AGENDA
BOARD OF APPEALS
September 9, 2020 at 6:30 p.m.
VIRTUAL MEETING

**Please note that due to the ongoing COVID-19 public health emergency, members of this governing body will attend via telephone or internet.**

The City Council Chambers will be open to the public but limited to 10 attendees due to social distancing (Use the lower level doors). The building may not be open until 6:15 p.m.

For your personal safety and the safety of our community, interested persons are invited to watch from their homes in lieu of attending the meeting in person. The public may view and/or participate in the meeting by:

- **Calling Toll Free 1-844-992-4726; Access code: 132 156 8426**
- Visiting the web link: [https://tinyurl.com/RFBOA992020](https://tinyurl.com/RFBOA992020)
- Viewing the City's YouTube Channel: [https://www.youtube.com/user/cityofriverfalls](https://www.youtube.com/user/cityofriverfalls)

Persons wishing to make a public comment during the public hearing should contact Sam Wessel (swessel@rfcity.org or 715-426-3424) prior to 4 p.m. on the day of the meeting in order to ensure they are added to the list and can be accommodated during the meeting. The Chair of the Board of Appeals will call on those wishing to speak after the City staff presentation.

AGENDA BEGINS ON NEXT PAGE
AGENDA
BOARD OF APPEALS
September 9, 2020, at 6:30 pm
VIRTUAL MEETING

CALL TO ORDER – 6:30 p.m.

ROLL CALL

APPROVAL OF MINUTES
1. January 22, 2020 Board of Appeals meeting minutes

VARIANCE REQUEST – Jim Renslow, 641 S Main St and 121 Cascade Ct

2. Reading of the Public Hearing Notice: Amy White, City Clerk
3. Reading of the Announcement of Proceedings: Amy White, City Clerk

PUBLIC HEARING
4. Overview of the matter coming before the Board of Appeals: Eric Amundsen, BOA Chair
5. Oaths administered by Amy White, City Clerk
6. Applicant testimony: Jim Renslow, 641 S Main St and 121 Cascade Ct
7. City staff presentation: Sam Wessel, Planner
8. Inspections, correspondence, and communication disclosure
9. Others wishing to speak

DISCUSSION BY BOARD OF APPEALS MEMBERS
10. Motion by BOA member
11. Discussion
12. Roll call vote regarding variance request
13. Statement of voting results

ORDER AND DETERMINATION
Sam Wessel, Planner

ADJOURN
DRAFT MINUTES
BOARD OF APPEALS
JANUARY 22, 2020 at 6:00 p.m.
City Council Chambers

Members Present: Eric Amundsen (Chair), Gary Horvath, Kellen Wells-Mangold, Morris Marsolek, Andrew Brown
Members Absent: Jeanette Leonard (excused)
Staff Present: Amy Peterson, Sam Wessel, Brandy Howe, Dennis Dadashev, Amy White
Others Present: Amber Carlson (applicant), Justin Kleidosty (contractor), Jonathan Erickson

ANNUAL MEETING
New to the Board of Appeals (BOA), the City held a BOA annual hearing to review BOA rules, responsibilities, and procedures, beginning at 6:00 p.m. Management Analyst Fellow Dennis Dadashev gave a brief presentation to the Board containing these details.

CALL TO ORDER
Meeting convened at 6:30 p.m.

APPROVAL OF MINUTES
M/Brown, S/Wells - Mangold – motion carried 5-0 to approve October 5, 2016 minutes

ROLL CALL, READING OF PUBLIC HEARING NOTICE AND ANNOUNCEMENT OF PROCEEDINGS
Amy White called roll, read the public hearing notice, and stated that the agenda had to be amended to open the public hearing before the announcement of proceedings and City staff report.

M/Brown, S/Marsolek moved to amend the agenda as indicated. Motion carried 5-0.

