

Eau Claire County
Board of Land Use Appeals
721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin
Monday, August 29, 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 B highway in the AR District (Town of Brunswick) VAR-0004-16 / Discussion – Action **p. 2 - 32**
3. Review / Approval of Minutes from May 16, 2016 / Discussion – Action **p. 33 - 34**
4. Adjournment

Post: 8/24/2016

- 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

VARIANCE NUMBER: VAR-0004-16
COMPUTER NUMBERS: 004-1026-08-000
PUBLIC HEARING DATE: August 29, 2016

STAFF CONTACT: Rod Eslinger, Land Use Manager
OWNER: Douglas Port, W 6140 State Road 85, Eau Claire, Wisconsin, 54701
APPLICANT: Same as owner.
SITE LOCATION: W 6140 State Road 85, Eau Claire, WI 54701
ZONING DISTRICT: AR, Floating Agricultural-Residential District
LEGAL DESCRIPTION: Lot 1 of CSM V. 12 PG 42, Section 5, T26N-R10W, Town of Brunswick
REQUEST: The request is for a 30-foot variance from the centerline of State Highway 85 to allow the construction of a 28-foot by 30-foot addition to the existing residence 120-feet from the centerline.

SUMMARY

The applicant is proposing to replace an existing attached garage that is 24-feet by 25-feet (600 sq. ft.) with an attached garage that is 28-feet by 30-feet (840 sq. ft.) 120-feet from the centerline of State Highway 85. The minimum setback from a Class B Highway is 150 feet from the centerline or 100 feet from the right-of-way line, whichever is greater.

The applicant indicated that the reasons for replacing the garage are that the foundation is failing, doors are rubbing on the floor, the floor is heaving, and the current structure was damaged from water. The site plan reveals that the proposed garage will be in the same location and will be no closer to State Highway 85 than the current garage. The narrative states the house was constructed before State Highway 85 was developed in the 80's. The Town of Brunswick adopted County Zoning on March 12, 1983. Since the house was constructed before March 12, 1983, and does not conform to the highway setback requirements, it is considered a legal nonconforming structure.

The property is accessed off of State Highway 85.

The house conforms to all other county setback requirements. The applicant owns and lives in the house. The parcel is 2.5 acres.

BACKGROUND

ADJACENT ZONING & LAND USES:

| DIRECTION | ZONING | LAND USE |
|-----------|--------|--------------------------------|
| North | AP | Agricultural fields |
| West | AP | Agricultural fields |
| South | AP | Farmstead and agricultural use |
| East | AP | Agricultural fields |

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 18.05.001 Purpose. The A-2 agriculture-residential district is established to:

- A. Provide an area for limited residential and hobby farm development in a rural atmosphere;
- B. Preserve the county's natural resources and open space;

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 B. Class B Highways. All federal or state highways not designated as Class A highways are designated as Class B highways.

1. Setbacks. The setback for Class B highways shall be 150 feet from the centerline or 100 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 30-foot by 28-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 attached garage has wet, swelling, and rotten wood at the base of the walls, within the walls and roof structure. The concrete slab is cracked, uneven and un-level. The narrative further states, "All of this work is being requested to help improve my dwelling and property and property buildings." The year the house was constructed is unknown, but based on a review of an aerial photo from 1938 the house existed as part of a farmstead at that time. This puts the house there prior to the date the town adopted county zoning (March 12, 1983).

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 applicant states that the condition of the garage is not worth saving due to its condition. The attached garage could not be located further back due to the location of the well head being 16 feet north of the existing structure, a buried LP gas line, and the location of homes buried sanitary drain line. The proposed garage replacement will be no closer than the existing garage. The house was part of a farmstead. The house was constructed prior to zoning.

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 AR 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.

l. 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.

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.

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 18.06 and 18.22 is required.

The AR District was established to allow for limited residential development within the exclusive agricultural district. This home was part of a farmstead that existed prior to 1938 but has since been divided off from the agricultural land. The applicant has indicated that the garage structure has water and structural damage. The net foot print expansion of the project is 240 square feet. The proposed addition will be no closer than the existing garage. A hardship is present because compliance with the strict letter of the restrictions governing setbacks would render conforming to such restriction unnecessarily burdensome. Relocating the house and utilities at the site would be fiscally burdensome for the applicant.

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

There are physical utilities limitations that are unique to this building rather than the property itself. 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 to 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.

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 AR District. A reasonable use of the property has already been established.
- No unique physical limitation exists on this property, such as a steep slope, wetland, drainage area that would prevent the compliance with the ordinance.

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 AR District.
- The home was constructed (per 1938 aerials the home existed at that time) 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 85 as the replaced garage will be no closer than the existing structure.
- 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.

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.

EXHIBITS

1. Staff report
2. Variance application

Eau Claire County
Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

| | |
|-------------------------|--------------|
| Application Accepted: | 8/1/2016 |
| Accepted By: | Rod Eslinger |
| Receipt Number: | 47727 |
| Town Hearing Date: | |
| Scheduled Hearing Date: | |
| Application No: | VAR-0004-16 |
| Appl Status: | Pending |

Eau Claire County Variance Application

| | | |
|---|---|--------------------------------------|
| Owner/Applicant Name(s): Douglas S Port | Address: (ow) W 6140 STATE ROAD 85 EAU CLAIRE | Telephone: 715-579-4863(C) |
|---|---|--------------------------------------|

Agents Name:

Site Address(es):
W 6140 STATE ROAD 85 EAU CLAIRE

Zoning District(s):AR **Code Section(s):** 18.22.020 B.

Property Description: Sec 05 Twn 26 Rge 10 **Town of Brunswick** **Lot Area:** 2.500 ACRES

Overlay District: Shoreland Flood Plain Airport Wellhead Protection Non-Metallic Mining
 Check Applicable

| PIN | Alternate No | Parcel No | Legal (partial) |
|---------------------|--------------|---------------|--|
| 1800422610054409000 | 004102608000 | 26.10.5.4-4-A | LOT 1 OF CSM V.12 PG.42 (#2196) LYG IN THE SE-SE CONT 2.51 |

General Description: A 30 FOOT VARIANCE REQUEST TO REPLACE AND ENLARGE AN ATTACHED GARAGE THAT IS 120 FEET FROM THE CENTERLINE OF STATE ROAD 85.

Code Description: 18.22.020 B.; Class B Highways

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

Owner/Agent Signature See attached application Date August 1, 2016
 Check if DATCAP must be notified _____ Check if DNR to Receive Copy _____

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 the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.



Eau Claire County
Department of Planning and Development
 Eau Claire County Courthouse
 721 Oxford Avenue, Room 3344
 Eau Claire, Wisconsin 54703
 (715) 839-4741

| | |
|-------------------------|---------------|
| Application Accepted: | 8/11/2016 |
| Accepted By: | Rob Estlinger |
| Receipt Number: | 47727 |
| Town Hearing Date: | — |
| Scheduled Hearing Date: | |

VARIANCE APPLICATION

| | |
|--|----------------------------|
| Property Owner Name: <u>Douglas S. Port</u> | Phone# <u>715-579-4863</u> |
| Mailing Address: <u>W6140 State Road 85 Eau Claire, WI 54701</u> | |
| Email Address: <u>retocme69@gmail.com</u> | |

| | |
|------------------|--------|
| Agent Name: | Phone# |
| Mailing Address: | |
| Email Address: | |

SITE INFORMATION

| |
|--|
| Site Address: <u>W 6140 STATE ROAD 85</u> |
| Property Description: <u>LOFT CSM 12 PG 425</u> , T. <u>26</u> N, R. <u>10</u> W, Town of <u>BRUNSWICK</u> |
| Zoning District: <u>AR</u> Code Section(s): <u>18.24.015 G</u> |
| Overlay District: <input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining Check Applicable |
| Computer #(s): <u>004 - 1026 - DB - 000</u> |

GENERAL APPLICATION REQUIREMENTS

- 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 must be included.
- A detailed written statement that specifically identifies what is being requested. ✓
 - Written argument 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".
 - Provide a \$500.00 application fee (non-refundable), 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 the staff of the Eau Claire County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the public hearing process. I further agree to withdraw this application if substantive false or incorrect information has been included.

Owner/Agent Signature *Douglas S. Port*

Date 29 July 16

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 the application. All site plans, pictures, etc. become the property of the Department, and will remain in the file.

Explanation for variance for new garage build

The existing attached garage building has wet, swelling and rotting wood at the base of the walls, within the walls and roof structure. The concrete slab is cracked, uneven and un-level. There is no curb or knee wall to keep the wood from ground moisture. I want to replace the existing 24'x 25' 600 sq ft garage floor plan with a 30'x 28' 840 sq ft garage floor plan. That is an additional 240 sq ft over the current garage size. The original floor is not worth salvaging to build a new structure on top of it due to the condition that it is in now. The new attached garage will be no closer to the Highway 85 roadway than what the front of the house is sitting at, which is at 122.5' from the centerline of the Highway 85 roadway. It will be 6' wider to the 'West' and 3' deeper to the 'North'. It will also be about 6"-7" higher than the existing grade to make sure that no water or melting snow runoff from the driveway will flow into the garage.

The variance that I am requesting is for 28'-30', because of the existing house and garage being less than the required 150' from centerline of the Highway 85 roadway measurement. I understand that the dwellings were already in place prior to the new Highway 85 development, back in the mid 80's, so I'm requesting a variance for the above footage measurement. As long as I go now closer to the Highway 85 roadway with the new concrete slab & main structure that what will be needed to keep the front of the new garage flush with the front of the house.

