



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, May 15, 2019

7:00 PM

3rd Floor Conference Room

Call to Order, Roll Call

Chair Nohr brought the meeting to order at 7 p.m., called the roll, and explained the meeting procedure.

Present: 5 - Douglas Farmer, James Cherf, Carol Haefs, Philip Nohr, Anastasia Gentry

Excused: 2 - Charles Clemence, Lu Selover

Variance appeals:

Chair Nohr opened the public hearing session.

2620

An appeal regarding the requirement to provide a 16'0" front yard setback at 505 11th St. N., La Crosse, Wisconsin.

Jon Molledahl, representing Fire Prevention & Building Safety, 400 La Crosse Street, is sworn in to speak. He states that the owner is proposing to construct a new three unit apartment building. Municipal Code Section 115-146 (C) (1) states that on every lot in the Multiple Dwelling District there shall be a front yard having a depth of not less than 20 feet or the average front yard setback of the adjacent properties. The required setback for this building would be 16 feet; the owner proposes a front yard setback of 14 feet, so for or this project to proceed as proposed the board would have to grant a variance of 2 feet to the required setback.

Molledahl shows a site plan that the applicant submitted and points out 11th Street and where the 14 foot setback would be. He shows an aerial view of the location and points out that the current building would be torn down for the new building. Molledahl states that they would need to match the 16 foot setback at the adjacent property. They would be two feet closer to the road there with a 14 foot setback. Farmer asks how much closer to Badger Street they will be and Molledahl says the side yard setbacks have been met. Nohr asks if they are tearing down the current building and Molledahl says there is no house there now.

Farmer asks if this has been through planning and the multi-design standards; Molledahl says he believes it has been through the design review. Nohr asks Farmer to repeat his question and Farmer says there is a multi-unit design standard committee; Molledahl says the Planning Department oversees that committee and appropriate departments sit in on those meetings. Farmer says the City Council decided years ago that there were enough of the shoe-box, or sideways hotel-looking multi-dwelling units; there are many pages of different standards to meet and he spent a lot of time on the committee tasked with deciding the standards. Molledahl says it is a three-unit building so it goes through the design review process. Haefs says that they are asking for the setback of 14 feet to accommodate the van-accessible handicap parking spot and

asks where that spot would be. Molledahl points it out and states that the shaded area in the site plan is a loading area for the van. Molledahl states that he believes the issue is they won't have the proper size for that with the current setback requirement. Farmer says it would cost them the whole parking. Farmer asks if they have 10 spaces for the units and Molledahl says they are required to have 1 for each bedroom. Nohr asks if the parking has already been approved; Molledahl says that has been through the design review process.

Speaking in favor:

Debra Munson, office at 1400 Pine St. with residence at 732 State Hwy 162 in Stoddard, is sworn in to speak. Munson says they have been through Council, and the Design Review Committee and when they went to the State for approval they kicked it back because they needed van accessibility, so that is why they are asking for approval here. She says the architect tried to rework it and the only way it works is to move the building two feet forward. Munson says they have ordered the building materials and they have rented the units already. Nohr asks if she has any plans and Munson shows the Board some architectural drawings with a layout for the units. She states that the staff created a picture of what the outside and inside of the units will look like. Nohr asks how many units and Munson responds that there are three units and 11 bedrooms so there are 11 parking spaces.

Nohr asks if she has had any conversations with the neighbors and Munson says they have worked with the neighbor to the north, Mr. Capuccio, who went to the meetings with them and is the only effected neighbor. She states that he is fine with the project and they are going to share a larger dumpster area because right now he only has garbage cans and it has always been a mess with the garbage cans. Munson states that they get along with the neighbor and have been working with him for years. She states that this is for a client, not for herself; she is representing him because he is not available. Farmer asks who will be owning this and she responds that Tom Friedewald owns it and she is the agent and that's why she is here. Farmer says usually the Board sees the owner and Munson responds that he lives in Europe. Cherf states that he wants to point out the room dimensions and says that they can't make them much smaller if the variance is not granted. Farmer and Haefs say the rooms are 10 by 11 and 14 by 10. Farmer asks if the first floor has one unit or two and she responds that they are townhouses, so there's up and down on all three; it is a two-story building with three units side by side, which gives a more social downstairs and a more quiet upstairs.

