BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, March 16, 2015
Administrative Center – Basement – County Board Room
6:00 p.m. – 7:17 p.m.

MEMBERS PRESENT: Howard Raymer, Larry Warzynski, Tom Thompson
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson, Scott Custer (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. 2015-01 Bruce N and Barbara N Friell, W7681 County Rd ZB, Onalaska, WI, 54650. After-the-fact appeal to retain a previously constructed 4.25-ft x 14.25-ft attached deck addition to an existing detached accessory building where the deck lies within the required 75-ft setback from the Ordinary High Water Mark of Lake Onalaska. Property described as Lot 2 of Block 1 of Lakewood Addition. Tax parcel 10-2113-0. Property address W7681 County Rd ZB. Town of Onalaska.

Appearing in favor: Bruce Friell, W7681 County Rd ZB, Onalaska, WI 54650. He appeared in favor of his appeal and stated they purchased the property in 2008 and did some much needed repair and replacement. He explained that they were issued a Zoning/Occupancy Permit to do these improvements, but it did not include the deck addition to the detached building. Mr. Friell submitted pictures of his property and copies of letter from neighbors in support of the appeal. He stated the deck addition will provided erosion control and that when U.S. Fish & Wildlife Service developed the visitors overlook, they clear-cut the trees leaving their lot open to wind and rain.

Question Raymer: Is the deck construction fully complete?
Answer Friell: Correct. The Town of Onalaska Zoning Committee and the Town Board approved it.

Question Thompson: Have you talked to your neighbors?
Answer Friell: Friell stated he had gotten a verbal okay from one of his neighbors, a letter from two other neighbors, and one he had not heard back from.

Appearing in opposition: None

Correspondence: E-mail correspondence dated and received January 15, 2015 in favor of the appeal from the Town of Onalaska was read into the record. E-mail correspondence dated and received March 16 from WI DNR Regional Shoreland Specialist Mike Wenholz in opposition to the appeal was read into the record.

Discussion: Board members discussed appeal. Questions from the Board were answered by Sampson. Raymer stated that it would be a shame to have to remove an existing deck but there wasn’t anything that would allow him to overrule the DNR’s finding(s) and they offered no alternatives.

Motion Warzynski/Thompson to DENY applicant 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.

APPEAL NO. 2015-02 Paul R and Janet K Jahimiak, 1603 Charles St, La Crosse, WI, 54603. Appeal to construct a single family residence in the Shoreland District of Lake Onalaska on a 19,009 sq. ft. substandard lot created after September 14, 1970. Property is described as Lot 6 of Block 1 of Bellevue Addition. Tax parcel 10-1791-0. Property address W8049 County Rd ZB. Town of Onalaska.
Appearing in favor: Janet Jahimiak, 1603 Charles St, La Crosse, WI 54603. She appeared in favor of the appeal. She stated the lot alone was advertised for sale and they tried to buy it, but the owner said you need to buy all three together. She explained they bought the three lots and sold the north two. She said all realtors were well aware of their intent. Ms. Jahimiak stated that when the subdivision was platted in 1947 the lot did not need to meet the 20,000 sq. ft. area minimum. She said they had the lot surveyed, a soils test done for a sewer, and that an existing shed would be removed. She said they haven’t decided on a house plan but that the house will fit in the building envelope shown on the map.

Question Raymer: The two lots you sold are now owned by Bolland?
Answer J. Jahimiak: Yes they are Bolland’s.

Question Raymer: Are they both big enough to build a house on?
Answer J. Jahimiak: There is a house on the lot next to ours. On the other side the other lot is smaller than ours and there is an existing house there.

Appearing in favor: Paul Jahimiak, 1603 Charles St, La Crosse, WI 54603. He appeared to speak in favor of the appeal. He stated he concurs with his wife’s statement and that they moved from New Mexico to build on this lot.

Appearing in favor: Gary Stephans, W8045 County Rd ZB, Onalaska, WI 54650. He appeared before the Board to speak in favor of the appeal. He stated he has no objections to them (Jahimiaks) building a home. He said he is concerned about the septic drainfields and didn’t know what impact this would have.

Appearing in favor: Teresa Gerdes, W7759 County Road ZB, Onalaska, WI 54650. She appeared before the Board to speak in favor of the appeal. She stated she sold the property to the Jahimiaks and it was listed with Cathy Fox of Coldwell Banker, River Valley Realtors. She said it was listed as three separate lots, but the owner wanted to sell all three at once so the Jahimiaks bought all three lots. She said that since it was a platted lot, they would need to get a variance. She said there was full disclosure to all potential buyers of Lots 4 & 5 (about building a house on lot 6).

Appearing in favor: Russell Brinkman, W8087 County Road ZB, Onalaska, WI 54650. He appeared before the Board to speak in favor of the appeal. He said they live within 150-ft of the lot as the crow flies, but didn’t get a notice. He stated he has no objections. He said they’ve always had surveys done when they bought property.

