



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

September 12, 2016

DOUGLAS COUNTY BOARD OF ADJUSTMENT

Wednesday, September 28, 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		

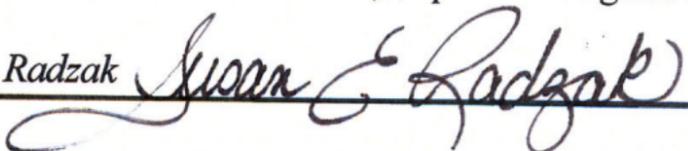
Agenda

(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. #16-12: Cindy Botten – area variance; and
 - b. #16-13: Thomas & Anna Downs – after-the-fact area variance.
- 4) Approval of minutes from the August 24, 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 Susan E. Radzak  Date 09-12-16

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, September 28, 2016** in the Government Center, Second Floor, Room 201, 1316 North 14th Street, Superior, Wisconsin, to hear the following application:

#16-12 Cindy Botten, South Range, WI – area variance to construct a 646 sq. ft. year-round dwelling that does not meet the minimum dimensional requirement of 800 sq ft (one bedroom) in the R-1: Residential zoning district, located in Pt SE1/4-NW1/4, Lot 2, CSM #21, Vol 1, Pg 22, Section 34, T48N-R12W, (4555 S 22 Rd; AM-002-00857-00), Town of Amnicon.

#16-13 Thomas & Anna Downs, Superior, WI – after-the-fact area variance to allow an illegal principal structure to remain within the minimum setback requirement of the ordinary high water mark of West Twin Lake, located in Gov't. Lot 1, Lot 4, CSM #195, Vol 1, Pg 218, (subj to 20' perp ingr & egr ease, also subj to ease #881029), Section 28, T45N-R11W, (10756 E Warring Rd; SO-026-00610-05), Town of Solon Springs.

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 September 9 & 16, 2016

Cindy K Botten

Pt SE1/4-NW1/4
Lot 2, CSM #21, Vol 1, Pg 22
Section 34, T48N-R12W
Town of Amnicon

Area Variance #16-12

Hearing Date: September 28, 2016

The applicant or appellant proposes: area variance to construct a 646 sq. ft. year-round dwelling that does not meet the minimum dimensional requirement of 800 sq ft (one bedroom) in the R-1: Residential zoning district

The applicant or appellant requests: an area variance from:

8.0 Zoning Ordinance:

Dimensional Requirement – *minimum dimensional requirement for a one bedroom dwelling in the R-1: Residential zoning district is 800 sq ft (see attached)*

Permit History:

September 1, 1994	Land-Use #10172	Decks (3)	(permit issued to Ted Swanson)
May 8, 1996	Land-Use #11165	Garage	(permit issued to Fred Seger)
June 29, 2011	Land-Use #22563	Alteration	(permit issued to Adam Haakanson)

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: _____

R-1 Zone District Setbacks & Dimensional Requirements¹

Maximum Building Height	35'
Minimum Lot Area²	
With Public Sewer	10,000 sq. ft.
Without Public Sewer	15,000 sq. ft.
Minimum Lot Width³	
With Public Sewer	75'
Without Public Sewer	100'
Lake / River Setbacks	
From Ordinary High Water Mark (OHWM)	75'
Minimum Lotline Setbacks	
Front (road setbacks may also apply; see below)	30'
Rear	
Principal Building	40'
Accessory Building	20'
Side	
Principal Building	10'
Accessory Building	5'
Minimum Floor Area — Dwelling	
3+ Bedrooms	1,000 sq. ft.
2 Bedrooms	900 sq. ft.
1 Bedroom	800 sq. ft.
Minimum Floor Area — Mobile Home	
3+ Bedrooms	800 sq. ft.
2 Bedrooms	700 sq. ft.
1 Bedroom	600 sq. ft.

Class A (State and U.S. Numbered Highways):

130 feet from the centerline of the State or U.S. Highway **or**
 66 feet from the right-of-way line, whichever is greater.

Class B (County Highways):

75 feet from the centerline of such highway **or**
 42 feet from the right-of-way line, whichever is greater.

Class C (Town Roads / Highways):

63 feet from the centerline of the highway **or**
 30 feet from the right-of-way line, whichever is greater.

