

AGENDA

- 1. Call to Order and Roll Call
- 2. Acknowledgement of Public Posting Requirements
- 3. Approval of Minutes
- 4. Public Comment
- 5. Hearings of applications and appeals to the Board of Adjustment:

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- 9:10 a.m. Appeal #3946: Gregory V. & Lisa K. Abbott, property owners, Requests a variance to locate an accessory structure within the setback to the ordinary highwater mark of Pokegama Lake in a Recreational-Residential district. Property address: 939 25 1/8 St, Chetek, Wisconsin
- 6. Discussion: Appeal #3891
- 7. Report from Land Services Director
- 8. Adjournment

PLEASE CALL 537-6375 IF YOU ARE NOT ABLE TO ATTEND THE MEETING

NOTE: Any person who has a qualifying disability under the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible format must contact the County Clerk's office at 715-537-6200 at least 24 hours prior to the meeting so that arrangements may be made to accommodate your request.

cc: Organ, Fall, Nelson, North, Kelsey, Corporation Counsel, Deputy Corporation Counsel, County Clerk, County Administrator, Department of Natural Resources, Public posting

Barron County Zoning Board of Adjustment December 11, 2023, 9:00 a.m.

Present: Board of Adjustment: Walter Organ, Amy Kelsey, Dan North, Pam Fall, Gary Nelson. County Personnel: David Gifford, Marshall Black, Kim Collins.

Organ called the Board of Adjustment to order at 9:00 a.m. and called roll. Collins confirmed that proper posting of the notice was done in accordance with the Wisconsin Open Meeting Law. No public comment.

Motion: (Kelsey/North) to approve the November 13, 2023 minutes; carried.

9:00 a.m. Appeal #3943: Mike & Trudy Kroeger Family Trust, property owner, Requests a variance to construct additions to a dwelling within the property line setback in a Recreational-Residential district.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. Black provided a staff report. **Motion:** (Nelson/Kelsey) to include Appeal 1885; carried. No correspondence or public testimony. After Board questions, **motion:** (Kelsey/Nelson) to close testimony; carried 5-0. **Motion:** (Kelsey/Fall) to approve the variance as presented with the following conditions:

- 1. All permits are obtained prior to construction, and all testimony, oral and written, is part of the decision.
- 2. The 12" overhang of the addition as presented in testimony shall be located no closer than 8'6" to the southeast property line, (see attached Exhibit 1).

Motion carried 5-0.

9:10 a.m. Appeal #3944: Saputo Cheese USA, Inc., property owner, Requests a special exception to expand an existing business with the addition of a wastewater treatment plant in a Business district. Organ opened the hearing and read the public notice. Motion: (Kelsey/North) to include Appeals 2279, 2425, 2874, 3675 and 3680; carried 5-0. The Board reviewed the file and received testimony from the applicants. Gifford provided a staff report. Public comment was received; no correspondence was received. After Board questions, motion: (Fall/Nelson) to close testimony; carried 5-0. Motion: (Kelsey/Nelson) to approve the special exception as presented with the following conditions:

1. All permits are obtained prior to construction, and all testimony, oral and written, is part of the decision.

Motion carried on a roll call vote with Kelsey, Fall, Organ, North and Nelson in favor and none opposed.

Report from L.S. Director: Gifford discussed the increased work on violations as permitting slows down during the winter months.

Motion: (Kelsey/North) to adjourn the meeting at 10:35 a.m.

Respectfully submitted,

Kim Collins Administrative Assistant

Minutes are not official until approved by the BOA at their next meeting.

Appeal #3945

NOTICE OF PUBLIC HEARING

STATE OF WISCONSIN SS

COUNTY OF BARRON

TO WHOM IT MAY CONCERN:

PUBLIC NOTICE is hereby given to all persons in the County of Barron, Wisconsin, that a public hearing will be held on Monday, February 12, 2024 at 9:00 a.m. in Room 2106 of the Government Center, 335 E. Monroe Ave., Barron, Wisconsin, relative to a proposal for a special exception to the terms of the Barron County Land Use Ordinance as follows:

Requests a special exception to establish a lawn care/landscaping business in a Business district, property described as part SW-NE shown as Lot 1 CSM 38/129 Ex Prt Desc in Doc #877993, consisting of 3.433 acres, located in Section 4, T34N, R11W, Town of Stanley, Barron County, Wisconsin.

