

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, February 15, 2010
Administrative Center – County Board Room
7:00 p.m. – 7:53 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., George Hammes, Terry Houlihan
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Mike Weibel, Nathan Sampson (minutes)

CALL TO ORDER

Howard Raymer, Jr., Committee Chair, called the meeting to order at 7:00 p.m. Let the record show that this meeting is called in full compliance with the requirements of Wisconsin Open Meetings Law.

APPEAL NO. 2010-03 Alton & Kelly Manske, PO Box 173, Mindoro, WI 54644. Permit denied to construct a 30-ft X 50-ft addition to an existing 30-ft X 52-ft detached accessory building that in combination with the existing building exceeds the 1000 sq ft area limits and the maximum 15-ft height limit for said buildings on this 2.118 acre lot. The property is described as: Lot 9 of Certified Survey Map No. 55 in Volume 11. The property is located at W2391 Arnold Rd. Town of Farmington.

Appearing in favor: Kelly Manske, W2379 Arnold rd, Melrose, WI. I'm Alton's wife; he is on the road.

QUESTION Raymer: You live next door to this property?

ANSWER Manske: Yes – adjacent. I have something that was e-mailed to us by Roxanne Storandt. Town of Farmington Planning commission. I think it was e-mailed.

REMARK Weibel: Yes – we have it. I'll be reading it into the record.

REPLY Manske: This is for my husband's semi tractor and his office – a small business office he wants to put in.

QUESTION Raymer: The existing 30-ft X 50-ft building exceeds the limit by 500 sq. ft. now – is that correct Mike?

ANSWER Weibel: The 30-ft X 52-ft? Yes.

REMARK Raymer: That exceeds it by 560 (feet) now. And you're proposing another 30-ft X 50-ft – that exceeds it (limit) by 1,500 sq. ft. more.

REMARK Weibel: We should note for the record the 30-ft X 52-ft building was constructed in 2001 – at that time the parcel was larger than it is now. It was one parcel of 11+ acres. The existing building was constructed before it was subdivided.

QUESTION Raymer: You live adjacent to this land. How much land is that?

ANSWER Manske: A little over 2 acres; total, a little over 4 acres.

REMARK Raymer: What we have to decide – you're over by what's allowed by over 500 sq. ft. and you want to double that based on your needs. But the ordinance doesn't allow that unless you have a minimum of 10 acres. That's what we need to look at. You're over height, is that right Mike?

ANSWER Weibel: A 16-ft sidewall is proposed, when you add that to ½ the height from the top of the wall to the peak, you come to 18½-ft.

QUESTION Raymer: So that too is over (the) 15-ft (height limit).

ANSWER Weibel: Yes, a 15-ft height limit.

REMARK Raymer: Any other questions?

QUESTION Weibel: Mr. Chairman, could I ask a question? What is the 30-ft X 52-ft building used for?

ANSWER Manske: It has a shop, his pickup, motorcycle, an old classic pickup, his tools....

REMARK Weibel: Mostly residential use now

REPLY Manske: Yes

QUESTION Houlihan: That building isn't high enough to pull in a truck?

ANSWER Manske: No.

No one else appearing in favor.

Appearing in Opposition: John S Watts, W2365 Arnold Rd, Melrose, WI. I have a statement I'd like to read into the record.

"We moved to this location last August primarily to get away from a similar situation that is now arising due to this zoning request. We barely got a chance to enjoy the peace, solitude and beauty that this area has to offer before we are being forced to deal with it all over again.

It is not our intent to limit the ability of the Manske's to conduct business or to deny reasonable use but simply to make the board aware that the area is currently zoned Agricultural A with several residences and not Business and to preserve my own property value and rights which I believe would be affected if this zoning change were to be allowed.

Our main concern, since we don't know the extent of his business, how many units he currently owns and operates or plans to in the future, is that the property may eventually be used to store more than one tractor and/or trailer, thus becoming an eyesore that would have a substantial and measurable impact on our property values all along Arnold Rd., case in point, La Crosse Refrigeration on CTY SS in Onalaska which I personally believe to be eyesore along a rather pleasant stretch of interstate highway.

