

City of La Crosse, Wisconsin

City Hall 400 La Crosse Street La Crosse, WI 54601

Meeting Agenda - Final

Board of Zoning Appeals

Monday, November 17, 2025

4:00 PM

Council Chambers City Hall, First Floor

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 November 17, 2025:

An appeal regarding the requirement that an accessory structure be setback

two (2) feet to the projecting roof overhang at property known as 225 15th Street

South, La Crosse, Wisconsin.

2698 An appeal regarding the requirement that an accessory structure be set back

two (2) feet to the projecting roof overhang at property known as 221 15th Street

South, 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, 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.

Dated this 4th day of November, 2025 Board of Zoning Appeals Nikki Elsen, Secretary

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, with as much advance notice as possible.

Board of Zoning Appeals Members:

James Cherf, Douglas Farmer, James Szymalak, Ben Stepanek, Andrew Sherman, First Alternate Anastasia Gentry, Second Alternate Jai Johnson



City of La Crosse, Wisconsin

City Hall 400 La Crosse Street La Crosse, WI 54601

Text File

File Number: 2697

Agenda Date: 11/17/2025 Version: 1 Status: Agenda Ready

In Control: Board of Zoning Appeals File Type: BOZA - Request for

Variance

Department of Planning and Development

Building and Inspections

10/30/25

Heather Linville 225 15th St. S. La Crosse, WI 54601

RE: An appeal regarding the requirement that an accessory structure be setback 2' to the projecting roof overhang.

Dear Heather Linville:

We have received your building permit application for an addition to an existing garage that *does not* meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding setbacks from the rear property line. We invite your attention to subchapter of the Code wherein it provides for the <u>purpose</u> of the law from which you are seeking a variance:

"115.3 INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, prosperity or general welfare."

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

115-390. (2) c. Area

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.

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 of 2 feet to the required setback in the side yard before a building permit could be issued for this project as proposed.

Sincerely,

Eddie Young Building Inspector Property #: 17-50251-070

Municipality: 246 - CITY OF LA CROSSE

Tax Year: 2025

Bill Number: 0

Current Owner: LINVILLE HEATHER A

Property Address: 225 15TH ST S LA CROSSE 54601-4275

The state of the s

Abbreviated Legal Description

(See recorded documents for a complete legal description)

SUBDIOF NEINE SEC 5-15-7 PRT LOTS 10, 11 & 12 COM SWICOR LOT 12 N 145FT TO POB N 43.25FT TO C/L OF DRIVE E 160FT TO A PT 70FT W OF E LN LOT 10 S 43.25FT W TO POB TIW & SUBJ TO ESMT IN DOC NO. 1644273 LOT SZ. 43.25 X 100

0.154

Area (sq ft)

Frontage (ft)

Depth (ft)

Property Descriptions												
Primary	Section	Town	Town Dr	Range	Range Dir	40	160	Gov Lot	Plat Desc	Block/Condo Bidg	Type	
73	- 05	15	N	07	W	NE.	NE		NOT AVAILABLE	build blag	. 100	

