

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING

Tuesday, May 8, 2012

1:00 P.M. – Committee Room #2, Second Floor

Oneida County Courthouse, Rhinelander WI 54501

Chairman Harland Lee called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Alternate Phil Albert, “here”, Robert Rossi “here”, Elmer Goetsch, “here”, Harland Lee, “here”, “here”, Guy Hansen, “here”, John Bloom, “here”, Alternate Jack Young, “here.”

County staff members present: Pete Wegner, Assistant Zoning Director; Brian Desmond, Corporation Counsel; Julie Petraitis, Secretary II and Karl Jennrich, Zoning Director.

Other individuals present: Joe Augitto, Architect and Sharon Goral, property owner.

Chairman Harland Lee stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. It is the practice of this board that the door of the board room must stay open and if anyone has difficulty hearing they may move closer to the front. Anyone wishing to testify must identify themselves by name, address and interest in the appeal and shall be placed under oath. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and two alternates who will take part in the hearing until the public hearing is closed, at which time alternates will not take part in the deliberation.

Chairman Harland Lee swore in Joseph Augitto, Sharon Goral and Peter Wegner.

Secretary Elmer Goetsch read the notice of public hearing for appeal #12-002 of Mr. Goetsch stated that the notice of public hearing was published in the Northwoods River News on April 24 and April 28, 2012. The notice was posted on the Oneida County Courthouse bulletin board on April 27, 2012. Mr. Goetsch read the certified and first class mailing distribution list into the record.

Mr. Goetsch stated that an onsite inspection was conducted on this date at approximately 10:00 am and the Board of Adjustment observed the property boundaries were adequately marked as well as the outline of the proposed construction. The measured distances were accepted as indicated by the survey, which has been provided with this appeal. There is a very steep slope down to the existing structure, a boathouse; a permanent pier and a garage back up at the top at

the road. It was noted there were homes on either side of the property at 75' or more back from the Ordinary High Water Mark. It was pointed out that there is a large oak tree that would have to go if the construction is completed as proposed and there were, perhaps, a dozen very large trees that might also have to go if the garage is back as proposed. There were photos taken at the on-site inspection.

Chairman Harland Lee stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. You may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

Mr. Joe Augitto introduced himself and began his testimony.

Mr. Augitto: When Sharon and Tomasz contacted me last winter and expressed a desire to construct a garage on their property and they had already had a survey done. Both the surveyor and I made them aware of the fact that an attached garage was not going to be permitted under the current Zoning Ordinance. They discussed the possibility of constructing a detached garage. On their property it would result in greater environmental impact, there would be a lot more earth moving, we'd be dealing with a lot more retaining walls, we'd have issues with large trees that nobody wants to get rid of, so we considered the possibility of recognizing that a zoning permit would be denied and we'd be at the stage we're at today where we'd be appealing to the Board of Adjustment to allow construction which is attached to the existing house. We feel that the proposal we presented satisfies their need to safely get access to their home, because as you noted that hillside, even when it's dry, isn't a very comfortable walk and I've been there in the winter and it's actually treacherous. And even driving a car up and down there is not an easy task in the winter because you start to slide. The curve in the driveway makes it just difficult. So, we're proposing constructing an attached, 2 car garage, which all of the construction is farther away from the water as the existing house. A good deal of it is greater than 75' from the water. It begins about 55' from the water. We feel the environmental impact is minimal. We feel it's in the spirit of the Oneida County Ordinance and we're hopeful that the Board of Adjustment will agree.

Harland Lee: If you look at the appeal, the second page of the appeal has three particular justifications for a variance. I wonder if you might address those three areas from your standpoint. Do you know what I'm referring to?

Mr. Augitto: Yes. This is a unique property in that through no fault of Mr. & Mrs. Goral. There was a boathouse there with a residence on it. They're still using. They've

converted the wet boathouse to a dry boathouse. The first time I saw the property, fifteen (15) years maybe twenty (20) years ago.

Mr. Lee: When did they buy the property?

