



Waterways and Parks Commission

Agenda

7:00 p.m., September 27th, 2023

City of Eau Claire

North Conference Room – City Hall

1. **Call to Order**
2. **Roll Call**
3. **Reading and approval of minutes of the past meeting on Wednesday, August 23rd, 2023.**
4. **Open Public Comment Period for Items that do not appear on this Agenda**
5. **Business Agenda Items**
 - a. Recommendation on a variance to allow a proposed addition for a single-family home that would be approximately 10 feet setback from the top of bank of the Chippewa River instead of the code required 40-foot located at 1309 1st Avenue. (City Planning Department)
 - b. Recommendation for an addendum to include playgrounds in the ordinance prohibiting smoking in specific areas in City Parks
 - c. Remote attendance review and vote
6. **Discussion and Direction**
 - a. Announcements
 - b. Future Agenda Items
7. **Adjournment**

Ellen Faulkner, Chairperson

c: News Media

Any person who has a qualifying disability as defined by the Americans With Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the ADA Coordinator for the City of Eau Claire, at 839-4921 or at 203 South Farwell Street by 2:00 PM the Monday prior to the meeting so that any necessary arrangements can be made to accommodate each request."



Waterways and Parks Commission

Minutes

7:00 p.m., August 23rd, 2023

City of Eau Claire

Council Chambers – City Hall

1. **Call to Order** by Ellen Faulkner at 7:00 PM
2. **Roll Call**

Members Present: Christopher Johnson, Ellen Faulkner, Charlotte Hudgins, Megan Holmes, Joe Maurer, Roderick Jones

Members Absent: Kirk Dahl, Jessica Schoen, Gina Keenan, Mark Stanley, Meredith Ball

Staff Present: Steve Plaza, Ryan Petrie, Lindsay Jerry, Christien Huppert

Others Present: Angie Goodwin, Jake Rass, Bob Magnuson
3. **Reading and approval of minutes of the past meeting on Wednesday, July 26th, 2023.**
 - a. Motion to approve the July minutes made by Commissioner Johnson, Commissioner Holmes seconds the motion. July minutes approved with none opposed.
4. **Open Public Comment Period for Items that do not appear on this Agenda**
5. **Business Agenda Items**
 - a. Recommendation regarding the site plan for the UWEC Science and Health Science Building located along the Chippewa River. Presentation by Ryan Petri, City Planning Department.
 - i. Commissioner Faulkner recuses herself due to a conflict of interest.
 - ii. The new building is proposed to be located West of the lower campus, along the Chippewa River, where two dorms were removed last year. The plan would add a significant amount of green space back to the site. The proposed building is 100 feet from Chippewa River, with a plan to raise it up slightly above the floodplain to meet the ordinance. The proposed structure would not have a basement.
 - iii. Building code would consider a structure over 75 feet tall to be a high-rise. The dorms located there previously were 4 stories, with a height of 45 feet. The proposed structure is higher, but within the permitted parameters. The plan adds connections to sidewalks and maintains the pedestrian corridor. The site plan is for brick and cast stone masonry, and takes landscaping and the aesthetics of the building into consideration.
 - iv. Measures planned to protect Little Niagara during construction presented by Angie Goodwin of Ayres Associates. A typical DNR setback is 50 feet. However, because there was development on site prior to 2004, that setback doesn't apply. The proposal includes two rows of silt fencing, and a turtle turnaround zone. Measures for stormwater management will be reviewed by the DNR. In the site plan, 80% of the roof water is grounded toward a large stormwater treatment pond. The DNR requires 40% suspended solids removal, the rest will be discharged elsewhere and to Little Niagara Creek. By design the water would return to the river as quickly as possible, with no detention pond. Paved and grass areas drain to the treatment pond. The site plan as a whole exceeds expectations, with the first floor 2.5 feet above the Chippewa River floodplain.



- v. Commissioner Maurer motions to recommend the site plan, seconded by Commissioner Holmes. With all in favor, the motion passes. The recommendation will move forward to Planning Commission on Sept 17th and to City Council on September 22nd.
- b. Discussion on potential for remote attendance for future Waterways and Parks Commission meetings.
 - i. Review of the remote attendance proposal by Steve Plaza. Opened for discussion, with a review of the proposal. Remote attendance will become eligible for a vote at the next Waterways and Parks Commission meeting.

