

OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or Sub-unit thereof.

Joint Meeting: BUILDING ADVISORY BOARD & ZONING BOARD OF APPEALS

Date/Time: Wednesday, May 15, 2024, at 4:00 p.m.

Location: Council Chambers at Wausau City Hall, 407 Grant Street

Building Advisory Eric Lindman, Buckley Birkholz, Dave Brandenburg, Mark Dillman,

Members: Frank Opatik, Tom Neal, Chad Henke, Brian Stahl

Zoning Board Nancy Hoffmann, David Burke, Mark Dillman,
Members: Jerry Jarosz, Arlene Kaatz, Nan Giese (Alternate)

AGENDA ITEMS

- 1. <u>PUBLIC HEARING</u>: Michael Vanderloop, owner of **222 & 214 N 7**th **Ave**, seeking approval for a 1152 square foot detached garage that will have a height of 21' 4".
- Building Advisory Board discussion and action regarding 1152 square foot detached garage at 222 N 7th Ave, Wausau.
 Adjournment Building Advisory Board
- Zoning Board of Appeals discussion and action regarding a height variance for detached garage at 222 N 7th Ave, Wausau.
- PUBLIC HEARING: Green Tree Construction, seeking approval of creating lots 114-117 with a depth of 117' versus the required 120' at 101 N 72nd Ave.
- 5. Zoning Board of Appeals discussion and action creating lots 114-117 with a depth of 117' at 101 N 72nd Ave, Wausau.

Adjournment Zoning Board of Appeals

William Hebert-Chief Inspector & Zoning Administrator

Questions regarding this agenda may be directed to the Division of Inspection and Zoning
at 715.261.6780 or inspections@ci.wausau.wi.us

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6622 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request to be provided with a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event, the City of Wausau will make a good faith effort to accommodate your request.

List of Others this Agenda was Distributed to: Wausau Daily Herald, Alderpersons, Mayor, City Attorney, City Clerk



CITY OF WAUSAU DEPARTMENT OF INSPECTION AND ZONING

City Hall, 407 Grant Street, Wausau, WI 54403-4783 (715) 261-6780 / fax (715) 261-4102

BUILDING ADVISORY BOARD APPLICATION

KEY/PARCEL #:
PROPERTY ADDRESS: <u>214/222 N. 7th Ave</u> W. Ausau 5440/ ***********************************
OWNER/AGENT: Michael Vander Loop PHONE #: 715 470 1909
MAILING ADDRESS: 222 W7Th Ave EMAIL: Mike V6/70 gmnil
CITY: WAUSAU STATE: W/ ZIP: 54401 ***********************************
<u>SPECIFICATIONS</u>
Home Square Footage (including basement): <u>1344</u>
Existing Garage square footage:
Other storage buildings:
Proposed garage size and height (including site plan elevation) $36 \times 132 \times 10^{-1}$
Note: garage should be architecturally comparable to home; finish materials, roof pitch, etc.
Narrative describing need for garage and proposed uses:
I have a Vehiches and a 25' 11" comper
and cornently Have a I can garage
Which the truck poesn't F, t into, I would like
The additional garage for the truck & comper.
PLUS TO Store all Gama Tooks



STAFF REPORT

To: Building Advisory Board and Zoning Board of Appeals

Prepared By: William Hebert, Zoning Administrator & Chief Inspector

Date: May 7, 2024

GENERAL INFORMATION

APPLICANT: Michael Vanderloop

LOCATION: 222 and 214 N 7th Ave, Wausau

EXISTING ZONING: SR-5

PURPOSE: Detached oversize garage; building height exceeds home

EXISTING LAND USE: Single family home

SIZE OF PARCEL: .32 acres

BUILDING SIZE INFORMATION:

1. Principal Structure – 1784 square feet

2. Existing Garage – 280 square feet

VARIANCE BEING REQUESTED:

The proposed detached garage height will be more than the existing home. The existing home roof is 19 feet from grade, while the proposed garage will be 21 feet 4 inches. Detached structures are to be no taller than the primary structure. This request is to exceed peak roof height by 2 feet 4 inches.

