

## BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, February 14, 2011

Administrative Center – Conference Room 3220

6:00 p.m. – 7:26 p.m.

**MEMBERS PRESENT:** Bud Raymer (Chairman), Terry Houlihan, Barbara Frank  
**MEMBERS EXCUSED:** None  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Nathan 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. 2011-5** Jeffrey D & Pamela L Kiesling, N6528 State Road 108, West Salem, WI 54669. Permit denied to retain additions to and previously constructed detached accessory buildings that exceed the 1,500 square foot area limit; and to retain an approximately 500 sq. ft. portion of a concrete slab and an above ground 24-ft diameter swimming pool with attached deck within the required 75-ft setback from the ordinary high-water mark of Neshonoc Creek. The property is described as: Part of the SW-SW of Section 10, T17N, R6W. Tax parcel 7-565-0. Property address N6528 State Road 108. Town of Hamilton.

**Appearing in favor:** Jeff Kiesling, N6528 State Road 108, West Salem, WI 54669.

REMARKS Kiesling: I did not know about the 75 foot setback and when I purchased the pool, just after 2000, I didn't know that I needed to get a permit because they told me that you didn't need one.

QUESTION Raymer: Who is they?

ANSWER Kiesling: Paradise Pool. I had talked to a few friends regarding the addition to my shop. They said that I could use the original permit for the addition on the house. I should have called and checked. The other building was purchased from the Hauser Farm on Highway 16 and purchased a permit to move it. I thought that was all that I needed.

REMARKS Raymer: In this day and age, I would think that most people would realize that they need permits. The days of not having permits are long gone. That would have prevented this problem.

REMARKS Kiesling: I should have followed up on it.

QUESTION Raymer: So, that shed was moved onto the property from the Hauser Farm. Those are all in the setback but the addition isn't?

ANSWER Kiesling: That is correct.

QUESTION Raymer: The addition did not have a permit?

ANSWER Kiesling: Right.

QUESTION Raymer: What about the deck?

ANSWER Kiesling: When I built the house, that was in with the house, we put the deck on at the exact same time that we built the house.

QUESTION Raymer: But, the Zoning Permit didn't show that deck or what?

ANSWER Sampson: That is correct.

**Appearing in favor:** Blaine Lee, N6304 Bergum Coulee Rd., West Salem WI 54669.

REMARKS Lee: I am also a supervisor for the Town of Hamilton. I was out to the property and viewed it at the time Jeff came to me about this. Yes, he is guilty of not knowing permits, but in his defense, I do not feel that this is all his fault. I feel that to a certain extent, it is the Town Board's fault. Every year, we send out a recycle newsletter, trying to educate the people. We need to educate our people about what permits they need. There are a lot of people who don't know they need permits. I know and Bud knows

that you need a permit for a pool. But, there are all kinds of people who don't realize that you need a permit for a pool. The same way with additions. The 75 foot setback, from the edge of the building (addition) is actually 105 feet to the creek. Jeff's place is nice, neat and clean and has never been a problem. He pays his taxes and didn't know about the pool. He took some bad advice from some people and thought that it was covered under his building permit. The creek from the pool is actually about 20 feet and then goes down a bank to a little creek. I don't see much problem with the pool being within so many feet from that creek. It is far enough away to not cause any problems. I would ask this board to grant an after-the-fact permit to him so that he can get on with this.

QUESTION Raymer: Are you also representing the township in this matter?

ANSWER Lee: Yes. And, we have also submitted a letter.

**Appearing in opposition:** None.

**Correspondence:** 1) A letter from the Town of Hamilton dated and received Feb. 9, 2011. The township recommends approval should be granted. Discussed at a Town Board hearing on Feb. 8, 2011. Submitted by the Town Clerk, Sara Schultz. 2.) An email from Water Management Specialist, Carrie Olson with the Department of Natural Resources. A navigability determination was requested by Chad VandenLangenberg and a response was sent on Wed., December 15, 2010 which states that this is a navigable waterway and a class II trout stream.

