

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****JUNE 24, 2021****CHIPPEWA COUNTY COURTHOUSE, RM 302****1:00 PM****1. CALL TO ORDER****2. ROLL CALL**

Attendee Name	Organization	Title	Status	Arrived
Jeff Bennesch	Chippewa County	Citizen Rep (Chair)	Present	
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	Excused	
Dale Shipman	Chippewa County	Citizen Rep - Alternate	Excused	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. CONSENT AGENDA

Clary informed the Board of Adjustment that a meeting will be held on July 22, 2021 as the Department had received a couple of petitions. Time will be determined for inspections and meeting.

Motion to approve.

RESULT:	APPROVED [4 TO 0]
MOVER:	Larry Marquardt, Citizen Rep
SECONDER:	Doug Matthews, Citizen Rep
AYES:	Bennesch, Matthews, McFarlane, Marquardt
RECUSED:	Geissler

1. Approve the Agenda

2. Approve the Minutes

Board of Adjustment - Regular Meeting - May 5, 2021 3:30 PM

3. Schedule Next Meeting Date - TENTATIVE July 22, 2021

5. BUSINESS ITEMS

1. 2020-0003 Thompson & Popple - Variance Request - Town of Eagle Point - Doug Clary

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

June 24, 2021
1:00 PM

Motion to Approve the Variance. Discussion centered around the ability of the Board to grant this variance as the property owner, Thompson, did not sign the variance appeal. Rather the variance application was signed and submitted by the Popples.

RESULT:	DEFEATED [0 TO 5]
MOVER:	Julie Geissler, Citizen Rep
SECONDER:	Doug Matthews, Citizen Rep
NAYS:	Bennesch, Matthews, McFarlane, Geissler, Marquardt

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

Elections of the Board Positions.

7. ADJOURN

Motion to adjourn.

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

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****MAY 5, 2021****CHIPPEWA COUNTY COURTHOUSE, RM 016****3:30 PM**

IF YOU ARE A MEMBER OF THE PUBLIC THIS MEETING WILL BE HELD VIA A TELEPHONE CONFERENCE CALL DUE TO THE COVID-19 PANDEMIC. IF YOU WISH TO SPEAK TO THE BOARD OF ADJUSTMENT AT THIS MEETING, PLEASE CALL THE MEETING PHONE NUMBER BELOW AND ENTER THE ACCESS CODE AND PASSWORD. THE COMMITTEE CHAIR WILL ACKNOWLEDGE YOU AT THE APPROPRIATE TIME ON THE AGENDA.

PRESS *6 DURING THE MEETING IF YOU NEED TO EITHER MUTE OR UNMUTE YOURSELF

MEETING PHONE NUMBER: 1-415-655-0001

MEETING ACCESS CODE: 182 9176573

MEETING PASSWORD: 050521

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Jeff Benesch	Chippewa County	Citizen Rep (Chair)	Present	
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	Remote	
Dale Shipman	Chippewa County	Citizen Rep - Alternate	Excused	

Note all five BOA members were present in the meeting, while Alterante Kaiser was on the phone.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. CONSENT AGENDA

Motion to Approve.

Minutes Acceptance: Minutes of May 5, 2021 3:30 PM (Consent Agenda)

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

May 5, 2021
3:30 PM

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

1. Approve the Agenda
2. Approve the Minutes

Board of Adjustment - Regular Meeting - Sep 24, 2020 2:00 PM

5. PUBLIC HEARINGS

1. 2021-0001 SIGH Properties LLC - Variance Request - Doug Clary
Motion to approve of the variance as presented.

Findings:

1. Technical standards have been submitted that show the building would not be inundated by back-to-back 100 year storms.
2. There is a piping system that will assist in the SW management of the site.
3. Alternative steps have been taken to show that the inundation of the property would not occur such as the overflow to the proposed SW pond and the use of swales to move water around and off of the site.

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

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

Clary indicated that the Popple Variance request, which a decision was postponed to give the Popple's and Thompson's time to seek a joint agreement, will be in the circuit court sometime in May of 2021.

7. ADJOURN

Motion to Adjourn.

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

Minutes Acceptance: Minutes of May 5, 2021 3:30 PM (Consent Agenda)



STATEMENT OF EXPLANATION
2020-0003 THOMPSON & POPPLE - VARIANCE REQUEST - TOWN OF
EAGLE POINT - DOUG CLARY

5.1

To transfer a portion of an existing substandard parcel to an adjoining property owner. The existing parcel and the remnant parcel will not meet the minimum lot size and width requirements of the Agricultural District as required in section 70-63 of the Chippewa County Zoning Ordinance and the minimum lot size and width requirements as required in section 55-41 of the Chippewa County Shoreland Zoning Ordinance. The parcel is located on the western side of Popple Lake in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 25, Township 30 North, Range 08 West.

Town of Eagle Point
Parcel Number: 23008-2523-50040925
Property Address: 14607 181st Street

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 •

2020 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>Roger Thompson</u>				Name: <u>Robert & Mary Popple</u>			
Mailing Address: <u>227 Oak Hollow Drive</u>				Mailing Address: <u>14630 181st Street</u>			
City: <u>Chippewa Falls</u>	State: <u>WI</u>	Zip: <u>54729</u>		City: <u>Chippewa Falls</u>	State: <u>WI</u>	Zip: <u>54729</u>	
Telephone: <u>(715) 864-1662</u>				Telephone: <u>(715) 382-4145</u>			
Email Address: <u>—</u>				Email Address: <u>—</u>			
SECTION III: Parcel Information							
Town of: <u>Eagle Point</u>				Property Address: <u>14607 181st Street</u>			
Parcel Number: <u>23008-2523-50040925</u>				City: <u>Chippewa Falls</u> State: <u>WI</u> Zip: <u>54729</u>			
Zoning District(s): <u>AG</u>							

GENERAL DIRECTIONS:

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

☒ Part 1: Board of Adjustment Schedule - 2020	☒ 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:	Appeal Number: <u>2020-0003</u>	Public Hearing Date: <u>09/24/2020</u>

Chippewa County – 2020 Variance Application

Part 1: Board of Adjustment Schedule - 2020

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</u>	<u>Public Hearing</u>
December 26, 2019	January 23, 2020
January 23, 2020	February 20, 2020
February 20, 2020	March 19, 2020
March 26, 2020	April 23, 2020
April 23, 2020	May 21, 2020
May 21, 2020	June 18, 2020
June 25, 2020	July 23, 2020
July 23, 2020	August 20, 2020
August 27, 2020	September 24, 2020
September 24, 2020	October 22, 2020
October 22, 2020.....	November 19, 2020
November 19, 2020.....	December 17, 2020

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

Note: Board of Adjustment meetings start at 5:30 PM.

