

MINUTES
PORTAGE COUNTY BOARD OF ADJUSTMENT
JUNE 21, 2021

Call to Order

Chairman Jazdzewski called the Portage County Board of Adjustment (BOA) to order at 4:00 pm in Conference Room 5, County Annex, Stevens Point, Wisconsin.

Roll Call

Stewart called the roll. Members present included John Jazdzewski, Don Rusch, Dennis Meis, James Garbe, James Hopp and Mike Pagel (Alternate). Staff present included Chris Mrdutt and Gayle Stewart, Planning and Zoning Department.

Pledge Allegiance to the Flag

Garbe led the Pledge.

Board of Adjustment Procedures

Jazdzewski explained the meeting was properly advertised by a class 2 notice in the local newspaper and explained the functions of the BOA by reading the Portage County BOA Function Introduction. Jazdzewski stated testimony and questions should be addressed during the public hearing portion of the meeting and anyone wanting to speak should sign in at this time.

Public Hearing and Decision

John S Haase Rev Trust, Owners (P21-09)

The John S Haase Rev Trust, owners, variance request from the provisions of Portage County Shoreland Zoning Ordinance sections 7.7.4.1(B)(1) to construct a covered porch and deck within the required 10-foot side-yard building setback, Town of Grant, Parcel #018730101, was opened by Jazdzewski.

Mrdutt explained the request:

- Town of Grant is not under County Zoning for general zoning; however, they are under Portage County Shoreland Zoning as this property is on Lake Wazeecha.
- Shoreland Zoned properties have a 10-foot side-yard setback. This house is approximately four feet from the setback and the owners are looking to create a porch and deck with a six-foot setback.

Terri Haase, owner, was sworn in and explained the request adding they have a cracked picture window and they want to replace the window with a door and side windows to fill up the space and build an eight-foot covered deck. Haase added they had a survey done and this project area is not within the shoreline setback. The proposed project area does not encroach on the highway or shoreline.

There was discussion amongst the Committee. Jazdzewski clarified the dimensions of the proposed deck. Rusch clarified this is a deck with a cover and not a 3-season room; Garbe agreed. The drip-edge was discussed and Mrdutt clarified that they are allowed 30 inches for an overhang. Additional discussion on steps, roof-pitch, and shifting the location of the deck. Mrdutt added they do allow ingress/egress and landings up to 40 square feet within the setback.

Haase was excused. It was noted there were no members of the public wanting to speak on this matter and no additional correspondence was received. Charlie Gussel, County Board Supervisor, added there has been a lot of time and effort put into this project and Haase has limited ability on what can be done on the property.

Testimony closed, deliberations opened. There was discussion on possibly shifting the location. Garbe read the Variance Standards; comments, if any, added below.

The Board is Required to Evaluate the Effect of the Proposed Use Under 7.1.6.5(D)(2)(b)(1) in Order to Grant the Variance. The pertinent subsections are as follows:

- (a) The maintenance of safe and healthful conditions;
- (b) The prevention and control of water pollution including sedimentation;
- (c) Existing topographic and drainage features and vegetative cover on the site;
- (d) The location of the site with respect to floodplains and floodways of rivers or streams;

- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
- (g) The need of the proposed use for a shoreland location;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
- (l) The availability of alternative locations;
- (m) The heights, velocity, duration, rate of rise and sedimentation transport of the flood waters at the site;
- (n) Such other factors as are relevant to the purposes of this Ordinance.

The Board is Required to Find All of the Following Conditions under 7.1.6.5(D)(3)I in Order to Grant the Variance

- (1) Granting the variance would not be contrary to the public interest, State Law or Administrative Code, the spirit of the Ordinance would be observed and substantial justice done;
- (2) The use is permitted in the District;
- (3) The hardship is due to special conditions unique to the property, rather than considerations personal to the property owner;
- (4) Granting the variance would not be detrimental to surrounding landowners;
- (5) Hardship is not created by any person having interest in the property;
- (6) A property owner bears the burden of proving unnecessary hardship by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome;
- (7) The request represents the minimum relief necessary to relieve unnecessary burdens.

