

# VILAS COUNTY BOARD OF ADJUSTMENT

February 20, 2014

## Minutes of #1-2014 Cestkowski Variance Public Hearing Land o' Lakes Town Hall Plan Commission Meeting Room Page 1 of 3

An onsite inspection was held at the subject property, 7276 Meadowland Point Rd, Town of Land o' Lakes, WI, at 9:32 AM. No testimony was taken and no discussion was held. The onsite was adjourned at 9:50 AM.

**Members Present:** Joy Hanser; Marty Ketterer; Fred Indermuehle, First Alternate; Dennis Wittig, Second Alternate.

**Others Present:** Jim Janet, Vilas County Deputy Zoning Administrator; David Sadenwasser, Board of Adjustment Secretary; Jeff Cestkowski, Applicant; John Cestkowski, Al Peterson.

Mr. Indermuehle calls Board of Adjustment Public Hearing to Order at 10:18 AM at the Land o' Lakes Town Hall, 4331 CTH B, Land o' Lakes, WI.

**Members Present:** Joy Hanser; Marty Ketterer; Fred Indermuehle, First Alternate; Dennis Wittig, Second Alternate.

**Others Present:** Jim Janet, Vilas County Deputy Zoning Administrator; David Sadenwasser, Board of Adjustment Secretary; Dan Balog, Town of Land o' Lakes; Jeff Cestkowski, Applicant; John Cestkowski, Al Peterson.

Ms. Hanser nominates Marty Ketterer as acting chairperson for the hearing. Mr. Ketterer accepts the nomination. There are no other nominations. **Roll call vote on nomination of Marty Ketterer as acting chairperson.**

<b>Joy Hanser -</b>	<b>Aye</b>
<b>Fred Indermuehle -</b>	<b>Aye</b>
<b>Dennis Wittig -</b>	<b>Aye</b>

Mr. Ketterer begins by explaining the reasons for having the hearing and the process for appeal.

Ms. Hanser reads the public notice.

Mr. Ketterer swears in Jeff Cestkowski, Applicant, of Wausau, Wisconsin.

Mr. Cestkowski relates the history of how he came to request a variance, stating that he was approved for a permit to replace the portion of the existing garage located behind the 75 foot setback but multiple contractors told him that it would not be possible.

Ms. Hanser asks Mr. Cestkowski to explain how he meets each of the criteria in the three-step test for granting variances. Mr. Cestkowski states that the existing garage is a safety hazard and the present location is the only feasible one on the property for the garage to be located. He states that the unique property features include a pie shaped parcel with a slope near the road, large areas of wetland, multiple areas of setback intrusion, and a large mound system. He states that there will be no harm to the public interest because the proposed replacement garage will be much more sightly than the existing and using the existing location will allow for minimal soil disruption.

Mr. Wittig asks how far a building must remain from the mound system. Mr. Janet responds that it must be fifteen feet from the downslope side of the mound and ten feet from all the other sides.

Mr. Wittig states that he feels that there is room to move the proposed garage approximately thirteen feet towards the north and west so that it will not encroach on the setback requirement.

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A survey of the property is entered as Exhibit D.

Discussion regarding the possibility of moving the location of the proposed garage using Exhibit D.

There is no one else who wishes to testify in favor of the variance.

There is no one who wishes to testify in opposition to the variance.

There are no letters or correspondence regarding this variance.

Mr. Ketterer swears in Jim Janet, Vilas County Deputy Zoning Administrator, of Eagle River, Wisconsin.

Mr. Janet states that he feels Mr. Cestkowski explained things very well and that he is willing to answer any questions. He then explains how he worked with the applicant leading up to the variance request.

Ms. Hanser asks Mr. Janet to address Mr. Wittig's ideas on an alternate placement of the proposed garage. Mr. Janet states that it is possible the location could be moved towards the mound system but notes that would require several large trees to be removed.

Mr. Indermuehle asks where the piping for the mound system is located. Mr. Janet responds that it leads directly from the tank near the house to the mound location.

Ms. Hanser states that moving the proposed location would impact the mound system and its components. She states that replacing the structure in the same footprint would minimize soil disturbance and have the least impact overall. She opines that this is the best case scenario for this property.

Mr. Indermuehle and Mr. Wittig concur.

Ms. Hanser asks Mr. Cestkowski if it is his intention to remove any trees. He replies that it is not.

The hearing is closed to public comment.

Ms. Hanser states that she would like to go point by point through the three step test and asks about unnecessary hardship.

Mr. Ketterer states that he feels unnecessary hardship is present because of the condition of the structure and the lay of the land. He states that there are unique property features in the size and shape of the lot, as well as the location of the mound system and wetland. He also notes that there are no viable areas that will not infringe on the setback requirements. He states that he feels there is no harm to the public interest because the proposed garage will be the same size so that no additional impervious surfaces will be created and it will impact the environment to the same degree. He states that he would support approving the variance.

Ms. Hanser states that she feels part of the hardship is that the existing garage is truly unsafe. She notes that the unique property features are readily apparent. She states she feels granting the variance would definitely be in the public interest.

Mr. Wittig reiterates that he feels there is some room to move the proposed garage farther from the ordinary high water mark, but that if there is not enough space to completely remove it from the setback area then it should be replaced in the same location.

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Mr. Indermuehle agrees and notes that the soil conditions on the rest of the property are not known, so moving the location of the proposed structure could impact the public interest.

**Motion by Dennis Wittig, seconded by Joy Hanser, to approve the variance as requested because unnecessary hardship is present in that a liberal enforcement of the terms of the zoning ordinance would be unduly burdensome because no other location on the property is reasonable to place the proposed garage, unique property features are present because of the proximity to the mound system, wetlands, steep slopes, and encroaching setbacks, and there will be no harm to the public interest because the proposed structure will be in the same location and no trees will be removed.**

**Roll call vote:**

Joy Hanser -	Aye
Marty Ketterer -	Aye
Fred Indermuehle -	Aye
Dennis Wittig -	Aye

**Motion carried. Variance granted with no conditions.**

Mr. Ketterer explains the process for appeal through writ of certiorari.

**Motion by Joy Hanser, seconded by Dennis Wittig, to adjourn. All say aye, motion carried.**

The public hearing is adjourned at 10:50 AM.

*Minutes reflect the recorder's notations and are subject to approval by the appropriate board or committee.*