

BOARD OF ADJUSTMENT MEETING

Monday, June 3, 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 #3956: Joseph A. & Margaret S. Kizaur 2016 Jt. Rev. Trust, property owner; Jeff Abbuehl, agent, Requests a variance to allow an accessory structure constructed within the setback to the centerline and right-of-way of a Town Road in a Recreational-Residential district. Property address: 1410 31/2 Street, Turtle Lake, Wisconsin

6. Discussion: Appeal #3910
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
May 13, 2024, 9:00 a.m.**

Present: Board of Adjustment: Amy Kelsey, Dan North, Pam Fall, Gary Nelson.
County Personnel: David Gifford, Marshall Black, Kim Collins.
Other: Keith Hardie, Richard Butzler.

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

Motion: (Kelsey/Fall) to approve the April 15 and 22, 2024 minutes; carried.

9:00 a.m. Appeal #3954: Veteran Owned Properties, LLC, property owner, Requests a special exception to expand an existing business and add a building in a Business district.

Nelson opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. Gifford provided a staff report. **Motion:** (Fall/Kelsey) to include Appeals 3004, 3009, 3039 and 3419; carried. No correspondence or public testimony. After Board questions, **motion:** (Kelsey/Fall) to close testimony; carried 4-0. **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. An accessory structure no larger than 58' x 60' for business storage is allowed; no rental or retail use is allowed in this structure.
3. All lighting shall be downward facing and directed away from neighboring properties.
4. All limitations from previous appeals are still applicable.

Motion carried 4-0.

9:10 a.m. Appeal #3955: Bruce W. & Jocelyn M. Sellent, property owners, Requests a special exception to establish a farm family business, being a grain storage business in an Agricultural-1 district.

Nelson opened the hearing and read the public notice. The Board reviewed the file and received testimony from the applicant. Gifford provided a brief overview and requested a site plan from the applicant, which was submitted. No correspondence or public testimony. After Board questions, **motion:** (North/Kelsey) to close testimony; carried 4-0. **Motion:** (Kelsey/North) 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. The grain drying and storage business is approved as established by the map shown as Exhibit 1, which include 4 grain bins (one proposed and three existing), scale, scale house, dryer and existing pole shed.
3. Any lighting must be downward facing and all setbacks must be met.

Motion carried 4-0.

Discussion: Appeal #3910 – The Board and Gifford discussed the conditions of the appeal with the applicant, questioning whether the operation of the business is in compliance with the approval. After discussion, committee consensus is to view the property at an onsite scheduled for May 21, 2024 at 9:00 a.m.

Motion: (Fall/Kelsey) to adjourn the meeting at 11:27 a.m.; carried.

Respectfully submitted,

Kim Collins
Administrative Assistant

**Barron County Zoning
Board of Adjustment Onsite
May 21, 2024, 9:00 a.m.**

Present: Board of Adjustment: Gary Nelson, Dan North, Keith Hardie, Amy Kelsey, Pam Fall
County Personnel: David Gifford, Marshall Black

Vice Chair Nelson called the meeting to order at 9:03 a.m.

The Board viewed the property at 2248 20 1/4 Street, Rice Lake, Wisconsin, in reference to the approval conditions for Appeal #3910.

Motion: (Hardie/North) to adjourn at 9:30 a.m. Motion carried.

Respectfully submitted,

Kim Russell-Collins
Administrative Secretary

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, June 3, 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 allow an accessory structure constructed within the setback to the centerline and right-of-way of a Town Road, in a Recreational-Residential district on property described as Lot 3 & S ½ Lot 4 Midway Beach, consisting of 0.48 acres, located in Section 22, T34N, R14W, Town of Almena, 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: Joseph A. & Margaret S. Kizaur 2016 Jt. Rev. Trust
Property address: 1410 31/2 Street, Turtle Lake, Wisconsin

All persons interested are invited to attend said hearing.

Dated at Barron, Wisconsin, this 15th day of May, 2024.

