

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, July 16, 2012
Administrative Center – County Board Room
6:00 p.m. – 7:10 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., Dave Eilertson, Mark Huesmann
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Chad Vandenlangenberg, Jonathan Kaatz (minutes)

CALL TO ORDER

Howard Raymer, Jr., 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. 2012-34 Tom Whitney, 3638 E Blackhawk Dr, Milton, WI 53563, acting on behalf of Diversified Investment Services LLC, 1285 High St, Suite B, Auburn, CA 95603-5066, doing business as Neshonoc Lakeside Campground, N5334 Neshonoc Rd, West Salem, WI 54669, appeals to the Board of Adjustment to retain an existing 22.4-ft x 36.5-ft cabin that lies within the required 50-ft setback from the right-of-way of State Road 16 and to retain an existing 8-ft x 8-ft check-in booth that lies within the required 25-ft setback from the right-of-way of Neshonoc Road. Property is described as part of the SW/SE and part of the SE/SE, Section 26, T17N, R6W and part of Government Lot 1, Section 35, T17N, R6W, Town of Hamilton. Tax parcel is 7-968-0. Property address is N5334 Neshonoc Rd.

Appearing in favor: Tom Whitney, 3638 E Blackhawk Dr, Milton, WI 53563.

Mr. Whitney stated an ALTA survey was done and that's when it was discovered that the two structures lie within the required setbacks. Mr. Whitney stated the guard shack is located at a dead end road, three other residences use the road and the road is primarily for campground use. Mr. Whitney stated the guard shack is used to check campers in and out of the campground and it has electricity to it and is mounted on a cement pad. Mr. Whitney stated the cabin is also a permanent structure that has water, electric, and sewer going to it and is a rental. Mr. Whitney guessed that the cabin has been there since 2006 and did not have any idea how long the guard shack has been there. Mr. Whitney stated Diversified owned the campground when the cabin was built. Mr. Vandenlangenberg stated a permit was issued for the cabin and aerial photos show the guard shack has been there for quite some time. Mr. Raymer stated the guard shack has been there a long time. Mr. Vandenlangenberg stated the guard shack may have been there prior to Neshonoc Road becoming a town road.

Appearing in opposition: Steven Rice, 1304 S Cherry Ln, Holmen, WI 54636.

Mr. Rice stated his wife and her three sisters own the cottage next to the campground. Mr. Rice stated the white brick building located on the property was the check in building for the first 25 years or so. Mr. Rice stated he did not know the exact date the guard shack was built. Mr. Rice stated he is against the guard shack location because he has to wait in line like he's a camper to get to the driveway access for the cottage next to the campground. Mr. Rice stated the access is a private drive. Mr. Huesmann asked if the appeal for the guard shack is denied and it is moved back to meet the setback, will it solve Mr. Rice's problem. Mr. Rice stated he hopes common sense comes out of this meeting regarding the traffic flow. Mr. Vandenlangenberg referred to the ALTA survey provided by the applicant and stated the ALTA survey shows an easement to allow for access.

Appearing in opposition: Kenneth W Schroeder, 2601 Main St, La Crosse, WI 54601.

Mr. Schroeder stated he owns one of the three parcels along the lake and is the one located furthest south. Mr. Schroeder stated he has the same concerns as Mr. Rice. Mr. Schroeder stated he is also concerned with safety near the guard shack. Mr. Schroeder stated property owners should be able to come and go and not have to deal with campground traffic. Mr. Schroeder informed the Board of previous surveys. Mr. Vandenlangenberg stated any concerns with surveys would be a civil matter between the land owners.

Correspondence: 1) Phone call received from Wisconsin Department of Transportation on July 11, 2012 indicating the DOT has no objections or authority to object to the appeal.

2) Letter from Sara Schultz, Town of Hamilton Clerk, dated July 5, 2012. Letter states the Town of Hamilton Board approved the appeal on June 12, 2012.

Discussion: Mr. Raymer stated no matter where the guard shack is placed, it is going to create a bottleneck. Mr. Eilertson stated moving the guard shack will not solve the problem.

Motion Huesmann/Eilertson to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-35 Richard W & Linda L Rhode, 3203 Farnam St, La Crosse, WI 54601. Permit denied to construct a 9-ft x 9-ft addition to an existing single family home that will lie within the required 60-ft setback from the centerline of Old Vineyard Rd. Property is described as part of the SW/SW, Section 3, T15N, R7W, Town of Shelby. Tax parcel is 11-370-2. Property address is 3203 Farnam St.