We are also concerned that it may also become a repair facility and without proper environmental scrutiny and licensure this activity may damage our water, pollute the air with diesel exhaust and affect the sound levels in the immediate area. I would like to state that until recently, he had been very good about parking his vehicles facing away from surrounding residences when he was running the refer unit and tractor but it still distracted from the serenity of the area.

Arnold Rd. wasn't built to withstand the weight of fully loaded tractor-trailers and it may fall into disrepair in short order without adequate and routine maintenance. Since Arnold Rd. straddles both Jackson and La Crosse counties the maintenance responsibilities may become an issue of being on the wrong side of the line when requesting road maintenance from either county.

In addition there are four children under the age of eight and six others above that age and the residents that routinely use the roadway for biking, walking and playing and the increase in traffic would affect these neighborhood activities.

There are seven homes located on Arnold Rd. and as many as three to six others along State Highway 108 that could be affected by this zoning change and may have many of the same concerns that I have stated above."

No one else appearing in opposition.

Correspondence – Weibel: A letter from Roxanne Storandt, Secretary for the Town of Farmington Planning Commission received 2/10/10 in support of Appeal 2010-03 was read into the record.

QUESTION Hammes: Would his trucking business need a Conditional Use Permit also?

ANSWER Weibel: That's something we'd talk to Mr. Manske about later. Right now the issue is the size of the building, not the use of the property. But yes, that is something we'll consider.

QUESTION Raymer: So, if the building was allowed to be built, as proposed, they still wouldn't be able to use it for that semi without a Conditional Use Permit (CUP)?

ANSWER Weibel: You'd probably be looking at a CUP to operate the business. To address the concerns that were brought up, there are conditions placed on these permits – number of vehicles, number of employees – those are things that might be addressed at a Conditional Use public hearing.

QUESTION Watts: Would we be invited to that?

ANSWER Weibel: Yes. Property owners within 300-ft of the perimeter of that property would receive a notice.

QUESTION Watts: Being on the County line, do people in Jackson County have a say in this?

ANSWER Weibel: Just persons in La Crosse County.

QUESTION Watts: Even though they're in the 300-ft radius?

ANSWER Weibel: Our zoning ordinance – we only have jurisdiction within the County borders.

QUESTION Watts: Can they speak through us – on their behalf?

ANSWER Weibel: They can come to the public hearing – I don't have a way to notify them.

QUESTION Watts: If I invited them they could attend and it would be entered into the record?

ANSWER Weibel: Yes.

REMARK Raymer: Regardless of the use, we as a board need to consider a building that is basically 3 times bigger than allowed. Even if they combine their adjacent lot, they're still only 4 acres or less than half of the 10 acres they need for that building.

REMARK Hammes: They could put another building of 1,000 sq. ft. on the other lot.

REPLY Raymer: On the lot where their house is.

REMARK Hammes: And then we're talking height – they need a variance for that, too.

REMARK Raymer: I wonder if we're putting the cart ahead of the horse. If we allow the building, they need to go through the CUP process to use it – should we have allowed the building in the first place. Or should they get the CUP first so they can use it for what they want. If we allow a building 3 times of what our ordinance allows, what's next? They're not putting this up for any other purpose.

REMARK Houlihan: And there's no hardship here.

QUESTION Raymer: Mike – when they put that building up, in 2001, that lot was twice as big as it is, and that 1,560 (sq.ft.) as allowed without a variance.

ANSWER Weibel: At that time we sized buildings based on lot frontage. I looked at that this afternoon – the limit based on the parcel size at that time was over 5,000 square feet that would have been authorized.

QUESTION Raymer: The lot was split before the Manske's bought it? Dana Berg and Paul Sacia owned it when the permit was issued.

ANSWER Weibel: I think it was split before the Manske's bought it.

REMARK Raymer: Even if they put the two properties back together they don't have enough, but George made a good point. They could put a 1,000 sq. ft. building on the other lot.