The current concrete slab looks to be a floating slab, and there have been signs of past structural fatigue, not to mention, why the floor possibly has the cracks and not maintaining a basically level condition. The walk through door also rubs on the floor when you open & close it. I am planning on replacing it with a slab that sits on a 5'-6' frost wall to prohibit the possibility of heaving for future structural damage to the garage or the house. There will be an 18"-24" block wall on the outer perimeter of the slab for wood constructed walls that will be connected to the 'West' side of the house, once again, no closer to the road than the front of the house is now.

There are no other structures around the area of where I'm asking for the variance. I cannot move the garage further 'North' due to my water Well Head being 16' 'North' of my current garage floor, along with my LP gas line being buried between the current garage and the Well Head. Along with my sewage drain line from the house is 1'-3' past the Well Head also.

I have 2.5 acres on the 'North' side of the Highway 85 roadway and nothing but crop fields on the other 3 sides of my property, so there are no adjacent properties that will be affected by this request. Highway 85 roadway is sitting higher than the level of the garage floor but with the slope of the driveway and being a virtually straight shot between the Highway 85 roadway and the house will in no way cause any inconvenience or nuisance for the rescue or public safety personnel.

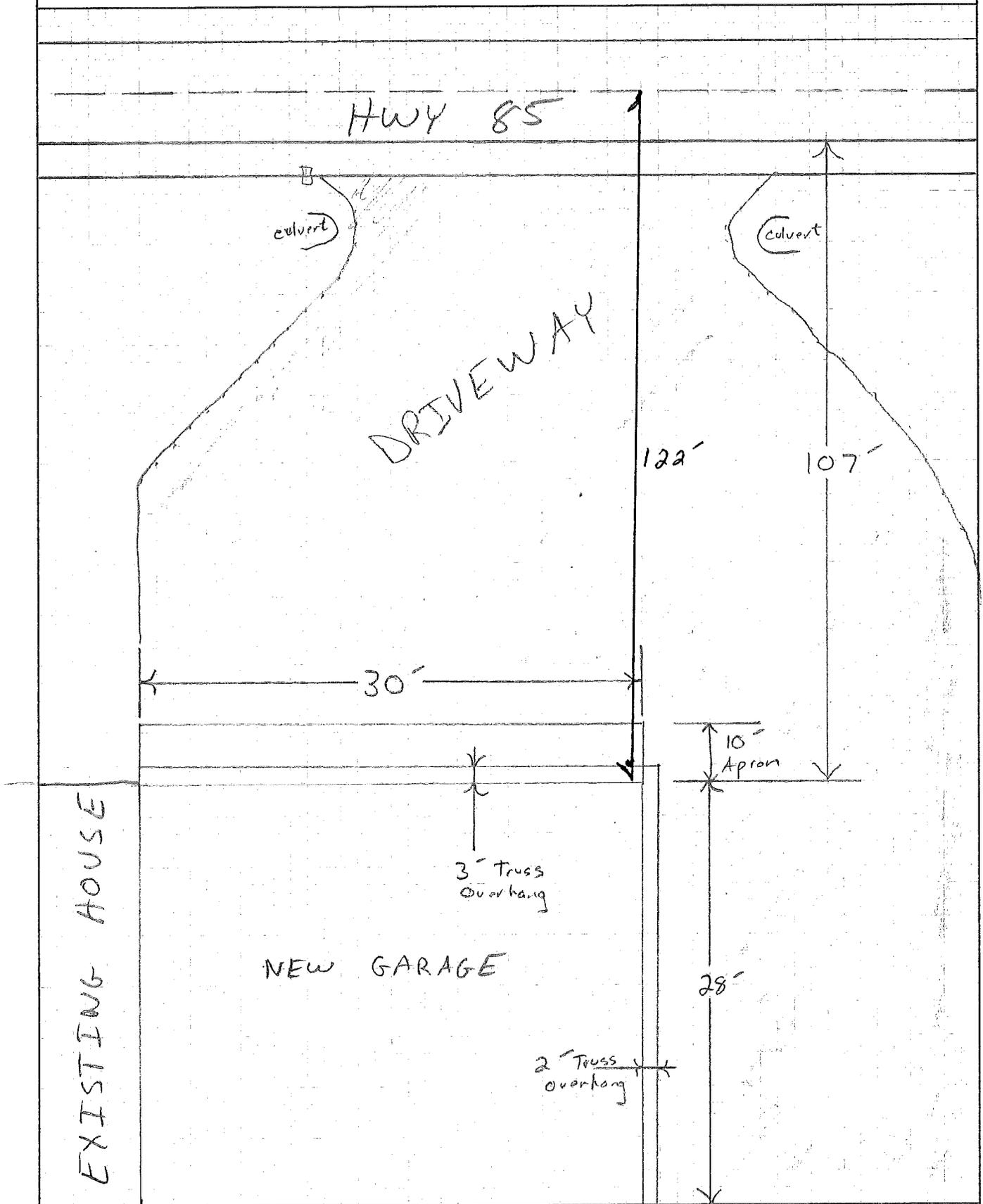
BRAAS

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Sheet #6



Concrete Pad For Door

S
E ← ↑

Standards for Variances Questions & Answers

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

The existing attached garage building has wet, swelling and rotting wood at the base of the walls, which is attached directly to the floor of the slab, and also within the walls and roof structure, and there have been signs of past structural fatigue. The concrete slab is a floating slab and is cracked, uneven and un-level. There is no curb or knee wall to keep the wood from ground moisture. The original floor is not worth salvaging to build a new structure on top of it due to the condition that it is in now.

2. 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.

I am not requesting any kind of hardships for this variance request. I do not have a home business to show any kind of profits or loss thereof. I have no deed restrictions as this is all on my property. I am requesting this variance to be able to get the building permit for the work that is needed. I also have never or plan on ever performing any illegal sales of any kind. All of this work is being requested to help improve my dwelling and property and property buildings.

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

The original floor is not worth salvaging to build a new structure on top of it due to the condition that it is in now. (Refer to the last half of the answer from question #1). The new attached garage will be no closer to the Highway 85 roadway than what the front of the house is sitting at, which is at 122.5' from the centerline of the Highway 85 roadway. It will be 6' wider to the 'West' and 3' deeper to the 'North'. It will also be about 6"-7" higher than the existing grade to make sure that no water or melting snow runoff from the driveway will flow into the garage, since the Highway 85 roadway is sitting about 36"-40" higher than the existing garage floor.

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

This variance is only for my property and my property alone. There is no one else's property and or dwellings near where I am requesting the variance for. I have 2.5 acres on the 'North' side of the Highway 85 roadway and nothing but crop fields on the other 3 sides of my property, so there are no adjacent properties that will be affected by this request.

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

The variance that I am requesting is for 28'-30', because of the existing house and garage being less than the required 150' from centerline of the Highway 85 roadway measurement. I understand that the dwellings were already in place prior to the new Highway 85 development, back in the mid 80's, so I'm requesting a variance for the above footage measurement. As long as I go now closer to the Highway 85 roadway with the new concrete slab & main structure that what will be needed to keep the front of the new garage flush with the front of the house. The only use that this dwelling will be used for is what garages are used for from every place else, storage of my vehicles and light items for yard work.

6. The variance must not be detrimental to adjacent properties.

There are no other structures around the area of where I'm asking for the variance other than the house, to be able to make this a fully attached garage with the proper footing and knee wall. I cannot move the garage further 'North' due to my water pump Well Head being 16' 'North' of my current garage floor which would interfere with the digging for the 5'-6' frost wall that will be needed, along with my LP gas line being buried between the current garage and the Well Head. And with my sewage drain line from the house being 1'-3' past the Well Head also.

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

Refer to the answer to Question #5.

8. 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.

I have no intention of creating a conflict to the subtitle of this variance standard. I don't plan on causing any contradicting of the variance that the state law or administrative order has laid down to be followed.

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

Questions #9-#11 are relating to the flood zone or plain which none of my property is located in.

10. Variances shall not be granted for actions, which require an amendment to Chapter 18.20, the Flood Plain Overlay District.

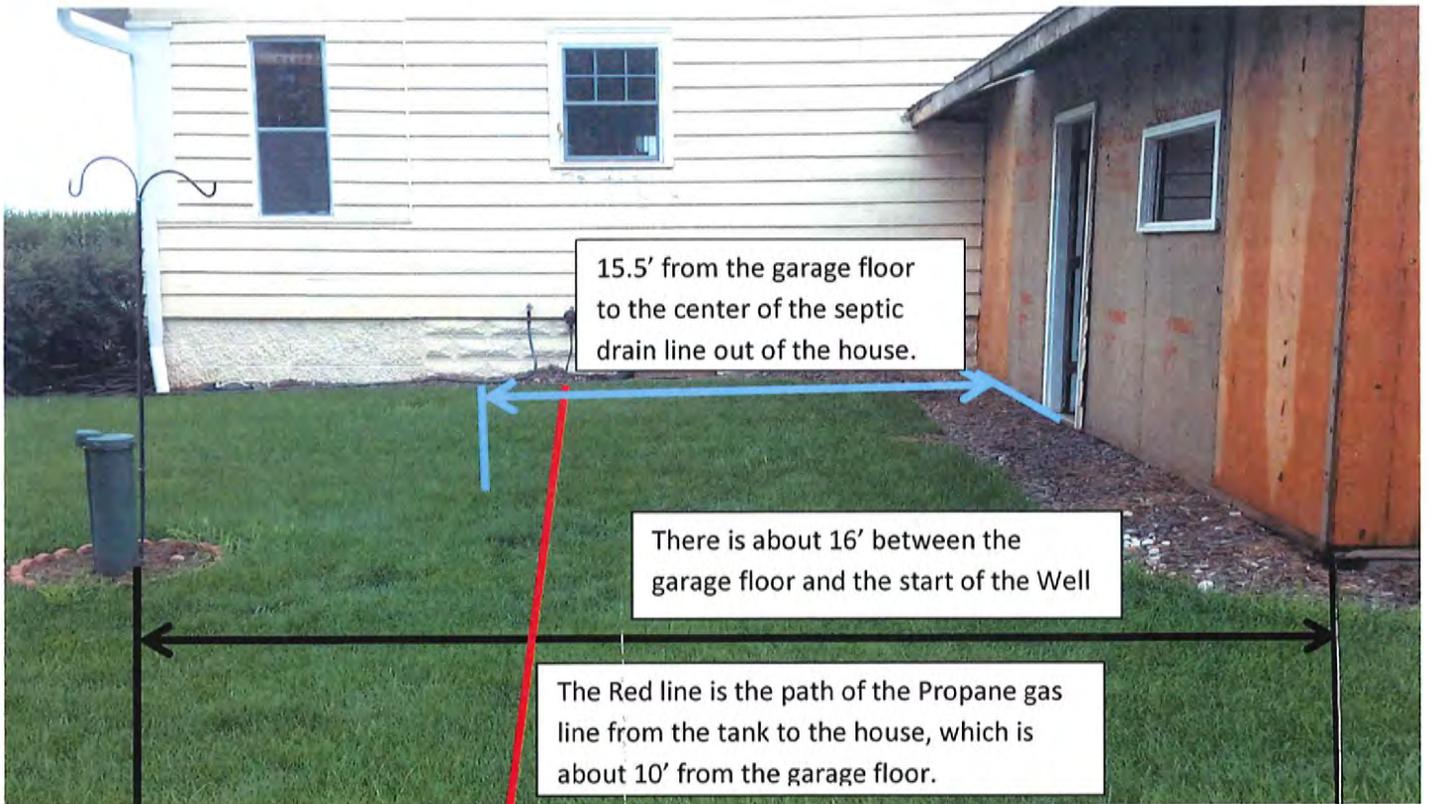
Questions #9-#11 are relating to the flood zone or plain which none of my property is located in.

