

**WAUPACA COUNTY BOARD OF ADJUSTMENT MEETING
MINUTES – June 15, 2017**

ON-SITE INSPECTIONS: The Board made on-site inspections starting at 8:15 a.m. on the Jeremy Griesbach property, Town of Mukwa; the O'Connor Sales & Realty, Inc property, Town of Little Wolf and the Gerald R. & Doreen VanHandel property, Town of Farmington.

Chair Craig called the meeting to order at 10:15 a.m. Roll call was taken with the following members present: P. Craig, A. Richardson, J. Fulcher, P. Leder and D. Johnson, all present.

P. Leder 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 from the November 10, 2016 meeting. The motion was carried.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:20 a.m. by Chair Craig to hear the Petition for Grant of Variance for **Jeremy Griesbach**: Located on Lot 19 of Lapps Plat in Sec. 32, Town of Mukwa, lying along Cut Off Road, Fire Number E7737, Waupaca County, Wisconsin; for a Petition for Grant of Variance for an addition to an existing nonconforming dwelling (second story) with less than the required road setback in an SR (Sewered Residential Single-Family) District and an F-P (Floodplain) District. Roll call was taken with the following: P. Craig, A. Richardson, J. Fulcher, P. Leder and D. Johnson, all present. Deb Giuffre read the names of persons notified of the hearing. Chair Craig declared the hearing legal and gave the general procedure.

Jeremy Griesbach was sworn in to testify. Mr. Griesbach said he purchased the property about a year ago and prior to that the dwelling was vacant. Mr. Griesbach said that he is proposing to replace the shingles and add a gambrel roof within the same footprint of the current dwelling. The dwelling does not meet the required road setback.

Three criteria: **1) Unique physical limitations;** due to the width of the lot the level three (3) highway setback limits the buildable land, lot is also limited by floodway. **2) No harm to the public interests;** there is no addition to the footprint of existing buildings. **3) Unnecessary hardship;** level three (3) highway setback restricts adding gambrel roof to existing cottage, more of the lot will be kept pervious.

Jeff Henneman, Land Use/Code Enforcement Specialist, gave a staff report for the addition to an existing nonconforming dwelling (second story) with less than the required road setback. The existing home is 55 feet to the centerline of Cutoff Road and 24.6 feet from the road right of way. Changing the roof from a pitched roof to a gambrel roof is considered a structural alteration to the structure. The Planning & Zoning office recommends denial. The applicant's request is based on personal circumstances.

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

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

**WAUPACA COUNTY BOARD OF ADJUSTMENT COMMITTEE MEETING MINUTES –
JUNE 15, 2017**

Jeremy Griesbach came back for rebuttal. Mr. Griesbach said the roof needs to be replaced and the house can't be moved due to the flood fringe.

Ryan Brown, Planning & Zoning Director, read an email from Joseph Behlen DNR for floodplain regarding structural changes to structures in the floodway. (email on file)

J. Fulcher moved and D. Johnson seconded the motion to **CONTINUE** the Petition for Grant of Variance due to the following: The Board is requesting that the Planning & Zoning Office obtain further information from the Department of Natural Resources concerning the potential modifications within a floodway. This public hearing will be continued in front of the Board on **Thursday, July 20, 2017**, in which the Board may be making their decision. Roll call vote was taken: P. Craig—yes; J. Fulcher —yes; A. Richardson—yes; P. Leder —yes and D. Johnson —yes, unanimous vote to continue the Variance request.

The second public hearing was called to order at 10:47 a.m. by Chair Craig to hear the Petition for Grant of Variance for **O'Connor Sales & Realty, Inc:** Located in part of the NW ¼ of the SW ¼ of Sec. 1, Town of Little Wolf, lying along County Highway O, Fire Number N7056, Waupaca County, Wisconsin; for an after the fact Petition for Grant of Variance for the replacement of an entrance deck on a dwelling with less than the required road setback in an AE (Agriculture Enterprise) District on approximately .5 acres. Roll call was taken with the following: P. Craig, A. Richardson, J. Fulcher, P. Leder and D. Johnson, all present. Deb Giuffre read the names of persons notified of the hearing. Chair Craig declared the hearing legal and gave the general procedure.

Jerry O'Connor was sworn in to testify. Mr. O'Connor said the entrance needed replacing and was done within the same footprint. The structure existed prior to the widening of the road.

Three criteria: 1) **Unique physical limitations;** altering the entrance to be compliant, the roof would have no support. 2) **No harm to the public interests;** the entrance is within the same footprint. 3) **Unnecessary hardship;** the structure needs to have two entry/exists.

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

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

Deb Giuffre read one (1) letter from the County Highway Department with comments.

Jason Snyder, Deputy Zoning Administrator, gave a staff report for the replacement of an entrance deck on a dwelling with less than the required road setback. The current footprint of the deck extends 9.6 feet into the right of way of the Level II Highway. The Planning & Zoning office recommends to allow a four foot by six foot entrance platform with any stairs necessary to access the platform. Require removal of the remainder of the deck.

