

A. Deliberating on a request from Jordan Ploman for a Use Variance to exceed the allowed number of unrelated persons residing within the single-family residential use at 1208 Reserve Street (Parcel ID 281240832103821).

6. Return to open session for a decision on a request from Jordan Ploman for a Use Variance to exceed the allowed number of unrelated persons residing within the single-family residential use at 1208 Reserve Street (Parcel ID 281240832103821).

Closing Section:

7. Adjourn

ZONING BOARD OF APPEALS REPORT

January 30, 2019 – 2:30 PM

Police Department, Room 122 – 933 Michigan Avenue, Stevens Point, WI 54481

PRESENT: Mr. Bob Woehr, Mr. Andrew Boden, Mr. Ismaila Odogba, Ms. Lynn Markham, and Mr. Jim Oliva.

ALSO PRESENT: Mayor Wiza, Zoning Administrator Kearns, City Attorney Beveridge, Secretary Mohr, Mr. Frankie Jurgella, Ms. Monica Jurgella, and Mr. Frank Jurgella Sr.

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1. Roll call

Discussion and possible action on the following:

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3. Report of the December 18, 2019 meeting
4. Board of Zoning Appeals Decision Form
5. Request from Frank Jurgella for a variance from setback standards to construct an attached and covered structure at 925 Second Street (Parcel ID's 281240829303108 & 281240829303107)
6. Scheduled Regular Meeting
7. Adjourn

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1. Roll call

Chairperson Woehr called the meeting to order at 2:30 PM, to which a quorum was present.

Zoning Administrator Kearns stated that the two alternates, Member Markham and Member Oliva, would be voting due to the two absences.

Present: Woehr, Boden, Odogba, Markham, Oliva

Excused: Doxtator, Schulist

Discussion and possible action on the following:

2. Presentation by City Attorney: Roles and duties of the Board of Zoning Appeals

City Attorney Beveridge provided a brief presentation in which he explained the process and roles in a quasi-judicial proceeding, noting importantly that decisions were not made on personal preference, but rather upon looking at the evidence presented. As such, it was more skin to a courtroom rather than a City Council meeting. While the board members were not judges, and they were not set in a courtroom, the same set of overall rules applied, even if in a more relaxed setting. Decisions were to be made not on personal preference, not on instinct, not on the charisma of the applicant, but by weighing the findings of fact against the standards of review. He made himself available for any clarifying questions.

Member Oliva asked whether the decisions they came to would only affect individual cases, or overarching regulations.

City Attorney Beveridge briefly touched upon the potential to set precedent, adding that while the potential was there it was unlikely in regards to a variance because the changes of there being another piece of property with identical circumstances and perimeters was unlikely to occur.

Chairperson Woehr asked that the City Attorney to touch upon certiorari review.

City Attorney Beveridge explained that certiorari review was a phrase that referred to asking a court to review a decision on the basis of the record that had already been generated. For instance, if the court reviewed a decision or action from the body, during a certiorari review they would take the record of the proceedings, hand it to the court, and it would be determined whether or not that process had been done correctly. However, the court could also determine whether or not to have further proceedings or evidence taken.

Chairperson Woehr added that this process was opposed to any other committee where the City would have the Common Council review or affirm those actions, noting that the City council played no role in their proceedings aside from appointing board members.

City Attorney Beveridge confirmed that to be correct, reiterating that the City council did not have any roll in reviewing the decisions of the board, noting that any appeal process would go directly to the circuit court.

Chairperson Woehr asked for any additional questions or comments from the board.

Member Markham commented on her own understanding of the laws that the board of zoning appeals adhered to in terms of local ordinance, Wisconsin Statutes, and case law, to which City Attorney Beveridge added that federal courts would apply as well since ultimately they were discussing constitutional property rights.

Chairperson Woehr asked the applicant, Mr. Frank Jurgella, if he had a question. Zoning Administrator Kearns asked Mr. Jurgella to come before the podium so they could get him on the record.

Mr. Frank Jurgella asked if something that may have been precedent 25 years ago could stand in the present day, or if it could be changed because of changes to the rules or laws, such as ordinances. He also questioned whether the board's existence was due in part to these changes over the course of history.

City Attorney Beveridge briefly explained that they could go back far enough to a time where a zoning code did not exist, but once it was, zoning codes were applied to an entire City in a broad manner to try to cover as many parcels as possible. However, an entire City could be made up of all different kinds of parcels and real estate, some with odd topography or geological features or arrangements. Even with a nearly perfect zoning code, parcels could exist that could be aggrieved by those standards. The board existed as a means to provide those property owners with a means of due process so they could have some recourse in addressing those concerns.

Mr. Jurgella thanked staff for the explanation.

Chairperson Woehr asked for any additional comments or questions. Seeing none, he proceeded to Agenda Item 3.

No action was taken.

3. Report of the December 18, 2018 meeting

Chairperson Woehr noted a minor change to the minutes.

Member Markham made a brief comment on being interested in having a discussion on the guidelines, noting that she had questions and possibly suggestions relating to them.

Chairperson Woehr asked that an item to discuss the guidelines be placed on the agenda for the next board meeting, to which Zoning Administrator confirmed that it would be.

Motion by Bob Woehr to approve the report of the December 18, 2018 Zoning Board of Appeals meeting with the following corrections:

- 1. Address board members as 'Member' in minutes.**

seconded by Andrew Boden.

Roll Call:

Yeas: Woehr, Boden, Odogba, Markham

Nays: None

Motion carried 4-0, with Oliva abstaining.

- 4. Board of Zoning Appeals Decision Form**

Chairperson Woehr noted that they had previously discussed the Board of Zoning Appeals Decision Form, referencing page 16 of 24 in the agenda packet. He opened the item up for discussion.

City Attorney Beveridge briefly explained that the idea behind the use of a form was to serve as a template and guideline for making sure that the decision they were making was supported by the standards needing to be met. Essentially, it was a tool to ensure that the decisions that were being made could stand up to legal scrutiny. Staff was looking for comments from the board as to what they would like to see in the form, and hopefully move forward in putting together a final draft they would be able to use easily.

Member Markham stated familiarity with the form as it resembled one drafted for the Zoning Board Handbook a number of years ago. While the law hadn't changed since then, she continued to pursue clearer versions of the form from several municipalities and counties around the state. She was happy to share examples of, in her opinion, clearer versions of the form. Additionally, she stated a preference for including a one page summary of the conclusions that the courts had found relating to variance standards so the board members could reference them.

City Attorney Beveridge stated his openness for looking into different versions of the form outside of the meeting.

Chairperson Woehr also noted familiar with the initial form. He stated concern with the length of the document, as well as including explanations of items that board members should also be familiar with. For example, page 17 contained an explanation of unnecessary hardship, noting that if a person could not read the statute, they should not have been appointed to the board as it was almost verbatim of what the statute stated of unnecessary hardship was.

Member Markham agreed that the form could be a fair amount shorter, noting a lot of repetition with the standards being mentioned. There were also too many different examples, adding that the board should pick just one to reference.

Chairperson Woehr also stated concern with listing some standards and subsections from the statute and omitting others completely. If they were going to list one, they should list all of them because the board members should be considering all standard subsections.

There was a general consensus to continue working on drafting a final decision form within the coming weeks. The Chairperson asked that any additional feedback be provided to the Zoning Administrator.

Member Odobga asked that Member Markham send out examples of the clearer forms that had been previously indicated.

Chairperson Woehr noted concern with ex parte communication if they began providing feedback back and forth outside of the meeting.

City Attorney Beveridge explained that the documents could be sent out so long as conversations weren't started around them. He asked that board members reserve their comments and discussion items for the following meeting.

Member Markham commented on the benefits of having a standard decision form in place, noting that it made it easier for judges to follow the rationales of a board if ever brought forward for an appeal.

City Attorney Beveridge reiterated the important of creating something that made the decision of the board more clear, rather than having to turn to an audio recording made by someone else.

No action was taken.

5. Request from Frank Jurgella for a variance from setback standards to construct an attached and covered structure at 925 Second Street (Parcel ID's 281240829303108 & 281240829303107)

Chairperson Woehr read the agenda item as written, and asked Mr. Frank Jurgella to come forward to provide testimony. He asked that the applicant indicate a page number if referencing an item from within the agenda packet.

Mr. Frank Jurgella provided testimony in which he explained the following:

1. Page 26: Current lot dimensions and location of previously existing shed. Noted that while measurements indicated were accurate, his drawing was not to scale.
2. Brief history of building ownership, noting that had had been leading the building to his son since March. He purchased the building in 1984.
3. Page 27: Location of wall mounted furnace installed by Badger Heating & Cooling in 1986.
4. Indicated reasons for wanting to construct a new attached and covered structure where a porch had existed previously. Cited concerns with security and safety, as well as wanting to create something more visually open to the street and inviting for the public. The area would be used for smoking. The structure would not lesson parking, but rather add two stalls to the current layout.

5. Addressed concerns indicated by neighbor testimony, explaining that they had occurred within the first two years of business, but had corrected them. He also indicated support from his surrounding neighbors for the project as it would beautiful the space and make it safer, as well as enhance the business itself.

Chairperson Woehr asked the applicant what he was specifically requesting from the board, to which Mr. Jurgella stated that he was requesting a variance from the setbacks to be able to complete the porch.

Chairperson Woehr stated for clarification that the applicant was requesting a variance from the street setback to allow him to build within 15 feet from the street whereas the ordinance required 20 feet. He asked the applicant whether he was requesting a variance from the rear end of the property.

Mr. Jurgella confirmed that he was requesting a variance from both the front and rear to complete the porch.

Member Oliva stated for clarification that there was no requirement to putting up an awning, to which Chairperson Woehr stated that it would be answered during the Zoning Administrator's testimony. He asked whether there were any additional questions from the board for the applicant, to which there were none.

Chairperson Woehr asked the applicant if he had any witnesses aside from himself, to which the applicant stated that aside from his family, the contractor doing the work could not make the meeting.

Chairperson Woehr asked the Zoning Administrator if he had any questions for the applicant, to which Zoning Administrator Kearns stated that he did not, however he noted that the applicant had been very well to work with, adding that it had been a several step process.

Chairperson Woehr asked for confirmation that he had purchased the property in 1984, to which the applicant confirmed accurate.

Chairperson Woehr asked if his establishment was unquie in that patrons were not allowed to smoke within the establishment, or was that based off state statute.