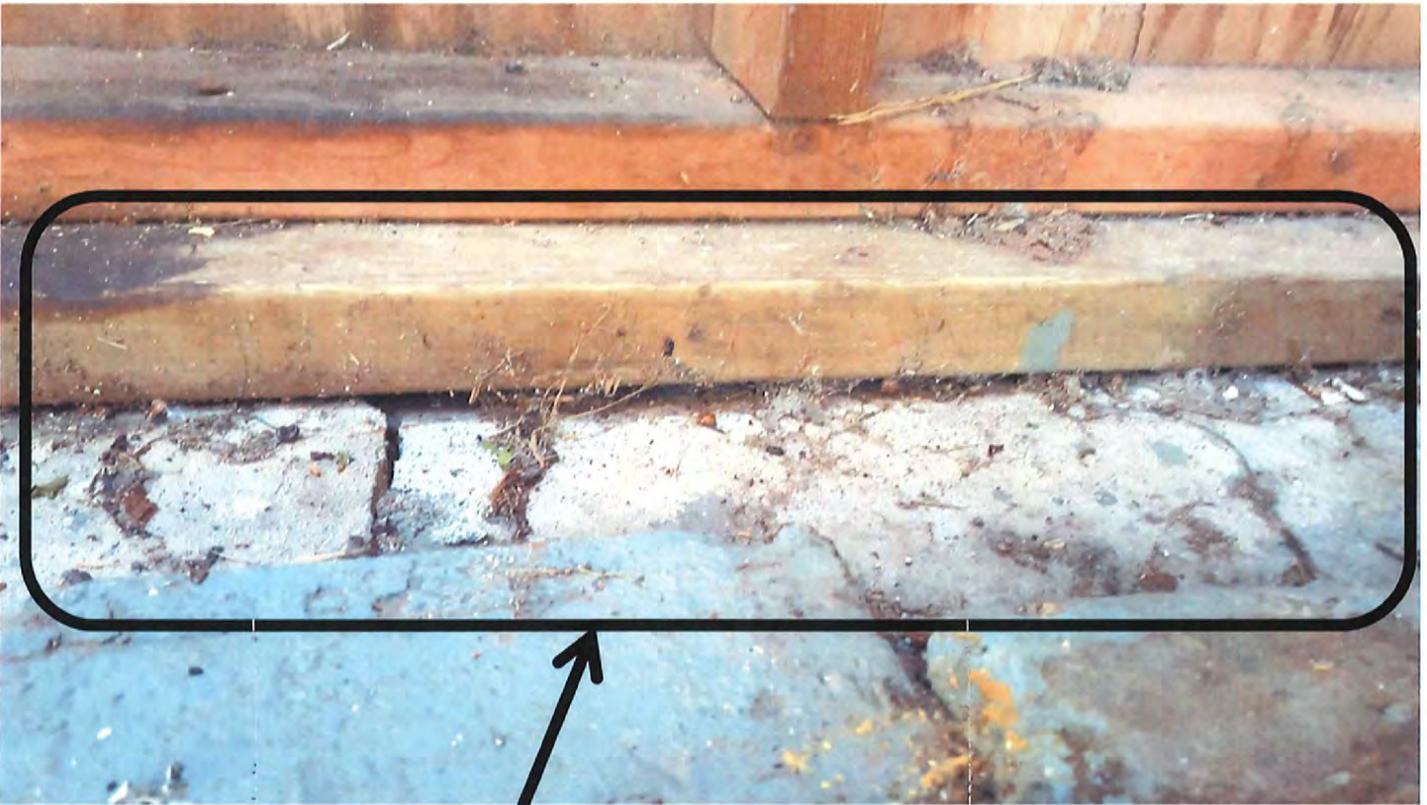
11. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.

Questions #9-#11 are relating to the flood zone or plain which none of my property is located in.

12. 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.

I have 2.5 acres on the 'North' side of the Highway 85 roadway and nothing but crop fields on the other 3 sides of my property, so there are no adjacent properties that will be affected by this request. Highway 85 roadway is sitting higher than the level of the garage floor but with the slope of the driveway and being a virtually straight shot between the Highway 85 roadway and the house will in no way cause any inconvenience or nuisance for the rescue or public safety personnel.

