

BOARD OF ADJUSTMENT MEETING

Monday, April 22, 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 #3952: Loren G. Deutz Revocable Trust & Lynn A. Kiely Trust, property owners, Requests a variance to construct an accessory structure with a reduced setback to the centerline and right-of-way of a Town road, in a Recreational-Residential district.
Property address: 1685 29 ¼ Ave, Rice Lake, Wisconsin

6. Reconvened hearings:

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

7. Report from Land Services Director
8. Adjournment

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

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

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

**Barron County Zoning
Board of Adjustment
April 8, 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 March 25, 2024 minutes; carried.

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.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicants. Black provided a staff report. **Motion:** (Nelson/Kelsey) to include Appeals 1288, 1779, 3219, 3322, 3772 and 3901; carried. No correspondence or public testimony. After Board questions, **motion:** (Nelson/Kelsey) to close testimony; carried 5-0. **Motion:** (Nelson/Kelsey) to approve the variance as presented with the following conditions:

1. All permits are obtained prior to construction, and all testimony, oral and written, is part of the decision.
2. The variance to allow a reduced area for Site B of Exhibit #1 is approved, (see attached Exhibit #1).

Motion carried 5-0.

Motion: (Kelsey/Fall) to approve the special exception with the following conditions:

1. All permits are obtained prior to construction, and all testimony, oral and written, is part of the decision.
2. The special exception to replace the 3 unit motel with two park models shown as Sites A and B of Exhibit #1 is approved, resulting in the removal of Sites 107 and 108.
3. The buffer area required by Appeal #3901 must maintained utilizing the existing canopy and the proposed grass planting must be implemented.

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.

Organ opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicants. Black provided a staff report. Public comment was received; no correspondence.

Motion: (Fall/Kelsey) to include Appeals 818, 1901 and 2026; carried. After Board questions, **motion:** (Nelson/Kelsey) to adjourn to an onsite on April 15, 2024 at 9:00 a.m. and reconvene on April 22, 2024; carried.

Discussion: Appeal #3910 – Gifford informed the Board of the current operation which may not be part of the approval and recommended the Board have a discussion with the property owner.

Report from L.S. Director: N/A

Motion: (Organ/North) to adjourn the meeting at 11:30 a.m.; carried.

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

Requests a variance to construct an accessory structure with a reduced setback to the centerline and right-of-way of a Town road, in a Recreational-Residential district on property described as prt Govt Lot 4 shown as Lot 1 CSM 15/129, consisting of 0.51 acres, located in Section 2, T36N, R12W, Town of Bear 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: Loren G. Deutz Revocable Trust & Lynn A. Kiely Trust
Property address: 1685 29 ¼ Ave, Rice Lake, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 3rd day of April, 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: Loren Deutz

Agent: N/A

Address: 4151 Wentworth Ave.

Address: _____

City/State/ZIP: Minneapolis, MN 55409

City/State/ZIP _____

Daytime Phone: 612-998-7999

Daytime: _____

Email: Ldeutz@usinternet.com

Email: _____

SITE INFORMATION

Parcel I.D. Number: 008 - 0200 - 23 - 001

Property Address: 1685 29¹/₄ Ave, Rice Lake, WI 54868

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? No
Was it built/placed while property was under current ownership? Yes No

Describe project: Garage (single car) with work space
and convenience bathroom

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 # 3952 Hearing Date: 4 / 22 / 24 Other appeals N/A

Name of Water Body: Bear Lake Zoning Dist.: RR

Reviewed By: [Signature] Date 3 / 27 / 24

RECEIVED: DATE RECEIVED:

MAR 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.

Yes. We would need to dig up and re-locate a perfectly good existing septic tank/POWTS. We would need to relocate the existing driveway. We would need to relocate power lines, Internet, and phone cables buried in the existing driveway. We would need to move existing sauna clear of new driveway placement. We would have to cut down additional trees for new driveway.

(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.

Yes, there are four physical characteristics: one is the fact that the town road crosses the upper North portion of our lot, (See diagram.) therefore the 63 foot setback from traveled centerline cuts deep into the lot, restricting usage. The second thing is the diagonal angle of the east and west property lines and corresponding 10 foot offsets. This makes it harder to build clear of powerlines, phone and Internet lines. The third thing is the existing driveway, which would have to be moved along with powerlines, phone, Internet, buried within, which would also cause the existing sauna to have to be moved in order to meet above mentioned setbacks. And the fourth thing is the existing POWTS and its corresponding offset. There is really only one place where the garage could be built but it would require a variance from the 63 foot setback.

