

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, May 17, 2010

Administrative Center – County Board Room

7:00 p.m. – 8:03 p.m.

MEMBERS PRESENT: Howard Raymer, Jr.(Chair), Dave Eilerson, Terry Houlihan
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nate Sampson, Chad VandenLangenberg (minutes)

CALL TO ORDER

Howard Raymer, Jr., Committee Chair, called the meeting to order at 7:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of Wisconsin Open Meetings Law.

REMARKS Raymer: Legal counsel for the appellants of Variance #2010-21, Vicki Gerrard and Mavis Nicholi have requested that this appeal be continued until they have had an opportunity to meet with the Town of Campbell. This appeal will not be heard tonight, but will be heard at a future public hearing upon a majority vote upon a motion of the board tonight. The continuance will require a re-application and a new application fee will have to be paid.

**Motion Eilertson/Houlihan to continue Appeal #2010-21 to a future public hearing.
3 Aye, 0 No. Motion carried unanimously.**

APPEAL NO. 2010-17 Al Wandling, 2601 Thomas St, La Crosse, WI 54603 on behalf of 2967 Airport Drive Properties, LLC, 2967 Airport Rd, La Crosse, WI 54603. Permit denied to construct a 62-ft X 62-ft residence that will lie within one of two required setbacks: the residence would lie within the required 50-ft building setback from the right of way of Lakeshore Dr (County Road BW) or within the required rear yard setback of 25-ft. The property is described as: Lot 2 of Certified Survey Map No. 21 in Volume 13. Town of Campbell.

Appearing in favor: Alan Wandling, 2601 Thomas St, La Crosse, WI 54603.

REMARKS Wandling: At the time we made this application we were in the process of purchasing this property from Airport Drive Properties, LLC, thus the reason for the "on behalf of" on this appeal. We have since purchased this property and are the current owners. Our desire is to build a home and we need an extra 12-feet from the setback. We do not care if that comes off the front or the back. The Town of Campbell would like us to take that off the front so that we match with the adjoining home. The home next door has a variance as a mistake was made giving it a 30-foot setback. Do you have a map showing that house?

REMARKS Raymer: We were out there and took a look at this property.

QUESTION Eilertson: Did you read this letter that you received from this department?

ANSWER Wandling: I never received any additional correspondence after I applied for the variance.

REMARKS Eilertson: You should have received this when you made the application.

QUESTION Raymer: Did you apply for the variance?

ANSWER Wandling: I did.

QUESTION Eilertson: The board needs to follow the state statutory requirements. When you purchase a lot and then design a home that is too large for the lot that is the truest sense of a self-imposed hardship. The state Supreme Courts says "no self-imposed" hardships warrant a variance. So, how can you justify this?

ANSWER Wandling: From our standpoint, as many of you know, land is fairly hard to come by in the Town of Campbell which is where we would like to build.

QUESTION Eilertson: By the word land, you are referring to vacant land or a building site?

ANSWER Wandling: Yes. Our desire is to build a new home. It took me almost three years to purchase some property. I surveyed just about every open lot and called people to ask if they would sell. With land at a premium, you pay a premium price. With the amount of money we spent on the lot, a smaller home that would fit without a variance wouldn't match the lot. The hardship is that we would have a home that would not correspond in value according to the lot. It would end up being a bad investment.

REMARKS Raymer: Let's look at the drawing on the board. You have basically wasted this area here where you could have had a house. The southwest corner.

REMARKS Wandling: That is the garage.

REMARKS Eilertson: So, behind the garage.

REMARKS Wandling: I did bring a plan. The basement will be finished and there will be a retaining wall along there so we can have full windows in the basement. The bedrooms will be on that side.

QUESTION Raymer: Is this the first floor?

ANSWER Wandling: No, that is the basement. The windows are there for egress and safety reasons. We are going to put a retaining wall out here so you can get out of the basement.

REMARKS Raymer: Well, you've given up 240 square feet of possible buildable area that would put you within the setbacks.

REMARKS Wandling: The problem is not the sideyards.

