a 4' fence on the property which is compliant with the ordinance. The owner moved back in and put up a 6' fence. Duvalle contacted the owner and told him he needed to come before the Zoning Board and get approval in order to keep the 6' fence. Carolyn Bell, a neighbor to the north stated she was just there for informational purposes. Documentation the owner gave with the application indicated the reason he made it a 6' fence is because someone tried to take his dog out of the yard and children walking by the house would taunt the dog. Luepke stated a permit should have been issued before the new fence was installed. Johnson stated it is not the ZBA's job to justify the variance in the absence of the applicant. Discussion held on when the applicant can re-apply if denied, which is usually 12 months. Moved by Luepke, seconded by Braun to deny the variance as presented.

Motion approved to deny variance 4-0

Moved by Luepke, seconded by Braun to adjourn the meeting at 12:20 PM.

Motion approved 3-0

Respectfully submitted,

Julie Strutz
Deputy Clerk-Treasurer

ZONING BOARD OF APPEALS
Staff Report

DATE: August 16, 2022

APPLICANT: Adam Thielen

LOCATION: 501 N Park St; Parcel #0440

ZONING: R-1 Residential

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance per § 690-48(D) & 690-48(F) to have a fence within 2' of the sidewalk (right-of-way) and over 4' height.

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 – § 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 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 and (F) limits height to 4'.
 - d. The Board finds that the applicant proposes to build a 6'-high fence along the sidewalk (right-of-way).
 - e. The Board finds that the property is located on a corner.
 - f. The Board finds that surrounding properties contain mostly single-family dwellings.

STAFF COMMENTS

The fence along the N Park St side of the property was approved for a variance in Oct 2019. Later the owners added the retaining wall and then a chain link fence on top. The chain link is different from the other fence but still (sort of) conforms to fence requirements.

Now the owners wish to conceal the retaining wall with another fence. I believe this goes beyond the scope of what they were approved with in 2019. The fence they propose would have horizontal slats (1" X 4").

The attached fence drawing is confusing, so I will explain it further at the meeting.

Exhibit List

- A. City of Reedsburg Comprehensive Plan
- B. Zoning Ordinance, City of Reedsburg, Wisconsin
- C. Tuesday, August 16, 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:Adam Thielen**ADDRESS:**501 North Park St**CITY:**Reedsburg**STATE:**WI**ZIP:**53959**PHONE:**(608) 720-PP30**FAX:****E-MAIL:**mada.thielen@yahoo.com**PROPERTY OWNER:** (if different from Applicant)**LOCATION:**Same as address**PARCEL #:**0440**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:** convert retaining wall to fenceFor *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.

Adam Thielen**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.**

Conditional Use	\$200	_____
Cond. Use-Agriculture	\$400	_____
Variance	\$125	<u>\$125</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 7-27-2022
Receipt # 1.041755

is one foot in height for 15', then it increases to 1.5' in height⁽¹⁾ for 11'. The retaining wall then increases to 2'2" for 48'. The last 15' of the retaining wall, where an existing chain link fence is will have no visual obstruction from the driveway. 1"x4" burnt horizontal boards will cover the existing retaining wall but will not extend to the 4' fence on top.

At the end of the wall/chain link fence near driveway, ^(71' from side wall) 15' back will remain un-obstructed ~~to~~ to allow visual from driveway. 1"x4" horizontal boards will cover existing retaining wall but will not extend to the fence for the first 15'. After initial 15' (boards) will cover existing chain link fence with 4"x4" posts. Same as the front of the chainlink fence with the exception to allow a pass through gate close to the garage door.

ZONING VARIANCE

Property Owner: Adam Thielen **Applicant:** Heather Wojciechowski
Parcel #: 0440-00000 **Action Date:** 10/15/2019
Property Address: 501 N Park St
Legal Description: S 10-12-4 NE1/4 NW1/4 MACKEY'S 1ST ADD E 109' OF LOT 7

Request: Consider zoning variance to have a fence within 2' of the sidewalk (right-of-way) and within 15' of a vision triangle.

ZBA Action: Moved by Andera, seconded by Strutz to approve the zoning variance to build a 3'-high fence less than 2' from the sidewalk but would require the 15' clear triangle at the corner with using a visible see-through fence such as glass panels or chain link. Any fence damage or removal in the future would be the owner's responsibility.

