

# AGENDA

BOARD OF ADJUSTMENT Monday, November 20<sup>th</sup>, 2023 at 10:30 a.m. Room 54 at the Dunn County Government Center 3001 US Hwy 12 E., Menomonie, Wisconsin

CALL TO ORDER

**ROLL CALL** 

### **APPROVAL OF MINUTES**

### **PUBLIC HEARINGS**

- 1. Variance to reduce highway/front yard setback pursuant to § 14.06(4)(b)(3) for Eau Galle Saloon, owners Dennis Smith & Karl Kurth.
- Variance to reduce highway/front yard setback pursuant to § 14.06(4)(b)(3) for Farmers Store LLC., Steve Olson.
- 3. **Conditional Use Modification** to modify existing permit CUP-23-005 to expand acreage of non-farm residential parcel pursuant to § 13.5.0.08 and § 13.2.6.06(o) for Clayton U. Olson.

### **BUSINESS ITEMS**

- 1. Variance –to reduce highway/front yard setback pursuant to § 14.06(4)(b)(3) for Eau Galle Saloon, owners Dennis Smith & Karl Kurth.
- 2. Variance –to reduce highway/front yard setback pursuant to § 14.06(4)(b)(3) for Farmers Store LLC., Steve Olson.
- 3. **Conditional Use Modification** request to modify existing permit CUP-23-005 to expand acreage of non-farm residential parcel pursuant to § 13.5.0.08 and § 13.2.6.06(o) for Clayton U. Olson.

### **ANNOUNCEMENTS & CORRESPONDENCE**

### DATE OF NEXT MEETING - MONDAY, DECEMBER 18TH, 2023

### ADJOURN

Persons needing assistance in accessing the meeting, please call (715) 231-6505. Maps and supporting documents are on file and available for inspection at the Environmental Services Department, Planning & Zoning Division, located at 3001 US Hwy 12 East, Suite 240, Menomonie, Wisconsin, or on Dunn County's website at www.co.dunn.wi.us

# COUNTY OF DUNN MENOMONIE, WISCONSIN MINUTES

# Minutes of the Meeting of the Dunn County Board of Adjustment. Held on September 18, 2023, in the Government Center, Room 54

# DRAFT

1. Call to Order. Chairperson Dietsche called the meeting to order.

**2. Roll Call.** Present were Mark Dietsche (Chairperson), Crystal Halvorson, Jill Noreen, Jerry Porter, and David Bartlett. Quorum confirmed.

**3. Announcement of Proceedings.** Chairperson Dietsche read the role of the Zoning Board and hearing procedures.

**4. Approval of Minutes**. Bartlett made a motion to approve the August 21, 2023 meeting minutes as distributed. Seconded by Halvorson. All in favor. Motion carried.

# Public Comment. None.

**5.** Public Hearings. 1. CUP-23-007 Northern States Power Company. Anne Wodarczyk, County Planner/ Zoning Administrator provided a summary of the Northern States Power Company conditional use permit request for a work site and outdoor storage yard for materials and construction equipment involved in a project to replace wooden poles/structures with steel and concrete piers along an overhead electrical transmission line between the cities of Hudson and Eau Claire, Wisconsin. Discussion between Board and Wodarczyk. The applicant did not speak. No public comment related to this hearing. Public hearing closed at 10:49am. Noreen made a motion to approve the request with the five conditions listed in the report. Seconded by Halvorson. All in favor. Motion carried.

# 6. Business Items.

**A. Elect Chairperson for the next year.** David Bartlett was nominated by Jill Noreen. Crystal Halvorson was nominated by David Bartlett. David Bartlett did not accept the nomination. Bartlett made a motion to elect Crystal Halvorson as Chairperson. Seconded by Noreen. All in favor. Motion carried.

**B. Elect Vice-Chairperson for the next year.** David Bartlett was nominated by Jill Noreen. Halvorson made a motion to elect David Bartlett as Vice-Chairperson. Seconded by Noreen. All in favor. Motion carried.

**C. Elect Secretary for the next year.** Gerald Porter was nominated by Crystal Halvorson. Bartlett made a motion to elect Gerald Porter as Secretary. Seconded by Noreen. All in favor. Motion carried.

**7. Announcements. A. Message from Dunn County Board Chairperson McCullough.** Wodarczyk read an email from County Board Chairperson McCullough addressing the status of alternate members for the Board of Adjustment. An update was provided by Wodarczyk on the upcoming multi-county Board of Adjustment training workshop.

8. Future Meeting Date and Any Agenda Items: Monday, October 16, 2023 at 10:30am.

**9. Adjournment.** There being no further business, Chairperson Dietsche declared the meeting adjourned at 11:32am after a motion by Bartlett.

Page 2 of 2 September 18, 2023 Board of Adjustment

> Respectfully submitted, Tracie Albrightson Recording Secretary

# **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Adjustment for the County of Dunn will conduct three public hearings on November 20th, 2023 at 10:30 am in room 54 at the Dunn County Government Center located at 3001 US Highway 12E., Menomonie, Wisconsin. The following items will be considered:

### 1. Hearing for Variance VAR-23-001

Applicant(s): Eau Galle Saloon, owners Dennis Smith & Karl Kurth. Request: Area variance to reduce the highway/front yard setback required by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (tavern). Physical Address: N385 and N383 County Road D. Location: The E½ of Lot 10 of Block 6, the W½ of Lots 9 and 10 of Block 6, and the West 66 feet of the N½ of Lot 8 of Block 6, all located in the plat of the Village of Eau Galle, Town of Eau Galle, Dunn County, Wisconsin.

### 2. Hearing for Variance VAR-23-002

Applicant: Farmers Store LLC (Steve Olson). Request: Area variance to reduce the highway/front yard setback required by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (car dealership). Physical Address: N13409 County Road I. Location: Lot 3 of Block A and extending from the West end of Lot 3 to the Red Cedar River; Lot 4 of Block A and the North 47 feet of Lot 5 of Block A; That part of the NW¼ of the SW¼ of Section 13, Township 31 North, Range 11 West, bounded as follows: On the North by the North line of said Lot 4 of Block A, extended Westerly; on the South by the South line of the North 47 feet of said Lot 5 of Block A, extended Westerly; on the East by the West line of Block A; and on the West by the Red Cedar River; The South 3 feet of Lot 5 of Block A, Lot 6 of Block A EXCEPT the South 3 feet of the East 80 feet thereof; The North 17 feet of Lot 7 of Block A, except the East 80 feet thereof, all located in the plat of the Village of Sand Creek, Town of Sand Creek, Dunn County, Wisconsin.

### 3. Hearing for Conditional Use Modification CUP-23-005

Applicant: Clayton U. Olson. Request: Modification of Conditional Use permit to expand nonfarm parcel from 1 acre to 1 ½ acres. Parent Parcel ID: 1701023011354100001. Location: Part of the NE¼ of the SE¼ of Section 35, Township 30 North, Range 11 West, Town of Grant, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Southeast Corner of said Section 35; Thence N13°23'57"W, a distance of 2111.38 feet, to the POINT OF BEGINNING; Thence N72°30'28"W, a distance of 282.56 feet; Thence N17°18'30"E, a distance of 236.67 feet; Thence S70°59'33"E, a distance of 278.53 feet; Thence S16°16'14"W, a distance of 229.35 feet to the point of beginning.

This is the only opportunity to address the Board regarding these requests, as such interested persons are invited to attend said hearing and be heard. Persons unable to attend the meeting may submit written comments via email to <u>publiccomment@co.dunn.wi.us</u>. Persons needing assistance in accessing the meeting, please call (715) 231-6505. Maps and supporting documents are on file and available for inspection at the Environmental Services Department, Planning & Zoning Division, located at 3001 US Hwy 12 East, Suite 240, Menomonie, Wisconsin, or on Dunn County's website at <u>www.co.dunn.wi.us</u>

FOR NEWSPAPER ONLY: To be published on November 1 & November 8, 2023.



Hearing Date: November 20th, 2023

### **PREPARED FOR**

Dunn County Board of Adjustment

### **PREPARED BY**

Anne Wodarczyk, Dunn County Planner/Zoning Administrator

### **APPLICANT**

Dennis Smith and Karl Kurth, Eau Galle Saloon

# **Application Information**

Reference Number	VAR-23-001
Applicant/Property Owner	Eau Galle Saloon, Dennis Smith and Karl Kurth
Agent	Paul Unser
Site Address	N383 County Road "D"
Town	Eau Galle
Parent Parcel Identification Number(s)	1700322614312300014
Current Zoning	None
Adjacent Zoning	None
Current Land Use	Commercial
Adjacent Land Use	Commercial and Residential
Overlay Districts	Shoreland Zoning
Watershed	Eau Galle River
Waterbody	Lake Eau Galle

# **List of Exhibits**

#	Exhibit	Brief Description
1	Staff Report	Application information,applicable standards, decision worksheet, and suggested conditions
2	Proof of Publication	Proof provided by newspaper
За	Variance Application	Variance Application and written brief submitted by applicant/agent
Зb	Shoreland Application	Shoreland Zoning Permit Application
4	Reference Maps	Aerial maps, Google Earth
5	Photos	Site photos taken by Dunn County staff
6	Correspondence	Correspondence from Outside Agencies

# Notice

A Class II notice, as per Ch. 985 Wis. Stats., was published in the Dunn County News on both November 1st and November 8th, 2023. This notice served to establish a public hearing on November 20th, 2023, scheduled during the Dunn County Board of Adjustment meeting, commencing at 10:30 AM in room 54 at the Dunn County Government Center, located at 3001 US Hwy 12 E., Menomonie, Wisconsin<sup>1</sup>.

To ensure comprehensive notification, neighbors residing within a 300-foot radius of the subject property were informed of the hearing via first-class mail. Additionally, the Town of Eau Galle, Dunn County Highway Department, and Wisconsin Department of Natural Resources were provided with a notice of the public hearing and a formal request for their recommendation on the matter.

# Introduction

Eau Galle Saloon, represented by Dennis Smith, Karl Kurth, and agent Paul Unser, has submitted a variance application seeking relief from the highway/front yard setback requirement outlined in § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning Ordinance. This regulation mandates structures to be positioned at least 50 feet from the right-of-way along County Highway "D", designated as a Class "C" County Highway. The applicant is requesting that the highway/front yard setback be reduced to be no closer to the right of way than the front of the existing building<sup>2</sup>.

# Site Description

While not subject to County Comprehensive Zoning, the subject property falls within the Shoreland Zoning overlay district. Located in Eau Galle, the commercial property consists of two parcels totaling approximately 16,800 square feet with frontage along County Highway "D" to the north and a private road to the west. Presently, the subject property features a principal structure categorized as "legally nonconforming," indicating legal construction but non-compliance with current Dunn County Shoreland Zoning ordinance requirements, notably the 50-foot front yard/road right-of-way setback from County Highway "D".

<sup>&</sup>lt;sup>1</sup> See exhibit 2: Proof of Publication

<sup>&</sup>lt;sup>2</sup> See exhibit 3: Application

# Background

Situated in the unincorporated village of Eau Galle within the Town of Eau Galle, the subject of this variance request is the Eau Galle Saloon, currently housed in an approximately 2,500 square foot building.

The applicant asserts that the Eau Galle Saloon, a commercial establishment, has surpassed its current capacity to adequately cater to food service, staff, larger gatherings, and regular customers. To serve the Eau Galle community, an expansion is deemed necessary. Consequently, the applicant seeks approval to continue operations at its existing location, necessitating relief from the specified setback requirement<sup>3</sup>.

# **County Zoning and Shoreland Zoning**

Wisconsin statutes delineate shorelands as areas within 1,000 feet of the ordinary high-water mark (OHWM) of a navigable lake, pond, or flowage, and lands within 300 feet or within the floodplain of a navigable river or stream, whichever distance is greater.

Governed by state administrative rule NR 115, these statutes establish minimum standards for local ordinances. Counties are mandated by the state to adopt and enforce development standards for shorelands in unincorporated areas, referring to regions outside cities and villages. Unlike general county zoning, towns do not have the option to opt out of county shoreland zoning.

The subject property, located within the Town of Eau Galle, operates under a unique



zoning scenario. Unlike the majority of Towns in Dunn County, the Town of Eau Galle is not under the jurisdiction of the County's Comprehensive Zoning Ordinance. However, due to its proximity to Lake Eau Galle, a significant natural waterbody, the Town falls within the scope of the County's Shoreland Zoning Ordinance.

<sup>&</sup>lt;sup>3</sup> See exhibit 3: Application

**Shoreland Zoning Ordinance**: The County's Shoreland Zoning Ordinance is a specific set of regulations designed to manage development and land use activities along the shoreland areas of lakes and rivers. These regulations are in place to safeguard the ecological integrity of these sensitive zones, ensuring the protection of water quality, natural habitats, and scenic beauty.

**Town's Autonomy in Zoning Matters:** While the Town of Eau Galle operates independently concerning general zoning regulations, the County's Shoreland Zoning Ordinance extends its jurisdiction to shoreland areas within the Town's boundaries. This

means that properties, including the subject property, located near Lake Eau Galle are subject to the County's Shoreland Zoning regulations, even if the Town does not have its own comprehensive zoning ordinance.

Lake Eau Galle: Lake Eau Galle is a 360-acre reservoir formed by the convergence of the north-to-south flowing Eau Galle River. This body of water, created through the construction of a dam, obstructs the natural course of the Eau Galle River, resulting in the accumulation of water to form Lake Eau Galle.

Significance of Shoreland Zoning for the Subject Property: Although the subject property is located approximately 500 feet away and not directly located on the shore of Lake Eau Galle, it still falls within



the jurisdiction of the County's Shoreland Zoning Ordinance which entails adherence to specific guidelines related to setbacks, impervious surfaces, stormwater management, and preservation of natural features. These regulations are in place to balance the property owner's development rights with the conservation and protection of the surrounding environment, particularly Lake Eau Galle and its associated ecosystem.

In summary, while the Town of Eau Galle maintains autonomy in most zoning matters, the County's Shoreland Zoning Ordinance plays a role in managing development activities along the shoreland areas, ensuring the responsible and sustainable use of properties like the one in question, which are located near environmentally sensitive areas such as Lake Eau Galle.

# **Development Pattern**

The area in which the subject property is located is in the village of Eau Galle, an unincorporated village or "hamlet". A hamlet is a term used to describe a small settlement or community, typically smaller than a village and larger than a homestead or a single-family dwelling. Hamlets are characterised by their small size and often consist of a cluster of houses, a few public buildings, and possibly some local businesses. Unlike larger towns or villages, hamlets do not usually have their own local government or official boundaries. Hamlets are usually rural or semi-rural in nature and are often found in agricultural or scenic areas. In some regions, the term "hamlet" might have specific legal or administrative meanings, but its general definition refers to a small, tight-knit settlement with a limited number of residents and modest infrastructure.

# **Other Agency Review**

Planning staff reached out to the Town of Eau Galle, Wisconsin Department of Natural Resources (WDNR), and the Dunn County Highway Department for opinion. As of November 13th, 2023, we have not received any comments or documentation from these agencies. If we receive any correspondence, it will be made available during the public hearing on November 20th, 2023.

# Standards

The general purpose of a roadway setback is for public safety, to accommodate widening of the roadway and allow replacement or installation of utilities. Granting roadway variances reduces these purposes. In this case, the applicant is requesting an "area variance". Area Variances provide an increment of relief from a physical dimensional restriction such as a setback or building height.

The applicant has burden of proof to show that all three statutory tests are met:

- 1. Unnecessary Hardship
- 2. Due to conditions unique to the property
- 3. Not contrary to public interest

# Decision

The BOA may only grant a variance if the applicant provides evidence that they meet all three legal standards. Each BOA member must individually complete the Variance Decision Form below as part of their decision process.

1. Unnecessary Hardship. For an area variance, unnecessary hardship exists when, ordinance standards that are strictly applied would unreasonably prevent a permitted use of a property, or render conformity with such standards unnecessarily burdensome. Circumstances of an applicant, such as a growing family or desire for a larger garage are not legitimate factors in deciding variances. A personal

inconvenience is not sufficient to meet the unnecessary hardship standard. (Snyder v. Waukesha County Zoning Bd. Of Adjustment, 1976).

The literal enforcement of the ordinance standard(s) **will / will not** result in an unnecessary hardship because...

2. **Conditions Unique to the Property.** The hardship must be due to unique property limitations such as steep slopes or wetlands that prevent compliance with the ordinance, and that are not shared by nearby properties. Further, the entire property must be considered, if a code-compliant location exists, a hardship due to unique property limitations does not exist.

The hardship is / is not due to unique conditions of the property because...

3. A variance may not be granted which results in harm to the public interests. The **public interests** are the objectives listed in the purpose section of the ordinance:

# Shoreland Zoning Ordinance § 14.01(3)

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this chapter has been established to:

(a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.

2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.

- 3. Controlling filling and grading to prevent soil erosion problems.
- 4. Limiting impervious surfaces to control runoff which carries pollutants.
- 5. Preserving wetlands to minimize runoff and soil erosion.

(b) Protect spawning grounds, fish and aquatic life through:

- 1. Preserving wetlands and other fish and aquatic habitat.
- 2. Regulating pollution sources.
- 3. Controlling shoreline alterations, dredging and lagooning.
- (c) Control building sites, placement of structures and land uses through:
- 1. Prohibiting certain uses detrimental to the shoreland-wetlands.
- 2. Setting minimum lot sizes and widths.
- 3. Setting minimum building setbacks from waterways.
- 4. Setting the maximum height of near shore structures.
- 5. Regulating side yards and building setbacks from waterways.
- (d) Preserve and restore shoreland vegetation and natural scenic beauty through:
- 1. Restricting the removal of natural shoreland cover.

- 2. Preventing shoreline encroachment by structures.
- 3. Controlling shoreland excavation and other earth moving activities.
- 4. Regulating the use and placement of boathouses and other structures.
- 5. Preventing the destruction and degradation of wetlands.
- 6. Preserving native wetland plant/tree communities.
- (e) Protect and Preserve Wetlands Through:
- 1. Restricting the placement of fill material in wetlands.
- 2. Encouraging avoidance and minimization of wetland impacts.
- 3. Preserving native wetland plant/tree communities.
- (f) Prevent Flood Damages Through:

1. Restricting filling, grading and the placement of buildings and structures in floodplains and wetlands.

- 2. Preserving the ecological integrity of floodplains and wetlands.
- 3. Restoring floodplains and wetlands to increase floodwater storage.

The variance will / will not harm the public interests because...

# **Order and Determination**

The BOA member shall decide/vote on the application and direct the planning and zoning staff accordingly. The BOA member must refer to specific evidence when rendering a decision.

The application **does / does not** meet all three of the above tests and therefore the variance should be **granted / denied**. The BOA is only allowed to grant a variance if the applicant provides evidence that:

- 1) Ordinance standards will result in unnecessary hardship.
- 2) The hardship is due to the unique conditions of the property.
- 3) The variance will not harm the public interests.

If the applicant has met all three tests, the BOA may apply conditions to the variance to ensure the public interests are not harmed. Planning and zoning staff have made the following condition recommendations for consideration by the board:

1. This variance approval is granted as a one-time exception for the specific expansion proposal outlined in the current application. Any future expansion to the structure or proposed constructions on the subject property will require separate approval from the appropriate zoning authority. The conditions, setbacks, and requirements outlined in this variance approval are applicable only to the proposed expansion as described in the current application and shall not serve as precedent for future variances or construction projects on the property.

2. Prior to the commencement of any construction related to the proposed building expansion, the property owner must obtain a Shoreland Zoning Permit from Dunn County. The permit application shall comprehensively address proposed grading activities, erosion control measures, stormwater management strategies, and a detailed plan for site revegetation. The permit must be secured and approved before any construction activities commence.

A summary of this staff report will be presented at the public hearing. Any updates or new information will be communicated during the public hearing on November 20th, 2023.

Meeting materials can be found online by following this link:

Link to Dunn County Public Meeting Calendar - November 20th, 2023

### 116-60081893 Dunn County Planning & Zoning

Publication	Dunn County News
Contact	Dunn County Planning & Zoning
Address 1	3001 US HWY 12 E SUITE 240A
Address 2	-
City St Zip	MENOMONIE WI 54751
Phone	7152316522
Fax	-
Section	Legals
SubSection	-
Category	0001 Wisconsin Legals
Ad Key	131659-1
	- NOTICE OF PUBLIC HEARING

PO Number	
Rate	Open
Order Price	150.64
Amount Paid	0.00
Amount Due	150.64
Start/End Dates	11/01/2023 - 11/08/2023
Insertions	2
Size	107
Salesperson(s)	RiverValley Legals
Taken By	JoAnn Nunez

### Ad Proof

Notes

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VAR-23-001 Applicant(s): Eau Galle Saloon, owners Dennis Smith & Karl Kurth. owners Dennis Smith & Karl Kurth. Request: Area variance to reduce the highway/front yard setback re-quired by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (tavern). Physical Address: N385 and N383 County Road D. Location: The E ½ of Lot 10 of Block 6, and the West 66 feet of the N ½ of Lot 8 of Block 6, all located in the plat of the Village of Eau Galle, Town of Eau Galle, Dunn County, Wiscon-sin.

sin.