AGENDA ITEM

Request for zoning variance by Amber Carlson, 1209 Emily Circle

Amundsen opened the public hearing. White read the announcement of proceedings.

Wessel reported that the applicant requested a variance to allow an existing deck to encroach on the required minimum 15-foot side yard setback for decks found in Sections 17.08.010 C.6.e. and 17.20.060 G of the municipal code. This issue was first brought to staff’s attention by a concerned neighbor who reported that an existing deck had been rebuilt with a larger footprint that encroaches on the required 15-foot side yard setback. Staff confirmed that the deck was built without a permit and that it encroaches on the setback. Wessel then read the City code requirements to grant a variance under Chapter 17 of the municipal code as well as motion options for the Board members
to grant, grant with conditions, or deny the variance request. Wessel responded to various questions regarding the deck’s dimensions and building permit records.

Amundsen called Justin Kleidosty to speak as a witness. Kleidosty explained that he didn’t obtain a building permit because it was his original intent to simply replace broken boards on the former deck, but upon initiating the work it was determined that the deck was not in structurally sound condition and with owner Amber Carlson’s permission it was decided to replace the whole deck with his crew. Kleidosty then responded to various Board member questions. He stated he has 13 years of experience, averages about 20 decks per year, is licensed, and that this was his first job in the City of River Falls. He also clarified that while he replace the entire deck he did not expand it closer to W. Maple Street compared to the former deck and that he used the existing footings (thus not making it more nonconforming than it was initially).

Owner Amber Carlson provided the history behind the deck including its significance to her family in memory of her late husband. She explained how she pulled a building permit after she was contacted by the City. She explained that she could not find a survey or dimensions of the lot or home, and lacking a property survey, she was told by the building inspector that based on his rough measurements using the sidewalk as a best guess on where the property line is located, her options were to either cut back the overhanging portion of the deck to the posts or bring the deck fully into compliance. She chose to instead pursue a variance.

Jonathan Ericson, friend of Carlson, asked why the variance is necessary if staff doesn’t know exactly where the property line is. Wessel explained that the deck is within 15 feet of the sidewalk, which is not on Carlson’s property, so any property line would not be greater than 15 feet from the deck.

Amundsen mentioned that if the existing deck projects the same distance from the house toward the lot line at 12 feet, and the new deck projects the same distance, the deck should be permitted since it did not become more nonconforming.

M/Amundsen, S/Brown moved to approve the variance request to leave the deck as it exists.

Several board members indicated support for granting the variance, but that it would be difficult to prove hardship since the applicant failed to obtain a building permit, which would have clarified where the setback was prior to construction. The burden of proof to identify the property line should be on the applicant and this case should not set a precedent that applicants can build without a permit and then later ask for a variance when not following procedures.

Motion to approve the variance request was restated. White read the voting results. Motion passed 5-0.

Wessel read procedures for the Board to complete their individual conclusions of law forms that will be compiled in the order and determination and final report, which Wessel and Amundsen will complete and submit to Pierce County.

Respectfully submitted,

Sam Wessel, AICP, Planner
ITEM: Board of Appeals, Jim Renslow, 316 Nicole Lane, River Falls, WI, 54022

REQUEST: Dimensional variance to encroach on the minimum shoreland setback requirement in Section 17.124.040 of the City’s municipal code

LOCATION: 641 South Main Street and 121 Cascade Court, River Falls, WI, 54022

LEGAL: Amended Assessor’s Plat (parcel ID numbers below)

PIN: 276-01112-0400
     276-01112-0500
     276-01113-0300

APPLICANT: Jim Renslow

AGENT: Chris Kusilek

OWNER: Jim and Teri Renslow

CITY STAFF: Sam Wessel, Planner
            Amy Peterson, Development Services Director

REQUEST
An area variance to allow structures within the 175 foot shoreland setback (see Exhibit 1).

