

CHIPPEWA COUNTY

BOARD OF ADJUSTMENT

REGULAR MEETING

DECEMBER 8, 2022

CHIPPEWA COUNTY COURTHOUSE, RM 016

2:30 PM

1. CALL TO ORDER

2. ROLL CALL

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

NOTE: Five members vote. Shipman was present, but marked as abstained because he is an alternate.

RESULT:	APPROVED [5 TO 0]
MOVER:	Larry Marquardt, Citizen Rep
SECONDER:	Julie Geissler, Citizen Rep
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt
ABSTAIN:	Shipman

1. Approve the Agenda

2. Approve the Minutes

Board of Adjustment - Regular Meeting - Nov 17, 2022 11:45 AM

Board of Adjustment - Regular Meeting - Nov 17, 2022 1:30 PM

3. Schedule Next Meeting Date - Tentatively January 18, 2023

5. BUSINESS ITEMS

1. 2022-0011 Madson Variance Request

Motion to Approve the variance per the submitted information and location.

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

December 8, 2022
2:30 PM

Consideration:

1. No use of the lot for a permitted use without the driveway.
2. Road is a cul-de-sac and does not have a lot of traffic.
3. There is decent visibility in both directions.
4. Maintain the visibility of the access point.

RESULT:	APPROVED [5 TO 0]
MOVER:	Larry Marquardt, Citizen Rep
SECONDER:	Doug Matthews, Citizen Rep
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt
ABSTAIN:	Shipman

2. 2022-0006 Scheidler Variance Request

BOA member Larry Marquardt recused himself from this vote because he knows the applicant. Dale Shipman, BOA Alternate stepped into the voting roll.

Ted & Jane King, adjacent property owners, addressed the BOA in regards to the property line issues they have had over the years with adjacent property owners and others encroaching onto their land.

General discussion occurred regarding the purpose behind the property line setback, cutting off a portion or or moving the house to meet the required setback.

Motion to Approve a variance with the overhangs of the existing structure shall be no closer than 24" to the property line and the foundation/support piers of the existing structure shall be no closer than 48" from the property line.

Conditions of the Variance:

1. All impervious surface within 5' of the property line shall be removed.
2. Gutters shall be required along the south side of the structure and carry the water away from the property line.
3. Privacy fence shall be required. The fence shall be a solid cedar fence meeting the requirements of the residential district requirements within the zoning ordinance. The fence shall start at a point where the existing house encroaches within the required 10' setback and continue to east along the property line to a point that is 1/2 way between the crest of the hill and bottom (approximately 16' from the corner of the roof).
4. Fire ring on neighbors property shall be removed.
5. Deadline for compliance shall be May 31, 2023.

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

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

None

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

December 8, 2022
2:30 PM

7. ADJOURN

Motion to Approve.

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

CHIPPEWA COUNTY
BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 17, 2022
CHIPPEWA COUNTY COURTHOUSE, RM 119Q
11:45 AM

1. CALL TO ORDER

Called to order at 11:45 AM by Chair Bennesch

2. ROLL CALL

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

1. Site Inspection: 17505 165th Street - Town of Eagle Point

At 11:55 am, the BOA traveled to 17505 165th Street to conduct an onsite inspection. After the inspection, they traveled to the Huempfner property in Lafayette.

RESULT: DISCUSSED

2. Site Inspection: 18079 22nd Avenue - Town of Lafayette

BOA traveled to 18079 22nd Avenue for an onsite inspection, and then back to the courthouse.

RESULT: DISCUSSED

4. ADJOURN

Motion to Adjourn at 1:15 PM.

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

CHIPPEWA COUNTY**BOARD OF ADJUSTMENT****REGULAR MEETING****NOVEMBER 17, 2022****CHIPPEWA COUNTY COURTHOUSE, RM 016****1:30 PM****1. CALL TO ORDER****2. ROLL CALL**

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

1. Approve the Agenda

2. Approve the Minutes

Board of Adjustment - Regular Meeting - Jun 23, 2022 10:00 AM

Board of Adjustment - Regular Meeting - Jun 23, 2022 1:30 PM

5. BUSINESS ITEMS

1. 2022-0009 Huempfer Variance Request

BOA members viewed the site earlier in the day. Clary introduced the appeal to the committee and explained the process by which driveways are approved. General Discussion and questions. Motion to Approve the Variance as requested.

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

November 17, 2022
1:30 PM

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

2. 2022-0006 Scheidler Variance Request

Clary handed out a copy of the survey completed by Jim Scheffler (dated August 6, 2022) and pictures showing lathes depicting the property line.

General Discussion occurred regarding the location of the structure, holding tank, drain-tile, sidewalk, driveway in relation to the property line. BOA would like to see exact measurements. Clary asked if they wanted it surveyed or could staff members go up and measure. BOA was content with the staff members. Motion to postpone until the next meeting in December. NOTE: 5.4. of the agenda will have a discussion about the future meeting dates and times for December and moving into next year.

RESULT:	POSTPONE [UNANIMOUS]	Next: 12/8/2022 2:30 PM
MOVER:	Doug Matthews, Citizen Rep	
SECONDER:	Julie Geissler, Citizen Rep	
AYES:	Bennesch, McFarlane, Matthews, Geissler, Marquardt	

3. Request to Rescind 2022-0005 Herman & Brodd Variance Request

Clary explained that the property owners have decided not to move forward with the land division. Clary asked the BOA for a motion to rescind the variance. General Discussion. Motion to Rescind.

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

4. Discuss BOA Meeting Dates & Times for 2023

December 2022 meeting will be moved to December 8, 2022 with inspections at 1:45PM and the Public Hearing starting at 2:30 PM.

For 2023, the meetings will be moved to the third Wednesday of the month

RESULT:	DISCUSSED
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6. **AGENDA ITEMS FOR FUTURE CONSIDERATION**

None discussed.

7. **ADJOURN**

Motion to Adjourn at 2:34 PM.

