

## BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, May 16, 2011

Administrative Center – County Board Room

6:00 p.m. – 7:20 p.m.

**MEMBERS PRESENT:** Howard Raymer, Jr., Dave Eilertson, Terry Larsen  
**MEMBERS EXCUSED:** None  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Nathan Sampson, Jonathan Kaatz (minutes)

### CALL TO ORDER

Howard Raymer, Jr., Committee Chair, called the meeting to order at 6:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of Wisconsin Open Meetings Law.

**APPEAL NO. 2011-12** Shirley A Arentz and Paul A Urbanek, 2725 Del Ray Ave, La Crosse, WI 54603. Permit denied to construct a 14-ft X 24-ft addition to an attached garage that lies within the required 8-ft side yard and 25-ft rear yard. The property is described as the South 65-ft of Lots 1, 2 & 3, Block 1 of Plat of West La Crosse. Property is located at 101 Sperbeck St. Tax Parcel 4-1287-0. Town of Campbell.

**Appearing in favor:** Paul A Urbanek, 101 Sperbeck St, La Crosse, WI 54603.

REMARK Urbanek: I have with me here is copies of signatures from six of our neighbors. We went around and contacted all six of them that were the closest ones around us. They all signed and said no problem with adding on to the garage, alongside the garage that is already there. There was I guess a variance at one time to put the... There's a screen porch actually where this addition is going on. There was a variance done on that, I guess several years back. And they approved it back then.

QUESTION Eilertson: Paul, I have a question. The screen porch is coming off?

ANSWER Urbanek: Yes. The screen porch will be removed.

QUESTION Eilertson: The addition to the garage is the same size as that?

ANSWER Urbanek: It would be a little wider than what the screen porch is.

QUESTION Eilertson: How wide is it going to be?

ANSWER Urbanek: The screen porch right now is eight and a half feet. And this would go out to 14 feet.

QUESTION Larsen: Are you doing anything with the old concrete retaining wall that's there currently?

QUESTION Urbanek: Where the landscape is?

ANSWER Larsen: Yeah. You have a concrete retaining wall and then railroad ties above that.

ANSWER Urbanek: That I believe is holding up the neighbor's. I talked to the neighbor and they didn't really know what they were going to do with that.

QUESTION Larsen: You think that's on the neighbor's property or on your property?

ANSWER Urbanek: I don't know if it's on my property or not. I asked the neighbor and they didn't really know. They just moved in last year themselves. So I don't know on that retaining wall whose it is off hand.

**Appearing in opposition:** None.

**Correspondence:** 1) Signatures from six owners of neighboring properties in support of the proposed addition. Signatures were submitted by the appellant at the public hearing on May 16, 2011.

2) Fax from Jim Gitz, Town of Campbell Administrator, dated May 11, 2011 and received on May 13, 2011. Fax states the Campbell Town Board had no objections to this variance request.

**Discussion:** REMARK Raymer: What do you think on this one?

REMARK Eilertson: It's replacing an old porch. I think it's an improvement.

REMARK Raymer: It's not in a traffic triangle.

REMARK Larsen: And his lot is lower than the neighbor's. It's going to draw off into his yard and not the neighbor's yard, or in the street. Twenty-five foot setback, he's already in that.

REMARK Raymer: Where ever they build, they can't create a drainage problem for the neighbors.

REMARK Larsen: Right.

REMARK Eilertson: I don't see this as being much different than the porch that's already there except that better looking.

**Motion Eilertson/Larsen to approve.**

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

**APPEAL NO. 2011-13** Michael J & Jan D Wellik, W7963 County Road ZB, Onalaska, WI 54650. Permit denied to construct a 10-ft X 19-ft screen room addition to an existing residence that will lie within the required 75-ft setback from the ordinary high water mark of Lake Onalaska. The property is described as Lot 11, Block 4 of The Bellevue Addition. Property is located at W7963 County Road ZB. Tax Parcel 10-1837-0. Town of Onalaska.

**Appearing in favor:** Michael Wellik, W7963 County Road ZB, Onalaska, WI 54650.

REMARK Wellik: So we right now have a house with a deck going off the back that covers around the backside towards the water about half way around the house. It's all open. And we just want to extend further down along the back of the house there, towards the water, building a screened in patio so we can spend our evenings out there without bug spray.

QUESTION Eilertson: What is the size of your deck right now Michael?

ANSWER Wellik: I know it comes out about 10 feet right now. I don't know how long.

QUESTION Eilertson: It's about 10 feet from your house?

ANSWER Wellik: Yes. We purchased the house about a year and a half ago and that was all existing.

QUESTION Larsen: Is the screen room going over the existing deck?

ANSWER Wellik: No it's not.

QUESTION Larsen: So you're going to remove part of the deck that's there or the whole deck?

ANSWER Wellik: There's nothing there right now. The deck right now just goes... That last 19 feet is bare dirt. There used to be some plants there. The original owner had a hot tub over there, which part of our purchase was to have that removed. It's a dirt pile for the dog to dig in.

**Appearing in favor:** Alan Daus, W7975 County Road ZB, Onalaska, WI 54650.

REMARK Daus: On your existing map I'm on the left side of the Wellik's property. My wife and I looked at the proposal and from an aesthetic point of view, in terms of blocking our view to the lake; we don't have a problem with that. The existing deck as it stands right now actually falls within the 75 foot line from the lake. Mike and Jan basically just want to basically come to the end of that deck and extend in the east direction. The deck has probably been there prior to 2003. That's when I moved out there. So I don't know how long it's been there and how long it's already fell within the 75 feet.

