



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, May 9, 2018

7:00 PM

3rd Floor Conference Room

Special Meeting - Called by Chair

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, James Cherf, Charles Clemence, Philip Nohr, Anastasia Gentry

Excused: 2 - Carol Haefs, Lu Selover

Variance appeals:

Chairman Nohr opened the public hearing.

2605

An appeal of the regulation that limits residential accessory structures to a maximum of 35 percent of the rear yard square footage, and a variance to allow a detached garage in the defined front yard at 1111 21st St. S., La Crosse, Wisconsin.

Eddie Young, 400 La Crosse Street, representing the Inspection Department, is sworn in to speak. The owner has applied for a permit to build a detached garage in the front yard. Municipal Code 115-390 (2)(c) states that in all residential zoning districts the aggregate building area of all detached accessory buildings shall not exceed 35 percent of the area of the rear yard, and it also states that detached residential accessory buildings may be placed in the rear yard, or side yard. The owner is proposing a 720 sq. ft. detached garage. Two variances will be required for this project to proceed as proposed: one variance of 434 square feet to the 286 square feet allowable size of a detached accessory structure and a second variance to allow a detached accessory structure to be built in the front yard.

Young shows diagram of the lot and points out the house, the streets, the alley, and the defined front yard and the rear yard. Farmer asks if it is an implied front yard because of the way the lot runs even though the house faces on 21st Street; Young states that he is correct. Cherf asks if the entrance to the home is on 21st Street and Young points it out. Farmer asks if the entrance to the garage will be on the 21st and Young says that it would also come off 21st Street. Nohr asks if it is an existing garage or if it is proposed and Young responds that it is proposed.

Young shows a plot plan showing the house and points out 21st Street and where the proposed garage will be. He says the setbacks are fine; it is just the square footage issue and it being in the front yard. Farmer states that it is a front yard because it is defined front yard; it would look like a side yard to anyone driving by; Young responds

that it is a possibility. Young shows an aerial photo with the adjacent lots shown; he points out the house and where the garage will be placed. He then shows a photo that was taken from the intersection, showing the house in back and where garage will be.

Nohr asks if the variance for square footage is because of 35 percent rule and Young responds that he is correct. Young says the rear yard is very small, and 35 percent of that is 286 square feet. Farmer says that if he had more space, he could build a bigger garage. Young says he could if he had more room. Clemence says even though it is going in what appears to be the side yard, the size is defined by the rear yard. Young says that is correct. Anastasia asks if it would make a difference if it were attached. Young responds that if it was attached they would meet the R-1 setbacks which would be 25 feet from the front and then 6 on either side. Anastasia says they wouldn't need any variances.

Nohr asks if they could then build a bigger garage and Young responds that it would not be able to be bigger than the size of the house. Clemence asks what it takes to be attached; he asks if it needs to be a structure with four sides or if it could be attached by a breezeway. Young states that he could have a breezeway, but it would need frost footings. Farmer states that it appears that the end of the house is a bedroom, so it would not be able to be attached there; Young states that he does not know what the layout of the house is. Clemence asks if Young knows the size of the neighboring garage, and Young responds that it is probably similar to the one that is proposed.

Speaking in favor:

Jacob Walters, 1111 21st St. S., is sworn in to speak. He says he is here today to get the 24 by 30 garage built. He asks if he is able to address the front yard ordinance because he has paperwork from two different permits being issued on that property defining it as a side yard. Farmer states he will find that it is not an issue; this is not the first house in La Crosse that has this condition. Nohr asks what Walters is saying; Walters responds that he was issued a permit in 2015 for a detached shed which wouldn't be allowed if this was a front yard. It was viewed as a side yard at the time; the previous owner had it viewed as a side yard as well, and there have been previous variances defining that as a side yard.

Farmer says the Board can't address changes in the ordinance; he says that Walters really doesn't have a problem here because he is not over 35 percent for the size of the area that the garage is being placed in. He adds that Walters should really address why he needs the 720 foot square foot garage. Walters responds that he has three vehicles; one is a collector vehicle that he would like to keep off the street. Even with that size garage, it would be a tight fit for three cars; it would be 2.5 more likely. He has lawn equipment and a snow blower and things like that which would be stored in the garage as well. Walters says there will be two doors: a 16 foot door and a 9 foot door dedicated to the collector or in the future for a boat.

