



# La Crosse Fire Department

## Division of Community Risk Management

inspection@cityoflacrosse.org (P) 608.789.7530 (F) 608.789.7589

<http://www.cityoflacrosse.org/your-government/departments/fire-department>



RICHIE JOHNSON  
1521 MAIN ST.  
LA CROSSE, WI 54601

04/20/2023

RE: Denial of building permit application for the construction of a yard shed at 1521 Main St.

Mr. Johnson,

Thank you for submitting your building permit application for A NEW YARD SHED at the address of 1521 MAIN ST. After a review of the site plan submitted, the application is denied for the reason(s) stated below. Please contact CRM if you have any questions or need additional clarification. If desired, you may apply for a variance by contacting the City Clerk's office or following the instructions listed here: <https://www.cityoflacrosse.org/your-government/departments/city-clerk/forms-chart/board-of-zoning-appeals>.

1. Per Municipal Code Section 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."

Sincerely,

Mike Suntken

City of La Crosse Building Inspector



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

## 1521 MAIN ST LA CROSSE

[Print View](#)

Parcel:	17-20229-100	Internal ID:	30171
Municipality:	City of La Crosse	Record Status:	Current

### Parcel Information:

Parcel:	17-20229-100
Internal ID:	30171
Municipality:	City of La Crosse
Record Status:	Current
On Current Tax Roll:	Yes
Total Acreage:	0.208
Township: ⓘ	16
Range: ⓘ	07
Section: ⓘ	32

- [Parcel](#)
- [Taxes](#)
- [Outstanding Taxes](#)
- [Assessments](#)
- [Deeds](#)
- [Permits](#)
- [History](#)

### Legal Description:

METZGER & FUNK'S ADDITION LOT 10 BLOCK 22 LOT SZ: 50 X 151

### Property Addresses:

<u>Street Address</u>	<u>City(Postal)</u>
1521 MAIN 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>
RICHARD E JOHNSON	Owner	1521 MAIN ST	LA CROSSE	WI	54601
TERRI L JOHNSON	Owner	1521 MAIN ST	LA CROSSE	WI	54601

### Districts:

<u>Code</u>	<u>Description</u>	<u>Taxation District</u>
2849	LA CROSSE SCHOOL	Y
2	Book 2	N

### Additional Information

<u>Category</u>	<u>Description</u>
2020+ VOTING SUPERVISOR	2020+ Supervisor District 4
2020+ VOTING WARDS	2020+ Ward 8
Use	1 UNIT

### Lottery Tax Information ⓘ

Lottery Credits Claimed:	1 on 10/30/2000
Lottery Credit Application Date:	10/4/2000

# Board of Zoning Appeals Standards

The Board of Zoning Appeals functions like a court, and must follow State laws and local zoning ordinances. The Board of Zoning Appeals cannot change or ignore any part of the zoning ordinance or State laws, but must apply the laws as written.

The Board may only grant a variance, special exception, or administrative appeal if the applicant provides evidence showing that they meet **all** of the legal standards for that decision. The burden of proof falls on the variance applicant, not the Board of Zoning Appeals. The legal standards the Board will use to decide on each application are shown below.

## STANDARDS FOR USE or 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 the 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 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 or 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.

## **Board of Zoning Appeals Procedure Handout**

- 1) You, or someone speaking on your behalf, should arrive at 4:00 p.m. for the meeting even if you are not listed first on the agenda.
- 2) Neighbors within 100 feet of the property (where the variance is requested) will receive a copy of the meeting notice. They may appear before the Board to speak for or against your appeal or they may write a letter in support of your appeal or against your appeal and submit it to the City Clerk's office. You may contact your neighbors and share your proposal with them so they are aware.
- 3) The Board will have received a copy of your denial letter from Community Risk Management, your variance application, and any other materials you have attached to your application. Any presentation to the Board is limited to written materials, diagrams and photographs. No electronic devices for presentations will be allowed. This restriction does not apply to the presentation by Community Risk Management. Public hearings before the Board may be limited to ten (10) minutes for the proponents, ten (10) minutes for the opponents and a three (3) minute rebuttal for each side. The Board reserves the right to extend these time limits as it determines.
- 4) The Board follows the criteria listed on the previous page to determine whether or not your request meets the standards set forth by the Wisconsin Supreme Court.
- 5) If the Board grants your appeal, after you receive your letter of the Board's decision, you may apply for your building permit. The letter will be mailed to you within a week, after the meeting has taken place.