



Our intention is to have in-person meetings going forward. For the time being, we will hold the City Committee Meetings, Plan Commission, Council and most others at the Community Room at 933 Michigan Avenue. This in-person location will meet the legal requirement for our open meetings.

We will have a virtual option available, but the technology for the hybrid style meeting may not be reliable all of the time.

Members

- Chair George Doxtator
- Gracia Day
- Lynn Markham
- Ismaila Odogba
- Chris Tiffany
- Tom Schrader (Alt. #1)
- Stephen Klein (Alt. #2)

AGENDA

ZONING BOARD OF APPEALS

Date March 7, **Location:** Community Room
and 2023 933 Michigan Avenue, Stevens Point, WI
Time: 6:00 PM

OR

Zoom Teleconferencing

Meeting ID: 895 8186 5993 | Passcode: 565267

By

Computer: <https://us02web.zoom.us/j/89581865993?pwd=cFBVTldtUGpJcnQ3VjFRlJP>

By Phone: +1-312-626-6799 (US Chicago)

Opening Section:

1. Roll Call

Discussion and Possible Action on:

2. A request from Jacob Hainzperger for an area variance to install an accessory structure within the required street setback on the property located at 3199 Dan's Drive (Parcel ID 281230804101201).
3. Move into closed session pursuant to Wisconsin Statutes 19.85(1)(a) (deliberation concerning a case which is subject of any judicial or quasi-judicial trial or hearing before that governmental body) on the following:

A. A request from Jacob Hainzperger for an area variance to

PLEASE TAKE NOTICE that any person who has special needs while attending these meetings or needs agenda materials for these meetings should contact the City Clerk as soon as possible to ensure that a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Maps further defining the above area(s) may be obtained from the City of Stevens Point Department of Community Development, 1515 Strongs Avenue, Stevens Point, WI 54481, or by calling (715) 346-1567, during normal business hours.

PLEASE TAKE FURTHER NOTICE that a quorum of the Common Council may be in attendance at this meeting.

install an accessory structure within the required street setback on the property located at 3199 Dan's Drive (Parcel ID 281230804101201).

4. Return into open session for a decision on a request from Jacob Hainzlperger for an area variance to install an accessory structure within the required street setback on the property located at 3199 Dan's Drive (Parcel ID 281230804101201).

Closing Section:

5. Adjourn



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	Jacob Hainzlsperger	Contact Name	
Address	3199 Dan's Drive	Address	
City, State, Zip	Stevens Point, WI 54481	City, State, Zip	
Telephone	715-340-4944	Telephone	
Fax		Fax	
Email	Shannonraehl7@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
3199 Dan's Drive 2308.04, 1012.01		
Legal Description of Subject Property		
Lot One (1) in Block Five (5) of Dan Kozielkowski's Subdivision, City of Stevens Point, Portage County, Wisconsin.		
Designated Future Land Use Category		Current Use of Property
Proposed Use of Property		Current Zoning District(s)
Ordinance Provision(s) from which a variance is requested		

TYPE OF VARIANCE REQUESTED

Project (i.e. setback, parking, height, area, etc.)	Required	Proposed
Area Variance	25 foot setback off of the Right-of-way.	10 foot setback off of the Right-of-way.
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>Steep sloped yard on north & east side of property. Waterfront property on McDill Pond. House is positioned just off the northside lot line. The southside lot line along Heffron St is a dead end/no outlet, that is utilized for boat ramp parking.</p>		
List any and all practical difficulties or unnecessary hardships that will result from the exceptional and extraordinary circumstances.		
<p>A shed cannot be placed on a steep slope, it must be on level ground. Shed must be 30 feet from the McDill shoreline.</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>The steep sloped yard was created that way when they built the subdivision. When house was originally built the owner positioned the house that way.</p>		
List any and all alternatives considered by the applicant and provide evidence as to why they are not feasible.		
<p>See attached sheet.</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>No.</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>Yes. We wouldn't be able to enjoy shade and watching the wildlife that frequently visit the beautiful mature trees. Couldn't see the beautiful view of McDill from our home.</p>		

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

-Moving the shed 15 feet to the north & 34 feet to the east, just on the edge of the steep slope. We would have to cut down two 55+ year old mature trees, so the shed could be placed there. In doing this it would cause harm to public interests. These trees help protect water quality, provide wildlife such as birds and squirrels with a habitat and provide natural scenic beauty to the city. Trees create a natural buffer that helps protect the water body from erosion and sedimentation when it rains.