Minutes Acceptance: Minutes of Nov 17, 2022 1:30 PM (Consent Agenda)

Board of Adjustment

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 016

November 17, 2022
1:30 PM

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

Minutes Acceptance: Minutes of Nov 17, 2022 1:30 PM (Consent Agenda)



**STATEMENT OF EXPLANATION
2022-0011 MADSON VARIANCE REQUEST**

5.1

To construct a new driveway that will not meet the 75' separation distance between adjacent driveways in the Agricultural District in accordance with sections 70-109(e)(2)(a) of the Chippewa County Zoning Ordinance on Lot 11 of Apple Hills Subdivision (Parcel number: 22808-3612-66370011), which is located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 36, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 1837 186th Street.

(Publish – Chippewa Herald – November 25 and December 1, 2022)

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

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that a public hearing will be held on **December 8, 2022** beginning at **2:30 PM** in Room 016, located in the basement of the Chippewa County Courthouse, Chippewa Falls, Wisconsin, relative to following request:

Variance Petition: #2022-0011

Appellant: Trevor Madson

Agent: Paul Holzinger/Holzinger Homes

To construct a new driveway that will not meet the 75' separation distance between adjacent driveways in the Agricultural District in accordance with sections 70-109(e)(2)(a) of the Chippewa County Zoning Ordinance on Lot 11 of Apple Hills Subdivision (Parcel number: 22808-3612-66370011), which is located in the NW ¼ of the NE ¼, Section 36, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 1837 186th Street.

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

Dated this **22nd** day of **November**, 2022.

Attachment: 2022-0011 Madson - Public Hearing Notices & Maps (7418 : Madson Variance 2022-0011)

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

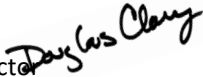
Land Records & G.I.S.

POWTS & Wells

Date: November, 2022

To: Property Owner(s)

From: Douglas Clary, Director



Re: Public Meeting & Public Hearing

Dear Property Owner(s):

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

Variance Request: #2022-0011

Appellant: Trevor Madson

Agent: Paul Holzinger/Holzinger Homes

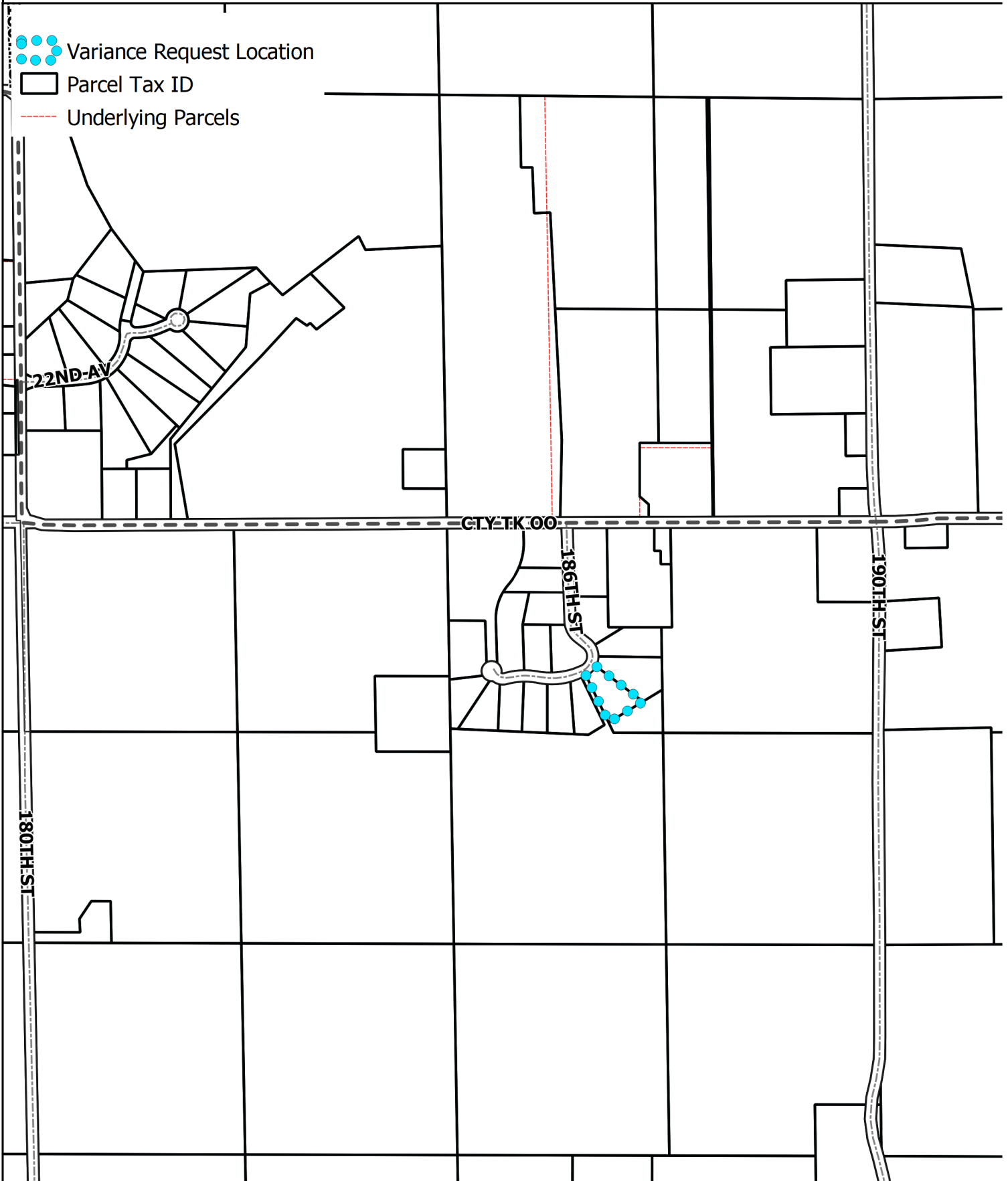
To construct a new driveway that does not meet the 75' separation distance between driveways in the Agricultural District in accordance with section 70-109(e)(2)(a) of the Chippewa County Zoning Ordinance. Lot 11 of Apple Hills Subdivision (Parcel number 22808-3612-66370011), which is located in the NW ¼ of the NE ¼, Section 36, Township 28 North, Range 08 West. Town of Lafayette. Physical Address: 1837 186th Street.

