

AGENDA

Eau Claire County

- BOARD OF LAND USE APPEALS •

Date: Monday, May 3, 2021

Time: 5:30 p.m.

via remote access **ONLY.*

*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

Join WebEx Meeting: <https://eauclairecounty.webex.com> Meeting ID: **145 398 3209** Password: **tZV8UJppm55**

**Meeting audio can be listened to using this Audio conference dial in information.*

Audio conference: 1-415-655-0001 Access Code: **1453983209##**

**Please mute personal devices upon entry*

For those wishing to make public comment, you must e-mail Sam Simmons at Samuel.Simmons@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public comment period to make your comments.

**Please mute personal devices upon entry*

1. Call to Order and confirmation of meeting notice
2. Roll Call
3. Public Comment **(15 minute maximum)**
4. Public Hearings
 - a. Request for a 17-foot variance from the required 83-foot setback to the centerline of the right-of-way for an existing structure in the A-P Agricultural Preservation District.
(Town of Pleasant Valley) / Discussion – Action **PAGES 2 - 26**
5. Review/Approval of August 24, 2020 Meeting Minutes / Discussion – Action **PAGES 27 - 29**
6. Adjourn



EAU CLAIRE COUNTY BOARD OF LAND USE APPEALS

STAFF ANALYSIS AND RECOMMENDATION

VARIANCE NUMBER: VAR-0001-21

COMPUTER NUMBERS: 018-1046-01-010

PUBLIC HEARING DATE: May 3, 2021

STAFF CONTACT: Ben Bublitz, Land Use Technician

OWNER: Daniel and Julia Werlein, W1250 Pine Road, Eleva, WI 54738

APPLICANT: West Central Contractors LLC, S177 Gopher Trail, Mondovi, WI 54755

SITE LOCATION: W1250 Pine Road

ZONING DISTRICT: A-P Agricultural Preservation District

LEGAL DESCRIPTION: Part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 18, Township 25 North, Range 9 West, Town of Pleasant Valley, Eau Claire County, Wisconsin.

REQUEST: 17-foot variance from the required 83-foot center of roadway setback to a Class C highway for an existing accessory structure.

SUMMARY

The applicant is requesting a 17-foot variance from the required 50-foot center of roadway setback to a Class C highway for an existing 2,240 square foot accessory structure. The structure was constructed without obtaining the required land use permit, so any permitting is considered after-the-fact.

Being located on Pine Road, in the Town of Pleasant Valley, there is an existing principal structure onsite which is the property owner's residence. The principal structure was constructed prior to the Eau Claire County Zoning Code being adopted by the Town of Pleasant Valley on March 14, 1983.

Staff became aware of the structure through an anonymous complaint from a concerned citizen. After a violation notice was mailed to the property owner, Staff met with them onsite to verify setbacks are being met and to discuss permit requirements. During the onsite meeting Staff found the structure was built within the minimum setback, and the property owner would be working with the contractor who constructed the building to obtain any necessary after-the-fact permits. A land use permit application was submitted to our office and was not approved since the required minimum setback was not met. The project contractor decided to move forward with a variance application to avoid moving the structure. The applicant feels the variance standards are met as outlined in the variance application.

The application materials include a narrative(s), site map(s), and building floor and elevation drawings.

BACKGROUND

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	A-P	Agricultural
West	A-P	Agricultural
South	A-2	Residential
East	A-2	Agricultural

AUTHORITY

Chapter 18.31 of the zoning code establishes the Board of Land Use Appeals and its authority. Variances granted by the Board of Land Use Appeals are required to meet the standards as defined by the code. The board must find that due to literal enforcement of the code an “unnecessary hardship” would result. Unnecessary hardship is defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district, caused by such facts as rough terrain or soil conditions uniquely applicable to the property and not generally other properties in the same zoning district.

The statutory authority for the Board of Land Use Appeals is found in Wis. Stats. 59.694.

APPLICABLE ZONING REGULATIONS

Section 18.01.010 Purpose. This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: to separate incompatible land uses from one another; to maintain public health and safety; to protect and conserve natural resources; to prevent overcrowding; to preserve property values; and to maintain the general welfare of the citizens.

Section 18.31.040 permits required. This section describes when permits are required. Section 18.21.040.A.1 specifies when land use permits are required. A land use permit shall be issued before any building or structure is erected, moved or structurally altered, or any use of a building, structure or land is changed to another use, including the development or use of vacant land.

Section 18.02.020.A Definition. This section defines a structure as the following:

"Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Section 18.32.001 Purpose. The A-P Agricultural Preservation District is established to:

- A. Preserve and protect those areas best suited for agricultural, forestry or openspace uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;
- B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;
- C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;

- D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;
- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

Section 18.22.001 Purpose. The purpose of this chapter is to promote the public safety, welfare and convenience by easing congestion on the public highways through a system of standards and regulations for limiting access to public highways and establishing setbacks from highway right-of-way.

Section 18.22.020 B. Class C Highways. All lettered county highways and town roads are designated as Class C highways.

1. Setbacks. The minimum setback from a Class C highway shall be 83 feet from the centerline or 50 feet from the right-of-way line, whichever is greater, in the A-1, A-2, A-3, A-R, RH, C-3, F-1, F-2, I-1 and I-2 districts and shall be 63 feet from the centerline or 30 feet from the right-of-way line, whichever is greater in the R-1-L, R-1-M, R-2, R-3, C-1 and C-2 districts.

VARIANCE STANDARDS

Section 18.31.020 C. 6. Standards for Granting Variances. The following are standards and principals to guide the board's decisions:

a. The burden is upon the appellant to prove the need for a variance.

The petitioner must prove that the strict letter of the restrictions governing highway setbacks for the existing structure would unreasonably prevent them from using the property for the uses that are allowed in the zoning district or would render conformity with such restrictions unnecessarily burdensome.

b. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales are not sufficient reasons for getting a variance.

The application does not appear to address this standard other than a miscommunication between the property owner and contractor. Staff is of the opinion a miscommunication should be considered a self-imposed hardship.

c. The plight of the applicant must be unique, such as a shallow or steep parcel of land or situation caused by other than his or her own action.

