

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, June 14, 2010
Administrative Center – County Board Room
7:00 p.m. – 8:18 p.m.

MEMBERS PRESENT: Howard Raymer, Jr.(Chair), Dave Eilertson, Barb Frank
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.

APPEAL NO. 2010-23 Ben Passa, on behalf of Ashley Scholl, W3863 Pump House Rd, Mindoro, WI 54644. Permit denied to retain a previously constructed 16-ft X 22-ft lean-to addition to an existing 30-ft X 30-ft detached accessory garage that further exceeds the 750 square foot area limit for said building on this 11,100 square foot lot. A 900 square foot building was approved by the Board of Adjustment on June 16, 1997, Appeal No. 9732. Property described as: Part of the SW-SE of Section 21, T18N, R6W. Tax parcel 5-945-2. Town of Farmington

Appearing in favor: Ben Passa, W3863 Pump House Rd, Mindoro, WI.

We purchased the property with this there. It was both of the properties together and there were existing buildings on the other property that are being torn down. There will just be a small garage on that one. The 22' x 16' lean-to comes in pretty handy. It keeps the water from coming into the house which has been a problem. The accessory garage dumps the water in front of the house right now and there is hardly any slope to get it out to the road the way it is right now.

QUESTION Eilertson: Did I understand you correctly that you acquired the property and that was there already?

ANSWER Passa: Yes, it was already there and has been there for awhile.

QUESTION Eilertson: So, this is something that you didn't do?

ANSWER Passa: No.

QUESTION Raymer: When we did the appeal in 1997 for the 30' x 30', then someone put this lean-to on there, before you bought it?

ANSWER Passa: Correct, it was probably added shortly after.

Appearing in opposition: None

Correspondence: None

Motion Eilertson/Frank to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-24 Dale L & Mary L Lenz, N8978 Aspeslet Rd, Holmen, WI 54636. Permit denied to retain a 12-ft X 45-ft & a 6-ft X 45-ft previously constructed additions to an existing permitted detached accessory building that exceeds the 750 square foot area limitations for such buildings on this one acre lot and lies within the required 50-ft front yard setback. The property is described as Lot 1 of Certified Survey Map No. 80 in Vol 8. Town of Holland.

Appearing in favor: Dale Lenz, N8978 Aspeslet Rd.

QUESTION Raymer: Where did these two additions come from?

ANSWER Lenz: We purchased in June, 2002. The existing 45' x 16' shed and the lean-to's in the front and back were existing. We are the fourth person to own this property. The original owner, his wife, and Jeff Skarda, who we purchased from. I did find a picture of the property with the shed and lean-to on it from the appraiser from when I purchased. The backside of the shed, in 2002, during the first winter, we don't get a lot of wind, but we do get a lot of snow. The shed leans in one direction and approximately 8 feet from the shed there is a rock embankment. The snow melts and the water enters the shed there. In 2003 I put an eave trough along that side. In 2004, the snow accumulated and trashed the eave trough. At that time, I simply extended the roofline to avoid that in the future. I didn't realize that I needed a permit at that time.

QUESTION Raymer: That would be the "C" section on the map?

ANSWER Lenz: Correct.

QUESTION Eilertson: So, you are saying that "A" and "B" were there when you bought the property?

ANSWER Lenz: Yes.

QUESTION Eilertson: And, "C" is what you put on?

ANSWER Lenz: Yes. I put that on, simply for the snow and snowmelt reasons.

QUESTION Eilertson: Does that lean-to help protect the water runoff issue.

ANSWER Lenz: Yes, it does. The way the shed was built, the tin goes to the bottom, but there is no plate above the cement, so whatever melts there enters the garage.

Appearing in Opposition: None.

Correspondence: Fax dated June 10, 2010, received the same day from Marilyn Pedretti, Town Clerk. The Town Board met on June 9, 2010. The Town recommends approval with condition of pushing the setback equal to portion "B".

REMARKS Raymer: I am not sure that I understand that.

REMARKS Frank: Me either.

REMARKS Sampson: I did call the Town Clerk for clarification and at the northeast corner of point "B" and ran due west with a line, parallel to the road, that was what their intent was. I scaled that out and that comes to roughly a 26-foot by 23-foot by 12-foot triangle, which is a pretty substantial amount. I brought that to the clerk's attention and she stated that the condition to meet setback was advisory.