Jim Renslow owns three parcels at the end of Cascade Court: 121 Cascade Court (two parcels on either side of the Cascade Court right-of-way) and 641 S. Main Street. All three are zoned R1 Single Family Low Density Residential. Renslow stated in the BOA application that, if granted, the variance would allow in the sale of the property to a developer that has proposed to seek zoning approval for three two-story duplexes and an 8-unit rowhouse on a reconfigured parcel derived from the existing three parcels (Exhibit 1). To build the proposed townhomes, a Planned Unit Development (PUD) or a rezoning of the parcel to a multifamily residential zoning district (R2 or R3) would be needed in addition to said variance.

BACKGROUND
Chapter 17.124, of the City’s Municipal Code contains the City’s shoreland zoning ordinance, the purpose of which is “to establish minimal acceptable requirements for the design of buffers to protect the streams, wetlands and floodplains of the City of River Falls.” Portions of the Kinnickinnic River and its tributaries are Class 1 trout streams, known for their high density of trout populations per mile of stream. Shoreland zoning is one tool that protects rivers from negative impacts of development, such as pollution, heat, and erosion that increase where impervious

...
surfaces such as rooftops and parking lots are present within a watershed. A primary component of shoreland zoning is the shoreland setback, where impervious surfaces and structures are prohibited within a certain distance of the Ordinary High-Water Mark (OHWM), which is the edge of a body of water. Undeveloped plants and soils within the shoreland setback cool, filter, and slow down runoff as it recharges groundwater and the river.

The City’s shoreland ordinance uses a complex calculation to determine each property’s shoreland setback, and this setback varies throughout the City based on each site’s physical characteristics. First, a minimum setback of 75 to 125 feet is assigned to each waterbody depending on its size, with the size being referred to as stream order. For example, the Kinnickinnic River, Rocky Branch, and South Fork have a 125-foot minimum setback since they are third order streams, and smaller tributaries have 75- or 100-foot setback when they are first or second order streams, respectively. Second, steep slopes near the river add 25 or 50 feet to the setback depending on their steepness. Finally, the setback expands to surround floodplains and wetlands with an additional 25-foot setback. The applicant’s properties contain very steep slopes along the South Fork, and therefore a 50-foot steep slope setback is added to the 125-foot third order stream minimum setback, resulting in the total setback of 175 feet.

For all shoreland setbacks, the total distance is divided into three zones: the inner 25 feet (Zone 1), the outer 25 feet (Zone 3), and the middle zone (Zone 2), which varies in size to make up the remainder of the total setback. Pavement and structures are not permitted in any of the zones, but other uses such as stormwater facilities may be permitted in Zones 2 and 3 with City Engineer approval. Below is an illustration of how the setback is calculated for the subject properties:

Large shoreland setbacks are ideal in a growing community to protect undeveloped land as the City expands. However, when applied to Downtown River Falls, the ordinance made most downtown properties nonconforming. Since properties in the shoreland setback downtown were already developed, it was decided that a reduced setback would encourage properties to be upgraded with modern stormwater management, rather than restricting them from further improvements.

To address this, 17.124.040 G was added to the shoreland zoning ordinance, which reduces the setbacks within the Downtown Overlay Zoning District to 75 feet if the properties meet additional stormwater management requirements. The Depot and City Station site north of City Hall uses this approach, which resulted an underutilized former industrial site being upgraded with modern stormwater management.

Recently, 2017 Wisconsin Act 67 was enacted, prohibiting shoreland setbacks greater than 75 feet in all lands annexed to the City after 1982, meaning that the City’s full ordinance is no longer enforceable in much of the City.
The map below depicts all areas in the City where buildings could approach 75 feet from the river within the Downtown Overlay or on lands annexed after 1982, all shown in green. The subject property is not located in these areas, but it is just south of the Downtown Overlay.

