

WOOD COUNTY BOARD OF ADJUSTMENT
AGENDA

DATE: May 28, 2020

PLACE: Wood County Courthouse Room 114

TIME: 9:00 A.M.

PURPOSE: Hear an Administrative Appeal from John Mitchell for an alternate conclusion regarding Section 704.02(3) - Compliance and 703.02 – General Provisions (1) Areas To Be Regulated and 703.08 – Administration (3) Administrative Procedures A. Land Use Permit. The request for an Administrative Appeal is for property located at 3710 48th St. S., Wisconsin Rapids, WI 54494 and located in the SE ¼ of the NE ¼ of Section 27, T22N R6E, Town of Grand Rapids, Wood County.

1. Call Public Hearing to Order.
2. Introductions
3. Read Notice of Hearing
4. Read Statement of Authority
5. Receive Public Testimony and Evidence
 - a. Call on Applicant to Present His Case
 - b. Call on Code Administrator to Present Staff Report
 - c. Call People by Name From Appearance Slips
 - d. Ask If Anyone Else Would Like To Speak
6. Determine if site visit is necessary to clarify the request. If so, adjourn the hearing to the site. (If no go to 8.)
7. Return to Courthouse and reconvene Public Hearing.
8. Close Hearing and Go Into Open Session For Deliberations
9. Make Determination Regarding Administrative Appeal and Complete Decision Form
10. Adjourn

Join by phone

+1-408-418-9388 United States Toll

Meeting number (access code): 964 225 267

Join by WebEx App or Web

<https://woodcountywi.webex.com/woodcountywi/j.php?MTID=mc7a3195fa369458411c7d44a63292e94>

Meeting number (access code): 964 225 267

Meeting Password: BoA052

NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT the Wood County Board of Adjustment will hold a public hearing in Wisconsin Rapids at the Wood County Courthouse, Room 114, on Thursday, May 28, 2020, commencing at 9:00 AM for the purpose of considering a request by John Mitchell for an Administrative Appeal (Shoreland Zoning & Floodplain Zoning Ordinances) to allow a garage on slab with fill within the Shoreland District and General Floodplain District of Four Mile Creek and its watershed located in the SE¼, NE¼ of Section 27, T22N, R6E, Town of Grand Rapids, Wood County. The Appellant is requesting that zoning permits are not required. Details may be viewed in the Planning and Zoning Office in the Wood County Courthouse during regular working hours. All persons are invited to attend said hearing and be heard.

Persons wishing to attend the meeting by phone may call into the telephone conference ten (10) minutes prior to the start time indicated above using the following number:

Phone Number: 1-408-418-9388

Access Code: 964 225 267

Attendee ID/Numeric Meeting Password: BoA0528

When you enter the telephone conference, PLEASE PUT YOUR PHONE ON MUTE.

Trent Miner, Chairman
Wood County Board of Adjustment

To be published in the regular legal column of the Wisconsin Rapids Daily Tribune as a Class 2 Notice pursuant to Chapter 985, Wisconsin Statutes on Wednesday, May 13, 2020 and Wednesday, May 20, 2020.

Fee for publication to be paid by:

Wood County Planning & Zoning Department
Courthouse
P.O. Box 8095
Wisconsin Rapids, WI 54495

Send AFFIDAVIT OF PUBLICATION to Wood County Planning and Zoning Department at the Wood County Courthouse prior to May 28, 2020.

Hearing Outline
Wood County Board of Adjustment

***** REMIND PUBLIC TO FILL OUT APPEARANCE SHEETS *****

- 1) CALL MEETING TO ORDER
- 2) INTRODUCE MEMBERS OF THE BOARD
- 3) OPEN PUBLIC HEARING
- 4) READ NOTICE OF HEARING (Code Administrator)
- 5) READ STATEMENT OF AUTHORITY (attached) (Chairman or Staff)
- 6) RECEIVE PUBLIC TESTIMONY AND EVIDENCE

***** REMIND BOARD AND PUBLIC TO IDENTIFY THEMSELVES EACH TIME THEY SPEAK *****

- (A) CALL ON APPLICANT TO PRESENT HIS CASE
 - (B) CALL ON CODE ADMINISTRATOR TO PRESENT STAFF REPORT
 - (C) CALL PEOPLE BY NAME FROM APPEARANCE SLIPS
 - (D) ASK IF ANYONE ELSE WOULD LIKE TO SPEAK
- 7) DETERMINE IF AN ON-SITE VISIT IS NECESSARY FOR CLARIFICATION OF THE REQUEST
- (A) IF YES,
 1. ADVISE THE BOARD
 - a. TO NOT DISCUSS THE CASE ON THE WAY TO OR BACK FROM THE SITE,
 - b. THAT THE ON-SITE VISIT IS FOR CLARIFICATION ONLY AND NOT TO RECEIVE NEW EVIDENCE OR INFORMATION, AND
 - c. TO REMAIN TOGETHER WHILE ON THE SITE SO ALL MEMBERS HEAR THE SAME CLARIFICATION STATEMENTS
 2. ADJOURN THE PUBLIC HEARING TO SITE
 - (B) IF NO, GO TO #8
- 8) CLOSE PUBLIC HEARING AND GO INTO OPEN SESSION FOR DELIBERATIONS (work off of Page 2 of the Decision Form – Conclusions of Law)
- 9) MAKE DETERMINATION REGARDING ADMINISTRATIVE APPEAL AND COMPLETE PAGE 3 OF DECISION FORM (Order and Determination)
- 10) NEXT AGENDA ITEMS
- 11) ADJOURN

Statement of Authority

Wood County Board of Adjustment

(to be read at the beginning of Board of Adjustment hearings)

ROLE OF THE BOARD: The Wood County Board of Adjustment is an appellate board required by state law. The Board functions like a court and must follow state laws and the Wood County Floodplain Zoning Ordinance #703 and the Wood County Shoreland Zoning Ordinance #704. The Board of Adjustment cannot change or ignore any part of the Wood County ordinances, but must apply the provisions as written. The purpose of the Board is to hear and decide on variances, special exceptions and appeals regarding interpretation of the ordinances.

Because this Board functions like a court, it will give a full and fair hearing to any person applying for a variance, special exception or interpretation of the ordinances. The Board of Adjustment's sole authority is to interpret the ordinance and apply its provisions to the evidence that is presented. The Board is interested in hearing all pertinent evidence; however I suggest that you avoid repetition and limit your remarks to the subject matter being considered.

RECORDING OF PROCEEDINGS: A taped recording is being made of these proceedings. When called upon to speak by the Chair, please state your name, and present your comments relative to the hearing topic directly to the Board. It is requested that no one interfere with or interject comments while another person has the floor. The Chair will allow adequate time for anyone wishing to speak. For accuracy of transcription and Court review, you will be asked to identify yourself each time before you speak.

PROCEEDINGS: The application or appeal will be read prior to receiving testimony. The applicant will be asked to present the reasons and evidence to support why the request meets the legal standards for the variance or special exception. A staff report has been submitted to the Board and will made part of the official record. The Chair may ask the Planning & Zoning staff to present that report. The Board may ask questions of the staff and applicant. If received, written testimony will be read into the record. Other persons present at this hearing may submit oral testimony related to why the legal standards are or are not met. They may also be questioned by the Board. The legal standards are:

DECISION OF THE BOARD: Once the Board has received all testimony and exhibits, the Chair will close the hearing and the Board will deliberate and decide, in open session, whether the application meets the legal standards. In very infrequent instances, the deliberations may include discussions that qualify as exemptions of the Wisconsin Open Meetings Law under Ch. 19.85, Wisconsin Statutes. In those cases, the Board may go into closed session for those specific deliberations.

RECORDING AND FILING OF DECISION: Written decisions based on the discussion of the Board and evidence in the record will be filed in the Planning & Zoning Office and mailed to the parties involved as soon as possible following the hearing. Minutes of the Board meetings and decisions are available in the Planning & Zoning Office and are on file with the County Board of Supervisors. A transcript of the proceedings is available for a of reproduction fee.

Wisconsin Statutes (2009-2010), Chapter 19.85 Exemptions

- (1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. Not motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which related to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:
- (a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the governmental body.
 - (b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.
 - (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
 - (d) Except as provided in s. 304.06(1)(eg) and by rule promulgated under s. 304.06(1)(em), considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.
 - (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
 - (ee) Deliberating by the council on unemployment insurance in a meeting at which all employer members of the council or all employee members of the council are excluded.
 - (eg) Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.
 - (em) Deliberating under 157.70 if the location of a burial site, as defined in s. 157.70(1)(b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
 - (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.
 - (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
 - (h) Consideration of requests for confidential written advice from the governmental accountability board under s. 5.05(6a), or from any county or municipal ethics board under s. 19.59(5).
 - (i) Considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could adversely affect the business, its employees or former employees.
- (2) No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.
- (3) Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed session the final ratification or approval of a collective bargaining agreement under subch. I, IV, V or VI of ch. 111 which has been negotiated by such body or on its behalf.

