



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Agenda - Final-revised

### Board of Zoning Appeals

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Monday, February 19, 2024

4:00 PM

Council Chambers  
City Hall, First Floor

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The Board of Zoning Appeals meeting is open for in-person attendance and will also be conducted through video conferencing. The meeting can be viewed by visiting the Legislative Information Center (<https://cityoflacrosse.legistar.com/Calendar.aspx>) and clicking on the "In Progress" video link to the far right in the meeting list.

#### Call to Order

#### Roll Call

**Notice is hereby given that the Board of Zoning Appeals will hear the following variance appeals in the Council Chambers on the first floor of City Hall, 400 La Crosse Street, at 4:00 p.m. on February 19, 2024:**

- [2670](#) An appeal regarding the requirement that only one shed is permitted on a lot at 1521 Main St., La Crosse, Wisconsin.  
*Tabled on 6/19/2023*
- [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.
- [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.
- [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.
- [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.

#### Adjournment

Property owners affected by an appeal may appear either in person, by agent, or by attorney, and may express their written approval of or objection to the granting of the appeal by filing a letter in the office of the City Clerk, or in lieu thereof may, upon oath, testify thereto. Written comments are encouraged to be submit in writing prior to the meeting and should be submitted to [craigs@cityoflacrosse.org](mailto:craigs@cityoflacrosse.org), dropped in a drop box outside of City Hall, or mailed to the City Clerk, 400 La Crosse Street, La Crosse WI 54601. Questions, call 608-789-7510.

*Notice is further given that members of other governmental bodies may be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility.*

**NOTICE TO PERSONS WITH A DISABILITY**

*Requests from persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (608) 789-7510 or send an email to [ADAcityclerk@cityoflacrosse.org](mailto:ADAcityclerk@cityoflacrosse.org), with as much advance notice as possible.*

**Board of Zoning Appeals Members:**

**James Cherf, Douglas Farmer, Anastasia Gentry, Ryan Haug, William Raven, First Alternate  
James Symalak, Second Alternate Jai Johnson**



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2670

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**Agenda Date:** 2/19/2024

**Version:** 1

**Status:** Tabled

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**

# Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: 2670

Filing Fee: 300.00

Date Filed: 6-2-23

Date Paid: 6/2/2023

Application Complete: Yes  No  Reviewed By MS (Initial)

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	<u>Rickie Johnson</u>	
Address	<u>1521 Main St</u>	
Phone	<u>(608) 790-7803</u>	

Legal Description: 1521 Main St, City of La Crosse, Wis.

Tax Parcel Number: 17-20229-100

Lot Dimensions and Area: 50~~2~~ x 151~~8~~ feet. = ~~7,500~~ sq. ft. 7,500

Zoning District: R-1

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

### Process:

At the time of application, you will be asked to:

- Complete an application form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- Provide detailed plans describing your lot and project (location, dimensions, and materials);
- Provide a written statement of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- Stake out lot corners or lines, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board must deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(To be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

Asking for variance to put up  
a 5x6 Storage Bin to replace  
old storage bin

(b) Proposed Use.

Store Antiques

(c) Description and date of any prior petition for variance, appeal, or special exception.

N/A

(d) Description and location of all nonconforming structures and uses on the property.

Diagram is included

(e) Ordinance standard from which variance is being sought (include code citation).

5x6 Plastic Storage Bin  
115-390

(f) Describe the variance requested.

page added

(g) Specify the reason for the request.

Upgraded to a new 5x6 plastic storage bin  
the existing shed (8x10) was dilapidated and  
a hazard.

(h) Describe the effects on the property if the variance is not granted.

Antiques would be destroyed

**2. Alternatives.**

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

N/A

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

Storage Bin has been in place since 2017

N/A

**Part B: Three-Step Test.**

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

**1. Unique Property Limitation. (To be completed by the applicant).**

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

**Yes.** Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

**No.** A variance cannot be granted.

**2. No Harm to Public Interest.**

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

**(a) Ordinance Purpose.** *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.



**(b) Purpose(s) of Standard from which Variance is Requested. (To be completed by zoning staff).**

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(c) Analysis of Impacts. (To be completed by applicant).**

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

**(1) Short-term Impacts (through the completion of construction):**

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

**(2) Long-term Impacts (after construction is completed):**

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

**(3) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):**

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

N/A

**Will granting the variance harm the public interest?**

- Yes. A variance cannot be granted.
- No. Mitigation measures described above will be implemented to protect the public interest.

**3. Unnecessary Hardship. (To be completed by the applicant).**

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

Are you applying for an area variance or a use variance?

Area variance

Use variance

Is unnecessary hardship present?

Yes. Describe.

*Letter is added*

No. A variance cannot be granted.

**Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

**Part D: Authorization to Examine**

You must complete and sign the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1521 Main St LaCrosse, WI

(Address where variance is sought)

Date: 5/31/23 Signature of Owner: Richie Johnson

**Part E: Certification.**

You must sign your application, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to: Board of Zoning Appeals  
400 La Crosse St.  
Clerk's Office- 2nd Floor  
La Crosse, Wisconsin 54601

Submit complete copy to: Chief Inspector  
400 La Crosse St.  
City of La Crosse Fire Department –  
Division  
of Community Risk Management  
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) Michelle Johnson

Date: 5/31/23

Signed: (Owner, if different from applicant) Michelle Johnson

Date: 5/3/23

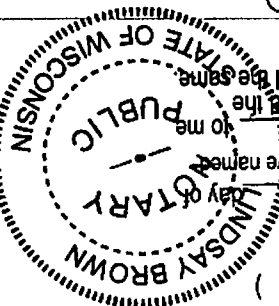
THE APPLICANT OR AGENT

By:

Michelle Johnson

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )



Personally came before me this 1 day of June, 2023 the above named Richard Johnson known to be the person(s) who executed the foregoing instrument and acknowledged the same to me.

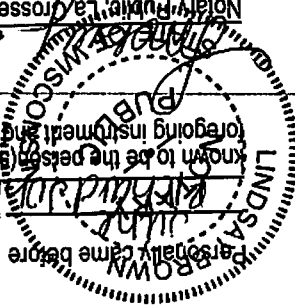
Notary Public, La Crosse County, WI

My commission expires: 02/28/2025

Michelle Johnson

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

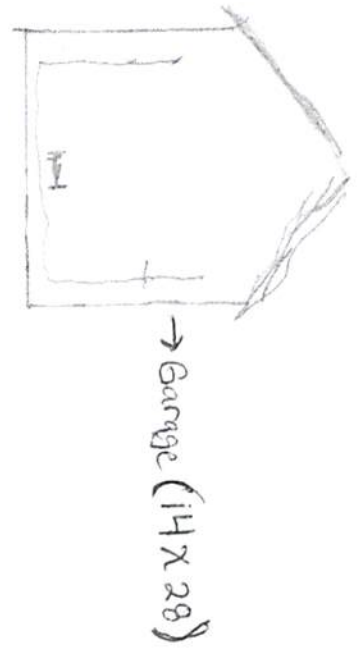


Personally came before me this 1 day of June, 2023 the above named Richard Johnson known to be the person(s) who executed the foregoing instrument and acknowledged the same to me.

Notary Public, La Crosse County, WI

My commission expires: 02/28/2025

Michelle Johnson



Fence ←



4ft Roof Deep  
 Plastic Bin (6x6)



→ 3ft. from property line

→ Property line

→ Fence

\* The Plastic bin has be up since 2017, replace the previous metal Shed.



**City of La Crosse, State of Wisconsin  
Municipal Court Citation and Complaint**

Citation Number <b>MU-020218221</b>
Deposit Permitted <b>\$250.00</b>

You are Notified to Appear Is this a mandatory appearance? No  Date: 2/8/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601	Defendant Name - Last <b>JOHNSON</b>	First <b>RICHARD</b>	MI <b>E</b>
	Street Address <b>1521 MAIN ST</b>	City <b>LA CROSSE</b>	State <b>WI</b>
Plaintiff <b>City of La Crosse</b>			
Defendant Violated: Ordinance No. <b>115-390.(2)c.</b>		Adopting State Statute No.	
Description of Violation: <b>Failure to remove 2nd shed from property.</b>			
Week Day <b>Thu</b>	Month / Day / Year <b>1/12/2023</b>	Time <b>11:25am</b>	
At <b>1521 Main St.</b>		County <b>La Crosse</b>	
Citation Served <b>Mailed to defendant's last known address</b>		Officer Name <b>David Reinhart</b>	Department <b>CRM</b>
		Date Citation Issued <b>1/12/2023</b>	

**INSTRUCTIONS - READ CAREFULLY**

**APPEARANCE NOT MANDATORY:**

**IF YOU WISH TO DISPUTE THE CITATION**, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

**IF YOU DO NOT WISH TO DISPUTE THE CITATION**, simply mail in the "deposit permitted" amount of **\$250.00** by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

Make check payable to the **City Treasurer** and mail to the **La Crosse Municipal Court**, at the following address: **400 La Crosse St, La Crosse, WI 54601**. You do not need to appear.

**IF YOU DO NOTHING:**

The court will find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

Failure to pay by the due date imposed by the court will result in your debt being sent to the WI Department of Revenue State Debt Collection agency or issue a warrant for your arrest and incarceration for failure to pay.





**City of La Crosse, State of Wisconsin  
Municipal Court Citation and Complaint**

Citation Number  
**MU-020218223**

Deposit Permitted  
**\$691.00**

You are Notified to Appear Is this a mandatory appearance? No		Defendant Name - Last <b>JOHNSON</b>		First <b>RICHARD</b>		MI <b>E</b>	
Date: 4/5/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601		Street Address <b>1521 MAIN ST</b>		City <b>LA CROSSE</b>		State <b>WI</b>	
				Zip Code <b>54601</b>			
		Plaintiff <b>City of La Crosse</b>					
Defendant Violated: Ordinance No. <b>115-390.(2)c.</b>		Adopting State Statute No.		Description of Violation: <b>Failure to remove 2nd shed from property.</b>			
Week Day <b>Fri</b>	Month / Day / Year <b>3/17/2023</b>	Time <b>9:15am</b>					
At <b>1521 Main St.</b>		County <b>La Crosse</b>					
Citation Served <b>Mailed to defendant's last known address</b>		Officer Name <b>David Reinhart</b>		Department <b>CRM</b>		Date Citation Issued <b>3/17/2023</b>	

**INSTRUCTIONS - READ CAREFULLY**

**APPEARANCE NOT MANDATORY:**

**IF YOU WISH TO DISPUTE THE CITATION**, you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

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**City of La Crosse, State of Wisconsin  
Municipal Court Citation and Complaint**

MU-020218222

Deposit Permitted  
**\$439.00**

You are Notified to Appear Is this a mandatory appearance? No		Defendant Name - Last <b>JOHNSON</b>		First <b>RICHARD</b>		MI <b>E</b>	
Date: 3/22/2023 Time: 8:30 AM Location: La Crosse Municipal Court 400 La Crosse St La Crosse, WI 54601		Street Address <b>1521 MAIN ST</b>		City <b>LA CROSSE</b>		State <b>WI</b>	
				Zip Code <b>54601</b>			
		Plaintiff <b>City of La Crosse</b>					
Defendant Violated: Ordinance No. <b>115-390.(2)c.</b>		Adopting State Statute No.		Description of Violation: <b>Failure to remove 2nd shed from property.</b>			
Week Day <b>Fri</b>	Month / Day / Year <b>3/10/2023</b>	Time <b>7:36am</b>					
At <b>1521 Main St.</b>		County <b>La Crosse</b>					
Citation Served <b>Mailed to defendant's last known address</b>		Officer Name <b>David Reinhart</b>		Department <b>CRM</b>		Date Citation Issued <b>3/10/2023</b>	

**INSTRUCTIONS - READ CAREFULLY**

**APPEARANCE NOT MANDATORY:**

**IF YOU WISH TO DISPUTE THE CITATION,** you must appear in court on your court date. You may do so even if you have already paid the deposit or posted a bond. If you cannot appear on your court date, call the court office to reschedule.

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- a photocopy of your citation, **OR**
- your correct name and address, citation number, court appearance date listed above on the citation.

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Failure to pay by the due date imposed by the court will result in your debt being sent to the WI Department of Revenue State Debt Collection agency or issue a warrant for your arrest and incarceration for failure to pay.



# CITY OF LA CROSSE

OFFICE OF MUNICIPAL JUDGE  
HON. DENNIS A. MARCOU

City Hall  
Municipal Court Office  
400 La Crosse Street  
La Crosse, WI 54601  
Phone: (608) 789-7290  
[cityoflacrosse.org/municipalcourt](http://cityoflacrosse.org/municipalcourt)

April 21, 2023

RICHARD E JOHNSON  
1521 MAIN ST  
LA CROSSE, WI 56401

CITY V. RICHARD E JOHNSON

RE: CITATION #: MU-020218221, MU-020218222 & MU-020218223  
CHARGE: HEIGHT AND AREA REGULATIONS X 3

## REMINDER OF TRIAL DATE!

Trial on the above case is set for:

**5/03/2023 AT 10:30 AM**

The original notice of the trial date was either given to you when you appeared in Court at your initial appearance or sent to you through the mail. This letter is sent to you as a reminder. The trial will not be reset.

The trial will be held in the Council Chambers in City Hall, located at 400 La Crosse Street, La Crosse, WI, 54601.

If you have changed your mind and no longer want the trial, please call our office immediately.

Be advised if you fail to appear, you will be found guilty by default. Additional fees of up to \$75.00 per police officer may be imposed.

Sincerely,

Dennis A. Marcou  
Municipal Judge

kch

# OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

RICHARD & TERI JOHNSON  
1512 MAIN ST  
LA CROSSE, WI 54601

Ref No: OTC-BLDG-020218-2022

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Parcel: 17-20229-100 (1521 MAIN ST )

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A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of La Crosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of La Crosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: 10/17/2022, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

*VIOLATION: PER MUNICIPAL CODE SEC 115-390.(2)C. Only one yard shed is allowed and cannot exceed 120 square feet. Please remove the the recently constructed yard shed. Also, a permit is required for the construction of yard sheds per the municipal code.*

Pursuant to the City of La Crosse Municipal Code of Ordinances.

By order of the Fire Department - Division of Community Risk Management per Inspector: Kelsey.

For further information, call the above named Inspector at (608) 789-8675 or the department's main number (608) 789-7530. Department hours are from 7:30 a.m. to 4:30 p.m. weekdays.

This order was served via US Mail on 09/16/2022.

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Inspector: *Kelsey*

By Kelsey on 09/16/2022



## OFFICIAL ORDER TO CORRECT CONDITION OF PREMISES

RICHARD & TERRI JOHNSON  
1521 MAIN ST  
LA CROSSE, WI 54601

Ref No: **OTC-BLDG-020218-2022**

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Parcel: **17-20229-100** (1521 MAIN ST )

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A recent inspection of the above captioned premises revealed conditions that are in violation of the Ordinances for the City of La Crosse and/or Wisconsin Administrative Code. Failure to correct the violations noted herein within the time set or failure to comply with the notice may subject you to prosecution and to penalties of up to \$500.00 per violation and/or other penalties in the manner provided in of the City of La Crosse Municipal Code.

You are hereby ordered to correct each violation listed below by the following date: 11/28/2022, except as otherwise set forth below. Your failure to maintain compliance with this order may subject you to prosecution as noted above.

*VIOLATION: PER MUNICIPAL CODE SEC 115-390.(2)C. Only one yard shed is allowed and cannot exceed 120 square feet. Please remove the the recently constructed yard shed. Also, a permit is required for the construction of yard sheds per the municipal code.*

Pursuant to the City of La Crosse Municipal Code of Ordinances.

By order of the Fire Department - Division of Community Risk Management per Inspector: Kelsey.

For further information, call the above named Inspector at (608) 789-8675 or the department's main number (608) 789-7530. Department hours are from 7:30 a.m. to 4:30 p.m. weekdays.

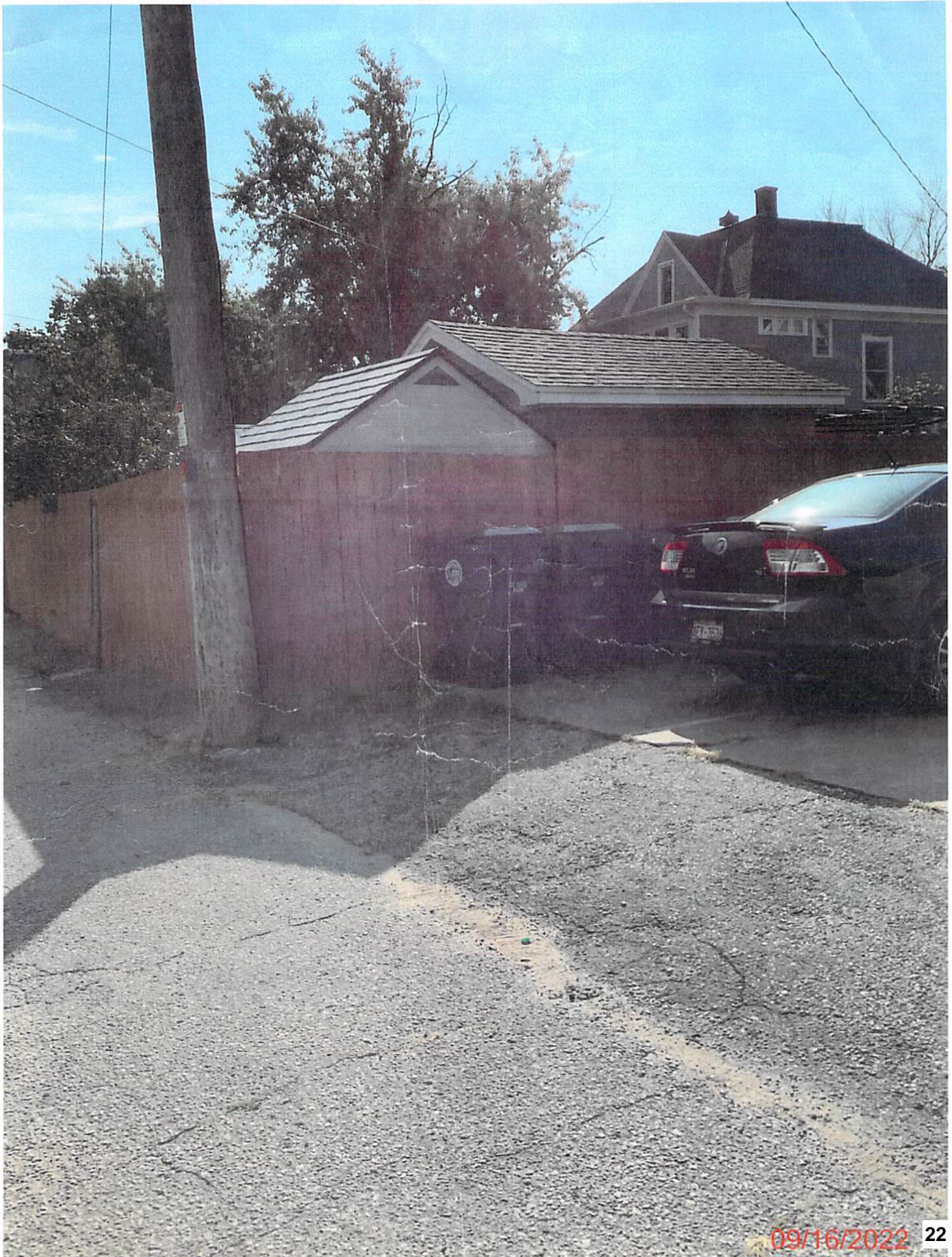
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This order was served via US Mail on 09/28/2022.

