

BOARD OF APPEALS
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING ~ 300 LACROSSE STREET
WISCONSIN DELLS, WI 53965
JULY 29, 2015

1. Chairperson Ben Borchter called the meeting to order at 5:00P.M.

Present: Ben Borchter, Jim Pugh, Troy Ryan and Joe Gussel
Excused: Tom Collins
Others: City Clerk Nancy R. Holzem, Zoning & Planning Administrator Chris Tollaksen and Don Gavinski.

City Clerk Nancy Holzem verified that a quorum was present and no conflicts of interest were noted. Notice of the meeting had been given to the Dells Events, WNNO Radio and posted in accordance with State Statutes. Official Notice of the Public Hearing was published in the *Dells Events*. Property owners within 300 feet were notified via mail by copy of the Public Hearing Notice.

2. Motion by Gussel seconded by Pugh to approve the minutes from the October 9, 2013 meeting. Motion carried unanimously.
3. Chairperson Borchter declared the Public Hearing open on the following variance request received from Don Gavinski:

Variance, per Municipal Code sec. 19.491, for a 1640 square foot Dimensional Variance from City Ordinance Chapter 19, Municipal Zoning Code, Article 5, Division 4, LOT AREA AND DIMENSIONAL STANDARDS, Exhibit 5-4.

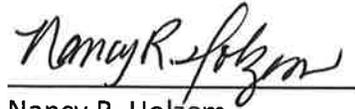
The applicant owns City tax parcel 801, located at 1027 & 1029 Bowman Rd, which is in the R-3 Residential-mixed use Zoning District. The Zoning Code requires a minimum lot size of 9200 square feet for a Residence, two-family in this zoning district. There are currently two buildings on the applicants parcel; one Residence, single family, and one Residence, two-family. The applicant would like to split his parcel so that each building would be on its own parcel. Each of the new parcels would have an area of 7560 square feet; therefore, the applicant must obtain a 1640 square foot Dimensional Variance from the 9200 square foot minimum requirement for the Residence, two-family parcel.

The applicant spoke in favor of the variance stating he would like to get his estate in order and would like to sell his property as two separate parcels. No one else spoke for or against the variance. Chairperson Borchter declared the public hearing closed.

4. City Zoning Administrator Chris Tollaksen gave a summary of the variance requested. He stated that an easement would be needed from one parcel to the other regarding the current set up of the underground utilities; however that would be addressed by the Plan Commission as part of the Certified Survey Map approval process. Tollaksen did not see any issues that would prevent the variance from being granted.

It was moved by Gussel seconded by Pugh to grant a 1640 square foot Dimensional Variance from City Ordinance Chapter 19, Municipal Zoning Code, Article 5, Division 4, LOT AREA AND DIMENSIONAL STANDARDS, Exhibit 5-4 in order to split the requested parcel in half due to the uniqueness of the situation and that there would be no harm to public interests. Upon roll call vote the motion carried 4-0. Chairperson Borchert declared the variance **granted**.

5. There were no items for referral.
6. Motion by Gussel seconded by Pugh to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 5:15P.M.



Nancy R. Holzem

City Clerk/Coordinator

NOTICE OF PUBLIC HEARING

ITEM 3

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells **Board of Appeals** will hold a Public Hearing on **Monday, August 17, 2020 at 5:00 PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

Variance Application, per Municipal Code sec. 19.491, requested by Mark Platt to construct an oversized residential garage at 301 Race St, which is in the R-1 Residential-single family Zoning district. The applicant would like to construct 60 ft x 120 ft garage with 16 ft tall sidewalls, which requires at least two (2) Dimensional Variances from the Municipal Code:

- (1) Approximately a **4,700 sq. ft variance from Municipal Code sec 19.809(2)** to allow a residential garage with a footprint size larger than the footprint size of the first floor of the dwelling unit. The applicant would like to construct a 7,200 sq. ft garage on his property containing an approximately 2552 sq. ft residence.
- (2) Approximately **5.5 foot variance from City Ordinance Chapter 19, Municipal Zoning Code, Article 5, Division 4, LOT AREA AND DIMENSIONAL STANDARDS, Exhibit 5-4 and Municipal Code sec 19.809(2)** to allow a residential garage with a building height of approximately 20.5 feet, exceeding the code allowed maximum height for a residential garage of 15 feet.

