

BOARD OF ADJUSTMENT MEETING

Monday, March 25, 2024 – 9:00 a.m.

Room 2106

Barron County Government Center

335 East Monroe Avenue, Barron, WI 54812

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:

9:00 a.m. Appeal #3947: Todd D. & Christie K. Hatlestad, property owners; Shawn Amundson, applicant, Request a special exception to establish fencing and excavating businesses in an Agricultural-2 district.
Property address: 1954 22 ½ Avenue, Rice Lake, Wisconsin

9:10 a.m. Appeal #3948: Loretta Zirkel-Rogers Trust, property owner; Steve Zirkel, applicant, Requests a variance to reconstruct a pre-existing, nonconforming dwelling, which includes an expansion within the setbacks to the centerline and right-of-way of Hwy 48, in a Recreational-Residential district.
Property address: 2055 A 22 ½ Ave./STH 48, Rice Lake, Wisconsin

9:20 a.m. Appeal #3949: Denny Crane, LLC, property owner, Requests special exception to allow multiple business buildings and a self-storage building in a Business district and a variance to locate the business buildings with reduced setbacks to County Hwy SS centerline and right-of-way and to exceed the height limitation for the self-storage building.
Property address: Unassigned 17 ½ Avenue, Rice Lake, Wisconsin

6. Report from Land Services Director
7. 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, Kelsey, Okey (alt.) Corporation Counsel, Deputy Corporation Counsel, County Clerk, County Administrator, Department of Natural Resources, Public posting

**Barron County Zoning
Board of Adjustment
February 12, 2024, 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: (Nelson/Kelsey) to approve the December 11, 2023 minutes; carried.

9:00 a.m. Appeal #3945: 17 Half Property, LLC, property owner, Requests a special exception to establish a lawn care/landscaping business in a Business district.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicants. Gifford provided a staff report. **Motion:** (Nelson/Kelsey) to include Appeals 2548 & 2892; carried. No correspondence or public testimony. After Board questions, **motion:** (Fall/North) to close testimony; carried 5-0. **Motion:** (Kelsey/North) 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.
2. Additional structures are approved per Exhibit A: a 40' x 40' pavilion covering two storage containers, two structures to be built on existing foundations and three 50' x 100' storage buildings.
3. The refurbished sign must meet all Land Use Ordinance requirements.

Motion carried 5-0.

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.

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. No correspondence or public testimony. After Board questions and discussion, **motion:** (Nelson/North) to close testimony; carried 5-0. **Motion:** (Kelsey/North) to deny the variance as presented. Motion carried on a roll call vote with Kelsey, Fall, Organ, North and Nelson in favor of the denial.

Report from L.S. Director: Gifford discussed the use granted by Appeal #3891.

Motion: (Kelsey/North) to adjourn the meeting at 11:29 a.m.; carried.

Respectfully submitted,

Kim Collins
Administrative Assistant

Appeal #3947

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, March 25, 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 fencing and excavating businesses in an Agricultural-2 district, property described as part of the W½ -NE shown as Lot 1 CSM #7117, consisting of 17.5 acres, located in Section 8, T35N, R11W, Town of Rice Lake, 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: Todd D. & Christie K. Hatlestad
Applicant: Shawn Amundson
Property address: 1954 22 ½ Avenue, Rice Lake, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 6th day of March, 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

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

Property Owner: Todd & Christine Hultstad
Address: W11061 C4Y RD T
City/State/ZIP: Withee WI 54998
Daytime Phone: 715-651-3815
Email: _____

Agent: Shawn Anderson
Address: 2285 20th
City/State/ZIP: Rice Lake WI 54863
Daytime Phone: 715-651-7057
Email: ShawnAnderson30@gmail.com

SITE INFORMATION

Parcel I.D. Number: 038 -0800 -05 -010 Township: Rice Lake

Property Address: N/A Lot Size: 17,500 Sq.Ft./Acres

TYPE OF REQUEST:

Dwelling Tourist Rooming House Business Campground Mineral Extraction
 Livestock Enlargement Other _____

Reason For Special Exception Request:

To put up a building to operate my fence company and also my excavation company. We do fence installation excavation work. In the winter we do snow removal.

