

**Eau Claire County**  
**Board of Land Use Appeals**  
721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin  
Monday, May 16, 2016 • 5:30 PM

**AGENDA**

1. Call to order
2. A request for a 30-foot variance for the required 50-foot minimum front yard setback for a structure from a Class C highway in the RH District (Town of Washington) VAR-0003-16 / Discussion – Action **p. 2 - 27**
3. Review / Approval of Minutes from April 25, 2016 / Discussion – Action **p. 28 - 29**
4. Adjournment

Post: 5/10/2016

- Media, Committee members, Rod Eslinger

Please note: upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715/839-4710 (FAX) 715/839-1669 or (TDD) 715/839-4735 or by writing to the ADA coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire Wisconsin 54703.



# EAU CLAIRE COUNTY BOARD OF LAND USE APPEALS

## STAFF ANALYSIS AND RECOMMENDATION

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**VARIANCE NUMBER:** VAR-0003-16  
**COMPUTER NUMBERS:** 024-1139-01-000  
**PUBLIC HEARING DATE:** May 16, 2016

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**STAFF CONTACT:** Rod Eslinger, Land Use Manager  
**OWNER:** Gunner Hagen, Marilyn Hagen and Stuart Hagen  
**APPLICANT:** Bradley Mehrman  
**SITE LOCATION:** 4340 West Lowes Creek Road (County Road F), Eau Claire, WI 54701  
**ZONING DISTRICT:** RH, Rural Home District  
**LEGAL DESCRIPTION:** LOT 1 OF CSM V.6 PG.101 (#1143) LYG IN THE NE-NW CONT 1.78 AC WITHOUT RD R/W in Section 5, T26N-R9W, Town of Washington, Eau Claire County, Wisconsin  
**REQUEST:** The request is for a 30-foot variance from the required Class C Highway 50-foot minimum front yard setback to allow the construction of a 24-foot by 24-foot (576 square foot) garage onto the existing residence that is 20-feet from the road right-of-way.

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### SUMMARY

The applicants are proposing to construct a 24-foot by 24-foot garage addition onto their existing residence that is currently 20-feet from the West Lowes Creek (also known as County Road F) road right-of-way. The minimum setback from a Class C Highway is 83 feet from the centerline or 50 feet from the right-of-way line, whichever is greater.

The application materials reveal that the proposed addition will consist of a 24-foot by 24-foot garage addition. The materials state that the house was built in 1951 and was never fully finished. The Town of Washington adopted County Zoning on June 14, 1983. Since the house was constructed before June 14, 1983 and does not conform to the highway setback requirements, it is considered a legal nonconforming structure.

The applicants are currently renovating the home to bring it up to current uniform dwelling code standards. The renovation mainly consists of nonstructural items, such as updating the plumbing, adding new insulation, and rewiring the house.

The property is accessed off of West Lowes Creek Road. The applicants stated in the narrative that the road right-of-way has expanded since the house was constructed. In reviewing the Eau Claire County Register of Deeds records, on June 14, 1955, the County did acquire 3.16 acres from the owner at that time for highway purposes.

The house conforms to all other county setback requirements. The owners have not lived in the home. The parcel is 1.78 acres.

**BACKGROUND**

ADJACENT ZONING & LAND USES:

DIRECTION	ZONING	LAND USE
North	City zoning	Lowes Creek Shoreland Corridor
West	RH	Single family use
South	RH	Single family use
East	RH	Single family use

AUTHORITY:

Chapter 18.31 of the zoning code establishes the Board of Land Use Appeals and its authority. Variances granted by the Board of Land Use Appeals are required to meet the standards as defined by the code. The Board must find that do to literal enforcement of the code an “unnecessary hardship would result. Unnecessary hardship is defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district, caused by such facts such as rough terrain or soil conditions uniquely applicable to the property and not generally other properties in the same zoning district.

The statutory authority for the Board of Land Use Appeals is found in Wis. Stats. 59.694.

**APPLICABLE ZONING REGULATIONS**

**Section 18.01.010 Purpose.** This section describes the purpose of the zoning code. Generally, the purpose of the zoning ordinance is as follows: to separate incompatible land uses from one another; to maintain public health and safety; to protect and conserve natural resources; to prevent overcrowding; to preserve property values; and to maintain the general welfare of the citizens.

**Section 18.07.001 Purpose.** The RH rural homes district is established to provide for suburban large-lot development with individual on-site water and sewage disposal facilities. The standards set out in this chapter shall apply in the district.

**Section 18.22.001 Purpose.** The purpose of this chapter is to promote the public safety, welfare and convenience by easing congestion on the public highways through a system of standards and regulations for limiting access to public highways and establishing setbacks from highway right-of-way.

**Section 18.22.020 Highway setbacks and access requirements.**

C. Class C Highways. All lettered county highways and town roads are designated as Class C highways.

1. Setbacks. The minimum setback from a Class C highway shall be 83 feet from the centerline or 50 feet from the right-of-way line, whichever is greater.

**VARIANCE STANDARDS**

**Section 18.31.020 C. 6. Standards for Granting Variances.** The following are standards and principals to guide the board's decisions:

- a. *The burden is upon the appellant to prove the need for a variance.*

The petitioner must prove that the strict letter of the restrictions governing highway setbacks for the 24-foot by 24-foot garage addition would unreasonably prevent them from using the property for the

uses that are allowed in the zoning district or would render conformity with such restrictions unnecessarily burdensome.

*b. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales are not sufficient reasons for getting a variance.*

The applicant indicated that the house was constructed (1951) prior to the date the town adopted county zoning (June 14, 1983) and that the County acquired additional lands for highway purposes which extended the road right-of-way.

*c. The plight of the applicant must be unique, such as a shallow or steep parcel of land or situation caused by other than his or her own action.*

The house was constructed in 1951 before zoning was adopted by the town.

*d. The hardship justifying a variance must apply to the appellant's parcel or structure and not generally to other properties in the same district.*

Granting of this variance may lead to other similar variance requests in the future given the fact there are other parcels along the state trunk system with nonconforming structures in all zoning district.

*e. Variances allowing uses not expressly listed, as permitted or conditional uses in a given zoning district shall not be granted.*

This is not a use variance request. The underlying RH District allows single family residences as a permitted use.

*f. The variance must not be detrimental to adjacent properties.*

This variance would likely not be detrimental to adjacent properties.

*g. The variance must by standard be the minimum necessary to grant relief.*

The minimum relief has been requested.

*h. The variance will not be in conflict with the spirit of this subtitle or other applicable ordinances, nor contrary to state law or administrative order.*

The variance request will be contrary to state law or administrative order.

*i. The variance shall not permit any change in established flood elevations or profiles.*

The property is not in the floodplain.

*j. Variances shall not be granted for actions, which require an amendment to Chapter 18.20, the Floodplain Overlay District.*

This variance request does not require amendments to Chapter 18.20.

*k. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.*

The property is not in the floodplain.

*I. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.*

The minimum relief necessary has been requested. It is not likely approving the variance will create risks to public safety or cause nuisances costs for rescue and relief efforts.

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### **RELEVANT CASE LAW**

In 2004, the Wisconsin Supreme Court decided two cases of relevance regarding area variances. In the first case, STATE EX REL. ZIERVOGEL V. WASHINGTON COUNTY BOARD OF ADJUSTMENT, CASE NO. 02-1618 (2004), the Supreme Court reaffirmed the definition of the statutory term “unnecessary hardship” set forth in the Snyder case as follows: “We have stated that unnecessary hardship is present when compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner for using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”

In the second case, STATE OF WISCONSIN VS. WAUSHARA COUNTY BOARD OF ADJUSTMENT, CASE NO. 02-2400 (2004), the Supreme Court stated that the Board of Adjustment should focus on the purpose of the zoning law at issue in determining whether an unnecessary hardship exists for the property owner seeking the variance.

In the second case in 2005, LAMAR CENTRAL OUTDOOR, INC. VS. BOARD OF ZONING APPEALS OF CITY OF MILWAUKEE, 2005 WI 117 (Wis. Sup. Ct. July 12, 2005), the Supreme Court held that a board of appeals may not simply grant or deny an application with conclusory statements that the application does or does not satisfy the statutory criteria, but shall express, on the record, its reasoning why an application does or does not meet the statutory criteria.

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### **STAFF RECOMMENDATION AND FINDINGS:**

In evaluating this variance application, the Board must consider the twelve ordinance standards for granting a variance and relevant Wisconsin case law. An approval or denial requires that the board state its reasoning why an application did or did not meet the statutory criteria.

An unnecessary hardship exists when compliance would render conformity with such restrictions unnecessarily burdensome. To determine if a hardship is present, an evaluation of the purpose statements for the zoning code and sections 18.07 and 18.22 is required.

*A hardship is not present because compliance with the strict letter of the restrictions governing setbacks would not render conforming to such restriction unnecessarily burdensome.*

Another consideration for granting a variance is to determine if unique physical property limitations exist.

