BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, April 14, 2014
Administrative Center – Basement – County Board Room
6:00 p.m. – 7:32 p.m.

MEMBERS PRESENT: Howard Raymer, Thomas Thompson, Larry Warzynski
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Chad VandenLangenberg (recorder/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. 2014-05 Mark Prokes, d/b/a Bainbridge Properties, LLC, 905 Breezy Point Rd, La Crosse, WI 54603, appeals to retain the configuration of a previously adjusted lot line resulting in a 1,257 sq. ft. reduction of an existing non-conforming lot, further reducing the lot area below the minimum 56,000 sq. ft. required by the La Crosse County Shoreland Zoning Ordinance. Property is described as part of Gov’t Lots 6 & 7 in Section 19, T16N, R7W. Tax parcel 4-797-0. Property addresses: 1638 & 1642 Bainbridge St. Town of Campbell.

 Appearing in favor: Mark Prokes, 905 Breezy Point Rd, La Crosse WI 54603.

Question Raymer: Can you explain the lot line issue/discrepancy?
Answer Prokes: The lot was originally diagonal to the river. The fence was installed at a 90 degree angle. The neighbor had been using that land. When I figured out the difference, I offered the property to the neighbor as long as he took care of the paperwork. The property doesn’t really benefit me in any way. The buildings were built before the ordinance that governs this.

Question Thompson: How long has the fence been that way?
Answer Prokes: I've owned the property for 7 years and I would say at least 15 to 20 years.

Appearing in favor: Chad Niegelsen, 1646 Bainbridge St, La Crosse WI 54603. I am just echoing Mark's remarks. I purchased my property in 2001 and I figure that the fence was constructed by the 1st or 2nd owner of my property, so about 20 years ago. I was told that the fence was constructed by the 2nd owner. It did make sense to create a new property line along the existing fenceline. I would like to submit a letter in support from the property owner across the street, Jon Korish.

Appearing in favor: Arthur Herbst, 1630 Bainbridge St, La Crosse WI 54603. I am just south of the apartments and have lived there for 11 years. The fence has always been there. Mark is the 3rd owner since I have lived there and he is doing a good job. I am in support.

Appearing in opposition: None.

Correspondence: From the Town of Campbell dated 4/10/14, an email from Chadwick Hawkins indicating that he and supervisor Jeff Schroeder conducted a site visit and are recommending approval of this variance. From Mike Wenholz with the WDNR, dated and received 4/14/14. The WDNR has no comment on this variance.

Motion Thompson/Warzynski to approve
3 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2014-06 Chad M and Martha C Niegelsen, 1646 Bainbridge St, La Crosse, WI 54603, appeals to retain a 10-ft x 12-ft detached accessory building that lies within the required 4-ft side yard and within 75-ft of the Ordinary High Water Mark of a lot in the Shoreland District of Richmond Bay. Property is described as part of Gov’t Lot 7 in Section 19, T16N, R7W. Tax parcel 4-793-0. Property address 1646 Bainbridge St. Town of Campbell.
**Appearing in favor:** Chad Niegelsen, 1646 Bainbridge St, La Crosse, WI 54603. Here is a picture of a side view of the shed. It’s been there since 2002. It is up against the fence. It is waterfront property with a fence across the yard and a gate there for security, I have kids. Lot doesn’t allow for a different location as it is a smaller lot. We made changes to the property and then moved the shed to this location. The placement allows maintenance of personal possessions and provides a buffer between the multi-family properties to the south and our single family home. It provides privacy and keeps the noise down from the number of families on that side. We have a smaller tuck under garage and with the shed I can keep the flammables in the shed instead of the house. Don’t feel it has a negative impact on anyone in the area. Every neighbor that I approached, that adjoined mine, they are all in favor of the shed being there.

**Question Thompson:** Since you have been there, how high has the water got?
**Answer Neigelsen:** 2001, the water was up about two of those landscape timbers and that stage was about 16.5 feet.

**Question Thomson:** Is it fastened or just sitting there?
**Answer Neigelsen:** Just sitting there. When I did the remodel in 2008 the driveway was extended to it. There is river rock next to it. I don’t see any erosion or other environmental impacts. There is a tree and other shrubs along the river, so you can’t really see it in the summer. It also matches the house.

**Appearing in favor:** Mark Prokes, 905 Breezy Point Rd, La Crosse WI 54603. Property is very well manicured and the shed is definitely high enough and provides a nice barrier between the properties.