The Board of Adjustment reserves the right to view the property and may convene in executive session prior to rendering a decision. Contact Zoning Office staff at 715-537-6375 with questions regarding this appeal.

Property owner: 17 Half Property, LLC. Property address: 2082 17 ¹/₂ Ave, Rice Lake, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 24th day of January, 2024.

Barron County Board of Adjustment Walt Organ, Chairman

BARRON COUNTY SPECIAL EXCEPTION APPLICATION

Barron County Zoning Office 335 E. Monroe Ave. Rm. 2104, Barron, WI 54812 715-537-6375, Mon - Fri 8:00 am - 4:30 pm

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Submit completed application to the Barron County Zoning Office Incomplete or illegible applications will be returned Please Print – Use Ink

Property Owner: 17 1/2 Plopetry LLC Address: 2082 17 1/2 Ave City/State/ZIP: RTE Lake WT 54868 Daytime Phone: 715 - 271-6311 Email: Mollinger @ green Oasis.co SITE INFORMATION
Parcel I.D. Number: 044 - 0400 - 17 - 000 Township: Stanley
Property Address: 2082 171/2 Ave Lot Size: 3.433 Sq.Ft./Acres
TYPE OF REQUEST:
Dwelling Tourist Rooming House Business Campground Mineral Extraction
Reason For Special Exception Request:
Expandry business Operations Storage. Using Shipping Containers + future buildings using Existing foundations, Refirbish Existing Sin permanent Buildings.
Complete this application and submit it with the Township Consideration Form and the fee of \$ 500.00 to Barron County Zoning Office. Provide a detailed plot plan of the property and floor plan of the proposed project.
I have read and understand the procedures and requirements for applying for a Special Exception. I understand that the filing fee is non-refundable and that my application may be returned if information is incomplete or illegible. I also understand that I, or my agent must appear at the public hearing. Owner Signature Agent Signature Agent Signature
$\frac{\text{OFFICE USE}}{2892}$
Appeal # 3945 Hearing Date: 2 / 12 / 24 Previous Hearings:
Name of Water Body: NA Zoning Dist.: B RECEIVED
Reviewed By: Date 14134 DEC 28 2023

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ORDINANCES RELATING TO HEARING

Applicant/Owner: 17 Half Property, LLC Previous Appeals: #2548, 2892

Appeal: 3945

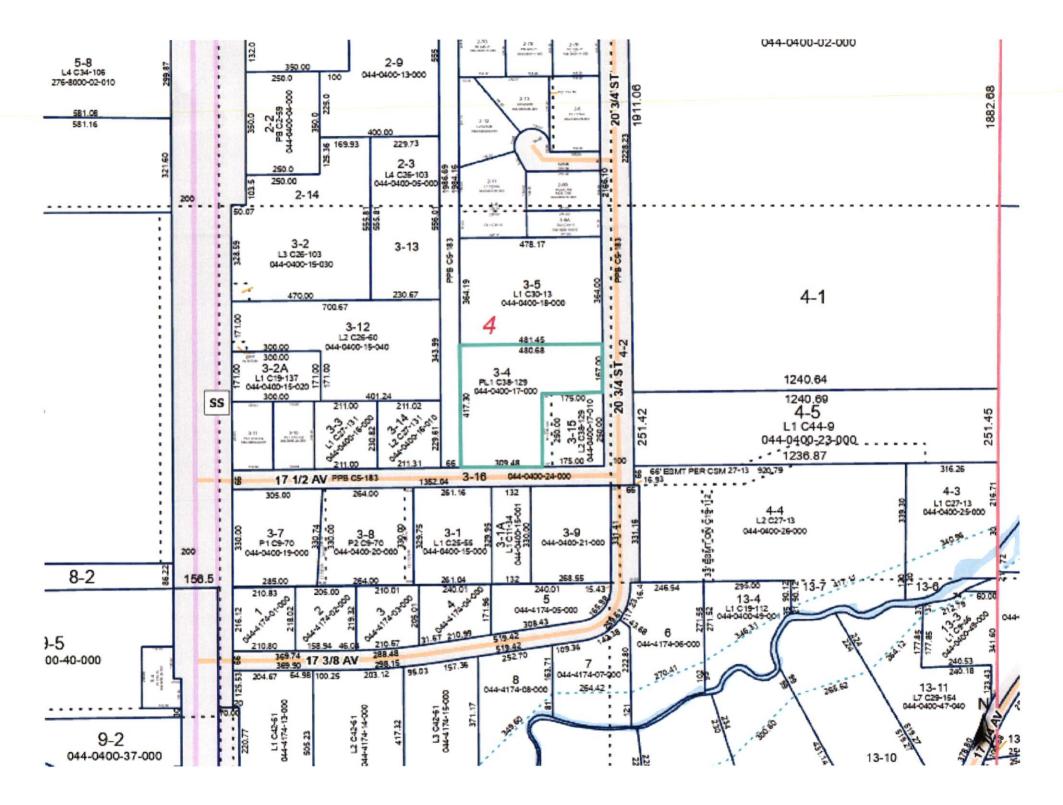
Request: A special exception to establish a lawn care/landscaping business in a Business district, in the Town of Stanley.

Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

Intent Section 17.03: It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Section 17.38 BUSINESS DISTRICT It is the policy of the County to promote economic development and a strong local economy. It is recognized, however, that most commercial uses should be located in the urban communities where a full range of needed services can be afforded to such uses. Therefore, need for a rural location will be a requirement for approving a business district classification in those areas subject to county zoning.

17.38	Business District	
17.73(6)	Special Exception Uses	





VARIANCE and SPECIAL EXCEPTION TOWN CONSIDERATION FORM

Instructions: This form must be completed and presented to the Town Board for their consideration of the proposed variance or special exception request. The completed form shall be submitted with the Barron County Board of Adjustment Application for Variance or Special Exception prior to scheduling your public hearing.

Section A- to be completed by the property owner and/or agent;

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Type of Request: 🗌 Variance 🔀 Special Exception
Town of Stanley
Owner: 17 half Property LLC
Applicant/Agent: Nathan Bollinge/
Property Address: 2082 17 1/2 ave Property Tax ID #: 044 - 0400 - 17 - 000
Explain Request: (must match explanation on application) Expanding business operations
Storage, USing Shipping Contamers ! Furture buildings using
Storage, Using Shipping Contamers! Future buildings using EXBEING Foundations. ReFulbish Existing Sign. Permanent Buildings

Section B – to be completed by the Township
The Town Board is: X In Favor Neutral Opposed
EXPLANATION OF TOWN BOARD DECISION:
No concerns or suggestions.
Date: 12-13-2023
Signed:OR Signed:(Town Chairman) OR Signed:(Town Clerk)
Print Name Print Name Print Name
*Only the signature of the Chairman or the Clerk is required.
Z/SHARED/FORMS/Board of Adjustment/Misc/TownConsiderationForm REVISED doc

Appeal #3946

NOTICE OF PUBLIC HEARING

STATE OF WISCONSIN SS

COUNTY OF BARRON

TO WHOM IT MAY CONCERN:

PUBLIC NOTICE is hereby given to all persons in the County of Barron, Wisconsin, that a public hearing will be held on Monday, February 12, 2024 at 9:10 a.m. in Room 2106 of the Barron County Government Center, 335 E. Monroe Ave., Barron, Wisconsin, relative to a proposal for a variance and a special exception to the terms of the Barron County Land Use Ordinance as follows:

Requests a variance to locate an accessory structure within the setback to the ordinary highwater mark of Pokegama Lake, property described as Lots 16 & 17 Ex Prt in 142/223, consisting of 1.62 acres, located in Section 17, T33N, R10W, Town of Chetek, Barron County, Wisconsin.

The Board of Adjustment reserves the right to view the property and may convene in executive session prior to rendering a decision. Contact Zoning Office staff at 715-537-6375 with questions regarding this appeal.

Property owners: Gregory V. & Lisa K. Abbott Property address: 939 25 1/8 St, Chetek, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 24th day of January, 2024.