Hearing for Variance

Sin. 2. Hearing for Variance VAR-23-002 Applicant: Farmers Store LLC (Steve Olson). Request: Area variance to reduce the highway/front yard setback required by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (car dealership). Physical Address: N13409 County Road I. Location: Lot 3 of Block A and extending from the West end of Lot 3 to the Red Cedar River; Lot 4 of Block A and the North 47 feet of Lot 5 of Block A, That part of the NW 4 of the SW 4 of Section 13, Township 31 North, Range 11 West, bounded as follows: On the North by the North line of said Lot 4 of Block A, extended Westerly; on the South by the South line of Block A, extended Westerly; on the South by the South line of Block A, extended Westerly; on the East by the West line of Block A, and on the West by the Red Cedar River; The South 3 feet of Lot 5 of Block A, Lot 6 of Block A EXCEPT the South 3 feet of the East 80 feet thereof; The North 17 feet of Lot 7 of Block A, except the East 80 feet thereof, all located in the plat of the Village of Sand Creek, Town of Sand Creek, Dunn

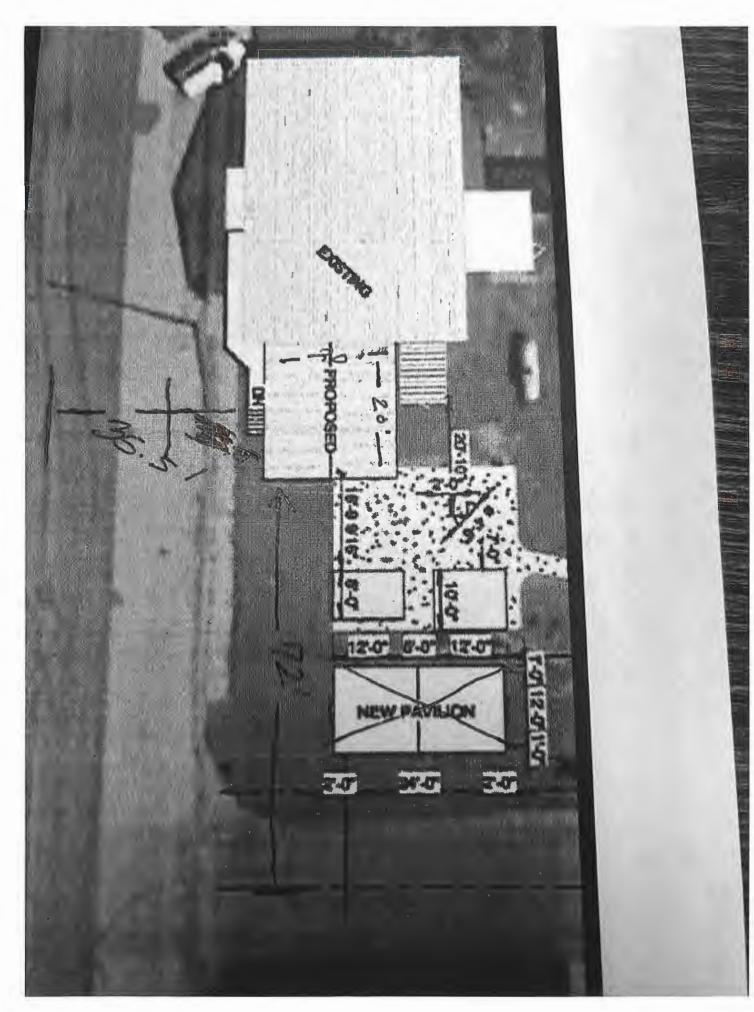
# 116-60081893 Dunn County Planning & Zoning

County, Wisconsin. 3. Hearing for Conditional Use Modification CUP-23-005 Applicant: Clayton U. Olson. Request: Modification of Conditional Use permit to expand non-farm parcel from 1 acre to 1 ½ acres. P a r e nt P a r c e I I D : 1701023011354100001. Location: Part of the NE ¼ of the SE ¼ of Section 35, Township 30 North, Range 11 West, Town of Grant, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Southeast Corner of said Section 35; Thence N13°23' 57" W, a distance of 2111.38 feet, to the POINT OF B E G I N N I N G; T h e n c e N72°30' 28" W, a distance of 228.56 feet; Thence N17°18' 30" E, a distance of 223.67 feet; Thence S70°59' 33" E, a distance of 278.53 feet; Thence S16°16' 14" W, a distance of 229.35 feet to the point of beginning. This is the only opportunity to address the Board regarding these requests, as such interested persons are invited to attend said hearing and be heard. Persons unable to attend

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Exhibit 5. VAR-25-001	1)	
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🖹 👔 🎢 Planning & Zoning D	IVISION □ After the Fact (2X Fee) (11 つ	
3001 US Highway 12 East, Suite 240	(715) 231-6521 Cash or @Check#(204113)	
Menomonie, WI 54751 www	.co.dunn.wi.us *Checks Payable to Dunn County Zoning	
Variance Application	on	
Instructions: Please fill out all sections of the application. Attach	n site plan, a written brief, and any supporting material for the hearing.	
PERMIT# 2023 - 002 Zoning District: UNZOICE Township	Eauloghe zoning Staff Present: ADrier	
App # Complete Application Date:	Date Public Hearing: Approved?	
Property Owner	Agent/Contractor Same as owner	
Name EAN GALLE SALDON	Name/Business PAUL UNSER SELF	
Mailing Address \$ P.U. Box 243	Mailing Address N 393 Cty Rul P	
City/State/Zip QURAND WI 54736	City/State/Zip Euro Galle W1 54737	
Phone 715-495-5408	Phone 715-283-4221 Email 0	
Email Karl Kurthenteenet	Email Dennise Ecdairy supply.com	
	y Information Eau Gille, WI 54736	
Parcel ID # 700622614312300014 S	ite Address <u>N 323 Cty RDD</u> Same as owner	
S_3(_T_26_N_R_14_W_CSM/Subdivision	Lot# Blk#	
Lot Size (Acres) Present Use	BAR+ Gill	
	Project	
Terms of Zoning Ordinance preventing your requested u	se: Shore land + Ordiance to close + 30 b	
Variance requested and reasons why this variance is need	•	
To allow addition to be built on to	carrent taven for community	
gathering - limited lot space		
Attach a Written Brief fully answering the following:		
-Enforcement of the Dunn County Zoning Ordinance wo		
-The unique characteristics of the property prevent com -Granting of this Variance would not harm the public inte		
General	Requirements	
↓□ Site Plan Completed ↓ Wr	itten Brief Attached * Project Staked Out	
By signing below, I certify that all information contained in or attached to this application is true and correct to the best of my knowledge. I authorize Dunn County Zoning Staff to access my property if necessary to verify that the Dunn County Zoning Ordinance standards and any conditions of the public hearing are met. I understand that I am responsible for checking with the applicable township, building inspector, DNR, and any other entities that may have jurisdiction over my project. I understand that this application does not guarantee that a variance will be granted. I acknowledge either the owner or agent on this application must attend the Public Hearing.		
Owner/Agent Signature:	Date: 10/12/23	
Zoning Official Signature:	Date:	

Please note: This is an application and does not guarantee a variance will be granted.



# Re: Variance request- Items needed

Dennis Smith <dennis@fcdairysupply.com> Fri 11/3/2023 10:15 AM

To:karlkurth@ntec.net <karlkurth@ntec.net>;Tracie Albrightson <talbrightson@co.dunn.wi.us> Hello Tracie,

1 The variance we are requesting is to match the existing structure which is 35 1/2 feet.

2 The addition will provide second main entrance in case of emergencies also. To the best of our knowledge the building was constructed in 1908. This addition will add to community events and gatherings.

Sent from my iPhone

I believe parking is ample for the number of people that we have calculated to be in both the new addition and existing building.

3 I will complete floor plan as soon as possible with exact direction as to what it involves.

Thank you Dennis <u>*To*</u>: Dunn County Planning & Zoning Division

From: Eau Galle Saloon (Dennis Smith & Karl Kurth)

**<u>Request</u>**: We would like consideration for a variance allowing us to most efficiently add on to the footprint of our current building.

Eau Galle currently has numerous homes/structures on County Rd D that exist on similar distances if not even closer to the project we are proposing.

We believe this addition allows us to better serve the Eau Galle community. The extra space allows us to expand our food services along with providing a venue large enough to hold various gatherings like family reunions, birthdays, card clubs etc.

Eau Galle is a happening town that is flourishing. We believe this addition will aid us in continuing to accommodate the needs of our patrons/tax payers along with the tourists that visit our own little slice of paradise.

Thanks for your consideration

Dennis Smith

Karl Kurth

EG Saloon

# Enforcement of the Dunn County Zoning Ordinance would result in unnecessary Hardship because:

-Limited occupancy to serve community

# The unique characteristics of property preventing compliance:

-Current structure's permeant basement entrance

-Current property lines

# Granting the Variance would not harm the public interest because:

-This project is an extension of the current structure which doesn't seem to be causing any issues

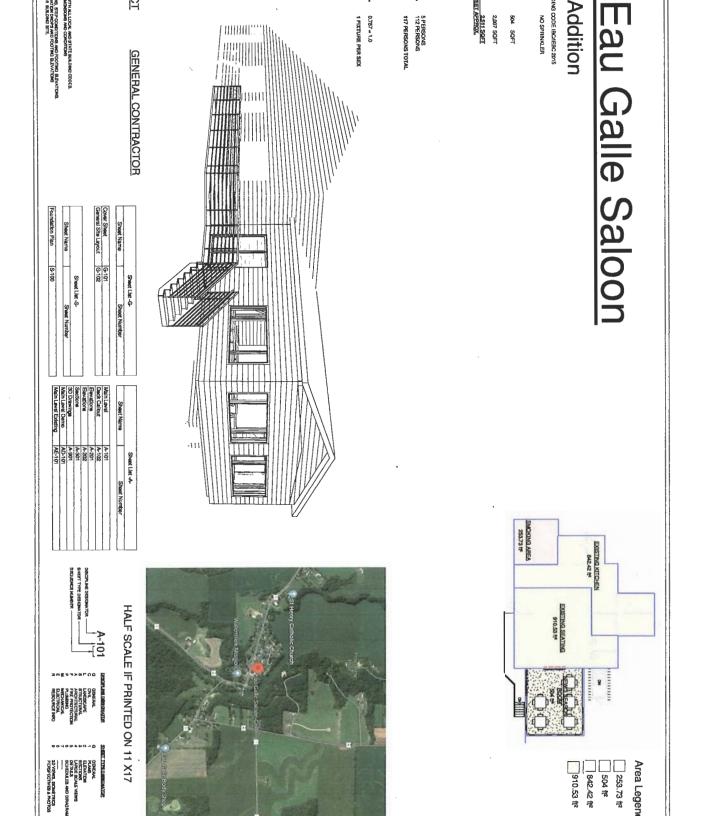
Dennis Smith

Karl Kurth

	Exhibit 3b: VAR-23-001		SO	
	Dunn County Planning & Zoning Div 3001 US Hwy 12E, Suite 240 (715) 2	<b>vision</b> 231-6521	FEE: \$300 Receipt #_ General D Expedited D *See Attached Fee Schedul Cash or @Check#664	After-The-Fact
	Menomonie, WI 54751 www.co.du	unn.wi.us	*Checks Payable to Dunn Cou	inty Zoning
	Shoreland Zoning Permit Appli Instructions: Please fill out all sections of the application. Attack		oor plans, and Impervious Calcu	ulations worksheet.
	FOR OFFICE USE ONLY PERMIT#:23 - 21 App. Date: 9/18/2 Zoning Distr	ict:Tov	wiship: Eay Gallystar	ff Initials: AD
	App # Date Onsite: Date Permit	Issued:	Zoning Inspector's	Initials:
	Property Owner		Agent/Contractor	Same as owner
	Name Earle Calle Salcon U.C.	Name/Busine	255 Paul Un	ser Const
	Mailing Address 206 LD. Main St	Mailing Add	ress & SCIF	
	City/State/Zip Durand, WIS4736	City/State/2	Zip	
Duto	Phone 715-495-6243 (Dennis)	Phone		
V	Email dennispfcdairy supply, com	Email	- NINYA)	
	17004224143123000 Property I	information	n Sterroa -	Eauleally
	Parcel ID # 170062261431230015 Sit	e Address _/	V383 Cty Rd P	_ C Same as owner
	S_31_T_26_N R_143W CSM/Subdivision		Lot#	Blk#
	Pro	oject		
	Type of Structures Proposed (House, Addition, Garage, Shed, Deck, Pool, Gazebo, Stairs, etc.) Bay Addition - 20 × 21			
	Proposed Use (Personal, Agriculture, Commercial, Industrial, Mix	(ed use, etc.)		
	Total Sq. Footage of Project 420 *See	Site Plan for	Individual Structure Dimens	tions and Setbacks
	1000	Permit #	The second secon	Bedrooms
	Plumber's Name & Phone #	m loin		
		air Galle	Located in Floodplain? Yes	
	Does this project involve a change in the amount of impervious surfaces on the property? Yes D No X *See definition of Impervious surfaces on Page 4			
	Impervious Surfaces NAC	Mitigation	Needed (Surfaces over 15%)	)? Yes □ No □
	Has any portion of this project been started? Yes D No Explain:	3		
	General Requirements			
	Site Plan Completed R Proposed Structures Staked o	ut the	ipervious Surface Worksheet	Floor Plans
	By signing this application, I certify that all information contained my knowledge. I authorize Dunn County Zoning Staff to access m Shoreland and Zoning Ordinances are met. I understand that I an inspector, DNR, and any other entitles that may have jurisdiction guarantee that a permit will be granted. I agree to contact the zo plan.	y property in o n responsible fo over my projec oning office if th	rder to verify that the standards or checking with the applicable t t. I understand that this applica	s of the Dunn County township, building Ition does not
	Owner/Agent Signature:	Date:	1-10-00	

Please note: This is an application and does not guarantee a shoreland zoning permit will be issued. Shoreland zoning permits are valid for 2 years from the issue date, after which they become null and void.







# Standard Erosion Control Plan for 1- & 2-Family Dwelling Construction Sites

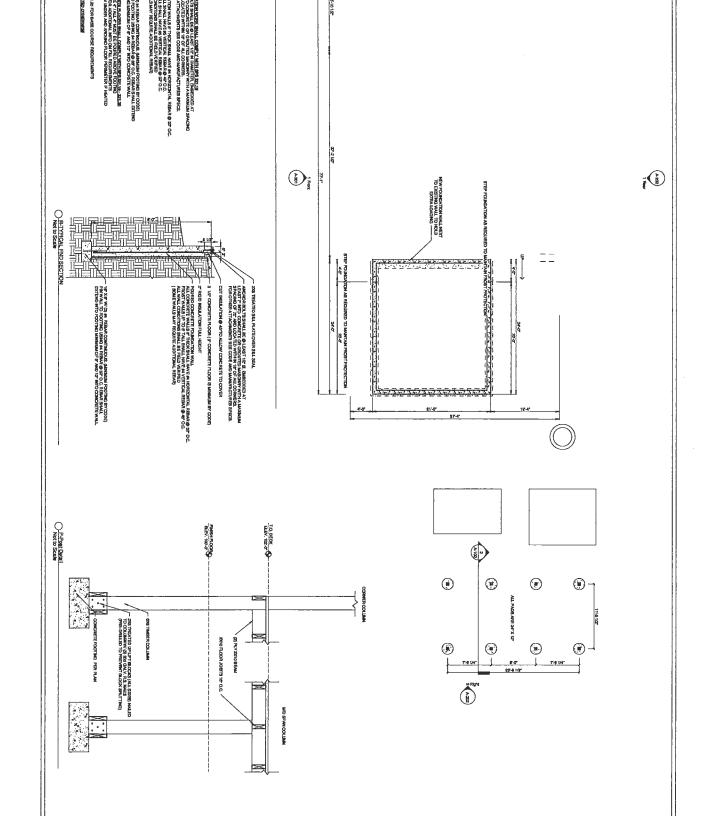
According to Chapters Comm 20 & 21 of the Wisconsin Uniform Dwelling Code, soil erosion control information needs to be included on the plot plan which is submitted and approved prict to the issuance of building permits for 1- & 2-family dwelling units in those jurisdictions where the soil erosion control provisions of the Uniform Dwelling Code are enforced. This Standard Erosion Control Plan is provided to assist in meeting this requirement.

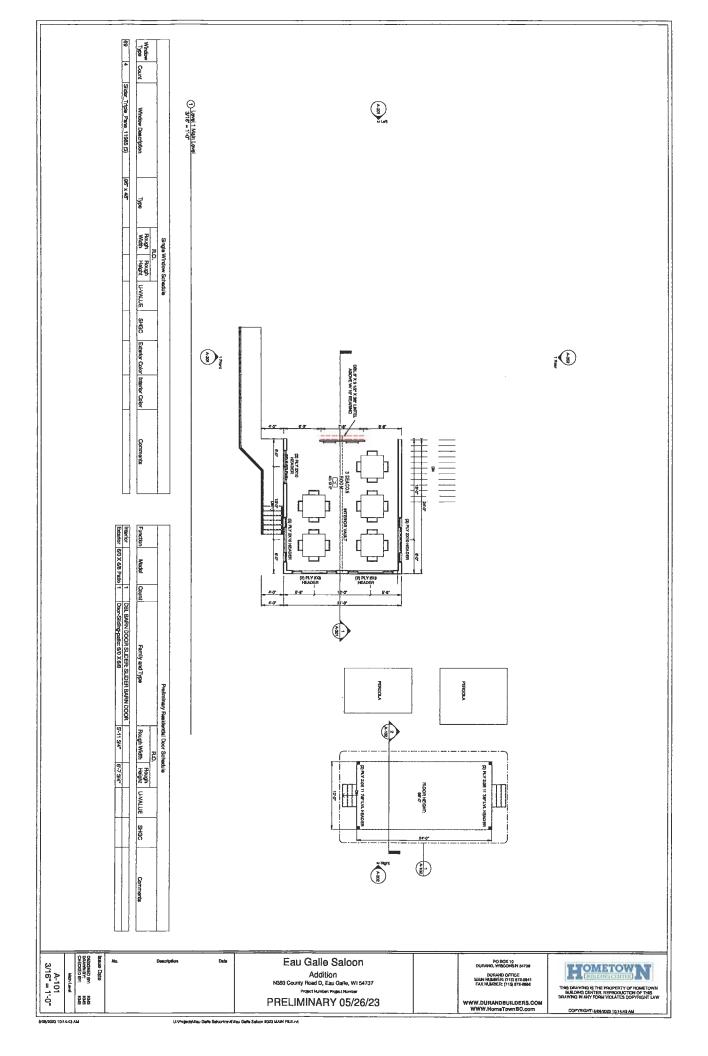
Instructions:

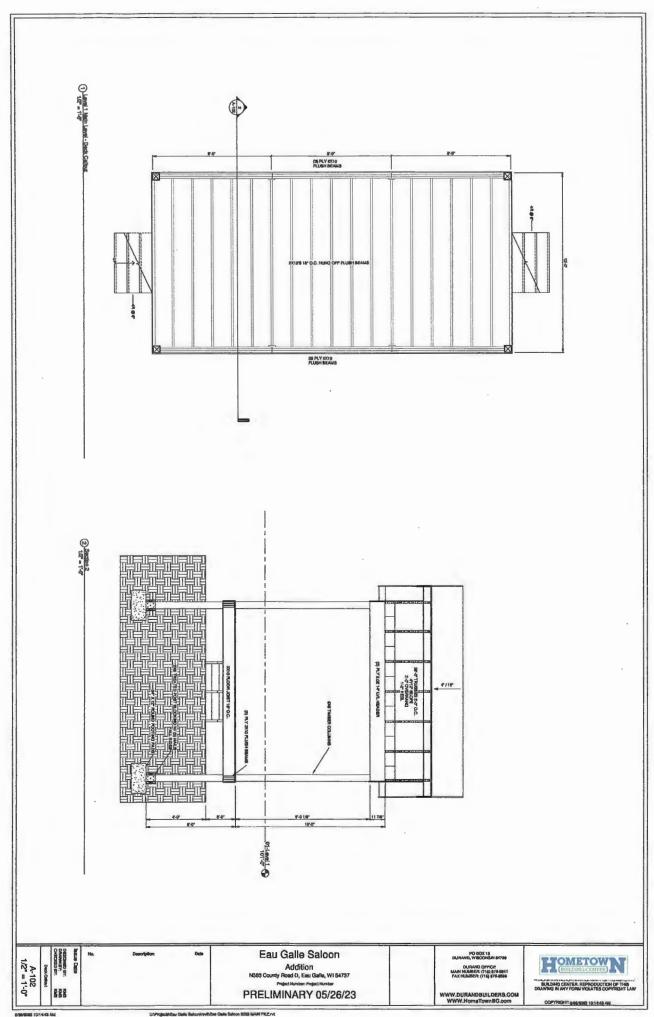
- Complete this plan by filling in requested information, completing the site diagram and marking appropriate boxes on the inside of this form.
- 2. In completing the site diagram, give consideration to potential erosion that may occur before, during, ar after grading. Water runoff patterns can change significantly as a site is reshaped.
- 3. Submit this plan at the time of building permit application.

