



CITY OF MARSHFIELD

MEETING NOTICE

ZONING BOARD OF APPEALS
Tuesday, February 9, 2016
Conference Room 108
First Floor, City Hall Plaza, 630 South Central Avenue
City of Marshfield, Wisconsin
5:00 p.m.

- 1. Call to Order. – Chairman Gerl.
2. Roll Call. – Secretary Panzer.
3. Approval of Minutes. – January 12, 2016.
4. Variance by Gregory Collins representing WHPC-Laurel Gardens-Marshfield, LLC, for a 8 foot variance to the minimum required front yard setback, to allow the existing Laurel Garden apartment located at 620 Laurel Court, Marshfield, WI 54449, to remain as constructed in 1971, with a 17.99' front setback. Section 18-32 in the existing Zoning Code requires a minimum front setback of 25', as does the Zoning Code at the time of construction, under Section 13.15 which also required a minimum 25' setback.
5. Summary of 2015 Zoning Board of Appeals Decisions.
6. Adjourn.

Posted this 4th day of February, 2016 at 4:00 PM by Lori Panzer, Secretary, Zoning Board of Appeals.

For additional information regarding items on the agenda, please contact Sam Schroeder, Zoning Administrator at 715.486.2077.

Notice

It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Deb M. Hall, City Clerk at 630 South Central Avenue or by calling (715) 384-3636.

Publish 1 x on January 30, 2016

ZONING BOARD OF APPEALS MINUTES OF JANUARY 12, 2016

Meeting called to order by Chairperson Gerl at 5:02 p.m. in the 1st Floor Conference Room, Suite 108, City Hall Plaza.

ROLL CALL:

PRESENT: Ken Bargender, Ed Gerl, Robert Lewerenz, Dean Markwardt and 2nd Alternate Adam Wegner

ALSO PRESENT: Building Inspector Pokorny, Christine Eisner, David Hoffman, Heidi Hoffman and Deputy Clerk Panzer

ZB16-01 Motion by Lewerenz, second by Markwardt to approve the minutes of October 6, 2015 as submitted. All Ayes.

Motion carried.

Deputy Clerk read the appeal of Christine Eisner appealing a condemnation order issued by the City of Marshfield on property located at 315 West 5th Street, Marshfield, WI 54449. The condemnation order declares the building a public nuisance and requires that the building be razed pursuant to Section 15-53(7)(a).

Building Inspector's Background

The city has had many complaints about the rooming house and the yard at this property. These have originated from tenants, alderpersons, and neighbors. Many orders have been written over the years starting in 2004. Each order took a year or more to get compliance – if compliance ever was reached. There have been 47 citations issued since 2007 that cost over \$360.00 each. The total amount for these citations is \$23,792.00. Money is still owed on some of these; however, the last block of 20 citations for \$691.00 each are on hold per the municipal court.

An extensive amount of work is needed at this property to meet the City of Marshfield's Building and Premises Maintenance and Occupancy Code that is found in 15-53 of our municipal code. The exterior work consists of new windows and doors, removal and replacement of the roof, removal and replacement of the northeast corner (or alternately its removal), removal and replacement of the front porch, replacement of all distressed exterior wood, power washing, sanding, priming and painting; plus the rebuilding of crumbling portions of the stone foundation. I had pricing for exterior work estimated by licensed contractors. The estimated cost for the exterior work is nearly \$94,000.00. See attached estimate. Staff developed the interior costs with the help of other contractors. The interior work to make this rooming house habitable is approximately \$34,500.00. This includes \$3,000.00 for electrical work, \$10,500.00 for plumbing work, and \$21,000.00 for carpentry and other miscellaneous items such as cleaning, painting, plus replacement of flooring and suspended ceilings. \$128,350.00 is the total estimated cost to bring the building up to the minimal standards as set forth by Chapter 15, Section 53 - Building and Premises Maintenance and Occupancy code.

Building Inspector's Analysis

Section 15-53(7)(a) of the City of Marshfield's Municipal Code states that when the cost of repairs for a structure exceeds 50% of the current assessed value, it shall be deemed a public nuisance and shall be razed. This language follows Section 66.0413 of the State of Wisconsin Statutes, which uses this formula for determining when a building becomes a nuisance and therefor may be razed. The Statute also sets forth posting a notice stating: "This Building May Not Be Used For Human Habitation, Occupancy or Use" for a building that is not habitable. The building was properly posted on November 20, 2015. The Statute goes further on to state that the site shall be restored to a dust-free and erosion-free condition after the demolition and removal of the building. The estimated cost of repairs exceeds the previous published value of \$73,400.00 for the improvements (building).

Christine Eisner has indicated that she is willing to get the work done that is needed to meet the city's minimum housing standards. However, with the above estimated costs and knowing that thousands of dollars are already owed to the city of Marshfield for citations, I do not believe that the owner has the means to pay for this work. I also believe that it would take well more than a year to complete the exterior work that was required to be completed in May of 2014. I am also not convinced that all the work will be completed properly. The condition of the property has become worse in the last half of 2015 due to the family's efforts of making repairs. Plus there does not seem to be much of an effort to obey city orders. A stop work order was issued on March 16, 2014, based upon an inspection that noted safety issues with the Eisners' attempt at rebuilding the northeast 2 story portion. In fact work has continued nearly to this day. The exterior open studded wall seen in the attachment's November 2, 2015 picture was still without exterior sheathing on November 20, 2015, when I properly posted the building. I took pictures of the posting on each exterior exit. The November 20, 2015 raze order and posting indicated that the building is not habitable and all occupants needed to vacate it immediately. There are still people living in it as of December 30, 2015 when I noted the wood on the studs plus the legally posted signs are no longer on site.