QUESTION Raymer: So you have no objection?

ANSWER Daus: No.

**Appearing in opposition:** None.

**Correspondence:** Email sent and received on May 16, 2011 from Michael Wenzholz, DNR Bureau of Watershed Management – Regional Shoreland Specialist. Comment in the email to the BOA is that the screen room addition does not meet the required 75 foot setback from the ordinary high-water mark. Also stated he is concerned that an addition such as this is that it is now non-conforming enclosure that is one step away from being fully enclosed new room to the house that is non-conforming.

**Discussion:** QUESTION Raymer: Do you have anything on record Nate as far as, was that deck built, was there a variance granted for it? Or was that deck in there before that 75 foot rule? How did it get there in the first place?

ANSWER Sampson: It's possible. We show it on a 1991 Zoning/Occupancy permit. And technically anything in the Shoreland District that has been in existence for 10 years or longer, you can't commence and action against.

QUESTION Raymer: So however it got on there, there wasn't ever a variance granted for it?

REMARK Sampson: Not that we've been able to locate. There was a variance granted at one time from the Board of Adjustment, and the deck was in existence at that time, for a reduced side yard when the second story addition was added.

REMARK Raymer: Now that the DNR has voiced their opinion, I suppose we would have to, if we were going to consider approving this, we'd have to stipulate that it could not be enclosed. That it has to remain a screen room. That would be the next thing to enclose it and create living space.

REMARK Larsen: Just using permanent screens and not combinations.

REMARK Raymer: Screened room I guess to me is screens.

QUESTION Raymer: Is this just going to be plain screens?

ANSWER Wellik: Just screens. No glass. It's just going to be a wood frame with screens attached to the outside. With that variance, when I read it, the side yard would have to be for the deck. Because the setback for a private property that has a private septic, the setback doesn't change whether it's a one story or two story.

REMARK Raymer: Yes it does.

REMARK Sampon: No, not in the Shoreland.

REMARK Raymer: Not in the Shoreland.

REMARK Wellik: So that variance had to be put on there for the side yards. But they did not grant one at that time for the high-water mark. I don't know if the high-water mark changed since they put it in. That variance, from my understanding, is for the deck.

(Referring to map)

REMARK Eilertson: He's just enclosing this.

REMARK Larsen: This is no deck there. He's putting the screen room there.

REMARK Raymer: This last 19 feet is just empty. But it is 10 feet and that's why they're measuring that the 75 goes all the way into here. So it's 68 to that. So it's seven feet into it now, the deck is. But to stay on the good side of the DNR, we better put something in there if we're going to approve it. It has to remain a screen porch.

**Motion Larsen/Raymer to approve with the condition that it must remain a screen room only. 3 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2011-14** Michael R & Sheila A Horstman, 2619 Thomas St, La Crosse, WI 54603. Permit denied to construct a single family residence with attached garage and covered entry that will lie within the required 25-ft rear yard. The property is described as Lot 1, Block 6 of Baumgartner's Second Addition. Tax parcel 4-2131-0. Town of Campbell.

**Appearing in favor:** Michael Horstman, 2619 Thomas St, La Crosse, WI 54603.

REMARK Horstman, M: Along with my submission for the variance I had included a three page handout. Did that get included in your packets? If not, I brought some extras.

REMARK Raymer: I don't have anything.

REMARK Horstman, M: What this is is page one is just kind of the lot itself. The shaded area is the proposed home and garage. As you can see the yard is not a square or rectangle. It's shaped differently because the roadway and it's a corner lot. That inner line there is kind of the setback area. The 25, 30, 30 and eight is where the minimum setbacks are. The second page is just a proposal of how the house is going to look. The elevations from each side, front and back. Our house is actually going to face Susan Place. Our address we're hoping for will be something along the lines of 910 Susan Place. Our front door again will face Susan Place. Our rear and only other door leading out of the house will face to the south. When we bought the lot we were aware of the dual 30 foot setbacks, we were prepared for that. What we were not aware of is that our driveway, which again our address will be Susan Place, our driveway to get into our garage we're going to have to come off of Baumgartner. The problem we face, and again we weren't aware of, is that the County has an ordinance that states where ever your driveway is your backyard is considered to be opposite of that. As you can see from our blue prints, we're actually using what the County considers as our backyard as our side yard. I would more than meet the setback for that. What we're proposing is that our front yard will face Susan Place. Our rear yard will be to the south. And again on the last page you can see our front and rear doors do indicate that. We'll have a patio out the backside. I did meet with all the neighbors in the affected area, showed them the exact same handout I've got here. All of them liked the plans, thought it fit well with the neighborhood and agreed that it was not a backyard that we were counting as a side yard. All of them were in favor of it. I didn't ask that they sign anything but they all liked it and were most approving of it.

REMARK Raymer: So clarification on that Nate. Is that the way...?

REMARK Sampson: In the Town of Campbell we don't assign addressing. In the County we assign addressing based upon the access point. The rear yard is considered the yard that is opposite the access point. Similar case was acted on by the board back in 2010 in Marvin Gardens Addition where an appellant sought to have reduced rear yard entering from Sobkowiak Road. I have an example of that with me if you'd like to see that on the projector. As you can see in this point, this would be the access off of Sobkowiak right here. The appellant sought a variance to what we consider to be the rear yard on this side and they were facing the Schultz Lane to the south. So it's kind of a mirrored situation of what was acted upon back in 2010. We had another case in the Town of Campbell with I believe Chris Running about a year ago also.

