

AGENDA

Eau Claire County

- BOARD OF LAND USE APPEALS •

Date: Monday, May 23, 2022

Time: 5:30 p.m.

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

1. Call to Order and confirmation of meeting notice
2. Public Comment **(15 minute maximum)**
3. Public Hearings
 - a. A variance request to reduce the minimum lot width requirement from 660 feet to 0 feet in the exclusive forestry district (F1). (Town of Lincoln) / Discussion – Action **Pages 2-13**
 - b. A variance request to reduce minimum required road right-of-way setback from 50 feet to 46 feet. (Town of Washington) / Discussion – Action **Pages 14-39**
4. Review/Approval of December 13, 2021 Meeting Minutes / Discussion – Action **Pages 40-41**
5. Adjourn

Prepared by: Holly Kuhl

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



EAU CLAIRE COUNTY BOARD OF LAND USE APPEALS

STAFF ANALYSIS AND RECOMMENDATION

VARIANCE NUMBER: VAR-0001-21

COMPUTER NUMBERS: 012-1002-07-000

PUBLIC HEARING DATE: May 23, 2021

STAFF CONTACT: Ben Bublitz, Land Use Manager

OWNER: R.R. Risberg Inc. 1841 S. Prairie View Road, Chippewa Falls, WI 54729

APPLICANT: Owner

SITE LOCATION: The Northwest Quarter of the Southeast Quarter of Section 1, Township 26 North, Range 7 West, Town of Lincoln, Eau Claire County, Wisconsin

ZONING DISTRICT: F-1 Exclusive Forestry District

LEGAL DESCRIPTION: The Northwest Quarter of the Southeast Quarter of Section 1, Township 26 North, Range 7 West, Town of Lincoln, Eau Claire County, Wisconsin

REQUEST: To reduce the required F1 district minimum lot width (road frontage) requirement from 660 feet to 0 feet.

SUMMARY

The applicant is proposing an after-the-fact request to reduce the lot width requirement from 660 feet to 0 feet. The application owns 40 acres of land that was acquired in November of 2018. The 40 acres was divided from a larger tract of land that originally comprised of approximately 163 acres. The original lot didn't have any road frontage prior to this land division. When the 40 acres was divided from the larger tract the owners obtained an approximately 20 feet wide strip of land giving them direct access to the road, and facilitating an access easement to the 40 acres acquired by R.R. Risberg Inc. Our office became aware of the violation when the applicant submitted a land use permit application for a new shed.

There is an existing seasonal cabin on the property the applicant acquired when purchasing the property. There have been no permits issued for the cabin, but the applicant is working with the Department to obtain any necessary after-the-fact permits for the cabin.

The application materials include a narrative(s) and site map(s).

BACKGROUND

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	F-2	Vacant/forested
West	F-1	Vacant/forested
South	F-1	Vacant/forested
East	F-2	Vacant/forested

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 18.02.020.101. The definition of lot width. "Lot width" means the horizontal distance between the side lot lines at the building setback line.

Section 18.17.001 Purpose. The F-1 exclusive forestry district is established to preserve and protect the forestry resource of the county and to limit those uses that are incompatible with or have a detrimental effect upon good forestry practices. The standards set out in this chapter should apply in the district.

Section 18.17.040.A Lot, height and yard requirements. Yard Requirements. 1. Lot area shall be a government quarter-quarter section or 40 acres. 2. Minimum lot width shall be 660 feet.

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.

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.

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.

The applicant doesn't appear to address the unique circumstances of their situation. There may be an argument made that the existing lot lacked road frontage, but that point wasn't addressed.

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. It isn't unusual for the department to field questions regarding land divisions and the lack of required road frontage. Other than the relatively long, narrow and lack of road frontage the original lot and situation is similar to many other circumstances throughout the county in zoned townships.

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.

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 isn't explicitly stated in the request, but a lot width reduction to 0 feet will allow for a land locked parcel.

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 18.17.040 the lot will remain larger than the minimum lot size of 20 acres, and access will still be available through the existing easement. 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.

l. 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 request is for the minimum relief necessary since there is no potential for road frontage on this lot.

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 18.17 is required.

A hardship may be present based on previous lot configurations, but the case has not been made in the application. The property could have remained unsplit or sold to an adjoining property owner.

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

The hardship doesn't appear unique to this property. Other properties throughout the county are long and narrow with limited road frontage. Physical layout of the properties can make land division very difficult.

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



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

Office Use Only

Date Application Accepted:	4/25/2022
Accepted By:	Bm
Receipt Number:	69892
Town Hearing Date:	5/9/22
Scheduled Hearing Date:	5/23/22

VARIANCE APPLICATION

Property Owner Name: R.R. RISBERG INC. Phone# 715-828-2662
 Mailing Address: 1841 S. PRAIRIE VIEW RD. CHIPPENAW FALLS WI 54729
 Email Address: NATERISBERG@GMAIL.COM

Agent Name: _____ Phone# _____
 Mailing Address: _____
 Email Address: _____

SITE INFORMATION

Site Address: _____
 Property Description: NW ¼ SE ¼ Sec. 1, T 26 N, R 7 W, Town of LINCOLN
 Zoning District: MANAGED FOREST Code Section(s): _____
 Overlay District: Shoreland Floodplain Airport Wellhead Protection Non-Metallic Mining
 Check Applicable
 Computer #(s): 012100207000
 or
 PIN #(s): 180122267014200001

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). Send application to landuse@co.eau-claire.wi.us or to the address above.

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 Nate King

Date 4-21-22

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,

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 stated 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 interests." (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.

The reason I am submitting a request for a variance is as follows:

In November of 2018 I purchased a 40 acre parcel from Shannon and Rhonda Poirier that is located in the Town of Lincoln. Their resident address is E17535 County Rd. N Fall Creek. Physical location is NW-SE, Sect.1, T26N,R7W. When I purchased the property, it was agreed that I would be granted a "driveway and utilities easement agreement". This legal agreement is filed/recorded with the Eau Claire County register of deeds.

This spring in March I applied for building permit for a shed to be constructed on the north central area of this property. I was contacted the following day and informed that their was many questions as to how I was able to purchase this property... Not quite understanding the question posed to me, I was informed that in Eau Claire County, I should not have LEGALLY been allowed to purchase this parcel since I didn't own the contiguous property with road frontage that leads up to this parcel. Basically, in other words I own zero feet of road frontage. I had purchased a piece that was land locked. I was, and I'm still fine with that. I know the neighbors to the north of my property, and have become good friends with the prior owner of my parcel.

It truly bothers me that something like purchasing a parcel of land that requires so much recording of legal paper work can still become this much of a mess. Apparently if I hadn't submitted for a building permit application, it never would have been addressed. So now I'm just trying to correct something in my opinion that should have been dealt with before closing on this parcel almost 4 years prior.

So if I correctly understand what has transpired, my reason for the Variance request, would be that I may be allowed to legally own this parcel, without owning any road frontage and also be able to obtain a conditional use permit for a small cabin and storage shed.

