

MINUTES OF THE BOARD OF ADJUSTMENT

WAUSHARA COUNTY, WISCONSIN

Held on Thursday, January 19, 2012, in the Waushara County Courthouse, Room 265/263, at 7:00 p.m.

The meeting was called to order by Chairperson / Vice Chairperson Wagner who explained the rules governing the hearing and the Board of Adjustment, and introduced the Board.

Members present were:

- Larry Timm Roger Wagner George Wilson John Benz
- Vern Tollakson (alt.) Kevin Fitzgerald (alt.)

Absent were:

- Larry Timm Roger Wagner George Wilson John Benz
- Vern Tollakson (alt.) Kevin Fitzgerald (alt.)

Attached are the minutes for each individual application:
(List #'s and names here)

Motion to approve the agenda by Kevin seconded by _____
Motion carried George

Other Business: _____

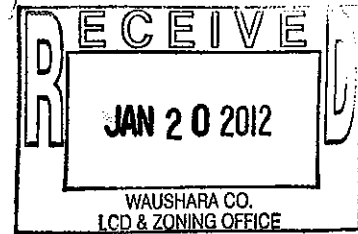
Young Administrator Report
Reviewed proposed text amendments
Next month - need everyone to show up - we are short a couple people and need everyone to be there.
3 variances, 1 appeal on agenda
Inagers - variance last month - notified of 2 letters that failed to make it into the file by PH - no action taken -
Discussed upcoming BOA training in Menasha / Menasha - Kevin is going

Lined area for notes or minutes.

Motion to approve the BOA minutes by GW seconded by KF
Motion carried roll call vote.

There being no further business, the Board of Adjustment for Waushara County
adjourned by motion of VT, seconded by GW.
Motion carried roll call vote.

Signed: Jeri Dopp Paulstat
Secretary, Board of Adjustment



**NOTICE OF DECISION
ON
APPLICATION FOR VARIANCE**

On **December 18, 2011**, an application for variance to the Waushara County Zoning Code was filed by **Scott & Judith Bartkuhn** and was considered by the Waushara County Board of Adjustments at a regular meeting held on **January 19, 2012**.

Based on the facts and evidence presented, the Board's decision was to **approve** your application in accordance with Section 58-105 of the Waushara County Zoning Code.

The reasons for the Board's decision were:

An unnecessary **hardship is present** and the current code requirements would be **unnecessarily burdensome** and **prevent** the applicant from using the property for a permitted use because:

1. The impacts of this construction can be minimized by mitigation.
2. A minimal relaxation of the code is being granted.
3. Strict adherence to the current code requirements appears to be unnecessarily burdensome.
4. The present circumstances are beyond the control of the applicant.
5. The lot predates zoning regulations.
6. The construction matches the lot and available area.

The **hardship is due** to unique physical features or limitations of the property and not the circumstances of the applicant as follows:

1. To move the home back 5 and ½ feet to meet the water setback would cause a lot of soil disturbance on a waterfront property.
2. The existing home is damaged and is need of repair.
3. The home is relatively modest in size and meets all setbacks except the water, and that transgression is relatively small.

The variance **will not harm** the public interest or neighboring land uses, and damage the intent of the zoning code because:

1. Visibility is good at the driveway location.
2. Traffic is light and slow here.
3. Adequate parking and a turnaround are present.
4. This will be a minimal increase in impervious surface.
5. A vegetative buffer can be added to screen the structure and temper any erosion concerns.
6. A literal enforcement of the zoning code would be unnecessarily burdensome.
7. The testimony in opposition has been considered but no valid reasons could be found to deny.
8. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.

Therefore, the requested variance is hereby **approved** with the following conditions:

1. The development must be in substantial compliance with the site plan.
2. The first floor elevation and filling and grading shall be done in accordance with the site plan and additional information provided at the public hearing.
3. All other required setbacks and code requirements must be complied with.
4. All permits must be obtained, including land use, building, and proper connection made to municipal sewer.
5. It is the responsibility of the builder and landowner to protect the neighboring lots, lake, and road during construction.
6. An LCD approved re-vegetation plan must be in place prior to issuance of a land use permit, (or verification made by LCD that the existing vegetation is adequate to meet county standards), and must be installed and viable within one year, and an affidavit must be signed and recorded to maintain this required vegetative buffer.
7. Standard erosion control and stormwater management plans must be in place prior to construction starting.
8. Any future construction cannot occur without first obtaining a variance.
9. The Board agrees with the concerns of DNR but on-site observations and conditions of approval should mitigate those.
10. The driveway shall meet all code specifications and shall provide suitable turnaround to prevent backing onto the road.
11. The applicant will allow agents of Waushara County access to the property to ensure compliance with the terms of this decision, Waushara County codes, and state and federal Laws.
12. As DNR requested, the sand blanket shall be removed and that area re-vegetated as part of the LCD approved plan.

GENERAL CONDITIONS

Any privileges granted by this decision are subject to the conditions herein stated and must be exercised within one year of the date of filing of this decision by obtaining a building permit for the proposed construction, repairs, additions or alterations. Any period of time during which this decision is stayed by order of any court or operation of law shall not be counted in determining the time for exercise of the privileges granted. The applicant will allow agents of Waushara County access to the property to ensure compliance with the terms of this decision, Waushara County Codes, and State and Federal laws.

This decision may be revoked by the Board, after notice and opportunity to be heard, for violation of any of the conditions or limitations imposed.

A review of this decision may be obtained by filing an action of certiorari with the Circuit Court for Waushara County within 30 days after the date shown below. Waushara County assumes no liability and makes no warranty as to the legality of any construction commenced prior to the expiration of this 30 day period.

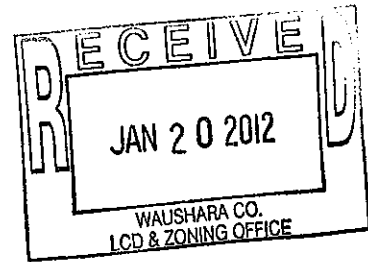
s/Chairman, Waushara County
Planning and Zoning Committee

January 19, 2012

Copies to:

- Office Copy
- Applicant
- Town Clerk
- Town Chairman
- DNR (if within Shoreland or Floodplain)
- Army Corps of Engineers (if within Shoreland or Floodplain)
- Lake Irogami Lake Management District

**NOTICE OF DECISION
ON
APPLICATION FOR VARIANCE**



On **December 14, 2011**, an application for variance to the Waushara County Zoning Code was filed by **Thomas & Charlotte Catlin Revocable Trust** and was considered by the Waushara County Board of Adjustments at a regular meeting held on **January 19, 2012**.

Based on the facts and evidence presented, the Board's decision was to **approve** your application in accordance with Section 58-105 of the Waushara County Zoning Code.

The reasons for the Board's decision were:

An unnecessary **hardship is present** and the current code requirements would be **unnecessarily burdensome** and **prevent** the applicant from using the property for a permitted use because:

1. Other alternatives are unnecessarily burdensome.
2. Impacts can be minimized by mitigation such as recording an affidavit regarding the use of the structure and limiting the ceiling height of the attic.
3. A minimal relaxation of the code is being granted.
4. The circumstances are beyond the control of the applicant.
5. The lot and home predate these zoning regulations.
6. The construction matches the lot and available buildable area.

The **hardship is due** to unique physical features or limitations of the property and not the circumstances of the applicant as follows:

1. Very little flat area exists on this parcel to accommodate any construction.
2. Extremely steep slopes exist.
3. There is no other room for a septic system.
4. The landowner has made good use of the buildable area that does exist on this parcel, and has worked to prevent erosion.
5. The home is constructed in such a manner that it appears to be very difficult to add onto it in any direction.

The variance **will not harm** the public interest or neighboring land uses, and damage the intent of the zoning code because:

1. Visibility is good at the driveway location.
2. A turnaround already exists.
3. Insurances are being proposed to prevent this space from being used as living area.
4. Good vegetation already exists.
5. The proposed use will not harm the public, zoning code, or neighboring land uses if conditions are followed.
6. A literal enforcement of the zoning code would be unnecessarily burdensome.
7. The proposed addition will not increase stormwater runoff more than what there is occurring now.

Therefore, the requested variance is hereby **approved** with the following conditions:

1. The development must be in substantial compliance with the site plan.
2. No plumbing shall be installed in the detached garage.

3. The detached garage shall not exceed 23 feet in height from finished grade.
4. The second floor ceiling height shall be maintained at less than 7 feet to prevent the conversion into living space.
5. An accessory affidavit shall be recorded with the deed indicating to this and all future owners that the use of the detached garage is for storage purposes only and cannot at anytime be used for any type of living purposes, including temporary or overflow.
6. All other setbacks must be met, all permits must be obtained and all code requirements must be complied with.
7. It is the responsibility of the builder and landowner to protect the neighboring lots, lake, and road during construction.
8. Standard erosion control and stormwater management measures must be in place prior to construction starting.
9. Any future construction cannot occur without first obtaining a variance.
10. The applicant will allow agents of Waushara County access to the property to ensure compliance with the terms of this decision, Waushara County codes, and state and federal Laws.

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s/Chairman, Waushara County
Planning and Zoning Committee

January 19, 2012

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- Town Chairman
- DNR (if within Shoreland or Floodplain)
- Army Corps of Engineers (if within Shoreland or Floodplain)
- Friends of Long Lake, Inc.
- Long Lake Association