REMARKS Raymer: No, the problem is that you are trying to push out the front and/or rear instead of taking advantage of the buildable area within the setbacks.

REMARKS Wandling: I guess that I don't know or understand what I could have put there that would have helped.

REMARKS Raymer: You could have made more house there and you could have sized this down to fit. When you purchased this lot you were told what the setbacks were and you had the opportunity to build a house that would fit within those setbacks.

REMARKS Wandling: Well, that is almost impossible. To build a house on that property and keep it as a good investment, you can't have a 50-ft by 50-ft house on there.

REMARKS Raymer: Dave made a good point, when you are starting with a vacant lot and you can't design a house that complies with the setback requirements, it is not the Board of Adjustments responsibility to come up with a variance for that. If you needed more square footage, you could go to a two story home or do whatever you needed to without asking for a variance.

REMARKS Wandling: It is not our desire to go to a two story home. You have all of the information and you have granted other variances to the rearyards along Lakeshore Dr. after the construction was done. Recently you granted one for a sunroom. You guys can do what you need to do. I do understand. We can sell this lot and look for other property in a different town.

Appearing in opposition: Thomas Baumgartner, 2521 Baumgartner Dr, La Crosse WI 54603.

REMARKS Baumgartner: I am opposing this for the simple reason that I own the adjoining land to the south and we are proposing an extension to Calloway Blvd. Once this is done, they will need additional room on the side which they have not accounted for.

(Mr. Baumgartner shows the board a preliminary subdivision plat showing the street extension and lots to the south of this variance appeal lot)

Discussion among the board members concerning the new plat.

QUESTION Raymer: So, you own property to the south and to the west of the subject lot and that property is 60-feet wide, the one to the south?

ANSWER Baumgartner: Yes. Someone should have made them aware that this was coming and then they could have taken it into consideration. I sold this property to the north and the person who bought it was going to build a new house on it. Instead, they divided it into two lots. If they were to build here, then they wouldn't need the site clearance.

QUESTION Raymer: So, they sold that lot after you sold it to them?

ANSWER Baumgartner: Yes. I should mention that this plan is preliminary and it is not a final plan.

Correspondence: Fax from the Town of Campbell, dated 5/12/10. The town board met on 5/11/10 and has no objection to this variance.

**Motion Eilertson/Houlihan to deny.
3 Aye, 0 No. Motion carried unanimously.**

APPEAL NO. 2010-18 Jeffrey E & Cheryl A Peters, W8158 State Road 35, Holmen, WI 54636. Permit denied to construct a 30-ft X 40-ft addition to an existing 30-ft X 40-ft detached accessory building that will exceed the maximum 1,500 sq. ft. area limit for said building on two lots that total 3.703 acres and will exceed the 15-ft height limit for said building. The property is described as: Part of the SE-SE of Section 27, T18N, R8W. Tax Parcels 8-1163-2 & 8-1163-3. Town of Holland.

Appearing in favor: Jeffrey Peters, W8158 State Road 35, Holmen, WI 54636.

QUESTION Raymer: You have a 1200 square foot building and you want to double that which will put you over the allowable by 900 square feet?

ANSWER Peters: Yes.

QUESTION Eilertson: How do you intend to use this building?

ANSWER Peters: Currently there are three homes which use this access and driveway, just before the Trempealeau County line. We do not have any municipal snow removal and we are in charge of snow removal on this road. I have a plow and a bobcat and I do the snow removal in the winter. Currently, I am storing this equipment at a neighbor's. I need this building so I can keep them and house them inside during the winter.

QUESTION Eilertson: You stated that there are three homes, are they back here?

ANSWER Peters: There is one home here and there is one down alongside the field here. That is the Barth home. I service all of the driveways with the equipment I have including access to the highway along the easement.

QUESTION Raymer: So, they come off of this cul-de-sac, too? I guess I don't quite understand.

ANSWER Peters: There is a driveway here, along here and then here.

QUESTION Houlihan: Will there be a second story to this building?

ANSWER Peters: I am asking for that height to give me seven feet in height and 10 feet across for storage.

