



# Community Risk Management

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

Ken Gilliam, Fire Chief



March 1, 2021

David and Catherine Thurston  
1524 Island St  
La Crosse WI 54603

RE: An appeal of the regulation limiting the number of garages to one at 1524 Island St, an appeal regarding the requirement that an accessory structure cannot exceed 17' in height from finished floor, an appeal of the regulation limiting wall height of residential accessory structures to a maximum of 10 feet, and an appeal for the regulation limiting garage door to 8' in height.

Dear David and Catherine,

We have received your building permit application for a new detached accessory structure with an existing attached garage that *does not* meet the regulations set forth in the Municipal Code of Ordinances of the City of La Crosse (Code). We invite your attention to subchapter 115-142(2) and 115-390.(1)d. of the Code wherein it provides for the purpose of the law from which you are seeking a variance:

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

115-142      SINGLE FAMILY RESIDENCE DISTRICT REGULATIONS

(a)    USE REGULATIONS.

*Scope and use regulations.* This section applies to the R-1 district. In the Single Family (R-1) Residence District, no building shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1)    One family dwellings.
- (2)    Accessory buildings including one private garage and/or one private carport when such carports are attached to a dwelling or attached to a detached private garage, subject to size and location requirements of section 115-390.. A detached carport is subject to the same requirements as a detached private garage as long as the private garage and/or carport or combination thereof do not exceed 1,000 square feet in area

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

Section 115-390. (1) d. Height of accessory buildings. The purpose of this subsection is to regulate the height and design of accessory buildings or structures.

1. The overall maximum vertical distance of detached residential (R1—R6) accessory buildings, excluding carriage house accessory structures, shall not exceed 17 feet from the lowest floor elevation to the highest point of the structure with the overall wall height not to exceed ten feet and the main garage doors not exceeding eight feet in height from the lowest floor elevation. Detached garage roofs shall be framed to a pitch of not less than one-third or four and 12 cut.

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 to allow for one additional garage, a variance of 4 feet 10 19/32 inches to the 17 feet maximum overall height requirement, a variance of 6 inches to the 10 foot maximum wall height requirement, and 1 foot to the 8 foot maximum garage door height requirement before a building permit could be issued for this project as proposed.

Sincerely,

*Kelsey Hanson*

Kelsey Hanson  
Building Inspector.

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## **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.

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### 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.

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LEGAL DESCRIPTION:

LOOMIS AND HARVEY'S ADDN E1/2LOTS 1, 2 & 3 ALL LOTS 4 & 5 BLOCK 10

and

PRT GOVERNMENT LOT 1 LYG N OF N LN NSP PROPERTY IN V186 P507 & S OF S LN LOOMIS & HARVEY ADDN & W OF W LN LOT 6 BLK 11 LOMIS & HARVEY ADDN EXTD S TO N LN NSP PRCL IN V186 P507 & E OF W LN GL 1 & THAT PRT GOVERNMENT LOT 2 LYG N OF THE N LN NSP LANDS DESC IN V186 P507 & S OF THE S LN LOOMIS & HARVEYS ADDN & W OF E LN GL 2 & E OF E LN LOT 6 BLK 10 LOOMIS & HARVEYS ADDN EXTD S TO THE NSP LANDS DESC IN V186 P507

