

BOARD OF ADJUSTMENT MEETING

Monday, April 8, 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 #3950: Hitt Properties, LLC, property owner, Requests a special exception to replace an existing 3-unit motel with two campsites and a variance to allow a campsite of reduced size in a Recreational-Residential district.

Property address: 864 & 865 23 ¾ Street, Chetek, Wisconsin

9:10 a.m. Appeal #3951: PLR Investments, LLC, property owner, Requests a special exception to expand an existing campground by adding campsites, using the existing home as a resort rental, replacing the shower house, and enlarging/adding a roof to an open deck, and a variance to locate several campsites and the covered deck within the setback to the ordinary highwater mark and to allow several campsites of a reduced size in a Recreational-Residential district.

Property address: 1528 9 ¼ Street, Almena, 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, North, Kelsey, Corporation Counsel, Deputy Corporation Counsel, County Clerk, County Administrator, Department of Natural Resources, Public posting

**Barron County Zoning
Board of Adjustment
March 25, 2024, 9:00 a.m.**

Present: Board of Adjustment: Walter Organ, Amy Kelsey, Pam Fall, Gary Nelson.
County Personnel: David Gifford, Marshall Black, Kim Collins.
Absent: Louie Okey (alt.).

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 February 12, 2024 minutes; carried.

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.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. Gifford provided a staff overview. Public testimony was received and correspondence from the Town was read into testimony. After Board questions, **motion:** (Nelson/Fall) to close testimony; carried. **Motion:** (Kelsey/Fall) to approve the special exception as presented with the following conditions:

1. All licenses and permits are obtained prior to operation, and all testimony, oral and written, is part of the decision.
2. A six foot slatted, chain link fence and two business buildings shall be constructed as submitted on Exhibit A.
3. Lighting shall be downward facing, located on the south side of the main business building and shall extend no further than 20 feet from the building. Additional lighting is allowed on the south end of the parking lot east of the main building and must be directed northwards.
4. Hours of operations are 7 a.m. to 5 p.m. except for seasonal snow removal hours.

Motion carried.

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.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. **Motion:** (Kelsey/Nelson) to include Appeals 3, 26 and 77; carried. Black provided a staff report and public comment was received. No correspondence. After Board questions, **motion:** (Nelson/Fall) to close testimony; carried. **Motion:** (Organ/Fall) to approve the variance as presented with the following conditions:

1. All licenses and permits are obtained prior to construction, and all testimony, oral and written, is part of the decision.
2. The dwelling shall be constructed as presented and be no closer than 40 feet from the Hwy 48 right-of-way.
3. All overhangs must meet side yard setbacks.

Motion carried on a roll call vote with all in favor and none opposed.

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.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. Gifford provided a staff overview. Public testimony was received; no correspondence. After Board questions, **motion:** (Organ/Nelson) to close testimony; carried. **Motion:** (Fall/Organ) to approve the special exception as presented with the conditions listed below. Carried. **Motion:** (Kelsey/Fall) to modify the variance setback request from 50 feet to 75 feet from the centerline of the closest lane of traffic and 20 feet at the peak of the self-storage building.

After discussion, Kelsey amended her motion to modify the setback request from 50 feet to 75 feet from the road right-of-way rather than the centerline.

Fall withdrew her second.

Organ called for a second to the amended motion.

Nelson seconded the motion.

Roll call vote with Kelsey, Nelson and Fall in favor and Organ opposed; motion carried 3-1. The following conditions encompass both the special exception and variance requests:

1. All licenses and permits are obtained prior to operation/construction, and all testimony, oral and written, is part of the decision.
2. The **variance** is modified to allow a 75 foot setback to the right-of-way of CTH SS and the height of the self-storage unit is limited to 20 feet.
3. The **special exception** is approved to allow multiple buildings in a Business district with the structures as presented in drawing G102, contingent on the approval of the variance (setback modified to 75 feet).
4. All lighting shall be located on the buildings, downward facing and on timers as discussed in testimony.
5. No plumbing other than floor drains is allowed in the self-storage building and fencing requirement is waived.

Report from L.S. Director: Gifford presented correspondence regarding a previous appeal.

Motion: (Kelsey/Organ) to adjourn the meeting at 12:23 p.m.

Respectfully submitted,

Kim Collins
Administrative Assistant

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, April 8, 2024 at 9:00 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 replace an existing 3-unit motel with two campsites and a variance to allow a campsite of reduced size, property described as Prt NW-NE, SW-NE & NE-NW shown as Lot 1 CSM 19/67 and Prt SW-NE lyg E of Hwy SS & S of 23 ¾ St, S of CSM 38-122, N of Lots 1-4 North Shore Plat & W of Prairie Lake consisting of 15.19 acres, located in Section 24, T33N, R11W, Town of Prairie 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: Hitt Properties, LLC
Property address: 864 & 865 23 ¾ Street, Chetek, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 20th 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: Michael and Jenny Hitt
Address: 865 23 3/4 st.
City/State/ZIP: Chetek, WI 54728
Daytime Phone: 715-924-3259
Email: Wildwoodchetek@gmail.com

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

SITE INFORMATION

Parcel I.D. Number: 036-2400-19-000 Township: Prairie Lake

Property Address: 865 23 3/4 st chetek, WI Lot Size: 3.1 Acres Sq.Ft./Acres

TYPE OF REQUEST:

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

Reason For Special Exception Request:

To completely remove the old 3 unit motel building and replace with the 2 Resort owned Park model Rental units. From a building area to 2 RV camping sites - to host the Resort owned Park model Rental units.