REPLY Hammes: Except for the height

REMARK Weibel: (Refers to screen) That's the resulting 4 lots from that split of what was "lot 4."

REMARK Raymer: So it wasn't just this lot split in half.

REMARK Weibel: The top and bottom dimensions averages 737 or so. According to our old ordinance, that would allow them well over 5,000 square feet before the amendment.

QUESTION Raymer: That was based on the width of the rear lot?

ANSWER Weibel: Yes.

Motion Houlihan/Hammes to deny.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-04 Richard Wilson on behalf of Verdel & Carol Dawson, 1301 State St, La Crosse, WI 54601. Permit denied to construct a 19-ft X 24-ft addition to an existing attached garage that will lie

within the required 30-ft building setback from the right-of-way of Youngdale Ave. The property is described as: The west 100-ft of Lot 1, Blk 1, Richmond Addition. The property is located at 720 Breezy Point Rd. Town of Campbell.

Appearing in favor: Richard Wilson, 1301 State St., La Crosse, WI. Verdel Dawson is the owner, I'm looking to buy the house. It's contingent on being able to build a garage for my boat, snow blower. Existing garage is two car; not enough room for 2 cars, a snow blower, lawn mower. I have both of those – I have a boat and love to fish – I have a choice of doing that or something like this on the outside of the house. I could put a shed up or put the boat outside on the grass and I don't want to do that. The garage sight now is set 3-ft into the 60-ft area from the highway to the garage. I'm proposing a 19-ft addition which will still be 8-ft from the property line – 5-ft inside the lilac bushes. And it's 3-ft from that point to the other side of the lilac bushes where the property line is. That's why I'm proposing this. My wife and I have lived in the college area all the years and I'm tired of it. It's gotten worse after they put up that other medical building. We live on the bus route now and it's gotten to be too much. I want to put my boat in the garage and I can't even do it anymore.

QUESTION Raymer: So you couldn't go to the north because you'd have the same problem.

ANSWER Wilson: No. It's a corner lot. The neighbors said if I didn't remove the lilacs, they didn't care. I'll answer any questions you might have. I want to match the garage that's there now, the best I can. I have a construction person giving me estimates.

No one else appearing in favor.

Appearing in opposition: David L. Ford, 2934 Youngdale Ave., La Crosse, WI. I don't have an objection to Mr. Wilson's moving to a nice neighborhood or having a place to store his boat. I live in the Town of Campbell – there's been a lot of people asking for variances to County Zoning Ordinances. The County Zoning Ordinances were developed to protect property and the aesthetic properties we see. When Mr. Wilson came to see if I objected, I told him I wouldn't. I did tell him I thought he was making a mistake asking for this variance – I didn't think it was right. I wish him luck and hope you guys make the right decision. A lot of decisions in the Town of Campbell are motivated by political reasoning. I hope cooler heads prevail and recognize that these Zoning Ordinances are designed for a reason. Thanks a lot. Do you have any questions for me?

REMARK Houlihan: You say you're not actually against this? You're against the idea that...

REPLY Ford: If he were asking to put on an addition that didn't have a setback problem. I wouldn't object at all. He's asking to go out to the street. When you walk around the corner of the street and look down the street, the front of every house is in the same position. This thing will stick out into the view. It will change that. Will it set a precedent so someone else says I want this kind of appeal – you got one so why can't I? It weakens the law that provides for these setbacks. Because I originally told him I wouldn't object, I'm kind of bound to that, but I've had time to reflect on it. I think it opens a Pandora's Box. Once you start allowing changes in the setbacks the values of adjacent properties could be lowered.

No one else appearing in opposition.

QUESTION Raymer: Richard – did you have something you wanted to say?

ANSWER Wilson: He originally signed the paper I went around with – I asked if he had a reason not to sign it – no – help yourself.

QUESTION Raymer: You have that on file?

ANSWER Weibel: Yes.

REMARK Wilson: I talked to him a considerable amount of time, told him what I wanted to do and he had no objection to it at the time. If he'd said no then, I wouldn't have pursued it. I'd waste a lot of time and money on this if he'd said yes the first time.