Mr. Jurgella stated that it was against City ordinance to spoke within a tavern.

Chairperson Woehr asked which entrance he would consider to be the main entrance, to which the applicant explained that the Second Street entrance was the main entrance.

Chairperson Woehr asked if the north entrance went directly into tavern or a rear area, to which the applicant explained that the north entrance was still in the tavern itself, but near the kitchen, and the west entrance went into the business along with the north entrance.

Chairperson Woehr asked for clarification on page 37 where the furnace area was and whether it was a combination furnace with air. He further asked whether it was framed out.

Mr. Jurgella confirmed that the drawing indicated an upper unit wall furnace raised on a stand, as well as provided air. He stated that it wasn't framed out, and would not as when it came time to replace it with a new furnace, he would have to change things to meet current code requirements.

Chairperson Woehr stated he had no further questions.

Member Boden asked the applicant what he felt was his biggest would be if not allowed to build the porch.

Mr. Jurgella stated that improving visual security and safety was a big concern, as well as potentially losing business if patrons decided to go elsewhere where they could not get away from the elements.

Member Boden stated for clarification that the applicant was concerned with loss of revenue and security of patrons, to which Mr. Jurgella confirmed accurate and added that aesthetics was also important.

Member Boden asked the applicant how long he had owned the building, to which Mr. Jurgella explained that he had owned the business since 1984, leased it for a time, and now had his son leasing it under his ownership.

Member Boden asked the applicant if he had noticed any change in revenue since the 2009 smoking ban was enacted.

Mr. Jurgella stated he was out of the business at the time, and could not say what loss of revenue the lessee may have experienced.

Member Odogba stated for clarification that the applicant was requesting a variance for an area setback 5 feet from street side and 12 feet from rear yard setback.

Mr. Jurgella confirmed that to be accurate. He stated that he was building in the confines of the structure itself, stating that he automatically required a variance for anything based on where the original building had been built. He noted ownership of the northern lot.

Member Markham asked for clarification if they were two separate lots, to which the applicant confirmed accurate and noted ownership of both.

Member Oliva referred to page 48 and asked if the 48 feet indicated was for the lot or for the building.

Mr. Jurgella stated that he measured with a ruler, so he may be off, but the lot was 50 feet.

Member Oliva asked if the 8 feet and 9 inches measurement was from the lot or the edge of the building, to which the applicant confirmed from the edge of the building.

Member Oliva questioned whether he would need a variance from the rear as he would have 10 feet and 9 inches left.

Chairperson Woehr referenced page 38 of the staff agenda and stated that the Assessor's Property List document indicated that the lot was 46 feet by 50 feet, however no Certified Survey Map was available. He briefly noted that the current zoning code from 1979 had not been in place during the original construction of the building.

Chairperson Woehr asked if there were any further questions for the applicant. Seeing none, he excused Mr. Jurgella and indicated that he may be called on for further questioning when they went into deliberation. He asked the Zoning Administrator to provide his testimony.

Zoning Administrator Kearns provided testimony in which he explained the following:

1. Taverns were a conditional use in all zoning districts, and a Conditional Use Permit was required for an expansion to occur. The applicant had applied for, and had been granted a Conditional Use Permit in the previous month. A number of conditions for approval had been added to satisfy concerns from neighbor Pat Disher, of which an email had been provided to board members.

2. During review, found that a hardship did not exist, nor were there physical limitations for the property. He noted that the applicant had started building the structure prior to receiving approvals, which could result in a self-imposed hardship if a variance was not granted. However, based on neighbor comments and that a Conditional Use Permit was granted, it would be in the public interest as it could improve security and would not cause harm.
3. With only one of the conditions being met, staff recommended not approving the variance, noting that the property could still be utilized without granting of the variance, and the use could continue to exist on the property. Additionally, an expansion meeting current zoning code standards could occur, as well as installing an awning over the door.
4. Summarized the Traditional Neighborhood District mechanism that allowed for existing densely constructed and nonconforming properties to be granted a reduction in setbacks. While the zoning of the property created some uniqueness, the mechanism only applied to single or two-family uses, not commercial establishments.
5. Indicated reduced setbacks for nearby zoned B-2 and B-3 properties, adding that the property in question was zoned B-1 which required higher setback standards.

Chairperson Woehr asked if the applicant had any questions for the Zoning Administrator, to which there were none.

Zoning Administrator Kearns noted questions from the board members during the applicant's testimony and asked whether they should be addressed at that time, to which Chairperson Woehr asked him to proceed.

Member Oliva asked if the awnings were subject to the variance, to which the Zoning Administrator stated that the zoning code allowed for awnings to be installed within the setbacks.

Member Markham asked for clarification on the setbacks from the lot lines to the existing buildings from each cardinal direction.

Zoning Administrator Kearns stated that he could not say for sure as a Certified Survey Map was never performed, however he presumed that the setback on the south and west was essentially 0 feet based on the property lines. The burden of proof fell onto the property owner, he stated.

Member Markham asked if they really didn't know what it was from the north and east, to which the Zoning Administrator confirmed correct, stating that staff based their review off the site plan provided by the applicant.

Member Markham asked if the two separate lots could be sold separately or if they were bound.

Zoning Administrator Kearns explained that the zoning code allowed them to be considered one zoning under the same ownership, and with one boundary. Additionally, the tavern required parking. If the lot was sold, they would lose parking, thus changing the configuration of the use, and then triggering a Conditional Use Permit amendment to vacate the parking with that use, and finally in order to sell the lot and keep the use without parking.

Member Odogba asked if they were dealing with one set of setbacks for both lots, to which staff confirmed accurate.

Member Markham asked for further clarification of the zoning districts that held reduced setback requirements.

Zoning Administrator Kearns provided the following information:

1. B-3 Central Business District: Primarily downtown.
2. B-2 Central Business Transition District: 5 feet from the street setback, 0 feet side yard, 10 feet from abutting residence, and 10 feet from the rear.
3. While a rezoning of the B-1 property could be requested by the applicant in order to reduce his setback standards, there was a separate set of review standards that would need to be reviewed by the Plan Commission and Common Council.

Chairperson Woehr asked if the B-1 zoning district extended past the Stevens Point Co-op.

Zoning Administrator Kearns confirmed that to be accurate and stated a map could be referenced to specifically look at the area if so desired. He noted that the B-1 district was the least populated district in the City out of the twelve zoning district's as there were very few properties zoned B-1.

Chairperson Woehr noted that the antique shop would be the closest in proximity in terms of another commercial property within the B-1 district, to which the Zoning Administrator explained that while it may be a commercial use, it may not have a commercial zoning designation, and they would have to look at a zoning map for further analysis.

Chairperson Woehr cited several surrounding commercial properties and asked whether the Point After Pub & Grill had a Conditional Use Permit, to which staff could not say without looking into it.

Chairperson Woehr asked if the Conditional Use Permit would be void if the variance was not granted, to which Zoning Administrator Kearns noted that it wouldn't necessarily be void, but would trigger the project to halt.

Chairperson Woehr asked for clarification if 20 feet was required from Second Street, to which staff confirmed accurate.

Chairperson Woehr asked for the setback requirement from the east and rear, to which staff explained that the rear was considered the east, and it would be a 20 foot setback.

Chairperson Woehr noted that it would leave 10 feet in the middle, and asked if the doorway was in the middle of the building.

Mr. Jurgella stated the door was offset towards the east.

Chairperson Woehr asked if Kim's Barrel Inn was zoned B-2, to which staff confirmed accurate.

Chairperson Woehr questioned whether a rezoning of the property could be an option, to which Zoning Administrator Kearns reiterated that a rezoning had a separate set of standards and he couldn't confirm whether a rezoning request would be approved or not.

Member Boden asked whether the Zoning Administrator wrote up the review within the agenda packet, to which staff confirmed accurate.

Member Boden asked for clarification if staff was arguing that unnecessary hardship currently existed, to which staff clarified that they found no hardship, aside from the applicant pursuing to build the structure prior to going through the process.

Member Boden asked what the rationale was to recommending not to grant the variance

Zoning Administrator Kearns explained that the applicant had other means to use and expand the building. An expansion could be built meeting the setback standards, noting that the door could be moved to accommodate the setback.

Member Boden stated for clarification that the variance should not be granted because no hardship currently existed, to which staff confirmed that they had not found hardship during their review.

Mr. Jurgella asked if he was being asked to break brick and mortar to move the door out of the setback, to which the Zoning Administrator stated that he did not want the applicant to do anything, he was solely making a recommendation based off his request.

Member Oliva asked whether the awning could be the entire length of the building, to which staff confirmed accurate.

Chairperson Woehr brought it back to the board, and asked that they clarifying questions be asked of the applicant and Zoning Administrator.

Zoning Administrator Kearns clarified his previous comment to the applicant, stating that when he said he didn't want Mr. Jurgella to do anything, he said it inaccurately, as he meant he had no opinion on what he decided to do with the project.

Member Markham briefly explained that when a variance was requested, the applicant was requesting to do something that was prohibited under the ordinance. To grant it, there had to be unique property limitations, undue hardship, and it had to be in the public interest, and all three items had to be met. After discussion, it was found that the property could be expanded on the north side regardless of the property's original construction, as well as continue to operate with its current use. In terms of harm to the public, she did not see that as causing harm to the public. While it met one standard, it did not the remaining two.

Member Odogba stated that the expansion could occur with the given setbacks, adding that the unnecessary hardship seemed to have stemmed from being granted a Conditional Use Permit that allowed the owner to start construction.

Chairperson Woehr clarified that construction had begun before the Conditional Use Permit had been granted, and the project had been issued a stop work order.

Member Odogba acknowledged the correction, and stated that there were ways to design and modify the expansion in order to be built within the setbacks. It did not meet the test for unnecessary hardship, he stated.

Member Boden had nothing further to add.

Member Oliva agreed with the board comments being made. He inquired on what would occur with the structure that had already been built, noting that the old enclosure had been torn down. He asked whether there would be an issue with where the door was currently as it sat within the setbacks.

Zoning Administrator Kearns explained that any time a nonconforming or grandfathered structure was voluntarily removed, it could not be resumed or reconstructed. Had it been an act of god, such as wind or fire, it could be reconstructed to the same size, location, and configuration. With regards to the door, it could remain.

Mr. Jurgella asked if deterioration and rotting counted as an act of god, to which Chairperson Woehr stated that testimony had been closed.