Chippewa County Board of Adjustment:

The Chippewa County Board of Adjustment (BOA) will hold a **PUBLIC HEARING** on **December 8, 2022** at **2:30 PM**, in room 016, located in the basement of the Chippewa County Courthouse located at 711 N. Bridge Street, Chippewa Falls, Wisconsin. The BOA will make a determination to approve or deny the request.

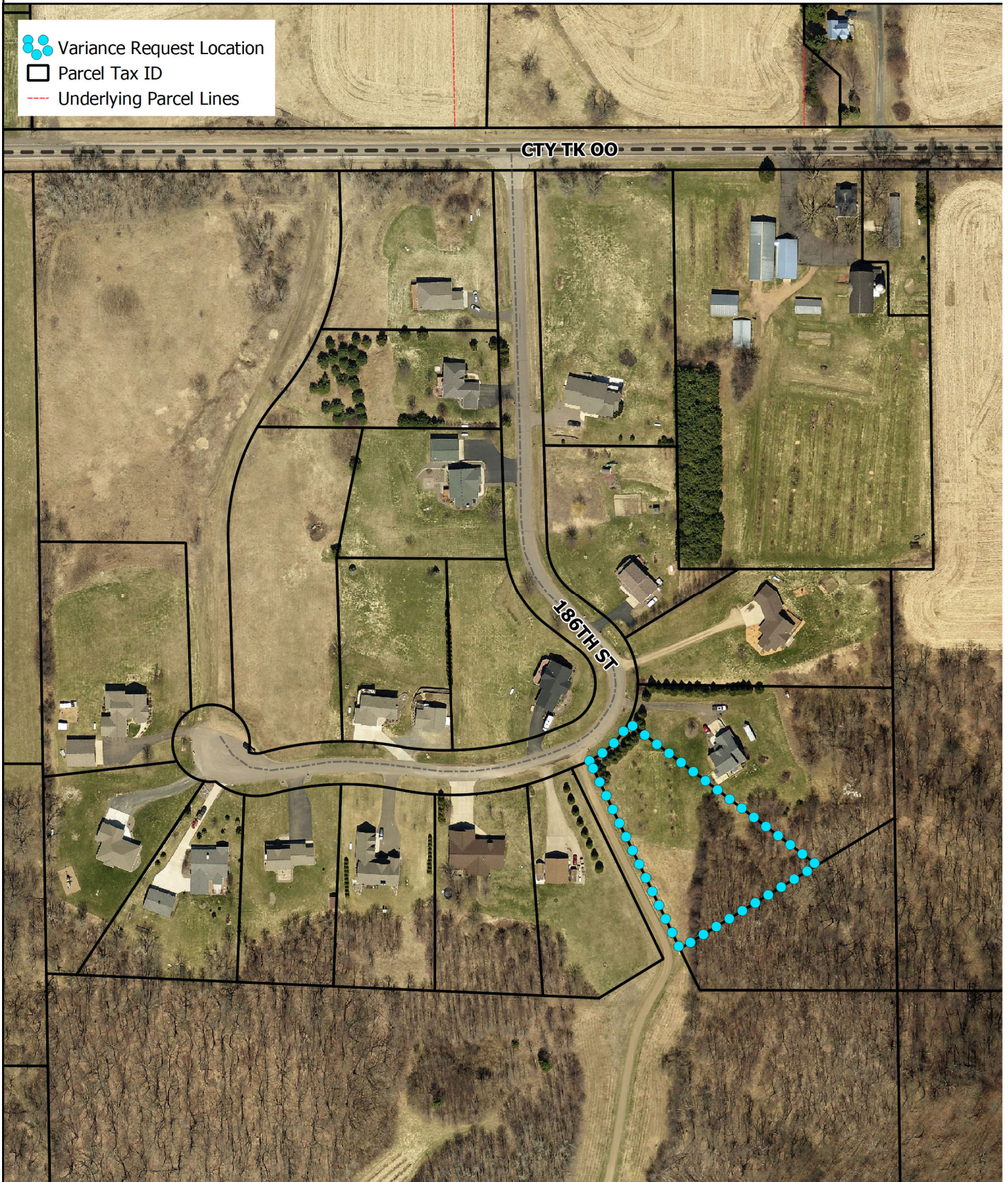
Attachment: 2022-0011 Madson - Public Hearing Notices & Maps (7418 : Madson Variance 2022-0011)

