



JOHNS, FLAHERTY & COLLINS, SC

Good neighbors. Great lawyers.



September 20, 2013

VIA HAND DELIVERY

City of La Crosse Clerk's Office  
Attn: Nikki Elsen or Teri Lehrke  
400 La Crosse Street  
La Crosse, WI 54601

600 Exchange Building  
205 5th Avenue South  
P.O. Box 1626  
La Crosse, WI 54602-1626

Phone: 608-784-5678

Fax: 608-784-0557

Prairie du Chien

Phone: 608-326-2475

E-mail:

general@johnsflaherty.com

Web: www.johnsflaherty.com

**Re: Request for Hardship Waiver to La Crosse Ordinance Section 8.07(I)**

ATTORNEYS

Robert P. Smyth  
Maureen L. Kinney  
Terence R. Collins\*  
Brent P. Smith\*  
Peder G. Arneson  
Ellen M. Frantz  
Gregory S. Bonney  
Cheryl M. Gill\*\*  
Brian G. Weber  
Joseph G. Veenstra  
Brandon J. Prinsen  
Gifford M. Collins\*\*\*\*  
Jennifer M. Schank

James P. Gokey

1949-1998

Michael L. Stoker

1956-2011

RETIRED

Daniel T. Flaherty  
Robert D. Johns, Jr.

PARALEGALS

Lisa L. Felt  
Bridget M. Mullen\*\*\*  
Teresa M. Nielsen

\*Admitted to the

Minnesota Bar

\*\*\*\*Admitted to the

Illinois Bar

\*\* Admitted to the

Missouri Bar,

Kansas Bar &

Bar of the

Commonwealth

of the Northern

Mariana Islands

\*\*\* Fluent in Spanish

Dear Clerk:

Our firm represents Kuehl Financial Services 401K Trust c/o Beth Kuehl ("Kuehl") regarding the City of La Crosse's ("City") claim that Kuehl is violation of the rental moratorium provisions in Section 8.07(I) by renting the property located at 778 Hillview Place, La Crosse, WI ("Property"). Pursuant to Section 8.07(I)(5), we are respectfully requesting that Kuehl be granted a waiver to the aforementioned restrictions by the Judiciary and Administration Committee because a significant hardship is caused by the restrictions and a waiver will not affect the integrity of the ordinance.

On May 17<sup>th</sup>, 2013, Kuehl purchased the Property. This was a vacant Property and not rented at that time. Kuehl does not reside in La Crosse, WI, nor does Kuehl own any other rental properties. At no time prior to the closing did the Seller (or Seller's agent) mention that the Property had to be registered with the City. Kuehl was not aware of the registration requirement until two (2) months after she acquired the Property.

Kuehl was advised to obtain a rental weatherization certificate in order to rent the Property. A rental weatherization inspection was performed which revealed no violations or unsatisfactory conditions with the Property. A certificate of compliance was subsequently filed with the La Crosse County Register of Deeds on May 17<sup>th</sup>, 2013.

On or around July 16<sup>th</sup>, 2013, Kuehl was informed by an acquaintance that the City passed a rental moratorium ordinance on July 12<sup>th</sup>, 2013 (effective July 21<sup>st</sup>, 2013) which may affect the Property. Kuehl was not provided with notice from the City that the Property was subject to the moratorium, nor does Kuehl view or access local media sources that publicized the details of moratorium (Kuehl resides in Slinger, WI). As a result, Kuehl was not aware of the moratorium or prior discussions relating thereto until July 16<sup>th</sup>, 2013.

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After discovering this information, Kuehl immediately contacted the La Crosse Building and Inspection Department ("Inspection Department") and discovered the Property was not registered as a rental with the City. The Property would have been registered as a rental if Kuehl would have been advised (or had a reasonable opportunity to discover) that such registration was required by the City. Nevertheless, the Inspection Department informed Kuehl that the Property could be used as a rental if a rental unit registration form was received by July 21<sup>st</sup>, 2013.

In order to comply with the registration requirements, Kuehl immediately mailed a completed registration form and fee to the Inspection Department on July 17<sup>th</sup>, 2013. The registration form and fee should have been received by the City on Saturday, July 20<sup>th</sup>, 2013 which was two days prior to date in which the moratorium took effect.

After submitting the registration form, Kuehl received a letter dated Monday, July 22<sup>nd</sup>, 2013 from the Inspection Department which stated, in part, that the Property could not be rented because it was not registered with the City by the above deadline. Kuehl reasonably believes that the registration form was received by the Inspection Department on Saturday, July 20<sup>th</sup>, 2013, but was not opened until Monday, July 22<sup>nd</sup>, 2013. Thus, the Property should have been approved for rental use.

Based on the foregoing, we respectfully request a hardship waiver to the moratorium restrictions which would allow for the conversion of the Property to rental use. If the waiver is denied, Kuehl will lose rental income which goes to pay taxes, insurance, and maintenance expenses for the Property. Kuehl will then have to seek income from other sources to pay those expenses which will result in a substantial economic hardship.

