

Eau Claire County
Board of Land Use Appeals

721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin
Monday, July 16, 2018 • 5:30 p.m.

Minutes

Members Present: Randall Stutzman, Karen Meier-Tomesh, Pat Schaffer, Gary Eslinger

Staff Present: Rod Eslinger, Jared Grande, Jeanna Allen

1. Call to order

Chairman Stutzman called the meeting to order at 5:30 p.m., and verified that the meeting was properly noticed. Mr. Stutzman reviewed the order of proceedings for the applicant and members of the audience.

2. Confirmation of Compliance with Open Meetings Law

Compliance was confirmed.

3. A request for a 21-foot variance from the front yard setback for a Class C highway (Town of Union) / Discussion – Action

Jared Grande, Land Use Manager for Eau Claire County, was sworn in by the chair. Mr. Grande reviewed the request for the variance, discussed the staff report, and displayed a video of the site. The requested variance is for a 21-foot variance from the front yard setback for a Class C highway. The original plat of the subdivision was recorded in 1972, and the principle structure constructed in 1974, however, the Town of Union did not adopt county zoning until 1998. At that time the structure was considered a legal non-conforming structure. Additionally, between 1974 and 1981 White Oak Drive was extended, had that not occurred the structure would be conforming. In 2008, a living room addition was permitted, however, it was not noted on the permit that the one-time 500 square foot alteration for legal non-conforming structures had been utilized. Mr. Grande reviewed the setback requirements for the RH Rural Homes District when the parcel is located on a Class C highway. He notes that no unique topographical features exist on the parcel. Due to Act 64, passed in 2017, the applicants would be allowed to rebuild the deck that was torn down, provided it was in the same footprint.

Gary Eslinger arrived at 5:40 p.m.

Bryan Christopherson, homeowner and applicant, was sworn in by the chair. Mr. Christopherson described the reason for requesting the variance. The applicant noted that they have resided at the property for 23 years.

No one else spoke in favor of the request.

No one spoke in opposition of the request, nor were there any questions asked by the audience.

The board entered deliberations at 5:57p.m.

The board exited deliberations at 6:25 p.m.

ACTION: Motion by Randy Stutzman, 2nd by Pat Schaffer, to deny a 21-foot variance from the front yard setback for a Class C highway in the RH Rural Homes district. Motion carried, 4-0-0.

Findings that support the variance:

- Self-imposed hardship, such as that caused by ignorance of regulations for legal non-conforming structures, is not a sufficient reason for granting a variance.
- A reasonable use of the property has already been established, and the enforcement of regulations do not appear to have prevented the applicants from using the property.
- A unique physical limitation does not exist on the property, and the granting of the variance could set a precedent.

4. Review / Approval of Minutes from December 11, 2017 / Discussion – Action

ACTION: Motion by Karen Meier-Tomesh, 2nd by Gary Eslinger, to approve the minutes as submitted. Motion carried, 4-0-0.

5. Adjournment

ACTION: Motion by Pat Schaffer, 2nd by Karen Meier-Tomesh, to adjourn at 6:29 p.m.

Respectfully submitted,

Jeanna Allen
Clerk, Board of Land Use Appeals