Building Inspector Pokorny passed around a copy of the posting notice that was properly posted on the home on November 20, 2015. Harold Eisner told Mr. Pokorny himself that he has been doing a lot of the work after the stop work order was issued on March 16, 2014. Mr. Eisner knows he is not supposed to be doing work because of safety issues and because the work is not getting done right but he has continued to do work.

Building Inspector Pokorny also mentioned that he has orders on two other properties that are owned by Christine Eisner; 314 West 5th Street and 109 West Arnold Street and those orders were not obeyed either. Those orders were issued in October of 2014.

His recommendation is to deny this appeal because the amount of work that has to be done in just this one place much less all the other ones and I don't think there is the ability or the money or the where or how to get it all done in a timely manner. City Attorney Wolfgram mentioned that when you go and allow people to repair things and you string it out it is awful hard to get a raze going because you put a little money in it, maybe nothing gets done for a while and then you put a little more money in there and then the value goes up then we are looking at a value weighted State Statute.

Zoning Board of Appeals Options

The Zoning Board can make one of the following determinations and must include the grounds of the determination:

1. Deny the appeal.
2. Uphold the appeal as stated in the application.
3. Modify the decision, with certain stipulations.

Building Inspector Pokorny stated that if the Zoning Board of Appeals modifies the decision, the City Attorney recommends keeping it on a short tether.

Building Inspector Pokorny said that he didn't take interior pictures. He distributed his inspection analysis of the property that was completed on November 10, 2015 with Christine Eisner and Harold Eisner present.

The Zoning Board of Appeals reviewed Building Inspector Pokorny's inspection analysis.

Christine Eisner mentioned that Harold Eisner has been on the property without permission and she has given David Hoffman permission to call the cops if he sees Harold on the property.

Heidi Hoffman explained that her and her husband, David Hoffman just started working for Christine Eisner a month ago. David is a carpenter. They feel the estimate from the contractors is fairly inflated. Harold was incapable of fixing any of these problems. She said she is not arguing that the house is in horrible shape. David

tried to tell Harold the right way to fix the roof on Arnold Street, but he refused to listen, so David refused to help him with it. Harold did it so improperly. You are completely correct that roof is going to collapse within 3-4 years. Harold doesn't know what he is doing and he doesn't know how to do it.

David Hoffman told Harold Eisner all the shingles had to be taken down on the house on Arnold Street, because in one point there is over three inches of shingles.

Building Inspector Pokorny pointed out that on this particular property instead of putting underlayment on the roof Harold put the plywood that goes in mobile homes (Luan) up there and he put shingles over that. There is no water type integrity. There was no felt paper put on in the second go around and it is breaking through. And then he put a metal roof on top. The State says the most you can have on of any kind is two layers.

Bargender asked Heidi and David Hoffman if they had a plan to fix this.

Heidi Hoffman asked the Zoning Board of Appeals to modify the decision to give them six months to make the repairs. Her and her husband would do most of the interior things. They know they need a licensed contractor to do the electrical and a licensed plumber to do the plumbing. They will need equipment and a crew to come in to do the back area. They plan on tearing the porch off by themselves and putting on a deck. The front porch is not savable. It is sagging and there is no foundation under it. It has to be removed from the building. Their estimate to bring it up to code is in the \$20,000-\$30,000 range, top end of \$40,000.

Bargender mentioned the Building Inspector's concerns about being able to come up with the money to fix the property.

Heidi Hoffman said they have about \$15,000 in cash already and Christine is applying for a block grant. Christine got a job and she is no longer using any of the rent money. All the rent money is being put back into the building. By spring as soon as the frost is out of the ground, we can start on the back area, because that can't be done right now. She agreed with the Building Inspector's assessment. Harold Eisner devastated it. He would have been better off to never go anywhere near it, because he made more work. She has a roofing crew that she usually works with. She believes that they can have the work done by July or August. They can get the interior stuff done over the next two months while it is still cold. She is confident that they can have the outside done in eight months and get it up to code as long as Harold Eisner is not allowed on the property in any way shape or form. She explained that Harold Eisner used interior materials on the exterior of the buildings to save money.

Bargender asked if there were tenants in the building now.

Christine Eisner confirmed that there are seven tenants occupying the building.

Discussion was held on the amount of tenants allowed in this type of home.

Building Inspector Pokorny pointed out that only 4 non-related people can live in the home per City Ordinance.

Concerns were raised about how the interior work would get done if there are tenants living there, especially electrical work.

Lewerenz said it doesn't pay to do anything with an electrician or a plumber, or any interior work if the foundation and the roof are not made right. There are a lot of windows that have to be replaced. The exterior work should be done first.

Heidi Hoffman said they can't start on the exterior until the spring.