Property Addresses

BOARD OF ZONING APPEALS

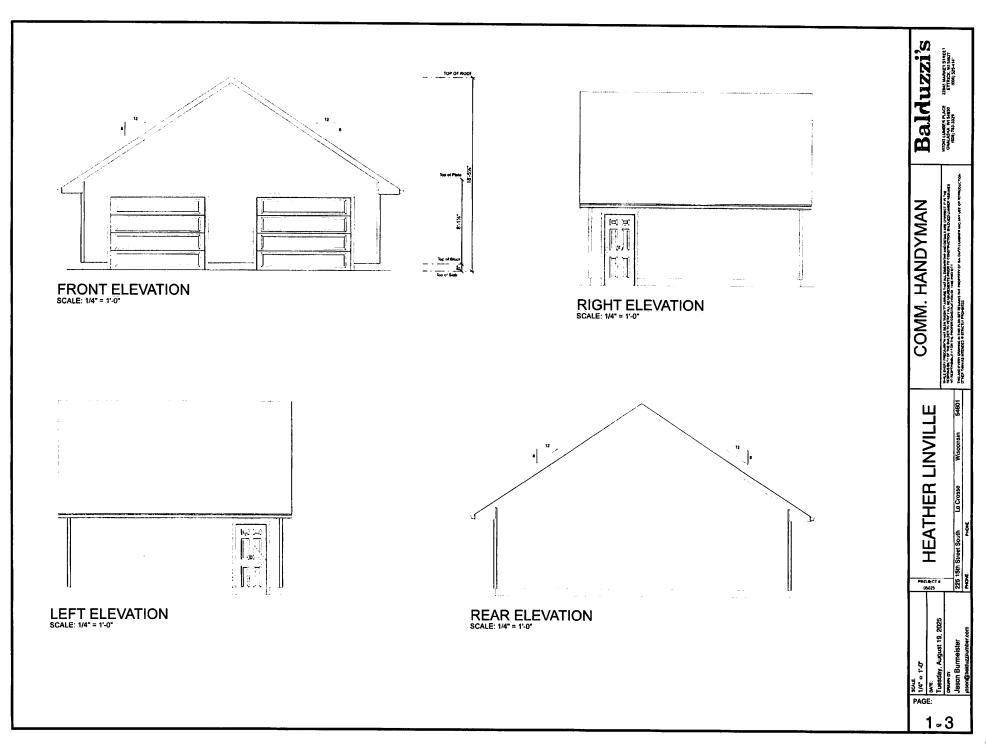
STANDARDS FOR AREA VARIANCE

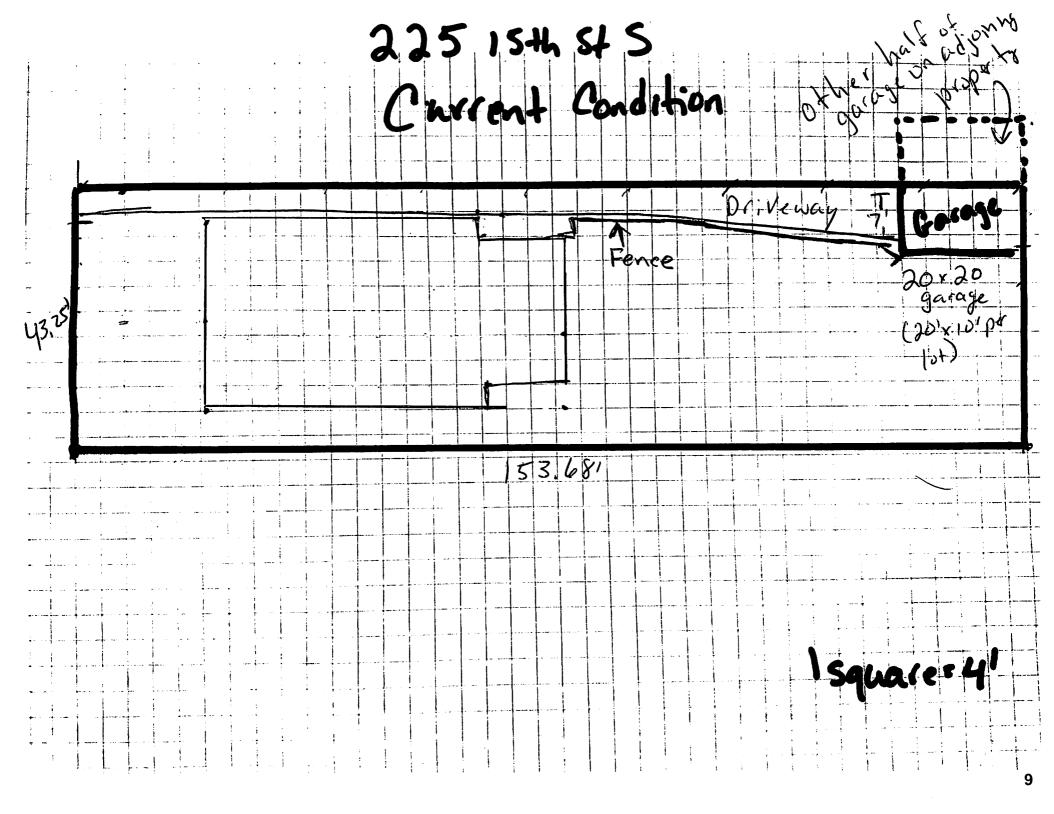
secu effect inter	tify the tre pub ets of a ests sh	proposed variance is not contrary to the public interest. The purpose of the ordinance and related statutes must be reviewed in order to public interest. Variances must observe the spirit of the ordinance, lic safety and welfare and do substantial justice. In considering variance on public interests, broad community and even statewide would be examined; the public interest standard is not confined to impacts on neighbors or residents in the vicinity of a project.
garag that	ne or p mstand ge, are prevent	property has a special or unique condition. The property must have hysical features which prevent compliance with the ordinance. The ces of an applicant, such as growing family or need for a larger not legitimate factors in meeting this standard. Property limitations to ordinance compliance and that are not unique but common to a properties should be addressed by amendment of the ordinance.
3.	The	special condition of the property creates an unnecessary hardship:
	A. consi	Unnecessary hardship means unnecessarily burdensome, idering the purpose of the ordinance.
	off po	Unnecessary hardship may not be self created. An applicant may laim hardship because of conditions which are self-imposed. The include claiming hardship for a substandard lot after having sold pritions that would have allowed building in compliance and claiming ship where construction was commenced without required permits in ion of ordinance standards.
	C.	Financial hardship is not a deciding factor. Economic loss or

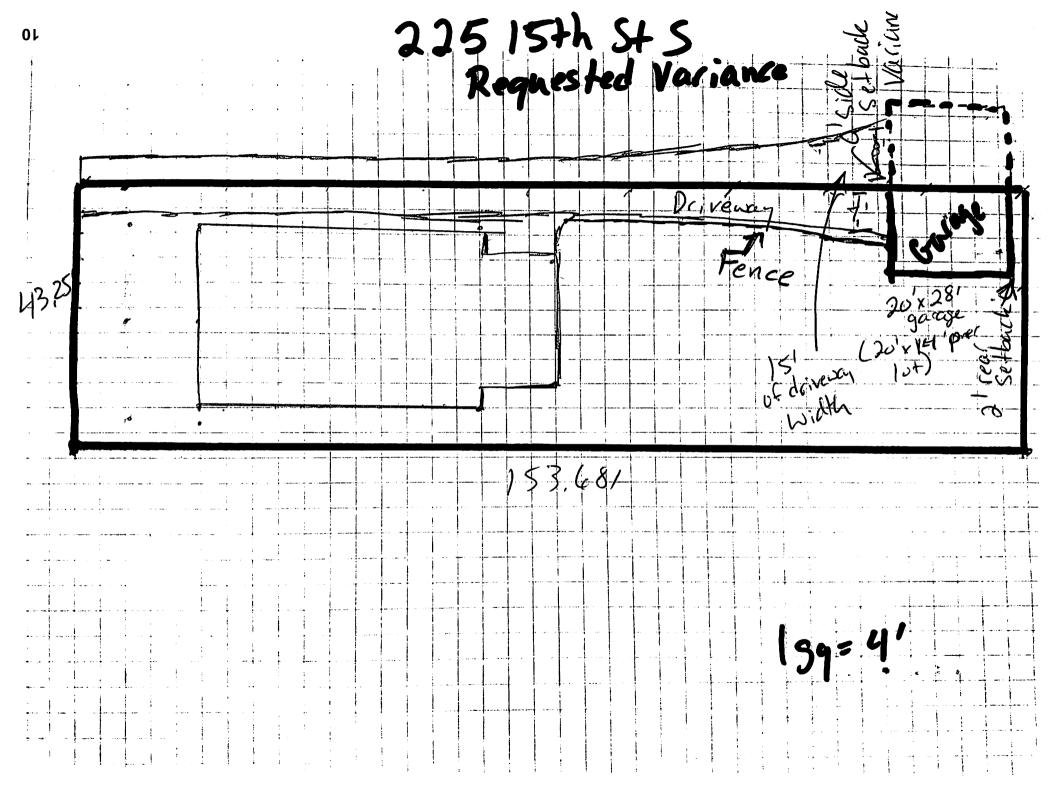
C. Financial hardship is not a deciding factor. Economic loss or financial hardship does not justify a variance.