**Appearing in favor:** Herbst, 1630 Bainbridge St, La Crosse WI 54603. The place is nice and clean and I don’t see a problem with this shed. There are other places that have sheds or garages that are nice and neat. Those places that don’t have them usually are not as neat.

**Appearing in opposition:** None.

**Correspondence:** From the Town of Campbell dated 4/10/14, an email from Chadwick Hawkins indicating that he and supervisor Jeff Schroeder conducted a site visit and are recommending approval of this variance. From Mike Wenholz, WDNR dated 4/14/14 recommending denial of the variance and the shed be moved to a compliant location or removed.

**Remarks Raymer:** It would appear that he would need to remove it or work something out with the WDNR and agree to put in a raingarden to address the stormwater control issue.

**Question Raymer:** Chad, would you be willing to work with the WDNR on the stormwater control, raingarden issue?
**Answer Neigelsen:** Yes.

**Remarks Sampson:** If you would include the Land Conservation Department as the approval authority on the raingarden or mitigation measures, that would work better.

**Question Raymer:** And the WDNR?
**Answer Sampson:** No, the WDNR will not approve of the mitigation standards.

**Motion Thompson/Warzynski to approve, subject to the landowner meeting with the county Land Conservation Department to approve a raingarden to address the stormwater runoff from the shed and that the project should be completed within 12 months with an additional 6 month extension, granted by the ZPLIO Department if needed.**

Aye, 0 No. Motion carried unanimously.

**APPEAL NO. 2014-07** Steven J Dolezel of Dolz Inc., 1052 Oak Forest Dr, Ste 300, Onalaska, WI 54650, o/b/o Coulee Golf Bowl Inc., 100 Green Coulee Rd, Onalaska, WI 54650. Approval requested for alternate flood-proofing measures in lieu of the required 15-ft perimeter fill. A variance of 1.5-ft from the required floor elevation of 719.72-ft (’88 datum) and providing flood-proofing to 718.72-ft (’88 datum). A variance is requested to construct an addition to a non-conforming building that will lie within the required 75-ft
setback from the Ordinary High Water Mark of a navigable waterway. A variance is also sought for construction of an addition to a commercial building that lies within the required 25-ft front yard setback. Property is described as part of the SW/SW of Section 3, T16N, R7W. Tax parcel 10-11-0. Property address N4504 Green Coulee Rd. Town of Onalaska.

**Appearing in favor:** Attorney Phil Addis representing Coulee Golf Bowl, 504 Main St, La Crosse WI 54601. I am going to have a couple of speakers tonight. Steve from Coulee Golf Bowl will speak and then Tim from Brickl Brothers. After that, I will come back up and finalize our presentation.

**Appearing in favor:** Steve Dolezel, 3220 Emerald Valley Dr, Onalaska WI 54601. We are a golf course, bowling alley, bar and restaurant. About a year ago we started this remodeling project. The addition is going where the old shed was, now removed, and the patio area out back. We are expanding the bar and the dining area.

**Question Warzynski:** Can you explain the hashed line on the plan?
**Answer Dolezel:** That is the boundary line between the City of Onalaska and the Town of Onalaska. The addition will cross over two parcels and two municipalities.

**Remarks Addis:** When this all started, we filed an annexation petition with the city. There was an annexation fight and the town is trying to incorporate. The original plan was to annex to the city. Had this happened, we would not be here today as the whole addition would have been in the City of Onalaska. There was a hearing on the annexation petitions and it was agreed that the petition would be withdrawn. We cannot complete the annexation petition because of the lawsuits pending between the town and the Village of Holmen. When all of this is over, we still plan to annex a portion of the property into the City of Onalaska. We even moved the proposed door from being in the town to being in the city to avoid some other potential issues.

**Appearing in favor:** Tim Hanson with Brickl Brothers, 1074 Aspen Valley Dr, Onalaska WI 54650. This is a section of the membrane that we will be applying to the exterior of the wall in order to meet the floodproofing requirements.