REMARK Raymer: We understand your position – you don't want to buy the property unless you know it's going to be granted or not.

REMARK Wilson: As far as it being an eyesore, I don't think it's going to be, because the lilac bushes hide it. Unless I cut the lilac bushes down you won't even see it.

Correspondence – Weibel: A letter dated 1/6/10 to Richard Wilson from Verdel and Carol L. Dawson authorizing Mr. Wilson to apply for a variance on their behalf. A letter dated 1/13/10 from the Town of Campbell read into the record stating the Town Board had no objections to the appeal.

QUESTION Weibel: This (Letter from the Town of Campbell) says 21-ft X 24-ft, is it 19(feet)?

ANSWER Wilson: I dropped it back to 19 (feet) – there's a 1-ft overhang. It would be better to have 5-ft of grass between the lilacs and garage.

Correspondence – Weibel (cont): A copy of the "petition Mr. Wilson passed around I received with the application. (Statement at "petition" heading and signatures read into the record).

No further correspondence.

REMARK Raymer: Everybody all the way around this signed it (petition).

REPLY Wilson: I went at least 3 houses in every direction, in some cases a whole block.

REMARK Hammes: There's really no where else to put it.

REPLY Raymer: On a corner lot like that it's pretty much one way or another..., there's a lot more traffic on Breezy Point Road then Youngdale Avenue.

REMARK Houlihan: And it's a controlled intersection. And (inaudible)...the lilacs (inaudible) will block the view for the greatest share of it.

**Motion Houlihan/Hammes to approve.
3 Aye, 0 No. Motion carried unanimously.**

APPEAL NO. 2010-05 Christian & Amanda Running, 23851 County Highway Y, Rockland, WI 54653. Permit denied to construct a single family home with attached garage that will lie within the required 25-ft rear yard. The property is described as: Lot 3, Blk 1, Plainview Addition. Town of Campbell.

Appearing in favor: Chris Running, 23851 County Road Y, Rockland, WI 54653.

REMARK Raymer: this is on the corner of Dauphin and Lakeshore. As I look at it, it's a vacant lot, correct...

REPLY Running: Correct.

REMARK Raymer: Why didn't you use the available space to the east end and not push that 10-ft X 70-ft piece (of the house) into the rear yard?

REPLY Running: When we laid the house out, I wasn't aware of the 25-ft. We tried to get a house lay-out we liked that would fit in the legal portion we could build on. We don't want to use everything east to west. We could have a house 90-ft wide.

REMARK Raymer: It would be 90-ft long...about 92-ft as a board member, I look at that you have an opportunity to draw up plans to fit on that lot. It's not like you're trying to fit around something that's there. That 10-ft X 70-ft you propose to push in that rear yard, that's 700 sq. ft. on the east end you have available 22-ft X 40-ft or 880 (sq. ft.) – you have more square footage legally you could build that in than what you're using in that 700 (sq.ft.) in the rear.

REPLY Running: The other option we have is to bring the driveway off Lakeshore, not something we want to do....

REMARK Raymer: Then the driveway is longer – the setback is 50-ft....

REMARK Running: We'd have a longer driveway. We'd be right up tight to the neighbor's fence and the side yard setback would only be 8-ft.

REMARK Raymer: Dauphin Street is a side street – much easier to access. That was just my thought – if you can't build this house to fit within the zoning restrictions we would want to know why.

REPLY Running: We changed the house layout we had – we made it wider and not quite as deep. If we can't build the house we want, what's the point in building a house we don't want and aren't happy with?

REMARK Raymer: The way I look at it on this board – it is a vacant lot. There's nothing on this property that prevents you from building within these confines, except for the design. If you look at the design, I understand people like to jog around like that (refers to house plan) so it doesn't look like a pole shed. You're losing 2-ft of that side, too, 2-ft X 13-ft that you could be out to the front. There's a lot of things you could do to design that house....

REPLY Running: We could make a rectangular house to fit in there....