Member Oliva stated that having smokers go outside was a decision, not a hardship, and was common to all taverns.

Motion by Lynn Markham to deny the request from Frank Jurgella for a variance from setback standards to construct an attached and covered structure at 925 Second Street (Parcel ID's 281240829303108 & 281240829303107) for the following reasons:

- 1. Unique property limitations: The property could be expanded to the north while keeping with the current zoning standards.**
- 2. Undue hardship: The use would continue to be permitted on the property.**
- 3. Public Interest: The expansion would not cause any undue harm to the public.**

seconded by Jim Oliva.

Roll Call:

Yeas: Woehr, Boden, Odogba, Markham, Oliva

Nays: None

Motion carried 5-0.

There was no further discussion.

6. Schedule Regular Meeting

Zoning Administrator Kearns inquired on whether to establish a reoccurring monthly meeting. It was explained that establishing an affirmative time once a month would reduce the need to go back and forth with board members to find an appropriate time to meet as it would have a recurring date like every other standing committee. If no meeting was needed, they would just cancel it. A brief discussion between staff and board members ensued, coming to a general consensus that due to the infrequent meeting times of the Board of Zoning Appeals, it would not be advantageous to schedule monthly meetings as board member availability could change between meetings. Staff confirmed that they would proceed with calling board members to check availability.

Chairperson Woehr inquired on whether a date had been established for the next meeting, to which City Attorney Beveridge noted that he would have additional information shortly.

7. Adjourn.

Meeting adjourned at 4:06 PM

Attachment relating to Agenda Item 5: Pat Disher Email

Kyle Kearns

From: Michael Ostrowski
Sent: Wednesday, January 30, 2019 1:39 PM
To: Kyle Kearns; Maria Mohr
Subject: FW: Frank Jurgella addition

FYI

Michael Ostrowski, CEcD, AICP
Director of Community Development / Redevelopment Authority
City of Stevens Point

Stevens Point City Hall
1515 Strongs Avenue
Stevens Point, WI 54481
Ph: (715) 346-1568
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Fax: (715) 346-1498
Email: mostrowski@stevenspoint.com
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From: Patty Disher [mailto:padisher@charter.net]
Sent: Wednesday, January 30, 2019 1:30 PM
To: Michael Ostrowski <mostrowski@stevenspoint.com>
Subject: Frank Jurgella addition

Dear Michael,

I know you may not get this prior to the meeting today but I was just opening my mail from Monday and Tuesday and read the notices but had no time to respond. In any event I feel that my concerns were addressed at the previous hearing. If Frank is made to put a barrier up along our property lines so his customers have their own designated parking and cannot cross over on to my property as discussed, I am satisfied.

I would like to add (if it isn't too late for my opinion on the barrier) the Mayor's suggestion for a highway guardrail would be the most effective and take up a minimal amount of space for his lot.

Thank you for your help.
Pat Disher

MINUTES OF ZONING BOARD OF APPEALS

November 3, 2021 – 4:00 PM
In-Person & Zoom Conference Call Meeting

PRESENT: Bob Woehr, George Doxtator, Ismaila Odogba, and Gracia Day.

ALSO PRESENT: Director Kernosky, Associate Planner/Zoning Administrator Kuhn, City Attorney Beveridge, unidentified audience members via Virtual Zoom Meeting.

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Opening Section:

1. Roll call.

Discussion and possible action on the following:

2. Report of the March 1, 2019 meeting of the Zoning Board of Appeals.
3. Presentation by City Attorney: Roles and duties of the Zoning Board of Appeals.
4. Decision form of the Zoning Board of Appeals.

Closing Section:

5. Adjourn.
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Opening Section:

1. Roll call.

Present: Doxtator, Odogba, Woehr

Excused: Day, Markham

Discussion and possible action on the following:

2. Report of the March 1, 2019 meeting of the Zoning Board of Appeals.

Chairperson Woehr noted that the next meeting would need to contain action to approve the minutes from the January 30, 2019 meeting, as well as the current meeting of November 3, 2021.

Motion by Member Doxtator to approve the report of the March 1, 2019 meeting of the Zoning Board of Appeals; seconded by Member Odogba.

Motion carried 3-0.

3. Presentation by City Attorney: Roles and duties of the Zoning Board of Appeals.

Member Day joined the meeting at 6:06PM

City Attorney Beveridge noted the following:

1. He would not be providing interpretations of the law, but more so providing the members and public with information as to how the Zoning Board of Appeals differed from existing commissions and committee.
2. The Board of Zoning Appeals was a quasi-judicial body, and as such functioned as more of a court than legislature.
3. Duties of the board, such as providing a final determination, were based upon technical and legal standards, and evidence provided. In this regard it was more akin to a court case. Similarly, it was up

to the parties coming before the board to prove their case, however the rules of evidence were relaxed.

4. While the meeting was open to the public, the public was not permitted to involve themselves, like the gallery in a courtroom.
5. Council for the Board of Appeals would provide advice to members on the underlying legal principals. Attorney Dean Dietrich and his firm would be advising the board.

Chairperson Woehr asked that Attorney Dietrich's updated information be provided so he and staff could move forward in collaborating in drafting the upcoming agenda.

There were no further inquiries from members, no action was taken.

4. Decision form of the Zoning Board of Appeals.

Associate Planner/Zoning Administrator Kuhn provided a brief history of the creation of the decision form and stated that staff had made the necessary revisions received at the last meeting. Staff was now looking for feedback from the board on the second version of the decision form before finalizing and utilizing it for future determinations.

Member Doxtator noted that the decision form would make the process run smoother than previous meetings.

Member Odogba had no new comments or questions.

Associate Planner/Zoning Administrator Kuhn summarized Member Markham's email suggestions, highlighting the addition of a summary of final determination on the bottom of Page 3 of the form.

Member Day had no new comments or questions but noted agreement to the addition of a final summary.

Chairperson Woehr stated he was completely opposed to using the decision form as presented and provided the following comments:

1. The decision form was lengthy, pointed to the Notice of Board of Review Determination form as an example noting it was contained to one page, was easy to follow, had no narrative, and provided information on the appeal process.
1. The attorney who had drafted the Findings of Fact and Conclusions of Law and Decision for the Zoning Board of Appeal's March 1, 2019 meeting had found the form to be inadequate.
2. Form Corrections:
 - a. Page 1, Findings of Fact, #1: Questioned whether a lessee had the authority to request a variance on the property they were leasing, highlighting that a variance would run with the property, not the individual.
 - b. Page 1, Findings of Fact, #6: Questioned why the ordinance section reference was left to be filled, when there were specific language standards in the ordinance to list.
 - c. Page 2, Conclusions of Law, #2: Page 29: The whole explanation paragraph on unnecessary hardship did not track with the statute that controlled the operation of board.
 - d. Page 3, Conclusions of Law, C: Ordinance already states statute items not referenced.
 - e. Page 4, Order and Determination, bottom summary: Reference to the Board of Zoning Appeals Commissioner was incorrect.
 - f. Original intent of the form was for the board to go into closed session to deliberate, fill the form, obtain a consensus, and come back into open session to present the final decision, adding that deliberation could take anywhere from 15 minutes to several hours.

City Attorney Beveridge made the following comments:

1. Agreed several references in the form needed to be corrected and updated.
2. Minor corrections, such as formatting issues, would be corrected.

3. Concern noted for having an Attorney write for every decision and every variance, no matter how simple or complex, as that significantly increased the time and costs associated with procedures. If that was the direction the board wanted to pursue, City staff would need to revisit costs associated with filing a variance request, explaining that the City would need a way to recuperate its costs for these types of procedures. The increase could then become financially unfair to those seeking a variance.
4. Questioned whether the general opposition was for any form at all to render a decision, or if the general opposition was for the form in its current state, to which staff could create one that was more satisfactory.
5. Staff did not expect final action to be rendered, nor did the decision form need to be set in stone if it was acted upon. Ultimately the board could choose how to document their decisions, and the form could be used to assist in decision making.
6. The document would be forwarded to Attorney Dietrich for feedback on the content of the form to craft something that could be used going forward.

Chairperson Woehr clarified that he was not opposed to using any form, but the current draft could be condensed and clarified.

There was a back-and-forth discussion between Chairperson Woehr, City Attorney Beveridge, and Director Kernosky regarding what the statute required to be filed and at what scale the written decision needed to be, as well as the importance of a form to standardize the process which would provide consistency, even if there was changeover amongst staff or the board, and across different types of cases. It was reiterated that staff would work with Attorney Dietrich to draft a more appropriate form.

Member Odogba noted that having a form was a good idea but agreed it could be shortened.

Member Day agreed that a form was necessary, but some items could be removed, and formatting be redone.

Regarding the use of 'lessee' on the form, City Attorney Beveridge noted there could be instances where a lessee could have legal standing to bring forward a request for a variance but would review to make sure. Additionally, Director Kernosky noted that it was not uncommon for a lessee to bring forward a request so long as they had approval from the owner, or the applicant could also be the attorney representing a property owner, both of which staff took into consideration.

No action was taken.

Closing Section:

5. Adjourn.

Meeting adjourned at 4:45 PM.

A recording of this meeting can be viewed/heard at: <https://stevenspoint.com/365/AgendasMinutesVideos>

Attachments relating to Agenda Item 4: Decision Form

Adam Kuhn

From: Markham, Lynn <lmarkham@uwsp.edu>
Sent: Monday, November 1, 2021 4:54 PM
To: Adam Kuhn
Subject: RE: [External] Zoning Board of Appeals Agenda Packet - November 3, 2021

Thanks Adam.

I have a couple of suggestions to add to the draft decision form to explain more based on what case law has found about the variance standards.

Page 3:

B. The hardship **(is/is not)** due to unique physical limitations of the property rather than the circumstances of the appellant because

C. A variance may not be granted which results in harm to the public interests. The public interests are listed in the purpose section of the ordinance. The variance **(will/will not)** harm the public interest because

[Recommend adding to the bottom of page 3:](#)

The application (does / does not) meet all three of the above tests and therefore the variance should be (granted / denied).

The BOA is only allowed to grant a variance if the applicant provides evidence that they meet all three tests:

- 1) Unnecessary hardship is present due to the ordinance standards.
- 2) The hardship is due to unique physical limitations of the property.
- 3) The variance will not harm the public interests.

Thanks,

Lynn

Notice of Board of Review Determination

Under state law (sec. 70.47(12), Wis. Stats.), your property assessment for the current year 20__ as finalized by the Board of Review (BOR) is listed below.

