

BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, June 18, 2012
Administrative Center – County Board Room
6:00 p.m. – 7:05 p.m.

MEMBERS PRESENT: Howard Raymer, Jr., Dave Eilertson
MEMBERS EXCUSED: None
MEMBERS ABSENT: Mark Huesmann
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.

CONTINUATION OF APPEAL NO. 2012-25 Michael R & Jennifer L Thompson, W5534 Southdale Dr, La Crosse, WI 54601. Permit denied to construct an 8-ft x 10-ft play house that will lie within the required 75-ft setback from the ordinary high-water mark of Pammel Creek. Property is described as: Lot 5, Creekside Meadows, Town of Shelby. Tax parcel is 11-2490-0. Property address is W5534 Southdale Dr.

Remark: Chad Vandenlangenberg reminded the Board and public this appeal is a continuation and all the public comments and testimony from last month do carry over.

Appearing in favor: Jennifer L Thompson, W5534 Southdale Dr, La Crosse, WI 54601. The appellant stated they have talked with the DNR and presented more information to them. The appellant submitted pictures of the backyard showing the vegetation between the fence and creek.

Appearing in opposition: None.

Remark: Chad Vandenlangenberg stated correspondence was presented at last month's public hearing from the Town of Shelby with the recommendation to approve.

Correspondence: Email sent June 18, 2012 from Michael Wenholz, Wisconsin DNR. Email states that if the applicants convincingly demonstrate meeting the three required variance criteria, the department has no problem with granting this request as long as a rain garden is installed as a condition of the approval.

Discussion: The Board reviewed the design plan for the playhouse and discussed approval of the appeal and what conditions to require with the approval.

Motion Eilertson/Raymer to approve with the conditions that the playhouse cannot be turned into a storage shed, a rain garden be installed as recommended by the DNR and the project shall be done within 12 months.

2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.

APPEAL NO. 2012-27 William E Carskadon, W7379 County Road Z, Onalaska, WI 54650. Permit denied to construct a 12-ft x 18-ft addition to an existing single family home that will lie within the required 80-ft setback from the centerline of County Road Z. Property is described as: Part of Lot 10 and Part of Lot 11, Block 1, Amended Plat of Ma Gipeeaska Washonee Day Cho Chake Subdivision, Town of Onalaska. Tax parcel is 10-2065-0. Property address is W7379 County Road Z.

Appearing in favor: William E Carskadon, W7379 County Road Z, Onalaska, WI 54650. The appellant stated the addition will be 18-ft x 26-ft and not 12-ft x 18-ft as listed in the public notice. The appellant stated there is an existing room there now which was an addition to the house in the past and has no idea when that was built. The appellant stated they wish to remove that existing room and replace it with the proposed 18-ft x 26-ft addition which extends further to the west and to the south but not closer to the road. The appellant stated he measured from the road and the proposed addition would sit back further from the road than any other part of the existing house or attached garage. The appellant

stated that if the addition was built to meet the required road setback it would require a lot of fill, would require moving the holding tank and possibly doing something with the drain field. The appellant stated the addition will be used as a bedroom. The appellant stated the bedroom and bathroom are currently on the second floor and would like to construct the proposed addition so they don't have to climb stairs when they get older. The appellant stated the proposed addition will be a one story addition that will be level with the existing house. The appellant stated the project could be completed within 12 months.

Appearing in opposition: Ronald Chamberlain, La Crosse County Highway Commissioner, 301 Carlson Rd, West Salem, WI 54669.

Mr. Chamberlain stated the Highway Department has concerns with the drainage pattern of storm water. (A picture of the residence was placed on the overhead for reference.) Mr. Chamberlain pointed out the break in the grade just to the west of the house and stated that is a natural drainage way. Mr. Chamberlain stated his concern is that natural drainage way being filled as part of this project. Mr. Chamberlain stated the Highway Department receives many complaints regarding storm water on Brice's Prairie and that the Department is looking at a storm water project to correct many of the issues. Mr. Chamberlain said the Department is not opposed to the addition but is opposed to any fill that may be placed within the drainage way. The Board stated they feel the drainage way is far enough away from the proposed addition and filling that in won't be an issue. Mr. Chamberlain stated it all depends on what kind of site work is done in relation to the proposed addition.

