

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****JUNE 23, 2022****CHIPPEWA COUNTY COURTHOUSE, RM 016****1:30 PM****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	Excused	
Dale Shipman	Chippewa County	Citizen Rep - Alternate	Present	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. CONSENT AGENDA

Note: Dale Shipman was present and was a voting member on the Scheidler Variance request.

RESULT:	APPROVED [UNANIMOUS]
SECONDER:	Doug Matthews, Julie Geissler
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt
EXCUSED:	Shipman

1. Approve the Agenda
2. Approve the Minutes

Board of Adjustment - Regular Meeting - Oct 21, 2021 3:00 PM

5. BUSINESS ITEMS**1. 2022-0005 Herman & Brodd Variance Request**

Clary gave a brief introduction of the variance request location. Joel W. Brodd, agent for the applicants, gave a brief overview of the variance request, which involves a revision to the property lines. A general discussion occurred regarding the variance request and proposal. The BOA found that the approval of the variance was in the best interest of the county and the general public regarding the removal of three (3) cabins. The rearranged property lines are aesthetically pleasing and would run north-south vs. east-west.

Motion to grant the variance based on the submitted application with the following conditions:

1. The three (3) cabins identified as 1, 3 and 4 on the submitted site plan shall be removed within 6 years of the variance approval as follows:

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

June 23, 2022
1:30 PM

- a. Cabin 3 shall be removed within 3 months after completion of the house addition, but no later than June 23, 2024.
- b. One cabin, identified as 1 or 4 on the submitted plans shall be removed by June 23, 2026.
- c. The remaining cabin, either 4 or 1 as identified on the submitted plans shall be removed by June 23, 2028.
2. A 20' x 20' uncovered patio may be placed in the existing footprint of Cabin 1 as identified on the submitted site plan.
3. A deed restriction shall be recorded in the Chippewa County Register of Deeds Office to memorialize this variance. Once the conditions of this variance have been met, the deed restriction shall be cancelled.

RESULT:	APPROVED WITH CONDITIONS [5 TO 0]
MOVER:	Julie Geissler, Citizen Rep
SECONDER:	Doug Matthews, Citizen Rep
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt
AWAY:	Shipman

2. 2022-0006 Scheidler Variance Request

Clary introduced the variance petition and public hearing notices. Scheidler discussed the variance request and what has occurred up to this point. A general discussion occurred regarding the surveys (map of surveys and certified survey maps) of the corner marker.

Motion to postpone the variance request for up to 90 days for the petition to produce a survey showing the exact encroachments onto the neighbors property and within 10' of the property line.

RESULT:	POSTPONE [5 TO 0]	Next: 11/17/2022 1:30 PM
MOVER:	Roger McFarlane, Citizen Rep (Vice Chair)	
SECONDER:	Julie Geissler, Citizen Rep	
AYES:	Bennesch, McFarlane, Matthews, Geissler, Shipman	
RECUSED:	Marquardt	

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

None

7. ADJOURN

RESULT:	APPROVED [5 TO 0]
MOVER:	Doug Matthews, Citizen Rep
SECONDER:	Roger McFarlane, Citizen Rep (Vice Chair)
AYES:	Bennesch, McFarlane, Matthews, Geissler, Shipman
RECUSED:	Marquardt

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****OCTOBER 21, 2021****CHIPPEWA COUNTY COURTHOUSE, RM 016****3:00 PM****1. CALL TO ORDER****2. ROLL CALL**

Attendee Name	Organization	Title	Status	Arrived
Jeff Bennesch	Chippewa County	Citizen Rep (Chair)	Absent	
Doug Matthews	Chippewa County	Citizen Rep	Present	
Roger McFarlane	Chippewa County	Vice Chair	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	Present	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. CONSENT AGENDA

Motion to Approve.

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

1. Approve the Agenda

2. Approve the Minutes

Board of Adjustment - Regular Meeting - Sep 23, 2021 2:30 PM

Board of Adjustment - Regular Meeting - Sep 23, 2021 1:30 PM

3. Schedule Next Meeting Date - November 18, 2021

5. BUSINESS ITEMS

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

October 21, 2021
3:00 PM

1. Please take notice the Board of Adjustment may convene, upon passage of the proper motion, in closed session pursuant to Wisconsin State Statute Sec. 19.85(1)(g) for purposes of "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved"; 2020-0003 Popple & Thompson Variance Request
Motion to go into closed session pursuant to Wisconsin State Statute Sec. 19.85(1)(g) for purposes of "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved"; 2020-0003 Popple & Thompson Variance Request.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Doug Matthews, Citizen Rep
SECONDER:	Larry Marquardt, Citizen Rep
AYES:	Matthews, McFarlane, Geissler, Marquardt
ABSENT:	Bennesch

The Board of Adjustment will Reconvene into Open Session
Motion to return to open session at 3:50 PM.

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

2. 2020-0003 Popple & Thompson Variance Request
Motion to table the variance request until the appeal in Chippewa County Court Case 2020CV274 is finalized.

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

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

None.

7. ADJOURN

Motion to Adjourn.

Minutes Acceptance: Minutes of Oct 21, 2021 3:00 PM (Consent Agenda)

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

October 21, 2021
3:00 PM

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

Minutes Acceptance: Minutes of Oct 21, 2021 3:00 PM (Consent Agenda)

(Publish – Chippewa Herald – June 9 and June 16, 2022)

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 **June 23, 2022** beginning at **1:30 PM** in Room 016, located in the basement of the Chippewa County Courthouse, Chippewa Falls, Wisconsin, relative to following requests:

Variance Petition: #2022-0005

Appellants: Richard Herman & Jill Brodd

To rearrange lot lines which will place existing structures within the minimum sideyard setback in accordance with section 55-46(a) of the Chippewa County Shoreland Ordinance. On parcel numbers 23208-0843-70796002A and 23208-0844-70796001A, which are Lots 1 & 2, CSM 796 and are located in the SE ¼, Section 08, Township 32 North, Range 08 West. Town of Sampson. Physical Address: 14679 & 14737 290th Avenue.

Variance Petition: #2022-0006

Appellant: David Scheidler

To allow an existing residence and at-grade structures such as a driveway, sidewalk, landscape rock to remain in their current location as they do not meet the sideyard setback in the Residential 1 District in accordance with sections 70-63, 70-107(f)(1) & (3) of the Chippewa County Zoning Ordinance. Parcel number 23008-1013-74068001, which is Lot 1 of Certified Survey Map 4068 and located in the SW ¼ of the NE ¼, Section 10, Township 30 North, Range 08 West. Town of Eagle Point. Physical Address: 17505 165th Street.

