



# Fire Prevention and Building Safety

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Ken Gilliam, Fire Chief



April 30, 2018

Ryan Cornett  
920 Wall St  
La Crosse WI 54603

RE: An appeal regarding the requirement to provide a 13.5 foot set back from the front property line at 920 Wall Street, La Crosse, Wisconsin.

Dear Mr. Cornett,

We have received the permit application to construct an attached 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 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. 115-143. - R-2 Residence District Regulations.**

*(c) Area 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.

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 5 feet to the required 13.5 foot set back to the front property for this project to proceed as proposed.

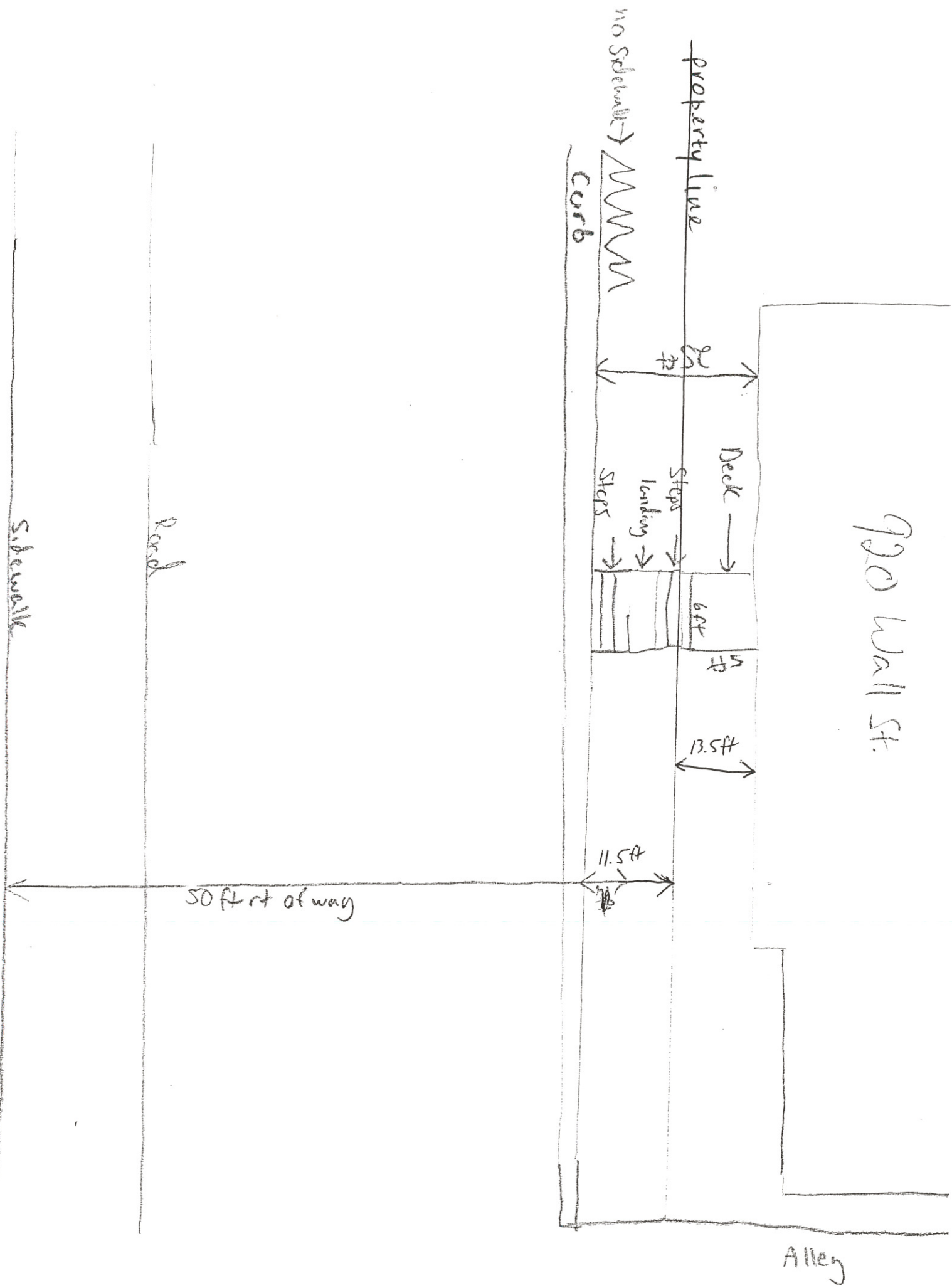
Sincerely,

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

920 Wall St.







04/27/2018 12:45



### STANDARDS FOR USE 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 no reasonable use of the property. An applicant would have to demonstrate that none of the uses allowed as permitted or conditional uses in the current zoning district are feasible for the property in order to comply with this task. This circumstance is highly unlikely.
  - 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.







Tax Parcel Number	OwnerName	Property Address	MailingLine4	MailingLine5
17-10059-40	JAMES P MITCHELL TRUST	919 WALL ST	1114 SANDY CIR	LA CRESCENT MN 55947
17-10059-50	SYLVESTER, AMY KENDRICK	1003 CHARLES ST	1003 CHARLES ST	LA CROSSE WI 54603
17-10060-40	DAVID W, SANDRA E MINOR	1002 LIBERTY ST	1002 LIBERTY ST	LA CROSSE WI 54603
17-10061-110	SHEA EALEY RENTALS LLC C/O SHAWN MCTAGGART	931 & 933 CHARLES	PO BOX 863	WEST SALEM WI 54669
17-10061-120	REBEKA S TENNER DEROCHA, ROMAN ROCHA PEREZ	932 & 934 LIBERTY S	932 LIBERTY ST	LA CROSSE WI 54603
17-10061-140	CITY OF LACROSSE	920 LIBERTY ST	400 LA CROSSE ST	LA CROSSE WI 54601
17-10061-70	MATTHEW UPDIKE	911 CHARLES ST	220 W BELL RD APT 2045	PHOENIX AZ 85023
17-10061-80	PATRICK J BUTLER	921 CHARLES ST	921 CHARLES ST	LA CROSSE WI 54603
17-10061-90	RICHARD E, CLAIRE R SEIB	923 CHARLES ST	1715 NAKOMIS AVE	LA CROSSE WI 54603
17-10062-10	JUDITH M BRABAZON-FOSS	916 & 918 LIBERTY S	918 LIBERTY ST	LA CROSSE WI 54603
<b>For:</b>				
17-10061-100	RYAN CORNETT	920 WALL ST	920 WALL ST	LA CROSSE WI 54603