



# DOUGLAS COUNTY

## Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206  
Superior, WI 54880

**Stephen Rannenberg**  
Administrator

**Keith Wiley**  
Assistant Administrator

**Zach DeVoe**  
Land Information Officer

July 9, 2018

### DOUGLAS COUNTY BOARD OF ADJUSTMENT

**Wednesday, July, 25, 2018 @ 10:00 a.m.**

Government Center, 1316 North 14<sup>th</sup> Street, Rm 201, Superior, Wisconsin 54880

Please call the Chair or the Planning & Zoning Office (715-395-1380) if you cannot attend.

MEMBERS: Douglas Hanson, Chair                      Larry Luostari  
                 Roger Wilson, Vice Chair                      Gary Saari                      Lawrence Kappes

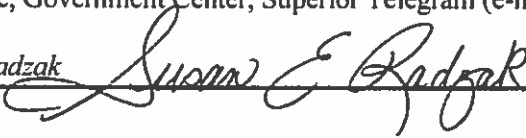
#### Agenda

(Board to maintain a two-hour meeting limit or take action to continue meeting beyond that time.)

- 1) Roll Call.
- 2) Announcement.
- 3) Public Hearing (hearing notice and application attached):
  - a. #18-06: Thomas Miner - area variance.
- 4) Approval of minutes from the June 27, 2018 hearing (attached).
- 5) Future Agenda Items.
- 6) Adjourn.

cc: Towns with applications  
ecopy: County Board Supervisors                      Ann Doucette, Interim Administrator  
                 Carolyn Pierce, Corp Counsel                      Sue Sandvick, County Clerk  
                 [snelson@superiortelegram.com](mailto:snelson@superiortelegram.com)                      [thecommunitychannel@yahoo.com](mailto:thecommunitychannel@yahoo.com)                      Other interested parties

Attachments to agenda are available in the Planning & Zoning Office and on the Douglas County website ([www.douglascountywi.org](http://www.douglascountywi.org)) for review or copying. A map of the subject property is available in accordance with WI Statutes 59.69 (5) (a). Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521. Posted – Courthouse, Government Center, Superior Telegram (e-mailed), DC Website

Name *Susan E. Radzak*  Date 07-09-18

PUBLIC NOTICE  
DOUGLAS COUNTY  
BOARD OF ADJUSTMENT

Notice is hereby given that a Public Hearing will be held by the Douglas County Board of Adjustment at **10:00 a.m., Wednesday, July 25, 2018** in the Government Center, Second Floor, Room 201, 1316 North 14<sup>th</sup> Street, Superior, Wisconsin, to hear the following applications:

#18-06 Thomas Miner, Superior, WI - area variance to replace an existing garage within the minimum setback requirement of a town road, located in Pt SW1/4-NE1/4, Lot 2 of CSM #1302, Vol 10, Pgs 27-28, Section 12, T46N-R14W, (4596E Tri Lakes Road; SU-028-01511-00), Town of Summit.

Doug Hanson, Chairman  
Steve Rannenberg, Planning & Zoning Administrator

If you have any comments on these items, let the Planning & Zoning Office know in writing prior to the meeting, or appear at the Public Hearing. Planning & Zoning Office, 1313 Belknap St., Rm. 206, Superior, WI 54880 (715-395-1380). Action may be taken on any item listed on the public hearing.

In accordance with WI Statutes 59.69 (5)(a), attachments to public hearing notice and maps of subject properties are available for review in the Planning & Zoning Office, or at [www.douglascountywi.org](http://www.douglascountywi.org).

The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521.

ST July 6 & 13, 2018

**Thomas Miner**  
Lot 2, CSM #1302, Vol 10, Pgs 27-28  
Pt SW1/4-NE1/4  
Section 12, T46N-R14W  
Town of Summit

Area Variance #18-06  
Hearing Date: July 25, 2018

**The applicant or appellant proposes:** area variance to replace an existing garage within the minimum setback requirement of a town road

**The applicant or appellant requests:** an area variance from: 8.0 Zoning Ordinance, Section IV, 4.2, 1. (c) (attached)

**Permit History:**

None

A. Unnecessary hardship  is  is not present and the hardship  is  is not due to physical limitation of the property rather than the circumstances of the appellant because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. The variance  will  will not be contrary to the public interest as expressed by the objectives of the ordinance because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. The variance requested is  denied  granted  granted-in-part subject to the following conditions: \_\_\_\_\_

\_\_\_\_\_

Voting Member: \_\_\_\_\_

The Unincorporated Village District shall encompass:

1. Those lands within the Towns of Brule, Gordon, Parkland, Solon Springs and Superior whose boundaries are delineated on the orders creating their respective sanitary districts under the provisions of Ch. 60.3, Wis. Stats., and on file with the Register of Deeds Office; and
2. Those lands with a public Inland Lake Protection and Rehabilitation District whose boundaries are delineated on the orders creating their respective district under the provision of Ch. 33, Wis. Stats. and on file with the Register of Deeds Office.