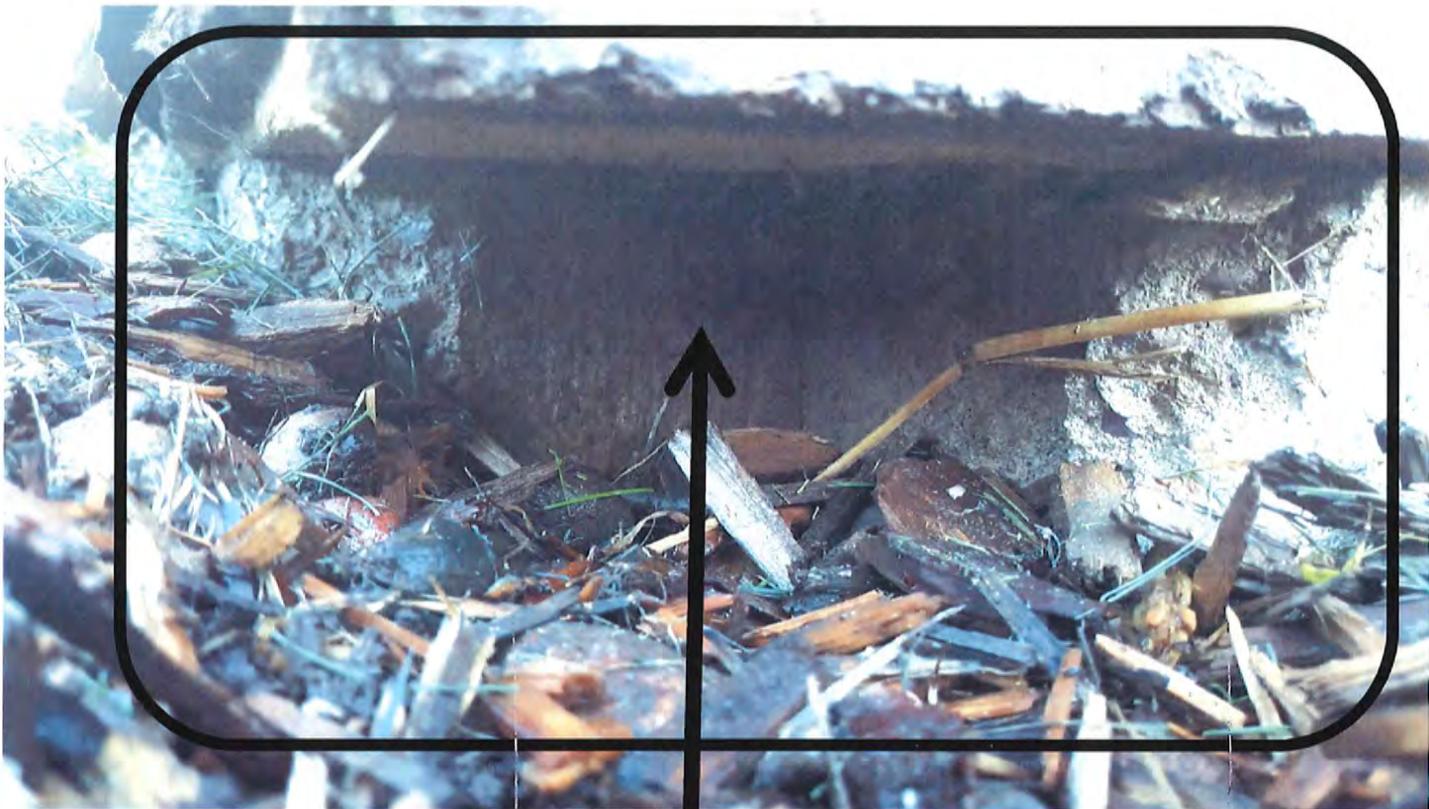




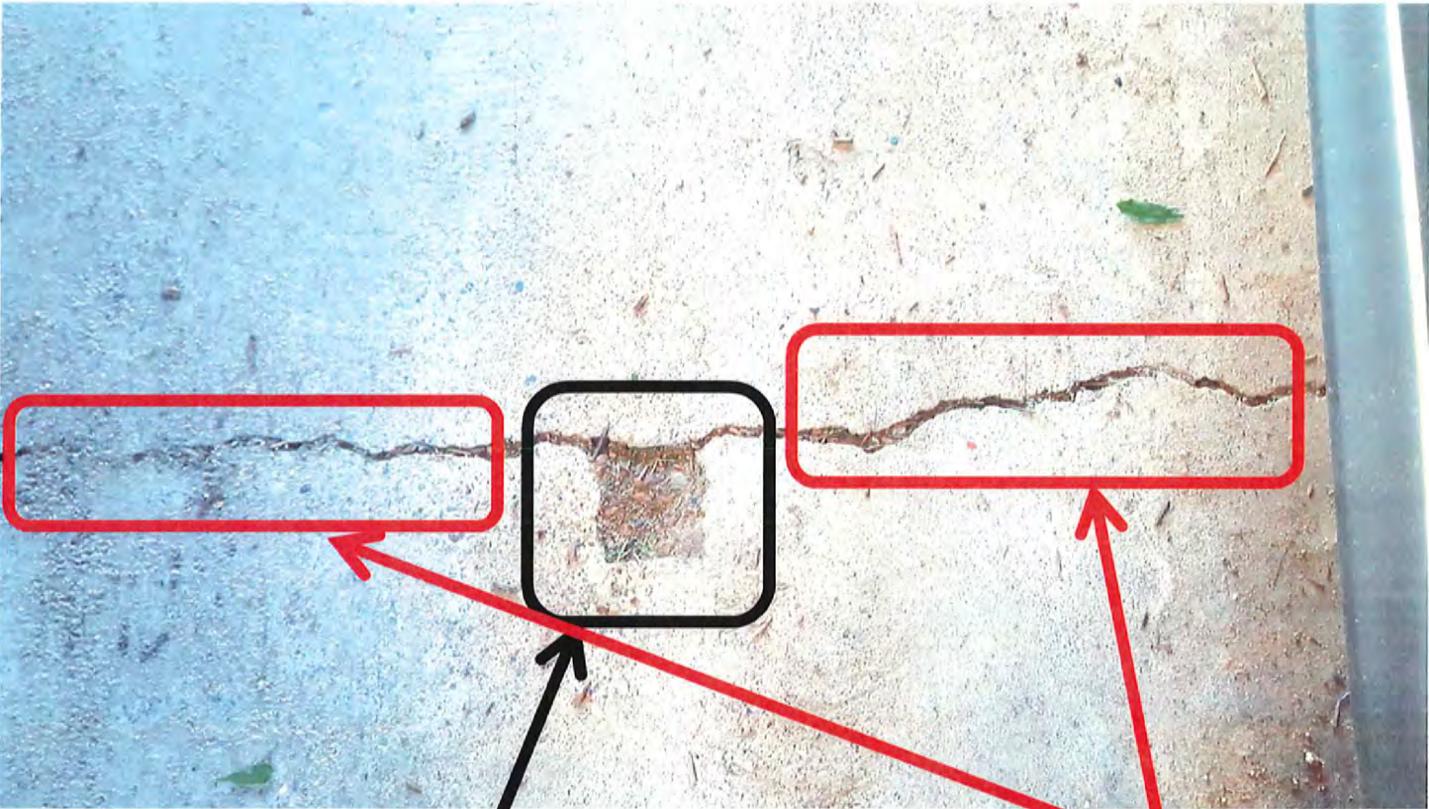
Concrete settling under construction wall.



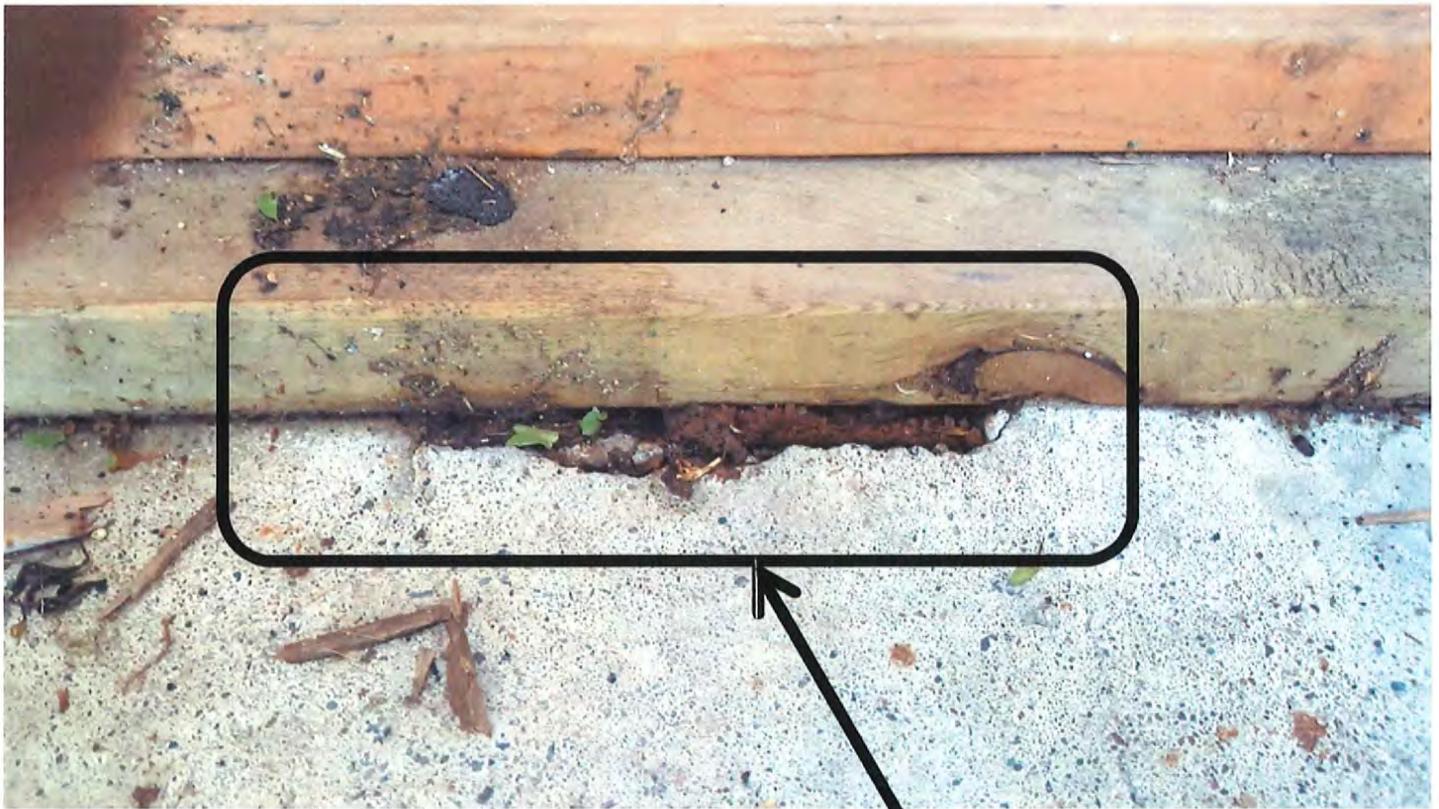
Old Post hole under construction wall.



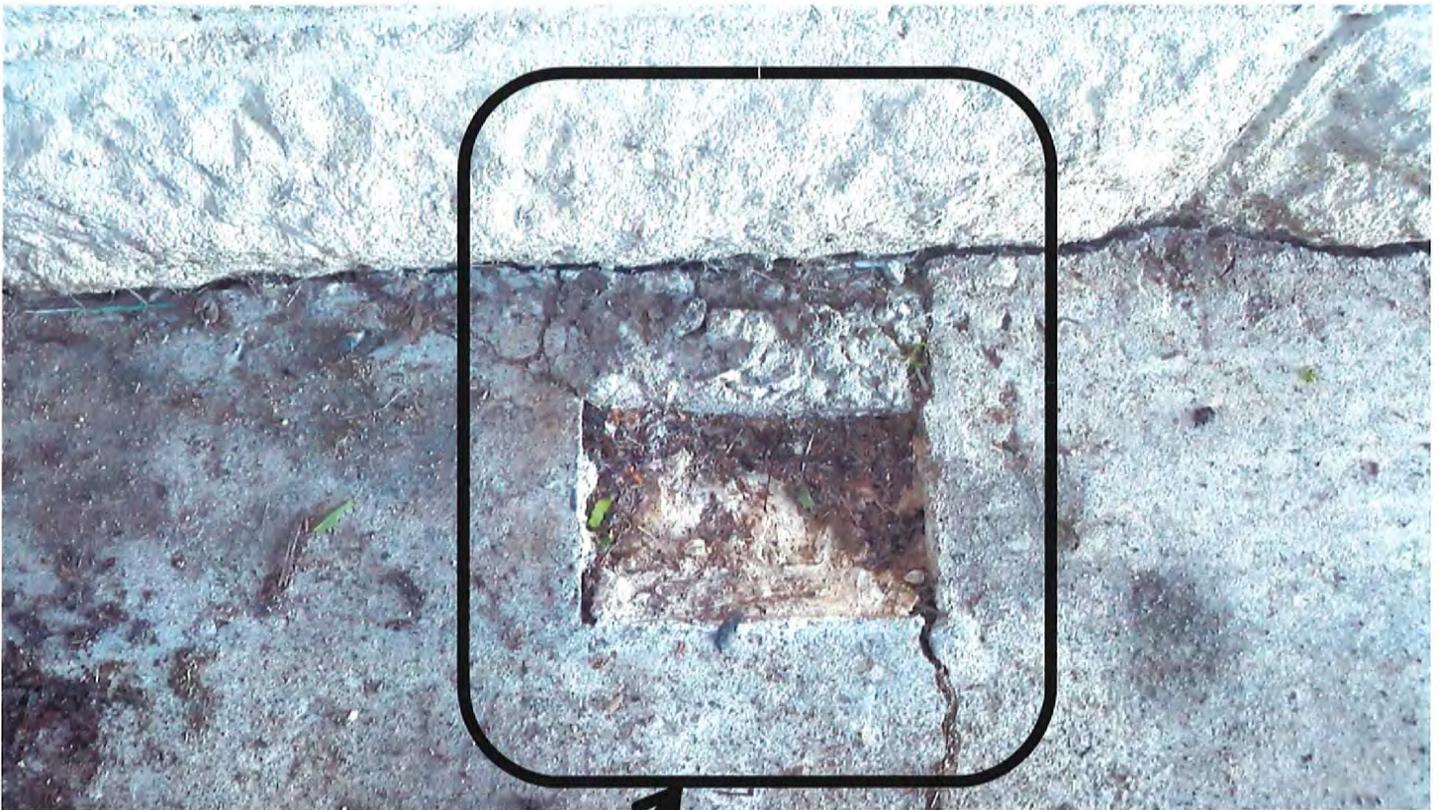
Old Post area on the Northwest corner of the old garage.



