ZONING BOARD OF APPEALS MINUTES OF APRIL 8, 2008

Meeting called to order by Chairman Markwardt at 4:45 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Dean Markwardt, Wallace Reek, Don Wink, Karl Zimmermann and 1st Alternate Donald Schnitzler
EXCUSED: Marvin Duerr
ALSO PRESENT: Planner/Zoning Administrator Curtiss, Deputy Clerk Panzer, Bruce Carolfi, Dale Osuldsen, Brad Hilbelink and Becky Huebner-Leu

ZB08-003 Motion by Wink, second by Schnitzler to approve the minutes of February 12, 2008 as submitted. All Ayes.
Motion carried

Deputy Clerk read the variance request from Badger Housing Associates to construct a 16' x 50' addition onto the existing office building at 300 S. Peach Avenue, zoned B-4 General Commercial District. Section 18-63 (5)(f) of the Municipal Code requires a 10-ft minimum rear yard setback. Applicant requests a 7-ft variance in order to construct the addition 3-ft from the rear lot line/alley right-of-way.

Background
Badger Housing Associates is proposing an addition onto their office building at 300 South Peach Avenue. The addition is 16-ft x 50-ft and would be constructed onto the south end of the building. While the proposed development conforms to minimum front and side yard setbacks, it does not meet the rear yard setback requirement and cannot be administrative approved. The applicants have appealed the decision by filing a request for a variance to the specific requirement of the Municipal Zoning Code.

Planner/Zoning Administrator's statement of facts regarding the variance request:

1. The property is 45,283-S.F. in size and consists of two adjacent parcels with 157-ft of frontage on E. 3rd Street and just over 160-ft of frontage on S. Peach Avenue.
2. The property is a corner lot.
3. The property is a conforming lot in the "B-4" District.
4. The minimum lot area of the "B-4" Commercial District is 12,000-sq. ft.; minimum lot width is 80-ft.
5. The parcels are irregular-shaped as a result of former railroad right-of-way boundaries. Irregular-shaped lots are usually difficult to develop, however, the irregular-shape of this property could be easily corrected by a lot line adjustment survey given both are owned by the same property owner.
6. The property is developed with a 5,000-S.F. Office Building. The commercial building was built in 1991.
7. The existing office building is a non-conforming structure, not constructed according to the current setback requirements of the B-4 District.
8. Section 18-62(4)(f) requires minimum 20-ft front yard setbacks on both street frontages, a minimum 10-ft side yard setback and a minimum 20-ft rear yard setback; except for a corner lot where the rear yard of said lot adjoins an alley, in such case the rear yard setback shall be ten feet.
9. The structure was built with a 3-ft setback from the alley under the 1991 zoning rules.
10. The proposed addition would match the rear elevation and also be 3-ft from the rear lot line/alley right-of-way, not consistent with the required 10-ft rear setback requirement.
11. The office addition would add 16-additional feet of structure on the south end of the building in the required "rear yard" area.

12. Section 18-33 (4)(b) of the Municipal Code prohibits enlargement or alteration of non-conforming structure in any way which increases its nonconformity, except as permitted by the Zoning Board of Appeals.
13. In commercial districts, the general purpose of the rear setback requirement is to allow adequate space for "servicing" and accessibility around the building for such purpose.
14. No servicing function is performed from the rear of the office building. The commercial building on the west side of the alley has a loading dock at the south end. The alley provides a 16-ft wide access around the rear of this building and the adjacent building.
15. Granting the variance should not materially impair the purpose of the general regulation or public purposes nor should it be detrimental to the adjoining property. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code.

ZB08-004 Motion by Reek, second by Zimmermann to grant the variance request from Badger Housing Associates to construct an addition 3' from the rear lot line/alley right-of-way. All Ayes.
Motion carried

Deputy Clerk read the variance request from Calvary Bible Church to reduce the lot size of 309 West 4th Street, zoned R-8 Very High Density Multi-Family Residential. Section 18-62 (9)(d) of the Municipal Code requires a 30,000-sq. ft. minimum lot size for dwellings. Applicant requests a variance to reduce the existing 6,776-sq. ft. lot to 4,710-sq. ft in size.

Background
Calvary Bible Church owns 5 parcels in the 300-block of S. Walnut Avenue. Three of the parcels are developed with an institutional use; the church and related off-street parking and access. The two remaining parcels, 309 & 311 W. 4th Street, are developed with nonconforming uses (single-family and two-family dwellings) and are also nonconforming for lot size and lot width in the 'R-8' Residential District. The "nonconforming status" remains with the lots as long as the lots are not altered. Calvary Bible Church proposes to alter the lots by reducing the rear yards of the residential lots, thereby adding more parking to the adjoining church property. The reduction of the lots will increase the degree on non-conformity for lot size required in the R-8 District. Thus, the applicant is requesting this variance to the lot size requirement.