Mr. Augitto: '93. Almost 20 years ago. I went there and there was water in that lower level and we discussed what impact that would have for them living there. We came to the conclusion that if we turned it into a dry boathouse and restored the shoreline it would be to their advantage and it would be environmentally a better thing to do. And they did that. So now they have a dry boathouse under there. The property, as I pointed out this morning, along Country Club Road has historically had building construction down to the water or practically on the water. A number of the boathouses along the south shore of the Lake have residences in them. A lot of them do. So, they were buying something that was typical of the construction that had occurred along the south shore of Minocqua Lake on Country Club Road. At the time, I guess their options would have been to continue to allow the boathouse to remain without a residence in it and build a home 75' away from the water on that shoreline. They chose to make improvements to the home that were permitted and, again, turn that lower level into a dry boathouse. The detached garage is up by the road. The problem results in that hill that exists. It's just difficult to get from that garage down to the house when you're living there year round.

Mr. Lee: One question in relationship to the structure. There is a deck that goes around the upper level, facing on the lake and then coming around the side. Was that there when they purchased it.

Mr. Augitto: Yes, that's always been there. I go back almost 40 years now. I recall seeing that deck there. That is not something they added. It's primarily a maintenance deck. You didn't see any furniture on it or picnic tables or anything. It's not large enough for real gatherings. It's primarily used for; I'll call it something similar to a catwalk, so you can clean the windows. So you can get access to the exterior of the building. It would be really treacherous to lean a ladder up in the water and get to the walls of the house. So, it's primarily maintenance.

Mr. Lee: There are two other issues here. You have given your perspective on number one – no harm to public interest and unnecessary hardship are the other two. Would you care to comment on those?

Mr. Augitto: Well, in terms of the harm to public interest, the lakeshore will not be altered in any way. There will not be greater impact. If one were on the lake, in a boat or swimming looking at the Goral property, I'm relatively certain that if this construction occurs you wouldn't be aware of it. I've spoken with Mr. Vonachen, who is one of the neighbors and he said, 'I won't even be aware the garage is there'. He called me because he was concerned it might be a taller structure or a structure that is

wider to the lakeshore. I assured him that was not even being considered. It's merely an extension of the building walls to enable the Goral's to have a garage. Mr. Vonachen was pleased to hear that.

Mr. Albert: Who is Mr. Vonachen?

Mr. Augitto: He's the neighbor to the, let's see, if we're standing on the pier looking at the Goral's he would be on our left.

Mr. Lee: He'd be to the east.

Mr. Augitto: He has two, yes. He's the one who has two boathouses on two adjacent properties that are down on the water. And by attaching the garage we're actually doing a lot less environmental alteration to that site. Because to get a detached garage on there, we're going to do a tremendous amount of earth work and remove additional trees. We felt it was really environmentally sensitive to propose attaching the garage. Plus it's just plain more convenient for the homeowners. I mean, there's no denying that. The hardship issue, yeah,

Mr. Goetsch: What's the change in runoff?

Mr. Augitto: We're creating a bit more impervious surface with roof. We're getting rid of the brick patio that's on the backside of the house now. So, there will be garage there and then we're creating a bit more roof. We feel that we can control that runoff onsite with landscaping and gravel surface areas that won't have erosion or runoff going directly to the lake. It will be very filtered and we're hoping that, actually all of it stays up, well above that lower area and 50' toward the water. We don't think we're going to have a problem with impervious surface or runoff based on our proposal. Part of that roof is a hip that actually drains to the backside, to the south. And then there will be some that drains to the east and west. Is that sufficient, Elmer?

As far as the hardship. Yes, the Goral's could build a detached garage and it would be permitted under zoning. If it were built at the floor level of the house so that they would avoid the treachery of that hillside, again, we're just doing a real lot of work and earth walls and I think we're causing environmental harm rather than solving environmental harm. And, you know, that having a home where it is and allowing it remain it just becomes a better home if it has an attached garage, a better and safer home. And that's really where the hardship lies. It's tough to deal with that property as it is. That's sufficient from my standpoint.

Mr. Lee: Questions from the Board?

