



OFFICIAL NOTICE AND AGENDA

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

Meeting: **ZONING BOARD OF APPEALS**
Members: Nancy Hoffmann, David Burke, Mark Dillman, Jerry Jarosz, Arlene Kaatz, Nan Giese (Alternate)
Location: Council Chambers at City Hall, 407 Grant Street
Date/Time: **Wednesday, July 17, 2024 at 4:00 p.m.**

AGENDA ITEMS FOR CONSIDERATION

1. Approve the minutes of the April 24, 2024 & May 15, 2024 meeting.
2. PUBLIC HEARING: Lynne Strehlow at 2501 Emerson St, requesting a vision clearance variance for the fence on the street yard.
3. Discussion and possible action regarding the vision clearance variance at 2501 Emerson St.
4. PUBLIC HEARING: Dennis Ludtke for 2208 N 6th St, requesting a setback variance for a detached garage.
5. Discussion and possible action regarding the setback variance at 2208 N 6th St.
6. PUBLIC HEARING: H. Bren Hartinger for 320 Park Blvd, requesting a setback variance for a detached garage.
7. Discussion and possible action regarding the setback variance at 320 Park blvd.
8. Adjournment

Committee Chairperson: Nancy Hoffmann

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

This notice was posted at City Hall and emailed to the Wausau Daily Herald Newsroom on 07.11.24 at 1:00 Pm

*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 on the basis of 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 **Inspections Department at (715) 261-6780** or e-mail clerk@ci.wausau.wi.us at least 48 hours prior to the scheduled meeting or event to request an accommodation.*

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

BOARD OF ZONING APPEALS

Time and Date: Wednesday, April 24, 2024, at 4:00 p.m. in the Council Chambers at Wausau City Hall
Members Present: Nancy Hoffmann, Mark Dillman, Jerry Jarosz, Arlene Kaatz, Dave Oberbeck, David Burke
Members Absent: Nanette Giese (Alternate)
Others Present: William Hebert

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Nancy Hoffmann called the meeting to order at approximately 4:00 p.m. and a quorum was present.

Review the minutes of January 17, 2024, meeting

Jarosz motioned to approve the minutes and Burke seconded. The minutes are approved 6-0.

Hoffmann opened the public hearing.

Ken & Lisa Parsch, owners of 1608 Summit Dr, Seeking a street-side yard garage addition

Lisa Parsch, seeking a corner side yard variance to construct is a 12 x 36 garage addition. It would be 2 feet wider and an additional 16 feet deep than the current carport.

Kaatz questioned, does the height of the proposed garage exceed the requirements of the ordinance? Parsch stated it will be the same as the house.

Hoffman questioned, looking at the property and widening the garage would you have to deal with the slope? Parsch stated they will build the base of the garage to account for the slope on the property.

Hoffman closed the public hearing

Hebert stated that the garage depth of 36 feet is within the requirements, it is just an additional 2 feet wider of where the carport is currently. Adding onto the garage will give the property a finished look. There are not any issues with vision or traffic concerns, it is supported.

Dillman made a motion to approve and Jarosz seconded. Motion carried 6-0

Hoffmann opened the public hearing.

Monk Botanical Gardens at 1800 N 1st Ave, Wausau. Seeking a variance for the fence height around the property.

Darcie Howard, Executive Director for Monk Botanical Gardens. They are looking to put a 10 ft fence around a portion of the Garden. The request for 10 ft is because currently they have an 8 ft fence and deer jump over it into the garden.

Dillman questioned if 10 ft would be high enough for deer. Howard stated that they are hoping that 10 ft would be able to keep the deer out. Other botanical gardens in Wisconsin, Green Bay and Olbrich currently have 10 ft or higher fences and they have been able to keep the deer out.

Burek questioned if they are replacing an existing fence that is already there. Howard stated that they are replacing a fence that was put in 22 years ago and the replacement is more of a decorative fence. You'll see the fence along 1st Avenue. They are moving their vehicle entrance to 4th Ave. The 1st Ave side will be for pedestrians and bicyclists.

Steve Monk, lives at 7436 Retreat Dr, Lake Tomahawk, WI. The Monk family owns the land to the east of the garden. Everything from 1st Avenue all the way around and up. The section next to the garden, west of Crabtree Dr, is the parcel that is of most concern. He talked to the board members yesterday and the deer get in through the open gates. There is an 8-foot fence there now, and there are ways to dissuade deer from jumping over them. With the fence that is proposed it will not be easy to see through, although you might say it looks nice regarding the picture. If the fence is going around the entire garden, they cannot support it. Hebert stated that between properties the ordinance allows 6 feet high.

Howard stated that the Monk's have been aware of this project for over 2 years which included the fencing. Until the Monk's received the email that the Board is changing the name of the organization, then they said they are going to fight this variance. They are going to be changing the name to Wausau Botanic Gardens.

Patrick Murphy, Monk Gardens Facility and grounds manager. To clarify they are not requesting the entire property's fence to be

replaced. None of the fencing by Mr. Monks parcel will be removed at this time. Just requesting a variance for specific areas.

Jarosz stated that Mr. Monk's objection was that they were going to do the entire property. Which they are telling us that they are not.

Monk is concerned that they would come back and add the fencing along their property. Murphy stated that because of the vegetation and the cost, they are not doing anything along their property line. They want to replace the fencing in the open areas where they are struggling with deer jumping over. The fence will be replaced one way or the other and it will not be the posts and wire that is there now.

Howard stated the new fencing is esthetically pleasing and the Botanical Gardens increase property values. They are willing to come back for a variance, if they need to replace the fencing that will go along the property Mr. Monk talks about.

Murphy states that additional landscaping will be done along this area. It will not be just the wrought iron fence that's exposed with no vegetation around it.