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.**

Michael Hitt
Owner Signature

01, 14, 2024
Date

Agent Signature

Date

OFFICE USE

Appeal # 3950 Hearing Date: 4 / 8 / 24 Previous Hearings: * 3901

Name of Water Body: Prairie Zoning Dist.: RR

Reviewed By: [Signature] Date 3 / 26 / 24

#1288, 1779, 2494, 2610
2671, 3219, 3320, 3772

DATE RECEIVED:

RECEIVED

FEB 20 2024

BARRON COUNTY ZONING OFFICE

We have an outdated Motel building that we want to take down. The building has become unreliable for continued use. We have 2 3-season park model rental units sitting and not being used. We are looking to place these 2 park model units in the place of the Motel building. The current building is 18 feet wide by 73 feet long. The park models are 12 feet wide and 28 feet long, which if we would replace them would open 741 square feet of "open" space. The overall place is marked on the drawing layout meets the 4800 square feet to meet the 2400 square feet per site. This change also has a reduced sewer usage from 3 sewer connections being needed to 2, in which one would be capped off. It would also use one less water connection as well. This current tight area would be more open and would carry the needed parking space. The Resort's road in that area would be able to be widened to 16 feet from the current 12 feet.

Overall, we are replacing an old worn building with 2 newer Park Model Rental units. By doing this we would be adding more open space feel, adding parking space, widen roads, reduce sewer, electrical, and water usage. These two sites would be designated as the resorts rental sites, not as a seasonal/transient site.

We will remove the 2 northside expansion sites - (107 + 108), for the 2 new sites on the southside. The 2 removed northside sites will become grass area/part of the playground footprint. This keeps us at the 150 campsite rule.

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: Michael Hitt
Address: 865 23 3/4 st
City/State/ZIP: Chetek, WI 54728
Daytime Phone: 715-924-3259
Email: wildwoodchetek@gmail.com

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

SITE INFORMATION Parcel I.D. Number: 036 - 2400 - 19 - 000
Property Address: 865 23 3/4 st chetek, WI

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 Campsite (less than 40' x 60')

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

Has the structure/addition in question already been placed/built on this property? If so, when? ~1940s
Was it built/placed while property was under current ownership? Yes No

Describe project: Removing 3 unit motel building and Replace with 2 resort owned Park models, Park model cabins to be rented for guest usage. Using the same current motel building/parking area

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 # 3950 Hearing Date: 4 / 8 / 24 # 1288, 1779, 2494, 2610, 2671, 3219, 3320, 3772 DATE RECEIVED:
Name of Water Body: Prairie Lake Zoning Dist.: RR 3901
Reviewed By: [Signature] Date: 3 / 26 / 24

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.

(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.

(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.

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.

(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 ½" x 14")

N

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

02 / 20 / 2024
Date

Agent Signature

Date

Variance Criteria-

(1)- Yes. Due to the current situated campground design and placements of other campers, structures the campsite can not conform to the exact min of 40' wide by 60' deep. The way we have the site designed with the room available we are 133.5 square feet short of 2,400'. The consequence of only strictly comply with this ordinance in a 1902 constructed campground, we would not be able to have this resort owned park model to be rented out, causing income damage. We have 1 site that will be slightly smaller than the ordinance requirement of 40' by 60'. The site will not be a perfect 40' by 60'. There would be a small triangle section taken out of the 1 corner. The site is overall longer than 60' and most of it will be 42' wide. We could rebuild the current 3 motel unit building or we can move forward with the proposed plan of the 2 campsites. Making the most of all the available footage, trying to comply with the requirements within the regulations of the ordinance to have the 2 campsites replace the motel building.

(2)- Yes. The resort existed since 1902. The layout of the roads, other campsites, the steep slope in the area prevents further enlargement of the site and these structures prevent the site from being a perfect rectangle of 40' by 60'. There is limited area so it would not fit to be compliant to the 40' by 60' ordinance.

(3)- We are not changing the use of the property, as it is used as a campground. We would be lowering the overall cabin units in a way. With removing the building, we would be placing in 2 owned resort park models for rental usage. The site will be slightly smaller than ordinance. Since we are replacing the building with the 2 park models, we won't be changing the use of the property as a campground. In a way we would be reducing the number of units in that area as the hotel building houses 3 motel units and only 3 parking spots. The proposed site plan would reduce it to 2 camping cabin units and increase parking to min of 4 parking spots and opens the area up as the 2 sites use less covered space than the motel building. Other than adding tourism dollars to the community, the community and public interest having this turned as a campsite has no negative impact on the community or neighborhood.