It is stated in the application there is a known higher water table to the rear of the lot. There was no ground water map submitted to outline the known high-water table limits. Staff also discussed the application with land conservation Staff who determined the soils onsite do not indicate a high-water table would be present

according to the USDA web soil survey. There is no known unique limitation specific to this property such as steep slopes or high ground water.

d. The hardship justifying a variance must apply to the appellant's parcel or structure and not generally to other properties in the same district.

Granting of this variance may lead to other similar variance requests in the future given this is an after-the-fact request. The flat topography and absence of limiting factors on the property tends to support the idea the structure could have been build further North meeting minimum setbacks. The setback requirements are standard to all properties zoned A-P.

e. Variances allowing uses not expressly listed, as permitted or conditional uses in a given zoning district shall not be granted.

This is not a use variance request. The underlying A-P district allows for private garages as accessory structures.

f. The variance must not be detrimental to adjacent properties.

It does not appear granting the variance would be detrimental to adjacent properties.

g. The variance must by standard be the minimum necessary to grant relief.

This standard does not appear to be addressed in the application. Due to the lack of unique characteristics specific to this property, no relief is required.

h. The variance will not be in conflict with the spirit of this subtitle or other applicable ordinances, nor contrary to state law or administrative order.

It is questionable if the variance request conflicts with the purpose of section 18.22.001 since a setback will still exist. It does not appear the variance request conflicts with the purpose of section 18.13.001. The variance request will not be contrary to state law.

i. The variance shall not permit any change in established flood elevations or profiles.

The request does not impact the floodplain following 2017 WI Act 242

j. Variances shall not be granted for actions, which require an amendment to Chapter 18.20, the Floodplain Overlay District.

This variance request does not require amendments to Chapter 18.20.

k. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.

The property is not in the floodplain following 2017 WI Act 242.

I. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

It is unknown if the minimum necessary to grant relief has been requested, since no high ground-water documentation has been submitted, and according to Staffs research the depth ground water is not significant enough to limit construction. There does not appear to be increased risks to public safety or nuisance costs for rescue and relief efforts.

RELEVANT CASE LAW

In 2004, the Wisconsin Supreme Court decided two cases of relevance regarding area variances. In the first case, STATE EX REL. ZIERVOGEL V. WASHINGTON COUNTY BOARD OF ADJUSTMENT, CASE NO. 02-1618 (2004), the Supreme Court reaffirmed the definition of the statutory term “unnecessary hardship” set forth in the Snyder case as follows: “We have stated that unnecessary hardship is present when compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner for using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”

In the second case, STATE OF WISCONSIN VS. WAUSHARA COUNTY BOARD OF ADJUSTMENT, CASE NO. 02-2400 (2004), the Supreme Court stated that the Board of Adjustment should focus on the purpose of the zoning law at issue in determining whether an unnecessary hardship exists for the property owner seeking the variance.

In the second case in 2005, LAMAR CENTRAL OUTDOOR, INC. VS. BOARD OF ZONING APPEALS OF CITY OF MILWAUKEE, 2005 WI 117 (Wis. Sup. Ct. July 12, 2005), the Supreme Court held that a board of appeals may not simply grant or deny an application with conclusory statements that the application does or does not satisfy the statutory criteria, but shall express, on the record, its reasoning why an application does or does not meet the statutory criteria.

STAFF REVIEW AND CONCLUSIONS:

In evaluating this variance application, the Board must consider the twelve ordinance standards for granting a variance and relevant Wisconsin case law. An approval or denial requires that the board state its reasoning why an application did or did not meet the statutory criteria.

The board must carefully weigh each argument and fact against the appropriate variance standards, the purpose statement of the respective ordinance and relevant case law before making a decision to grant or deny the request. An unnecessary hardship exists when compliance would render conformity with such restrictions unnecessarily burdensome.

To determine if a hardship is present, an evaluation of the purpose statements for the zoning code and section 18.32 and 18.22 is required.

A hardship is not present because compliance with the strict letter of the restrictions governing setbacks would not render conforming to such restriction unnecessarily burdensome.

A consideration for granting the variance is to determine if unique physical limitations exist

The hardship is not unique to this property. Other properties adjacent to class C highways have similar circumstances and have been able to obtain an approved land use permit meeting the minimum setback(s) standards. In addition, structures on nearby lots that may be legal non-conforming appear to meet minimum setback standards. The applicant has not identified any unique physical limitations, and pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance or proceeding without a permit are not sufficient reasons for getting a variance.

Granting this variance will not result in harm to public interests

The variance doesn't appear to cause an increased risk to public safety or result in harm to public interests but granting this variance may lead to additional variance requests with similar after-the-fact circumstances.

FINDINGS

The board must create findings to support its decision to grant or deny the variance request per LAMAR CENTRAL OUTDOOR, INC. VS. BOARD OF ZONING APPEALS OF CITY OF MILWAUKEE, 2005 WI 117 (Wis. Sup. Ct. July 12, 2005).

If the Board denies the variance request, the Board may incorporate any or all of the following findings in its decision:

- Pecuniary hardship or self-imposed hardship, such as that caused by ignorance, are not sufficient reasons for granting a variance.
- The literal enforcement would not create an unnecessary hardship that would prevent the applicant from using the property as currently situated.
- No unique physical limitation exists on this property, such as a steep slope. The 'need' requested in this variance application is self-imposed.
- The hardship justifying a variance is not specific to the appellant's parcel or structure.

EXHIBITS

1. Staff report
2. Variance application



**Eau Claire County, Wisconsin
Variance Permit - County**

<u>Permit Type:</u> Land Use	<u>BLUA Meeting Date:</u> May 3, 2021
<u>Permit Number:</u> VAR-0001-21	
<u>Applicant:</u> West Central Contractors LLC	<u>Permit Fee:</u> \$525.00
	<u>Application Date:</u> March 25, 2021

<u>Site Address:</u> W 1250 PINE ROAD
<u>Parcel Number:</u> 1801822509184200002
<u>Municipality:</u> Town of Pleasant Valley

<u>Property Owner:</u> DANIEL H. & JULIA A. WERLEIN W 1250 PINE ROAD ELEVA, WI 54738-9253

Request:

Type:	Subtype:	Description:	Height (ft)
Variance		17-foot variance from the required 83-foot setback to the centerline of the right-of-way for an existing structure in the A-P Agricultural Preservation District.	0.00

Measured Setback Requirements:

Applicable Zoning District(s):

AP – Agricultural Preservation District

Signature: _____

Department of Planning and Development
Eau Claire County Courthouse
721 Oxford Avenue, Room 3344
Eau Claire, Wisconsin 54703
(715) 839-4741



NODOLF FLORY, LLP

January 15, 2021

VIA E-MAIL AND U.S. MAIL

Eau Claire County
Dept. of Planning and Development
Attn: Ben Bublitz
721 Oxford Ave., Suite 3344
Eau Claire WI 54703

RE: **Variance Application**
Site Address: W 1250 Pine Road, Eleva

Dear Mr. Bublitz:

Please find enclosed the Variance Application, and a check in the amount of \$525.00 for the application fee.