Property owner	General information
<div style="border: 1px solid black; border-radius: 15px; height: 80px; width: 100%;"></div>	Date issued - - Parcel no. Address Legal description <hr/> <input type="checkbox"/> Town <input type="checkbox"/> Village <input type="checkbox"/> City Municipality _____

Assessment information			
20__ Original Assessment		20__ Final Assessment <small>(determined by BOR)</small>	
Land	\$	Land	\$
Improvements	\$	Improvements	\$
Personal property	\$	Personal property	\$
Personal property	\$	Personal property	\$
Personal property	\$	Personal property	\$
Total personal property	\$	Total personal property	\$
Total all property	\$	Total all property	\$

Appeal information

If you are not satisfied with the BOR's decision, there are appeal options available. **Note:** Each appeal option has filing requirements. For more information on the appeal process, review the Property Assessment Appeal Guide. Visit revenue.wi.gov and search keyword "Assessment Appeal."

Appeal to:

Department of Revenue (DOR) – must file within 20 days after receipt of the BOR's determination notice or within 30 days after the date specified on the affidavit if there is no return receipt. A \$100 filing fee is required. The fair market value of the items or parcels cannot exceed \$1 million dollars. DOR may revalue the property any time before November 1 of the assessment year or within 60 days after receiving the appeal, whichever is later. If adjusted, the value is substituted for the original value and taxes paid accordingly. (sec. 70.85, Wis. Stats.)

Circuit Court - Action for Certiorari – must file within 90 days after receiving the determination notice. The Court decides based on the written record from the BOR. You cannot submit new evidence. (sec. 70.47(13), Wis. Stats.)

Municipality - Excessive Assessment – must first appeal to the BOR and have not appealed the BOR's decision to Circuit Court or to DOR. You cannot claim an excessive assessment under sec. 74.37, Wis. Stats., unless the tax is timely paid. A claim under section 74.37 must be filed with the municipality by January 31 of the year the tax is payable.

RECEIVED

MAY 06 2019

COM DEV/INSP

**BEFORE THE
ZONING BOARD OF APPEALS
OF THE CITY OF STEVENS POINT**

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND DECISION

Background

On Friday March 1, 2019, the City of Stevens Point Zoning Board of Appeals considered an Application for Variance by Kent Worzalla d/b/a Kent's Service Center and Towing, Inc. The Property is located at 104 Second Street North (Parcel ID 281240829230053). The Property has rights-of-way on three sides of the parcel. To the West, it abuts First Street. To the East it abuts Second Street. And to the South it abuts Maria Drive. The Application for variance requested reduced setbacks, the ability to construct accessory structures on the Property, and reduced vision triangles.

Present at the Hearing on March 1, 2019, were the following Zoning Board of Appeals members: Robert Woehr (Chairperson); George Doxtator; Lynn Schulist; Ismaila Odogba; Lynn Markham; and Jim Oliva (alternate). Andrew Boden was excused from the Hearing. Mr. Worzalla appeared in person accompanied by his attorney, Kurt Ellison of Ellison & David, LLP. Zoning Administrator Kyle Kearns appeared in person and was accompanied by Andrew Beveridge, City Attorney for the City of Stevens Point.

Introduction

The purpose of this hearing was to supplement a previous hearing, which occurred on July 12, 2018, at 2:00 p.m. At the previous Hearing, the Zoning Board of Appeals requested that the Applicant supplement the Application to include a "clear statement and graphic representation to be prepared by the Applicant to show the impact of the reduced setbacks as approved by the Common Council via the Conditional Use Permit process on the operation of the Property. Additionally, the Applicant should provide a site plan showing how the property would be utilized under all setback measures discussed." At the Hearing on March 1, 2019, the Applicant provided several site maps showing the Property under both the conditions of the Conditional Use Permit, as well as pursuant to their proposed Variance. The Applicant also presented video and photographic evidence, which was intended to show the operation of the Applicant's business under the requirements of the Conditional Use Permit.

Findings of Fact

Kent's Service Center and Towing, Inc., is a business which provides several services to its customers, including automotive repair, dealership of car parts, rental of Penske trucks, and dealership and installation of snow plows.

Variance by Kent Worzalla d/b/a Kent Service Center and Towing, Inc. for an area variance to allow for reduced setbacks for the purpose of construction of accessory structures on the property at 104 Second Street North (Parcel ID 281240829230053):

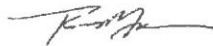
- (1) The Property is not subject to unique characteristics. Other properties within the City of Stevens Point have similarly constrained areas for the purposes of conducting permitted business. This is specifically true for businesses in Zoning District B-4.
- (2) If a hardship does exist, it is not due to the uniqueness of the property, but is rather self-imposed by the owner as the owner has made the business decision to conduct several permitted businesses on the property. The expansion of the Applicant's business operation on the site has created a self-imposed hardship.
- (3) Public safety and welfare must be maintained. Obstruction of vision triangles and clear view requirements would contribute to a safety concern for vehicle traffic and pedestrians. Furthermore, there is concern that Worzalla granting of permission to the public to park large trucks may cause substantial public safety concern to pedestrians and passerby. The Zoning Board of Appeals noted that children frequent the sidewalk abutting Mr. Worzalla's Property.
- (4) Substantial justice has been done through the Applicant's previous acceptance of compensation for the properties sold to the City pursuant to the agreement that he reached with the City. The Zoning Board of Appeals notes that the Applicant was represented by Counsel during the course of this transaction.

Decision

After consideration of the matters presented at the two hearings, the City of Stevens Point Zoning Board of Appeals hereby makes the decision to deny the Application for Variance. The Motion was submitted by Chairperson Bob Woehr and seconded by George Doxtator. The Motion carried with a vote of 4 to 1.

Signed this 28th day of April, 2019.

