



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Minutes - Final

### Board of Zoning Appeals

---

Wednesday, October 19, 2016

7:00 PM

3rd Floor Conference Room

---

#### Call to Order, Roll Call

*Chairman Nohr called the meeting to order at 7:00 p.m. and explained the Board of Zoning Appeals meeting procedure.*

**Present:** 5 - Douglas Farmer, Charles Clemence, Tom Knothe, Philip Nohr, Anastasia Gentry

**Excused:** 2 - Carol Haefs, Darlene Lassig

#### Appeals:

*Chairman Nohr opened the public hearing.*

[2569](#)

An administrative appeal of the Chief Inspector's interpretation of the City of La Crosse Zoning Code, Chapter 115 pursuant to Wis. Stat. Section 62.23(7)(e)7 and La Crosse Municipal Code Section 115-59(1), in regard to construction at 5270 Grandwood Place East, La Crosse, Wisconsin.

*David Reinhart, Chief Inspector, 400 La Crosse Street, representing the City of La Crosse, is sworn in to speak. Reinhart states that this boils down to this: do the sections in Municipal Code Section 115-399 apply to the entire City or just to properties in the floodplain. Reinhart states that he did some research before his determination. The code in question was adopted July 21, 2012. There were no recorded minutes or commentary into why the ordinance was adopted or the intent of the ordinance. The week of September 12, Reinhart made a call to the council member that introduced the legislation and he had no recollection to the intent of the code. Farmer asks Reinhart if that was him and Reinhart stated that it was.*

*Reinhart states that he will go section by section in the code. Section (a) is pretty clear-cut; a land use permit is required for all fill in the floodplain and the cost of the permit shall be established by resolution – it specifically says 'in the floodplain.' Section (b) says no parcel or lot shall be filled to a height exceeding two feet three inches above the base flood elevation for those parcels located in floodplain zoning districts. It is pretty straightforward; it applies to the floodplain.*

*Reinhart states that he has summarized section (c) if the fill exceeds two feet above the grade of the adjoining property, then three things need to happen: the abutting property owners shall be notified in writing by the City, a land use permit is required, and what is happening needs to be reviewed by the Design Review Committee. The only part in this paragraph that talks about properties not in the floodplain is in this part of the code section. For properties not located in the floodplain, you cannot exceed two feet in height above the grade of the adjoining property owners. That part of the code section says that outside of the floodplain, the fill can't be higher than two feet. The*

*first sentence in this section says that if fill is two feet above grade of the adjoining property owner then there are requirements that need to be met. When you read this, the first part of the code has to apply to properties in the floodplain. If it is outside the floodplain you can't go above two feet. Then if this section only talks about the floodplain, the three requirements would not have to happen. They would not need a land use permit, they would not need to notify the adjoining properties, and they would not need to go to the Design Review Committee.*

*Farmer states that it goes on to say there that in no case shall the final grade of that parcel allow any storm water runoff to be directed to any adjacent or abutting parcel. Farmer asks if that is going to be an issue in this case. Reinhart states that this would be covered in a different paragraph in this code section.*

*Reinhart goes on to state that (d) specifically talks about the base flood elevation; base flood elevation is only found in the floodplain. Outside the floodplain there is no base flood elevation, so (b) talks about properties in the floodplain. Section (e) says that the total grade on a driveway doesn't apply unless it is a part of a retaining wall or a poured wall system. In most cases this would be the floodplain, but this would also apply to properties outside the floodplain. So this would be for all properties in the City.*

*Reinhart tells Farmer that section (f) will answer his question. All rainwater shall not be directed to neighbor's property or city sidewalk without Board of Public Works approval. But as we are all aware, 95 percent of driveways in the City of La Crosse do drain over sidewalk and public right of way. Farmer asks if that is a regulation or an observation and Reinhart responds that it is an observation. Clemence asks if they were grandfathered in and Reinhart states that he assumes they were.*

*Reinhart summarizes by stating that the code has been interpreted this way since it was adopted. Their interpretation hasn't changed. Base flood elevations are only found in the floodplain. If their interpretation was changed, properties wouldn't be in compliance and it would require enforcement action by their department and would generate potential variance requests to BOZA (Board of Zoning Appeals). Farmer asks what kind of change Reinhart means. Reinhart states that if part of the determination is changed. Nohr asks if he means the part about being outside the floodplain and Reinhart agrees. He states that if some of this is determined that these things apply to the whole city and not just the floodplain, and then it would determine how they have interpreted it since 2012.*