Walters that they cannot attach the garage on the north side of the house because that is actually their bedroom. A breezeway could not be a solution because they would have to run it through the back of the property and that would be a problem because there is a gas meter there that they would have to move. For the driveway there would be a light pole in the way if the garage was closer to the house. Walters reiterates that they just need the garage to store items. Walters says the blue house across the street is a rental so are a lot of vehicles parking on the street especially during alternate side parking. He would really like to get his vehicles off the street and

protected.

Walters says the easterly neighbor wrote a letter in favor of the project; he would be the most directly affected by having the garage there, so he is in support. Walters said he also talked to other neighbor about the project. Nohr asks if he knows the size of the garage of his neighbor's garage; Walters responds that he is not sure the size, but it might be comparable to his. He says it will add visual appeal; it has been a vacant area for a long time, many people ask if it is another lot or if a house is going to be built there. Walters thinks it will fill in the neighborhood it will match house and roof. Nohr asks what type of siding it will have and Walters responds that it will be vinyl siding and the same color as the house. Farmer asks if the garage will be in line with the neighboring house and he says it will be similar to the neighbor's house.

Cherf asks if the garage will also be architecturally sympathetic neighborhood and not just their house. Walters says the side of the garage that faces Johnson Street will be a blank wall; the house and garage will be the same in that way - there is no window on the bedroom side of the house. There will be two windows on the back of the garage for security purposes. Walters says he feels that someone breaking in would be deterred the neighbors being able to see them. There will be an access door on the south side to have a short walking distance for groceries and things like that. Nohr asks if Walters has a picture of proposed construction and he said he had given one to the inspection department.

Gary Padesky, 825 20th St. S., Council representative for this area, is sworn in to speak. Padesky says that he and the Mayor see this as an interpretation and Padesky believes that Eddie (Young) is doing what he is supposed to do, but he got on Council to help people. Padesky says it is a situation where it clearly is bad the way that it is written. He talked to the Mayor and they are trying...when the ordinance was written you can't foresee every problem. Farmer states that is why the Board is here. Padesky says this is a nice young couple and they want to stay here; we are losing people and this is the kind of couple that is going to build and stay here and let other people know that we are willing to work with them. Padesky says he hopes that the Board sees fit to...Farmer states that this comes up once every two years and the Coney Island guy was the last one. Padesky says he knows him. Young returns to the room and Padesky says to him that there are no hard feelings; he knows that Young was doing his job. Padesky also adds that he obtained the letter from the neighbor and had given it to the Mayor.

Nicholas Mier, 1403 29th St. S., is sworn in to speak. Mier says that he would like to point out that he agrees with Padesky that this is an interpretation. Mier says that he pointed out to the inspector that the address isn't even on Johnson Street; it is a 21st St. address, so that makes it a side yard. You could probably you can drive within 5 blocks and find houses with the garages laid out like this. Mier says he doesn't feel it would look out of place with the garage same level as the front of house. He says that there was some other structure there in the past at some point. Mier says that he has tried to work with the Inspection department on this, but they have gotten nowhere.

Speaking in opposition: none

Cherf: in the matter of item number 2605 which is the appeal of the regulation that limits residential accessory structures to a maximum of 35 percent of the rear yard square footage, and a variance to allow a detached garage in the defined front yard at 1111 21st St. S., La Crosse, I would move for two variances. One would be a variance of 434 square feet in order to allow for the size of the detached garage; the second would be to allow a detached

accessory structure in the front yard. The standards for area variance are being met because the proposed variance is not contrary to the public interest. The property has a special or unique condition in that it has a 21st Street South address and the location of the house just happens to be oriented closer to the alley and as the inspection department has interpreted the side, front, and back yard, the logical place to put the garage is being interpreted as the front yard but it is acknowledged that it is seen as the side yard. The special condition of the property creates an unnecessary hardship for the reasons in my previous diatribe.

Seconder: Farmer

The motion carried by the following vote:

Yes: 5 - Nohr, Farmer, Cherf, Clemence, Gentry

Excused: 2 - Haefs, Selover

Other Business:

- Election of Vice Chair

Motion by Cherf, second by Clemence to nominate Farmer for Vice Chair. All in favor; motion passed.

Adjournment

Motion by Cherf, second by Clemence to adjourn at 7:23 p.m.