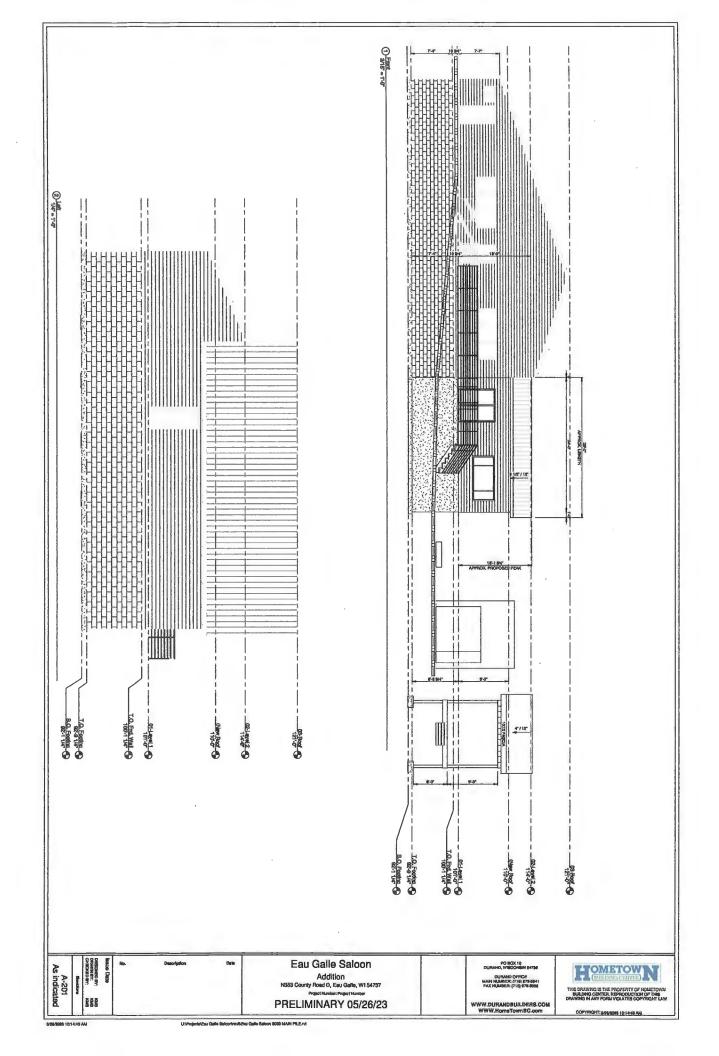
PROJECT LOCATION

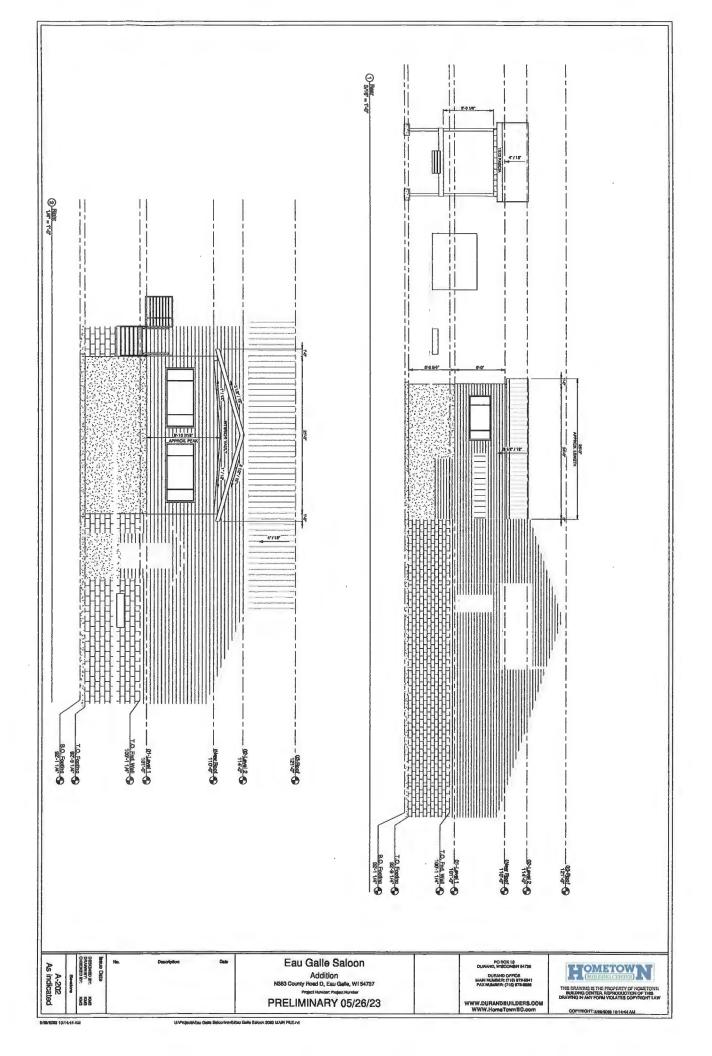
PROJECT LOCATION	OWNER	<ul> <li>Please indicate north by completing the arrow</li> </ul>
WORKSHEET COMPLETED BY	DATE	_
	SITE DIAGRAM Scale: 1 inch =feet	4 - Z - Z
		EROSION
		LEGEND
		EXISTING
		DRAINAG
		TD TEMPOR
		DRAINAG
		LIMITSO
		GRADING
		SILT
		STRAW
		BALES
		GRAVEL
		(1) SPECIFIC
		PRESERV
		STOCKPI
		(

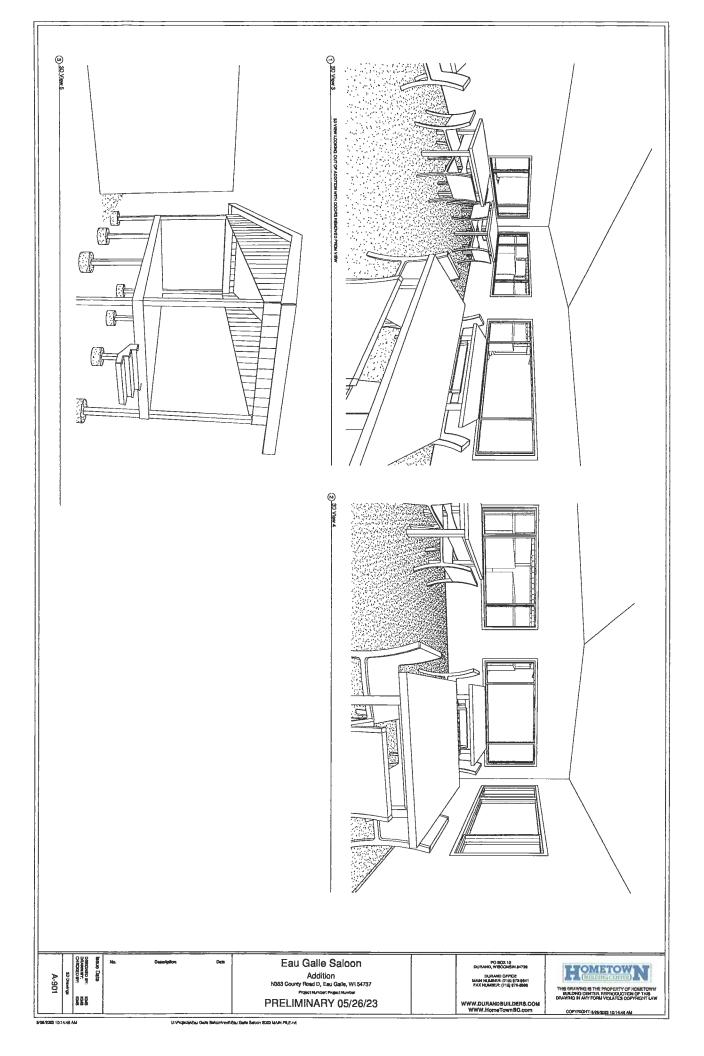


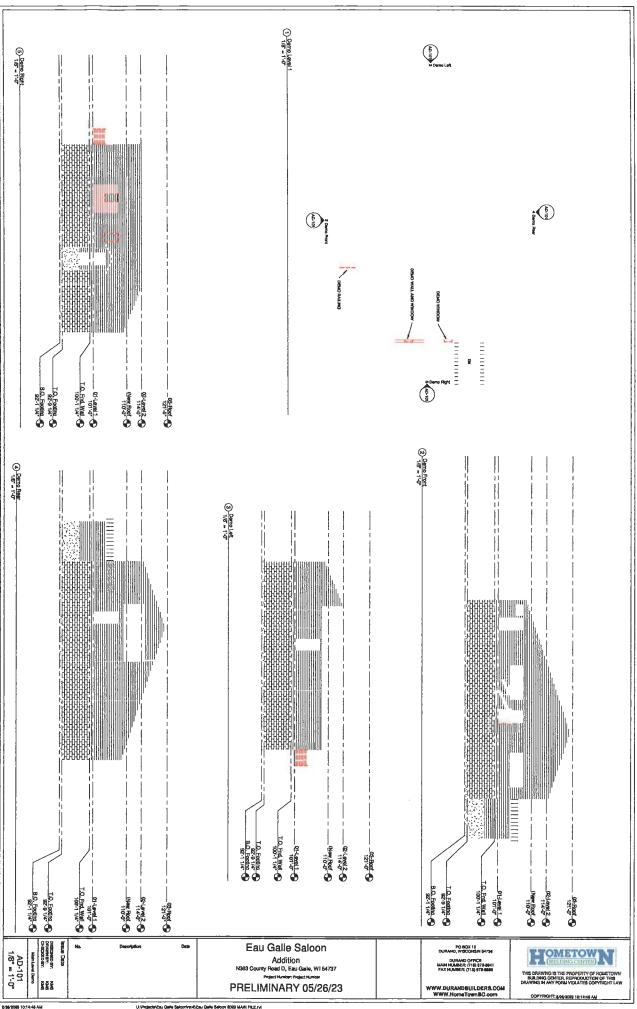




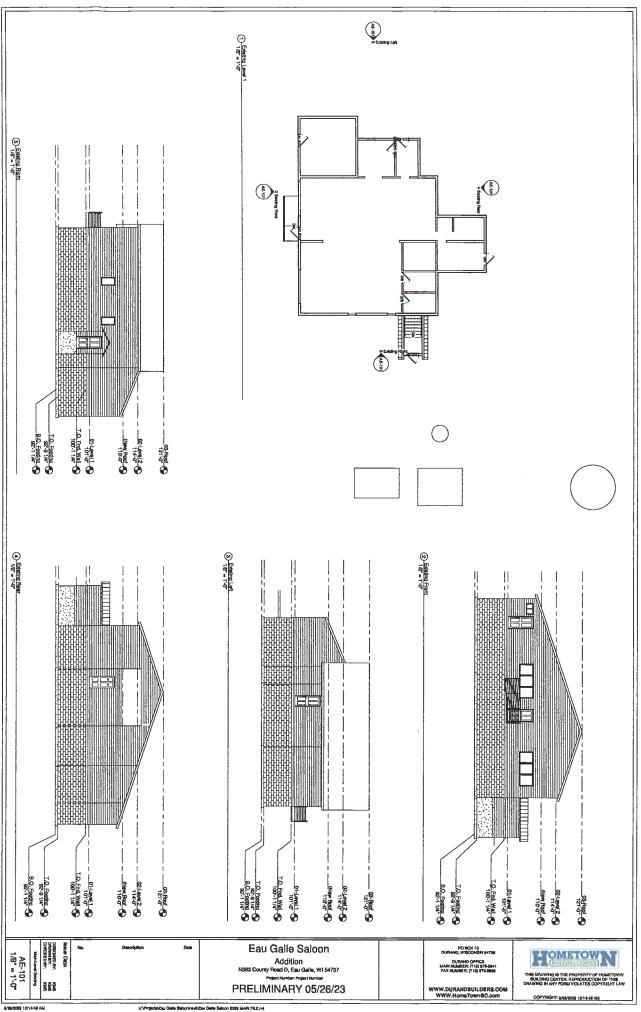




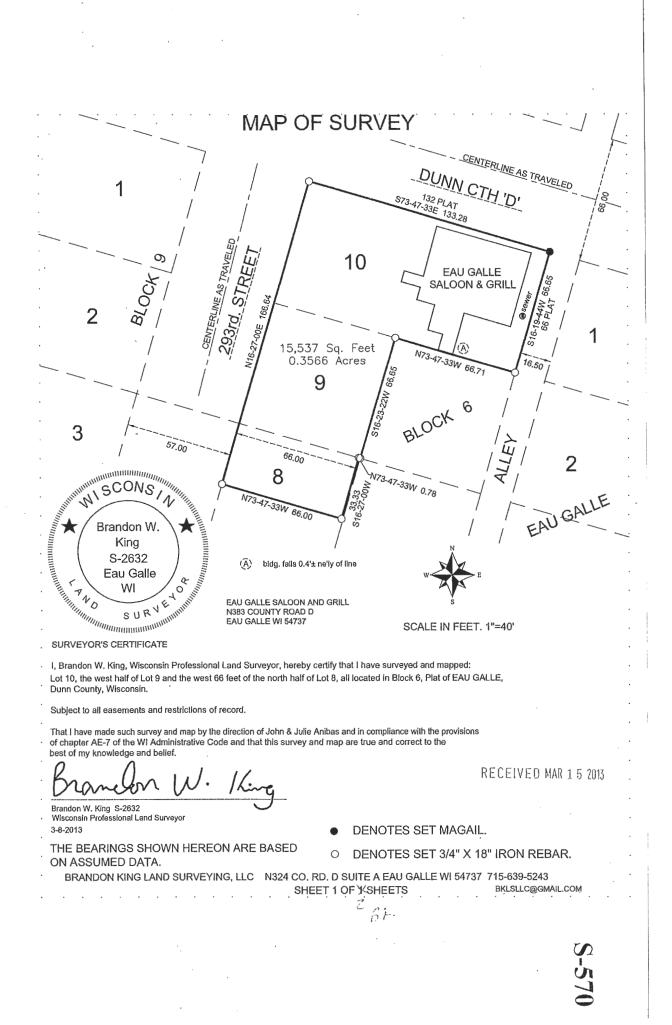


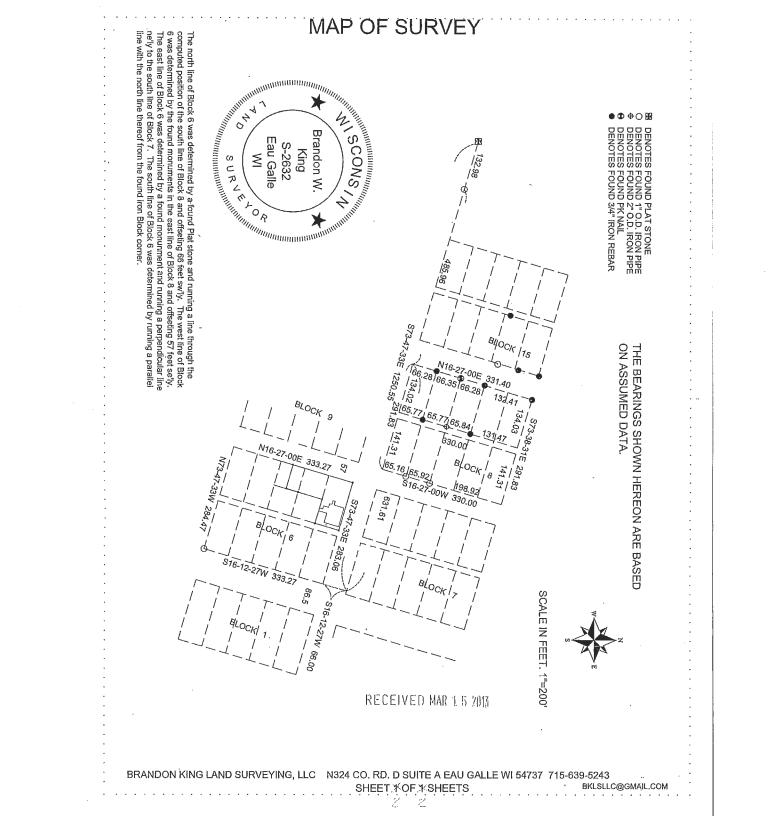


U.Project/En, Galle Salor/revition: Galle Saloon 2023 MAII PILE/re

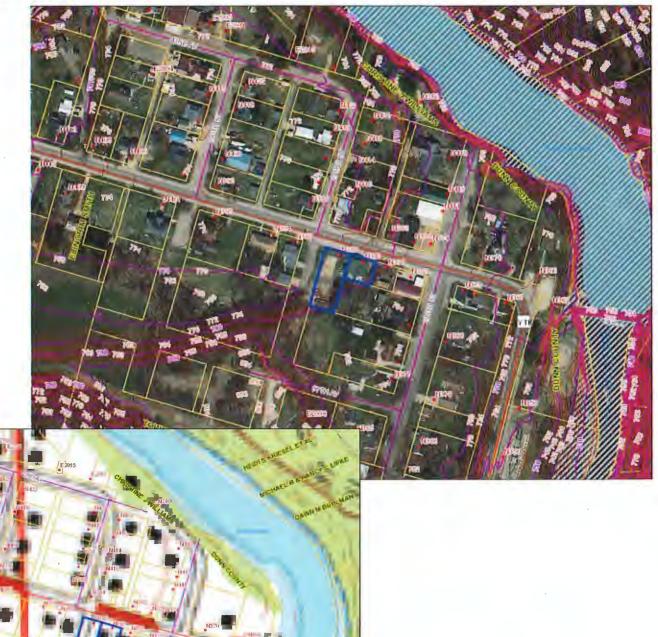


UNProject//Eau Galle Balconirev/f/Eau Galle Salcon 2003 MAR FILE-ry













# COUNTY OF DUNN Zoning Inspection Checklist

Permit # 23 - <u>all</u> Owner Name Eau Galle Saloon	
Township Eau Galle Parcel Address N 383 Cty Rd D	
Legal SN ¼ NW ¼, or Government Lot, Section 3 _, T alo N, R 3 W	
Plat/CSM# Eau Galle Lot 10+ Block 6	
Property Information	
Yes No N/A Current aerial photograph of the property with Contours, Shoreland, Wetland, and/or Floodplain layers enabled	
CSM, Plat, or Map of Survey of the property         Site plan including proposed structure(s)         Zoning application filled out completely         Floor plans included	
Zoning Inspection	
Yes No N/A         Lot corners staked or any property irons visible         Side and rear yard lot line setbacks met         Road Right of Way (R/W) setback(s) met	
Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and meets required setbacks from structure(s)         Image: Septic system located onsite and mee	
Structure(s) onsite appear staked in relation to the aerial photography or drawing pro	vided
Shoreland/OHWM Information	
Yes No N/A Proposed structure(s) exist within 1,000' of the OHWM of any navigable lakes, ponds of Proposed structure(s) exist within 300' of the OHWM of any navigable rivers or stream Floodplain	
Shoreland Wetland	
💢 🔲 Structure over 75' away from OHWM and outside wetland area	
L X Mitigation Required Lot Size Footage <sup>2</sup> /Acres Impervious Surface Footage <sup>2</sup>	
Approval	
Yes No N/A	
<ul> <li>Permit posted onsite in clear view of the nearest road</li> <li>Given to property owner/ agent on site</li> </ul>	
🗌 🔲 Mailed via USPS	
$\Box$ $\Box$ For pick up in office	`
Field Visit SignatureDateDate	
Follow-up needed? No Yes- Explain:	
Issuing Agent Permit Issued Date	

Y:\Planning & Zoning\Zoning\FORMS APPS and RESOURCES\Inspection Checklist WORKING COPY.doc

## Re: Variance request- Items needed

Dennis Smith <dennis@fcdairysupply.com> Fri 11/3/2023 10:15 AM

To:karlkurth@ntec.net <karlkurth@ntec.net>;Tracie Albrightson <talbrightson@co.dunn.wi.us> Hello Tracie,

1 The variance we are requesting is to match the existing structure which is 35 1/2 feet.

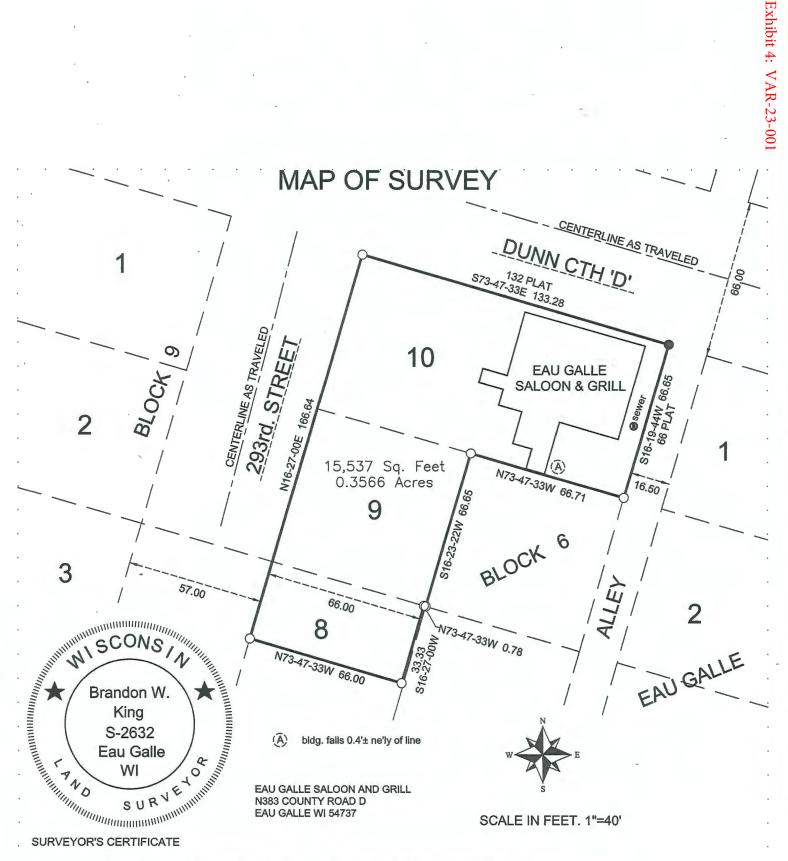
2 The addition will provide second main entrance in case of emergencies also. To the best of our knowledge the building was constructed in 1908. This addition will add to community events and gatherings.