Appearing in opposition: Eric Bolland, W8051 County Rd ZB, Onalaska, WI, 54650. He appeared before the Board to speak in opposition to the appeal. Mr. Bolland said they are the immediate neighbors. He said the property was surveyed after they moved in and beforehand they relied on the realtor for representation of the lot lines. He stated lots lines are not where they were represented by the realtor. Mr. Bolland said they don’t oppose the home, but oppose a variance. He stated granting the variance will reduce the value of their home. He said this will “shoe-horn” an over-sized house onto a sub-standard lot. He stated the variance will make it more difficult to sell his home in the future. He said a house could be designed so a variance wasn’t needed. Mr. Bolland said the Jahimiaks had an approximate map drawn up and that they (Jahimiaks) proposed to give them up 2500 sq ft in exchange for 1500 sq ft. with no compensation. He said 1,000 sq ft is a lot of area. He stated this will do damage to the neighborhood. Like Hilton Head, Georgia, no one will see Lake Onalaska. He said they are concerned about water quality and septic issues. Mr. Bolland said a stake has been placed on what they consider to be their property. He told the Board they are consulting with an attorney about the property line. He asked for the Board to wait for 30 days before acting.

Question Thompson: The survey showed where the existing lot pins were-why didn’t you have it surveyed when you bought the house?
Answer Bolland: We relied on the realtor as her representation of where the property line was. We were told other people wanted to buy the house-we were under that pressure. We will have it surveyed as part of working with the attorney.
Comment Warzynski(?): I find it highly unusual that anyone would by a property in this day and age without having it surveyed.

Comment Thompson: You don’t necessarily need to have it surveyed. If you do your due diligence...

Correspondence: E-mail correspondence dated and received March 11, 2015 in favor of the appeal from the Town of Onalaska was read into the record. E-mail correspondence dated and received March 16, 2015 from WI DNR Regional Shoreland Specialist Mike Wenholz was read into the record stating opposition to the granting of the appeal unless it meets the standards for a variance.

Discussion: Since the concerns about the drainage and septic system(s) would be handled by the Health Dept., Raymer said they were not an issue. Setbacks (and meeting them) were discussed among the Board members. Thompson advised he had voted on this at the Town Planning Commission which Raymer thought might be a conflict of interest.

Motion Warzynski/Raymer to Approve with the condition that requires that the building meet all applicable setbacks without the granting of any additional variance(s).

2 Aye, 0 No, 1 Abstained (Thompson), 0 Excused. Motion carried.

APPEAL NO. 2015-03 David A and Maureen K Miller, W4469 Gills Coulee Rd, West Salem, WI 54669. Appeal to construct up to 8 detached accessory buildings (greenhouse structures) with a total area of 6,000 sq. ft., further exceeding the number and area limits for such buildings on this 4.48 acre lot. Property is described as Lot 7 of Certified Survey Map No. 52 in Volume 15. Tax parcel 7-1120-7. Property address W4469 Gills Coulee Rd. Town of Hamilton.

Appearing in favor: David Miller, 4469 Gills Coulee Rd. West Salem, WI 54669. Mr. Miller referred to the sheet he had written up about what they are trying to do on the property. He said it’s basically an experiment. He grew vegetables out there and the last couple of seasons he’s gotten into strawberries and raspberries and it hasn’t been great for that. Steve Huntzicker from UW-Extension had done some research and found different ideas and talked about the idea he was presenting to the Board. Mr. Miller is looking at it as a protective cover. The structures are made to cover crops and protect them and get them into the ground a couple of weeks early and would be taken down at the end of the season.

Question Raymer: So they’re metal framework?
Answer Miller: Yeah-they’re just bent hoops.

Question Thompson: These are not going to be permanent?
Answer Miller: No.

Question ?: What holds them down in case of a wind storm?
Answer Miller: What holds them down is re-rod. So you’ll drive re-rod two feet into the ground and then they’ll stay in.

Question Raymer: So they won’t be there year-round.
Answer Miller: No. They’ll actually be moved periodically through the season. This is just kind of a rough sketch. My proposal is to be allowed to put them within the area that I’m farming on my greenhouse.

Question Raymer: Who’s going to enforce whether or not those are moved?
Answer Sampson: It’s complaint driven. The Town has made some recommendations on dates that were acceptable for them to place them outside and when they had to be taken in. If the Board acts for approval on this you may consider imposing those timeframes.

Appearing in opposition: None.
Correspondence: One piece of correspondence from Sara Schultz, clerk for the Town of Hamilton, dated and received Feb. 12, 2015 stated that the Town Board approved the request with two restrictions which was read into the record.

Discussion: The Board members discussed issues with taking the structures down along with meeting the required setbacks. Sampson said the Zoning department could provide an aerial photo depicting the required setbacks for Mr. Miller.

Motion Warzynski/Thompson to Approve with the following conditions 1.) The buildings can remain on-site from April 1 to November 1 of each calendar and shall be stored out of public view the remainder of the year, 2.) Discontinuance of the use of these buildings for a period of 12 consecutive months or longer shall cause this variance to terminate, and; 3.) These buildings can be relocated within the setback limits of the lot without issuance of additional Zoning/Occupancy Permits after the initial Zoning/Occupancy Permit is issued. The Zoning Department is directed to create a scaled aerial map showing the property boundary and highway setback lines for use by the appellant.

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

Motion Warzynski/Thompson to adjourn at 7:17 pm.
3 Aye, 0 No, and 0 excused. Motion carried unanimously.