

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, October 18, 2010
Administrative Center – County Board Room
7:00 p.m. – 8:09 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., Terry Houlihan, Dave Eilertson
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 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. 2010-40 John Castner, 1014 Fillmore, Black River Falls, WI 54615; on behalf of Eliot Littlejohn, 2102 Lakeshore Dr, La Crosse, WI 54603. Permit denied to construct a 12-ft X 22-ft attached deck and 5-ft X 24-ft ramp that will lie within the required 50-ft building setback from the right-of-way of County Road BW, also known as Lakeshore Dr. Property described as Lot 22 of Buchner Brothers Addn. Tax Parcel 4-2056-0. Town of Campbell.

Appearing in favor: John Castner, 1014 Fillmore, Black River Falls, WI 54615.

I am the contractor proposing a small deck with a handicapped ramp. The ramp has been pre-approved. Mr. Littlejohn has a disability and is in need of better access into and out of the house. The small deck would be easy for him to access to enjoy sitting outside. The neighbors do not have a problem and the Town of Campbell has approved of it.

Question Raymer: So, you are proposing an open deck with a ramp access?

Answer Castner: Yes.

Appearing in favor: Elliot Littlejohn, 2102 Lakeshore Dr, LaCrosse, WI 54603.

Question Raymer: Do you live here?

Answer Littlejohn: Yes

Question Raymer: Do you have anything to add to what Mr. Castner has said?

Answer Littlejohn: We did measure this and it is 64-feet to the road. As he mentioned, I am disabled and have difficulty getting outside. This will provide me a place to go outside and help me into and out of my house.

Appearing in opposition: None.

Correspondence: Fax from the Campbell Town Clerk Michael Quam received on 9/27/10. The Town of Campbell Town Board met on 9/15/10 and acted to recommend approval of this variance.

Discussion:

Remarks Eilertson: There is a deck on one of the houses to the north that actually is closer to the road than this one. Looking at it, there doesn't appear to be a problem with visibility either.

Remarks Raymer: We should probably stipulate that the deck remain an open deck.

Motion Eilertson/Houlihan to approve with the condition that this addition remain an open deck.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2010-43 Harold M Nunemacher, W5168 US Highway 14/61, La Crosse, WI 54601. Permit denied to construct a 24-ft X 24-ft detached accessory garage and to retain an existing residence that both lie within the required 50-ft building setback from the right-of-way of US Highway 14/61. Property is described as part of the NE-NW, Section 24, T15N, R7W lying northwesterly of the right-of-way of US Highway 14/61 more fully described as tax parcel 11-1825-0. Town of Shelby.

Appearing in favor: Harold Nunemacher, W5168 US Highway 14/61, LaCrosse, WI 54601.

As you can see the existing property on the screen, there is an existing hill right behind it. This is about the only place I have to put the garage. Where the existing home is, it is within the setback. We set the home that is there on the old foundation of the old home. There was an 8 foot breezeway and a one-car garage attached to the old home that are no longer there.

Question Eilertson: So, the people that you bought the manufactured home from, they set it for you and set it within the existing right-of-way.

Answer Nunemacher: When I applied for the permits for the home...that was never brought up to me that it was in the right-of-way. We just went according to the old foundation of the old, existing home. There was a partial basement that I wanted to use for the new house. Until I came down and applied for the permits for the garage I didn't know that there was a problem. We took some measurements from that "35" from where we anticipated where the highway was and we came up with 43 to 46 feet, depending on where that line is. We re-measured to the corner of the house and came up with about 46 feet. The building, Mr. Bluske, and I came up with those numbers.

Question Raymer: Is there a yellow post? Or, what did you use to distinguish the right-of-way line?

Answer Nunemacher: We ran a tape from the center of the highway and came in 50 feet. Then, we ran another tape out to 100 feet.

Remarks Raymer: This is kind of confusion here...why the right-of-way varies so much. Are there posts in the ground marking the right of way? There should be posts marking the right-of way.

Remarks Eilertson: The right-of-way really meanders through here.

Question Raymer: Did you guys from zoning go out there to determine the right-of-way?

Answer Sampson: We have a highway plan that shows the right-of-way and the measured setback distance.