Thank you and please call with any questions.

Sincerely,

NODOLF FLORY, LLP

Brian M. Nodolf
MLK:amr

Enclosures

cc: West Central Contractors

P:\Docs\Client W-Z\West Central Contractors LLC\ECCountyLtr-Application 011521.wpd



Eau Claire County
Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

Application Accepted:	
Accepted By:	
Receipt Number:	
Town Hearing Date:	
Scheduled Hearing Date:	

VARIANCE APPLICATION

Property Owner Name: Werlein, Daniel H. and Julia A.	Phone# (715) 287-4594
Mailing Address: W 1250 Pine Road, Elewa, WI 54738-9253	
Email Address: juliawerlein@hotmail.com	

Agent Name: West Central Contractors LLC	Phone# (715) 797-6904
Mailing Address: S177 Gopher Trail, Mondovi, WI 54755-7730	
Email Address: dylanzahara@yahoo.com	

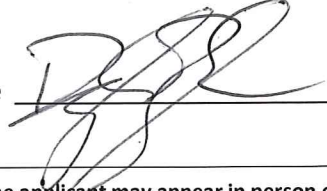
SITE INFORMATION

Site Address: W 1250 Pine Road, Elewa, WI 54738-9253	
Property Description: <u>NW</u> $\frac{1}{4}$ <u>SE</u> $\frac{1}{4}$ Sec. <u>18</u> , T <u>25</u> N, R <u>9</u> W, Town of <u>Pleasant Valley</u>	
Zoning District: AP	Code Section(s):
Overlay District: Check Applicable <input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining	
Computer #(s): <u>018</u> - <u>1046</u> - <u>01</u> - <u>010</u>	

GENERAL APPLICATION REQUIREMENTS

- Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. All information from the checklist must be included.**
- A detailed written statement that specifically identifies what is being requested.
 - Written argument that justifies the need for the variance and addresses the variance standards. It is the applicant's responsibility to prove that an "unnecessary hardship" exists and that a variance can be granted. (See reverse for additional information.)
 - The applicant must flag/stake the property/project corners and label them accordingly (e.g. NE Lot corner, NE building corner).
 - A scaled site plan of the site and surrounding area for a distance of 100 feet, including buildings and other structures. Also, include the proposed addition/structure/location of septic system, well, driveway, property lines, navigable water ways, wetlands, floodplains, slopes in excess of 20% , and any other unique limiting condition of the property. All maps and engineering data to be no larger than 11" x 17".
 - Provide a \$525.00 application fee (non-refundable), payable to the Eau Claire County Treasurer.

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature 

Date 1/14/20

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

STANDARDS FOR VARIANCES

The Board of Land Use Appeals has the authority to issue variances only when the standards are met. The variance standards are located in Section 18.31.020 C. 6. Of the Eau Claire County Code. Those standards are as follows:

1. The burden is upon the appellant to prove the need for a variance.
2. Pecuniary hardship; loss of profit; self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales; are not sufficient reasons for getting a variance.
3. The plights of the applicant must be unique, such as a shallow or steep parcel of land or a situation caused by other than his or her own action.
4. The hardship justifying a variance must apply to the appellant's parcel or structure and not general to other properties in the same district.
5. Variances allowing uses not expressly listed as permitted or conditional uses in a given zoning district shall not be granted.
6. The variance must not be detrimental to adjacent properties.
7. The variance must by standard be the minimum necessary to grant relief.
8. The variance will not be in conflict with the spirit of this subtitle or other applicable ordinances, nor contrary to state law or administrative order.
9. The variance shall not permit any change in established flood elevations or profiles.
10. Variances shall not be granted for actions, which require an amendment to Chapter 18.20, the Flood Plain Overlay District.
11. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.
12. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

The Wisconsin Supreme Court's opinion in State Ex. rel. Ziervogel v. Washington County Board of Adjustment, found that the property owner will have to prove unnecessary hardship utilizing the 1976 Snyder Wisconsin Supreme Court decision. In the 2004 Ziervogel decision, the Supreme Court reaffirmed the 1976 Snyder standard for determining the existence of an unnecessary hardship sated as "...whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome." (at pages 3-4) Whether the standard is met depends upon "...a consideration of the purpose of the zoning restriction in question, its effect on the property, and the effect of a variance on the neighborhood and the larger public inters." (at page 4) The hardship must be unique to the property and not self-created (at page 4). The burden of proving unnecessary hardship remains on the property owner (at page 4). In the Ziervogel decision the Supreme Court affirmed the following rules of unnecessary hardship:

1. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.
2. The hardship cannot be self-created.
3. The Board is to evaluate the hardship in light of the purpose of the zoning restriction at issue.
4. The variance cannot be contrary to the public interest.
5. The property owner bears the burden of proving unnecessary hardship.

If it is found that there is a hardship and that the other criteria are present, the Board can grant a variance. In that case, the variance should only provide for the minimum relief needed to overcome the hardship. (Anderson, American Law of Zoning 3d, (9189) Vol. 3, S.20.86, pp. 624-5).

A variance grants relief from a **numerical standard**, such as a setback, that allows development that is inconsistent with the dimensional standards contained in the ordinance. Variances cannot be issued to approve uses that are inconsistent with the ordinance. The Board of Land Use Appeals is authorized by statute to grant variances to the strict terms of the Eau Claire County Zoning Ordinance only when certain criteria exist. Those criteria are listed above. It is the applicant's responsibility to prove that those criteria exist at the site and that a variance can be granted.

If you believe your request meets the criteria necessary to grant a variance, please summarize your request, the facts that show those standards have been satisfied, and arguments that support this conclusion.