Barron County Board of Adjustment Walt Organ, Chairman

VARIANCE APPLICATION

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Submit completed application and fee to the: Barron County Zoning Office 335 E. Monroe Ave. #2104 Barron, WI 54812 715-537-6375	Note: Hearing date may be delayed until a site visit can be completed	
Property Owner: Greg Abbott	Agent:	
Address: 939 25 1/8 Street	Address:	
City/State/ZIP: Chetek, WI 54728	City/State/ZIP	
Daytime Phone: 309-696-9191	Daytime:	
Email: grabb99@comcast.net	Email:	
	2 _ 4604 _ 18 _ 000 25 1/8 Street, Chetek, WI 54728	
AREA VARIANCE REQUEST IS FOR: (Check all applical	ble boxes below; multiple setbacks may be required)	
Proposed Project: X New Addition to (Existing st	ructure w/in setback to:)	
Retaining Wall Open s	ory Structure Fence structure (platform, free-standing deck, patio, etc.)	
Setback to: Road Road r X Ordinary highwater mark Easem	ight of way Centerline ent Property line	
Has the structure/addition in question already been placed/b Was it built/placed while property was under current ownersh	uilt on this property? If so, when? <u>NO</u> nip? Yes X No	
Describe project: Proposed 32' x 30' Detached Garage with		
a variance request be submitted for the adjustment of the se	etback from the ordinary high water mark for Pokegama h relation to the property line and ordinary high water mark;	
the proposed structure has been staked.		
An area variance is authorization by the Barron County Board of Adjustment (BOA) to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction. The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the BOA to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Failure to appear at the hearing may result in the BOA moving forward with a decision based on the facts presented.		
OFFICE USE Appeal # 3144 Hearing Date: 2 / 12 / 5	Other appeals N/A DATE RECEIVED:	
Name of Water Body: Pokegama Lake	Zaria Ditt. PR	
	UEU 40 2073	
Reviewed By: Date	BARRON COUNTY ZONING OFFICE	

BARRON COUNTY ZONING OFFICE

Variance Criteria

(1) Will there be **unnecessary hardship** to the property owner to strictly comply with the ordinance? Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restraints unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing there is no suitable location for a home or claiming that they need more outbuilding space than permitted to store personal belongings.) Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

Originally this property was our summer (vacation) home, now the property has turned into our primary residence as we retire. The current structures (our home and two small outbuildings) do not allow for adequate storage of all of our belongs (vehicles, lawn care equipment, trailer, outdoor furniture, etc.) since we are unable to construct an attached garage to our home. This lack of storage will create clutter distracting from the natural beauty of the shoreline and also create a security risk.

(2) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstance of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

The 1.62 acre property is located on a long narrow peninsula that extends into Pokegama Lake approximately 560'. The 75' ordinary high water mark setback reduces the usable land for constructing a structure on the property down to a 17' x 22' x 28' (0.0043 acres) triangular area that is located 450'± west of the residence adjacent to the west property line. The 75' OHWM setback and other regulatory requirements does not allow for construction of an attached garage to our home. Please see attached MOS #8915 for the property characteristics and existing structures.

(3) What would be the effect on this property, the community or neighborhood and the **public interest** if the variance was granted? How can these impacts be mitigated?

The purpose and intent statements of the ordinance outline public interest factors. If granted, the variance request cannot harm the interests of the neighborhood, County and State as a whole and cannot be contrary to the objectives of the ordinance as established in the intent and purpose statements. Support from neighbors is not to be construed as proof of no adverse impacts on public interest.

The variance, if granted, will allow for the construction of a detached garage to protect belongs and keeping clutter out of sight maintaining a more natural shoreline of Pokegama Lake. There should be no adverse effects to the community or neighboring properties. The proposed detached garage will be located 300'± from either of the neighboring residences and will be screened by trees. The construction of the detached garage would increase property value, therefor increasing the tax base for the community.

Alternatives

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below.

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

Alt. 1) Install a portable car port structure on driveway. This was ruled out for the following reasons; not a permanent structure, does not provide security of personal property, is not visually appealing, and does not enhance property value. Alt. 2) Purchase property from neighboring property owner, so a detached structure could be constructed and comply with the 75' ordinary high water setback. I contacted the neighboring property owner to the west inquiring about purchasing additional property, my request to purchase additional land was denied. (B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

A few years ago when we renovated our home we considered constructing an attached garage; this was not a feasible option due to the location of the home to the ordinary high water mark and other regulatory requirements for permitting. When my request to purchase additional land was denied by the neighboring property owner I was left with no alternatives to construct a detached structure on my property that would not require a variance request to reduce the 75' ordinary high water setback.