OVERSIZED GARAGE REQUEST:

The proposed detached garage is 36 x 32 for a total square footage of 1152. This is over the 900 square foot maximum size for a detached garage permitted by right. The total proposed square footage for all garages is 1432. The petitioner bought the neighboring lot (214 N 7th Av) after the home was destroyed by a fire. The petitioner is in the process of combining both lots to create a large, single parcel in the city.

ANALYSIS

1. Evaluate whether the request is in harmony with the Comprehensive Plan or other relevant plans.

No concern from staff.

2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review. Would it be a hardship or practical difficulty to meet the zoning code requirements, due to the physical surroundings, shape, or topography of the property.

If the proposed garage were not to exceed the existing homes peak height from grade, the roof pitches would be drastically different. There is also a natural grade difference between the two building sites.

The owner wishes to have a garage large enough and tall enough to fit his camper inside. If the variance is not approved, the camper is allowed to remain outside on the grass through out the year per the zoning code.

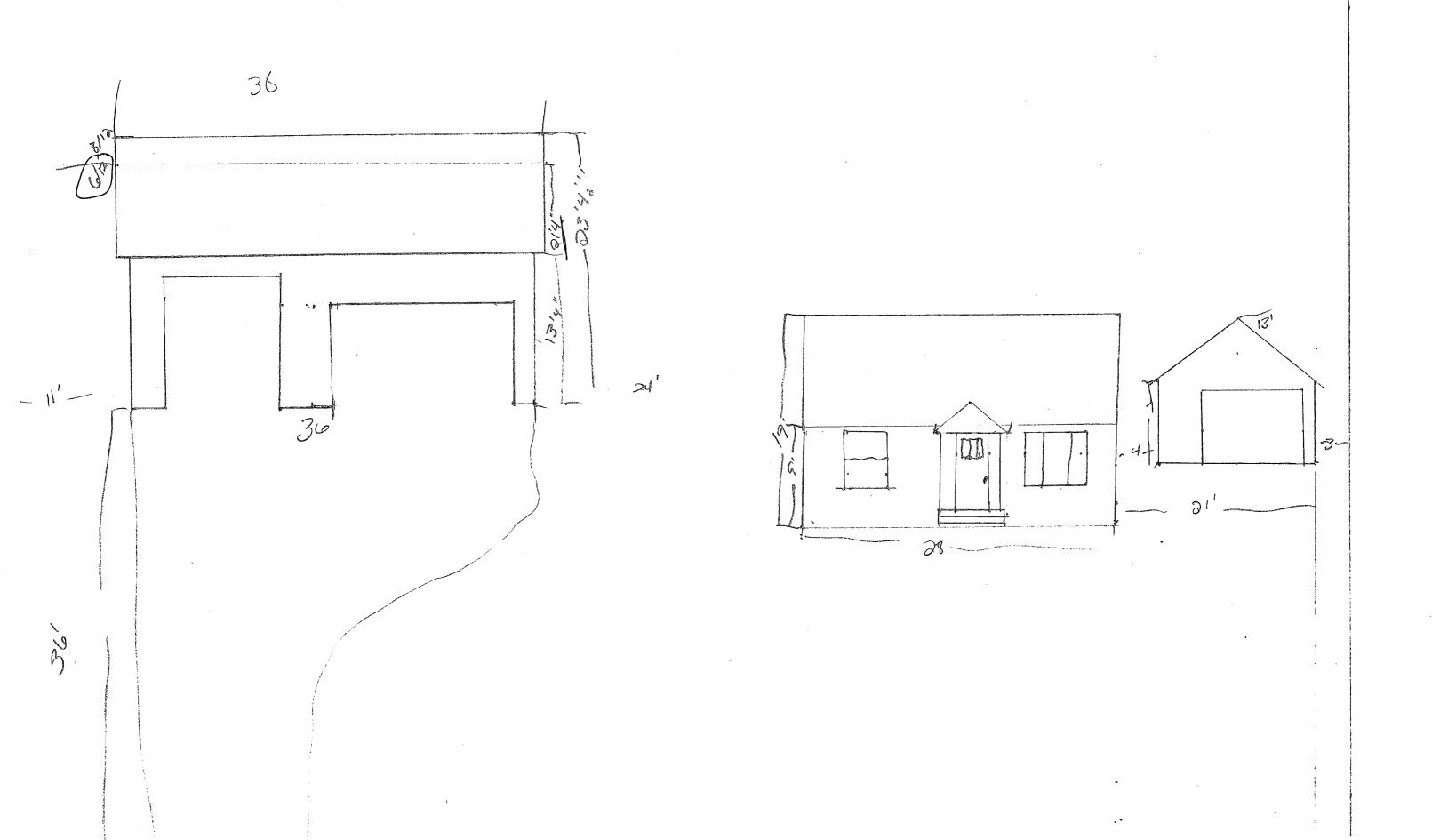
POSSIBLE ACTION

The Building Advisory Board and Zoning Board of Appeals will need to take separate actions.

- Approve as proposed.
- o Approve with amendments.
- o Deny

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VARIANCE APPLICATION

City of Wausau Zoning Board of Appeals

Part 1: General information and alternatives analysis

To be completed jointly by the applicant and zoning staff.

Petition #	Date filed	\$200.00 fee	e paid (payable to: Cit	y of Wausau)
	Owner/Agency		Contractor	
Name:	MichAel P. VanderLoo	<i>P</i>		
Address:	222 N 7m Ave.			
	WAUSAU WI 54401			
Phone:	715-470-1909.			
Legal descr	iption: CF Dunbars 4	add Lots	1347	
	dimensions:			ft.
Zoning dist	rict:			
	and improvements:			
	•			
Description	of any prior petition for appeal, vari	ance or conditiona	l use:	
NA				
1 (1				
Description	and location of all nonconforming s	tructures and uses		
NA				
. , ,				