Speaking in opposition: none.

Cherf: this is a motion for File 2620 at 505 11th Street North; it is a request for a variance of two feet to the required sixteen foot setback. The unique property limitation is the setback of the neighboring property and the State's review required ADA accommodations which both necessitate the granting of this. There's no harm to the public interest; this is an increasing urban area with the higher concentration of population. The unnecessary hardship is the ADA requirement. This was all approved by the City staff and Common Council and it is the State kicking it back insisting on the loading zone for the van parking.

Nohr confirms that Cherf is moving to approve. Farmer seconded the motion.

The motion carried by the following vote:

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

Excused: 2 - Clemence, Seloover

[2621](#)

An appeal regarding the requirement that all development and building construction be set back at least 50 feet from the Ordinary High Water Mark at parcel number 17-50264-70 (1402 Marco Drive).

Molledahl, still sworn, states that the site is 1402 Marco Drive, the municipal boat harbor site; the owner has applied for a permit to construct a toilet and shower building for a park. Municipal Code Section 109-33 (a) (5) a, states that there shall be a shore land setback area of at least 50 feet from the Ordinary High-Water mark. The owner proposes a setback of 43 feet. A variance of 7 feet will need to be granted for this project to proceed as proposed.

Molledahl shows a plan of the site and points out the shoreline and the proposed building. He says the dark line is the ordinary high water mark. Farmer asks if it follows any Federal guidelines or if it has any flood issues and Molledahl responds that the 50 foot water mark is based off DNR standards. Nohr asks if this is the site of the Municipal Boat Harbor and he responds that it is and shows an aerial view of the current site and points out the old building that was razed and he points out where the new boat storage and docks will be located. He points out where the proposed building will be. Farmer asks if it sits on the backwater side and Molledahl states that he is correct.

Nohr asks if the 50 foot is from the west side. Molledahl states that he is correct. He shows a photo of the location and shows where the building will sit. Nohr asks if it will be a facility for showers and bathroom and Molledahl states that he is correct. He shows another photo of the area and states that it is just a bathroom and shower facility. Nohr asks if this is a City project and Molledahl responds in the affirmative. Haefs says in the packet that the building could be moved back seven feet and asks if Molledahl can you explain that. Molledahl says there is plenty of area on the site to move the building the seven feet; the applicant states that their reason for the placement was about the fill that was put in over time. Molledahl states that there is plenty of space where the building could be located on that site.

Speaking in favor:

Gary Thurk, 206 Westview Place, is sworn in to speak. Thurk states that his company has been contracted by the City Parks and Recreation to manage the Municipal Boat Harbor. This is part of what the City promised to the slip holders - a building for showers and restrooms. He says they need the variance to move the building back a little bit. The land down on Isle La Plume used to be the City dump. They took soil borings and with the variance they are confident that they will not be in the old landfill so they won't need to do any mitigation. Thurk states that the red line in the plan that he shows to the board, is the landfill edge.

Haefs asks about moving it back 7 feet. Thurk says if they move it back seven feet then they are passed the high water mark, but it keeps them away from the old dump, based on the soil borings. They don't want to be digging the footings into the old landfill. Farmer says there's no reason for Thurk not to be truthful, and it looks like they are not really gaining anything by moving it back, they are just trying to avoid having to do mediation if the footings would be on garbage. Thurk says they want to be in a stable area away from garbage. Gentry asks how high the land is over the high water mark; Thurk says based on the river being over 14 feet a couple of weeks ago, the harbor was built to take a 16 foot flood where it will still stay between the pilings;

his guess is that this is higher than 1 or 2 feet and it is not in the floodplain.

