



Fire Prevention and Building Safety

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Inspection@cityoflacrosse.org

Ken Gilliam, Fire Chief



August 31, 2017

Nancy Swanson
713 Troy St
Onalaska WI 54650

RE: An appeal regarding the requirement to provide a 6' side yard setback at 1552 Loomis St, La Crosse, Wisconsin.

Dear Nancy Swanson:

We have received your building permit application for an entry deck and stair 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 side property lines.

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

- (c) Area regulations.

(1) Front yard, side yard and rear yard. Front yard, side yard and rear yard regulations applicable in the Residence District shall apply to the Single Family Residence District.

Sec. 115-143 (c) (3)

- (a) Side yards.

On every lot in the residence district there shall be two side yards, one on each side of the building, and, except as hereinafter provided, neither of such side yards shall be less than six feet in width, and provided further that for any main building other than a one-family dwelling neither of such side yards shall be less than seven feet in width, except that lots occupied by each attached dwelling unit which is located within a single structure, which is attached along a lot line which is approximately perpendicular to the street right-of-way line, shall not be required to meet this requirement other than the outer side yards of the structure in which the two attached dwelling units are located shall not be less than seven feet in width.

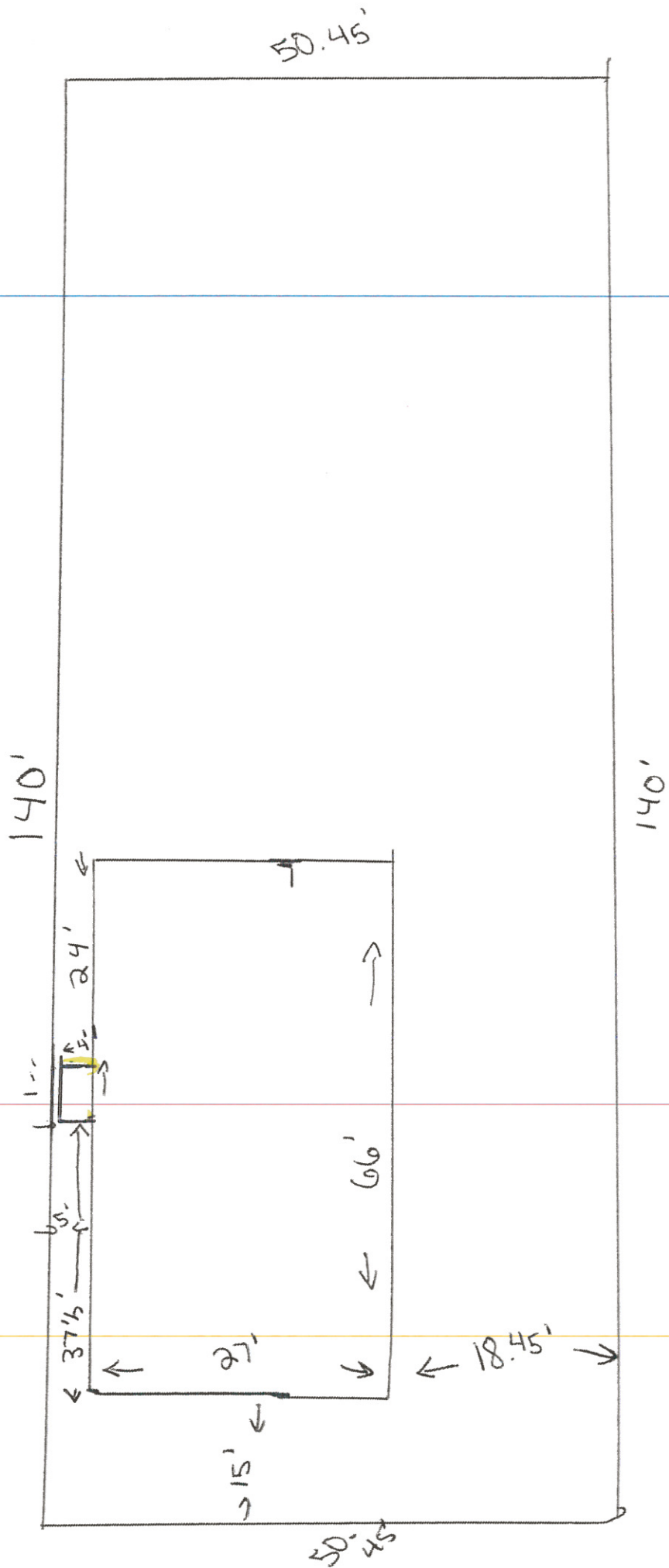
Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant a variance of five (5) feet on the north side yard for this project to proceed as proposed.

