

5/29/2019

JAMES NAGEL  
1219 KANE ST  
LA CROSSE WI 54603

RE: An appeal of the regulation limiting a residential yard shed to 120 square feet.

Dear James Nagel,

We have received your building permit application to construct a residential yard shed that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding the maximum allowable size of detached accessory buildings.

The project as proposed is in direct violation of the following subparagraph of the Code:

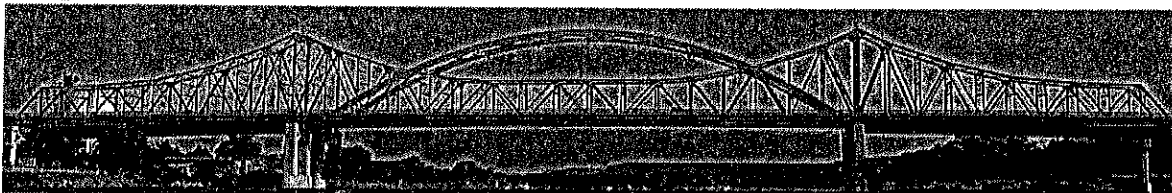
115-390 (2) (c)

In all residential zoning districts the aggregate building area of all detached accessory buildings shall not exceed 35 percent of the area of the rear yard of the parcel upon which they are to be built, up to a maximum 1,000 square feet of aggregate area of detached accessory buildings; provided, however, that the maximum aggregate area of all residential accessory buildings shall in no case exceed the gross finished floor area of the dwelling unit, excluding unfinished basement areas, to which they are accessory. Such detached residential accessory buildings may be placed in the rear, or side yard when not in conflict with any other requirement of this Code. Detached accessory buildings in the rear yard shall maintain minimum rear yard and side yard setbacks of two feet including roof line. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the principle structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, a shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint.

Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant a variance of 134 square feet to the 120 square feet allowed before a building permit could be issued for this project as proposed.

Sincerely,

Matthew Diehl  
Building Inspector



[Parcel Search](#) | [Permit Search](#)

## 1219 KANE ST LA CROSSE



Parcel: 17-10095-140 Internal ID: 24819  
 Municipality: City of La Crosse Record Status: Current

### Parcel Information:

Parcel: 17-10095-140  
 Internal ID: 24819  
 Municipality: City of La Crosse  
 Record Status: Current  
 On Current Tax Roll: Yes  
 Total Acreage: 0.138  
 Township: 16  
 Range: 07  
 Section: 20  
 Qtr: SE-SW

Parcel
Taxes
Outstanding Taxes
Assessments
Deeds
Permits
History

### Legal Description:

P S DAVIDSON'S ADDITION LOTS 5 & 6 EXC N 38 FT LOT 6 BLOCK 7 LOT SZ: 44.5 X 140

### Property Addresses:

<u>Street Address</u>	<u>City (Postal)</u>
1219 KANE ST	LA CROSSE

### Owners/Associations:

<u>Name</u>	<u>Relation</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
JAMES D NAGEL	Owner	1219 KANE ST	LA CROSSE	WI	54603

### Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
1	Book 1	N

### Additional Information

<u>Category</u>	<u>Description</u>
2012+ VOTING SUPERVISOR	2012+ Supervisor District 2
2012 + VOTING WARDS	2012+ Ward 5
POSTAL DISTRICT	LACROSSE POSTAL DISTRICT 54603
Use	1 UNIT

### Lottery Tax Information ⓘ

Lottery Credits Claimed: 1 on 10/30/2001  
 Lottery Credit Application Date: 10/9/2001

# BOARD OF ZONING APPEALS

## STANDARDS FOR AREA VARIANCE

- 1. The proposed variance is not contrary to the public interest. The purpose statement of the ordinance and related statutes must be reviewed in order to identify the public interest. Variances must observe the spirit of the ordinance, secure public safety and welfare and do substantial justice. In considering effects of a variance on public interests, broad community and even statewide interests should be examined; the public interest standard is not confined to scrutiny of impacts on neighbors or residents in the vicinity of a project.
  
- 2. The property has a special or unique condition. The property must have unique or physical features which prevent compliance with the ordinance. The circumstances of an applicant, such as growing family or need for a larger garage, are not legitimate factors in meeting this standard. Property limitations that prevent ordinance compliance and that are not unique but common to a number of properties should be addressed by amendment of the ordinance.
  
- 3. The special condition of the property creates an unnecessary hardship:
  - A. Unnecessary hardship means unnecessarily burdensome, considering the purpose of the ordinance.
  
  - B. Unnecessary hardship may not be self created. An applicant may not claim hardship because of conditions which are self-imposed. Examples include claiming hardship for a substandard lot after having sold off portions that would have allowed building in compliance and claiming hardship where construction was commenced without required permits in violation of ordinance standards.
  
  - C. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.