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Inspector: *Kelsey*

By Kelsey on 09/16/2022





Richie Johnson <rjohnson@laxymca.org>



**Property Variance 1521 Main St**

1 message

**Richie Johnson** <rjohnson@laxymca.org>  
To: Richie Johnson <rjohnson@laxymca.org>

Wed, May 31, 2023 at 10:51 AM

To the Board of Zoning Appeals Variance Application

In July of 2022, my wife called in a complaint about the neighbors from a rental house east of my house (1521 Main St) and how they were parking in the alley and in the yard. A couple of weeks later we get a letter saying we have broken a code violation 115-390. When we moved into our house in 1999 there was an existing 8x10 dilapidated storage bin, which was a hazard to the neighborhood. I took it down and in 2017 added a 5x6 storage bin. In all these years not one neighbor has complained. I have been to court numerous times trying to rectify the situation. I do not trust the City of LaCrosse Municipal Court simply because of their unprofessional bullying tactics to have financial gain by sending me fines. I even offer to pay for a permit for a storage bin, that has been standing for Five years. I was denied! This is over a 5x6 plastic storage bin that sits on the concrete of the existing storage bin. The City of LaCrosse is being very vindictive toward honest taxpayers, for trying to keep our neighborhood respectful. I respectfully told them to reimburse us for our property taxes for the last five, that you asset my property value with the storage bin there.

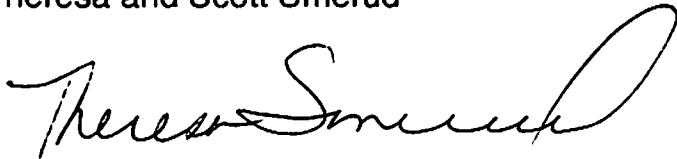
Thank You! Richie Johnson

To Whom it may concern:

I am a close neighbor to Rich and Terri Johnson at 1521 Main Street. I was made aware that they are seeking a variance from the city for a garden shed that is on their property, out of view from others, behind a high fence in the alley. I have been a neighbor for over 25 years, and I just found out about it today! I see absolutely no reason that a nice looking, well maintained shed would be considered inappropriate for our neighborhood, especially, since many of the single family resident properties in the past few years, have been purchased for, and made into college housing. We have had to witness the the quality of beautiful family homes deteriate before our eyes to accommodate extra parking, extra garbage, and the elevation of significant noise well int to the morning hours and not to mention the decrease in perceived value of our properties.

Therefore, I fully support the garden shed in the Johnson's private back yard.

Sincerely,  
Theresa and Scott Smerud

A handwritten signature in black ink, appearing to read "Theresa Smerud". The signature is written in a cursive style with a large, looping flourish at the end.





# 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.

<b>Tax Parcel</b>	<b>OwnerName</b>	<b>PROPADDCOMP</b>	<b>MAILING Address</b>	<b>MailCityStateZip</b>
17-20128-60	WISCONSIN EVANGELICAL LUTHERAN SYNOD	1530 MAIN ST	N16W23377 STONE RIDGE DR	WAUKESHA WI 53188-1108
17-20128-70	TRAVIS G WRIGHT	1522 MAIN ST	1522 MAIN ST	LA CROSSE WI 54601-4226
	COLIN H KLOS TRUST AGREEMENT			
17-20130-30	DIANN M KLOS TRUST AGREEMENT	1516 MAIN ST	1516 MAIN ST	LA CROSSE WI 54601-4226
17-20130-40	BLUFFVIEW HOLDINGS LLC	1508 & 1510 MAIN ST	2028 ROSE CT	LA CROSSE WI 54603
17-20228-140	MARY J GANDER	119 16TH ST N	66 BUCK RIDGE DR	WINONA MN 55987
17-20229-110	SCOTT J SMERUD, THERESA M SMERUD	1525 MAIN ST	1525 MAIN ST	LA CROSSE WI 54601-4261
17-20229-120	KENNETH A OGORZALEK, KIMBERLY J MORRIS	1535 MAIN ST	1535 MAIN ST	LA CROSSE WI 54601
17-20229-130	BARRE MEADOWS LLC	113 16TH ST N	N3645 OLD M RD	WEST SALEM WI 54669
17-20229-20	BRIAN C MILLER	1526 STATE ST	1820 TAHOE PL	ONALASKA WI 54650
17-20229-30	BENJAMIN H THOMPSON, CHRISTINA THOMPSON	1520 & 1522 STATE ST	1520 STATE ST	LA CROSSE WI 54601
17-20229-40	PAUL T NELSON, OPAL Z TULPO	1512 STATE ST	1512 STATE ST	LA CROSSE WI 54601
17-20229-50	ROBERT G SEWELL, DIANE L SEWELL	1510 STATE ST	1510 STATE ST	LA CROSSE WI 54601-3653
17-20229-80	ANDREW J DAHL, JAMIE E DAHL	1511 MAIN ST	1511 MAIN ST	LA CROSSE WI 54601
17-20229-90	OLYMPIC PROPERTIES LLC	1513 & 1515 MAIN ST	PO BOX 2896	LA CROSSE WI 54602-2896

Applicant: RICHARD E JOHNSON, TERRI L JOHNSON 1521 MAIN ST 1521 MAIN ST LA CROSSE WI 54601



# Board of Zoning Appeals

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JUNE 19TH, 2023

4:00 PM

# Requirements for granting a variance

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- Unnecessary Hardship
- Unique Property Limitations
- No Harm to Public Interest



2330 MISSISSIPPI ST

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# 2330 MISSISSIPPI ST

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- The applicant has applied for a permit to construct a new attached garage at this address.
- Municipal code 115-142(c)(1) Area regulations.

*Front yard, side yard and rear yard.* Front yard, side yard and rear yard regulations applicable in the Residence District shall apply to the Single Family Residence District.

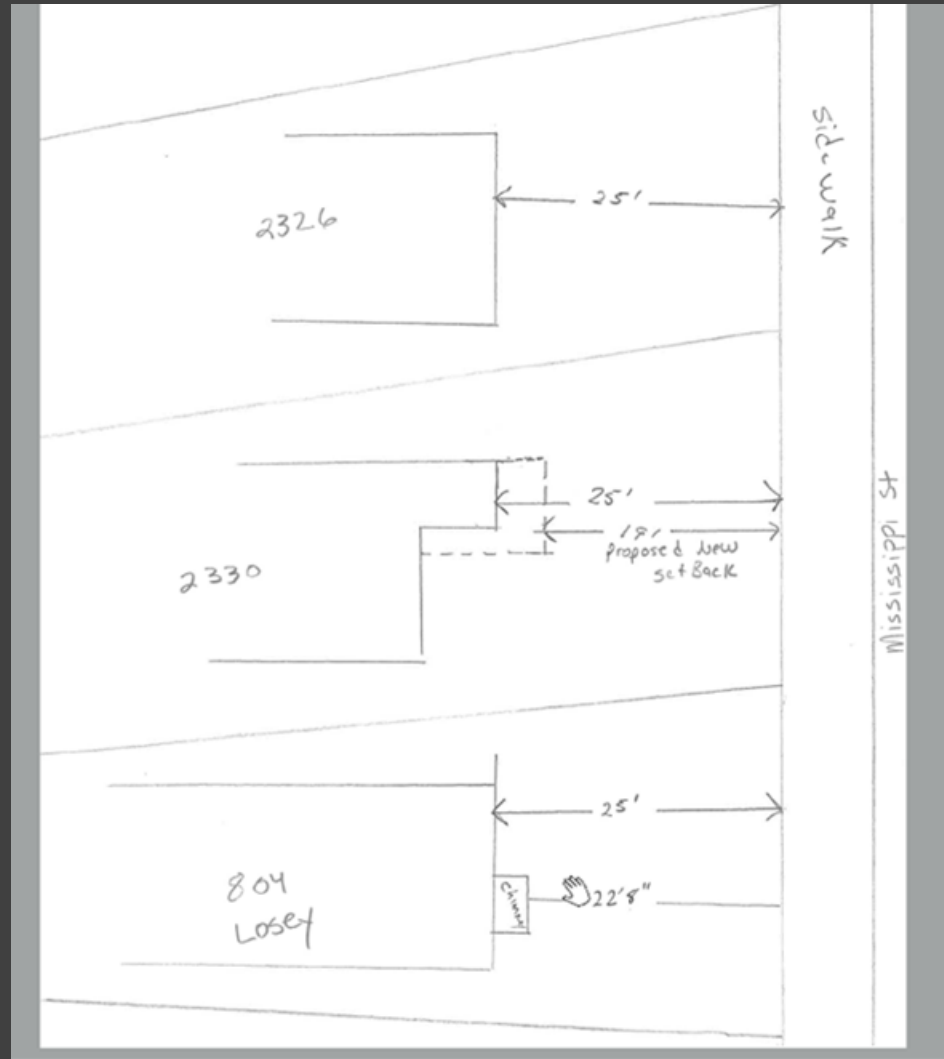
- Municipal code 115-143(c)(2) *Front yards.*

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; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case.

# 2330 Mississippi St.

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- The required front yard setback for this property is 25 feet.
- The owner proposes a front yard setback of 19 feet.
- A variance of 6 feet to the required 25 foot setback will be needed for this project to proceed as proposed.



2324

30163-60

2326

30163-50

2330

30163-40

30163-20

804

LOSEY BLVD-S



La Crosse, Wisconsin  
View on Google Maps

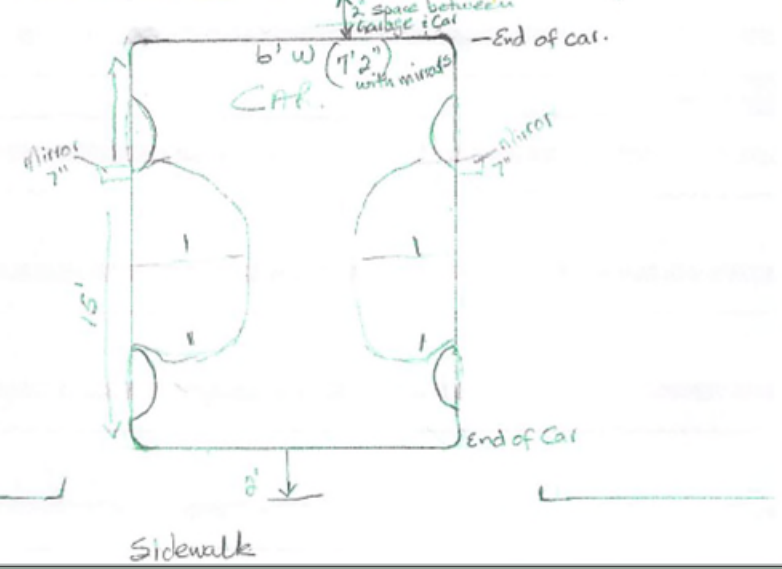
Drawing # 1

New Look - 2330 Mississippi St,  
La Crosse, WI 54601





Drawing #2  
Garage





## 2330 Mississippi St.

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There was no hardship stated in the application.

There is a unique property limitation because there is no alley access.

There is no harm to the public interest.

700 WEST AVE S

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# 700 WEST AVE S

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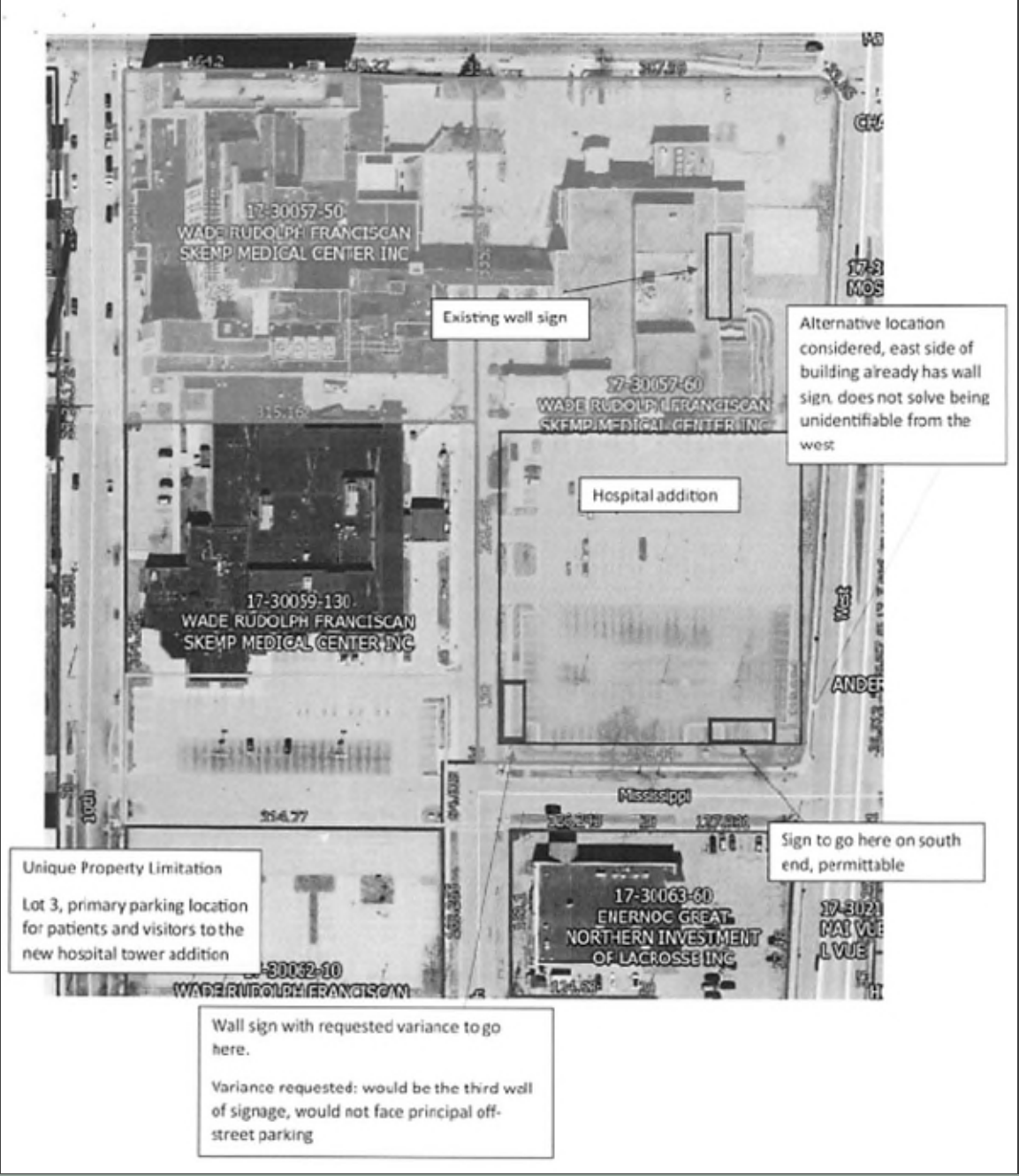
- The applicant has applied for a permit to add a wall sign to a third wall of the building that does not face the buildings principal off-street parking.
- Municipal code 111-94.-Wall Signs.

*Wall signs may be placed on **no more than two separate walls of a building. Such signs may be placed only on walls facing a public street or the principal off-street parking area serving the building.** On walls less than 75 feet tall, signage may cover not more than 25 percent of the area of each wall measured at the first 30 feet in height. On walls 75 feet in height or more, signage may take up no more than ten percent of the area of the wall. No wall sign shall exceed 672 square feet.*

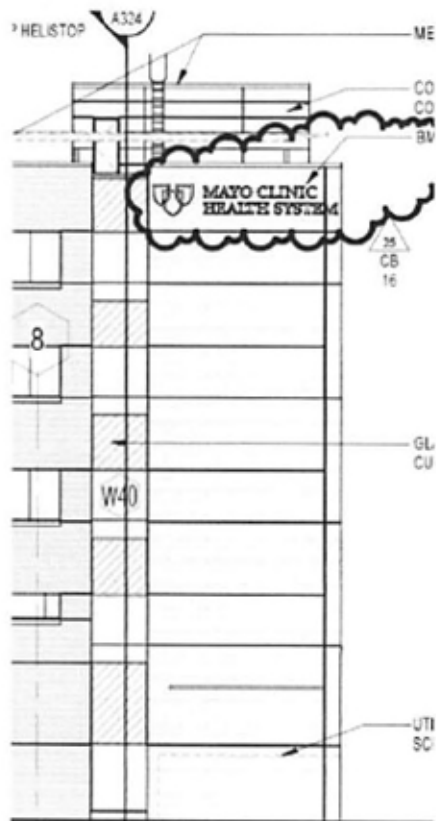
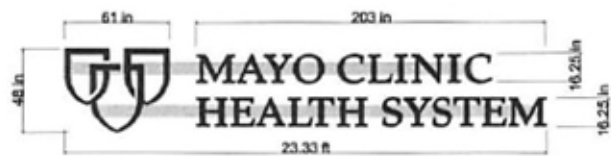
# 700 WEST AVE S.

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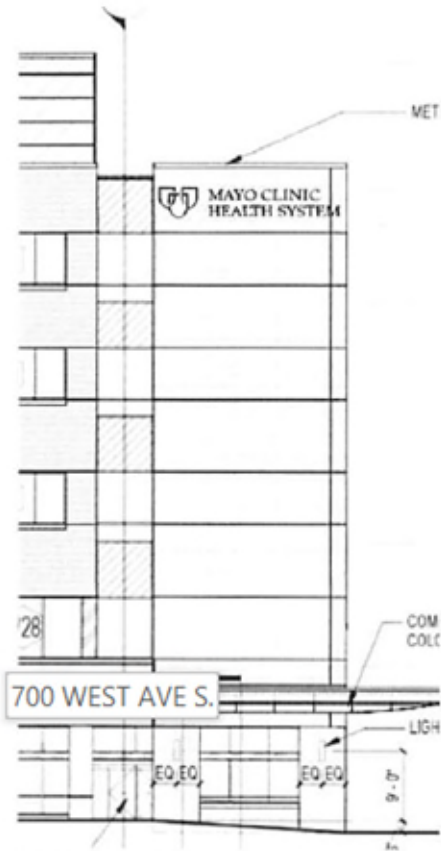
- Wall signs are only allowed on two separate walls of a building and the walls must face a street or principal parking for that building.
- The applicant is proposing to install a wall sign, located on a third wall, which does not face the buildings primary off-street parking or a public street.
- Two variances will be required for this proposal to proceed as submitted. One variance to allow a wall sign on a third wall of the building and a second to allow for that sign to not face the buildings primary off-street parking or a public street.