Motion carried 4-0



Brian Duvalle
Planner/Building Inspector

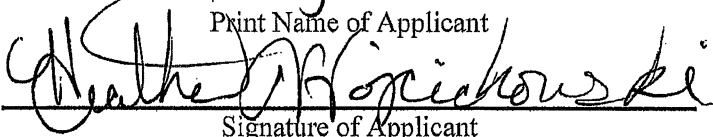
10-25-19

Date

Affidavit: I agree to comply with the action(s) shown above.

Heather Wojciechowski

Print Name of Applicant

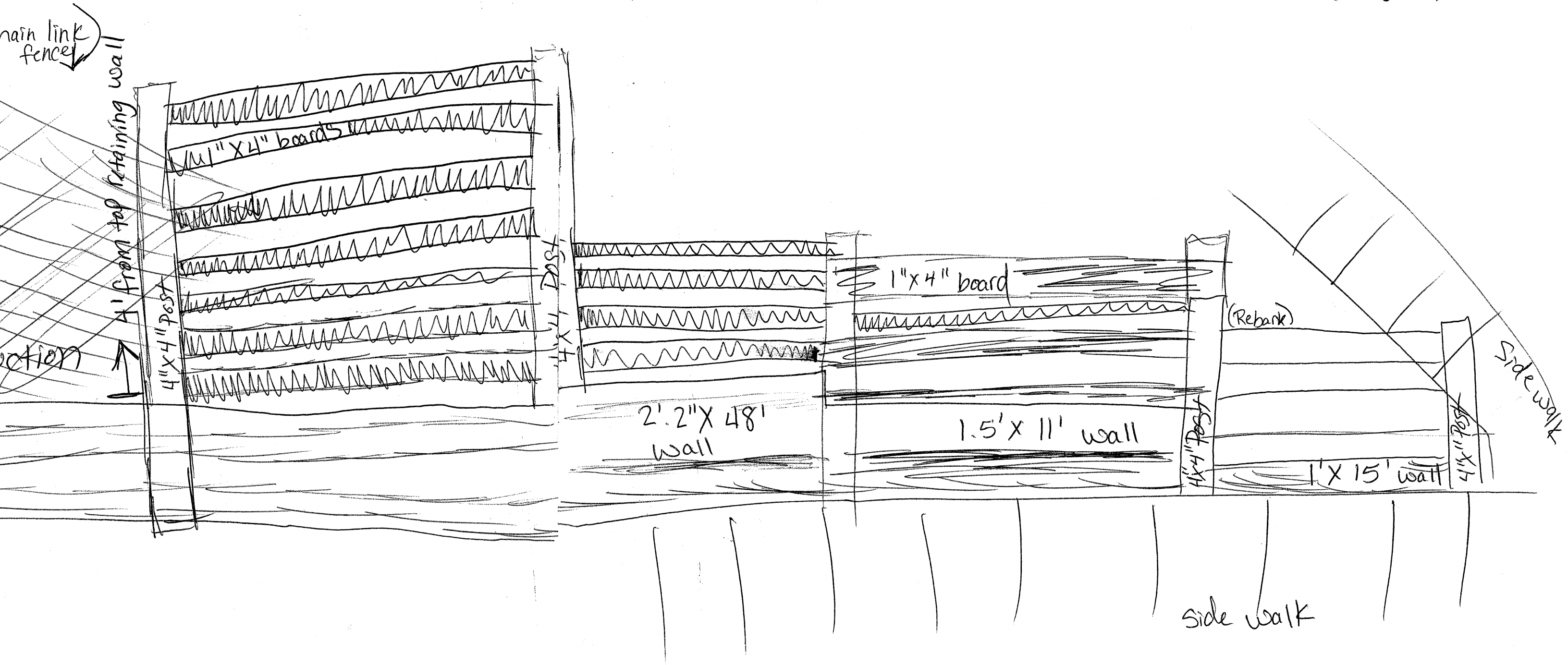


Signature of Applicant

10-30-19

Date

North side of 5th Street (Image 1)



Same type covering
the front chain link
with a pass through
gate

(Existing chain link fence)