Mr. Rossi: If the garage were built 45' feet back how high would that be? Could you see it?

Mr. Augitto: I'm sure. It's going to climb a full story higher than what we have now and then we're stuck with...well either that or we...

Mr. Rossi: You'll be excavating down to the patio?

Mr. Augitto: Well, yeah. But then the driveway is much higher than the garage would be at the point because the driveway doesn't reach the elevation of the house until we're well down the hill. So in other words, if we constructed that garage back beyond the 75' we're either going to be still up in the air or we're going to have to do a lot more excavation and retaining walls back on the site.

Mr. Rossi: But you could access that garage by coming down this drive and across, right?

Mr. Augitto: Well, where the garage would be we'd be, to access it we'd be creating a whole lot of impervious surface because we need driveway to get in there. You'd still have to get down there to get to the proper grade elevation. If this were a flat site I wouldn't be here today because I would have said, 'gee you're not going to get a permit to do this'. The sensible thing to do is to build it 75' away but because of the hillside that really isn't the sensible thing to do. It might be the only thing Zoning would permit, but it's not a good architectural solution.

Mr. Goetsch: But, you have a garage so the only argument, I guess you have is that you're closer because of the slope of the hill.

Mr. Augitto: Well, the garage that's there allows a person to put a car under cover. But the slope that one has to overcome to get from that garage to the house is just winter, spring and fall treachery. And that's the real problem. If that slope wasn't there, if this was a flat site, none of us would be here today. Because it wouldn't be an issue. We'd be able to solve the problem within the Zoning restraints. But we can't really solve the problem of getting them safely from the garage to the house within the Zoning restraints that are here, short of taking everything down and starting over.

Mr. Rossi: My guess is during the spring, fall and winter it's slipperier. Would a heated driveway walkway?

Mr. Augitto: I don't think those are permitted anymore because of energy conservation.

Mr. Young: According to your zoning here, I'm assuming that your garage is going to be on a cement slab?

Mr. Augitto: Yes.

Mr. Young: It shows no apron. Is there going to be an apron? Normally when you build a garage your slab is a little higher... you have an apron on it. It shows no apron here.

Mr. Augitto: An apron would be an option. I wouldn't think its essential here.

Mr. Young: Well, it's impervious surface.

Mr. Augitto: Yeah, and that's why we didn't show it. We wouldn't necessarily need an apron. That's not critical to gaining access to the garage.

Inaudible here

Mr. Augitto: That's merely...there would be a door on that side of the garage and it's merely a means of getting out of the door and connecting to that maintenance walkway that's on that side of the building. That, I think isn't a critical element of this. That is more for convenience.

Inaudible.

Mr. Augitto: It probably could be.

Mr. Goetsch: So the only real argument is lack of this garage where you want isn't unnecessary hardship because of getting beyond the slope of the hill. Is that right?

Mr. Augitto: That is the bottom line. That's in essence the real matter. Like I said, if this was a flat lot, build the garage 75' away and it's not an issue.

Mr. Hansen: Your driveway is currently wide enough to drive and down there and turn around and drive back out?

Mr. Augitto: Yes. It takes some maneuvering. It's not roomy, but you can do it.

Mr. Hansen: And if the garage put there you would leave the driveway exactly as it is as far as width?

Mr. Augitto: Yes.

Mr. Lee: And retain the garage at the top?

Mr. Augitto: Sharon is that...

Mrs. Goral: Yes.

Mr. Albert: During the winter do you use that driveway? Do you plow that driveway? Do you salt it, sand it? How do you...

Mrs. Goral: Yes, I shovel ...inaudible.

Mr. Albert: Potentially stairs along that driveway, safety stairs versus the sliding driveway...

Mrs. Goral: Stairs, I think, would also be quite difficult. When we look at the amount of snow that we're getting and then the ice...when you've got snow piled up high on the sides, even as it melts it's going to run across the stairs, so it's not the whole driveway all of the time but it's slippery. You don't know until you hit it and go down.

Mr. Lee: Are you maintaining that driveway yourself or do you have somebody come in to plow it?