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.**

Christie Keld Hultstad
Owner Signature

12, 28, 2023
Date

[Signature]
Agent Signature

12, 28, 2023
Date

OFFICE USE

Appeal # 3947 Hearing Date: 3, 25, 24 Previous Hearings: N/A

Name of Water Body: N/A Zoning Dist.: A3-2/RR

Reviewed By: [Signature] Date 2, 27, 24

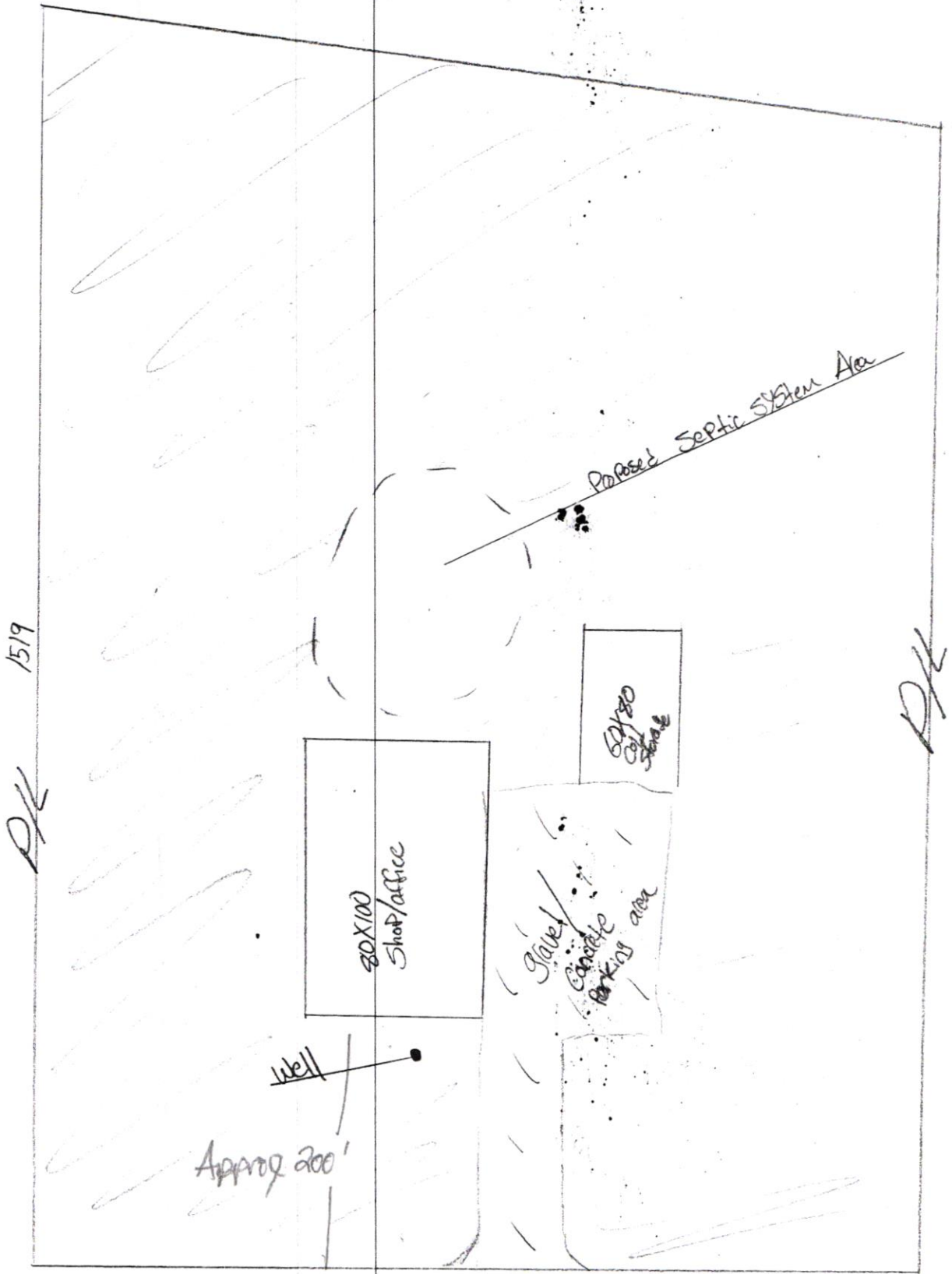
**DATE RECEIVED:
RECEIVED**

FEB 15 2024

BARRON COUNTY ZONING OFFICE

Not To Scale

glass/Field



503'

22 1/2 Ave

Approx 200'

Well

30x100
Shop/office

Gravel/
Concrete
parking area

50x30
Cell
Storage

Proposed Septic System Area

1519

1510

ORDINANCES RELATING TO HEARING

Applicant/Owner: Shawn Amundson/Todd D. & Christie K. Hatlestad
Previous Appeals: N/A

Appeal: 3947

Request: A special exception to establish fencing and excavating businesses in an Agricultural-2 district, in the Town of Rice Lake.

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 17.37: AGRICULTURAL-2 DISTRICT

The Agricultural-2 District is created to maintain and protect agricultural lands historically used for farming or forestry, but which are not included with the A-1 District. Because of location, soil characteristics, relatively low intensity of agricultural operation, topography and other reasons, these areas can accommodate some non-farm housing if these developments are carefully planned and located.

17.37	Agricultural-2 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;

Type of Request: Variance Special Exception

Town of Rice Lake

Owner: Christie Hatelsted

Applicant/Agent: Shawn Anderson

Property Address: _____ Property Tax ID #: 038 - 0800 - 05 - 010

Explain Request: (must match explanation on application) Put UP a Building to
Operate my fence and excavating business out of
with an office.

Section B - to be completed by the Township

The Town Board is: In Favor Neutral Opposed

EXPLANATION OF TOWN BOARD DECISION:

Build a Poleshed with an office for a fence &
excavation company. All outdoor material needs
to be enclosed in a fenced in area to maintain
 curb appeal as determined by the town Board. No
 idling trucks or excessive lighting overnight

Date: 2-15-2024

Signed: _____
(Town Chairman)

OR Signed: Dawn Nelson
(Town Clerk)

Print Name

Print Name

*Only the signature of the Chairman or the Clerk is required.

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, March 25, 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 to the terms of the Barron County Land Use Ordinance as follows:

Requests a variance to reconstruct a pre-existing, nonconforming dwelling, which includes an expansion within the setbacks to the centerline and right-of-way of Hwy 48, in a Recreational-Residential district on property described as Lots 9 & 10 Longview Park, consisting of 0.44 acres, located in Section 9, T35N, R11W, Town of Rice Lake, 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: Loretta Zirkel-Rogers Trust

Applicant: Steve Zirkel

Property address: 2055 A 22 ½ Ave./STH 48, Rice Lake, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 6th day of March, 2024.

Barron County Board of Adjustment
Walt Organ, Chairman

VARIANCE APPLICATION

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: Loretta Rogers / Steve Zirkel
Address: 4226 Back Ridge Way
City/State/ZIP: Monclova, Ohio 43542
Daytime Phone: 419-902-8540
Email: zirkel@bex.net

Agent: _____
Address: _____
City/State/ZIP: _____
Daytime: _____
Email: _____

SITE INFORMATION

Parcel I.D. Number: 038-4155-06-000 & 038-4155-07-000

Property Address: 2055 A22 1/2 Ave 2055 A STH 48

AREA VARIANCE REQUEST IS FOR: (Check all applicable boxes below; multiple setbacks may be required)

Proposed Project: New Addition to (Existing structure w/in setback to: _____)

- | | | |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> Dwelling | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Fence |
| <input type="checkbox"/> Retaining Wall | <input type="checkbox"/> Open structure (platform, free-standing deck, patio, etc.) | |
| <input type="checkbox"/> Other _____ | | |

Setback to: Road Road right of way Centerline
 Ordinary highwater mark Easement Property line

Has the structure/addition in question already been placed/built on this property? If so, when? _____
Was it built/placed while property was under current ownership? Yes No

Describe project: Removing two non-conforming structures and building one home, requesting a setback of 40 feet from the right of way

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 # 3948 Hearing Date: 3 / 25 / 24 Other appeals 3, 26, 77
Name of Water Body: Rice Lake Zoning Dist.: RR
Reviewed By: [Signature] Date 2 / 27 / 24

DATE RECEIVED:
RECEIVED

FEB 09 2024

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.

It would deny adequate use of property as existing required setback leaves little buildable area. In the neighborhood there is a pattern of structures closer to required setback.

(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.

Sloping terrain on the south side of property leaving little buildable area and unnecessary hardship.

(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 new property would significantly enhance the north shore community and requested variance would be consistent with other properties.

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.

Replace existing structures, which are non-conforming, but limited ft2.

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

Same as above comment in (A) but square footage available is limited in order to have new dwelling conform.

Plot Plan Instructions: Use the area provided on the following page, or a separate piece of paper, to show **ALL** 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:

- Impervious Surfaces: For **all** proposed projects, an "Impervious Surface Worksheet" **must** be completed and attached to this application.
- Viewing/Access Corridor: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch **must** be submitted.
- Mitigation Plan: 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")

N

See Attached

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.

Loetter Zick

Owner Signature

2 / 5 / 24

Date

[Signature]

Agent Signature

2 / 6 / 24

Date

2-6-29

22 1/2 AVENUE / S.T.H. 48

SETBACK VARIANCE NEEDED
IF 40' IS USED

40' SETBACK

10' SETBACK

7' SETBACK

CABIN

75' SETBACK

CABIN

PATIO
20'-0"

BOTH EXIST. CABINS
TO BE REMOVED

APPX OHWM

RICE LAKE

LOT 8

LOT 11

NOTE: OWNER AND CONTRACTOR TO VERIFY ALL DIMENSIONS, ACCURACY AND COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND VARIANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND VARIANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND VARIANCES.