**WAUPACA COUNTY BOARD OF ADJUSTMENT COMMITTEE MEETING MINUTES –
JUNE 15, 2017**

Jerry O’Connor came back for rebuttal. Mr. O’Connor said the foundation is stone and would not hold the entryway. The entry was existing and was replaced because of safety.

A. Richardson moved and J. Fulcher seconded the motion to **DENY** the Petition for Grant of Variance due to the following: The property will still have the necessary safe ingress and egress with the four (4) by six (6) platform with stairs as allowed by the Waupaca County Zoning Ordinance, Chapter 34. Due to the existing deck being 9.6 feet into the right-of-way of a Level II Highway, which is a safety hazard. With the following conditions: The Board will allow the applicant to have a four (4) by six (6) foot platform for safe ingress and egress. The applicant must remove the existing deck within six (6) months, which would be by **December 15, 2017**. Roll call vote was taken: P. Craig—yes; J. Fulcher —yes; A. Richardson—yes; P. Leder —no and D. Johnson —yes, 4 to 1 vote to deny the Variance request. A. Richardson moved and D. Johnson seconded the motion to close the hearing at 11:16. The motion was carried.

The third public hearing was called to order at 11:17 a.m. by Chair Craig to hear the Petition for Grant of Variance for **Gerald R. & Doreen VanHandel**: Located on Lot 1 of Point Comfort Plat in Sec. 34, Town of Farmington, lying off of Norris Lane, Fire Number N2702, Waupaca County, Wisconsin; for a Petition for Grant of Variance for the reconstruction of a dwelling being outside of the footprint of the existing dwelling and for the construction of an attached garage and deck all being less than the required shoreland setback in an SR (Sewered Residential Single-Family) District on approximately .47 acres. Roll call was taken with the following: P. Craig, A. Richardson, J. Fulcher, P. Leder and D. Johnson, all present. Deb Giuffre read the names of persons notified of the hearing. Chair Craig declared the hearing legal and gave the general procedure.

Attorney Steve Sorenson, Gerald & Doreen VanHandel were sworn in to testify. Attorney Sorenson is representing Gerald & Doreen VanHandel and asked that they give a history of the property.

Gerald VanHandel gave a background and history of the property. Mr. VanHandel said the dwelling required extensive repair so they would like to replace the dwelling and the garage.

Attorney Sorenson said the dwelling cannot be repaired in its current condition and needs to be replaced so it does not become a hazard. The property has an easement for a public roadway and does not have proper parking which would require removing the garage to allow for parking. The replacement of the dwelling would conform to the growth and development of the neighborhood. A raingarden will be installed to collect runoff and proper drainage.

Three criteria: 1) **Unique physical limitations;** steep slope or wetlands not shared by other properties prevents compliance. 2) **No harm to the public interests;** removing the garage would bring the road right of way to code for vehicle safety. Rain gardens will be installed to control water runoff.

3) **Unnecessary hardship;** the proposed dwelling would provide safety for the fire easement and give proper setback to the road and side yard.

**WAUPACA COUNTY BOARD OF ADJUSTMENT COMMITTEE MEETING MINUTES –
JUNE 15, 2017**

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

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

Richard Conover was sworn in to testify. Mr. Conover said he would like to know if the proposed structure is closer to the water and increasing the impervious surface is not necessary.

Roger Ruppnel was sworn in to testify. Mr. Ruppnel is not clear of the proposed variance request regarding the building envelope.

Robert Ellis was sworn in to testify. Mr. Ellis said he does not have negative feelings except he doesn't feel that the fire access is a safety issue. Mr. Ellis is also concerned about the size of the proposed dwelling.

Jeff Henneman, Land Use/Code Enforcement Specialist, gave a staff report for the reconstruction of a dwelling being outside of the footprint of the existing dwelling and for the construction of an attached garage and deck all being less than the required shoreland setback. Mr. Henneman explained the ordinance regulations for a non-conforming structure regarding building within the footprint and expansion allowed. The Planning & Zoning office recommends to deny because the applicant does not establish unnecessary hardship or unique physical limitations of the proposed project, and harm to public interest exists.

Gerald VanHandel came back for rebuttal. Mr. VanHandel said the existing structure would be removed. The fire easement is also used by the public for ingress and egress to the lake, so currently it is a safety issue.

Attorney Sorenson discussed impervious surface, building envelope and square footage of the existing and proposed structures.

A. Richardson moved and P. Leder seconded the motion to **DENY** the Petition for Grant of Variance due to the following: The applicant is capable of rebuilding within the same footprint and increase it by 200 square feet without requiring a Grant of Variance. It would be adding more square footage to a nonconforming structure. The applicant is allowed to use the property as originally intended by rebuilding within the same footprint and increase it by 200 square feet without requiring a Grant of Variance. Roll call vote was taken: P. Craig—yes; J. Fulcher —no; A. Richardson—yes; P. Leder —yes and D. Johnson —yes, 4 to 1 vote to deny the Variance request. D. Johnson moved and A. Richardson seconded the motion to close the hearing at 12:57 p.m. The motion was carried.

D. Johnson moved and P. Leder seconded the motion to adjourn the meeting at 1:18 p.m. The motion was carried. The Board adjourned.

Debra Giuffre
Recording Secretary
cc: County Clerk