

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, March 19, 2012

Administrative Center – County Board Room

6:00 p.m. – 6:50 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., Dave Eilertson
MEMBERS EXCUSED: Mark Huesman
MEMBERS ABSENT: None
OTHERS PRESENT: Chad Vandenlangenberg, Michael Harding (Recorder)
(minutes)

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. 2012-08 Linda Saley acting on behalf of Striped Strivers 4-H Club, N6910 County Road EE, Bangor, WI 54614. Permit denied to move an existing school house approximately 25-ft north on a 0.26 acre parcel that will lie within the required 50-ft setback from the right-of-way of State Road 162, the required 60-ft setback from the centerline of Niedfeldt Road and within the vision triangle. Property is described as part of the SE/SE of Section 3, T17N, R5W, Town of Burns. Tax parcel is 3-56-0. Property address is N6938 Niedfeldt Road.

Appearing in favor: Linda Saley acting on behalf of Striped Strivers 4-H Club, W2567 County Road I, La Crosse, WI 54601.

QUESTION Raymer: It appears that part of the corner is on someone else's land?

ANSWER Saley: Yes.

QUESTION Raymer: You're moving it because the foundation is bad?

ANSWER Saley: The foundation is bad. There was a foundation under it. I used to go to school there many years ago. There was a basement under it at that time. The creek was further away from the building as it is presently. Cause we used to play softball out there along side of it and was plenty of room. But, the creek has kept coming closer and closer to the building, but after they quit having school there they filled the basement full of sand. And so the foundation is starting to deteriorate and we got to do something with it or its going to be a historic site that's going to be in a rubble.

QUESTION Raymer: And it is a historic site?

ANSWER Saley: Yes it is.

QUESTION Raymer: Is there a reason you need to move as far North as you asking to move it, I mean if they are going to move it couldn't just move it so it's off the persons property and...

ANSWER Saley: Vision land or whatever the fence line is right behind that little outhouse right to the corner of the building right now and up through. If we can get by with moving it less.... The width of the building is 20 feet and we figure we had to go probably ten more feet off of that if we have to go eight that's fine. Were not in any big concern with that. Just so we can get it moved off that foundation and put a stable base underneath and not have a basement. Were going to put a concrete pad down.

QUESTION Raymer: Your are going to have a company come and lift it up anyway?

ANSWER Saley: We talked to some Amish farmers and those Amish guys are the ones who are going to do it. He had a pretty good plan on how he was going to do it. He says they are going to roll it. I don't know how they are going to get it there.

QUESTION Raymer: They can do that. So you wouldn't be opposed to not moving it any further than you need to?

ANSWER Saley: That was kind of our game plan in the first place.

QUESTION Raymer: Would it be possible to the East, I know it drops off somewhat but, could it be moved back somewhat?

ANSWER Saley: Not very much it can't go back.

REMARKS Raymer: Okay.

REMARKS Saley: I have some pictures here of the building where it sits currently. There's not much room in the backside to go there but if we could just come off a bit, that would be fine enough to get our fill in and things like that.

QUESTION Raymer: Anything else?

ANSWER Saley: That building has probably been there one hundred fifty three years. I think I figured it out from the plaque on the front says 1859 when they started. To date would put it at 153 years. It's an old building well worth keeping.

QUESTION Raymer: Right...anything else?

ANSWER Saley: Nope

QUESTION Raymer: Any questions Dave?

REMARKS Eilertson: No.

Appearing in opposition: None.

Correspondence, VandenLangenberg: From Ron Chamberlain La Crosse County Highway Department, we received an email on 3/14/2012. As this property is along a state trunk highway. Referred to the Wisconsin DOT. We never did get anything from the DOT on this.

Resolution from the Town of Burns. Asked La Crosse County to approve any zoning changes and variance required to aid in the preservation of the Striped School. Signed by Matt Hoth(chairman) Resolution 2-14-2012-2

Question Raymer: Chad, if they are moving it do they need to meet any side yard setback?

ANSWER: We would have side yard requirements. 8 feet from that southerly lot line and 25 feet from the easterly lot line. Is that the motion?

ANSWER Eilertson: Yes

ANSWER VandenLangenberg: That will work.