Drawn by	SKB
Check by	SKB
Date	02-07-24
Scale	1" = 20'-0"

Project Name	MAC CONSTRUCTION OF BARRON COUNTY
Project Address	ZIRKEL RESIDENCE

SITE PLAN
MAC CONSTRUCTION OF BARRON COUNTY
ZIRKEL RESIDENCE

100 South 7th Street
Barron, WI 54603
Phone: 755-658-6400
Fax: 755-658-6400
www.mackconstruction.com

SALES ORDER
5323

SHEET NUMBER
S1



FRONT ELEVATION



REAR ELEVATION

THIS SET OF PLANS IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS SET OF PLANS IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THESE PLANS, WHETHER OR NOT SUCH DAMAGE IS CAUSED BY NEGLIGENCE OR OTHERWISE. ALL WORK TO BE DONE MUST COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES AND ORDINANCES.

Drawn by	MM	Scale	1/4" = 1'-0"
Check	CS-02-24	Date	
Revised by		Date	
Scale		Date	

FRONT & REAR ELEVATIONS
 MAC CONSTRUCTION OF BARRON COUNTY
 ZINKEL RESIDENCE

218 South 2nd Street
 Cameron, WI 54601
 Phone: 715-255-4299
 Cellular: 715-255-6291
 www.kdarchitectural.com

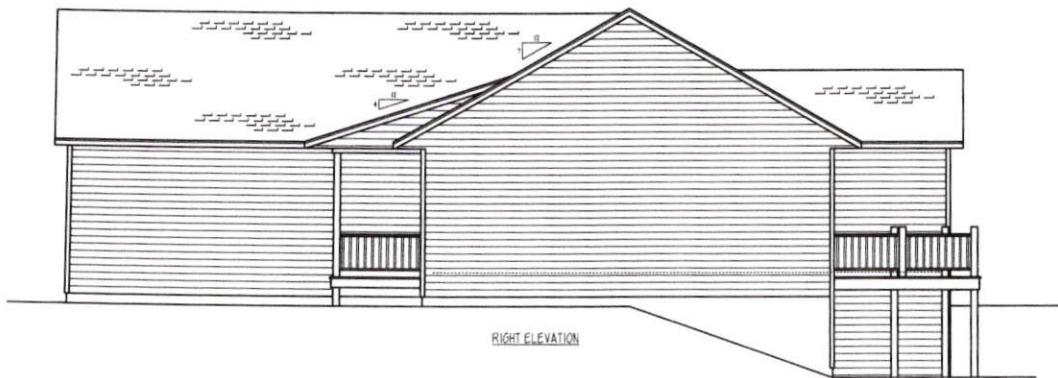


SALES ORDER
 5323

SHEET NUMBER
 A1



LEFT ELEVATION



RIGHT ELEVATION

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS STRICTLY PROHIBITED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. ALL WORK TO BE DONE MUST COMPLY WITH ALL APPLICABLE CODES AND LOCAL, STATE AND DISTRICT REGULATIONS.

DATE	01-20-24	SCALE	1/8" = 1'-0"
DESIGNED BY		DRAWN BY	
CHECKED BY		DATE	

RIGHT & LEFT ELEVATIONS
 MAC CONSTRUCTION OF BARRON COUNTY
 ZIBREL RESIDENCE

318 South 2nd Street
 Casson, WI 54622
 Phone: 715-635-4282
 Cell: 715-205-8877
 www.mackconstruction.com



SALES ORDER
 5323

SHEET NUMBER
 A1-2

RECEIVED

FEB 14 2024

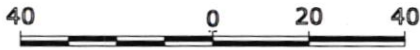
BARRON COUNTY ZONING OFFICE

EXHIBIT MAP #2

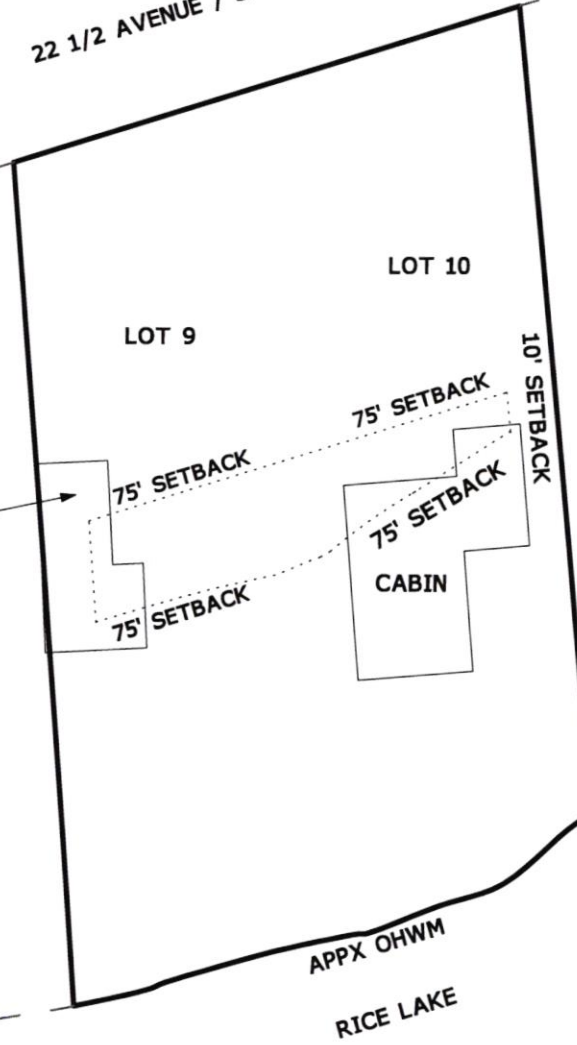
Lot 9 and 10 of Longview Park, a part of the SW 1/4 of the NE 1/4 of Section 9, T. 35 N., R. 11 W., Town of Rice Lake, Barron County, Wisconsin.



SCALE 1" = 40'



22 1/2 AVENUE / S.T.H. 48



CABIN WOULD NEED TO BE REMOVED IF LOTS ARE COMBINED

NOTES

1. The intent of this map is to show the existing cabin locations in relation to the setback lines for planning purposes. See Plat of Survey dated 10/31/22 on file with the County Surveyor's office for complete boundary information.

PREPARED FOR:

STEVE ZIRKEL
4226 BACK RIDGE WAY
MONCLOVA, OH 43542

SHEET 1 OF 1

SHILTS LAND
SURVEYING, LLC

2092 15th AVENUE
CAMERON, WI 54822
TELEPHONE: 715-651-5476

ORDINANCES RELATING TO HEARING

Applicant/Owner: Steve Zirkel/Loretta Zirkel-Rogers Trust
Previous Appeals: #3, 26 & 77

Appeal: 3948

Request: a variance to reconstruct a pre-existing, nonconforming dwelling, which includes an expansion within the setbacks to the centerline and right-of-way of Hwy 48, in a Recreational-Residential district, located in the Town of Rice Lake.