*Nohr states that the major was not the fill elevation in the floodplain versus outside the floodplain, but rather the process of approvals that are required. Reinhart states that Nohr is correct. Nohr says that is the key thing here as far as interpretation of the ordinance, in his belief. Nohr asks Reinhart what approvals they need for the fill if it is over two feet. Reinhart states that if it is determined that the code sections would apply to the whole city, they would have to apply that code section to all properties, not just those in the floodplain.*

*Nohr says that the way he interprets what he has seen is that anywhere in the city you can fill up to two feet as long as you don't have runoff into surrounding properties. Reinhart states that he is correct. Nohr states that in the floodplain you have to meet the other requirements as well. Reinhart states that he is correct you would have to have the retaining wall be three feet in from the neighbors or get approval for neighbors to have it up to the property line. Farmer states that the Board usually sees actual municipal code on the PowerPoint, but here they are summarized because they are lengthy.*

Reinhart states that they have had properties in the floodplain where they have had to enforce all of the provisions of this ordinance. Nohr asks if the wall has to be two feet in height and three feet back. Reinhart states that if you are out of the floodplain, you do not have to go three feet from the property line. Nohr asks when the three feet come in to effect and Reinhart responds that if it is in the floodplain and the neighbors don't agree to have it on the property line then it has to be three feet in from the property line. Nohr asks if Reinhart is saying that you apply that in the floodplain because of where it appears in that section of the code. Reinhart states that he is correct. Farmer says if you are not in the floodplain, why would you need to go up two or three feet. Nohr states he just wants to understand where that section falls.

Reinhardt shows the picture of a property in the floodplain – the Wendling property on north side. Reinhart dates that after this property was built and everyone saw it, that is when he believes the ordinance was created. Reinhart shows a view from the street and a view from the alley. He also shows a few potential properties that would not comply with the ordinance if their interpretation was changed or reversed. He shows a retaining wall that is right on the property line and that is higher than two feet. He shows a couple others as well that are not the floodplain. Nohr asks if they have been constructed since the ordinance and Reinhart states that he doesn't know when they were built because they are in compliance with current code; they are just for example.

Knothe asks Reinhart to show the slide with section (c) and asks Reinhart to explain the language where it talks about properties not located in the floodplain and asks why that language would be in the ordinance if it wasn't to speak to properties outside of the floodplain. Reinhart shows the part where it pertains to the entire city, the first part only applies to floodplain. The other parts are also floodplain. Knothe asks if sections d, e, and f only apply in the floodplain and Reinhart responds that he is correct. Farmer asks if c is the only paragraph in the ordinance where the floodplain isn't specifically called out and Reinhart responds that Farmer is correct. Nohr asks if this code has room for interpretation and Reinhart states that he can't answer that. Nohr states that that question was unfair.

*Speaking in Favor of the Request:*

Phil Addis, 504 Main Street, is sworn in to speak. Addis states that he is here on behalf of the Matty Family. Addis asks to go back to the first slide. He states that the Matty's came to his office because the question has come up as to is this ordinance to be interpreted across the entire city or just how Inspection has done it. They don't disagree that the picture shown of the Wendling property was the reason the ordinance was created; you definitely don't want to see a house surrounded by concrete retaining block above your knees. The question is on the interpretation of it. Paragraph a) specifically says for all fill in the floodplain. Paragraph b says floodplain; c, d, e, and f do not say floodplain. You can't take a law and say even when the words aren't in there; we are going to interpret it to say the words are in there.

Addis states that is where challenges come from. Hundreds of thousands of cases are decided on what did the legislature or the governing body mean when they wrote the law or the ordinance. How it is interpreted changes depending on who is in charge. Addis says that it is not true that the properties that Mr. Reinhart showed will be out of compliance if the interpretation is changed. Just because they are not in compliance, they will not be retroactively required to be changed. They stay in compliance if they were already built.