Lewerenz said he has been involved with construction for more than 40 years and construction workers in Wisconsin now a days work all winter other than in really cold weather. The foundation needs to be done pretty soon and the roof has to be fixed before you start fooling around with anything inside or you are wasting your time. He can't see this making any sense after all of the stuff that is on paper here and what he saw when he viewed the property and in talking with the neighbors in the neighborhood. If it hasn't happened by now, he would be surprised if it would be half way done in six months.

Heidi Hoffman said she is from Granton and usually works with a group of Amish people to do the exterior things. They are cheaper and they do good work. Harold Eisner is a slumlord. He has no respect for authority. He has no respect for the City. Christine and Harold are divorced. Christine ended up with the properties and all she is asking for is a chance to prove that now that Harold is not having anything to do with the properties that she can do it.

Bargender expressed concerns for the seven tenants while the extensive work is being done.

Heidi Hoffman stated that they are not allowed to do anything there right now, because of the stop work order. As long as there is a stop work order how can we prove that we can do anything? That is what we are up against. We can't even clean up the mess that Harold made with old lumber and old junk. Our hands are tied too.

Markwardt asked about the block grant process.

Heidi Hoffman explained that the block grant is to fix houses in this condition to benefit low income. They provide the money to bring a building up to code.

Markwardt asked if Harold Eisner was still an owner of this property.

Heidi Hoffman said no. He was removed from the deeds as of December 22, 2015. We are asking that Christine not be punished for Harold's idiocy. She got a job so she doesn't need the rent money to live on anymore and that includes all the houses. Every bit of income coming from these houses is going back into the houses for the next 5-7 years, because there are more houses that need work. The only house that they are kind of leery of fixing or having anything to do with is the one on Arnold Street. That one is beyond saving in their opinion after what they did with that roof. There is no way to feasibly save that particular property. Christine had no idea that the properties were in this condition, because Harold always did it all.

Lewerenz believes there is no way that this house is repairable. \$30,000 is just a drop in the bucket. That is just the beginning. He knows the contractors that did the estimates and they are not likely to be cheap estimates, but they are good contractors. \$30,000 would probably only buy the materials to fix that house and concrete, electrical and plumbing is more than material. That house is too far gone.

Christine's fines were discussed.

Building Inspector Pokorny believes the fines are about \$18,000 on this particular house.

Christine Eisner said she plans to put her heart and soul into these properties. These people need affordable places to live that are safe.

Bargender said that word safe is what is on all of our minds here. This is a disaster. Is it worth sticking \$35,000-\$40,000 into it?

Heidi Hoffman said that the paperwork is ready for the block grant, but we can't send it in as long as there is a stop work order. It usually takes about a month for approval.

Wegner asked how the block grant works.

Heidi Hoffman explained that the owner has to guarantee that they aren't going to raise the rents and keep it low income. Right now, most of the tenants are people on probation and parole. There is nowhere for these people to go when they get out of jail. The owner has to account for what is bought in materials kind of like a home improvement loan. Every dime has to be accounted for and has to go into the building that it was allotted for and repairs have to be done to code.

Building Inspector Pokorny pointed out that on the property of 1208 South Maple Avenue, the judge basically said that thou shall get a licensed contractor to do the work. That was his judgement or don't do it.

The foundation problems were discussed.

Building Inspector Porkorny mentioned that the foundation has dry rot and also wet rot.

Chairperson Gerl said that once you start tearing apart things in old homes you usually always find more problems.

Building Inspector Pokorny said he usually brings one of the Assessors along when he does an inspection like this, but he didn't have one with him this time due to time constraints.

Building Inspector Pokorny read a section from the housing code relating to the number of people allowed in a single family home. According to the city ordinance, Christine Eisner's tenants exceed the number of allowed people that can live in a single family home.

Markwardt asked David Hoffman if he was a certified contractor.

David Hoffman said no, not anymore, but he has worked with licensed contractors over the years.

Heidi Hoffman mentioned that they have a friend from Neillsville that could get licensed and help them.

Chairperson Gerl declared the public hearing closed.

Deliberations were held.

ZB15-02 Motion by Markwardt, second by Lewerenz to deny the appeal of Christine Eisner, based on the following findings of fact:

1. The amount of monies owed to the Court for fines and the amount of monies that they are going to need to spend to repair this house to bring it up to code.
2. The repair of the structure would exceed 50% of the current assessed value.
3. There is a great deal of uncertainty about whether the people who wish to do the repair work are properly qualified and licensed.
4. There is a great deal of uncertainty about whether the financial plan is sound for the work that must be done.
5. There has been no real progress in improving the property despite previous actions of the Building Inspector and despite the fines that have been levied. We understand that the ownership situation has changed, but that has been the history of that property so far.
6. There are several opinions that the property has deteriorated too far to be repaired up to code, because there are so many extensive problems.
7. Neighbors will be happy to see the home gone.
8. Safety concerns for tenants.

All Ayes.

Motion carried

Motion by Bargender, second by Lewerenz to adjourn at 6:24 p.m.