Appearing in favor: Richard Rhode, 3203 Farnam St, La Crosse, WI 54601.

Mr. Rhode stated the addition is going to be an entrance into the current house to make it easier to get in and out. Mr. Rhode stated there was a variance in 1977 for the existing house. Mr. Rhode stated he now owns the parcel behind him. Mr. Rhode said the addition will be enclosed with windows, a door and some steps.

Appearing in opposition: None.

Correspondence: Town of Shelby Board Meeting Minutes dated June 25, 2012 submitted by Cathy Onsager, Clerk. Minutes state that the motion carried to recommended approval for the proposed entryway.

Discussion: Mr. Rhode talked about his current address. Mr. Huesmann pointed out the uniqueness of the lot.

Motion Eilertson/Huesmann to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-36 Anton W & Kathleen E Weiss, W7772 County Road ZB, Onalaska, WI 54650. Permit denied to construct a 24-ft x 24-ft addition to an existing 1,104 square foot detached accessory garage that will further exceed the 750 square foot area limit and will lie within the required 80-ft setback from the centerline of County Road ZB. Property is described as Lot 1 of Certified Survey Map, Volume 6, Page 17, Town of Onalaska. Tax parcel is 10-2149-2. Property address is W7772 County Road ZB.

Appearing in favor: Anton W Weiss, W7772 County Road ZB, Onalaska, WI 54650.

Mr. Weiss stated he currently has a three car garage. Mr. Weiss stated the garage attached to the house is 12 x 24 and is used for a storage area. Mr. Weiss explained it is 12 feet deep due to prior remodeling of the house. Mr. Weiss stated the reason for the proposed addition is for storing classic cars, equipment, trailers and other stuff. Mr. Weiss stated the proposed location is the only feasible location and explained reasons for proposed location. Mr. Weiss submitted pictures of the property and explained the pictures to the Board. Mr. Weiss stated this would be the best location to build and store stuff. Mr. Eilertson stated not having a five car garage is not a justifiable hardship. Mr. Weiss agreed with that but would save him money. Mr. Weiss stated the neighbors he has talked to have no objections. Mr. Raymer stated the current garage is over the area currently allowed, the proposed addition to the existing garage will result in more than double the area that is allowed and the addition will be almost completely within the required setback. Mr. Vandenlangenberg explained a permit was issued for the existing detached accessory garage and a different way of computing maximum area used when the permit was issued. Mr. Vandenlangenberg stated a condition of that permit was that the existing accessory building be removed. Mr. Weiss stated the shed was sold before the permitted garage was built. Mr. Vandenlangenberg stated the current garage is code compliant.

Appearing in favor: Kathleen E Weiss, W7772 County Road ZB, Onalaska, WI 54650.

Ms. Weiss stated they like to keep a neat place and with the garage they can continue to keep a neat place. Ms. Weiss stated she knows it's not a hardship, but would look nice this way.

Appearing in opposition: None.

Correspondence: 1) Email from Ronald Chamberlain, Highway Commissioner, dated July 12, 2012. Email states the Highway Department has no objections to the proposed addition.

2) Email from Melissa Erdman, Town Clerk/Secretary, dated July 16, 2012. Email states the town is concerned with the setbacks being closer than the neighbors and the square footage.

Remark: Mr. Vandenlangenberg stated he spoke with Melissa Erdman and that the town did not take any formal action on this appeal. Mr. Vandenlangenberg stated the town was looking for deferral. Mr. Vandenlangenberg stated he was unsure if any formal action was taken. Mr. Vandenlangenberg stated the public notice had already been published and it couldn't be held over.

Discussion: Mr. Huesmann stated that it looks like the proposed addition will be in line with the other existing houses along that road. Mr. Huesmann stated there is room elsewhere for the addition. Mr. Raymer stated they would be approving something where the entire addition is within the setback. Mr. Raymer stated the houses probably existed before the ordinance. Mr. Huesmann stated there may be room in the back. Mr. Raymer stated the two issues are to allow the addition within the setback and the square footage. Mr. Huesmann suggested conditionally approving the appeal with the condition the addition has to meet the setback. Mr. Raymer stated they could approve the square footage but not approve the addition in the setback. Mr. Vandenlangenberg stated a new proposal would require a new appeal and that the Board needs to act on what was published.