This property has an unusually large rear yard of approximately 35,000 sq. ft, making this garage approximately 20% the size of the rear yard. The municipal code allows a residential garage to be up to 30% of the size of the rear yard. The applicant owns several vintage vehicles, which he would like to house in a new garage he would like to construct on his property. Copies of the application are available for review at the City of Wis. Dells Public Works/Zoning office in the Municipal Building at 300 La Crosse Street.



All interested persons will be given an opportunity to be heard at the Public Hearing. With reasonable notice the City will provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in the Public Hearing.

Dated this 30th of July 2020
Chris Tollaksen – Zoning Administrator
City of Wisconsin Dells

Publication Dates:
August 6, 2020

Staff Report for Board of Appeals, 08/17/2020

Dimensional Variance

Maximum height and footprint of a Garage, residential in the R-1 Residential, single family Zoning District

The City of Wis. Dells has received a Variance application from Mark Platt for a two (2) Dimensional Variances for a residential garage:

[1] A Dimensional Variance of 4,700 sq ft., from the maximum footprint size allowed for a Garage, residential per City Ordinance Chapter 19-Zoning Code, Article 5-Land Use, Division 7-Special Standards for Accessory Uses, Section 19.809 Garage, residential, *Item (2) Size. The footprint of a garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the dwelling unit*

[2] A Dimensional Variance of 5.5 feet per City Ordinance Chapter 19-Zoning Code, Article 5-Land Use, Division 4-Lot Area and Dimensional Standards, Exhibit 5.4-Development standards for residential zoning districts, *Maximum building height, Other accessory buildings including garage residential, 15 ft.*

Mr. Platt owns Columbia County, City of Wisconsin Dells tax parcels 11291-1212.01, 1212.02, and 1212.03, which contain two (2) structures; one is a single family home at 301 Race St and the other is an existing detached garage. Mr. Platt would like to remove the existing detached garage and replace it with a much larger garage to accommodate his collection of classic cars. The proposed garage is 120 ft x 60 ft for a total of 7,200 sq ft. The footprint of the first floor of the home on this site is approximately 2,552 sq ft. There is also an attached garage on the home of approximately 1080 sq ft (home and attached garage sizes per City assessor's web-site).

It is noted that the maximum size of a garage residential is also limited to 30 % of the rear yard. The property owned by Mr. Platt is rather large for a City residential lot at approximately 50,965 sq ft. Mr. Platt's yard is also oddly shaped, but a rough measurement found the rear yard to be approximately 35,000 sq ft. Calculating 30% of this would allowed a garage of 10,500 sq ft.

Mr. Platt would also like the garage to have 16 ft high sidewalls, with a peak height of about 25 ft. Per the Zoning Code definition of Building height, the height is measured at the mid-point of the peak. In this case approximately 20.5 ft.

Standard	Maximum	Proposed
Maximum garage footprint	Gross first floor area of house (2552 sq ft)	7,200 sq ft feet
Maximum garage height	15 feet	20.5 feet

Mr. Platt had originally submitted a building permit application for a 50' x 100' garage with 13 ft sidewalls. He was advised of the Zoning Code limitations and requested the opportunity to present his

request to the Board of Appeals. With his Variance application, Mr. Platt submitted plans for a 60' x 120' garage. Mr. Platt also submitted a site plan and rendering of the proposed garage, to demonstrate the aesthetic quality of his request. In addition, Mr. Platt submitted a sample of a letter he was submitting to his neighbors, along with the rendering of the garage, to garner their feedback. It is expected that Mr. Platt will have some feedback to report to the Board at the Hearing.

Per the City of Wis. Dells Zoning Code Section 19.492, the Board of Appeals shall consider the following in making a decision on a Dimensional Variance such as this:

- (a) whether the variance would be contrary to the public interest.
- (b) whether a literal enforcement would not allow the property to be used for a reasonable use given its size, configuration, and other property characteristics.
- (c) whether the spirit of this code would be observed and substantial justice done if a variance is granted

It appears the impact on the public interest would be primarily on the impact the large garage would have on this residential neighborhood. It seems that any objection raised by a neighbor would indicate a variance would be contrary to the public interest.