Remarks Nunemacher: At one time there was a yellow stake down the road from my property. Since that, I went to look for it and it is gone.

Remarks Raymer: I'm sure that, that is marking a right-of-way pin.

Remarks Eilertson: The right-of-way goes from 100 down to 80 and then it makes a corner and starts to vary.

Question Raymer: Is there anything else, Mr. Nunemacher?

Answer Nunemacher: We would like to keep that 30 where we are going to put the garage, then I'll have 6 or 7 feet behind the garage for drainage issues. We've never had trouble with it, but it is a good precaution.

Appearing in Favor: Jerry Nunemacher, W5168 US Highway 14/61, LaCrosse, WI 54601.

I am Harold's wife. We have been without a garage for 12 years and it would be nice to have one again.

Appearing in Favor: Mike Nunemacher, 8161 Summerfield Loop, Hayden, IA 83835.

The existing garage on the original house was almost no different than what is proposed. I just wanted to make sure that the easement you are looking at, the centerline, when they made the adjustments to the highway, the highway used to veer to the left and that may be why the measurements are off somewhat, according to the old highway. It was changed away from the house. They have been without a garage for a number of years and they do deserve their garage back.

Appearing in opposition: None.

Correspondence: An email from Cathy Onsager, Town Clerk/Treasurer dated and received on 10/13/2010. At the Town Board meeting on October 11, 2010 the Town Board recommends approval and has no objections.

Discussion:

Remarks Eilertson: When I first looked at this, I wondered why can't the garage be moved back here? That rock wall behind there won't leave them with any alternatives. From a visibility standpoint, you can't see anything here. I think that the rock goes into the right-of-way.

Question Raymer: Do you think that it could be turned a ¼ of a turn to move it a little bit back?

Answer Houlihan: I would have to agree with what he said about pushing it back too far because of the possible stormwater concerns.

Remarks Eilertson: They are currently parking their vehicles out here now. This will be an enhancement to have this garage there.

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

APPEAL NO. 2010-44 Brent Brudos, N1045 Brookside Dr, La Crosse, WI 54601-2111; on behalf of Troy T & Stacie J Atherton, 1921 Cherokee Ave, La Crosse, WI 54603. Permit denied to construct one (1) 3-ft 4-inch X 90-ft retaining wall and two (2) 2-ft 4-inch X 90-ft retaining walls that lie within the required 75-ft setback from the ordinary high water mark of Richmond Bay. Property described as Lot 90 of the 5th Addn to the Hiawatha Islands Addn. Tax Parcel 4-1219-0. Town of Campbell.

Appearing in favor: Brent Brudos, N1045 Brookside Dr, LaCrosse, WI 54601.

The Atherton's have hired me to put some retaining walls in. We found out that they would need a variance for the walls. Currently, there are some railroad tie retaining walls along the bottom. These are falling apart. We are proposing to take them out and put in a new concrete retaining wall there. We would then come back 6 or 7 feet and construct a second retaining wall. Then we would go back another 6 or 7 feet and construct a third retaining wall to create a terraced look. They are doing gardening and the slope is too steep to garden or to mow. They have a new dock and are in need of some new steps to get down to the dock. The elevation at the rip rap will not change and the elevation at the top of the terrace won't change.

Question Houlihan: What are the height of the walls?

Answer Brudos: 3'4", 2'4" and 2'4". There is about 7 feet of elevation in approximately 19 feet.

Question Houlihan: What material is going to be used?

Answer Brudos: Concrete retaining wall block.

Appearing in favor: Troy Atherton, 1921 Cherokee Ave, LaCrosse, WI 54603.

That is my house that we are looking at. The hill is so steep that we really can't do anything with it. It is even hard to mow. There is a garden on the north that is there already, but it is falling apart. We are proposing to extend that south and keep the terraced look. We currently do not have steps down to the dock. We have a small child that can't navigate the slope.

Question Raymer: Have you been in contact with the DNR?

Answer Atherton: Yes.

Appearing in Opposition: None.

Correspondence: From the Town of Campbell, received on October 14, 2010 and sent the same date. At the Town Board Meeting on October 12, 2010 the town motioned to recommend approval of both the variance and the special exception permit on this property.

