

# BOARD OF ADJUSTMENT MINUTES

July 13, 2017

Law Enforcement Center

Rusk County Courthouse

**Staff Present:** CeCe Tesky (Zoning Administrator)  
Danielle Zimmer (Chief Deputy County Clerk)

**Roll Call Board Present:** [X] Dennis Lelm [X] Robert Lorkowski (Alternate)  
[X] Robert Nelson [X] Stanley Kromrey (Alternate)  
[X] Thomas Meisner

**Applicants Present:** Michael Shipman

**Public Present:** Mark Schmitt, Donald & Charlene Drescher

**Call to order:** Meeting called to order at 1:00 p.m. by Chair Robert Nelson.

**Approval of Agenda:** Motion by Kromrey, second by Meisner to approve agenda. Motion carried by aye vote.

**Approval of Minutes:** Motion by Lelm, second by Meisner to approve minutes from the March 9, 2017 Board of Adjustment meeting with amending the township of posting from Big Bend to Willard. Motion carried by aye vote.

**Compliance of Open Meeting Laws - Notice:** Zimmer stated the notice of public hearing and agenda were posted per the requirements of a Class (2) notice.

- Three locations in the Township of Big Bend.
- Three locations in the Rusk County Courthouse.
- The landowner / applicant, DNR and town clerk were notified by certified mail.
- Neighboring property owners within 500' were notified by first class mail.
- Notice was published in the Ladysmith Newspaper on June 22<sup>nd</sup> and June 29<sup>th</sup>.

## PUBLIC HEARING

**Call to order:** Public Hearing opened at 1:02 p.m. by Chair Robert Nelson.

**Purpose of Public Hearing:** Board of Adjustment does meet jurisdictional requirements.

### Testimony:

- Michael Shipman, Applicant, testified to variance application and hardship faced in the attempt to make improvements on the property. Described property size, private road and the issues it causes in this circumstance, current structure and proposed structure. Explained that he has been working with the DNR on putting in a retaining wall on the shore of the property.
- CeCe Tesky, Zoning Administrator, gave testimony including a written staff report. The existing cabin can be rebuilt in the same size, use and location with a second story without a variance. The zoning office recommendation was to deny the variance since the applicant does have reasonable use of the property within the ordinance.
- Mark Schmitt, member of the Big Bend Town Board, informed the Board of Adjustment that the private road that runs on this property used to be a town road when there was a boat landing. It is no longer a

town road. Mr. Schmitt also provided testimony as a member of the public that he was not in favor of the variance and thought it should be denied.

- Leonard Drescher questioned the roadway, easements, and private vs town roads. Tesky explained that his questions were legal questions and he would need to contact an attorney.

**Site Visit:** None.

**Public Hearing:** Closed at 1:36 p.m.

Discussion on impervious surface limitations, options for structure if denied or approved. Meisner gave explanation of the three areas that the Board of Adjustment has to consider when making their decision. Meisner explained that he is finding it difficult to say that there is unnecessary hardship in this request as the landowner knew that there were requirements in place before the purchase of the property. Lelm and Nelson also gave a brief explanation of their stand on the three areas that the board must consider.

**Board Vote:** Unnecessary Hardship:  
Yes: 0 No: 3

Unique Property Limitations:  
Yes: 2 No: 1

Harm to Public Interest:  
Yes: 0 No: 3

**Decision:** Variance request did not meet all three standards and was denied.

**Adjourned:** Motion by Lelm, second by Kromrey to adjourn. Meeting adjourned at 1:56 p.m.

Respectfully submitted by:  
Danielle Zimmer, Chief Deputy County Clerk  
Minutes completed: 07/17/17  
Minutes approved: 12/21/17