It appears the intent of this code is to prevent a commercial or industrial feeling in a residential neighborhood. Mr. Platt appears to be attempting to mitigate this impact through some enhanced aesthetics on the building, such as a brick base layer and glass doors. However, the garage still appears rather large for this location, particularly given the relatively close proximity to the neighboring residence.

The original request of a 50' x 100' garage with 13 ft high sidewalls seems more reasonable. It keeps the garage at double the footprint of the house (and half the allowed footprint based on lot size) and reduces the peak height to 21.5 ft, which calculates to a building height of 17.25 ft.

It is understood that Mr. Platt owns a rather large piece of property, and that in many cases the allowable maximum footprint of a residential garage per the house footprint and the lot size are much closer. It may be more acceptable if the garage were located further away from the property line and some sort of landscape buffering were established between the garage and the neighboring residences.

It appears from the rendering that the exterior of the garage is trying to compliment the brick exterior material on the residence. Still, it appears the garage will have metal siding and roofing, rather than the vinyl siding and asphalt roofing on the residence. There is also a clause in the zoning requirement that the exterior materials used on the garage be substantially the same as the materials used on the residence.

Chris Tollaksen
City of Wis. Dells

VARIANCE APPLICATION

Wisconsin Dells, Wisconsin

Version: May 21, 2007

General instructions. Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this form from the zoning administrator.

- Office Use Only -

Application fee	\$525.00
Receipt number	73406
Application number	_____

1. Applicant information

Applicant name MARK PLATT

Street address 301 RACE

City Wis Dells

State and zip code Wis 53965

Daytime telephone number 608-617-7850

Fax number, if any _____

E-mail, if any _____

2. Subject property information

Street address	<u>301 RACE</u>	
Parcel number	<u>11251-1212.02</u>	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City
Current zoning classification(s)		
Describe the current use	<u>Res</u>	

3. Provide the section number of the Municipal Code from which a variance is being sought along with the standard. Finally, describe the variance being requested.

60' x 120' GARAGE WITH 16 FT SIDEWALKS

4. Review criteria. In making its decision, the Board of Appeals needs to consider various factors as listed below. Provide a response to each (See Section 19.492 of the Municipal Code.)

For Dimensional Variances:

a. Whether the variance would be contrary to the public interest

b. Whether a literal enforcement would result in an unnecessary hardship, owing to conditions unique to the property

c. Whether the spirit of the zoning code would be observed and substantial justice done if a variance is granted

VARIANCE APPLICATION
Wisconsin Dells, Wisconsin
Version: May 21, 2007

For Use Variances:

- a. Whether the variance would be contrary to the public interest

- b. Whether a literal enforcement would not allow the property to be used for a reasonable use given its size, configuration, and other property characteristics

- c. Whether the spirit of this code would be observed and substantial justice done if a variance is granted

5. **Project map.** Attach a scaled map showing the information as listed at the end of this application. Use one of the following page sizes as appropriate: 8½" x 11", 11" x 17", or 24" x 36".

6. Applicant certification

◆ I certify that the application is true as of the date it was submitted to the City for review

	
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Applicant Signature

Date

Governing Regulations

The procedures and standards governing this application process are found in Chapter 19, Article 4, Division 12, of the City's Municipal Code.



50' x 100'