REMARKS Raymer: Any of the things from the Town Board are. They must have felt that would make it comply because it would not be in the setback. The size is still an issue, but now it is in the setback, too.

QUESTION Frank: So, they are recommending removal?

ANSWER Raymer: They would have to remove that corner. That doesn't make sense to me.

REMARKS Eilertson: I do not agree with the town's findings. When Mr. Lenz purchased the property, "A" and "B" were existing and it was already in the setback. What he added on did not encroach any further than what it did when he purchased. It does seem that he has a hardship with the water runoff issue. There is a big steep back behind it that causes additional runoff.

REMARKS Raymer: The portion that he added on does not encroach further into the setback. It is a matter of the size, if that is an issue or not. He is allowed 750 square feet.

Motion Eilertson/Frank to approve appeal "As Is".

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-25 David F McCabe, W2733 Sherry Ln, La Crosse, WI 54601. Permit denied to construct a 10-ft X 25-ft deck addition to an existing residence that will lie within the required 60-ft setback from the centerline of Sherry Ln. Property described as: Part of Lot 10, Block 1 of St. Joseph

Heights Addn in the SE-SW of Section 12, T15N, R6W described in tax parcel 6-299-0. Town of Greenfield.

Appearing in Favor: David F McCabe, W2733 Sherry Ln.

QUESTION Raymer: So, your house is on a town road right along State Road 33.

ANSWER McCabe: Yes. As you can see, the setback goes right through my home.

QUESTION Eilertson: How is this a hardship, not having this deck?

ANSWER McCabe: The entry into the house is right along the 13' area. There is a landing by the front door there. There is a step up from the driveway and a step up from the front. There is no railing there. What we want to do is extend that out 4 feet and go over across the front a little further to provide room for maybe a table and a couple of chairs. That area will have a railing on the end, on the east and on the west.

QUESTION Eilertson: And this will be an open deck?

ANSWER McCabe: Yes.

QUESTION Eilertson: Will there be a roof over it?

ANSWER McCabe: No.

QUESTION Eilertson: Will the tree out front stay there as well?

ANSWER McCabe: Yes. And the step down will be all the way across the front.

QUESTION Frank: How high is it elevated?

ANSWER McCabe: Roughly 16 inches. We did go before the town board last week and their main concern was whether there would be construction to the roofline and there isn't.

Appearing in Opposition: None.

Correspondence: None.

QUESTION Raymer: You went to the Town Board and they took action on this?

ANSWER McCabe: Yes, they did. They said that they would send something down here.

QUESTION Raymer: When was their meeting?

ANSWER McCabe: Last Wednesday.

QUESTION Frank: What was the finding of the Town Board?

ANSWER McCabe: They had no objection. Their main concern was whether there would be construction to the roofline.

**Motion by Frank/Eilertson to approve with the condition that the deck is to remain open. It cannot be enclosed or have a roof over it.
3 Aye, 0 No. Motion carried unanimously.**

APPEAL NO. 2010-26 John Courtade, N5448 State Rd 35, Onalaska, WI 54650, on behalf of Brian Stehula and April Guenther, N2136 Valley Rd, La Crosse, WI 54601. Permit denied to construct a proposed 6-ft X 12-ft covered deck addition to an existing residence that will partially lie within the required 60-ft setback from the centerline of Valley Rd. Property described as Lot 1 of the Assessors Plat of Wedgewood Valley. Tax Parcel 11-485-0. Town of Shelby.

Appearing in favor: John Courtade, N5448 State Road 35, Onalaska.

What we are trying to do is to give a little curb appeal and some shelter. There is a 4.5 foot concrete stoop. We are coming out just beyond that to cover the stoop.

QUESTION Raymer: It would stay open with just the two posts?

ANSWER Courtade: Yes. The house is pretty plain in the front right now. There is no overhangs on the house and this will provide some shelter.

QUESTION Frank: I am just curious why you didn't make this whole step the length of this?

ANSWER Courtade: It may end up that way.

Appearing in Opposition: None.

Correspondence: Phone call at 4:30pm today, Monday June 14, 2010 from Jeff Brudos, Town Administrator. The Town Board has taken action on this and has no objections to the granting of a variance.

