



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, September 18, 2019

7:00 PM

3rd Floor Conference Room

Call to Order, Roll Call

Chair Nohr explained the meeting procedure and called the roll.

Present: 5 - Douglas Farmer, James Cherf, Charles Clemence, Philip Nohr, Anastasia Gentry

Variance appeals:

Chair Nohr opened the public hearing session.

[2628](#)

An appeal regarding the requirement to provide a rear yard setback of 6 feet at 414 Cameron Ave., La Crosse, Wisconsin.

Eddie Young, 400 La Crosse Street, representing the Inspection Department, is sworn in to speak. He states that the owner is proposing to construct a garage addition to an existing building. Municipal Code Section 115-151 states that there must be a minimum of a six foot rear yard setback for an attached or detached garage. So therefore the required setback for the building is six feet for the rear yard setback. The owner proposes a rear yard setback of two feet for the attached garage. For this project to proceed as proposed, the Board would have to grant a variance of four feet to the required rear yard setback.

Young shows a plot plan that the owner provided and points out the existing house, the alley, and the proposed garage with a two foot setback. Farmer asks if the setback is to the left of the garage, and Young points it out. Nohr asks if it is next to another personal property and Young says it is. Nohr says if it was to the alley it would be two feet. Young says two feet is for a detached structure. Young shows the property on an aerial view and says it is zoned commercial so it has to have a 6 foot rear yard setback whether it is attached or detached. Farmer says if it were an addition to the building and not a garage they could straight to the property line. Young says they would have to meet the rear yard setbacks of the commercial zoning, which he doesn't think is zero; it is zero for the front and side, but it is 9 or 20 if it is used for a dwelling.

Cherf asks if it has certain materials that are required; Young responds that the building is residential, but it is on commercially zoned property. He says it will be stick built to match the existing dwelling. He goes back to the aerial photo and points out the existing house and the concrete slab where the garage will be placed. Farmer asks what business is there and Young says it is a dwelling. Farmer confirms that it is zoned commercial, but it is a residential dwelling. Young confirms that it is a parking lot to the south where the setback is adjacent. Young shows a photo from the alley. He says he believes the rear porch is coming off and the garage addition will go back in that area.

Farmer asks if they can go back to the first slide with the information on the code section. Farmer says he doesn't recall seeing language "approved by the City of La Crosse Fire Department." He asks if this language is new, and if they have given their approval. Young says they have given the approval (the inspections department is part of the fire department) for the setback. Nohr asks if it still has to be approved by the department again if the Board grants the variance; Young says the two foot setback has been approved. Gentry asks if it so a truck can get back there if you have buildings.

Speaking in favor:

Lewis Parish, 1302 5th Ave. S., is sworn in to speak. Parish states that he is with LP and Associates, along with his mom who is his business partner. He says he proposed this idea to Eddie a few weeks ago. They are looking at preserving the house instead of tearing it down. It is surrounded by parking lots and an alley. The property previously had a detached garage where the concrete slab sits now. The previous owner took the dilapidated garage down and it originally had that two foot setback. They are going to remove the old attached porch and build an attached garage up to the two foot setback. Parish says they have been in the business for many years and they are looking at improving residences instead of tearing down and making more parking. In effect, they will be removing a car from the street by having the garage. Parish adds that it will improve the value of the house and increase the tax roll and it will better the neighborhood and curb appeal.

Parish says he looked at other City projects and Habitat homes, none of them in the Washburn neighborhood have been without garages; they building these houses with attached garages within a small footprint, so that is all he is seeking to do. They are seeking to not disturb anything around the property. Parish states the only issue is storm water; they can do gutters and get a rain barrel or a rain garden or filtrate it into the yard. He says the main goal is to improve the property and fix up the old house. Nohr asks how large a garage they are proposing and Parish responds that it 19 by 25 approximately. Parish says he didn't want to put it flush onto the building is so they can have a side access door to the greenspace on the west side. Parish says the alley is on the other side of the house and the nearest house will be to the east across that alley. The south and west sides are parking lots and the north is Cameron Avenue.

Nohr asks if the garage is for vehicle storage; Parish responds that it is for that and storage of personal property. Parish says he is not sure if they will sell it or rent it out; he adds that they have a good track record; they are in this to improve the neighborhood to provide housing for people. Parish says he's not going to build or rent anything that he wouldn't live in himself. Nohr asks if the roof he is proposing is flat; Parish responds that it will be a low sloped roof with a rubber membrane most likely. Nohr says there won't be enough slope for shingles; Parish adds that the south side of the building will have a window right on the gable end of the house. Parish said another thought was to match the roof line but they would lose the window in that bedroom.