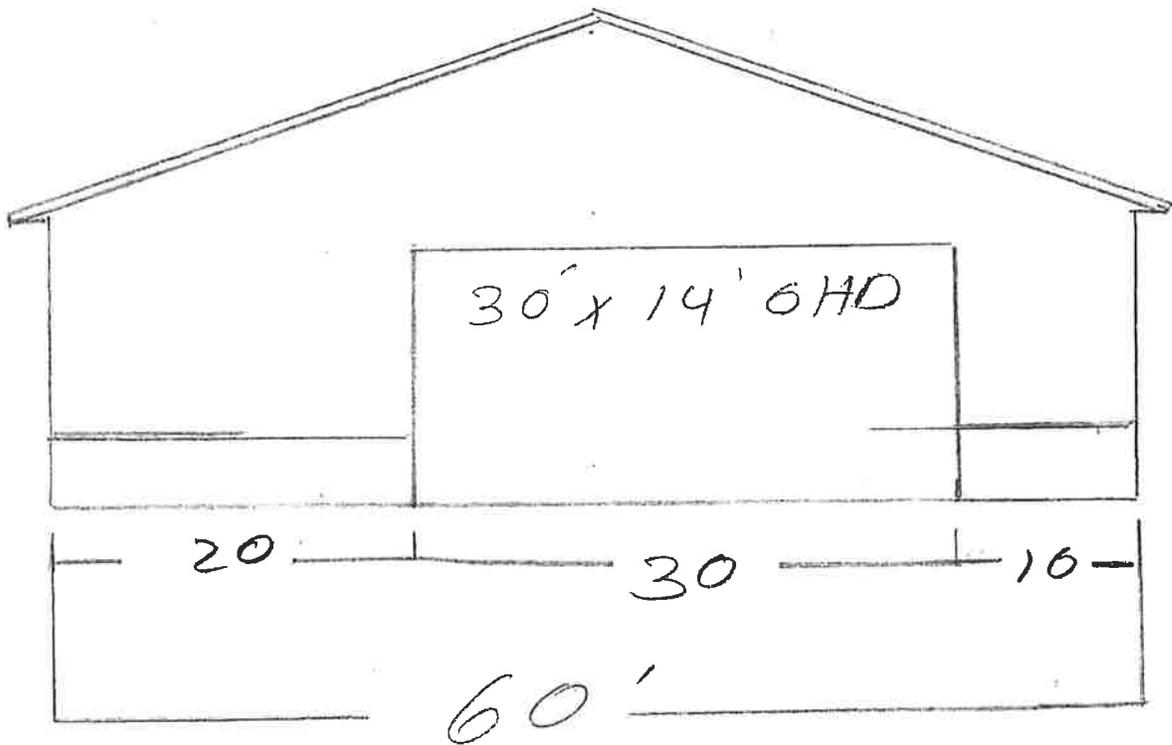
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Consulting • Stump & Tree Removal • Site Prep • Gravel • Concrete
From the ground up, building year around.

Ask about all your other carpentry needs!

520-A Gillette Ave. Wis. Dells, WI 53065
Phil Wright - Owner
Phone: 608-253-2304
Email: philwrightco@yahoo.com
Better Call Phill



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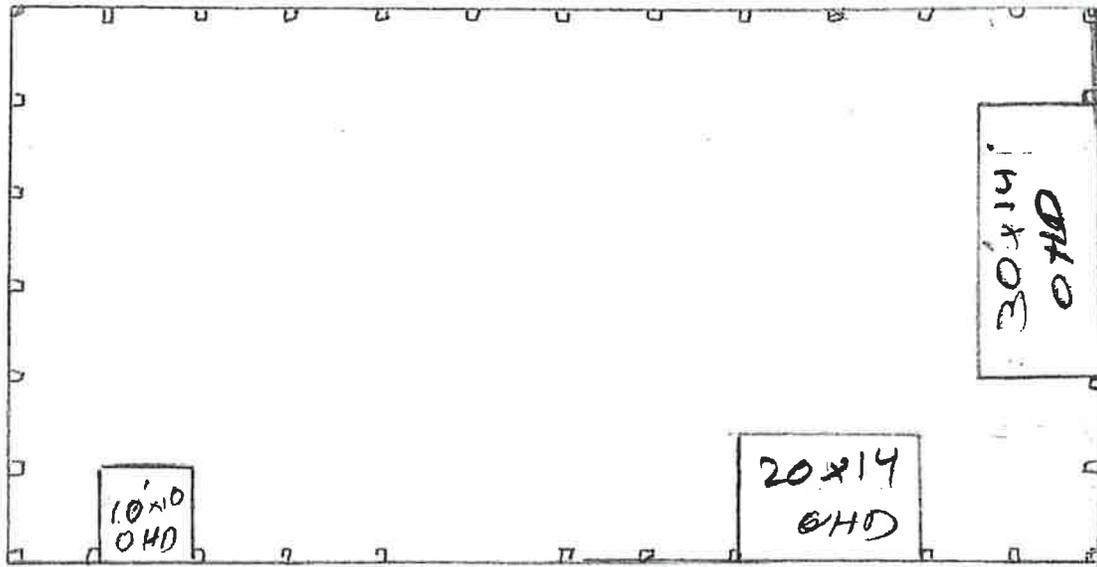
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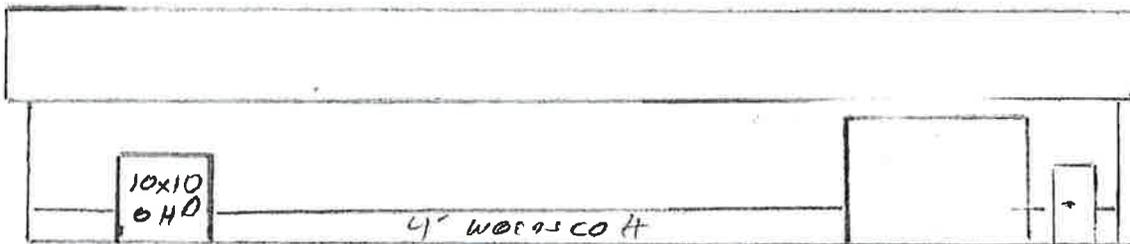