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.

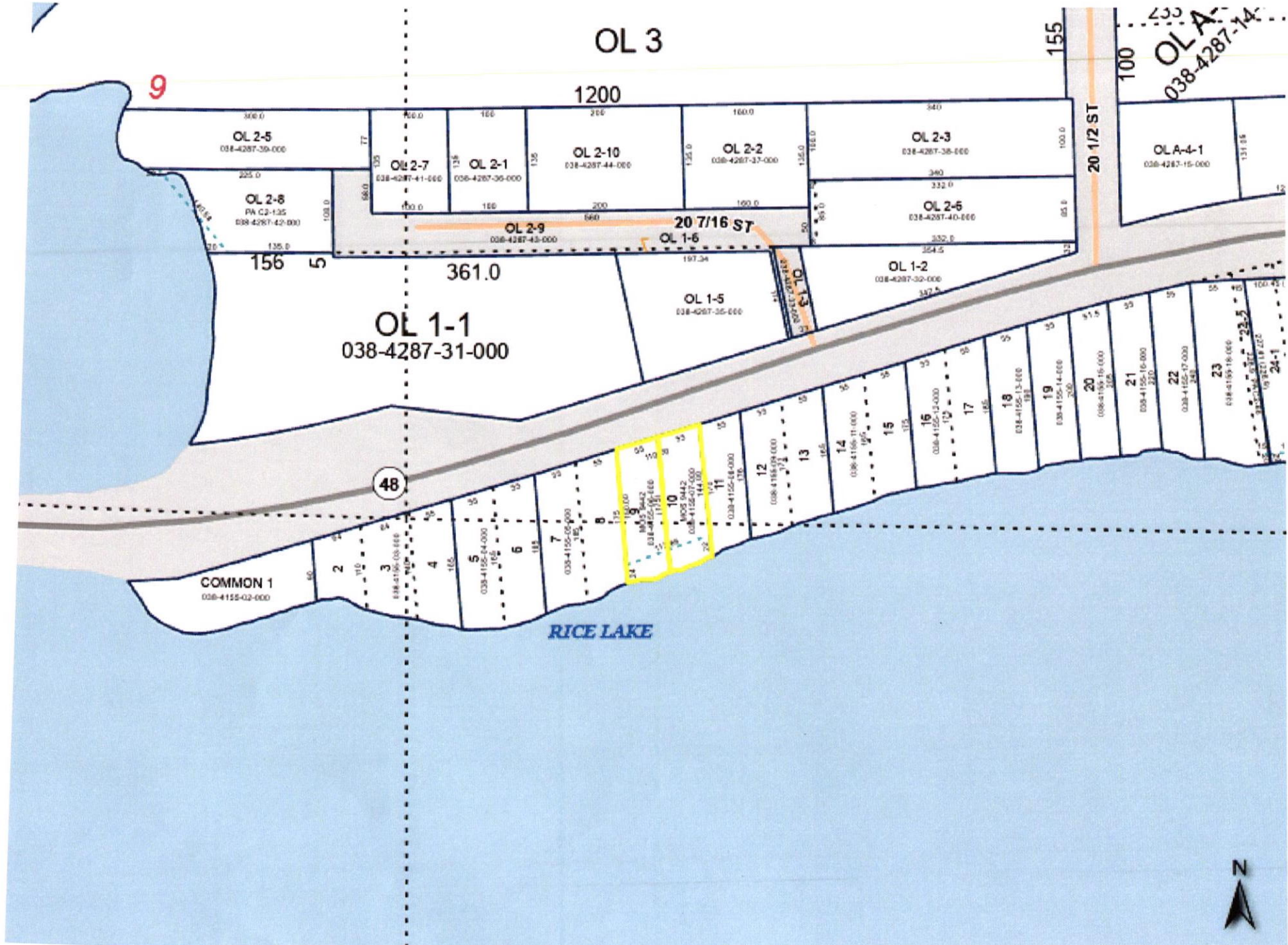
Section 17.36 RECREATIONAL-RESIDENTIAL The Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will 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 |



OL 3

1200

155

20 1/2 ST

100

OLA-4-1
038-4287-14-

9

OL 2-5
038-4287-39-000

OL 2-7
038-4287-41-000

OL 2-1
038-4287-39-000

OL 2-10
038-4287-44-000

OL 2-2
038-4287-37-000

OL 2-3
038-4287-38-000

OLA-4-1
038-4287-15-000

OL 2-8
PA C2-135
038-4287-42-000

OL 2-9
038-4287-43-000

OL 1-6

OL 2-6
038-4287-40-000

156

361.0

OL 1-5
038-4287-35-000

OL 1-2
038-4287-30-000

OL 1-1
038-4287-31-000

48

COMMON 1
038-4155-02-000

RICE LAKE



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;

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 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.**

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, March 25, 2024 at 9:20 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 special exception to allow multiple business buildings and a self-storage building in a Business district and a variance to locate the business buildings with reduced setbacks to County Hwy SS centerline and right-of-way and to exceed the height limitation for the self-storage building, property described as prt SW-NE shown as Pcl 1 CSM 9/70 ex Lot 1 CSM 22/26, consisting of 2.235 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 owners: Denny Crane, LLC
Property address: Unassigned 17 ½ Avenue, Rice Lake, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 6th day of March, 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

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

Property Owner: Denny Crane, LLC Agent: Chris Mlejnek
Address: 8599 North Shady Ln Address: 8599 N. Shady Lane
City/State/ZIP: Hayward, WI 54843 City/State/ZIP: Hayward, WI 54843
Daytime Phone: 715-234-7066 Daytime Phone: 715-296-8932
Email: chrism@nwbuildersinc.com Email: chrism@nwbuildersinc.com

SITE INFORMATION

Parcel I.D. Number: 044 004 0400 19 000 Township: Stanely
Property Address: N/A Lot Size: _____ Sq.Ft./Acres

TYPE OF REQUEST:

Dwelling Tourist Rooming House Business Campground Mineral Extraction
 Livestock Enlargement Other _____

Reason For Special Exception Request:

I request Barron Co. consider allowing multiple business structures to be allowed on this property. Individual structures allow for more flexibility to cater to renters needs, expansion and growth. Building 1 large structure would require fire protection and or fire separation walls that would increase cost that would make the project not viable.

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.

