

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****MAY 19, 2025****CHIPPEWA COUNTY COURTHOUSE, RM 302****8:30 AM****1. CALL TO ORDER****2. ROLL CALL**

Attendee Name	Organization	Title	Status	Arrived
Jeff Bennesch	Chippewa County	Citizen Rep (Chair)	Present	
Roger McFarlane	Chippewa County	Citizen Rep (Vice Chair)	Present	
Doug Matthews	Chippewa County	Citizen Rep	Present	
Julie Geissler	Chippewa County	Citizen Rep	Present	
Larry Marquardt	Chippewa County	Citizen Rep	Present	
Carolyn Kaiser	Chippewa County	Citizen Rep - Alternate	Present	
Dale Shipman	Chippewa County	Citizen Rep - Alternate	Absent	

Note. Mr Shipman did not seek reappointment to the BOA. His name will need to be removed.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. APPROVAL OF AGENDA

Motion to approve the agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Doug Matthews, Citizen Rep
SECONDER:	Roger McFarlane, Citizen Rep (Vice Chair)
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt

5. PUBLIC HEARING**1. 2025-0001 Dallas Variance Request**

A general discussion occurred regarding the bathroom located in the accessory structure and how it came to be. Greg Gruna read his staff report and answered general questions regarding the variance request. Ryan Dallas (petitioner) also answered a few general questions from the BOA. Gruna read an email he received from John LaFlamme, Ryan Dallas' neighbor, in support of the variance being issued. General discussion on the petition occurred.

Motion to grant the variance due to the following:

1. Mr. Dallas was upfront with his intentions for the shed with the bathroom.
2. The zoning permit was issued accidentally by Gruna.
3. Mr. Dallas has signed an affidavit stating, among other conditions, that no living quarters or commercial use of the structure is allowed.

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

May 19, 2025
8:30 AM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Geissler, Citizen Rep
SECONDER:	Larry Marquardt, Citizen Rep
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

None

7. ADJOURN

Motion to Adjourn.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Geissler, Citizen Rep
SECONDER:	Roger McFarlane, Citizen Rep (Vice Chair)
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt



**STATEMENT OF EXPLANATION
2025-0001 DALLAS VARIANCE REQUEST**

5.1

To allow habitable living space (a bathroom) to be constructed in an accessory structure, which is not allowed per the accessory structure definition, 55-5(2), of the Chippewa County Shoreland Ordinance. This request is for Lot 1, Certified Survey Map 1619 (Parcel number 22808-1211-71619001), which is located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 12, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 5899 189th Street.

(Posted on May 9, 2025)
Chippewa County Website & County Clerk's Bulletin Board

CHIPPEWA COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that a public hearing will be held on **May 19, 2025** beginning at **8:30am** in room 302 of the Chippewa County Courthouse, Chippewa Falls, Wisconsin, relative to following request:

Variance Petition: #2025-0001

Appellant: Ryan & Tracie Dallas

To allow habitable living space (a bathroom) to be constructed in an accessory structure, which is not allowed per the accessory structure definition, 55-5(2), of the Chippewa County Shoreland Ordinance. This request is for Lot 1, Certified Survey Map 1619 (Parcel number 22808-1211-71619001), which is located in the NW ¼ of the NE ¼, Section 12, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 5899 189th Street.

All persons interested are invited to attend. Specific information regarding this hearing can be obtained at the Chippewa County Department of Planning & Zoning.

Dated this 9th day of **May**, 2025.

Attachment: 2025-0001 Dallas Variance - Public Notices & Maps (8970 : Variance Petition: #2025-0001)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

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Land Management

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POWTS & Wells

Date: May 12, 2025

To: Property Owner(s)

From: Douglas Clary, Director



Re: Public Meeting & Public Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a request for a variance and your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcel associated with this request. If you have any questions, please contact me at (715) 726-7941.

Variance Request: #2025-0001

Appellant: Ryan & Tracie Dallas

To allow habitable living space (a bathroom) to be constructed in an accessory structure, which is not allowed per the accessory structure definition, 55-5(2), of the Chippewa County Shoreland Ordinance. This request is for Lot 1, Certified Survey Map 1619 (Parcel number 22808-1211-71619001), which is located in the NW ¼ of the NE ¼, Section 12, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 5899 189th Street.

Chippewa County Board of Adjustment:

The Chippewa County Board of Adjustment (BOA) will hold a **PUBLIC HEARING** on **May 19, 2025 at 8:30 AM**, in room 302, of the Chippewa County Courthouse at 711 N. Bridge Street, Chippewa Falls, Wisconsin. The BOA will make a determination to approve or deny the request.