**Discussion:**

QUESTION Raymer: In that response, she did not have an opinion?

ANSWER VandenLangenberg: That email was sent before the variance application.

QUESTION Raymer: Wouldn't she have gotten something about the variance.

ANSWER Sampson: Yes, she did.

QUESTION Raymer: She didn't send any correspondence on the variance.

ANSWER Sampson: No, she did not.

QUESTION Frank: What initiated this?

ANSWER Sampson: It was staff reviewing aerial photos.

REMARKS Sampson: There are a number of structures that are noted within that 75 foot setback line which have been there for a period of more than 10 years. By statute, those structures which have been there longer than 10 years are basically granted amnesty and enforcement actions cannot be taken against them.

QUESTION Raymer: Have they been there 10 years?

ANSWER Sampson: A number of them have, yes. They are labeled on the drawing.

REMARKS Sampson: Regarding the size of the detached accessory buildings. At the time the variance application was made, the acreage shown on the tax records was 10.28 acres. He would have exceeded the acreage required for the area of the buildings. Since that time, his acreage was recalculated due to a re-location of a parcel boundary which took him below the 10 acres.

QUESTION Raymer: How much below?

ANSWER Sampson: I believe the acreage now is 9.28 acres.

REMARKS Houlihan: The only problem that I have is the deck and the pool. Given that it could discharge water to the creek.

**Motion Houlihan/Frank to approve Appeal #2011-5 with conditions that the pool and deck be relocated beyond the required 75-ft setback from the ordinary high water mark of Neshonoc Creek and that he check with Land Conservation on any stormwater or erosion control concerns.**

**3 Aye, 0 No. Motion carried unanimously.**

REMARKS Houlihan: That could be a big problem, not just for the homeowner, but if that polluted the creek, there could be a fine.

QUESTION Sampson: Can I get clarification on the motion? Does the pool need to get moved to a location which is 75 feet from the creek?

QUESTION Houlihan: Well, he needs to get a permit for a pool, correct?

ANSWER Sampson: Yes.

ANSWER Houlihan: Then, it will need to be moved out of that setback.

REMARKS Raymer: If he wants to put up a pool and deck with a proper permit, then it will need to be moved to meet the setback. He can do that.

QUESTION VandenLangenberg: Can you clarify the need to contact Land Conservation in that motion?

ANSWER Houlihan: I don't know if they would require anything or not, but they will need to check.

QUESTION Raymer: How much do they need to disturb before they would need an erosion control permit?

ANSWER Sampson: Typically on a slope like that 2000 square feet.

**APPEAL NO. 2011-6** Ronald M & Patricia M Fortney, N1938 Summit Dr, La Crosse, WI 54601. Permit denied to construct a 15-ft X 24-ft attached deck addition to an existing residence that will lie within the required 25-ft rear yard. Property described as: Certified Survey Map No. 11, Volume 3, Lot 2. Tax Parcel 4-869-1. Property address 116 Dorn Pl. Town of Campbell.

**Appearing in favor:** Ron Fortney, N1938 Summit Dr, LaCrosse, WI 54601.

QUESTION Raymer: You would like to put an addition on that would be entirely within the rearyard?

ANSWER Fortney: At least some of it, I guess.

QUESTION Raymer: The drawing indicates that?

ANSWER Fortney: Then I guess that would be correct. The property to the south, which is 1430, I own. I also own 1426 and we are looking to close on the 25<sup>th</sup> for the Prestwood property. I will own that whole square there. We are cleaning up the 116 Dorn Place property and doing some things inside. I have grandchildren and an older mother. Due to the distance from the home to the water, I would like to put this deck out here to allow her to use it and keep an eye on things. I could get these properties surveyed and move the lot line and then I could meet the setback. But, since I own all that anyway, I didn't want to bear the expense of a survey if I didn't have to.

QUESTION Raymer: So, you could move this lot line 15 feet and then be able to meet the required setback?