Face-Lit Channel Letters on Raceways



South Elevation



West Elevation

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

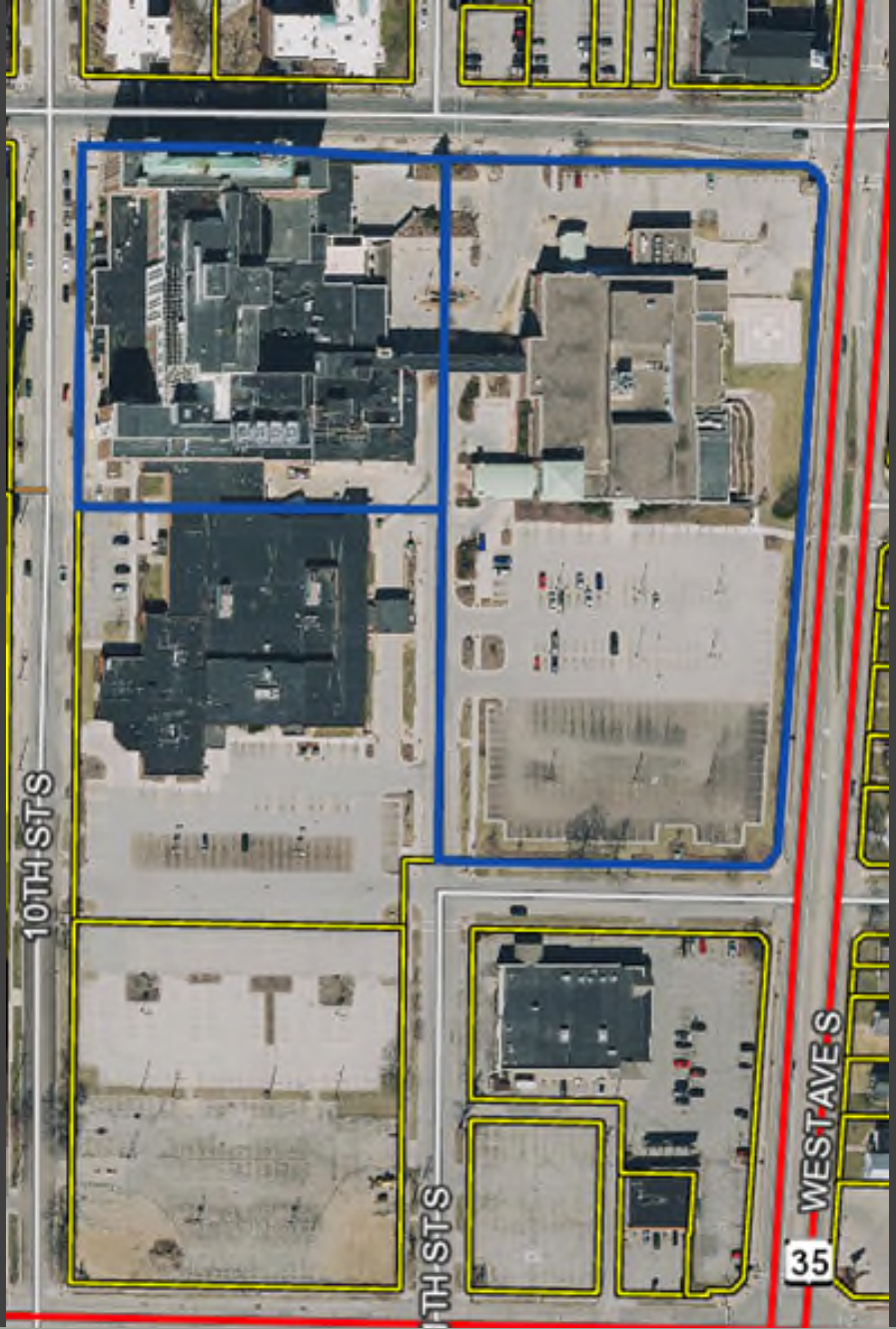
Landlord: \_\_\_\_\_ Date: \_\_\_\_\_

\*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.

\*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

800 West Ave S  
La Crosse, Wisconsin  
[View on Google Maps](#)







# 700 WEST AVE S

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This is a self created hardship.

There is no unique property limitation.

This commercial lot is bigger than most lots in the City.

There is no harm to the public interest.

1521 MAIN ST

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# 1521 MAIN ST

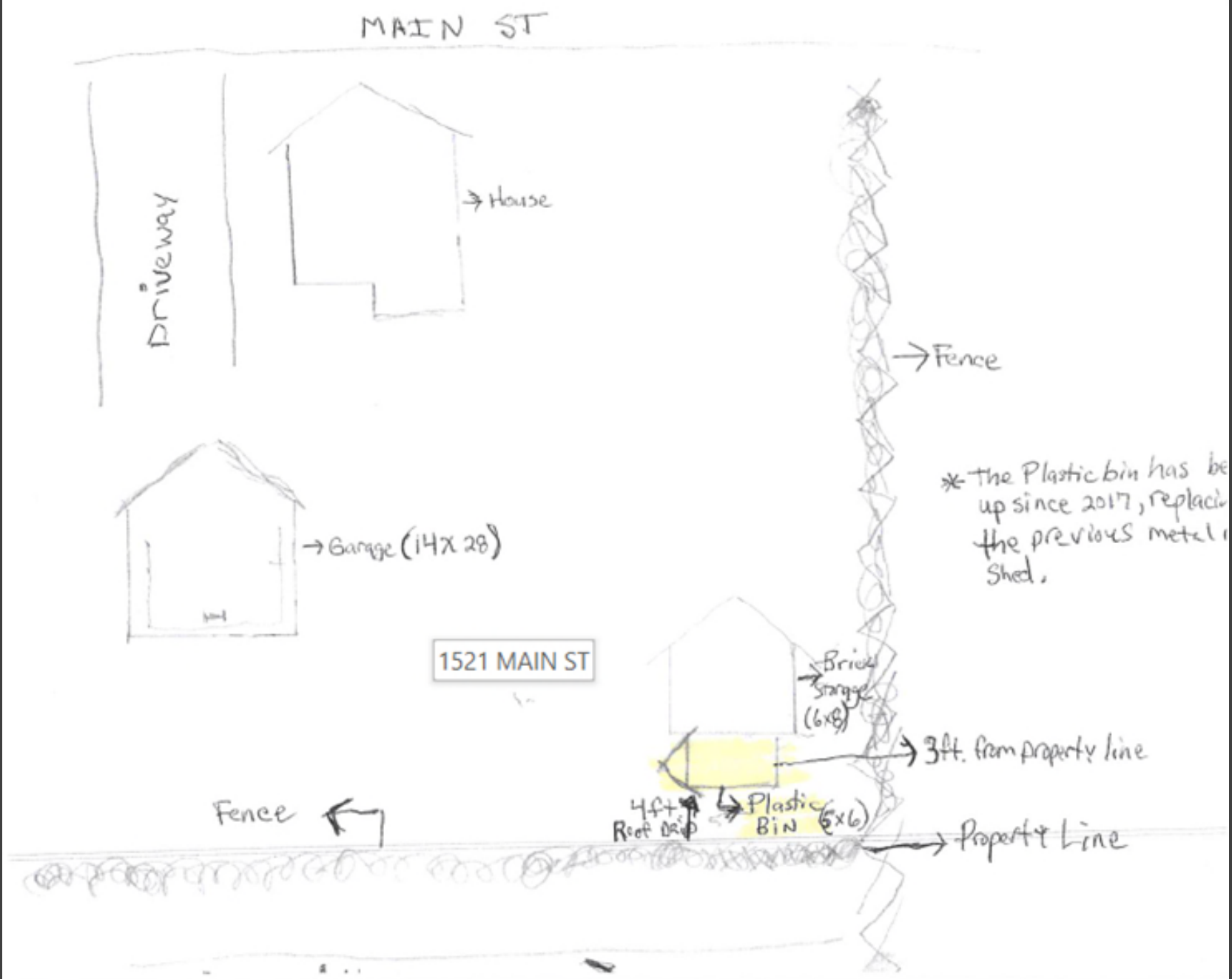
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- The applicant has applied for a permit to have a second yard shed installed on the property in addition to the existing yard shed and detached garage.
- Municipal code 115-390(2)(c).
- In all residential zoning districts the aggregate building area 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.

# 1521 MAIN ST

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- Only a single yard shed is allowed on a parcel.
- The applicant is proposing to install a second yard shed on the property.
- A variance allowing two yard sheds on a parcel will be needed for this project to proceed as proposed.







# 1521 MAIN ST

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- This presentation shall be added to the minutes of this meeting



\*\*\* Proof of Publication \*\*\*

Lee Enterprises Proof of Publication Affidavit

Retain this portion for your records. Please do not remit payment until you receive your advertising invoice.

Mail to:

LA CROSSE CITY CLERK  
NIKKI ELSEN  
400 LA CROSSE ST  
LA CROSSE WI 54601

ORDER NUMBER 122401

STATE OF WISCONSIN

La Crosse County } ss.

*Artene Staff*

being duly sworn, doth depose and say that he (she) is an authorized representative of Lee Enterprises, publishers of

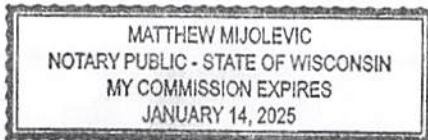
LA CROSS TRIBUNE

a newspaper, at La Crosse, the seat of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on the dates listed below.

Sworn to and subscribed before me this 13 day of JUN 2023, 2023

(Signed) *Artene Staff*  
(Title) Principal Clerk

Notary Public, Wisconsin



My Commission expires  
Section: Legals  
Category: 0001 Wisconsin Legals  
PUBLISHED ON: 06/13/2023

TOTAL AD COST: 73.11  
FILED ON: 6/12/2023

Notice is hereby given that the Board of Zoning Appeals will hear the following variance appeals in the Council Chambers on the first floor of City Hall, 400 La Crosse Street, at 4:00 p.m. on Monday, June 19, 2023:

2668 - An appeal regarding the requirement to provide a 25 foot setback from the front property line at 2330 Mississippi St., La Crosse, Wisconsin.

2669 - An appeal regarding the requirement that wall signs may be placed on no more than two separate walls of a building and signs must face a street or principal parking lot at 700 West Ave S, La Crosse, Wisconsin.

2670 - An appeal regarding the regulation limiting residential accessory structures to a maximum of 35 percent of the rear yard square footage at 1521 Main St., La Crosse, Wisconsin.

The Board of Zoning Appeals meeting is open in-person attendance and will also be conducted through video conferencing. The meeting can be viewed by visiting the Legislative Information Center & clicking on the "In Progress" video link to the far right in the meeting list (<https://cityoflacrosse.legistar.com/Calendar.aspx>).

Property owners affected by an appeal may appear either in person, by agent, or by attorney, and may express their written approval of or objection to the granting of the appeal by filing a letter in the office of the City Clerk, or in lieu thereof may, upon oath, testify thereto. Written comments are encouraged to be submit in writing prior to the meeting and should be submitted to [craigs@cityoflacrosse.org](mailto:craigs@cityoflacrosse.org), dropped in a drop box outside of City Hall, or mailed to the City Clerk, 400 La Crosse Street, La Crosse WI 54601. Questions, call 608 789 7510.

Notice is further given that members of other governmental bodies may be present at the above scheduled meeting to gather information about a subject over which they have decision making responsibility.

NOTICE TO PERSONS WITH A DISABILITY

Requests from persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (608) 789 7510 or send an email to [ADAcity-clerk@cityoflacrosse.org](mailto:ADAcity-clerk@cityoflacrosse.org), with as much advance notice as possible.

Dated this 6th day of June, 2023  
Board of Zoning Appeals  
Nikki Elsen, Secretary  
6/13 LAC 122401 WNXALP



Rich and Terri Johnson  
1521 Main Street  
La Crosse, WI 54601  
[teamjohnson5@aol.com](mailto:teamjohnson5@aol.com)

Wednesday, July 5th, 2023

City of La Crosse Board of Zoning Appeals  
400 La Crosse Street  
La Crosse, WI 54601



Dear City of La Crosse Board of Zoning Appeals,

I hope this letter finds you well. I am writing to request a variance for my property located at 1521 Main Street, La Crosse, Wisconsin. I believe that granting this variance would be both reasonable and justifiable, considering the unique circumstances surrounding my property. I kindly ask for your support in approving my request.

One of the main factors supporting my variance request is the unique nature of my property and its distinct challenges. The property possesses a special or unique condition that warrants careful consideration. Constructed in 1949, well before the implementation of modern zoning ordinances, the property predates many of the existing regulations that govern its use. The property, being the final lot developed in the neighborhood, encountered limitations in terms of available space. Consequently, the structures on the property, including the garage and shed, were constructed with smaller dimensions due to the tight spatial constraints between the neighboring properties. Unfortunately, the current size of the garage and shed does not adequately accommodate the necessary materials required for proper maintenance of the property and to maintain its historical nature. In my pursuit of finding a suitable solution, I thoroughly explored the possibility of expanding the original storage shed adjacent to the one which initiated this sequence of events. Upon careful examination, it became evident that expanding the existing shed would necessitate the complete demolition of the entire structure. However, I am committed to preserving the historical significance of the property and have no intention of diminishing its unique character by demolishing the shed.

Furthermore, it is important to consider the minimal impact that granting this variance would have on the surrounding community. The proposed changes align with the overall aesthetics and character of the area and would not disrupt the harmony of the community. Notably, no arguments have been presented to suggest that granting this variance would be in any way contrary to the public interest. In fact, the Board received an unequivocal letter of support for the variance from our neighbor, further substantiating the fact that the proposed variance unequivocally aligns with the best interests and desires of the public.

I kindly request the Board's support in approving the variance for my property. I am confident that granting the variance would not only address the unique challenges I face but also promote a harmonious and balanced community. I am prepared to work closely with the Board to address any concerns and ensure that the variance aligns with the goals and objectives of the zoning regulations.

Sincerely,

Rich and Terri Johnson



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2680

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**Agenda Date:** 2/19/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**

## Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: \_\_\_\_\_

Filing Fee: 300.00

Date Filed: \_\_\_\_\_

Date Paid: \_\_\_\_\_

Application Complete: Yes  No \_\_\_\_\_

Reviewed By AB (Initial)

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	Elizabeth Jensen	Drumlin Fence LLC
Address	632 Kane St. La Crosse, WI 54603	3520 Sky Terrace Deerfield, WI 53531
Phone	608-397-5388	608-218-5586

Legal Description: 632 Kane St., City of La Crosse, Wis.

Tax Parcel Number: 1710071120

Lot Dimensions and Area: 162.17 x 59.89 feet = 9,583 sqft sq. ft.

Zoning District: La Crosse

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

**Process:**

At the time of application, you will be asked to:

- **Complete an application form** and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(to be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

**(a) Current use and improvements.**

The fence is in disrepair and being held together with chicken wire. The children in the home are able to get through the fence. All children in the home have special needs and are prone to elopement (running). The children are also able to climb on the fence by using the supports.

**(b) Proposed Use.**

The new fence would be built to ensure the children's safety in and around the home. The fence supports would not be on the inside so the children could not utilize them to climb over and potentially fall. The fence would also be built 2 feet higher than the previous fence to further prevent elopement.

**(c) Description and date of any prior petition for variance, appeal, or special exception.**

Not applicable

(d) Description and location of all nonconforming structures and uses on the property.

The fence borders the perimeter of the house and is utilized as safety prevention around elopement for the children in the home with special needs.

(e) Ordinance standard from which variance is being sought (include code citation).

Sec. 115-398. - Fences and hedges.

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.

(f) Describe the variance requested.

Leave the fence with the decorative side facing inward. This prevents the children in the home from being able to easily climb the fence and eloping or falling.

(g) Specify the reason for the request.

The family has three children who are sensory seeking and lack appropriate safety awareness. The oldest (age 5) is risk seeker and will run when given the opportunity. She is too friendly with strangers and will come up to them and try to hug them. The fence would allow for the whole family to be outside safely without the risk of the youth running into the busy streets.

(h) Describe the effects on the **property** if the variance is not granted.

If the fence were to be taken down due to the variance not being granted, there would be no safety barrier for the children surrounding the home. The children would be at risk for running into the community and may lead to being in unsafe situations due the vulnerability of the children.

## 2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

It was considered for the fence to be built following the typical finished side out. However, due to the children being able to climb over the existing 4 foot fence. It was decided to reverse the fence finish to further protect the youth from elopement.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

There is the potential for additional boards to be placed on the outside of the fence to reflect a finished look on the outside.

### Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

#### **1. Unique Property Limitation.** *(To be completed by the applicant).*

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

- Yes.** Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

There are no existing barriers on the property to prevent the children from eloping and running into the street. Safety features have been added in the home. However, the children should have the opportunity to be outside in the yard safely.

- No.** A variance cannot be granted.

## 2. No Harm to Public Interest.

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

### (a) Ordinance Purpose. (To be completed by zoning staff).

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.



**(b) Purpose(s) of Standard from which Variance is Requested.** *(To be completed by zoning staff.)*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(c) Analysis of Impacts.** *(To be completed by applicant.)*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

**(1) Short-term Impacts** (through the completion of construction):

- Impact: There is no imminent harm to the public's interest.  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

(2) **Long-term Impacts** (after construction is completed):

- **Impact:**  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:
  
- **Impact:**  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

(3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):

- **Impact:**  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:
  
- **Impact:**  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:

**Will granting the variance harm the public interest?**

- Yes. A variance cannot be granted.
- No. Mitigation measures described above will be implemented to protect the public interest.

**3. Unnecessary Hardship. (To be completed by the applicant).**

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

**Are you applying for an area variance or a use variance?** **Area variance** **Use variance****Is unnecessary hardship present?** **Yes. Describe.**

The intent is to keep the children with special needs living in the home safe and able to spend time in their back yard safely. Without a barrier surrounding the property, the children would be at risk for elopement.

 **No. A variance cannot be granted.****Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

**Part D: Authorization to Examine**

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 632 Kane St.  
\_\_\_\_\_  
(Address where variance is sought)

Date: 1/5/24 Signature of Owner: Elizabeth Jensen

**Part E: Certification.**

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

**Submit completed application to:** Board of Zoning Appeals  
400 La Crosse St.  
Clerk's Office - 2nd Floor  
La Crosse, Wisconsin 54601

**Submit complete copy to:** Chief Inspector  
400 La Crosse St.  
City of La Crosse Fire Department -  
Division  
of Community Risk Management  
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) Elizabeth Jensen

Date: 1/5/24

Signed: (Owner, if different from applicant) \_\_\_\_\_

Date: \_\_\_\_\_

THE APPLICANT OR AGENT

THE OWNER

By: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF WISCONSIN )

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

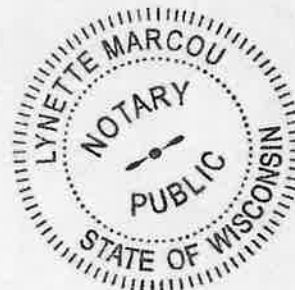
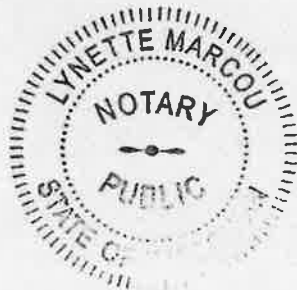
COUNTY OF LA CROSSE )

Personally came before me this 5<sup>th</sup> day of January, 2024, the above named Elizabeth Jensen to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this 5<sup>th</sup> day of January, 2024, the above named Elizabeth Jensen to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Lynette Marcou  
Notary Public, La Crosse County, WI  
My commission expires: 9/27/25

Lynette Marcou  
Notary Public, La Crosse County, WI  
My commission expires: 9/25/25





# 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>



12/8/2023

Elizabeth Jensen

632 Kane St

La Crosse, WI 54603

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

Dear Elizabeth Jensen,

We have received the permit application to install a new 6-foot-tall wooden dog ear fence that does not meet the requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding fence installation.

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

Sec. 115-398. - Fences and hedges.

(c) Height and setback of fences regulated. (1) (d). 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.