2022-0011 Madson - Variance Request - Location Map



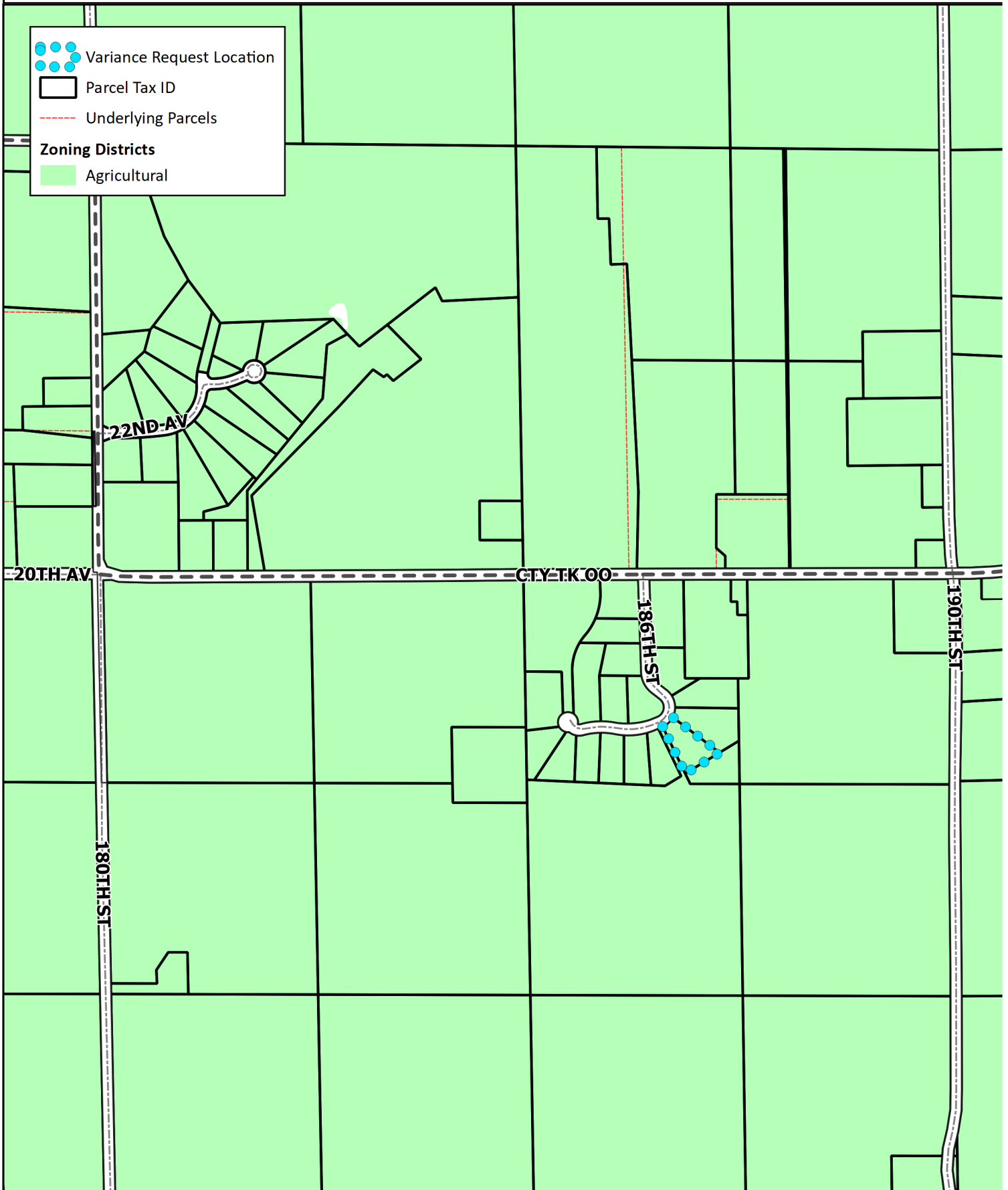
Attachment: 2022-0011 Madson - Public Hearing Notices & Maps (7418 : Madson Variance 2022-0011)

2022-0011 Madson - Variance Request - Aerial (2020)



Attachment: 2022-0011 Madson - Public Hearing Notices & Maps (7418 : Madson Variance 2022-0011)

2022-0011 Madson - Variance Request - Zoning Districts



Attachment: 2022-0011 Madson - Public Hearing Notices & Maps (7418 : Madson Variance 2022-0011)

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

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

2022 Variance Application



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

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

SECTION I: Owner Information			SECTION II: Agent/Contractor Information		
Name: Trevor Madsen			Name: Paul Holzinger - Holzinger Homes LLC		
Mailing Address: 328 mansfield St.			Mailing Address: 527 Fairfax St.		
City: Chippewa Falls	State: WI	Zip: 54729	City: Altoona	State: WI	Zip: 54720
Telephone: 715-829-2783			Telephone: 715-225-8473		
Email Address: madso074@gmail.com			Email Address: holzingerhomesllc@aol.com		
SECTION III: Parcel Information					
Town of: Lafayette			Property Address: Lot 11 Apple Hills Subdivision, 186th St.		
Parcel Number: 22808-3612-66370011			City: Chippewa Falls	State: WI	Zip: 54729
Zoning District(s): AG					

GENERAL DIRECTIONS:

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

☐ Part 1: Board of Adjustment Schedule - 2022	☐ Part 4: Construction and/or Plot Plans Required
☐ Part 2: General Questions/Alternatives	☐ Part 5: Applicant Acknowledgements
☐ Part 3: Three Step Test Criteria for Variance	☐ Part 6: Application Completeness Statement
- Submit** the application, all required information and a **\$650.00** public hearing fee by the deadline listed in Part 1 of the application to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
- Make arrangements** to attend or have a representative attend the public hearing, so that the request can be presented and questions answered.

FOR DEPARTMENT OF PLANNING & ZONING STAFF USE:

Receipt Number: 21510	Appeal Number: 20220011	Public Hearing Date: 12-15-22
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Chippewa County – 2022 Variance Application

Part 1: Board of Adjustment Schedule - 2022

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

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

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

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

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

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

Chippewa County – 2022 Variance Application

PART 3: Three-Step Test Criteria for Variance

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

Step One: Unnecessary Hardship

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

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

- ☒ YES. Please describe the unnecessary hardship present on this property and why it is unnecessarily burdensome for you to comply with the regulations.
- ☐ NO. A variance cannot be granted.

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

The hardship is due to unique physical limitations of the property, i.e. compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

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

- ☒ YES. What are the unique physical limitations of your property? Please show the boundaries of these features on the site map(s) and describe the alternatives that you considered.
- ☐ NO. A variance cannot be granted.

Step Three: No harm to public interests

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

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

Does your request harm the public interest?

- ☐ YES. A variance cannot be granted.
- ☒ NO. Please explain why this request does not cause harm to the public interest.

