

BOARD OF ADJUSTMENT PUBLIC HEARING



Monday, October 14, 2019

La Crosse County Administrative Center – Basement Auditorium – Room 0430

6:00 p.m. – 6:34 p.m.

MEMBERS PRESENT: Howard Raymer, David Eilertson, Larry Warzynski
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Scott Custer (Reader/Minutes)

CALL TO ORDER

Howard Raymer, 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 the Wisconsin Open Meetings Law.

APPEAL NO. 2019-31 Alex Parcher, d/b/a Broadway Properties, LLC, W7765 Parcher Ct, Holmen, WI, 54636, permit denied for a change in use of two existing detached accessory buildings from agricultural to commercial use where a 60-ft x 120-ft shed would not meet the required 25-ft rear yard setback and a 30-ft x 40-ft shed would not meet the required 25-ft side yard setback. Property described as Lot 1 of Certified Survey Map No. 87 in Vol. 13. Tax parcel 8-960-2. Property address N8827 US Highway 53. Town of Holland.

Appearing in Favor: Alex Parcher, W7765 Parcher Ct, Holmen, WI, 54636. Alex stated he went before the County Zoning Board to get the property rezoned to commercial and that process was put on hold until March or April, but still needed to go through with the variance. He explained the buildings were already existing and the change in use would change the required setbacks.

Question Eilertson: What kind of commercial use do you intend for the buildings?

Answer Parcher: Hopefully storage units. Maybe lot off six and keep some for myself.

Question Eilertson: You would rent out space?

Answer Parcher: Yes.

Question Raymer: Your campground is by this property?

Answer Thompson: Yes. North.

Comment Eilertson: What concerns us is if the State comes and needs to acquire right of way, and would need to purchase some of your property. The tax payers have to buy that building from you. We will see if they have anything to say about it.

Comment Raymer: The other thing I would recommend, if there is no objection from the D.O.T., is that approval be contingent on getting the property rezoned.

Appearing in Opposition: Mary Thompson, N1606 Meadow Ridge Rd, La Crosse, WI, 54601. She stated she owned the land surrounding the buildings. Mary indicated she was concerned about trespassing, there was already issues with that out there, and this could lead to more issues. She said she had also had problems with people littering on the property. Mary explained the Town said her property could be used for large lot residential use and she was concerned that this would affect that. She said her and Alex share a common driveway. Mary indicated she was also concerned with increased traffic, items that may be stored in the buildings, run-off on the erodible soils, and how the buildings would look.

Comment Raymer: I think these concerns would go to the Zoning Committee. We are only here because the buildings won't meet the setbacks.

Correspondence: One piece of correspondence.

1. Meeting minutes from the October 9, 2019, Town Board meeting for the Town of Holland, prepared by Town Clerk Marilyn Pedretti. The Town Board approved the variance request unanimously.

Discussion: The Board discussed that they saw no issue with the appeal as the D.O.T. had no objections and the concerns Mary Thompson had should be addressed at the Planning, Resources, and Development Committee meeting. Raymer recommended approval be contingent on the rezone being approved as well.

MOTION by Eilertson/Warzynski to Approve the change in use of two existing detached accessory buildings from agricultural to commercial use where a 60-ft x 120-ft shed would not meet the required 25-ft rear yard setback and a 30-ft x 40-ft shed would not meet the required 25-ft side yard setback, with the condition the property be rezoned to the commercial zoning district.

3 Aye, 0 No Motion carried

APPEAL NO. 2019-32 Sarah E Fortune, attn: SEF, Hale Skemp Law Firm, 505 King St, Ste 300, La Crosse, WI, 54601, acting o/b/o Russell A and Polly D Fortune, N1936 County Rd OA, La Crosse, WI, 54601, appeals to retain three detached accessory buildings totaling 15,495 sq. ft. on a proposed 5.08 acre lot, exceeding the area limits and one of which will exceed the height limit for such buildings on said lot. Appeal No. 9768 authorized construction of a 66-ft x 120-ft barn 26-ft in height on a 25.82-acre lot on November 17, 1997. Property described as a 5.08-acre lot depicted on a proposed plat of survey prepared by Coulee Region Land Surveyors, LLC, being part of the SW/NW and NW/SW of Section 9, T15N, R6W. Part of tax parcel 6-171-0 and tax parcel 6-175-0. Property address N1936 County Rd OA. Town of Greenfield.

