



# Fire Prevention and Building Safety

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Ken Gilliam, Fire Chief



July 31, 2017

Brandy Ender  
Coulee Region Mobility  
5128 Jackpot Avenue  
Sparta, WI 54656

RE: An appeal regarding the requirement to provide a 25' set back from the front property line and the requirement to limit accessory structures to the rear or side yard at 1230 Losey Boulevard S, La Crosse, Wisconsin.

Dear Mr. Ender,

We have received the permit application to construct an unattached deck that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding setbacks from the front property line and the requirement to limit accessory structures to the rear or side yard.

The project as proposed is in direct violation of the following subparagraph of the Code:

Sec. 115-142. - R-1 Single Family Residence District Regulations.

(2)

Front yards. On every lot in the Residence District, there shall be a **front yard having a depth of not less than 25 feet**, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and walks.

Sec. 115-390. - Height and area regulations.

(2) Area c.

In all residential zoning districts the aggregate building area of all detached accessory buildings shall not exceed 35 percent of the area of the rear yard of the parcel upon

## CITY OF LA CROSSE

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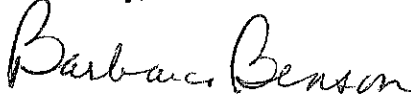
which they are to be built, up to a maximum 1,000 square feet of aggregate area of detached accessory buildings; provided, however, that the maximum aggregate area of all residential accessory buildings shall in no case exceed the gross finished floor area of the dwelling unit, excluding unfinished basement areas, to which they are accessory.

**Such detached residential accessory buildings may be placed in the rear, or side yard when not in conflict with any other requirement of this Code.**

Detached accessory buildings in the rear yard shall maintain minimum rear yard and side yard setbacks of two feet including roof line. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the principle structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, a shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint.

Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant two variances, 1) 4' to the required 25' set back to the front property line and 2) allow an accessory structure in the front yard for this project to proceed as proposed.