Chippewa County – 2022 Variance Application

Part 4: Construction and/or Plot Plans:

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

REQUIRED INFORMATION:

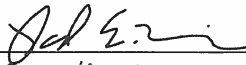
- ☒ A Map of Survey showing all of the following:
- ☒ Dimensions, location(s) and setback(s) of existing and proposed structures and/or additions.
 - ☒ Location of roadways and easements on the property
 - ☒ Location of well(s) and sanitary system(s)
- ☒ An accurate building diagram
- ☒ Anticipated project start date

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

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

Part 5: Applicant Acknowledgement/Signature

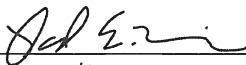
- I certify that the information I have provided in this application is true, accurate and complete.
- I understand that the BOA's review of this application is a quasi-judicial proceeding.
- I or a representative will have an opportunity to present to the BOA information in favor of this request.
-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

Signed:  Date: 11/15/2022
Owner/Agent

Part 6: Application Completeness Statement

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

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

Signed:  Date: 11/15/2022
Owner/Agent

November 16, 2022

Variance Application for Lot 11 Apple Hills Subdivision, 186th St., Town of Lafayette, Chippewa County.

Owner: Trevor Madson

Agent: Paul Holzinger, Holzinger Homes

527 Fairfax St.

Altoona, WI 54720

For consideration at the December 15, 2022 public hearing.

We are requesting a variance to the Chippewa County Zoning Code, Section 70-109(e)(2)(a).

Sec. 70-109 Setbacks from Highway

(e) Access driveways.

(2) The maximum number and width of access driveways to highways and service roads shall be as follows:

a. Commercial, industrial and agricultural districts shall be allowed two (2) access driveways per lot, each with a maximum width of 35 feet, excluding radii. The width measured ten (10) feet from the pavement edge shall not exceed 62 feet in width. The access driveways shall be located at least ten (10) feet from an adjacent property line, except as allowed under section 70-107(f). Access driveways shall meet a separation distance of 75 feet from adjacent access points, measured from the edge of the access driveways at the road right-of-way.

The variance request from the standard 75 feet of separation distance from the nearest driveway is being requested due to the nature of the original design of the Apple Hills Subdivision, and the proximity of the two neighboring driveways/parcels. If approved, this request would:

Avoid unnecessary hardship:

If a driveway is not permitted for this property, the land cannot be used for its intended purpose: to build a single-family residence. The location of the driveway is limited to the current road right of way, and there are no other roads from which a driveway would allow access to the property.

Avoid Hardship due to unique physical limitations of the property:

The road frontage of the subject property, as well as the two adjacent properties, create a unique physical limitation regarding this ordinance. The road frontage of the subject property is approximately 85 feet. The road frontage of the adjacent property to the east is approximately 62 feet, and the road frontage of the adjacent property to the west is approximately 30 feet. Since the two adjacent properties already have driveways, and also have relatively small road frontages, there is not enough space for a driveway to serve the subject property (Lot 11) while also complying with the current zoning code.

Attachment: 2022-0011 Madson - Variance Appeal (7418 : Madson Variance 2022-0011)

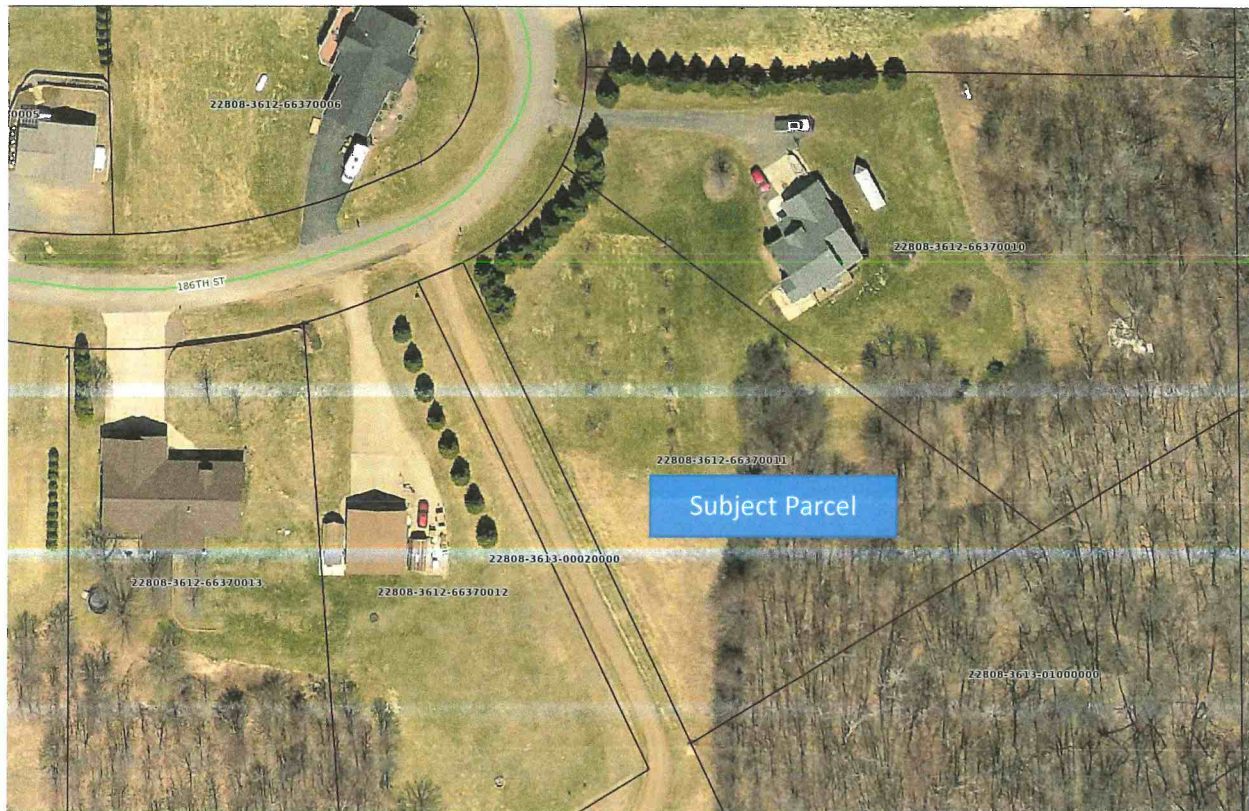
Ensure no harm to the public interest:

