BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, July 17, 2017
La Crosse County Administrative Center – Basement Auditorium – Room 0430
6:00 p.m. – 6:32 p.m.

MEMBERS PRESENT: Dave Eilertson, Barb Frank, Howard Raymer Jr.
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson (Reader), Dale Hewitt (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 the Wisconsin Open Meetings Law.

APPEAL NO. 2017-25 Steven J and Linda S Heimdahl, W2392 Herman Coulee Rd, Bangor, WI, 54614, appeal to retain 4 detached accessory buildings on a 9.61 acre parcel resulting from a prior parcel split, exceeding the number limit and one building exceeding the height limit for such buildings on said lot. Property described as part of the N½ of the NW¼, Section 31, T18N, R5W. Tax parcel 5-363-1. Property address W2392 Herman Coulee Rd. Town of Farmington.

Appearing in Favor: Steven J Heimdahl, W2392 Herman Coulee Road, Bangor, WI 54614.

Question Raymer: Did you just recently purchase this?
Answer Heimdahl: Yes. We bought it two years ago. At the time of the sale, the parcel was split. We were unaware of the violation and the ordinance.

Question Raymer: When was it brought to your attention then?
Answer Heimdahl: We put an addition on and added a master bedroom to the first floor. At that time we were informed by Dale Hewitt that the property had one too many buildings.

Question Eilertson: Who fixed up all of the buildings? They look like they are in very good condition.
Answer Heimdahl: The previous owner did.

Question Eilertson: The previous owner did then. You did not do it then?
Answer Heimdahl: Right.

Remarks Eilertson: All of them have steel roofs. He spent a lot of money on them.

Remarks Heimdahl: All are in good aesthetic condition.

Question Frank: What is the small 10-ft by 10-ft building?
Answer Heimdahl: That is the potting shed.

Appearing in Favor: Linda Heimdahl, W2392 Herman Coulee Road, Bangor, WI 54614. I am in favor of the appeal. The potting shed is 10-ft by 10-ft and we use it for repotting seeds. The main reason why we don’t want to disassemble it is because there is a lot of landscaping around it and there is a trellis that attaches to the machine shed. We were unaware of it [zoning ordinance] when we purchased it. We became aware of it when we had a problem with our builder did not get a permit for the addition.

Appearing in Opposition: None

Correspondence: One piece of correspondence.
   1. Email dated/received July 12, 2017, received from Betty Sacia, Town of Farmington Town Clerk. The Town of Farmington has no objection to the Variance appeal.
Discussion: Board members discussed the appeal amongst themselves.

MOTION by Eilertson/Frank to Approve to retain 4 detached accessory buildings on a 9.61 acre parcel resulting from a prior parcel split, exceeding the number limit and one building exceeding the height limit for such buildings on said lot. 3 Aye, 0 No, and 0 excused. Motion carried unanimously.

APPEAL NO. 2017-26 John P and Barbara K Schaller, N5931 County Rd ZZ, Onalaska, WI, 54650, permit denied to construct a 16-ft x 24-ft attached deck that will lie within the required 50-ft setback from the County Rd ZN right of way. Property described as the SE/NE excepting CSM No. 104 in Volume 14 (Document No. 1534993), Section 23, T17N, R8W. Tax parcel 10-1757-0. Property address W7752 County Rd ZN. Town of Onalaska.

Appearing in Favor: John Schaller, N5931 County Rd ZZ, Onalaska, WI, 54650. I had purchased my neighbors farm. My son who is farming with me is moving into this house. There is a patio on the end of the house. I wanted to put a deck up. When we went to get the permit, we found out that there was a Variance to get it built right there. The previous owner tore down his old farm house and put the new farm house right in the same spot. He had a Variance to do that. I am not sure why he did that, but it had something to do with the well and septic. Part of the deck will be in the right-of-way. It is going to be a short deck [height]. It is not going to be a three/four-seasons deck or anything like that. It’s going to be an open deck. There are two silos that are not in the picture that are in the right-of-way also, and this barn [refers to public hearing map] also. I am tearing down this barn and the two silos.