Motion Eilertson/Raymer to approve The new location of the building shall be moved north only as far as needed and meet or exceed the proposed setback distances shown on the appeal. 2 Aye, 0 No. Motion carried unanimously.

Discussion: None.

APPEAL NO. 2012-09 Gary C. Kiela, 3319 Lakeshore Drive, La Crosse, WI 54603. Permit denied to construct a 1.83-ft x 4.5-ft fireplace chase addition to an existing single family residence that will lie within the required 75-ft setback from the ordinary high-water mark of Lake Onalaska. Property is described as Lot 3, Bobbar Addition, Town of Campbell. Tax parcel is 4-2314-0. Property address is 3319 Lakeshore Drive.

Appearing in favor: Gary C. Kiela, 3319 Lakeshore Drive, La Crosse, WI 54603

QUESTION Raymer: This is a fireplace chase that is just going to extend out?

ANSWER Kiela: That's right. There is no foundation to it. It's like a bay window.

QUESTION Raymer: This is for a new fireplace that you are putting in? There isn't one there?

ANSWER Kiela: Yes, that's correct. It's a zero clearance. We just want to be able to get the chase out. We want to be able to set the fireplace out of the inside of the room. The room is small.

QUESTION Raymer: Is it gas or wood?

ANSWER Kiela: Gas.

QUESTION Raymer: It goes all the way up then?

ANSWER Kiela: No. It will only go up to about seven feet.

QUESTION Raymer: It's a direct vent out?

ANSWER Kiela: Right.

QUESTION Raymer: Questions Dave?

QUESTION Raymer: Anything else Gary?

ANSWER Kiela: No. That's it.

Appearing in opposition: None.

Correspondence, VandenLangenberg:

From the Town of Campbell, we received via fax on 3/14/2012. Variance approved by the Campbell Town Board.

Email from Mike Wenholtz, Wisconsin Department of Natural Resources dated 3/16/2012. Unless the applicant convincingly demonstrates meeting the required variance criteria, the department believes this request be denied. If approved the department recommends some form of mediation as a condition.

Motion Raymer/Eilertson to approve with condition that the addition cannot have any type of foundation.

2 Aye, 0 No.

Motion carried unanimously.

CONTINUATION OF APPEAL NO. 2012-06 Chad M Niegelsen, 1646 Bainbridge Street, La Crosse, WI 54603. Permit denied to construct a 12-ft x 17-ft attached covered deck and a 45-ft x 63-ft attached garage to an existing non-conforming residence that will exceed 50% of the current local assessed value allowed for structural repairs and alterations to non-conforming structures and the proposed attached covered deck will lie within the required 8-ft side yard. Property is described as Lots 20 & 21, Block 3, Resurvey of Blocks 2 & 3 of Plat of West La Crosse, Town of Campbell. Tax parcel is 4-1348-0. Property address is 1646 Bainbridge Street.

Appearing in favor: Chad M Niegelsen, 1646 Bainbridge Street, La Crosse, WI 54603.

REMARKS Raymer: You want to build an awfully big garage there it looks like.

ANSWER Niegelsen: Right, personal storage, boats, snow mobile trailer. I have a statement and photos to share as well.

REMARKS Raymer: We have been out to look at it.

REMARKS Niegelsen: My issue here, basically, I have two things; a side yard setback that I'm working with on the deck and I have a 50% rule that's of concern here. The property has a lot of unique characteristics that I feel are creating a hardship. The home is within a few feet of the West lot line of a double lot. The improvement of this property has a rather low assessed value to work in that ratio. Property has a extremely unsafe method of accessing the lower level. It's where the laundry area is located. The tenant has lived in this neighborhood her entire life, but she has lived on this property for many years prior to my ownership. I have owned this for about 2 ½ years now. She enjoys the property and intends to occupy it as long as she is able. My plan is to address the safety concerns of the snow and ice that accumulate on the steps that are her access to the lower level for laundry. The design of the attached covered deck will allow for a safe code compliant staircase, adequate landing area at the bottom of the steps. This is not a self imposed hardship. I feel that project will enhance the value and tax base for the property. The project will also preserve and improve the value and aesthetics of the neighborhood. The attached garage will be storing only my personal items. I currently pay storage for several boats, utility trailer, ATV and snow mobiles etc.