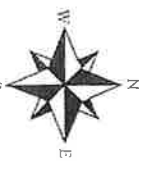
Therefore, if upon consideration of all of the facts surrounding this appeal in a public hearing, the Board of Zoning Appeals determines that this appeal meets all of the criteria established by the Legislature of the State of Wisconsin, as interpreted by the Supreme Court of the State of Wisconsin for the granting of variances, the Board of Zoning Appeals would have to grant a variance allowing the fence to be installed with the decorative side of the fence not facing the adjoining properties.

Sincerely,

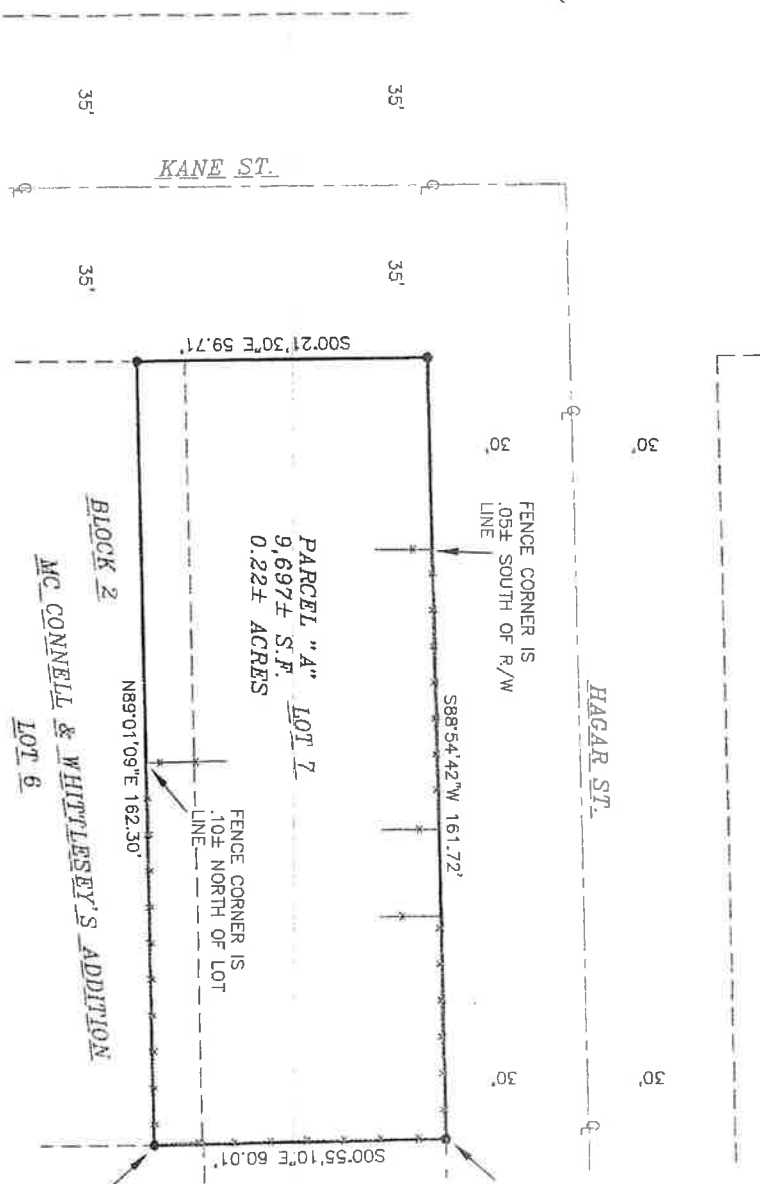
Andy Berzinski

Building Inspector

**PLAT OF SURVEY**  
 THE NORTH 10 FEET OF LOT 6 & ALL LOT 7, BLOCK 16, OF MC CONNELL &  
 WHITTLESEY'S ADDITION TO NORTH LA CROSSE, NOW CITY OF LA CROSSE,  
 BEING PART OF THE SE-NW OF SECTION 29, T16N, R7W, CITY OF LA CROSSE,  
 LA CROSSE COUNTY, WISCONSIN.



BEARING REF  
 LA CROSSE COUNTY  
 COORD. SYSTEM



I, CHRISTIAN J. RUNNING, PROFESSIONAL LAND  
 SURVEYOR, HEREBY CERTIFY: THAT THIS  
 SURVEY FOR LA CROSSE COUNTY COMPLES  
 WITH AE-7 OF THE WISCONSIN STATUTES AND  
 IS TRUE AND CORRECT TO THE BEST OF MY  
 KNOWLEDGE AND BELIEF.  
 CHRISTIAN J. RUNNING  
 PLS 2558  
 DATE: 12/07/2023



LEGEND  
 ● FOUND 1" IRON PIPE, UNLESS NOTED

FENCE CORNER IS  
 .20± NORTH AND  
 .20± WEST OF LOT  
 CORNER

FENCE CORNER IS  
 .10± NORTH OF LOT  
 LINE

FENCE CORNER IS  
 .05± SOUTH OF R/W  
 LINE

FILE: CITY OF LACROSSE 2023 KANE AND HAGAR



Tax Parcel Number	OwnerName	PROPADDCOMP
17-10068-100	IMPACT LACROSSE LLC	1022 ST CLOUD ST
17-10070-80	DAMROW LLC	700 KANE ST
17-10071-115	STEVEN CLEVELAND, DIANE CLEVELAND	628 KANE ST
17-10071-130	TOP LEASCO LIMITED PARTNERSHIP	611 GEORGE ST
17-10071-60	REINHART REAL ESTATE GROUP INC	701 GEORGE ST
17-10071-120	ELIZABETH A JENSEN	632 KANE ST

CompleteAddress	MailCityStateZip
2961 DECKER DR	RICE LAKE, WI 54868
W6524 SCHILLING RD	ONALASKA, WI 54650-9328
W4546 KINNEY COULEE RD N	ONALASKA, WI 54650
PO BOX 1036	WINONA, MN 55987-1036
PO BOX 2228	LA CROSSE, WI 54602-2228
632 KANE ST	LA CROSSE, WI 54603-2922





# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2681

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**Agenda Date:** 2/19/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**

## Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: \_\_\_\_\_ Filing Fee: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_ Date Paid: \_\_\_\_\_  
 Application Complete: Yes  No  Reviewed By MS (Initial)

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.  
 Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month's Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	STEVE SCHLICHT	S+S FRAMING
Address	1910 S. 31 <sup>ST</sup> ST.	729 LACROSSE ST.
Phone	608-780-3570	608-780-3570

Legal Description: LOT 18 IN BLOCK 8 SIMONSONS AD., City of La Crosse, Wis.  
 Tax Parcel Number: 17-30022-120  
 Lot Dimensions and Area: 144' x 53 feet. = 7632 sq. ft.  
 Zoning District: POWELL, POAGE, HAMILTON DISTRICT

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

**Process:**

At the time of application, you will be asked to:

- **Complete an application form** and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(To be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

empty lot

(b) Proposed Use.

BUILD TWIN HOME AND 2 CAR GARAGE

(c) Description and date of any prior petition for variance, appeal, or special exception.

none

(d) Description and location of all nonconforming structures and uses on the property.

Empty Lot now

(e) Ordinance standard from which variance is being sought (include code citation).

113-140 says every lot must be 30'  
on the street side, we are requesting  
both lots will be 26.5 feet

(f) Describe the variance requested.

Divide Lot in 2

(g) Specify the reason for the request.

Build Twin Home + Garage

(h) Describe the effects on the **property** if the variance is not granted.

would not be able to build twin home  
and provide lower cost housing

## 2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

WITH THE LOT BEING IN THE MIDDLE OF THE BLOCK, THERE IS A HOUSE ON THE LEFT & RIGHT, STREET IN FRONT AND GARAGE IN BACK ON ALLEY, THE ONLY WAY TO DIVIDE IS DOWN THE MIDDLE.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

THE ONLY ALTERNATIVE WOULD BE A SINGLE FAMILY HOME BUT MY AGREEMENT WITH THE CITY PLANNING DEPT. IS TO BUILD A TWIN-HOME AND SELL BOTH FOR UNDER \$200,000.

### Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

#### **1. Unique Property Limitation.** (To be completed by the applicant).

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.



Do unique physical characteristics of your property prevent compliance with the ordinance?

**Yes.** Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

THE 2 STRUCTURES PROPOSED HAVE TO BE  
CENTERS ON THE LOT TO SELL INDIVIDUALLY  
(PLAN ATTACHED)

**No.** A variance cannot be granted.

**2. No Harm to Public Interest.**

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

**(a) Ordinance Purpose.** *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(b) Purpose(s) of Standard from which Variance is Requested.** *(To be completed by zoning staff).*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(c) Analysis of Impacts.** *(To be completed by applicant).*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

**(1) Short-term Impacts** (through the completion of construction):

- Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

2 - TOWNHOMES READY FOR SALE IN THE SUMMER OF 2024

- Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

COMPLETE CONTRACT WITH CITY PLANNING DEPT.

**(2) Long-term Impacts (after construction is completed):**

## ● Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

ONCE COMPLETED, 2 BRAND NEW TOWNHOMES  
WITH GARAGE, NEW YARDS SODDED, NEW  
CONCRETE DRIVEWAYS + WALKS

## ● Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

**(3) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):**

## ● Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

MORE PEOPLE BECOMING HOMEOWNERS  
INCREASED TAX FOR THE CITY  
NEW CONSTRUCTION IN OLD NEIGHBORHOODS

## ● Impact:

Mitigation measure(s):

Extent to which mitigation reduces project impact:

**Will granting the variance harm the public interest?**

- Yes.** A variance cannot be granted.
- No.** Mitigation measures described above will be implemented to protect the public interest.

**3. Unnecessary Hardship. (To be completed by the applicant).**

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

**Are you applying for an area variance or a use variance?**

- Area variance**
- Use variance**

**Is unnecessary hardship present?**

- Yes. Describe.**

*THE LOT IN QUESTION WAS PURCHASED FROM THE CITY OF LACROSSE WITH THE PLANS OF A 2-UNIT TOWN-HOMES, PERMITS ALREADY PURCHASED, READY TO BUILD.*

- No. A variance cannot be granted.**

**Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

**Part D: Authorization to Examine**

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 943 Hood ST, La Crosse  
(Address where variance is sought)

Date: 1-24-24 Signature of Owner: 

**Part E: Certification.**

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

**Submit** completed application to: Board of Zoning Appeals  
400 La Crosse St.  
Clerk's Office- 2nd Floor  
La Crosse, Wisconsin 54601

**Submit** complete copy to: Chief Inspector  
400 La Crosse St.  
City of La Crosse Fire Department –  
Division  
of Community Risk Management  
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) Sue Phelps

Date: 1-24-24

Signed: (Owner, if different from applicant) Steve Schlicht

Date: 1-24-24

THE APPLICANT OR AGENT

By: Sue Phelps

THE OWNER

Steve Schlicht

STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

Personally came before me this 04 day of January, 2024 the above named Susan Phelps to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Carla A. Greene  
Notary Public, La Crosse County, WI  
My commission expires: 8-12-2027

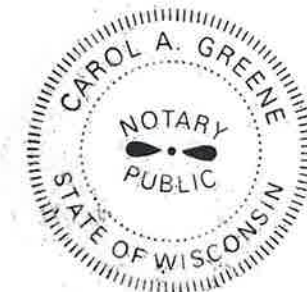


STATE OF WISCONSIN )

COUNTY OF LA CROSSE )

Personally came before me this 24 day of January, 2024 the above named Steve Schlicht to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Carla A. Greene  
Notary Public, La Crosse County, WI  
My commission expires: 8-12-2027



## Suntken, Mike

---

**From:** Reinhart, David  
**Sent:** Tuesday, January 9, 2024 10:38 AM  
**To:** Craig, Sondra  
**Cc:** Acklin, Tim; Trane, Andrea; Suntken, Mike  
**Subject:** RE: For Review: CSM - 943 Hood St.

Sondra,

This lot split cannot be approved per Municipal code section 113-140. (d) Access. 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 coterminous 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.

A variance would be required prior to approval.

Thanks.

## David Reinhart

Chief Building Inspector

La Crosse Fire Department

Division of Community Risk Management

400 La Crosse St., La Crosse, WI. 54601

Office: 608-789-7564



**From:** Craig, Sondra <craigs@cityoflacrosse.org>

**Sent:** Thursday, January 4, 2024 10:23 AM

**To:** Acklin, Tim <Acklint@cityoflacrosse.org>; Asp, Brian <aspb@cityoflacrosse.org>; Coman, Kyle <comank@cityoflacrosse.org>; Crandall, Jay <CrandallJ@cityoflacrosse.org>; Erickson, Tina <ericksont@cityoflacrosse.org>; Gallagher, Matthew <gallagerm@cityoflacrosse.org>; Holland, Michelle <hollandm@cityoflacrosse.org>; Neumann, Shannon <Neumanns@cityoflacrosse.org>; Reinhart, David <Reinhartd@cityoflacrosse.org>; Trane, Andrea <tranea@cityoflacrosse.org>

**Subject:** For Review: CSM - 943 Hood St.

Good morning,

Attached for your review is a CSM for 943 Hood Street. Please respond with your approval or comments.

Thank you,



# CERTIFIED SURVEY MAP

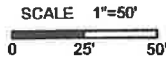
LOCATION: LOT 18, BLOCK 8, SIMONTONS ADDITION,  
 LOCATED IN PART OF THE SE 1/4-SW 1/4,  
 SECTION 5, T.15N., R.7W., CITY OF LA CROSSE,  
 LA CROSSE COUNTY, WI

PREPARED AT THE DIRECTION OF:

OWNER:  
 STEVE SCHLICHT  
 1910 31st STREET SOUTH  
 LA CROSSE, WI 54601

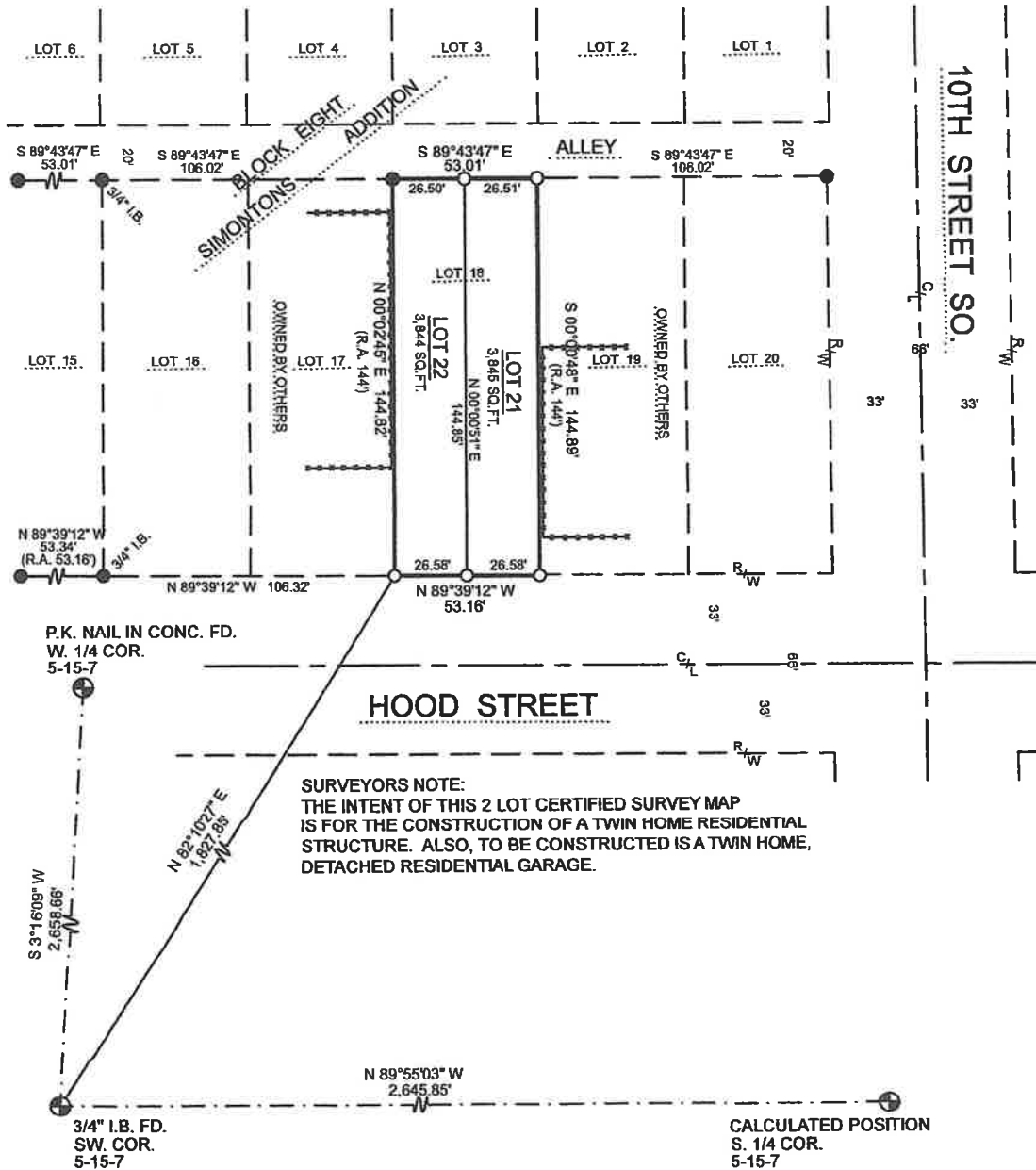


BEARINGS ARE REFERENCED TO THE  
 LA CROSSE COUNTY COORDINATE SYSTEM  
 WISCORS NAD 1983 (2011)  
 THE WEST LINE OF THE SW 1/4, SEC. 5-15-7 (S 3°16'09" W)



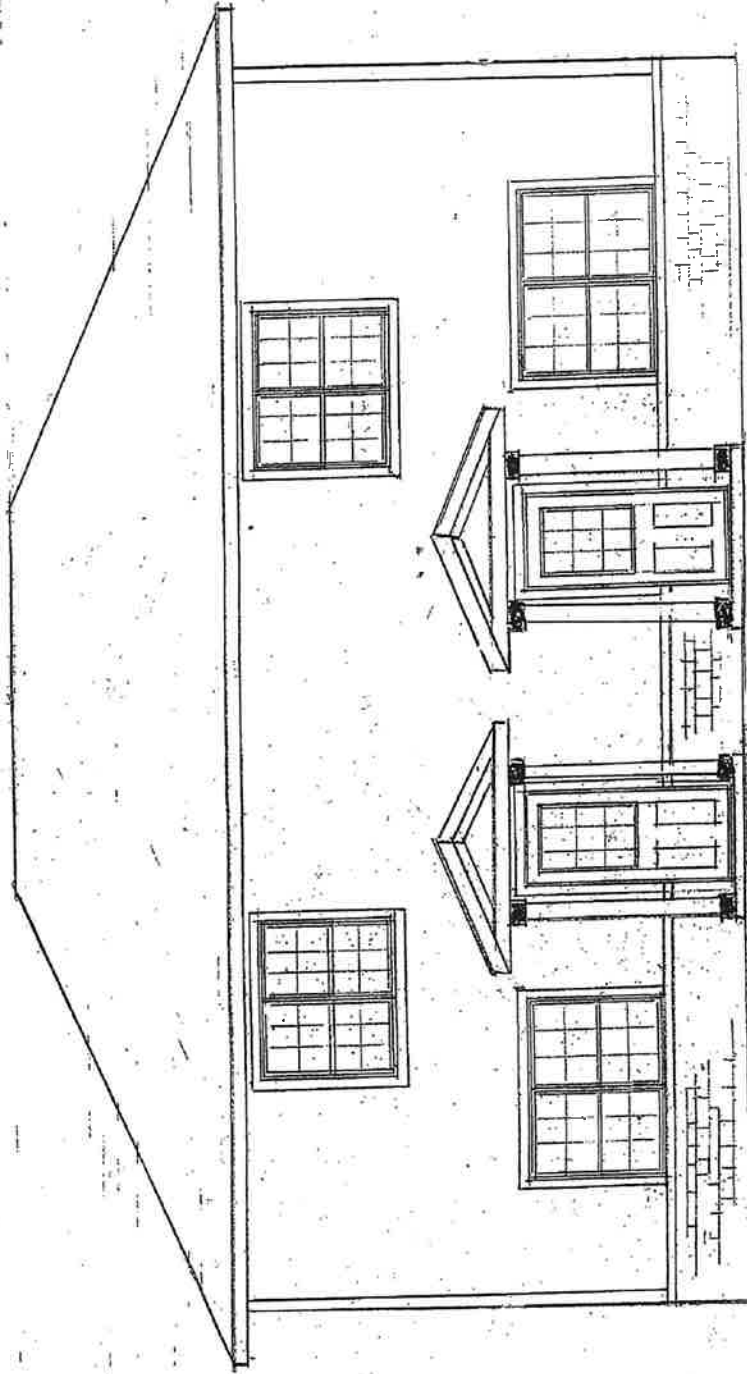
### LEGEND

- ⊕ = EXISTING SECTION CORNER MONUMENT AS NOTED
- = 3/4" X 24" ROUND IRON BAR SET WEIGHING 1.50 LBS. PER LIN. FT.
- = 1" I.P. FOUND UNLESS NOTED (R.A.) = RECORDED AS DIMENSION
- = EXISTING FENCE LINE



**SURVEYOR'S NOTE:**  
 THE INTENT OF THIS 2 LOT CERTIFIED SURVEY MAP  
 IS FOR THE CONSTRUCTION OF A TWIN HOME RESIDENTIAL  
 STRUCTURE. ALSO, TO BE CONSTRUCTED IS A TWIN HOME,  
 DETACHED RESIDENTIAL GARAGE.