Attachment: 2025-0001 Dallas Variance - Public Notices & Maps (8970 : Variance Petition: #2025-0001)

2025-0001 Dallas Variance Request Location Map



Attachment: 2025-0001 Dallas Variance - Public Notices & Maps (8970 : Variance Petition: #2025-0001)

2025-0001 Dallas Variance Request
Aerial (2023)

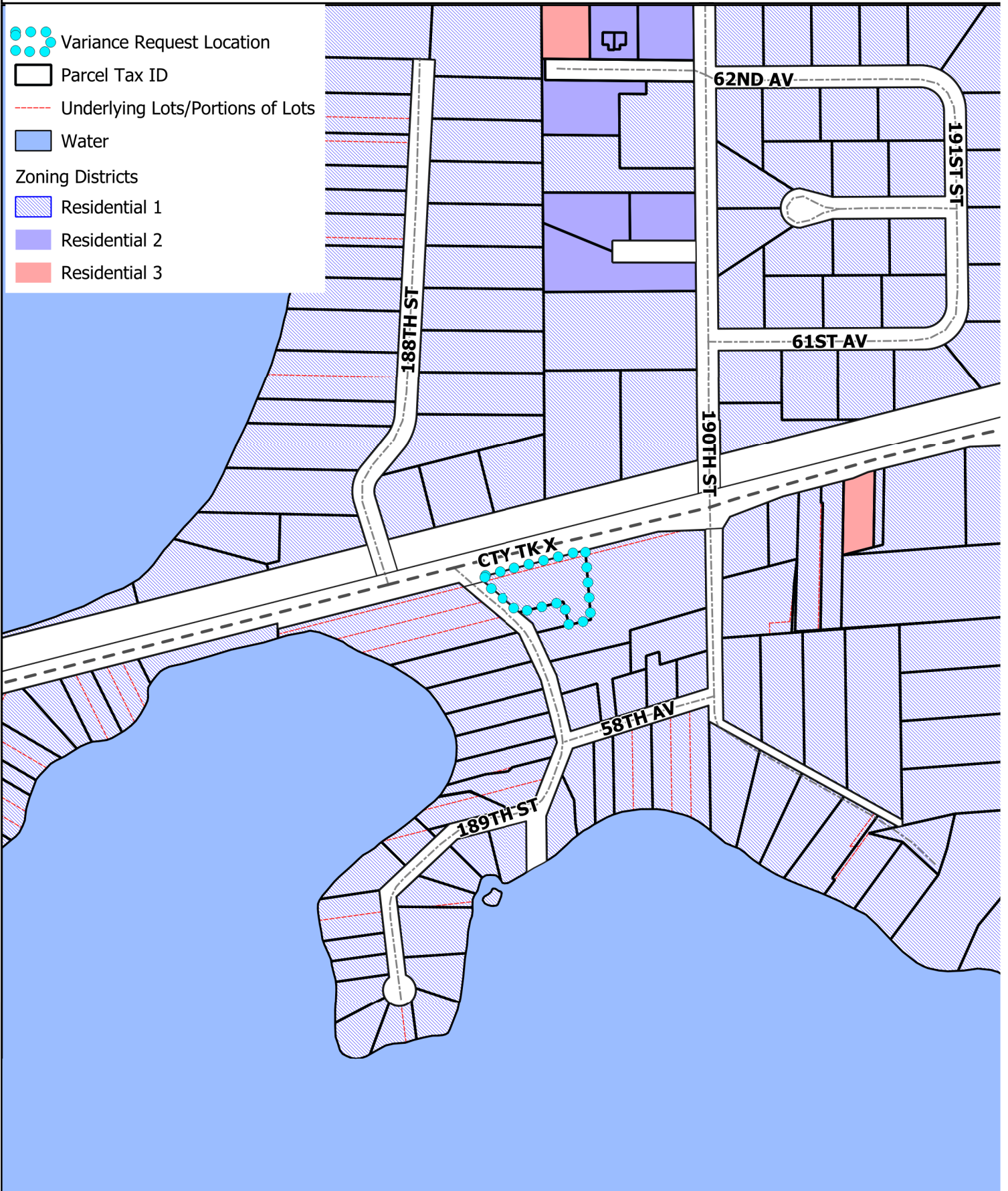
5.1.a



Attachment: 2025-0001 Dallas Variance - Public Notices & Maps (8970 : Variance Petition: #2025-0001)

2025-0001 Dallas Variance Request Zoning Districts

-  Variance Request Location
-  Parcel Tax ID
-  Underlying Lots/Portions of Lots
-  Water
- Zoning Districts
 -  Residential 1
 -  Residential 2
 -  Residential 3



Attachment: 2025-0001 Dallas Variance - Public Notices & Maps (8970 : Variance Petition: #2025-0001)

- (4) This ordinance may establish standards to regulate matters that are not regulated in NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in section 55-3 of this ordinance.
- (5) Per Wis. Stat. § 59.692(1k)(a), Chippewa County may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - a. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - b. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- (g) *Public Facilities.* The construction and maintenance of a “facility” is considered to satisfy the requirements of a shoreland zoning ordinance if:
 - (1) The Department has issued all required permits or approvals authorizing the construction or maintenance under chs. 30, 31, 281, or 283, Wis. Stats.
 - (2) Under this paragraph, a "facility" means any property or equipment of a public utility, as defined in Wis. Stat. § 196.01 (5), or a cooperative association organized under ch. 185, Wis. Stat., for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.
- (h) *Interpretation.* In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of Chippewa County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by a statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (i) *Severability.* If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 55-5. Definitions.