Wood County Board of Adjustment

May 28, 2020

Evidence Presented By:

Attorney Brian Formella
for
John Mitchell, Appellant

COUNTY OF WOOD

Board of Adjustment ADMINISTRATIVE APPEAL

*Amended as to Ordinance Sections, Below

APPELLANT John Mitchell		ADDRESS 3710 48th Street South	
CITY Wisconsin Rapids	STATE WI	ZIP 54494	PHONE (715) - 424-5376

LOCATION: Lot #: _____ Subdivision/CSM: _____
 SE 1/4, NE 1/4, Section 27, Township 22 N, Range 6 E

MUNICIPALITY: Town of Grand Rapids TAX ID #: 07-00781

STREET ADDRESS: 3710 48th Street South, Wisconsin Rapids, WI 54494

The undersigned hereby appeals the decision of the Wood County Planning and Zoning Department as indicated below, and requests that a different interpretation be given to Section(s) 704.02(3), 703.02, and 708.08(3)A of the Wood County Ordinances, respectively Ordinance. 703.08(3)A

Interpretation of the County official: See Addendum attached

Interpretation Requested: See Addendum attached

Reason For Appeal: See Addendum attached

SIGNATURE OF APPELLANT

By: Attorney Brian G. Formella, Agent

February 12, 2020

FOR DEPARTMENT USE ONLY

DATE OF PUBLIC HEARING: 5/28/20

HEARING FEE: \$ 500.00

DATE OF DECISION: _____

REMARKS _____

DATE HEARING ADVERTISED: 5/13/20

DATE FEE PAID: 2/12/20

APPEAL GRANTED ☐

DENIED ☐

RECEIVED

FEB 24 2020

COUNTY OF WOOD

Board of Adjustment ADMINISTRATIVE APPEAL

APPELLANT John Mitchell		ADDRESS 3710 48th Street South	
CITY Wisconsin Rapids	STATE WI	ZIP 54494	PHONE (715) - 424-5376

LOCATION: Lot #: _____ Subdivision/CSM: _____
 SE ¼, NE ¼, Section 27, Township 22 N, Range 6 E

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Interpretation of the County official: See Addendum attached

Interpretation Requested: See Addendum attached

Reason For Appeal: See Addendum attached

SIGNATURE OF APPELLANT *John E. Mitchell*
 By: Attorney Brian G. Formella, Agent *Brian G. Formella*

DATE
February 12, 2020

FOR DEPARTMENT USE ONLY

DATE OF PUBLIC HEARING: _____	DATE HEARING ADVERTISED: _____
HEARING FEE: \$ _____	DATE FEE PAID: _____
DATE OF DECISION: _____	APPEAL GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/>

REMARKS _____

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FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

Addendum to Board of Adjustment Administrative Appeal
filed by Appellant, John Mitchell, Dated February 12, 2020

1. This addendum is a part of and incorporated by reference to the Administrative Appeal cover sheet submitted by John Mitchell. The interpretation of the County official that is appealed here includes the erroneous holding in an email dated Wednesday, January 15, 2020, attached hereto as Exhibit A, that an Order #OR-19-084 will not be rescinded as requested.

2. The interpretation requested on this appeal is ultimately to allow completion of Mr. Mitchell's garage previously submitted to the Wood County Planning and Zoning Department and previously permitted. See Exhibit C for a true and correct copy of the permit.

3. The reason for the appeal is to prevent economic waste and harm to Mr. Mitchell at no harm to the public interest by allowing Mr. Mitchell to complete the garage already permitted. As noted, it is also to seek an overturning of the conclusion reached in the Wednesday, January 15, 2020 email (Exhibit A), which itself erroneously upholds the decision of Mr. Brewbaker dated December 2, 2019 (See Exhibit B).

Additional information to be considered:

4. As noted above, Exhibit A sets forth that the Code Administrator's determination that the Code Administrator will be not be retracting Order #19-084, attached hereto as Exhibit B. Order #OR-19-084 is itself an unlawful and unsupportable outgrowth of a previously granted permit attached hereto as Exhibit C. Exhibit C was unlawfully withdrawn by the Wood County Planning and Zoning Department by letter dated June 25, 2018, attached hereto as Exhibit D. Nothing within that withdrawal mentioned anything about a floodplain zoning permit. Indeed, Mr. Mitchell was led to believe that, at the least, he would not be required to remove the foundation.

5. John Mitchell has satisfied and reasonably complied with all requirements to allow him to build a modest garage immediately adjacent to his residence at the above-referenced parcel. He applied for and received the appropriate permit, attached hereto as Exhibit C. In reliance on receiving that permit, Mr. Mitchell then sought and received a building permit for building the garage from the Town of Grand Rapids. See Exhibit E. The Town of Grand Rapids also relied upon the permit provided by the Wood County Planning and Zoning Department to Mr. Mitchell in granting and extending the permit shown in Exhibit E.

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FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

6. Upon receiving the building permit from the Town of Grand Rapids and the permit from Wood County, Mr. Mitchell hired the services of Do It Rite Concrete at a cost of over \$12,000.00 to construct the foundation of the building. See Exhibit F.
7. Only after the foundation for the building was completed did the Wood County Planning and Zoning Department take a position that the permit shown as Exhibit C should be withdrawn. Thus, there is a hardship created but not of Mr. Mitchell's making or doing. Rather, the hardship is created by the actions of others in this instance. Mr. Mitchell's understandable reliance on the permit received through Wood County must now be honored by order and declaration of this Board of Adjustment, by overturning the proposed Order dated December 2, 2019, and instead require and finding that Mr. Mitchell be permitted to complete the building construction at this time.
8. We reserve the right to provide additional information for consideration by the Honorable Board of Adjustment.
9. We incorporate by reference all prior diagrams and submissions previously submitted at any time to the Planning and Zoning Department.
10. Attached as Exhibit G is the survey of Mr. Mitchell's surveyor, showing the existing house and the new structure outside of *the floodplain line*.
11. Attached as Exhibit H is Mr. Mitchell's general plot plan, previously submitted.
12. Attached as Exhibit I is a general description of the floating slab foundation, with ½ inch rebar. This foundation was completed only after inspection and approval by the building inspector.
13. Attached as Exhibit J is an overhead photo of Mr. Mitchell's residence, in relation to the rest of the lot.
14. Attached as Exhibit K are photos showing the concrete foundation in relation to the Mitchell property, apparently taken by Jeff Brewbaker. In part, they show that the improvement is not within the floodplain.
15. Upon information and belief, the improvement described here poses no reasonable risk of harm to the downstream public.

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FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

16. We enclose a fee of \$700.00 for this administrative appeal for withdrawal of the Order and a declaration of enforcement of the underlying permit from June 2018, even though a fee of only \$350.00 may be necessary.

Applicant Signature: John E. Mitchell

Date: February 12, 2020

Agent Signature: [Signature]
ANDERSON O'BRIEN
BERTZ, SKRENES & GOLLA, LLP

Brian G. Formella
A Member of the Firm
Attorneys for Appellant
1257 Main Street, P. O. Box 228
Stevens Point, WI 54481-0228
Telephone: 715-344-0890
State Bar No.: 1012637
Email: bgf@andlaw.com

Date: February 17, 2020

Remitted to:
Wood County Planning and Zoning Office
Courthouse
P.O. Box 8095
Wisconsin Rapids, WI 54495-8095

RECEIVED

FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

Brian G. Formella

From: Jeffrey Brewbaker <jbrewbaker@co.wood.wi.us>
Sent: Wednesday, January 15, 2020 8:39 AM
To: Brian G. Formella
Cc: Peter Kastenholz; Jason Grueneberg
Subject: John Mitchell
Attachments: Rules & Bylaws 11-2-2011.pdf

Good Morning Brian,

I am responding to your letter dated January 6, 2020. Attached please find the requested "Board of Adjustment Bylaws". You should also be aware of Wisconsin Administrative code NR116.21, this along with our floodplain ordinance protects neighboring properties from increased flood height caused by illegally placed structures. It does not appear that a variance can be legally granted for Mr. Mitchell's project.

Mr. Mitchell has the right to pursue an appeal or variance, however he must first apply for the floodplain zoning permit. We still have never received a floodplain zoning permit application. The Planning and Zoning Department makes the decision as to whether any proposed project is in the special flood hazard area or not. This illegally placed structure is 100% in the floodplain as per flood study on file in our office. This has been repeated numerous times. You and your client have been told this by our office since day one. That is the official determination. Applying for a variance will only waste more of Mr. Mitchell's money and time.

We will not be retracting Order #19-084 and expect that the illegally place structure will be removed by the established deadline or legal action in small claims court will be initiated.

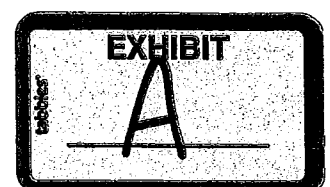
Jeffrey S. Brewbaker, MS, PSS
Code Administrator

Office (715) 421-8470
Wood County Planning and Zoning Office
Courthouse P.O. Box 8095
Wisconsin Rapids, WI 54495-8095

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FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE





Wood County WISCONSIN

OFFICE OF PLANNING
AND ZONING

OR-19-084
December 2, 2019

John Mitchell
3710 48th St. S.
Wisconsin Rapids, WI 54494

RE: GENERAL FLOODPLAIN DISTRICT ORDERS
SITE ADDRESS: 3710 48TH Street S.
TAX ID#: 07-00781
PART OF THE : SE, NE, S27, T22N, R6E,
Town of Grand Rapids, Wood County, Wisconsin

Dear Mr. Mitchell,

The Wood County Floodplain Ordinance Ch. 703 regulates construction in floodplains. A floodplain is defined at s. 703.11(33) of that ordinance to include "land which has been or may be covered by flood water during the regional flood." A "regional flood" is defined at s. 703.10(76) to be a flood that is expected to occur once every 100 years.


In 1991 the South Wood County Park Dam Study was prepared and it concluded that a 100 year flood near Lake Wazeecha would result in the failure of that dam and cause flooding on property, including your property as described above. That study and the flood map contained within it were adopted by the Wood County Board of Supervisors on March 17, 1992 and by said action was incorporated within the floodplain ordinance itself in accordance with s. 703.02 thereof. Those actions resulted in the portion of your property that the garage slab has been built upon being in the floodplain. (See attached map) Pursuant to Section 703.08 (3) A. of the Wood County Floodplain Zoning Ordinance, "A land use permit shall be obtained before any new development...." Development is partially defined as "Any artificial change to improved or unimproved real estate, including but not limited to construction of buildings, structures or accessory structures..."