Mrs. Goral: Right now I do it myself.

Mr. Augitto: The slope does face north. It doesn't get sun and that's a contributing factor because...

Mrs. Goral: And as far as the public interest I would add one more element which is I spoke with the neighbor on the opposite side, Marlene Petrie and Marlene was very concerned when I explained our alternative of either attaching to our house or going back and excavating the hill. She was very concerned that she would be looking down into a pit from their house if we had to excavate back and take all the trees out. This was very unpalatable to her. As a neighbor I certainly understand why she would not want that. Our preference, as well, is to less environmental destruction and keep it where there is currently patio.

Mr. Goetsch: It's be going back 25' already you're digging into it quite a bit.

Mr. Augitto: Elmer, when you say we're digging into it quite a bit, I agree we are. But if we go back another 25' we're doing that plus.

Mr. Goetsch: I understand. But your neighbor is already going to be looking down...

Mrs. Goral: There's three tiers of retention walls and it does reach just beyond the top tier, beyond the initial bricks of the top tier. But if you started at that top tier and then went back another 25 or 30 feet, we're talking a great big hole.

Mr. Rossi: Why would you refer to it as a hole?

Mrs. Goral: From the perspective of the neighbor, it's a hole. From the perspective of their house...

Mr. Rossi: Is this going to be part of the...

Mr. Augitto: Let me address that hole issue. Right now, if we were allowed to build this the one story garage would end up...the top of those walls would be about a grade level. But if we go back 25' feet the top story of a one story garage is still going to be 6-8 feet under the natural grade. So then we're going to have to do more terracing to get out of that. As we do more terracing back to the south we keep climbing the hill. It becomes more and more difficult from an engineering standpoint to get out of that excavation. Whereas here we're nestled into kind of an earth sheltered garage on two sides. We're nestled into the natural grade and we can get away with that. But if we go back 25' we can't. We just keep getting deeper and deeper.

Mr. Lee: If there are no other questions, at this point we will turn it over to Pete and the County.

Mr. Wegner: Just a few comments. Going back to the letter. The reason this proposal was denied was the majority of the existing footprint is located less than 40' from the Ordinary High Water Mark. In situations like that the Ordinance does not allow expansion of the existing footprint. The other concern was this walkway or patio they are proposing had a setback of less than 75' from the Ordinary High Water Mark which is not permissible per Section 9.94 in our Ordinance.

Mr. Lee: Which patio?

Mr. Wegner: There's a little 5x20 walkway...

Mr. Lee: This is on the west side of the house?

Mr. Wegner: Correct.

Mr. Lee: So that's the walkway to get back into the house? Is that correct?

Mr. Wegner: I think that's like a second exit, ingress/egress.

Mr. Goetsch: No, that was if I understood it, to get access to washing the windows and whatnot.

Mr. Augitto: There's going to be a man door in the garage on the west side and that was desirable to get to the west side of the house so they didn't have to walk up the hill.

Mr. Lee: Is it possible to access this proposed garage, that's attached to the house, is it possible to just go directly from the garage into the house?

Mr. Augitto: Yes.

Mr. Lee: Without going out to that patio or walkway?

Mr. Augitto: That is the intent of the garage. The intent of that back door-that man door on the garage was just to get access to the west side of the house.

Mr. Lee: That isn't essential? That's what I'm getting at.

Mr. Augitto: It's not essential. That's eliminated. So be it.

Mrs. Goral: More than likely that is where the air conditioner would sit, back there.

Mr. Lee: You can put an air conditioner back there without a walkway.

Mrs. Goral: Yes, definitely.

Mr. Lee: Continue Mr. Wegner.

Mr. Wegner: And finally, the mitigation plan that they submitted for this project would have required that the other existing accessory structures located less than 35' from the Ordinary High Water Mark be removed as part of mitigation if they were granted the permit for an addition.

Mr. Lee: And what is all included in that?

Mr. Albert: Fire pit?