REMARK Raymer: I didn't say a rectangular house – you could still have the jogs – my point is you're losing 2-ft of space right there.

REMARK Hammes: You can put the square footage on the available land.

QUESTION Raymer: Is there a set of plans (for the house)?

ANSWER Running: Yes.

REMARK Houlihan: If you turn the house and put it toward Lakeshore, then he only needs 8-ft there. As a side yard it can be 8-ft, as a rear yard it has to be 25-ft.

REMARK Raymer: They'd gain 17-ft just by going the other way by giving a driveway on Lakeshore....

REMARK Houlihan: And then it's another driveway on Lakeshore, are you going to be able....

REMARK Running: Just for the safety factor of having to access off Lakeshore.

REMARK: The County may not allow a driveway there so close to that side street.

QUESTION Weibel: Could I ask a couple of questions?

REPLY Raymer: Yes.

QUESTION Weibel: So as you're proposing the house now, the access would be off Dauphin Street.

ANSWER Running: Yes.

QUESTION Weibel: If the house were to access off Lakeshore Drive, a County Trunk Highway, would be looking at a tuck under type of garage because of the lot topography? I know that's the high point there isn't it?

ANSWER Running: The lower part of the lot is the low point – that's another reason – we don't want to fill any more of that than we have to. It would, for one, put more water in our own house and could go to the neighbors' houses. We're not interested in doing that. The upper portion of the lot is substantially higher.

REMARK Raymer: But you're doing it right by putting the garage on that end – then you don't need to worry about water in the basement.

QUESTION Weibel: So if I'm looking at this correctly, this house would line up with the house to the east, almost exactly with that set back then?

ANSWER Running: Correct, we'd line up to the east; we'd line up with the one to the North along Lakeshore, and north/south with the house to the east on Dauphin.

Appearing in favor: Justin Lambries, 2624 Lakeshore Drive, La Crosse, WI. The house just north of the open lot. I agree with the way they want to set their home. If they put the house 8-ft off my fence line, it will be overwhelming – the size of his home in contrast to the size of our home. The way they have it set up now, his back yard being 15-ft off the lot line, he'll be south facing, his back yard will be facing my home, and the lower end of the lot will remain the same way. If you've spent a lot of time on Lakeshore Drive, but when it rains, the end of that lot ends up a pond. If he fills that to make a driveway, my lot will

become the pond. I have a vested interest in making sure the end of that lot remains the lowest point. What is the corner of the next street intersecting Lakeshore Drive?

ANSWER Hammes: Plainview.

Lambries: Plainview. There is a culvert or drain basin there, but it doesn't come down toward our home on the south. If there was another one added, maybe you could get the water to drain out. As it sits now, I'm the lowest point on the block. We've had water issues – any time it rains for more than a day straight, the end of that lot is full of water.

REMARK Raymer: I know they've had drainage issues with that house that was built across the street. But that is the obligation of the owner and builder. If this goes through that they're going to build a house on there, the Land Conservation Department will make sure it will not create a drainage problem for you or anyone else.

REMARK Lambries: Chris has spoken with me about this on multiple occasions. I do believe the back of his home 15-ft from my lot line, 18-ft from my fence is better than the side of his house 8-ft off the lot line.

No one else appearing on favor or opposition.

Correspondence – Weibel: An e-mail from Nate Sampson regarding phone call in support of the appeal read into the record. A letter dated 2/10/10 from the Town of Campbell stating no objection from the Town Board read into the record.

REMARK Hammes: I think there's adequate room to put it on the lot, but by doing that I think you'll create hardship for the surrounding neighbors with the water run-off, et cetera.

REMARK Houlihan: If that's the low spot, I don't understand how that would create a hardship for surrounding neighbors. The gentleman next door said the water runs this way, into this corner. With this house being here it's not going to create that problem.

**Motion Houlihan/Hammes to approve.
3 Aye, 0 No. Motion carried unanimously.**

Motion to adjourn Hammes/Houlihan at 7:52pm. Motion carried unanimously. Hearing is adjourned.