[Signature] 01 / 16 / 2024
Owner Signature Date
[Signature] 01 / 16 / 2024
Agent Signature Date

OFFICE USE

Appeal # 3949 Hearing Date: 3 / 25 / 24 Previous Hearings: N/A
Name of Water Body: N/A Zoning Dist.: B
Reviewed By: [Signature] Date 2 / 27 / 24

DATE RECEIVED:

RECEIVED
FEB 20 2024

VARIANCE APPLICATION

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: Denny Crane LLC Agent: Chris Mlejnek
Address: 8599 N. Shady Lane Address: 8599 N. Shady Lane
City/State/ZIP: Hayward, WI 54843 City/State/ZIP: Hayward, WI 54868
Daytime Phone: 715-234-7066 Daytime: 715-296-8932
Email: chrism@nwbuildersinc.com Email: chrism@nwbuildersinc.com

SITE INFORMATION

Parcel I.D. Number: 004 0400 19 000
Property Address: N/A #4

AREA VARIANCE REQUEST IS FOR: (Check all applicable boxes below; multiple setbacks may be required)

Proposed Project: New Addition to (Existing structure w/in setback to: _____)

- Dwelling Accessory Structure Fence
 Retaining Wall Open structure (platform, free-standing deck, patio, etc.)
 Other: Storage Units

Setback to: Road Road right of way Centerline Height
 Ordinary highwater mark Easement Property line

Has the structure/addition in question already been placed/built on this property? If so, when? _____
Was it built/placed while property was under current ownership? Yes No

Describe project: Single or Multi-Tenant Business rental Units & Heated Self storage Units with a reduced setback to CNTY SS & increased height of storage buildings.

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 # 3949 Hearing Date: 3 / 25 / 24 Other appeals N/A
Name of Water Body: N/A Zoning Dist.: B
Reviewed By: _____ Date: _____ / _____ / _____

DATE RECEIVED:

RECEIVED

FEB 20 2024

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.

See attached

(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.

See attached

(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.

See attached

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.

See attached

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

Plot Plan Instructions: Use the area provided on the following page, or a separate piece of paper, to show **ALL** 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:

- Impervious Surfaces: For **all** proposed projects, an "Impervious Surface Worksheet" **must** be completed and attached to this application.
- Viewing/Access Corridor: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch **must** be submitted.
- Mitigation Plan: 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.

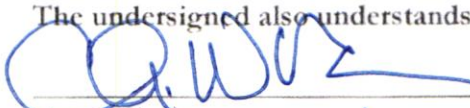
Plot Plan (Attach additional page if needed, not to exceed 8 1/2" x 14")

N

See attached plans

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

01 / 16 / 2024
Date


Agent Signature

01 / 16 / 2024
Date



Northwest Builders, Inc.

Phone: 715-234-7066

2063 17 ½ Ave
Rice Lake, WI 54868

www.nwbuildersinc.com

Variance application Answers:

Setback SS Corridor:

I request Barron Co. to waive the Highway SS Corridor setback of 150' from the nearest lane and revert to the normal setback of 50' from ROW.

Variance Criteria

(1) Will there be unnecessary hardship to the property owner to strictly comply with the ordinance?

1. The current SS setback in this area will literally reduce the development potential of this property by 1/3rd. I am asking for this variance so that the property is not vacant or wasted and may have maximum buildable area along SS
2. There are currently buildings in this area within the 150' setback.
3. The property has frontage access to the north on 17 ½ Ave and the property to the south has frontage access onto 17 3/8 Ave.
4. As you may see on the attached plan existing buildings to the north are within the SS Corridor setback currently.
5. My opinion: there is not a need for the 150' setback to allow room for frontage roads in this location.

(2) Do unique physical characteristics of your property prevent compliance with the ordinance?

1. None.

(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?

1. I see no adverse effect that would be caused by granting this variance.

"We acknowledge our success is reliant on the prosperity and growth of our clients."

Building Height Self Storage & Fence Requirement:

I request Barron Co. & Stanely Township waive the 16' height restriction for self-storage buildings.
I request Barron Co. & Stanely Township waive the fence requirement for this type of facility.

(1) Will there be unnecessary hardship to the property owner to strictly comply with the ordinance?

1. A 16' high building does not allow enough height for roof slope, structure and 14' high OH doors. The intended use requires a 14' OH door. Without this OH door height to allow for taller vehicles the building would not be rentable and or fill the need of the business community.
2. Note: 14' OH doors are also required for many larger RV's and campers.
3. Omit the requirement for these units to be within a fenced area due to the location and nature of the use. I believe the fence requirement is geared towards residential areas. This is a business area and fence and gates would be a detriment to the renters. Outside storage will not be allowed for the heated storage renters.

(2) Do unique physical characteristics of your property prevent compliance with the ordinance?

4. None.

(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?

1. I see no adverse effect that would be caused by granting this height variance.
2. I see no adverse effect that would be caused by granting this fence variance.

Sincerely,



Chris W. Mlejnek
Owner, Denny Crane, LLC
President, Northwest Builders, Inc.

"We acknowledge our success is reliant on the prosperity and growth of our clients."



Northwest Builders, Inc.

Phone: 715-234-7066

2063 17 1/2 Ave
Rice Lake, WI 54868

www.nwbuildersinc.com

December 09, 2023

Barron County Zoning.

Township of Stanley.

Regarding: Written Statement of Requests

I am planning a business development. The proposed development is located near Rice Lake, In the Township of Stanley south/east of the intersection of County Road SS and 17 1/2 Ave. The parcel ID number is 044-0400-19-000.

I feel there is a need and hopefully a market for small business rental space to house business that may need vehicle parking, storage, and a home base to perform their business.

I also feel that due to the increased cost associated with new building construction in general there is a demand for this type of facility to be rented by startup small businesses that may not have the financial resources to purchase or build new facilities.

The development is anticipated to have a multiple buildings and types as listed below.

The development will require at minimum: State building approval, WIDNR WRAPP Storm water approval, Sanitary permit,

Single or Multi-Tenant Business Rental:

Anticipated to be Approximately 90'x54'x20' tall.

These buildings shall be fully insulated, plumbed with toilet room and heated.

The intended use of these structures is business rental. With the potential of one or more smaller businesses as occupants.

Heated Self Storage:

Anticipated to be Approximately 45'x280'x17'-6" tall.

This building must have a 14' high overhead door to be functional for it intended target uses.

This building shall be fully insulated, heated and have a floor drain but not water or toilet room.

The intended use of these structures is small business rental where there is a need to park vehicle or equipment securely and heated in the cold months.

This building would also be suited and marketed for large boat or RV storage when there is a preference for heated storage.

I am requesting the following:

VARIANCE: Setback SS Corridor:

1. I request Barron Co. to waive the Highway SS Corridor setback of 150' from the nearest lane and revert to the normal setback of 50' from ROW.

"We acknowledge our success is reliant on the prosperity and growth of our clients."

2. I am asking for this variance so that the property is not vacant or wasted and may have maximum buildable area. Buildings along SS in this area are currently within the 150' setback.
3. The property has frontage access to the north on 17 ½ Ave and the property to the south has frontage access onto 17 3/8 Ave.
4. My opinion: there is not a need for the 150' setback to allow room for frontage roads in this location.

