

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, July 18, 2011
Administrative Center – County Board Room
6:00 p.m. – 6:19 p.m.

MEMBERS PRESENT: Howard Raymer, Jr. (Chair), Dave Eilertson, Terry Larsen
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 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. 2011-27 Gordon L Powell, Jr., N207 H Werner Rd, Stoddard, WI 54658-9110. Permit denied to construct a 24-ft X 40-ft detached accessory building that will lie within the required 50-ft setback line from the right-of-way of H Werner Rd. The property is described as: Part of the NE-SE, Section 35 and part of the NW-SW, Section 36 in T15N, R7W. Tax parcel 11-2351-1. Property address: N207 H Werner Rd, Stoddard, WI 54658-9110. Town of Shelby.

Appearing in favor: Gordon L Powell, Jr., N207 H Werner Rd, Stoddard, WI 54658. Thank you for the opportunity to state my case tonight. I have owned the house there for six years, but have owned the property for 17 years for gardening, hunting, hiking, etc. I know the neighbors quite well and like the neighborhood. I was just married in May and we are trying to make this house and property work for our future plans. My wife's biggest objection is the lack of enclosed parking during the winter months. I need to park vehicles at the bottom of the driveway in case it snows. The driveway is steep enough that it is hard to navigate during winter weather. I have a 4 x 4 that can usually make it up or down, but it does get sketchy and a little scary, so it is easier to park at the bottom. Even my all-wheel drive Subaru cannot make it up that driveway at times with a light covering of snow. We would like an enclosed garage at the bottom. Also there is a flat area near the roadway, but it is all within the road setback. The area to the west is steeper, 35% grade or more. I would prefer to keep the excavation to a minimum. The further back I go...the more excavating that is needed. Also, behind there I have a prairie restoration site, about an acre worth. The building is proposed at 41 feet from centerline and that seems to be plenty of room for the recently widened road with the existing ditches and also leaves room to maneuver around the building. I do not believe that there can be future development in this valley. It is a dead end road. All of my neighbors have stated that they are not in objection to my appeal and I think that it will be a nicer appearance than to have my vehicles parked in the open along the road.

QUESTION Eilertson: What type of construction will that garage be?

ANSWER Powell: It is a steel building.

QUESTION Eilertson: Immediately after the setback is where the steep grades start?

ANSWER Powell: Yes.

QUESTION Eilertson: Where is your well and septic system located?

ANSWER Powell: On this side of the house.

QUESTION Larsen: If this is just for the parking of two vehicles, why is it 24-ft x 40-ft?

ANSWER Powell: I have a boat that is currently parked alongside the garage. I would like to move that inside. Also, room for a lawn tractor. I don't currently own a 4 wheeler, but would like one in the future.

QUESTION Larsen: I thought that it was just for parking cars in the winter.

ANSWER Powell: That is the extreme need.

QUESTION Larsen: Where will the drive-in be?

ANSWER Powell: It will come out the same entrance to the roadway.

QUESTION Raymer: So, you will come off the existing driveway with the entrance to this?

ANSWER Powell: Yes.

Appearing in opposition: None.

Correspondence: From the Town of Shelby, we have the board meeting minutes that were emailed and received on June 9, 2011. The Town Board met on May 23rd, 2011 and voted to recommend approval of this appeal.

Discussion:

REMARKS Eilertson: He really doesn't have any other choices.

Motion Eilertson/Larsen to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2011-28 David A & Maureen K Miller, W4469 Gills Coulee Rd, West Salem, WI 54669. Permit denied to retain three (3) previously constructed detached accessory buildings on a proposed 4.01 acre parcel resulting from a parcel split. The property is described as: Lot 6 of Certified Survey Map No. 68, Vol. 7, and the north 383-ft of the west 569-ft of the NW-NW in Section 32, T17N, R6W. Tax parcel 7-1120-1. The property is located at W4469 Gills Coulee Rd. Town of Hamilton.

Appearing in favor: David A Miller, W4469 Gills Coulee Rd, West Salem, WI 54669.

QUESTION Raymer: So, you parceled this off?

ANSWER Miller: Yes.

QUESTION Raymer: And the buildings are existing?

ANSWER Miller: Yes. Originally, 24 years ago, I purchased the 5 acres with those buildings. Now, the lot size is 4.48 and the difference is the 66 feet which will be used for the driveway. I have lived there for 24 years with these buildings.

QUESTION Larsen: My only comment would be...as these buildings which are over the 1500 square feet deteriorate, they should not be able to be replaced. In that way the lot would eventually come into compliance. Would that be a problem?

ANSWER Miller: I guess that, seeing one is a horse barn and the other is a garage, if I have horses and I have a garage, my understanding is that once this is through there wouldn't be a problem. I can't say that I don't have a problem with that, but I have lived there for 24 years and no one has had a problem. I guess I would ask why you would ask that?

REMARKS Larsen: Well, now your lot is around 4 acres in size and you exceed the allowable square footage for detached accessory buildings.

REMARKS Miller: I have lived there for 24 years and haven't had a problem. I am not questioning your judgment. The size of my outbuildings is not in any way, shape or form, a problem.

REMARKS Larsen: What I am getting at is, if your horse barn fell down, you shouldn't be allowed to rebuild it into a really nice horse barn because you are exceeding what is allowed.

REMARKS Miller: That is what I am here for. I will need a horse barn if I have horses.

QUESTION Larson: Do you have horses?

ANSWER Miller: Yes, I do. I've had them for 24 years.

QUESTION Larsen: Is the chicken coop currently used?

ANSWER Miller: No. Through the years, it has had many different uses.

REMARKS Larsen: There is a tree growing through it right now.

REMARKS Miller: There is. That building would be a financial hardship to move. We have tried in the past and the walls are the original dairy barn and they are huge. One of the reasons that I am doing what I am doing is due to a financial burden at this time. That has been used for many different things in the past. That particular building I would not have a problem with re-building.

REMARKS Larsen: I am not saying that any of the buildings would need to be removed. But, if it caved in, then...

REMARKS Miller: That building, if it caved in, I would have no problem just burying it on site.

QUESTION Raymer: For clarification, if we approve this and one of the buildings were destroyed, could he rebuild it?

ANSWER Sampson: To the area that is approved tonight and the same dimensions, yes.

REMARKS Miller: And that was my understanding after speaking with Jeff Bluske.

Appearing in opposition: None.

Correspondence: We received correspondence from the town when Mr. Miller proposed to change the conditions placed on his Ag. A zoning. We could ask Mr. Miller if he spoke with the town on the variance issue.

REMARKS Miller: I did go to the town and they were supposed to send you a letter. I went to a meeting on July 11 and they recommended approval.

QUESTION Raymer: So, you went to the township regarding this?

ANSWER Miller: I did and they did approve it.

Discussion:

REMARKS Eilertson: I don't have any concerns.

QUESTION Larsen: What if all three of them burned to the ground, could he put up one structure up to 3100 square feet?

ANSWER Sampson: He would be limited to the size and number limits that are approved.

QUESTION Raymer: What he asked was, if they all burned down, could he build 3110 square feet again.

ANSWER Sampson: My understanding of the state statute is that, if one of the buildings burned down or collapsed, it could be rebuilt to the same dimensions but it can't be voluntarily removed and replaced. As for the maintenance of those buildings, he can now do that as they would no longer be considered non-conforming.

Motion Larsen/Eilertson to approve.

3 Aye, 0 No. Motion carried unanimously.

Motion Eilertson/Larsen to adjourn at 6:19 p.m.

3 Aye, 0 No. Motion carried unanimously.