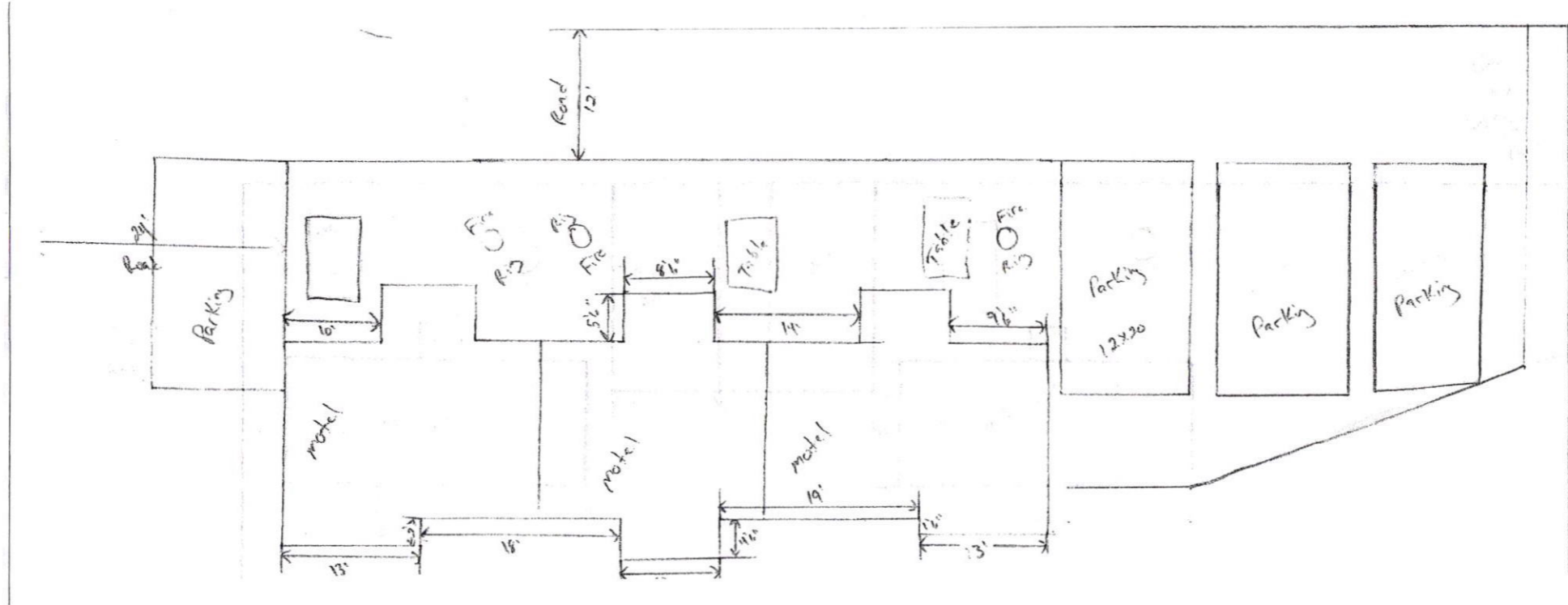
Alternatives-

(1)- Due to the old building being removed and having this large open space not able to be used as other amenities for the resort it can be a place used for the 2 resort owned park models. The design is maxing out the space provided. Being 133.5 square feet short of the square foot size and not a perfect 40' X 60' site layout.