New



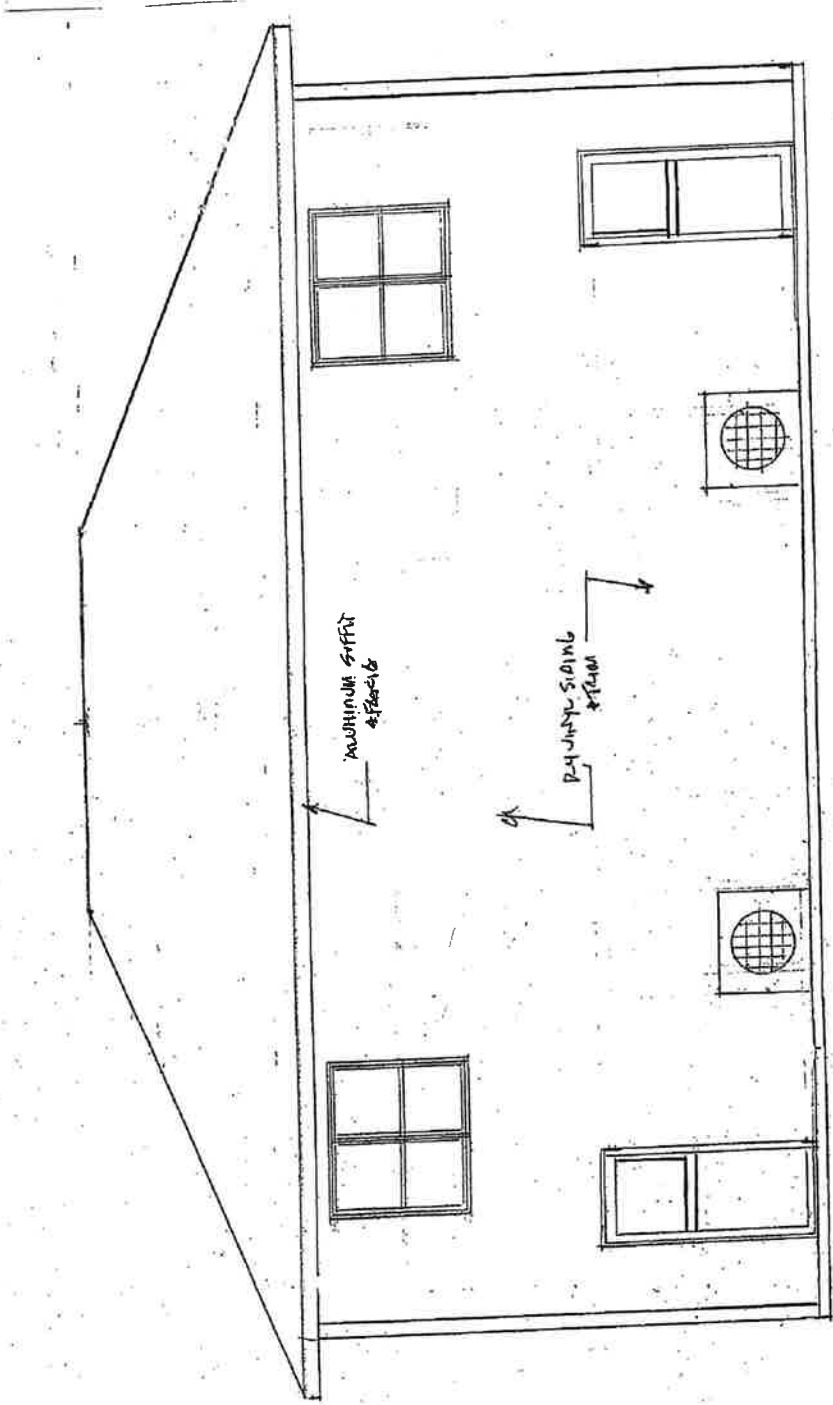
FRONT ELEVATION (NOT TO SCALE)

941-943 HOOD ST.

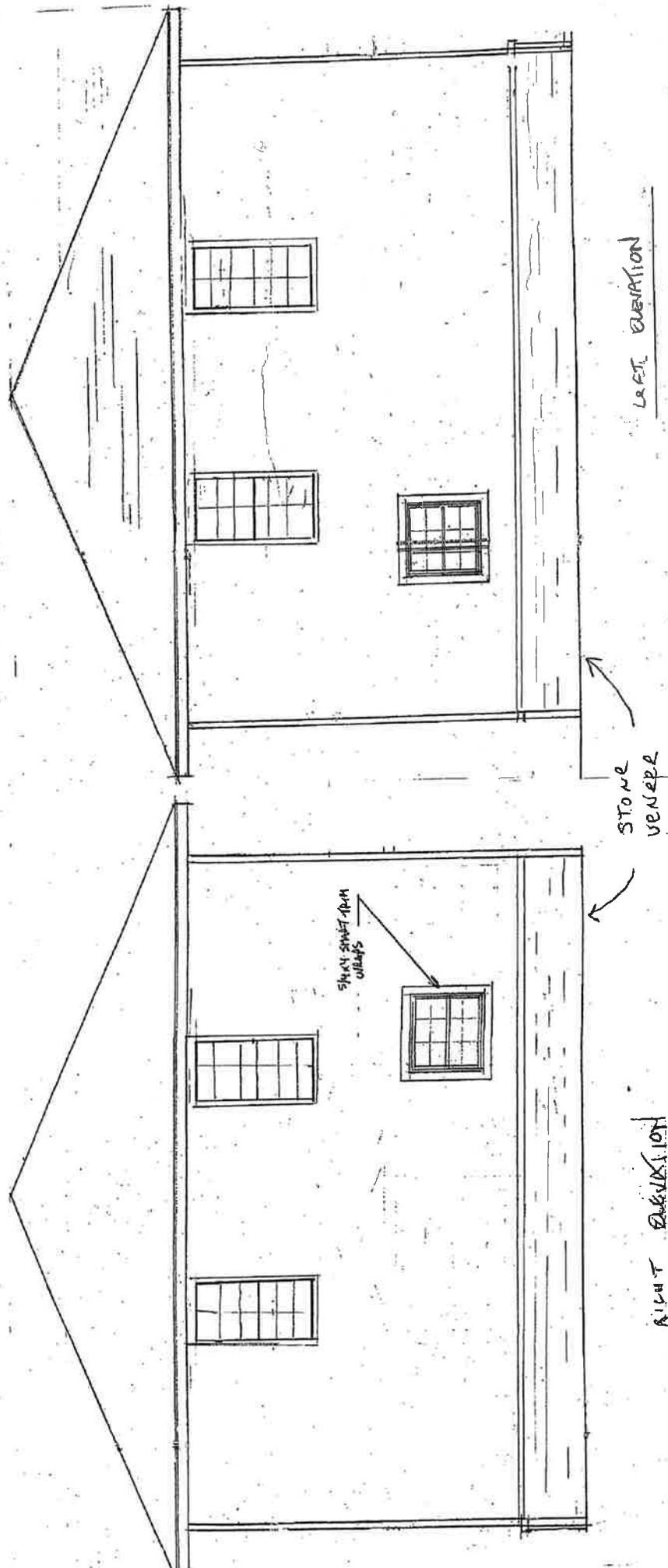
TWIN HOME

FRONT
ELEVATION

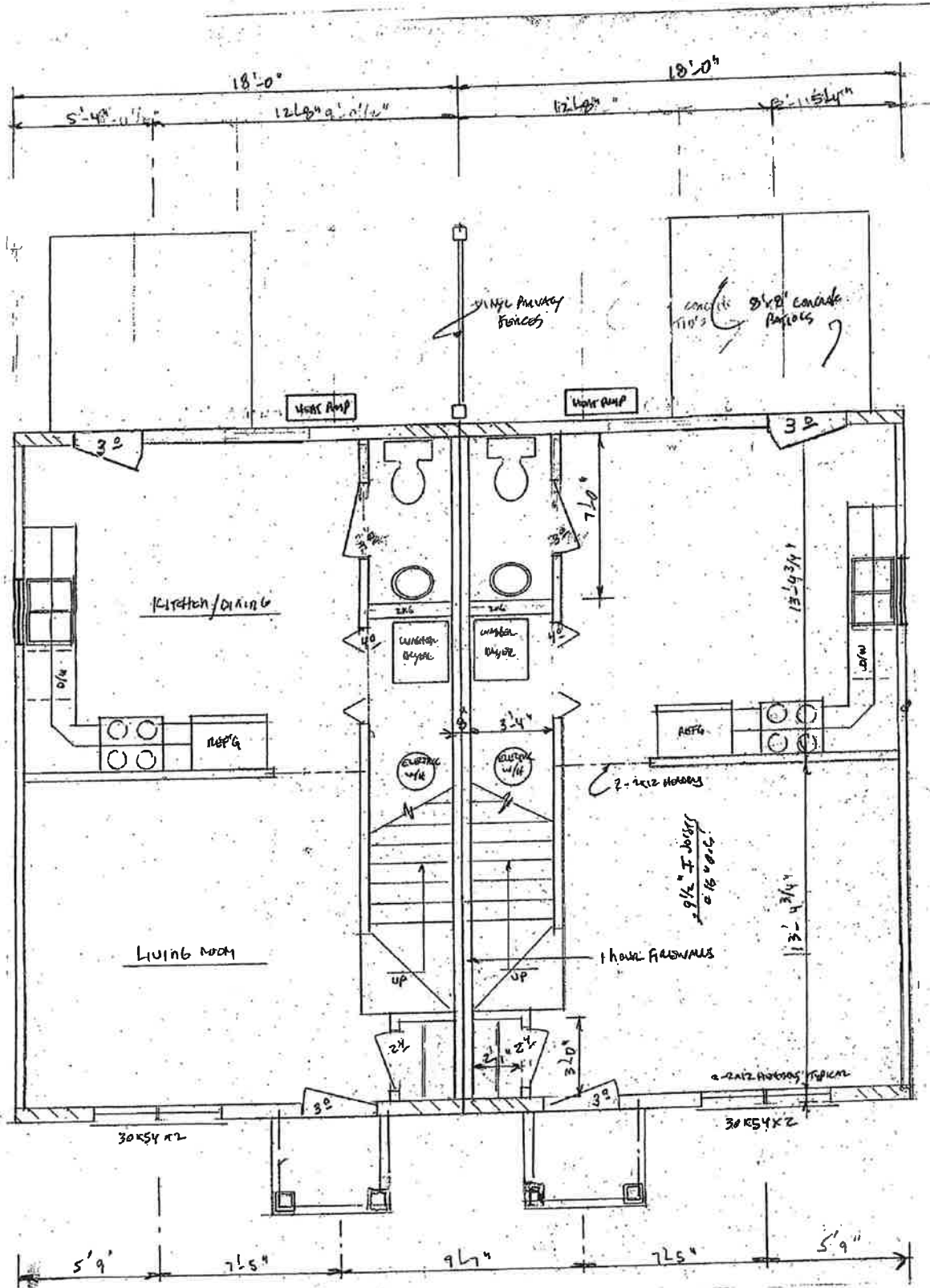
REAR  
ELEVATION



REAR ELEVATION (NOT TO SCALE)

