

MINUTES

Eau Claire County

• BOARD OF LAND USE APPEALS •

Date: Wednesday, June 19, 2024

Time: 5:30 p.m.

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

Members Present: Randy Stutzman, Gary Gibson, Gary Eslinger, Patrick Schaffer

Members Absent: Karen Meier-Tomesh

Staff Present: Holly Weigand, Chad Berge, Zach Mohr

1. Call to Order and confirmation of meeting notice

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

2. Election of Chair and Vice Chair

Gary Gibson nominates Randy Stutzman for Chair.

ACTION: Motion by Gibson to approve Randy Stutzman as Chair, seconded by Schaffer. Motion carried 4-0-0.

Randy Stutzman nominates Karen Meier-Tomesh for Vice-Chair.

ACTION: Motion by Stutzman to approve Karen Meier-Tomesh for Vice-Chair, seconded by Gibson. Motion carried 4-0-0.

3. Appointment of Clerk

Randy Stutzman nominates Holly Weigand for Clerk.

ACTION: Motion by Stutzman to approve Holly Weigand for Clerk, seconded by Schaffer. Motion carried 4-0-0.

4. Rules and By-Laws Update

Chair Stutzman swore in Ben Bublitz, Land Use Manager, to provide a summary of the updates to the Rules and By-Laws. There were no questions about any of the updates.

ACTION: Motion by Stutzman to approve the updated Rules and By-Laws as presented, seconded by Gibson. Motion 4-0-0.

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

None

6. Public Hearings

- a. A variance request to disturb a slope of 30% or greater. Land development activities on 30% slopes and greater is a prohibited activity under Eau Claire County Code Title 17.05.080. (Town of Washington) VAR-0002-24 / Discussion – Action

Chair Stutzman swore in Zachary Mohr, Conservation Technician, to provide background on the variance request. Zachary Mohr presented the staff report and the purpose for the variance. The variance is for an after the fact to maintain a 22,500 square foot area. The area was disturbed to create a driveway. A preliminary CSM was sent in, which notified Planning & Development and Land Conservation that the driveway goes directly through a steep slope. Mohr presented photos and videos of the property and driveway.

Chair Stutzman swore in Marty McSharry, property owner. McSharry states he submitted an application for a driveway permit with the Highway Department. McSharry met with the Highway Department on two different occasions to approve the driveway. Highway Department stated that a 600-foot guardrail goes north and south on the road, so that location (current location) was the safest option. The Highway Department issued the driveway permit. Loren from Northland Excavating put in the driveway, then the embankment was seeded and has vegetation on it already. The main hardship pointed out is the guardrail and that being the only location on his property for a driveway.

Chair Stutzman asked about what culvert the Highway Department specified to put in. McSharry stated a 16-inch culvert was required, which is what was installed.

Gibson asked if the Highway Department mentioned anything about the 30% slopes. McSharry answered that there was no mention of steep slopes, and he thought he was doing everything correctly since he got approval from the Highway Department prior.

No one was in opposition.

Zachary Mohr goes over the staff report which includes reasons for denial; CSM hasn't been approved, Title 17, 30% steep slopes is prohibited, applicant may not have exhausted all options as to why a hardship is present, and the applicant has not demonstrated how long-term maintenance will be carried out for the driveway. Reasons for approval; the applicant can get an erosion control plan designed and stamped by a P.E. and provide knowledge slope can be stable.

ACTION: Motion by Schaffer to deny the Variance request based on the findings in the staff findings, seconded by Gibson. Motion carried 4-0-0.

7. Review/Approval of September 27, 2023 Meeting Minutes / Discussion – Action

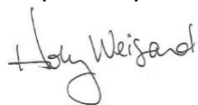
The board reviewed the September 27, 2023 Meeting Minutes.

ACTION: Motion by Gibson to approve the September 27, 2023 meeting minutes as presented, seconded by Schaffer. Motion carried 4-0-0.

8. Adjourn

ACTION: Chair Stutzman adjourned the meeting at 6:10 p.m.

Respectfully submitted,



Holly Weigand
Clerk, Board of Land Use Appeals