-Moving the shed 15 feet to the north. It would be on top of the existing landscaping and sprinkler system heads on the property. Also, it would be right in front of our bedroom window.

-Moving the shed on the northside of the property on the north lot line. Due to a concrete sidewalk, the shed would have to be placed farther down and then is on the steep slope of the property and would be on top of the sprinkler system heads. Also, it would completely block our neighbors' view of McDill Pond.


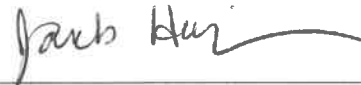
Current Zoning Surrounding Subject Property			
North:		South:	
East:		West:	
Current Land Use Surrounding Subject Property			
North:		South:	
East:		West:	

EXHIBITS

Owner Information Sheet	<input type="checkbox"/>	Additional Exhibits If Any:
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	<input type="checkbox"/>	
Site Plan (designating primary, side, and service street frontages)	<input type="checkbox"/>	
Photos of property, building, etc.	<input 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
	2-21-23		2-21-23





Administrative Staff Report

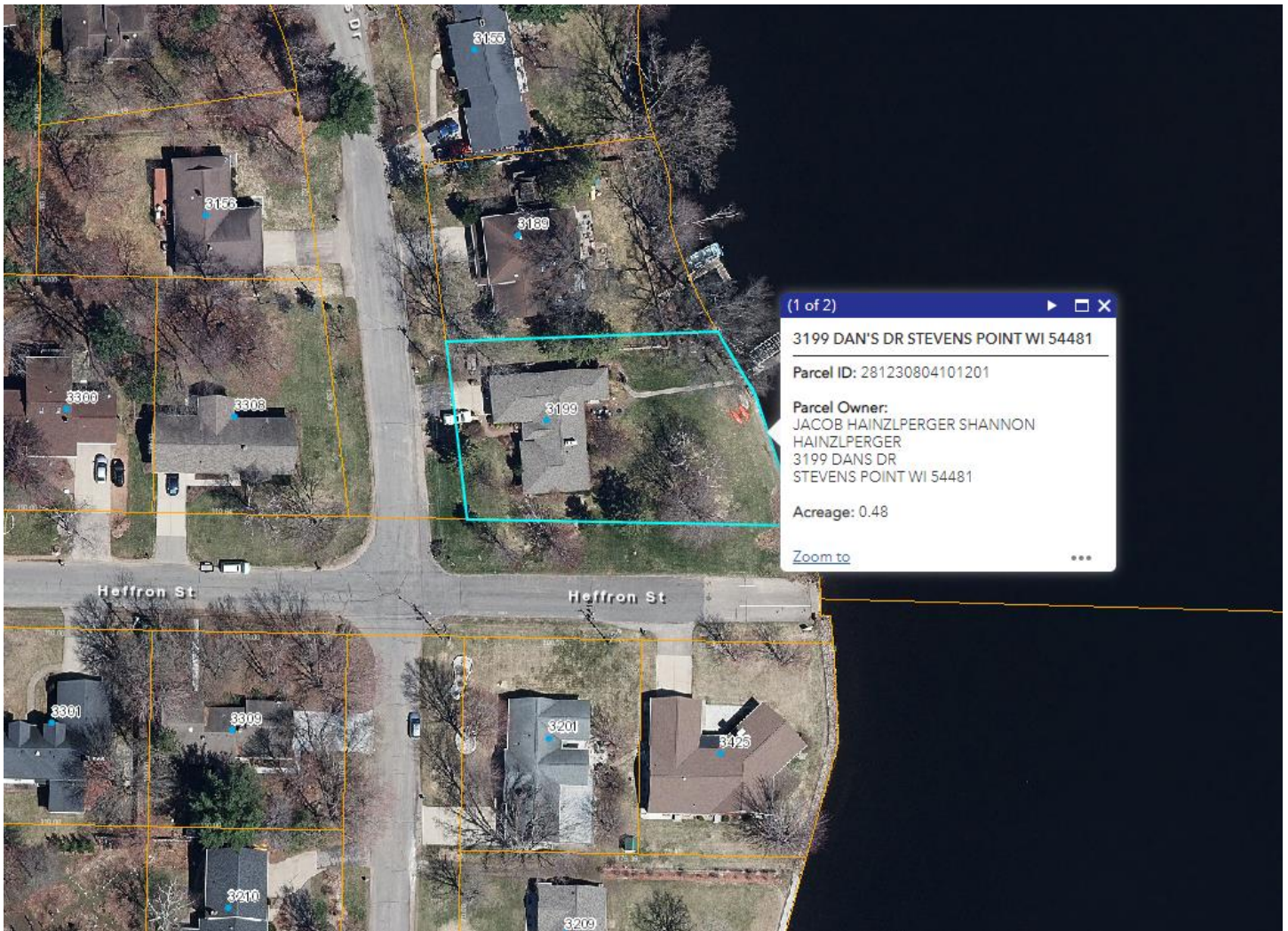
Area Variance
Install Shed Within Street Setback
3199 Dan's Drive
March 7, 2023



