

DOUGLAS COUNTY BOARD OF ADJUSTMENT
Wednesday, October 26, 2022, 10:00 a.m., Government Center Board Room 201
1316 North 14th Street, Superior, Wisconsin

Meeting called to order by Chair Bob Martin.

ROLL CALL: Present – Bob Martin, Sam Jones, Gary Saari. Absent - Larry Kappes, Larry Luostari. Others present – Terri Luebbe, Tessah Behlings, Marissa Hanson, Heather Higgins, Paula Pogatchnik, Kaci Jo Lundgren (Committee Clerk).

ANNOUNCEMENT/CONFIRMATION OF PROCEDURAL REQUIREMENTS: Role and conduct of the Board and confirmation read. The Zoning Office confirms that state law and Douglas County Ordinance procedural requirements for this hearing have been met. This includes proper advertisement and notification to the towns and adjoining property owners.

APPROVAL OF MINUTES: Motion by Jones, second Saari, to approve September 28, 2022, minutes. Motion carried.

PUBLIC HEARING:

#22-07: Thomas & Heather Higgins, Solon Springs, WI – from the September 28, 2022 hearing -Area Variance to allow for a ground level patio to remain within the setback of the ordinary high water mark of Upper St Croix Lake, which is 75 feet; and within the side lotline setback of a principal structure in the RR-1 zone district, which is 10 feet – Lot 9, Ex N-5' & all of Lots 10 & 11, Blk 9, St Croix Beach, Section 18, T45N-R11W; Also SLM #800599; (SO-026-01580-00, 10722 S Tracy Rd), Town of Solon Springs: Applicant present; based on the town's understanding of reasons to justify a variance, they did not find compelling evidence to approve; DNR recommended denial due to other use of property and potential effects on water due to additional impervious surface. Crawlspace access caves in annually and must be dug out; patio allows for regular access.

ACTION: Motion by Jones, second Martin, to deny application because unnecessary hardship is not present and is not due to the physical limitation of the property; the property still has reasonable use and there are alternatives for crawlspace access. The variance will be contrary to public interest as the town and DNR both object due to the potential effects on lake quality. Roll call vote taken and passed with 2 – Yes, 1 – No, 2 – Absent. Voting no – Saari. Absent – Kappes, Luostari. Variance request denied.

#22-09: Paula Pogatchnik, Woodbury, MN – Area Variance to allow for an access driveway that does not meet the minimum Class B access driveway setback requirements on a County Highway, which is 300 feet from adjacent driveways on the same side of the road – N-5Ac NE NE, Section 21, T47N-R15W; (TS-030-01200-00, 6001 S County Road W), Town of Superior: Applicant present; town requires compliance with its driveway ordinance. Correspondence from neighbor suggests proposed location is on their property; all available data for property lines and proposed location in middle of applicant's parcel, makes it unlikely.

ACTION: Motion by Jones, second Martin, to approve application because unnecessary hardship is present and is due to the physical limitation of the property because of the long and narrow shape. The variance will not be contrary to public interest because the proposed location is the only possible area to create driveway; no access to property renders it unusable. Compliance with Town of Superior driveway ordinance required; filling and grading within 300 feet of the Nemadji River is subject to Douglas County Shoreland Zoning Regulations; must obtain highway permits; no development other than access and camper pad is allowed on property. Roll call vote taken and passed with 3 – Yes, 0 – No, 2 – Absent. Absent – Kappes, Luostari. Variance request granted.

Public hearing adjourned at 10:32 a.m.

INFORMATIONAL ITEM:

2023 Meeting Dates: Bi-monthly meetings will begin in 2023 (first one end of February) due to cost increases and application decreases.

FUTURE AGENDA ITEMS: No November meeting.

ADJOURNMENT: Motion by Saari, second Jones, to adjourn. Motion carried. Meeting adjourned at 10:37 a.m.

Submitted by,

Kaci Jo Lundgren
Committee Clerk