Last year, City staff determined that a full rewrite of the City’s shoreland zoning ordinance would be required to meet river protection and environmentally sensitive redevelopment goals while addressing inconsistencies with state laws. Plan Commission has held workshops on the ordinance amendments, however, this project was tabled this Spring, as COVID-19 shifted work plan priorities. It is unknown at this time what shoreland setback distances will be adopted when the ordinance is complete.
ANALYSIS
The three subject parcels combined total approximately 1.41 acres, and when combined, 0.47 acres is currently developable with the remaining 0.94 acres located within the 175-foot shoreland setback. All three are zoned R1 Single Family Low Density Residential, but in their current configuration, only 641 South Main Street is a suitable building site for a single-family home. The other two parcels do not have a large enough buildable area to accommodate the required 20-foot front yard setback and 25-foot rear yard setback. Should the applicant combine or reconfigure these parcels, the City may choose to vacate the end of Cascade Court. Below is a map that depicts shoreland setbacks and protections zones on the subject properties. Please note that the air photo depicts a single-family home and garage on 641 South Main Street that have since been razed.

Below is the applicant’s depiction of the requested variance. Staff overlaid the measurements on the proposed site plan using City Geographic Information Systems (GIS) data. It is staff’s understanding that the applicant
measured the setback from the floodplain edge, rather than the ordinary high-water mark; this is depicted by the black dashed line. This results in the structures shown being at an approximate 100-foot setback (light gray), rather than the requested 75-foot setback (dark gray). Since GIS data only provides an approximate measurement, onsite measurements may be used to confirm the exact location of a 75 foot shoreland setback.

The site plan shows pavement (a parking area), which is also prohibited in the shoreland setback, encroaching beyond a 100-foot setback. Stormwater facilities may be located within the setback after a detailed stormwater plan is reviewed and approved by the City Engineer. Therefore, the requested variance only applies to pavement and structures, and if approved, does not guarantee that stormwater infrastructure may be placed within the shoreland setback.
NEIGHBORHOOD/PUBLIC COMMENTS
A public hearing notice was published in the August 27, 2020 edition of the Star Observer. Public hearing notices were mailed to property owners within 300 feet of the subject property on August 19, 2020. The meeting agenda was posted at City of River Falls City Hall and on the City’s website on September 2, 2020. Several email comments were received from concerned neighbors regarding the loss of green space, traffic, waste disposal, maintenance, safety, and impacts to the river that the proposed townhomes could produce (see Exhibit 4).

CONDITIONS UNDER WHICH A VARIANCE MAY BE GRANTED
Section 17.104.030(E) of the Municipal Zoning Code authorizes the Board of Appeals to grant a variance subject to the following conditions:

1. That because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.
2. That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or buildings in the same zone classification.
3. That the purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land.
4. That granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner and the alleged difficulty or hardship is caused by this chapter and has not been created by any person having an interest in the parcel of land.
5. That granting of such variance will not, under the circumstances of this particular case, materially affect adversely the health and safety of persons residing or working in a neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.

The Board must apply the above-listed conditions and decide based on those criteria. To grant a variance, a favorable vote of a majority of the quorum is necessary. The motion regarding action should be very specific about the action being taken.

STAFF RECOMMENDATION
The Board of Appeals is a quasi-judicial body, i.e. functions in many respects like a court. Staff makes no comments or recommendations prior to the hearing that may prejudice a decision by the Board. Staff will be available at the public hearing to answer questions that may aid the Board in their decision. Staff may assist the Board with drafting of the language once the decision has been made.