"As authorized by Section 703.08 of the Wood County Floodplain Zoning Ordinance you are hereby ordered to comply with 703.05 General Floodplain Provisions by a deadline date of 12/02/20."

Mr. Mitchell you have three options for compliance;

1. Remove the slab and fill material from the flood shadow area by 12/02/20.
2. Complete requirements of 703.05 including H & H study as per 703.08(3)A.4. These results must demonstrate that the current slab is located outside the flood shadow before a *shoreland permit* can be granted.
3. Remove slab by 12/02/20 and relocate your proposed structure to the south western portion of your property that lies outside the flood shadow.

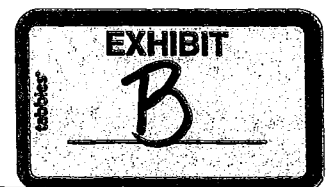
Failure to comply with this order or take corrective action by the stated deadline date shall result in this office seeking enforcement through Circuit Court. If you have trouble meeting the deadline date or have any questions please contact this office at (715) 421-8470. Your prompt attention to this matter would be appreciated.

Sincerely, 
Jeff Brewbaker
Code Administrator

RECEIVED

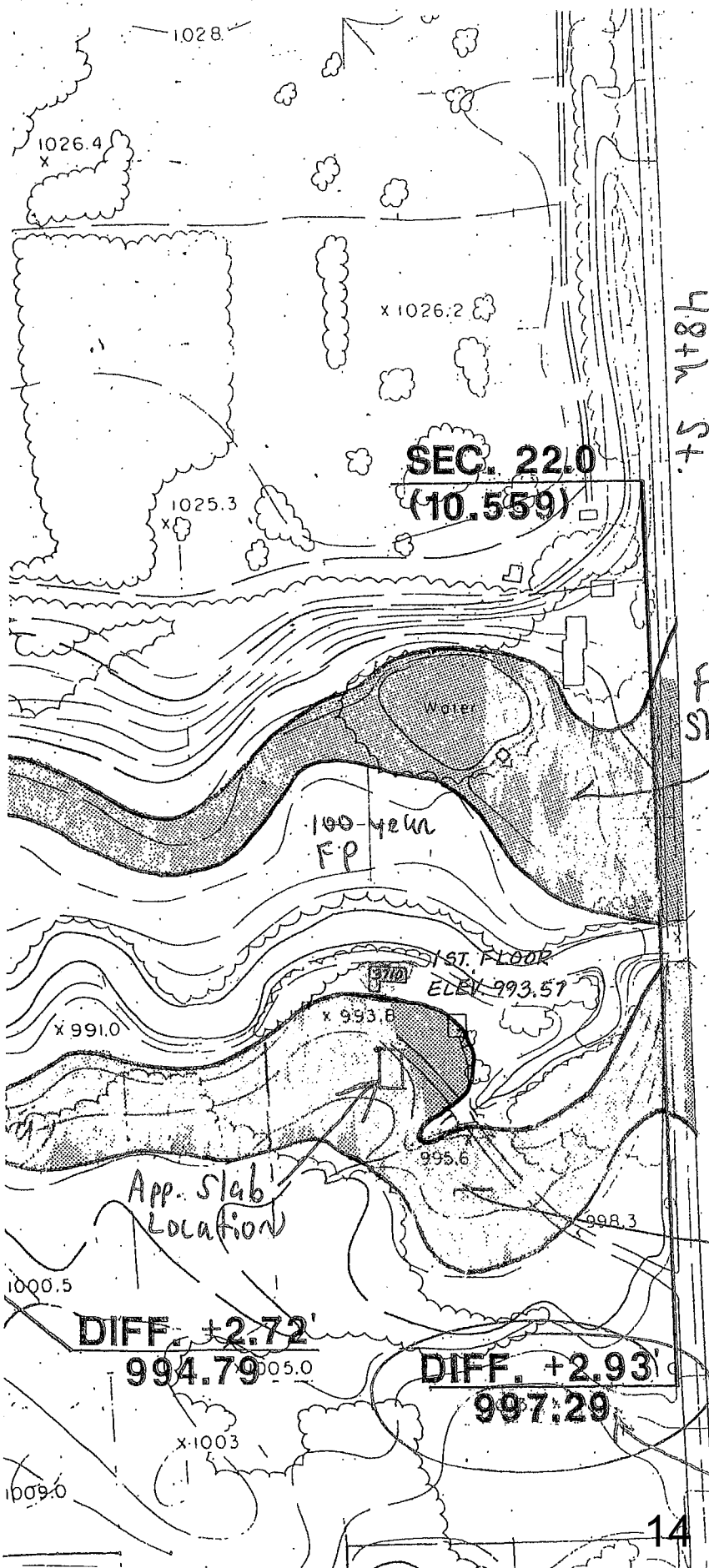
FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE



Affidavit of Mailing

COPY



48th St.

Flood Shadow



Flood Shadow RECEIVED
FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

1" = 200'

Flood Shadow Elev.



RECEIPT

Receipt Number 16323
Receipt Date 6/19/2018

PLANNING & ZONING DEPARTMENT
400 MARKET STREET
P.O. BOX 8095
WISCONSIN RAPIDS, WI 54495-8095
PHONE (715) 421-8466
FAX (715) 421-8599

Issued To: John Mitchell

Issued For: John Mitchell

Quantity	Description	Each Amount	Tax Amount	Total Amount
1.000	Zoning Permit	\$75.00	\$0.00	\$75.00
Sub Total				\$75.00

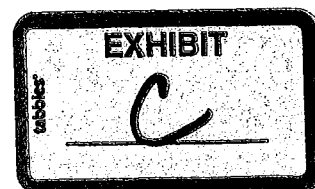
Payments	
Cash	
Parcel # 0700781	\$75.00
Total Payments	\$75.00

Balance Due	\$0.00
-------------	--------

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FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE





Wood County WISCONSIN

over for notes

OFFICE OF PLANNING
AND ZONING

COPY

SF-18-008

June 25th, 2018

John Mitchell
3710 48th Street South
Wisconsin Rapids, WI 54494

SHORELAND PERMIT

SITE:

Parcel #: 07-00781
Town of Grand Rapids
SE NE, S27, T22N, R6E

FOR:

Description: Proposed 1600 sq.ft of impervious surface within the mapped flood shadow of Lake Wazeecha
Requirements: Wood County Ordinance #704, Shoreland Zoning Ordinance

The permit described above has been reviewed for conformance with applicable Wisconsin Administrative Codes, Wisconsin Statutes, and Wood County Shoreland Ordinance. We are not able to issue the permit at this time due to the following:

- The proposed structure location within the shoreland zoned area does not meet Wood County Ordinance #704.02(3) as it does not comply with Wood County Floodplain Ordinance. There is no accessory or primary structures allowed to be built in the Floodway.
- The mapped flood shadow elevation on your property is 997.29'; the planned garage is proposed to be built at approximately 991'.

The county would need documentation from a registered land surveyor to verify that any proposed structures are to be built at or above the flood shadow elevation of 997.29'.

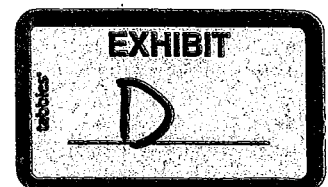
If you would still want to proceed with the project as it is then you would need to attempt gaining an approval for a variance from the Wood County Board of Adjustment. Please keep in mind that variances for self-created hardships shall not be approved.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

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FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE





Town of Grand Rapids

2410 48th Street South
Grand Rapids, WI 54494
(715) 424-1821 Voice
Fax

BUILDING GARAGE (R)

Issue Date: June 19, 2018

PROJECT DESCRIPTION: 30x50 garage

PROJECT #
GARR-18-0143

(715) 340-1933
Inspections

LOCATION

3710 48Th St S
Wisconsin Rapids, WI 54494

LEGAL

S27 T22 R6E SE Fr Ne, Exc S 207.9' Of E 416', Exc
Wood CO C.s.m. #950, 1025 & 1269, & Exc Ridgeway
Hills

CONTRACTOR

Owner as Contractor
(Owner as Contractor)
Wisc. Rapids, WI 54494
(999) 999-9999 Phone

OWNER

Mitchell, John E
3710 48Th St S
Wisconsin Rapids, WI 54494

AVAILABLE INSPECTIONS

- Notify Inspector (required)
- Building Final (R) (required)

INFORMATION

Valuation	25000.00
-----------	----------

FEES

Electrical Permit Fee (R)	\$ 40.00	TOTAL = \$ 115.00
Garage Permit Fee (R)	\$ 75.00	

PAYMENTS

Owner as Contractor ()	TOTAL = \$ 115.00
Cash on 06/19/2018	

NOTICES

- 1) All work must be done in compliance with the 2006 International Building Code.
- 2) A copy of the signed permit and approved plans must be on site at all times.
- 3) The project address must be clearly posted at the job site.

READ AND SIGN

I hereby certify by my signature below that the information provided is true and correct to the best of my knowledge and that the stated value of construction includes all materials, equipment, labor, overhead and profit. I further agree to adhere to all City, State and Federal laws regarding the work to be performed under this permit.