An email was sent to Gordon Stinson at the WDNR on 10/15/10 with some questions regarding floodplain implications. Gordon emailed back the same day with comments regarding the proposal. (Comments read into the record).

Discussion:

Question Eilertson: I have a question for Brent. When you went to the DNR, what did they say to you?

Answer Brudos: I spoke with Carrie Olson on a Friday and she was going to call me back. I did not hear back from her and tried to call her three more times and never got a call from her. I stopped out there today and she was not working today. We are stepping the walls back with terracing instead of doing one, large 7 foot tall wall.

Question Raymer: But, you had no contact with this person?

Answer Brudos: No.

Question Houlihan: Was Carrie copied on that email?

Answer Sampson: Yes, she was...correct.

Question Houlihan: What is the makeup of the steps?

Answer Brudos: Segmental concrete. They are 6" high, 8" wide and 15" deep. We can adjust the tread depth to accommodate the hill. We will match the color to the retaining wall block.

Question Eilertson: We looked at this the other day and noticed that the railroad ties were rotting. What is there now, is what is existing exactly like this (proposal)?

Answer Brudos: Yes. The ties are coming out and the new wall would go right there.

Question Eilertson: Are there existing ties above the lowest wall?

Answer Brudos: No, except on the north end, there are ties that the previous owner installed. They were gardening that currently.

Question Eilertson: The rest of this goes right up the bank?

Answer Brudos: Yes.

Remarks Raymer: I don't know why we can't approve this, the DNR hasn't said anything on it.

Remarks Eilertson: I would agree and think that this will be an improvement.

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

APPEAL NO. 2010-45 Barry J & Dana M J Truog, 134 Lake St, Holmen, WI 54636; on behalf of Thomas A & Jane M Buss, N8897 US Highway 53, Holmen, WI 54636. Permit denied to construct a 20-ft X 34-ft detached accessory building with an 8-ft X 34-ft overhang together with an existing 27-ft X 30-ft detached accessory building that will exceed the 1,000 sq. ft. area limit for such buildings on this 2.202 acre lot. Permit denied to construct a 24-ft X 28-ft attached garage addition to an existing residence that will lie within the required 50-ft setback from the right-of-way of US Highway 53. Property described as Lot 1 of Certified Survey Map No. 101, Vol. 3. Tax Parcel 8-960-1. Town of Holland.

Appearing in favor: Dana Truog, N8897 US Highway 53, Holmen, WI 54636.

Question Raymer: So, this has a few different things going on. The garage you want to add to the house...

Answer Truog: Actually, I would like to speak about the detached accessory building and my husband can speak about the attached garage addition.

Remarks Raymer: That's fine.

Remarks Troug: I have had horses boarded at two different locations for the past year and a half. I have multiple sclerosis and were looking for a property where I could bring my horses home to take care of them. We found this property and inquired with Marilyn at the Town of Holland and she referred me to Jon at the County Zoning Office. He told me that we would be allowed three buildings for 1500 square feet, therefore we made an offer on the house. Since then, the Buss's have rezoned the property to allow horses and we now found out that we can only have two buildings for 1000 square feet.

Question Raymer: So, you are the potential buyers of this property?

Answer Troug: We have already purchased it.

Question Raymer: So that proposed 20' x 34' building with 8' overhang is just for horses?

Answer Troug: Yes, it is one story so that there aren't any stairs or second story due to my MS. I need the additional size for hay storage.

Question Eilertson: Do you have horses on your property right now.

Answer Troug: No, I do not.

Question Eilertson: You board them someplace else?

Answer Troug: Yes. Up until a year ago, I had them boarded together, but now have two at one boarder and another at a different boarder. With my MS, I just can't take care of them the way I want to.

Appearing in favor: Barry Troug, N8897 US Highway 53, Holmen, WI 54636.

I am just looking for a place to store my truck. I had to give up a nice garage so that she could do this. My truck won't fit in there and the pole shed doesn't have any power and only has a 7 foot high door.

Question Eilertson: Your truck won't fit in here as it is.

Answer Troug: It would be very tight and I think that she would fight me for it anyways.

Question Houlihan: How many horses do you have?