6. Discussion and Direction

a. Announcements

i. CIP project updates:

- a. Construction at Cannery Park is underway, and will be completed during the summer of 2024. Spohn ranch is forming up the skatepark. Even if the concrete is laid before winter, Cannery Park will still be a construction zone until summer.
- b. Pember is ready to go at Princeton Park. The playground equipment will be ready in winter.
- c. Carson Park's Huffcutt restroom will be completed this fall. The restroom by the playground will stay open for continuous restroom access.
- d. Boyd Park construction is complete. The benches and bike racks have been installed.
- e. Concrete is finished and in use at the boardwalk path from the Tennis Center to Rod and Gun Park. Work on the three offshoots of boardwalk section will begin this or next week, and should wrap up by the end of October.
- f. With football season ahead, portable rental bleachers are being installed at Carson Park. We have an order in for the new set that we're purchasing, but they won't be ready in time.

b. Future Agenda Items

- i. Vote on an addendum to the Waterways and Parks Commission bylaws to allow for virtual meetings when necessary
- ii. Recommendation for an addendum to include playgrounds in the ordinance prohibiting smoking in specific areas in City Parks

7. Adjournment

- a. Commissioner Faulkner motions to adjourn, seconded by Commissioner Hudgins. The motion to adjourn passes with all in favor.



Staff Report

To: Waterways and Parks Commission Hearing Dates:
Waterways & Parks: 9/27/23, 7 p.m.

From: Community Development

File No.: ZBA-01-2023 Zoning Board of Appeals: 10/3/23, 7 p.m.

Agenda Item: A recommendation on a variance to allow a proposed single-family home addition that would be at approximately 10-foot setback from the top of the bank of the Chippewa River instead of the code required 40-foot located at 1309 1st Avenue.

Applicant: Brian & Jacqueline Kriesel Area: +/- 7,092 sq. ft.

Surrounding Land Use: North: Residential Single-Family Homes
East: Chippewa River
South: Residential Single-Family Homes
West: Residential Single-Family Homes

Existing Zoning: R-2 Proposed Zoning: Same

Existing Land Use: Single Family Home Proposed Land Use: Same

Analysis: Property owners, Brian & Jacqueline Kriesel are requesting a variance to allow a proposed single-family home addition that would be at approximately 10-foot setback from the top of the bank of the Chippewa River instead of the code required 40-foot located at 1309 1st Avenue. The Development Guidelines for Waterways and Greenway Areas (attached) state that the setback should be 40 from the top of the river bank unless a variance is approved.

Attached is the site plan showing the proposed addition to the existing single-family home. The proposed garage is the closest to the top of the bank of approximately 10 feet and the rest of the home is approximately 20 feet from the top of the bank. The existing home is approximately 1,188 square feet of living area. The parcel is approximately 0.16 acres or 7,092 square feet in size, 62 feet by 114 feet; with about 4,700 square feet of buildable area. A detached garage was removed from the property previously.

The information provided by the applicant notes that the intent of building their retirement home and notes the uniqueness topology of the lot along the Chippewa River. This request is similar to the property located to the south, which did received approval of a variance request back in 2018. The garage would be approximately 27 feet depth by 26 feet wide. The other improvements are removing the existing deck and ramp on the back of the house for the addition of living area.

The existing homes and lots on 1st Avenue along the Chippewa River would require variances for similar additions or improvements to the properties. The existing home to the north is at a setback of approximately 20 feet from the top of the bank.

The recommendation of the Waterways and Parks Commission will be forwarded to the Zoning Board of Appeals that will consider this variance on October 3, 2023. A building permit would be submitted at a later date.

Development Guidelines for Waterway and Greenway Areas

- A. **Purpose and Authority.** The guidelines established herein have been adopted pursuant to the authority granted in Title 18 (Zoning Code) and Chapter 2.64 (City Waterways and Parks Commission) of the Eau Claire Municipal Code and in accordance with the policies and recommendations contained in the Eau Claire Waterway Plan which have been adopted as an official documents of the City's Comprehensive Plan. These guidelines implement official City policy which state that the protection, enhancement, and promotion of the City's waterways is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the community. Established City policy states:
- Building design and site layout in development adjacent to the waterways should enhance the attractiveness of the natural setting and stimulate an appreciation of the waterway's beauty;
 - The ultimate land use for the waterway corridor should be open space, recreation, and only that development which permits public access and enjoyment and is physically, visually, and functionally consistent with the goals of waterway revitalization.

To these ends, the guidelines stated herein have been established to protect the aesthetic and visual character of the waterways and greenway system, to enhance and protect water quality and the riparian environment, and promote high quality design and development along these areas.

