BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, October 13, 2014
Administrative Center – Basement – County Board Room
6:00 p.m. – 6:45 p.m.

MEMBERS PRESENT: Howard Raymer, Larry Warzynski, Dave Eilertson
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Michael Harding (reader/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. 2014-29 Dyanne E Brudos and Roger D Thornton, 2529 Baumgartner Dr, La Crosse, WI 54603. Permit denied to construct an approximately 53-ft x 12-ft open roof over a previously constructed deck authorized under Appeal No. 9347, that will lie within the required 75-ft setback from the Ordinary High Water Mark (OHWM) of French Slough. Property is described as Lot 4 in Block 7 of Baumgartner’s Second Addition. Tax parcel 4-2136-0. Property address 2529 Baumgartner Dr. Town of Campbell.

Appearing in favor: Roger Thornton, 2529 Baumgartner Drive, La Crosse, WI 54603 appeared before the Board to testify in favor of the appeal. He stated he learned the existing deck was built based upon a variance when the house was built. He stated the project is home improvement that will help in maintenance issues. Mr Thornton explained he is considering installing solar panels and needs to extend the roofing for this. He stated the roof would also enhance drainage on the lower level of his lot. He stated not being able to improve or modify the original structure is the hardship, along with increased maintenance cost, loss of a renewable energy source, and loss of his ability to improve his own property. Mr. Thornton said the unique physical characteristic is that the existing structure was built based on an approved variance. He said he’s not extending the deck any more toward the shoreline, but only adding a roof to the existing deck. He stated none of his neighbors have a problem with this project. Mr. Thornton provided written support from the neighbor to the South and the new neighbors to the North have no issue. He stated there’s no aesthetic impact to boaters and it will not cause erosion. He told the board that the house is not located in the floodplain. He said he will install gutters to control roof run-off and has planted over 2,000 plants on the slope to minimize erosion.

Question Eilertson: Have you ever had water in your lower level?
Answer Thornton: No. We are not in a flood plain and no issues with high water.

Appearing in opposition: None

Correspondence: A phone call in favor from a property owner that had received a notice was announced.

E-mail correspondence dated and received October 9, 2014 from WI DNR Regional Shoreland Specialist Mike Wenholz in opposition to the appeal was read into the record.

Discussion: Board members discussed the appeal.

Motion Warzynski/Eilertson to DENY because there is not sufficient justification to over-ride the ordinance requiring a 75-ft setback.

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

Appearing in favor: James W and Leota J Compton, N5408 Aspen Rd, Onalaska, WI 54650. Mr Compton read a letter from neighbor, Michael J. Murray in favor of the appeal. I want to get my vehicles out of site. I need to come that close to the right-of-way line to stay off of my septic system. I don’t believe the cul-de-sac will ever be expanded or the road extended.

Appearing in favor: David Harter, N5424 Aspen Rd, Onalaska, WI 54650 commented that he has no problem with the appeal.

Appearing in opposition: None.

Correspondence: One letter that was read into the record by the appellant. Nothing from the Town of Onalaska.

Discussion: Eilertson commented that there doesn’t appear to be any alternatives to the proposed location.

Motion Eilertson/Warzynski to approve with the condition that when this building is built within one year.

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

APPEAL NO. 2014-31  Dan K and Julia R Gerke, 2122 Johnson St, La Crosse, WI 54601. Permit denied to retain an existing 50-ft x 100-ft detached accessory building on a proposed 18,580 sq. ft. Outlot 1 of a proposed subdivision; said building authorized by Appeal No. 2005-63 and conditional upon combining adjoining properties to create the existing 8.85 subject parcel proposed for subdivision. Property is described as Lot 1 of Certified Survey Map No. 50 in Vol. 11 and part of the S ½/SE ¼, Section 35, T16N, R7W. Tax parcel 9-1401-4. Property address W5394 County Rd F. Town of Medary.

Appearing in favor: Daniel Gerke, 2122 Johnson Street, La Crosse, WI 54601 appeared at the 10/13/14 public hearing to speak in favor of Appeal #2014-31. He stated he has the chance to create a subdivision, it’s been approved by the Town of Medary. Mr. Gerke presented a map of the proposed subdivision to the Board. Mr. Gerke answered that the building could be torn down, but that it’s too new and he’d like to keep it. Mr. Gerke answered that the building is worth more than removing it and creating an additional lot for sale. He said it’s zoned Ag "A", we can do residential, and the Town of Medary has approved it.

Question Raymer: Why can’t the building be just torn down?
Answer Gerke: It could be. But it is too new of a building. I would like to keep it.

Question Eilertson: Is the building worth more as it stands, worth more than what another residential lot would be? Is the building worth more than a vacant lot?
Answer Gerke: Yes, it is worth a lot more.

Gerke showed the Board a copy of the proposed subdivision. The board examined the proposed plat.

Appearing in favor: Joe Hengel, 2640 7th St, La Crosse, WI, 54601, appeared at the public hearing in support of the appeal. He stated he’s placed an offer to purchase on the property with certain conditions, this (granting of the variance) being one of them. He said he met with the Town of Medary last spring and showed the map to neighbors, who are in favor of it. He said he would own the property and develop it along with his grandson. Mr. Hengel said it’s too steep to build in the rear of the property. He said there are houses to the left and right, so it is a residential area. He estimated houses would be built in the $180,000-$250,000 range and lots would range from $40,000 to $45,000, and that would include water. No one else appeared before the Board in support of the appeal.
**Appearing in opposition:** Joseph J. Skemp, N2669 Potato Ridge Road, La Crosse, WI 54601 appeared as attorney for Jeff & Judy Blank, N2586 Shady Maple Ridge Road, La Crosse, WI and Brad & Karla Thompson, 3588 Rankin Road, Mc Farland, WI 53558 to speak in opposition of the appeal. He said the Board authorized the building of the structure conditioned on the fact that Mr. Gerke combine three parcels equaling 8.85 acres instead of the required 10 acres. He stated Mr. Gerke represented that the structure authorized under Appeal #2005-63 was to house horses at the time that appeal was heard and has never been used as such. He said it stores cars, boats and other vehicles and that he suspects the building is being used for rental storage. He stated removing the building is an option for Mr. Gerke. Attorney Skemp stated his clients are opposed to this request and read letters from his clients into the record. The letters and minutes from the 10/17/05 and 6/14/10 Board of Adjustment hearings were provided by Attorney Skemp. Mr. Skemp said the conditions of Appeal #2005-63 should be upheld. No one else appeared in opposition.

**Correspondence:** The Town of Medary replied with an email from the Clerk, Terry Houlihan, dated March 25, 2014 in which she attached the minutes from said meeting. Hengel had presented the proposed subdivision. The Town referred their decision to the Town Planning Commission. The Town Plan Commission met on April 15, 2014 and saw no problems with the proposed subdivision.

**Discussion:** The Board members discussed the appeal. Eilertson and Raymer remember the previous appeal.

Motion Warzynski / Eilertson to Deny based on not sufficient justification for a hardship appears to exist.

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

Motion Eilertson/Raymer to adjourn at 6:42 pm. 3 Aye, 0 No, and 0 excused. Motion carried unanimously.