**Department of Community
Development**

<p>Applicant(s):</p> <ul style="list-style-type: none">Jacob Hainzlperger <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">281230804101201 <p>Zone(s):</p> <ul style="list-style-type: none">"R-2" Single-Family Residential <p>Master Plan:</p> <ul style="list-style-type: none">Residential <p>Council District:</p> <ul style="list-style-type: none">District 10 Ald. Fishler <p>Lot Information:</p> <ul style="list-style-type: none">Frontage: 296.5 ft.Depth: 196.5 ft.Lot Size: 21,022 sq. ft. (0.483 ac.) <p>Current Use:</p> <ul style="list-style-type: none">Single-Family 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 Jacob Hainzlperger for an area variance to install an accessory structure within the required street setback on the property located at 3199 Dan's Drive (Parcel ID 281230804101201). <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, 3199 Dan's Drive, is zoned "R-2" Single-Family Residential and is used as a single-family residence.In January 2023, City staff became aware of a shed being installed along the south lot line without obtaining a building permit.Additionally, it was observed that the shed did not meet the required street setback requirement for accessory structures along the south lot line. 25 feet is required off of the Heffron Street Right-of-Way, while nine feet of setback is provided.On January 17th, 2023, a noncompliance letter was sent to the property owner identifying the two violations – that a shed was installed, within the required street setback, without first obtaining a building permit.On February 21st, 2023, the applicant submitted a variance application to request a street setback less than the 25 feet that is required. The applicant is requesting ten feet of street setback.The Zoning Board of Appeals shall review any variance requests subject to the review standards outlined in Section 23.05 of the City's Zoning Code and Wis. Stats. 62.23(7)(e). <p>Staff Recommendation</p> <p>Deny the variance request for an area variance to install an accessory structure within the required street setback on the property located at 3199 Dan's Drive (Parcel ID 281230804101201) 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 due to circumstances of the applicant.
--	---

Vicinity Map



Background

Overview: On January 16, 2023, I became aware of a shed being installed on the property located at 3199 Dan's Drive. Upon reviewing our internal permitting software, it was observed that a building permit was not issued to the property owner to install said shed. In preparing for the release of a non-compliance letter to the property owner, I also observed that the shed was installed within the required street setback. Within the City's Zoning Code, street, side and rear yard setback requirements vary by zoning district. The subject property, zoned "R-2" Single-Family Residential, has the following setback requirements:

- Street yard: 25 feet.
- Side yard: A total of 20 feet for both side yards, with one side yard setback not being less than eight feet.
- Rear yard: Not less than 20% of the lot's depth. Rear yard setbacks must be no less than 15 feet and no greater than 30 feet.

Upon review of the installed shed, in consultation with the property owner, it was determined that the street yard setback provided off of the Heffron Street Right-of-Way (south lot line) was nine feet. For corner lots, such as the subject property, the above 25 feet street setback would apply to both street lot lines. In the case of the subject property, a 25-

foot street setback would be required off of the south lot line (Heffron Street Right-of-Way) and the west lot line (Dan's Drive Right-of-Way). As the installed shed infringes within the required 25-foot street setback off of the south lot line, it is not in compliance with Section 23.02(1)(d) of the City's Zoning Code.

Before proceeding, it is important to acknowledge that the City's Zoning Code does provide exceptions to setback requirements for the construction of accessory structures. For context, the City's Zoning Code defines an accessory structure as the following:

ACCESSORY BUILDING OR USE is a building, use, or activity which is conducted or located on the premises or immediately across the street from the principal use served, clearly incidental to, subordinate in purpose to, and clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupant, employee, customer, or visitor of or to the principal use. The accessory use may not be located on a parcel where the principal use is not permitted. Any accessory use which is not on the site of, or is across the street from, the principal use must be reviewed and approved by the Common Council.

