

MEMO

TO: Chairperson Dana Davis and Committee Members

FROM: Jaynellen J. Holloway, P.E.

DATE: August 30, 2023

RE: Public Safety and Welfare Committee Wednesday, September 6, 2023 at 5:00 p.m.

Review and take possible action: Variance Request for 118 N. Water Street

BACKGROUND:

Engineering received a request from the owner of 118 N. Water Street to place a private gas service meter in O'Connell Street right-of-way. Engineering stated we could not approve the request as the area they wish to occupy with the gas meter encroaches into the City's right of way. The property owner would need to seek a variance.

Variance Steps:

- 1) Wait for application and \$5 fee for variance from applicant.
- 2) Engineering Division notices chairperson or acting chairperson that application and fee has been received – chair to set a hearing date, time and place and notify City staff of those.
- 3) Once City staff has public hearing date, time, and place for hearing, applicant is sent notice via regular mail a minimum of 72 hours prior to the hearing with hearing information including date, time, and place.
- 4) City Engineering Division, in concert with the City Attorney, will prepare what City ordinance and State statute states about encroachments within the ROW and will submit to Committee in meeting packets prior to hearing.
- 5) Applicant or their representative attends hearing.
- 6) The Public Safety & Welfare Committee will make determination within 30 days of hearing.

Wisconsin State Statute §86.04 (1) Highway Encroachments – Order For Removal 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:

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060

Opportunity Runs Through It

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](#).

ATTACHMENTS:

- Site Map
- Site Map with Bollards and 5' of Sidewalk
- Variance request