

## Buffalo County Minutes

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| <b><u>Committee/Board:</u></b>                    | Zoning Board of Adjustment |
| <b><u>Date of Meeting:</u></b>                    | June 30, 2022              |
| <b><u>Electronic and Hardcopy Filing Date</u></b> | DRAFT                      |

The Board of Adjustment public hearing was called to order at 9:45 a.m. by Chairman Dale Klopp. Ron Kazmierczak, Barry Drazkowski, and Dale Klopp were all present.

Others present for all, or part of the public meeting include Briar Golden; Zoning Specialist, Mr. Mark Peterson; applicant, and Mrs. Gale Peterson.

The public notice for the hearing was read aloud.

Agenda item #3 was reviewed by Mr. Dale Kopp.

Minutes are summarized as follows.

**Applicant Presentation and Testimony** Mark Peterson presented the application for a variance to construct an addition onto an existing cabin within the bluff impact zone- within 75' of the top of the bluff. Mr. Peterson said that he wished to add a 16' x 22' addition for a bathroom, utility room, and bedroom on the north side of the cabin. He expressed his belief that the north side of the cabin is the best site for the addition because it would have the least impact on trees and a buried utility line.

There were no public comments.

### **Questions to Applicant by BOA Members and Zoning Staff**

Mr. Kazmierczak questioned how far off the road the cabin is located. The applicant stated that the cabin is located about a quarter of a mile off Richard Dierauer Road.

Mr. Drazkowski asked if the applicant already has electricity and a well at the site. Mr. Peter said that there is power, but no well yet.

After verifying the location of Richard Dierauer Road, Mr. Klopp asked the applicant when they purchased the property. Mr. Peterson believed that the deed was formally transferred to himself and his son's names in October of 2021- after the passing of a family friend, Milan (Shorty) Mueller.

### **Photo Presentation**

Briar Golden presented aerial imagery and other photographs of the Peterson Property. Mr. Golden clarified that the proposed addition is 30 feet from the top of the bluff and that the structure is currently within the bluff impact zone and is therefore a nonconforming structure. The 75' setback from the top of the bluff (bluff impact zone) was not part of the Buffalo County Zoning Ordinance prior to 2018 comprehensive revision.

Mr. Drazkowski questioned how close the proposed addition would be to the north property line. Mr. Golden said that the proposed addition would not be closer than 40' from the property line.

Mr. Klopp asked what the dimensions of the existing are. Mr. Peterson said that the inside dimensions of the cabin are 16.5' x 25'.

Mr. Kazmierczak asked Mr. Peterson why the addition would be located on the north side of the cabin and not the south. Mr. Peterson said that trees would have to be removed and that there is a 3 foot depression in front of the entrance to the cabin. He also was concerned that the main line for electricity would have to be moved to make room for septic system components. Mrs. Peterson said that it would be undesirable to access the cabin through the bathroom.

Mr. Kazmierczak and Klopp asked Mr. Golden if a sanitary permit had been issued for the site. Mr. Golden indicated that a soil test had been received and that the fees recently paid by Mr. Peterson to the soil tester were likely paid to cover the

Mrs. Peterson mentioned that an old deck had been removed from the cabin. The addition would be placed in the same footprint as the deck.

Mr. Kazmierczak asked for what reasons other than aesthetics and crossing a power line he would not construct the addition on the south side of the cabin. Mr. Peterson said that he believed it would be easiest to access the septic system from that side of the cabin.

Mr. Drazkowski mentioned that, because of the cabin's current location in the bluff impact zone, no matter where the addition was located a variance would still be required. He also said that he believed there would be less impact to the immediate landscape and trees if the addition was located on the north side of the cabin.

Mr. Klopp asked if there were any washes where Mr. Golden had taken the photographs. Mr. Golden stated that there were no washes as that portion of the property nearest the cabin was wooded and had heavy leaf cover on the ground.

Referencing Chapter 14 of the Buffalo County Zoning Ordinance, Mr. Klopp asked if plans had been prepared by a professional engineer. Mr. Golden said that this was not necessary as site itself for the proposed addition did not exceed 12 percent slope.

Mr. Klopp asked if Mr. Peterson had gone to the Town of Alma Board meeting to seek a position from the town. Neither Mark or Justin Peterson had attended a meeting. Mr. Klopp said that town chair of Alma had indicated support for the addition of a well and septic system but did not mention the proposed addition. Mr. Golden said that he had spoken with the town chair, Thomas Huber, prior to Mr. Huber's signing of the Town's Acknowledgement Form and explained Mr. Peterson's intentions at that time.

Mr. Klopp inquired on the quality of the driveway and asked if the width is adequate to allow passage of a fire truck. Mr. Peterson said that the dump truck used by Jeffrey Reglin to deliver gravel had no trouble reaching the site and that he assumed a fire truck would be comparable in size.

Asking Mr. Golden for confirmation, Mr. Kazmierczak wanted to clarify that no matter the location of the addition to the existing cabin, a variance would be required because the construction took place within the bluff impact zone. Mr. Golden said that Mr. Kazmierczak's understanding was correct and added that the location of the addition on the northside of the cabin was only about 5 feet closer to the bluff line than if it were added to the south wall of the cabin.

**No Additional Correspondence.**

**No Site Visits Needed.**

Mr. Kazmierczak motioned to approve the variance with conditions including an added condition requiring proper sediment screening and erosion control measures. Seconded by Mr. Draskowski.

Mr. Kazmierczak wanted to add to the record that he made his decision based on the unique property limitations of the existing structure and his belief that it would not harm the public interest.

**Minutes from May 17, 2022 Meeting**

Ron Motioned to table the review of the minutes as the minutes had not yet been received by any of the board members. Barry seconded. All in favor.

Mr. Klopp motioned to adjourn the meeting. Seconded by Mr. Kazmierczak. Public Hearing was adjourned at 10:37 A.M.

Respectfully Submitted,

Briar Golden, Zoning Specialist