Oberbeck stated that the black color and 4 inches of spacing allows a lot of visibility through the fence. It is an advantage over a wood fence or any other fence.

Jarosz said none of this fence is going to be along the property Mr. Monk is concerned about. Monk stated there is no issues with it on 4th Avenue because they can't even see the fence. With people walking down Crabtree Drive they can see into the gardens.

Hoffman states that the map shows what they are proposing for the variance.

Hebert stated the variance is for the fence height, the material type is already allowed for street yards.

Derrick Burdick, construction manager at JH Findorff and Sons. In the request it does not state the entire gardens. The supporting document outlines where the new fences are planned for this variance request. If in the future, they want to change the fence throughout the gardens they will submit a variance request and come back through this process. Because this variance is for the height only, the alternative is to provide the same fence but lower and wouldn't have to come through this process.

Hoffman closed the public hearing.

Hebert stated that the variance is for the height. Anything along the street yard is approved to 4 ft according to the ordinance and anything interior could be 6 ft by right.

Oberbeck asks if the variance is 4ft to 10ft? Hebert states yes, they would have had to come in for a variance if it is a request for replacement of an 8ft fence.

Oberbeck motioned to approve the replacement of the fence as submitted on the plan and seconded by Burke. Motion carried 6-0.

Hoffmann opened the public hearing

The Wausau School District, seeking a setback variance for field lighting poles at Wausau West High School.

Jason Foster, Athletic Director for Wausau West High School. Ryan Urmanski Director of buildings and Grounds for Wausau School District. The light poles on the far West of the field, are too close to the lot line to be 80 feet tall. The use for this field currently is for track, lower-level football, and lacrosse. They are looking to make this the Varsity soccer field, and Varsity lacrosse field. Varsity football games would still be played at Thom field. Currently they do not have lights on this field, they must rent lights at a considerable expense. There are 2 poles in question, one is 117 feet from the lot line and the other is 127 feet from lot line. The Ordinance is 320 feet required for the 80-foot pole.

Urmanski states that the need for the lights is to illuminate the fields so they are useful fields. The property line light limit is met, they make sure it is below or at what the light level is. They need the height in order to illuminate the field the best they can.

Kaatz asked how late the field would be lit. Foster stated the ordinance is until 10 p.m. so it would never be past that. Typically, it would never be past 9p.m.

Hebert stated that the majority of the neighbors that called were concerned about the lighting on the Tennis courts. Once they were told it was going to be the field by Stevens Drive and the details were explained it was of no concern.

Foster states they didn't have any feedback on the new lighting from last year. The baseball and softball fields at Wausau West lighting has only been turned on a ½ dozen times. At Wausau East they used them a little more, but that field is in a nonresidential area.

Hoffman closed the public hearing

Oberbeck motion to approve the variance as submitted and Jarosz seconded. Motion carried 6-0

Adjournment

The meeting was adjourned at 4:50 pm.

JOINT BUILDING ADVISORY BOARD AND BOARD OF ZONING APPEALS

Time and Date: Wednesday, May 15, 2024, at 4:00 p.m. in the Council Chambers at Wausau City Hall
Zoning Board Members Present: Nancy Hoffmann, Arlene Kaatz, David Burke, Mark Dillman
Building Advisory Members Present: Eric Lindman, Frank Opatik, Mark Dillman, Tom Neal, Chad Henke, Jeremy Kopp
Others Present: William Hebert

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

*Nancy Hoffmann called the Zoning board meeting to order at approximately 4:00 p.m. and a quorum was present.
Eric Lindman called to order the Building Advisory Board. 4:00 pm.*

Lindman opened the public hearing for the Building Advisory Board

Michael Vanderloop, 214 N 7th Ave, seeking approval for a 1152 square foot detached garage that will have a height of 21' 4"

Michael Vanderloop, 222 & 214 N 7th Ave. Last summer the property at 214 N 7th Ave burned down and purchased it from the previous owner. He wants to put up a three-car garage that he can put his camper into. House has been razed; the retaining wall was removed. The garage would sit at the backside of the foundation of the old house. It's higher because he needs a 12 ft door for the camper. He is planning on matching everything to the house.

Robert Lamountain, lives at 207 N 7th Ave is in favor of garage. Vanderloop made a lot of improvements to the house he currently lives in. The garage would be a good improvement, it was a rough property in the past.

Letter from Heidi & Mitchell Kolodziej, 210 N 7th Ave. In favor of 1152 square ft detached garage with height of 21'4.

Lindman closed the public hearing.

Discussion and action by the Building Advisory Board

Opatik did an analysis of it. With it being such a tall structure there would be shear wall issues to address.

Vanderloop states on the side of the garage with the tall door it has a 5ft high foundation wall, because of the hill. It is built into the hill to keep it as low as possible.

Motion to approve by Neal seconded by Dillman. Approved 6-0
Building Advisory Board adjourned 4:07

Hoffman opened the public hearing for the Zoning Board of Appeals

Vanderloop stated the garage will match the house.

Dillman questioned if the 12 ft door is tall enough. Vanderloop stated with the camper he purchased; the door is tall enough.

Hoffman closed hearing

Hebert stated the lots are combined, so it is a double lot in the city. The request is just for the height, but if he went with a 4 12 pitch, he could make the maximum height limit, but it wouldn't look similar to the house. We received a couple letters that supported the request. 1 neighbor called and supported but he asked if it could be shifted to the north.

Burke questioned what the height and elevation would be in relation to the house.
Vanderloop explained that the home that was there would be the same height that the garage would be.

Motion to approve by Burke and seconded by Kaatz. Approved 4-0

Green Tree Construction, creating lots 114-117 with a depth of 117' at 101 N 72nd Ave

Dustin Vreeland, 6103 Dawn St, Weston Wi. On the map there is a 10-foot strip in the town of Stettin which cannot be annexed because it would leave a property island in the Town of Stettin. To make it work they are asking for a variance of 3 feet with the 10-foot strip on those lots which would be combined which would have a total depth of 127 feet when they are sold.

