



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Minutes - Final

### Board of Zoning Appeals

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Wednesday, May 16, 2018

7:00 PM

3rd Floor Conference Room

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#### 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, Carol Haefs, Philip Nohr, Anastasia Gentry

**Excused:** 2 - James Cherf, Lu Selover

#### Variance appeals:

*Chairman Nohr opened the public hearing.*

[2606](#)

An appeal of the regulation that limits wall height of residential accessory structures to a maximum of 10 feet at a property known as 1825 Wood St., La Crosse, Wisconsin.

*Jon Molledahl, 400 La Crosse Street, representing Fire Prevention & Building Safety, is sworn in to speak. The owner built a garage with overall wall height of 10 feet, 6 inches. Municipal Code 115-390 (1)(d)(1) states that the overall maximum vertical distance of a detached residential accessory building shall not exceed 17 feet and the overall wall height shall not exceed ten feet. A variance of 6 inches to the 10 foot maximum wall height would have to be granted for this building to remain as constructed.*

*Molledahl shows a section drawing of the detached garage; the plans that were submitted with the application stated that it would have 10 feet only in height for the walls. He shows a picture of the garage and states that there are double-plates on top and bottom, so with 10 feet walls the total height equals 10 feet, 6 inches. Molledahl shows the lot on aerial view and points out the house, alley, and garage. Farmer asks if the plates sit on slab and Molledahl responds that they do; there are two bottom and two top plates. Farmer asks what the overall height is and Molledahl states that the roof is probably 4/12 pitched so it is 16 feet 10 inches, but under the overall height limit of 17 feet. Farmer states that he is familiar with overall height limit, but did not know of the wall height limit. Farmer asks if everything else is in compliance and Molledahl responds that it is in compliance. Farmer asks if there is an ordinance relative to the pitch of the roof and Molledahl responds that he is not aware of one; 4/12 is standard.*

*Speaking in favor:*

*Wayne Fox, 1825 Wood St. is sworn in to speak. Fox says that he is the owner and he tried to save money and bought a kit from Menards. He says that Inspection allows it if*

*you sign a waiver and you do it yourself. Fox says he did not intend to do this; he thought the studs were pre-cut and they were 10 foot studs, so with a double-sill on the top and bottom he is over on wall height, but it is under 17 for the peak. Fox says he is just trying to get his belongings inside a garage, he knows that the variance can't be granted based on increasing family size or anything like that. He is just trying to finish this. The project started in August, so if he could get it granted he could get it done without having to get another permit. He is sorry, but it happened.*

*Fox is asked how large the garage is and he responds that it is about 28 by 30; 860 square feet. He says it is a three car garage and he does have three vehicles to put inside. Fox is asked if a garage was there previously and he says there was a garage when he bought the property, but it was need to be taken down because it was in bad shape; it had a tarp roof. Farmer asks how tall the side walls were and Fox responds that they were maybe 7 feet. Fox adds that it was uninhabitable and in such bad condition that the insurance company made him take it down because they wouldn't insure it. Farmer states that with this 6 inch error, Fox really did not gain anything; it's not like he is going to rise up cars. Fox agrees and states that he was not trying to steal six inches; he jokes that he could just get another hammer hung on the wall.*

*Farmer asks about the unique property limitation and says that Fox talks about the power lines in his application. Farmer asks if they are close enough to restrict in terms of lowering it. Fox states that the power lines actually run parallel to the alley and he points them out on the aerial view of the property. He says they are not over the garage, but they run right next to it; he can't lift the garage to remove parts because the lines are there. Fox is asked what other unique property limitations there might be; he responds that it would be hard to start over and would be ugly since the roof is completely done. There is a comment from the board that it is possibly unique because it was a pre-fab structure and it is a not self-created hardship. Farmer says you can't find people to lift buildings anymore, you'd have to get a crane or something, but the power lines here are in the way.*

**Farmer: regarding File 2606, an appeal of the regulation that limits the wall height of residential accessory structures to a maximum of 10 feet at a property known as 1825 Wood Street, I move to grant the variance. The unique property condition has been addressed; if we were to require removal of the structure, the nearby power lines would severely limit range of solutions with the use of a crane. There is no harm to the public interest, in fact, a new garage is welcome especially in older neighborhoods in the City. The unnecessary hardship would be to require removal of the structure. It would be unconscionable to require dismantling of the garage and that hardship is not self-created.**

**Seconder: Haefs**

**The motion carried by the following vote:**

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

**Excused:** 2 - Churf, Seloover

## 2607

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

*Molledahl, still sworn, states that the owner has applied for a permit to build an attached entry deck and stairs on the front of his house. Municipal Code 115-143 (c) states that any existing nonconforming primary structure that does not meet current front, rear, or side yard setbacks, may be permitted to construct on the existing building or structure footprint (foundation line), building alterations or remodeling so*

long as the newly constructed area does not extend further into the setbacks that the existing building or structure footprint. Based on this section the setback requirement for this property currently is 13 feet, 6 inches. A variance of 5 feet to the required 13.5 foot setback to the front property would be required for this project to proceed as proposed.