Motion carried

Lori A. Panzer

Deputy City Clerk



City of Marshfield Memorandum

TO: Zoning Board of Appeals
FROM: Sam Schroeder, Zoning Administrator
DATE: February 9, 2016

RE: Variance Request – 620 Laurel Court

Appellant: Gregory Collins representing WHPC – Laurel Gardens – Marshfield, LLC

Request: The Appellant is requesting an 8 foot variance to the minimum required front yard setback, to allow the existing Laurel Gardens apartment complex located at 620 Laurel Court, Marshfield, WI 54449, to remain as constructed in 1971 with a 17.99' setback. Section 18-32 in the existing Zoning Code requires a minimum front setback of 25', as does the Zoning Code at the time of construction, under Section 13.15 which also required a minimum of 25' setback.

Background

The Laurel Garden Apartments located at 620-622 Laurel Court and 617 Laurel Court includes three 20-unit apartment complexes that were all constructed in the early 1970's. As many investors do, prior to purchasing, the Appellant researched these properties to make sure it is in conformance and to identify any unknowns before purchasing. During this research process the Appellant had a survey done to identify site details including property boundaries, easements, structure locations, and other site improvements.

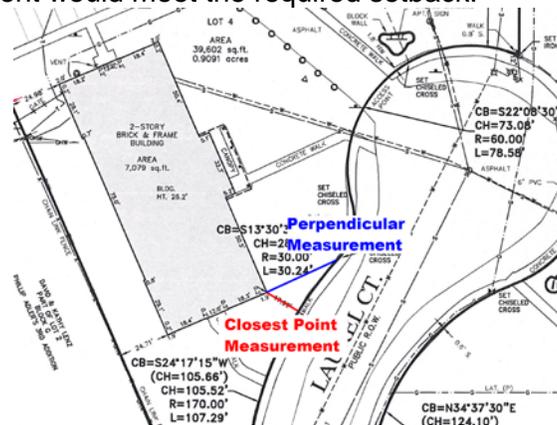
After the survey was completed, the Appellant requested a Zoning Verification Letter from the City to make sure the properties were in compliance with the Zoning Code. As pointed out by the Appellant and the survey submitted, there are multiple nonconforming situations regarding this existing development. Shown in the attached zoning verification letter there are multiple nonconforming situations which include not meeting the minimum lot size, not meeting the required setback, extending the parking area into the City ROW, and not officially combining the two properties of 620 and 622 Laurel Court. While there are multiple nonconforming situations to point out, the focus of this variance request is solely on the structure not meeting the required setback making it an illegal nonconforming situation.

The survey shows that this development is setback from the front property line 17.99'. The current zoning code would require a minimum of a 25' front setback. The Appellant is proposing an 8' variance to the property in hopes to bring the existing Laurel Garden apartment complex, at 620 Laurel Court, one step closer to compliance, and to allow this development to remain as constructed and approved in the early 1970's.

Analysis

In the early 1970's when this development was reviewed and constructed this property was zoned "B" Residential. "B" Residential required a minimum front yard setback of 25'. Reviewing the original building plans that for the Laurel Garden development, the front setback that is on record is approximately 20'. This would lead us to assume one of two things: a) there was a discrepancy as to how the required setback is measured or b) there was a staff error at the time the building permits were approved permitting a 20' setback when the regulations required a 25' setback.

Currently a setback is measured as the shortest distance from the property line to the closest point of the structure. See definitions under "Applicable Ordinance Section(s)" below. Staff has firsthand observed where past employees interpreted the setback to be measured as a perpendicular line from the front building façade at closest point of the structure to the point where such perpendicular line intersects with the nearest property line. See Figure below. In this instance, measuring the setback as a perpendicular line, the existing development would meet the required setback.



Reviewing option b) above, even if there was an administrative error in reviewing the building permit application and the staff member at the time knowingly approved a 20' setback instead of the required 25' setback, the building was still constructed at a setback of 17.99' which is even closer to the property line by approximately 2 feet. However, there are a lot of unknowns about what took place at the time of this development because the staff members are no longer employed by the City of Marshfield and the lack of records prior to the 1990's – 2000's. In addition to approving the site plan for this development, we also do not know if staff inspected and approved the property in relationship to the setback. Case law has upheld that a Zoning Board may consider an error of local government staff when deciding whether to grant a variance (Accent Developers, LLC v. City of Menomonie BOA and Timber Ridge Homes LLC, 2007 WI Court of Appeals).

Statement of Facts

1. The Appellant is Greg Collins representing the Owners, WHPC-Laurel Gardens, Marshfield, LLC.
2. The subject property is located at 620 Laurel Court.
3. The existing zoning district classification is "MR-24" Multifamily Residential.
4. The zoning district classification at the time of construction/permit approval was

- “B” Residential. ‘
5. The required front setback in the current Zoning Code is 25’ for “MR-24” Multifamily Residential properties.
 6. The required setback at the time the permit was issued and the building was constructed was 25’ for “B” Residential properties.
 7. The building plan on record with the City shows an approximate setback of 20’
 8. The present structure was built in 1971 and has existed as is for 45 years.
 9. The existing building setback per the submitted survey is 17.99’.
 10. The requested variance is 8’ (the required setback within current regulations of 25’ minus the existing setback as constructed 17.99’).