**Question Thompson:** Is this an approved type of floodproofing?
**Answer Hanson:** Yes, it is.

**Remarks Addis:** Yes, that is an approved material for floodproofing. Is is within the state building code and it does meet the requirements as an alternative floodproofing material. You can see where the 75 foot setback and pretty much the entire building is within that setback. The reality is that this was not a navigable waterway until last year. You will not find a map that states this is a navigable waterway. This is actually a drainage ditch. (Shows pictures) We do need to try and comply as best we can based on the navigability determination. Obviously, we can’t pick up and move the building. The DNR has indicated that we should move the addition to a more compliant location. We have looked at alternatives and there really are not any, other than moving into the parking lot. Keep in mind that there was an existing shed in this location, it may not have been properly permitted, but it was there. The concrete pad still exists. So, is this self created? No, the building was here long before this was deemed a waterway. The hardship here is that the rules have changed. We created a new navigable waterway and Ordinary High Water Mark where one did not exist before. Had the annexation gone through, we would not be here today. This would all be in the City of Onalaska. This is definitely an economic benefit to the community. It will increase the tax base. It is a benefit to the community for everyone that uses the facility. By doing the renovation, the building becomes more up to current code, more handicap accessible, more ADA compliant, and more floodproofed. It also shows that the new owner wants to invest in the future of the community. Is this an undue hardship? Yes. Is the land designed in such a way that we have nowhere else to put it? Yes, unless we tear down the building and don’t have a golf course anymore. Is there an economic hardship on the owner? Yes, without that he cannot build the addition. Is it something that we truly have no other reasonable alternative for? Of course, again, short of tearing down the existing building and redoing the entire structure and moving it somewhere else. So, we meet all of your requirements. I understand the the recommendation from Eau Claire is that a raingarden be installed. That is already in the plans. La Crosse Engineering has already submitted a design to the WDNR and they have already come back. That will be designed to catch the water coming off the roof of the addition. The Town of Onalaska has already approved this. The City of Onalaska has approved their portion with
some additional questions and subject to this approval. There are a number of people here in support. I would ask that all those here in support of this petition to raise their hand. We also have a petition to submit to you in support.

**Appearing in favor:** Mayor Joe Chilson, City of Onalaska. 500 10th Ave. North, Onalaska WI 54650. I would hope that anyone else doing business in Onalaska would want to improve their business this much. We are not here tonight because of anything that the Dolezel’s did. They got caught in a border battle between the Village of Holmen and the Town of Onalaska. We should not punish them for that. This addition will be good for everybody. I do not see any downside to this appeal.

**Appearing in favor:** Supervisor Lawrence Berg, La Crosse County Board District 18, 151 Fairway Ct, Onalaska WI 54650. I am in favor of this petition as it is slightly absurd to consider that a navigable waterway. All of the additions and changes proposed will make the structure more floodproofed than it already is. I was down there after a 2 inch rain and the water came up some, but not a lot. I would also like to second Mayor Chilson’s comments. This will be a great improvement. Coulee Golf Bowl has been part of the greenspace program for the City as long as I can remember. I would be strongly against posing any additional hardships against Mr. Dolezel.

**Appearing in opposition:** None.

**Question Sampson:** I have an agenda from the April 8 Town Board Meeting and I note that this was on the agenda. I did not receive any correspondence from the town. Can you clarify the town’s action on this?

**Answer Addis:** The town approved all variances, unanimously.

**Remarks Sampson:** For clarification purposes, on the legal notice and publication, in the notice that was mailed out, the correct elevations are in the narrative in the upper left hand corner. It states the first floor elevation to be at 717.9. The legal publication below states a variance of 1.5 feet from the required floor elevation of 719.72 is requested. Actually, what is requested is for a 1.82 foot variance in lieu of the 1.5 foot variance.

**Correspondence:** An email from Mike Wenholz with the WDNR dated 4/14/14. This correspondence recommends denial of the proposed variances, but asks that if the board finds that the variance meets the criteria to be granted, the following conditions be placed on approval; all runoff from the proposed expansion be captured in a raingarden or similar biofiltration system that has been approved by the La Crosse County Land Conservation Department and that native vegetation shall be established in the shoreland buffer area as currently a shoreland buffer is non-existent.

**Remarks Raymer:** So, this sounds similar to the previous variance in the Town of Campbell. I really don’t see anywhere else that this addition could go that wouldn’t cause problems with rest of the situation. We could put the same wording and conditions on approval.

**Remarks Sampson:** Earlier today I met with Mary Jo Webster from the La Crosse County Land Conservation Department. She has indicated that she is willing to look at any proposed raingarden as part of the erosion control permit for this project. She intends to incorporate her permitting along with the City of Onalaska permitting.

