

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, June 20, 2011
Administrative Center – County Board Room
6:00 p.m. – 7:13 p.m.

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

CALL TO ORDER

Dave Eilertson - Committee Acting 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. 2011-20 Gordon & Elizabeth Hellwig, W2022 Brye Rd, Coon Valley, WI 54623. Permit denied to construct a 36-ft X 40-ft detached accessory building that will exceed the 1,000 sq. ft. area limit and the 15-ft height limit for such buildings on this 1.68 acre lot. The property is described as part of the NW-NW & part of SW-NW, Section 32, T15N, R5W. The property is located at W2022 Brye Rd. Tax Parcel 12-680-1. Town of Washington.

Appearing in favor: Elizabeth Hellwig, W2022 Brye Rd, Coon Valley, WI 54623.

REMARK Hellwig: I did bring a letter in from one of our neighbors (Reads letter in support from Ralph and Sue Frydonlund. At this time we have a two car garage and my husband keeps bringing home more and bigger toys. We just need the additional storage.

QUESTION Eilertson: So, you are just needing some additional storage?

ANSWER Hellwig: Yes.

REMARK Larsen: I do not have any questions for her.

Appearing in favor: Gordon Hellwig, W2022 Brye Rd, Coon Valley, WI 54623.

REMARK Hellwig: Just wanted to state that this shed is being built nobody can see it. It is completely hidden from any and all neighbors. All of the runoff from the roof will drain onto my property. There shouldn't be any problems.

REMARK Eilertson: We inspected the property last Tuesday and we noted that no one would be able to see it.

REMARK Hellwig: We just need the additional room.

Appearing in opposition: None.

Correspondence: Nothing from the Town of Washington. We have the letter that was read into the record by Mrs. Hellwig and submitted to us tonight.

Discussion:

REMARK Sampson: If I may add, the Hellwig's own additional adjacent land, a 28.83 acre parcel. This parcel is zoned Exclusive Agriculture. The parcel where the residence is located was in existence at the time the town adopted Farmland Preservation zoning, so it is a pre-existing residence. Mr. Hellwig originally intended to construct on the larger parcel, but due to the zoning and use of the proposed shed, he was unable to obtain approval for that location.

Motion Larsen/Eilertson to approve.

2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2011-21 Jeff Foellmi, 1503 Caroline St, La Crosse, WI 54603, acting on behalf of Ronald & Shirley Foellmi, 1511 Caroline St, La Crosse, WI 54603. Permit denied to construct a 24-ft X 30-ft detached accessory building that will exceed the 500 sq. ft. area limit for such buildings on a 0.14 acre lot and to reconfigure two existing abutting 0.14 acre lots of record that will result in both lots retaining the same area but less than the required 10,000 sq. ft. and one lot that will not meet the required 75-ft lot width at the building setback line. The property is described as Lot 1 and the Southerly 38.14-ft of Lot 2 EXCEPT the Westerly 70-ft of said lots Block 5 of Dorns Addn; and the West 70-ft of Lot 1 and the West 70-ft of the South 38-ft of Lot 2 Block 5 of Dorns Addn. The properties are located at 1503 Caroline St and 203 Dorn St. Tax Parcels 4-1069-0 & 4-1070-0. Town of Campbell.

Appearing in favor: Jeff Foellmi, 1503 Caroline St, La Crosse, WI 54603.

REMARK Foellmi: This is the third time that we have tried to deal with this property as far as trying to redo the current garage roof. Mike Wiebel determined that the roof replacement exceeded the 50% evaluation at one point. My parents wanted to redo the property by constructing a two car garage on each side of the lot line. That didn't pass either. I have worked with Chad on this design and why I am here today. My parents are here and the renters are here as well. What I am looking for, my previous garage before I moved was 24' x 24' and I also had an 8' x 8' shed. The current garage here is 19' x 25'. I would like to move the property line, giving the old garage to the other house at 203 Dorn St. I would move the property line over to allow me to build a 24' x 30' new garage on my property. The reason for the 24' x 30' is because I would be getting rid of an existing 6' x 6' shed. The additional size would incorporate the existing shed. I am the son of Ron and Shirley Foellmi asking for an approval for a 24' x 30' garage. We do have a surveyor involved in creating the two new lots. I have 15 signatures and made two phone calls, one to Robin Miller (owns across the street) and Kay and Paul Snyder (they own on the corner of Dorn and LaCrescent. None of them had objections. I also have a letter from the township indicating that they do not have any objections. I see that the Town Administrator is here if you have any questions on that.

