

**DOUGLAS COUNTY BOARD OF ADJUSTMENT**  
**Wednesday, February 23, 2022, 10:00 a.m., Government Center Board Room 201**  
**1316 North 14<sup>th</sup> Street, Superior, Wisconsin**

Meeting called to order by Chair Bob Martin.

**ROLL CALL:** Present – Bob Martin, Sam Jones, Gary Saari. Absent – Larry Kappes, Larry Luostari. Others present – Terri Luebbe, Robin Schaffer, Marissa Hanson, Carrie Hammond, Jason Hammond, Maria Letsos, Ryan Mears, Stacy Brooks (remote), Kevin Yoder (remote), Jo Yoder (remote), Kaci Jo Lundgren (Committee Clerk).

**ANNOUNCEMENT/CONFIRMATION OF PROCEDURAL REQUIREMENTS:** Role and conduct of the Board and confirmation read. The Zoning Office confirms that state law and Douglas County Ordinance procedural requirements for this hearing have been met. This includes proper advertisement and notification to the towns and adjoining property owners.

**PUBLIC HEARING:**

**#21-08: Stacy Brooks, Austin, NV – Area Variance to allow for a a) relocation of a legal pre-existing principal structure that is within the minimum setback requirement (less than 35 feet) of the ordinary high water mark of Upper St. Croix Lake; and b) a landward addition that is within the minimum setback requirement of the ordinary high water mark of Upper St. Croix Lake and within the town road setback, which is 63 feet from the centerline or 30 feet from the right of way line, whichever is greater; Lots 3-5, Blk 29, St Croix Beach, Section 18, T45N-R11W; (SO-026-01686-00, 10794 S Tracy Rd), Town of Solon Springs.**

Applicant present remotely. No objections from Town of Solon Springs. North boundary line of parcel is eroding and causing water runoff under principal structure. Intent is to move structure 7 feet and place foundation underneath.

**ACTION:** Motion by Jones, second Saari, to approve first part of application (relocation of a legal pre-existing principal structure that is within the minimum setback requirement of the ordinary high water mark), as it will not change the distance from the lake, with use of best soil conservation practices while in construction phase. Roll call vote taken and passed with 3 – Yes, 0 – No, 2 – Absent. Absent – Kappes, Luostari.

Addition to structure is closer to road by 8 feet; no closer to lake. Impervious surface mitigation should address runoff concerns.

**ACTION:** Motion by Jones, second Saari, to approve second part of application (a landward addition that is within the minimum setback requirement of the ordinary high water mark and within the town road setback), with requirement of impervious surface mitigation to be reviewed by Land Conservation and Zoning Departments. Roll call vote taken and passed with 3 – Yes, 0 – No, 2 – Absent. Absent – Kappes, Luostari.

**#21-09: Eleanor & David Baldwin, Solana Beach, CA – Area Variance to allow for a three-tier retaining wall within the shoreland setback area of Whitefish Lake; Lot 2 CSM 1348 Vol 10 Pgs 133-134, Pt Govt Lot 1, Section 4, T43N-R12W; (WA-032-00879-00, 8356 E Benson Rd), Town of Wascott.**

Applicant representatives remote; construction representatives present. No objections from Town of Wascott. Current, single retaining wall is cracked and will collapse. Concerns include safety and erosion due to steep slope, failed wall, and exposed tree roots. Review by engineer and construction professionals indicate only replacing current wall will not fix problem and will fail again; addition of two retaining walls will relieve pressure on single wall to delay slope failure.

Letter from DNR read aloud indicates opinion that property is not eroding and construction on embankment will disrupt vegetation and wildlife; property owners and construction professionals dispute claim.

**ACTION:** Motion by Jones, second Saari, to approve application with submission of entire construction plans to include shoreland mitigation for erosion control to Land Conservation and Zoning Departments for review. Roll call vote taken and failed with 1 – Yes, 2 – No, 2 – Absent. Voting no – Saari, Martin. Absent – Kappes, Luostari.

Further discussion revealed additional plans of drainage system and construction not included in application; cannot make decision based on what is presented. Additional information with complete construction plans needed.

**ACTION:** Motion by Jones, second Saari, to refer application to future meeting to allow submission of entire construction and engineering plans, to be reviewed by Land Conservation and Zoning Departments prior to meeting. Roll call vote taken and passed with 3 – Yes, 0 – No, 2 – Absent. Absent – Kappes, Luostari.

**#21-11: Belknap Street Properties, LLC, Superior, WI – Area Variance to allow for a garage to be converted to a dwelling that does not meet the side lot line setback of the RR-1 zone district for a principal structure, which is 10 feet, within the town road setback, which is 63 feet from the centerline or 30 feet from the right of way line, whichever is greater, and within the front lot line setback of the RR-1 zone district, which is 30 feet; Lot 22, Lewis-McNaughton Subdivision, Section 7, T46N-R13W; (OA-022-01002-00, 4775 E Tri Lakes Rd), Town of Oakland.**

Applicant present. No objections from Town of Oakland. Previous owner began construction above garage to make structure habitable, which was not a condition of permit. Current owner will not exceed current footprint; seeking approval to make structure habitable. Sanitary application and review required for obtaining land use permit.

**ACTION:** Motion by Saari, second Martin, to extend meeting beyond two-hour limit. Motion carried.

**ACTION:** Motion by Martin, second Jones, to approve application as structure already exists and will not encroach any further on any set backs. Roll call vote taken and passed with 2 – Yes, 1 – No, 2 – Absent. Voting no – Saari. Absent – Kappes, Luostari.

*Public hearing adjourned at 12:03 p.m.*

**APPROVAL OF MINUTES:** Motion by Jones, second Saari, to approve December 15, 2021, minutes. Motion carried.

**ADJOURNMENT:** Motion by Saari, second Jones, to adjourn. Motion carried. Meeting adjourned at 12:04 p.m.

Submitted by,

Kaci Jo Lundgren  
Committee Clerk