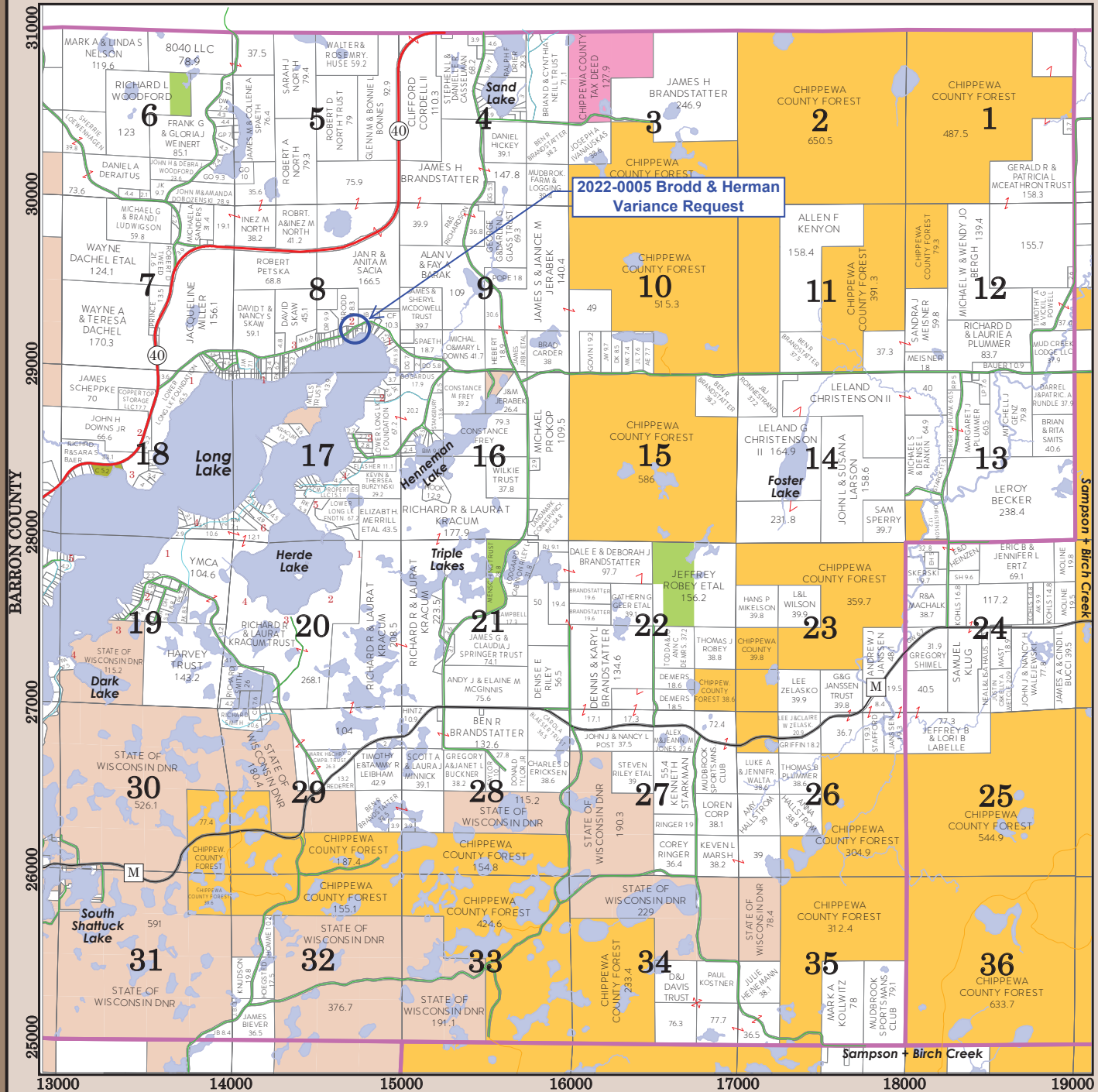
All persons interested are invited to attend. Specific information regarding this hearing can be obtained at the Chippewa County Department of Planning & Zoning.

Dated this 7th day of June, 2022.

Attachment: 2022-0005 Herman & Brodd - Variance - Public Hearing Notice & Maps (7096 : 2022-0005 - Herman & Brodd Variance)



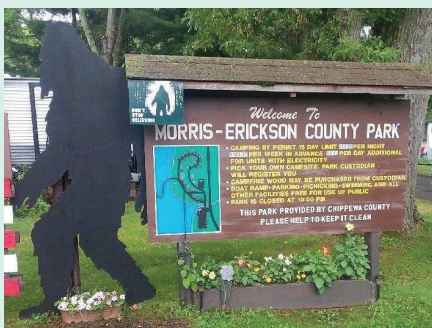
RUSK COUNTY



SEE PAGE 52

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All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.



Morris-Erickson County Park

Morris-Erickson County Campground and Day Park
is located on Long Lake in the Town of Sampson
and has 28 campsites.

SEE PAGE 66

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

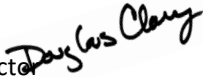
Land Records & G.I.S.

POWTS & Wells

Date: June 7, 2022

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 as indicated below. 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 variance request. If you have any questions regarding this variance petition, please contact me at (715) 726-7941.