BOARD OF APPEALS OPTIONS
The Board must determine based on the finding of facts and conclusions of law whether the area variance request does or does not meet the three tests: Physical limitations of the property, harm to public interest, and unnecessary hardship. These tests are described further below and in the Conclusions of Law form that is attached (Exhibit 3). It is the responsibility of Board members to complete this form and return it to staff following the meeting. Board options include:

1. Deny the requested variance – new development must meet the existing 175-foot shoreland setback
2. Grant the requested variance – new development must meet a 75-foot shoreland setback
3. Grant the requested variance subject to conditions/mitigation
4. Table the request and require the applicant to provide additional facts or studies to support the request
ATTACHMENTS

1. Applicant Narrative
2. Board of Appeals Findings of Fact and Conclusions of Law, May 2, 2007
3. Conclusions of Law Form (To be completed by Board members following the meeting.)
4. Public Comments received as of September 1, 2020
5. Public hearing notice, August 27, 2020
# Planning and Zoning Application

<table>
<thead>
<tr>
<th>APPLICANT NAME</th>
<th>Jim Renslow</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT EMAIL</td>
<td><a href="mailto:jimrenslow@gmail.com">jimrenslow@gmail.com</a></td>
</tr>
<tr>
<td>APPLICANT PHONE</td>
<td>612-819-1133</td>
</tr>
<tr>
<td>PROJECT LOCATION/ADDRESS</td>
<td>641 South Main/ 121 Cascade Court</td>
</tr>
<tr>
<td>APPLICANT AGENT NAME (CONTRACTOR/CONSULTANT/ETC.)</td>
<td>Chris Kusilek</td>
</tr>
<tr>
<td>PROPERTY OWNER NAME, ADDRESS, EMAIL, PHONE, and OWNER’S SIGNATURE (REQUIRED)</td>
<td>Jim And Teri Renslow 316 Nicole Lane River Falls, WI 54022</td>
</tr>
</tbody>
</table>

**REQUEST FOR**
- [ ] Appeal
- [ ] Annexation
- [ ] Certified Survey Map (CSM)
- [ ] Preliminary Plat
- [ ] Final Plat
- [ ] Replat
- [ ] Rezoning (Zoning Map Amendment)
- [✔] Variance
- [ ] Development Review
- [ ] PUD General Development Plan
- [ ] PUD Specific Implementation Plan
- [ ] Parking Lot / Driveway
- [ ] Right-of-Way Vacation
- [ ] Special Use Permit

**ATTACH LEGAL DESCRIPTION OF PROPERTY**

Required for all annexations, CSMs, rezoning, right-of-way vacation.

**NARRATIVE DESCRIPTION OF REQUEST (ATTACH AS SEPARATE SHEET)**

641 south Main Street tax parcels 276-01112-0400, 276-01112-0500, 276-01113-0300

**APPLICANT SIGNATURE**

James B. Renslow

**FOR INTERNAL USE ONLY**

CHECK# 1260
RECEIPT# 36928

Revised: December 19, 2019
We are hereby requesting variance to the setback requirements for this site from the Kinnikinic River to 75 feet.

The City of River Falls in its master planning and development concept review meeting on October 1, 2019 began the process of reviewing City ordinances to meet the development objectives for various neighborhoods of the City as presented by staff.

Attached to this narrative are copies of the PowerPoint slideshow presented to the Planning Commission at its December 2019 meeting regarding the site we are seeking a variance on.

The first slide shows the October 2019 master planning areas. Our site falls within the Broadway District neighborhood and the Broadway District development focus prepared by Ayers associates for the City staff. This was done specifically for our site. It shows the desired development for this location that requires and shows a 75 foot setback. Without the set back for the development it becomes unnecessarily burdensome and would restrict this development.

The second and third slide is an example of townhomes constructed by the developer who has the site under contract subject to resolution of the setback.

The fourth slide shows the proposed development of the site which requires the 75 foot setback. The site cannot meet the anticipated public purpose for redevelopment presented to the City in October 2019 without a variance to meet the setback of 75 feet.

The current setback standard is inconsistent with the allowed 75 foot setback on other areas of the river just across the bridge and downtown area. This year other apartment projects were currently being constructed with that 75 foot setback.

The Planning commission had anticipated reviewing the ordinance this spring. However due to the COVID-19 crisis they are no longer meeting and it is unlikely that this matter would be reviewed until next year.