#### SECTION IV. REGULATIONS

##### 4.1 Application of Regulations

The use of any land or water, the size, shape and placement of lots; the use, size, height, type, and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the "Official Zoning Map, Douglas County, Wisconsin," and in the text of this ordinance.

##### 4.2 Standard District Regulations

1. Setback Requirements on Highways and Roads
  - (a) All state and U.S. numbered highways are hereby designated Class A highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in effect in the county shall be 130 feet from the centerline of the highway (State or U.S.) or 66 feet from the right-of-way line, whichever is greater.
  - (b) All county trunk highways not otherwise designated as Class A highways are hereby designated Class B highways. The setback for Class B highways and for roads designated as arterial roads on official maps in effect in the county shall be 75 feet from the centerline of such highway (County Trunk Highway) or 42 feet from the right-of-way line whichever is greater.
  - (c) All town roads not otherwise designated Class A or Class B highways are hereby designated Class C highways. The setback for Class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the county shall be 63 feet from the centerline of the highway (Town Road) or 30 feet from the right-of-way line, whichever is greater.
  - (d) A setback equal to the average setback of existing principal buildings located within 500 feet of a proposed building site and on the same side of the street shall be permitted where these buildings do not

**APPLICATION FOR VARIANCE**

NO. 2018-6

**PLEASE NOTE:** You should contact your Town Board chairman and attend your local Town Meeting to present your proposed plans to the Planning Commission and/or Town Board prior to the County Board of Adjustment's public hearing. Failure to do so could result in delay or denial of your request. The Board will request input from the Town.

Date of application: June 19, 2018

Hearing Date: July 25, 2018

Property Owner's Name: Thomas R. Miner

Mailing Address: 4596 E. Tri Lakes Rd, State, Zip Superior WI 54880

Telephone: 218-390-2580 E-mail Address: tminer86@gmail.com

**PROPERTY DESCRIPTION:** Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: SU-028-01511-00 Section 12 Town 46 N Range 14 W

Town of: Summit Parcel Acreage or Size: 250975sq. FT ± 0.6 Ac

Property Address: 4596 E Tri Lakes Rd, Superior WI 54880

Legal Description: LOT 2, LSM # 1302, Vol 10, pgs 27-28, Pt SW NE

Water Body: Amnicon Lake Wetlands:  Yes  No

Zone District: RR-1 Floodplain:  Yes  No

Present improvements on property (describe all existing structures): One 30'x30' House with 2 1/2 sides of deck. One shed by lake. One existing 60+ year old small garage. Septic holding tank on North side of house

Proposed Improvements: Demolish and tear down existing old garage. Build new 30'x30' garage in place of old garage. One level 8 ft. walls, 5/12 pitch roof.

Lakeshore setback requested 118'L, 83'R feet from the OHWM of Amnicon Lake (waterbody)

Lot line setback requested 16'2" Back 8'10" Frt feet from EAST Neighbor

Road setback requested 48'L, 47'R feet from the centerline of Tri Lakes Rd (road/highway)

Other request: \_\_\_\_\_

<b>Decision:</b>				
Date:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions	<input type="checkbox"/> Denied	<input type="checkbox"/> Split (see Decision Sheet)
Notes:				

To qualify for a variance, you must meet all three requirements of a three-step test:

Explain in detail how the proposal meets all three approval criteria. (See attached instructions for definition and explanation of what this should describe.)

"None of my proposed plans would affect any water distance guidelines"

STEP 1. What unnecessary hardship will result from the strict application of the Counties ordinance requirement?

I have a large tree that would have to be removed or partially cut down if we followed all required setbacks.

If following all ordinance guidelines from the Road Centerline it would put the new garage structure at a very unsafe distance to the natural run off creek that runs through the property and possibly ruin foundation of any structure. By moving back 15 to 18 more <sup>feet</sup> and 30 FT wide when yards are very hard to come by on Lake property, would be very degrading of the property and lose a lot of value to it, when I'm trying to

STEP 2. The hardship described in step 1 above is due to what unique physical limitations of the property?

By the natural run off that has to run through the East side of the property possibly causing erosion near any close structures. improve the property.

Cutting a large mature tree down would a horrible thing to have to do that took hundreds of years to grow not to mention the beauty and privacy that comes with it.

lastly, losing all the yard that would be taken would definitely lower the value of house

STEP 3. If a variance were granted would it cause harm to the public's interest? YES  NO  Explain below:

My old garage has been in the same location since the early 1960s and has not been a hinderance or in any way harmful to public interest. I have presented my plans to my neighbors and township community and have had no negative concerns and are good with my plans.

