

BOARD OF ZONING APPEALS

La Crosse, WI
DECISION UPON APPEAL

Jeff Nylander having appealed from an order of the Building Inspector denying a permit with regard to the requirement to provide 15 feet of perimeter fill around a new home

at a property known as 2422 Onalaska Ave., La Crosse, Wisconsin

and described as:

JOHNSTON ADDITION LOT 4 & N 20FT LOT 5 BLOCK 3 LOT SZ: 70 X 140

and due notice having been given by mail to all City of La Crosse property owners and lessees within 100 feet of the property which is the subject of this appeal, and similar notice having been published in the La Crosse Tribune more than five (5) days prior to the time of the hearing hereon, and testimony having been received and heard by said Board in respect thereto, and having been duly considered, and being fully advised in the premises,

WHEREFORE, IT IS ORDERED: That the decision of the Building Inspector be: Affirmed ☐ Reversed ☒

(See attached)

West Side

Dated this September 19, 2018

Date Filed: September 20, 2018

ATTEST

Teri Lehrke
Teri Lehrke, Secretary

Phil Nohr
Phil Nohr, Chairman

Concurring:

Carol Haas
Phil Nohr

Anastasia Sentyur
Douglas L. Tamm

(James Chup)

Dissenting:

The decision of the Board may be appealed to circuit court within 30 days of the decision being filed pursuant to Wisconsin Statute sec. 62.23(7)(e)10.

NOTE: WORK SHALL BEGIN WITHIN 180 DAYS AFTER THE DATE OF THIS DETERMINATION

You are hereby notified that when a variance is granted from the provisions of the flood plain regulations, increased flood insurance premiums may result.

DECISION UPON APPEAL

2615 – Jeff Nylander - An appeal regarding the requirement to provide 15 feet of perimeter fill around a new home at 2422 Onalaska Ave., La Crosse, Wisconsin.

****Motion for West Side of Property****

Farmer: Well I would move to approve the appropriate variance of, for File 2615 at 2422 Onalaska, on the west side where the ramp is located, a variance I believe it was eight feet. The unique property limitation is the grade created by the 15 foot fill requirement and the accommodation of a practical handicap ramp with an 8-1 slope. A zig-zag ramp would create, a combination of our laws create a hardship, a limitation, excuse me, and this would be the solution. The harm to the public interest is answered by the Inspections PowerPoint which says there is no harm to the public interest and I'm going to rest on that. The unnecessary hardship would be to inflict on people with an actual handicap a zig-zag handicap ramp that would have to be constructed if the 15 foot of fill requirement is met. It would make it virtually useless, and I would submit, probably a violation of ADA.

Seconder: Cherf

CONCURRING: Anastasia Gentry
 James Cherf
 Phil Nohr
 Carol Haefs
 Douglas Farmer

DISSENTING: None

Date Filed: September 20, 2018

ATTEST: Teri Lehrke, City Clerk

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WHEREFORE, IT IS ORDERED: That the decision of the Building Inspector be: Affirmed ☒ Reversed ☐

(See attached)

East Side

Dated this September 19, 2018

Date Filed: September 20, 2018

ATTEST

Teri Lehrke
Teri Lehrke, Secretary

Phil Nohr

Phil Nohr, Chairman

Concurring:

Carol Haess
Phil Nohr
Theresa Gentry

Douglas L. Farmer

Dissenting:

James O'Hara

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DECISION UPON APPEAL

2615 – Jeff Nylander - An appeal regarding the requirement to provide 15 feet of perimeter fill around a new home at 2422 Onalaska Ave., La Crosse, Wisconsin.

****Motion for East Side of Property****

Farmer: I'll offer up a motion. I'm not sure how I feel on it, but we can debate it if the Chair would like. It would be the approval of a variance on the east side for the driveway. The unique property limitation, again is that the grade would be created for a driveway with the 15 foot fill requirement that it is accommodated and the resulting effect of you having so much of it level, undetermined how much level, and then you would have a dramatic drop at the other end, which in this climate would be the hardship there. So that would be the unique property limitation. Again, the PowerPoint says there's no harm to the public interest and the unnecessary hardship would be the resulting sharp slope at the end of the driveway which I'm not able to determine what that would be and potentially would create a problem. That would be to the east so it would get the western sun; no it would get the eastern sun so it would be a slow melt in the winter. So that would be the motion I would put out there. I'm not making the motion to approve; I just formulated it for somebody.

Nohr asks if he mentioned the 8 feet variance.

Farmer: It would be a variance of 8 feet on the east side.

Nohr: I'll make the motion that you just stated.

Gentry seconded.

CONCURRING: Anastasia Gentry
 Phil Nohr
 Carol Haefs

DISSENTING: James Cherf
 Douglas Farmer

Motion failed to receive four concurring votes; therefore, the decision of the Building Inspector is upheld.

Date Filed: September 20, 2018

ATTEST: Teri Lehrke, City Clerk