*The hardship is not unique to this property. Other properties in this district may have similar issues and granting this variance may set a precedent for future variance requests.*

*The variance request is not related to unique physical characteristics of the property, but rather, to a condition the property was developed prior the town adopting county zoning.*

Granting this variance will not result in harm to public interests.

*The variance would not likely cause an increased risk to public safety or result in harm to public interests, but granting of this variance may lead to other similar variance requests in other zoning districts in the future given the fact there are other parcels along the state trunk system with nonconforming structures.*

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## **FINDINGS**

If the Board denies the variance request, the Board may incorporate any or all of the following findings in its decision:

- The literal enforcement would not create an unnecessary hardship that would prevent the applicant from using the property for the allowable uses in the RH District. A reasonable use of the property has already been established.
- A smaller garage could be constructed.
- A detached garage could be constructed that would conform to all required setbacks.
- No unique physical limitation exists on this property, such as a steep slope, wetland, drainage area that would prevent the compliance with the ordinance.
- The request does not meet the county variance standards.

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If the Board approves the variance request, the Board may incorporate any or all of the following findings in its decision:

- Single family structures are a permitted use in the RH District.
- The home was constructed (1951) prior to the Town of Washington adopting county zoning (June 14, 1983).
- The home and proposed construction conforms to all other zoning setbacks.
- The request does generally meet the county variance standards.
- There are no safety related matter that would impact those traveling along West Lowes Creek Road (County Road F) as the applicants property is elevated above the traveled road way.
- The literal enforcement of the ordinance would require that the applicant move the existing residence to a code compliant location on the property which would be impracticable.

## **Conditions**

- The applicant shall obtain all necessary permits/approvals, including but not limited to the following, land use, erosion control, sanitary, address, access and uniform dwelling code approval.

If the Board approves the request, the following findings may be used to support the decision.

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## **EXHIBITS**

1. Staff report
2. Variance application



County Bd Supervisor  
District # 17

4/11/2016

Eau Claire County  
DEPARTMENT OF PLANNING  
AND DEVELOPMENT

Gregg Moore

- Housing & Community Development 839-6240
- Emergency Services Management 839-4736
- Real Property Description 839-2984
- Land Use Controls 839-4743
- Building Inspection 839-2944
- Land Conservation 839-6226
- Planning 839-5055
- County Surveyor 839-4742

Eau Claire County Courthouse, Rm. 3344  
721 Oxford Avenue  
Eau Claire, Wisconsin 54703-5212  
(715) 839-4741

RH

VARIANCE APPLICATION

Email  
brad.mehrman@gmail.com

Bradley P. Mehrman - Contractor

Property owner: Stuart Hagen Agent (if not owner): Brad Mehrman

Mailing address: 4340 West Louis Crk Rd, Eau Claire Wi 54701 Mailing address: 4340 West Louis Crk Rd, Eau Claire Wi 54701

Owner Cell / Daytime phone: (715) 210-0072 Agent Cell / Daytime phone: (715) 225-6916

Email Address: NA Site Address: 4340 West Louis Crk Rd, Eau Claire Wi 54701

Property Description: 1/4, 1/4, Sec. , T N, R W, Town of Washington

Computer(s) #: 024 - 1139 - 01 - 000

Applications will not be accepted until the applicant has met with department staff to review the application and determine if all necessary information has been provided. All information from the checklist below must be included or completed.

- A detailed written statement that specifically identifies what is being requested.
- Written arguments that justifies the need for the variance and addresses the variance standards. It is the applicant's responsibility to prove that an "unnecessary hardship" exists and that a variance can be granted. (See reverse for additional information)
- The applicant must flag/stake the property/project corners and label them accordingly (e.g. NE Lot corner, NE building corner).
- A scaled site plan of the site and surrounding area for a distance of 100 feet, including buildings and other structures. Also, include the proposed addition/structure, location of septic system, well, driveway, property lines, navigable water ways, wetlands, floodplains, slopes in excess of 20%, and any other unique limiting condition of the property. All maps and engineering data to be no larger than 11" x 17"
- \$470.00 application fee payable to the Eau Claire County Treasurer.

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information and shooting video to be used as part of the public hearing process. The attached checklist is properly completed. And the information is complete. I further agree to withdraw this application if substantive false or incorrect information has been included.

Applicant's Signature Bradley P. Mehrman Stuart Hagen Date Jan 28, 2016

At the public hearing, the applicant may appear in person or through an agent or an attorney of his/her choice. The applicant/agent/attorney may present testimony, evidence and arguments in support of his/her application. All site plans, pictures, etc. become the property of the Department and will remain in the property file.

COUNTY USE ONLY

Application accepted and complete: 4 / 28 / 16 By: Rod Galuszka

Scheduled Hearing Date: 5 / 16 / 16 Fee received: 4 / 28 / 16

Variance Number: VAR-0003-16 Receipt Number: 46375

April 25, 2016

Eau Claire County Zoning & Town of Washington:

The following are reasons why we feel the variance shall be granted for the addition of the garage at 4340 W Lowes Creek Rd in the Town of Washington, Eau Claire County.

- The house was built on the property prior to the current location of Lowes Creek Road being constructed.
- When Lowes Creek Rd was constructed at its current location, the house at 4340 Lowes Creek met the required set-backs from the road.
- Over time, the County not only increased the legal set-backs from 30' to 50' they also increased the road right-of-way for Lowes Creek Road.
- The garage being constructed will be located on the West side of the house, so the addition will not encroach on the East side where the road right-of-way is.

Gunnar J. Hagen

Stuart A. Hagen

Brad Mehrman

March 18, 2016

Eau Claire County Zoning & Town of Washington:

My name is Gunnar J Hagen. My wife, Mary Ruffedt and I are the current owners of 4340 Lowes Creek Rd. I am asking for a variance to be issued to me for the addition of a garage on the West side of the house and the addition of a dormer on the South facing roof on the East end of the building.

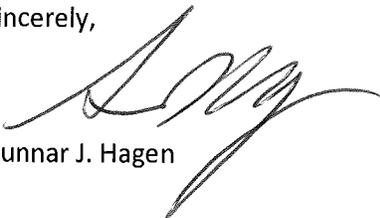
I feel the variance should be granted for the following reasons:

- The current house was built in 1965 and was never finished. It was built for the style of living for that era. Now, 50 years later, most homeowners are looking for a minimum of a 3 car garage and a home with more square footage of living space with an open concept floor plan.
- Since this house was never finished, not only will I be updating the entire house, I will be bringing everything up to the current building codes.
- The additions will not be encroaching any closer to the South towards Lowes Creek Rd so will not be encroaching on any road setbacks that were established after the house was constructed.
- Furthermore, by granting the variance to complete the project, it will bring increased value & curb appeal as well as be more in line with the surrounding properties.
- Higher property values will equal increased tax revenues for the Town.

In closing by granting this variance I will be able to complete a project that has sat dormant and unoccupied for many years. Furthermore, it will give new vibrant life to a home that has been deteriorating and forgotten for the past 50 years.

I thank you for your time and consideration of this project.

Sincerely,



Gunnar J. Hagen

Change to House 4340

→ All Codes updated!

Inside

Open up 1st Floor Plan 2 4'x8' openings!  
Living Room to Large Great Room

Total Kitchen update/Remodel to open  
up Kitchen space, Range Installed IN  
Center of Kitchen w/ Wine Ref. 8' center  
w/ Round counter/Tab at end size about 6'.  
Back wall w/ desk 46" wide, ~~Refrigerator~~ <sup>NEW</sup> Cabinets  
INSTALL NEW counter tops.  
Fire Place Retained and TV Built IN over  
with all wiring INSTALLED IN WASH/HOUSE  
NEW Panel update  
to code

Update main bath w Tub/Shower

Master Bed Room New Closet (Walk IN)

Master Bath NEW SHOWER ROOM w/ Large  
(Walk IN) Sealed  
Tub

NEW CLOSET INSTALLED GUEST ROOM

NEW COLD STORAGE ROOM OVER LIVING ROOM 17'x24'  
also could be used for Living EXTRA ROOM

ALL NEW FLOORING Total House/Trim Casings Base

Chair Rail Crown Molding all doors. Seal Coat

Repair/Replace sheet Rock (Taping painting total  
(Remove all sheet Rock IN TOTAL HOUSE)

INSIDE OF HOUSE to Bedone. WAS RI WHEN BUILT

Garage. Finished INSIDE AND NEW BATH INSTALLED.

NEW INSULATION INSTALLED IN BOTH ATTICS  
All insulation Removed. → Total House

Changes to House 4340

Outside

NEW ROOF/SOFFIT \* Fascia Aluv. NEW Ridge Vent

Siding Repair or Replace

1x4 Trim Doors \* Windows

corners Inside/outside

Gutters Front \* Back

Mortarless Architectural Stone Brick

42' Front of house w/cap - Hang on  
with 2 Columns 16' High

4' x 24' Roof added over the garage  
door \* 38" Service door to ?