WERLEIN VARIANCE APPLICATION

WRITTEN STATEMENT REQUESTING VARIANCE

Eau Claire County Code 18.22.020 C.1. requires structures in the Agricultural Preservation District (AP) to be the greater of eighty-three (83) feet from the centerline of the right-of-way or fifty (50) feet from the road right-of-way. This application respectfully requests an after-the-fact variance allowing a reduced setback for a structure from the centerline of the right-of-way from eighty-three (83) feet to sixty-five (65) feet, a reduction of seventeen (17) feet.

WRITTEN ARGUMENT REQUESTING VARIANCE

West Central Contractors LLC ("Contractor") constructed a 2,240 square foot, pole frame accessory building (the "Building") on property owned by Daniel and Julia Werlein ("Owner"). The property is located in the Town of Pleasant Valley, Eau Claire County, with an address of W1250 Pine Road, Eleva, Wisconsin (the "Property"). The Building is a substantial structure with a value of approximately \$95,000. Photos of the Building are attached hereto as Exhibit A. A sketch of the Property is attached hereto as Exhibit B.

Contractor was contacted by Owner in February of 2020 to construct the Building on the Property. Contractor agreed to fit this Building into Contractor's tight schedule as a number of Contractor's projects were in flux due to the beginning of the COVID 19 pandemic. Prior to construction of the Building, the Property consisted of a residence with a connected garage that was constructed prior to enactment of the County Zoning Code and is only approximately 70 - 75 feet from the centerline of the right-of-way.

The Building was constructed without a building permit due to an error in communication between Contractor and Owner. The location of the Building was staked upon Contractor's arrival upon the Property. At the time of commencing construction, Contractor believed Owners had obtained a permit and that the stakes represented the approved location. The location appeared appropriate to Contractor as other zoning districts including the R-1-L, R-1-M, R-2, R-3, C-1 and C-2 districts require only a sixty-three (63) foot setback from centerline of the right-of-way.

In discussing this matter with Owner subsequent to construction of the Building, it was determined that the Owner did not obtain a construction permit and had simply staked where Owner believed the Building needed to go and assumed Contractor would obtain the necessary approvals. The location staked by Owner was driven by the need to avoid the higher water table to the rear of the lot (north). Per the Owner, a high water table is known to exist farther north on the Property that would have presented substantial construction challenges.

The requested variance will not be detrimental to adjacent properties and will not be in conflict with the spirit of the Eau Claire County Code of Ordinances. The placement of the Building is consistent with the location of the residence on the Property. Additionally, many of the properties along this road are not set substantially back from the right-of-way, and this Building does not appear to be visually out of place with respect to this neighborhood's rural character, especially given the substantial distances between residences.