QUESTION Larsen: The house at 203 Dorn would be granted a permanent easement for vehicular access to that garage in writing to be able to cross the property line? They are renters at that address?

ANSWER Foellmi: They will have an easement in writing, yes.

QUESTION Eilertson: Your new proposed driveway will be off of Caroline St, correct?

ANSWER Foellmi: Correct. I may use the Dorn St. driveway if I need to park closer to the back door from time to time. Nine times out of ten I will do the snow removal from this driveway. They know and understand the property and that I can still use it. We will get that in writing as well.

Appearing in favor: Ronald Foellmi, 1511 Caroline St, La Crosse, WI 54603.

REMARKS Foellmi: I am the owner of both of these properties being talked about. I am in favor of the garage. The only thing that I question, I don't understand the property line. Why is the line way over here to allow the driveway to be on the other parcel. I was not involved too much in this.

REMARKS Eilertson: That is not a question that we can answer. We are acting on the proposal that is presented to us.

REMARKS Foellmi: Before I saw this, I was under the understanding that my son was getting the easement to that driveway and the driveway was staying with the existing garage and renter.

QUESTION Eilertson: So, are you in favor of this, or are you opposed to it as presented?

ANSWER Foellmi: That is putting me on the spot.

REMARKS Eilertson: You need to make it clear to the board.

REMARKS Larsen: You are the property owner.

REMARKS Foellmi: I am the property owner, but I do not want the driveway taken away from the garage.

REMARKS Eilertson: I am going to ask that you sit down and when I call for people to speak in opposition of this, then I would like you to come back forward.

Appearing in opposition: Ronald Foellmi, 1511 Caroline St, La Crosse, WI 54603.

REMARKS Foellmi: I am paying good money to have this land surveyed to get this straightened out so that he can build his garage. Why is it marked that way? The driveway should go with the property and the existing garage. He is putting in a new driveway off of Caroline Street into the new garage. When I questioned my son about it, he said that it was being taken care of and it was a mistake. I don't want that taken away from that other house.

QUESTION Eilertson: Do you understand the position of the board? We act on what is brought before us. Those are questions that we cannot answer.

QUESTION Foellmi: Well, who can?

ANSWER Eilertson: Possibly the surveyor or maybe your son. Am I correct, Nate?

REMARKS Sampson: If I can turn your attention to this overhead. I will put up a preliminary survey map which was submitted by the surveyor. I am not sure who the surveyor was.

REMARKS Foellmi: I am not sure who the surveyor was, but my son should know. He told me that he wanted an easement to his back door so that he could drive in and unload into his back door. This is the way I took it to be. This drawing keeps us from using the other garage that goes with the property. If I sold that property, a person wouldn't have access to the garage that goes with the property.

REMARKS Eilertson: You could if a permanent easement was recorded. To cross that property line, you could record an easement that would be there forever.

QUESTION Foellmi: So then it won't make a difference. He will have the right-of-way and whoever is in that other house will have the right-of-way. Then I am in favor of it.

QUESTION Larsen: I have a question, in the case of an easement, who is going to be in charge of maintaining the driveway? The driveway could be tore up and grassed, but the easement would still be there.

QUESTION Larsen: So, Mr. Foellmi, are you in favor of this plan or not?

ANSWER Foellmi: I am paying for this and I am in favor of his garage.

QUESTION Larsen: You are in favor of the garage, but are you in favor of this plan?

ANSWER Foellmi: No, I am not. As long as I own the property, a permanent easement is fine, but if I sell the property, then my son can take away the easement.

REMARKS Eilertson: Not, with a permanent easement. The easement would run with the property to whomever it is transferred to. They could not take the easement away.

REMARKS Foellmi: Then, I am in favor of it.

QUESTION Eilertson: You are not opposed to it then?

ANSWER Foellmi: No.

Correspondence: Fax dated June 16, 2011 from the Town of Campbell. The Town Board met on June 14, 2011 and motioned to recommend approval, but if the size of the garage is of issue, then the board consider approval of the first two variances with a garage at the 500 square foot limit. We also received an approval petition from Jeff Foellmi on June 17, 2011 signed by a number of the neighbors (15) and notes from two phone calls.