Sincerely, Nathan Risberg

CO. RD N

SHANNON POIRIER →

EASEMENT

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R.R. RISBERG

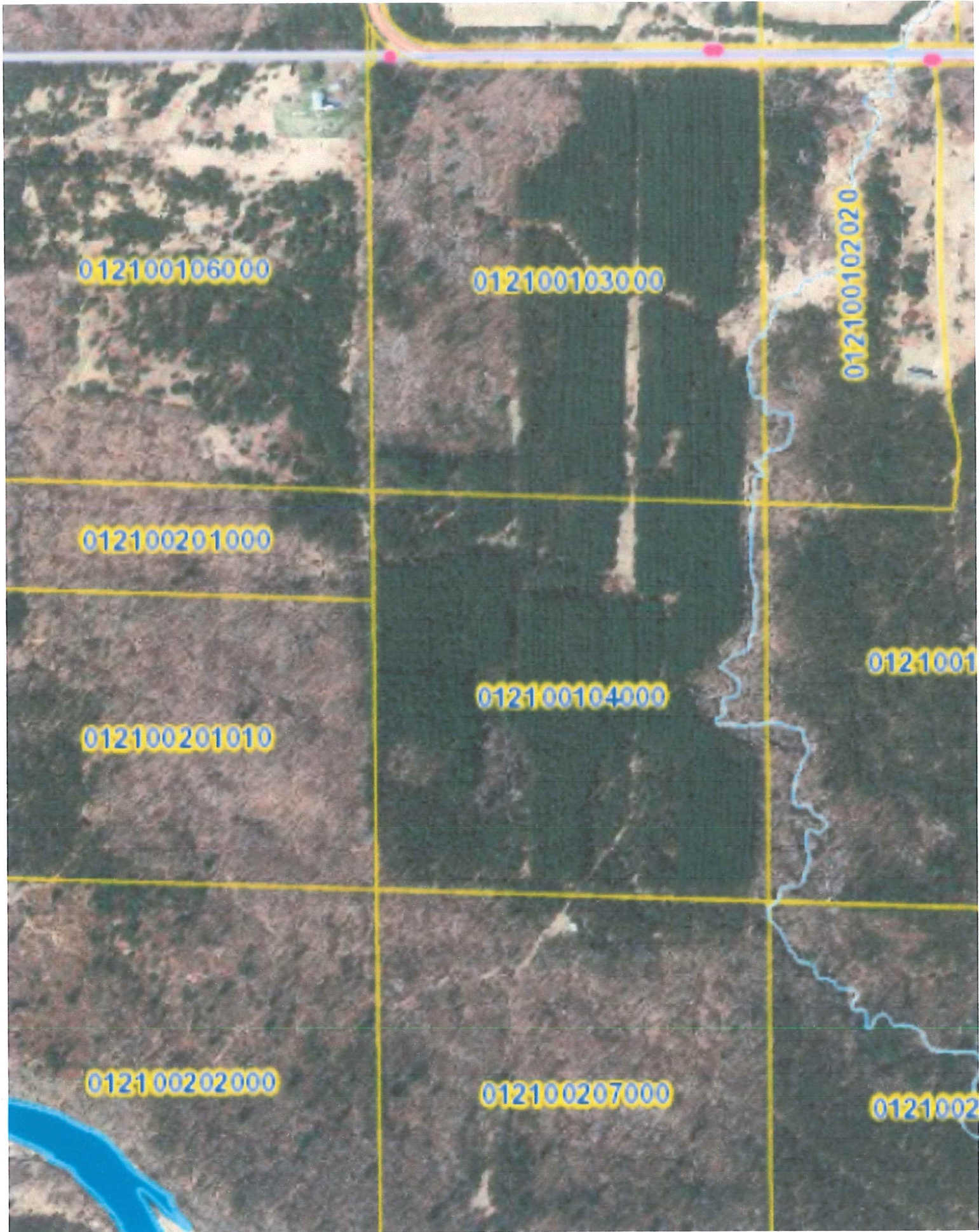
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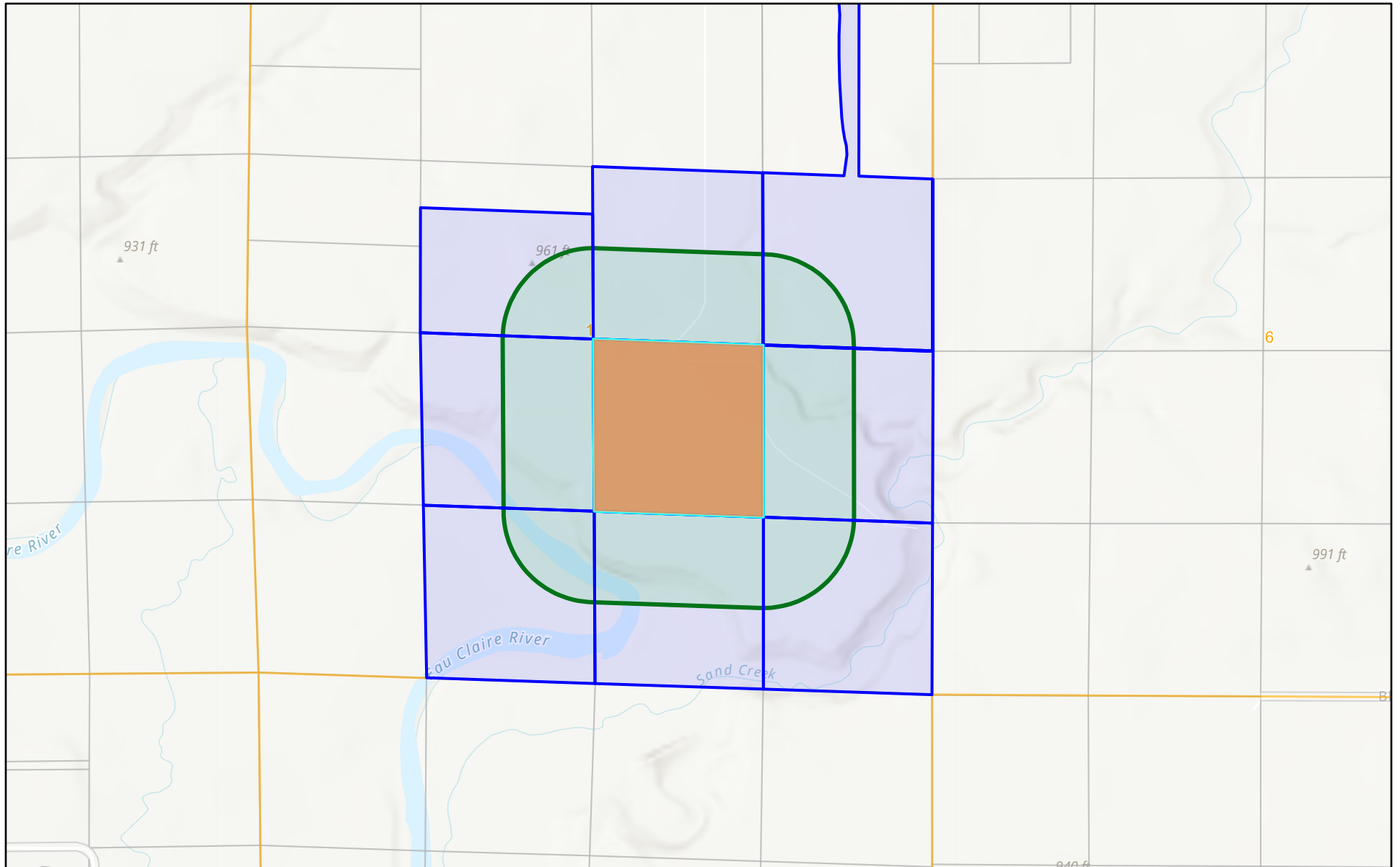
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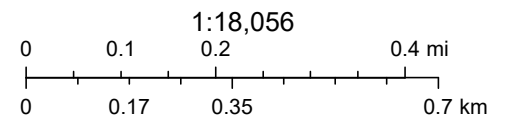
0121002

Public Notification



5/3/2022, 11:49:05 AM

-  County Boundary
-  Tax Parcel
-  Section



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

Eau Claire County, WI

FirstName LastName	Address	City State Zip
CINDY TAYLOR	2905 SOMONA PKWY	EAU CLAIRE WI 54703-3358
CHERYL HAWKINSON	PO BOX 52934	MESA AZ 85208-0147
R R RISBERG INC	1841 S PRAIRIE VIEW RD	CHIPPEWA FALLS WI 54729-6507
EAU CLAIRE COUNTY	721 OXFORD AVE	EAU CLAIRE WI 54703-5481
SHANNON POIRIER	E 17535 COUNTY ROAD N	FALL CREEK WI 54742-5014
REBECCA J TUMM	E20515 COUNTY ROAD ND	AUGUSTA WI 54722-5029



EAU CLAIRE COUNTY BOARD OF LAND USE APPEALS

STAFF ANALYSIS AND RECOMMENDATION

VARIANCE NUMBER: VAR-0002-21

COMPUTER NUMBERS: 024-1157-05-010

PUBLIC HEARING DATE: May 23, 2021

STAFF CONTACT: Ben Bublitz, Land Use Manager

OWNER: Teresa Nanstad, 1102 Kathryn Drive, Eau Claire, WI 54701

APPLICANT: Lee Nicolet, 1102 Kathryn Drive, Eau Claire, WI 54701

SITE LOCATION: 1102 Kathryn Drive, Eau Claire, WI 54701

ZONING DISTRICT: R-H Rural Homes District

LEGAL DESCRIPTION: A parcel of land in the West ½ of the Northwest ¼ of Section 9, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin.

REQUEST: 4-foot variance from the required 50-foot road right-of-way setback to a Class C highway for an accessory structure.

SUMMARY

The applicant is requesting a 4-foot variance from the required 50-foot right-of-way setback to a Class C highway for a 1,512 square foot accessory structure. The applicant received approval of a conditional use permit request to construct a structure larger than 1,200 square feet in the RH zoning district. When the land use permit was applied for, the Land Use Manager at the time completed a setback check to verify the road setback would be met. The Land Use Manager found the cement was already poured for the new garage and the property corners were not clearly marked. Before the permit could be issued the landowner was requested to hire a professional land surveyor to clearly mark the property boundaries in the vicinity of the proposed structure. After the land survey was completed, it was found the cement was four feet too close to the road right-of-way, and the road setback wouldn't be met. Pouring of cement or placing pavers isn't considered a violation of county zoning code, but construction of the structure would be, so this variance request is not considered after-the-fact. The conditional use permit application, which was approved, showed the proposed structure would be setback 84-feet from the front property line on both the application and the site plan.