120'

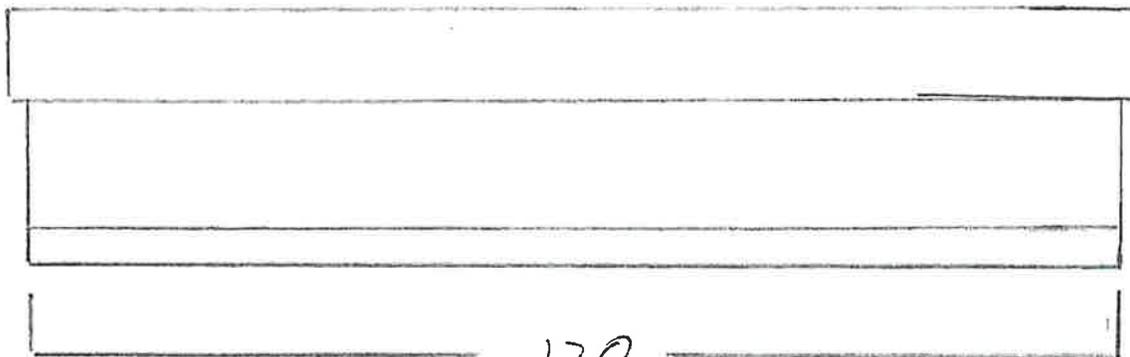
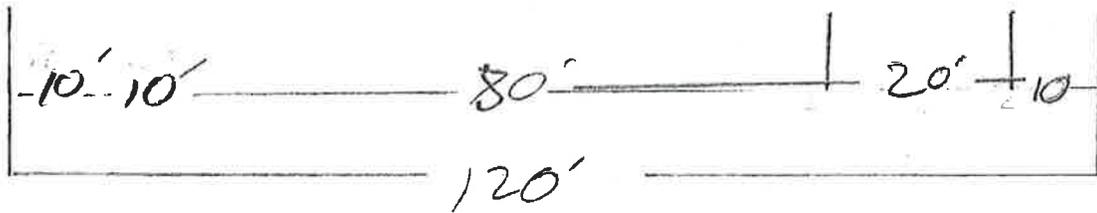
60'



9'
16



2'
over
hang
all



120'

**LETTER OF CONSENT/NON-CONSENT FROM ADJOINING
NEIGHBORS FOR REQUEST OF POLE BUILDING**

Owner: Platt, Mark A.	
Project Address: 301 Race Street, Wisconsin Dells, WI 53965	
Scope of Work: Pole Building for Classic Car Collection	
	Date:
I certify that the plans presented to the neighbor for his/her review are identical to those plans for which a building permit is being requested: _____	
Signature	

<u>To be completed by Neighbor</u>
I, _____, am the legal owner of property (Name)
located at _____ (address - number and street)
which is an adjoining property (including across the street) to the project address. I am aware of the proposed pole building that is being applied for at the subject property and have reviewed the plans presented to my by the petitioner for the proposed construction.

- I HAVE **NO OBJECTION** TO GRANTING MY CONSENT FOR THE AFOREMENTIONED REQUEST FOR POLE BUILDING CONSTRUCTION.