QUESTION Frank: What is the actual encroachment?

ANSWER Raymer: The addition is six feet and it appears the encroachment would be 4 or 5 feet.

Motion by Frank/Eilertson to approve with the condition that it remains an open porch with two posts and a roof and it cannot be enclosed.

3 Aye, 0 No. Motion carried unanimously

APPEAL NO. 2010-27 Daniel K & Julia R Gerke, 2122 Johnson St, La Crosse, WI 54601. Permit denied to retain an existing 50-ft X 100-ft detached accessory building on a proposed 5.84 acre parcel. This appeal seeks to amend the condition placed on Appeal 2005-63 allowing the construction of said building that exceeds the 15-ft height limit and 1,500 square foot area limit on a 7.341 acre parcel. Said condition required the appellant to combine all of one adjacent parcel and part of a second adjacent parcel to form a single 8.85 acre parcel. Property described as: Lot 1 of Certified Survey Map No. 50 in Vol 11 and part of the S ½-SE Section 35, T16N, R7W. Tax Parcel 9-1401-4. Town of Medary.

Appearing in favor: Daniel Gerke, 2122 Johnson St, LaCrosse, WI.

QUESTION Raymer: Did you own this property when that appeal was granted in 2005?

ANSWER Gerke: Yes, I did.

QUESTION Raymer: What makes you think that we would allow this proposal now.

ANSWER Gerke: Looking at the other properties on the ridge in the area, my cousin is running a business across the street, Shady Maple Motor's and Body Shop. That is on a 5 acre parcel. The business has a building with two lean-to's which makes his building bigger than mine on a smaller parcel. I have talked to my neighbors and have letters signed by them to submit stating that they do not mind. I do have a buyer of this parcel that came out of nowhere. They would like to put a residential home on it and want to start construction right away. We don't see any way that we are going to build up here as we are happy where we are at.

QUESTION Raymer: So, this business you are talking about, is that T. Gerke/Clements, just across the road?

ANSWER Gerke: That would be Steven Gerke.

QUESTION Frank: Where is that?

ANSWER Gerke: It would be on the opposite side of County Road F from the Temp property.

REMARKS Raymer: I do not know the history of that building or how it got there.

REMARKS Gerke: That had come through the Board of Adjustments the same thing I'm doing right now.

QUESTION Raymer: When was that done?

ANSWER Gerke: That would have taken place around the same time that my building, well, the year before my building was placed, so it would have been around 2004.

QUESTION Raymer: Nate, do you remember any history on that building?

ANSWER Sampson: No.

QUESTION Raymer: He's running a business out of that building. He must have a Conditional Use Permit or something?

ANSWER Gerke: Yes. And, if I would need to do that, I could do that. We were originally going to use this building for hay storage. We were going to have horses up there. We did store hay in that building the first year, but it didn't pan out. We didn't have water there for the horses. What I ended up doing was letting people that I know store their cars in there. If you would like, I would turn it into a conditional business or whatever to say that it is a business in there. I am looking for suggestions on what to do out there. I have talked to Nate about it.

REMARKS Raymer: Well, it is kind of tough for us as a board, the appeal was granted with the stipulation that you would combine those parcels, which you did, and then turn around and allow you to split off land. You got the appeal based on the fact that you were going to increase the size of that parcel and now you want to decrease the size of it. Had you not agreed to do that back in 2005 you probably would not have gotten the approval.

QUESTION Gerke: If a person were to make it into a business, could it sit on a 5 acre parcel there?

QUESTION Raymer: I don't know...what is this zoned?

ANSWER Sampson: Agricultural District A.

ANSWER Raymer: So, you could get a Conditional Use Permit to do something else there, but you couldn't run a business.

QUESTION Gerke: Like a storage facility?

ANSWER Raymer: Yes, like a storage facility. But, that really doesn't play into our issue.

REMARKS Gerke: Exactly, I'm trying to sell this parcel so it can get put it on the tax rolls and sell it to these people to build their dream home.

QUESTION Eilertson: That doesn't exactly present a hardship that this board has to function by. Did you read this letter that was sent to you?

ANSWER Gerke: Yes.

REMARKS Eilertson: That is how we have to respond. To hardships.

QUESTION Gerke: Can we table this for 30 days

QUESTION Raymer: What would be the reason to table it?