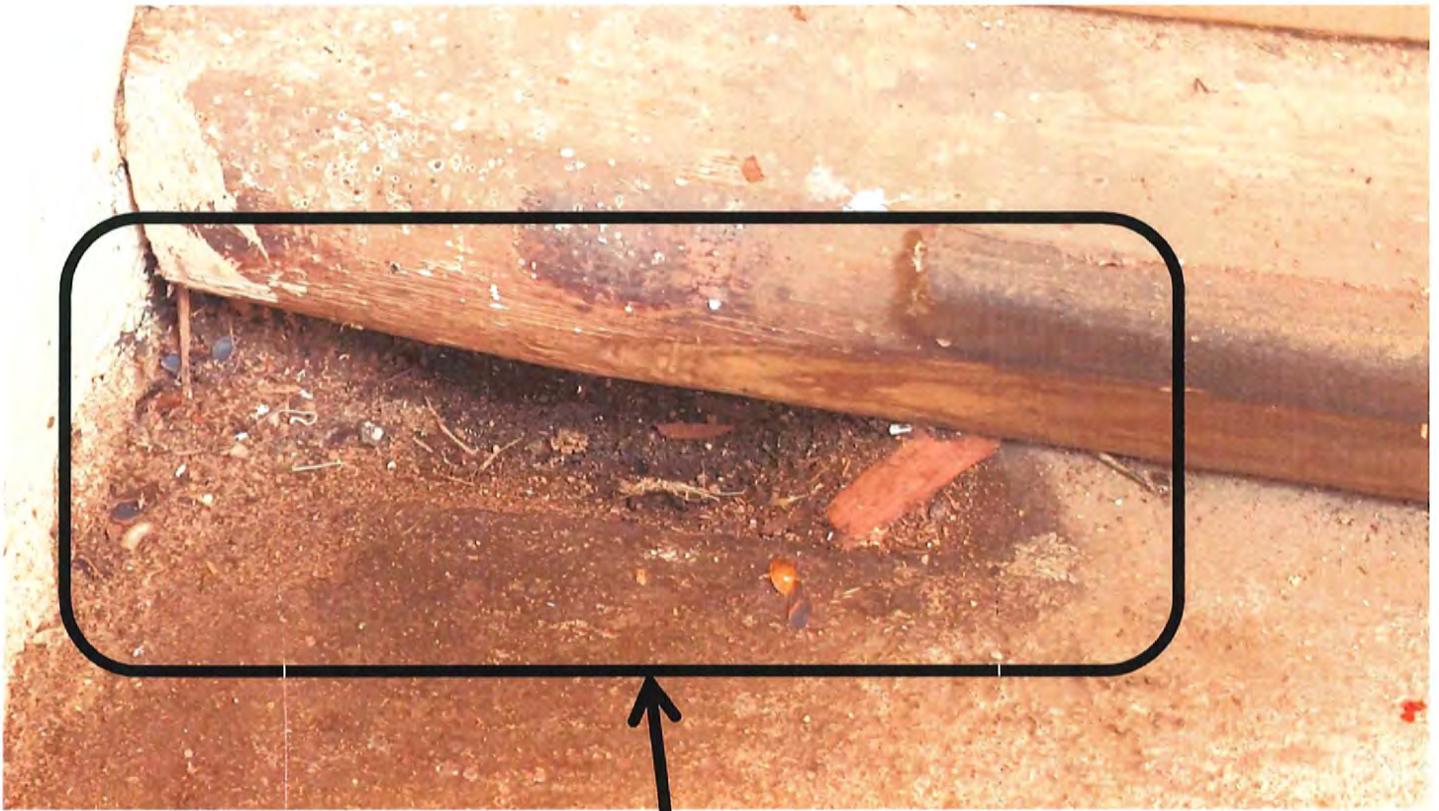
Old Post hole in middle of garage floor, along with heaving crack line over the length of floor.



Another Post hole under the construction wall with dirt working its way out.



Post Hole in floor next to house foundation blocks.



And yet another post hole under the construction wall.



This is the siding between the garage construction walls and the side of the house.



Basement window to be removed and filled in with blocks with the new flooring and construction.



This is how unlevel the floor is in relation to the walk through door when the door is opened, the door rubs on the floor.



These are the ends of the facial boards where the overhangs tie into for full enclosure.



External face boards that are close to the ground and shows weathering.





Sealing caulking that is used to seal the outside boards to the seal plate, found after siding was taken off the outside.



Water stains on frame work around existing windows.



Rot around the front facial board.

Eau Claire County Parcel Mapping



1 inch = 100 feet

PLSS Lines

- Meander Line
 - Forty Line
 - Quarter Section Line
 - Section Line
- ### Parcel Lines
- Parcel Line
 - Extended Parcel Line
 - - Tie Line
 - Road Right-of-Way Lines
- ### Platted Lands

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

Navigability

- Navigable
- - Non-Navigable

Alternate Number = 025107103000
Survey Map Index Number = S-2769

Parcel Mapping Notes:
The horizontal datum is based on the Eau Claire County Coordinate System (NAD_1983_1000N_AE_WI_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. The information is for informational use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are not intended to be used as a substitute for an accurate land survey, as performed by a Wisconsin Licensed Land Surveyor, to determine precise property boundaries.

Eau Claire County does not warrant, guarantee or make any representation as to the accuracy, reliability, completeness, or timeliness of the information provided on this map. The user relies on the map and results solely at their own risk.

Date: Aerial Photography Flight Spring 2013
Information Current January 1, 2013



908901

MARY L KAISER
EAU CLAIRE COUNTY
REGISTER OF DEEDS
EAU CLAIRE, WI

RECORDED ON
08/11/2004 03:07PM

R.C. FEE: 13.00
TRANS FEE:
EXEMPT #:

PAGES: 2

REGISTERED SURVEY MAP NO. 2196
VOLUME _____ PAGE _____

LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 5, T.26N., R.10W.,
TOWN OF BRUNSWICK, EAU CLAIRE COUNTY, WISCONSIN

PREPARED FOR:

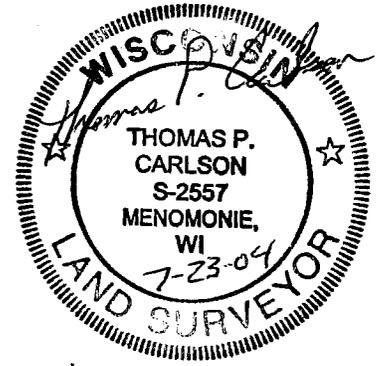
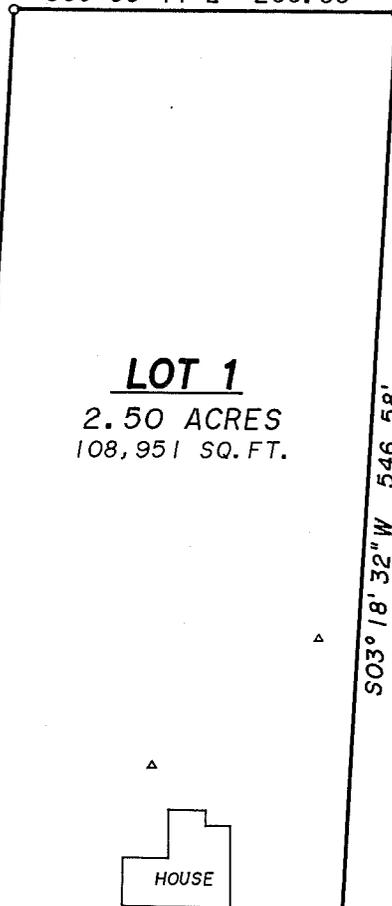
MARY WIMBISH
633 TEXAS ST. #2
TOMBALL, TEXAS 77375

PREPARED BY:

NELSEN LAND SURVEYING, INC.
392 RED CEDAR ST. #3B
MENOMONIE, WI 54751

UNPLATTED LANDS

S89°55'11"E 200.00'



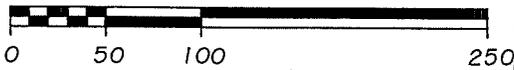
UNPLATTED LANDS

UNPLATTED LANDS

LOT 1
2.50 ACRES
108,951 SQ. FT.

