BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, July 14, 2014
Administrative Center – Basement – County Board Room
6:00 p.m. – 7:30 p.m.

MEMBERS PRESENT: Howard Raymer, Thomas Thompson, Dave Eilertson
MEMBERS EXCUSED: Larry Warzynski
MEMBERS ABSENT: None
OTHERS PRESENT: Nate Sampson, Michael Harding (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. 2014-15 Todd C and Colleen J Cudo, N5429 Eagle Circle Ln E, Onalaska, WI 54650, permit denied to construct a 40-ft x 20-ft detached accessory building 18-ft in height, which will exceed the area and height limits for such buildings on this 0.88 acre lot. Property is described as Lot 12 of the Mesa Grande Addition. Tax parcel 10-2866-0. Property address N5429 Eagle Circle Ln E. Town of Onalaska.

Appearing in favor: Todd Cudo spoke in favor of his proposal. He needs the garage for storage. Tired of chasing his stuff around.

Question Raymer: Could you live with a building that is 32 feet by 24 feet?

Answer Cudo: I have a 32 foot camper. I need the extra room.

Appearing in favor: Colleen Cudo spoke in favor of his proposal. She met with adjoining neighbors and they all felt that it would be appropriate.

Appearing in opposition: None.

Correspondence: Melissa Erdman, Clerk sent an email received 7-11-14, The Town of Onalaska does approve of the variance.

Discussion: Discussion by the board members.

Motion Eilertson/Thompson to approve. 3 Aye, 0 No, and 0 excused. Motion carried unanimously.

APPEAL NO. 2014-16 Andy Nue, W3844 County Rd DE, Trlr 4, Mindoro, WI 54644, o/b/o Bee Vang and Yeng Her, W4514 County Rd Q, Mindoro, WI 54644. Permit denied to retain 3 previously constructed detached accessory buildings with a combined area of 1,248 sq. ft., exceeding the area and number limits for such buildings on this 2.0 acre lot. Property is described as Lot 2 of Certified Survey Map No. 58 in Volume 11. Property address W4514 County Rd Q. Tax parcel 5-579-3. Town of Farmington.

Appearing in favor: Bee Vang spoke in favor for his appeal with the help of an interpreter Lee Vang. We need the buildings for a chicken coop.

Question Raymer: These three buildings are primarily for animals?

Answer Vang: Yes

Question Raymer: Were the buildings there prior to you owning the property?

Answer Vang: No, We built them.
Appearing in opposition: None

Correspondence: No correspondence was received.

Discussion: Discussion by the board.

Motion Thompson/Eilertson to approve 3 Aye, 0 No, and 0 excused. Motion carried unanimously.

APPEAL NO. 2014-17 Dustin Anderson, W2875 Anderson Rd, Mindoro, WI 54644, o/b/o DJA Family Farm LLC and Marlane A Anderson, W2875 Anderson Rd, Mindoro, WI 54644. Certification to construct a solely agricultural use building (35-ft x 110-ft barn) denied. The proposed barn will lie within the required 60-ft setback from the centerline of Anderson Rd. Property described as part of the NW/SW of Section 36, T18N, R6W. Property address W2840 Anderson Rd. Tax parcel 5-1326-0. Town of Farmington.

Appearing in favor: Dustin Anderson spoke in favor of his appeal. We need the proposed barn for animals. This is the only practical building site that we could come up with. No neighbors had a problem with the proposed barn.

Question Thompson: What are you going to do with the culvert under the road?

Answer Anderson: That will be set to allow the water to go the East of the barn. The building will be raised up 4 to 5 feet.

Appearing in opposition: None

Correspondence: A letter from Bruce Olson of the Department of Land Conservation dated and received 7-14-14 was read into the record in favor of this appeal.

An email dated and received 6-16-14 from Betty Sacia, Clerk for the Town of Farmington was read into the record stating the Town of Farmington is in favor of this appeal.

Discussion: The Board discussed the appeal.

Motion Eilertson/Thompson to approve and ordered the following:

The construction to be completed within 12 months.

3 Aye, 0 No and 0 excused. Motion carried unanimously.

APPEAL NO. 2014-18 Tamara Keller and Robert J Neubauer, N3328 County Rd M, West Salem, WI 54669. Permit denied to construct a 40-ft x 40-ft attached garage addition to an existing single family residence, where the proposed garage wall will be 6-ft from a side lot line and the roof will have a 2-ft overhang. Property described as Lot 1 of Certified Survey Map No. 21 in Volume 8 and part of the NE/NW of Section 21, T16N, R6W. Property address N3328 County Rd M. Tax parcel 2-176-1. Town of Barre.

Appearing in favor: Robert J Neubauer spoke in favor of his appeal.

Question Raymer: Why can’t you move the building to the North and get out of that setback?

Answer Neubauer: The proposal would clear the door. Comments about the roof lines. Our biggest issue is the roof.

Thompson: You could contract the roof line in a different way.

Appearing in opposition: None
Correspondence: Phone message from Stelloh, Clerk, on 7-13-14 was read into the record stating that the Town has not heard anything from the applicant.

Discussion: The Board discussed the appeal. They find that other alternatives exist.

Motion Eilertson/Thompson to deny.

3 Aye, 0 No and 0 excused. Motion carried unanimously.

APPEAL NO. 2014-19 Mike Loveless, S7439 Gardner Rd, Viroqua, WI, 54665, o/b/o John A and Carol M Wood, 8088 Nan Dr, Roscoe, IL, 61073. Permit denied to construct two deck additions and a concrete patio on an existing single family residence, where the patio and decks will partially lie within the required 75-ft setback from the Ordinary High Water Mark (OHWM) of Lake Onalaska. Property described as part of Lot 12 in Block 1, Lakewood Addition. Property address W7627 County Rd ZB. Tax parcel 10-2123-0. Town of Onalaska.