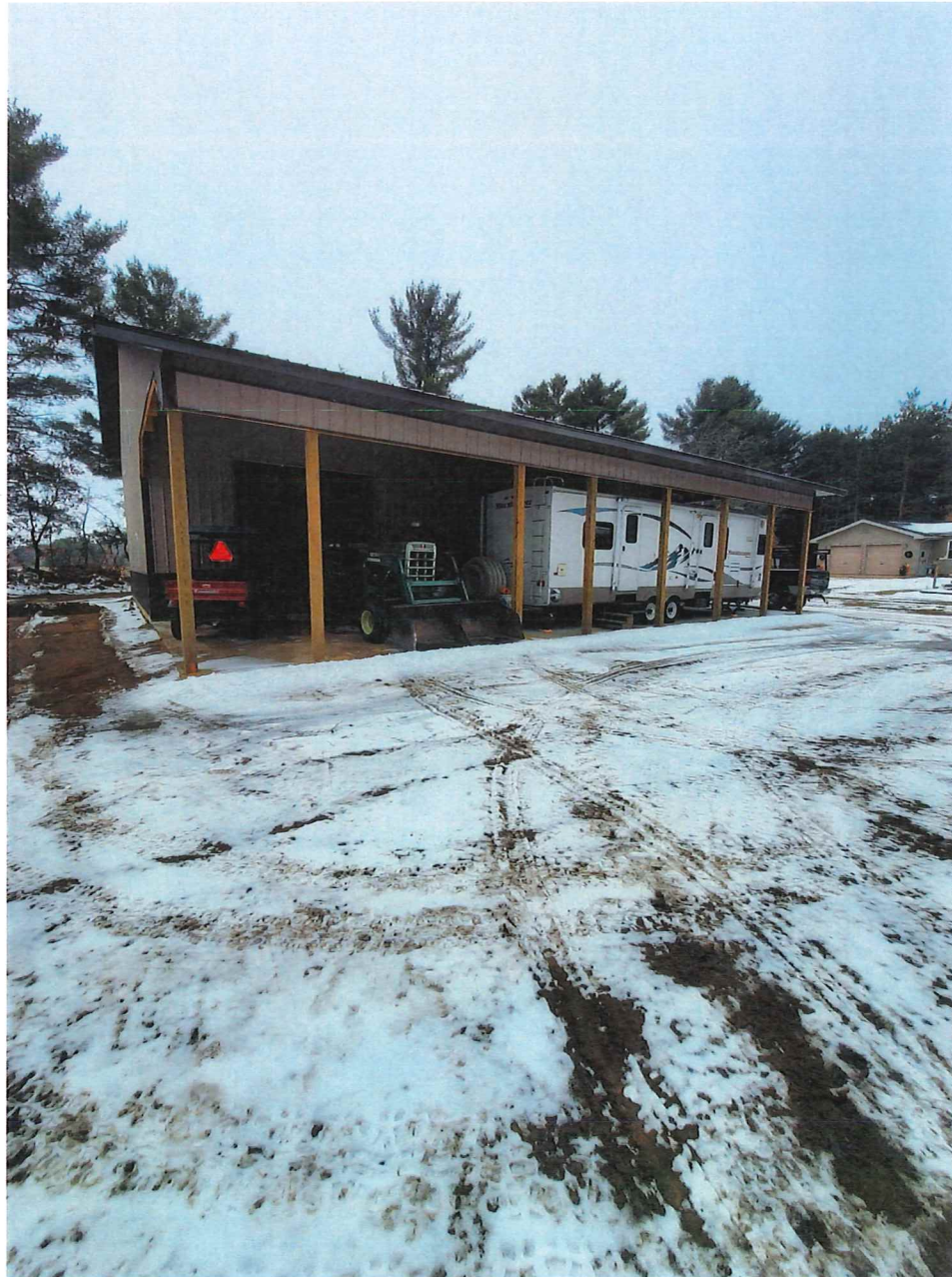


EXHIBIT
A

tabbies



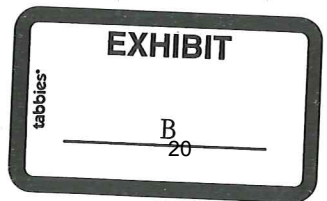
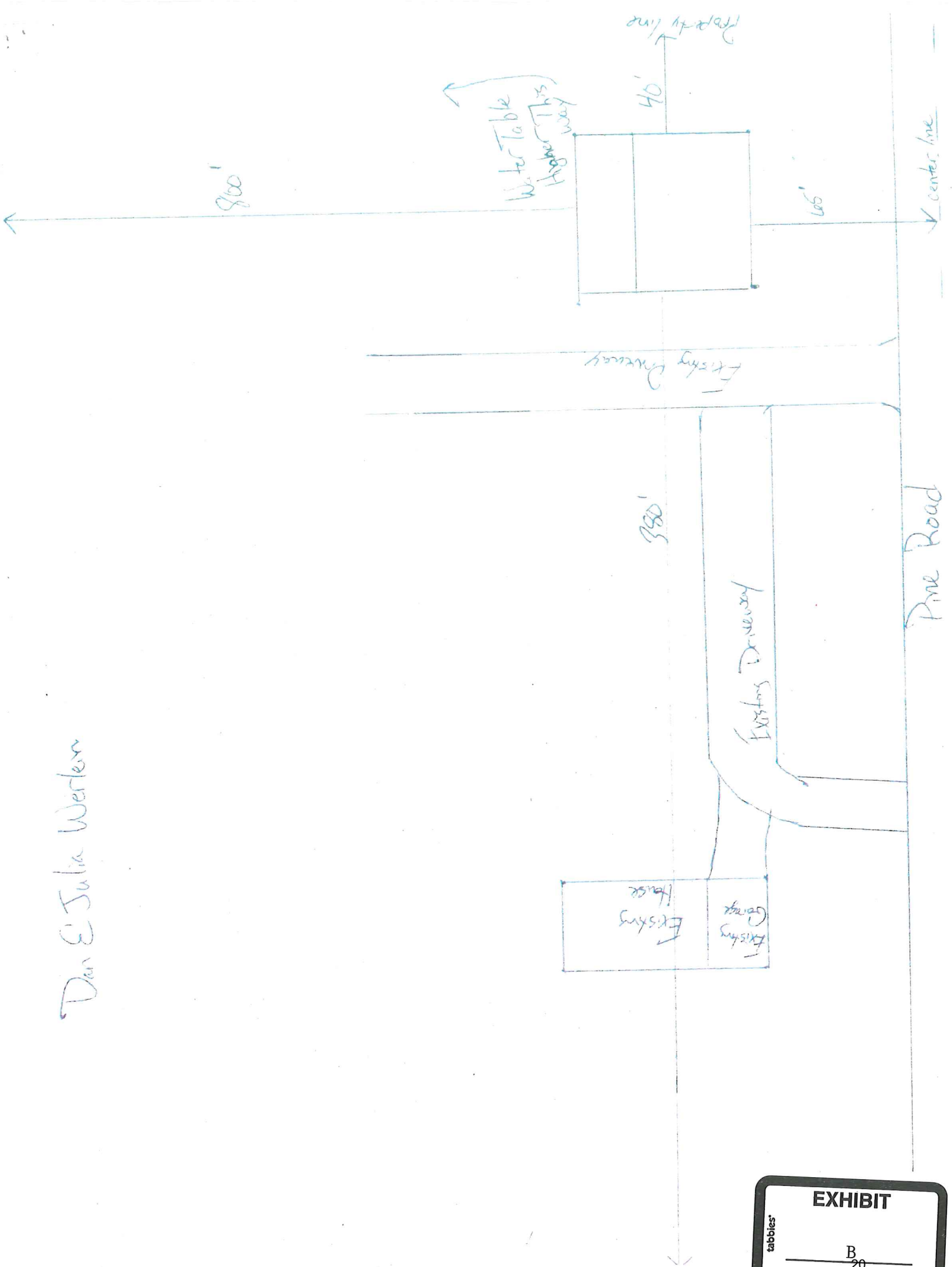