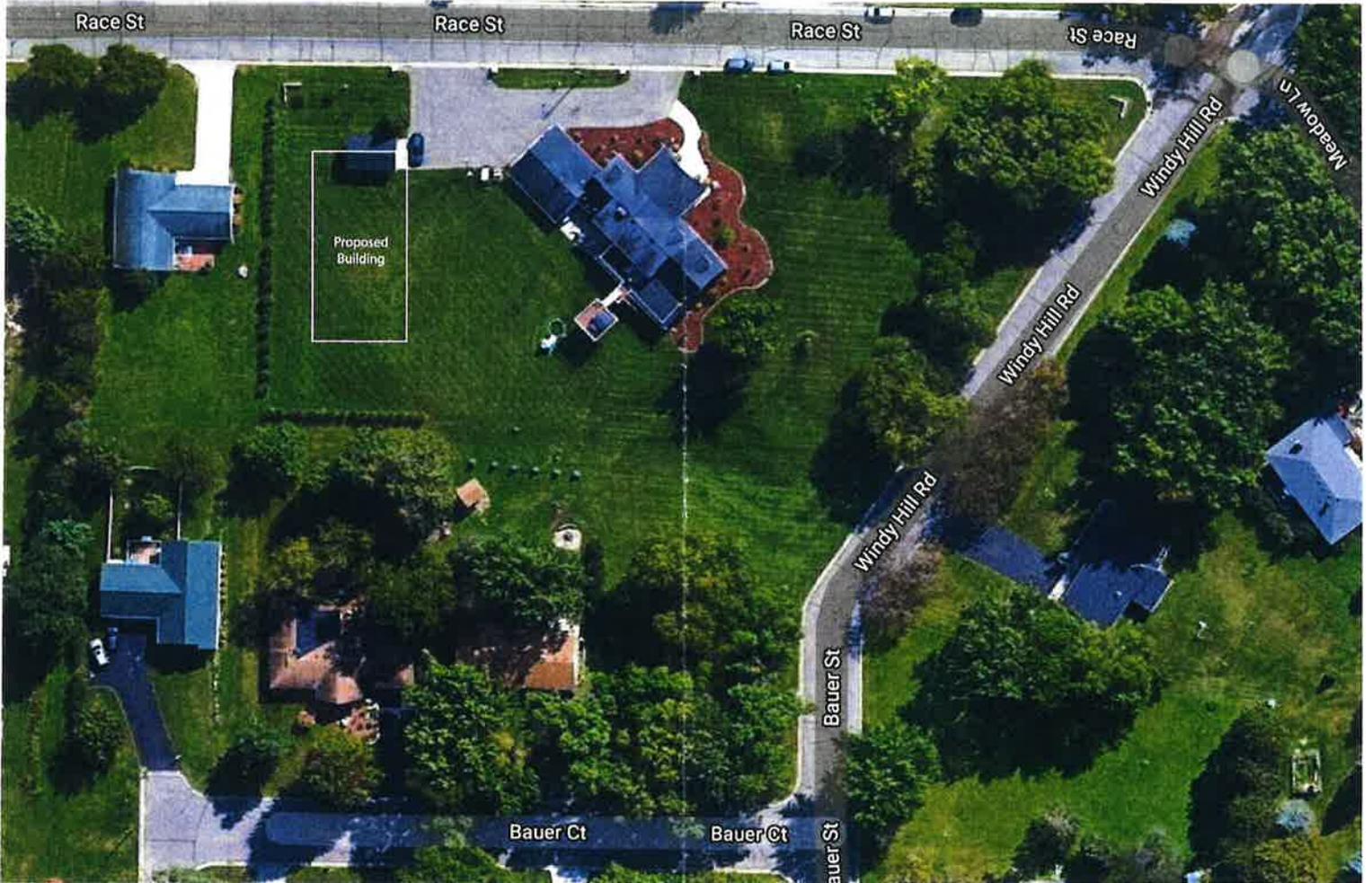
- I **OBJECT** TO THIS REQUEST FOR POLE BUILDING CONSTRUCTION.
(NOTE THAT NEIGHBORS ARE UNDER NO OBLIGATION TO SIGN)

Neighbor Signature

Date

Print Name





321 Peace St
Waterloo, IA 50601
Street View





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Consultants, Inc.**



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Property Search
Assessment Overview

Here is a brief summary of your property

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Information**

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resources and
other useful
information.



