

## **BOARD OF ADJUSTMENT PUBLIC HEARING**

Monday, August 20, 2012  
Administrative Center – County Board Room  
6:00 p.m. – 7:15 p.m.

**MEMBERS PRESENT:** Howard Raymer, Jr. and Dave Eilertson  
**MEMBERS EXCUSED:** Mark Huesmann  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Nathan Sampson, Michael Harding (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.

**APPEAL NO. 2012-33** Roger L & Denise A Roellich, 1357 Nakomis Ave, La Crosse, WI 54603. Permit denied to retain an existing 8-ft x 10.5-ft detached accessory building that lies within the required 75-ft setback from the ordinary high-water mark of Richmond Bay AND the required 60-ft setback from the centerline of Comanche Way. Property is described as Lot 16, Terpstra Addition to Hiawatha Islands Addition, Town of Campbell. Tax parcel is 4-1240-0. Property address is 1357 Nakomis Ave.

**Appearing in favor:** Roger Roellich, 1357 Nakomis Ave, La Crosse, WI 54603.  
Mr. Roellich stated that he trying to keep his shed. He also stated that it was not hurting or bothering anybody.

**Question Raymer:** Was this shed done without a permit?

**Answer Sampson:** This shed had not been issued a zoning occupancy permit.

**Question Raymer:** How long has it been there?

**Answer Roellich:** Since I have owned the place.

**Question Raymer:** So you didn't put it there?

**Answer Roellich:** No.

**Question Eilertson:** Is it sitting on a slab?

**Answer Roellich:** It has a plywood floor with anchors.

**Appearing in opposition:** None.

**Correspondence:** 1) Town of Campbell email dated 8-16-12 to Nate Sampson. Email states that the Town has no objections to the appeal.

2) Email from Michael Wenzholz WI-DNR dated 8-20-2012. Email states that it recommends that this permit be denied.

**Question Eilertson:** Is there any reason that you can't move that out of that area?

**Answer Roellich:** Actually, when I talked with the two guys from La Crosse County that came out, I offered to move it closer to my house. No matter where I put it in the back yard it would require a variance. That's what they told me.

**Discussion:** Mr. Raymer stated that there looked like an area behind the garage.

**Question Raymer:** Why can't it go right behind the garage?

**Answer Roellich:** There is not enough room there. The county guys told me that I only have about 6 feet. I offered to put it in the corner, but I was told that I would still need a variance.

**Question Raymer:** Who would have come out there?

**Answer Sampson:** Probably staff from the zoning office. Setbacks would still require some type of variance.

**Motion Eilertson/Raymer to DENY.**

**2 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2012-39** Mark A Etrheim acting on behalf of Dawson Park LLC, 1821 Acorn Ct, Onalaska, WI 54650. Permit denied to retain an existing bridge and existing retaining walls that lie within the required 75-ft setback from the ordinary high-water mark of Richmond Bay. Property is described as the Common Element of Dawson Park Condominium, Town of Campbell

**Appearing in favor:** Mark A Etrheim acting on behalf of Dawson Park LLC, 1821 Acorn Ct, Onalaska, WI 54650. Mark stated that the bridge is 6 inches over the high water mark. There is a spring that the bridge is spanning. No public harm. The structure is not fastened down. It is just sitting on top of the blocks. The DNR was alright with the structure.

**Question Eilertson:** Should we have another major flood, you could go in there and remove the bridge out.

**Answer Etrheim:** I can move it out of there.

**Appearing in opposition:** None.

**Correspondence:** Email from Mike Wenholz DNR dated 8-20-2012. Email states that the department(DNR) would have no problem granting this request if the three variance criteria were met. The department (DNR) does not see any unnecessary hardship with this request.

**Comment Etrheim:** I met Travis out there and said the Town of Campbell didn't have a problem with it.

**Motion Eilertson/Raymer to approve.**

**2 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2012-43** Mike Richgels, 757 Sand Lake Rd, Onalaska, WI 54650, acting on behalf of Frank A & Anne L Heasley, W6684 Schilling Rd, Onalaska, WI 54650. Permit denied to retain an existing 25-ft x 50-ft detached accessory building that exceeds the 1,000 square foot area limit for detached accessory buildings on a 2.15 acre lot. Property is described as Lot 5 of Certified Survey Map Volume 15, Page 80, Town of Onalaska. Tax parcel is 10-587-7.