Section 23.01(10) of the City's Zoning Code provides modified side and rear yard setback requirements for accessory structures if certain circumstances exist. Said code provision is outlined below.

Sec. 23.01(10) Exceptions and Modifications

Exceptions to yard and setback requirements:

- (2) *An accessory building which is located ten or more feet from the principal building may be located in a rear or side yard provided it is not more than 15' high and is not nearer than 3 feet to any lot line unless otherwise stated, except that when an accessory building has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley right-of-way line.*

The above code provision states that if a requested accessory structure is a.) less than 15 feet in height and b.) separated by at least ten feet from the principal structure on the property, the proposed accessory structure may be located no closer than three feet from the side lot line and rear lot line. As the above Zoning Code provision applies only to accessory structures within a side or rear yard, the required street yard setback within a property's respective zoning classification would still apply. If an accessory structure exceeds 15 feet in height and/or is within ten feet of the principal structure, it is required to meet the side and rear yard setback requirements within a property's respective zoning classification. Please note that for the subject property, the above setback exception would not apply for the rear yard setback due to the City's Shoreland Zoning Ordinance. Section 23.01(13)(b) of the City's Zoning Code requires all structures to be set back at least 30 feet from a navigable stream, lake or flowage. With the property abutting McDill Pond to the east, any structure, principal or accessory, would need to be offset 30 feet from the water's edge.

Sec. 23.01(13) General Standards.

- b) *Shoreland Requirements. All buildings and structures shall be set back at least 30 feet from a navigable stream, lake or flowage. Tree cutting in the first 30-foot strip paralleling the shoreline shall be limited in accordance with the following provisions:*

- 1) *No more than 30 feet in each 100 feet, as measured along the normal high water mark, shall be clear cut.*

- 2) *In the remaining 70 feet, cutting shall leave sufficient cover to screen vehicles, dwellings, accessory structures, except boathouses, as seen from the water; to preserve natural beauty and to control erosion.*

With the aforementioned findings of fact, a noncompliance letter was sent to the property owner of 3199 Dan's Drive on January 17, 2023 instructing them of two violations – 1.) that an accessory structure was installed on the subject property without the issuance of a building permit and 2.) that said accessory structure is located within the required 25-foot street setback. After discussing the case with the applicant, a variance application was submitted on February 23, 2023 to request a ten-foot street setback off of the south lot line. 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.

I 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 several reasons for why an unnecessary hardship exists. The first claim of an unnecessary hardship is due to a “steep sloped yard on the north and east side[s] of the property.” With the applicant’s application, references are made as to needing to place a shed outside of this sloped area. According to contour maps for the subject property, the base elevation of the property when located outside of the 30-foot setback off of McDill Pond is 1,070 feet above sea level. At its highest point, a shed can be located on the property that is 1,073 feet above sea level.

The second claim is that relocating a shed to meet the above setback requirements would require two 55-plus year-old trees to be cut down to accommodate the shed’s new location. According to the applicant, “these trees protect water quality, provide wildlife...[and] a natural buffer that helps protect the water body from erosion and sedimentation when it rains.”

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, I believe that the claimed unnecessary hardship is self-created and would be a reason by itself not to grant a variance.

Sec. 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.

As stated above, the proposed accessory structure was placed on the subject property without the issuance of a building permit. Under a literal application of the above Zoning Code provision, the applicant’s argument for why a hardship exists (i.e., due to topographical constraints and the cutting down of two trees) is moot as the shed was erected without appropriate zoning approvals being obtained first.

The buildable area of the subject property has an elevation ranging from 1,070 feet to 1,073 feet above sea level. To calculate the slope of the property, one needs to know a.) the increase in elevation and b.) the length of buildable area within the subject property. The rise in elevation is three feet and the length of buildable area is 78 feet. Therefore, the calculation for determining the slope of the property is the following:



Contour Lines for the Subject Property

$$((1,073-1,070) / 78) * 100 = 3.85\%$$

Using the above calculation, it states that a 3.85% slope exists within the buildable area of the subject property. The big question that needs to be answered is whether this percent slope is suitable for development. According to the [U.S. Department of Housing and Urban Development](#), the table below outlines the feasibility of urban development given the percentage slope.