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 – 2020 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 – 2020 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 *NA*

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: Mary Popple Date: 9/14/20
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: Mary Popple Date: 9/14/20
Owner/Agent

September 14, 2020

Mailing Address:

Roger Thompson
227 Oak Hollow Drive
Chippewa Falls, Wisconsin 54729

Property Location:

Town of Eagle Point
14607 181st Street
23008-2523-50040925 (*Exhibit 1*)

Mailing Address:

Robert & Mary Popple Trust
14630 181st Street
Chippewa Falls, Wisconsin 54729

Property Location:

Town of Eagle Point
14630 181st Street
23008-2523-5005002 (*Exhibit 2*)

Part 3: Three-Step Test Criteria for Variance:

In 1993, approximately 15,038 square feet of land was transferred between adjoining property owners (Robert & Mary Popple (*Grantor*) to Melvin Popple (*Grantee*)). Melvin and Robert are first cousins and the transferred property was for the construction of a detached shed/garage for Melvin's personal use. The warranty deed (*Exhibit 3*), recorded as document 523072 in the Chippewa County Register of Deeds, included the following statement: "Grantee agrees that if property is ever sold or when grantee dies, Grantors will be given the first option to buy the property at an amount equal to the cost of the improvements plus acquisition costs."

Melvin Popple passed away in March of 2020 and the property was left to his nephew Roger Thompson. At this point in time, the Grantors would like to exercise their right to repurchase the transferred property per the statement on the warranty deed. However, in discussing the possible avenues of transferring the property back into Robert & Mary's ownership with the Zoning Department it came to our attention that the reversion transfer was not possible because the remaining property (i.e. the previous property owned by Melvin) would be less than the minimum lot size.

We would respectfully request that the Board of Adjustment grant this variance. First and foremost, we did consult with a local attorney who created the warranty deed for the transfer. Melvin's original property (*Exhibit 4*) was approximately 12,112 square feet and the transferred property was approximately 15,038 square feet (*Exhibit 5*). Both properties are zoned agricultural, which requires a minimum of 1.50 acres or 65,340 square feet. We understand the transfer of land between the adjoining property owners would most likely have been allowed without the need of a survey as long as the transfer was in compliance with the zoning regulations. We did not realize the transferred property would be permanently combined with the existing property and the reversion would not be possible. At first glance, this request does not qualify as an unnecessary hardship based on the explanation within the variance application. However, we do feel the transfer was not self-imposed because we did consult with a local attorney on the process.

Secondly, the transferred property was for the construction of a detached garage for Melvin as he needed additional space. The property is sandwiched between the 181st Street road right-of-way and Popple Lake. A variance was granted to the road setback requirement for the detached garage, while maintaining the minimum setback requirement to Popple Lake. For your information, an old dilapidated house is located between the garage and the lake. We feel that this variance request is not a result of a hardship due to any unique physical limitations of the property.

Finally, there would be no-harm to the public interest. By transferring the property into the ownership of Robert & Mary, you will still see a detached garage and the dilapidated house. A new lot will not be created as we intend attaching the transferred property to our existing land (*Exhibit 2*).

Attachment: 2020-0003 Popple & Thompson - Variance App (6426 : Popple & Thompson Variance Request)



PIN: 23008-2523-50040925

Computer Number: 020-1947

Owner Name: ROGER THOMPSON

Owner Address: 227 OAK HOLLOW DR

Owner Address: CHIPPEWA FALLS WI, 54729

Physical Address: 14607 181ST ST CHIPPEWA FALLS 54729

GIS Acres: 0.6 Deed Acres: 0.8

School Code: 1092

Assessed Value: 160600

Fair Market Value: 188400

Description: GL 4 (NW SW) & GL 5 (SW NW) PCL BEG @ INTER OF POPPLE LK &

LN BET GL 4 & GL 5; NLY ALG SH 174', W 10 RDS, SLY 196',

E 10 RDS, NLY ALG SH 22' TO POB.



Scale = 1":100'

Printed 09/03/2021

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.



PIN: 23008-2523-50050002

Computer Number: 020-1946

Owner Name: ROBERT & MARY POPPLE TRUST

Owner Address: 14630 181ST ST

Owner Address: CHIPPEWA FALLS WI, 54729

Physical Address: 14630 181ST ST CHIPPEWA FALLS 54729

GIS Acres: 13.4 Deed Acres: 11.0

School Code: 1092

Assessed Value: 140800

Fair Market Value: 165200

Description: GL 5 (SW NW) EX THE S 174' OF THE E 10 RDS ON THE SH
OF POPPLE LAKE

Scale = 1":200'

Printed 09/03/202

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.

DOCUMENT NO.

523072

STATE BAR OF WISCONSIN FORM 1—1982
WARRANTY DEED

INDEXED

THIS SPACE RESERVED FOR RECORDING DATA

This Deed, made between
Robert Popple and Mary Popple

and Melvin L. Popple

Grantor,

Grantee,

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Chippewa
County, State of Wisconsin:

Registers Office } ss
Chippewa County, WI }
Received for Record
the 20 day of Oct
A.D. 1993 at 330 o'clock P. m.
and recorded in vol. 761
of Records Page 153
Bertine M. Boycraft
Register

RETURN TO

10⁰⁰ PO

ATTYS WILEY WAHL

Tax Parcel No:

A strip of land in Government Lot 5 on Popple Lake
in Section 25, Township 30 North, Range 8 West
further described as follows:

Commencing at the Southeast corner of said Lot 5 on
the shore of Popple Lake; thence proceeding 54 feet more or less to an iron stake
in the ground being the point of beginning; thence North 120 feet along the lake
shore; thence Westerly 10 rods; thence Southerly 120 feet; thence Easterly 10 rods
to the point of beginning.