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- [General Value Data](#)
- [Land Data](#)
- [Building Data](#)



Assessment Year: 2019
Parcel/Tax Key Number: 11291 1212.02
County: Columbia
Municipality: City of Wisconsin Dells
Address: 301 Race St
Zoning:

Legal Description
Lot 2, CSM 4920-34-119

General Value Data
Assessed Land Value: \$43,500.00
Assessed Improvement Value: \$194,900.00
Total Assessed Value: \$238,400.00

Land Data

[Back to Top](#)

Parcel Class	Measurement	Unit of Measure
Residential:	50,965	Sq Feet

Building Data

Characteristics

Style:	Cape Cod
Stories:	1.5 story
Year Built:	1959
Bedrooms:	5
Full Bathrooms:	2
Half Bathrooms:	0
Heat Type:	Gas
Air Conditioning:	No A/C
Fireplace:	Y

Building Area

	Square Feet
Full Basement:	2077
Crawl Space:	0
First Floor:	2552
Second Floor:	1046
Third/Additional Floor:	0
Finished Attic:	202
Rec Room:	0
FBLA:	0
Attached Garage:	1080

Sale Data

No sale date available.

Legal Disclaimer

While the data within this site is believed to be correct, no warranty is given or implied as to its accuracy. DO NOT make any decisions to buy or sell real estate based solely on the data presented on this Web site. Verify all pertinent data prior to making any final decisions.

Exhibit 5-6. Standards for fences

	Mixed Use Zoning Districts	Residential Zoning Districts	Commercial Zoning Districts	Industrial Zoning Districts
Maximum height (feet)				
Front yard	4	4	6	8
Side yard abutting a street right of way	4	4	6	8
Side yard not abutting a street right of way	6	6	6	8
Rear yard	6	6	6	8

19.807 Foster home and treatment foster home (operated as an accessory use)

Prior to establishment of this use, and as often as required thereafter, the operator shall obtain a state license as provided for in sec. 48.75, Wis. Stats.

19.808 Garage, nonresidential

- (1) **Size.** The footprint of the garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the building containing the primary use.
- (2) **Type of construction.** A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.
- (3) **Exterior materials.** Exterior materials shall be the same as, or substantially the same as, those used on the principal building.

19.809 Garage, residential

- (1) **Location.** The garage may be attached to the residence or detached.
- (2) **Size.** The footprint of a garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the dwelling unit.
- (3) **Type of construction.** A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.
- (4) **Exterior materials.** Exterior materials shall be the same as, or substantially the same as, those used on the residence.

19.810 Home occupation

- (1) **Validity of use.** The individual primarily responsible for operation of the home occupation shall reside in a dwelling unit on the parcel.
- (2) **Location and space limitation.** The home occupation shall occur entirely within the dwelling unit and space specifically designated for use of the home occupation shall occupy no more than 30 percent of the total floor area.
- (3) **Exterior character of the dwelling unit.** The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
- (4) **Storage of materials.** Exterior storage of materials or equipment is prohibited.
- (5) **Signs.** No exterior display shall be permitted except that one non-illuminated nameplate or home occupation sign shall be allowed. The sign shall be limited to 144 square inches (one square foot) in area. Such sign or nameplate shall be placed flat against the dwelling unit.
- (6) **Retail sales.** The indoor display or retail sales of those products produced on the premises are permitted. All other on-site sales are prohibited.
- (7) **Limitations on business vehicles.** No vehicle used for the home occupation shall exceed a one ton rate capacity. No more than one such vehicle shall be parked on the premise or on a public street.
- (8) **Prohibited uses.** The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber, hair care, restaurant, vehicle repair, or any other similar activity.
- (9) **Local licensing.** Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.811(A) Large Scale Private Outdoor Commercial Food and Beverage Service

- (1) **Approval.** Any proposed sidewalk café must be approved by the Design Review Committee prior to the use commencing.
- (2) **Outdoor commercial food and beverage service** is an accessory use on privately owned real estate subject to the following guidelines. The City of Wisconsin Dells has determined that such service can create an enjoyable atmosphere for visitors that would serve as a benefit for the community, provided that such service is planned and managed properly.