Variance Request: #2022-0005

Appellants: Richard Herman & Jill Brodd

Agent: Joel W. Brodd

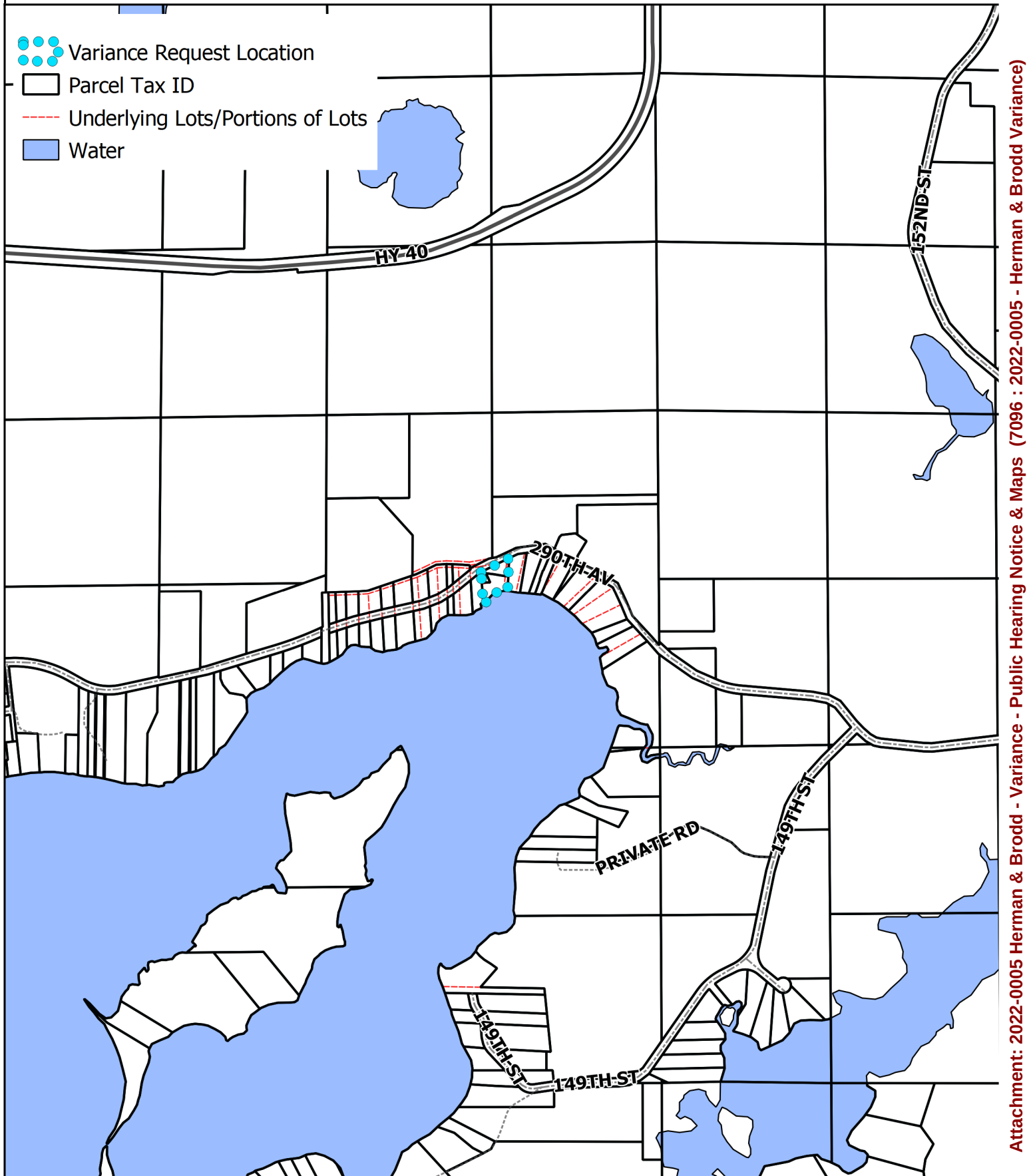
To rearrange lot lines which will place existing structures within the minimum sideyard setback in accordance with section 55-46(a) of the Chippewa County Shoreland Ordinance. On parcel numbers 23208-0843-70796002A and 23208-0844-70796001A, which are Lots 1 & 2, CSM 796 and are located in the SE ¼, Section 08, Township 32 North, Range 08 West. Town of Sampson. Physical Address: 14679 & 14737 290th Avenue.

Chippewa County Board of Adjustment:

The Chippewa County Board of Adjustment (BOA) will hold a **PUBLIC HEARING** on **June 23, 2022** at **1:30 PM**, in room 016, located in the basement of the Chippewa County Courthouse located at 711 N. Bridge Street, Chippewa Falls, Wisconsin. The BOA will make a determination to approve or deny the request.

Attachment: 2022-0005 Herman & Brodd - Variance - Public Hearing Notice & Maps (7096 : 2022-0005 - Herman & Brodd Variance)

2022-0005 Brodd & Herman - Variance Request - Location Map



Attachment: 2022-0005 Herman & Brodd - Variance - Public Hearing Notice & Maps (7096 : 2022-0005 - Herman & Brodd Variance)

2022-0005 Brodd & Herman - Variance Request - Aerial (2020)

Attachment: 2022-0005 Herman & Brodd - Variance - Public Hearing Notice & Maps (7096 : 2022-0005 - Herman & Brodd Variance)

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 •

2022 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.

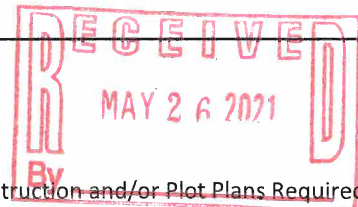
Once a completed application is received, the Chippewa County Department of Planning & Zoning will prepare and publish in the Chippewa Herald a public hearing notice of your variance request. The public hearing notice will include the location and time of the required public hearing before the BOA. In 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: Richard D Herman and Jill Ann Brodd				Name: Joel W. Brodd			
Mailing Address: 14679 290th Ave.				Mailing Address: 14679 290th Ave.			
City: New Auburn	State: WI	Zip: 54757		City: New Auburn	State: WI	Zip: 54757	
Telephone: 651-261-9239				Telephone: 651-261-5854			
Email Address: jillannbrodd@yahoo.com				Email Address: joel@broddlawnfirm.com			
SECTION III: Parcel Information							
Town of: Sampson				Property Address: 14679 290th Ave & 14737 290th Ave			
Parcel Number: 23208-0844-70796001A				City: New Auburn		State: WI	Zip: 54757
Zoning District(s): 23208-0843-70796002A							

GENERAL DIRECTIONS:

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

☐ Part 1: Board of Adjustment Schedule - 2022	☐ 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
- 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.
- 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: 20387	Appeal Number: 2022-0005	Public Hearing Date: 6/23/22
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Chippewa County – 2022 Variance Application

Part 1: Board of Adjustment Schedule - 2022

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 insure 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:

<u>Application Deadline: 12:00 Noon</u>	<u>Public Hearing</u>
December 22, 2021	January 20, 2022
January 27, 2022	February 24, 2022
February 24, 2022	March 24, 2022
March 24, 2022	April 21, 2022
April 21, 2022	May 19, 2022
May 26, 2022	June 23, 2022
June 23, 2022	July 21, 2022
July 21, 2022	August 18, 2022
August 25, 2022	September 22, 2022
September 22, 2022	October 20, 2022
October 20, 2022	November 17, 2022
November 17, 2022	December 15, 2022

*Note: Applications and all supporting information are due at **12:00 Noon** on the designated date.*

Note: Board of Adjustment meetings are held in the early afternoons. Times are dependent on the number of applications and inspections.