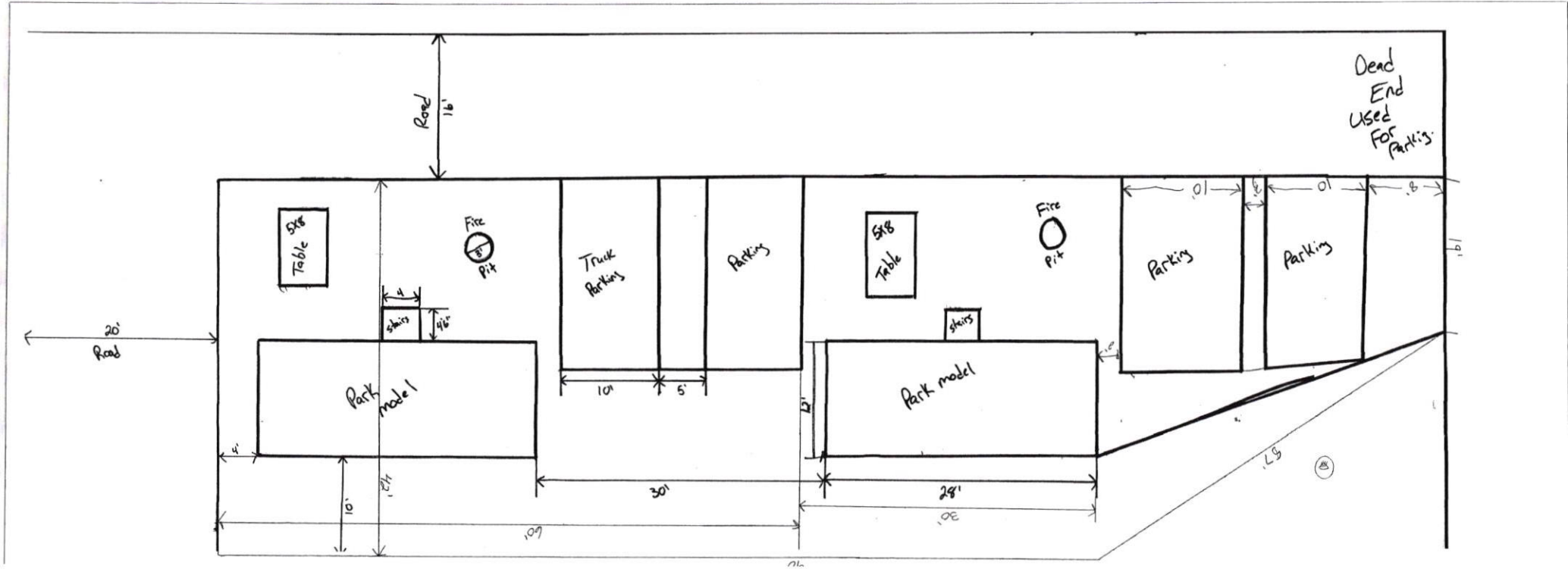
(1A)- Only alternative to have the site be a perfect 40'X 60' min size we would have to completely move a 2nd campsite- meaning completely moving a shed built on a concrete pad, moving a camper, moving a campsite deck with roof and reducing the size of the current dead end turn around road (East side of the proposed site plans road). This is rejected, it would be very costly just to add 133.5 square feet to campsite and makes an issue for any emergency vehicles needed to get to the site should there be an emergency. 2nd option is to rebuild the current 3-unit motel building in its place. This is rejected because this would continue to be out of current ordinance due to fire codes to camping units / sheds, continued parking issues. Keeping the less open space in the building area. Where as the projected plan would be adding all fire code spaces and more fresh open area, allows for additional parking for not only the 2 park models but also for the campsites along the west side of the proposed 2 campsites. 3rd option is to only have 1 site, this is also rejected because the 2nd site is very close to the current ordinance only being 133.5 sqft of being the site size. But overall length and width are bigger than the perfect square the ordinance is requiring. This also would be a major revenue loss to only have 1 park model cabin rental site vs the 2 park model cabin rental sites.

(1B)- Not aware of any lessor variance. This is the direction given for best result from Zoning office.

Current



Proposed



ORDINANCES RELATING TO HEARING

Applicant/Owner: Hitt Properties, LLC

Appeal: 3950

Previous Appeals: #1288, 1779, 2494, 2610, 2671, 3219, 3322, 3772 & 3901

Request: a special exception to replace an existing 3-unit motel with two campsites and a variance to allow a campsite of reduced size, Town of Prairie Lake.