- B. **Applicability.** These guidelines apply to development on properties delineated in Chapter 2.64 for which any zoning variance, site plan, conditional use permit, rezoning, or other matters in which review by the Board of Appeals, Waterways and Parks Commission, Plan Commission, or City Council is required. In addition, administrative decisions of City staff which effect the waterways, greenway, or shoreline shall be made consistent with these guidelines and, whenever possible, in consultation with the Waterways and Parks Commission. These guidelines shall be considered in addition to the provisions established for floodplains and wetlands and those standards specified in Title 18. The approval of such development may include conditions deemed necessary to insure compliance with these guidelines.
- C. **Definitions.** The definitions contained in Title 18 and listed below are applicable to these guidelines.

Greenway. Public lands which comprise the open space system abutting the waterways and delineated in the Eau Claire Waterways Plan.

Ordinary High Water Mark (OHWM). The point on a bank of a waterway up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristic. Final determination of the location of the OHWM shall be made by the City Engineer.

Shoreline. Land abutting the waterways extending landward from the OHWM to the floodway boundary or to the top of the bank, whichever is greater.

Waterways. The Chippewa River, Eau Claire River, Sherman Creek, Lowes Creek, Otter Creek, Little Niagara Creek, Hallie Lake, which lie within the City of Eau Claire and Half Moon Lake.

D. Guidelines.

1. Vegetation and Topography. Removal of the existing vegetation along the shoreline and on steep slopes along the waterways can result in severe environmental and aesthetic damage to the waterways and should be avoided as much as practically possible and kept to the minimum necessary for the development to occur. Maintaining the existing vegetation in these areas is important to provide a stable shoreline, protect water quality, keep nutrients from the water, preserve native flora, enhance the appearance of the aesthetic value of the natural environment, and preserve fish and wildlife habitat.

Earthmoving and filling should also be kept to the minimum necessary for the development to occur. Where earthmoving and filling activity is approved, grading, erosion prevention, and vegetation restoration plans will be reviewed by the City Engineer and Parks and Recreation Department to minimize erosion from the site during construction and upon completion of the project. When the use of fill is approved for the development, it is not to contain garbage refuse, any form of contaminated materials, broken asphalt and concrete, tires, and other debris.

The primary means for providing permanent bank stabilization where the vegetation is disturbed is through replanting; however, shorelines subject to severe erosion and shorelines located within the Central Business District and Water Street Commercial District both as defined in the Comprehensive Plan may be developed at an “urban” scale, thus permitting manmade features or structures such as terracing and retaining walls to be used for bank stabilization purposes. Bank stabilization through the use of rip-rapping is permitted, however, not encouraged in these areas. If this method is selected, it must consist of only clean rock material, not materials such as broken concrete and asphalt, tires, and other debris. When rip-rapping must be utilized, it must be minimized in area and scale as much as practically possible and completed with a combination of landscaping and/or terracing to “soften” its appearance along the waterways.

Large trees are an integral element of the natural environment along the waterways and significantly add to the aesthetics of these areas; thus, every effort should be made to maintain existing trees along the shoreline and on steep slopes along the waterways, particularly those which appear to be healthy. For those trees which are retained, it is important that the existing grade elevation and soil at the base be altered as little as possible to ensure their healthy existence. A tree exceeding 6 inches in caliper which is removed should be replaced with a new tree 2 inches or more in caliper.

The provisions on river bank management, plantings, and forest management, contained in the Natural and Cultural Resource Protection Plan within the Waterways Plan dated July 10, 2012, and on file in the office of Community Development, applies and is adopted herein by reference.

2. Drainage. The City will continue to apply and enforce the provisions of its *Surface Water Management Plan* and its WPDES (Wisconsin Pollutant Discharge Elimination System) Municipal

Storm Water Discharge Permit with the Wisconsin Department of Natural Resources throughout the watersheds that drain to the rivers, creeks, and lakes. The City Engineer will determine the required improvements for drainage.

Runoff from rainfall, snow melt, or other activities will be collected on-site and treated with site-appropriate Best Management Practices (BMPs) for pollutant removal prior to discharging into the public storm sewer system. New outfalls on the river and stream banks will be discouraged unless there is not a practical alternative. Best Management Practices may include:

- Ponds to detain and filter runoff before it reaches a stream, natural lake, or wetland
- Rain gardens
- Bio-filtration devices
- Vegetated swales
- Infiltration areas
- Pervious pavement
- Buried storage vaults
- Oil and water separators.

BMPs may also include “good housekeeping” practices to keep pollutants from entering site runoff. These practices may include:

- Covering dumpster or material storage areas to prevent contact with rainfall
- Nutrient management programs to prevent over-use of fertilizers and/or pesticides
- Site designs that minimize paved areas and areas exposed to vehicular traffic.