Sincerely,

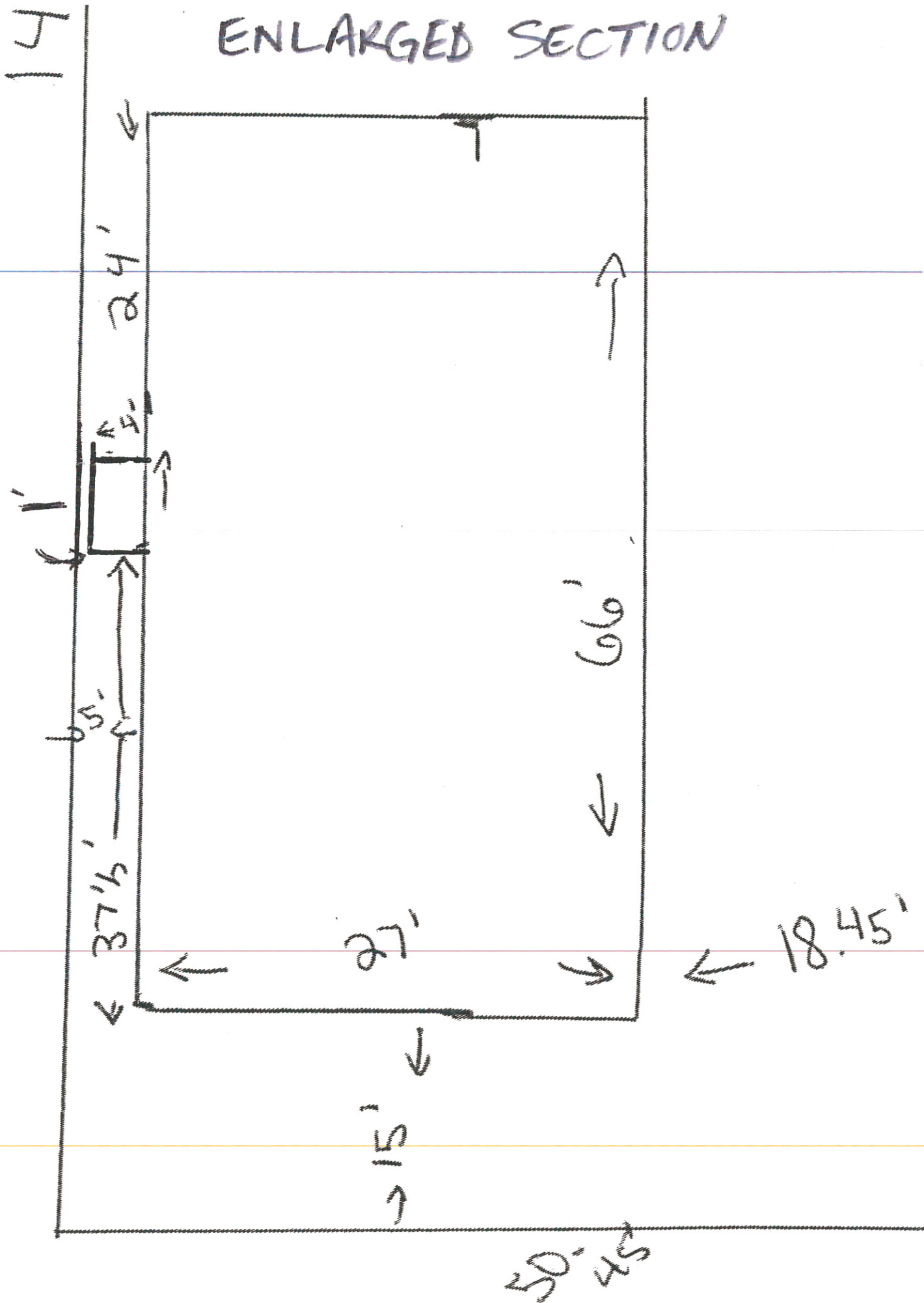
Barbara Benson
Building Inspector

CITY OF LA CROSSE

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Phone 608/789-7530 Fax 608/789-7589



ENLARGED SECTION





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.
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