(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.

It would make it possible for my wife and I to retire here. It would increase the value of the property and the tax base. It would bring money into the community as all contractors and supplies would be sourced in Barron County. It would be an upgrade to the appearance of the neighborhood. We have owned this cabin and lot for 35 years. My tax bill this year was \$3429; that's a lot of money over the years into the community and it will go up.

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.

As you can see from the attached documents there is only one location that will work with what we have planned. If we change the plan by narrowing the building to meet the 5 foot setback from the POWTS the garage would not have room for a vehicle. (27' foundation -2' interior walls -2' overhang - 5' offset = 18'). A pick up truck is 20 feet. With an extended cab 22 feet. If we ran the garage in the other direction, there would be no room for workshop, etc. which is as important to me as the garage proper. There would be little reason to build it.

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

We tried changing the dimensions of the building and all alternatives would eliminate the purposes of the building. No alternative, but a variance would allow for the building to be used for the purposes it is being built. Relocation of the POWTS, the powerlines, Internet, phone, driveway, and sauna, would be cost prohibitive, not to mention wasteful and possibly bringing up other unforeseen problems.

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.

NA 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.
- NA • Viewing/Access Corridor: For proposed dwelling projects on an undeveloped lot, a viewing/access corridor sketch must be submitted.
- NA • 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

1. Existing site conditions
2. Proposed site conditions
3. Floor Plan
4. Storage Floor Plan
5. Exterior Elevations & openings
6. Location Map of Lot
7. Impervious Surface Form
8. Variance & SEx Town Consideration Form
9. Note: The area of the request is staked out in green marking tape

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.

Taren Dault
 Owner Signature

3 / 13 / 24
 Date

 Agent Signature

 Date

Barron County Board of Adjustments,

I am requesting a 16 foot variance from the 63 foot offset from traveled centerline. I am hoping to build a single car garage with workshop and bathroom. To the best of my knowledge, the building meets all allowable requirements. However, to build it and meet the purposes for which it is being built, there is only one location on the property that would allow for it. This is because of the following reasons: (see attached diagrams and maps)

1. The Town Road crosses a portion of the northern part of my property. (in essence, I own a portion of the road.) This places my northern property line 15 feet 8 1/2 inches from the traveled centerline. Consequently, the 63 foot offset lands deep into the lot, restricting building space to the north.
2. The existing septic tank/POWTS is so located that it restricts building space to the south.
3. The existing driveway in which the powerlines, phone lines, and Internet lines are buried restricts building space to the west.
4. The angled lot lines of the property further complicate the placement of the building.

I would note the following:

This Town Road is a lightly traveled dead end road. (see map)

There is no foreseeable development on this portion of the road.

The Town of Bear Lake Township requires a 33 foot offset and so the Township Board has no objections. (See attached document. If granted, the variance would put the building at 47 feet from traveled centerline.)

All contractors, labor and materials will be sourced in Barron County.

I have owned and paid taxes on this property for 35 years.