ANSWER Fortney: Yes.

**Appearing in opposition:** None.

**Correspondence:** 1) From the Town of Campbell, a fax sent and dated on 2/9/11. At the Town Board Meeting on 2/8/11 the board motioned that they had no objections to this variance.

**Discussion:**

REMARKS Raymer: We should probably stipulate that this would remain an open deck and can't be enclosed.

REMARKS Houlihan: That would be a good idea.

**Motion Houlihan/Frank to approve Appeal No. 2011-6 with the condition that the deck remain an open deck and cannot be enclosed.**

**3 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2011-7** John C & Jean E Nash Revocable Trust, 2261 Coulee Dr, La Crosse, WI 54601. Permit denied to construct a proposed single family home with attached deck, concrete patio, attached garage and covered entry within the Shoreland District of Lake Onalaska where the proposed upper level

attached deck & lower level concrete patio will encroach 12-ft into the required 75-ft setback from the ordinary high-water mark of Lake Onalaska. Property described as: Lot 13, Block 1 of the Amended Plat of Ma Gipeeaska Washonee Day Cho Chake Subdivision. Property address W7407 County Road Z. Town of Onalaska.

**Appearing in favor:** John Nash, 2261 Coulee Dr, LaCrosse, WI 54601.

REMARKS Nash: I have been here previously and we were all talking about the wrong information. Today I would like to present the correct information. It is a lot less than what the previous information was. I have gone to the Town of Onalaska Planning Commission and the Town Board. The Town Board has approved it and gave their recommendation to you. I have had two meetings with Carrie Olson from the WDNR and we have come to an agreement. She has given me a favorable letter. She asked me to draw a site plan including rain gardens and natural plantings along the lake. You should have a copy of that.

REMARKS Sampson: We did not receive a copy of that.

(Nash submits site plan approved by the WDNR)

REMARKS Nash: On the plan, the slope is exaggerated. The fill from the raingardens will be used to build this area up to divert the water.

QUESTION Frank: So, you will build this area up?

ANSWER Nash: Yes, but you won't even notice it. It will be a slight slope that will take the runoff into the raingardens instead of down the slope to the lake. I have taken pictures of the property and show the side view of the houses along the lake (submits pictures). I have also spoken with the neighbors on either side of the property and do have favorable letters from them. The neighbor on the west would prefer the house to be forward. His house is all glass in the front and mine is all glass in the back. We would prefer to not have the houses even with each other for privacy so that we aren't looking in each other's windows. Also, the deck, mine would be a little forward so when we are on our decks we aren't looking at each other.

**Appearing in opposition:** None.

**Correspondence:** 1) A prior email from the Town of Onalaska dated 1/10/11 that was sent for the prior appeal heard last month. The Town Board recommended approval at its regular meeting on 12/28/10, the motion to recommend passed 3:2. 2) We also have letters in support from the neighbor's to the north and to the south. These were read into the record at the last meeting. 3) Also have an email from Carrie Olson, Water Management Specialist with the WDNR, sent and received on 2/10/11 which states that she has reviewed the plans including raingardens and shoreland plantings/buffer which address runoff issues and impacts of the project.

**Discussion:**

REMARKS Frank: We should stipulate that the deck remain open.

REMARKS Raymer: We can do that, I agree.

QUESTION Frank: Does the DNR follow up to make sure that those plantings and raingardens are done?

ANSWER Raymer: I think that they do.

