

The CLARK COUNTY BOARD OF ADJUSTMENT held a meeting and public hearing on March 10, 2015 at 10:00 AM in the Clark County Courthouse Auditorium, First Floor, Neillsville, WI.

Board members present were: Mark Shain, Larry Biddle, Connie Opelt, Dave Newman and alternate; Sue Boehlke.

Others present: Brian Duell-Zoning Administrator, Jake Brunette-Corporate Counsel, Theresa Hediger-Administrative Assistant, Ray & Janice Cherry, Thomas Slagle, John Dollard, Steven Morey, Wayne Lubke, and Virgil & Helen Bohac.

The meeting was called to order at 10:01 AM by Chairman Mark Shain.

Dave Newman made a motion to approve the minutes of the June 17, 2014 meeting, second by Connie Opelt. Voice vote, all aye, motion carried.

The Raymond Cherry Public Hearing was called into session at 10:05 AM by Chairman Mark Shain. Mark Shain read the public hearing notice into record. Mark Shain made a correction to the public hearing notice reference to ordinance Chapter 22, Article V, Division 2, Section 22-332 & 22-334.

Committee received exhibits consisting of 46 pages of the Ray Cherry variance request as compiled by the Planning and Zoning Department.

Mark Shain asked for any public comment.

Mr. Ray Cherry presented his case to the committee and gave reasons why the Board of Adjustment should allow him to construct a dwelling on Out Lot 1; not meeting the minimum width requirements. Committee members asked questions of Mr. Cherry regarding some of the concerns they had and of various exhibits that were shown.

Mr. John Dollard spoke to the committee on why he was against granting a variance to Mr. Cherry. Connie Opelt asked where John's property was in conjunction with Ray's. (Refer to page 38 of handout for property lines) Mark Shain also read into public comment a letter that was received by the Planning & Zoning from Mr. Dollard.

Mr. Shain read the restrictive covenant on the subdivision plat restriction *"The erection of buildings for human habitation and installation soil absorption systems for the treatment and disposal of domestic wastewater on the outlots in this subdivision is prohibited"*. (Refer to page 20 of handout)

Wayne Lubke addressed the committee of his concerns on behalf of the Town of Dewhurst and also as a lake lot owner; precedence setting.

Tom Slage, spoke against the variance request as an adjacent landowner and gave his concerns why he is opposed to this.

Virgil Bohac, Town of Dewhurst Chairman, addressed the committee why he was against the variance and of his concern that this would be setting a precedence.

Mark Shain read comments from Michael Wenholtz, DNR, regarding the Cherry property and why the department does not believe the applicant has demonstrated meeting the three criteria required for being granted a variance and reasons the department recommends the request be denied.

Several BOA members asked various questions of Mr. Cherry.

Mark Shain read a letter received by the Planning & Zoning from Steve & Barb Jepsen, adjacent landowners to the property, not opposed to the construction . (Refer to page 16 of packet)

Planning and Zoning Administrator received an email from Department of Safety & Professional Services, Don Sime, regarding the restriction that prohibits houses or septic systems that appeared on the plat for this Out Lot 1.

Larry Biddle asked questions of Corporate Counsel and Corporate Counsel instructed the BOA on several issues before deliberation.

The committee deliberated the Cherry variance request. Mark Shain asked committee if the following three criteria were met: unnecessary hardship, physical property limitations, and not contrary to public interest. Committee members asked questions of Mr. Cherry and of Corporate Counsel.

Mr. Shain referenced the filing date was in error on page 43 of the handout. Filing date was December 22, 2014.

Mr. Shain cautioned all parties that within 30 days any party can appeal the decision of the Board.

Motion by Connie Opelt, seconded by Sue Boehlke to deny the area variance request from Mr. Ray Cherry to construct a dwelling on a substandard Out Lot 1; does not comply with minimum width requirements. Voice vote, all aye, motion carried.

Motion by Dave Newman, seconded by Larry Biddle to adjourn. Meeting adjourned at 11:20 AM.

Theresa Hediger, Secretary