- (a) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- (b) The following terms used in this ordinance mean:
 - (1) *Access and Viewing Corridor* means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

- (2) *Accessory Structure or Use* means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. An accessory structure shall not have habitable living spaces.
- (3) *Administrator* means the employee of the Department of Planning and Zoning officially designated to administer and enforce this ordinance or an agent designated by the Administrator.
- (4) *Boathouse* means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
- (5) *Class 2 Legal Notice* means a required notice under Wis. Stats. §985.07(2). The Class 2 legal notice shall be posted per sec. 2-3 of the Chippewa County Code or Ordinances.
- (6) *Conditional Use* means a use which is permitted by this ordinance provided that certain conditions specified in this ordinance are met and that a permit is granted by the Committee.
- (7) *Committee* means the Planning and Zoning Committee which is made up of County Board members and oversees the policy for planning and zoning as outlined under Wis. Stat. § 59.69(2)(a).
- (8) *Department* means the Department of Natural Resources.
- (9) *Existing Development Pattern* means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
- (10) *Floodfringe* means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and generally associated with standing water rather than flowing water.
- (11) *Floodplain* means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Wis. Adm. Code Natural Resources (NR) 116.
- (12) *Floodway* means that channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (13) *Footprint* means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

- (14) *Generally Accepted Forestry Management Practices* means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (15) *Habitable Living Area* means any area of a structure which will be or could be used for sleeping, living, dining purposes, kitchens, bath or toilet rooms, laundries or similar spaces.
- (16) *Impervious Surface* means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Adm. Code Natural Resources (NR) 340.01(54), or sidewalks as defined in Wis. Adm. Code Natural Resources (NR) 340.01(58), are not considered impervious surfaces.
- (17) *Landing* means a platform between flights of stairs or a place where persons or water-related equipment are landed or stored or an area to safely exit a structure.
- (18) *Lot* means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.
- (19) *Lot Area* means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters.
- (20) *Lot, Previously Developed* means a lot or parcel that was developed with a structure legally placed upon it.
- (21) *Lot of Record* means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.
- (22) *Lot, Substandard* means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.
- (23) *Minimum Average Lot Width* means the average of the distances between the following points: The ordinary highwater mark, the structure setback line and the rear lot line. The measurements shall be perpendicular to the property line
- (24) *Mitigation* means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (25) *Navigable Waters* means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland

- g. not be granted for a self-created hardship.
- (i) *Compensation.* The Board of Adjustment shall be paid the same per diem and mileage as authorized for the County Board.

(Ord. No. 15-24, 09-10-2024)

Sec. 55-14. Fees.

- (a) The County Board may, by resolution, adopt fees for the following:
 - (1) Zoning permits.
 - (2) Building permits.
 - (3) Public hearings.
 - (4) Conditional use permits.
 - (5) Any other fees associated with the administration and enforcement of this ordinance.

Sec. 55-15. Changes and Amendments.

- (a) The County Board may from time to time alter, supplement or change the boundaries of districts and the regulations contained in this ordinance in accordance with the requirements of Wis. Stat. § 59.69, Wis. Admin. Code Natural Resources (NR) 115, and section 55-30 where applicable.
- (b) Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stat. § 59.69.
- (c) Every petition for a text or map amendment filed with the clerk shall be referred to the Committee. A copy of each petition shall be mailed to the appropriate area office of the department within five days of the filing of the petition with the clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate area office of the department at least ten days prior to the hearing. The Board shall give public notice thereof by publishing a Class 2 legal notice, specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest.

(Ord. No. 15-24, 09-10-2024)

Sec. 55-16. Zoning Permits.

- (a) *Required.* No structure shall be constructed, enlarged, altered or moved after the effective date of this ordinance within any area subject to this ordinance until all applicable permits have been issued, except where a section of this ordinance specifically exempts it from this requirement
- (b) *Application.* Application for permits shall be made in writing to the Administrator upon a form furnished by the Administrator and shall include for the purpose of proper enforcement of these regulations, the following information:

- (1) Name and address of applicant and property owner.
 - (2) Legal description of the property and type of proposed use.
 - (3) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
 - (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - (5) Plans for appropriate mitigation when required.
 - (6) Payment of the appropriate fee.
 - (7) Additional information required by the Administrator.
- (c) *Evidence of Property Lines.* Prior to granting any permit required under this ordinance, it is the duty of the property owner to present satisfactory evidence to the Administrator as to the location of the property lines relevant to the permit. The property owner/applicant may meet the evidence requirement by identifying the existing plat or certified survey markers. The Administrator may accept a mutually acknowledged lot line confirmed in writing by abutting property owners, provided that in any case where the Administrator should reasonably question the location of a property line, the Administrator may require a licensed survey thereof. The owner/applicant is responsible for survey costs. Granting a permit does not in itself determine property lines or the respective property rights of adjacent property owners.
- (d) *Termination.* Where a permitted use or structure does not continue in conformity with the original approval, the permit may be terminated by action of the Committee.
- (e) *Permit Fee.* Application for permits or certificates prepared under the regulations of this ordinance shall be accompanied by a fee set by the County Board. A copy of the current fee schedule shall be kept on file in the Department of Planning and Zoning. Any structure found not having a permit shall be subject to after-the-fact fees as set forth by the County Board.
- (f) *Lapse of Permit.* A zoning permit issued according to the regulations of this ordinance shall lapse and be void unless construction of the structure has commenced within 6 months from the date of issuance. A zoning permit shall expire unless construction of the exterior has been completed within one year from the date of issuance of the permit and the structure itself has been completed within two years of issuance of such permit. An expired permit can be renewed for a \$25.00 fee if renewed within 2 months of the date of expiration otherwise re-application will be required. The renewed permit can only be for an additional 6 months. All applicable code and ordinance requirements in effect at the time of a renewal shall apply to the project.
- (1) The exterior of the structure includes such things as final exterior siding, roofing, windows, and doors.
- (g) *Extensions.* The Administrator may grant an extension to keep a permit from becoming void or expired based on reasonable cause.

