

BOARD OF ZONING APPEALS

Time and Date: Wednesday, April 19, 2017, at 4:00 p.m. in the Council Chambers of Wausau City Hall

Members Present: Mark Dillman, Sid Sorensen, David Burke, Dave Oberbeck, Jerry Jarosz (Alternate Member #2)

Members Absent: Nancy Hoffmann

Others Present: William Hebert, Troy Veith, Chad Henke, William Walraven, Rodney Wekkin, Gary Wojciechowski, Cari Logemann

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

Mark Dillman called the meeting to order at approximately 4:00 p.m. stating that a quorum was present.

Request for a front yard variance (from the required 25' to 16') for the construction of a front deck at 4054 Hilltop Road.

Troy Veith, 4054 Hilltop Road, said that he is requesting a variance for the front porch that was installed on the house. Veith said that they took the measurements from the old structure and went by that for the setback. Veith said that they cannot change the structure of the front porch because of how the yard slopes and would have to excavate about six feet down.

Mark Dillman said that there are pictures from 1999 and 2012 and said that what is currently there is different than the pictures and it comes out further to the street. Veith answered that it comes out just slightly more, about four feet more. Veith said that they had measured to the outside pillar and is where the new stairs come down. Dillman said that the new structure is four feet closer to the road than what is shown in the pictures. Veith said that is correct. Dillman said that the pictures show the steps as masonry. Veith said that they moved into the home in July and noticed that whenever it would rain, it would get very slippery. The brick work was falling off into the driveway. The new stairs were moved over to not block the driveway exit door. Hebert clarified that the pictures (exhibit 1-3 and 1-4) were from city staff.

Sid Sorensen asked if the deck is built to code. Hebert answered that the structure was started in the fall without a building permit. Staff noticed it in January. A permit has not been issued and an inspection has not been completed. Sorensen said that there is a lot of building code changes in regards to decks.

Mark Dillman closed the public hearing.

Hebert said that the project was started without a permit. Staff received one phone call from someone who wasn't totally against it, but also said that it didn't fit in the neighborhood. The stoops in the neighborhood are concrete and are lower to the ground and this is wood and slightly raised.

Jerry Jarosz said that it would be tough to make a decision one way or another until it is inspected. Oberbeck said that this is for the setback requirement, not for the construction.

Sorensen asked Hebert on a staff recommendation. Hebert said that there isn't a hard recommendation, the zoning code calls for setbacks above grade. With the rest of the neighborhood being concrete and at grade, which do not count as protrusions. Hebert said that he wished that there was an opportunity to discuss the project before it started.

Burke said that he is trying to determine if all of the houses on the block or side of the street line up and asked if there are any other encroachments that may be occurring. Hebert answered that there doesn't appear to be any other wood structures on the block. Dillman requested that the deck be stained a dark

color to take the affect down a notch.

Jarosz asked what the consequences would be of voting down this item. Hebert said that normally items come to the committee to ask for permission and not to ask for forgiveness. In the event that it is denied, it would need to be removed. Jarosz said that he cannot vote on it without knowing if the deck was built up to code. Jarosz continued and said that he would vote one way if it was built up to code and another way if it wasn't. Sorensen said that the committee is here to give permission to extend into the 25 foot setback. It has nothing to do with the quality of the deck.

Burke asked if there is a way that the deck can be reconstructed to eliminate the protrusion. Sorensen said that it would allow four feet for the deck and three feet for the walkway. Burke asked if the stairs could be altered. Sorensen said that in theory it could be done.

Dillman asked how many concurring votes would be needed. Hebert answered four yes votes. Sorensen said that he cannot support what has been done.

Oberbeck motioned to approve the front yard variance for the construction of a front deck at 4054 Hilltop Road. Jarosz seconded.

Oberbeck said that he has a concern about building a deck at the front of homes and moving forward without the approvals or input. Oberbeck said that there is also the concern of the wood deck in the neighborhood with masonry stoops. Burke agreed and said that the next variance could be for three feet further if this was granted. Dillman said that if this variance is denied, it would need to be torn apart. Burke said that he is trying to figure a different way to build it.

Jarosz asked the petitioner why the inspections office was not contacted to obtain a building permit for the porch. Veith answered that he did not find it anywhere noted that a permit was required for a porch. Hebert said that permit requirements are regularly published in the newsletter.

The motion failed 1-4 by a roll call vote. David Burke, Dave Oberbeck, Sid Sorensen and Jerry Jarosz voted no.

Request for a side yard variance (from the required 8' to 1') for the construction of a garage at 112 North 12th Avenue.

Chad Henke, 112 North 12th Avenue, said that they are requesting a variance to remove the existing foundation, install a new foundation and have enough room to have two vehicles in the garage.

William Walraven, 1202 Elm Street, said he lives to the south of Mr. Henke. The concrete is old stone. He does not have any qualms with the structure being moved back one foot. Walraven agreed that he is the neighbor most affected by the variance. Dillman asked Walraven if he would have a problem with the owner maintaining the garage by possibly trespassing on the property. Walraven said that he has been in the house for the past 25 years and there have been a number of residences and people to have loaded appliances and there is no complaint. Dillman asked if an easement would be granted. Walraven said that he wouldn't have a problem with that.

