



# DOUGLAS COUNTY

## Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206  
Superior, WI 54880

**Stephen Rannenberg**  
Administrator

**Keith Wiley**  
Assistant Administrator

**Zach DeVoe**  
Land Information Officer

July 11, 2016

### DOUGLAS COUNTY BOARD OF ADJUSTMENT

**Wednesday, July 27, 2016 @ 9:00 a.m.**

Government Center, 1316 North 14<sup>th</sup> 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	Larry Luostari	James Heim, Alt.
	Roger Wilson, Vice Chair	Gary Saari	Lawrence Kappes, Alt.
	Dale Johnson		

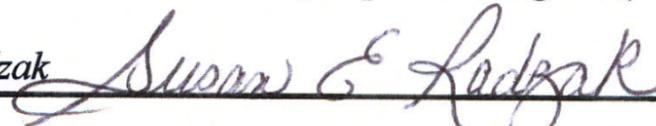
### Agenda

(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 (hearing notice and applications attached):
  - a. #16-10: David & Catherine Gotsky – after-the-fact area variance & area variance.
- 4) Approval of minutes from the June 22, 2016 (attached).
- 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](mailto:snelson@superiortelegram.com) [thecommunitychannel@yahoo.com](mailto: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](http://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 07-11-16

DOUGLAS COUNTY  
BOARD OF ADJUSTMENT

Notice is hereby given that a Public Hearing will be held by the Douglas County Board of Adjustment at **9:00 a.m., Wednesday, July 27, 2016** in the Government Center, Second Floor, Room 201, 1316 North 14<sup>th</sup> Street, Superior, Wisconsin, to hear the following application:

#16-10 **David & Catherine Gotsky**, South Range, WI – 1) after-the-fact area variance to allow an existing permitted accessory building to remain within the minimum setback requirement of East Lyman Lake Road and 2) allow the construction of a 20 ft x 20 ft addition to this accessory building within the town road setback, located in Pt of Gov't Lot 2, Pt of Pcl k/as Lot 1 (Ly'g S of E Lyman Lake Road), Section 15, T46N-R13W; (6166 E East Lyman Lake Road; OA-022-00203-00), Town of Oakland.

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](http://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 July 8 & 15, 2016

**GOTSKY, DAVID & CATHERINE**

**Area Variance #16-10**

Pt Gov't Lot 2, Pt Pcl k/as Lot 1, (Ly'g S of E Lyman Lk Rd)  
Section 15, T46N-R13W  
Town of Oakland

**Hearing Date: July 27, 2016**

**The applicant or appellant proposes:** – 1) after-the-fact area variance to allow an existing permitted accessory building to remain within the minimum setback requirement of East Lyman Lake Road and 2) allow the construction of a 20 ft x 20 ft addition to this accessory building within the town road setback

**The applicant or appellant requests:** an area variance from:

**8.0 Zoning Ordinance, Section IV, 4.2, 1 (c)** – *the setback requirement from a town road shall be 63 feet from the centerline or 30 feet from the right-of-way line, whichever is greater*

**Permit History:**

October 12, 1993	Land-Use Permit #9639	Accessory Building
September 24, 1996	Land-Use Permit #12363	Garage
June 16, 1998	Land-Use Permit #13369	Seasonal Residence
June 16, 1998	Sanitary #300530	
August 20, 1998	Conditional-Use Permit #13525	Change use of residence to year-round

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. 16-10

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: 6-30-16

Hearing Date: July 27, 2016

Property Owner David Gotsky

Day Phone No: (218) 590-1349

Mailing Address 666 E. Lyman Lake Rd. City South Range State WI Zip 54877

Property Address:	<u>666 E. Lyman Lake Rd.</u>	Town of	<u>Oakland</u>
Legal Description:	<u>1/4</u>	<u>1/4</u> , Section	<u>15</u> , T <u>46</u> N, R <u>13</u> W
Lot	<u>    </u>	Block	<u>    </u>
Subdivision	<u>PT GOVT LOT 2</u>	CSM Vol.	<u>    </u>
Page(s)	<u>    </u>	Tax Parcel No.	<u>OA-022-00203-00</u>
Lake Classification	<u>    </u>	Zone District	<u>RR-1</u>

Present improvements on property (include all existing structures): House, garage, shed, septic system, well

Proposed Improvements: Addition to garage (20' x 20')

Lakeshore setback requested      feet from the OHWM of      (waterbody)

Lot line setback requested      feet from     

Road setback requested 56' feet from the centerline of E. Lyman Lake Rd. (road/highway)

Other request:     

Fee \$	<u>475</u>	Receipt #	<u>11580</u>	Vendor #	<u>1679810</u>	Date Paid	<u>6/30/16</u>
Outcome:	Approved <u>    </u>	Approved w/Conditions	<u>    </u>	Denied	<u>    </u>	Date:	<u>    </u>

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?