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.

Chippewa County – 2022 Variance Application

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.

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.

Chippewa County – 2022 Variance Application

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
- ☐ Location and extent of filling, grading and/or excavation
- ☐ Contour lines (1-2 ft. intervals)
- ☐ Location and type of storm water and erosion control measures
- ☐ Ordinary high water mark
- ☐ Any other construction related to your request
- ☐ Floodplain & wetland boundaries

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: _____

5/26/2022

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: _____

5/26/2022

Herman/Brodd Variance Application

Part 2

(A) Reference to Applicable Ordinances.

Chippewa County Ordinance Sec. 55-46(a). Petitioners intend to create 2 new lake frontage lots by combining land of an existing previously developed lake frontage lot and an adjoining previously developed lot. Based on the proposed common lot line between the 2 new parcels, 2 existing structures, cabin 3 and an accessory shed, will become nonconforming structures and will be in violation of the side yard setback regulations.

(B) Describe the Variance Being Requested.

Petitioners Richard D. Herman and Holly A. Herman own parcel #23208-0844-70796001A (lot A). Richard D. Herman and Jill Ann Brodd have inherited parcel # 23208-0843-70796002A from the estate of Elwood J. Herman (lot B). See the attached site map A. Both of these previously developed lots were originally part of a resort on the north end of Long Lake, formally known as Duval's Resort. Over a period of many years, cabins on each of these lots were removed and/or restored. In the summer of 2018, petitioners met with Zoning Inspector Tony Roder and Zoning Administrator Doug Clary at the Chippewa County Zoning Department to seek approval for purchasing additional land in order to create 2 new lake frontage lots. The Zoning Department and petitioners entered into a preliminary agreement that 2 new lake frontage lots would be created if petitioners agreed to remove cabins 1, 3 and 4 within a six-year period and that petitioners successfully obtain a variance. Petitioners subsequently purchased additional land from an adjoining property owner to the east in order to obtain additional frontage on Long Lake to create the 2 new lake frontage lots. The 2 proposed lake frontage lots are depicted on the attached site map B as lot 1 and lot 2.

Petitioners request a variance of the side yard setback of cabin 3 and a variance of the side yard setback of a small accessory shed behind cabin 3 in order to create the 2 lake frontage lots. (See site map B). As a condition of the variance, petitioners agree to remove cabins 1, 3 and 4 within a 6 year period, with removal of one structure within 2 years, removal of a second structure within 4 years and removal of the final structure within 6 years after approval of the variance. Petitioners also agree to relocate the accessory shed within 6 years in order to meet the side yard setback requirements.

Upon completion of the removal of cabins 1, 3 and 4 and removal/relocation of the accessory shed, petitioners will be in compliance with all requirements of the Chippewa County Shoreland Ordinance. As an additional consideration for removal of the 3 dwelling structures, petitioners request that upon removal of cabin 1 from the property, which is 26' x 30', petitioners be permitted to construct a 20' x 20' patio at grade as an outdoor eating area in compliance with Sec. 55-53(b) and Sec. 55-46(f)(1).

(C) Describe the Effects on the Property If the Variance Is Not Granted.

Petitioners have occupied this property for varying periods over 50 years. Improvements to these lots have been made over many years, including removal of cabins, removal of a seaplane hangar on the lake and ongoing maintenance and upkeep of the existing dwelling structures.

Petitioners purchased additional land in order to acquire sufficient lake frontage to create 2 lake frontage lots. The agreement to create 2 lake lots was based on the Zoning Department's request that 3 existing dwellings be removed from the property within 6 years after a variance has been approved for the 2 lake frontage lots. Petitioners agree to remove these 3 dwellings and the accessory shed within 6 years as a condition for obtaining this variance.

Petitioners need to equitably divide the existing inherited parcel. The only equitable division between the beneficiaries of the inherited parcel is the creation of the 2 lake frontage lots. Additionally, petitioners need the 2 lake frontage lots to be created in order to obtain legal title to their inherited property. Failure to grant the variance will create an unnecessary hardship to petitioners by prohibiting them from obtaining legal title to each of their equitable lots.

Failure to grant the variance will also create an unnecessary hardship to petitioners, as the proposed common lot line between the 2 lake frontage lots cannot be moved or redrawn, given the unique physical limitations of the property. If the common lot line is moved or redrawn to a new location, one of the lots will no longer be in compliance with various provisions of the Chippewa County Shoreland Ordinance, including total lot size, frontage, and minimum width requirements.

(D) Describe Alternatives to Your Proposal.

Petitioners have no other viable alternative to equitably dividing their inherited property. Nor is there any other alternative for creating 2 lake frontage lots that comply with the remaining provisions of the Chippewa County Shoreland Ordinance. Petitioners have agreed to destroy and remove 3 dwelling structures on the 2 lake frontage lots as a condition for having cabin 3 and a small accessory

shed remain within the 10 foot side setback. Neither of the petitioners of the 2 lake frontage lots object to cabin 3 and the accessory shed being in noncompliance with the side yard setback requirements. Moreover, both of these structures will be in compliance with the side yard setback requirements within a period of no greater than 6 years after the variance has been granted.

The alternative is to request a variance permitting petitioners to create 2 lake frontage lots without any requirement to remove any of the 3 existing nonconforming structures. Petitioners have rejected this alternative to accommodate the request of the Zoning Department and to reduce the number of existing nonconforming structures on the property.

Herman/Brodd Variance Application

Part 3

Step One: Unnecessary Hardship

Strict application of the side yard setbacks in Sec. 55.46(a) will result in an unnecessary hardship to petitioners. Unnecessary hardship will result if strict compliance with the side yard setback mandates that petitioners immediately destroy cabin 3 and destroy and/or remove the small accessory shed. Strict compliance with the side yard setback would also create an unnecessary hardship in preventing petitioners from using cabin 3 as a present permitted use. Strict compliance with the side yard setback would also create an unnecessary hardship in preventing the petitioners from creating 2 new lake lots. Moreover, petitioners have agreed to mitigate the unnecessary hardship caused by strict compliance with the side yard setback by agreeing to remove cabins 1, 3 and 4 within 6 years.

