BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, June 15th, 2015
Administrative Center – Basement – County Board Room
6:00 p.m. – 6:13 p.m.

MEMBERS PRESENT: Howard Raymer, Larry Warzynski, Tom Thompson
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson (reader), April Ammann (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. 2015-14 Roseann E Netzer, 2740 Hanifl Rd, La Crosse, WI, 54601. Permit denied to retain an existing accessory residence that was originally permitted as a detached accessory structure and that together with the principal residence is situated on a proposed approximately 21,344 sq. ft. lot where 40,000 sq. ft. is required; and to retain an existing attached deck and carport that were constructed as additions to the accessory residence; and to retain the following additions to the principal residence: a deck and 10' x 12' addition. These additions to the primary and accessory residences do not meet the required sideyard, rearyard, and highway setbacks. Property described as; Part of Government Lot 1 in the NE1/4 of the NW1/4 of Section 17, T15N, R7W more fully described in Tax Parcel Numbers 11-1493-0 & 11-1493-1. Property address; 2738 & 2740 Hanifl Rd. Town of Shelby.

Appearing in favor: Justin Peterson, 201 Main Street, La Crosse, WI, 54601. Moen Sheehan Meyer. I think it important that we point out that Rose was not the one who made the improvements. She bought the property without knowing anything was wrong with the property. The person that she bought it from misrepresented that everything was okay with it. She didn’t find out that there were any problems with the property until a number of years later when she met Chad (Vandenlangenberg.)

Question Raymer: Was there a realtor involved at the closing?
Answer Peterson: I believe there was a realtor involved. The problem is that the Statute of Limitations had already passed by the time we had found out about it.

Question Raymer: What is that time frame?
Answer Peterson: 3 years for misrepresentation. By the time Rose learned about any of this it was to late to do anything directly against the seller or anyone else for that matter. What we are doing now is trying to make things right retrospectively and not have Rose have to answer for the seller who pulled a fast one on everybody.

Comment Raymer: Well in this day and age it is really unusual that something like that would happen. That somebody didn’t disclose this or an inspector didn’t look at, or somebody that would have made her aware of this.
Answer Peterson: We’ve been dealing with Mr. Vandenlandenberg for a long time. From Chad’s perspective when I talked with him about it, at this point he doesn’t know how we enforce it. Rose doesn’t have the money, by the time she found out that there was something wrong with the property, her disabled sister was already living in the apartment over the garage and right now Rose is battling cancer. She doesn’t have the where with all financially or emotionally to go through.

Question Warzynski: What did the town of Shelby have to say? Did you go before them?
Answer Peterson: We did last week. They said we don’t want to make you tear down your house. This isn’t your fault.

Question Raymer: Anything else?
Answer Peterson: No. It’s laid out in the letter that I sent. In essence she (Rose) doesn’t want to have to answer for something that another did. The guy knew that he made the additions without a permit and knew that he was pulling the wool over everyone’s eyes.

Appearing in Favor: Rose Netzer, 2740 Hanifi Rd, La Crosse, WI, 54601. I’m here, it’s my property. I’m the person who worked with the buyer. He was a childhood friend of my brothers. It’s not an excuse, it’s just what it was. I knew the seller, my older brother. I was the little kid. I’d moved out here from Boston to be around my mom before she passed. She lived a block away. I walked by the house one day and it had a big for sale sign on it. I just wanted to say that, thank you.

Appearing in Opposition: None.

Correspondence: An email attachment from the Town of Shelby. They are Draft Meeting minutes from the June 8th, 2015 Town Board Meeting. Item number eight states motion by Ehler second Wichelt to recommend approval of the variance for Rose Netzer 2740 Hanifi Rd, La Crosse, WI, 54601. Tax Parcel 11-1493-0 for variance of sideyard setback from a town road, rear yard set back and lot size. County zoning denied permits to retain two existing principal structures the second of which was converted from residential accessory use to primary residential use without proper permits and to retain the following additions that were constructed without proper permits that were a deck and a carport. Motion carried.
We did have other neighbors addressing properties other than the subject property. It had nothing to do with this. Those individuals are not here to read those into the record, so they will not be read into the record.

Question Raymer: Nothing from the DNR?
Answer Sampson: Nothing from the DNR.

Comment Sampson: This property is actually within the Shoreland and Floodplain District. For existing violations that have been in place longer than ten years we cannot commence an enforcement action under the Shoreland Zoning Ordinance. Our Floodplain Zoning Ordinance was also adopted under Chapter 59.692 of the Statutes. It lists a number of other Statutes also, 87.30 that is the enabling for the floodplain. Corporation Counsel has made an interpretation that a violation of an ordinance in the general provisions of the ordinance state it was adopted under 59.692 that, the ten year statute of limitations that doesn’t allow us to commence enforcement actions applies to the Floodplain Ordinance as well. There is dissent within the DNR on that interpretation. This is a request for a variance from the general Zoning Code, not from the Floodplain or Shorelend and we are taking the interpretation of our Corporate Counsel on this matter. All of these are addressed under general Zoning.

Warzynski Comment: This one has probably had more violations than any one I’ve seen in fourteen years on this Board. We have a health issue here. Attorney Petersen presented a very good narrative about what the situation is. It isn’t her fault.

Motion by Warzynski/Thompson to Approve the appeal.
3 Aye, 0 No, and 0 excused. Motion carried unanimously.

Motion by Raymer/Thompson to Adjourn (6:13pm)
3 Aye, 0 No, and 0 excused. Motion carried unanimously.