

**WAUPACA COUNTY BOARD OF ADJUSTMENT MEETING  
MINUTES – JULY 20, 2017**

**ON-SITE INSPECTION:** The Board made on-site inspection starting at 8:00 a.m. on the Richard P. & Kay J. Miller property, Town of Little Wolf.

Chair Craig called the meeting to order at 9:15a.m. Roll call was taken with the following members present: P. Craig, A. Richardson, J. Fulcher, P. Leder and D. Johnson, all present.

D. Johnson moved and P. Leder seconded the motion to approve the agenda as presented. The motion was carried.

**PUBLIC HEARINGS:**

The first public hearing was called to order at 9:25 a.m. by Chair Craig to hear the Petition for Grant of Variance for **Richard P. & Kay J. Miller;** Located in part of the SE ¼ of the NW ¼ of Sec. 4, Town of Little Wolf, lying along Miller Lane, Fire Number N7165, Waupaca County, Wisconsin; for an after the fact Petition for Grant of Variance for the construction of an addition to the dwelling and the construction of a shed both being less than the required Shoreland setback in an AE (Agriculture Enterprise) District on approximately 2.44 acres. Roll call was taken with the following members present: P. Craig, A. Richardson, J. Fulcher, P. Leder and D. Johnson, all present. The Board, Ryan Brown, Planning & Zoning Director, and Jeff Henneman, Land Use/Code Enforcement Specialist, made an on-site inspection of the property. Deb Giuffre read the names of persons notified of the hearing. Chair Craig declared the hearing legal and gave the general procedure.

**Richard Miller was sworn in to testify.** Mr. Miller said he remodeled the dwelling and later built a garage. He put up a shed and the shed was damaged, so he replaced it. There is question as to where the shoreline begins and ends. There has been muskrat activity which is decreasing the shoreline.

**Three criteria:** **1) Unique physical limitations;** outlet of the lake has filled in over the years causing the lake level to raise. The setback was at the edge of the trees different than it is now. **2) No harm to the public interests;** no negative impact to environmental or public **3) Unnecessary hardship;** due to extreme change in outlet the water level has changed.

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** noted a letter received from Richard Miller that is hand written dated May 19, 2017 and was given to all Board of Adjustment members. (Letter is on file)

**Jeff Henneman, Land Use/Code Enforcement Specialist,** gave a staff report for an after the fact construction of an addition to the dwelling and the construction of a shed both being less than the required Shoreland setback. Staff recommends denial- For both the addition to the dwelling and the detached garage, the applicant does not establish an unnecessary hardship, unique physical limitations of the proposed project do not exist, and harm to public interest exists.

**WAUPACA COUNTY BOARD OF ADJUSTMENT COMMITTEE MEETING MINUTES –  
JULY 20, 2017**

**Richard Miller came back for rebuttal.** Mr. Miller said the water level and the shoreline has changed over the years. Mr. Miller said there is a buffer area between the shoreline and the structures. The floating bog has not moved.

**Jeff Henneman, Land Use/Code Enforcement Specialist,** explained a floating bog.

Having heard the testimony and considered the evidence presented, the Board finds the following facts related to the addition to the dwelling only; the shed deliberation and public hearing will be continued to another date in order to obtain further information concerning the floating bog from the Department of Natural Resources:

A. Richardson moved and P. Leder seconded the motion to **GRANT** the Petition for Grant of Variance due to the following: The original site plan showed that the house footprint was within the 75 foot setback to the shoreline. They are not getting any closer than the original structure. It doesn't change the footprint at all. The ordinary high water mark put it out of compliance and the shoreline puts it in compliance. There are fluctuating water levels. With the following conditions: This Grant of Variance is for the addition to the dwelling portion only. The applicant must obtain a Shoreland Permit from the Planning & Zoning Office for the addition to the dwelling. (The application fee shall be doubled due to the project being constructed prior to the issuance of a permit.) The applicant must obtain a Building Permit from the local Building Inspector for the addition to the dwelling. Roll call vote was taken: P. Craig—yes; J. Fulcher —yes; A. Richardson—yes; P. Leder —yes and D. Johnson —yes, unanimous vote to grant the Variance request. The motion was carried.

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The second continuation public hearing was called to order at 10:32 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. The Board and Jeff Henneman, Land Use/Code Enforcement Specialist, made an on-site inspection of the property on June 15, 2017. Chair Craig declared the hearing legal and gave the general procedure.

**Jeremy Griesbach** said he is the property owner.

**Jeff Henneman, Land Use/Code Enforcement Specialist,** referenced and read an email from Michelle Staff, DNR, regarding non-conforming structures allowed improvements under the 50% provision and meet other non-conforming floodway provisions. (Email on file)

**Jeremy Griesbach** explained the construction of the gambrel roof with the 50% rule.

**WAUPACA COUNTY BOARD OF ADJUSTMENT COMMITTEE MEETING MINUTES –  
JULY 20, 2017**

A. Richardson moved and D. Johnson seconded the motion to **GRANT** the Petition for Grant of Variance due to the following: The house falls within the setback of the road and is too close to the road right-of-way. It isn't changing the footprint of the house. The house needs a new roof and he is just changing the style of the roof. With the following conditions: The applicant must comply with the Waupaca County Floodplain Ordinance. The applicant must obtain a Shoreland Permit from the Planning & Zoning Office prior to the construction of the gambrel roof. The applicant must obtain a Building Permit from the local Building Inspector prior to the construction of the gambrel roof. Roll call vote was taken: P. Craig—yes; J. Fulcher —yes; A. Richardson—yes; P. Leder —yes and D. Johnson —yes, unanimous vote to grant the Variance request. A. Richardson moved and P. Leder seconded the motion to close the hearing at 10:55. The motion was carried.

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**DISCUSSION/POSSIBLE ACTION:**

- Potential Policy Changes were presented and the Board of Adjustment decided to discuss it further at their next meeting.

A. Richardson moved and P. Leder seconded the motion to adjourn the meeting at 11:55 a.m. The motion was carried. The Board adjourned.

Debra Giuffre  
Recording Secretary

cc: County Clerk