Mr. Wegner. Yep. Basically every accessory structure with the exception of the walkway that is directly in front of the home facing the water. They would be able to keep 200 square feet of open deck or patio within the view corridor per the Ordinance. I guess the County feels that there are other options and some of them have been mentioned already. They do have an existing garage that they could use. They could reduce the size of the garage, say it was 20' x 24' and if they moved it back approximately 25' in one area and 20' in another minus the 8' if you reduce the size, the amount of disturbance would be less. It would probably be a wash versus if you would reduce the size and move it back rather than moving it back and not reducing the size. I guess that goes back to the land disturbance. Sixty percent of this, approximately, is beyond the setback. And if they reduce the size of it they could put more of it beyond the setback, if they reduce the size and placed it 75' at the same level so they don't have the issue as far as slope. Originally when we discussed this

with the owners and Mr. Augitto it was to gain access for someone who had a handicap. As far as unique property limitation, based on handicap or ADA access, there is exceptions in the Ordinance that would allow some type of access or minimum allowance for a situation like this that would not have to be done through a variance. I don't know what the internal make up of the garage is. If it's two stalls, if it's part bathroom, is it just garage? That would be something we could look at as an alternative and still make the requirements of the Ordinance of 75' if they just reduce the size and put it back beyond 75' at that same level. There is not a slope issue. They could still gain access between the detached garage and the existing home.

Mr. Goetsch: You're saying build a conforming somewhat smaller garage? But because of ADA a covered access could be provided from the garage to the house?

Mr. Wegner: That is consistent with what we have done in the past in situations like that where, if it's for ADA purposes and if it's under Section 9.19. If that person were to pass away or they would sell the property that the portion that was issued through ADA would be removed at that time.

Mr. Goetsch: But there is a need. Your husband is disabled?

Mrs. Goral: Oh no. My husband is a physician. In the past we brought his mother into our home until she passed away. Now my father is nearing the end of his life and we would also like to bring him into our home to be able to take care of him. What we've found to be a problem, when we cared for my mother-in-law is driving down the driveway and getting somebody out of the care that is in a wheelchair, if it's raining they are sitting in a puddle of water. By the time you get them into the house they're soaked. The same going out. So, I understand this may not be covered in the specific regulations but it's a reality of our lives. Sometimes we need to care for our aging parents.

Mr. Goetsch: But this is not a certainty?

Mrs. Goral: Well, he is nearing the end of his life. He's in the end stage of cancer.

Mr. Augitto: From a maintenance standpoint, when you've got a building sitting with another building sitting right behind it, 20 feet +/- in between the two and a north wind coming off of Minocqua Lake I can't imagine how much snow would be between those two buildings.

Mrs. Goral: I can tell you that there are enormous drifts of snow on top of the roof on that side of the house. They are incredible drifts. We had to expand the plumbing vents because it blew over them.

Mr. Lee: The drifts (inaudible) a smaller garage but set back further into the hill and then connecting it with an overhead thing. That gets to the issue of more excavation as they have pointed out. What is your response to that?

Mr. Wegner: Well I guess I wasn't necessarily thinking of a covered porch, just more of a walkway to gain access.

Mr. Lee: Whether there's a covered walkway there or not, connecting the two, by going back into the hill further there's obviously more excavation and then one has to build a higher retaining wall probably scaled back from that which adds more to that. What's your feeling on that?

Mr. Wegner: All I can say is that I have to look at options that would comply with the Ordinance and some of those options may require more expense, more retaining wall, more excavation. But I guess in the end, since the excavation will be further back and the structure will be in compliance I would favor that.

Mr. Lee: So compliance is more important to you than excavation?

Mr. Rossi: To have it attached and then move it back and reduce the size. How much excavation are you going to have into that hill? Is it going to be a great deal more?

Mr. Wegner: I think it'd probably be a wash. The amount that you reduce it versus the amount that you have to go further back and excavate into a higher hill, it could be equal, I guess. But the point is it would be compliant.

Mr. Rossi: Yeah, it would be compliant and the excavation would be about the same as if they attached it?

Mr. Wegner: Would you agree to that?