Dillman closed the public hearing.

Sorensen motioned to approve the side yard variance for the construction of a garage at 112 North 12th

Avenue. Burke seconded.

Oberbeck said that there is probably a surcharge on the wall since it is that high and asked how it will be designed. Henke said that it will be a new wall. Oberbeck said that the retaining wall on the west and south of the property to elevate the garage. Henke said that it will be an insulated foundation with cultured stone.

The motion carried unanimously 5-0 by a roll call vote.

Request for a rear yard variance (from the required 30' to 0') for the construction of the warehouse addition at 2801 Stewart Avenue.

Rodney Weekin, 5101 Menard Drive, said Menards is going through an update and moving some items from inside the store to outside the store and that is why the new warehouse is necessary. There will be some updates to the garden center and updates to special order area. Due to the site constraints, there isn't the room. The existing pallet racking is at a 0' setback.

Jarosz asked if there is open space right now or is there something there. Weekin said the lumberyard area and the pallet racking is where the warehouse would go. There is no structure. Sorensen asked if it would be similar to the warehouse to the west. Weekin said that it would be very similar. Burke asked if the warehouse would be the same height as the pallet racking. Weekin said that it would be.

Dillman closed the public hearing.

Hebert said that staff did not receive any comment. This site was developed with the Highway 29/51 interchange redevelopment. The warehouse was constructed prior to the off-ramp. The extra tall wall and pallet racking was approved when it was built. It should not interfere with any public interest.

Jarosz motioned to approve the rear yard variance for the construction of the warehouse addition at 2801 Stewart Avenue. Burke seconded, and the motion carried 5-0 by a roll call vote.

Appeal of a sign permit denial at 2200 Westwood Drive.

Gary Wojciechowski, 4027 Henry Street, asked that the commission consider the appeal in regards to the placement of two signs. The first sign is located on the corner of Westwood Drive and Pine Ridge Boulevard. The second sign is an existing sign that was recently installed at the top of Bridge Street and Westwood Drive. Wojciechowski said that they would ask that it be allowed to have wording on the sign to provide direction. There has been feedback from the Aspirus customers that the entrance can become confusing. Wojciechowski said the signage is not being used for advertisement, but for directional purposes.

Sorensen asked which exhibits are referred to. Wojciechowski said that Exhibits 2A and 2B and either new signs or modified signs. Sorensen said that Exhibits 3A, 3B, 3C and 3D do not seem related. The campus is confusing. These signs were submitted as current signage around the campus.

Sorensen asked why it was denied. Hebert said that the denial is for the Westwood sign. Sorensen asked if both locations are owned by Aspirus. Wojciechowski said that is correct. Hebert said the emergency logo and emergency signage is allowed, but the items below that were denied. Dillman questioned that the wording on the sign is what is being denied and this was confirmed. Hebert said that signage is very

specific to each zoning district. Services or products that are provided on site can be advertised.

Cari Logemann, 4052 Crestwood Drive, said the ordinance is a bit ambiguous. There are 80 acres on the site and signage will help people find locations. The ordinance could be improved. Wojciechowski said that Aspirus is the majority owner of the Westwood Conference Center and has approximately 200 employees working out of the building.

Burke asked if the Westwood Conference Center is utilized by the general public. Wojciechowski answered that it is used as a conference center for the public or the public may come here to address bills. There are conference facilities for training for the medical professionals. Logemann added that medical professionals from out of the area also come to the center for training. Hebert said that it needs to be looked at beyond Aspirus and Wausau Hospital and this would set a precedent. Logemann said that the purpose of Exhibits 3A, 3B, 3C and 3D were to show some inconsistencies. These businesses do not occupy the sites and this request shows less inconsistency in the ordinance. Wojciechowski said that they are looking to provide advertising, but for wayfinding.

Oberbeck said that there was study done with Main Street and a problem that was found is how Wausau is signed. There are very clear and concise signs in a very difficult area of the city. It would be a real benefit.

Sorensen asked if the denial is because of the advertisement of Aspirus or because of the directional. Hebert answered that signage is allowed for the lit name, logo and directional for emergency purposes. The rest of the items listed on the signs are for products or services that are provided are at a different building bisected by a public street. Sorensen asked how people could be directed. Hebert said that there isn't any. It is not permitted to put the Aspirus name on the public right-of-way. Oberbeck said that there is a Marshfield Clinic sign that is located on a bank property. Dillman said that Exhibit 1A loses its traction. This is a unique case. It may be better to think about it as a campus. Dillman said that he thinks it makes perfect sense.

Jarosz motioned to approve the appeal of the sign permit denial at 2200 Westwood Drive, which would allow the signage. Burke seconded, and the motion carried 5-0.

Adjournment

Burke motioned to adjourn. Oberbeck seconded, and the motion carried unanimously 5-0. The meeting adjourned at 5:15 p.m.

Respectfully Submitted,
Nancy Hoffmann, Chairperson