

Eau Claire County - Board of Land Use Appeals
MINUTES

721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin
Wednesday, March 13, 2019 • 5:30 p.m.

Members Present: Karen Meier-Tomesh, Judy Bechard, Darrin Schwab (alternate)

Members Absent: Randall Stutzman, Gary Eslinger, Pat Schaffer

Staff Present: Jared Grande, Chad Berge

1. Call to order

Alternate Chair Karen Meier-Tomesh called the meeting to order at 5:32 p.m. and verified that the meeting was properly noticed. Ms. Meier-Tomesh reviewed the order of proceedings for the applicant and owners.

2. Appointment of interim – secretary (clerk) / Discussion – Action

Action: Motion by Judy Bechard, seconded by Darrin Schwab to appoint Jared Grande as interim – secretary (clerk). Motion carried, 3-0-0.

3. A request for an after the fact variance to disturb slopes in excess of 30% for the purpose of constructing an accessory structure (Town of Washington - Maurice Minnefield, LLC) / Discussion – Action

Chad Berge, Conservation Technician for Eau Claire County, was sworn in by the chair. Mr. Berge reviewed the request for the variance, discussed the staff report and the items submitted by the applicant, and showed a video of the site. The requested variance is for approval to disturb slopes in excess of 30% for the purpose of constructing an accessory structure. Additionally, Mr. Berge reviewed the intent of Title 17.

Land Conservation staff outlined reasons for approval and denial of the request, but did not provide a recommendation specifically for approval or denial. Chad stated the department did not receive an erosion control plan identifying how the erosion onsite would be managed until March 12, 2019, therefore it did not make it in the packet. Chad indicated that the county's storm water ordinance may supersede erosion control standards.

Ben Awes, applicant representing Maurice Minnefield, LLC, was sworn in by the chair and spoke in favor of the request. Ben gave the background how he was involved with the project and property; he was brought on two years ago. Mr. Awes discussed the owner's intent with the property and being a steward of the land. During Ben Awes presentation, he accidentally knocked down the recording device which missed time from 5:54-6:19. Ben outlined the details why they chose the location of the echo chamber room; not having the floors on the same level would be a major inconvenience for moving equipment (i.e. piano).

Chad clarified that if the board approves the request, the site will be required to be reviewed under 17.06 for storm water purposes.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Deliberations began at 6:21 p.m.

Deliberations ended at 6:45 p.m.

ACTION: Motion by Judy Bechard, seconded by Darrin Schwab, to deny a variance request to disturb slopes greater than 30%. Motion carried, 3-0-0.

Findings that support the variance denial:

Subject to the following conditions:

1. The Board does not feel that the applicant has exhausted all options as to why a hardship is present.
 2. According to Title 17, disturbing slopes of 30% or greater is a prohibited activity. The board's decision to approve the variance could set precedent for future development on this property. 28% of the property is comprised of slopes greater than 30%.
 3. There are areas of the property that have slopes of 30% or less. The applicant has not communicated as to why the structures can't be built in areas that avoid 30% slopes.
4. Review / Approval of Minutes from January 28, 2019 / Discussion – Action
ACTION: Motion by Darrin Schwab, seconded by Karen Meier-Tomesh, to approve the minutes as submitted. Motion carried, 3-0-0.
5. Adjournment
ACTION: Motion by Judy Bechard to adjourn the meeting at 6:47 p.m. Motion carried by unanimous consent.

Respectfully submitted,



Jared Grande
Acting Clerk, Board of Land Use Appeals