

BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, January 17, 2012

Administrative Center – County Board Room

6:00 p.m. – 6:46 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., Barbara Frank, Mark Huesman
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Chad Vandenlangenberg(minutes),
Michael Harding (Recorder)

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. 2012-1 Terry A & Dolores M Hemker, W2567 County Road I, La Crosse, WI 54601. Permit denied to construct an 8-ft x 28-ft addition to an existing 28-ft x 36-ft detached accessory building that will exceed the 1,000 square foot area limit and to exceed the 15-ft height limit for such buildings on this 1.99 acre lot. The property is described as Lot 1 of Certified Survey Map, Volume 13, Page 122. Tax parcel is 2-519-6. Property address is W2567 County Road I. Town of Barre.

Appearing in favor: Terry Hemker, W2567 County Road I, La Crosse, WI 54601.

QUESTION Raymer: You would like to put an addition onto this building that is already 1008 square feet?

ANSWER Hemker: Yes.

QUESTION Raymer: Can you explain that a little bit for us?

ANSWER Hemker: I have a motor home that just doesn't quite fit. It is too low.

QUESTION Raymer: We were kind of wondering as we saw that it was sticking out the back of the shed. I don't quite understand...are you going to raise the height of it as well?

ANSWER Hemker: Yes, it is too low.

Appearing in opposition: None.

Correspondence, Sampson: From the Town of Barre, we received a letter on 1/12/12 and dated 1/11/12. The Town Board met on Tuesday, January 10th, 2012 and the board unanimously approved this request.

Discussion: None.

Motion Frank/Huesman to approve.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-2 Benjamin Keleny & Jennifer Gantzer, W8327 Northshore Dr, Onalaska, WI 54650. Permit denied to construct a privacy fence that will lie within the required 75-ft setback from the ordinary high-water mark of Lake Onalaska. The property is described as Lot 14, Block 3, Homestead Addition. Tax parcel is 10-1747-0. Property address is W8327 Northshore Drive. Town of Onalaska.

Appearing in favor: Benjamin Keleny, W8327 Northshore Dr, Onalaska, WI 54650.

QUESTION Raymer: We were out there and observed that the posts were already in the ground, were you anticipating our approval?

ANSWER Keleny: I wanted to dig the holes and get them set before it froze. I can take them out.

QUESTION Raymer: What is the need for this fence?

ANSWER Keleny: We are fixing up the house and we have a couple of dogs. We would like to utilize the yard and thought it would be a nice change to make this usable space.

QUESTION Raymer: You are aware of the setback issue from the ordinary high water mark, correct?

ANSWER Keleny: Yes, I am. I spoke with the neighbors and they were not opposed to it.

QUESTION Raymer: Did you speak with the WDNR or the Corps of Engineers on this?

ANSWER Keleny: No, I did not. Just the inspector from the township. From what I understood the rules are that, that space between the property line and the water is for everyone's use. It would be nice to have a fence there to delineate the property boundary. I am actually 6 to 8 feet away from that lot line.

QUESTION Huesman: Would I be correct in thinking that if this was approved, the WDNR would likely appeal our decision?

ANSWER Raymer: We wouldn't know until we get correspondence from them. Can we ask that now?

REMARKS Sampson: At this point you should continue to gather the testimony and the correspondence will be read into the record later.

QUESTION Raymer: Do you have anything else to add?

ANSWER Keleny: That should be about it. The fence itself does not have to be privacy fence, we could do an open fence. The fence that we plan to build is kind of open, but does not meet the minimum standards for an open fence. We would just like something there as a marker that will keep our dogs in. Our neighbor also has a dog that roams around and it would keep him out.

QUESTION Huesman: What kind of dogs do you have?

ANSWER Keleny: We have two mutts that are both about 50 pounds.

QUESTION Huesman: Would they be able to roam around if the fence were to be moved closer to your house, from the ordinary high water mark? If the fence were to be moved back towards the house would your dogs still have enough room?