Remark: The appellant stated they drive down the west side of the lot and that is their only access to the lower part of the lot. The appellant stated there would be 12 to 15 feet from the end of the proposed addition to the drainage way. That appellant said they would not be affecting the drainage way.

Correspondence: Email sent June 13, 2012 from Melissa Erdman, Town of Onalaska Clerk/Secretary. Email states the Town of Onalaska Plan Commission and the Town Board unanimously approved the variance.

Discussion: The Board discussed approval of the appeal and what conditions to require with the approval.

**Motion Eilertson/Raymer to approve with the conditions that no filling or grading in the drainage way and project is to be completed within 12 months.
2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.**

APPEAL NO. 2012-28 Clark R & Jeanne K VanGalder, N3551 Old M Rd, West Salem, WI 54669. Permit denied to move a 30-ft x 30-ft detached accessory building with a 4-ft overhang on to a 2.86 acre parcel that will lie within the required 50-ft setback from the right-of-way of Old M Road and together with an existing 20-ft x 30-ft detached accessory building will exceed the 1,000 square foot area limit. Property is described as: Part of the SW/NW, Section 21, T16N, R6W, Town of Barre. Tax parcel is 2-166-0. Property address is N3551 Old M Rd.

Remark: Before the public hearing portion began, Chad Vandengenberg informed the Board of Adjust that lean-to additions are used to compute area limits. The actual square footage of the existing detached accessory building including the lean-to additions is 28-ft x 44-ft and not 20-ft x 30-ft as shown on the public hearing notice. This was discovered during the tour after the public hearing maps were mailed.

Appearing in favor: Clark R VanGalder, N3551 Old M Rd, West Salem, WI 54669.

The appellant explained to the Board the proposed shed will be placed on an existing pad that is currently used for a motor home and that's why it will lie within the required 50-ft setback. Appellant advised board it would be legal under revised Zoning Ordinance. The Board asked when the Town of Barre would be adopting the revised Zoning Ordinance. The appellant states the Town of Barre anticipates passing the revised Zoning Ordinance. Chad Vandengenberg stated it would go into effect when the Town of Barre would publish the notice. Appellant stated the proposed pole shed is a building purchased from Jeffrey Berg who lives down the road. Appellant plans to keep it the same and improve it. The Board discussed lot size and computing square footage for detached accessory buildings. Chad Vandengenberg explained to the Board how area is computed for detached accessory buildings. The appellant stated the Town of Barre has approved this. The appellant stated a vegetation screen is already established. The

appellant stated total cost will be \$1655. The Board and appellant discussed current access to the parcel and proposed access for proposed pole shed.

Appearing in opposition: None.

Correspondence: 1) Letter from the appellant submitted with the application and is dated May 15, 2012. Letter states reasons and plans for the proposed detached accessory building.
2) Letter from Sally Stelloh, Town of Barre Clerk, dated May 30, 2012. Letter states the variance was unanimously approved at the regular board meeting on May 9, 2012.

Discussion: The Board discussed approval of the appeal and what conditions to require with the approval.

Motion Eilertson/Raymer to approve with the conditions that it shall be completed within 12 months and no new driveway.

2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.

APPEAL NO. 2012-29 Dale A & Patti Ferris Emery 2000 Revocable Trust, W8197 County Road ZB, Onalaska, WI 54650. Permit denied to construct a 10.83-ft x 18-ft deck with steps and a ramp that will lie within the required 75-ft setback from the ordinary high-water mark of Lake Onalaska. Property is described as: Part of Government Lots 1 & 2, Section 22, T17N, R8W, Town of Onalaska. Tax parcel is 10-1655-0. Property address is W8197 County Road ZB.

Appearing in favor: Dale Emery, W8197 County Road ZB, Onalaska, WI 54650.