STEVENS POINT ZONING
BOARD OF APPEALS



Robert Woehr, Chairperson

Administrative Staff Report

Variance

Exceed Allowed Number of Unrelated Persons

1208 Reserve Street

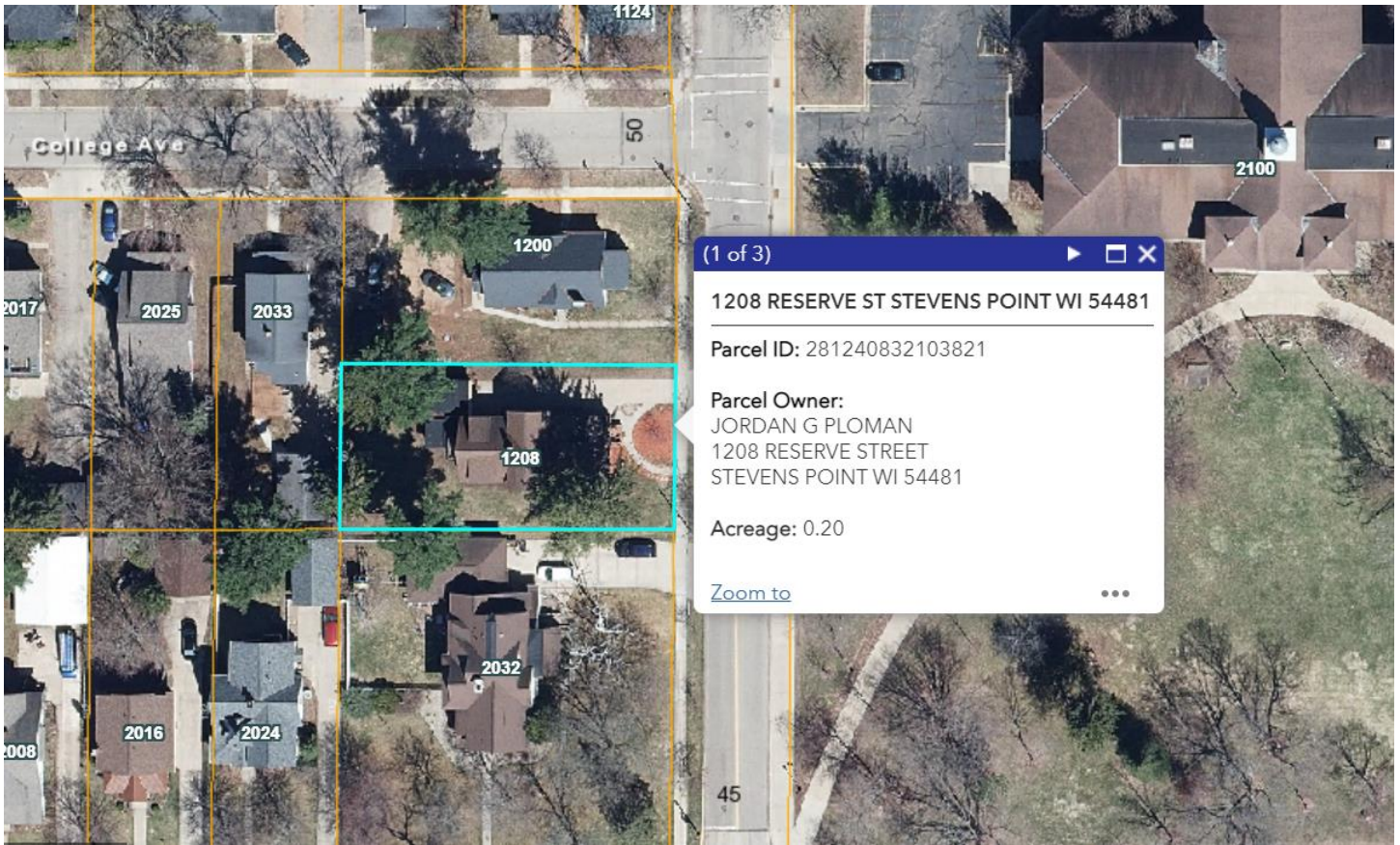
November 18, 2021



Department of Community
Development

<p>Applicant(s):</p> <ul style="list-style-type: none">Jordan Ploman <p>Staff:</p> <ul style="list-style-type: none">Adam Kuhn, Associate Planner akuhn@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none">281240832103821 <p>Zone(s):</p> <ul style="list-style-type: none">"R-3" Single- and Two-Family Residential <p>Master Plan:</p> <ul style="list-style-type: none">Single-Family Residential <p>Council District:</p> <ul style="list-style-type: none">District 3 Ald. Keymer <p>Lot Information:</p> <ul style="list-style-type: none">Frontage: 66 ft.Depth: 134 ft.Lot Size: 8,712 sq. ft. (0.20 ac.) <p>Current Use:</p> <ul style="list-style-type: none">Single-unit residence <p>Applicable Regulations:</p> <ul style="list-style-type: none">23.05	<p>Request</p> <ol style="list-style-type: none">A request from Jordan Ploman for a Use Variance to exceed the allowed number of unrelated persons residing within the single-family residential use at 1208 Reserve Street (Parcel ID 281240832103821). <p>Attachment(s)</p> <ol style="list-style-type: none">Application <p>Findings of Fact</p> <ol style="list-style-type: none">The subject property, 1208 Reserve Street, is zoned "R-3" Single-and Two-Family Residential.In February 2021, City staff first became aware of the subject property being utilized as a college rental with four unrelated persons living within the residence.The property was previously utilized as a single-family home and met the Zoning Code's definition of a family.The City's Zoning Code prohibits more than two unrelated persons residing within the same household unit, unless related by blood, marriage, adoption, foster care arrangement, or similar legal relationship and functioning as a single housekeeping entity.In October 2021, the applicant submitted a variance application to allow for six unrelated persons to reside within the household unit.The Zoning Board of Appeals shall review any variance requests subject to the review standards outlined in Chapter 23.05 of the City's Zoning Code. <p>Staff Recommendation</p> <p>Deny the variance request to exceed the allowed number of unrelated persons residing within the single-family residential use at 1208 Reserve Street (Parcel ID 281240832103821) for the following reasons:</p> <ol style="list-style-type: none">An unnecessary hardship is not present.The hardship claimed is not due to physical limitations of the property and is rather due to the circumstances of the applicant.The variance will harm the public interest.
---	--

Vicinity Map



Background

Overview: On February 10, 2021, City staff were notified of a potential occupancy violation at 1208 Reserve Street. The violation consisted of the residence, formerly being utilized as a single-family home, now being utilized as a renter-occupied home. Within the City's Zoning Code, occupancy restrictions are placed pertaining to the number of unrelated persons who can reside within a residential unit. Specifically, no more than two unrelated persons may reside within a residential unit that are not related by blood, marriage, adoption, foster care arrangement or a similar legal relationship. Said restriction is outlined below:

Ch. 23.04(2) Definitions

FAMILY - is an individual, or two or more person related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or person plus one individual not having such similar legal relationship but functioning as a part of the single housekeeping entity. The definition of family shall not apply to a Tourist Rooming House.

The subject property, being zoned "R-3" Single- and Two-Family Residential, outlines single-family and two-family residential living as a permitted use. However, with the property being only 8,844 square feet in size, it fails to meet the minimum 10,000 square feet lot size requirement for two-family uses and thus may only be utilized as a single-family home. Please see the attached document outlining the property's sale history and it historically being used as a single-family home.

Upon receiving word of the complaint, staff reached out to the applicant to verify how many individuals are residing within the residence. During the call, the applicant confirmed that a total of four unrelated persons were residing within the home, thereby violating the family definition shown above.

Based on this finding, staff provided the applicant a May 31, 2021 date to bring the

- Conservancy
- Low Density
- Suburban Single Family Residential
- Single Family Residential
- Single and Two Family Residential
- Multiple Family I Residential
- Multiple Family II Residential
- Neighborhood Business
- Central Business Transition
- Central Business
- Commercial
- Highway Commercial
- Light Industrial
- Heavy Industrial
- University Facilities District
- Planned Development District
- Planned Industrial Development District
- Split Zoned



occupancy of the residence back into compliance. This September, however, staff observed that the household was again exceeding the unrelated persons threshold and the applicant was sent a subsequent letter detailing the violation (included within the agenda packet). The compliance date listed on the second letter was November 1, 2021. However, with the applicant requesting a variance, the November 1st compliance date was postponed until after the Zoning Board of Appeals deliberates on the variance request.

After the second violation letter was issued, the applicant inquired on the appeals process for allowing more than two unrelated to reside within the household unit. The Zoning Board of Appeals shall have the authority to review and provide judgement on special exceptions (i.e., variances) from the regulations of the Zoning Code in harmony with its general purpose, intent, and in accordance with general or specific rules therein contained. Chapter 23.05 of the City’s Zoning Code describes the variance review process.

Ch. 23.05 Board of Appeals

The Board of Appeals shall not permit any change in established flood elevation or profiles; shall not grant flood plain variances for a use that is common to a group of adjacent lots or premises (in such case, the Zoning Ordinance would have to be amended through proper procedures); shall not grant a variance unless it is consistent with the spirit and intent of the ordinance and will not be contrary to the public interest or damaging to the rights of other persons or property values in the area; shall not grant a variance for an action which requires an amendment to the flood plain regulations; shall not grant a variance which would have the effect of allowing or expanding a use or structure which is prohibited in that zoning district; shall not grant a variance for a self-created hardship.

City staff have reviewed the requested variance subject to the review standards outlined within Wis. Stats. 62.23(7)(e). An analysis of each review standard is found below.

Standards of Review – Variance

1. An unnecessary hardship is present.

Analysis: The applicant has provided two reasons why an unnecessary hardship exists. The first claim of unnecessary hardship is that the occupants of the residence, all full-time students at the University of Wisconsin-Stevens Point, would need to find alternative housing for the remainder of the semester. According

to the applicant, “during the middle of their semester, when they should be studying for exams and focusing on schoolwork, they would be forced out of their home where they have settled for the past few semesters. Finding an alternative place would be very difficult if not impossible, since student rentals (including campus housing) run on lease schedules or housing terms that start at the beginning of the school year.”

The second claim of unnecessary hardship by the applicant relates to finances. According to the applicant, “I would be in a tough financial situation after dealing with all of my roommates security deposits, and being cut off from rental income that I have been using to pay the bills for the house and additional cash flow to invest right back into the property to improve it.”

For a use variance, unnecessary hardship exists only if the applicant shows that they would have no reasonable use of the property without the variance. It shall be up to the Zoning Board of Appeals to determine what constitutes a reasonable use of a property. A proposed use may be reasonable when it:

- Does not conflict with uses on adjacent properties or in the neighborhood,
- Does not alter the basic nature of the site,
- Does not result in harm to public interested, and
- Does not require multiple or extreme variances.

Findings: The City’s Zoning Code, in establishing the Zoning Board of Appeals, outlines specific scenarios where a variance shall not be granted. The full list of scenarios is shown below. Based on the findings of fact, staff believes that the claimed unnecessary hardship is self-created and would be a reason not to grant a variance.

The Board of Appeals shall not permit any change in established flood elevation or profiles; shall not grant flood plain variances for a use that is common to a group of adjacent lots or premises (in such case, the Zoning Ordinance would have to be amended through proper procedures); shall not grant a variance unless it is consistent with the spirit and intent of the ordinance and will not be contrary to the public interest or damaging to the rights of other persons or property values in the area; shall not grant a variance for an action which requires an amendment to the flood plain regulations; shall not grant a variance which would have the effect of allowing or expanding a use or structure which is prohibited in that zoning district; shall not grant a variance for a self-created hardship.

As stated earlier, historical information shows that this subject property has been utilized as a single-family, owner-occupied residence that meets the use requirements of the “R-3” District. The subject property was used as a single-family home up until it was sold to the applicant on March 9, 2020. Following the real estate transition, the use of the single-family residence was subsequently changed to increase the number of unrelated residences who reside in the home.

According to the applicant, a financial hardship would result if the variance were not granted. However, it is also stated in the application that security deposits were collected from each roommate prior to occupying the house. Based on this statement, staff believes that the claimed financial hardship would be self-created as the applicant personally allowed more than two unrelated persons to reside in the household. Additionally, the applicant claims that not granting a variance would provide a hardship to his roommates in finding alternative housing for the remainder of the school year. Not only is this hardship self-created, but options do exist for assisting impacted individuals in finding alternative housing (e.g., University of Wisconsin-Stevens Point Dean of Students Office).

2. The hardship is due to physical limitations of the property rather than the circumstances of the applicant.

Analysis: According to the applicant, the exceptional and extraordinary circumstance “which is being applied to my property is not being applied to many properties or structures within the same zoning district and within very close proximity to my property. Other college rentals are being allowed to rent to students (more than two unrelated people in one household) since they are ‘grandfathered’ in and have been operating as a college rental and have not had a single family live in the structure for more than one year.”

Findings: While the subject property is zoned “R-3” Single- and Two-Family Residential, it does not suggest that the property can be used as a two-family residence. As the subject property is less than 10,000 sq ft in size, only a single-family residential use is allowed. This distinction is important in the fact that the family definition is on a per unit basis. For example, should this residence be designed to have two living units and be of 10,000 sq ft in lot size, a maximum of four unrelated persons could reside within the structure (two unrelated persons in each unit). With a lot size of 8,844 sq ft, two unrelated persons is the maximum threshold that is allowed.

Besides lot size, other performance standards of the “R-3” District are met for the property. For lots zoned “R-3,” a minimum width of 45’ is required. With the subject property being 66’ in width, the lot is of sufficient width to accommodate single-family living. Likewise, setback requirements of the “R-3” District and the “R-TND” Traditional Neighborhood Overlay District are met for the residence. For reference, the intent of the “R-TND” District is “to allow the development and redevelopment of residential land in the city consistent with the design principles of traditional neighborhoods. A traditional neighborhood is compact, designed for the human scale, and characterized by larger homes on smaller lots with smaller setbacks from the property lines.” The table below outlines the setback requirements and illustrates that the residence is a conforming structure.

Lot Line	Existing Setbacks	R-3 Setback Requirements	R-TND Setback Requirements
<i>Street</i>	22’ 6”	25’	12’
<i>Side</i>	6’ 6” from northern lot line, 17’ from southern lot line	7’ 6” on each side	4’
<i>Rear</i>	34’ (26’ 10” required)	20% lot depth (minimum of 15’ and a maximum of 30’)	15’

Within the applicant’s application, it is stated that the two unrelated persons rule “is not being applied to many properties or structure within the same zoning district and within very close proximity” to the subject property. The applicant is correct in that there are several households that exceed the Zoning Code’s family definition— however, that is due to such a use being grandfathered in for that respective property. Chapter 23.01(18) of the City’s Zoning Code provides guidance on the allowance of nonconforming uses and situations where a nonconforming use may continue. This code section is outlined below.