QUESTION Houlihan: And this will just be used for storage?

ANSWER Peters: Yes, just storage.

QUESTION Sampson: Just for clarification, you mean storage of personal items associated with the residential use of the property?

ANSWER Peters: Yes, I have owned some businesses in the past and have records that I need to retain for those.

QUESTION Eilertson: The snow removal equipment which will be stored here were what again?

ANSWER Peters: I have a four wheel drive truck with a plow and also a bobcat.

QUESTION Eilertson: Currently they are stored where?

ANSWER Peters: They are being stored down at the other neighbor's property.

Appearing in Opposition: None.

Correspondence: Email from Mary Jo Webster indicating that an Erosion Control Permit is not needed. Also received an email from the Town of Holland today and the board voted and recommends approval of this variance.

Motion Houlihan/Eilertson to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-19 Roy W Jr & Carol V Bantley, 536 Hinkley Rd, La Crosse, WI 54603. Permit denied to construct a 26-ft X 28-ft detached accessory garage that will partially lie within the required setback of 60-ft from the centerline of Aiken Rd. The property is described as: Part of Government Lot 9 in Section 19, T16N, R7W. Tax Parcel 4-727-0. Town of Campbell.

Appearing in Favor: Roy Bantley, 536 Hinkley Rd, La Crosse, WI 54603.

QUESTION Raymer: So, you want to build a garage and the setbacks are in the way. But, you do have a garage there that you are going to tear down?

ANSWER Bantley: Yes.

QUESTION Eilertson: The setback runs right through the middle there, doesn't it?

ANSWER Raymer: Yes, it does.

QUESTION Houlihan: Aiken Road is a dead end road, correct?

ANSWER Bantley: Yes, it is, with a cul-de-sac at the end.

REMARKS Raymer: The building that is there is way within the setback. This would improve that situation.

REMARKS Bantley: I am just appealing for that 54-foot instead of the required 60-foot. I haven't had any problems regarding the views. I would appreciate it if I could build it according to the submitted plan.

Appearing in favor: John Lautz, 420 E. Tilson St, West Salem, WI 54669. I am a builder from West Salem. There is a tree next to the garage and the tree is causing the garage to literally fall apart. I did not foresee any problems, but when we went to zoning to get the permit it was realized that we could not meet the setback. When you look at this lot, there is a hardship as the house was existing before some of these rules were put in place. Roy did go to all of the neighboring property owners and got signatures on a letter.

QUESTION Raymer: Do you have a copy of that letter with the signatures?

ANSWER Lautz: Roy has a copy of it and he can submit that to you if you wish.

Appearing in Opposition: None.

Correspondence: A support petition was handed in tonight with 14 signatures from the surrounding neighbors. Also a fax was sent from the Town of Campbell. The town met on 5/11/10 and the town board had no objections.

Motion by Eilertson/Houlihan to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-20 Mike Tolfa, 2851 County Road G, Fountain City, WI 54629, on behalf of Melvyn L & Cynthia J Hoffman, W7042 Meadow Pl, Onalaska, WI 54650. Permit denied to construct a proposed 8-ft X 12-ft covered entry addition to an existing residence that will lie within the required 30-ft setback from the right of way of Meadow Pl. The property is described as: Lot 3 of Meadow Estates Addition. Town of Onalaska.

Appearing in favor: Mike Tolfa, 2851 County Road G, Fountain City, WI 54629.

REMARKS Tolfa: What we are proposing to do here is to build a covered entry porch onto the front of an existing house. This will encroach into the setback by about 5 feet. The existing stoop that is there encroaches into the setback by about 3 feet. I did take some pictures of the existing house from the neighbor's view. We did contact the neighbors and did have them sign letters of approval. A unique characteristic of this property is that it is on this inside corner and there is only one neighbor, the Wozner's, who would be affected by this. They did sign the petition and did not have any objections to this variance. The owners of this home are starting some extensive remodeling of the home and are looking to do this portion now as this will tie in with the existing roof and they are seeking to put a new roof on now.