Department of Planning and Development Building and Inspections inspection@cityoflacrossc.org 608-789-7530 APPLICATION FOR RESIDENTIAL BUILDING PERMIT

office use ONLY: Application Number: 039944-2025	Date:10/27/2025	Parcel Number; 17-50251-	70
OWNER INFORMATION			
Name: Readher Limithe			
Address of above: Street Cit	La Crosse	State ANT WI	Zip Code 54601
Phone: 608-769-4315 Cell: 608-769-	. 4315 Email:	inville. ha@gmail.	om
CONTRACTOR INFORMATION			
Name: The Community Buil	ders		Zip Code
Address of above: Street 1791 Creamy Road Cit	La crescent	State MN	55947
Phone: Cell: 507-500-2150 651-261-9	883	tyles@thecommunityt	outless lic. com
PROJECT INFORMATION			<u></u>
Project address: 225 15th S	1100	La Crosse, WI 54	100
Fence Only: Height: Material: PROPERTY INFORMATION (OFFICE USE Zoning Nbr. Dwelling Units Owner Occ XI Rental T FEE INFORMATION (OFFICE USE ONLY) Plan Review: Permit: Record Mice: Expedit \$ 71.00 \$ 43.00 \$ \$ IT IS HEREBY AGREED between the applicant, as owner, owner's agent or servant, and accupancy of a building adding or property as above described, to be issued and granted by statement, and as more fally described in the City of La Crosse and State of Wisconsian law The Community Buildess Agent/Contractor: (Print) 2452 Expires 2 / 5	ONLY) Alreport Height Yes No Y Yes Led: Started w/o permit: the City of La Crosse that for md in considerate y Building and Inspections of the City of La Crosse that for md in considerate y Building and Inspection, alteredon, repairs writing to the construction, alteredon, repairs Say Liu & Crosse (Sign) -DCQ	Plain No Yes No Yes Other: Exempt: Out of the premises and of the permits to construct, error	of will also of oxioting ogical District Historical Dist No X Yes NoX Total: \$ 114.00 alter, move, mae, or install and the with the descriptions set forth in this
Heather Linville Owner: (Print)	(Sign)	01. (Date)	aya
OFFICE USE ONLY Application Approved:	In	spector:	Date:







(To be completed		Addraga	Phone #	Email
	Name	Address 225 15th Street S, La Crosse, WI 54601		Email
Applicant/Agent	neather Linvine	223 Tour Gueer G, La Crosse, VVI 3400 I	000-709-4313	IIIIVIIIe.Ha@gmaii.com
Property owner, if different	same	same	same	same
Contractor	The Community Builders, LLC	1791 Creamry Rd, La Crescent, MN 55947	507-500-2150	tyler@thecommunitybuildersllc.com
Tax Parcel Number	er: _17-50251-070	Property Address: 225 15t	h Street S, La Cro	se, WI 54601
Legal Description:	SUBD OF NE-NE SEC 5-15-7 PRT LOTS 10, 11 & 12 COM SW COR LOT 12	N 145FT TO POB N 43.25FT TO C/L OF DRIVE E 160FT TO A PT 70FT W OF	E LN LOT 10 S 43.25FT W TO POB	, City of La Crosse
	nd Area: 43.25 ft x 153.68		Zoning District: _F	
The Board's job is n laws and the local o a unique and substa	meaning it functions like a court) and of to compromise ordinance provision rdinance to a specific factual situation antial burden. Y grant a variance, special exception	ons for a property owner's convenien on. Variances are meant to be an infr	ce but to apply leg equent remedy wl	gal criteria provided in stati here an ordinance impose
meet all the legal st	andards for that decision. The burd tor. The legal standards the Board	den of proof falls on the applicant	, not the Board	of Zoning Appeals or the
STANDARDS FOR	USE or AREA VARIANCE			
1. The property has	s a special or unique condition th	at does not apply to other proper	ties in the area.	
2. The proposed vegulation.	variance is not contrary to the pul	olic interest and not contrary to the	e purpose and i	ntent of the zoning
must have no reas	nique condition of the property co onable use. If it is an area variand nitted purpose or makes conform	e, then the ordinance either unre	asonably preven	ince, then the property ts the use of the
By signing below, I d	certify that the information I have pro	ovided in this application is true and	accurate. I unders	stand that evidence must
be provided showing	that the three standards listed abo	ve are met. I understand that if one	or more of the sta	indards cannot be met, my
appeal for variance	must be denied by the Board of Zon	ing Appeals,		
Signed: (Applicant	or Agent)	H-1	Date: 10/3/	1/2025
Signed: (Owner, if	different from applicant):		oate:	
(To be complete	d by Building Inspector and City	Clerk Staff)	11	
Application Com	olete: Yes No No	Reviewed by:	7.	
Application #: 26	97 Date Filed: 11/3/20	25 Filing Fee: \$300	Date Pa	id: 11/3/2025

Part A: General Information and Alternatives Analysis. (To be completed by the applicant)

1. **General Information.** Please provide the necessary background information needed for the property where the variance is sought.

a. Current & improvements use of the property:

Single-family house with two-car detached garage that is shared with neighboring property.

b. Proposed use of the property and improvements sought:

Single-family house with two-care detached garage that is shared with neighboring property.