I have my largest boat stored currently on Dells lot. Which is right across the street from my house on French Island. So I paying for outdoor storage there. Mainly because it's a big boat and it's pretty unsightly wrapped in the big blue shrink wrapped bag. So, I've kept this off of this property so far. In hopes of having this building done to put it in the future. I live and own several properties on French Island. Pride myself on the curb appeal and overall integrity of the properties that I own. I put a lot of careful thought and planning into this to make sure it doesn't have any negative effects on the area. If we could go to the little packet that I had passed out here now. When we went to the Town of Campbell on this for the Planning and Zoning Board for the Town of Campbell I demonstrated three different plans

which included my original proposed plan that I came here with on February 13th. Where the deck would require a side yard variance. The west boundary of the deck would be about 5 feet off the lot line. I offered the Town of Campbell two different options on that. One option would be to shift that deck to comply with the 8 foot side yard setback. Make it a little more challenging for me with the roof line and snow coverage of the staircase. And then having stairs come off the North side of the deck toward the front door of the house.

I'm trying to keep cost down or option number 2 would be that exact same shift to the East maintaining my side yard setback of 8 foot as required and then wrapping that deck so I could maintain a level walking surface coming out of the front door and around. As I am trying to incorporate one of the two doors of the house for an older party to make it around and to go down a modern staircase. If you flip one more time, this will be the first photo that I have which is a side view of the basement access to the property. And obviously, the deck being attached, covered roof and I'll screen the sides in to make sure the snow and things don't go in. It will provide a good landing area and all that down at the bottom of the stairs so that the rise and run and distance to the door and all that is adequate. The next page I indicate 17 wide. That will be the width of the house there if I constructed the deck in a manner that allowed that screen door to swing tight to the railing. She could go onto the deck, tenant could go to that deck over adequate space everywhere and then back down that basement staircase. This is the photo of my proposal from page one. Next page, I tried to shift the camera over so you can see the side yard. The neighbors are in the same boat there. Their garage is erected within about two feet as well. If I can get over to that side door, I'm hoping that is ok. I making a step in the right direction to get off the lot line. Next picture is just showing kind of the view of the area. The fire hydrant plays a key role in this. The building is going to be about ten feet further West of that fire hydrant. So, visibility going onto Bainbridge Street from any traffic on Walnut Street. This wouldn't effect at all. I did have a comment made at the last meeting, that those bushes, that I have cut them back. Those lilacs, people were saying they were a little bit higher. Completely a separate issue, but happy to do that to keep people safe coming off of Walnut Street. The next view is just coming down Walnut Street. The two homes on the left are the neighboring properties. Both of those properties are actually set closer to the street, approximately 10 to 15 feet closer to Walnut Street than this attached garage would be. Next picture is the view coming out of the alley. There is an alley between Walnut Street to the South, Locust Street to the North. Again if you look at that fire hydrant down there, you can see the two white. It's hard to see on my lovely black and white pictures. The building again, keep in mind, is going to be further to the West of that, which even puts it back from Bainbridge Street further than the properties to the South. Later on here I took a picture showing North. So I'm beyond that as well. This is just a side view of my double lot there, with a mark vertical. It just indicates where the building is going to stop in relationship to the neighboring home, their deck. Everything is still located quite a distance to the South. So in terms of their view over to Skipperliner and boats and things they like maybe looking at, it shouldn't change a bit. Under the extreme southeast side of the intersection of Walnut and Bainbridge just showing the lot space that I'll be working on. Then an overhead view which is in color. Just demonstrating the sheer size of the lot in comparison to the neighborhood. As far as housing density, green space ratios etc. I have estimated 2 to 3 times the available green space on this lot, comparatively speaking to neighboring properties. One last photo is a view of Locust Street looking to the North, homes get a little bit tighter to the Street. Then a view to the South from Locust Street, also the home closer to Bainbridge Street than my structure. The next picture showing a different angle. Lastly, this a drawing that I worked on with Chad quite a bit in the past. These are actually the boundaries that Chad had drawn out and would be the maximum space that could be occupied without a variance other than 50% rule. I am staying well behind every boundary. I have elected to stay 10 feet off the side yard as opposed to the 8 that would be required. That is something I have room to work with in that building envelope. So I could go further from the West boundary I'm at 10, I could go to 12, I wouldn't have a problem with that. One more thing I would like to read here. February 13th, a little bit redundant, it's been talked about here, but I have been before the Board here, different members I believe.....Huesman and Thompson were there board members that evening. I made my request here as proposed. The deck is proposed to improve safety for the tenants. The home, the property garage is strictly for my personal storage. When I was going through the Town on this, people did ask, "What do you need that for?." I have several boats, antique boat, I collect things, personal boats, recreational vehicle. End of story there. That's what it's for. This board February 13th deferred the matter pending approval of the Town Board. When I first presented this to the Board on the 13th of February I had not met with the Town of Campbell yet. I thought this was the appropriate place to begin. The Town did write an email that they wanted me to come in and meet with them. Spend time with them and go through everything. So I went back to the Town to seek their approval. I had a little misunderstanding with the Town and made an apology for that. After the zoning meeting on the 13th I went to visit with Mr.

