BOARD OF ADJUSTMENT PUBLIC HEARING

Monday, June 17, 2019
La Crosse County Administrative Center – Basement Auditorium – Room 0430
6:00 p.m. – 6:44 p.m.

MEMBERS PRESENT: Howard Raymer, Barbara Frank
MEMBERS EXCUSED: David Eilertson, Larry Warzynski
MEMBERS ABSENT: None
OTHERS PRESENT: Nathan Sampson (Reader), Josh Johnson (Minutes)

CALL TO ORDER

Howard Raymer, 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.

MOTION by Farnk/Raymer to Move appeal 2019-20 to the beginning of the agenda.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-20 Jim Webb, 1224 King St, La Crosse, WI, 54601, o/b/o Dan Nelson of Star of the Sea, LLC, 136 Clinton St, La Crosse, WI, 54603, permit denied to construct an 82-ft x 150-ft apartment/condominium multi-family residence with a 121.5-ft height that lies 47-ft from the Ordinary High Water Mark (OHWM) of Richmond Bay and exceeds the 35-ft height limit for all structures within the required 75-ft setback from the OHWM of navigable waterways. Property described as Lot 3 of Certified Survey Map No. 120 in Volume 16 and part of Gov’t Lot 5 in Section 19, T16N, R7W. Tax parcel 4-859-5 and 8-859-1. Property address 129 Clinton St. Town of Campbell.

Correspondence:
1. E-mail dated and received June 17, 2019 from the applicant, Jim Webb. He requested that the appeal be deferred to a later date.

MOTION by Frank/Raymer to Defer appeal to construct an 82-ft x 150-ft apartment/condominium multi-family residence with a 121.5-ft height that lies 47-ft from the Ordinary High Water Mark (OHWM) of Richmond Bay and exceeds the 35-ft height limit for all structures within the required 75-ft setback from the OHWM of navigable waterways.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-14 Troy A and Constance M Lau, W5877 County Rd K, Stoddard, WI, 54658, appeals to retain a previously constructed single family residence that partially lies within the required setbacks from County Rd K and State Rd 35. Property is a 0.38 acre lot described as part of the W½ of the SE¼ of Section 34, T15N, R7W. Tax parcel 11-2257-0. Property address W5877 County Rd K. Town of Shelby.

Appearing in Favor: Constance Lau, W5877 County Rd K, Stoddard, WI, 54658. Constance submitted a letter of approval to the file, written by a neighbor. She state that the previous owners received a permit in 2001 to add on to the existing house. The county approved the permit and the addition was built. The property was purchased by the Laus in 2009. In April of this year, they applied for a permit to replace a deteriorating deck on the back of the house. At this time, it was determined that the previous addition was built within the setback. She stated again that they would just like to rebuild their deck.

Question Raymer: The deck is on the back of the house and has nothing to do with the addition?
Answer Lau: No, sir.

Appearing in Opposition: None

Comments Sampson: If this variance were to be approved, it makes this structure compliant with Zoning. If it’s ever bought or sold, there will be a record of this.
Correspondence: One piece of correspondence.

1. E-mail dated and received May 23, 2019 from Michelle Kind, Town of Shelby Clerk. It is recommended to approve the after-the-fact variance. Motion carried.

MOTION by Frank/Raymer to Approve appeal to retain a previously constructed single family residence that partially lies within the required setbacks from County Rd K and State Rd 35.

2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-15 Peter Dobbs, N6036 County Rd XX, Onalaska, WI, 54650, permit denied for structural alterations not considered repair, maintenance, renovation or remodeling that will exceed 50% of the fair market value of a non-conforming detached accessory building. Property described as a 0.5 acre lot being part of the NE/NW of Section 19, T17N, R7W. Tax parcel 10-425-0. Property address N6036 County Rd XX. Town of Onalaska.