It being intended to convey a strip of land 120 feet wide extending back 10 rods
such strip being immediately adjacent to and North of the property currently owned
by Melvin L. Popple as recorded in Volume 541 of Records, Page 257.

Grantee agrees that if property is ever sold or when grantee dies, Grantors will be
given the first option to buy the property at an amount equal to the cost of the
improvements plus acquisition costs.

TRANSFER
FEE\$ 21⁰⁰

This is not homestead property.
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;

And Grantors

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except
easements, restrictions and reservations of record, if any, and zoning ordinances
and regulations

and will warrant and defend the same.

Dated this 19th day of October, 1993.

+ Robert Popple (SEAL)

* Robert Popple

(SEAL)

* _____

+ Mary Popple (SEAL)

* Mary Popple

(SEAL)

* _____

AUTHENTICATION

Signature(s) of Robert Popple and
Mary Popple

authenticated this 19th day of October, 1993

* Charles G. Norseng,

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

State Bar # 1013752

THIS INSTRUMENT WAS DRAFTED BY

Charles G. Norseng, Attorney
P. O. Box 370
Chippewa Falls, WI 54729(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

County. } ss.

Personally came before me this _____ day of
19____ the above namedto me known to be the person who executed the
foregoing instrument and acknowledge the same.

*
Notary Public _____ County, Wis.
My Commission is permanent. (If not, state expiration
date: _____, 19____.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN

Wisconsin Legal Blank

Packet Pg. 13

Attachment: 2020-0003 Popple & Thompson - Variance App (6426 : Popple & Thompson Variance Request)

SCALE : 1" = 30'

LEGEND

O SET 1 1/4" x 24" IRON PIPE WEIGHING
1.68 LBS. / LINEAL FOOT

SURVEYOR'S CERTIFICATE

I, JOHN D. WICKESH, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. SAID PARCEL IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

John D. Mickesh
JOHN D. MICKESH

DATED THIS 5 DAY OF AUGUST, 2009.

NOTE:

AN OPINION OF TITLE SHOULD BE OBTAINED FROM AN ATTORNEY FOR THE SURVEYED PARCEL AS SHOWN ON THIS MAP BEFORE ANY UTILIZATION OF THIS PROPERTY IS MADE BY THE OWNER, HIS ASSIGNS OR HEIRS.

RECEIVED

2.6

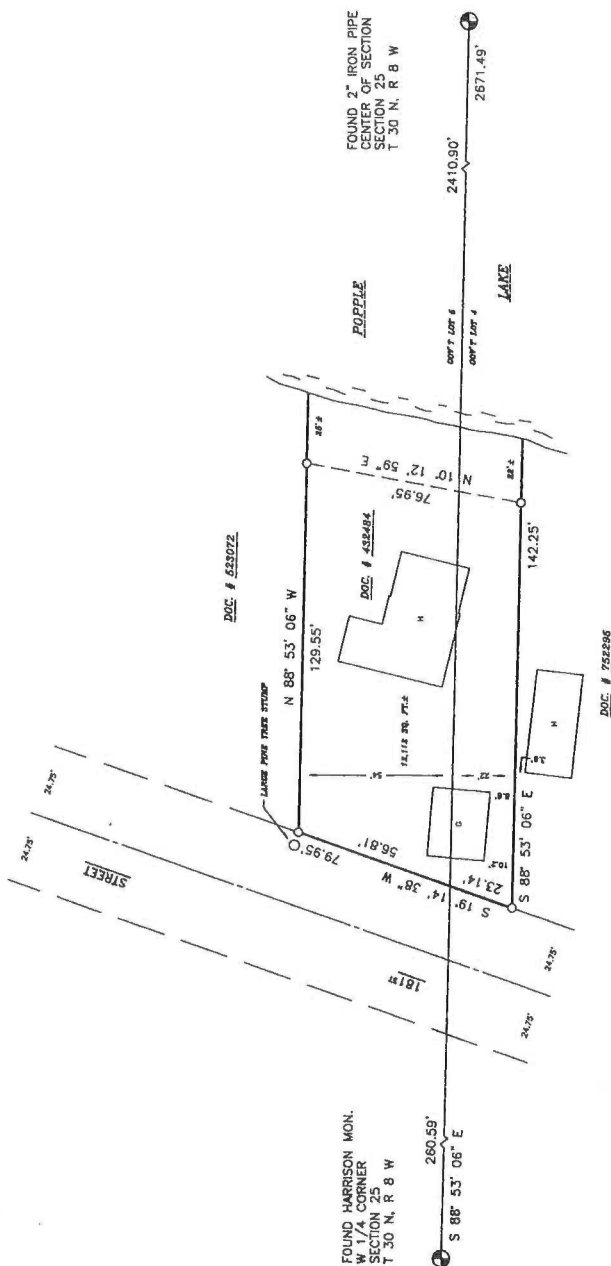
CHIPPENHA CO.
LAND RECORDS

CHIPPEWA SURVEYING INC.
CHIPPEWA FALLS, WISCONSIN

POPPLE SURVEY, LOCATED IN GOVERNMENT
LOTS 4 AND 5 IN SECTION 25, TOWNSHIP 30
NORTH, RANGE 8 WEST, TOWN OF EAGLE POINT,
CHIPPewa COUNTY, WISCONSIN.