John E Mitchell
Signature

6-20-18
Date

RECEIVED

FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE



Proposal

Page # 1 of 1 pages

Do It Rite Concrete

Office

Darrell Cell

715-325-2175

715-459-2836

PROPOSAL SUBMITTED TO: <u>MR. John Mitchell</u>		JOB NAME <u>30x50 Pole Barn</u>	JOB # <u>201</u>
ADDRESS <u>3710 48th Street South</u>		JOB LOCATION <u>SAMR</u>	
<u>Wisconsin Rapids WI</u>		DATE <u>6/22/17</u>	DATE OF PLANS <u>N/A</u>
PHONE # <u>715-424-5376</u>	FAX # <u>N/A</u>	ARCHITECT <u>Foundation Darrell</u>	

We hereby submit specifications and estimates for: Bring in App 6 18 yard Loads of Fill
SAND. Pole Barn Mono Slab 30'x50' with one course of 6"x16" Blocks.
Fill to Bring grade up App 12" Above Existing Grade and taper off to sides
of New Pole Barn. We will Grade, Form, Pour & Finish 4" of 6 Bag mix
concrete reinforced with Fiberglass. Slab to be mono with 8"x12" footing with
1/2" rebar. We will also install one course of 6"x16" Block. Also install J-Bolts
in concrete filled Block cells.

PAID
Down \$4500
6/25/18
Dull

PAID
Down \$4500
6/27/18
Dull

PAID
Full
6/29/18
Dull
RECEIVED

FEB 18 2020

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:
\$ 11,885.00
 with payments to be made as follows: \$4500.00 down \$4500.00 when ready for concrete & Balance \$2885.00 when
Complete

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted Dull

Note - this proposal may be withdrawn by us if not accepted within _____ days.

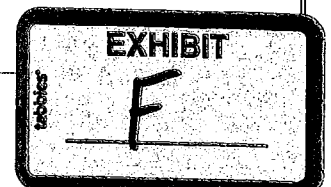
Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date of Acceptance 6-22-18

Signature John E. Mitchell

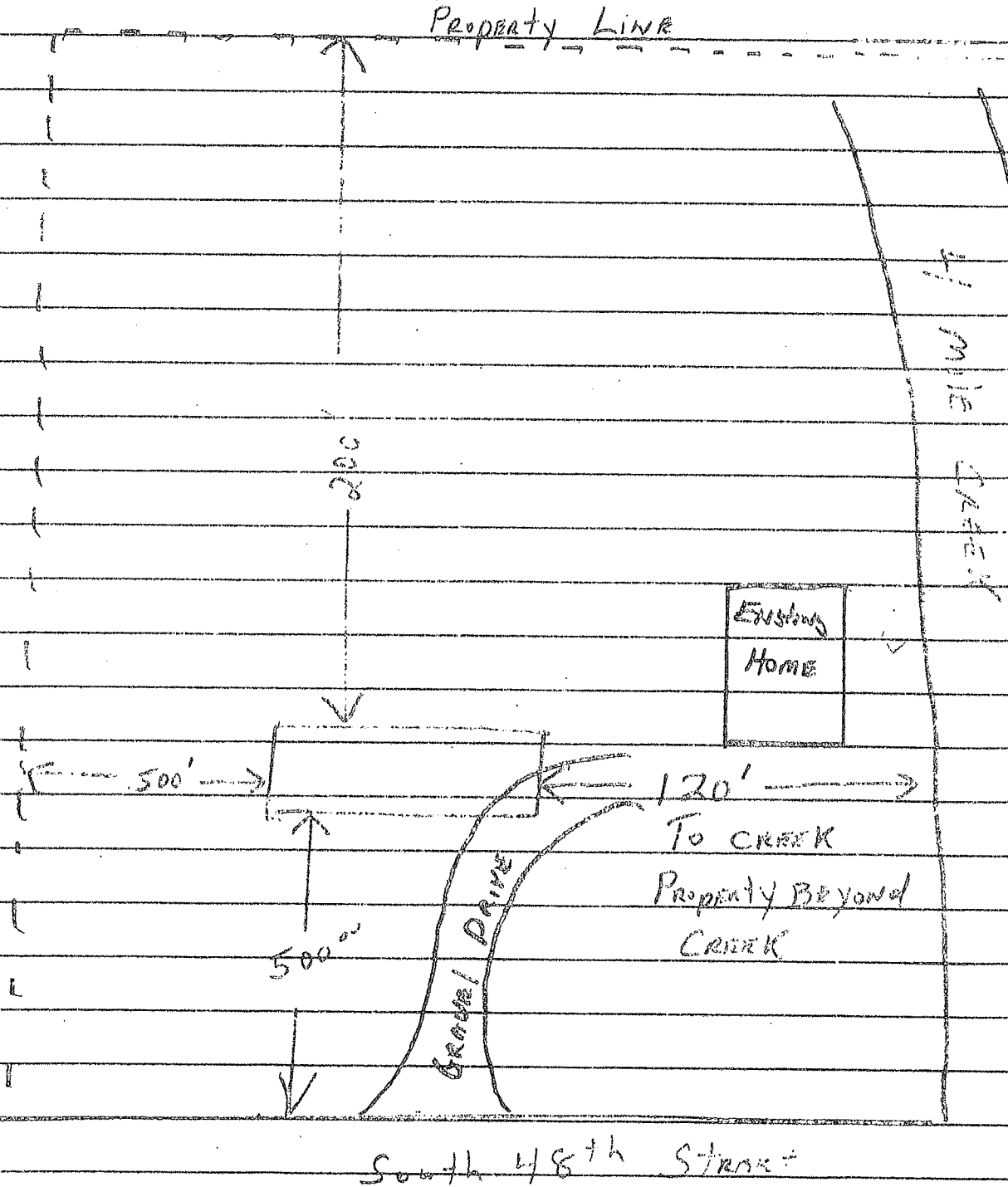
Signature _____



John Mitchell Plot Plan

3710 48th Street South

Wisconsin Rapids WI:



RECEIVED

FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

20

EXHIBIT

H

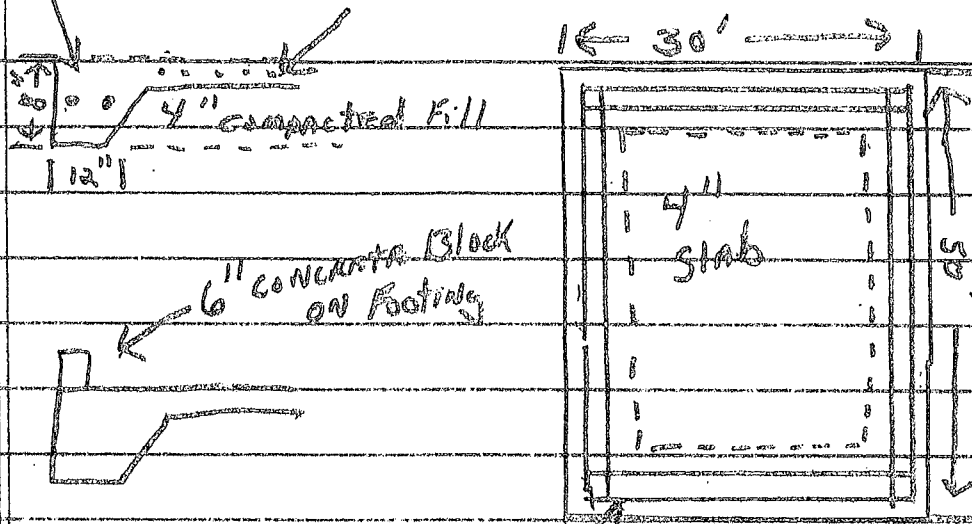
John Mitchell Floating Slab Foundation

3710 45th Street South

WISCONSIN RAPIDS W.I.

