

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.

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

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****SEPTEMBER 23, 2021****CHIPPEWA COUNTY COURTHOUSE, RM 003****2:30 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	Excused	
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	Present	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

None.

4. CONSENT AGENDA

Chair Bennesch requested that the minutes be changed to reflect his request to show that there was a voice vote on "The Discussion on 2020-0003 Popple & Thompson Variance Request" at the July 22, 2021 4:30 PM meeting.

Motion to approve the minutes with the correction as requested.

NOTE: After the meeting, Clary reviewed the request for the minutes to reflect only the mover and seconder and then the voice vote. However, per section 3-01 of the BOA By-Laws, section 70-35(e)(4) of the Zoning Ordinance and section 55-13(e)(4) of the Shoreland Ordinance require the minutes to reflect the vote of each BOA Member.

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

1. Approve the Agenda

2. Approve the Minutes

Board of Adjustment - Regular Meeting - Jul 22, 2021 2:30 PM

Board of Adjustment - Regular Meeting - Jul 22, 2021 4:30 PM

Minutes Acceptance: Minutes of Sep 23, 2021 2:30 PM (Consent Agenda)

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 003

September 23, 2021
2:30 PM

5. BUSINESS ITEMS

1. 2020-0003 Popple & Thompson Variance Request

Attorney Manydeeds handed out a copy of the Judgement from the July 29, 2021 hearing, which was filed today (September 23, 2021). Attorney Manydeeds informed the BOA the Popple's will most likely appeal the decision, which will need to occur within 20 days of the filing.

A general discussion occurred regarding the BOA's desire to have legal representation. Clary indicated that he had reached out to Attorney Robert Ferg regarding the BOA's request. Motion to postpone until the October 21, 2021 meeting.

RESULT:	POSTPONE [UNANIMOUS]	Next: 10/21/2021 3:00 PM
MOVER:	Roger McFarlane, Vice Chair	
SECONDER:	Julie Geissler, Citizen Rep	
AYES:	Bennesch, McFarlane, Geissler, Marquardt, Shipman	

2. 2021-0004 WDNR Ranger Station - Variance Request - Town of Anson - Tony Roder

Mark Erickson, Everyday Surveying and Engineering, was present and introduced the petition and exhibits to the Board of Adjustment. Motion to approve the variance as requested. General discussion regarding the turning radius' of the proposed vehicles, the ability to just widen one of the driveways, the ability to have just one driveway, the daily use of the driveway, the location of the building on the property in regards to limiting factors such as the wetland complex and the stormwater facilities.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Marquardt, Citizen Rep
SECONDER:	Dale Shipman, Citizen Rep - Alternate
AYES:	Bennesch, McFarlane, Geissler, Marquardt, Shipman

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

None, except for the Popple/Thompson Variance request.

7. ADJOURN

Motion to adjourn.

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

Minutes Acceptance: Minutes of Sep 23, 2021 2:30 PM (Consent Agenda)

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****SEPTEMBER 23, 2021****CHIPPEWA COUNTY COURTHOUSE, RM 119Q****1:30 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	Excused	
Roger McFarlane	Chippewa County	Vice Chair	Present	
Julie Geissler	Chippewa County	Citizen Rep	Excused	
Larry Marquardt	Chippewa County	Citizen Rep	Present	
Carolyn Kaiser	Chippewa County	Citizen Rep - Alternate	Excused	
Dale Shipman	Chippewa County	Citizen Rep - Alternate	Present	

3. BUSINESS ITEMS

1. WDNR Ranger Station - Site Inspection: 20150 County Highway S - Town of Anson
BOA visited the site, then drove to the Popple Thompson Variance.

RESULT:	DISCUSSED
----------------	------------------

2. Popple/Thompson - Site Inspection: 14607 181st Street - Town of Eagle Point
BOA visited the site and then went back to the courthouse.

RESULT:	DISCUSSED
----------------	------------------

4. AGENDA ITEMS FOR FUTURE CONSIDERATION

None discussed.