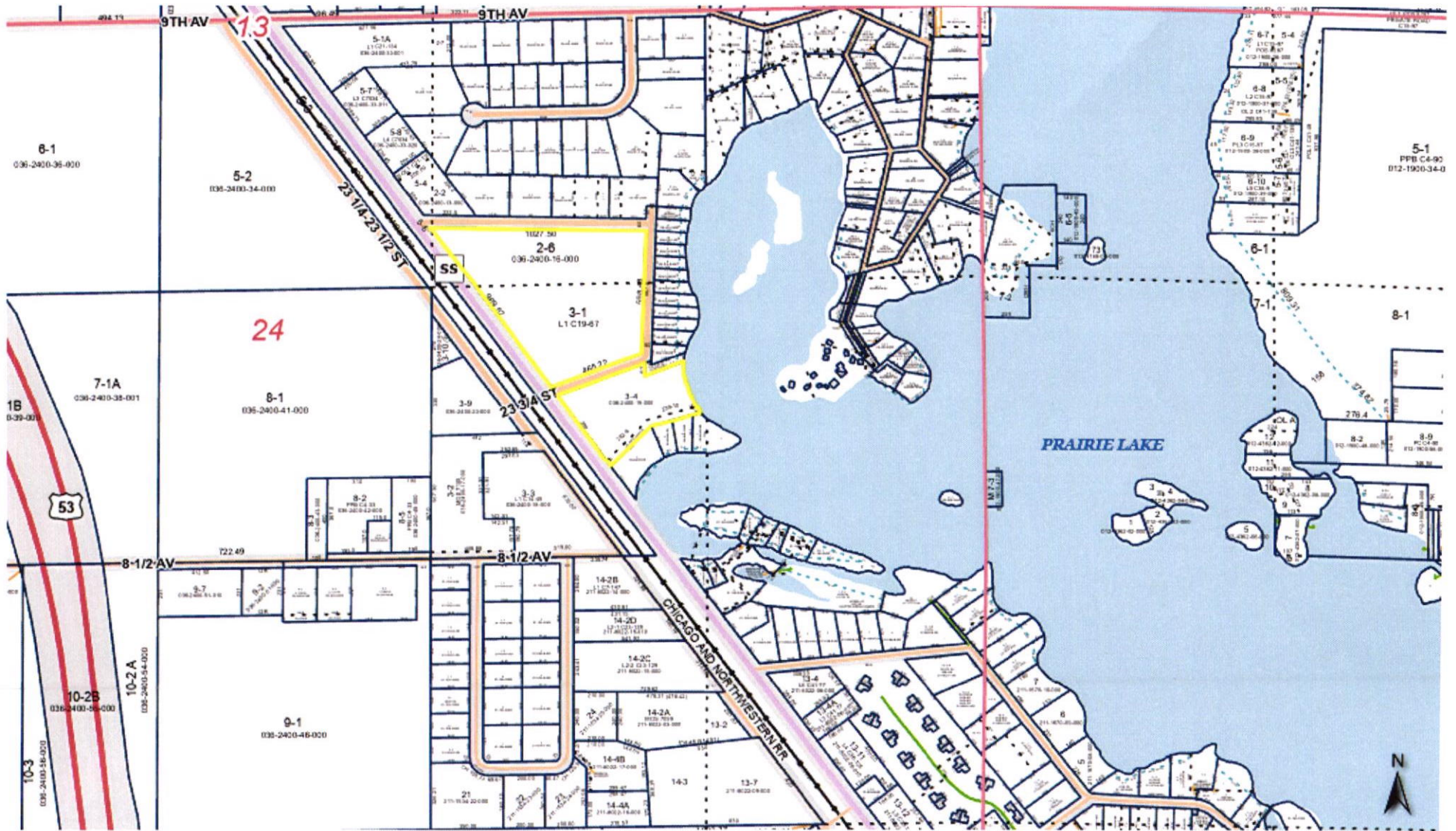
Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

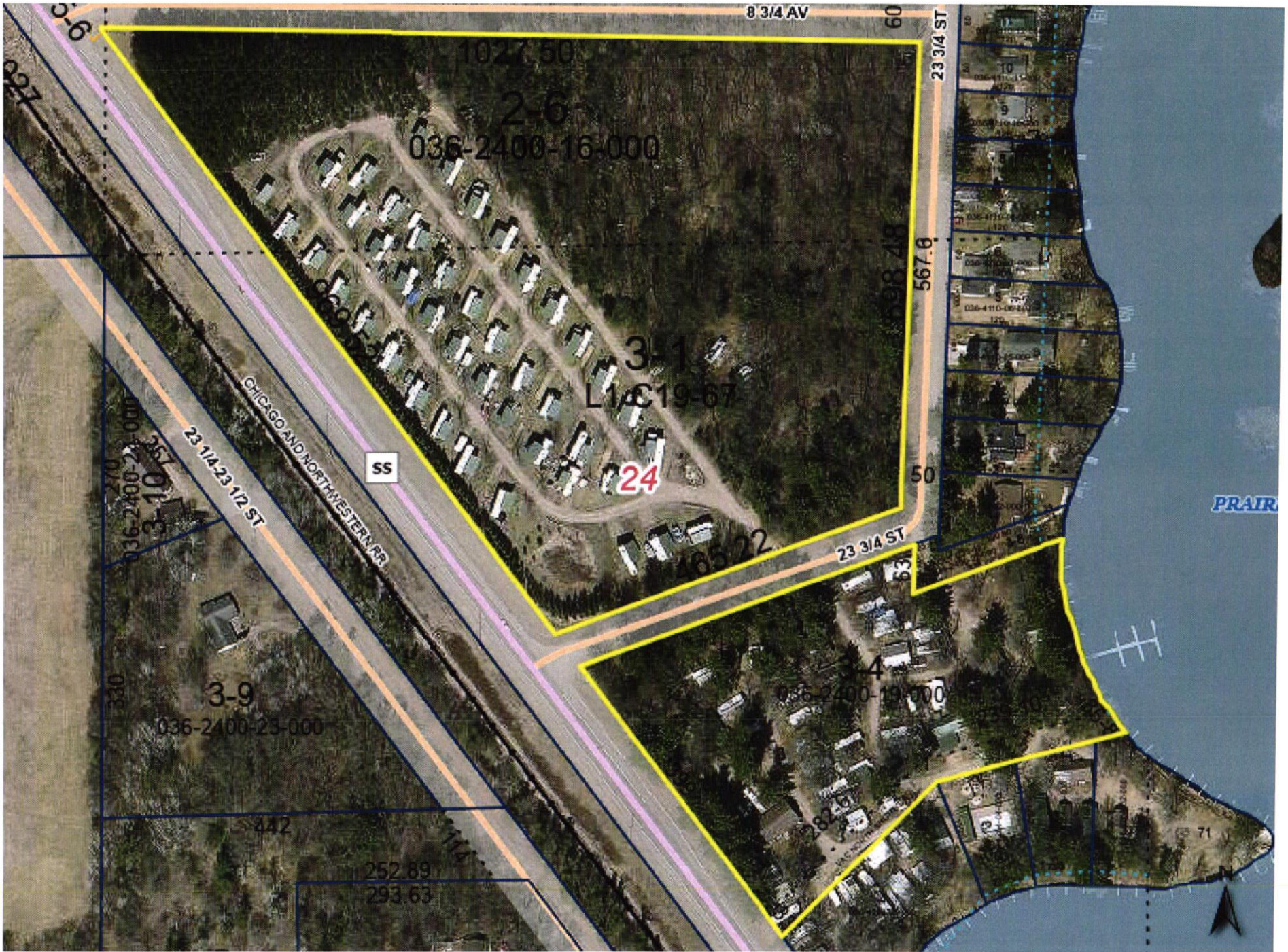
Intent Section 17.03: It is the general intent of this chapter to regulate and restrict the use of structures, lands, shoreland and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the 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.