¹ Unless specified elsewhere in this ordinance or on the Official Zoning Map, the dimensional requirements of this schedule shall apply to the respective listed districts. Requirements for the W-1; Resource Conservation, SP-1; Shoreland Protection, and PUD (Planned Unit Development) are contained on the Official Zoning Map.

² Minimum area for one-family dwellings: add 5,000 square ft. for each additional unit over one (1).

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

APPLICATION FOR VARIANCE

NO. 2016-12

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: 2 AUGUST 2016

Hearing Date: 09-28-2016

Property Owner's Name: CINDY BOTTEN

Mailing Address: 4555 SOUTH 22 ROAD City, State, Zip SOUTH RANGE, WI 54874

Telephone: (218) 348-4378 E-mail Address: _____

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: AM-002-00857-00 Section 34 Town 48 N Range 12 W

Town of: Amnicon Parcel Acreage or Size: _____

Property Address: 4555 South 22 Road, South Range, WI 54874

Legal Description: PT SE NW, LOT 2 CSM #21, Vol 1, Page 22

Water Body: _____ Wetlands: Yes No

Zone District: R-1 Residential Floodplain: Yes No

Present improvements on property (describe all existing structures): _____

Existing 26' x 32' garage

Proposed Improvements: Proposing to build new 19' x 34', one bedroom home w/ covered front porch (646 sq ft)

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: To build home less than minimum square footage (800') per zoning requirements

Decision:				
Date:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions	<input type="checkbox"/> Denied	<input type="checkbox"/> Split (see Decision Sheet)
Notes:				

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?

Homeowner will have affordability issues if we build a larger home: She won't be able to afford a high quality built home nor will the operational costs of a larger home fit in her budget

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

n/a

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

minimal economic + environmental impact

Owner or Representative Signature

18 Aug 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.

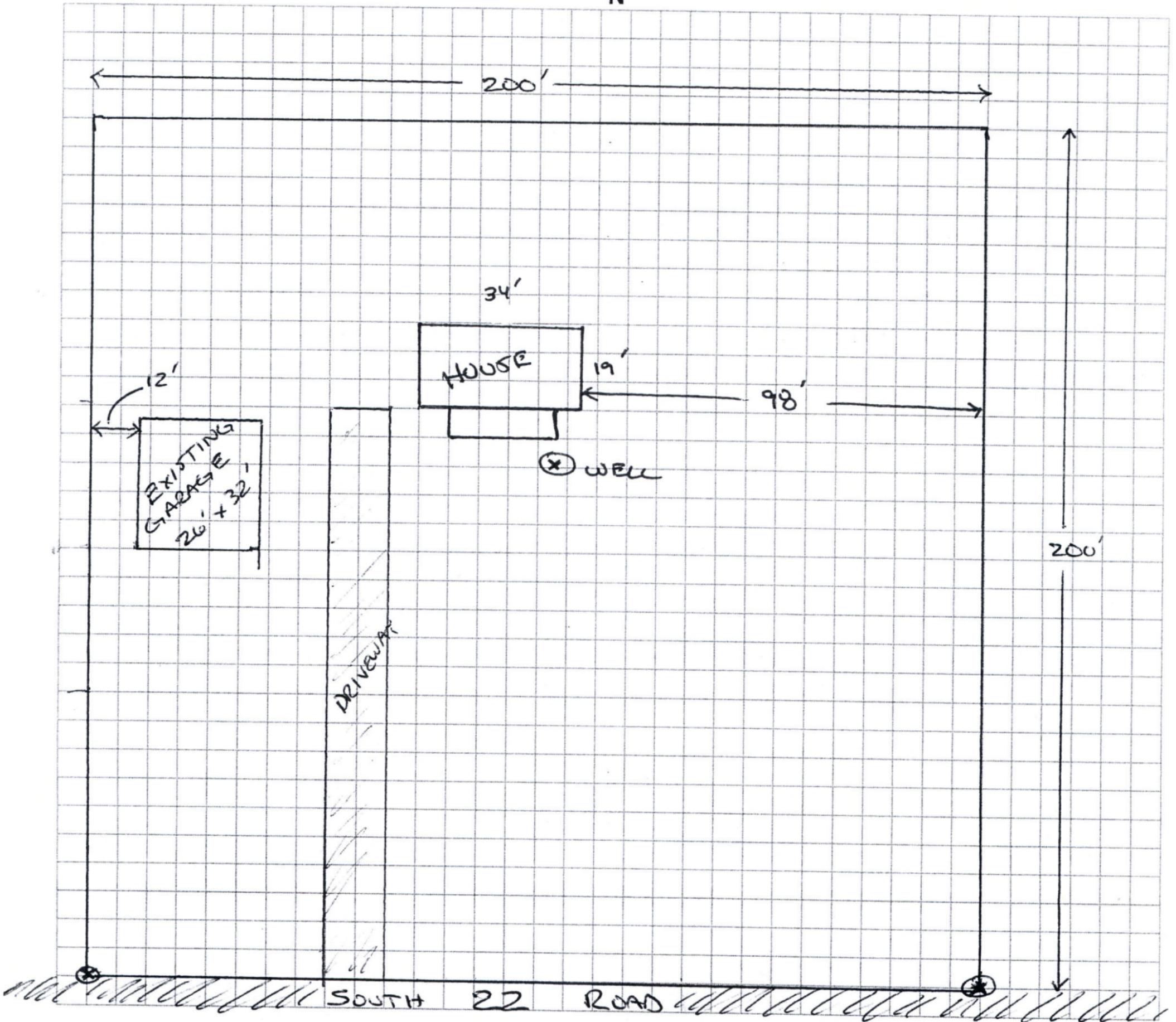
IMPORTANT:

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

Type	Amount	Vendor #	Date Paid	Receipt #
Variance	\$ 475.00	1814452	08-19-2016	11713
After-the-Fact Variance	\$ 950.00			

LOT LAYOUT DIAGRAM

SCALE: 1 Block = _____ feet
If drawing is not to scale show all dimensions
N



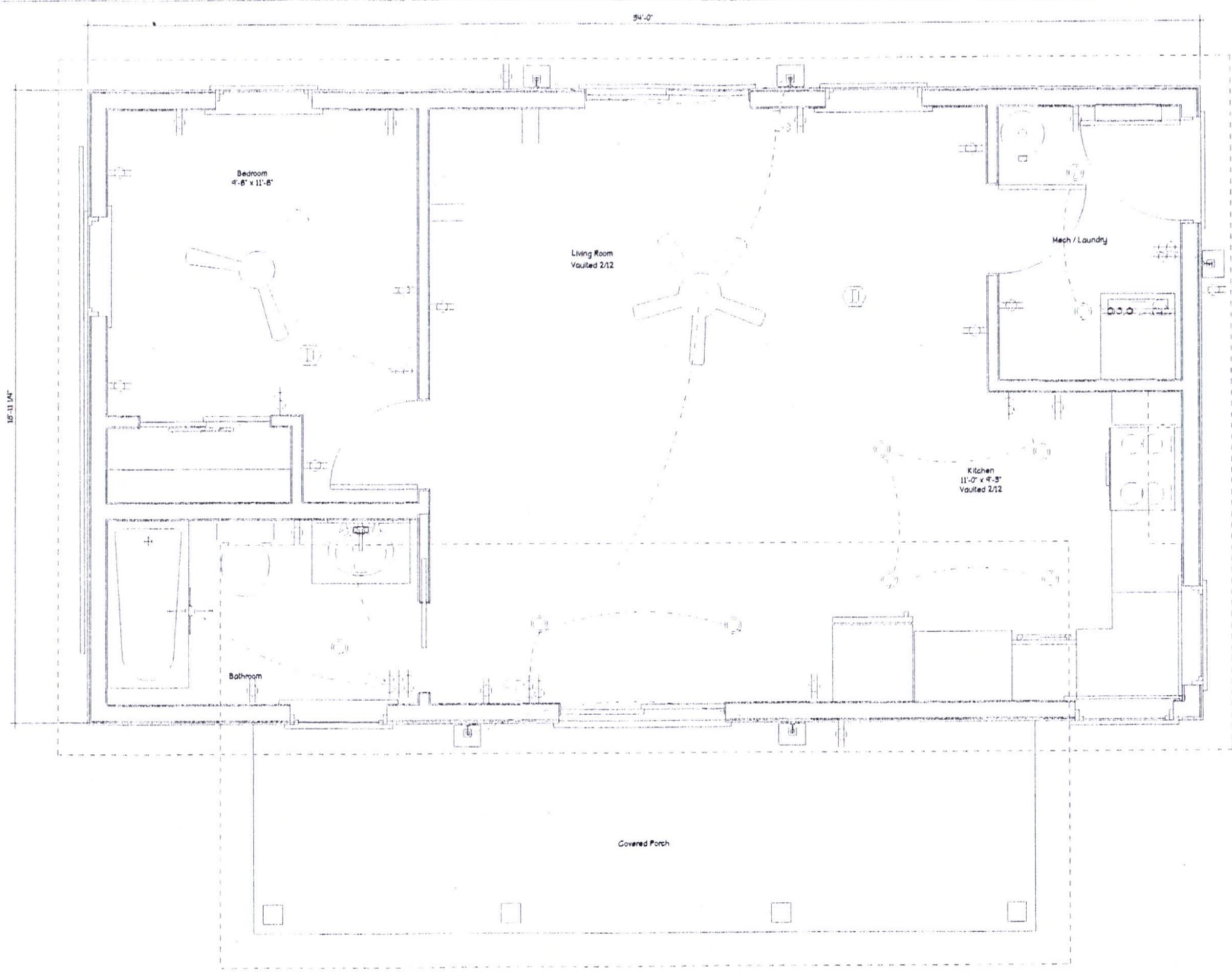
You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the [Department of Natural Resources wetlands identification page](#) or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature: *[Signature]*