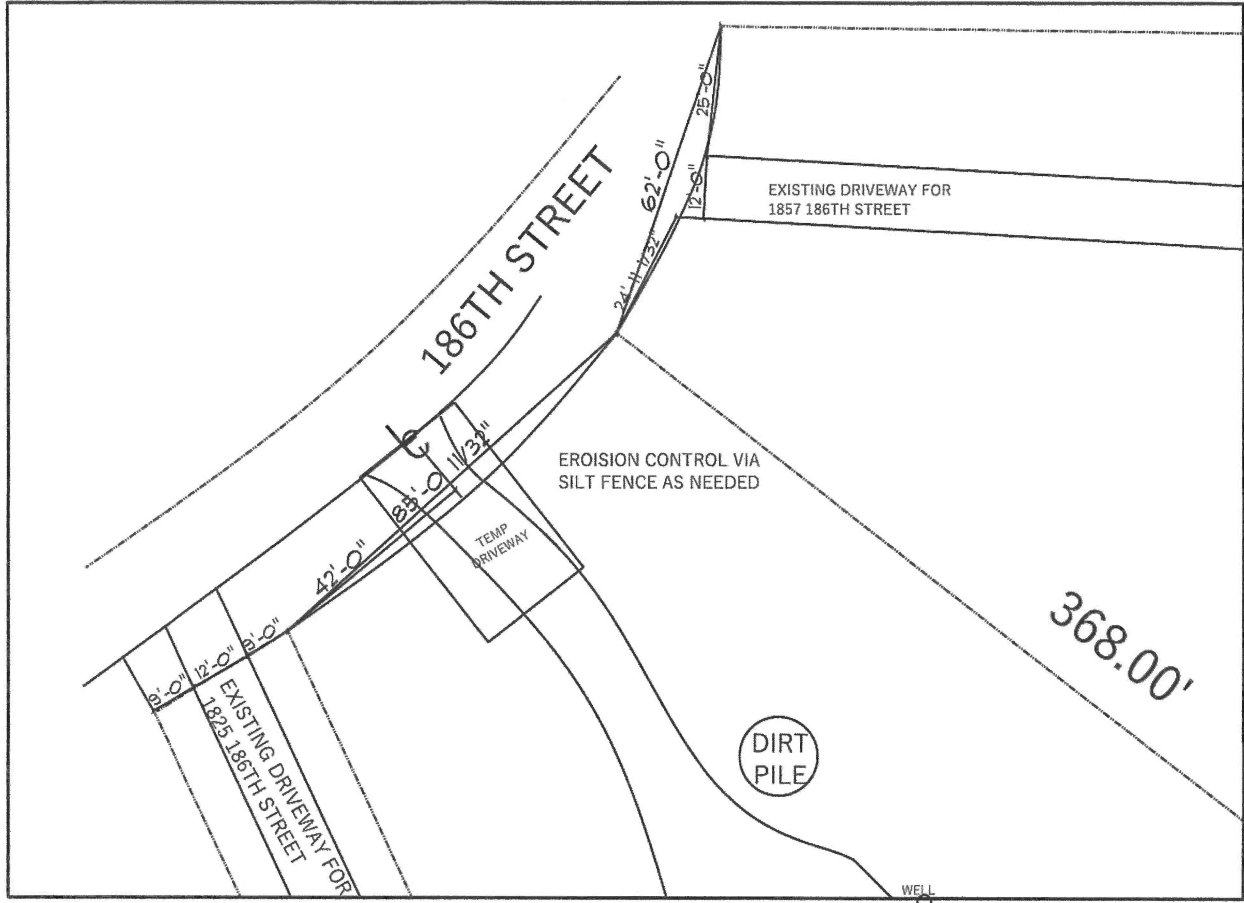
This property is located on a dead-end street, and there are very few vehicle that pass by this location. Pedestrian traffic is minimal, and there is good sight distance in both directions from the is proposed driveway location.

There is no impact on water quality, fish, or wildlife habitat, natural or scenic beauty if this variance request were to be approved. There is no anticipated damage to property, short term or long term, as a result of approval of this variance request. This parcel conforms to every other aspect of the zoning code, and this parcel was always intended to be used for a single-family residence. The parcel shape or boundary has not been modified since it was originally platted for this use. There are no other anticipated issues regarding the public interest by approving this variance request.

If this variance is not granted, the property cannot be used for its intended purpose – to be used for a single-family residence. The Apple Hills subdivision was platted with the intention that this parcel would be used for that purpose. This is one of the last lots to be built on in the Apple Hills Subdivision. If the variance is not granted, the property becomes nearly useless and valueless, and would cause an unnecessary hardship to the current property owner, who purchased the land with the intention of building a single-family residence.

There are no other reasonable alternatives for driveway access to this property. The landowner (Trevor Madsen) did approach the neighbor to the West to consider an easement through the neighboring parcel to access this property, but the neighboring landowner was not receptive to an easement on their land.