Ordinances relating to this Appeal:

17.36	Recreational-Residential 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 Prairie Lake

Owner: Michael Hitt

Applicant/Agent: _____

Property Address: 865 23 3/4 St. Chetek, WI Property Tax ID #: 036-2400-19-000

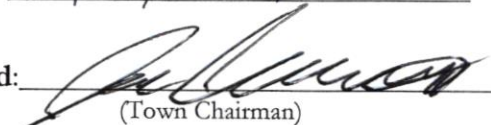
Explain Request: (must match explanation on application) To completely remove the old 3 unit motel building and replace with the 2 Resort owned Park model rental units. From a building area to 2 RV camping sites - To host the Resort owned Park model Rental units.

Section B - to be completed by the Township

The Town Board is: In Favor Neutral Opposed

EXPLANATION OF TOWN BOARD DECISION:

Date: 2/14/2024

Signed: 
(Town Chairman)

OR Signed: _____
(Town Clerk)

Joe Atwood

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, April 8, 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 special exception to expand an existing campground by adding campsites, using the existing home as a resort rental, replacing the shower house, and enlarging/adding a roof to an open deck, and a variance to locate several campsites and the covered deck within the setback to the ordinary highwater mark and to allow several campsites of a reduced size, property described as Prt Govt Lot 2 in 139/355, consisting of 12.005 acres, located in Section 15, T34N, R13W, Town of Clinton 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: PLR Investments, LLC
Property address: 1528 9 ¼ Street, Almena, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 20th 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: Kevin Herrman Agent: _____
Address: 1528 9th St Address: _____
City/State/ZIP: Almena, WI 54805 City/State/ZIP: _____
Daytime Phone: 715-296-2311 Daytime Phone: _____
Email: poskinlakeresort@outlook.com Email: _____

SITE INFORMATION

Parcel I.D. Number: 014 - 1500 - 31 - 000 Township: Clinton
Property Address: 1528 9th St. Almena, WI 54805 Lot Size: _____ Sq.Ft./Acres

TYPE OF REQUEST:

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

Reason For Special Exception Request:

- Turn house into an Airbnb. - Add deck to bar
- Add more seasonal sites to existing campground. - Remove one trailer from this area.
- Remove two trailerhouses by bar and add four cabins.

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] _____ Date 12 / 23 / 2023
Owner Signature

Agent Signature _____ Date _____

OFFICE USE

Appeal # 3951 Hearing Date: 4 / 8 / 24 Previous Hearings: + 2024
Name of Water Body: Poskin Lake Zoning Dist.: RR
Reviewed By: [Signature] Date 3 / 5 / 24

818, 1901 DATE RECEIVED:

RECEIVED

JAN 11 2024

BARRON COUNTY ZONING OFFICE

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: Kevin Herrman
Address: 1528 9th St
City/State/ZIP: Almena, WI 54805
Daytime Phone: 715-290-2311
Email: postinkakeresort@outlook.com

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

SITE INFORMATION

Parcel I.D. Number: 014 - 1500 - 31 - 000
Property Address: 1528 9th St Almena, WI 54805

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 type="checkbox"/> Dwelling | <input checked="" 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: ~~Put in a new showerhouse/bathrooms in a new location.~~ 1/5/21 MM

Add deck to bar. Remove two trailerhouses by bar and add four cabins.

Remove ~~two~~ trailers from seasonal area. Add more seasonal sites to existing area.

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 # 3951 Hearing Date: 4 / 8 / 24 Other appeals _____

Name of Water Body: _____ Zoning Dist: RR

Reviewed By: [Signature] Date 3 / 5 / 24

DATE RECEIVED:

RECEIVED

JAN 11 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.

The main purpose of the property is a Campground. The Ordinance prevents us from expanding due to the proximity to the ordinary high water mark

(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.