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	R-H	Vacant
West	R-H	Residential
South	R-H	Residential
East	R-H	Residential

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 18.07.001 Purpose. The RH rural homes district is established to provide for suburban large-lot development with individual on-site water and sewage disposal facilities. The standards set out in this chapter shall apply in the district.

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. 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.

The applicant seems to be of the opinion County staff failed to notify them of setback requirements during the conditional use permit review. The proposed location of the garage in the conditional use permit application would meet and exceed the setback requirements. Staff feels the request is not due to unique circumstances.

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 relatively flat topography and absence of limiting factors on the property tends to support the idea the structure could have been build further South meeting minimum setbacks. The setback requirements are standard to all properties zoned R-H.

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 R-H district allows for private garages as accessory structures 1,200 square feet or larger with the approval of a conditional use permit.

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.

l. 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 documentation has been submitted to support this. According to typical permit and construction standards in Eau Claire County the structure could have been placed in the location request in the conditional use permit request. 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 18.07 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 a class C highways have similar circumstances and have been able to obtain an approved land use permit meeting the minimum setback(s) standards. The applicant has not identified any unique physical limitations. 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



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

Rod

Office Use Only

Date Application Accepted:	
Accepted By:	
Receipt Number:	69721
Town Hearing Date:	
Scheduled Hearing Date:	

VARIANCE APPLICATION

Property Owner Name:	<i>Teresa Naustad</i>	Phone#	<i>715-559-2931</i>
Mailing Address:	<i>1102 Kathryn Dr Eau Claire WI 54901</i>		
Email Address:			

Agent Name:	<i>Lee Nicolet</i>	Phone#	<i>715-559-6329</i>
Mailing Address:	<i>1102 Kathryn Dr Eau Claire WI 54901</i>		
Email Address:			

SITE INFORMATION

Site Address:	<i>1102 Kathryn Dr Eau Claire WI 54901</i>		
Property Description:	_____ ¼ _____ ¼ Sec. _____, T _____ N, R _____ W, Town of _____		
Zoning District:	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):			
or PIN #(s):			

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). Send application to landuse@co.eau-claire.wi.us or to the address above.

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 *Lee Nicolet*

Date *4-13-2022*

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 stated 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 interests." (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.

April 11, 2022

Teresa Nanstad & Lee Nicolet
1102 Kathryn Drive
Eau Claire, WI 54701

RE: CUP-0018-21

Dear Mr. Eslinger,

On August 24, 2021, we appeared, by zoom, for a public hearing regarding the conditional use permit we applied for to build a 36 x 42 garage. We were given conditions that needed to be met to move forward. We brought the information requested to Jared Grande, EC County Land Use Manager. There was no mention of any other regulations.

We proceeded to pour the concrete slab for the foundation of the garage on September 6, 2021; following the guidelines we were given. Included in the concrete slab is in-floor heating. Jared came to inspect the concrete on September 14, 2021. We were told we were far enough back from the center of the road and the side of the road. At that time, he told us said there was a regulation that the garage also had to be a certain number of feet from the property line. This regulation was not given to use previously. As we were unable to find stakes outlining our property, we asked the Township if they had that information and were told it was our responsibility to hire a surveyor to determine our property lines. The Town of Washington and Eau Claire County knew Kathryn Drive had been moved years ago and that's why we had to have it re-surveyed. We hired a surveyor, Jim Scheffler, who told us the garage appeared to be the correct distance from the property line. When we called to get approval, a new person, Ben Bublitz, EC County Land Use Manager, came out informed us that we were 4ft too close to our property line.

We have been following all the proper procedures to build a garage and have been given insufficient and conflicting information all along. We understand the need for regulations and had every intention to follow the rules, but at this point, after our concrete slab has been poured, with in-floor heat installed, it is very difficult and expensive to change our plans. Our house is at the end of a dead-end road, overlooking a valley, with no possibility of the road being extended, so the placement of the garage should not make any difference for future Township plans. We are aware that there are one, and possibly two, properties in the same neighborhood (5396 Sindelar Drive and 1608 Palomino Road) that do not meet the requirements, either. Also, we removed a fenced area in order to build the garage and that was placed even closer to the road than our garage is, so it seems these regulations are not always followed.

We are asking you to please allow us to continue to build our garage as planned with guidance from your office. It will be very difficult and expensive to change the placement at this time.

Please feel free to call me if you would like to discuss this further. We would like to find a solution to move forward with our project.

Sincerely,



Teresa Nanstad & Lee Nicolet
(715) 577-6329

TOWN OF WASHINGTON
JANELLE L HENNING, 715-834-3257
5750 OLD TOWN HALL RD
EAU CLAIRE WI 54701



63682/1802422609092200004
TERESA NANSTAD
1102 KATHRYN DR
EAU CLAIRE WI 54701-9320

EAU CLAIRE COUNTY - STATE OF WISCONSIN
PROPERTY TAX BILL FOR 2021
REAL ESTATE
NANSTAD, TERESA J

Parcel Number: 1802422609092200004
Alternate Number: 024115705010
Bill Number: 63682

Important: Be sure this description covers your property. Note that this description is for tax bill only and may not be a full legal description. See reverse side for important information.

Location of Property/Legal Description
1102 KATHRYN DR
Sec. 9, T26N, R9W
PRT W 1/2 OF NW 1/4 COM AT N 1/4 COR TN S ON E LN OF NW 1/4
1208' TN W 533' TN N 118.95' TN S 77*49'30" W 861.0' TN N 72* W 280'
TO POB TN S 448.5' L...
2.6300 ACRES


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
- Interstate
- US Highway
- State Highway
- Ramp
- Major Arterial
- Minor Arterial
- Collector
- Local
- Private Drive
- Recreation
- Service
- Other
- Railroads
- Ortho 6 Inch 2018 (Color)
- Ortho 6 Inch 2020 (Color)



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

	
Author	
Date Printed	07/26/21 10:42 AM
Source	



Design ID: 305358584055
Estimate ID: 84108

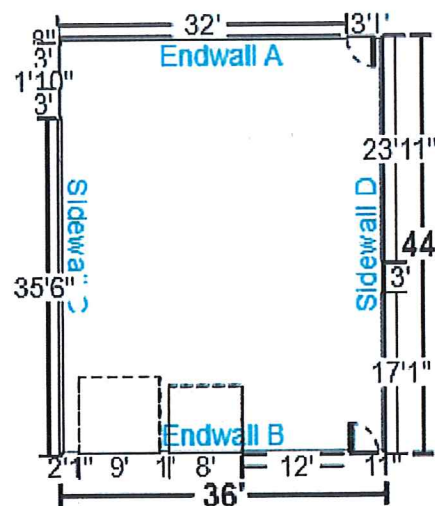
How to purchase at the store

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into the Garage Estimator Search Saved Designs page.
3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Select the Garage Estimator from the Project Center.
3. Select Search Saved Design.
4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your Garage to the cart and purchase.

Garage Image



Estimated Price: \$37,850.50

* Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.

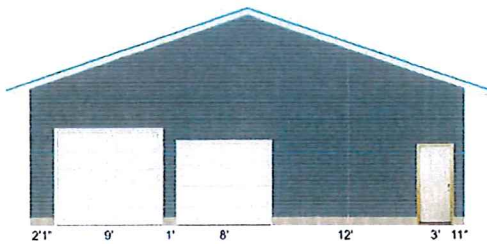
MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully.

MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

Dimensions

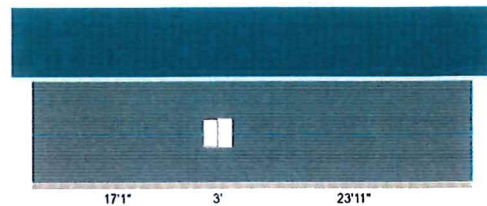
Wall Configurations

*Illustration may not depict all options selected.