Sent from my iPhone

I believe parking is ample for the number of people that we have calculated to be in both the new addition and existing building.

3 I will complete floor plan as soon as possible with exact direction as to what it involves.

Thank you Dennis



I, Brandon W. King, Wisconsin Professional Land Surveyor, hereby certify that I have surveyed and mapped: Lot 10, the west half of Lot 9 and the west 66 feet of the north half of Lot 8, all located in Block 6, Plat of EAU GALLE, Dunn County, Wisconsin.

Subject to all easements and restrictions of record.

That I have made such survey and map by the direction of John & Julie Anibas and in compliance with the provisions of chapter AE-7 of the WI Administrative Code and that this survey and map are true and correct to the best of my knowledge and belief.

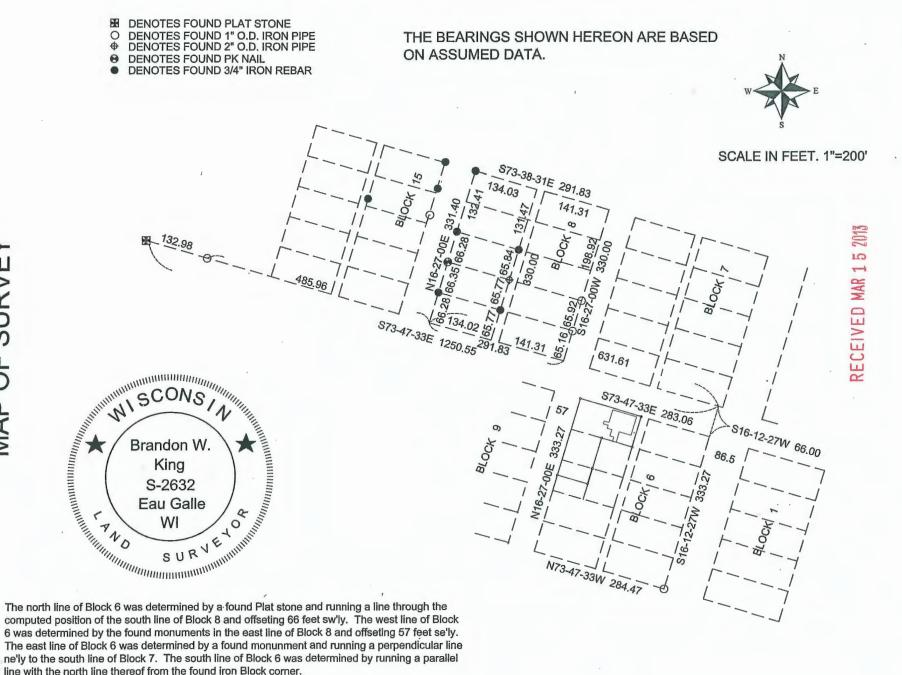
Brandon W. King S-2632 Wisconsin Professional Land Surveyor 3-8-2013

THE BEARINGS SHOWN HEREON ARE BASED ON ASSUMED DATA.

- RECEIVED MAR 1 5 2013
- DENOTES SET MAGAIL.
- O DENOTES SET 3/4" X 18" IRON REBAR.

BRANDON KING LAND SURVEYING, LLC N324 CO. RD. D SUITE A EAU GALLE WI 54737 715-639-5243 SHEET 1 OF SHEETS BKLSLLC@GMAIL.COM

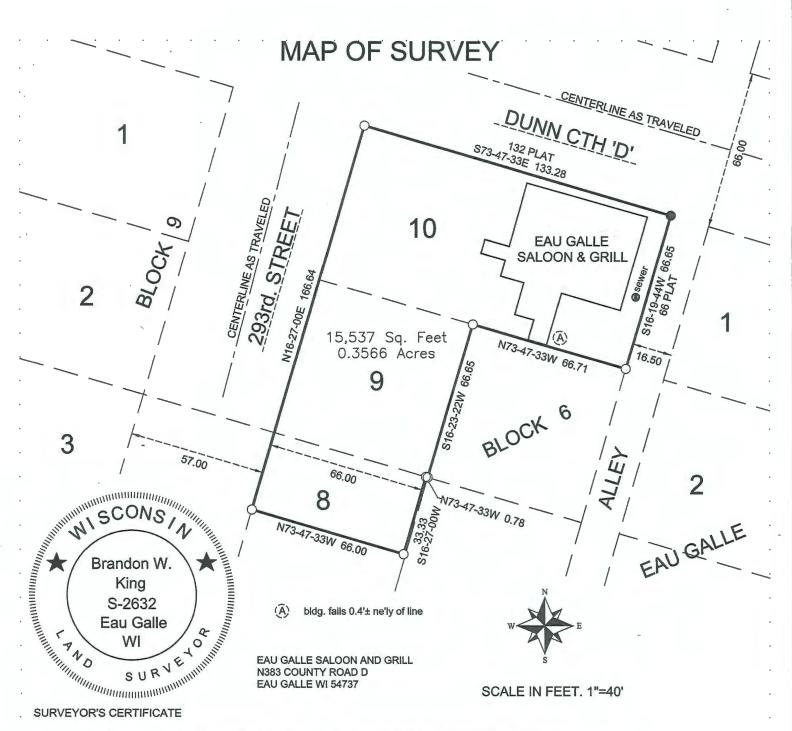
BF.



SUR/ MAP

5243 BKLSLL 639-54737 EWI GALL SHEETS EAU HEET XOF XSHE SHEET N324 CO. LLC BRANDON KING LAND SURVEYING,

00



I, Brandon W. King, Wisconsin Professional Land Surveyor, hereby certify that I have surveyed and mapped: Lot 10, the west half of Lot 9 and the west 66 feet of the north half of Lot 8, all located in Block 6, Plat of EAU GALLE, Dunn County, Wisconsin.

Subject to all easements and restrictions of record.

That I have made such survey and map by the direction of John & Julie Anibas and in compliance with the provisions of chapter AE-7 of the WI Administrative Code and that this survey and map are true and correct to the best of my knowledge and belief.

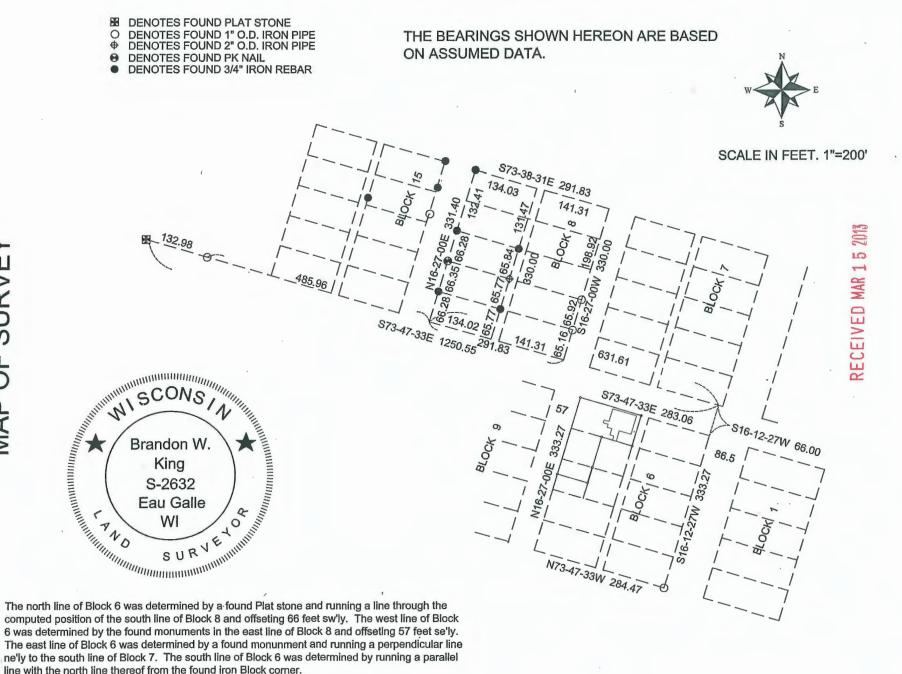
Brandon W. King S-2632 Wisconsin Professional Land Surveyor 3-8-2013

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BRANDON KING LAND SURVEYING, LLC N324 CO. RD. D SUITE A EAU GALLE WI 54737 715-639-5243 SHEET 1 OF SHEETS BKLSLLC@GMAIL.COM

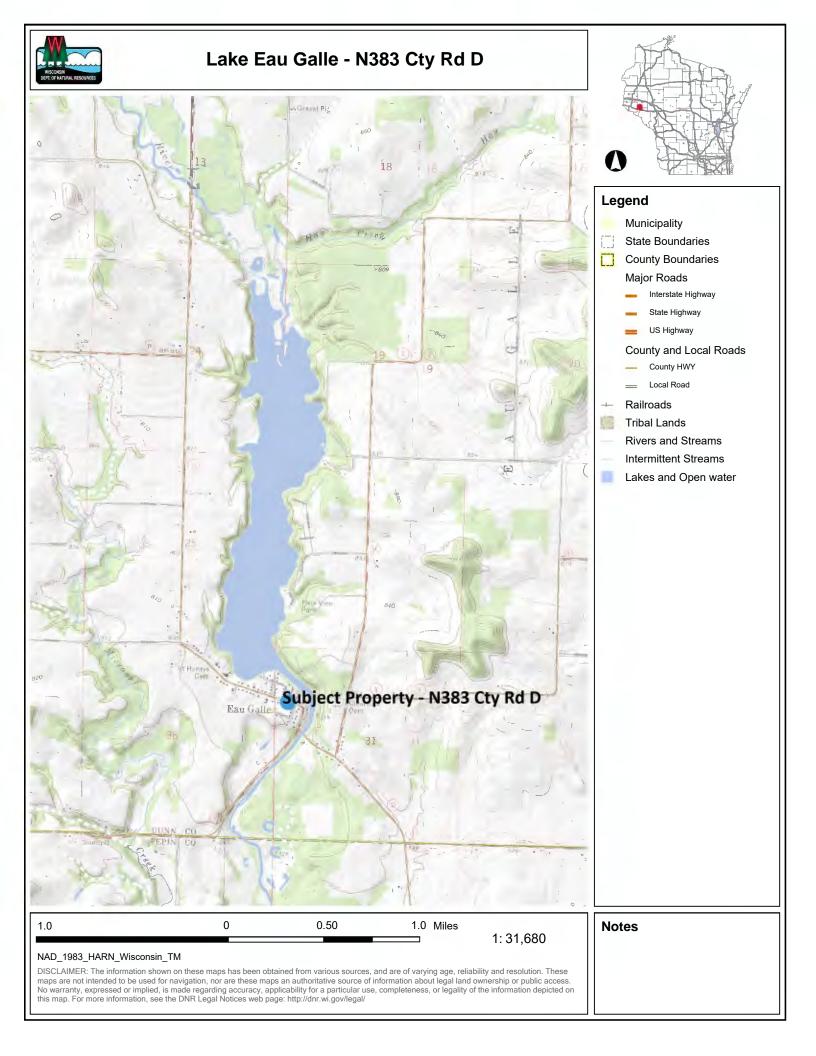
BF.



MAP OF SURVEY

5243 BKLSLL 639-54737 EWI GALL SHEETS EAU HEET XOF XSHE SHEET N324 CO. LLC BRANDON KING LAND SURVEYING,

2 00











## Exhibit 6: VAR-23-001

Re: Eau Galle Saloon- Cty Rd D

Isaac Steinmeyer <isteinmeyer@co.dunn.wi.us> Tue 9/26/2023 6:36 AM To: Tracie Albrightson <talbrightson@co.dunn.wi.us>;Dustin S. Binder <dbinder@co.dunn.wi.us> Good Morning Tracy,

After initial review of the site plan, the Highway Department does not have an issue with allowing a reduced setback from the right of way for this proposed addition in Eau Galle. It appears Dunn County code may allow a reduced setback from a highway equal to an adjoining existing principle structure, per 13.3.2.07 (d). The proposed addition would have a similar setback to other buildings on this block in Eau Galle.

Please let us know if you need anything else from us for this permit.

Thank you,

Isaac Steinmeyer Dunn County - Assistant Highway Commissioner 3303 Highway 12 East Menomonie, WI 54751 (715) 231-6583 (Direct) (715) 505-4092 (Mobile)

From: Tracie Albrightson <talbrightson@co.dunn.wi.us>
Sent: Monday, September 25, 2023 12:02 PM
To: Isaac Steinmeyer <isteinmeyer@co.dunn.wi.us>; Dustin S. Binder <dbinder@co.dunn.wi.us>
Subject: Eau Galle Saloon- Cty Rd D

Hi Isaac and Dustin,

Attached are the plans provided to us for the proposed addition to the Eau Galle Saloon at N383 Cty Rd D. I have also attached a map of survey from 2013.

Let me know if you need anything else or have any questions.

We are unsure yet what options we will be providing them to get this properly permitted, but if a variance is the route we go, I know we will want correspondence of your thoughts (the Highway Dept.) since this would be an encroachment of your Right-of-Way.

Thanks! Tracie

## **Tracie Albrightson**

Zoning Enforcement Officer Dunn County Department of Environmental Services 3001 US Highway 12 East, Suite 240, Menomonie, WI 54751 P: 715-231-6534 E: <u>talbrightson@co.dunn.wi.us</u>



To better serve you, appointments are appreciated. Please call 715-231-6520 to schedule a meeting with office staff.

# **DUNN COUNTY** Planning Division Staff Report

Hearing Date: November 20th, 2023

#### **PREPARED FOR**

Dunn County Board of Adjustment

#### **PREPARED BY**

Anne Wodarczyk, Dunn County Planner/Zoning Administrator

#### APPLICANT

Farmers Store LLC/Steve Olson

# **Application Information**

Reference Number	VAR-23-002	
Applicant/Property Owner	· Farmers Store LLC/Steve Olson	
Agent	Bob Colson	
Site Address	N13403 County Road "I", New Auburn	
Town	Sand Creek	
Parent Parcel Identification Number(s)	1702823111133200013, 1702823111133200015, 1702823111133200016	
Current Zoning	None	
Adjacent Zoning	None	
Current Land Use	Commercial	
Adjacent Land Use	Commercial and Residential	
Overlay Districts	Shoreland Zoning	
Waterbody	Red Cedar River	

# List of Exhibits

#	Exhibit	Brief Description	
1	Staff Report	Application information, background information, applicable standards, decision worksheet, and suggested conditions	
2	Proof of Publication	Proof provided by newspaper	
3	Application	Application and written brief submitted by applicant/agent	
4	Reference Maps	Aerial maps, Google Earth	
5	Photos	Site photos taken by Dunn County staff	
6	Correspondence	Correspondence received from Outside Agencies	

# Notice

A Class II notice, as per Ch. 985 Wis. Stats., was published in the Dunn County News on both November 1st and November 8th, 2023. This notice served to establish a public hearing on November 20th, 2023, scheduled during the Dunn County Board of Adjustment meeting, commencing at 10:30 AM in room 54 at the Dunn County Government Center, located at 3001 US Hwy 12 E., Menomonie, Wisconsin<sup>1</sup>.

To ensure comprehensive notification, neighbors residing within a 300-foot radius of the subject property were informed of the hearing via first-class mail. Additionally, the Town of Sand Creek, Dunn County Highway Department, and Wisconsin Department of Natural Resources were provided with a notice of the public hearing and a formal request for their recommendation on the matter.

# Introduction

Farmers Store LLC, represented by applicant Steve Olson and agent Bob Colson, has submitted a variance application seeking relief from the highway/front yard setback requirement outlined in § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning Ordinance. This regulation mandates structures to be positioned at least 50 feet from the right-of-way along County Highway "I", designated as a Class "C" County Highway. The applicant is requesting that the highway/front yard setback be reduced to 7 feet or to be "no closer to the right of way than the front of the existing building, whichever is more restrictive"<sup>2</sup>.

# Site Description

N13403 County Road "I" comprises three lots with a combined area of approximately 37,000 square feet. While not subject to County Comprehensive Zoning, these lots fall within the Shoreland Zoning overlay district. Located in Sand Creek, the commercial property has frontage along County Road "I" to the east, while the Red Cedar River aligns with its entire western length. Presently, the subject property and adjacent lots feature structures categorized as "legally nonconforming," indicating their legal construction but non-compliance with current Dunn County Shoreland Zoning ordinance requirements, notably the 50-foot front yard/road right-of-way setback from County Highway "I".

# Background

The subject of this variance request, Gilbert's of Sand Creek (Gilbert's), has been a longstanding automobile dealership situated in the unincorporated village of Sand Creek

<sup>&</sup>lt;sup>1</sup> See exhibit 2: Proof of Publication

<sup>&</sup>lt;sup>2</sup> See exhibit 3: Application

and Town of Sand Creek since 1935. Currently occupying a 5,700-square-foot building, Gilbert's functions as a comprehensive hub housing the service department, staff offices, a limited customer area, and shared amenities such as a unisex bathroom within the service section. The building, connected to a public sanitary district, also includes essential mechanical spaces like HVAC and storage facilities.

Despite its historical presence, the application notes that the existing building does not meet the Americans with Disabilities Act (ADA) compliance standards. Additionally, the applicant contends that the structure has outgrown its capacity to effectively accommodate both staff and customers. As a result, the applicant seeks approval to continue the dealership's operation at its present location, requiring relief from the specified setback requirement<sup>3</sup>.

# County Zoning and Shoreland Zoning

Wisconsin statutes delineate shorelands as areas within 1,000 feet of the ordinary high-water mark (OHWM) of a navigable lake, pond, or flowage, and lands within 300 feet or within the floodplain of a navigable river or stream, whichever distance is greater.

Governed by state administrative rule NR 115, these statutes establish minimum standards for local ordinances.



Counties are mandated by the state to adopt and enforce development standards for shorelands in unincorporated areas, referring to regions outside cities and villages. Unlike general county zoning, towns do not have the option to opt out of county shoreland zoning.

The subject property, located within the Town of Sand Creek, operates under a unique zoning scenario. Unlike the majority of Towns in Dunn County, the Town of Sand Creek is not under the jurisdiction of the County's Comprehensive Zoning Ordinance. However, due to its proximity to the Red Cedar River, a significant natural waterbody, the Town falls within the scope of the County's Shoreland Zoning Ordinance.

<sup>&</sup>lt;sup>3</sup> See exhibit 3: Application

**Red Cedar River:** The Red Cedar River is a tributary of the Chippewa River. The river spans approximately 100 miles, flowing from southwestern Sawyer County to its confluence with the Chippewa southeast of Dunnville in southern Dunn County. It traverses portions of eight Wisconsin counties: Barron, Chippewa, Dunn, Polk, Rusk, St. Croix, Sawyer, and Washburn.

