

MINUTES

Eau Claire County

• BOARD OF LAND USE APPEALS •

Date: Wednesday, September 27, 2023

Time: 5:30 p.m.

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

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

Members Absent:

Staff Present: Holly Weigand, Rod Eslinger, Chad Berge, Christina Rauh

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

3. Public Hearings

- a. A variance request to install an 8" diameter stormwater outlet pipe through a slope of 30% or greater. Land development activities on 30% slopes and greater is a prohibited activity under Eau Claire County Code Title 17.06.080. (Town of Bridge Creek) VAR-0004-23 Discussion – Action

Chair Stutzman swore in Christina Rauh, Environmental Engineer, Eau Claire County Land Conservation Division to provide background for the variance request. Christina Rauh went over the staff presentation that shows the outlet pipe, along with the slopes that are 30% or greater. Per Eau Claire County ordinance, land development activities on 30% slopes and greater are prohibited. The presentation shows that the slope is approximately 32%.

Reasons for approval: hardship is that the entire pond frontage is considered a steep slope, proposed stormwater basin cannot overflow properly. Approved Chapter 30 permit from WIDNR. The outlet pipe is permitted through State Shoreland Zoning – applicant has provided erosion control plan that shows detailed plan how slope will remain stabilized during and after construction. Denial: Not enough design details on how the pipe outlet installation and demonstrate pipe outlet be non-erosive to slope below the pipe. Disturbing slopes is a prohibited activity, and approval may set precedent for future development.

Chair Stutzman swore in Matt Appel, Advanced Engineering Concepts. Matt Appel stated that ideally, they would like to have an outlet pipe for major storm events for a controlled discharge. They want to install it as low as possible so it can easily freefall into the lake.

Chair Stutzman swore in Tom Robinson. Mr. Robinson asked questions about how much water will be going into the pond, along with the condition/quality of the water once it reaches the pond.

Christina Rauh gave a staff summary – with recommendation of staff support if the pipe is designed and installed per county code and WINDR code and specifications of NRCS requirements. Recommended LCD staff be on site during construction and installation to confirm it is installed per plan.

The board deliberated the request.

ACTION: Motion by Gary Eslinger to approve the Variance request based on finding in the staff report and under the request LCD staff be on site during the install of the pipe, seconded by Karen Meier-Tomesh. Motion carried 5-0-0.

4. Review/Approval of April 4, 2023 Meeting Minutes / Discussion – Action

The board reviewed the April 4, 2023 Meeting Minutes. Karen Meier-Tomesh recommended two changes in the minutes.

ACTION: Motion by Patrick Schaffer to approve the April 2, 2023 meeting minutes with the two changes mentioned, seconded by Karen Meier-Tomesh. Motion carried 5-0-0.

5. Adjourn

ACTION: Motion by Karen Meier-Tomesh to adjourn the meeting at 6:17 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Holly Weigand". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Holly Weigand
Clerk, Board of Land Use Appeals