REMARK Horstman, M: If I may. I currently live in that subdivision. There's a house a block away from where we're building that has a similar, it was either built prior to this ordinance taking place or they got a variance. It's currently the Lounsborough residence. Their house would be the same situation. There's somebody closer to my residence, same thing. Their driveway comes off of one street. Their rear door is not a 25 foot setback. In the one that Nate showed. They did have the ability to turn their house. This one we got the dual 30 foot setbacks. If we used our address as Baumgartner Drive with the 30 foot setback plus a 25, we'd have a very narrow rectangle that we'd be able to build in. This one does have some difficulty in that we have the dual 30 foot setbacks. If I weren't here showing this plan, I'd be asking for another type of variance. Again two 30 foot setbacks. A 25 rear yard on corner lot. There's no way else that we can turn this house to get it to work. Again all the neighbors, showed this plan. They liked this house. They liked the looks of it. If you toured it you saw the niceness of the neighborhood. All of them again welcomed us and said this was a perfect plan for the neighborhood.

QUESTION Larsen: Is there a reason why the garage is 40 and a half feet rather than 36?

ANSWER Horstman, M: It's actually smaller than the one we're in now. We got multiple vehicles. Plus a boat and several kids with bikes and things like that.

REMARK Eilertson: But if you did build a 36 foot garage it would fit okay without a variance.

REMARK Horstman, M: Then again we're shortening what we'd hope to have for room. At some point the kids will be at driving age. There'll be another vehicle. Rather than parking things outside, we want to keep everything inside. The neighborhood is a beautiful neighborhood. We've lived in that subdivision for 14 years and want to make sure that we're keeping it in accordance with how the other neighbors.

REMARK Raymer: If we're going to use that as the rear yard, it's that fire place.

REMARK Larsen: Right. The fire place is sticking out.

REMARK Eilertson: Also if you cut this thing and moved it this way.

QUESTION Raymer: How does that work Nate? If he cantilevers that fire place out, don't you measure from the foundation line then?

ANSWER Sampson: Actually the wall line.

REMARK Raymer: You do measure from the wall line.

REMARK Sampson: Yes. In this case, if it were just, I mean it if was a situation where Mr. Horstman even came in from Susan Place, he could actually build closer to that east lot line than he's proposing now. By a foot and a half.

REMARK Larsen: Right, but not the south lot line.

REMARK Sampson: Correct.

REMARK Larsen: He'd need a variance for this one.

REMARK Sampson: But the actual variance is for the rear yard to the east lot line, not the south lot line.

REMARK Raymer: To the east lot line. We still have to deal with it that way then. Regardless of what address he gets.

REMARK Sampson: Correct.

REMARK Raymer: Then that presents a different scenario. You know we've talked about these before.

That if you are buying a vacant lot that you should design a house that's going to fit on it. That meets the setbacks. That's been our mission so to speak.

REMARK Horstman, M: That's when we met with our architect, we asked him, again we told him 30, 30, 25 and eight and said you got to fit it in there. And that's what he did. Then we found out about the driveway issue as far as the driveway coming off of Baumgartner. He said now that's your backyard. If you look at your house plan, Susan Place is front; our back is to the south. That's why I brought a copy of the main floor plan is to show that this is our front and that is our back.

REMARK Raymer: But we've had some of these, a lot of them on lake front either Nakomis or whatever, where they've basically had to build a two story house to get enough square footage because they just simply could not fit it on a lot.

REMARK Eilertson: This committee, Mike, over the years has taken a pretty straight forward position on new houses that are built that need variances. The new house that was built on Lakeshore Drive just about a half of block from you on Lakeshore was denied a variance for similar reason. That's been the committee's position for many years.

REMARK Horstman, M: You know, and I'm just asking out of... I know it doesn't have any bearing but the houses, the Lounsborough house on Fanta Reed and Baumgartner, they got the same variance, or they got the same situation. Their driveway comes off of Fanta Reed. They don't have 25 feet to the north. They count that as a side yard. Their backyard is actually facing Baumgartner, so. They got a hot tub out there. They're the same type of situation. That house is probably 14 or 15 years old.

REMARK Raymer: I'm not familiar with it.

REMARK Eilertson: I'm not either.

REMARK Sampson: I'm not sure which house Mr. Horstman is speaking of. But corner lots do present kind of a unique situation.

REMARK Raymer: Sure they do.

REMARK Sampson: They are and going back to the lot configuration here, that he could even further encroach on that parcel line just by changing that access making it even closer to that lot line than what he is proposing. The lot that is just to the north across, what at that time was even an unnamed street, Susan Place, that did access Baumgartner Drive. But again another corner lot that had been granted a variance for a reduced rear yard setback.

REMARK Horstman, M: That's the problem we have with this. Again we knew going in that we'd have the dual 30's. We weren't aware of the driveway issue. Again we're using it the way it's intended. It's just a driveway issue is what comes down to. I pointed that out to all my neighbors. In fact that was the longest part of our conversation was trying to get them to understand why I needed a variance. And all them were like it doesn't make any sense. The house plan looks good. Your front yard is here. Your backyard is there. Including the people that own the lot just immediately there, most immediately impacted to the east of us, they were like it doesn't bother us any. It's just bedrooms there. No door there. You're not coming out of your house in the back into that area. We're hoping. This is the plan that works for that lot. Again we don't know how else to turn or do this house in order to get it to work there. The neighbors are fine with it. We're not using the side yard as a backyard. It is our side yard. That's why I was hoping with the plan that you'd be able to see a front and a rear entrance and exit point.