Sincerely,



Barbara Benson  
Building Inspector

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**CITY OF LA CROSSE**

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Exist  
garage

← 14' →

Existing  
home

← 6' →

VPL

← 6' →

↑ 9'6" ↓

Proposed  
VPL and  
landing to  
set on top  
of existing  
steps and  
walkway

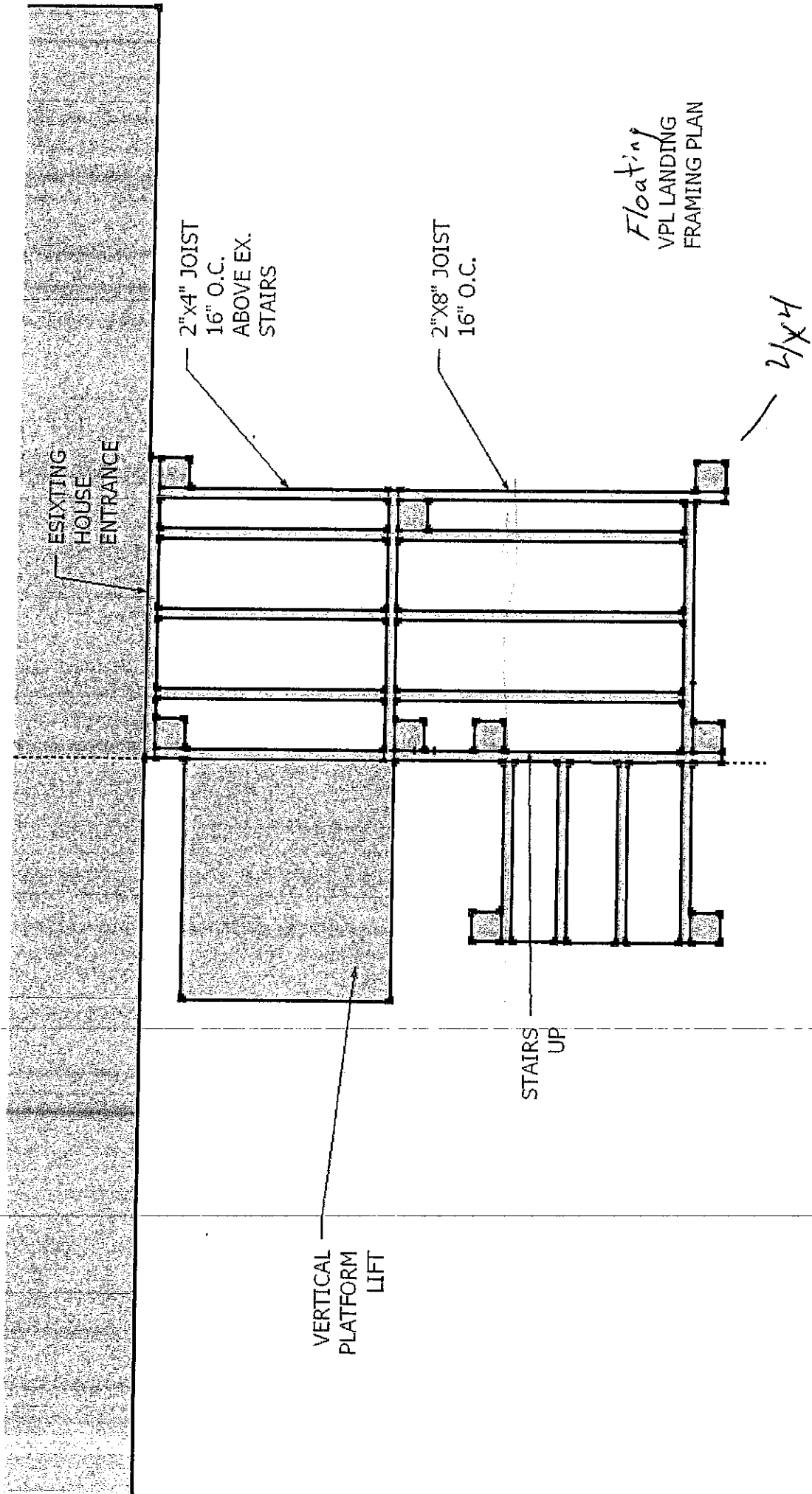
↑ 9'6" ↓

21'