Thank you for your consideration,
Loren Deutz



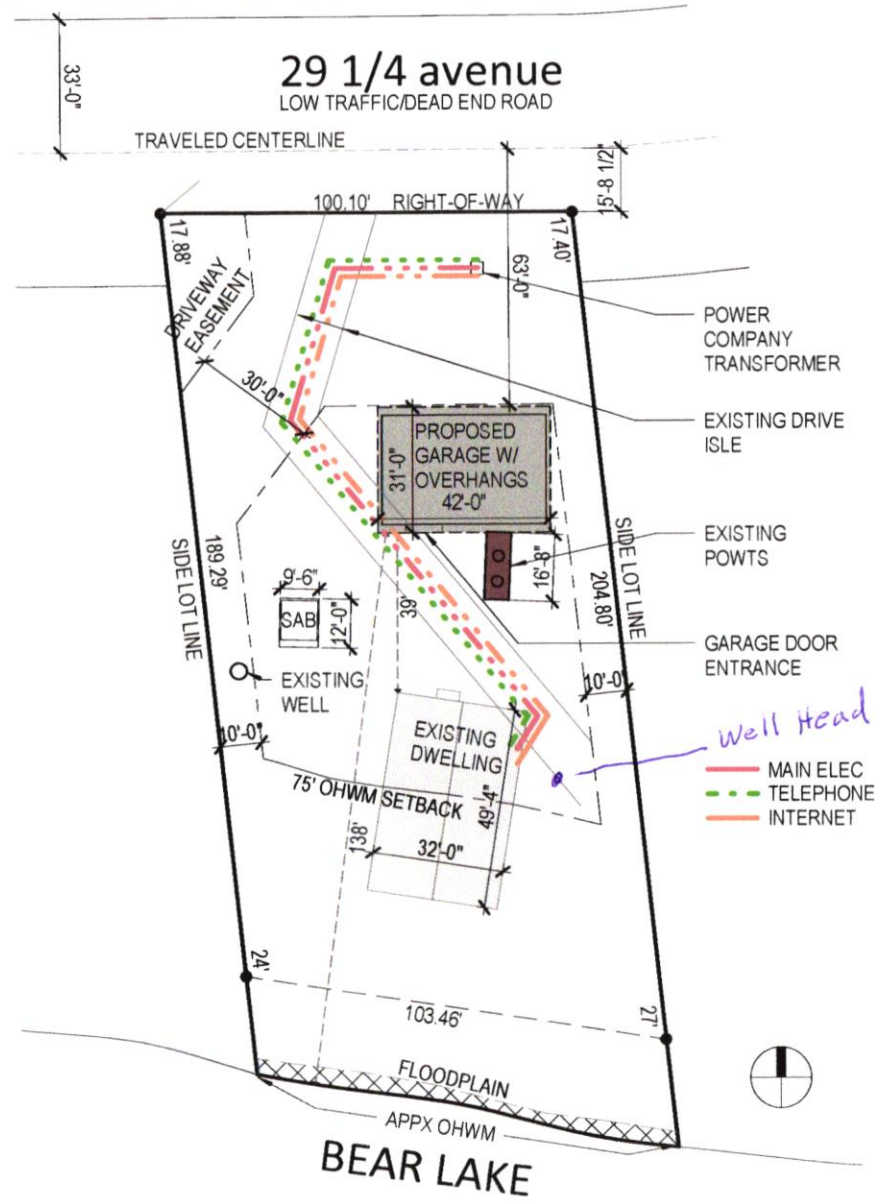
RECEIVED

MAR 20 2024

BARRON COUNTY ZONING OFFICE

DEUTZ GARAGE

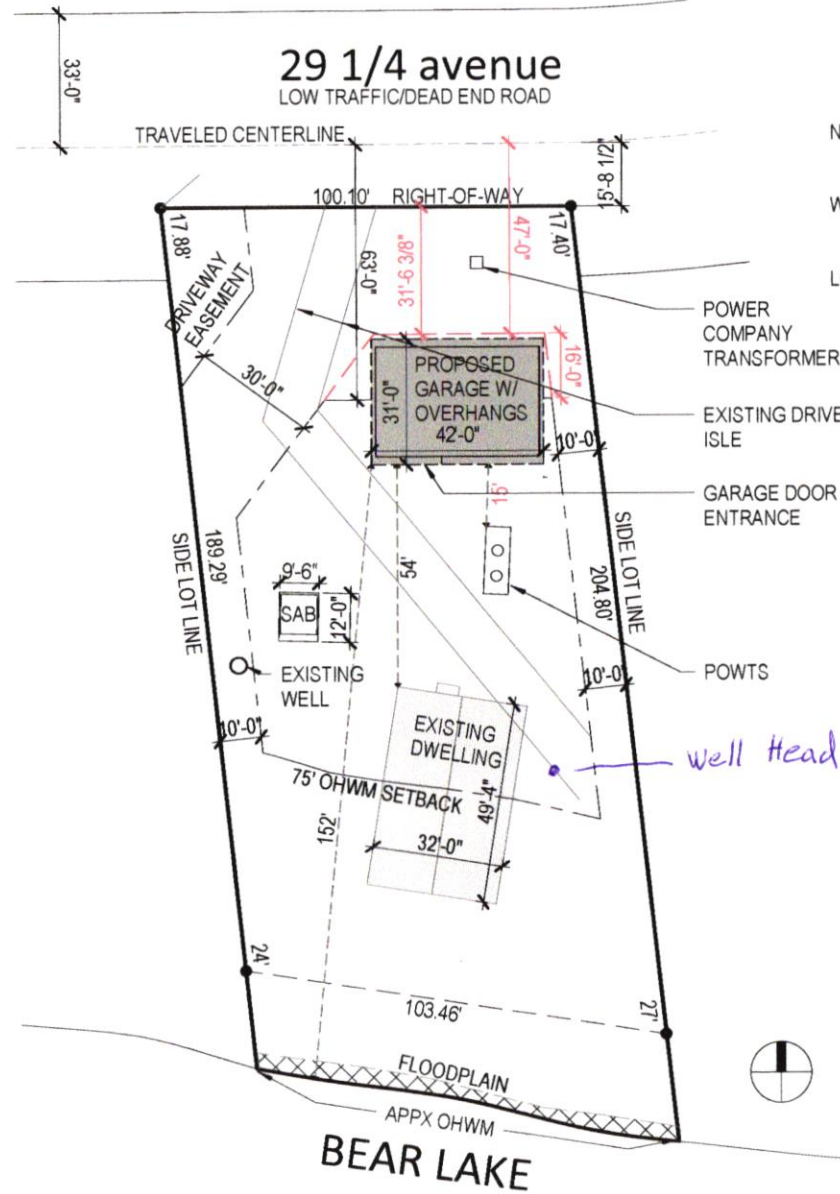
EXISTING SITE CONDITIONS



1" = 30'-0"