**Appearing in favor:** Sheila Horstman, 2619 Thomas St, La Crosse, WI 54603.

REMARK Horstman, S: I guess one thing that just doesn't make sense to me, why this would not be approved is we will build this house this way because it fits within the setbacks. It's just a matter of we're going to have to have this silly looking driveway coming off of Susan if we can't have it come off of Baumgartner because the house fits within the setbacks. We would just have to have a bigger driveway and an awkward situation to back in and out of the driveway. So I guess that is my point. I guess why would, you know if we fit within those setbacks, why would you make a person put in a larger driveway than necessary? And also you would have an awkward situation getting in and out of the driveway versus coming in directly from Baumgartner. The house, whether you say we can do this or not, it's going to be built that way. It's just a matter of how we're going to put our driveway in. I don't know why the easiest most logical way would not be approved.

REMARK Raymer: Well because as your proposing to do it, it does not meet that rear yard setback. We didn't write the ordinance. We have to interpret what they meant by it. That's what we're in the process of doing.

REMARK Eilertson: The other thing we try to do Mrs. Horstman would be consistent with how we treat each one of these situations for new construction. And this committee has been tough on that over the years, for the last 12, 15 years, this committee has been tough. Did you get one of these? Do you remember reading this? This is one of the things that we, as a committee, have to abide by. By designing a house that doesn't meet the zoning requirements, you're creating a hardship.

REMARK Horstman, S: Well the house that we show here can be built. It's just whether or not the driveway is going to come off from Susan or Baumgartner. I mean physically it's going to be more attractive also to have it coming off of Baumgartner versus Susan.

REMARK Larsen: If the driveway comes off of Susan we'd still need a variance for the 23 and a half foot.

REMARK Raymer: Right.

REMARK Larsen: There's not a 25 foot setback on the rear yard. It would almost fit that.

REMARK Raymer: Mike, we can only have one person up here at a time.

REMARK Horstman, S: I believe that we do fit. That you're given an 18 inch allowance I believe I guess. Where the fire place is, that does fit within the setbacks.

REMARK Larsen: You'd have a 25 foot rear yard setback. Am I right? They're only 23 and a half foot.

REMARK Sampson: That's correct. What's allowed within that setback is usually a 12 inch roof overhang, stairways. In fact I can read the exceptions if the board would like those.

REMARK Larsen: So the architect drew it up even the way it is and it doesn't meet the 25 foot setback on the rear yard.

REMARK Horstman, S: He drew it. So it was within the 25 yard setback.

REMARK Larsen: This diagram here shows 23 and a half feet.

REMARK Horstman, S: Because he, as far as what he knew with the setbacks, that it was from the foundation, the concrete foundation area out. And that measures 25 feet.

QUESTION Raymer: Now are they still under oath or do you have to swear him in again?

ANSWER Sampson: You can mention that he's still under oath.

REMARK Raymer: You're still under oath.

REMARK Horstman, M: I'm not sure. We did ask our architect to make sure they had 25 feet. Before they do any building they will go out and actually measure and mark. So if that is 23 and a half we would have to move it back in. We do want to make sure that we're in compliance with that 25 feet. So we would have to find a way to move it in somehow so that we were in compliance. I'd forgotten the driveway issue. One person did ask what would happen if we were going to be denied. And I said that as long as we meet all the setbacks and it's only a driveway issue, we would have to come off of Susan Place and then bend it up and in. It would use a lot more concrete. This person is more of a nature lover. They mentioned the extra runoff with the extra concrete. My main concern is the extra cost. But assuming that we fix that, if that is actually 23 and a half on that, what we're calling our backyard, we would get that to be 25. We would have to run our driveway off of Susan Place. It would be extremely close to Baumgartner. And that's what some of the neighbors that I did talk to would not like the looks of it. And again as my wife pointed out, it's very near impossible to get a car and/or our boat up and in there. It would take a lot of jockeying around. And again if you toured the area you know the niceness of that neighborhood there.

REMARK Raymer: I'm not clear on this, why you say this driveway is going to be an issue coming from the other way.

REMARK Larsen: They're going to curve it around and still come in from the Baumgartner side.

REMARK Horstman, M: If we have to come off of Susan Place we'll have to come up and here.

REMARK Raymer: Oh, you're still going to try to come in this side of that garage instead of coming in this end.

REMARK Horstman, M: This wouldn't give us enough room with a boat, our two boats, and car and things like that. We'll make sure we meet all the setbacks but if we're denied we're going to have to bring out driveway off of Susan Place. That's something that at least one neighbor and actually there's other neighbors, that they were opposed to that kind of look.

QUESTION Raymer: Would that meet it Nate? To come in off of there but still come in where it faces Baumgartner.

ANSWER Sampson: If there access point is off of Susan Place, their required setback on the east lot line would only be eight feet. Twelve inches of roof overhang could extend into that eight feet. So it would be down to as little as seven feet.

REMARK Larsen: They're still not meeting the rear yard.

REMARK Sampson: Correct. If that were the side yard they would have to maintain 25 feet on the back.

