



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

August 8, 2016

DOUGLAS COUNTY BOARD OF ADJUSTMENT

Wednesday, August 24, 2016 @ 9:00 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	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. #16-11: Margaret L Morton-Pearson – area variance.
- 4) Approval of minutes from the July 27, 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 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 <i>Susan E. Radzak</i>	Date 08-08-16
------------------------------------	----------------------

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, August 24, 2016** in the Government Center, Second Floor, Room 201, 1316 North 14th Street, Superior, Wisconsin, to hear the following application:

#16-11 Margaret L Morton-Pearson, Mendota Heights, MN – area variance to construct an addition on the landward side of a legal pre-existing principal building and within the 10 ft side lot line setback; located in Pt Gov't Lot 6, k/as Pt of Pcl 3, Section 9, T43N-R12W; (15061 S Bass Lake Road; WA-032-00968-00), Town of Wascott.

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 August 5 & 12, 2016

Margaret L Morton-Pearson

Pt Gov't Lot 6, k/as Pt of Pcl 3
Section 9, T43N-R12W
Town of Wascott

Area Variance #16-11

Hearing Date: August 24, 2016

The applicant or appellant proposes: area variance to construct an addition on the landward side of a legal pre-existing principal building and within the 10 ft side lot line setback

The applicant or appellant requests: an area variance from:

8.4 Shoreland Ordinance:

Legal pre-existing principal building – *see attached*

8.0 Zoning Ordinance:

Dimensional Requirement – *10 feet from the side lot line*

Permit History:

September 30, 1993 Sanitary Permit #43511

September 22, 1995 Variance #314 Approved to locate garage within lake setback requirement

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: _____

- 9.31 Shoreland Setback. The minimum setback to the ordinary high water mark of any navigable water body to the nearest part of a building or structure shall apply.
- 9.32 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures (s 59.692(1k)(a)1.b. and d.)

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback:

- (1) May be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure.
- (2) May be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.
- (3) Special review and consideration will be given to situations where expansion of the structure beyond the existing footprint is necessary to comply with applicable state or federal requirements.

9.33 Legal Pre-existing Principal Structure Located Thirty-five (35) Feet or More but Less than Seventy-five (75) Feet from the Ordinary High Water Mark.

A legal pre-existing principal structure located thirty-five (35) or more feet, but less than seventy-five (75) feet, from the ordinary high water mark may be expanded laterally, provided that:

- (1) The resulting structure shall not exceed thirty-five (35) feet in height, as defined in ch. NR 115.05(1)(f), Wis. Adm Code.
- (2) Lateral expansion is limited to 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure. The property owner obtains a land use permit and fulfills the mitigation requirements of Subsection 9.4 by the date specified in the permit.
- (3) All other provisions of the Douglas County Shoreland Zoning Ordinance shall be met.
- (4) If use of the principal structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter.

9.34 Expansion of a Nonconforming Principal Structure Beyond Setback (NR

NO. 2016-11

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: 7/27/2016 Hearing Date: 8/24/2016

Property Owner MARGARET MORTON-PEARSON Day Phone No: (715)-376-2780

Mailing Address 1091 W. CIRCLE CRT. City MENDOTA HTS State MN Zip 55118
(651)-587-3184 CELL

Property Address: <u>15061 S. BASS LAKE RD.</u>	Town of <u>WASCOTT</u>
Legal Description: <u>SE 1/4 NE 1/4, Section 9, T 43 N, R 12 W</u>	
Lot _____ Block _____ Subdivision _____	CSM Vol. _____ Page(s) _____
Tax Parcel No. <u>WA-032-00968-00</u>	Lake Classification _____ Zone District <u>RR1</u>

Present improvements on property (include all existing structures): CABIN, STORAGE BLD. (12x8)
SHED (10x8)

Proposed Improvements: APPROXIMATELY 18x11' ADDITION TO BACK OF CABIN
TO INCORPORATE PLANNED WELL INTO FOOTPRINT OF CABIN. WE'VE
HAULED H2O FOR 54 YRS. WANT TO IMPROVE SMALL BATHROOM.