Hoffman questioned would the 10-foot strip be deeded with the lots. Vreeland explained there is the same approval process in the Town of Stettin to get those 10 feet by 80-foot-wide strip which will be deeded directly with those lots.

Vreeland explained there already is preliminary plat approval from the Town of Stettin on the lots.

Jim Schaffer 6205 Stettin Dr. I own the 900 feet south of the property. He is questioning when the plans have been approved. He was discussing zoning with Hebert.

Vreeland reiterated the 10-foot strip will not go away. The property of concern will not be cut off from the Town of Stettin.

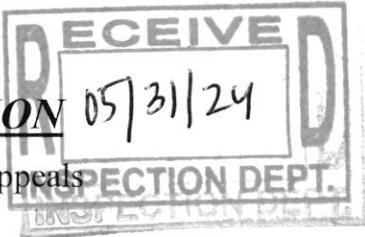
Ken Nest, 231800 N 73rd Avenue, concerned of son's property being annexed into the city. He is also concerned about the semi's coming in and interested in acquiring property around his property. Not against it, just have questions.

Vreeland explained he will not be annexed in. Will be discussing his questions after meeting.

Hebert explained these 4 lots are the only ones 3 feet short of the required 120 foot minimum. In reality these lots will have the 10-foot strip that is in the Town of Stettin, so the property owner will have 127 feet. Because it is a municipal line we have to do the variance request. The setbacks are 20 feet in the front 30 feet in the back.

Motion to approve as requested by Dillman and seconded by Burke. Motion carried 4-0

The meeting was adjourned at 4:30pm.



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 5/31/24 \$200.00 fee paid (payable to: City of Wausau)

	<u>Owner/Agency</u>	<u>Contractor</u>
Name:	<u>Lynne Strehlow</u>	<u>Countryside Fence</u>
Address:	<u>2501 Emerson St</u> <u>Wausau, WI 5403</u>	<u>5555 N. 26th Ave</u> <u>Wausau, WI</u>
Phone:	<u>(715) 432-2891</u>	<u>(715) 359-0601</u>

Legal description: Lincoln Addition Lot 11 Block 4

Lot area & dimensions: 7099.2 sq. ft., 57.6 x 123.25 ft.

Zoning district: SR7

Current use and improvements:
Residential

Description of any prior petition for appeal, variance or conditional use:
—

Description and location of all nonconforming structures and uses on the property:
—

Ordinance standard from which variance is being sought (section number and text):
section 23.06.05 Placement/Setbacks - specifically
the vision clearance on the alley & driveway

Describe the variance requested:

I would like to install my new wrought iron fence, with much greater visibility, in the same location as my current wooden, nearly private fence, bypassing the corner cut-outs because of my small side yard. This is along the alley & driveway, not the side street.

Type of variance requested:

- 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.

Describe the effects on the property if the variance is not granted:

A 4-ft wrought iron fence will better contain my dogs, allow them more space to explore. If not granted, I will leave up the 20+ yr old wooden fence.

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. 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 alternatives, provide the reasons you rejected them.

I also considered a 6-ft privacy fence at a 10-ft setback from my sidewalk. This would really shrink my usable yard & leave over 300 sq. ft of wasted space. Additionally, I think I would feel very cut-off from the neighbors.

- 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.

I would be willing to put chainlink fence in the same area, but that isn't allowed in the front portion of a yard.

Part 2. Three-Step Test

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

1) **Unique property limitations** *(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 from which variance is requested:

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) **Unnecessary hardship** *(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 area 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 use 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?

Yes. Describe.

My dog has jumped over my 3-ft fence and I would like to raise that to 4ft. I would like to keep the current fence "footprint" because my sideyard is already so small.

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 - none
- Contour lines (2 ft. interval) - flat
- Ordinary high water mark —
- Floodplain & wetland boundaries —
- Dimensions, locations & setbacks of existing & proposed structures existing & proposed fence in the same location
- Utilities, roadways and easements
- 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 August 2024

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

Signed: Lynne Strehlow
(Applicant/Agent/Owner)

Print name: Lynne Strehlow

Date signed: May 31, 2024

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: July 10, 2024

GENERAL INFORMATION

APPLICANT: Lynne Strehlow

LOCATION: 2501 Emerson St.

EXISTING ZONING: SR-7

PURPOSE: Fence replacement

EXISTING LAND USE: Single family home

SIZE OF PARCEL: .16 acres

VARIANCE BEING REQUESTED: Vision Triangle setback variance

SUMMARY OF REQUEST

Ms. Strehlow is planning to replace an old fence on her property at 2501 Emerson St. Staff have been to the site discuss options for replacement. The current fence is 3 feet in height and less than 50 percent opacity. The owner wishes to replace the wooden fence with a 4-foot wrought iron fence in the same location. The new fence will be taller but be more open visually than the current fence.

ANALYSIS

The zoning code allows for the material type and height of the fence in a corner side yard. The code also requires a 10-foot vision clearance at the alley and at the driveway. The area between the driveway and alley is about 32 feet. If applying the 10-foot vision clearance, the fence near the sidewalk will only be 22 feet in length.

POSSIBLE ACTION

- Approve as proposed
- Approve with amendments
- Deny

2501 Emerson

City of Wausau / DPW

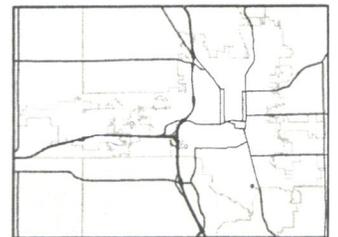
Date Printed: 4/26/2024



- Municipal Boundaries
- Parcel
- Red: Band_1
- Green: Band_2
- Blue: Band_3

red - proposed new fence to replace old fence

agua - existing fence that will remain



- NOTES:
1. Duplication of this map is prohibited without the written consent of the City of Wausau DPW / GIS Dept.
 2. This map was compiled and developed by the City of Wausau and Marathon County GIS. The City and County assume no responsibility for the accuracy of the information contained herein.