QUESTION Raymer: Will this be an open porch?

ANSWER Tolfa: Yes, this will be an open porch. It will protrude off of the house 8 feet and be 12 feet long. This will dress the house up from the front a little bit. Here is the signed petition that was sent around and I should mention that there is a slight typo on it as it states that we are requesting an 8-foot variance when in reality it will only be a 5-foot variance. Our intent is for this to make this fit into the existing house. We will be putting a sun room in the back of this house eventually along with new siding, etc.

Appearing in Opposition: None.

Correspondence: A petition of support was submitted tonight with six signatures of the neighbors showing their support. Also have an email dated 5/5/10 from the Town of Onalaska – Town Clerk. The appellants did not appear at the town hall to seek a town recommendation in this matter.

**Motion by Houlihan/Eilertson to approve with the condition that it remains an open porch.
3 Aye, 0 No. Motion carried unanimously**

APPEAL NO. 2010-22 Kim A & Tammy Marie Flock, W8159 Beacon St, Onalaska, WI 54650. Permit denied to construct a commercial building that will partially lie within the required 60-ft setback from the centerline of Hilltop Dr. The property is described as: Part of the SW-SW of Section 29, T17N, R7W. Tax parcel 10-812-0. Town of Onalaska.

Appearing in favor: Tammy Marie Flock, W8159 Beacon St, Onalaska, WI 54650.

QUESTION Raymer: You have a building there that you are going to remove?

ANSWER Flock: Yes. I am currently a hair dresser and have a business in there. We rent out the other portion of the house. When we purchased this lot our vision was eventually to expand. When we looked at renovating the house, we found out that the house did not meet the required setbacks. We purchased in 2005 and I opened my business in 2006. We have spoke with Dennis Parsley from the highway department and he told us that the trees in front are going to be removed and then they plan to move County Road Z to match with Hilltop. We are then hoping to take advantage of the lake view once this is done. In the past three years, we have met with several builders, Borton Construction, Traditional Trades, Brickl Brothers. This is a pretty big jump for us, but I feel we are ready. Where this is located there are not many other salons around and we feel that is a great location. I want this building to look unique and there is not a lot of competition around this area. We have decided on Tom Path as our contractor. If we can have the building look this way, it will be an attractive building to our customers.

QUESTION Raymer: Why can't this building be moved back to meet the required setback?

QUESTION Eilertson: Do you have parking provided for out back?

ANSWER Flock: We do and that was one of my worries. There is no on street parking here and when you own a salon you need a large number of parking spaces for the employees working there and for the customers. We are over the number of required parking spaces, but feel I need the additional parking.

QUESTION Raymer: The parking will be on the north side of the building?

ANSWER Flock: Yes. I did bring in a larger site plan. The parking will be in the front and on the north.

QUESTION Eilertson: What is this that is sticking out?

ANSWER Flock: That will house my retail line, the products that we will sell.

QUESTION Raymer: That bump out also looks to be a waiting room?

ANSWER Flock: Yes. Upstairs there will be a loft where we will be doing nails. While they are getting their work done, they will be able to view the lake. This will bring some uniqueness to the building and will help me be successful. I do like this design. It would be hard to go back to the drawing board as we've been planning this for three years.

QUESTION Eilertson: This existing driveway, is this on this easement?

ANSWER Flock: Yes, and we are trying to pull traffic away from that easement and have traffic flow onto Hilltop Drive. When I talked to Dennis he said that it would be more productive that way. I should also mention that the well is right here.

QUESTION Eilertson: When there is an easement area, you can't build on it, but you could park on it. You are not proposing to use it that way and are going to put the parking up near the building and will this be your driveway?

ANSWER Flock: No, we are not proposing to use that driveway. There is a motel back here that uses the easement. Dennis was saying that they are going to try and block that easement off so that no one can use it. There is also a house next door with children. We would like to get the motel to use Hilltop as well instead of the easement. The flow of traffic should be onto Hilltop.

QUESTION Raymer: When you say Dennis, you mean Dennis Osgood?