Nate Sampson at his office at the Administrative Building here to gather the facts and make sure I knew the protocol from here forward. That was on the 23rd of February. So I did that. That was about ten days after the 13th that way I could learn what lie ahead of me with the Town of Campbell and the Planning Board. I had several questions for him that day. One of my questions was if I could go to the Town with the exact plan I brought before the Board on the 13th of February. He told me that was perfectly acceptable to present the same plan to the Town as I had presented to this Board on the 13th. I thought that Mr. Sampson being a lead member of the office, he would certainly have the right advice for me on that. As he explained to me it was acceptable to do. I then brought the same plans to the Town of Campbell Planning and Zoning Board. On March 6th the board made a decision to vote in favor of my proposal. On the 13th day of March the Town of Campbell had their board meeting. I wasn't able to attend. I had my wife go on my behalf. The proposal for the improvement at 117 Walnut Street was brought before the community of Campbell and the Town Board again the vote was in favor of the proposed project moving forward. The next step would be to come back before this board for final approval. For that reason I come before you today. I request that you approve this proposal as recommended by the Town of Campbell and as shown on my information packet on page one.

QUESTION Raymer: Is any of the Storage going to be used by the person that lives there?

ANSWER Niegelsen: Honestly no, she's got one car. In the future I thought of that. For someone to put things there if they needed to.

QUESTION Raymer: What are the sidewall heights?

ANSWER Niegelsen: 16 for they needed a 14 foot door. To get a boat that is 13'6". The boat is built on a trailer with a maximum road height of 13' 6". That's only reason I'm going with that wall height.

QUESTION Eilertson: Do you plan on putting fill on the lot?

ANSWER Niegelsen: I don't believe that I'm going to have to. A little bit of leveling the site. I actually met with Chad before I purchased this property two and a half years ago with this in mind. I kind of held out patiently for the 500 year flood plain. Discussion with the new Lidar readings made this allowable without any alterations. Before I came here the first time, I went and talked with the building inspector from Onalaska to make sure I was okay for how I intended to do everything with the staircase and so forth.

QUESTION Raymer: Those dimensions indicate it is going to be a pole shed?

ANSWER Niegelsen: Yes, I'm going to do post frame construction.

QUESTION Raymer: Steel siding?

ANSWER Niegelsen: I like to do things nice. I got bids from Brickle and Cleary so far which are both quality people.

QUESTION Raymer: Siding to match the house?

ANSWER Niegelsen: It'll be white in color So it will match. The home is white. The texture will be vertical on this.

REMARKS VandenLangenberg: Point of clarification and a question. As Chad mentioned this property was in a flood plain. which made additional variances required back when he first approached the county on this. Since that time the county has adopted its new floodplain maps as of November and is no longer in a floodplain. That ordinance and regulation are no longer applicable.

Question VandenLangenberg for Chad: Clarification if you would, the township you presented to them a couple of alternatives, their approval that they sent to the county didn't indicate any of the alternatives. Are they approving your original proposal? I am assuming they are approving your original proposal?