Chippewa County DEPARTMENT OF PLANNING & ZONING

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Land Management

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POWTS & Wells

Date: Tuesday, May 13, 2025

To: Jeff Bennesch, Board of Adjustment Chair

From: Gregory Gruna, Chippewa County Zoning Inspector

Re: Appeal # 2025-0001 – Dallas – Variance Request

1. **Appellant Name:** Ryan & Tracie Dallas
2. **Agent:** Ryan & Tracie Dallas
3. **Property Location/Address:** Lot 1, Certified Survey Map 1619 (Parcel number 22808-1211-71619001), which is located in the NW ¼ of the NE ¼, Section 12, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 5899 189th Street.
4. **Variance Request:** To allow habitable living space (a bathroom) to be constructed in an accessory structure.
 - (a) **CONFLICT:** A bathroom is not allowed in an accessory structure per Section 55-5(2) of Chippewa County Shoreland Zoning Ordinance.
5. **Ordinance Provisions:**
 - (a) Section 55-5(2) of the Shoreland Zoning Ordinance states an Accessory Structure shall not have habitable living spaces. Section 55-5(15) gives the definition of a Habitable Living Area. I have attached a copy of these sections for your review.
6. **Variance Framework:** In order to determine whether a variance should be granted, the Department of Planning & Zoning utilizes the Wisconsin State Supreme Court's decision in *State v. Zervogel*, (2004). I believe that the following questions need to be addressed to verify whether or not the request qualifies for a variance.
 - (a) Is this an area variance such as a setback, height, bulk or density?
 - (b) Did the applicant establish by burden of proof his or her eligibility for a variance?
 - (c) In the BOA's opinion, is it unnecessarily burdensome for the property owner to comply with the regulations? In other words, the question is whether a variance should be granted because living without it would be unnecessarily burdensome.
 - (d) Is there unnecessary hardship associated with this particular piece of property? Does the property owner have an existing use already established on the property?
 - (e) Are there unique physical limitations of the property that are preventing the property owner from complying with the regulations?
 - (f) Is this a self-created hardship? Did the property owner start the project without the proper permits?
 - (g) Does the variance, if granted, result in harm to the public interest? What are the impacts of the proposal and the cumulative impacts on similar projects on the interests of the neighbors, the community and the general public?
 - (h) What are the objectives and the purposes of the ordinance?
7. **Correspondence/Communication:** Property owners within 400' of the applicant's property were notified of the variance hearing. In addition, a public hearing notice was posted in the Chippewa County Courthouse and on the County's website per County requirements.

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

8. **Staff Comments:** An initial permit was issued on 12/6/24 for a 40'x 48' shed without a bathroom in it. Mr. Dallas then applied for a revised permit for a 50'x 56' shed with a bathroom in it and a permit was issued on 3/26/25 by Greg Gruna. When reviewing the second permit application, Gruna misinterpreted the setback for Shoreland Zoning jurisdiction to small Lake Wissota as being only a 300' setback from the water (river, creek, stream) vs. a 1,000' setback (lake, impoundment). The mistake in issuing the permit for the bathroom in the structure was noted by our office on Thursday, May 8, 2025, when an inspection for the holding tank was called in by the installing plumber. Gruna called the plumber to tell him of the error and then immediately went out to the site to discuss the situation. When Gruna arrived at the site to meet with Mr. Dallas, others present included Ryan McQuillan and Tom McQuillan (plumbers) as well as the driver for Huffcutt Concrete who was delivering the holding tank to the site. When Gruna arrived at the site, the hole for the tank was dug and the tank was setting in it, with no cover on it and it was still attached to the delivery trucks crane. The interior plumbing was also not installed yet at the time of this meeting. Mr. Dallas asked for a solution, and I informed him I could not tell him how to proceed because at the time the only thing I knew was that the bathroom was not allowed. We discussed applying for a variance and I could not tell him whether or not it would be approved or denied and what the outcome would be.

You will need to determine if it's unnecessarily burdensome for the property owner/agent to comply with the ordinance as permits were mistakenly issued for the shed with a bathroom in it. Unnecessary hardship does not exist on this lot for the placement of structures. There are no unique physical limitations on the property that would prevent the property owner from using the property for permitted uses.

This is not a self-created hardship as a permit was issued under the thought that the property was located outside of the Shoreland Zoning jurisdiction.

Note: There are two zoning ordinances/jurisdictions (Comprehensive Zoning & Shoreland Zoning) that the property falls under. The shed is located approx. 620' - 650' from small Lake Wissota and approx. 1,100' from Lake Wissota. Mr. Dallas has filled out and had an affidavit recorded that limits the bathroom size to 64 square feet and prohibits any living quarters in the shed as allowed by the Comprehensive Zoning Ordinance.

9. **Staff Recommendation:** I would recommend the BOA **DENY** the variance request as the property owner/agent have not met all the criteria used to verify if a variance is warranted. However, if the variance is granted, I would request discussion on possible conditions/restrictions to be placed on the approval.
10. **BOA Decision:**
- (a) I would ask the BOA to make a simple motion to either grant or deny the request and then after a second is obtained, have a discussion on the merits of the application. After the discussion in complete, I would ask that a vote be taken by all members on the motion.
 - (b) Please note that the BOA should not simply grant or deny an application with ending statements that the application does or does not satisfy the statutory criteria. It shall express, on the record it's reasoning why an application does or does not meet the statutory criteria. The record will be the discussion the board partakes after the motion is made.
 - (c) Please discuss the specific "Findings of Facts" behind your decision, so that they can become part of the record and the motion.