If a hardship waiver is denied, then any potential sale by Kuehl (in an attempt to reduce her losses) would likely be at a price significantly lower than what she paid due to the moratorium restrictions. Additionally, the tenants at the Property will be forced to relocate to a different rental property during the school year. These restrictions create a hardship not only for the property owner, but the tenants residing at the Property as well.

It appears that the moratorium ordinance was designed to reduce the number of rentals in certain residential neighborhoods and deter property owners from renting properties in those neighborhoods which are not registered and that violate building, health, and safety codes.

In this instance, the properties adjacent to the Property are both rentals. Kuehl obtained a rental weatherization inspection which revealed no violations or unsatisfactory conditions with the Property. Kuehl has every intention of making

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improvements to the Property in the future to meet any relevant codes and so that the Property does not become an "eye sore" for neighboring properties (unlike other properties in the area). Thus, a hardship waiver for the Property will not unduly affect the integrity or purpose for which the moratorium was enacted.

This request is substantially different from other requests that have been submitted for a hardship waiver in that: (i) Kuehl is not a resident of La Crosse and does not own any other properties in La Crosse; (ii) Kuehl is not an experienced owner of rental properties and was not aware of the registration requirement or advised of the same; (iii) Kuehl had no knowledge of the moratorium until after it was passed by the City Council; (iv) Kuehl did not receive notice that the Property was affected by the moratorium; and (v) upon discovering the aforementioned, Kuehl immediately submitted a registration form (before July 21<sup>st</sup>, 2013) in order to comply with the moratorium and/or registration requirements.

Kuehl is more than willing to comply with any rental registration requirements or any other requirements imposed by the City to approve this request. This request is reasonable under the circumstances to justify the approval of the waiver. We appreciate you taking time to consider this request for a hardship waive that would allow Kuehl the opportunity to rent the above Property.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

**JOHNS, FLAHERTY & COLLINS, S.C.**



Brandon J. Prinsen

Email: [brandon@joshnflaherty.com](mailto:brandon@joshnflaherty.com)

CC: City Building and Inspection Department  
David Krump (Judiciary and Administrative Committee)  
Beth Kuehl



**CITY OF LA CROSSE  
DEPARTMENT OF BUILDING AND INSPECTIONS**

Third Floor-City Hall  
400 La Crosse Street, La Crosse, Wisconsin 54601  
Phone 608/789-7530 Fax 608/789-7589  
www.cityoflacrosse.org

**RESIDENTIAL RENTAL UNIT REGISTRATION FORM**

PRINT MAILING ADDRESS of RENTAL PROPERTY:

778 Hillview Avenue La Crosse WI 54601

PRINT MAILING ADDRESSES of EACH UNIT of RENTAL PROPERTY BELOW (use back if needed)

Same as above

Tax Parcel Number 17-20049-080 Date 11-17-13

Zoning: Res. Total Number of Bedrooms: 3

Total Number of Tenants: 3

**FOR SINGLE FAMILY DWELLINGS ZONED (R-1) SINGLE FAMILY RESIDENSE ONLY**  
CHECK ONE:  NEW REGISTRATION [ ] RENEWAL OF REGISTRATION  
\$150 fee due upon renewal

**Owner Information**

Name Bernthuehl  
Address 1735 Cedar Ridge Drive City State ZIP Stinger, WI 53086  
Phone 262-224-7970 Cell Phone 262-224-7970  
Owner Signature [Signature]

**if you have a legal representative and/or property manager,  
please provide the following:**

**Property Manager Information**

Name N/A  
Address \_\_\_\_\_ City State ZIP \_\_\_\_\_  
Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

List approved conditional uses, variances or special conditions granted for the property:

\_\_\_\_\_  
\_\_\_\_\_

DOCUMENT NUMBER  
WARRANTY DEED

Sharon M. Kemp, an unmarried person,  
conveys and warrants to Kuehl Financial Services 401K Trust.

CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL. THE TITLE COMPANY, INC.  
By: [Signature]

Return to:  
Kuehl Financial Services 401K Trust  
1725 Cedar Ridge Drive  
Stinger WI 53086

the following described real estate in La Crosse County, State of Wisconsin:

Tax Parcel No: 17-20049-080

Lot 186 of Hillview Place Addition to the City of La Crosse, La Crosse County, Wisconsin.

This is homestead property.

Exceptions to warranties: Easements, covenants, zoning and restrictions of record, though no republication is intended herein.  
General taxes for the year 2013.

Dated this 17th day of May, 2013.

(SEAL) Sharon M. Kemp (SEAL)  
\* Sharon M. Kemp  
(SEAL) (SEAL)

AUTHENTICATION

Signature(s)  
authenticated this day of 2013.

ACKNOWLEDGEMENT

STATE OF WISCONSIN }  
La Crosse COUNTY } SS

Personally came before me this 17th day of May, 2013 the above named Sharon M. Kemp

TITLE: MEMBER STATE BAR OF WISCONSIN  
(if not authorized by 709.06, Wisconsin Statutes

to me known to be the person who executed the foregoing instrument, and acknowledge the same.  
Susan WROBEL  
Notary Public, State of WI  
My commission expires: 11-1-2015

Drafted by James T. Gull - La Crosse, WI

\* Names of persons signing in any capacity should be typed or printed below their signatures