Slope Suitability for Urban Development: Slopes Suitable for Development by Land Use Type

Limitations	Suitability Rating	Residential	Commercial	Industrial Park
Slight	Optimum	0-6%	0-6%	0-2%
Moderate	Satisfactory	6-12%	6-12%	2-6%
Severe	Marginal	12-18%	12-18%	6-12%
Very Severe	Unsatisfactory	>18%	>18 %	>12 %

Therefore, it is determined that a 3.85% slope on the subject property is considered ‘optimum’ development for residential uses. As such, it is my belief that a steep slope argument would be invalid.

Second, the applicant claims that the removal of two trees to build a shed within the required 25-foot street setback would represent a hardship. It is commonplace for new developments to require the removal of trees, shrubs or foliage for the placement of new structures. Therefore, the literal removal of trees is not considered a valid hardship as it habitually occurs for any type of development. Additionally, the applicant states that the two trees cannot be removed due to erosion control purposes near McDill Pond. The City’s Zoning Code does have shoreland zoning requirements related to the removal of trees and vegetation near a body of water. Said provision is outlined below.

Sec. 23.01(13) General Standards.

b) *Shoreland Requirements. All buildings and structures shall be set back at least 30 feet from a navigable stream, lake or flowage. **Tree cutting in the first 30-foot strip paralleling the shoreline shall be limited in accordance with the following provisions:***

- 1) ***No more than 30 feet in each 100 feet, as measured along the normal high water mark, shall be clear cut.***
- 2) *In the remaining 70 feet, cutting shall leave sufficient cover to screen vehicles, dwellings, accessory structures, except boathouses, as seen from the water; to preserve natural beauty and to control erosion.*

The above Zoning Code provisions states that in the first 30-foot strip of land adjacent to the ordinary high water mark, no more than 30 feet in any 100-foot section may be clear cut. Using aerial technology, the two trees referenced by the applicant are approximately 51 feet away from the ordinary high water mark. Therefore, the removal of these two trees to meet the required 25-foot street setback requirement can occur and does not conflict with the City’s Shoreland Zoning Ordinance.

Lastly, the applicant claims that relocating the shed to meet required setbacks would block their view and their neighbor’s (i.e., 3189 Dan’s Drive) view from McDill Pond. It is my opinion that having unobstructed view of

McDill Pond would not deprive a property owner to reasonably utilize their property. For example, the subject property can still be utilized as a single-family residence regardless of their percentage view of McDill Pond. Plus, it should be also noted that shoreland zoning requirements related to allowed clearcutting of trees and foliage would require a certain percentage of the waterline to be obstructed from view.

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

Analysis: According to the applicant, the exceptional and extraordinary circumstance hardship claimed is unique to the property given the subject property’s slope, it being waterfront property and the positioning of the residence on the lot.

Findings: As stated above, the slope of the property (3.85%) is not excessive and is considered optimum for residential development. Second, the applicant claims that since their lot is waterfront property, it results in unique and exceptional difficulties to comply with Zoning Code requirements. For the subject property, the table below outlines its setback requirements.

Lot Line	R-2 Setback Requirements
Street	25 feet off of the south lot line (Heffron Street Right-of-Way) and the west lot line (Dan’s Drive Right-of-Way).
Side	8 feet (north lot line).
Rear	30 feet (east lot line).
	*Note: shoreland setback requirements are more restrictive than the base rear yard setback requirement for the “R-2” District.

Based on the above setback requirements, the image below shows the buildable area for an accessory structure that would meet setback requirements of the “R-2” Single-Family District. This buildable area equates to roughly 5,500 square feet of space that is of sufficient area to accommodate the installation of an accessory structure.

Additionally, the applicant states that the location of the house on the subject property prohibits the ability to install a shed that meets street setback requirements. According to property records, the subject property is approximately 21,022 square feet in size. Within the “R-2” Single-Family Residence District, lots are required to be a minimum of 8,000 square feet in size. Not only does the subject property greatly exceed minimum lot size requirements, but it intentionally does so. Given the increased setback requirements off of McDill Pond, it was rational of City planning staff decades ago to plot this area with larger lot sizes to provide a sufficient amount of buildable area for single-family residential development. Similarly, the “R-2” District requires a minimum lot width of 80 feet for corner lot properties. According to property records, the subject property has 100 feet of lot width along Dan’s Drive and 166.5 feet of lot width along Heffron Street – thereby exceeding minimum lot width requirements. Finally, it should be noted that the residence located on the subject property meets minimum setback requirements of



Permitted Locations for an Accessory Structure

the “R-2” District as identified below. When accounting for lot size requirements, lot width requirements and the location of the residence on the property, it is evident that the subject property is not non-conforming with Zoning Code provisions and is similar to other corner lots within the McDill Pond residential neighborhood.