**Remarks Sampson:** I will re-read the variance legal notice in order for the board to understand the variances that are being requested. (Reads legal notice and variance proposals)

**Question Addis:** No less than two feet on the alternate floodproofing measures? Or are we going to three feet?

**Answer Sampson:** So, the floodproofing measures would go to three feet?

**Remarks Addis:** If you stated “no less than two feet” on the alternate floodproofing measures, that way it would cover everyone’s ordinances and we wouldn’t need to go back to the Town of Onalaska.

**Remarks Sampson:** Sounds good.
Discussion: Discussion by committee.

**Question Addis:** Can we have the biofiltration system be submitted to the WDNR, because that is already done?

**Answer Thompson:** The correspondence indicates review by Land Conservation Department.

**Question Addis:** Won’t the City of Onalaska need to approve the raingarden?

**Answer Sampson:** Actually, Mary Jo Webster was going to include her comments into the city erosion control permit.

**Question Raymer:** Will the 12 month expiration on the variance be a problem for you?

**Answer Dolezel:** It shouldn’t be.

**Motion Raymer/Warzynski** to approve, subject to the following conditions. All runoff from the proposed addition must be captured in a raingarden or similar biofiltration system that has been approved by the La Crosse County Land Conservation Department, native vegetation shall be re-established in the shoreland buffer area and that the project be completed within 12 months.

3 Aye, 0 No. Motion carried unanimously.

**APPEAL NO. 2014-09** Jeffrey R and Rebecca L Schulz, N6102 Eric Ave, Onalaska, WI 54650. Permit denied to construct a 26-ft x 36-ft detached accessory building that will exceed the 768 sq. ft. limit for such buildings on this 0.480 acre lot. Property described as Lot 6, Block 8 of Homestead Addition East. Tax parcel 10-2641-0. Property address N6102 Eric Ave. Town of Onalaska.

**Appearing in favor:** Jeffrey Schulz, N6102 Eric Ave, Onalaska WI 54650. Would like to build a 26′ x 36′ garage that is about 170 square feet larger than what I am allowed to build. My house is up towards the front of the lot. I did look into attaching an addition to the existing attached garage but there are problems with the sideyard setbacks. The pool is also in the way. On the other side of the lot, the drainfield and easement are on that side. That is why I picked this spot in the back corner. The existing shed will be removed to allow me to access the new garage. I would like to get my things inside.

**Question Raymer:** Currently, your attached garage is a two car garage?

**Answer Schulz:** Correct.

**Question Sampson:** Where is your septic system located?

**Answer Schulz:** You can see the septic tank just behind the house. The drainfield runs down the middle of the lot, west to east.

**Question Raymer:** What is this, located in the corner in the easement?

**Answer Schulz:** That is a covered dog kennel. It is collapsing and is coming down.

**Remarks Raymer:** It makes sense for you to use that driveway for access to the new garage.

**Appearing in opposition:** None.

**Question Sampson:** We did receive the agenda from the town indicating an April 8, 2014 meeting on this matter, but never received follow up from the town on their actions. Did the town make any recommendations on this variance?

**Answer Schulz:** The plan commission and the board both approved this unanimously.

**Correspondence:** None.

**Discussion:** Raymer states that the lot is slightly short on acreage in order to make it that big.
Motion Warzynski/Thompson to approve as filed with the condition that the project be completed in 12 months with an additional 6 month extension to be allowed by the department staff if unforeseen construction delays should occur. An existing 12’ x 20’ detached shed and an existing dog kennel shall be razed.

3 Aye, 0 No. Motion carried unanimously.

Appeal No. 2014-08 Timothy and Bonny Goodenough, N8982 State Rd 108, Mindoro, WI 54644. Permit denied to construct a 16,750 sq. ft. detached accessory building (greenhouse/aquaponics) that together with existing agricultural buildings will exceed the area and number limits for such buildings on this 5.37 acre lot. Property described as Lot 3 of Certified Survey Map No. 53 in Volume 14. Tax parcel 5-659-2. Property address N8985 State Rd 108. Town of Farmington.