Date: 12 Aug 2016



GENERAL NOTES

No.	REVISION/ISSUE	DATE

ORIENTATION	STAMP

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.
 CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.



PROJECT NAME:
Anchor Building Corp
 1803 Garfield Ave
 Superior

CLIENT:
 Cindy Botten

DRAWING:
Electrical Plan
 DRAWING SUB NAME
 SCALE: 3/4" = 1'-0" DATE: 20 July, 2016

DRAWN BY: SAS	SHEET: A3
CHECKED BY: SAS	
APPROVED BY: CB	

AM0020085500

R1

481234

AM0020085700

R1

ROW-e

4555S

AM0020085800

R1

Map Printed: 8/19/2016

AP PRODUCED BY SHELLY WISNIEWSKI
JUGLAS COUNTY ZONING

VAR 2016-12 - Botten, Cindy
R-1 ZD. 09-28-2016 BOA Hra

1 inch = 25 feet

25 12.5 0

25 Feet





4555 S

34

35

0 200 400 600ft

DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Date: August 19, 2016

VAR 2016-12

To: Gary Kane
4474 S Wentworth Rd
South Range, WI 54874

From: Steve Rannenberg, Planning and Zoning Administrator

Applicant: Cindy Bottar (Scott Sorenson, Contractor)

Petition: Year-Round Dwelling less than Minimum Dimensional Requ.

Parcel ID / S-T-R / Zone Dist: AM-002-00857-00 / 34-48N-12W / R-1 Residential

1. We have received the attached application related to a proposed land use change in your town.
2. This proposed land use change is in the form of one or more of the following:

Petition to Rezone	_____	Variance / appeal	_____ <u>X</u> _____
Conditional Use Permit	_____	Subdivision plat review	_____

Please place this item on the next Town Board agenda for action by the board.

3. We would appreciate a response prior to our public hearing scheduled for Sept. 28, 2016.

4. Objection: _____ No Objection: _____ X

5. Comments Town Board Has no problem
With proposed building

6. Signature: [Signature] Date: 9-6-16

Thomas & Anna Downs

Pt Gov't Lot 1
Lot 4, CSM #195, Vol 1, Pg 218
(subject to easements)
Section 28, T45N-R11W
Town of Solon Springs

Area Variance #16-13

Hearing Date: September 28, 2016

The applicant or appellant proposes: after-the-fact area variance to allow an illegal principal structure to remain within the minimum setback requirement of the ordinary high water mark of West Twin Lake

The applicant or appellant requests: an area variance from:

8.4 Shoreland Ordinance:

Section V: Setbacks From the Water – *all buildings and structures, except exempt structures, shall be set back at least 75 feet from the ordinary high water mark of navigable waters.*

Permit History:

1977	Certified Survey #195	4 parcels created
June 25, 1984	Land-Use #5277	Addition to residence (permit issued to D. Shoberg)
July 12, 1989	Land-Use #7353	Garage (permit issued to Tom VanDriessche)
June 17, 1994	Sanitary #209681	(permit issued to Tom VanDriessche)

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: _____

APPLICATION FOR VARIANCE

NO. 2016-13

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: 08-29-2016

Hearing Date: 09-28-2016

Property Owner's Name: Thomas & Anna Downs

Mailing Address: 2335 FOWA AVE City, State, Zip Superior, WI 54880

Telephone: 218-348-3618 E-mail Address: TomDowns@Centurytel.net

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: 50-026-00610-05 Section 28 Town 45 N Range 11 W

Town of: Solon Springs Parcel Acreage or Size: 0.76 Acres

Property Address: 10756 E Warring Rd.

Legal Description: Lot 4, CSM # 195, Vol 1 pg 218; subj to 20' pepp'ing/egr ease
also subj to EASE # 881029

Water Body: West Twin Lakes Wetlands: Yes No

Zone District: RR-1 Floodplain: Yes No

Present improvements on property (describe all existing structures):

Seasonal Dwelling and Garage and Tool shed

Proposed Improvements: 16 x 24 additional of the East

Side of Dwelling, lateral expansion of
seasonal Dwelling, behind ordinary high water
Mark / ~~Existing~~ Existing structure is currently illegal
due to previous owner, Building with 75'

Lakeshore setback requested 60 feet from the OHWM of West Twin Lakes (waterbody) off

Lot line setback requested _____ feet from _____ High

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

Other request: _____

Decision:				
Date:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions	<input type="checkbox"/> Denied	<input type="checkbox"/> Split (see Decision Sheet)
Notes:				

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?

Area Variance, Not knowing when I purchased the property that the Dwelling was within ~~60~~ 75' feet of Highwater mark. Now this is making the BLD illegal and can't put on addition for my family and I to enjoy the property. The prior owner put on a addition without a permit and is encroaching on the high water mark

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

~~It~~ It is within the 75' feet of the ~~high~~ high water mark prior owner ~~did~~ did not pull permit and built it within the 75' foot water mark

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

~~It~~ the addition is well behind the High water mark, and is 10' feet off the neighbor property,