2 1/2" REBAR

4" 6 BAG MIX CONCRETE REINFORCED WITH FIBERMESH

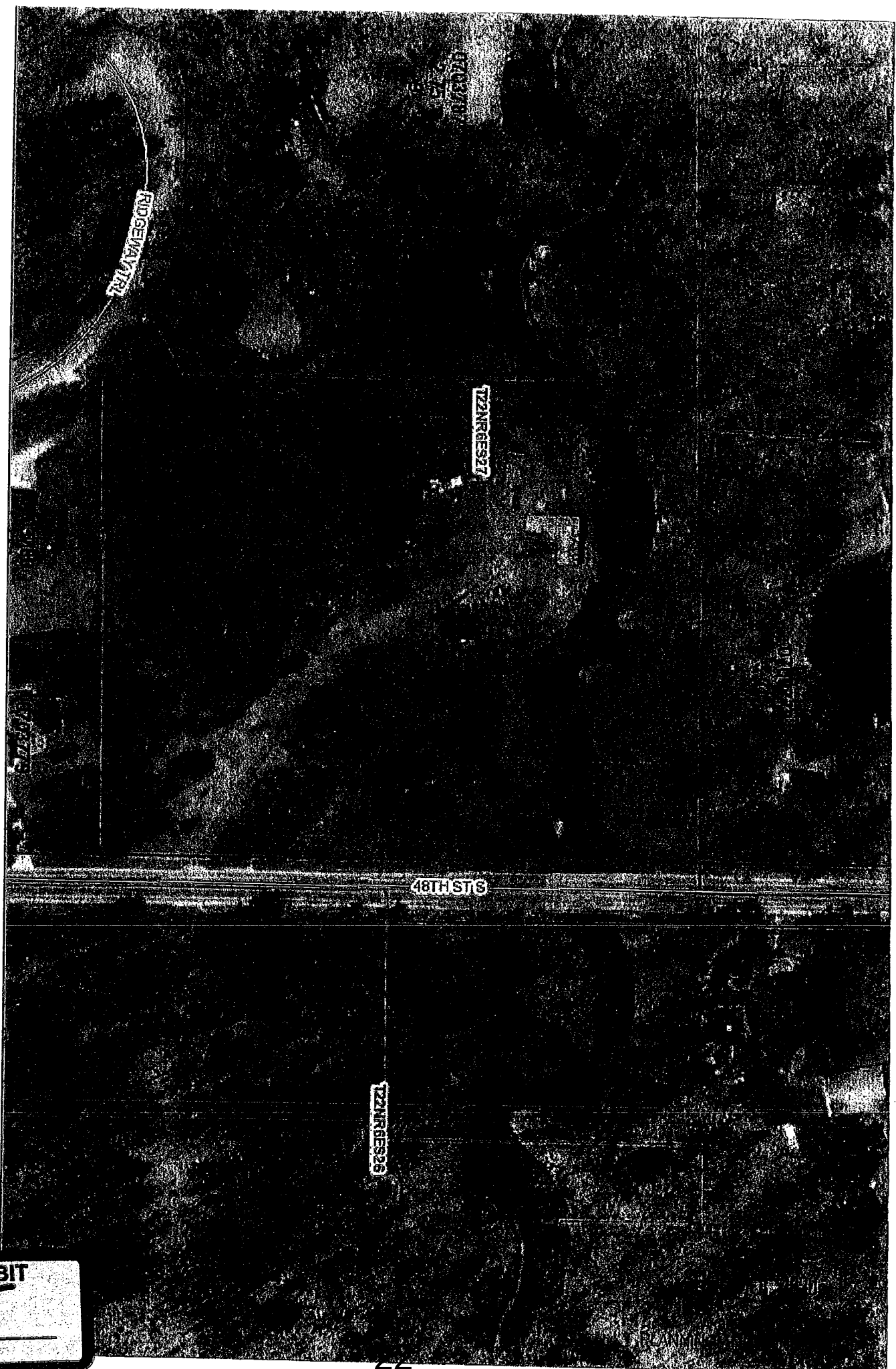


RECEIVED

FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

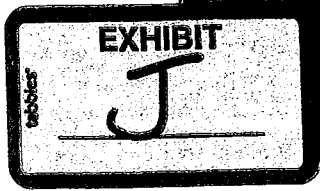




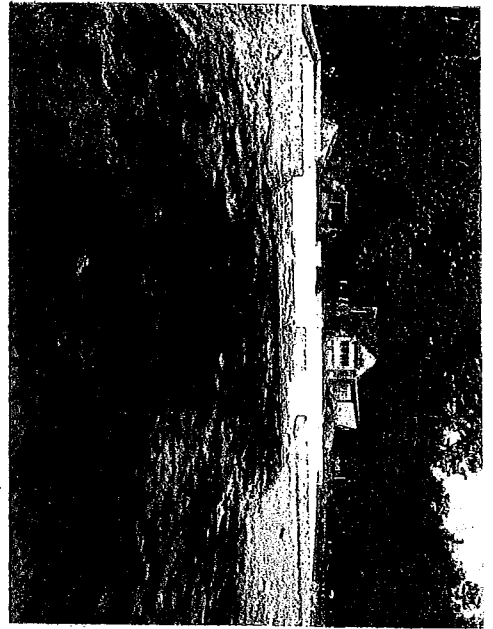
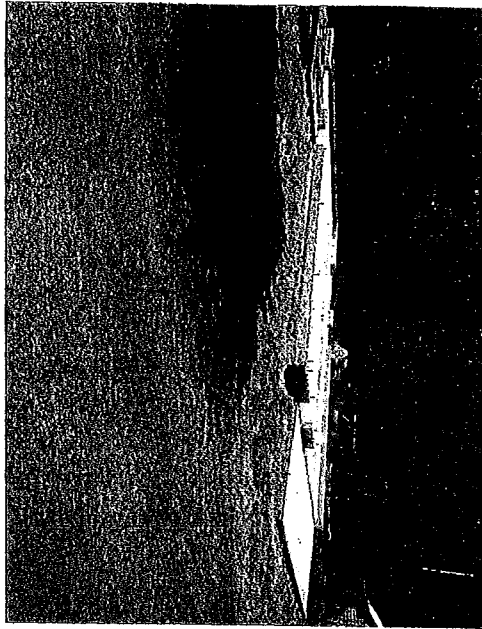
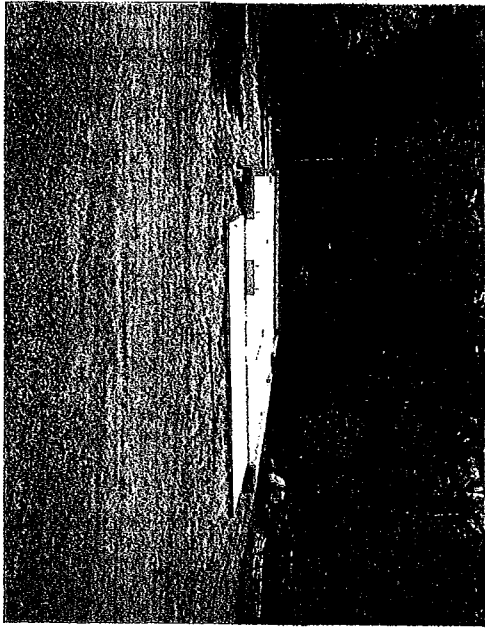
Wood County Land Information Office

Wood County Land Information Office
Map created on file on wood wii file

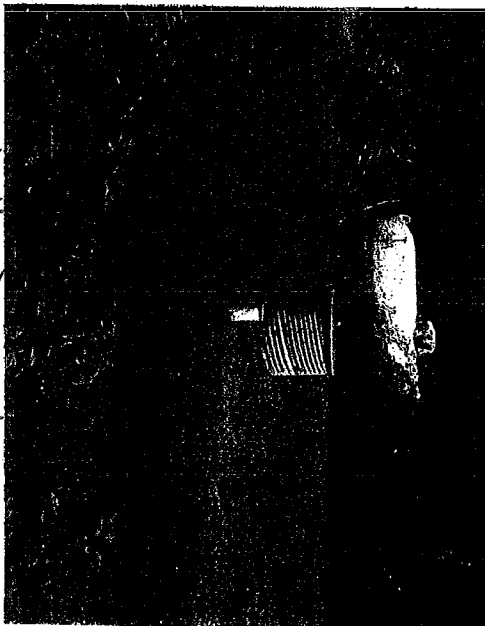
Disclaimer: This Map is NOT a Survey!!!
No information on this website is intended to serve as legal evidence of size, shape, location or ownership of real estate or environmental features including floodplains and wetlands. Wood county assumes no liability related to the use of this map. Property types open to the public for hunting should ALWAYS be verified by the Treasurer's Office.



January 30, 2017



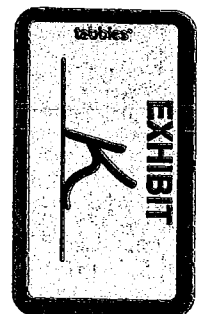
9015 →



Flood Proof Risers
in Floodway

Top Vent 2' Above
DFA

Photos
7/10/18



RECEIVED

FEB 18 2020

WOOD COUNTY
PLANNING AND ZONING OFFICE

Tussocks 2 4/2, 100

Wood County Board of Adjustment

May 28, 2020

Evidence Presented By:

Wood County Planning & Zoning Department
Jeff Brewbaker, Code Administrator

Staff Report
Wood County Board of Adjustment

Application # 001 Applicant Name: John Mitchell Hearing Date: May 28, 2020

Parcel # 0700781 Site Address: 3710 48th St. S., Wisconsin Rapids, WI 54494

ISSUE BEFORE THE BOARD:

John Mitchell applied for a shoreland zoning permit on June 19, 2018. That same application was denied on June 25, 2018. The permit was denied because Mr. Mitchell had made no effort to apply for a floodplain zoning permit as required by Ordinance #703. Upon inspection of the property on July 10, 2018, it was discovered that Mr. Mitchell had already filled and poured concrete on the site without the proper permits (shoreland & floodplain). The property lies in both regulated shoreland and floodplain districts so both types of permits are required. Mr. Mitchell took his "Receipt" for a shoreland zoning permit fee and pressured the Town of Grand Rapids to issue a building permit, even though he had only received the receipt for his fee and no review had occurred. Wood County was audited by FEMA and WI-DNR starting in 2011 regarding the lack of consistency and accuracy in floodplain management of former staff. The current Code Administrator has taken the task of cleaning up the counties floodplain management serious and we do not want to take a step backwards at this point. In 2018 there were a total of 8 high hazard dams in the state of Wisconsin that failed. Central Wisconsin just missed those high precipitation storms as Wazeecha is equally vulnerable and the current flood study shows a high probability of destruction downstream with a possibility of lives loss regarding dam failure. Everything permitted previously in this vicinity shall now be invalid if Mr. Mitchell is allowed to proceed as planned. The additional structure already placed and obstructing floodwater by Mr. Mitchell's impact will cause an increase in flood height on all structures in the four mile creek basin making the previous permits void and requiring additional flood insurance if a mortgage would be required to all homes near the flood shadow of the Lake Wazeecha Dam Failure Analysis.

FACTS OF THE CASE:

Appellant, John Mitchell, has requested an Administrative Appeal to the Code Administrator's interpretation of the following Wood County Code Sections; 704.02(3), 703.02, and 703.08 (3) A., of the Wood County Shoreland and Floodplain Ordinances respectively. John Mitchell is requesting to build a garage without shoreland and floodplain permits in an area that has been identified by the Code Administrator as within the Shoreland and Floodplain Districts of Wood Counties Jurisdiction. Mr. Mitchell has already placed a 30' x 50' concrete slab and 108 cubic yards of fill without permits within the established and adopted "South Wood County Park Dam Analyses & Map" (Attachment #1). The elevations presented by his attorney were ranging from 992.9' to 993.3'. The South Wood County dam has been studied and it was determined that during a 100 year food the dam would fail causing a wave of water to obtain an elevation of 997.29' at Mr. Mitchell's property. All earth disturbance and structures need a floodplain zoning permit if proposed below this established flood protection height as prepared by R.A. Smith & Assoc., Inc. The flood study was approved by WI-DNR on March 30, 1992 (Attachment #2). The Wood County Board of Supervisors adopted by resolution the same flood study on March 17, 1992 (Attachment #3). To date Mr. Mitchell has never applied for a floodplain zoning permit or attempted to meet the requirements of Wood County Ordinance #703. Mr. Mitchell is requesting a different interpretation of s.703.02 & s.703.08(3)A of the Wood County Floodplain Zoning Ordinance. He is asking essentially for Planning and Zoning to not require permits for his project. An enforcement order was mailed to Mr. Mitchell, OR-19-084 (Attachment #4) or the Appellant's Exhibit B.

