



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Monday, May 19, 2025

4:00 PM

Council Chambers
City Hall, First Floor

Call to Order

Chair Cherf called the meeting to order and explained the meeting procedure.

Roll Call

Present: 4 - Douglas Farmer, Jai Johnson, James Cherf, James Szymalak

Absent: 1 - Anastasia Gentry

Variance Appeals:

[2691](#)

An appeal regarding the requirement to provide a 25-foot front yard setback at 2546 7th St. S, La Crosse, Wisconsin.

Andy Berzinski, representing the Building & Inspections Department, was sworn in to speak. Berzinski went over the three requirements for granting a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to public interests. The applicant has applied for a permit to put an addition onto a Single-Family Dwelling that does not meet the required front yard setback. Municipal Code Sec. 115-143(2), front yards, states that on every lot in the Residence District, there shall be a front yard having a depth of not less than 25 feet; the two adjacent main buildings are set back over 25 feet and therefore the 40 percent rule doesn't apply to this property. A variance of 12.5 feet would need to be granted for this project to proceed as proposed.

Berzinski showed an aerial view of the property showing that the development would not be in the floodplain. He showed updated photos of the current home and garage as well as the space where the new garage would be built. Berzinski also showed the original site plan and stated that the applicant submitted a revised site plan and is asking for now asking for a 6-foot setback which would then require a 19.5-foot variance. Berzinski then showed elevations. Berzinski stated that there is no unnecessary hardship as the property can continue to be used as a dwelling without the proposed addition. There are no unique property limitations; this lot is larger than most lots in the City. There is no harm to the public interest. Therefore, this variance should not be granted. Farmer asked if the proposal is considered an attached garage; Berzinski responded that the breezeway makes it attached.

Doug Buchner, 2546 7th St S, was sworn in to speak. Buchner stated that the purpose is extra storage space. He stated that the Board has additional pictures of the neighbors' properties; these show that because they don't have extra garage space, they keep boats and other property in their front yard. He added that there is no alley access which makes this property unique because you can't put stuff in the backyard through alley access. He stated that his boat, trailers, riding lawnmower, and other

things that are stored outside. He added that his mechanic recommended that his cars be in a climate control garage, so that is what he is proposing. He stated that the architect drew plans, and the garage will be similar to house in style.

Buchner stated that his surveyor noted that the tree would be lost if they had to move the garage back, which would be a hardship if he had to remove it. He showed an aerial picture that shows the tree that shades the whole back. He also added that if the garage is placed back any further the view of the river will be inhibited for both himself and his neighbor. Buchner stated that eleven neighbors have buildings that closer than the current allowed setback and about eight are closer than what he is proposing. He stated that the miscellaneous pictures the Board has are what the neighbors have in their front yards because they don't have storage space; one neighbor got a variance to keep an additional garage, and he doesn't have anything outside because he's got the storage space.

Johnson asked about the change in the requested variance; Buchner responded that he felt like he should be in line with the neighboring properties instead of being further back because it would fit better within the neighborhood. He added that to lose the shade tree will be a hardship. Farmer asked what kind of tree, and Buchner responded that it is a Cottonwood. Farmer stated that if this is granted, he'd possibly have room for 9 cars; Buchner responded that he doesn't have 9. Farmer stated that it is a 54-foot-long garage, which would make it three cars deep. Buchner responded that the front will be glass, and he will be able to put furniture next to the garage on a patio. Farmer stated that the patio would be additional space and Buchner agreed. Farmer asked if the neighboring properties have room for 9 cars in their garage; Buchner stated that one might. Johnson asked about approving a smaller structure with the same setback; Buchner responded that he would not be in favor of that.

Farmer asked Inspections about the neighboring properties being closer to the street than what Buchner is requesting; Berzinski responded none of the main principal structures on the properties were closer, but there may be one garage. Berzinski added that the average that is taken is of the primary buildings, not detached garages. Farmer asked if he could go closer if the garage were detached. Berzinski stated that he would also have to get a variance and reiterated that the average is only off principal structures, not off accessory structures. Szymalak asked about regulations on number of garages; Berzinski responded that one detached garage is allowed; since this is attached, it is allowed. Johnson asked applicant for the larger aerial view map so they could view it up close. Cherf asked if the neighbor's garage that is closer to the road is attached or detached; Buchner responded that it is detached.

A motion was made by Farmer, seconded by Johnson, that the appeal be REFERRED to the June 17 meeting. The motion carried by the following vote:

Yes: 3 - Farmer, Johnson, Cherf

No: 1 - Szymalak

Absent: 1 - Gentry

2692

An appeal regarding the requirement that allows only 60 multi-family apartment units above a commercial space at 922 & 928 State St., 915 & 927 Main St., and 115 & 119 10th St. N., La Crosse, Wisconsin (Haven on Main project).

