

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, March 21, 2018

Agenda Item 4

Applicant: John & Jill Erickson (owners)

Request: Conditional Use Permit (CUP) - Expansion of a Nonconforming Structure

Background:

The applicant's property is at the north end of 80th Street. The 80th Street Town Road right-of-way is located between the garage and house. The existing house is a nonconforming structure located ~42 ft from the center line and ~9 ft from the Town Road right-of-way. The applicants propose to expand the existing house to the south of by adding 20' x 29' single-story with basement. The applicants intend to maintain the existing setbacks from 80th Street so the addition is out of the Town Road right-of-way.

Issues Pertaining to the Request:

- The property is 2.23 acres and is located in the SW ¼ of the SW ¼ in Sec. 14, T24N, R15W, Town of Maiden Rock. The property is zoned Agricultural-Residential.
- PCC § 240-67A.(2) states, "Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in § 240-76."
- PCC § 240-76A states "Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to or expansion of a nonconforming structure, or expansion or intensification of a nonconforming use."
- Pierce County Code (PCC) § 240-27C states, "Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater."
- No permit renewal is needed for this request.
- The existing topography is a very gradual 5% slope to the Northeast throughout the property.
- The Town of Maiden Rock recommended approval of this request on February 21, 2018 without any conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request.

Applicant: J&J Erickson
March 13, 2018
Expansion of Nonconforming Structure

Recommendation:

Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found not contrary to the above, staff recommends that the LMC grant this conditional use permit for the expansion of a nonconforming structure with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The applicants shall maintain the 42 ft setback from the centerline of 80th Street so the house expansion is out of the road right-of-way.
3. The proposed expansion shall not be located within the 80th Street Town Road right-of-way.
4. The applicants shall follow Pierce County Solid Waste Code Ch. 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
5. The proposed expansion shall be completed within 12 months of CUP approval.
6. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

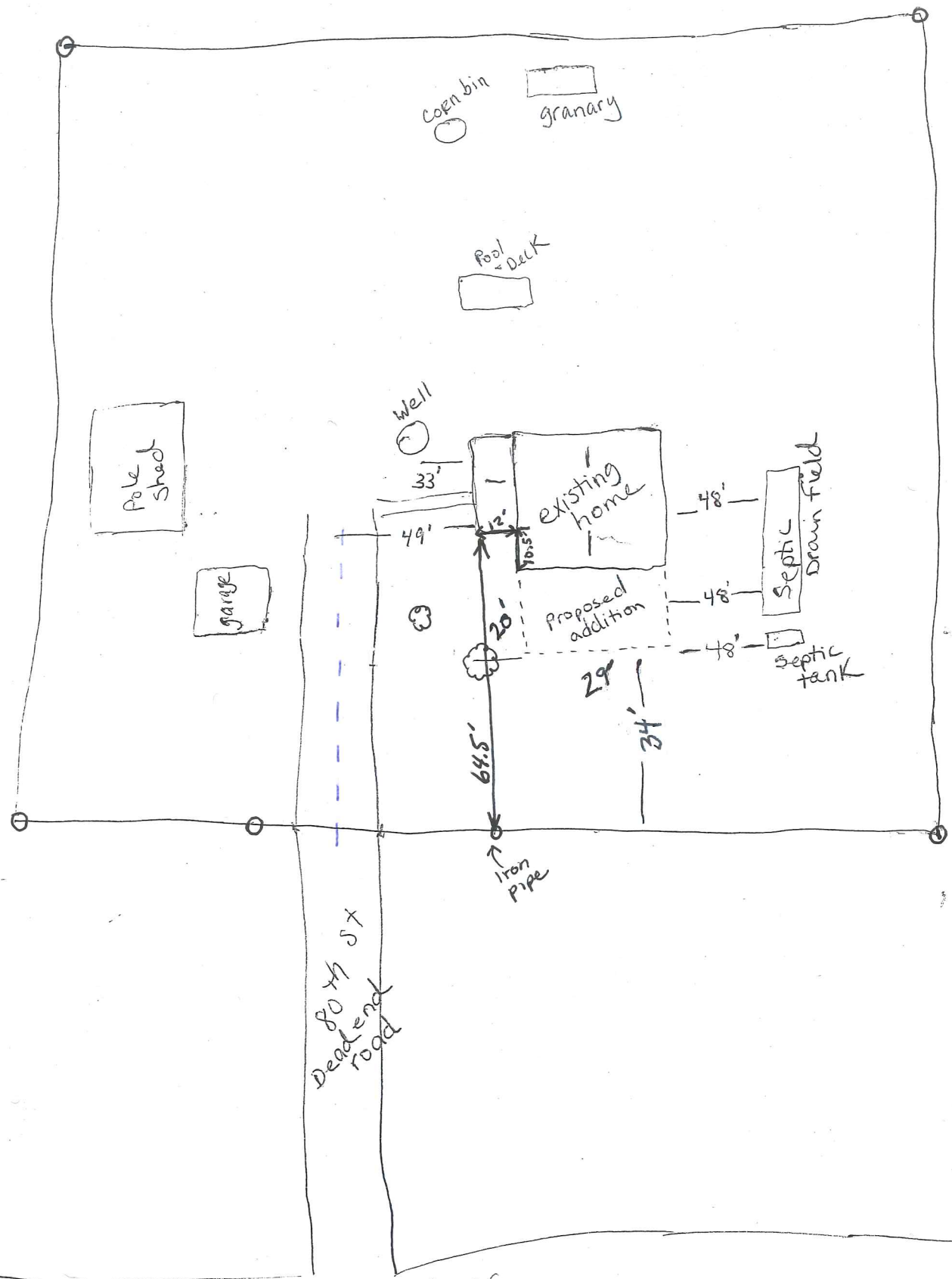
Submitted By: Emily Lund
Assistant Zoning Administrator