(image 2)

grass
15' No obstruction
14' 11" covering existing wall
boards

retaining wall

ZONING BOARD OF APPEALS
Staff Report

DATE: August 16, 2022

APPLICANT: Mittelstaedt Sports & Marine Inc, dba Jay's Power Center

LOCATION: 1515 E Main St; Parcel #276-2051-00000 and 1355 E Main St; Parcel #276-2047-00000

ZONING: B-2 Business

PROPOSED LAND USE REQUEST: Zoning Variance

DESCRIPTION OF PROPERTY/IMPROVEMENTS: Consider zoning variance per § 690-110 & 690-111 to have an additional number of signs and to exceed the sign size limits.

General Findings

SURROUNDING LAND USES:

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

ZONING:

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

TOPOGRAPHY: Flat slopes

STREET R.O.W./TRAFFIC/ACCESS: E Main St, 66' / 90' ROW

ENVIRONMENTAL HAZARDS/CONDITIONS: None known

COMPREHENSIVE PLAN DESIGNATION: Commercial

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 properties contain retail and service for power equipment.
 - b. The Board finds that the properties are 2.77 acres and 2.72 acres in size.
 - c. The Board finds that a new ground sign is proposed at 1355 E Main and new wall signs at 1515 E Main St.
 - d. The Board finds that section 690-110 limits ground signs to 50 SF and 20' height.
 - e. The Board finds that the ground sign would be about 124 SF and 20' high.
 - f. The Board finds that section 690-111 limits wall sign area to three at 200 SF total.
 - g. The Board finds that the wall signs include seven new signs for a total of about 450 SF.
 - h. The Board finds that surrounding properties contain single-family dwellings to the north, otherwise commercial on other three sides.

STAFF COMMENTS

From I've seen in the past, corporate will require certain signage for their franchisees. However the signage being asked for here is more than double what the ordinance allows. Therefore you can certainly negotiate final design if you deem that variances are warranted.

Exhibit List

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- 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: Mittelstaedt Sports and Marine, Inc dba Jay's PowerCenter

ADDRESS: 1515 E. MAIN ST **CITY:** Reedsburg **STATE:** WI

ZIP: 53959 **PHONE:** 608-768-3297 **FAX:** _____

E-MAIL: jay@jayspowercenter

PROPERTY OWNER: (if different from Applicant) Jay's Holdings

LOCATION: _____ **PARCEL #:** 276-2051-0000

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:** _____ **TID #** _____

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

☐ **Zoning Appeal / Interpretation:** _____

☒ **Zoning Variance:** Additional and larger signage

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.

Applicant Signature / Date

X [Signature] 7/20/22
Owner Signature / Date

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

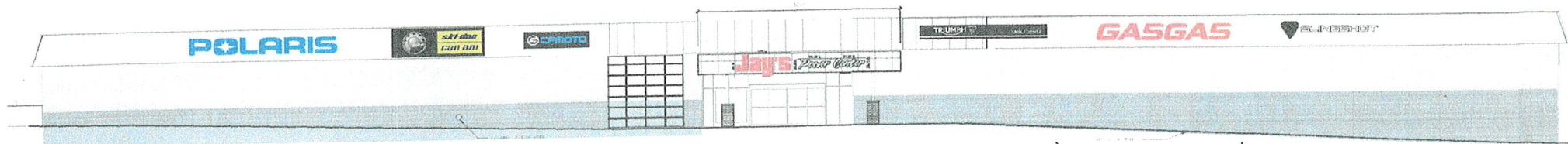
Account #10-461500-00

**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	☒
Rezoning	\$200	_____
C.S.M.	\$175	_____
Subdivision Plat	\$610	_____
- w/ Stormwater Plan	\$100	_____
Site Plan Review	\$175	_____
Annexation	\$200	_____
Plan Amend	\$200	_____
Date Paid	7-20-22	_____
Receipt #	1.041677	_____





ELEVATION A

36" x 323.5"

62.5
x
197.625

36" x 144"

31" x 276"

36" x 290"

36 1/2" x 222" +/-

450 SF

Jay's = 49" x 117"
Power = 24" x 72.25"
CENTER = 23.75" x 71.67"