ANSWER Flock: No, Dennis Parsley from the state. With the main access off of Hilltop, this bump out would be the front of the store and a focal point for my customers. If we remove that it will crowd the rest of the store. We have already lost 1000 square feet. To be successful, we need a certain amount of square footage per employee. This helps the numbers come out nicely. It also helps the building look nice.

QUESTION Raymer: What will be on the second floor?

ANSWER Flock: The second floor will house a massage area and the pedicure/manicure area. I'm hoping that when clients sit up here they will have a view of the lake. We've been working on this for three years and just weren't able to come up with a plan that I really love, until this one.

QUESTION Eilertson: Did I hear you say that you have surplus parking?

ANSWER Flock: Yes.

QUESTION Eilertson: You have more parking spaces than you need to have?

ANSWER Flock: Yes, more than what is required.

QUESTION Eilertson: How many?

ANSWER Flock: Two. I can have up to four cars out there myself. One of our hardships is also the well issue. We really don't want to pay an additional \$10,000 or \$15,000 for a new well considering that this property may be annexed in two years and will be on a municipal water supply. Jason Gilman from the city has indicated that annexation may be a possibility within two to five years.

QUESTION Raymer: This will be parking in front of the building as well...correct?

ANSWER Flock: Yes. I'm hoping that the looks of this building will improve the area. When we purchased this property, we thought that we would be able to renovate the current building, but have since found out that we can't.

REMARKS Raymer: Because the current building is within the setback, alterations and/or remodeling cannot exceed 50% of the value without a variance.

REMARKS Flock: Because this bump out is the store front area, it is pretty important. I do need the additional square footage as we have gone about as small as we could get.

REMARKS Raymer: By going two stories you were able to get some additional square footage.

REMARKS Flock: Yes, that did help. Without the bump out, I just don't like the front of the building as much.

REMARKS Flock: Also I should mention that my husband is here to support me along with the builder, Tom Path.

Appearing in favor: Kim Flock, W8159 Beacon St, Onalaska, WI 54650.

REMARKS Flock: I am just here to state that I am in support of the petition.

Appearing in favor: Tom Path, 112 Milwaukee St, Sparta, WI.

REMARKS Path: Marie did go through most of this with you including the well. The only thing that I would add that we did go through several different styles of this plan and having worked with other hair stylists and equipment people up in the cities, this plan really needs to be approved. We tried to narrow the building up, but that didn't work as we ended up with interior walkways that did not meet the handicapped accessibilities standards.

QUESTION Eilertson: How much square footage is on the main floor of the building?

ANSWER Path: I think that it was 2300 square feet. There is an additional 600 or some on top.

QUESTION Eilertson: How many different plans have you tried on this site? This is an approximately 19,000 square foot lot, almost ½ acre and the building footprint is only 2300 square feet.

ANSWER Path: By commercial code, where the clients are working, there are health code issues. They need the additional space to meet the health codes.

QUESTION Eilertson: The land to building ratio is very comfortable here. It would appear to me that you should be able to get a 2200 or 2300 square foot building on a lot that size?

ANSWER Path: Well, in the back, we can't go any longer as there is a hillside there and we'll have drainage issues. Also, we need to put in a holding tank back there. This holding tank is shown on the main print. We also need to keep a 60 foot separation distance between the tank and the well. Our building can't be on the tank. That plan in front of you shows the setbacks, but on our main plan it does show the holding tank. We worked with Gene Shuman on this location. We were going to put the tank up front, but he didn't like that. We are really just looking at that seven foot variance for the bump out.

Appearing in Opposition: None

Correspondence: We have the previously read correspondence from the Town of Onalaska. We also have some email correspondence between Charlie Handy and Steve Flottmeyer with the DOT. Mr. Flottmeyer replied that the plans for Highway 35 were not available in PDF form yet. Construction is scheduled for 2014.

Motion by Houlihan/Eilertson to approve.

3 Aye, 0 No. Motion carried unanimously.

Motion by Eilertson/Houlihan to Adjourn at 8:03pm.

3 Aye, 0 No. Motion carried unanimously.