**Motion Frank/Houlihan to approve with the conditions that the portion of the rear deck extending into the required 75-ft setback shall remain open and also to require the construction of two raingardens and vegetated shoreland buffer.**

**3 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2011-8** Dan Nelson, 129 Heritage Ln, Onalaska, WI 54650; acting on behalf of Catgut Slough Properties, LLC, c/o Jack Edwards, 901 Rose St, La Crosse, WI 54603. Permit denied to construct an approximately 50-ft long X 4-ft wide wood ramp with 5-ft X 5-ft and 6-ft X 6-ft concrete landing pads as a second pedestrian access to the shoreline, construct an 18.5-ft X 84.5-ft concrete at-grade patio with 7-ft X 11-ft wooden steps and a surrounding 42-inch high railing, and to construct a 7-ft X 49-ft second

story attached deck addition with a 3-ft wide X approximately 21.5-ft stairway, all lying within the required average setback of 49-ft from the ordinary high-water mark of Catgut Slough in the Shoreland District of the Black River. Property described as: Part of Government Lot 5, Section 19, T16N, R7W. Tax parcel 4-875-0. Property address 136 Clinton St. Town of Campbell.

**Appearing in favor:** Attorney Kara Burgos, 201 Main St, LaCrosse, WI 54601

REMARKS Burgos: The actions requested under this variance are not new developments but are maintenance issues for existing structures. The hardship created by the application of the zoning ordinance is one that is borne by all users of the property. The structures which are of issue here in the request are existing structures which are deteriorating due to age and natural weather effects. Shortly, there will be no reasonable use of the property without the variance due to the safety issues present. Currently, there is uneven concrete which can cause slips and falls and other unknown damage. There are also broken stairs and may even have accidental falls into the water due to lack of a railing. Currently, there is inaccessible use by handicapped persons on the opposite side. There is no alternate plan to comply with the ordinance. Doing nothing serves no purpose other than to allow a visible eyesore to continue to exist in the community. Again, the variance request is not for an expansion issue or a self imposed hardship. The hardships present are the result of time and nature acting upon these structures. The request is to fix these items. These requests are in accord with public interest and safety. The new concrete patio will replace the deteriorating concrete with a solid, well engineered patio. It will also be sloped in a manner that will carry the runoff away from the building and into a detention area. This will keep the patio safe and will improve the quality of the water being discharged into the slough. The proposed stairs will eliminate safety hazards. Right now the stairs are in poor shape as shown on the photos and need to be replaced. The safety railing is solely to protect users of this area, the public. There is a steep slope down to the water's edge and the rocks are loose and slippery. The railing will be located in one to two feet from where there is an existing railing. The posts will be anchored into the concrete and the railing will employ a plexiglass shield rather than wooden slats. Again, this will protect, especially children, who will be in this area. The hazardous stairs located near the "B" dock on the west side should be replaced by a handicapped accessible ramp which was, last year, a different one approved on the opposite side last year. The public interest will not be harmed and will actually benefit from the variance. The aesthetic impact will be improved as we get rid of deteriorating structures that detract from the natural beauty of the area. No shoreland is being interfered with and the DNR has already approved a permit for additional work to be done and approved the maintenance work to the docks that are already there which was approved in 1987 and amended in 2009. Given all of that, the public safety will not be threatened and this will improve the current structures on the property that are already there by updating them due to natural wear and tear on the property.

QUESTION Houlihan: Is there an engineer that is going to design this walkway.

ANSWER Burgos: Jim Webb will be the engineer.

REMARKS Raymer: Before we take any testimony from persons in opposition to this request, I want everyone to understand that the only things that we are going to discuss are those things that they applied for. We won't discuss any other issues.

**Appearing in opposition:** Supervisor Pat Post, 809 Lori Place, LaCrosse, WI 54603.

REMARKS Post: I am here representing the Town of Campbell, Planning and Zoning Commission as the chair. I know that all you will talk about are the issues in front of you, but we cannot look at it that way. This has been going on since December and at that time, they wanted a liquor license, which we denied for several reasons. Then they came and wanted to put parking across the street.

REMARKS Raymer: Those are issues that we are not acting on and will not discuss. I thought that I made that clear. We need to make our decision on what they appealed.

QUESTION Post: I understand. When you do rule on this, won't you take into consideration how those people in the area feel about it?

ANSWER Raymer: Yes, if they have an opinion regarding those three appeals. If they don't like the parking lot - that is not taken up through us.