BEARINGS REFERENCED TO THE
SOUTH LINE OF THE SE 1/4 OF
SECTION 5. MEASURED AS
S89°55'11"E. (EAU CLAIRE
COUNTY COORDINATE SYSTEM -
NAD83(91)).

1" = 100'



SOUTH QUARTER CORNER
SECTION 5 - FOUND
ALUMINUM CAPPED
D. O. T. MONUMENT

S. T. H. "85" REFERENCE LINE
45'

S89°55'11"E 1863.83'
(S89°00'31"E)
SOUTH LINE OF THE SE 1/4

N03°18'32"E 47.00'

N89°23'53"W
(N88°29'12"W)

(WIDTH VARIES)
2627.67'
(2628.04')

N89°55'11"W 763.84'
(N89°00'31"W)

"85"

SOUTHEAST CORNER
SECTION 5 - FOUND
ALUMINUM MONUMENT

LEGEND

UNPLATTED LANDS

- = SET 1" O.D. X 18" IRON PIPE WEIGHING 1.13 LBS. PER LINEAR FOOT
- = FOUND ALUMINUM CAPPED D. O. T. MONUMENT
- () = RECORD DATA
- ▲ = VENT PIPE
- ⊙ = GOVERNMENT CORNER AS NOTED

NOTE: SECTION DATA PROVIDED
BY THE EAU CLAIRE COUNTY
SURVEYOR'S OFFICE.

SHEET 1 OF 2

CERTIFIED SURVEY MAP NO. _____
 VOLUME _____ PAGE _____

LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 5, T.26N., R.10W.,
 TOWN OF BRUNSWICK, EAU CLAIRE COUNTY, WISCONSIN

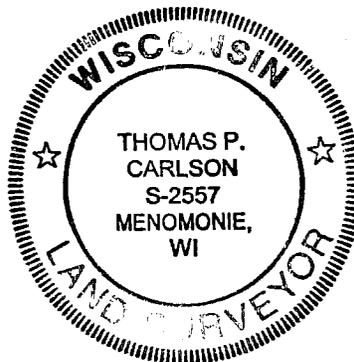
CURVE DATA

| CURVE | RADIUS | LENGTH | DELTA | CHORD | CH. BEARING | TANGENT BEARINGS |
|-------|-----------|---------|------------|---------|----------------|--|
| 1-2 | 22873.31' | 107.57' | 0° 16' 10" | 107.57' | N89° 15' 48" W | AT 1 = N89° 23' 53" W AT 2 = N89° 07' 43" W |

SURVEYOR'S CERTIFICATE

I, Thomas P. Carlson, Registered Wisconsin Land Surveyor, do hereby certify:
 That I have surveyed, divided and mapped a parcel of land located in the Southeast 1/4 of the Southeast 1/4 of Section 5, Township 26 North, Range 10 West of the 4th Principal Meridian, located in and forming a part of the Town of Brunswick, Eau Claire County, Wisconsin, more particularly described as follows:
 Commencing at the South Quarter Corner of said Section 5;
 thence, along the south line of said Southeast 1/4, South 89°55'11" East, 1863.83 feet;
 thence, North 03°18'32" East, 47.00 feet to the northerly right-of-way line of S.T.H. "85" and the POINT OF BEGINNING;
 thence, continuing North 03°18'32" East, 544.50 feet;
 thence, South 89°55'11" East, 200.00 feet;
 thence, South 03°18'32" West, 546.58 feet to the northerly right-of-way line of S.T.H. "85";
 thence, along said right-of-way line, North 89°23'53" West, 92.30 feet;
 thence, continuing along said right-of-way line and the arc of a curve concave northerly, the long chord bearing North 89°15'48" West 107.57 feet, having a radius of 22,873.31 feet and an arc length of 107.57 feet to the point of beginning.
 Containing 108,951 square feet or 2.50 acres. Subject to any and all easements, reservations, restrictions and conveyances of record.
 That I have made such survey, land division and map by the direction of Mary Wimbish.
 That such map is a correct representation of the exterior boundaries of the land surveyed and the division of that land.
 That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the provisions of the Eau Claire County Subdivision Ordinance.

Thomas P. Carlson
 Thomas P. Carlson, S-2557
 July 23, 2004
 NELSEN LAND SURVEYING, INC.



CERTIFICATE OF COUNTY RESOURCE PLANNING AND ZONING

I, James M. Erickson, Director of the Eau Claire County Department of Planning and Development, hereby certify that this Certified Survey Map is approved of as complying with Subtitle II, the Subdivision Control Code, of Title 18 of the County Code of General Ordinances.

James M. Erickson dated this 11th day of August, 2004.
 James M. Erickson

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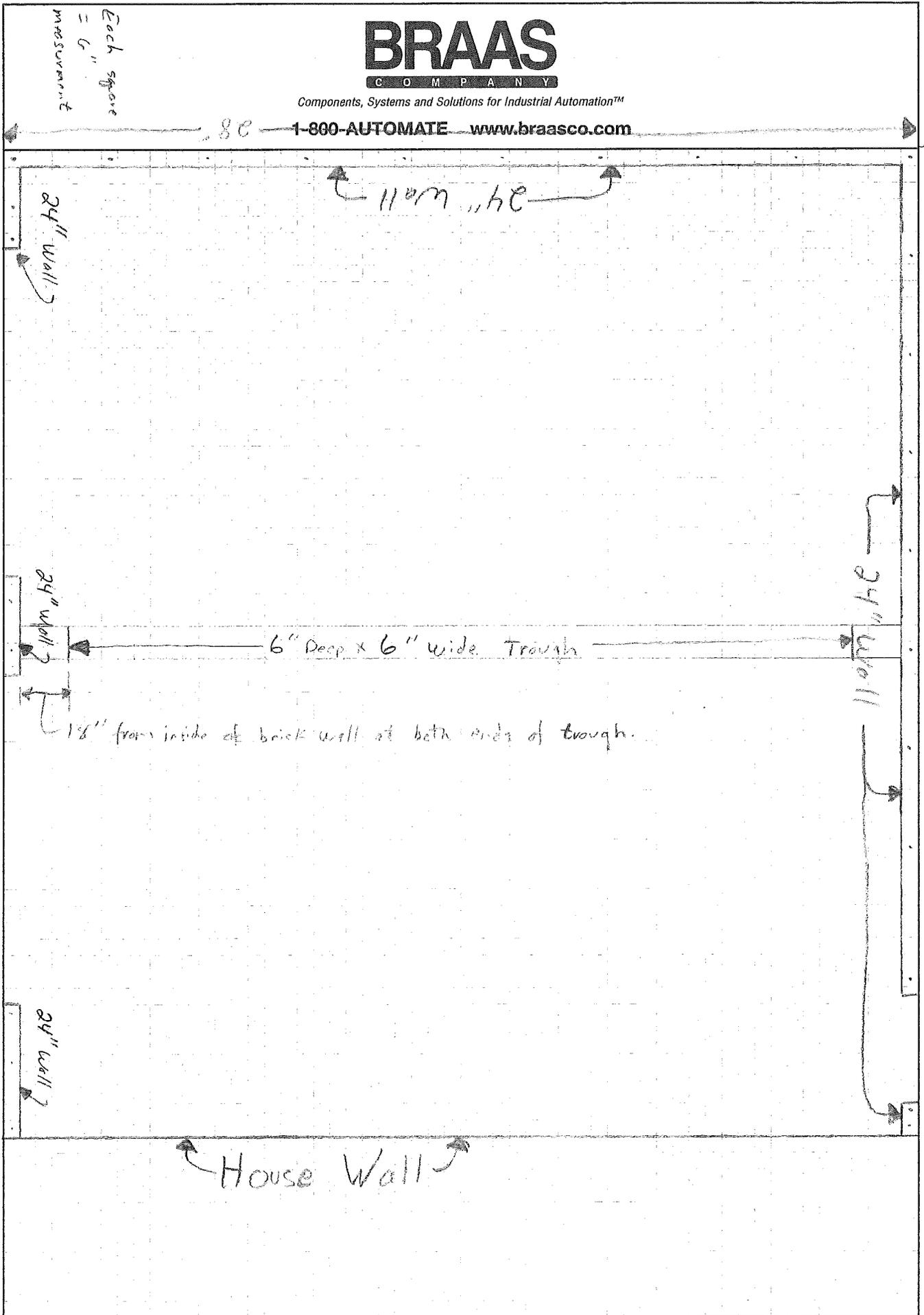
Components, Systems and Solutions for Industrial Automation™

1-800-AUTOMATE www.braasco.com

Each square
= 6"
measurement

Garage Apron 30' x 10'

~~Attaching standard...~~



30'