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

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

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that a public hearing will be held on **June 23, 2022** beginning at **1:30 PM** in Room 016, located in the basement of the Chippewa County Courthouse, Chippewa Falls, Wisconsin, relative to following requests:

Variance Petition: #2022-0005

Appellants: Richard Herman & Jill Brodd

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

Variance Petition: #2022-0006

Appellant: David Scheidler

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

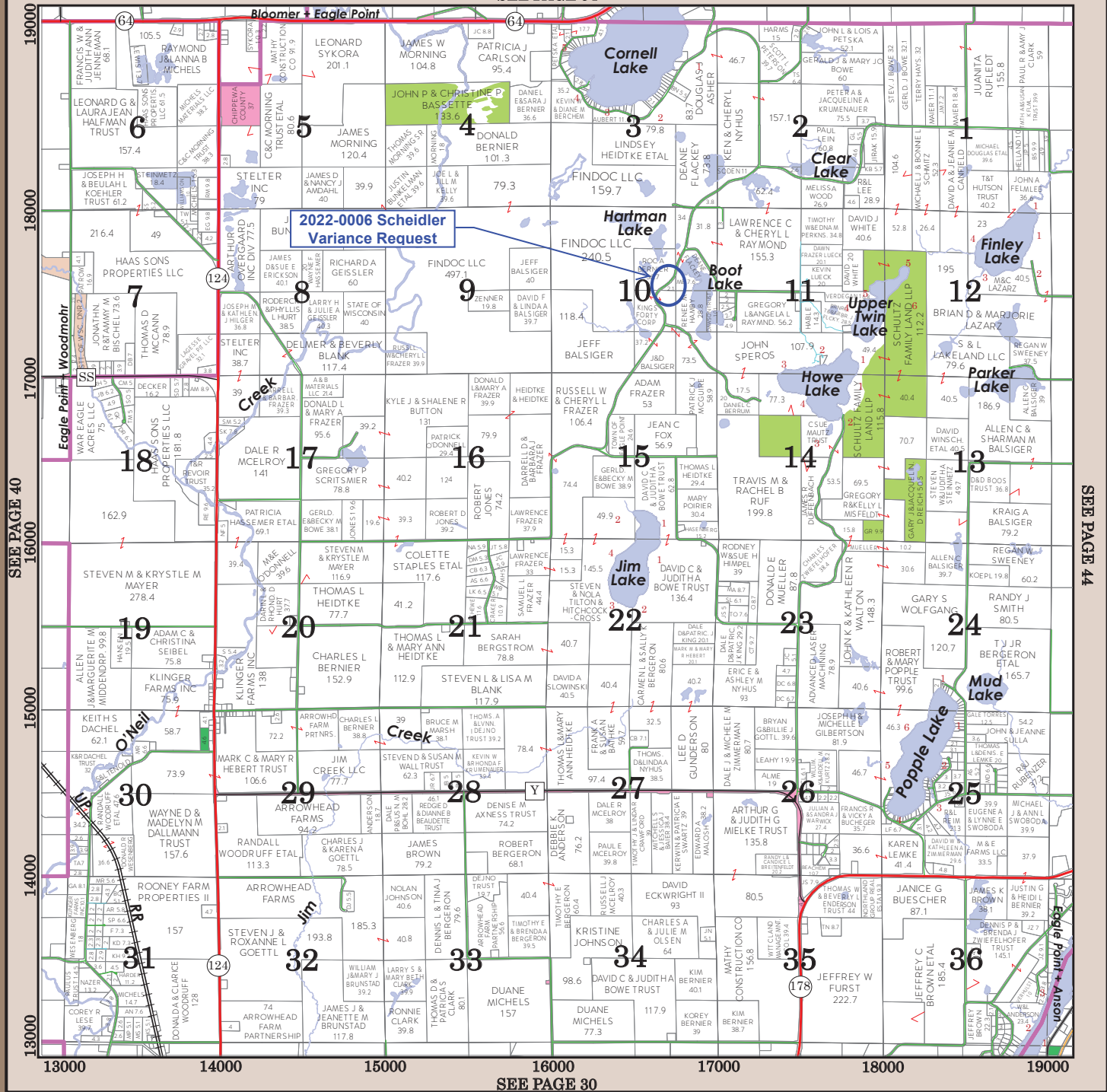
All persons interested are invited to attend. Specific information regarding this hearing can be obtained at the Chippewa County Department of Planning & Zoning.

Dated this 7th day of June, 2022.

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



SEE PAGE 54



© 2021 Chippewa County, WI

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



Photos by Caleb Meyer

Ice Age Trail



Larabee Lake



Mud Creek

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

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

Land Management

Land Planning

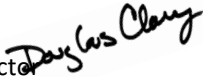
Land Records & G.I.S.

POWTS & Wells

Date: June 7, 2022

To: Property Owner(s)

From: Douglas Clary, Director



Re: Public Meeting & Public Hearing

Dear Property Owner(s):