DEUTZ GARAGE

PROPOSED SITE CONDITIONS

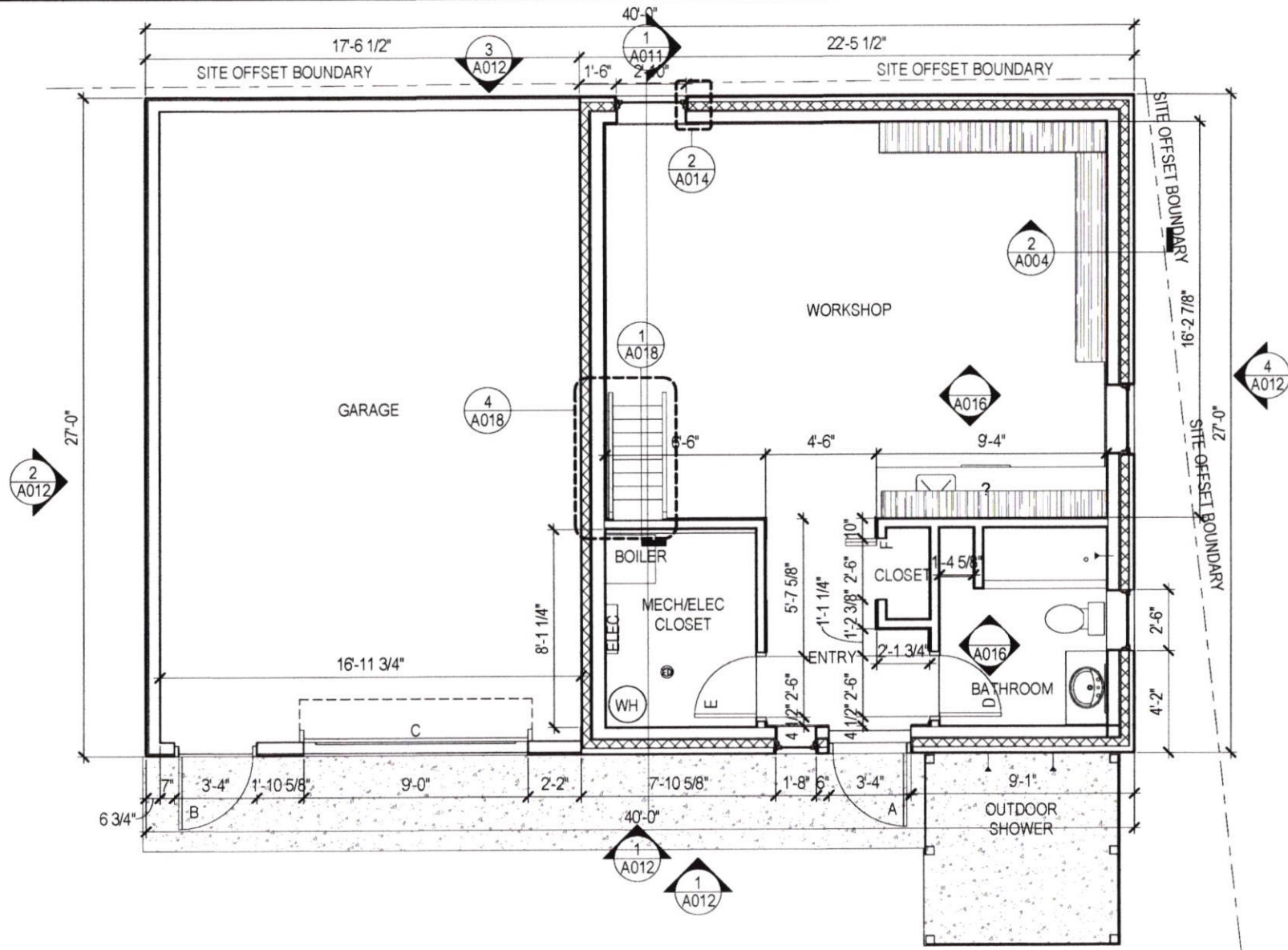


NOTES:

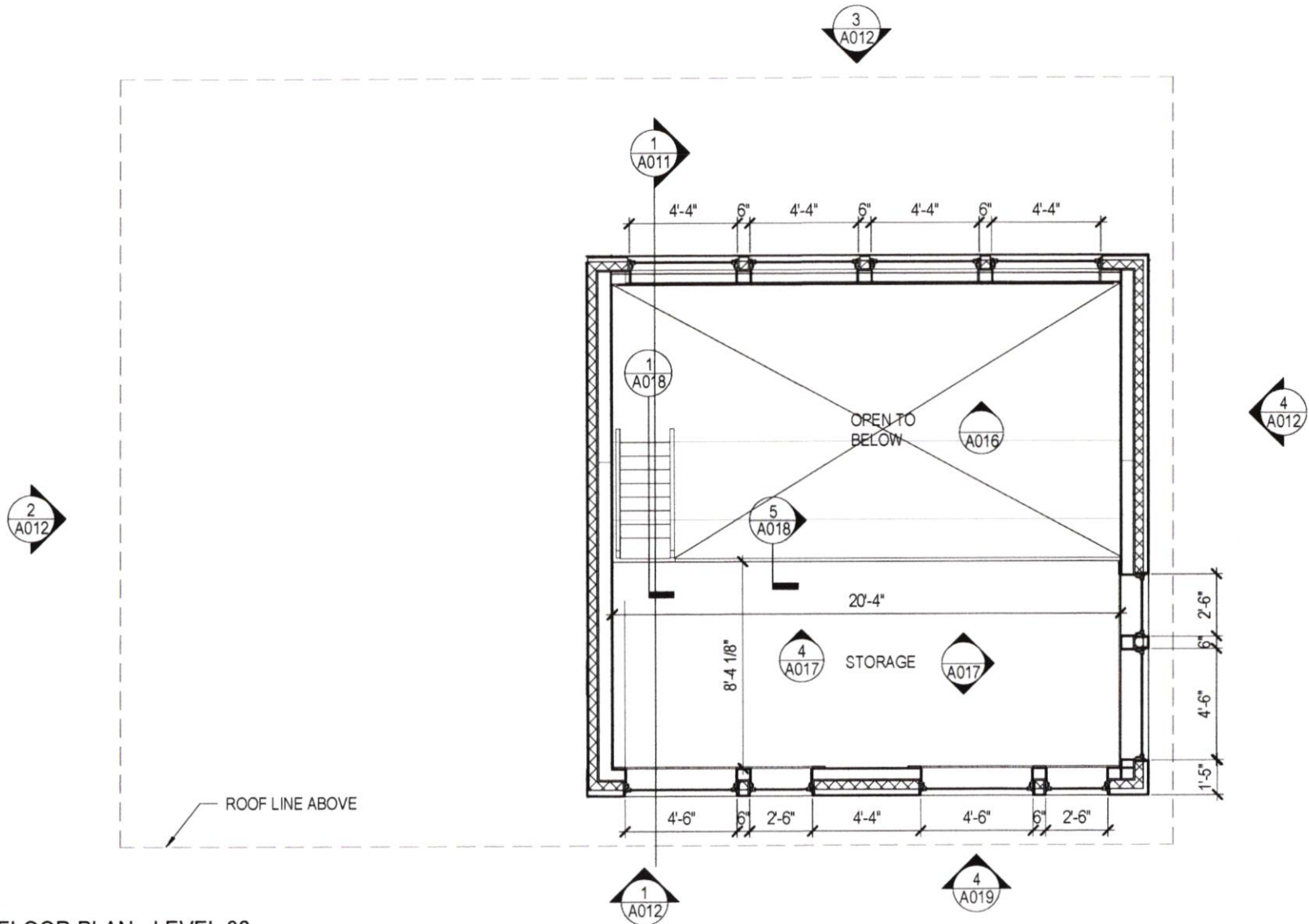
- OUR LOT HAS RESTRICTIVE USAGE DUE TO RIGHT-OF-WAY CROSSING THE PROPERTY
- NO FUTURE DEVELOPMENT FORSEEN ON ROAD
- ALL CONTRACTORS UTILIZED TO BUILD NEW GARAGE ARE LOCALLY USED FROM BARRON COUNTY