Planner/Zoning Administrator's statement of facts regarding the variance request:
1. The property is 44-ft wide x 154-ft deep, resulting in a lot that is 6,776-square feet in size.
2. The property is developed with a two-family dwelling and a detached garage, both built in 1915.
3. A two-family use is a "nonconforming use" in the R-8 Residential District. A nonconforming use is a use neither permitted by right nor as a conditional use in a particular zoning district. The nonconforming provisions of Section 18-33 (3) allow a nonconforming single – or two-family dwelling in an R-8 District to be rebuilt if is destroyed or partially destroyed by fire or other causes.
4. The property is a non-conforming lot, established as Lot 13 of Block 82 in the original City of Marshfield Plat. The lot size and lot width do not conform to the minimum lot size of the R-8 District.
5. The minimum lot size for dwellings in the R-8 District is 30,000-square feet; the minimum lot width is 150-ft.
6. All residential lots in the block contain "nonconforming uses" and are "nonconforming lots" under current 'R-8' zoning requirements.

7. Marshfield Zoning Ordinance states the intent of the R-8 (Very High Density Multifamily) Residential District is to provide very high density multifamily housing in close proximity to the downtown, hospital or college.
8. The intent of a 30,000-sq. ft. minimum lot size in the R-8 District is to provide a large enough site to develop with multifamily use and provide adequate space for required off-street parking and yard setbacks.
9. All five parcels fronting on W. Fourth Street would have to be combined to provide a 30,000-sq. ft. minimum lot area for multi-family development.
10. The R-8 District is located in two areas within the Downtown, both of which are directly adjacent to B-5 Districts. This R-8 District is located between Spruce Avenue on the west, Walnut on the east, 3rd on the north and Magee Street on the south. The other R-8 area is located between Maple Avenue on the west, Cedar Avenue on the east, 4th Street on the north and 6th Street on the south.
11. This R-8 District is predominately developed with single- and two-family residential with the exception of the Parkview Apartments, located at the south end of the District.
12. Marshfield's Comprehensive Plan designates this area as "Downtown Mixed Use." Marshfield's Downtown Master Plan recommends a Downtown Mixed-Use District (DMUD) for this area. The plan further recommends that all properties zoned B4, B5, R6 and R8 within the downtown planning boundaries should be incorporated into the new zoning district. The zoning ordinances, however, have not yet been updated and we do not know what development standards would be required by the DMUD.
13. A proposed Certified Survey Map would remove 47-ft from the rear of this lot to be incorporated with the Church lot for future parking lot development. The resulting residential lot would be 4,709-sq. ft. in size.
14. The minimum lot size for a two-family dwelling in a Residential District is 10,800-sq. ft. This resulting lot size would be approximately 44% smaller than the minimum lot size for a two-family dwelling.
15. As the applicant indicates, the additional square footage added to the church lot will help them meet their off-street parking requirements.
16. The existing garage(s) would be removed for the proposed parking lot expansion.
17. The residential lot would be left with an approximate 40-ft rear yard area within which to construct a small detached accessory building.
18. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code. The hardship would be self-created.

Planner/Zoning Administrator Curtiss added that the minimum lot size for a single family dwelling in a residential district is 6,000 square feet. The resulting lot size would be approximately 20% smaller than that minimum lot size for a single family dwelling. Calvary Bible Church currently doesn't meet their off-street parking requirements; however they are trying to work towards some sort of conformity for providing the off-street parking. She expressed that this type of request might encourage other variance requests to provide something larger that would fill up the rear yard.

Deputy Clerk read the variance request from Calvary Bible Church to reduce the lot size of 311 West 4th Street, zoned R-8 Very High Density Multi-family Residential District. Section 18-62 (9)(d) of the Municipal Code requires a 30,000-sq. ft. minimum lot size for dwellings. Applicant requests a variance to reduce the existing 6,776-sq. ft. lot to 4,709-sq. ft. in size.