3. City of Wausau
Public Works / GIS Division
407 Grant St
Wausau, WI 54403
www.ci.wausau.wi.us



MONTAGE® POOL, PET & PLAY

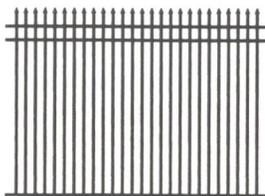


Relax or Splash

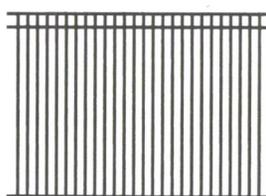
SAFELY & IN STYLE

Montage Pool, Pet & Play provides additional safety for pets and children with 3" airspace between pickets. The 3" airspace of the Montage Pool, Pet & Play gives these panels a more robust appearance, as well as increased panel strength due to the additional picket to rail connections.

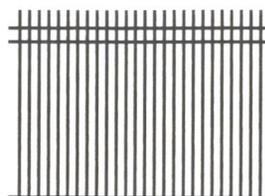
- ❖ *2-rail panels in 3', 3½' and 4' heights, with a standard or flush bottom rail (available in Majestic or Gemini only)*
- ❖ *3-rail panels in 3', 3½', 4', 5' and 6' heights, with a standard or flush bottom rail (4½' Majestic panels available with flush bottom rail only)*



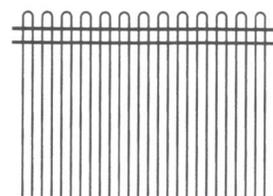
Classic



★ Majestic



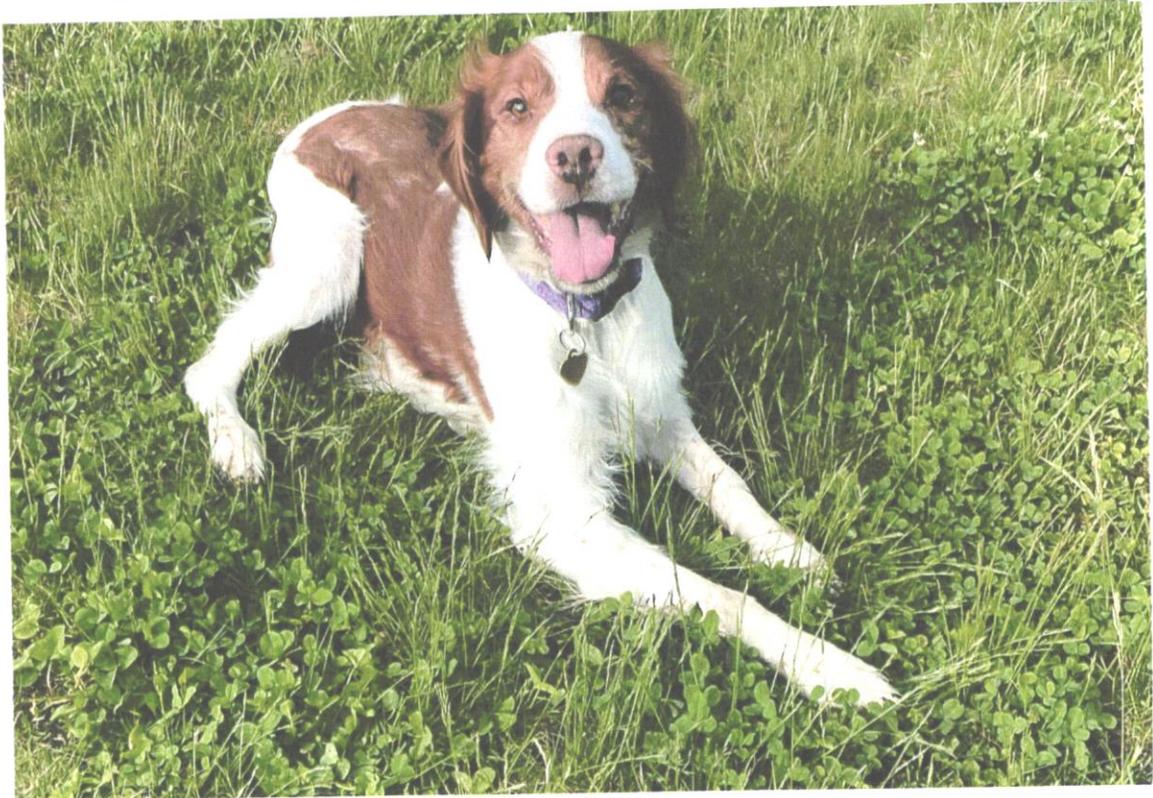
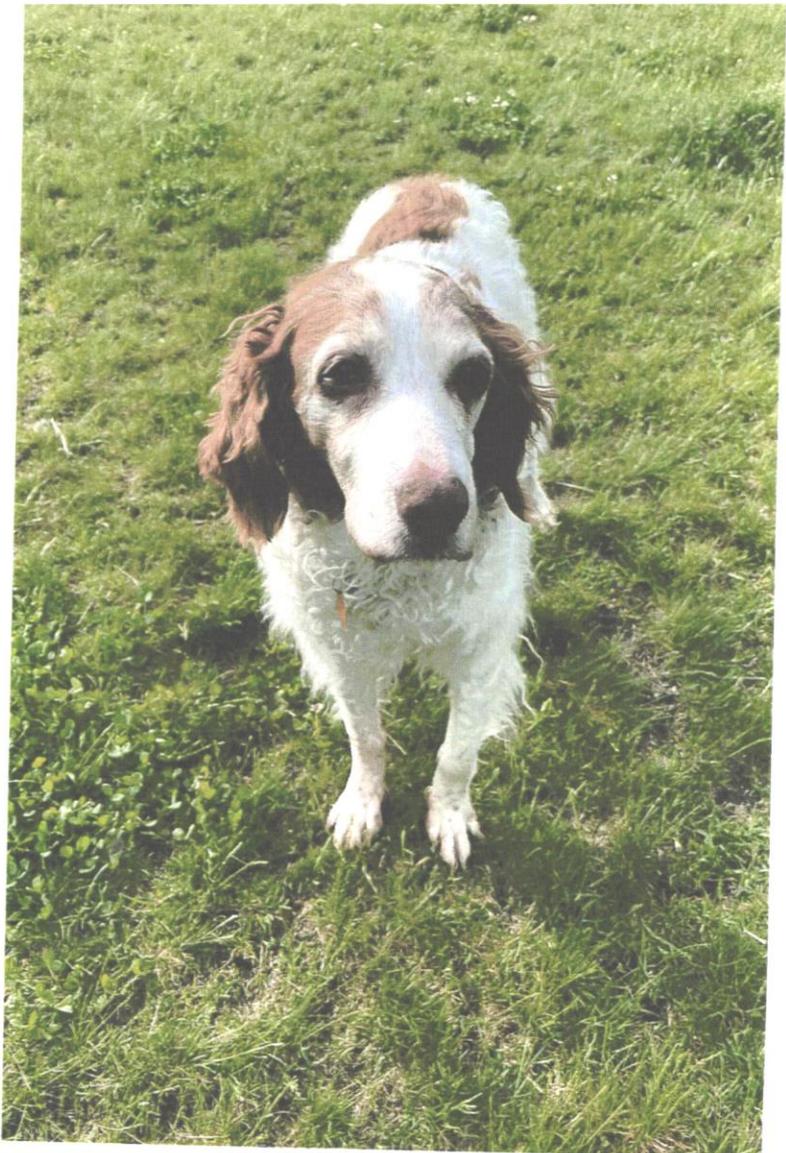
Genesis