VARIANCE: Building Height Self Storage & Fence Requirement:

1. I request Barron Co. & Stanely Township waive the 16' height restriction for self-storage buildings.
2. I am asking for this variance to allow for the building to be constructed with a 14' high door that is required for many commercial vehicle types
3. 14' high OH doors are also required for many larger RV's and campers.
4. Omit the requirement for these units to be within a fenced area due to the location and nature of the use. I believe the fence requirement is geared towards residential areas. This is a business area.

Sincerely,

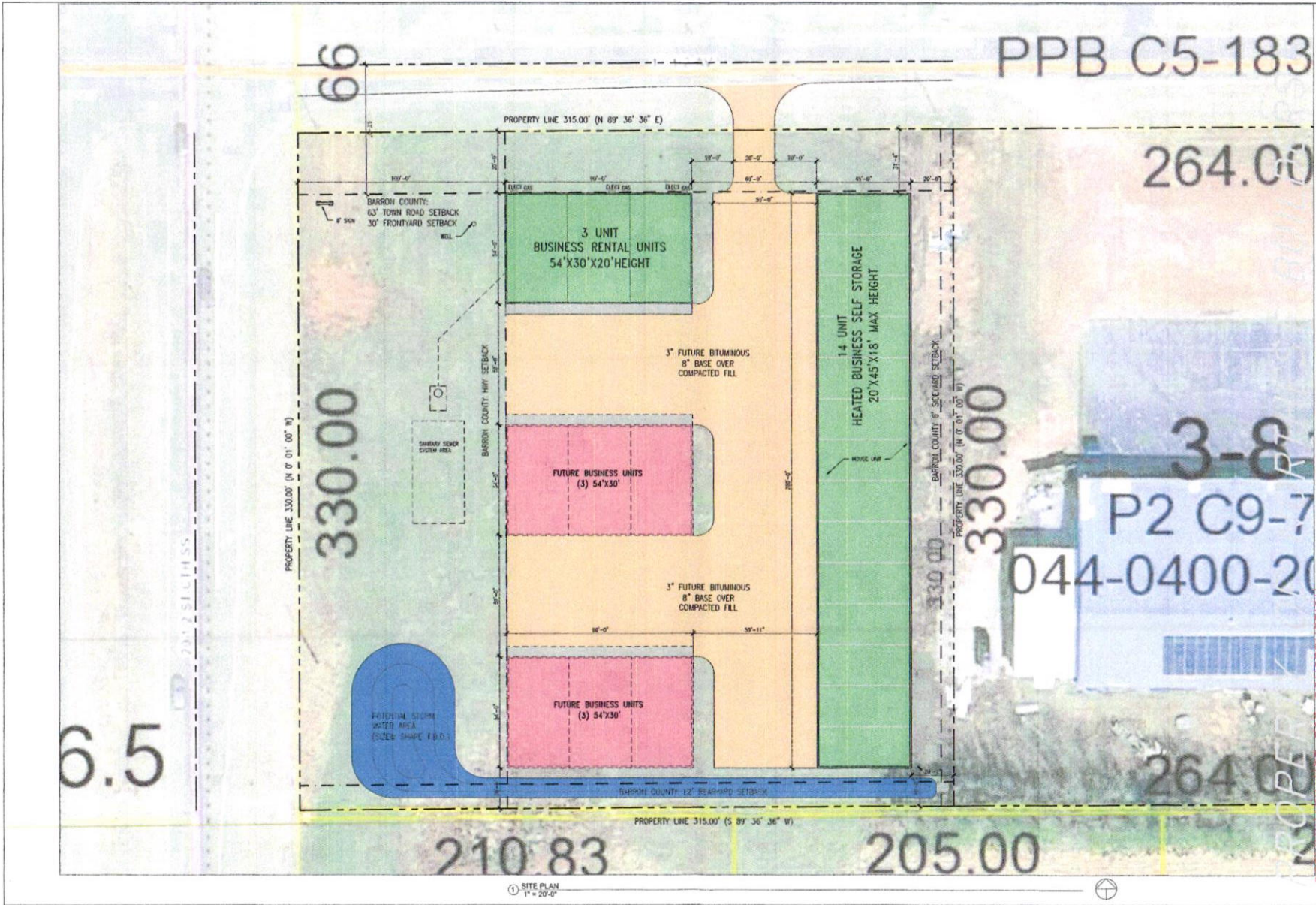


Chris W. Mlejnek

Owner, Denny Crane, LLC

President, Northwest Builders, Inc.

"We acknowledge our success is reliant on the prosperity and growth of our clients."



NWB

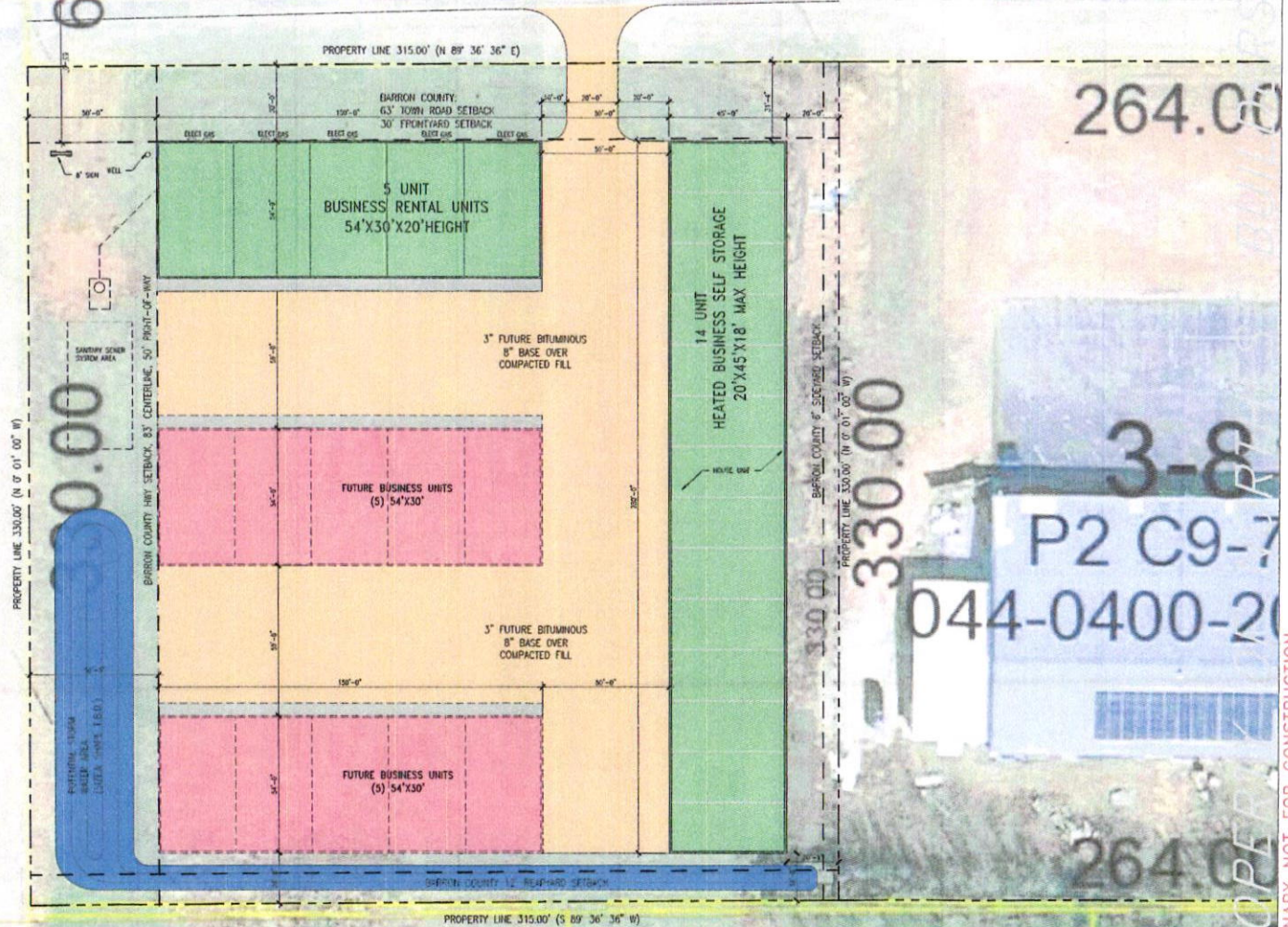
NORTHWEST BUILDERS INC.
2003 17 1/2 AVENUE
RICE LAKE, WI 54888
TEL: 715.837.1111
WWW.NWBUILDERSINC.COM

