



Department of Planning and Development
 Land Conservation Division
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-6226

Date Application Accepted:	05.07.2024
Accepted By:	Zach Mohr
Receipt Number:	077369
Town Hearing Date:	N/A
Scheduled Hearing Date:	06.19.2024

TITLE 17 VARIANCE AND APPEAL APPLICATION

Property Owner Name: <u>Marty McSharry</u>	Phone# <u>218-209-7062</u>
Mailing Address: <u>5856 Markgraff RD Fall Creek WI 54742</u>	
Email Address: <u>Marty.McSharry@gmail.com</u>	

Agent Name:	Phone#
Mailing Address:	
Email Address:	

SITE INFORMATION

Site Address: <u>5856 Markgraff RD Fall Creek WI 54742</u>
Property Description: <u>1/4</u> <u>1/4</u> Sec. <u>9</u> , T. <u>20</u> N, R. <u>8</u> W, Town of <u>Washington</u>
Zoning District: <u>A2</u> Code Section(s):
Ordinance from which a variance is being requested: <input type="checkbox"/> Title 17.04 Agricultural Performance Standards and Manure Storage <input checked="" type="checkbox"/> Title 17.05 Erosion Control <input type="checkbox"/> Title 17.06 Stormwater Management
Computer#(s): <u>1802422608091400002</u>
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 criteria. It is the applicant's responsibility to prove that the variance criteria exists at the site and that a variance can be granted. (See page 2 for additional information.)

The applicant must flag/stake the property/project corners and label them accordingly (e.g., NE Lot corner, NE building corner, project area).

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. An erosion control plan and stormwater management plan, if applicable, shall be included. All maps and engineering data to be no larger than 11" x 17". The following website could be used to assist in the site plan creation: <https://beacon.schneidercorp.com>, or contact the LCD to assist with the site plan. Additional fees may apply.

Provide a \$550.00 application fee (non-refundable). Send application to LCD@eauclairecounty.gov 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.

Property Owner Signature Date 5/11/24

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 is authorized by Wisconsin statutes § 59.693, § 59.694 and Sections 17.04.150, 17.05.150 C, and 17.06.170 C of the Eau Claire County Code to grant appeals and variances to the strict terms of the Eau Claire County Agricultural Performance Standards and Manure Storage, Erosion Control, and Stormwater Management Ordinances only when certain criteria exist. Those criteria are listed below. It is the applicant's responsibility to prove that those criteria exist at the site and that a variance can be granted.

Variance Criteria.

1. The variance cannot be contrary to the public interest or purposes of Title 17.
2. A variance could be granted where, owing to special conditions beyond the control of the applicant, a literal enforcement of this ordinance will result in unnecessary hardship. An unnecessary hardship must conform with the following:
 - I. The hardship cannot be self-created.
 - II. The property owner bears the burden of proving unnecessary hardship.
 - III. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.
 - IV. The Board is to evaluate the hardship in light of the purpose of the code restriction at issue.
 - V. Strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with zoning ordinance unnecessarily burdensome.

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, the spirit of the ordinance shall be observed, and substantial justice done.

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 Erosion Control and Stormwater Management Ordinances 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.

Additional Criteria relating to Title 17.04. Include in your application how your variance request will comply with the purposes of the Agricultural Performance Standards and Manure Storage ordinance listed below:

1. Prevent water pollution and thereby protect the health of Eau Claire County residents and visitors.
2. Prevent the spread of disease.
3. Promote the prosperity and general welfare of the citizens of Eau Claire County.

Additional Criteria relating to Titles 17.05 and 17.06. Include in your application how your variance request will comply with the purposes of the Erosion Control and Storm Water Management ordinances listed below:

1. Minimize the threats to public health, safety, welfare, and the natural resources of Eau Claire County from construction site erosion and post-construction stormwater runoff.
2. Further the maintenance of safe and healthful conditions.
3. Prevent and control the adverse effects of soil erosion and storm water; prevent and control water pollution; protect spawning grounds, fish and aquatic life; establish erosion control standards for building sites, placement of structures and land uses; and preserve ground cover and scenic beauty.
4. Reduce sedimentation in existing drainage facilities and receiving water bodies; Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger property.

If you believe your request meets the criteria necessary to grant a variance, please summarize your request, along with the facts that show those standards have been satisfied, and arguments that support this conclusion. If the application involves engineering or architectural plans, it is recommended the engineer or architect accompany the applicant at the Board of Land Use Appeals meeting.

May 5, 2024

To the Board of Land Use Appeals:

My name is Martin McSharry, and I am a resident of Fall Creek. In late winter, I reached out to the Eau Claire Highway Department about adding a driveway to the north side of my 35 acre property. The Highway Department made two site visits to determine the best access point, as there is a guardrail running north/south on the property line. Highway department deemed the site safe, and agreed that it was the best place for the driveway. I also consulted with Loren Gorel with Northland Excavating. He conducted two site visits, where we walked the property and determined where we would install the driveway; which is the least disturbing to natural landscaping. The driveway runs in the most natural space. Directly to the south is the guardrail, and directly to the north is a hill that the Highway Department stated would be unsafe for drivers accessing the road. After meeting with the Highway Department and Loren, Loren installed the driveways, as I thought I had completed all necessary paperwork and due diligence. I received the permit on February 28, 2024. I was unaware that erosion permits and variance were necessary before beginning the work. I submitted a CSM with surveyor Jason Heiss and it was brought to my attention that I had completed this project out of order. I was not informed during any meeting or conversation with the Eau Claire County Highway Department that extra permits were required, as I had received the permit to install the driveway.