Plot Plan Instructions: Use the area provided on the following page, or a separate piece of paper, to show <u>ALL</u> of the following items:

- 1. The location and size of all proposed and existing buildings
- 2. The location of:
 - any lake, flowage, stream or river that either abuts or is near your property
 - and name of all roads
 - any Easements (road, utility or other)
 - any proposed or existing well(s)
 - Privately Owned Wastewater Treatment System (POWTS). A POWTS includes a septic tank, holding tank, mound system or drainfield
- 3. Show distances from buildings to:
 - lot lines
 - center of roads and/or edge of easements
 - · ordinary highwater mark of any lake, river, stream or wetland if applicable

All measurements are from the furthest extension of the structure (eaves, overhangs, etc are part of the structure) to the nearest point of a setback.

When measuring setback distance on a sloping building site, the measurement must be done on a HORIZONTAL (flat) MEASURING LINE. The horizontal measuring line is created by holding the measuring tape level AND NOT MEASURING ALONG THE SLOPE. Depending on the amount of slope, several short measurements may have to be made.

For waterfront properties only, please note:

- <u>Impervious Surfaces</u>: For all proposed projects, an "Impervious Surface Worksheet" must be completed and attached to this application.
- <u>Viewing/Access Corridor</u>: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch **must** be submitted.
- <u>Mitigation Plan</u>: Where proposed construction will impact setbacks to the ordinary highwater mark, a mitigation plan may be a requirement of variance approval.

For detailed information regarding these requirements, please consult with Zoning Office staff.

Plot Plan(Attach additional page if needed, not to exceed 8 1/2 " x 14")

SEE ATTACHED SITE MAP

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The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Land Services staff and Board of Adjustment members to view the premises, in relation to the appeal request made herein. The undersigned has read and understand the procedures and requirements for applying for a variance, and further understands that the filing fee is non-refundable and the application may be returned if information is incomplete or illegible.

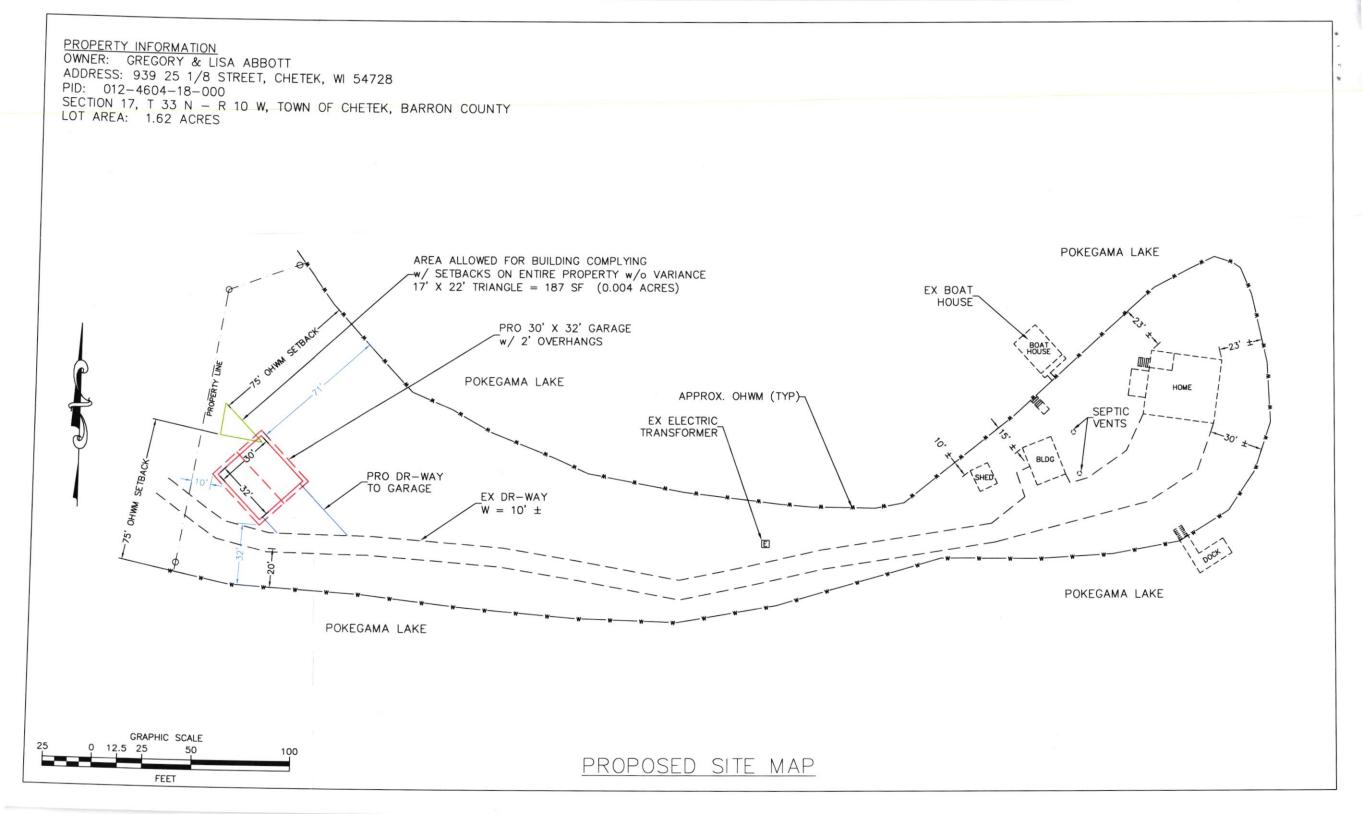
The undersigned also understands that they, or their agent, must appear at the public hearing.