Barron County Board of Adjustment
Gary Nelson, Vice 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: Joe Kizaur

Agent: Jeff Abbuchl

Address: 1410 3-1/2 Ave

Address: W 5708 CTY HWY B

City/State/ZIP: Turtle Lake WI 54889

City/State/ZIP: SARONA WI 54870

Daytime Phone: 920 609-2128

Daytime: 715-294-3019

Email: joepthkizaur@yahoo.com

Email: beaverbrookcabinCare@outlook.com

SITE INFORMATION

Parcel I.D. Number: 002 - 4044 - 04 - 000

Property Address: 1410 3-1/2 Ave Turtle Lake 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 GARAGE

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? Yes

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

Describe project: Building WAS PLACED 53FT from Centerline of Road
As Per Direction from Town Chairman WHO I CALLED AND EXPLAINED
WHAT THE Project WAS Nothing WAS SAID other Than THE SetBACK of 53FT

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 # 3956 Hearing Date: 6/3/24 Other appeals N/A

Name of Water Body: Upper Turtle Lake Zoning Dist.: RR

Reviewed By: [Signature] Date 5/16/24

DATE RECEIVED:

RECEIVED

MAY 08 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.

GARAGE WAS BUILT UNDER TOWNSHIP REPRESENTATIVE SAYING
THAT ~~IF~~ THE SET BACK WAS 53 FEET OFF CENTER LINE OF
ROADWAY

(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.

PLACEMENT OF GARAGE WAS PLACED TO AVOID DISTURBING REAR
AREAS IN EXISTING YARD & PROPERTY

(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.

NO PROBLEMS WOULD IMPACT ANYONE ALONG ROADWAY THERE IS OTHER
PROPERTIES WITH STRUCTURES CLOSER THAN 53 FT FROM CENTERLINE

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.

IF THE STRUCTURE WOULD HAVE TO BE RELOCATED IT WOULD CAUSE ISSUES
BEING TOO CLOSE TO THE HOUSE STRUCTURE

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

The Location The Building is at Doesn't Pose a Issue To The Neighborhood
 AT ALL nor Does IT Pose Any Issues To The Road for Traffic
 The Distance from Centerline was Measured from Centerline with a Laser