**Appearing in favor:** Mike Richgels, W6685 Shilling Road, Onalaska, WI 54650. The big parcel was split resulting in the violation. The building has been there for about 35 years.

**Question Eilertson:** Do they use it for anything now?

**Answer Richgels:** Store some of the neighbors boats as a friendly type of deal.

**Appearing in opposition:** None.

**Correspondence:** 1) Email from Melissa Erdman, Town Clerk of Onalaska, dated 8-16-2012. Email states that the town approved the request for variance.

**Motion Eilertson/Raymer to Approve.**

**2 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2012-44** Mark Prokes acting on behalf of Bainbridge Properties LLC, 905 Breezy Point Rd, La Crosse, WI 54603. Permit denied to retain four (4) 10-ft x 12-ft second story attached decks that lie within the required 59-ft setback by averaging from the ordinary high-water mark of Richmond Bay. Property is described as part of Government Lots 6 & 7, Section 19, T16N, R7W, Town of Campbell. Tax parcel is 4-797-0. Property addresses are 1638 & 1642 Bainbridge St.

**Appearing in favor:** Mark Prokes, O.B.O. Bainbridge Properties LLC, 905 Breezy Point Rd, La Crosse, WI 54603.

Handed a letter from a neighbor to Nathan Sampson.

**Question Raymer:** When were these decks built?

**Answer Prokes:** April of this year.

**Question Raymer:** Did you build them?

**Answer Prokes:** I did.

**Question Raymer:** What was there before?

**Answer Prokes:** Nothing. We replaced all the windows and added patio doors in the back facing the water.

At the time, the building inspector said I didn't need a permit since we were not changing the structure. Obviously that did not apply to the decks.

**Question Eilertson:** When did you buy the property?

**Answer Prokes:** I have owned the property 4 or 5 years. The previous owners had a lot of police calls. That is something that we have overcome.

**Comment Sampson:** Staff will not read the letter into the letter.

**Question Raymer:** What do you read into the record?

**Answer Sampson:** We will read state or governmental unit.

**Comment Prokes:** Read the letter from Chad Neilgelson into the record. His comments were in favor of the leaving the decks in place for a variety of reasons.

**Appearing in opposition:** None.

**Correspondence:** 1) Email from the Town of Campbell dated 8-16-2012, states that the Town of Campbell has no objections. 2) Mike Wenzholz (DNR) made comments in an email dated 8-20-2012 The Email states that the department DNR would have no problem granting this request if the three variance criteria were met. Also recommending that some appropriate conditions be placed on the property to mitigate any possible future problems.

**Discussion:** Inaudible.

**Motion Raymer/Eilertson to approve** with stipulation that the decks not be enclosed and must remain as open decks.

**2 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2012-45** Scott D Happel, W8163 County Road ZB, Onalaska, WI 54650. Permit denied to construct a 12-ft x 14-ft attached deck with a 5-ft wide walkway and a 12-ft x 14-ft shed below said deck 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 Lot 1, Section 22, T17N, R8W, Town of Onalaska. Tax parcel is 10-1658-0. Property address is W8163 County Road ZB.

**Appearing in favor:** Scott D Happel, W8163 County Road ZB, Onalaska, WI 54650. I am looking to build a shed and a deck. Previous shed on the property was 2 feet from the property line. It was infested with termites. I tore that down.

**Question Eilertson:** When we looked at this property several years ago there was an old cottage there. Did you tear it down?

**Answer Happel:** To the floor joists. It's on that old foundation. I did replace some of the old foundation.

**Question Eilertson:** Did you get a permit for the retaining walls on the property?

**Answer Happel:** I don't believe so. I guess I was oblivious to that. It's steep and I gotta have something there.

**Question Raymer:** So the shed that is going to be under the deck, how are you going to water proof that?

**Answer Happel:** I will have a concrete foundation with a slope and height there. It will be a tin roof under the deck.