Mr. Augitto & Mrs. Goral: No. The excavation would be much more.

Mr. Wegner: In terms of height. Into the slope not square footage.

Mr. Augitto: We'd be excavating a lot more dirt out...

Mr. Wegner: Ok. I guess I'd agree with that.

Mr. Hansen: It seems like we're almost evaluating an attached garage or no attached garage. Not necessarily where the garage might be. I mean, there is a garage there. It seems to me the point is just should there be an attached garage within the 75' setback or not.

Mr. Augitto: If the goal was simply to get a vehicle under cover, they've got that. That's not a problem.

Mrs. Goral: We wouldn't be here for that.

Mr. Albert: But at the same time you're asking for a 32'x28' structure. If you were to cut that in half for the purposes of just getting a vehicle under cover, attached to the house, would you consider that? It doesn't have to be 32'x28'. You're looking for a two car garage. You may not need a two car garage.

Mrs. Goral: Well, most homes have two people that drive.

Mr. Albert: But they don't have the circumstances you have.

Mrs. Goral: True, that's true. That is very true and certainly our preference is to have a two car garage.

Mr. Lee: But you're still going to retain the garage at the top of the hill.

Mrs. Goral: Yes.

Mr. Lee: You could have one car in there and one down below.

Mrs. Goral: Absolutely there can.

Mr. Lee: Does Corporation Counsel have any comments?

Mr. Desmond: I'm just here in case anyone had any legal questions.

Mr. Goetsch: It's always said up in this climate they need a covered place for a vehicle. They've got one. The only question there really is the slope that makes it difficult and unreasonably prevents the use of the property as would be expected. I guess that's the question. It sounds like there's alternatives.

Mr. Rossi: It's been used for 20 years. Is this correct?

Mrs. Goral: We have been dealing with this...well I've dealt with it for 20 years and there has not been a single year that I have not fallen, not one single year.

Mr. Wegner: The only other thing that I would add is that prior to them owning the property and sometime, I'm guessing, between 2005 and 2010 this garage was constructed and we don't have any permits on file. My point is that they've had the use of the property, reasonable use of the property, without a garage period for a long time.

Mrs. Goral: No, that garage was there in 1993 when I moved in.

Mr. Albert: Did you expand it? Mr. Wegner: Really?

Mrs. Goral: Yes it was. That has always been exactly the same. The footprint on that property...we've never added on a building on that property.

Mr. Augitto: Yeah, I was there in 1993, with Sharon, and it was there.

Mr. Hansen: We're talking about the existing garage up by the road?
More than 1 person speaking here.

Mrs. Goral: The existing garage. I don't know when it was built but I know it was there in 1993.

Mr. Wegner: I was going off the fact that I didn't have it on record and based on the aerial photos.

Mr. Augitto: I think you lost some trees.

Mrs. Goral: We did lose trees, yeah. That might be it.

Mr. Hansen: the only walkway or deck that is in question is this proposed 5'x20' that would be added with the garage, right? The existing deck around the house is not under consideration at all? There's no discussion of losing that?

Mr. Wegner: No. That would have to be...it's underneath the eave of the existing home that could remain. Any other accessory structure, walkway or deck that is not located in the front would be required to be removed anytime you're expanding a structure less than 40' from the water.

Mr. Hansen: So if they add the garage they have to remove the deck?

Mr. Augitto & Mrs. Goral: I thought part of the appeal was to allow that deck to remain.

Mr. Wegner: Yeah, that's part of the argument.

Mr. Hansen: So this is under discussion. The deck is all under consideration.

Mr. Wegner: Yes. The Ordinance says that it would have to be removed under normal circumstances for mitigation. Understand that this is not permitted if you were to grant a variance. We would want that mitigation plan and follow through with those accessory structures removed, less than 35'.

Mr. Lee: What specifically are the accessory structures we're talking about?

Mr. Wegner: They are highlighted on the map. (Looking at maps) Under mitigation you are allowed to keep up to 200 square feet of open deck or patio within your view corridor. I'm assuming the since the building up front is 28, 29 feet?

