

City of Eau Claire  
ZONING BOARD OF APPEALS

Meeting Minutes

September 5, 2018

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Public Library, Chippewa Room

7:00 p.m.

Members Present: Messrs. Beardsley, Boettcher; Ms. Brenholt, Bourne

Staff Present: Messrs. Allen, Noel

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Chairperson Mr. Boettcher chaired the meeting.

**1. Roll Call**

Mr. Boettcher called the Zoning Board of Appeals to order.

**2. Approval of August 7, 2018 Meeting Minutes**

Mr. Beardsley moved to approve the meeting minutes of August 7, 2018. Ms. Bourne seconded and the minutes were approved.

**3. #2-18 816 Porter Avenue**

Mr. Noel presented a variance request to redevelop an existing multi-family building that encroaches into the required 40 foot rear yard setback from the top of bank of the Chippewa River. Zoning Code 18.20.100 (Requirements for Lake and River Frontage Lots) cites the City's Development Guidelines for Waterway and Greenway Areas. They state, "buildings should be set at least 40 feet from the top of bank in order to protect a corridor of trees and other vegetation as well as to soften the view to the building from the water". The Waterways Plan allows setback exceptions in the downtown and the subject site is located within the area.

The existing building's first floor extends towards the river about 20 feet out from the top of bank and thus the setback is nonconforming. Proposed elevations and floor plans show the building would be enlarged to contain three 4th floor penthouse suites. By increasing the volume there is an increase in nonconforming status. The additional penthouses however do not encroach any farther than what exists, appearing to be 10 feet out from the top of bank. The nonconforming structures code's intent (18.40.030 D. 1.) is to allow consideration of additions to nonconforming structures that do not farther encroach into the established nonconforming setback of the structure. The City's Parks and Waterways Commission recommended approval of the project on August 22nd finding the proposed improvements extend less than the farthest existing encroachment.

Appellant, Stuart Schaefer with Commonweal Development, 3506 Oakwood Mall Dr. stated the building was built in 1964 and was not built to current riverbank setbacks. They are not trying to encroach farther into the nonconforming setback. Penthouses would utilize some existing space used for mechanical equipment. They met with the Third Ward Neighborhood to share plans and get feedback.

Jamie Bowe with River Valley Architects, 1403 122nd Street, Chippewa Falls, WI 54729 stated they would like to preserve the building and the prairie style architecture will give it an attractive appearance to fit within the neighborhood.

Julia Johnson with Pablo Properties, P.O. Box 2035 stated they will provide an outdoor amenity near the south west side of the property. They are working with the Chippewa Valley Free Clinic on relocation.

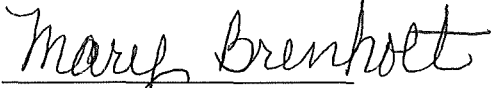
Anton Smets, 28 Newton Street, was in support of the redevelopment and was happy it will not be reused for student housing. He stated there are invasive species along his shared property line.

Mr. Beardsley recused himself from discussion and voting.

Ms. Bourne moved to approve the variance finding: improvements will meet the intent of the Zoning Code to not encroach past the existing setback and the Waterways Plan allows setback exceptions in the downtown, that the addition is not an attempt to replace the structure or encase it, that health, safety, building and energy codes will be improved, the redevelopment is compatible with adjacent structures and uses, and there was no hindrance to public safety. Seconded by Ms. Brenholt and the motion carried.

#### 4. Adjournment

The meeting was adjourned at 7:41 p.m.

  
Mary Brenholt, Secretary