REMARK Horstman, M: We will make sure that we meet, what we're calling our backyard to the south, we will make sure that's 25 feet. Just a matter of where we're going to be able to bring our driveway off. As I know Mr. Eilertson said it's new construction, you've been hard on that. I can point out any number of homes, I don't know when they were built, maybe prior to this ordinance, maybe prior to you folks being on the board, that have the same issue that we have. Just for aesthetics for the neighborhood and the ability getting in and out of the driveway and the garage, the easiest thing for us to do is to come off of Baumgartner. And again we're using our front yard as Susan Place. Our backyard is to the south. All the neighbors were approving of that. I wish it weren't the corner lot. We wanted a different lot. But that's one that was available for us to purchase. Again dual 30 foot setbacks. The 25 foot rear yard. We're losing those two.

QUESTION Larsen: How would you make the 23 and a half, 25 foot?

ANSWER Horstman, M: Again we're going to go out. They said before they can build they go out and actually mark it. So that they're within all the setback. If that doesn't work we would find a way, again to move the wall in a little bit if we have to. I don't know enough about construction. We will make sure we have 25, a minimum of eight and a minimum of 30 at each road.

REMARK Raymer: It's that fire place chase. That's the only thing sticking out in it.

REMARK Larsen: Right.

ANSWER Horstman, M: We were up front with all the neighbors. They liked the plan. They liked it the way it is. Nobody had an issue with the driveway coming off one and the backyard being the opposite.

**Appearing in opposition:** None.

**Correspondence:** Fax from Jim Gitz, Town of Campbell Administrator, dated May 11, 2011 and received on May 13, 2011. Fax states the Campbell Town Board had no objections to this variance request.

**Discussion:** REMARK Eilertson: Well if we can put a stipulation that this gets moved to 25 feet, I don't have a problem.

REMARK Larsen: I don't either because then it's just about where the driveway is.

REMARK Eilertson: But if that can't get moved, then I got a problem with it because we have taken a position for many years that people are to build a house that fits on a lot.

REMARK Larsen: Which it would if the driveway came off of Susan, then it's 25 feet.

REMARK Eilertson: Or if this gets moved. If this gets adjusted so this is 25 feet.

REMARK Raymer: Right. Except not if that driveway comes off of here, then this is the rear yard and this entire part of the house is in the setback. This is the rear yard because of the way the driveway is.

REMARK Larsen: Right.

REMARK Raymer: Then it's not even close. You'd be giving him a nine and a half foot, almost an 18 foot variance if we let him into that over there. But to me, I'm not an architect, but that garage could have been drawn up so the doors do face this way.

REMARK Larsen: You flipped the garage so the entrance is on Susan.

REMARK Raymer: It's a case of building it that many square feet on a corner lot with a one store house and that's the problem you're always going to run into. If it were a two story you could get equal amount of square footage, just wouldn't take up so much room on the lot. And that's what we had happen in other situations where they wanted so many square feet and they had to make a two story house.

REMARK Eilertson: The house over here on Lakeshore, a few months ago, it was the same situation. That was denied.

REMARK Raymer: Right.

REMARK Sampson: If I could add something Mr. Chair. Another way to possibly view this would be the Board's interpretation of what would constitute a rear and a side yard. If they've disagreed with the administrative decision, what we called a side yard and a rear yard. That could be an option for you to consider also.

REMARK Raymer: I'm not sure I understand what you mean.

REMARK Sampson: Well it's an appeal of a decision we made to what we consider to be a side yard and a rear yard. If the Board found that they disagreed with that...

REMARK Larsen: Because of where the driveway is.

REMARK Raymer: But I assume you have that written in the ordinance that way. That's why you interpreted it that way.

REMARK Sampson: That is the way it's interpreted because we typically address off of the access point and the rear yard is opposite that. Town of Campbell and certain parts of the Town of Shelby are the only places we don't do that, where the towns issue addresses.

REMARK Raymer: Well I mean to come off of Susan and weave a driveway clear around here and still come in the same way, that's kind of skirting around the whole issue again. If that's still going to be their...

REMARK Eilertson: Well we have to act on this plan right here.

REMARK Raymer: Right.

### **Motion Eilertson/Larsen to deny.**

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

**APPEAL NO. 2011-15** Scott E & Mary C Koblitz, N7829 Bluffview Ct, Holmen, WI 54636. Permit denied to construct a 12-ft X 20-ft detached accessory building that together with an existing 1,908 sq. ft. detached accessory building exceeds the 1,000 sq. ft. area limit for such buildings on this 1.5 acre lot. The property is described as Lot 2 of Certified Survey Map No. 151, Volume 8. Property is located at N7829 Bluffview Ct. Tax parcel 8-1101-4. Town of Holland.

**Appearing in favor:** Mary Koblitz, N4596 Cotton Wood Dr, Onalaska WI, 54650.

REMARK Koblitz, M: We own this property now and we're moving in June 1st. The N7829 Bluffview Court which what this is for. We've spoken with the north, south and east neighbors, there isn't a west neighbor because that's a highway, and none of them had a problem with us adding that 12 by 20 accessory building. We just purchased the property a few months ago and when we bought it... It's zoned commercial so we thought we could kind of do a lot more. There's actually another variance already granted to have one building 64 by 80. We don't want that big of an outbuilding but we do want just a little more room. We have this, the accessory building already; it's just a matter of moving it. We want to kind of keep it on a temporary basis where if we in the future don't need it that we could remove it just as easily as we could bring it in. When we went to the Town of Holland, they mentioned to us and we had

heard from the woman we bought the property from, that the person to the south has a huge storage building on there now and that's what he plans on doing, is adding more storage buildings in the future. And his property and our property are like I said already zoned commercial so we just don't see why this wouldn't fit with the commercial zoning. I guess that's all I have to say.