Mrs. Goral: The front of the building is 32'.

Mr. Albert: The thing was when I was there (can't here) it may have been illegal or it may not have been at the time it was built. In terms of Grandfathering at the time how does that affect it?

Mr. Wegner: It's not affected. As part of mitigation you're required to vegetate your 35' buffer and to actually do that and complete that you have to remove those structures that in that 35' buffer. The exception under mitigation is if they allow you to keep 200 square feet it's in your view corridor.

Mr. Rossi: But that's if this is attached, correct?

Mr. Wegner: Correct.

Mr. Rossi: Ok. If you reduce the size of the garage and moved it back compliance at 75', how much are we talking – harm or soil removal? Is there...

Mr. Augitto: I'd actually have to sit down with a topographical survey to do the quantity, so I'm hesitant to say. I'd say it's significant and I am really concerned about having these two structures, you know they're two blocks, physical three-dimensional blocks and the space in between and the north wind coming up over that house. It's just going to dump feet of snow in that space in between. It's not going to work real well as a way to get from your garage to your house.

Mrs. Goral: There would be nine (9) trees that would have to be removed. Very large trees.

Mr. Rossi: Well the large oak has to go anyway.

Mr. Augitto: That goes anyway. We think we've presented a good architectural solution that minimizes the environmental impact. We recognize that it does not meet the Zoning Ordinance.

Mr. Goetsch: Except the question of why does it have to be that large. If it's going to be attached why can't it be smaller?

Mrs. Goral: Have you seen the floor plan?

Mr. Augitto: It's a two car garage, which is two stalls or two doors. We're losing a bathroom to get from the house to the garage so we've taken that bathroom and put it in here. So that's how we got the 32'.

Mr. Goetsch: Again, why does it have to be two stall?

Mr. Augitto: Again, Sharon...

Mrs. Goral: That is my preference. That is my preference to have two stalls.

Mr. Goetsch: But that's a preference...(can't hear).

Mr. Lee: We didn't see the floor plan. Could you pass that around?

Mr. Lee: Is that the only bathroom in the house?

Mrs. Goral: No, it's not the only bathroom. It is the only bathroom on that floor that is not within a bedroom.

Mr. Lee: Is it considered a guest bathroom?

Mrs. Goral: That one is considered the main bathroom for the house.

Mr. Lee: How many other bathrooms in the house?

Mrs. Goral: In the house there is actually four bathrooms.

Mr. Lee: Four bathrooms?

Mrs. Goral: Yes. Four bedrooms and four bathrooms. One bathroom is in the basement and then two bathrooms...

Mr. Lee: Is this bathroom then, essential?

Mrs. Goral: Actually, yes. Because the two bathrooms on that floor are within the bedrooms. So, someone needing to use a bathroom would have to go into another persons bedroom.

Mr. Albert: But when you ask that question it's not an essential...(can't hear)

Mrs. Goral: We're asking to turn it and make it part of that new construction.

Mr. Albert: But it's still within the house structure.

Mr. Lee: Where are your washer and dryer located now?

Mrs. Goral: Right now they're in the basement.

Mr. Lee: So you'd move them up to the garage.

Mrs. Goral: I'd move them up if there was room for it. That's not essential.

Mr. Lee: And the dog bath is not essential.

Mrs. Goral: Not essential.

Mr. Wegner: I guess another alternative the County would look at is this first floor. Could this area be converted into a garage and make a 2nd story.

Mrs. Goral: Would the floor joists support a car?

Mr. Augitto: No.

Mr. Wegner: You wouldn't have any excavation and would take a lot of structural alteration but that's something the Ordinance would permit.

Mr. Augitto: Yes but we'd have to a whole bunch of fill. That's where that existing stone retaining wall is. To be able to drive into there we'd be doing...

Mr. Wegner: They couldn't go from the back?

Mr. Augitto: No because that's a retaining wall now so to get into there we'd be doing a bunch of fill. That would have an impact on the lake.

Looking at blue prints.

Mr. Rossi: Is that feasible?