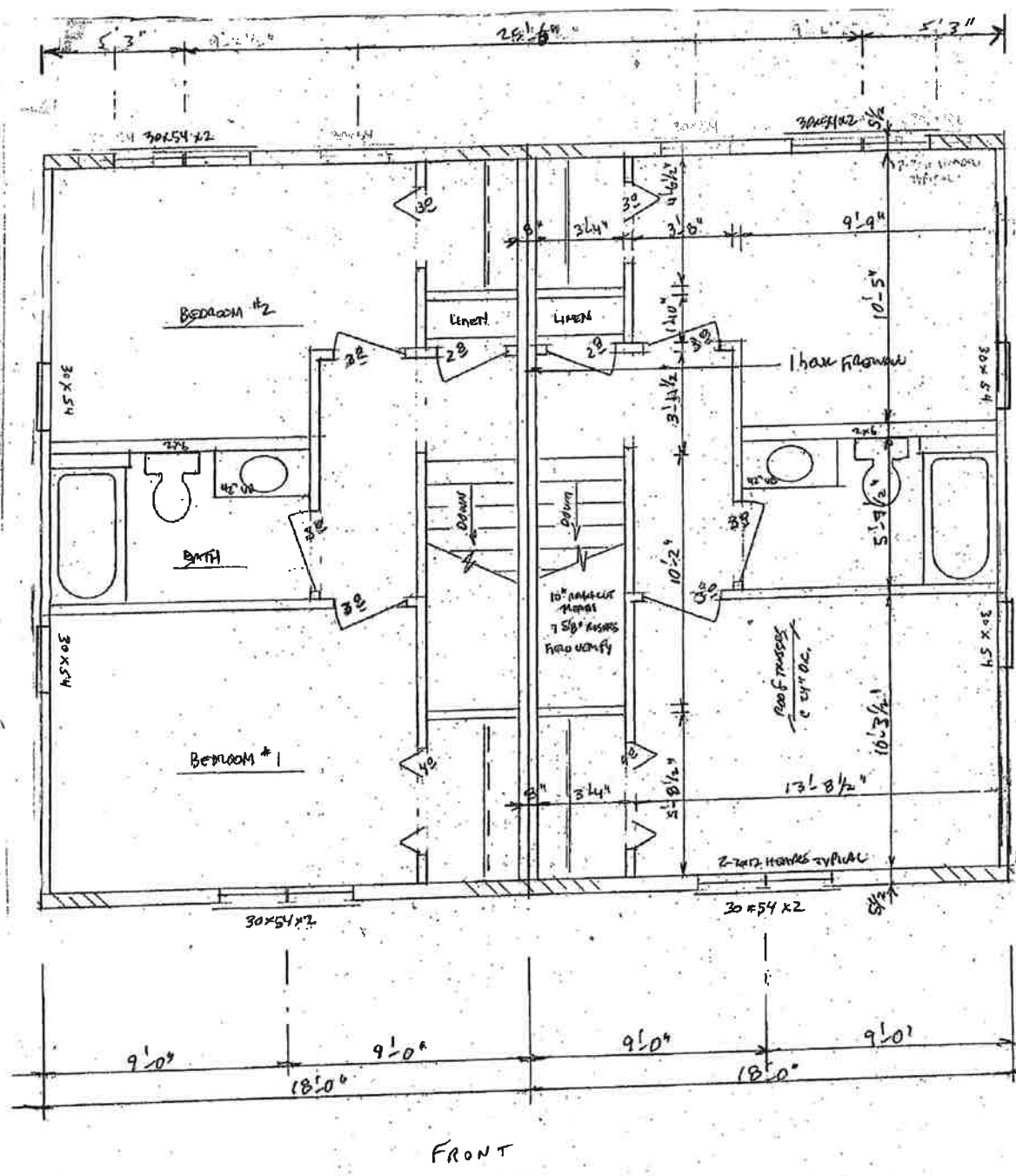


SIDES  
ELEVATION

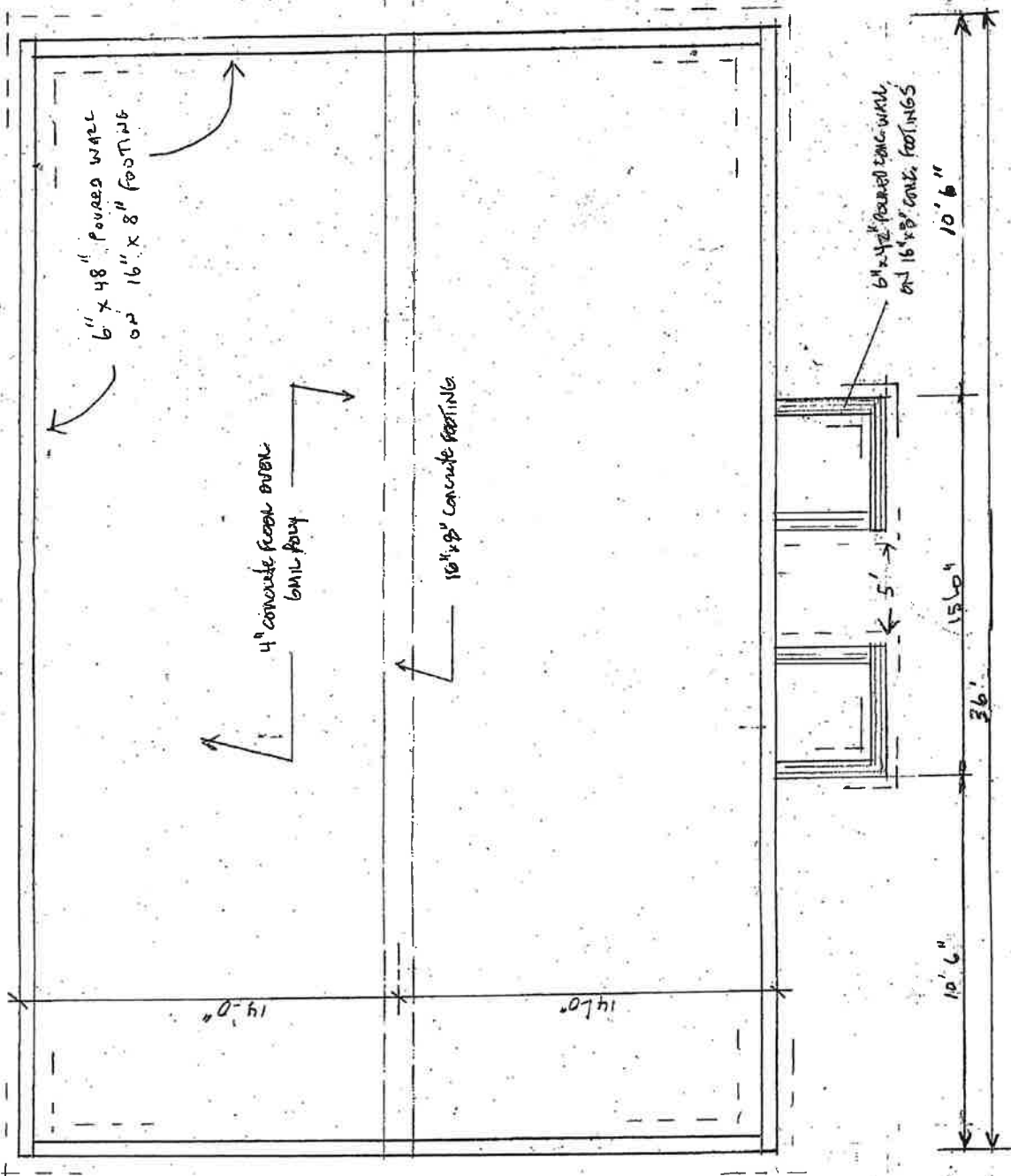


FRONT

SIDE



SIDE

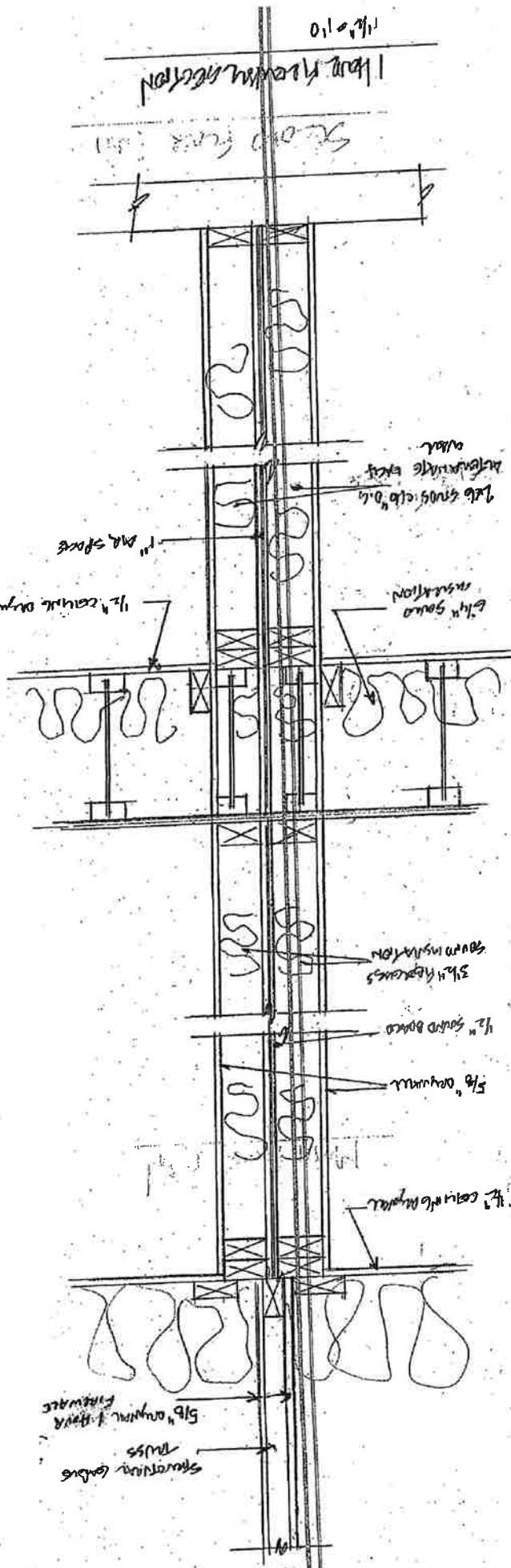


FOUNDATION PLAN - FRONT

1/4" = 1' 0"

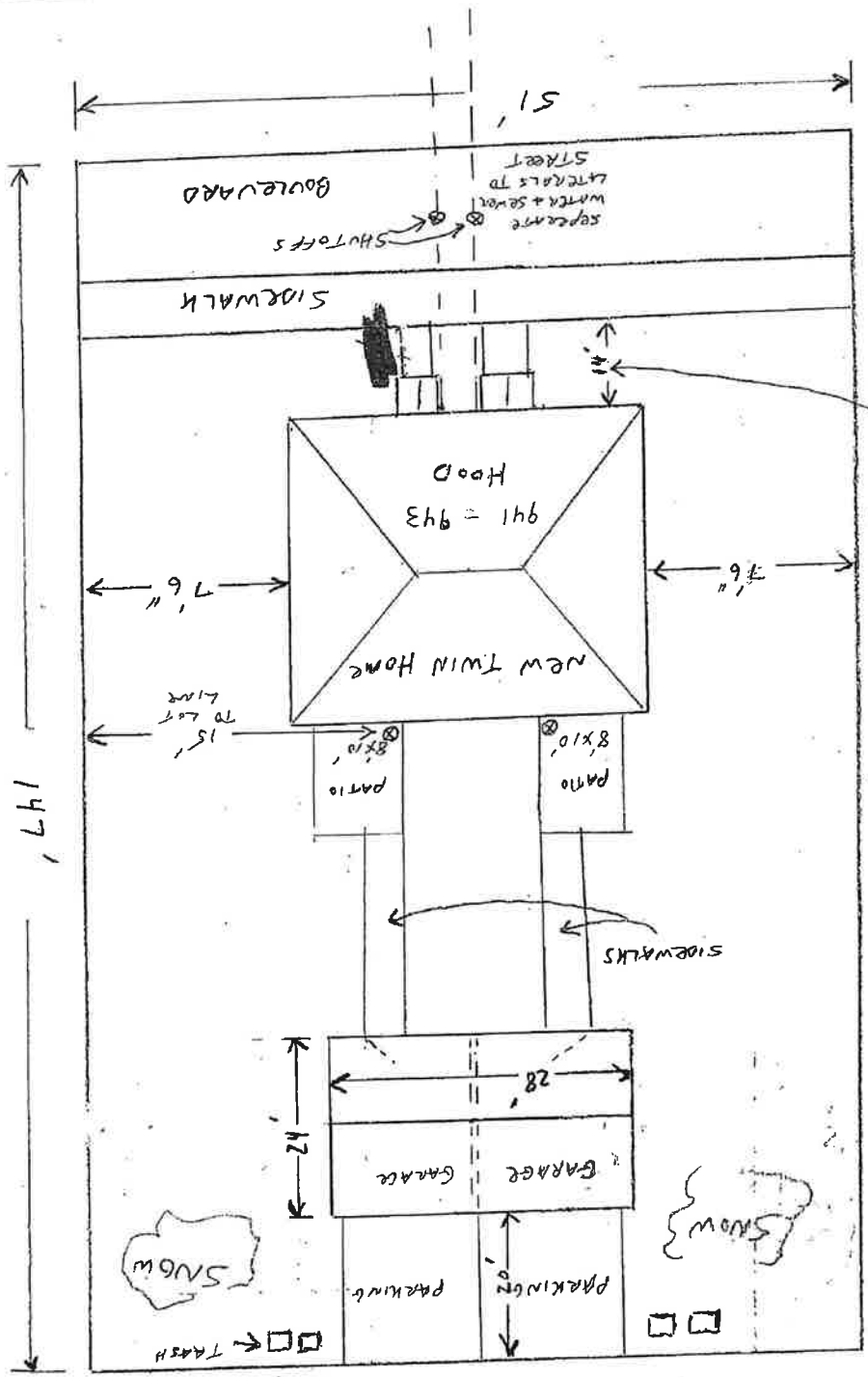






PARTY WALL  
SECTION

Hood St.



SEPARATE OFF SIDEWALK TO MATCH BUILDINGS ON EITHER SIDE

ALLEY

Tax Parcel Number	OwnerName	PROPADDCOMP
17-30021-20	ROBERTA A WEBER	950 ADAMS ST
17-30021-30	TRACY A MCHENRY, LELAND T WASHINGTON	946 ADAMS ST
17-30021-40	ERIN J SCHOCKMEL	942 ADAMS ST
17-30021-50	MICHAEL W BREIDEL, DORIS H BREIDEL	938 ADAMS ST
17-30021-60	DANIEL J JR PADGETT, WANDA L PADGETT	932 ADAMS ST
17-30021-70	KATHERINE E DONOHUE	930 ADAMS ST
17-30022-100	BULLSEYE PROPERTY INVESTMENTS LLC	927 HOOD ST
17-30022-110	DAVID WARTNER	933 HOOD ST
17-30023-20	VALERIE A VAALER	951 HOOD ST
17-30023-30	ALEX D RUD	1220 10TH ST S
17-30023-40	JACOB M KLATTE, STEPHANIE M KLATTE	957 HOOD ST
17-30022-120	STEVE SCHLICHT	943 HOOD ST

CompleteAddress	MailCityStateZip
950 ADAMS ST	LA CROSSE, WI 54601-5501
946 ADAMS ST	LA CROSSE, WI 54601
942 ADAMS ST	LA CROSSE, WI 54601-5501
938 ADAMS ST	LA CROSSE, WI 54601-5501
932 ADAMS ST	LA CROSSE, WI 54601-5501
930 ADAMS ST	LA CROSSE, WI 54601-5501
N4517 MEADOW WOOD RD	ONALASKA, WI 54650
933 HOOD ST	LA CROSSE, WI 54601-5562
951 HOOD ST	LA CROSSE, WI 54601-5562
1220 10TH ST S	LA CROSSE, WI 54601-5505
957 HOOD ST	LA CROSSE, WI 54601-5562
1910 31ST ST S	LA CROSSE, WI 54601





# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2682

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**Agenda Date:** 2/19/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**

## Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: \_\_\_\_\_ Filing Fee: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_ Date Paid: \_\_\_\_\_  
 Application Complete: Yes  No  Reviewed By MS (Initial)

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.  
 Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month’s Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	SPIES CONSTRUCTION LLC	SPIES CONSTRUCTION LLC
Address	2011 Liberty St.	2011 Liberty St.
Phone	608-386-0845	608-386-0845

Legal Description: see attached(1402 6th St. S.), City of La Crosse, Wis.  
 Tax Parcel Number: 17-30079-120  
 Lot Dimensions and Area: 55' x 53' feet. = 2,915 sq. ft.  
 Zoning District: R-1

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

**Process:**

At the time of application, you will be asked to:

- **Complete an application** form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(To be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

- (a) Current use and improvements.

VACANT LOT

- (b) Proposed Use.

SINGLE FAMILY DWELLING

- (c) Description and date of any prior petition for variance, appeal, or special exception.

N/N



(d) Description and location of all nonconforming structures and uses on the property.

N/A

(e) Ordinance standard from which variance is being sought (include code citation).

Section 115-143(c)(2)

(f) Describe the variance requested.

Front yard setback

(g) Specify the reason for the request.

In order to build house as planned does not fit in setbacks. If 2'6" is cut off dwelling, there may not be enough sq. ft. adequate for bedroom.

(h) Describe the effects on the **property** if the variance is not granted.

Same as above. It may reduce size of garage. Therefore, not be able to fit a vehicle and equipment to care for yard. Or shrink bedroom closet eliminating women clothing space.

## 2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

Same as (h)

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

Same as (h)

### **Part B: Three-Step Test.**

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

#### **1. Unique Property Limitation.** *(To be completed by the applicant).*

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

**Yes.** Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

**No.** A variance cannot be granted.

**2. No Harm to Public Interest.**

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

**(a) Ordinance Purpose.** *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(b) Purpose(s) of Standard from which Variance is Requested.** *(To be completed by zoning staff).*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(c) Analysis of Impacts.** *(To be completed by applicant).*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

**(1) Short-term Impacts** (through the completion of construction):

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:  
  
There would be no short term impacts.

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:  
  
N/A

(2) **Long-term Impacts** (after construction is completed):

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:  
No long term impacts
  
- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:  
N/A

(3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):

- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:  
No cumulative impacts
  
- Impact:  
Mitigation measure(s):  
Extent to which mitigation reduces project impact:  
N/A

**Will granting the variance harm the public interest?**

- Yes.** A variance cannot be granted.
- No.** Mitigation measures described above will be implemented to protect the public interest.

**3. Unnecessary Hardship.** *(To be completed by the applicant).*

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

**Are you applying for an area variance or a use variance?** **Area variance** **Use variance****Is unnecessary hardship present?** **Yes. Describe.**

(g)

 **No. A variance cannot be granted.****Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:


- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

**Part D: Authorization to Examine**

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1402 6th St. S  
(Address where variance is sought)

Date: 1/25/2024 Signature of Owner: 

**Part E: Certification.**

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

**Submit** completed application to: Board of Zoning Appeals  
400 La Crosse St.  
Clerk's Office- 2nd Floor  
La Crosse, Wisconsin 54601

**Submit** complete copy to: Chief Inspector  
400 La Crosse St.  
City of La Crosse Fire Department –  
Division  
of Community Risk Management  
La Crosse, Wisconsin 54601



By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) Delores M Spies

Date: 1/25/2024

Signed: (Owner, if different from applicant) \_\_\_\_\_

Date: \_\_\_\_\_

THE APPLICANT OR AGENT

THE OWNER

By: Delores M Spies

\_\_\_\_\_

STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

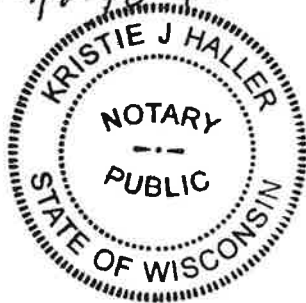
STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

Personally came before me this 25<sup>th</sup> day of January, 2024, the above named Delores Spies to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Kristie J Haller  
Notary Public, La Crosse County, WI  
My commission expires: 9/13/27

\_\_\_\_\_  
Notary Public, La Crosse County, WI  
My commission expires: \_\_\_\_\_



Property 1402 6<sup>th</sup> St. S.

Leagl description---The North 53 feet 11 inches of Lot 1 in block 4 of Second

Plat of B.B. Healy's Addition to the City of LaCrosse, LaCrosse

County, Wisconsin

Tax parcel - 17-30079-120



# 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>



SPIES CONSTRUCTION, LLC  
DELORES SPIES  
2011 LIBERTY ST.  
LA CROSSE, WI 54601

12/14/2023

RE: Denial of building permit application for the construction of a new single-family home at 1402 6<sup>th</sup> St S.

Mrs. Spies,

Thank you for submitting your building permit application for A NEW SINGLE-FAMILY HOME at the address of 1402 6TH ST S. 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 115-142(c)(1), "**Front yard, side yard and rear yard.** *Front yard, side yard and rear yard regulations applicable in the Residence District (R-2) shall apply to the Single-Family Residence District.*"

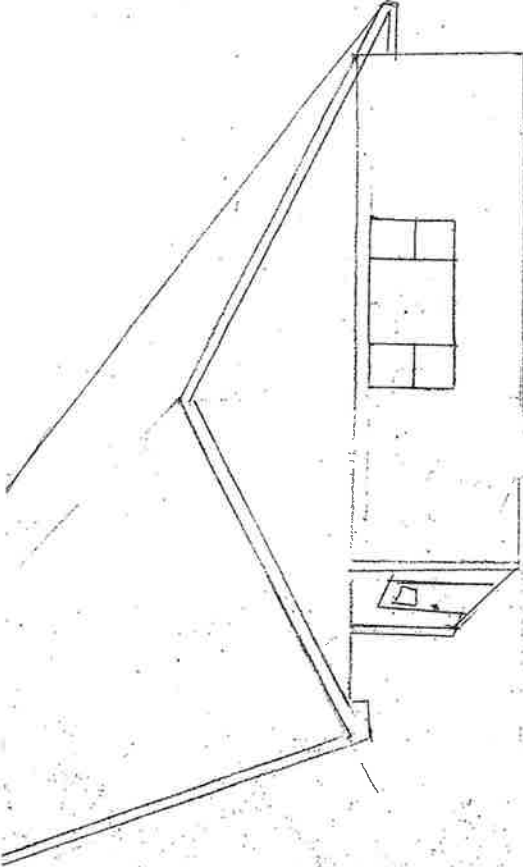
I have included Municipal Code Section 115-143(c)(2) which establishes the front yard requirements for the R-2 Residence District and reads: "**Front yards.** *On every lot in the Residence District, there shall be a front yard having a depth of not less than 25 feet, provided that where lots comprising 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; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and walks.*"

**The 6' you have dimensioned on the site plan does not meet the 25' requirement, nor does it equal the front yard setback of the one adjacent property (8'-5") as stated in Municipal Code Section 115-143(c)(2). A variance to reduce the required front yard setback from 8'-5" to 6'-0" would be required to issue this permit as submitted.**