Discussion:

REMARKS Eilertson: I would consider approving this subject to a condition that a permanent easement and driveway maintenance agreement were recorded.

Motion Eilertson/Larsen to approve with the condition that a permanent easement and road maintenance agreement be recorded for the driveway.

2 Aye, 0 No. Motion carried unanimously.

QUESTION Foellmi: What was the size of the garage that was approved, 24' x 30'?

ANSWER LARSEN: Everything else was ok. It was approved with a permanent, recorded easement for access to the garage at 203 Dorn St. and a maintenance agreement be recorded for the driveway.

QUESTION Foellmi: Who takes care of that then?

ANSWER Eilertson: You will have to take care of that. Someone will need to draft and record those documents.

APPEAL NO. 2011-22 Carl and Lorna Barnes, W5596 State Road 33, La Crosse, WI 54601. Permit denied to construct an attached deck addition with over-all dimensions of 25-ft 6-in X 22-ft to an existing single family residence that will lie within the required 50-ft setback from the State Road 33 right-of-way. The property is described as part of the E1/2-NW, Section 11, T15N, R7W. The property is located at W5596 State Road 33. Tax Parcel 11-1009-0. Town of Shelby.

Appearing in favor: Carl Barnes, W5596 State Road 33, La Crosse, WI 54601.

REMARKS Barnes: What I want to do here is this. We have an existing three seasons porch on the corner with all new windows. I am looking to try and corral a couple of new grandchildren in this deck area here. We have ball fields across the road and it makes a good viewing area. The 50 foot setback goes through the middle of the house. Must have happened a long time ago. My neighbors do not have any objections and I have been to the Shelby Town Board which was last week.

QUESTION Eilertson: Do you have any questions?

ANSWER Larsen: No, I do not.

Appearing in opposition: None.

Correspondence: Received a phone call from Town Administrator, Jeff Brudos today who stated that the Town Board had recommended approval at a prior Town Board meeting.

Motion Larsen/Eilertson to approve.

2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2011-23 Mike Volden, 2300 Oak St, La Crosse, WI 54603, acting on behalf of Matthew and Jill Miller, N5996 Bergum Coulee Rd, West Salem, WI 54669. Permit denied to construct a 10-ft X 22-ft attached new deck and a 12-ft X 24-ft attached replacement deck that will further exceed the 50% of the local assessed value limit on structural repairs or alterations to non-conforming structures. The property is described as part of the SE-NW, Section 20, T17N, R6W. The property is located at N5996 Bergum Coulee Rd. Tax Parcel 7-786-0. Town of Hamilton.

Appearing in favor: Mike Volden, 2300 Oak St, La Crosse, WI 54603.

REMARKS Volden: I am a representative of MasterCraft Homes. The Miller's had a 14 foot by 20 foot deck which collapsed last fall. They are looking to rebuild that deck and make it a little bit smaller. The new deck would be 12 foot by 24 foot and include a walkway and small deck to get them out to their breezeway. Nate, did you get the letter from Shefflebine's Orchard?

REMARKS Sampson: I did not receive a letter from them.

REMARKS Volden: Basically what they are looking to do is just to replace the old deck, make the new one a little bit smaller and then attach it to their breezeway. Are there any questions?

Appearing in favor: Matt Miller, N5996 Bergum Coulee Rd, West Salem, WI 54669.

REMARKS Miller: My only neighbor is Doug Scheffelbine, he owns all the land around me. I talked to Blaine Lee and I guess that I missed the boat regarding attending a Town Board meeting. He talked to Rich Schomberg about it and they were not opposed to it. I don't know if you got any correspondence from them or not. The deck collapsed last fall while we were on vacation and would like to replace it. Right now there is a seven foot drop out of the door there.

Appearing in opposition: None.

Correspondence: Received the only piece of correspondence handed in tonight by Mr. Volden, dated June 12, 2011. This is a letter from Doug and Gail Sheffelbine and they are in support of the variance.

Motion Larsen/Eilertson to approve.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2011-24 Jeremiah Olson, W6098 County Road T, Holmen, WI 54636. After-the-fact permit denied to retain a previously constructed 24-ft X 24-ft addition to an existing 24-ft X 24-ft detached accessory building that exceeds the 1,000 sq. ft. area limit for such buildings on this 2.04 acre lot. The property is described as Lot 4 of Certified Survey Map No. 32, Volume 10. The property is located at W6098 County Road T. Tax Parcel 5-1407-5. Town of Farmington.