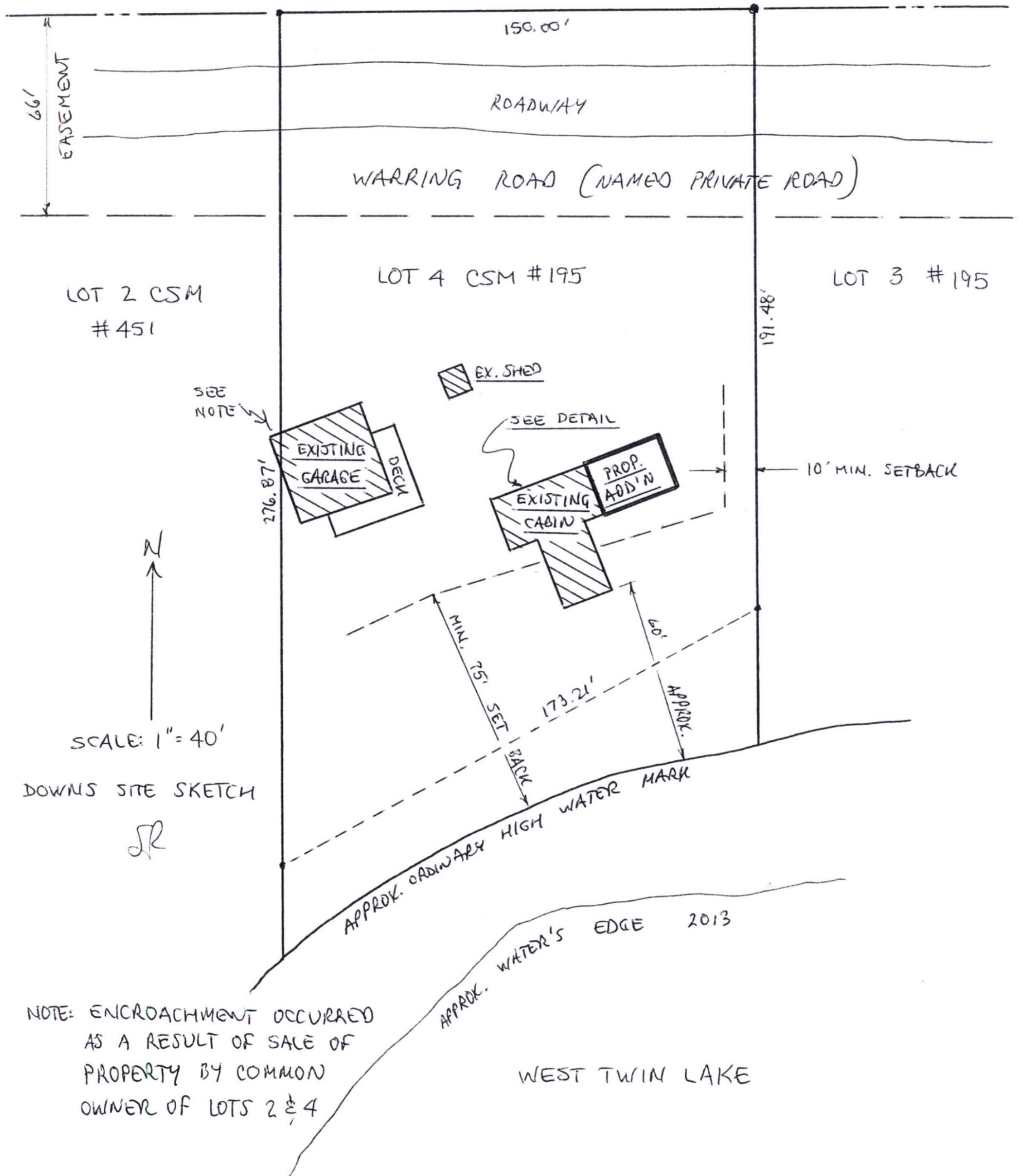
Owner or Representative Signature  Date Signed 8-28-2016

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.

IMPORTANT:

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

Type	Amount	Vendor #	Date Paid	Receipt #
Variance	\$ 475.00	1814276	08-29-2016	11739
After-the-Fact Variance	\$ 950.00			



SCALE: 1" = 40'