REMARKS Post: That area behind there is not merely being fixed up. They are changing that area. Some of the things are being added, like a concrete slab. That is a change and hasn't been there before. I have seen nothing from them regarding maintaining the water quality with the runoff.

REMARKS Raymer: They have gone through the DNR and Carrie Olson and that stuff has been approved through them.

REMARKS Post: We are appealing that decision of the DNR's.

QUESTION Raymer: But, you are not appealing that decision through us?

ANSWER Post: No. Even though the DNR did accept that, we are appealing it. They are impeding on the neighbor's rights.

REMARKS Raymer: That is not part of this appeal.

REMARKS Post: The property, right now, is valued at \$400,100.00 and their improvements are 1.2 million dollars. That would be another reason to deny this as it is over 50%.

REMARKS Raymer: That is not in effect. We are not dealing with a non-conforming structure and does not take into consideration the cost factor.

REMARKS Post: Because the DNR has approved the marina, then it doesn't matter that they will have runoff into the water.

REMARKS Raymer: I did not read the DNR's report, that is not something that we are looking at today.

REMARKS Post: The drawings you see tonight and the ones that have been submitted to the town have all been done by their surveyor. They have never had an engineer or an architect involved. The name brought up tonight is the first time that we have heard that name.

REMARKS Raymer: That is not something that we are really interested in either. The appeal process is exactly as it is stated on the appeal notice.

REMARKS Post: The Town of Campbell is not in favor of this and we have denied everything, yet they continue to work on this plan. If you approve this tonight, they will continue to move forward, even though other agencies have denied them.

REMARKS Raymer: We haven't made a decision yet, but only those three things are in consideration by us.

REMARKS Post: Some of the people will testify that they may not even be on their own property.

REMARKS Raymer: We will make our decision based on what was submitted in the file.

QUESTION Post: So, you do not want to see what they are going to do for parking because I brought pictures of the areas they are proposing for parking?

ANSWER Raymer: Not really.

QUESTION Post: Do you want to see the layout of the building?

ANSWER Raymer: We have another appeal after this one and I don't think it is fair to the people here for legitimate reasons to listen to all of this stuff. It is not what it is about.

REMARKS Post: Our objection with this is that it will interfere with the proper runoff. They have not presented anything to us as to how they will control it. They did state it in a letter, but nothing that has been designed.

REMARKS Raymer: Maybe now that they know about that issue they will submit something to you.

REMARKS Post: The Town of Campbell is opposed to it, the Plan Commission is opposed to it because the neighbor's are unhappy about it. I haven't had one person come in to state that they are in favor of it other than the ones who are building. They have not had an architect involved and we don't know if the drawings are correct. Mr. Nelson does not even own the property, Jack Edwards does.

REMARKS Raymer: It states that he is acting on behalf of Catgut Slough properties in care of Jack Edwards.

**Appearing in opposition:** Steve Earp, 1212 Bainbridge St, LaCrosse WI, 54603

QUESTION Earp: I have a question and am learning more and more as we go. I heard that it was a 75-foot setback from the high water line and this shows 49 feet. Is that an average?

ANSWER Sampson: There can be a lesser setback allowed, less than the required 75 foot setback. If that is met, there is no need for a variance. In this case, they could not meet that lesser, average setback. The ordinance states setback averaging may be permitted when there is at least one main building on either side of the applicant's lot. On the west side, there is a building that is set back 23 feet from the OHWM. In such cases the setback shall be the average setback from the main buildings on each side, or if there is only one main building, then the setback shall be the average of that building and the required 75 foot setback. In this case, they cannot meet that required setback and any other setback can be approved by the Board of Adjustment.

REMARKS Earp: The waterfront property that goes out does not affect those neighbors. When I look at it, I am the closest neighbor. Those neighbors really aren't waterfront property. That average doesn't seem fair when myself and Larry Bjerkos are the true neighbor's and our setbacks are way back. Those neighbors don't own riverfront property. The Catgut Slough LLC property runs right up to mine. That being said, this should be averaged with my property and my next door neighbor.

