BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, January 22, 2019
La Crosse County Administrative Center – Basement Auditorium – Room 0430
6:00 p.m. – 6:46 p.m.

MEMBERS PRESENT: Dave Eilertson, Larry Warzynski, Barbara Frank
MEMBERS EXCUSED: Howard Raymer Jr.,
MEMBERS ABSENT: None
OTHERS PRESENT: Dale Hewitt (Reader & Minutes)

CALL TO ORDER

Dave Eilertson, 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. 2019-02 Allen L Radke, N2147 Clements Rd, La Crosse, WI, 54601, appeals to retain three existing detached accessory buildings on three proposed lots where the buildings will exceed area limits, lie within the required highway setback of a proposed town road, and two of which will exceed height limits for such buildings. Property described as part of the NW/SW and the SW/SW of Section 2, T15N, R6W. Tax parcels 6-35-0 and 6-36-1. Property address N2192 Clements Rd. Town of Greenfield.

Appearing in Favor: Allen L Radke, N2147 Clements Rd, La Crosse, WI, 54601. Due to some health issues and everything else, I cannot take care of the farm and all of the buildings I had been taking care of. I am going to sell them off. I have some people that are interested in using the buildings.

Question Eilertson: I understood that you have two potential buyers and the third building you don’t have sold yet.
Answer Radke: Correct.

Question Eilertson: Is anybody interested in it at this point?
Answer Radke: The one large building at the end of the existing turnaround is still owned by me that’s for sale.

Question Eilertson: Did you construct some of these buildings? They were there when you bought the property?
Answer Radke: They were built in 1972 by a gentleman who used them for a horse stable and riding arena. I purchased the buildings, the land and the land adjoining these in 1991.

Appearing in Favor: Sherie Grass, W4292 Ceresa Drive, West Salem, WI 54669. I am Al’s realtor. My speaking in favor of it is that the use of those buildings isn’t going to change a whole lot with the new buyers we have that are interested in purchasing. I don’t imagine that it would cause any harm to divide the land the way it's been divided. It makes more sense to me to do it this way and find multiple buyers than to find one person that could utilize those buildings when someone probably isn’t going to use it as a farm.

Appearing in Favor: Angela Komperud, N2308 Clements Road, La Crosse, WI 54601. I am in support of the separation of the buildings. I think it makes sense. The realtor is correct. It is not being used as a farm and it hasn’t been used for a farm. I don’t know, but I have been told the buildings are probably going to stay similar to the use they are now, which is storage. I do have issues with the proposed future road.

Appearing in Favor: Ernest Komperud, N2308 Clements Road, La Crosse, WI 54601. I also agree with this. I do have issues with the proposed future road.
Appearing in Opposition: Patrick Houlihan, 3413 Geneva Lane, La Crosse, WI 54601. I represent the town as their Attorney. The issue of the easements and private roads is not an issue for the board.

Correspondence: One piece of correspondence.

1. E-mail dated and received January 19, 2019 from the Town of Greenfield Chairman, Steven Mader. The proposed division of the property near the barns will be accepted if the agreement stands that was accepted on 1-17-2019.

Discussion: Board members discussed the appeal in open session.

Comments Eilertson: I don’t think this is our issue, the road and that.

Comments Warzynski: No, but I thought it would have simplified things if the town was going to resolve the right-of-way issues.

Comments Eilertson: I agree.

Question Frank: Should we wait till after the town board’s decision?
Answer Eilertson: No. Let’s make a decision on what was brought to the board on the appeal. That’s what we have to act on. Are we in favor of letting him split the property and sell it?

Comments Hewitt: The board is acting on right-of-way setbacks and area limits.

Comments Eilertson: Exactly.

Comments Frank: And height too.

Comments Hewitt: And height.

Comments Eilertson: They’ve had these physical things for many years. It’s changing and if we approve it, it should be subject to restrictions. My recommendation would be we make it subject to the townships recommendation and subject to it be used privately. Not turning them around for a commercial use. If the buyers want to change the use, they can apply for a conditional use permit at a later date.

Comments Warzynski: Would one of those contingencies have something to do with the town resolving road right-of-way issues?

Comments Hewitt: You are acting on area and height limits. Anything other than residential use would require a Conditional Use Permit.

Question Warzynski: The whole right-of-way issue is not our problem at all?
Answer Eilertson: No.

Comments Houlihan: Any CSM requires town board approval. I think the motion should say subject to town board approval. You can’t file a CSM if the town doesn’t approve it.

Comments A. Komperud: Your hurting us by making these concessions today.
Comments E. Komperud: Your decision is impactful on us. They put contingencies on the sale. It now affects six people on the road.

Comments Hewitt: The contingencies between you and have been worked out by the CSM is not handled by this board. They are acting on the area limits, the height limits and where the buildings lie in relation to the proposed CSM.

Question Eilertson: Is that clear to the board?
Answer Warzynski: It’s becoming clear.

Comments Eilertson: We’ve had these issues before where there is overlapping things that we don’t make a decision on that do affect the area.

Comments Warzynski: Maybe we should take each one of the issues. The area problem. In some cases there is too much out building for the property we have. I don’t see that as a big problem for me. The height issue I don’t see as a big problem. The buildings have been there forever. What’s left?

Comments Eilertson: The encroachment. That’s been there for 50 years.

Question Warzynski: The encroachment your speaking about has to do with the right-of-way?
Answer Eilertson: Read the denial. The three existing detached accessory buildings exceeds the area limits, lies within the required highway setback and the proposed town road and two of which exceed the height limit. Nothing is really changing here, except instead of one person owning it, three people are going to own it.

Question Frank: We’re not concerned about the height?
Answer Warzynski: I am not concerned about the size or heights of the building.

Question Warzynski: What do we need to be concerned about the buildings as far as setbacks go? Is that something the town will address for us?
Answer Eilertson: No. It’s something we have to address.

Comments Hewitt: Zoning would address it if there are to be any permits issued for these structures because they are considered non-conforming and would be subject to the 50% rule.

Comments Eilertson: I don’t think this is any different than many of the appeals we’ve had over the last 15 years where these old farm buildings are built within the right-of-way setback. This particular one doesn’t have a lot of traffic. The only people that drive on the roads are the ones that live there. If its approved, it should have some contingencies. It would be subject to the buildings being used for personal use. Not for business use. If they want to change that, they can file for a CUP.

Question Frank: Our actions would be subject to the township recommendation?
Answer Eilertson: We can put that in if you want.

MOTION by Frank/Warzynski to Approve the appeal to retain three (3) existing detached accessory buildings on a proposed certified survey map prepared by Coulee Region Land Surveyors depicting a proposed 1.46 acre, 12.01 acre and 9.5 acre parcel, resulting in exceeding the area and number limits and minimum setbacks from the right-of-way of a Class I Highway for such buildings. Approval is subject to the Town of Greenfield conveyance agreement and that the use of the property will remain as personal use.

3 Aye, 0 No, and 1 Excused. Motion carried unanimously.

MOTION by Warzynski/Frank to Adjourn (6:46pm).
3 Aye, 0 No, and 1 excused. Motion carried unanimously.

Accepted 04/29/19