Applicable Ordinance Section(s)

1. Current Zoning Code (adopted January 1, 2013)
 - a. Section 18-32(7) of the current Municipal Zoning Code states that the minimum front setback for residential uses is 25 feet.
 - b. Setback as defined under the current Municipal Zoning Code under Section 18-12 is “the shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted intrusions per Section 18-73.”
2. Previous Zoning Code (1947 to 1979)
 - a. Section 13.01 Definitions
 - i. (23) Setback is defined as “the minimum horizontal distance between the front line of the building, excluding steps and unenclosed porches, and the street line.”
 - ii. (26)(e) Front yard is defined as a yard between the front line of the building and the front line of the lot.
 - b. Section 13.15(b) requires a setback line of not less than 25’ for buildings erected in the “B” Residential District.

Variance Criteria (Section 18-165(6)(a))

The Zoning Board of Appeals shall review all variance requests against the standards provided under Wisconsin Statutes and applicable case law. To qualify for a variance, an applicant would have the burden of proof to demonstrate that the variance criteria are met. The following are the criteria and the Applicants response:

(How will the variance not be contrary to the public interest?) *“The variance will not result in harm to the public interest because permitting the building to remain in its present location does not have any negative impact on the neighborhood or the immediately surrounding properties. Furthermore, the public interest is served by allowing the building to remain because it affords quality housing to low-income families. Having to remove a portion of the building would displace residents.”*

(Will substantial justice be done by granting the variance?) *By granting the variance “Substantial justice will be done by granting the area variance because low-income families who reside in the building will not be forced out and required to find alternative housing in the area.”*

(Is the variance needed so that the spirit of the ordinance is observed?) *“The property’s lot lines and the existing parking lot that serves the residents preclude the*

building from being moved. The only way to observe the setback ordinance is to remove a portion of the building.”

(Due to special conditions, will a literal enforcement of the provisions of the zoning ordinance result in unnecessary hardship?) *“By enforcing the zoning code the Owner will be forced to remove a portion of the building which will necessitate re-engineering the building and removing several families from the property. This is an unnecessary hardship especially considering the Owner did not cause the problem. Rather, the owner of the property in 1971 caused the problem when the building was constructed.”*

Although a hardship is questionable because we do not have detailed records at the time the development was constructed, there are multiple justifications that the other three criteria are met; including that no harm has come to the public in the last 45 years the development has been in use, the existing owner did not cause the issue, there is no certainty as to what caused the issue, and that the spirit of the ordinance should reflect the continuance of existing development that have been constant for as long as this development has.

In addition to the criteria listed above which are stated in our Municipal Zoning Code that reflects Wisconsin State Statute, case law has historically viewed unique property limitations as an additional variance criterion, separate from the hardship requirement. Arguably, the unique property limitation specific to this property could be the shape of the lot. This lot is a trapezoid shape in addition to being located along the bulb of the cul-de-sac which can reduce the amount of usable space within the property.

Zoning Board of Appeals Options

The Zoning Board can make one of the following determinations and must include the grounds of the determination:

1. Affirm the Zoning Administrator’s decision, with any exceptions, conditions, or modifications, based on findings and justification of the Zoning Board.
2. Reverse the decision of the Zoning Administrator, based in findings and justification of the Zoning Board.
3. Table the request for further study.

Attachments

1. Variance Application
2. Survey
3. Zoning Verification Letter



MARSHFIELD
The City in the Center

Revised: 1/1/16

Development Services Department

City of Marshfield
630 South Central Avenue
6th Floor, Suite 602
Marshfield, WI 54449

Ph: 715-486-2077 Fax: 715-384-7631

Email: Sam.Schroeder@ci.marshfield.wi.us

**Variance Request
Application**

Fee: \$250.00

Today's Date: January 20, 2016

OFFICE USE ONLY

Date Received: 1/21/16	Fee Receipt Number: 56558	Zoning District: MR-24	Parcel #: 33-02099
Terms of Ordinance (requirement and Section #):			

SITE INFORMATION

Site Address: 620 Laurel Court, Marshfield	Lot Area (sq. ft.): 39,602 sq. ft.	Lot Dimensions (ft.): Irregular
Present Land Use: Multifamily housing		
Legal Description:	Lot 4 of Wood County Certified Survey Map No. 197 (David Land Co., Inc. First Certified Survey) as recorded in Volume 1 of Survey Maps, Page 197, City of Marshfield, Wood County, Wisconsin.	

APPLICANT INFORMATION

Applicant Name: Gregory C. Collins	Phone #: 608-257-5661	Email Address: gcollins@axley.com
Address, City, State, Zip: 2 East Mifflin Street, Suite 200, Madison, WI 53703		
The Applicant is the <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Representative/Other (Describe): Attorney for Owner		

OWNER INFORMATION (IF DIFFERENT THAN APPLICANT INFORMATION)

Owner Name: WHPC-Laurel Gardens-Marshfield, LLC	Owner Phone #: 608-663-6390	Owner Email Address: doconnell@astarusa.com
Owner Address, City, State, Zip: 2 East Mifflin Street, Suite 801, Madison, WI 53703		

REQUESTED VARIANCE NARRATIVE (PLEASE PROVIDE ADDITIONAL PAGES IF NECESSARY)

The front yard setback of the existing building which was constructed in 1971 is 17.99 feet. The front yard setback at the time the building was constructed was 25 feet. Owner requests that an area variance for the front yard setback be granted permitting the front yard setback to be 17.99 feet.