ANSWER Niegelsen: Right. I went back to the minutes and looked at that too. It's my understanding that they are approving the original exhibit A that we sketched up in your office with yourself and Nate. It didn't seem to be a concern.

REMARKS VandenLangenberg: That's my assumption as well.

REMARKS Niegelsen: If you have any further questions please feel free to ask.

Appearing in opposition: Gary Simonson, 128 Locust St., LaCrosse WI 54603.

REMARKS Simonson: Before I start I have a letter from a person. Who do I give this to?

QUESTION Raymer: So you're behind and across the alley?

ANSWER Simonson: Correct. I am still opposed to a building that size in a residential neighborhood. It's out of place I feel and my big fear is that once the garage is built the owner may want to rezone eventually and make this residential. Right now that's not the concern with him. What's going to happen down the road with a garage that size?

QUESTION Raymer: Do you think that he will try to rezone it to commercial instead of residential?

ANSWER Simonson: That is my fear and the neighbors as well.

QUESTION Raymer: Who?

ANSWER Simonson: The neighbor which letter I just submitted. He has to go to work at 6 o'clock. At the meeting in February there was a motion made to defer this with a condition that he submit plan for a smaller structure and that he seek a town recommendation. He did seek town board action, but they did not have this motion and were given the original size of the building. They were not aware of that.

QUESTION Raymer: I'm not sure how that works, that committee was two different people. Were there three there or just two?

ANSWER VandenLangenberg: I believe that there were two, Barb Frank being excused.

REMARKS Simonson: I guess I'm not aware I am talking about the town of Campbell meeting and not this committee. I think there was some miscommunication, obviously. When I got the letter again stating it is the same size garage, I thought why are we back here? Originally it was supposed to be 45 by 63. Others are not happy with it either. The Town of Campbell rezoning and our zoning appeals thing did not have that information that was presented at the last appeal here. They made a decision without all of the information.

REMARKS VandenLangenberg: Typically we do not read into the record correspondence from neighbors that are not here. Will read official correspondence. If you would like to read this into the record, you can.

Simonson reads a letter in opposition from Shane Berger into the record.

Appearing in opposition: William Gaines, 120 Locust St., LaCrosse WI 54603.

QUESTION Raymer: You're directly behind and across the alley?

ANSWER Gaines: Yes, to the West. I am opposed to it because of the size and 16 foot walls. I'm not sure how many boats he's got, but I know he's got other rental properties. And I've heard it mentioned that he's going to be storing water heaters and I'm not sure if its washer and dryers from them properties. I'm kind of concerned about stuff starting to wind up outside of that shed. It's a pretty big building in a residential neighborhood. I worried about my neighbor's property values. We already got the big buildings across Bainbridge blocking the bluffs. You used to be able to see the bluffs. I can't see the bluffs no more. Because of American Marine now, but used to be Skipperliner. Something that big on a residential site I am totally opposed to. 16 foot high walls that's quite big.

QUESTION Raymer: Did you go to your Town meeting?

ANSWER Gaines: I was not able to make it, no.

QUESTION Raymer: Anything else?

ANSWER Gaines: Nope.

Correspondence, VandenLangenberg: One piece of correspondence from the Town of Campbell on 3/14/12 via fax at the regular Town Board meeting the Campbell Town Board approved this variance (read into the record).

QUESTION Raymer: Can he store other people's boats and get paid in a residential neighborhood?

ANSWER VandenLangenberg: No he cannot. The zoning on this is Residential District A, single family use only. If that would be the case. Mr. Neigelson would have to rezone the property or seek a conditional use permit to allow rental storage.

QUESTION Raymer: If he were to attempt to let other people store stuff in there for a fee. He wouldn't be allowed to do that?

ANSWER VandenLangenberg: Correct.

QUESTION Raymer: Either rezone or get a conditional use permit?

ANSWER VandenLangenberg: Correct.

Discussion: None

Motion Raymer/Eilertson to approve the appeal with condition that the deck meet the required 8 foot side yard setback.

2 Aye, 0 No. Motion carried.

Motion Raymer/Eilertson to adjourn at 6:45.

2 Aye, 0 No. Motion carried unanimously.