Laundry Room - added 2nd Floor

NEW Windows \* Doors

LESS <sup>Vinyl</sup> Front Doors, <sup>Steel</sup> window Total House

2 Fire Place Reduced \* Chimney

Paint/Stain out side of House

Repair/Replace <sup>NEW</sup> Front Steps

2 <sup>NEW</sup> Patios \* 2 side walks, Concrete ~~diel~~/color

Total 5/yard Landscaped w/Irrigation

TREES \* Shrubs / Brick Pavers / Edgers

24' x 24' add on garage ?

WARRANTY DEED

Document Number

Document Name



8 1 1 1 2 8 1

Tx:4076697

1125510

KATHRYN A. CHRISTENSON
EAU CLAIRE COUNTY, WI
REGISTER OF DEEDS

RECORDED ON
01/25/2016 2:36 PM

REC FEE: 30.00
TRANSFER FEE: 369.00
EXEMPT #
PAGES: 1

THIS DEED, made between Bradley P. Mehrman

(Grantor, whether one or more),
and Stuart A. Hagen and Marilyn A. Hagen, husband and
wife as survivorship marital property, as tenants in
common with Gunner J. Hagen (Grantee, whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following
described real estate, together with the rents, profits, fixtures and other
appurtenant interests, in Eau Claire County, State of
Wisconsin ("Property") (if more space is needed, please attach addendum):
Lot 1 of Certified Survey Map #1143 as recorded in
Volume 6 of Certified Survey Maps on Page 101 as
Document #680410; being a part of the NE 1/4 of the
NW 1/4 of Section 5, Township 26 North, Range 9
West, Town of Washington, Eau Claire County,
Wisconsin.

Recording Area

Name and Return Address 4340 W Lowes Creek Rd
Gunnar J. Hagen
2390 Ridgeview Drive #102
Eau Claire, WI 54701

024-1139-01-000

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except:
municipal and zoning ordinances and agreements entered into under them, recorded
easements for distribution of utility and municipal services, recorded building and use
restrictions and covenants, and general taxes levied in 2015.

Dated 1-21-2016

Signature of Bradley P. Mehrman (SEAL)
\* Bradley P. Mehrman \*

(SEAL) (SEAL)
\* \*

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s)
authenticated on

STATE OF WISCONSIN )
) ss.
Eau Claire COUNTY
Personally came before me on 1/21/16,
the above-named Bradley P. Mehrman

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not,
authorized by Wis. Stat. § 706.06)

to me known to be the person(s) who executed the
foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY:
Michael J. Vinopal
Attorney at Law

Megan Malone
\* Megan Malone
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: 7-28-18)

(Signatures may be authenticated or acknowledged. Both are not necessary.)
NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
WARRANTY DEED STATE BAR OF WISCONSIN FORM No. 1-2003
\*Type name below signatures.

# Eau Claire County Parcel Mapping



1 inch = 50 feet

## PLSS Lines

- Meander Line
- Forty Line
- Quarter Section Line
- Section Line

## Parcel Lines

- Parcel Line
- Extended Parcel Line
- Tie Line
- Extended Tie Line
- Road Right-of-Way Lines

## Platted Lands

-  Certified Survey Map
-  Condominium Plat
-  Assessors or Subdivision Plat

## Navigability

-  Navigable
-  Non-Navigable

Alternate Number = 026107103000  
Survey Map Index Number = S-2769

## Parcel Mapping Notes:

The horizontal datum is based on the Eau Claire County Coordinate System NAD\_1983\_HARR\_Atl\_V4\_EauClaire\_Feet

This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin-Credentialed Land Surveyor, to determine precise property location.

Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.

## Date:

Aerial Photography Flight Spring 2013  
Information Current January 1, 2013



ORIGINAL REC 4-28-95  
 CSM V6 P101-102  
 DOC # 680410

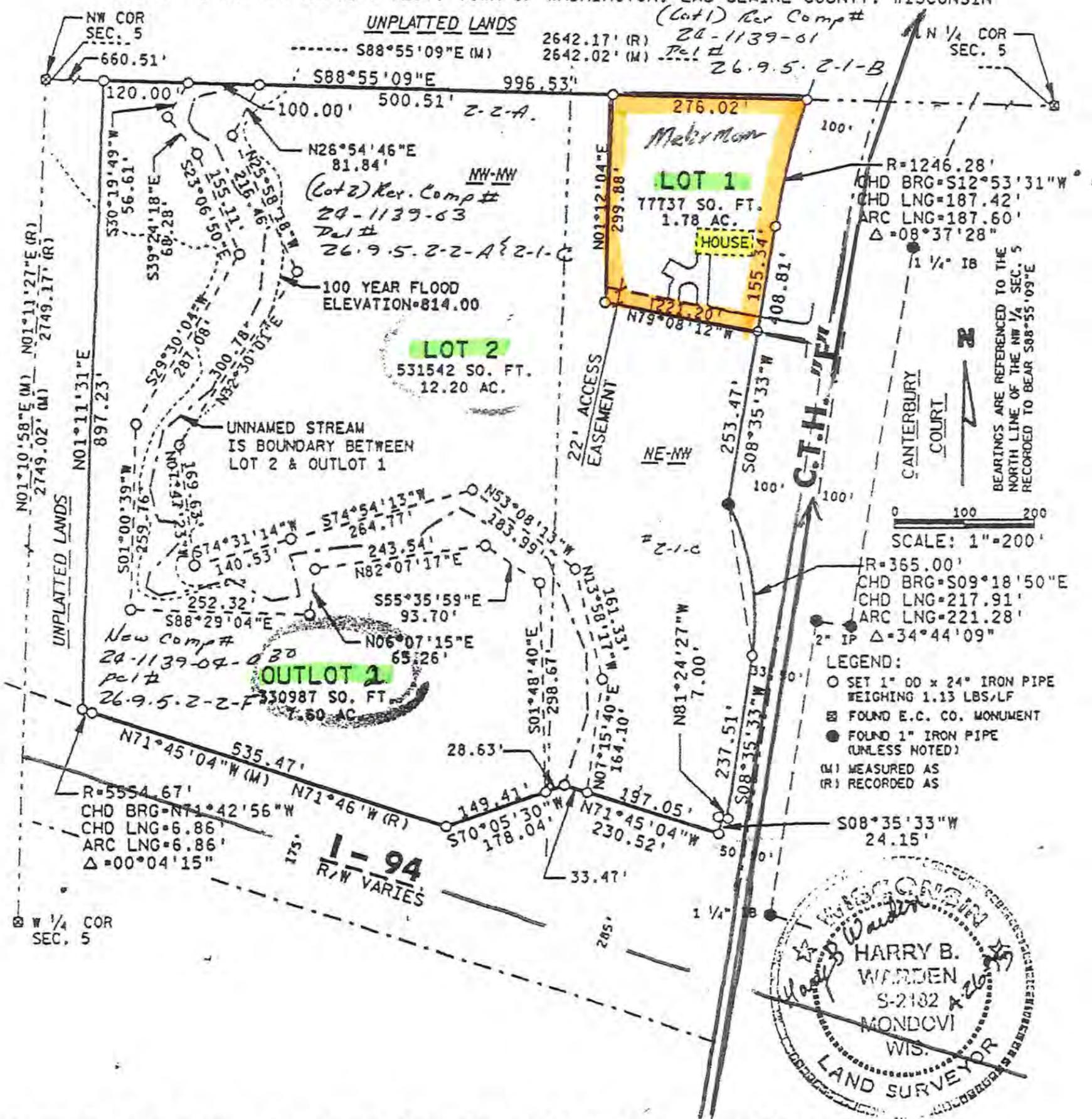
Parent 24-1139-01  
 24-1137-02  
 24-1139-03

AYRES ASSOCIATES  
 3433 OAKWOOD HILLS PARKWAY  
 EAU CLAIRE, WISCONSIN 54702  
 715-834-3161

KHATIB.DGN LS 178

EAU CLAIRE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF THE NORTHWEST FRACTIONAL QUARTER OF THE NORTHWEST QUARTER  
 AND PART OF THE NORTHEAST FRACTIONAL QUARTER OF THE NORTHWEST QUARTER, SECTION 5,  
 TOWNSHIP 26 NORTH, RANGE 9 WEST, TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN



I, Harry B. Warden, Registered Land Surveyor, hereby certify to the best of my knowledge and belief:  
 That I have surveyed, divided and mapped part of the Northwest Fractional Quarter of the Northwest Quarter  
 and part of the Northeast Fractional Quarter of the Northwest Quarter, Section 5, Township 26 North, Range 9 West,  
 Town of Washington, Eau Claire County, Wisconsin bounded by a line described as follows:

Commencing at the northwest corner of said Section 5; Thence S 88°55'09"E, along the north line of said section,  
 660.51 feet to the point of beginning;  
 Thence, continuing, S 88°55'09"E, 996.53 feet to the westerly right-of-way of C.T.H. "F";  
 Thence along said right-of-way and along a curve, concave easterly, having a radius of 1246.28 feet, a chord bearing  
 of S12°53'31"W a, chord distance of 187.42 feet, and an arc distance of 187.60 feet; Thence S 08°35'33"W, along said  
 right-of-way, 408.81 feet; Thence along said right-of-way and along a nontangential curve, concave easterly, having a  
 radius of 365.00 feet, a chord bearing of S 09°18'50"E, a chord distance of 217.91 feet, and an arc distance of 221.28 feet;  
 Thence S 08°35'33"W, along said right-of-way, 237.51 feet; Thence N 81°24'27"W, along said right-of-way, 7.00 feet;  
 Thence S 08°35'33"W, along said right-of-way, 24.15 feet to the north right-of-way line of Interstate Highway 94;  
 Thence N 71°45'04"W, along said right-of-way, 230.52 feet; Thence S 70°05'30"W, along said right-of-way, 178.04 feet;  
 Thence N 71°45'04"W, along said right-of-way, 535.47 feet; Thence along said right-of-way and along a curve, concave  
 northerly, having a radius of 5554.67 feet, a chord bearing of N 71°42'56"W, a chord distance of 6.86 feet, and an arc  
 distance of 6.86 feet; Thence N 01°11'31"E, 897.23 feet to the point of beginning.

Parcel contains 940266 square feet, or 21.59 acres, more or less, and is subject to easements of record.

SHEET 1 REVISED APR. 26, 1995 Sheet 1 of 2

Town of  
 Washing-  
 ton  
 S-2503  
 CSM 6/101

High End Homes  
many DRs

4313 **MERRIMANS**  
Pine Meadows  
DRIVE

4340 West  
Lowes Creek  
Rd.

\* 2,000,000.00  
House

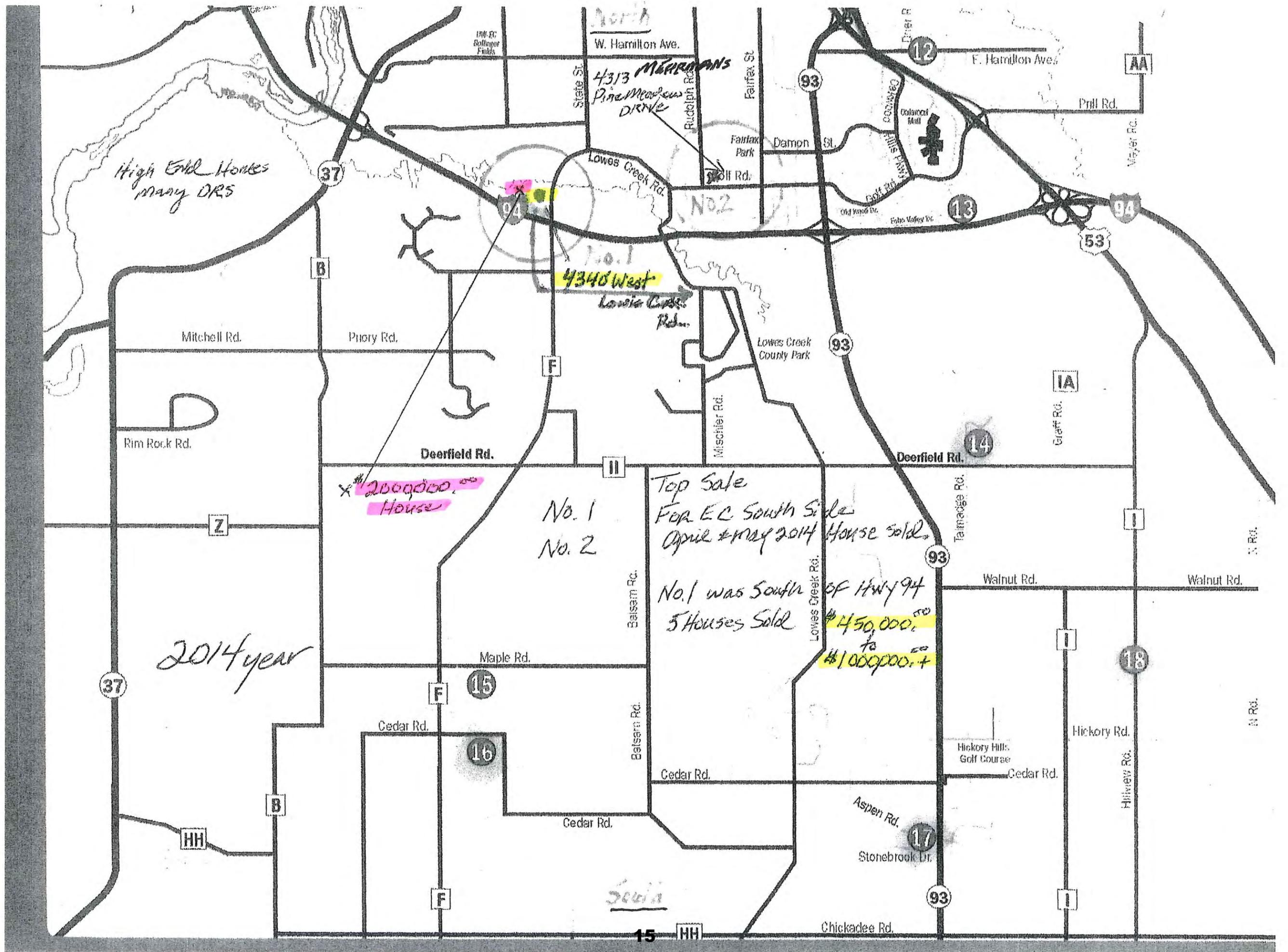
No. 1  
No. 2

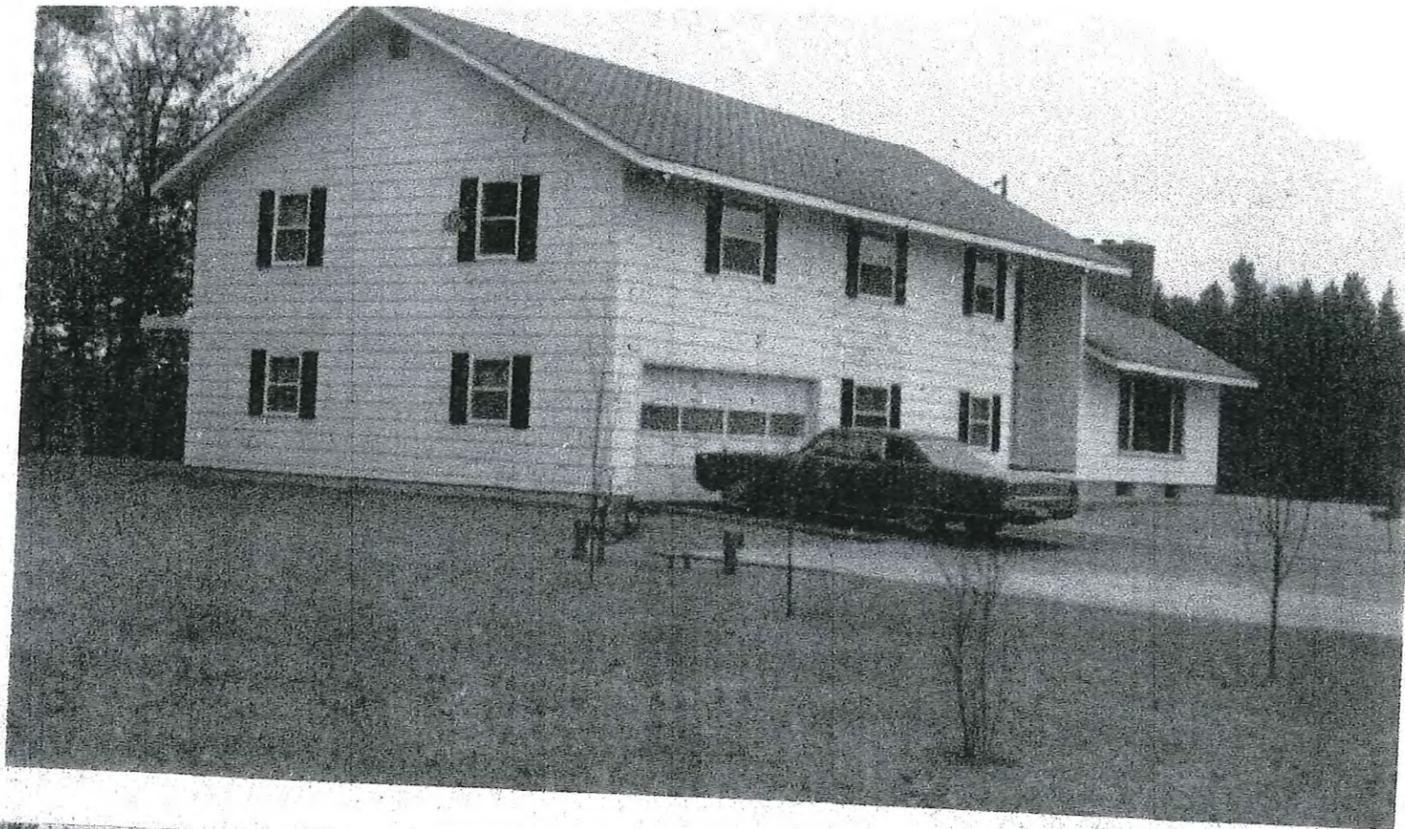
Top Sale  
For E.C. South Side  
April - May 2014 House sold