Attachments:

Chippewa County Shoreland Zoning Ordinance – 55-5(2), 55-16(a)

- (2) *Accessory Structure or Use* means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. An accessory structure shall not have habitable living spaces.
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- (18) *Lot* means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.
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- (25) *Navigable Waters* means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

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Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

December 6, 2024

MAILING ADDRESS:

Ryan and Tracie Dallas
5899 189th St.
Chippewa Falls, WI 54729

PROPERTY LOCATION:

Town of Lafayette
5899 189th St.
22808-1211-71619001

Dear Mr. and Mrs. Dallas:

This letter certifies that zoning permit 09-ZON-20241129 has been issued to the above described property owner for the following:

1. New 40'x 48' Shed

The property owner is responsible for accurately identifying the property line location so that applicable setbacks are maintained. Any future identification of encroachment into a setback will require modifications of the structure. No process exists to simply pay a penalty fine and leave an encroaching structure in violation.

Setbacks and Restrictions:

1. Setback between the structure and the front property line (County Hwy X right-of-way) – Minimum of 44 feet
2. Setback between any structures on-site (i.e. shed, garage, home) – Minimum of 14 feet
3. Setback from the side property lines – Minimum of 14 feet
4. Setback from the rear property line – Minimum of 14 feet
5. Setback from the edge of the septic drainfield with any structure – Minimum of 10 feet
6. Setback from the edge of the septic tank with any structure – Minimum of 5 feet
7. Recommended setback from well (measured from edge of overhang) – Minimum of 2 feet
8. This permit includes an open deck. Any future enclosure of the deck of any kind (i.e. canopy, screens, windows, walls or roof) will require additional permitting prior to the start of construction.
9. All structures, permanent or moveable, require a building permit prior to being moved onto or constructed on the property. This includes, but is not limited to: decks, gazebos, yard sheds, pergolas, pools, lean-to's, home additions, detached garages, etc.
10. All stormwater drainage easements onsite to be properly maintained. Do not fill or modify any stormwater drainage easements on the property.

Accessory Structure - General Requirements:

1. Accessory structure can only be used for residential storage. No commercial storage or use allowed.
2. Accessory structure shall not be used as a dwelling or dwelling unit
3. No water or sewer are allowed within an accessory structure without additional review and permitting.
4. Electrical is not permitted within accessory structure unless additional permitting is granted

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

22808-1211-71619001
 09-ZON-20241129
 5899 189th St.
 12-06-2024
 Page 2

5. The cumulative total square footage of all accessory structures on a lot shall not exceed 10% of the total square footage of the lot.
6. Maximum of three (3) accessory structures per lot
7. Accessory structures shall not have a length to width or width to length ratio greater than 1:2.
8. Sidewalls of an accessory structure shall not exceed 10 feet unless all required setbacks are increased by the amount of footage that exceeds 10 feet. Due to proposed 14' sidewall height, your setbacks are increased by 4'.
9. Overall height of the accessory structure shall not exceed 35 feet when measured from the lowest adjacent grade to the highest point on the roof.

Termination of Permit:

Where a permitted use or structure does not continue in conformity with the original approval, the permit may be terminated by action of the Planning & Zoning Committee.

Lapse of Permit:

This permit is issued in accordance with the Chippewa County Zoning Ordinance – Chapter 70; shall lapse and/or be void as follows:

1. Six (6) months from date of issuance – unless construction of the building or structure has commenced; or
2. Twelve (12) months from date of issuance – unless construction of exterior has been completed. The exterior of the building includes such things as final exterior siding, roofing, windows, and doors.
3. Twenty-Four (24) months from date of issuance – unless the building itself has been completed.

The Planning & Zoning Administrator may grant an extension to keep this permit from becoming void or expired based on reasonable cause.

Renewal:

This permit can be renewed for a \$25.00 fee if renewed within 2 months of the date of expiration otherwise reapplication will be required. The renewed permit can only be for an additional 6 months. All applicable code and ordinance requirements in effect at the time of a renewal shall apply to this project.

The permit covers only the structures or activities as listed above. Changes to plans or specifications for the permitted structures shall not be made without approval of the Planning & Zoning Administrator. This permit may be revoked if any of the information given in the application is found to have been misrepresented.

Please review the conditions as placed on this permit. If you have any questions, please feel free to contact me at the telephone number (715) 726-7943.

Sincerely,



Gregory Gruna
 Zoning Inspector

cc: File

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

Land Records & G.I.S.

POWTS & Wells

March 26, 2025

MAILING ADDRESS:

Ryan and Tracie Dallas
5899 189th St.
Chippewa Falls, WI 54729

PROPERTY LOCATION:

Town of Lafayette
5899 189th St.
22808-1211-71619001

Dear Mr. and Mrs. Dallas:

This letter certifies that zoning permit **09-ZON-20250073** has been issued to the above described property owner for the following:

1. New 50'x 56' Shed

The property owner is responsible for accurately identifying the property line location so that applicable setbacks are maintained. Any future identification of encroachment into a setback will require modifications of the structure. No process exists to simply pay a penalty fine and leave an encroaching structure in violation.