Ch. 23.01(18)

Existing Nonconforming Uses. A nonconforming use existing at the time of the adoption or amendment of this ordinance may be continued, but no use on such premises shall be enlarged, increased, extended, reconstructed, resumed, substituted, or altered unless the nonconformity is changed to conforming except as follows:

1. *If a nonconforming use is discontinued for a period of less than 12 months, the previous use may be resumed.*

For these grandfathered uses, having a residential use that exceeds the two unrelated persons threshold may continue to exist provided that said use does not stop for twelve consecutive months. In the case of college rentals, for example, a use may be discontinued from June-August (during summer vacation) but is not discontinued for twelve consecutive months that would trigger a loss in grandfathered status. Regardless of the subject property's location to the University of Wisconsin-Stevens Point, all residential uses within City limits are subject to the family definition requirements. Based on these findings, staff believes that the hardship claimed is not due to physical limitations of the property and is rather due to the circumstances of the applicant.

3. The variance will not harm the public interest.

Analysis: The applicant indicates that considerable resources have been used to "improve the property" and a final goal being "to have improved the property enough that makes it attractive for a single family to move into once I am finished with my degree and my tenants have moved on."

According to the City's Zoning Code, the intent of the "R-3" District is "to provide for both single family residences and two-family residences intended particularly to act as a transition district between lower intensity uses such as permitted in "C", "R-1" and "R-2" districts and higher intensity districts, consistent with the City's Comprehensive Plan. This district is intended to be provided for all lands where sewer and water is or will be required."

Findings: Although the applicant has indicated support from a neighbor regarding the requested variance, it is important to note that City staff have received complaints from other parties regarding the Zoning Code violation. As stated earlier, these correspondences from concerned parties prompted City staff to investigate the potential violation and determine if any regulations are violated.

Besides comments from concerned parties, there are other reasons why City staff believes that the requested variance will harm the public interest. As addressed earlier, minimum lot size requirements and the family definition are a determined measure of density in relation to dwelling units needed to support the use, and create and maintain the health, safety, morals, prosperity, aesthetics and general welfare of the community. Zoning lots that fail to meet lot size or family definition requirements do not uphold the general intent of the Zoning Code as addressed above.

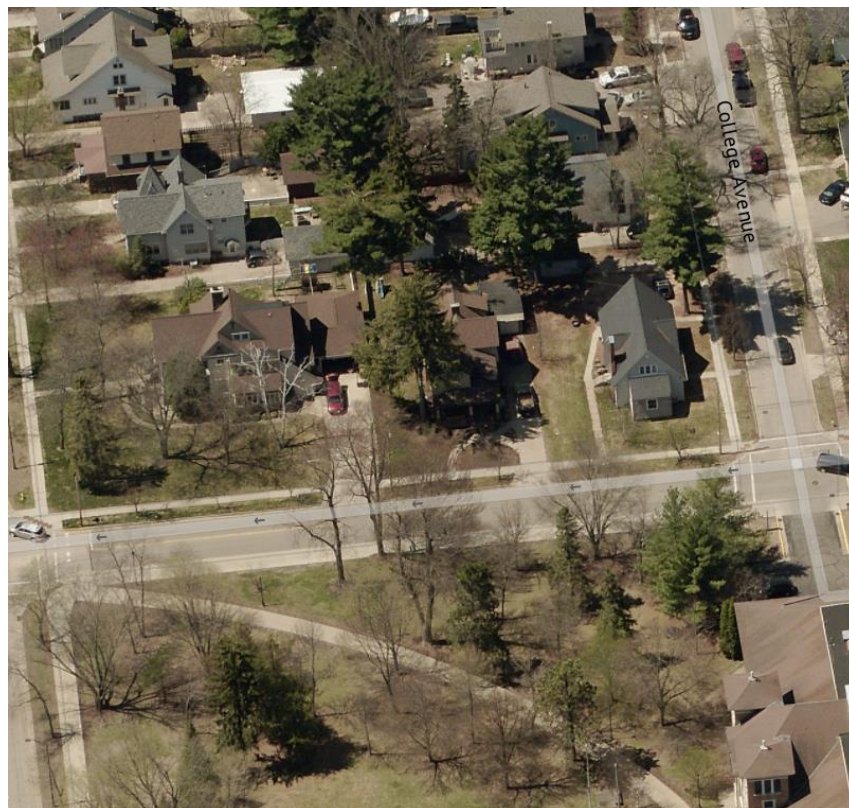
Similarly, increased traffic can harm the public interest. By allowing the subject property to exceed family definition requirements, it likely increases traffic along Reserve Street and can pose an issue regarding adequate ingress/egress at the entrance to the lot. As shown within this agenda packet, multiple non-compliance letters have been sent to the applicant for vehicles parked on the grass. Although this property may experience parking constraints (particularly mobility to and from the site) even if the family definition is met, the fact that the family definition is in violation likely contributes to the parking constraints on the property.

After review, staff has concluded that the review standards for granting a variance are not met. Therefore, staff would recommend denial of granting a variance for the following reasons:

- An unnecessary hardship is not present.
- The hardship claimed is not due to physical limitations of the property and is rather due to the circumstances of the applicant.
- The variance will harm the public interest.

The UW-Extension Office has drafted a Zoning Board Handbook which can be reviewed and referenced directly at the following link: https://www.uwsp.edu/cnr-ap/clue/Documents/ZoningHandbook/Zoning_Board_Handbook.pdf.

Photos





City of Stevens Point
Community Development Department

1515 Strongs Avenue, Stevens Point, WI 54481
P: (715) 346-1567 F: (715) 346-1498
communitydevelopment@stevenspoint.com
<http://stevenspoint.com>

APPLICATION FOR A ZONING VARIANCE

(Pre-Application Conference Optional)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		Date Submitted		Fee Required		Fee Paid	
Associated Applications if Any				Assigned Case Manager			

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input checked="" type="checkbox"/>)	
Applicant Name	Jordan Ploman	Contact Name	
Address	1208 Reserve Street	Address	
City, State, Zip	Stevens Point, WI 54481	City, State, Zip	
Telephone	(715)-432-3446	Telephone	
Fax		Fax	
Email	jordanploman@gmail.com	Email	

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input checked="" type="checkbox"/>)		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name		Owner's Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Fax		Fax	
Email		Email	

VARIANCE SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
1208 Reserve Street. ID: 28124083	2103821	
Legal Description of Subject Property		
S1/2 LOTS 1,2 & 3 EX E 16' SD LOT 1 BLK 21 FOR ST SMITH BRIGGS & PHILLIPS ADD BNG PRT NENE S32 T24 R8 858961		
Designated Future Land Use Category	Current Use of Property	
Single Family	College Rental	
Proposed Use of Property	Current Zoning District(s)	
College Rental	R3	
Ordinance Provision(s) from which a variance is requested		
1208 Reserve Street will deviate from the definition of "family", allowing the property to be approved for 5 roommates in addition to the owner to occupy the property.		

TYPE OF VARIANCE REQUESTED

Project (i.e. setback, parking, height, area, etc.)	Required	Proposed
Use Variance	No more than 2 unrelated persons	Allowance of 5 roommates in addition to owner
<p>List the exceptional and extraordinary circumstances that are peculiar to the land or structure involved which are not applicable to other land or structures in the same zoning district. (use additional pages if necessary for questions below)</p>		
<p>For the following questions, See attached document.</p>		
<p>List any and all practical difficulties or unnecessary hardships that will result from the exceptional and extraordinary circumstances.</p>		
<p> </p>		
<p>The applicant must prove that the exceptional and extraordinary circumstances do not result from the actions of the applicant. How were the exceptional and extraordinary circumstances created?</p>		
<p> </p>		
<p>List any and all alternatives considered by the applicant and provide evidence as to why they are not feasible.</p>		
<p> </p>		
<p>Would approval of this variance allow the applicant to do something that other property owners in the same situation would not be able to do? If so how?</p>		
<p> </p>		
<p>Would denial of this variance deprive the applicant of rights commonly enjoyed by other property owners in the similar situations? If so how?</p>		
<p> </p>		

Current Zoning Surrounding Subject Property			
North:	R3	South:	R3
East:	Campus	West:	R3
Current Land Use Surrounding Subject Property			
North:	College Rental	South:	Single Family
East:	Campus - Old Main	West:	Single Family

EXHIBITS

Owner Information Sheet	<input checked="" type="checkbox"/>	Additional Exhibits If Any:
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	<input checked="" type="checkbox"/>	
Site Plan (designating primary, side, and service street frontages)	<input type="checkbox"/>	
Photos of property, building, etc.	<input checked="" type="checkbox"/>	

CERTIFICATION AND SIGNATURE

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
DocuSigned by: <i>Jordan Ploman</i> <small>ICFDAC15CCC742D...</small>	October 19th, 2021	DocuSigned by: <i>Jordan Ploman</i> <small>ICFDAC15CCC742D...</small>	October 19th, 2021

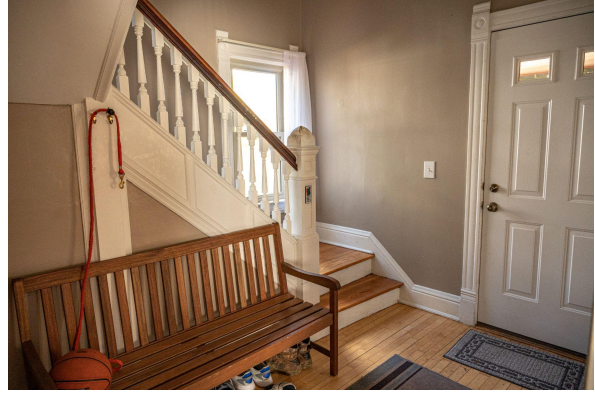
1208 Reserve St. Application For Variance

Interior Improvements

Before Purchase

and

Current Pictures (taken Mid October 2021)