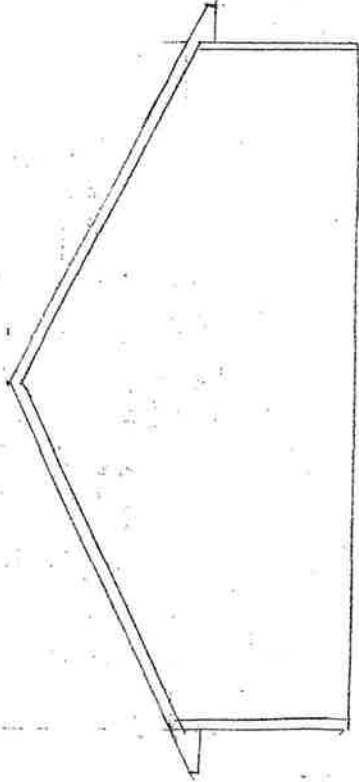
Sincerely,

Mike Suntken

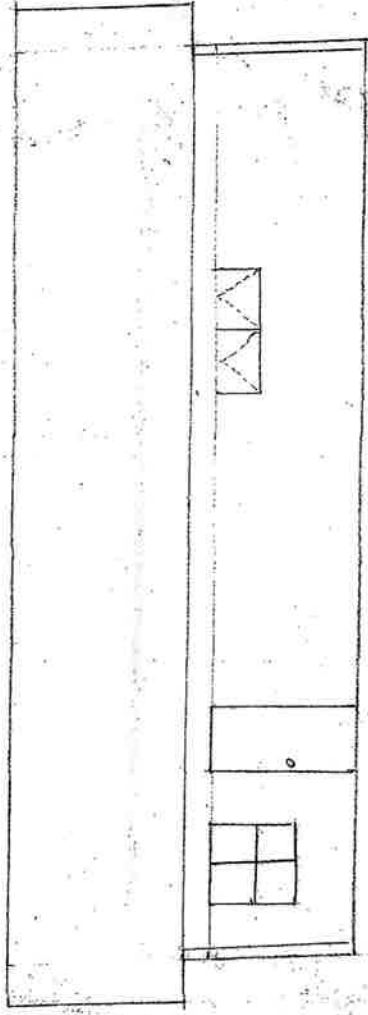
City of La Crosse Building Inspector



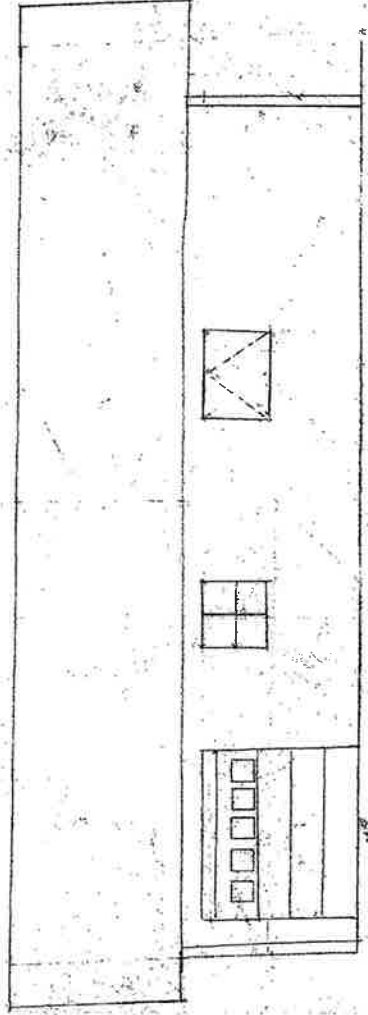
Farnam St - North



South Side



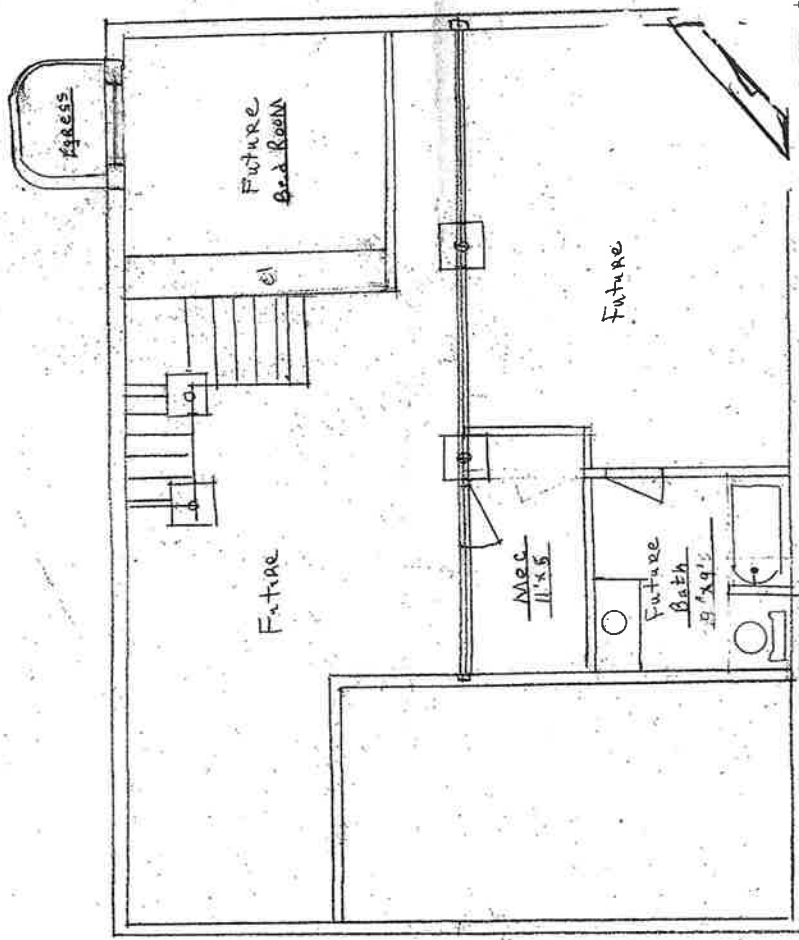
REAR - WEST SIDE



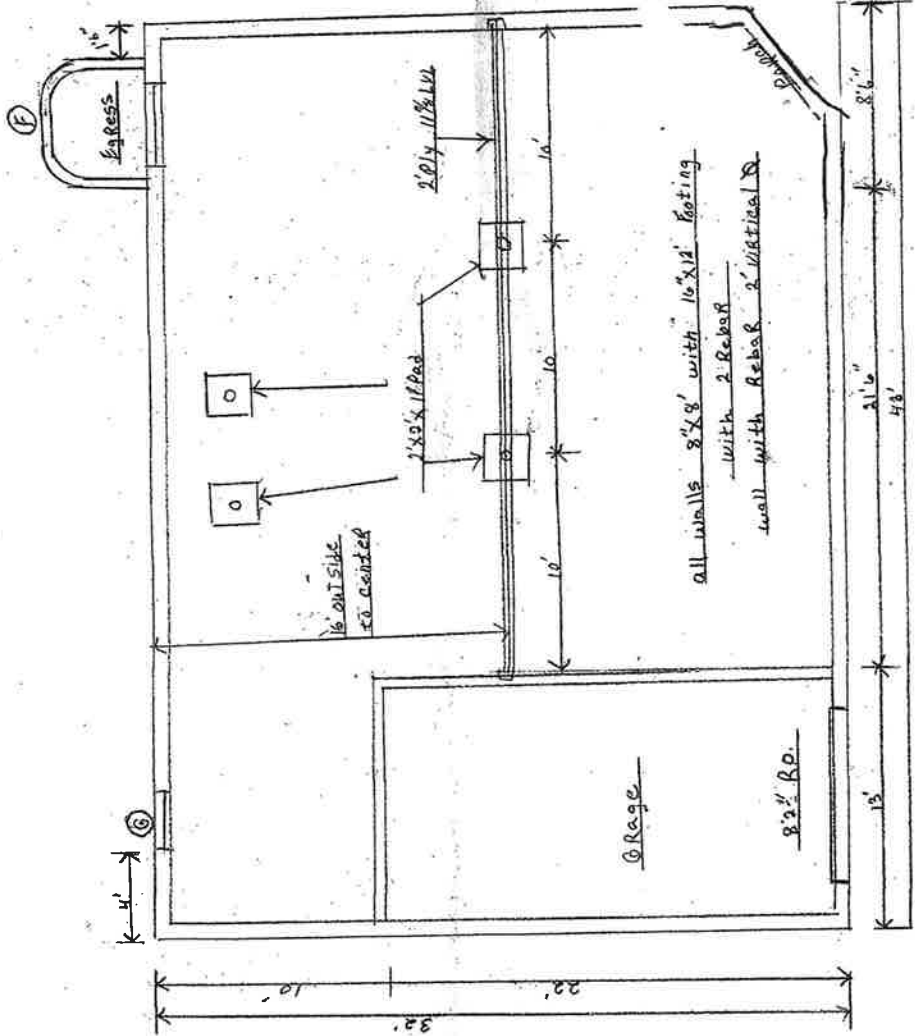
6th Street

SPIES CONSTRUCTION LLC	
9/20/2023	MM - 11
	RS
1402 - 6th St. S.	
ELEVATION PLAN Page 1 of 1	

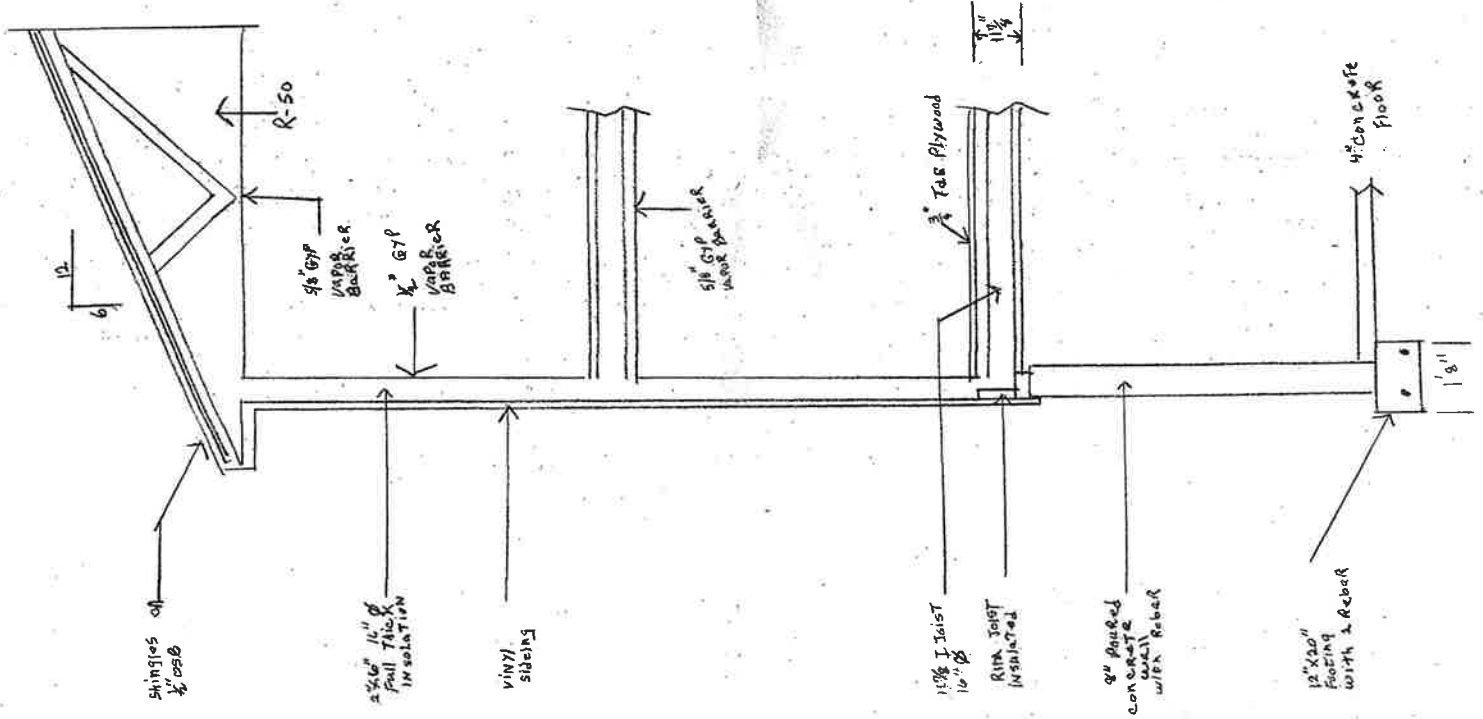




SPIES CONSTRUCTION LLC		1/11 - 1'
9/26/2003		RS
1402 - 6th St S.		
Future Basement		Page 3 of 6



SPIES CONSTRUCTION LLC	
912662003	1/4"=1'
1402-60th St.S	
Foundation	
Page 4 of 6	

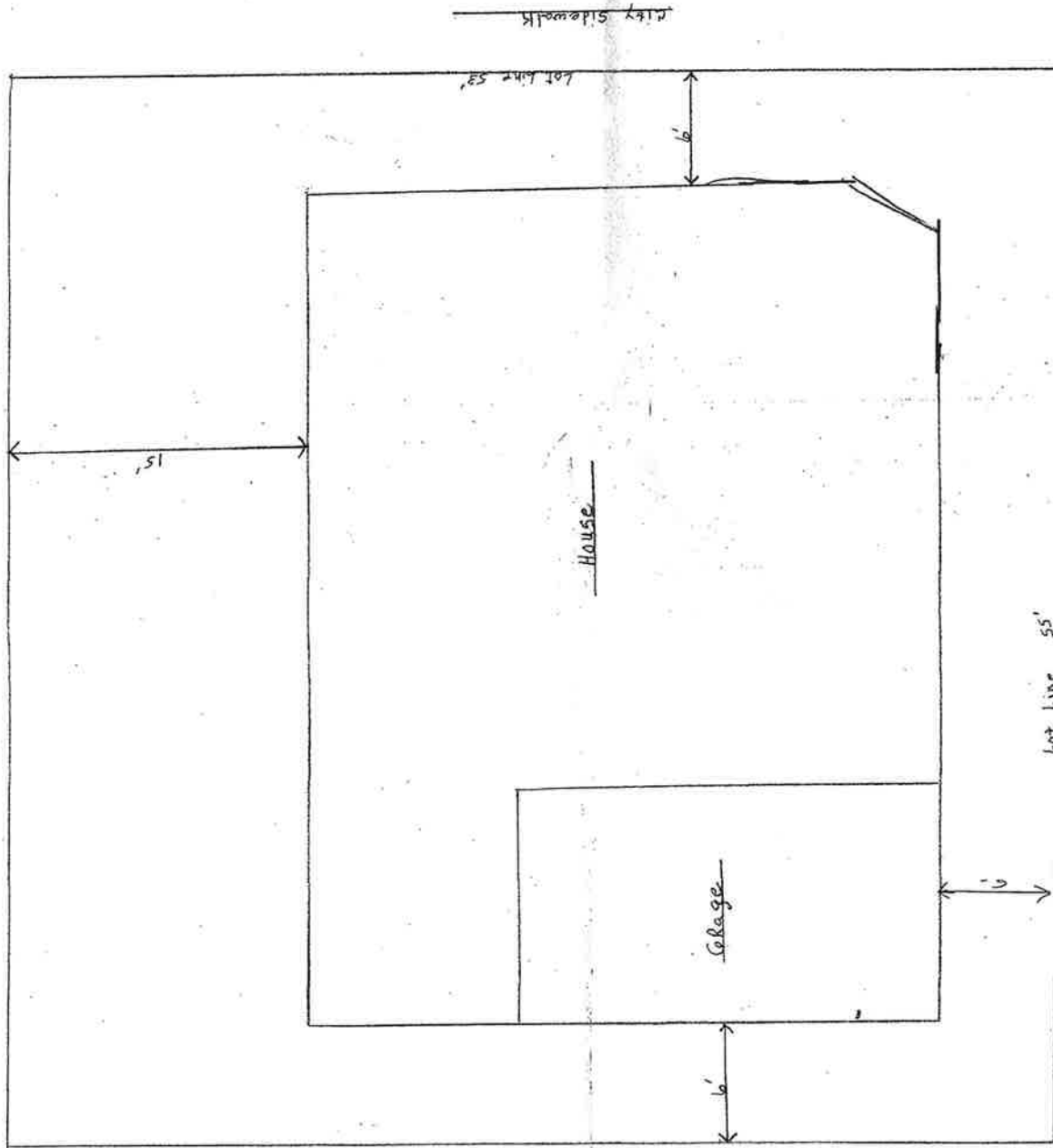


ALL DOOR AND WINDOW HEADERS  
2-11 1/2\"/>

WALL SECTION FOR 1 OR 2 STORY CONSTE.

SPIES CONSTRUCTION LLC	
9/26/2023	RS
1402-6th St S.	
Cross Section	
Page 5 of 6	





SPAES CONSTRUCTION LLC  
 1/4" = 1'  
 RS  
 1402 - 6th St S  
 Plot Plan Page 6 of 6

Tax Parcel Number	OwnerName
17-30011-130	TSS RENTALS LLC
17-30079-100	GUNDERSEN CLINIC LTD
17-30079-110	JOHN E SANDER TRUST
17-30079-130	MIKE MICHAELS HOLDINGS LLC
17-30079-140	CHANG VUE, SAI V VUE
17-30079-70	MAIL STOP NCA1-01 GUNDERSEN LUTHERAN ADMINISTRATIVE SERVICES INC
17-30079-80	GUNDERSEN CLINIC LTD
17-30079-120	SPIES CONSTRUCTION LLC

PROPADDCOMP	CompleteAddress	MailCityStateZip
1311 6TH ST S	1300 21ST ST S	LA CROSSE, WI 54601
1403 6TH ST S	1900 SOUTH AVE	LA CROSSE, WI 54601
1406 6TH ST S	1406 6TH ST S	LA CROSSE, WI 54601-5311
522 FARNAM ST	943 FARNAM ST	LA CROSSE, WI 54601
516 FARNAM ST	516 FARNAM ST	LA CROSSE, WI 54601
1413 6TH ST S	1900 SOUTH AVE	LA CROSSE, WI 54601
1407 6TH ST S	1900 SOUTH AVE	LA CROSSE, WI 54601
1402 6TH ST S	2011 LIBERTY ST	LA CROSSE, WI 54603-2084





# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Text File

File Number: 2683

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**Agenda Date:** 2/19/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Zoning Appeals

**File Type:** BOZA - Request for  
Variance

**Agenda Number:**

## Board of Zoning Appeals Variance Application

*(To be completed by City Clerk or Zoning Staff)*

City of La Crosse, Wisconsin

Application No.: \_\_\_\_\_

Filing Fee: \$ 300.00

Date Filed: \_\_\_\_\_

Date Paid: 2/5/2024

Application Complete: Yes  No \_\_\_\_\_

Reviewed By AB (Initial)

*(To be completed by the applicant)*

Application Deadline: 5:00 p.m. the first Monday of every month.

Building Permit Application Deadline: 10 Calendar Days prior to the first Monday of every month for the City of La Crosse Fire Department – Division of Community Risk Management to provide review. Any building permit submitted after this deadline must wait until the following month’s Board of Zoning Appeals meeting.

	Owner / Agent	Contractor
Name	<u>KARUNA, INC. - c/o JULIE McDERMID</u>	<u>N/A</u>
Address	<u>703 FARNAM ST. # 207, LA CROSSE, WI 54601</u>	<u>N/A</u>
Phone	<u>608-360-6430</u>	

Legal Description: T BURNS HS DURAND ST. SMITH & FM RUBLEES ADDITION E 68FT LOT 6 BLOCK 22, City of La Crosse, Wis.

Tax Parcel Number: 17-20155-140

Lot Dimensions and Area: 68 ~~FT~~ x 57.79 feet. = 3,929.7 sq. ft.

Zoning District: SPECIAL MULTIPLE DWELLING (R-5)

A variance is a relaxation of a standard in a land use ordinance. The Board of Zoning Appeals decides variances. The Board is a quasi-judicial body because it functions like a court. The Board’s job is not to compromise ordinance provisions for a property owner’s convenience but to apply legal criteria provided in state laws and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. The burden of proof falls on the variance applicant.

**Process:**

At the time of application, you will be asked to:

- **Complete an application** form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- **Provide detailed plans** describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- **Stake out lot corners or lines**, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the City of La Crosse Fire Department – Division of Community Risk Management must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

**Part A: General Information and Alternatives Analysis.**

*(To be completed by the applicant).*

**1. General Information.**

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

SUPER DUPLEX (EACH UNIT BUILT WITH SIX BEDROOMS) BUILT IN THE EARLY 1980's.

(b) Proposed Use.

KARUNA, INC. IS SEEKING A ROOMING HOUSE LICENSE TO UTILIZE THE 6<sup>TH</sup> BEDROOM IN 1012 GROVE ST. FOR OCCUPANCY AS PART OF THEIR HOMELESS SUPPORTIVE HOUSING PROGRAM.

(c) Description and date of any prior petition for variance, appeal, or special exception.

NONE.

(d) Description and location of all nonconforming structures and uses on the property.

THE PRIMARY NON-CONFORMANCE INVOLVES THE NUMBER OF OFF-STREET PARKING STALLS PROVIDED. THERE MAY BE ADDITIONAL NON-CONFORMING ATTRIBUTES (STORMWATER RETENTION, RECREATIONAL GREENSPACE, ETC.) DUE TO AGE OF STRUCTURE, BUT ARE NOT GERMANE TO THIS VARIANCE REQUEST.

(e) Ordinance standard from which variance is being sought (include code citation).

CITY OF LA CROSSE SEC. 115-393(a)(10)(i) REQUIRES TEN (10) OFF-STREET PARKING STALLS TO BE PROVIDED FOR THIS STRUCTURE.