In addition to the lake, we also have the Vermillion River running through the property. Due to this, almost the whole property is less than 75 feet from the ordinary high water mark. This makes complying with the ordinance almost impossible.

(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 only negative to the community if we expanded could be an increase in noise. Luckily our only close neighbor only has a summer property. The public would benefit as we have a long waiting list for our seasonal sites.

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.

We will add a Shower house + a few camping sites in an area that complies with the ordinance. We are unable to do this for the other sites/cabins.

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

N/A

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

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

3 / 5 / 24
Date

Agent Signature

_____/_____/_____
Date

Proposal

Deck: We would like to add onto our deck area to allow for outside seating. At the point nearest to the highwater mark, it would be 18 feet away. 36×46 . We would like to put a roof/covering over the deck,

New Cabins: We would like to remove two trailer houses that are falling apart near the bar. We would then replace these with four total new cabins. These cabins would be 12×32 feet each. They would have an open layout, aside from a bathroom. At their nearest point, these cabins would be 4ft, 18ft, 10ft, and 3ft away from the ordinary highwater mark. We would not be getting any closer than our existing ones currently are.

New Seasonal Sites: We currently have 12 seasonal campsites. We are requesting that we be allowed to add 15 more. Four of these requested sites neither conflict with the lot lines or the highwater mark. While adding these, we would like to add the other 11. Depicted in the map are the distances away from the ordinary high water mark. Each of these new campsites would be 40 feet wide by 60 feet long. There will be space for up to two vehicles along with the camper.

Showerhouse: We will be adding a new showerhouse that does not conflict with ordinary high water marks or lot lines. Old showerhouse will no longer be in service and will be torn down.



LEGEND

- BR/SHOWERHOUSE
- BAR
- EXISTING CAMPERS
- NEW DECK OUTSIDE OF 75' BOUNDARY
- NEW DECK INSIDE OF 75' BOUNDARY
- NEW CAMPERS OUTSIDE OF 75' BOUNDARY
- NEW CAMPERS INSIDE OF 75' BOUNDARY
- NEW CABINS OUTSIDE OF 75' BOUNDARY
- NEW CABINS INSIDE OF 75' BOUNDARY

1 SITE PLAN

FOR BIDDING PURPOSES
NOT FOR CONSTRUCTION

DRAWING TITLE G001		SCALE 1/8" = 1'-0"
CUSTOMER MACEY HERRMAN		CREATED DATE 12.22.2023
LOCATION POSKIN, WI	COPYRIGHT © 2023 MAC CONTRACTORS ALL RIGHTS RESERVED	REV DATE 12.22.2023
PROJECT CAMPGROUND SITE	JOB NUMBER 23-132	SHEET 1
	UCM FT - IN	ARCH D

LEGEND

- BR/SOWERHOUSE
- BAR
- EXISTING CAMPERS
- NEW DECK OUTSIDE OF 75' BOUNDARY
- NEW DECK INSIDE OF 75' BOUNDARY
- NEW CAMPERS OUTSIDE OF 75' BOUNDARY
- NEW CAMPERS INSIDE OF 75' BOUNDARY
- NEW CABINS OUTSIDE OF 75' BOUNDARY
- NEW CABINS INSIDE OF 75' BOUNDARY

PANEL
55005C0361D
eff. 12/3/2009

Zone AE
 (EL 1157)



5500
eff.

ORDINANCES RELATING TO HEARING

Applicant/Owner: PLR Investments, LLC
Previous Appeals: #818, 1901 & 2026

Appeal: 3951

Request: a special exception to expand an existing campground by adding campsites, using the existing home as a resort rental, replacing the shower house, and enlarging/adding a roof to an open deck, and a variance to locate several campsites and the covered deck within the setback to the ordinary highwater mark and to allow several campsites of a reduced size, Town of Clinton.