Appearing in Favor: Sarah E Fortune, 505 King St, Ste 300, La Crosse, WI, 54601. Sarah stated she was here on behalf of her parents who own the property. She said that her parents own a couple parcels and the smaller building is on one parcel and the two larger buildings are on another parcel. Sarah said the proposed lot configuration would bring all the buildings on one parcel with the same zoning. She explained the use of the buildings would not change. Sarah said it is currently being used as an equestrian riding arena and it will continue to be used as that.

Question Eilertson: Would you help me understand the hardship?

Answer Fortune: Sure, we have an existing variance on this parcel. We are not proposing any change other than bringing the buildings on the same parcel. The original variance was granted in 1997 and we met all the requirements from that.

Comment Eilertson: I am still having a hard time understanding the hardship.

Comment Fortune: I can try and explain the genesis of this. My brother is building on a neighboring parcel and the I am building a house on my parent's parcel. I needed a variance to parcel off and build a house. This seems like the cleaner option.

Comment Raymer: I think what Dave is getting at, it the previous variance was approved on a bigger parcel and now you are asking us to put that variance on an even smaller parcel. If it was too big for that parcel then, it is way too big for this parcel now. The variance was granted for a much bigger parcel.

Comment Eilertson: I would have a much different opinion if that first variance wasn't granted. It looks like the hardship is being created by what you want to do, not the zoning regulation. We have variance standards we have to abide by. Self-imposed hardships, we can't approve under those conditions.

Comment Raymer: Hardships can be because of the way the property lays or a zoning restriction. But, as Dave said, you want to make this other parcel available for something else you want to do, and get those buildings off on their own parcel. The variance was granted for the size the property was.

Question Raymer: Just so I understand, you want to put the new house on the larger parcel with the existing house?

Answer Fortune: yes, two on the larger parcel.

Comment Fortune: There is no combination of the parcels that wouldn't require a variance and make the buildings suitable. Even the smaller two buildings, if we built them now, would require a variance because of the character of the property. It has been split off over the years. The property can't be used as an equestrian facility without those buildings.

Question Eilertson: Can she build this house without the variance?

Answer Custer: If she wants to build a house on the bigger parcel, the new house will have to be on a separate parcel. She would be further subdividing, so yes, a variance would be required.

Question Fortune: What if we put a deed restriction on the two parcels saying they had to be sold together?

Answer Raymer: I am not an attorney and that isn't really what the variance is asking for. Its asking for the building to be on the smaller parcel.

Appearing in Opposition: None

Correspondence: One piece of correspondence.

1. Draft meeting meetings from the October 9, 2019, Town Board meeting for the Town of Greenfield, prepared by Town Clerk Stacy Burns. The Town Board approved the variance request 3-0.

Question Raymer: I don't really think the Board can place any deed restrictions on the parcel?

Answer Custer: The Board is really just acting on what was proposed, the three buildings on the 5.08 acre parcel. The proposed parcel was part of a Town wide map amendment and there is a condition within that approval that says the parcel can't be further subdivided and would be recorded in a deed restriction.

Discussion: The Board discussed and felt that no hardship was demonstrated by the applicant. The Board indicated that the variance request was self-imposed.

MOTION by Eilertson/Warzynski to Deny the appeal to retain three detached accessory buildings totaling 15,495 sq. ft. on a proposed 5.08 acre lot, exceeding the area limits and one of which will exceed the height limit for such buildings on said lot. Appeal No. 9768 authorized construction of a 66-ft x 120-ft barn 26-ft in height on a 25.82-acre lot on November 17, 1997. Property described as a 5.08-acre lot depicted on a proposed plat of survey prepared by Coulee Region Land Surveyors, LLC

3 Aye, 0 No. Motion carried unanimously.

MOTION by Eilertson/Warzynski to Adjourn (6:34 pm).

3 Aye, 0 No. Motion carried unanimously.

Accepted 10/28/19