Petitioners have not created any new structures on the property which are in noncompliance with the Chippewa County Shoreland Ordinance. Rather, given the lot size requirements and minimum width requirements in the Chippewa County Shoreland Ordinance, the common lot line between the 2 lake frontage lots has placed cabin 3 and the accessory structure too close to the common lot line. The hardship to petitioners is that the common lot line cannot be moved or altered in order to remain in compliance with remaining requirements of the Shoreland Ordinance. These 2 structures will become noncomplying structures once the lot line is approved. Petitioners agree that these 2 noncomplying structures will be removed within 6 years of the date of the variance.

Step Two: Hardship Due To Unique Physical Limitations of the Property

The hardship is due to the unique physical limitations of the property in creating 2 lake frontage lots. Petitioners have 2 proposed lots that comply with the lot size requirements of the Chippewa County Shoreland Ordinance. Petitioners do not have an additional 20 feet of land width to create a common lot line that places cabin 3 and the accessory shed in compliance with the side yard setback in Sec. 55.46(a). Given the lot size regulations, there is no other way to divide these 2 lots, other than to create a zig and zag in the common lot line, which lot line configuration is disfavored by the Chippewa County Zoning Department.

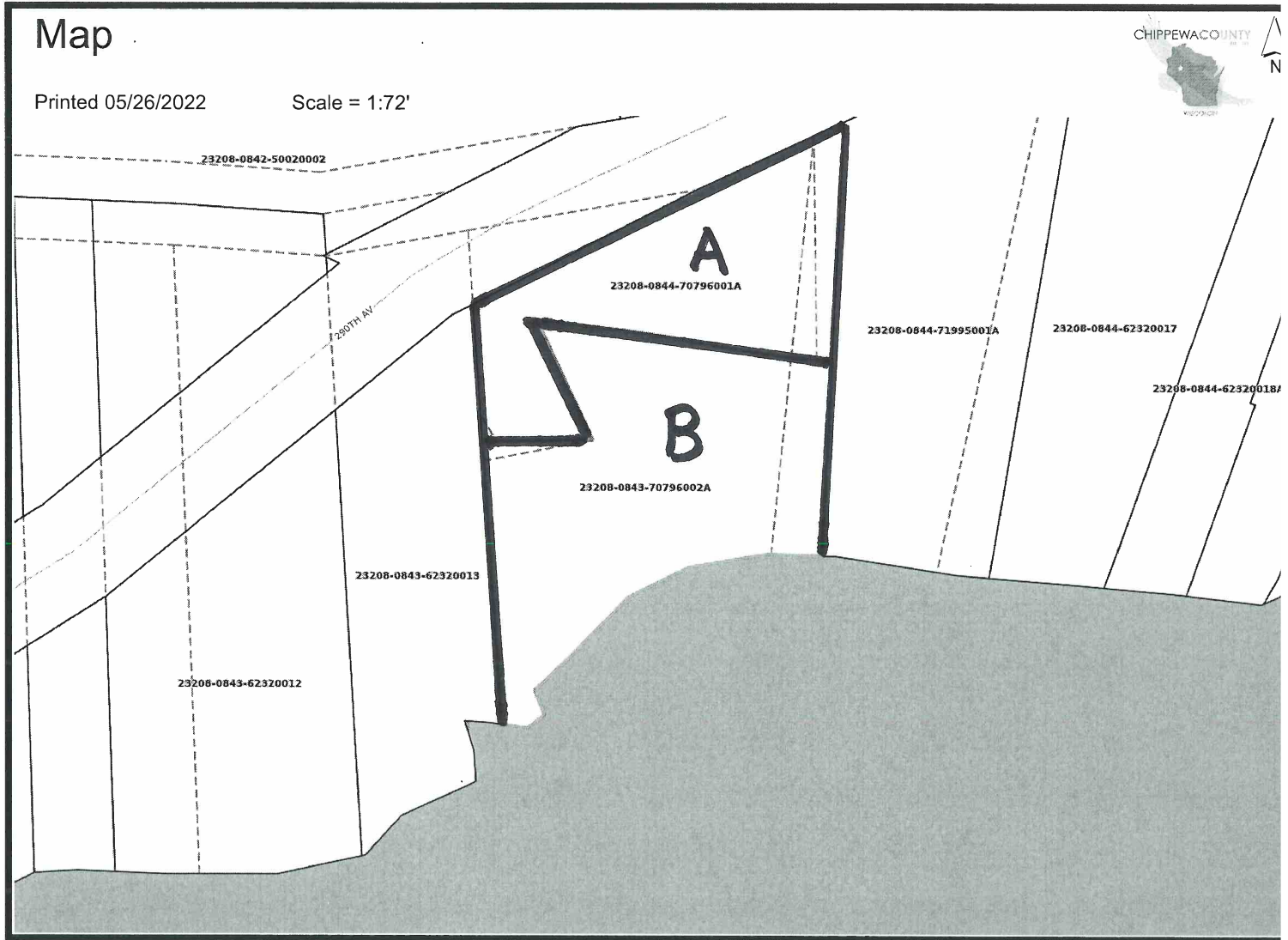
Step Three: No Harm to Public Interests

Granting of a variance will promote the public interest. Granting a variance and requiring petitioners to remove 3 nonconforming structures and an accessory shed within 6 years will promote the public interest by reducing the number of dwelling structures on these

lake frontage lots. Removal of these 3 cabins will also preserve and restore the natural scenic beauty of the property by reducing the number of structures on the property. Rather than causing harm to the public interest if the variance is granted, the public interest will be benefited by removal of the 3 nonconforming structures.

Part 4: Plot Plans

Attached as Site Map A is the map of the existing 2 property lots. Attached as Site Map B is a map of the proposed 2 new lake lots, including documentation of existing cabins 1, 3 and 4.



Disclaimer: This map is a compilation of records as they appear in the Chippewa County Offices affecting the area shown and is to be used only for reference purposes.