Ordinance s	standard from which variance is bein	g sought (section n	number and text):	
Acces	ory Building TAIL	or Than H.	7774 C -	
	The state of the s	(507)	0	

_H	eight 21'4" garage Home is 19'
Туре	of variance requested:
8	_ use variance – permits a landowner to put a property to an otherwise prohibited use area variance – provides an increment of relief (normally small) from a physical dimensional restriction such as a building height or setback.
	ribe the effects on the property if the variance is not granted: It WILL REMAIN Q UNCANT LOT. PLYS 4+ FNCRESS & of 2'4"
Desc Attac a.	natives ribe alternatives to your proposal such as other locations, designs and construction technique the a site map showing alternatives you considered in each category below. Alternatives you considered that comply with existing standards. If you find such an alternative you can move forward with this option with a regular permit. If you reject compliant alternative provide the reasons you rejected them.
b.	Alternatives you considered that require a lesser variance and reasons you rejected them. If you reject such alternatives, provide the reasons you rejected them.
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Part 2. Three-Step Test

To qualify for a variance, the applicant must demonstrate that their property meets <u>ALL</u> of the following three requirements.

ee r	equirements.
	<u>Unique property limitations</u> (To be completed by the applicant) Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.
	Do unique physical characteristics of your property prevent compliance with the ordinance?
	Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.
	No. A variance cannot be granted.
	No Harm to Public Interests (To be completed by zoning staff) A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:
	 Public health, safety and welfare Water quality Fish and wildlife habitat Natural scenic beauty Minimization of property damages Provision of efficient public facilities and utilities Achievement of eventual compliance for nonconforming uses, structures and lots Any other public interest issues
	Ordinance purpose:
	Purpose(s) of standard from which variance is requested:
	r dipose(s) of standard from which variance is requested.