ANSWER Keleny: It would be a decent yard, but that would cut half the yard out of what it could potentially be. Also, it is to keep a line where the property is located. I did keep the fence on my property by a foot or two on the sides.

QUESTION Frank: On one hand, you mentioned that this would be a privacy fence, but you would be willing to go with an open fence?

ANSWER Frank: Yes.

QUESTION Frank: And the purpose would be to keep people from walking on your property?

ANSWER Keleny: Yes.

QUESTION Frank: Are there any legal issues with that?

QUESTION Raymer: I am not sure...that 75 foot setback, is that supposed to be open to the public or is that just a structural setback requirement?

ANSWER Sampson: That is just a structural setback requirement.

QUESTION Raymer: So, where people can actually walk the shoreline does that not include 75 feet?

ANSWER Sampson: That does include the 75 feet, it is a structural setback.

QUESTION Raymer: It sounds like he is putting this fence up to keep people from walking on that property? Should it be kept open for people to walk on?

ANSWER Sampson: We do not issue permits for fences unless they are in a shoreland district. The fence must be on his property and it cannot be on the federally owned land which would be the property between the lot line and the body of water.

QUESTION Raymer: What are the rules for people walking in that area?

ANSWER Sampson: No, that is just a setback, there are no pedestrian rights.

QUESTION Huesman: Have you looked into putting in an invisible fence?

ANSWER Keleny: Yes, but there are a lot of squirrels out there and just with the water there, for safety and the issue with the neighbor's dog, I would rather have a physical fence. I don't think an electric fence would work.

QUESTION Huesman: Meaning, keeping other creatures from coming onto your property?

ANSWER Keleny: Yes. Our one dog would probably chase a squirrel. What I had been told was this...we are looking to just fence in our property. From our property line to the water the land is owned by the Corps of Engineers and is open to the public. If there is public using that area, it would be nice to be able to show where the property line is and to try and keep them off my private property.

Appearing in opposition: None.

Correspondence, Sampson: We have an email from the Town of Onalaska, dated and received on 1/11/12 indicating that the Town Board and Town Planning Commission both approved this request unanimously (read into the record). We also have an email from Mike Wenzholz with the WDNR, dated and received 1/17/12 indicating a recommendation to deny this appeal as the application does not present a hardship or any unique property features (read into the record). An open fence would be allowed under county ordinance.

Discussion:

QUESTION Raymer: Can you clarify what constitutes an open fence?

ANSWER Sampson: That would be a fence that, when viewed at a right angle, would be 50% open with openings of 4 inches or greater.

QUESTION Frank: And that would not be chain-link?

ANSWER Sampson: It would not have to be. A chain-link fence would be less than 50% opaque.

QUESTION Huesman: So, a chain-link fence would be ok?

ANSWER Sampson: Yes, it would be considered an open fence.

QUESTION Frank: What is this about the size and the angle?

ANSWER Sampson: If it were to be wood constructed and viewed from a right angle, the openings would have to be 4 inches wide. Wood or some other similar material.

QUESTION Frank: So, with that in mind, is it appropriate for it to extend that far down?

ANSWER Raymer: We could approve it with a condition that it be an open fence, or we could deny it. If we do approve it without addressing the stipulations from the WDNR, then there is the possibility of them appealing our decision.

QUESTION Huesman: When we saw the posts, they are pretty solid. Would the WDNR consider those posts to be too large that they could constitute a structure or is the spirit of the correspondence saying that he can keep the posts, but the fencing between them needs to be open, is that what I am hearing?

ANSWER Sampson: Yes.

REMARKS Raymer: Well, he addressed the fact that the posts were in the ground. He didn't say that they had to go. The issue is what is going on the posts...an open versus a closed fence. We have had this issue before. If the water comes up, that fence should not create a problem. We have the option of saying we don't want any of that fence within the setback, or based on what the WDNR is saying, we can indicate that it must be an open fence.

QUESTION Frank: Realistically, wouldn't a chain-link fence be a strong fence for debris to pile up on?