Motion Huesmann/Eilertson to deny.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-37 Randy L & Barbara J Hanson Joint Revocable Trust, N8283 Hall Rd, Holmen, WI 54636, acting on behalf of Wilmer C & Doris E Hanson, W5624 County Road D, Holmen, WI 54636, appeals to the Board of Adjustment to create a 1.32 acre parcel with an existing 42-ft x 72-ft detached accessory building located on it, that when combined with an existing 6.43 acre parcel with existing 30-ft x 36-ft and 42-ft x 70-ft detached accessory buildings located on it will further exceed the 1,500 square foot area limit allowed on 7.75 acres. Property is described as Lot 1 of Certified Survey Map, Volume 4, Page 164 and part of the NE/SW, Section 23, T18N, R7W, Town of Farmington. Tax parcel is 5-1556-2 and part of 5-1556-0. Property address is N8283 Hall Rd.

Appearing in favor: Barbara J Hanson, N8283 Hall Rd, Holmen, WI 54636.

Ms. Hanson requested the variance be approved. Ms. Hanson explained the layout of the existing lot and proposed lot. Mr. Vandenlangenberg asked for further explanation regarding the appellant acquiring additional acreage. Ms. Hanson stated the acreage is to the west and is not adjacent to the land they currently own. Mr. Vandenlangenberg asked what the buildings are being used for and what the proposed uses are. Ms. Hanson stated the building on the proposed 1.32 acre lot will be for non-agricultural storage. Ms. Hanson stated the buildings on the existing 6.43 acre lot are a welding shop and a detached garage. Mr. Vandenlangenberg informed Ms. Hanson that if the variance is approved, a change of use permit will be required. Ms. Hanson stated they would like one tax bill if the variance is approved.

Appearing in opposition: None.

Correspondence: 1) Town of Farmington Plan Commission Minutes dated June 19, 2012 and received on June 20, 2012. Minutes state a motion was made to recommend approval.

2) Email from Betty Sacia, Clerk, sent July 9, 2012. Email states the Plan Commission approved the variance.

Discussion: Mr. Eilertson stated he didn't have any problems with the appeal.

Motion Eilertson/Huesmann to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-38 Douglas E & Lettia Luann Flahaut, N3280 County Road J, Rockland, WI 54653. Permit denied to construct a 580 square foot addition and 26-ft x 28-ft attached garage to an existing single family home that will lie within the required 50-ft setback from the right-of-way of County Road J. Property is described as part of the NW/NW, Section 25, T16N, R5W, Town of Bangor. Tax parcel is 1-465-0. Property address is N3280 County Road J.

Appearing in favor: Douglas Flahaut, N3280 County Road J, Rockland, WI 54653.

Mr. Raymer asked if the proposed addition could be slid back to meet the required setback. Mr. Flahaut explained the current house and need for an addition. Mr. Flahaut stated because of the slopes and existing water line, a portion of the proposed addition will have to lie within the required setback. Mr. Flahaut stated because of the slopes and driveway access it would not work to build an addition on the north side of the existing residence. Mr. Eilertson asked Mr. Flahaut to explain the Flying Saucer currently located on the parcel. Mr. Flahaut explained the history and design of the Flying Saucer.

Appearing in opposition: None.

Correspondence: Phone call from Ken Manke, Town Chairman, received on July 16, 2012. Mr. Manke indicated the Town Board will meet tonight (July 16) and felt the Town Board would probably not have any objections.

Discussion: Mr. Eilertson stated Mr. Flahaut clearly has a hardship. Mr. Huesmann agreed.

Motion Eilertson/Huesmann to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-39 Mark A Etrheim acting on behalf of Dawson Park LLC, 1821 Acorn Ct, Onalaska, WI 54650. Permit denied to retain an existing bridge and existing retaining walls that lie within the required 75-ft setback from the ordinary high-water mark of Richmond Bay. Property is described as the Common Element of Dawson Park Condominium, Town of Campbell.

Discussion: The Board said they would wait until the end of the public hearing to see if anyone will show to speak in favor of Appeal No. 2012-39.

