

Eau Claire County  
**PLANNING & DEVELOPMENT COMMITTEE MINUTES**

Tuesday, May 24, 2016 • 7:00 PM  
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277  
Eau Claire, Wisconsin

Members Present: Gary Gibson, Jim Dunning, Mark Olson, Gordon Steinhauer, Stella Pagonis

Members Absent: None

Staff Present: Lance Gurney, Rod Eslinger, Jared Grande

1. Call to Order

Gary Gibson called the meeting to order at 7:00 p.m.

2. Public Input Session: None.

3. Public Hearings:

- a. A conditional use permit request to construct additions to accessory structures where the cumulative square footage will exceed 1,200 square feet in the RH Rural Homes District (Slowik – Town of Brunswick) CUP-0006-16 / Discussion – Action

Rod Eslinger presented the background and staff report for a conditional use permit to construct an accessory structure in excess of 1,200 square feet in the RH Rural Homes District in the Town of Brunswick by applicant Greg Slowik. Mr. Eslinger reviewed the history of land use in relation to the operation of an auto repair shop and the approval and issuance of conditional use permits for additional storage. Mr. Eslinger noted numerous violations have occurred on the subject property over the course of the last 20 years in relation to outside storage of inoperable or unlicensed vehicles or failure to comply with conditional use or permit requirements. Mr. Slowik is requesting approval to expand the existing accessory structures (1,790 square feet collectively) by 1,943 square feet, resulting in 3,733 total square feet for accessory structures. Mr. Eslinger then reviewed adjacent land uses and zoning in the area, along with the standards to be met for the issuance of a conditional use permit. Mr. Eslinger noted communications received in opposition to the request along with the Town of Brunswick's recommendation to approve the request. Staff believes the request does not meet the standards of the zoning code for conditional use permit nor the standards for accessory structures in excess of 1,200 square feet, and therefore recommends denial of the request as submitted. A video of the subject property and surrounding properties was then presented. Mr. Eslinger noted that there are numerous accessory structures in this neighborhood that meet or exceed the square footage limitations of the zoning code. Mr. Slowik was present to discuss his request for an addition to his garage and his pole shed. He indicated that he likes cars, has collector cars, and needs storage space for his hobby and business. He indicated that he is not expanding the length, so the view would largely be the same. He has been preparing for the expansion project for the last two years, acquiring materials and financing for the project. Mr. Slowik distributed site plans and accessory structure sizes in the neighborhood. He explained his desire to retire and work on cars at his residence; he has acquired the materials, and obtained financing. Mr. Slowik indicated that he is intending to build the additions himself and would like ample amount of time to construct the accessory additions. The Committee then reviewed the history of violations on the subject property. Mr. Gibson asked how long it would take to complete the additions and resolve the violations for outside storage. Mr. Slowik indicated that he has four separate additions to construct and therefore would request two full years to construct the additions.

The buildings would have entirely new exteriors other than the roof. Mr. Gibson asked staff what the timeline requirements are for a conditional use. Mr. Eslinger then reviewed the history of timelines with this property and previous permits obtained. Mr. Slowik commented on the impacts the creation of the adjacent has had on his own property. Jerry Hollister was present as a neighboring property owner and indicated that the history of this property does not suggest that additional buildings will resolve the issue. He indicated that the accessory structure permitted in 2001 was not completed as required. Mr. Hollister referenced the lack of maintenance and repair of the entire property as it relates to Mr. Slowik's plans to construct the additions himself. Jim King was present and indicated that most neighbors were concerned about general upkeep of property and potential impacts on property values. Mark Olson asked what would happen to resolve the issues should the permit not be granted. Mr. Eslinger indicated that staff would work with Mr. Slowik on a compliance schedule to address the violations that currently exist on the property, and have already enumerated those in written findings. Gordon Steinhauer asked whether the applicant has the materials and funding to complete the project for the accessory structures as well as to complete maintenance of the home including siding and roofing within one complete project. Committee members discussed the need to have the work contracted so that it is completed on time and that the needed maintenance of the residence be included as a condition of the permit. Mr. Slowik indicated he does not have funding to complete the additions and needed and maintenance of the home, instead perhaps using friends to help complete the project. Stella Pagonis indicated that she could not support the conditional use permit for additional storage until the maintenance of the existing structures are first addressed. Jim Dunning stated the same with concerns of the history of the property. Gordon Steinhauer stated that he could support half of the additions so that the remaining funding could be used to address maintenance of the home. A discussion then ensued regarding legal authority of the committee to impose conditions on a separate structure on the same property that was not subject to the permit being sought, again referring to maintenance of the residence. Mark Olson indicated that based on history, he would not be able to support the request at this time. The Committee then discussed the possibility of postpone action to allow staff to consult with Corporation Counsel regarding the ability to tie conditions to other structures for needed maintenance of the entire property.