Setbacks and Restrictions:

1. Setback between the structure and the front property line (County Hwy X right-of-way) – Minimum of 44 feet
2. Setback between any structures on-site (i.e. shed, garage, home) – Minimum of 14 feet
3. Setback from the side property lines – Minimum of 14 feet
4. Setback from the rear property line – Minimum of 14 feet
5. Setback from the edge of the septic drainfield with any structure – Minimum of 10 feet
6. Setback from the edge of the septic tank with any structure – Minimum of 5 feet
7. Recommended setback from well (measured from edge of overhang) – Minimum of 2 feet
8. This permit includes an open overhang. Any future enclosure of the overhang of any kind (i.e. canopy, screens, windows, walls or roof) will require additional permitting prior to the start of construction.
9. All structures, permanent or moveable, require a building permit prior to being moved onto or constructed on the property. This includes, but is not limited to: decks, gazebos, yard sheds, pergolas, pools, lean-to's, home additions, detached garages, etc.
10. All stormwater drainage easements onsite to be properly maintained. Do not fill or modify any stormwater drainage easements on the property.

Accessory Structure - General Requirements:

1. Accessory structure can only be used for residential storage. No commercial storage or use allowed.
2. Accessory structure shall not be used as a dwelling or dwelling unit
3. Bathroom cannot exceed 64 square feet in size
4. Electrical is not permitted within accessory structure unless additional permitting is granted

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

22808-1211-71619001
 09-ZON-20250073
 5899 189th St.
 03-26-2025
 Page 2

5. The cumulative total square footage of all accessory structures on a lot shall not exceed 10% of the total square footage of the lot.
6. Maximum of three (3) accessory structures per lot
7. Accessory structures shall not have a length to width or width to length ratio greater than 1:2.
8. Sidewalls of an accessory structure shall not exceed 10 feet unless all required setbacks are increased by the amount of footage that exceeds 10 feet. Due to proposed 14' sidewall height, your setbacks are increased by 4'.
9. Overall height of the accessory structure shall not exceed 35 feet when measured from the lowest adjacent grade to the highest point on the roof.

Termination of Permit:

Where a permitted use or structure does not continue in conformity with the original approval, the permit may be terminated by action of the Planning & Zoning Committee.

Lapse of Permit:

This permit is issued in accordance with the Chippewa County Zoning Ordinance – Chapter 70; shall lapse and/or be void as follows:

1. Six (6) months from date of issuance – unless construction of the building or structure has commenced; or
2. Twelve (12) months from date of issuance – unless construction of exterior has been completed. The exterior of the building includes such things as final exterior siding, roofing, windows, and doors.
3. Twenty-Four (24) months from date of issuance – unless the building itself has been completed.

The Planning & Zoning Administrator may grant an extension to keep this permit from becoming void or expired based on reasonable cause.

Renewal:

This permit can be renewed for a \$25.00 fee if renewed within 2 months of the date of expiration otherwise reapplication will be required. The renewed permit can only be for an additional 6 months. All applicable code and ordinance requirements in effect at the time of a renewal shall apply to this project.

The permit covers only the structures or activities as listed above. Changes to plans or specifications for the permitted structures shall not be made without approval of the Planning & Zoning Administrator. This permit may be revoked if any of the information given in the application is found to have been misrepresented.

Please review the conditions as placed on this permit. If you have any questions, please feel free to contact me at the telephone number (715) 726-7943.

Sincerely,



Gregory Gruna
 Zoning Inspector

cc: File

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

2025 Variance Application



A VARIANCE is a relaxation of a dimensional standard in a land use ordinance (e.g., setbacks, lot area, height, etc.). The Board of Adjustment (BOA), after a public hearing, decides whether a variance is to be granted or denied. It is a quasi-judicial body because it functions almost like a court. The BOA's main objective is not to compromise ordinance provisions, but to apply legal criteria provided in State Supreme Court Decisions, State Laws and the County Ordinances to a specific development request, which does not meet the minimum ordinance requirements. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden on a property.

Once a completed application is received, the Chippewa County Department of Planning & Zoning will prepare a public hearing notice for your variance request. The public hearing notice will be posted to the Chippewa County Website and the County Clerks bulletin board. In addition, your neighbors and any applicable state agency(s) will also be notified. At the hearing, any party may appear in person or may be represented by an agent or attorney to present information to the BOA in opposition or support of your request.

SECTION I: Owner Information			SECTION II: Agent/Contractor Information		
Name: <u>Ryan Dallas</u>			Name:		
Mailing Address: <u>5899 189th St</u>			Mailing Address:		
City: <u>Chippewa Falls</u>	State: <u>WI</u>	Zip: <u>54729</u>	City:	State:	Zip:
Telephone: <u>715-225-3034</u>			Telephone:		
Email Address: <u>rdallas@tractorcentral.com</u>			Email Address:		
SECTION III: Parcel Information					
Town of: <u>Lafayette</u>			Property Address: <u>5899 189th St</u>		
Parcel Number: <u>22808-1211-71619001</u>			City: <u>Chippewa Falls</u>	State: <u>WI</u>	Zip: <u>54729</u>
Zoning District(s): <u>Issued Building Permit # 09-ZON-20250073</u>			<u>Sanitary Permit # 09-SAN-20250051</u>		

GENERAL DIRECTIONS:

1. **Complete** the attached Application form and the required six (6) parts:

☒ Part 1: Board of Adjustment Schedule - 2025	☒ Part 4: Construction and/or Plot Plans Required
☒ Part 2: General Questions/Alternatives	☒ Part 5: Applicant Acknowledgements
☒ Part 3: Three Step Test Criteria for Variance	☒ Part 6: Application Completeness Statement
2. **Submit** the application, all required information and a **\$650.00** public hearing fee by the deadline listed in Part 1 of the application to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729. Checks shall be made out to: **Chippewa County Treasurer**.
3. **Make arrangements** to attend or have a representative attend the public hearing, so that the request can be presented and questions answered.