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:

Two carest detached garage at rear of property that is bisected by the property line.

e. Ordinance standard from which variance is being sought (include Municipal Code citation):

115-390 (2) (c) 2' Setback for Accessory Structures

f. Describe the variance that is being requested:

We are requesting the side setback yard requirement for the lot line affected by the garage be reduced to O'(zero Feet).

g. Specify the reason for the variance request:

To allow for the replacement of the existing shared garage with a new shared garage.

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

The driveway path will have to be significantly altered. The existing fence will need to be removed. Approximately 30% of the existing green space will be lost to new driveway pathing and garage footprint.

2. Alternatives. Describe alternatives to your proposal such as other locations, designs, and construction

- techniques.
 - Alternatives 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 alternative(s) and reasons why you rejected them.

A gasage could be built with setbacks but would require a major alteration of driveway pathing and existing fencing

b. Alternatives that require a lesser variance. If you reject such alternatives, provide the alternative(s) and reasons why you rejected them.

No lesser alternative.

Part B: Three Legal Standards. (To be completed by the applicant)

To qualify for a variance, applicants must demonstrate that their property meets the three standards.

1. Unique Property Limitation.

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 has a shared driveway that leads to a shared garage.

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.

Public Safety, health, and welfare

b. Purpose(s) of Standard from which Variance is Requested.

The purpose is to provide separation between lots to prevent conflicts and usage conflicts.

c. Analysis of Impacts.

Describe impacts (e.g., increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For the impact(s), 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.

Short-term Impacts (through the completion of construction): a. Impact:
Construction noise
i. Mitigation measure(s):
Limit construction times
ii. Extent to which mitigation reduces project impact:
Reduce noise during annon-working hours
b. Impact:
i. Mitigation measure(s):
ii. Extent to which mitigation reduces project impact:

(2) Long-term Impacts (after construction is completed):
a. Impact:
The variance will allow the intended land use of infill lots.
iii. Mitigation measure(s):
Existing mea None
iv. Extent to which mitigation reduces project impact:
No negative long term impact
b. Impact:
v. Mitigation measure(s):
vi. Extent to which mitigation reduces project impact:
(2) Cumulative Impacts (what would happen if a similar variance request was granted for many properties?):
c. Impact(s):
Those properties in this situation would be able to continue to use their property as intended. vii. Mitigation measure(s):
Continue to use their property as intended.
vii. Mitigation measure(s):
while the garage intrudes into the schoole, it requires the popular approved of both owners.
the approval of both owners.
viii. Extent to which mitigation reduces project impact:
Only where both parties wish to continue the variance
Only where both parties wish to continue the variance will it continue, reducing its prevelance.
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. The property owner bears the burden of proving unnecessary hardship.

An area variance is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (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.

Area Variance	•
Is unnecessary hardship present?	
. 1	

Yes. Describe (use additional pages if necessary):
Constructing a Standalone garage with Setbacks would require laying out a new driveway path as the existing path confirms to the existing garage There is in sufficient room to expand the width of the driveway once a ext certain point is reached due to fences, existing structures, and landings.
No. A variance cannot be granted.

Updated 5.2025

Part C: Construction Plans.

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 vards
- 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 Building and Inspections to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and Building and Inspections to inspect premises.

at: 225 15th St.S., LaCrosse, NIT 54601 (Address where variance is sought)

Signature of Owner: $\frac{10/31/25}{25}$

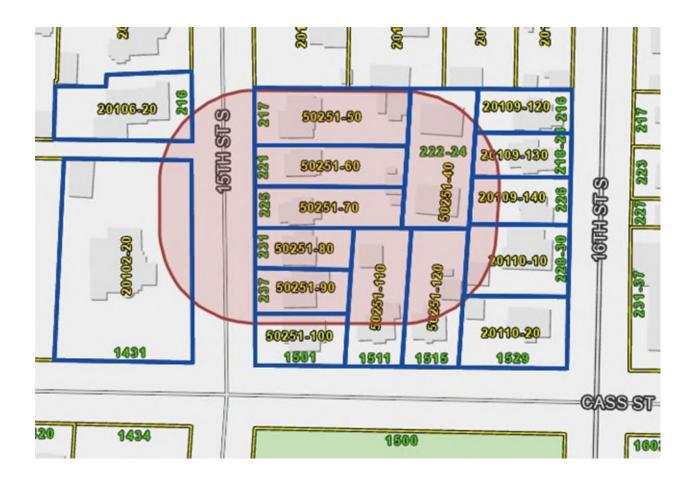
Part E: Certification.

The applicant (and owner, if different from applicant) must sign this section in front of a notary and certify that the application and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered.

By signing below, I certify that I have received, reviewed, and completed all the application materials. I further certify that all 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.

State of Wisconsin),"	
County of La Crosse)	
Personally came before n	ne this 3/4 day of October	SAM PA
the above named	ther Leaville rson(s) who executed the foregoing instrument a	
to me known to be the pe	rson(s) who executed the foregoing instrument a	and acknowledged the same.
//		(a) PUBL
Menteroles		
Drintad Name:	· · · · · · · · · · · · · · · · · · ·	1//
	ulson	OF UNI
Printed Name: San Parinted Name:	June 44a, 2028	E OF WIS
	June 44a, 309 g	OF WIS
	June 44a, 309 g	OF WIS
My Commission Expires:	om applicant):	
My Commission Expires:	•	
My Commission Expires: d: (Owner, if different fro	•	
My Commission Expires: d: (Owner, if different fro State of Wisconsin County of La Crosse	om applicant):	Date:
My Commission Expires: d: (Owner, if different fro State of Wisconsin County of La Crosse	•	Date:
My Commission Expires: d: (Owner, if different fro State of Wisconsin County of La Crosse	om applicant):	Date:
My Commission Expires: d: (Owner, if different from State of Wisconsin County of La Crosse Personally came before in the above named	om applicant):	Date:

Tax Parcel Number	Owner Name	Property Address	Mailing Address	Mailing City State Zip
17-20102-20	BRIAN J FANCIULLI JESSE E FANCIULLI	1431 CASS ST	1431 CASS ST	LA CROSSE WI 54601-4837
17-20106-20	BRIAN J STEHULA APRIL M GUENTNER	216 15TH ST S	216 15TH ST S	LA CROSSE WI 54601
17-20109-120	HOFFER LLC	216 16TH ST S	1510 MADISON ST	LA CROSSE WI 54601
17-20109-130	HOFFER LLC	218-220 16TH ST S	1510 MADISON ST	LA CROSSE WI 54601
17-20109-140	HOFFER LLC	226 16TH ST S	1510 MADISON ST	LA CROSSE WI 54601
17-20110-10	CARDINAL POINT PROPERTIES LLC	228-230 16TH ST S	310 23RD ST N	LA CROSSE WI 54601
17-20110-20	CAROLYN G SMITH	1529 CASS ST	1529 CASS ST	LA CROSSE WI 54601-4953
17-50251-100	KATHLEEN M PROCTOR	1501 CASS ST	1501 CASS ST	LA CROSSE WI 54601-4953
17-50251-110	JOSEPH B DOPERALSKI	1511 CASS ST	1511 CASS ST	LA CROSSE WI 54601-4953
17-50251-120	JEANNE M JOHNSON	1515 CASS ST	1515 CASS ST	LA CROSSE WI 54601-4953
17-50251-40	HOFFER LLC	222-224 16TH ST S APT 1-2	1510 MADISON ST	LA CROSSE WI 54601
17-50251-50	MATT SMITH REVOCABLE TRUST BRYNN SMITH REVOCABLE TRUST	217 15TH ST S	217 15TH ST S	LA CROSSE WI 54601-4275
17-50251-60	TAMMY FAYES PUPPETS LIVING TRUST	221 15TH ST S	221 15TH ST S	LA CROSSE WI 54601
17-50251-80	JILLIAN M THOMPSON	231 15TH ST S	231 15TH ST S	LA CROSSE WI 54601
17-50251-90	GREGG F HILKER JR LISA M HILKER	237 15TH ST S	237 15TH ST S	LA CROSSE WI 54601-4275
17-50251-70	HEATHER A LINVILLE TODD A MANDEL	225 15TH ST S	225 15TH ST S	LA CROSSE WI 54601-4275
	THE COMMUNITY BUILDERS LLC		1791 CREAMRY RD	LA CRESCENT MN 55947





City of La Crosse, Wisconsin

City Hall 400 La Crosse Street La Crosse, WI 54601

Text File

File Number: 2698

Agenda Date: 11/17/2025 Version: 1 Status: Agenda Ready

In Control: Board of Zoning Appeals File Type: BOZA - Request for

Variance

Agenda Number:

Department of Planning and Development Building and Inspections

10/30/25

Laura Wright 221 15th ST. S. La Crosse. WI 54601

RE: <u>An appeal regarding the requirement that an accessory structure be set back 2' to the projecting roof overhang.</u>

Dear Laura Wright:

We have received your building permit application for an addition to an existing garage that *does not* meet the minimum requirements set forth in the Municipal Code of Ordinances of the City of La Crosse (Code) regarding setbacks from the rear property line. We invite your attention to subchapter of the Code wherein it provides for the <u>purpose</u> of the law from which you are seeking a variance:

"115.3 INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, prosperity or general welfare."

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

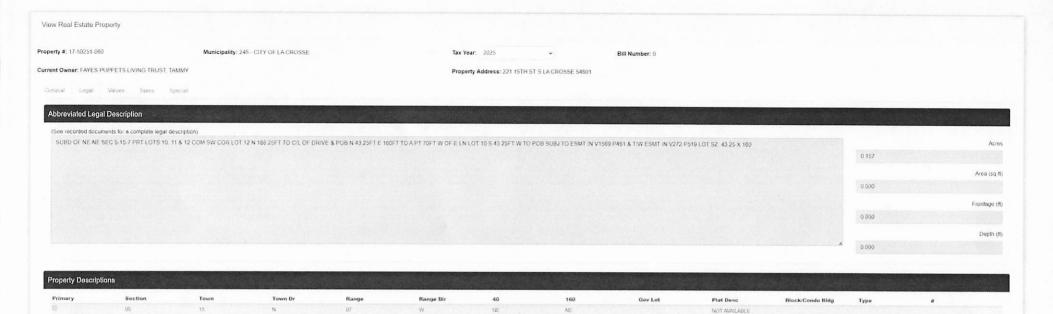
115-390. (2) c. Area

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.

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 of 2 feet to the required setback in the side yard before a building permit could be issued for this project as proposed.

