



Meeting Minutes - Final
Board of Zoning Appeals

Monday, February 19, 2024

4:00 PM

Council Chambers
City Hall, First Floor

Call to Order

Cherf called the meeting to order at 4:00 p.m. and explained the meeting procedures.

Roll Call

Present: 6 - Douglas Farmer, Jai Johnson, James Cherf, James Szymalak, Ryan Haug, William Raven

Note: Second Alternate Jai Johnson was present to fill in for regular members who recused themselves from appeals. Recusals are noted on the affected appeals. Johnson did not participate where she was marked as non-voting.

Variance Appeals

[2670](#)

An appeal regarding the requirement that only one shed is permitted on a lot at 1521 Main St., La Crosse, Wisconsin.

A motion was made by Szymalak, seconded by Raven, that the item be REMOVED FROM THE TABLE. The motion carried by the following vote:

Yes: 4 - Cherf, Szymalak, Haug, Raven

No: 1 - Farmer

Non-Voting: 1 - Johnson

Raven recused himself due to a conflict of interest. Jai Johnson stepped in to serve.

Andy Berzinski, representing the Community Risk Management Department, was sworn in to speak. Berzinski stated that the applicant applied for a permit for a yard shed that has already been placed on the property. Municipal Code Sec. 115-390 (2)(c) states: 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% coverage allotment and 100 square foot maximum building footprint. There are currently two sheds located in the rear yard of this property. A variance allowing a second shed to be placed in the rear yard will need to be granted for this shed to remain on the property. Berzinski showed renderings of the proposed shed that was placed there, an aerial view of the property, and a view of the property from the alley. Berzinski stated that installing a second shed without a permit is a self-created hardship. There is no unique property limitation because the zoning of the lots surrounding the property are the same and lot is the same size of most lots in the City of La Crosse. There is no harm to the public interest.

No speakers came forward that were in favor or in opposition of the appeal.

Cherf stated that the owner had testified in a prior meeting that the applicant tore down an old shed that was in poor condition and replaced it with a vinyl or plastic shed. Johnson asked Staff what the applicant was referring to when talked about a "bin" in their application. Mike Suntken, representing Community Risk Management, was sworn in to speak. He stated that the "bin" was likely in reference to the second shed. Farmer asked what level of court this had been taken to; Suntken stated that citations were issued, and it went through Municipal Court. Farmer asked what the court found; Suntken responded that he needed to get a variance or remove the shed. Farmer asked if anything had been provided from the court to verify that statement. Suntken stated that it is likely in the minutes of the court, but he did not have that material at the moment. Farmer stated that if it were here in writing his feelings may be different. Farmer stated that Mr. Johnson's son was friends with one of his sons; he knew Mr. Johnson at that time but doesn't regard it as a conflict.

A motion was made by Szymalak, seconded by Cherf, that the appeal be DENIED. The motion carried by the following vote:

Yes: 5 - Farmer, Cherf, Szymalak, Haug, Johnson

Recuse: 1 - Raven

[2680](#)

An appeal regarding the requirement to have the decorative side of the fence facing the adjoining property at 632 Kane St., La Crosse, Wisconsin.

Berzinski, still sworn, stated the fence in question was installed without permit and an Order to Correct was sent to obtain a permit for the fence. The fence was built with the finished side, or decorative side, of the fence not facing the adjoining property. Sec. 115-398 (1)(d) states all fences must be constructed and maintained in a good state of repair and appearance. The finished side or decorative side of a fence shall face adjoining property. A variance will be required to allow the finished or decorative side of the fence facing inward and away from the adjoining property. He showed an aerial view of the property, photos of the fencing taken from the side and front of the property, and a survey of the property with the fence noted.

Berzinski stated that installing a fence without a permit is a self-created hardship. There is no unique property limitation because the zoning of the lots surrounding the property are the same and lot is the same size of most lots in the City of La Crosse. There is harm to the public interest as this would set a precedence to allow fences to be installed without permits and with the finished side facing the incorrect way. Because of the reasons stated above, this variance should not be granted. Farmer asked Berzinski if he could describe the adjacent properties; Berzinski responded that there is a single-family house to the south and Mississippi Welder's Supply is to the east. Farmer confirmed with Berzinski that it is a corner lot.