Mr. Augitto: Everything is feasible. But because we're talking about a wood frame floor and we'd have to have a concrete slab we're talking about bringing in precast concrete planks or something. The roof would have to come off and the walls would have to come done to get a crane to set in the precast concrete planks.

Mr. Lee: Our purpose here is not to decide what alternative are necessarily. Our decision here is to decide the appeal you have made. Are there other questions at this time on the issue at hand?

Mr. Hansen: There are no review or permit requirements for retaining walls that are greater than 75' from the water, is that right?

Mr. Wegner: The Ordinance permits them but there is a fee and a zoning permit is required and we review them. And based on a slope like this I'm sure a Shoreland Alternation Permit would be required.

Mr. Hansen: A permit for a retaining wall regardless of what's being done? The retaining wall would become sort of an issue also?

Mr. Wegner: I thought you said if it's greater than 75'.

Mr. Hansen: Yes, if it's greater than 75'.

Mr. Wegner: It wouldn't be an issue. It's just the process they'd have to go through to get the permit.

Mr. Hansen: And there's some that would be within the 75' also.

Mr. Wegner: Yes.

Mr. Hansen: Ok.

Mr. Albert: If you were to consider a downsized garage with the new bathroom facility how far would you have to go back from the existing house?

Mr. Augitto: We could lose about 10 feet. So instead of being 32' we'd be 22 to 24 feet. Let's say 24 to be safe. We'd knock off 8 feet.

Mr. Albert: Right past the 75' mark? One tree could go, considerably less excavation.

Mr. Augitto: Yes.

Mr. Goetsch: You would reduce the garage down to 24'x28'?

Mr. Augitto: Yes.

Mr. Lee: And that swing out there wouldn't be as deep into the bank either.

Mr. Augitto: It would be reduced.

Mr. Goetsch: I don't think we can exactly hang an ADA exemption today to say there is right now definitely somebody who needs it.

Mrs. Goral: I do not currently have someone living in the home.

Mr. Goetsch: Do you have firm plans to have such a person? No commitments or anything like that?

Mr. Albert: Why would you even go there? ADA? If you're considering a hardship in terms of Wisconsin winter, shelter and a car adjacent ...can't hear.

Mr. Goetsch: ADA is a reason why we can say they should be able to do something that wouldn't require a variance.

Mr. Albert: Correct but...

Mr. Goetsch: That has become another reason...can't hear. ADA exemption can be used but in this case it doesn't sound...can't hear.

Mr. Lee: I think you could build a hardship case here without getting into ADA. I agree with that.

Mr. Wegner: I disagree, for the record.

Mr. Lee: That's fine.

Mr. Goetsch: Your vote doesn't count.

Mr. Hansen: Just for clarification. Circumstances of the applicant, such as an elderly parent, does not qualify but if the elderly parent is disabled that does qualify?

Mr. Wegner: You're saying a disability is justification for a variance?

Mr. Goetsch: No. It would eliminate the need for a variance.

Mr. Wegner: Ok.

Mr. Lee: That's not our issue. Anything else? Any further comments you'd like to make?

Mrs. Goral: I'd like to appeal to the Board to allow the continuation of the decks around the house, allow the attached garage. They are used for maintenance issues. I think it would be extremely difficult to maintain the home without them.

Mr. Rossi: It's like scaffolding. You can't put much furniture there.

Mrs. Goral: I don't think that it does any harm to the environment. The decks are not sticking out very far at all.

Mr. Goetsch: Can't hear

2:05 p.m. Chairman Lee closed the public hearing.

The board deliberated appeal #2-2012 of Thomaz and Sharon Goral

Motion by Goetsch, second by Rossi to grant the variance addition of a one stall garage not to exceed 24'x28' and to allow the existing attached deck to remain but no new decks. They must comply with all mitigation. On roll call vote; Bloom, yes; Hansen, no; Lee, yes; Goetsch, yes; Rossi, yes. The motion carried with a majority vote of 4:1.

2:22 the public hearing was adjourned.

Harland Lee, Chairman

Elmer Goetsch, Secretary