STATEMENT OF HARDSHIP

A variance can only be approved if the request meets all four criteria listed in Section 18-165(6)(a) of the Zoning Code, which includes a hardship. A hardship can be described as a specific issues with to the property that prevents compliance with zoning regulations. A hardship is created by a physical condition of the property such as a steep slope, irregular lot lines, or the unusual placement of an existing structure. The desire for an exception to zoning regulations as a matter of personal preference or convenience is not considered a hardship.

VARIANCE CRITERIA

Address the variance criteria described in the Zoning Ordinance, Section 18-165(6)(a), by answering the following questions: (attached additional pages if necessary)

1) Will the variance result in harm to the public interest?

The variance will not result in harm to the public interest because permitting the building to remain in its present location does not have any negative impact on the neighborhood or the immediately surrounding properties. Furthermore, the public interest is served by allowing the building to remain because it affords quality housing to low-income families. Having to remove a portion of the building would displace residents.

2) Will substantial justice be done by granting the variance?

Substantial justice will be done by granting the area variance because low-income families who reside in the building will not be forced out and required to find alternative housing in the area.

3) Are there unique property limitations that limit the ability to observe the spirit of the ordinance?

The property's lot lines and the existing parking lot that serves the residents preclude the building from being moved. The only way to observe the setback ordinance is to remove a portion of the building.

4) Will literal enforcement of the provisions of the zoning ordinance result on unnecessary hardship and create no reasonable use of the property?

By enforcing the zoning code, the Owner will be forced to remove a portion of the building which will necessitate re-engineering the building and removing several families from the property. This is an unnecessary hardship especially considering the Owner did not cause the problem. Rather, the owner of the property in 1971 caused the problem when the building was constructed.

DOCUMENTATION SUBMITTED

Site Plan (Required) Survey Photographs Filling Fee \$250.00 Other:

APPLICANT (OR SOMEONE REPRESENTING APPLICANT) IS STRONGLY RECOMMENDED TO BE PRESENT AT THE PUBLIC HEARING

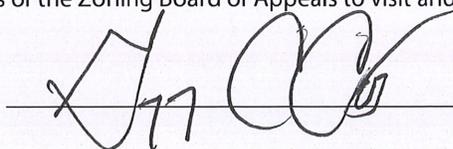
NOTE: The Zoning Board of Appeals' review of this application is a quasi-judicial proceeding. You will have an opportunity to present information to the Board in favor of your application at a public hearing. It is not appropriate to contact individual Board members in advance regarding a pending decision. Please file any written communication about your application with the Zoning Administrator and direct additional copies to Board members and other persons who have registered an interest in your application.

APPEAL OF BOARD DECISIONS: A decision of the Board may be appealed to Wood or Marathon County Circuit Court within 30 days after the decision. Applicants commencing construction prior to expiration of the 30-day appeal period assume any risk of having the Board decision overturned.

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the property owner(s) and that all information submitted with this application is complete and accurate to the best of knowledge. This application also authorizes City representatives and members of the Zoning Board of Appeals to visit and photograph the property in order to process the application.

Applicant Signature:



Date: January 20, 2016

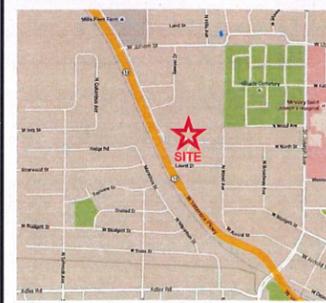
ALTA/ACSM LAND TITLE SURVEY

Known as 617, 620 & 622 Laurel Court, in the City of Marshfield, Wood County, Wisconsin.