No. 1 was South of Hwy 94  
5 Houses Sold \$450,000.00  
to \$1,000,000.00 +

2014 year

Sewia





NOV • 72

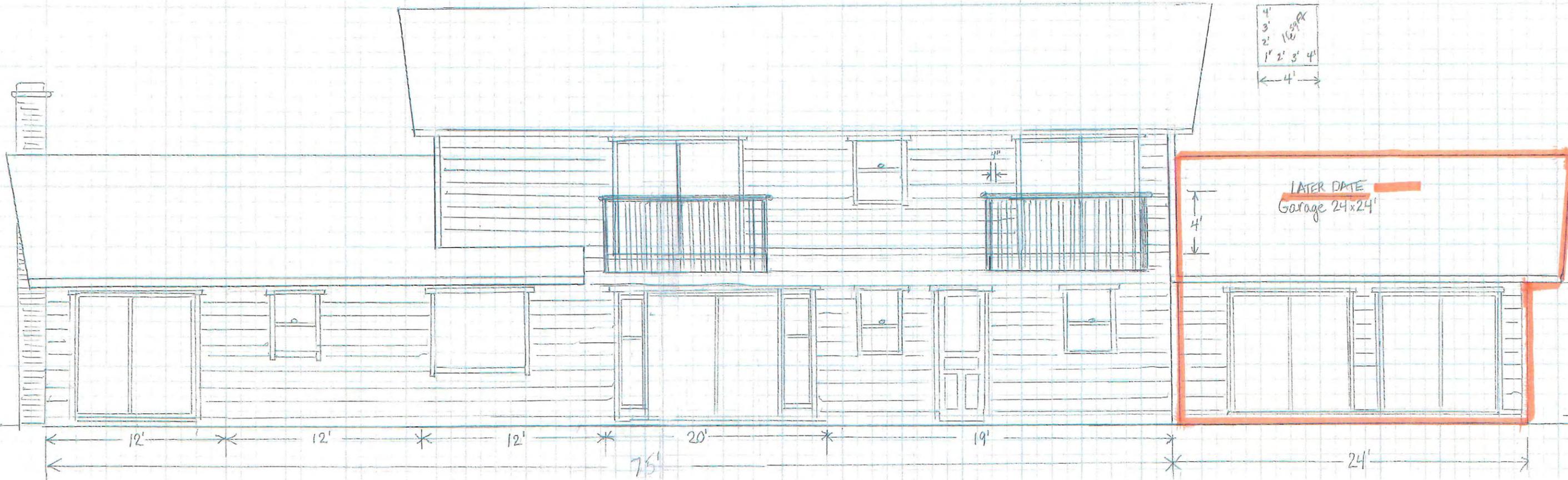
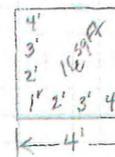


*Built 1965  
51 years old*



Job 4340  
PAGE 2 of 4

North Side



RBM Const LLC

Job 4340

ATTN: BROD MEHRMAN

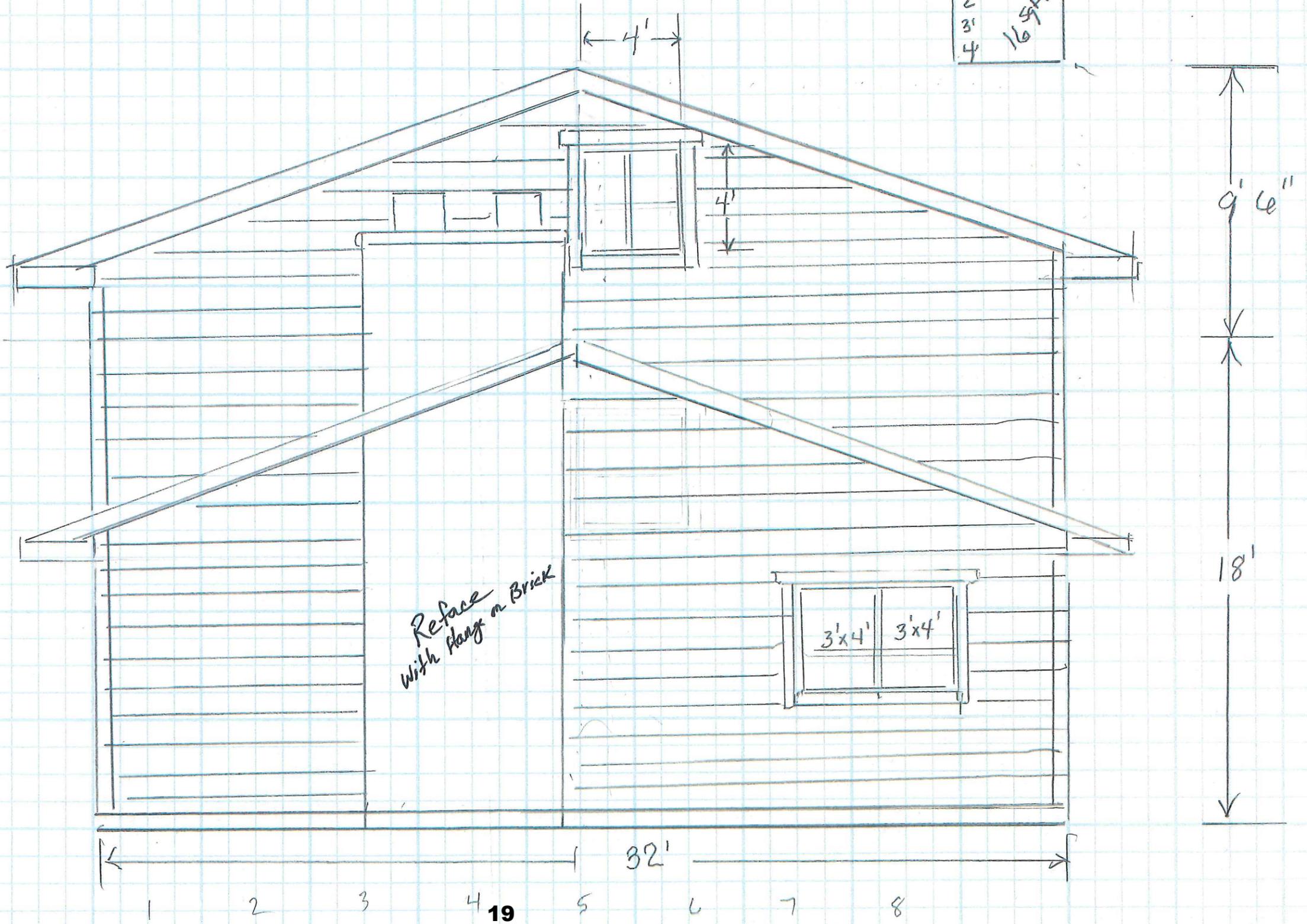
DINING ROOM END

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715-225-6916

1'	2'	3'	4'
2'			
3'			
4'			