Molledahl shows a plan that depicts the front of the house with the proposed deck. The property line is 13.5 feet from the house. So he would need variance of 5 feet for the deck to go into that setback. Molledahl shows a photo from of the front of the house and there is a question about the cement steps. Molledahl states that pre-cast steps can encroach into the setback, but a permanent deck needs a variance. The house is shown on an aerial view and the location of the proposed deck is pointed out. Nohr asks if the adjacent property is close to the property line as well and Molledahl states that this is the only house that faces Wall Street on that block – the adjacent house faces Charles street and the side yard on Wall Street.

Speaking in favor:

Ryan Cornett, 920 Wall St. is sworn in to speak. Cornett says he is the owner of the property. He says he wants to thank the clerk's office, legal and inspection departments. Cornett says he has lived there 12 years, and he has been slowly improving things over the years and as they break. Cornett says the front steps are nonconforming as they are right now. The front steps are high and his kids have a hard time stepping up them. The steps closest to the house are starting to give way and the railing broke off. Before the ground froze he and his neighbor sunk some concrete and hooked a new post for the railing. Cornett adds that his mom can't get in because of a hip issue.

Cornett states that he plans on building a 5 foot by 6 foot deck. He points out that the house is up in the air. From the picture he shows that part of his steps (the lower portion) is considered to be in the City right-of-way. This section is considered right-of-way in the event that the City would put in a sidewalk. Cornett states that when you are in City right-of way, insurance won't cover it. He has to get a street privilege permit. Cornett says that when he was a City Council Member, he tried to pass legislation for a sidewalk for his block, but it was so much for them and the other neighbor with the cost and requirements for engineering because retaining walls would be necessary. Cornett says there might be a sidewalk in the future, but right now he will be getting a street privilege permit to have the steps in the right-of-way. He adds that the legal department and Barb have been very helpful. He will be paying a fee for the street privilege permit and there will be a renewal every year.

Cornett is asked what his exact plan is and if the present concrete steps are in violation. Cornett states that if he replaced the steps with concrete, he would be fine, but he is replacing it with wood. For the deck, it will only be 1 foot farther into the front yard than the current landing near the house. The deck will not be in the City right-of-way, only the steps will be in the right-of-way and that is where the street privilege permit comes in. Cornett is asked how far the deck is going to extend out and he responds that it will be only one or two steps farther than the current landing; he points it out on the picture. Cornett is asked if it is in the floodplain and he responds that his property and street are out of the floodplain. Most of the properties are out of the floodplain and have retaining walls, but his is one that does not have a retaining wall. In the future they will probably do a retaining wall.

Farmer asks about the distance between the front wall of the house and the city

*right-of way and Cornett points it out on the plot plan and says it is 13.5 feet, then 11.5 feet to the curb. Cornett is asked if he would have to his steps if the City put in a sidewalk and he responds that he would. He would have to put a patio out there and turn steps toward the side of his property toward the alley and he doesn't know if that would legally work to end at the alley. Basically City has right-of way in case of putting in the sidewalk, but the City won't do it because of the cost and because they are at a dead end, he would have to put in a retaining wall and you would have to anchor the sidewalk for the properties into the retaining walls at a major expense. Farmer asks Cornett what the dimensions of the lot are and he says it should be on the paperwork that was turned in; he adds that it is about the size of two small lots. Haefs states that it is 92 by 100. Farmer states that it has a huge backyard and that is the problem, there's not really a lot of front yard.*

*Speaking in opposition: none*

**Farmer:** with regard to File 2607, I move to grant the variance. The unique property limitation is that the house is located in the front of the lot, creating a short distance from the property line to the front of the house. There is no harm to the public interest; the steps now visually occupy the same area as the proposed deck. It will be an improvement to the area and will be architecturally appealing. The hardship is in the steep slope of the front yard; there would be extensive and expensive re-engineering of the front slope and steps were the Board not to grant the variance.

**Seconder: Clemence**

**The motion carried by the following vote:**

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

**Excused:** 2 - Cherf, Seloover

## **Other Business**

*The board discussed the possibility of creating guidelines for special meetings. The Board unanimously agreed to update the Board's procedural rules to provide for a guideline for special meetings. The proposed update will be placed on the next meeting's agenda for possible action.*

## **Adjournment**

*Meeting adjourned at approximately 7:45 p.m.*