REMARK Raymer: Okay, we'll have to get that clarified.

**Appearing in favor:** Scott Koblitz, N4596 Cotton Wood Dr, Onalaska WI, 54650.

REMARK Koblitz, S: I think Mary pretty much summarized everything. I'm just coming up here for the support of this. We just want to try to keep everything contained inside. I have uses for the outbuilding, that's why we bought this property. I really think space is going to be at a premium in there. I really want this other structure more for yard equipment, mowers, wheelbarrows, ladders, and things like that. I guess that's about all I have.

QUESTION Eilertson: Scott did I understand her to say that this is going to be a temporary structure? It's not going to be on a foundation?

ANSWER Koblitz, S: Well the reason she said that is even though we have this variance to expand the size of the existing outbuilding up to 64 by 80... We're getting older too and maybe sometime in the future we no longer need that building for these things and maybe those things will go in the existing building that's there now. Or if we were to sell the property. We kind of feel that if we continue to add on to that building it's going to be a noose over our neck to sell it. Because then we have all this money in another structure and we have to try to hopefully recover that when we go to sell it. This building here, if someone comes in and say the existing building is all they need, then all we need to do is truck it out of there and it's gone.

**Appearing in opposition:** None.

**Correspondence:** 1) Email from Michael Lenz, Department of Transportation, received on May 9, 2011. Email states the Department would have no issue with the proposal so long as the proposed structure is located outside of the setback area. The setback line is defined as a line 50' parallel from the existing USH 53 right of way line.

2) Town of Holland Board Action dated May 11, 2011 and received on May 12, 2011. Motion to approve Appeal No. 2011-15 carried 4 to 1.

**Discussion:** QUESTION Raymer: Can you clarify Nate what they were talking about as far as that they have a variance to build a bigger building or what is this all about? And why is this zoned commercial?

ANSWER Sampson: At the time the appeal was made the record indicates that this parcel was actually zoned Agriculture District 'A'. And they were authorized the right to construct a 64 foot by 84 foot accessory building with a 20 foot height. So they exceeded both the height and the area limit that was prescribed by the ordinance at that time.

QUESTION Raymer: When it was this size of a lot or was it a bigger piece of property then?

ANSWER Sampson: It was a proposed C.S.M. lot at that time.

QUESTION Raymer: When was that variance done?

ANSWER Sampson: 1993. The hearing date was May 17th. Oh, I'm sorry, 1999. The appeal number was 99-33. Would you like me to put it on the overhead?

QUESTION Raymer: I'm just curious, is that still...?

ANSWER Sampson: What was approved was a 64 foot by 80 foot building. Lesser than that typically we'll allow that construction to occur but this is different than what was authorized by that variance.

QUESTION Raymer: Who was the owner at that time, does it say?

ANSWER Sampson: The appeal was made by Randy Flury.

REMARK Raymer: So they were given the variance but they never built the building.

REMARK Eilertson: Not the smaller one.

REMARK Sampson: Not the size of that. Jon.

REMARK Kaatz: Mr. Chairman a little more history. The parcel was then rezoned to commercial and it was being used for a business use at that time. I believe Nu-Homes was using it. So the size and height didn't really factor when it was being used for commercial use. Now that these two detached accessory buildings are being used for residential use, we have to apply the residential standards in this situation. So that's why they're appealing to exceed the size limit. If it were commercial used, there'd be different standards.



REMARK Raymer: So that building to the south, that's Stewart, used to be La Crosse Wall. That's that building that he put up for his... Lysacker is in there now but Dennis Stewart built the building in the first place. And that is commercial?

REMARK Kaatz: Commercial use.

REMARK Raymer: Okay.

**Motion Larsen/Eilertson to approve.**

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

**APPEAL NO. 2011-16** Mike Poellinger, 415 Nelson Pl, La Crosse, WI 54601, on behalf of John B Reinhart, 510 Losey Court Ln, La Crosse, WI 54601. Permit denied to raze an approximate 15-ft X 34-ft concrete slab with an approximate 8-ft X 14-ft lower level porch, and replace with an approximate 13-ft X 34-ft colored aggregate at-grade patio, a 10-ft X 22-ft upper level covered deck, and 4-ft x 17-ft stairway/walkway additions to an existing cabin lying within the required 33-ft average setback from the ordinary high-water mark of Lytle Lake; and to also enclose an existing 5-ft X 6-ft entry that lies within the required 60-ft setback from the centerline of Lytle Rd. The property is described as part of the SE-SE of Section 9, T17N, R8W. Property is located at W8602 Lytle Rd. Tax parcel 10-1425-0. Town of Onalaska.

**Appearing in favor:** Mike Poellinger, 415 Nelson Pl, La Crosse, WI 54601.

REMARK Poellinger: Just a few comments. This property goes back to the early 1930's before the dam system went in and probably before the road setbacks were in place. So there is a unique characteristic. We're actually looking at downsizing the footprint of the building because we're proposing taking off the eight by 14 porch that's on the front and removing the portion of the remaining underground storage building which is 12 by 20. We're squaring it up and the deck gives us our second access but it's also designed to be fully handicap accessible so that's why we're looking for that overhang of the deck itself. We're removing concrete that's down by the waterway and we'll be putting back permeable materials to create some of the shoreline improvements that are there. There has been some work that has already been done on the project. There was lead and asbestos removed from the existing property. So that was all done.