*Gemini
(not rakeable)*







7/3/24 Deadline

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 paid (payable to: City of Wausau)

	<u>Owner/Agency</u>	<u>Contractor</u>
Name:	<u>Dennis Ludtke</u>	<u>Dennis Ludtke</u>
Address:	<u>2208 N 6th Street</u> <u>Wausau, WI 54403</u>	_____
Phone:	<u>715-212-2715</u>	_____

Legal description: _____

Lot area & dimensions: _____ sq. ft., _____ x _____ ft.

Zoning district: _____

Current use and improvements:

Garage - My garage is falling down. I want to tear it down and build a new one 2 to 4 feet longer. At least 2 feet towards the front of the garage & 2 feet towards the back if possible.

Description of any prior petition for appeal, variance or conditional use:

None

Description and location of all nonconforming structures and uses on the property:

House AND EXISTING DETACHED GARAGE PER - EXISTING ZONING CODE.

Ordinance standard from which variance is being sought (section number and text):

23.02.51 (7)

Describe the variance requested:

I want to a new garage to replace my old garage, but make it longer. 2 to 4 feet longer. 2 feet longer in the front + 2 feet longer in the back
12 x 22 or 12 x 24

Type of variance requested:

- 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.

Describe the effects on the property if the variance is not granted:

None

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. 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 alternatives, provide the reasons you rejected them.

There is no other place to put a garage on the property.

- 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.

None

Part 2. Three-Step Test

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

1) **Unique property limitations** *(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 from which variance is requested:

Analysis of Impacts

Discuss impacts that would result if the variance was granted. For each impact, describe potential mitigation measures and the extent to which they reduce project impact (completely, somewhat, or minor). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term and cumulatively.

Short term impacts: (through the completion of construction)

Impact: None

Mitigation: _____

Extent to which mitigation reduces project impact: _____

Impact: _____

Mitigation: _____

Extent to which mitigation reduces project impact: _____

Long term impacts: (after construction is completed)

Impact: None

Mitigation: _____

Extent to which mitigation reduces project impact: _____

Impact: _____

Mitigation: _____

Extent to which mitigation reduces project impact: _____

Cumulative impacts: (What would happen if a similar variance request was granted for many properties?)

Impact: None

Mitigation: _____

Extent to which mitigation reduces project impact: _____

Impact: _____

Mitigation: _____

Extent to which mitigation reduces project impact: _____

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) **Unnecessary hardship** *(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 area 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 use 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?

Yes. Describe.

My truck doesn't fit in my current garage. My garage is falling down. All I want to do is add 2 to 4 feet in length to the garage so my truck fits

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
 - 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
- Just Add 2 to 4 feet to my garage in length*
- 12x22 or 12x24*

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

Signed: *D. Ludke*
(Applicant/Agent/Owner)

Print name: Dennis Ludke

Date signed: 6/24/24

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: July 10, 2024

GENERAL INFORMATION

APPLICANT: Dennis Ludtke

LOCATION: 2208 N 6th St

EXISTING ZONING: NMU Neighborhood Mixed Use

PURPOSE: Garage replacement and expansion

EXISTING LAND USE: Single family home

SIZE OF PARCEL: 60' x 75'

VARIANCE BEING REQUESTED: Side and Rear yard variance

SUMMARY OF REQUEST

The existing garage is 12' by 20'. The current location is non-conforming. The owner is allowed to rebuild in the exact same footprint; however, the owner would like to expand the depth of the garage to allow for more storage and the ability to park his vehicle in as well.