Appearing in Favor: Thomas Thompson, W7802 County Road Z, Onalaska, WI 54650. Speaking on behalf of Peter Dobbs. He stated that they plan to replace the trusses, shingles, overhead door, service door, and add new siding in order to make this garage useable. This was assessed at around $2,000 which only allows $1,000 of improvements. An overhead door is $1,200 which means there isn’t much they can do to make the garage useable.

Question Raymer: How long have they owned the property?
Answer Thompson: Peter just got it after his dad passed away. His dad built it back in the 60’s and it’s been in the family ever since then.

Question Raymer: It’s cement block?
Answer Thompson: Yes

Appearing in Opposition: None

Correspondence: One piece of correspondence.

1. Draft meeting minutes from the June 11, 2019 Town Board Meeting, received 6/17/2019. Motion to approve the appeal to exceed 50% of the market value for structural alterations. Approve passed unanimously.

Comments Sampson: I spoke with the Highway Commissioner today and he has no issue with the appeal since there will not be any further encroachment on the County Road.

MOTION by Frank/Raymer to Approve appeal for structural alterations not considered repair, maintenance, renovation or remodeling that will exceed 50% of the fair market value of a non-conforming detached accessory building with the condition that construction be completed within 12 months of the approval of this appeal.

2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-16 Ronald Mulholland and Jessica C Schams-Mulholland, N9480 McIntosh Rd, Melrose, WI, 54642, permit denied to construct a 40-ft x 48-ft addition to an existing 40-ft x 48-ft detached accessory building that together will exceed the 3,200 sq. ft. area limit for such buildings on this 8.55 acre lot. Property described as Lot 3 of Certified Survey Map No. 118 in Volume 10. Tax parcel 5-472-4. Property address N9480 McIntosh Rd. Town of Farmington.

Appearing in Favor: Jessica Schams-Mulholland, N9480 McIntosh Rd, Melrose, WI, 54642. She explained that her and her husband do foster care and have adopted three children. We bought a motorhome and boat that has been sitting outside and getting weathered. The purpose of the addition is to store these items and spend time with the children as opposed to repairing those items. Jessica went on the explain that the existing 12-ft x 20-ft tarped building will not be replaced once it deteriorates beyond repair.

Appearing in Opposition: None
Correspondence: One piece of correspondence.

1. Attachment to an e-mail dated and received June 5, 2019 from the Town of Farmington Clerk, Crystal Sbraggia. The Town of Farmington Planning Commission and Town Board recommended approval of the variance request.

MOTION by Frank/Raymer to Approve to construct a 40-ft x 48-ft addition to an existing 40-ft x 48-ft detached accessory building that together will exceed the 3,200 sq. ft. area limit for such buildings on this 8.55 acre lot with the condition that construction be completed within 12 months of the approval of this appeal.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-17 Mark D and Sarah L Krause, W4416 Derecrath Rd, La Crosse, WI, 54601, permit denied to construct a 2,128 sq. ft. detached accessory building 22-ft in height that will exceed the area and height limits for such buildings on this 2.0 acre lot. Property described as Lot 1 of Certified Survey Map No. 34 in Volume 10. Tax parcel 2-426-1. Property address W4416 Derecrath Rd. Town of Barre.

Appearing in Favor: Mark Krause, W4416 Derecrath Rd, La Crosse, WI, 54601. He explained that the design and placement was chosen in order to utilize the existing grade and driveway. It will meet all setback requirements. He stated that both neighbors approved, but were unable to attend the meeting.

Appearing in Opposition: None

Correspondence: One piece of correspondence.

1. E-mail dated and received May 20, 2019 from the Town of Barre Clerk, Lynette Schomberry. The Town Board, at their May 14, 2019 Town Board Meeting, approved the appeal request.