The City staff has indicated support for the proposed redevelopment of the site with modification of the setback requirement. They suggested that seeking the variance at this time was necessary to resolve the hardship associated with setbacks of this site in relation to its buildable area within the timeframe needed for the development to move forward.

Since the proposed development of a more upscale multi family housing is in the public interest, the lack of ability of the Planning commission to review the change in the ordinance places an undue hardship on the property owner. This hardship can be overcome by review and granting of the variance.

The condition of the property will not allow economic development without some scale. The scale needed requires the variance in the setback. The property has steep slopes within 75 feet of the river but it tapers off so that the rest of the site is buildable with very little land disturbance. Stormwater ponding is anticipated as needed to control runoff. The fact that the steep slopes are situated within 75 feet of river further illustrate that a 75 foot setback is appropriate. Additional river setback creates an unnecessary hardship to develop the site.

Therefore it is not going to harm the public Interest in preserving the public water way without pollution. It will in fact help the public’s interest in re-developing a vacant site in accordance with the
Exhibit 1

master planning objectives for the Broadway District. It is going to help the public interest in creating much higher property value and tax revenues than vacant land.

Thanks for your consideration and I look forward to a positive response to this request.

Kind Regards,

Jim Renslow

612-819-1133
Exhibit 1

- Small-Scale Apartment Bldg: +/10 - 15 units, $2-$4 Million
- Mid-Scale Apartment Bldg: +/30 - 40 units, $7-$10 Million

Estimated Cost

Private Dev:

Site Notes:
(3) Lots
(1) Vacated Street
(1) 1.6 Acres
(1) Landowners

Broadway District: Development Focus
The house that helps pay for itself

A roof that turns sunlight to electricity,

Appliances that use much less power,

Architecture that captures sun in winter and shade in summer,

Create outstanding housing value today and tomorrow.
Exhibit 1

OPTION 'A'
PROPOSED SITE PLAN - SOUTH MAIN STREET AND CASCADE COURT

14 TOTAL UNITS
16 TOTAL GARAGE STALLS &
16 DRIVEWAY PARKING SPACES
2 VISITOR PARKING SPACES
SITE AREA = 65,900 S.F. (APPROX.)

SCALE = 1" = 40'

TOTAL 'GREEN SPACE' = 40,734 S.F.
TOTAL PARKING & DRIVES = 11,256 S.F.
TOTAL LIVING SPACE = 23,798 S.F.
CITY OF RIVER FALLS, WISCONSIN

DECISION OF BOARD OF APPEALS

Public Hearing: Renslow Properties LLC, May 2, 2007

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board finds the following facts:

1. The applicant or appellant is: James Renslow
   (Name and Address) W10795 875th Street
   River Falls, WI 54022

   The applicant or appellant is the owner of the following described property, which is the subject of the application or appeal:
   Property Address: 641-641 1/2 South Main Street
   PIN 47-276-1112-05
   County Pierce

2. The property is presently in use for Residential

3. The applicant or appellant proposes (brief project description/attach plan):

   The applicant would like to replace the existing residential structure with another that would encroach into the established Shoreland setback. Footprint of the proposed area is contained in staff report and record.

4. The applicant or appellant requests:

   X A variance

   To Section 15.24.131 of the ordinance (attached).

5. The features of the proposed construction and property which relate to the grant or denial of the application or appeal are (refer to the standards or criteria in the ordinance):

   No hardship is evident in the applicant’s request for a variance.
CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

VARIANCE. The variance must meet all three of the following tests:

A. Hardship is not present in that a literal enforcement of the term of the Zoning Ordinance.

(1) In the case of a proposed dimensional or area variance, denial will not unreasonably prevent the applicant from making use of the property for a permitted purpose or will render conformity with the restrictions unnecessarily burdensome.

In support of the conclusion arrived at immediately above, the following rationale is stated: Building lot is large enough to accommodate other residential construction options without encroaching on the Shoreland setback.