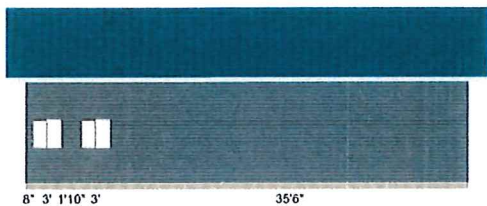
ENDWALL B

Mastercraft®; 36"W x 80"H Primed Steel 6-Panel Exterior Door
 Ideal Door®; 4-Star 9' x 8' White Select Value Insulated Garage Door
 Ideal Door®; 4-Star 8' x 7' White Select Value Insulated Garage Door



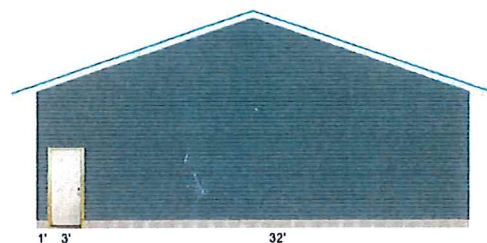
SIDEWALL D

Northview Aspen 36"W x 36"H Vinyl Sliding Window with Built-in J-Channel



SIDEWALL C

Northview Aspen 36"W x 36"H Vinyl Sliding Window with Built-in J-Channel
 Northview Aspen 36"W x 36"H Vinyl Sliding Window with Built-in J-Channel



ENDWALL A

Mastercraft®; 36"W x 80"H Primed Steel 6-Panel Exterior Door

*Some items like wainscot, gutter, gable accents, are not displayed if selected.



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

Office Use Only

Application Accepted:	8/31/2021
Accepted By:	Sam
LVP Receipt Number:	LVP-0288-21

LAND USE PERMIT APPLICATION

Property Owner Name: <u>Teresa Nanstad</u>	Phone#
Mailing Address: <u>1102 Kathryn Dr Eau Claire Wi 54701</u>	
Email Address: <u>dtanstad@yahoo.com</u>	

Agent Name: <u>Lee Nicole</u>	Phone# <u>715 579 6329</u>
Mailing Address: <u>1102 Kathryn Dr Eau Claire Wi 54701</u>	
Email Address:	

SITE INFORMATION

Project Description: Please provide a detailed description of the project.

Site Address: <u>1102 Kathryn Dr Eau Claire Wi</u>	Town of: <u>Washington</u>
--	----------------------------

Zoning District:	Measured Setbacks:	Front	Rear	Left	Right
------------------	--------------------	-------	------	------	-------

- Zoning Change of Use Temporary Sign

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
---------------------------------------	------------------------------------	-------------------------------------	----------------------------------	--	--

PIN #(s): 18024 - 2 - 260909 - 220 - 0004

Computer #(s): 024 - 1167 - 05 - 010

<input checked="" type="checkbox"/> Completed Land Use Checklist	<input checked="" type="checkbox"/> Site Plan Drawn to Scale	<input type="checkbox"/> Estimated Cost of Project: \$ <u>23,381.95</u>
--	--	---

I certify by my signature or the typing of my name 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 verifying that the standards of the Zoning Code are met. Providing incorrect information may cause a delay in the permit process and/or denial. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature Lee Nicole Date 8-31-21

Make checks payable to the Eau Claire County Treasurer or can be paid online when your permit review is complete. Land use permits are valid for 6 months to start construction. After 2 years from date of issuance, a land use permit becomes null and void unless construction has been completed.

NOTICE: PERMIT FEES DOUBLE WHEN WORK BEGINS PRIOR TO ISSUANCE OF PERMITS & APPROVALS.

LAND USE PERMIT APPLICATION CHECKLIST

General Application Requirements	<input type="checkbox"/> Completed Land Use Application / Checklist
	<input type="checkbox"/> Site plan, drawn to scale. (see Site Plan Detail section below)
	<input type="checkbox"/> Access permit approval, if applicable
	<input type="checkbox"/> Sanitary permit or public sewer authorization
	<input type="checkbox"/> Well or public water authorization
	<input type="checkbox"/> A copy of the recorded CSM or copy of lot from the recorded plat, if applicable
	<input type="checkbox"/> Erosion control / storm water management from Land Conservation
	<input type="checkbox"/> Building elevation, floor plans (including attics), and color scheme Required for all non-agricultural accessory structures
Site Plan Detail	<input type="checkbox"/> Site plan drawn to scale with measured setbacks and improvements (Measured from property line to structure) (max size 8.5" x 11")
	<input type="checkbox"/> Show lot dimensions (Copy of CSM or Lot in the subdivision plat)
	<input type="checkbox"/> Location of sanitary system
	<input type="checkbox"/> Location of navigable waters (75-foot setback required from OWHM) use the ESA map link below https://eccounty.maps.arcgis.com/apps/webappviewer/index.html?id=fdeecca87acf4a1dab0dd74b86e3bb95
	<input type="checkbox"/> Location of wetlands, use the ESA map link below https://eccounty.maps.arcgis.com/apps/webappviewer/index.html?id=fdeecca87acf4a1dab0dd74b86e3bb95
	<input type="checkbox"/> Location of the floodplain, use the ESA map link below https://eccounty.maps.arcgis.com/apps/webappviewer/index.html?id=fdeecca87acf4a1dab0dd74b86e3bb95
	<input type="checkbox"/> Identify topographic features (e.g. steep slopes, vegetation cover, agricultural fields, etc.)
	<input type="checkbox"/> Show recorded easements <input type="checkbox"/> Identify unique property conditions
General Notes	<input type="checkbox"/> Town of Seymour, Union, and Ludington issue UDC permits including electrical
	<input type="checkbox"/> All electrical work will require an electrical permit



Eau Claire County
 DEPARTMENT OF PLANNING
 AND DEVELOPMENT
 Eau Claire County Courthouse - Room 3344
 721 Oxford Avenue
 Eau Claire, Wisconsin 54703-5212
 (715) 839-4741

Building Inspection 839-2944
 Emergency Management 839-4736
 Geographical Information Systems 839-4730
 Land Conservation 839-6226
 Land Records 839-4742
 Land Use Management 839-4743
 Planning 839-5055
 Recycling 839-2756

August 26, 2021

LEA NICOLET
 1102 KATHRYN DR.
 EAU CLAIRE, WI 54701

RE: CUP-0018-21

Dear Property Owner(s):

The Eau Claire County Committee on Planning and Development held a public hearing on Tuesday, August 24, 2021, concerning a conditional use permit request for cumulative area of all accessory structures to exceed 1,200 square feet (1,512 square foot structure) pursuant to Section(s) 18.01.010, 18.02.020 A.184, 187.07.001, 187.07.040 B.2, 18.07.045 C, 18.21, & 18.30.120 of the Eau Claire County Code.

Property Owner: Teresa Nanstad
 Applicant: Lea Nicolet
 Zoning District: RH - Rural Homes

The committee after receiving staff analysis and recommendations, and after considering the testimony given at the hearing, has approved the conditional use permit with conditions (see attached conditions). The permit is not valid until such time as all conditions are met and approval granted by the Eau Claire County Planning and Development Department.

In the event that the petitioner, the county, or an aggrieved person objects to the decision of the committee, they have 30 days from the date the decision is written and filed to appeal the decision to the Eau Claire County Board of Land Use Appeals. Administrative appeal applications can be obtained from the Eau Claire County Planning and Development Department, or from the Eau Claire County website. <<http://www.co.eau-claire.wi.us>> Select *Departments*>> *Planning & Development*>>*Applications, Forms, and Guides*.

8/26/2021
 Date

Rodney J. Golmeyer
 Clerk, Committee on Planning and Development

Copy: Property owners within 660 feet of request.

Handwritten notes:
 Don't pay upfront
 pay when ready to
 be issued
 \$ 120
 \$ 235
 Land Use + Electrical
 Permits
 Website
 bring
 plans
 Red box
 online builds
 permits

CONDITIONAL USE PERMIT # CUP-0018-21

On Tuesday, August 24, 2021, the Eau Claire County Committee on Planning and Development approved the issuance of a conditional use permit for cumulative area of all accessory structures to exceed 1,200 square feet (1,512 square foot structure) in the Town of Washington, Eau Claire County, Wisconsin, and subject to the following conditions.

1. The materials submitted with the application along with exhibit A, amended garage floor plan (36 ft. by 42 ft.), shall be attached to and made a part of the permit, and all development of the site shall be done in accord with the site plans.
2. Per the Town of Washington Town Board's recommended approval, the applicant shall submit an erosion control plan for all land disturbing activities for the planned garage construction. The erosion control plan shall be reviewed and approved by the Land Conservation Division and the Land Use Manager.
3. The appearance of the accessory structure must be compatible with the design, style, and appearance of the principal structure on the property, in accord with 18.07.045 C. of the Eau Claire County Code.
4. Any outside lighting shall be shielded in a downward manner to reduce lighting pollution.
5. The structure shall comply with the height standards for accessory structures, including the limit of eave height of 14 feet, and maximum mean height of 20 feet.
6. Prior to construction, the applicant shall obtain all necessary permits including but not limited to a land use permit from the Department of Planning and Development.
7. Use of the structure shall be limited to personal storage and shall not contain any living areas.
8. The building cannot be used for commercial or manufacturing purposes.
9. The applicant shall notify the Land Use Manager upon completion of the accessory structure so that staff can verify compliance with the terms of this approval.
10. The Land Use Manager can approve minor alterations from the terms of the permit. A major change requires the approval of the committee at a public hearing.
11. The owners shall allow staff from the Department to enter the property at reasonable times to inspect the premises for compliance with the conditions of this permit.
12. The permit is subject to Sections 18.21.080 to 18.21.100 of the Zoning Code. These provisions establish when a conditional use permit lapses, the conditions under which it can be revoked, and when a conditional use permit expires due to the abandonment of a use.