ANSWER Gerke: I would do some additional research and making sure that I had the exact parcel across the street. I thought that I had a hardship.

ANSWER Raymer: Well, you are appealing under your circumstances, we don't get into that except the neighbors which are within so many feet of your property. Those are shown on the map.

REMARKS Gerke: And I did talk to them and they do not care if I sell this 3 acre parcel.

REMARKS Raymer: That one is not within the 150 feet.

QUESTION Raymer: Did you meet with the Town of Medary?

ANSWER Gerke: I did go to the Town of Medary and they said that, that building is on that many acres and they wanted you guys to decide it.

QUESTION Raymer: So they did not approve or disapprove?

ANSWER Gerke: They disapproved based on it would bring it down to too small of a parcel.

QUESTION Raymer: Do we have correspondence from them, Nate?

ANSWER Sampson: Yes, we do.

REMARKS Gerke: In the Town of Medary we are allowed to build on ½ acre.

REMARKS Raymer: You can build a house on ½ acre throughout the whole county. But, you have to understand that the variance that was granted for that building was based on the combining of all those

acres. Is there a hardship that you can't use this property the way it is. There isn't as you've been using this building and property for the past five years. You are now trying to sell off a portion of that property that will financially benefit you after the appeal was granted based on the fact that you were not going to split that parcel back off. That is where I look at it as a board member.

QUESTION Frank: What would you do with a 30 day extension?

ANSWER Gerke: I guess that I would try to do more research and help someone make a better decision for me.

QUESTION Raymer: I don't think this can be extended unless we approve of it? Will he need to pay another appeal fee?

ANSWER Sampson: That is correct. Another appeal fee would be required.

REMARKS Raymer: So, if you ask for an extension and we grant that, you will need to pay the same appeals fees as when you originally did this as it has to be re-noticed.

REMARKS Eilertson: Unless you can demonstrate a hardship as it is outlined in this letter.

REMARKS Gerke: The only hardship that I can provide is that I am now unemployed.

REMARKS Eilertson: It has to be unique to this property. It can't be a financial issue.

REMARKS Gerke: I don't ever plan to do anything with this land other than what they are going to do. Whatever you recommend to do, I will do.

REMARKS Raymer: Again, this appeal was granted five years ago with the stipulation you combine the acreage and you were willing to do that and the board approved it based on that. Just because your situation has changed, ours hasn't. We granted that appeal based on the fact that you would leave that parcel intact, based on what you gave as testimony then. If your situation has changed, maybe you need to sell the whole parcel.

REMARKS Gerke: We tried to sell the whole parcel, but they could not afford it.

REMARKS Raymer: We still have to look back at the record of why that appeal was granted, what the stipulations were and we have to honor that.

QUESTION Raymer: Do you still want to ask for an extension?

ANSWER Gerke: If I am going to have to pay the \$230.00, so I guess I might as well let this go to a vote. I know the answer is going to be no, I can sense that. I don't know what to do with the land anymore. It would be going to a better tax base. I can change the building however you want me to, to make a better tax base. I can obtain a Conditional Use Permit for a storage building and charge people, then am I complying? Can that be done?

REMARKS Raymer: The Conditional Use Permit is not something that is controlled by the Board of Adjustment and are issued through the Planning, Resources and Development Committee as a recommendation to the County Board.

QUESTION Gerke: So, if I divide this up into a subdivision, will I be able to do that?

ANSWER Raymer: I don't know how you can divide this parcel off without the Board of Adjustment approving it. The appeal to build that 5000 square foot building was based on the fact that you did combine those parcels. I don't know where you would go if you wanted to make a platted subdivision out of it. How would that work?

REMARKS Sampson: It would require relieving the conditions that were placed on that original variance.

QUESTION Raymer: So, he would need our approval ultimately?

ANSWER Sampson: Correct.

REMARKS Gerke: I don't know how many times I would have to come back here to get that approval.

REMARKS Raymer: You have to be careful what you wish for, I guess. You got your appeal in 2005 upon a mutual agreement between you and the board that the parcels be combined.

QUESTION Gerke: So, if I cut half the building off, then I can sell whatever I want, right?

QUESTION Raymer: He would have to get it down to 1500 square feet, correct?