Notable tributaries include the Chetek River and the Hay River, while key settlements along its course include Cameron, Rice Lake, Colfax, and Menomonie. In central Dunn County, the river passes through two reservoirs: Tainter Lake and Lake Menomin. Below the dam creating Lake Menomin in Menomonie, the Red Cedar River is renowned for its substantial walleye population.

**Shoreland Zoning Ordinance**: The County's Shoreland Zoning Ordinance is a specific set of regulations designed to manage development and land use activities along the shoreland areas of lakes and rivers. These regulations are in place to safeguard the ecological integrity of these sensitive zones, ensuring the protection of water quality, natural habitats, and scenic beauty.

**Town's Autonomy in Zoning Matters:** While the Town of Sand Creek operates independently concerning general zoning regulations, the County's Shoreland Zoning Ordinance extends its jurisdiction to shoreland areas within the Town's boundaries. This means that properties, including the subject property, located near the Red Cedar River are subject to the County's Shoreland Zoning regulations, even if the Town does not have its own comprehensive zoning ordinance.

**Significance of Shoreland Zoning for the Subject Property:** For the subject property, falling within the jurisdiction of the County's Shoreland Zoning Ordinance entails adherence to specific guidelines related to setbacks, impervious surfaces, stormwater management, and preservation of natural features. These regulations are in place to balance the property owner's development rights with the conservation and protection of the surrounding environment, particularly the Red Cedar River and its associated ecosystem.

Given the property's adjacency to the shore of the Red Cedar River, Shoreland Zoning regulations are applicable. As outlined in the applicant's documentation, the agent details how the planned building expansion aligns with Shoreland Zoning stipulations, including adhering to setbacks from the ordinary high water mark and conducting impervious surface calculations. The proposed expansion is expected to occupy around 30% of the amalgamated lots, necessitating the development of a mitigation plan. To address this, the applicant proposes the construction of rain gardens, serving as a strategic measure to manage the augmented impervious surface area<sup>4</sup>.

In summary, while the Town of Sand Creek maintains autonomy in most zoning matters, the County's Shoreland Zoning Ordinance plays an important role in managing development activities along the shoreland areas, ensuring the responsible and sustainable

<sup>&</sup>lt;sup>4</sup> See exhibit 3: Application

use of properties like the one in question, which are located near environmentally sensitive areas such as the Red Cedar River.

# **Development Pattern**

The area in which the subject property is located is in the village of Sand Creek, an unincorporated village or "hamlet". A hamlet is a term used to describe a small settlement or community, typically smaller than a village and larger than a homestead or a single-family dwelling. Hamlets are characterised by their small size and often consist of a cluster of houses, a few public buildings, and possibly some local businesses. Unlike larger towns or villages, hamlets do not usually have their own local government or official boundaries. Hamlets are usually rural or semi-rural in nature and are often found in agricultural or scenic areas. In some regions, the term "hamlet" might have specific legal or administrative meanings, but its general definition refers to a small, tight-knit settlement with a limited number of residents and modest infrastructure.

# **Other Agency Review**

Planning staff has contacted the Town of Sand Creek, the Wisconsin Department of Natural Resources (WDNR), and the Dunn County Highway Department for input. As of November 14th, 2023, comments have been received only from the Town of Sand Creek. Any additional correspondence from these agencies will be presented during the public hearing scheduled for November 20th, 2023.

## Town of Sand Creek

Pam Meinen, Clerk for the Town of Sand Creek, has submitted a letter to the planning division conveying a favorable recommendation for approval from the members of the Town Board. While the application has not been formally deliberated in a public meeting of the board, all three members have individually expressed their support for the request, highlighting an absence of concerns. This letter is included as Exhibit 6 in the staff report.

# Standards

The general purpose of a roadway setback is for public safety, to accommodate widening of the roadway and allow replacement or installation of utilities. Granting roadway variances reduces these purposes. In this case, the applicant is requesting an "area variance". Area Variances provide an increment of relief from a physical dimensional restriction such as a setback or building height.

The applicant has burden of proof to show that all three statutory tests are met:

- 1. Unnecessary Hardship
- 2. Due to conditions unique to the property
- 3. Not contrary to public interest

# Decision

The BOA may only grant a variance if the applicant provides evidence that they meet all three legal standards. Each BOA member must individually complete the Variance Decision Form below as part of their decision process.

1. **Unnecessary Hardship**. For an area variance, unnecessary hardship exists when, ordinance standards that are strictly applied would unreasonably prevent a permitted use of a property, or render conformity with such standards unnecessarily burdensome. Circumstances of an applicant, such as a growing family or desire for a larger garage are not legitimate factors in deciding variances. A personal inconvenience is not sufficient to meet the unnecessary hardship standard. (Snyder v. Waukesha County Zoning Bd. Of Adjustment, 1976).

The literal enforcement of the ordinance standard(s) **will / will not** result in an unnecessary hardship because...

2. **Conditions Unique to the Property.** The hardship must be due to unique property limitations such as steep slopes or wetlands that prevent compliance with the ordinance, and that are not shared by nearby properties. Further, the entire property must be considered, if a code-compliant location exists, a hardship due to unique property limitations does not exist.

The hardship is / is not due to unique conditions of the property because...

3. A variance may not be granted which results in harm to the public interests. The **public interests** are the objectives listed in the purpose section of the ordinance:

## Shoreland Zoning Ordinance § 14.01(3)

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this chapter has been established to:

(a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.

2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.

3. Controlling filling and grading to prevent soil erosion problems.

4. Limiting impervious surfaces to control runoff which carries pollutants.

- 5. Preserving wetlands to minimize runoff and soil erosion.
- (b) Protect spawning grounds, fish and aquatic life through:
- 1. Preserving wetlands and other fish and aquatic habitat.
- 2. Regulating pollution sources.
- 3. Controlling shoreline alterations, dredging and lagooning.
- (c) Control building sites, placement of structures and land uses through:
- 1. Prohibiting certain uses detrimental to the shoreland-wetlands.
- 2. Setting minimum lot sizes and widths.
- 3. Setting minimum building setbacks from waterways.
- 4. Setting the maximum height of near shore structures.
- 5. Regulating side yards and building setbacks from waterways.
- (d) Preserve and restore shoreland vegetation and natural scenic beauty through:
- 1. Restricting the removal of natural shoreland cover.
- 2. Preventing shoreline encroachment by structures.
- 3. Controlling shoreland excavation and other earth moving activities.
- 4. Regulating the use and placement of boathouses and other structures.
- 5. Preventing the destruction and degradation of wetlands.
- 6. Preserving native wetland plant/tree communities.
- (e) Protect and Preserve Wetlands Through:
- 1. Restricting the placement of fill material in wetlands.
- 2. Encouraging avoidance and minimization of wetland impacts.
- 3. Preserving native wetland plant/tree communities.
- (f) Prevent Flood Damages Through:
- 1. Restricting filling, grading and the placement of buildings and structures in floodplains and wetlands.
- 2. Preserving the ecological integrity of floodplains and wetlands.
- 3. Restoring floodplains and wetlands to increase floodwater storage.

The variance will / will not harm the public interests because...

# **Order and Determination**

The BOA member shall decide/vote on the application and direct the planning and zoning staff accordingly. The BOA member must refer to specific evidence when rendering a decision.

The application **does / does not** meet all three of the above tests and therefore the variance should be **granted / denied**. The BOA is only allowed to grant a variance if the applicant provides evidence that:

1) Ordinance standards will result in unnecessary hardship.

- 2) The hardship is due to the unique conditions of the property.
- 3) The variance will not harm the public interests.

If the applicant has met all three tests, the BOA may apply conditions to the variance to ensure the public interests are not harmed. Planning and zoning staff have made the following condition recommendations for consideration by the board:

- 1. This variance approval is granted as a one-time exception for the specific expansion proposal outlined in the current application. Any future expansion to the structure or proposed constructions on the subject property will require separate approval from the appropriate zoning authority. The conditions, setbacks, and requirements outlined in this variance approval are applicable only to the proposed expansion as described in the current application and shall not serve as precedent for future variances or construction projects on the property.
- 2. Prior to the commencement of any construction related to the proposed building expansion, the property owner must obtain a Shoreland Zoning Permit from Dunn County. The permit application shall comprehensively address proposed grading activities, erosion control measures, stormwater management strategies, and a detailed plan for site revegetation. The permit must be secured and approved before any construction activities commence.
- 3. A detailed stormwater management plan, designed in accordance with regulations, shall be submitted to and approved by the zoning division prior to the initiation of construction. The approved plan must be implemented to effectively mitigate stormwater runoff within the proposed project boundaries. It is imperative that the stormwater management measures are designed to prevent any increase in the rate or volume of runoff onto the local infrastructure or the Red Cedar River. The property owner is responsible for ongoing compliance with the approved stormwater management plan throughout the construction and operational phases of the project

A summary of this staff report will be presented at the public hearing. Any updates or new information will be communicated during the public hearing on November 20th, 2023.

This report and other meeting materials can be found online by following this link:

Link to Dunn County Public Meeting Calendar - November 20th, 2023

# Customer Ad Proof

#### 116-60081893 Dunn County Planning & Zoning

#### **Order Nbr 131659**

Publication	Dunn County News
Contact	Dunn County Planning & Zoning
Address 1	3001 US HWY 12 E SUITE 240A
Address 2	—
City St Zip	MENOMONIE WI 54751
Phone	7152316522
Fax	
Section	Legals
SubSection	—
Category	0001 Wisconsin Legals
Ad Key	131659-1
Keywords	NOTICE OF PUBLIC HEARING
Notes	

PO Number	
Rate	Open
Order Price	150.64
Amount Paid	0.00
Amount Due	150.64
Start/End Dates	11/01/2023 - 11/08/2023
Insertions	2
Size	107
Salesperson(s)	RiverValley Legals
Taken By	JoAnn Nunez

#### Ad Proof

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Board of Adjustment for the County of Dunn will conduct three public hearings on November 20th, 2023 at 10:30 am in room 54 at the Dunn County Government Center located at 3001 US Highway 12E., Menomonie, Wisconsin. The follow-ing items will be considered: 1. Hearing for Variance VAR-23-001

VAR-23-001 Applicant(s): Eau Galle Saloon, owners Dennis Smith & Karl Kurth. owners Dennis Smith & Karl Kurth. Request: Area variance to reduce the highway/front yard setback re-quired by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (tavern). Physical Address: N385 and N383 County Road D. Location: The E ½ of Lot 10 of Block 6, and the West 66 feet of the N ½ of Lot 8 of Block 6, all located in the plat of the Village of Eau Galle, Town of Eau Galle, Dunn County, Wiscon-sin.

sin.

Hearing for Variance

Sin. 2. Hearing for Variance VAR-23-002 Applicant: Farmers Store LLC (Steve Olson). Request: Area variance to reduce the highway/front yard setback required by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (car dealership). Physical Address: N13409 County Road I. Location: Lot 3 of Block A and extending from the West end of Lot 3 to the Red Cedar River; Lot 4 of Block A and the North 47 feet of Lot 5 of Block A, That part of the NW 4 of the SW 4 of Section 13, Township 31 North, Range 11 West, bounded as follows: On the North by the North line of said Lot 4 of Block A, extended Westerly; on the South by the South line of Block A, extended Westerly; on the South by the South line of Block A, extended Westerly; on the East by the West line of Block A, and on the West by the Red Cedar River; The South 3 feet of Lot 5 of Block A, Lot 6 of Block A EXCEPT the South 3 feet of the East 80 feet thereof; The North 17 feet of Lot 7 of Block A, except the East 80 feet thereof, all located in the plat of the Village of Sand Creek, Town of Sand Creek, Dunn

## 116-60081893 Dunn County Planning & Zoning

County, Wisconsin. 3. Hearing for Conditional Use Modification CUP-23-005 Applicant: Clayton U. Olson. Request: Modification of Conditional Use permit to expand non-farm parcel from 1 acre to 1 ½ acres. P a r e nt P a r c e I I D : 1701023011354100001. Location: Part of the NE ¼ of the SE ¼ of Section 35, Township 30 North, Range 11 West, Town of Grant, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Southeast Corner of said Section 35; Thence N13°23' 57" W, a distance of 2111.38 feet, to the POINT OF B E G I N N I N G; T h e n c e N72°30' 28" W, a distance of 228.56 feet; Thence N17°18' 30" E, a distance of 223.67 feet; Thence S70°59' 33" E, a distance of 278.53 feet; Thence S16°16' 14" W, a distance of 229.35 feet to the point of beginning. This is the only opportunity to address the Board regarding these requests, as such interested persons are invited to attend said hearing and be heard. Persons unable to attend

Inis is the only opportunity to address the Board regarding these requests, as such interested persons are invited to attend said hearing and be heard. Persons unable to attend the meeting may submit written comments via email to publiccomment@co.dunn.wi.us. Persons needing assistance in accessing the meeting, please call (715) 231-6505. Maps and supporting documents are on file and available for inspection at the Environmental Services Department, Planning & Zoning Division, located at 3001 US Hwy 12 East, Suite 240, Menomonie, Wisconsin, or on Dunn County's website at www.co.dunn.wi.us 11/1, 11/8 LAC 131659 WNAXLP



# Dunn County RECEIVED AUG 1.7 2023 Planning & Zoning Division

3001 US Highway 12 East, Suite 240(715) 231-6521Menomonie, WI 54751www.co.dunn.wi.us

# FEE: Receipt #<u>A(25/6/6/</u> Variance (\$650) After the Fact (2X Fee) Cash or Mcheck#\_2000 \*Checks Payable to Dunn County Zoning

# Variance Application

Instructions: Please fill out all sections of the application. Attach site plan, a written brief, and any supporting material for the hearing.

FOR OFFICE USE ONLY PERMIT#: Zoning District: Township:	Zoning Staff Present:					
App # Complete Application Date:						
Property Owner	Agent/Contractor   Same as owner					
Name Farmers Store LLC (Steve Olson)	Name/Business Cedar Corporation					
Mailing Address N13403 CTH 1	Mailing Address 604 Wilson Aue.					
City/State/Zip Sand Greek, WI 59765	City/State/Zip Menomonie w 5975					
Phone 715-829-4170	Phone 719-235-9081					
Email Steveo & chibardun. net	Email bob. colson @ cedar corp. com					
Property Information						
Parcel ID # See attached Bref" Site	Address See Breif."					
s 13 T 31 N R 11 W CSM/Subdivision -	Lot# Blk#					
Lot Size (Acres) See Breif" Present Use Se	e Breil'					
Pro	oject Y. O.K					
Terms of Zoning Ordinance preventing your requested use: See attached Breif."						
Variance requested and reasons why this variance is needed: See attached Brei 4						
Attach a Written Brief fully answering the following:						
-Enforcement of the Dunn County Zoning Ordinance would result in an unnecessary Hardship because:						
-The unique characteristics of the property prevent compliance with the ordinance because: -Granting of this Variance would not harm the public interest because:						
General Requirements						
Site Plan Completed	n Brief Attached   Project Staked Out					
By signing below, I certify that all information contained in or attached to this application is true and correct to the best of my knowledge. I authorize Dunn County Zoning Staff to access my property if necessary to verify that the Dunn County Zoning Ordinance standards and any conditions of the public hearing are met. I understand that I am responsible for checking with the applicable township, building inspector, DNR, and any other entities that may have jurisdiction over my project. I understand that this application does not guarantee that a variance will be granted. I acknowledge either the owner or agent on this application must attend the Public Hearing.  Owner/Agent Signature:						
Zoning Official Signature:	Date:					

Please note: This is an application and does not guarantee a variance will be granted.

"Gilberts of Sand Creek"



# **Gilberts of Sand Creek Variance Request Brief**

August 17, 2023

## Background

Gilberts of Sand Creek (Gilberts) is an automobile dealership that has been in the unincorporated Village of Sand Creek (Village), since 1935. It is currently owned by Farmers Store LLC, (Steve Olson/Applicant) where Gilberts offers for sale Chrysler, Dodge, Jeep, and Ram vehicles.

Gilberts operates out of an existing building that is approximately 5,700 square feet, which houses the service department, all staff offices, a limited area for customers, some of which is not ADA compliant, a unisex bathroom which is shared by staff and customers but is in the service (shop) area, and mechanical areas (HVAC, storage, etc.). The applicant, his customers, and his staff prefer that the business continue from its current location, but the building is not ADA compliant, and it has become too small to adequately serve the needs of staff and customers.

Gilberts is in the Village, where a Sanitary District provides domestic sewage service to Village residents and businesses.

The Town of Sand Creek, including the Village, is not under Dunn County Zoning. However, due to its proximity to the Red Cedar River, most of the Village, including Gilberts, falls under the jurisdiction of the County's Shoreland Ordinance (Ordinance).

For Gilberts to expand its operations additional space is needed. The applicant has control of the Gilberts property and the two adjacent properties, shown on attachment 1 (Context) and described as follows.

- 1. Lot 1 (PIN 1702823111133200013) is the parcel where the business is located and is estimated to be 0.29 acres or approximately 12,700 square feet.
- 2. Lot 2 (PIN 1702823111133200015) is the parcel directly south of Lot 1 and adjacent to the business and is estimated to be 0.35 acres or approximately 15,400 square feet.
- 3. Lot 3 (PIN 1702823111133200016) is the southernmost parcel and is estimated to be 0.21 acres or approximately 9,000 square feet. This parcel has an existing residence which could be removed.

## Variance Requests

By reconfiguring Lot 1 and combing Lot 2 and Lot 3 a new parcel could be created see attachment 2 (Maximum Area). Attachment 2 shows that the new parcel could be approximately 0.60 acres, or around 26,200 square feet. Calculating the maximum size of the new building at the 30% impervious of 26,200 square feet equals a new building footprint that is approximately 7,900 square feet. It is understood that going to a 30% impervious surface requires a Mitigation Plan that meets the standards of Ch. 14.13 shall be submitted to the Zoning Administrator for review and action.

Before continuing forward and hiring a Land Surveyor to create a document showing the exact property lines and lot areas, Gilberts is requesting three Variances.

- 1. A Variance to Ch. 14.05 related to combining parcels.
  - a. Ch. 14.05(2)(b) requires that existing substandard parcels must be combined with existing parcels under the same ownership to create a new parcel.
    - i. Lot 1 is substandard.
      - 1. It currently has an area of approximately 12,700 square feet and the applicant would like to reconfigure the lot to have an area of approximately 9,600 square feet, the justification is described in item 3 below but as per Ch. 14.05(3)(a) the minimum lot area shall be 10,000 square feet.
      - It currently has a width of approximately 60 feet but as per Ch. 14.05(3)(b) the minimum lot width shall be 65 feet.
  - b. The applicant is requesting that Lot 1 be allowed to remain substandard and that it not be required to be combined with Lots 2 and 3.
    - i. Not combining Lot 1 with the other parcels allows the existing building to not count towards the impervious surface calculation.
    - Not combining Lot 1 allows Gilberts to reconfigure Lot 1 (Zero lot line and a 25-foot rear yard setback) and to combine those portions of Lot 1 with Lots 2 and 3 to create a new lot with the maximum parcel area (Approx. 26,200), see attachment 2 (Maximum Area).
- 2. A Variances to Ch. 14.06 related to setbacks.
  - a. Ch 14.06 (4)(a) requires a 10-foot side yard setback for Principal Structures.
    - i. Gilberts is requesting that the side yard setback between Lot 1 and Lot 2 be reduced to zero.
      - 1. This would allow the proposed new building to be connected to the existing building.
  - b. Ch. 14.06(4)(b)(3) requires a 50-foot setback from the Right of Way (ROW) of CTH I.
    - i. Gilberts is requesting the front yard setback be reduced to allow the front of the new building to be constructed no closer to the ROW than the front of the existing building.
      - 1. This would be consistent with other buildings along the County Highway in the Village.
      - 2. Otherwise, the buildable area becomes too narrow to accommodate a business expansion.
- 3. A Variance to Ch. 14.05(3) regarding minimum lot area.
  - a. Reconfigure the lot line between Lot 1 and Lot 2 to be relocated to the outside wall of the existing building and reduce rear yard to 25 feet.
    - i. This would allow the new building to be connected to the existing building.
  - b. Reduce the area of Lot 1 to approximately 9,600 square feet, see attachment 1 (Maximum Area).
    - This would allow the remaining area from Lot 1 to be added to the combined area of Lots 2 and 3 to create a parcel that would be approximately 26,200 square feet which at 30% impervious surfaces would allow construction of a new building to be approximately 7,900 square feet.
      - 1. A parcel that is approximately 9,600 square feet would not be out of character nor inconsistent with other existing parcels in the Village.