8 / 5 / 2009

Attachment: 2020-0003 Popple & Thompson - Variance App (6426 : Popple & Thompson Variance Request)



DOC. # 432484

A STRIP OF LAND IN GOVERNMENT LOTS 4 AND 5, ON POPPLE LAKE IN SECTION 25, TOWNSHIP 30 NORTH, RANGE 8 WEST, FURTHER DESCRIBED AS FOLLOWS: BEGINNING ON THE LINE BETWEEN GOVERNMENT LOTS 4 AND 5 AT ITS INTERSECTION WITH THE LAKE SHORE AND MARKED BY AN IRON STAKE; THENCE SOUTHERLY ALONG THE LAKE SHORE 24 FEET TO A LARGE STONE; THENCE NORTHEASTLY TO A PINE TREE AND MARKED BY AN IRON PIPE; THENCE SOUTHERLY TO A LARGE STONE NEAR A PINE TREE AND MARKED BY AN IRON PIPE IN THE GROUND; THENCE SOUTHERLY 76 FEET MORE OR LESS TO AN IRON STAKE IN THE GROUND; THENCE EASTERLY TO RODS MORE OR LESS TO A PINE TREE AND MARKED BY AN IRON STAKE IN THE GROUND; THENCE NORTHEASTLY ALONG THE LAKE SHORE 22 FEET, TO THE POINT OF BEGINNING.

Property Transferred per Document #523072

Scale = 1:50'

Printed 09/03/2020



Disclaimer: This map is a compilation of records as they appear in the Chippewa County Offices

Attachment: 2020-0003 Popple & Thompson - Variance App (6426 : Popple & Thompson Variance Request)

(Publish – Chippewa Herald – September 16 and September 17, 2020)

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 **September 24, 2020** beginning at **2:00 PM** in Room 003, located in the basement of the Chippewa County Courthouse, Chippewa Falls, Wisconsin, relative to following request:

Variance Petition: #2020-0003

Appellant: Robert & Mary Popple and Roger Thompson

To transfer a portion of an existing substandard parcel to an adjoining property owner. The existing parcel and the remnant parcel will not meet the minimum lot size and width requirements of the Agricultural District as required in section 70-63 of the Chippewa County Zoning Ordinance and the minimum lot size and width requirements as required in section 55-41 of the Chippewa County Shoreland Zoning Ordinance. The parcel is located on the western side of Popple Lake in the SW ¼ of the NW ¼, Section 25, Township 30 North, Range 08 West. Town of Eagle Point. Parcel Number: 23008-2523-50040925. Property Address: 14607 181st Street.

All persons interested are invited to attend, but social distancing and masks will be required. Specific information regarding this hearing can be obtained at the Chippewa County Department of Planning & Zoning.

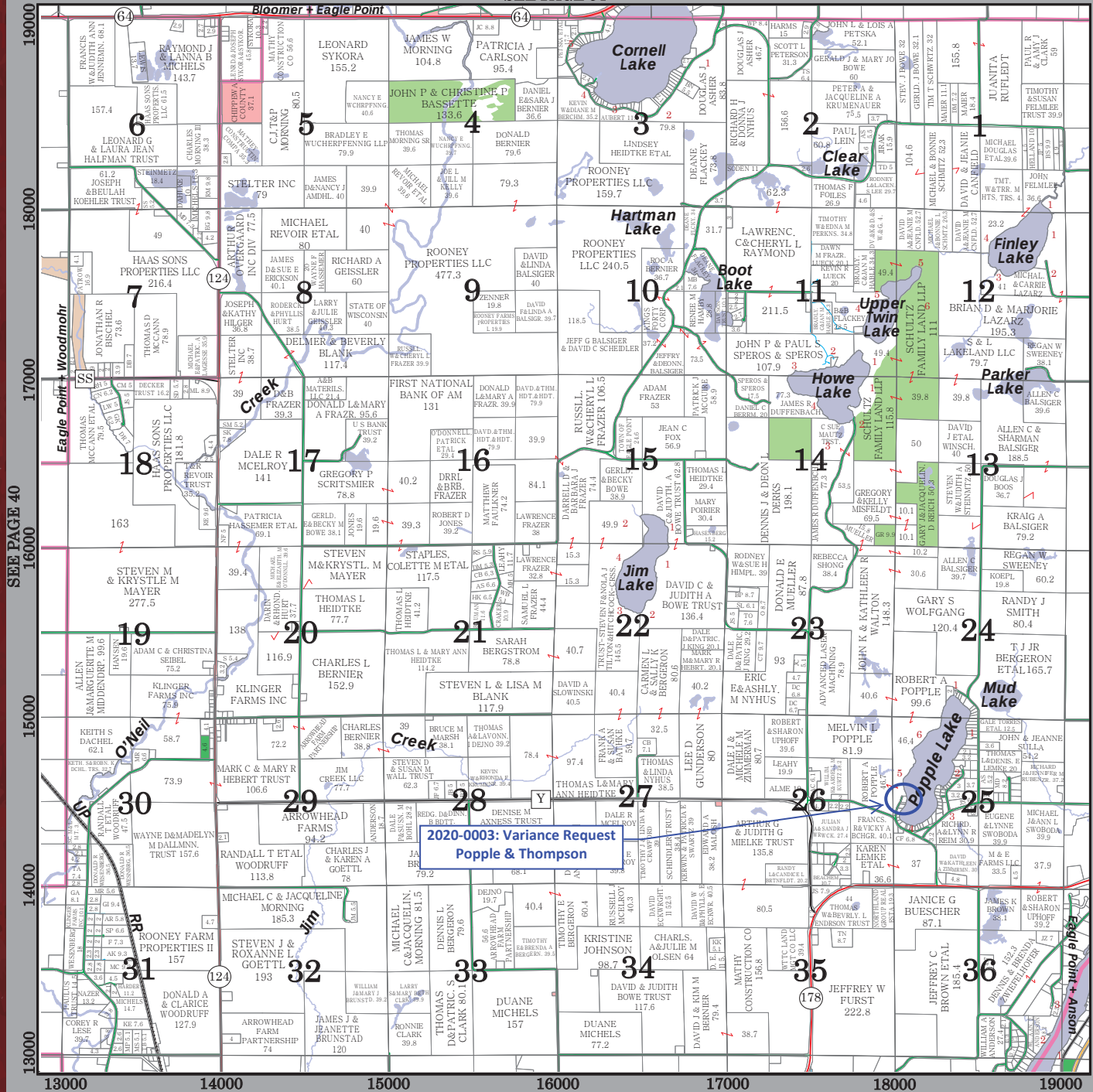
Dated this **14th** day of **September**, 2020.