Sincerely,

Eddie Young Building Inspector

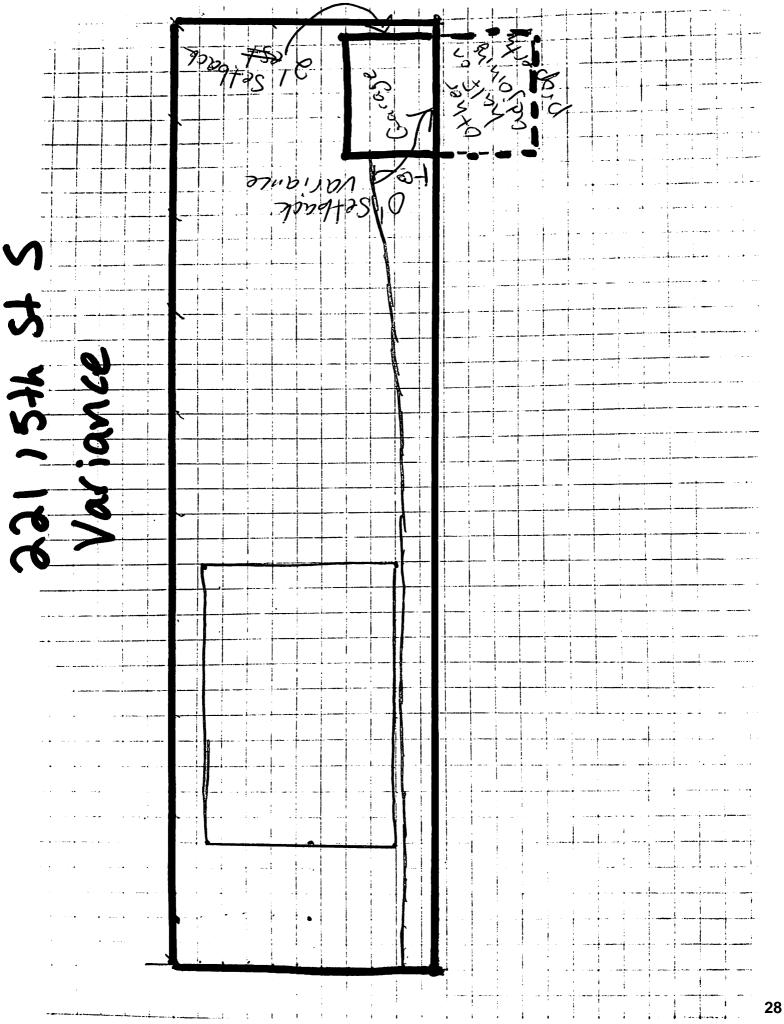


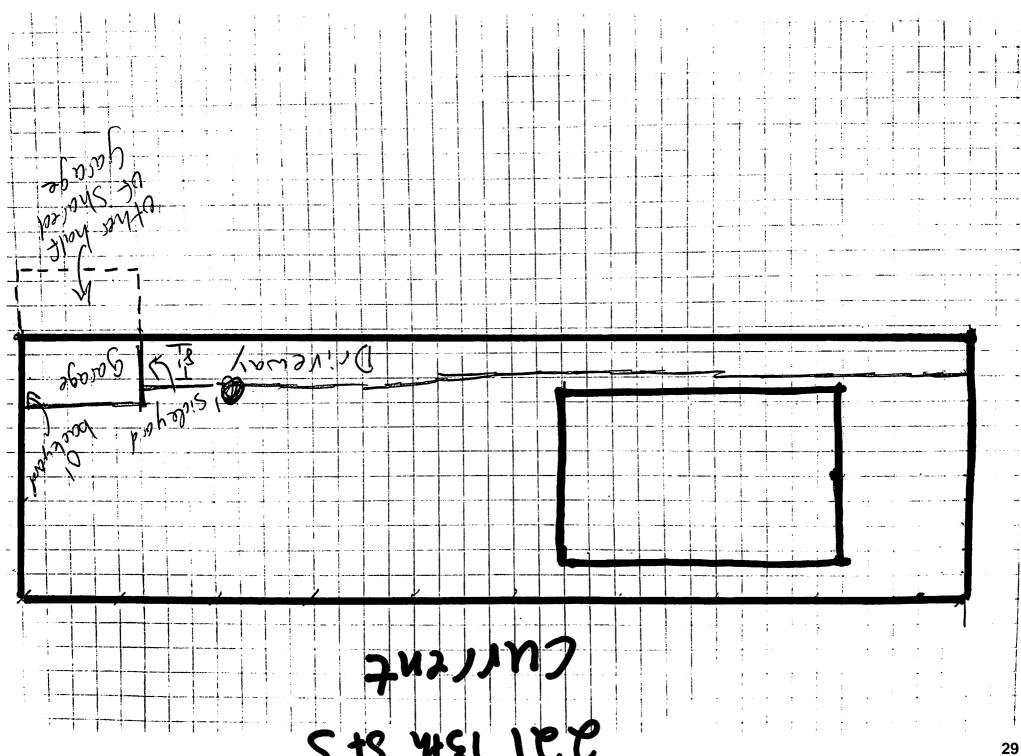
BOARD OF ZONING APPEALS

STANDARDS FOR AREA VARIANCE

seci effe inter	The proposed variance is not contrary to the public interest. The purpose tement of the ordinance and related statutes must be reviewed in order to natify the public interest. Variances must observe the spirit of the ordinance, ure public safety and welfare and do substantial justice. In considering cts of a variance on public interests, broad community and even statewide rests should be examined; the public interest standard is not confined to thiny of impacts on neighbors or residents in the vicinity of a project.
gara that	The property has a special or unique condition. The property must have tue or physical features which prevent compliance with the ordinance. The umstances of an applicant, such as growing family or need for a larger age, are not legitimate factors in meeting this standard. Property limitations prevent ordinance compliance and that are not unique but common to a sher 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 and 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.