**ACTION:** Motion by Gordon Steinhauer to postpone until June 28<sup>th</sup>. Motion carried 4-1.

- b. A conditional use permit request to construct an accessory structure in excess of 1,200 square feet in the RH Rural Homes District (Menard – Town of Union) CUP-0005-16 / Discussion – Action

Rod Eslinger presented background information and the staff report for an accessory structure in excess of 1,200 square feet by John and Laura Menard for new construction in the amount of 2,920 square feet. The property is 40 acres, mostly wooded and zoned RH. The applicant is currently building a new single-family residence. The proposed accessory structure would serve this new residence. Mr. Eslinger reviewed the neighboring properties, including zoning and land uses. Mr. Eslinger noted that the request is consistent with the requirements for conditional uses and therefore recommends approval. The Town of Union has also reviewed and recommended approval with the conditions offered by staff. A short video was then presented. John Menard III appeared as the applicant and agreed with the

staff report. He indicated that he owns approximately 105 acres at the location.

**ACTION:** Motion by Jim Dunning to approve the conditional use permit request with staff conditions. Motion carried, 5-0.

c. **File No. 16-17/011** "To Amend Section 18.27.020 D. and F. of the Code: General Regulations" / Discussion – Action

Lance Gurney provided background of the request to amend the zoning code provisions for Planned Unit Developments. The City of Eau Claire entered into an Intergovernmental Agreement with surrounding towns in 2011 to better address land divisions within the City's extraterritorial plat approval jurisdiction. Eau Claire County was not party to the Agreement, but has been asked to make several code revisions since that time to better align county codes with City codes to reflect the policies of the Agreement. The Towns of Washington and Seymour, along with the City of Eau Claire are requesting Eau Claire County to amend its code to provide a higher degree of clarity with regard to policies for conservation subdivisions within the extraterritorial area under the provisions of Planned Unit Developments in Chapter 18.27 of the Eau Claire County Code. The proposed amendments would apply in both the City of Eau Claire and City of Altoona extraterritorial plat approval jurisdictions, including the Towns of Seymour, Washington, Pleasant Valley, Brunswick, and Union. Mr. Gurney then reviewed the proposed amendments as contained in Ordinance 16-17/011. No additional testimony was given.

**ACTION:** Motion by Mark Olson to approve file 16-17/011 as submitted. Motion carried, 5-0.

d. A petition for the attachment of two properties to the Lake Altoona District / Discussion – Action

- Michael K. and Christine L. Allen, Lots 3 & 4, Block 2, Lake View Addition – Tax Parcel 024-2006-05-000. Site Address: 7734 Elayne Drive, Eau Claire
- Melanie A. Haugen, Lot 8, Block 2, Lake View Addition – 024-2006-10-000. Site Address: 7816 Elayne Drive, Eau Claire

Lance Gurney presented background of the request. Mr. Gurney indicated that the purpose of the hearing is to gather testimony and relevant information. Staff is not ready to make a recommendation as the record is incomplete at this time with information being gathered. Wisconsin Statutes allow up to three months from the date of the hearing for the Committee to report back to the County Board, and up to six months for the Board to vote on the Order. Mr. Gurney reviewed the four standards that must be considered for the attachment of property to the Lake District, with particular focus on #4 which requires the Lake District to demonstrate that the property would be benefited. Paul Johnson appeared as a representative of the Lake District Board. Mr. Johnson indicated that he was not a member of the Board in 2007, but reiterated the request before the Committee is for an attachment, not detachment. Mr. Johnson indicated that the Board did not have a map of the district boundaries or properties, and therefore acquired a map of the District boundaries and properties included within the district. Mr. Johnson indicated that all owners are now largely riparian owners, as are the two properties subject to the attachment petition. Garrett Nix appeared as legal counsel for the Lake District. He indicated that Chapter 33 is rather vague in terms of the