MOTION by Frank/Raymer to Approve appeal to construct a 2,128 sq. ft. detached accessory building 22-ft in height that will exceed the area and height limits for such buildings on this 2.0 acre lot with the condition that construction be completed within 12 months of the approval of this appeal.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-18 Chad D Devine, W7806 Count Rd Z, Onalaska, WI, 54650, permit denied to construct a 36-ft x 54-ft detached accessory building that together with 2 existing buildings will further exceed the 1,500 sq. ft. area limit for such buildings on this 3.69 acre lot. Property described as part of the S1/2 of the SE1/4 of Section 14 and part of the NW/NE of Section 17, T17N, R8W. Tax parcel 10-1481-0. Property address W7806 County Rd Z. Town of Onalaska.

Appearing in Favor: Chad D Devine, W7806 Count Rd Z, Onalaska, WI, 54650. He explained that the existing 20-ft x 50-ft building is a chicken coop that was built in 1941. It was built well and they still use it for chickens. He didn’t feel that removing this building was a good option due to its history and structural integrity. Chad stated that the existing 24-ft x 30-ft detached garage was attached to the house at one time via a second story deck.

Question Raymer: How close is it to the house?
Answer Devine: About 8-ft.

Comments Raymer: Your existing outbuildings are over what is allowed. You’re asking to exceed that allowable size by 2,164 sqft. That a lot of building on 3.69 acres.

Comments Devine: I also do commercial fishing on the side and my boat sits outside. We also maintain a large area of garden on our property and need space for farm equipment.

Appearing in Favor: Thomas Thompson, W7802 County Road Z, Onalaska, WI 54650. Tom is in favor of the appeal. He is the next door neighbor and explained that the proposed building will allow them to keep their property nice by storing items indoors.
Appearing in Opposition: None

Correspondence: One piece of correspondence.
1. Draft Town Board Meeting Minutes from the Town of Onalaska Board Meeting held May 14, 2019. Motion passed 4-0 to follow Planning Commission recommendation of approval of this appeal.

MOTION by Frank/Raymer to Approve appeal to construct a 36-ft x 54-ft detached accessory building that together with 2 existing buildings will further exceed the 1,500 sq. ft. area limit for such buildings on this 3.69 acre lot with the condition that construction be completed within 12 months of the approval of this appeal.
2 Aye, 0 No. Motion carried unanimously.

APPEAL NO. 2019-19 William H Tremain, 112 Garland St E, West Salem, WI, 54669, appeals to retain a 3,332 sq. ft. detached accessory building on a 5.29 acre lot created by a parcel split that will exceed the 3,200 sq. ft. area limit for such buildings on this lot. Property described as part of the SW/NE of Section 2, T15N, R6W. Tax parcel 6-27-1. Property address W3010 Hintgen Rd. Town of Greenfield.

Comments Sampson: This appeal is a result of a lot split and Mr. Tremain is working on an Administrative Conditional Use Permit to construct a single family residence.

Appearing in Favor: William H Tremain, 112 Garland St E, West Salem, WI, 54669. William explained that this land was in a family trust from his late father. The trust is about 200 acres and he was able to retain about five acres with the existing pole shed. He stated that his future plan is to place a cabin on this parcel for a residence.

Question Raymer: This was your family’s property and this parcel was split off from that?
Answer Devine: Yes

Appearing in Favor: Ally Waughtal, 112 Garland St E, West Salem, WI, 54669. She explained that the trust is still in place and William will have more acreage when he turns 30 and the land is released from the trust.

Appearing in Opposition: None

Correspondence: One piece of correspondence.
1. Draft Town Board Meeting Minutes from the Town of Greenfield Board Meeting held March 13, 2019. Motion passed 3-0 to approve the appeal.

MOTION by Frank/Raymer to Approve appeal to retain a 3,332 sq. ft. detached accessory building on a 5.29 acre lot created by a parcel split that will exceed the 3,200 sq. ft. area limit for such buildings on this lot.
2 Aye, 0 No. Motion carried unanimously.

MOTION by Frank/Raymer to Adjourn (6:44pm).
2 Aye, 0 No. Motion carried unanimously.

Accepted 07/29/19