Owner or Representative Signature

*James R. Muen*

Date Signed

6/19/18

By signing this application, I give my/our permission to allow a site inspection to be made of the site by the Zoning Office, and/or Board of Adjustment members and allow photographs to be taken if necessary. To the best of my knowledge the information provided is true and accurate.

**IMPORTANT:**

Approval of this variance does not grant permission to commence development until all permits are issued and conditions or requirements are satisfied.

Type	Amount	Vendor #	Date Paid	Receipt #
Variance	\$ 475.00	1837988	06-24-2018	13259
After-the-Fact Variance	\$ 950.00			

Property Address 4596 E. TRI LAKES RD.  
Tax Parcel ID MINER

Town of SUMMIT  
Date June 19, 2018

North

Variance Application Sketch

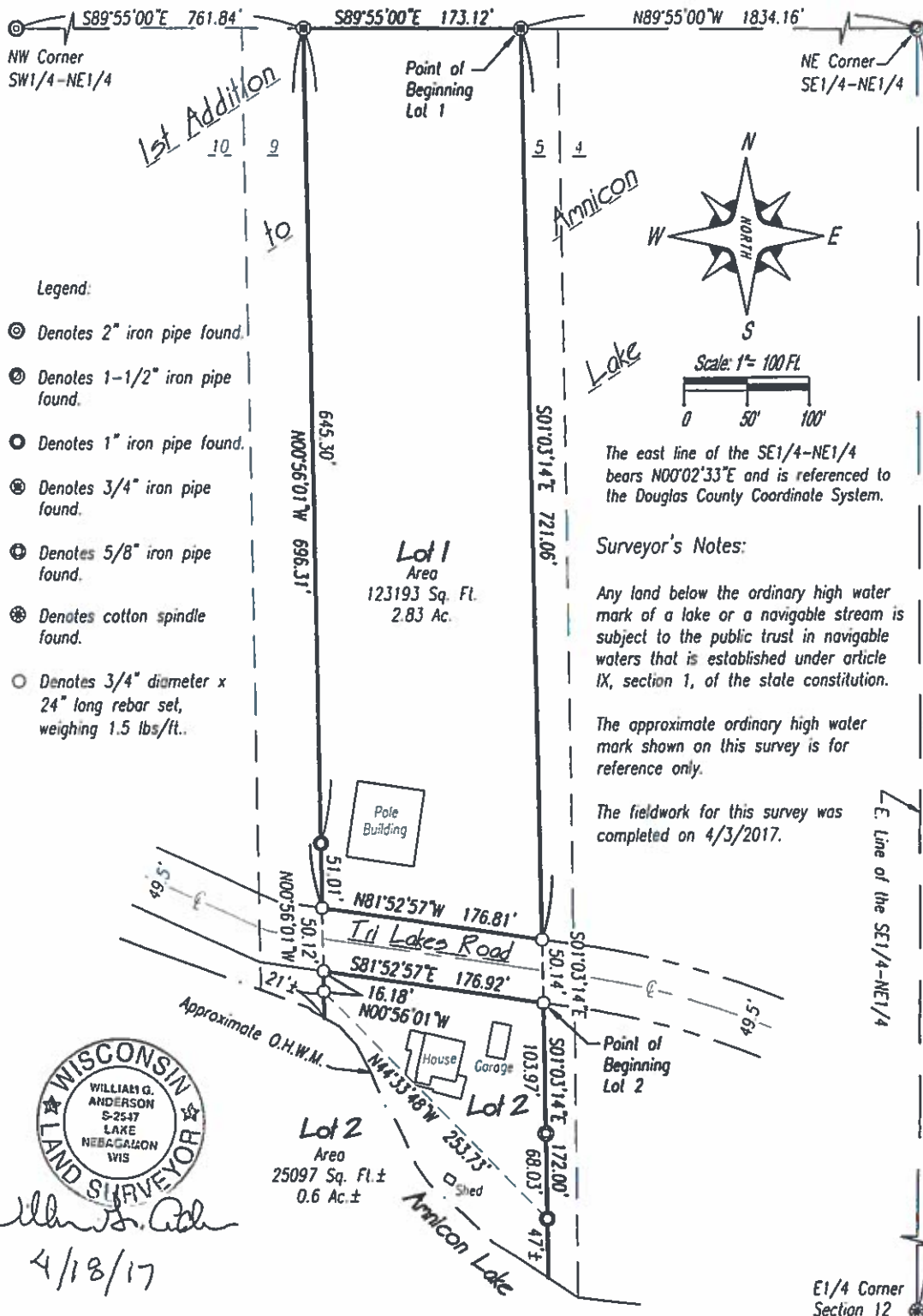
NEW STRUCTURE/GARAGE 30'x30'