**Appearing in opposition:** None.

**Correspondence:** 1)Town of Onalaska Clerk, Melissa Erdman sent an email dated August 16, 2012 stating that the Town of Onalaska unanimously approve Happel variance. 2) Mike Wenzholz DNR sent an email dated 8-20-2012stating that this property has been granting in the past. It is unlikely that another variance be granted per the Zoning book hand book for Wisconsin Board of Adjustments page 100. The

proposed structures will likely increase the storm water run-off from the site. The applicant must meet the three variance criteria. If they can not the request should be denied.

**Discussion:** Inaudible.

**Motion Eilertson/Raymer to Deny.** There are other alternatives to put the deck outside of the ordinary high water mark.

**2 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2012-42** Philip D & Marion B Jones, N5689 Bernard St, Onalaska, WI 54650. Permit denied to construct a 27-ft x 51-ft one-story addition to an existing residence that will lie with the required 30-ft setback line from the right-of-way of Bernard St. as shown on the plat. Property is described as Lot 4, Block 6, Schaller Lake Park Addition, Town of Onalaska. Tax parcel is 10-1998-0. Property address is N5689 Bernard St.

**Appearing in favor:** Philip Jones, N5689 Bernard St, Onalaska, WI 54650. Mr. Jones explained his project of what he was proposing. He explained that this is the only place for the addition to go because of septic and well locations.

**Question Eilertson:** Can you get this built within 12 months?

**Answer Jones:** I think I can.

**Comment Sampson:** Act 135 authorizes the Board of Adjustment to place expiration dates on variances that are granted. That was just recently passed.

**Appearing in favor:** Shirly Sebranek, W7773 Schaller Drive, Onalaska, WI 54650.

I see no objection to this. The house would be an improvement of what they have now.

**Appearing in favor:** Arnie Sebranek, W7773 Schaller Drive, Onalaska, WI 54650.

I am speaking in favor of this appeal. Good expansion for another bedroom.

**Appearing in favor:** Kathleen Weiss, W7772 County Road ZB, Onalaska, WI 54650. I can see their house and have no objections at all.

**Comment Jones:** This is for a family room and garage only and not a bedroom.

**Question Sampson:** Will there be a below grade foundation under this addition?

**Answer Jones :** Yes, for the 27' x 27' portion and not the garage. I also checked with the City of La Crosse Inspection Office since I fall within the three mile radius of the airport. Something new that came out within the last three months. A Land Use Permit is needed for 40 dollars. I checked on that per your guy.

**Appearing in opposition:** None.

**Correspondence:** None.

**Discussion:** Discussed the appeal.

**Motion Eilertson/Raymer to Approve.**

**2 Aye, 0 No. Motion carried unanimously.**

**APPEAL NO. 2012-46** Mike Reschke, North Country Contractors, N3074 County Road M, La Crosse, WI 54601, acting on behalf of Glenn A & Patricia L Decker Living Trust, 220 Mondovi Dr, Oswego, IL 60543. Permit denied to construct a 40-ft x 56-ft detached accessory building that will exceed the 17.33-ft height limit for detached accessory buildings on a 49.46 acre parcel. Property is described as part of the Northeast Quarter, Section 35, T16N, R6W, Town of Barre. Tax parcel is 2-498-1.

**Appearing in favor:** Mike Reschke, North Country Contractors, N3074 County Road M, La Crosse, WI 54601.

**Question Raymer:** You can't get this built to get their motor home in there without being that high?

**Answer Reschke:** Yes, that is the reason they need it. This is a residential garage. If it were an ag building it would not be an issue.

**Question Raymer:** Are they going to build a house?

**Answer Reschke:** Yes, they are working on the house plans right now.

**Question Raymer:** Any problem getting it done within twelve months?

**Answer Reschke:** No, that shouldn't be a problem.

**Appearing in opposition:** None.

**Correspondence:** 1) Email from the Town of Barre, Sally Stelloh (Clerk) dated, 8-16-2012 state that the Board recommends approval.

**Comment Sampson:** As soon as the Town of Barre Adopts the revised Zoning Ordinance the height will comply.

**Motion Eilertson/Raymer to Approve.**

**2 Aye, 0 No. Motion carried unanimously.**

**Motion Eilertson/Raymer to adjourn at 7:15 pm.**

**2 Aye, 0 No. Motion carried unanimously.**