Nohr asks if the property is currently occupied and Parish responds that it has been vacant for the last four to five months. He says the previous owner let it go and it was in rough shape; they are going to do a whole remodel with a new exterior and siding. Parish says they may stucco the building since it has concrete stucco right now. They are probably going to foam and skim coat it with more of an urban look and it will have new windows, trim, roof, soffit, and fascia. He says the biggest thing here is they are not changing the footprint of the house; they are looking at building the attached garage. Nohr asks where the entrance to the garage is and Parish responds that it is

off the alley and the overhead door height is nine feet.

Nohr asks if the 19 feet is adequate for two cars; Parish responds that it would be a single car garage. Parish says the other portion of the garage area where the old porch is will be an enclosed area, but not a breezeway. Parish says there are also a lot of aerial lines that have to run along the property which they will have placed underground along the alley by CenturyLink. Farmer says it will be nice to have a place to put the lawnmower. Parish agrees and says it is almost like having a truck without a truck bed. Parish says he has spoken to the neighbor to the south and it is currently used for parking and there are vehicles that will be in the wingspan of 6 feet, but any fireproofing is not necessary.

Speaking in opposition:

John Nash, W7407 County Road Z, is sworn in to speak. Nash states that the problem with this is they own the building to the south and the whole parking lot and the two foot setback isn't enough because the cars park right up to that garage. Nash says a sloped roof will allow snow to go on the cars. He says runoff will be a problem; all the water now goes off of the house and into the alley or the parking lot. Nash says another problem is that the garage would create a blind spot for cars pulling out of the parking lot into the alley. He doesn't think it should be set at two feet. He also states that they can still have a garage without the addition. Nohr states that they are getting rid of the addition. Farmer says the point Nash is making the applicant can build a smaller garage without the addition and therefore have a bigger setback by taking up less space.

Nash says on the west side there's a fence, but there is no fence on the south where the setback would affect the cars that are parked right up to the property line. Farmer confirms that Nash owns the property to the south. Nash says the fence on the west side is part of another property. Farmer asks what the long-range plans are for Nash's property. Nash says they may want to add on to the Edward Jones and Tostrud & Temp CPA Firm building; he adds that all of the parking is completely filled with cars. He plows his lot and Sandmire's lot; all of the snow has to be pushed all the way over to the other lot and in the winter snow gets piled up around the telephone pole. He again states that two feet isn't enough for the setback.

Cory Roupe, 1616 Nakomis Avenue, is sworn in to speak. Roupe states that he built Edward Jones building with Nash, who is his partner. Roupe says he is all for the improvement; he can't believe people even lived there. He says their only concern is the runoff and it is going to be really tight to drive in the garage there; in order to cut the corner and not hit that pole it is going to be tight. Roupe says the garage is great, but it just needs more space. Farmer asks how wide the alley is and they believe it must be 20 feet. Roupe says if they add on to their building, that setback may affect the setbacks for them.

Farmer asks Young if Roupe and Nash were to put an addition on their building if this would affect any setbacks Roupe and Nash may need. He asks how much distance they would need between the buildings. Young responds that it depends on what they are zoned, it shouldn't effect that property. Farmer asks why that isn't their rear setback and Young points out that Roupe and Nash's building fronts on 4th street so their rear setback is along the alley; their side setback is along the rear of Parish's lot. Farmer says even if it was in a residential neighborhood it would be a two foot setback on the side yard. Young says it depends on what they are building. Farmer confirms

that what Young is saying is that the diminished setback would not hurt Roupe and Nash's future building plans. Cherf asks Young if the setback is to the side wall of the garage or to the roof line. Young responds that it is to both since there is no overhang.

Cherf: I am happy to make a motion for File 2628 at 414 Cameron Avenue, requesting a variance of four feet to the required six foot setback. And the basis of this is the unique property limitation that it is zoned commercial and bound by the commercial code and it is a small lot. There is no harm to the public interest; the property will be greatly improved, no impact for future construction as it replaces a previous garage in the same two foot setback. The unnecessary hardship is it is hard to have a residential property without a garage and once again this replaces a previous garage.

Seconder: Farmer

The motion carried by the following vote:

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

2629

An appeal of the regulation that limits the number of garages to one at 171 29th St. S., La Crosse, Wisconsin.