Comerstone Surveying and Mapping, Inc.  
 6637 South Woodland Trail  
 Lake Nebagamon, WI 54849  
 715-374-2331 218-393-9728

# Certified Survey Map No. 1302

The W1/2 Lot 5 and Lots 6-8, First Addition to Amnicon Lake  
 Located in part of the Southwest Quarter of the Northeast Quarter  
 Section 12, Township 46 North, Range 14 West  
 Town of Summit, Douglas County, Wisconsin



- Legend:
- ⊙ Denotes 2" iron pipe found.
  - ⊕ Denotes 1-1/2" iron pipe found.
  - Denotes 1" iron pipe found.
  - ⊗ Denotes 3/4" iron pipe found.
  - ⊕ Denotes 5/8" iron pipe found.
  - ⊗ Denotes cotton spindle found.
  - Denotes 3/4" diameter x 24" long rebar set, weighing 1.5 lbs/ft..



The east line of the SE1/4-NE1/4 bears N00°02'33"E and is referenced to the Douglas County Coordinate System.

**Surveyor's Notes:**

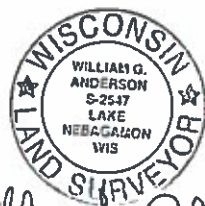
Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

The approximate ordinary high water mark shown on this survey is for reference only.

The fieldwork for this survey was completed on 4/3/2017.

Volume 10 Pages 27-28  
 N00°02'33"E 1324.70'

E. Line of the SE1/4-NE1/4



*William G. Anderson*  
 4/18/17

E1/4 Corner Section 12





MAP PRODUCED BY SHELLY WISNIEWSKI  
DOUGLAS COUNTY ZONING  
LINES AND DIMENSIONS ARE APPROXIMATE

VAR 2018-6 - Miner, Thomas R  
30' x 30' garage; setback from Tri Lakes Rd

Map Printed: 6/27/2018 N  
1 in = 50 ft





MAP PRODUCED BY SHELLY WISNIEWSKI  
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

**VAR 2018-6 - Miner, Thomas R**  
**30' x 30' garage; setback from Tri Lakes Rd**

Map Printed: 6/27/2018

1 in = 1,000 ft



**DOUGLAS COUNTY BOARD OF ADJUSTMENT**  
**Wednesday, June 27, 2018, 10:00 a.m., Government Center Board Room**  
**1316 North 14<sup>th</sup> Street, Superior, Wisconsin**

Meeting called to order by Vice Chair Roger Wilson.

**ROLL CALL:** Present – Larry Luostari, Gary Saari, Dale Johnson, Roger Wilson, Larry Kappes (Alt.). Absent – Douglas Hanson. Others present - Steve Rannenber, Stanley L. Goldade, Joelle B. Goldade, Pamela Tafelski (Committee Clerk).

**ANNOUNCEMENT:** Role and conduct of the Board read.

**PUBLIC HEARING:**

**18-05) Stanley L & Joelle B Goldade**, Breckenridge, MN - area variance to construct two decks within the minimum setback requirement of Beauregard Lake, located in Lot 24 of Beauregard Beach 1<sup>st</sup> Addition, Section 35, T45N-R10W, (HI-016-01227-00; 13811 E Fire Tower Court), Town of Highland.

**ACTION:** Motion by Johnson, second Luostari, to hear application. Motion carried.

Applicants present. Proposed decks would accommodate larger area for deck furniture and related outdoor living items, but would exceed the allowed 200 square feet. Drawings of other deck options distributed by applicant.

**ACTION:** Motion by Johnson, second Kappes, to deny application request because unnecessary hardship is not present and the hardship is not due to physical limitation of the property rather than the circumstances of the appellant because the applicant has reasonable use of property, proposed deck would infringe on setback requirements, and viable options are available. The variance will be contrary to the public interest as expressed by the objectives of the ordinance because of setbacks limits and will increase runoff. Roll call vote taken with 5 – Yes, 0 – No. Motion carried. The variance request is denied.

*Public hearing adjourned at 10:27 a.m.*

**FUTURE AGENDA ITEMS:** No applications for July.

**APPROVAL OF MINUTES:** Motion by Johnson, second Luostari, to approve May 23, 2018, minutes. Motion carried.

**ADJOURNMENT:** Motion by Kappes, second Saari, to adjourn. Motion carried. Meeting adjourned at 10:38 a.m.

Submitted by,

Pamela Tafelski  
Committee Clerk