Is unnecessary hardship present?
Yes. Describe.
EXISTING LOT The House Burnt-
The Previous House was 2 Story Home
No. A variance cannot be granted.
Part 3: Construction and Site Plans (per WMC 23.10.42) To be completed and submitted by the applicant.
Attach construction plans detailing:
Property lines
Vegetation removal proposed
Contour lines (2 ft. interval)
Ordinary high water mark
Floodplain & wetland boundaries
Dimensions, locations & setbacks of existing & proposed structures
Utilities, roadways and easements Electric from Hone
Well and sanitary system
Location and extent of filling/grading
Location and type of erosion control measures
Any other construction related to your request
Anticipated project start date
I certify that the information I have provided in this application is true and accurate.
Signed: Mhhe Vandh Doef (Applicant/Agent/Owner)
Print name: Mike VANderLoop
Date signed: $4-16-2024$
Remit to: Wausau City Hall Inspections Department 407 Grant Street

Wausau, WI 54401

VARIANCE APPLICATION

City of Wausau Zoning Board of Appeals

Part 1: General information and alternatives analysis

To be completed jointly by the applicant and zoning staff.

Petition #_	Date filed	□ \$200.00 f	ee paid (payable to: Cit	y of Wausau)		
Name:	Owner/Agency Green Tree Construction	Vree	<u>Contractor</u> Vreeland Land Surveyors & Engineers			
Address:	2579 Bear Creek Road	610	3 Dawn Street			
	Stevens Point, WI 54481	Wes	Weston, WI 54476			
Phone:	715-966-0508	715-241-0947				
Legal descr	ription: Frac. N1/2 of SW1/4 except (Range 7 East	CSM 2844-11-1	4 Section 30, Townshi	p 29 North,		
Lot area &	dimensions: 1577307	_ sq. ft., Vary	_x Vary	ft.		
	rict: DR-8					
Current use	and improvements:					
Vacant Land	VVoods					
<u> </u>						
-	of any prior petition for appeal, varia	ince or condition	al use:			
N/A to our kn	owledge					
Description	and location of all nonconforming st	ruotures and use	s on the property:			
•	and location of an noncomforming st		s on the property.			
	standard from which variance is being R-8) Duplex Residential (7) Minimum Lot Dep		number and text):			
	TO STANDON TOURSTRIAN (1) BITTER LOT DOD	7.1. 01 120 100t				

Describe	the variance requested:
proposed	guesting a variance of lot depth on Lots 113-117 of the proposed Green Tree Meadows Subdivision, The subdivision shows lot depth of 117.00 feet on those lots and are required to be 120.00 feet. We are asking for ce so that the existing easement in 315 N 72nd Avenue will be within the proposed mark apti-nf-way.
Type of	variance requested:
	se variance – permits a landowner to put a property to an otherwise prohibited use.
a	rea variance – provides an increment of relief (normally small) from a physical dimensional estriction such as a building height or setback.
	the effects on the property if the variance is not granted: not be buildable and may cause the proposed subdivision to not be built as this is the main access to the
Attach a	alternatives to your proposal such as other locations, designs and construction techniques site map showing alternatives you considered in each category below.
У	Iternatives you considered that comply with existing standards. If you find such an alternative, ou can move forward with this option with a regular permit. If you reject compliant alternatives, rovide the reasons you rejected them.
We propo	sed to move the road to the south in front of 315 N 72nd Avenue to give them direct access to the proposed road and move the easement for 315 N 72 Avenue unto Lots 112-117 and is causing issues moving the proposed ward as the owner does not want his easement moved and does not want to be annexed into the City
We propos	Iternatives you considered that require a lesser variance and reasons you rejected them. If you ject such alternatives, provide the reasons you rejected them.
- nordeale	a dead endroff of 88 in Avende incase of arremergencys.