Mr. Mitchell never received a shoreland zoning permit from Wood County Planning and Zoning. His exhibit "C" is a receipt of the fee amount for the shoreland permit review process. At the very top center in caps and bold "RECEIPT". Mr. Mitchell is required to obtain a shoreland zoning permit due to the fact that the project is less than 300 feet to Four Mile Creek, however because he made no effort to satisfy the floodplain zoning requirements his permit was denied by my letter SF-18-008 (Attachment #5) or the Appellant's exhibit D.

DESCRIPTION OF EXISTING NONCONFORMING USES/STRUCTURES ON THE PROPERTY:

Single family house in the general floodplain district and less than 35 feet to Four Mile Creek with detached garage built prior to the Wood County Floodplain Zoning Ordinance Adoption and Wood County Shoreland Zoning Ordinance Adoption.

Recently placed, prior to July 10, 2018, concrete slab 30' x 50' and 108 cubic yards of fill placed illegally in the flood shadow of Lake Wazeecha prior to obtaining zoning permits from Wood County Planning and Zoning.

ADDITIONAL INFORMATION/ANALYSIS PERTINENT TO THIS REQUEST:

Wood County was the recipient of a Community Assistance Visit or floodplain program audit in 2011. The major source of conflict between Wood County and WI-DNR/Federal Emergency Management Agency (FEMA) were structures and filling within the mapped floodplain without permits. The Planning and Zoning Department was instructed to correct these type of problems or lose the federal disaster relief assistance that the Federal Government distributes to Wood County. Every 5 years new air photos are flown and it is quite easy to pick out the new structures in the floodplain.

- Attachment #6, was taken from a newspaper article. The Wisconsin State Journal on 12/9/2019 reported that 8 dams in Wisconsin Failed in 2018. Three high hazard dams are shown to be in Wood County. The Lake Wazeecha Dam is one of the three.
- Alternative designs and locations on the property may be available.
- Any additional structures placed in the flood shadow will cause additional obstruction to flow and increase flood heights on all previously permitted structures in this area making all of that work now void and possibly requiring flood insurance for structures that previously were not required to obtain flood insurance.
- Mr. Mitchell could complete his own more modern engineering study at his expense.
- Wood County Parks and Forestry paid for the current dam failure study.

1. List of Attachments to Staff Report.

- Attachment #1: Portion of dam failure analysis near Mr. Mitchell's property showing flood shadow presence
- Attachment #2: State Approval Letter for South Wood County Park Dam Analysis, Dated March 30, 1992
- Attachment #3: Wood County Board of Supervisors approved Resolution to amend the Wood County Floodplain Ordinance to provide protection for a previously unknown flood hazard area (Lake Wazeecha Dam Failure Analysis Study by: R.A. Smith & Assoc., Inc.), Dated March 17, 1992.

- Attachment #4: Order letter, OR-19-084, Dated December 2, 2019
- Attachment #5: SF-18-008 letter, Dated June 25, 2018
- Attachment #6: Map taken from Wisconsin State Journal showing location of high hazard dams in Wisconsin.

Staff report prepared by:

A handwritten signature in black ink, appearing to be 'JB', written over the text 'Staff report prepared by:'.

Jeff Brewbaker, MS, PSS, Code Administrator
Date: May 11, 2020

Decision Form
Wood County Board of Adjustment

Application # 001 Parcel # 0700781 Applicant Name: John Mitchell

FINDINGS OF FACT

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

Filing Date: _____

Affidavit of publication/posting is on file.

Hearing Date: _____

1. The applicant or appellant address:
3710 48th St. S., Wisconsin Rapids, WI 54494 (Town of Grand Rapids)
2. The applicant is the (☒ owner / ☐ lessee / ☐ mortgagee of the following described property which is the subject of the application or appeal (legal description & site street address):
Part of the SE 1/4, NE 1/4, Section 27, T22N, R6E, 3710 48th St. S., Wisconsin Rapids, WI 54494
3. The property is presently in used for RESIDENTIAL and has been so used continuously since PRIOR TO 1970
4. The property includes a nonconforming (☒ structure / ☐ use) described as:
SINGLE FAMILY HOME WITH DETACHED SHED
5. The property has been the subject of a prior (☐ appeal / ☐ variance / ☐ conditional use/special exception) described as:
NA
6. The applicant or appellant proposes (brief project description/attach plans):
The applicant proposes a new 30' x 50' garage. The concrete slab was established prior to any land use permits being issued.
7. The applicant or appellant requests:
 - ☒ an appeal of the code administrator's determination
 - ☐ a conditional use
 - ☐ a special exception
 - ☐ a use variance
 - ☐ an area variance

under Section 704.02(3); 703.02; and 703.08(3)A of the Wood County Shoreland Zoning (#704) and Wood County Floodplain Zoning Ordinance (#703).

The features of the proposed construction and property that relate to the grant or denial of the application or appeal are (refer to the language/standards of the ordinance):

Any portion of this property that occupies an elevation of 997.29' or lower is considered below the 100 year flood elevation based on, "The South Wood County Park Dam Analyses & Map". The elevation proposed to Wood County Planning and Zoning was an elevation of 992.9'. The 992.9' elevation was proposed where the planned garage would be constructed. The proposed project also lies within the Shoreland District. The shoreland permit was denied because the proposed project did not meet the requirements of the Wood County Floodplain Ordinance #703. Mr. Mitchell filled a portion of the General Floodplain and constructed a

concrete slab (30' x 50') without obtaining/applying for any permits from Wood County Planning and Zoning as required by ordinance #703 and #704.

(s. 704.02(3) COMPLIANCE. THE USE OF ANY LAND; THE SIZE, SHAPE AND PLACEMENT OF LOTS; THE USE, SIZE, TYPE, AND LOCATION OF STRUCTURES ON LOTS; THE INSTALLATION AND MAINTENANCE OF WATER SUPPLY AND WASTE DISPOSAL FACILITIES; THE FILLING, GRADING, LAGOONING, AND DREDGING OF ANY LANDS; THE CUTTING OF SHORELAND VEGETATION; AND THE SUBDIVISION OF LOTS SHALL BE IN FULL COMPLIANCE WITH THE TERMS OF THIS ORDINANCE AND OTHER APPLICABLE LOCAL, STATE OR FEDERAL REGULATIONS. BUILDINGS AND OTHER STRUCTURES SHALL REQUIRE A PERMIT UNLESS OTHERWISE EXPRESSLY EXCLUDED BY A PROVISION OF THIS ORDINANCE. PROPERTY OWNERS, BUILDERS AND CONTRACTORS ARE RESPONSIBLE FOR COMPLIANCE WITH THE TERMS OF THIS ORDINANCE.

(s.703.02)GENERAL PROVISIONS. (1) AREAS TO BE REGULATED. THIS ORDINANCE REGULATES ALL AREAS THAT WOULD BE COVERED BY THE REGIONAL FLOOD OR BASE FLOOD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) OR OTHER MAPS APPROVED BY THE DNR. BASE FLOOD ELEVATIONS ARE DERIVED FROM THE FLOOD PROFILES IN THE FLOOD INSURANCE STUDY (FIS) AND ARE SHOWN AS AE, A1-30, AND AH ZONES ON THE FIRM. OTHER REGULATORY ZONES ARE DISPLAYED AS A AND AO ZONES. REGIONAL FLOOD ELEVATIONS (RFE) MAY BE DERIVED FROM OTHER STUDIES. IF MORE THAN ONE MAP OR REVISION IS REFERENCED, THE MOST RESTRICTIVE INFORMATION SHALL APPLY. OFFICIAL MAPS: BASED ON OTHER STUDIES: A. THE SOUTH WOOD COUNTY PARK DAM ANALYSES & MAP, PREPARED BY R.A. SMITH & ASSOC., DATED APRIL 1, 1991.