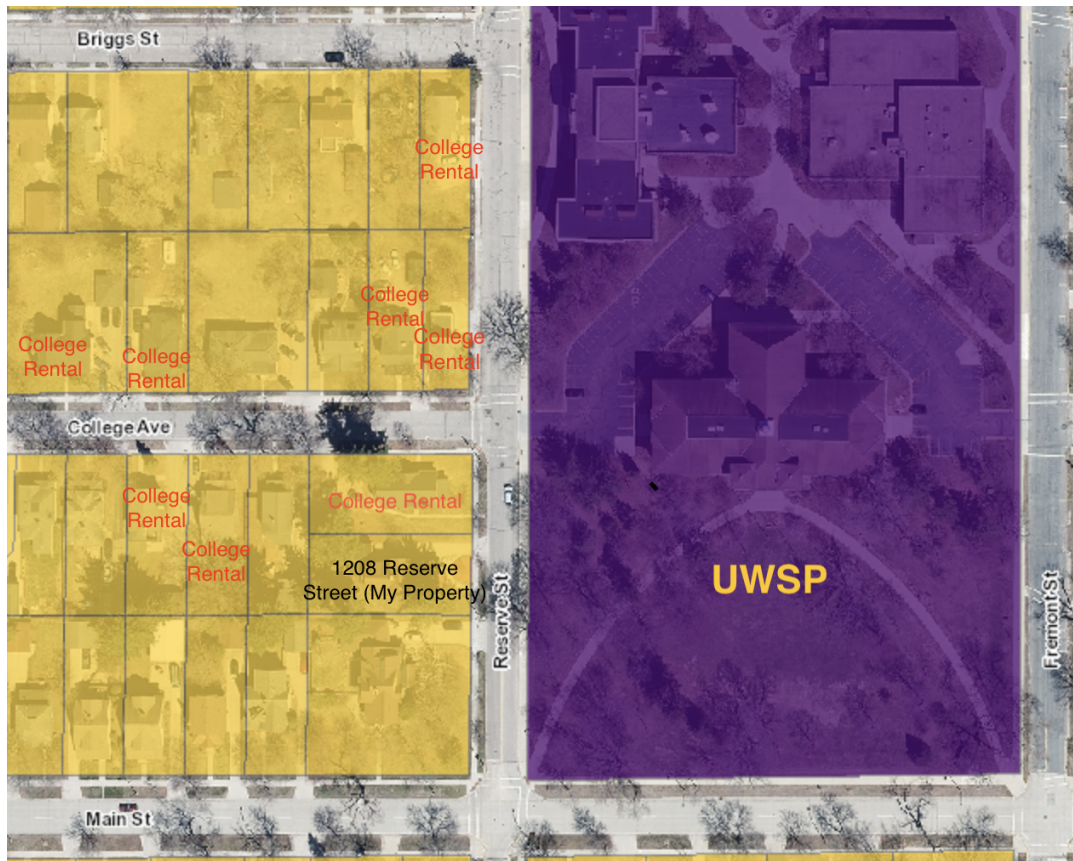




Day of Purchase (March 2020)



Map of property location in proximity to campus including nearby college rentals



Improvements made to the property:

- Full teardown and remodel of main floor bathroom (New toilet, sink, vanity, flooring, walls, window and tile shower with frameless glass shower door) completed in December of 2020
- New Bradford White 50 Gal. water heater installed September 2021
- New basement outlets (including GFCI) installed June 2020
- Painted the entire foyer, dining room, “master” bedroom on the main floor and two bedrooms upstairs.

Planned Improvements before Winter

- Replace the 7 remaining original windows upstairs
- Update upstairs bathroom (New shower/tub and faucet, new toilet, new sink and faucet, update and improve all plumbing involved)
- Convert dining room closet to a main floor laundry linen closet with new stackable washer and dryer (replace window in closet as well)

List the exceptional and extraordinary circumstances that are peculiar to the land or structure involved which are not applicable to other land or structures in the same zoning district.

The extraordinary circumstances (the two unrelated person limit per single family household) which is being applied to my property is not being applied to many properties or structures within the same zoning district and within VERY close proximity to my property. Other college rentals are being allowed to rent to students (more than two unrelated people in one household) since they are “grandfathered” in and have been operating as a college rental and have not had a single family live in the structure for more than one year. The two person limit would prohibit me from living in the household with my roommates but is allowing the property directly next to mine (1200 Reserve St) to operate as a student rental, along with many other properties within the same zoning district on College Ave, Briggs St. and other nearby roads that are operating as student rentals.

List any and all practical difficulties or unnecessary hardships that will result from the exceptional and extraordinary circumstances.

This ordinance and deadline (November 1st, 2021) will be an unnecessary hardship first of all for my roommates, who are all currently full-time students at UWSP. During the middle of their semester, when they should be studying for exams and focusing on schoolwork, they would be forced out of their home where they have settled for the past few semesters. Finding an alternative place would be very difficult if not impossible, since student rentals (including campus housing) run on lease schedules or housing terms that start at the beginning of the school year. Even if they did manage to find a place, they would then have to spend the time that they should be dedicating to being a college student, to moving all of their personal belongings, clothes, and furniture to their new place.

The second practical difficulty and unnecessary hardship would be for myself. If I am unable to use my home as a rental for my roommates, this causes an unnecessary financial issue for me. If the November 1st Deadline were to be held, I would be in a tough financial situation after dealing with all of my roommates security deposits, and being cut off from rental income that I have been using to pay the bills for the house and additional cash flow to invest right back into the property to improve it. If I am unable to rent the property, I

would no longer be in a position to keep improving the property, and would therefore not have a reasonable use of the property without this variance.

The applicant must prove that the exceptional and extraordinary circumstances do not result from the actions of the applicant. How were the exceptional and extraordinary circumstances created?

I believe that this question is more suited for cases of an area variance rather than a use variance. When I bought the property, my intentions were to rent it to college students that I knew and improve the home while living in it. I bought the property based on the condition of the home, the capacity it had for roommates, and the very close proximity to campus and other college rentals. It was the perfect option for what I was trying to do. My property is in the same zoning district as all other college rentals that are within proximity to campus. College rentals contain more than 2 unrelated people and to my knowledge at the time did not hold any special uses or conditions. I was not aware of the case of these surrounding college rentals being “grandfathered in” which allowed them to operate in the fashion that they do. I expected that there would be options from the city to use my property as a college rental such as changing to a multi-family, or some other means that would allow for more than 2 unrelated people to live in the residence. The only true option for me to utilize my property in the way I intended to do so when I purchased it is to obtain this use variance.

As far as how the 2 person limit was created, after receiving my ordinance notice and having many conversations with multiple individuals at the city, as well as attorneys, and my neighbors, my grasp of understanding on the situation I am in is way deeper than when I originally bought the home. I understand that residents of Stevens Point that want to improve the community and preserve history and condition of the homes in this city came up with the limit of no more than two unrelated persons per single family household. The intention of this was to stop more college rentals from starting. While I agree with the motives, the rule in itself in my case is restricting me from accomplishing the goals of the residents who came up with the two person limit.

I want to stress that my intentions are to improve the property with rental income from my known roommates, and my final ambition is to have improved

the property enough that makes it attractive for a single family to move into once I am finished with my degree and my tenants have moved on.

In terms of how I got into this situation in the first place, the lead up to what is occurring now was a lot of confusion, miscommunication, and misunderstanding. I think that the bigger picture of this whole scenario is not HOW I got here, but WHY and WHAT I am doing with the property and whether or not the zoning board views it as acceptable. Regardless of how I got into this situation, my only intentions were to abide by the City of Stevens Point's rules and to improve my home to the best of my ability, while utilizing it as a home for my fellow roommates.

List any and all alternatives considered by the applicant and provide evidence as to why they are not feasible.

The only two "alternatives" to this situation would be either to switch my home from a "single family" to a "multi family" or have my roommates move out and find a new place at the beginning of November. I was told that I would "Not be able to switch my property to a multi-family due to my lot size."

The other "alternative" of my roommates finding a different place to live is not feasible for many reasons which I have already described above. It would be VERY hard (if even possible) to find a place that would allow them to begin a new lease in the middle of November, since student housing runs on certain timeframes that begin at the beginning of the school year. UWSP Residential living follows the same time frames of new housing contracts beginning at semester. Even if they were able to find a place, I would not want to make them have to deal with the huge hassle of moving all of their belongings, furniture, clothes, and figuring out more situations like where they will park their cars, and other things of that nature. This time in the semester, as well as any time during the school year, should be utilized for focusing on homework, upcoming exams and succeeding in academics. My roommates should not be scrambling at the last minute to try to make an unnecessary housing change. The other aspect of why this option is not feasible is the financial situation it will put me in as described above. The stream of rental income I have currently which has been used to improve the property would be cut off, and I would have a huge financial burden of what I

should do, since the property is truly best suited to rent out given its size and layout, and I would no longer be able to do that.

Would approval of this variance allow the applicant to do something that other property owners in the same situation would not be able to do? If so, how?

If this variance were to be approved, allowing me to continue renting my property to my roommates, then that would be granting me the ability to rent my single family home to more than 2 unrelated people, which other owners of single family homes would not be able to do.

I understand that the goal of the two person limit is to restrict landlords from purchasing single family homes and turning them into student rentals. Without context of my situation, the rule is technically doing its job.

The difference is that I am not your typical landlord. I am owner-occupying the property, living in the home with all of my “tenants” which doubles them as my roommates. A typical landlord of college rentals does NOT live with the students they are renting to, nor does the tenant know them personally. Since this is my home, and I am living in it, I personally chose who my roommates were, and who I would allow to live in my house on the basis of knowing them personally beforehand through meeting them at UWSP. All of my roommates are “tenants” that I have known personally for over one year before allowing them to rent a room in my home. Hence, my “screening process” for my “tenants” is a lot more diligent and personal than a typical landlord.

Being a college student, I have seen firsthand what can happen to the condition of properties when they are rented out to students, and in situations where the landlord is pretty “lenient” if you will. I completely agree that there should be efforts to preserve the history of these beautiful homes in Stevens Point. I also believe that there should be some effort to raise the standards of living in student housing. I see the reasoning behind the rule of the two-person limit, and I agree with what it is trying to accomplish, but in my case, it is restricting me from ultimately doing what is BEST for my property.

I understand that to an outsider's eye, seeing a house like mine be utilized as a college rental might be off putting to those who strive to preserve a home like this. I believe that after understanding the entire situation, how I

am living in the property with my roommates, how I screened them as tenants, and how I am taking this rental income and using it to improve the property, there would be no harm to the public interest of the people of Stevens Point.

I want to make my intentions very clear. I have been a real estate agent for over 2 years now, and my father, who has guided me in this path, is a broker with over 10 years of real estate experience. The decision I made to buy this house was backed by my knowledge of real estate and my intentions to rent it out and improve it along the way for when I decide to part with it. My mother, who passed away in October of 2009, was an architect for Ghidorzi and studied Interior Design at UWSP. I take after her in my passion for design and architectural history. I believe that given my past, my context, and my intentions, I should deserve to continue renting my home.

