Minutes

Forest County Board of Adjustment

Tuesday, November 29th, 2016

1. The call to order was made at 9:30 a.m. in room 107 of the Forest County courthouse.

2. The roll was called and members present included Ron Tschohl, Chairman, member harry Thurin and alternate member John Harter. Clerk pam LaBine was there to record the minutes. Members of the audience included Mike Davison, Mike Hess and Rick Hermus. Member Jim Drefahl was excused for personal reasons.

3. Motion by Harry Thurin to approve the agenda, second by John Harter, all in favor, motion approved.

4. Motion by Harry Thurin to approve the last minutes, second by ron Tschohl, all in favor, motion approved.

5. ZA confirmed compliance with the open meeting requirements and they ar attached to these minuts.

6. The Chairman placed no constraints on opportunity or time for each speaker.

7. Motion by Harry Thurin to open the public hearing, second by John Harter, all in favor, motion approved.

8. ZA read the application into the record.

9. The chairman asked for a statement by the applicant. Mr. Davison said his dad owned this property. He gave me one lot. There was 160 feet left for his house. There were no surveys. The three brothers own this property. When they needed a survey the shortage was discovered. When his father put in the sanitary system it encroached on the north lot so I sliced off some of mine. This lot has 117 feet of frontage but is still a few hundred feet short of what is needed. (There is also a written statement by the applicant included in this record)

10. Staff was asked to give a report. ZA said she researched each deed on the property owned by Fransis Davision and laid out each tax record before the committee. On each deed was the year of the lots creation. Forest County had a subdivision ordinance in 1969. Each lot was created after the ordinance. There should have been Certified Survey Maps for each lot and this would not have happened. There is no place to take additional footage from. ZA explained that the Drangnavitz CSM was brought before the committee in 2015 and listed the lot in question as having 20K + square feet remaining. Now we know there is only 19,080 square feet. The lot is well vegetated. Each lot seems to have its place in the landscape. What is done is done. The Corporate Counsel was consulted about the possibility of granting a variance to the 20K requirement and he agreed it could be done.

11. There were two pieces of correspondence and they are attached. One from Clay Schaeffer, and the other from Jennifer Drangnavitz. Both were in favor of the variance.

12. There was no ex-parte communications

13. There were no other questions or issues to discuss.

14. Motion by Harry Thurin to go into closed session with minutes open to the public as part of the final minutes.

15. The committee members spread the map of the five properties on the table. Next to each was the tax deed information with year of deed registration. Harry Thurin said there is really nothing they can do with this property, its only 980 feet short of the required footage and there is no place else to gather footage. John Harter said that there should be some penalty for ignoring requirements for this long. Harry Thurin said this is just like the flowage problem. If there are no CSM’s we will have lawsuits in the future over property lines. They need to bring this whole property into compliance. They knew what was required. Ron Tschohl agreed and asked how would the motion be worded if we agreed to the variance. A discussion continued as to how many lots would be affected by any requirement to make CSM’s for all remaining lots that violated the subdivision ordinance. Finally all agreed that the Clay Schaeffer and Pete Davison lots were the only ones affected as the Mike Davison lot was created in 1938 and was separate. A motion was crafted to the agreement of all.

16. Motion by John Harter to return to open session and make these closed session minutes and deliberations public, second by Harry Thurin, all in favor, motion approved.

17. Return to open session with all members present.

18. Motion by Harry Thurin to grant a variance to allow Mike Davison to create a lot smaller than 20,000 square feet in the shoreland area contingent upon the applicant producing Certified Survey Maps for lots created from the original Francis Davison parcel before 1969. In effect requiring a CSM be provided, after the fact, for the Clay Schaeffer property and the Peter Davison property, second by John Harter, all in favor, motion approved.

19. ZA reminded the committee that another meeting is scheduled.

20. Motion to adjourn by Harry Thurin, second by John Harter, all in favor, motion approved.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on 11/30/2016