city walk

↑ 12' ↓

Lo sey



*Floating*  
VPL LANDING  
FRAMING PLAN

2/1/24

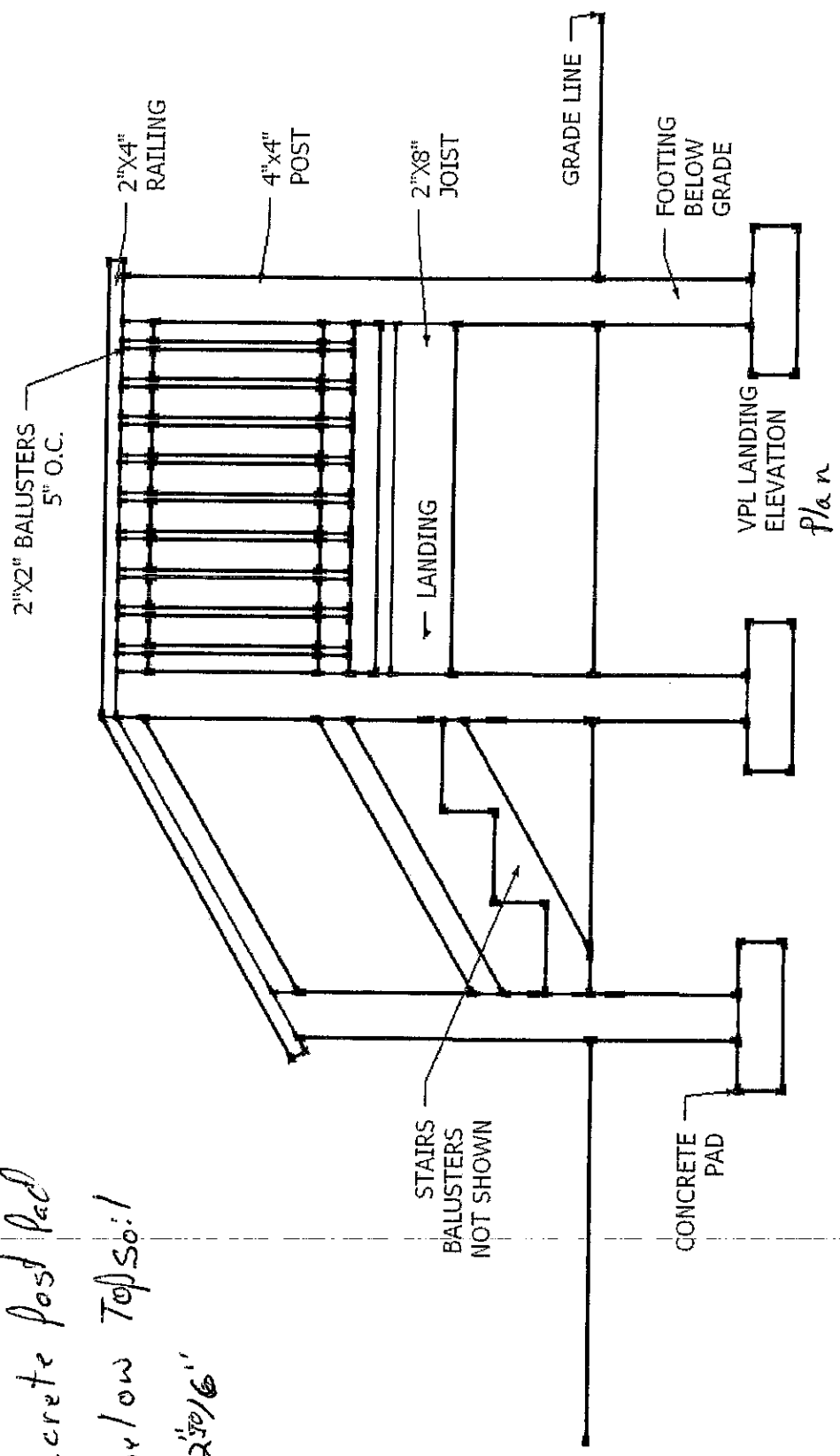
VERTICAL  
PLATFORM  
LIFT

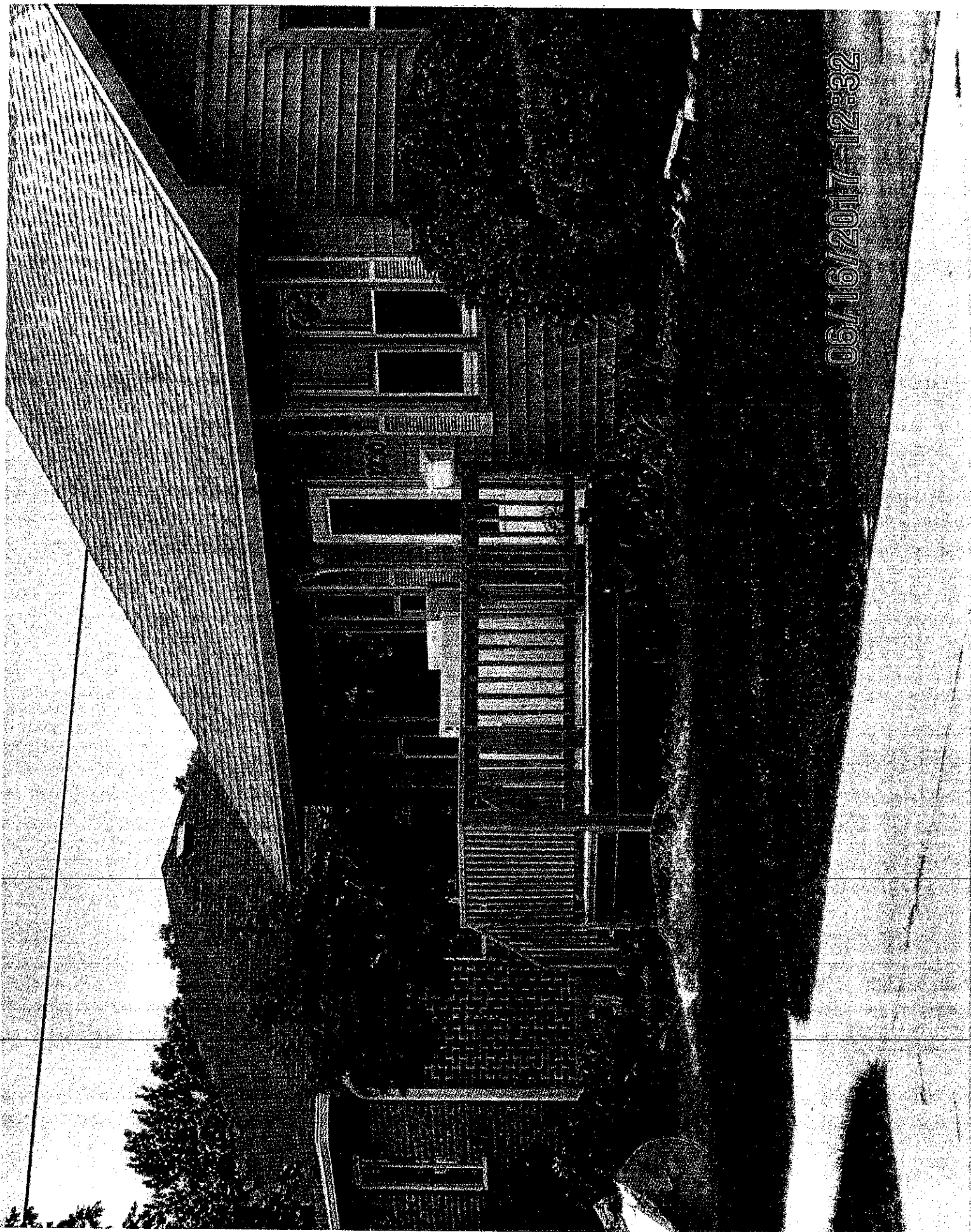
STAIRS  
UP

2"x4" JOIST  
16" O.C.  
ABOVE EX.  
STAIRS

2"x8" JOIST  
16" O.C.

4x4 Posts Set  
 on Concrete Post Pad  
 Just below Top Soil  
 approx 12 5/16"





06/16/2017 12:32

# **BOARD OF ZONING APPEALS**

## **STANDARDS FOR AREA VARIANCE**

- ☐ 1. The proposed variance is not contrary to the public interest. The purpose statement of the ordinance and related statutes must be reviewed in order to identify the public interest. Variances must observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice. In considering effects of a variance on public interests, broad community and even statewide interests should be examined; the public interest standard is not confined to scrutiny of impacts on neighbors or residents in the vicinity of the project.
  
- ☐ 2. The property has a special or unique condition. The property must have unique or physical features which prevent compliance with the ordinance. The circumstances of an applicant, such as growing family or need for a larger garage, are not legitimate factors in meeting this standard. Property limitations that prevent ordinance compliance and that are not unique but common to a number of properties should be addressed by amendment of the ordinance.
  
- ☐ 3. The special condition of the property creates an unnecessary hardship:
  - a. Unnecessary hardship means unnecessarily burdensome, considering the purpose of the ordinance.
  - b. Unnecessary hardship may not be self-created. An applicant may not claim hardship because of conditions which are self-imposed. Examples include claiming hardship for a substandard lot after having sold off portions that would have allowed building in compliance and claiming hardship where construction was commenced without required permits in violation of ordinance standards.
  - c. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.