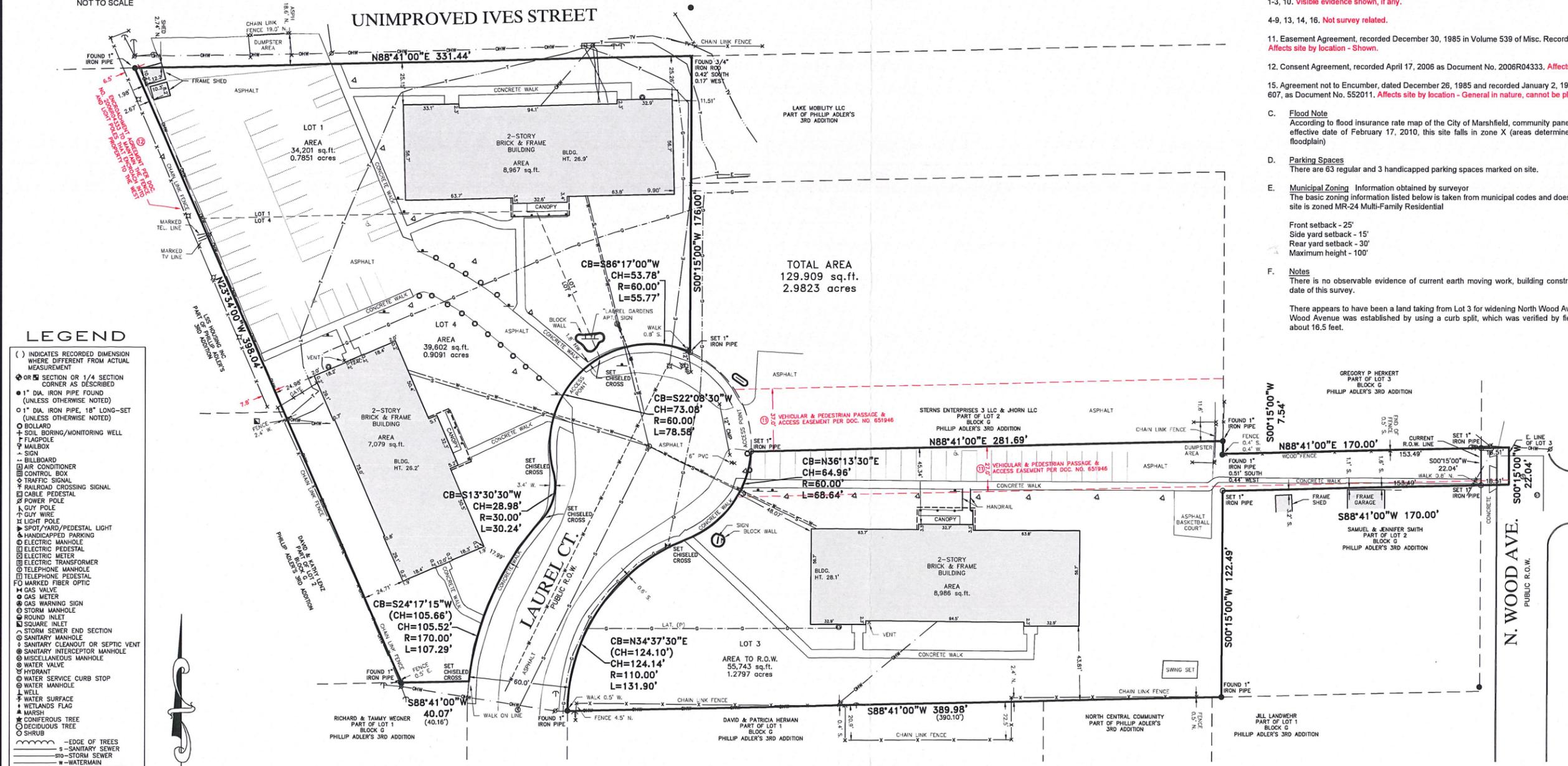
LOTS 1, 3 AND 4 OF WOOD COUNTY CERTIFIED SURVEY MAP NO. 197 (DAVID LAND CO. INC. FIRST CERTIFIED SURVEY) AS RECORDED IN VOLUME 1 OF SURVEY MAPS, PAGE 197, BEING PART OF LOTS 1, 2 AND 3 OF BLOCK "G" PHILIP ADLER'S THIRD ADDITION TO THE CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.

Prepared for: WHPC - Laurel Gardens

Survey No. 166633-BMJ



VICINITY MAP
NOT TO SCALE



- A. Basis of Bearings**
Bearings are based on the South line of Ives Street, which is assumed to bear North 88°41'00" East.
- B. Title Commitment**
This survey was prepared based on First American Title Insurance Company title commitment number NCS-761824-MAD, effective date of November 10, 2015, which lists the following easements and/or restrictions from schedule B-II:
- 1-3, 10. **Visible evidence shown, if any.**
- 4-9, 13, 14, 16. **Not survey related.**
11. Easement Agreement, recorded December 30, 1985 in Volume 539 of Misc. Records, Page 589, as Document No. 651946. **Affects site by location - Shown.**
12. Consent Agreement, recorded April 17, 2006 as Document No. 2006R04333. **Affects site by location - Shown.**
15. Agreement not to Encumber, dated December 26, 1985 and recorded January 2, 1986, in Volume 539 of Misc. records, Page 607, as Document No. 552011. **Affects site by location - General in nature, cannot be plotted.**
- C. Flood Note**
According to flood insurance rate map of the City of Marshfield, community panel number 55141C0045G & 55141C0040G, effective date of February 17, 2010, this site falls in zone X (areas determined to be outside the 0.2% annual chance floodplain)
- D. Parking Spaces**
There are 63 regular and 3 handicapped parking spaces marked on site.
- E. Municipal Zoning** Information obtained by surveyor
The basic zoning information listed below is taken from municipal codes and does not reflect all regulations that may apply - site is zoned MR-24 Multi-Family Residential
Front setback - 25'
Side yard setback - 15'
Rear yard setback - 30'
Maximum height - 100'
- F. Notes**
There is no observable evidence of current earth moving work, building construction or building additions as of the field date of this survey.
There appears to have been a land taking from Lot 3 for widening North Wood Avenue. The West right-of-way line for North Wood Avenue was established by using a curb split, which was verified by field monumentation. The taking measures about 16.5 feet.

To: Wisconsin Housing Preservation Corp., WCE-II Limited Partnership, an Illinois limited partnership, and First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(b), 11(b), 13, 16, 20(a) and 20(b), of Table A thereof. The field work was completed on December 9, 2015.