Storm water may also be captured, cleansed, and released using BMPs located under parking lots.

3. Unique Resources. Every effort should be made to protect the natural topographic and landscape features of a site as well as scenic overlooks, vistas, and historic sites as noted in the Waterways Plan.
4. Orientation. Buildings on sites abutting a waterway or the Greenway will be designed to benefit from that location as well as contribute to the beauty of the waterway environment.

Building features that will be encouraged or considered by the City during the review of site plan applications along the waterways include:

- Equal façade treatment on all sides
- Windows facing the waterway
- Plazas, decks, or balconies toward the water
- Materials such as clay brick, wood, stone, architectural accent metals and low-reflective glass.

Site design and building architecture should allow for the mutual benefit of the private development and the public open space; the design of each should complement the other while providing an apparent demarcation between the two. Means of demarcation may include:

- Horizontal separation
- Elevation differences
- Plantings

- Planted berms
 - Stoops, porches, decks, plazas, or balconies
 - Fences that are 90 percent open (e.g., wrought iron or similar) or low masonry walls.
5. Setback. In order to minimize any adverse effects on the waterway environment and enhance the appearance and image of these areas, it is necessary that development, including structures, parking lots, drives, storage areas, signs, decks, deposition or extraction of materials, etc., be set back from the waterways. 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; reductions to this guideline may be granted in the Downtown as outlined in the Waterway Plan. The top of bank will be located by the City Engineer. It is commonly defined as the point at which the slope changes from less than to greater than 20 percent. Parking areas, driveways, public streets, plazas, decks, and similar land improvements may be located at a reduced setback but not less than 10 feet from the top of the bank or greenway. In locations where there is no top of bank, the setback should be at least 50 feet from the Ordinary High Water Mark (OHWM). Where there is publicly owned land along the waterfront (the Greenway) Buildings or other structures should be located no closer than 20 feet from the land-side edge of property line with such land. In addition to the guidelines set forth above, site specific characteristics of a particular property as listed below may dictate additional setback:
- The property abuts an especially scenic or natural portion of the greenway and such setback is essential to preserve these areas;
 - Slope of the area exceeds 12 percent;
 - The property possesses unique or valuable features or resources in which the additional setback is necessary to preserve such features;
 - The Eau Claire Waterway Plan identifies an area as proposed greenway and the additional setback is necessary to allow for the eventual extension of the greenway along that portion of the waterway without conflicting with the proposed development;
 - The floodplain or shoreland/wetland provisions require additional setback;
 - The height or mass of a building which is proposed would have a detrimental impact on the abutting greenway or waterway.

The setback guidelines of this section are not applicable to the structures and facilities identified below since by their nature a setback is not reasonable or practical in most cases. However, this does not waive requirements such as the floodplain or shoreland/wetland provisions.

- a) Publicly related activities by local, state, or federal government such as:
 - Public utility structures and facilities, including bridges, roads, sanitary sewer, storm sewer, and water utility systems, storm sewer outfalls, pumping stations, and dikes
 - Recreational facilities within the greenway, including trails, scenic overlooks, observation platforms, boardwalks, retaining walls, docks, piers, boat ramps, benches, and ancillary items such as parking lots and access drives
 - Signs for streets, historical sites, and the greenway
- b) Other utility and transportation structures and facilities, including railroad tracks, railroad bridges, dams and related structures, above and below ground transmission lines.

- c) Privately owned docks, piers, boat ramps, and stairways.
6. Building Penetration. Land development adjacent to waterways or linear waterfront parks should avoid creating buildings that form a disproportionately long wall parallel to the waterway. View and access points through river corridor development will be designed. Development composed of two or more smaller buildings are favored over a single, very long building in order to allow visual and physical penetration toward the waterway from inland sites. Side yard setbacks prescribed in the existing zoning districts will also mandate a certain degree of building separation, particularly in lower density residential areas.
 7. Landscaping. A landscaped buffer between the greenway and any development is important to minimize potential conflicts between the two uses and promote a high quality, visually pleasing environment. Sites along the waterways will be well landscaped in order to provide a suitable transition to the more natural waterway corridor, to reflect the value of the riparian property, provide natural benefits and generally conform to the City's standard landscaping requirements. The required setbacks described in this plan will receive particular attention especially as needed to soften the views to buildings from the water or to create a visual demarcation between public and private properties.
 8. Screening. Visually objectionable development features such as loading docks, parking lots, overhead doors, trash receptacles, or outdoor storage will be screened from public view by plantings, berms, walls, or fences as prescribed by the Eau Claire Zoning Ordinance. Fences or walls will be combined with plantings to soften their appearance. Coniferous plantings will be included to provide year-round effectiveness and color. Materials and plantings will harmonize with the building and overall site in the following manner:
 - If the greenway or waterway is to abut an active use area such as a parking lot or driveway, hedges, shrubs, berms, or any combination thereof must be provided to separate the active use areas from the greenway. A continuous buffer having a minimum height of 3 feet is necessary to provide such separation.
 - Uses which may be more incompatible with the greenway and waterway environment require greater screening. Such uses and equipment include: trash receptacles, mechanical and utility equipment, truck loading and unloading areas, industrial uses, and open storage areas. Solid fences or retaining walls 6 to 8 feet in height used to provide screening should be constructed with materials that complement and enhance the appearance of the development. It is also important to landscape along the fence or retaining wall to "soften" the appearance of the structure.
 9. Access to the Greenway. Private sites are encouraged to provide pedestrian links to any adjacent multi-use path in the Greenway. Public sidewalks and bicycle paths should also be provided at many locations to the waterfront trails to tie the neighborhoods to the waterfronts.
 10. Exterior Lighting. The design of exterior lighting should complement the development and shall be shielded as per the City's Exterior Lighting Manual standards. Exterior lighting which enables evening utilization of the greenway is encouraged as part of the site improvements for a property.