Young, still sworn, states that the owner has applied for a permit to construct a detached garage on a property with an existing attached garage. Municipal Code Section 115-142 (2) states that accessory buildings are limited to one private garage. A variance to allow the owners to have two private garages on the property will need to be granted for this project to proceed as proposed.

Young shows a plan for the property and points out 29th street, the existing building, attached garage and the proposed detached garage. Nohr asks if the property owner changes the current garage to living space; Young says then he would be fine. He shows an aerial view of the property and points out the home, attached garage, and proposed space for the new garage. He shows a street view of the property that shows the home is up on the hill. He points out the attached garage and where the detached garage would be. Clemence asks if there will be any problems if he adds on to the current garage; Young says he could probably come out farther, and it would need 6 feet on the side yards and 20 percent of the lot size. Nohr confirms that if the proposal was attached it would not need a variance. Young says if it was attached it would not need a variance; it needs a variance now because it would be a second garage.

Speaking in favor:

Nyhus Schaffer, W3058 Russlan Coulee Road, is sworn in to speak. Schaffer says they have looked at a couple of different ways to do things. They are the prospective buyers of the house and are planning on closing on the house on October 14. Schaffer says there are a couple of things about this property that are kind of crazy; the east side of the property goes right up the bluff, next to the pool area there is a steep slope down toward the south which doesn't allow for parking space. He says there is a gradient map in the packet that shows this. Schaffer says the rest of the driveway goes straight up and onto a pad that is just wide enough to get a car turned around and back down the driveway. He says there's really no way to extend the current garage out because there is a retaining wall around the pool that goes up within 10 feet of current garage.

Schaffer says they thought about adding living space above the current garage, but the garage has an I-beam construction with two metal pillars; one has been removed to fit two cars. In 1975 they had smaller cars. Schaffer says it is only a 22 foot garage, so compact cars can get there. The reason they are buying the house is that the lower

level has a separate living quarters and kitchen which will be for his in-laws because his father-in-law is disabled. Having a space that is accessible will be great. They need a detached garage because they have younger kids and need parking areas that aren't dangerously sloped. Right now they would have to park extra vehicles or on their property it is a safety issue because it is sloped. On-street parking is at the knoll of 29th street and if they utilize that it dangerous and hard for snow removal.

Shaffer says his wife works at UW-L as a program director and she works with adaptive devices for community service based projects and the garage would provide space for this as they use part of their current home for the making and storage of adaptive equipment. Farmer confirms that the dimensions of the garage are 40 by 25. He asks if it goes into the hillside and Shaffer responds that it does cut a bit into the back of the hillside, but it doesn't go into the 30 degrees of the slope. He says the positive things is right now the drainage goes through the driveway and path for erosion control and by changing the water will allow it to drain naturally and not onto the neighboring property. They would cut into the hillside and do a cement retainer on the back of the garage. Nohr asks if they have neighbors and Shaffer responds that they have neighbors to the south; the top of that house will be at the level of the base of the garage. There are trees between that provide a natural boundary so they can't see each other's houses. Shaffer says like the trees and it provides privacy. Shaffer says they won't be offending anyone and they were notified about the variance.

Nohr asks if there's a neighbor to the north and Shaffer says it is City-owned property. Clemence asks why they can't add on to the attached garage. Shaffer says it is entry an entryway to the upper level which is the main floor living area at this point; demolishing the garage will require change in an entryway. Shaffer says if a new garage was attached they would not have enough room to turn cars around in the driveway because of the slope; there isn't a lot of space to turn into the garage. The garage also currently is the back of the pool area retaining wall. Cherf asks about using current garage for living space. Shaffer says they haven't thought of that, but if it was eliminated as a garage they would have to change things for the entry of the house. Shaffer says there's physical needs and unique characteristics of the property and there are some different things that will be really hard for their aging family and the community service activities they have planned for the space.

Speaking in opposition: None

Farmer: The geography here basically creates everything. The unique limitation of the property is you are going up the back and going down the front, either one would be impractical. There is no harm to the public interest because no matter what he builds no one is going to see it from the street or the side neighbors. The unnecessary hardship is the street parking would be available but no one is going to consider street parking a practical solution. The street parking is down that long-winding driveway and nobody is not going to want to park there in the winter and hike up to the house, so it is not practical and that would be the unnecessary hardship. And I can see with both garages you will have the same limited turnaround space. If you don't do this and he attaches it then it would be getting more difficult. So I think we should approve it.

Secunder: Cherf

The motion carried by the following vote:

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

Adjournment

Motion by Clemence, second by Cherf to adjourn at approximately 7:50 p.m.