5. ADJOURN

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Marquardt, Citizen Rep
SECONDER:	Dale Shipman, Citizen Rep - Alternate
AYES:	Bennesch, McFarlane, Marquardt, Shipman
EXCUSED:	Matthews, Geissler

**STATEMENT OF EXPLANATION**

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

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

Manydeeds Law, S.C.
 Attorneys at Law
 1119 Regis Court, Suite 110
 Eau Claire, WI 54701

Telephone: (534) 444-3118
 Facsimile: (534) 444-3121

Edmund Manydeeds III
 John Manydeeds

July 13, 2021

VIA EMAIL Dclary@co.chippewa.wi.us

Board of Adjustment
 c/o Director Douglas Clary
 711 N. Bridge Street
 Chippewa Falls, WI 54729

**RE: Thompsons/Popples Variance Request
 Appeal # 2020-0003**

Board Members,

My name is John E. Manydeeds and I have been representing Robert & Mary Popple during the variance request number 2020-0003. I am writing this letter for the July 22, 2021 meeting when this variance issue will be reopened for discussion.

I did want to explain some matters to help guide the Board as it relates to Robert & Mary Popple's interests in the property and how the variance application was able to be filed.

In 1993, Robert and Mary Popple gifted the land in question to their cousin, Melvin Popple. Attached to this letter is a copy of the Warranty Deed which was part of the variance paperwork you were originally provided with. Robert and Mary Popple's only requirement of Melvin Popple for the transaction was that if he ever sold his property or when he passed away, he was supposed to give the land back to them. This was incorporated in the deed which states:

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

The language from the 1993 deed was reused in the Designation of TOD Beneficiary Form that was signed by Melvin Popple on December 21, 2017 and recorded the same day by the Register of Deeds. I have attached a copy of that form as well to this letter.

This language about the first option to buy grants a contractual ownership interest in the property to the Popples. The Wisconsin Supreme Court has issued decisions related to these options and has stated:

An option to purchase when consideration is given therefor is a continuing promise by the landowner to sell real estate to another at a specified price and within a specified period of time. The distinguishing feature of an option is that it does not bind the purchaser to purchase or exercise the option.

Clear View Estates, Inc. v. Veitch, 67 Wis. 2d 372, 377, 227 N.W.2d 84, 87 (1975).

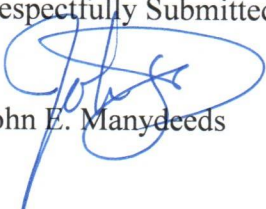
Melvin Popple took ownership over the land in 1993 and in consideration for that land, he agreed to give it back to the Popples if he ever decided to sell the land or upon his death. This continuing promise to the Popples survives through the TOD Beneficiary form that Melvin Popple signed transferring the land to the Thompsons. The language is included in both the 1993 Warranty Deed and the 2017 TOD Beneficiary Form.

Judge James M. Isaacson signed an Order on May 24, 2021 stating that the First Option to Buy Language in the Recorded Deed is binding upon the parties. This was in the Order that I provided at the previous meeting. I am attaching that Order to this letter for your review.

The Thompsons are contractually obligated to allow the Popples to get their land back at the contractual amount if they want the land back. The Popples do want the land back which gives them the ability to request the variance.

I will be attending the meeting on June 22. If you have any questions, please feel free to contact me or let me know at the meeting.

Respectfully Submitted,


John E. Manydeeds

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: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

\$ 21.00

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

ss.

County.

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 Co. Inc.

EXHIBIT 1

Packet Pg. 10

Attachment: Manydeeds Letter to the Board of Adjustment 071321 (6499 : Reconsideration of Popple & Thompson Variance Motion)

USE BLACK INK

State Bar of Wisconsin Form 9-2009
DESIGNATION OF TOD BENEFICIARY
 Under Wis. Stat. 705.15

Document Name

THIS DESIGNATION is made by MELVIN L. POPPLE(collectively, "Owner") of the following described real estate located in CHIPPEWA County, State of Wisconsin (the "Property") (attach Exhibit A if more space is needed):See Attached Legal Descriptions

Owner transfers the Property without probate upon death of the sole owner, or upon the last to die of multiple owners, to the following TOD beneficiary, without warranties:

Select A or B:

☒ A. ROGER L. THOMPSON, SHEILA R. THOMPSON

Insert name of beneficiary, whether one or more. This revokes all previous TOD beneficiary designations.