ANALYSIS

The current location is the only practical location to place a garage on site. Staff has no issue with allowing expansion if a new garage is built.

POSSIBLE ACTION

- Approve as proposed
- Approve with amendments
- Deny

N. 6TH STREET

House

Kemp's

Fence

↑ Add ↑
2 FEET

TEAR DOWN
+ REBUILD

GARAGE

12x20 NOW
WANT TO
BUILD
12x22

DENNIS LUDTKE
2208 N. 6TH ST
WAUSAU, WI 54903
715-212-2715

Kemp's

Alley

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 paid (payable to: City of Wausau)

Name: H. BREN HARTINGER Owner/Agency _____ Contractor
Address: 320 PARK BLVD _____

Phone: _____

Legal description: _____

Lot area & dimensions: 1.44 ACRES sq. ft., _____ x _____ ft.

Zoning district: SR 2

Current use and improvements: Residential

Description of any prior petition for appeal, variance or conditional use:

BLDG ADVISORY BOARD APPROVAL PENDING

Description and location of all nonconforming structures and uses on the property:

N/A

Ordinance standard from which variance is being sought (section number and text):

FRONT YARD SET BK

Describe the variance requested:

THE Home is set Back approximately 66 Feet
From the street property line. I would like to
set our new GARAGE Back 40 Feet From the
Street Property Line

Type of variance requested:

- 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.

Describe the effects on the property if the variance is not granted:

ALL of the utilities that feed the house
will be covered OR moved if I set Back the
GARAGE

Alternatives

Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

- a. 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 alternatives, provide the reasons you rejected them.

TURNING the GARAGE DOES NOT WORK.

FLOOD PLANE EXISTS ON PROPERTY

- 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.

Part 2. Three-Step Test

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

1) **Unique property limitations** *(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. **FLOOD PLANE**
Building UTILITIES
- 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 from which variance is requested:



STAFF REPORT

To: Zoning Board of Appeals

Prepared By: William Hebert, Chief Inspector & Zoning Administrator

Date: July 2, 2024

GENERAL INFORMATION

APPLICANT: H. Bren Hartinger

LOCATION: 320 Park Blvd, Wausau

EXISTING ZONING: SR-2

PURPOSE: Front yard setback reduction

EXISTING LAND USE: Single family home

SIZE OF PARCEL: 1.44 acres

VARIANCE BEING REQUESTED: Reduce setback from even with home.

SUMMARY OF REQUEST

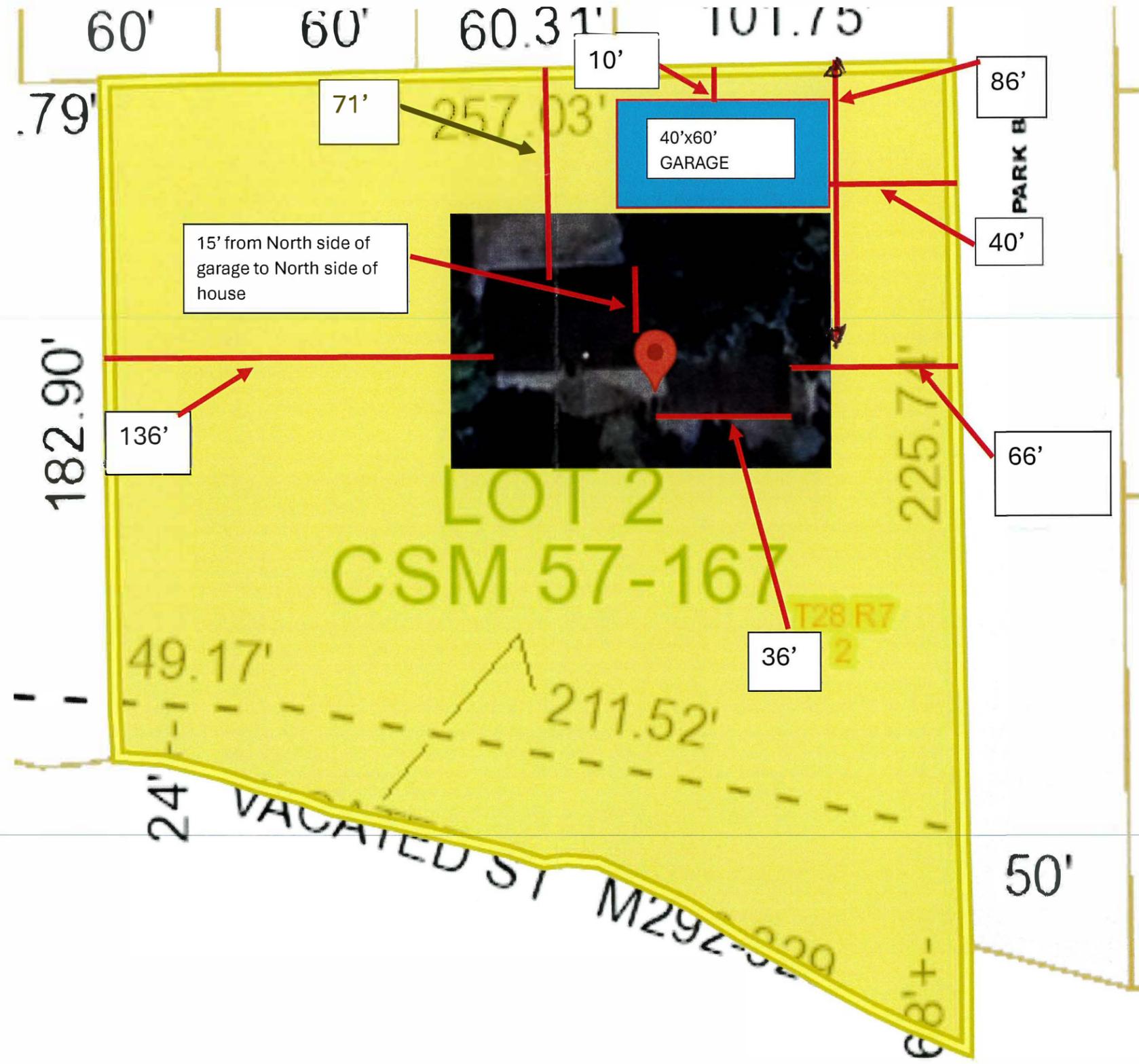
Mr. Hartinger wishes to construct a detached garage closer to the street than is allowed by the zoning district. The existing home is about 60 feet (66 feet on submitted site plan) from the property line. The proposed garage site is 40 feet from the property line.