Elizabeth Jensen, 632 Kane Street, was sworn in to speak. Jensen stated that the fence was constructed that way because two of her grandchildren that live with her have autism. The fence installation was paid for through a special program through the State, who approved that it be constructed in the way it currently stands because of the medical needs of the grandchildren. Jensen apologized that a building permit was not obtained. Cherf stated that what is before the Board to decide is regarding the way the fence was built, not the entity that paid or if a permit was secured ahead of time. Szymalak asked Jensen if she is the legal guardian of the grandchildren; Jensen responded that they live with her along with their mother. Farmer asked Jensen if she

had communicated any of this with the State; Jensen responded that she hadn't, and Drumlín Fence who installed it did not think the design of the fence mattered. Farmer asked where the company is located; Jensen responded that she could not remember.

Steve Cleveland, 628 Kane Street, was sworn in to speak. Cleveland stated that he spoke to the installers about the permit and about a variance because he knew the finished side was supposed to face outward, and the installers told him that they had a variance. Cleveland stated that he knew that wasn't true because he hadn't received notice of that. Cleveland was sympathetic to the needs of Jensen's grandchildren, but he didn't believe that it should have been installed improperly. Cleveland added that it may be a financial burden on him if there comes a time where he wants to sell his home. He stated that he is not in favor of the appearance and any future home buyers may not like it either. Cleveland stated that they are applying for a variance for the decorative side, but per municipal code property owners shall locate fences no closer than three feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owners' property, unless an affidavit in recordable form is provided signed by the adjacent property owners. Cleveland added that they were not contacted about the fence until it had already gone up.

Jensen stated that she believed that she was not required to notify the neighbor when putting up the fence; Berzinski stated that was correct since they had a survey done for the location.

David Reinhart, representing the Community Risk Management Department, stated that if it was a maintenance free fence with a survey, they would not have to contact the neighbor. He added that in this case, since it is not a maintenance free fence, they would need an affidavit from the neighboring property owner to allow Jensen to maintain the side of the fence that is pointing outward, or to allow the neighbor to maintain the face of the fence that is on their side, or they would have to move it three feet back from the property line. Cherf re-stated what Reinhart added.

Jensen responded to Cleveland's comment about the look of the fence; she stated that in her opinion it doesn't look bad.

Cleveland stated that he doesn't like the fence and he is upset that they were not notified about the fence. He added that he like them to add a decorative side on his side as well, or move the fence back three feet so that they can maintain it.

Szymalak stated his frustration with the fence ordinance asked for the definition of a decorative fence. Berzinski stated that the decorative side of a wooden fence would be the side with the pickets. Szymalak asks for where that is and Berzinski stated that you can find them on installation instructions. Szymalak stated that the provision applies to all fences and certain designs could be decorative to a person while it may not be decorative to another. Reinhart added that any time you can see a structural member to a wooden fence of this nature, that would not be the finished side of the fence and noted that he would look for a definition to decorative in the municipal code. Farmer stated that the structural portion of a fence would be the non-decorative side of a fence.

Farmer asked about the portion about the fence being set back three feet since there was no affidavit by the abutting property owner and asks if that was an oversight on the part of CRM. Cherf stated that what they have to decide on is what is before them regarding decorative side of the fence.

**A motion was made by Farmer, seconded by Haug, that appeal be DENIED.
The motion carried by the following vote:**

Yes: 5 - Farmer, Cherf, Szymalak, Haug, Raven

Non-Voting: 1 - Johnson

[2681](#)

An appeal regarding the requirement that every lot shall front or abut for a distance of at least 30 feet on a public street and shall be not less than 60 feet in width at the building setback line at a property known as 943 Hood Street, La Crosse, Wisconsin.

Cherf recused himself for this item due to a conflict of interest. Farmer took over as Chair and Johnson filled in for Cherf.

Berzinski, still sworn, state that the owner has applied for a permit to build a twin home (zero lot line) and two-car garage on a vacant lot. Per Municipal Code 113-140(d), every lot shall front or abut for a distance of at least 30 feet on a public street and shall be not less than 60 feet in width at the building setback line; provided, however, this requirement shall not apply to lots on which two attached dwelling units located within a single structure are located when the common wall between dwelling units is conterminous with the lot line when it is approximately perpendicular to the street right-of-way line except that the lot after division shall not be less than 30 feet in width at the building setback line. The lot in questions is 53.16 feet wide and splitting this lot in half for the proposed twin home would only allow 26.58 feet of abutting frontage. A variance to allow the reduced frontage of 3.42 feet on each lot would be required for this project to proceed as proposed. Berzinski showed an aerial view of the property, a street view, a survey map, site plan, and a drawing of the front elevation of the property. Berzinski stated that a single-family dwelling is allowed per the zoning. Proposing a twindo is a self-created hardship. There is no unique property limitation because the lot is the same size of most lots in the City of La Crosse. There is no harm to the public interest. Because of these reasons, this variance should not be granted.