☐ B. The sole purpose of this instrument is to revoke all previous TOD beneficiary designations.

Document Number being Revoked: _____

Beneficiary Name(s) being Revoked: _____

This Designation is effective only upon the recording of this instrument.

This transaction is Fee Exempt under Wis. Stat. 77.25(10m), and exempt from the filing of a transfer return under Wis. Stat. 77.21(1). The transfer contemplated by this instrument may be subject to encumbrances, liens, and other matters created by or affecting Owner, including claims in Owner's estate.

Dated 12-21-2017Melvin L. Popple* Melvin L. Popple

Print/Type Name

*

Print/Type Name

AUTHENTICATION

Signature(s) _____

Authenticated on _____

*

Print/Type Name

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____)

Authorized by Wis. Stat. 706.

THIS INSTRUMENT DRAFTED BY:

Roger L. Thompson

8 1 5 7 9 4 9

Tx:4135585

874435**RECORDED ON****12/21/2017****2:12 PM****MARGE L. GEISSLER****REGISTER OF DEEDS****REC FEE: 30.00****FEE EXEMPT: 10M****CHIPPEWA COUNTY, WI****PAGES: 2** **COPY**

Recording Area - DO NOT WRITE IN THIS AREA

Name and Return Address

Roger L. Thompson
227 Oak Hollow Dr.
Chippewa Falls, WI 54729See Attached

Parcel Identification Number

This IS NOT homestead property.
(is) (is not)* _____
Print/Type Name* _____
Print/Type Name**ACKNOWLEDGMENT**

STATE OF WISCONSIN

Chippewa COUNTYPersonally came before me on 12/21/2017
the above-named Melvin L. Poppleto me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.Lisa A. Meier* Lisa A. Meier

Print/Type Name

Notary Public, State of Wisconsin

My Commission ☐ is permanent ☒ expires: 2/7/2020

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

DESIGNATION OF TOD BENEFICIARY

STATE BAR OF WISCONSIN

FORM NO. 9-2009

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 pipe in the ground; thence Northerly along the lake shore 54 feet more or less, to an iron stake in the ground; thence Westerly 10 rods more or less 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 10 rods more or less to the shore of Popple Lake and marked by an iron stake in the ground; thence Northerly along the lake shore 22 feet, to the point of beginning.

23008 - 2523 - 50040925

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.

23008 - 2523 - 50040925

The North Half (N-1/2) of the Northeast Quarter (NE-1/4), and the East 66 feet of the Southwest Quarter (SW-1/4) of the Northeast Quarter (NE-1/4), in Section Twenty-six (26), Township Thirty (30) North, of Range Eight (8) West.

23008-2611-000000000

23008-2612-000000000

EXHIBIT 2
Page 2 of 2

FILED

05-24-2021

Clerk of Circuit Court

Chippewa County, WI

2020CV000274

DATE SIGNED: May 24, 2021

Electronically signed by Judge James M Isaacson
Circuit Court Judge

STATE OF WISCONSIN
CIRCUIT COURT
CHIPPEWA COUNTY

ROGER L. THOMPSON
SHEILA R. THOMPSON

Plaintiffs,

v.

ROBERT POPPLE
MARY POPPLE

Defendants.

Case No. 20 CV 274

Case Code: 30701-Declaratory

Judgment

ORDER

A hearing was held in this matter on May 13, 2021. At that time plaintiffs appeared in person with their attorney David Raihle and defendants appeared in person with their attorney John Manydeeds.

After hearing arguments on the matter, the Court issued an Order as follows:

- 1) The First Option to Buy Language in the Recorded Deed is binding upon the parties.
- 2) Plaintiffs' motion for summary judgment is denied.
- 3) The matter is remanded back to the Board of Adjustment for a determination on the Variance Application.

- 4) The Court abstains from making a determination on the valuation of the transfer.

Raihle Law Office, S.C.

Attorneys at Law

David H. Raihle, Jr.

