Public Hearing Minutes

Forest County Board of Adjustment

Jim Smith, May 30th, 2017

1. The call to order was made by Chairman Ron Tschohl at 10:15 in the Wabeno town hall.

2. The roll was called and all members were present. They were, Ron Tschohl, Chairman, Jim Drefahl and Harry Thurin. Pam LaBine acted as clerk to the board. Members of the audience included the applicant, Jim Smith, Mike Richmond, Rob Mcewen, Dave Mcewen, Ann and Chris Books, and Carol Cullen.

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

4. Motion by harry Thurin to approve the minutes of the last meeting, Davison, second by Ron Tschohl, all in favor, motion approved.

5. The clerk confirmed compliance with the open meetings law. All are attached to this record.

6. The chairman gave each speaker 5 minutes to speak or respond to questions.

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

8. The clerk read the application.

9. Mr. Smith opened his statement by pleading insanity. He didn’t know he needed a permit. Things were done backwards. He wanted to expose the basement but he needed to lift the house. Instead he installed the retaining wall first as there is a wedding on the property soon. He cut down the pine trees as there was nothing but needles on the ground with little vegetation.

10. Pam LaBine gave the staff report. She measured an amount greater than 6K square feet that had been disturbed. Section 4.12 of our ordinance requires a permit for this activity. The work was completely done before the variance was applied for. There was no silt fencing installed. The viewing corridor was measured at 58 feet of 100 feet, over the 35%. That was only on one lot. There are two lots there but they have not been put together. A small amount of grading was done on the second lot. That was not measured. The retaining was is not an exempt structure and needed a variance. The DNR issued an e-mail to us on the subject.

11. Related correspondence was received from the DNR and is attached.

12. There was no ex-parte communications.

13. The chairman requested statements from the witnesses. First to speak was Mike Richmond. He is a neighbor and is very pleased with the improvement on this property. The rock retaining wall will keep the water from washing down and eroding sand into the lake.

 Next was Rob McEwen, he is very pleased with this improvement, his father in law owned this property before and there was nothing growing. Carol Cullen spoke that she agreed with the others, it’s about time this was cleaned up. There is still enough woods left to afford her privacy. Dave Mcewen spoke that there is grass now and he agrees with what others had said. He’s lived there for 50 years.

14. There was no further response or questions from staff.

15. There were no final questions, however a general discussion on what constituted native vegetation was held by the group. Soil type and acidity was discussed relating to plants on the shoreline.

16. Motion by Harry Thurin to close the public hearing, second by Jim Drefahl, all in favor, motion approved.

17. The chairman said he would like to entertain a motion to go into closed session. Motion by Jim Drefahl to go into closed session and make minutes public in the record, second by Harry Thurin, all in favor, motion approved.

18. Discussion was held on the after the fact variance for Jim Smith. All members agree the site was nice looking but the fact he didn’t even think a permit was needed was arrogant. Jim is a contractor he should know better. The retaining wall certainly slowed down the runoff from the road and site. Ron Tschohl wanted to make sure the shoreline was replanted and stayed planted. Harry Thurin wanted to make sure the house was guttered and infiltrated properly to slow down roof runoff. Jim Drefahl said he wanted to see the replanting done by August 1st of this year and make it stick. Discussion was held concerning after the fact fees, one for the permit and one for the variance. The retaining walls would be more than 35 feet back to the house which is at 68 feet. They do make the property more usable. Motion by Harry Thurin to go back into open session, second by Jim Drefahl, all in favor, motion approved.

19. Motion by Harry Thurin to grant the variance to Jim Smith for retaining walls as depicted on his request, for a walk-out basement, with stipulations as follows;

 1. Mr. Smith must pay a 300 dollar after the fact fee for the variance and 300 dollars for an after the fact fee for the permit, totaling 600 dollars.

 2. The 58 feet of open lawn by the shoreline must have 20 feet of the shore revegetated with native plants to a depth of 35 feet from the OHWM. The revegetation plan must meet the approval of the Land Conservation Administrator and will be done by August 1st of 2017. An affidavit will be filed with the register of deeds to ensure the specific vegetation remains in place and thriving.

 3. That guttering must be placed on all roof edges of the home and infiltrated into the ground with an approved infiltration devise or rain garden of an appropriate size.

 Second by Jim Drefahl, all in favor, motion approved.

20. There was no other business

21. Motion to adjourn by Jim Drefahl, second by Harry Thurin, all in favor, motion approved

Submitted by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_6/1/2017