DEUTZ GARAGE

A005 - FLOOR PLAN



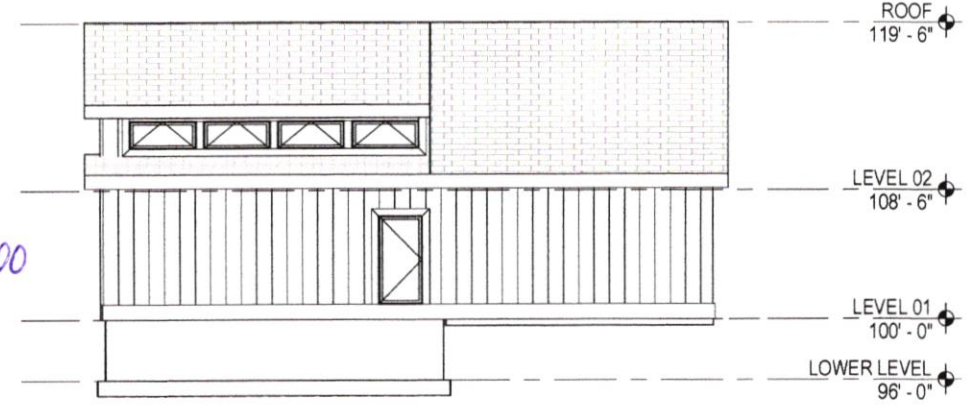
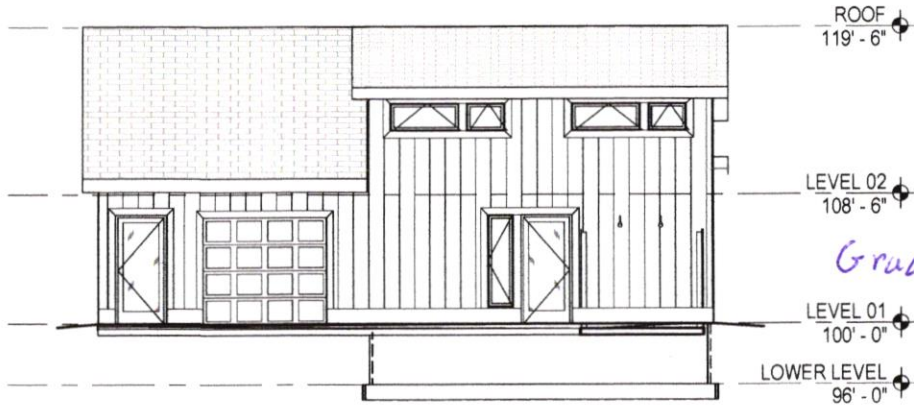
1/4" = 1'-0"