APPEAL NO. 2012-40 Paul A & Dawn L Hoff, N8174 County Road C, Mindoro, WI 54644. Permit denied to construct a 5.5-ft x 24-ft addition to an existing 24-ft x 30.5-ft detached accessory building that together with existing 40-ft x 45-ft and 20-ft x 50-ft detached accessory buildings will exceed the 1,000 square foot area limit allowed on a 2.43 acre parcel. Property is described as part of the SW/SW, Section 24, T18N, R6W, Town of Farmington. Tax parcel is 5-1082-1. Property address is N8174 County Road C.

Appearing in favor: Paul A Hoff, N8174 County Road C, Mindoro, WI 54644.

Mr. Hoff stated the property he owns was part of an 80 acre farm. Mr. Hoff stated the buildings that are there currently were on the property plus one more. Mr. Hoff stated he received a variance for the existing 40 x 45 building. Mr. Hoff stated he tore down an existing building and replaced it with the 40 x 45 building. Mr. Hoff stated they have lived on the property for 32 plus years and his wife has always wanted a different garage. Mr. Hoff said the current garage needs to be repaired and the 5.5 feet addition would allow him to have three overhead garage doors. Mr. Hoff said he will keep the wall towards the highway and the wall towards the house.

Appearing in opposition: None.

Correspondence: 1) Town of Farmington Plan Commission Minutes dated June 19, 2012 and received on June 20, 2012. Minutes state a motion was made to recommend approval.
2) Email from Betty Sacia, Clerk, sent July 9, 2012. Email states both the Plan Commission and Town Board approved the variance.

Discussion: Mr. Raymer said the addition and repairs will be an improvement from the old garage.

Motion Huesmann/Eilertson to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-41 Addis Law Office, 504 Main St, Suite 200, La Crosse, WI 54601, acting on behalf of Park Bank, 700 State St, La Crosse, WI 54601, appeals to the Board of Adjustment to create a 12.51 acre lot with three detached accessory buildings that exceeds the 5,000 square foot area limit for a 12.51 acre lot. Property is described as part of the SE/NE and part of the NE/SE, Section 6, T15N, R6W, Town of Shelby, AND part of the SW/NW and part of the NW/SW, Section 5, T15N, R6W, Town of Greenfield. Part of tax parcels 11-5-1 and 6-124-2. Property address is W4444 County Road FO.

Appearing in favor: Phil Addis, 504 Main St, Suite 200, La Crosse, WI 54601.
Mr. Addis stated this was a pre-existing problem. Mr. Addis stated a variance should have been applied for when the first Certified Survey Map was done. Mr. Addis stated Park Bank is the current owner. Mr. Addis stated he has no idea why the variance wasn't requested previously and is now requesting a variance in order to bring the proposed parcel into compliance. Mr. Vandenlangenberg explained the original owner was considered a farm and when they sold the lot with the buildings on it, it was no longer considered a farm and a variance should have been applied for at that time. Mr. Huesmann stated the variance would just legalize what is already there. Mr. Addis stated there is buyer for the property.

Appearing in opposition: None.

Correspondence: A letter from Phil Addis dated July 12, 2012. Enclosed with the letter submitted by Mr. Addis are two letters that recommend approval. One letter recommending approval is signed by Jeff Brudos, Town of Shelby Administrator, and the other letter is signed by Steve Mader, Town of Greenfield Chairman.

Discussion: Mr. Eilertson said that Phil's letter clearly demonstrates the hardship.

Motion Eilertson/Huesmann to approve.
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-39 Mark A Etrheim acting on behalf of Dawson Park LLC, 1821 Acorn Ct, Onalaska, WI 54650. Permit denied to retain an existing bridge and existing retaining walls that lie within the required 75-ft setback from the ordinary high-water mark of Richmond Bay. Property is described as the Common Element of Dawson Park Condominium, Town of Campbell.

Appearing in favor: None.

Appearing in opposition: None.

Correspondence: None.

Discussion: Chad Vandenlangenberg explained to the Board that someone needs to appear in favor of the appeal. The Board discussed holding the appeal over until the next public hearing.

Motion Raymer/Huesmann to hold over.
3 Aye, 0 No. Motion carried unanimously.

Motion Raymer/Huesmann to adjourn at 7:10 pm.
3 Aye, 0 No. Motion carried unanimously.