QUESTION Raymer: You have made this average setback determination?

ANSWER Sampson: The ordinance states "the nearest main building on either side."

QUESTION Earp: Do you see what I am saying about that main building not being waterfront property?

ANSWER Raymer: The ordinance states the nearest main building on either side.

REMARKS Earp: So, that really doesn't make a difference then. I want to just say that this is a small piece of the bigger puzzle. This is a public marina, but we have many public neighbors that do not want this to go. All of these little pieces, the deck is to get more people to go there. The ramp is for access, but the ramp that is there has been used for years. They are going to improve that to be able to market for better access to the marina. We, as the residents, I am also on the Planning and Zoning Commission, are concerned about the bigger puzzle.

**Appearing in opposition:** Jeff Schroeder, 1734 LaFond Ave, LaCrosse WI, 54603

REMARKS Schroeder: I am wearing a couple of hats tonight. I am on the County Board and am also a member of the Planning and Zoning Commission at the township. I realize that you don't want to hear the big picture and we all applaud Mr. Nelson's visions here. But, we as public officials, need to look at the big picture here.

QUESTION Raymer: Are you going to talk about these three appeals?

ANSWER Schroeder: Yes, I am.

REMARKS Raymer: I am starting to lose my patience in explaining what we need to listen to here.

QUESTION Schroeder: Would you agree that as a public official you should look at public safety?

ANSWER Raymer: Part of what this board does is look at health and safety issues, there is no doubt about that.

REMARKS Schroeder: Shirley Abrahamson has said that the most you can possibly do as public officials is to look out for public safety. This project is going to bring a lot of public safety into the prospect of many accidents here. They want to have 30 parking spots in this area here.

REMARKS Raymer: This has to quit. I have heard enough.

REMARKS Schroeder: Just take into account that you as public officials need to look at public safety.

**Appearing in opposition:** Larry Bjerkos, 1210 Bainbridge St, LaCrosse WI, 54603.

REMARKS Bjerkos: I am opposed because the 49 foot setback has already been lowered and any other setback reduction should be denied. There should not be any other improvements within that 49 foot.

**Appearing in opposition:** James Gitz, Administrator, Town of Campbell.

REMARKS Gitz: I am here in the official capacity, speaking on behalf of the Town of Campbell. There are a couple of points that have been overlooked or not focused on. At first this looks like a decent proposal. We are going to make improvements and improve safety. I have observed the concrete patio which does have cracked concrete. How important is this project compared with the high water mark? Are there any other alternatives? It seems to me that there are. One of the first questions that I would ask would be how important is this patio? It is important to the owner of the property and the restaurant, but is it essential to the use of the property and the marina? I think that is questionable. You are not merely approving an existing project. There is an extension, albeit modest, to the existing patio. There is also a narrow stairway existing that they wish to improve larger. It would be appropriate for this board to be very selective in terms of variances that are granted in this project. How important is it to restore this patio and can it be scaled back. I understand from the owner's perspective this patio is very important and it is an attractive part of the marina. Lowering the steep staircase is also important. But, the clash here about the greater interest of the marina and the narrower interest of the property, there are other ways to develop this property with a lesser impact. How detailed are the plans that have been submitted. One of the problems we have had at the Town of Campbell is the fact that the plans have shifted over time and they have been sketches instead of detailed plans from an engineering or architectural firm.

**Appearing in opposition:** Leah Larson, 1114 Bainbridge St, LaCrosse WI, 54603

REMARKS Larson: For the record, I oppose this variance.

**Appearing in opposition:** Steve Hockenberry, 2904 Pierce Ave, LaCrosse WI, 54603

REMARKS Hockenberry: Another key issue is that the concrete that is going to be poured there, where does the water runoff from the building go to. Most people have to provide something to address that. We have already seen this in some of the other shoreland variances tonight.