9 ft  
16



4 copies

Job 4340  
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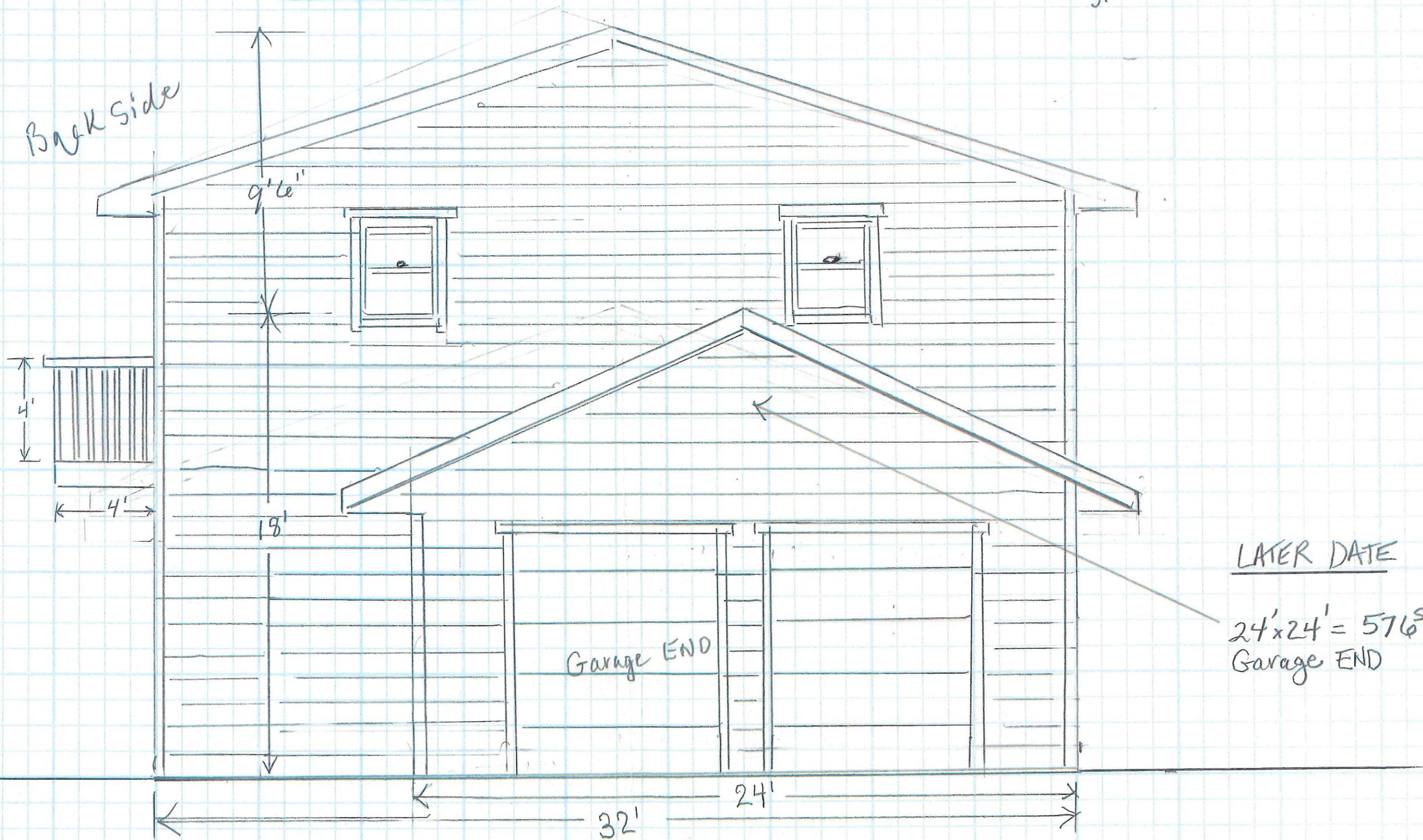
AHN: BRAD MEHRMAN  
715-225-6916

1'	2'	3'	4'
2'			
3'			
4'			

16<sup>sq ft.</sup>

Front Side

Back Side



21  
20  
19  
18  
17  
16  
15  
14  
13  
12

MAIN FLOOR AT GRADE

58' 59" GARAGE 19'x31'  
 42 HALL WAY TO BASEMENT 5'x21'  
 20 BASEMENT HALL 4'x5'  
 143 FRUNS ROOM 11'x13'  
 2 FIRE PLACE Brick 8' Long  
 Basement E/G WINDOWS  
 Qty 2 - 4'x3' Qty 1 - 5'x4'  
 260 FAMILY ROOM 13'x20'  
 8' PATIO DOOR  
 63 BATH ROOM 9'x7'  
 130 LANDRY & MUD ROOM 10'x13'  
 658 1247 sq. ft. w/ garage  
 862 Basement Game Room  
 1520 sq. ft.

1st Floor

50' 59" KITCHEN EATING AREA 13'x12'  
 150 KITCHEN & EATING COUNTER 13'x12'  
 DINING ROOM  
 150 8' PATIO DOOR 13'x12'  
 442 GREAT ROOM 17'x26'  
 09 FOYER 11'x9'  
 + FRONT PORCH 10'x10'

1009 sq. ft. ✓

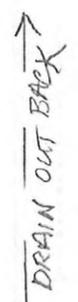
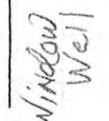
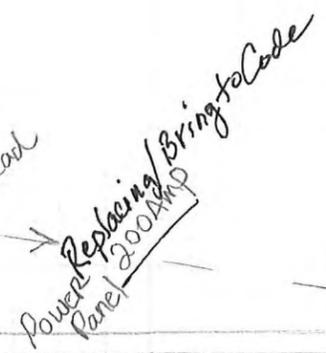
2nd Floor & 3rd Floor

105 HALL 5'x21'  
 39 MAIN BATH 13'x10'  
 35 LAUNDRY 5'x7'  
 01 BEDROOM (1) 7'x13'  
 00 BEDROOM (2) 9'x10'  
 00 GUEST ROOM (3) 13'x15'  
 8' PATIO DOOR  
 38 DEN & FURNS ROOM 13'x15' ✓  
 38 EXTRA STORAGE ROOM 16'x24'  
 205 MASTER BEDROOM (4) 15'x19'  
 01 WALK IN CLOSET 8'x8'  
 152 MASTER BATH 8'x19'  
 42 WALK IN SHOWER 6'x7'

1768 sq. ft.

Bed Rooms 4+  
 Baths 4  
 Decks 2  
 8' Patio Door 4  
 Brick Fire Places 2  
 Garage 3 car  
 Work Shop / Bath  
 Laundries 2  
 1st & 2nd  
 Large Mud Room & Laundry Room 1  
 Large Storage Room 1  
 3rd Floor  
 PATIOS  
 1 - 10'x10'  
 1 - 12'x20'  
 NEW SIDE WALKS

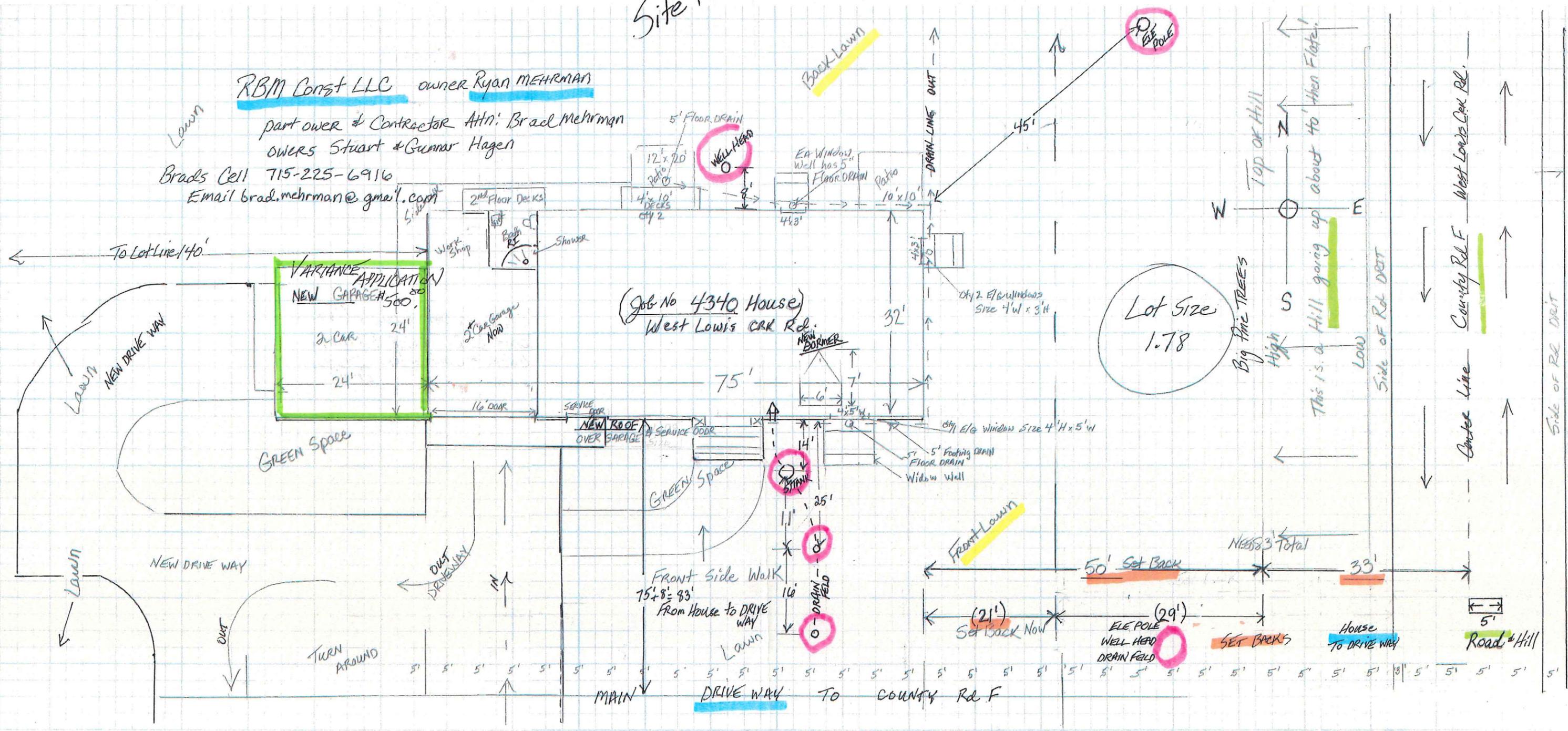
OVER HANG 8'