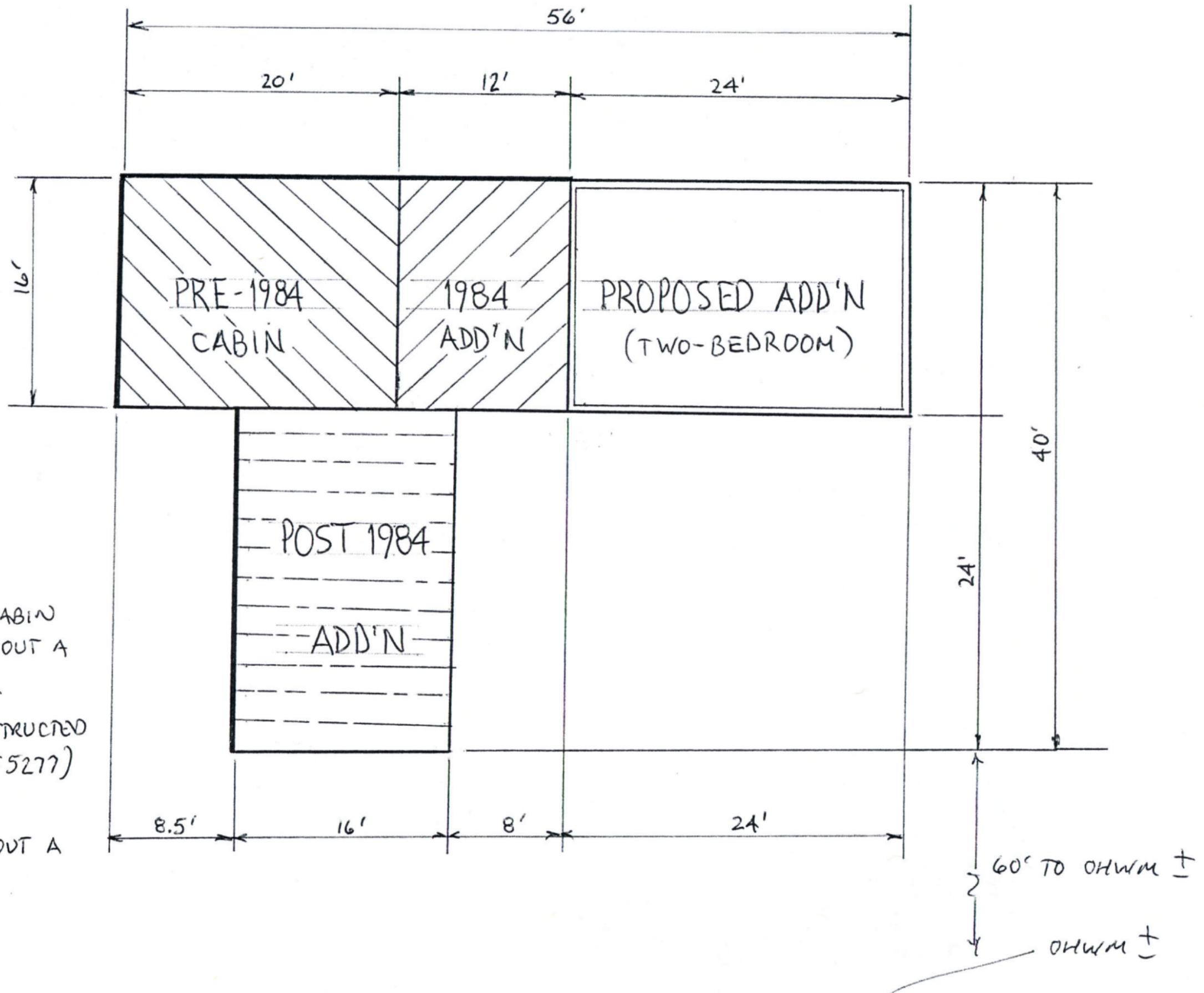
SR

NOTE: ENCROACHMENT OCCURRED AS A RESULT OF SALE OF PROPERTY BY COMMON OWNER OF LOTS 2 & 4

WEST TWIN LAKE

DETAIL OF EXISTING CABIN AND PROPOSED ADDITION

SCALE: 1" = 10'
SR



NOTES:

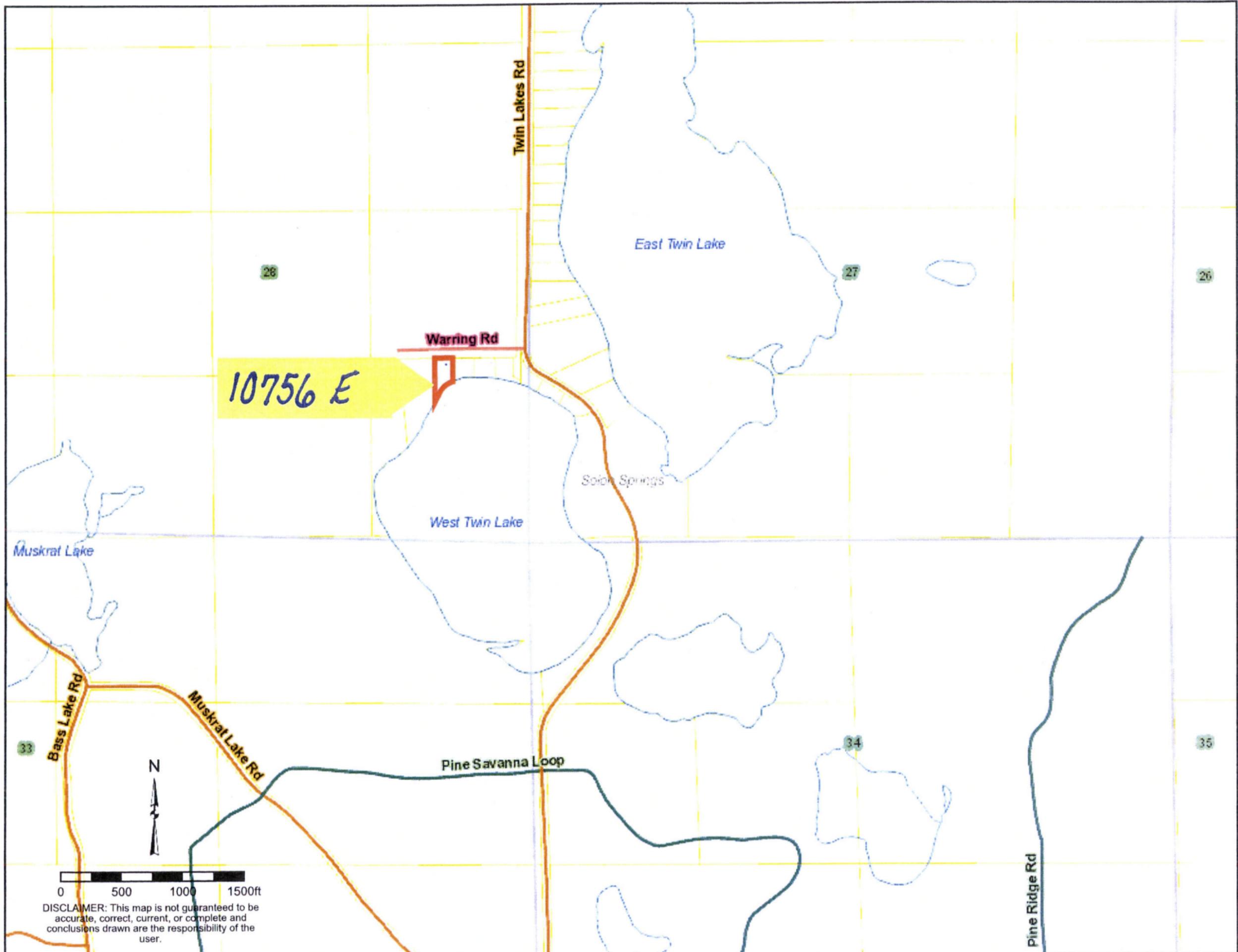
- 1) ORIGINAL 16' X 20' CABIN CONSTRUCTED WITHOUT A PERMIT AFTER 1977.
- 2) 1984 ADDITION CONSTRUCTED WITH A PERMIT (#5277)
- 3) POST-1984 ADDITION CONSTRUCTED WITHOUT A PERMIT.



CEL MAP
 S AND DIMENSIONS ARE APPROXIMATE
 PRODUCED BY DAVID JONES

AERIAL PHOTO SPRING 2013

100 50 0 100 Feet
 1 inch = 100 feet
 N



10756 E

Warring Rd

Twin Lakes Rd

East Twin Lake

Solo Springs

West Twin Lake

Muskrat Lake

Bass Lake Rd

Muskrat Lake Rd

Pine Savanna Loop

Pine Ridge Rd

28

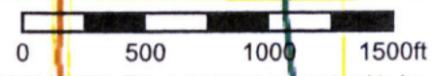
27

20

33

34

35



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
August 24, 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 – James Heim (Alt.), Steve Rannenber, Sue Radzak, Margaret Morton-Pearson, Richard Pearson, Kim Sorenson, Mike Wenzholz, Kaci Lundgren (Committee Clerk).

ANNOUNCEMENT: Role and conduct of the Board read.

PUBLIC HEARING:

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.

Applicant present; applicant's husband and building contractor spoke on proposal.

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

ACTION: Motion by Luostari, second Wilson, to break for 10 minutes to allow discussion between applicant and contractor of proposed addition dimensions. Motion carried.

Public hearing resumed at 9:54 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 it would be unnecessarily burdensome to remodel or build new building due to wetlands on either side of current structure. Proposed addition to be reduced in size so that no part infringes on side lot setback. Total square footage not to exceed minimal use requirements, or 120 square feet. The variance will not be contrary to the public interest as expressed by the objectives of the ordinance because it will not infringe on side lot setback or be visible from lake. Roll call vote taken, with 4 Yes, 1 No. Voting no - Wilson. Motion carried.

Public hearing adjourned at 10:09 a.m.

APPROVAL OF MINUTES: Motion by Luostari, second Wilson, to approve July 27, 2016, minutes. Motion carried.

ADJOURNMENT: Motion by Wilson, second Hanson, to adjourn. Motion carried. Meeting adjourned at 10:15 a.m.

Submitted by,
Kaci Lundgren, Committee Clerk