Lot Line	R-2 Setback Requirements	Provided Setbacks
Street	25 feet off of the south lot line (Heffron Street Right-of-Way) and the west lot line (Dan’s Drive Right-of-Way).	25 feet off of Dan’s Drive 25 feet off of Heffron Street
Side	8 feet (north lot line).	19 feet off of the north lot line; 25 feet off of the south lot line
Rear	30 feet (east lot line). *Note: shoreland setback requirements are more restrictive than the base rear yard setback requirement for the “R-2” District.	83 feet off of the east lot line

Lastly, it is important to discuss the use of the Heffron Street Right-of-Way that exists east of Dan’s Drive. While this portion of street right-of-way is utilized, in part, as a boat launch, it must be acknowledged that this street segment serves as the only form of access to a residential lot directly south of the subject property (i.e., 3425 Heffron Street). According to Section 23.01(13)(d) of the City’s Zoning Code, every principal building is required to have direct access to a public street for police service and fire protection. Said requirement is outlined below.

Sec. 23.01(13) General Standards

(d) Structures to Have Access. Every main building hereafter erected or moved shall be on a lot adjacent to a public or private street, and all structures shall be so situated on lots as to provide safety and convenient access for servicing, fire protection, and required off-street parking.

While it may seem strange that a public boat launch is considered street right-of-way, it is required to be identified as a street to provide access to the property located at 3425 Heffron Street. Should this portion of Heffron Street be requested to be vacated, it would go against the above Zoning Code provision and would not be permitted.

3. The variance will not harm the public interest.

Analysis: According to the applicant, the denial of this variance request would deprive them of rights that are enjoyed by other property owners in similar situations. The applicant states that “we would not be able to enjoy shade and watching the wildlife that frequently visit[s] the beautiful mature trees.”

Per the City’s Zoning Code, the intent of the “R-2” District is “to provide the population density and used primarily for single family living, which is expected to accommodate the numerous residential developments already at the density of this district, and this district would accommodate other housing not on City sewer. This district is to be located consistent with the City’s Comprehensive Plan.”

Findings: The subject property is a corner lot that also abuts McDill Pond to the east. One developed property abuts the subject property and would be located in the opposite side of the property where the shed is proposed to be permanently located. Overall, it is my belief that the placement of the shed within the required 25-foot street setback would not harm the public interest. The proposed shed would not pose a visual obstruction for the property who uses this portion of Heffron Street for access into their property (i.e., 3425 Heffron Street), nor do I believe that having a shed closer to the asphalt road would negatively impact the

smooth operations of a boat launch. While some may argue that having a shed that close to the street lot line would pose negative aesthetic attributes for the area, I believe that such an argument is downplayed given the subject property being located along McDill Pond.

After review, I have determined that all three review standards are not met for granting a variance. Therefore, I 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 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





Tuesday, January 17, 2023

ID#: RAC-2023-00031

JACOB HAINZLSPERGER
3199 DANS DR
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 3199 DANS DR**

Dear Jacob Hainzlsperger,

An inspection of the property located at 3199 DANS DR was made on 01/16/2023. As a result of this inspection, the condition below was observed:

Condition:

- A shed, not meeting street setback requirements, was installed on the property without the issuance of a building permit. Please obtain a building permit prior to the compliance deadline. Must be corrected by: 02/01/2023

Work Without Permit 30.03(2): 30.03(2) Permits required. No person shall excavate for, erect or construct, nor add to, enlarge, improve, repair, alter, convert, extend, move, or demolish any building or structure; perform any work with regards to electrical, plumbing, heating and ventilation, or cause the same to be done without first obtaining a permit therefore from the Division of Inspection Services. A list of activities for which a permit is required is on file in the department. The enumeration of such list does not preclude the Building Inspector from determining that an activity not appearing on the list nevertheless requires a permit, provided that the activity is within the general description of activities requiring permits contained in this paragraph.



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 **02/01/2023**. 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](https://www.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,



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