**Appearing in opposition:** None.

**Correspondence:** Email with attached letter received on May 16, 2011 from Michael Wenholz, DNR Bureau of Watershed Management – Regional Shoreland Specialist. Letter states that the department would be willing to consider an alternative that would allow the addition of the proposed deck if the following conditions were met:

- 1) The entire area could not exceed the proposed 34 foot by 13 foot footprint – especially noting the 13 foot width towards the OHWM.
- 2) The proposed materials are used (i.e. decking and aggregate instead of concrete or other fully impervious materials).
- 3) The applicant agrees to mitigation in the form of shoreland vegetation buffer restoration. The buffer restoration should cover at least half of the shoreline frontage/width of the property and be at least 10 feet deep (starting from the OHWM). The department recommends following the Natural Resources Conservation Service (NRCS) Shoreland Habitat Code (643A) and *Wisconsin Biology Technical Note 1: Shoreland Habitat* as much as possible. The department also recommends a mitigation plan be submitted to the La Crosse County Zoning Department and/or Department of Land Conservation for review and approval, and that some maintenance requirements be established.

**Discussion:** QUESTION Eilertson: Where you aware of this Mike, that letter?

ANSWER Poellinger: I talked to Mike on the phone today and he didn't go into the same detail that he did in the letter. He did recognize, we walked through the plan, that we were going to put aggregate back and all those things that would keep the shoreline impervious. There currently is a large area of concrete that's down near the waterway that hasn't been removed yet because when we moved in there it was all high-water. I guess we'd have to go back and look and see what he's asking for. I'm not certain the neighbors would appreciate the 10 foot high; he was talking about natural grasses being brought in. I'm not sure it fits with the rest of the neighborhood there.

REMARK Larsen: It would be 10 foot wide.

REMARK Poellinger: Ten foot wide, I understand that. He's talking about allowing it to grow naturally to whatever height they are. It's mainly residential property north of there and a vacation home south of there. As long as we could satisfy the neighbors I guess. Our intent would be to turn everything we can into vegetation, to green space. I think if we could come up with a common product it could be easily maintained.

REMARK Raymer: Well that was quite a lot to digest, I guess, what he put in there. If I understood it, that 13 by 34 front deck they could have that if they did it the right way. And that walkway on the side, they could have that. Is that right?

REMARK Sampson: That's what I read from this letter.

REMARK Larsen: It can't be concrete.

REMARK Raymer: It can't be concrete, right.

REMARK Poellinger: What I explained to him is that we are using that stairway as the access to that lower area. There's no easy way because the contour there to put a walkway down to the waterfront. So understanding that, apparently his overhead showed the concrete walkway that came in on the south side of the property that took you down to the shoreline; our intent is to remove. So everything on the south side of the property could be restored to grass.

REMARK Larsen: I think what his concern is that it's going to be mowed grass rather than natural grass. Natural grass doesn't allow as much water to run off into the river.

REMARK Poellinger: We don't have a problem with that as long as there's not a problem with the neighbors. The neighbors all maintain their lawns right to the water's edge.

REMARK Larsen: I think he'd like to see the neighbors have the same 10 foot wide area.

REMARK Poellinger: I'm sure he would.

REMARK Eilertson: That's pretty much been standard procedure from the DNR as far as natural habitat. We don't have much of a choice. The DNR has a tendency to raise hell with this, needless to say. I have to make a motion to deny.

REMARK Larsen: We can't approve with the conditions?

REMARK Eilertson: We could make a stipulation it follows that. That's why I asked Mike if he has heard from this. But we could approve subject to.

REMARK Raymer: We could approve it based on the letter.

REMARK Poellinger: I think what he explained to me is they'd come out and meet at the sight and review what their requests are.

QUESTION Raymer: And you agree to that?

ANSWER Poellinger: And we would agree to that, yes.

QUESTION Raymer: Who is this guy? Is he from the DNR or who is he from, this Mike?

ANSWER Sampson: Mike Wenzholz is the Regional Shoreland Specialist. They've consolidated their shoreland review projects now where they have three Shoreland Specialists for the entire state.

QUESTION Raymer: Okay, but it is DNR? It's not Corp?

ANSWER Sampson: That's correct. And his recommendation is that it be handled through the county, either Land Conservation or County Zoning Department.

**Motion Eilertson/Larsen to approve subject to conditions recommended by Wisconsin DNR as listed in the letter from the DNR which was received on May 16, 2011.**

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

**APPEAL NO. 2011-17** Robert L & Kimberly K Billings, 4205 Bank Dr, La Crosse, WI 54601. Permit denied to construct a 26-ft X 26-ft addition to an attached garage that would lie within the 25-ft setback from the right-of-way of Boschert St as required on the subdivision plat. The property is described as Lot 1 of Leisgang's Addition. Property is located at 4205 Bank Dr. Tax parcel 11-2395-0. Town of Shelby.

**Appearing in favor:** Robert Billings, 4205 Bank Dr, La Crosse, WI 54601.

REMARK Billings: I have talked to all the neighbors around there and none of them have any problems the way it's set up. I was at a meeting, Town of Shelby Board. I don't know if they sent you a letter.

REMARK Sampson: We did not receive anything.

REMARK Billings: Really.

QUESTION Raymer: What did they say?

ANSWER Billings: They said it was fine.

REMARK Raymer: They must just not got it here.

REMARK Billings: They said they were going to send you a letter.

QUESTION Raymer: When was that meeting?

ANSWER Billings: Three weeks ago.

REMARK Eilertson: I assume you're going to put your boats in this garage.

REMARK Billings: Yeah. I got three cars and two boats and a four wheeler.

