

**WAUPACA COUNTY BOARD OF ADJUSTMENT MEETING
MINUTES –AUGUST 14, 2014**

ON-SITE INSPECTIONS: The Board made on-site inspections starting at 8:15 a.m. on the Charles E. & Nanell R. Chapman property, Town of Lebanon and the Tara R. Warren et al property, Town of Farmington.

Vice-Ch. Craig called the meeting to order at 10:00 a.m. Roll call was taken with the following members present: P. Craig, A. Richardson, J. Fulcher, J. Beyer and D. Johnson, all present.

J. Beyer moved and A. Richardson seconded the motion to approve the agenda as presented. The motion was carried.

D. Johnson moved and A. Richardson seconded the motion to approve the minutes with changes from the May 15, May 16 and June 12, 2014 meetings. The motion was carried.

ELECTION OF OFFICERS:

D. Johnson moved and J. Beyer seconded the motion to nominate P. Craig for Chairman for the Board of Adjustment. J. Beyer moved and D. Johnson seconded to close the nominations. The motion was carried.

J. Beyer moved and A. Richardson seconded the motion to nominate D. Johnson for Vice Chairman for the Board of Adjustment. J. Beyer moved and A. Richardson seconded to close the nominations. The motion was carried.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:08 a.m. by Ch. Craig to hear the Petition for Grant of Variance for **Charles E. & Nanell R. Chapman:** Located in part of the NW ¼ of the NE ¼ of Sec.12 and part of the SW ¼ of the SE ¼ and part of the SE ¼ of the SW ¼ of Sec.1, Town of Lebanon, lying along Davis Road, Fire Number N6901, Waupaca County, Wisconsin; for a Petition for Grant of Variance for the construction of an addition to an accessory structure within the wetland structural setback in an RR (Rural Residential) District on approximately 8.5 acres. Roll call was taken with the following members present: P. Craig, A. Richardson, J. Fulcher, J. Beyer and D. Johnson, all present. Debra Giuffre read the names of persons notified of the hearing. Ch. Craig declared the hearing legal and gave the general procedure.

Charles Chapman was sworn in to testify. Mr. Chapman said he spoke with the Town of Lebanon's Zoning Administrator, Robert Galapp regarding a permit for the carport addition to the garage and was told he could start the project. Les Prochnow, Chairman for the Town of Lebanon told him he needed to contact Waupaca County Planning and Zoning. Waupaca County Planning and Zoning determined that the structure was too close to the wetland and required a Petition for Grant of Variance.

Les Prochnow was sworn in to testify. Mr. Prochnow said he is the Chairman for the Town of Lebanon and he felt that there was no harm being done on the existing wetland. Mr. Prochnow said the Town of Lebanon was in favor of the application.

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Ch. Craig called three times for any testimony in favor of the application. There was none.

Ch. Craig called three times for any testimony in opposition to the application. There was none.

Jason Snyder, Deputy Zoning Administrator, gave a staff report of the Variance Permit application request regarding the construction of an addition to an accessory structure within the wetland structural setback. Mr. Snyder said that the Waupaca County Ordinance is different than the Department of Natural Resource standards and the Planning and Zoning Department recommends denial because of the wetland boundaries.

Charles Chapman came back for rebuttal. Mr. Chapman said that he felt that the Army Corp of Engineers and the DNR used no scientific method to flagging the wetlands. Mr. Chapman said the DNR states there is no impact on the wetland and the rules of the Variance should not apply.

J. Beyer moved and A. Richardson seconded the motion to **DENY** the Petition for Grant of Variance due to the following: The three criteria for granting a variance were not met. Two accessory structures already exist on the property and other opportunities exist on the property to build. The granting of this variance would undermine the intent of the ordinance which is to provide protection to the County's wetlands. The applicant has other options available to place the structure on the property that meet the required setbacks and two other accessory structures already exist on the property that could be utilized. Roll call vote was taken: P. Craig—yes; J. Fulcher —yes; A. Richardson—yes; J. Beyer —yes and D. Johnson —yes, unanimous vote to DENY the Variance request. J. Beyer moved and D. Johnson seconded the motion to close the hearing at 10:58 a.m. The motion was carried.

10:59 a.m.

~ The Committee took a break ~

The second public hearing was called to order at 11:05 a.m. by Ch. Craig to hear the Petition for Grant of Variance for **Tara R. Warren et al:** Located on Lot 28 of Columbian Park Plat in Sec. 33, Town of Farmington, lying along Whispering Pines Road, Fire Number E1035, Waupaca County, Wisconsin; for a Petition for Grant of Variance for the addition to an existing dwelling with less than the required road, side yard and shoreline setback in an SR-20 (Sewered Residential Single-Family) District on approximately .158 acres. Roll call was taken with the following members present: P. Craig, A. Richardson, J. Fulcher, J. Beyer and D. Johnson, all present. Debra Giuffre read the names of persons notified of the hearing. Ch. Craig declared the hearing legal and gave the general procedure.

Mary Kay and Gregg Warren were sworn in to testify. Mr. Warren said he would like to add a garage with second story living quarters to the existing dwelling within the same footprint.

Mary Kay Warren said the proposed garage is within the setback from the road.

Ch. Craig called three times for any testimony in favor of the application. There was none.

Ch. Craig called three times for any testimony in opposition to the application.

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Roger Rupnow was sworn in to testify. Mr. Rupnow said he recommends denial of the application because there is no hardship and the property owner has use of the property.

Jason Snyder, Deputy Zoning Administrator, gave a staff report of the Variance Permit application request regarding the addition to an existing dwelling with less than the required road, side yard and shoreline setback. The Planning and Zoning Department recommends denial because the request does not meet the parameters of the Ordinance.

Gregg Warren came back for rebuttal. Mr. Warren said he feels the existing structure is not functional and that is the reason for the Variance request.

A. Richardson moved and D. Johnson seconded the motion to **DENY** the Petition for Grant of Variance due to the following: The three criteria for granting a variance were not met. Their desire for the additions is not a limitation due to the size of the lot. We need to preserve the required setbacks in the Shoreland Ordinance. It is more of the desires of the applicant and it touched on three separate setbacks each in their own right that could have been denied singly. It was the desires of the applicant and the applicant has other options available that would be able to meet the required setbacks. Roll call vote was taken: P. Craig—yes; J. Fulcher —yes; A. Richardson—yes; J. Beyer —yes and D. Johnson —yes, unanimous vote to DENY the Variance request. J. Beyer moved and D. Johnson seconded the motion to close the hearing at 11:46 a.m. The motion was carried.

J. Beyer moved and A. Richardson seconded the motion to adjourn the meeting at 11:50 a.m. The motion was carried. The Board adjourned.

Debra Giuffre
Recording Secretary

cc: County Clerk