*99 East Grand Avenue
Chippewa Falls, Wisconsin 54729*

5.2.b

July 14, 2021

VIA EMAIL Dclary@co.chippewa.wi.us

Board of Adjustment
c/o Director Douglas Clary
711 N. Bridge Street
Chippewa Falls, WI 54729

Re: Thompson/Popple Variance Request

Board Members,

I am Attorney David H. Raihle, Jr., and I represent Roger and Sheila Thompson regarding the above-mentioned variance request. I was informed this morning that this matter has been placed, once again, on the agenda for the Board of Adjustment meeting on July 22, 2021 at 4:30pm.

This matter has already been discussed and defeated 0 to 5 at the June 24, 2021 meeting. I believe it is important to remember that this variance request has not been applied for by Mr. and Mrs. Thompson, and in fact, they strongly disagree with any variance being granted for the reasons I will set forth in this letter.

Melvin Popple owned a piece of property, where his home was located, adjacent to Robert and Mary Popple's land. He was granted a portion of Robert and Mary's land in order to allow for a garage to be built. Robert and Mary were well aware of the purposes for this transfer. These two pieces of property were then blended into one tax parcel.

Upon his passing, Roger and Sheila Thompson inherited Melvin's land to include his home, garage, and all other improvements. Now, the Popples have requested a variance in order to obtain that small portion of land back. Unfortunately, splitting this tax parcel, as requested by the Popples, will result in two lots, of which both will violate Wisconsin Statute § 236.45(2)(3). The consequence of subdividing this property will result in two non-conforming lots and will create an undue hardship for the Thompsons. Wisconsin Statute clearly prohibits a division of any lots such that it would create a non-conforming lot.

Section 70-63 and Section 55-41 of the Chippewa County Zoning Statutes clearly spells out the required lot sizes and setbacks required. Both of these Statutes would be violated if this variance were to be granted.

Attachment: Raihle_Lt to Board of Adjustment 2021-07-14 (6499 : Reconsideration of Popple & Thompson Variance Motion)

Raihle Law Office, S.C.

Attorneys at Law

David H. Raihle, Jr.

*99 East Grand Avenue
Chippewa Falls, Wisconsin 54729*

Section 70-63 requires a minimum of 1.5 acres (65,340 sq feet) and 150 feet of frontage. Section 55-41 governs division of land within the shoreline district. Section 55-41 indicates any division of lots require a minimum of 20,000 square feet and 100 feet of width.

Under the proposed division, the Thompson's lot would be reduced to 12,122 square feet with only 76 feet of frontage, making it non-compliant with Section 70-63 within the agricultural district. It would also be a violation of shoreland zoning.

The Thompson's property would be severely impacted by this variance. Their existing lot leaves little to no room for any new garage to be built, causing it to lose significant value. The Court outlined that zoning ordinances and subdivision requirements serve a number of purposes. "They are designed to control the division of land and to assure that such development therein are designed to accommodate the needs of the occupants of the subdivision." State of Wisconsin ex rel. Anderson v. Town of Newbold 2019 WI App 59, 389 Wis. 2d, 309, 935 N.W.2d 856 (2021).

This subdivision would not accommodate the needs of either the Popples nor the Thompsons as both lots would not conform to the necessary lot size required to either build a garage on the Thompson's lot, nor would it allow for a home to be built on the subdivided piece.

As outlined in Attorney Manydeeds letter dated July 13, 2021, on May 24, 2021, Judge James Isaacson did sign an Order. This Order stated many things to include, "The matter is remanded back to the Board of Adjustment for a determination on the Variance Application." This Order does not grant a variance, nor does it require the Board to grant such variance. It simply returns the decision to the Board for consideration.

The Thompsons strongly object to this variance and request the Board maintain their decision to defeat as was decided on June 24, 2021 at the previous meeting.

If you have any questions, feel free to contact my office, or address any concerns at the meeting on July 22, 2021 at 4:30pm.

Respectfully,



David H. Raihle, Jr.

Attachment: Raihle_Lt to Board of Adjustment 2021-07-14 (6499 : Reconsideration of Popple & Thompson Variance Motion)

Raihle Law Office, S.C.
Attorneys at Law

5.2.c

David H. Raihle, Jr.