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County, Wisconsin

Attachment: 2020-0003 Popple & Thompson - Notice & Maps (6426 : Popple & Thompson Variance Request)



SEE PAGE 54



SEE PAGE 30

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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.

Attachment: 2020-0003 Popple & Thompson - Notice & Maps (6426 : Popple & Thompson Variance Request)

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

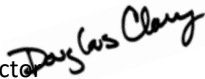
Land Records & G.I.S.

POWTS & Wells

Date: September 14, 2020

To: Property Owner(s)

From: Douglas Clary, Director



Re: Public Meetings & 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 parcels associated with this rezone request. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

VARIANCE REQUEST: #2020-0003

Appellant: Robert & Mary Popple and Roger Thompson

The parcel is located on the western side of Popple Lake in the SW ¼ of the NW ¼, Section 25, Township 30 North, Range 08 West. Town of Eagle Point. Parcel Number: 23008-2523-50040925. Property Address: 14607 181st Street.

Request: To transfer a portion of an existing substandard parcel to an adjoining property owner. The existing parcel and the remnant parcel will not meet the minimum lot size and width requirements of the Agricultural District as required in section 70-63 of the Chippewa County Zoning Ordinance and the minimum lot size and width requirements as required in section 55-41 of the Chippewa County Shoreland Zoning Ordinance.

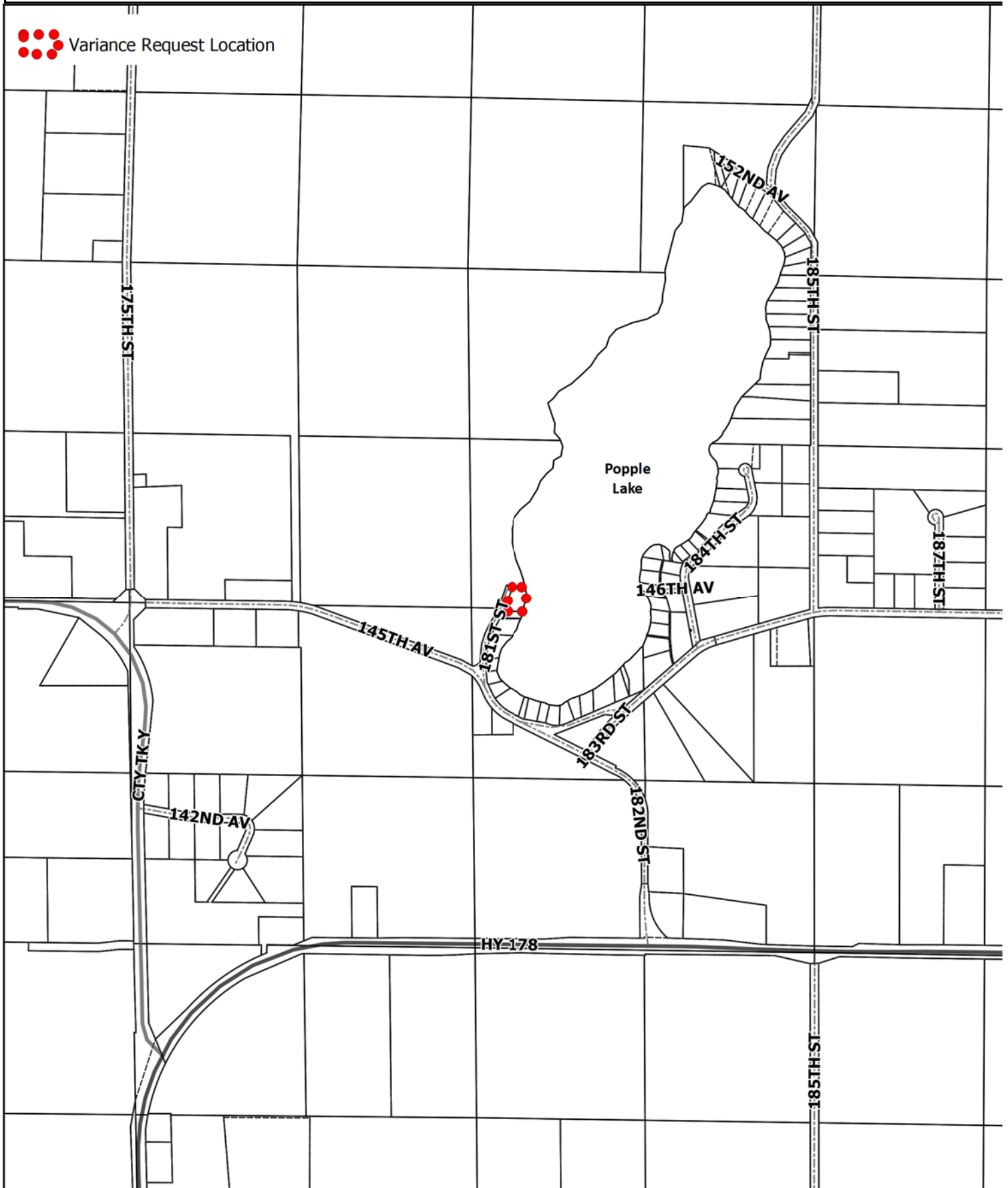
Chippewa County Board of Adjustment:

The Chippewa County Board of Adjustment (BOA) will hold a **PUBLIC HEARING** on **September 24, 2020 at 2:00 PM**, in room 003, 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.