**Appearing in opposition:** Sharon Earp, 1212 Bainbridge St, LaCrosse WI, 54603

REMARKS Earp: I just want to go on record as being opposed to this variance.

**Correspondence:** 1) Email from Carrie Olson, WDNR Water Management Specialist, dated 2/10/11. The WDNR reviewed this variance and plan and the applicant has examined and addressed the impacts of the development. No objections to any of the variances but recommend an infiltration basin be installed to capture runoff water. 2) Fax from the Town of Campbell on 2/9/11. The Town Board met on 2/8/11 and a motion was made to recommend denial of the proposed variance. 3) Email from Kurt Pederson, Department of Land Conservation, sent on 2/14/11. The plans have been reviewed and no permits are required from this department.

REMARKS Sampson: We also received a pdf attachment via email from someone in opposition, but unless it is from a government agency, we do not read those into the record.

#### **Discussion:**

REMARKS Raymer: Some of the things that some of you people were concerned about were addressed if you listened to the correspondence that was just read. Also, the applicant submitted plans to us tonight, if the Town Board or Planning Commission wants to look at them, they are here.

QUESTION Houlihan: Will anyone be living upstairs?

**Appearing in Favor:** Dan Nelson, 129 Heritage Ln, Onalaska WI, 54650.

ANSWER Nelson: Yes, there are two residences upstairs.

QUESTION Raymer: They are there now?

ANSWER Nelson: Yes.

QUESTION Houlihan: There were concerns brought up about water runoff and the need for a detention basin. The plans we have show this basin. Did any of the plans you submitted to the town or anyone else show this detention basin?

ANSWER Nelson: No. It was not shown.

QUESTION Frank: And, there is an existing concrete platform? I thought someone said that there wasn't.

ANSWER Nelson: Yes, there is.

REMARKS Raymer: I think that we need to remind ourselves and everyone else that this project cannot go forward until they have received state plan approvals from the Department of Commerce. If they haven't done it yet, they will have to. It is a commercial building and they cannot modify it without that. That will need to be submitted by a licensed architect or engineer. That either is done or will have to get done if this variance is approved.

REMARKS Houlihan: Currently the concrete does not come out all the way to the bank.

QUESTION Raymer: It doesn't right now?

ANSWER Houlihan: No. They are proposing to move this further out.

QUESTION Raymer: From this point it is shown 18.5 feet, how much more is that than right now?

ANSWER Houlihan: About 2 feet.

REMARKS Raymer: The railing will be right on the edge of it.

REMARKS Houlihan: I am thinking that we should not allow the concrete to go any further than it is now.

REMARKS Raymer: Well, the concrete as is, is not protected at all. If they are putting in a railing on top.

REMARKS Houlihan: They would then have a small buffer to give the water someplace to go after running off the concrete.

QUESTION Raymer: Where is the raingarden going? The concrete will slope to that anyway, won't it?

QUESTION Frank: Is there just the one detention basin?

**Appearing in favor:** Steve Solberg, 1407 Mississippi St, LaCrosse WI, 54601.

QUESTION Raymer: You are the designer on this?

ANSWER Solberg: Yes.

QUESTION Houlihan: This detention basin...you are putting all of this water down to the bank and then into the basin. What is going to keep the water from going over it?

ANSWER Solberg: I am working with the engineer to calculate the amount of water generated and then we will make it to contain that amount. Right now there is nothing to control it now. In some cases, that concrete goes past where we want to put it, sometimes it doesn't. We plan to tilt it up and make a concrete channel and take the water to a plunge pit. The excess water will then go into the detention area, precipitate sediments and then seep into the ground or overflow down the bank to the water. But, only after the sediments are removed.

QUESTION Houlihan: Do you have the dimensions of the pond. We are showing 36 inches deep, but nothing else. Will that be determined by the amount of water?