Under Section 18.21.080 of the county zoning code, a conditional use permit shall lapse and become void one year after the approval of the committee unless a certificate of occupancy has been issued or a land use permit has been issued.

Under Section 18.21.090, this permit is subject to revocation, modification, or further conditions by the committee if:

- A. The department or a member of the committee finds that there has been noncompliance with any of the conditions established above.
- B. The department or a member of the committee finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing, and heard in the manner described below.

Whenever, in the opinion of the Land Use Supervisor, or the committee, the conditions required of this conditional use permit have been violated, the Land Use Supervisor shall call a hearing to be held on the matter of revocation of said permit by providing notice of a hearing as described in the Eau Claire County Zoning Code. In addition, the owner of the property, as described by the most current tax rolls of Eau Claire County, shall be served by mail with an order to show cause.

After the revocation hearing has been conducted, the committee may revoke or modify the original permit, or deny the revocation.

Diggers
EROSION CONTROL PLAN

How to purchase at the store

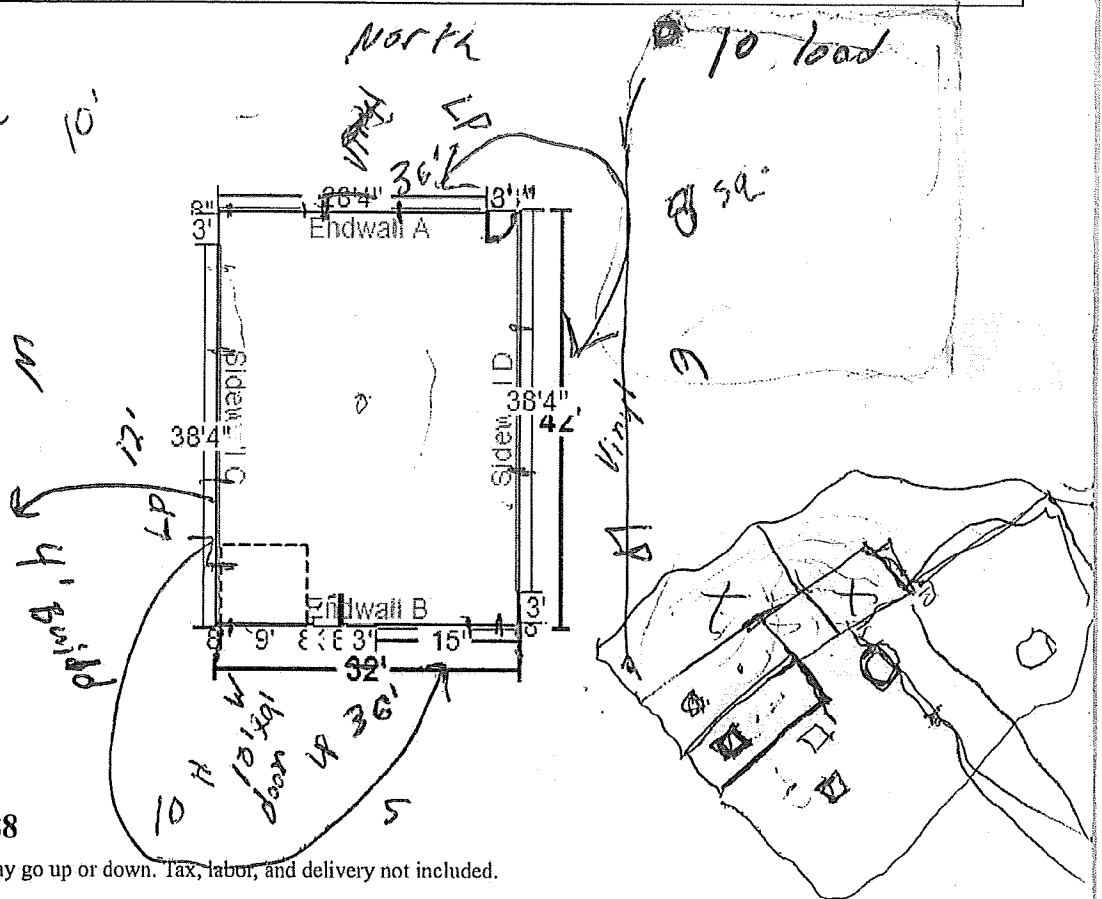
1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into the Garage Estimator Search Saved Designs page.
3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Select the Garage Estimator from the Project Center.
3. Select Search Saved Design.
4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your garage to the cart and purchase.

Garage Image

*Framing
 Concrete
 Siding*



Estimated Price: \$23,845.88

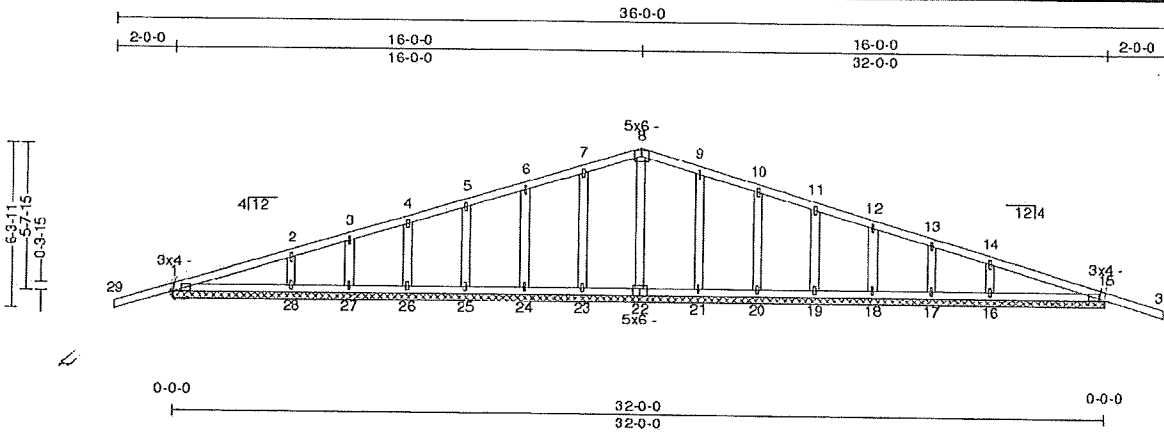
* Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions.

MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully.

MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

Midwest Manufacturing Address 1 Address 2 City, State Zip								Truss: C11132 JobName: RESSTOCK ENDS Date: 02/22/17 09:37:17 Page: 1 of 1	
SPAN 32-0-0	PITCH 4/12	QTY 1	OHL 2-0-0	OHR 2-0-0	CANT L 0-0-0	CANT R 0-0-0	FLYS 1	SPACING 24 in	WGT/PLY 119 lbs



All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI Summary	Deflection
TCLL: 42 Snow(Pz/Fg): 42/60 TCDL: 10 BCCL: 0 BCCL: 10	Bldg Code: IRC 2012/ TPI 1-2007 Rep Mbr Increase: No Lumber D.O.L.: 115 %	TC: 0.77 (15-30) BC: 0.10 (27-28) Web: 0.15 (7-23)	Vert TL: 0.01 in Vert LL: 0 in Horz TL: 0 in
			L/ (loc) Allowed
			L/999 (15-16) L/999 16 L/180 L/240

Reaction Summary

Brg Combo	Brg Width	Max React	Ave React	Max Crav Upflft	Max MWFRS Upflft	Max C&C Upflft	Max Upflft	Max Horiz
1		551 lbs	162 plf	-94 lbs	-3 lbs	-140 lbs	-140 lbs	-148 lbs

Material Summary

TC SPP #2 2 x 4
RC SPP #2 2 x 4
Webs SPP Stud 2 x 4

Bracing Summary

TC Bracing: Sheathed or Purlins at 6-3-0, Purlin design by Others
RC Bracing: Sheathed or Purlins at 10-0-0, Purlin design by Others

Loads Summary

- 1) This truss has been designed for the effects of balanced and unbalanced snow loads for hip/gables in accordance with ASCE 7 - 10 with the following user defined input: 60 psf ground snow load, Terrain Category B, Exposure Category Fully Exposed (Ce = 0.9), Risk Category II (I = 1.00), Thermal Condition Cold ventilated (Ct = 1.1), DOL = 1.15. Ventilated. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- 2) This truss has been designed to account for the effects of ice dams forming at the eaves.
- 3) This truss has been designed for the effects of wind loads in accordance with ASCE 7 - 10 with the following user defined input: 115 mph (Factored), Exposure B, Enclosed, Gable/Hip, Risk Category II, Overall Bldg Dims 25 ft x 60 ft, h = 15 ft, End Zone Truss, Both end webs considered. DOL = 1.60

Member Forces Summary

This indicates: Member ID, max CSI, max axial force, for compr. force if different from max axial force) Only forces greater than 300lbs are shown in this table.

