



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Monday, March 15, 2021

4:00 PM

Council Chambers

Call to Order, Roll Call

Cherf called the meeting to order at 4:00 p.m., explained the meeting procedure, called the roll, and opened the public hearing.

Present: 5 - Douglas Farmer, James Cherf, Anastasia Gentry, Delores Spies, George Kimmet

Variance Appeals:

[2656](#)

An appeal regarding the regulation limiting the number of garages to one, and the requirements that an accessory structure cannot exceed 17 feet in height from the finished floor, the accessory structure wall height cannot exceed 10 feet in height, and the garage door height cannot exceed 8 feet in height at a property known as 1524 Island Street, La Crosse, Wisconsin.

Kelsey Hanson, 400 La Crosse Street, representing the Community Risk Management, is sworn in to speak. Hanson goes over the three requirements to grant a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to public interests. She states that the owner has applied for a permit to build a detached garage. Municipal Code 115-142 (2) states that accessory buildings can include only one private garage. Municipal code 115-390 (1) states that the overall height of accessory buildings shall not exceed 17 feet from finished floor to the highest point, the overall wall height shall not exceed ten feet and the main garage doors shall not exceed eight feet in height.

Hanson says the owner currently has an attached garage making this the second garage on the property. The owner proposes the garage to have an overall height of 21 feet, 10 inches, with a wall height of 10 feet, 6 inches, and a garage door height of 9 feet. Four variances will need to be granted for this project to proceed as proposed: a variance to allow an additional garage, variance of 4 feet, 10 and 19/32 inches for the overall height, a variance of 6 inches for the wall height, and a variance of 1 foot for the garage door height. Hanson shows a site plan. She points out the proposed garage and points out the existing garage and existing house.

Hanson shows a view of the front elevation of the garage and points out the height at 21 feet, 10 and 19/31 inches. She points out the 9-foot garage door, and the wall height at 10 feet, 6 inches. Farmer confirms that the height of the garage goes to the cupola and asks what the height is to the ridge line of the roof. Hanson states that it is 17 feet, 7 and 3/4 inches. Farmer confirms that the variance that is required includes the height to the cupola. Hanson shows an aerial view of the property and points out that the shed would be along the alley access to the property. Farmer asks if that area is behind someone else's house. Hanson states that there is a property to the south (not on the picture) and then garages are along the alley. Cherf asks if parcel 10297-83

is alley right-of-way and Hanson responds that it is right-of-way to the power lines. She again points out the alley.

Farmer asks if any of the neighboring garages are over 15 feet; Hanson responds that she believes they are all about that height. Hanson shows a street view from the Island Street toward the front of the house. Hanson goes over the requirements to grant a variance. She states that there is no unnecessary hardship because the dwelling can still be used without a second garage. In relation to a unique property limitation, she says this is a larger than normal size lot. She states that granting four variances would set a dangerous precedence which would be a harm to public interests. Hanson recommends that these variances not be granted because they do not meet all three requirements per the State to grant variances; she adds that if the Board does grant the variances, the CRM department requests that the Board add a stipulation that the lots are required to be combined prior to issuing a building permit.

Speaking in Favor:

David Thurston, 1524 Island Street, is sworn in to speak. Thurston thanks the Board for meeting. He states that he was very concise in responding to the questions in the application. Thurston feels that there is a lot of compelling things that are unique with this parcel that goes beyond what they wrote in the application. Thurston says the City disposed of this as surplus property and they won the bid. He says part of Harvey street was abandoned to create an additional lot, which actually consists of three plotted lots that were sort of combined. The closing of Harvey Street takes away from the back two lots, which would have no chance for any kind of improvement to build a residence on other than off the alley as there is no other access to those areas.

In the purchase agreement with the City, Thurston says they were required to maintain the look of the property and the grades and not do anything major to the property. They have worked hard on maintaining the urban forest type look; their backyard is almost like a sanctuary for wildlife. Thurston says it was mentioned that their property abuts to right-of-way to the power lines; he says it is about 20 feet wide and they are actually the owners of it. Thurston says the requirement to combine the lots refers to this portion of land. Thurston says if they did put the structure up, a portion of it would be on that property and that is what made it more possible for them to arrange it there.

Farmer asks Thurston to speak specifically to the three criteria that the Board has to meet in order to grant a variance. He says the Board needs to know the unique property limitation and though the application is very thorough, it does not address the unique property limitation. Farmer says the application states only that it is a large lot and that is an opportunity not a limitation. Farmer says the unnecessary hardship, something more severe than having to take the kayak's off the car. He also asks Thurston to address the harm to the public interest because the heights were established in order to preserve the residential character of a neighborhood and to avoid the commercial look that comes with these huge garages. He says he asked about the cupola, because that is a delightful residential piece of architecture.

Thurston states they lived across the alley for 40 years before moving to this property. He says during that time he built a garage and was features like a cupola were not included in the total height, but he realizes that things have changed since then. He says it is there to match the house, so the architectural styles would blend. They wanted to match the house so that is why they didn't go with the standard box garage; it is l-shaped to more reflect a woodsy type structure. Its primary use is not for automobiles; it is staging and storage for gardening and tools. Thurston says they were

requested to clean up the area after a routine inspection. He says the property is adjacent to the park and river and there are transient people that come through the area; at times they have things stolen or damaged. Thurston says the power lines are higher than the structure, so that shouldn't be a problem. The location is quite unique and this is not a typical residential setting and he thinks that the proposal would be an improvement to the looks and safety of the area and it will also increase the value of their property.

Farmer asks where this area is located. Thurston responds that it is near Red Cloud Park on the north side of the City. Kimmet says his question pertains to the harm to public interest. He states that there is a lot of activity with turtles in Red Cloud Park. He asks if Thurston has turtles that nest in his yard and he responds that he does.

Speaking Opposition: None

Motion by Farmer, second by Gentry, to refer for thirty days to specifically address the turtle nesting aspect and to better clarify the three points that are required to grant a variance.

The motion carried by the following vote:

Yes: 5 - Farmer, Cherf, Gentry, Spies, Kimmet

Adjournment

Motion by Gentry, second by Spies, to adjourn at 4:38 p.m. Motion carried.