PLEASE NOTE: *The agenda for the Chippewa County Board of Adjustment will be posted online approximately one week prior to their meeting. The agenda will have the procedures for calling into the meeting via a telephone or for personal protection equipment requirements, such as the wearing of face masks, limitations set for number of individuals allowed in the meeting room, etc.*

Attachment: 2020-0003 Popple & Thompson - Notice & Maps (6426 : Popple & Thompson Variance Request)

2020-0003 Popple & Thompson Variance Request - Location Map



Attachment: 2020-0003 Popple & Thompson - Notice & Maps (6426 : Popple & Thompson Variance Request)

2020-0003 Popple & Thompson Variance Request - Aerial (2020) Variance Request Location

Attachment: 2020-0003 Popple & Thompson - Notice & Maps (6426 : Popple & Thompson Variance Request)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

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Land Management

Land Planning

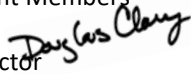
Land Records & G.I.S.

POWTS & Wells

Date: September 17, 2020

To: Board of Adjustment Members

From: Douglas Clary, Director



Re: Appeal # 2020-0003 – Popple & Thompson - Variance Request

1. **Appellant Name:** Robert & Mary Popple, Roger Thompson
2. **Property Location/Address:** The parcel is located on the western side of Popple Lake in the SW ¼ of the NW ¼, Section 25, Township 30 North, Range 08 West. Town of Eagle Point. Parcel Number: 23008-2523-50040925 (referred to as "Thompson Parcel"). Property Address: 14607 181st Street.
3. **Variance Request:** To transfer a portion of an existing substandard parcel to an adjoining property owner. The Thompson Parcel and the remnant parcel do not and will not meet the minimum lot size and width requirements of the Agricultural District as required in section 70-63 of the Chippewa County Zoning Ordinance and the minimum lot size and width requirements as required in section 55-41 of the Chippewa County Shoreland Zoning Ordinance.
 - (a) **Section 70-63.** Agricultural Districts require a minimum of 1.50 acres (65,340 square feet) and 150' in width. **CONFLICT:** The proposed transfer of land would reduce the Thompson lot to 12,112 square feet (0.278 acres) and 76' in width.
 - (b) **Section 55-41.** Parcels of land located within the shoreland district shall be a minimum of 20,000 square feet and 100' in width. **CONFLICT:** The proposed transfer of land would reduce the Thompson lot to 12,112 square feet and 76' in width.
4. **Ordinance Provisions/Purposes:**
 - (a) Section 70-2 and 70-3 of the Zoning ordinance and 55-3 of the Shoreland Zoning Ordinance state the purpose and intent behind the ordinance provisions. I have attached a copy of these sections for your review.
5. **Variance Framework:** Based on the Wisconsin State Supreme Court's decision in *State v. Zervogel*, (2004), I believe that the following are some questions that need to be addressed to verify whether or not the property 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?

Attachment: 2020-0003 Popple & Thompson - Variance - Staff Report (6426 : Popple & Thompson Variance Request)

(h) What are the objectives and the purposes of the ordinance?

6. **Correspondence/Communication:** The Town of Eagle Point and those property owners within 400' of the applicant's property were notified of the variance hearing.

7. **Staff Comments:** In 1993, Robert & Mary Popple (R&M Popple) transferred a piece of property to Melvin Popple (M Popple), an adjacent property owner, for the construction of a detached garage. As part of the transfer, R&M Popple would be given the first option to purchase only the transferred piece of property if the property was ever sold or when M Popple died. M Popple has passed and left the property to his nephew Roger Thompson. Thompson is now seeking to sell the property.

In 1993, the transfer of land between adjoining property owners would have been allowed without the need of a survey on the parcel to be transferred, as long as a separate lot of record was not created and any zoning regulations would still need to be adhered to. M Popple's original parcel was just over 12,000 square feet and the transferred parcel was just over 15,000 square feet, which made a parcel of approximately 27,000 square feet. Thus, a smaller parcel was made "less" non-conforming and would have been in compliance with the zoning regulations.

The reversion of the property (From M Popple to R&M Popple) is not so easy because the resulting parcel – back down to just over 12,000 square feet – would make the lot more non-conforming. In other words, the parcel of record is now 27,000 square feet and "transferring" land to an adjoining property owner would make the parcel more non-conforming.

8. **Staff Recommendation:** I would recommend that the BOA **GRANT** the variance based on the following:

- (a) The property owners did work with a local attorney on drafting the warranty deed in 1993. The intent on receiving the parcel of land back was clearly identified within the deed. If the Department of Planning & Zoning would have been consulted prior to this arrangement, we would have been able to inform them that the initial transfer would have been in compliance, but the reversion would not be allowed.
- (b) The result of the reversion transfer does create a smaller substandard lot. However, the original substandard lot owned by Melvin Popple is well defined with previous surveys.
- (c) The existing buildings on the original Melvin Popple property have not been expanded in such a fashion that the foot prints of the original structures have not encroached onto the original lot lines.
- (d) The detached garage that was built on the transferred property will meet the required side-yard setback to the southern property line in the agricultural district.
- (e) The following should be conditions:
 - (1) The original Melvin Popple lot, as shown in Map of Survey number 5172B, will be considered a substandard lot per section 70-111(b) of the Zoning Ordinance and 55-41(d). The lot can be sold and used as a building site as long as all applicable ordinance provisions are observed.
 - (2) The transferred piece of ground, as described in Document Number 523072, shall be combined with parcel number 23008-2523-50050002 and will not be considered a separate lot of record. The owner's name will be Robert & Mary Popple Trust.
 - (3) The existing building between the existing detached garage and Popple lake cannot be rebuilt.
- (f) Any other reasonable conditions required by the Board of Adjustment.

9. **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 Zoning Ordinance – Sections 70-2, 70-3, 70-63 and 70-111
Chippewa County Shoreland Zoning Ordinance – Sections 55-3 ad 55-41

ARTICLE I. IN GENERAL**Sec. 70-1 Authority**

The provisions of this chapter are adopted by the County Board under the authority granted by Wis. Stats. §§ 59.69 and 59.694.

(Code 1980, § 17.01)

Sec. 70-2 Purpose

The purpose of this chapter is to promote and protect the health, safety, morals, prosperity, aesthetics and general welfare of this county.