Question Raymer: The deck will line up with the existing house that is there now?
Answer Schaller: It is not going to be any closer to the road than the house already is.

Question Eilertson: On that end of the house is a sliding door that will lead to the deck?
Answer Schaller: Correct. We are also taking down other buildings [refers to public hearing map].

Question Frank: Is that [removal of buildings] going to be done in the near future?
Answer Schaller: We have already started.

Question Eilertson: Are you going to build it right away and get it done within a 12 month period?
Answer Schaller: Yes.

Appearing in Opposition: None

Correspondence: Two pieces of correspondence.
  1. Email dated/received July 14, 2017, received from Sarah Kessler o/b/o Town of Onalaska Town Clerk Mary Rinehart. The Town of Onalaska has no objection to the Variance appeal.
  2. Email dated/received July 14, 2017, received from the La Crosse County Highway Commissioner Ron Chamberlain. The La Crosse County Highway Department has no objection to the Variance appeal.

Discussion: Board members discussed the appeal amongst themselves.

MOTION by Frank/Eilertson to Approve to construct a 16-ft x 24-ft attached deck that will lie within the required 50-ft setback from the County Rd ZN right of way, subject to being completed in 12 months. 3 Aye, 0 No, and 0 excused. Motion carried unanimously.

APPEAL NO. 2017-27 Doyle Pleggenkuhle, 3025 22nd St S, La Crosse, WI, 54601-7320, acting for Anthony P and Debra K Rubasch, N5524 Chipmunk Ln N, Stoddard, WI, 54658, o/b/o Fossum Management LLC, N1530 Briedel Coulee Rd, La Crosse, WI, 54601, permit denied to construct a 52-ft x 28-ft single family residence with a 28-ft x 24-ft attached garage that will lie 15-ft from the Brookside Drive right of way and front lot line. Property described as part of the SE/NW of Section 19, T15N, R6W. Tax parcel 11-110-0. Town of Shelby.
Appearing in Favor: Doyle Pleggenkuhle, 3025 22nd St S, La Crosse, WI, 54601. I am representing both the seller of the lot and the buyer. I have some color copies here that shows how I flipped the house around so that the garage is on the south side of the cul-de-sac area. If you look on the map I just gave you, there is a little tan line that goes through the 11-110-0 on the map. That is where the house would sit with the normal zoning setback. The dark blue is the flood way and the green is the flood fringe and the beige/grey area is the 0.2% annual chance of flood hazard. This is the only lot on this section of Brookside Drive where the 0.2% comes that far forward. Our feeling is that because it is the last house on the cul-de-sac it would not cause undue disturbance to the neighborhood. Otherwise the only thing that would fit in there would be a 16-ft double-wide mobile home. The property would be unsaleable.

Question Eilertson: Can you just fill that area back there?

Answer Pleggenkuhle: That is one of the things we are looking into. Whether the insurance companies or mortgage companies will honor that, and how long it will be before FEMA puts out a new map, we don’t know. It is hard for a home owner to build something with a big question mark over their head, and for future buyers as well. It could be a disaster in reality.

Question Eilertson: Did you receive one of these Variance standards that we have to follow from the county when you made your application?

Answer Pleggenkuhle: I believe so, yes.

Question Eilertson: Did you have a chance to read it?

Answer Pleggenkuhle: Yes.

Remarks Eilertson: One of the standards that we have to adhere to is that the loss of profit is not an unnecessary hardship. Nor is additional expense incurred in complying with the Zoning Ordinance. This is a standard that we didn’t set, the State set it for us. There is an alternative here. Move that house back and comply with the Zoning and just fill it. It will cost you more money, but you have the physical ability to move that back.

Remarks Pleggenkuhle: If that would be permissible by FEMA or whoever the other governing authorities would be.