B. The hardship is not due to physical limitations of the property itself, otherwise referred to as unique conditions unrelated to the personal preferences or economic interests of the applicant because: There is adequate area to meet building setback requirements.

C. The variance will be contrary to the public interest as expressed by the objectives of the ordinance:

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter, the Board orders:

VARIANCE. The requested variance is denied. The Board denied the applicants request as there is no hardship or reason demonstrated to grant the variance.

This decision may be appealed by filing an action in certiorari in the Circuit Court for Pierce County within 30 days after the date of filing of the decision. The City of River Falls assumes no liability for and makes no warranty s to reliance on this decision if construction is commenced prior to expiration of this 30-day period.
FOR THE CITY OF RIVER FALLS
BOARD OF APPEALS

Eric Amundsen, Chairman

ATTEST:

[Signature]
Deputy City Clerk

Dated: 5/15/07

Filed: 5/15/07

c: Parties of Interest
m\boa\Decision Notice
CONCLUSIONS OF LAW

Based on the above findings of fact the Board concludes that:

Variance – The variance (does/does not) meet all three of the following tests:

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

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

B. The variance (will/will not) harm the public interest because:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

C. Unnecessary hardship

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.
D. Unnecessary hardship (is/is not) present because:

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Section 17.104.030 of the City of River Falls Municipal Code:

E. The board of appeals may grant a variance subject to the following conditions:

1. That because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulation were carried out;

2. That there are exceptional or extraordinary circumstances or conditions applying to the land or building which do not apply generally to land or building in the same zone classification;

3. That the purpose of the variance is not based exclusively upon a desire to increase the value or the income potential of the parcel of land;

4. That granting of the variance is necessary for the preservation and employment of substantial property rights of the petitioner and the alleged difficulty or hardship is caused by this chapter and has not been created by any person having an interest in the parcel of land;

5. That granting of such variance will not, under the circumstances of this particular case, materially affect adversely the health and safety of persons residing or working in a neighborhood of the property of the applicant and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.
August 24, 2020

Hello,

Members of our neighborhood received a letter from the city that is very troubling to us regarding the variance application from Jim Renslow to reduce the required 175 foot shoreland setback from the South Fork of the Kinni to 75 feet to accommodate the construction of 14 townhome units in 4 buildings at 641 South Main Street and 121 Cascade Court.

Our neighborhood has been anticipating some sort of build on this property and we had high hopes that it would be done respectfully to the quiet nature of our small street (Cascade Court and State St.) and of the Kinnickinnic River which is such an important natural gem in our city.

Obviously, our neighborhood has a number of concerns regarding the prospects of "townhomes" looming over our neighborhood. We are concerned about the increased traffic on Cascade Court, what manner of "townhomes" these will be (more college housing? affordable living? luxury? 55+?) and what that will mean for our young children that live and play here. Will they need to adjust the size of our road to accommodate the extra traffic? Will that mean our State Street and Cascade Court facing properties will be reduced in size from a new road and curb being put in? We are concerned about a mess of dumpsters for these 14 units, and how big these 4 buildings and the parking lots are going to be in proportion to our homes and property lines as well as the riverbank - considering the size of the lot. We are also greatly concerned about how much shoreline these proposed townhomes will eat up of our beautiful river. Not to mention what this would mean for future developers building along the Kinni and preserving our waterways.

It would truly be such a shame that we gained such a refreshed neighborhood thanks to the updates at Glen Park to have it ruined with even more blocky, poorly taken care of rental buildings that just engulf and stain our town enough as it is.

We would like to express our concerns and make sure that they are heard, we do plan on having members of our neighborhood present in person at the meeting. However, virtual meeting platforms are unfortunately unreliable (as I've personally seen with public school board meetings), and we would like to write our concerns to someone who will hear us and hopefully consider those concerns when making a decision on this variance application. If you have another person that we should pose these concerns and questions to, please let us know who we as neighbors and owners of homes in this immediate area can contact.