FOR DEPARTMENT OF PLANNING & ZONING STAFF USE:		
Receipt Number: <u>No FEF</u>	Appeal Number: <u>2025-0067</u>	Public Hearing Date: <u>05/19/25</u>

Charged Day Clary 05/12/2025

Chippewa County – 2025 Variance Application

Part 1: Board of Adjustment Schedule - 2025

All actions delegated to the BOA pursuant to county ordinances will be subject to the below filing deadlines. Applications will not be considered to be filed and will not be placed on the agenda unless they are properly completed and include **ALL** required supporting information or documents, including payment of fees. You are encouraged to consult with staff of the Department of Planning & Zoning prior to the filing of an application to ensure that all pertinent issues are identified and to determine what information in addition to the application forms will be necessary in order for the department to accept and process your application. Please CIRCLE or HIGHLIGHT the meeting you intend on attending:

	2025 - Wednesdays											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Applications Due @ 12:00 Noon	12-18	01-22	02-19	03-19	04-23	05-21	06-18	07-23	08-20	09-17	10-22	11-19
Public Hearing/Meeting	01-15	02-19	03-19	04-16	05-21	06-18	07-16	08-20	09-17	10-15	11-19	12-17

Note: Board of Adjustment will conduct an onsite inspection prior to the scheduled meeting. Public meetings are scheduled for early afternoons with times being dependent on the number of applications.

Part 2: General Questions/Alternatives related to the request (Use a separate 8.5" x 11" sheet to answer these questions):

- (A) Section references to all applicable ordinances, which the variance is being sought. Please identify the exact section(s) and number(s).
- (B) Describe the variance being requested (See Part 3 below).
- (C) Describe the effects on the property, if the variance is not granted.
- (D) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing each alternative separately that you considered in each category listed below.
 - (1) Alternatives you considered that comply with the existing standards. If you find such an alternative, you can move forward with this option with a regular permit. Provide the reasons why you rejected the compliant alternatives.
 - (2) Alternatives you considered that require a lesser variance and reasons you rejected them. Provide the reasons why you rejected the alternatives by a lesser variance.

PART 3: Three-Step Test Criteria for Variance

Please use a separate 8.5" x 11" sheet of paper to address the questions as presented below. To qualify for a variance, you must meet the three (3) following requirements:

Step One: Unnecessary Hardship

Strict application of an ordinance requirement such as a setback, the required road frontage, the height of a structure, the bulk or density required, will result in unnecessary hardship. Wisconsin case law explains that unnecessary hardship is present where, in the absence of a variance, compliance with the ordinance would prevent the owner from using the property for a permitted use or would render conformity with such restrictions unnecessarily burdensome. If a parcel as a whole, but not necessarily each portion of the parcel provides for a permitted use then the test is not met and a variance cannot be granted. An applicant may not claim hardship because of conditions which are self-imposed or created by a prior owner (for example, splitting a lot to create two substandard lots or starting construction without the proper permits and then claiming hardship). Courts have also determined that loss of profit or financial hardship does not, by themselves, justify a variance.

In your opinion, is unnecessary hardship present on this property?

☒ YES. Please describe the unnecessary hardship present on this property and why it is unnecessarily burdensome for you to comply with the regulations.

☐ NO. A variance cannot be granted.

Chippewa County – 2025 Variance Application

Step Two: Hardship due to unique physical limitations of the property

The hardship is due to unique physical limitations of the property, i.e. compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) that are not generally shared by other properties. The circumstances 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. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

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

☒ YES. What are the unique physical limitations of your property? Please show the boundaries of these features on the site map(s) and describe the alternatives that you considered.

☐ NO. A variance cannot be granted.

Step Three: No harm to public interests

A variance may not be granted which results in harm to public interests. In applying this test, the BOA must consider impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of the ordinance and may include:

- Public health, safety and welfare
- Water quality
- Fish and Wildlife Habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for non-conforming uses, structures and lots
- Any other public interest issues

Does your request harm the public interest?

☐ YES. A variance cannot be granted.

☒ NO. Please explain why this request does not cause harm to the public interest.

Part 4: Construction and/or Plot Plans:

The plot and construction plans are the most important piece of information pertaining to your request. An accurate diagram showing the relationship of your existing buildings and the proposed activities that you are requesting the variance for is an essential piece of information that the BOA needs in order to reach a decision. In some cases it is not required that you submit professional quality plans, but if you cannot accurately and clearly illustrate your proposal, it is recommended that you obtain assistance in preparing your plot plan.