The Board made mention that almost the entire project will lie within the required 75-ft setback line. The appellant informed the Board of remodeling that was done in the basement. The appellant stated they purchased the property next door and found termites. The appellant stated he also found termites in his house. The Board viewed pictures that the appellant submitted with the application showing the area where the previous deck was located. The appellant stated only reason for removing the previous deck was because of the termite damage to the house. The appellant discussed layout of lot and accessibility to the residence. The appellant stated they do not plan to go any further than what was there.

Appearing in opposition: None.

Correspondence: 1) Email sent June 13, 2012 from Melissa Erdman, Town of Onalaska Clerk/Secretary. Email states the Town of Onalaska Plan Commission and the Town Board unanimously approved the variance.

2) Email sent June 15, 2012 from Michael Wenzholz, Wisconsin DNR. Email states that if the applicant can convincingly demonstrate meeting the three required variance criteria, the department believes under the circumstances the deck can be built within the exact same footprint, so that the deck is the same size and in the same location as it previously stood.

Discussion: The appellant stated he has not discussed his plan with the DNR. The Board asked the appellant if they heard the DNR recommendation. The appellant said yes and stated it would be the same footprint. The Board discussed approval of the appeal and what conditions to require with the approval.

Motion Eilertson/Raymer to approve with the conditions it shall be the same size and in same location as previous deck and it shall be completed within 12 months.

2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.

APPEAL NO. 2012-31 Arlan Ziegler, Markgren Landscape Group, Inc., W7069 County Road ZN, Onalaska, WI 54650, on behalf of Timothy J & Maripat Coughlin Trust, 2535 Baumgartner Dr, La Crosse, WI 54603. Permit denied to construct retaining walls, a patio, a stairway and a seawall that will lie within the required 75-ft setback from the ordinary high-water mark of French Slough. Property is described as: Lot 1 of Certified Survey Map, Volume 2, Page 180 and part of Government Lot 2, Section 13, T16N, R8W, Town of Campbell. Tax parcel is 4-1924-2. Property address is 2535 Baumgartner Dr.

Appearing in favor: Timothy Markgren, W7069 County Road ZN, Onalaska, WI 54650.

Mr. Markgren will be doing the work for the owners. The Board and appellant referred to the landscaping plan submitted with the application and discussed the proposed project. The appellant stated the existing steps and walls are falling over. The appellant stated the shoreline is eroding. The appellant wants to minimize the retaining walls and install a lawn ramp to get to the water. The appellant stated there will be no hand railings visible instead it will be a five to one slope to easily walk up and down. Chad Vandenlangenberg stated a Special Exception Permit is required. The appellant discussed stabilizing slope with plants and saving two trees on the lot. The appellant stated they are trying to minimize visual impacts and create a safe way to get to the water. Chad Vandenlangenberg stated the Special Exception Permit will be heard next month.

Appearing in opposition: None.

Correspondence: 1) Fax from Chadwick Hawkins, Town of Campbell Clerk, dated and received on June 13, 2012. Fax states the Campbell Town Board had no objections to the Variance or Special Exception Permit.

2) Email sent June 15, 2012 from Michael Wenholz, Wisconsin DNR. Email states the department has no problem with granting this request as long as native vegetation is used to shield the seawall.

Discussion: The Board discussed the proposed project and the need for the proposed landscaping. The Board discussed approval of the appeal and what conditions to require with the approval.

**Motion Eilertson/Raymer to approve based on the plan that was submitted.
2 Aye, 0 No, 1 Absent (Huesmann).**

Remark: Chad Vandenlangenberg suggested a 12 month expiration date and restated the recommendation made by the DNR. The Board and Chad Vandenlangenberg discussed the DNR's recommendation.