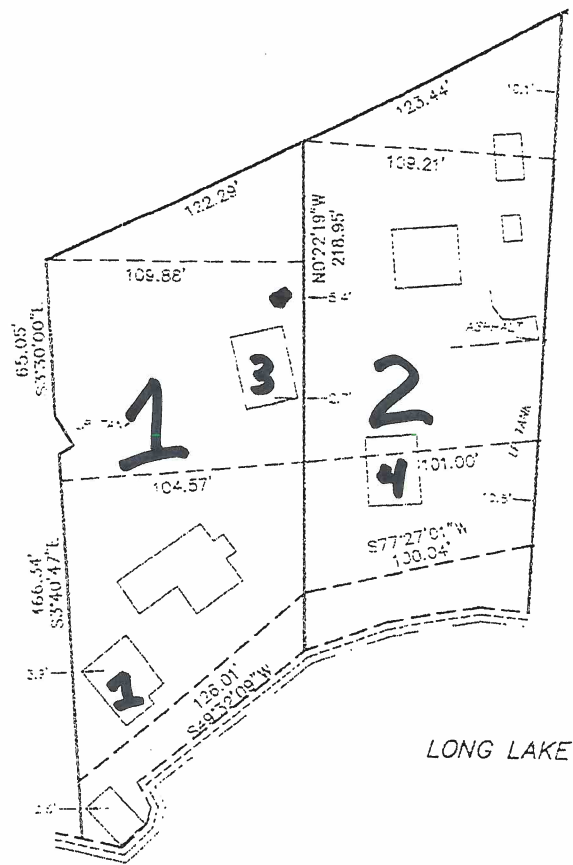
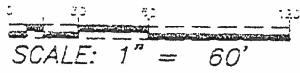
Attachment: 2022-0005 Herman & Brodd - Variance - Application (7096 : 2022-0005 - Herman & Brodd Variance)

CHIPPEWA COUNTY CERTIFIED SURVEY
MAP NUMBER _____

RECORDED IN VOLUME ____ OF CERTIFIED SURVEY MAPS PAGE ____

REGISTER

IN THE $\frac{1}{4}$ OF THE $\frac{1}{4}$,
SECTION, TOWNSHIP — NORTH, RANGE — WEST,
OF, CHIPPEWA COUNTY, WISCONSIN



LONG LAKE

FIELDWORK
COMPLETION
DATE: _____

DATE APPROVED _____
CHIPPewa COUNTY PLANNING AGENCY

32

WPA, LEO SHERIDAN
1060 STEVENSON BLVD.
EALING, N. WYOMING
(718) 914-4715

SHEET 1 OF 2 SHEETS

PAGE_____

EXHIBIT

B

(Publish – Chippewa Herald – June 9 and June 16, 2022)

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 **June 23, 2022** beginning at **1:30 PM** in Room 016, located in the basement of the Chippewa County Courthouse, Chippewa Falls, Wisconsin, relative to following requests:

Variance Petition: #2022-0005

Appellants: Richard Herman & Jill Brodd

To rearrange lot lines which will place existing structures within the minimum sideyard setback in accordance with section 55-46(a) of the Chippewa County Shoreland Ordinance. On parcel numbers 23208-0843-70796002A and 23208-0844-70796001A, which are Lots 1 & 2, CSM 796 and are located in the SE ¼, Section 08, Township 32 North, Range 08 West. Town of Sampson. Physical Address: 14679 & 14737 290th Avenue.

Variance Petition: #2022-0006

Appellant: David Scheidler

To allow an existing residence and at-grade structures such as a driveway, sidewalk, landscape rock to remain in their current location as they do not meet the sideyard setback in the Residential 1 District in accordance with sections 70-63, 70-107(f)(1) & (3) of the Chippewa County Zoning Ordinance. Parcel number 23008-1013-74068001, which is Lot 1 of Certified Survey Map 4068 and located in the SW ¼ of the NE ¼, Section 10, Township 30 North, Range 08 West. Town of Eagle Point. Physical Address: 17505 165th Street.

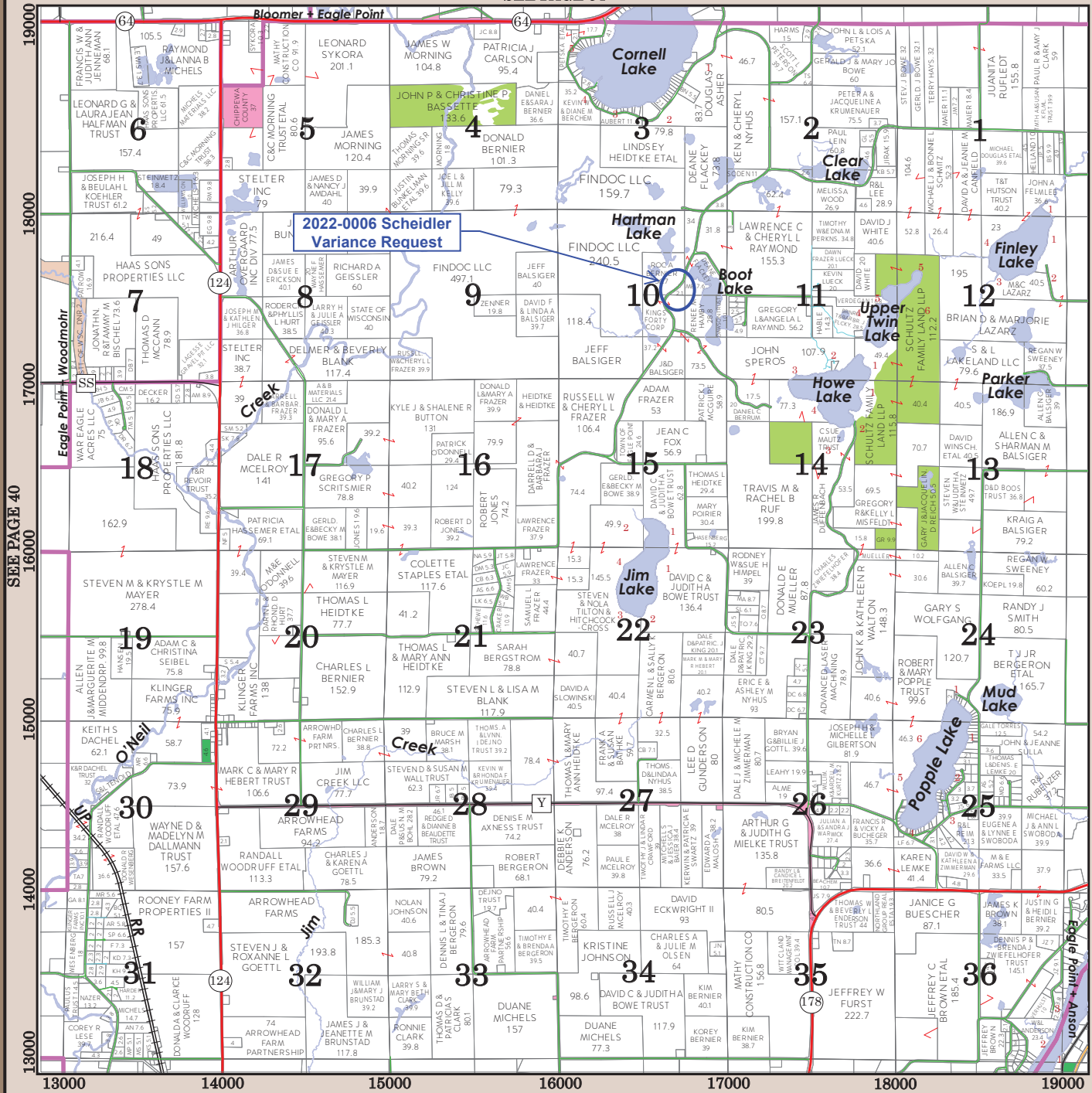
All persons interested are invited to attend. Specific information regarding this hearing can be obtained at the Chippewa County Department of Planning & Zoning.