11. Utility Lines. Utility lines such as telephone, cable, and electric should be placed underground in order to enhance the appearance of the development.
12. Signs. Signs erected along the waterway or greenway can negatively affect the appearance of a development and be incompatible with the natural setting of the waterways. Billboards (off-site outdoor business advertising signs) will not be allowed within 300 feet of the Ordinary High Water Mark of a waterway. If visible from the waterway or Greenway, flashing signs, animated signs, electronic signs, and reader board signs should be at least 300 feet from the Ordinary High Water Mark of a waterway. Business wall signs facing a waterway on parcels abutting the waterway must be approved with a signing plan as set forth in Chapter 16.16 and should be subdued and indirectly lit (not back-lit). Pylon signs will not be allowed between a building and a waterway. The design and location of all other signs should complement the design of the development and preserve the scenic qualities of the area.
13. Visual Access. The Eau Claire community wishes to maintain the image of verdant and naturally forested river valleys, creek corridors, and lake edges. At the same time, it is understood that sustained appreciation for these resources grows, in part, from the ability to view them. Seeing portions of buildings from the water or the opposite shore is not considered inappropriate or objectionable in all instances.

It is acknowledged that urban development along the Chippewa River between Dells Dam and the Clairemont Avenue bridge can, if properly designed, have a high degree of visual compatibility with the river. Therefore, the City will allow judicious thinning and pruning of trees and brush along the waterways in order to create views and glimpses of the water as long as the overall impression of forest is maintained. The City Forester should be consulted prior to undertaking such actions to ensure that bank stability is maintained, native flora is not destroyed, and that it is in compliance with DNR regulations.

- E. **Submittal Requirements.** Any development application for which these guidelines are applicable should be accompanied by information required for a site plan submittal and as necessary to determine that the application is in compliance with the objectives of these guidelines. In addition, the following information should also be provided:
1. Location of the OHWM, floodway boundary, meander line (if applicable), and floodplain boundary on the site plan;
 2. Location of the 50 foot setback from the OHWM or the 40 foot setback from the top of bank;
 3. Description of exterior building materials proposed for all buildings;
 4. General description of the existing shoreline and site vegetation, vegetation proposed for removal, proposed landscape materials, and bank stabilization measures proposed. Existing trees exceeding 6 inches in caliper should be identified by species and shown on the site plan.

Attachment 1 - Variance Application

Attachment 2 - Existing garage footprint corner

Attachment 3 - Proposed garage corners

Attachment 4 - Backside of home-deck removal

Attachment 5 – Garage corners/broken concrete

Attachment 6 – Building addition (Orange – Addition / Gold – 6' by 6' landing/deck

Attachment 7 – Aerial of proposed changes



CITY OF EAU CLAIRE, WISCONSIN
BOARD OF ZONING APPEALS

VARIANCE OR APPEAL

Appeal No. _____

Date File _____

Date of Notice _____

TO BE COMPLETED BY THE APPELLANT

Appellant _____ Brian and Jacqueline Kriesel _____ Address _____ 2112 Hillside Road, Altoona, WI 54720 _____

Email address _____ kreezjie@hotmail.com _____ Phone _____ 715-271-8785 _____

Owner _____ Brian and Jacqueline Kriesel _____ Address _____ 2112 Hillside Road, Altoona, WI 5420

Phone _____ 715-271-8785 _____

Location of Property _____ 1309 1st Ave. Eau Claire WI 54701 GL 8, Sect. 20, T27N, R9W 18221-2-270920-008-2077

Address; Lot #, Block #, & Subdivision; Parcel #

This variance or appeal is to allow _____ Building a garage where there was once years ago. Unsure when it was torn down. We also would like to an addition to the house. The addition will be in the back but will not go closer to the river. Simply adding to the open space next to the existing porch.