ANSWER Sampson: 3.01 to 10 acre parcels would allow 1500 square feet.

QUESTION Raymer: You have to have 10 acres to have what he's got and he has 8.85. The Board, at that time, allowed that...you were 1.15 acres short of it then, but they granted it based on combining the parcels. How many acres do you have to have to go above the 1500?

ANSWER Sampson: 10.01 acres.

REMARKS Raymer: You would have to cut that down to 1500 square feet if you want to parcel that off.

REMARKS Gerke: Well, there are buildings all over up there so I guess that I am just going to have to live with it the way it is. I can let it become all overgrown, I don't know what else to do with it. I have exhausted all my chances at what I wanted to do.

Appearing in Opposition: Joseph J Skemp, N2669 Potato Ridge Rd.

I am appearing as attorney for Jeff and Judy Blank, adjoining property owners and Brad and Carla Thompson. I have a notice of objection to present to the board (gives copy to board members). These neighbors, in opposition to what Mr. Gerke is representing to the board, are against this variance. Attached to the breakdown of the objections are the meeting minutes from October 17, 2005. The discussion back in 2005 and the representations by Mr. Gerke were that he was going to use this building for horses and hay storage. According to my clients, that never happened. What has been happening is the storage of classic cars. I myself am not an adjoining landowner, but I do live up there and pass by there numerous times. What I see are BMW's and other nice cars being stored there. My suspicion is that he is leasing out storage space. He doesn't live up there. It is a 5000 square foot building and I have seen more than one type of vehicle up there, as have Jeff and Judy Blank. We are somewhat troubled that Mr. Gerke is now going to try to sell off a portion of the property and try to get out of what was the condition. Frankly, I think that this representation was made by Mr. Gerke, I would have liked to see a condition that the building would be used for agricultural use or a horse barn. I did get an email from my client today that I will share. He and his wife in 2007, it came to their attention that Mr. Gerke was going to sell this property. They got together with Hoppens and mailed a letter to the realtor as well as the Medary Town Board indicating that Mr. Gerke had this intention. I think that Mr. Gerke came before the board in 2005 and made certain representations to get what he wanted and I think that he has always the intention of selling off part of this. I think that he wants to keep the pole barn the way it is because he is probably making some money off of it. I see no reason why this board should let him out of the original conditions. My clients would like that there be a denial of this appeal and furthermore a condition that it be used for a horse barn and a storage of horses as originally represented to the board.

QUESTION Raymer: Do we need to read this into the record?

ANSWER Sampson: That would be up to the board.

QUESTION Raymer: Can we just go on record that we received this from the attorney?

ANSWER Sampson: The attachment to the notice of objection are the meeting minutes from 2005. Those do not necessarily need to be read, but if it pleases the board, I can read the notice of objection into the record.

Correspondence: Letters submitted by Mr. Gerke dated June 12, 2010: signed by Timothy Gerke on June 13, 2010, signed by Randy Buswell on June 13, 2010, signed by Daniel Moe on June 13, 2010. All were in support of this variance and read into the record.

The Notice of Objection submitted by the neighbor's attorney was read into record. This was dated June 14, 2010 and signed by: Brad Thompson, Carla Thompson, Jeff Blank and Judy Blank.

Email from Judy Blank, sent Monday June 14, 2010 to Marie Smith and cc'd to Joseph Skemp.

From the Town of Medary dated and received June 4, 2010. Town Board met on June 1, 2010 and recommended no change to the current conditions of the current Board of Adjustment variance.

REMARKS Raymer: I don't see any wiggle room on this one. Those conditions were set and nothing has changed.

REMARKS Eilertson: He did not demonstrate a hardship and still has reasonable use of the property. It is self imposed and loss of profit cannot be taken into consideration.

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

APPEAL NO. 2010-28 Tom Kieffer, on behalf of Vikki N Gerrard and Mavis L Nicolai, W5570 Southdale Dr, La Crosse, WI 54601. Permit denied to construct a 6-ft high privacy fence that will lie within the required 60-ft setback from the centerline of Edgewater Ln. Property described as: Outlot 81 and the North 30-ft of Outlot 82 of the Assessors Plat of the NE ¼ of Section 12, T16N, R8W. Tax Parcel 4-1708-0. Town of Campbell

Appearing in favor: Thomas Kieffer, 505 King St, LaCrosse, WI.