*99 East Grand Avenue
Chippewa Falls, Wisconsin 54729*

September 22, 2021

VIA EMAIL Dclary@co.chippewa.wi.us

Board of Adjustment
c/o Director Douglas Clary
711 N. Bridge Street
Chippewa Falls, WI 54729

Re: Thompson/Popple Variance Request

Board Members,

I am Attorney David H. Raihle, Jr., and I represent Roger and Sheila Thompson regarding the above-mentioned variance request. I was informed that this matter has been placed, once again, on the agenda for the Board of Adjustment meeting on September 23, 2021 at 2:30pm.

This matter has already been discussed and defeated 0 to 5 at the June 24, 2021 meeting. I believe it is important to remember that this variance request has not been applied for by Mr. and Mrs. Thompson, and in fact, they strongly disagree with any variance being granted for the reasons I will set forth in this letter.

Melvin Popple owned a piece of property, where his home was located, adjacent to Robert and Mary Popple's land. He was granted a portion of Robert and Mary's land in order to allow for a garage to be built. Robert and Mary were well aware of the purposes for this transfer. These two pieces of property were then blended into one tax parcel.

Upon his passing, Roger and Sheila Thompson inherited Melvin's land to include his home, garage, and all other improvements. Now, the Popple's have requested a variance in order to obtain that small portion of land back. Unfortunately, splitting this tax parcel, as requested by the Popples, will result in two lots, of which both will violate Wisconsin Statute § 236.45(2)(3). The consequence of subdividing this property will result in two non-conforming lots and will create an undue hardship for the Thompsons. Wisconsin Statute clearly prohibits a division of any lots such that it would create a non-conforming lot.

Section 70-63 and Section 55-41 of the Chippewa County Zoning Statutes clearly spells out the required lot sizes and setbacks required. Both of these Statutes would be violated if this variance were to be granted.

Attachment: Raihle_Lt to Board of Adjustment 2021-09-21 (6499 : Reconsideration of Popple & Thompson Variance Motion)

Section 70-63 requires a minimum of 1.5 acres (65,340 sq feet) and 150 feet of frontage. Section 55-41 governs division of land within the shoreline district. Section 55-41 indicates any division of lots require a minimum of 20,000 square feet and 100 feet of width.

Under the proposed division, the Thompson's lot would be reduced to 12,122 square feet with only 76 feet of frontage, making it non-compliant with Section 70-63 within the agricultural district. It would also be a violation of shoreland zoning.

The Thompson's property would be severely impacted by this variance. Their existing lot leaves little to no room for any new garage to be built, causing it to lose significant value. The Court outlined that zoning ordinances and subdivision requirements serve a number of purposes. "They are designed to control the division of land and to assure that such development therein are designed to accommodate the needs of the occupants of the subdivision." *State of Wisconsin ex rel. Anderson v. Town of Newbold* 2019 WI App 59, 389 Wis. 2d, 309, 935 N.W.2d 856 (2021).

This subdivision would not accommodate the needs of either the Popples nor the Thompsons as both lots would not conform to the necessary lot size required to either build a garage on the Thompson's lot, nor would it allow for a home to be built on the subdivided piece.

As outlined in Attorney Manydeeds letter dated July 13, 2021, on May 24, 2021, Judge James Isaacson did sign an Order. This Order stated many things to include, "The matter is remanded back to the Board of Adjustment for a determination on the Variance Application." This Order does not grant a variance, nor does it require the Board to grant such variance. It simply returns the decision to the Board for consideration.

Attorney Manydeeds has also indicated in his letter that the Popples intend to exercise their "First Option", however, since the writing of this letter, Judge Isaacson has deemed the value of the improvements to be worth \$33,000.00 and the Popples have made it quite clear that they, in fact, do not intend to exercise their "First Option" right, making this variance a moot point.

The Thompsons strongly object to this variance and request the Board maintain their decision to defeat as was decided on June 24, 2021 at the previous meeting.

If you have any questions, please feel free to contact me at my office as I will be unable to attend the meeting on Thursday, September 23, 2021.

Raihle Law Office, S.C.