Answer Troug: There is one large and two miniatures. We just want to keep it nice and we want to have a section for hay and a section for a tack room. We also want a place to keep them out of the rain.

Remarks Eilertson: We assumed that you had horses. When we were out there last Tuesday we saw the electric tape. We made the assumption that you were requesting this to board horses.

Remarks Troug: They are not there yet, but they will be. He did give up a nice garage to allow me to pursue this and board my horses at home.

Appearing in opposition: Mary Thompson, 171 29th St. S, LaCrosse, WI 54601.

I own the property that abuts this property on the west. I don't know if I object, but I do have some concerns. I used to raise horses. I don't know how many horses that they are going to have here, but I'm concerned over the amount of manure generated. An average horse can make 50 to 75 pounds of manure per day. They should have 1.46 acres of pasture per horse. I am concerned about the fencing in the trees and don't want the horses chewing on trees. I am concerned about erosion and what they are going to do with the manure. What are the limitations?

Remarks Houlihan: I asked them about the number of horses and they said that they have one large and two miniatures.

Question Thompson: Will that be written in? Someone may buy that later and see the existing horses and decide to board more than that. I do plan on building there eventually and am not really thrilled about the idea of a lot of flies. If it is taken care of, I don't have any objections...I just have some concerns.

Answer Raymer: We will have to discuss that and see.

Correspondence: Received from Marilyn Pedretti, clerk, today via fax. Action taken on 10/13/10 by the Town Board; the township voted to make no recommendation.

Discussion:

Question Raymer: Nate, can you further explain this drive easement...it is 50 foot all the way through?

Answer Sampson: That is the required 50 foot setback line.

Question Raymer: Why is that there when it is their property?

Question Houlihan: Why does it jump out there?

Answer Sampson: It follows the right-of-way.

Question Raymer: But, it doesn't...there is an arch here where it bumps out.

Answer Sampson: It is going to be an arc from the point on the corner of the bump out.

Remarks Raymer: The garage addition is one thing and then the additional detached accessory building is another.

Remarks Eilertson: The right-of-way is peculiar in here and visibility is not hampered. I don't see why this attached garage would be a problem.

Remarks Houlihan: I would agree.

Remarks Eilertson: They bought the house thinking that they could keep horses and then found out that they could not.

Remarks Raymer: But, that has nothing to do with the Board of Adjustment, they already rezoned it to allow horses.

Remarks Sampson: If I could clarify a little bit, the horses are not the issue, even prior to the rezone. It was zoned Transitional Agricultural District and rezoned to the Agricultural District A. Both of those districts allow horses. The Agricultural District A is because the parcel size did not meet the 35 acre minimum.

Question Raymer: What does the 35 acre minimum have to do with it?

Answer Sampson: That is the minimum acreage needed to establish a residence. This was originally built by an eligible occupant and then was sold to an ineligible occupant.

Remarks Raymer: In order to get to the 1500 square feet, they would need over 3 acres of land and they only have 2 acres. They are asking for even more than the 1500 square feet. To be over that, they would need over 10 acres.

Remarks Sampson: If they had over 10 acres, they could go to 5000 square feet.

Remarks Raymer: They are asking for 1762 square feet. Without a variance, they would need 10 acres to allow that size of a building. That is what we need to look at. There is an existing pole shed that he doesn't want to use for his truck. Can they modify it to use for the horses and the truck.

Remarks Trog: We could get rid of the 8' overhang if that is the problem

Question Raymer: Is there any limitation regarding the number of horses that are allowed?

Answer Sampson: What you are acting on tonight is a petition to exceed the maximum size allowed. Any limitations to the number of animal units imposed would be through the Land Conservation Department. They will look at waste management and carrying capacity of the land.

Question Houlihan: So, that is not up to us, then?

Answer Sampson: No.

Question Raymer: Who monitors that?

Answer Sampson: Land Conservation Department.

Question Raymer: These people would need to go to them before they brought horses to the property?

Answer Sampson: That would be a requirement before we would issue a permit for a new structure.

Remarks Raymer: I am just not comfortable allowing a building that much more bigger than what is allowed. Even if the 8' x 34' overhang was removed, that would get them to just under the 1500 square feet, but they still don't have the 3 acres. If the lot was 2.9 acres, that may be a different situation.