Date of Plat or Map: December 9, 2015

Stephan G. Southwell
Professional Land Surveyor
Registration Number 1939
steve.southwell@rasmithnational.com



R.A. Smith National, Inc.

Beyond Surveying
and Engineering

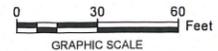
16475 W. Bluemound Road, Brookfield, WI 53005-5938
262-781-1000 Fax 262-797-7373, www.rasmithnational.com
Appleton, WI Irvine, CA Pittsburgh, PA
S:\166633-Dwg\AS111D30.dwg 1:620-622 W LAUREL CT

S:\166633-Dwg\AS111D30.dwg, 620-622 W LAUREL CT, 12/9/2015 11:46:19 AM, bmj

DIGGERS HOTLINE 2015-45-09828

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

(P) INDICATES PIPE SIZES PER RECORD PLANS. OTHER PIPE SIZES ARE ESTIMATED. NO PIPE SIZES SHOULD BE RELIED UPON WITHOUT FURTHER VERIFICATION.



R.A. Smith National, Inc.

City of Marshfield
City Hall Plaza
630 S. Central Avenue
6th Floor, Suite 602
Marshfield, WI 54449



Josh Miller
City Planner
josh.miller@ci.marshfield.wi.us
(715) 486-2075
Fax (715) 384-7631

December 29, 2015

Renwood Properties Inc.
2755 NE 51st Ave
Portland, OR 97213

RE: Zoning Request Letter for 620-622 Laurel Court, Marshfield, WI 54449

Dear Mr. Green,

This letter is in response to your request for a zoning verification letter regarding the Laurel Gardens Apartments located at 617, 620-622 Laurel Court, Marshfield, WI 54449. This property is currently zoned "MR-24" Multi-Family Residential. This district is intended to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings at higher densities, up to approximately 24 dwelling units per acre. Under the zoning code at the time of construction, multifamily dwellings were a permitted use.

There are currently a couple of non-conforming issues related to this property:

Although these properties existing at the time the latest code was adopted (January 1, 2013), 620-622 Laurel Court did not meet the minimum lot size requirements for the number of dwelling units. Under the current code, the minimum lot size is met, so it is possible, this situation may be considered grandfathered. Under the current zoning, new apartments with 9 or more units per building require a Conditional Use Permit. We would have to look into this further to be certain of how we would handle this situation as to whether it's grandfathered or if it would require a Conditional Use Permit.

The required front yard setback for 620 Laurel Court is not met. At a minimum, the zoning code at the time of construction (as well as the current code) required a 25 foot setback for the front yard. The latest survey we have shows that the setback is 17.99 feet. Therefore, that structure is not considered a legal conforming structure unless a variance is obtained.

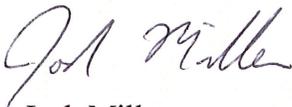
The parking lot just west of 622 Laurel Court is extending beyond the north property line into the City's unopened right-of-way. I believe this includes a dumpster enclosure area as well. Therefore, the northern portion of that parking area is not considered a legal conforming parking area as it does not meet required setbacks and encroaches into the City right-of-way.

A recent survey showed an old lot line separating Lots 1 and 4. That lot line runs through a concrete stoop and canopy for 622 Laurel Court. The City's GIS shows Lots 1 and 4 as one lot. So there is a discrepancy in available data. The current code (since 2007) requires a lot line adjustment survey to be recorded with the County when any two lots are combined. In 1979, the zoning code required all new development that had more than 24 units on a lot would be required to go through a design review by the Plan Commission. If the lots were combined prior to 1979, I don't think there would be a problem with accepting the current lot configuration. The issue that comes into play is if the lots were combined after that date, the property should have had a design review for the parcels to have been combined legally. If it was combined after 2007, it should have also had a lot line adjustment survey. Unfortunately, I don't have a record of when the properties were combined. Under our current code, the Conditional Use Permit procedure has replaced our design review process. Without some verification of how the properties were combined or knowledge of when the combination took place, it is possible that a Conditional Use Permit may be required as well as a survey combining the parcels. Another possible option to address this matter could be to resurvey the lots, keeping them separated and making sure the individual lots meet the requirements of the current zoning code.

These are the issues that I am aware of based on the latest available information. There may be other zoning related issues with this property that the City is not currently aware of and may not be included in this letter.

If you have any additional questions, please feel free to contact me at 715-486-2075 or by email at josh.miller@ci.marshfield.wi.us.

Sincerely,



Josh Miller
City Planner
City of Marshfield

Cc: Sam Schroeder, Zoning Administrator



City of Marshfield Memorandum

TO: Zoning Board of Appeals
FROM: Sam Schroeder
DATE: February 9, 2016

RE: Summary of 2015 Zoning Board of Appeals Decisions

The following is a summary of items reviewed/acted on by the Zoning Board in 2015:

Appeal

The Zoning Board reviewed an appeal of a code interpretation for the following application:

- Ministry Health Care appealing a code interpretation by the City of Marshfield Zoning Administrator that a conditional use permit was not required for an interior remodel of a property located within the Campus Development District prior to the Applicant adopting a Campus Master Plan.

Denied

Ministry Health Care has appealed the decision of the Zoning Board to Circuit Court. Status of proceedings is unknown.