Chapter 19 – Wisconsin Dells Zoning Code

Exhibit 5-4. Development standards for residential zoning districts

Standard	R-1	R-2	R-3	R-5	R-9
Minimum lot size	10,000 sq. ft. for a single family; 11,000 sq. ft. for a second dwelling unit	8,200 sq. ft. for a single family; 9,200 sq. ft. for a second dwelling unit	7,200 sq. ft. for a single-family, plus 2,000 sq. ft. for a second dwelling unit, plus 1,500 sq. ft. for a third unit, plus 1,500 sq. ft. for a fourth unit, plus 1,000 sq. ft. for each additional unit in excess of the fourth unit	10,700 sq. ft. for a three unit building, plus 1,500 sq. ft. for a fourth unit, plus 1,000 sq. ft. for each additional unit in excess of the fourth unit	See sec. 19.700
Minimum lot width at front yard setback	85 feet; 100 feet on a corner lot	85 feet; 100 feet on a corner lot	60 feet	65 feet	65 feet
Minimum street frontage	40 feet	40 feet	40 feet	40 feet	40 feet
Maximum building height Principal building	35 feet	35 feet	Residential 6 units or less, 35 feet; residential 7 units or more 45 feet (1)	45 feet (1)	16 feet
Detached garage-nonresidential	n/a	n/a	n/a	n/a	n/a
Other accessory buildings, including garage residential	15 feet	15 feet	15 feet	15 feet	15 feet
Minimum setback for principal building Front yard	25 feet (2)	25 feet (2)	20 feet (2)	20 feet (2)	See sec. 19.700
Side yard, single family	10 feet on each side (3)	10 feet total of both sides but not less than 4 feet on any one side (4)	10 feet total of both sides but not less than 4 feet on any one side (4)	n/a	See sec. 19.700
Side yard, two-family	6 feet (3)	6 feet (4)	6 feet (4)	n/a	n/a
Side yard, multi-family	n/a	n/a	10 feet on each side (4)(5)	10 feet on each side (4)(5)	n/a
Side yard, townhouse	n/a	n/a	10 feet on each side of the building. Zero lot line between inner dwelling units (4)(5)	10 feet on each side of the building. Zero lot line between inner dwelling units (4)(5)	
Rear yard	10 feet	10 feet	10 feet	10 feet	See sec. 19.700
Minimum setback for accessory building Side yard	2 feet	2 feet	2 feet	2 feet	See sec. 19.700
Rear yard	2 feet; 15 feet if a detached garage accesses an alley	2 feet; 15 feet if a detached garage accesses an alley	2 feet; 15 feet if a detached garage accesses an alley	2 feet; 15 feet if a detached garage accesses an alley	See sec. 19.700
Minimum setback for motor vehicle use area Side yard	5 feet	5 feet	5 feet	5 feet	5 feet
Rear yard	5 feet	5 feet	5 feet	5 feet	5 feet
Maximum lot area for accessory buildings in rear yard. Measured from rear lot line to back of building per sec.19.110.	30 percent	30 percent	30 percent	30 percent	n/a

Notes:

- Buildings in excess of the stated height are considered a conditional use provided an adequate sprinkler system is installed consistent with the State Building Code.
- Where lots comprising 40 percent or more of the frontage on one side of the block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from the average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 40 feet. No front yard depth need exceed the greater provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 8 feet apart.
- For any building exceeding 35 feet or 2½ stories in height each such side yard shall be increased in width by one foot for each foot of additional height above 35 feet, or by 4 feet for each additional half story above 2½ stories, whichever is the greater amount, and provided further that for any building exceeding 60 feet in length from front to rear, each side yard shall be not less than 14 feet in width.
- For any building exceeding 35 feet or 2½ stories in height each such side yard shall be increased in width by one foot for each foot of additional height above 35 feet, or by 2.5 feet for each additional half story above 2½ stories in the case of a single-family dwelling, or by 3 feet for each additional half story above 2½ stories in the case of two-family dwelling, whichever is the greater amount, and provided further that for any building exceeding 100 feet