

Board of Adjustment

MINUTES

October 20, 2016

Meeting Called To Order at 9:00 a.m. by Ron Carney, Chairman of the Board of Adjustment.

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

Others Present: Terry Schmidt, Zoning Administrator; and Gaylord Olson II, Land Conservation.

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 August 18, 2016 minutes as presented, seconded by Tom Clark. Motion carried.

NEW BUSINESS:

- **VARIANCE REQUEST # 2016-66** as requested by John R. Severson on property known as Outlot 1 of CSM 3753 located in the SW1/4-SW1/4, Section 5, T24N, R6W, Town of Garfield, Jackson County, WI. The request is to allow for construction of a building on an undersized lot. 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, the outlot size is 0.5 acres.

John Severson said he owns a one acre lot on the west side of CTH G, the outlot is on the east side of the road. It was surveyed out when his mother had her survey done several years ago. It is bordered on US Hwy 10 and CTH G.

Terry added that it is located in the Town of Garfield, which is unzoned and it's not in a shoreland area. Many years ago the Subdivision Ordinance was updated and aligned to the lot standards contained within the Zoning Ordinance and this was how the 1.5 acre minimum lot size came about. Mr. Severson has applied for a Sanitary Permit to serve a bathroom within the shop building.

- **VARIANCE REQUEST # 2016-67** as requested by Gloria and John Ward on property known as Lot 1 of CSM 722 located in the SW1/4-SE1/4, Section 11, T20N, R3W, Town of Manchester, Jackson County, WI. The request is to allow for an addition to the existing home, which will encroach on the highway setback. This is contrary to Section 17.45 (1) (b) of the Jackson County Zoning Ordinance which requires a minimum setback of 110 feet from the centerline of the highway or 50 feet from the right-of-way, whichever is greater.

Gloria Ward said that her parcel has no other place for her to put an addition onto the home except off the front where her deck is located. The septic system is to the west and the parcel is tucked between the highway and railroad.

Terry stated that the lot is .78 acres in size and she is correct that the lot is very limited. The right-of-way is 50 feet on each side and impacts a number of structures along that stretch of US Hwy 12. The home is literally pushed as far back as it can go due to the railroad right-of-way and the septic system takes up all the land area to the west of the home. The proposal is to remove the deck and replace it with a small addition, the addition will only encroach approximately 2-3 feet more than the existing deck.

- **VARIANCE REQUEST # 2016-68** as requested by Nate and Danielle Graham on property known as Lots 2 & 3 of CSM 3848 located in the SE1/4-SE1/4, Section 36, T23N, R6W, Town of Northfield, Jackson County, WI. The request is to allow for existing structures to be utilized for animal confinement when the existing buildings are located within 100 feet to a property line. This is contrary to Section 23.07 (3) (a) of the Jackson County Livestock and Animal Facility Licensing Ordinance which requires a minimum setback of 100 feet from a property line.

Nate Graham said that they are looking to convert an old hog barn into a building for horses. They plan on building stalls and run in for their five horses. Over the years, they've taken in rescue horses nursing them back to health before selling them. The hog barn would have stalls, a tack room, hay storage and a loafing area. His wife, Danielle is a Vet Tech who teaches at Globe University and is responsible for all animal health issues.

Gaylord Olson II stated that he has visited the site with the Grahams. The building was constructed in the early 1990's with a manure storage structure constructed in 1994. There is a small red barn that is directly adjacent to the property line. There cannot be any earthen confinement area directly next to a property line. The animals would have access to an old orchard area, which will be used most of the year as pasture area. The biggest concerns with the property is the property line and slope. The Grahams have a contract with the previous owners to pump the material out of the manure storage structure no later than July 1, 2018. Once the liquids are pumped out, a panel will need to be removed from the structure to prevent liquid accumulation within the structure. The manure transfer system should be

decommissioned to avoid human or animal safety concerns. He would like the board to consider these recommendations as part of any approval and to limit the number of animal units to 22, which would be up to (10) horses and (2) beef steers.

Public comment was received with concern about erosion control when water drains from the manure storage structure.

The committee departed at 9:30 a.m. to complete the site visit. They returned to the courthouse at approximately 11:55 a.m. reconvening to open session and began deliberations and additional discussion.

The committee began discussion with the request by John Severson. Terry feels that they need to meet the highway setbacks for the structure. It is in an unzoned township and the parcels were originally created prior to the Subdivision Ordinance 1.5 acre standard.

A Motion by Chuck Jensen, to approve variance request # 2016-66 for John Severson, seconded by Larry Blaken. Motion carried 5 - 0.

Terry stated that the proposed addition for Gloria Ward is replacing the existing deck that has been there for a very long time. There just isn't any other place to build on this parcel.

A Motion by Larry Blaken, to approve variance request # 2016-67 for Gloria and John Ward, seconded by Tom Reid. Motion carried unanimously.

Gaylord Olson II shared his recommendations if approval is to be granted for the Graham property to allow a confinement structure within 100 feet to a property. They included the following:

1. Limit the number of animal units to a maximum of 22 and to be species specific, (10) horses and (2) beef steers as this will stay with the property. His concern is if in the future the property is sold, with 22 units that could mean 22 steers and that could be an environmental hazard with the manure flowing to the neighboring property.
2. No earthen feedlot areas are allowed near the property line or in areas that allow the runoff to drain onto neighboring properties.
3. The manure storage structure must be emptied and the liquids applied to fields according to Nutrient Management Plan guidelines. The storage structure should be emptied no later than June 30, 2018. A panel should be removed to eliminate water accumulation within the structure.
4. The manure storage transfer system need to be closed with guidance from the Jackson County Land Conservation Department with closure to be completed by October 31, 2018.
5. A Jackson County Livestock and Animal Facility License needs to be obtained from the Land Conservation Department within two weeks of the Board of Adjustment approval letter receipt.

A Motion by Chuck Jensen, to approve variance request # 2016-68 for Nate and Danielle Graham with the stipulation that all the environmental standards or recommendations from Jackson County Land Conservation are met and the allowed species of animals to be located are (10) horses and (2) beef steers totaling a maximum of 22 animal units, seconded by Larry Blaken. Motion carried unanimously.

A Motion by Chuck Jensen, to adjourn. Meeting adjourned at 12:15 p.m.

Minutes respectfully submitted by Elizabeth Storlie, Secretary.