

Town of St. Joseph - St. Croix County, WI

Hereby provided are written notice and the agenda of the public meeting as stated below. There is an opportunity for public comments as noted on the agenda upon recognition by the presiding officer.

Special Meeting of the Town Board – St. Joseph Town Hall – March 20, 2017, 10:00 A.M. MINUTES

Call to Order – 10:00 a.m. Chair Spaniol

Statement of Public Notice – Chair Spaniol

Roll Call – Chair Spaniol and Supervisors Bohl, Long, DeRosier and Packard were present. Also present public attendees Jim Reidenbach, Beth Reidenbach, Jon Sonnentag, Attorney Sam Cari

Adoption of Agenda – **Motion:** (Long/Parckard) to approve the agenda. **Motion carried.**

Pledge of Allegiance was recited

The following Dates of Upcoming Meetings and Events were read:

March 21st Parks, Trails & Recreation Committee Meeting

March 28th Parks, Trails & Recreation Committee Meeting

March 30th Election Staff Training

April 4th Spring Election

April 5th Plan Commission Meeting

April 11th Public Works Committee Meeting

April 12th Bass Lake Rehab District Meeting

April 13th Town Board Meeting

April 18th Annual Town Meeting

Unfinished/Old Business

1. Spring Newsletter – Discussion, corrections submitted. Projected publication and mailing March 25, 2017. Thank you to Joy Packard and Mary Beth for coordinating and graphic design. **Motion:** (Spaniol/Bohl) to approve with corrections the Spring 2017 Newsletter.

2. Reidenbach/Gerstner, town road variance request at 1406 Hilltop Ridge, Houlton – Motion: (Bohl/Spaniol) Chair Spaniol read the draft of motion. **Motion withdrawn.** Discussion. **Motion:** (Spaniol/Bohl) I MAKE A MOTION TO (APPROVE) A WAIVER AND (GRANT) A VARIANCE OF THE ROAD SETBACK AS REQUIRED BY TOWN OF ST JOSEPH ORDINANCE ARTICLE II ROADS, SECTION 149-4

SETBACKS FOR A PARCEL LOCATED AT 1406 HILLTOP RIDGE, HOULTON, WI 54082, PARCEL ID 030-2028-70-000, CURRENTLY OWNED BY JAMES AND BETH REIDENBACH FOR A PRINCIPLE STRUCTURE TO BE BUILT BY JUSTIN GERSTNER, AFTER PURCHASE OF SAID PARCEL FROM JAMES AND BETH REIDENBACH, AS SHOWN ON THE SUBMITTED APPLICATION DATED MARCH 09, 2017. THE VARIANCE SHALL BE A 60 FEET SETBACK FROM THE WEST EDGE OF THE RIGHT-OF-WAY OF HILLTOP RIDGE.

FINDINGS OF FACT: WAIVER OF SETBACK FOR A **PRINCIPAL** STRUCTURE FROM SETBACK OF SUNDANCE PASS WEST RIGHT-OF-WAY AT 1406 HILLTOP RIDGE, HOULTON, WI 54082

- 1) James and Beth Reidenbach, with Justin Gerstner listed as Agent, have applied for a waiver of Town of St. Joseph Ordinance ARTICLE II: ROADS 149-4(A) SETBACKS which states the setback for Access Roads is 108 feet from the center of the road or 75foot setback from the right-of-way line, whichever is greater.
- 2) James and Beth Reidenbach, with Justin Gerstner listed as Agent, are requesting a waiver to a 93 foot setback from the centerline of Hilltop Ridge or approximately 60 feet from right-of-way line on the western portion of Hilltop Ridge adjacent to and bordering the property located at 1406 Hilltop Ridge, Houlton, WI 54082.
- 3) James and Beth Reidenbach, with Justin Gerstner listed as Agent have requested a waiver and a variance before the construction of this principle structure.
- 4) Pursuant to St. Joseph Code Section 80-17D, the Town Board makes the following findings with respect to the request for a variance under St. Joseph Town Code 80:
 - a) The granting of this variance is consistent with the purpose and intent of Chapter 80
 - b) There are exceptional circumstances and unusual conditions that pertain to this property and are not so general or recurrent in nature as to suggest that Chapter 80 or Chapter 149 should be changed
 - c) This variance is not granted solely on the basis of economic gain or loss. There **(is not)** a self-imposed hardship.
 - d) Granting of this variance will not create substantial detriment to adjacent property or materially impair or be contrary to the purpose and spirit of Chapter 80 or the public safety or interest.
- 5) As provided in St. Joseph Town Code Chapter 149-19, the Town Board has heard this request for a waiver from Chapter 149 ROADS, DRIVEWAYS, etc and the literal provisions of this chapter where strict enforcement would be impractical or unduly burdensome because of circumstances unique to the individual property under consideration and it has been demonstrated by the applicant that the waiver **(is)** in keeping with the spirit and intent of this chapter.
 - a) The purpose of the waiver is not based exclusively upon a desire to increase the value of the income potential of the parcel of land
 - b) The granting of such waiver **(is)** necessary for the preservation and enjoyment of substantial property rights of the applicant and the alleged uniqueness or special circumstances **(have not)** been created by any person having an interest in the waiver