Please see attached page.

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

Please see attached page.

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

Please see attached page.

  
Owner or Representative Signature

6-29-16  
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.

# Variance Questions

**Step 1: What unnecessary hardship will result from the strict application of the Counties ordinance requirement?**

Our original plan when building the garage was to have it positioned on the property in such a manner that would allow for expansion in the future. We were financially unable to build the garage we wanted so we built what we could with plans to add on as soon as possible. I personally staked out the footprint at 66' from the centerline of the E. Lyman Lake Road. I have drawings to support this. At some point when the dirt work was performed or the concrete contractor set the forms and poured the slab, the location moved closer to the road. Since the garage was so far from the road this slight position change was not noticed. You cannot imagine our surprise when we were notified that that our garage was a non-conforming structure when we fully intended to have it built 3' further from the road than required. The thought had never crossed our minds that we would not be allowed to build the addition we had planned.

The unnecessary hardship is that we are unable to add on to our garage as we had planned. Our intention was to be able to have all of our vehicles parked in the garage and out of the weather.

**Step 2: The hardship described in step 1 above is due to what unique physical limitations of the property?**

The physical limitation is that the garage was accidentally built a few feet too close to the road. Essentially, based on the satellite view provided by the County, the garage is within the minimum setback by a few feet more than the roof overhang.

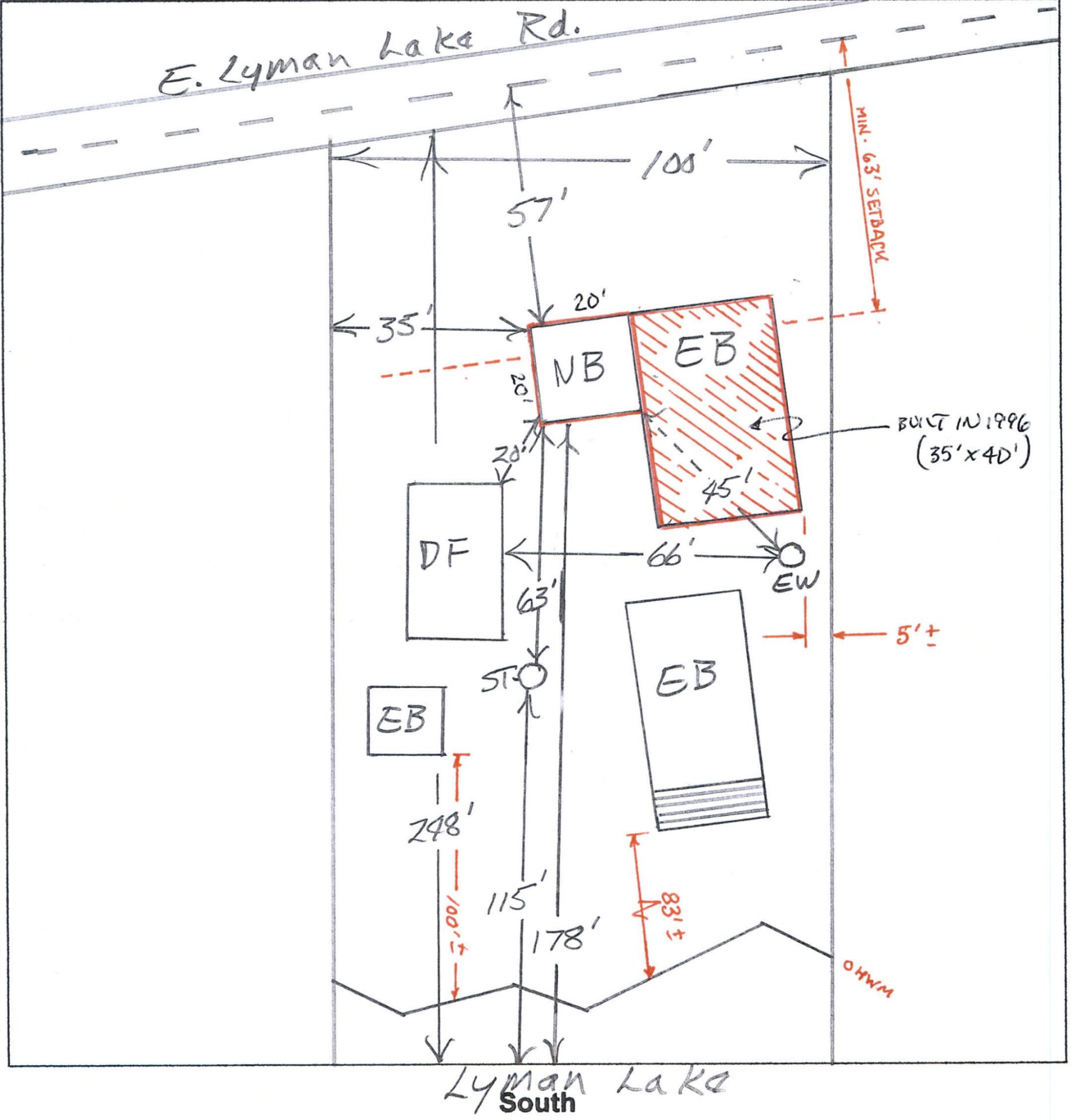
**Step 3: If a variance were granted would it cause harm to the public's interest?**