2.230 Acres
NS06 80th St
Plum City, WI 54761

N

John + Jill Erickson

map not to scale



N

N



55

Land Management Committee

John & Jill Erickson
(March 21, 2018)

Conditional Use Permit - Nonconforming Structure Expansion

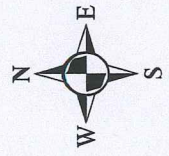
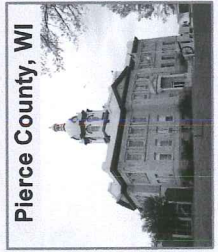
Legend

-  Dwellings
-  Erickson CUP
-  Parcels
-  Contours (10ft)

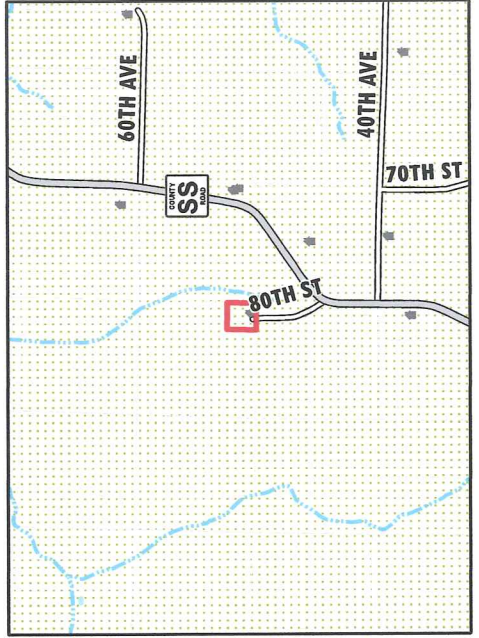
Zoning

-  Agriculture - Residential

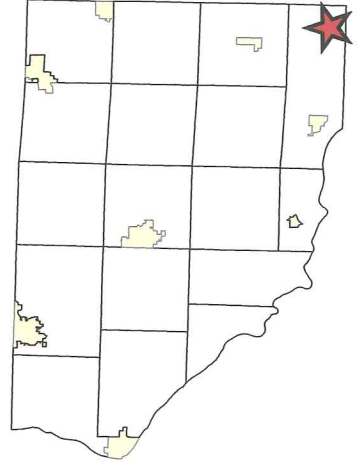
Orthophotography - 2015 Pierce County



Prepared by the Department of Land Management



Site Location
N506 80TH ST
Town of Maiden Rock



STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting, March 21, 2018

Agenda Item 5

Request: Public hearing to consider and take action on proposed amendments to Pierce County Code Chapter 240-29 Height requirements, 240-32A(1) Minor Structures, and 240-32D Accessory Structures.

Height Requirements

Background:

Recently, there have been concerns raised by the public about the height limitation for residential structures in Pierce County. Two-story homes are becoming more common and for those homes with a walk-out basement the 35' limitation can be difficult to comply with.

Staff had been using an averaging method of the front height of the structure and the height at the walkout to determine the height. This method was chosen due for simplicity sake for the public as well as staff. This method was recently challenged and it was determined that an appeal would reverse our height determination.

To be consistent with the code, staff is now requiring that the grade around the proposed structure be averaged to make a height determination. This method is more difficult to calculate and may require the use of GIS.