(s.703.08)ADMINISTRATION. (3)ADMINISTRATIVE PROCEDURES. A. LAND USE PERMIT. A LAND USE PERMIT SHALL BE OBTAINED BEFORE ANY NEW DEVELOPMENT, REPAIR, MODIFICATION OR ADDITION TO AN EXISTING STRUCTURE; OR CHANGE IN THE USE OF A BUILDING OR STRUCTURE, INCLUDING SEWER AND WATER FACILITIES, MAY BE INITIATED. AN APPLICATION TO THE CODE ADMINISTRATOR AND SHALL INCLUDE: (ITEMS 1 THROUGH 4 LISTED IN THE Wood County ORDINANCE #703)

CONCLUSIONS OF LAW

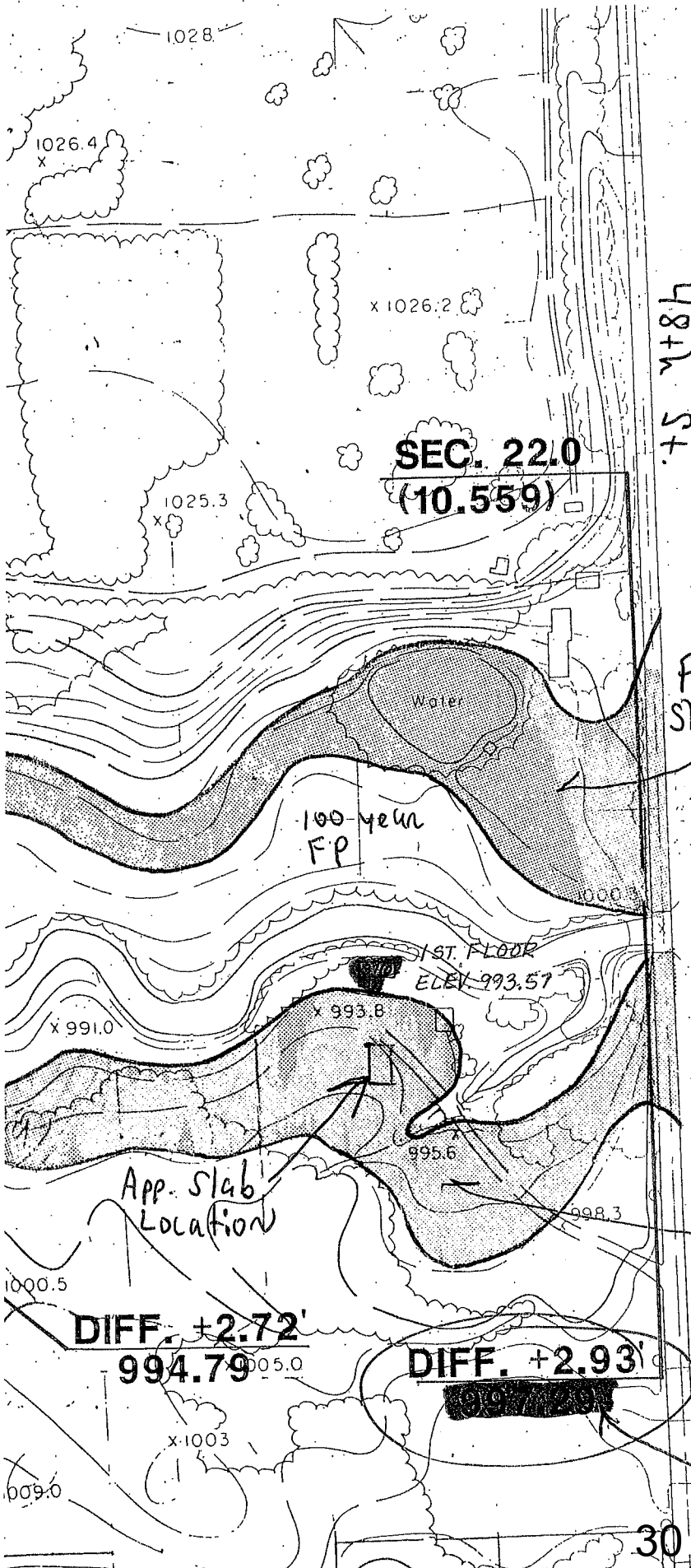
Based on the FINDINGS OF FACT, the Wood County Board of Adjustment concludes that:

Appeal/Interpretation – The order of the Wood County Code Administrator (☐is / ☐is not) in excess of his authority because: -OR-

The code administrator's interpretation of Section 704.02(3), 703.02, and 703.08(3)A. of the Wood County (Shoreland/Floodplain) Zoning Ordinance (☐is / ☐is not) a correct interpretation because:

COPY

Attachment #1



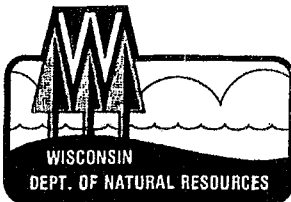
Flood Shadow



Flood Shadow

1" = 200'

Flood Shadow Elev.



RECEIVED APR 2 1992

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

March 30, 1992

Attachment
#2

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO: FF #71.09

RONALD C ARENDT
PARK ADMINISTRATOR
WOOD COUNTY COURTHOUSE
400 MARKET STREET
WISCONSIN RAPIDS WI 55494

SUBJECT: Preliminary Hazard Rating for the South Wood County Park Dam,
Field File #71.09, Wood County

Dear Mr. Arendt:

FINDINGS OF FACT

1. The Department of Natural Resources has examined the Hydraulic and Hydrologic analyses, including the dam failure analysis, for the South Wood County Park Dam, located in the NE 1/4, of the NW 1/4, of Section 26, Township 22 North, Range 6 East, on the Four Mile Creek.
2. The analysis was performed and submitted by R.A. Smith & Associates, Inc..
3. R.A. Smith has determined that a hazard rating of Class 3, High Hazard, would be appropriate for the dam and the area downstream of the dam.
4. The analyses were performed in compliance with Wisconsin Administrative Codes NR 333, and NR 116.
5. There is development in the hydraulic shadow and dam nonexistent profiles downstream of the dam. This was determined through the use of available topographic mapping and site verification by R.A. Smith.
6. The South Wood County Park Dam is a High Hazard dam falling in the major classification. NR 333.07(2) requires a minimum total spillway capacity equal to the Q_{1000} for dams with this classification. R.A. Smith has determine that the South Wood County Park Dam is capable of passing the Q_{1000} of 2085 cfs.



March 30, 1992

7. The Department has determined that the project complies with Section 1.11, Wisconsin Statutes, and Section NR 1.95, Wisconsin Administrative Code.
8. The hazard rating meets the standards of Section 333.06, Wisconsin Administrative Code.

CONCLUSIONS OF LAW

1. The review has been conducted in accordance with Chapter 31, Wisconsin Statutes, and Chapters NR 333 and NR 116, Wisconsin Administrative Codes.
2. The Department has authority under Chapter 31, Wisconsin Statutes, and Chapter NR 333, Wisconsin Administrative Code, to assign a hazard rating.

ASSIGNMENT OF THE PRELIMINARY HAZARD RATING

1. The hydraulic and hydrologic analyses are hereby approved in accordance with Chapter 31, Statutes.
2. The hazard rating of Class 3, High Hazard, is hereby assigned to the dam.

NOTICE OF APPEAL RIGHTS

If you believe that you have the right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to s.227.42, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

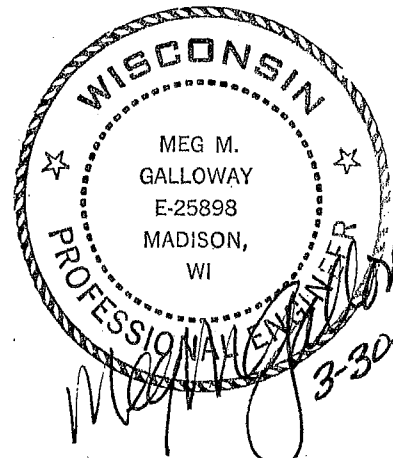
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By

Meg M. Galloway

Meg M. Galloway, P.E.
Assistant State Dam Safety Engineer
Bureau of Water Regulation and Zoning
(608) 266-7014

cc. Dale Lang - NCD
Tom Smith - Wisconsin Rapids Area Office
Jim Joehnk - R.A. Smith



Introduced by Planning and Zoning

Committee

	NO	YES	A
1 Schreiner, L			
2 Stargardt, G			
3 Reynolds, A			✓
4 Schneider, G			
5 Draves, D			
6 Schueller, W			
7 Fehrenbach, N			
8 Pandry, E			
9 Jirschele, M			
10 Zimmermann, K			
11 Danhof, T			
12 Becker, E			
12 Lang, G			
13 Gardner, W			
14 Voight, R			
15 Kumm, A			
15 Rauba, J			✓
16 Zakroczymski, M			
17 Bowden, C	✓		
18 Koran, J			
19 Hofmeister, N	✓		
20 Guelcher, C			
21 Pascavis, G			
22 Winn, L			
23 Jensen, D			
24 Costello, P			
25 Guth, L			
26 Zimmerman, E			
27 Siewert, J			
28 Kronstedt, H			
29 Clark, K			
30 Gurtler, C			
31 Weber, R			
32 Braun, R			
33 Dove, J			✓
34 Buchberger, A			
35 Nash, J			
35 Matthews, C			

PAK

No: 2 Yes: Absent: 3
Number of Votes Required: _____

INTENT & SYNOPSIS:

Attachment # 3

To amend the Wood County Floodplain Ordinance to provide protection for a previously unknown flood hazard area.

FISCAL NOTE:

None.

Source of Money:

Contingency ☐Budget ☐

WHEREAS, the Lake Wazeecha "Hydrologic, Hydraulic and Stability Analyses" conducted by R.A. Smith & Associates for the Wood County Park and Forestry Department has identified an existing flood hazard area in event of a dam failure at Lake Wazeecha during a regional flood, and

WHEREAS, this existing flood hazard area has been accurately mapped (flood shadow map) by R.A. Smith & Associates and

WHEREAS, Wood County desires to utilize the flood shadow map in the administration of the Wood County Floodplain Ordinance in order to provide the necessary protection for the life, health and property of Wood county's citizens, and

WHEREAS, the Planning and Zoning Committee conducted a public hearing to gain citizen input on this proposed amendment.

NOW THEREFORE BE IT RESOLVED that the County Board of Supervisors of the County of Wood does ordain as follows:

Section 1. Section 2.2 of the Wood County Floodplain Ordinance is hereby repealed and recreated to read as follows:

"2.2 District Boundaries: The boundaries of the flood plain districts including the floodway, flood fringe and other flood plain districts, are those areas designated as floodplains or A - Zones on the following maps:

(Continued)

I, Trent Miner, County Clerk of Wood County, Wisconsin do hereby certify that this is a true and correct copy of the original on file in my office.