(Code 1980, § 17.02)

Sec. 70-3 Intent

It is the general intent of this chapter:

- (a) To regulate and restrict the height, number of stories and size of all buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes.
- (b) To lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect values; further the appropriate uses of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community comprehensive plan or plan components.
- (c) To provide for land in the county to be divided into districts of such number, shapes and areas as are deemed best suited to carry out such purposes and the use of the land in the various districts are limited to those specifically listed and enumerated in this chapter.
- (d) To provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(Code 1980, § 17.03)

Sec. 70-4 Abrogation and Greater Restrictions

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, other existing county ordinances, rules, regulations or permits previously issued under existing ordinances and regulations. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Code 1980, § 17.04)

- (k) Highway Commercial District (HC)
- (l) Industrial District (IND)
- (m) Highway Corridor District

(Code 1980, § 17.20) (Ord. 06-15, 01-12-2016)

Sec. 70-62 Zoning Map and District Boundaries

The boundaries of the first twelve (12) districts are shown on separate township maps numbered 1 through 23. These maps are designated as the official zoning maps of Chippewa County, Wisconsin. The 13th district is shown on maps overlaying the other districts. These maps and land descriptions are adopted by reference and made a part of this section as if fully set forth herein. All notations, references and other information shown upon such zoning maps and land descriptions shall be as much a part of this section as if the matter and things set forth by such maps and land descriptions were fully described herein. The definitions of boundaries are as follows:

- (a) District boundaries shall normally be lot lines, section lines, one-half, one-quarter, one-eighth, or one-sixteenth section line, centerlines of streets, highways, railroads, boundaries of lakes, rivers and streams.
- (b) In unsubdivided or subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the lot lines of the lots abutting such streets.
- (c) When district boundary lines are shown on the Zoning Maps of Chippewa County as being adjacent to streets, highways or railroads, it is intended that such district boundary lines shall be assumed to abut the right-of-way of such street, highway or railroad.
- (d) Questions regarding the exact location of district boundaries shall be decided by the Administrator. Decisions may be reviewed on appeal to the Committee.
- (e) The Official Zoning Maps, Chippewa County, Wisconsin together with a copy of this chapter shall be kept at the county Administrator's office and shall be available for public inspection during office hours, Monday through Friday, excluding holidays.

(Code 1980, § 17.21) (Ord. 06-15, 01-12-2016)

Sec. 70-63 Zoning Schedule of Dimensional Requirements

For buildings hereafter erected, converted in use, enlarged, moved or structurally altered, the building height limit, minimum dimension of yards, minimum area and width of lots shall comply with the following requirements:

(TABLE ON NEXT PAGE)

Zoning Schedule of Dimensional Requirements – TABLE

Dimensional Requirements	CON	REC	R1	R2	R2-TH	R3	AG	LC	HC	IND
Building height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft	45 ft	75 ft	75 ft
Minimum Lot Area										
Without public sewer	5 Acres	30,000 ft ²	20,000 ft ²	20,000 ft ²	10,000 ft ² per side	20,000 ft ²	1.5 acres	20,000 ft ²	20,000 ft ²	1 acre
With public sewer			10,000 ft ²	10,000 ft ²	10,000 ft ² per side	10,000 ft ²		10,000 ft ²	10,000 ft ²	
Minimum Lot Width										
Without public sewer	150 ft	150 ft	100 ft	100 ft	50 ft per side	100 ft	150 ft	100 ft	100 ft	150 ft
With public sewer			70 ft	70 ft	50 ft per side	70 ft		70 ft	70 ft	
Side Yard										
Principal Single side	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	10 ft	10 ft	20 ft
Shared Property Line	NA	NA	NA	NA	0 ft	NA	NA	NA	NA	NA
Accessory building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	10 ft	15 ft
Rear Yard										
Principal Building	40 ft	40 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	25 ft	40 ft
Accessory Building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	15 ft	15 ft	20 ft

Note 1: Road setbacks are found in section 70-109.

Note 2: Non-conforming lot requirements are found in section 70-111.

Note 3: All of the setback requirements are in feet, while the required lot area is square feet, unless duly noted.

Note 4: See the individual zoning districts and 70-106 and 70-107 for additional height and setback restrictions and/or regulations.

See each district section for exceptions to the standards in this section.

(Code 1980, § 17.22) (Ord. 06-15, 01-12-2016)

Sec. 70-64 Conservancy District (CON)

In order to protect and preserve the natural character of the lands included within this district and their values for wildlife, water conservation, flood control, recreation, forestry and other public purposes, no land shall be used and no building shall be erected or moved after the effective date of the ordinance from which this chapter is derived except in accordance with the following regulations:

(a) *Approved uses.* The following are approved uses in the conservancy district:

(1) Production of forest products.

- (8) *Doctors' and dentists' offices and medical clinics.* Four spaces for each doctor and for each dentist, plus one space for each employee.
 - (9) *Bowling alleys.* Seven spaces for each alley, plus one space for each employee at peak employment.
 - (10) *Warehouses, industries.* One space for each two employees on the two largest shifts combined.
 - (11) *Other uses.* In applying for permits for buildings and uses not included in this section, the applicant shall specify the minimum off-street parking spaces to be provided, and the Administrator shall issue the permit subject to such provision, and on the condition that spaces for additional need shall be provided if and when such need occurs.
- (b) *Truck loading areas and parking spaces.* Off-street spaces sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings and uses delivering and receiving goods, materials and supplies by truck and those using trucks in their business or operation.
- (c) *Supplemental parking space requirements.*
- (1) Each parking space shall be not less than 200 square feet in area and nine feet in width, exclusive of aisles, driveways and walks, and shall not include any portion of a street or alley.
 - (2) Required parking spaces for dwellings, trailer coaches, mobile homes, motels, autocourts and auto camps shall be located on the same premises as the use served. For other uses, where this would be unreasonable or an unnecessary hardship, the Committee may approve the location of a portion of the required stalls on other nearby property.
 - (3) Required parking spaces provided on a lot or in a building shall be kept clear of other uses and obstructions to parking.
 - (4) All parking spaces shall be graded and drained, and parking lots containing five (5) or more spaces shall be given a hard surfacing such as concrete or asphalt.