Addis states that he would like to talk about section c and he states that he gave the full section to the Board. The first sentence is correct, if the fill exceeds two feet above the grade of the adjoining properties, abutting property owners shall be notified in writing, a land use permit is required; there are three conditions to be met for properties not located in the floodplain. Addis states that he is not sure why it was written that way; he may have reversed the sentences – for properties not located in the floodplain no lot or parcel shall be filled to a height exceeding two feet and in no case shall they...if the height exceeds two feet it then gives a method, and that is how Addis believes it was meant to be interpreted. You may have to raise properties in the floodplain above two feet to get them out of the floodplain. Depending on how low they are, they may need to go up higher. This creates a method for properties not in the floodplain and what needs to be done.

Addis states that there is nowhere in it does it say it is restricted to only properties in the floodplain, so he doesn't think it is right to read that in. We talked about (d) the height of any retaining wall or poured wall system shall not exceed two feet above the base flood elevation – that makes perfect sense in a floodplain. However, if you are out of the floodplain you can still calculate base flood elevation; I did it in google before I got here. Base flood elevation is the level at which the flood waters are determined to rise. If your house is in the floodplain, obviously it is a much higher level. Base flood elevation is a term created by engineers and FEMA to determine why it is not in the floodplain. You don't get to ignore the rest of the ordinance. There are four other conditions in that ordinance, which is three feet away from the property line, and then it gives descriptions of bushes and shrubbery etc. that should be in there and what should be done. If you would interpret it the way Addis is suggesting, again, you don't need to go back and change anything.

Addis states that the 8 percent grade only applies to retaining walls that are part of the driveway. The property owners did build a retaining wall, even though they were warned that this appeal was pending, which is clearly part of the driveway. They didn't list this in their appeal because the plan that was given didn't show that they were going to build it adjacent to the driveway. To determine that, the retaining wall may need to go and accommodations need to be made and that becomes a moot point. In the case that the property owner is told we are going to build a retaining wall by our driveway, they have the right to raise that concern.

Addis states that the parties have been discussing a way to resolve this. The Matty's have hired an engineer and the contractor has made a proposal – it may become a moot point, but it is still relevant today because it does affect all of the city. Farmer asks how high the retaining wall is and Addis responds that it is beyond the height that has been discussed and they are trying to work out an agreement on it. Addis hopes that they can come to an agreement on it or the property owners will need to come before the Board to ask for a variance.

Addis doesn't argue with how the inspection department interpreted in the past – it was a reasonable interpretation, but if you look at it this is a more logical interpretation. It never came up before because no one else raised the question. Farmer asks if this law is the cusp of the issue and Addis responds that the cusp of the issue is that because of the retaining wall Mr. and Mrs. Matty believe that the water was coming onto their property. Addis shows a photo of the water coming onto the Matty's property before the retaining wall was built. Addis states that the light colored line on the photo shows the property line. The photo was taken before the retaining wall was up when there was a lot of heavy rain. They put the retaining wall up to defer it, but Matty still believes water comes anyway.

Farmer asks if the argument goes away if the parties arrive at agreement. Addis states that part of the settlement does involve taking care of the water. Farmer wants to know why the board wants to solve this problem if the parties are on the verge of solving it. Addis states that they are not on the verge; they are discussing. Farmer states the Board may not make a decision if the two parties are working together; if there is any chance at the parties arriving at a settlement, they can defer the request because it may be in the best public interest. Farmer adds that they have gone this long without having to go through the entire ordinance and he doubts that the Board can come to a final decision tonight. Farmer's reaction here is that they should give that process a chance to work.

Addis states that it may work out, but there is an easy solution for the owner which is to take off a level of brick and get it completed. The property owner could then finish their house and state that since the appeal was deferred they would have a hardship if they need to request a variance. Farmer states that his point is that the Wendling property taught them the foolishness of letting people get away with more than they should. There is also a two space parking pad on Losey Blvd. that they were supposed to put only one car on and it cannot be enforced. Addis states that they were aware of this appeal and they put in the retaining wall anyway. Addis asks why they would go ahead, knowing this was here and they have to take it out. Farmer also states that it would also not be fair to use their decision as a bartering lever; Addis states that it goes both ways. Nohr states that it will be part of the Board's deliberation and asks if there are any questions.