Lakeshore setback requested _____ feet from the OHWM of _____ (waterbody)

Lot line setback requested _____ feet from _____

Road setback requested _____ feet from the centerline of _____ (road/highway)

Other request: CONSTRUCT AN ADDITION, A PORTION OF WHICH LIES
WITHIN THE MINIMUM 75' SETBACK FROM THE OHWM.
and within the side lot line setback.

Fee \$ <u>475</u>	Receipt # <u>11650</u>	Vendor # <u>1813468</u>	Date Paid <u>7-27-16</u>
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?

THERE IS NO OTHER ALTERNATIVE TO IMPROVE THE CURRENT SITUATION.

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

ORIGINAL SITE OF CABIN. MY PARENTS PURCHASED AN UNFINISHED STRUCTURE IN 1962. THERE IS NO WHERE ELSE TO GO ON THE PROPERTY EXCEPT BACK AS WE HAVE PROPOSED.

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

ADDITION DOES NOT FACE LAKE AND WOULD BE BARELY VISIBLE TO ADJACENT NEIGHBORS. NO WATER QUALITY IMPACT.

Margaret L. Morton - Pearson
Owner or Representative Signature

July 24, 2016
Date Signed

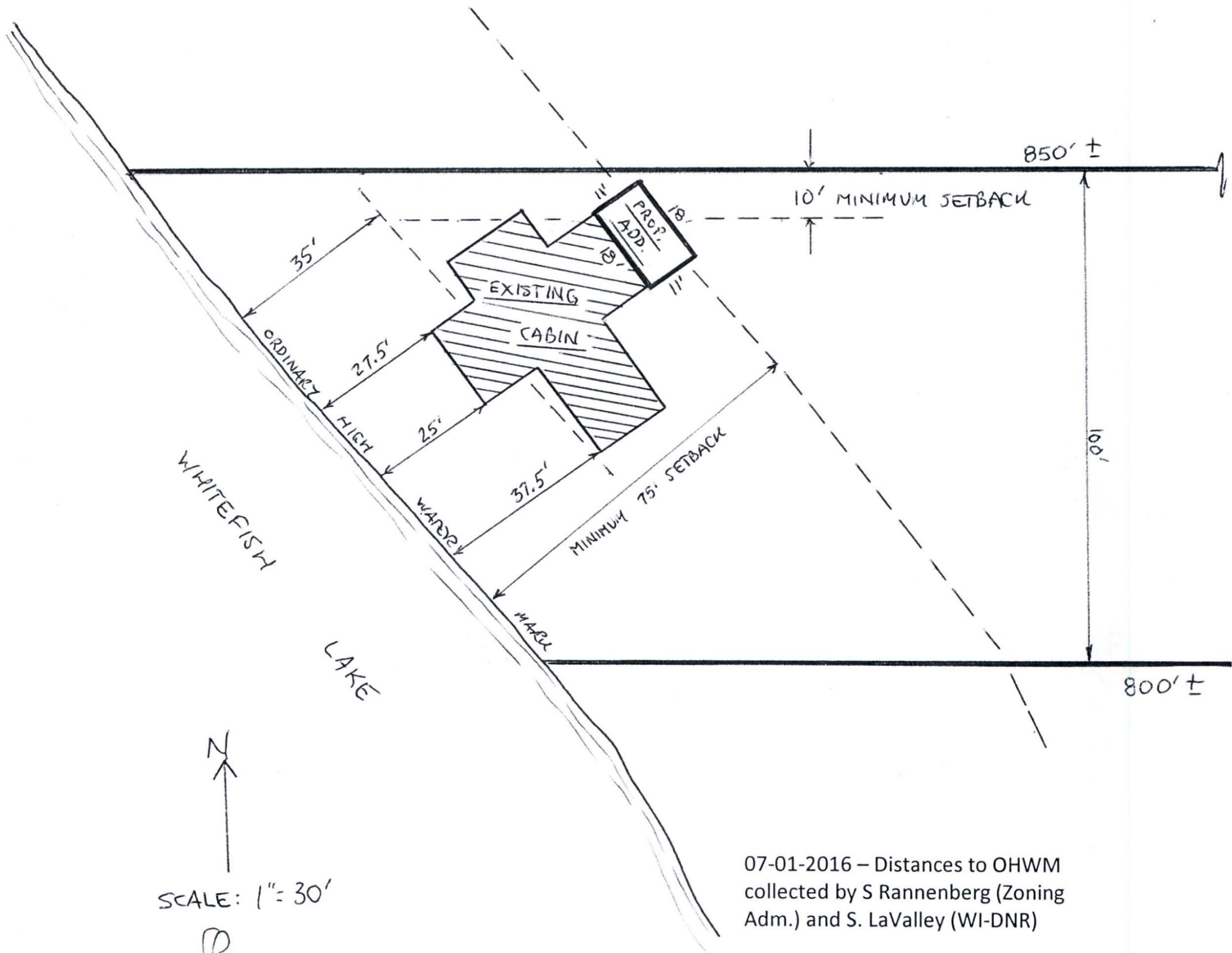
By signing this application, I give my/our permission to allow a site inspection to be made of the site by the Zoning Office, and/or Board of Adjustment members and allow photographs to be taken if necessary. To the best of my knowledge the information provided is true and accurate.