We appreciate your time.

Felicia Kohlhagen

August 26, 2020

Good morning

This is a followup letter which you received from Felicia Kohlhagen in regards to the variance request by Jim Renslow to reduce the required 175 foot shoreland setback from the South Fork of the Kinni to 75 feet to construct 4 buildings housing 14 townhome units. We are in total agreement of her letter and want to keep the area and its scenery exactly as it is now. We as neighbors love the quiet and wonderful
green space that we have in our neighborhood. It's beautiful here and we don't want that destroyed by
townhomes and parking lots.

We would like to add a couple of concerns to the list. Years ago we came before the city council
regarding curb and gutter being put in on State St and Cascade Ct.. We were told at that time that there
had to be enough open space for a hook and ladder fire truck to be able to turn around at the end of the
street. A truck came in and successfully turned around without any problems. How is that going to work
now if there are townhomes or other obstacles in this area? We were also told 121 Cascade Ct. was
zoned for family dwelling only. Has that changed? How many trees are going to have to be removed,
destroyed and replaced with townhomes. Doing this is going to diminish the beauty of our country
looking neighborhood. How sad would that be?

Please consider all of our neighborhood concerns and take them into consideration before making a
decision on this variance. Take a few minutes out of your day and drive through our neighborhood and
see for yourself why we want our beautiful green space left as is. It truly is one of the only areas left in
the city of River Falls that is actually considered green space. Don't take that away.

Thank you for your time in considering our concerns. We do appreciate it.

Joe and Sharon Helmueller

August 30, 2020

I am responding to the letter I received about Jim Renslow's request to reduce the required variance by
100 feet from the Southfork of the Kinnickinnic River at the above addresses.

I have questions and concerns I hope you will be able to answer and or address.

Of course I am concerned about the river and the impact changing the variance will have on it, as well
as how it would affect future allowances made for other construction projects along the river. Water
run off is another concern.

I am most worried about voicing my concerns at the public hearing on September 9th. Due to COVID-19,
as you wrote in the letter, there will be limited seating. I understand the public may use remote
participation, but I know that is not always reliable. I hope my neighbors and I will be able to have at
least a representative at the hearing in person, to present all of our concerns and questions.

Is it possible to see a blueprint of where Mr. Renslow proposes to build the townhomes on the property
before the hearing? Also where he has plans for parking and the traffic flow?

There are trees that surround my property line and Mr. Renslow's. Will those be destroyed?

It would be helpful for myself and the neighbors within 300 feet of the proposed building to have some
answers before the hearing.

Thank you for your time. I look forward to your response.

Joan Nickleby
NOTICE IS HEREBY GIVEN that the Board of Appeals of the City of River Falls will hold a public hearing on **Wednesday, September 9, 2020 at 6:30 p.m.** at the City Hall Council Chambers, 222 Lewis Street, River Falls, WI 54022, to consider the following:

A REQUEST FOR VARIANCE for Jim Renslow, to reduce the required 175 foot shoreland setback from the South Fork of the Kinnickinnic River to 75 feet to accommodate the construction of 14 townhome units in 4 buildings at 641 South Main Street and 121 Cascade Court. This land is described as follows:

PIDs: 276-01112-0400, 276-01112-0500, and 276-01113-0300

All interested persons will be given an opportunity to be heard. The application for variance is available for public inspection in the Office of the City Clerk, City Hall at 222 Lewis Street, or on the City’s website (**www.rfcity.org**) under the “agenda center” corresponding to the meeting date listed above. On site attendance will be limited due to the City's declared state of emergency in response to COVID-19 and the City recommends remote participation. The agenda will provide detailed instructions for remote participation.

Dated this 21st day of August 2020

Amy White, City Clerk
awhite@rfcity.org
715-426-3408

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