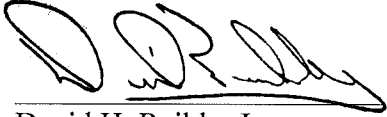
5.2.c

Attorneys at Law

David H. Raihle, Jr.

*99 East Grand Avenue
Chippewa Falls, Wisconsin 54729*

Respectfully,



David H. Raihle, Jr.

Attachment: Raihle_Lt to Board of Adjustment 2021-09-21 (6499 : Reconsideration of Popple & Thompson Variance Motion)

Manydeeds Law, S.C.
Attorneys at Law
 1119 Regis Court, Suite 110
 Eau Claire, WI 54701

Telephone: (534) 444-3118
 Facsimile: (534) 444-3121

Edmund Manydeeds III
 John Manydeeds

September 22, 2021

VIA EMAIL Dclary@co.chippewa.wi.us

Board of Adjustment
 c/o Director Douglas Clary
 711 N. Bridge Street
 Chippewa Falls, WI 54729

RE: Thompsons/Popples Variance Request
Appeal # 2020-0003

Board Members,

My name is John E. Manydeeds and I have been representing Robert & Mary Popple during the variance request number 2020-0003. I am writing this letter for the September 22, 2021 meeting when this variance issue will be reopened for discussion.

I have received a copy of the letter from the Thompsons. The Popples are invoking their First Option to Buy rights on this property; they have not waived that right. We had a hearing in front of the Court at the end of July and are still waiting on the Court to sign the Order.

The Popples' intention is to file an appeal on the court matter and for that they require a Final Court Order. As soon as is reasonable after the Court signs the Order, the Popples intend to put in their Notice of Appeal.

The Popples ask that this matter be continued to the October Board Meeting so that the Court has time to sign the Order and we can then provide the Board more information on the appeal.

I will be attending the meeting on September 22. If you have any questions, please feel free to contact me or let me know at the meeting.

Respectfully Submitted,



John E. Manydeeds

10-07-2021

Clerk of Circuit Court

Chippewa County, WI

2020CV000274

**STATE OF WISCONSIN
CIRCUIT COURT
CHIPPEWA COUNTY**

**ROGER L. THOMPSON and
SHEILA R. THOMPSON,**

Plaintiffs,

v.

**ROBERT POPPLE and
MARY POPPLE,**

Defendants.

Case No. 20 CV 274

Case Code: 30701-Declaratory

Judgment

NOTICE OF APPEAL

Ms. Karen J. Hepfler
Clerk of Circuit Court
Chippewa County Courthouse
711 N. Bridge Street
Chippewa Falls, WI 54729

Ms. Sheila Reiff
Clerk of Court of Appeals
110 East Main Street, Ste. 215
Post Office Box 1688
Madison, WI 53701

Mr. David H. Raihle, Jr.
Raihle Law Office, S.C.
99 E Grand Ave
Chippewa Falls, WI 54729

Notice is hereby given that Robert and Mary Popple appeal to the Court of Appeals, District III, from the Final Order entered on September 23, 2021 in the Circuit Court for Chippewa County, Wisconsin, the Honorable James Isaacson presiding, Case Number 20-CV-274, in favor of the Plaintiffs, Roger and Sheila Thompson, where the Court determined the value the Popples were to pay to invoke their First Option to Buy right based on equitable principles contrary to the contract language.

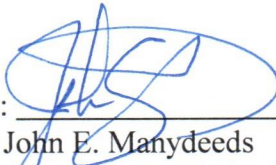
This is not an appeal within § 752.31 (2), Stats.

Attachment: Popple_Notice of Appeal_2021-10-07 (6499 : Reconsideration of Popple & Thompson Variance Motion)

This is not an appeal entitled to preference in the circuit court or court of appeals pursuant to statute.

Dated this 7 day of October, 2021.

MANYDEEDS LAW, S.C.

By: 
John E. Manydeeds
Attorneys for Defendants
State Bar No.: 1088328

Post Office Address:

1119 Regis Court, Ste. 110
Eau Claire, WI 54701
Telephone: (534) 444-3118
Facsimile: (534) 444-3121
Email: john@manydeedssc.com

Attachment: Popple Notice of Appeal_2021-10-07 (6499 : Reconsideration of Popple & Thompson Variance Motion)

Raihle Law Office, S.C.
Attorneys at Law

5.2.f

David H. Raihle, Jr.