REQUIRED INFORMATION:

☒ A Map of Survey showing all of the following:

- ☒ Dimensions, location(s) and setback(s) of existing and proposed structures and/or additions.
- ☒ Location of roadways and easements on the property
- ☒ Location of well(s) and sanitary system(s)

☒ An accurate building diagram

☒ Anticipated project start date

ADDITIONAL INFORMATION, if Applicable and requested by the Planning & Zoning Department and/or BOA:

- ☐ Vegetation removal proposed
- ☐ Floodplain & wetland boundaries
- ☐ Contour lines (1-2 ft. intervals)
- ☐ Location and extent of filling, grading and/or excavation
- ☐ Ordinary high water mark
- ☐ Location and type of storm water and erosion control measures

Chippewa County – 2025 Variance Application

☐ Any other construction related to your request

Part 5: Applicant Acknowledgement/Signature

- I certify that the information I have provided in this application is true, accurate and complete.
- I understand that the BOA's review of this application is a quasi-judicial proceeding.
- I or a representative will have an opportunity to present to the BOA information in favor of this request.
- I have the authority to allow the staff of the Department of Planning & Zoning and BOA Committee member's access to the property to conduct necessary inspections related to my request.
- I understand that I cannot speak to any member of the BOA about this application, except at the public hearing.
- I understand that I cannot direct any written communication about this application to a member of the BOA unless I also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- I also understand that if I or my representative fails to appear in front of the BOA during the designated public hearing, as listed below, or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: _____

Owner/Agent

Date: _____

5/8/25

Part 6: Application Completeness Statement

The Chippewa County Department of Planning & Zoning recommends that the owner/agent for the requested variance submit the information at least **one week** prior to the deadline. Once an application is submitted, the staff will review it to determine if information is missing and/or not submitted by the application deadline. If it is determined that the application is not complete, I understand the application will be either returned to me or placed in "holding" until all requested information is submitted.

By missing the required deadline I understand that this might delay my hearing by one or more months.

Signed: _____

Owner/Agent

Date: _____

5/8/25

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

Part 2:

(A) ~~Under Section~~ Section 55-16(a), 55-5(a), 55-5(15)

(B) Less than 1000 feet from lake with water inside a secondary building?

(C) The shed was built larger than original design/permit after being told we could put a small bathroom inside the shed, as long as no living quarters. After many verbal and email documented inquiries of options allowed for septic and water in the New Shed with Greg I had the building permit revised for change in shed size and also the proper sanitary permits filed and approved. Now months later at the day of holding tank installation/inspection my plumber received a call that there was an error issuing the permit and we could no longer have the bathroom. This is after we have had water trenched in from existing house, through the basement foundation out into the shed, the drain plumbing roughed in to the holding tank, and the holding tank already sitting in the ground.

This project had many phone calls with Greg as well as Email correspondence back into December with questions on our options to have this bathroom in the shed, as we are building the shed to have space to accommodate/celebrate our kids events such as our first graduating senior in which we have a party scheduled at our residence in the shed June 14th, and the bathroom was to accommodate having my elderly parents being able to enjoy these special celebrations as they cannot use stairs to get into our house, to the extent I have purchased high rise toilet and the needed handicap grab bars for safety. None of this would be to this point clearly if we had not been issued the appropriate permits without issue, and even went by the book double checking with Greg that this was really able to happen.

I now am beyond words upset that we won't have a functional place not just for this upcoming graduation party, but future birthday parts and 3 more graduations to come that my parents are able to come and enjoy yet at this point in their life. By no means has there ever been a plan to have living quarters or any other code breaking violation with this shed, I feel and I believe Greg would attest with all my inquiries to this point I was overly open wanting to do things the correct way.

Now I sit here with a shed in the final stages of completion fast approaching June 14th graduation party, which should be an exciting time for our family, but I sick to my stomach to say the least with this late news. I have a yard that needs to be put back together yet from this project, a holding tank and shed prepped for bathroom, and all of this at my expense, now to be told "we are sorry we made a mistake"? This would be different if we were not at this stage of the permitted build, but now months later, many dollars spent, shed redesigned sized to accommodate etc.

I'm truly asking for your consideration and to honor the approved issued permits/work completed.

(D) 1) Alternative considered was already path we took, current path with issued permits both for building and sanitary.

Attachment: 2025-0001 Dallas Variance - Staff Report (8970 : Variance Petition: #2025-0001)

Part 3:

Step One: YES, I fully upfront inquired on the option to add a bathroom into the shed being constructed, at that time after receiving the requirements and information that would need to be filed for a permit I had 5 different plumbers come quote as well as 2 Well drillers. After making my decision on who to use I submitted the application paperwork including all forms instructed by the zoning department. Once approved I gave the plumber of choice notification in which they filed for the sanitary permit which also was approved. I have paid to have a larger shed to accommodate the approved bathroom, I had changed the design of shed because of this which also had to have permit resubmitted and was also approved again. I have purchased fixtures as well as contractors for this bathroom. Now that the plumbing to accommodate was trenched in as well as water, with holding tank purchased and set, not only is it a landscaping cost, but the burden of a complete plumbing expense to have installation ready for a finished room. I did everything by the book upfront not trying to do anything that was not allowed, thus my documentation of permits, applications, and emails to the county supports.

Step Two: YES, we now learned after the fact that we cannot be less than 1000 feet from the lake with a secondary building having a water source inside. This was never mentioned before. All GIS maps were used when showing placements of shed during permit application times. From my understanding, the only limitation is that the shed is located less than 1000 ft to the lake shore to have water in a second building, but I can have water source exterior of that same building being less than 1000ft away?

Step Three: NO, there is no harm to public interest in my case. If I have water inside the shed it will drain into the holding tank that was approved, and be pumped out by sanitation service and disposed properly. We are not on the lakefront, we have a blacktop road separating us from the lake lots, there would be no harm from my case to water quality, land, or the lakeshore.