(Code 1980, § 17.41)

Sec. 70-111 Substandard Lots

- (a) *Substandard lots served by a public sanitary system.* A substandard lot served by a public sanitary sewer which is at least 7,500 square feet in area and is 50 feet in width may be used as a building site upon issuance of a zoning permit by the Administrator if it meets all of the provisions of (b)(1), (b)(2) and (b)(3) of this section. In addition, the following requirements must be satisfied:
- (1) Such use is permitted in the zoning district.

- (2) The lot was not illegally created and was on record in the Chippewa County Register of Deeds office prior to April 1, 2001.
- (b) *Substandard lots not served by public sanitary sewer.* A substandard lot not served by public sanitary sewer, which is at least 10,000 square feet and at least 60 feet in width at the building setback line may be used as a building site upon issuance of a zoning permit by the Administrator if it meets all the provisions of subsection (a)(1) and (a)(2) of this section . In addition, the following regulations will be applicable:
- (1) All required setbacks must be met with all proposed buildings.
- (2) The total impervious surface cannot exceed 30% of the lot area.
- (3) A variance may not be granted for any type of side yard setback relief on the property.
- (c) *Other substandard lots.* A building permit for the improvement of a lot having lesser dimensions than those stated in subsections (a) and (b) of this section shall be issued only after granting of a variance by the board of adjustment. In addition, the provisions of subsection (a) and (b) of this section shall apply.

Sec. 70-112 Adult Book Store, Adult Cabaret or Adult Motion Picture Theater Regulations

- (a) *Standards.* An adult book store, an adult motion picture theater, and an adult cabaret are permitted as a Conditional Use Permit in the Industrial district, provided in each case that:
- (1) Such use shall not be located within 1,500 feet of any residence or residential district.
- (2) Such use shall not be located within 1,500 feet of a public or private school, church, nursery, day care center, or park.
- (3) Such use shall not be located within 1,000 feet of another adult book store, adult motion picture theater, or adult cabaret.
- (4) The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located, to the nearest point of the residential zoning district boundary line.
- (5) Such use shall not be located in a structure that has a door, window, or opening that is constructed in such a way that the public can view the interior contents and/or activities without entering the structure.
- (6) Such use shall display a 2-foot by 2-foot sign located within 3 feet of the structure entrance in such a position that any person approaching to enter will be able to read the following: "Must be 18 years old to enter" and "Material beyond this door may be offensive".
- (7) Violation of these provisions is declared to be a public nuisance per se.

Ordinance Amendments:

2016-06 –On September 13, 2016, the County Board adopted Ordinance 06-16 to repeal Chapter 54 and create Chapter 55, the Shoreland Ordinance
(County Board Adopted: 09-13-2016)

ARTICLE I. IN GENERAL**Sec. 55-1. Statutory Authorization.**

This ordinance is adopted pursuant to the authorization in Wis. Stat. § 59.692, Stats, to implement Wis. Stats. §§ 59.692 and 281.31.

Sec. 55-2. Findings of Facts.

Uncontrolled use of the shorelands and pollution of the navigable waters of Chippewa County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Chippewa County, Wisconsin.

Sec. 55-3. Purpose and Intent.

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

- (a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
 - (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - (2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - (3) Controlling filling and grading to prevent soil erosion problems.
 - (4) Limiting impervious surfaces to control runoff which carries pollutants.
- (b) Protect spawning grounds, fish and aquatic life through:
 - (1) Preserving wetlands and other fish and aquatic habitat.
 - (2) Regulating pollution sources.
 - (3) Controlling shoreline alterations, dredging and lagooning.
- (c) Control Building Sites, Placement of Structures and Land Uses through:

- (1) Prohibiting certain uses detrimental to the shoreland-wetlands.
 - (2) Setting minimum lot sizes and widths.
 - (3) Setting minimum structure setbacks from waterways.
 - (4) Setting the maximum height of near shore structures.
- (d) Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty through:
- (1) Restricting the removal of natural shoreland cover.
 - (2) Preventing shoreline encroachment by structures.
 - (3) Controlling shoreland excavation and other earth moving activities.
 - (4) Regulating the use and placement of boathouses and other structures.

Sec. 55-4. General Provisions.

- (a) *Areas to be Regulated.* The provisions of this ordinance apply to regulation of the use and development of shoreland areas. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Chippewa County which are:
- (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Chippewa County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
 - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Chippewa County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
 - (3) Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
 - a. Lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river;
 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching;

- (b) *Private Wells.* Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code and any applicable county ordinances.
- (c) *Private Onsite Waste Treatment Systems.* Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall comply with ch. SPS Comm 383, Wis. Adm. Code and applicable county ordinances.

Sec. 55-41. Lot Regulations.

- (a) *Purpose.* Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum lot area or width of a lot, the beds of navigable waters shall not be included.
 - (1) No lot shall be reduced or created that the dimensional yard requirements of this ordinance cannot be met.
 - (2) When a structure is proposed to be constructed or created across a property line, within a required setback, or on a contiguous non-buildable parcel, the 2 parcels shall be resurveyed as one lot by certified survey map procedures prior to the issuance of any applicable permits.
- (b) *Lots Served by a Public Sanitary System.*
 - (1) Minimum Lot: 10,000 square feet
 - (2) Minimum Average Lot Width: 65 feet
- (c) *Lots Not Served by a Public Sanitary System.*
 - (1) Minimum Lot: 20,000 square feet
 - (2) Minimum Average Lot Width: 100 feet
- (d) *Substandard Lots.* A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
 - (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.
- (e) *Other Substandard Lots.* Except for lots which meet the requirements of section 55-41(d) a zoning permit for the improvement of a lot having lesser dimensions than those stated in sections 55-41(b) or 55-41(c) shall not be used as a building site.