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

Variance Request: #2022-0006

Appellant: David Scheidler

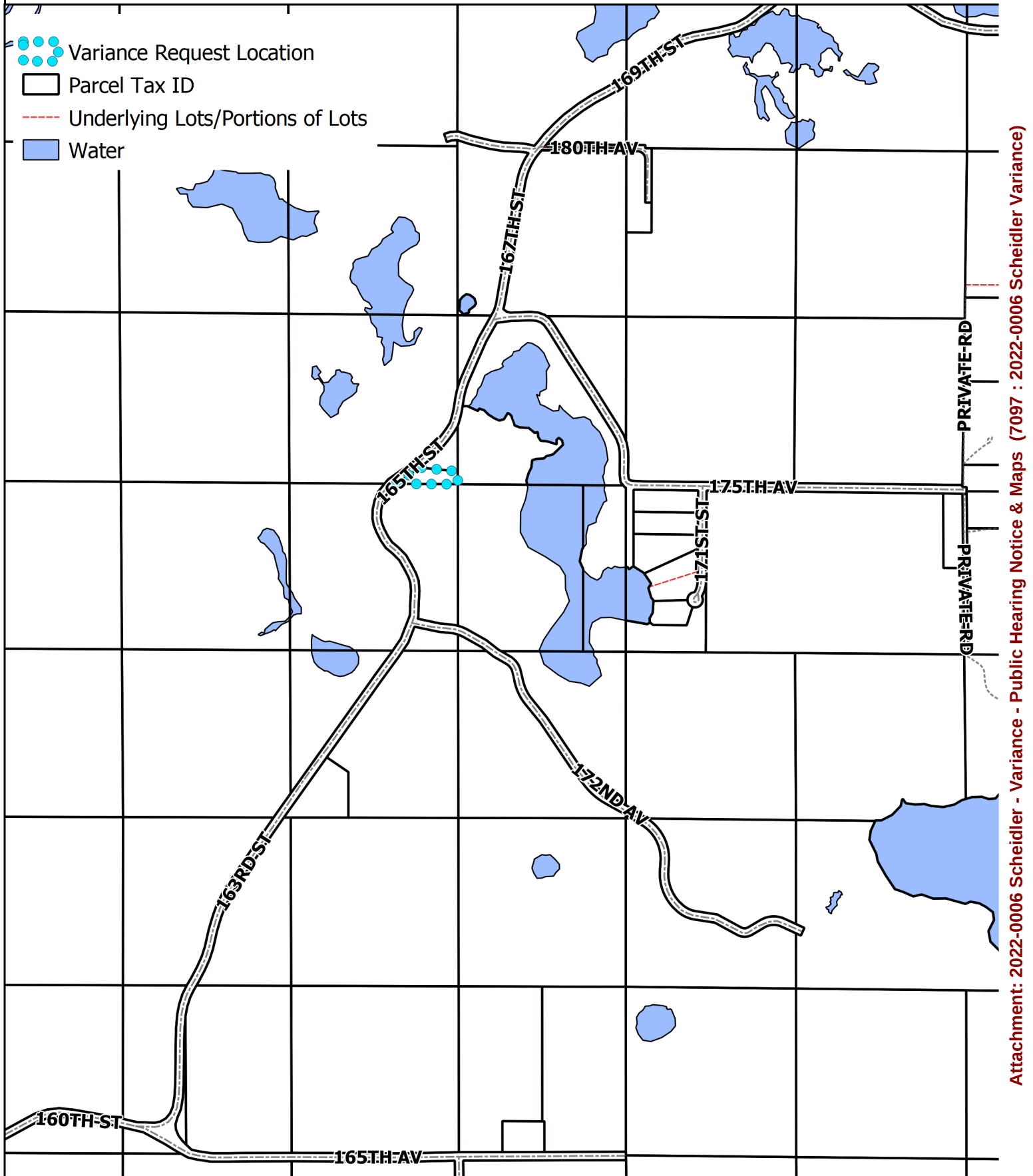
To allow an existing residence and at-grade structures such as a driveway, sidewalk, landscape rock to remain in their current location as they do not meet the sideyard setback in the Residential 1 District in accordance with sections 70-63, 70-107(f)(1) & (3) of the Chippewa County Zoning Ordinance.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

Chippewa County Board of Adjustment:

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

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

2022-0006 Scheidler - Variance Request - Location Map



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

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



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

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

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

2022 Variance Application



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

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

SECTION I: Owner Information				SECTION II: Agent/Contractor Information			
Name: <u>DAVE SCHEIDLER</u>				Name:			
Mailing Address: <u>17505 165TH STREET</u>				Mailing Address:			
City: <u>JIM FALLS</u>	State: <u>WI</u>	Zip: <u>54748</u>		City:	State:	Zip:	
Telephone: <u>(715) 577-0432</u>				Telephone:			
Email Address: <u>d.scheidler@market-johas.com</u>				Email Address:			
SECTION III: Parcel Information							
Town of: <u>EAGLE POINT</u>				Property Address: <u>17505 165TH</u>			
Parcel Number: <u>23008-1013-74068001</u>				City: <u>JIM FALLS</u>	State: <u>WI</u>	Zip: <u>54748</u>	
Zoning District(s): <u>Residential I</u>							

GENERAL DIRECTIONS:

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

☐ Part 1: Board of Adjustment Schedule - 2022	☐ Part 4: Construction and/or Plot Plans Required
☐ Part 2: General Questions/Alternatives	☐ Part 5: Applicant Acknowledgements
☐ Part 3: Three Step Test Criteria for Variance	☐ Part 6: Application Completeness Statement
- Submit** the application, all required information and a **\$650.00** public hearing fee by the deadline listed in Part 1 of the application to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
- Make arrangements** to attend or have a representative attend the public hearing, so that the request can be presented and questions answered.

FOR DEPARTMENT OF PLANNING & ZONING STAFF USE:		
Receipt Number: <u>20275</u>	Appeal Number: <u>2022-0006</u>	Public Hearing Date: <u>6/23/22</u>

Chippewa County – 2022 Variance Application

PART 3: Three-Step Test Criteria for Variance

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

Step One: Unnecessary Hardship

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

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

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

☐ NO. A variance cannot be granted.

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

The hardship is due to unique physical limitations of the property, i.e. compliance with the ordinance is prevented by limitations of the property (steep slopes, wetlands, etc.) that are not generally shared by other properties. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance. Minor property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amendment of the ordinance.

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

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

☐ NO. A variance cannot be granted.

Step Three: No harm to public interests

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

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

Does your request harm the public interest?

☐ YES. A variance cannot be granted.

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

Chippewa County – 2022 Variance Application

Part 4: Construction and/or Plot Plans:

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

REQUIRED INFORMATION:

- ☐ A Map of Survey showing all of the following:
- ☐ Dimensions, location(s) and setback(s) of existing and proposed structures and/or additions.
 - ☐ Location of roadways and easements on the property
 - ☐ Location of well(s) and sanitary system(s)
- ☒ An accurate building diagram
- ☐ Anticipated project start date

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

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

Part 5: Applicant Acknowledgement/Signature

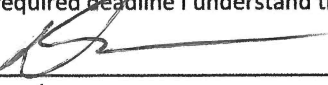
- I certify that the information I have provided in this application is true, accurate and complete.
- I understand that the BOA's review of this application is a quasi-judicial proceeding.
- I or a representative will have an opportunity to present to the BOA information in favor of this request.
-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

Signed:  Date: _____
Owner/Agent

Part 6: Application Completeness Statement

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

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

Signed:  Date: _____
Owner/Agent

Dave Scheidler

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 3

Step One: Unnecessary hardship

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

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

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

Step Three: No harm to public interests

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

Good people doing for the good ...

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