*99 East Grand Avenue
Chippewa Falls, Wisconsin 54729*

October 12, 2021

VIA EMAIL Dclary@co.chippewa.wi.us

Board of Adjustment
c/o Director Douglas Clary
711 N. Bridge Street
Chippewa Falls, WI 54729

Re: Thompson/Popple Variance Request

Board Members,

I am Attorney David H. Raihle, Jr., and I represent Roger and Sheila Thompson regarding the above-mentioned variance request. I was informed that this matter was placed, once again, on the agenda for the Board of Adjustment meeting on September 23, 2021, and the Board would withhold their decision until the October 2021 meeting.

As outlined in Attorney Manydeeds letter dated July 13, 2021, on May 24, 2021, Judge James Isaacson did sign an Order. This Order stated many things to include, "The matter is remanded back to the Board of Adjustment for a determination on the Variance Application." This Order does not grant a variance, nor does it require the Board to grant such variance. It simply returns the decision to the Board for consideration.

Attorney Manydeeds has also indicated in his letter that the Popples intend to exercise their "First Option", however, since the writing of this letter, in an order which I have attached for your benefit, Judge Isaacson has deemed the value of the improvements to be worth \$33,000.00.

The Popples have made it clear that they have no intention of paying the court-ordered value for the property and have filed an appeal with the Court of Appeals on this matter.

We believe the decision by the Board should echo their original decision to defeat unanimously. This variance was not applied for or requested by the current owners of the land, in fact, the owners strongly object to this variance. At the very least, this decision should be reserved until the Court of Appeals has an opportunity to hear this matter and come to a decision.

Attachment: Raihle_Lt to Board of Adjustment 2021-10-12 (6499 : Reconsideration of Popple & Thompson Variance Motion)

Raihle Law Office, S.C.

5.2.f

Attorneys at Law

David H. Raihle, Jr.

*99 East Grand Avenue
Chippewa Falls, Wisconsin 54729*

It is our belief that the outcome of the appeal will strongly influence whether or not the Popples choose to invoke their first option to buy. Should they choose not to exercise that right, the variance would be a moot point.

The Thompsons maintain their stance and strongly object to this variance and request the Board maintain their decision to defeat as was decided at the June 24, 2021 meeting.

If you have any questions, please feel free to contact me at my office.

Respectfully,



David H. Raihle, Jr.

Attachment: Raihle_Lt to Board of Adjustment 2021-10-12 (6499 : Reconsideration of Popple & Thompson Variance Motion)

09-23-2021

Clerk of Circuit Court

Chippewa County, WI

2020CV000274

DATE SIGNED: September 23, 2021

Electronically signed by Judge James M Isaacson
Circuit Court Judge

**STATE OF WISCONSIN
CIRCUIT COURT
CHIPPEWA COUNTY**

**ROGER L. THOMPSON
SHEILA R. THOMPSON**

Plaintiffs,

v.

**ROBERT POPPLE
MARY POPPLE**

Defendants.

Case No. 20 CV 274
Case Code: 30701-Declaratory
Judgment

ORDER

The issue of Summary Judgment came before the Honorable James M. Isaacson, Circuit Court Judge, Branch 2, Chippewa County, Wisconsin on July 29, 2021;

The plaintiffs, Roger L. Thompson and Sheila R. Thompson appeared in person and by their attorney, David H. Raihle, Jr.; the defendants, Robert Popple and Mary Popple, appeared in person and by their attorney, John E. Manydeeds;

The Court, having made in a previous hearing, dated May 14, 2021, a decision on ownership of the Land. Before today, has to decide the value of the improvement.

The Court finds that based on equitable principles, the appropriate value for the property is \$33,000.00.

THEREFORE, should the Popples elect to invoke their First Option to Buy, the value is \$33,000.00 to be paid to the Thompsons.

Attachment: Raihle_Lt to Board of Adjustment 2021-10-12 (6499 : Reconsideration of Popple & Thompson Variance Motion)