office use only: Application Number:	Date;	Parcel Number:	
OWNER INFORMATION			
Name: Micheal Sersch			
Address of above: Street 221 15th St 5	City La Cro	Sec State WI	Zip Code 5460
Phone: Cell: Cell:		Misersch@emplify	
CONTRACTOR INFORMATION		1 / 3000-400-41. /	ن
Name: The Community Buil	dess		
Address of above: Street 1791 Creamry Road	City	escent MN	Zip Code 55947
Phone: Cell: 651-2	161-9883	Email: tyles Othe community	ybuilderslic.com
PROJECT INFORMATION		N. Daniela and A. Salara and Salara and Salara and Salara	
Project address: 221 15th Stre	eet South		
Construction Cost: \$54,000 Height: Material: Project Type: Building Addition Accessory Accessory	Description of WITDEMORITION Include Demolition, include Demolitic Sarage building	fork (Must be filled out for review) use of land after demolition on of existing garage foundation, powring new new garage.	removing foundation,
PROPERTY INFORMATION (OFFICE UZoning Nbr. Dwelling Units Owner Occ Rental	Airport Height Yes No		logical District Historical District Yes No
FEE INFORMATION (OFFICE USE ON Plan Review: S Record Mice: Ext S S	LY) pedited: Started S	w/o permit: Exempts Other:	Total:
IT IS HERBBY AGREED between the applicant, as owner, owner's agent or servan occupancy of a building adding or property as above described, to be issued and gran statement, and as more fully described in the City of La Crosse and State of Wiscom	t, and the City of La Crosse that for need by Building and Inspections o	r and in consideration for the premises and of the permit to construct, ere- fithe City of La Crosse, that the work thereon will be done in accordance	et, alter, move, raze, or install and the with the descriptions set forth in this i permanent building equipment.
The Community Builders Agent/Contractors (Print)			51/25
2452	J1000		
Owner, (Print)	(Sl(m)	(10)(a)	





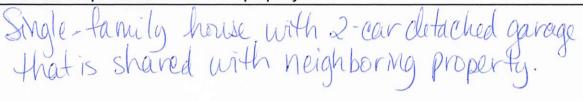
(To be completed	by the applicant	")				
	^	lame	Address	Phone #	Em	ail
Applicant/Agent	Laura	Wright	221 15th Street S, La Crosse, WI 54601	573-303-	Wright 7512	Canail
Property owner, if different	same	0	same	same	same	O
Contractor	The Commur	nity Builders, LLC	1791 Creamry Rd, La Crescent, MN 55947	507-500-2150	tyler@thecommuni	tybuildersllc.com
Tax Parcel Numbe	er: <u>17-50251-07</u> 0)	Property Address: 225 15	th Street S, La Cro	se, WI 54601	
Legal Description:	SUBD OF NE-NE SEC 5-15-7 PF	T LOTS 10, 11 & 12 COM SW COR LOT 1	2 N 145FT TO POB N 43.25FT TO C/L OF DRIVE E 160FT TO A PT 70FT W OF	E LN LOT 10 S 43.25FT W TO POB	, City of La Cro	osse
Lot Dimensions ar	nd Area: 43.25 f	t X 153.68	feet. = 6,646.66 sq. ft.	Zoning District:	R1	
ws and the local or unique and substa ne Board may only	rdinance to a spo intial burden. I grant a variand	ecific factual situation	ons for a property owner's convenier on. Variances are meant to be an infront on a deministrative appeal if the ap	equent remedy w	here an ordina evidence show	ing that they
			den of proof falls on the applican will use to decide on each application			peals or the
TANDARDS FOR	USE or AREA	VARIANCE				
The property has	s a special or u	nique condition th	at does not apply to other proper	ties in the area.		
The proposed v gulation.	rariance is not	contrary to the pu	blic interest and not contrary to th	ne purpose and i	ntent of the zo	oning
ust have no reas	onable use. If it	is an area variand	reates an unnecessary hardship. ce, then the ordinance either unre ity with restrictions unreasonably	asonably preven		
signing below, I d	ertify that the in	formation I have pro	ovided in this application is true and	accurate. I under	stand that evid	ence must
provided showing	that the three s	standards listed abo	ve are met. I understand that if one	or more of the sta	andards cannot	be met, my
peal for variance	must be denied	by the Board of Zor	ning Appeals.			
Signed: (Applicant	or Agent):	Laun 1	elught :	Date: Octo	ber 3	1,2025
Signed: (Owner, if	different from a	oplicant):		Date:		
To be completed	d by Building I	nspector and City	· Clerk Staff)			
Application Com		No	//	4		
Application #: 26	98 E	Date Filed: 11/3/20	025 Filing Fee: \$300	Date Pa	nid: 11/3/202	25

Date Paid:

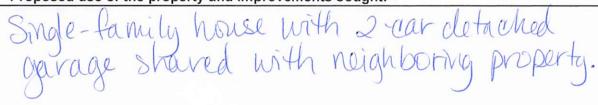
Part A: General Information and Alternatives Analysis. (To be completed by the applicant)

1. **General Information.** Please provide the necessary background information needed for the property where the variance is sought.

a. Current & improvements use of the property:



b. Proposed use of the property and improvements sought:



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:

2-car detached garage at rear of property, bisected by property line.

e. Ordinance standard from which variance is being sought (include Municipal Code citation):

2-foot side yeard setbacks for garage. 115-390 (2)(c)

f. Describe the variance that is being requested:
We are requesting that the side yard setback requirement for the lot line affected but he garage be reduced to O feet.
g. Specify the reason for the variance request:
to allow for the replacement of the
state existing shared garage with a new
Showed garage.
h. Describe the effects on the property if the variance is not granted:
the driveway path will have to be significantly altered. Approximately 30% of the existing
green space will be lost to new drive way pathing
2. Alternatives. Describe alternatives to your proposal such as other locations, designs, and construction
techniques.
a. Alternatives 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 alternative(s) and reasons why you rejected them.
A garage could be built with setbacks but would require a major alteration of driveway pathing.
b. Alternatives that require a lesser variance. If you reject such alternatives, provide the
alternative(s) and reasons why you rejected them.
no lesseralternative.

Part B: Three Legal Standards. (To be completed by the applicant)

To qualify for a variance, applicants **must** demonstrate that their property meets the three standards.

1. Unique Property Limitation.

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.

Yes. Where are they located on your property? In addition, please show the boundaries of these

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

the	property he	us a showed	driveway
th	at leads to	us a showed a shared gar	rage.

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 Purpos	a.	Ord	linance	Pur	pose	٩.
---------------------	----	-----	---------	-----	------	----

Public safety, health, + welfare

b. Purpose(s) of Standard from which Variance is Requested.

the purpose is to provide separation between lots to prevent conflicts over usage.

c. Analysis of Impacts.