Here on behalf of Mavis Nicolai and Vikki Gerrard to seek to obtain a building permit to put up a privacy fence which will extend parallel along Edgewater Lane for 24 feet and then run perpendicular for 20 feet. Looking at the map, they cannot build on this property without a variance at all due to the setbacks from the shoreland zoning requirement and the 60 foot setback from Edgewater Lane. This is a fairly open area from where the garage is located and the Galstad's house, which is not shown on the map. This is an open area where my clients have had several occasions where people have thought that this was a park area and have gone through and gone onto their pier. Not invited at all and there are some safety issues there. They want the fence to keep people away and to keep their privacy. But, primarily for security reasons. The fence is not located within the shoreland setback. There are some new trees that were planted along there, the northern line. Those are allowed. The fence is there to preserve the security of their lot due to the open nature of their lot, as it does look like an open park land. There is a neighbor, four lots down, I believe that it is Congressman Kind's house. There is a privacy fence there that is basically, exactly similar to this that is all but on the line of the road and goes back as well. Exactly the same as this one is being requested. It is for security and safety reasons to protect the liability concerns of people going across their property and going back to the pier because of this open area. The other areas here are not as open as this one. This is the reason for this request today. The fence is set back approximately 22 feet from the edge of Edgewater Lane.

QUESTION Eilertson: Is this going to be a solid fence?

ANSWER Kieffer: It is.

QUESTION Frank: Six feet in height?

ANSWER Kieffer: Yes.

QUESTION Frank: Where is Congressman Kind's lot?

ANSWER Kieffer: I believe he is at 3061, I believe, just off the map.

ANSWER Raymer: I think that is right. Some of these fences were put in before these requirements came into being.

QUESTION Eilertson: So, your hardship is that there are people going back through their property onto their dock without their permission?

ANSWER Kieffer: Correct. And that is a pretty big liability issue. The area is pretty inviting for people to go back there as well. They must think it is a public pier.

QUESTION Frank: This could be a smaller fence, though?

ANSWER Kieffer: This is narrowed down.

QUESTION Frank: What was the appeal that was withdrawn?

ANSWER Kieffer: On that appeal the fence extended further into the 75 foot setback requirement. What we did was to lessen that. There are some trees there that will take some time to grow, but it is better than nothing. This fence is closer to where people would park and stop and think this is a park area.

QUESTION Raymer: I'm wondering why a couple of "private property no trespassing" signs wouldn't suffice? I'm not questioning whether or not this happens. People live all up and down on the lake and there is virtually no place to park on this road. I don't know where are these people coming from, but some signs might do the same thing. There have been concerns about this fence and kids running out before.

ANSWER Kieffer: Prior to a year ago there was this request and the fence was running from the edge of Edgewater Lane back. This is why we came next year, it is changed to move it back because of the concerns. We have talked with the neighbors and have not had any objections from the neighbors. In reading the transcripts, their concern was a safety concern. This is now moved back and is far enough away that there isn't any concern about snow being moved away. This fence is along where the edge of the garage starts and it is flush with it. It is over 20 feet away from the edge of the road. It isn't Highway 16 where we have lots of traffic.

REMARKS Raymer: That is part of the problem. This area is so secluded that there are a lot of kids that run around out there.

REMARKS Kieffer: We tried to address that concern. My client has no trespassing signs, but people will be people and ignore it. The concern is a liability issue and I see this enough. This is a limited fence and only goes back 20 feet on the side. There is a legitimate concern, here.

QUESTION Eilertson: You did speak with Mr. Galstad?

ANSWER Kieffer: Yes, and he has no concern and is not in objection to this. The three people who objected previously do not have any objections this time. I believe that the Town of Campbell has met and they had no objection.

QUESTION Frank: And the Schnick's have not complained?

ANSWER Kieffer: No, no one has complained.

QUESTION Raymer: What about the DNR?

ANSWER Kieffer: We are not in the DNR setback area.

REMARKS Sampson: This proposal meets the required shoreland setback.

REMARKS Kieffer: That is another reason why we changed the design.

Appearing in Opposition: None

Correspondence: Received a fax dated and received on June 9, 2010. The town met on June 8, 2010 and had no objections to this variance.