Dated this 7th day of June, 2022.

Attachment: 2022-0006 Scheidler - Variance - Public Hearing Notice & Maps (7097 : 2022-0006 Scheidler Variance)



SEE PAGE 54



© 2021 Chippewa County, WI

All acreages are computed & rounded to the closest tenth acre, roadways are excluded from totals. All mapping is for reference only and is not intended, or to be used for any legal purpose.



Photos by Caleb Meyer

Ice Age Trail



Larabee Lake



Mud Creek

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

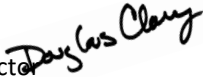
Land Records & G.I.S.

POWTS & Wells

Date: June 7, 2022

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 as indicated below. 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 variance request. If you have any questions regarding this variance petition, please contact me at (715) 726-7941.

Variance Request: #2022-0006

Appellant: David Scheidler

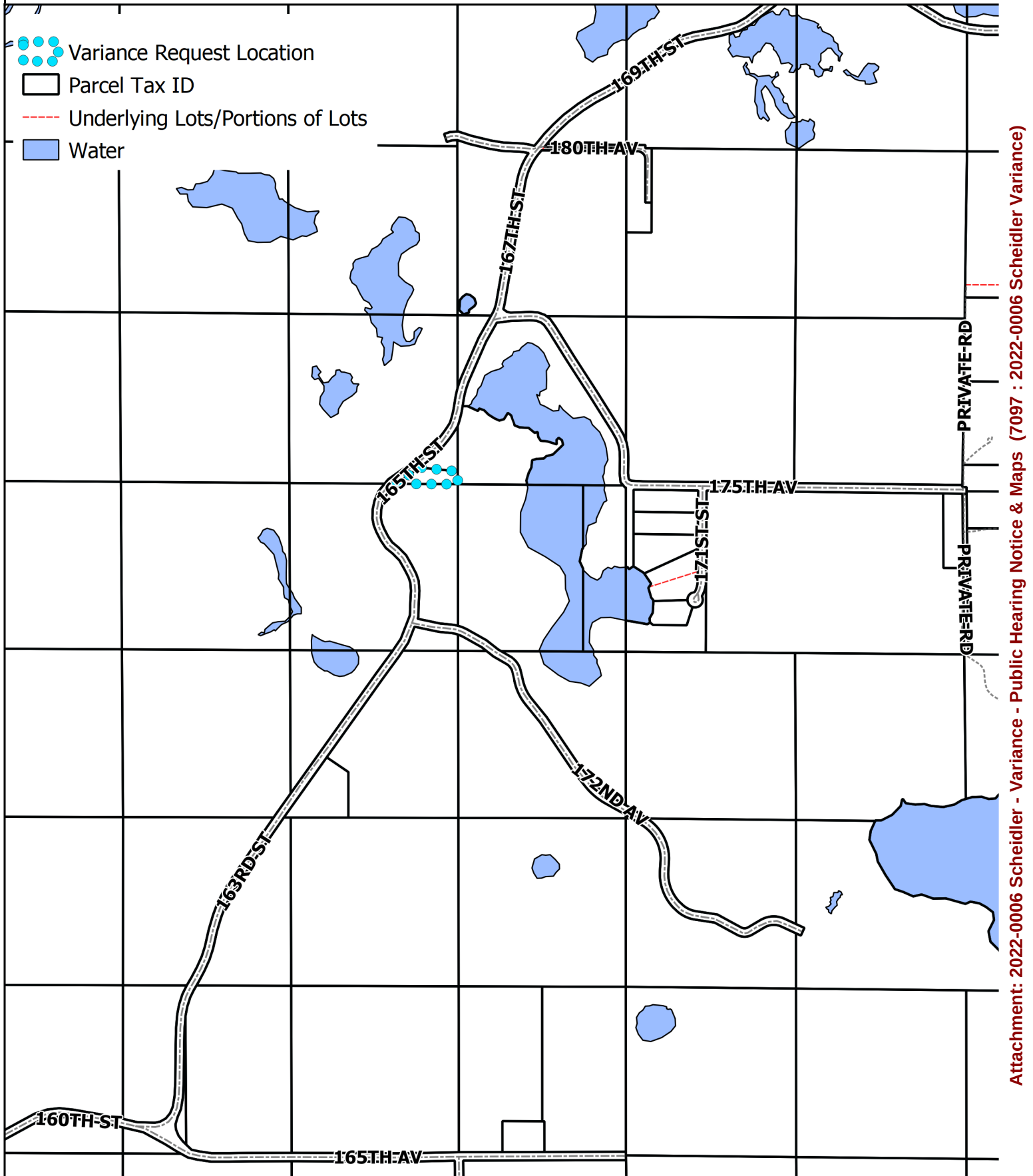
To allow an existing residence and at-grade structures such as a driveway, sidewalk, landscape rock to remain in their current location as they do not meet the sideyard setback in the Residential 1 District in accordance with sections 70-63, 70-107(f)(1) & (3) of the Chippewa County Zoning Ordinance. Parcel number 23008-1013-74068001, which is Lot 1 of Certified Survey Map 4068 and located in the SW ¼ of the NE ¼, Section 10, Township 30 North, Range 08 West. Town of Eagle Point. Physical Address: 17505 165th Street.

Chippewa County Board of Adjustment:

The Chippewa County Board of Adjustment (BOA) will hold a **PUBLIC HEARING** on **June 23, 2022** at **1:30 PM**, in room 016, located in the basement of the Chippewa County Courthouse located at 711 N. Bridge Street, Chippewa Falls, Wisconsin. The BOA will make a determination to approve or deny the request.