It is your responsibility to prove to the Board of Zoning Appeals that your variance or appeal should be granted on the basis of how it applies to the requirements given below. Please be specific. If you need additional space, you may use another sheet of paper.

APPLICABLE TO A VARIANCE REQUEST ONLY

1) Are there unique circumstances (such as topographical problems) about the land itself or special conditions applicable to your property or to the intended use that do not apply generally to the other property in the same vicinity and zoning district? Not that we are aware _____

2) Strict application of the Zoning Ordinance would constitute unnecessary hardship or practical difficulty to you because: _____ No hardship if not approved. _____

3) The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity, but which is denied to your property because: _____

4) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity or zone in which your property is located because: _____ Building the garage and building improvements (siding/roof/driveway) we believe will be an asset to the neighborhood _____

5) Other reasons that you may have which are similar to those above: _____

APPLICABLE TO AN APPEAL REQUEST ONLY

State the alleged error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of Wisconsin Statutes S.62.23 or the Zoning Code.

"I hereby certify that the above statements and plans submitted herewith are true to the best of my knowledge. A \$500 fee has been deposited with the City Treasurer. I also hereby permit the City to enter upon the property for the placement and removal of a Hearing Notice sign on the property and shall maintain the sign where posted on the property during the pendency of this application."

Date

Signature of Appellant

TO BE COMPLETED BY THE ZONING ADMINISTRATOR

This request for variance or appeal is in conflict with the following provision(s) of the Zoning Ordinance:

Date

Zoning Administrator

June 14, 2023

City of Eau Claire Zoning Board,

My name is Brian Kriesel. My wife (Jackie) and I own the home at 1309 First Avenue. We currently reside in Altoona, but plan on relocating to 1309 First Avenue in the next few years. The 1309 property is currently a rental unit.

We would like to make some changes/additions to the property at some point, but no timeline has been set.

The first change would be to rebuild a garage and expand it where the current footprint is located. The existing garage footprint is approximately 12'3" by 17'5". We would like to place a garage using the same footprint corner and expand towards the street and to the south. Attaching it to the existing home. Please see attachments 2 and 3. Attachments show a garage 27' deep and 26' wide in the back (river side). This is the maximum size garage would be. Depending on how contractors can attach to home with roof lines, etc. garage may be downsized.

The second change we'd like to make is remove the existing deck/ramp on the back of the house and do an addition to the southeast corner. Essentially "squaring off" the back of the home. This would involve changing the roofline on the back of the home. Along with this addition would be adding a 6' by 6' deck/landing on the corner of the home for a back entrance. This could potentially be larger based on space once addition is completed. We'd also place a privacy fence along the property line to the south. See attachment 4.

On the riverside of the existing garage footprint is an area of broken concrete. We'd place new concrete behind the garage. See attachment 5 showing the area of broken concrete.


Attachments 6 and 7 provide an overview of proposed changes.

Other changes to the property would be new windows in the front, removing the front ramp, building a new front entrance deck/landing, residing the home and some front landscaping.

We are looking forward to our move to downtown Eau Claire and being a part of this growing and exciting neighborhood.

Thank you for your time and consideration of this request.

Brian and Jackie Kriesel



Existing footprint
corner (pail)

27' from back
corner (pail)

Existing footprint
corner

26' proposed back
corner of new garage



Attach to house

27' proposed front of
garage





Addition to house here

Remove Deck

Proposed new back
corner of house (pile)