Motion by Eilertson/Frank to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-29 Timothy C Miehe and Judy A Welchert, W7918 Prairie Woods St, Holmen, WI 54636. Permit denied to construct a proposed 28-ft X 36-ft detached accessory building that will lie within the required 50-ft setback from the right-of-way of Prairie Woods St. Property described as: Lot 31, Prairie Woods Addn. Town of Holland.

Appearing in favor: Davis Miehe, 229 Troy St, Onalaska

QUESTION Frank: You are representing them?

QUESTION Raymer: You are representing who then?

ANSWER Miehe: Tim and Judy.

QUESTION Eilertson: Are you his son?

ANSWER Mieke: Yes. The reason they need the variance is basically the way the septic runs. (presents map to the board). The lines run across here for where they would want to put on an attached garage.

QUESTION Raymer: How old is the house?

ANSWER Mieke: About 6 or 8...not very old.

QUESTION Eilertson: Was it one of the first that was built out there, then?

ANSWER Mieke: Yes.

REMARKS Raymer: That subdivision is not very old.

REMARKS Mieke: It may not be that old, maybe 4 or 5 years old. The previous owners were there for four.

REMARKS Sampson: The original permit was issued...wait, this is for an addition.

REMARKS Eilertson: The drainfield is here and the septic line runs here.

QUESTION Raymer: Did you find the original permit?

ANSWER Sampson: I didn't. I just have the permit for the addition.

QUESTION Raymer: Do we want to keep this if it was just submitted?

ANSWER Sampson: I basically have that same photo in black and white.

QUESTION Raymer: Does it show that septic line that comes across? The drainfield is here.

ANSWER Sampson: It doesn't show from the tank to the manifold.

REMARKS Raymer: That is the line that has been drawn on this map. You can draw it on yours if you would like.

QUESTION Raymer: There appears to be quite of bit of room to the west of that drainfield for that garage. Why doesn't he utilize that area?

ANSWER Mieke: He's trying to use it as a garage and he doesn't want another driveway to the road or a driveway coming to the main driveway. He wanted it next to the house because if it was back there it would defeat the purpose. If he had to attach it, he said he would if he had to, but in the codes, they are trying to figure out what an isolation joint is. He would like to put it on a slab without putting a frost wall underneath if he wanted it attached. We came across this isolation joint, but he couldn't fine what that joint would entail.

REMARKS Raymer: If you were going to attach it to the house you would need frost footings just like any other addition to the house. But, that could easily be done if the sewer line were moved. The drainfield isn't in the way, it is the line from the tank to the field.

REMARKS Mieke: It would be the power and the gas too.

REMARKS Raymer: That could be moved as well.

QUESTION Frank: If you attach it to the house, would that move it out any further?

ANSWER Mieke: No. Then he could move it back further.

REMARKS Raymer: No, he could attach it to the west side and move it back to be able to comply.

Appearing in Opposition: None.

Correspondence: A fax, dated and received on June 10, 2010 from the Town of Holland. The town board met on June 9, 2010 and they recommend denial.

REMARKS Eilertson: A week ago, I inspected this and Tim was there. The reason that he wants it up here is for convenience. I explained that he had room back here and he could put a second driveway in. He told me that it defeated the purpose because of the inconvenience of having to go back there. He does have the drainfield that is here and the line that runs from here to the drainfield.

QUESTION Raymer: But, he does have a two car garage existing?

ANSWER Eilertson: Yes, here, attached to the house. All of the other houses out here are very well kept clean and nice. Back here, this one has "stuff" parked back here...boats, etc.

QUESTION Frank: And the purpose of the garage is to?

ANSWER Eilertson: To house the "stuff" that is back there.

REMARKS Raymer: If it is for toys, etc., that isn't unusual to have it away from the house. He doesn't want to attach it to the house, which he could. If he did, he could make it as big as he wants. He could move the septic line.

REMARKS Eilertson: Or, he can move it over here.

REMARKS Frank: So, he has other options.

REMARKS Raymer: Well, it isn't just a little bit in, it is a lot in the setback.

Motion by Frank/Eilertson to deny.

3 Aye, 0 No. Motion carried unanimously.

Motion by Frank/Eilertson to Adjourn at 8:18pm.

3 Aye, 0 No. Motion carried unanimously.