**Motion Raymer/Eilertson to amend the motion to approve based on the plan that was submitted subject to the conditions that it shall be completed within 12 months and native vegetation shall be used to shield the seawall as recommended by the DNR.
2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.**

APPEAL NO. 2012-32 Fred & Jolene Schwingle, 2509 Thomas Ct, Onalaska, WI 54650, on behalf of Ernest M Padgett, 1711 Lakeshore Dr, La Crosse, WI 54603. Permit denied to construct a single family home, attached garage and covered porch on a 0.41 acre parcel that will lie within the required 52-ft setback by averaging from the ordinary high-water mark of French Slough and will lie within the required 50-ft setback from the right-of-way of Lakeshore Dr (County Road BW). Property is described as: Part of Government Lot 9, Section 19, T16N, R7W, Town of Campbell. Tax parcel is 4-718-1. This parcel is the vacant parcel north of 1711 Lakeshore Dr.

Appearing in favor: Jolene Schwingle, 2509 Thomas Ct, Onalaska, WI 54650.

The appellant stated Ernest Padgett currently owns the property but they would like to buy the property only if they can get the variances to build house. The appellant stated they put their bid in contingent upon approval from the Board of Adjustment. The Board stated a lot of that house is in that setback. Chad Vandenlangenberg stated the DNR submitted correspondence. The appellant stated they have not talked to the DNR but have been to the Town of Campbell Board. The appellant stated they came across the property six months ago and didn't realize all the steps they needed to take. The Board stated there are a lot of things to take into consideration when near water. The appellant stated the property is located on a slough and there's not a lot of water that comes through unless the water is high. The appellant stated the additional rip rap is needed. The appellant discussed house plans and wanting to be on the water. The appellant stated the property cannot be accessed by boat. The appellant stated a basement is under the house only. The appellant stated if they can't get their variance, the lot is no good for a house. The Board stated the lot is unbuildable without a variance.

Appearing in favor: Ernest M Padgett, 1711 Lakeshore Dr, La Crosse, WI 54603.

Mr. Padgett stated he is the owner of the lot. Mr. Padgett stated his house is the lot to the south. Mr. Padgett stated he bought the house in 2000 and the vacant lot in 2002 or 2003. Mr. Padgett stated he

went through the steps with the county with the understanding he'd be able to build a house there someday and that's why he put in massive money to fill the lot. Mr. Padgett stated the lot was taken out of the floodplain. Mr. Padgett stated he has not had water problems at his house. Mr. Padgett stated he talked to the neighbors and they have no problem. Mr. Padgett talked about the catch basin located in the right-of-way and issues regarding the catch basin and drainage pipe.

Appearing in opposition: Ronald Chamberlain, La Crosse County Highway Commissioner, 301 Carlson Rd, West Salem, WI 54669.

Mr. Chamberlain discussed concerns with drainage on the property, catch basin and 24 inch corrugated metal pipe. Mr. Chamberlain pointed out it's not a good idea to build over a drainage structure and that sooner or later it will fail causing damage to the structure above. Mr. Chamberlain stated he is not aware of any previous conversations regarding moving the existing structure. Mr. Chamberlain stated he does not believe it would be in the best interest of the county to have to worry about something being damaged from a failed pipe. Mr. Chamberlain stated he is not aware of any easement. Mr. Chamberlain stated he has no issues with the setback from the right-of-way. Mr. Chamberlain stated there is nothing in the budget with this type of situation and it would be up to the property owner to submit a proposal and pay for the work.

Remark: Chad Vandenlangenberg stated a Special Exception Permit was granted for this parcel and a condition was that an easement be recorded. Chad Vandenlangenberg stated he does not believe an easement has been recorded. Mr. Padgett stated he is not aware of any easement.

Correspondence: 1) Fax from Chadwick Hawkins, Town of Campbell Clerk, dated and received on June 13, 2012. Fax states the Campbell Town Board had no objections to the Variance.
2) Email sent June 15, 2012 from Michael Wenholz, Wisconsin DNR. Email states the department recommends this request be denied.

Discussion: The Board discussed denying the appeal based on the house plans submitted and stated that a smaller house needs to be designed for the lot that meets more DNR and setback requirements.

Motion Eilertson/Raymer to deny.

2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.

Motion Eilertson/Raymer to adjourn at 7:05 pm.

2 Aye, 0 No, 1 Absent (Huesmann). Motion carried unanimously.