requirements and process for attachments. Mr. Nix will be preparing a report that specifies the considerations taken by the Board for these attachments. He discussed what constituted a “benefit” as established by case law. Mr. Nix then presented information relating to a case in Eau Claire County in 2007 for detachment from the Lake Altoona Rehabilitation and Protection District. The two subject properties, even though they are riparian properties, were perhaps inadvertently detached in 2007. Jeff Goettl appeared in favor of the petition for attachment. He had previously looked at properties in the same vicinity to purchase in recent years, but chose not to due to concerns of access due to sedimentation. Earlier this year, the Lake District did extensive dredging to improve access to the Lake. Mike Allen appeared as one of the property owners and indicated that the order to detach was a court order, not a Lake District order, and therefore is not revocable. Mr. Allen read an excerpt from the 2007 decision relating to the need to demonstrate benefit. In Mr. Allen’s opinion, the Lake District again has not fulfilled the need to demonstrate benefit for the specific property owners; a boundary map is not evidence of benefit. Mr. Allen then read the Lake District meeting minutes at which the attachment motion was made. He contends that the need to demonstrate benefit was not met, but instead was arbitrary. In addition, he indicated that he is more than 1 mile upstream of Lake Altoona and does not believe that he is benefited by inclusion in the Lake District; their property is on the Eau Claire River. Finally, he does not believe that the Lake District has the authority to contradict the court order. Mark Olson verified that Mr. Allen does own property on the river and does utilize it. Mark Hagen appeared on behalf of his daughter, Melanie. Mr. Hagen questioned how the district boundaries were determined. He also indicated that although the property is a riparian, he is not benefitted by the lake itself. He uses the river, but not the lake. Mr. Hagen indicated that a new sandbar has now formed in front of his property even after the dredging this winter. He felt that the only real solution for sedimentation in the lake is to remove the dam. Efforts to continue dredging and removing sand are a waste of financial resources. Mr. Hagen does not feel being on the river is benefited by the lake and access is limited. He felt that they successfully argued for detachment several years ago and does not understand why the Lake District is now trying to reattach their property again.

No action was taken on the Attachment petition at this time.

4. Review/Approval of Preliminary Plat of Trillium Estates in Sections 10 and 11, T26N-R09W in the Town of Washington / Discussion – Possible Action  
Rod Eslinger presented the background and staff report for the Preliminary Plat for Trillium Estates. The subject property was recently rezoned to accommodate the proposed development. Mr. Eslinger indicated staff is recommending approval of the Preliminary Plat subject to 13 conditions and 7 additional notes. Mr. Eslinger then reviewed the staff report dated May 18, 2016 with conditions for approval. In particular, Mr. Eslinger discussed variances relating to lot-to-width ratios and for irregular lot configurations would be incorporated into one single action for the preliminary plat.

**ACTION:** Motion by Gordon Steinhauer to approve the preliminary plat with staff conditions. Motion carried, 5-0.

5. Subdivision variance request due to an unusual lot configuration in Section 2, T27N-R10W in the Town of Union (Menard Inc.)  
Jared Grande presented the variance request for unusual lot configuration for property owned by Menard Inc. in the Town of Union. The property is within the City of Eau Claire's extraterritorial plat approval jurisdiction and also subject to the Town of Union's subdivision ordinance. The intention of the certified survey map is to combine an adjacent outlot with an existing CSM lot, thereby creating an unusual lot configuration. The subject property is approximately 92 acres and zoned as I-1.  
**ACTION:** Motion by Stella Pagonis to approve the variance as submitted. Motion carried, 5-0.
6. Subdivision variance request for lots not meeting minimum lot size requirements (1.5 acres) in the extraterritorial jurisdiction of the City of Eau Claire in Section 15, T26N-R09W in the Town of Washington (proposed Chelsea Lane)  
Jared Grande presented the variance request for minimum lot size standards of 1.5 acres in the Town of Washington and within the City of Eau Claire's extraterritorial plat approval jurisdiction. Of note, the City of Eau Claire considers the maximum allowable number of lots for the parent parcel of 18.86 acres to be nine lots.  
**ACTION:** Motion by Jim Dunning to approve the variance request for minimum lot size requirements. Motion carried, 5-0.
7. Subdivision variance request for a lot not meeting minimum lot size requirements (1.5 acres) in the extraterritorial jurisdiction for the City of Eau Claire in Section 14, T27N-R09W in the Town of Seymour (Solberg)  
Jared Grande presented the background of the request for a variance from the minimum lot size requirements within the City of Eau Claire's extraterritorial plat approval jurisdiction. The variance request is to create a 1.3 acre lot from a parent parcel of 27.64 acres, leaving the remaining lot of approximately 26.2 acres. Access to the existing home was discussed as a limiting factor and rationale for requesting the variance from minimum lot size. The remaining property is considered  
**ACTION:** Motion by Stella Pagonis to approve the lot size variance request. Motion carried, 5-0.
8. Review/Approval of May 10, 2016 Meeting Minutes / Discussion – Action  
**ACTION:** Motion by Jim Dunning to approve the minutes as submitted. Motion carried, 5-0.
9. Proposed Future Agenda Items: Program rankings/performance management changes for 2017 budget and postponed Slowik conditional use permit.
10. Gary Gibson adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Lance Gurney  
Clerk, Committee on Planning & Development