 Appearing in favor: Michael Loveless of Old School Builds, S7439 Gardner Rd, Viroqua, WI appeared before the Board to testify in favor of the appeal. He stated there were problems with water intrusion at the entries of the house. He stated there were some approaches constructed that were not built to code and the house is experiencing rot. He explained that they’ve removed the concrete next to the house. Mr. Loveless reviewed the proposed construction with the Board by depicting scanned photos on the screen and describing the proposed decks and patio dimensions. He stated the 4-ft x 8-ft deck is clearly in the setback area and would like to extend the concrete area to a retaining wall to provide access to the lake and to retain the integrity of the retaining wall.

Appearing in opposition: None

Correspondence: E-mail correspondence received from the Department of Natural Resources Regional Shoreland Specialist Michael Wenholz dated and received July 14, 2014 was read into the record, recommending that this appeal be denied unless the applicant can meet variance criteria. An e-mail dated and received July 11, 2014 from Onalaska Town Clerk Melissa Erdman indicating a unanimous recommendation of approval by the Onalaska Town Board was read into the record.

Discussion: The Board discussed the appeal.

Motion Eilertson/Thompson to approve with conditions and ordered the following:

CONDITIONS OF APPROVAL

1. Construction of the 4-ft x 8-ft deck is authorized.
2. No part of the proposed concrete patio or 12-ft x 36-ft deck shall encroach into the required 75-ft setback from the ordinary high water mark of Lake Onalaska.
3. A 4-ft wide walkway constructed with paver blocks connecting the stair landing deck to the concrete patio is authorized

3 Aye, 0 No and 0 excused. Motion carried unanimously.

APPEAL NO. 2014-20 Barry N and Nancy D Lee, N7047 County Rd V, Holmen, WI, 54636, permit denied to construct an attached deck that will lie within the required setback from a Class II Highway (County Road V). Property described as part of the NE/SE of Section 6, T17N, R7W. Tax parcel 8-45-0. Property address N7047 County Rd V. Town of Holland.

Appearing in favor: Mr. Barry Lee, N7047 County Rd V, Holmen WI appeared at the hearing before the Board to testify in favor of the appeal. He stated their home, built in 1911, had a deck along the road and south sides that was removed because of rot. He said he and his father built a
flower planter that extends about 3-ft out (toward County Road V; the planter would be removed and the covered deck would extend out 5-ft (from the exterior wall line). He explained the new deck would be for appearance only and that when the home was originally constructed, the deck (later removed) extended about 6-ft toward the road (photo of home with prior deck was depicted on the screen for viewing).

**Appearing in opposition:** None

**Correspondence:** 1) Dated July 7, 2014 from a neighboring property owner in support of the variance was received July 9, 2014.

2) An e-mail from La Crosse County Highway Commissioner Ron Chamberlain dated and received July 8, 2014 opposing the granting of this variance was read into the record.

3) Minutes from the July 9, 2014 Town of Holland Town Board meeting unanimously recommending approval of this variance were read into the record.

**Discussion:** The Board discussed the appeal. It is not in the public interest if a future highway project requires the purchase of additional improvements within the highway setback or newly acquired road right of way.

**Motion Eilertson/Thompson to deny based on the following reasons:** It is the Board’s opinion that in the absence of a variance no hardship has been proven that is unique to the property and not self created.

3 Aye, 0 No and 0 excused. Motion carried unanimously.

**APPEAL NO. 2014-21** Gene C Hanson, W5623 County Rd D, Holmen, WI 54636. Permit denied to construct two (2) 50-ft x 99-ft detached accessory buildings that together with 5 existing detached accessory buildings will further exceed the area and number limits for such buildings on this 10.95 acre lot. Property is described as Lot 1 of Certified Survey Map No. 1 in Volume 5 excepting that part taken for road. Tax parcel 5-1565-1. Property address W5623 County Rd D. Town of Farmington.

**Appearing in favor:** Gene C. Hanson, W5623 County Road D, Holmen, WI appeared at the public hearing to speak in favor of the appeal. Mr. Hanson explained he needs the building to store equipment and that he was sent a letter from the zoning office to “clean up some of my stuff.” He stated he only has one building he can use, and half of it is his shop. Mr. Hanson stated he does have other property, but that property is 2.5 miles away and he wants to keep the equipment on his farmstead. He explained to the Board that all of the storage would be ag-related. Mr Hanson discussed the settlement of his parents’ estate north of his parcel with the Board. Mr. Hanson submitted statements from three neighboring property owners supporting his appeal.

**Comments by Sampson:** Asked if Mr. Hanson wanted some information submitted from the adjoining land owners submitted that were in favor.

**Answer Hanson:** Yes

**Appearing in opposition:** None

**Correspondence:** None

**Discussion:** The Board discussed the appeal and commented that if the variance were to be granted, the square footage limits for detached accessory buildings would be exceeded by over three times the square footage of what is allowed on that size of parcel.
Motion Eilertson/Thompson to deny based on the following reason: It is the Board’s opinion that in the absence of a variance, no unnecessary hardship has been proven which is unique to the property and not self-created.

3 Aye, 0 No and 0 excused. Motion carried unanimously.

Motion Thompson/Eilertson to adjourn at 7:30 pm. 3 Aye, 0 No, and 0 excused. Motion carried unanimously.