QUESTION Eilertson: Is that tree on the north side going to stay? Are you going to be able to salvage that tree?

ANSWER Billings: No, that stays. Because my driveway is going to go back and cut back into my driveway on my other garage. No, that tree stays.

REMARK Eilertson: Okay.

**Appearing in opposition:** None.

**Correspondence:** None.

**Discussion:** REMARK Raymer: No objections.

REMARK Larsen: I have no objections.

**Motion Eilertson/Larsen to approve.**

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

**APPEAL NO. 2011-18** Rodney H & Beverly A Kadrmas, N1189 Continental Ln, La Crosse, WI 54601. Permit denied to construct a proposed 28-ft X 38-ft detached accessory building that would exceed the 1,000 sq. ft. area limits for such buildings on this 1.52 acre lot and will lie within the required 50-ft front yard setback. The property is described as part of the NW-NW, Section 24, T15N, R7W. Property is located at N1189 Continental Ln. Tax parcel 11-1832-0. Town of Shelby.

**Appearing in favor:** Rodney Kadrmas, N1189 Continental Ln, La Crosse, WI 54601.

REMARK Kadrmas: I guess basically the uniqueness to the shape of my lot is the problem that I basically have with this building. So that's probably the most difficulty when putting this additional outbuilding on. I originally wanted to go with a 40 by 28 but was talked to at the zoning and decided to shorten it by at least two feet, make it 28 by 38. If I would shift the building back to the 50 foot easement, as shown on the diagram, it would put it very close to a 40 foot right of way that I have of power lines that go through the back where Dairyland Power has, on the west side of the lot line. I also would have to remove about four additional pine trees and stuff that are in that area. I just as soon not remove anymore greenery in that area. The other thing that would do is by shifting the building back that would make it rather difficult to try to swing out of the garage. You would be swinging into the structure that is there already. We would prefer not to have to do that because the garage door is really on the east side of that building.

QUESTION Raymer: Anything else?

REMARK Kadrmas: I did take this to the Town of Shelby meeting that was held on the 25th of the month and they voted to recommend approval.

QUESTION Raymer: Did you get anything?

QUESTION Eilertson: Your whole of trees here Rod, is going to stay? You have a whole line of trees here. (Referring to map)

ANSWER Kadrmas: Yes I do. There's a whole row of trees here and there's a whole row of trees here. I took one tree out here in order to make the driveway come in here.

REMARK Eilertson: Okay.

**Appearing in opposition:** None.

**Correspondence:** None.

**Discussion:** REMARK Raymer: He's only over by 64 square feet as far as that. That setback really isn't going to be a problem.

REMARK Eilertson: He does have a line going through like this.

**Motion Larsen/Eilertson to approve.**

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

**APPEAL NO. 2011-19** Jeffrey R & Cheryl L Bjergum, W7842 County Road Z, Onalaska, WI 54650. Permit denied to construct a 24-ft X 26-ft addition and a 4-ft X 18-ft lean-to addition to an existing 18-ft X 22-ft

detached accessory building that will result in exceeding the 750 sq. ft. area limit for such buildings on this 0.34 acre lot and will partially lie within the required 60-ft setback from the centerline of Maple Dr. The property is described as Lot 7 of Maple Shade Addition. Property is located at W7842 County Road Z. Tax Parcel 10-1494-0. Town of Onalaska.

**Appearing in favor:** Jeffrey R Bjergum, W7842 County Road Z, Onalaska, WI 54650.

REMARK Bjergum: My first thing is, you know that area, I'm stuck on two roads on both sides of me. And we don't have no basements in that area. So that's why I want to keep my existing building. The existing building is only 18 feet deep. My pickups are 18 feet bumper to bumper. So that's why I want to extend it out. And if you do look at my other neighbors, when you guys were out there, if you look at my two neighbors to the west, they're all about 10 feet to the side of the road. And I do have pictures of them buildings. The guy to the west, he did get a variance for that garage. And the guy on the east, his fence is even further closer to the road than the garage would be. I have talked to all six neighbors. All on Maple Drive. On each side and one across the street that are happy with it.

QUESTION Raymer: Anything else?

REMARK Bjergum: I don't know if the size, I don't know if I could do that breezeway or something. If you guys don't do that, if I could do it that way. For the size because of the 1,000 square feet.

QUESTION Larsen: You mean if you attach it to your house with a breezeway? Is that what you're saying?

ANSWER Bjergum: Yes. If you guys would recommend that.

QUESTION Larsen: What are the restrictions if he attaches it to his house?

ANSWER Sampson: We consider a structure to be attached if it's attached by something that serves some purpose, such as shelter.

REMARK Raymer: Covered walkway.

REMARK Sampson: Covered walkway. Typically a breezeway. Something of that nature.

QUESTION Larsen: Well then does any of this come into play?

ANSWER Bjergum: Then we'd just have the setback.

REMARK Larsen: Just the setback.

**Appearing in opposition:** None.

**Correspondence:** None.

**Discussion:** REMARK Eilertson: This Maple Drive behind him here has virtually zero traffic. And what he's telling is right, these other places...

REMARK Larsen: They already have variances. And his building is going to be setback more than his neighbors.

REMARK Raymer: For some reason all those houses built in that area have no basements. I don't know why that is. So that limits your storage too.

REMARK Eilertson: And his other garage is small.

**Motion Eilertson/Larsen to approve.**

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

**Motion Larsen/Eilertson to adjourn at 7:20 p.m.**

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