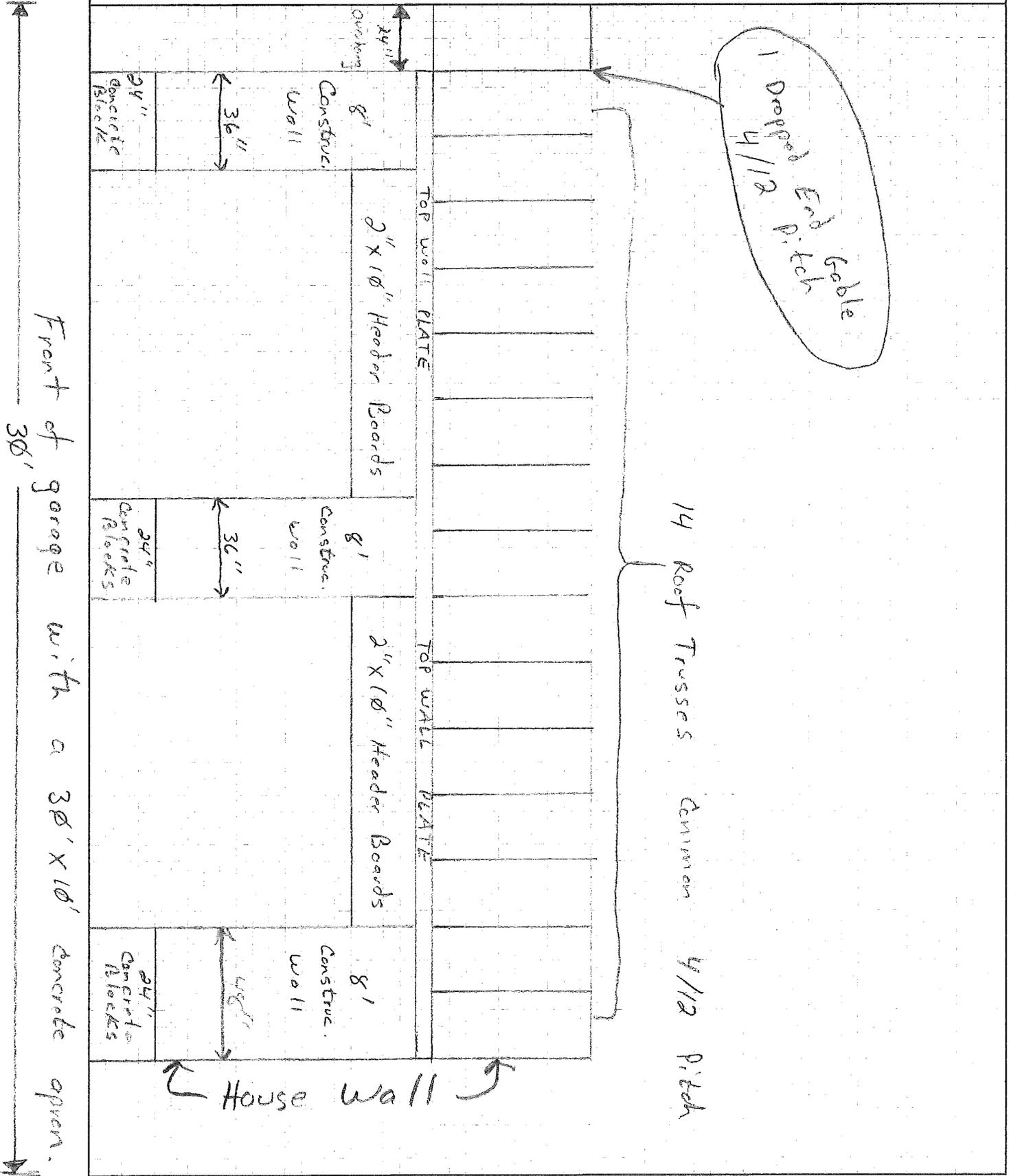
16'

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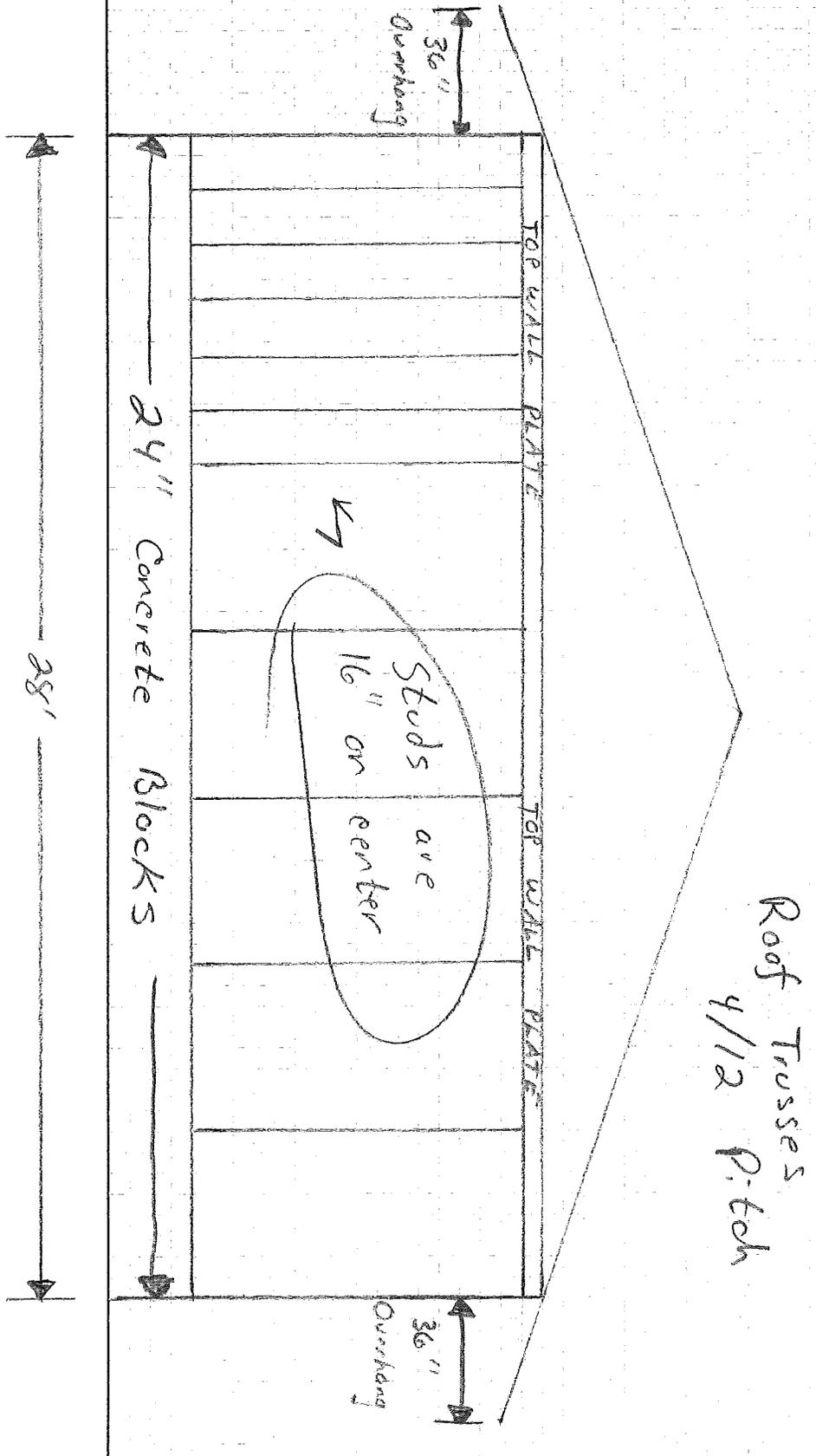
Sheet # 3

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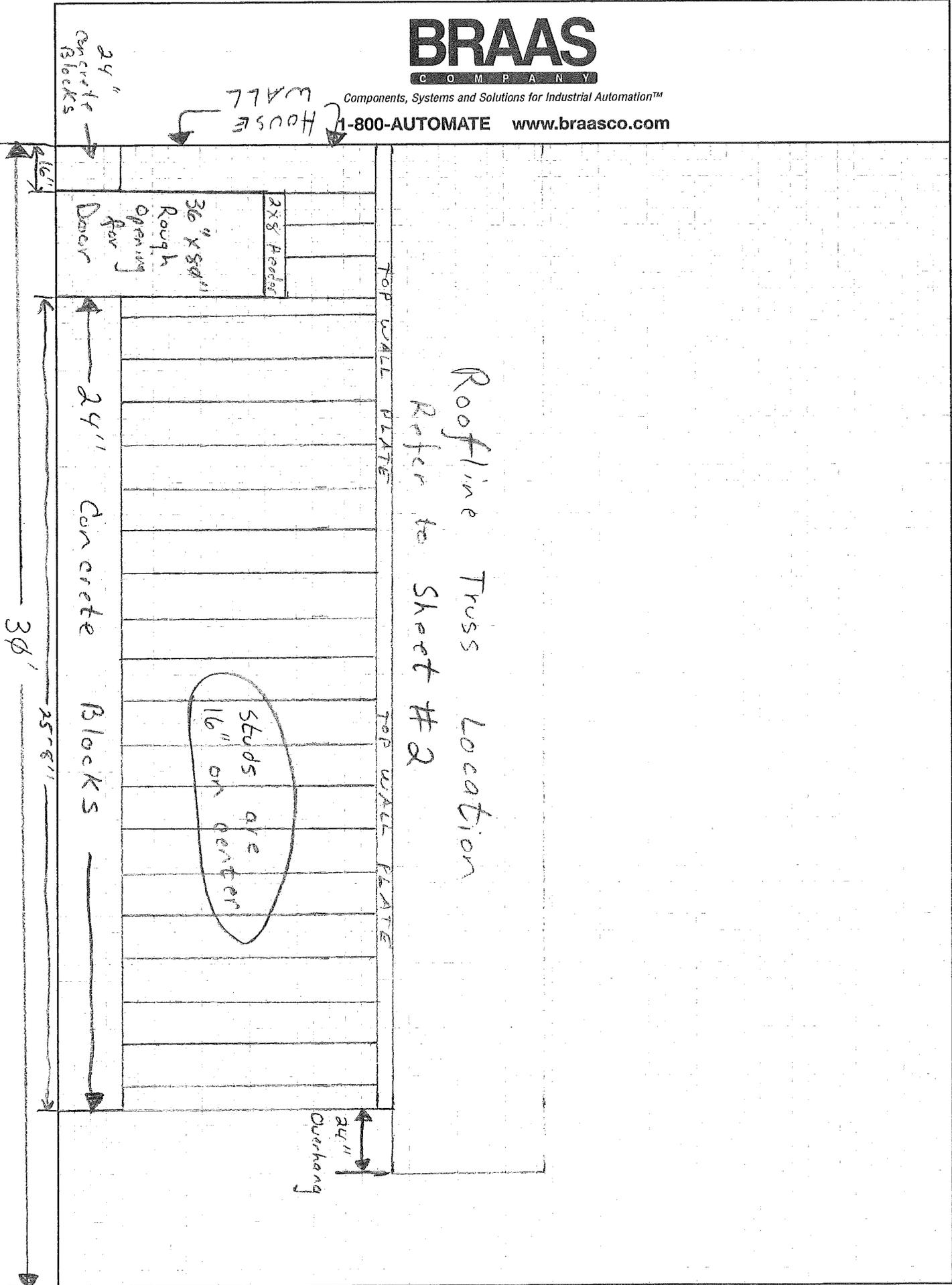
Sheet # 4