Part 2. Three-Step Test

To qualify for a variance, the applicant must demonstrate that their property meets <u>ALL</u> of the following three requirements.

1) <u>Unique property limitations</u> (To be completed by the applicant)

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

Do unique physical characteristics of your property prevent compliance with the ordinance?

- Yes. Where are they located on your property? Please show the boundaries of these features on the site map that you used to describe alternatives you considered.
- No. A variance cannot be granted.
- 2) No Harm to Public Interests (To be completed by zoning staff)

A variance may not be granted which results in harm to public interests. In applying this test, the zoning board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

- Public health, safety and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures and lots
- Any other public interest issues

Ordinance	purpose:					
Purpose(s)	of standard fi	rom which va	ariance is re	quested:		

Will granting the variance harm the public interest?

Yes. A variance cannot be granted.

No. Mitigation measures described above will be implemented to protect the public interest.

3) <u>Unnecessary hardship</u> (To be completed by the applicant)

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

- For an <u>area</u> variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of appeals must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.
- For a <u>use</u> variance, unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance.

Note: While Wisconsin Statutes do not specifically prohibit use variances, there are a number of practical reasons why they are not advisable:

- Unnecessary hardship must be established in order to qualify for a variance. This means that without the variance, no reasonable use can be made of the property.
- Many applications for use variances are in fact administrative appeals. Often the zoning board is asked to determine whether a proposed use is included within the meaning of a particular permitted or conditional use or whether it is sufficiently distinct as to exclude it from the ordinance language. Such a decision is not a use variance but an appeal of the administrator's interpretation of the ordinance text.
- Zoning amendments are a more comprehensive approach than use variances. Elected officials consider the larger land area to avoid piecemeal decisions that may lead to conflict between adjacent incompatible uses or may undermine land use plan and ordinance objectives. Towns have meaningful input (veto power) for zoning amendments to general zoning ordinances.
 - Zoning map amendments can change zoning district boundaries so as to allow uses provided in other zoning districts.
 - Zoning text amendments can add (or delete) permitted or conditional uses allowed in each zoning district.

Is unnecessary hardship present?

(1	Yes.	Describe
•	-,	I QD.	Describe

To comply with state requirements, and to accommodate the existing home, the balloon strings cannot be annexed to the city so 3.15-bl. 72cd due cannot be annexed into the city without the home owner consenting or wanting to be annexed into the city. The roads are placed to reduce impacts to wetlands and protect the natural environment as much as possible.

For all practical purposes the 10 foot strip will never be developed so the 10 foot strip (that is in the Town of Stellin) really provides the lots with 127 feet of lot depth.

No. A variance cannot be granted.

Part 3: Construction and Site Plans (per WMC 23.10.42)

To be completed and submitted by the applicant.

Attach construction	plans	detailing
---------------------	-------	-----------

1	Property lines
	Vegetation removal proposed
V	Contour lines (2 ft. interval)
	Ordinary high water mark
~	Floodplain & wetland boundaries
	Dimensions, locations & setbacks of existing & proposed structures
	Utilities, roadways and easements
	Well and sanitary system
V	Location and extent of filling/grading
	Location and type of erosion control measures
	Any other construction related to your request
V	Anticipated project start date

I certify that the information I have provided in this application is true and accurate.

Signed: (Applicant/Agent/Owner)

Print name: Dustin Vice (and Date signed: 4/26/24

Remit to: Wausau City Hall

Inspections Department

407 Grant Street Wausau, WI 54401



STAFF REPORT

To: Zoning Board of Appeals

Prepared By: William Hebert, Chief Inspector/Zoning Administrator

Date: May 7, 2024

GENERAL INFORMATION

APPLICANT: Green Tree Construction

LOCATION: 101 N 72nd Ave

EXISTING ZONING: DR-8

PURPOSE: Reduce minimum lot depth from 120' to 117'

EXISTING LAND USE: Undeveloped

SIZE OF PARCEL: 36 acres (4 lots totaling about 1 acre).