PROPOSED PROJECT:
DENNY CRANE LLC
HEATED STORAGE UNITS

15 DEC 23
PRELIMINARY
BAS
24-XXX

SITE PLAN
G101

IF VARIANCE ACCEPTED POTENTIAL LAYOUT PPB C5-183



6.5

2012 51 CH 55

330.00

330.00

330.00

3-8
P2 C9-7
044-0400-20

264.00

210.83

205.00

264.00

① SITE PLAN
1" = 20'-0"



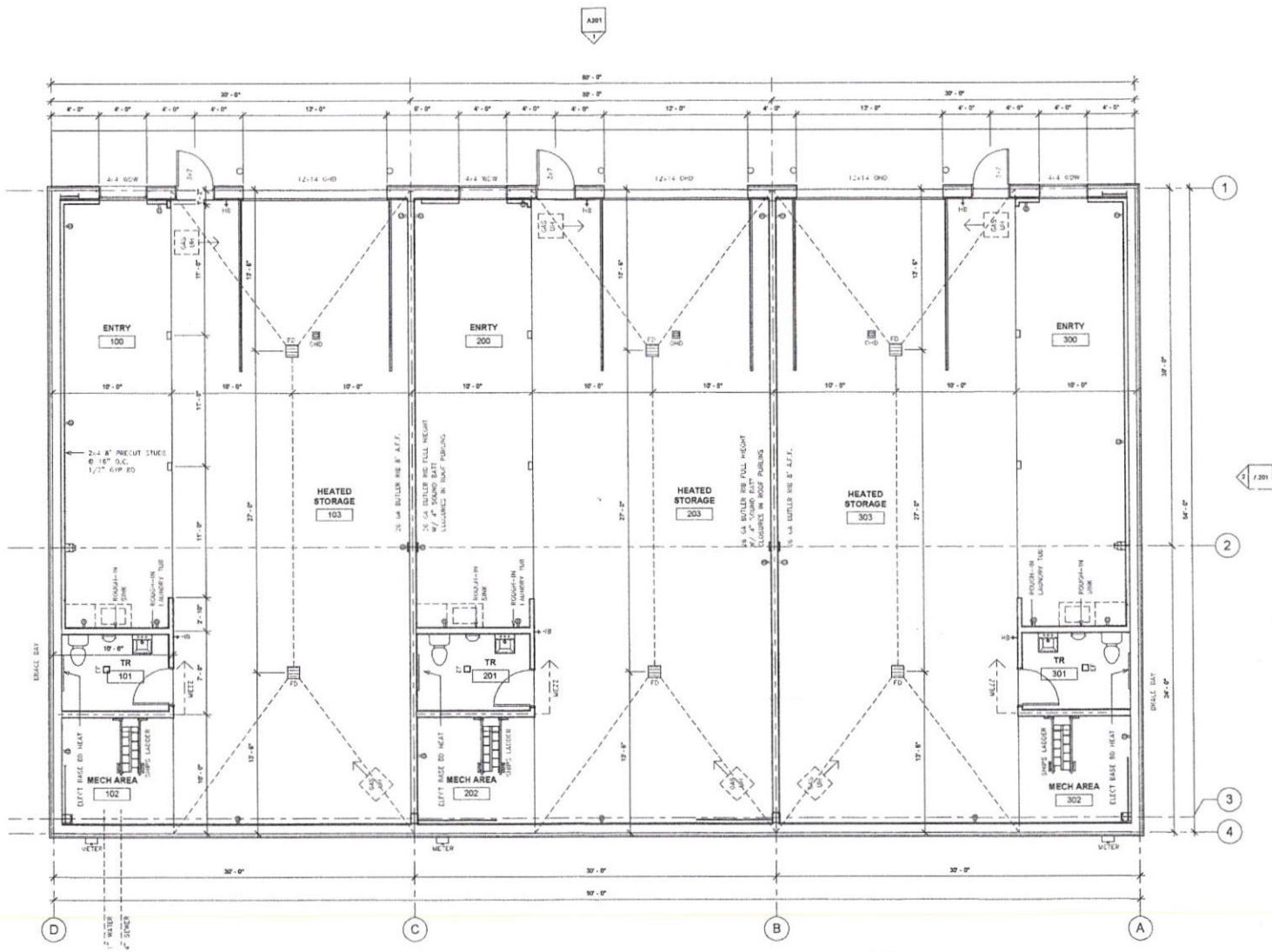
NORTHWEST BUILDERS INC.
2023 17 12 AVENUE
RICE LAKE, WI 54888
WWW.NW3BUILDERSINC.COM

