

## MINUTES

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*

**Members Present:** Gary Gibson, Gary Eslinger, Randy Stutzman, Patrick Schaffer, Karen Meier-Tomesh

**Members Absent:**

**Staff Present:** Holly Weigand, Ben Bublitz, Rod Eslinger

1. Call to Order and confirmation of meeting notice

Chair Stutzman called the meeting to order at 5:30 p.m. and confirmed the meeting was properly noticed.

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

None (Garby Gibson arrived 5:32 p.m.)

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

Chairman Stutzman swore in Ben Bublitz, Land Use Manager for Eau Claire County Planning & Development, to provide background on the Variance request. Gary Gibson asked if there is an easement on the property. Ben Bublitz explained there is an easement on the property, though in the F1 district an easement doesn't count as road frontage or access. The Planning & Development department does not oversee easement/covenant.

Nathan Risberg spoke in favor. He purchased the land not knowing he needed a certain amount of road frontage; he assumed while doing title work they would catch an issue as such. The person he purchased the property from stated before he sold the property, he found out he did not have access to his own property and had to petition the neighbors to purchase it because he couldn't legally sell it without an easement. During the process of applying for a Building Permit they realized that he had no road frontage, and he was land locked, therefore he should have never been able to purchase the land.

No one spoke in opposition.

Ben Bublitz's staff summary: There are some hardships, but the final decision is up to the Board of Land Use Appeals. Chairman Stutzman asked Rod Eslinger (Director of Planning & Development) about provision on land locked parcels and previous cases. Rod stated that it aligns with the district road frontage requirements, though was not familiar on the particular case Chairman Stutzman asked about. The board deliberated the request.

**ACTION:** Motion by Karen Meier-Tomesh, to deny the Variance request based on finding in the staff report seconded by Patrick Schaffer. Motion carried 5-0-0.

- b. A variance request to reduce minimum required road right-of-way setback from 50 feet to 46 feet. (Town of Washington) / Discussion – Action

Chairman Stutzman swore in Ben Bublitz, Land Use Manager for Eau Claire County Planning & Development, to provide background on the Variance request. Ben Bublitz went over that the structure was approved by a

Condition Use Permit (structure over 1,200 sq. ft.). The Site Plan indicated the shed would be 84' from front property line. Conditional Use Permit was granted, and a Land Use Permit was still needed. Once that was applied for, Jared Grande, previous Land Use Manager went out to do a setback check. The property irons were not located, so a survey was needed to find property lines. Applicant and owner got a survey done, then Ben Bublitz went out to do a setback check and the slab was 4' too close.

Teresa Nanstad spoke in favor. Stated they applied for a Land Use Permit and had a Zoom meeting, so they thought it was approved. Jared Grande, previous Land Use Manager for Eau Claire County, went out to the property. She stated they are the last house on a dead-end road. They got a survey done after the cement was already poured. It was stated that the cement has in floor heat, the tubing is already in and do not want to move the slab.

Ronald Hicks spoke in favor. Ronald is a neighbor to the east of the property. He indicated that all lot lines are wrong, and the road is not where it is supposed to be. Ronald states that lot lines and setbacks don't matter to him, and he does not care.

Douglas Radke spoke in favor. Douglas is also a neighbor to the property. Douglas also spoke about the lot lines being wrong and says their lot line is on his property by 50 feet. He bought his house back in 1986 and his realtor told him about the lot line issue at the time.

No one spoke in opposition.

Ben Bublitz went over his staff summary which recommended denial. Gary Gibson asked who decided where to put the slab. Ben Bublitz answered the owners. Karen Meier-Tomesh asked if it is a platted subdivision. Ben Bublitz and Rod Eslinger answered that it is not a subdivision.

The board deliberated the request.

**ACTION:** Motion by Patrick Schaffer, to deny the Variance request based on finding in the staff report seconded by Gary Gibson. Motion carried 5-0-0.

Lee Nicolet was abrupt after the motion and expressed his frustrations. Lee Nicolet was asked to leave the meeting.

4. Review/Approval of December 13, 2021 Meeting Minutes / Discussion – Action

The board reviewed the December 13, 2021 Meeting Minutes.

**ACTION:** Motion by Karen Meier-Tomesh, seconded by Patrick Schaffer, to approve the December 13, 2021 Meeting Minutes as presented. Motion carried 5-0-0.

5. Adjourn

**ACTION:** Motion by Gary Gibson, seconded by Gary Eslinger, to adjourn the meeting. Motion carried 5-0-0. Meeting adjourned at 6:44 p.m.

Respectfully submitted,



Holly Weigand  
Clerk, Board of Land Use Appeals