Describe impacts (e.g., increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For the impact(s), 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): a. Impact:
Construction news
i. Mitigation measure(s):
Limit construction hours
ii. Extent to which mitigation reduces project impact:
Reduced noise during non-working hours.
b. Impact:
i. Mitigation measure(s):
ii. Extent to which mitigation reduces project impact:

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

a. Impact:
the variance will allow the intended use of infill lots.
iii. Mitigation measure(s):
None
iv. Extent to which mitigation reduces project impact:
No negative longterm impact
b. Impact:
Witigation managers (a):
v. Mitigation measure(s):
vi. Extent to which mitigation reduces project impact:
(2) Cumulative Impacts (what would happen if a similar variance request was granted for
many properties?):
c. Impact(s):
those properties would be able to continue to use their property as intended.
vii. Mitigation measure(s):
While the garage intrudes into the setback, it
requires the approval of both owners.
viii. Extent to which mitigation reduces project impact:
only where both parties wish to continue the variance will it continue, reducing its prevalence.
Will granting the variance harm the public interest?
☐ Yes. A variance cannot be granted.

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

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

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. The property owner bears the burden of proving unnecessary hardship.

An area variance is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (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.

	Area Variance 💢	Use Variance	
ls unne	ecessary hardship present?		
J.,	Yes. Describe (use additional pag	es if necessary):	
	Constructing a star	ndalone garage with	
	setbacks would n	equire laying out a now,	
	driveway path as	the existing path contorms to)
	the existing garage	. There is mouth clent 1000)
	to expand the width	of the driveway once a certa	M
	point is reached due to	Dencing, existing structures and	
	No. A variance cannot be granted.		

Part C: Construction Plans.

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 vards
- 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 Building and Inspections to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and Building and Inspections to inspect premises.

at: 221 15th St. S., La Crosse, WI 54601

(Address where variance is sought)

Signature of Owner:

Date

Part E: Certification.

The applicant (and owner, if different from applicant) must sign this section in front of a notary and certify that the application and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered.

By signing below, I certify that I have received, reviewed, and completed all the application materials. I further certify that all 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):	Laura	Wuglet	<u> </u>	Date: Oct	31,2025
State of Wisconsin)	\bigcup			
County of La Crosse)	•			
Personally came before me	e this <u>3</u> day of _	October	2025		
the above named					
to me known to be the pers	son(s) who executed the	ne foregoing instrument and	acknowledged the sa	me.	
		_			
Printed Name:					
My Commission Expires:					
Signed: (Owner, if different from State of Wisconsin County of La Crosse	n applicant):	aurah)nò	Jul -	Date: DC+	31,2025
Personally came before me	this 3157 day of _	October 2029	5		
the above named <u>Law</u> to me known to be the pers	on(s) who executed the	e foregoing instrument and	acknowledged the sa	me.	
AM ENGLISM Printed Name: My Commission Expires:	5-14-29 1		ENGLISH NOTARY PUBLIC PATE OF WISCOM		

Tax Parcel Number	Owner Name	Property Address	Mailing Address	Mailing City State Zip
17-20102-120	JONATHAN S GELATT ANGELA K GELATT	1504 KING ST	1504 KING ST	LA CROSSE WI 54601-4217
17-20102-130	DAVID J BELLAND MICHELLE D BELLAND	1514 KING ST	1514 KING ST	LA CROSSE WI 54601-4217
17-20102-20	BRIAN J FANCIULLI JESSE E FANCIULLI	1431 CASS ST	1431 CASS ST	LA CROSSE WI 54601-4837
17-20103-10	KING HOUSING LLC	1522 KING ST	PO BOX 115	LA CROSSE WI 54602-0115
17-20106-20	BRIAN J STEHULA APRIL M GUENTNER	216 15TH ST S	216 15TH ST S	LA CROSSE WI 54601
17-20109-120	HOFFER LLC	216 16TH ST S	1510 MADISON ST	LA CROSSE WI 54601
17-20109-130	HOFFER LLC	218-220 16TH ST S	1510 MADISON ST	LA CROSSE WI 54601
17-20109-140	HOFFER LLC	226 16TH ST S	1510 MADISON ST	LA CROSSE WI 54601
17-20110-10	CARDINAL POINT PROPERTIES LLC	228-230 16TH ST S	310 23RD ST N	LA CROSSE WI 54601
17-50251-110	JOSEPH B DOPERALSKI	1511 CASS ST	1511 CASS ST	LA CROSSE WI 54601-4953
17-50251-120	JEANNE M JOHNSON	1515 CASS ST	1515 CASS ST	LA CROSSE WI 54601-4953
17-50251-40	HOFFER LLC	222-224 16TH ST S APT 1-2	1510 MADISON ST	LA CROSSE WI 54601
17-50251-50	MATT SMITH REVOCABLE TRUST BRYNN SMITH REVOCABLE TRUST	217 15TH ST S	217 15TH ST S	LA CROSSE WI 54601-4275
17-50251-70	HEATHER A LINVILLE TODD A MANDEL	225 15TH ST S	225 15TH ST S	LA CROSSE WI 54601-4275
17-50251-80	JILLIAN M THOMPSON	231 15TH ST S	231 15TH ST S	LA CROSSE WI 54601
17-50251-90	GREGG F HILKER JR LISA M HILKER	237 15TH ST S	237 15TH ST S	LA CROSSE WI 54601-4275
17-50251-60	TAMMY FAYES PUPPETS LIVING TRUST	221 15TH ST S	221 15TH ST S	LA CROSSE WI 54601
	LAURA WRIGHT		221 15TH ST S	LA CROSSE WI 54601
	THE COMMUNITY BUILDERS LLC		1791 CREAMRY RD	LA CRESCENT MN 55947