SUMMARY:

The applicant is proposing a subdivision on land that has been planned for 1 and 2 family development. Part of the issue is a strip of land that is used to connect the existing home to the Town of Stettin. This 10-foot strip is at the north end of the development. In order to mitigate any disturbance to wetlands, the ideal location for a roadway leaves 4 lots at a total lot depth of 117 feet versus the 120 feet required by the zoning district. The 10-foot strip in reality will never be developed on its own and may eventually be connected to lots 114-117 over time.

Staff has worked with the applicant on the preliminary plat. This preliminary plat creates the most conforming lots, while also maintaining the existing house in the township as the current owner desires, and the least intrusive for the existing wetlands.

<u>ANALYSIS</u>

1. Evaluate whether the request is in harmony with the Comprehensive Plan or other relevant plans.

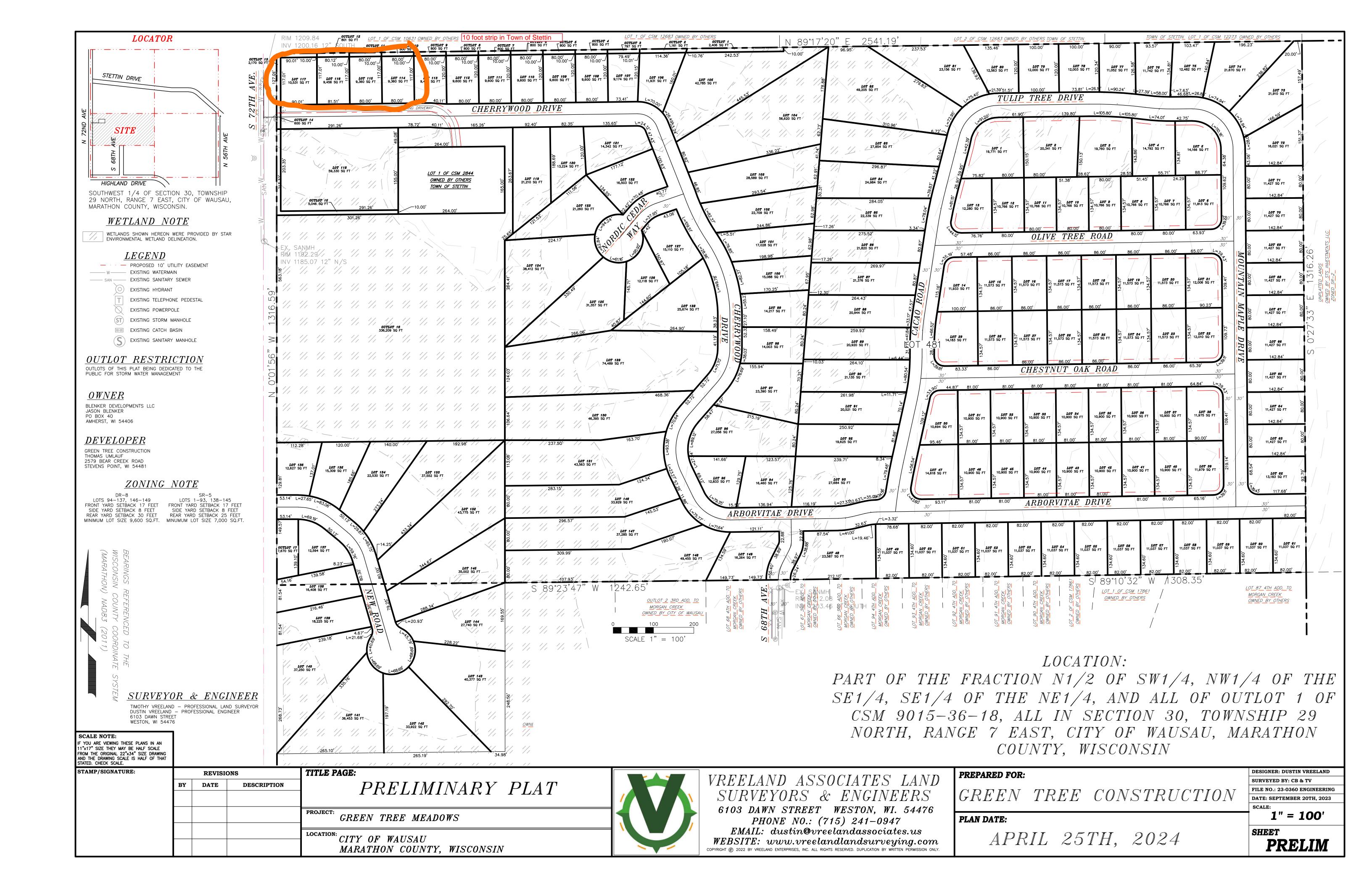
Complies with comprehensive plan as low-density housing.

