

Board of Adjustment

MINUTES

November 9, 2016

Meeting Called To Order at 1:00 p.m. by Ron Carney, Chairman of the Board of Adjustment.

Members Present: Ron Carney, Chuck Jensen, Tom Clark, Max Hart and Alternates – Larry Blaken and Tom Reid.

Others Present: Terry Schmidt, Zoning Administrator; and Beth Storlie, Secretary for the Board of Adjustment.

Qualifying Questions:

Are you an immediate family member of the petitioner?

No response.

Do you have any business activity or financial interests with the petitioner?

No response.

Have you prejudged the case or do you have a bias in favor or against the petition?

No response.

A Motion by Chuck Jensen, to approve the October 20, 2016 minutes as presented, seconded by Larry Blaken. Motion carried.

NEW BUSINESS:

- **VARIANCE REQUEST # 2016-73** as requested by Al Hawley, owner and Russ Young, applicant on property known as Outlots 12 & 13 of the 1924 Assessors Plat of Outlots to Merrilan located in the SW1/4-SE1/4, Section 22, T23N, R4W, Town of Alma, Jackson County, WI. The request is to allow for a new parcel to be created which will be smaller than the minimum lot standards. This is contrary to Section 18.75 (2) of the Jackson County Subdivision and Platting Ordinance which requires a minimum lot size of 1.5 acres.

Russell Young, applicant, stated that he's interested in purchasing the storage unit building from Al Hawley. He hired Norm Hurlburt to do a survey to separate this building from the remaining parcel where Mr. Hawley has his home as well as a mobile home sited. The survey initially was for the minimum 1.5 acres but they would prefer a smaller parcel that encompass the building and parking areas only. Mr. Young suggested a distance a 15 feet surrounding the building, which means it would be approximately .5 acres in size.

Al Hawley added that his property is in the Town of Alma but very close to the Village of Merrilan limits, just to the west of the bridge crossing over Halls Creek.

Terry Schmidt added that the property has very limited impact from the floodplain and the total acreage of the parcel where the buildings are located is just under 3 acres in size.

Max Hart questioned what the minimum lot standards would be within the village limits? Terry stated the lot size would have a minimum of 9,600 sq. feet in size for a commercial or business use parcel served by public sewer.

- **VARIANCE REQUEST # 2016-74** as requested by Ilka Inc., owner and David Olson, agent on property located in the SE1/4-NW1/4, Section 15, T23N, R5W, Town of Garden Valley, Jackson County, WI. The request is to allow for a single family structure to be built to a height of 38.5 feet. This is contrary to Section 17.28 (2) (f) of the Jackson County Zoning Ordinance which allows for a maximum height of 35 feet or 2 ½ stories.

David Olson, agent for Ilka Inc. stated that the old home has been removed and they are proposing a new home, which will have two bedrooms. They want to do a walk-out basement and originally proposed the staircase to be in the center but have moved it to a side wall. Due this a 42 inch knee wall is needed for the staircase clearance. When they measured the height from walk-out grade, it would exceed the 35 foot maximum.

The committee questioned when the height restriction came into the ordinance and if this was a concern with the local fire department. Terry Schmidt stated that the height restriction has been in the ordinance since its inception and he's not sure why it was written in but added in most cases ordinances mirror other counties ordinances and it was probably in the one that was used as a model for our language.

The committee departed at 1:15 p.m. to complete the site visit. They returned to the courthouse at approximately 2:25 p.m. reconvening to open session and began deliberations and additional discussion.

The committee began discussion with the request by Al Hawley. Terry stated that the total acreage that Mr. Hawley owns is as follows: .95 acres for the sliver piece along Hwy 95, 2.82 acres for the home parcel and 1.92 acres for the wooded parcel to the north totaling 5.96 acres. It is in an unzoned township, the parcels are adjacent to the village limits and has been operating as a business for many years.

A Motion by Tom Reid, to approve variance request # 2016-73 for Al Hawley, seconded by Max Hart. Motion carried 5 - 0.

Terry stated that the proposed home would meet the height restriction if the measurement was taken from the existing grade, but because of the walk-out basement it exceeds that restriction by approximately three feet.

A Motion by Max Hart, to approve variance request # 2016-74 for Ilka Inc., seconded by Tom Clark. Motion carried unanimously.

Old Business:

- Tom Clark inquired on the status of compliance at the Wagler property in the Town of Franklin. Terry stated that he's been told by several individuals that as many as twenty (20) animals have been in the barn. Both Gaylord and Terry have discussed the situation with Kerry Sullivan-Flock, Corporation Counsel. She said that since the Zoning Ordinance is more black and white with its language than the Livestock and Animal Facility Licensing Ordinance that we should use that language for the issuance of citations. Terry added that he had recommended to Mr. Wagler to utilize the new pole shed that he wanted to construct as the barn and he would have been in compliance with the setbacks at that point. There still remains issues with the encroachment to CTH N and the fencing the Mr. Wagler installed as well. Randy Anderson, Highway Commissioner, has sent certified correspondence to him but it was refused, so now it is being served. Terry will keep the Board of Adjustment informed on this situation.

A Motion by Chuck Jensen, to adjourn, seconded by Max Hart. Meeting adjourned at 2:45 p.m.

Minutes respectfully submitted by Elizabeth Storlie, Secretary.