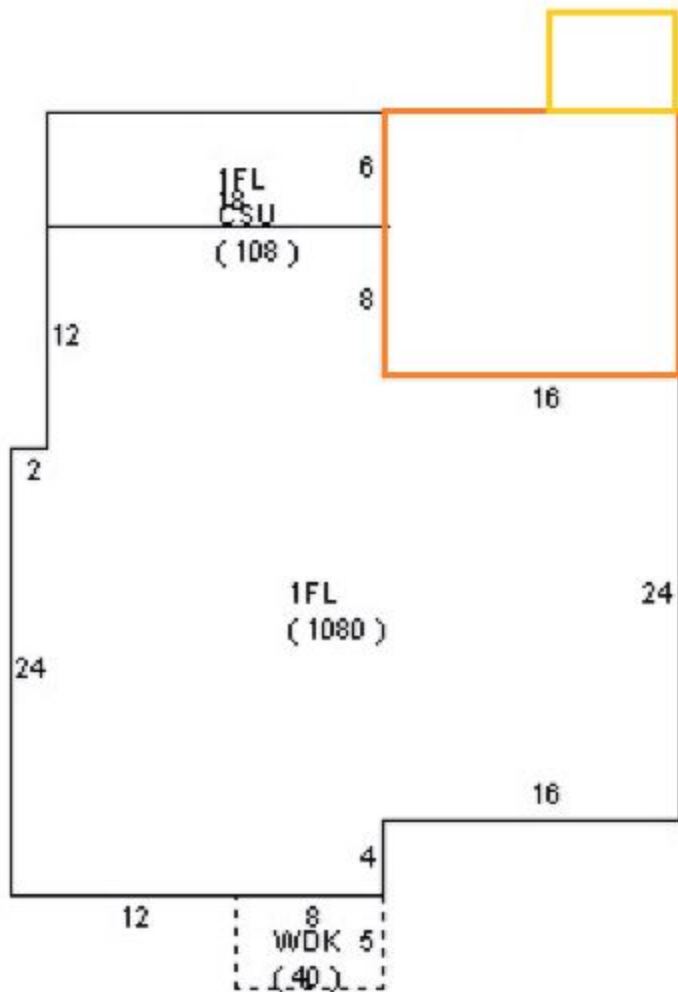
Existing footprint
corner

Broken Concrete to re
replaced

Proposed 26' corner
of garage











060505

1307 1ST AVE

060504

1308 1ST AVE

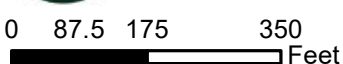
060503



1307 1ST AVE

1st Ave



Notification Map
 Agenda Item: ZBA-1-23
 Address: 1309 1st Avenue

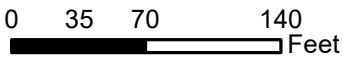


-  Notified Properties
-  Subject Property





Zoning & Aerial Map
Agenda Item: ZBA-1-23
Address: 1309 1st Avenue



 Subject Property



ZBA-1-23

1ST AVE

BEACH ST



Aerial Map
Agenda Item: ZBA-1-23
Address: 1309 1st Avenue



0 12.5 25 50 Feet

PARKS, RECREATION AND FORESTRY

STAFF REPORT

PROJECT NAME: Change to Smoking Ordinance

To: Waterways and Parks Commission

Date: September 27, 2023

From: Steve Plaza

Description: Proposed Change to Smoking Ordinance

Location: City Playground

Background: The City of Eau Claire currently has smoking ordinance 8.05.050 titled “***Smoking Prohibited in Specified Outdoor Locations***” below is the wording of that ordinance:

SECTION 1. That Section 8.05.050 entitled “Smoking prohibited in specified outdoor areas” is hereby amended as follows:

8.05.050 Smoking prohibited in specified outdoor areas. *Smoking shall be unlawful in the following areas:*

A. Within a reasonable distance of all outside entrances to, operable windows of, or ventilation systems of public places or places of employment where smoking is prohibited pursuant to ss. 8.05.030 and 8.05.040 so as to prevent smoke from entering said enclosed areas in which smoking is prohibited.

B. In the seating areas of all outdoor arenas, stadiums, and amphitheatres, as well as in the bleachers and grandstands used by spectators at sporting and other public events, including, without limitation, Carson Park football and baseball stadiums.

C. Those portions of city parks temporarily posted as no smoking areas by the department of community services at the request of a park permit holder or park facility lessee or when necessary for the public health or safety.

D. Those areas outside of city facilities that are posted as no smoking by the city manager or his or her designee.

City staff would like to add the following amendment to include playgrounds stating:

E. Within 20 feet of a playground, play space, learning trail, or other city park area designed for children.

Justification: On occasion City staff gets asked to have someone stop smoking in or near the playground which is allowed. We also believe that there is some risk of second-hand smoke to minors if exposed.

Proposed Motion: I move that we approve the proposed amendment change to the Smoking Ordinance 8.05.050 to include prohibiting smoking within 20 feet of playgrounds.