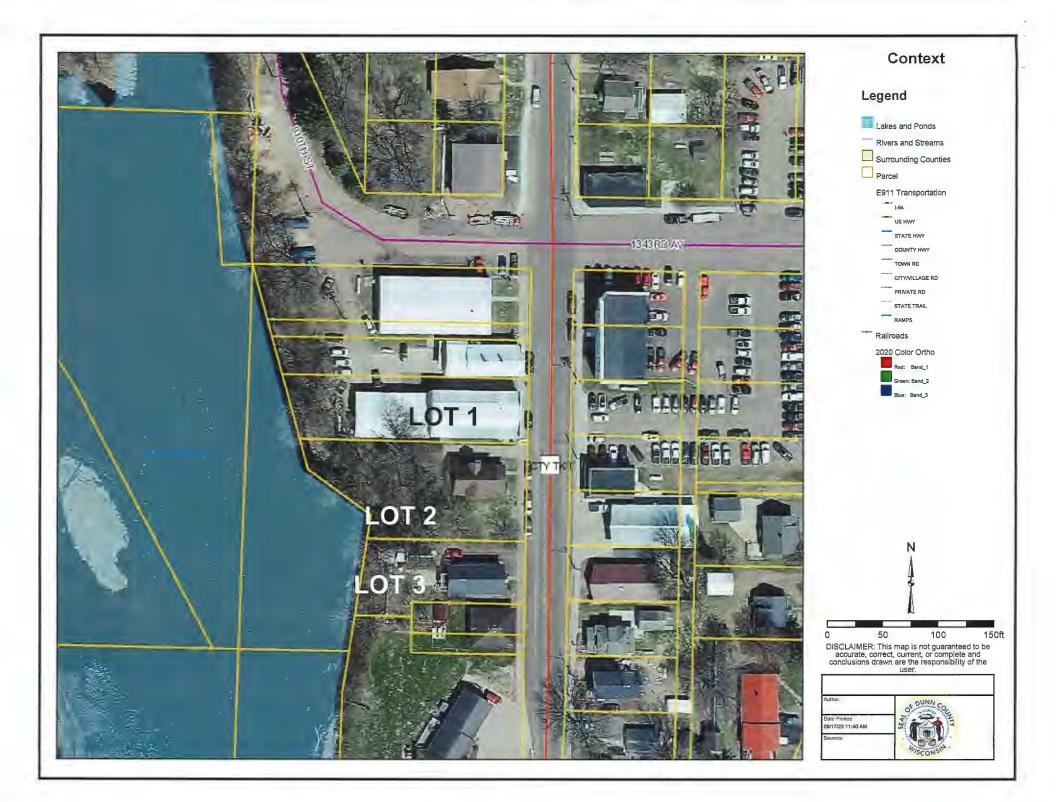
2. A new building that is approximately 7,900 square feet is less area than a typical dealership, but it is the largest possible footprint allowed by ordinance, and every square foot of buildable area helps the business.

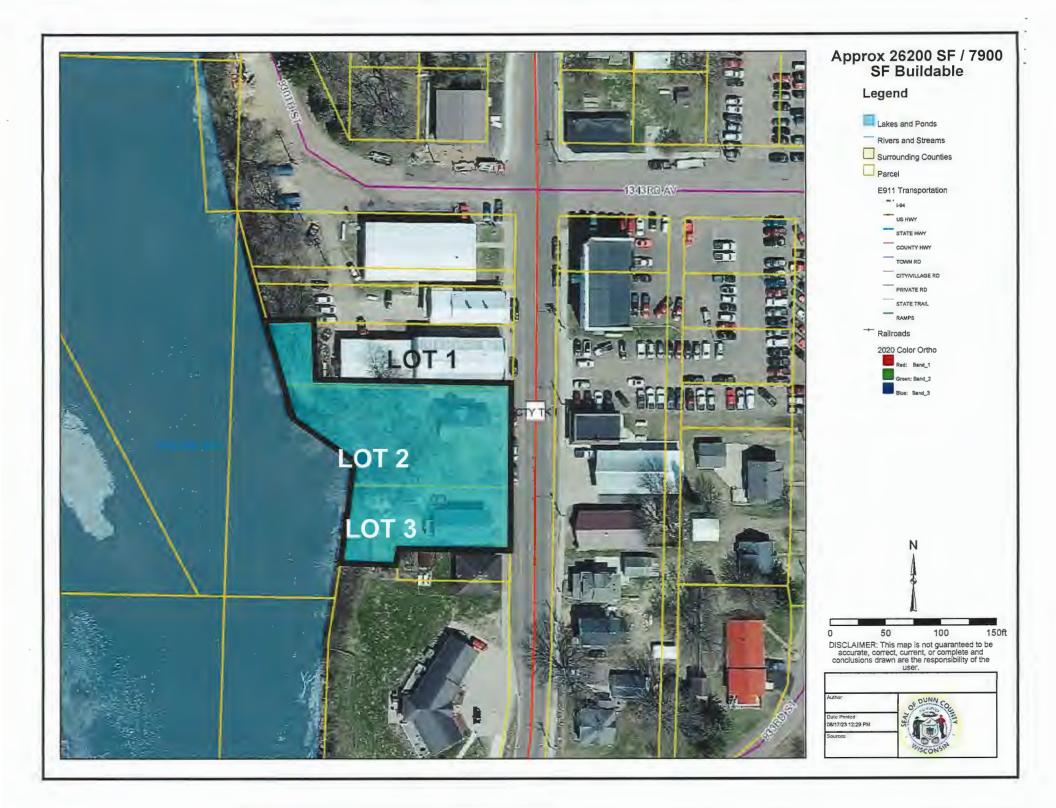
## **Findings and Conclusions**

The County's Shoreland Ordinance became enforceable after most parcels within the Village had already been created and well after most businesses had been established. The location of the river, the location of the existing building, the location of the ROW, and the size of Lot 1 are not of the applicant's doing. An unnecessary Hardship would result if strict adherence to the ordinance were enforced, because subsections of the ordinance will prevent the applicant from pursuing a reasonable expansion of the business.

As noted, the issues related to each Variance request are unique, the river can't be moved, the County Highway can't be moved, additional land on either side of the project is not available, the size of parcels including lot widths and lot areas were created many years before the applicant took ownership and well before the Shoreland Ordinance became effective.

Granting the Variance requests would not harm public interest because granting them would not create nuisances nor health/safety concerns and the proposal would fit the character of Sand Creek.





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# **Gilberts of Sand Creek Variance Request Brief**

August 30, 2023

## Background

Gilberts of Sand Creek (Gilberts) is an automobile dealership that has been in the unincorporated Village of Sand Creek (Village), since 1935. It is currently owned by Farmers Store LLC, (Steve Olson/Applicant) where Gilberts offers for sale Chrysler, Dodge, Jeep, and Ram vehicles.

Gilberts operates out of an existing building that is approximately 5,700 square feet, which houses the service department, all staff offices, a limited area for customers, some of which is not ADA compliant, a unisex bathroom which is shared by staff and customers but is in the service (shop) area, and mechanical areas (HVAC, storage, etc.). The applicant, his customers, and his staff prefer that the business continue at its current location, but the building is not ADA compliant, and it has become too small to adequately serve the needs of staff and customers.

Gilberts is in the Village, where a Sanitary District provides domestic sewage service to Village residents and businesses.

The Town of Sand Creek, including the Village, is not under Dunn County Zoning. However, due to its proximity to the Red Cedar River, most of the Village, including Gilberts, falls under the jurisdiction of the County's Shoreland Ordinance.

For Gilberts to expand its operations additional space is needed. The applicant has control of the Gilberts property and the two adjacent properties, shown on attachment 1 (Context) and described as follows.

- 1. Lot 1 (PIN 1702823111133200013) is the parcel where the business is located and is estimated to be 0.29 acres.
- 2. Lot 2 (PIN 1702823111133200015) is a vacant lot directly south and adjacent to Lot 1 and it is estimated to be 0.34 acres.
- 3. Lot 3 (PIN 1702823111133200016) is the southernmost lot which has a home on it, and it is estimated to be 0.20 acres. If the variance is granted the home would either be moved to another site, or it would be demolished to make way for the new building.

The applicant proposes to design and construct Rain Garden(s) to capture and treat stormwater runoff from the existing building. The Rain Garden(s) meeting the standards of Ch.14.09(7) which would allow the existing building to be exempt from the impervious surface calculations thereby allowing all three lots to be combined into a single lot.

Included with this document is a site plan which shows.

- The Total Lot Area (approx. 36,777 Sq. Ft. or approx. 0.83 acres) that could be created by combining Lots 1, 2, and 3.
- The Building Envelope area (15,724 Sq. Ft.) which represents the maximum building size and locates where a new building could be constructed if the existing building were demolished or

did not exist. The Building Envelope area does not include the 7-foot Highway/front yard setback, the 75-foot shoreland setback or the 10-foot side yard setback.

• The Building Footprint area represents the size and location of where a building addition could be attached to the existing building. The Building Footprint area is equal to the 30% impervious surface area. The size of Building Footprint area was determined by multiplying the total area of the new lot (36,777 Sq. Ft.) by 30% (impervious surface) which equals a maximum Building Footprint area of approx. 11,033 Sq. Ft. The Building Footprint area also does not include the 7-foot Highway/front yard setback, the 75-foot shoreland setback or the 10-foot side yard setback.

The applicant is proposing the impervious surfaces to be up to 30% of the project area and understands that a Mitigation Plan meeting the standards of Ch. 14.13 shall be submitted to the Zoning Administrator for review and action. The applicant's Mitigation Plan would include storm water calculations and other supporting information regarding the design of Rain Garden(s) and mitigation measures totaling a minimum of 4 additional points from the list of optional measures as described in Ch 14.13(6).

The Town of Sand Creek which includes the unincorporated Village of Sand Creek is under the County's Shoreland Ordinance but is not under the County's Comprehensive Zoning Ordinance nor does the Town have any applicable local ordinances or General Zoning related to the proposal. The Town has been contacted regarding expanding Gilberts at its current location and the Town is supportive of the proposal.

The County Highway Department (Department) has been contacted regarding the applicant's proposal to construct the new building at the back of the sidewalk which is approx. 7 feet from the right-of-way or such that the new building would line up with the face of the existing building, whichever is more restrictive. The Department did not object to reducing the Highway setback, but the Department indicated that it reserves the right to review floor plans to determine if any of the overhead doors that enter and exit onto the County Road would be permitted as access points to the County Road.

## **Variance Request**

Before continuing forward to hire a Land Surveyor to create a land survey of the new lot, an Engineer to perform stormwater calculations and design the Rain Garden(s) and an Architect to develop construction documents, Gilberts is requesting a Variance to Ch. 14.06 related to setbacks.

- Ch. 14.06(4)(b)(3) requires a 50-foot setback from the Right of Way of CTH I.
  - Gilberts is requesting the front yard setback be reduced to 7 feet or to be no closer to the right of way than the front of the existing building, whichever is more restrictive.
    - This would be consistent with other buildings along the County Highway in the Village, otherwise, the Building Envelope becomes too narrow to accommodate a reasonable Building Footprint.

## **Findings and Conclusions**

The County's Shoreland Ordinance became enforceable after most parcels within the Village had already been created and well after most businesses had been established. The location of the river, the location of the existing building, the location of the ROW, and the size of Lots 1,2, and 3 are not of the applicant's doing. An unnecessary Hardship would result if strict adherence to the ordinance were

enforced, because subsections of the ordinance will prevent the applicant from pursuing a reasonable expansion of the business.

As noted, the issues related to the Variance request are unique, the river can't be moved, the County Highway can't be moved, additional land on either side of the project is not available, the size of parcels including lot widths and lot areas were created many years before the applicant took ownership and well before the Shoreland Ordinance became effective.

Granting the Variance request would not harm public interest because granting it would not create nuisances nor health/safety concerns and the proposal would fit the character of Sand Creek.

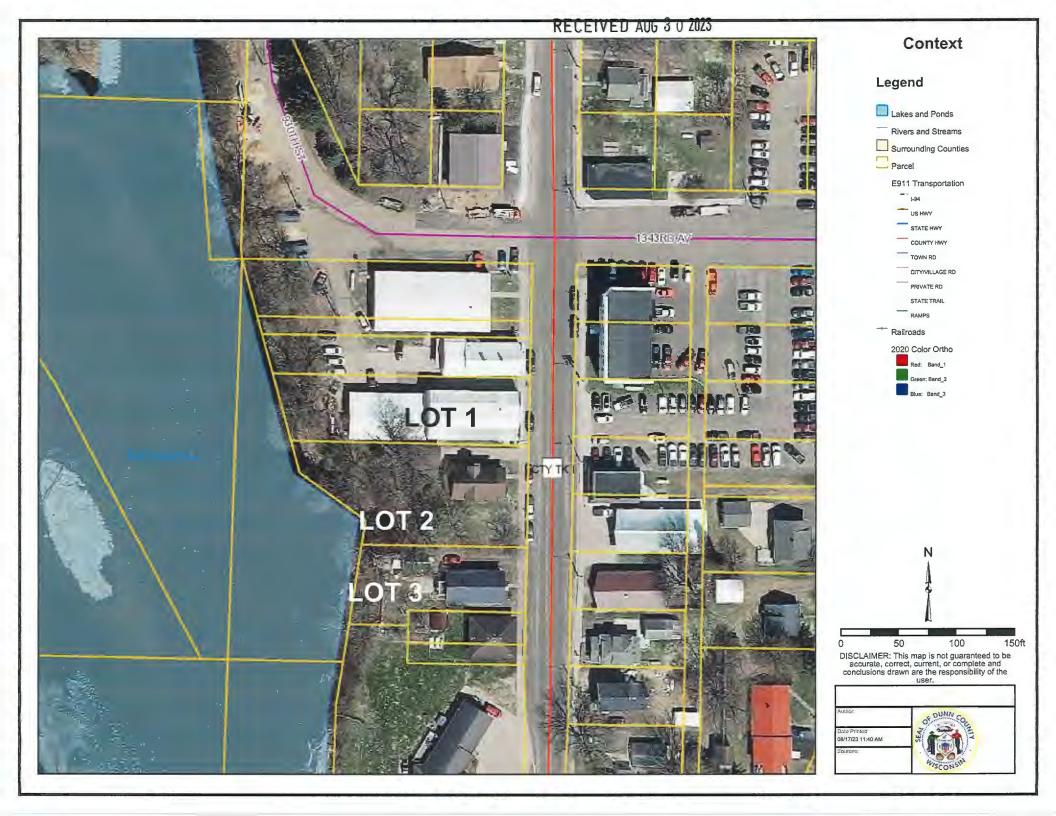
If the Variance is approved, then the applicant will contract with

- 1. A Land Surveyor to create a Certified Survey Map (CSM) to combine Lots 1,2, and 3 into a single lot.
  - a. The CSM will be submitted to the County for review and approval.
  - b. The CSM will be submitted to the Zoning Administrator to confirm the 30% impervious surface area.
- 2. A design professional to calculate and to size Rain Garden(s) to treat the stormwater runoff from the existing building.
  - a. The Rain Garden(s) design and supporting calculations will be submitted to the Zoning Administrator for review and approval.
  - b. The Rain Garden(s) will be incorporated into the Mitigation Plan
- 3. An Architect to design a facility that meets the standards of the County's Shoreland Ordnance and all other building codes.
  - a. Preliminary floor plans will be provided to the County Highway for review and approval of County Road access point(s).

In addition to the above the applicant will submit to the Zoning Administrator a Mitigation Plan with Rain Gardeninformation and a minimum of 4 additional points from the list of optional measures as described in Ch 14.13(6).

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of calculating the percentage of impervious surface.

(4) Exception with shoreland mitigation permit. If the Zoning Administrator has approved a shoreland mitigation permit under section 14.13 no more than thirty percent (30%) of the portion of a lot or parcel that is within three hundred (300) feet of the OHWM may be covered with an impervious surface.

## (5) Shoreland Erosion Control and Shoreland Mitigation Permits.

- (a) A shoreland erosion control permit must be issued by the Zoning Administrator before any activity shall occur or a shoreland zoning permit is issued for such activity.
- (b) A shoreland mitigation permit must be issued by the Zoning Administrator for any development which exceeds 15% impervious surface but not greater that 30% impervious surfaces. The mitigation permit shall meet the standards found in section 14.13.

(6) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in sections 14.09(2) and 14.09(4), the property owner may do any of the following:

- (a) maintain and repair the existing impervious surfaces.
- (b) replace existing impervious surfaces with similar surfaces, if needed that meet applicable setbacks;
- (c) relocate or modify existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements in sections 14.06(2), 14.06(4) and 14.06(5). (10/18/2017)

(7) Treated Impervious Surfaces. Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 14.09(3): (10/18/2017)

- (a) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (c) To qualify for the statutory exemption, property owners shall submit a complete permit application, that is reviewed and approved by the county. The application shall include:
  - 1. Calculations showing how much runoff is coming from the impervious surface area.
  - 2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area.
  - 3. An implementation schedule and enforceable affidavit shall be filed with the register of deeds prior to construction, acknowledging the obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area prior to the issuance of the permit.

(History: Repealed & Recreated 06/17/2015; Amended 10/19/2016)

## 14.10 HEIGHT.

(1) **Purpose.** To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, construction that results in a structure taller than 35 feet within 75 feet of the OHWM of any navigable waters shall be prohibited.













*Town of Sand Creek* P.O. Box 93 Sand Creek, W1 54765 (715) 658-1795

November 14, 2023

Dunn County Environmental Services Planning & Zoning Division 3001 US Hwy 12 E, Suite 240 Menomonie, WI 54751

**RE:** Variance Application for Farmers Store LLC

To Whom it May Concern:

This is in receipt of your email dated November 2, 2023 requesting an opinion by the Town of Sand Creek regarding the application for variance by Farmers Store LLC (Steve Olson) before the November 20, 2023 meeting. The Town of Sand Creek's November meeting is scheduled for November 21, 2023, and was unable to discuss at regular scheduled meeting within the time constraints. However, all three board members are in favor of any variance needed for the Farmers Store LLC/Gilberts of Sand Creek for building construction to improve their business. The Town has no concerns with any variance that may be granted by the Dunn County Planning & Zoning Division. It is imperative for the Town of Sand Creek to keep all businesses, especially Gilberts of Sand Creek, for the future prosperity and vitality of our community. I have contacted the board members regarding this application, and all the board members are in support of approving the application for this variance. Below are their signatures regarding this matter. This item will be confirmed on the November 21<sup>st</sup> meeting which we anticipate no concerns on this matter from the public.

If you have any further questions, you may contact me at (715) 658-1795.

Sincerely, \_

6 Cim

Pam Meinen Clerk

Michael Nelson Town Chair

Joel Smith Supervisor

John Loy Supervisor



**Environmental Services Department** 

Planning Division 3001 US Highway 12 E., Suite 240 Menomonie, WI 54751 (715)231-6520

## Staff Report for CUP-23-005 Modification Request

Dunn County Board of Adjustment

#### Public Hearing Date: November 20th, 2023

Applicant/Property Owners	Clayton U. Olson and Michelle Olson
Agent	Clayton U. Olson
Site Address	Address not yet assigned
Town	Grant
Parent Parcel Identification Number(s)	1701023011354100001
Legal Description	A parcel of land located in the Northeast ¼ of the Southeast ¼ of Section 35, Township 30 North, Range 11 West, Town of Grant, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Southeast Corner of said Section 35; Thence N13°23'57"W, 2,111.38 feet to the POINT OF BEGINNING; Thence N72°30'28"W, 190.05 feet; Thence N17°18'30"E, 234.22 feet; Thence S70°59'33"E, 185.98 feet; Thence S16°16'14"W, 229.35 feet to the POINT OF BEGINNING.
Base Farm Tract (BFT)	115 acres
Proposed Residential Lot Size	Approximately 1 ½ acres
Current Zoning	Intensive Agriculture (IA)
Requested Zoning	No change requested
Adjacent Zoning	Intensive Agriculture (IA)
Overlay Districts	Dunn County Shoreland Protection

Li	1.) Staff Report 2.) Proof of Publication 3.) Original Permit Application 4.) Town Recommendation 5.) Farmland Preservation Map 6.) Modification Application
	Map 6.) Modification Application

#### NOTICE

A Class II notice, as per Ch. 985 Wis. Stats., was published in the Dunn County News on both August 2nd and August 9th, 2023.<sup>1</sup> This notice served to establish a public hearing on August 21st, 2023, scheduled during the Dunn County Board of Adjustment meeting, commencing at 5:30 PM in room 54 at the Dunn County Government Center, located at 3001 US Hwy 12 E., Menomonie, Wisconsin.

To ensure comprehensive notification, neighbors residing within a 300-foot radius of the subject property were informed of the hearing via first-class mail. Furthermore, County supervisors and applicable state agencies and federal agencies were notified through electronic mail.