Appearing in favor: Bonny Goodenough N8982 State Road 108, Mindoro WI 54644. We are proposing to put in an aquaponics system. This is a form of hydroponics that integrates fish into the system. The output would be both fresh fish and vegetables. Vegetables would consist of fancy lettuce, herbs and micro-greens. The fish would be Tilapia which are a fast growing and hardy fish with strong market demand. There is an increase in demand for fresh, nutritious, locally grown food. We could contribute to this demand and utilize sustainable agricultural practices. We are also into agricultural education for the public and would like to have the opportunity to contribute to agri-tourism, schools and other educational programs. Sales of both could be to local grocers, schools, hospitals, restaurants, etc. The current issue is that we would like to build a 16,750 square foot building/setup and we would like to keep three existing buildings. Obviously we would exceed the allowable 3200 square foot and the 3 building maximum on this 5.37 acres. The land surrounding is owned by my husbands mother and father. We do have a lease agreement with them. The farm has been in the family for 4 generations. It has always been a farm. Originally it was dairy and hog. In 2000 we moved to a grain operation. We would now like to move in this direction. Six buildings will be removed to accommodate the new building. There is water on this site as well as electricity. The manure pit will stay on the property. Two grain bins and two silos will also be removed. The buildings that will remain are 20’ x 80’, 40’ x 90’ and 10’ x 10’. The greenhouse will actually be two greenhouses that are connected with an attached building at the back for the education center, coolers and office. There are support beams down the center with eaves that will direct runoff to the manure pit. The fish tanks are 1200 gallon fish tanks and the system is a closed system that recirculates. The solids get taken out, compressed and put into a media bed for plant growth. Tilapia grow to be about a pound and a half before harvest and the tanks hold about 400 fish each. It takes about 9 months for a fish to grow big enough to harvest. By allowing us to do this, you would be benefitting our family as we'll be able to stay in the farming business. This will also benefit the Town of Farmington by creating jobs and also bringing in educational opportunities. La Crosse County would benefit by increasing the locally grown, farm fresh supply of food available year round. We did meet with the plan commission and the town board and we do meet the long range plan for the town, as they are trying to increase the agricultural businesses in the area.

Question Thompson: You had indicated that this would be a two phase project. When do you expect to start on the second phase?
Answer Goodenough: We don’t need to talk about the second phase. By the time we get to phase two we would hope to either have a land contract on the surrounding 85 acres or own it. We hopefully won’t be leasing it at that point and would not need a variance to move forward with phase two. We do have other land that is adjacent, it just is not adjacent to this property.

Question Thompson: Would you use the existing sewer?
Answer Goodenough: There really isn’t anything that will go down a drain since it is a closed system.

Question Thompson: I meant the stormwater...what is coming off that large roof? The stormwater will go to the manure pit?
Answer Goodenough: That will probably be the plan. I was told by zoning that the manure pit would not need to be removed.

Remarks Raymer: The number of buildings that they are removing, somewhat offset the new building.

Question Thompson: Will the Amish remove the silos for you?
Answer Goodenough: We have already auctioned those off. The Amish did buy some of the buildings.
Appearing in favor: Tim Goodenough, N8982 State Road 108, Mindoro WI 54644. I did contact Land Conservation regarding the manure pit. It was put in for water runoff and manure storage issues. We have inspected it, because it hasn’t been used for quite a while. We need to go through it one more time. We may need to seal it on the inside to make sure it doesn’t leak. It will basically just be water going into it at this point.

Question Warzynski: The proposed buildings...what are they made out of?
Answer Goodenough: That is just a plastic fabric. There are two kinds, it’s a hard plastic with two layers and it stands up better. The plastic needs to get replaced every 5 years. The good stuff lasts about 15 years.

Question Warzynski: How long to put up?
Answer Goodenough: I think it’s 6 to 8 weeks. We thought about doing it ourselves, but we chose not to.

Question Thompson: What kind of floor?
Answer Goodenough: We can do gravel or concrete and I think we will do both. Concrete walkways with gravel in between.

Question Thompson: Snow load?
Answer Goodenough: These are heated and there will be heat escape. The heating should melt any snow pretty quickly. There is a heat tape that goes inside the gutter to prevent buildup. If we use the manure pit for our runoff, we could bury a couple of lines below the greenhouse and direct them to the pit. If we ever put up an external garden, we could then use that water from the manure pit for the garden.

Appearing in opposition: None.

Correspondence: A copy of the meeting minutes from the Town of Farmington Plan Commission received on 3/31/14 that states that they had recommended ot the Town Board to place it on the agenda. We also have an email from Clerk Betty Sacia from 3/10/14 stating that at the April meeting of the Town Board this variance was recommended for approval.

Motion Warzynski/Thompson to approve as filed with the condition that the project be completed in 24 months.
3 Aye, 0 No. Motion carried unanimously.

Motion Warzynski/Thompson to adjourn at 7:32 pm.
3 Aye, 0 No. Motion carried unanimously.