Appearing in favor: Jermiah Olson, W6098 County Road T, Holmen, WI 54636.
REMARKS Olson: The building is for storage. I am still lacking storage, but it is important as I have equipment which needs to be stored inside.

QUESTION Eilertson: When was this constructed? When we performed our site visit, it did not appear as though it was new construction.

ANSWER Olson: It was put up with old materials I got off of a barn which was torn down.

QUESTION Eilertson: When did you construct it?

ANSWER Olson: It has been about a year ago. The 24' x 24' was existing. It was the 24' x 24' lean-to off the back that was added at that time.

QUESTION Eilertson: And, did you do the work yourself?

ANSWER Olson: With help, yes.

QUESTION Larsen: And why did you not get a permit at that time?

ANSWER Olson: I didn't know that I needed one. It was just a roof with two walls and a dirt floor. Space to park a tractor and a couple of discs.

QUESTION Larsen: Are your neighbors in opposition or support of this?

ANSWER Olson: They are for it. It is not visible from the road or anything like that.

Appearing in opposition: None.

Correspondence: No correspondence.

Motion Eilertson/Larsen to approve.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2011-25 Charles Matt Thornton, 4229 Riverview Dr, La Crosse, WI 54601, acting on behalf of Perfect Game, LLC, 4229 Riverview Dr, La Crosse, WI 54601 d/b/a Jay Buckley's Baseball Tours, PO Box 213, La Crosse, WI 54602-0213. Permit denied to construct a 40-ft X 104-ft commercial building in the Industrial District that will lie within the required 60-ft setback from the centerline of a town road. The property is described as part of the NW-NE, Section 16, T15N, R7W. Property located between 2806 & 2810 28th St S. Tax Parcel 11-1342-1. Town of Shelby.

Appearing in favor: Charles Matt Thornton, 4229 Riverview Dr, La Crosse, WI 54601.
REMARKS: I recently took over ownership of Jay Buckley Baseball Tours. We currently have five storage units, a two stall garage and a house full of material that we would like to consolidate under one roof. We also want to include office space to replace our current office on Mormon Coulee Road. We want to build a building that would have office in the front and storage in the back for our material and the two cargo vans that we currently use. In order to do so, we need to maximize our building on the lot located there on 28th Street.

QUESTION Eilertson: When you laid this out, did you line it up with the existing buildings that were already there.

ANSWER Thornton: Correct. We wanted to stay consistent with the building at 2810. It will be very similar to that building.

QUESTION Eilertson: For all of the things that you need to store, you need a building that is 104 feet deep?

ANSWER Thornton: Yes. We also need, we just realized that we need 42 or 44 feet of depth at the rear due to the size of the vans. That will not affect any of the side offsets.

QUESTION Larsen: Does that affect this variance appeal?

ANSWER Sampson: No, he is appealing for is a reduced setback (to road centerline).

REMARKS Thornton: Just the setback in the front. I just wanted to be up front and clear regarding that minor change.

QUESTION Larsen: Will there be parking in the front of the building or on the side for the offices?

ANSWER Thornton: On the side.

Appearing in opposition: None.

Correspondence: Received a phone call from Town Administrator, Jeff Brudos today who stated that the Town Board had recommended approval at a prior Town Board meeting.

Motion Larsen/Eilertson to approve.

2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2011-26 Paul & Susan Stumlin, W361 Cedar Valley Rd, Stoddard, WI 54658, acting on behalf of E Helke Corporation, W5410 E Helke Rd, La Crosse, WI 54601. Permit denied to construct a 45-ft X 72-ft detached accessory building that will exceed the 1,000 sq. ft. area limit for such buildings on a 2.25 acre parcel. Property described as Lot 1 of Certified Survey Map No. 44, Volume 15. Tax Parcel 11-2016-1. Town of Shelby.

Appearing in favor: Susan Stumlin, W361 Cedar Valley Rd, Stoddard, WI 54658.

REMARKS Stumlin: We are going to be building a house here. We have been approved for everything else. I am also part owner of the E Helke Corporation. We are transferring the ownership of this land into our name. The shed would be for storage, toys, etc. I have two kids in the service and we are currently storing their stuff. Also, my husband does all of our maintenance and he will need room for that. More or less, this is for storage and to keep everything inside.