ANALYSIS

This request is to allow the garage to be closer to the street than the existing home. The difference is about 20 feet. The garage is proposed to be placed far behind the minimum setback for a new principal structure which is 25 feet. Other limitations to the site are a large area of floodplain along the south and west area of the lot. Additionally, site utilities come into the home in an area that would be covered by the building if placed in a location according to setbacks.

POSSIBLE ACTION

- Approve as proposed
- Approve with amendments
- Deny



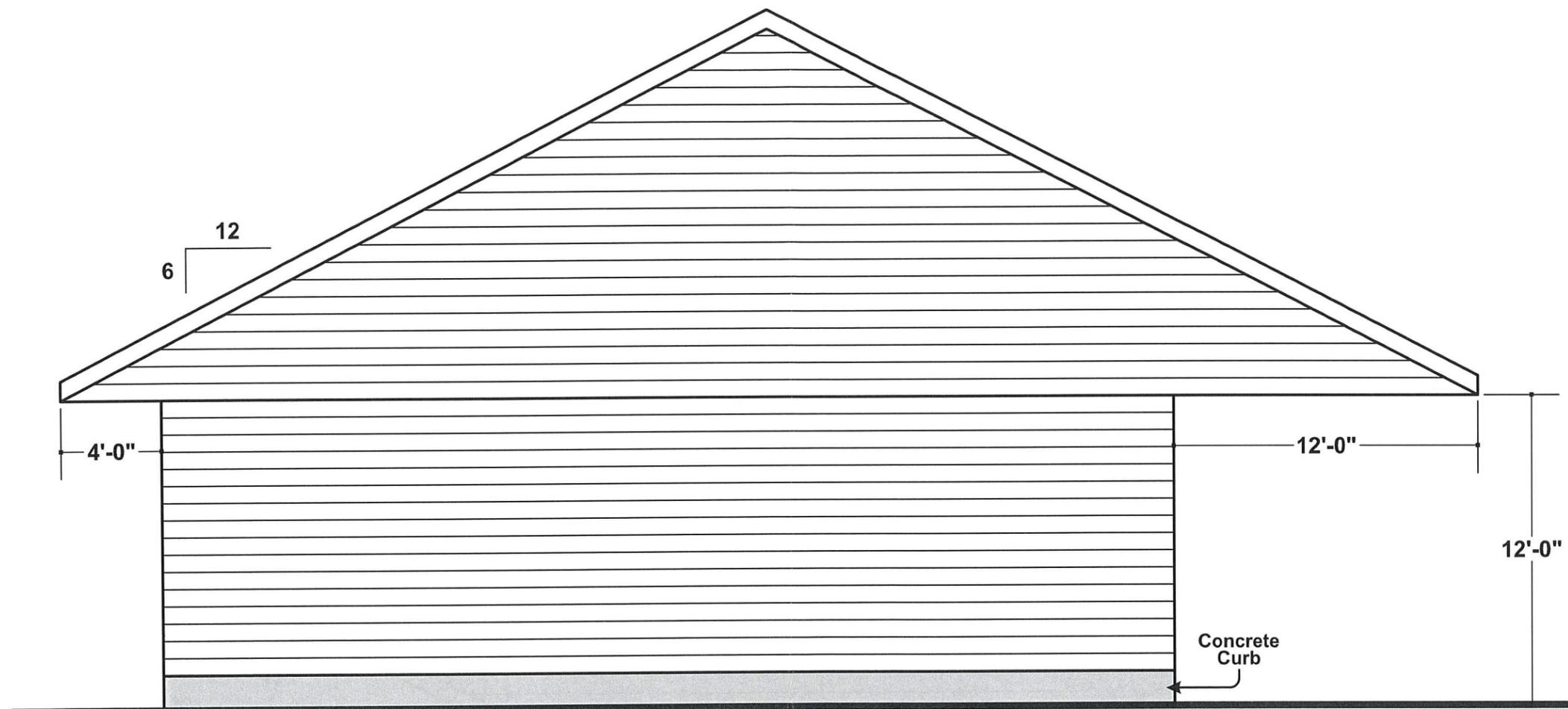


EAST ELEVATION

SCALE: 3/16" = 1'-0"