TC	BC	Web	Max Axial Force
		2-28	0.069 -309 lbs
		7-23	0.149 -305 lbs
		9-21	0.149 -305 lbs
		14-16	0.069 -309 lbs

JSI Summary

1 = 0.48, 2 = 0.76, 3 = 0.55, 4 = 0.55, 5 = 0.55, 6 = 0.55, 7 = 0.55, 8 = 0.25, 9 = 0.55, 10 = 0.55, 11 = 0.55, 12 = 0.55, 13 = 0.55, 14 = 0.76, 15 = 0.48, 16 = 0.79, 17 = 0.57, 18 = 0.57, 19 = 0.57, 20 = 0.57, 21 = 0.57, 22 = 0.18, 23 = 0.57, 24 = 0.57, 25 = 0

Notes

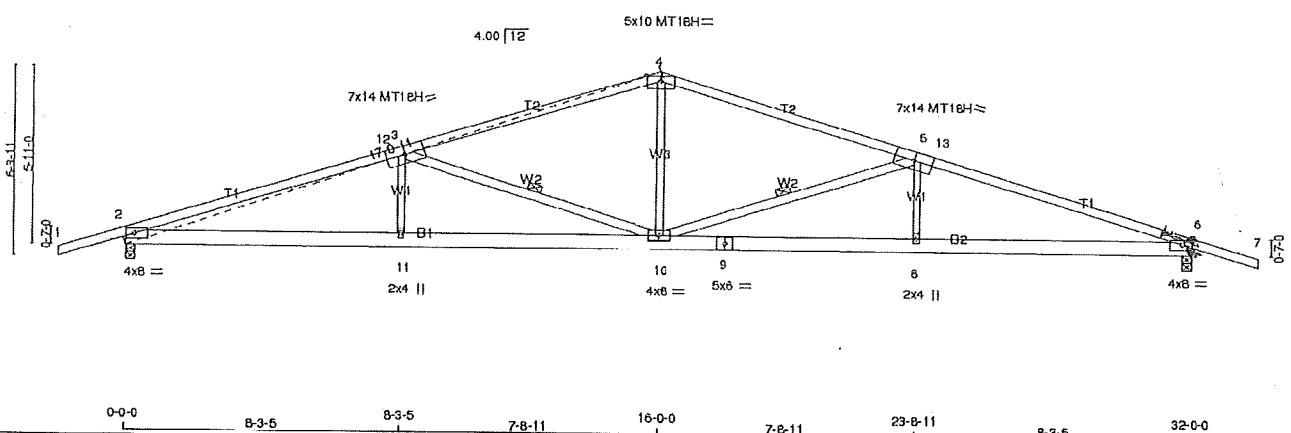
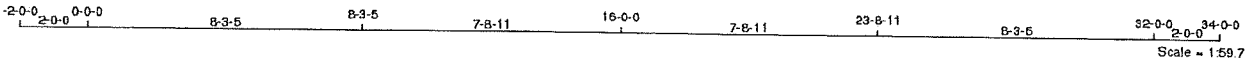
- 1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- 2) Gable requires continuous bottom chord bearing.
- 3) Gable webs placed at 24" OC, U.N.O.
- 4) Attach gable webs with 1x4 20gp plates, U.N.O.
- 5) Bracing shown is for in-plane requirements. For out-of-plane requirements, refer to RCSI-B3 published by the SBCA.
- 6) When this truss has been chosen for quality assurance inspection, the Double Polygon Method per TPI 1-2007/Chapter 3 shall be used.
- 7) The fabrication tolerance for this roof truss is 10 % (Cq = 0.90).
- 8) Creep has been considered in the analysis of this truss.
- 9) Due to negative reactions in gravity load cases, special connections to the bearing surface at joints 16, 28 may need to be considered.
- 10) Listed wind uplift reactions based on MWFRS & C&C loading.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

TrueBuild® Software v5.5.2.240
Eagle Metal Products
Dallas, TX 75234

MENARDS
Design & Buy™ GARAGE

Job QTREC0400239	Truss T1	Truss Type COMMON	Qty 19	Ply 1	Job Reference (optional)
Midwest Manufacturing, Eau Claire, WI			7:520 s May 1 2014 MITek Industries, Inc. Sat Mar 14 10:32:09 2015 Page 1 ID:IBVy4uziwVRd1G?Wv0ITzb2K-NWvSLK?F8Ygbcns6HMBSQ6vCwOrYzPAGPbWvazb214		



LOADING (psf)	SPACING- 2-0-0	CSI.	DEFL.	PLATES	GRIP
TCLL (roof) 42.0	Plates Increase 1.15	TC 0.88	In (loc) l/defl L/d	MT20	197/144
Snow (Ps/Pg) 41.6/60.0	Lumber Increase 1.15	BC 0.43	Vert(LL) -0.27 10 >999 240	MT18H	197/144
TCOL 10.0	Rep Stress Incr YES	WB 0.68	Vert(TL) -0.47 10-11 >809 180	Weight: 127 lb FT = 0%	
BCLL 0.0	Code IRC2009/TPI2007	(Matrix)	Horz(TL) 0.12 6 n/a n/a		
BCDL 10.0					

LUMBER-
 TOP CHORD 2x4 SPF 2100F 1.8E
 BOT CHORD 2x6 SPF 2100F 1.8E
 WEBS 2x3 SPF Stud *Except*
 W2: 2x4 SPF No.2

BRACING-
 TOP CHORD Structural wood sheathing directly applied or 2-2-0 oc purlins.
 BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.
 WEBS 1 Row at midpt 3-10, 5-10

MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS. (lb/size) 2=2189/0-3-8 (min. 0-2-12), 6=2189/0-3-8 (min. 0-2-12)
 Max Horiz 2=-67(LC 8)
 Max Uplift 2=201(LC 9), 6=-201(LC 10)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 2-12=-4535/466, 3-12=-4239/468, 3-4=-3166/387, 4-5=-3166/387, 5-13=-4239/468,
 6-13=-4535/466
 BOT CHORD 2-11=-351/4136, 10-11=-353/4133, 9-10=-353/4133, 8-9=-353/4133, 6-8=-351/4136
 WEBS 3-11=0/340, 4-10=-44/1131, 5-8=0/340, 3-10=-1646/179, 5-10=-1646/179

JOINT STRESS INDEX
 2 = 0.92, 3 = 0.83, 4 = 0.93, 5 = 0.83, 6 = 0.92, 8 = 0.39, 9 = 0.96, 10 = 0.68 and 11 = 0.39

- NOTES- (12)**
- 1) Unbalanced roof live loads have been considered for this design.
 - 2) Wind: ASCE 7-05; 90mph; TCOL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) gable end zone and C-C Exterior(2) zone; cantilever left and right exposed; and vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
 - 3) TCLL: ASCE 7-05; Pf=42.0 psf (roof live load); Lumber DOL=1.15 Plate DOL=1.15; Pg=60.0 psf (ground snow); Ps=41.6 psf (roof snow); Lumber DOL=1.15 Plate DOL=1.15; Category II; Exp B; Fully Exp.; Cl=1.1
 - 4) Roof design snow load has been reduced to account for slope.
 - 5) Unbalanced snow loads have been considered for this design.
 - 6) This truss has been designed for greater of min roof live load of 12.0 psf or 1.00 times flat roof load of 41.6 psf on overhangs non-concurrent with other live loads.
 - 7) All plates are MT20 plates unless otherwise indicated.
 - 8) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
 - 9) * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
 - 10) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 201 lb uplift at joint 2 and 201 lb uplift at joint 6.
 - 11) This truss is designed in accordance with the 2009 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