Steve Schlicht, was sworn in to speak. Schlicht stated that he purchased the lot through the City Planning Department. They were in agreement to build a twin-home and sell both halves for under \$199,000 to provide lower-cost housing. Plans were submitted and a permit was issued, but it is on hold until the lots can be split in half. Farmer asked Schlicht if he is under contract with the city to create these structures on the property; Schlicht confirmed that this was the case. Farmer asked Schlicht if he was aware that he may need a variance to build as proposed. Schlicht responded that he was not aware. Farmer asked Schlicht if he knew what was on the parcel prior to purchasing the lot; Schlicht responded that he does not know, it was vacant when he purchased the property. Farmer stated that it was a house with an accessory dwelling unit per an old photo from Google maps.

A motion was made by Szymalak, seconded by Johnson, that the appeal be GRANTED. The motion carried by the following vote:

Yes: 5 - Farmer, Szymalak, Haug, Raven, Johnson

Recuse: 1 - Cherf

[2682](#)

An appeal regarding the required front yard depth of 25 feet or the average depth of the adjacent property(ies) at 1402 6th St S, La Crosse, Wisconsin.

Berzinski, still sworn, stated that the owner has applied for a permit to build a new single-family dwelling on vacant lot. Per Municipal Code Sec. 115-142(c)(1), front yard, side yard and rear yard regulations applicable in the Residence District shall apply to the Single Family Residence District. Per Sec. 115-143(c)(2), on every lot in the Residence District, there shall be a front yard having a depth of not less than 25 feet, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern. The proposed dwelling in question would have a 6-foot front yard setback that would not meet the 25-foot minimum requirement, nor does it equal the front yard setback of the one adjacent property (8 feet, 5 inches). A variance to reduce the required front yard setback from 8 feet, 5 inches to 6 feet would be required to issue the permit as submitted.

Delores Spies, 2011 Liberty Street, was sworn in to speak. Spies stated that they bought the property to turn it into a single-family dwelling as there is a need for this type of housing in the city. The plan that was drawn up won't work on the lot so they want to gain the 2.5 feet in the front to be able to use the plan. Cherf asked if they are replacing a building that was recently removed; Spies responded that the lot was vacant when they purchased it, so she is not aware of the setback that it might've had. Spies asked if the 2.5 feet were not granted in the front if they could have it in the rear instead. Farmer responded that the Board can only decide on what is before them for the front yard setback.

A motion was made by Farmer, seconded by Raven, that the appeal be GRANTED. The motion carried by the following vote:

Yes: 5 - Farmer, Cherf, Szymalak, Haug, Raven

Non-Voting: 1 - Johnson

2683

An appeal regarding the requirement to provide 1.5 parking spaces for each dwelling unit; provided, however, should any dwelling unit contain three or more bedrooms there shall be provided one additional parking space for each additional bedroom or enclosed room which may be utilized for sleeping purposes, whichever number is larger for the property at 1012 Grove St, La Crosse, Wisconsin.

Berzinski, still sworn, stated that the tenant applied to turn an existing R-5 zoned duplex into a rooming house. The current dwelling is legal non-conforming and does not meet the current municipal codes minimum parking requirements for off-street parking. Per Municipal Code 115-393 (a)(10)(i), for two-family dwellings, two parking spaces are required for each dwelling unit; provided, however, should any dwelling unit contain three or more bedrooms there shall be provided one additional parking space for each additional bedroom or enclosed room which may be utilized for sleeping purposes, whichever number is larger. The lot in questions only has one legal off-street parking spot. A variance to allow only one parking space to the required 10 parking spaces would be required for this project to proceed as proposed.

Julie McDermid, 703 Farnam St, was sworn in to speak. McDermid stated that she is the executive director for a non-profit organization that houses people who are transitioning out of chronic homelessness. The reason why the variance is needed is because they'd like to use one additional room to add an 11th resident; they currently house 10. She added that only one resident has a vehicle and only herself or another staff person would be utilizing parking. Cherf asked how many staff members are

present at any given time; McDermid responded that it would not be greater than two, but generally there is only one person.

Farmer recused himself from deliberation and vote on the item; Johnson filled in for him.

A motion was made by Johnson, seconded by Szymalak, appeal be GRANTED. The motion carried by the following vote:

Yes: 5 - Cherf, Szymalak, Haug, Raven, Johnson

Recuse: 1 - Farmer

Adjournment

Meeting adjourned at 5:17 p.m.