Dan & Julia Werlen



Eau Claire County, WI


Legend

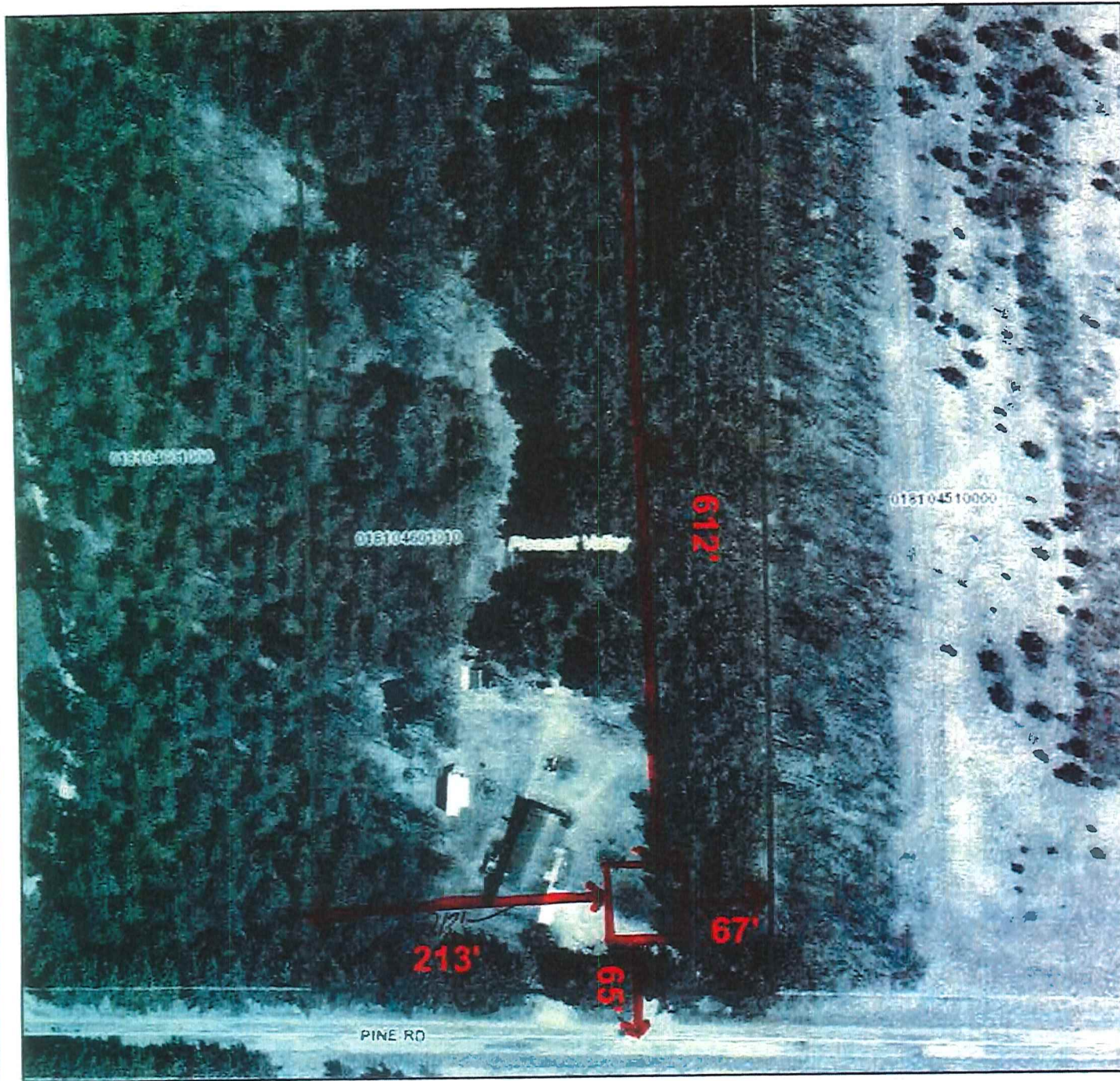
- Addresses
- Parcels
- Parcel Labels
- Parks
- Sections
- Villages (Scale below 35K)
- Cities (Scale below 35K)
- Towns
- Surrounding Counties
- Rivers and Streams
- Lakes and Rivers
- Flood Hazard Areas
- Groundwater Protection District
- WDNR Wetland Inventory
- Interstate
- US Highway
- State Highway
- Roads
- Major Arterial
- Minor Arterial
- Collector
- Local
- Private Drive
- Recreation
- Service
- Other
- Railroads
- Ortho 6 inch 2018 (Color)

N



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Eau Claire County	
	
DATE: 11/14/24	





Front Elevation
SCALE: 1/8" = 1'-0"



Rear Elevation
SCALE: 1/8" = 1'-0"

WEST CENTRAL CONTRACTORS

MONDOVI
PHONE:
FAX:
MOBILE:

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: Thursday, May 11 2012

PAGE: **2/3**

FRONT AND REAR ELEVATIONS

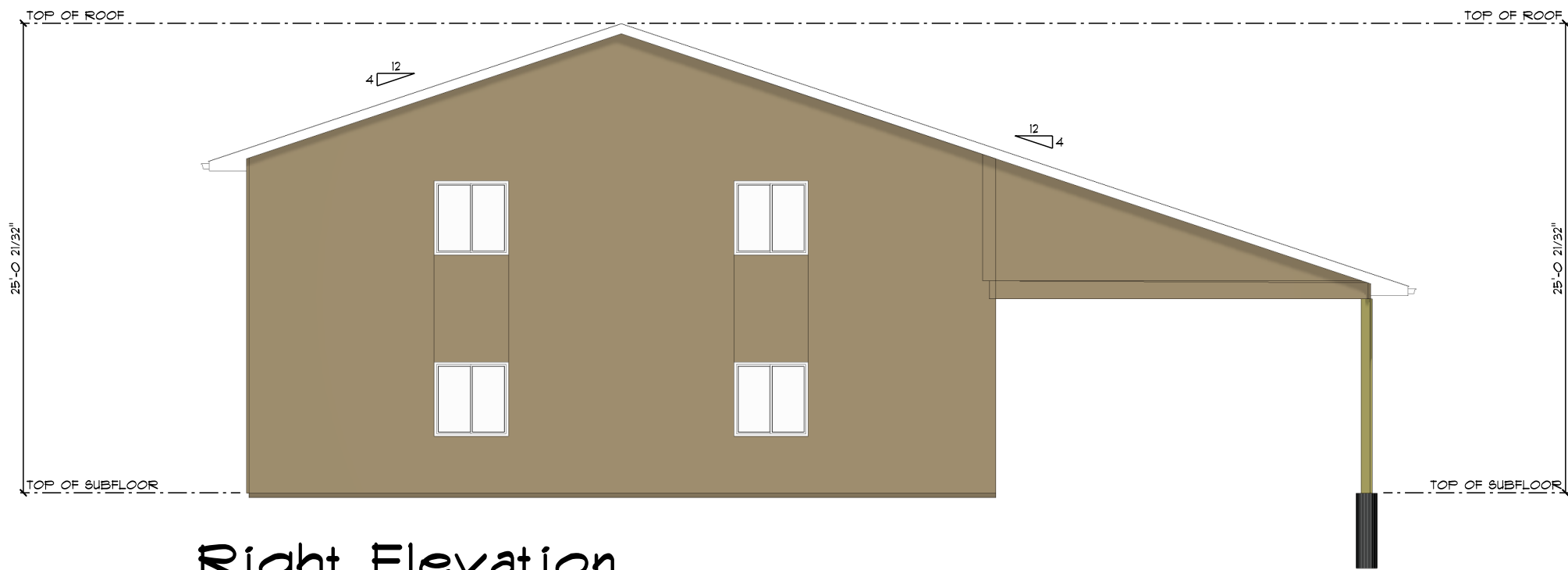
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SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