2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review. Would it be a hardship or practical difficulty to meet the zoning code requirements, due to the physical surroundings, shape, or topography of the property.

The reality is the lots that are proposed will be more than adequate to place a home. A 10-foot strip will be owned by the homeowner, except that it will still be in the Town of Stettin.

POSSIBLE ACTION

- o Approve as proposed
- o Approve with amendments
- o Deny



6103 Dawn St. Weston, WI 54476 Phone #: 715-241-0947



William Hebert Chief inspector/zoning administrator City of Wausau

William,

We are asking for a variance to the City of Wausau ordinance code 23.02.40 – (DR-8) Duplex Residential (7) Minimum Lot Depth of 120 feet to the proposed Green Tree Meadows Plat. To comply with the state requirements, and to accommodate the existing home at 315 N 72 Avenue and their desire to stay in the Town of Stettin, we cannot annex the 10-foot strip that goes from their property, through 101 S 72nd Avenue to the northwest corner of 107 S 68th Avenue property. The road is designed and placed to reduce impact to the wetlands and protect the natural environment as much as possible. As for the 10-foot strips through Lots 105-118, they will never be developed. The outlots will be deeded with their adjacent parcels. The 10-foot strips will provide the lots will be a minimum of 127 feet deep.

Thanks,
Dustin Vreeland
Vreeland Land Surveyors & Engineers

Blenker Developments PO Box 40 Amherst, WI 54406

City of Wausau Planning Department

To Whom it may concern,

I am writing on behalf of Blenker Developments to formally request a variance in lot depth for a proposed subdivision project in Wausau. Our request pertains specifically to Green Tree Companies' subdivision, where we are seeking approval to reduce the lot depth from the current requirement of 120 feet to 117 feet.

Green Tree Companies has worked extensively on this subdivision project, with the shared goal of creating a vibrant and sustainable community that enhances the quality of life for residents in Wausau. The proposal aligns with the city's strategic vision for responsible development and thoughtful urban planning.

The reduction in lot depth from 120 feet to 117 feet is a critical component of the subdivision design, allowing for optimized land use and the integration of green spaces and recreational amenities. This adjustment will not only enhance the overall attractiveness of the community but also contribute to environmental sustainability by preserving more greenery and natural habitats within the development area.

Furthermore, we believe that granting this variance will have a positive impact on the economic vitality of the neighborhood, attracting potential homebuyers and fostering a sense of community pride. It is our sincere belief that the slight deviation from the standard lot depth requirement is justified by the broader benefits it offers to residents and the city as a whole.

We respectfully request your favorable consideration of our variance request for the Green Tree Companies' subdivision project. We are eager to work collaboratively with the City of Wausau Planning Department to ensure the successful realization of this development and its positive impact on our community.

Thank you for your attention to this matter. Please do not hesitate to contact me if you require any additional information or clarification regarding our request.

Sincerely,

Jason Blenker

Blenker Developments