Staff is seeking to provide an exemption for the height of residential structures in the Agricultural districts of up to 45', at the tallest point, with increased setbacks. Staff is not proposing this for Residential districts, since it is likely that development patterns have already been established in those areas.

Relevant Code Sections:

Grade Elevation is defined as - The average elevation around the base of a building or a structure where such building or structure meets the surface of the ground.

§ 240-29 Height requirements.

- A. Height limitation. Except as provided in Subsections **B**, **and C**, **D and E**, no building, structure or sign shall exceed 35 feet in height above the grade elevation.
- B. Exemptions. The following shall be exempted from the height requirements of this section:
 - (1) Architectural projections, such as spires, belfries, parapet walls, domes, chimneys and cupolas, provided that such cupolas do not exceed 64 square feet in floor area, including stairwells, are not higher than eight feet above the adjacent roof ridge and contain no living quarters.
 - (2) Agricultural structures, such as silos, barns and grain storage buildings.
 - (3) Special structures, such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers and smoke stacks, provided such structures shall not exceed in height their distance from the nearest lot line.
- C. Public or semipublic facilities, such as schools, churches, monuments, libraries and government buildings, may be granted exemptions by the Land Management Committee to a height of 60 feet, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.

- D. Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. [Amended 2-25-2014 by Ord. No. 13-12]
- E. Residential structures located in Agricultural Zoning Districts may be increased to a maximum of 45 feet in height, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. Height shall be measured from the lowest exposed portion of the structures exterior.

Minor Structures

Background:

The Zoning Code requires that a Land Use Permit be obtained for accessory structures. §240-32 exempts minor structures from this requirement. There is no definition of minor structures in the code. In the past, staff has required that even small storage structures obtain a Land Use Permit for a fee of \$50. In many cases the public assumes that these small storage structures do not require a permit and place them on their property without benefit of a permit. In these cases, staff is required to begin the enforcement process which may take considerable time to achieve compliance. Staff believes that the use of these types of small structures is generally insignificant and can reasonably be considered “minor” and exempt from permits. However, setback requirements would still apply. Staff is proposing the following amendment to the Zoning Code:

Relevant Code Sections:

§ 240-32. Accessory structures.

Accessory structures are permitted subject to the following:

A. Permit required. Accessory structures shall require a land use permit except:

- (1) Minor structures, such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, noncommercial fuel storage tanks and pumps, clothesline poles, lawn ornaments, flagpoles, mailboxes, garbage containers, ice fishing shanties and school bus waiting shelters. Non habitable structures of not more than 100 square feet, which can be easily moved, and meet applicable setback requirements, are also exempt.

Accessory Structures

Background:

Shipping containers are becoming a more popular option as use as a storage structure, like a shed. Staff would like to allow for shipping containers to be permitted as accessory structures in the Agricultural districts.

Also, Pierce County Code § 240-32 D. requires that certain possessions be permitted as an accessory structure and limit the time that they can be stored on the property. Staff believes that it is unreasonable to consider some of the items as structures and does not believe a permit should be required and a time limit imposed to the storage of certain items.

Staff does not believe that boats and trailers should be considered "structures". Truck bodies and buses are better controlled through Pierce County Code § 225 which regulates the storage of unlicensed and junked vehicles as well as vehicle parts.

Relevant Code Sections:

§ 240-32 Accessory structures.

Accessory structures are permitted subject to the following:

- D. ~~Personal property permitted only as accessory structures. Except in the Industrial (I) District, where accessory structures shall be permitted without limitation as to number or duration, such personal property as, but not limited to, boats, truck bodies, manufactured homes, buses, railroad cars, shipping containers and trailers may be used as accessory structures~~ Temporary accessory structures. Structures such as, but not limited to, manufactured homes and shipping containers may be temporarily placed on a parcel only upon issuance of a land use permit subject to the following:
- (1) The land use permit shall expire in no more than eight twelve months from the date of issuance and the accessory structure shall be removed from the premises upon expiration of the permit. A subsequent land use permit for an temporary accessory structure on the same parcel shall not be issued until 12 months has elapsed from the expiration of the previous permit.
 - (2) Only one such accessory structure shall be permitted at a time.
 - (3) A manufactured home may be permitted as a temporary accessory structure only in the Agricultural districts.
 - (4) Accessory structures such as shipping containers may only be permitted on a temporary basis in the Residential Districts.

Recommendation:

Staff recommends the Land Management Committee review the proposed revisions, and if determined to be appropriate, approve said revisions and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption.

Submitted By: Brad Roy
Zoning Administrator