

Eau Claire County - Board of Land Use Appeals
MINUTES

721 Oxford Avenue, Room 1301-1302 • Law Enforcement Center, Eau Claire, Wisconsin
Monday, May 13, 2019 • 5:30 p.m.

Members Present: Randall Stutzman, Karen Meier-Tomesh, Judith Bechard, Gary Eslinger
Patrick Schaffer

Members Absent:

Staff Present: Jared Grande, Rodney Eslinger

1. Call to order
Chairperson Stutzman called the meeting to order at 5:30 pm. and reviewed the order of proceedings for those in attendance.
2. Confirmation of Public Hearing Notice
Chairperson Stutzman confirmed compliance the public hearing notice requirement.
3. A request for an additional 980 square feet of an accessory structure to be used for a cottage industry purposes above the 2,400 square feet allowed (Town of Brunswick) / 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 (980 advertised) 1032-square foot variance from the allowable 2,400 square feet for an accessory structure that will be used for a cottage industry. The property is zoned AP District, which is the farmland preservation district for the State of Wisconsin. He provided background information regarding history of the building and the previous conditional use permit that was granted by the Committee on Planning and Development in 2006. The building at the time was constructed as a commercial building. Jared indicated that Mr. Rathbun dissolved his business in 2007. Jared said the applicant sought this property due to the size of the existing building for the purpose of operating an automotive repair shop out of the building known as “Fast Freddie’s Rod Shop”. The business activities include welding and fabrication, mechanical and electrical work, and general assembly of classic automobiles.

Mr. Grande concluded with a review of the variance standards and relevant case law with the board.

Thomas Rathbun, property owner, was sworn in by the chair. Mr. Rathbun stated that he’s had the property listed for sale for two years. Mr. Rathbun explained that he constructed the building in 2006 and it was used for his excavation business, which was approved as a home-based business at the time by the County.

Jason J. Griepentrog, was sworn in by the chair, he is representing the applicant, John Kappus IV, as his realtor. Mr. Griepentrog stated that the assessment of the building is

over the top because the outbuilding is assessed greater than house by 2 to 1. He stated that Mr. Kappus is super meticulous and builds great cars. Mr. Griepentrog concluded by stating 90% of Mr. Kappus's clients are from out of state and that the proposed use should not be disruptive to the area.

John Kappus IV, aka Fred, the applicant, was sworn by the chair, stated he owns a start to finish automotive restoration business in Eau Claire with four other individuals. The focus is on race cars, and other unique cars for specific clients. He gave a power point presentation to the Board. He is currently located in a 105 building off Starr Ave., which no longer meets his needs. He stated that they won't have any outside storage of vehicles. Mr. Kappus presented arguments to the board for approving the requested variance to the board.

Mr. Gary Eslinger asked a clarifying question regarding the building space where the wall was placed inside the building.

Thomas Rathun, current owner of the property, indicated that the original building was too large to heat and that he put the wall so his shop area was smaller and easier to heat.

Seth Dux, was sworn in by the chair, and indicated that he was a neighbor to the property. He doesn't object to the request.

No one else spoke in favor or in opposition of the request.

The board entered deliberations at 6:09 p.m.
The board exited deliberations at 6:49 p.m.

Mr. Shaffer asked who the applicant was. Jared Grande stated he felt that the agent is Mr. Kappus. Mr. Stutzman gave some clarification on Waushara County case law.

The board entered deliberations again at 6:57 p.m.
The board exited deliberations at 7:11 p.m.

ACTION: Motion by **Karen Meier-Tomesh** seconded by **Gary Eslinger** to approve requested variance for an additional 1,032 (980 advertised) square feet of an accessory structure to be used for a cottage industry purposes above the 2,400 square feet allowed by code.

An amendment to the original motion was offered by **Judy Bechard** seconded by **Gary Eslinger** to include staff's recommended condition: The applicant shall obtain all necessary permits/approvals, including but not limited to the following: receive

approval for a petition to rezone from AP – Agricultural Preservation to A2 – Agricultural Residential and receive approval for a conditional use permit for a cottage industry.

The amendment motion was approved, motion carried, 5-0-0.

The original motion was approved, motion carried, 5-0-0.

4. Review / Approval of Minutes from March 13, 2019 / Discussion – Action
ACTION: Motion by **Karen Meier-Tomesh** seconded by **Patrick Schaffer** to approve the minutes as corrected. Motion carried 5-0-0. Board member Bechard's name was spelled incorrectly.
5. Adjournment
ACTION: Motion by Judy Bechard to adjourn the meeting at 7:14 p.m. Motion carried by unanimous consent.

Respectfully submitted,



Rodney J. Eslinger
Acting Clerk, Board of Land Use Appeals