No, it would not.

Property Address: 6166 E. Lyman Lake Rd. Town of Oakland  
 Tax Parcel I.D.: OA-022-00203-00 Date 6-30-16

North

**Variance Application Sketch**





# 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

GOTSKY, David

August 10, 2015

Mr. David Gotsky  
6166 E East Lyman Lake Road  
South Range, WI 54874

Dear Mr. Gotsky,

Please accept this letter in response to your call regarding a proposed addition to a garage located on property owned by you. The property description is part of Government lot 2 in Section 15 T46N R13W. A review of our records indicates that on September 24, 1996 this office issued land use permit #12363 (copy enclosed) to you for the garage. You will note that the minimum setback from the side lot line was five feet. Currently, the minimum side lot line setback is ten feet. In this case the existing garage is considered non-conforming and is "grandfathered". The ordinance allows limited alteration and expansion of the garage outside of the current setback.

However, the apparent location of the garage in relation to the centerline of the road right-of-way may be another matter. Please refer again to the enclosed copy of the 1996 permit. You will see that the minimum setback to the road centerline is 63 feet. That minimum setback remains in effect today. Referring to the enclosed map you will see that the garage appears to lie within the minimum setback. If this is accurate the garage is not protected by the ordinance provision for non-conforming structures. If you wish to proceed with your proposed project please complete the enclosed application form and return it and the fee to our office. Based on the information provided and the results of our site visit I can proceed with my determination.

Please feel free to contact me with any questions you may have.

Sincerely,

Stephen D. Rannenberg  
Zoning Administrator

Copy: Warren Dolsen, Chair-Town of Oakland  
Rae Ann Anderson, County Board Supervisor

8/20

- MRS. GOTSKY STOPPED IN
- WILL LOOK FOR MDS.
- TOOK VARIANCE APPL.

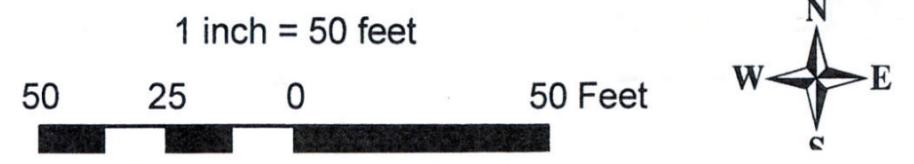


Map Printed: 7/1/2016

MAP PRODUCED BY SHELLY WISNIEWSKI  
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

**VAR - Gotsky, David**  
**RR-1 ZD, 07-27-2016 Hrg**



1 inch = 50 feet

50 25 0 50 Feet



0 200 400 600ft  
 13 OA0220032900  
 DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

**DOUGLAS COUNTY BOARD OF ADJUSTMENT**  
**June 22, 2016, 9:00 a.m., Government Center Board Room**  
**1316 North 14<sup>th</sup> Street, Superior, Wisconsin**

Meeting called to order by Chair Douglas Hanson.

**ROLL CALL:** Present – Gary Saari, Douglas Hanson, Roger Wilson, Larry Luostari, Dale Johnson. Others present – Larry Kappes, (Alt.), James Heim (Alt.), Steve Rannenber, Sue Radzak, Scott Essen, Brad Turnboom, Char Kastern, James Lagae, Trent Sprague, Kaci Lundgren (Committee Clerk).