Motion Houlihan/Eilertson to approve the attached garage and deny the proposed 20 x 34' detached accessory building.

3 Aye, 0 No. Motion carried unanimously

APPEAL NO. 2010-46 Bill Craig, 1608 Henry Johns Blvd, Bangor, WI 54614; on behalf of James M Melby, 2711 Bayshore Dr, La Crosse, WI 54603. Permit denied to construct a 24-ft X 35.5-ft attached garage and 20.5-ft X 26-ft 8-inch living space additions to an existing residence that will lie within the required 60-ft setback from the centerline of a town road, within the required 8-ft sideyard, and will exceed 50% of the assessed value of the existing non-conforming residence. Property is described as Lots 7 & 8, and Lot 6 excepting the North 10-ft, Block 2 of W. W. Bauman's Lakeview Addn. Town of Campbell.

Appearing in favor: William Craig, 1608 Henry Johns Blvd, Bangor, WI 54614.

There are about four or five different things that we want to accomplish here. There's a set of stairs in back that are steep and unsafe. There is a fire escape outside. We are trying to get a laundry room upstairs. I do have a plan here that I can show you.

Question Raymer: Has that been submitted to us?

Answer Sampson: No.

Remarks Craig: (Shows Plans) There are two bedrooms here existing. One will become a laundry room and another bathroom and a nice sized master bedroom. The front steps are steep. Getting an attached garage with an indoor ramp for their mother was difficult. Jim is out of town for business most of the week. So an indoor ramp is crucial and convenient. There is an existing garage there.

Question Raymer: That will be gone?

Answer Craig: Yes. And, I have tried to keep the same lines so that nothing really changes, but it will be a little bigger and attached. The ramp will go in here. That is the reason we are doing this. The line over here is the high water mark. We looked at putting the garage here, but that didn't work. I have been working with Chad and this is what we ended up with.

Question Raymer: I am not understanding this here, is it showing a 4 foot to a 1 foot overhang?

Answer Craig: It was a 2 foot overhang, that what it should have been. We can cut this back to a 1 foot overhang cause we are somewhat close.

Question Raymer: It is supposed to be 8 feet, correct?

Answer Craig: The existing garage is at 5 feet. I found all of the lot pins out there.

Remarks Sampson: The existing garage is at 5 feet.

Question Eilertson: And, that isn't going to change.

Answer Craig: Correct, we will maintain that setback.

Question Eilertson: And you would add a new room behind there?

Answer Craig: Yes. That will be the master bedroom and walk-in closet. We tried not to block the view for the neighbor right here.

Question Houlihan: The roofline runs where?

Answer Craig: (explains the rooflines of the existing house and proposed additions).

Question Houlihan: My concern here is the amount of water that you are going to generate and where will it go?

Answer Craig: If we put gutters on and kick them out to the street, will that help.

Remarks Houlihan: That will probably be a necessity.

Remarks Raymer: If the house is at 5 feet and you have a two foot overhang, you will be within 3 feet of that lot line. That will be a lot of water, right there.

Appearing in favor: James Melby, 2711 Bayshore Dr, LaCrosse, WI 54603.

I have signatures from the adjacent property owners indicating that they do not have objections. We do plan to put gutters on this anyway.

Appearing in opposition: None.

Correspondence: Have a fax from Chairman, Scott Johnson dated October 14, 2010 and received the same day. The Town Board met on October 12, 2010 and the board passed a motion to indicate no objections to this variance appeal. I also sent an email to Carrie Olson regarding this appeal today.

Question Raymer: Any response from Carrie (Olson)?

Answer Sampson: No response.

Discussion:

Remarks Raymer: As far as I can tell, nobody is concerned about this, the town board isn't, we can stipulate the gutters be in place.

Remarks Eilertson: This will be a nice addition.

Motion by Eilertson/Houlihan to approve with the condition that the stormwater concerns on the north side of the home be addressed.

3 Aye, 0 No. Motion carried unanimously

Motion to adjourn Houlihan/Eilertson at 8:09 pm. Motion carried unanimously.