PRELIMINARY NOT FOR CONSTRUCTION

PROPOSED PROJECT:
DENNY CRANE LLC
HEATED STORAGE UNITS
RICE LAKE, WI

15 DEC 23
PRELIMINARY
BAS
24-XXX

SITE PLAN
G102



1 FLOOR PLAN
1/4" = 1'-0"

NOTE:
THIS IS A 3 UNIT BUILDING (3 UNITS @ 30'x54')
EACH UNIT METERED SEPARATELY WATER & POWER

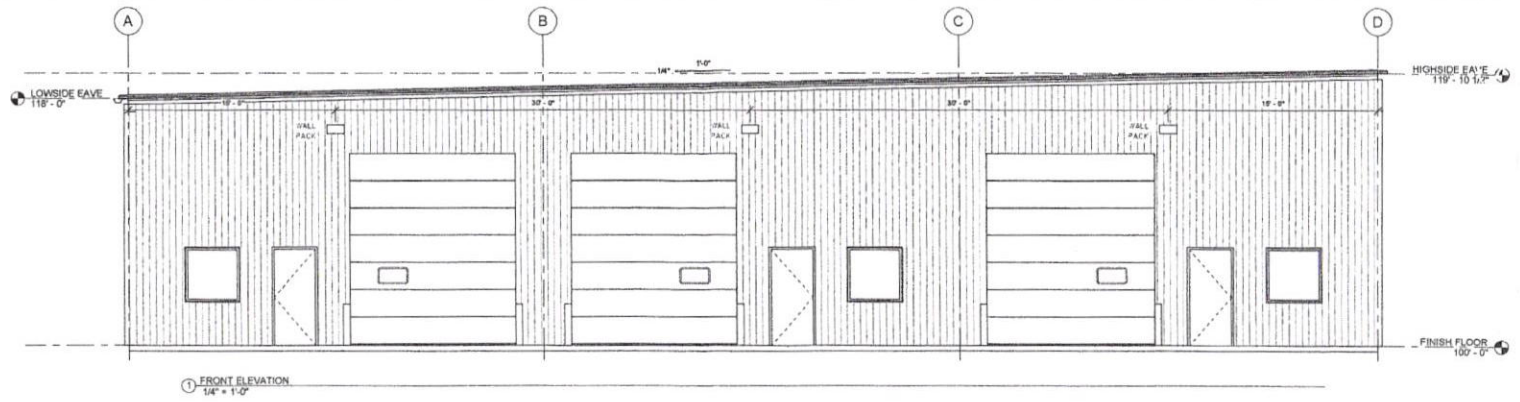


NORTHWEST BUILDERS INC.
2003 17 1/2 AVENUE
RICE LAKE, WI 54888
TEL: 715.835.1111
WWW.NWBUILDERSINC.COM

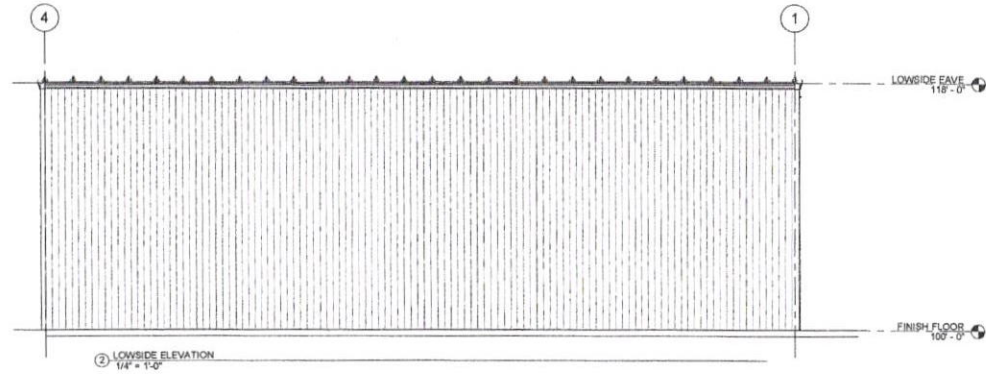
PRELIMINARY NOT FOR CONSTRUCTION

PROPOSED PROJECT:
DENNY CRANE LLC 54x90
HEATED STORAGE UNITS
RICE LAKE, WI

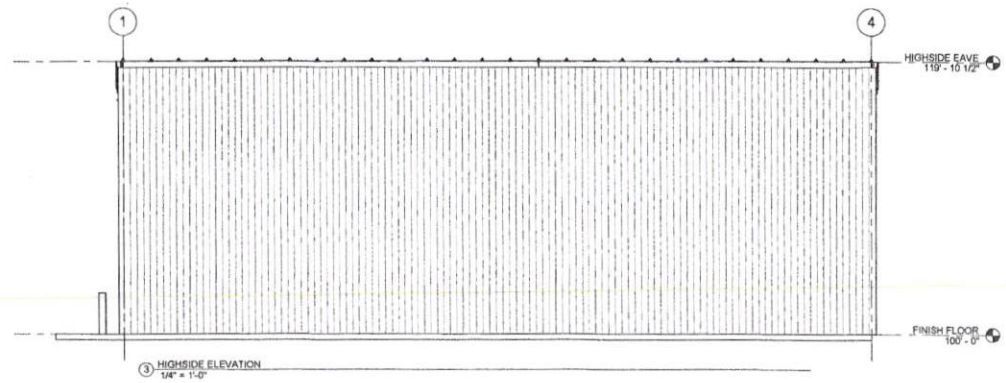
15 DEC 23
PRELIMINARY
BAS
24-XXX
FLOOR PLAN
A101



① FRONT ELEVATION
1/4" = 1'-0"



② LOWSIDE ELEVATION
1/4" = 1'-0"



③ HIGHSIDE ELEVATION
1/4" = 1'-0"



NORTHWEST BUILDERS INC.
2023 17 1/2 AVENUE
RICE LAKE, WI 54888
WWW.NWBUILDERSINC.COM

PRELIMINARY NOT FOR CONSTRUCTION

PROPOSED PROJECT:
**DENNY CRANE LLC 54x80
HEATED STORAGE UNITS**
RICE LAKE, WI

15 DEC 23
PRELIMINARY
BAS
24-XXX
▲
▲
▲
EXTERIOR ELEVATIONS
A201

ORDINANCES RELATING TO HEARING

Applicant/Owner: Denny Crane, LLC, Chris Mlejnek
Previous Appeals: N/A

Appeal: 3949

Request: a special exception to allow multiple business buildings and a self-storage building in a Business district and a variance to locate the business buildings with reduced setbacks to County Hwy SS centerline and right-of-way and to exceed the height limitation for the self-storage building, 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.

Ordinances relating to this Appeal:

17.38	Business District
17.73(6)	Special Exception Requests
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;

Type of Request: Variance Special Exception

Town of Stanely

Owner: Denny Crane, LLC

Applicant/Agent: _____

Property Address: N/A Property Tax ID #: 004 0400 19 000

Explain Request: (must match explanation on application) _____

I request Town of stanely consider allowing multiple business structures to be allowed on this property. Individual structures allow for more flexibility to cater to renters needs, expansion and growth. Building 1 large structure would require fire protection and or fire separation walls that would increase cost that would make the project not viable.

Section B - to be completed by the Township

The Town Board is: In Favor Neutral Opposed

EXPLANATION OF TOWN BOARD DECISION:

The concept is consistent with other businesses in the very near vicinity, as well filling a need in our town and community.

Date: 2-14-2024

Signed: _____
(Town Chairman)

OR Signed: James Hessel
(Town Clerk)

Print Name

JAMES HESSEL
Print Name

*Only the signature of the Chairman or the Clerk is required.