**ANNOUNCEMENT:** Role and conduct of the Board read.

**PUBLIC HEARING:**

**16-05) Brad & Charlene (Kastern) Turnboom**, Superior, WI – held from the May 25, 2016 hearing - area variance to allow the construction of an addition to a legal non-conforming dwelling 1) exceeding the allowed 50% expansion of the existing enclosed building area, 2) within the minimum setback requirement of the town road (63 feet from the centerline of the town road or 30 feet from the right-of-way line, whichever is greater) and 3) within the minimum setback requirement of the side lot line, located in Pt. Gov't Lot 4, Section 19, T45N-R11W; (SO-026-00458-00; 11091 S Engstad Road), Town of Solon Springs.

Applicants present; application reviewed. Side lot setback of proposed addition may be enough; actual length not yet determined.

*Break from 9:17 a.m. to 9:22 a.m.*

**ACTION:** Motion by Johnson, second Luostari, to approve application, based on the fact that unnecessary hardship is present, and the hardship is due to the physical limitation of the property rather than the circumstances of the appellant because the proposed structure will be no bigger than existing building. Building will be reduced to 12' x 25' to not infringe on side lot setback, and runoff will be reduced. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance because no part of the proposed structure is closer to any side lot or town road setback than existing garage. Roll call vote taken, with 4 Yes, 1 No. Voting no - Wilson. Motion carried.

**16-07) Scott & Kristie Essen**, Maple, WI – held from the May 25, 2016 hearing - after-the-fact area variance to allow an accessory building to remain within the town road setback (63 feet from the centerline of the town road or 30 feet from the right-of-way line, whichever is greater), located in Pt. NW1/4-SW1/4, Section 11, T48N-R11W; (MA-020-00390-00; 3074 S Landela Road), Town of Maple.

*Gary Saari abstained from discussion at 9:34 a.m.; Larry Kappes (alternate) filled Saari's position on the board.*

Applicant present; application reviewed. Permit to build outlined the requirement of the 63 foot road setback; requirement not followed.

**ACTION:** Motion by Wilson, second Johnson, 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 there is no sufficient hardship presented; town discussion should be more extensive. The variance will be contrary to the public interest as expressed by the objectives of the ordinance because there are other reasonable alternatives. Roll call vote taken, with all present voting yes to deny, for reasons stated in the motion. Motion carried.

*Saari returned to board at 10:00 a.m.*

**16-08) Trent Sprague, Danbury, WI** – area variance to 1) allow an addition (8' x 20') to a nonconforming structure that will lie within the town road setback (63 feet from the centerline of the town road or 30 feet from the right-of-way line, whichever is greater) and 2) allow an addition (14' x 16') to a nonconforming structure that will lie within the visual clearance triangle of the intersection of Moose Road and State Highway 35, located in the SE1/4-SE1/4-SE1/4, Section 18, T44N-R14W; (DA-010-00970-01; 13195 S State Hwy 35), Town of Dairyland.

**ACTION:** Motion by Luostari, second Johnson, to hear application. Motion carried.

Applicant present; application reviewed.

**ACTION:** Motion by Johnson, second Luostari, to approve application, based on the fact that unnecessary hardship is present, and the hardship is due to the physical limitation of the property rather than the circumstances of the appellant because existing structure was constructed long before ordinance; proposed addition is not closer to town or state right-of-way. In addition, the second portion of the request to build the 14' x 16' addition be withdrawn. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance because the 8' x 20' addition will not interfere with the visual clearance triangle. Roll call vote taken, with all present voting yes to approve, for reasons stated in the motion. Motion carried.

**16-09) James Lagae, et al, Solon Springs, WI** – area variance to allow the construction of a garage that will lie within the town road setback (63 feet from the centerline of the town road or 30 feet from the right-of-way line, whichever is greater), located in Pt Gov't. Lot 4, Section 24, T45N-R12W; (SO-026-01045-00; 11128 S Brancel Road), Town of Solon Springs.

**ACTION:** Motion by Johnson, second Luostari, to hear application. Motion carried.

Applicant present; application reviewed.

**ACTION:** Motion by Johnson, second Wilson, to approve application, based on the fact that unnecessary hardship is present, and the hardship is due to the physical limitation of the property rather than the circumstances of the appellant because wetland boundaries limit buildable site area. New building must be outside of wetland jurisdiction. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance because the new garage will be built outside of wetland area. Roll call vote taken, with all present voting yes to approve, for reasons stated in the motion. Motion carried.

*Public hearing adjourned at 10:20 a.m.*

**APPROVAL OF MINUTES:** Motion by Luostari, second Saari, to approve May 25, 2016, minutes. Motion carried.

**ADJOURNMENT:** Motion by Johnson, second Luostari, to adjourn. Motion carried. Meeting adjourned at 10:24 a.m.

Submitted by,

Kaci Lundgren, Committee Clerk