

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, 2nd 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, 2nd 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, 2nd 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