

**DOUGLAS COUNTY BOARD OF ADJUSTMENT**  
**May 25, 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, Larry Kappes, (Alt.). Absent – Dale Johnson. Others present – James Heim (Alt.), Keith Wiley, Sue Radzak, Russell Nicolet, Scott Ervin, Nathan Shaw, Brad Turnboom, Char Kastern, Adam Bennis, Scott Essen, Robert Fritzke, Kaci Lundgren (Committee Clerk).

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

**PUBLIC HEARING:**

**16-03) Russell & Andrea Nicolet**, Hudson, WI – held from the April 27, 2016 hearing - area variance to construct a deck within the minimum setback requirement of Bond Leader Lake Road and within the ordinary highwater mark of Bond Lake, located Gov't Lot 1, Lot 3 of CSM #222, Vol 1, Pg 247, Section 21, T43N-R12W; (WA-032-01208-00; 15823 S Bond Leader Lake Rd), Town of Wascott.

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

Applicant present; application reviewed. 4' x 4' landing allowed to be constructed for exit access from patio door.

**ACTION:** Motion by Wilson, second Luostari, 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 all of the deck would lie within the setbacks and there are already 2 variances on the property. The variance will be contrary to the public interest as expressed by the objectives of the ordinance because the deck would lie within the setback. Roll call vote taken, with all present voting yes to deny, for reasons stated in the motion.

**16-04) Scott Ervin et al**, Minneapolis, MN – held from the April 27, 2016 hearing - after-the-fact area variance to allow three accessory structures to remain within the minimum setback requirement of the Lake Superior bluff, located Lot 26, Blk 4, Amnicon Properties Plat One, Section 28, T49N-R11W; (LA-018-00879-00; 10497 E DeVries Road), Town of Lakeside.

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

Applicant 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 the

Lake Superior bluff setback applies, and the Town of Lakeside, DNR, and a neighbor all object. The variance will be contrary to the public interest as expressed by the objectives of the ordinance because it goes against the ordinance. Roll call vote taken, with all present voting yes to deny, for reasons stated in the motion.

**16-05) Brad & Charlene (Kastern) Turnboom**, Superior, WI – 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 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.

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

Applicant present; application reviewed.

**ACTION:** Motion by Kappes, 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 approving the application would be a violation of state law due to the fact that there is no hardship present. The addition would also be well past the 50% buildable allowance. Roll call vote taken, with 2 Yes, 3 No, 1 Absent, to deny, for reasons stated in the motion. Motion failed. Absent – Johnson.

*Break from 10:17 to 10:25 to determine procedural process.*

**ACTION:** Motion by Hanson, second Luostari, to refer to next month's meeting for further information. Motion carried.

**16-06) Adam & Martha Bennis**, Superior, WI – use variance to allow two dwellings on one parcel, located N1/2-SW1/4-NE1/4, Section 26, T48N-R12W; (AM-002-00588-00; 4148 S Wentworth Road), Town of Amnicon.

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

Applicant present; application reviewed. Second dwelling to be a mobile home and share septic and well with primary dwelling (to be constructed). Second dwelling intended for elderly parent to help with care.

**ACTION:** Motion by Hanson, second Saari, 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 not allow a second dwelling. Second dwelling to be removed when elderly parent no longer resides there; a second person may not live in dwelling when elderly parent leaves. A 6-month removal timeframe will be allowed. Roll call vote taken, with all present voting yes to approve, for reasons stated in the motion.

**16-07) Scott & Kristie Essen**, Maple, WI – after-the-fact area variance to allow an accessory building to remain within the town road right-of-way, located in Pt. NW1/4-SW1/4, Section 11, T48N-R11W; (MA-020-00390-00; 3074 S Landela Road), Town of Maple.

**ACTION:** Motion by Hanson, second Luostari, to extend meeting beyond two-hour limit.

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

*Gary Saari abstained from discussion at 10:54 a.m.; James Heim (alternate) filled Saari's position on the board.*

Applicant present; application reviewed. Public notice advertised hearing item as building in town right-of-way; Board of Adjustment does not have authority to approve a building on another's property.

**ACTION:** Motion by Heim, second Wilson, to refer application to next month due to improper public notice. Board of Adjustment to deal with setback issue only, not town right-of-way allowance. Motion carried.

*Saari returned to board at 11:13 a.m.*

*Public hearing adjourned at 11:14 a.m.*

**APPROVAL OF MINUTES:** Motion by Kappes, second Wilson, to approve April 27, 2016, minutes. Motion carried.

**ADJOURNMENT:** Motion by Wilson, second Kappes, to adjourn. Motion carried. Meeting adjourned at 11:18 a.m.

Submitted by,

Kaci Lundgren, Committee Clerk