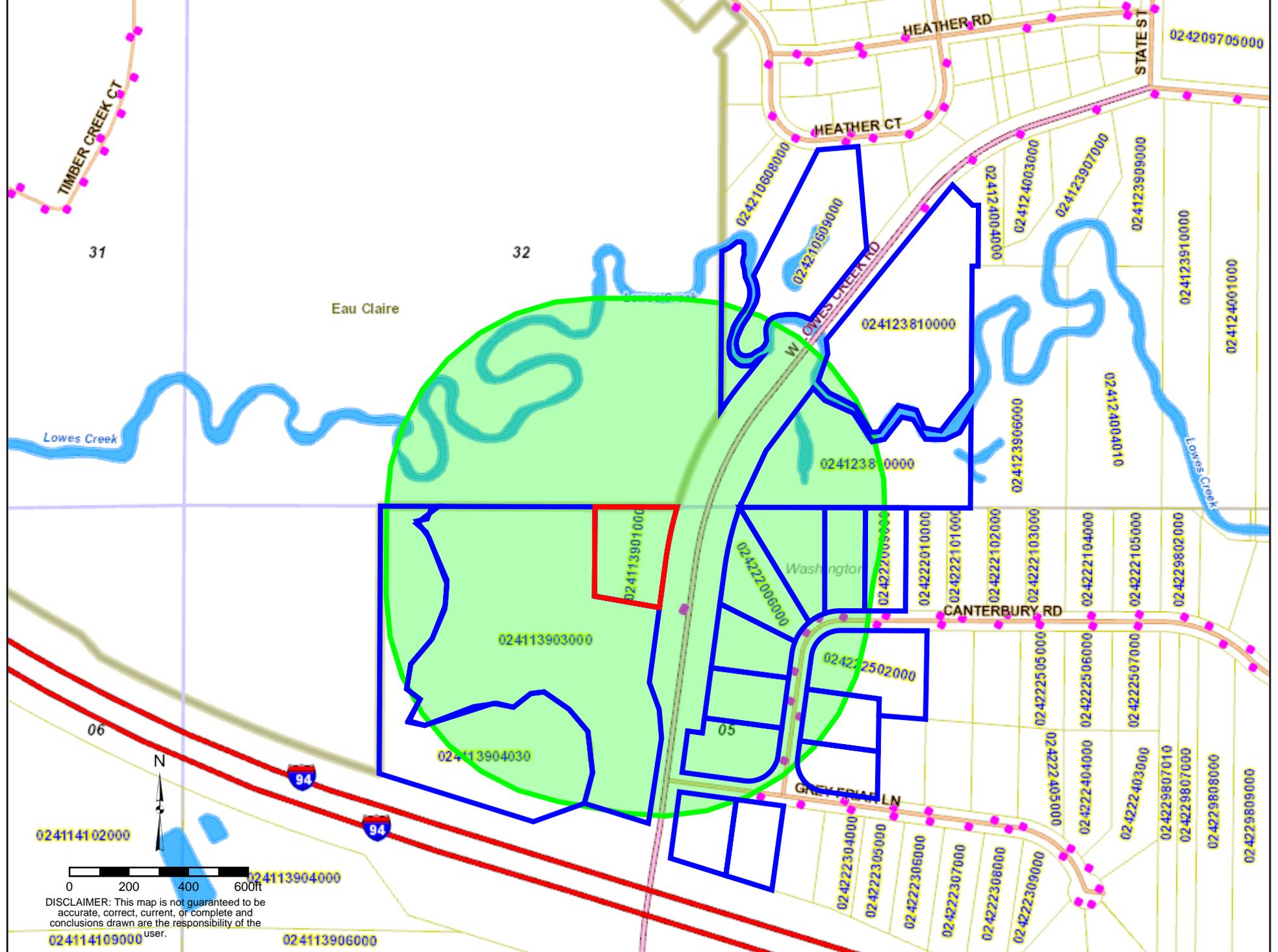
3435/4297/4684

# Site Plan

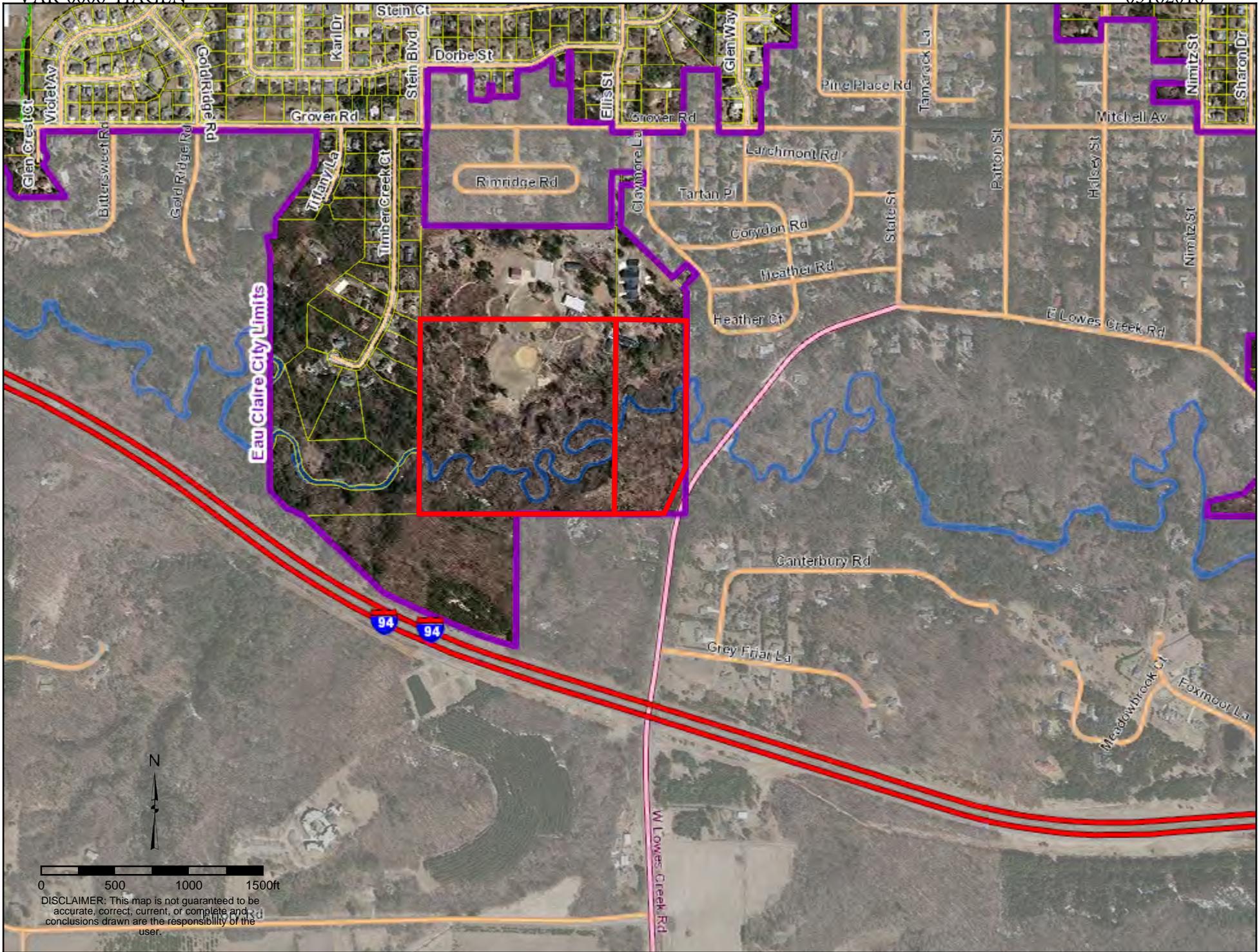
**RBM Const LLC** owner **Ryan MEHRMAN**  
 part owner & Contractor Attn: Brad Mehrman  
 owners Stuart & Gunnar Hagen  
 Brads Cell 715-225-6916  
 Email brad.mehrman@gmail.com