#### **BRIEF SUMMARY**

This brief summary aims to provide a concise overview of the main points and key findings of this report in plain language for those who want a quick understanding without reading the entire document.

The agent, Clayton Olson, has requested permission to increase the size of a 1-acre non-farm residential parcel to 1 ½ acres within a 40-acre piece of land in an agricultural preservation zoning district. This request requires a public hearing with the Board of Adjustment.

The property is mostly woodland and is part of a larger 115-acre base farm tract. The original proposal generally aligns with regulations but fell short of a local lot size requirement from the Town of Grant. The property has valuable agricultural soil, a stream, and conservation value. A map is included with this report showing the location of prime farmland and farmland of statewide importance<sup>2</sup>. The location of the proposed acreage expansion might affect these important farmlands.

<sup>&</sup>lt;sup>1</sup> See exhibit 2

<sup>&</sup>lt;sup>2</sup> See exhibit 5

Planning staff have found that while Mr. Olson's original proposal fit most rules, it didn't meet all local size requirements and despite the valuable agricultural soil, the prospect of farming the property due to slopes and woodlands is not certain. The decision on whether to allow the proposed increase in acreage rests with the Board of Adjustment. If approved, a "Findings of Fact, Determination, and Order" document will outline rules for the new residential property<sup>3</sup>. Balancing development with conserving the land's value is important in this case.

#### **INTRODUCTION**

On July 1, 2009, the 2009 Wisconsin Act 28, also known as the Working Lands Initiative, repealed and recreated Wisconsin's farmland preservation law under Chapter 91 of the Wisconsin Statutes and related tax credits under Subchapter IX of Chapter 71 of the Statutes. Dunn County's Farmland Preservation Plan, adopted in 1982, and was updated in 2016. The Towns of Lucas, Grant, and Wilson are under exclusive agricultural zoning.

Farmers covered by a farmland preservation zoning ordinance are eligible for state income tax credits if the Department of Agriculture, Trade and Consumer Protection (DATCP) certifies that the ordinance meets or exceeds state farmland preservation standards. Among other things, a certified ordinance must restrict residential construction in farmland preservation zoning districts. Ordinance standards must meet or exceed the state standards.

Local ordinances must require a conditional use (aka special exception) permit for a "nonfarm residence" unless the parcel is rezoned out of the farmland preservation district. State standards do not require a minimum lot size requirement and encourage smaller residential lots that convert less farmland. If a local ordinance still includes a minimum lot size requirement, that requirement must be in addition to (and not in lieu of) the state standards.

#### REQUEST

The agent, Clayton Olson, N13557 County Road I, New Auburn, Wisconsin, submitted a request to modify his special exception permit to add  $\frac{1}{2}$  an acre to his previously approved non-farm parcel within the Intensive Agriculture (IA) zoning district.

<sup>&</sup>lt;sup>3</sup> See exhibit 6

#### BACKGROUND

At the time of initial application, the parent parcel, comprising of 40 acres, was owned by the Alice A Yellowega-Rude Trust and situated at the northeast corner of town roads, 970th Street and 990th Avenue, within the Town of Grant. The agent's objective in his original proposal was to subdivide the property, to create a 1-acre lot for a future residence. To proceed with this plan, he needed a special exception permit from the County. This special exception permit was approved on August 21st, 2023. If the modification of his special exception permit is approved, Mr. Olson intends to proceed with building a driveway, single-family home and outbuildings, as outlined in the original application narrative<sup>4</sup>.

#### **GENERAL FEATURES OF THE PROPERTY**

The 40-acre parent parcel is located in a wooded area and is enrolled in the Managed Forest Law (MFL) program, which promotes sustainable timber production and conservation. Under MFL, private forest lands are managed for timber while offering tax incentives and public access for recreation. This particular parcel has been part of the MFL program since 1982. Planning division staff have communicated with the Wisconsin Department of Natural Resources (DNR) regarding the proposed withdrawal of an acre for residential development from the MFL program. While discussions with Mr. Olson are ongoing, the formal withdrawal process with the DNR is pending initiation<sup>5</sup>.

The property features an unnamed stream that is part of the Pine Creek and Red Cedar River Watershed. Although the parcel doesn't encompass floodplain areas, some portions fall within Dunn County's Shoreland Protection Overlay district due to the presence of the stream. This designation imposes restrictions on construction to safeguard water quality and wildlife habitat.

Certain sections of the parent parcel contain NRCS Class I and II soils, categorized as "Prime Farmland." These fertile soils are well-suited for agriculture, presenting opportunities for responsible cultivation<sup>6</sup>.

#### **REVIEW STANDARDS AND ANALYSIS**

To provide insight for the Board of Adjustment's decision-making process, this report includes an evaluation of the modification request by Planning Division staff.

<sup>&</sup>lt;sup>4</sup> See exhibit 3

<sup>&</sup>lt;sup>5</sup> See exhibit 7

<sup>&</sup>lt;sup>6</sup> See exhibit 5

As outlined in Section 13.2.2(i)(1) of the Dunn County Comprehensive Zoning Ordinance, nonfarm single/two-family residences situated in the IA and PA districts require a minimum lot size of 1 (one) acre. The agent's 1-acre lot aligns with this stipulation. However, it falls below the Town of Grant's stipulated minimum lot size, which stands at 1  $\frac{1}{2}$  acres. To meet this requirement, the applicant is proposing to add another  $\frac{1}{2}$  acre to the lot.

In accordance with Section 13.4.0.04(f) and guided by the standards in Wis. Stat. § 91.46, the potential allowance of a new nonfarm residence or the conversion of a farm residence to a nonfarm residence hinges upon meeting certain conditions. The Board of Adjustment must determine the fulfillment of the following prerequisites:

#### Ratio of Nonfarm Residential Acreage to Farm Acreage

The ratio of nonfarm residential acreage to farm acreage on the base farm tract, where the residence currently exists or will be established, must not surpass 1 to 20 acres subsequent to the completion of the residence's construction or conversion into a nonfarm residence.

Analysis: The subject property's base farm tract encompasses an area spanning 115 acres. Calculations indicate that the nonfarm acreage to farm acreage ratio permits 5 acres for nonfarm residential utilization. The agent's application seeks approval for the utilization of 1 1/2 acres from the available 5 acres. Should this request receive approval, 3 1/2 acres would remain for potential future nonfarm residential usage.

#### Total Dwelling Units within the Base Farm Tract

The cumulative count of dwelling units within the base farm tract designated for nonfarm purposes must not exceed 4. Moreover, the total number of dwelling units, regardless of kind, across the base farm tract must not exceed 5.

Analysis: At present, the base farm tract does not host any farm residences. In the event of approval for the agent's proposal to establish a nonfarm residential lot, the agent could potentially construct a nonfarm dwelling on this new lot. Should this transpire, the base farm tract would include 1 nonfarm residence, leaving it with a capacity for the development of up to 4 additional residences. However, the number of nonfarm residences in this context must not surpass 3 out of the potential 4.

The above analysis emphasizes the importance of striking a balance between adhering to regulatory requirements and accommodating residential development. The unique characteristics of the site and its potential for future usage necessitate careful consideration during the decision-making process.

#### Proposed Nonfarm Residential Parcel Location and Impact Analysis

This section focuses on the location and dimensions of the proposed nonfarm residential parcel, along with the positioning of the new nonfarm residence if applicable. The objective is to ensure that the proposed developments align with specific criteria, aimed at preserving the existing land use and agricultural viability. The analysis covers the following considerations:

#### a) Preservation of Prime Farmland and Cropland Conversion

The proposed nonfarm residential parcel must avoid converting prime farmland used for agriculture or land that has been previously utilized as cropland, except for woodlots. This requirement applies, unless a reasonable alternative site or size for the nonfarm residential parcel or residence can be identified elsewhere on the farm property.

#### b) Protection of Agricultural Use on Protected Farmland

The proposed developments should not substantially hinder or restrict current and potential future agricultural activities on other protected farmland areas.

Analysis: The planned 1.5-acre nonfarm residential parcel encompasses a dwelling, driveway, septic system, and well, primarily within a woodland setting. A comprehensive review was undertaken by the County Planning, Land & Water Conservation, and Land Information divisions to assess the impact of the proposal on prime farmland areas, particularly in relation to steep slopes.

By integrating data from the 2020 USDA Web Soil Survey, the preliminary Certified Survey Map (CSM), and aerial imagery, a cartographic representation has been generated to visualize the distribution of Prime Farmland and Farmland of Statewide Importance across the subject property<sup>7</sup>. Approximately three-quarters of the proposed lot falls within Prime Farmland and Farmland of Statewide Importance categories. The remaining portions identified as "not prime farmland" are confined to the northeastern and southeastern corners of the lot.

Moreover, the intended driveway easement intersects with Prime Farmland and Farmland of Statewide Importance. This analysis suggests that alternative lot and easement locations could be considered, as areas on the map indicate areas with lesser significance for prime farmland.

The challenging terrain characterized by steep slopes and woodland coverage presents hurdles for both development and agricultural utilization. Given these considerations, it is advisable for the agent to address these intricacies during the forthcoming Board of Adjustment hearing.

<sup>&</sup>lt;sup>7</sup> See exhibit 5

#### SUMMARY AND CONCLUSION

The applicant's intention is to add ½ an acre to his previously approved special exception for a non-farm parcel from a 40-acre parent parcel located within a 115-acre base farm tract known as the "Alice A Yellowega-Rude Family Trust BFT," with the intention of establishing a nonfarm parcel for residential use.

Upon review of the proposal's alignment with regulations and standards, several key observations have been made. Staff analysis confirmed that the ratio of nonfarm residential acreage to farm acreage on the base farm tract adheres to permissible limits. Furthermore, the proposed number of dwelling units on the base farm tract is within the stipulated maximum.

Staff also found that the location and dimensions of the intended nonfarm residential parcel introduce the potential for the conversion of prime farmland and farmland of statewide importance.

Considering the detailed findings, supported by staff analysis, along with input received during the public hearing, the responsibility of evaluating Clayton Olson's request for modification of his special exception permit rests with the Board of Adjustment. The evaluation indicates that the project is generally in alignment with zoning regulations, upholds the integrity of agricultural land, and accommodates Olson's aspiration to construct a single-family dwelling. Nevertheless, the viability of utilizing the identified areas of prime farmland for agricultural purposes is uncertain.

In essence, the evaluation underscores the need for a meticulous balancing act between the pursuit of residential development and the preservation of the inherent agricultural and ecological attributes of the land. The distinct challenges and possibilities presented by the site necessitate thoughtful deliberation as decisions concerning its development path are reached.

Ultimately, the decision made by the Board of Adjustment will be recorded in the finalized "Findings of Fact, Determination, and Order" document. This document will outline the specific conditions and requisites that guide the establishment of the nonfarm parcel.

#### Recommendation

Based on the analysis and findings listed above, zoning staff are supportive of the applicant's modification request for the property described below. However, the agent

will need to demonstrate to the BOA that the proposal will not adversely affect future use of Prime Farmland and/or Farmland of Statewide Importance.

Part of the NE¼ of the SE¼ of Section 35, Township 30 North, Range 11 West, Town of Grant, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Southeast Corner of said Section 35; Thence N13°23'57"W, a distance of 2111.38 feet, to the POINT OF BEGINNING; Thence N72°30'28"W, a distance of 282.56 feet; Thence N17°18'30"E, a distance of 236.67 feet; Thence S70°59'33"E, a distance of 278.53 feet; Thence S16°16'14"W, a distance of 229.35 feet to the point of beginning.

#### **Deliberation & Conclusions by the Board**

The Board of Adjustment will need to make conclusions with respect to the review criteria, as detailed in §13.4.0.04 of the Dunn County Comprehensive Zoning Ordinance. This process involves reviewing the application materials, supporting documents, staff analysis, agency and public comments received, and all testimony presented. A special exception use allows a property owner to use their land in a way that is allowed by the zoning rules but with certain conditions.

Per § 13.4.0.04(f), the Board of Adjustment may grant special exception uses where certain uses and situations are of such special nature or their effect is dependent upon actual contemporary circumstances so as to make impractical the determination in advance of permissibility. Each zoning district contains those uses requiring a special exception use permit and conditions as determined by the Board of Adjustment. special exception uses shall only be granted subject to the following procedures and factors

- 1. No special exception use shall be granted without a hearing before the Board of Adjustment after the submission of a complete application for the special exception use;
- 2. No special exception use shall violate the spirit or general intent of this ordinance;
- 3. No special exception use shall be granted which would be contrary to the public health, safety or general welfare or which would be substantially adverse to property values in the neighborhood. In making the determination, the Board shall consider the following:

 a.) Any written or oral opinion or recommendation submitted by the Township in which the proposed exception is to exist;

- □ b.) The danger to life and property due to increased flood heights or velocities caused by encroachments;
- c.) The proposed water supply and sanitation systems and the ability of these systems to prevent the occurrence of disease, contamination and unsanitary conditions;
- □ d.) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner and surrounding properties;
- e.) Any use constituting a nuisance by reason of noise, dust, smoke, odor or similar factors; or
- ☐ f.) The effect of the proposed use on the surrounding area, its compatibility with the area and the comprehensive plan then existing for the property.

#### Action

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria included in this staff report, the Board of Adjustment will need to take action regarding the agent's request:

- Recommend approval of the modification with conditions (only if requirements are all met)
  - or
- Recommend denial of the proposed use with specific reasons for denial or
- Destpone action for additional information or adjustments, if necessary

A summary of this staff report will be presented at the public hearing. Any updates or new information will be communicated during the public hearing on November 20th, 2023.

This report and other meeting materials can be found online by following this link:

Link to Dunn County Public Meeting Calendar - November 20th, 2023

#### Customer Ad Proof

#### **Dunn County Planning & Zoning** 116-60081893

#### **Order Nbr 131659**

Publication	Dunn County News
Contact	Dunn County Planning & Zoning
Address 1	
Address 2	_
City St Zip	MENOMONIE WI 54751
Phone	
Fax	— —
Section	Legals
SubSection	
SubSection Category	0001 Wisconsin Legals
	0001 Wisconsin Legals 131659-1

Open
150.64
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11/01/2023 - 11/08/2023
2
107
-
RiverValley Legals
JoAnn Nunez

#### Ad Proof

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Board of Adjustment for the County of Dunn will conduct three public hearings on November 20th, 2023 at 10:30 am in room 54 at the Dunn County Government Center located at 3001 US Highway 12E., Menomonie, Wisconsin. The follow-ing items will be considered: 1. Hearing for Variance VAR-23-001 Hearing

VAR-23-001 Applicant(s): Eau Galle Saloon, owners Dennis Smith & Karl Kurth. owners Dennis Smith & Karl Kurth. Request: Area variance to reduce the highway/front yard setback re-quired by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (tavern). Physical Address: N385 and N383 County Road D. Location: The E ½ of Lot 10 of Block 6, the W ½ of Lots 9 and 10 of Block 6, and the West 66 feet of the N ½ of Lot 8 of Block 6, all located in the plat of the Village of Eau Galle, Town of Eau Galle, Dunn County, Wiscon-sin. sin.

Hearing for Variance Applicant: Farmers Store LLC (Steve Olson). Request: Area var-

Applicant: Farmers Store LLC (Steve Olson). Request: Area var-iance to reduce the highway/front yard setback required by § 14.06(4)(b)(3) of the Dunn County Shoreland Zoning ordinance to allow for proposed expansion of an existing principal structure (car deal-ership). Physical Address: N13409 County Road I. Location: Lot 3 of Block A and extending from the West end of Lot 3 to the Red Cedar River; Lot 4 of Block A and the North 47 feet of Lot 5 of Block A; That part of the NW 4 of the SW 4 of Section 13, Township 31 North, Range 11 West, bounded as follows: On the North by the North line of said Lot 4 of Block A, extended Westerly; on the South by the South line of the North 47 feet of said Lot 5 of Block A, extended Westerly; on the East by the West line of Block A; and on the West by the Red Cedar River; The South 3 feet of Lot 5 of Block A, Lot 6 of Block A EXCEPT the South 3 feet of the East 80 feet thereof; all located in the plat of the Village of Sand Creek, Town of Sand Creek, Dunn

#### 116-60081893 Dunn County Planning & Zoning

County, Wisconsin. 3. Hearing for Conditional Use Modification CUP-23-005 Applicant: Clayton U. Olson. Request: Modification of Conditional Use permit to expand non-farm parcel from 1 acre to 1 ½ acres. P a r e nt P a r c e I I D : 1701023011354100001. Location: Part of the NE ¼ of the SE ¼ of Section 35, Township 30 North, Range 11 West, Town of Grant, Dunn County, Wisconsin, more particularly described as follows: Commencing at the Southeast Corner of said Section 35; Thence N13°23' 57" W, a distance of 2111.38 feet, to the POINT OF B E G I N N I N G; T h e n c e N72°30' 28" W, a distance of 228.56 feet; Thence N17°18' 30" E, a distance of 223.67 feet; Thence S70°59' 33" E, a distance of 278.53 feet; Thence S16°16' 14" W, a distance of 229.35 feet to the point of beginning. This is the only opportunity to address the Board regarding these requests, as such interested persons are invited to attend said hearing and be heard. Persons unable to attend

Inis is the only opportunity to address the Board regarding these requests, as such interested persons are invited to attend said hearing and be heard. Persons unable to attend the meeting may submit written comments via email to publiccomment@co.dunn.wi.us. Persons needing assistance in accessing the meeting, please call (715) 231-6505. Maps and supporting documents are on file and available for inspection at the Environmental Services Department, Planning & Zoning Division, located at 3001 US Hwy 12 East, Suite 240, Menomonie, Wisconsin, or on Dunn County's website at www.co.dunn.wi.us 11/1, 11/8 LAC 131659 WNAXLP



Planning & Land Use Division 3001 US Highway 12 East, Suite 240

Menomonie, WI 54751 715-231-6520

FEE:Receipt #
LE Conditional Use (\$800)
□ Livestock Siting (\$1,000)
After the Fact (2X Fee)
Cash or Check#
*Checks Payable to Dunn County Zoning

#### **Conditional Use (Special Exception) Application**

Instructions: Please fill out all sections of the application. Attach site plan, a written brief, and any supporting material for the hearing.

FOR OFFICE USE ON			
PERMIT#: 23-		Township: GRANT	_ Zoning Staff Present: AW
App #	Initial Received Date: 6 2	23 Complete Application Date	: 7 7 23 Date Public Hearing: 8 21 23

Property Owner	Agent/Contractor.  Game as owner				
Name Alice A Yellowege - Rude Fam Trust/ Kowise	Name/Business Clayton O'Ison				
Mailing Address 4316 Ochrwood Hills PirwyA	Mailing Address N13557 CTY RD I				
City/State/Zip Com Claire W1 54701	City/State/Zip New Auburn wi 54.757				
Phone 505-328-6995	Phone 715933 2413				
Email LJ Broad outlook com	Email Olso 6424 @ gmail.com				
	nformation				
Parcel ID # 1701023011354100001 Site /	Address TBD Game as owner				
S 35 T 30 N R 11 W CSM/Subdivision NESE Lot#Blk#					
Lot Size (Acres) 40 Present Use	/ vacant lot. no ay. use.				
Pro	ject				
Section of Zoning Ordinance which allows the requested Spe					
top of hill eastern side of top of	hill - west side of 970th St.				
Explain the Requested Use: Build house +	o raise family, Stand Build shed				
0					

General Requirements				
Site Plan Completed - Procent	Written Brief Attached	Owner's Letter of Consent		
By signing below, I certify that all information contained in or attached to this application is true and correct to the best of my knowledge. I authorize Dunn County Environmental Services staff to access my property if necessary to verify that the Dunn County Zoning Ordinance standards and any conditions of the public hearing are met. I understand that I am responsible for checking with the applicable township, building inspector, DNR, and any other entities that may have jurisdiction over my project. I understand that this application does not guarantee that a special exception permit will be granted. I acknowledge either the owner or agent on this application must attend the Public Hearing.				
Owner/Agent Signature:	00	Date: 6/2/23		
Zoning Official Signature:	Dula	Date: 7/7/23		

Please note: This is an application and does not guarantee a Conditional Use permit will be granted.



Department of Environmental Services Plauning & Land Use 3001-U.S. Hwy, 12B. | Menomonie, WI 54767 Dunn County Government Confer, 2nd I loor Phone: 715-231-6520 pandiogiso.dimn.wlais

### **APPLICANT AUTHORIZATION FORM**

Regarding any County petition or application, this form must accompany the petitioner's application if the applicant is not the owner of one or more of the subject parcel(s) involved.

For projects with multiple owners: a separate applicant authorization form is required for each owner,

#### **OVERVIEW OF PETITIONER'S REQUEST:**

Applicant:	Clayton Olson
Parcel Number(s):	1701023011354100001
Owner of Parcel(s):	Louise Broadbent (Fam trast
Purpose of the Patition/ Application:	to file a special exception application to build a residential house on parcel specified.