Clemence asks Addis to clarify what exactly they are asking for – do they want the retaining wall lowered and the water redirected. Addis states that the primary issue is the control of the water; the second issue is the retaining wall shouldn't be built on the property line – it should've been built three feet off the property line; and last is the 8 percent slope of the driveway. Knothe asks what relief they are asking for and Addis responds that since they were aware of the risk when they built the property, they should have to take the retaining wall down and to control the flow on their own property. There is an easement on the back of both properties – twenty-five feet in from the edge of the property. The water should be directed there; water shouldn't be diverted to the easement on the Matty's property or easement.

Gentry asks if they used draining tiles and Addis responds that was actually one of the issues being discussed. Nohr asks if their primary argument is the paragraphs are in the wrong order; Addis responds that the primary argument is that you could read it any way that you want. Nohr states that from what Addis suggests that it is open to interpretation by the Inspection Department. Addis agrees, but when you have two sections that clearly say the floodplain, and the other four sections do not, or they would've said at the very opening "for properties in the floodplain."

Stephen Matty, 5260 Grandwood Place East, La Crosse, is sworn in to speak. Matty states that he and his wife made the appeal. First he wants to thank the Board for considering the appeal. The intent of the ordinance is found in the language itself; the intent is to deal with water. There are various references in the ordinances that say that each parcel is supposed to deal with their own water and not push it off to someone else. When you look at the provisions of the code, it talks about the retaining wall being three feet from the property line, what is the grade and how fast is that water is going to go down that grade, is it going to go over some berm or buffer that is there, how much fill is there compared to something else; all of these things deal with water and how that water moves from one property to another

Matty states that he is also an attorney and his interpretation is the same as Attorney Addis - that the intent of the ordinance is to prevent the water – the plain language of the ordinance applies citywide except for those areas that it specifically states. With that ordinance, they built their property in 2011 and moved in October or November of that year. Between then and now they did not have water issues, when the neighbors started building and the elevation changed, they had problems water running onto their property with pooling, ponding and extreme saturation of the water 35 feet into their property. Matty shows a picture of the playground structure they have on their property and points out that the water goes into the area. It is far off the property line.

Matty says that as result of the water they can't enjoy their property and they can't mow the grass because the area is too wet. It all comes down to the ordinance needs to be enforced the way it is written. Again, the ordinance deals with the way the water runs off and applies citywide. There is a floodplain section of the code, but this is not in the floodplain section of the code – the miscellaneous section is where this section is. The placement of it also tells you where this code applies. Knothe asks Matty if he is he aware of any other sections dealing with slopes of driveway. Matty states that there are; Chapter 44 might deal with that. Knothe asks about depth of material and Matty states he thinks that it is in Chapter 44 and it also talks about the requirement for a driveway permit what has to be submitted to the engineering department.

Knothe asks if the driveway permit calls for a different degree than 8 and Matty responds that as far as he understands, 8 percent is the maximum that it can be. Knothe confirms that there's a difference between in and out of the floodplain. Knothe says the retaining wall rule for the floodplain is that it needs to be three feet from the lot line, and asks where it would be for outside of the floodplain. Knothe states that he is trying to figure out if there is more than one set of rules; one that applies in the floodplain and one that applies outside of the floodplain. Matty states that you do have different sections of the code; there is a section on just the floodplain, but without reviewing the code, he does not know the exact differences would be that Knothe is asking about.

Matty shows a photo of the property and points out the property line and where the start of playground structure. He points out that the 35 feet that he was talking about is the edge of the door the playground structure. Nohr asks if the water damage that Matty referred to was prior to the retaining wall; Matty responds that it was when they had the most rain over the summer. The retaining wall recently went up and he doesn't think they've had the much rainfall since the retaining wall was up; the water was prior to the retaining wall.

Nohr states that he thinks that the Board has two gentlemen that were previously City Council members and the purpose of this particular ordinance was due to a particular property that was built on the north side. That drew the attention of the City and that they needed to create an ordinance to limit that in other areas of the City. As far as runoff on adjacent properties, he thinks that for every request that has come before the Board, they have to deal with that issue; it doesn't just apply to this ordinance. You cannot create runoff on your neighbor's property with any type of construction, no matter if you are in or out of the floodplain; it is not acceptable. Matty states that under the interpretations of inspections right now, they are saying that the variance is not required, so he doesn't have that due process protection to be able to come before the board and talk about the runoff. Under their determination a variance is not required and that is why Matty states that he is here asking for a change in the interpretation.