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

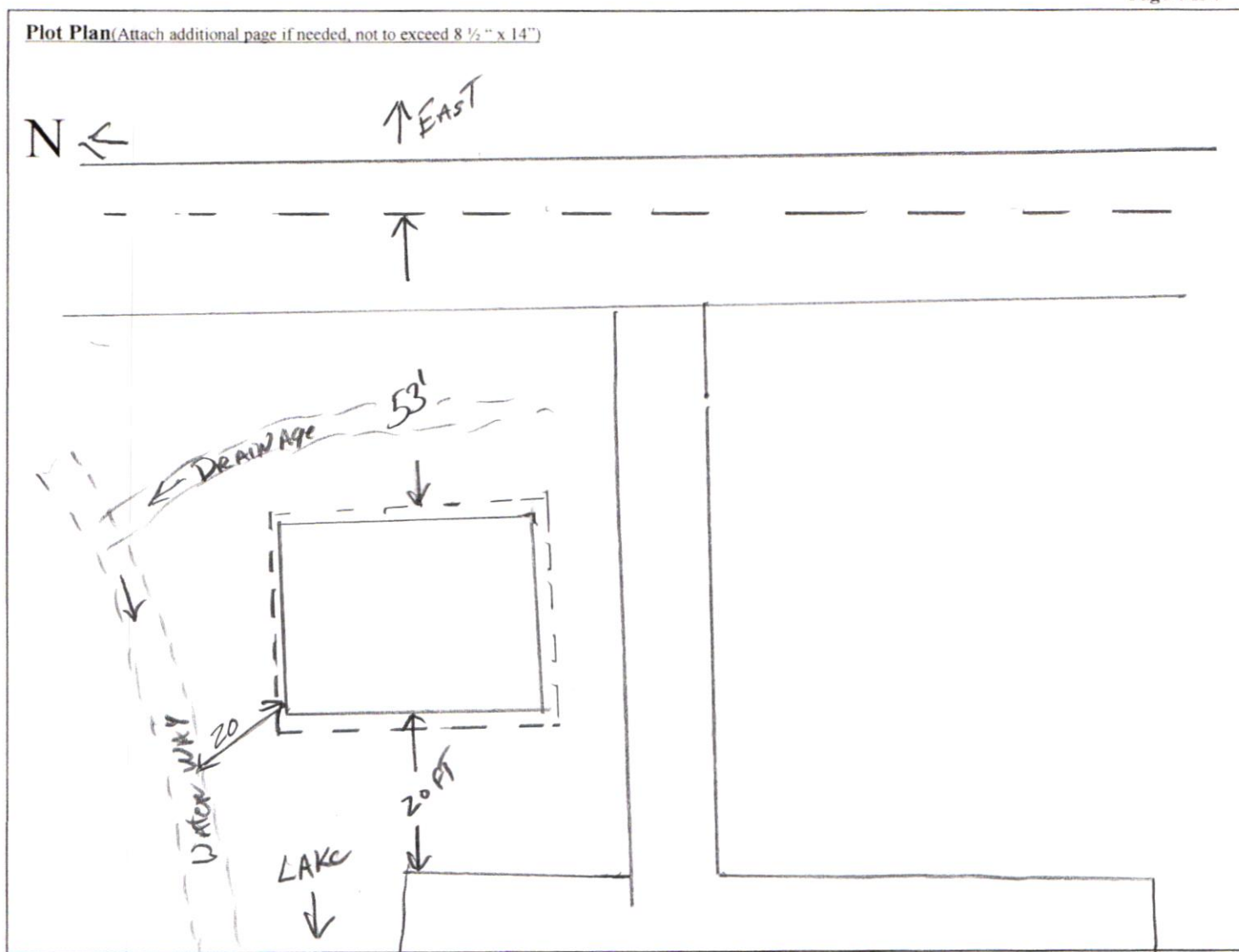
All measurements are from the furthest extension of the structure (eaves, overhangs, etc are part of the structure) to the nearest point of a setback.

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.



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

Date _____

4 / 16 / 2024

Agent Signature

Date _____

ORDINANCES RELATING TO HEARING

Applicant/Owner: Joseph A. & Margaret S. Kizaur 2016 Jt. Rev. Trust
Previous Appeals: N/A

Appeal: 3956

Request: a variance to allow an accessory structure constructed within the setback to the centerline and right-of-way of a Town Road, in a Recreational-Residential district, located in the Town of Almena.

