

September 12, 2018

Minutes of the Board of Adjustment meeting and Public Hearing with site inspection conducted on August 29, 2018 at 3365 Cooks Lane North in the Town of Long Lake, Florence County, WI.

Chairperson Lindow called the meeting to order and took roll call.

Members present: Mike Bednarski, Gary Lindow, Dennis Christian

Members absent: None

Present at site visit: Karen Graff, Bob Romenesko, William Streu - Chairperson Town of Long Lake, Scott Wolf - Zoning Administrator, Trish Kelly - Assistant Zoning Administrator

Present at Public Hearing: Karen Graff, Bob Romenesko, William Streu - Chairperson Town of Long Lake, Scott Wolf - Zoning Administrator, Trish Kelly - Assistant Zoning Administrator

Chairperson Gary Lindow asked for a motion to approve the agenda, **motion by Dennis Christian to approve the agenda, second by Mike Bednarski, vote taken all ayes, motion carried.**

Site inspection of property was conducted and reconvened the public hearing on site.

Chairperson Gary Lindow asked for a motion to approve the minutes of the meeting and public hearing conducted on December 13, 2017. **Motion by Mike Bednarski to approve the minutes of the meeting and public hearing conducted on December 13, 2017, second by Dennis Christian, vote taken all ayes, motion carried.**

There was no one in attendance that wished to address the committee on zoning concerns.

Chairperson Gary Lindow announced *Public Hearing VAR-20180001*, request a variance under Chapter 10, Subchapter 2, Florence County Shoreland and Wetland Zoning Ordinance, Section 4.0, Dimension of Building Sites, Table 1, for a reduced building setback of 32 feet to the required 75-foot setback to the Ordinary High Water Mark (OWHM), resulting in a 43-foot setback to the OHWM. A reduced setback of 29 feet to the required 63-foot setback to the centerline of N. Cooks Road, resulting in a 34-foot setback to the centerline and a reduced setback of 29 feet to the required 30-foot setback to the right-of-way, resulting in a 1-foot setback to the right-of-way to construct an accessory structure (garage) of 884 square feet. Property is part of GL 4, Section 19, Township 39 North, Range 15 East, Town of Long Lake, Florence County, WI. Property address is 3365 Cooks Lane North. Request submitted by Karen Graff.

After review of the property, Chairperson Gary Lindow stated corrections will need to be made on the setbacks. The correction would be a negative one foot (-1) foot setback to the required 30-foot right-of-way setback, resulting in a *1-foot setback on the right-of-way*. Also, a reduced setback of 32 feet to the required 63-foot setback to the centerline, resulting in a *31-foot setback to the centerline* of Cooks Lane North. The reduced ordinary high water mark of 43 feet remained the same. Mr. Lindow asked the Town of Long Lake Chairperson, William Streu if he had concerns. Mr. Streu said the Town of Long Lake has no concerns with the negative one-foot setback in the right-of-way.

There was no written or oral correspondence received. The contractor, Mr. Romenesko explained the hardship is due to the shape of the lot and trying to meet three different setbacks. Chairperson Gary Lindow said in this case, unique property limitations are not that there are many properties like this, such as the neighbors. The *unique property limitation* is that the property is squeezed between a road and a lake. In review of the *unnecessary hardship* it is hard to find, the home was rebuilt closer to the road, however there was an existing slab for an existing principal structure on the property that was close to the water. The zoning office worked with the homeowner and contractor to move the home further away from the lake, resulting in the home being closer to the road. The septic system is between the home and the proposed garage and does not allow for the garage to be positioned closer to the home. There also was an existing garage on the property that had been torn down a few years earlier. The proposed garage would be close to the same footprint as the previous garage. Chairperson Gary Lindow noted the Department of Natural Resources (DNR) has done a lot of studies with structures close to the water that have had adverse effects on the fish, particularly. The board members had concern for the water runoff. Chairperson Gary Lindow stated if this is granted there needs to be mitigation practices in place to control runoff from the roof and diversion of that runoff. The board members directed Scott Wolf, Zoning Administrator to work closely with the owners for mitigation compliance should the variance be granted. There should be *no harm to public interest* as the ordinance does allow for mitigation and restoration to the water which will be done through a recorded affidavit mitigation plan, and also the Town had no concern with the reduced setbacks to the road and right-of-way.

Board member Dennis Christian noted as the town has no concern for the one-foot setback on the Town right-of-way, the DNR had no comment to the ordinary high water mark setback, the uniqueness of the area if we drive down the road there are garages close to road and water, even though we cannot take that into consideration. None other have expressed their interest in the matter. Chairperson Gary Lindow asked that mitigation practices be added to the motion if granted. With that, **motion by Dennis Christian to approve VAR-20180001 with an adjustment to the road and right-of-way from the original request which is a negative one foot (-1) foot setback to the required 30-foot right-of-way setback, resulting in a 1-foot setback on the Town right-of-way. Also, a reduced setback of 32 feet to the required 63-foot setback to the centerline, resulting in a 31-foot setback to the centerline of Cooks Lane North, the reduced ordinary high water mark setback of 43 feet remained the same, that the owner work with the Zoning office for mitigation practices and erosion control for the welfare of the lake by means of a mitigation plan and a recorded affidavit for that plan, second by Mike Bednarski, vote three (3) ayes, zero (0) nays, motion carried. The variance is granted.**

Motion by Mike Bednarski to adjourn, second by Dennis Christian, vote taken all ayes, motion carried.

Respectfully submitted,

Scott Wolf,
Zoning Administrator
RW/tk