Nohr says based on the drawing that has been supplied if it were moved the 7 feet...Thurk says that if they don't get the variance, the building is going to go to the east 7 feet and they would rather not take chances of getting into the old dump. Nohr asks how many feet are they talking about. Thurk says he just manages the place. Nohr asks who created the drawing with the estimated line of the landfill; Thurk responds that it was from the architect's office and he trusts their expertise. Nohr asks if it is HSR Associates and Thurk responds that he is correct.

Kurt Schroeder, W6190 Bluff Pass, is sworn in to speak. Schroeder says that it is his company's drawing. Nohr asks how the line was determined. Schroeder says they had soil borings done by Chosen Valley. Schroeder says they did it on the site; he points out the slab and the red line. He says they found that the red line was where the edge of the landfill is and they are placing that slab in the current location because there is good soil there that could support a building. Schroeder says they were very restricted for where the building could go between the line of the landfill and the high water mark. Schroeder responds to Nohr's question about how many feet they have, he states that there is 25 feet for them to work with. Schroeder again points out the high water mark line that they would have to move the building behind and he says that the concrete pad would be pushed over the bad soil and they would possibly risk the building being on the landfill. Schroeder says it would put the building at risk of potentially sinking down.

Nohr says that they are proposing something additional under the building here, a slab. Schroeder responds that the building will be on a slab that will project out in front of the building. There will be an overhang to protect it. Nohr asks if it is for parking and Schroeder states that it is for pedestrians. Schroeder points out the access to the parking lot on the side and that access to the docks comes around from the other side. He says they have stabilized the bank and they added a bio-cell so the runoff can be contained and they put in riprap so they can make sure it is stable. The old harbor had been built right up to the edge, so they are actually further back. Schroeder says the problem they ran into is they have men's room and women's room and they could only be so small; they are trying to stay within budget and make it as small as it can be.

Schroeder says he hopes the Board sees the logic in extending into the 50 feet water line. Cherf says he doesn't comprehend the significance of the slab and asks for an explanation. Schroeder says it is a slab they would be putting on the bad soil. Cherf asks if it serves any function. Schroeder says there is a roof overhang and it is a sheltered place where people can approach the building. Gentry says that is the entrance that they come in. There is some confusion amongst the Board on which direction the entry is on and Schroeder says the entry is on the east side and points out that the other side of the building is the harbor; he points out the parking area. Cherf states that this is an approach apron and Schroeder agrees. He states that they tried to figure out another way, but they are asking for seven feet and with the overhang it is eight feet, which is not much. When the weather is not nice it would be good to have a covered area where people can enter. Nohr asks if there is a drawing of the building and Molledahl responds that he has one and he will bring it in from his office.

Thurk comes back before the Board and points out the gangway and parking lot; he states that the entrance is over the slab and there will be vending machines there. Thurk says it is totally ADA accessible and a few current harbor customers are in wheelchairs. He says they needed to be protected and that is why the slab is so large.

Thurk says there has to be footings under the slab and building, they need the variance so those footings are not in the dump. They don't want the vendor to dig and find the old dump; they would then have a mitigation problem. Schroeder says the slab has footings to keep it from moving around. Cherf says that makes sense; usually you think of floating slabs, so that helps him understand better.

Speaking in opposition: none.

Cherf: this is a motion for File 2620 at 505 11th Street North; it is a request for a variance of two feet to the required sixteen foot setback. The unique property limitation is the setback of the neighboring property and the State's review required ADA accommodations which both necessitate the granting of this. There's no harm to the public interest; this is an increasing urban area with the higher concentration of population. The unnecessary hardship is the ADA requirement. This was all approved by the City staff and Common Council and it is the State kicking it back insisting on the loading zone for the van parking.

Nohr confirms that Cherf is moving to approve. Farmer seconded.

The motion carried by the following vote:

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

Excused: 2 - Clemence, Seloover

Adjournment

Motion by Farmer, second by Haefs, to adjourn at 7:42 p.m.