Nohr states that there have been two things that have been said; one is that there has

been no indication of runoff since the wall was been put up, if there is, Matty would have the right to come back to this board with this issue. Matty states that he respects his view, but if the board upholds the inspection department's interpretation, he doesn't have any other relief except for going to Circuit Court. Matty states that they have hired an engineer because they know how storm water works. They are having an analysis done; under the ideal situation if nothing is wrong, then they can work it out. As of right now he doesn't have that information from the engineer.

Nohr asks Matty what is thought is on the testimony that this issue may be resolved. He also asks what Matty's feelings are if they refer the item so they have that opportunity to come back to the Board. Matty states that it the Board's prerogative. He states that the contractor told them that they don't have the luxury to of waiting. The contractor criticized him because he didn't pay for a special meeting to be held earlier. He states that he understands if they refer, but he doesn't want to be criticized further because of it. Nohr asks if this is creating a hardship for the contractor if they refer the item. Matty states that the contractor told them that they couldn't wait. At the end of the day, Matty wants to get the professionals involved.

Matty says that it was only when the stop-work order was put in place that they could start talking. Nohr asks if the stop-work order is in place; Matty responds that it is just for outside, not inside. Farmer asks who issued the stop-work order and Matty responds that it was the Inspections Department. Knothe asks what the grounds were for the stop-order and Matty responds that it was for exceeding the 24 inches of fill. They knew they had to put in 24 inches of fill, but Matty went out and asked inspections to look at it and it was exceeding what was supplied in the plans.

Nohr and Farmer state that if they can refer to next month, Matty can have time to resolve the runoff on the property. Nohr also states that a compromise might not occur and the ordinance might be written in a way to offer interpretation which is left up to inspections or this Board. Nohr states Matty should feel comfortable knowing that the Board doesn't want the runoff on the property and if it can't be resolved this is the place where a referral might be the best option.

Knothe asks what the status is of the stop-work order; he asks if there a hearing on that or any planned action by the City. Matty states that after the order was issued, there was a proposal put together by the contractor. He took that proposal and hired an engineer to take a look at it. Matty states that he is waiting on the engineer's analysis so he can get a response to the neighbors to work that out. Nohr asks if he will have it before the next meeting and Matty states that he hopes to have it as soon as possible. Knothe asks if the neighbors deny that there's more than two feet of fill and Matty responds that they do not.

Reinhart is asked to speak again. Nohr asks if the neighbors need approval for having gone two feet of fill. He states that they may need to come before the Board so he understands why Reinhart issued the stop-order. Nohr asks if Reinhart knows if the contractor has indicated that they will be applying for a variance. Reinhart states that Mr. Matty is correct; they did issue the stop-order because they were over the two feet of fill – the solution will alleviate this issue if it the solution is agreed upon by both parties. Nohr again asks if they need a variance. Reinhart shows a picture and states that the last time they were out there the wall was 28.5 inches from grade and they propose that to keep the water off the Matty's property fill would be brought in next to the retaining wall to slope it. They would also add drain tile under the ground so it would take the water from the front to the back; when those remedies are in place that makes the fill two feet or less.

Nohr asks about the status of the stop-work order. Reinhart states that it is in effect until the issue is resolved. Reinhart adds that after this is resolved, the grade will be pushed back so no more water will run on Mr. Matty's property. In order for that to be done, it is kind of the cart before the horse. Reinhart states that he believes that the 6 inch depth of the driveway cut on the concrete in Chapter 44 is only for public right-of-way only and not on private property.

*Speaking in Opposition:*

Mark Etrheim, 1821 Acorn Ct., Onalaska, is sworn in to speak. Etrheim states that he is the contractor. He states that they made an initial proposal but it would involve putting fill on the Matty's property as well as over the swale. The problem is that right now their property is fairly graded flat for 30-40 feet. Prior to the house being built, that water kept going onto this new lot. When they built that property there, it caused the water to slope away from them and now there's water sitting there with nowhere to go. The idea is to raise it up six inches in the middle so the water can get out of there.