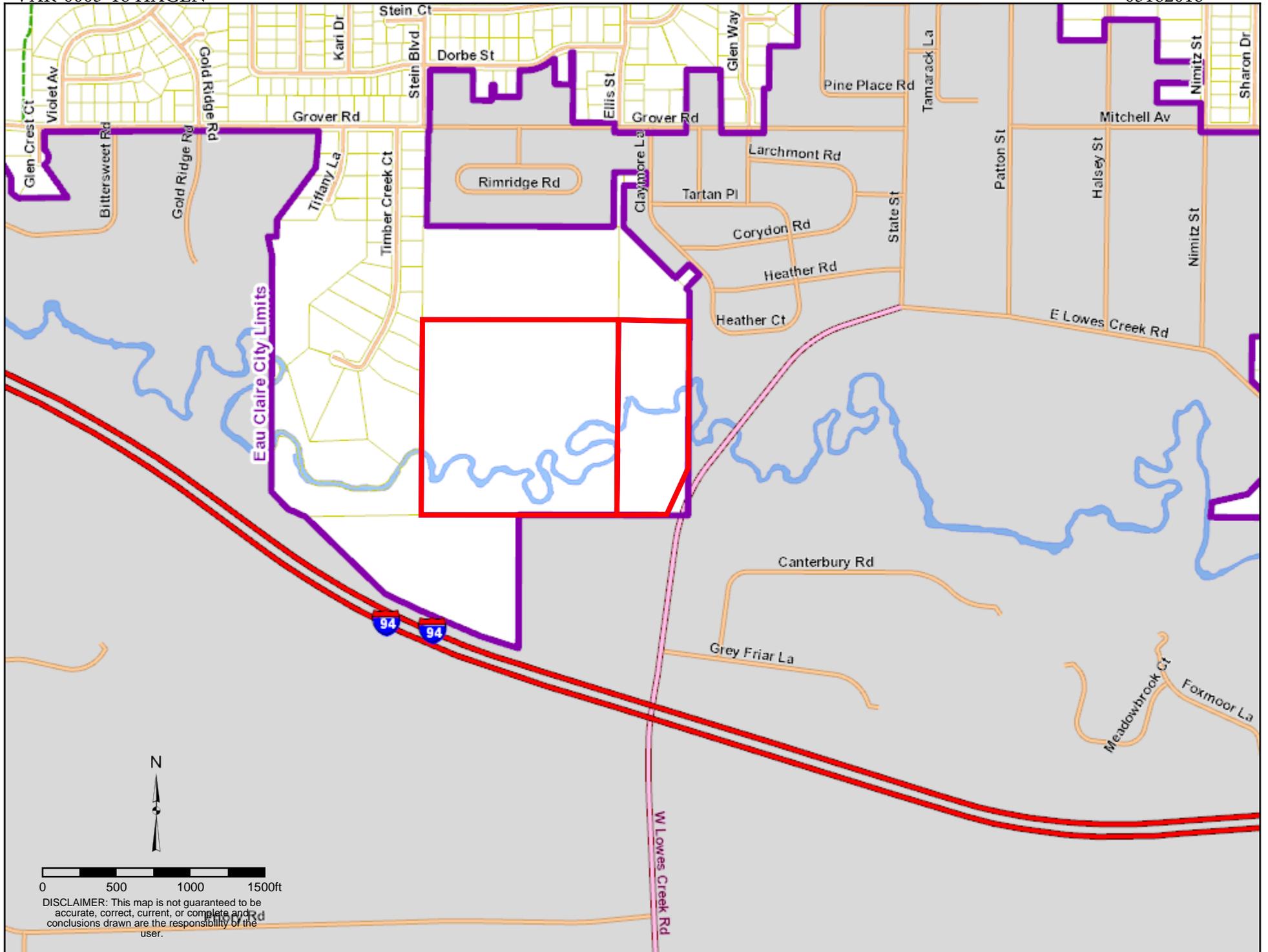




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<b>Parcel Id</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
1802422609052102000	PETERKA, JOHN	102 CANTERBURY RD	EAU CLAIRE	WI	54701-7104
1802422609052102001	SEICHTER, JAMES E & ANGELA K	104 CANTERBURY RD	EAU CLAIRE	WI	54701
1802422609052102002	RINEHART, KENT H & DEBORAH A	106 CANTERBURY RD	EAU CLAIRE	WI	54701
1802422609052102003	LIEN, ERIC S & KIM A	110 CANTERBURY RD	EAU CLAIRE	WI	54701-7104
1802422609052102005	BROECKERT, BRIAN	112 CANTERBURY RD	EAU CLAIRE	WI	54701
1802422609052102006	PAKPREO TRUST, SOMRAT & PONSEE	116 CANTERBURY RD	EAU CLAIRE	WI	54701-7104
1802422609052102009	COX, RICHARD	3118 EVERGREEN AVE	GREEN BAY	WI	54313
1802422609052102010	WITTIG, MICHAEL	110 W MONTGOMERY ST	DURAND	WI	54736
1802422609052102018	VUE, CHARLES	116 GREY FRIAR LN	EAU CLAIRE	WI	54701-7183
1802422609052102019	SMITH, RANDAL M & LORRAINE H	111 CANTERBURY RD	EAU CLAIRE	WI	54701
1802422609052102020	MAIERHOFER, WILLIAM J	113 CANTERBURY RD	EAU CLAIRE	WI	54701
1802422609052209000	EL-KHATIB REV TRUST	4338 W LOWES CREEK RD	EAU CLAIRE	WI	54701-7164
1802422709323400001	OCHRYMOWYCZ TRUST	4237 W LOWES CREEK RD	EAU CLAIRE	WI	54701
1802422709323400003	MARK W & JILL C PEAVEY	N 3014 840TH ST	HAGER CITY	WI	54014
1802422709323402002	NOELDNER, JONATHAN L & ANGELA T	367 HEATHER CT	EAU CLAIRE	WI	54701-7198
	CHURCH OF THE LUTHERAN CONFESSION	501 GROVER RD	EAU CLAIRE	WI	54701

**Eau Claire County**  
**Board of Land Use Appeals**

721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin  
Monday, April 25, 2016 • 5:30 PM

**MINUTES**

**Members Present:** Randall Stutzman, Judy Bechard, Pat Schaffer, Karen Meier-Tomesh,  
Gary Eslinger

**Staff Present:** Rod Eslinger, Jeanna Allen

1. Call to order

Chairman Stutzman called the meeting to order at 5:31 p.m., and verified that the meeting was properly noticed. Mr. Stutzman reviewed the order of the proceedings for the applicant and members of the audience.

2. A request for a 33-foot variance for the required 100-foot minimum front yard setback for a structure from a state highway in the RH District (Town of Brunswick) VAR-0002-16 / Discussion – Action

Rod Eslinger, Land Use Manager for Eau Claire County, was sworn in by the chair. Mr. Eslinger briefly reviewed the request for the variance; discussing the staff report and displaying an aerial view of the property. He also displayed a contour map to illustrate the topographical features of the property. Mr. Eslinger did note that the road right-of-way in this area was wider due to the slope. The typical right-of-way is 100 feet, but in this section it is 150 feet.

Dennis Janisewski, applicant, was sworn in by the chair, and spoke in favor of the request. Mr. Janisewski reviewed the history of the property and home. He noted that he is the original owner of the home. He also provided a packet of materials to the board, now marked as Exhibit 3.

No one else spoke in favor of the variance request.

No one spoke in opposition to the variance request.

Mr. Eslinger presented the staff summary and reviewed the standards the Board must adhere to during deliberations.

The Board began deliberations at 6:07 p.m.

The Board paused deliberations at 6:08 p.m. to seek additional information.

The Board reentered deliberations at 6:13 p.m.

The Board paused deliberations at 6:18 p.m. to seek additional information.

The Board reentered deliberations at 6:20 p.m.

The Board ended deliberations at 6:42 p.m.

**ACTION:** Motion by Pat Schaffer, 2<sup>nd</sup> by Judy Bechard, to approve the variance request for the following reasons:

- The Class B highway that borders the property has an expanded right-of-way for the road ditch slope, which causes the State to be unable to sell the additional land needed. Effort was made to purchase additional property bordering the highway.
- The well and septic system on the property were installed when the applicant constructed the home in 1978, prior to the adoption of County zoning by the Town.
- Single family structures are a permitted use in the RH District, and the home was constructed with the intention of expansion.
- The home was constructed (Spring of 1978) by Mr. Janisewski prior to the Town of Brunswick adopting county zoning (March 12, 1983).
- The home and proposed construction conforms to all other zoning setbacks.
- The request does generally meet the county variance standards.
- There are no safety related matter that would impact those traveling along State Highway 37 as the applicants property is elevated above the traveled road way, the property is accessed via a cul-de-sac road, and not via State Highway 37.
- The literal enforcement of the ordinance would require that the applicant move the existing structure to a code compliant location on the property which would be impracticable.

Motion carries, 5-yes, 0-no, 0-abstention.

3. Review / Approval of Minutes from November 2, 2015 / Discussion – Action

**ACTION:** Motion by Karen Meier-Tomesh, 2<sup>nd</sup> by Pat Schaffer, to approve the minutes of the November 2, 2015 meeting as submitted. Motion carries, 5-yes, 0-no, 0-abstention.

4. Adjournment

**ACTION:** Motion by Karen Meier-Tomesh, 2<sup>nd</sup> by Gary Eslinger, to adjourn at 6:46 p.m. Motion carries, 5-yes, 0-no, 0-abstention.

Respectfully submitted,

Jeanna Allen  
Clerk, Board of Land Use Appeals