Owner Signature

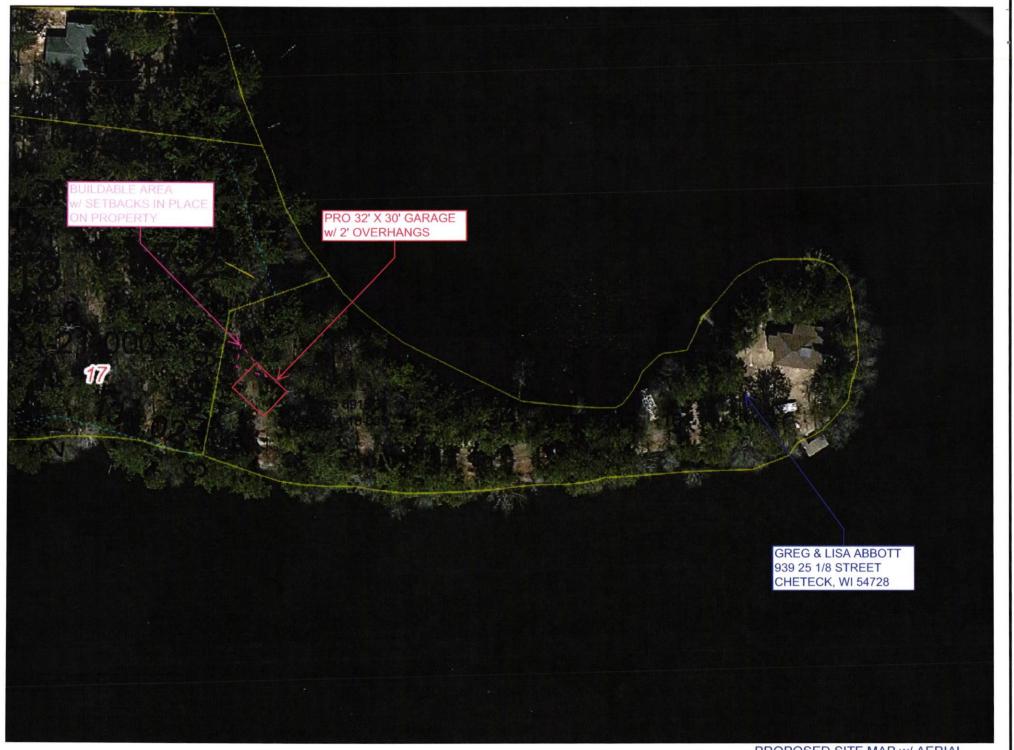
Agent Signature

12 127 123 Date

Date









LOOKING AT SOUTHWEST SIDE OF THE LOCATION OF PROPOSED 32' X 30' GARAGE WITH 2' OVERHANGS.