1 FLOOR PLAN - LEVEL 02
1/4" = 1'-0"

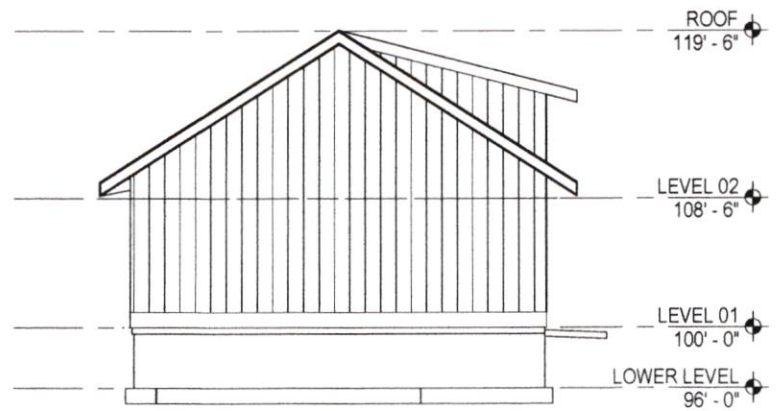
DEUTZ GARAGE

A012 - EXTERIOR ELEVATIONS & OPENINGS

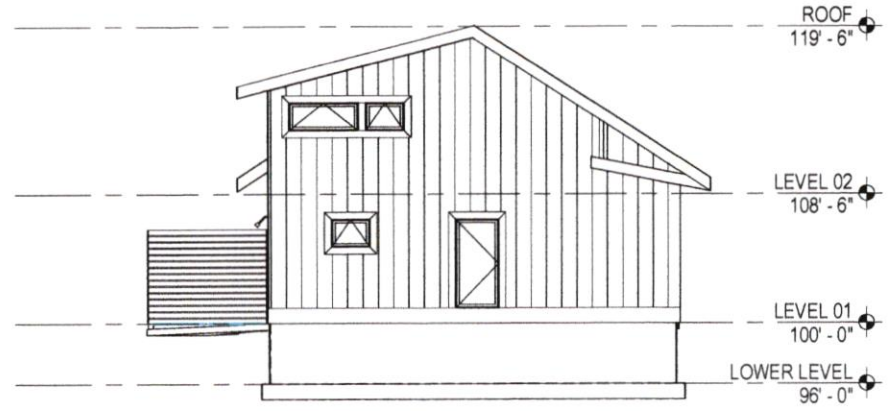


1 SOUTH ELEVATION
1/8" = 1'-0"

3 NORTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"

1/8" = 1'-0"

ORDINANCES RELATING TO HEARING

Applicant/Owner: Loren G. Deutz Rev. Trust & Lynn A. Kiely Trust
Previous Appeals: N/A

Appeal: 3952

Request: a variance to construct an accessory structure with a reduced setback to the centerline and right-of-way of a Town road, in a Recreational-Residential district, located in the Town of Bear 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.

