



## MINUTES

### Board of Adjustment

Thursday, December 5, 2019  
1:00 p.m.  
Silver Cliff Town Hall  
N11929 County Road I  
Silver Cliff, WI 54104

**Members Present:** Harry Sokel, Wayne Gerondale, Mark VanDerZee, Paul Wilting

**Excused:**

**Others Present:** Greg Cleereman, Director-Land Information Department; Tim Oestreich, Assistant Director-Land Information Department; Ryan Parchim- Zoning & Sanitary Technician-Land Information Department, Thomas and Tina Carlson Bob Sorenson, Cameron Litt, Bruce Weber

1. **CALL TO ORDER**  
Meeting to order at 1:00 p.m. by Chairperson Harry Sokel.
2. **HEARING**  
See written decision of the Zoning Board of Adjustment for Thomas Carlson.
3. **CLOSE PUBLIC HEARING**  
MOTION (VanDerZee/Sokel) to close public hearing. Motion carried, no negative vote.
4. **DELIBERATION AND DECISION ON APPEAL**  
Variance request denied two to one. Voting to Deny – VanDerZee, Sokel; Voting to Grant – Gerondale
5. **ADJOURNMENT**  
MOTION (Sokel/VanDerZee) to adjourn at 2:23 p.m. Motion carried, no negative vote.

Respectfully Submitted

  
Mark VanDerZee

Date approved/corrected:

12/13/19

DECISION OF ZONING BOARD OF ADJUSTMENT

Thomas Carlson

MARINETTE COUNTY, WISCONSIN

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FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the board finds the following facts:

Filing Date: December 13, 2019

Notice Dates: November 20<sup>th</sup> and 27<sup>th</sup>, 2019 Peshtigo Times

Hearing Date: December 5<sup>th</sup> 2019

Hearing Location: Silver Cliff Town Hall, N11929 County Road I, Silver Cliff, WI

Members Present: Harry Sokel, Chairperson/ Wayne Gerondale/ Mark VanDerZee

Alternate Members:  
Present: Paul Wilting

Others Present:

Greg Cleereman, Director, Land Information Department  
Tim Oestreich, Assistant Director, Land Information Department  
Ryan Parchim, Zoning & Sanitary Technician, Land Information Department  
Thomas and Tina Carlson  
Bob Sorenson, Neighbor  
Cameron Litt, Neighbor  
Bruce Weber, Silver Cliff Town Chair

1. The applicant is: Thomas Carlson  
(name and address) N11934 Richards Lane  
Athelstane, WI 54104
2. The applicant owns the following described property, which is the subject of the application for appeal: ASSESSORS PLAT OF LOWER ROARING RAPIDS OUTLOT 16 Section 25 T34N R17E, Town of Porterfield, Marinette County. Parcel # 030-02570.000.
3. The property is presently in use as residential property.
4. The applicant proposes (brief project description/attach plans).  
To expand a habitable structure within forty-five feet of the center line of Richards Lane.
5. The applicant requests:  
A variance from Section 21.06(2)(c) – Setback From Class C Highways; sixty-three (63) feet from the centerline of such highway or thirty (30) feet from right-of-way line, whichever is greater..
6. The features of the proposed construction and property relating to the granting of the application for appeal are:
  - Existing lot is 100 feet wide by 155 feet deep.
  - Property is located between the Peshtigo River and Richards Lane.
  - At .36 acres the property is less than the 20,000 square feet required under Shoreland Zoning.

- The development currently on the parcels exceeds the 15% impervious surfaces threshold.
- The Richards Lane right-of-way is fifty feet wide, rather than the standard sixty-six feet.
- During the site visit, the west house corner was measured to be forty-five feet from the Richards Lane centerline. The east house corner was measured to be forty-four feet from the Richards Lane centerline.
- Due to a garage built across Richards Lane, the effective right-of-way at the north east property corner is approximately 30 feet.
- An undeveloped section of Richards Lane, forty feet wide and one-hundred forty feet long, extends northeast from the Carlson property. This extension could provide access to four undeveloped riparian parcels.
- The Town of Silver Cliff owns a fifty foot wide Public Access Corridor to the Peshtigo River from southeast from Richards Lane along the property owners east boundary.
- The property owner submitted an Affidavit of Impervious Surface Mitigation, committing to install a rain garden to mitigate the surface runoff.
- The property owner stated the existing habitable structure floor plan precludes expanding toward the Peshtigo River.

### CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes that:

#### VARIANCE

- A. Unnecessary hardship IS NOT present because Shoreland Zoning Ordinance compliance will not prevent the owner from using the property for any permitted purpose.
- B. The hardship IS NOT due to physical limitations of the property.
- C. The variance WILL be contrary to the public health, safety, convenience, and welfare as expressed by the Shoreland Zoning Ordinance purpose of controlling building sites, placement of structures, and land uses.

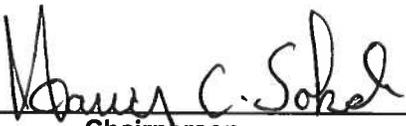
### ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter, the Board orders:

**VARIANCE – The variance request to extend the habitable structure is denied. (Harry Sokel-Deny, Mark VanDerZee-Deny and Wayne Gerondale-Grant)**

This decision may be appealed by filing an action in certiorari in the Circuit Court of Marinette County within 30 days after the filing of this decision. The County assumes no liability for and makes no warranty as to reliance on this decision if construction continues prior to expiration of this 30 day period.

#### ZONING BOARD OF ADJUSTMENT

Signed   
Chairperson

Date Filed 12/13/2019