QUESTION Eilertson: The proposed 3240 square foot building would not be used for business and would be for personal storage.

ANSWER Stumlin: No, no business and yes, personal.

QUESTION Larsen: Why wasn't the lot size increased to accommodate this size building?

ANSWER Stumlin: When we did the corporation, we put in there that each one of us would get 2.25 acres to build a house. So, that is the size we are allowed.

QUESTION Eilertson: In order to get this size of a garage you would need a lot size of over 10 acres?

ANSWER Sampson: Correct.

REMARKS Stumlin: Even though I am part owner of the E Helke Corporation properties as well. I have no objections from any of the other members of the corporation. These are most of my neighbors too, and they are here tonight.

REMARKS Larsen: The restrictions on the size of the building on the lot. If E Helke wanted to build this building on their land, it probably could be. We are just concerned with this 2.25 acre lot. Not the rest of it.

REMARKS Stumlin: If it is just for our personal use. We are back at the end of a dead end valley and most of the owners here are my family.

REMARKS Eilertson: This committee, in the past, has been very tough on creating a new lot and then building a new structure on a lot that doesn't fit and needs a variance. That is a self imposed, created hardship. This committee has been tough in the past on new lots created that need a variance.

QUESTION Stumlin: Does it make a difference that Shelby has approved this?

QUESTION Larsen: Is there a reason that it is a detached accessory building?

ANSWER Stumlin: Just to get it far enough away from the house. If it was attached to the house would it make a difference?

QUESTION Eilertson: The regulation changes then, how big could they build it?

ANSWER Sampson: The attachment has to serve some type of purpose such as providing shelter. A breezeway, a walkway or some type of permanent connection.

Appearing in favor: Michelle Robertson, W5460 E Helke Rd, La Crosse, WI 54601.

REMARKS Robertson: I am pretty much directly across the road from this property. Obviously she is my sister and I have no problem with this large building. We have a large building next to us on the Groth property. I don't have a problem with that one either. They did discuss this proposal with us and my husband and myself do not have any issues with it.

Appearing in favor: Molly Peterson, 1230 15th St. S, La Crosse, WI 54601.

REMARKS Peterson: I am also a member of the E Helke Corporation and I agree with everything that Michelle has already said. If they are looking for something that they need for their storage, I am in support of the approval.

Appearing in favor: Steve Helke, W5504 E Helke Rd, La Crosse WI 54601.

REMARKS Helke: I also live across the road and am a member of the E Helke Corporation. I have no objections to this either.

Appearing in opposition: Ruth Groth, W5448 E Helke Rd, La Crosse, WI 54601.

REMARKS Groth: I am a neighbor to Michelle and Steve and live across the road from the subject property. The pole shed size is my concern. His past occupation is to drive semi, for years. He also did a salvage business at one time. I don't want to see a business or see large trucks parked there as well as possible junk or salvage. I don't know exactly where the driveway is going, but the house is going in the corner, across from mine. The stake is directly across from my driveway. If he would be doing large vehicles, he would be coming across his driveway and over to the pole shed.

QUESTION Eilertson: You live over here, ma'am?

ANSWER Groth: Yes, I live right across the road. I don't know if the driveway is straight across or at an angle, but all the trucks would go in front of my house. It is a quiet, nice neighborhood. There is a cul-de-sac with a culvert here. His driveway proposal has to be right across from me.

QUESTION Eilertson: Do you want these photos for the record?

ANSWER Sampson: If they are duplicates, I just need one.

REMARKS Groth: It is actually three different pictures.

REMARKS Sampson: I will need these for the record.

REMARKS Groth: I know that they are looking for a new house. They deserve a new house. I just think that this building is too big and I am worried about what it will be used for.

Correspondence: Received a phone call from Town Administrator, Jeff Brudos today who stated that the Town Board had recommended approval at a prior Town Board meeting. I also did receive a phone call in opposition earlier this morning, but we typically don't provide statements in opposition over the phone.

QUESTION Larsen: Was that from the Town of Shelby?

ANSWER Sampson: We typically don't do that or identify them if they do not attend the hearing.

Motion Larsen/Eilertson to deny.
2 Aye, 0 No. Motion carried unanimously.

Motion Larsen/Eilertson to adjourn at 7:13 p.m.
2 Aye, 0 No. Motion carried unanimously.