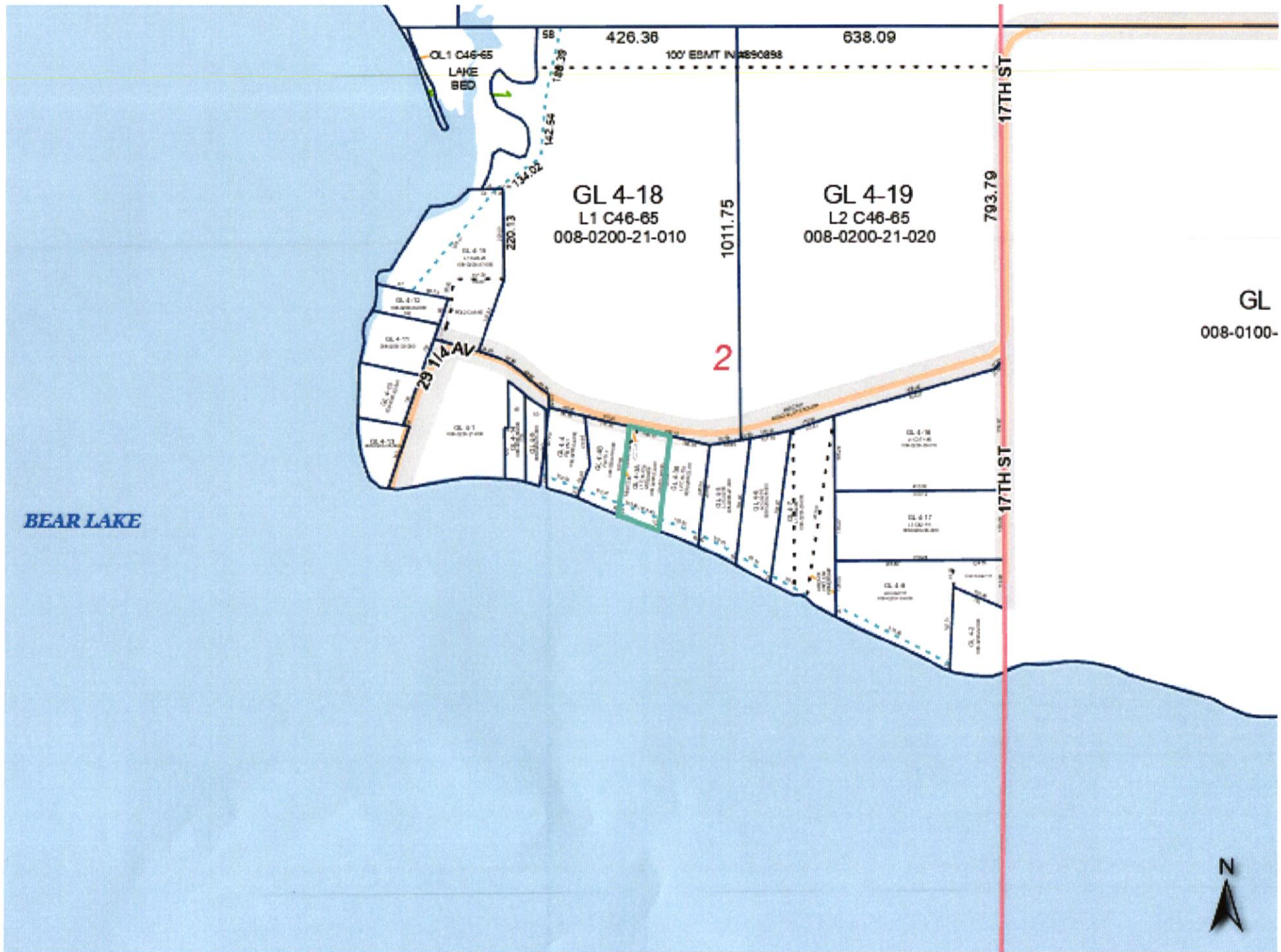
Section 17.36 RECREATIONAL-RESIDENTIAL The Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will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



BEAR LAKE

OL 1 C46-65
LAKE
BED

GL 4-18
L1 C46-65
008-0200-21-010

GL 4-19
L2 C46-65
008-0200-21-020

GL
008-0100-

2

29 1/4 AV

17TH ST

17TH ST

426.36

638.09

1011.75

793.79

142.54

134.02

220.13

188.39

58

100' EDMT IN 8890898

100'

100'

100'

100'

100'

100'

100'

100'

100'

100'

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100'

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100'

100'





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 Bear Lake, WI

Owner: Loren Deutz and Lynn Kiely

Applicant/Agent: Same

Property Address: 1685 29 1/4 Ave. Rice Lake Property Tax ID #: 068-0200-33-001

Explain Request: (must match explanation on application) WI 54368
There will be unnecessary
handship to the property owner, in building a garage,
to strictly comply with, the 63' offset from centerline
of 29 1/4 Ave, ordinance. Due to PDWTS, Power lines, Phone & Internet
lines
see ATTACHED

Section B - to be completed by the Township

The Town Board is: In Favor Neutral Opposed

EXPLANATION OF TOWN BOARD DECISION:

The board reviewed the documentation
provided - Paul Toft cited 33 feet from the
center of the road as a guide - and being
47 feet from the center of road he saw no
issue. The board decision is to remain neutral.

Date: March 13, 2024

Signed: Paul Toft
(Town Chairman)

OR Signed: _____
(Town Clerk)

PAUL TOFT
Print Name

Print Name

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

RECEIVED

MAR 20 2024