Remarks Eilertson: FEMA can’t stop you from filling in that 0.2% area.

Question Eilertson: Am I wrong on that?

Answer Sampson: We regulate to the 100 year flood plain boundary. The 0.2% is a 500 year flood boundary.

Question Eilertson: So it’s fillable.

Answer Sampson: Yes. Since it is outside of an A Zone, it would not require any permitting from FEMA, or any kind of map revision.

Remarks Eilertson: I am not certain about this Doyle, but I don’t think that the people to the south of that lot pay flood insurance.

Remarks Pleggenkuhle: With the current map we have, you can see that the houses are way out and not close to the 0.2%.

Remarks Sampson: From a regulatory standpoint, we regulate to the 100 year floodplain elevation. The banks that hold the mortgage can chose to do what they want has far as requiring the lender to purchase flood insurance. If they feel that the property is in the 0.2% floodplain, they may require insurance to be purchased by the mortgage holder.

Remarks Eilertson: I can’t tell you what they will do, but you can appeal it. I live on French Island. We had that issue over there on the water. We had to get a surveyor and he had to do elevations. It cost us a little bit of money, but in the long run we got rid of the flood insurance and saved everybody a lot of money.
**Remarks Pleggenkuhle:** We plan on having Coulee Region Land Surveyors do the elevation certificates on that anyway.

**Appearing in Favor:** Anthony P Rubasch, W5224 Chipmunk Ln N, Stoddard, WI, 54658. I am the buyer of the property. We are having a survey out there to see if that piece of property is still in the flood plain. We would have no problem filling the 0.2% area.

**Question Raymer:** That would enable you to move it back and you wouldn’t need the variance?

**Answer Rubasch:** Right.

**Remark Eilertson:** That was my point.

**Appearing in Opposition:** Allen Bennett, N1149 Brookside Drive, La Crosse, WI 54601. I live two doors down. When we put our house in there 45 years ago, we had to fill in there. We knew we had to do it, so we did it. There wasn’t any question about it. I object to it being 15-ft from the setback. It should be according to the regulations of the code. I don’t see any reason for that.

**Appearing in Opposition:** Jason Ginther, W8344 County Road K, Stoddard, WI 54658. If they (owners) are in favor of filling and keeping the setback where it was, I am good with that.

**Question Raymer:** Your opposed to the variance?

**Answer Ginther:** Yes.

**Appearing in Opposition:** Judith Ginther, W4750 Green Street, La Crosse, WI 54601. I am here because I am concerned about the talk of the cul-de-sac. We built our home 44 years ago and were instructed that a cul-de-sac did not have to go in unless someone requested it. If that cul-de-sac goes in, I lose almost the entire side of my lot and one quarter of my driveway. I am opposed to the cul-de-sac.

**Remarks Raymer:** We are not dealing with the cul-de-sac. We are dealing with the setback.

**Remarks Ginther:** So that would be a totally different issue?

**Remarks Raymer:** We have nothing to do with that.

**Remarks Ginther:** I would be opposed to the house coming closer to that road.

**Question Frank:** Who should she talk to about the cul-de-sac.

**Answer Sampson:** It would be a town road issue. Check with the Town of Shelby Town Administrator, Carroll Vizecky.

**Correspondence:** One piece of correspondence.

1. Email dated/received July 11, 2017, received from Carroll Vizecky, Town of Shelby Town Administrator/Treasurer. The Town of Shelby has concerns about the variance appeal.

**Discussion:** Board members discussed the appeal amongst themselves.

**MOTION by Eilertson/Frank to Deny** to construct a 52-ft x 28-ft single family residence with a 28-ft x 24-ft attached garage that will lie 15-ft from the Brookside Drive right of way and front lot line.

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

**MOTION by Eilertson/Frank to Adjourn** (6:00pm – 6:32pm)

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

Approved/Accepted 09/05/17