Attachment: 2022-0006 Scheidler - Variance - Public Hearing Notice & Maps (7097 : 2022-0006 Scheidler Variance)

2022-0006 Scheidler - Variance Request - Location Map



Attachment: 2022-0006 Scheidler - Variance - Public Hearing Notice & Maps (7097 : 2022-0006 Scheidler Variance)

2022-0006 Scheidler - Variance Request - Aerial (2020)

Attachment: 2022-0006 Scheidler - Variance - Public Hearing Notice & Maps (7097 : 2022-0006 Scheidler Variance)

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 •

2022 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 and publish in the Chippewa Herald a public hearing notice of your variance request. The public hearing notice will include the location and time of the required public hearing before the BOA. 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>DAVE SCHEIDLER</u>			Name:		
Mailing Address: <u>17505 165TH STREET</u>			Mailing Address:		
City: <u>JIM FALLS</u>	State: <u>WI</u>	Zip: <u>54748</u>	City:	State:	Zip:
Telephone: <u>(715) 577-0432</u>			Telephone:		
Email Address: <u>d.scheidler@market-johas.com</u>			Email Address:		
SECTION III: Parcel Information					
Town of: <u>EAGLE POINT</u>			Property Address: <u>17505 165TH</u>		
Parcel Number: <u>23008-1013-74068001</u>			City: <u>JIM FALLS</u>	State: <u>WI</u>	Zip: <u>54748</u>
Zoning District(s): <u>Residential I</u>					

GENERAL DIRECTIONS:

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

☐ Part 1: Board of Adjustment Schedule - 2022	☐ 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
- 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.
- 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>20275</u>	Appeal Number: <u>2022-0006</u>	Public Hearing Date: <u>6/23/22</u>

Chippewa County – 2022 Variance Application

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.

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.

Chippewa County – 2022 Variance Application

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 | ☐ Location and extent of filling, grading and/or excavation |
| ☐ Contour lines (1-2 ft. intervals) | ☐ Location and type of storm water and erosion control measures |
| ☐ Ordinary high water mark | ☐ Any other construction related to your request |
| ☐ Floodplain & wetland boundaries | |

Part 5: Applicant Acknowledgement/Signature

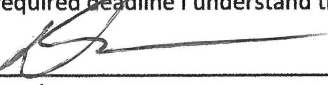
- I certify that the information I have provided in this application is true, accurate and complete.
- I understand that the BOA's review of this application is a quasi-judicial proceeding.
- I or a representative will have an opportunity to present to the BOA information in favor of this request.
- 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:  Date: _____
Owner/Agent

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:  Date: _____
Owner/Agent

Dave Scheidler

From: Cheryl Petska <cl_petska@yahoo.com>
Sent: Tuesday, May 24, 2022 7:28 PM
To: Dave Scheidler
Subject: Re: Variance application review and response

Good people doing for the good ...
 Cheryl Scheidler, Volunteer Coordinator
 Chippewa County COVID19 Task Force
 cl_petska@yahoo.com 715-379-5707

On Tuesday, May 24, 2022, 7:26 PM, Cheryl Petska <cl_petska@yahoo.com> wrote:

0. 70-63 Principal structure eaves are approximately 1-2 feet over hang into designated ten foot set back on side yard. These eaves are part of roof over a covered porch area. Variance sought, however, it is stated that zoning will not deed variance for principal structure not in compliance. Reference hand drawn diagram A. In order to comply the shaded area has been proposed to the adjacent landowner to be purchased and rezoned.

0. 70-63 Accessory structure shed is ten feet on property set back line. This shed will be removed by home owner by June 1st 2022 as requested in letter dated Nov 8, 2021 from adjacent property owner King. A permit was not filed for this structure nor the two detached structures to the north. Home owner will comply to file for permit for other two structures. There is also a propane tank next to accessory structure that will be moved elsewhere on property or meet setback qualifications.

0. 70-107 (f)-(1) Sidewalk is in contention with five foot property line setback requirement. One slab of driveway borders property line. Seeking variance for at grade structure of concrete to remain. If shaded area on attached diagram is purchased and rezoned and in compliance this sidewalk and concrete slab will meet property setback requirements.

0. 70-107 (f)-(3) There are no retaining walls on this property. There is landscape rock on hillside behind property structure for wash out and landscaping purposes.

0. DSPS 383-43-1 (Table) Holding tank cover is on property line, and underground holding tank is over property line. Variance sought.

0. Property Line Agreement: adjacent property owner King will not agree to sell and rezone property as shown on shaded area of diagram. This shaded area is 30 feet at widest and approximately 100 feet long. If this area was purchased all sections would be in compliance. If variances were granted all sections would be compliant with the exception of principal structure. All adjacent property is low land wet lands and or swamps that hold water. These areas have no structure value. Item number two states that the accessory structure along with propane tank would be removed. The principal home structure that has eaves in noncompliant setbacks is not a logical decision to be removed, therefore we are seeking a variance.

0. Move Structure: As stated above in item 2 the accessory structure has been removed along with propane tank.

0. When this parcel was purchased there was an existing 1 inch iron stake in the ground along with a fence post to mark the property corner for neighbors. I brought home a transit and setup over the 1 inch iron and swung a true 90 to the west and marked the property line. When I set my structure I figured I

Attachment: 2022-0006 Scheidler - Variance - Application (7097 : 2022-0006 Scheidler Variance)

had a 30 foot setback to the property line. The neighbor to the south (King) hired John Mickesh to do a survey due to a driveway contention to the south with another neighbor. This survey shows that the existing corner was not correct. The new corner brought the property line within 10 feet of the setback. 0. Variance: Formentioned variances are listed above.

Part 3

Step One: Unnecessary hardship

The principal structure has an eave on the Southeast corner that is in contention of compliance to setbacks. The Eave hangs approximately <2 feet over the property line. If a variance is not granted this would instill great hardship to the homeowner to remove the entire home off the setback. This eave does not cause hardship to the adjacent neighbor who has owned the adjacent property of 40 acres for many years and used as recreational purposes. This corner of the property is not buildable land. This eave also does not interfere with the adjacent property owner continuing to utilize their property.

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

As explained earlier in the above paragraphs the principal structure is surrounded by low lying areas, wetlands and swamps. These are crucial physical limitations to the type and size of structure that would qualify to be built. The principal structure is slab on grade and is impossible to move or relocate and keep its integrity as a custom built home.

Step Three: No harm to public interests

This was agricultural zoned land that was rezoned residential. This property does not contend with adjacent neighbors for privacy purposes, wildlife or natural habitat nor does it impact negatively public safety, health or welfare.

Good people doing for the good ...

Cheryl Scheidler, Volunteer Coordinator
Chippewa County COVID19 Task Force
cl_petska@yahoo.com 715-379-5707