BREN HARTINGER
715-842-0402 ext 240
bren@graphichouseinc.com

SHEET
03



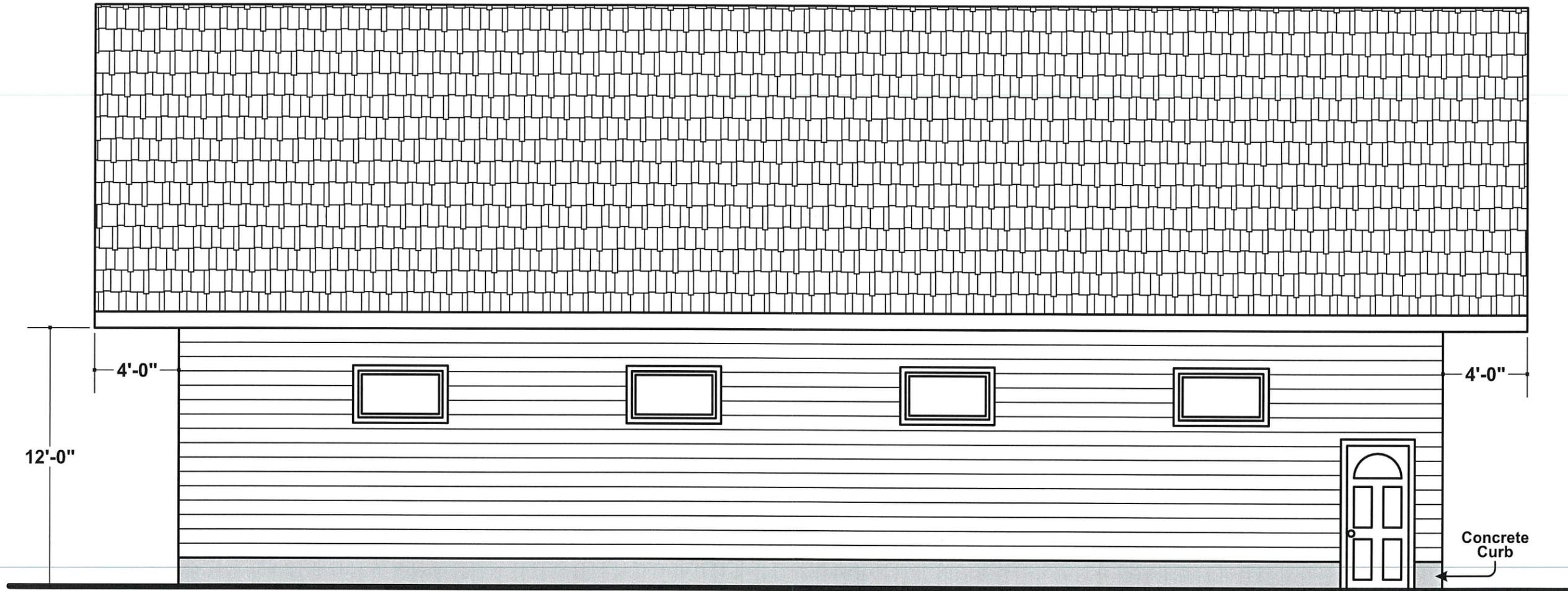
WEST ELEVATION

SCALE: 3/16" = 1'-0"

BREN HARTINGER
715-842-0402 ext 240
bren@graphichouseinc.com

SHEET

04



SOUTH ELEVATION

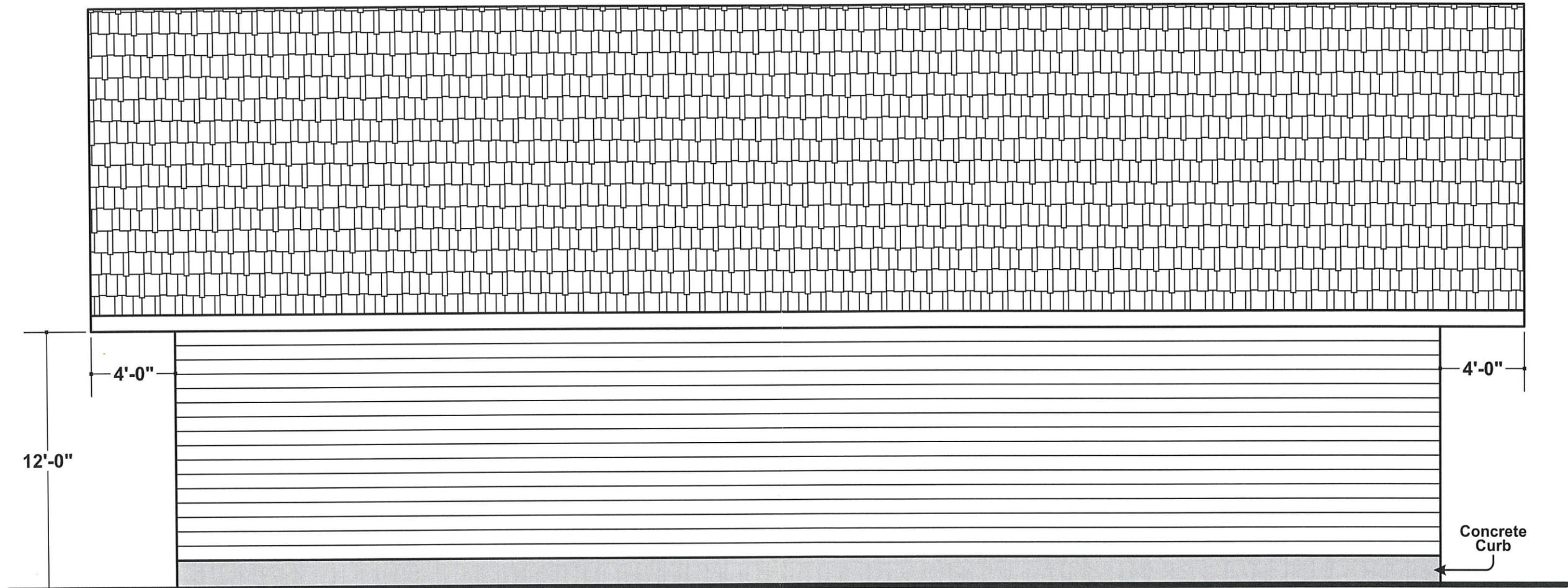
SCALE: 3/16" = 1'-0"

BREN HARTINGER

715-842-0402 ext 240
bren@graphichouseinc.com

SHEET

01



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

BREN HARTINGER

715-842-0402 ext 240
bren@graphichouseinc.com

SHEET

02