Would denial of this variance deprive the applicant of rights commonly enjoyed by other property owners in similar situations? If so, how?

Denial of this variance would deprive me from the ability to rent my home like I have been. The ability to rent houses is a right that is commonly enjoyed by many property owners/landlords within very close proximity to my property simply due to them being “grandfathered in” and able to keep renting since they were already college rentals in the past.

My understanding of the rules and ordinances was not clear until now when I finally received a notice in the mail about the two person limit and given the deadline of November 1st, 2021 to “correct” it. Since receiving that notice I have been doing everything in my power to figure out what my options are and how to approach this. I have spoken to multiple people at the city, the SGA Legal Advisor, and one of the most helpful people of all, my neighbor.

My neighbor, Troy Durkee (Cell phone is 715-321-2377), lives on the corner of Reserve St. and Main St. in a very nice home with his wife and children. He works on campus at Old Main and has been very helpful in explaining to me the how and why of the two person limit. He stated that we have been excellent neighbors and that he hopes we are able to stay in this home and continue doing what we are doing. He has had zero issues with us in the past and things have remained peaceful between us. The neighbors to the North of my property are college students living in a college rental.

Now, given my entire situation, with my intentions of continuously updating and preserving this property, giving my tenants/roommates/friends a very nice place to stay while they are completing their degrees, the proximity of my property to UWSP and other college rentals, my knowledge and passion of architecture and real estate, and being a good neighbor, I hope that denial of this variance should be seen as unfair and unreasonable.



Thursday, September 16, 2021

ID#: RAC-2021-01039

JORDAN G. PLOMAN
1208 RESERVE ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 1208 RESERVE ST**

Dear Jordan G. Ploman,

An inspection of the property located at 1208 RESERVE ST was made on 09/14/2021. As a result of this inspection, the condition below was observed:

Condition:

- Please see the attached memorandum regarding the use of the property exceeding the maximum number of unrelated persons residing in the dwelling unit. Must be corrected by: 11/01/2021
Improper occupancy 23.02 and 23.04: 23.02 and 23.04 No person shall permit occupancy of a dwelling above the allowable limit.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. **Case details may be requested at communitydevelopment@stevenspoint.com.**

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **11/01/2021**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Kuhn", with a long horizontal flourish extending to the right.

Adam Kuhn
Zoning Administrator/Associate Planner
akuhn@stevenspoint.com
715-346-1567



September 16, 2021

Jordan Ploman
1208 Reserve Street
Stevens Point, WI 54481

Dear Jordan Ploman,

On February 10, 2021, you received notice of a potential violation in the number of unrelated persons who are residing in the premises at 1208 Reserve Street. According to the City's Zoning Code, no more than two unrelated persons can reside within one household unit. The Zoning Code section is found below:

FAMILY - is an individual, or two or more person related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or person plus one individual not having such similar legal relationship but functioning as a part of the single housekeeping entity. The definition of family shall not apply to a Tourist Rooming House

After careful examination, it was stated by the property owner that four unrelated persons reside in the household unit—an increase of two of what historically occurred within the dwelling. Therefore, this letter serves as a follow-up to our past verbal and written communication that the City's definition of a family is in violation at the aforementioned property.

As the initial compliance deadline of May 31, 2021 was not upheld during the most recent inspection this month, please be advised that the 3+ unrelated occupancy of the dwelling unit shall cease no later than **Monday, November 1, 2021**. Following November 1, 2021, no more than two unrelated persons may occupy the dwelling unit. Failure to abide by the November 1, 2021 deadline will result in subsequent noncompliance letters and citations as described within the penalty provisions of the Stevens Point Municipal Code.

If you have any questions or would like to discuss this further, please do not hesitate to contact me.

www.stevenspoint.com

Open Records Rider: The City of Stevens Point is subject to Wisconsin Statutes relating to public records. Communication, such as this document, sent or received by City employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of City communication should presume that the communications are subject to release upon request, and to state record retention requirements.



MEMORANDUM

Jordan Ploman
1208 Reserve Street
Stevens Point, WI 54481

To: Jordan Ploman
From: Adam Kuhn, Associate Planner / Zoning Administrator
Date: February 12, 2021
RE: Family Definition Violation at 1208 Reserve Street

Dear Jordan Ploman,

On February 10, 2021, received notice of a potential violation in the number of unrelated persons who are residing in the premises at 1208 Reserve Street. According to the City's Zoning Code, no more than two unrelated persons can reside within one household unit. The Zoning Code section is found below:

FAMILY - is an individual, or two or more person related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or person plus one individual not having such similar legal relationship but functioning as a part of the single housekeeping entity. The definition of family shall not apply to a Tourist Rooming House

After careful examination, it was stated by the property owner that four unrelated persons reside in the household unit—an increase of two of what historically occurred within the dwelling. Therefore, this letter serves as a follow-up to our conversation that the City's definition of a family is in violation at the aforementioned property. Please return the violation to compliance no later than May 31, 2021.

www.stevenspoint.com

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If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Best,

Adam Kuhn

Associate Planner / Zoning Administrator
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
(715) 342-4158

2021 Property Records for City of Stevens Point, Portage County

November 10, 2021

Tax key number: 281-24-0832103821

Property address: 1208 Reserve St

Owner: Jordan G. Ploman
1208 Reserve St
Stevens Point, WI 54481

Zoning: R3 Two Family
Traffic / water / sanitary: Light / City water / Sewer
Legal description:

Summary of Assessment	
Land	\$17,400
Improvements	\$151,000
Total value	\$168,400

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1	Residential			8,712	0.200	None	Residential		\$17,400

Residential Building			
Year built:	1920	Full basement:	1,285 SF
Year remodeled:		Crawl space:	
Stories:	2 story	Rec room (rating):	500 SF
Style:	Residence Old Style	Fin bsmt living area:	
Use:	Single family	First floor:	1,285 SF
Exterior wall:	Msnry/frame	Second floor:	1,050 SF
Masonry adjust:		Third floor:	
Roof type:	Asphalt shingles	Finished attic:	
Heating:	Gas, forced air	Unfinished attic:	
Cooling:	A/C, same ducts	Unfinished area:	
Bedrooms:	5	Enclosed porch	225 SF
Family rooms:		Enclosed porch	90 SF
Baths:	2 full, 0 half	Open porch	88 SF
Other rooms:	5	Garage	336 SF
Whirl / hot tubs:		Deck	24 SF
Add'l plumb fixt:	2		
Masonry FPs:	1 stacks, 1 openings		
Metal FPs:			
Gas only FPs:			
Bsmt garage:			
Shed dormers:	16 LF	Energy adjustment:	No
Gable/hip dorm:		Percent complete:	100%



Total living area is 2,335 SF; building assessed value is \$151,000

2021 Property Records for City of Stevens Point, Portage County

November 10, 2021

Building Permits				
Issued	Permit #	Purpose	\$ Amount	Completed
8/15/2008	35786	Roof/Strip & re-roof	\$11,175	8/15/2009
1/4/2004	32372	Hwh	\$0	1/3/2005
6/23/1999	28491	Upgrade & rewiring	\$1,000	6/22/2000
9/21/1998	27973	Furnace (HVAC)	\$2,985	9/21/1999
4/29/1995	16884	Roof/Strip & re-roof	\$800	4/28/1996

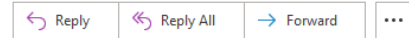
Sales History		
Date	Price	Type
3/9/2020	\$175,000	Valid improved sale
12/18/2013	\$130,500	Valid improved sale
7/5/2006	\$142,000	Valid improved sale

RE: 1208 Reserve Contact Info



Adam Kuhn

To  Adam Kuhn



Fri 11/12/2021 10:04 AM

From: Adam Kuhn

Sent: Friday, February 12, 2021 11:32 AM

To: Ryan Kernosky <rkernosky@stevenspoint.com>

Cc: Maria Mohr <mmohr@stevenspoint.com>

Subject: RE: 1208 Reserve Contact Info

Received confirmation from the property owner that the residence is being occupied by four unrelated persons. I'll send follow-up letters to the property owner outlining this violation.

Best,

Adam Kuhn

Associate Planner/Zoning Administrator

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

akuhn@stevenspoint.com

(o) 715-342-4158



4/19/2021

ID#: RAC-2021-00161

JORDAN G. PLOMAN
1208 RESERVE ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
VEHICLE PARKED ON GRASS AT 1208 RESERVE ST**

Dear Jordan G. Ploman,

An inspection of the property located at 1208 RESERVE ST was made on 04/16/2021. As a result of this inspection, the condition below was observed:

Condition:

- Any parking and driveway areas must be constructed of an approved hard surface they cannot be grass or mulch please correct prior to the due date. Must be corrected by: 05/03/2021

parking / driveway surfaces required 23.01(14)(e)(2)(h): 23.01(14)(e)(2)(h) Surfacing Required. Except as provided below, where parking facilities or any other vehicular use area is provided, they shall be surfaced with asphalt bituminous, concrete or dustless material approved by the Administrator, and shall be maintained in a smooth, well-graded condition.



- Vehicle is parked within the front yard setback and not on an approved parking area. Must be corrected by: 05/03/2021

Parking location for one and two family dwellings 23.01(14)(b)(2)(a): 23.01(14)(b)(2)(a) Single- and Two-Family Building Types (i). Required parking spaces shall be located on the same lot and shall not be located within the required front setback, except single- and two-family driveways leading to an approved parking area.

The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **05/03/2021**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Mark Kordus
Code Enforcement Official

PROPERTY HISTORY

Property Address: 1208 Reserve St

Key Number: 32-1038-21

<u>Date</u>	<u>Document #</u>	<u>Selling Price</u>	<u>Grantor/Grantee</u>	<u>Comments</u>
	195/251		C H & A Knudtson	
	600/486			
6/95	650/766	\$75,000 .777	Knudtson to Martin	
2/19/04	651975	\$127,000 .78	Patrick J & Kay L Martin, h/w to Kenneth W Risch, single	
7/5/06	691371	\$142,000 .876	Risch to Stephen G & Susan H Sherwin, h/w	
12/19/13	792284	\$130,500 .953	Sherwin to Joseph M Skibinski & Allyson A Pliska, h/w as SMP	