Berzinski, still sworn, stated that the applicant has applied for a building permit to construct a 70-Unit multi-family apartment unit with commercial space on the main floor that does not meet the development density requirements for Traditional Neighborhood Development zoning districts. Municipal Code Sec. 115-403(2), development density, states that the number of residential dwelling units and the

amount of nonresidential development (excluding open spaces) shall be determined as follows: The number of multi-family units shall be 15 to 40 dwelling units per net acre. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater. Cherf confirmed that in this case ten percent would be 6 units, but up to 10 would be allowed. Berzinski added that a variance to allow 10 additional apartment units on this 1.25-acre development would need to be granted for this project to proceed as proposed.

Berzinski showed exterior elevations, the civil plan showing the layout and parking lot, a picture of the former building on the site, and pictures of the current site with the building razed. Berzinski stated that an unnecessary hardship exists; the Council approved the general plan for this property prior to the code changing. The old code would have allowed this project. There is no unique property limitation as several lots were combined. There is no harm to the public interest. Cherf asked for confirmation that the approval of the plan was by the Common Council; Berzinski responded that Cherf was correct. Berzinski responded that it has been approved through TND (Traditional Neighborhood Development) General, but it still needs to be approved for the TND-Specific plan. Cherf confirmed that the TND guidelines have changed since their first approval. Farmer asked for clarification on what TND meant and confirmed that the project needs to go back to Council for final approval. Farmer asked why it is before the Board now; Berzinski responded that if the variance does not get granted, the project cannot proceed.

Farmer asked why the Board is taking up this item before the Council. David Reinhart, representing the Building & Inspections Department, was sworn in to speak. Reinhart stated that in the Traditional Neighborhood District process, the project needs to go through Council twice; the TND-General was approved for this prior to the change in the new (TND) zoning ordinance. The approval meant that they could go forward with their plan based on what was approved; they have to come back with the specific plan, which they are in the process now; in order to proceed with the specific plan, they need the variance. Farmer asked why the Council can't take up the item first as they have the broader vision of the community, because the Board should be the last.

Gideon Wertheimer, representing the Attorney's office, was sworn in to speak. Wertheimer stated that the Board could wait. He added that the TND-General part of the application is for the density standards. The Board could approve the variance, but he cautioned that it should be made conditional upon the zoning being approved. He summarized by stating that the Board could wait or move forward with a conditional variance. Farmer again stated that Council should take up the process first. Cherf said that there could be a motion to refer until a vote has occurred at the Common Council level, or the Board could hear testimony before that could be entertained. Farmer stated that another problem is there are also only 4 members present so they may want to refer.

Tim Acklin, representing the Planning Department, was sworn in to speak. Acklin stated that when general plan was reviewed by the Council, the applicant submitted plans that stated what the project would be, how many floors, the number of units for the density; the Council approved the use and number of units. The second step is the final plan review, which will occur in June; at that time the use and number of units will not be up for debate, unless they are changing to a greater density. They will be approving the final master plan for the site; Acklin added that the variance they are asking for was really already approved by Council during the first step of the process. Cherf stated that a 70-unit apartment building was approved in the general plan; the ordinance changed between then and now and the current TND zoning only allows for 60 units. Acklin stated that Cherf was correct, both Planned Development and Traditional Neighborhood Development are always 2 steps, where the intent is that

approval of the use and the general plan allows the developer to move on with spending money on specific plans and possibly get funding based off of the original plan. Acklin added that the applicant went into this thinking they were able to have the number of units the originally planned on, and then the TND-Specific approval is the site plans and landscaping, unless something changes from the original plan.

Szymalak stated that he doesn't believe this should be before the Board and asked why a variance would be required here because it seems the Board has greater legislative authority than the Common Council. Szymalak the TND ordinance that says the Council may approve, deny, or amend any proposed development and asked why the Council can't approve the TND General or Specific at the density they deem necessary. Wertheimer responded that the Council can't disregard rest of the ordinance regarding the 60-unit requirement; if so, it could be considered contract zoning which is illegal. Wertheimer added that this zoning standard was rewritten so it could be enforceable, which is where the Board comes in to be able to grant a variance from the density requirement. Szymalak stated that the density requirement is per dwelling unit, but it is confusing because a housing unit could have unlimited bedrooms; with the standard being 15 to 40 dwelling units, there could be 40 studio apartment or is it 40 5-bedroom apartments which could be 200 people. Szymalak stated that if these are hard limits, then the TND ordinance is now more restrictive than it previously was. Wertheimer agreed that it is more restrictive because it does say "shall" now.

Farmer says the hardship noted in the presentation states that if the old code was still in effect, that this wouldn't have the need to come before the Board. Reinhart confirmed that Farmer was correct. Farmer again stated that the Board shouldn't take up the item first.

A motion was made by Farmer, seconded by Johnson, that the appeal be REFERRED to the June 17 meeting, to allow time for the Council to act on the rezoning request for the project. The motion carried by the following vote:

Yes: 4 - Farmer, Johnson, Cherf, Szymalak

Absent: 1 - Gentry

Adjournment

Meeting adjourned at 5:17 p.m.