

Public Works Department – Engineering Division

To: Chairperson Davis and Committee Members
From: Andrew Beyer, Director of Public Works/City Engineer
Date: January 30, 2025
Subject: Public Safety & Welfare Committee Meeting of February 5, 2025

Review and take possible action: Proposed structure within Jones Street public right-of-way

Background

The Engineering Division received a request for a variance to Chapter 457-7 to place a concrete step within the Jones Street public right-of-way adjacent to 304 Jones Street. The property owner seeks to install this step to assist with building entry. As City Code does not permit structures of this nature in the right-of-way without a variance, the request is being brought before the Public Safety & Welfare Committee for review. The property owner has submitted a description, project drawings, and related information, which are attached for consideration.

Per City Code §457-7(D) – Obstructions and Encroachments: Application for Variance, variances follow the process outlined below:

1. The applicant submits a variance application and a \$5 fee.
2. The chairperson or acting chairperson is notified upon receipt of the application and fee. The chairperson sets a public hearing date and informs City staff.
3. City staff notifies the applicant of the hearing details by regular mail at least 72 hours before the hearing.
4. The Engineering Division, in consultation with the City Attorney, prepares an overview of applicable City ordinances and State statutes related to right-of-way encroachments and submits this information to the Committee in advance of the hearing.
5. The applicant or their representative attends the hearing.
6. The Public Safety & Welfare Committee makes a determination within 30 days of the hearing.

The Engineering Division has received the application and fee, which are attached for review.

If the concrete step needs to be removed in the future, removal is covered under Wisconsin State Statute §86.04 (1) Highway Encroachments – Order For Removal, which states:

(1) ORDER FOR REMOVAL. If any highway right-of-way shall be encroached upon, under or over by any fence, stand, building or any other structure or object, and including encroachments caused by acquisition by the public of new or increased widths of highway right-of-way, the department, in case of a state trunk highway, the county highway committee, in case of a county trunk highway, or the city council, village or town board, in case of a street or highway maintained by or under the authority of any city, village or town, may order the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant, to remove the encroachment beyond the limits of the highway within 30 days. The order shall specify the extent and location of the encroachment with reasonable certainty, and shall be served upon the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant.

Encroachments are not allowed as found in City Ordinance Section §457-7 (A)(1) Obstructions and Encroachments Prohibited:

Obstructions and encroachments prohibited. No persons shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachments or encumbrances to be placed or remain in any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B.

Subsection B speaks to exceptions to the ordinance; the proposed obstruction at 304 Jones Street doesn't meet Subsection B requirements, therefore the requirements of Chapter 457-7 apply to the property owner's proposal.

The Engineering Division has reviewed the proposed encroachment area and has confirmed that ADA standards can be maintained in the public right-of-way as long as the encroachment depth does not exceed 30 inches as measured from the building face.

The City is aware that preexisting concrete ramps and steps encroach within the public right-of-way, particularly in historic areas predating the Americans with Disabilities Act (ADA). Many of these encroachments lack formal permits. The Public Safety & Welfare Committee has previously reviewed and approved encroachments with conditions, ensuring proper documentation is recorded.

Recommended Conditions (If Approved)

If the Committee grants the variance, the following conditions are recommended:

1. The applicant works with the Engineering Division to draft a revocable occupancy permit, which must be recorded with Jefferson County before a building permit is issued.
2. The contractor provides a certificate of insurance naming the City of Watertown as an additional insured party.
3. The property owner obtains a building permit from the City's Building, Safety & Zoning Division.

Enclosed:

- Variance request letter & shop drawings
- City Code Section 457-7
- State Statute 86.04
- Revocable occupancy permit form

Budget Goal

N/A

Financial Impact

N/A

Recommendation

The Public Safety & Welfare Committee may consider approval of the proposed encroachment within the Jones Street public right-of-way, subject to the following conditions if approved:

1. Revocable Occupancy Permit – The applicant shall work with the Engineering Division to draft a revocable occupancy permit for the proposed encroachment. The applicant shall record the permit with the Jefferson County Register of Deeds prior to the issuance of a building permit.
2. Insurance Requirement – The applicant shall ensure that the City of Watertown is named as an additional insured party on the contractor's certificate of insurance.
3. Building Permit & Plan Review – The applicant shall obtain a building permit from the Building, Safety & Zoning Division. As the structure is for commercial use, a registered architect or professional engineer shall provide a stamped plan set for review and approval.

These conditions are consistent with previous approvals of similar encroachments and align with City requirements to ensure public safety and compliance with applicable regulations. If approved, the encroachment would remain subject to removal under Wisconsin State Statute §86.04.

Proposed Motion (if action is taken):

Motion to approve the encroachment within the Jones Street public right-of-way adjacent to 304 Jones Street, subject to the conditions outlined in the Engineering Division's recommendation.

2025 Operational Goals

The purpose of our operational goals is to identify, prior to the budgeting process, what work the city intends to achieve in 2025. The goals should align with our mission. Not only will the operational goals inform budget prioritization, but they will also guide the creation of the 2025 Department Work Plans.

Present a budget that (in no particular order):

1. Invests in the strategic planning and maintenance of our city buildings
2. Proactively maintains and improves our parks and infrastructure to ensure safety, quality, and equity
3. Supports employee retention and growth, while also evaluating operations and the associated staffing
4. Fosters community growth by assessing opportunities, stakeholder input, environmental needs, and modern code and policy priorities
5. Maintains a safe and healthy community, with an eye toward future needs and trends