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

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

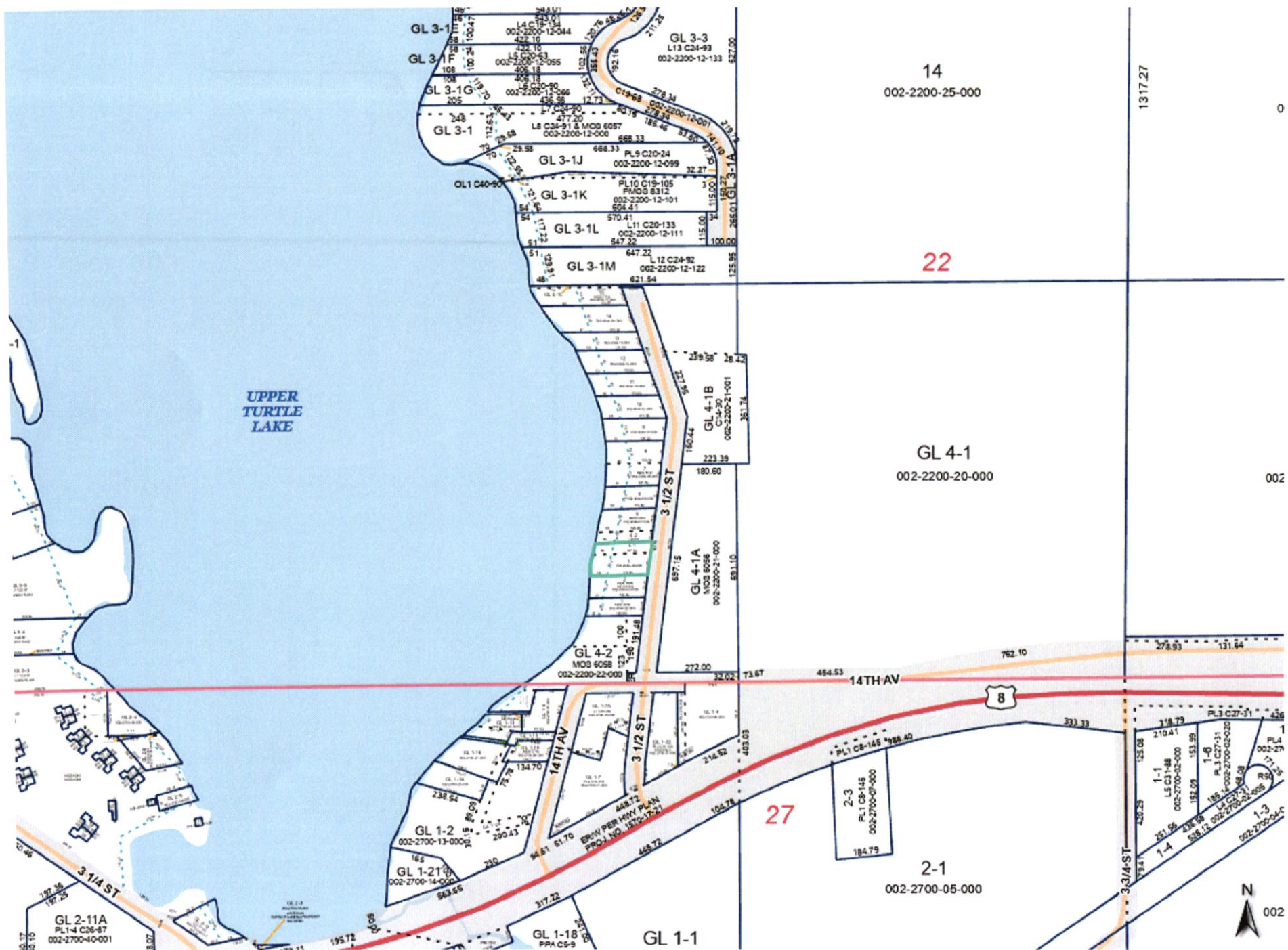
Section 17.36 RECREATIONAL-RESIDENTIAL The Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will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

Section 17.41 SHORELAND OVERLAY AREA

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

Ordinances relating to this Appeal:

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





VARIANCE and SPECIAL EXCEPTION TOWN CONSIDERATION FORM

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

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

Type of Request: ☒ Variance ☐ Special Exception

Town of Almena

Owner: Joc Kizaur

Applicant/Agent: Jeff Abbaehl

Property Address: 1410 3-1/2 St Street Property Tax ID #: _____

Explain Request: (must match explanation on application) Variance for SET BACK OFF 3 1/2 Street
TO GARAGE Distance Off Centerline Is 53 FT

Section B - to be completed by the Township

The Town Board is: ☒ In Favor ☐ Neutral ☐ Opposed

EXPLANATION OF TOWN BOARD DECISION:

Date: 5-13-24

Signed: Ker Scheps
(Town Chairman)

OR Signed: _____
(Town Clerk)

Ker Scheps
Print Name

Print Name

RECEIVED

MAY 16 2024

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

BARRON COUNTY ZONING OFFICE