ANSWER Solberg: Yes, it will be. And technically, all we have to do is calculate the amount of excess runoff. I have calculated all of the runoff from the roof and concrete pad so that we can handle all of it. Right now, the water is just going over the slope causing the slippery slope and possible future erosion issues.

QUESTION Frank: You are not an engineer?

ANSWER Solberg: I am a licensed surveyor, but my partner is a civil engineer and I am working with a structural engineer. I have also spoken with Carrie and Kurt and have done many erosion control plans throughout the county.

REMARKS Burgos: The additional two feet of concrete is to anchor the railings and plexiglass. There is not enough space without that additional two feet.

REMARKS Solberg: We do not want to leave any room between the railing and the bank for children or others to go walking around. We want to cut that area off.

QUESTION Frank: And the DNR had no objections?

ANSWER Sampson: Correct.

REMARKS Burgos: The stormwater control structures were designed using the input from Carrie Olson at the DNR.

REMARKS Solberg: I can provide you with whatever mathematics you would like regarding the runoff calculations.

REMARKS Raymer: If Carrie Olson has addressed this and they have addressed how they are going to handle it, it is really not part of our job.

**Motion Houlihan/Raymer to approve Appeal No. 2011-8 as presented.**

**3 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2011-9** Karen M Heberlein, W1695 Knutson Rd, Bangor, WI 54614. Permit denied to retain a previously constructed 18-ft X 34-ft 8-inch detached accessory building that lies within the required 83-ft setback from the centerline of Knutson Rd. Property described as: Part of the SE-NE of Section 32 & part of the SW-NW and the NW-SW of Section 33 all in T16N, R5W. Tax Parcel 1-626-1. Property address W1695 Knutson Rd. Town of Bangor.

**Appearing in favor:** Karen Heberlein, W1695 Knutson Rd, Bangor, WI 54614.

QUESTION Raymer: So, how did this come about?

ANSWER Heberlein: This was built in the fall of 1999 or spring of 2000.

QUESTION Raymer: So, it has been there for 10 years?

ANSWER Heberlein: Yes. We bought the land from Manke Farms. Ken Manke is the Chairman for the township. My ex-husband spoke to Ken before we constructed it and he told us that it was far enough up the hill and was ok and did not present any obstructions and shouldn't be a problem. I first heard about this two months ago.

QUESTION Raymer: You are trying to sell the property and ran into this problem.

ANSWER Heberlein: Yes, now I am having issues.

REMARKS Raymer: Well, 10 years ago in a small township like Bangor, you didn't need a building inspector and probably didn't need to address it therefore the chairman just told you to build it.

REMARKS Heberlein: Correct, who else were you to get approval from? He was where we thought we needed to go.

REMARKS Raymer: In this day and age, every township needs to have a building inspector so that it may have possibly gotten picked up.

QUESTION Heberlein: Did you speak to Ken Manke?

ANSWER VandenLangenberg: I did and he stated that they are meeting later in the month...they were not able to meet in time.

QUESTION Heberlein: Did he give you any recommendation?

ANSWER VandenLangenberg: He did not.

REMARKS Heberlein: He told me that he was pretty certain that they would be in approval.

**Appearing in Favor:** Rodney Sanders, N2771 Kotek Rd, Bangor, WI 54614.

QUESTION Raymer: You would like to go on record that you are in favor of this appeal?

ANSWER Sanders: Yes. I have driven by it many times. It is a dead end road and it doesn't interfere with traffic as it is up on the hill above the road. It's been there for 10 years and I don't see any issues.

**Appearing in Opposition:** None

**Correspondence:** 1) An email dated 2/8/11 from Chad VandenLangenberg from our office. He spoke with Ken Manke and the town does not meet until later in the month. 2) Received a phone call today in favor of the appeal.

**Motion Raymer/Houlihan to approve Appeal No. 2011-9 as presented.**

**3 Aye, 0 No. Motion carried unanimously.**

**Motion Houlihan/Raymer to adjourn @ 7:26pm.**

**3 Aye, 0 No. Motion carried unanimously.**