

LA CROSSE  
Department of Planning and Development  
Building and Inspections  
WISCONSIN

5/1/2026

Nick Webb  
1552 Loomis St  
La Crosse, WI 54601

RE: An appeal regarding the requirement to provide a 7-foot required side yard and 28 foot-required rear yard.

Dear Nick Webb,

We have received the permit application for a proposed addition to attached two principal structures, that does not meet the requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding setbacks for development in Special Residence zoning districts.

The project as proposed is in direct violation of the following subparagraph of the Code:  
Sec. 115-144. - R-3 Special Residence District regulations

*(c)Area regulations. (2)Side yards. a. On every lot in the Special Residence District, there shall be two side yards, one on each side of the building, and except as hereinafter provided, neither of such side yards shall be less than six feet in width, and **provided further that for any main building other than a one-family dwelling neither of such side yards shall be less than seven feet in width**, except that lots occupied by each attached dwelling unit which is located within a single structure, which is attached along a lot line which is approximately perpendicular to the street right-of-way line, shall not be required to meet this requirement other than the outer side yards of the structure in which the two attached dwelling units are located shall not be less than seven feet in width.*

*(3)Rear yards. On every lot in the Special Residence District, **there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot**, provided such rear yard need not exceed 30 feet in depth and shall not in any case be less than 15 feet in depth.*

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 2 variances, 7 feet for the side yard setback and 20.5 feet on the rear yard setback for the new addition to proceed as proposed.

Sincerely,  
Andy Berzinski  
Building Inspector

# 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.