



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, November 20, 2019

7:00 PM

3rd Floor Conference Room

Call to Order, Roll Call

Vice Chair Farmer called the meeting to order, explained the meeting procedures, and called the roll.

Present: 4 - Douglas Farmer, James Cherf, Anastasia Gentry, Lu Seloover

Variance Appeals:

Vice Chair Farmer opened the public hearing.

2630

An appeal regarding the requirement to provide one parking space for each 150 square feet of floor space for retail spaces at 4400, 4424, and 4444 State Road 16, La Crosse, Wisconsin.

John Molledahl, representing Fire Prevention & Building Safety for the City of La Crosse, is sworn in to speak. He states that the owner has split the parcels at the above addresses. Per Municipal Code Section 115 (k)(1), 1 parking spot is required for each 150 square feet of floor area. For this project to remain as drawn a variance of 239 parking spots to the required 288 will need to be granted. Molledahl shows a map showing the parcel that is split; he points out the Dick's Sporting Goods, Chuck E. Cheese, and Texas Roadhouse, which is on its own parcel. He then shows an aerial view.

Farmer says that Texas Roadhouse must have enough parking because he doesn't recall them coming before the Board. Molledahl says the location was originally a parking area and the lot that Texas Roadhouse is on was part of the larger parcel as well and he believes it may have been part of the split as well. Farmer asks why Texas Roadhouse is also not before the Board; Molledahl says he cannot say why. Cherf asks if the Texas Roadhouse property is owned by the Mall parcel owner; Molledahl states that he doesn't know.

Speaking in favor:

Dan Cook, 115 5th Street South, from Davy Engineering, is sworn in to speak. Cook says they are asking for a deferral because they have an amendment which puts the parking in perpetuity. It puts it in a section of the current agreement so the parking cannot be taken away. He says the reason they are here is because the lot line has been there since 1980 and they are splitting the parcel because the building is not meeting the parking now. Farmer asks if they are splitting Dick's and Chuck E. Cheese and Cook agrees.

Farmer asks if they need another easement and Cook says they don't need an

easement for this, they need a variance so that the parking agreement that is already in place makes it so that there is enough parking there. Farmer says the packet had an easement in it that was freshly drawn. Cook says it is an amendment to the agreement. Farmer says it creates an easement for parking. Farmer asks Cook why they want a deferral; he says they want a deferral because they want it to make sure it meets the Board's needs before they record it. Farmer says they don't have a problem deferring for a month; Cook says it might take longer to get it recorded than one month. Farmer says they could get it filed and get a photocopy of it. Cook says there are different owners and a mortgage company that have to sign.

Cherf asks Molledahl if he has seen or read the amendment; Molledahl says he has not. Cherf recommends that Molledahl or his supervisor or Legal reviews it before the next meeting. Cook states that they asked staff to review it and they said they would not do that.

Speaking in opposition: None.

Cherf: On 2630 the applicant asked for a 30-day referral so that the affected parties' signatures can be gathered and the draft amendment that is before us can be filed. That is a reasonable request and I would submit that we offer 30 days.

Farmer adds that the Board would like evidence that it (recording) has occurred.

Seconder: Seloover.

The motion carried by the following vote:

Yes: 4 - Farmer, Cherf, Gentry, Seloover

2637

An appeal regarding the requirement to provide a 14 foot setback from the public right-of-way at 300 Harborview Plaza, La Crosse, Wisconsin.

Molledahl, still sworn, states that the owner has applied for a permit to construct an addition to an existing building. Municipal Code 115-157 (c) states that all new additions to existing buildings shall be set back at least 10 feet from all public right-of-ways plus one additional foot for each five feet of building height exceeding 35 feet. The required setback for this building based on its height is 14 feet. The owner has proposed to building up to and then across the public right-of-way. To allow this project to proceed as proposed, a variance of 14 feet will need to be granted to the required setback.

Molledahl shows a site plan and points out Front Street by Riverside Park. He points out the existing part of the La Crosse Center and the proposed addition that is outlined in black and spans over Front Street. He points out where the new section on is proposed to be built on an aerial view of the property.

Speaking in favor:

Kevin Bills, architect with ISG, 201 Main Street, is sworn in to speak. Bills states that the expansion as is shown on the drawing is 26 feet above street level. The street will be closed for safety, but once it is done, it will be back opened. Farmer asks if the only reason they need this is because of the construction? Bills says the expansion design cannot meet the needs or goals of the La Crosse Center or the City as far as the space that is available. Bills says they considered alternative sites such as the

Radisson Center location, but the property was not available for purchase. He says the existing facility is not designed to support additional structure through the existing building, so it was not feasible to build up through the existing building.