PLEASE NOTE:

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

07-01-2016

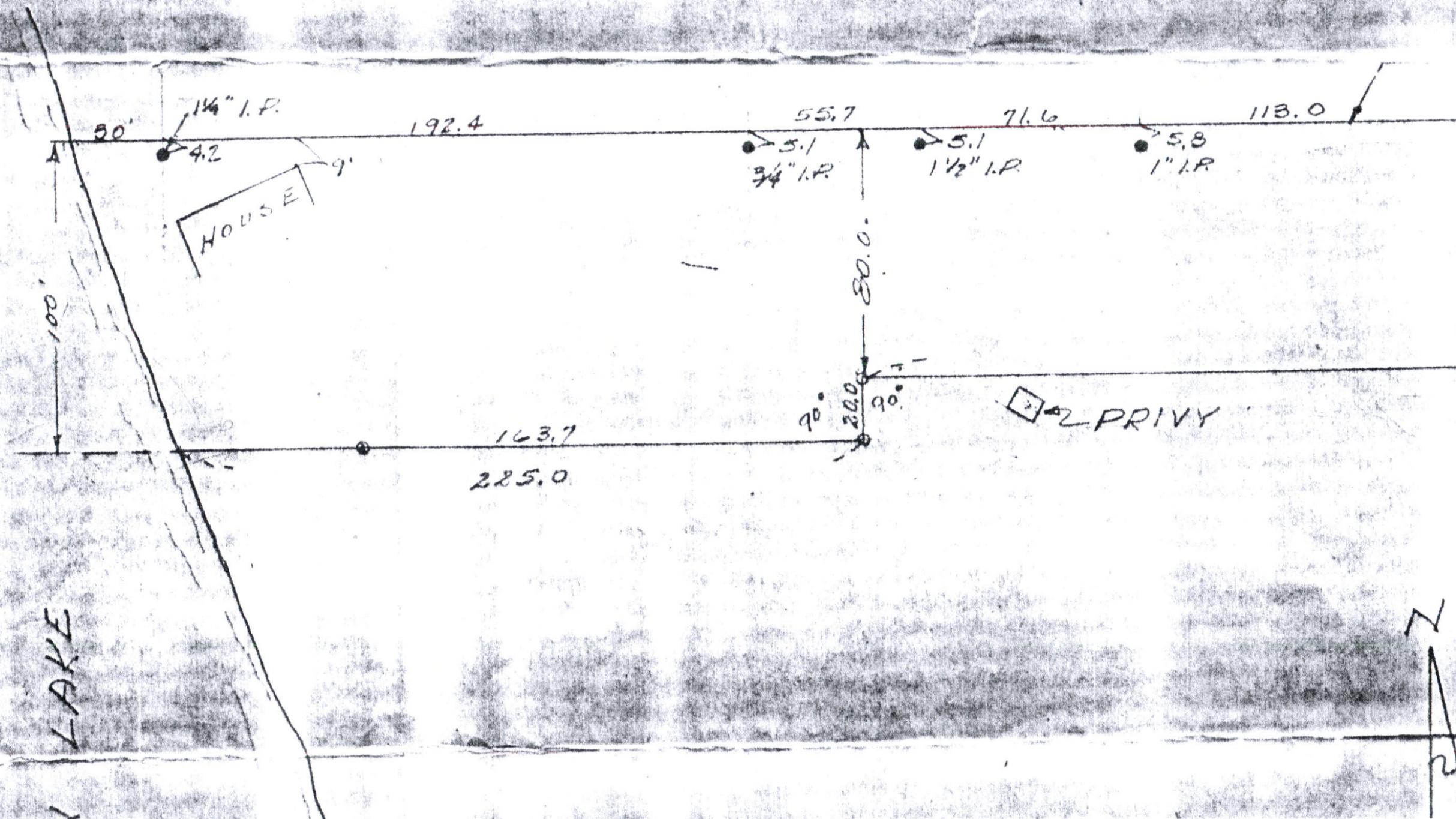
MARGARET L. MORTON-PEARSON
SITE SKETCH



N
↑
SCALE: 1" = 30'
SR

07-01-2016 – Distances to OHWM
collected by S Rannenber (Zoning
Adm.) and S. LaValley (WI-DNR)

WA-032-00968-00



30'
1 1/4" I.P.
4.2

HOUSE
9'

192.4

55.7
5.1
3/4" I.P.

71.6
5.1
1 1/2" I.P.

113.0
5.8
1" I.P.

80.0
20.0
90°
90°

PRIVY

163.7
225.0

LAKE





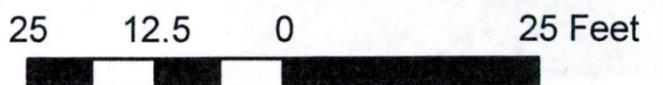
Map Printed: 7/28/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

VAR 2016-11 - Pearson, Richard & Margaret Morton
Add to LNC Dwell, RR-1 ZD, 08-24-2016 Hrg

1 inch = 25 feet

LINES AND DIMENSIONS ARE APPROXIMATE





DOUGLAS COUNTY BOARD OF ADJUSTMENT
July 27, 2016, 9:00 a.m., Government Center Board Room
1316 North 14th 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 Rannenberg, Sue Radzak, David Gotsky, Catherine Gotsky, Dan Corbin, Kaci Lundgren (Committee Clerk).

ANNOUNCEMENT: Role and conduct of the Board read.

PUBLIC HEARING:

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.

Applicant present. Garage built in 1996 was permitted with the requirement to be 63' from the centerline of the town road or 30 feet from the right-of-way line, whichever is greater; approximate measurements show a 57' distance causing the structure to be illegal.

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

ACTION: Motion by Johnson, second Wilson, 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 reasonable use of the property is now in effect. The board does not feel this variance is necessary. The variance will be contrary to the public interest as expressed by the objectives of the ordinance because the addition would infringe on the existing town right-of-way. The board agrees to allow the existing garage to remain in its place as a legal structure, with the condition that the addition may not be built. Roll call vote taken, with 4 Yes, 1 No. Voting no - Saari. Motion carried.

Public hearing adjourned at 9:34 a.m.

APPROVAL OF MINUTES: Motion by Wilson, second Luostari, to approve June 22, 2016, minutes. Motion carried.

ADJOURNMENT: Motion by Wilson, second Hanson, to adjourn. Motion carried. Meeting adjourned at 9:37 a.m.

Submitted by,

Kaci Lundgren, Committee Clerk