(f) Describe the variance requested.

KARUNA, INC. REQUIRES A VARIANCE TO OPERATE A ROOMING HOUSE WITH ONLY THE CURRENT ONE (1) OFF-STREET PARKING STALL PROVIDED.

(g) Specify the reason for the request.

KARUNA, INC. EXCLUSIVELY HOUSES INDIVIDUAL ADULTS WHO HAVE BEEN LONG-TERM HOMELESS, WHICH STATISTICALLY HAS A NEAR-ZERO CAR-OWNERSHIP RATE. ONE STAFF MEMBER IS ON-SITE 24 HOURS, AND IS SERVED BY THE ONE EXISTING PARKING SPACE. THIS VARIANCE IS NECESSARY TO ALLOW KARUNA TO PLACE A 6<sup>TH</sup> OCCUPANT AT 1012 GROVE ST. AND MAKE FULL USE OF THE STRUCTURE AS IT WAS ORIGINALLY BUILT FOR.

(h) Describe the effects on the **property** if the variance is not granted.

THE PROPERTY WOULD NOT BE ABLE TO BE USED TO ITS FULLEST EXTENT, AND IF KARUNA DISCONTINUES OPERATIONS IN THIS LOCATION, GEOGRAPHICALLY AND LOGISTICALLY THE ONLY OTHER REASONABLE LAWFUL USE WOULD BE TO REVERT IT BACK TO COLLEGE STUDENT HOUSING FOR TEN OCCUPANTS. COLLEGE STUDENTS HAVE A NEARLY 100% CAR-OWNERSHIP RATE, MEANING THE IMPACT TO THE SURROUNDING NEIGHBORHOOD WOULD REVERT BACK TO NINE (9) ON-STREET PARKING SPACES BEING USED BY THIS PROPERTY WHEN SCHOOL WAS IN SESSION.



## 2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

- **Alternatives you considered that comply with existing standards.** If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons why you rejected them.

THE SOLE OPTION WOULD BE LAND ACQUISITION TO PROVIDE NINE (9) ADDITIONAL PARKING SPACES OFF-STREET. THE ONLY SITE ON THE BLOCK WHICH IS NOT ALREADY PROVIDING OFF-STREET PARKING REQUIRED FOR OTHER EXISTING STRUCTURES IS 620 10TH ST. N. THE OWNER OF THAT PROPERTY HAS INDICATED TO US HE IS NOT INTERESTED IN SELLING.

- **Alternatives you considered that require a lesser variance.** If you reject such alternatives, provide the reasons why you rejected them.

SEE ABOVE.

### Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

#### **1. Unique Property Limitation.** *(To be completed by the applicant).*

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Do unique physical characteristics of your property prevent compliance with the ordinance?

**Yes.** Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

THE PROPERTY WAS BUILT FOR USE AS A ROOMING HOUSE LONG PRIOR TO ESTABLISHMENT OF CURRENT STANDARDS FOR PARKING MINIMUMS. SUBSEQUENT REDEVELOPMENT OF SURROUNDING PROPERTIES BY OTHER DEVELOPERS HAS "BOXED-IN" THIS PROPERTY RENDERING IT IMPOSSIBLE TO BRING IT INTO ALIGNMENT WITH CURRENT CODE.

**No.** A variance cannot be granted.

**2. No Harm to Public Interest.**

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- *Public health, safety, and welfare*
- *Water quality*
- *Fish and wildlife habitat*
- *Natural scenic beauty*
- *Minimization of property damages*
- *Provision of efficient public facilities and utilities*
- *Achievement of eventual compliance for nonconforming uses, structures, and lots*
- *Any other public interest issue*

**(a) Ordinance Purpose.** *(To be completed by zoning staff).*

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(b) Purpose(s) of Standard from which Variance is Requested.** *(To be completed by zoning staff).*

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

**(c) Analysis of Impacts.** *(To be completed by applicant).*

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

**(1) Short-term Impacts** (through the completion of construction):

- Impact: **N/A- NO CONSTRUCTION IS INVOLVED.**  
 Mitigation measure(s):  
 Extent to which mitigation reduces project impact:
  
- Impact:  
 Mitigation measure(s):  
 Extent to which mitigation reduces project impact:

(2) **Long-term Impacts** (after construction is completed):

- Impact: ONE ADDITIONAL OCCUPANT WILL RESIDE @ 1012 GROVE ST.  
 Mitigation measure(s): N/A  
 Extent to which mitigation reduces project impact:

ONE ADDITIONAL HOMELESS PERSON BEING HOUSED REDUCES RISKS AND COSTS TO THE COMMUNITY.

- Impact: KARUNA CAN SEEK LONG-TERM USE OF THIS PROPERTY AS IT WAS ORIGINALLY DESIGNED FOR.  
 Mitigation measure(s): N/A  
 Extent to which mitigation reduces project impact:

KARUNA'S USE OF THIS PROPERTY HAS A NET POSITIVE EFFECT BY DRASTICALLY REDUCING THE NUMBER OF CAR-OWNING OCCUPANTS THIS PROPERTY WOULD OTHERWISE LOGICALLY SERVE DUE TO ITS LOCATION AND INTERNAL DESIGN.

(3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):

- Impact: THERE ARE VERY FEW SUPER DUPLEXES IN EXISTENCE IN LA CROSSE, AND NOT ALL OF THEM ARE IN THE BOUNDARY FOR ROOMING HOUSES.  
 Mitigation measure(s):  
 Extent to which mitigation reduces project impact:

IT IS DIFFICULT TO PROJECT AN IMPACT OF "MANY" WHEN "MANY" DOESN'T ACCURATELY REFLECT THE NUMBER IN EXISTENCE.

THE FACT THAT THE ROOMING HOUSE LICENSE IS ISSUED TO THE OPERATOR, NOT THE OWNER, IS AN IMPORTANT SAFEGUARD. LICENSES ARE NON-TRANSFERABLE AND TRIGGER ANNUAL CITY

- Impact: INSPECTION REQUIREMENTS, WHICH ARE A POSITIVE FOR THE SURROUNDING NEIGHBORHOOD.  
 Mitigation measure(s):  
 Extent to which mitigation reduces project impact:

**Will granting the variance harm the public interest?**

- Yes.** A variance cannot be granted.
- No.** Mitigation measures described above will be implemented to protect the public interest.

**3. Unnecessary Hardship.** *(To be completed by the applicant).*

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A **use variance** is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

**Are you applying for an area variance or a use variance?** **Area variance** **Use variance****Is unnecessary hardship present?** **Yes. Describe.**

THE ONLY WAY TO MEET PARKING MINIMUMS WOULD BE TO ACQUIRE NEIGHBORING LAND, ALL OF WHICH HAS EITHER BEEN BUILT ON, IS PROVIDING THE PARKING FOR OTHER BUILDINGS, OR IS NOT FOR SALE.

 **No. A variance cannot be granted.****Part C: Additional Materials / Exhibits.**

In order for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than 1"=50', and other exhibits must show the following:

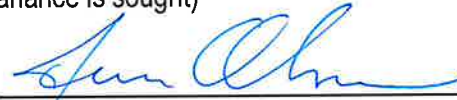
- Location of requested variance
- Property lines
- Ordinary high-water mark
- Flood plain and wetland boundaries
- Dimensions, locations, and setbacks of existing and proposed structures
- Utilities, roadways, driveways, off-street parking areas, and easements
- Existing highway access restrictions and existing proposed street, side and rear yards
- Location and type of erosion control measures
- Vegetation removal proposed
- Contour lines (2 ft. interval)
- Well and sanitary system
- Location and extent of filling/grading
- Any other construction related to your request
- Anticipated project start date
- Sign locations, dimensions, and other specifications
- Alternatives considered
- Location of unique property limitation
- Lot corners, lines, and footprints have been staked out
- Abutting street names and alleys
- Abutting property and land within 20 feet
- Indication of the direction "North"

**Part D: Authorization to Examine**

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1012 GROVE ST., LA CROSSE, WI 54601  
(Address where variance is sought)

Date: FEB 5<sup>TH</sup>, 2024 Signature of Owner:   
AGENT - ON BEHALF OF KARUNA, INC.

**Part E: Certification.**

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

**Submit** completed application to: Board of Zoning Appeals  
400 La Crosse St.  
Clerk's Office- 2<sup>nd</sup> Floor  
La Crosse, Wisconsin 54601

**Submit** complete copy to: Chief Inspector  
400 La Crosse St.  
City of La Crosse Fire Department –  
Division  
of Community Risk Management  
La Crosse, Wisconsin 54601

By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) [Signature] **JESSICA OLSON**  
↳ ACTING ON BEHALF OF KARUNA, INC. IN ASSISTING WITH OBTAINING A ROOMING HOUSE LICENSE.  
Date: FEB 5<sup>TH</sup>, 2024

Signed: (Owner, if different from applicant) \_\_\_\_\_  
~~EXECUTIVE DIRECTOR, KARUNA, INC.~~

Date: \_\_\_\_\_

THE APPLICANT OR AGENT

~~EXECUTIVE DIRECTOR, KARUNA, INC.~~  
THE OWNER

By: \_\_\_\_\_

\_\_\_\_\_

STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

STATE OF WISCONSIN )  
COUNTY OF LA CROSSE )

Personally came before me this 5<sup>th</sup> day of February, 2024, the above named Jessica Olson to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

[Signature]  
Notary Public, La Crosse County, WI  
My commission expires: 9/13/27

\_\_\_\_\_  
Notary Public, La Crosse County, WI  
My commission expires: \_\_\_\_\_







# 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>



2/5/24

KARUNA INC.  
703 FARNAM ST, #207  
LA CROSSE, WI 54601  
608-360-6430

RE: 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 addition parking space for each additional bedroom or enclosed room which may be utilized for sleeping purposes, whichever number is larger.

Dear KARUNA INC.,

We have received the permit application to turn a R-5 zoned duplex into a rooming house that does not meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding required off-street parking.

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

Sec. 115-393.-Off Street Parking

(a)(10)(i) Uses, minimum parking requirements, units of measurement:

One-family Dwellings and Mobile Homes, two parking spaces for each dwelling unit. Two-family Dwellings, two 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. Multifamily Dwellings, 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; provided, however, the maximum number of parking spaces required for Multifamily Dwellings shall not exceed four per dwelling unit.

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 allowing only one parking space to the required 10 parking spaces for this project to proceed as proposed.

Sincerely,

Kelsey Hanson

Building Inspector





# La Crosse Fire Department - Community Risk Management

400 La Crosse St, La Crosse, WI 54601 • (608) 789-7530 • http://www.cityoflacrosse.org • inspection@cityoflacrosse.org

NEW ROOMING HOUSE LICENSE

## APPLICATION FOR BUILDING PERMIT

Application Number \_\_\_\_\_ Date FEB 5<sup>TH</sup>, 2024 Parcel Number: 17-20155-140

<b>OWNER INFORMATION - LICENSE HOLDER (OPERATOR) - EXECUTIVE DIRECTOR</b>					
Name: <u>KARUNA INC. - C/O JULIE McDERMID</u>					
Address of Above: Street		City		State	Zip Code
<u>703 FARNAM ST. #207</u>		<u>LA CROSSE</u>		<u>WI</u>	<u>54601</u>
Phone:	Cell:	Fax:	Email:		
<u>608-360-6430</u>	<u>608-360-6430</u>	<u>NONE</u>	<u>juliem@karunahousing.org</u>		
<b>CONTRACTOR INFORMATION - AGENT OF KARUNA, INC. ASSISTING W/ LICENSE APPLICATION</b>					
Name: <u>JESSICA OLSON</u>					
Address of Above: Street		City		State	Zip Code
<u>1021 VINE ST. APT. #15</u>		<u>LA CROSSE</u>		<u>WI</u>	<u>54601</u>
Phone:	Cell:	Fax:	Email:		
<u>608-769-7366</u>	<u>608-769-7366</u>	<u>NONE</u>	<u>OLSONAPARTMENTS@gmail.com</u>		
<b>PROJECT INFORMATION</b>					
Project Address: <u>1012 GROVE ST., LA CROSSE, WI 54601</u>					
Construction Cost:		Description of Work:			
\$ <u>N/A</u>		If Demolition include intended use of land after demolition <u>NO PHYSICAL ALTERATIONS INVOLVED</u>			
Project Type: <u>NEW LICENSE ISSUE</u>					
<input type="checkbox"/> Building <input type="checkbox"/> Addition <input type="checkbox"/> Sign <input type="checkbox"/> Alteration/Remodel <input type="checkbox"/> Demolition					
Architect/Engineer Name:		Architect/Engineer Phone:		Level of Alteration (per IEBC):	
<u>N/A</u>		<u>N/A</u>		<u>N/A</u>	
<b>PROPERTY INFORMATION</b>					
Zoning:	Nbr. Dwling Units:	Flood Plain:	Fire Limits:	Archaeological District:	
<u>SPECIAL MULTIPLE R-5</u>	<u>2 (TWO)</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <u>?</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Building Construction Type:			Occupancy Type:		
<u>ORDINARY WOOD FRAME</u>			<u>RESIDENTIAL</u>		
<b>FEE INFORMATION</b>					
Copies:	Plan Review:	Permit:	Record Mtce:	Other:	Total:
\$	\$	\$	\$	\$	\$

IT IS HEREBY AGREED between the applicant, as owner, owner's agent or servant, and the City of La Crosse that for and in consideration for the premises and of the permit to construct, erect, alter, move, raze, or install and the occupancy of a building or property as above described, to be issued and granted by the La Crosse Fire Department - Community Risk Management, that the work thereon will be done in accordance with the descriptions set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter, move, raze or install and occupy in strict compliance with the ordinances of the City of La Crosse, and to obey any and all lawful orders of the La Crosse Fire Department - Community Risk Management and State of Wisconsin laws relating to the construction, alteration, repairs, removal and safety buildings and other structures and permanent building equipment.

JESSICA OLSON \_\_\_\_\_ Jan Olson \_\_\_\_\_ 2/5/24 \_\_\_\_\_  
 Agent/Contractor: (Print) (Sign) (Date) (WI Cred/Qual) N/A  
JULIE McDERMID \_\_\_\_\_ Julie McDermid \_\_\_\_\_ 2/5/24 \_\_\_\_\_  
 Owner: EXECUTIVE DIR. (Print) (Sign) (Date)

<b>OFFICE USE ONLY</b>		
Application Approved:	Inspector:	Date:

**CAUTIONARY STATEMENT TO OWNERS OBTAINING BUILDING PERMITS**

101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654 (2) (a), the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and two- family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

**CAUTIONARY STATEMENT TO CONTRACTORS FOR PROJECTS INVOLVING BUILDING BUILT BEFORE 1978**

If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 sq. ft. or more of paint per room, 20 sq. ft. or more of exterior paint, or involves windows, then the requirements of ch. DHS 163 requiring Lead-Safe Renovation Training and Certification apply. Call (608)261-6876 or go to the Wisconsin Department of Health Services' lead homepage for details of how to be in compliance.

**WETLANDS NOTICE TO PERMIT APPLICANTS**

You are responsible for complying with state and federal laws concerning the construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification web page or contact a Department of Natural Resources service center.

**ADDITIONAL RESPONSIBILITIES FOR OWNERS OF PROJECTS DISTURBING ONE OR MORE ACRE OF SOIL**

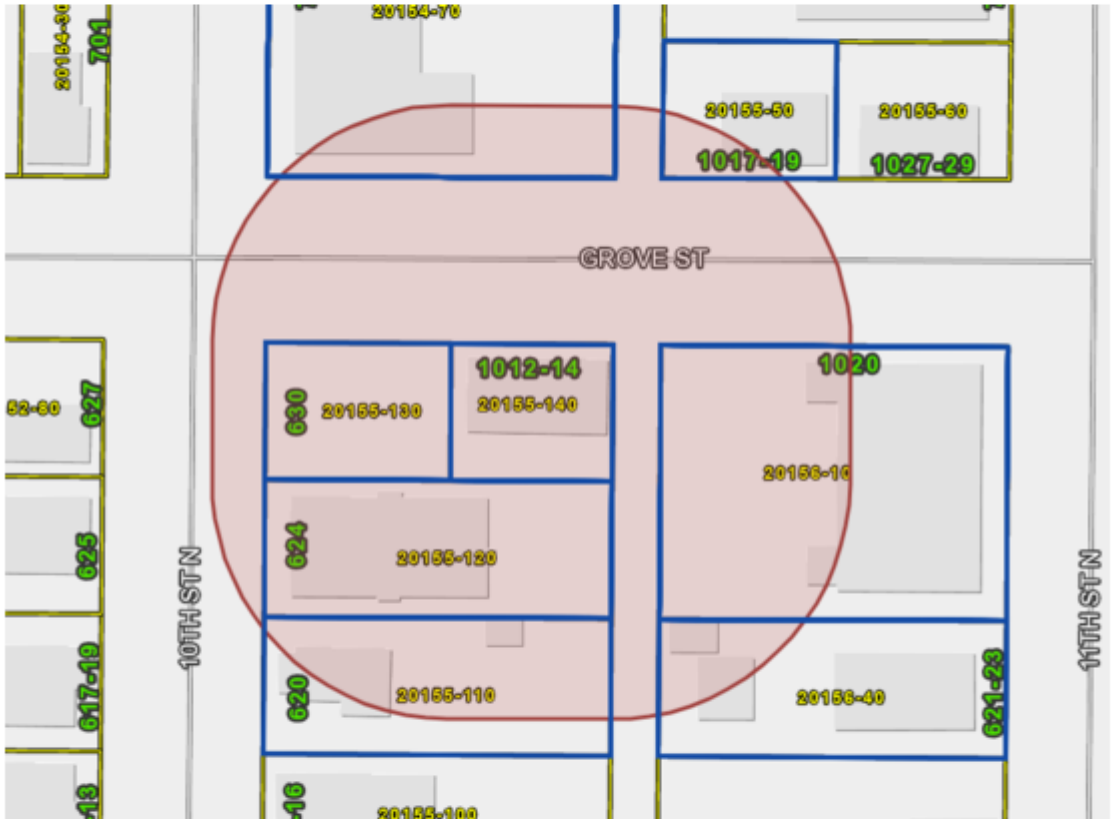
I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management standards, and will comply with those standards.

*NO DISTURBANCE OF SOIL IS INVOLVED WITH THIS APPLICATION.*

Owner: \_\_\_\_\_ (Print Name) \_\_\_\_\_ (Sign) \_\_\_\_\_ (Date)

Owner: \_\_\_\_\_ (Print Name) \_\_\_\_\_ (Sign) \_\_\_\_\_ (Date)

OFFICE USE ONLY		
For Permit Number:	Inspector:	Date:



Tax Parcel   OwnerName	PROPADDCOMP	CompleteAddress
17-20155-1 JCH FOUR LLC	624 10TH ST N	236 LARKSPUR LN E
17-20155-1 CJC PROPERTIES LLC	1012 GROVE ST	207 8TH ST S
17-20155-5 DILLABER PROPERTIES LLC	1019 GROVE ST	N2226 WILDWOOD LN
17-20156-1 BRETT SAWYER PROPERTIES LLC	1020 GROVE ST	1020 GROVE ST
17-20154-7 S & S HOUSING LLC	702 10TH ST N	1020 GROVE ST

MailCityStateZip  
ONALASKA, WI 54650  
LA CROSSE, WI 54601  
LA CROSSE, WI 54601  
LA CROSSE, WI 54601-3415

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