Roof Info

Roof Sheathing:	1/2" OSB (Oriented Strand Board)
Roofing Material Type:	Hidden Fastener Steel Panel
Hidden Fastener Steel Roofing:	Premium Pro-Snap® Steel Panel - Charcoal Gray
Roof Underlayment:	Owens Corning® Deck Defense® High-Performance Synthetic Roofing Underlayment 4'x2.50'(1,000sq.ft)
Ice and Water Barrier:	None
Fascia material Type:	Steel Fascia
Fascia:	12' Steel L-6 Fascia - Charcoal Gray
Soffit material Type:	Steel Soffit
Soffit:	Steel Vented Soffit Panel - Charcoal Gray
Gutter material Type:	None

Openings

Entry Door:	Mastercraft® 36"W x 80"H Primed Steel 6-Panel Exterior Door
Entry Door:	Mastercraft® 36"W x 80"H Primed Steel 6-Panel Exterior Door
Overhead Door:	Ideal Door® 4-Star 9' x 8' White Select Value Insulated Garage Door
Overhead Door Trim Type:	Vinyl
Vinyl Trim Color:	White
Garage Door Opener:	Chamberlain® 1/2 HP Belt Drive Garage Door Opener (Better)
Windows:	JELD-WEN® 36"W x 36"H Better Series Vinyl Sliding Window with Nailing Flange
Windows:	JELD-WEN® 36"W x 36"H Better Series Vinyl Sliding Window with Nailing Flange
Windows:	JELD-WEN® 36"W x 36"H Better Series Vinyl Sliding Window with Nailing Flange

Additional Options

Ceiling Insulation:	Blow-in Fiberglass
Ceiling Insulation R Value:	R38 Guardian Fiberglass Blow-In Insulation
Wall Insulation:	Guardian R-19 Unfaced Fiberglass Insulation 6.25" x 15" x 39.17' - 49 sq ft'
Ceiling Finish:	5/8 x 4 x 12 Type X Fire-Rated Drywall
Wall Finish:	1/2" Lightweight Drywall

Materials

Building Info

Building Width:	32'
Building Length:	42'
Building Height:	10'
Wall Framing Stud:	2" x 6"
Roof Framing:	Truss Construction
Truss Type:	Energy Heel
Roof Pitch:	4/12 Pitch
Eave Overhang:	2'
Gable Overhang:	1'
Concrete Block Option:	None
Anchor bolt:	Grip Fast 1/2" x 10" HDG Anchor Bolt w/ Nut & Washer
Custom Garage Plan:	No I do not need a custom building plan

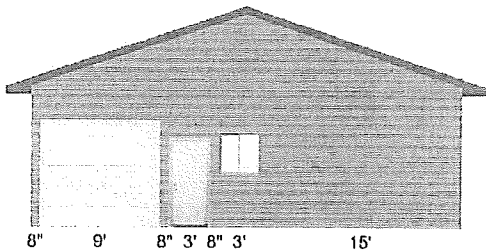
Wall Info

Siding Material Types:	Vinyl
Vinyl Siding:	TimberCrest® Premium Double 4" Vinyl Siding - Heritage Gray
Accent Material Type:	None
Wainscot Material Type:	None
Wall Sheathing:	7/16" OSB (Oriented Strand Board)
House Wrap:	Kimberly-Clark BLOCK-IT®9'x75'House Wrap
Gable Vents:	None

Dimensions

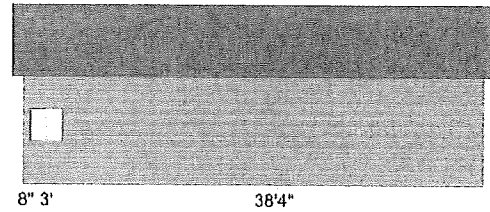
Wall Configurations

*Illustration may not depict all options selected.



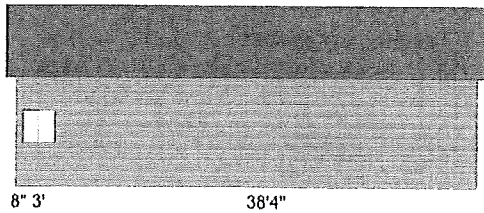
ENDWALL B

Mastercraft®; 36"W x 80"H Primed Steel 6-Panel Exterior Door
 Ideal Door®; 4-Star 9' x 8' White Select Value Insulated Garage Door
 JELD-WEN®; 36"W x 36"H Better Series Vinyl Sliding Window with Nailing Flange



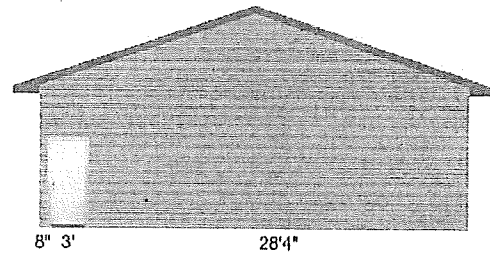
SIDEWALL D

JELD-WEN®; 36"W x 36"H Better Series Vinyl Sliding Window with Nailing Flange



SIDEWALL C

JELD-WEN®; 36"W x 36"H Better Series Vinyl Sliding Window with Nailing Flange

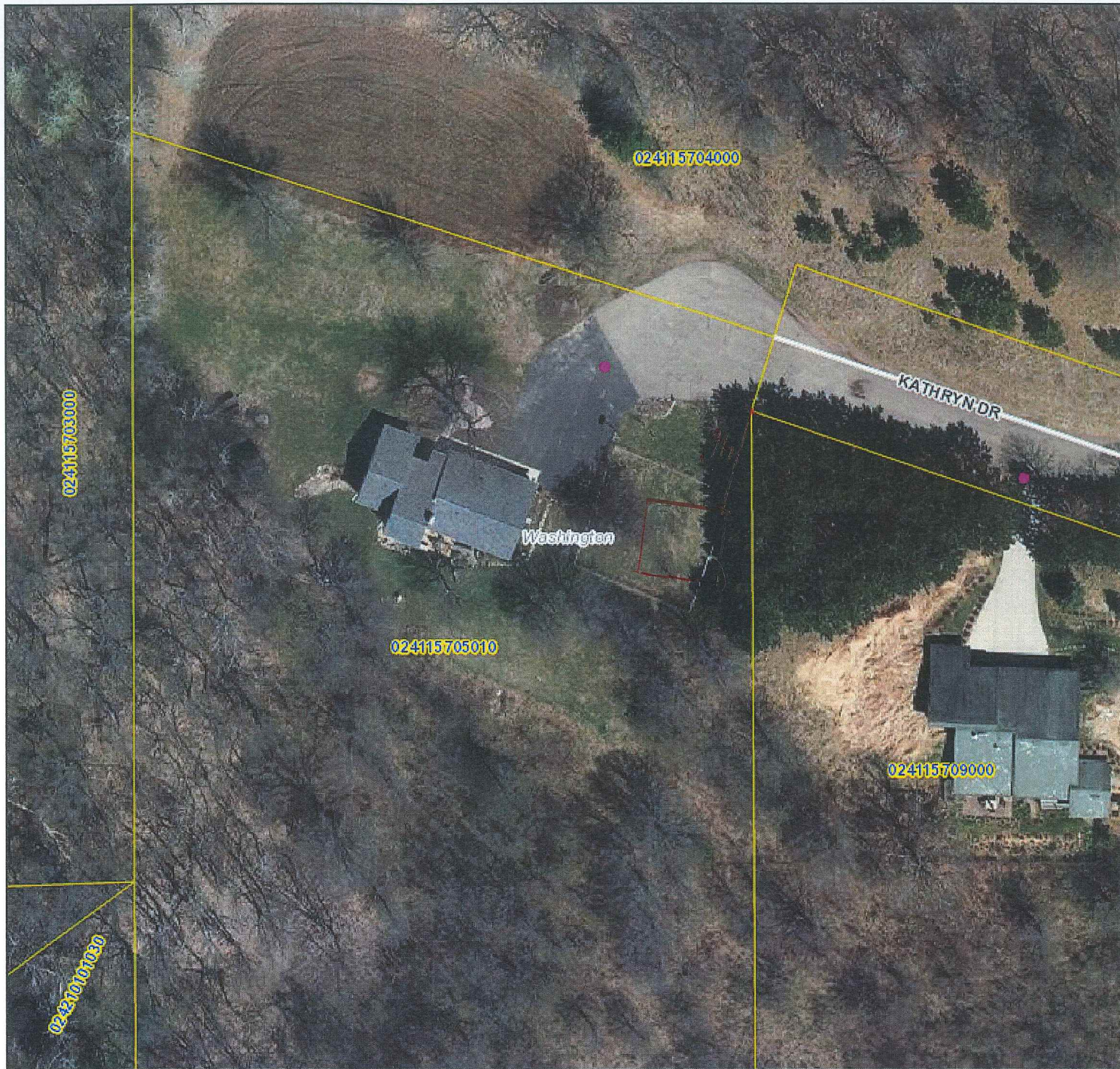


ENDWALL A

Mastercraft®; 36"W x 80"H Primed Steel 6-Panel Exterior Door

*Some items like wainscot, gutter, gable accents, are not displayed if selected.