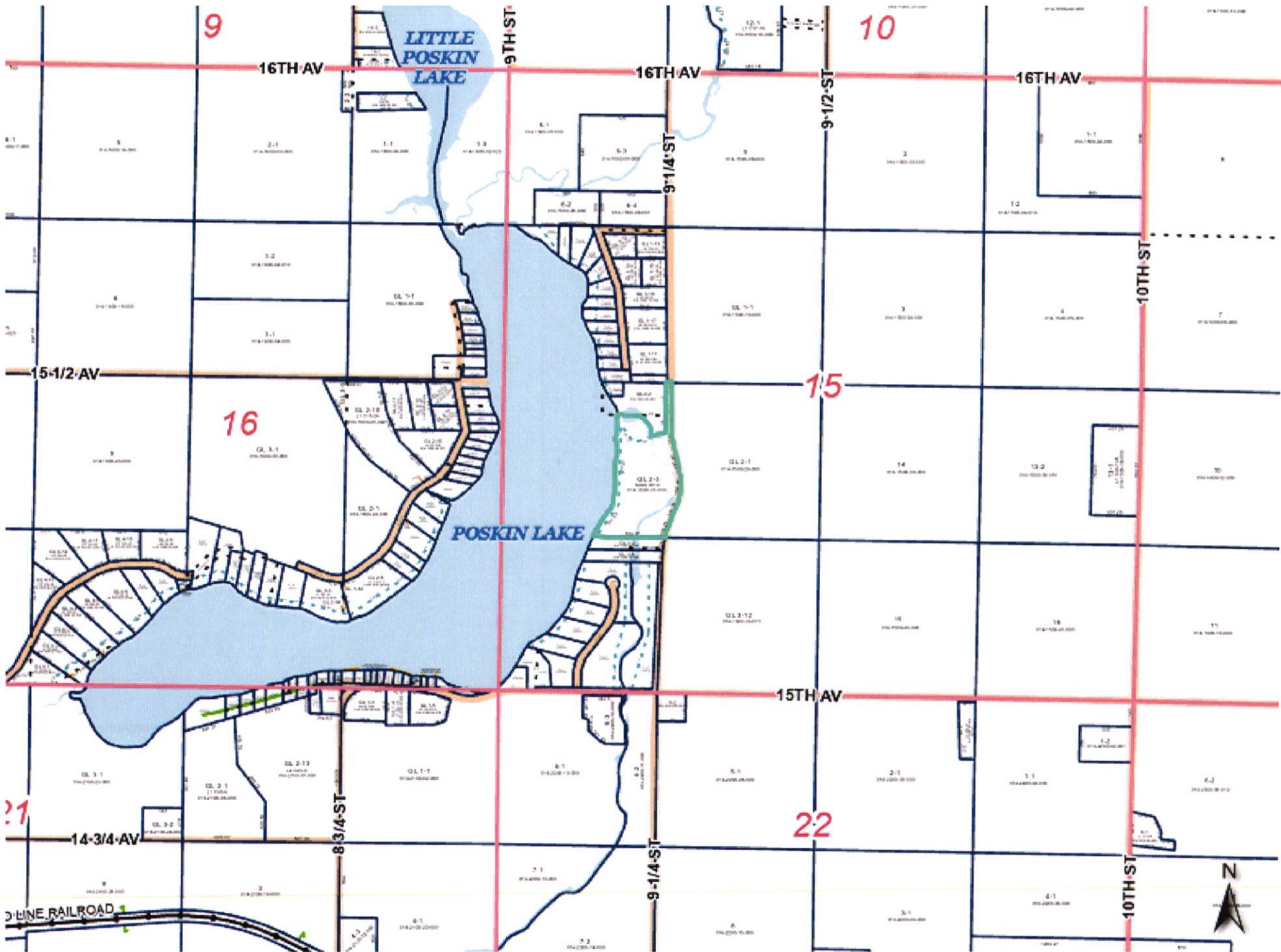
Purpose Section 17.02: This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

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.

Ordinances relating to this Appeal:

- | | |
|----------|-----------------------------------|
| 17.36 | Recreational-Residential District |
| 17.73(6) | Special Exception Requests |
| 17.73(7) | Variances |



9

10

16TH AV

16TH AV

16TH AV

9TH ST

9-1/4 ST

9-1/2 ST

10TH ST

15-1/2 AV

16

15

POSKIN LAKE

LITTLE POSKIN LAKE

15TH AV

?1

14-3/4 AV

8-3/4 ST

9-1/4 ST

22

10TH ST

D LINE RAILROAD





POSKIN LAKE

15

GL 2-3
MOS 9310
014-1500-31-000

GL 2-1
014-1500-29-000

GL 2
014-1500-34-000

GL 3-4
014-1500-36-000

GL 3-12
014-1500-38-000

8 3/4 ST

9 1/8 ST

9 1/8 ST

9 1/4 ST

677.01

677.27

120.22

134.38

350.30

197.47

125.65

715.00

715.00

ST

60.00

20.49

60.00

60.00

GL 2-2

GL 2-1

GL 2-1

GL 2-1

GL 2-1

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 Clinton

Owner: Kevin Herrman

Applicant/Agent: Kevin Herrman ~~et al~~

Property Address: 1528 9¹/₂ St, Almena, WI 54805 Property Tax ID #: 014 - 1500 - 31 - 000

Explain Request: (must match explanation on application) Turn House into A weekly Rental.
Remove 2 Trailer House's By Bar + Add 4 cabins
Put in new shower House + Bathrooms
Add on to Deck on Bar + Kitchen Add on to kitchen Plans changed KH 9-6-23
Add more seasonal campers

Section B - to be completed by the Township

The Town Board is: In Favor Neutral Opposed

EXPLANATION OF TOWN BOARD DECISION:

The Town of Clinton does not oppose
all the changes that Postin Lake Resort
want's to make in the said above description

Date: 4/19/22

Signed: [Signature]
(Town Chairman)

OR Signed: _____
(Town Clerk)

Print Name: Jim Gones

Print Name: _____

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