ANSWER Sampson: If I could clarify, that 75 foot setback in the Shoreland Zoning Ordinance is to create or maintain a buffer zone from the body of water. What you are addressing now is more in tune to what is found in the Floodplain Zoning Ordinance which addresses flood flows and obstructions to them. This area is a non-floodplain area.

REMARKS Huesman: Also, my understanding is that the setback is part of the effort to maintain the aesthetic looks of the area.

REMARKS Keleny: The main thing for this is to keep other animals and people out of my yard. It would be nice to have a barrier for safety's sake. If this weren't a permanent structure, it is my understanding that a permit would not even be needed. I thought it would be better to put something up that is nice and pleasing.

QUESTION Raymer: So, when does a fence need a permit then?

ANSWER Sampson: Regardless, if it is in a shoreland district, any type of structure or development requires a permit.

QUESTION Frank: Did they not say that if it is an open fence it would not be a problem?

ANSWER Sampson: It still requires a permit, but it can extend into that 75 foot setback area.

Motion Frank/Huesman to deny.

3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2012-3 Amy B Scheevel & Peggy L Bauer, W7257 Paudler Pl, Onalaska, WI 54650. Permit denied to construct a 20-ft x 36-ft addition to an existing 30-ft x 36-ft detached accessory building that will further exceed the 1,000 square foot area limit for such buildings on this 2.02 acre lot and that will lie within the required 50-ft setback from the right-of-way of Paudler Place. The property is described as Lot 1 of Certified Survey Map, Volume 2, Page 14. Tax parcel is 10-432-1. Property address is W7257 Paudler Place. Town of Onalaska.

REMARKS Huesman: I will need to recuse myself on this appeal as I have a conflict of interest. I have worked for Mrs. Scheevel in the past.

Appearing in favor: Amy B Scheevel, W7257 Paudler Pl, Onalaska, WI 54650. We are looking to put an addition onto the existing garage. I would like to point out that, on the map where it says existing garage to be raised, that is only a foundation now.

REMARKS Raymer: We were out there and noticed that, that garage was down.

REMARKS Scheevel: That has been going for several years and it finally went.

QUESTION Raymer: Our question on this is why you can't slide that addition back to meet the setback. You are actually encroaching further into the setback.

ANSWER Scheevel: I set it up that way more for aesthetics. It is set out 3 foot to each side of the existing building and the roof will be just a little higher than the existing. I didn't want it to be one long building and look like a chicken barn.

REMARKS Raymer: If you moved it back to the setback you would have a jog in the front and another one in the back. I am not saying line it up with the existing building, that building is already in the setback. I am saying move it back so that it is not in the setback.

QUESTION Scheevel: I did have a question...I ran into Dave Paudler and he questioned whether the setback was 50 feet from a town road versus a county road. I did look on-line, but did not come up with the answer to that question.

ANSWER Sampson: The setback for a detached accessory building is from the front yard, not {necessarily} the right of way, and it is 50 feet.

QUESTION Scheevel: So, it doesn't matter what kind of road it is?

ANSWER Sampson: Correct.

REMARKS Scheevel: I guess that something like that could work but I don't think it will look as nice when it is finished. I know that is not the main issue when it comes to this. I need the storage.

REMARKS Raymer: We have to have justification for our actions in allowing more of that structure within the setback. If there was a hardship such as a septic system or wellhead that was in the way, that would be an obvious reason.

REMARKS Scheevel: There is not a reason other than aesthetically I think that it will look better. The only people that would be concerned with this building would be the Paudler's who live at the end of the road. They do not have a problem with it. I live with cornfields on all four sides of me. I know that the setbacks are partially created for safety reasons. That road is a small road and does not see much travel. This is designed to allow me to pull around the south end to be able to park in that area. The only hardship that it would cause me is to have to drive on more of my lawn to do that. It is designed this way to be visually pleasing.

REMARKS Raymer: I suppose that it is a matter of opinion. For us, it is more a matter of there is no other reason other than looks. For us, that is just one less structure that we have allowed to go into the setback.