Etrheim states that the better solution would've been to keep it so there was a fairly decent pitch in the side of the driveway and they could fill it in all the way. Etrheim states that there was a mistake in the wall; it was supposed to go to 24 inches instead of 28. His proposal now is to take a row of block off the top of the wall and drop it down to 22. The driveway has a sideways pitch and they would grade the driveway steeper. Etrheim shows a diagram of the proposal and states that they would put drain tile in and they are putting a four-inch curb cut on the edge of the driveway for water control. The curb cut will push the water on the driveway – one third of it out on the street and two thirds of it out to the backyard.

Etrheim says that the fill they want to add should take care of the pooling. He states that the ordinance states that you can't go more than two feet above the base flood elevation, but it doesn't indicate it is out of the floodplain portion. It is not written well, it is not clear. They can't change what is there. Etrheim states that he is confused by the playground issue; it is above the swale, and he is not sure why the wall would've affected it. The purpose of the ordinance was for fill in the floodplain and this is clearly not in the floodplain. When the Matty's built their house it is about five feet above the point of the Hartogh's house. They built it to run the water to the lot line; he intended to run the Hartogh's water to the lot line but not off onto the neighbors. The wall is six inches from the lot line. He's got a curb there and he's trying to control the water; the water that is going to go there is going to hit the top of the wall and go back. Nohr asks about the possibility of putting in drain tiles. Etrheim responds that if they don't accept that proposal of adding six inches and drain tiles, they will take a row of blocks off the top of the wall and drop it down to 22 inches. It is their secondary proposal.

Danny Hartogh, 8296 Gullwood Rd, Lake Shore, Minnesota, is sworn in to speak. Hartogh states that he is strictly a layperson and just trying to build a home. He states that he might be unfortunate to live next to the city attorney who understands these things more than the average person. He has been asking what kind of conflict of interest is involved in this if it hasn't been an issue for so many years. He feels like they are being treated like they are the bad guy. Hartogh states that they asked to meet with the Matty's in the middle of August to show them what they had proposed and at that point the proposal wasn't good and the Matty's didn't want to meet. The Hartogh's asked to meet again, but they didn't meet with them again because he didn't want them to change the grade. Then they went back to the code and decided that they would build a retaining wall. They did meet two weeks ago went over the same



proposal as they went over in August.

Hartogh says that this has caused a lot of stress for them. He states that he is not trying to cause issues for the neighbor. They gave the Matty's the proposal and they stated they wanted it in writing; the contractor put it in writing and got it to them last Monday, but nothing has been resolved at this point. Hartogh says he is confused at all the whole process. Nohr asks how he feels about having the request referred for 30 days. Hartogh responds that the house will be done in two to three weeks, but he won't be able to move in because they won't have a driveway. Hartogh states that when he reads it, you have twenty feet behind; the water that they want to send down there is supposed to be twenty-five feet from the neighbor's lot line back that the water is supposed to flow to. He states that it is in the covenants of the development.

Hartogh again states that he doesn't understand the process. If everything stays as it is, the Matty's water is still running onto his land. If they have the right to build what they have, the water that is coming to their wall is all of his water since his lot is higher than theirs. Hartogh states that the Matty's lot is downstream from them. Water from the neighbors on the other side runs onto their land and to the neighbors and then into a retaining pond. They just happen to be the people to buy the lot that is the last lot being taken care of. Nohr asks if his intent is to avoid water runoff on the neighbor's property. Hartogh responds that they do not want water to run off on the Matty's property other than in the easement area – the twenty-five feet from the back of the lot in is an easement so the water can run down to a retaining pond. All of the eave spouts push the water away from the Matty's land because of his concern. Nohr states the board never wants water to be pushed off from one property onto a neighboring property.

**A motion was made by Knothe, seconded by Farmer, that the Administrative Appeal be Referred to the Board of Zoning Appeals meeting on 11/16/2016. The motion carried by the following vote:**

**Yes:** 5 - Farmer, Clemence, Knothe, Nohr, Gentry

**Excused:** 2 - Haefs, Lassig

2570

An appeal regarding the requirement to provide a rear yard setback of 15 feet at 2411 State St., La Crosse, Wisconsin.

