



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Minutes - Final

### Board of Zoning Appeals

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Monday, February 16, 2026

4:00 PM

Council Chambers  
City Hall, First Floor

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#### Call to Order

*Chair Cherf called the meeting to order and explained the meeting procedures.*

#### Roll Call

**Present:** 5 - Jai Johnson, James Cherf, James Szymalak, Ben Stepanek, Andrew Sherman

#### Annual Code of Ethics Review

*Chair Cherf confirmed the Board's review of the Code of Ethics.*

#### Variance Appeals:

##### [2700](#)

An appeal regarding the requirement to have fill 15 feet beyond the structure one foot or more above the regional flood elevation at 412 Liberty Street, La Crosse, Wisconsin.

*Cherf clarified that the appeal request is only regarding the 15 feet of fill. Jeremiah Huber, representing the Building and Inspections Department, was sworn in to speak. Huber reviewed the three requirements for granting a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to public interest. Huber stated that the owner of 412 Liberty Street had applied for a permit to construct a new single-family dwelling that does not meet the 15 feet of fill requirement for construction in a flood fringe district on both the North and South side of the property. He showed a current image of the property at 412 Liberty Street. Per Municipal Code Section 115.281 - Flood Fringe District (FF) 1. the fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. Huber stated that a variance of 12.6 feet on the North and 15 feet on the South side of the property would need to be granted and he showed images of site plans, floor plans, and elevation. Cherf asked how wide the lot is and Huber stated it is 140 feet by 50 feet. Huber stated that the unnecessary hardship is that the property cannot be developed if the proper fill cannot be provided because it is in the floodplain, the hardship due to unique property limitations is that the size of the lot does not allow for the required fill, and that there is no harm to public interest; therefore, the requested variance should be granted.*

*Johnson asked for clarification on the definitions of fill and setbacks as they relate to the appeal. Huber restated that the Code states 15 feet of fill which is horizontal, not vertical. David Reinhart, representing the Building and Inspections Department, was sworn in to speak. Johnson asked if the request is to build a house with no setback*

on one side of the property and less than a three-foot setback on the other side. Reinhart stated that the zoning setback for the side yard will be met with a six-foot side yard on each side and the variance requested is for the fill because 15 feet of fill out from the dwelling is required. He clarified that the applicant requested zero fill on one side and three feet on the other side so the setbacks required by the Zoning Ordinance will be met, but the setbacks required by the Floodplain Ordinance will not. Johnson asked if granting the variance would affect the City's status in terms of community rating and insurance, and if this variance would be a violation that there are no external consequences for. Reinhart stated that the Board of Zoning Appeals is allowed to grant variances for the width of fill, not the height, so it would not be a DNR or FEMA violation because the 15 feet of fill is a DNR rule. Gideon Wertheimer, representing the Attorney's Office, was sworn in to speak. Johnson asked if ignoring the setback requirement could result in the City losing FEMA assistance and raising rates for insurance on properties within the City. Wertheimer stated that the Ordinance was approved based off the DNR and FEMA but he defers to Reinhart's judgment because he works with FEMA more. Szymalak asked why the lot cannot be filled to be above floodplain to become a buildable lot with the proper setbacks. Reinhart stated that fill could be brought in to bring it out of the floodplain if it is contiguous to lots outside of the floodplain, but the fill requirements would still need to be met. Szymalak asked why this lot cannot be filled to become floodplain compliant. Reinhart stated that the building would be floodplain compliant if the variance was granted for the width of the fill and that the lot is not wide enough to bring in the full 15 feet of fill. Szymalak asked what an example of a situation would be for a variance to be denied if this variance was granted. Reinhart clarified that the request is not for a height of fill variance but for a width of fill variance. Reinhart stated that if the requested variance is granted with changes, additional variances will be required. Szymalak asked what the standard is for granting a variance if this were granted. Reinhart stated that is up to the Board. Johnson asked why the retaining walls are not proposed to be on the lot lines to comply with a minimum variance. Reinhart stated that the current variance would not require additional variances, but if the Board grants a lesser variance than requested, the applicant may have to obtain additional variances. Szymalak asked for confirmation that the law in the State of Wisconsin pertaining to floodplain states that the variance should be the absolute minimum required to obtain compliance. Wertheimer confirmed that the law requires the minimum variance for meeting the requirements to grant a variance.

Leonardo Silva, N2685 County Road FA, was sworn in to speak. Silva confirmed that the front, back, and side yard setback requirements would be met if this property was not in the floodplain. He stated that the 15-foot variance in question has to be 15 feet from the edge of the building. He added that on the South side, they decided not to put the retaining wall on the lot line but use a decorative foundation wall to contain all the fill 6.8 feet from the property line and anything remaining on the North side. Silva stated that the unnecessary hardship is in order to have the 15-foot extrusion from the foundation on all sides, given that this lot is only 50 feet wide, would leave only 20 feet of building space. Since this is a residential lot, the plan is designed to fit in with the neighborhood and will be 1,800 square feet. Silva added that the hardship due to unique property limitations is that the property is in the floodplain which includes the added requirement of 15 feet of fill. The finished floor level will be compliant with FEMA requirements. He stated that there is no harm to public interest because they are being conscious of neighboring properties, including placing the retaining wall farther back to create space from the neighboring single-story dwelling. Johnson asked for clarification on the amount of horizontal fill needed. Silva confirmed that they will need 7.5 feet of fill from the street elevation. Johnson asked why they are not placing the retaining walls on the lot lines. Silva stated that on the South side, the reasoning is water mitigation, and to the North, a retaining wall is not needed, and a slope will be

*used instead. Stepanek asked why the applicant chose to pursue this particular level of variance. Silva restated that a variance would not be needed if the building was only 20 feet wide, but they wanted to make the first level ADA compliant.*

*Reinhart clarified that the property to the North does not have an elevation certificate on file and that there is not fill being brought in to bring the property out of the floodplain, but rather that it is being used to make the property floodplain compliant.*

**A motion was made by Szymalak, seconded by Stepanek, to grant a variance that reduces the 15 foot fill requirement to that of the North and South lot lines with the requirement that the applicant bring in fill up to the minimum requirement for elevation. The motion carried by the following vote:**

**Yes:** 4 - Johnson, Cherf, Szymalak, Stepanek

**No:** 1 - Sherman

## **Adjournment**

*Meeting adjourned at 4:54 p.m.*