REMARKS Frank: Eventually, those cornfields could become something else.

REMARKS Scheevel: They can't, they are all located in a floodplain. I am not, but they are.

Appearing in opposition: None.

REMARKS Sampson: Just for clarification, the original garage was granted a variance back in 1990 to lie 45 feet from the right-of-way of Paudler Place. A greater setback was requested, but the board required that the garage be placed in-line with the existing residence.

Correspondence, Sampson: Received an email from the Town of Onalaska on 1/11/12 dated the same day indicating that the Town Board and Town Planning Commission both motioned to approve this request unanimously (read into the record).

Discussion: None

Motion Frank/Raymer to approve with the condition that the front of the addition meet the same setback as the existing building.

2 Aye, 0 No. (Huesman excused) Motion carried.

APPEAL NO. 2012-4 Jim Nissen, 555 Lester Ave, Onalaska, WI 54650, acting on behalf of Upper Mississippi River National Wildlife & Fish Refuge, N5727 County Road Z, Onalaska, WI 54650. Permit denied to construct a 3.75-ft x 6.25-ft x 18-ft sign, a main entrance gate, and pump controls that will lie within the required 50-ft setback from the right-of-way of County Road Z. The property is described as the SW/SW & part of the SE/SW of Section 24, T17N, R8W. Tax parcel is 10-2018-0. Property address is N5727 County Road Z. Town of Onalaska.

Appearing in favor: Jim Nissen, 555 Lester Ave, Onalaska, WI 54650.

QUESTION Raymer: We were out there and looked at it. There was some electrical stuff coming up, is that where the sign will go?

ANSWER Nissen: Yes, along with me is David Watt who is the Site Superintendant for Arrowhead Contracting, that is our general contractor, he can answer those questions.

REMARKS Raymer: Yes, that was our basic question. He can come up and speak as well.

REMARKS Nissen: David can answer some of the specifics about the project. This project sign will look like the Necedah National Wildlife sign shown here. The stone will be a little different than that. We proposed this location, oriented perpendicular to the county road to maximize visibility at that intersection. We want the sign close to the road so that visitors can find the facility and safely enter it. We worked with the county department and have installed a bypass and turn lane on the county road. The sign will be lit with LED lights and the area around the sign will be landscaped with native prairie grasses and plants. Constructing the sign in this location would mean that only one sign will be needed.

We are also working with the Village of Holmen Fire Department to convert an existing high capacity well for a water source. That existing well is located on the property and we want to construct a water line and conduit to a hydrant so that they can access it. We are proposing to mount the pump controls on the back of the sign support so that it is hidden, but accessible. If the sign is moved, we may have to install a pedestal to mount the controls on. The gate will be set on a timer to close at dark and the stone on that gate matches the sign base as well as the visitor's center itself. The visitor's center is 12,000 square feet and will be a gateway to the refuge.

QUESTION Frank: How tall is the sign?

ANSWER Nissen: It is six feet tall and 18 feet long.

Appearing in favor: David Watt, N5727 County Road Z, Onalaska, WI. I am with Arrowhead Contracting. I am using that address as my other one is in Kansas City, Missouri. The conduit is out there, we were under the assumption that this was taken care of.

QUESTION Raymer: We just wanted to verify that, that was the spot for this sign.

ANSWER Watt: Yes, it is.

Appearing in opposition: None.

Correspondence, Sampson: We received an email from the Town of Onalaska sent and dated on 1/11/12 indicating that the Town Board and Town Planning Commission both unanimously approved this appeal (read into the record). We also have an email from Ron Chamberlain, County Highway Commissioner sent and dated 1/9/12 indicating that the Highway Department has no concerns with this request (read into the record).

Discussion: None.

Motion Huesman/Frank to approve.

3 Aye, 0 No. Motion carried unanimously.

Motion Frank/Huesman to adjourn at 6:46.

3 Aye, 0 No. Motion carried unanimously.