LOOKING AT SOUTHEAST SIDE OF THE LOCATION OF PROPOSED GARAGE; DOORS WILL BE ON THIS SIDE.



LOOKING AT NORTHEAST SIDE OF THE LOCATION OF PROPOSED 32' X 30' GARAGE.



LOOKING AT NORTHWEST SIDE OF THE LOCATION OF PROPOSED 32' X 30' GARAGE.

ORDINANCES RELATING TO HEARING

Applicant/Owner: Gregory V. & Lisa K. Abbott Previous Appeals: N/A Appeal: 3946

Request: a variance to locate an accessory structure within the setback to the ordinary highwater mark of Pokegama Lake in a Recreational-Residential district, located in the Town of Chetek.

Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

Intent Section 17.03: It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreland cover; and implement the county's general plan or county plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

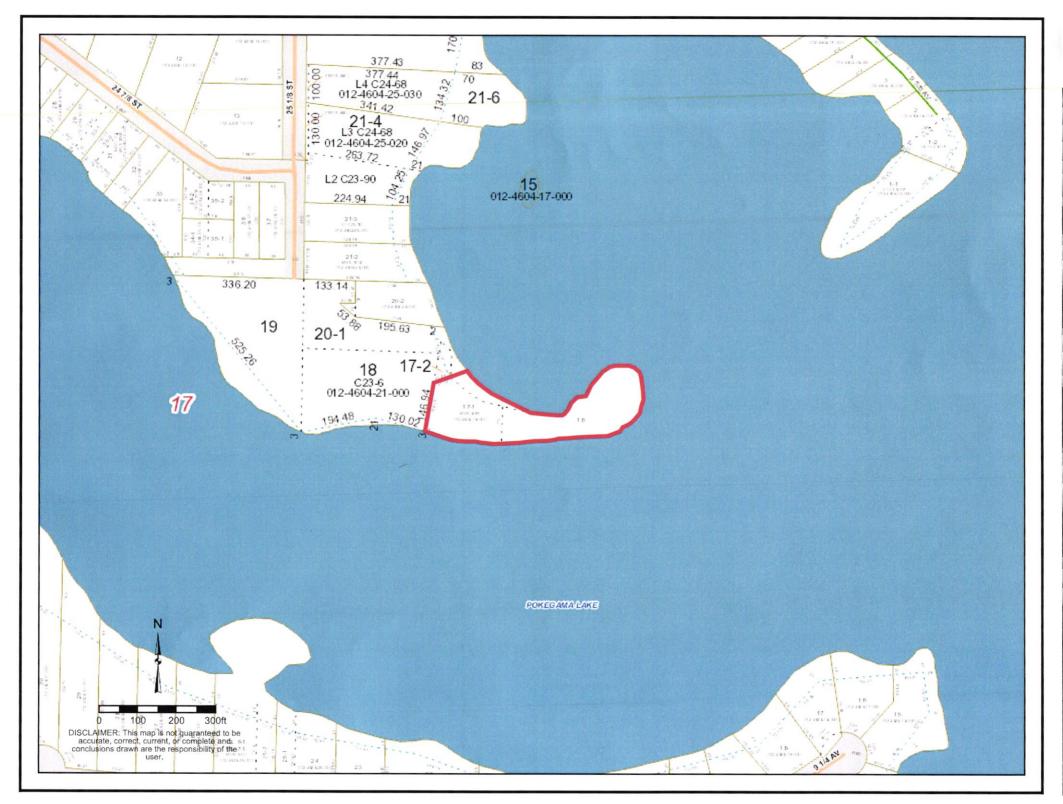
Section 17.36 RECREATIONAL-RESIDENTIAL The Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will be located primarily along or near navigable waters on lands suited for development.