Proposed Location: N/A

Facilities Features: N/A

Storm Water: N/A

City of Eau Claire Park and Open Space Master Plan: N/A

City Comprehensive Plan: N/A

Financial: N/A

LAWCON: N/A

ORDINANCE TO AMEND SECTION 8.05.050 ENTITLED “SMOKING PROHIBITED IN SPECIFICIED OUTDOOR AREAS” OF THE CITY CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

SECTION 1. *That Section 8.05.050 entitled “Smoking prohibited in specified outdoor areas” is hereby amended as follows:*

8.05.050 Smoking prohibited in specified outdoor areas . Smoking shall be unlawful in the following areas:

A. Within a reasonable distance of all outside entrances to, operable windows of, or ventilation systems of public places or places of employment where smoking is prohibited pursuant to ss. 8.05.030 and 8.05.040 so as to prevent smoke from entering said enclosed areas in which smoking is prohibited.

B. In the seating areas of all outdoor arenas, stadiums, and amphitheaters, as well as in the bleachers and grandstands used by spectators at sporting and other public events, including, without limitation, Carson Park football and baseball stadiums.

C. Those portions of city parks temporarily posted as no smoking areas by the department of community services at the request of a park permit holder or park facility lessee or when necessary for the public health or safety.

D. Those areas outside of city facilities that are posted as no smoking by the city manager or his or her designee.

E. Within 20 feet of a playground, play space, learning trail, or other city park area designed for children.

(SEAL) _____
President Emily K. Berge

(SEAL) _____
City Manager Stephanie A. Hirsch

(ATTESTED) _____
City Clerk Nicholas L. Koerner

First Reading
Final Reading
Adopted
Published

ORDINANCE TO AMEND SECTION 8.05.050 ENTITLED “SMOKING PROHIBITED IN SPECIFICIED OUTDOOR AREAS” OF THE CITY CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

SECTION 1. *That Section 8.05.050 entitled “Smoking prohibited in specified outdoor areas” is hereby amended as follows:*

8.05.050 Smoking prohibited in specified outdoor areas . Smoking shall be unlawful in the following areas:

A. Within a reasonable distance of all outside entrances to, operable windows of, or ventilation systems of public places or places of employment where smoking is prohibited pursuant to ss. 8.05.030 and 8.05.040 so as to prevent smoke from entering said enclosed areas in which smoking is prohibited.

B. In the seating areas of all outdoor arenas, stadiums, and amphitheaters, as well as in the bleachers and grandstands used by spectators at sporting and other public events, including, without limitation, Carson Park football and baseball stadiums.

C. Those portions of city parks temporarily posted as no smoking areas by the department of community services at the request of a park permit holder or park facility lessee or when necessary for the public health or safety.

D. Those areas outside of city facilities that are posted as no smoking by the city manager or his or her designee.

E. Within 20 feet of a playground, play space, learning trail, or other city park area designed for children.

(SEAL) _____
President Emily K. Berge

(SEAL) _____
City Manager Stephanie A. Hirsch

(ATTESTED) _____
City Clerk Nicholas L. Koerner

First Reading
Final Reading
Adopted
Published

REMOTE ATTENDANCE – STANDING RULES

Remote attendance at City of Eau Claire [committee name] meetings is permitted through full compliance with Wisconsin Open Meetings Law, City of Eau Claire Ordinance 2.04.055, and by the adoption and application of these rules. The [committee name] recognizes that Wisconsin Open Meetings Law requires the public have the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.¹ As such, [committee name] will strive to provide as much advance notice of meetings with virtual attendance as is reasonably possible and all proceedings shall be open and accessible to the public.

Pursuant to City of Eau Claire Ordinance 2.04.055, and acknowledging the necessity of full compliance with that ordinance, the [committee name] establishes the following standing rules governing remote attendance:

1. Understanding that Wisconsin Open Meetings Law requires transparency and accessibility for the public, the preference for meeting attendance by committee members shall be in person. Remote attendance shall be utilized only when a committee member is unable to attend a meeting in person to allow for the greatest public access and understanding of [committee name] proceedings.
2. A request to add a virtual attendance option to a meeting shall be considered from the [committee name] chairperson or if submitted from at least two members of the [committee name]. Requests must be submitted to the staff liaison or City Clerk at least 96 hours (4 days) prior to the scheduled meeting.
3. A request for virtual attendance made in a timely manner and properly publicly noticed shall result in a meeting held entirely virtually.
4. Committee members attending remotely shall be located in an environment with technology that allows the member to hear and speak in the meeting.
5. Committee members attending remotely shall remain on screen with video on in order to vote and count for quorum.
6. As required by City of Eau Claire Ordinance 2.04.055, virtual attendance shall not be permitted for meetings involving quasi-judicial proceedings, closed session, or any other proceeding where in-person attendance is necessary to fully participate in the proceedings.

Adopted [date, 2023].

¹ Wis. Stat. §19.81(1).