Upon completing of the excavation, I immediately seeded down both sides of the north driveway with DOT mix #10. Once it began to grow, I repeated the application of the mix. I stapled down erosion mats on both the north and south side of the driveway, totalling 40 (48 x 112ft) mats. Erosion log was installed in the ditch and staked down in 15 foot intervals. I applied base course to the driveway, gravel and a 16" culvert. Without this driveway, I would not be able to access the property.

Thank you for your consideration,


Martin McSharry

 Erosion Logs

 Erosion Mats

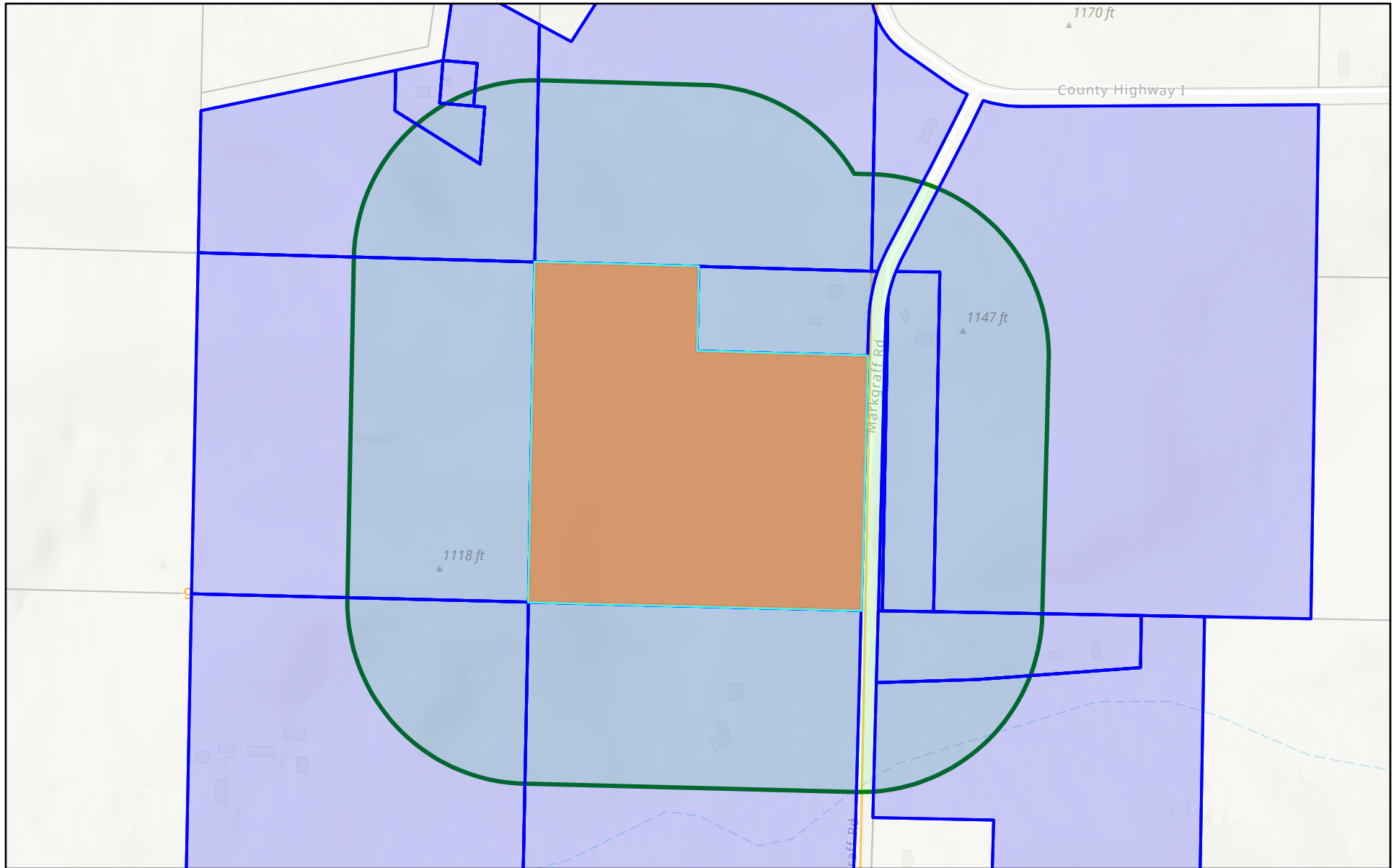
 Culvert

 Water flow Direction




 Driveway + Gravel

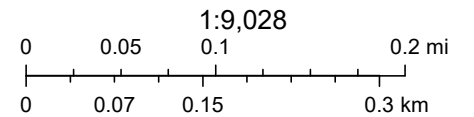


Public Notification



5/28/2024, 7:28:48 AM

-  County Boundary
-  Tax Parcel
-  Section



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Eau Claire County, WI

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FirstName LastName	Address	City State Zip
ORVILLE G & TERRY L KLEINHANS TRUST	9087 OTTER CREEK RD	FALL CREEK WI 54742-6336
CHRISTOPHER CALDWELL	5548 MARKGRAFF RD	FALL CREEK WI 54742-9757
WESSTON BORRESON	5468 MARKGRAFF RD	FALL CREEK WI 54742-9757
DAROLD J & LAURIE G ZICH	5847 MARKGRAFF RD	FALL CREEK WI 54742-9757
JERROL & CONNIE RINDAL	6080 MARKGRAFF RD	FALL CREEK WI 54742-9755
EDWARD F & VIRGINIA K BARTCH TRUST	5851 MARKGRAFF RD	FALL CREEK WI 54742-9757
TIMOTHY H & ANGELA HITE	4103 LIBERTY CT	EAU CLAIRE WI 54703-1330
NOEL LARSON	5545 MARKGRAFF RD	FALL CREEK WI 54742-9757