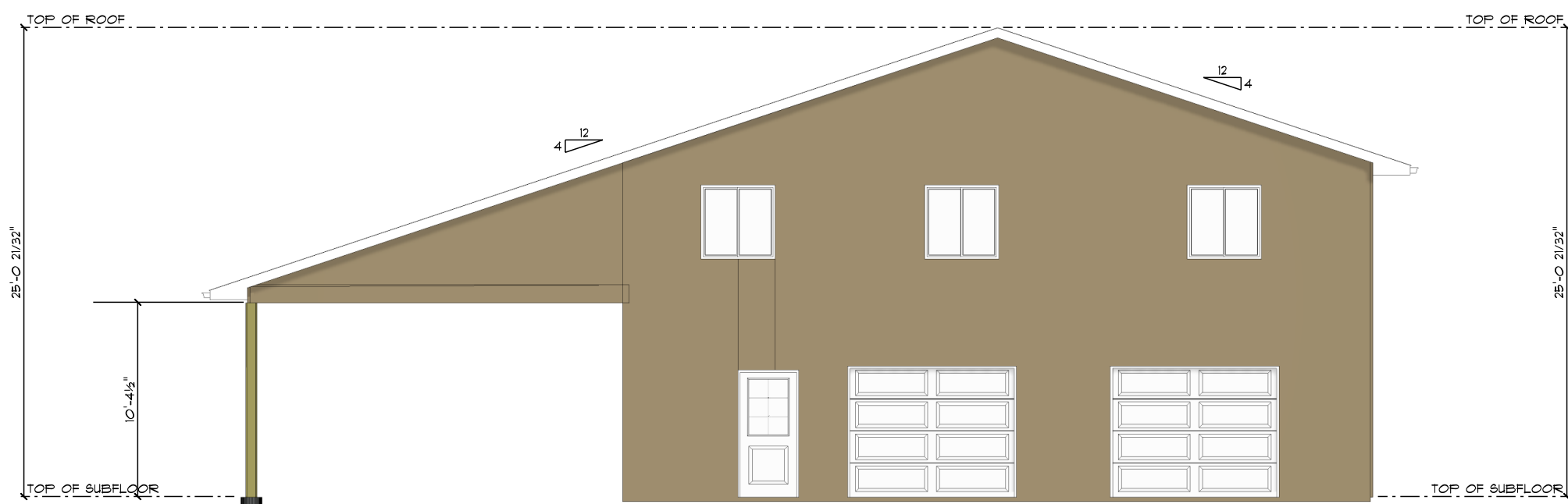
MIDTOWN BUILDING SUPPLY

212 E MAIN ST
MONDOVI
WI
54755

PHONE: 715-926-5737
FAX: 715-926-3873
MOBILE:
dave@midtownwi.com



Right Elevation
SCALE: 1/8" = 1'-0"



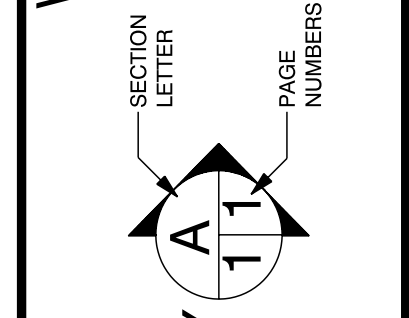
Left Elevation
SCALE: 1/8" = 1'-0"

WEST CENTRAL CONTRACTORS

MONDOVI
PHONE:
FAX:
MOBILE:

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: Thursday, March 10, 2011

PAGE: **3/3**
LEFT ELEVATION



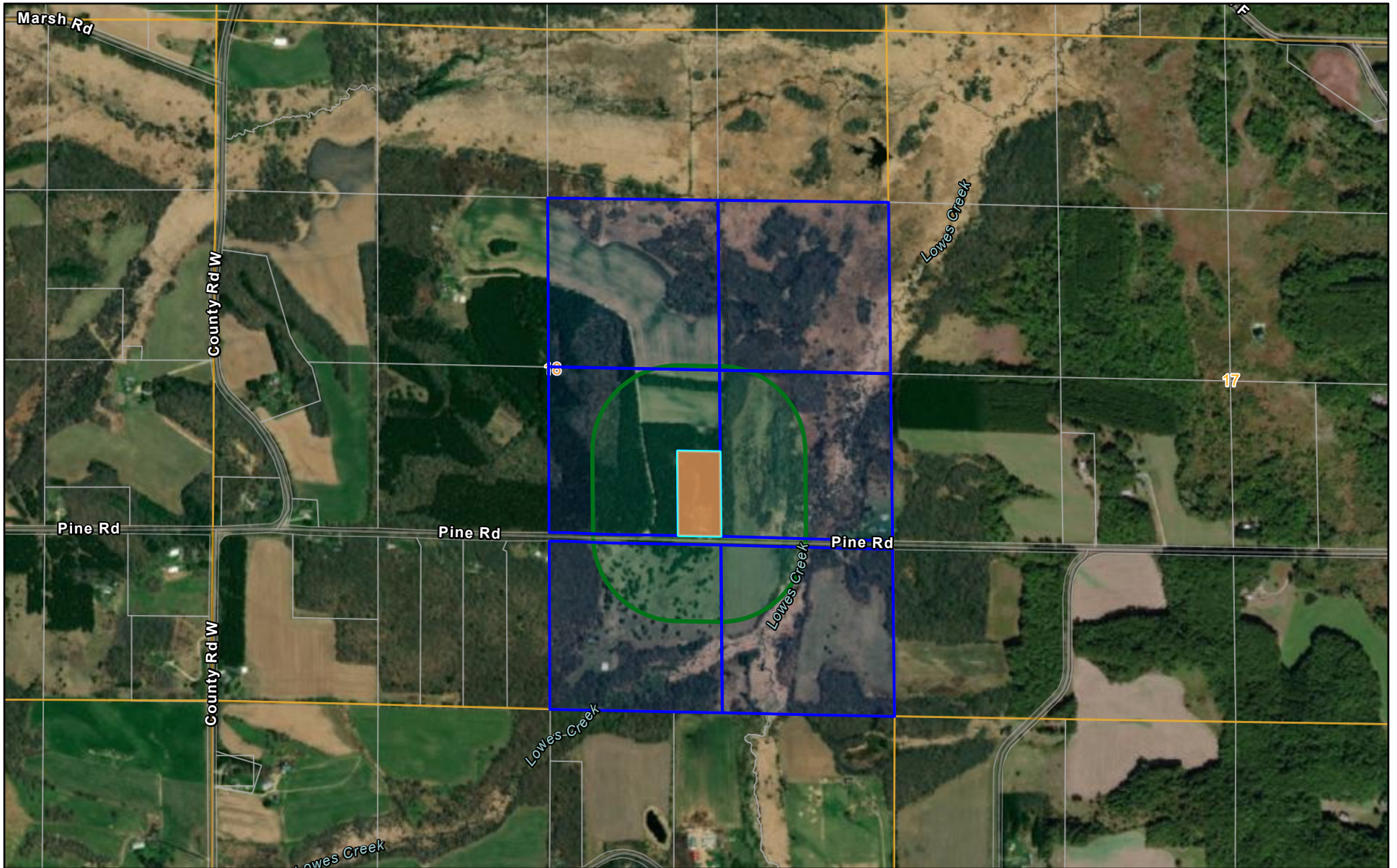
SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