Reinhart, still sworn, states that the owner has applied for a permit to construct an attached garage on the rear of the house. Municipal Code Section 115-143 (c) (4) states that there shall not be a rear yard with a depth of less than 20 percent of the depth of the lot. The required rear yard setback that is required is 20 feet, 5 inches and a variance of 15 feet 11 inches will need to be granted for this project to continue. The setback will be 4 feet, 6 inches if this is granted. He shows a drawing of the property and states that there is currently a detached garage. Farmer asks what he current setback for the garage is and Reinhart states that he is not aware of what it currently is.

Nohr asks if the attached garage is going where the detached garage is now. Reinhart states that it will be in the same area. Nohr asks if a variance would be needed if they were replacing the garage with another detached garage. Reinhart states that for a detached garage they would only need a two foot setback. Farmer states that he neighbors garage is only two feet off the lot line and Reinhart states that it is because it is also a detached garage. Nohr asks if Reinhart knows how far the current garage is set back and he again responds that it is two feet, four inches. Nohr asks if the new construction will be further off the lot line and Reinhart states that Nohr is correct.

*Reinhart Shows a picture of the current detached garage and points it out an overhead view of the property. Farmer asks to keep the aerial view up.*

*Speaking in Favor of the Request:*

*Nancy Quinlisk, 2411 State Street, La Crosse, is sworn in to speak. Quinlisk states that it is pretty self-explanatory. The new garage will increase the distance between her garage and the neighbor's garage. It will create access if there were and emergency it will include safety because there is an ice dam that forms in the winter. Quinlisk stats that it gives them an attached garage without having to go outside. Nohr asks if that is the primary reason and not because she needs more space. Quinlisk states that he is correct. It is 24 by 24; the current one-car garage is more like one and a half. Quinlisk states that the new garage will not be much bigger. Nohr asks how many cars she has and Quinlisk states that she has two cars, but she keeps one off the property and she probably will not put in the new garage.*

*Jim Quamme, W4501 Prairie Court East, West Salem, is sworn in to speak. Quamme states that Quinlisk's reason for wanting it is for safety and because of issues where she is living in terms of on-street parking. It would improve setback off the rear yard and off the alley. Quamme states that Quinlisk has children that come to visit regularly and the street parking is sparse. Many cars park along there because of that neighborhood. It would improve the parking situation for her.*

*Quamme states that the primary reason for Quinlisk is the safety issue to access the house. There will be an entry attached onto the main floor and that is the big issue. There are issues there now as the garage now is not in good shape. It will improve the value of the home and will go along with the other improvements Quinlisk is making to the house. Clemence asks if the neighbors are aware of the plans and Quamme states that all three immediate neighbors have been in favor of it.*

*Kurt Firary, 210 24th Street North, La Crosse, is sworn in to speak. Firary states that he thinks it is a good idea. He points out where he lives and points out his garage. Firary states that they have lived there for 18 years. Firary states that Quinlisk just purchased the home and they have had three previously owners that never had any funds to do any rehabilitation or upgrades to the property. They are nice people and all of the neighbors are very connected they work together and cooperate with each other.*

*Firary states that he did pet care at this property for a couple of previous owners and he has experienced the ice dam that occurs in the winter. He states that it is an example of somewhere that someone could slip and fall and break their hip or crack their head and get a brain injury. Firary states that as a registered nurse he can see that happening; even coming off the deck in the back with the water runoff and the ice dam that forms in between that is thick and it also becomes a sand mess. The water runs down in the alley and creates icy areas which make it difficult to run the snow blower over. Firary states that there's an opportunity to increase value and usability, practicality, and safety. Firary states that what Quinlisk is proposing is a great idea for herself and future owners.*

*Speaking in Opposition: None.*

**A motion was made by Knothe, seconded by Farmer, that the Request for Variance be GRANTED . The motion carried by the following vote:**

**Yes:** 5 - Farmer, Clemence, Knothe, Nohr, Gentry

**Excused:** 2 - Haefs, Lassig

## **Adjournment**

On motion by Farmer, second by Clemence, carried unanimously to adjourn at approximately 8:15 p.m.