<u>Background</u>
Calvary Bible Church owns 5 parcels in the 300-block of S. Walnut Avenue. Three of the parcels are developed with an institutional use; the church and related off-street parking and access. The two remaining parcels, 309 & 311 W. 4th Street, are developed with nonconforming uses (single-family and

two-family dwellings) and are also nonconforming for lot size and lot width in the 'R-8' Residential District. The "nonconforming status" remains with the lots as long as the lots are not altered. Calvary Bible Church proposes to alter the lots by reducing the rear yards of the residential lots, thereby adding more parking to the adjoining church property. The reduction of the lots will increase the degree on non-conformity for lot size required in the R-8 District. Thus, the applicant is requesting this variance to the lot size requirement.

Planner/Zoning Administrator's statement of facts regarding the variance request:

1. The property is 44-ft wide x 154-ft deep, resulting in a lot that is 6,776-square feet in size.
2. The property is developed with a two-family dwelling and a detached garage, both built in 1915.
3. A two-family use is a "nonconforming use" in the R-8 Residential District. A nonconforming use is a use neither permitted by right nor as a conditional use in a particular zoning district. The nonconforming provisions of Section 18-33 (3) allow a nonconforming single – or two-family dwelling in an R-8 District to be rebuilt if is destroyed or partially destroyed by fire or other causes.
4. The property is a non-conforming lot, established as Lot 13 of Block 82 in the original City of Marshfield Plat. The lot size and lot width do not conform to the minimum lot size of the R-8 District.
5. The minimum lot size for dwellings in the R-8 District is 30,000-square feet; the minimum lot width is 150-ft.
6. All residential lots in the block contain "nonconforming uses" and are "nonconforming lots" under current 'R-8' zoning requirements.
7. Marshfield Zoning Ordinance states the intent of the R-8 (Very High Density Multifamily) Residential District is to provide very high density multifamily housing in close proximity to the downtown, hospital or college.
8. The intent of a 30,000-sq. ft. minimum lot size in the R-8 District is to provide a large enough site to develop with multifamily use and provide adequate space for required off-street parking and yard setbacks.
9. All five parcels fronting on W. Fourth Street would have to be combined to provide a 30,000-sq. ft. minimum lot area for multi-family development.
10. The R-8 District is located in two areas within the Downtown, both of which are directly adjacent to B-5 Districts. This R-8 District is located between Spruce Avenue on the west, Walnut on the east, 3rd on the north and Magee Street on the south. The other R-8 area is located between Maple Avenue on the west, Cedar Avenue on the east, 4th Street on the north and 6th Street on the south.
11. This R-8 District is predominately developed with single- and two-family residential with the exception of the Parkview Apartments, located at the south end of the District.
12. Marshfield's Comprehensive Plan designates this area as "Downtown Mixed Use." Marshfield's Downtown Master Plan recommends a Downtown Mixed-Use District (DMUD) for this area. The plan further recommends that all properties zoned B4, B5, R6 and R8 within the downtown planning boundaries should be incorporated into the new zoning district. The zoning ordinances, however, have not yet been updated and we do not know what development standards would be required by the DMUD.
13. A proposed Certified Survey Map would remove 47-ft from the rear of this lot to be incorporated with the Church lot for future parking lot development. The resulting residential lot would be 4,709-sq. ft. in size.
14. The minimum lot size for a two-family dwelling in a Residential District is 10,800-sq. ft. This resulting lot size would be approximately 44% smaller than the minimum lot size for a two-family dwelling.
15. As the applicant indicates, the additional square footage added to the church lot will help them meet their off-street parking requirements.

16. The existing garage(s) would be removed for the proposed parking lot expansion.
17. The residential lot would be left with an approximate 40-ft rear yard area within which to construct a small detached accessory building.
18. There is questionable compliance with all six conditions necessary to obtain a variance as specified in Section 18-35(2) of the Municipal Code. The hardship would be self-created.

Planner/Zoning Administrator Curtiss said the only differences between the two Calvary Bible Church variance requests are the resulting lot size. One lot would be 4,709 square feet in size and one lot would be 4,710 square feet in size. Other than that both variance requests are very similar. The lot sizes are exactly the same now.

Dale Osuldsen referred to the maps that he submitted with the variance requests. He pointed out that because of their building size they were required to put a storm sewer in. Because of the lay of the land they went through the back of these two properties and created a tie in, 20' of blacktop, so there is an existing water way that goes through there. They thought by making that lot line contiguous through with the other back of the lots it would clean it up and make it fairly nice.

Zimmermann asked about the conditions of these homes. He wondered if they planned on maintaining them.

Dale Osuldsen said that their original intent was to raze them, but they didn't think it would be very neighborly, to leave a house isolated in the corner surrounded by a parking lot. They might put them on the market.

Schnitzler asked if the homes were rented out now.