- c) The granting of the waiver will not materially adversely affect the health, safety or general welfare of persons residing or working in the neighborhood of the property and will not, under the circumstance of this particular case, be materially detrimental to neighborhood aesthetics or injurious the property or improvements of the neighborhood
 - d) This waiver **(is not)** based on a mere inconvenience, a financial hardship or a self-created hardship for the applicant
 - e) This waiver shall provide only the minimum relief necessary to alleviate the hardship
- 6) The exceptional circumstances are as follows:
- a) The parcel in question is located on the St. Croix River Bluffline and falls into the Riverway Overlay District. Due to this fact a 40 foot setback from the bluffline is required, a 200 foot setback from the Ordinary High Water Mark (OHWM) is required, a 25 foot sideyard setbacks, and the proposed height of the proposed structure will not protrude above the bluffline when viewed from 250 feet riverward from the OHWM. These restrictions limit the height of construction of this principle structure and the placement of this principle structure within the parcel.
 - b) The 40 foot bluffline setback, the 25 foot sideyard setbacks, the height limitations from viewlines from the riverway, and the town 75 foot setback from the right-of-way of Hilltop Ridge create a hardship for construction of the home indicated on the submitted plans.
 - c) A Land Use Permit has been granted by St. Croix County with conditions pertaining to Erosion Control, stormwater measures, repair of seeded and mulched areas after rain events, a pre-construction meeting, a rain garden constructed on the west side of the house and a below ground infiltration system, replacement trees planted, photo submissions documenting the stabilization of disturbed areas, and for securing all other permits.
 - d) Other areas within the parcel contain slopes which are not conducive to building this principle structure.
- 7) This waiver and grant of variance pertains only to this principle structure and does not apply to any other structure or area within the parcel located at 1406 Hilltop Ridge, Houlton, WI 54082.
- 8) The Town of St. Joseph may incur additional fees including, not limited to, Building Inspection Fees, Attorney's Fees, and other costs, and other expenses pertaining to this waiver/variance request. The Town of St. Joseph will seek reimbursement of these costs from the applicant once they are determined.
- 9) The Plan Commission has recommended to the Town Board APPROVAL of the Waiver and granting of the variance at its regularly scheduled meeting held Wednesday, March 1, 2017 and reaffirmed at a special meeting of the Plan Commission on March 16, 2017.
- 10) This waiver and grant of a variance in no way pertains to, allows for, or affects other State and/or Federal laws, rules, or other requirements relating to this property. This setback variance/waiver only applies to the **principal** structure that was the subject of the waiver application and is described in paragraphs 2 and 3.

11) If a septic system and drain field must be moved to accommodate the construction of this principle structure for which this variance is granted, other setback requirements pertaining to those structures cannot be waived by this variance. It is recommended that the new septic system and drain field permits be obtained and all other septic system requirements, such as perk tests, be completed prior to any construction or soil disturbance in preparation of the building of this principle structure for which the variance has been applied for.

Motion carried after a Role Call vote. Chair Spaniol and Supervisors Bohl, Long, DeRosier and Packard voting Aye.

Public Comment: None

Items for next Town Board Agendas: Naming of Turn Back Roads currently designated as A and B

Adjournment: 10:38 am **Motion** (Bohl/Packard) to adjourn. **Motion carried.**