Eau Claire County, WI



Legend

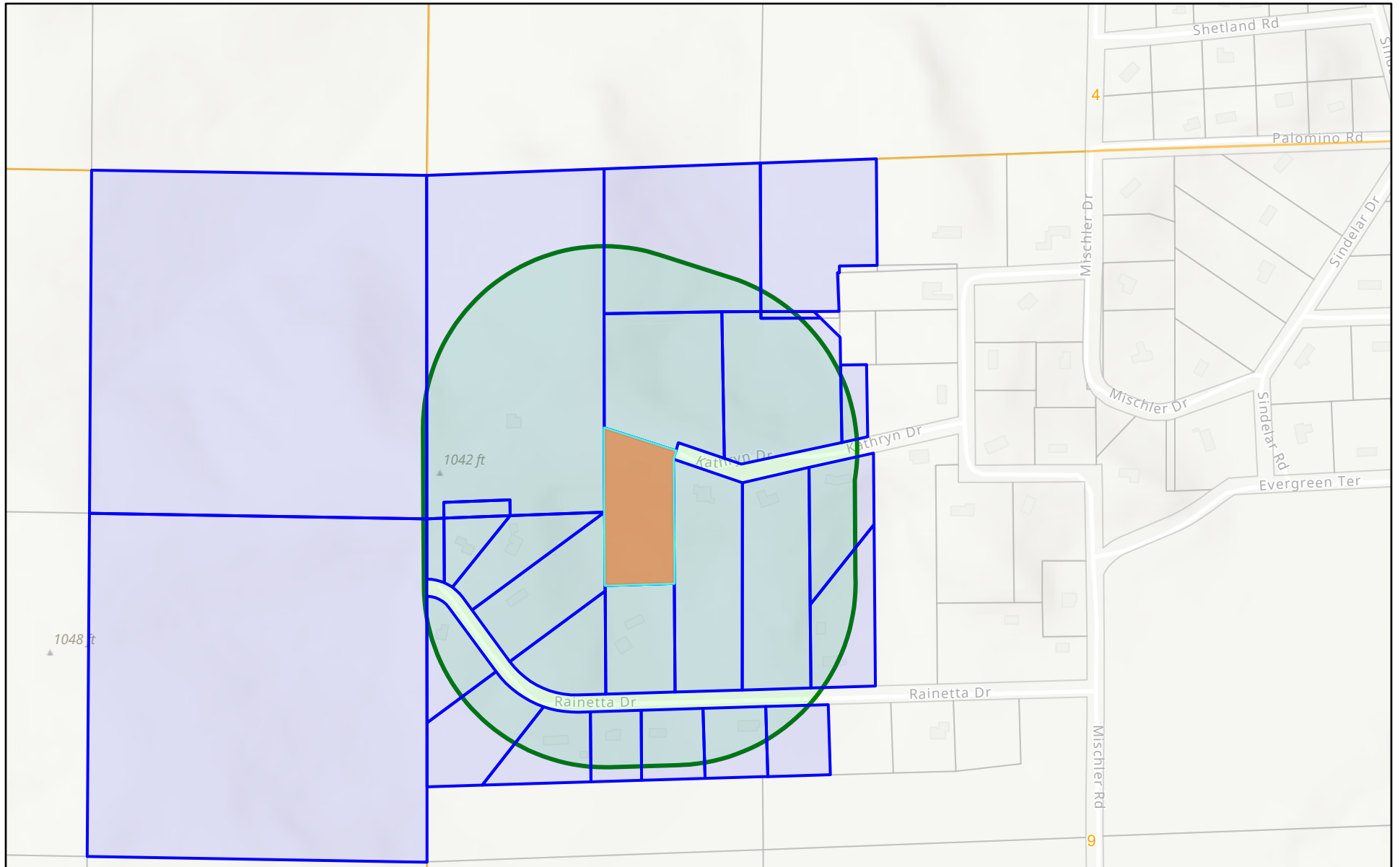
- Addresses
- Parcels
- Parcel Labels
- Parks
- Sections
- Villages (Scale below 35K)
- Cities (Scale below 35K)
- Towns
- Surrounding Counties
- Rivers and Streams
- Lakes and Rivers
- Interstate
- US Highway
- State Highway
- Ramp
- Major Arterial
- Minor Arterial
- Collector
- Local
- Private Drive
- Recreation
- Service
- Other
- Ortho 6 Inch 2018 (Color)
- Ortho 6 Inch 2020 (Color)






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

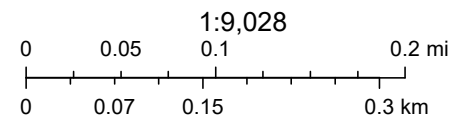
Author:	
Date Printed: 05/3/22 11:24 AM	
Sources:	

Public Notification



5/2/2022, 10:36:24 AM

-  County Boundary
-  Tax Parcel
-  Section



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

Eau Claire County, WI

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FirstName LastName	Address	City State Zip
JODI DAHLGREN	1125 RAINETTA DR	EAU CLAIRE WI 54701-9337
GENE NICOLET	750 BLACK OAK RD	EAU CLAIRE WI 54701-9349
RANDY L & RONNA LEE BECK	1102 RAINETTA DR	EAU CLAIRE WI 54701-9337
JUSTIN BAUER	825 RAINETTA DR	EAU CLAIRE WI 54701-9310
JEROME & KATHLEEN KROLL	813 RAINETTA DR	EAU CLAIRE WI 54701-9310
ROLAND D & PAMELA D HICKS	1110 KATHRYN DR	EAU CLAIRE WI 54701-9320
MATTHEW D DUFFENBACH	821 RAINETTA DR	EAU CLAIRE WI 54701-9310
LEROY T & JOAN M SCHIEFFER	812 RAINETTA DR	EAU CLAIRE WI 54701-9310
DON C & CAROL J PARKER	808 RAINETTA DR	EAU CLAIRE WI 54701-9310
JEREMY PARRISH	1105 RAINETTA DR	EAU CLAIRE WI 54701-9337
GREGORY & CHERYL GRYSKIEWICZ TRUST	1126 KATHRYN DR	EAU CLAIRE WI 54701-9320
CAROL AIRIS	802 RAINETTA DR	EAU CLAIRE WI 54701-9310
BRADLEY C & SANDRA L FLORES	1109 RAINETTA DR	EAU CLAIRE WI 54701-9337
KEVIN J & CONIE J ANASON	1128 RAINETTA DR	EAU CLAIRE WI 54701-9337
MATTHEW B & EMILY E O'MEARA	1121 KATHRYN DR	EAU CLAIRE WI 54701-9320
ROBERT ROOT	804 RAINETTA DR	EAU CLAIRE WI 54701-9310
DOUGLAS W & BARBARA J RADKE TRUST	1118 KATHRYN DR	EAU CLAIRE WI 54701-9320

MINUTES

Eau Claire County

- BOARD OF LAND USE APPEALS •

Date: Monday, December 13, 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: **2597 954 7391** Password: **1aRMJ2cPN33**

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

Audio conference: 1-415-655-0001 Access Code: **25979547391##**

**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, Gary Eslinger

Members Absent: Patrick Schaffer

Staff Present: Greg Leonard, Chad Berge, 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 was noticed.

2. Roll Call

Clerk Sam Simmons confirmed a quorum of members was present.

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

None.

4. Public Hearings

- a. A variance request to disturb slopes in excess of 30 percent for the purpose of dredging the Eau Claire River. (Town of Washington) / Discussion – Action

Applicant Michele Skinner and Chris Goodwin of the Lake Altoona Rehabilitation and Protection District requested that the public hearing for the Variance application be postponed to a future date. Chairman Stutzman noted to Ms. Skinner that at the future meeting, the Variance will be considered a de novo hearing.

ACTION: Motion by Karen Meier-Tomesh, to postpone the Variance request public hearing to a future date to be determined, seconded by Gary Eslinger. Motion carried, 3-0-0.

5. Review/Approval of November 15, 2021 Meeting Minutes / Discussion – Action

The Board reviewed the November 15, 2021 Meeting Minutes.

ACTION: Motion by Karen Meier-Tomesh, seconded by Gary Eslinger, to approve the November 15, 2021 Meeting Minutes as presented. Motion carried, 3-0-0.

6. Adjourn

ACTION: Motion by Karen Meier-Tomesh, seconded by Gary Eslinger, to adjourn the meeting. Motion carried, 3-0-0. Meeting adjourned at 5:51 p.m.

Respectfully submitted,

Samuel Simmons
Clerk, Board of Land Use Appeals