

MINUTES

Eau Claire County

• BOARD OF LAND USE APPEALS •

Date: Wednesday, September 04, 2019

Time: 5:30 p.m.

Location: Eau Claire County Courthouse, 721 Oxford Ave, Room 1277, Eau Claire, Wisconsin 54703

Members Present: Gary Eslinger, Patrick Schaffer, Karen Meier-Tomesh, Judith Bechard, Darrin Schwab

Members Absent: Randall Stutzman

Staff Present: Rod Eslinger, Amanda Peters, Sam Simmons

1. Call to Order and confirmation of meeting notice

Karen Meier-Tomesh called the meeting to order at 5:33pm and confirmed that the meeting was properly noticed.

2. Public Comment (15 minute maximum)

None.

3. Appointment of Clerk / Discussion – Action

Rod Eslinger introduced Sam Simmons as the new Administrative Specialist and that he will now be clerk of the Board.

ACTION: Motion by Judy Bechard, seconded by Darrin Schwab, to appoint Sam Simmons as Clerk of the Board of Land Use Appeals. Motion carried, 5-0-0.

4. Public Hearings

- a. A variance request for one-half (0.5) foot separation distance variance to ground water and a 23-foot variance from the minimum front yard setback for a class C Highway for the construction of a livestock building over an existing manure pit.
(Town of Drammen) / Discussion – Action

Rod Eslinger, Director of Planning & Development, was sworn in by Karen Meier-Tomesh. Mr. Eslinger explained that there are two requests in this Variance. The first request is for a 0.5 foot separation distance variance to groundwater, the second is 23-foot variance from the minimum front yard setback. He provided a brief history of the manure storage facility and the original Variance that was approved in 1999. It was noted that the 2019 Variance request will be changing the request approved in 1999. Eslinger showed images of the parcel map, slope locations, and facility locations and showed a site video. He mentioned that the Variance request is in compliance with zoning setbacks, and again mentioned that the Variance request is because there will be additional construction to the existing manure pit.

There were no questions from the Board for Mr. Eslinger.

Amanda Peters, Agronomist for the Eau Claire County Land Conservation Division, was sworn in by Karen Meier-Tomesh. Ms. Peters walked through the application process for manure storage and explained NRCS standards that are set by the state. The construction plans of the current manure pit at

the property is in compliance with NRCS standards. Peters did explain that the current manure pit is closer to the groundwater than when it was first installed. She explained that the southeast corner of the pit does not meet subsurface saturation requirements and that there is water at the bottom of the southeast corner. Otherwise, all wall footings are dry and in good condition. Peters explained that the 0.5 Variance is being requested because separation requirement is now 2 ½ feet, instead of 2 feet when first approved in 1999. She then explained the manure storage ordinances.

Ms. Peters recommends that the Variance request be approved. There are no public health impacts and she explained that the Dutter's properly maintain the property. She recommends approval on the conditions of obtaining a permit and having an engineer certify the structural integrity of the facility and verifying no concrete cracking.

Gary Eslinger asked Peters to confirm that she had no issues with the request. Peters answered in the affirmative.

Karen Meier-Tomesh asked if the Variance is approved, would there be a new maintenance plan. Peters explained that there would be a new nutrition plan on an annual basis.

There were no further questions for Ms. Peters from the Board.

James Dutter was sworn in by Karen Meier-Tomesh. Mr. Dutter spoke in favor of the Variance request. He stated that the Variance would help them switch from dairy to beef production. Mr. Dutter gave a brief history of the property and how the new building would be constructed.

Gary Eslinger asked Dutter if there would be more or less animals on the property after switching to beef production. He answered that there would be more animals, but less manure production. Eslinger also asked Dutter to describe the site limitations. Dutter described that the property is on a valley and how that limits construction.

There were no further questions for Mr. Dutter from the Board.

Dan McKinney was sworn in by Karen Meier-Tomesh. Mr. McKinney spoke in favor of the request. He explained that either way, there will be manure production at the property and what the Dutter's want to do is best practice.

Patrick Schaffer asked McKinney if construction processes for a manure pit are the same today as in 1999. McKinney explained that overall it is the same, but this Variance construction will make the building stronger.

There were no further questions for Mr. McKinney from the Board.

Nobody else spoke in favor of the request.

None spoke in opposition of the request.

The Board entered deliberations at 6:10pm.

The Board exited deliberations at 6:39pm.

ACTION: Motion by Gary Eslinger, seconded by Judith Bechard, to approve a 23-foot variance from the minimum front yard setback for a class C Highway for the construction of a livestock building over an existing manure pit. Approval will be with all conditions in the staff reports. Motion carried, 5-0-0.

ACTION: Motion by Patrick Schaffer, seconded by Darrin Schwab, to approve a variance request for one-half (0.5) foot separation distance variance to ground water. Approval will be met with conditions on page 13 of the staff report, obtaining a Land Use Permit, and staff findings. Motion carried, 5-0-0.

5. Review/Approval of May 13, 2019 Meeting Minutes / Discussion – Action

Karen Meier-Tomesh noted a few typos, but otherwise saw no problems with the minutes. Rod Eslinger will correct the typos.

ACTION: Motion by Judy Bechard, seconded by Darrin Schwab, to approve the May 13, 2019 minutes. Motion carried, 5-0-0.

Mark Zuber, Clerk of the Town of Drammen, spoke and thanked the Board for approving the Variance request.

6. Adjourn

ACTION: Motion by Patrick Schaffer, seconded by Gary Eslinger, to adjourn the meeting. Motion carried, 5-0-0.

Meeting adjourned at 6:43pm.

Respectfully submitted,



Samuel Simmons

Clerk, Board of Land Use Appeals