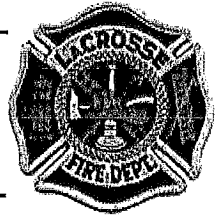




Fire Prevention and Building Safety

400 La Crosse St., La Crosse, WI 54601 • (608) 789-7530 • Fax: (608) 789-7589
<http://www.cityoflacrosse.org> Inspection@cityoflacrosse.org

Ken Gilliam, Fire Chief



February 22, 2018

Karla Doolittle
1927 Avon St
La Crosse, WI 54601

RE: An appeal regarding the requirement to provide 7200 square feet of lot area for a lot created after 1966 at 1925 Avon St, La Crosse, WI.

Dear Karla Doolittle,

We have received the permit application to move a property line that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding minimum lot area.

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) (2) Lot area.

Every lot in the Single Family Residence District of record before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the Single Family Residence District of record between August 27, 1938, and September 15, 1966, shall have an area of not less than 5,000 square feet. **Every lot in the Single Family Residence District not of record September 15, 1966, shall have an area of not less than 7,200 square feet. Sec. 115-390. - Height and area regulations.**

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 351 square feet of total lot area for this project to proceed as proposed. The new lot would have a total of 6849 square feet of lot area.

Sincerely,

Barbara Benson
Building Inspector

CITY OF LA CROSSE

Third Floor-City Hall, 400 La Crosse Street, La Crosse, Wisconsin 54601
Phone 608/789-7530 Fax 608/789-7589

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 a 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.