Bills says the existing site has been fully developed already, to meet its current usage. The lot is large compared to most downtown lots, but the convention center is a unique business type as opposed to other businesses in the downtown area. The addition will be over the right-of-way, allowing the street to remain open after construction is completed. It will function similar to a bridge, skyway, or overhead utility. Farmer asks Bills how much the City has spent to date on this project that would be jeopardized if variance was not granted. Bills responds that it is roughly two million dollars. Farmer he is on the Center Board, so he would like to declare his conflict, but he will vote with the rest of the Board as long as they all are voting the same way. Selover asks what the distance is between the building and front street. Molledahl says it may be 14 feet at that location. Bills says at that location there is a transformer; but the new portion of building will go above the ground area.

Speaking in opposition: None.

Cherf: We heard extensive testimony from Kevin Bills from ISG as to why this variance needs to be granted. I think the paramount point to take notice of is that we already have \$2 million worth of tax-payers money invested in this project; to go back to the drawing board at this point would seem unnecessarily expensive. This is a public building, the design is for the public, the roadway is not going to be impeded. If you travel down Front Street on the west side of the building you are not going to impede traffic by putting these pillars there. The unique property limitation is the fact that in order to accommodate enough square footage in this building you need to go some direction and this seems the popular direction to go, so I would move to grant the 14 feet variance to the required 14-foot setback.

Seconder: Gentry

The motion carried by the following vote:

Yes: 4 - Farmer, Cherf, Gentry, Selover

[2638](#)

An appeal regarding the requirement to provide a 25 foot setback from the front property line at 1642 Loomis St., La Crosse, Wisconsin.

Molledahl states that the owner has applied for a permit to construct an attached deck and stairs to the front of the dwelling. Municipal Code 115-143(c) states that every lot in the Residence District shall have a front yard depth of not less than 25 feet, or a front yard depth of the average of the two adjacent main buildings on either side of the dwelling. The required front yard setback for this property is 12 feet. A variance of 3 feet will need to be granted to allow the deck and stairs to be constructed as it has been proposed.

Molledahl shows a plot plan and points out the sidewalk, the house, the front deck and stairs that area in the setback area. He shows an aerial view and points out the house. Molledahl states that it is a touch in front of 1646 and just a hair behind the one to the south. Farmer confirms it is the two-story red one in the photo. Cherf asks about the section of the packet that says that it could built to meet the standards for not requiring a permit. Cherf asks if that means if it would be poured concrete it would be an extension of the sidewalk and they would therefore not need a variance; Molledahl says if they did precast steps or they could build deck up to 18 square feet at two feet

off the ground or less and then they would not need a permit. Farmer says the deck could be poured concrete and would be okay as well. Cherf asks if the new deck is already built; Molledahl responds that it is not.

Speaking in favor:

Maureen Addis, 1642 Loomis St., is sworn in to speak. Addis says this is happening is because she was going to have her porch enclosed, but there is a crack in the concrete in the base of the porch, so she was told she'd have to have it torn out. The porch and the shrubs in the photo are gone, only thing left is the roof right now. Addis says her steps are also gone; they were precast steps at about 31 inches. Since everything is gone she wants to make it more handicap accessible. The shrubs are gone so they have room to extend it out so if someone is using a walker or a wheelchair, it will be big enough. She could take the extended rail off and put a wheel-chair ramp there to make it accessible.

Addis says the grey house next to hers is exactly the same in size and structure. Cherf asks Addis if she has considered the alternatives that Molledahl talked about earlier. Addis says they cannot do that because at three feet by six feet and two feet off the ground they'd have a 7.5-inch step into the house so a wheelchair won't be able to roll right into the front of the house. It would even be difficult for someone who uses a walker or a cane. Addis says if she did precast steps it wouldn't look very good; she wants it to look nice and not hodge-podged. Farmer confirms that it is the old family homestead. Addis says it was built in the early 1900s so it is not conforming right now.

Farmer says that wants to declare that his wife works for the appellant's brother. So he will follow the lead of the other members of the Board.

Speaking in opposition: None.

Seloover: The unique property limitation is this is smaller than normal lots. The houses in the neighborhood have a smaller or shorter setback than the typical 25 feet. She is asking for a three-foot variance. There is no harm to the public interest. It keeps her in her home and it keeps the neighborhood intact. It is an older home and it is hard to not have a porch right now. I make a motion that on application 2638 that we allow the 3-foot variance for this property.

Secunder: Gentry

The motion carried by the following vote:

Yes: 4 - Farmer, Cherf, Gentry, Seloover

Adjournment

Meeting adjourned at approximately 7:31 p.m.