

Eau Claire County Board of Land Use Appeals

June 13, 2011 Meeting Minutes
Room 1640, Eau Claire County Courthouse
721 Oxford Ave, Eau Claire WI 54703

MEMBERS PRESENT: Randall Stutzman, Chair, Judy Bechard, John Kelly, Arvid Jereczek

MEMBERS ABSENT: Karen Meier-Tomesh

STAFF PRESENT: Rod Eslinger, Land Use Supervisor, Marv Lemke, Zoning Inspector

Call to Order

Randall Stutzman called the meeting to order at 4:34 P.M.

Tillywood, LLC Appeal Request VAR2011-02

An appeal of the determination of the zoning inspector regarding recent maintenance repair work done to a nonconforming accessory structure on the property. The property is located in the R-L Single Family Residential District, large lot. Legal Description: Section 14, T27N-R9W, Town of Seymour. Site address: 605 Rork Ave. Owners: Tillywood LLC, Agent: Brian Alton. 020-1134-08-000.

Mr. Eslinger reviewed the request, staff report, and exhibits and showed a video of the property. He reviewed appeal standards with the board. He also answered pertaining to the code.

Barbara Bouviere, an owner of Tillywood, LLC. spoke in favor of the request. She indicated that she made the decision to have the roof repaired. The roof was sagging in one corner because of heavy snowfalls this past winter. She indicated that she was concerned that someone could get hurt if the roof collapsed from the snow. Ms. Bouviere indicated that she had no idea about needing a permit. She told her brother to build the roof so that the snow would fall to the ground. She said that she is willing to pay a fine to allow the cabin to stand.

Randy Stutzman, Board Chair, asked Ms. Bouviere regarding his brother knowing he needed a permit since he was a carpenter for 30 years. Ms. Bouviere didn't think a permit was necessary to work on your own structure.

Mary Geisert, neighbor, indicated that the building is an asset not a liability to the area. She didn't understand the harm it would cause to the area. She spoke in favor of the request.

Ms. Bouviere submitted two letters in support of the request from two neighbors.

Bob Wagner, neighbor at 532 Indian Hills Drive, spoke in favor of the request. He indicated it was a plus to the neighborhood.

James Benning, neighbor at 509 Indian Hills Drive, indicated he lived at his property for 50 years. Mr. Benning spoke in favor of the request.

Matt (last name unknown), spoke in favor of the request. He indicated remembering the structure at its current location for at least 40 years. He remembered it because he helped construct the house on the property. He admitted that most of the members of the accessory structure have been replaced but he would not consider it to be significant. He indicated the structure could easily be moved by a pick up truck. He said the roof has been changed but said the board needs to allow it.

Rod Eslinger read the two letters into the record. The first letter was from Mike Raynovic, neighbor, and the second letter was from Darrel Leitzke at 660 Indian Hill Drive. Both were in favor of the request.

John Tobisch, the builder, indicated that the he did add 2 by 4's to the walls but the roof sits on the 6 – 4 by 4's.

Marv Lemke, Zoning Inspector, indicated that the construction performed on the accessory structure was a structural change. He noted that the changing from a flat roof to a steep roof required new framing/rafters and considered structural.

Mr. Stutzman, addressed the audience regarding the boards authority and responsibility. He indicated that their job is review the request against the letter of the law.

Ms. Bouviere, addressed the board and asked the board to allow the structure. She stated she never meant to break the law; she just wanted to get the snow to fall off the roof.

Fred Hankel, Town of Seymour, Building Inspector, indicated he has no opinion on whether the structure should be removed but it was his opinion that the work done constituted a structural change to the structure. The new roof was added and it changed the overall height of the structure by approximately 10 feet. He indicated the snow load requirements would have had to been reviewed before a building permit could have been issued. Mr. Hankel stated the owners are in violation of the town building code by not having obtained a building permit for the construction work. He concluded by stating the roof carries a load and therefore is a structural change.

No one else spoke for or against the request.

Mr. Eslinger gave the staff recommendation to affirm the department's administrative decision regarding the finding that the accessory structure was structurally altered and compliance with the County Code must be met. He noted the compliance requirements were outlined in staff's letter dated January 27th, 2011.

The Board deliberated the request. A motion was made by Judy Bechard to affirm the department's administrative decision regarding the finding that the nonconforming accessory structure was structurally altered and compliance with the County Code must be met based on staff findings and recommend the conditions the applicant apply for an after-the-fact land use permit to move the structure to a conforming location on the property or completely remove the structure from the property. Arvid Jereczek 2nd the motion, motion carried 4-0-0.

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Arvid Jereczek moved to approve the March 28, 2011 minutes. John Kelly seconded the motion and motion carried 4-0-0.

Adjournment

Arvid Jereczek moved to adjourn. Judy Bechard seconded the motion and motion carried 4-0-0. The meeting adjourned at 6:09 P.M.

Respectfully submitted,

Rod Eslinger, Acting Clerk