10-30-19

Date

Wood County Clerk

Adopted by the County Board of Wood County, this 17th day of March 1992

County Clerk

Jesse J. Koran
County Board Chairman

WOOD COUNTY

ORDINANCE # _____

ITEM # 23-3
DATE March 17, 1992
Effective Date _____

Introduced by Planning and Zoning
_____ Committees

Page Two

(a) The Wood County Flood Insurance Rate Maps, dated March 15, 1978, prepared by the Federal Emergency Management Agency (FEMA), and subsequent amendments thereto;

(b) The South Wood County Park Dam Analyses & Map, dated April 1, 1991, prepared by R.A. Smith & Assoc., and subsequent amendments thereto."

Section 2. Section 11.1 of the Wood County Floodplain Ordinance is hereby amended at subsection (20) therein to change the definition of flood plain, to read as follows:

"(20) Flood Plain - The flood plain is the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway, flood fringe and hydraulic shadow."

Section 3. Section 11.1 of the Wood County Floodplain Ordinance is hereby amended to create subsection (25.5) to read as follows:

"(25.5) Hydraulic Shadow - That area of land downstream from a dam that would be inundated by water upon failure of the dam during the regional (100 year) flood. For the purposes of this ordinance, the hydraulic shadow shall be considered part of the regional flood plain."

Section 4. All ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Adopted by the County Board of Wood County,
this 17th day of March, 1992.

County Clerk

Jesse J. Koran
County Board Chairman



Wood County WISCONSIN

OFFICE OF PLANNING
AND ZONING

OR-19-084
December 2, 2019

Attachment # 4

John Mitchell
3710 48th St. S.
Wisconsin Rapids, WI 54494

RE: GENERAL FLOODPLAIN DISTRICT ORDERS
SITE ADDRESS: 3710 48TH Street S.
TAX ID#: 07-00781
PART OF THE : SE, NE, S27, T22N, R6E,
Town of Grand Rapids, Wood County, Wisconsin

Dear Mr. Mitchell,

The Wood County Floodplain Ordinance Ch. 703 regulates construction in floodplains. A floodplain is defined at s. 703.11(33) of that ordinance to include "land which has been or may be covered by flood water during the regional flood." A "regional flood" is defined at s. 703.10(76) to be a flood that is expected to occur once every 100 years.


In 1991 the South Wood County Park Dam Study was prepared and it concluded that a 100 year flood near Lake Wazeecha would result in the failure of that dam and cause flooding on property, including your property as described above. That study and the flood map contained within it were adopted by the Wood County Board of Supervisors on March 17, 1992 and by said action was incorporated within the floodplain ordinance itself in accordance with s. 703.02 thereof. Those actions resulted in the portion of your property that the garage slab has been built upon being in the floodplain. (See attached map) Pursuant to Section 703.08 (3) A. of the Wood County Floodplain Zoning Ordinance, "A land use permit shall be obtained before any new development...." Development is partially defined as "Any artificial change to improved or unimproved real estate, including but not limited to construction of buildings, structures or accessory structures..."

"As authorized by Section 703.08 of the Wood County Floodplain Zoning Ordinance you are hereby ordered to comply with 703.05 General Floodplain Provisions by a deadline date of 12/02/20."

Mr. Mitchell you have three options for compliance;

1. Remove the slab and fill material from the flood shadow area by 12/02/20.
2. Complete requirements of 703.05 including H & I study as per 703.08(3)A.4. These results must demonstrate that the current slab is located outside the flood shadow before a ***shoreland permit*** can be granted.
3. Remove slab by 12/02/20 and relocate your proposed structure to the south western portion of your property that lies outside the flood shadow.

Failure to comply with this order or take corrective action by the stated deadline date shall result in this office seeking enforcement through Circuit Court. If you have trouble meeting the deadline date or have any questions please contact this office at (715) 421-8470. Your prompt attention to this matter would be appreciated.

Sincerely, 
Jeff Brewbaker
Code Administrator

Affidavit of Mailing



Wood County WISCONSIN

over for notes

OFFICE OF PLANNING
AND ZONING

COPY

SF-18-008

June 25th, 2018

Attachment # 5

John Mitchell
3710 48th Street South
Wisconsin Rapids, WI 54494

SHORELAND PERMIT

SITE:

Parcel #: 07-00781
Town of Grand Rapids
SE NE, S27, T22N, R6E

FOR:

Description: Proposed 1600 sq.ft of impervious surface within the mapped flood shadow of Lake Wazeecha
Requirements: Wood County Ordinance #704, Shoreland Zoning Ordinance

The permit described above has been reviewed for conformance with applicable Wisconsin Administrative Codes, Wisconsin Statutes, and Wood County Shoreland Ordinance. We are not able to issue the permit at this time due to the following:

- The proposed structure location within the shoreland zoned area does not meet Wood County Ordinance #704.02(3) as it does not comply with Wood County Floodplain Ordinance. There is no accessory or primary structures allowed to be built in the Floodway.
- The mapped flood shadow elevation on your property is 997.29'; the planned garage is proposed to be built at approximately 991'.

The county would need documentation from a registered land surveyor to verify that any proposed structures are to be built at or above the flood shadow elevation of 997.29'.

If you would still want to proceed with the project as it is then you would need to attempt gaining an approval for a variance from the Wood County Board of Adjustment. Please keep in mind that variances for self-created hardships shall not be approved.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

High-hazard dams

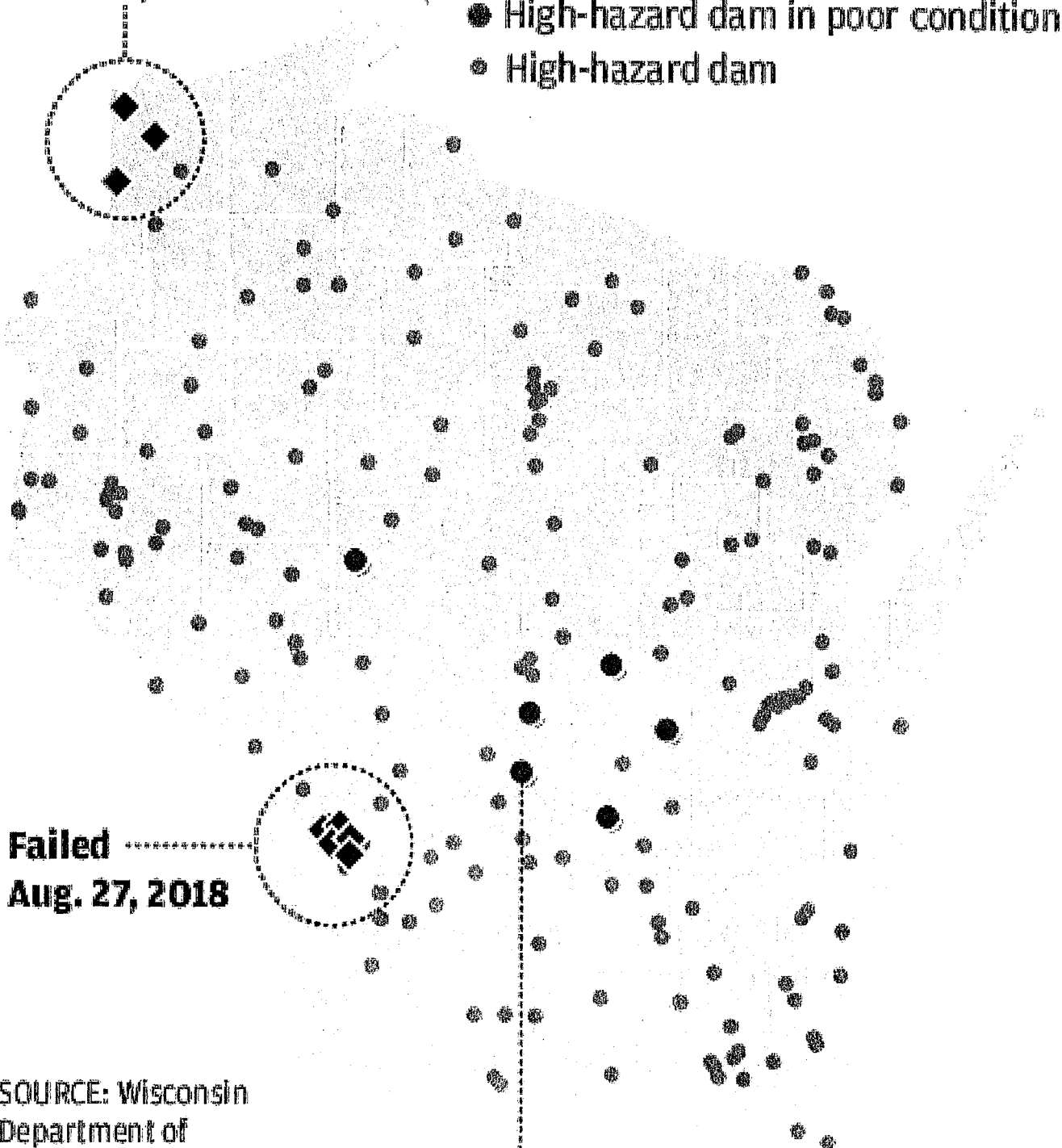
Attachment
#6

Wisconsin has only six dams considered a risk to human safety that are in poor condition, but last year alone eight dams failed across the state amid record-setting rainfalls.

Failed

June 17, 2018

- ◆ Failed dam in 2018
- High-hazard dam in poor condition
- High-hazard dam



SOURCE: Wisconsin
Department of

MORE INFORMATION



Another deluge like 2018 would bring 'deep trouble' to area

- Dane County flood damage tops \$154 million; Middleton businesses find creative ways to serve customers
- Statewide emergency as floods swamp southern, western Wisconsin; Baraboo River to hit all-time high
- 'Double whammy' of low wind, high humidity made for Dane County's state record rainstorm