Dale Osuldsen said that they are no longer renting them out. They decided that they didn't want to be in the rental business.

Planner/Zoning Administrator Curtiss said that she received some phone calls from a couple of the neighbors that were concerned about the long range plans of the church within the block as they try to grow and still keep a neighborly relationship with their boundaries for their parking, their drainage and everything else.

Brad Hilbelink said that they don't really have a plan. The real estate that they bought is way too expensive to convert. These houses are too valuable to tear down to make into a parking lot.

Reek expressed concerns about the homes not being used. They will start to deteriorate and the neighbors won't be too happy with the way things will look.

Dale Osuldsen said that the two garages that are there are very poor. And they are also concerned about maintaining and keeping them up.

Reek felt that if these variance requests are granted the church will never be able to sell the homes.

Dale Osuldsen said that there was a similar variance granted on 3rd Street and that lot just sold in 2004.

Planner/Zoning Administrator Curtiss explained that there was a variance that was granted that was a similar situation. Parcels 1007B and 1008 were nonconforming lots. That variance brought one of the

lots more towards conformity, but reduced the rear property of the other lot. Both lots were owned by the same owner, Alan Bedwanic.

Reek felt that the property owners shouldn't be allowed to sell these homes for at least two or three years after a variance is granted.

Planner/Zoning Administrator Curtiss explained that a variance runs with the property, it does not go with the property owner.

Becky Huebner-Leu, owner of adjacent property on 3rd Street questioned what the church's long term plans were. She also asked what considerations were going to be made for the residents that are still in that block area. Are there going to be further drainage issues that need to be addressed?

Brad Hilbelink said that if they are able to move forward with this the only thing you would see is the removal of those two garages and an extension of that fence on the houses to the east of Mrs. Townes. That would continue through and then that would all pitch to the drain that we have and would all run to Spruce Street.

Becky Huebner-Leu asked about additional lighting.

Brad Hilbelink said that they have a light pole in the backyard that they might run a wire to eventually and put on a timer.

Planner/Zoning Administrator Curtiss said that she talked to the City Engineer and there is a drain there on Spruce and that is where all the property drains. With any other development plan for parking it will certainly be reviewed by the City Engineer.

Dale Osuldsen explained that there are two storm drains that they put in per the City Engineer's request.

Brad Hilbelink said that they really don't have any long term plan, but expect to sell the two houses as they would be occupied. He felt that the houses would sell for $80,000 and $50,000.

Planner/Zoning Administrator Curtiss said it is a small rear yard. She doesn't know what the expectations of a future property owner would be, but they certainly could not build anything over a standard one stall garage.

Markwardt asked if they were under any pressure for additional parking spaces.

Planner/Zoning Administrator Curtiss said that it is usually the lending institutions that get a little bit nervous about that and like to work towards conformity. The requirement for a place of assembly is one parking space per every four seats.

Markwardt pointed out that there are other churches in town that have little or no parking.

Zimmermann said by approving this variance they would get eight additional spots.

Dale Osuldsen felt that they would get at least eight additional parking spots if the variance is granted.

Zimmermann felt granting this variance would straighten out that back lot line. Right now there is a jog in there that doesn't make sense. They plan to tear down the two garages that are an eye sore and put up a fence. He felt it would be an improvement visually.

ZB08-005 Motion by Zimmermann, second by Schnitzler to grant both variance requests from Calvary Bible Church to reduce the existing lot size of 309 West 4th Street and 311 West 4th Street.

Reek expressed concerns about making these lots smaller.

Markwardt felt granting these variances would make the homes non-saleable. He wondered if it would be feasible to combine the two lots and build a new house.

Curtiss said it would still be substandard for this district, but it would be more typical of the size standard for a single family.

Zimmermann said that with this change there is still going to be off-street parking.

Schnitzler felt it would be best to tear the houses down and use the lots for additional parking.

Mr. Osuldsen and Mr. Hilbelink felt this would be pretty expensive parking.

Markwardt expressed concerns about the houses just sitting there empty. They are not looking good right now and they could get worse.

Dale Osuldsen pointed out that if this variance is granted these two lots would be larger than one of the existing lots in this block and two lots in the adjoining block. There are two lots right across from the Masonic Lodge that are 44' x 77'.

Planner/Zoning Administrator Curtiss said that it is a fact that there are other small lots in the City.

Dale Osuldsen said that one of those lots did sell in 2006, so they are sellable at that size.

Vote on motion **ZB08-005**; All Ayes.
Motion carried

Motion by Wink, second by Zimmermann to adjourn at 5:32 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk