



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

February 3, 2016

DOUGLAS COUNTY BOARD OF ADJUSTMENT

Wednesday, February 24, 2016 @ 10:00 a.m.

Government Center, 1316 North 14th Street, Rm 201, Superior, Wisconsin 54880

Please call the Chair or the Planning & Zoning Office (715-395-1380) if you cannot attend.

MEMBERS:	Douglas Hanson, Chair	Dale Johnson	Larry Luostari
	Roger Wilson, Vice Chair	James Heim, Alt.	Lawrence Kappes, Alt.

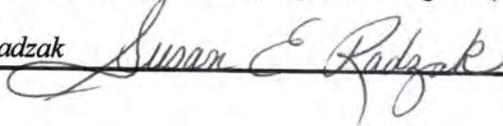
Agenda

(Board to maintain a two-hour meeting limit or take action to continue meeting beyond that time.)

- 1) Roll Call.
- 2) Announcement.
- 3) Public Hearing:
 - a. #16-01: Midland Services, Inc. – area variance (attached).
- 4) Approval of the following minutes: December 16, 2015, open session (attached); December 16, 2015, closed session and determine whether those minutes should remain closed or become an open record (provided in separate confidential envelope).
- 5) Future Agenda Items.
- 6) Adjourn.

cc: Towns with applications
 ecopy: County Board Supervisors Andy Lisak, County Administrator
 Carolyn Pierce, Corp Counsel Sue Sandvick, County Clerk
snelson@superiortelegram.com thecommunitychannel@yahoo.com Other interested parties

Attachments to agenda are available in the Planning & Zoning Office and on the Douglas County website (www.douglascountywi.org) for review or copying. A map of the subject property is available in accordance with WI Statutes 59.69 (5) (a). Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521. Posted – Courthouse, Government Center, Superior Telegram (e-mailed), DC Website

Name Susan E. Radzak  Date 02-03-16

(715) 395-1380 Planning / Zoning – Permits
(715) 395-7643 FAX
(715) 395-1340 Surveyor

(715) 395-1570 Land Information / GIS
Web Page: www.DouglasCountyWI.org

DOUGLAS COUNTY
BOARD OF ADJUSTMENT

Notice is hereby given that a Public Hearing will be held by the Douglas County Board of Adjustment at **10:00 a.m., Wednesday, February 24, 2016** in the Government Center, Second Floor, Room 201, 1316 North 14th Street, Superior, Wisconsin, to hear the following application:

#16-01 Midland Services, Inc., Ashland, WI - area variance to allow the construction of an addition to a legal non-conforming commercial structure that will lie within the minimum setback from the centerline of US Highway 2, located in Pt. NE1/4-SE1/4, Lot 2 of CSM #909, Vol 6, Pgs. 244-5, Section 14, T47N-R10W, (BR-006-00233-07; 13995 E US Hwy 2), Town of Brule.

Doug Hanson, Chairman
Steve Rannenber, Planning & Zoning Administrator

If you have any comments on these items, let the Planning & Zoning Office know in writing prior to the meeting, or appear at the Public Hearing. Planning & Zoning Office, 1313 Belknap St., Rm. 206, Superior, WI 54880 (715-395-1380). Action may be taken on any item listed on the public hearing.

In accordance with WI Statutes 59.69 (5)(a), attachments to public hearing notice and maps of subject properties are available for review in the Planning & Zoning Office, or at www.douglascountywi.org.

The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521.

ST February 5 & 12, 2016

MIDLAND SERVICES, INC.
Pt. NE1/4-SE1/4
Lot 2, CSM #909, Vol 6, Pgs. 244-5
Section 14, T47N-R10W
Town of Brule

Area Variance #16-01
Hearing Date: February 24, 2016

The applicant or appellant proposes: area variance to allow the construction of an addition to a legal non-conforming commercial structure that will lie within the minimum setback from the centerline of US Highway 2

The applicant or appellant requests: an area variance from: 8.0 Zoning Ordinance: Section IV, 4.2 1 (a) – *the setback shall be for all State and US numbered highways 130 feet from the centerline or 66 feet from the right-of-way line, whichever is greater.*

Permit History:

June 26, 1978	Land-Use Permit #3380 for an addition (never constructed)
March 17, 1986	Land-Use Permit #5818 for an addition
October 24, 2007	Variance #823 to replace gas island canopy (approved)
October 26, 2007	Land-Use Permit #20958 for gas island canopy

A. Unnecessary hardship is is not present and the hardship is is not due to physical limitation of the property rather than the circumstances of the appellant because:

B. The variance will will not be contrary to the public interest as expressed by the objectives of the ordinance because: _____

C. The variance requested is denied granted granted-in-part subject to the following conditions: _____

Voting Member: _____

NO. 16-01

DOUGLAS COUNTY BOARD OF ADJUSTMENT
1313 BELKNAP STREET, ROOM 206, SUPERIOR, WI 54880
PHONE 715-395-1380 / FAX 715-395-7643

APPLICATION FOR VARIANCE

PLEASE NOTE: You should contact your Town Board chairman and attend your local Town Meeting to present your proposed plans to the Planning Commission and/or Town Board prior to the County Board of Adjustment's public hearing. Failure to do so could result in delay or denial of your request. The Board will request input from the Town.

Date of application: January 25, 2016 Hearing Date: FEBRUARY 24, 2016
Property Owner Midland Services, Inc Day Phone No: (715) 682-5528
Mailing Address 220 3rd Ave W. City Ashland State WI Zip 54806

Property Address: 13995 E. U.S Hwy 2 Town of Bruce / 0.41 Acres
Legal Description: NE 1/4 SE 1/4, Section 14, T 47 N, R 10 W
Lot 2 Block Subdivision CGM #909 CSM Vol. 6 Page(s) 244-245
Tax Parcel No. BR-006-00233-07 Lake Classification Zone District C-1

Present improvements on property (include all existing structures): 55' x 38' Convenience Store,
Gas island w/ Canopy, diesel island, Underground Tanks

Proposed Improvements: Addition of 12' to the west. New Coolers, 27',
to be placed in the addition. The additional 11 Feet will be
Storage / office area

Lakeshore setback requested N/A feet from the OHWM of (waterbody)

Lot line setback requested feet from

Road setback requested 43 feet from the centerline of RIGHT-OF-WAY OF USH 2 (road/highway)
95 feet to centerline USH 2

Other request:

Fee \$ 475. Receipt # 11085 Vendor # 238975 Date Paid 01-26-2016
Outcome: Approved Approved w/Conditions Denied Date:

To qualify for a variance, you must meet all three requirements of a three-step test:

Explain in detail how the proposal meets all three approval criteria. (See attached instructions for definition and explanation of what this should describe.)

STEP 1. What unnecessary hardship will result from the strict application of the Counties ordinance requirement?

This Convenience store is of very importance to the village of Brule. We are asked to carry many food items not normally carried in a similia store because we are the only outlet in the community. The coolers on the west end of the building need replacement. We are asking for a 1x addition to the building to allow placement of the coolers and to allow for the addition of basic merchandise required.

STEP 2. The hardship described in step 1 above is due to what unique physical limitations of the property?

The size of the lot provides setback issues from the State Highway and the Tri County Corridor. An addition of 12' to the west of the building does not put any further setback issues than currently exist.

STEP 3. If a variance were granted would it cause harm to the public's interest? YES NO

There are no public issues affecting the addition of 12 feet.

Brian Muthy, Manager
Owner or Representative Signature

01/25/2016.
Date Signed

By signing this application, I give my/our permission to allow a site inspection to be made of the site by the Zoning Office, and/or Board of Adjustment members and allow photographs to be taken if necessary. To the best of my knowledge the information provided is true and accurate.

PLEASE NOTE:

► Approval of this variance does not grant permission to commence development until all permits are issued and conditions or requirements are satisfied.



SCALE: 1" = 40'

Handwritten initials



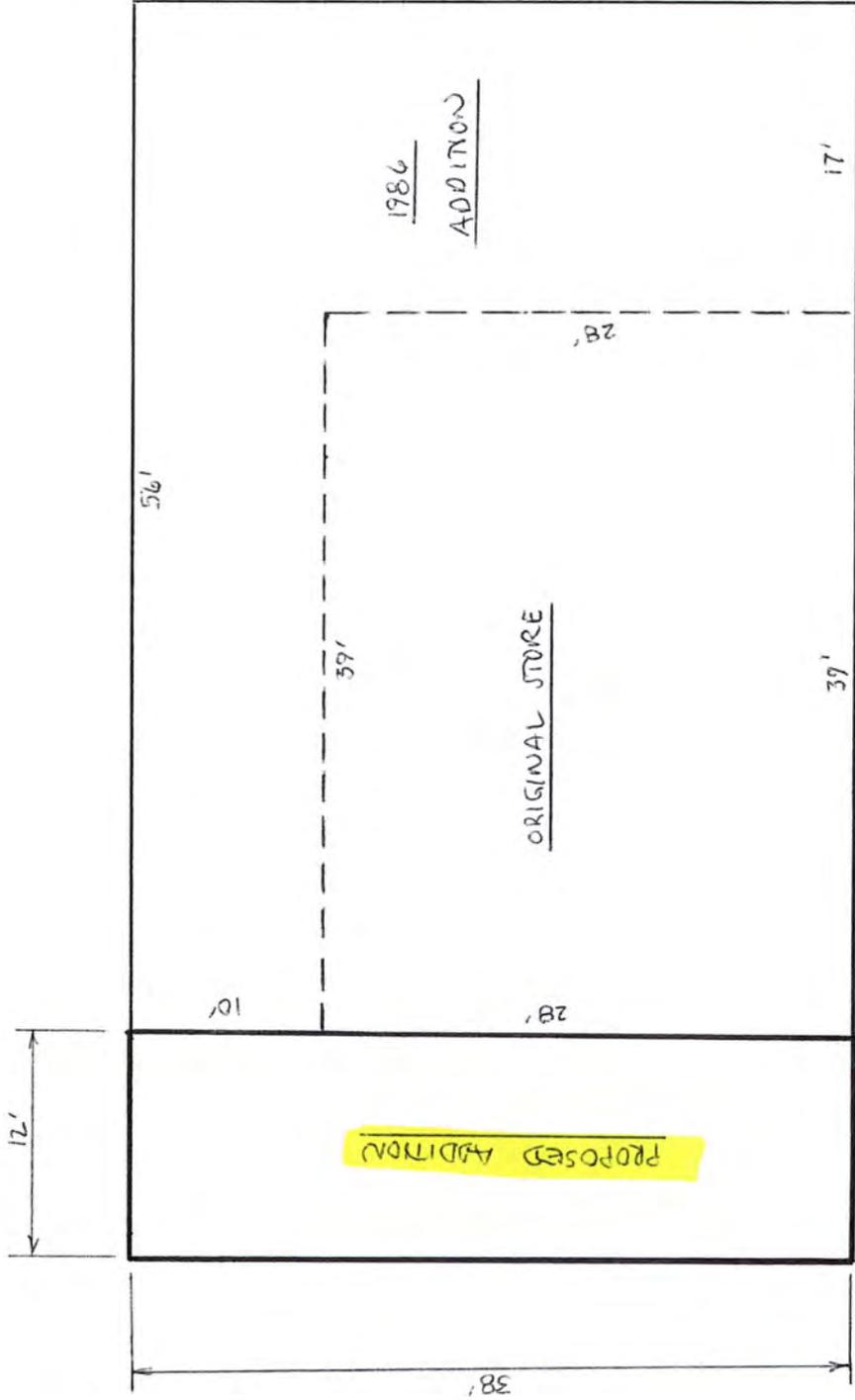
MIDLAND SERVICES, INC
SITE SKETCH

CSM NO. 909
Vol. 6 Page 244-245

MIDLAND SERVICES, LLC
BUILDING PLAN



SCALE: 1" = 10'



NOTE:

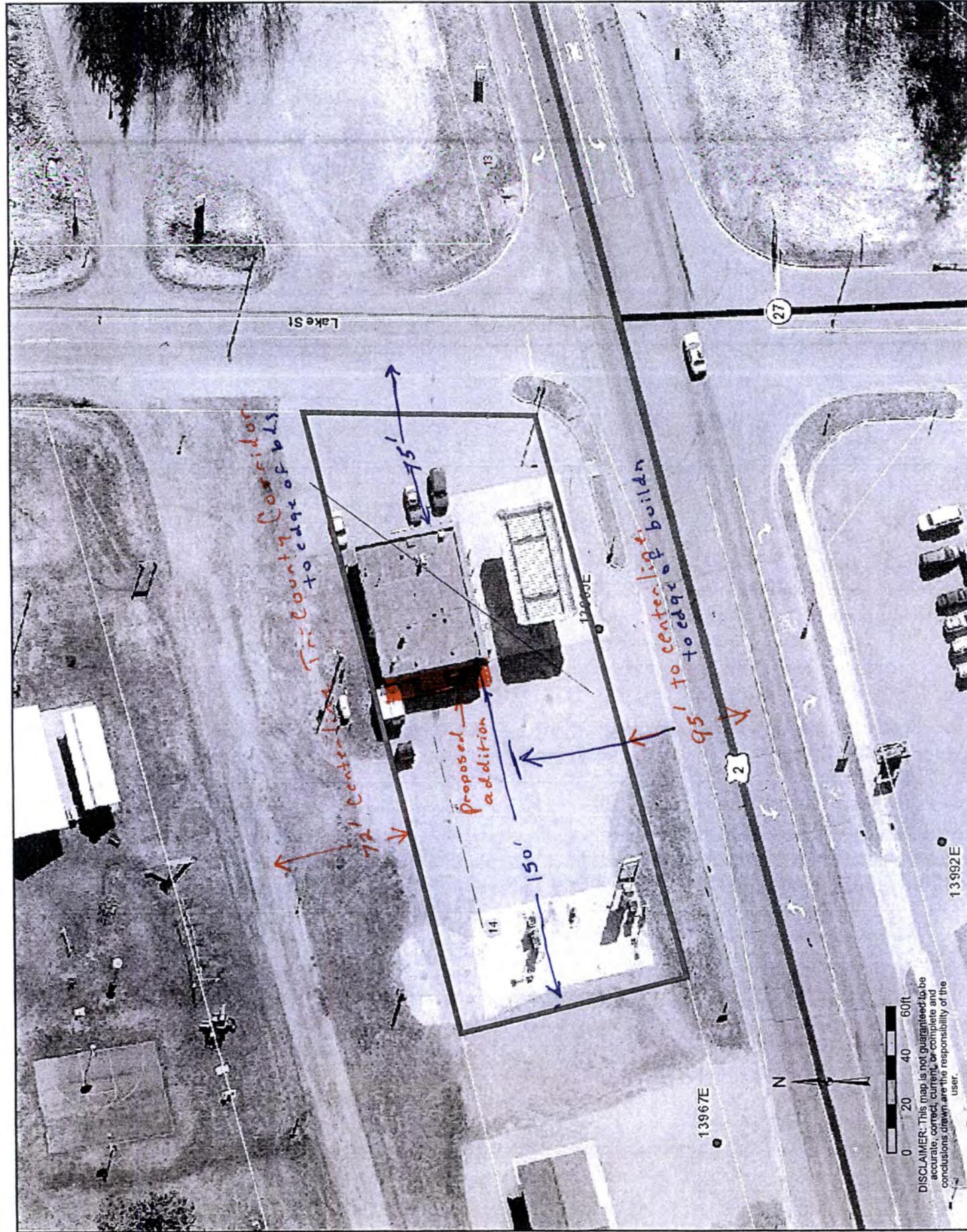
STRUCTURAL MEMBERS - MAXIMUM 33%

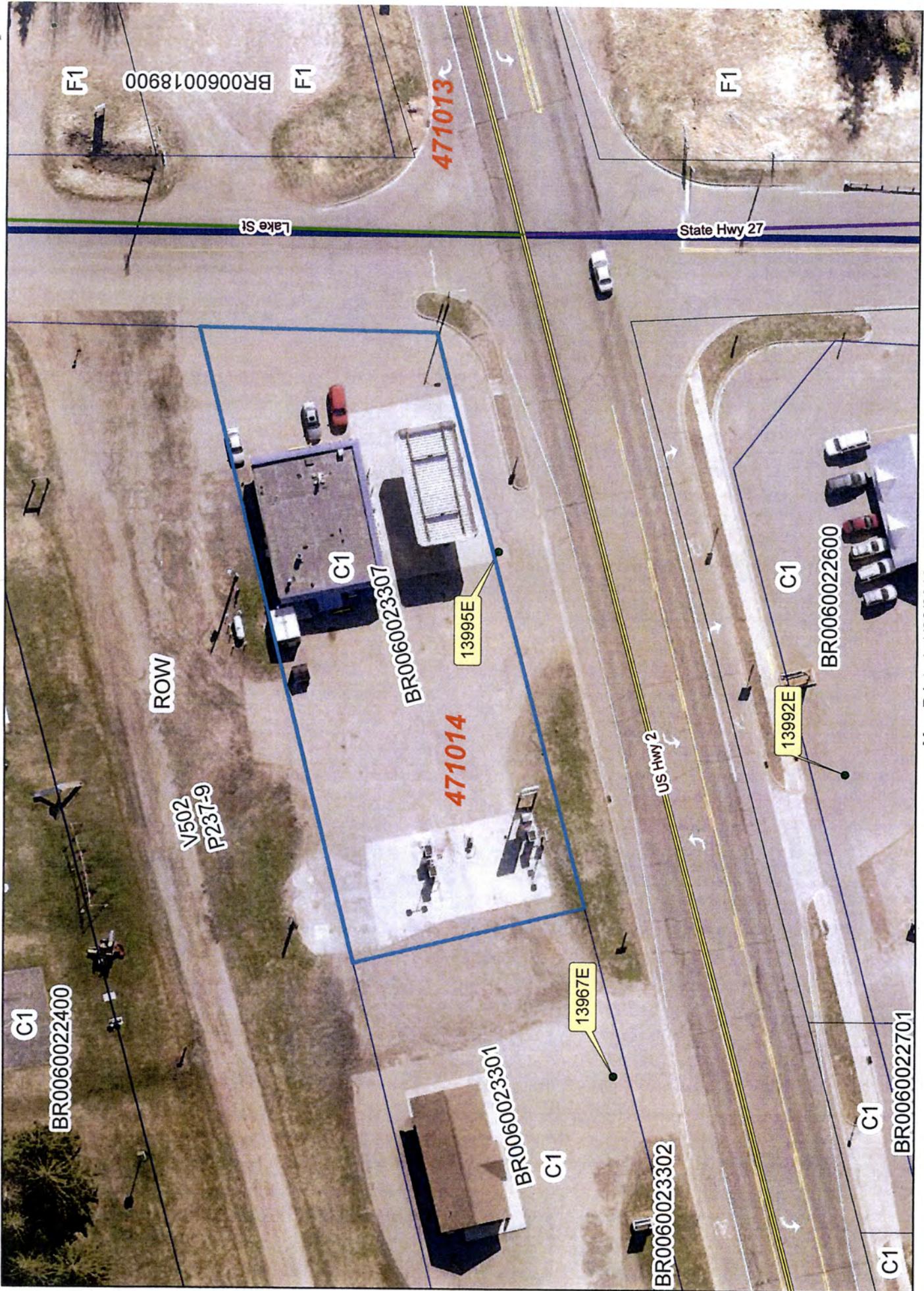
PROPOSED: 16.6%

AREA EXPANSION - MAXIMUM 50%

PROPOSED: 29.08%

Parcel IO: BR-006-0004-PR





Map Printed: 1/26/2016

VAR - Midland Services, Inc.

Add to LNC Comm Bldg, C-1 ZD, 02-24-2016 Hrg

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

DOUGLAS COUNTY BOARD OF ADJUSTMENT
December 16, 2015, 10:00 a.m., Government Center Board Room
1316 North 14th Street, Superior, Wisconsin

Meeting called to order by Chair Douglas Hanson.

ROLL CALL: Present – Dale Johnson, Douglas Hanson, Roger Wilson, James Heim (Alt.), Larry Kappes (Alt.). Absent – Larry Luostari. Others present – Steve Rannenber, Sue Radzak, Michael Vespasiano, Steve Trainor, David Kropid, Kaci Lundgren (Committee Clerk).

ANNOUNCEMENT: Role and conduct of the Board read.

PUBLIC HEARING:

15-16) James & Patricia Knudson, Minneapolis, MN – area variance to allow the construction of an addition to a legal pre-existing structure that will lie within the minimum setback from the centerline of Bluebell Lane and a platted court, located in Lots 1-24 Incl., & Lots 26, 27, 35 & 36, Blk 5, Whitefish Beach, Section 16, T43N-R12W, (WA-032-02185-00; 8026 E Russells Road), Town of Wascott.

ACTION: Motion by Heim, second Kappes, to hear application. Motion carried.

Applicants' representative, Michael Vespasiano (potential land buyer), present; application reviewed.

ACTION: Motion by Wilson, second Kappes, to deny application, based on the fact that unnecessary hardship is not present, and the hardship is not due to the physical limitation of the property rather than the circumstances of the appellant because unnecessary hardship is not present and there is reasonable use of the property; two previous variances have been granted in 1997 and 1998 that allow use of property. The variance will be contrary to the public interest as expressed by the objectives of the ordinance because there is use of the property as is. Roll call vote taken, with all present voting yes, for reasons stated in the motion. Absent – Luostari.

Public hearing adjourned at 10:41 a.m.

APPROVAL OF MINUTES: Motion by Johnson, second Heim, to approve October 28, 2015, minutes. Motion carried.

MOTION TO CONVENSE INTO CLOSED SESSION PURSUANT TO SECTION 19.85 (1)(G) OF THE WISCONSIN STATUTES TO DISCUSS THE APPEAL FILED ON BEHALF OF BETTY J. NELSON: Motion by Heim, second Kappes, to convene into closed session as stated above. Roll call vote taken and passed with all present voting Yes. Absent – Luostari. Open session adjourned at 10:46 a.m.

Submitted by,
Kaci Lundgren, Committee Clerk