MIDTOWN BUILDING SUPPLY




212 E MAIN ST
MONDOVI
WI
54755

PHONE: 715-926-5737
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dave@midtownwi.com

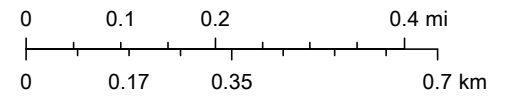
Public Notification



3/25/2021, 2:27:15 PM

-  County Boundary
-  Tax Parcel
-  Section

1:18,056



USDA FSA, GeoEye, Maxar, Esri Community Maps Contributors, Esri

Eau Claire County, WI

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PIN	FirstName LastName	Address	City State Zip
1.80E+18	EVELYN MOUSEL	W 1300 PINE RD	ELEVA WI 54738-9253
1.80E+18	DEPT NATURAL RESOURCES STATE OF WISCONSIN	PO BOX 7921	MADISON WI 53707-7921
1.80E+18	DENNIS A & MICHELLE D MAUKSTAD	W 824 PINE RD	ELEVA WI 54738-9253
1.80E+18	CAROL SOLAND	5776 HIGHWAY 16	HOKAH MN 55941
1.80E+18	DANIEL H & JULIA A WERLEIN	W 1250 PINE RD	ELEVA WI 54738-9253
1.80E+18	CHRISTINE THOMPSON	PO BOX 1149	CUMBERLAND WI 54829-1149

MINUTES

Eau Claire County

- BOARD OF LAND USE APPEALS •

Date: Monday, August 24, 2020

Time: 5:30 p.m.

via remote access **ONLY.*

*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

Join WebEx Meeting: <https://eau Claire County.webex.com> Meeting ID: **145 700 3520** Password: **mBMKQeyk269**

*Meeting audio can be listened to using this Audio conference dial in information.

Audio conference: 1-415-655-0001 Access Code: **1457003520##**

**Please mute personal devices upon entry*

For those wishing to make public comment, you must e-mail Sam Simmons at Samuel.Simmons@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public comment period to make your comments.

**Please mute personal devices upon entry*

Members Present: Randall Stutzman, Karen Meier-Tomesh, Darrin Schwab, Gary Eslinger

Members Absent: Judith Bechard, Patrick Schaffer

Staff Present: Jared Grande, Sam Simmons

1. Call to Order and confirmation of meeting notice

Chairman Stutzman called the meeting to order at 5:30 p.m. and confirmed the meeting notice.

2. Roll Call

Sam Simmons took roll call of the Board members and confirmed a quorum was present.

3. Public Comment **(15 minute maximum)**

None.

4. Public Hearings

- a. Request for a 184-foot variance to the minimum width requirement in the A-2 Agriculture-Residential district. (Town of Pleasant Valley) / Discussion – Action

Jared Grande, Land Use Manager for Eau Claire County, outlined the reasoning for the variance. Under current County zoning, the original 240 acres. Mr. Grande outlined all considerations in the staff report. It is unknown at this time if the land itself is buildable, however a consideration for granting the variance would be due to uniqueness. The variance would not pose a risk to public safety.

Prepared by: Samuel Simmons, Clerk, Board of Land Use Appeals

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715-839-6945 (FAX) 715-839-1669 or (TDD) 715-839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703

The reason for the land division was for mortgage purposes.

Chairman Stutzman asked Mr. Grande what the lot size will be. Mr. Grande said that the lot size will be just under 10 acres.

Chairman Stutzman also asked what NCAP is and their role? That is a company that the Metz own.

Darrin Schwab asked why the 240 acres tied to the mortgage. Lender would not grand a mortgage to the entire 240 acres. Mr. Grande described that there are six separate parcels, but one zoning lot under the county code definition.

Jon Metz, owner of the property under consideration, spoke in favor of the request. Mr. Metz gave a history of the property and described current issues with building on the property. Mortgage lenders are currently hesitant to give loans to build on large land. Mr. Metz noted that he and his wife are putting all their properties under the NCAP name for financial purposes.

Peter Gartmann, applicant for the Variance request, spoke in favor of the request. Mr. Gartmann got approval for the Variance from the Town of Pleasant Valley one week ago (8/17/20). He described the hardship of having to combine three 40-acre lots in order to build. He described that the property would be conforming land if the Variance is granted. Chairman Stutzman clarified that this request is for 250 feet. A letter sent to the Board from Mr. Gartmann stated 150 feet.

No one else spoke in favor of the request.

None spoke in opposition of the request.

Mr. Grande summarized the reasons for approval or denial as outlined in the staff report.

The Board entered deliberations at this time.

The Board exited deliberations.

ACTION: Motion by Karen Meier-Tomesh, based on findings for approval in the staff report seconded by Gary Eslinger, to approve the variance request as presented based on the findings in the staff report. Motion carried, 4-0-0.

5. Review/Approval of December 16, 2019 Meeting Minutes / Discussion – Action

The Board reviewed the December 16, 2019 Meeting Minutes.

ACTION: Motion by Karen Meier-Tomesh, seconded by Gary Eslinger, to approve the December 16, 2019 minutes as presented. Motion carried, 4-0-0.

6. Adjourn

ACTION: Motion by Karen Meier-Tomesh, seconded by Darrin Schwab, to adjourn the meeting. Motion carried, 4-0-0. Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Samuel Simmons
Clerk, Board of Land Use Appeals