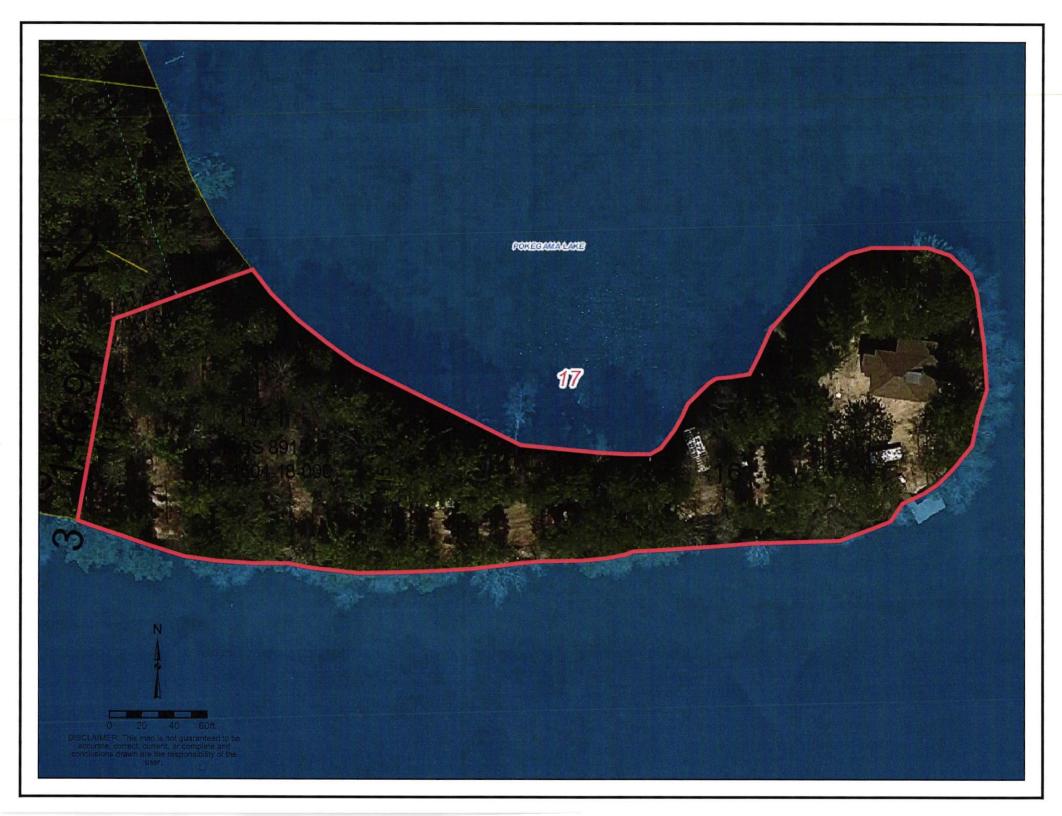
Section 17.41 SHORELAND OVERLAY AREA

The shoreland regulations of the County are adopted for the purposes of promoting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, and to preserve shore cover and natural beauty. In addition to the use, dimensional rules and other standards provided for shorelands by the zoning district in which they are located, the following shall apply to all shorelands.

Ordinances relating to this Appeal:

17.36	Recreational-Residential District
17.41	Shoreland Overlay District
17.73(7)	Variances





VARIANCE and SPECIAL EXCEPTION TOWN CONSIDERATION FORM

Instructions: This form must be completed and presented to the Town Board for their consideration of the proposed variance or special exception request. The completed form shall be submitted with the Barron County Board of Adjustment Application for Variance or Special Exception prior to scheduling your public hearing.

Section A- to be completed by the property owner and/or agent;

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Type of Request: Variance Special Exception
Town of
Owner:
Applicant/Agent:
Property Address: Property Tax ID #:
Explain Request: (must match explanation on application)
Section B – to be completed by the Township
The Town Board is: In Favor I Neutral Opposed
EXPLANATION OF TOWN BOARD DECISION:
Per Zoning Committee action of May 3, 2017: only variance requests to a Town road, road right-of-way or other Town-owned property will require a completed Town Consideration Form. Barron County Zoning Office
Date:
Signed: OR Signed:
(Town Chairman) (Town Clerk)
Print Name Print Name
*Only the signature of the Chairman or the Clerk is required.