#### TO BE COMPLETED BY THE OWNER:

Louise Broad bent, hereby authorize Clayton Olson to petition the

County, for the purposes described above, on my behalf. 12 Martin Line

DocuSigned by: ISE BROADBENT

Owner Signature

6/2/2023

Date

#### • How the proposal is consistent with the County's Comprehensive Land Use Plan;

The counties' comprehensive land use plan states that it intends "learn about past community changes, changes likely to occur in the future, community likes and dislikes, and to define what residents want the community to become." Well I am from that community. I was raised in the rolling hills, learned to fish in the Red Cedar and worked the local farms. I intend to change nothing about this town other than to build a house that compliments, and is complimented by the beautiful rolling hills of this slice of Gods Country.

## • When lands impacted by the proposal are zoned Intensive Agriculture or Primary Agriculture, how the proposal is consistent with the County's Farmland Preservation Plan;

The property in question is without a doubt NOT "prime agricultural land." With the steepness of the hill I hope to build a top of. There is not a farmer out there crazy enough to see it worth their time trying to build a road to the top of said hill.

## • How the proposal is in conformance with the County's Comprehensive Zoning Ordinance and applicable standards of the zoning district in which it is located;

It conforms with the standards of the zoning district because it has no impact on prime agricultural land, and will not sacrifice any whilst using a housing credit. Saving that housing credit from sacrificing something potentially more prime.

#### • How the proposal is in conformance with the County's Shoreland Ordinance;

As someone who has had part in building near the red cedar 7+times. I can safely say this property conforms to shoreline ordinances. The only water is at the bottom of the hill and across the street.

#### • How the proposal is in conformance with the County's Sanitation Ordinance;

I have talked to my septic and sanitation people that i use and trust and they confirmed that they have done enough work in the area to be sure they will not run into any issues with the sanitation ordinances

#### • How the proposal is in conformance with the County's Floodplain Ordinance;

The site is above 100 year flood. I have built places at half the distance from the 100 year flood plain. It will meet all floodplain ordinances, I was tempted to call this "Non-Applicable"

• How the proposal is in conformance with the requirements of any outside Agency such as, but not limited to: Wisconsin Department of Transportation, Wisconsin Department of Natural Resources, Wisconsin Department of Agriculture, Trade and Consumer Protection, Federal Emergency Management Agency and/or Federal Aviation Administration;

I have already talked to the township and they gave me their approval to build a driveway. So we should have no problem with the DOT. As for the rest I do not plan to interfere with any natural resources, prime agricultural land, nor do I plan to build taller than 2 stories, being well away from the airspace. As for Trade and Consumer protection, this land is not being purchased for a flip or for resale! I have every intention of dying here and leaving the land to my children so I do not foresee any problems there as well!

## • The measures which have been or will be taken to insure the proposal will not be injurious to the use and enjoyment of adjacent property owners and/or to other property owners in the immediate vicinity, for purposes already permitted;

I pride myself on being a good neighbor to all those to deserve a good neighbor! To the point that when I wrote Gilbert's Radio ads I literally described myself, my family and my employees as "Straight shooter and good neighbors". My ultimate goal is to build a place that can see or be seen by no houses at all. I want to embrace Grant township and Dunn Counties' beauty and nothing else. If someone were to find a way to see my house and my yard I can assure you it is always well kept. Due to my OCD, I can not leave my property with even a tennis ball sitting in the yard, let alone going a week without mowing. My wife has commented, "Our house always looks like it is uninhabited, for sale and the open house is tomorrow!"

We both work with the public all day every day and our purpose is to build a place away from the public where we can get away. A peaceful place where we can grow old together. We don't throw loud parties, drive loud motorcycles, or even have giant bonfires. The most noise that I hope to come out of this property is my kids laughing as they climb trees and build forts!

## • The measures which have been or will be taken to provide; sanitation, domestic water, storm water control, drainage and other necessary utilities/facilities to serve the proposal;

The companies for the corresponding services/utilities have been consulted, they have verified utility ability. No invasive research has been conducted yet due to the nature of this application. However I would not have spent my life savings on this property if I had not conducted the appropriate research on the ability to install needed utilities!

## • The measures which have been or will be taken to provide sufficient off-street parking and loading space to serve the proposal;

As this is not a public site nor a business and due to the fact there is not any on street parking to worry about me corrupting, I do not believe this is applicable. But believe me, My ocd about my yard will require me to put more than enough parking in because I will not have people park in my grass.

### • The measures which have been or will be taken to provide, access roads and/or access points, to serve the proposal;

GP excavating has confirmed the ability to build the driveway that Grant township consulted on. While the requested residential lot will have this driveway as an easement and access point, the overall woodland lot and the residential lot will not be separated.

## • The measures, which have been or will be taken to minimize and/or eliminate traffic congestion, traffic hazards or other traffic related issues associated with the proposal.

My wife and I are not the type of people to cause traffic. I have been on this road plenty of times. There has never been a traffic jam on this road and due to the intensive agriculture zoning, this will not be an area where there will be traffic to impede. Regardless this is not a business looking to generate any traffic more than just that of a single family.

## • The measures which have been or will be taken to prevent or control offensive odor, fumes, dust, noise and/or vibration so that none will constitute a nuisance to adjacent and/or other property owners in the immediate vicinity;

I previously discussed noise. But there are no practices post construction that will be generating dust, fumes or vibration! Certainly nothing that exceeds the levels created by the Farmers out combining or planting!

#### • The measures which have been or will be taken to prevent or control lighted signs and/or other lights so that none will constitute a nuisance to adjacent and/or other property owners in the immediate vicinity;

Being set back in the woods on a residential house I predict that when the foliage is on the trees my house's lights will be undetectable from the surrounding houses. When the leaves are off the trees the hill should easily block the light.

## • The measures which have been or will be taken to prevent or control erosion; • The days and hours of operation.

Using certified excavators who understand the rules around erosion control.

Thank you!

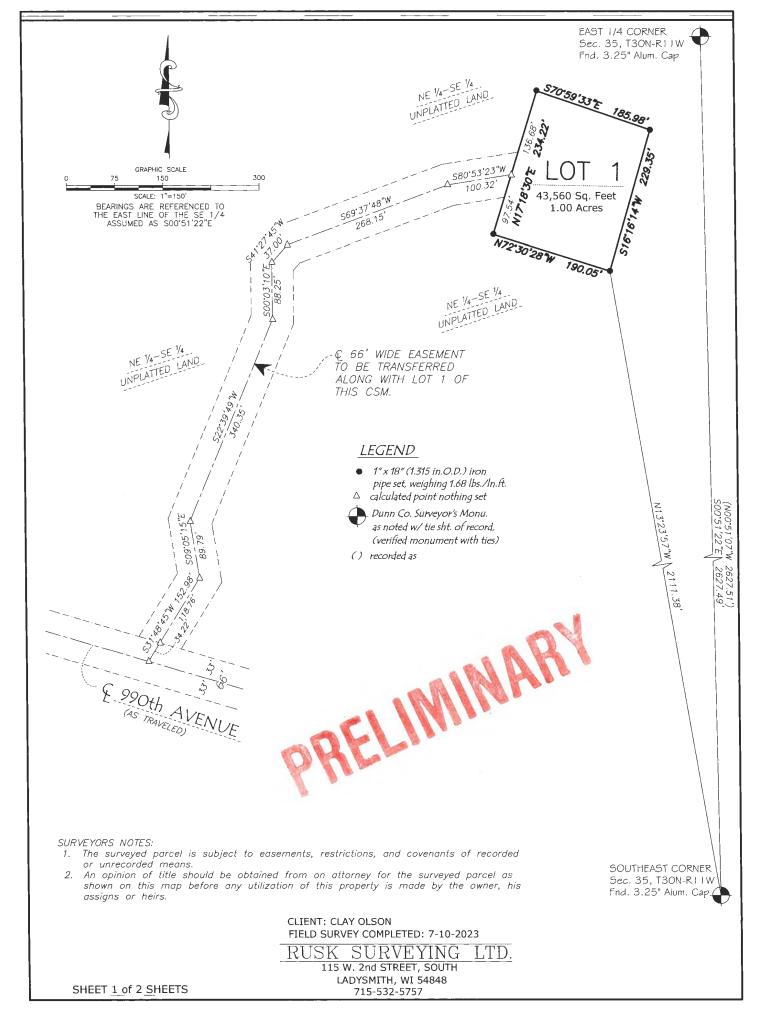
If you have any questions or need further clarification or extra details, please reach out on my cell 715-933-2413 or at my email; <u>olso6424@gmail.com</u>

Clay Olson



### DUNN COUNTY CERTIFIED SURVEY MAP No.

OF PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 35, TOWNSHIP 30 NORTH, RANGE | | WEST, TOWN OF GRANT, DUNN COUNTY, WISCONSIN



### DUNN COUNTY CERTIFIED SURVEY MAP No.\_\_\_\_

OF PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 35, TOWNSHIP 30 NORTH, RANGE 1 1 WEST, TOWN OF GRANT, DUNN COUNTY, WISCONSIN

This Certified Survey Map is hereby approved for recording

Dunn County Zoning Dated this\_\_\_day of \_\_\_\_,2023

This Certified Survey Map is hereby approved for recording

Town of Grant Dated this\_\_\_day of \_\_\_\_,2023

SURVEYOR'S CERTIFICATE

I, EZRA C. GOTHAM, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF THE NE 1/4 OF THE SE 1/4, SECTION 35, TOWNSHIP 30 NORTH RANGE 11 WEST, TOWN OF GRANT, DUNN COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

PRELIMIN

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE N13'23'57"W, A DISTANCE OF 2111.38 FEET, TO THE POINT OF BEGINNING; THENCE N72'30'28"W, A DISTANCE OF 190.05 FEET; THENCE N17'18'30"E, A DISTANCE OF 234.22 FEET; THENCE S70'59'33"E, A DISTANCE OF 185.98 FEET; THENCE S16'16'14"W, A DISTANCE OF 229.35 FEET, TO THE POINT OF BEGINNING.

THE ABOVE BOUNDED AND DESCRIBED PARCEL IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD OR OF USE.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION, AND MAP BY THE DIRECTION OF CLAY OLSON. THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF: SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF AND COMPLIES WITH THE PROVISIONS OF \$.236.34 OF THE WISCONSIN STATUTES, A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE, AND SUBDIVISION REGULATIONS OF THE TOWN OF GRANT AND DUNN COUNTY, WISCONSIN IN SURVEYING AND MAPPING SAID LANDS.



#### CONVENTIONAL ABBREVIATIONS

,	PLUS OR MINUS	±	HOUSE	HOU.
33	DEGREES	•	CERTIFIED SURVEY MAP	CSM
G	NUMBER	NO. OR #	RIGHT OF WAY	R/W
	ROAD	RD	DOCUMENT	DOC.
P	AVENUE	AVE	LOCATION	LOC.
$\vee$	STREET	ST	EXCLUDING	EXC.
Т	SECTION	SEC.	GARAGE	GAR.
Ν	WITH	W/		Ln.
R	WITH OUT	W/O		APPROX.
W	COUNTY	CTY		O.D. MONU.
S	SOUTHWEST	SW		
E	SOUTHEAST	SE		SHT. CO.
EX.	NORTHEAST	NE		DIA.
INC.	NORTHWEST	NW		Sq.
SHD.	QUARTER	1/4	FEET	Ft.
BLD.	WISCONSIN	WI	POUNDS	Lbs.
			INCH	ln.
D	USK SUDV	FVINC ITD		
1				
	QL CTH P V T N R W S E EX. INC. SHD.	", DEGREES NUMBER CTH ROAD P AVENUE V STREET T SECTION N WITH R WITH OUT W COUNTY S SOUTHWEST E SOUTHEAST EX. NORTHEAST INC. NORTHWEST SHD. QUARTER BLD. WISCONSIN	"DEGREESQNUMBERNO. OR #CTHROADRDPAVENUEAVEVSTREETSTTSECTIONSEC.NWITHW/RWITH OUTW/OWCOUNTYCTYSSOUTHWESTSWESOUTHEASTSEEX.NORTHEASTNEINC.QUARTER1/4	"DEGREES·CERTIFIED SURVEY MAPNUMBERNO. OR #RIGHT OF WAYROADRDDOCUMENTPAVENUEAVELOCATIONVSTREETSTEXCLUDINGTSECTIONSEC.GARAGENWITHW/OAPPROXIMATEWCOUNTYCTYMONUMENTSSOUTHWESTSWSHEETESOUTHEASTSECOUNTYEX.NORTHEASTNEDIAMETERINC.NORTHWESTNWSQUARESHD.QUARTER1/4FEETBLD.WISCONSINWIPOUNDS INCH

LADYSMITH, WI 54848

715-532-5757

SHEET 2 of 2 SHEETS



**Environmental Services Department Planning & Land Use Division** 3001 US Hwy 12 E., Suite 240 Menomonie, WI 54751

### **TOWN RECOMMENDATION FORM**

Towns may opt to use this form to respond to Dunn County's request for recommendations or opinions regarding rezones, special exceptions (conditional uses), appeals, variances, and permit modifications. Completed forms may be returned to the Dunn County Planning & Land Use division office or emailed to pandz@co.dunn.wi.us.

Town (or Applicable Village):	Town af Grant
Request:	Special Exception
Applicant or Petitioner Name:	Olson, Clay
Applicant Contact Information (Preferred):	715-933-2413
Site Parcel Number(s):	1701023011354100001
Site Address (if applicable):	Not yet assigned
Application Number (if applicable):	CUP-23-006
<b>Description of the Request:</b> (Please summarize the purpose of this request and/or attach a copy of the application, if applicable.)	The Olsons would like to create a non-farm parcel so they can build a non-farm residence.

#### 

#### **COMPLETED BY THE CLERK:**

#### **Certification:**

I hereby certify that the Board of Select Town of Grant, at a legally convened meeting of the Board held on **91/91/2021**→, voted to the Special Exception request: 06/12/2023

6/12/23

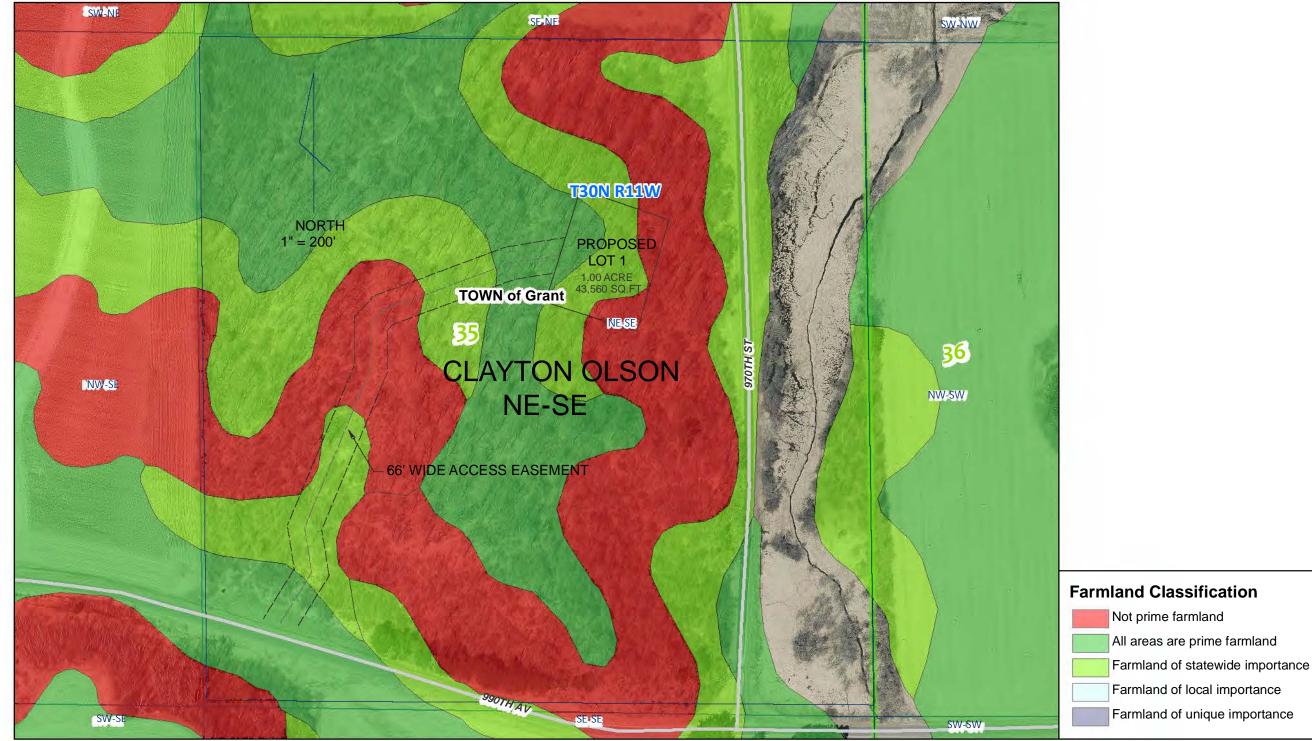
Date

**Clerk Signature** 

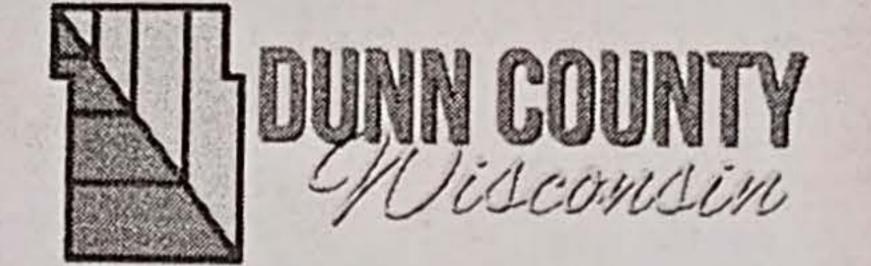
Motion Outcome by a Vote of:	Choose a	number	For	3	Choose a number	Against Ø
General Comments/Reasons for the Decision:	Meets	Ton	ing C	r:te	ria, does not	spoil any
(See next page for instructions. If needed, you may include additional pages.)	Farm	land				

2020 Web Soil Survey Data & Proposed CSM

Exhibit 5: CUP-23-005 Mod.



Date: 8/15/2023



# **CONDITIONAL USE** MODIFICATION

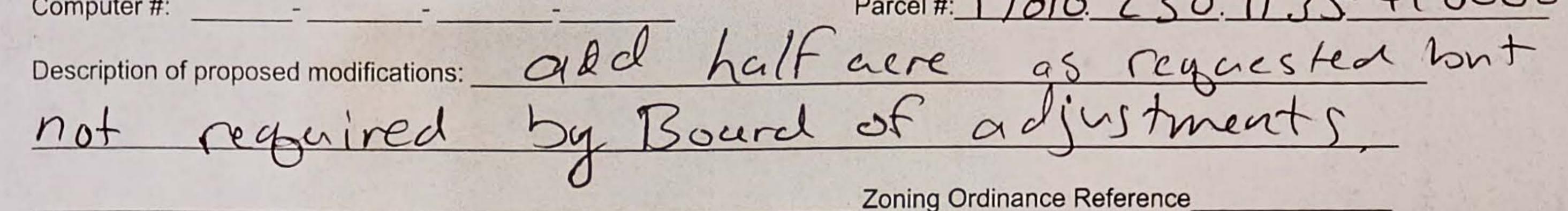
File #:	in the
Office Use Only	

Parcel #: 17010. 230. 11.354100001

## **APPLICANT INFORMATION**

Property Owner: Clay OlSon Contractor/Agent: \_\_\_\_\_ Property Location: NE 1/4, SEL14, Sec. 35, T. 30 N., R. 11 W., Town of Cirant,

Computer #:



Please answer the following questions, and provide any additional information, plans, or other materials that you feel addresses these criteria in support of your request (use backside of this sheet or attach additional paper if necessary):

am a man of my word. He township approved a variance Explain why you are requesting the modification: 1) Because I and though se 1 ave 105 Buttley requested and supported to 1.5 acres so the Jourship I adjust it

# it unitomity main toins

2) Select the conditional use (special exception):

Agricultural Entertainment Public or Private Campground Nonmetallic Mining Renewable Energy System Livestock Facility

Agriculture-related business □ Filling & Grading Temporary Pavement Mixing Plant A Non-farm Parcel

Auto Sales, Service, & Repair Wireless Communication Tower Festival Grounds **Other** 

I attest that the information contained in this addendum is true and correct to the best of my knowledge. **Property Owner Signature:** Date Contractor/Agent Signature: Date

715-231-6520 pandz@co.dunn.wi.us Dunn County Government Center 3001 US Hwy 12 E., Menomonie, WI 54751