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Roofline Truss Location
Refer to Sheet # 2

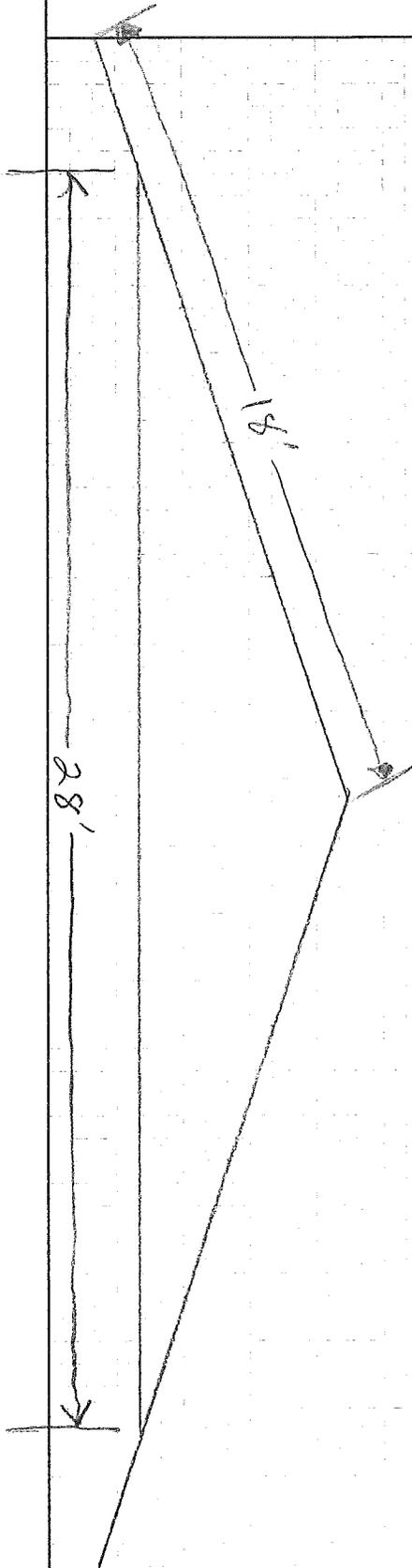
Sheet #5

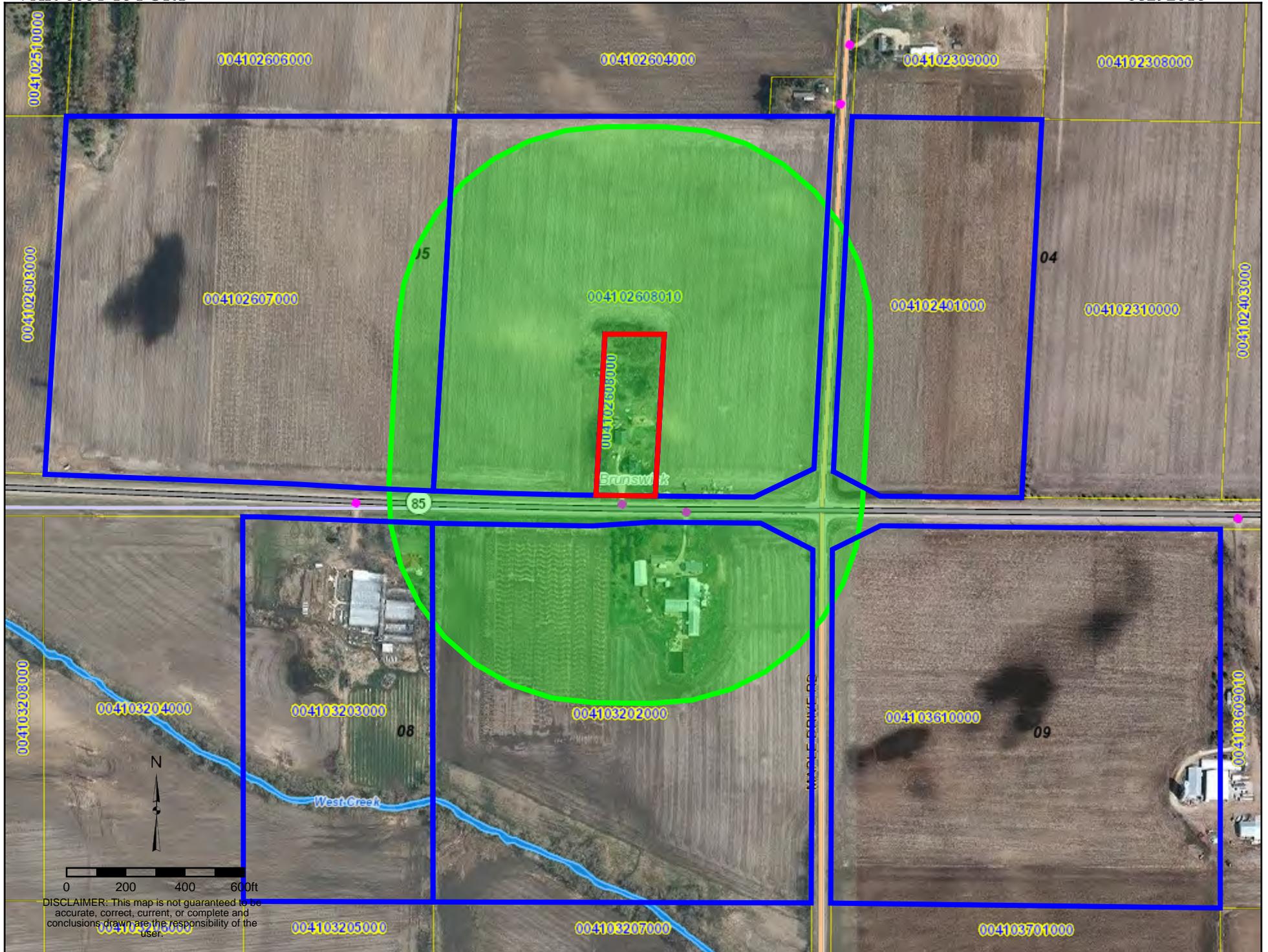
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| Parcel Id | NAME | ADDRESS | CITY | STATE | ZIP |
|---------------------|----------------------------|-----------------------|-------------|--------------|------------|
| 1800422610092200001 | JAQUISH, DONALD | W 5725 STATE ROAD 85 | EAU CLAIRE | WI | 54701-9534 |
| 1800422610081200001 | KOPP, RON A | W 6315 STATE ROAD 85 | EAU CLAIRE | WI | 54701-9536 |
| 1800422610043300002 | RIEKEMANN, ROBERT F | S 4975 MAPLE DRIVE RD | EAU CLAIRE | WI | 54701-9540 |
| 1800422610081100001 | SPRAGUE, LARRY C & CAROL J | W 6115 STATE ROAD 85 | EAU CLAIRE | WI | 54701-9536 |
| 1800422610054300001 | WIMBISH, MARY P | 9722 SEMINOLE ST | MAGNOLIA | TX | 77354-4070 |

Eau Claire County
Board of Land Use Appeals

721 Oxford Avenue, Room 1277 • Eau Claire, Wisconsin
Monday, May 16, 2016 • 5:30 PM

MINUTES

Members Present: Randy Stutzman, Karen Meier-Tomesh, Judy Bechard, Pat Schaffer

Members Absent: 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 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

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.

The home was constructed prior to the adoption of County Zoning by the township, and it is considered a legal nonconforming structure. The applicant wishes to construct a 24 foot by 24 foot garage expansion onto the existing nonconforming principle structure.

Gunner Hagen, home owner, was sworn in by the chair and spoke in favor of the request. Mr. Hagen reported that the home had been vacant when it was purchased, and that they were attempting to revitalize an old building to make it similar to other homes in the area. He did note that a detached accessory structure could be built on the property, but they preferred to have it attached to improve curb appeal of the property. The additional garage space would be used for vehicle and personal storage.

Bradley Mehrman, agent, was sworn in by the chair and spoke in favor of the request. Mr. Mehrman noted that a multiple car garage is common for the area, and for the homes in that price range of homes in the area.

No one else spoke in favor of the variance request.

No one spoke in opposition of the variance request.

Abd Khatib, neighbor, was sworn in by the chair and asked for a point of clarification as to what would happen with the existing garage.

Mr. Mehrman responded that it was their intent to make it look as though the additional garage space belongs to the house.

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

The Board entered deliberations at 6:17 p.m.
The Board ended deliberations at 6:36 p.m.

ACTION: Motion by Karen Meier-Tomesh, 2nd by Judy Bechard, to deny the variance request based on the following findings:

- 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.

Motion carried, 4-0-0.

3. Review / Approval of Minutes from April 25, 2016 / Discussion – Action

ACTION: Motion by Pat Schaffer, 2nd by Judy Bechard, to approve the minutes as corrected.
Motion carried, 4-0-0.

4. Adjournment

ACTION: Motion by Karen Meier-Tomesh, 2nd by Pat Schaffer, to adjourn at 6:39 p.m.
Motion carried, 4-0-0.

Respectfully submitted,

Jeanna Allen, Clerk
Board of Land Use Appeals