The Board May Attach Any of the Following Conditions Under 7.1.6.5I(2) in Order to Further the Purposes of this Ordinance

- (a) Type of shore cover.
- (b) Increased setbacks and yards.
- (c) Specified sewage disposal and water supply facilities.
- (d) Landscaping and planting screens.
- (e) Period of operation.
- (f) Operation control.
- (g) Sureties.
- (h) Deed restrictions.
- (i) Location of piers, docks, parking and signs.

Additional discussion; the following was noted:

- There is only one property owner that would be affected by this project and they have sent a letter of support for the request.
- The deck would not encroach any further on the setback.
- The proposed deck is minimal and the project fits within the neighborhood.
- Rusch said according to the guidelines provided to find a hardship, he does not believe the owners have proved hardship in this case. The house can continue to be used as a house. To him, the hardship in this case is a broken window and the owner wants a deck.
- Meis said the overhang is not very much and if hail hits the window again, it could possibly break again. Rusch said the window could be covered to prevent this.
- Jazdzewski said the variance would be an improvement to the residence. Rusch said they could move the location to 10-feet from the property line and still have a deck; there is an alternative. They would have to shift the door and still have a window. This is a matter of owner preference.
- Jazdzewski doesn't believe the development would cause undue hardship to a neighbor.
- Garbe commented on lot configuration saying this is unique to the property, not the property owner. This lot is extremely long and narrow and this type of lot would not be permitted or be created today. Garbe added the house is also non-conforming because it is not ten feet away from the side property line. Garbe said the owner would be permitted to rebuild/replace their house in the same footprint; adding the topography is very unique and there is a steep slope to the water as well as the road.
- Jazdzewski said the only encroachment is on the side property setback.

- Garbe would have more concerns if this deck were to become a three-season or four-season addition.
- Rusch agreed but again asked has the hardship been proven as all they have at this time is a cracked window.
- Mrdutt said this parcel was created in 1933 and Shoreland Zoning was enacted in the late sixties. Haase said they purchased the home 12 years ago but believes this was a small cottage in the thirties.
- Mrdutt said from a staff perspective, the hardship would be due to the uniqueness of the lots. Rusch said the hardship could be alleviated by shifting the configuration and location of the deck. Meis said if it is shifted it will affect the looks of the deck.
- Mrdutt said the deck is a permitted use.
- Garbe said he sees the cracked picture window as an opportunity to do something different, not necessarily as a hardship.
- The definition of "hardship" was discussed.

Jazdzewski closed deliberations and asked for a motion to approve, deny, or postpone the request.

Motion by Rusch to approve the request for a variance as requested, with the following conditions:

1. Obtain a Portage County Zoning Permit.
2. Obtain a Portage County Stormwater Permit.
3. The proposed addition shall not be built any closer to east property line than existing house.

Motion to approved seconded by Hopp. Jazdzewski clarified for the record that the proposed addition should not be built any closer to the east property line; on the application the structure is further, even with two feet or 30 inches of overhang, there will be no additional encroachment.

Motion to approve passed 5-0 by roll call vote.

Approval of Minutes from April 19, 2021 and May 17, 2021

Garbe moved to approve the minutes of April 19, 2021; Meis seconded. There being no discussion, motion to approve passed 5-0 by voice vote.

Meis moved to approve the minutes of May 17, 2021; Garbe seconded. There being no discussion, motion to approve passed 5-0 by voice vote.

Discussion/Possible Action Regarding Special Meetings (Portage County Ordinance 3.1.47 & 3.1.48)

- Request for Special Meeting Attendance - None
- Approval of Attendance of Special Meetings - None
- Special Meeting Attendance Reports - None

Correspondence/Updates from Staff

Next meeting scheduled tentatively for July 19, 2021.

Adjournment

Motion to adjourn by Meis, second by Rusch. Motion to adjourn passed by voice vote. Meeting adjourned at 4:54 pm.

Respectfully submitted,

Gayle Stewart, Recording Secretary

James Garbe, BOA Secretary

Date of Approval